



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Tuesday, July 28, 2015

The Land Use & Natural Resources Committee of Council met at 5:00 p.m., Tuesday, July 28, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Rita Langley, Chair, Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff, Administrator Benke, Zoning Administrator Henderson, Building Official Robinson and Asst. to Administrator Darrow.

1. Call to Order. Chair Langley called the meeting to order, stated the press and public were duly notified pursuant to state law and noted all members were present. Eight (8) members of the public were present; no media.

2. Meeting Agenda

MOTION: Mayor O'Neil moved to amend the agenda, placing the bird banding project to the end of the meeting, to allow for Will Post, invited ornithologist, to arrive; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.

3. Plastic Bags and Island Businesses

Chair Langley noted Ms. Auburn Jeffries approached Town Council seeking support to ban single-use plastic bags in Sullivan's Island businesses. Council asked the committee to review this request and offer recommendations to Council.

Public Comments:

Mark Howard, 1820 Central Avenue, SI

- Ms. Jeffries provided Council with a self-conducted survey of Island businesses wherein almost all local businesses expressed support for using paper bags in lieu of single-use plastic bags.
- Submitted Ms. Jeffries achieved her goal of raising awareness against single-use plastic bags. Business participation should be optional, not mandated by Town ordinance.
- Suggested signage in participating businesses might be a way to celebrate participation and educate visitors to the dangers of littering plastic bags along the oceans and marshes.

Tim Reese, 305 Station 20, SI

- Agrees with Mr. Howard's comments. Opined plastic bag litter on the beach is from visitors, not residents.

Committee members agreed an ordinance was not necessary, but a resolution would be an appropriate Council action.

MOTION: Mayor O’Neil recommended Council pass a resolution to acknowledge the dangers of single-use plastic bag debris on the beaches and marine life, urge visitors and residents to eliminate plastic litter on the beaches and marshes, and, commend local businesses that choose to use paper bags in lieu of single-use plastic bags; seconded by Chair Langley. MOTION UNANIMOUSLY PASSED.

4. FEMA Guidelines: Biggert Waters Act & Homeowner Flood Insurance Affordability Act (HFIAA) and Island Impact: Report

Staff Report:

Zoning Administrator Henderson made a brief presentation outlining the federal flood insurance changes from 2012-present (**Exhibit A**). He noted the federal government, in reaction to the cost from a series of storms in the 2000’s, decided to handle this reform in reverse: they passed the insurance reform law and then decided to study its effects after the federal government began enacting the new law (Biggert Waters 2012). Currently, the federal flood insurance affordability study is slated to offer recommendations within a year.

Mayor O’Neil noted the effects of the flood insurance premium reform particularly impacts homeowners of all structures that are not at BFE (base flood elevation), historic or non-historic. Pre-firm homes (homes built to code before the Town established flood rate maps in the early 1970’s) and those homes that slipped into FEMA non-compliance, due to flood map changes over the decades, are included in this category.

Staff noted new FEMA flood maps are supposed to be released in 2015 but Staff has not received an official announcement of the release date.

Committee discussed Island historic homes and structures, and, guideline inconsistencies between the US Department of Interior (US National History Registry) and SC Archives and History, and, FEMA:

- National Registry encourages the Island to preserve historic properties in their current state, to include municipalities allowing building variances for historic properties below BFE;
- FEMA encourages property owners to elevate all homes higher (above BFE). FEMA penalizes homes (historic or not) that are below current BFE and incentivizes, through insurance premium reductions, homes built higher than current BFE.

Zoning Administrator Henderson noted neither the US Department of Interior nor SC Archives and History will provide local policy guidance to municipal governments on this topic. Meanwhile, FEMA encourages municipalities to elevate every home higher and higher.

Zoning Administrator Henderson noted Staff has received a number of requests to elevate historic homes and/or fill-in basements.

Building Official Robinson noted FEMA has established a potential policy driver through its bureaucratic implementation of the program. Namely, FEMA will penalize municipalities that do not ensure new construction/substantial improvements remain compliant with FEMA BFE requirements. Over a 5-year period, if a municipality allows new construction or substantial improvement construction

for 10% or more of homes below BFE, the municipality will be removed from the FEMA National Flood Insurance Program (NFIP) Community Rating System (CRS). The Town's current CRS rating provides significant premium relief (20% discount) for all Island homeowners.

Building Official Robinson clarified that substantial improvement refers to construction on an existing home wherein improvement costs exceed 50% of the home's fair market value. FEMA would enforce this compliance requirement by evaluating the BFE on elevation certificates. Building Official Robinson noted that while he reviews construction requests line-by-line carefully for FEMA compliance, the Town should expect FEMA to find approximately 1-2% of the projects in error. Additionally, each historic home granted a variance to make substantial improvements, despite being non-compliant with BFE, would be a penalty against the 10% aggregate non-compliant total.

Committee discussed the dilemma in providing BFE variances for an undetermined number of historic homes, moving forward, and the need for the Island to remain in the NFIP-CRS.

Public Comments:

Tim Reese, 305 Station 20, SI

- Commented his home's flood insurance premium, without current "subsidies," would be \$13,000 (including other included fee and surcharge increases). He noted this premium is for coverage capped at \$250,000.
- As a real estate agent with significant business on the Island, he stated that the real estate market for historic, pre-firm and FEMA non-compliant homes is flat.
- Suggested Town use creativity through the Design Review Board for historic homes.
 - Some historic homes are more historically significant than others (i.e. landmark status structures), and, the Town has only one historic property list (not nuanced);
 - Some homeowners may not cover historic structures for flood insurance but do cover the accessory structure in the rear that serves as a primary residence.

Steve Herlong, Design Review Board (DRB)

- DRB has denied elevation of historic homes in the past. Questioned how DRB cannot allow the raising of historic homes given what the Town knows about current flood insurance reform changes.
- Noted Charleston County is moving forward with a +2 BFE requirement at present.

Building Official Robinson noted this was a function of Charleston County's staff interpretation of building code guidelines along with the County's current policy for +1 BFE construction. The +2 BFE is not a County Council policy change.

Duke Wright, Design Review Board

- DRB needs some justification for denying the elevation of historic homes given the conflicting federal guidelines (historic and FEMA).
- Submitted property owners are concerned with their own expenses and ability to financially retain their homes.

Both DRB members agreed the DRB needs guidance from Town Council on this matter.

Committee discussed the value in possibly handling the treatment of historic homes differently, depending upon the category in which the historic property falls. Committee moved to the next agenda item as it closely related to current discussion.

5. Town Design Review Guidelines: Historic Buildings and New Construction

Staff Report:

Zoning Administrator Henderson provided the Committee with a document prepared for the Town, circa 2005, by David Schneider of Schneider Historic Preservation, LLC. It appears to be a template for a stand-alone historic guideline manual.

Mayor O'Neil provided a background on the aforementioned draft design guideline manual. The Town engaged Mr. Schneider (circa 2003-2004) to inventory current homes for historic designation listing. He was also asked to provide recommendations/options for the Town as it moved toward the current historic preservation districts and established guidelines for the Design Review Board. No action was taken on the stand-alone guideline manual.

Mayor O'Neil noted that currently an historic home must be no bigger than 1200 sf to qualify to build an accessory structure on the lot. He noted that the 1200 sf maximum size was derived by a political compromise between Council members in 2004/2005. This size restriction was not scientifically based. The unintended consequence of this size restriction: residents actively sought ways to remove non-historic components of an historic home to reduce its size to the 1200 sf maximum, in order to build the accessory structure.

Zoning Administrator Henderson identified four options for potential Town action:

1. Zoning Ordinance construction and/or home elevation restrictions;
2. Implement a temporary moratorium on elevating historic homes pending new FEMA flood maps and affordability study findings/recommendations;
3. Provide historic guidelines through a stand-alone historic design manual;
4. Incorporate historic guidelines in the Town's (Zoning) ordinance

Discussion included the following points:

- Historic homes are not allowed to be replaced if completely destroyed;
- New home construction suggests many homeowners prefer the appearance of two residences on one lot, with a mother-in-law/guest cottage attached to the primary residence;
- Potentially expanding the number of properties eligible to build an accessory structure that acts as a second residence, and, the additional burden this would place on the Town's wastewater treatment facility;
- Desire to learn how other small coastal or historic communities handle historic guidelines (Schneider manual seems to be written for larger municipalities);
- Desire to educate the public on this issue and encourage residents to think of historic homes as beneficial and not a burden.

Zoning Administrator Henderson suggested the following: Staff could analyze the current Zoning Ordinance and historic guidelines to find recommendations and options for Council's consideration.

Further Staff would coordinate with the DRB for feedback on options, to include the pros/cons of a standalone design guideline manual.

MOTION: Mayor O’Neil recommended that staff review the current Zoning Ordinance and federal guidelines to make recommendations to Town Council on options for the elevation of FEMA non-compliant homes as said home elevation activity would relate to flood insurance rates and FEMA program compliance, treatment of small structures as secondary homes, ways to improve communication of standards and design guidelines to potentially include a design review manual, and, coordinate with the Design Review Board for review and feedback prior to tendering a Staff report to Council; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.

6. Bird Banding Project and Environmental Program

Chair Langley noted Council received a request from Sarah Harper Diaz for support in banding neo-tropical songbirds in migration over Sullivan’s Island. Council requested a review and recommendation from this Committee on the concept.

Public Comments:

Craig Watson, Mt Pleasant resident

- Noted he was not present to make formal comments on this topic; rather he is present as an interested bird biologist volunteering to assist with this project.

Mayor O’Neil introduced Dr. Will Post whom he invited to this meeting to offer insight on bird-banding, an activity Dr. Post has conducted in the past on Sullivan’s Island.

Will Post, Ornithologist

Commented the key components to a successful bird-banding effort include:

- Sufficient volunteers as this a labor-intensive activity;
- Scientific research and education require two bodies of volunteers;
- Sufficient access to the bird habitats and whether trimming/cutting of vegetation or paths would be necessary and allowed by the Town.

Council noted the Town’s current paths follow an established cutting/trimming schedule and provide sufficient options for netting and tagging, especially the Station 16 nature trail.

MOTION: Mayor O’Neil recommended that Council approve the bird-banding project proposed by Ms. Sarah Harper Diaz; seconded by Chair Langley. MOTION UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at approximately 5:49 p.m. (Mayor O’Neil motioned; Councilmember Clark seconded; unanimously passed).

Respectfully submitted,
Rita Langley, Chair
Land Use & Natural Resources Committee

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EXHIBIT A

Town of Sullivan's Island

Land Use and Natural Resources Committee

July 28, 2015

Kate Sullivan

Agenda

- Bird Banding Project and Environmental Program
- Plastic Bags and Island Businesses
- FEMA Guidelines: Biggert Waters Act & Homeowner Flood Insurance Affordability Act (HFIAA) and Island Impact: Report
- Town Design Review Guidelines: Historic Buildings and New Construction

National Flood Insurance Program Reform

The NFIP has undergone significant regulatory change over the last two years.

NFIP Challenges

- Before Hurricane Sandy, NFIP was \$18B in debt to Treasury (\$16B from Hurricane Katrina)
- The expected payouts for Hurricane Sandy claims are \$12-15B
- The current subsidized flood insurance rates do not adequately reflect actual flood risk

July 2012: Biggert-Waters Flood Insurance Reform Act

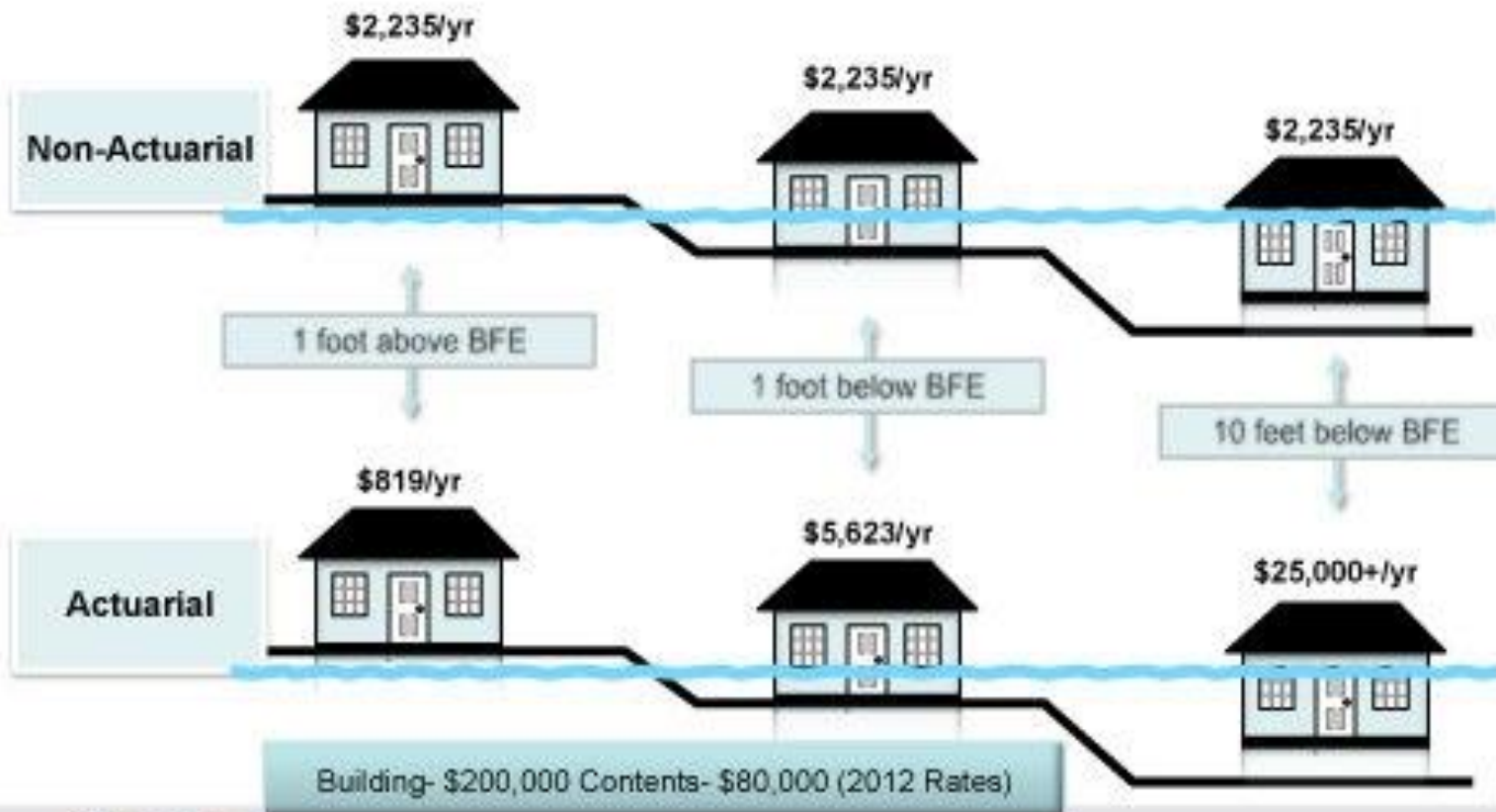
- Prohibit premium subsidies on new or lapsed flood insurance policies
- Phase out subsidies for all flood insurance policies, which would result in instant, significant increase to policy rate
- Require banks to enforce flood insurance purchase requirements more vigorously
- Analyze affordability impacts by April 2013

March 2014: Homeowner Flood Insurance Affordability Act

- Repeals trigger for new or lapsed flood insurance policies
- Flood insurance rate increases are capped at 18% annually (some exceptions)
- Enables newly mapped properties to purchase preferred risk rate for 1 year
- Authorizes additional funds for affordability study
- Provides refunds for certain policies affected by Biggert-Waters Flood Insurance Reform Act.

NFIP Rating Examples: The Impact of Loss of Subsidies

Rate comparisons



Procedure for DRB Review

- Secretary of the Interior's Standards
- Standards of Neighborhood Compatibility
- Design Standards of the Z.O.
- Design Guidelines of the Z.O.

Section 21-97. C Secretary of the Interior's Standards for Rehabilitating Historic Buildings

For an historic property, consistency with the Secretary of the Interior's pamphlet entitled, Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:

1. Using a property as it was used historically or giving a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;
2. Retaining and preserving the historic character of a property; avoidance of the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property;
3. Avoiding changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings;
4. Retaining and preserving changes to a property that have acquired historic significance in their own right;
5. Preserving distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property;
6. Repairing rather than replacing deteriorated historic features; or where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials;
7. Utilizing the gentlest means of chemical or physical treatments;
8. Protecting and preserving the archeological resources in place, and if disturbing, mitigation measures will be undertaken;
9. Not destroying historic materials, features, and spatial relationships that characterize the property; differentiating the new work from the old and making it compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment; and,
10. Undertaking new construction in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section 21-111. Standard of Neighborhood Compatibility

Where this Ordinance grants the Design Review Board discretion to modify a Zoning Standard or a Design Standard, the Board shall determine whether or not the proposed modification is compatible with the neighborhood. In making this determination the Board shall consider, with reference to adjoining lots, lots facing across the street, and lots in the immediate vicinity:

1. The pattern of setback, foundation elevations and building heights;
2. The massing and orientation of structures;
3. Fenestration (windows) and doorway spacing and alignment patterns;
4. The placement and use of porches, decks and patios;
5. The placement and alignment of driveways;
6. The treatment of front and side facades;
7. Where appropriate, the types of roofs, the roof pitches, and other aspects of roof design;
8. Where appropriate, distinctive architectural styles that characterize a street or neighborhood; and
9. Such other factors as the Board may consider relevant to defining the character of the neighborhood.

Design Standard

Sec. 21-32. Foundation enclosure.

A. Purpose.

The treatment of a Principal Building's foundation has a large impact on the mass and scale of the structure. Foundations more open by design diminish a structure's mass.

B. Design standards.

- (1) A Principal Building's foundation exceeding three (3) feet in height shall be enclosed by open lattice or slats having a minimum of one half ($\frac{1}{2}$) inch between lattice or slats.
- (2) Solid enclosure materials such as brick or stucco may only be used as building materials for supporting the foundation and are limited to four (4) feet in width and depth and occurring no more often than every eight (8) feet on the exterior portions of the foundation.

C. Design Review Board.

The Design Review Board may grant a modification in this Design Standard if this or other modifications achieve greater Neighborhood Compatibility as described in ARTICLE XII, except where National Flood Insurance Program regulations prohibit.

Design Guideline

Sec. 21-41. Landscaping.

A. Purpose.

A significant contribution to the informality of Sullivan's Island is the manner in which landscape materials are used. Highly stylized plantings and plantings used to create a strong sense of lot privacy are not approaches that work well with the Island's open and informal landscape character.

B. Design guideline.

- (1) Landscaping should be arranged to allow visual access through the site by using grasses, low shrubs, and high-canopy trees.
- (2) Use of native species and other traditional ornamental species is encouraged.
- (3) Front yard berms should be avoided.

C. Design Review Board.

This is a Design Guideline not binding on the applicant. The Design Review Board may encourage the use of this guideline for achieving greater Neighborhood Compatibility as described in Article XII.

1102 Osceola

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EXHIBIT A



1026 Middle St

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EXHIBIT A



2205 Atlantic

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EXHIBIT A



2424 Myrtle

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