



Town of Surfside Beach
Planning, Building & Zoning Department
115 US Hwy. 17 North, Surfside Beach, SC 29575
(843)913-6341

**PLANNING COMMISSION
TOWN COUNCIL CHAMBERS
Tuesday, October 3, 2017 6:00 PM**

1. **CALL TO ORDER**
2. **PLEDGE OF ALEGIENCE**
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - September 5, 2017
5. **PUBLIC COMMENTS - AGENDA ITEMS**
6. **DIRECTOR'S REPORT**
7. **BUSINESS ITEM**
 - a. Customer walk-in business in residential district.
8. **DISCUSSION ITEMS**
 - a. Continue review of Design Overlay District (beginning at Section G Access Management).
 - b. Continue review of Design Overlay District Section H Parking.
9. **PUBLIC COMMENTS - GENERAL**
10. **COMMISSION COMMENTS**
11. **ADJOURNMENT**



**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
SEPTEMBER 5, 2017 ♦ 6:00 P.M.**

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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 Elliott, Gambino, Johnson, Lauer, and Lowery. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

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

3. AGENDA APPROVAL. Mr. Lauer moved to approve the agenda as presented. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL. Mr. Seibold moved to approve the August 1, 2017 meeting minutes as submitted. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

5. PUBLIC COMMENTS- Agenda Items.

Ms. Carol Cook, 7th Avenue South said I am vehemently opposed to §17-396.4 that allows beauty and barber shops in the R1 district. Leaving barbershop and beauty shops on the book really reduces this town to two zones: a business zone and a commercial zone. I lived with a beauty shop across the street from my house over a year. Traffic, littering, speeding and parking were constant issues. Strangers repeatedly in and out of my residential R1 neighborhood is unacceptable. I moved into in R1 neighborhood so that it would be a neighborhood. The only reason the beauty shop across from me closed was because the woman did not have an LLR license. If she obtained a license, she could reopen tomorrow. We need to look at the home business ordinance. Businesses that have a large walk-in customer base need to be eliminated. Realtors and architects cannot have employees, so they're most likely to have a client an hour. The beauty shop had up to four customers at a time. That's four people parked illegally on the street, in the street, for up to an hour and half at a time. We need to get §17-396.4 off the books. Thank you.

6. DIRECTOR'S REPORT. Ms. Fellner introduced Mr. Harrah, the new deputy administrator. Mr. Harrah said I worked for the City of Myrtle Beach for nine years. My background is building and construction. I hold am a certified building official (CBO), certified floodplain manager and certified fire marshal. I hold a Masters in Public Administration and a Masters in Software Engineering. While in Myrtle Beach, I performed plan reviews, was a building official, worked with the zoning department, and with all the other aspects within the city as well. I look forward to working with you bringing that knowledge here to help Surfside bring a better quality of life for the residents. Chairman Abrams said welcome, we look forward to working with you.

7. Business Item. Request from Mr. Ronald Crouch to subdivide his lot for the purpose of converting an existing barn into a residential structure. (Review of requested legal opinion.) Chairman Abrams said we've all been sent the legal opinion that we requested, because what we were inclined to do was approve this subdivision request, but not without conditions on it. Has everybody read the attorney's opinion, and does anyone have any comments on that opinion or any additional concerns? Mr. Lauer said after reading the attorneys opinion, it seems to go right along with what you discussed at the last meeting. I am certainly willing to support the subdivision with stipulations. Mr. Seibold said the commission discussed a one year limitation at the last meeting. The opinion states two years. I'm assuming we can tighten that up. Chairman Abrams said I took that to mean that the final plat approval was a failsafe. I don't know of any reason why we can't put a year stipulation on it; we have the two-year failsafe anyway. Ms. Johnson said that Ms. Morris was told by the attorney that staff

54 could actually approve this without the planning commission's approval, so long as permit was issued for
55 renovations to a residential structure, and the subdivision recorded immediately after the permit was
56 issued. I don't know why if staff can do it, why the commission is hearing the matter. Chairman Abrams
57 said I didn't see that information. Ms. Gambino I feel the same way. If staff can certainly handle it, I
58 would think ... Chairman Abrams said I think if we check the meeting minutes from the last meeting,
59 we'll see that she thought the planning commission was the authority to allow Mr. Crouch to be out of
60 compliance with the zoning ordinance for a certain period of time. Am I the only one who thinks she was
61 saying that the matter had to be brought to us? Mr. Seibold said it was a change in zoning and that's why
62 she brought it to us. It probably would have upset the commission, if she approved it on her own. Bring
63 it to the commission was the right move. Ms. Johnson said that was the legal opinion that she got. I
64 believe she's already related that to Mr. Crouch and the contractor. Chairman Abrams said I did not see
65 that opinion. Mr. Lauer said the commission has the matter before it. Chairman Abrams said the
66 commission has authority to decide and asked if there was a motion. Ms. Gambino said she agreed with
67 Mr. Seibold to have a year; two years is just; he might not be really serious about it if it's that long. Mr.
68 Seibold said correct. Chairman Abrams said I was concerned, since we are setting a precedent here. After
69 much discussion, Mr. Lauer moved to subdivide Lots 9 and 10 as requested, with a stipulation that the
70 final as built survey of a residence must be filed with the Horry County Register of Deeds no later than 18
71 months from this date or the lot subdivision shall be rescinded. Mr. Seibold second. All members voted in
72 favor. **MOTION CARRIED.**

73
74 **8. Discussion Items.**

75
76 **A. Customer walk-in businesses in residential districts (TC 08/22/2017).** Chairman
77 Abrams said that Ms. Cook spoke about this at the last council meeting, and addressed it for the second
78 time before this commission at this meeting. I have found in the ordinance about home occupations
79 includes things that are causing some of our residents problems. The code does not limit home
80 occupations to those stated in the ordinance. Town Council has asked the planning commission to review
81 home businesses to determine what is detrimental to the R1 district as Ms. Cook has described to disrupt
82 neighborhoods. The definition is all we have. Mr. Lauer said multiple people coming and going
83 throughout the day causes problems. Maybe there is something that can be added to the things that are
84 not allowed. Ms. Johnson said any of the businesses listed can create traffic and have multiple people
85 coming and going. Mr. Lauer believed residential should be just residential. In his opinion it was a
86 mistake to allow businesses to operate from a home. Chairman Abrams asked about somebody teaching
87 piano; shouldn't they be allowed to do that? Mr. Lauer we would need to see a list of all the different
88 kinds of businesses in R1 and go down that list to see whether or not it's acceptable. Chairman Abrams
89 asked if such a list could be provided for the next meeting. Mr. Harrah said yes, that information would
90 be provided at the next meeting. Mr. Seibold said that he agreed with Ms. Cook and that something
91 should be done.

92
93 **b. Continued review of Design Overlay Ordinance (beginning at Section G).** Chairman
94 Abrams said unless there is a question from a previous section, we are ready to begin in Section G. Mr.
95 Seibold asked how the percentages of modification were developed. Ms. Fellner said she would find out
96 from Horry County. After a lengthy discussion about the percentage required to activate the overlay,
97 Chairman Abrams said the town's ordinance can state whatever the commission recommends and Town
98 Council approved. Chairman Abrams explained that the permit technician could not find the draft that
99 could be updated. Ms. Johnson said it was on Mr. Morris' computer under planning commission folder
100 with tonight's meeting date, so I'm just curious as to why nobody could find it. Chairman Abrams said
101 she was not given that information. The commission members were asked to consider the percentages
102 and compare with Chapter 17 to see what we have in our ordinance. Ms. Gambino said we do need to
103 tighten up, but I don't know how they compare, because we don't have a copy. Chairman Abrams said
104 access management is not addressed in the town's code. If there are no objections, we can use the
105 county's ordinance. A discussion ensued regarding proposed upgrades to Highway 17 Business being
106 done by the Department of Transportation, including that some access points would be eliminated.

107 Chairman Abrams asked if the commission was ready to see a design overlay ordinance with the revisions
108 as a business item once Section G was addressed. Several members said they were not ready to see an
109 ordinance. Chairman Abrams asked Mr. Harrah to review Section G and make a recommendation at the
110 next meeting. Mr. Harrah said absolutely.

111
112 Chairman Abrams said at the next meeting, the percentages of modification to trigger the overlay
113 will be discussed, and Mr. Harrah will address Section G, Access Management, other discussion on the
114 overlay ordinance and walk-in businesses in residential districts. **Commission CONCURRED.**

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116 C. Any other matters of concern or information to be discussed by Planning Commission. There
117 was no other discussion.

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119 **10. PUBLIC COMMENTS - General.** There were no public comments.

120
121 **11. COMMISSION COMMENTS.**

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123 Ms. Gambino: Just thank everyone for coming. It means a lot, and contributing. Thank you.

124
125 Ms. Johnson: Well, as you can see, we've not had a lot of guidance in this meeting, and I think
126 it's a sad day in the Town of Surfside Beach that our planning director was fired, because she did her
127 homework. She always came and could answer about any question that we had. Our meetings usually
128 went a little longer than this, because we kind of knew what we were doing. It's kind of the blind leading
129 the blind now, it seems, and I just think it's a sad time for Surfside Beach, because she was an excellent
130 planning and zoning director. She worked very hard. I do thank you people for coming. We appreciate
131 your comments. God bless you.

132
133 Mr. Seibold: Thank you all for coming. Welcome [Mr. Harrah] to Surfside. I look forward to
134 working with you. I do agree with the comments you just made, [Ms. Johnson.]

135
136 Mr. Lauer: I agree. I was very sorry to see Ms. Morris go, because she was a very good guide
137 for us. She was able to walk us through a lot of the problems we come up against, like section G. We
138 need somebody show us the road. Thank you all for coming out. We'll get through this.

139
140 Chairman Abrams: Thanks everybody for being here tonight. We'll see you again in October.

141
142 **12. ADJOURNMENT.** Ms. Johnson moved to adjourn at 6:48 p.m. Ms. Gambino second. All
143 voted in favor. **MOTION CARRIED.**

144
145 Prepared and submitted by,

146
147 Approved: October 3, 2017
148 _____
149 Debra E. Herrmann, CMC, Town Clerk

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151 _____
152 Mary Ellen Abrams, Vice Chairman

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

Planning Commission asked staff to provide the number and type of home occupations in Town.

Response:

There is a total of 60 home business listed with Business Licenses, the breakdown for each zone is as follow:

Home Occupation by zone

R1 there are 26 business listed and they are as follow:

ALL OTHER PERSONAL SERVICES
ART DEALERS
CAR WASH
COMMERCIAL PHOTOGRAPHY
COMPUTER MAINT/REPAIR
CONTRACTOR/ RES HOME BUILDER
CONTRACTOR/CARPENTRY FINISH
CONTRACTOR/ELECTRICAL
CONTRACTOR/HTG PLUMB &AC
CONTRACTOR/PAINTING
INSURANCE AGENTS & BROKERS
JANITORIAL SERVICE
LANDSCAPING SERVICE
LOCKSMITHS
MOBILE FOOD SERVICE
OTHER BUSINESS CONSULTING SERVI
OTHER SERVICES TO BLDGS
OTHER SOCIAL ADVOCACY/ORG
PEST CONTROL SERVICE
REAL ESTATE AGENTS & BROKERS
SPORTS & RECREATION INSTRUCTION

R2 there are 21 businesses and they are as follow:

CERTIFIED PUBLIC ACCOUNTANT
COMMERCIAL PHOTOGRAPHY
CONTRACTOR/ RES HOME BUILDER
CONTRACTOR/CARPENTRY FINISH
CONTRACTOR/ELECTRICAL
CONTRACTOR/OTHER SPECIALTY
ELECTRONIC SHOPPING internet
FURNITURE REPAIR & REFINISH
LANDSCAPING SERVICE
LINEN SUPPLY
OTHER SERVICES TO BLDGS
PET CARE SERVICES
REAL ESTATE AGENTS & BROKERS
RECREATIONAL GOODS RENTAL
SPORTS & RECREATION INSTRUCTION

VIDEO PRODUCTION

R3 there are 13 businesses and they are as follow:

CONTRACTOR/CARPENTRY FINISH
CONTRACTOR/HTG PLUMB &AC
CONTRACTOR/PAINTING
ELECTRONIC SHOPPING internet
INSURANCE AGENTS & BROKERS
JANITORIAL SERVICE
LANDSCAPING SERVICE
LONG TERM RES RENTALS
REAL ESTATE AGENTS & BROKERS

Sections of Zoning Ordinance related or mentioned

Sec. 17-007. - Definitions.

Home occupation shall mean any occupation within a dwelling and clearly incidental thereto, carried on by a member of the family residing on the premises, provided that no person not a resident of the premises is employed, no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication other than a sign permitted by the district regulations, that the building is being used for any purpose other than a dwelling. When within the above requirements, a home occupation includes but is not limited to the following: art studio; dressmaking; beautician; professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; teaching, with musical instruction limited to one (1) or two (2) pupils at a time; and child care, [which] means an occupied residence in which child day care is provided for no more than six (6) children, unattended by parent or legal guardian, including those children living in the home and those related to the resident caretaker.

Sec. 17-208. - Conditional and temporary uses.

(a)

Controls required. Conditional uses, as set forth in Article III of this chapter, and temporary uses, as set forth in this section, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.

(b)

Conditional uses. Conditional uses shall be permitted subject to a determination by the code enforcement official that they conform to all regulations set forth in this section and elsewhere in this chapter, with particular reference to those requirements established for those districts in which they are proposed for location. Application for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this division, prior to the issuance of any permits.

(c)

Temporary uses. The code enforcement official is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

(1)

Carnival, circus, or fair, including the use of a tent in a nonresidential district, for a period not to exceed seven (7) days, subject to the approval of the town council.

(2)

Portable and special event signs in accordance with [section 17-654](#).

(3)

Tents and/or open displays in accordance with [section 17-412](#).

(4)

Open lot sale of Christmas trees for a period not to exceed forty-five (45) days.

(5)

Real estate sales office, in any district, for a period not to exceed one (1) year provided no cooking or sleeping accommodations are maintained in the structure and provided it applies to on-site sales only.

(6)

Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office is placed on the property to which it is appurtenant.

(7)

Manufactured home units may be used for a business establishment on a temporary basis for a period not to exceed one (1) year. Construction of the permanent structure shall begin within thirty (30) days following placement of the temporary manufactured unit. The manufactured unit shall be removed as soon as the permanent structure is occupied for business or within one (1) year, whichever comes first. All temporary certificates of zoning compliance may be renewed provided that it is determined that the use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

In the above references Section 17-208(c)(6&7) Conditional and temporary uses gives real estate sales office and contractors temporary uses for a period of 1 year. If there is any change in the ordinance to either to allow or disallow home occupations, both of the above section will need to be addressed.

Option 1 and 2 below provides you with some information on ways to handle the walk-in business.

OPTION 1.

Table 17-395 Use Chart

Home Occupations are permitted in R-1, R-2, R-3, C-1, C-3, MU, MP/No special Standards or Parking Code

Current ordinances Reads: Sec. 17-396.4. - Barber or beauty shop.

Barber and beauty shops are allowed in the R-1, R-2, and R-3 districts as a *home* occupation, subject to the standards applicable thereto.

Proposed Changes:

Definition: Home Occupation: Any permitted occupation within a dwelling.

Home Occupations:

1. Such occupation is conducted by no other persons than members of the family residing on the premises.

2. Such occupation is conducted within the dwelling, is clearly incidental and secondary to the use of the structure for dwelling purposes, and does not detract from the residential character of the immediate area.
3. No stock in trade is kept or commodities sold or leased on the premises.
4. No mechanical equipment is used except such that is normally used for family, domestic, or household purposes.
5. Such occupation(s) utilizes no more than 25 percent of the total floor area of the principal building.
6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. Such occupation is not evident from outside the dwelling and there is no exterior indication that the building is being used for any purpose other than a dwelling.
8. Musical instruction is limited to a maximum of two (2) pupils at a time.
9. Child care is limited to a maximum of six (6) children.
10. Under no circumstances shall any of the following be considered a home occupation: adult oriented businesses, aerobic exercise studio, ambulance service, auto repair service, barber shop, beauty parlor, body piercing establishment, child care center, chiropractor, dentist, doctor, drug/alcohol counseling services, escort services, firearms manufacturing, group day care home, gym, health salon, kennel, mortuary, musical or dancing instruction involving more than two pupils at one time, nightclub, nursing home, psychiatrist or psychologist office, restaurant, substance abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding service, wig styling clinic, veterinarian's clinic.

OPTION 2. Change is in section 10.

Home Occupations:

1. Such Occupation is conducted by no other persons than member of the family residing on the premises.
2. Such occupation is conducted within the dwelling, is clearly incidental and secondary to the use of structure for dwelling purpose, and does not detract from the residential character of the immediate are.
3. No stock in trade is kept or commodities sold or leased on the premises.
4. No mechanical equipment is used except such that is normally used for family, domestic, or household purposes.

5. Such occupation(s) utilizes no more than 25 percent of the total floor area of the principal building.
6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. Such occupation is not evident from outside the dwelling and there is no exterior indication that the building is being used for any purpose other than a dwelling.
8. Musical instruction is limited to a maximum of two (2) pupils at a time.
9. Child care is limited to a maximum of six (6) children.
10. Shall accommodate only one customer at a time.

The planning commission had questions to the applicability to the Design Overlay District. It was ask of staff to determine where the percentages come from and review the access management section G.

Response:

The percentages determination was a result of the county's substantial improvement of 50% rule to bring the property into compliance. Over the years owners would request a variance for the amount. They decided to create percentage breaks and require certain items to be done within the percentage range.

The access management is not addressed in the current ordinance, it is staffs recommendation to post pone reviewing this item until the Highway 17 Enhancement Project is completed. SCDOT has been working on the design for Highway 17 for several years and conducted studies for this project. Adding something for access management at this time may conflict with SCDOT project.

Begin with section H at next Planning Commission meeting