



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA  
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Friday, January 27, 2017

Committee met at 9:00AM., this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Rita Langley (Chair), Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff: Zoning Administrator Henderson, Asst. to Administrator Darrow and Administrator Benke (portion of meeting).

- 1. Call to Order.** Chair Langley called the meeting to order, stated the press and public were duly notified pursuant to state law and all members were present; five audience members present.
- 2. Meeting Agenda: Committee accepted published agenda with no changes**
- 3. Historic Design Guidelines: Text amendment to modify Zoning Ordinance Section 21-97 C. (5) (Criteria for Appropriateness) by requiring compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings***

Zoning Administrator Henderson summarized the Planning Commission's September 2016 consideration of this issue. Commission conceptually recommended Council consider clarifying Section 21-97 C to include the full title of the Secretary of Interior's Standards and Guidelines publication.

**Staff Comments (Zoning Administrator Henderson):**

Currently the Town focuses on the Secretary of Interior's standards and guidelines for the rehabilitation of historic buildings. Rehabilitation projects are one chapter of the the *Secretary of Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

Proposed text amendment would require compliance with all standards and guidelines in the aforementioned Secretary of Interior pamphlet: preservation, rehabilitation, restoration and reconstruction.

Noted that, in arena of historic preservation, the hierarchy of work is  
Maintenance over Repair  
Repair over Replacement  
Preservation over Restoration  
Restoration over Reconstruction

Benefits of proposed text amendment:

1. Provide a defined process for owners and Town Design Review Board (DRB) to engage in a variety of historic related projects
2. Require owners to identify how work on his/her historic property would fit into one or more of the guidelines
3. Classification of work within the Secretary of Interior's full guidelines pamphlet instructs the approach the owner takes in tackling the project. Additionally, it provides the DRB structure for its review of requested historic structure improvements.

Incorporating all the guidelines in the Secretary of Interior's pamphlet does not conflict with the principles specifically articulated in Zoning Ordinance Section 21-97 C.

### **Public Comments**

Steve Herlong (DRB member) endorsed the text amendment change

Duke Wright (DRB member) submitted that the proposed text amendment does not conflict with additional text within Section 21-97C. Supported amendment, noting it would give DRB an area of focus as it works through each project option.

**MOTION: Mayor O'Neil recommended to Council the Land Use & Natural Resources Committee's support to modify Zoning Ordinance Section 21-97 C. (5) (Criteria for Appropriateness) by requiring compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties: Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, and, recommended Council request the Planning Commission to hold a public hearing to consider the same; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.**

#### **4. Standards for Elevating Historic Structures: Consideration of Design Review Board recommendations relating to potential text amendment to the Zoning Ordinance to regulate elevating of historic structures**

Zoning Administrator Henderson summarized the Planning Commission's consideration of this issue at its September 2016 meeting. Commission conceptually recommended Council consider text amendments to the Zoning Ordinance to regulate elevating historic structures as recommended by the Design Review Board and outlined in **Exhibit A** herein.

#### **Staff Comments (Zoning Administrator Henderson):**

Staff looked to historic design standards in other municipalities, specifically within Louisiana and Mississippi, focusing on Louisiana guidelines for elevating non-FEMA compliant historic structures. Project design strategies should include consideration of height, composition, scale, orientation and perspective at street view, landscaping and hardscaping.

It was argued by a former DRB member, who is also an attorney, that the Town could not prohibit a property owner from modifying a structure's elevation to comply with base flood elevation (BFE) standards as established by FEMA, now or into the future.

Planning Commission conceptually agreed with the concept of elevating historic structures, noting additional study would be required on this matter.

### **Council Comments**

- Noted impending FEMA map changes will not make the issue of elevating historic homes to compliance with FEMA BFE moot
- The Town could restrict elevation of historic structures to FEMA BFE height standards and not allow for any increased height allowances
- Council acknowledged that, while property owners may request elevation of historic homes to the highest possible height in anticipation of potential future FEMA BFE changes, the Town must work with the FEMA data at hand. The Town has to balance historic preservation efforts against existing data, not unknown variables

### **Public Comments**

Steve Herlong (DRB member)

- Clarified that BFE refers to the lowest structural member of a house.
- Noted many homeowners want to incorporate duct work under the house. Submitted there are a variety of other options for duct work installation in homes.

Committee suggested Planning Commission consider clarifying language on height and BFE as written in Item B (1) in Exhibit A.

**MOTION: Council member Clark recommended to Council the Committee's support for amending Zoning Ordinance Section 21-44 (B), Elevating Historic Homes, as outlined in Exhibit A herein, to include further clarification of maximum height elevation and BFE requirements, and, recommended Council request the Planning Commission hold a public hearing to consider the same; seconded by Mayor O'Neil. MOTION UNANIMOUSLY PASSED.**

- 5. RS-District Special Exception: Consideration of text amendments to modify Zoning Ordinances Section 21-20 C (2) (Historic structure used as accessory dwelling unit) a Special Exception in the Single Family Residential (RS) District**

**Staff Comments (Zoning Administrator Henderson):**

- The Design Review Board study group identified an additional approach to the preservation of existing historic home structure elevations: incentivize property owners to retain existing historic structure without additions and elevations by broadening the opportunity for homeowners to build an accessory structure on the property.

- The Town currently restricts construction of accessory structures to historic properties that are 1200 sf or less in size.
- DRB study group suggests the Town eliminate the maximum square footage size of historic homes, or, increasing it from 1200 sf to allow for larger historic homes
- Currently a homeowner with a 1200 or less sf historic home/cottage on a lot could build a new, second house on the lot provided the owner did not request increases in allowed footprint and heated square feet.

### **Public Comments**

Steve Herlong (DRB member)

- Noted DRB sees the consequences of the current ordinance with property owner improvement project decision making driven by the following considerations:
  - Remove portions of historic homes to reduce the size to 1200 sf
  - Maximize the value of the property by building the second home (accessory structure)
  - Adding large extensions or additions to historic buildings in an alternate attempt to maximize the owner's investment
- Noted the DRB regularly sees applications for over-renovated homes and is pushed by property owners to approve over-improvements on historic structures
- A second structure on a property would increase density but would have a smaller visual scale/impact on the lot than a big extension/addition

### **Council Comments**

- Noted this concept is complex and has a number of pros and cons
- Acknowledged there are a number of unintended consequences that could arise from such an ordinance change (good and bad)
- Noted that the inventory of Island historic homes could increase in the future as homes age and may be considered historically contributing to the Island under SCHPO standards
- Additional homes on each lot increase density and this impacts Town services, such as water/wastewater infrastructure, for example.
- Town needs to carefully balance the goals of historic preservation and maintaining density levels and single-family focus on the Island, now and into the future.
- Additional facts and careful study is needed on this concept by the Planning Commission, suggesting scenario studies to assist the Planning Commission

Mayor O'Neil

- Noted this matter came before the Town while he served on the Planning Commission and then Council.
- The driving factor to allow building accessory structures for historic homes of a certain size arose from the Council's discussion of historic homes that would not be in compliance with FEMA BFE.
- Structures designated as contributing in the National Register Historic Districts, or on the National Register themselves, an avenue exists whereby the Town can grant exemption

from elevation mandates. Each Town exemption negatively impacts the Town's CRS rating and there are a fixed number of exemptions the Town can give before FEMA removes the Town from the CRS program. It was noted that the Town's strong FEMA CRS rating has led to reduced flood insurance premiums island-wide.

- Noted that once a home's improvement reaches/exceeds 50% of the home's market value, the structure must be brought into full compliance with FEMA BFE.
- As context for the original zoning decision of 1200 sq ft, noted Council wanted to provide some relief to owners of small historic structures who would reach the 50% market value threshold faster than larger homes.
- The maximum size of 1200 sf for historic homes was based upon a political compromise within Town Council, not based upon scientific or empirical facts.
- Stressed he would like to see more information on the current inventory of historic homes and their sizes.

Zoning Administrator Henderson noted that the Town relies upon County records for square footage size along with private home owner surveyor information. Obtaining independent, accurate information on the sizes of historic homes to develop an in-house inventory of the same could be accomplished, but it would take time.

Water/Sewer Manager Gress questioned how many existing houses could be added to the historic list in the future. Noted it was his job, as manager, to plan today for the service needs of tomorrow, a task made harder by increasing density on lots already platted for one structure/one DHEC water/wastewater tap.

**MOTION: Mayor O'Neil recommended to Council that it task the Planning Commission with the study of text amendments to the Zoning Ordinance Section 21-20 C (2) (Historic structure used as accessory dwelling unit) a Special Exception in the Single Family Residential (RS) District; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.**

*Councilmember Clark left the meeting at this time (10:11AM)*

## **6. Consideration for Planting Palmetto Trees on Louis Stith, Sr. Causeway**

Chair Langley noted that Staff has worked with Councilmember Mark Howard to provide conceptual design and budget information to provide Council in its consideration to plant palmetto trees on Stith Causeway. These plantings would continue the visual work done by Town of Mount Pleasant on the Mount Pleasant side of the Ben Sawyer Causeway.

Zoning Administrator Henderson noted he and Councilmember Howard developed a conceptual plan for the plantings and forwarded that to SCDOT for feedback in fall 2016. Pending SCDOT feedback, the conceptual design might be modified. It is Staff's intent to make a more formal presentation to Council as to design and potential budget/cost at that time.

Councilmember Howard, in answer to Committee question, noted that palm trees perform best when they are planted in cooler temperatures, but there is sufficient time to wait for SCDOT

response, provided it is forthcoming soon. Irrigation would likely include alligator bags. Committee asked if Staff would be able to accomplish irrigation

Administrator Benke noted the following:

- Trees would have a warranty
- Planting process could be accomplished to reduce irrigation needs
- Town can check the Fire Department's booster hose pressure; Town has no camels to bring to the trees for irrigation
- Alternatively, the Town could retain a vendor to irrigate the trees
- Distance of trees from the edge of the road will be the SCDOT's primary concern

**No formal action taken: topic continues on Committee agenda pending future report**

### **7. Tree City USA Designation**

Zoning Administrator Henderson noted the Town has received the Tree City USA designation. Formal announcement of this designation is anticipated in March, in advance of Tree Commission's celebration of Arbor Day, to be held again at the Town's Farmers' Market.

There being no further business, the meeting was adjourned at approximately 10:22AM (Mayor O'Neil motioned; Chair Langley seconded; unanimously passed)

Respectfully submitted,  
Rita Langley, Chair  
Land Use & Natural Resources Committee

Approved at the February 21, 2017 Regular Council Meeting

## **Sec 21-44. Elevating Historic Buildings.**

### **A. Purpose.**

To preserve the character of designated historic properties and surrounding neighborhoods, an integrated design approach shall be taken when elevating Sullivan's Island Landmarks and Traditional Island Resources.

### **B. Design Standards.**

Any proposed elevation or site relocation of an historic structure shall carefully consider site conditions (site elevations and topography), parcel access, typology of architecture, building composition and scale, and its context with adjoining historic properties when employing the following standards:

- (1) Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall exceed no more than one (1) foot above the required FEMA base flood elevation. Or...

Height: To minimize the height of elevating historic structures, the finished floor elevation (FFE) shall be no higher than the required FEMA base flood elevation.

- (2) Composition and Scale: To maintain an historic building's visual character and design compatibility with the surrounding neighborhood, an elevation design plan shall be submitted to illustrate the composition and scale of the building's principal architectural features are being maintained and will remain proportional to the elevated foundation.
- (3) Perspective and Orientation: Any proposed elevation or relocation should maintain the building's historic perspective from the principal right-of-way. All historic architectural elements should be maintained after elevation or relocation.
- (4) Scale Minimization and Architectural Screening: Appropriate measures should be introduced into the site design to reduce or eliminate negative visual effects from the elevation of a historic structure. These elements include fencing, landscaping (foundation plantings), stair configuration and any other site considerations noted by the Design Review Board.

Design Review Board shall make case-by-case determinations of the above design criteria to achieve greater neighborhood compatibility and to achieve the goals and standards of the Historic Preservation Overlay District (Article XI).

**Sec 21-59 Foundation height. (Commercial District Regulations)****A. Purpose.**

Due to FEMA regulations and Hurricane Hugo, the foundations of Principal Buildings are substantially elevated; although not presently the case within the CC-District, this provision is intended to prevent Principal Buildings from being elevated higher than FEMA requirements.

**B. Design standards for Elevated Buildings.**

- (1) The bottom elevation of a Principal Building's 1<sup>st</sup> floor joists shall be no more than two (2) feet above the FEMA base flood elevation
- (2) The Principal Building's finished floor shall not be more than three (3) feet above the FEMA base flood elevation.
- (3) Exception: For Principal Buildings constructed no more than three feet (3') above grade, the rear one half (½) of the Principal Building may be elevated to permit parking underneath the Principal Building.
- (4) Elevating designated historic buildings within the CC-District shall be required to comply with the standards established in Section 21-44.

**c. Design Review Board.**

*The Design Review Board may grant a modification in this Design Standard of no more than one foot if this or other modifications achieves greater Neighborhood Compatibility as described in article XII.*