

Walterboro City Council
Public Hearing and Workshop
July 16, 2012

MINUTES

A Public Hearing and Workshop of Walterboro City Council was held at City Hall on Monday, July 16, 2012 at 12:00 Noon with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord and City Attorney George Cone were also present. Approximately 27 persons were present in the audience. City Clerk Betty Hudson was absent and Bonnie Ross, City staff, acted as recording secretary.

A copy of the sign-in sheet for the public hearing is attached as part of these minutes.

There being a quorum present, the Mayor called the meeting to order. Council Member Buckner gave the invocation and Council Member Paul Siegel led the Pledge of Allegiance to our flag.

PUBLIC HEARING:

The Mayor opened a public hearing, duly advertised, to receive public comments on the following proposed ordinance:

Ordinance # 2012-09, An Ordinance to Repeal Chapter 21, Zoning, of the 2003 Code of Ordinances of the City of Walterboro, South Carolina, As Well As to Repeal Chapters 17 and 24, Flood Damage Control and Planning, of the 2010 Code of Ordinances of the City of Walterboro, South Carolina, and to Replace Said Chapter 24 with a Revised Chapter 24, Entitled "Planning" Which Contains the "City of Walterboro Unified Development Ordinance," As Well As to Repeal Other Sections of the Codes that Conflict with the Provisions of the Revised Chapter 24.

Three (3) Letters had been received by Mr. David Dodd objecting to zoning of their properties, specifically:

Dr. David Hiott, requested to change his properties at 418 Wichman and 241 North Memorial Avenue from commercial zoning to residential zoning.

Mr. Andrew Ulmer requested, in the absence of historic design specifications, that his property at 132 N. Memorial Avenue (building and 2 lots) not be included in the Historic District.

Mr. Peden McLeod, on behalf of Ivanhoe Road, Inc. requested to change the zoning from Resource Commercial to General Commercial on 2.2 acres of property on West Washington Street, Tax Map # 163-00-00-019.

Copies of these letters are attached as part of these minutes.

The Mayor announced that everyone is welcome to comment during this time, and after the public hearing, City Council will enter into a work session. That time will be for Council Members to discuss the issue and not for public input. So, this would be the appropriate time for public input, and not later during the work session. You are welcome to stay for the work session and observe, but you won't be able to enter into discussions with Council at that time.

City Manager Lord then briefed Council on the proposed Ordinance. He explained that in 2010, the City adopted a revised Comprehensive Plan, which is required every 10 years. When you complete the Comprehensive Plan, you follow that with a new Zoning Ordinance, what we have here is the Unified Development Ordinance, which takes the Comprehensive Plan and puts it from an idea to implementation. So, the UDO, which is being presented before you, has been the

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work of the Planning Commission for the last 2½ years. There were public hearings held in June 2010, and different interest groups were invited and surveyed. Comments were taken from that. Working with a company called Benchmark, which is a planning consultant firm, there have been several drafts presented and reviewed through the Planning Commission. Last month, the Planning Commission then submitted their recommendations for that ordinance to Council. At this point, Council, through the public hearing, may make recommendations for change that will go back to the Planning Commission. The Planning Commission will then review those and send back to Council at the next Council Meeting for final approval and adoption.

The following comments/questions were then received on proposed Ordinance # 2012-09:

Dr. David Hiott, a city resident on Wichman Street, told Council, when I looked at the zoning map last month, I realized that my residence is in a commercial zone, which surprised me, because my home has been a residence for 175 years in Walterboro. My purpose here today is to request that I be placed back in the residential zone, as well as the property immediately behind me, which we also own. We would like it to be residential. I understand that part of what is being done is to change across the street from us back to residential, and I believe maybe you could consider including my properties since it would be contiguous with that.

Mr. Andy Ulmer, a city resident on Carn Street, told Council he was here to speak about the grounds and a small building he owns at 132 N. Memorial. He said, this building is very small and somewhat antiquated, but the grounds are close to an acre in size. I am told that under this new development ordinance, that it would be deemed a historic dirt parking lot. I want to build something on it somewhere down the road, so I asked if I had to build a new historic building, and basically David Dodd told me that he did not know. So, I read through this and I pulled up some quick things. It says, "prior to the beginning of any project, applicants should review the applicable adopted design guidelines." I am told nothing exists to that effect. I also uncovered that you would need a "letter of appropriateness" for anything in the Historic District. The first thing that concerns me is the appropriateness and the applicable zoning. In other words, at that point will the property be zoned something? Say, I wanted to build a widget factory on the grounds and it was zoned for that, what happens if the letter of appropriateness comes back and says "well, we don't want a widget factory." So, those basically are the only two questions I have. Barring getting answers to those, I would request that you leave my property or the grounds out of the Historic District. Anything that I do there will meet or exceed the code. It will be designed by an architect. If you have some kind of historic design guidelines, I will design to those, but barring some kind of guidelines, I would request not to be in the Historic District.

City Manager Lord then addressed Mr. Ulmer's concern. He pointed out that in the proposed UDO, it says if there are no guidelines, then you go by the Secretary of the Interior's Guidelines. It talks in there about new construction being "to meet the size, scale and compatibility with the environment around it." Part of what we are going to recommend in the workshop is just some language to bring that out more fully, so that new construction basically just meets the size, scale and architectural features of the nearby structures.

Mr. Ulmer then stated, again, I would request that until I can review whatever guidelines they are going to come up with that I am left out of the Historic District. At such time that you adopt those, then I would be happy to read them and design to that.

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Mr. Larry Duncan, a city resident on Sharon Drive, told Council he is very much in favor of the proposed UDO, and would appreciate it if the Mayor and Council would approve it as soon as possible. He said, the reason I am in favor of it is because it gives more protection to our traditional neighborhoods, like where I live. Specifically, it protects us against the development of multi-family apartment complexes being placed right in our back yards. Right now, there were several developers that applied, and all were out of town and some out of state. They had applied for federal tax credits to build multi-family apartment complexes within the City of Walterboro. As I understand it, one has been approved for \$650,000 of federal money, and that is to be built adjacent to the Belks Shopping Center. I think that will affect home values in Forest Hills, as well as where I live. The new UDO makes it a special exception, which means the City and residents would have more say and more control over what goes in those areas. I think the new UDO provides us a lot more protection and I would appreciate it if you would pass it as soon as possible.

Ms. Leonna Fennell, a resident on Ravenwood Avenue, told Council that she wanted to know whether Hiers Corner Road would continue to have the zoning it currently has or would it be rezoned, where they have talked about putting this building in? She said, I live on Ravenwood Road and Hiers Corner Road. Mayor Young responded, I think they are changing that from Medium Density to Single-Family Residential on the other side of Hiers Corner Road from you.

City Manager Lord answered, right now it is zoned Medium Density Residential, and it is proposed to change from Medium Density Residential to Single-Family Residential. Mrs. Fennell, then said, but if it's built, it will be built right behind his home and all those homes on Hiers Corner Road. So, how can you keep it from being placed in the back yard of those properties?

City Manager Lord answered that the Single-Family designation is more restrictive than Medium Density. He said, so, this is going from where you can have duplexes to where you can only have Single-Family residences. So, this is a more restrictive change.

Mrs. Judy Bridge, then said, I think her question is more about the buffering of the property on Bells Highway, not Hiers Corner Road. City Manager Lord then said this is changing from General Commercial to Highway Commercial. Mr. Dodd responded, that's correct.

Mayor Young then stated that the new UDO would require High Density Housing to become a special exception. City Manager Lord added, basically, what was in there before was kind of a mixture of General Commercial and Highway Commercial, so it did not make sense. You had the same parcel with two different zonings. Most of it there was Highway Commercial. That protection that the Mayor just talked about would be there for the Highway Commercial as a special exception. Ms. Leonna Fennell then said, whatever you do, please help us.

Mr. Mickey Strickland, a resident on Hiers Corner Road, told Council he lives right down the road from Mrs. Fennell. I am talking about the same multi-family complex that is proposed for Bells Highway. We live on Hiers Corner Road. It would be on Bells Highway, but it would come in front of their back yard and my front yard. We already have one at Forest Point. I am just wondering since Forest Point is not at full capacity, why do we need another one within a block of it, where we have had more trouble? I have lived there since 1975, which is 37 years. We did not have any trouble until Forest Point went public. Now, the kids roam up and down the streets all times of the night. I have been broken into four times in the last two years. I just do not think we need another multi-family unit within a block of the one we already have which is not at full capacity.

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Mr. Whit Spell, a city resident on Pinewood Street, told Council, I am truly amazed after all the work that my wife and I, and about 5 or 6 neighbors did in putting into this effort of trying to stop this multi-housing unit from coming in, completely around Belks, both sides of Belks. My wife and I walked the streets two afternoons for about 4 hours each, gaining signatures of anyone that we could find that was home to sign. 99.9% of the people signed with no problem whatsoever, and I am just absolutely amazed that the Federal Government and HUD totally ignored all of the paperwork and the legwork that we put in as individuals of Forest Hills and Sharon Drive, and sent to them; all the phone calls that were made to these people, and yet the Federal Government is going to shove this thing down our throats once again. I think it is absolutely ridiculous.

Mr. Austin Thornton of Companion Associates, who resides in Charleston, South Carolina, addressed Council. He said, I did not intend to speak; I just wanted to say that owning these properties, and they are at a 100% capacity at all times, we constantly have waiting lists over a page long. I think that affordable housing is something that is needed in the City. We don't have any projects in the works right now. Like I said, I was not intending to speak, but multi-family housing is driven on a state and federal level by a need, and where the needs are generated through state housing. They see the income numbers and the people who need the affordable housing. I know it's not always where it's glad to be seen, but it's a necessary thing and it's a tax credit project. If you do some research on it, they are very well built projects and properties.

Ms. Hester Farmer, a resident on Grace Street, asked Council if her home was being zoned residential or commercial? City Manager Lord responded, right now, most of Grace Street is High Density Residential and then the end of it is Neighborhood Commercial.

Mr. Dodd further explained to Ms. Farmer. Your home is currently zoned High Density Residential. This could have apartments or duplexes, or small single-family lots. City Manager Lord noted that High Density Residential has small lots and that's what you have. He also stated that the whole street (Grace Street) is being zoned High Density Residential, and the very end of it is Neighborhood Commercial. So, you could have a small store there.

Mr. Whit Spell then said he would like to give a rebuttal to Mr. Thornton's statement. He asked, if Forest Point is full, why are they always advertising one, two and three bedroom apartments for rent?

Mr. Austin Thornton responded, Forest Point is a conventional property, which means they are market rate rentals. The property that we own and operate is not Forest Point. It is actually a home project, which is different from the low income tax credits, but they are affordable properties for lower income individuals, and we are always at 100% capacity. Like I said, I did not come here to speak, I certainly did not come to argue. They are all residents of Walterboro. That's why Forest Point is advertising, because they are a market rate and they have a hard time staying full. The affordable properties, which are really what is needed and what is being proposed is the tax credit properties, they are needed. You have residents in Colleton County and Walterboro living on a low income who needs an affordable place to live. Thank you and I won't say anything else.

Mr. Brooke C. Williams, a resident on Hiers Corner Road, then asked Mr. Thornton to answer this one question. He asked, would you want that property backed-up to your house? Would you live there, would you want to live there?

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Mayor Young then cautioned and asked the audience to please address all comments to the chair.

Ms. Gail Pringle, a resident on Magnolia Street, asked if her home on Magnolia Street was in the Historic District, Residential or Commercial District. City Manager Lord answered that all of Magnolia Street is in the General Commercial District, and it is within the Historic District also. Mr. David Dodd corrected Mr. Lord by stating, I think she lives in the house behind IGA and that is zoned Single-Family Residential. Mr. Lord then said, in that case, it is Single-Family Residential and in the Historic Overlay.

Ms. Marsha Johnson, a city resident, said since this is a public hearing and workshop, do you have any letters or other things that we need to know about? Mayor Young answered, you are welcomed to stay and observe the workshop. I don't know what anybody might say in the workshop. Ms. Johnson then asked, are you considering letters that you have received? City Manager Lord said, we have already included the letters in the materials that will be provided at the workshop.

Mayor Young then thanked everyone for coming. He said, and we will look at everything that has been said today as we go into the workshop, and we will do our best to meet the needs of our citizens. We appreciate your continued support and we will get through this together.

The Mayor then adjourned the public hearing. He announced that a short break would be held between the public hearing and the workshop.

After a short break, the meeting returned to Open Session for a workshop on the proposed UDO changes.

City Manager Lord then presented Council with a summary sheet outlining the proposed changes to the UDO recommended by staff and the changes to the UDO recommended by citizens. A copy of this proposed change sheet is attached and made a part of these minutes.

Council then reviewed and discussed each of the proposed items on the change sheet, which were as follows:

Staff Suggested Changes

Page 2-8, Section 2.4

The recommendation here is to correct an error and allow the use of two family dwelling as a permitted use in the Neighborhood Commercial District.

City Manager Lord stated on page 2-8, this is the chart that shows the permitted, conditional and special exceptions for each district. The use of two family dwelling duplexes used to be allowed under the Neighborhood Commercial District, but it was omitted here. This was an error. It was not purposely left out. Mr. Lord further stated, under the old Zoning Ordinance, it was allowed in Neighborhood Commercial Districts. In this draft, it was not. That would just be basically correcting a mistake.

Council then discussed this item. Council Member Peters asked where are most of these areas located? City Manager Lord responded, we have some in the downtown area, and some are located on the bypass.

Mayor Young asked, under the new special exception, even if we put that in

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there, would two family dwellings still be a special exception? City Manager Lord responded, with that district, it would be the way that you determine. Right now, it is not allowed. If you choose to put it under "special exception," then it would go to the Board of Zoning Appeal (BZA) for approval. If you chose to permit it, then it would be permitted, or you could put it as "conditional" and set special conditions.

Mayor Young then asked, don't we have proposed special exceptions for multi-family housing? City Manager Lord answered affirmatively. Mayor Young then asked, is a two-family dwelling a multi-family housing? City Manager Lord responded, no sir. Multi-family will come under two or three or more. Council Member Lucas then said, but it was allowed in the current zoning.

Mayor Young then said, we can have it the way it was, that would allow duplexes in neighborhood commercial. He then asked, does anybody object to that? No objections were made. This suggested change was approved as recommended by consensus.

Page 3-9, Section 3.2.8 (A)

Change Requested - Conflicts with 2.5.2 7 DUA or 8 DUA.

City Manager Lord explained that this is the regulation concerning mobile home density. This is a carryover from the old ordinance. It limits it to 7 units per acre. Mobile homes are allowed in High Density Residential and Highway Commercial Districts only. The density in those districts is 8 units per acre.

A discussion was held and Council Member Lucas suggested keeping it simple and change it to 8, so that they are both 8 units.

Council Member Buckner stated, my position is that I would like to see it be the most restrictive as possible on mobile home parks. So, which one of these would it be? City Manager Lord answered, that would be 7 units per acre. Council Member Lucas then said, we could restrict it further, I mean, if you wanted to restrict it, you could say 4.

Council Member Siegel asked if there has been a recent mobile home development established in town? City Manager Lord informed Council that there has not been a development since 2003.

Council Member Buckner asked, what are the landscape requirements for mobile home parks, because I would like for that to be restrictive. You can have them, but they don't need to be seen. I don't know what the landscape requirements are for mobile home parks, but do we have something in the code? City Manager Lord answered that mobile home parks shall meet the buffer requirements of Section 7.3.1, and 7.3.4 for the street noise.

Planning Director David Dodd then told Council that the minimum lot size used to be 6,000 square feet. If you divide that into an acre, you come up with 7.26 units, and you can't put in a .26 of a unit, so that's where the problem came from. The new minimum lot size is 5 acres, and a park will allow a density of 8 mobile units per acre, so that you don't end up with a fractional number.

Council Member Bonds then asked where would these go, or where could they go? City Manager Lord responded, Highway Commercial and High Density Residential Districts. Council Member Bonds then said, well, I sure don't want to see 7 units on an acre.

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Council Member Buckner asked, do we have to even allow for mobile home parks? City Manager Lord responded, I think we do. I think the State recognizes it as a type of housing. Just like businesses, you can't restrict new businesses from operating. What you can restrict is where they are and how they operate.

Council Member Lucas then asked, don't the parks have to be a minimum of 5 acres to be a mobile home park? City Manager Lord responded, yes it does. Council Member Lucas then said, so it's not like they'd go in, have an acre, and put in 7 units, it's got to be an established mobile home park with a minimum of 5 acres. It would need to meet all kind of requirements for mobile homes.

Mayor Young then asked City Attorney Cone about the state requirement for having mobile homes. Attorney Cone responded that this is correct. He pointed out that the legislature also says that the building inspector cannot inspect those units for plumbing, wire, etc. Mayor Young then said, we have an awful lot of people who live in mobile homes in Colleton County.

Council Member Siegel then said, I am more concerned about Highway Commercial. If you have 5 acres on Highway Commercial, how many acres are next to the Belks on either side? Is either one of those lots 5 acres?

Council Member Bonds then said, we can't anticipate this, but this is the very type of thing that we should pull in the reins right now, when it's not an issue.

Mayor Young then asked Attorney Cone, as long as we allow for this, can we restrict it in any way that we want? Attorney Cone responded, pretty much, but it's got to be reasonable, and you are not supposed to discriminate on mobile homes as opposed to other types, but they will allow you to require them to be in mobile home parks.

Further discussion was held on the restrictions for mobile home parks. Council Member Peters agreed that 5 acres is fine, as long as we restrict how many can go on 5 acres. He also said, I think the key is not necessarily 5 acres or 7 acres, as much as how many you will allow per acre.

Council Member Peters then asked, how would modular homes play into this? Mr. Dodd responded, they are treated exactly like a stick built single-family house and that's by state law. They cannot be discriminated against.

Mayor Young then asked, can we make mobile home parks a special exception? Council Member Bonds responded yes, I think we can, I think they are. He further stated, in theory, these new ones, you have to treat the mobile homes the same way you treat a stick-built home. City Manager Lord then answered, right now, they are special exceptions and conditional in the High Density Residential Zone, and in the Highway Commercial Zone, they are just conditional.

On a question raised by Mayor Young, Mr. Lord explained, if they are zoned High Density Residential, they have to go before the BZA and meet these conditions. If they are zoned Highway Commercial, then they still have to meet these conditions, but they don't go before the BZA.

Council Member Buckner then said, if I may, this is my concern with mobile home parks. I think if we have to have them by law and they need to be in place, then we need to have some special landscaping requirements for mobile home parks, so that they are there, but are not seen. You can ride by and not even know they are there. I used to live in Southport, and they have a lot of mobile homes, and you did not even know they existed because they had the trees and the landscaping. I would like to see the same thing in Walterboro, in that we need to

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have some special landscaping requirements for mobile home parks. If you are going to do a mobile home park, then you are going to need some buffers to the extent that it is all the way wrapped around it, and folks don't even know it's even there. Council Member Peters then asked, are you talking about the whole park or the individual acres? Council Member Buckner answered, this is the whole park.

Attorney Cone noted that there are set back requirements. He stated, on the chart, it says 25 feet on the front and sides and 15 feet on the rear.

When Council Member Buckner asked, how high is the shrubbery supposed to be, Mr. Dodd responded, you can look at the street yard requirements on Section 7.3.4, to see what the requirements would be. On page 7-6, it says you would have to have two forest trees or canopy trees every 100 feet on the property line, and shrubs with one per 5 linear feet.

Council Member Buckner then said, I don't know if that's going to meet what I want to be able to accomplish. So, that's why I am saying we might need a separate landscaping requirement for mobile home parks. If this is an example, then that is not going to cut it. It needs to surround that park, and the only thing you see is the entrance going in, not like the one on Francis Street.

Mayor Young then said, let us see if we can nail down the size and density for mobile home parks.

Council Member Peters asked, what is staff's recommendation? City Manager Lord answered that it depends on what Council intends. Council Member Peters responded, we intend to have as few as possible.

Mayor Young then asked, what does the law say now? City Manager Lord responded, right now, it is 7 units per acre, and a 5-acre minimum.

Council Member Bonds then stated, I think 4 units are fair, because this is the same thing that is required for a single-family home. Mayor Young added, that would give somebody in a mobile home, a little bit of a yard and not have another mobile home right out their back door.

Council Member Siegel raised a question about the roads that cross mobile home parks. He asked, what are the road requirements? Mr. Dodd responded, they have to meet DOT's laws for right-of-way. Mr. Siegel then asked, what are the requirements between the actual dwelling places? Mr. Dodd responded, you have side, rear and front setbacks. You have 25 feet on the front and sides and 15 feet on the rear. So, if two lots back up to each other and two streets, then they would get a 30-foot minimum space between the roads and 50 feet on side to side. Attorney Cone added that the front setback is 25 feet from the highway into the park.

On a question by Mayor Young on the buffer requirements, City Manager Lord responded that the buffer requirements are going to be between the residential use and other uses. So, if there is a commercial use next to it, then you'd have to put 6 feet's fronts of landscaping and the street yard, which is what Council Member Buckner was talking about.

Council Member Peters then said, they have done some research on it, obviously. I mean everything we propose to change has not been that big a change from what they have already got, except for the fact of what Council Member Buckner wants with the vegetation.

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Council Member Siegel then said, I don't know that making something totally invisible is reasonable, as a burden upon a developer to say that you have to have it completely invisible from the street. Maybe in Florida, where they have the metropolis or something, but around here, you'd have to put in an eight-foot wall.

Council Member Bonds stated, I just think that we could cut it down to 4 units an acre, which is the same thing that single-family residential has. I think if you want to look at increasing the buffering, I don't have a problem with that, because what happens is ultimately the highest and best use of the property is going to turn to another direction when you limit it to 4 units an acre, and require this buffering. That may or may not be something we want to do, but I think if you want to put a development in there, you can. Otherwise, it will ultimately turn to the highest and best use of the property to a more commercial set.

City Manager Lord then added the following factors. He stated on the street yard requirements, it has 2 large trees per 100 linear feet, 5 shrubs - one per 5 linear feet, so you have shrubbery 5 feet, and if you go denser, then you are going to have overcrowding of your vegetation. So, it depends on what kind of vegetation you have, but the denser it is, I think you are going to risk overcrowding at maturity, especially with large trees.

Mayor Young then asked, how do you feel about going to 4 units per acre and leaving it at a 5-acre minimum? Council Member Buckner agreed with the 4 units per acre. Mayor Young, pointed out this is the same for single-family homes. Council Member Siegel then asked, are you limiting modulars, too? Modular homes are treated the same as stick buildings. City Manager Lord stated, but that would be in a single-family residential lot.

Council Member Bonds then asked is underpinning required? Do we have that in there? We definitely need to have that. Mr. Dodd responded, it's not addressed in the Zoning Ordinance, and I do not know if that is something to be addressed by the building codes, it probably is. Most of the older mobile homes around the county that do not have those things were put in before the current building codes were adopted or were being enforced. After further questioning from Councilman Bonds regarding underpinning, Mr. Dodd noted that this probably comes under the building codes. City Manager Lord agreed.

Council Member Peters then asked, how many mobile home parks do we have in Walterboro? Mr. David Dodd responded, potentially three (3). There is one on Beachwood Road that consists of about three single-wides that have been there for 20 years. There is one out on Sniders Highway, behind Sherrill's Automotive, which has about 5 mobile units. That's all family property, but they are all mobile homes. That tract is more than 5 acres, and even if it's not, it was grand fathered when it was annexed in. The other mobile home park is on Francis Street.

Council Member Buckner asked about the requirements for the Beachwood Road mobile home park, because it seems like they are just stacked up on top of one other. Mr. Dodd responded that they are grand fathered in. They have been there for years, and so they don't meet the current code or standards.

Mayor Young then asked, do we have a consensus for 4 units per acre on a 5-acre lot. Council agreed by consensus.

Page 3-19, Section 3.7.2

Mr. Lord stated that item (B) is repetitive of 2.5.2 and should be removed. He explained that (B) is repetitive because the city wide restriction on building height is 3 stories. We are just taking out the repetitive paragraph.

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Council agreed by consensus with this change as recommended.

Page 5-8, Section 5.3(1)

Mr. Lord stated that the recommendation here is to change the picture to a local sign, so that it matches the character of the City. This is just a graphic change. There was a brief discussion and Council agreed by consensus to go with the graphic change as recommended.

Page 5-10, Section 5.3(J) (4.)

Mr. Lord reported that the recommendation here is to limit window signs to only advertising the goods and services offered on that site and for public events, if someone wanted to put up a local public event announcement, like a rodeo. Mr. Bonds asked if this included putting a flyer in the window? Mr. Lord responded, it could be flyers and it could be banners. Council Member Lucas said, we put “listings” in our window. Mr. Lord responded, and that would be O.K. Mr. Bonds pointed out that he has seen people putting flyers in windows, for clubs announcing parties for people and they have unattractive pictures.

Council Member Peters felt that since a business owner owns his own business, he has a right to put up what he wants. He said, we tell the businesses enough about what to do anyway, and I think that we should give them the right to do what they want to do.

Mr. Buckner then said, my position is, I would like to see the most restrictive signs, personally to eliminate the clutter. It’s just too much. We just need to have less clutter and have more environmentally friendly signs. To me, the less clutter the better. The more restrictive the better. I think in the long run that’s going to raise property values, and raise the value of commercial and residential.

Council Member Siegel stated, I don’t think that we can police what people put in their signs in their windows.

Council Member Bonds then said, for instance, if Super Bad Fashions wants to put a huge banner across the Walterboro Motor Sales glass window that overlooks the courthouse with this really cool banner, with retro 70’s and platform shoes walking, etc. is that good? Mr. Lord responded that the current proposed ordinance does not restrict that. Council Member Bonds then said, I am just saying, this is a high profile example of something just waiting for somebody to stick something in there, that’s going to be a huge problem.

Council Member Siegel then asked, don’t we have sign requirements for size and those attached to buildings? . Mr. Lord responded, it’s related to window size. The window size requirement allows it unless it exceeds 50% of a window. If it exceeds 50% of the window, then it goes into a wall sign.

Mr. Bonds, then said, I just think we need to be proactive on that. That is a prime example of a high profile window, directly across the street from the courthouse, just waiting for something like that to come in.

Mr. Bonds then asked, if you have a store that is closed, can you have anything in the window? Attorney Cone responded, you can have a sign for a revival, that’s a local event, or something that’s going on at the auditorium.

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Mayor Young then asked, is there another way to do this, so that we can address what Mr. Bond is talking about and at the same time protect the City? Mr. Lord responded, I am trying to figure out what his intent is.

Council Member Bonds then explained that his intent is particularly in vacant buildings that we don't have an opportunity for a landowner to make some money by allowing somebody for \$100 to stick some type of tacky banner in a window. City Manager Lord responded, as proposed, this would prevent that.

Mr. Bonds then asked, as proposed, what is the rule? Mr. Lord responded, that they could only do it, if it's advertising on-site business or goods or a local public event.

Council Member Siegel stated, I think that's good to actually have permission to use the building and somehow display in a building with the permission of an owner and refer it back to another location. The question is tasteful, and that's what Mr. Bond is more concerned about whether something is offensive, and there is freedom of speech.

Mayor then asked, have we had a problem with people putting signs in windows that have been distasteful or caused a problem in any way? City Manager Lord responded, the only two issues I can think of is that we did have some complaints about some party advertisements that had people on the picture, and then of course the Our Town signs.

Council Member Buckner then raised concern on the rule about 50% usage of window area. He said, I think that's too big, personally.

Council Member Lucas then said, that would affect grocery stores that put the sales stuff on the windows and all that. Mr. Dodd then said, and they are doing on-premise, so they are not a problem, having 70% or 80% or 90% of the window.

Mayor Young stated, well, somebody is going to have to enforce whatever we decide here. I don't know what the answer is, but I think you have a good point there. I think it would be terrible if somebody came across the street from the courthouse and put something there that's distasteful. That's a good point.

Council Member Buckner felt that the more restrictive it is, the better, because if you let people do what they want to do, it becomes cluttered, it just brings things down, because when it comes to real estate values, you have to make sure that people don't have the opportunity to just do whatever they want to do. You have to restrict them within a reasonable amount, so that everybody can flourish.

Council Member Peters stated, we could take this on a case-by-case basis. Council Member Lucas then asked the City Manager, could you write it something like the historical aspect it has to meet, or blend with the surrounding environment, something to that effect. So, if it became an issue, it would be referred to the Zoning Board or Codes, or somebody. Mr. Lord then said what we have here and this section covers signs that do not require a permit app, so there is no review. So, it is only after the fact that we might get involved. If it goes over 50% area and there is a permit and it is in the Historic District, then it would go to a commission for review.

Council Member Siegel then said, I don't want to change that because that does rule out attractive large signs. I don't think that one of these other small

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places is going to be given Courtland's building to put up a banner there.

Council agreed by consensus to leave the section as is, and not make any changes.

Page 5-11, Section 5.3(L)

Under this Section, City Manager Lord pointed out that the recommendation is to add an additional kind of temporary sign that does not require a permit, such as for garage sales or fund-raisers. If somebody wanted to put up a "garage sale sign," then they can or if they wanted to put up a "car wash sign," they can.

On a question by Mayor Young, Mr. Lord said that right now these signs are not allowed. Mayor Young then asked, where could they put these signs? Mr. Lord responded, they would be on-premise. Right now, they are not supposed to, but this change would typically allow it. Mayor Young then said, if it's on-premise that's all right with me. Mr. Lord further explained, if they are having a car wash at a business, they could put up a sign saying "fund-raising car wash" or whatever on that property, but not all over town.

Council agreed by consensus with this change.

Page 5-16, Section 5.4(D)

Mr. Lord pointed out that there was a typographical error for the Section that reads "CB District." It should read "CBD."

Council agreed to this correction.

Page 5-18, Section 5.4(F)

Mr. Lord pointed out that this was just for clarification. The new ordinance allows banners and it allows them once a month for a 10-day time period. The question here is, do we want to clarify whether it's a 10 "consecutive day" time period, or do you want to leave it open so that they could do 2 days, 2 days, 2 days, etc. Enforcement wise, this gets pretty crazy.

Mr. Dodd informed Council that when the Planning Commission discussed this, and of course several of the business owners came into the Planning Commission meeting and Sears was certainly one of them, the discussion that followed was basically to allow them more than what they have now and what charge for it would cover the expense related to keeping up with it. Again, currently we have a free temporary sign permit for one time a year, and it was very limited to the businesses.

Mayor Young added, but we are going to get away from what the original intent which was not to have, to junk up the streets and the byways with a whole lot of things. I mean, I want the businesses to be able to do more, and you know I have worked with the Sears people to try to help them, but what this will do is actually, if you pay for it, you can put the signs and banners up all year long.

Council Member Buckner stated, my position on this is the same as before, we don't want to clutter up the city with signs, banners and all that. My position is the most restrictive, which is I guess what we currently have, which is one time a year. That's it. There are other means of advertising. There is radio, newspapers, etc. We want to have an esthetically beautiful City. It just becomes an eyesore. It

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brings the City esthetically down, so I am for the most restrictive ordinance for these signs and banners.

Mayor Young then asked, could we limit the number of days a year they can do this? Let's say 30 days a year, or 40 or 50 or whatever? You can buy up to 4 permits a year.

Mr. Dodd responded, in the current ordinance when it was 7 days, the initial change was to have it no more than 4 times a year for up to 30 days, which is still 120 days, unless you say a maximum 30 days a year, no more than 4 permits. Mr. Dodd further stated, then Sears came in and so this was the compromise. You can bring it back down somewhere to where it was or anywhere in between. I will point out on the next page is that temporary things for like the 4th of July fireworks has been expanded from one a year for 7 days, to one a year for 14 days.

Further discussion was held and Council Member Peters suggested once a quarter.

Mayor Young then said, 10 days every 2 months and you use it when you want to. I think that's the thing. When you restrict to 10 days in a row, you really restrict somebody as to how they can run their business. So, I would be for letting them have more latitude as to when they want to use it.

Council Member Lucas then said, I would say every other month, and they could use the 10 days either once or however they want to.

Mayor Young then said, how about instead of saying every other month, say they can buy a permit for 2 months and they can use the 10 days whenever they want to. Council Member Lucas agreed this would be good. Mayor Young said, well that's 8 weekends, maybe the quarter is good.

Council Member Peters then suggested once a quarter and they can use the 10 days the way they want to. Mr. Dodd then said so this would be changed from 10 days once a month to 10 days once a quarter. Mr. Lord suggested instead of using once a quarter, just say a 90- day period. On a question by Mayor Young, Mr. Dodd said the change would now read, "10 days per 90-day period," and they could use it any way they want. Council agreed by consensus.

Page 5-19, Section 5.4(G)

Mr. Lord told Council right now the ordinance allows 7 days for attention-getting devices, and then traditionally each year this is extended for an additional 7 day period. The recommendation from the Planning Commission is to leave it at one time, but make it 14 days. I just thought you might want to consider making it twice for 7 days because you are going to get those requests every year, particularly from the fireworks people. Council Member Lucas said it happens every July and New Years.

Mayor Young said, I like that better too. Council agreed by consensus.

Page 7-7, Figure 7.3

Mr. Lord pointed out that the picture of Figure 7.3 was mislabeled. It says a parking space should not be "at least 60 feet from a shade tree," it is supposed to say "within 60 feet of a shade tree." When asked how this would be enforced, Mr. Lord responded, it's in the landscape requirements. Mr. Dodd explained, in the

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landscape requirements you have to have a shade tree within 60 feet of every parking space, but the diagram worded it improperly.

Council Member Peters asked, who came up with this idea? Mr. Dodd responded that the consultants came up with the 60-foot requirement. Currently, you have one tree per 10 spaces, but you could have them all put in the corner, but it would have a disbursement, so doing the 60-foot thing, you will have a disbursement.

Council agreed to this correction as suggested.

Page 10-4, Section 10.3.3(B and Page 11-8 through 11-12, Section 11.3

Mr. Lord stated, this section covers how variances are done. If you look at 10.3.3(B), it was agreed to add to the end of that "Variances shall be approved in accordance with procedure set forth in Section 11.3". Mr. Lord further explained that in Section 11, it has all the procedures for how you do special exceptions, how you do permits and all those things, but there is no procedure for variances. There should be a procedure for variances. So, with this and the next bullet, what we are recommending is take the procedures for special exception which are the same as state law and just say, instead of having a procedure for special exceptions, have a Procedure for "Special Exceptions and Variances."

Council agreed by consensus.

Page 11-17, Section 11.5.3(A)

Mr. Lord pointed out that this suggestion is in response to the letter received from Mr. Ulmer. On page 11-17, Section 11.5.3(A), add to the end of (A) the following: "Building Types, for which there are no adopted design guidelines should be compatible with the massing, size, scale and architectural features of nearby structures." Mr. Lord said, so then he knows what the answer to the question is. It pretty much is just repeating what's on the following page, but it makes it clearer.

Council Member Siegel stated, I am just concerned about the scenario with Andy saying he will do the right thing, but if Andy is not here and somebody else owns the property, does that mean that somebody could put a modern out of context anything on that spot? Mr. Dodd responded, yes. Mr. Siegel then said, well, I have a problem with that.

Mayor Young then said, what do you do with somebody else that's in the Historic District who says "I don't want to be in the Historic District." Mr. Lord responded, there are a lot of vacant lots in the Historic District. Mayor Young said, what would you say to other people. Mr. Lucas added, is there a means to allow them to opt out or nobody can opt out? Mr. Lord responded, no, the lines are where you lay them.

Mayor Young stated, so we would be making a change to take him out the Historic District?

Mr. Lord stated, he is currently not in the Historic Overlay District. Right now, the Historic Overlay does not include the CBD. This change is to add the CBD to the Historic Overlay District. He wants to be left out of it.

Mr. Dodd stated that a few doughnut holes exist. He further explained that the IGA store is not a historic building, it does not look historic, but the reason for

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putting that doughnut hole in the Historic District, is so if you redevelop that lot, you do something that is compatible with the historic properties on either side or across the street or whatever. It's not to make IGA look historic, and that's what Andy said. He asked me, well how am I supposed to build a historic building? I said, I don't know how you build something that's historic. What you build is something that's compatible with the historic property beside it or around it.

Mr. Siegel, then asked, so this would be the only thing in the downtown area that would not be included if we conceded with his request? Mr. Dodd responded, that's right, he is the only one who has requested that, and he based it on the lack of design guidelines.

Mr. Siegel said, now who does that go to. Mr. Lord responded, the Historic Preservation Commission. Mayor Young then asked, are they (the Historic Preservation Commission) going to control all of the Central Business District. Is it going to be under their control? Mr. Lord responded, yes, as far as design purposes.

Council Member Lucas then asked if someone has an appeal or does not agree with this board, would it then come to us. Mr. Dodd responded, it would go to the Circuit Court.

Mr. Lucas then said, there is no way to opt out, either everybody is in or everybody is out. Mr. Lord then said, the purpose of the Historic Overlay is to protect the historic property. If you have people who opt out, then you are not giving them that protection.

Mr. Lucas then said, but we are really not discussing opting him out, it's either we don't include the whole area or we include the whole area.

Mayor Young then said, I wonder how many of the other people know that they are getting included. Mr. Dodd said, they have had the same opportunity to see the same little white signs that he saw.

Council Member Buckner then questioned the wording of "building types for which there are no adopted design guidelines." He asked, why would we have a building with no adopted design guidelines? Mr. Lord then said, right now you have adopted design guidelines for residential structures. There are no adopted guidelines for commercial structures. Mr. Buckner then asked, then why don't we have them. Mr. Lord responded, that's what the intent would be after this is finished, that the Historic Preservation would start putting those guidelines together for your review.

Ms. Bonnie Ross then said, I just wanted to mention that we sent post card reminders to all the businesses on Main Street that were being included.

Council Member Siegel then said, I think that in Mr. Ulmer's situation that he is sophisticated enough that if he really is going to improve his property he can find that is general enough for him to work his way through that.

Mr. Lord then read the following text, which says; "New additions, exterior alterations or related new construction shall not destroy the historic materials that characterize the property. New work should be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historical characteristics of the property and its environment."

Council agreed to add the text as suggested by Mr. Lord.

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Page A-47, Appendix A

Mr. Lord said that this is just adding a definition for Total Development Area. You have a section on green space and the calculation of green space. It uses the term total Development Area, so not knowing how to interpret that, we put a definition in. Your choices are:

- 1) The lot size.
- 2) Or the buildable area on a lot.

Mr. Lord then stated, so, when you require somebody to provide green space for a development, do you want them to be able to include non-buildable areas like wetlands in their green space or not, because if you do want them to include that, then the total development area will be the lot size? If you don't want them to include it, then it will be the buildable area of the property.

When asked what is staff's recommendation, Mr. Lord responded that it would be simpler, administratively, if it were just the lot size and they could include non-buildable areas in their green space.

Council Member Siegel asked, does this leave a safety valve here where if somebody's lot is larger, because of some odd feature to where it would not be equitable for them to have as much greenery as they would have had to have otherwise. Is there a device for them to get a review to reduce their requirements? Mr. Lord said, any dimension that's in the ordinance can qualify for a variance when these conditions exist. Mr. Dodd noted that this was correct.

Further discussion was held in which Mr. Dodd pointed out the definition of green space, is on page A-31, and it could be passive or active.

Mr. Bonds suggested keeping the definition as suggested by Mr. Lord. Mr. Lord stated otherwise, we would have to get surveys on what a buildable area is, which makes it more complicated. Using the lot size will be easier for developers. Council agreed by consensus.

Citizen Requested Changes

Andy Ulmer - Request for his property on East Washington Street, not be included in the Historic District. Mr. Lord noted that Council had already addressed this issue.

Mr. & Mrs. David Hiott's property - Request for their property at 418 Wichman and 241 N. Memorial to be rezoned Single-Family Residential. Further discussion was held and Mayor Young said, I think we ought to grant that request. Mr. Dodd pointed out, if somebody else owns the property later, then they can always request to have it rezoned. Mayor Young then said, well it's been zoned that way for 175 years. Nobody is going to be tearing that house down any time soon and putting up a store. Mr. Dodd explained that the property is currently zoned general commercial and he is requesting Single-Family Residential. Council agreed that this request be granted.

Mr. Peden McLeod - Request that property on W. Washington next to the Great Swamp Sanctuary be zoned from Resource Commercial to General Commercial. Mr. Lucas asked if this property touched any other commercial property. Mr. Lord responded, no. Mr. Lucas, then stated, so it would be spot commercial zoning? Mr. Lord said, right now it is surrounded by wetlands. Mr.

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Dodd then noted that the property is over 2 acres, so that would not constitute a spot zoning, but it is wetlands.

Further discussion was held on the location of this property. Concluding the discussion, Council agreed to leave the zoning as it is.

Mr. Buckner then asked about the Bells Highway property where they have received the tax credits. Where are we at with that now? The zoning, does it still allow for them to be able to put that apartment complex there? Mr. Lord then said, under the proposed ordinance, they would have to obtain special exception from the Board of Zoning Appeals.

Mr. Buckner then said, so if we adopt this proposed ordinance, do they still have to get the approval from the Board? Mr. Lord responded, yes.

Councilman Buckner then asked, so they could not try to come in under the old ordinance? Mr. Lord then said, the doctrine of pending ordinances says that if there is a proposed permit that violates or is repugnant to a proposed ordinance that's been advertised, then we can deny a permit until that ordinance is resolved. This being repugnant to the ordinance, we will not issue a permit, until they go to the BZA.

Mr. Bonds then asked, is that the doctrine of proposed ordinance?

Mr. Buckner then asked, so under the proposed ordinance right now, they would not be able to do it? Mr. Lord then said, under the proposed ordinance, they would have to go to the BZA to get approval under special exception.

Mr. Buckner then asked, so why not just under the proposed ordinance, not allow them to be able to do that, go to the BZA, just prohibit it? Why are we creating an additional possible light at the end of the tunnel for them to be able to put this thing there? Do you understand what I am saying?

Mr. Lord then said, you would have to rezone it to a different zone. Mr. Buckner then said, well let's do that then. I just don't understand.

Mr. Siegel then said, if the developer did not agree with the Board of Zoning Appeals, they have to appeal it directly with the Circuit Court.

Further discussion was held and Council Member Lucas expressed concern with section 3.4.3, which talks about having crafts outside.

More discussion was held on what would happen to the use for Mr. Ulmer's property if it changed ownership.

Council Member Buckner expressed concern with outdoor signs for commercial businesses. This is under Section 5.3. He stated, I just want to find out if we have any restrictions in the current code that allows the big title loan signs? Have we made it smaller, have we said what color, the type of color they have to be? Where is that now? Mr. Lord stated, this changes completely the calculation of sign size. Signs still are determined by lot size. So, if you had a lot on a corner, they have a frontage on two streets, they could have a huge sign. What this does is, it sets the sign size by district. So, no matter the lot size, the same sign size is for each parcel in that district. No matter how big your lot is, you can have the same size as your neighbor, as long as you are in the same district. Mr. Dodd pointed out that the color restrictions are on page 4.6, and it specifically shows the bright yellow loan company as an example of what not to do.

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Council Member Peters then expressed a concern with political signs. He said, I think we need something that is easier to understand rather than what we have, as compared to what the county has, whereas signs can be put everywhere.

City Manager Lord then said, ours did match the county. At the same time, we passed ours to match the county, they changed theirs at the next meeting to be less restrictive.

Mayor Young then said, there is a state law that says you can't put signs in the right-of-way, I believe, but nobody enforces it. There is a big movement in the Charleston, Dorchester area to do something about the signs and try to get theirs back to where ours are, because they have so many signs in the right-of-way, in those medians on Dorchester Road and that's a big issue there about political signs. I am sure that is something we can talk about, and we have not had the size issue that they have there, they put huge signs up there.

There being no further business, the meeting was adjourned at 2:40 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: August 28, 2012