





**Planning Commission Meeting  
4:30pm, Wednesday, July 12, 2023  
1207 Palm Boulevard, Isle of Palms, SC and  
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to Order**

Present: Sue Nagelski, Ron Denton, David Cohen, Jeffrey Rubin, Marty Brown,  
Sandy Stone, Tim Ahmuty

Staff present: Director Kerr, Zoning Administrator Simms

**2. Approval of minutes**

Mr. Stone made a motion to approve the minutes as amended of the June 14, 2023 regular meeting. Ms. Nagelski seconded the motion. The motion passed unanimously.

Mr. Denton welcomed Mr. Ahmuty to the Planning Commission.

**3. New Business**

**Discussion of short-term rental livability issues with Police Department representatives**

Chief Cornett and Code Enforcement Officer Jace Kowsky spoke with the Commissioners about statistics surrounding livability issues and short-term rentals on the island. Officer Kowsky said he has met with the larger rental agencies about livability concerns, and he believes enforcement efforts on the part of the agencies are going very well. Chief Cornett explained how livability concerns and incidents are tracked and documented.

Chief Cornett agreed that the rental agencies have been very responsive in dealing with any complaints. He said the department does not receive as many phone calls as people believe. He cautioned against making any changes to the number of founded complaints that could lead to license revocation as the rental agencies are doing a good job in handling complaints related to short-term rentals. He encouraged residents to keep calling the Police Department if they have livability concerns.

Officer Kowsky said they receive very few complaint calls about renters in condominiums. He shared there was one weekend in June with no calls and another weekend with just one call.

Mr. Stone asked if lowering the allowable occupancy would help the police. Chief Cornett said the only way to enforce occupancy is if they have to enter the home for another reason. He said it

is hard to know if changing the occupancy would have any noticeable effect on complaints. He pointed out that many phone calls that result in the police visiting a home do not end in a ticket being written because compliance is achieved.

Dr. Rubin said he did not believe the information shared by Chief Cornett and Officer Kowsky warrants any reduction in the amount of founded complaints needed before a business license could be revoked.

#### 4. **Old Business**

##### A. **Discussion of task from City Council regarding short-term rentals**

Director Kerr said he would forward the Planning Commission's recommendations to City Council now that they have discussed the livability statistics with the Police Department. He stated that the Police Department is focused on properly documenting all complaints, recognizing how the founded complaints could lead to business license revocation. He said that if City Council accepts these recommendations, once they are put into ordinance form and pass First Reading, they will come back to the Planning Commission for further review and comment.

Director Kerr shared that City Council received a resident petition with approximately 1,200 signatures requesting an ordinance be passed capping investment short-term rentals at 1,600. He said the City Council voted to send the petition to the County for signature verification but did not pass the ordinance as presented at First Reading. The ordinance will now become a referendum question on the November ballot.

##### B. **Comprehensive Plan review updated draft**

Director Kerr said they are working on the appendices for the Comprehensive Plan. He also said they will generalize the projects and grant sources in the Priority Investment element as the list of projects and pursued grants changes rapidly within the City. He is working with the PR Coordinator to find someone to "polish" the final document.

One more draft will be sent out for review prior to the next meeting.

##### C. **Update on Sea Level Rise Adaptation Plan**

Director Kerr reported that the City has executed a contract with Seamon & Whiteside for this project. He believes they will begin work on the plan soon.

**5. Adjournment**

The next meeting of the Planning Commission will be Wednesday, August 9, 2023 at 4:30pm.

Mr. Stone made a motion to adjourn, and Dr. Rubin seconded the motion. The meeting was adjourned at 5:55pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

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**Sec. 9-2-5. Noise.**

- a. *Declaration; specific noises.* It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any noise in the City that is unreasonably loud or disturbing in the circumstances to a reasonable person of ordinary sensibilities except as expressly allowed pursuant to subsections e. and f. of this section. The following are declared to be unreasonably loud or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:
- (1) *Blowing horns.* Except as required by law, no person shall blow or cause to be blown within the City any steam whistle, electric horn, or other signaling or warning device, except as alarm signals in case of fire or collision or other imminent danger.
  - (2) *Pets.* It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
  - (3) *Loudspeakers, etc.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under subsection e. and f. of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
  - (4) *Hawking or peddling.* It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
  - (5) *Radios, phonographs, televisions, etc.* The use, operation or playing of or permitting the use, operation or playing of any radio, hi-fi, stereo system, phonograph, piccolo, television or any musical instrument in such manner or with such unreasonably loud volume in the circumstances as to disturb any reasonable person of ordinary sensibilities, or the playing of such instrument in such manner as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
  - (6) *Use of vehicle.* The use of any automobile, motorcycle, motor boat, personal watercraft, water jet pack or other type of vehicle in such a state of disrepair, or so loaded, or used or repaired in such a manner as to create unreasonably loud or disturbing noises in the circumstances, particularly grating, grinding, rattling, riveting, revving or other disturbing noises.
  - (7) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) *Noise in proximity to schools, courts, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship at any such place or institution.
- b. *Amplified Music—Nighttime play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass

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or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m., Friday and Saturday, in such a manner as to be plainly audible in any adjacent street or right-of-way, adjacent place of public accommodation, or adjacent dwelling or other residence. For the purpose of this section, plainly audible shall mean any sound that can be detected by a reasonable person of ordinary sensibilities using his or her unaided hearing faculties.

- c. *Amplified Music—Daytime Play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m. Friday and Saturday, in such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
- d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.
- e. *Public interest events.* Notwithstanding any other provision of this section, on application to, and approval by, the Chief of Police, written permits may be granted to broadcast programs of music, speeches, general entertainment, or announcements as a part of and incident to community celebrations of national, State, or City occasions, public festivals, or other public interest events, provided that traffic on the streets is controlled. In determining whether or not to issue such a permit, the Chief of Police shall weigh the public interests in the event against the noise and disturbance anticipated to be created by the event and must consider the intensity and duration of the noise and the area that will likely be affected. The language or content emanating from the event shall not be considered.
- f. *Exceptions.* None of the foregoing prohibitions shall apply to or be enforced against:
  - (1) Any City vehicle engaged in City business;
  - (2) Any City-hosted, City-sponsored or City-sanctioned special events;
  - (3) Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
  - (4) Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
- g. *Enforcement factors.* Factors to be considered in determining whether a noise is unreasonably loud, disturbing, or excessive for the purposes of this section shall include, but are not limited to, any or all of the following:
  - (1) The intensity and volume of the noise;

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- (2) The intensity of the background noise, if any;
  - (3) Whether the nature of the noise is usual or unusual;
  - (4) Whether the origin of the noise IS associated with nature or human-made activity;
  - (5) The proximity of the noise to sleeping facilities;
  - (6) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received;
  - (7) The time of day or night, along with the day of the week and time of year, when the noise occurs;
  - (8) The time duration of the noise;
  - (9) Whether the sound source is temporary;
  - (10) Whether the noise is recurrent, intermittent or constant;
  - (11) Whether or not noise abatement measures are possible and whether or not they are used to reduce the noise level;
  - (12) The number of people and their activities that are affected by the noise;
  - (13) The existence of complaints concerning the noise from persons or premises affected by the noise;
  - (14) Whether the noise in the circumstances would disturb a reasonable person of ordinary sensibilities; and
  - (15) The nature of any communicative content of the noise shall not be considered for the purpose of this section.

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

i. *Nuisance.*

- (1) Violation of this section is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- (2) In addition to the penalties set forth in subsection (h) of this section, repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.

(Code 1994, § 9-2-5; Ord. No. 1999-15, 6-22-1999; Ord. No. 2001-4, § 1, 3-27-2001; Ord. No. 2003-15, § 1, 11-25-2003; Ord. No. 2016-02, § 1, 2-23-2016; Ord. No. 2018-04, § 1, 4-24-2018)

ORDINANCE 2023-08

PROPOSED ORDINANCE

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, TO REPEAL AND REPLACE SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

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 9-2-5, “Noise,” is hereby deleted in its entirety and replaced with the following new Section 9-2-5, “Noise,” to state as follows:

**“Sec. 9-2-5. Noise.**

- a. *Definitions.* In addition to the common meaning of words, the following definitions shall be used in interpreting this section.
  1. *“A” weighted scale.* The sounds pressure level, in decibels, as measured with the sound level meter using the “A” weighted network (scale). The standard unit notation is “dB(A).”
  2. *Amplified sound.* Sound augmented by any electronic means which increases the sound level or volume.
  3. *ANSI.* American National Standards Institute or its successor bodies.
  4. *Complainant.* Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the City who reports to the police department being disturbed by sound heard at their residence or place of business and not originating therefrom.
  5. *Construction.* On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
  6. *dB(A).* Sound level in decibels, determined by the “A” weighted scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4-1971, or its successor publication(s).



7. *Decibel (dB)*. a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.
8. *Excessive noise*. Any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.
9. *Emergency work*. Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.
10. *Person*. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group or agency.
11. *Receiving property*. Any residence or place of business on which uninvited noise is plainly audible.
12. *Sound level*. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.
13. *Sound level meter*. is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S 1.4-1971 "Specifications for Sound Level Meters," or the latest revision.
14. *Sound pressure level*. In decibels, twenty (20) times the logarithm to base 10 of the ratio of the magnitude of a

particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

15. *Sound source.* Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

16. *Uninvited noise.* Noise not originating from the receiving property.

b. *Noise measurement.* Noise measurements shall be employed by the police department in the following manner:

1. Noise measurements shall be made using a sound level meter taken from anywhere within the boundary line of the complainant's property. If measurement is not possible from the complainant's property, noise measurements may be taken at the nearest boundary line of the public right-of-way.

2. No individual other than the sound meter operator(s) shall be within ten (10) feet of the sound level meter during the sample period.

3. Sound measurements shall be conducted at that time of day or night when the suspect noise is emitting sound.

4. The sound level meter shall be employed in accordance with the manufacturer's instructions.

5. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

c. *Maximum decibel levels.* Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured pursuant to paragraph (b) above, to exceed:

1. 60dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) for residential and rental properties,

2. 75dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) for commercial establishments; and

3. The maximum decibel level shall not exceed 85 dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in the GC-2 general commercial zoning district.
4. 55dB(A) during evening hours (10:00 p.m. to 10:00 a.m. Sunday through Thursday and 11:00 p.m. to 10:00 a.m. Friday and Saturday) for residential properties, rental properties, and commercial establishments.

The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance.

d. *Excessive noise prohibited.*

1. It shall be unlawful for any person to intentionally produce, intentionally cause to be produced, or intentionally participate in the producing any excessive noise within the municipal limits.
2. In determining whether a sound is excessive noise for purposes of this section, factors that may be considered include, but are not limited to:
  - a. The volume of the noise;
  - b. The intensity of the noise;
  - c. Whether the nature of the noise is usual or unusual;
  - d. Whether the origin of the noise is natural or unnatural;
  - e. The volume and intensity of the background noise, if any;
  - f. The proximity of the noise to residential sleeping facilities;
  - g. The nature and zoning of the area within which the noise emanates;
  - h. The time of the day or night the noise occurs;
  - i. The duration of the noise; and
  - j. Whether the noise is recurrent, intermittent, or constant.

The determination of whether a noise or sound is excessive noise shall be made without considering the content of any message conveyed by the noise or sound.

e. *Specific prohibitions.* The following acts are specifically prohibited:

1. Pets. It shall be unlawful to keep, stable, harbor or maintain

any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.

2. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.
  3. Loudspeakers, etc. It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under paragraph (g) of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
  4. Hawking or peddling. It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
- f. *No employee liability.* No employee of any place of business acting within the scope of his or her employment shall be liable for a violation of this section, unless an employee is also an owner of the business.
- g. *Exceptions.* This section shall not apply to the following sources:
1. Any City-hosted, City-sponsored or City-sanctioned special events.
  2. Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefore.

3. Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
4. It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays, or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.
5. A commercial property or business owner may apply to City Council for an exception to this ordinance, and City Council may issue a permit that modifies the maximum decibel levels as it deems reasonable in light of the circumstances to support public good, infrastructure, and resources of the City, including the time and resources of law enforcement and code enforcement.
  - h. *Violations.* Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.”
  - i. In addition to the penalties set forth in subsection (h) of this section, five (5) repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Phillip Pounds, Mayor

(Seal)  
Attest:

\_\_\_\_\_  
Nicole DeNeane, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

David Cohen

3504 Cameron

I am a retired electronics systems engineer and spent 37 years designing, building, testing, repairing and operating electronic systems for the US Navy. As it relates to this subject, about 10 of those years was directly working with SONAR systems or equipment specifically designed to detect the presence of man-made noise in the environment. Throughout my career, I conducted numerous noise surveys aimed at detecting and finding undesirable sound emanating from ships and equipment as well as surveys to determine limits on noise for planned systems and certifying newly installed equipment does not exceed established noise limits effecting communications and livability on the ship. These limits typically varied between 45- and 85-dB range depending on the location of the equipment.

I want to encourage you to NOT adopt the proposed noise ordinance. I'm not saying we don't need to update the current ordinance, just that this proposed draft is not the solution.

Having read thru 100 or so noise ordinances and several state and federal supreme court rulings, I realize this is a difficult issue.

Probably one of the best written paragraphs of our current ordinance, which is being proposed for deletion, is paragraph B on amplified music nighttime. Which basically states it is a violation if music is "plainly audible" inside a residence, street or right-of-way. Where plainly audible is defined as any sound that can be detected by a reasonable person of ordinary sensibilities using unaided hearing.

That is a pretty specific criteria. If some consider this too restrictive for properties near a commercial district that can easily be accounted for without scrapping the entire paragraph. The primary issue I see with this is it does not address noise associated with large crowds.

If you took 100 people and measured the point they identify plainly audible occurs, 90-95 of them would identify a point within 3-5dB of each other. The primary variable in determine this point will be the background noise level which on IOP, unlike most cities, is highly dependent on the distance from the ocean, where ocean front properties will see nighttime background levels in the 50-60 dB range and waterway properties in the 30-40 dB range or lower. Most people can detect tonal sounds (music or voice) 5-10dB below background noise levels. Which also means you cannot measure this noise with a sound meter. I also would point out if you

measured a detectable level with 100 sound meters meeting the criteria in the proposed ordinance, they would vary by 3-5 dB or more. General sound meters are just not that accurate.

I feel the real issue you are trying to deal with is if our current ordinance is reasonable and what levels of noise should be restricted. And that is not going to be solved by adopting a specific day/night dB level applied to all noise as proposed in the draft ordinance.

In reading the proposed ordinance several things hit me as being off indicating this ordinance was piece milled by someone not fully understanding what they were doing. Not blaming our staff, who copied it from Mt. Pleasant who copied it from Greenville who I assume copied from somewhere else.

A few of these are:

1. In one definition decibel is defined as 10 times the log of the ration of power and in another as 20 times the log of the ratio of sound pressure.
2. There is a good definition of “plainly audible” although the term is not used anywhere else in the ordinance.
3. It calls out a 1971 ANSI standard for sound meters. Unless the city wants to use a 50-year-old meter they found in storage the 2014 standard or IEC 61672 standard should be used. Sound meter technology has changed significantly since 1971.
4. The draft ordinance calls out Maximum decibel levels. Noise levels are typically measured as average levels, especially varying noises such as music and voice. The procedure called out in the draft ordinance applies to methods used to measure vehicle noise where maximum values are used, but the author then applies EPA noise limits that are average levels not maximum levels. In fact, OSHA allows worker to be exposed to noise levels of 115dB for up to 15 minutes without protection and be exposed to sounds of 140dB lasting less than 1 second. The 90 dB OSHA limit is the average over an 8-hour duration with those exposed to an 85dB average over 8 hours to be monitored for hearing loss.

These and several other inconsistencies indicate the ordinance was written by someone with limited knowledge of measuring sound levels.

Sometimes you are better of scraping your approach and starting over, and it is my opinion this draft is at that point.



Below would be my suggestion on a reasonable noise limits that could be incorporated into our existing ordinance. I realize this would require some additional formatting so consider it as an outline for changes to the existing ordinance.

New definitions:

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Raucous sound means any sound created by yelling, screaming, the use of horns, whistles or similar devices, or the banging of objects with the primary purpose of creating sound.

Amplified sound means the use of any radio, TV, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing music, voice or other sounds. (note: may want to consider exempting acoustical string instruments)

Sound levels shall be taken with a sound level meter certified as meeting the type -2 requirements of ANSI/ASA S1.4-2014/Part 1 / IEC 61672-1:2013 using the slow meter response and A-weighted scale. Reading shall be the equivalent sound level (LAeq) taken over a period of 60 seconds or greater. If measurements exceed the threshold by 5 dB after more after 15 seconds and are not reducing, testing may be stopped.

(B) It shall be unlawful, a nuisance and a violation of this section, for any person (in a residential zone) to create or cause to create any raucous sound or amplified sound in such a manner that, during the hours from 10:00 pm. to 10:00 am.:

1. It is plainly audible in any adjacent dwelling or other residence; **and**
2. It exceeds fifty (50) dbA as measured at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.

I feel the plainly audible criterion is self-explanatory. So assuming the indoor noise level of a residence is 30dB which is typical of a suburban home, inter-city indoor noise levels are higher and rural noise levels often much less. The 30 dB

also level aligns with world health organization recommendation and has been shown to be reasonable in numerous studies. The plainly audible definition used would indicate tonal sounds (such as music and voices) 3-5dB below this level would meet the plainly audible criteria. So sounds at 27dBA inside a home could be plainly audible. Assuming a typical residential wall with double pane windows achieves a Sound Transmission Coefficient (STC) of 25, the wall would attenuate or reduce sounds by approximately 25 dB. Since STC ratings are based across the frequency spectrum, a 20 dB reduction is typical to sounds in the lower frequency range common to music and voices. This gives us a 47dB level at the exterior wall would produce plainly audible sounds inside. This 20dB also assumes closed windows and if the plainly audible criteria is to be met with open windows but not directly in front of the window another 5 dB should be subtracted. Assuming the noise source is located an equal distance across the property line (wall is 10 ft from line and noise generated 10 feet beyond the line) there will be another 5-6 dB of attenuation to the property line making sounds at 52-53dB at the property line able to create plainly audible sounds inside the residence. If the sound source is at a significantly greater distance from the property line, the sound will attenuate less between the line and the residence. For this reason I am suggesting the 50dB level as it would indicate a sound meeting the plainly audible level inside the residence is possible. I also recommend the term “AND” be used such that a complaint from a resident is required to justify a violation as the enforcement officer cannot show the first criteria exist and can only validate the 50dB noise level could cause a disturbance inside a residence. If the desire is for the officer to be proactive, then I recommend changing the “and” to “or” and increase the criteria to 55 dBA as it would be common for sounds in the 50-55dBA level to not be audible inside an adjacent residence and cause a disturbance. To address daytime noise levels we can apply the same logic and I would recommend the following:

(C) It shall be unlawful, a nuisance and a violation of this section, for any person (in a residential zone) to create or cause to create any raucous sound or amplified sound in such a manner that, during the hours from 10:00 am. to 10:00 pm.:

1. It is plainly audible at a distance of two hundred (200) feet or more from any property line bordering the noise source; or
2. It exceeds seventy (70) dBA at any property line within a residential district or upon any public street or right-of-way within, or bordering upon, any residential district within the corporate limits of the city.

A person shouting is in the range of 80dBA at a distance of 3 feet or 70dBA at 10 feet or 90dBA at 1 foot. If we look at kids playing in a pool this would be the typical maximum levels seen. Using a minimum 60 second time period, a small group would have difficulty achieving this level over the time period unless they were very close to the property line or conducting a hog calling competition. Playing a radio at a level to drown out kid shouting would easily exceed 70dBA level. Assuming sound source at 90dBA at 1 foot, the level would be 50dBA at 100 feet. A typical residential background noise is in the 50dBA range making sound at this level well above plainly audible at 100 feet. At 200 feet the 90dBA source would be 44dBA and would barely be plainly audible unless the background noise was extremely low. Since there is a 6dB drop in sound for every doubling of the distance these levels could be changed to 65dB and 100 feet or 75db and 300-400 feet. For the daytime level I would recommend either criterion to be an indication of a violation. Again it would difficult for a small group of 4-6 people to generate this level unless in a heated argument, but a large group of 10-20 cheering loudly at a ball game would. In low background noise levels most people will adjust their volume accordingly so limiting noise to 200 feet would be reasonable.

Some addition things for consideration:

Should commercial properties be allowed higher levels? If so using same format allow commercial properties daytime of 75db and 400 feet and night of 65 and 100 feet with appropriate time windows. Also consider if limits should be based on source location or receiving location. If source determines limits, homes 100-200 feet from commercial properties would be subject to higher noise levels. If receiving is used commercial properties next to residential areas would have stricter standards.

Should there be a blanket level for all noise sources not otherwise exempted. Many communities have addressed issues of home equipment noised such as HVAC, pool pumps, generators by establishing blanket noise limits similar to what was in the proposed noise ordinance. If this is the case, I would suggest 60dBA night time limit at the property line . Standard HVAC systems are generally rated in the 70-75dbA range at 3 feet so one of these systems install 15 feet or more from a property line would pass this limit. Systems installed closer would either need to be a higher grade system (which a commonly available) or shielded with a sound barrier/fence.

July 28, 2023

Terri A. Haack  
Senior Vice President  
Lowe  
11777 San Vincente Blvd #900  
Los Angeles, CA 90049

*Re: Sound Monitoring Executive Summary, Sweetgrass Inn, Isle of Palms*

Dear Terri:

The intent of this document is to summarize findings of sound monitoring done at the Sweetgrass Inn, located at 5757 Palm Blvd, Isle of Palms, South Carolina.

The monitoring covered three periods in 2023, from February 22<sup>nd</sup> to 26<sup>th</sup> (101.5 hours), from June 11<sup>th</sup> to 14<sup>th</sup> (62.5 hours), and from July 22<sup>nd</sup> to 23<sup>rd</sup> (20 hours).

The results are compared to the Isle of Palms draft noise ordinance dated May 23, 2023 and redlined in early June. The results show that the proposed noise ordinance limits were not exceeded during the sound monitoring and that the types of activities monitored are unlikely to trigger a violation.

## METRICS

- **Decibel, dB:** The most common metric for quantifying sound pressure amplitude. In this context it is 10 times the logarithm of the ratio of the squared sound pressure amplitude to a squared reference level of 20  $\mu$ Pascals.
- **A-Weighting:** A frequency weighting network meant to simulate the typical response of the human ear at moderate sound levels. Sound levels utilizing this weighting network are expressed as “dBA”.
- **L<sub>max</sub>:** The maximum sound level in dB, during a specified period of time.
- **L<sub>eq</sub>:** The equivalent continuous or average sound level in dB, during a specified period of time.

Table 1: Typical A-Weighted Sound Levels

<b>dBA</b>	<b>Source</b>
110-120	Jet Engine
100-110	Rock Band
90-100	Lawn Mower
80-90	Food Blender
70-80	Busy Street
60-70	Vacuum Cleaner
50-60	Light Traffic
40-50	Quiet Rural Daytime
30-50	Quiet Rural Nighttime
20-30	Wilderness Area

## ISLE OF PALMS DRAFT NOISE ORDINANCE

The Isle of Palms noise ordinance, Section 9-2-5 of the Code of Ordinances, is currently under revision. The draft proposed revision dated May 23, 2023, and redlined in early June sets forth quantifiable limits on sound between neighboring properties based on zoning. Sweetgrass Inn and the surrounding properties are zoned Planned Development District (PDD) a mixed-use designation, and Sweetgrass is being considered a commercial establishment. As set forth in Section C of the proposed ordinance, sound level limits for the Sweetgrass Inn are:

75 dBA daytime (10 AM to 10 PM)  
55 dBA nighttime (10 PM to 10 AM)

The draft ordinance states that a violation occurs when sound readings exceed the limit continuously for a period of 30 seconds, or when sound readings exceed the limit for less than 30 seconds but occurs more than 6 times within 2 minutes.

Section D of the proposed ordinance also limits excessive noise based on a list of other factors. For the purposes of this monitoring report sound levels are compared to the quantitative limits as defined in Section C.

## LAYOUT AND ACTIVITIES

The Sweetgrass Inn Resort is located near the northeastern end of the Isle of Palms and is adjacent to residences on the north, west, and south, with condominiums associated with the resort on the east. Sound monitoring was done on the south boundary of the property to capture sounds from activities at the pool, lawn, balcony, and terrace, which are all exposed to the south. The balcony is on the 6<sup>th</sup> floor and the terrace is just above ground level. In addition, raised flower beds separate a private area on the northeast of the resort. Within the flower beds are loudspeakers



which play music during the daytime. An outdoor restaurant also has loudspeakers in the pavilion cover which play music. Figure 1 shows the layout of the resort and surrounding areas, with the active Sweetgrass Inn areas highlighted, along with the monitoring location.



Figure 1: Sweetgrass Inn Layout

Pool activities noted during the monitoring included swimming, splashing, and sunbathing. There is a splash area at the southeast corner of the pool area with fountains that are always active. The number of people in the pool area varied from a few in the mornings and evenings to approximately 150 during midday, with more activity during the June and July periods.

Lawn activities included cornhole, ping pong, pickleball, ladder golf, and catch. During the June and July periods a food truck was also located in the southeast region of the lawn, near the monitoring location.

The terrace and balcony host events such as parties, weddings and receptions. Gatherings on the balcony and terrace ranged from a few to approximately 100 people throughout the duration of the event, with activities including music, drinking, and mingling, at the terrace and a wedding ceremony on the balcony.

Most activities cease by 10 PM, with a handful of people occasionally conversing in the hot tub or fire pit areas after that time. Some pool activities began before 10 AM, but generally not before 9 AM. Other events noted before 10 AM include garbage collection, delivery vehicles, bird activity, and pedestrians and carts along the cart path.

## MEASUREMENTS

Measurements were conducted over three different periods in order to capture various events at the Sweetgrass Inn. Measurement equipment was Type 1 sound level meters calibrated within 1 year with NIST traceable standards. Measurements included:

1. February 22, 2023, 10:30 AM to February 26, 2023, 4:00 PM (101.5 hours)
  - a. Generally lower activity throughout the measurement period
  - b. Evening reception and wedding on balcony
2. June 11, 2023, 6:30 PM to June 14, 2023, 9:00 AM (62.5 hours)
  - a. Increased activity in the pool and lawn area
  - b. Evening events on terrace
  - c. Thunderstorms
  - d. Cicadas
3. July 22, 2023, 2:30 PM to July 23, 2023, 10:30 AM (20 hours)
  - a. Increased activity in the pool and lawn area
  - b. Evening event on the balcony and terrace
  - c. Increased cicada activity

Measured sound levels are shown in Figures 1 through 3. The figures show the 15 minute Leq (blue line) and the hourly Lmax (red dash) for the duration of the measurement period along with the noise limit (dashed black line). Evening events are highlighted in yellow, and natural events of higher sound level are pointed out with red arrows. While the Lmax often exceeds the limits these events are very short in duration and often associated with activity very close to the measurement location and/or unassociated with the property. Any Lmax associated with property activities as measured near the edge of the lawn would be attenuated by a least a few dB when accounting for the increased distance to the nearest neighboring property line. Louder events noted included: thunder, birds near the microphone, cicadas, people interactions near the microphone, carts and pedestrians on the cart path to the beach. Activities and music from Sweetgrass Inn were audible at the monitoring location.

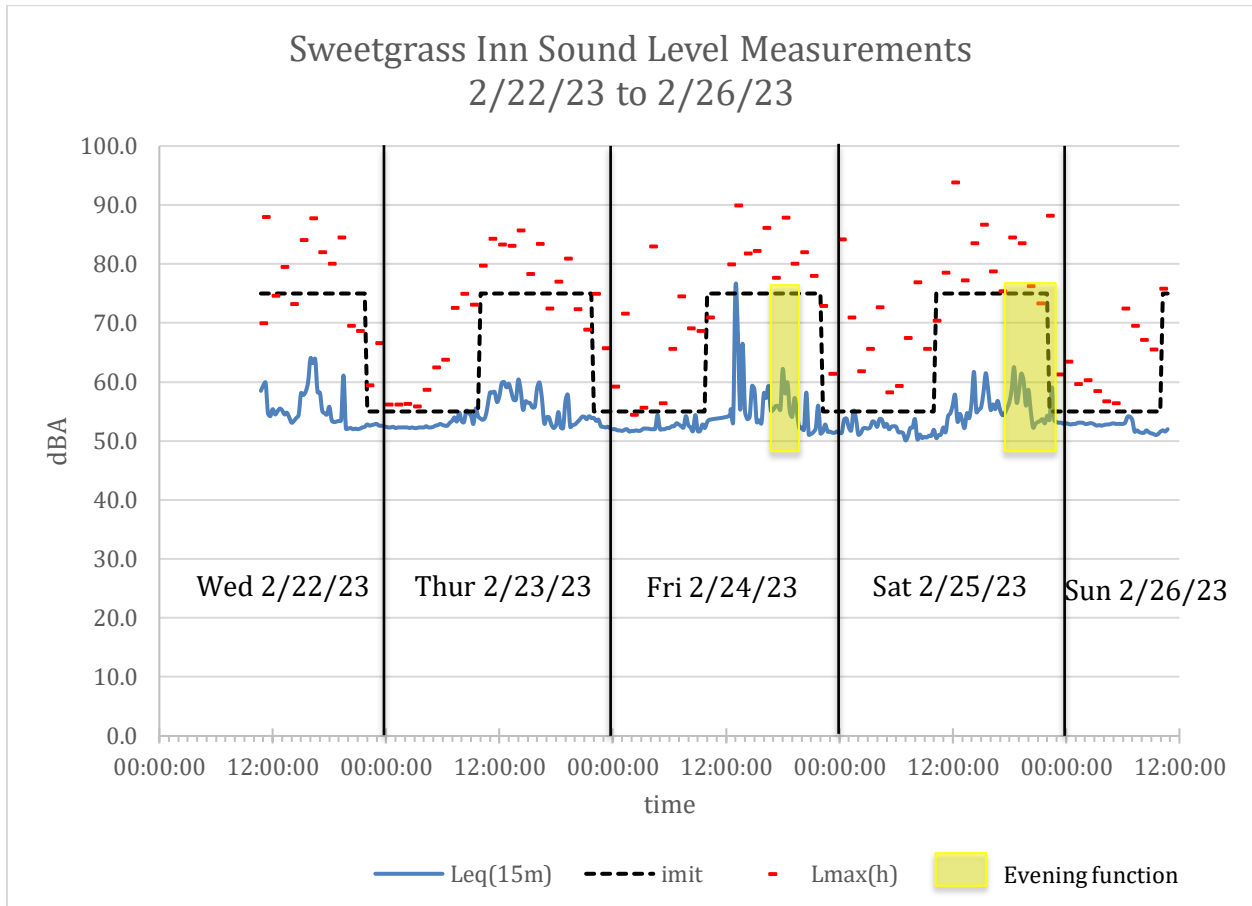
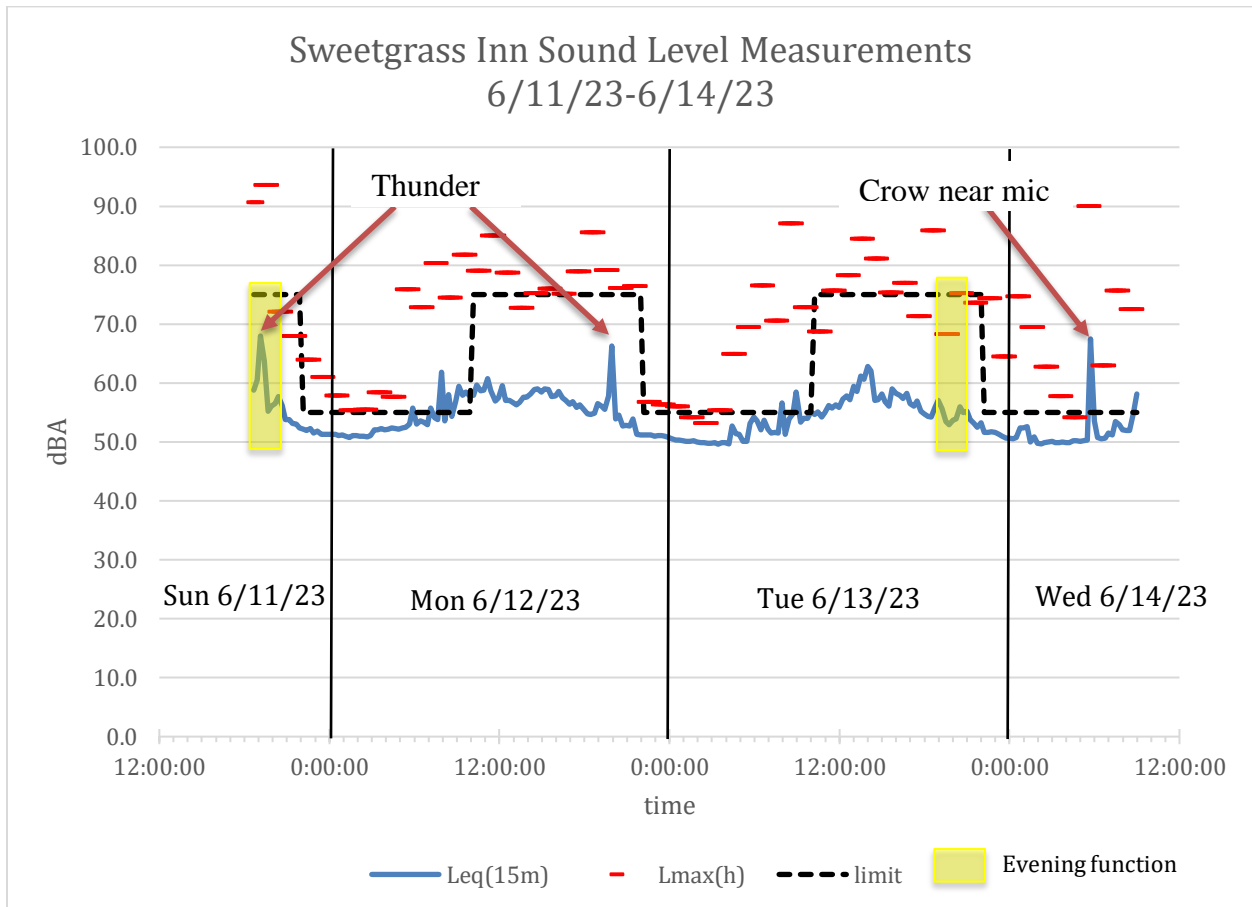


Figure 2: Sound Pressure Levels, Period 1

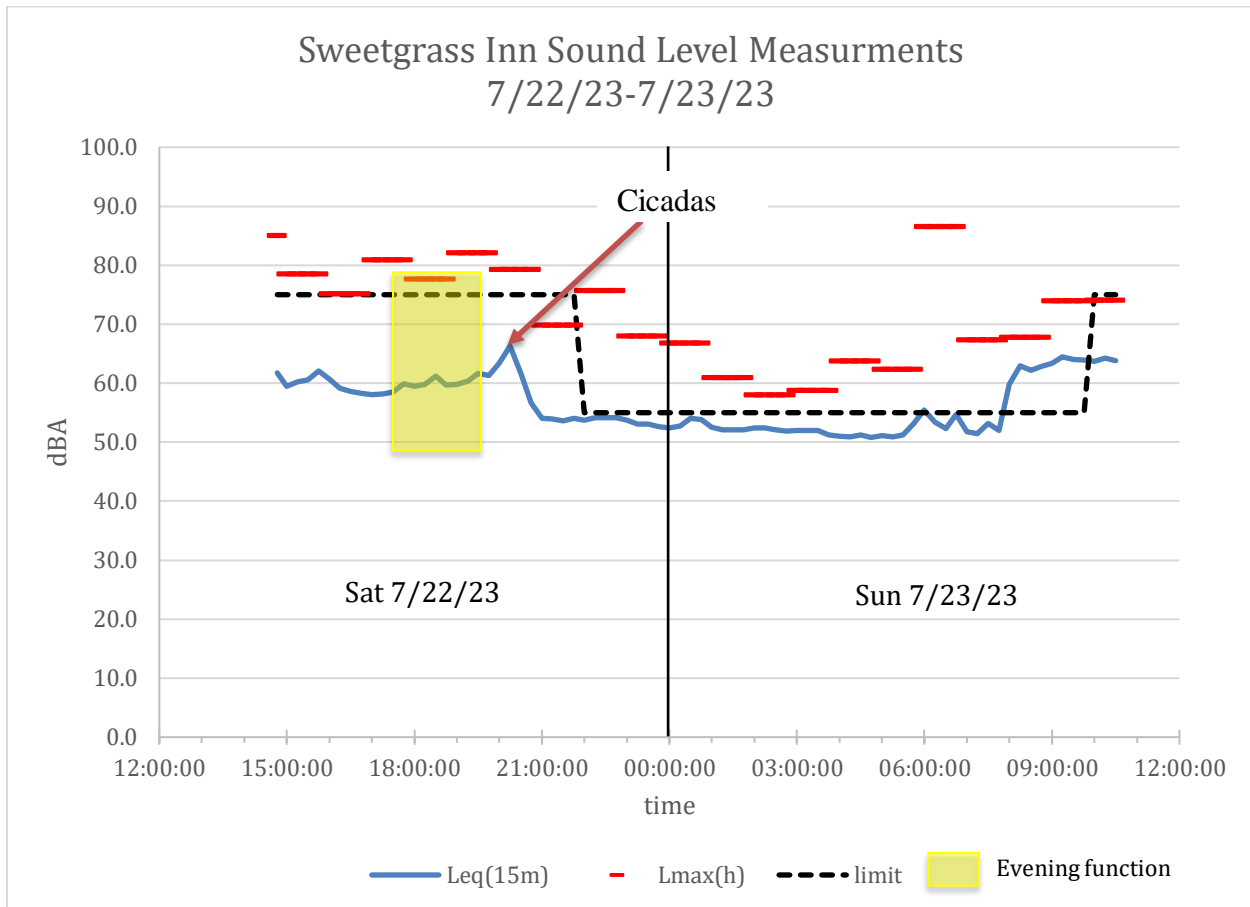
The highest sound levels recorded occurred at approximately 1:30 PM on 2/24/23. The sound meter used at this period was not set to record the actual noise, so the source cannot be positively identified. Pressure washing was observed in other nearby areas, and this could be the source, or other similar maintenance activity. This would be consistent with the sound levels and temporal pattern documented during this time; however this is speculative.





Thunderstorms occurred during the evenings of 6/11/23 and 6/12/23. Outdoor activities ceased during storms as people retreated indoors.

Sound levels frequently exceed the nighttime limit from approximately 7 AM to 10 AM. Events observed during these hours were birds and cicadas, local traffic, garbage collection, deliveries and some pool activity.



Cicadas were a significant contribution to sound levels during the third measurement period. The sound level from the cicadas peaked around 8 PM. Sound levels from cicadas reached as high as 80 dBA for short periods. Approximately 100 or more people were observed in the pool and lawn areas during the day. The balcony wedding was not audible at the monitoring location. Reception activities took place mostly on the terrace and were audible.

The monitoring shows that exceedances of the draft ordinance are unlikely to occur during the daytime. No 30 second continuous periods of sound in exceedance of the daytime limits were observed. Lmax sound levels often exceed the limits, but these instances are very short in duration, typically less than 1 second. The monitoring shows some instances of 6 or more of these short exceedances within two minutes, however, most of these can be associated with events outside the property. It is possible that some of these are attributable to activities at the property, although this would be rare and unexpected during the daytime.

The monitored events on the balcony and terrace raised the sound level only slightly. Events of the type monitored would not be expected to trigger an exceedance.

## CONCLUSION

A wide variety of sound sources outside and inside the property were observed during the sound monitoring, including activities at the Sweetgrass Inn. Weather, wildlife, local and distant traffic, activities from neighboring residences, and pedestrian and cart traffic along the cart path all contributed to the noise monitored. The typical noise conditions from Sweetgrass Inn events were found to be within the proposed ordinance limits.

If you have any questions or require additional information, please do not hesitate to call or email.

BRC Acoustics and Audiovisual Design



Seth Tomlinson, INCE  
Senior Acoustical Consultant



August 13, 2023

Ms. Desirée Fragoso  
City Administrator  
City of Isle of Palms, SC  
1207 Palm Boulevard  
Isle of Palms, SC 29451

**Re: Isle of Palms, South Carolina, Noise Ordinance Consulting – Phase I**

Dear Desirée,

RML Acoustics (hereinafter referred to as “Consultant”) is pleased to submit this proposal to the City of Isle of Palms, SC (hereinafter referred to as “Client”), to provide Phase I of acoustical consulting related to the proposed Sec. 9-2-5, *Noise*, of the City of Isle of Palms, South Carolina Code of Ordinances (hereinafter referred to as “Project”), as discussed during our recent telephone conversations and electronic mail correspondence. In general, Phase I will consist of

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## I. PROJECT DESCRIPTION

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Consultant understands that a general description of the Project is as follows:

The City of Isle of Palms is in the process of updating their Noise Ordinance to address noise issues occurring between commercial and residential land uses that are near each other. Consultant proposes a first phase of assistance that includes measuring and recording sound from the Wild Dunes resort throughout the day and during an evening event at an adjacent residence, as well as at two or three other similar commercial/residential adjacencies selected by Client over a two-day period, to develop a database of recordings and measured levels for sounds that currently exist in the city where these adjacencies occur. Also, as part of the first phase of work, Consultant will issue a report summarizing the results of the sound level measurements and attend a City Commission meeting in which Consultant will present the results of the study, basic concepts related to sound levels, sound measurements and outdoor sound propagation, review comments on the current Noise Ordinance, and an audio demonstration of the recordings of sounds made in the city, and contained within Consultant’s database, played at various levels so that the City Commission and other attendees can hear what the noise sources sound like when played at the sound level limits contained in the proposed Noise Ordinance. Consultant will need access to the meeting room prior to the commencement of the meeting to calibrate the audio demonstration.

After the presentation, Consultant can assist the City of Isle of Palms with specific language to include in their Noise Ordinance as Phase II of the work.

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## II. SCOPE OF SERVICES

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Consultant's services will include the following tasks.

### **Scope #1 – Sound Study**

1. Conduct a kickoff conference call with Client to discuss project objectives and coordinate regarding the site noise measurements.
2. Take one two-day trip to City of Palms, SC, to measure and record sounds at residences near resorts throughout the city, including the residence adjacent to the Wild Dunes resort during times when events and outdoor activities are taking place at the resorts.
3. Download and analyze the data obtained on site.
4. Issue a report summarizing the results of the sound level measurements measured throughout the city and comparing the results with the proposed City of Palms Noise Ordinance.

*The fee for Scope #1 is \$14,000 (includes expenses)*

### **Scope #2 – Presentation at Isle of Palms City Commission Meeting**

1. Coordinate with Client regarding a presentation to be given by Consultant at an Isle of Palms City Commission Meeting.
2. Attend an Isle of Palms City Commission Meeting and deliver a Power Point presentation that will include a discussion of basic concepts related to acoustics and outdoor sound propagation, review comments on the proposed Noise Ordinance and key issues to consider, the results of the Sound Study, and an audio demonstration of the recordings of sounds made in the city, and contained within Consultant's database, played at various levels so that the City Commission and other attendees can hear what the noise sources sound like when played at the sound level limits contained in the proposed Noise Ordinance.

*The fee for Scope #2 is \$7,700 (includes expenses)*

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## III. JOINT RESPONSIBILITIES

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Consultant's responsibilities include:

- Adherence to agreed upon deadlines
- Conduct all acoustical measurements with Type 1 integrating averaging sound level meters
- Conduct all acoustical measurements in accordance with applicable ANSI and ASTM Standards
- Provide the final written report in electronic format (i.e., pdf)

Client’s responsibilities include:

- Assist Consultant with gaining access to the properties on which sound measurements will be conducted
- Provide Consultant with access to the room to be used for the City Commission meeting prior to the meeting starting so Consultant can calibrate the audio demonstration
- Provide payment in accordance with the Terms and Conditions of this agreement

Joint Consultant and Client responsibilities include:

- Client and Consultant will alert each other of anything we become aware of that may materially affect the success of the project
- Client and Consultant will respect each other’s confidentiality and proprietary materials and approaches
- Client and Consultant will achieve reasonable accommodations for conflicts, unforeseen events, and other priorities.

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#### IV. TERMS AND CONDITIONS

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1. **Payment.** Client to pay Consultant within 30 days of receipt of invoices.
2. **Expenses.** All expenses are included in the fees.
3. **Limitation of Liability.** Consultant’s liability to the Client and any other party including, but not limited to, contractors and subsequent owners and users of the reports, documents or other materials prepared hereunder for the Project (“Project Documents”) for any and all claims, actions, liabilities, damages, and costs related in any way to the Project Documents shall not exceed the amount of the professional fees for this project. This limitation shall apply to claims based upon breach of contract, negligence, or any other theory.
4. **Standard of Care.** In providing services under this Agreement, Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the profession currently practicing under similar circumstances at the same time and in the same or similar locality. Consultant makes no warranty, expressed or implied, as to its professional services rendered under this Agreement.
5. **Additional Services.** A separate fee proposal will be issued for additional work requested beyond the scope of this Agreement.

**V. ACCEPTANCE**


Please indicate your acceptance of this proposal by providing the signature of an authorized representative in the space indicated below and sending an electronic or hard paper copy to our office, for our records.

Submitted by:

Accepted by:

**RML Acoustics, LLC**

**City of Isle of Palms**

  
\_\_\_\_\_  
Robert M. Lilkendey  
Principal Consultant/Owner

\_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**VI. KEY PERSONNEL**

Robert M. Lilkendey, Principal Consultant, will be responsible for all aspects of the project. Mr. Lilkendey has over 27 years of experience as an acoustical consultant, working on over 100 environmental noise studies. He has been recognized as an expert in acoustics at trials in Hillsborough County, Sarasota County, Miami-Dade County and Charlotte County and testified as an acoustical expert at quasi-judicial hearings, planning and zoning board meetings, city and county commission hearings, and mediations related to findings from acoustical studies conduct on behalf of the Client and as a reviewer of studies conduct by others.

## DRAINAGE MASTERPLAN RECOMMENDATIONS

Title	Chapter	Article	Section(s)	Existing Ordinance	Stormwater Management Recommendation
Title 5 - Planning & Development	Chapter 4 - Zoning	Article 1 - General Provisions	Sec. 5-4-12 - Additional Regulations	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 road and results or may result in elevating an existing or proposed structure is strictly prohibited.	Revise existing ordinance to read as: 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 road and results or may result in elevating an existing or proposed structure is strictly prohibited, unless the elevated surface does not exceed 7.4 ft (NAVD 88) of elevation.
Title 5 - Planning & Development	Chapter 4 - Zoning	Article 1 - General Provisions	Sec. 5-4-12 - Additional Regulations	q) Any decrease in a lot's existing ground elevation is strictly prohibited.	<u>Omit Ordinance</u>
Title 6 - Health and Sanitation	Chapter 1 - General Provisions	Article C - Maintenance of Property	Sec. 6-1-32 - Duty to keep property clean	c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage systems. Sidewalk and strip sweepings must be picked up and put into household or commercial material containers	Consider expanding reference to storm drainage system to include explicitly natural and man-made drainage courses (i.e. ditches).
Title 5 - Planning & Development	Chapter 5 - Land Development Regulation	(-)	NEW ORDINANCE: Engineer Review of Development	None	A third-party engineer can be hired by the city to review development plans to determine if they are in compliance with the land development regulations and other applicable Ordinances.
Title 5 - Planning & Development	Chapter 5 - Land Development Regulation	(-)	NEW ORDINANCE: Balance of Natural Sinks (Depressional Storage)	None	<p>For properties that fall within a select parameter*, any fill of sinks on the property must be accompanied with an equal volumetric storage for stormwater that would be retained by that sink. This may be alleviated using BMPs or other forms of stormwater storage. Areas exempt from the required retention include:</p> <ul style="list-style-type: none"> <li>a) Stormwater runoff on the property flows directly into a creek or the Intercoastal Waterway.</li> <li>b) Stormwater runoff on the property flows directly into a stormwater ditch.</li> <li>c) Stormwater runoff on the property flows directly into the stormwater drainage system.</li> </ul> <p>The following BMPs can be considered as potential storage:</p> <ul style="list-style-type: none"> <li>a) Cisterns</li> <li>b) Rain Gardens</li> <li>c) Rain Barrels</li> <li>d) Retention Ponds</li> </ul>

\*Note: The select parameters of this proposed ordinance may need to be studied to determine applicability and effectiveness across flood prone areas of the City.

**Table 3:** Development Recommendations Table





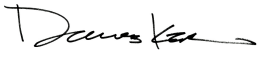
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DEPARTMENT OF BUILDING, PLANNING AND LICENSING

MEMORANDUM

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TO: Desirée Fragoso, City Administrator

FROM: Douglas Kerr, Deputy City Administrator 

C: Ron Denton, Planning Commission Chairman

RE: Planning Commission recommendations regarding short term rentals

DATE: July 7, 2023

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At their June 13<sup>th</sup>, 2023 meeting, the Planning Commission recommended four amendments to the City's short term rental program and committed to continue discussions on potential penalties for problem rentals.

The four recommended additions are:

1. Limit occupancy of newly constructed, substantially reconstructed homes or homes that have allowed the license to lapse for one year or more to 8 people, excluding children under the age of 2 and excluding structures that are not willfully destroyed.

Currently, newly constructed homes are limited to the occupancy of the home being replaced, or 12, whichever is higher.

2. Require a minimum of two nights stay, excluding hotels. The Commission believes that this could reduce one night party events.
3. Require STR listings to include the license number. The City's identification software provider, Rentalscape, has indicated that this number being posted will help them improve their accuracy of tying rental units to the correct owner.

4. Consider allowing owners to rent one room of their home, while the owner is on site. This is a provision borrowed from the City of Charleston and the premises is that this would allow residents some flexibility in the use of their property and renters in a house with the owner present are very unlikely to cause disruption to neighbors.