

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, July 14, 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, Councilmembers, Leonard Blank, and Garrett Milliken, 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 June 9, 2016 Meeting Minutes: Chairman Bevon moved for approval of the June 9, 2016 meeting minutes; seconded by Commissioner Steers and passed unanimously.

Public Comments: The following persons spoke concerning chickens kept on residential property.

Katherine Oakley, 724 Clipper Street (Lighthouse Point): Ms. Oakley commented that she had sworn never to have chickens because she grew up with them. When her oldest brother died, the chickens became therapeutic for her. She has a large number of them; not for commercial purposes, but for her total enjoyment. When she is with the birds she forgets everything that troubles her; and having them as therapy was reinforced by her doctor and mental health counselor. Money is not made off of the chickens, but she does barter with the vegetable lady for collard greens for the birds in exchange for eggs.

Commissioner Palmer asked how many chickens did she have and Ms. Oakley answered 40; that includes various breeds - some of which are endangered and on a watch list; some are very rare. The value of these birds range from \$30 - \$150 per bird depending on the species. She lives on 1/3 acre and the chickens have taken over half of it. Ms. Oakley said at one point she had three roosters to help deter the hawks from getting the chickens but she no longer has them.

Commissioner Steers asked how the chickens are confined and Ms. Oakley said with a tall netting around their area. She has an electrical fence to prevent the dogs from coming onto her property and is also putting up a privacy fence to keep the dogs from seeing them in the back yard. Commissioner Steers asked if any of the chickens has ever gotten loose. Ms. Oakley said that is rare because the wings of the juveniles are clipped and the breeds that are flighty and weigh less, has been gotten rid of. Most of the heavier birds will not fly unless something is trying to attack them. Commissioner Lyon asked what she does with the "poop" to which she answered that it is used for compost.

Julie McElroy, 1142 Skiff Street (Lighthouse Point): Asked the Planning Commission to reconsider its limit of six chickens per property and take into consideration the size of the family; its needs, and property size. Mrs. McElroy read the attached letter into the record.

Melissa Dority, 753 Grimsley Drive (Lighthouse Point): Mrs. Dority said her family has had chickens over the past five years. They started with five chicks; one of them was a rooster and was given away. The chickens are considered pets to her family and they have helped her children gain responsibility by caring for them. She thinks it is reasonable not to allow roosters and encouraged the Planning Commission to not limit to 6, but base the limit upon household needs, for food, or comfort as pets.

Brook Lyon, 669 Port Circle (Lighthouse Point): Mrs. Lyon said she doesn't have chickens but she is here to speak on behalf of those who do. Mrs. Lyon has been the President of the Lighthouse Point HOA for the past 11 years; and since that time, has only heard one complaint about a rooster in Belle Terre, 6 or 7 years ago. She said the rooster was beautiful and they loved him; but someone didn't like to get up early so the rooster was trapped and given a good home on Johns Island. When this situation came about, she spoke with Mrs. Crane who said there had been a complaint about roosters on Clipper Street (Ms. Oakley's property). Mrs. Lyon enjoys the roosters but she understands not everyone does. Ms. Oakley has gotten rid of the roosters she had and has complied with the nuisance. She has talked with people in the neighborhood that has chickens, some of which are present, but some could not attend tonight to speak about it. She also spoke about the Farm to Table Movement; Back to Nature, and mentioned that she grows her own vegetables. Mrs. Lyon complimented Mrs. McElroy's point about knowing where your food comes from; and Thomas Dority's pet chickens. Ms. Lyon asked the Planning Commission to consider the number of chickens allowed by the size of the lot; also to consider grandfathering those that have more chickens as long as it is not a problem. She commented that it would be tragic if Ms. Oakley had to get rid of her fancy chickens. Also, as the Town is considering annexing other parts of the island by limiting the number of chickens' those that live in Sol Legare or in Riverland Terrace may not want to come back. She complimented Ms. Oakley, Mrs. McElroy and Mrs. Dority on how their chickens are kept and asked the Planning commission to consider these concerns.

Staff Comments: None

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 Office (OR) Zoning Districts: Adding a provision for accessory structures over 120 square feet to be at least 5' from the property line: Mrs. Cane reported that currently the Town regulates accessory structures; (sheds, detached garages and carports); 3' from a property line and 6' from the house. Recently she's had a number of calls for larger plans for detached garages, (having offices in them) making the 3' close to the property line. Mrs. Crane said adding a provision for accessory structures over 120 sq. ft., would allow at least 5' from the property line. After her review, questions from the Planning Commission were addressed.
2. Livability §90.1 and §90.17; ZLDR §153.211 and §153.013: Adding a provision for keeping of chickens on residential property: Mrs. Crane said she did research through the County and neither the Town or the County has an ordinance for chickens. The County is looking to change its ordinance, and this is something the Town should address. The Town's Animal Accessory Use reads: *the keeping of household pets, domestic animals*

*typically kept for the company and enjoyment within the home*, which does not fall under the guidelines to have chickens. She said six chickens per lot is an average that other municipalities have established; not necessarily in Charleston County, but those are areas where they did research. Mrs. Crane said if the Planning Commission wants to change this number, to make it easier, people could calculate the number of chickens 1 per 2500 sq. ft. which would be 6 for 1/3 acre; 9 for a 1/2 acre; 17 for an acre. Mrs. Crane said having chickens has not been a major issue, she has only gotten one complaint since being hired by the Town and all of our calls are complaint driven. Permits will not will be required for the keeping of chickens. The City of Charleston prohibits keeping chickens unless the coop is 150 ft. from a neighboring house; distances less than 150 ft. requires written permission from each adjacent property owner. Mrs. Crane said she did not think the Town would have a problem with increasing the number; but we need to determine what that number should be. She said any change the Planning Commission makes will be included in the Livability Ordinance and mirrored in the Zoning and Land Use Development Regulations.

Questions from the Planning Commission:

Commissioner Sloane asked if the Planning Commission doesn't recommend approval, will the people that has chickens be allowed to keep the number that they have. Mrs. Crane said the Town does not allow them -- there is no provision at this time. She said the Town's ordinance allows domestic animals that are kept in a house and she did not think chickens fell under that category. Commission Sloane asked if property rights are granted under zoning regulations or are restricted by them, and Mrs. Crane said it is restricted.

Commissioner Steers asked if we could amend the recommendation to read: (A) chickens are authorized within a reasonable number as long as they do not infringe upon the rights of the neighborhood; and leave (B) that roosters are prohibited. He said as we haven't had many complaints it could be adjusted, and if we get a flurry of complaints we can come back with a graduated schedule that has to be researched, i.e. (number per lot, or proximity to neighbors).

After the staff's review, Chairman Bevon called for a vote on §153.207, Accessory Structures. Commissioner Lyon moved to accept the staff's recommendation, Commissioner Steers seconded and the motion passed unanimously.

Chairman Bevon called for a vote on the proposed changes to: Livability §90.1 and §90.17; ZLDR §153.211 and §153.013: Adding a provision for keeping of chickens on residential property: If the change is approved, it will be mirrored in the Livability Ordinance. Chairman Bevon moved to approve of the staff's recommendation, seconded by Commissioner Lyon. Chairman Bevon said he believes there will be a lot of discussion about chickens; especially in light of the comments made during the Public Comments. Chairman Bevon said he does not have an issue with items B-F in the staff's recommendation. Chairman Bevon reiterated the motion is for the staff's recommendation in its entirety. Discussion followed regarding whether the motion on the table should be withdrawn or amended. Commissioner Sloane suggested dividing the motion, to vote on B-F and then on A. After discussion, Commissioner Sloane moved to amend the Chair's

motion; to strike (A) and reassign the remaining changes to be A-E; his motion was seconded by Chairman Bevon and it passed unanimously.

Town Council will hold a Public Hearing and First Reading regarding the amendment to Section 153.207, Accessory Structures in Residential and Residential Office (OR) Zoning Districts, and on Section 153.211 and 153.017, Keeping Chickens in Residential Districts, with the Planning Commission's recommendation at their August 18<sup>th</sup> meeting. Second Reading will be held at Town Council's September 15<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, August 11, 2016 at 6:00 p.m.

Adjourn: There being no further business to come before the Planning Commission, the meeting adjourned at 6:40 p.m.

Respectfully Submitted:

Frances Simmons

Town Clerk and Secretary to the Planning Commission