



**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
OCTOBER 3, 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 Gambino, Johnson, and Lauer. Two seats are vacant. A quorum was present. Others present: Town Administrator Fellner, Town Clerk Herrmann and Deputy Administrator Harrah.

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

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

4. MINUTES APPROVAL. Ms. Johnson moved to approve the September 5, 2017 meeting minutes with a correction to add that Administrator Fellner was present. Mr. Lauer second. All voted in favor. **MOTION CARRIED.**

5. PUBLIC COMMENTS- Agenda Items.

Ms. Carol Cook, 7th Avenue South, referred to Business Item #7, and asked if the statement “occupations within the dwelling” meant there would no longer be portable carwashes. Having lived across the street from a home portable car wash business the customers will block your street faster than you can say traffic jam. Under Item 10, she would like to see nail salon and cosmetology added to the list. The person operating the business across the street from her had a license to practice cosmetology, but was operating as a hair dresser, which was allowed, because as the business license department explained, once the license is issued, the town cannot inspect because it is a home business. If nail salon and cosmetology were added to the list, it would close the loophole.

6. DIRECTOR’S REPORT. Mr. Harrah reported that the department issued 160 permits, three new home permits, and 147 inspections during August 2017. Code enforcement investigated 192 complaints. There are still several on-going investigations. Some information has been redacted from the written reports due to privacy acts; that information can be requested through the Freedom of Information Act. Town Council was advised at the September 24th meeting that the commission continues its work on the overlay ordinance. Mr. Seibold asked what the investigations involved. Mr. Harrah said permit violations, accessory structures, and demolitions. Ms. Gambino asked if all residents were being treated the same. Mr. Harrah said yes. Ms. Gambino asked if she had his word. Mr. Harrah said absolutely. Ms. Johnson asked why a storage building was allowed to be placed next to Cedar Drive at the corner of 6th Avenue North. Mr. Harrah did not know, but would find out and let the members know.

7. BUSINESS. Customer walk-in businesses in residential districts. Mr. Harrah said at the last meeting members wanted to know what type businesses were allowed in the residential areas, which is included in your packages. In R1 there are 26 types of businesses. After discussion about the mobile car wash, the members **CONCURRED** that the homeowner/renter who owns a mobile car wash or any other similar business operates it out of the home, but must travel to other locations to perform the service. Child care businesses where children are dropped off in the morning and picked up in the evening were discussed. Members **CONCURRED** that child care should not be prohibited.

Mr. Harrah noted that a temporary use was allowed for up to one year as set forth in Section 17-208. He reminded the members that other sections of the code might be affected when changes were made. As these issues come up, he would present them to the commission. Chairman Abrams agreed that unintended consequences need to be addressed.

54
55 A discussion about Section 17-007 was led by Mr. Harrah who said the proposed ordinance
56 Option 1 that states: Definition: Home Occupation: Any permitted occupation *within* a dwelling. Home
57 Occupations:

- 58 1. Such occupation is conducted by no other persons than members of the family residing on the
59 premises.
60 2. Such occupation is conducted within the dwelling, is clearly incidental and secondary to the
61 use of the structure for dwelling purposes, and does not detract from the residential character of
62 the immediate area.
63 3. No stock in trade is kept or commodities sold or leased on the premises.
64 4. No mechanical equipment is used except such that is normally used for family, domestic, or
65 household purposes.
66 5. Such occupation(s) utilizes no more than 25 percent of the total floor area of the principal
67 building.
68 6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat, or glare
69 noticeable at or beyond the property line.
70 7. Such occupation is not evident from outside the dwelling and there is no exterior indication
71 that the building is being used for any purpose other than a dwelling.
72 8. Musical instruction is limited to a maximum of two (2) pupils at a time.
73 9. Child care is limited to a maximum of six (6) children.
74

75 Mr. Seibold asked if the number of children include the provider's children. Mr. Harrah said yes, it
76 was 6 total. Ms. Gambino asked who would enforce this. Chairman Abrams said it probably would be
77 complaint based. Mr. Harrah said it was complaint based, but it affected code enforcement, the building
78 official and could elevate to the state level.
79

80 Mr. Harrah said the caveat is that under no circumstances shall any of the following be
81 considered home occupancy. He explained that the State of South Carolina would no longer issue a
82 license for a beauty parlor to operate out of a home. If there are such businesses operating, they have
83 circumvented that law. Number 10 states: Under no circumstances shall any of the following be
84 considered a home occupation: adult oriented businesses, aerobic exercise studio, ambulance service,
85 auto repair service, barber shop, beauty parlor, body piercing establishment, child care center,
86 chiropractor, dentist, doctor, drug/alcohol counseling services, escort services, firearms manufacturing,
87 group day care home, gym, health salon, kennel, mortuary, musical or dancing instruction involving more
88 than two pupils at one time, nightclub, nursing home, psychiatrist or psychologist office, restaurant,
89 substance abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding service, wig
90 styling clinic, veterinarian's clinic.
91

92 Chairman Abrams asked if the members wanted to prohibit nail salons, beauty parlors, and
93 cosmetology businesses in homes. All members **CONCURRED**. Option 2 was presented by Mr. Harrah
94 who explained that the only change from Option 1 is that customers are limited to one at a time.
95 Chairman Abrams asked if members preferred Option 1 with prohibiting cosmetology and nail salons. All
96 members **CONCURRED**. Ms. Gambino moved to recommend to Town Council Option 1 with adding a
97 prohibition of cosmetology and nail salons. Mr. Lauer second. All voted in favor. **MOTION CARRIED**.
98

99 **8. DISCUSSION ITEMS.**

100
101 A. Continue review of Design Overlay District (beginning at Section G Access Management.) Staff
102 recommended that this section be deferred until after the improvements were completed on Highway 17
103 by the South Carolina Department of Highways and Transportation. The commission **CONCURRED**
104

105 B. Continue review of Design Overlay District Section H Parking. Mr. Harrah said the town's other
106 ordinances already cover how parking lots are designed with access aisles and landscape breaks, etc. We

107 need to make sure that the design overlay does not conflict with those other codes. The overall goal is to
108 enhance parking areas with curbs and buffers so parking areas have landscapes along the public way in a
109 manner that would enhance and tie-back to the buildings, and landscapes will provide relief from the
110 heat and glare. The commission can determine the minimum requirement for landscaping.

111
112 Mr. Seibold asked if the ordinance allowed some discretion by staff. Mr. Harrah said the
113 ordinance is written so that staff can be flexible and allow, two understory tree or five shrubs instead of 2
114 2.5 inch caliper canopy trees. The landscape ordinance would be cited in this section as it sets out the
115 types of trees and sizes required. It is a benefit to have some discretion about landscape is a benefit, not
116 only for the town, but also for the customer.

117
118 Chairman Abrams asked if she understood correctly that the town's landscape ordinance and the
119 overlay ordinance would be merged to use the best parts from the county ordinance. Mr. Harrah said yes,
120 choosing to use specific language from the county's ordinance is the best way to improve the town's
121 ordinance. This will formulate a document that is clear and easy to understand so they can enhance their
122 areas.

123
124 Mr. Harrah said the town has limited linear feet, so the county's 500 linear feet that requires a
125 primary entrance for all uses does not apply to the town. The town's code should be written so that any
126 businesses sharing a common parking area work together to enhance it. Staff will blend the portions that
127 the commission likes from the county's ordinance and bring it back for review. Chairman Abrams said the
128 landscaping in parking lots and parking needs to come together. Mr. Harrah said the planning
129 department has discretion to approve an alternate parking plan that exceeds the maximum allowed
130 number of spaces with stipulations. Those items need to be reviewed to ensure the code is very specific.
131 Chairman Abrams did not think the town would have that issue. Mr. Harrah said this was written for
132 places like Coastal Grand Mall on Black Friday, or special events when they exceeded the number of
133 parking spaces. He said some alternatives could be written for this section; it was not a scenario he
134 expected to encounter in Surfside Beach.

135
136 Mr. Harrah said areas for new development were already very limited. Mr. Seibold agreed. Ms.
137 Gambino said businesses should start improvements by painting and adding awnings. Chairman Abrams
138 said some potted geraniums would be nice in a couple of places. I think what the members are saying is
139 that in the tight spots we want don't want a business to lose parking spaces to have landscaping. Mr.
140 Harrah said that would have to be addressed, because the landscape ordinance trumps the parking
141 ordinance. Those are the types of things we need to consider and include in our ordinances, so there are
142 options to work with the owners. Mr. Lauer said a design architect might provide an alternate plan when
143 space is limited. All members **CONCURRED that staff should have flexibility to work with**
144 **customers to preserve parking spaces when space is limited, for instance having more**
145 **landscaping away from the building instead of at the foundation.**

146
147 Mr. Harrah said the shared parking lots like at BI-LO may have reductions in the number of
148 spaces to meet an overlay plan. There should be a way to consider the total number of spaces in the lots
149 for all of the businesses, not just the one business that is upgrading. The end effect would be the same,
150 but it would require a cooperative effort to ensure that all the businesses had a sufficient number of
151 islands and landscaping. Chairman Abrams said explaining what the businesses can do a better process.
152 Mr. Harrah said flexibility would allow staff to work with the customers to ensure the spirit and intent of
153 the code are met. All members **CONCURRED that staff should have flexibility to work with the**
154 **businesses to keep the elements of the overlay, as long as all businesses are treated equally.**

155
156 Mr. Harrah said examples of other codes would be presented at the next meeting for the
157 commission's consideration. Chairman Abram said at the next meeting the commission would review
158 pedestrian walkways. Ms. Gambino said I would love to see more walkways.

159

160 **9. PUBLIC COMMENTS - General.**

161
162 Ms. Carol Cook, 7th Avenue South, said I want to thank the commission for giving us back our
163 residential neighborhoods. We will truly have R1, R2, R3, business and commercial. You can't imagine the
164 nightmare that we've lived through. When the burden of regulation is on the neighborhood; that is where
165 we were for the last year, and it was horrible. Thank you. I hope that one of the council people that are
166 here tonight can put it on the agenda for next week, so we can get it done.

167
168 **10. COMMISSION COMMENTS.**

169
170 Mr. Lauer: I'll just mention that Surfside has always had that reputation of being a very strict
171 and very iron-fisted community. I appreciate the fact that we're at least going to try and relax things a
172 little bit. I hope it doesn't cause problems for the folks that are going to have to fight the battles, but I'm
173 glad we're going that direction.

174
175 Ms. Gambino: I agree with [Mr. Lauer], especially for the businesses, because that's something
176 we really need to work on. All of us up here probably know this, but a lot of businesses won't come here
177 to Surfside, because of many reasons. That being one. There are others as well. But, we do need to work
178 on that. Thank you.

179
180 Ms. Johnson: Well, I think we're losing businesses to the county, because we are not quite strict
181 enough. That's the reason the council wanted us to revisit this, to make it a little more strict [sic],
182 because they like what the county's doing with more of the overlay and everything. Basically, that's all I
183 have to say. Thank you for coming and just please remember Las Vegas in your thoughts and prayers.

184
185 Mr. Seibold: Thank you all. Thank you [Mr. Harrah]. That was great information. I appreciate it.
186 Ms. Cook, hopefully, it goes through council. We did everything we could here. I think we're making
187 progress and let's just keep working together.

188
189 Chairman Abrams: I'd like to thank everybody. I feel good about this meeting tonight. Thanks to
190 the public, staff and the commission. Have a nice evening.

191
192 Ms. Gambino: Might I add to my comments that, and I see what [Ms. Johnson] is saying,
193 definitely, in some aspects we do need to be stricter, in others, I think we need to give options.
194 Hopefully, that will become a good thing for Surfside and bring some more businesses in. Thank you.

195
196 **12. ADJOURNMENT.** Mr. Lauer moved to adjourn at 7:06 p.m. Ms. Johnson second. All voted
197 in favor. **MOTION CARRIED.**

198
199 Prepared and submitted by,

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201 _____
202 Debra E. Herrmann, CMC, Town Clerk

203 Approved: November 7, 2017.

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205 _____
206 Mary Ellen Abrams, Chairman

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