



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

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. AGENDA APPROVAL**
- 4. MINUTES APPROVAL (to be deferred until next scheduled meeting)**
- 5. DIRECTOR'S REPORT**
- 6. PUBLIC HEARING**
 1. Amend Section 17-007 and 17-418 of the Town of Surfside Beach Zoning Ordinance to regulate yard sales within the town limits.
 2. Remove residential uses from the C1 (Highway Commercial) district under section 395 of the Town of Surfside Beach Zoning Ordinance in to consistant with the Town of Surfside Beach Comprehensive Plan, 2013-2022.
- 7. BUSINESS**
 1. Amend Section 17-007 and 17-418 of the Town of Surfside Beach Zoning Ordinance to regulate yard sales within the town limits.
 2. Remove residential uses from the C1 (Highway Commercial) district under section 395 of the Town of Surfside Beach Zoning Ordinance in to consistant with the Town of Surfside Beach Comprehensive Plan, 2013-2022.
- 8. DISCUSSION**

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

ISSUE PAPER FOR PLANNING COMMISSION CONSIDERATION

Prepared by: Sabrina Morris

Meeting Date: November 4, 2014

Subject: Amend Section 17-007 and 17-418 of the Town of Surfside Beach Zoning Ordinance to regulate yard sales within the town limits.

BACKGROUND:

You probably can't drive across town on the weekend without seeing at least one sign advertising a garage or yard sale. If these types of sales are left unregulated, you can end up with a regular commercial enterprise in a residential neighborhood, something that most citizens would and have complained about. The draft regulations on garage sales require a permit; address the number of sales that can be held per person and per premises each year; restrict signage; require that only personal property be sold; and restrict the hours and duration of sales. Details include regulations display of personal property and boisterous conduct.

This proposed ordinance is not intended to ban yard sales, however it assures that residential neighborhoods will remain as such and allow for accountability as to parking and sales at each site.

ATTACHMENTS:

Proposed draft ordinance for review.

SECTION 17-418. YARD SALES

The yard sale regulations are designed to control and restrict yard sales, as defined, in order to protect the public health, safety and convenience and to restrict such sales to causal and/or occasional occurrence only, in keeping with the character of the residential districts where these activities occur. The intent of this section is to eliminate perpetual, prolonged and extended yard sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zoning districts, create a nuisance. The provisions herein arise from the need to limit, regulate, restrict and control yard sales and garage sales in residential areas.

- (a) It shall be unlawful for any person to conduct a yard sale within the town limits without first obtaining a yard sale permit from the Planning, Building and Zoning Department after filing an application containing the information hereinafter specified.
- (b) Not more than three (3) yard sale permits shall be issued for any one (1) premise in a calendar year. Seller must be the occupant and/or owner of the premises.
- (c) Parking shall be provided for all persons attending the sale in a manner that would not affect the free flow of traffic on a public street.
- (d) No merchandise shall be purchased and brought upon the premises for resale. Merchandise for sale shall be limited to used property owned by those named on the permit.
- (e) The sale shall be limited to the hours of 7:00AM and 3:00PM.
- (f) It is a requirement of yard sale permit that the names and addresses of all participating persons be listed on the application. The yard sale permit must be posted at a visible location to traveling public at the front of the property for the duration of the sale.
- (g) It shall be unlawful to conduct any yard sale with a duration exceeding two (2) consecutive days.
- (h) Yard sales shall not be permitted within a commercial area. Sales for this purpose shall be governed by Section 17-412(c) of this chapter.
- (i) Goods for sale shall not be displayed on public property. Neither shall goods be displayed on private property in a manner which will materially impede visibility for pedestrian or vehicular traffic on or off the premises.
- (j) All goods and materials for sale must be removed from display immediately after sale has ended. No outdoor storage shall be allowed.
- (k) One sign advertising the sale is allowed on the premises only, and shall not exceed four (4) square feet in size.
- (l) It shall be unlawful for any person to place any signs, announcements, posters, placards or advertising matter on any posts or trees on the right-of-way of any street or sidewalk within the town. Persons responsible for placement of these signs may be fined for violating the Zoning Ordinance as well as public littering.
- (m) For the purpose of enforcing the provisions of this ordinance, the town code enforcement officials, and police officers shall have the right of entry to any premises showing evidence of a yard sale and may close the premises for such a sale where any provisions of this ordinance are being violated.
- (n) Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, religious, or other tax-exempt organization shall be exempt from fees, but must obtain a courtesy permit. However, the burden of proof to establish the exemption shall be the organization or institution claiming such exemption.
- (o) An administrative fee of \$5.00 shall be collected per family for each yard sale.

ARTICLE I. GENERAL PROVISIONS

Permit, sign shall mean a type of zoning permit, issued pursuant to Article VI of this chapter, acknowledging that the intended erection, construction, enlargement, movement, replacement, or conversion of a sign complies with the applicable regulations of this chapter.

Permit, zoning shall mean an official document or certificate issued by the code enforcement official that acknowledges that an intended activity or use complies with applicable regulations of this chapter.

Planned development district shall mean a zoning district established, under the terms of this chapter, to allow a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed use-use development. A planned development district is established by rezoning prior to development, as provided in articles II and III of this chapter, and is characterized by a unified site design for mixed development.

Planning commission [‘the commission’] shall mean the body created by Chapter 2 of this code pursuant to S.C. Code § 6-29-310 et seq.

Principal building shall mean a building in which is conducted the main or principle use of the lot on which the building is located.

Principal use shall mean the primary or predominant use to which a property is or may be devoted.

Residential Premises: A lot which a building is located which has a certificate of occupancy for a residence, or a vacant lot which abuts a residential premise.

Scarification shall mean the act of making one or more incisions in the skin of any person with the intent of causing visible marks on the skin after the incisions heal.

Setback shall mean a required minimum distance from a lot line or street right-of-way that establishes an area within which a structure shall not be erected, extended, or projected over or upon, except as may be provided by this chapter.

Sign. The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign painted on a wall, window, marquee, awning, or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interests of any person, persons or corporate entity when the same is placed in view of the general public traveling along a public street or right-of-way.

Shopping center shall mean a commercial retail establishment or group of establishments, occupying 50,000 square feet or greater of combined floor area, constructed and maintained as a total entity, typically with onsite customer and employee parking.

Special exception shall mean a use of property that may be allowable in zoning district only after the review and approval of the board of zoning appeals, subject to the terms and conditions as set forth in this chapter and as may be determined by the board.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, the space between such floor and the ceiling next above it. A story is defined as a floor used for human occupancy.

Yard Sale:

- (1) The sale or offering for sale of personal property at any one (1) residential premise at any one (1) time.
- (2) Includes all sales in residential areas entitled "yard sale", "garage sale", "tag sale", "porch sale", "lawn sale", "attic sale", "rummage sale", "moving sale", "estate sale", or any similar casual sale or tangible personal property.

Zero-lot-line (ZLL) shall mean a development arrangement characterized by the location of buildings, on individual lots, in such a manner that one or more of each building's sides rests directly on the lot line. Single-family (semi-attached) and single-family (attached) dwellings are examples of a zero-lot-line development.

SECTIONS 17-008 through 17-199 [RESERVED]

ISSUE PAPER FOR PLANNING COMMISSION CONSIDERATION

Prepared by: Sabrina Morris

Meeting Date: November 4, 2014

Subject: Remove residential uses from the C1 (Highway Commercial) district under section 395 of the Town of Surfside Beach Zoning Ordinance in to consistant with the Town of Surfside Beach Comprehensive Plan, 2013-2022.

BACKGROUND:

The Planning Commission worked diligently to develop a Comprehensive Plan that not only works for short range planning, but also long range. The commission had the foresight and vision to know the importance of the Highway Commercial Zoning District. This district is primarily located on Hwy. 17 Business and a large portion of Poplar Drive. Most of the parcels within the district are currently developed leaving little room for economic development. As the currently zoning is written, the district allows for residential land use consistent with the R3 district density standards.

During the re-write of the plan, the commission noted the lack of undeveloped property within the district and noted that the future uses: "Because of the need to preserve the commercial prominences of these areas and limitation in the amount of land reserved for intense commercial uses, it is recommended that non-commercial activities, including further residential uses, be restricted or where appropriate, prohibited".

If the undeveloped portions of the C1 district are not preserved for commercial uses only, it can stifle commercial development, which the town needs to thrive. Removing residential uses from this district will help preserve the district for the highest and best use of the properties.

By removing the residential uses, the existing residential uses will then be considered non-conforming uses. Under section 17-502(d)(2) of the town's zoning ordinance it addresses non-conforming residential uses that are damaged by fire or any other cause. Stating the residential use can be restored: *"A nonconforming residential use that is damaged by fire or any other cause may be restored. In such cases, the use may be re-established to the extent that existed before the time of damage, provided that the repairs or rebuilding do not increase the degree of nonconformity, do not increase the footprint and/or height of the damaged or destroyed building, and that the restoration or reconstruction begin within six (6) months and is completed within twelve (12) months of such damage"*.

Although the ordinance does allow for the residential use to be rebuilt if damaged or destroyed; the Planning Commission has requested staff investigate and bring a proposal back that to the commission that would incorporate most, if not all of the current properties having existing residential uses and begin a comprehensive rezoning of the parcels to R3, since the residential uses were built to the R-3 district density standards.

ATTACHMENTS:

Table 17-395 "Use Chart" from the Zoning Ordinance
Current Zoning Map of the town

Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		

Residential Uses

Single-family, detached	P	P	P	€	C	P			§17-396.32	E
Single-family, semi-attached		C	C	€	C	C			§17-396.32 §17-396.37	E
Single-family, attached			C	€	C	C			§17-396.32 §17-396.36	E
Two-Family (duplex), accessory dwellings, efficiency units		P	P	€	C	P			§17-396.32	D, E
Multifamily			P	€	C	C			§17-396.32 §17-367(2)	E
Dwelling Group			C	S	S				§17-396.20 §17-201(c)	D, E
Manufactured Home								C	§17-391	P
Manufactured Home Park								P		P
Mobile Homes									PROHIBITED	N/A
Agriculture and Horticulture (noncommercial), excluding the keeping of poultry and livestock	P	P	P	P	P	P				N/A
Home Occupations	P	P	P	P	P	P	P			

Accommodation Uses

Hotels, motels, tourist courts			C	P	P				§17-396.23	H
Resort accommodations, 25 or more units			C	C	C				§17-396.33	H
Transient short term rental units and boarding houses			P	P	P					D, E

Civic, Governmental, and Institutional Uses

Assembly halls, gymnasiums, and similar uses				P						B
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Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
Churches and other religious uses	S	C	C	P	P			P	§17-396.12	B
Hospitals	S	S	S	P					§17-396.22	G
Libraries	S	C	C	P	P			P	§17-396.24	B
Lodges, fraternal organizations				P	P					C
Museums and similar cultural activities	S	C	C	P	P			P	§17-396.24	B
Parks, neighborhood and community (public)	S	P	P	P	P			P		B
Public Buildings and uses	S	S	C	P	P			P	§17-396.26	B
Public buildings and uses including courts of law, correctional institutions or jails, parole or probation offices, rehabilitation centers				S					§17-396.1	R
Public, private, trade, and vocational schools	S	C		P	C				§17-396.30	O
Entertainment, Recreation, and Dining Uses										
Amusement Parks									PD ONLY	L
Arcades						P				S
Billiard parlors					P	P				R S (C3)
Bowling alleys, skating rinks, water slides, and similar forms of indoor recreation				C		P			§17-396.1	L
Golf driving range, par-3, tennis courts and similar outdoor recreation				P						L
Health clubs, gyms, fitness centers, dance studios				P	P					L

Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
Restaurants with drive-in or drive-up facilities				P						M
Restaurants and other dining establishments without lounges (indoor only)				P	P	P	C	§17-367		M S (C3)
Restaurants and other dining establishments with open or outdoor dining				C	C	C	S	§17-396.34 §17-367 §17-396.1		M S (C3)
Restaurants, taverns, bars, nightclubs or other places where alcohol is consumed (Indoor only, excluding restaurants. See note*)				C	P	P		§17-396.1 §17-396.35		M S (C3)
Shooting galleries						P				L
Theaters				C	C	C		§17-396.39		B
Theaters, drive-in				C				§17-396.1 §17-396.39		R

Note*: Restaurants where alcohol is consumed may include outdoor dining facilities, permitted as conditional uses, only in the C-1, C-2, and C-3 districts subject to the requirements of this and the preceding use classification to include §17-396.34

Commercial, Office, and Professional Uses

Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops				C				§17-396.1 §17-396.2		J or L (pet shops and boarding)
Auto/truck sales, service, repair and/or washing				C				§17-396.1		A
Auto Service Station				C				§17-396.1		F

Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
									§17-396.3	
Banks, loan agencies, and other financial institutions				P	P					K
Barber or Beauty Shops	S	S	C	P	P	C	C	§17-396.4 §17-367		K S (C3)
Boat sales and service				C				§17-396.1		N
Body Piercing				C				§17-396.1 §17-396.11		
Building supplies and equipment sales				P						Q
Cold storage, freezer locker				P						R
Communication towers				C				§17-396.1 §17-396.13		R
Day care centers				C		C	C	§17-396.1 §17-396.19 §17-367		See §17-238.19
Dressmaker, seamstress, tailor				P			C	§17-367		K
Electrical appliances and equipment, sales and repair				P	P	P				N S (C3)
Fabricating shops, e.g. cabinet or upholstery				C				§17-396.1		I
Fuel or chemical storage, excluding incidental or accessory storage				S				§17-396.21		R
Funeral Homes and				P						B

Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
mortuaries										
Laundry and dry cleaning pick up stations				P	P					L
Laundromats				P	P					L
Lawn and garden equipment sales and service				C					§17-396.1	N
Liquor sales				P	P	P				I S (C3)
Lumber yards and sales				C					§17-396.1 §17-396.25	Q
Medical and dental offices (clinics)				P	P	P	C		§17-367	J
Offices; business, professional, and governmental				P	P	P	C		§17-367	K
Parking lots		P		P	P					
Piers						P				L
Plumbing shops				P						Q
Produce markets and stands				P			S			L
Radio/Television station				C	C				§17-396.1 §17-396.31	K
Repair shops, excluding auto				P	P					A

Table 17-395
USE CHART

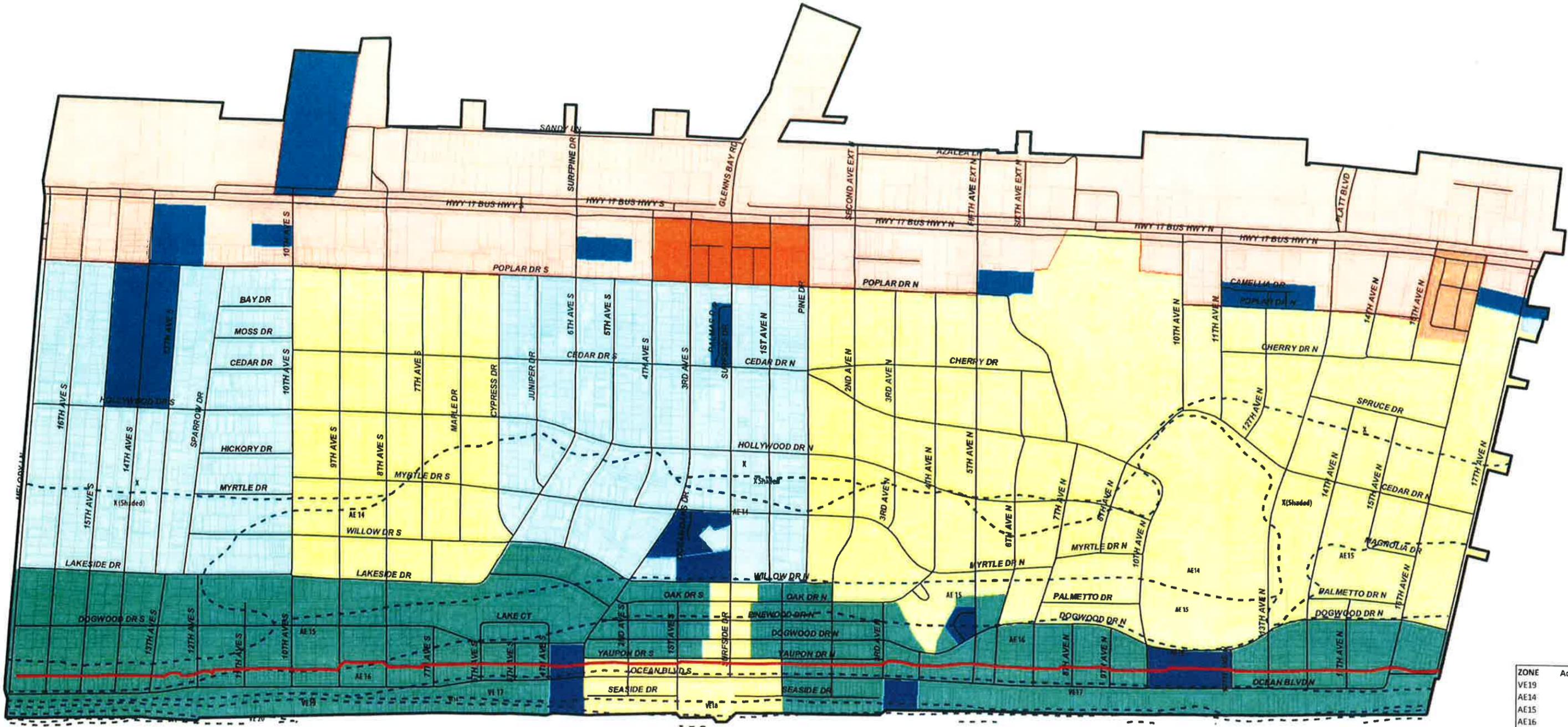
USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
Retail Businesses (low traffic) including specialty establishments selling primarily one (1) product line, including stores selling appliances, radios, televisions, floor coverings, furniture, home furnishings, antiques, automobiles and accessories, motorcycles, auction houses, business machines, computers, pawn shops, office equipment, restaurant equipment, secondhand items, bicycles, guns, light fixtures, tackle shops, and other similar uses.				P	P	P				N S (C3)
Retail Businesses (high traffic) and establishments selling commodities in small quantities to the consumer, usually low bulk comparison items, including department stores, supermarkets, discount stores and stores selling general merchandise, variety merchandise, foods including bakeries where products are consumed onsite, shoes, millery, clothing, jewelry, books, flowers, gifts, music, cameras, stationary, watches, art supplies, hobby supplies, stamps and coins, furs, leather goods, records, savings stores, and				P	P	P	C	§17-367		L S (C3)

Table 17-395
USE CHART

USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
similar uses.										
Sexually oriented businesses				C					Article IV, Division 3	§17-435(a)
Sheet metal/machine shop				C					§17-396.1	I
Shopping center				C	P	P			§17-396.1	L
Taxi stands					P					R
Truck or bus terminal				C					§17-396.1 §17-396.40	R
Water tower/public utilities	C	C	C	C	C	C	C	C	§17-396.41	N/A
Warehouse/storage facility				C					§17-396.42	R

Table Notes: The "Special Standards" column of this table is a cross-reference to use specific standards that apply to conditional and special exception uses. The "Parking Code" column establishes the parking requirement (key) for specific uses and is to be used with Table [17-420](#) in Article IV of this chapter.

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ZONE	Acres
VE19	1.45
AE14	159.07
AE15	89.11
AE16	90.81
AE17	36.87
VE17	12.51
VE18	9.16
X	730.73
X Shaded	109.63
Total	1239.34

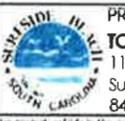
TOWN OF SURFSIDE BEACH ZONING MAP

PROJECT TITLE:
TOWN OF SURFSIDE BEACH ZONING & FLOOD HAZARD INFORMATION

Legend

	Town Boundary		C1		PD
	Centerlines		C2		R1
	FEMA Lines		C3		R2
	Parcels		MP		R3
	Coastal A Zone				

PROJECT LOCATION:
 HIGHWAY 17, Horry CO
 SOUTH CAROLINA



PREPARED FOR:
TOWN OF SURFSIDE BEACH
 115 Highway 17 North
 Surfside Beach, SC 29575
 843-913-6111

#Parcels Per Flood Zone:
 Approx 2405 - X & X Shaded
 Approx 558 - VE Zones
 Approx 1780 - AE Zones

DATE: 7/9/2014
 TEG PN: 141012.003
 AUTHOR: SGW

LAT/LONG: 33.610798
 by -78.976827

USGS QUAD NAME:
 MULTIPLE

SHEET: 1 OF 1

REVISION SCHEDULE:

NO	DATE	BY

SCALE:
 1" = 600'
 1" = 800'

AGENT:
EARTHWORKS
 planning and design consultants

11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 phone - 843-651-7900
 fax - 843-651-7903

Disclaimer: The EARTHWORKS Group hereby states that it has prepared this map for the use of the Town of Surfside Beach, South Carolina. The map is not to be used for any other purpose without the express written consent of EARTHWORKS Group. The map is not to be used for any other purpose without the express written consent of EARTHWORKS Group. The map is not to be used for any other purpose without the express written consent of EARTHWORKS Group. The map is not to be used for any other purpose without the express written consent of EARTHWORKS Group.