



Town of Surfside Beach
115 US Hwy. 17 North, Surfside Beach, SC 29575
(843)913-6111

**PLANNING COMMISSION REGULAR MEETING
TOWN COUNCIL CHAMBERS
February 4, 2014 6:00 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. AGENDA APPROVAL**
- 4. MINUTES APPROVAL** **January 7, 2014**
- 5. DIRECTOR'S REPORT** PowerPoint – CPTED (Crime Prevention through Environmental Design) presentation
- 6. PUBLIC HEARING**

Request to amend Section 17-417 of the Town Code of Ordinances to allow for the placement of docks on town lakes and to add §17-418 Penalties for violations.
- 7. BUSINESS**
Request to amend Section 17-417 of the Town Code of Ordinances to allow for the placement of docks on town lakes and to add §17-418 Penalties for violations.
- 8. DISCUSSION ITEM(S)**

Any other matters of concern or information to be discussed by Planning Commission
- 9. PUBLIC COMMENTS – GENERAL**
- 10. COMMISSION COMMENTS**
- 11. ADJOURNMENT**

**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
JANUARY 7, 2014 * 6:00 P.M.**

1. CALL TO ORDER

Chairman Pruitt called the Planning & Zoning Commission meeting to order at 6:01 p.m. Commission members present: Chairman Pruitt, Vice Chairman Rhoades and members Abrams, Elliott, Johnson, Lauer and Lowery. Others present: Planning Director Morris. Since Town Clerk Hermann was unable to attend, member Abrams took the minutes.

2. PLEDGE OF ALLEGIANCE.

Chairman Pruitt led the Pledge of Allegiance.

3. AGENDA APPROVAL.

Ms. Abrams moved to approve the agenda as presented. Mr. Rhoades seconded.

All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL.

A. Mr. Rhoades moved to approve the September 3, 2013 meeting minutes. Mr. Lauer seconded. All voted in favor. **MOTION CARRIED.**

B. Ms. Johnson moved to approve the October 3, 2013 meeting minutes. Ms. Elliott seconded. All voted in favor. **MOTION CARRIED.**

5. DIRECTOR'S REPORT.

Ms. Morris reported that 11 new homes are being built in town and others are being renovated. Waffle House preparing to open and Tasty Platter will open soon. Town Council approved the Comprehensive Plan with some amendments. Ms. Morris congratulated Planning Commission on their accomplishments during 2013 and stated it was time to consider goals/objectives for 2014.

6. DISCUSSION ITEMS.

A. As requested by Planning Commission, Ms. Morris gave a brief presentation on Tax Increment Financing (TIF). Following discussion, the Commission requested that staff develop a concept showing how TIF financing would work for a mixed use area on Surfside Drive. This request is not high priority and should be addressed when staff time permits.

B. Goals/Objectives for the new year. After lengthy discussion, Planning Commission arrived at the following general goals and objectives for 2014. Details are to be worked out at future meetings:

- i. Dumpster overflow/unsightliness along Ocean Boulevard.

ii. CPTED (Crime Prevention through Environmental Development). Begin with a briefing to the Planning Commission in the near future.

iii. Block Parties/better festivals and variety

iv. Relax town's restrictions on Surfside Drive to promote "fun."

v. Family beach vs. hip beach.

vi. Signage reduction and enforcement issues.

7. **PUBLIC COMMENTS.**

There were no public comments.

8. **COMMISSION COMMENTS.**

There were no commission comments.

9. **ADJOURNMENT.**

Ms. Abrams moved to adjourn at 7:25 p.m. Ms. Lowery seconded. All voted in favor. **MOTION CARRIED.**

Respectfully submitted,

Mary Ellen Abrams, Acting Secretary

Planning Commission Decision Paper

February 4, 2014

Written By: Sabrina Morris, Director of Planning, Building & Zoning

1. **SUBJECT:** Docks on Town owned Lakes background

2. **FOR:** An Ordinance to amend Chapter 17, Article IV to add §17-417 & 17-418 to allow for docks in Town owned lakes (Retention ponds)
3. **PURPOSE:** To establish an ordinance for the placement of docks on town owned lakes
4. **ASSUMPTIONS:** It is assumed that property owners on the town lakes would be in favor of having docks on the Town Lakes (Retention ponds). It is also assumed that by not allowing floating docks on the lakes that the area will not be prone to “Water Sports” as it is not a “Lake” but a retention pond.
5. **FACTS:**
 - a. This issue goes back to at least 2004 (May 11, 2004) when the planning commission discussed docks on town lakes and it was voted unanimously by the commission to deny permitting docks on the lake. At the May 25, 2004 Town Council Meeting, Council accepted the recommendation of the Planning Commission to “prohibit docks on town lakes” with a majority vote from Council.
 - b. The current Planning Commission has been reviewing the dock issue for several months now and has voiced concerns of “recreational uses” being allowed on the town lakes. The commission recommended there be no floating docks as floating docks promote water sports, swimming etc. Liability was and remains a major concern of the commission.
 - c. At the June 11, 2013 Town Council meeting council voted as a majority to amend the ordinance to allow for floating docks and add language that dealt with floating docks in the case of inclement weather. The 1st Reading passed. Because of the floating docks being allowed, staff made adjustments to the proposed ordinance that were considered “major” and the ordinance was sent back to the Planning Commission for further review.
 - d. At the June 25, 2013 Town Council Meeting Council because of the floating docks being allowed under the 1st Reading on June 11, 2013 Council meeting and staff making adjustments to the proposed ordinance that were considered “major” the ordinance was sent back to the Planning Commission for further review.
 - e. The Planning Commission held a Public Hearing at the July 2, 2013 Planning Commission meeting and heard from several citizens requesting the proposal be amended to not allow for docks on the town own lakes. After hearing all the public comments the Planning Commission again voiced the concerns of allowing for floating docks and once again has sent recommendation to Town Council to remove all language pertaining to floating docks and not allow floating docks at all. This amendment would also remove the requirement of the access ways, as fixed docks could incorporate stairs into the design. The board recommends the docks only be allowed to extend 12 feet into the water, measuring from the high water mark. They requested the removal of the gate requirement, stating the public was correct in saying

the dock could be accessible with or without a gate. The gate is not a requirement of the Building Code. The proposed ordinance requires a Hold Harmless Agreement be signed by the owner of the property and recorded in the Horry County Register of Deeds. The proposed ordinance also requires a Dock Encroachment Permit be signed by the owner of the property.

- f. July 9, 2013 Town Council deferred 2nd Reading of the Dock ordinance in order to received information from the Municipal Association of SC regarding liability and insurance rates.
- g. July 12, 2013 Town Council held a Special Meeting after receiving documentation from the Municipal Association of SC. The Council voted to prohibit docks on town owned retention ponds (lakes).
- h. January 14, 2014 Mr. Rod Smith requested 1st Reading of an ordinance to allow for docks on the lakes and add penalties for violations. The council voted by majority to approve the 1st Reading and sent the revised ordinance to the Planning Commission for review and recommendation.

Staff now request the Planning Commission hold another Public Hearing in regards to the Docks being allowed on the Lakes and to add penalties for those that may violate the Ordinance.

and associated defense costs, that arise out of the applicant's use of the dock area, and shall preserve the right of the Town to its choice of defense counsel.

Existing docks shall be considered existing non-conforming and may be repaired but shall not be allowed to add additional square footage.

Property owners having existing docks that are replaced shall be required to adhere to Section 17-417(G) of this code and shall meet the requirements of Section 17-417(I).

New floating docks shall not be permitted.

*Property owners considering building a dock shall consult Surfside Beach Public Works about lake measurements at their location.

SECTIONS 17-418 VIOLATIONS/REMEDIES

A violation of Section 17-417 of this ordinance is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender shall be punished by a fine not to exceeding five hundred dollars (\$500.00), plus fees and assessments, or by imprisonment for a period not exceeding thirty (30) days. Each day any violation of this ordinance continues shall constitute a separate offense.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 12th day of July 2013.

Douglas F. Samples, Mayor

Mary Beth Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Mark L. Johnson, Town Council

Elizabeth A. Kohlmann, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk