# C. STATEMENT OF DEVELOPMENT OBJECTIVE FOR THE BAILEY ISLAND CLUB, A PART OF EDISTO ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA

# 1- INTRODUCTION:

The Fuller Street Corporation and Bailey Island Associates (BIA) desire to develop 689 acres located on Bailey Island as an environmentally sensitive community. It is recognized that Bailey Island is within the ACE (Ashepoo/Combahee/Edisto) Basin, and the surrounding creeks have significant active ecological features. Additionally, Fuller Street Corporation and BIA, as well as many others, recognize that this tract is extremely desirable for development due to it's location, amount of deep water close to the critical line and available vehicular access over an existing bridge and causeway (to be re-built).

Considering both the environmental concerns and the development potential, Fuller Street Corporation and BIA plan to create a low density, low impact, water oriented, large lot development exceeding all development restraints imposed by the County Planning standards, the Charleston County Zoning & Land Development Regulations, and previously agreed upon development limits by the South Carolina Coastal Conservation League, the S.C. Low Country Open Land Trust, The Edisto Island Open Land Trust and other environmentally concerned organizations.

This development has been named the Bailey Island Club.

## 2- DESCRIPTION OF DEVELOPMENT AREA:

The Bailey Island Club shall include multiple parcels of land (see the previous portion of this report for an exact legal description). There is a 20 acre tract of land beginning on Raccoon Island Road and going to the South Carolina Critical Line of Bailey Creek. The next tract is an approximately 30 acre island called Crawford Island which is owned by BIA. The third tract is 639 acres on Bailey Island. Additionally included in this rezoning application is a one lot out parcel on Crawford Island owned by John and Lynda Rock.

# **3- DEVELOPMENT GUIDELINES:**

The Edisto Island Land Use Plan identifies Bailey Island under the Edisto Agricultural Residential (E-AR) Land Use Zone with special requirements for the lot size/density. These requirements are as follows:

1) Bailey Island:

a) Maximum Density:

1 Unit per 20 acres (1/20)

Minimum Lot Size:

1 Acre

 $\underline{OR}$ 

b) Clustering:

(See Appendix A)

-50% OPEN SPACE:

Maximum Density:

1 Unit

-50% DEVELOPABLE LAND:

Minimum Lot Size:

1 Acre

Average Density:

1 Unit per 5 acres (1/5)

Source - Edisto Island Land Use Plan adopted by County Council May 18, 1993.

Applying Alternative"B" to this project the following is the allowable densities under these two formulas.

Mainland

20 Acres

Crawford Island

30 Acres

Bailey Island

640 Acres

Total:

690 Acres

(NOTE: Acres are rounded to the closest acre for this analysis and are based on the Master Plan. Acreage will vary based upon final layout and the developer's site adjustments to avoid significant vegetation.)

690 Acres  $\div 2 = 345$  Acres/345 Acres  $\div 5 = 69$  Lots

Applying Alternative "B" would require a conservation gift or easement on 345 acres to be accepted by a recognized conservation organization.

## a - Subdivision of Lot

One or more Lots may be combined to form one single building Lot when approved, in writing, by Declarant and the County of Charleston, and, in such event, the building line requirements provided herein shall apply to such Lots as combined and side line setbacks as shown on the plat shall be moved to follow the new side line so that the easement would run along the newly established side line.

## 4- THE PROPOSED PLAN:

- A total of 44 residential units are proposed excluding the existing lot owned by Mr.
  Rock. As shown on the Master Plan, Lots 1 32 are on Bailey Island; Lots 33 44
  are on Crawford Island. This is 25 less than allowable.
- b. Approximately 219 acres will be allocated to lots.
- Approximately 20 acres on the mainland will be owned and maintained by the Bailey
  Island Club Association (BICA) as open space.
- d. Approximately 54\* acres will be included in the 100' wide road easement and the boat ramp area. Of this approximate 54\* acres only 27\* acres (±) will be actually disturbed during road construction (non-paved). The remaining 27\* acres will be \* maintained by the Bailey Island Bridge and Road Association, Inc. (BIBRA).

<sup>\*</sup> Acreage is subject to change based on actual field layout.

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e. The remaining 395\* (±) acres will be given¹ to The Nature Conservancy (TNC) and called the Bailey Island Preserve (BIP). This is 40\* acres above the amount required by the Charleston County Zoning & Land Development Regulations.

## 5- CRAWFORD ISLAND:

Crawford Island: 12 Single Family Residential (SFR) Lots

Minimum Lot Size	1 Acre
Minimum Lot Width	115'
Minimum Frontage on the Water	150'
Maximum % Lot Coverage	30%
Minimum Front & Rear Setback	50'
Minimum Side Setback	15'
Maximum Height	40'*

\*Height will be measured from the average finished grade elevation, or the FEMA First Floor Elevation Requirement, to the roof peak whichever is higher

Uses Allowed for Crawford Island SFR Lots

Single Family Residence, with or without attached garage. Mobile homes are not permitted.

- 1 Guest House.
- 1 Gazebo or covered shelter (may not be enclosed).
- Detached garage or barn. If living quarters are allowed as part of this structure then it shall count as the guest house.

<sup>1,</sup> or restricted and protected by perpetual conservation easements,

1 Dock (as approved).

Sheds, dog runs, stables, pools, tennis courts, pump houses and other such auxiliary structures consistent with the Charleston County Zoning & Land Development Regulations. These accessory structures will be for personal use only.

## Uses Allowed for Crawford Island Common Area

Possible future amenities may include a swimming pool, tennis court and/or picnic area. This area will continue to be owned by the BICA (Bailey Island Club Association) unless conveyed to a POA. The boat ramp, dock and parking area will be maintained by the BIBRA and the BICA. It is for the use of all Bailey Island and Crawford Island owners and is for launching and temporary docking.

# a - Crawford Island (Lots 33 - 44 as listed on the plat)

The Crawford Island lots shall be owned and developed by BIA (Bailey Island Association). There will be no minimum house size, however, each lot must have a pre-approved site plan, clearing plan, house plan and plans for additional structures from BICA prior to obtaining a building permit from the County. This is in addition to all other County requirements. Additionally, each lot owner must survey the trees in accordance with the Charleston County Tree Ordinance, as well as complying with all other Charleston County requirements.

## 6- BAILEY ISLAND:

Bailey Island: 32 Single Family Residential (SFR) Lots

Minimum Lot Size 4 Acres

Minimum Lot Width 150'

Minimum Frontage on the Water 300' (with the exception of Lot 21

which shall exceed 150' frontage on

water)

Minimum Setback from the Street

Property Line 100' (no clearing allowed except for

one 20' driveway)

Minimum Setback for habitable structures

from the Critical Line 50' (All hardwood trees 16" DBH or

greater must remain in this 50' setback, this includes Palmettos).

Minimum Side Property Line Setback 50' (no clearing allowed)

Maximum Area to be Cleared 1/3 of the building envelope (the lot

area less the area included in the buffer zone) or 3/4 acre, whichever

is less.

Maximum Height 40'\*

Minimum Setback Between Structures 10' or greater

\*"Height will be measured from the average finished grade elevation, or the FEMA First Floor Elevation Requirement, to the roof peak, whichever is higher.

Uses Allowed for Bailey Island SFR Lots (For all Lots 1-32)

- 1 Single Family Residence, with or without attached garage. Mobile homes are not allowed.
- 1 Caretaker's Residence.
- 1 Guest House.
- 1 Gazebo or covered shelter (may not be enclosed but may be screened).
- 1 Detached Garage or Barn which may include servant quarters above.
- 1 Dock (as approved). Boat lifts are allowed as a part of the dock subject to the other provisions herein.
- Sheds, dog runs, stables, pools, tennis courts, pump houses, and other such auxiliary structures consistent with the Charleston County Zoning & Land Development Regulations. These accessory structures will be for personal use only.

## A - Lot 20 - Additional uses for Lot 20, Bailey Island

Due to the size and location of Lot 20, as shown on the plat, certain restrictions affecting other lots will be modified, for Lot 20, as follows:

- (1) Actual clearing of the Lot for the location of dwellings and Accessory Units shall be no greater than one-third (1/3) of the Building Envelope or two (2) acres, whichever is less.
- (2) Two principal single family dwelling each allowed an attached or detached garage of similar design, a servant's quarters structure and guest house structure (total of six residential buildings on said Lot).

## The Mainland:

This property, not in road rights-of-ways shall be owned and maintained by the BICA. The facilities shall include:

(1) Full-time caretaker's residence

- (2) Equipment sheds as needed for equipment owned by the BICA, BIBRA
- (3) Community garbage facility
- (4) Homeowners Community Garden and Orchard.

Buffered setbacks for structures (excluding the entrance drive) shall be 50' from Raccoon Island and 20' from the side property lines. No clearing is allowed in these buffered setbacks.

## B - Mainland Tract

Starting on Raccoon Island, the development will begin with an understated vehicular entrance that will traverse the 20 acre tract. This entire tract, with the exception of approximately 2 acres, will function as a naturalistic scenic road (park like) right-of-way. It is envisioned that a natural vegetative area, possibly supplemented with native vegetation, will buffer the property lines from adjoining developments. The intent is to not be able to see adjoining structures. On an approximately 2 acre portion a caretakers residence and maintenance area are to be constructed. The maintenance area shall be comprised of equipment sheds in natural tones to blend with the natural vegetation as much as possible. Additionally there may be a BICA garden plot of approximately 1 acre located somewhere on the 20 acres.

## C - Bridge and Causeway

A new bridge shall be constructed 28' wide. A sheet piled causeway thirty-two feet wide will be built in accordance with the existing permits (see Appendix C).

#### D. The Nature Conservancy Property (BIP)

The developer shall convey control in perpetuity to a part or portions of Bailey Island (hereinafter the "Bailey Island Preserve" or "BIP"), to The Nature Conservancy for the purpose of preserving the BIP in its natural, scenic and open space condition, subject to the rights and

privileges reserved by the Club. Such conveyance shall also serve the purpose to prevent any use of part or all of the BIP that will adversely and materially impair or interfere with the conservation values of the BIP, the wildlife habitat of the BIP and the BIP's natural resources and associated ecosystems. All members shall be subject to and abide by the terms and conditions of the conveyance and recreational easement. See Appendix D for the draft of the Agreement between Fuller Street Corporation and The Nature Conservancy.

# D. INDIVIDUAL LOT REQUIREMENTS

## 1- INTRODUCTION:

All Lots shall be used for single-family, residential purposes only, and no commercial business or business activity shall be carried on or upon any Lot at any time, except with the written approval of the Architectural Review Committee; provided, to the extent allowed by applicable zoning laws and the Charleston County Zoning & Land Development Regulations, private offices may be maintained in dwellings located on any of the Lots so long as such use is incidental to the primary residential use of the dwelling. All structures must comply with the zoning requirements of the County of Charleston, South Carolina and the Charleston County Zoning & Land Development Regulations. There may be constructed with said dwelling other outbuildings necessary to the use of the main or primary building if approved by the Architectural Review Committee. However, out buildings shall be limited to any and all screen houses, gazebos, barns, sheds, dog runs, pump houses, garages, stables and other such auxiliary structures consistent with the Charleston County Zoning & Land Development Regulations. **PROVIDED** HOWEVER, there shall be no square footage requirement (minimum or maximum for any residential or other structure within the Bailey Island/Crawford Island Development, other than the maximum percent lot coverage requirements, minimum site clearance requirements, and minimum setback and buffer requirements.

Each individual lot shall be considered a single unit and if rented is rented as ONE unit (i.e. individual units on a lot cannot be rented or leased separate from the other structures).

There shall be no mobile homes, manufactured homes, or temporary living structures on any lot.



#### a - Improvements

No building, fence, wall, deck or other structure or planting or landscaping shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, color, height, materials and location of the same shall have been submitted to and approved in writing by an architectural committee composed of three (3) or more representatives appointed by the Board of Directors of the Club (hereinafter referred to as the "Architectural Review Committee"). All plans must be approved by the Architectural Review Committee prior to the approval and issuance of any permits by the County of Charleston.

## b - Use of Outbuildings and Similar Structures

No structure of a temporary nature (unless approved in writing by the Architectural Review Committee) shall be erected or allowed to remain on any Lot, and no mobile home, trailer, camper, shack, tent, garage, barn or other structure of a similar nature shall be used as a residence, either temporarily or permanently. Provided, however, this Section shall not be construed to prevent the Developer and those engaged in construction from using sheds or other temporary structures during construction.

## c - Trees/Screening

The Developer, the Club and all Lot Owners shall comply with all Charleston County Tree Preservation and Buffer requirements as well as all recommendations of the Charleston County Zoning & Land Development Regulations. Tree protection barricades are to be installed by property owners, as approved and defined by Charleston County Regulations and Ordinances in effect at the time of the request, prior to any clearing and/or construction activity on any construction site. All Lot Owners will be responsible for locating the required trees and complying with the Charleston County Tree Ordinance.

# d - Setbacks, Buffers, Lot Clearing and Screening (Lots 1-32 as shown on the plat)

There shall be no cutting, removing or otherwise destroying of living trees, grasses or other vegetation within the 100 foot setback from the street side of the Lot except for the location and placement of the driveway from the road to the residence. There shall be no cutting, removing or otherwise destroying of living trees, grasses or other vegetation within the 50 foot setback on the sides of the Lot, provided, however, limited clearing of trees, grasses and other vegetation located in the Critical Line setback in the front of the Lot for the location and placement of walkways or low-lying boardwalks (unpainted) is allowed after review and written approval of the location plan by the Architectural Review Committee. No other man-made structures are allowed in the Critical Line setback without prior written approval of the Architectural Review Committee. The Owner shall maintain these buffers in a natural and opaque vegetative state, with no cutting or clearing without prior written approval of the Architectural Review Committee. Notwithstanding the provisions of this paragraph, the Club or the Owner shall have the right to remove any and all vegetation, trees, limbs or underbrush in any Buffer Zone which is noxious, diseased, harmful or dangerous, and may remove hardwood trees up to sixteen (16") inches at breast height (DBH) and Palmettos located within the Critical Line setback, but under no circumstances shall any trees be removed in violation of the provisions of the tree preservation provisions of the Charleston County Zoning Regulations applicable to Single Family Residential or Agricultural Zoned Properties (as amended from time to time).

BIBRA reserves the right to remove vegetation as required to maintain any and/or all storm drainage easements.

#### e - Wetlands and Archaeological Sites

Some Lots and parts of the Common Area may contain jurisdictional wetlands and archaeological sites. Such areas are to be located on the Plat, and all Owners, their guests and invitees shall observe and comply with all local, state and federal regulations and Buffer Zones

regarding any wetlands and/or archaeological sites.

## f- Walls and Fences

No fence or wall shall be erected, placed or altered on any Lot within the Buffer Zone without the prior written approval of the Architectural Review Committee.

# g - Terraces, Eaves and Detached Garages

For the purpose of determining compliance or noncompliance with the foregoing building line requirements, terraces, stoops, eaves, wing-walls, and steps extending beyond the outside wall of the structure shall be considered as a part of the structure.

# h -Off-Street Parking and Loading Requirements

Each single family residence shall provide a minimum of two (2) 9' x 18' off-street parking spaces. No parking shall be permitted within the Road right-of-way.

### i -Docks

The Developer has prepared and submitted to DHEC for approval four (4) different dock designs (collectively "Dock Designs"). Each Owner has the right to construct a dock as listed on the master dock plan (a copy which is Appendix B) subject to the requirements of local, state and federal statutes and approval; provided however, that all docks constructed must comply and conform to the Dock Designs (copies are found in Appendix B). Some Owners will be limited in the choice of Dock Designs and to the type of dock constructed due to the location of the Lot. All docks constructed are subject to the additional restrictions: (a) The permitted dock shall extend no further than allowed under the Dock Designs; (b) The size of the pierhead and floating dock, if permissible, shall be no larger than allowed under the Dock Designs; (c) There shall be no

construction on the dock of any additional levels, enclosures, superstructures, or any permanent lighting or lighting that automatically switches on in darkness; (d) All lighting will be shaded so the light is directed downward at an angle of forty-five (45°) degrees or less from a ninety (90°) degree vertical reference, and the source of lighting shall be no greater than ten (10') feet above the dock decking; (e) There shall be no permanent or temporary habitation in or on the dock or on any boat or similar type of watercraft moored to the dock; (f) No boat ramps shall be constructed and are not permitted on any Lot. (g) Notwithstanding anything herein to the contrary, boat lifts shall be permitted provided that they are approved by DHEC/OCRM and approved by the ARC; (h) There shall be no deviation in dock design nor construction, from the pre-approved standard docks, designed by the Declarant and as permitted by SCDHEC/OCRM and USCOE.

There shall be a maximum of 45 single lot docks and one community dock. Only one boat ramp will be allowed, that ramp will be located on Crawford Island.

# j - Fire Protection

The St. Paul's Fire Department will provide fire protection services to the Bailey Island Club. In order to provide the best fire service possible to this rural development, the following guidelines are incorporated into these zoning regulations:

- 1) All structures built within this Planned Development will not exceed 40' in height to the tallest portion of the structure from the existing ground or FEMA First Floor Elevation Requirement, whichever is higher.
- 2) A total of 6 dry hydrants will be installed which are located according to the master plan. The fire protection lakes will meet all requirements of the Natural Resources Conservation Service (formerly Soil Conservation Service). Zoning and Building permits for any structures will not be issued until the St. Paul's Fire Department has inspected and approved the appropriate dry hydrant installation(s).

3) The roofs of all structures will be required to have fire resistant shingles. Wood shake shingles will not be allowed. There shall be a 14' vertical clearance above all roads and driveways.

## k - Signs

- One sign per development entrance (Maximum 3 signs at entrance points, main entrance into development, Crawford Island, and Bailey Island).
- Maximum size for project identification sign 20 square feet.
- Maximum height of sign 8 feet from grade.
- Setback 15' from front and side property lines.
- Landscape lighting only permitted.
- Real Estate signs must be no greater than 4 square feet.
- One Real Estate sign per lot No Lighting.
- Real Estate sign setback 5' front and 10' side.

# 1 - Antennae

No radio or television transmission or reception towers, antennae or satellite dishes or disks, except for mini-disks not greater than twenty-four (24") inches in diameter, shall be erected on any structure or within any Lot within the property without the prior written approval of the Architectural Review Committee. In no event shall free standing transmission or receiving towers be permitted.

## m - Garbage and Refuse Disposal

Garbage and refuse disposal shall be the responsibility of the Homeowners Association and will be handled by a private contractor.

Trash, garbage or other waste shall be kept in sanitary containers designed for that purpose. All equipment for the storage or disposal of waste material shall be kept in a clean and sanitary condition. There shall be a community garbage facility located on the Common Area for use by the Members.

An opaque screening shall be added around the community garbage facility. This opaque screening shall be either an evergreen shrub hedge or a neutrally colored wooden structure. The hedge or structure shall be equal or greater in height to the garbage container at the time of installation.

## n - Sewage System

No public sewage line is available to the Lots. Sewage disposal shall be through a type approved by The South Carolina Department of Health and Environmental Control (S.C.DHEC) or by the appropriate State and Local Agencies. No residence may be built on a Lot until the necessary approvals for the installation of a sewage disposal system have been obtained. All sewage disposal systems shall be sited and installed in accordance with existing governmental and regulatory requirements.

# o - Emergency & Evacuation Procedures

There has been an Emergency & Evacuation Plan approved by the County which will be followed in case of an emergency. A copy of this plan is found in Appendix G and shall become a part of this document.

## E. - INFASTRUCTURE DESIGN

All road rights-of-ways (except on Crawford Island which shall be 86') shall be 100' in width.

The design criteria for the roads and the placement of underground utilities is to retain, and protect, as much of the existing vegetation as possible by utilizing an 100' road rights-of- way. Every effort will be made to both retain the major trees found on the Island, as well as to protect these tree's roots. Also, in an effort to reduce the damage to tree roots, the Developer proposes to add fill to raise the road heights. On the BIP side of the roads stormwater shall sheet flow into the BIP or as shown on the road plans approved by the Charleston County Department of Public Works.

On the lot side of the road a berm shall be added, when needed, to create a swale (the bottom of the swale shall be the existing ground grade). On the lot side, reservations for storm drainage easements of 20' (10' per lot) wide shall be shown on the plans along property lines, to be dedicated to the BIBRA. A storm drainage easement dedicated to BIBRA will cover the entire BIP (i.e. The Nature Conservancy Property).

All other requirements, such as width, materials, etc., shall comply with the County Standards for Dirt/Rock Roads, or with modifications to standards allowed by Charleston County. The roads, bridge and causeways will be owned and maintained by BIBRA consisting of all property owners on Bailey Island and Crawford Island.

All roads will be built to meet the requirements of the Charleston County Road Code for Earth/Rock Streets. If the BIBRA decides they no longer want responsibility for these roads, it will be the responsibility of the BIBRA to construct the roads to County standards in effect at that time. The statement that all roads and drainage systems shall be privately owned and maintained by the BIBRA will be recorded as restrictive covenants or will be incorporated in other documents simultaneously recorded with the final Plat. These covenants will include dedication of roadways and drainage to the BIBRA so as to insure future maintenance responsibilities. Roads will not be accepted by Charleston County until they have been constructed to County Road Code Standards for paving.

In the event the County is ever asked to accept the causeway and its retaining walls into the County system the BIBRA will first replace the wood material with concrete cribbing or a County approved equal.

## a - Stormwater Management and Sediment Control

All land disturbing activities, including but not limited to the development of Lots and construction activities on the Common Area shall conform to the requirements of the stormwater management and sediment control plan which has been approved by the South Carolina Department of Health and Environmental Control ("DHEC").

# b - Water System

No public water line is available to the Lots. Water shall be supplied to each Lot through a water well system. Each Lot Owner shall have the right to drill for water and install the necessary well system to provide water for the residence and watering systems. All wells shall be sited and installed in accordance with existing governmental and regulatory requirements.

# c - Utilities and Services

Letters agreeing to service Bailey Island Club from the following agencies are found in Appendix E.

<b>Utility Service</b>	Person Date of Letter
Telephone	F.D. Stallworth, Manager July 1, 1996
Security	Southern Bell, Charleston, SC
	Major M. Kirby, Operations Bureau June 3, 1996
	Charleston County Sheriffs Office

Power

Charles Moore, District Manager

May 30, 1996

South Carolina Electric & Gas Co.

Walterboro, SC

**EMS** 

R.C. Graham, Director

May 28, 1996

**Emergency Medical Services** 

Charleston, SC

Fire

Franklin R. Burke, Jr., Chief

August 28, 1995

St. Paul's Fire District

Emergency

Dennis L. Clark, Director

September 25, 1995

Preparedness

County of Charleston

## F. - ENFORCEMENT

All enforcement of conditions set forth in this document shall be enforced by the BICA, BIBRA, and Charleston County.

## G. DEVELOPMENT SCHEDULE

Since this development is limited to 45 total lots (44 lots in the new subdivision and the old existing Rock Lot), it is the Fuller Street Corporation's intent to proceed with all of the infrastructure as soon as possible. The following is the anticipated construction and property transfer schedule (Please see following page).

Permits are presently in place from the U.S. Coast Guard; U.S. Army Corps of Engineers; S.C.DHEC/OCRM (Appendix C). There is a M.O.A. with the State Historic Preservation Officer (Appendix F), and it has been modified to reflect relocations of road alignment.

## H. CONFLICT OF ORDINANCES

Section 6.5.7 Zoning and Land development Regulation shall not be applicable. This ordinance (Planned Unit Development (PD-64)) shall be the ordinance governing development of subject property. If there are any conflicts between the Charleston County Zoning & Land Development Regulations as adopted on November 20, 2001 and July 18, 2006 respectfully and any subsequent amendment thereto then the provisions of the Bailey Island Planned Development (PD-64) shall control. The Bailey Island Planned Development (PD-64) and the provisions of the Bailey Island Planned Development (PD-64) shall be the proper ordinance to follow. Where applicable, the current Charleston County Zoning & Land Development Regulations in effect (AG District criteria) will apply to all areas of the development not covered by these regulations and guidelines.

Charleston County does not enforce private agreements, easements, covenants or restrictions to which the County is not a party.

Any construction on the lot must comply with Charleston County Building and Fire Code Regulations.

