

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

November 4, 2020 – 1:30 PM



Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)

MINUTES

Present: Ken Otstot (Chair), Stan Ullner (Vice Chair), Wayne Billian, Jim Newton, Sharon Welch, Joe Cronin (Town Administrator)

Absent: None

Guests: Heather Paton (SIPOA)

Chairman Otstot called the meeting to order at 1:33 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled and that the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: October 14, 2020:** Town Administrator Cronin noted that Ms. Welch had recused herself from voting on New Business Item #1 but was erroneously listed as voting in favor. He recommended correcting the minutes to document her recusal. Ms. Welch made a motion to approve the minutes from the October 14, 2020, meeting as corrected. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 5-0.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

1. **Rezoning Request: 2726 Old Forest Drive:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on the request to rezone Charleston County Tax Map Number 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from SFR Single-Family Residential to AGC Agricultural-Conservation. Town Administrator Cronin noted that the request was submitted by the Seabrook Island Property Owners Association, which acquired the property from the Seabrook Island Greenspace Conservancy. The property was intended to be maintained as greenspace.

Mr. Billian asked how many properties have been acquired and set aside for conservation to

date. Ms. Paton responded that there were 37 such properties.

Chairman Otstot recommended that SIPOA alert residents when these types of lots are acquired since they will no longer be subject to SIPOA dues. Ms. Paton responded that the SIPOA Board accepts public comments at meetings prior to accepting properties for conservation.

There being no further discussion, Dr. Ullner made a motion to recommend in favor of approving the rezoning request from SFR to AGC. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 4-0, with Chairman Otstot abstaining.

2. **Text Amendment: Accessory Dwelling Units, Short-Term Rentals, Vacation Club Units and Timeshares:** Town Administrator Cronin stated that the Mayor and Council established an ad hoc committee earlier this year to study issues related to short-term rental units within the town. That committee, made up of Councilmembers Jeri Finke and Pat Fox, submitted its recommendations to the full Council in October. He then provided a presentation outlining the key provisions in the draft ordinance which would regulate Accessory Dwelling Units (ADU), Short-Term Rentals (STR) and Vacation Club Units (VCU) and modify the requirements for Vacation Multiple Ownership Interests and Timeshares.

Mr. Newton asked if there were any VCU's operating on the island. Town Administrator responded that he has heard of some operating but didn't know of any specific operators or addresses off-hand.

Mr. Newton then asked if the committee considered added restrictions on loud noises. Town Administrator Cronin stated that the committee did discuss noise and other issues commonly associated with STR's, such as the storage of beach equipment, towels, trash, etc. However, the committee wanted the focus of the ordinance to be on public safety; noise and other nuisance issues would best be left to SIPOA or individual regimes.

Chairman Otstot asked how many STR's are currently operating on the island. Town Administrator Cronin responded that the number varies based on the season, but that there are typically between 400-500 STR's.

Chairman Otstot then asked how the ordinance would be enforced if it were adopted. Town Administrator Cronin responded that the town was currently evaluating two options: hiring additional part-time code enforcement officers for the evening and weekend hours or contracting with a third-party company for code enforcement.

Mr. Billian left the meeting at 2:21 pm.

Ms. Welch inquired about provisions restricting rentals for non-permitted work. Town Administrator Cronin responded that under state law, a property could not be rented for a period of two years if an owner undertakes work that would otherwise be required to be completed by a licensed contractor. This provision was making our ordinance consistent with state law.

Chairman Otstot asked if SIPOA regulated noise. Ms. Paton responded that SIPOA rules did not specifically address noise, but security officers can issue citations for disturbing the peace.

Ms. Welch stated that she was concerned about the lack of a noise ordinance which can be enforced by the town. Mr. Newton responded that this was beyond the scope of the ordinance and was more of a problem for SIPOA and the Club.

There being no further discussion, Mr. Newton made a motion to recommend in favor of adopting the text amendment. Ms. Welch seconded the motion. The motion was **APPROVED** by a vote of 4-0.

- 3. Text Amendment: Fee Schedule:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on an ordinance to update the schedule of planning and zoning fees. He stated that the town has not undertaken a comprehensive review and update of its fee schedule in more than a decade. As part of the analysis, he stated that he had considered the town's actual cost of providing various services, and also reviewed the fee schedules for Charleston County and other neighboring municipalities. He stated that while most fees would increase under the proposed schedule, some would also decrease. He also noted a couple new fees in the schedule, including a "field verification fee" for certain instances in lieu of submitting a plat or survey, as well as an "ex post facto fee" when work begins prior to obtaining a town permit.

Chairman Otstot asked by what percentage the fees would be increasing. Town Administrator Cronin responded that there wasn't a fixed percentage since some would be increasing more than others, while others would remain unchanged or even decrease.

There being no further discussion, Ms. Welch made a motion to recommend in favor of adopting the text amendment. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 4-0.

- 4. Text Amendment: Building Height:** Town Administrator Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation to Town Council on an ordinance to amend the regulations on building height. He stated that the new FEMA flood maps will take effect on January 29, 2021. Under these new maps, many properties on the island will have a lower base flood elevation (BFE), some as much as 4-5 feet lower. Because the town's maximum building height is tied to BFE, this will result in new homes having to be built shorter than is currently allowed. This would prevent owners from being able to park their vehicles under their home or having to significantly alter the building design to comply with the new height requirement. To alleviate this issue, staff prepared a text amendment which would allow new development undertaken between January 29, 2021, and July 31, 2021, to utilize the BFE in effect as of the adoption date for the purpose of calculating building height, as long as the BFE in effect prior to January 29, 2021 was higher than that in effect beginning on January 29, 2021.

There being no further discussion, Ms. Welch made a motion to recommend in favor of

adopting the text amendment. Dr. Ullner seconded the motion. The motion was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Update on the Effective Date of New FEMA Flood Maps**: Town Administrator Cronin informed members that the new FEMA flood maps would go into effect on January 29, 2021. Both the town and Charleston County have updated their flood ordinances to adopt and reflect the new flood maps.

There being no further business, Chairman Otstot asked for a motion to adjourn. Mr. Newton made a motion to adjourn the meeting. Ms. Welch seconded the motion. The motion was **APPROVED** by a vote of 4-0, and the meeting was adjourned at 2:57 PM.

Minutes Approved:



Joseph M. Cronin
Town Administrator