

TOWN OF PAWLEYS ISLAND PLANNING COMMISSION MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
6-13-2022 – 10:00 AM

PRESENT: John Hildreth, Ed Fox, Robert Moser, Mark Hawn, John LaMaster,

ABSENT: Frances Green, Buddy Keller

STAFF PRESENT: Daniel O'Hara (Town Clerk)

ADDITIONAL PRESENT: Mayor Brian Henry, Ken Leach, David Graham

1. CALL TO ORDER

John Hildreth called the meeting to order at 10:02

2. PUBLIC COMMENTS

No comments were given.

3. APPROVAL OF MINUTES

A. 3/25/2022 PC MEETING

John Hildreth called for a motion to approve the minutes. A motion was started and seconded by Ed Fox. All voted in favor.

4. BUSINESS

A. Discussion of proposed ordinance changes led by John LaMaster

John LaMaster stated that 5 ordinances need to be looked at by the commission. All 5 are listed below in the appendix of this document.

1. The first item was regarding the proposed ordinance 2022-03 to Town Council. The ordinance originally required residents to meet with the zoning administrator. The issue was that their architect or engineer was not attending. The ordinance would require the presence of the professionals that the resident is using for their build. Town Council requested that the verbiage be added to include design professionals who are not either an architect or engineers. Seen in appendix A-1. There was a short discussion regarding the reason for adding this to the ordinance. There was no objection to the proposed ordinance.
2. The next item was about a recent variance granted for a home in an AE flood zone that by the Town ordinance was not within code. But the original ordinance contradicts itself. Seen in Appendix A-2. John LaMaster stated that the commission was going to need to determine whether to change the ordinance. LaMaster explained the difference between base flood elevation and design flood elevation which base flood is a height determined by FEMA to prevent structures in flood zones from being built at potentially high risk of flooding. LaMaster explained the height requirements for the various flood zones. Buildings in zone A would need to have 17 feet to the lowest floor. And that buildings in zone V would need to have 17 feet to the lowest horizontal structural member. This makes houses ultimately taller in Zone V than Zone A. LaMaster stated that the ordinance was changed to require all construction to meet Zone V compliance (lowest horizontal structural member).

This requirement has been unpopular with some residents and LaMaster has proposed to change it. Mark Hawn asked if this was an intentional decision to have requirements meet zone v height. LaMaster stated that it was intentional and done under the previous Town Administrator Ryan Fabbri. This led to a discussion regarding the implications of FEMA if ~~this~~ were to change and how it might affect insurance rates. Mayor Henry stated that he contacted the NFIP on the matter of who controls the flood insurance rates. LaMaster explained the Zoning Board Appeals Meeting and the reasoning for the variance granted for the building, not in compliance with the ordinances. This led to a discussion regarding compliance with homes on the island. Robert Moser stated that from an insurance standpoint the measurement to the lowest horizontal structural member makes more sense than to the top of the floor. David Graham countered this by explaining the zones and the requirements that should be different. Moser stated that he was not in disagreement with the difference in heights but thinks that it is a good idea to measure to the bottom of the lowest horizontal structural member rather than the top of the floor. LaMaster began to read the ordinance and the proposed changes. Mayor Henry mentioned to them that there might have been a reason for this. LaMaster said to table this discussion to see if there would be any adverse effects on the Town's Insurance. John Hildreth agreed to this motion.

3. Ordinance change regarding building permit renewal: LaMaster stated this ordinance is about an ambiguous renewal with building permits. Seen in Appendix A-3. LaMaster states that it is the interpretation of the county to be able to administer as many 6-month permits as necessary to the applicant. LaMaster state that if the wording is changed that it could limit to one six-month period. Preventing long continuous construction on the island. This led to a discussion regarding the enforcement of fees or penalties for renewals. LaMaster stated that he would investigate the matter and see if there were any other ordinances to reference. A few of the committee members made suggestions to LaMaster to consider when creating the ordinance to look at fees and the potential timeline for construction.
4. Ordinance regarding storage areas: LaMaster stated that this was for a clean-up and clarification of the ordinance to change the verbiage to habitable or uninhabitable. See appendix A-4.
5. Edits made to the architecture review board guidelines: LaMaster presented a few edits to version 2 of the guidelines. The changes made were concerning the design of professional verbiage like the first item presented by LaMaster. LaMaster said that the commission can approve this without needing to go through the council and requested to go ahead and make the changes. Robert Moser made a motion to approve and there was a second. All approved.

B. Tree Preservation/ Landscape Discussion led by David Graham

1. John Hildreth started the conversation by stating it is important to create this type of ordinance. But it is even more important to make sure that we create something reasonable. David Graham said that the goal of the ordinance should be to make sure that there is a way for the ARB to protect and view landscape plans. Applicants would need to get a tree surveyor to come to look at the property and then submit

a landscape plan to the ARB. A discussion started regarding certain situations and regulations about the heritage plan. This led to a discussion about receiving ARB approval for any kind of removal of the tree. Ken Leach stated that there is a lot of work that could go into this project. Mark Hawn stated that maybe it should just start at the new construction level. Also, suggest to applicants to have a landscape plan but not require it. David Graham made a few suggestions regarding the details of the parameters of trees to protect them and not harm the root systems.

5. COMMENTS BY COMMISSION MEMBERS

Robert Moser asked a question regarding where the commission stands regarding a request made by the commission to move to permit in-house (under the jurisdiction of the Town which currently is done by Georgetown County). John Hildreth stated that it is a serious possibility that it would move into the responsibilities of the Town administration.

Mark Hawn asked for the opinion of Ken Leach and David Graham regarding what they believe is the best way of enforcing a tree ordinance. They both agreed that there would be a requirement to have fees and penalties.

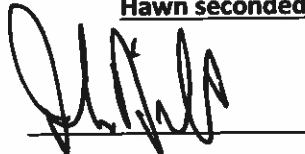
Robert Moser mentioned that it should be suggested to Town Council at the meeting for their opinion.

A discussion started regarding how to avoid a potential tree ordinance getting too restrictive. No major decision was made regarding the matter.

The commission discussed if there is a way to get rid of the height requirements of the homes and lower them without affecting insurance rates then they would like to find that option. David Graham said that a landscape plan would help the house look closer to the ground.

6. ADJOURN

John Hildreth requested a motion to adjourn, John LaMaster motioned to adjourn, and Mark Hawn seconded. All voted in favor.



APPROVED

11-7-22

DATE



ATTEST

11-7-22

DATE

Appendix A-1

Proposed changes to draft ordinance 12-5

The following draft ordinance was considered at the last Town Council meeting, with the proposed changes highlighted in red.

12-5 PRE-DESIGN CONFERENCE.

1. The applicant and an applicant's architect or engineer are required to attend a pre-design conference with the zoning administrator and an architect appointed by the ARB prior to submitting an application to the ARB.
 - 1-5 A question was raised regarding how this works if the applicant does not have an architect (e.g., if the applicant has bought a design 'off the shelf'). According to David Graham, even if the applicant does not have an architect, the applicant must always have an engineer, which is why the draft ordinance refers to "an applicant's architect or engineer".
 - 1-6 However, if further flexibility or clarity is desired, we can address the issue by borrowing language already included in the Architectural Design Guidelines, which states: "Pawleys Island Architectural Review Board recommends a license [sic] architect and/or design professional, licensed in the State of South Carolina, design, and prepare residences to be built on the Island." The "design professional" could be the applicant's builder who is implementing the 'off the shelf' architectural design.
 - 1-7 No changes are needed to the second part of the draft ordinance highlighted in red, as the ARB has appointed an architect rather than a design professional or an engineer.
 - 1-8 Therefore, the revised draft ordinance could read as follows, with the new wording highlighted in blue:

12-5 PRE-DESIGN CONFERENCE.

2. The applicant and an applicant's architect, design professional or engineer are required to attend a pre-design conference with the zoning administrator and an architect appointed by the ARB prior to submitting an application to the ARB

Appendix A-2

Proposed changes to ordinances regarding building height and flood hazard reduction

5-4.1 PROVISIONS FOR FLOOD HAZARD REDUCTION

- (I) New construction or substantial improvement of any residential building shall have the lowest floor elevated to or above the design flood elevations. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 5-4.1(K);
- (M) All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls

may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S):

2. Substantial improvement to existing structures located in the AE flood zones and in which the lowest floor is at or above the design flood elevation, shall not be required to comply with the lowest supporting member elevation cited above.

Adaptations made to the original ordinance seen above. (Changes are in red)

- (I) New construction or substantial improvement of any residential building in the A (including AE) flood zones shall have the lowest floor elevated to or above the design flood elevations. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of section 5-4.1(K);
- (M) All new construction and substantial improvements in the V (including VE) flood zones shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the design flood elevation level, with all space below the lowest supporting member so as not to impede the flow of water. Open lattice work, wooden slats installed with at least 40 percent open area, decorative screening or breakaway walls may be permitted but they must be designed to wash away in the event of abnormal action and in accordance with section 5-4.1(S):
 1. New construction and substantial improvement to existing structures located in the A (including AE) flood zones and in which the lowest floor is at or above the design flood elevation, shall not be required to comply with the lowest supporting member elevation cited above.

Appendix A-3

Proposed changes to Appendix A – Fee Schedule – regarding extensions to building permits

BUILDING PERMIT FEES

No permit shall be issued until the prescribed fee shall have been paid. No amendment to a permit shall be approved until the additional fee, if any, shall have been paid and that if any person commences any work on a building or structure, or starts any development before obtaining the necessary permit from the building official he shall be subject to a penalty of a double permit fee, which is in addition to any other penalties which may be assessed pursuant to applicable law and that the building official shall keep a permanent and accurate accounting of all permits and fees and all other monies collected. Prior to issuance of the certificate of occupancy, the owner, or agent, shall certify actual cost. This building permit shall expire exactly one year from the date of issue. The maximum of a one six-month extension may be authorized by the Building and Zoning Office, upon the application thereof and a fee of \$20.00 being paid by the applicant. If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building inspector and written notice thereof shall be given to the person affected. A copy of all building permit applications and certificates of occupancy shall be kept on file in the building office for a period of three

years. A fee shall be paid at the time of issuance of a permit for all buildings, structures, and developments in accordance with the following schedule:

Appendix A-4

Proposed changes to ordinances regarding storage areas

2-41. Floor area ratio (FAR): A percentage calculated by dividing the total living space (~~heated floor area~~ habitable area) of a dwelling unit on a lot, by the total area of contiguous land of such lot.

3-5.8(B). The floor area ratio (FAR) of a lot shall not exceed 40 percent of the area of a lot, provided that this requirement shall not limit the enclosed ~~heated~~ habitable living space of a principal structure to less than 2,000 square feet nor allow such habitable living space to exceed 4,000 square feet.

Definitions:

2-64. Not habitable: An area which shall have no finished walls, ceilings or floors. It also shall have no electrical outlets (except area lighting), no plumbing of any kind, and no heating/air conditioning outlets. There shall be no amenities for habitation.

Habitable: Capable of being lived in; suitable for habitation.

Living space: Suitable for habitation, including amenities for habitation.