



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Thursday, October 8, 2015

The Land Use & Natural Resources Committee of Council met at 8:30 a.m., Thursday, October 8, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Rita Langley, Chair, Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff, Administrator Benke, Zoning Administrator Henderson, Building Official Robinson and Asst. to Administrator Darrow.

1. Call to Order. Chair Langley called the meeting to order, stated the press and public were duly notified pursuant to state law and noted all members were present. Twenty-eight (28) members of the public were present; no media.

2. Staff Updates

a.) Historic Flood Event/Hurricane Joaquim (Oct 3-5, 2015)

Administrator Benke stated Town Staff continues review and damage assessment. He toured the Island with FEMA representatives yesterday where particular interest was given to erosion and sand levels.

- Stormwater system improvements served the Island well and drained fairly well during this historic flooding event;
- Beach and erosion: some erosion occurred but beach sand is essentially in tact

Chair Langley applauded Town Staff's tireless efforts and long hours spent securing resident safety and Town assets during this historic storm (echoed by Committee members and audience applause).

b.) Beachfront Management Plan

Administrator Benke reported the Town is engaged in an update of its current Beachfront Management Plan (State requires update every 5 years). Town has Plan in final draft form and will forward it to local DHEC representatives for their review. Thereafter, Staff will present a revised Plan to Council for its approval and then to Columbia DHEC for its formal approval.

c.) Protected Land: Exotic Invasive Species Eradication

Administrator Benke reported that Jeff Jackson, Town naturalist consultant, has been laboring to remove 400-450 invasive trees (primarily popcorn trees). Eradication is moving from Station 16 – East.

d.) GIS Tree Mapping & Green Infrastructure

Administrator Benke and Zoning Administrator Henderson reported that the East Cooper Land Trust has invited the Town to participate in establishing a green infrastructure for the Island, which would include surveying existing tree canopies on the public areas of the Island. This would also identify additional areas where conservation may be needed.

Zoning Administrator Henderson asked for Council direction as to participating with the East Cooper Land Trust on this green infrastructure initiative.

Chair Langley noted the Committee has established a hard-stop for the meeting at 10:00AM due to work schedules for audience and Town officials alike. Out of time consideration, she requested residents make comments at this time.

Public Comments:

Chad Waldorf, 3117 Marshall Boulevard, SI

Regarding Structures/Recreation Uses in RS District with Conservation Easement (Agenda item #5)

- 86%: percentage of residence at 3117 Marshall Boulevard that would be removed should Town Council adopt the proposed Zoning Ordinance changes recommended by the Planning Commission;
- 40 – number of neighbors around 3117 Marshall Boulevard who support this change (signed a petition);
- 27 – number of households in which the 40 neighbors live;
- 78 – number of Planning Commissioners who discussed this ordinance change over 9 meetings and unanimously recommended approval of the Zoning Ordinance changes;
- 2 – number of environmental groups who support this change; and
- 1 – he is the guilt ridden resident who feels bad that the Town has had to spend so much time working on a decision to this new concept.

Lisa Turansky, Coastal Conservation League (not SI resident)

Regarding Structures/Recreation Uses in RS District with Conservation Easement (Agenda item #5)

- Reiterated her agency's support for removing the house at 3117 Marshall Boulevard and establishing a conservation easement on it.

Sally Whitlock, 1750 Atlantic, SI

Regarding Protected Land (Agenda item #3)

- Stated her desire to see cutting allowed in transition zones from Station 16 toward Breach Inlet.

Mayor O'Neil:

- Clarified that the current draft Protected Land Plan (3A) divided the protected land into zones (one zone is Fort Moultrie area to Station 17; another zone is Sand Dunes Club to Station 16 and so forth).
- Previous Council demarcated transition zones to allow work in the future when the Town decided to actively manage the property.
- Noted that presently there have been no changes to the current cutting/trimming of wax myrtles that is allowed for residents abutting the Protected Land.

Barbara Spell, 1702 Atlantic, SI

Requested Committee let residents ask questions after items are discussed at this meeting, since new information may be shared at that time.

Chair Langley said the Committee would show flexibility to allow limited questions after agenda items, should time allow.

Harriett McDougal, 2429 Atlantic, SI

Regarding Protected Land (Agenda item #3)

- Noted she has a stand of big pine trees near her house and she is not allowed to cut them. This weekend, during the historic flood/Joaquim storm event, she was very worried the pine trees would fall on her home.
- Asked why she cannot remove these pine trees?

Luke Lewis, 2101 Pettigrew, SI

Regarding Protected Land (Agenda item #3), specifically Transition Zones

- Zones were established years ago and the data is probably outdated as the beachfront has changed (have more accreted land in front of the houses now).
- Requested Council rely on science, not popular opinion, regarding the transition zones.
- Tree survey of Protected Land was done – when will the public be able to see that?
- Please put safety of neighbors living adjacent to the transition zones at the top of the list.

Administrator Benke noted that Town Staff is working on a computer app for the tree survey, to then place on the Town's website (estimated completion in 2 weeks). Alternatively, residents may make an appointment to come by Town Hall to look at the interactive tree survey on a Town computer, using Town GIS software.

David Fortiere, 1761 Atlantic Avenue

Regarding Protected Land (Agenda item #3)

- Noted the Protected/Accreted Land has been discussed for over 20 years, involving studies and repeated meetings.
- Pleaded with Council to make some decisions, take some action and provide some relief for himself and other property owners adjacent to the Protected Land.

3. Protected Land – Accreted Land Management Plan

Mayor O'Neil:

- Commented that the Town's discussion of a Protected Land Management Plan stretches back to 2002-2003 and the Coastal Science and Engineering (CSE) study was initiated in 2007.
- In 2011 Council conducted a series of workshop/work sessions devoted strictly to the Protected Land Management Plan. These workshops included walking tours of different zones. A majority of the work completed on the Town of Sullivan's Island Protected Land Management Plan (Draft 3A) was completed in 2011.
- Town Council next addressed the transition zones in spring 2014 when Council established the depth of the transition zones; however, they did not establish what work could take place in the transition zones.
- Since 2011 Town Council has undergone a significant change in personnel.
- Proposed Council re-engage the process of moving forward with crafting the Protected Land Management Plan, beginning where the former Council left off at Draft 3A (2011). He proposed

Council hold special meetings/workshops, similar to the format in 2011, and set the transition zones as a top priority.

Councilmember Clark:

- Noted the transition zones were established in spring 2014 as means to provide relief for the neighbors abutting the Protected Land.
- Stressed the need to move forward from a science-based approach. He requested bringing Tim Kana and CSE back to Council to clarify Council questions about the study document and the Protected Land area.
- Expressed appreciation for the tree survey of the Protected Land, noting it helps one to either walk the space or visually see it to understand the area.
- Noted the 100 ft setback for the transition zones were established for a variety of reasons, the primary one, for him, being fire safety for the neighbors and visitors:
 - Unattended undergrowth results in dead trees
 - Dead trees are fuel for firesFire breaks are essential for the homeowners abutting the Protected Land
- Stated he gives a preponderance of weight to the opinions of neighbors living closest to a situation or potential change, whether the adaptive reuse issue a couple of years ago, the conservation easement structures and uses (later on this agenda) or Protected Land transition zones.

Mayor O'Neil:

- Observed that CSE did a comprehensive job studying the Protected Land. Questioned how much more information CSE could give on the Protected Land that was not already provided in the initial study.
- Noted that the transition zones were established to provide some type of relief for the residents abutting the Protected Land. Agreed that this topic should be the first priority for Council.

General Consensus (no formal motion):

Committee will bring to Council Workshop on October 12, 2015 the recommendation to reinstate a series of Special Council meetings/workshops specifically to address the development of the Protected Land Management Plan, commencing with the Draft 3A (2011) version. First priority will be the treatment of the transition zones. The issue of retaining CSE to provide additional consulting expertise will be discussed and determined by Council.

Councilman Clark:

- Wants to incorporate the Principles document provided to CSE by Council years ago in any future discussion.
- Stressed a desire to return to a scientific based review of the Protected Land Management Plan.
- Believes the Town needs to articulate a vision of its plan for the deed protected area, incorporating expertise from a landscape architect.
- Submitted that the Town has the opportunity to create a 200+ acre world-class ecosystem, unique to beach communities, while protecting the interests of residents living adjacent to it.

4. Design Review Board Historic District Design Standards - Report

Zoning Administrator Henderson:

- Design Review Board (DRB) is engaged in considering a stand-alone historic guidelines document and potentially requesting zoning ordinance changes that would assist with enforcement of evolving issues and concerns currently being brought before the DRB. One example of an evolving concern: elevation of historic houses to comply with the FEMA base-flood elevation requirements.
- DRB study group will meet at 2:00PM on Friday, October 23, 2015 at Town Hall to conduct an in-depth study of this matter. The sub-group will consist of Mr. Herlong, Mr. Craver and Ms. Bohan, plus Town Staff. This session is open to the public.

Mayor O'Neil:

- Noted that in 2005, David Schneider of Schneider Historic Preservation, LLC provided the Town with a template for a stand-alone historic guideline manual. It was reviewed by the DRB but not incorporated in the comprehensive zoning ordinance changes conducted by Connie Cooper, LLC consultants (circa 2005-2006).

Jerry Kaynard (former Council member), 2501 Atlantic, SI

- Regarding the 1200 sf maximum size that an historic home could be in order to allow for accessory structures. He recalled that the 1200 sf maximum size was more of a political compromise than a maximum size based upon historic/scientific foundation.
- Questioned if this size restriction would be re-addressed?

Zoning Administrator Henderson:

- DRB is considering the option of increasing the 1200 sf historic structure maximum square footage. DRB will continue to discuss this option.

Return to Staff Updates – Item 2

Committee returned to Staff Updates to allow Building Official to provide an overview of the recent FEMA 5-year evaluation of the Town's National Flood Plain Information Program (NFIP) and Community Rating System (CRS). The CRS rating directly relates to community-wide savings in flood insurance premiums for all Island residents.

Building Official Robinson:

- Town retained CRS 6 rating (no change), a 20% flood insurance premium savings for residents.
- DNR is the state-level agency handling the review of a local subdivision's voluntary participation in the federal NFIP. DNR representatives noted the Town was close to qualifying for a CRS 5 rating (increasing premium savings to 25% Island-wide), provided the Town enacted some regulatory and/or ordinance changes (through Building Ordinances, not Zoning Ordinances).

DNR Recommended Changes

- Adopt a Freeboard ordinance to reflect the changes made in the 2012 International Building Code. The Building Code requires all New Construction and Substantial Improvements to be one foot above Base Flood.
- Adopt language, adopting “All LOMARs” as an official part of the map. LOMAR stands for “Letters of Map Revisions.” As of this date we have none.
- Adopt language requiring Elevation Certificates at certain points of construction. At this time we are requiring them at the appropriate times but the language needs to be in the ordinance.
- Adopt language requiring the required venting in enclosures to be only counted below a certain height.
- Adopt language requiring fill placed around a foundation to be no higher than the slab on at least one side.
- In a couple of sections, the ordinance refers to South Carolina Coastal Council and should read Department of Health and Environmental Control, Ocean and Coastal Resource Management DHEC/OCRM.
- Create language allowing Accessory Structures to be built in the Flood Plain. The Accessory Structures currently built are in compliance with FEMA requirements but our ordinance does not specifically allow them.

Building Official Robinson further noted:

- Building guidelines currently comply with FEMA directives and the DNR recommendations would formalize that practice through Town ordinances and written policies.
- Changes would allow for Town to inspect each new house annually for compliance instead of every 5 years during the CRS/FEMA evaluation.

Staff will present this information and DNR recommendations to Council at its next meeting.

Questions:

Q. How many grandfathered historic homes are on the Island, not meeting BFE compliance?

A. Building Official Robinson: approximately 200 homes are pre-firm and grandfathered as historic structures.

Q. How does the rating system work and how many municipalities achieve Class 6 rating?

A. Building Official Robinson:

- CRS is a voluntary program. Any municipality starting out would be a class 10 (Class 1 the best)
- Each Class step results in a 5% premium savings to Class 4, which is approximately a 4% savings.

Nationally he provided the following estimates:

- 50% are Class 8
- 20% are Class 7
- 10-15% are Class 6 - Sullivan’s Island is in the top 85% of municipality ratings currently
- 5-10% are Class 6 – changes would bring Town into top 10% of nation in CRS ratings
- 10 municipalities (approximately) in the nation have a Class 4
- 1 city in Colorado has a Class 1 rating (best possible)

Committee and audience applauded Building Official Robinson and Zoning Administrator Henderson for their work on the NFIP and CRS programs.

5. Structures and Recreation Uses in Residential (RS) District with Conservation Easements – Report/Review Planning Commission recommendations

Zoning Administrator Henderson:

- **Reviewed timeline of this concept and ordinance language review**

June 2014- Citizen request to establish stand-alone structure on lot with conservation easement

March 17, 2015-Presentation to Town Council - remanded to Planning Commission for study

1. April 8th: PC Meeting
2. May 13th: PC Meeting
3. May 29th: Ad hoc committee recommendations
4. June 10th: PC Meeting
5. July 8th: Public Hearing- recommended additional study
6. July 31st: Ad hoc committee recommendations
7. August 12th: PC Meeting
8. September 9th: Public Hearing
9. October 8th: LUNR Committee

- **Reviewed proposed changes to the Zoning Ordinance (Exhibit A)**

Committee Comments:

Mayor O'Neil:

Requested clarification for the following:

- Can a current land owner put a property in a conservation easement without this Zoning Ordinance change? Zoning Administrator Henderson answered yes.
- Can a current home owner demolish a house without this Zoning Ordinance change? Zoning Administrator Henderson answered yes.
- The only thing a property owner cannot do on a conservation deed restricted vacant lot, now, is construct a stand-alone structure? Zoning Administrator Henderson answered yes.

Chair Langley:

- Noted she has attended the Planning Commission meetings and is well aware of this concept and the Planning Commission's research.

Councilmember Clark:

- Commented that the Planning Commission's review process for this ordinance is similar to the scrutiny given to the Community Commercial Overlay Districts.
- Submitted that this concept has been fully researched and analyzed by the Planning Commission
- Noted Town Council now has to weigh the trade-offs with this Zoning Ordinance change and make its best determination whether this change would be a good or bad one for the Island.

Mayor O'Neil:

- Noted he has heard critics of the concept questioning why the Town would consider making a Zoning Ordinance change for the benefit of three people.
- Submitted he sees this request differently. The Town has historically had individual residents come to the Town with a concern or request that resulted in highlighting a problem or opportunity that had been previously unidentified or addressed by the Town. Two immediate examples he recalled:
 - FENCE MATERIALS: Individual homeowner wished to install a fence around a swimming pool and wanted to use newer materials that were not expressly allowed in the Town's ordinance. The Town decided to re-define approved fence material to allow flexibility for new, desirable building materials that may come forward in the future.
 - VACATION RENTALS: Homeowner approached the Town in the late 1990's/early 2000 with complaints about living between two homes that were vacation rentals. Result of that complaint was the development of the Town's ban of vacation rental use.

Councilmember Clark:

- Noted the Town's decision, almost 15 years ago, to ban vacation rental use was a costly one for the Town's coffers, but done for what Council felt was the greater good of the Island and its residents. This decision continues to cost the Town revenue, which Council is aware of each year during the budget season.
- Reiterated his earlier comments that the opinion of neighbors directly impacted by a decision holds significant weight for him.
 - The neighbors around 3117 Marshall Boulevard support the concept;
 - Two conservation groups support the concept, as a retreat from the beach policy.
 - 3117 Marshall Boulevard is a vulnerable piece of property with significant area erosion

Chair Langley accepted additional public questions at this time

Public Questions:

Jane Gallis, 1817 Back Street, SI

- Asked if property owners with conservation deed-restricted lots would be required to maintain the property. What can they do to the property in terms of landscaping?

Zoning Administrator Henderson:

- Town does not restrict planting or landscaping on current vacant lots.
- Town does require lots be maintained (at minimum mowed) per Town ordinances. Town Staff are charged with ensuring property owners of vacant lots maintain the lots.

Mayor O'Neil:

- Clarified that a property owner currently with a vacant lot, or one in the conservation deed restricted status, is **not** mandated to provide a view corridor.
- A property owner may, on his/her private property, plant trees that would prevent view corridors.
- Under the proposed change, access to the deed restricted property would remain private. The property remains under private ownership.

MOTION: Mayor O’Neil moved to recommend approval to Council of the proposed changes to the Zoning Ordinance, unanimously approved by the Planning Commission, and set forth herein as Exhibit A; seconded by Chair Langley.

Discussion:

Administrator Benke clarified that the recommended Zoning Ordinances would be moved forward to the Council Workshop on Monday, October 12, 2015 for Council discussion. Pending the Workshop discussion, the earliest any draft ordinance language would be moved to Council would be at the October 20, 2015 regular meeting.

Call for the question: MOTION UNANIMOUSLY PASSED.

There being no further business, the meeting was adjourned at approximately 10:08 a.m. (Mayor O’Neil motioned; Councilmember Clark seconded; unanimously passed).

Respectfully submitted,
Rita Langley, Chair
Land Use & Natural Resources Committee

Approved at the October 20, 2015 Regular Council Meeting

TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
TOWN COUNCIL
TOPIC: CONSERVATION EASEMENT USES AND STRUCTURES

Planning Commission has issued a unanimous recommendation to approve amendments to the Town's Zoning Ordinance that will allow for a use change on RS (residentially) zoned lots, specifically stand-alone structures and other recreational uses.

Applicability

1. Applies to residentially zoned (RS) lots only
2. Owner must have a permanent conservation easement established on the property with a credible conservation group, said easement recorded with the RMC. Town receives copies of annual property owner compliance reports from the conservation group. Town retains third-party right of enforcement of deed restrictions, plus police powers.
3. Stand-alone structure would be allowed as a special exception with the BZA and would require DRB review/approval for neighborhood compatibility. No structure height, square footage or massing increases will be permitted by DRB.
4. The potential allowances and restrictions articulated for this new use do not replace or waive other requirements and restrictions set forth within current Town ordinances.

General Conditions for Stand-Alone Structure

1. All existing improvements on the lot, if applicable, must be removed prior to Town issuance of a building permit for stand-alone structure. Removal includes: driveways, recreation structures (pools, courts, etc.), utilities, pervious or impervious surfaces and structures.
2. Commercial or rental activity is expressly prohibited.
3. Maximum 24 people (owners and guests) may be on property at any one time.

Stand-Alone Structure

1. Open air structure (i.e. gazebo, cabana, pergola, arbor or other open-air structure)
2. Size: Calculated as ratio of 5% maximum of lot's total upland square footage
 - a. Maximum size 250 sf
 - b. Potential increase of 2% if existing residential structure has been removed (maximum 450 sf)
3. Maximum height:
 - a. Maximum ten (10') feet measured from natural grade at center of structurePotential allowances as follows:
 - b. Maximum height thirteen (13') feet if roof pitch is a minimum 4/12 configuration
 - c. Up to three (3') feet above Base Flood Elevation (BFE) if FEMA restrictions require lowest horizontal structural member to be constructed above BFE.
4. No roof-top seating or use permitted.
5. Storage: Maximum thirty (30%) percent of total allowed square footage may be enclosed for storage space and a shower stall. Enclosed areas will have breakaway walls, constructed with FEMA and Town flood prevention ordinance guidelines.
6. Sewer: Sewer facilities are not allowed. Following removal of any existing sewer facilities, all requirements of Town Code of Ordinance Chapter 18 shall be met.
7. Lighting: no exterior site or structural lighting allowed; interior lighting arranged to prevent glare on adjoining neighbors, beaches and/or marsh front.
8. Setback: Fifteen (15') feet setback required from all property lines and must meet SCDHEC/OCRM approval prior to requesting a special exception. BZA may adjust setback 15' setback requirements in cases of severe erosion, historic structures, natural topography or trees and vegetation poses an unnecessary hardship.
9. Outdoor Storage: No permanent outdoor storage on lot. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, materials, merchandise or vehicles.
10. Parking:
 - a. Two vehicles allowed on property
 - b. Parking surface remains natural state or turf grass (no pervious or impervious materials)
 - c. No temporary storage of vehicles, temporary structures or equipment except during daytime use on property.

CONSERVATION EASEMENT USES AND STRUCTURES

DRAFT TEXT (CHANGES PER SEPTEMBER 9, 2015 PUBLIC HEARING)

AMENDMENT 1:

ARTICLE 21: SECTION 21-20.C. (5): SPECIAL EXCEPTIONS IN THE RS-DISTRICT:

Amend Section 21-20.C. (5) "Special Exceptions" by allowing conservation easement uses and structures if certain requirements are met.

C. Special exceptions in the RS-District.

(5) Conservation Easement Uses as defined in Section 21-203 Definitions.

- (a) **Purpose.** It is the purpose of this section to recognize that all properties on Sullivan's Island are part of a dynamic and ever-changing barrier island environment, vulnerable to erosion and catastrophic flooding events. Whereas all Island properties in close proximity to marshes, beaches and waterways are predisposed to erosion, loss of critical dune vegetation and structural damage during large storm events, the Town recognizes a need to develop innovative methods to incentivize the protection of open space, preserve view-shed corridors, and reduce the intensity of residential land uses.
- (b) **Applicability.** As an incentive to preserving environmentally sensitive properties zoned for residential purposes (RS District), property owners (grantor) may establish certain recreational uses and structures as part of a permanent conservation easement. These non-residential uses must include retaining or protecting natural or open-space values of real property, assuring its availability for noncommercial agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.
- (c) **General Conditions.**
- i. Prior to issuance of a building permit the property owner must remove any previously constructed structures, driveways, recreational structures (pools, courts, sheds, etc.), pervious or impervious surfaces, and utilities associated with any previous residential or commercial development.
 - ii. Use of the property for commercial or rental activity is expressly prohibited.
 - iii. The use of the property shall be limited to owners and guests, not to exceed twenty-four (24) individuals at any given time.
- (d) **Structures.**
- i. **Size.** One open-air structure (gazebo, cabana, pergola, arbor, or other open-air structure) not exceeding in square footage, five (5) percent of the parcel's total upland area, or two

hundred fifty (250) square feet, whichever is less. A potential increase of two (2) percent will be allowed to the structure's square footage, with a 450 square foot maximum, if an existing residential structure has been removed from the parcel.

- ii. Height. Structure may not exceed a maximum height of ten (10) feet from natural grade as measured from the center point of the proposed structure to the highest point of the roof. Height may be extended to thirteen (13) feet where the majority pitch of the structure's roof is 4/12 or more. An increase in height may be allowed if the roof's lowest horizontal structural member must be constructed above the Base Flood Elevation (BFE), however, under no circumstances may roof height exceed 3 feet over BFE.
- iii. Storage. The structure may contain no more than thirty (30) percent of the total allowed square footage as enclosed area designated for storage space. Enclosed area may include one shower stall and must be constructed with breakaway walls and designed in accordance with FEMA National Flood Insurance Program (NFIP) regulations and the Town of Sullivan's Island Flood Prevention Ordinance.
- iv. No rooftop seating or use will be permitted.
- v. Structure may not contain sewer facilities or portable sewage collection or disposal devices. Following the removal of any existing sewer facilities, all the requirements of Town Code of Ordinance Chapters 18 and 20 shall be met. (Water and Sewer Utility Regulations).
- vi. Lighting. There shall be no exterior site or structural lighting. Interior lighting shall be designed and arranged to prevent glare on adjoining properties, adjacent *Recreation and Conservation Area Districts*, or any other area of the beach or marsh.
- vii. Building setback. Fifteen (15) foot setbacks are required from all property lines and must meet the approval of the South Carolina Department of Health and Environmental Control and Ocean and Coastal Resource Management (DHEC-OCRM) agencies prior to submitting an application for Special Exception consideration. The Board of Zoning Appeals may adjust the setback requirement in instances where severe erosion, historic structures, natural topography, or trees and vegetation poses an unnecessary hardship for meeting the required fifteen (15) foot setback.

(e) Parking

- i. A maximum of two vehicles will be permitted on the subject property.
- ii. All parking surfaces must remain in its natural state or turf grass. No additional impervious or engineered surfaces will be permitted.
- iii. No temporary outdoor storage of vehicles, recreational vehicles, boats, camping facilities, temporary event structures, machinery, or beach equipment shall be permitted except during the daytime use of the property.

(f) Open Storage. No permanent outdoor storage permitted. Outdoor storage is defined as the keeping within an unroofed and unenclosed area any foods, materials, merchandise, or vehicles.

- (g) **Neighborhood Compatibility.** The Design Review Board must review all proposed conservation easement structures to ensure design compatibility with the surrounding neighborhood and ensure an environmentally sensitive, low scale design, which maximizes public view corridors. No structure height, square footage, or massing increases will be permitted by the Design Review Board.
- (h) **Legal Instrument for Permanent Protection.** The instrument of permanent protection shall be a permanent conservation easement recorded by the Charleston County Register of Mesne Conveyance Office (RMC), concurrent with the issuance of a Town of Sullivan's Island Building Permit and land disturbance permit:
- i. A land trust or similar conservation-oriented non-profit organization (grantee) with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, and;
 - ii. The Town shall receive a copy of the Annual Conservation Easement Inspection Report, and;
 - iii. The Town of Sullivan's Island shall reserve a third-party right of enforcement in the conservation easement agreement.

AMENDMENT 2:**ARTICLE 21: SECTION 21-137.B (2): ACCESSORY USES AND STRUCTURES - RESTRICTIONS**

Amend Section 21-137.B (2) "Restrictions" refers to allowing conservation easement uses and structures without the existence of a Principal Building.

B. Restrictions.

- (1) The above accessory uses and/or structures are permitted within any zoning district on Sullivan's Island, subject to restrictions provided herein.
- (2) No accessory use and/or structure shall be permitted without the existence of a permitted Principal Building or use on the same lot; provided however notwithstanding the definition of the term "accessory use or structure" contained in Section 21-203, fences are expressly allowed on lots without the existence of a permitted Principal Building or use on the same lot. (08-15-06) **Conservation easement uses and structures may only be permitted as a principal use (without the existence of a Principal Building) by special exception from the Board of Zoning Appeals and through the establishment of a conservation easement.**
- (3) In the RS-Residential District, accessory uses and/or structures are confined to the personal, noncommercial use of the property owner or renter, except as otherwise provided.
- (4) In the CC-Community Commercial District, accessory uses and/or structures may be used for commercial or office enterprises related to the commercial use.
- (5) All accessory uses and/or structures shall meet the yard Setback requirements of the zoning districts in which they are located unless otherwise provided herein.

AMENDMENT 3:

ARTICLE 21: SECTION 21-203: DEFINITIONS

Amend Section 21-203 "Definitions" by applying a definition of "conservation easement."

Conservation Easement. A conservation easement is a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include one or more of the following:

- (a) retaining or protecting natural, scenic, or open-space aspects of real property;
- (b) ensuring the availability of real property for agricultural, forest, recreational, educational, or open-space use;
- (c) protecting natural resources;
- (d) maintaining or enhancing air or water quality;
- (e) preserving the historical, architectural, archaeological, or cultural aspects of real property; (XX-XX-2015)

-South Carolina State Code of Laws

AMENDMENT 4:**DEFINITION OF CONSERVATION EASEMENT STRUCTURES: SECTION 21-203:
DEFINITIONS**

Amend Section 21-203 “Definitions” by applying a definition to “conservation easement uses and structures.” This language would make a clear distinction among all other accessory structures and environmentally sensitive structures with a low scale design, appropriate for conservation easement properties.

Conservation Easement Uses and Structures. A recreational use or open-air structure (gazebo, cabana, pergola, arbor, or other open-air structure) designed specifically to enjoy the natural, scenic, or open-space aspects of real property, which is only permitted as a principal use by special exception from the Board of Zoning Appeals through the establishment of a conservation easement.