

November 27, 2023

Via Email

Secretary Christy Hall
Secretary of Transportation
South Carolina Department of Transportation
955 Park Street
Columbia, SC 29201

Mayor Pounds and Councilmembers
City of Isle of Palms
Post Office Box 508
Isle of Palms, SC 29451

Re: Revocation of 2015 Isle of Palms Managed Parking Plan

Dear Secretary Hall, Mayor Pounds and Isle of Palms Councilmembers:

Request is hereby made to the South Carolina Department of Transportation (“SCDOT”) and the City of Isle of Palms (“IOP”) to revoke the 2015 Isle of Palms Managed Parking Plan, as amended in 2017 (the “Parking Plan”) and to allow parking for the general public on all state-owned rights of way on the Isle of Palms. This request is based on the fact that there has been a substantial and drastic change in the “Residential vs. Commercial” make up of the island since SCDOT approved the Parking Plan in 2015. **IOP no longer has legitimate “Residential” areas and the general public is being denied their constitutional guaranty of equality and privilege to access state roadways and rights-of-way.**

A. Change from Residential to Commercial/Business Nature of IOP

On June 12, 2015, SCDOT approved the IOP’s Managed Beach Parking Plan “Concept C” which was adopted by Ordinance 2015-13 (ratified November 17, 2015) and amended by Ordinance 2017-02 (ratified March 21, 2017) (*See Parking Plan - Attachment “A”*). Since that date, Short Term Rentals (“STRs”) have increased on the IOP and now spread across all areas of the island. (*See STR Licenses Maps - Attachment “B”*.)

At the municipal election held on November 7, 2023, the voters on the Isle of Palms passed a referendum that there can be NO CAP on STRs throughout the IOP.

The IOP website provides requirements for setting up and running a STR which requires the owners of STRs to have a business license. (*See <https://www.iop.net/building-and-planning/short-term-rentals>*)

The entire island of IOP is now a Commercial Zone and Residential Zones no longer exist for the following reasons:

- (1) STRs are now island-wide. (*See STR License Map - Attachment B-Page 2, and See Article 9. Short-Term Rentals – Attachment “C”*)
- (2) Real Estate Rentals (Use #65) are only allowed in General Commercial 1, 2 and 3 Zones and rentals exist island-wide. (*See Sec. 5-4-38. Table of permitted uses in commercial districts – Attachment “D”.*)
- (3) Real Estate Rentals are not allowed in Single Family Residential 1, 2 and 3 Zones, but rentals are, in reality, island-wide. (*See Sec. 5-4-41. Additional SR-1, SR-2 and See SR-3 residential district regulations. – Attachment “E”*)

B. Abuse of State Roads for Private Gain

The Residential Parking Only Zones are being misused and abused by the STR businesses as their customers are allowed to park on the state-owned rights of way while excluding the general public. (*See Sec. 8-2-25. Issuance of special permits. – Attachment “F”*)

STR customers are allowed to park one vehicle per bedroom or one per every 2.5 people allowed in its maximum occupancy. In no case, the IOP Ordinances state, will the number of vehicles allowed be less than two at the residence where the STR business is operated. STR business owners may purchase up to 4 “portable parking permits” good for one year from the Police Department. In this way, the STR business owner is authorized to reserve parking in resident-only parking areas for up to four (4) customers to the island who pay to stay in their licensed STR unit.

The roadways where these STR customers park are the property of the State, not the IOP and not the STR business owners.

A comparison of the October 2023 Map of Short Term Rentals (*Attachment A, Page 2*) to the SCDOT Parking Map (*See Attachment “G”*) clearly shows that the area approved for Resident Only Parking is overrun with STRs.

C. STR Customers are Not Residents.

In order to obtain a Residential Parking Permit, a person must present proof of residency. STR customers cannot meet the requirements to obtain a Residential Parking Permit. (*See Sec. 8-2-21. Definitions – Attachment “H” and See Sec. 8-2-24. Issuance of resident parking permits; annual renewal – Attachment “I”.*)

D. STR Dwellings are not Primary Residences.

STR properties do not qualify for the 4% Primary Residence Property Tax rate established for Residents as set forth in S.C. Code 1976, § 12-43-220(c), as amended.

Of the total 4508 dwelling units on IOP, 1855 (41%) are subject to STR licenses while only 1633 (36%) qualify as a Primary Residence. (*See Analysis of Dwelling Units and Short Term Rentals License Year 2023-2024 – Attachment “J”*).

E. Additional Considerations to Revoke Parking Plan.

- (1) **Excessive Fines:** In 2020, IOP Council increased fines for minor parking violations from \$50 to \$100, fines which are more than 3 times the State average and in violation of the Excessive Fines clause of both the State and US Constitutions. (*See Report - Attachment “K”*). The City of IOP’s Response¹ to a Freedom of Information Act Request regarding parking tickets issued between January 1, 2020 to December 31, 2022, reveals that during this time period over 14,100 tickets were issued for minor parking infractions. Of these, 4123 were issued for parking in residential zones without a permit. 2695 were issued for those who failed to park 4 ft or more from the pavement. 1587 were issued for parking in a “no parking zone.” Many individuals and families cannot afford a \$100 ticket and now refuse to go to these public beaches. These fines are abusive and so severe that they constitute “cruel and unusual punishment.”
- (2) **Financial Support of Visitors and Nonresidents:** Residents pay for only a small portion of the full budget of the IOP. IOP receives major funding or generates income from property taxes, hospitality taxes, fines, fees and other sums paid for by residents of Charleston County county-wide and residents of South Carolina state-wide, along with visitors from out of state, yet only residents, STR business owners and their customers may enjoy the privilege of parking across the island. As nonresidents and visitors pay towards the maintenance of the state roads and rights of way, they should have access to the roads and rights of way.
- (3) **Encroachments:** The encroachments by landowners onto the state road rights-of-way continue to be a major hindrance to public parking, with new encroachments arising constantly. The City of the IOP is not aggressively pursuing all the encroachments and, therefore, the actual number of eligible parking spaces island-wide is less than stated. Access to all state roads on IOP is required to compensate for space consumed by unaddressed encroachments. The non-pursuit of encroachments is a benefit to their residents, some of whom intentionally install obstacles such as greenery or pavement which remove parking spaces and defer general parking. It is a hindrance to visitors coming to the IOP to enjoy our public beaches.

¹ As the Response of the Isle of Palms was 346 pages, it is not attached herein, but will be provided upon request.

Based on the preceding information, we respectfully request that:

1. The Parking Plan for the City of Isle of Palms be revoked in its entirety;
2. The City of Isle of Palms be required to remove all encroachments into the state road rights-of-way; and
3. The City of Isle of Palms be required to reduce fines for minor parking infractions to a reasonable and customary amount.

We would welcome the opportunity to discuss this matter further with representatives of SCDOT and/or the City of Isle of Palms.

Charleston Beach Foundation

By: Myra Jones and Lee Rowland, Co-Directors

Enc.

cc: Elizabeth Von Kolnitz, SCDHEC
Duane Parrish, SCPRT
Charleston County Council