

Section 16-3-108. Complete Application Required

Staff Explanation: In order for the staff to be able to do a complete and thorough review of an application, and to better inform the applicant if an application is complete or incomplete, the staff is proposing that the review period be increased from 15 days to 30 days. Also, in an effort to provide better customer service, the staff is proposing the addition of item “D” to this section (this is the same language used in Sec. 16-3-109 to allow for an extension by mutual agreement if the applicant has not been able to complete an application within 60 days.)

Section 16-3-111 Public Notice Requirements, Item “C”

Notice shall be required for development review (*as shown in the Staff Report Table – Page 1*).

Staff Explanation: It can be overly expensive for an applicant to send mailed notices via Certified Mail. In an effort to provide better customer service, the staff is proposing to have mailed notices for public notice requirements sent via U.S. Mail rather than Certified Mail. Each individual property shall not be required to be posted for public projects. Mailed notices for public projects shall be sent to all owners of property directly contiguous to the proposed development via U.S. mail.

Section 16-3-117. Summary Table of Review Procedures

The Table on Page 2 of the Staff Report summarizes all of the approval procedures in this Chapter. Where the table and the text of a given procedure conflict, the text shall govern.

Staff Explanation: It has come to the staff’s attention that there is some confusion as to when appeals go to the Planning Commission in regard to subdivisions and development plans. The staff is proposing to change the sections with language that will clarify that appeals dealing only with the approval or denial of subdivisions and development plans will go to the Planning Commission. This language is the same as the SC State Code. Appeals of administrative decisions related to subdivisions and development plans will still be heard by the Board of Zoning Appeals.

Section 16-3-309. Appeal (Development Plan Review)

Section 16-3-607. Appeal (Subdivision)

Section 16-3-303. Requirements for a Complete Application

A Development Plan Application shall be considered complete when the following items have been submitted (*please see the attached Staff Report for this information*).

Staff Explanation: The FAA Advisory Form 7460-1 is required to be submitted to the FAA prior to the issuance of any Town approvals for properties located within the Airport Hazard Overlay District (AHOD). During the review of a recent project located within the AHOD, it was brought to the staff’s attention that this requirement was not specifically listed in the LMO as being a requirement for a Development Plan Review and Subdivision application. The staff is proposing the new language to make this clear.

Section 16-3-310 Expiration of Approval

Staff Explanation: Town’s legal counsel advised staff that the intent of Section 16-3-310E comes into play after the annual extensions allowed in Section 16-3-310A have been exhausted. This section has been revised to reflect this determination.

Section 16-3-311. Abbreviated Development Plan Review

Staff Explanation: During the review of an Abbreviated Development Plan Review (ADPR) application, staff noticed that Section 16-3-303 lists the requirements for a complete application for an ADPE but it fails to require the location of any applicable setbacks or buffers on the site plan. Setback and buffer requirements for an ADPR are provided in Sections 16-5-704 and 16-5-806. Therefore, a reference to these sections has been added to the complete application requirements.

Section 16-3-403. Approval Letter for Proposed Removal of Trees

Section 16-3-501. Applicability

Staff Explanation: The staff is proposing to add an expiration date for non-development tree removal permits and non-development wetland alterations permits. Staff is also proposing to add a provision where the expiration can be extended through a mutual agreement.

Section 16-4-105. Use to Conform to District Regulations

Staff Explanation: A similar section dealing with conflicting provisions was removed during the 2007 LMO Amendments which now allows an applicant to choose any use permitted in the applicable zoning district regardless of whether one use would require a variance from the design and performance section and another use would not require a variance. It was overlooked at that time to remove this section with the same language as well.

Section 16-4-1004. Floating Zone Restrictions

Staff Explanation: When Section 16-5-809B was revised last year dealing with easements within buffers, it was overlooked to revise Section 16-4-1004 to reflect that change.

Section 16-4-1111. Residential Use Categories

Staff Explanation: Short term residential dwelling unit was previously a use listed in the LMO and classified in the Resort Accommodations category. In June 2005, the use was deleted from the use table in the LMO because it was determined to be no longer necessary. It was brought to the attention of staff that the language in # 1 and 4 in the section (*attached*) under the household living use category would restrict short term rentals in residential uses, which was not the intent. The staff is proposing to remove these sentences.

Section 16-4-1234. Liquor Store

Staff Explanation: A business owner recently appeared before the Planning Commission and requested that staff look at the way the distance between liquor stores is measured. The staff currently measures the distance between liquor stores from the location of the nearest property line of an existing liquor store business to the nearest property line of a proposed business. The Planning Commission directed the staff to measure the distance between liquor stores the same way adult entertainment use separations are measured. In an effort to be consistent in the way the distance is measured, staff is proposing to measure the distance between bars and nightclubs the same way because the uses are so similar.

Section 16-4-1239. Nightclub or Bar

Nightclubs and bars are permitted subject to the (*following attached*) standards.

Section 16-5-602. General Standards for Stormwater Management

The *(following attached)* standards shall pertain to all stormwater management planning.

Staff Explanation: There has been some confusion among applicants as to the stormwater detention and retention requirements on re-development projects. Stormwater detention shall consider the pre-development condition as the existing state of the land cover at the time of the application. Stormwater retention shall apply to all proposed impervious surfaces, regardless of the pre-development condition. The proposed revision is made in an effort to provide clarification.

Section 16-5-806. Required Buffers

Staff Explanation: Under adjacent street setbacks, there is currently a provision that for a corner lot, the 20’ adjacent street setback may be reduced to 10-ft. for one street. The staff is proposing to add the same language to the adjacent street buffer regulations to be consistent and provide more flexible standards.

Section 16-5-1208. Schedule of Required Off-Street Parking

Staff Explanation: When the term “Residential Above Commercial” was replaced with “Mixed Use” throughout the LMO with previous amendments, it was overlooked to revise the parking table in Section 16-5-1208 as well.

This concluded Ms. Dixon’s presentation on the proposed 2009 General Amendments. The next step is for the proposed amendments to appear before the Planning Commission on Wednesday, July 15, 2009. Chairman Docherty and the Committee thanked Ms. Dixon for her presentation. Chairman Docherty then requested public comments and the following were received:

Mr. John Kelsey, citizen and business owner, presented statements in concern of the proposed changes to Section 16-4-1234 (separation of liquor stores); Mr. (unidentified speaker), citizen and business owner, and Ms. Lea Peruzzi, citizen and business owner, also presented statements in concern of proposed changes to Section 16-4-1234 (separation of liquor stores). Chester C. Williams, Esq., presented public statements regarding the staff’s proposed changes to complete application requirements.

The Committee and the staff discussed several issues including separation requirements and application requirements. At the completion of the discussion, Chairman Docherty requested that a motion be made.

Mr. Ennis made a **motion** to forward the staff’s proposed 2009 General Amendments to the full Planning Commission with the following recommended changes: (1) the staff should be consistent in their use of calendar days versus business days; (2) the staff should use the term “first-class mail” instead of “U.S. mail”. Ms. Quick **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Proposed Disaster Recovery Amendments

Mrs. Jayme Lopko made the presentation on behalf of staff. Mrs. Lopko stated that the proposed set of Disaster Recovery Amendments contain changes to Chapters 9 and 10. A brief explanation of the proposed changes is as follows *(please refer to Mrs. Lopko’s Staff Report dated June 8, 2009 for complete details)*.

2009 LMO Amendments for Temporary Single Family & Non-Residential Uses

Section 16-9-201 is being combined with Section 16-9-101. Existing Sections 16-9-202 through 16-9-211 are being moved to Article I and being renumbered to Sections 16-9-104 through 16-9-113.

ARTICLE I. EMERGENCY PERMITTING

Section 16-9-101. Purpose

Staff Explanation: The general purpose and the purpose of the permitting section have been combined and revised to fully reflect the purpose of the Emergency Permitting Article, which is to allow damaged properties to build back what they had prior to the disaster.

Section 16-9-103. Horizontal Property Regime

Staff Explanation: This section stayed the same but it now just covers permitting and not all of Chapter 9.

Section 16-9-209. Non-Single Family Structures (Commercial, Industrial, Multi-Family, etc.)

Staff Explanation: This section is being changed to be more flexible with the submittal requirements for properties in the Corridor Overlay District.

Section 16-9-113. Applications under Review at the Time of a Disaster

Staff Explanation: This section covers applications that are already in the progress of being reviewed at the time of the event. In order to cover not only applications that are under review at the time of the disaster but also those that come in subsequent to the disaster, this language has been changed to include all applications including those submitted during the state of emergency.

ARTICLE II. TEMPORARY SINGLE FAMILY USES

Section 16-9-201. Purpose

Staff Explanation: The Disaster Recovery Commission and Town Council wanted to give property owners the ability to stay on their property during repair or reconstruction of their damaged single family structure.

Section 16-9-202. Applicability

Staff Explanation: This section is applicable for single family dwellings that are damaged from an event that is declared a disaster for the Town. The time period of 6 months was chosen to coincide with the emergency permitting time period. Like the permitting time period, it may be extended by resolution by Town Council if needed.

Section 16-9-203. Provisions

Staff Explanation: The Disaster Recovery Commission and Town Council wanted to give flexibility to locate temporary dwellings on single family properties while retaining the public health and safety.

ARTICLE III. TEMPORARY NON-RESIDENTIAL USES

Sec. 16-9-301. Purpose

Staff Explanation: The Disaster Recovery Commission and Town Council wanted to give businesses and other non-residential uses the ability to operate on their property during the repair or reconstruction of their damaged facilities.

Sec 16-9-302. Applicability

Staff Explanation: This section is applicable for existing non-residential properties that are damaged from an event that is declared a disaster for the Town. The time period of 6 months was chosen to coincide with the emergency permitting time period. Like the permitting time period, it may be extended by resolution by Town Council if needed.

Sec. 16-9-303. Provisions

Staff Explanation: The Disaster Recovery Commission and Town Council wanted to give flexibility to allow businesses and other non-residential uses to operate out of temporary units while retaining the public health and safety.

Sec. 16-10-201. Defined Terms

Staff Explanation: The term travel ready is being defined to provide a clearer understanding of what could be placed on properties.

This concluded Mrs. Lopko’s presentation of the proposed Disaster Recovery Amendments. The next step is for the amendments to appear before the Planning Commission on Wednesday, August 5, 2009.

Chairman Docherty and the Committee thanked Mrs. Lopko for her presentation. Chairman Docherty requested public comments and none were received. At the completion of final comments by the Committee, Chairman Docherty requested that a motion be made.

Ms. Quick made a **motion to forward** the proposed Disaster Recovery Amendments to the Planning Commission as presented by staff. Mr. Ennis **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Chairman Docherty thanked the staff, the Committee and the public for participating in this evening’s meeting.

VIII ADJOURNMENT

The meeting was adjourned at 6:50pm.

Submitted by:

Approved by:

Kathleen A. Carlin
Administrative Assistant

Jack Docherty
Chairman