

PUBLIC HEARING  
6:30 p.m., Tuesday, May 25, 2010

A Public Hearing was held by Isle of Palms' City Council at 6:30 p.m., Tuesday, May 25, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the Hearing were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening, Stone and Thomas, Mayor Cronin, Assistant to the Administrator Dziuban, Director of Building and Planning Kerr and City Clerk Copeland; City Administrator Tucker was absent due to illness.

1. Mayor Cronin called the Public Hearing to order and acknowledged that the press and Public had been duly notified of the Hearing in accordance with the Freedom of Information Act.

2. **Ordinance 2010-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 9, Short-Term Rentals, Section 5-4-202, Maximum Overnight Occupancy, of the City of Isle of Palms Code of Ordinances, to Limit the Maximum Overnight Occupancy Permitted at Short-Term Rental Residences Constructed, Altered or Reconstructed After the Adoption of this Ordinance.**

After reading the title of the ordinance, Mayor Cronin asked Building Director Kerr to come forward to review the changes in the ordinance.

Director Kerr began his comments by stating that this Public Hearing and a recommendation from the Planning Commission are required because Ordinance 2010-08 was an amendment to the Zoning code. The ordinance had First Reading in March 2010 and has since been amended twice, which is the reason for the second Public Hearing on the ordinance, but tonight's hearing is on the newly amended version.

The current City code sets the occupancy limits for short-term rental residences through the greater of one (1) of the following formulas:

- two (2) people per bedroom, plus two (2) people;
- one (1) person per two hundred fifty (250) square feet of gross heated floor area in the entire house; or
- six (6) people.

The amendment before Council tonight changes the maximum occupancy for structures built after the ratification of this ordinance to a maximum of twelve (12) persons.

The amendment was discussed at the Planning Commission meeting of May 12, 2010; those discussions generated an additional amendment that, in summary, deals with existing properties that do not have a valid rental license on the date of the ratification of this ordinance. Those properties would not have the benefit of the provision for one (1) person per two hundred fifty (250) square feet. The Planning Commission agreed with the amendment on "grandfathering" all existing short-term rental residences with the maximum occupancy currently in effect and on the terms for future constructed dwellings being capped at twelve (12) persons.

Director Kerr added that the legal advice had been that there should be another Public Hearing in June if the Council votes to adopt the Planning Commission's recommendations.

Pam Stogner, 3202 Cameron Boulevard, stated that she was a year-round resident of the island whose father owned rental property and who would be renting a house with an occupancy maximum of fourteen (14) in the fall for her wedding party. She thanked the Council and the Planning Commission for their hard work on this ordinance; she expressed her opinion that the ordinance would act to preserve the quality of life on the island. She stated that she supports the passage of the ordinance.

Bea Love, 9 Sand Dollar Drive, stated, "I support the change of maximum occupancy for new short-term rentals to twelve. Hopefully this will encourage families to vacation on the Island and reduce the number of 'Party Rentals.'" She reported hearing the loud noise from a live band in her residential neighborhood over the weekend.

Debbie Jones, 813 Ocean Boulevard, voiced her strong opposition to this ordinance because she believes that it is against property rights; she noted that she had emailed information on property rights to members of City Council. She stated that passage of the ordinance would take away the right of people to do what they choose on their property. In her opinion, the livability officer and court are sufficient in maintaining the family atmosphere on the island and that residents should accept the fact that they have moved to a public beach with all that goes with a public beach – parking, noise, etc. Ms. Jones referenced the number of church groups, golf groups or extended families who come here to vacation that do not have disruptive parties, which, she added, some residents do have. In conclusion, she suggested that City Council should study the meaning of individual property rights before acting on the ordinance.

Frances Anderson, 8 Forty-fourth Avenue, stated that her understanding that short-term units were not to exist in residential areas and reminded attendees that the ordinance does not affect existing rental occupancy limits.

Jeff Evans, 3301 Hartnett Boulevard, commented that he thought people in the neighborhoods have looked into and wanted to be respectful of property rights, but that property rights go both ways. Restrictions on what one can and cannot do with property already exist in the City Code. In his opinion, this ordinance did not take away a property right, but "merely adjusted that property right."

### **3. Adjourn**

Mayor Cronin closed the Public Hearing at 6:42 p.m.

Respectfully submitted;

Marie Copeland  
City Clerk