

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
May 10, 2017

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on May 10, 2017 at 4:30 p.m. Members attending included Richard Ferencz, Lewis Gregory, Ron Denton, Lisa Safford and Bill Mills; the Director of Planning Douglas Kerr was present as well. Vince DiGangi and Noel Scott were absent. The press had been notified of the meeting, and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

PUBLIC COMMENTS - none

APPROVAL OF MINUTES

The next item on the agenda was the approval of the minutes from the Special Meeting on April 5, 2017. Mr. Mills moved to approve the minutes, and Mr. Denton seconded the motion. The motion passed unanimously.

Next on the agenda was the approval of the April 12, 2017 minutes of the regular meeting. Mr. Denton moved to approve the minutes as amended, and Mr. Mills seconded the motion. The motion passed unanimously.

REVIEW OF ZONING REGULATIONS RELATED TO SHORT TERM RENTALS

Mr. Kerr reported that, at the April 5th Special Meeting and at the April City Council meeting, a resident explained his situation of renting through AirBnB, and the issue has been placed on the Agenda for discussion. He recalled that Mr. Andrew Hunt at 3305 Cameron Boulevard entered his property in the short term rental program to supplement his income. Mr. Hunt explained how he had gone through the process of reviewing the licensing requirements, secured a rental license for his property and was actively renting his property. He stated that he was surprised to find out that the single-family zoning regulations did not allow him to rent out a portion of his home and to live in another portion of the home. Mr. Hunt stated that his renters have never disturbed the peace, because he is in the house, and his renters are much less impactful than the large short term rentals in the neighborhood that have many people who show up with the intent of partying.

Mr. Kerr explained that he had distributed the various zoning codes that came into play, including the definitions of dwellings and family unit, as well as the permitted uses in single-family districts. He stated the issue at play in Mr. Hunt's instance was that SR1 and containing only one (1) kitchen". He stated that Mr. Hunt had added a kitchenette and was offering part of the house to a second family, which puts the house into the category of a two-family dwelling that was defined as "a detached or semi-detached

building designed for or occupied exclusively by two (2) family units living independently of each other,” which the code does not allow. He added that there are building code and fire code issues as well, because the house was not designed for two unrelated groups staying in the house, i.e. there are no fire separations.

Mr. Denton explained that for him the idea of the second kitchen was problematic. He thought that Mr. Hunt could potentially include an invitation for dinner to his guests and qualify as a family unit under the definition of the code. Mr. Kerr stated that he would disagree because he did not believe that a dinner together would qualify as “living together” as required by the code.

Mr. Mills asked why the Planning Commission was discussing this issue. Mr. Kerr stated that at the Council meeting Mr. Hunt appeared, several members of Council said that they thought it would be appropriate for the Planning Commission to discuss the issue. He stated that he thought Mr. Hunt made a compelling point about the older, smaller homes and how his arrangement was less obtrusive than the other things the City code does allow, including large single-family homes with a lot of people rented on a short-term basis. He stated that he believed the challenge would be how to amend the ordinance and allow Mr. Hunt to do what he is doing without opening the residential zoning districts to unintended problems.

Mr. Gregory stated that he was sympathetic to Mr. Hunt’s situation and believes that what he is doing has less impact on the single-family character of the neighborhoods than the large rental houses with large groups.

Mr. Ferencz stated that he would be concerned that about opening “Pandora’s box” to allow this type of use; he commented that if it does not go as intended, the Commission could not reverse what has been done.

Mr. Mills moved to recommend no change to the single-family zoning provisions in the City’s code, and Mr. Ferencz seconded the motion.

Ms. Safford said she was also sympathetic to Mr. Hunt’s situation, but she could not support changing the zoning code to allow the new use, because she thought renting out a portion of one’s home would become rampant and would be harmful to the character of the island.

With no further comments, Mr. Ferencz called for the vote, and the vote unanimously supported making no changes to the City zoning codes.

DISCUSSION OF NEW FLOOD MAPS

Mr. Ferencz stated that he would like to wrap up the groups' discussion of flood maps. Mr. Kerr explained that, at the last meeting, the group agreed to recommend implementing a requirement that all new construction or substantially improved structures be elevated at least 14 feet above sea level (NGVD 1929), even if the flood maps create a lower requirement; the new requirement would be effective at the same time as the new flood maps. Mr. Kerr stated that because the new flood maps use a different sea level reference point, NAVD 1988, that establishes sea level approximately one foot higher, that the requirement would need to be converted to 13 feet NAVD 1988, which is equal to 14 feet NGVD 1929.

Although the flood maps would not be changed for almost two years, Mr. Ferencz asked if the ordinance could be forwarded to Council now. Mr. Kerr indicated that he would confer with the City Attorney. The Planning Director noted that, at Council's past meeting, they had discussed a desire to hold a special meeting to discuss the new flood maps and their impact on the island. He reported that the statement was made that, although the Isle of Palms had flood waters of 13 feet during Hurricane Hugo, other parts of the County had significantly worse flooding.

Mr. Ferencz moved to recommend that Council pass an ordinance creating a new requirement that all new construction or substantially improved structures be elevated at least 13 feet above sea level (NAVD 1988), even if the flood maps create a lower requirement. Ms. Safford seconded the motion and the motion passed unanimously.

DISCUSSION OF EXPANDING PUBLIC SEWER SERVICE

Mr. Kerr explained that, since the last meeting, the recommendation section of the assessment has been revised, moving the description of the financial plan to allow for expansion of the sewer system out of the recommendation section and into a new section called "Viable Options for Extending Public Sewer."

Additionally, Mr. Kerr stated that the City Attorney has reviewed the financial plan for raising funds to pay for the expansion of the sewer. Before the Planning Commission forwards a recommendation to Council, she wanted to meet with the Isle of Palms Water and Sewer Commission (IOPWSC) attorney and come back to the Planning Commission to discuss the details of the scenario. Also, he stated that the figures in the option still need to be verified before the next meeting.

Mr. Mills asked if the City Attorney had issues with what the Planning Commission was proposing. Mr. Kerr replied that she was in possession of research that could provide guidance on other scenarios that have survived legal challenges that would be useful to consider.

Mr. Ferencz asked if the Commission could meet in a special meeting with the City Attorney prior to the next regular meeting. Mr. Kerr stated that he knew she wanted to meet with the IOPWSC attorney first and he was just getting back into the office, so she may not be able to meet any sooner, but he would ask if it was possible.

Mr. Mills asked if it was advisable for the Planning Commission to meet with the Water and Sewer Commission as a group. He felt that it would be unwise to move forward on a plan and not know how they perceive the ideas. Mr. Ferencz stated that the Commission has been in contact with the IOPWSC staff throughout the process. Mr. Mills said that he did not know if the opinions of the staff necessarily reflected the opinions of the IOPWSC. Mr. Kerr answered that he did not know if their meeting format lent itself to a joint meeting, but, at a minimum, he could ask to be put on the agenda to explain the recommendation.

The group generally discussed the issue and agreed to hear from the City Attorney at her earliest convenience.

MISCELLANEOUS BUSINESS

Mr. Kerr explained that City email addresses had been distributed, and he asked that each member read the email policy, sign the acknowledgement form and return it to him.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,
Richard Ferencz, Chairman