

The McClellanville Planning Commission met on the above noted date and time in person. Notice of the meeting was published in compliance with the Freedom of Information Act. Planning Commission members present were Ginny Prevost (Chair), Dan Fifis, Scott Youngblood, Oliver Thames and Adam Freeze. Town Administrator Michelle McClellan, Zoning Administrator Kathryn Basha, Assistant Planning Director of the BCDCOG Megan Clark and Planner Eddie Bernard were all present. Zoning Review Committee members Malcolm Baldwin, Allen DuPre, Elizabeth Campsen were also present.

Chair Prevost opened the meeting asking Commissioners to review the minutes from the previous meeting on March 24, 2025. Mr. Fifis made a motion to approve the minutes, seconded by Mr. Thames with one correction of such minutes that Mr. Thames made the motion to approve the prior meeting minutes, with Mr. Youngblood's second. All were in favor.

Chair Prevost asked about old business and an update on the Dollar General parking lot. Mr. Bernard indicated that engineering plans are approved.

Chair Prevost introduced the next item which was consideration of updated zoning ordinance. Ms. Basha started to go through the Committee's proposed changes. She explained the differences between Bed and Breakfast establishments and vacation/short terms rentals which is that a BNB has the owner living there and it is a home occupation. A BNB Inn has a caretaker on site and short term rentals are called vacation rentals in the ordinance, clarifying that the latter are for rentals at an interval of less than 30 days per rental. Charleston County has 5 different short term rental categories, but is capped at no more than 144 days of the year for rental. Ms. Campsen indicated that the 144 days is likely tied to the limit of being able to retain your 4% tax rate. The County and Town of Mt Pleasant both have software that monitors advertisements of short-term rentals and how many days are being rented. Mr. Freeze asked about Section 3.5.3, which reads more than 2 nights and less than 30 consecutive days for a cumulative total of no more than 2 weeks in a calendar year. Discussion continued about removal of the word cumulative. Ms. Basha continued that the draft update would allow short-term rentals only in the highway commercial and village commercial districts, but BNB homes could be in the residential district including the historic district. Two districts that were not mentioned are the residential transition district and marine commercial district. The group discussed that they did not feel that there should be any short-term rentals in the marine district as they would hate to potentially see future condos built on the waterfront. Ms. Basha moved onto page 2 of the summary. The rentals would be limited to the existing septic capacity. Mr. Baldwin clarified that septic fields are sized based upon the number of bedrooms. He indicated that somehow the septic capacity needs to be tied to the amount of renters. Ms. Basha indicated that the ordinance limits vacation rentals to no more than 12 people in a rental. Mr. Baldwin indicated that the restriction would have to reference the number of bedrooms but could also reference a cap on the number of people. He may try and talk to someone at DHEC to discuss but one bedroom is designed as 120 gallons per day and two bedrooms is 240 gallons per day. Ms. Basha continued that when vacation rentals apply for a zoning permit, they are also required to obtain a business license. The draft update limits the total number of vacation rentals to be permitted in any year to 5% of the total residences within Town limits as adjusted once per year. Mr. Baldwin brought up whether areas of Town subject to CCRs that would prohibit short-terms rentals should be included in the overall 5% calculations or whether they should be pulled out to avoid skewed quantities and one area potentially getting the bulk of the short-term rentals. Ms. Basha addressed that the existing short-term rentals would be grandfathered in and not counted until such time that their business license expires without renewal or ownership is transferred to different ownership. The pending legislation at the state house was also mentioned, which could impact regulation of short-term rentals and is something the Town should watch to be sure it doesn't conflict. Ms. McClellan said in her discussions with the municipal association the bill did not address affordable housing but rather that the 6% tax rate may be lost and the 4% rate would remain

whether the owner lives there or not. Ms. Campsen said her understanding was that the bill was going after municipalities that were enacting complete bans on short-term rentals which is not what is being proposed here.

Ms. Basha moved onto the next item which addresses noise and decibel levels. She is not aware of the Town ever having a complaint about noise levels in the past 20 years. The current decibel level allowed in Town is 90 which is equivalent to a lawnmower. The only addition here was to add that it was unlawful to exceed these limits so that if a complaint did come in it could be better addressed. Lighting was brought up and no changes were proposed to the current lighting restrictions.

Ms. Basha went on to discuss definitions of impervious surfaces and lot coverage requirements. Lot coverage which is the buildings and structures that cover a lot and impervious surfaces include buildings driveways, sidewalks and the like. Mr. Baldwin suggested that impervious requirements be made more clear. HVAC stands for example with gaps in the decking and gravel driveways were brought up. He suggested that maybe there should be a distinction of how much surface area of the lot is covered with any surface be captured and restricted whereas the remainder would be green space (lot coverage). Ms. Campsen indicated that Sullivans Island had extensive regulations on green space requirement. Mr. Baldwin suggested that perhaps what qualifies for impervious surface be more restricted, but then included within the total cap the amount of land areas that can be covered.

Ms. Basha began the discussion about buffers. There was concerns from the committee about buffers being between utility and drainage easements. The buffers have to be on private property and cannot be on the right of way, unless maybe a private road that may allow it. Mr. Baldwin indicated that in the highway commercial area there are right of ways with utility and drainage easements just outside of them which effectively makes 100' right of ways. He thought that there was a requirement that the utility and drainage easement had to be outside of the right of way. Ms. Basha suggested double-checking that the right of ways allow a maximum wide enough to accommodate the drainage and other utility easements.

Ms. Clark introduced the highway commercial changes. She summarized the comments which addressed smaller half acre lot sizes, addition of conditional residential subdivisions, and reduced lot widths which was recommended to go down to 85'. Mr. Baldwin indicated that the committee thought the 1.5 acre minimum size lot with a minimum 150' wide lot needed to be further narrowed. It was noted that the Ordinance currently only requires one (1) acre lot area. The half-acre lot size was recommended due to the current density allowance of 2 units per acre and if there is to be affordable housing it will be on the highway. If the 1 acre minimum would allow duplexes to be built, why not provide the option to have smaller lot sizes and build smaller detached single-family houses. If to be less than an acre lot then the detached house should be limited to a small cottage as a starter house to incentivize affordable housing. Ms. Basha added that if smaller lots ultimately are allowed then there should be a shared drive scenario to avoid multiple driveways on the highway which is why the minimum lot width fronting on the highway was set at 150' (albeit a 200' separation of driveways is more ideal). Mr. Baldwin agreed that reduced driveways on Hwy 17 is needed.

Ms. Clark continued and addressed the comment about who funds sidewalk installations and indicated the developers should typically fund and construct them. Mr. Baldwin brought up concerns about building sidewalks as developments occur creating fragments and missing connectivity as properties are slow to develop. Ms. Basha indicated that there could be a fund that is contributed to similar to the tree fund that the Town could later use that to build sidewalks when easements across all properties existed. Mr. Baldwin questioned that a sidewalk may no longer make sense in the Highway Commercial district area now that so much of the land in the commercial area is being conserved rather than commercial developments. If the conservation lands become a public park then perhaps it would make sense.

Ms. Clark went continued with several others items which included giving the zoning administrator more administrative approval authority with site improvements like paving and landscaping. The next item was addressing color and Planning Commission recently discussed that color should still be considered in the commercial area. There was a proposed amendment to address the roof pitch of accessory structures which would remove the gas station canopies since they were not considered to have the same shape as the building but the roof lines must be compatible. The next was indicating that buffers be at or above grade in the buffer requirements. The committee recommended going from 4 canopy trees per 50' to 2 trees in buffers. The 4 trees per 50' was recommended to remain for screening along Hwy 17. Mr. Baldwin indicated that he had recommended this reduction due to 4 per 50' leading to trees being on 10' centers. Mr. Bernard indicated that would be the case only if a narrow buffer of 10' of depth, but when within the required 50' deep buffer there is the ability to move and stagger trees such that they are much further apart. The intent is to create a wooded area and not individual specimen trees. Ms. Basha indicated that this section is specific to Hwy 17.

The tree conservation section was not addressed due to the Town getting grant to review that section.

Ms. Basha discussed establishing a critical line buffer along waterways reflecting a draft that the Planning Commission had accepted several years back. Mr. Baldwin clarified that there is a 50' impervious setback with 35' of a retained vegetative buffer. Ms. Basha confirmed that and discussed the vision corridor and dock access corridor. She indicated the 35' width was common in other jurisdictions, and some are wider in the 50' range. The language could be amended to include both retained or planted buffer vegetation. Mr. Baldwin was concerned with the density of the buffer and whether turf could be in it. Additionally, he wanted this section to provide clarity on what vegetation is allowed and what has to be retained and if to be planted, what the planting requirements were.

Ms. Clark went through several other recommendations from the committee. The first was to reduce the impervious surface by allowing a reduction in parking quantities where shared parking is accomplished. The amendment allows for a reduction of up to 30% of parking requirements. The minimum sidewalk width is 5' now and the recommendation was to be 4' wide which was accepted but noted that ADA requirements will require pull offs every 200 linear feet. The parking maneuvering areas were amended to verify required drive aisle widths depending on whether one or two way travel ways were present. Parking landscape screening was clarified that it is for the lot and linear footage of road frontage and not per parking space.

Ms. Basha indicated that the sign ordinance recommendation was to give staff more authority to approve signs if consistent with design guidelines and that in the historic district, which includes village commercial, staff is able to administratively approve signs. In the highway commercial staff is able to administratively approve a replacement sign face in an existing sign structure but new signs are typically submitted for consideration concurrent with building review requests to the DRB. Chair Prevost asked if the ordinance addressed signs that are unreadable and in disrepair. Ms. Basha was going to look this up.

Ms. Clark discussed the recommendations to subdivision lot standards which changed to read that where subdivision into 5 or less lots without new roads would be considered a minor subdivision and would not have to come to the planning commission for approval. Section 11 design standard recommendation was that single access points longer than 800' would need a turn around. The maximum 45' wide private right of way was maintained but as discussed earlier about easements this can be looked at again. Charleston County addressing was contacted about amendments to the addressing section, but staff is awaiting their response.

Ms. Basha reported back with findings on the earlier question about signs that may be in disrepair which was that signs should be repaired or removed from the site within 60 days following notice.

Ms. Basha went through a staff recommended update that encroachments for certain elements like chimneys into yards is currently listed only in the section for accessory structures, and that staff recommends it be moved to apply to all structures. Mr. Baldwin and Mr. Bernard stated that roof overhangs needed to be added as well.

She continued noting that with the vested rights act, all “site specific development plans” which includes plats and variances have a minimum of 2 years vesting with up to five 1-year extensions. State code includes a provision that under certain situations, the BZA could give a 5 year vesting period. There are two options for the vested rights provisions - being a stand-alone section or go through and ensure that everything in the ordinance is still compliant. It was determined that it may be easier and less confusing if the ordinance language were updated.

The recommendation regarding reduced or waived fees for ARB requests was discussed next. Staff administrative approvals still involve a cost to the Town to pay the reviewer/staff time processing the request. This item was tabled but Chair Prevost recommended that everyone give the fees some thought.

The next meeting will be June 23, 2025.

Mr. Thames made a motion to adjourn. Mr. Youngblood seconded the motion and all were in favor.

Respectfully submitted

Eddie Bernard, RLA
Planner