



TOWN OF *Kiawah Island*

Mayor

Craig E. Weaver

Council Members

Maryanne Connelly

Daniel Prickett

Klaus Said

Chris Widuch

Town Administrator

Stephanie Monroe Tillerson

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

November 6, 2019; 3:00PM

AGENDA

I. Call to Order:

II. Roll Call:

III. Approval of Minutes:

A. Planning Commission Meeting Minutes of August 21, 2019

[Tab 1]

IV. Old Business:

V. New Business:

A. Subdivision Applications:

1) #SBD19-000009

Kiawah Resort Associates, LP
A Final Subdivision Plat
Ocean Park Phase 6D (Lots 327-339)
TMS# 265-06-00-064; -194; -195; -196;
-197; -198 and -199

[Tab 2]

2) #SBD19-000010

Kiawah Resort Associates, LP
A Final Subdivision Plat
A Portion of Ocean Park Phase 3, 6A, 6B
(Lots 322-330)
TMS# 265-06-00-064; -194; -195; -196; -197;
-198 and -199

[Tab 3]

VI. Correspondence/Staff Comments:

VII. Council Liaison Comments:

VIII. Public Comments:

IX. Commissioner Comments:

X. Adjournment:

FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island. Meeting materials available for public view online at: <https://www.kiawahisland.org/meetings-minutes/planning-commission/>

PLANNING COMMISSION MEETING

Kiawah Island Municipal Center

Council Chambers

August 21, 2019; 3:00PM

Minutes

I. **Call to Order: Mr. Peterson called the meeting to order at 2:00 pm**

II. **Roll Call:**

Present:

Fred Peterson, *Chairman*
Bill Dowdy
Andy Capelli
Larry Iwan
John Moffitt

Absent:

Gale Messerman

By Phone:

Brit Stenson, *Vice Chairman*

Also Present:

John Taylor, Jr., *Planning Director*
Petra Reynolds, *Town Clerk*

III. **Approval of Minutes:**

A. Planning Commission Meeting Minutes of July 3, 2019

Mr. Capelli made a motion to approve the minutes of the July 3, 2019 Planning Commission Meeting as amended. The motion was seconded by Mr. Dowdy and unanimously passed as amended.

IV. **Old Business:**

None

V. **New Business:**

A. Zoning Ordinance Text Amendment Applications:

- AZO19-000001: Request to amend Sec. 12-102. Principal Uses and Use Regulation and Sec. 12-374. Definitions and to create Sec. 12-107. Rental Applications and Regulations for proposed changes to the Town of Kiawah Island Rental Applications and Regulations.

Mr. Peterson explained the request presented is to consider amending the text of Chapter 12, which will support the proposed changes to the Town's Municipal Code regarding Rental Applications and Regulations.

Mr. Taylor reviewed the circumstances surrounding the proposed changes, stating a short-term rental workgroup comprised of staff, and council liaison explored modifications to the current Rental Applications and Regulations to address rental behavior and patterns across the Island including; current enforcement measures, procedures for securing and administering business licenses, safety and property maintenance concerns, balance of rental and non-rental properties on the Island, rental models established across the Island with a focus on residential vs commercial business models. Referring to the materials provided to the Commission Members, he stated the intent of the revision of the Rental Applications and Regulations is to promote

public health, safety, and welfare and to discourage nuisance and behavioral issues associated with *Short Term Rental* (STR) properties in residential zoning districts, R-1, R-2, and R-3. Mr. Taylor indicated the workgroup recommended proposed amendments to the Rental Applications and Regulations within the Town's Municipal Code. The proposed changes would include to:

- *Modify the rental/business license application program, including permitting and operations requirements to strengthen procedural and enforcement measures for the Town.*
- *Introduce rental caps by zoning districts*
- *Address measures to regulate commercial rental models operating within residential zoning districts (destination and private vacation clubs)*

The proposed changes to **Chapter 8. Rental Applications and Regulations** would impact three sections of Chapter 12, Article II of the Town's Zoning Ordinance, resulting in consideration of proposed amendments to those sections.

Mr. Taylor gave a detailed review of each of the three amendments to Article II – Zoning, Division 3 - Use Regulations:

Principal Uses and Regulations - The intent is to allow and regulate uses that are deemed compatible with the purpose of that district, with or without conditions, or to restrict uses.

✓ **Sec. 12.102 - Proposed Amendments to Conditional Use Reference**

- (v) Destination Clubs and Private Vacations Clubs. Destination Clubs and Private Vacations Clubs may be permitted in Zones R-2/Commercial, R-3/Commercial, RST-1, RST-2, RST-1/R-3, R-2 (DA), R-3 (DA), and RST-2 (DA) subject to approval of uses prescribed in the Zoning Ordinance and Article 15 – GENERAL OFFENSES, Chapter 8. - Rental Applications and Regulations.
- (1) Any properties in R-1, R-2, or R-3 holding a valid STR business license shall be grandfathered, and subject to such STR business licenses regulations.
- (2) Nonconforming Use – Destination Clubs and Private Vacation Clubs operating in Residential Zones R-1, R-2, and R-3 are established as a nonconforming use. As such, STR Business licenses are non-transferable.
- (3) Destination Clubs and Private Vacation Clubs may only permit in a Planned Development District when the use is mixed as listed in conditional use reference (v). No Destination Club or Private Vacation Club shall be permitted as a single-use within any Planned Development District.

Discussion included a clarification of the definitions of Destination and Private Vacations Clubs, along with an in-depth examination of fractional ownership and if a definition of ownership interest should be included.

✓ **Sec. 12.107 - Proposed Amendments to create Section - Rental Applications and Regulations**

- (1) Rental License Caps - Short term rental Caps are established in zoning districts R-1 and R-2. The limitations and requirements of this section apply to all short-term rental properties in the Town's R-1, R-2, and R-3 zoning districts.
- (2) Proposed Zoning Caps derive from existing business licenses plus increase to allow for future licenses.

Discussion included Zoning Caps, and if the intention is to hold caps at 20% endlessly or recalculate at a time when the 20% is met. Mayor Weaver clarified that calculations would be audited annually based on number of lots developed. Mr. Taylor confirmed that no current licensed short-term rental would be affected by the proposed CAP if there is a valid business license in place.

✓ **Sec. 12.374 - Proposed Amendments to Definitions - Define Key Terms**

- (1) Authorized Agent means an owner, the owner's agent, or the owner's designee who is available to respond to any issues arising from a short-term rental unit within sixty (60) minutes and who is authorized to receive written notice on behalf of the owner.
- (2) CAPS mean the maximum number of STR properties allowed as a percentage of total dwelling units, as defined from County Assessor's Office, within each zoning district. Dwelling units' numbers are defined from the County Assessor's Office as of March 2019.
- (3) Destination or Private Vacation Clubs means private and or exclusive membership organizations or commercial businesses providing access to rental properties and services for its club members with non-ownership interest who seek alternative options to standard vacation home rentals. Destination clubs typically provide rental properties in a variety of locations and model a membership access structure where its members purchase membership levels granting access to personalized services.

Mr. Peterson pointed out that in item (1) the time for the owner, the owner's agent, or the owner's designee to respond to any issues arising is inconsistent and should be reconciled with times in the draft rental ordinance. Mr. Capelli suggested additional language changes in the draft rental ordinance along with questioning if there is any legal issue with limiting the number of rentals available or removing property rights.

Mr. Taylor stated that on the Zoning Ordinance Text Application Request, the Planning Commission should review the proposed text amendment and based on the zoning text amendment approval criteria. If the criteria have been met the Commission can act to recommend that Town Council approve or deny the proposed amendment.

Mr. Capelli made a motion to recommend to Town Council the approval of the Zoning Ordinance Text Application Request as proposed Principal Uses and Regulations - Sec. 12.102 - Proposed Amendments to Conditional Use Reference. The motion was seconded by Mr. Dowdy.

Following comments, the motion was unanimously passed.

Mr. Capelli made a motion to recommend to Town Council the approval of the Zoning Ordinance Text Application Request as proposed Principal Uses and Regulations - Sec. 12.107 - Proposed Amendments to create Section - Rental Applications and Regulations. The motion was seconded by Mr. Dowdy.

Following clarifications, Mr. Capelli's motion was amended to include suggested changes referenced during the discussion of the request and was unanimously passed.

Mr. Iwan made a motion to accept the redline additions/changes and recommend to Town Council the approval of the Zoning Ordinance Text Application Request as proposed Principal Uses and Regulations - Sec. 12.374 - Proposed Amendments to Definitions. The motion was seconded by Mr. Capelli and was unanimously passed.

VI. Correspondence/Staff Comments:

Mr. Taylor gave the Planning Commissioners the following updates:

- ✓ On August 6, 2019, Town Council approved first reading of the proposed Flood Mitigation and Sea Level Rise Adaptation Comprehensive Plan Amendments. The final reading will occur at the scheduled September 3, 2019 Town Council Meeting. The staff has made minor edits to the strategy plan that will narrow scope of active projects and increase timetable for Town Council to consider over the next 3-5 years.
- ✓ Town Council also approved an amendment to the Amended and Restated Development Agreement by and between Kiawah Resort Associates and the Town of Kiawah Island, affecting future development of Parcel 13. The amendment increases the allowed dwellings per building from seven to twenty, along with specific development standards.
- ✓ Planning Staff approved a conditional plat #SDP19-000007 - Ocean Park Putters Row
- ✓ Staff also reconvened with the Senior Living design team. Pending a few more details permits for site work could begin by late October 2019.
- ✓ Planning staff is still working with Communications staff to produce a special Development Edition of Town Notes aiming provide better understanding to property owners of the Islands development happenings and processes and what Kiawah may look like post "buildout."
- ✓ John Taylor, Jr. was featured in the July 2019 edition of the American Planning Association's Planning Magazine. The article titled Office of One by Ruth Knack discusses what is it like to work as a community's sole planner.
- ✓ Upcoming Continuing Education Opportunities

VII. Council Liaison Comments:

Mr. Prickett thanked the Commission for its efforts and comments, which will be taken under advisement. He noted that the amendments are an important step for the Town. Addressing the situation now will avoid a possible unintentional situation in the future.

VIII. Public Comments:

None

IX. Commissioner Comments:

None

X. Adjournment:

Mr. Capelli made a motion to adjourn the meeting at 3:45 pm. The motion was seconded by Mr. Dowdy and was unanimously passed.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Fred M. Peterson, Chairman

Date

DRAFT