

**TOWN OF EDISTO BEACH
PLANNING COMMISSION**

Tuesday, June 23, 2015
5:00 P.M.
Regularly Scheduled Meeting

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

Members attending: Vice Chair Wanda McCarley, Members Reddick Bowman, David Cannon, Tom Edens, Barbara Habegger, William Hackett and Stephanie Renner

Members absent: None

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

Vice Chairperson Wanda McCarley called the meeting to order at 5:00 p.m.

Review of Minutes:

Minutes from 5-26-2015: Reddick Bowman suggested a change on page 3, line 11 that “owner” be changed to “owned”. He also suggested the word “in” be inserted for the line to read “in the best interest...” William Hackett moved to approve the minutes with corrections noted. Reddick Bowman seconded the motion, which was approved unanimously.

Election of Chairperson:

Vice Chairperson Wanda McCarley nominated Barb Habegger for Chairperson. Reddick Bowman seconded the motion which was approved unanimously. William Hackett made a motion to change the order of the meeting and proceed with new business for expediency for those in attendance. Reddick Bowman seconded the motion, which was approved unanimously.

New Business:

The Marina at Edisto Beach – Charter Boat business for creek tours: Brian Bell has made application to the Planning Commission to establish charter boat businesses. Building Code Administrator Brown has verified the parking situation. Mr. Brown also told the Commission that the business will include two boats and asked that the motion include that information. One boat will be for fishing charters and one will be for other cruises. Reddick Bowman asked Building Code Administrator Brown if the total for parking was in the Ordinance. Mr. Brown explained that number was required by 86-175. Mr. Bowman asked if that applied to Mr. Bell’s situation and asked if he needed nine spaces. Mr. Brown said that Mr. Bell does need the nine

spaces and has provided documentation for those spaces. Mr. Bowman moved to approve the application of Brian Bell for the cruises from the marina, according to his application. David Cannon seconded the motion, which was **unanimously approved.**

Old Business – Ordinance Definitions

Chairperson Habegger stated that Councilwoman Smyer has submitted information about the definitions and the differences between Chapters 71 and 86. They are as follows:

Building: In Chapter 71 the definition of building includes the word “structure”. Building Code Administrator Brown suggested the Planning Commission make the definitions alike. David Cannon moved to adopt the Chapter 86 definition of “building.” William Hackett seconded the motion. Reddick Bowman asked if the motion was to adopt the whole paragraph definition in Chapter 86 to replace the definition in Chapter 71. Mr. Cannon affirmed that was the motion. Chairperson Habegger called for the vote and the motion **passed unanimously.**

Open Space: David Cannon moved to change the last sentence in Chapter 86 to read “Open space shall be permitted to be devoted to landscaping and preservation of natural features only and is to be permanently free of structures.” Stephanie Renner seconded the motion. William Hackett asked if there was any negative to adding the word “permanently” in the definition. After discussion, it was determined that there was no reason not to add the word “permanently.” Mr. Cannon moved to table his motion, seconded by Mr. Hackett and approved unanimously.

Private Road: There is a definition in Chapter 71 of “private street” and a definition in Chapter 86 of a “private road”. Stephanie Renner stated that in the Worksession they discussed moving the definition from Chapter 86 to Chapter 71 and including “private road/street”. David Cannon suggested removing the forward slash and adding the word “or”. Stephanie Renner moved to change the wording to “private road means a non-public road or street” for Ch. 86 and adopt that definition for Ch. 71. David Cannon seconded the motion, which was **unanimously approved.**

Open Space: Building Code Administrator Brown told the Commission that there would be no impact of someone doing something by adding the word “permanently” to the definition. Mr. Cannon asked if they would be prohibiting the building of docks. Mr. Brown said that it would not if they already had a dock. The motion currently on the floor is the one made by Mr. Cannon, that the last sentence of Ch. 86 be changed to include the word “permanently”. Mr. Cannon amended his motion to stay with the language currently in Ch. 86 and adopt that language for Ch. 71. Tom Edens seconded the motion, which was **approved unanimously.**

Site specific development plan: Chairperson Habegger said that the definition in Chapter 86 has the words “with reasonable certainty” and Councilwoman Smyer is suggesting this term be removed and use the same definition in Chapter 71. Code Administrator Brown said that he had been asked to relay information from the Town Attorney in regards to the wording. The

appropriate language would be to remove reasonable certainty or replace it with “specificity”. Tom Edens moved to remove “with reasonable certainty” in the Chapter 86 definition. William Hackett seconded the motion, which was unanimously approved. Mr. Hackett moved to use the amended Ch. 86 definition in Ch. 71. Mr. Edens seconded the motion, which was **approved unanimously.**

Street: Chairperson Habhegger suggested the Commission use the definition of “street” in Ch. 86. David Cannon said that it was a question of whether or not the Commission wanted to adopt the language in Ch. 86 or the language in Ch. 71. Mr. Bowman said that the definitions are not the same and the difference is significant. In Ch. 71 it says, “Highway, expressway, lane, drive or any other public or private way” which is a much broader definition than the one in Ch. 86. Mr. Bowman said that he would like to find out from Councilwoman Smyer why she wants to do away with the definition in Ch. 71. Chairperson Habhegger asked if the Town Attorney might give the Commission an opinion of what changing the definition of “street” in Ch. 71 would do. Mr. Bowman moved to defer any action on changing the definition of “street” until more information is given. Mr. Cannon seconded the motion. Mr. Edens said that if the Commission deferred the action, it would be at least two months before the Ordinances would be passed. Mr. Hackett asked if Mr. Brown had a preference, and he said he agreed with Mr. Bowman on the deference. Mr. Brown said he would examine the definitions closer to see why there was a difference between the Chapters. Chairperson Habhegger called for a vote, and **the motion passed with a 5-2 vote, with Members Edens and McCarley opposed.**

Public Comment

No one was signed in to speak.

There being no further business to discuss, Chairperson Habhegger asked for a motion to adjourn. Member Bowman so moved, with Vice Chairperson McCarley seconding. The vote was **unanimous to adjourn.**

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

APPROVED BY THE PLANNING COMMISSION

Submitted by Margaret Green, Building Permit Technician

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.