



**SURFSIDE BEACH PLANNING & ZONING COMMISSION**  
**TOWN COUNCIL CHAMBERS**  
**April 4, 2017 ♦ 6:00 P.M.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

**1. CALL TO ORDER.** Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Abrams, Vice Chairman Seibold, and members Gambino, Lauer, and Lowery. Members Elliott and Johnson were absent. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

**PLEDGE OF ALLEGIANCE.** Chairman Abrams led the Pledge of Allegiance.

**2. MINUTES APPROVAL.** Mr. Seibold moved to approve the February 23, 2017 workshop minutes as submitted. Ms. Lowery second. All voted in favor. **MOTION CARRIED.** Mr. Lauer moved to approve the March 7, 2017 regular meeting minutes as submitted. Ms. Lowery second. All voted in favor. **MOTION CARRIED.**

**3. PUBLIC COMMENTS- Agenda Items.** There were no public comments on the agenda items.

**4. DIRECTOR'S REPORT.** Ms. Morris said the sign ordinance received first reading March 28<sup>th</sup> from Town Council. There were no comments nor changes recommended. Second reading will be at the April 11<sup>th</sup> meeting, and hopefully, will go into effect after that. We had a landscape and tree ordinance on the agenda, but it was removed because council is holding a workshop on April 18<sup>th</sup> at 5:00 p.m. in council chambers to discuss it. You're certainly welcome to attend.

**5. DISCUSSION ITEMS.**

**a. Article IX – Design Overlay District re-write.** Ms. Morris said I called Horry County to ask for their overlay district ordinances for the town's surrounding areas. Copies will be sent to members as soon as they are received. Tonight, I wanted to go through the changes that were made by council, as opposed to what the planning commission recommended back in 2012. Ms. Morris explained all the changes which are on file in her office.

Mr. Seibold asked if changing the tenant activated the overlay requirement. Ms. Morris said no, only if there is a change of use as defined in the building codes, i.e. a golf shop changing to an apparel shop is still a business and there are no overlay requirements.

Ms. Lowery asked why loadbearing walls were removed. Ms. Morris said the council added loadbearing walls, because they felt that if there were two existing units, and a wall had been added to separate them, the council wanted the owners to have a less restrictive way to join the units together. Taking down the nonloadbearing wall to make one unit, in the council's opinion, wasn't really any construction. Council believed it should be loadbearing walls only. Ms. Lowery asked if the sign section supported the proposed sign ordinance. Ms. Morris said one complements the other.

*Clerk's Note:* Ms. Gambino arrived at 6:19 p.m.

Ms. Morris explained that at the last vision meeting, the majority of council brought up that they agree this ordinance that was adopted is not stringent enough. The council asked that the overlay be the next section of the zoning ordinance to be reviewed with a goal of making it somewhat similar to Horry County's, which is a lot more stringent than ours. Tonight I wanted to show you what the changes were. By the next meeting, we should be able to start review, if that works for the commission.

Ms. Lowery said so council actually is amenable to improving the overlay code. Ms. Morris said yes. It was it was debated at the vision meeting; Ms. Herrmann was there as well. The council was discussing Highway 17 Bypass and all the businesses that are currently going there. Those businesses are required to

56 have overlay, and existing buildings on either side of us; Garden City is growing; the existing buildings also  
57 have to meet certain requirements of their overlay. Council asked that we review Horry County's code and  
58 come up with a more acceptable ordinance that would certainly mirror or come pretty close to the county's.  
59 Is that correct, Ms. Herrmann? Ms. Herrmann said Ms. Morris was exactly correct. Town Council is  
60 concerned that the town's landscape is falling way behind the county. The county has some very nice new  
61 buildings, and is cleaning up older buildings. Obviously, the town is not requiring that.

62  
63 Mr. Lauer asked if council was specific about any of the things they did not like. Ms. Morris said it  
64 was discussed that the existing buildings certainly need to be looked at, and maybe there should be triggers  
65 to require them, as well, to be brought up to compliance.

66  
67 Chairman Abrams said well, duh! So we do want to look at existing buildings, too. On the issue  
68 paper where you say 'several complaints that the ordinance is too lax' specifically that was council, right?  
69 Ms. Morris said that was council, and also we've had some proposed new construction ask questions, and  
70 we told them, yes, you have to meet the overlay, but your neighbor does not. They were pretty upset about  
71 that. A lot of them turned away. So we don't want that to happen. Chairman Abrams said maybe now they'll  
72 listen. Do you have any comments from the business committee at this point? Ms. Morris said no.  
73 Chairman Abrams said I think they ought to be included at some point. Ms. Morris said I agree. I'm not sure  
74 when the next business committee meeting is, but I can email the chairman to ask. I'll be glad to invite the  
75 committee members to the next meeting. Chairman Abrams asked what the commission members thought  
76 of that. The members **CONCURRED to include the business committee at the next meeting.**

77  
78 Chairman Abrams said the members would have time to look at this information; Ms. Morris will be  
79 emailing the members Horry County's ordinance, which council is interested in emulating, and then at our  
80 May meeting there will be a business item? Ms. Morris said that's up to the commission. What I'd like to do  
81 is maybe go over Horry County's overlay ordinance at the next meeting, so the business committee can be  
82 aware of what they're requiring, and maybe get their input as well before it's a business item. After it's a  
83 business item, then we have a public hearing. We have 30 days to get the ordinance recommendation to  
84 Town Council after the public hearing. Chairman Abrams said I think it would be a better idea to have  
85 discussion, if not a workshop with the business committee. The members **CONCURRED to have**  
86 **discussion and/or workshop depending on other items that may come up before then.**

87  
88 **b. Rules of Procedure (Bylaws) of the Surfside Beach Planning Commission Multiple**  
89 **Items. (Board members wish to revisit this after last month's vote.)** Ms. Gambino said the bylaws  
90 state on page 4, 'The secretary shall prepare minutes of each meeting for approval by the commission at  
91 the next regular meeting; workshop and special meeting minutes shall be prepared as soon as practical.'  
92 That's what concerns me. I just think that those need to be prepared for the following meeting, as well.  
93 Chairman Abrams said comments? Ms. Lowery agreed. Ms. Herrmann explained the reason this is the  
94 very way that the Town Council's meeting minutes are set to be prepared. Regular meeting minutes have to  
95 be prepared and approved before you can proceed to do business. However, workshop meetings and  
96 special meeting minutes generally are done as soon as practical. After a lengthy discussion, the  
97 commission members were receptive to receiving the Dragon transcription and the bylaws were not  
98 amended.

99  
100 **c. Proposed ordinance to amend the Town's Code of Ordinances Sections 17-007**  
101 **and 17-418.** Ms. Morris said in December 2014, the planning commission recommended adding sections  
102 to the zoning ordinance regarding yard sales. We have in the past and once again are having problems with  
103 yard sales that are turning into commercial businesses. They're bringing things in from other places and  
104 dumping items on the lawns saying it's a yard sale. We've had so many complaints and now council has  
105 gotten so many complaints that they want us to revisit this. I pulled the minutes for the for the January 2015  
106 meeting. I asked the councilmembers at that meeting for some suggestions as to how were going to do this,  
107 but they had none. I hope you've all read the ordinance as we presented it to council. Ms. Morris said I will  
108 go through what Town Council said and then through the ordinance. Chairman Abrams asked why the  
109 ordinance did not come back to the commission. Ms. Morris said council gave us a many concerns they  
110 had, but gave no recommendations as to how to fix the problems. Some of it is we want to get a permit to  
111 prevent commercial business from happening in residential zones, but we don't really want to make

112 everyone get a yard sale permit. Well, if you don't get a permit, we don't know what is going on. There was  
113 a small fee involved that council didn't want, which is very easy to remove. They asked about the current  
114 ordinance, but there is no current yard sale related ordinance. People can hold as many yard sale as they  
115 wish. They said that had been an issue for over 30 years, and one member was concerned about parking  
116 on the sides of roads, because they park everywhere. Another councilmember said the goal is to stop  
117 people from using their yards for commercial enterprise. Section 17-418 of the proposed ordinance included  
118 that police officers shall have the right to enter any premises, which they wanted removed, which we can  
119 certainly do that. One member preferred allowing a yard sale once every quarter instead of limited to three  
120 times year, which is what the ordinance recommended. Section 17-418(a) states it shall be unlawful for any  
121 person to conduct a yard sale within the town limits without first obtaining a yard sale permit. The  
122 councilmember understood it was a problem with dealers. The proposal places a blanket penalty on  
123 everyone. Why would the town want to take on workload to issue permits for people cleaning out their attics  
124 and garages? It's also a total inconvenience for the residents. He knew staff didn't have many extra hours,  
125 and he supported adopting an ordinance, but questioned issuing permits. In reality, if we don't have a  
126 permit on file, we don't know whether you're commercial or residential. Especially on the weekends we get  
127 all kinds of phone calls from residents, and emails.

128  
129 Chairman Abrams said just to make a general comment at this point, looking at the big picture, we  
130 just went through agony allowing residents to cut limbs up to a certain [size.] So we are going to say, 'here  
131 you go residents, now you can cut tree limbs, but you can't have a yard sale.' From the broader  
132 perspective, I have a problem. Ms. Morris said when the planning commission approved this back in  
133 December 2014, it's not saying you cannot have a yard sale, but it limits the number held. Chairman  
134 Abrams said it's the permit requirement that was of concern. Ms. Morris said but if you don't have a permit,  
135 how do you know the resident is only doing it three times year or quarterly. Also, how would staff know  
136 without going through town during the weekend to see if residents are doing commercial sales or cleaning  
137 out their attics? Chairman Abrams said I'm just looking at it from the public point of view. Ms. Morris said I  
138 agree completely, and that's why we didn't bring it right back to the commissions. After a lengthy  
139 discussion, including that some neighborhoods are having regular yard sales and hauling in truckloads of  
140 furniture and/or other products to sell, and various safety issues, the commission agreed Chairman Abrams  
141 would draft a list of "Thou Shall Not" rules relating to yard sales that does not include a permitting process  
142 for discussion.

143  
144 **d. Any other matters the board wishes to discuss.** There was no other discussion.

145  
146 **10. PUBLIC COMMENTS - General.**

147  
148 Mr. Paul Holder, 15<sup>th</sup> Avenue North said I've lived all over the country. Homeowner  
149 associations have rules about yard sales that state you may only sell personal items, and may only have  
150 two or three pieces of the furniture in the yard. Chairman Abrams said that is a great suggestion. Mr.  
151 Seibold said good point. Mr. Holder said most rules say is has to be your personal effects or group of  
152 family's personal effects, which gets you away from stuff coming in on trucks. I formerly worked for Procter  
153 and Gamble, and had cases of product samples, but did not sell them at a yard sale, because they were not  
154 personal effects. Chairman Abrams said say what's allowed rather than what is not allowed. Mr. Holder  
155 said yes. I am very bothered by a house on Cedar in the 500 block that is selling trucks. That has to be  
156 looked at, too. Having used car dealers [working] at their homes has to take into account. If I had a house  
157 next to theirs, I would be over there raising Cain with that guy, because [it affects the value of the property.]  
158 When you're selling multiple vehicles backed into the front yard, it's time to do something about it. Thank  
159 you very much. Several members expressed appreciation for Mr. Holder's comments. Chairman Abrams  
160 said if you have any more ideas, the commission members are private citizens, so please contact the town  
161 clerk; she will forward the comments to the members.

162  
163 Ms. Carol Holt, Yaupon Drive said that was great. That's the thing we really need to do, is just get  
164 ideas. We appreciate all of you for your volunteering. I know it's a tremendous job. But, please, don't create  
165 another permit requirement for the town people, because of three or four complaints. Everyone gets upset  
166 and you're adding more work for staff, which will be more expense. Town Council is trying to reduce over  
167 regulation in a lot of these ordinances. How will you know about these problems; it's because other

168 residents complain. Address each complaint, until the word gets around. Like Chairman Abrams said if you  
169 change the ordinance and have many restrictions about what you can do, then you can enforce that by the  
170 neighbors saying well I thought so and so without having every person to get permit. On top of that, how do  
171 you know if a person is going to get a permit? There a lot of things that are in ordinances that people do  
172 without permits. So, will the enforcer ride up and down every single street like he does now looking for other  
173 things that people are doing and looking to make sure they got the permit. Please, I be you, please try to do  
174 this without a permit. I think Mr. Holder had great idea that you could do this without a permit by putting this  
175 in the ordinance. So that's probably all I have to say. I'm not a yard sale, garage sale person. I don't go to  
176 'em. I don't have them. But if someone next door to me was causing a lot of problems... As far as the safety  
177 issue, I don't know how you could actually put that in an ordinance that would; I don't really know, but that  
178 that actually is a problem on the street. I'm sure a resident or a neighbor would call the police to say we got  
179 50 cars over here, and someone got hit. Those are my thoughts, and what you've discussed tonight without  
180 a permit is an excellent idea. We talk about micromanagement, don't micromanage the town residents,  
181 please. Thank you.

182  
183 Ms. Ruby Kreklau, South Hollywood Drive, said I don't normally speak at meetings, but I just have  
184 to say do not do another permit, because if you do, I'm gonna be in [Ms. Morris'] office applying for the job  
185 to issue them. (*Laughter.*) And the enforcement; I don't do garage sales, instead, I love to put my stuff  
186 across the street and watch the golf carts pull up and fight over it, and then drive around the next weekend  
187 to see it on somebody else's yard sale. (*Laughter.*) That's all I have.

188  
189 **11. COMMISSION COMMENTS.**

190  
191 Mr. Lauer: I have anything to add, I don't think.

192  
193 Ms. Gambino: I don't have anything to add, either. I think we've discussed and I think we're going  
194 in the right direction. We need to just come up with a list that can be an ordinance and see if that won't  
195 suffice.

196  
197 Ms. Lowery: I don't really have anything to add. I'm just so glad you guys are here.

198  
199 Mr. Seibold: I'm good.

200  
201 Chairman Abrams: And, I'm good. Thank you all. I think we've made some headway tonight, even  
202 in things we chose not to do.

203  
204 **12. ADJOURNMENT.** Mr. Lauer moved to adjourn at 7:29 p.m. Ms. Gambino second. All voted  
205 in favor. **MOTION CARRIED.**

206  
207 Prepared and submitted by,

208  
209 \_\_\_\_\_  
210 Debra E. Herrmann, CMC, Town Clerk

211 Approved: May 2, 2017.

212  
213 \_\_\_\_\_  
214 Mary Ellen Abrams, Vice Chairman

215  
216 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not intended  
217 to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the  
218 audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(E), meeting notice and  
219 the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was  
220 posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at  
221 [www.surfsidebeach.org](http://www.surfsidebeach.org) and the marquee.