



**JAMES ISLAND PLANNING COMMISSION**  
**Town Hall**  
**1238-B Camp Road, James Island, SC 29412**

**MEETING AGENDA**

**July 14, 2016**

**6:00PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

- I. CALL TO ORDER
- II. PRAYER AND PLEDGE
- III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV. INTRODUCTIONS
- V. APPROVAL OF JUNE 9, 2016 MINUTES
- VI. PUBLIC COMMENTS
- VII. STAFF COMMENTS
- VIII. DISCUSSION OF PROPOSED AMENDMENTS TO THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) AND THE LIVABILITY ORDINANCE INCLUDING:
  1. §153.207: Accessory Structures in Residential and Residential Office (OR) Zoning Districts: Adding a provision for accessory structures over 120 sf to be at least 5' from the property line
  2. Livability §90.01 and §90.17; ZLDR §153.211 and §153.013: Adding provisions for the keeping of chickens on residential property
- IX. CHAIR'S COMMENTS
- X. COMMISSIONERS COMMENTS
- XI. NEXT MEETING DATE: AUGUST 11, 2016
- XII. ADJOURN

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, June 9, 2016 at 6:00 p.m. Commissioners present: Lyndy Palmer, Warren Sloane, Bill Lyon, Ed Steers, and Chairman David Bevon, who presided.

Also present: Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Councilman Darren “Troy” Mullinax, Councilman Leonard Blank, and Frances Simmons, Town Clerk and Secretary to the Planning Commission.

Call to Order: Chairman Bevon called the meeting to order at 6:00 p.m.

Prayer and Pledge: Chairman Bevon led in prayer and followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Bevon announced that this meeting was noticed in compliance with the South Carolina Freedom of Information Act.

Approval of May 12, 2016 Meeting Minutes: Chairman Bevon moved for approval of the May 12, 2016 meeting minutes; Commissioner Palmer seconded and made a correction on page 4, paragraph 1; next to the last sentence, to delete “d” from the word scheduled. Minutes were approved with the correction.

Public Comments: None

Staff Comments: None

Discussion of Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) including:

1. §153.334: Tree Protection and Preservation, Measurements and Definitions, Grand Tree: Adding a 25’ grand tree protection zone for 18” trees on single family residential lots:

Chairman Bevon announced that Town Council at its May meeting voted on Resolution #2016-09 that contains a proposed amendment to the Tree Protection and Preservation Section of the Ordinance. Council voted to send the proposal to the Planning Commission for a vote of recommendation. The proposal was written by Councilman Mullinax who is here to give a brief explanation.

Councilman Mullinax said he is trying to formulate a compromise; that within 25’ of any public right-of-way of an existing single family residential lot, a grand tree is 18” or greater; beyond that, a grand tree would be 24’ or greater; excluding the trees on the endangered species list: Pine, Sweet Gum, etc. He is trying to create a delicate balance for homeowner rights and protect some of the natural resources on the island. He is looking for something that will be consistent; not to change with every council and mayor. Councilman Mullinax said he is open to having the amendment tweaked as some concerns have been brought to his attention; such as there may be some yards or homes affected more than others. He said that may require some leniency for the homeowner to the BZA. In summary, the amendment would stand the test of time and it will be a good balance.

Kristen Crane, Planning Director, reported that she researched the City of Hanahan’s Tree Ordinance that this amendment started off to mirror. She spoke with the City of Hanahan Building Official and was told that they no longer use this requirement. That particular ordinance was in effect from 2008 and was discontinued in 2013 due to issues from requiring surveys to locate property lines, to utility companies having problems with their easements in protected areas. She said Hanahan protects trees at 8” or greater and Landmark trees at 24” or greater. In order to remove a Landmark tree, it must be shown that the tree is in a buildable area of the square footage of the home or driveway and it is mitigated according to a schedule.

Mrs. Crane said we may have the same issues that Hanahan had because a homeowner has to determine where a 24' line begins and ends. Commissioner Lyon asked how the City of Hanahan's ordinance has changed. Mrs. Crane said protected trees are 8" or greater, (same as the Town) including those on a single family lot, and Landmark trees are 24" or greater for most trees. Basically 25% of the trees are kept on a lot; however, this is done on a case-by-case basis. If a landmark tree is removed, it is mitigated according to a schedule. Diseased or dying trees do not have to be mitigated. Hanahan no longer uses this ordinance as a requirement.

Chairman Bevon moved for a vote on Town Council's Resolution #2016-09, Amendment to Section 153.334 Tree Protection and Preservation. Commissioner Lyon seconded. Commissioner Steers was given clarification that the motion is to approve the resolution as presented with the 25 ft. Commissioner Lyon said this may be a good compromise. Chairman Bevon said he is not against the resolution; he guesses, as Mrs. Crane mentioned, that the enforcement or measurement may be what Hanahan came across. We often think of public right-of-ways as only a road; but there are some easements that can go 10-15 feet into people's yards. Commissioner Lyon asked if the right-of-way from the center of the road is 25 ft., Mrs. Crane answered that it can vary. Commissioner Steers asked if we didn't approve the amendment; would 24 ft. remain consistent throughout the property. Chairman Bevon answered that Town Council has asked the Planning Commission to make a recommendation. He said Town Council will vote on the amendment whether the Planning Commission approves or disapproves and they will hold a public hearing and first reading at its July meeting. He briefly discussed Town Council's decision to send amendments to the Planning Commission for recommendation. Commissioner Sloane asked if the 25 ft., is from the edge of any public right-of-way, and used the example of a water meter in a front yard. Some discussion followed. Commissioner Steers said he thinks compromise is good when it is appropriate; but we are looking at doing this when Hanahan has experienced it and felt they needed to remove the 25 ft. He said we have organizations that are able to change things if it becomes obvious that it should change, so this doesn't lock us in to the end of time if we change it or not. After discussion, Chairman Bevon called for the vote. Secretary, Mrs. Simmons, asked for a roll-call as the votes previously cast could not be determined.

Roll Call

Commissioner Palmer	no
Commissioner Sloane	no
Commissioner Lyon	yes
Chairman Bevon	no
Commissioner Steers	no

Motion failed. Town Council will hold a Public Hearing and First Reading regarding the Amendment to Section 153.334, Tree Protection and Preservation, with the Planning Commission's recommendation at its July 21<sup>st</sup> meeting. Second Reading will be held at Town Council' August 18<sup>th</sup> meeting.

Chair's Comments: None

Commissioners' Comments: None

Next Meeting Date: The next meeting of the Planning Commission will be held on Thursday, July 14, 2016 at 6:00 p.m.

Adjourn: There being no further business to come before the body, the meeting adjourned at 6:18 p.m.

Respectfully submitted:

Frances Simmons, Town Clerk and Secretary to the Planning Commission

**\*\*Proposed changes are hi-lighted, underlined or struck-through and italicized. \*\***

### **§ 153.207 ACCESSORY STRUCTURES IN RESIDENTIAL/OR DISTRICTS.**

Unless otherwise expressly stated and in addition to any other applicable provisions of this chapter, accessory structures in residential and Residential Office (OR) Zoning Districts shall be subject to the following standards.

(A) An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principal structures.

(B) A detached accessory structure shall be located:

(1) On the rear of the lot, behind the principal structure. This limitation shall not apply to carports or garages;

(2) At least six feet from any existing dwelling or dwelling under construction;

(3) At least three feet *(if size of structure is 120 sf or under) or at least five feet (if size of structure is over 120 sf)* from any interior lot line in a residential district; if in an OR District that abuts a residential district, the accessory structure in the OR District shall be located at least ten feet from the abutting interior lot line; when an OR District abuts another O, C, or I district, setbacks for accessory structures are not required; and

(4) If on a corner lot, the accessory structure shall not project in front of the front building line required or existing on the adjacent lot.

(C) A detached accessory structure may be constructed on an adjacent vacant lot if both lots are in the same ownership.

(D) Accessory structures shall be included in building coverage.

(E) Accessory buildings shall not exceed 25 feet in height as measured from ground level.

(Ord. 2012-06, § 6.5.8, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

**\*\*Proposed changes are hi-lighted, underlined or struck-through, and italicized.\*\***

**Town of James Island Livability Regulations:**

**§90.01 Definitions:**

Chickens: Any member of the species Gallus gallus domesticus, regardless of sex.

**§90.17 Raising/Keeping chickens on residential property:**

Chickens: Chickens may be permitted in residential zoning districts for personal use only, subject to the following conditions:

- (A) No more than six (6) chickens, including baby chicks, shall be permitted on a single property.
- (B) Roosters are prohibited.
- (C) Chickens shall be confined to the back yard of the property and shall not be allowed to roam off the owner's property. Should a property owner keep chickens without a pen/coop/enclosure, the area where the chickens are kept must be fenced. Fences shall comply with all applicable provisions of the zoning ordinance and may require a permit.
- (D) Chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors.
- (E) Pens/coops/enclosures shall meet all applicable provisions of the Zoning and Land Development Regulations Ordinance relating to accessory structures and shall be at least 5' from any property line. The structure may require a permit.
- (F) Nothing in this amendment to the Livability Ordinance shall be deemed to override private deed restrictions or homeowner/neighborhood association requirements that prohibit or regulate chickens or farm animals on the affected property.

---

**Town of James Island Zoning and Land Development Regulations:**

**§153.211 Animals:**

- (A) The keeping of household pets shall be allowed as an accessory use in all zoning districts in which residential dwelling units are permitted.
- (B) The keeping of exotic or wild animals shall not be allowed as an accessory use and shall only be allowed if approved as a Special Exception in accordance with the procedures contained in §§153.040 through 153.055 of this Code.
- (C) The keeping of chickens shall be allowed as an accessory use in residential zoning districts in accordance with the conditions contained in §90.17 of the Town of James Island Livability Regulations.

**§153.013 Definitions:**

Chickens: Any member of the species Gallus gallus domesticus, regardless of sex.