

**TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, July 14, 2010**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, July 14, 2010 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Aussie Geer, Nicky Bluestein, Anne Osborne Kilpatrick, Bobby Thompson and Elaine Fowler; Asst to Administrator Darrow and Building Official Robinson.

I. Call to Order. Chairman Currey called the meeting to order and stated the press and public were duly notified pursuant to state law.

II. Approval of Agenda.

MOTION: Ms. Kilpatrick made a motion to approve the agenda; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.

III. Approval of Minutes.

Commission reviewed the June 9, 2010 Planning Commission minutes with Chairman Currey recommending one minor change on page two: he would like to restate sentence to say that Chairman Currey *asked the* Commissioners to organize thoughts and comments, etc. instead of "directed."

MOTION: Ms. Geer made a motion to approve the June 9, 2010 minutes incorporating the aforementioned minor revision on page 2; seconded by Ms. Kilpatrick; MOTION UNANIMOUSLY PASSED.

IV. Correspondence & General Public Comments

No Correspondence

Two members of the public present and commented on V New Business (A) Master Community Commercial District, General Information Regarding Overlay Districts:

Rusty Bennett

Co-owner of Poe's Tavern

Middle Street, Sullivan's Island

Mr. Bennett's comments (summarized):

- Vehicles in front of houses are biggest impact on the Community Commercial (CC) District as patrons create noise in front of homes while traveling to/from restaurants at night.
- Sufficient parking within the CC District and not on neighboring residential streets would greatly reduce noise issues.
- Commented many businesses are engaging in shared parking arrangements with night establishments (restaurants) utilizing day only businesses (ie Durst medical) for overflow parking.
- Strongly encouraged businesses be required to have employees park at the fire station parking area near park to open parking spaces near restaurants to patrons.

- Supports concept of using split zone lots within CC district for potential extra parking and appropriately sized residential homes along Jasper Boulevard.
- Supports parking design recommendations from Urban Edge Studio (consultant)

Loren Ziff

Owner of Marsh Winds Office

Building, Middle Street

1214 Thompson and also 2114 I'On Avenue

Mr. Ziff's comments (summarized):

- Generally supports many of the comments expressed by Mr. Bennet.
- Supports recommendations from CC District
- He would like to be able to sell his I'On Avenue historic house instead of renting it. He submits the house deserves to be cared for and preserved by a private owner who resides in the house instead of transient renters.

V. New Business

A. Master Community Commercial (CC) District Plan

General Information Regarding Overlay Districts – Bill Eubanks, Urban Edge Studio/Seamon Whiteside & Associates

Chairman Currey noted the Town arranged for CC District consultant Bill Eubanks of Urban Edge Studio to come before the Planning Commission to give general information regarding overlay districts, particularly the pros/cons of an overlay district in the Community Commercial District. Chairman Currey noted Town Council charged the Planning Commission with a variety of issues to study, including a potential overlay district (**Exhibit A**).

Mr. Eubanks' comments (summarized) –provided a handout on general overlay district information (**Exhibit B**):

- Overlay district or overlay zoning area applies to a targeted portion of the Island, as identified by the Town, which can incorporate mixed zoning and uses within the geographic area.
- An overlay district places additional requirements and zoning regulations over a designated geographic area, like a blanket. These requirements and regulations are in addition to the underlying zoning. Usually the requirements and regulations are more restrictive in the overlay district as opposed to the balance of the Town, but this is not always the case.
- The purpose of the overlay district is to allow the Town to identify a corridor/section of the Town as having unique needs and characteristics and to use the overlay district as a tool to address a unique area and exercise some controls over it.
- Examples of unique areas that have overlay districts include the Coleman Boulevard Overlay District and Shem Creek Overlay District, both in Mount Pleasant.
- Mr. Eubanks submitted that the CC District might be a good candidate for form based or smart code zoning. He explained that form based/smart code zoning looks at the intensity and character of use for an area, instead of the zoning use, and designates a transect code to an area. The continuum ranges from very natural areas

to an urban core area. The premise being that development in an area should complement the character and level of urban or natural intent for the zone.

- From this type of zoning and development, the Town could develop design guidelines to regulate building height and placement to encourage a particular character to an area. He noted the Coleman Boulevard Overlay District was a hybrid of the form based design code, encouraging streetscape design with mixed use buildings allowing for commercial down and residential above.
- Components of the overlay district would likely address parking, design guidelines, size/mass of residences, buffers and potentially required sound proof quality building materials should residences be allowed on the Jasper Boulevard portion of the split zone lots.

Mr. Eubanks responded to Commissioners' questions regarding parking:

- **Reverse angle parking:** SCDOT responded that reverse angle parking is not in their "book" and requested extensive study material and statistics to support the safety of angled parking.

Mr. Thompson excused himself from the meeting at this time (approximately 7:45pm).

Commission then discussed what might be in the overlay district: scope and size of the overlay district, treatment of split zone lots, parking issues, construction and design guidelines, set backs, allowed uses, buffers, fences, streetscape designs, public area lighting and traffic calming devices.

Vice-Chairman Winchester volunteered, and Commission agreed, to develop a conceptual of an overlay district along with text for the Commission to use as a starting point for discussions next month. Chairman Currey noted he would look at the parking and posted speed limits for the CC District. Building Official Robinson said he would provide an inventory of split-zone lots for the CC District to show Commission what the number and lot dimensions of these properties in the area.

Chairman Currey thanked Mr. Eubanks for his insight tonight. Mr. Eubanks noted he had advised Staff that he arranged to be at the August Planning Commission meeting also for this topic.

VI. Unfinished Business

A. Staff Reports:

a. Certified Local Government

Building Official Robinson reported the CLG application should be submitted to State Archives & History within the next two weeks. Thereafter the Town should expect a response within a month.

b. Demolition by Neglect

Asst. to Administrator Darrow provided Commissioners research on the municipal use of demolition by neglect in neighboring state municipalities, as Commissioners requested last month (**Exhibit C**). Chairman Currey asked Commissioners to review the handout but

noted the Commission would delay discussion of this topic until likely September based upon the other work before the Commission.

B. Discussion Regarding Additional Historic Study by Schneider, LLC

Chairman Currey noted Staff has provided the Commission with recent historic survey materials from David Schneider, LLC, noting the 2004 and 2007 studies and findings are on the Town's website. Chairman Currey noted that, upon further deliberation, a call for an additional historic survey of properties by David Schneider might result in a shorter list of historic properties instead of a longer one, although this was his opinion only. Chairman Currey suggested, and Commission generally agreed, to table discussion of this matter until after the Commission has handled the work assigned by Council regarding the CC District.

Chairman Currey did note he has talked to City of Charleston residents involved in the Charleston Historic Preservation Society and plans to meet with some society members to learn more about the development of their community based historic preservation advocacy group.

C. Accreted Land Management Plan Consultant Services – Status Update

Chairman Currey referred to a memorandum from Administrator Benke as to the status of the final plan documents from consultant Coastal Science & Engineering (**Exhibit D**).

VII. Next Meeting – 6:30PM, Wednesday, August 11, 2010

There being no further business, the meeting was adjourned at approximately 8:30 p.m. (Ms. Kilpatrick motioned; Ms. Fowler seconded; unanimously passed).

Respectfully submitted,
Lisa Darrow, Asst. to Administrator

Approved at the Wednesday, August 11, 2010 Planning Commission Meeting

COMMUNITY COMMERCIAL DISTRICT MASTER PLAN

Review of Consultant Recommendations

I. Suggestions In Which the Town Has Immediate Interest

#16 – *Provide a better “entry experience” on Ben Sawyer Boulevard.* This suggestion is defined by Council as “a few trees spaced appropriately”.

#9 – *Utilize a combination of parallel and angled or reverse-angled parking to create more efficient parking on Middle Street in order to decrease pressure on residential streets.* This suggestion is defined by Council as asking the Administrator to obtain competitive pricing from UES to provide design and construction drawings for parking and the truck-turn option at the Fire Station/Park.

#8 – *Explore options for increasing police presence/code enforcement in the commercial area*

#19 – *(Created by Council) Improve parking and delivery options –* Defined by Council as include delivery parking along Middle Street for restaurant suppliers when designing parking in task #9

II. Suggestions Which May Be of Interest but Require More Study at a Later Time

#1 (A), (B), (C), and (D) – *Create a Commercial Area Overlay Zone District including: (A) Guidelines for parking, lot subdivision, height, massing and scale, and setbacks; (B) Modify split zoning to allow parking to support existing businesses; (C) Limit expansion of current commercial*

uses; and, (D) Modify Comprehensive Plan as needed. This suggestion is defined by Council as asking the Planning Commission to consider the value of an overlay district, consider how to define and control issues regulated by the commercial overlay district; and, to create a mechanism to establish the zoning overlay. Council will review items (A) through (D) at a later time.

#13 – Create a “civic node” at the park

#14 – Relocate the Town Hall to the commercial area

#18 – (Council added suggestion) Park improvements

#3 – Require resident parking permits (could be all residential area on time restricted basis)

#2- Allow parking on one side of I’On Street only (or golf cart parking on one side).

#6 – Encourage shared parking provisions for off-street parking at office/retail businesses

#12 - Accommodate golf cart and bicycle parking on Station 22 ½

#15 – Reduce posted speed limit on Middle Street and Ben Sawyer Boulevard

#20 – (Council added selection) Consider other means to limit parking on Middle Street

III. Suggestions In Which the Town Has No Interest

#4 – Consider developing a new Noise Ordinance that addresses amplified music

#5 – Consider a cabaret ordinance similar to the City of Charleston

#7 - Consider a “Livability Court” to handle issues of litter, lack of maintenance, etc.

#17 – Parking on the mound (suggested in Consultant drawings)

#10 – Create new “service loop” at Station 22 ½, alley with a consolidated screened/enclosed dumpster

#11 – Modify Station 22 ½ from Middle to I’On streets to prevent through traffic

Page 37 Next Steps – Engage a professional Design Team consisting of landscape architects and civil engineers to develop a detailed design for Middle Street, including modifications of Station 22 ½ between Middle and I’On Streets, with the ultimate goal of implementation

EXHIBIT B - Planning Commission Minutes July 14, 2010

A general overview of
OVERLAY ZONING ORDINANCES

William T. Eubanks, FASLA, LEED AP
SeamonWhiteside + Associates/urban edge studio

14 JUL 10

Town of Sullivan's Island
Planning Commission

Overlay Zoning

Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area.

Overlay zones may be applied to protect historical areas or encourage or discourage specific types of development. Land within the historic overlay district may be subject to requirements that protect the historical nature of the area (e.g. materials, façade design, or color). A community might use incentives along a corridor to encourage higher development densities, target uses, or control appearance.

Creation

Any governmental unit with the power to create zoning districts can create an overlay district. There are three basic steps to creating an overlay district:

1. Define the purpose of the district

The district should have a clearly defined purpose e.g. to protect drinking water, preserve historical character, minimize erosion from storm water runoff, etc.

2. Identify the areas that make up the district

Mapping district boundaries will depend on the natural or cultural resources and the geographic areas that relate to achieving the purpose of the district. For example, if the purpose of the zone is to protect groundwater, important groundwater recharge areas and areas prone to pollution, such as fractured bedrock or areas with a high groundwater table should be mapped.

3. Develop specific rules that apply to the identified district

In a groundwater recharge district for example, provisions may restrict development or require development guidelines that capture and filter water runoff.

Considerations

It is critical that the zoning provisions offer *clear guidance* to both property owners and the governing body charged with approving proposals. Zoning requirements must be applied equally over all properties within the district. The ordinance not only must comply with any state and federal regulations, but must also be consistent with the goals, objectives, and policies of the municipality's comprehensive plan.

It is important that the local governing body involve the public to clarify issues and explain the reasons behind mapping district boundaries. An educational program targeting developers and affected property owners will help increase awareness and compliance with the new requirements.

The procedures for adopting an overlay district are the same as for adopting a zoning or rezoning provision. The overlay provisions as well as changes to the zoning map must be approved by the local governing body for adoption.

ADMINISTRATION

Consideration of the overlay district standards can be incorporated into the existing subdivision or site plan review process. Because smaller-scale development will often require only a building permit, it may be necessary to include provisions for a streamlined form of site plan review for these projects. This review could be administered by a municipal board or commission or by a zoning administrator or building inspector.

Long-term compliance can be addressed in the existing procedures for current zoning compliance.

New York Planning Federation

David Church, *Executive Director of the New York Planning Federation*

How we treat our land is one of the most important challenges facing us today. Many critical decisions about land use are made at the local level, through a community's master plan, zoning laws, subdivision regulations and complementary programs. Unfortunately, conventional land use regulation such as zoning often fails to protect significant environmental resources. The original, early 20th century concept of zoning regulation was to make living conditions safer by dividing a municipality into different areas; locating, for example, factories and industries in one area and housing in another. Built on this concept of separation of uses, zoning evolved into a tool for planning the direction of a town's future expansion to best suit its transportation, health and safety needs. More recently, protecting important environmental resources has also become a major issue.

What is an "overlay district"?

An "overlay district" is a special zone that is drawn on a map outlining a significant resource. The resource could be an aquifer, a watershed, a shoreline, an historic area or a mountain ridge. This district is "overlaid" on the existing land use regulations such as subdivision requirements, site plan review or zoning districts of the town. The overlay district then supplements these existing regulations. This approach allows a town to maintain or update current codes while addressing the special needs of particularly sensitive areas.

A good example of overlay districts is floodplains, where any housing or construction must meet certain extra standards in order to be approved. This is done to protect lives and property and ensure the natural functioning of the floodplain.

Overlay districts are currently used in many towns across New York State and the country for a variety of purposes, including protecting agricultural resources, historic properties, aquifers, road corridors and gateways, and scenic views.

Other common examples of overlay districts found throughout the State include:

- Historic or Architectural Review Districts for special neighborhoods or downtowns
- Access Management and Road Corridor Standards along major gateway routes.
- Agricultural protection and Right to Farm standards in prime farmland areas.
- Watershed Protection around reservoirs, aquifers, and shorelines.
- Scenic Views to and from ridgelines, shorelines, and special features.

Advantages of overlay districts

An overlay district:

- can be written and mapped to incorporate whatever features are most important to a town. Boundaries can be easily defined using tax lot lines, roads, and existing slope or soils maps which closely approximate the feature of interest.
- can address all of the town's concerns regarding any proposed land use change inside the district. Anything that might impact the quality of the proposed mapped feature can be addressed, including road requirements, frontage, lot size, lot coverage, setbacks, tree cutting, vegetation buffers, siting of houses, lighting and open-space natural areas.
- can easily be implemented by passing a town law appending it to the existing land use regulations. Substantial rewriting of underlying zoning, site plan review or subdivision regulations is not required.
- can be modified in the future should the town discover it wished to add or modify items. Using an overlay district, a municipality continues to protect its own resources without the imposition of authority from outside agencies. The decision-making process, therefore, is kept at the local level where stewardship can remain a point of community pride. Officials and involved citizens retain the opportunity to exercise self-determination and self-responsibility for their town's future.

Geographic features, like scenic views, watersheds or river corridors, extend across several municipalities. Adoption of similar overlay districts by adjoining towns can also permit more consistent region wide planning for such a feature, rather than piecemeal protection.

Benefits

The real power and effectiveness of overlay districts lies in the fact that all the parties involved in the land development review process can benefit. This includes the town, the property owner or developer and the public. While the standards and requirements to the developer are different than they are in other, non-overlaid zoning districts, the public hearing procedure to obtain approvals is the same.

Since the guidelines and expectations for the overlay district are clearly defined in advance, battles over environmental issues at board meetings among the town, a developer and the public may also be minimized or eliminated.

When building in an overlay district, a developer will have a clear understanding of the town's expectations and realistic development possibilities at the beginning of the approval process, before major commitments or expenditures are made. Since measures to protect the environment are built into the overlay district site plan from the beginning, the environmental review (SEQR) process can be effectively focused. This can lead to quicker, less costly approval process.

6.3 SMALL TOWN CHARACTER OVERLAY DISTRICT

6.3.1 Small Town Character Overlay District

- A) **Purpose**
The purpose and intent of the Small Town Character Overlay District is to repeat the spirit of traditional character rather than imitate style. The Overlay identifies the architectural qualities that define the downtown character and proposes design standards to maintain that character in new and infill projects. These standards emphasize existing patterns and include: building hierarchy, building site relationship, building massing and proportions, building height and roof type, façade patterns, street level facades, and window patterns.
- B) **Applicability**
The requirements of the Small Town Character Overlay District shall apply to properties within the Overlay District which are proposing to develop or redevelop. Those lots that are split by the Overlay District line shall be considered to be wholly within the boundary of the Overlay District if the majority of the acreage is located within the Overlay District.
- C) **Development Approval**
Within the Small Town Character Overlay District either an Administrative Approval, Site Plan Approval, or Subdivision Plan Approval is required in accordance with Article 2 Administration.
- D) **Approval Criteria**
The following criteria must be met before an Administrative Approval, Subdivision Approval, or Site Plan Approval will be issued for properties within the Small Town Character Overlay District:
- 1) The proposed land use must be allowed in the underlying zoning district found in Section 4.2.2 Use Table.
 - 2) All Watershed Protection Overlay District and Flood Damage Overlay District requirements must be met.
 - 3) The maximum built-upon area, height, setbacks, minimum lot area and width, lot size ratio, floor area ratio and building volume ratios must be in compliance with the Sec. 5.1.5 Table of Intensity and Dimensional Standards.
 - 4) Garage placement must be in compliance with subsection 6.3(G)(2) below.
 - 5) If land is to be subdivided, all requirements of Article 7 Subdivision shall be met.
 - 6) No Resource Conservation Area (Section 8.1.2, Resource Conservation Area) or Buffers (Section 8.2.6, Buffering) are required.
 - 7) All development shall be compatible with the established architectural character of the neighborhood by using a design that is complementary to existing neighborhood architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have colors, shades, and textures similar to those existing in the immediate area of the proposed development.

- 8) No community amenities (Section 8.4.3 Community Amenities) are required.
- 9) A pre-application meeting shall be required prior to project submittal in accordance with Sec. 2.3.6(D)(2)(a)(i) *Pre-Application Meeting*.

E) **Central Business District**

Properties within the Central Business District must meet the following standards before an approval will be issued:

- 1) ***Building Hierarchy***
Buildings shall have a consistent pattern to adjacent structures. There shall be a repetitive scale, massing, relationship to the street, and style to others in the area. Corner buildings shall match or exceed the height of adjacent buildings. The two facades shall be acknowledged with consistent material and patterns. Projects with public or cultural significance shall be designed to have a character that varies more from the standard pattern to distinguish them as a signature or landmark structure.
- 2) ***Setbacks***
No setback is required and a maximum ten (10) foot front setback shall provide for a pedestrian street edge. The building shall be placed to maintain the street edge. The relationship of the building to the street edge shall emphasize the pedestrian not the automobile. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever possible, required parking and open space shall be maintained in the rear or sides of a building.
- 3) ***Building Tenant Size***
Buildings shall not have a single tenant which exceeds thirty-thousand (30,000) square feet.
- 4) ***Massing and Proportion***
Buildings shall have vertical proportions. Segments shall be no more than sixty (60) feet in width and each section taller than it is wide. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as but not limited to columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. In addition, infill projects shall be designed in accordance with Sec. 9.2.4(D) *Similar Size and Height for Infill Development*.
- 5) ***Building Height and Roof Type***
Buildings in the downtown district have traditionally used straight-edged parapets with low-slope roofs behind. The maximum building height of the structure shall be in accordance with Sec. 5.1 *Table of Intensity and Dimensional Standards*. Simple parapet roof edges with varying coping and cornice shall be used. The rooflines shall vary from building to building as well as within buildings with wide street frontage. The varying heights shall follow logical building massing and shall correspond to building organization.
- 6) ***Façade***
Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base,

body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of 50% of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.

7) *Façade at Street Level*

The street level of the facades shall provide human scaled entries including but not limited to recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.

8) *Windows*

Windows shall be vertically oriented. The highest percentage of glazing shall be provided at the street level. A minimum of seventy (70%) percent of the street level facade area shall be transparent. Upper floors shall have a minimum of thirty-five (35%) percent transparency for the facade area. Simple patterns shall be used to subdivide the windows creating additional character to the buildings. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.

9) *Drive-throughs*

Drive-throughs are prohibited within the Central Business District.

F) ***Non-residential outside of the Central Business District***

1) *Building Hierarchy*

Buildings shall have a consistent pattern to adjacent structures. There shall be a repetitive scale, massing, relationship to the street, and style to others in the area. Corner buildings shall match or exceed the height of adjacent buildings. The two facades shall be acknowledged with consistent material and patterns. Projects with public or cultural significance shall be designed to have a character that varies more from the standard pattern to distinguish them as a signature or landmark structure.

2) *Setbacks*

Infill projects shall match the setback of neighboring buildings whenever possible. The building shall be placed to maintain a consistent street edge. The relationship of the building to the street edge shall emphasize the pedestrian not the automobile. Pedestrian spaces such as sidewalk dining or shaded seating are encouraged. Whenever possible, required parking and open space shall be maintained in the rear or sides of a building.

3) *Building Tenant Size*

Buildings shall not have a single tenant which exceeds thirty-thousand (30,000) square feet.

4) *Massing and Proportion*

Buildings shall have vertical proportions. Segments shall be no more than sixty (60) feet in width and each section taller than it is wide. Windows and storefront glazing shall be divided to be either square or

vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as but not limited to columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades. In addition, infill projects shall be designed in accordance with Sec. 9.2.4(D) *Similar Size and Height for Infill Development*.

- 5) ***Building Height and Roof Type***
Buildings in the downtown district have traditionally used straight-edged parapets with low-slope roofs behind. The maximum building height of the structure shall be in accordance with Sec. 5.1 *Table of Intensity and Dimensional Standards*. Simple parapet roof edges with varying coping and cornice may be used. Development patterns shall reflect adjacent properties. The rooflines shall vary from building to building as well as within buildings with wide street frontage. The varying heights shall follow logical building massing and shall correspond to building organization.
 - 6) ***Façade***
Each façade shall have a rhythm that is repeated through the pattern of wall and openings. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two facades which maintain a relationship to each other although they do not need to be identical.
 - 7) ***Façade at Street Level***
The street level of the facades shall provide human scaled entries including but not limited to recessed entries, sheltering elements and adjacent storefront windows. Facades shall incorporate a minimum of two (2) continuous details refined to the scale of twelve (12) inches or less within the first ten (10) foot of the building wall, measured vertically at street level. Recessed arcades, entries flush with the building face and small entries without adjacent windows shall be avoided.
 - 8) ***Windows***
Windows shall be vertically oriented. The highest percentage of glazing shall be provided at the street level. A minimum of fifty (50%) percent of the street level facade area shall be transparent. Upper floors shall have a minimum of thirty-five (35%) percent transparency for the façade area. Simple patterns shall be used to subdivide the windows creating additional character to the buildings. Overall vertical building proportions shall be expressed in the window proportions. Expanses of vertical windows which give the overall appearance of horizontal massing shall be avoided.
 - 9) ***Drive-throughs***
Drive-throughs shall be located in the rear of the building, not between the building and the main abutting street.
- G) ***Residential Building Standards***
- 1) ***Setbacks***
Setbacks shall be provided in accordance to Sec. 5.1.5 *Table of Intensity and Dimensional Standards*.

- 2) *Accessory Buildings*
Accessory buildings such as garages shall be placed in the rear or side yard. Garages and driveways which dominate the front of the lot area are not permitted. Whenever possible, side loading garages shall be located in the rear of the property.
- 3) *Building Height*
Building height is measured to the highest point of the roof from existing average grade at the footprint of the building. The proposed height shall not exceed the average height of the nearest adjacent buildings and may not exceed the max/min height allowed. In addition, the sidewall height shall not exceed 2 times the side yard setback. Gabled areas are excluded from sidewall height calculation.

H) ***Residential Architectural Character***

- 1) *Purpose*
Architectural character focuses on the micro-level details that greatly affect the overall appearance of residential structures in the small town character overlay district. These architectural character regulations provide direction in aspects of facade materials, porches, windows, and the enhancement of entryways. The primary goal is to define the "finishing touches" that provide the structure with a sense of permanence, style, and compatibility. The Town actively discourages proposals that have not taken these matters into account. The Town desires that all development be treated as a lasting contributor to the community and as a "good neighbor" to its surroundings. New construction, exterior renovations or additions to the front façade, or renovations of 50% or more of the entire façade are subject to this section. New construction, additions, and significant exterior renovations of an existing residential structure must be compatible with the character of quality structures located in the Small Town Character Overlay District.
- 2) *Standards*
These standards shall apply to all new construction, exterior renovation or additions to the front façade or to renovations of 50% or more of the entire façade. *The Town of Apex Design and Development Manual* includes illustrated renderings of the architectural and decorative features required by these standards for residential structures in the Small Town Character Overlay District.
 - a) *Architectural Features*
Residential structures shall have three (3) or more of the following features:
 - (i) Wraparound porch (entire front façade and part of one or both side façades)
 - (ii) Predominant porch (over 75% of front façade)
 - (iii) Awnings
 - (iv) Columns
 - (v) Porticos
 - (vi) Balconies

- (vii) Broken roof lines
- (viii) Dormers
- (ix) Arched architectural features
- (x) Brick chimney
- (xi) All brick façade
- (xii) Other architectural features as approved by the Planning Director

b) *Decorative Features*

Residential structures shall have four (4) or more of the following features:

- (i) Decorative shake
- (ii) Decorative porch railing/posts
- (iii) Shutters
- (iv) Decorative/functional air vents on roof or foundation
- (v) Trimmed Windows
- (vi) Recessed windows
- (vii) Decorative/period windows
- (viii) Decorative brick/stone
- (ix) Decorative gables
- (x) Decorative cornices
- (xi) Tin/metal roof
- (xii) Other decorative features as approved by the Planning Director

c) *Roofs*

- (i) Roof lines shall be varied to reduce the scale of structures and add visual interest.
- (ii) Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with façade elements and the rest of the structure.

d) *Facades*

The width of the façade shall not be any wider than 1.5 feet times the depth of the principal structure. The width to depth ratio shall be no more than 1.5 feet to 1 foot.

- (i) Recesses and projections
The principal structure's front façade must incorporate recesses and projections along at least 50 (fifty) percent

of the length of the façade. Windows, awnings, and porch area shall total at least 50 percent of the façade length abutting a public street.

- (ii) **Repeating design patterns**
Façades shall incorporate a repeating pattern of change in color, texture, and material modules.
- (iii) **Renovations**
Façade renovations shall incorporate original building details to the maximum extent practicable.
- (iv) **Materials**
The façade exterior siding shall be brick, stone, wood, wood composite, or fiber cement (or combination thereof). Vinyl shall only be used for exterior shake and trim elements and shall not be used as the siding material.
- (v) **Roof cornices**
If roof cornices have been removed or damaged on an existing structure, renovations of that structure must include retaining, repairing, and replacing the roof cornices.

e) *Windows*

- (i) Replacement of windows on the façade of an existing structure shall be accomplished by using windows of the same trim size and character as the original.
- (ii) Blank exterior walls are prohibited; windows shall be present on all sides of the home.
- (iii) Shutters on windows shall be one half the width of the window to which they are affixed.

f) *Sides Facing Abutting Street*

All sides of a principal structure that face an abutting public street shall have architectural and decorative features as described in Section 6.3.1(H)(1)(a) and (b).

g) *Entryways*

- (i) **Required features**
Doors shall have built-in windows; alternatively, a solid door is allowed provided side lights (side windows) are installed immediately adjacent to the solid door.
- (ii) **Variation**
Variations in color schemes and textures are encouraged in order to articulate entryways so as to give greater recognition to these features.

h) *Materials*

- (i) **Predominant exterior building materials**
Predominant exterior building materials shall be high quality materials, including brick, wood, stone, fiber

cement, and/or wood composite. Vinyl shall only be allowed in the form of shake and trim elements.

- (ii) Foundations
No slab-on-grade foundations are permitted. Foundations around the principal structure shall be fully enclosed. Front and side porches with open foundations shall have brick or stone piers and openings shall be fully screened with evergreen plantings.

I) **Adaptive Reuse of Historic Residential Structures**

- 1) *Purpose*
Adaptive Reuse maintains the character of the structures, while allowing for modifications to the structure for a different use. Certain structures, due to particular circumstances with regard to locations, type or size of building and/or architectural style may no longer be useful for the purposes for which they were originally designed and designated. Obsolescence of previous use, changing land use patterns or changing of zoning districts may initiate the change from one use to another.
- 2) *Applicability*
Change of use in all contributing structures originally constructed as residences within the boundaries of the National Register of Historic Places Historic District. All noncontributing structures constructed as residences within the boundaries of the National Register of Historic Places Historic District are subject to this ordinance, but are exempt from Sections 6.3.1(I)(2)(a) and 6.3.1(I)(2)(h).
 - a) The following standards are to be applied to specific rehabilitation projects in a practical and reasonable manner, taking into consideration economic and technical feasibility. The structure shall not be enlarged or the exterior altered so that it is out of character with the surrounding structures and any altered structure shall meet the Secretary of the Interior Standards for Rehabilitation:
 - (i) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - (ii) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - (iii) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 - (iv) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - (v) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

- (vi) Deteriorated historic features will be repaired rather than replaced. 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. Replacement of missing features will be substantiated by documentary and physical evidence.
 - (vii) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - (viii) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - (ix) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (x) New additions and adjacent or related new construction will be undertaken 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.
- b) Distinctive landscaping elements and existing topographic features shall not be removed or altered so as to change the visual and environmental character of the site except in cases where site modification and improvements for parking, loading, or access require the removal of trees or shrubbery. In such cases, replacement landscaping shall be installed where possible adjacent to the modified area.
 - c) Accessory structures, fences and other hardscape elements determined to have historic significance due to unique architecture, age, or culture shall be preserved and maintained to their current or historic style and condition, whenever possible.
 - d) Parking shall be provided according to regulations of the UDO, Section 8.3, Off-Street Parking and Loading. Striped on-street parking, shared parking agreements and municipal parking lots may be utilized to meet all or part of the parking requirements, provided that said parking is located not more than 300 feet from the subject lot or parcel. The expected use of on-street parking shall not be such that it would cause undue negative impact upon other uses within the immediate vicinity that may rely upon the availability of such parking. If parking must be provided on site, the following shall apply:
 - (i) The parking surface shall be gravel, concrete or pavers; asphalt is prohibited.

- (ii) The parking area shall be screened with either a 4' fence or evergreen shrubbery that will reach a height of 42" in three years.
 - (iii) If onsite parking is created then it shall comply with the Americans with Disabilities Act (ADA).
- e) Site lighting shall be residential in nature and shall be compatible with the historic character of the area. If additional site lighting, other than existing lighting is provided, the following shall apply:
 - (i) Parking area lighting shall not exceed an average of two (2) foot candles.
 - (ii) No more than two (2) of the same types of fixtures shall be used, with the exception of low voltage/low intensity landscape lighting.
 - (iii) Parking lot lighting shall be minimal (not exceeding 100 watts or 100 watt equivalent). Commercial style fixtures, such as, but not limited to cobra heads, wall-packs, floodlights and shoe box style lights, are prohibited.
 - (iv) No pole lights shall be taller than seven feet (7') in height.
 - (v) Spillover shall not exceed 0.3 foot-candles on to residential properties or 1.0 foot-candles on to non-residential properties and public rights-of-way.
- f) Outdoor display is only permitted under a covered porch, up to 50% of the length, on each side.
- g) Signage shall conform to the UDO Section 8.7, Signs.
- h) Interior renovations shall conform to the Secretary of the Interior Standards for Rehabilitation and the North Carolina Rehabilitation Code.
- i) A development plan and application shall be submitted to the Planning Department in a format determined by the Planning Director.

EXHIBIT C - Planning Commission Meeting July 14, 2010

MEMORANDUM

TO: Planning Commission Members
FROM: Lisa Darrow, Staff
DATE: July 14, 2010
SUBJECT: Demolition by Neglect Research

Three municipalities in the region have Demolition by Neglect ordinance language and some type of policy in effect.

1. Town of Mt. Pleasant

Section 156.433 addresses Demolition by Neglect in the Old Village Historic District. Section 156.435(C) establishes Old Village Historic Commission (OVHC) as body to receive applications and enforce Demolition by Neglect for historic homes. Section 150.055 – 150.059 (Building Regulations) establishes minimum standards for dwellings, provides enforcement authorization and procedures, and allows Town to recoup expenses (lien).

NOTE: Spoke with Planning & Building Director Christiane Farrell and she cannot recall any recent examples of the Town taking a property under the demolition by neglect route. She and the planner handling OVHC confirmed the Town has never used Demolition by Neglect proactively on an historic home (to save it from a tear down).

2. City of Beaufort

Has a good set of tools for historic preservation and code language regarding Demolition by Neglect.

Beaufort's resources: <http://www.cityofbeaufort.org/Departments/Planning/Default.aspx>

Section 5-1021 through 5-1036 outlines Demolition by Neglect for structures within the City, allowing for Town intervention in a neglected and abandoned structure, historic or not, and the ability to recoup expenses for same.

Spoke with Planner Donna Alley who staffs Town's Design Review Board. She confirmed the Town has enacted this ordinance once a few years ago on an historic home. The long-standing community historic preservation group stepped in and provided financial assistance to the homeowner to repair the property. The City encountered no adverse legal action by property owner due to their action in this case.

Donna relayed that the City of Beaufort code was patterned after the City of Charleston, and City of Beaufort's ordinance has been in effect approximately 10 years.

Challenge: City funding in using demolition by neglect to take over repair and preservation of an historic home. City does not maintain a budget for these contingencies.

Ms. Alley noted the importance of Beaufort, or any other municipality, keeping its historic structure surveys and maps current in case of a demolition by neglect challenge.

3. City of Charleston

Section 7-98- 106 outlines the Town's demolition by neglect authority and the mechanism for enforcement and liens to recoup Town expenses.

Section 7-116 outlines minimum conditions for a structure that will be a dwelling.

Despite numerous attempts I could not locate a planner who could provide examples when/if demolition by neglect was used to salvage an historic home.

From other planners I understand that the Charleston Historic Preservation Society plays a significant role in identifying abandoned homes and can assist in funding, if necessary, the repair of same.

**Town of Sullivan's
Island, S.C.**

Memo

To: Hal Currey, Chair Sullivan's Island Planning Commission

From: Andy Benke

Date: July 14, 2010

Re: Accreted Land Management Plan

Coastal Science and Engineering previously agreed to submit a draft management plan to the Town by July 14, 2010. At close of business today, the report has not been received. Speaking with Dr. Kana yesterday, I have no reason to believe the draft report would not be delivered electronically this evening or by overnight carrier tomorrow.

Once received, I will distribute the draft plan to members of Council for review and discussion.

Thanks,

AB