

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
May 12, 2010

The Isle of Palms Planning Commission met in the Building Department conference room, 1301 Palm Boulevard on May 12, 2010, at 4:30PM. Members attending included Bev Ballow, Pat Campbell, David Cohen, Ron Denton, Diane Oltorik, Noel Scott and Dick Watson; also the Director of Planning, Douglas Kerr was present. 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 April 14th, 2010 meeting. Mr. Campbell pointed out that Ms. Ballow's name was misspelled and made a motion to approve the minutes with this amendment. The motion was seconded and the vote was unanimous in favor of the motion.

RECOMMENDATION ON LIMITING THE OCCUPANCY OF FUTURE RENTALS

Mr. Kerr explained that at the last City Council meeting, the Council amended the ordinance limiting the occupancy of future rentals to specify that newly constructed rentals would be limited to a maximum overnight occupancy of 12 people. Ms. Oltorik handed out a draft of changes that specified that existing rentals be granted their current occupancy limits, that existing houses without a rental license be limited to two people per bedroom plus two people and that houses built in the future be limited to a maximum of 12 people.

Ms. Oltorik explained that she felt that this amendment was a fair compromise that allows current rentals to continue to operate as they have, but protect further intrusion of large rentals into the residential areas of the island. She explained that she felt that the provision allowing one person for every 250 square feet allowed too many occupants. Ms. Oltorik made a motion to amend the ordinance as she has written and handed out.

Mr. Denton explained that he was concerned about the use of the term "constructed" versus the term "permitted" as he did not think it was fair to penalize projects that are currently underway. Ms. Oltorik agreed with this sentiment. Mr. Kerr explained that the City's ordinance already includes a vested rights provision that would dictate that an owner with a permit would be allowed to operate under the code as written at the time of permitting.

Mr. Cohen stated that he saw merit in the idea, but he thought that the original intent of going with overall area was to take away the incentive to create multiple tiny bedrooms.

Ms. Oltorik asked if her motion had been seconded and Mr. Campbell seconded the motion.

Mr. Cohen stated that he believed the rental license provision for existing structures should be limited to the date of ratification, which would allow for owners to let their licenses lapse if they wanted and they would still be allowed the same occupancy as they had at the time of ratification.

Mr. Campbell explained that as he understood the issue, there is an objection to future large houses being built solely for rental purposes. He stated that he agreed that it was probably a good idea to stop this trend. He added that earlier versions of this ordinance seemed to really infringe of the property rights of people with existing structures and he feels like this amendment is an attempt in minimizing this impact. He stated that he was not clear on why the pool of existing homes would be treated differently based on whether they hold a license or not and he thought it might be beneficial to give some additional time to study the issue and be sure the provision is fair.

Ms. Oltorik answered that she thought that the way she has proposed amending the language was a compromise between the two positions.

The Commission discussed specific houses and examples of how this ordinance would impact occupancy. Mr. Denton gave the example of a house that has 4,500 square feet and 5 bedrooms. He explained that if this owner did not have a rental license, Council's version would allow this house would have an occupancy of 18 people and Ms. Oltorik's amendment would reduce the occupancy for the house to 12 people.

Mr. Kerr stated that he felt that one of the primary goals of Council in amending the ordinance to their current version was to minimize the confusion and the complexities of having a rental license being a trigger to determine occupancy. He added that the first version of the ordinance had one trigger, which was the license status and the second version had one trigger, which was construction date, but that this amendment has two triggers, construction date and license status, which he thought was contrary to Council's intention of simplifying the issue and making administration less cumbersome. Ms. Oltorik stated that she thought that the wording of the ordinance, in all versions, was complicated.

Ms. Oltorik stated that she would like to amend her original amendment to change the word "constructed" to "permitted" in the appropriate areas.

Mr. Denton asked if there was a second to Ms. Oltorik's motion to amend the word "constructed" to "permitted" in the appropriate areas and Mr. Campbell seconded the motion.

Mr. Watson explained he felt that this ordinance was getting too complicated and he understood that Council's intention was to simplify the process, which this amendment was not achieving.

Mr. Cohen made a motion to insert the date of ratification for holding a rental license, currently contemplated as May 25, 2010, to give owners who have an existing house and a rental license on the date of ratification to be forever allowed to have the occupancy on the date of ratification regardless of whether the license lapses. Mr. Campbell seconded the motion.

Mr. Denton read the motion in its entirety with all amendments:

SECTION 1. That Section 5-4-202 is hereby amended in its entirety to state as follows:

Sec. 5-4-202. Maximum overnight occupancy.

a. The maximum overnight occupancy of a residence constructed prior to May 25, 2010 and holding a valid rental license on May 25, 2010 shall be limited to the greater of:

- (1) Two (2) people per bedroom, plus two (2) people.
- (2) One person per two hundred fifty (250) square feet of gross heated floor area in the entire house.
- (3) Six (6) people.

b. The maximum overnight occupancy of a residence constructed prior to May 25, 2010 and not holding a valid rental license on May 25, 2010 shall be limited to two (2) people per bedroom, plus two (2) people or twelve (12) people, whichever is greater.

- c. The maximum overnight occupancy of a residence constructed after May 25, 2010 shall be the same as prescribed in Section 5-4-202(a) or twelve (12) people, whichever is fewer.
- d. The maximum overnight occupancy of an existing residence that is altered or reconstructed after May 25, 2010 shall be prescribed as follows:
 - (1) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was less than twelve (12) people, then the maximum overnight occupancy of the altered or reconstructed residence may be increased to the number of people prescribed in Section 5-4-202(a) or twelve (12) people, whichever is fewer.
 - (2) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was twelve (12) people or more, then the maximum overnight occupancy of the altered or reconstructed residence shall not be increased.
 - (3) If the alteration or reconstruction results in a decrease in number of bedrooms or floor area of the residence, then the maximum overnight occupancy shall be reduced as prescribed in Section 5-4-202(a).
- e. Children under two (2) years of age shall not be included in determining the maximum overnight occupancy.

Mr. Denton called for a vote on the third amendment to include the date of ratification as the date the rental license needed to be valid in order to be grandfathered. The vote was unanimous in favor of the motion.

Mr. Denton called for a vote on the second amendment, which was to change the word "constructed" to "permitted" in the appropriate areas. The vote was unanimous in favor of the amendment.

Mr. Denton called for a vote on the original amendment in its entirety. Mr. Watson explained that he felt that this amendment is much less clean and much more burdensome administratively than the version handed down from Council and would not support the amended version. He stated that he felt confident that

the nine Council members had thought through their amendment and he did not see a compelling reason to complicate the issue any further.

Mr. Campbell stated that he felt that there were serious implications to property values, but that the Commission's amendments did a good job of taking the existing home owners into account.

Ms. Ballow explained that she felt that Council's version appeared to be the result of exhaustion and she felt that the Commission's amendments were a compromise between the two sides on the issue. She stated that if Council sees the Commission's work as unnecessarily complicating the issue, they can adopt the ordinance without their amendments.

The vote on the original motion was five in favor and two opposed (Watson and Denton).

DISCUSSION OF PARKING MANAGEMENT PROGRAM

Mr. Kerr explained that at the last meeting the Commission agreed to have documents updated to reflect the Commission's direction. He explained that David Stevens had produced a plan showing the reconfiguration of Palm Boulevard. Additionally he explained that he had updated the written description of the plan. He stated that he would like to refine the documents with the groups input and request a special meeting with City Council to review the ideas for moving forward.

Mr. Scott explained that he would like the written document revised to include the group's focus on the issue of public safety. The group agreed that this should be added throughout the document.

Ms. Mattice addressed the Commission and explained that she lived near Ocean Boulevard and 4th Avenue and she wanted the Commission to be aware of parking problems at 4th Avenue. She explained that with Ocean Boulevard not allowing parking it exacerbates the problems on 4th Avenue and Carolina Boulevard. The group explained that after addressing the areas of Palm Boulevard, the next area they address would be her area.

After general discussion on the documents provided, the group generally agreed that they would like to have a meeting with City Council to get feedback on the issue. Mr. Kerr stated that he would request that a special meeting be set up.

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ADJOURNMENT

There being no more business, the meeting was adjourned at 6:35PM.
Respectfully submitted, Ron Denton, Chairman.