

**TOWN OF EDISTO BEACH  
PLANNING COMMISSION**

Tuesday, March 24, 2015  
5:00 P.M.  
Regularly Scheduled Meeting

THESE MINUTES ARE NOT VERBATIM, BUT DO ACCURATELY REFLECT THE PROCEEDINGS.

Members attending: Chairman Bill Andrews, Vice Chair Wanda McCarley, Members David Cannon, William Hackett, and Barbara Habhegger

Members absent: Tom Edens, with prior notice given for absence; David Blauch, no prior notice given for absence

Staff attending: Building Code Administrator Patrick Brown, Code Enforcement Officer Nancy Fitzgerald and Permit Technician Marion Perez

Chairman Bill Andrews called the meeting to order at 5:00pm.

**Review of Minutes:**

**Minutes from 2-24-15**

Chairman Andrews asked if there were any additions, corrections, with regards to the minutes, aside from the grammatical changes noted in the work session. There being none offered by the Commission, Member Hackett moved to approve the minutes as submitted followed by a second from Member Habhegger. No discussion was held regarding the minutes; a vote was taken and it was **unanimous to approve.**

Chairman Andrews advised as the Commission had done in the work session, the new business will be handled first, then the discussion and review of the Zoning Ordinances.

**New Business**

1. 101 Jungle Road – Delta Constructors on behalf of Smuggler’s Attic owner Delana I. Rast – proposed deck addition

Chairman Andrews advised the first item for new business is 101 Jungle Road, Delta Constructors on behalf of Smuggler’s Attic owner Delana I. Rast, a proposed deck addition. Information regarding the application is included in the member’s packets. Reggie Watts is appearing today to answer any questions; Chairman Andrews mentioned the Commission discussed this in the work session and asked if there were any additional questions or concerns for either Reggie or Patrick with regard to this application. With no additional discussion, Chairman Andrews then asked for a motion to accept the application; Member Cannon so moved, with Member Hackett

offering a second. No additional discussion was held concerning this application; a vote was taken and it was **unanimous to approve.**

2. 114-J Jungle Road – Delana I. Rast – Sugartime expansion

Chairman Andrews moved to the second item of new business on the agenda is the expansion of Sugartime business currently located at 114-J Jungle Road into the adjoining space I at Palmetto Plaza. Chairman Andrews mentioned in the work session Building Code Administrator Patrick Brown asked for additional detail regarding the layout, which has been provided and is included within the Members packets. Chairman Andrews noted the square footage is indicated as well as the size of the opening between the two spaces. As a point of clarification, Chairman Andrews reminded everyone within the work session, Member Cannon recused himself from discussion of this item due to the potential conflict of his involvement with providing engineering services for this project. This possibility has not transpired, so Member Cannon has unrecused himself from discussion. Chairman Andrews mentioned Skip Sanders is representing the applicant and is present today to answer any additional questions or concerns. Member Habhegger asked if both front store front doors will be open at all times, or will one just be used as an entrance/exit; Mr. Sanders advised their plan is to only have the original Sugartime location door open and not to utilize both doors. Chairman Andrews also advised at the work session a question regarding the allocated parking for those two retail spaces; he inquired with Building Code Administrator Patrick Brown or Code Enforcement Officer Nancy Fitzgerald if there are any issues with the parking requirements. Building Code Administrator Brown addressed the question by mentioning the submitted drawing notes the square footage of the space is 1,050 ft<sup>2</sup>, divided by 200 for the Town's parking regulations, is 5.25, for a total of 6 spaces required. The prior use of that tenant space required 6 parking spaces, creating a total of 73 parking spaces for the combined Plaza tenants, with 80 spaces available to be utilized. Chairman Andrews then asked the Commission if they have any additional questions; hearing none, he asked for a motion to accept the application of the expansion of the Sugartime business. Vice Chair McCarley moved to accept the application, with Member Habhegger seconding. With no additional discussion, a vote was taken which was **unanimous to approve.**

**Old Business**

Chairman Andrews then mentioned with regard to the Zoning Rewrite changes, the Commission reviewed the comments and suggestions given by Town Council within the work session. A question remained regarding the Manufactured Home district, which will be addressed and discussed later in the meeting. Chairman Andrews mentioned there was also a question of the definition of "lot"; a proposed change was given by our Town Attorney, however Building Code Administrator Brown confirmed the Town Attorney is agreeing to leave the definition as it is currently stated, and noted Code Enforcement Officer Fitzgerald has already made that change. Chairman Andrews also mentioned suggestions which were brought up by Member Cannon; those items were submitted to the Building Department and reviewed. The first item is the flow chart in 86-33(3) and 86-144(f) where part of the issue is the item "Schedule Hearing" within the balloon did not show "hearing", only "schedule". That has been corrected to reflect the entire verbiage. Chairman Andrews then mentioned that he believed Member Cannon's question with

the flow chart was the point at which the Planning Commission would become involved with the process. According to the flow chart, the Commission's involvement begins after the hearings take place; after staff review, public notices have been issued advertising the upcoming hearing, reporting to the applicant takes place, then the Planning Commission hearings. Chairman Andrews asked if that is a valid sequence of events. Member Cannon advised he was not aware that we would have two hearings, but that after the Completeness Review it would go to the Planning Commission, who would then schedule the hearing, and conducts the hearing and makes their recommendation, which then goes to Town Council. Member Cannon asked if that process was written out anywhere. Code Enforcement Officer Fitzgerald advised the verbiage within each section should match the flow chart. Chairman Andrews inquired if this is specifically pertaining to amendments; Code Enforcement Officer Fitzgerald confirmed yes, it is within sections 86-33(3) and 86-144(f). Building Code Administrator Brown then commented he is not sure he understands the question raised by Member Cannon. Chairman Andrews advised it is whether the flow chart properly reflects the procedure, particularly regarding the "Schedule Hearing" item, and maybe "hearing" is not the best word for that, that the intent is most likely Planning Commission meeting. Building Code Administrator Brown advised within the verbiage it notes a public notice is given, usually whenever an ordinance is changed, which typically happens with Town Council. Chairman Andrews then reviewed the procedure stating the process begins with the pre-application meeting and application submittal, the Building Department staff reviews the application, schedules the hearing and public notice, the item appears before Planning Commission and upon their recommendation goes to Town Council. Building Code Administrator Brown advised that is the process shown is as it happens now. Chairman Andrews inquired if this is the same process as shown in 86-144(f), which Code Enforcement Officer Fitzgerald answered yes. Chairman Andrews then stated it appears the confusion lies with the word "hearing", when it is really just a meeting. Member Cannon stated to remove the word hearing would make it a lot more understandable. Chairman Andrews agreed the word "hearing" should be replaced with the word "meeting". Member Cannon then pointed out within 86-144(f) the word "hearing" does not appear at all. Code Enforcement Officer Fitzgerald advised the word was actually there, but the formatting of the flow chart resulted in the word being cut off; that has been corrected to show all of the wording. Chairman Andrews mentioned the item "schedule hearing" is really when the item is placed on the Planning Commission agenda. Building Code Administrator Brown confirmed this and Code Enforcement Officer Fitzgerald asked if "schedule hearing" should be changed to "assign to agenda". Building Code Administrator Brown answered it should be "schedule meeting". Chairman Andrews then advised he did not have a preference, and asked the Commission their recommendation and hearing none, asked Building Code Administrator Brown and Code Enforcement Officer Fitzgerald their opinion, and Building Code Administrator Brown again replied "schedule meeting". Chairman Andrews then moved onto the next item Member Cannon had a question about, 86-144(f) the setbacks; he stated it was not a reduction in the amount of setback, it is basically part of the definition of a significant change, being moved more than five (5) feet. Member Cannon then asked if the five (5) feet did not apply to the setbacks. Chairman Andrews stated the five (5) feet only refers to the movement of streets, roads or alleys more than five (5) feet from their initial placement, which is as it is stated now. The only change which was made was the spelling out of the number 5. Member Cannon was okay with this explanation. Chairman Andrews then moved onto the next item, 86-144(e)(2)b, regarding properties developed as single family dwellings not part of the PUD for purposes of

calculation of impervious surfaces. Chairman Andrews stated the real concern here is the ordinances with regard to impervious surfaces apply to properties within the PUD, just as they do to the rest of the properties around town. He further continued that by reading the rest of the ordinance it becomes clearer, 86-186 applies to Single Family Dwellings, which is where the 30% applies. Chairman Andrews then stated the clause “for purposes of the calculations in this subsection, property developed in single family dwellings within the planned unit development shall not be included as part of the PUD” is confusing, and is unsure why it is even there. Building Code Administrator Brown answered by stating it is there for items which are not Single Family Dwellings, as the PUD is mixed use, which can mean more than one family dwelling, multi-unit dwellings, golf course, restaurant office space, those type of items. Chairman Andrews wanted to further clarify that what the prior referenced clause actually states, is that it excludes those other types of uses other than single family dwellings from the 30%. Building Code Administrator Brown stated it actually means if something is developed other than a Single Family Dwelling, the maximum impervious surface for that use is 30%. Member Cannon advised even on the outside of the PUD the impervious surface limitation calculation is about 30%, and asked Building Code Administrator Brown to confirm. Building Code Administrator Brown stated outside of the PUD there are not impervious surface regulations for commercial development, unless it is residential, which is outlined in 86-186. Member Cannon asked if that calculation works out to 30%, to which Building Code Administrator Brown replied it is 30% of the first 11,000 ft<sup>2</sup> of the lot, and 15% of the remaining. Chairman Andrews stated to Member Cannon, one of the clarifications made was impervious surface regulations were in the R-1 section, as well as 86-186, which speaks specifically to impervious surface regulations for Single Family Dwellings. He further stated that seemed confusing, so that item was removed and only left in 86-186. Member Cannon agreed that was good. Chairman Andrews wanted Building Code Administrator Brown to confirm that he sees the clause stating the 30% applies to the PUD just as it does outside of the PUD with regard to Single Family Dwellings. Building Code Administrator Brown stated that is not how he interprets it, and further clarified by stating for purposes of this discussion, let’s stay just within the PUD. Within the PUD, if any use is developed other than Single Family, it is limited to 30%. Vice Chair McCarley inquired if that would apply no matter how large the tract is, to which Building Code Administrator Brown agreed yes, it applies no matter how large the tract is. Building Code Administrator Brown further explained, if a Single Family Dwelling is developed within the PUD, 86-186 would then be applicable, which gives several options for impervious surfaces. Chairman Andrews stated the 500 ft<sup>2</sup> would be one, which Building Code Administrator Brown agreed with, and added also 3250 impervious for single level, 2750 for multi-level, or 30% of the first 11,000 ft<sup>2</sup> of the lot, which as Chairman Andrews mentioned, applies to all Single Family Dwellings regardless if they are in the PUD or not. Chairman Andrews then asked the Commission if they had any additional questions regarding the impervious surfaces, hearing none, he moved forward to the next item Member Cannon had a question or concern about, 86-144(f)(10)e, pertaining to “substantial accord with the concept development plan” needing Planning Commission and Town Council approval. Chairman Andrews asked Member Cannon to further explain his concern with this section. Member Cannon advised he may have made an error with the section numbering, as he was unsure of his concern with this section. Building Code Administrator Brown stated the section initially referenced by Member Cannon 86-144(f)(10)e does not exist, so he felt Member Cannon was actually referencing 86-144(f)(10). Member Cannon stated his concern was with the changes made which did not require review,

why that change has been made regarding the combination of lots, or division of lots under 5 acres, and would like to have further clarification as why those items should not be reviewed as everything else. Building Code Administrator Brown advised he could not speak to clarify as he is unsure what it is Member Cannon is actually referring to. Code Enforcement Officer Fitzgerald asked Member Cannon if he meant to reference item "a" as "substantial accord with the concept development plan" is referenced in that section under item "10". Member Cannon could not confirm what the concern was he had with this section. Chairman Andrews then advised unless a Commission member had any concerns, he will be moving onto the next item of concern. Hearing no additional concerns, Chairman Andrews moved onto the last item, 86-144(d), with regard to "industrial developments". After discussion with Building Code Administrator Brown regarding this section, Chairman Andrews stated the consensus was the existing ordinance is probably better said. He continued by saying the State Code references from the consultants version should be added to the existing code, which is stronger verbiage. Member Cannon inquired if the "industrial uses" would be taken out; Chairman Andrews stated the "industrial uses" was not included in the existing ordinance, that the recommendation to Council with the existing ordinance, with the added State Code references. After no further discussion regarding that item, Chairman Andrews moved forward and asked if the Commission had any additional comments regarding the items listed in their packet from the February 20, 2015 meeting with Council and Planning Commission members. Hearing none, Chairman Andrews then asked for any additional comments or concerns regarding any of the chapters. Hearing none, he then commented the removal of the Manufactured Home section is quite significant, especially with the many references through the chapter. Chairman Andrews stated the Town Attorney had been tasked with sorting through case law to find references regarding the removal of the Manufactured Home district, and advised Building Code Administrator Brown would be sharing a report based on the Town Attorney's recommendations. Building Code Administrator Brown began by stating he'd like to back up very briefly to point out an item pertaining to the previous discussed item, 86-144(d); the language removed from the proposed ordinance, which included the "industrial development" item Member Cannon had an issue with, was from the consultant's version, and extremely condensed. Building Code Administrator Brown wanted to clarify the existing ordinance, with additional State Code references, which is replacing the proposed change, is much longer, but is the existing ordinance as it is written which includes the item "2" under 86-144(d). Chairman Andrews stated if he recalled correctly, the reasoning behind the change to the consultant's version is that it was thought the verbiage could be more concise in regard to this section, by making a reference to State Law. He further stated in this instance it would be best not to be as concise, and from prior conversations with Building Code Administrator Brown, the existing ordinance with State Code references is the agreed upon wording. Member Cannon expressed his thanks for the review and explanation of his concerns. Building Code Administrator Brown then proceeded with the references supporting the removal of the Manufactured Home district. He stated throughout the Zoning Ordinance rewrite process, several items of concern from Town Council have arisen, one of those being their suggestion to remove the Manufactured Home district from the existing ordinance. Those suggestions were taken to the Town Attorney for his advice and opinion; the documents from the Town Attorney, referencing Case Law and giving his opinion were provided to the Planning Commission for their review. Building Code Administrator Brown reminded the Commission that the Attorney's memos are privileged information, so they would not be read into the minutes. Building Code

Administrator Brown continued by stating he will be giving reasons for the recommendation of the removal of Manufactured Home district from the ordinance. First, for preserving land for low density Single Family Dwellings; second, for the protection of surrounding property values; and third, to maintain aesthetics. Building Code Administrator Brown continued by stating within the research to support the removal of the Manufactured Home district, other coastal municipalities, including Isle of Palms, Sullivan's Island, Kiawah Island and Folly Beach do not allow Manufactured or Mobile Homes. Building Code Administrator then introduced several exhibits to support the recommendation to remove the Manufactured Home district. Building Code Administrator read Exhibit A, from EXPLORE Edisto, *"...It's no secret that our lack of commercialism and laid back style are just a few of the things that make our island home so special."*; Exhibit B, from Edisto Real Estate Company's welcome map, *"...imagine finding a laid back, family oriented and old fashioned beach community that offers new homes and classic beach cottages nestled among the dunes..."*; Exhibit C, from the current Town of Edisto Beach 2010 Comprehensive Plan, *"...a quality of life that should be protected and enhanced. The combination of mostly single-family homes, traditional beachfront cottages, small-scale retail and commercial development to serve only residents and visitors, "walkability,"...traditional grid pattern streets, dunes and public access beaches is now being imitated by new special-purpose beach towns in Florida. These so-called "neo traditional" communities of Seaside and Rosemary Beach, for instance, are very expensive imitations of what comes naturally to Edisto Beach. These special qualities and opportunities, however, need to be preserved and extended into new development and redevelopment by means of continued enforcement of this updated Comprehensive Plan and the revisions of the Zoning Ordinance."*; Exhibit D, from the Edisto Chamber of Commerce website, *"The lifestyle is fashioned in a Lowcountry profile and the area's appeal is its unstructured atmosphere. Neither permanent residents nor visitors require formality. It is a casual, relaxed, natural feeling that is experienced by all."*; Exhibit E, from the Edisto Chamber of Commerce media packet, *"...with well-equipped, primarily single family homes, quaint cottages or villas along the beach and rivers, or campsites..."*; and finally, Exhibit F, an email from Gray Snead, realtor with Edisto Real Estate Company, *"Marie and I have reviewed the entire code regarding establishing a "Mobile Home District". The formation of the district would be considered an amendment to the zoning ordinance. This would have to be addressed by the Planning Commission and subsequently approved by Town Council. Of course, if this were to happen, it would have an adverse effect on the Real Estate Market on Edisto. It would also not be the highest and best use of 5 or more acres of land. We would suggest removing this Ordinance from the books."* Each Exhibit was subsequently presented to the Commission for their perusal after Building Code Administrator Brown read them aloud. Building Code Administrator stated given on the evidence presented, and supported by the Town Attorney's recommendation, we recommend the Planning Commission remove Mobile Home district from the Town Zoning ordinance. Chairman Andrews asked for any questions for Building Code Administrator Brown regarding what he just presented. Hearing none, Chairman Andrews then asked for a motion, pertaining to accepting the proposed changes to Chapters 62, 71 and 86 discussed within the work session, as well as the changes proposed today during the meeting to add to those discussed in the work session, those items being the "schedule hearing" balloons within 86-33(3) and 86-144(f) to "schedule meeting"; also, within 86-144(d) to keep the existing ordinance but adding the references to State Code. Chairman Andrews stated those changes, as well as accepting the Manufactured Home district removal recommended by our Town Attorney and Building Code

Administrator Brown. Vice Chair McCarley asked about the definition of a lot, which was mentioned within the work session, if that is changing; Chairman Andrews advised the definition of lot would remain as it is. Vice Chair McCarley then made a motion to accept the changes and latest updates to Chapters 62, 71 and 86, the decisions made about 86-144(d), the decisions made about changing the word “hearing” to “meeting” in Chapter 86-33(3) and 86-144(f), and in the revision in accepting the change in 86-144(f)(10) as the existing ordinance, and in eliminating the Manufactured Home district from the current ordinance. Chairman Andrews mentioned one item was added to Vice Chair McCarley’s motion which was not agreed upon as a change, 86-144(f)(10) will be left as proposed to add the State Law reference to the existing ordinance. Chairman Andrews then made sure the Commission was clear with regard to Vice Chair McCarley’s motion; hearing no discussion regarding her motion, Chairman Andrews then asked for a second, which was provided by Member Hackett. Chairman Andrews then asked for any discussion regarding the vote, hearing none, a vote was taken which was **unanimous to approve**.

**Public Comment**

None

Chairman Andrews advised the item noted on the agenda for Executive Session, if the Commission felt legal advice could be needed, but that item would not be necessary or needed today. Vice Chair McCarley inquired as what the next step in the process would be, since the Commission has agreed upon the proposed changes from the February meeting with Town Council members and Planning Commission members. Chairman Andrews stated the revised Chapters will now go to Town Council, presumably for consideration during their April meeting. Building Code Administrator Brown advised the revised Chapters will also go through legal review before going Town Council, and will not have to go back before Planning Commission unless the Town Attorney makes additional changes.

There being no further business to discuss, Chairman Andrews asked for a motion to adjourn. Member Habegger so moved, with Member Cannon seconding. The vote was **unanimous to adjourn** at 5:44 pm.

The Freedom of Information Act, § 30-4-80(3) was complied with.

APPROVED BY THE PLANNING COMMISSION

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Submitted by Nancy Fitzgerald, Code Enforcement Officer

A digital recording of this meeting is on file at Town Hall.  
A quorum of Council may be present.  
No discussion or action on the part of Council will be taken.