

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
February 11, 2009

The Isle of Palms Planning Commission met in Council Chambers, 1207 Palm Boulevard on February 11, 2009, at 4:30PM. Members attending included Barbara Bergwerf, Pat Campbell, Ron Denton, Lisa Safford, Sandy Stone and Dick Watson; also the Director of Planning, Douglas Kerr was present. David Stevens was 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.

Chairman Ron Denton called the meeting to order.

APPROVAL OF MINUTES

The next item on the agenda was the review of the minutes of the January 21st, 2009 meeting. Mr. Stone made a motion to approve the minutes as written and Mr. Watson seconded the motion. The vote was unanimous in favor of the motion.

REVIEW OF FINAL PLAT- GREAT HERON COURT

Mr. Kerr explained that this was a request for final approval of a subdivision at the entrance to Wild Dunes. This subdivision received preliminary approval in May of 2007. He explained that the request is for approval of five lots for residential use and that the property is located in the Wild Dunes Planned Development (PDD zoning district) and therefore there are no minimum lot requirements. He added that the distributed information included copies of letters from Wild Dunes Community Association accepting the road and drainage infrastructure, from DHEC approving the sewer and water system installations and from Charleston County approving the road name for 911 services. He explained that the City's staff has reviewed the plat and believes that the request meets the minimum requirements for final approval and therefore recommends approval of the request.

Mr. Watson asked if objections to request had been raised. Mr. Kerr explained that the City Council went through a process to amend the deed restrictions several years earlier and he felt that during that process objections were raised, but none had been raised recently. The Commission discussed the number of total units allowed under the planned development agreement. Mr. Campbell made a motion to approve the request and Mr. Watson seconded the motion. The vote was unanimous in favor of the motion.

RECOMMENDATION ON ORDINANCES 2009-02 AND 2009-03

Mr. Kerr explained that the City Attorney and he had drafted these two ordinances in response to members of City Council objecting to the Board of Zoning Appeals granting a variance to the height requirement to allow the projection of an elevator shaft above 40 feet. He explained that the first ordinance added language to clarify that self created and financial hardships cannot be considered by the Board. He explained that this change follows the State law governing variances.

He explained that the second ordinance dealt with exceptions to the height limit. He explained that he felt that at the Board of Zoning Appeals hearing they focused on the list of exceptions to the height requirement and saw the request for an elevator shaft to be in keeping with what is already allowed in the ordinance. He explained that this ordinance would specifically delete the exceptions to the height requirement for church spires, chimneys and aerials.

After general discussion the Commission generally agreed that the first ordinance, dealing with the requirements for a variance, followed what is already required by State law and therefore should be adopted. Mr. Denton recommended adding a statements that "each application will be heard on its own merit." Mr. Watson made a motion to recommend that Council approve this ordinance with the amendment described by Mr. Denton. Mr. Campbell seconded the motion and the vote was unanimous in favor of recommending approval of the amended ordinance.

The Commission generally discussed the merits of removing chimneys and church spires from the list of exceptions to the height requirement. Mr. Stone explained that he felt that because this ordinance would make many houses on the island non-conforming it would be harmful to homeowners. Mr. Watson explained that he felt that the change would have the desired effect of giving guidance for future height variance requests. Mr. Campbell made a motion to recommend disapproval of the ordinance and Mr. Stone seconded the motion. The vote was three in favor and three opposed and therefore failed. The Commission could not come to a majority vote and agreed to postpone discussions until the next meeting.

MEETING WITH BUSINESS COMMUNITY REPRESENTATIVES

Mr. Denton welcomed representatives of the business community and explained that the Commission had been meeting with various interested groups to gather

information on the issues of short term rentals and house sizes on the island. Members representing the business community were Beau Hollingsworth, Larry Pierson and Michael Long.

Ms. Bergwerf asked what the name of the group was. Mr. Hollingsworth answered that they have been calling themselves the Isle of Palms Business Council. Mr. Pierson explained that the group has 75 or 80 members who work on the island. He explained that the group has varied view points, but that he would present areas of general agreement.

He explained that their research shows that there are 66 houses bigger than 5,000 square feet on the island and of those only 11 are rentals outside of Wild Dunes. He explained that only 15 houses on the island have more than eight bedrooms. He explained that the data that the business community has looked at does not indicate to them that there is a widespread problem of huge rentals houses spread all over the island, but that there are relatively few and those few are generally on the ocean front, which is an appropriate area.

He explained that the representatives of the business community have met with members of the Isle of Palms Neighborhood Association and they do agree on many things. He offered three suggestions that he felt every group could agree with. First reduce the allowable lot coverage to 35%. Secondly, reduce the maximum size house for all properties, except those on the ocean or water, to 5,000 square feet. Thirdly, create a third residential zoning district that would be in the middle of the island, north west of Hartnett Boulevard with stricter size and density requirements.

Mr. Hollingsworth addressed the Commission and explained that he found it hard to believe that the Planning Commission is discussing these issues again. He explained that the Commission worked for years to come up the rental regulations and spent a lot of time in the last year discussed the size of houses. He explained that he believed that the City had done a lot to address these issues including: the hiring of a livability officer, the creating of a livability court and creating many limits on rentals. He explained that after all the City did, there were only 13 noise citations issued during the last season. He explained that he felt that this indicated that there was not an uncontrolled problem and that there were only isolated incidents that occurred. He explained that he felt that no matter what the City did there were residents on the island that would not be satisfied.

He asked that the Commission keep the property owners that do not live on the island in mind as they deliberate. He added that this group pays the majority of

the taxes on the island and they are sometimes not well represented. He suggested that surveys be sent out to all property owners for their input.

The Commission generally discussed the idea of capping newly constructed houses to an occupancy of 12 people. Mr. Watson asked if the business community would be agreeable to capping the number of overnight guests to 24. Mr. Watson asked if the business community would be agreeable to a prohibition on events at rentals. The group generally discussed the idea of creating a third residential zoning district.

The Planning Commission thanked the representatives for coming and sharing their thoughts.

MISCELLANEOUS BUSINESS

Mr. Kerr asked if the Commission would like to have a legal briefing from the Deputy City Attorney at their next meeting and the Commission agreed that it would be useful.

ADJOURNMENT

There being no more business, the meeting was adjourned at 7:10 p.m..
Respectfully submitted, Ron Denton, Chairman.

Sec. 5-4-2 (19) Height of a structure. The vertical distance from either a) the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or b) the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. ~~Except for height limitations of communication towers and antennae contained in this Chapter,~~ The zoning district height limitations contained in this Chapter shall not apply to ~~church spires, chimneys, antennas,~~ communication towers and antennas or aerials as provided by Section 5-4-20.

Sec. 5-4-12(b) Additional regulations. The height of a building or structure shall not exceed 40 feet. ~~unless otherwise provided in this chapter. The height limitation shall not apply to communication towers and antennae as provided in Section 5-4-20.~~

ORDINANCE 2009-03

AN ORDINANCE AMENDING SECTIONS 5-4-2 AND 5-4-12 OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES RELATING TO THE HEIGHT OF A STRUCTURE.

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 5-4-2 (19) is hereby amended in its entirety to state as follows:

“Sec. 5-4-2 (19) Height of a Structure. The vertical distance from either (a) the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or (b) the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. The zoning district height limitations contained in this Chapter shall not apply to communication towers and antennae as provided in Section 5-4-20.”

SECTION 2. That Section 5-4-12(b) is hereby amended in its entirety to state as follows:

“Sec. 5-4-12(b) Additional regulations. The height of a building or structure shall not exceed 40 feet. This height limitation shall not apply to communication towers and antennae as provided in Section 5-4-20.”

SECTION 3. 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 4. 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 5. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE DAY OF , 2009.

Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

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First Reading:

Public Hearing:

Second Reading:

Ratification: