



TOWN OF SURFSIDE BEACH  
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**PUBLIC NOTICE:** The first regular Town Council meeting in February will be held on MONDAY, February 13<sup>th</sup>, at 6:30 p.m. in Council Chambers. The date was changed so Town Council could attend the Municipal Elected Officials Institute and the Hometown Legislative Action Day in Columbia on February 14<sup>th</sup> and 15<sup>th</sup>.

**TOWN COUNCIL ♦ REGULAR MEETING  
COUNCIL CHAMBERS ♦ TUESDAY, JANUARY 24, 2012 ♦ 6:30 P.M.**

**AGENDA**

1. **CALL TO ORDER** - Mayor K. Allen Deaton
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** - Rev. Ronald E. Farrar, Timberlake Baptist Church
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL**
  - i. Regular Meeting January 10, 2012
  - ii. Special Meeting January 16, 2012
5. **PUBLIC COMMENTS – AGENDA ITEMS**  
Please address Town Council from the podium; 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Progress Report – DDC Engineers, Mr. Wooten
  - B. Department Reports
    - i. Finance
    - ii. Recreation
    - iii. Public Works
  - C. Administrator’s Report - Update on Current Events
7. **BUSINESS**
  - A. Second Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations
  - B. Ad Hoc Parking Committee – Membership and Scope of Duties & Appointments (Item 12)
8. **DISCUSSION** – Special Events/Recreation Committee – Councilmember Samples
9. **PUBLIC COMMENTS** - Please address Town Council from the podium; 5-minutes per speaker
10. **COUNCIL COMMENTS**
12. **EXECUTIVE SESSION** Pursuant to FOIA §30-4-70(a)(1) to discuss appointments to the Ad Hoc Parking Committee and to perform the town clerk’s 6-month performance review
- .. **ADJOURNMENT**



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
JANUARY 10, 2012 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

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10 **1. CALL TO ORDER.**

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12 Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tempore  
13 Childs, and Councilmembers Blair, Dodge, Johnson, Samples, and Smith were in attendance; a quorum  
14 was present. Staff present: Administrator Duckett; Deputy Administrator Fellner; Code Enforcement  
15 Official Morris, Fire Chief Packard, and Police Chief Frederick. Others present: Town Attorney Smith,  
16 and Town Clerk Herrmann.

17  
18 **2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

19  
20 Father Gabriel Bullock, St. Nicholas Orthodox Church gave the invocation. Mayor Deaton led the  
21 Pledge of Allegiance.

22  
23 **3. AGENDA APPROVAL.**

24  
25 Mr. Smith moved to approve the agenda as presented. Ms. Dodge seconded. **All voted in**  
26 **favor. MOTION CARRIED.**

27  
28 Mr. Samples moved to take from the table the business item to establish an Ad Hoc Parking  
29 Committee and add it to the next meeting agenda for action. Ms. Dodge seconded. All voted in favor.  
30 **MOTION CARRIED.**

31  
32 **4. MINUTES APPROVAL.**

33  
34 Mr. Smith moved to approve the minutes for the regular meeting held December 13, 2011 as  
35 presented. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

36  
37 **5. PUBLIC COMMENTS – AGENDA ITEMS.**

38  
39 There were no comments.

40  
41 **6. PUBLIC HEARING – Proposed Amendments to Chapter 15, Land Development Regulations.**

42  
43 Mayor Deaton opened the public hearing at 6:33 p.m. explaining it was the public's opportunity to  
44 make comments on the Land Development Regulations. There were no public comments. Mayor  
45 Deaton closed the public hearing at 6:34 p.m.

46  
47 **COMMUNICATIONS.**

48  
49 **7. A. Department Reports**

50  
51 **i. Building & Zoning.**

52  
53 Mr. Duckett presented the building and zoning report, a copy of which is on file.  
54  
55

56 ii. Police.  
57

58 Mr. Duckett presented the police report, a copy of which is on file. Ms. Dodge questioned the  
59 wisdom of officers issuing warnings instead of tickets. Mr. Duckett said it was left to the officers'  
60 discretion. Officers are provided a 'warning' book and a 'Uniform Traffic Citation' book. In the past  
61 warnings were made verbally; warnings are written now to document the traffic stop data. That practice is  
62 common throughout the state. Officers are performing proactive investigations. Ms. Dodge said her point  
63 was issuing warnings to a person that has multiple offenses; she was concerned that drivers would get  
64 the impression that Surfside Beach only issued warnings.  
65

66 iii. Fire.  
67

68 Mr. Duckett presented the fire report, a copy of which is on file.  
69

70 C. Administrator's Report – Update on Current Events.  
71

72 Mr. Duckett presented his report, which is on file. Mr. Johnson asked if the fence bordered the  
73 houses beside the Huckabee Complex, and if it was needed to prevent thefts. Mr. Duckett said yes. Mr.  
74 Samples asked if a list of stolen items could be provided to council. Mr. Duckett said yes.  
75

76 Mr. Duckett said the budget retreat is planned for March 7, 8, and 9 at the Santee Cooper  
77 Conference Center in Wampee, South Carolina. If alternate dates are preferred, staff will contact the  
78 conference center. Mr. Samples believed the budget meeting should be held in town so community  
79 members could attend. Mr. Duckett said that was a council decision; the public was invited. Based on  
80 previous experience, he believed meetings held in town hall or local facility are not as effective, because  
81 councilmembers take calls and leave the meeting to conduct other business. He believes an off-site  
82 facility allows everyone to pay more attention. Ms. Dodge agreed with Mr. Samples, saying that she likes  
83 for the public to see council in action; feedback from the public is welcomed. Mr. Smith thought it would  
84 be better to meet at a place like Wampee. The budget meeting he attended last time was very useful to  
85 be separated from everyday work. When he served on the Solid Waste Authority Board, he found in town  
86 meetings were not as successful because board members were too busy doing other things to pay  
87 attention. Ms. Dodge moved to have a consensus vote on where to hold the budget meeting. Mr.  
88 Samples seconded. Ms. Dodge and Mr. Samples voted in favor. Mayor Deaton, Mayor Pro Tem Childs  
89 and Councilmembers Blair, Johnson, and Smith voted against. **MOTION FAILED.**  
90

91 Mr. Johnson added that he attended budget meetings in and out of town. Regardless of the  
92 location, he believed councilmembers were more focused when they are away from town hall. Mr. Childs  
93 agreed with Mr. Johnson saying that council was more involved when the meeting was held at Wampee.  
94 Members had time to discuss issues and listen to the administrator and staff. Mr. Samples also saw the  
95 benefit to being focused; his concern was that the public would not have easy access. In the ten years he  
96 has served on council, only one citizen, that being Ms. Dodge, attended an out of town meeting. There  
97 are numerous local venues that could serve as an offsite meeting place that are near enough that the  
98 community could attend. Mr. Smith suggested that the administrator have a public presentation after the  
99 budget meeting. Ms. Blair said that had been done before.  
100

101 Ms. Blair said, "I just wanted to say for the record I actually brought this same thing up last year.  
102 It wasn't so much on the same focus. I think that we're professional enough to stay focused wherever we  
103 meet on whatever the topic is at hand. But, I did question how much it cost, and the savings, because at  
104 that time last year we were looking at, at the budget cuts and raises and things that we were not giving  
105 out to our staff, but yet we were spending money to go on a budget retreat. And I had asked for a report  
106 on how much that cost, and it came back that it was very minimal and very affordable, and, and it, so  
107 again we, it was so that we chose to have it at Wampee. And, I've, I've been to Wampee on many  
108 occasions as a presenter to other councils, as a member of a board for a civic group, and it is very  
109 conducive to meeting. But, I certainly can see the benefit of staying in town where everything is available  
110 to the residents and making it easier for them. I just wanted for the record, Councilman Samples, it  
111 seems like he was the only one, but I did broach this last year and bring it up to hold it locally as well."

111 Mr. Smith asked how many vacant positions there are and the number of full time employees.  
112 Mr. Duckett said two vacancies in the police department and one vacancy in public works. There are 72  
113 full time employees out of 75 full time approved positions.  
114

115 Mr. Samples asked for a status on the pier maintenance procurement package being prepared by  
116 the engineering firm. Mr. Duckett said divers will re-inspect the pilings on January 11<sup>th</sup> that were  
117 inspected in 2008. He and others believed that moving forward with a request for proposals (RFP) to  
118 repair five pilings should not be done until all pilings were inspected. The re-inspection will cost about  
119 \$10,000; an RFP will be brought at a future meeting. It will take about three days to complete the  
120 inspection. Mr. Wooten will be contacted next week for an update; he believed the package should be  
121 ready soon. Mr. Samples said Mr. Wooten reported that the package would be let in mid-January, which  
122 he believed was an optimistic schedule. Mr. Samples said a lot of money is spent on engineering and  
123 other professional services, and those providers should perform.  
124

125 7. **BUSINESS.**

126  
127 First Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations (LDR.)  
128

129 Mr. Duckett presented the issue paper, which is on file. Second reading will be held at the next  
130 council meeting, during which changes can be made if council so desires. If any councilmember or  
131 citizen would like to have a detailed briefing of the LDR, please contact him. Mr. Duckett said there are  
132 five key points that are addressed in the amendments:  
133

- 134 • Updated antiquated information found in the current document
- 135
- 136 • Added additional definitions to ensure accurate interpretation and general understanding, for  
137 instance definitions were expanded from three or four terms to two or three pages of definitions  
138
- 139 • Addresses storm drainage and flooding issues for new developments not previously addressed in  
140 the current ordinance
- 141
- 142 • Addresses standards for street construction and resurfacing to meet SC Department of  
143 Transportation standards
- 144
- 145 • Updated maintenance warranties for street improvements to the state standards; for example the  
146 current ordinance requires 110-percent of the value; state code requires 125-percent.  
147

148 Mr. Duckett explained that in all cases where state code was more stringent it would apply. He  
149 said that the Planning Commission should be congratulated for its diligence, adding that at least four  
150 councilmembers had served on the commission and had first-hand experience with the requirements to  
151 present amendments to the LDR. He encouraged council to adopt first reading and to offer any changes  
152 at second reading.  
153

154 Mr. Smith moved to approve first reading of Ordinance Number 12-0709. Mr. Childs seconded.  
155 Mayor Deaton thanked the Planning Commission saying the members worked very diligently. The LDR  
156 represents a lot of work and time, and it made council's job much easier when it was presented for  
157 consideration. The Planning Commission has been charged to upgrade the town's ordinances and  
158 regulations to eliminate any conflict between town, state and federal codes. He congratulated the  
159 Planning Commission and its members personally on the job well-done.  
160

161 Mr. Samples asked for clarification whether the document made any changes to density or height  
162 requirements. Ms. Morris said it did not. Mr. Samples asked if there were any special issues to be  
163 considered or that council should be made aware of. Mr. Duckett said there were none. Mr. Childs  
164 commended the Planning Commission for the great job, particularly Chairman Seibold.  
165

168 Mr. Smith said the LDR requires the staff to act and if staff does not act after a specific amount of  
169 time, applications for planned developments are considered approved. He liked that limited times were  
170 imposed to require action; the document clearly sets forth what is required to be done by the applicant  
171 and staff. Mr. Samples asked if that applied to a planned development, a PUD. Ms. Morris said planned  
172 developments are submitted through zoning; this time limitation refers to regulations platting the  
173 development. Mr. Samples said it was very important that the Planning Commission and staff adhere to  
174 the timelines that relate to planned developments. He asked that staff prepare a synopsis of the timelines  
175 for council to consider as part of the package. Mr. Duckett said that state code imposed the same  
176 restrictions on the planning commission when it failed to act within a timely manner; applications were  
177 automatically approved when deadlines were not met. Mr. Samples said the code states that the  
178 Planning Commission has 30-days during which to make a recommendation to town council; otherwise  
179 town council can then intervene and take action.

180  
181 All voted in favor. **MOTION CARRIED.**

182  
183 8. **DISCUSSION.**

184  
185 There was no discussion to come before this meeting.

186  
187 9. **PUBLIC COMMENTS.**

188  
189 "Tom Dodge, 15<sup>th</sup> Avenue North. I stand here as a taxpayer and a concerned citizen; not a  
190 complainer, Mr. Duckett. I'm sorry to hear that council cannot focus in this chamber. That amazes me  
191 that you have to go two hours away in order to focus. Bad. That, that floors me that you can't focus in  
192 this chamber. But, I digress. What is the status of correcting the sidewalks on Surfside Drive between  
193 Poplar Drive and Highway 17 that are cracked all over? I talked to Mr. Duckett about this three months  
194 ago and got the usual brush-off. I have heard nothing since. We spent a lot of money there as  
195 taxpayers, and, and in my opinion, Mr. Duckett is not doing the job of looking out for our funds. Those  
196 sidewalks are cracked in at least 44 places. He said yeah, we're looking at it. We're going to do  
197 something about it. That was two or three months ago; haven't seen anything, yet. In past winters, our  
198 public works department used to do different projects in town; repairing walkovers, repairing drive-overs,  
199 putting down concrete blocks in the access to the walkovers. I have seen nothing at all done this winter  
200 and I'm just wondering why? What is Mr. Adair doing... Mayor Deaton interrupted, "Sir, I'm going to  
201 caution you against the use, I'm going to caution you not to call people's names." Mr. Dodge continued  
202 speaking, "(\*\*)" public works department." Mayor Deaton, "You can talk about departments, but not  
203 people's names." Mr. Dodge, "(\*\*)" in the summertime and trim trees and do things like that. What are  
204 these people being used for? I have seen no projects. If they're there, call me on it. Tell me I'm wrong.  
205 But, I think that we have a lack of leadership. When I talk to Mr. Duckett he said he doesn't like to micro-  
206 manage. But, I think that is Mr. Duckett's job to micro-manage. He should be looking out at what the  
207 department heads are doing and not doing. And, I don't think that's micro-managing. Thank you very  
208 much for your time."

209  
210 "John Ard, Cypress Drive, Surfside. On what Mr. Dodge was just speaking about on the  
211 sidewalks, and stuff down here, I rode around quite a bit today and everything, and I would like to say that  
212 they have gone down there today. They had a whole crew of down there people working on these  
213 sidewalks. They're patching it, where patching stuff is in it, and they're doing some work and stuff down  
214 there. And, so there is something being done on it to try to get the back up to where they're supposed to  
215 be and everything. Whoever's responsible, well, I do appreciate it. It's been a while in coming, but I do  
216 know for a fact that work's being done. So, I will have to speak in y'all's defense on that part. Now, I'd  
217 like to issue a thank you, if you don't mind, to the fire department and medics and to the police  
218 department. I had a little situation a few weeks ago that required them. They done [sic] their jobs, every  
219 one of them, the medics, the fire department, and the police in a very professional way. And, it involved a  
220 member of my family, and I do appreciate it very much. Y'all done [sic] a real good job and I hope in the  
221 future that they will keep this up. I know they will, because we've got some real good people there, and I  
222 expect to see a lot better out them. And, I know they gone [sic] do better; I don't think they can do much  
223 better. They're doing a great job now! But, anyway, I would like to thank y'all very much. Y'all done [sic]

224 a very good job that day, and I appreciate it with all my heart. And, that's all I have to say; everything's  
5 good tonight."

226  
227 "Beth Kohlmann, Ocean Boulevard. I don't mean to beat a dead horse, but I just wanted  
228 directions tonight. (\*\*) Who do we speak to about the committees? I read back for years (\*\*) in the  
229 minutes and it talks about, and y'all seem to really be for it, and you just praised a committee tonight, and  
230 the people that come here, and that, I know you don't like hearing some of the things we have to say, but  
231 we don't like hearing some of the things that you have to say, either. So, I think it's a fair field. But,  
232 there's never been really told to the public why some of our committees are no longer here. Now, I know  
233 that some of you have served on the committees and I know that you like the committees. I know you  
234 shake your heads and all, but what needs to be done? I was told there was an ordinance. I've seen so  
235 many ordinances written since this has all come about. And, I understand that there was a timeframe put  
236 on the recreation committee. They need it in this town and I know you know that they need it in this town.  
237 The people that come here and pay to come here, they want more. They need more, and the people live  
238 here deserve more. These people pay for us to have lower taxes and to live in this beautiful place. So  
239 when we have people that are willing and able to help and come up with ideas, you don't have to like  
240 them all, you don't have to accept them all, just let them give some ideas, and throw it around. Don't  
241 accept them all. That's fine. But, it's really upsetting to me, and I know a few other people, not a lot, but  
242 people that care about being here, and living here, and having kids here, and having a good time. They  
243 all, it should all go together. It's not about one block. It's about this entire town. And, it's not about one  
244 person. It's about this entire town. So, if somebody could break the rules tonight and tell me who to talk  
245 to get this going, cause it's really, you know, patience is a little bit thin! And, I'll be nice, if you'll be nice.  
246 Just give me an answer. Should I stand here and wait or should I just go now or should I be thrown out?"  
247 Mayor Deaton, "You should go now." Ms. Kohlmann, "Okay."

248  
249 "Gene Maruca, 7<sup>th</sup> Ave. South. I want to commend the council for once again kicking the parking  
250 down the road. Marvelous job. Tabling instead of postponing (\*\*). The fact is, the issue isn't going to go  
251 away, and there's an election very shortly. I'm sure the people who have to deal with the parking, the  
2 residents, the people that live on the boulevard will take the, will take into account on Election Day what  
253 has been done to kick it down the road. That's enough said on the parking. The other thing I have to say  
254 is for one reason or another you want to take the budget committee [sic] out of Dodge. Hide behind the  
255 curtain. Not let the people know what's going on. That's fine. As one of the councilors stated, it's not a  
256 big expense to go two hours away. I think as a courtesy, this council might provide transportation for any  
257 taxpayer from this town hall to the budget retreat so they can go if they desire, since it's not a big deal  
258 money-wise as stated, again, by the council."

#### 260 10. COUNCIL COMMENTS.

261  
262 Ms. Blair, "Thank you, Mr. Mayor. Thank you all for coming out and Happy New Year to  
263 everybody. I hope your New Year's started out on a positive note. I usually try to say something in a  
264 positive way, and I usually don't address back from here, but I wanted to be sure that Mr. Maruca knows  
265 that we have brought that committee back to discuss at another meeting. And, I wanted to be sure you  
266 understood that it was tabled, because we did not have a full council here. We didn't, in fact the  
267 councilmember that made the motion to form the committee wasn't here. So, we thought it was only fair  
268 that everyone be represented on something that is so important to so many people. (\*\*) I apologize. I  
269 made the motion, so if the term offended you, I apologize. But, the intent was to wait until we had a full  
270 council so everyone's consideration could be a part of forming that committee. But anyway, I just wanted  
271 to be sure, I mean it will be brought back, and we will discuss it, and then move forward from there. So, I  
272 apologize for, it was my ignorance that used the wrong term. Thank you all for being here, and I just  
273 wanted to say, too, we've got a great calendar in our package that has our fire department. So, I'm  
274 assuming from reading this that we won the contest, since we're on the cover of the calendar and all fire  
275 departments can submit some photos, and if you're chosen you represent one of the months, and if  
276 you're chosen for the cover you actually get a monetary or some money to use for supplies. So, this is a  
277 great photo and I think we're on the first month on the inside, and I wanted to commend the fire  
8 department. Great job. I looked through and several of these have fire house pets, so I just wondered

279 when we're going to get our first dog. Don't throw anything at me, Chief! Thank you all for being here.  
280 Have a great week."

281  
282 Mr. Johnson, "(\*\*)" Thank you, ladies and gentlemen, for coming out. I appreciate all of your input.  
283 Have a good evening, and Happy New Year. I was not here at the last meeting (\*\*)" Happy New Year."  
284

285 Ms. Dodge, "Thank you, Mayor. I just wanted to say I agree with Ms. Kohlmann about the  
286 citizens committee. I think when we have the citizens input we are stronger as a town. We need that.  
287 We're the people who pay the freight, so to speak, and we need you. Thank you. I also appreciate the  
288 comments from everybody. It's very helpful. Thank you."  
289

290 Mr. Smith, "I'd like to congratulate the Planning Commission, which is made up of seven citizens,  
291 for their effort on the Land Development Regulations. And, I'm looking forward to a New Year, and a  
292 happy one. Thank you."  
293

294 Mr. Samples, "Happy New Year to everybody, also. I'm sure that we're going to adopt the  
295 parking committee soon; hopefully, at the next council meeting. I also believe that the recreation  
296 committee that we had set up was a great success. I know Councilman Childs and others were members  
297 of that committee, and, and it was a great benefit to us, because I, I sit here tonight as we enter a New  
298 Year wondering whether or not we're going to have a car show, for example. I like to use that, because I  
299 felt it was a great event for the town, and we had it one year, and, and it didn't work out. Well, the way it  
300 works in the world is you've got to plan; you've got to be taking action now, okay, to pull off these events,  
301 to coordinate them with people. And, I'll be honest with you, movies, not on the beach, because you  
302 couldn't hear them if you're on the beach, but in the park. I still think it's a great idea. I think that it's  
303 something that helps carve out our niche, because we're not Myrtle Beach. We're not North Myrtle  
304 Beach. We're not the high-rise hotels. What we have is we have locally homes that families from all  
305 around come to, and we collect enough money in A-Tax that we ought to be feeding some of it back. I'll  
306 use the term that I hope [Mr. Mabry] won't mind me stealing it, we ought to be fertilizing the garden during  
307 those three months to attract, frankly, the people that we hope will someday move here and stay. Okay,  
308 and the way you do that is you encourage fun-filled, family entertainment. I will say, and I, you've heard  
309 me say it before, frankly, I'm not really paid to; we don't get paid to hear the good news. It's nice to hear  
310 the good news. We all feel; we know when we've done the right thing and when something is good. We  
311 live here, also. But, really what we have to do is, is to head off, pre-empt the bad news. I'm still waiting  
312 to hear something on the pier, okay. I know that we've had those meetings with these professionals a  
313 couple of times now, and I'm not faulting them. But, something is mighty slow. I mean my gosh, if we  
314 were in the private sector, okay, if we were in the private sector and that was an asset sitting out there,  
315 I've got to believe somebody's head would have been on the chopping block. But no, this is government.  
316 I thank y'all. See you next time."  
317

318 Mr. Childs, "Mr. Mayor, I would... following up on Mrs. Kohlmann's comments. I was the author  
319 of the motion that created that committee, and we still feel the good results of the committee when you  
320 were on it. I'm an advocate of committees. I think they help council make decisions. Council's busy  
321 doing everyday things, and a lot of times they don't have the opportunity to spend as we did on that  
322 committee to hear from people, and come up with some ideas. The bar-b-que cook off was an idea of the  
323 committee, and I would like to say the mayor has called for a meeting tomorrow to create the car show  
324 this year, and it will be held tomorrow at 10:00 o'clock, and we have a group. One gentleman's sitting  
325 here now is going to be part of that group, and we are going to have it, and I would like to, to dispel any  
326 myth that the town dropped the ball on last year's car show. They did not. Our Rec. [sic] Department  
327 tried very hard; contacted two clubs, and at the last minute they both backed out. We did not have the  
328 opportunity to have that show. That was the only reason. The town was not at fault in any way, shape, or  
329 form. So that this year, we're going to do it ourself [sic.] We're not going to depend on somebody else,  
330 so I hope that this year, I feel will be the beginning of that show for years to come. I think each year will  
331 be bigger and more successful than ever, and so we will have it. We're planning to have it on a Saturday,  
332 Memorial weekend, and if everything goes smooth the cars will be there, and I really look forward to it and  
333 I want to thank the mayor for calling this meeting tomorrow. Thank you, Mr. Mayor, and I wish everybody  
334 a Happy New Year."

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Mayor Deaton, "Okay, I'd like to thank everyone for coming out tonight. It was a very productive meeting."

11. **ADJOURNMENT.**

Mr. Smith moved to adjourn the meeting at 7:26 p.m. Mr. Childs seconded. All voted in favor.  
**MOTION CARRIED.**

Respectfully submitted,

  
\_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

Approved: January 24, 2012

\_\_\_\_\_  
K. Allen Deaton, Mayor

\_\_\_\_\_  
Vicki W. Blair, Town Council

\_\_\_\_\_  
Robert F. Childs, III, Mayor Pro Tempore

\_\_\_\_\_  
Ann Dodge, Town Council

\_\_\_\_\_  
Mark L Johnson, Town Council

\_\_\_\_\_  
Douglas F. Samples, Town Council

\_\_\_\_\_  
Roderick E. Smith, Town Council

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. When (\*\*\*) is used a section of the transcription is inaudible.



**SURFSIDE BEACH TOWN COUNCIL  
SPECIAL COUNCIL MEETING MINUTES  
JANUARY 16, 2012 ♦ 9:00 A.M.  
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER.**

Mayor Deaton called the meeting to order at 9:00 a.m. Mayor Deaton, Mayor Pro Tempore Childs, and Councilmembers Blair, Dodge, Johnson, Samples, and Smith were in attendance; a quorum was present. Staff present: Administrator Duckett and Deputy Administrator Fellner. Others present: Town Attorney Moss, Town Attorney Smith, and Town Clerk Herrmann.

2. **BUSINESS.**

**Contract Negotiations for Surfside Pier Restaurant Space.** Mayor Deaton explained that the special meeting was called to consider a proposed contract for the pier restaurant space, and called for motion to enter executive session.

3. **EXECUTIVE SESSION.**

Mr. Smith moved to enter executive session at 9:00 a.m. Mr. Johnson seconded. Mr. Samples believed the public would benefit from an update on the pending lawsuit that might impact the proposed contract. He also had basic questions about the contract term and whether council might take the information offered today under consideration for future action. In his opinion, it was desirable to have as much public transparency as possible. Ms. Dodge agreed, saying that the more open the council can be, the better it would be for the public and the town. Mayor Deaton agreed, and said the meeting today was called to consider a presentation by the town attorney and town administrator. He believed it was appropriate to do so in executive session before answering questions or holding discussion in public. Mayor Deaton, Mayor Pro Tem Childs, and Councilmembers Blair, Dodge, Johnson, and Smith voted in favor. Councilmember Samples voted against. **MOTION CARRIED.** Council adjourned to executive session at 9:04 a.m.

Mayor Deaton announced that no action was taken during executive session and called for motion to reconvene regular session. Mr. Smith moved to reconvene regular session at 10:24 a.m. Mr. Samples seconded. All voted in favor. **MOTION CARRIED.**

Mr. Smith moved to authorize and direct the administrator to enter into a lease agreement with Atlantic Restaurant Group, LLC, for an initial term of five (5) years that includes one option to renew for an additional term of five (5) years for a sum certain, and two (2) subsequent options to renew at a price to be agreed upon or determined by a panel of commercial real estate appraisers. Mr. Samples seconded.

Mr. Moss said that requests for proposals had been let twice in attempts to find a tenant for the restaurant pier space without success. The Attorney General's opinion was sought after a suggestion by ~~Mayor Pro Tem Childs~~, whom concurred that having twice tried to competitively to find a tenant, the town should try to negotiate one-on-one to locate a tenant. The administrator was able to locate a prospective tenant whose offer was considered today. Mr. Moss believed it was proper to consider the offer as a result of the on-going negotiations having not been successful obtaining a tenant competitively.

Mr. Duckett said Mr. Bill Howard, one of the principals, was introduced to him in October 2011. At that time, Mr. Howard said if a tenant had not been located by December that he would like to discuss the space with him. As a result of their conversation, Mr. Howard and Mr. Roth contacted him to present a written proposal. Several meetings resulted in the contract presented today. Due diligence was completed prior to bring the offer to council to insure the principals' and the company's stability. Mr.

\* Line 46 - Mr. Samples, Council concurred to change pursuant to Mr. Moss' request. D. Herrmann, Town Clerk.

56 Duckett outlined the proposal to lease the commercial restaurant space, which is on file, and was made  
57 available to the public immediately after the meeting.  
58

59 All voted in favor. **MOTION CARRIED.**  
60

61 **11. ADJOURNMENT.**  
62

63 Mr. Smith moved to adjourn the meeting at 10:32 a.m. Mr. Childs seconded. All voted in favor.  
64 **MOTION CARRIED.**  
65

66 Respectfully submitted,  
67

68   
69 \_\_\_\_\_  
70 Debra E. Herrmann, CMC, Town Clerk

71 Approved: January 24, 2012  
72

73 \_\_\_\_\_  
74 K. Allen Deaton, Mayor  
75

76 \_\_\_\_\_  
77 Vicki W. Blair, Town Council  
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76 \_\_\_\_\_  
77 Robert F. Childs, III, Mayor Pro Tempore  
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79 \_\_\_\_\_  
80 Ann Dodge, Town Council  
81

79 \_\_\_\_\_  
80 Mark L Johnson, Town Council  
81

82 \_\_\_\_\_  
83 Douglas F. Samples, Town Council  
84

82 \_\_\_\_\_  
83 Roderick E. Smith, Town Council  
84

85 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In  
86 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's  
87 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on  
88 the Town marquee. When (\*\*\*) is used a section of the transcription is inaudible.

# **SURFSIDE PIER MAINTENANCE**

**January 24, 2012**

**A Presentation to**

# **SURFSIDE BEACH TOWN COUNCIL**



# MAINTENANCE TASKS

- 1) Piling Replacement
- 2) Structural Reinforcement of Landward Section
- 3) Mechanical
- 4) Electrical



# PILING REPLACEMENT

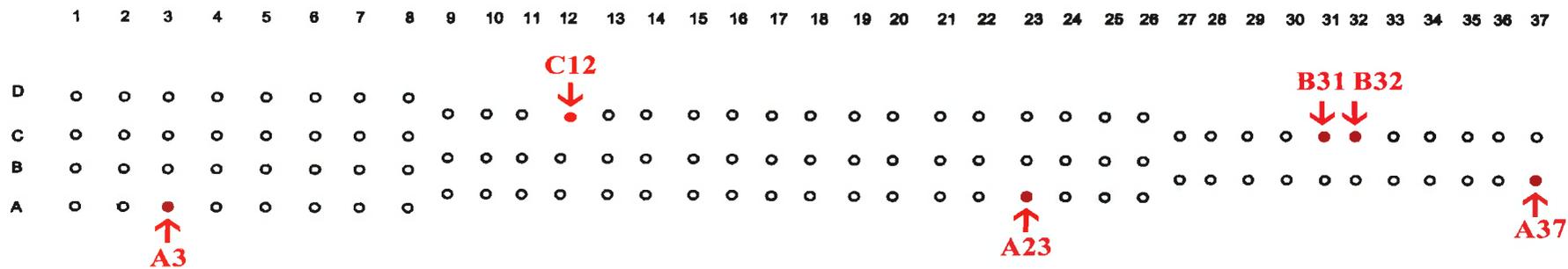
## 1) Previous Inspection / Report

- Five (5) pilings to be replaced
- Company no longer in business
- No report provided

## 2) Re-Inspection

- Contracted Salmons Dredging and Marine
- Inspection – 3 days last week
- Results
  - A) No replacement required
  - B) Marine Boers in pilings
  - C) Recommendations



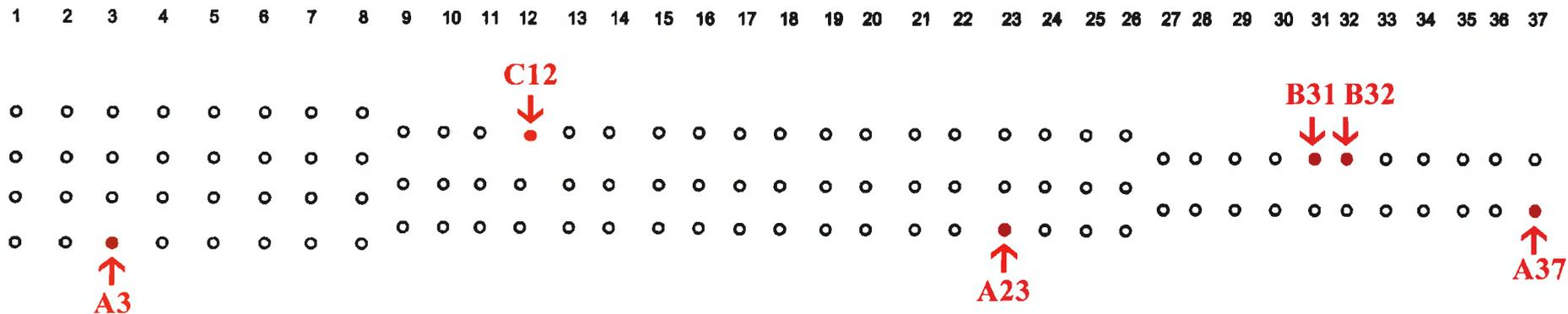


SURFSIDE BEACH FISHING PIER  
 GENERAL ARRANGEMENT OF  
 TIMBER SUPPORT PILES  
 JANUARY 13, 2012  
 SALMONS DREDGING CORPORATION

# Surfside Pier Piling Diagram



A3

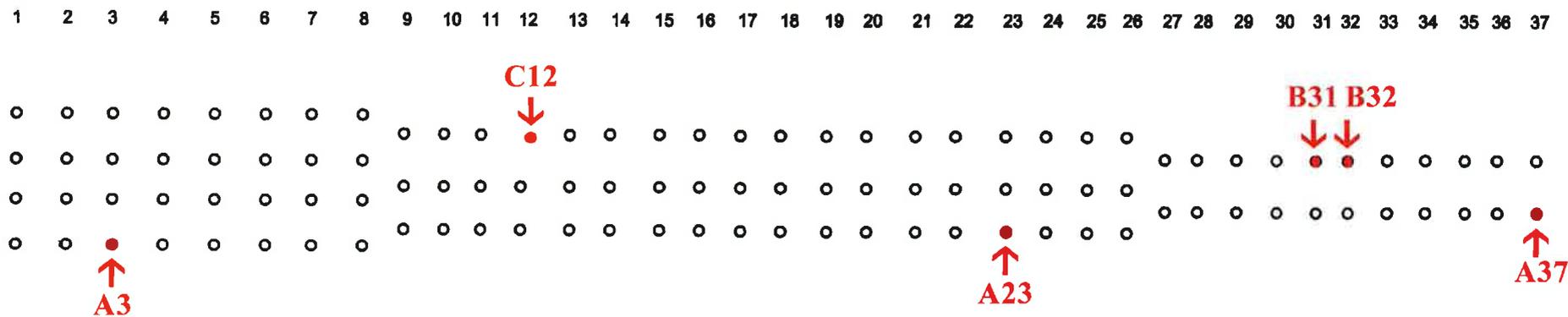


SURFSIDE BEACH FISHING PIER  
 GENERAL ARRANGEMENT OF  
 TIMBER SUPPORT PILES  
 JANUARY 13, 2012  
 SALMONS DREDGING CORPORATION

# Surfside Pier Piling Diagram



A23

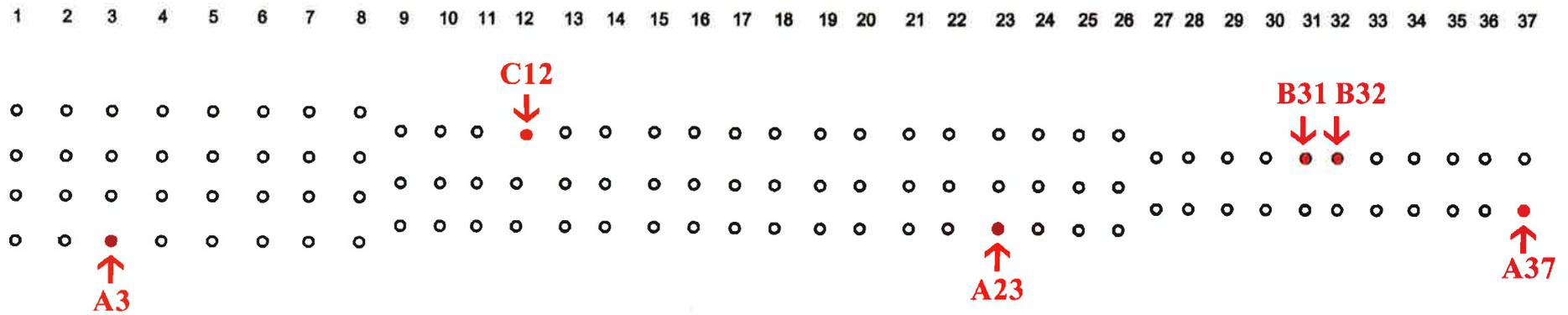


SURFSIDE BEACH FISHING PIER  
 GENERAL ARRANGEMENT OF  
 TIMBER SUPPORT PILES  
 JANUARY 13, 2012  
 SALMONS DREDGING CORPORATION

# Surfside Pier Piling Diagram



B31



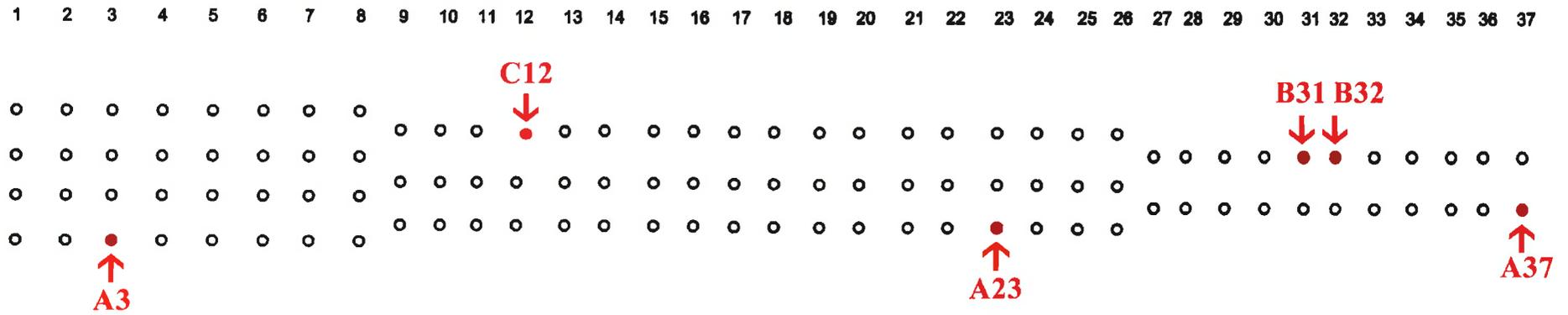
SURFSIDE BEACH FISHING PIER  
 GENERAL ARRANGEMENT OF  
 TIMBER SUPPORT PILES  
 JANUARY 13, 2012  
 SALMONS DREDGING CORPORATION

# Surfside Pier Piling Diagram



(B 32)

B32



SURFSIDE BEACH FISHING PIER  
 GENERAL ARRANGEMENT OF  
 TIMBER SUPPORT PILES  
 JANUARY 13, 2012  
 SALMONS DREDGING CORPORATION

# Surfside Pier Piling Diagram



A37



**Bent #3 Cap & X-Bracing**



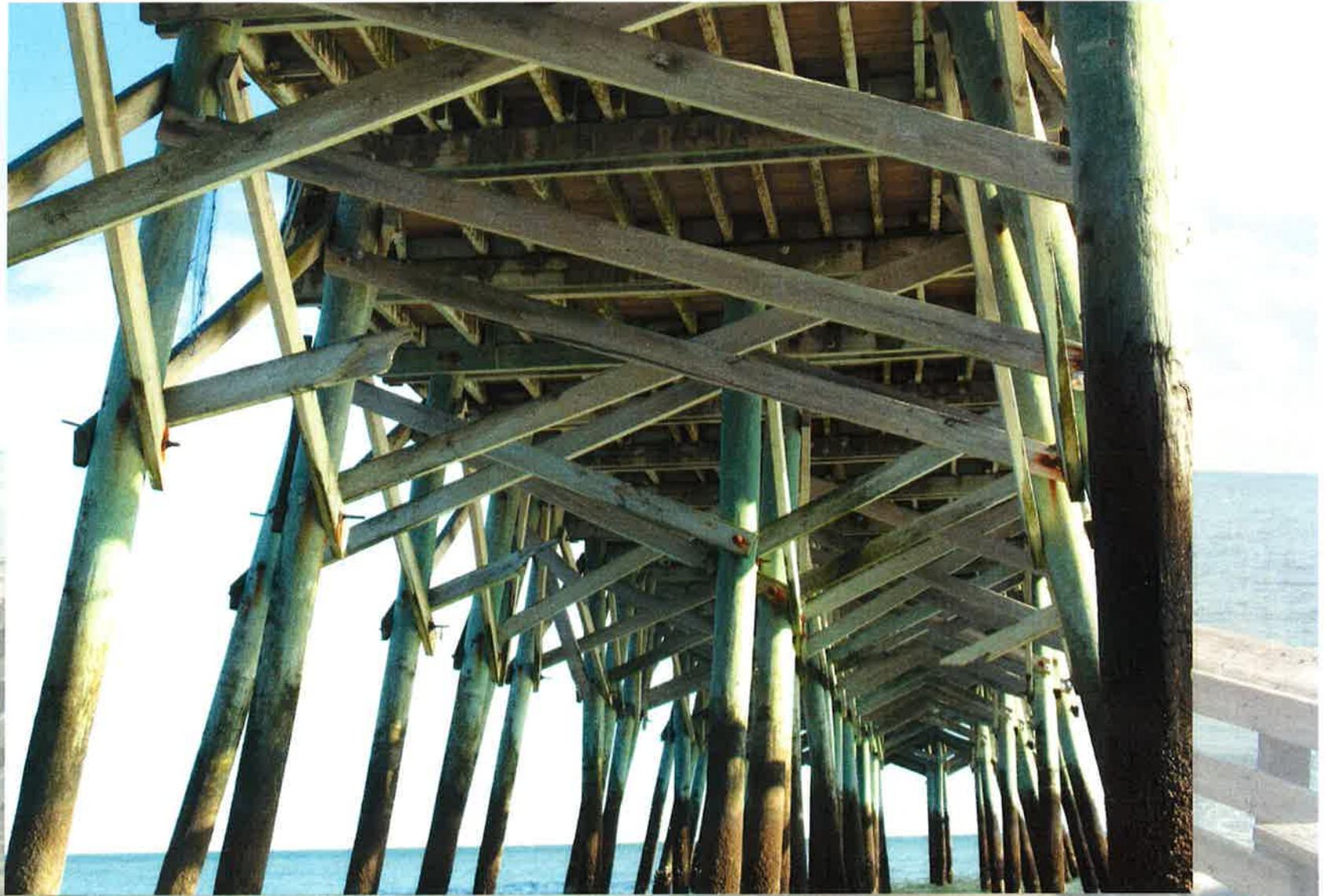
**Bent #4 Bracing and Deck Stringers**



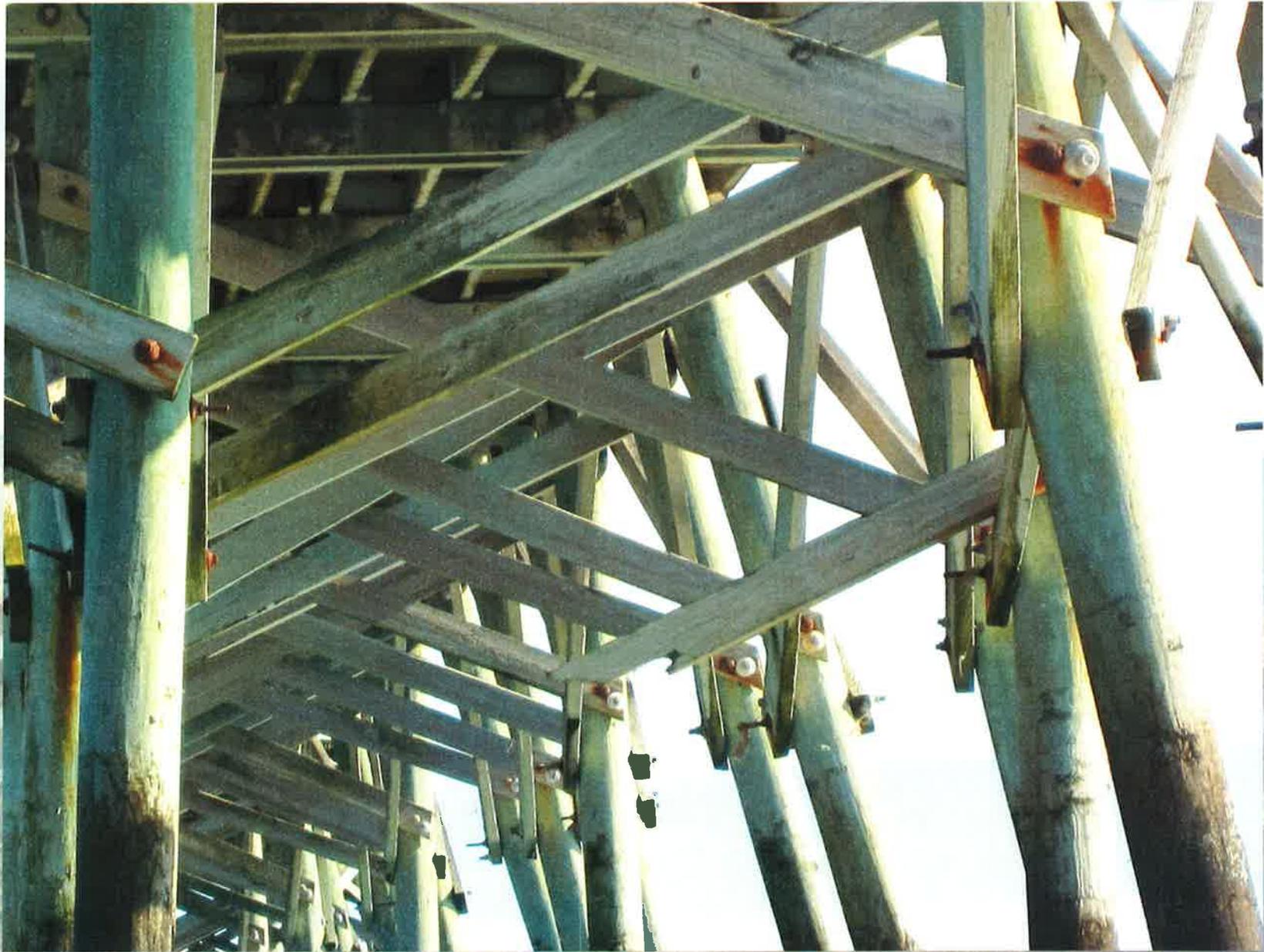
**Bent #5 X-Bracing**



**Bents 1 thru 3X- Bracing**



**Compromised X-Bracing in the Vicinity of Bents 27 thru 20**



**Failed X-Bracing Approximately Bent 29**



**Looking Off-shore from Bent 30**



**Looking Off-shore from Bent 31**

# STRUCTURAL REINFORCEMENT

- 1) Chao and Associates plans/specifications complete
- 2) Bid packages being prepared



# MECHANICAL IMPROVEMENTS

## HVAC

### Dining Area

- Cooling capacity adequate. May need improvements once proper outdoor air capacity is introduced.

### Kitchen Area

- Hood meets code, but system does not. No positive provision for make-up air. No provision for code mandated tempering of outside air.

### Recommendations

- HVAC system should be replaced with components designed for the specific tenant that will occupy the space.



# MECHANICAL IMPROVEMENTS

## Plumbing

### Overall

- Water heater is a natural draft device operating in a negative pressure environment code violation and safety concern.
- No can wash.
- Size of toilet space will not meet fixture count and accessibility requirements.
- Piping to locations where fixtures were removed are in poor condition.
- Floor drains not connected to grease interceptor.



# ELECTRICAL IMPROVEMENTS

- Service** - Replace service and install two (2) 42 circuit panels in rear service area.
- Kitchen** - All electrical should be removed and replaced with code compliant lights and GFI outlets.
- Storage Area** - All electrical should be removed and replaced with code compliant lights and GFI outlets.
- Dining Room** - Replace outlets behind bar with GFI outlets.
- Exterior** - Replace exterior light fixtures (rust and corrosion).
- Toilets** - Replace lighting and install emergency lights.
- General** - Code required emergency and exit sign lighting must be installed.



HAAS Kennedy



# RECOMMENDATIONS

- 1) Pilings – Facilitate repairs as recommended by Salmons Dredging and Marine.
- 2) Structural – Bid repairs as originally planned.
- 3) Mechanical / Electrical – Work with lesser to develop fair and equitable cost share.



# THANK YOU

## QUESTIONS & COMMENTS



## Finance Department Report: December 2011

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### Business License:

- December 2011 Activity **(33) New Accounts**: New business In-Town (4); New business Out-of-Town (5); New Rentals (16); New Contractors (8); Additional business inquiries (8)
- Business License for December 2011 is \$8,590 which is up from prior year's \$7,121. YTD income of \$57,060 is up from \$45,290 prior year.

### Taxes:

Current real estate, personal property and vehicle tax collections from Horry County for December 2011 were \$910,365, which are up from \$884,084 last year. YTD income including penalties and prior year collections are \$1,315,146 up from \$1,244,792.

### Hospitality & Local Accommodations Taxes:

Hospitality and Local Accommodations taxes received in the month of December were \$20,896 and \$3,195 respectively; compared to last year hospitality was down from \$21,151 and local accommodations were up from and \$2,434. YTD hospitality \$364,893 is down slightly from \$388,069 and YTD local accommodations \$94,778 is up from prior year \$92,529.

### Enterprise Funds:

In December 2011, the Sanitation Fund collected \$79,040 in service charges compared to \$81,509 last year. YTD income of \$556,093 is down slightly from prior year's \$567,216.

### FY 2012-2013 Budget:

The Town of Surfside Beach FY 2012-2013 Budget retreat will be held on March 8<sup>th</sup> & 9<sup>th</sup> **Santee Cooper's Wampee Conference Center** on Lake Moultrie in Pinopolis, South Carolina.

### Transparency:

The Town's accounts payable check register has been posted online and a link has been added to the State Comptroller General's office website. We will post new check registers each month. Visit the following websites for information:

Town of Surfside Beach	<a href="http://surfsidebeach.org/">http://surfsidebeach.org/</a>
SC Comptroller General	<a href="http://www.cg.state.sc.us/transparency/">http://www.cg.state.sc.us/transparency/</a>

Please contact the Finance department if you have any questions concerning this report, (843) 913-6336, or email [finance@surfsidebeach.org](mailto:finance@surfsidebeach.org)

**Town of Surfside Beach  
General Fund  
Summary Financial Information  
Period Ending 12/31/11**

**Ideal Remaining %: 50%**

	December 2011	YTD FY 2011-12	FY 11-12 Budget	Over/(Under) Budget	December 2010	YTD FY 2010-11
<b>Revenues</b>						
Property Taxes	\$ 926,182	\$ 1,315,146	\$ 2,184,000	(868,854)	\$ 886,135	\$ 1,244,792
Licenses & Permits	24,772	173,909	1,493,000	(1,319,091)	11,786	121,885
Franchise Fees	16,620	130,509	564,600	(434,091)	15,960	124,436
Fines	9,247	111,972	235,000	(123,028)	11,053	144,902
Interest	399	3,059	10,000	(6,941)	686	3,696
Intergovernmental	-	62,274	306,720	(244,446)	4,045	72,085
Recreation Revenue	1,439	22,871	55,000	(32,129)	5,522	34,352
Other Revenue	922	11,272	25,000	(13,728)	379	8,202
Other Financing Sources	-	181,980	458,820	(276,840)	-	255,338
<b>Total Revenue</b>	<b>\$ 979,581</b>	<b>\$ 2,012,992</b>	<b>\$ 5,332,140</b>	<b>(3,319,148)</b>	<b>\$ 935,566</b>	<b>\$ 2,009,688</b>
			YTD Remaining %:	<b>62.2%</b>		
<b>Salaries &amp; Benefits</b>						
Salaries	\$ 316,813	\$ 1,317,492	\$ 2,803,765	(1,486,273)	\$ 341,039	\$ 1,213,553
Benefits	93,900	457,042	1,033,412	(576,370)	92,762	451,259
<b>Total Salaries &amp; Benefits</b>	<b>\$ 410,713</b>	<b>\$ 1,774,534</b>	<b>\$ 3,837,177</b>	<b>(2,062,643)</b>	<b>\$ 433,801</b>	<b>\$ 1,664,812</b>
			YTD Remaining %:	<b>53.8%</b>		
<b>Operating Expenditures</b>						
Administration	\$ 11,712	\$ 50,176	\$ 134,991	(84,815)	\$ 8,383	\$ 33,626
Finance	1,150	48,959	65,380	(16,421)	5,940	43,103
Court	2,222	14,288	36,435	(22,147)	1,817	14,706
Facilities	1,980	9,659	30,375	(20,716)	5,204	18,813
Police	11,060	129,506	214,461	(84,955)	17,039	86,277
Fire	7,481	52,599	121,435	(68,836)	6,487	49,201
Building & Zoning	3,809	48,345	71,730	(23,385)	3,129	27,342
Grounds	1,533	19,914	71,260	(51,346)	3,563	23,903
Public Works	15,275	105,676	188,135	(82,459)	22,796	100,110
Fleet Maintenance	5,814	19,819	25,995	(6,176)	1,512	14,239
Recreation & Special Events	12,475	68,384	132,225	(63,841)	11,172	82,755
Non Departmental	10,675	47,375	111,910	(64,535)	8,839	45,881
<b>Total Operating Expenditures</b>	<b>\$ 85,186</b>	<b>\$ 614,700</b>	<b>\$ 1,204,332</b>	<b>(589,632)</b>	<b>\$ 95,881</b>	<b>\$ 539,956</b>
			YTD Remaining %:	<b>49.0%</b>		
<b>Net Revenue/(Expenditures) Before Debt &amp; Capital Expenditures</b>						
	<b>\$ 483,682</b>	<b>\$ (376,242)</b>	<b>\$ 290,631</b>		<b>\$ 405,884</b>	<b>\$ (195,080)</b>
Capital Building	\$ -	\$ -	\$ 8,000	(8,000)	\$ -	\$ 26,901
Debt Service	90,013	90,513	515,543	(425,030)	-	18,120
<b>Total Expenditures</b>	<b>\$ 585,912</b>	<b>\$ 2,479,747</b>	<b>\$ 5,565,052</b>	<b>(3,085,305)</b>	<b>\$ 529,682</b>	<b>\$ 2,249,789</b>
<b>Net Operating</b>	<b>\$ 393,669</b>	<b>\$ (466,755)</b>	<b>\$ (232,912)</b>		<b>\$ 405,884</b>	<b>\$ (240,101)</b>
Capital Replacement Expenditures	\$ (18,620)	\$ (90,782)	\$ (112,000)	\$ (21,218)	\$ (5,772)	\$ (457,078)
Capital Improvements	(114,125)	(117,736)	(9,000)	108,736	-	-
Transfer to Hospitality - Parking fines	(599)	(31,511)	(85,000)	(53,489)	(1,841)	(77,683)
<b>Net Revenue over/(under) Expenditures</b>	<b>\$ 260,325</b>	<b>\$ (706,784)</b>	<b>\$ (438,912)</b>		<b>\$ 398,271</b>	<b>\$ (774,862)</b>

**Town of Surfside Beach  
Finance Department Report  
December 31, 2011**

Ideal Remaining %: 50%

<u>General Fund</u>	December 2011	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	December 2010	YTD FY 10-11
<b>Property Taxes</b>						
Current Property Taxes	\$ 910,365	\$ 1,285,018	\$ 2,150,000	\$ (864,982)	\$ 884,084	\$ 1,223,042
Motor Carrier Taxes	81	2,236	4,000	(1,764)	121	2,405
Penalties & Prior Year Taxes	15,737	27,893	30,000	(2,107)	1,931	19,345
	<b>\$ 926,183</b>	<b>\$ 1,315,147</b>	<b>\$ 2,184,000</b>	<b>\$ (868,853)</b>	<b>\$ 886,136</b>	<b>\$ 1,244,792</b>
<b>Licenses and Permits</b>						
Business Licenses - Local	\$ 8,590	\$ 57,060	\$ 675,000	\$ (617,940)	\$ 7,121	\$ 45,290
Business Licenses - MASC	1,508	27,591	715,000	(687,409)	198	41,597
Animal Licenses	80	1,060	3,000	(1,940)	40	1,620
Building Permits	14,594	88,198	100,000	(11,802)	4,426	33,378
	<b>\$ 24,772</b>	<b>\$ 173,909</b>	<b>\$ 1,493,000</b>	<b>\$ (1,319,091)</b>	<b>\$ 11,785</b>	<b>\$ 121,885</b>
<b>Franchise Fees</b>						
Santee Cooper (Bi-Annual)	\$ -	\$ -	\$ 250,000	\$ (250,000)	\$ -	\$ -
GSW&SA (Monthly Installments)	16,620	99,720	190,000	(90,280)	15,960	95,760
TimeWarner (Quarterly)	-	30,721	115,000	(84,279)	-	28,676
HTC	-	67	-	67	-	-
SCANA (Annual)	-	-	9,600	(9,600)	-	-
	<b>\$ 16,620</b>	<b>\$ 130,508</b>	<b>\$ 564,600</b>	<b>\$ (434,092)</b>	<b>\$ 15,960</b>	<b>\$ 124,436</b>
<b>Fines and Forfeits</b>						
Police Fines	\$ 7,323	\$ 67,490	\$ 130,000	\$ (62,510)	\$ 7,937	\$ 57,656
Victims Assistance	1,324	13,024	20,000	(6,976)	1,276	9,671
Parking Fines-Current	599	31,458	85,000	(53,542)	1,764	77,425
Parking Fines-Prior	-	-	-	-	75	150
	<b>\$ 9,246</b>	<b>\$ 111,972</b>	<b>\$ 235,000</b>	<b>\$ (123,028)</b>	<b>\$ 11,052</b>	<b>\$ 144,902</b>
<b>Interest</b>						
	<b>\$ 399</b>	<b>\$ 3,059</b>	<b>\$ 10,000</b>	<b>\$ (6,941)</b>	<b>\$ 686</b>	<b>\$ 3,696</b>
<b>Intergovernmental Revenues</b>						
Aid - Local Government Fund	\$ -	\$ 17,419	\$ 90,000	\$ (72,581)	\$ -	\$ 25,023
Alcohol Permits	-	5,899	41,500	(35,601)	-	6,450
Homestead Exemption	-	-	40,000	(40,000)	-	-
Merchants Inventory	-	2,780	11,120	(8,340)	-	2,780
Government Grants	-	1,368	7,500	(6,132)	4,045	7,817
H.C. Recreation Dept.	-	-	16,600	(16,600)	-	-
H.C. Road Maintenance	-	34,808	100,000	(65,192)	-	30,014
	<b>\$ -</b>	<b>\$ 62,274</b>	<b>\$ 306,720</b>	<b>\$ (244,446)</b>	<b>\$ 4,045</b>	<b>\$ 72,084</b>

**Town of Surfside Beach  
Finance Department Report  
December 31, 2011**

<b>General Fund</b>	December 2011	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	December 2010	YTD FY 10-11
<b>Recreation Revenue</b>						
Recreation Registration Fees	\$ -	\$ 3,500	\$ 22,800	\$ (19,300)	\$ 3,950	\$ 9,478
Recreation Sponsorships	-	-	6,500	(6,500)	-	-
Other Recreation Revenues	1,439	19,371	25,700	(6,329)	1,572	24,874
	<b>\$ 1,439</b>	<b>\$ 22,871</b>	<b>\$ 55,000</b>	<b>\$ (32,129)</b>	<b>\$ 5,522</b>	<b>\$ 34,352</b>
<b>Other Revenue</b>						
Miscellaneous Revenues	922	11,272	25,000	(13,728)	379	8,202
	<b>\$ 922</b>	<b>\$ 11,272</b>	<b>\$ 25,000</b>	<b>\$ (13,728)</b>	<b>\$ 379</b>	<b>\$ 8,202</b>
<b>Other Financing Sources</b>						
Sanitation Fund (5%)	\$ -	\$ 9,455	\$ 58,500	\$ (49,045)	\$ -	\$ 16,060
Accommodations Tax Fund	-	37,638	45,000	(7,362)	-	38,007
Interest Revenue - Pier Enterprise	-	22,820	22,820	-	-	26,771
Pier Enterprise (5%)	-	4,056	17,500	(13,444)	-	9,500
Trans from Hospitality	-	25,000	150,000	(125,000)	-	60,000
Local Accommodations Tax Fund	-	65,248	140,000	(74,752)	-	80,000
Sale of Fixed Assets	-	5,509	25,000	(19,491)	-	25,000
Insurance Proceeds	-	12,255	-	12,255	-	-
Santee Cooper Underground	-	-	-	-	-	-
	<b>\$ -</b>	<b>\$ 181,981</b>	<b>\$ 458,820</b>	<b>\$ (276,839)</b>	<b>\$ -</b>	<b>\$ 255,338</b>
<b>Total Revenue &amp; Other Financing Sources</b>	<b>\$ 979,581</b>	<b>\$ 2,012,993</b>	<b>\$ 5,332,140</b>	<b>\$ (3,319,147)</b>	<b>\$ 935,565</b>	<b>\$ 2,009,687</b>

YTD Remaining %: **62.2%**

<b>Capital Projects Fund</b>	December 2011	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	December 2010	YTD FY 10-11
<b>Revenue</b>						
Ideal Remaining %: 50%						
Property Taxes	\$ 132,018	\$ 145,759	\$ 250,000	\$ (104,241)	\$ 126,547	\$ 170,254
Interest	17	540	-	540	76	130
Miscellaneous	-	-	-	-	-	240
Horry County Reimbursement	-	-	70,000	(70,000)	-	-
<b>Total Revenue</b>	<b>\$ 132,035</b>	<b>\$ 146,299</b>	<b>\$ 320,000</b>	<b>\$ (173,701)</b>	<b>\$ 126,623</b>	<b>\$ 170,624</b>
YTD Remaining %: <b>54.3%</b>						
<b>Expenditures</b>						
Lakes - Maint. & Enhancements	791	128,990	173,500	(44,510)	12,207	26,016
Water Quality/NPDES	2,687	51,197	15,500	35,697	-	33,612
Storm water Improvements	2,324	51,161	135,000	(83,839)	174	7,074
<b>Total Expenditures</b>	<b>\$ 5,802</b>	<b>\$ 231,348</b>	<b>\$ 324,000</b>	<b>\$ (92,652)</b>	<b>\$ 12,381</b>	<b>\$ 66,702</b>
YTD Remaining %: <b>28.6%</b>						
<b>Net Revenue over/(under)</b>	<b>\$ 126,233</b>	<b>\$ (85,049)</b>	<b>\$ (4,000)</b>		<b>\$ 114,242</b>	<b>\$ 103,922</b>

**Town of Surfside Beach  
December 31, 2011  
Enterprise Funds**

**Sanitation Fund**

Ideal Remaining %: 50%

	December 2011	YTD 2011-12	FY 11-12 Budget	Over (Under) Budget	December 2010	YTD 2010-2011
<b>Revenue:</b>						
Sanitation Fees	\$ 79,040	\$ 556,093	\$ 1,135,000	\$ (578,907)	\$ 81,509	\$ 567,216
Other Income	583	10,852	-	10,852	-	-
Interest Income	225	1,612	1,200	412	349	574
<b>Total Revenues</b>	<b>\$ 79,848</b>	<b>\$ 568,557</b>	<b>\$ 1,136,200</b>	<b>\$ (567,643)</b>	<b>\$ 81,858</b>	<b>\$ 567,790</b>
			YTD Remaining %:	<b>50.0%</b>		
<b>Expenses:</b>						
Salaries & Operating Expenses	\$ 78,942	\$ 447,140	\$ 937,179	\$ (490,039)	\$ 82,698	\$ 421,910
Depreciation Expense	-	-	125,000	(125,000)	-	-
Transfer to A-Tax	-	-	15,000	(15,000)	-	-
Transfer Gen Fund	-	9,455	58,500	(49,045)	-	16,060
<b>Total Expenses</b>	<b>\$ 78,942</b>	<b>\$ 456,595</b>	<b>\$ 1,135,679</b>	<b>\$ (679,084)</b>	<b>\$ 82,698</b>	<b>\$ 437,970</b>
			YTD Remaining %:	<b>59.8%</b>		
<b>Net Operating</b>	<b>\$ 906</b>	<b>\$ 111,962</b>	<b>\$ 521</b>		<b>\$ (840)</b>	<b>\$ 129,820</b>

**Pier Enterprise Fund**

Ideal Remaining %: 50%

	December 2011	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	December 2010	YTD 2010-2011
<b>Revenue:</b>						
Income Rents/Leases	\$ -	\$ 30,000	\$ 50,000	\$ (20,000)	\$ 6,042	\$ 66,250
Other Income-Admissions	631	27,978	50,000	(22,022)	541	35,773
Other Income-Fishing	2,553	60,296	100,000	(39,704)	2,045	64,967
Meter Income	-	38,300	80,000	(41,700)	(15)	45,391
Interest Income	81	529	-	529	52	89
<b>Total Revenues</b>	<b>\$ 3,265</b>	<b>\$ 157,103</b>	<b>\$ 280,000</b>	<b>\$ (122,897)</b>	<b>\$ 8,665</b>	<b>\$ 212,470</b>
			YTD Remaining %:	<b>43.9%</b>		
<b>Expenses:</b>						
Salaries & Operating Expenses	\$ 392	\$ 14,600	\$ 17,826	\$ (3,226)	\$ 5,077	\$ 33,016
Depreciation Expense	-	-	65,000	(65,000)	-	-
Interest Expense (Loan)	-	22,820	22,820	-	-	26,771
Transfer A-Tax	-	-	13,750	(13,750)	-	-
Transfer G F	-	4,056	10,000	(5,944)	-	9,500
<b>Total Expenses</b>	<b>\$ 392</b>	<b>\$ 41,476</b>	<b>\$ 129,396</b>	<b>\$ (87,920)</b>	<b>\$ 5,077</b>	<b>\$ 69,287</b>
			YTD Remaining %:	<b>67.9%</b>		
Advance due G F - Principal	-	-	-		-	-
* Re-Payment has been deferred for 2 years						
<b>Net Operating</b>	<b>\$ 2,873</b>	<b>\$ 115,627</b>	<b>\$ 150,604</b>		<b>\$ 3,588</b>	<b>\$ 143,183</b>

**Town of Surfside Beach  
December 31, 2011  
Special Revenue Funds**

**Accommodations Taxes**

Ideal Remaining %: 50%

	December 2011	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	December 2010	YTD 2010-2011
<b>Revenues:</b>						
Accommodations Tax	\$ -	\$ 277,756	\$ 450,000	\$ (172,244)	\$ -	\$ 285,146
Special Events	-	2,521	20,000	(17,479)	-	863
Interest Income	30	214	-	214	104	198
Transfer from Hospitality	-	-	25,000	(25,000)	-	-
Miscellaneous Income	-	80	-	80	-	-
Sale of Fixed Assets	-	-	-	-	888	888
<b>Total Revenues</b>	<b>\$ 30</b>	<b>\$ 280,571</b>	<b>\$ 495,000</b>	<b>\$ (214,429)</b>	<b>\$ 992</b>	<b>\$ 287,095</b>
				YTD Remaining %:	<b>43.3%</b>	
<b>Expenses:</b>						
Police	\$ 459	\$ 27,592	\$ 93,234	\$ (65,642)	\$ 8,197	\$ 43,358
Grounds	3	5,434	13,876	(8,442)	753	8,848
Public Works/Sanitation	1,331	79,196	107,760	(28,564)	(1,545)	19,358
Special Events	260	24,110	70,227	(46,117)	519	18,574
Grants & Materials & Supplies	-	5,000	6,500	(1,500)	-	3,500
Fireworks Display	-	25,000	25,000	-	-	25,000
Advertising & Promotion	-	1,675	5,000	(3,325)	-	5,689
Advertising - MB Chamber (30%)	-	75,827	115,500	(39,673)	-	78,944
Transfer to Gen Fund (5%)	-	37,638	44,250	(6,612)	-	38,007
<b>Total Expenses</b>	<b>\$ 2,053</b>	<b>\$ 281,472</b>	<b>\$ 481,347</b>	<b>\$ (199,875)</b>	<b>\$ 7,924</b>	<b>\$ 241,278</b>
				YTD Remaining %:	<b>41.5%</b>	
<b>Net Revenue(Expense)</b>	<b>\$ (2,023)</b>	<b>\$ (901)</b>	<b>\$ 13,653</b>		<b>\$ (6,932)</b>	<b>\$ 45,817</b>

**Local Accommodations Taxes**

	December 2011	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	December 2010	YTD 2010-2011
<b>Revenues:</b>						
Local Accommodations Tax	\$ 3,195	\$ 94,778	\$ 140,000	\$ (45,222)	\$ 2,434	\$ 92,529
Interest Income	10	212	-	212	13	20
<b>Total Revenues</b>	<b>\$ 3,205</b>	<b>\$ 94,990</b>	<b>\$ 140,000</b>	<b>\$ (45,010)</b>	<b>\$ 2,447</b>	<b>\$ 92,549</b>
<b>Expenses:</b>						
Transfer to General Fund	\$ -	\$ 65,248	\$ 140,000	(74,752)	\$ -	\$ 80,000
<b>Net Revenue(Expense)</b>	<b>\$ 3,205</b>	<b>\$ 29,742</b>	<b>\$ -</b>		<b>\$ 2,447</b>	<b>\$ 12,549</b>

**Town of Surfside Beach  
December 31, 2011  
Special Revenue Funds**

**Hospitality Taxes**

Ideal Remaining %: 50%

	December 2011	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	December 2010	YTD 2010-2011
<b>Revenues:</b>						
Hospitality Fees	\$ 20,896	\$ 364,893	\$ 600,000	\$ (235,107)	\$ 21,151	\$ 388,069
Meter Revenue & Parking decals	-	64,059	125,000	(60,941)	-	74,164
Logo/Promotion Sales	112	1,998	-	1,998	-	-
Other Revenue (Grants)	-	-	-	-	-	5,708
Interest Income	244	1,644	-	1,644	304	901
Transfer from G.F. Parking fines	599	31,511	85,000	(53,489)	1,841	77,683
<b>Total Revenues</b>	<b>\$ 21,851</b>	<b>\$ 464,105</b>	<b>\$ 810,000</b>	<b>\$ (345,895)</b>	<b>\$ 23,296</b>	<b>\$ 546,525</b>
			YTD Remaining %:	<b>42.7%</b>		
<b>Expenses:</b>						
Police - Community Services	\$ -	\$ 46,275	\$ 102,689	(56,414)	5,085	\$ 30,027
Police - Meters	117	28,488	93,789	(65,301)	1,395	25,075
Admin - Parking	-	3,667	3,526	-	-	-
Fire	-	25,598	27,000	(1,402)	-	1,687
Grounds	3,407	50,811	90,000	(39,189)	428	22,358
Recreation	44	26,273	26,600	(327)	2,998	19,779
Parking/Land Improvements	484	8,564	-	8,564	-	-
Transfer to General Fund	-	25,000	100,000	(75,000)	-	60,000
<b>Total Expenses</b>	<b>\$ 4,052</b>	<b>\$ 214,676</b>	<b>\$ 443,604</b>	<b>(228,928)</b>	<b>\$ 9,906</b>	<b>\$ 158,926</b>
			YTD Remaining %:	<b>51.6%</b>		
<b>Net Revenue(Expense)</b>	<b>\$ 17,799</b>	<b>\$ 249,429</b>	<b>\$ 366,396</b>		<b>\$ 13,390</b>	<b>\$ 387,599</b>

**RECREATION DEPARTMENT**  
**DECEMBER/JANUARY**  
**MONTHLY REPORT**

**ATHLETICS**

Sign sponsorship letters have been sent to the 33 existing signs for renewal and an additional 35 letters sent for potential sign sponsors. Bid letters for baseball equipment and uniforms for the 2012 Baseball/Softball season have been mailed.

A soccer camp for children ages 8 & under will begin February 7<sup>th</sup> through March 13<sup>th</sup> from 6:00 p.m. to 7:00 p.m. at Martin Field. Registration at Huckabee offices.

Tournaments for 2012 have been scheduled resulting in 14 tournaments and a three week women's college softball tournament scheduled for March 3<sup>rd</sup> through March 18<sup>th</sup> at Huckabee Complex Monday through Thursday.

Postcards and labels are being prepared to mail out for baseball and softball registration.

The concession stand has been contracted to Stephen Esposito and the Surfside Sharks travel team for the 2012 season. A deposit of \$500.00 will be made and a rental fee of \$100.00 a week for the length of the season.

**SPECIAL EVENTS**

The 2<sup>nd</sup> Annual Turkey Trot was held on Thanksgiving Day with 1,022 runners and walkers participating in the 10K/5K race. A one mile run/walk was added for children with approximately 30 participants including parents.

The Christmas Tree Lighting was held on Thursday, December 1<sup>st</sup> with Dena Joye and Lakewood Elementary Chorus providing the entertainment. Light refreshments were prepared and served by staff. Approximately 150 attended the event.

Over 80 entries participated in the Christmas Parade held on December 10<sup>th</sup>. Weather was cold however consensus was the parade had the best turnout of spectators in years and was declared as "one of the best" parades the town has had.

Breakfast with Santa had 53 children participate in a free breakfast, goody bag and visit with Santa at Ryan's Steakhouse on 17 Bypass.

Continued from Front

## **GENERAL**

1. Staff assisted the Grounds Crew in taking down the Christmas decorations.
2. The events for 2012 have been scheduled and a list is available on the towns website.

## **UPCOMING EVENTS**

1. **Seniors Dance** – Friday, February 17<sup>th</sup> – 7:00 p.m. to 10:00 p.m. – Civic Center - DJ and light refreshments – reservations required.
2. **Baseball/Softball Registration** – Monday, February 20<sup>th</sup> through Friday, February 24<sup>th</sup> – Huckabee Complex – Recreation office – 1:00 p.m. to 6:00 p.m. for ages 9 to 14 – Residents \$25.00 Non-residents \$75.00

# **PUBLIC WORKS MONTHLY REPORT**

**November 17, 2011 – January 17, 2012**

## **SANITATION DIVISION** (FTEs – 8)

**Residential Service** – Fifteen carts were delivered; twelve to accounts once the certificates of occupancy had been issued and three per owner requests. Two carts were repaired and twenty-one carts were replaced. Six carts were removed from locations where the additional cart was not needed to handle overflow. Sanitation supervisor responded to fourteen calls regarding ordinance enforcement; twenty-six calls regarding late put outs or questions about bulk/yard debris pick up, thirteen miscellaneous calls and/or questions and five complaints.

**Commercial Service** – Service routes continue to be updated based on business needs. Three accounts, Crabby Mike's, Blockbuster Video, and Budget Bedding, have discontinued service due to the business closing for the season or closing permanently. Ten accounts have decreased weekly service. Two businesses have replaced unsafe dumpsters after being notified by Supervisor. Supervisor responded to two inquiries regarding ordinances, explained sanitation services to two new business owners, and answered four miscellaneous calls.

**Caropines** – Five accounts signed on to begin service in December/January. This brings the total number of customers we service in Caropines to 188. Supervisor removed carts from one location where service had been discontinued due to the customer moving out of the area. Crews answered two miscellaneous calls regarding services in Caropines.

**Recycling News** – Thirty-three carts have been delivered to town residents upon request. Crews replaced 33G carts with new 95G carts at fifteen businesses throughout town. Supervisor responded to six miscellaneous calls with questions about recycling.

**Metal Recycling** – In December we received a check in the amount of \$583.30 for payment of recycled materials from Allen's Scrap Metal.

In November we collected 307.69 tons of solid waste, 22.26 tons of mixed debris, 93.81 tons of yard debris, and 30.13 tons of recyclables.

In December we collected 238.09 tons of solid waste, 20.09 tons of mixed debris, 148.21 tons of yard debris, and 46.98 tons of recyclables.

Crews assisted with the Turkey Trot on November 24<sup>th</sup>, the Tree Lighting ceremony on December 1<sup>st</sup>, and the Christmas Parade on December 10<sup>th</sup>.

The Town's first Street Sweeper has been delivered and is hard at work.

## **STREETS & DRAINAGE DIVISION** (FTEs –8)

**The Beach** – Raking and grooming, trash pick-up, as well as swash outlets being dug out to ensure proper water flow will continue as needed. Beach trash cans and recycle cans are being checked weekly and emptied as needed.

### **On-going/Special Projects:**

- 51 additional sets of blue street name signs have been received and are being installed throughout Town.
- Potholes continue to be filled.

- Repairs and Replacements have begun on dune walkovers and public restroom facilities.
- Grading and seeding of road shoulders and Rights-of Way are in progress.
- Crews continue to perform maintenance and clean-up of drainage ditches throughout town.
- The demolition and re-construction of the 10<sup>th</sup> Avenue North Bridge connecting Dogwood and Palmetto lakes is complete.
- Street paving has been completed on Dogwood Drive from 5<sup>th</sup> Avenue North to 8<sup>th</sup> Avenue South and on 2<sup>nd</sup> Avenue South from Ocean Boulevard to Oak Drive. Additional roads will be paved in the spring.
- Crews assisted with the Turkey Trot on November 24<sup>th</sup>, the Tree Lighting ceremony on December 1<sup>st</sup>, and the Christmas Parade on December 10<sup>th</sup>.
- Dirt – is still available free of charge to town residents who come to Scipio Lane and load up the dirt themselves between the hours of 8:00am until 3:00pm on the third Saturday of each month. Those requesting delivery must have the Public Works Director or Street Supervisor inspect the delivery site and issue an inspection ticket confirming proper usage of the dirt prior to placing an order at Town Hall. This inspection will insure that the dirt is not being used to fill in ditches and/or swales that would interfere with our storm water drainage. An appointment can be made to pick up dirt other days by calling Public Works at (843) 913-6360.
- Seven reports were sent to Santee Cooper identifying street lights that were not functioning properly.
- From November 16<sup>th</sup> through January 17<sup>th</sup> Public Works assistant answered 468 incoming calls. 294 of those calls dealt with sanitation questions/concerns/complaints; 16 calls were from vendors providing product information and/or quotes; 42 calls dealt with street/drainage issues, streetlights, and questions about driveway inspections and dirt delivery; 19 calls dealt with parks/grounds issues; 47 were internal calls dealing with department and/or personnel issues and/or questions; 28 calls were received for the Public Works Director; 22 calls dealt with miscellaneous questions, wrong departments and/or telemarketers.

#### **GROUNDS DIVISION (FTEs-4)**

- Crews installed and then removed Christmas lights and decorations throughout town.
- Security fencing has been installed at Huckabee Complex.
- Athletic fields at Huckabee Complex and Martin Park continue to be groomed and maintained for sporting activities and tournaments being held at those locations.
- Crews continue to spruce up Town properties and parks, as well as weeding and trimming.
- A third exercise kiosk has been installed in the Passive Park.

#### **FLEET MAINTENANCE DIVISION (FTEs-2)**

From November 17<sup>th</sup> through January 16<sup>th</sup> our mechanics completed one hundred and one (101) repairs on Town vehicles and equipment. Seven (7) vehicles had tires replaced, then (10) vehicles had flats repaired, and three (3) vehicles needed alignments. Bi-weekly fleet tires checks and fire extinguisher inspections were completed on all Public Works vehicles and/or equipment. “Preventive” and “Scheduled” maintenance (consisting of lube, oil & filter changes, brake inspections, tire rotations and fluid checks) were performed on sixty (60) Town vehicles and/or equipment.

#### **ADDITIONAL NOTES:**

Our condolences go out to Johnny Marlowe of our sanitation division. Johnny’s dad passed away on December 1, 2011.

A big “THANK YOU” to everyone who shared any type of Christmas spirit or goodies with all of us at Public Works. We appreciate your thoughtfulness and generosity!

**SURFSIDE BEACH PUBLIC WORKS – DEC 2011/JAN 2012 – CURRENT EVENTS**



↪ steady flow of off-season activities has continued throughout the town. Crews build and re-build, clean up, prune, repair, and work hard to make Surfside Beach safe and attractive. Public Works hit the ground running in the New Year, checking things off of the to-do list!

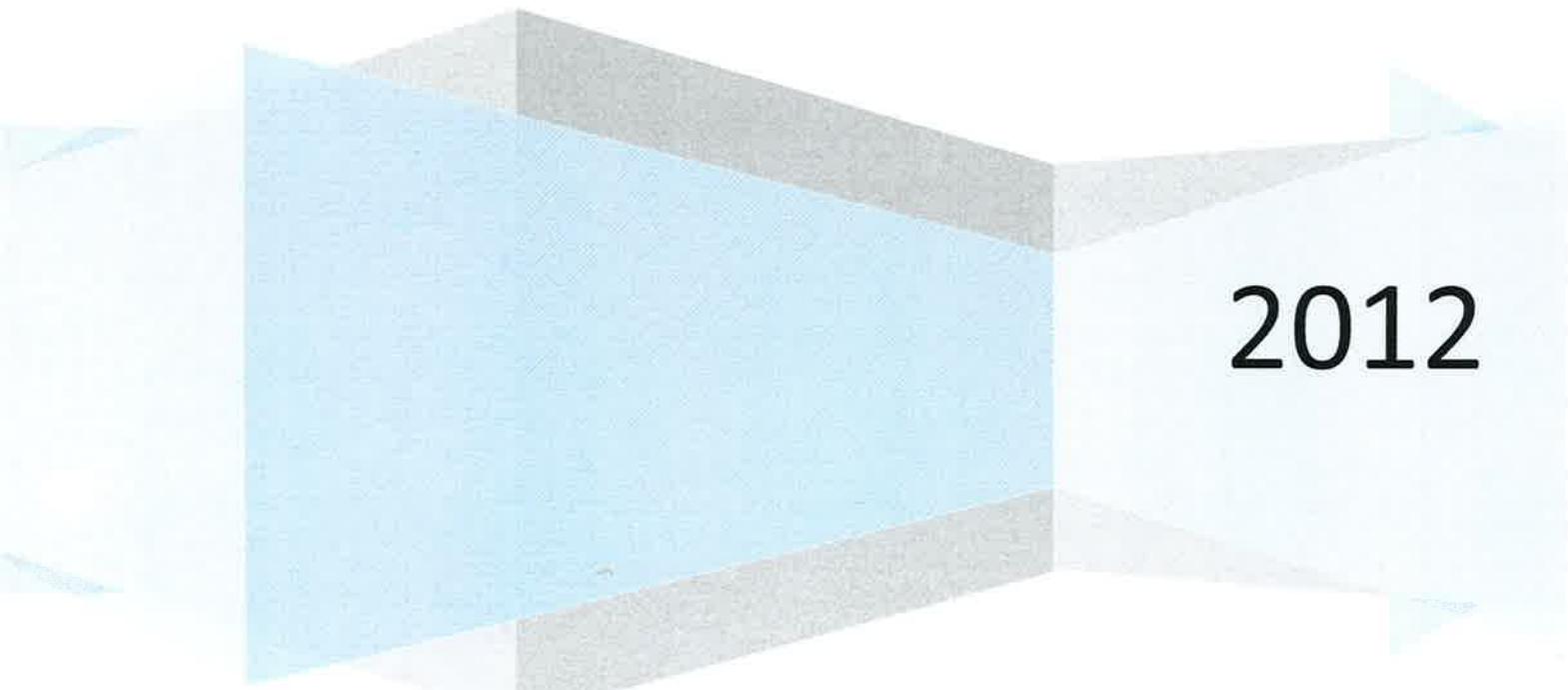




# Communication's Report

Council Meeting – January 24

~~DAN~~  
FLOOD



2012

## 6A. Pier Progress Report – Mike Wooten of DDC Engineers

A handwritten signature, possibly "Mike Wooten", with a large scribble to its right that includes the word "Program" and some numbers.

## 6Bi. Finance Report

### a. Taxes

- i. Current real estate, personal property and vehicle tax collections from Horry County for December 2011 were \$910,365, which are up from \$884,084 last year. YTD income including penalties and prior year collections are \$1,315,146 up from \$1,244,792.
- ii. Hospitality and Local Accommodations taxes received in the month of December were \$20,896 and \$3,195 respectively; compared to last year hospitality was down from \$21,151 and local accommodations were up from \$2,434.
- iii. YTD hospitality \$364,893 is down slightly from \$388,069 and YTD local accommodations \$94,778 is up from prior year \$92,529.

### b. Business Licensing

- i. There were 33 new accounts in December 2011
- ii. Business license income for December 2011 was \$8,590 which is up from the prior year's \$7,121.
- iii. YTD business license income of \$57,060 is up from \$45,290 for prior year.

### c. Enterprise Funds

- i. In December 2011, the Sanitation Fund collected \$79,040 in service charges compared to \$81,509 last year.
- ii. YTD income of \$556,093 is down slightly from prior year's \$567,216.

### d. Year End

- i. The Town of Surfside Beach FY 2012-2013 Budget retreat will be held on March 8th & 9<sup>th</sup> at Santee Cooper's Wampee Conference Center on Lake Moultrie in Pinopolis, SC.

## 6Bii. Recreation Report

### a. Athletics

- i. Sign sponsorship letters have been sent to the 33 existing signs for renewal and an additional 35 letters sent for potential sign sponsors. Bid letters for baseball equipment and uniforms for the 2012 Baseball/Softball season have been mailed.
- ii. A soccer camp for children ages 8 & under will begin February 7th through March 13th from 6:00 p.m. to 7:00 p.m. at Martin Field. Registration is at Huckabee.
- iii. 14 Tournaments for 2012 have been scheduled, including a 3 week women's college softball tournament scheduled for March 3rd through March 18th at Huckabee Complex Monday through Thursday.
- iv. The concession stand has been contracted to Stephen Esposito and the Surfside Sharks travel team for the 2012 season. A deposit of \$500.00 will be made and a rental fee of \$100.00 a week for the length of the season.

## **b. Special Events**

- i. The 2nd Annual Turkey Trot was held on Thanksgiving Day with 1,022 runners and walkers participating in the 10K/5K race. A one mile run/walk was added for children with approximately 30 participants including parents.
- ii. The Christmas Tree Lighting was held on Thursday, December 1st with Dena Joye and Lakewood Elementary Chorus providing the entertainment. Light refreshments were prepared and served by staff. Approximately 150 attended the event.
- iii. Over 80 entries participated in the Christmas Parade held on December 10th. Weather was cold however consensus was the parade had the best turnout of spectators in years and was declared as "one of the best" parades the town has had.
- iv. Breakfast with Santa had 53 children participate in a free breakfast, goody bag and visit with Santa at Ryan's Steakhouse on 17 Bypass.

## **c. Upcoming Events**

- i. The events for 2012 have been scheduled and a list is available on the Town website.
- ii. Seniors Dance – Friday, February 17th – 7:00 p.m. to 10:00 p.m. – Civic Center - DJ and light refreshments – reservations required.
- iii. Baseball/Softball Registration – Monday, February 20th through Friday, February 24th – Huckabee Complex – Recreation office – 1:00 p.m. to 6:00 p.m. for ages 9 to 14 – Residents \$25.00 Non-residents \$75.00

## **6Biii. Public Works Report for November 17th – January 17th**

### **a. Sanitation**

- i. In December we received a check in the amount of \$583.30 for payment of recycled metal from Allen's Scrap Metal.
- ii. Crews assisted with the Turkey Trot on November 24th, the Tree Lighting ceremony on December 1st, and the Christmas Parade on December 10th.
- iii. The Town's first street sweeper has been delivered and is hard at work.

### **b. Streets and Drainage**

- i. The Beach
  1. Raking and grooming, trash pick-up and the digging out of swash outlets continue on an as needed basis.
  2. Beach trash cans and recycle cans are being checked weekly and emptied as needed.
- ii. On-going/Special Projects
  1. The demolition and re-construction of the 10th Avenue North Bridge connecting Dogwood and Palmetto lakes is complete.
  2. Street paving has been completed on Dogwood Drive from 5th Avenue North to 8th Avenue South and on 2nd Avenue South from Ocean Boulevard to Oak Drive. Additional roads will be paved in the spring.
  3. 51 sets of blue street name signs have been received and are being installed throughout Town.
  4. Potholes continue to be filled.
  5. Repairs and replacements have begun on dune walkovers and public restroom facilities.
  6. Grading and seeding of road shoulders and right-of-ways are in progress.

7. Crews continue to perform maintenance and clean-up of drainage ditches throughout town.

**c. Grounds Division**

- i. A third exercise kiosk has been installed in the Passive Park.
- ii. Crews installed and then removed Christmas lights and decorations throughout town.
- iii. Security fencing has been installed at Huckabee
- iv. Athletic fields at Huckabee Complex and Martin Park continue to be groomed and maintained for sporting activities and tournaments being held at those locations.
- v. Crews continue to spruce up Town properties and parks, as well as weeding and trimming.

**d. Fleet Maintenance**

- i. From November 17th through January 16th our mechanics completed 101 repairs on Town vehicles and equipment.

**e. Facilities Division**

- i. Bathroom and kitchen renovations have begun at the Floral Lake Clubhouse.

## 6C. Administrator's Report

**a. Update on Current Events**

- i. It was necessary for certified divers to re-inspect the pier pilings prior to our engineers being able to proceed with specification drawings. Consequently, an emergency change order to the pier contract for \$11,070 was made.
  1. This was needed to make certain we knew the exact location of the pilings slated for replacement and the extent to which they had been compromised since the initial inspection.
  2. To determine if any additional pilings also needed to be replaced

b. *I was asked to report on a list of stolen items at the Huckabee Complex at the last Council Mtg. Although no thefts, there was one incident on August 23, 2011, of vandalism -- someone had kicked in the door to a storage shed. There were 4 NON-CRIMINAL calls.*

## 7. Business

**a. Second Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations**

- i. Background: The Planning Commission over the past several months has worked diligently to amend the Land Development Regulations. The commission recommended substantial changes to the existing document in order to establish an updated comprehensive document. On October 4, 2011 the Planning Commission approved a resolution recommending the adoption of the amendments. The Notice of Public Hearing was published in accordance with the law and a copy of the Draft Land Development Document was placed in the reception area of Town Hall on October 5, 2011 for public review.
- ii. Action: Staff requests approval of Second Reading of the proposed Land Development Regulations as presented.

**b. Ad Hoc Parking Advisory Committee Composition and Scope of Duties**

- i. Staff was asked to present a decision paper outlining that the ad hoc parking committee will consist of seven (7) people, ~~including not more than three (3) councilmembers,~~ and other resident members to be appointed by council at the first meeting in January during executive session.
- ii. Once the committee is appointed, they will serve for 90 days at the end of which recommendations will be made to Town Council to determine what actions are to be taken. That process will end about the same time as Council prepares for the budget retreat.
- iii. Ms. Blair and Mr. Samples suggested that an electronic option for the public to submit comments to the committee, regarding parking issues on Ocean Boulevard, be provided.
- iv. Pursuant to Town Code §2-61(b) that requires a 30-day notice, a public notice was published in *The Sun News* on November 11, 2011. The notice was also published in the Myrtle Beach Herald on November 18th, 2011. ~~The ads are copied on the reverse hereof.~~ The notice was also published on the town website, two bulletin boards, and three Facebook pages on November 10th. Additional notices were published on January 11th, 2012 on the Town's Facebook page and two other Facebook pages.
- v. Citizen volunteers interested in serving (listed in the order in which they were received):
  1. Gene Maruca
  2. Harry Kohlmann
  3. Todd Friedman
  4. John Ard
  5. Ken Harbin

create of a  
Committee  
of up to 7  
people to  
be appointed  
by Council.

## ISSUE PAPER FOR COUNCIL CONSIDERATION

Meeting Date: January 24, 2012

Prepared by: Sabrina Morris

Agenda Item

Department: Planning, Building & Zoning

Date Prepared: January 18, 2012

**Subject:** Request Final Reading of Ordinance #12-0709 to Repeal and Replace Chapter 15, Land Development Regulations

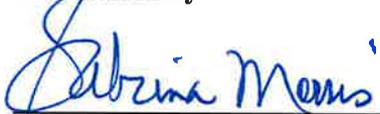
### **Background:**

Town Council approved 1<sup>st</sup> reading of the ordinance to repeal and Replace Chapter 15, Land Development Regulations on January 10, 2012. At that time Mr. Samples requested a synopsis of the review timeline for subdivision plats, development plans and appeals by the Development Administrator and the Planning Commission. This synopsis is attached for Council review. Also attached, you will find requested minor amendments to the proposed revised land development regulations. This sheet provides the Section affected as well as the changes and reasoning behind the requested changes. These changes are minor in nature.

### **Action:**

Staff request approval of final Reading of the proposed Land Development Regulations as presented.

**Submitted By**

  
\_\_\_\_\_  
Sabrina Morris

**Approved**

  
\_\_\_\_\_  
Town Administrator

**Requested Minor Amendments to the Proposed Revised Land Development Regulations at Second Reading**

<b>Section Affected</b>	<b>Comments</b>
15-322(b)	Under (b) – added “ <b>Public works</b> ”
15-323(b)	Under (b) – added “ <b>Public works</b> ”.
15-353(1) (h)	Revised phrase to read “ <b>Lot numbers, lot lines with distances and bearings</b> ”, and a statement of the total number of lots.
15-456 (Table)	Local Roads – Pavement width should remain at <b>22</b> . <b>Reasons:</b> turning, visibility of signage, truck blocking roadway, less mailbox damage, plantings/trees/landscaping invading streets, and ditches can be properly graded.
15-461(a)(3)(d)	Add word “ <b>as</b> ” after Base to make the phrase consistent with the previous phrases.
15-461 (a)(7)	Signs: The town currently uses wood materials as well and the Public Works Director requests the approval to continue using this material.
15-461(a)(8)	Striping: thermoplastic or <b>equivalent</b> . (Thermoplastic is being phased out and by adding equivalent it will prevent a required revision in the future.)
15-442(b)	<b>Lots abutting or encompassing a surface water body</b> . Required and additional (15) feet easement to lots adjacent to or encompassing a pond or lake. <b>Reasons:</b> water quality issues and to help in the prevention of erosion around lakes and ponds. (requested by Public Works Director)
15-322(a) 15-323(a) 15-323(d)(6) 15-330 (e)(4)	Remove the words “ <b>Mylar or similar medium</b> ” and require (1) reproducible copy. <b>Reason:</b> with the purchase of the large copier in the Building and Planning Department copies can be made from ordinary plan copy submittals, no Mylar or other similar material is needed.
15-353	The final plat of a proposed subdivision shall be clearly and legibly drawn to a scale not smaller than one (1) inch equal to <del>two</del> one hundred (200) (100) feet for major developments and <b>(Add) “no larger than one (1) inch equal to sixty (60) feet for minor subdivisions”</b> and shall be <del>eighteen (18) inches by</del> twenty-four (24) inches by thirty-six (36) inches, or of an approved size to correspond to local plat book dimensions to plat book dimensions used in the Office of the Horry County Register of Deeds. <b>Reason:</b> minor subdivisions are defined as dividing parcel into no more than five (5) lots with no new streets, lots frontage may be small and very difficult to scale at a size required for major subdivisions.
15-473	Acceptance by Town Council regarding streets and other in right of way improvements into public maintenance. First sentence remove “ <b>shall</b> ” and replace with “ <b>may</b> ”. <b>Reason:</b> Council should have the right to decide on acceptance. Using the word “shall” implies council must accept without option.

In addition to the above proposed minor revisions, the word “Development” has been added to the entire document as needed in front of “administrator”. This will help prevent any misunderstanding as to whom the document is referencing; as defined by the document describing the “Development administrator”.

Reviewer	Time for Review	When does time begin?	Penalty for Failure to act within timeline	Extensions
Development Administrator	<b>60 day period</b> to approve, approve with conditions, or deny a request for subdivision plat approval or development plan approval	the sixty <b>(60) day period</b> as prescribed shall commence on the day a complete application is received by the administrator	The failure to act within the timeline prescribed shall constitute an approval, and the developer shall be issued a letter of approval and authorization to proceed based on the plans or plats and the supporting documentation submitted.	The sixty <b>(60) day period</b> may be extended by the mutual agreement of the applicant and the planning commission or development administrator. All agreed extensions shall be in written form and shall bear the signature of the applicant.
Planning Commission	<b>60 day period</b> to approve, approve with conditions, or deny a request for subdivision plat approval, development plan approval or an appeal	the sixty <b>(60) day period</b> shall commence on the first available meeting date the complete application was scheduled or eligible to be considered.	The failure to act within the timeline prescribed shall constitute an approval, and the developer shall be issued a letter of approval and authorization to proceed based on the plans or plats and the supporting documentation submitted.	The sixty <b>(60) day period</b> may be extended by the mutual agreement of the applicant and the planning commission or development administrator. All agreed extensions shall be in written form and shall bear the signature of the applicant.

# TEXT AMENDMENT



## Land Development Regulations of the Town of Surfside Beach, South Carolina

As recommended for adoption by the  
**Surfside Beach Planning Commission**  
October 4, 2011

Note: Text **highlighted in yellow** denotes an amended section, provision, or clause; however, due to the comprehensive nature of the recommended amendments, please refer to the existing ordinance (Chapter 15, Surfside Beach Code of Ordinances) for a complete comparison.

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### DIVISION ONE: INTRODUCTORY PROVISIONS

#### SECTION 15-001. TITLE

This chapter shall be known as the "Land Development Regulations of the Town of Surfside Beach, South Carolina".

#### SECTION 15-002. AUTHORITY

~~This chapter is adopted pursuant to the authority granted under S.C. Code 1976, § 6-29-1110 et seq.~~

The following articles, divisions, sections, subsections, provisions, paragraphs, and clauses are adopted pursuant to the statutory authority conferred by Title 6, Chapter 29 of the Code of Laws of South Carolina.

#### SECTION 15-003. PURPOSE

~~The purposes of this chapter are to establish procedures and standards for the development and subdivision of real estate within the corporate limits of the town in an effort to, among other things:~~

The land development regulations as set forth in this chapter have been made in accordance with the comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, appearance, prosperity, and the general welfare of the community. They have been designed to:

- (1) Encourage the economically sound and stable development of the town;
- (2) Ensure the timely provision of required streets, utilities, and other facilities and services to new land development;
- (3) Ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) Ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public or semipublic purposes; and
- (5) Ensure, in general, the wise and timely development of new areas and the redevelopment of previously developed areas, in harmony with the comprehensive plan of the town.

#### SECTION 15-004. JURISDICTION; SCOPE AND APPLICABILITY

~~(a) This chapter shall govern all subdivision of land lying within the corporate limits of the town.~~

~~(b) All subdivisions of property within the town prior to November 1, 1980, shall be allowed provided that all streets within these subdivisions are dedicated to and accepted by the town.~~

~~(c) The subdivision of property after November 1, 1980, will be subject to the requirements of this chapter~~

These regulations shall apply to all land developments within the Town of Surfside Beach which involve or necessitate any of the following:

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- (1) the subdivision of property as defined by this chapter;
- (2) the creation, extension, and/or dedication of any street;
- (3) the extension of public infrastructure such as water, sewer, and other utilities including the creation of necessary easements;
- (4) the construction, reconstruction, or placement of improvements within any existing or planned rights-of-way, excluding construction initiated and performed within existing rights-of-way by the town, county, or state governments;
- (5) the platting or preparation of plans for the recording of planned developments as provided under the town's zoning ordinance;
- (6) commercial, industrial, and office parks where lots, building sites, or other land divisions are created for lease or rental;
- (7) the recording of any plats or plans affecting or requisite to the transfer, lease, sale, or other conveyance of property or as may be otherwise provided by Title 6, Chapter 29 of the South Carolina Code of Laws;
- (8) the naming or renaming of streets;
- (9) new public projects as defined by this chapter;
- (10) improvements or disturbances to land necessitated by or preparatory to any of the above activities; and/or
- (11) any other activity or improvement specifically regulated herein.

### **SECTION 15-005. INTERPRETATION AND CONFLICT**

The standards and provisions of this chapter shall be interpreted as being the minimum requirements necessary to uphold the purpose of this chapter and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public. Whenever this chapter imposes a higher standard than required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern. ~~When the provisions of such statute shall govern.~~

### **SECTION 15-006. SEPARABILITY SEVERABILITY AND VALIDITY**

Should any article, division, section, subsection, provision, paragraph, or clause of this chapter be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

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### **SECTION 15-007. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict therewith are repealed to the extent necessary to give the ordinance full force and effect.

### **SECTION 15-008. EFFECTIVE DATE**

This chapter shall take effect and be in force from and after the date of its adoption by the town council of Surfside Beach, South Carolina.

### ~~SECTION 15-5. APPLICATION OF CHAPTER~~

~~No plat of the subdivision of any land within the territorial jurisdiction of the Town of Surfside Beach shall be filed with or recorded by the Horry County Clerk of Court until such plat shall have been submitted to and approved by the planning and zoning commission according to the procedures set forth in this chapter. Plats of land subdivisions, which are recorded prior to the effective date of this chapter and were prepared for the sole purpose of transferring the lot to another person, do not require the approval of the planning and zoning commission.~~

~~No street, public way or public land shall be accepted or maintained, nor shall any water lines, sewer lines, street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the town for the construction of any building or other improvement in any subdivision established hereafter which has not been approved by the planning and zoning commission.~~

### ~~SECTION 15-6. APPEALS~~

~~A subdivider may appeal a planning commission action to circuit court. The party must appeal within thirty (30) days after actual notice of the decision.~~

### ~~SECTION 15-8. VIOLATIONS AND PENALTIES~~

~~Unless otherwise provided, any person, firm or corporation who violates the provisions of this chapter, or the owner or agent or the owner of any land to be subdivided within the Town of Surfside Beach who transfers or sells or agrees to sell or negotiates or advertises to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the planning and zoning commission and recorded in the office of the clerk of court in and for Horry County, shall be guilty of a misdemeanor. The violator(s) shall be tried in recorder's court as deemed necessary by mayor and town council, and upon conviction, shall be fined as determined by the recorder's court. Each lot or parcel involved constitutes a separate violation and each day such violation(s) occurs shall constitute a separate offense. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Nothing herein shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violations.~~

### **SECTION 15-009. through 15-019. [RESERVED]**

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### DIVISION TWO: CHAPTER TERMS AND THEIR USE

#### SECTION 15-020. WORD USAGE

For the purposes of this chapter, words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. The word “shall” is mandatory. The word “may” is permissive.

#### SECTION 15-021. DEFINITIONS

Unless the context clearly indicates a different meaning, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this division. Where terms are not defined in this chapter and are defined in the zoning ordinance or building and mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies:

*Access* shall mean a way or means of approach to provide vehicular or pedestrian entrance to or exit from a property.

*ADA* shall mean the Americans with Disabilities Act.

*Bikeway* shall mean a surfaced pathway designed to be used by non-motorized cycles along the edge of an existing street.

*Block* shall mean a parcel of land or group of lots surrounded by streets or highways, railroad rights-of-way, waterways, corporate boundaries, or by a combination thereof.

*Corner lot* shall mean any lot having at least two contiguous sides abutting one or more streets, provided that the interior angle of such two sides is less than 135 degrees.

*Cul-de-sac* shall mean a local street with only one access point and having the other end designed for the reversal of traffic movement.

*Curb* shall mean a vertical or upward sloping edge of a roadway usually made of concrete or paving materials.

*Design modification* shall mean a lawful variation from the development standards of this chapter, where approved by the planning commission subject to the findings and limitations imposed by Article II.

*Detention basin* shall mean a pond, pool, or basin used for the storage of water runoff with the controlled release of such runoff.

*Development administrator* [“the administrator”] shall mean the person(s) designated herein to assume certain administrative and enforcement duties as provided by this chapter. The development administrator, when so designated by the town council, may also serve in the capacity of code enforcement official as provided in Chapter 17 of this code.

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*Developer* shall mean any person, as defined herein, who undertakes an improvement as regulated by this chapter. The term “subdivider”, “developer”, and “property owner” may be used interchangeably except where the context requires otherwise.

*Double frontage lot* shall mean a lot that fronts upon two parallel streets or that fronts upon two or more streets that do not intersect at the boundaries of the lot. A corner lot shall not be considered as having double frontage unless it has frontage on three (3) or more streets.

*Easement* shall mean a grant to the general public, a corporation, or a certain person of a strip or a parcel of land for use for a specific purpose and not including fee simple ownership.

*Frontage or lot frontage* shall mean the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

*Gross acreage* shall mean the overall total area of real property.

*Interior lot* shall mean a lot, other than a corner lot, that fronts on only one street.

*Land development* shall mean the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

*Lease parcel* shall mean a parcel created for lease, rental, or contractual purposes, and for which the ownership does not change.

*Lot* shall mean a ~~single parcel or tract of land~~ designated parcel, tract, or area of land established by a plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

*Lot area* shall mean the total area included within the boundaries of the lot, measured in the horizontal plane.

*Lot depth* shall mean the average distance measured from the front lot line to the rear lot line.

*Lot of record* shall mean a lot, the boundaries of which are filed as a legal record.

*Off-street parking* shall mean a parking space provided outside of a street right-of-way such as a parking lot, parking structure, or private driveway.

*On-street parking space* shall mean a parking space that is located within a street right-of-way.

*Person* shall mean a natural person, heirs, executors, administrators, or assigns, and includes a firm, partnership, or corporation, or their successors or assigns, or the agents of any of the aforesaid.

*Planned development district* shall mean a ~~planned residential, commercial or industrial development, professionally designed as a unit and reviewed by the Surfside Beach planning and zoning~~

## ARTICLE I. IN GENERAL

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commission and approved by the town council zoning district established under the terms of the Surfside Beach Zoning Ordinance.

*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.

*Plat* shall mean a map or drawing upon which a developer’s plan for the subdivision of property is presented for approval.

*Public improvement* shall mean any drainage ditch, storm sewer, or drainage facility, sanitary sewer, water main, street or roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, square, park, open space, building, lot improvement or other facility for which the government may ultimately assume the responsibility for maintenance and operation or for which the government’s responsibility is already established.

*Public project* shall mean any project by or for a public agency using real property, as owner or tenant that falls within the jurisdiction of the Town of Surfside Beach. These public agencies include: (1) Agencies and departments of the State of South Carolina, (2) Counties, county agencies and departments, and (3) Municipalities, municipal agencies, and departments.

*Public way* shall mean any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

*Retention basin* shall mean a pond, pool, or basin used for the permanent storage of water runoff.

*Reverse strip* shall mean a strip of land adjacent to a public street or similar right-of-way that has been reserved for the purpose of controlling access to the public way.

*Right-of-way* shall mean land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose. The term “right-of-way” differs from the term “easement”; whereas, except for existing streets located on prescriptive easements, rights-of-way as defined herein are characterized by fee simple ownership.

*Setback line* shall mean a line parallel to a the front property line in front of which no structure shall be erected, extended, or projected over or upon, except as may be provided in the zoning ordinance.

*Street* shall mean a vehicular way which may also serve in part as a way for pedestrian traffic, whether called a street, avenue, boulevard, highway, thoroughfare, parkway, road, lane, or otherwise designated, including the entire area within the right-of-way. Except where the term “private street” is used by this chapter, the word “street” shall mean a “public street”. ~~dedicated and accepted public right-of-way for vehicular traffic.~~

*Street, private* shall mean a street which has not been dedicated for public use or maintenance.

*Street, public* shall mean a street which has been dedicated or otherwise established for public use and is maintained by the federal, state, county, or town government. As applied to the term “subdivision” as defined herein, the term “public street” or “street” also includes drainage and utility easements, water and/or sewer mains, ditches, culverts, storm water basins and storm sewers, and similar street or right-of-way appurtenances. Public streets are further classified as:

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- (1) *Local street* shall mean a street used primarily for providing direct access to abutting property.
- (2) *Collector street* shall mean a street designed to carry medium volumes of vehicular traffic, provide access to the major street system and collect the traffic from the intersecting local streets.
- (3) *Marginal access street* shall mean a minor (service) street which parallels and is adjacent to a major street, and which provides access to abutting property.
- (4) *Arterial street* shall mean a street designated primarily for the movement of large volumes of traffic from one (1) area to another. Such streets are usually numbered state or federal highways.

*Subdivider* shall mean any person, firm, or corporation who divides or develops any land deemed to be a subdivision. The term “subdivider”, “developer”, and “property owner” may be used interchangeably except where the context requires otherwise.

*Subdivision* shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. Subdivisions are further classified by this chapter be categorized as major, minor, or excepted:

- (1) *Major subdivision* shall mean all divisions of a tract or parcel of land into ~~three (3)~~ six (6) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, transfer, or development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision. All divisions not constituting a minor subdivision or excepted subdivision, as defined by this chapter, are considered major subdivisions. The following exceptions are included within this definition only for the purpose of requiring that the planning and zoning commission be informed and have a record of each subdivision.
- (2) *Minor subdivision* shall mean a division of a tract or parcel into no more than two five (5) lots, including the parent parcel, where such division does not create a new street or change an existing street.
- (3) *Excepted subdivision* shall mean a property division, combination, and/or recombination where no formal review or approval is required pursuant to §6-29-1110 of the state code, subject to the notification requirements contained in Article III of this chapter. Excepted subdivisions include:
  - a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to all applicable ordinance standards;
  - b. The division of land into parcels of five (5) acres or more where no new street is involved; and

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- c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

*Surety instrument* shall mean a financial guarantee in the form of an irrevocable letter of credit or cash deposit posted in the amount of 125% of the engineer's itemized construction estimate to guarantee the installation and acceptance of improvements required by this chapter.

*Surveyor* shall mean a registered land surveyor in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors.

*Utilities, major* shall mean facilities, structures, and other uses that are necessary for the generation, transmission, and/or distribution of utilities to support principal development, such as electrical generating facilities, electrical and telephone switching facilities, electric substations, pumping stations, sewage collection or disposal facilities, water or sewage treatment plants, water storage tanks, and similar uses.

*Zoning ordinance* shall mean the "Zoning Ordinance of the Town of Surfside Beach, South Carolina" as codified in Chapter 17 of this code.

**SECTION 15-022. through 15-199. [RESERVED]**

## ARTICLE II. ADMINISTRATION

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### DIVISION ONE: ADMINISTRATION AND ENFORCEMENT AUTHORITY

#### SECTIONS 15-200. PLANNING COMMISSION TO ADMINISTER REGULATIONS

The planning commission shall exercise all powers and duties conferred by this chapter pursuant to Title 6, Chapter 29 of the State of South Carolina Code of Laws.

#### SECTIONS 15-201. DEVELOPMENT ADMINISTRATOR ESTABLISHED; DUTIES

(a) The Director of the Town of Surfside Beach Zoning and Building Department, and/or his designee, shall serve as development administrator. If the director's position becomes vacant, the town council may appoint a staff member(s) to serve as development administrator. The *development* administrator shall assist the planning commission in the administration and enforcement of this chapter. Under this chapter, the *development* administrator shall have the authority and responsibility to:

- (1) Review and, where appropriate, issue administrative approvals for minor subdivisions;
- (2) Receive and, where appropriate, authorize the filing of subdivision plats excepted from the terms of this chapter;
- (3) Maintain records of all plats, plans, applications, and resulting actions related to the administration of this chapter;
- (4) Review, file, and forward to the commission the records and applications related to major subdivisions, appeals, design modifications, and all other matters requiring review and consideration by the commission;
- (5) Provide clerical, technical, and consultative assistance to the commission as may be required in the exercise of duties related to this chapter;
- (6) Investigate and resolve violations of this chapter;
- (7) Conduct inspections of lands and public improvements to determine compliance with this chapter; and
- (8) Perform all other duties as assigned by this chapter or as may be delegated by the commission.

(b) If the position of development administrator should become vacant, and no subsequent appointment is made by town council as provided in subsection (a), the planning commission shall exercise all duties and responsibilities delegated to the *development* administrator by this chapter. All duties and responsibilities not explicitly assigned to the *development* administrator in accordance with this chapter, are retained by the commission as provided by Title 6, Chapter 29 of the State of South Carolina Code of Laws.

#### SECTIONS 15-202. REFERRAL OF MATTERS TO PLANNING COMMISSION

The development administrator may refer any matter, otherwise delegated or as provided in section 15-201(a), to the planning commission for its advisement, review, and/or a final decision.

## ARTICLE II. ADMINISTRATION

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### SECTIONS 15-203. TIME OF REVIEW; FAILURE TO ACT TO CONSTITUTE APPROVAL

- (a) All plats and development plans required by this chapter shall be promptly reviewed by the planning commission or development administrator. Except as otherwise provided by this chapter, the commission or *development* administrator shall have sixty (60) days to render a decision to approve, conditionally approve, or deny a request for subdivision plat approval, development plan approval, or to act on an appeal. The failure to act within the timeline prescribed by this section shall constitute an approval, and the developer shall be issued a letter of approval and authorization to proceed based on the plans or plats and the supporting documentation submitted.
- (b) For all applications that may be approved by the development administrator, the sixty (60) day period as prescribed by subsection (a) shall commence on the day a complete application is received by the administrator. The applicant shall be issued a dated receipt upon submission of the application/review fee. The date contained on that receipt shall be considered the date the application is received by the *development* administrator. For all applications requiring the approval of the planning commission, the sixty (60) day period as prescribed by subsection (a) shall commence on the first available meeting date the complete application was scheduled or eligible to be considered. The first available meeting date shall in no case be less than five (5) days nor exceed thirty-six (36) days from an applicant's delivery of a complete application to the *development* administrator. If the commission fails to meet within this time, the sixty (60) day period as prescribed by this section shall be considered to have commenced on the day a complete application was received by the *development* administrator.
- (c) The sixty (60) day period as prescribed by this section may be extended by the mutual agreement of the applicant and the planning commission or development administrator. All agreed extensions shall be in written form and shall bear the signature of the applicant.
- (d) For development plans or subdivision plats requiring multiple actions (e.g. sketch plan, preliminary plat, and final plat approval) the sixty (60) day period as prescribed by this section shall apply separately to each required action.

### SECTION 15-204. through 15-219. [RESERVED]

## DIVISION TWO: APPEALS

### SECTION 15-220. APPEALS FROM DECISIONS OF THE DEVELOPMENT ADMINISTRATOR

- (a) The planning commission shall hear and decide all appeals arising from any order, requirement, decision, or determination of the development administrator under the terms of this chapter. Any person aggrieved or any officer, department, board, or bureau of town may appeal. Such appeals shall be taken within fifteen (15) calendar days of notification of the order, requirement, decision, or determination from which the appeal is sought. An appeal is perfected by filing a written notice of appeal on a form prescribed by the commission. The notice of appeal shall be filed with the *development* administrator from whom the appeal is taken and with the secretary of the commission, accompanied by the applicable appeal fee in an amount set by the town council. The notice of appeal

## ARTICLE II. ADMINISTRATION

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shall identify the decision of the *development* administrator that is being appealed and state the grounds for the appeal.

- (b) Once the applicant has filed a notice of appeal, the planning commission shall hold a duly noticed hearing on the appeal within forty-five (45) days. Public notice of the hearing and meeting shall be provided by publication in a newspaper of general circulation in the town at least fifteen (15) days in advance of the hearing. Notice shall be sent to parties of interest by certified mail no less than fifteen (15) days prior to the hearing. At the hearing, any party may appear in person or by agent or attorney.
- (c) The planning commission shall issue a decision within the time prescribed by section 15-203. Commission members must be present to vote. All final decisions and orders of the commission shall be in writing and filed as a permanent record. Commission decisions shall be delivered to parties of interest by certified mail.

### SECTION 15-221. APPEALS FROM DECISIONS OF THE PLANNING COMMISSION

A person who has a substantial interest in any decision of the planning commission or any officer or agent of the town may appeal a decision of the commission to the Horry County Circuit Court, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the commission is mailed. Appeals from decisions of the commission are to proceed subject to the provision of S.C Code §§6-29-1150 through 6-29-1155.

### SECTION 15-222. through 15-229. [RESERVED]

## DIVISION THREE: AMENDMENTS

### SECTION 15-7. AMENDMENTS

~~This chapter may be amended from time to time provided that the planning and zoning commission shall review and prepare a recommendation on the proposed amendment before the town council takes any action on the request. The planning and zoning commission shall have sixty (60) days within to submit its recommendation on the proposed amendment. If the planning and zoning commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment. Prior to action by town council, a public hearing on the proposed amendment shall be held. The time, place, and date and purpose of the hearing shall be duly advertised in a newspaper of general circulation in the town at least fifteen (15) days prior to the hearing.~~

### SECTION 15-230. AUTHORITY TO AMEND CHAPTER

When the public necessity, convenience, general welfare, or good planning practice justify such action, and after the required review and report by the planning commission, the Surfside Beach Town Council may, from time to time, amend, supplement, or change by ordinance the land development regulations established herein.

### SECTION 15-231. INITIATION OF AMENDMENT

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An amendment to this chapter's text may be initiated by the town council, planning commission, the town administrator, or by the development administrator.

### SECTION 15-232. APPLICATION FOR AMENDMENT

The authority or person proposing the amendment shall set forth in full, by resolution or application, the proposed text to be considered. Amendments initiated by the town council or town administrator shall be transmitted to the development administrator. The development administrator shall promptly submit all papers and other data tendered by the initiator of the amendment to the planning commission for review and recommendation to the town council.

### SECTION 15-233. PLANNING COMMISSION RECOMMENDATION

(a) Except when an amendment is initiated by the planning commission, the commission shall have sixty (60) days, from the first regular meeting in which the amendment is introduced, to submit its recommendation and report to the town council. The report submitted to the council shall contain a summary of all significant issues. Factors to be considered by the commission in making a recommendation include, but shall not be limited to, the following:

- (1) Whether or not the requested change is consistent with the comprehensive plan or is justified by an error in the original ordinance; and
- (2) The precedents, and the possible effect of such precedents, which might result from approval or denial of the requested amendment.

(b) In addition to the public hearing required of council, the planning commission may hold a hearing on the request prior to making a recommendation. When a hearing is conducted, notice shall be provided in a newspaper of general circulation within the town no less than fifteen (15) days prior to the meeting.

(c) The planning commission shall promptly transmit its recommendation to the town council. If the commission fails to submit a recommendation within the sixty (60) day period, as prescribed by this section, it shall be deemed to have recommended approval of the requested amendment.

### SECTION 15-234. HEARING BY TOWN COUNCIL

Before the enactment of an amendment to this chapter, the town council shall hold a public hearing thereon. Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the town at least thirty (30) days in advance of the scheduled public hearing date. Any person(s) or groups that have expressed in writing an interest of being informed of such proceedings shall be mailed notice of such meeting not less than thirty (30) days before the public hearing. All meetings and hearings before the town council shall be open to the public. At the hearing, oral and written comments may be submitted by any interested member of the public. Any party may appear in person or by agent or by attorney.

### SECTION 15-235. ACTION BY TOWN COUNCIL

For each amendment request, the town council shall consider the recommendation of the planning commission; however, town council is not bound by the recommendation in making a final decision. All

## ARTICLE II. ADMINISTRATION

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amendments, changes, or supplements to the development regulations' text must be adopted by the town council as an ordinance in accordance with S.C. Code §5-7-270. If a proposed amendment is denied, such action shall be by resolution. If the town council fails to take action on a proposed amendment within 365 days of the public hearing, the proposed amendment shall be deemed to have been rejected and no further action by the town council is required.

**SECTION 15-236 through 15-239. [RESERVED]**

### DIVISION FOUR: DESIGN MODIFICATIONS

#### **SECTION 15-240. PLANNING COMMISSION MAY AUTHORIZE DESIGN MODIFICATIONS**

The planning commission may grant, upon written request, design modifications to the requirements found in Articles III, IV, and V of this chapter. Design modifications shall only be granted by the commission in cases where the strict application of the requirements of this chapter would create an unnecessary hardship in the development of land.

#### **SECTION 15-241. PROCEDURE FOR GRANTING DESIGN MODIFICATIONS; FINDINGS**

- (a) Requests for design modifications shall be submitted to the development administrator on forms approved by the planning commission. All requests shall be submitted no less than thirty (30) days prior to the regularly scheduled commission meeting at which the request will be considered. The *development* administrator shall, upon receipt, provide public notice of a hearing on the request. The public notice shall be provided by publication in a newspaper of general circulation in the town at least fifteen (15) days in advance of the hearing. Written notice shall be sent to all parties in interest by certified mail no less than fifteen (15) days prior to the hearing.
- (b) In reviewing a request for a design modification, the planning commission shall consider the public interest and endeavor to preserve the general intent and spirit of these regulations. The commission may grant or grant with conditions requests for design modifications upon finding:
  - (1) The strict application of the regulations would create an unnecessary hardship in the development of land;
  - (2) The design modification(s) is justified because of topographical or other special conditions unique to the property; and
  - (3) The design modification(s) would not compromise the intent or purpose of this chapter.
- (c) Determinations of the planning commission to approve, approve with conditions, or deny a request, including all finding requisite thereto, shall be in writing and entered into the minutes of the commission. The commission's determination, with written findings, shall be delivered to the applicant and other parties of interest by certified mail.

#### **SECTION 15-242. DESIGN MODIFICATIONS NOT TO VARY CERTAIN STANDARDS**

## ARTICLE II. ADMINISTRATION

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The planning commission shall not grant any design modification that would:

- (1) Alter any setback, lot size, density, use, or other zoning requirement. Requests that would affect a requirement imposed by the zoning ordinance shall not be granted except in cases where the Surfside Beach Board of Zoning Appeals has approved a variance pursuant to the requirements imposed by Chapter 17 of this code;
- (2) Alter or otherwise reduce the surety requirements imposed by this chapter;
- (3) Alter, without the consent of the town council, construction standards (composition and materials only) for public streets and other infrastructure to be dedicated or deeded to the town for perpetual maintenance; however, the commission may alter dimensional standards under the terms of this division and may authorize decorative materials as provided in section 15-466; or
- (4) Conflict with any other local, state, or federal law.

**SECTION 15-243. through 15-249. [RESERVED]**

### DIVISION FIVE: FEES

**SECTION 15-250. FEES ESTABLISHED**

The town council shall establish, by ordinance, a schedule of fees and charges and a collection procedure for all reviews and approvals required by this chapter. Such schedule shall be posted in the office of the development administrator and may be altered or amended only by the town council. No review or other action for which fees or charges are levied shall be commenced until all applicable fees and charges have been paid in full.

**SECTION 15-251. COORDINATION AND PAYMENT OF ALL FEES**

Activities regulated by this chapter may require the payment of certain fees pursuant to other chapters of this code or other ordinances adopted by town council. These fees may include, but not be limited to, fees incurred for review and inspections under the building code and zoning ordinance. The development administrator shall coordinate with other departments of the town to ensure compliance and, when practicable, the concurrent payment of fees.

**SECTION 15-252. through 15-259. [RESERVED]**

### DIVISION SIX: VIOLATIONS; PENALTIES; REMEDIES

**SECTION 15-260. VIOLATIONS OF CHAPTER ARE MISDEMEANORS**

A violation of this chapter or any resolution adopted pursuant to the provisions of this chapter is hereby declared to be a misdemeanor under the laws of the state and, upon conviction thereof, an offender shall

## ARTICLE II. ADMINISTRATION

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be punished at the discretion of the court. Nothing herein shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.

### **SECTION 15-261. RECORDING OF UNAPPROVED PLAN OR PLAT CONSTITUTES VIOLATION**

No subdivision plat or other land development plan within the Town of Surfside Beach may be filed in the Office of the Horry County Register of Deeds nor shall a building permit be issued until the plat or plan bears the stamp of the planning commission and signature of the designated authority as provided within these regulations.

### **SECTION 15-262. TRANSFER OF UNAPPROVED OR UNRECORDED SUB-DIVISION LOTS CONSTITUTES VIOLATION**

The owner or agent of the owner of any property being developed within the Town of Surfside Beach may not transfer title to any lot(s) or part(s) of a land development unless a land development plan or subdivision has been approved by the planning commission or designated authority and such approved plan or plat is recorded in the Office of the Horry County Register of Deeds. A description by metes and bounds in the deed or other document used in the process of transfer does not exempt the transaction from the penalties cited herein. Each lot or parcel involved constitutes a separate violation and each day such violation occurs shall constitute a separate offense.

### **SECTION 15-263. COMPLAINTS ALLEGING VIOLATION**

Wherever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis of the complaint and shall be filed with the development administrator. The *development* administrator shall record properly such complaint, immediately investigate, and take whatever lawful action is necessary to ensure compliance with this chapter.

### **SECTION 15-264. OTHER REMEDIES FOR VIOLATION**

The planning commission, development administrator, town administrator, town's attorney or other appropriate administrative officer, or any adjacent or neighboring property owner who would be damaged by a violation of this chapter, may in addition to other remedies, institute an injunction, mandamus, or other appropriate action or proceedings to prevent, correct, or abate a violation.

### **SECTION 15-265 through 15-299. [RESERVED]**

**ARTICLE II. ADMINISTRATION**

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## ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

### DIVISION ONE: GENERALLY

#### SECTION 15-300. PURPOSE

The following sections are an outline of the procedure for obtaining approval of a subdivision of land within the territorial jurisdiction of the Town of Surfside Beach Planning and Zoning Commission. These procedures for review and approval of a subdivision will vary based on the size, scope, and type of division being proposed. consists of three (3) separate steps. The initial step is the early informal consultation and sketch plan review by the planning and zoning commission's technical staff. The second step is the preparation and submission to the planning and zoning commission of a preliminary plat of the proposed subdivision. The third step is the preparation and submission to be recorded in the office of the clerk of court when duly signed by the chairman of the planning and zoning commission. This chapter details the review processes and required exhibits for major subdivisions, minor subdivisions, and excepted subdivisions as defined in Article I.

Any owners of land situated within the town limits of Surfside Beach who intends to divide such land into two (2) or more lots for the purpose of either immediate or future sale or building development, or intends to resubdivide for this purpose, shall submit a plan and/or plat of such proposed subdivision to the Surfside Beach Planning and Zoning Commission for approval and shall obtain such approval prior to the filing of his any plat of subdivision of land with the Horry County Clerk of Court Register of Deeds. The plan and/or plat information shall be presented in a manner specified in the following sections of Article II. No plat of the subdivision of land within the Town of Surfside Beach shall be filed or recorded by the clerk of court Office of the Horry County Register of Deeds of Horry County without the approval of the planning and zoning commission or the development administrator as specified herein.

In order to secure review and approval for a proposed subdivision by the planning and zoning commission, the subdivider shall submit a preliminary plat as outlined in section 15-38, prior to the making of any street improvements or installation of utilities. On the approval of the preliminary plat by the planning and zoning commission, the subdivider may proceed with the preparation of the final plat and other required documents as specified in section 15-39.

#### SECTIONS 15-301. through 15-319. [RESERVED]

### DIVISION TWO: MAJOR SUBDIVISION REVIEW AND APPROVAL

#### SECTION 15-320. PROCEDURE IN GENERAL

- (a) The procedure for the review and approval of major subdivisions, as defined herein, shall consist of three separate steps. These are: (1) review and approval of a sketch plan; (2) review and approval of a preliminary plat; and (3) review and approval of a final plat. For all plan or plat considerations, the planning commission may approve, approve with conditions, or disapprove a request consistent with the terms of this chapter. The commission may defer action on a request in cases where additional information would be needed. Decisions of the commission, including a final decision on a previously deferred matter, shall be made in a timely manner, subject to the requirements imposed by section 15-203.
- (b) Approval of a sketch plan and preliminary plat shall be completed prior to making any street improvements, installing any utilities, or making any other public improvement. The approval of the

## ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

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final plat, the signing of a record plat by the chairman of the planning commission or development administrator, and the recording of said plat in the Office of the Horry County Register of Deeds shall occur prior to the sale of any lots in the proposed subdivision.

- (c) Requests for the review and approval of a preliminary or final subdivision plat shall be accompanied by a written application and filing fee. The planning commission shall approve the form of all applications to be considered by it. The administrator shall maintain a copy of all application forms and shall provide such forms to prospective subdividers upon request.

### SECTION 15-321. SKETCH PLAN REQUIRED

- (a) ~~Pre-application~~ consultation. Prior to the preparation of the plans and plats required herein, the subdivider is encouraged to consult with the ~~planning and zoning commission staff~~ development administrator regarding the requirements of this chapter, provisions of the comprehensive plan, and general land subdivision practices. The purpose of the ~~preapplication review of plats~~ consultation is to afford the subdivider an opportunity to avail himself of the advice and assistance of the ~~planning and zoning commission or designated official~~ administrator by first submitting a simple sketch plan of the proposed plat for review. This procedure is designed to facilitate the subsequent preparation and approval of the ~~subdivision plats~~ sketch plan, preliminary plat, and final plat. Pre-application consultation is encouraged; but, it is not mandatory.
- (b) Prior to the filing of a preliminary plat, the subdivider shall submit to the development administrator two (2) copies of a simple sketch plan of the proposed division. The sketch plan may be a simple free hand drawing. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning and preparation of the preliminary plat. It is further the intent of this review process, to enable the subdivider to become familiar with the regulations affecting the land to be subdivided.
- (c) The development administrator shall review and approve, approve with conditions or other modifications, or disapprove the sketch plan within fifteen (15) days from the date the sketch plan was submitted to the administrator. Pertinent comments regarding the sketch plan shall be provided to the subdivider in writing. The failure of the administrator to act within the time prescribed above shall constitute an approval and a letter to that effect shall be issued by the ~~planning and zoning commission~~ administrator upon demand; provided, however, that the subdivider may waive this ~~request~~ requirement and consent in writing to the extension of such period. Upon approval of the sketch plan, the subdivider may prepare and submit a preliminary plat to the planning commission. The disapproval of a sketch plan may be appealed to the Planning Commission as provided in Article II.
- (d) Effect of sketch plan approval. The approval of the sketch plan by the development administrator does not permit the subdivider to undertake or perform public improvements, including streets and utilities, or make any other improvements as regulated herein. The approval of the sketch plan shall be valid for 180 days; thereafter, if no preliminary plat has been submitted such approval shall be considered void.

Sec. 15-37. ~~Presubmission consultation and sketch plan review.~~

~~Prior to the preparation of the plans and plats required herein, the subdivider is encouraged to consult with the planning and zoning commission staff regarding the requirements of this chapter, provisions of the comprehensive plan and general land subdivision practices. The subdivider shall submit a sketch plan to the staff of the planning and zoning commission, in accordance with the requirements contained in section~~

## ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

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~~15-41. The staff shall approve or disapprove the sketch plan within five (5) working days and notify the subdivider in writing of such approval or disapproval. If the sketch plan is disapproved by the staff, or the staff requires changes with which the developer does not concur, the subdivider may present the sketch plan to the planning and zoning commission at its next regular meeting. Notice of the time and place of such meeting shall be sent by registered or certified mail to the address specified on the plat not less than five (5) days before the meeting. The planning and zoning commission shall review and approve, disapprove, or approve with modifications the sketch plan at the meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the meeting. Failure of the planning and zoning commission to act on the sketch plan at the meeting shall be deemed to constitute sketch plan approval, and a letter to that effect shall be issued by the planning and zoning commission upon demand; provided, however, that the subdivider may waive this request and consent in writing to the extension of such period.~~

### **SECTION 15-322. PRELIMINARY PLAT REQUIRED; REVIEW BY COMMISSION; TIME LIMITATION; EFFECT**

- (a) *Submission.* Following the approval of a sketch plan, the subdivider shall prepare a preliminary plat may proceed with the submission of a preliminary plat for consideration by the planning commission. The subdivider shall submit two (2) copies of a completed application form, such ten (10) black line copies of the plat, one (1) reproducible copy (mylar or similar medium) and any required supplemental data to the planning and zoning commission development administrator to be used for the purpose of determining the adherence of the proposed subdivision to design standards and improvements proposals. An application requesting approval of the preliminary plat, together with copies of the plat and any required supplemental material, shall be submitted to the staff of the planning and zoning commission not less than ten (10) working days prior to the meeting at which it is to be considered.
- (b) *Development administrator's review and report.* Upon receipt, the development administrator shall review the preliminary plat for conformity with this chapter and shall transmit copies of the plat to the planning commission. The administrator shall refer copies of the plat and any attachments to those public officials and agencies which are concerned with new development, including but not limited to the S.C. Department of Health and Environmental Control, Grand Strand Water and Sewer Authority, District Engineer of the S.C. Department of Transportation, telephone company, S.C. Electric and Gas Company, and the cable television company, the Surfside Beach Public Works Department, and any other town departments or agencies deemed necessary by the administrator. The administrator shall prepare and distribute a written report on the requested preliminary plat approval to the commission and subdivider. The administrator's report may incorporate comments received from other departments or agencies. The administrator's report shall include an analysis of the proposed subdivision's conformance with these regulations and may include other pertinent information and/or recommendations.
- (c) *Planning and zoning commission's review procedures.* The planning and zoning commission shall review and act upon the preliminary plat within sixty (60) days of the date of its submission by the applicant as prescribed in section 15-203. If no action is taken by the commission within the same this time, the preliminary plat shall be deemed to have been approved; however, the subdivider may waive this requirement and consent to an extension of said time period. Action taken by the commission shall be at a scheduled public meeting and notice of the time and place of said meeting be sent by registered or certified mail to the name and address specified on or accompanying the preliminary plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting. At the

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meeting, the planning and zoning commission shall either approve, approve with modification, disapprove, or, where additional information is needed, defer action on the preliminary plat. Notice of any action taken by the commission shall be in writing, signed by the chairman, and forwarded to the subdivider. In case of disapproval, the reasons for disapproval shall be addressed in relation to those parts of the comprehensive plan, or ordinance, or this chapter with which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the commission and one (1) copy forwarded to the subdivider. On approval with modifications, the commission may require the subdivider to resubmit the preliminary plat with all recommended modifications to the commission before approval is given to the preliminary plat.

- (d) *Effect of the preliminary plat approval.* Approval of the preliminary plat is a conditional approval and does not constitute approval of the final plat. Preliminary plat approval shall be authorization for the subdivider to proceed with the preparation of the final plat and design the installation of site improvements subject to the requirements imposed by Article IV of this chapter. The approval of a preliminary plat shall not authorize the sale or transfer of lots. Approval of the preliminary plat shall become void unless installation of improvements is submitted for approval within one (1) year of the date of said approval; provided, however, that the planning and zoning commission may waive this requirement and consent to an extension of said time period for one (1) additional year.
- (e) *Expiration of approval.* The subdivider shall have two years from the date on which the preliminary plat was approved or conditionally approved to submit and have approved a final plat for the subdivision. Failure by the subdivider to submit and have approved a final plat within this time period shall void the approval of the preliminary plat. The subdivider may request and the commission may grant an extension to the time limitation subject to the vested rights provisions contained in section 14.5-2 of this code. The failure of the subdivider to request an extension as provided in section 14.5-2 shall constitute a forfeiture of the original approval.
- (f) *Amendments to an approved preliminary plat.* The subdivider may request and the development administrator may authorize minor amendments to an approved preliminary plat. Such amendments, when authorized, shall not require the resubmission or reconsideration of the preliminary plat prior to the review of a final plat. The subdivider's request and the administrator's authorization shall be in writing. Minor amendments do not include a change(s) that would:
- (1) Result in an increase in the number of lots;
  - (2) Alter the exterior boundary of the subdivision through the addition or removal of land;
  - (3) Alter the proposed right-of-way or alter the extent or location of any improvement to be dedicated to the town;
  - (4) Be contrary to these regulations or require the granting of a design modification as provided in section 15-240 et seq; and/or
  - (5) Be contrary to any condition of approval or, in the opinion of the administrator, exceed the scope of the planning commission's original approval.

Changes or other alterations from an approved preliminary plat, not constituting a "minor amendment", shall require the plat's reconsideration by the commission prior to the submission of a final plat. When minor amendments are authorized, the administrator shall provide a copy of the

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written determination to the commission at its next regularly scheduled meeting. The written determination shall be entered into the commission's minutes.

~~(2) Filing fee.~~

~~(a) Major subdivision.~~ To defray the cost of inspection, processing the plat, and notifying the interested parties, the subdivider shall pay a base fee of one hundred seventy five dollars (\$175.00), plus an additional fee of ten dollars (\$10.00) per lot at the time of filing for preliminary plat approval for major subdivisions or a PDD.

~~(b) Minor subdivision.~~ The fee for a minor subdivision, creating two (2) lots from one (1) lot, is thirty dollars (\$30.00).

### SECTION 15-323. FINAL PLAT REQUIRED; REVIEW BY COMMISSION; TIME LIMITATION; EFFECT

- (a) *Submission.* Following the approval of a preliminary plat, the subdivider may proceed with the submission of a final plat for consideration by the planning commission. The subdivider shall submit two (2) copies of a completed application form, ~~such~~ ten (10) black line copies of the plat, one (1) digital copy, one (1) reproducible copy (mylar or similar medium), and any required supplemental data to the development administrator not less than ten (10) working days prior to the commission meeting at which it is to be considered. The planning and zoning commission may permit submission of the final plat in sections covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plat.

The subdivider shall prepare and submit a final plat to the planning and zoning commission accompanied by an application requesting approval of the plat. Copies of the plat shall be submitted to the commission's staff not less than ten (10) working days prior to the meeting at which it is to be considered. One (1) digital copy shall be provided for all subdivisions with ten (10) or more lots. The remaining copies shall be dark line prints. Final plats shall include certification from a town-designated representative(s) that all required site improvements have been installed to the town's satisfaction or that an acceptable technique in lieu of completion of all improvements has been proposed for the subdivision.

~~(2) Filing fee.~~

~~(a) Major subdivision.~~ To defray the cost of inspection, processing the plat, and notifying the interested parties, the subdivider shall pay a fee of one hundred seventy five dollars (\$175.00) at the time of filing for final plat approval for major subdivisions or PDD.

~~(b) Minor subdivision.~~ The fee for a minor subdivision, creating two (2) lots from one (1) lot, is fifteen dollars (\$15.00).

- (b) *Development administrator's review and report.* Upon receipt, the development administrator shall review the final plat for conformity with this chapter and shall transmit copies of the plat to the planning commission. The administrator shall refer copies of the plat and any attachments to those public officials and agencies which are concerned with new development, including but not limited to the S.C. Department of Health and Environmental Control, Grand Strand Water and Sewer Authority, District Engineer of the S.C. Department of Transportation, telephone company, S.C. Electric and Gas Company, and the cable television company, the Surfside Beach Public Works Department, and any other town departments or agencies deemed necessary by the administrator. The administrator shall prepare and distribute a written report on the requested final plat approval to the commission and subdivider. The administrator's report may incorporate comments received from other

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departments or agencies. The administrator's report shall include an analysis of the proposed subdivision's conformance with these regulations and may include other pertinent information and/or recommendations.

- (c) *Planning ~~and zoning~~ commission procedure.* The planning ~~and zoning~~ commission shall review and act upon the final plat within sixty (60) days ~~of the date of its submission by the applicant as prescribed in section 15-203.~~ If no action is taken by the commission within this time, the final plat shall be deemed to have been approved; provided, however, that the applicant may waive this requirement and consent to an extension of said time period. Action taken by the commission shall be at a scheduled public meeting and notice of the time and place of the meeting shall be sent by certified or registered mail to the name and address specified on the plat. Such notice shall be mailed not less than five (5) days before the date of the meeting. At the meeting, the planning commission shall either approve, approve with modification, disapprove, or, where additional information is needed, defer action on the final plat. All decisions and other actions shall be recorded in the minutes of the commission.

The planning commission shall approve a final plat which:

- (1) Meets the requirements of these regulations;
- (2) Conforms to an approved preliminary plat with any modification as granted pursuant to section 15-322; and
- (3) Has all the required improvements installed and approved or a surety instrument will be established in accordance with the terms of this chapter.

If approving, the commission shall indicate approval in writing and shall state the conditions of approval, if any. If disapproving, the commission shall express, in writing, its disapproval and the reasons therefore. The administrator shall promptly provide notice of the commission's decision and shall note the date that written notification was mailed to the subdivider.

- (d) *Signing of final plat.* Prior to the commission chairman or, when delegated, the development administrator signing an approved final plat for recording, the subdivider shall:

- (1) Correct all deficiencies or make any other corrections to the final plat as specified in the commission's approval;
- (2) Satisfy all other conditions specified in the commission's approval. The subdivider shall provide documentation that all conditions have been satisfied;
- (3) Install all subdivision monuments as required in Article IV;
- (4) Install and have accepted all required public improvements or provide an acceptable surety instrument to guarantee the installation and acceptance of improvements;
- (5) Submit documentation of all regulatory approvals as required in sections 15-353 and 15-402; and
- (6) Submit five (5) black line copies of the final (record) plat, one (1) digital copy, and one (1) reproducible copy (mylar or similar medium). All certifications, as required by section 15-

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353(4) shall be signed upon submission, excluding the "Certificate of Approval for Recording Plat".

Upon the approval of the final plat and the subdivider's compliance with the above, the commission chairman or, when delegated, the administrator shall sign the "Certificate of Approval for Recording" with two (2) signed black line copies returned to the subdivider. This print becomes the instrument (record plat) to be recorded in the Office of the Horry County Register of Deeds. The subdivider shall record a signed copy in this office within fifteen (15) days of the date of signature appearing in the "Certificate of Approval for Recording Plat". Failure to meet the fifteen (15) day deadline shall cause the approval of the commission to be null and void, unless an extension of this time is granted in writing by the commission upon written request by the subdivider.

- (e) *Effect of final plat recording.* Recording the final plat shall constitute an irrevocable offer to dedicate all streets and other public ways shown on the plat and to dedicate or reserve, as specified by the commission, all park reservations and other such areas to the public use. Recording of the plat, however, shall not impose any duty by the town concerning acceptance of such dedicated streets or dedicated or reserved areas, until the Surfside Beach Town Council has made the proper acceptance.
- (f) *Expiration of approval.* The subdivider shall have two (2) years from the date on which the final plat was approved or conditionally approved to submit such plat for signature and recording. Failure by the subdivider to submit a final (record) plat to the administrator within this time period shall void the plat's approval. The subdivider may request and the commission may grant an extension to the time limitation subject to the vested rights provisions contained in section 14.5-2 of this code. The failure of the subdivider to request an extension as provided in section 14.5-2 shall constitute a forfeiture of the original approval.

~~The final plat shall conform in all respects to the preliminary plat as previously approved by the commission, but shall incorporate all modifications required by the planning and zoning commission in its review of the preliminary plat. The commission may, however, accept a final plat so modified as to reflect any substantial changes, which have occurred on the site of the proposed subdivision or in its surroundings, since the time of the preliminary plat approval. If the final plat and all supplementary data submitted comply with all the requirements pertaining to the particular subdivision being considered, the planning and zoning commission shall approve said plat and approval shall be noted in writing by the chairman on each copy of the final plat. The mylar and one (1) copy shall be retained by the planning and zoning commission, one (1) copy to the Horry County Tax Assessor and two (2) copies to the subdivider for recording purposes. If the final plat is disapproved, the reasons for such action shall be stated in writing, signed by the chairman and forwarded to the subdivider. If deemed necessary, any modifications required by the planning and zoning commission as prerequisites to approval of the final plat shall be noted on three (3) copies of the plat. The planning and zoning commission shall retain one (1) copy and two (2) copies shall be returned to the subdivider for recording purpose.~~

- ~~(4) *Recording the final plat.* No subdivision plat shall be recorded unless it bears the endorsement of the planning and zoning commission. After the commission has approved the final plat, two (2) signed copies of the plat shall be returned to the subdivider for filing in the office of the clerk of court of Horry County. The subdivider shall record the two (2) signed copies in this office within fifteen (15) days of the date of final approval. Failure to meet the fifteen day deadline shall cause the approval by the planning and zoning commission be null and void, unless an extension of time is granted in writing by the commission upon written request by the subdivider.~~

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SECTIONS 15-324. through 15-329. [RESERVED]

### DIVISION THREE: MINOR SUBDIVISION REVIEW AND APPROVAL

#### SECTION 15-330. MINOR PLAT APPROVAL PROCEDURE

- (a) *Development administrator to approve.* Minor subdivisions, as defined herein, may be reviewed and approved by the development administrator in conformance with these regulations. Unlike major subdivisions, the review and approval of a minor subdivision shall consist of one step, the final plat. Final plats for minor subdivisions shall conform to the same exhibit standards as required for major subdivisions pursuant to section 15-353.
- (b) *Submission.* The subdivider shall submit a completed application form and three (3) black line copies of the final plat. The “Certificate of Ownership and Dedication” and the “Certificate of Accuracy” must be signed.
- (c) *Development administrator’s review.* Upon receipt, the administrator shall review the final plat for conformity with this chapter. At the discretion of the administrator, copies of the plat may be distributed to other departments or agencies for their review and comment.
- (d) *Action by the development administrator.* The administrator shall act on the final plan within fifteen (15) days of the plat’s receipt. All decisions and other actions shall be in writing. If approving, the administrator shall indicate approval in writing and shall state the conditions of approval, if any. If disapproving, the administrator shall express, in writing, the disapproval and the reasons therefore. The development administrator shall promptly mail notice of the decision and shall note the date that written notification was mailed to the subdivider. The failure of the administrator to act within the time specified by this subsection shall not constitute an approval but shall immediately cause the plat to be referred to the planning commission for a decision, with notice of such referral sent to the subdivider by registered or certified mail. Such notice shall be mailed at least five (5) day prior to the meeting on which the plat is to be considered. In no case shall such referral and decision exceed the time limitation, applicable to the administrator, as provided in section 15-203.
- (e) *Conditions requisite to signing of the final (record) plat.* Prior to the development administrator signing an approved final plat for recording, the subdivider shall:
- (1) Correct all deficiencies or make any other corrections to the final plat as specified in the administrator’s approval;
  - (2) Meet all conditions specified in the administrator’s approval. The subdivider shall provide documentation indicating that all conditions have been satisfied;
  - (3) Install all subdivision monuments as required in Article IV;
  - (4) Submit five (5) signed and stamped black line copies of the final (record) plat, one (1) digital copy, and one (1) reproducible copy (mylar or similar medium) to the development administrator. All certifications, as required by section 15-353, shall be signed upon submission, excluding the “Certificate of Approval for Recording”.

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- (f) *Signing and recording of the final (record) plat.* Upon the approval of the final plat and the subdivider's compliance with the requirements of subsection (e) above, the administrator shall sign the "Certificate of Approval for Recording" with two (2) signed black line copies returned to the subdivider. This print becomes the instrument (record plat) to be recorded in the Office of the Horry County Register of Deeds. The subdivider shall record a signed copy in this office within fifteen (15) days of the date of signature appearing in the "Certificate of Approval for Recording Plat". Failure to meet the fifteen (15) day deadline shall cause the approval of the administrator to be null and void, unless an extension of this time is granted in writing by the administrator upon written request by the subdivider.
- (g) *Expiration of approval.* The subdivider shall have two (2) years from the date on which a final plat was approved or conditionally approved by the development administrator to submit such plat for signature and recording. Failure of the subdivider to submit a final (record) plat within this time period shall void the plat's approval. The subdivider may request and the administrator may grant an extension to this time limitation pursuant to the vested rights provisions contained in section 14.5-2 of this code. When such extensions are granted, they shall be reported to the planning commission at the next regularly scheduled meeting and the nature of such extension shall be recorded in the minutes of the planning commission. The failure of the applicant to formally request an extension as provided in section 14.5-2 shall constitute a forfeiture of approval.
- (h) *Appeal of development administrator's decision(s).* Decisions of the administrator may be appealed to the planning commission following the procedures and time limitations provided in Article II of this chapter.

### SECTION 15-331. REPORT TO PLANNING COMMISSION

The development administrator shall periodically provide a report to the planning commission of all minor subdivision determinations and other actions taken pursuant to this division.

### SECTION 15-332. through 15-339. [RESERVED]

~~Sec. 15-40. Subdivisions exempted from standard procedures.~~

~~(1) In the case of any proposed subdivision which does not involve the provision of new streets for access (i.e., one in which all proposed lots will have frontage on an existing public street or road) the following procedures may, at the subdivider's discretion, be followed to obtain review and approval of the plat by the planning and zoning commission:~~

~~(a) The subdivider shall prepare a sketch plan of the proposed subdivision in accordance with the requirements of this chapter;~~

~~(b) The subdivider shall obtain the approval of the Grand Strand Water and Sewer Authority for water and sewer connections;~~

~~(c) The subdivider shall submit three (3) copies of the sketch plan to the staff of the planning and zoning commission, who, within ten (10) working days thereafter, shall notify the subdivider of any additions or modifications to the plan which may be necessary to comply with the standards of this chapter. Such review by the staff shall constitute an official review by the planning and zoning commission; and~~

~~(d) Following the receipt of such notification from the staff of the planning and zoning commission, the subdivider shall then prepare a final plat in full accordance with section 15-43 of this chapter, and such final plat shall be submitted in accordance with section 15-43 of this chapter.~~

~~(2) The following exception is exempted from the standard plat submission and review procedure:~~

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- ~~(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other regulations of the governing authority, provided that in making such changes:~~
- ~~(b) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by these or other town regulations;~~
- ~~(c) Easements or rights-of-ways reserved for drainage shall not be changed;~~
- ~~(d) Street locations and block sizes shall not be changed; and~~
- ~~(e) No lot shall be created which does not abut a street.~~
- ~~(3) Such lot arrangements as are permitted in the Surfside Beach zoning ordinance, which, by their nature, cannot meet all the requirements included herein.~~
- ~~(4) In case of the above exceptions, the subdivider shall submit to the planning and zoning commission nine (9) copies. One (1) tracing on mylar and five (5) dark line prints of the plat drawn to the requirements of this chapter for a final plat, or in the case of a plat previously submitted, he shall submit five (5) dark line prints of the revised plat, whereupon the staff shall, in writing, advise the subdivider if the proposed subdivision or resubdivision complies with the requirements listed above. When the plat does comply, the planning and zoning commission shall receive the final plat as a matter of information and shall indicate such fact upon each copy of the plat. Distribution of the copies shall be as required in section 15-39.3 of this chapter.~~

### **DIVISION FOUR: EXCEPTED SUBDIVISIONS**

#### **SECTION 15-340. EXCEPTED PLATS NOT SUBJECT TO DEVELOPMENT REGULATIONS**

Excluding the provisions of this division, subdivisions and other plats defined as “excepted” by Article I are not subject to the requirements of this chapter provided:

- (1) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by these or other town regulations;
- (2) Easements or rights-of-ways reserved for drainage shall not be changed;
- (3) Street locations and block sizes shall not be changed; and
- (4) No lot shall be created which does not abut a street.

All such subdivisions and other plats shall be submitted to the development administrator for notification and a determination of compliance with this division.

#### **SECTION 15-341. EXCEPTED PLATS TO CONFORM TO FORMATTING STANDARDS**

Excepted subdivisions and other plats shall be prepared consistent with the requirements for final plats as provided in section 15-353. Such plats shall be prepared by a surveyor or engineer licensed by the state to perform land surveying pursuant to the requirements of Chapter 49 of the South Carolina Code of Regulations.

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### SECTION 15-342. SUBMISSION; ACTION OF THE ADMINISTRATOR; RECORDING

- (a) The subdivider shall submit three (3) black line copies of the plat to the development administrator. Within seven (7) days of the receipt of such plat, the administrator shall determine:
- (1) The subdivision or other depiction would constitute an excepted subdivision as defined by this chapter and would conform to the requirements of this division. Upon such determination, the administrator shall place a stamp of the plat, attested by signature, which reads, "This plat constitutes a subdivision or other depiction which is excepted by the terms of the Town of Surfside Beach Development Regulations. No other determination of this plat's compliance with the requirements of said regulation has been made. This plat may be recorded in the Office of the Horry County Register of Deeds." Two (2) stamped copy of the final (record) plat shall be returned to the subdivider and the subdivider may record the plat without further review or action by the administrator; or
  - (2) The subdivision or other depiction would constitute an excepted subdivision; however, the form of the plat does not comply with the terms of this division. In such instance, the administrator shall promptly notify the subdivider and shall state in writing the corrections required prior to the recording of the plat. Once corrections have been made, the subdivider shall resubmit the plat to the administrator for a determination; or
  - (3) The subdivision or other depiction would not constitute an excepted subdivision and would be subject to review under the terms of this chapter. Upon such a determination, the administrator shall promptly provide written notification to the subdivider and shall specify the process to be followed, i.e. minor subdivision or major subdivision, for the review and approval of the subdivision.
- (b) Appeals from determinations of the development administrator are made to the planning commission as provided in Article II of this chapter.

### SECTION 15-343. REPORT TO PLANNING COMMISSION

The development administrator shall periodically provide a report to the planning commission of all determinations and other actions taken pursuant to this division.

### SECTIONS 15-344. through 15-349. [RESERVED]

## DIVISION FIVE: PLAT CONTENT AND FORM

### SECTION 15-350. GENERAL REQUIREMENTS

- (a) *Purpose.* The purpose of this division is to establish minimum standards for the content and form of subdivision plats and plans to be reviewed by the planning commission or development administrator. The form and content provisions of this division are to be regarded as the minimum standards. Where additional exhibits or depictions would be needed to demonstrate compliance with this chapter, the planning commission or development administrator may require the inclusion of such additional exhibits or depictions on a plat or plan.

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- (b) All plats or plans are to be legible and shall present information in a manner that is easily understood. In addition to the other requirements of this division, plats or plans may include “plat notes” and other explanatory information where, in the opinion of the planning commission or development administrator, such information would be necessary to state the purpose of a depiction or provide other pertinent advisements.
- (c) Excluding sketch plans, all subdivision plats and plans shall be prepared by a surveyor or engineer licensed to practice surveying pursuant to Chapter 49 of the State of South Carolina Code of Regulations.
- (d) Plats shall conform to the requirements of the “Standards of Practice Manual for Surveying in South Carolina” [‘the manual’] as contained in Chapter 49 of the State of South Carolina Code of Regulations. Where the manual provides a requirement for a plat depiction inconsistent with or in conflict with a requirement of this chapter, the requirements of the manual shall govern. Where this chapter requires a depiction or other plat data, in addition to but not in conflict with or preempted by the requirements contained in the manual, the requirement of this chapter shall govern. Determinations of an alleged conflict and the applicability of this provision shall be made by the development administrator after consultation with the South Carolina State Board of Registration for Professional Engineers and Surveyors.

### SECTION 15-351. SKETCH PLAN REQUIREMENTS

The sketch plan of a proposed subdivision shall be drawn at a scale not smaller than two hundred (200) feet to one (1) inch and shall be drawn on material not larger than ~~eighteen (18) inches~~ by twenty-four (24) inches by ~~thirty-six (36) inches~~. On large subdivisions, matched sheets shall be used. Sketch plans shall include the following data:

- (1) North arrow, written and graphic scales, and a location map showing the relationship between the proposed subdivision and the surrounding area;
- (2) Tract boundaries and total acreage;
- (3) Significant topographical and physical features, including the location of any water courses within the tract;
- (4) Location, names, and right-of-way widths of existing streets in the vicinity of the tract;
- (5) Tentative street and lot arrangement showing average lot size and the number of lots;
- (6) Existing and proposed land use and/or structure locations throughout the subdivision;
- (7) Zoning classifications; and
- (8) Time schedule, if only part of the subdivision is to be developed at one (1) time. ~~the subdivider may, and is encouraged to, submit a sketch plan of his entire tract even though his present plans call for the development of only a part of the property.~~ The subdivider shall submit a sketch plan for his entire tract even though his present plans call for the actual development of only a part of the property. The administrator may waive this requirement when the remainder of the tract, post division, would:

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- a. Equal or exceed the cumulative area of the proposed division;
- b. Conform to zoning and other applicable requirements; and
- c. The subdivision of the remainder is not, based on information provided by the subdivider, immediate or practical.

### SECTION 15-352. PRELIMINARY PLAT REQUIREMENTS

The preliminary plat of a proposed subdivision shall be clearly and legibly drawn at a scale not smaller than ~~two~~ one hundred (200) (100) feet to one (1) inch and shall be drawn on material not larger than ~~eighteen (18)~~ by twenty-four (24) inches by thirty-six (36) inches, or of an approved size to correspond to plat book dimensions used in the Office of the Horry County Register of Deeds. If the preliminary plat requires more than one (1) sheet, a key diagram showing the relative location of the various sections shall be drawn on each sheet. The preliminary plat shall include or be accompanied by the following data:

#### (1) *General information.*

- a. Proposed name of subdivision (the name shall not duplicate, phonetically or otherwise, the name of any subdivision within the Town of Surfside Beach or its environs);
- b. North arrow, graphic scale, written scale, date that the original drawing was completed, and dates of any revisions to the original drawing;
- c. Name of record owner, subdivider, and surveyor or engineer;
- d. Names and locations of all owners of property abutting the subdivision;
- e. Existing zoning classification; and
- f. A location map showing the relationship between the proposed subdivision and the surrounding area.

#### (2) *Existing data.*

- a. The distance and bearing of one (1) of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads;
- b. Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of the total acreage of the property;
- c. Contour lines at vertical intervals of two (2) feet or less. The location and elevation of the benchmark to which the elevations refer should be noted;
- d. All existing town limit lines, property lines, right-of-ways, easements, railroads, sewer lines, fire hydrant, utility transmission lines, culverts, bridges, ditches, water courses, buildings, floodplains (based on 100-year storms), wetlands, wooded areas and all other significant man-made or natural features within the property boundaries of the subdivision; and
- e. All existing streets (including streets that are recorded, but not constructed) on or abutting the tract, including the names, right-of-way, widths, pavement widths, and approximate grades.

#### (3) *Proposed site data.*

- a. Street right-of-ways, pavement widths, grades, and street names. Street profiles and cross sections shall be provided when required by the planning and zoning commission. The commission may require the developer to provide documentation from the Horry County E911 office or other responsible agency which certifies that the proposed street name(s)

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would not create duplication with the name of any other street in proximity to the town (see section 15-452);

- b. Lot lines, lot dimensions, lot and block numbers, and minimum setback lines for buildings along streets as well as along rear and side property lines;
  - c. Preliminary plans prepared by a registered engineer for sanitary sewers, storm sewers, water, electric, and gas lines. Storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the planning and zoning commission;
  - d. Plans for the protection of on-site soils from wash and erosion during the construction period;
  - e. Other easements and right-of-ways, including location, dimension and functions;
  - f. Contour changes to be made by grading;
  - g. Areas, other than streets and easements, designated for public use with any conditions governing their use; and
  - h. Areas to be used for purposes other than residential or public, with the purpose, location, and dimensions located; and
  - i. A tree protection plan as provided in section 17-731 of this code. The tree protection plan may be on a separate sheet.
- (4) *Supplementary data.* Draft of any restriction, including protective covenants proposed to be included in the owner's declaration of plat.
- (5) *Flood zone areas.* If any portion of the proposed subdivision is located within the "A14 flood zone" according to the flood insurance rate map for the Town of Surfside Beach, South Carolina, the preliminary plat shall show all proposed dredging, filling or other alterations to the floodprone areas and shall be accompanied by a report prepared by a registered engineer containing and any other information considered by either the subdivider or the planning and zoning commission to be pertinent to the review of the preliminary plat.

### SECTION 15-353. FINAL PLAT REQUIREMENTS

The final plat of a proposed subdivision shall be clearly and legibly drawn to a scale not smaller than one (1) inch equal to ~~two~~ one hundred (200) (100) feet and **no larger than one (1) inch equal to sixty (60) feet for minor subdivisions** and shall be ~~eighteen (18) inches by~~ twenty-four (24) inches by thirty-six (36) inches, or of an approved size to correspond to local plat book dimensions to plat book dimensions used in the Office of the Horry County Register of Deeds. If the final plat requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each other. The final plat shall contain or be accompanied by the following information:

- (1) *General information.*
  - a. Name of subdivision;
  - b. Name of record owner, subdivider, and surveyor or engineer;
  - c. North point, graphic and written scales, date (including the month, day and year that the original drawing was completed, the month, day, and year for each revision of the original drawing);
  - d. Name and locations of all abutting subdivision, if any, and, location and ownership of adjoining unsubdivided land, drawn at a scale of one (1) inch equals one thousand (1,000) feet and showing the relations of the property, differentiated by tone or pattern,

## ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

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to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plats existing within four hundred (400) feet of any part of the property.

(2) *Platting information.*

- a. The total tract boundary lines of the area being subdivided; ~~shall be in accordance with the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina" Code of Regulations, Chapter 49, Article 3;~~
- b. Correct courses and distances to the nearest established street lines of official monument which accurately describe the location of the plat and are accurately tied to the primary control points of the subdivision;
- c. Street designations according to the provisions of the comprehensive plan and this chapter;
- d. Names, widths, and lines of all streets within or on the perimeter of the subdivision, with accurate dimensions in feet and hundredths and showing angles to streets, alleys and lot lines ~~to the nearest thirty (30) seconds;~~
- e. Radii, central angles, tangents, lengths of arcs, and curvatures of all street lines;
- f. Lengths and widths of all easements provided for or owned by public services and utilities, with accurate dimensions in feet and hundredths, including notation of any limitations on such easements;
- g. All water courses, streams, lake shores, wetlands, and flood plains (based on 100-year flood) meander lines with distances and bearings, including the fluctuation distance indicating ordinary high and low marks;
- h. Lot numbers, **lot lines with distances and bearings**, and a statement of the total number of lots. ~~Lot lines shall be defined by distances in hundredths of a foot and in degrees to the nearest one-half (1/2) of a minute, either by magnetic bearings or by angles of deflection from other lot and street lines; and~~
- i. The location (and elevation, if established) of all existing and proposed street monuments.

(3) *Additional information.*

- a. On a separate sheet the correct street names and property numbers for all lots and parcels in accordance with the requirements of the department of public works and the postmaster for the Town of Surfside Beach;
- b. Building setback lines accurately shown with dimensions;
- c. A statement of the intended use of all nonresidential lots, with reference to existing or proposed restrictions, as will exist as covenants in the deed; and
- d. Accurate boundaries of any area to be dedicated or reserved for public use or acquisition, designated as blocks "A", "B", "C", etc., with the purpose indicated thereon and in the dedication. Any area to be reserved by deed covenants or restriction for the common use by owners of land contained within the subdivision shall be indicated.

(4) *Certification.* The following certificates shall be lettered or printed on the face of the final plat in substantially the same form as provided in the appendix:

- a. ~~Surveyor or engineer~~ **Certificate of accuracy.** The signature, seal, and certification of a registered professional land surveyor or engineer to the effect that the final plat accurately reflects a survey made by him, that any changes for the description appearing in the last record transfer of land contained in the final plat are so designated, that all monuments shown thereof actually exist or will be installed and their positions are

### ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

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accurately shown, and that all dimensional and geodetic details are correct. (~~see Appendix A attached to Ord. No. 03-0496 and available for inspection in the office of the town clerk~~). Only the engineer's or land surveyor's signature is required on the reproducible copy. Both seal and signature are required on the paper copies.

- b. ~~Owners certification~~ *Certificate of ownership and dedication*. A notarized certification of title showing that the applicants are the owners and statements by such owners acknowledging offers of dedication of land for public use and restricting land by protective covenants. This certification shall also indicate that the title thereof is free and unencumbered (~~see Appendix A attached to Ord. No. 03-0496 and available for inspection in the office of the town clerk~~).
- c. ~~Certification by town designated engineer or representative~~ *Certificate of approval for streets and other dedications (when applicable)*. The signature and approval of the town's designated engineer or representative shall be construed as acceptance by the town of the applicant's offer of dedication of land for public use, unless otherwise noted on the plat. Such approval shall indicate that required improvements have been satisfactorily installed or that adequate financial guarantees have been provided.
- d. *Certification of water and sewer availability or extension*. The signature of a representative from the applicable water and sewer authority indicating: 1. water and sewer services are presently available to the lot; 2. plans for water and sewer service extensions have been provided to the utility, approved by the SC Department of Health and Environmental Control, and the subdivider has posted a surety instrument to guarantee installation; or 3. any combination of the foregoing that demonstrates that the subdivision will be serviced by public water and sewer.
- e. ~~Certification by planning and zoning commission~~ *Certificate of approval for recording plat*. The signature of the chairman of the Surfside Beach Planning and Zoning Commission or, when authorized, the development administrator attesting to the plat's approval pursuant to these regulations and authorizing said plat to be recorded in the Office of the Horry County Register of Deeds.
- f. *Recording notations*. Appropriate notations for transfer and recording by the county clerk of court, indicating date and time of recording, the plat book location thereof, and instrument number.

(5) *Improvement plans and data.*

- a. The subdivider shall submit construction plans and specifications for all improvements and installations required by Article IV of this chapter. The construction plans and specifications shall consist of all cross-sections, profiles and other engineering data deemed necessary by the ~~town building code official~~ *development administrator* or designated engineer for the proper design and construction of all required improvements and installations.
- b. No installation work or construction, other than rough grading shall be done on any said improvements and installations until a construction agreement or financial guarantee is posted, and until such plans and specifications have been submitted, approved, and notice has been provided in accordance with Article IV of this chapter. ~~to the planning and~~

### ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES

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~~zoning commission. The subdivider shall notify the building code official of his intention to begin such work at least twenty-four (24) hours in advance, in order that inspection may be made as the work progresses.~~

- (6) *Financial guarantees.* ~~Financial guarantees~~ A surety instrument in the amount of one hundred ~~ten~~ ~~twenty-five~~ (110) (125) percent of the cost of all required improvements and installations shall be submitted in a form and for an amount acceptable to the commission, or when delegated, the administrator as provided in Article VI of this chapter. ~~to the planning and zoning commission along with the final plat. Approval shall not be granted in the absence of such guarantee.~~ Where improvements are required but have not been installed or accepted, no final approval shall become effective nor shall any authorization to record a plat be given in the absence of a surety instrument.

**SECTIONS 15-354. through 15-399. [RESERVED]**

**ARTICLE III. SUBDIVISION SUBMISSION AND REVIEW PROCEDURES**

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## **ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS**

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### **DIVISION ONE: GENERALLY**

#### **SECTION 15-400. PURPOSE**

It is the purpose of this article to establish standards for the design and installation of improvements within subdivisions and other land developments. A well designed development means little to prospective lot buyers, tenants, and/or prospective users until raw land is physically transformed into lots or building sites and all necessary improvements are provided. In order for new subdivisions and developments to be a community asset rather than a liability, the developer shall install and/or pay for the improvements required by these regulations.

#### **SECTION 15-401. PROVISIONS OF THIS ARTICLE TO BE CONSTRUED AS MINIMUM STANDARDS**

The design and improvement standards contained herein shall be considered the minimum requirements. The planning commission or development administrator may require design elements or improvements in addition to those outlined herein where deemed necessary to ensure compliance with this chapter or to ensure compliance with other code provisions applicable to a development.

#### **SECTION 15-402. CONFORMANCE WITH APPLICABLE RULES AND REGULATIONS**

In addition to the regulations set forth herein, the design, construction, and/or dedication of improvements shall comply with the following laws, rules, and regulations:

- (1) All applicable federal laws including the administrative regulations promulgated by federal departments and agencies;
- (2) All applicable provisions contained in the South Carolina Code of Laws or South Carolina Code of Regulations;
- (3) All jurisdictional ordinances;
- (4) The requirements of the Horry County Health Department and the South Carolina Department of Health and Environmental Control;
- (5) The rules of the South Carolina Department of Transportation if the subdivision or development abuts a state highway or connecting street;
- (6) The rules of the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management; and
- (7) The standards and regulations promulgated by all applicable commissions, boards, municipal officials, and agencies, including the standards and regulations of affected utility providers.

Final plat approval or the acceptance of improvements may be withheld if a subdivision or other land development is not in compliance with any of the above and conflicts with the stated purpose(s) of these regulations as provided in section 15-003.

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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### SECTION 15-403. SITE CONDITIONS PRECLUDING DEVELOPMENT APPROVAL

- (a) *Unsuitable soil conditions.* The planning and zoning commission or, when applicable, the development administrator shall not approve a subdivision where the soil conditions have been determined not suitable for development purposes of the kind proposed.
- (b) *Land subject to flooding.* Land subject to flooding shall not be platted for residential occupancy, nor for such uses as may increase danger to health, life, or property or aggravate erosion or flood hazard. No subdivision or other development plan shall be approved unless adequate provisions for flood damage prevention are made. The planning commission or, when applicable, the development administrator shall not approve any development of land subject to flooding that would increase danger to health, life, or property or aggravate erosions or flood hazard.

### SECTIONS 15-404. through 15-419. [RESERVED]

## DIVISION TWO: SUBDIVISION LOT DESIGN

### SECTION 15-420. LOT ARRANGEMENT

Lot arrangement shall be such that there will be no foreseeable difficulties, for any reasons of topography or other conditions, in securing building and zoning permits. Lot arrangements shall accommodate the future location of driveway access to buildings and lots from an approved street.

### SECTION 15-421. STREET FRONTAGE

All lots created hereafter shall have frontage on and access to a public street. The minimum frontage standards of section 17-401 of this code shall apply to lots designed for residential uses. Except as provided herein, no subdivision affecting a nonresidential use(s) shall be approved unless the lot(s) to be subdivided have a minimum of fifty (50) feet of frontage on a public street. In the Central Business District (C-2), lots created hereafter shall have a minimum of twenty five (25) feet of frontage.

### SECTION 15-422. DOUBLE FRONTAGE LOTS AND ACCESS TO ARTERIALS

- (a) *Double frontage lots.* Double frontage lots shall be avoided except where it is necessary to provide separation of residential development from traffic arterials or overcome specific disadvantages of topography or orientation.
- (b) *Residential buffers for arterial or collector streets.* Where a subdivision abuts or contains an existing or proposed arterial or collector street, the planning and zoning commission may require marginal access streets, double frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

### SECTION 15-423. LOT DIMENSIONS AND LOT LINES

- (a) *Conformance with zoning ordinance.* Residential Lots in subdivisions shall meet the lot width, depth, and area requirements of the zoning ordinance, included in this code as Chapter 17.

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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- (b) *Corner lot dimensions.* Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback and to meet a side yard requirement no more than ten feet closer to the side street than the front yard setback.
- (c) *Orientation of lot lines.* Side lot lines shall be substantially at right angles or radius radial to street lines unless the planning commission determines that a variation from this rule will give a better street plan.

### SECTION 15-424. BLOCKS

- (a) *Lengths.* Block lengths in subdivisions shall not exceed one thousand eight hundred (1,800) feet nor be less than three hundred (300) feet.
- (b) *Widths.* Blocks in subdivisions shall have sufficient width to allow two (2) tiers of lots of minimum depth. The planning commission may permit blocks may be one (1) lot in depth where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential areas.

### SECTION 15-425. LOT AND SUBDIVISION MONUMENTS

- (a) *Monuments.* Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments if and when required. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive materials and marked plainly with the surveyor's registration number, the month and year it was installed and the words "Monument" or "Corner." A monument shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above finished grade unless this requirement is impractical.
- (b) *Property markers.* All corners and points within a subdivision shall be marked with monuments in accordance with the most current edition of the "Standards of Practice Manual for Surveying in South Carolina".
- ~~(b) *Property markers.* A steel or wrought iron pipe or the equivalent, not less than three-fourths (3/4) inch in diameter and at least thirty (30) inches in length shall be set at all property corners, except those located by monuments.~~
- ~~(c) *Degree of accuracy.* Monuments and property markers shall be measured and installed to an accuracy of 1:5,000 feet for residential property and 1:10,000 feet for commercial and all other property.~~

### SECTIONS 15-426. through 15-429. [RESERVED]

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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### DIVISION THREE: UTILITIES

#### SECTION 15-430. ESSENTIAL UTILITIES REQUIRED

No subdivision or other development shall be approved unless an adequate provision is made for water, sewer, and electric service. Public water, sewer, and electric services shall be extended throughout the development and to each lot therein.

#### SECTION 15-431. UTILITIES TO BE LOCATED UNDERGROUND

All new utility lines to service subdivisions or other developments will shall be underground. In cases involving minor subdivisions, the planning commission may permit above ground placements and/or extensions based on documentation from the utility provider demonstrating adverse subsurface conditions, impediments or impracticalities caused by existing infrastructure, or other related engineering concerns.

#### SECTION 15-432. UTILITY EXTENSIONS TO MEET APPLICABLE REQUIREMENTS

All utility extensions of ~~public water and sanitary sewer systems~~ shall be provided by the ~~subdivider~~ developer and have the approval of the appropriate town or utility agency involved and shall be constructed according to such agency's standards and under such agency's supervision. Where, in addition to any local approval, the extension of utilities requires the approval of a state agency, e.g. the South Carolina Department of Health and Environmental Control, the requirements of such agency shall also apply.

#### SECTION 15-433. UTILITY LOCATIONS IN RELATION TO STREET

- (a) *Utility location.* Utilities, when practicable, shall be placed in a utility easement to the rear of a lot or adjacent to the street's right-of-way. Where an extension would require placement within the street's right-of-way, the utility lines shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five feet from the paved surface of a street. Utilities shall not be placed within the slope or flow line of any drainage ditch. Except in zoning districts permitting buildings to be located on the front property line, utilities shall not be located under a sidewalk.
- (b) *Exemptions.* Notwithstanding subsection (a) above, laterals to service individual lots and utility crossovers are permitted under street pavement, sidewalks, and within drainage ditches provided the planning commission or, when applicable, the development administrator determines that such placements would not interfere with the use or maintenance of the affected infrastructure. The planning commission or development administrator shall coordinate such approval with the town's public works director in conformance with Chapter 12 of this code.

#### SECTION 15-434. FIRE HYDRANTS REQUIRED

Fire hydrants adequate to meet the needs of the subdivision or other development shall be provided by the developer. Fire hydrant(s) location, spacing, and number shall be in accordance with the requirements of the International Fire Code, latest edition.

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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### SECTION 15-435. UTILITY EASEMENTS

- (a) Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided in subdivisions as required for utility lines and underground mains and cables.
- (b) Where a utility line(s), main(s), or cable(s) is placed within or adjacent to a street's right-of-way, an easement(s) having a minimum width of ten (10) feet shall be located on the abutting lot and shall extend parallel with the street's right-of-way line.

### SECTION 15-436. UTILITY EXTENSIONS TO BE COORDINATED WITH STREET CONSTRUCTION

- (a) The construction and/or extension of utilities shall be coordinated with street construction as provided in this article. The placement of utilities, with the installation of laterals to service individual lots, shall occur prior to the surfacing of any street to avoid surface cuts. Compacted subgrade or base materials disturbed by the placement of utility lines, cables, and mains shall be re-compacted and tested prior to the surfacing of any street.
- (b) Where the construction and/or extension of utilities require the cutting of an existing street's surface, excavation, or other in-right-of-way disturbance, compliance with the requirements imposed by Chapter 12 of this code shall be required. The planning commission or development administrator shall require the posting of a surety instrument to guarantee the replacement or reconstruction of disturbed infrastructure.
- (c) Where utilities are located within a right-of-way that is pending acceptance by the town, the final approval and acceptance of the utility infrastructure by the applicable service provider is required prior to the town's acceptance of the street for public maintenance.

### SECTIONS 15-437. through 15-439. [RESERVED]

## DIVISION FOUR: STORM DRAINAGE AND FLOODING

### SECTION 15-440. GENERAL REQUIREMENTS

- (a) No subdivision or other development plan shall be approved unless adequate provisions for storm or flood water runoff channels or basins are made. The storm drainage system shall be separate and independent of any sanitary sewer system. The commission and/or *development* administrator shall require the submission of drainage plans and related computations during the subdivision or development review process in accordance with Chapter 14 of this code.
- (b) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters.

### SECTION 15-441. DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD

- (a) Infrastructure, to include water, sewer, and/or other utilities, shall be located in a manner as to minimize the potential for flood damage. All above ground utility structures (e.g. pump and lift stations, electrical conduit platforms, etc) shall be elevated no less than one (1) foot above the base

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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flood elevation or shall be flood proofed in accordance with the requirements of Chapter 14 of this code.

- (b) The construction of new streets within an area of special flood hazard is discouraged. When a new street is necessary to provide property connectivity, emergency services, or is in the public interest, the planning commission may approve the new street's construction. The commission may require, at the expense of the developer, remediation and accompanying data from a licensed engineer that demonstrates that the proposed encroachment will not result in the adverse displacement of water during a flood event. The commission shall deny any proposals where the displacement of floodwaters, resulting from street construction, cannot be abated.

### SECTION 15-442. DRAINAGE EASEMENTS

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the street right-of-way, unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street line and with satisfactory access to the street. Drainage easements shall be required for all retention or detention basins, drainage channels, ditches, storm pipes or drains, and discharge structures necessary to ensure a development's compliance with Chapter 14 of this code. Easements shall be platted.
- (b) *Lots abutting or encompassing a surface water body. In addition to easements required by subsection (a), the planning commission and/or development administrator may require a drainage easement(s) of fifteen (15) feet in width on lots adjacent to or encompassing a surface water body (pond or lake) greater than 10,890 square feet in area. Such easements shall be measured from the design high-water mark of the pond or lake and extend landward. Easements of greater width may be required upon finding that an additional width would be necessary to ensure the perpetual maintenance of the water body, guard against erosion, ensure water quality, or protect structures from flooding.*
- (c) When a proposed drainage system will alter water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat with maintenance standards specified either on or accompanying the final plat.

### SECTIONS 15-443. through 15-449. [RESERVED]

## DIVISION FIVE: STREET AND SIDEWALK DESIGN AND IMPROVEMENT STANDARDS

### SECTION 15-450. PURPOSE AND INTENT OF DIVISION

This division establishes basic design and improvement standards for new streets, sidewalks, and other right-of-way appurtenances. The requirements of this division are to be considered the minimum standards for the design and construction of streets within the Town of Surfside Beach.

The State of South Carolina's Department of Transportation has promulgated a construction standards manual entitled "SCDOT Standard Specifications for Highway Construction" [SCDOT's specifications]. The regulations contained in SCDOT's specifications (latest edition) are to be considered supplemental to the requirements of this division. Where this division does not provide a specific standard for construction, material type, inspection, or testing or where this division provides a lesser standard, the

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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requirements as contained in SCDOT's specifications shall apply and shall govern the occurrence. Where this division provides standards in excess of those contained in SCDOT's specifications, the provision of this division shall govern. All questions concerning an alleged conflict between the requirements of this division and those contained within SCDOT's specifications shall be referred to the development administrator for resolution.

### SECTION 15-451. STREET DESIGN IN GENERAL

- (a) *Conformity to existing maps and plans.* The location and width of all proposed streets in subdivisions shall be in conformity with official plans and maps of the town and with existing or amended plans of the planning ~~and zoning~~ commission. All proposed streets and all requests for transfer of ownership of existing subdivision streets shall be coordinated by ~~town staff~~ the development administrator for presentation to the planning ~~and zoning~~ commission for its review and recommendation to town council where final review for approval shall occur.
- (b) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area. Where feasible, existing principal streets shall be extended.
- (c) *Access to adjacent properties.* Where it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.
- (d) *Private street.* There shall be no private streets platted in any subdivision.
- (e) *Local streets.* Local streets shall be so laid out that their use by through traffic will be discouraged.
- (f) *Reserved strips prohibited.* Reserved strips at the terminus of a new street shall be prohibited.
- (g) *Alleys.* Service alleys or drives may be required in multiple dwelling, commercial and industrial developments and shall have a minimum surface treatment width of twenty (20) feet, but shall not be provided in one-family and two-family residential developments unless the subdivider provides evidence satisfactory to the planning ~~and zoning~~ commission of the need for alleys.
- (h) *Gutters.* Curb and gutters or valley gutters shall be required on all new streets.
- (i) *Streetlights.* Streetlights shall be provided by the developer at intervals a minimum of every one thousand (1,000) feet. Upon the recommendation of the Surfside Beach Police Department, the planning commission may require additional lighting in cases where increased illumination would be necessary to provide for pedestrian safety.

### SECTION 15-452. STREET NAMES

Proposed streets that are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffixes street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking, or in any deed or instrument, without first getting approval of the planning commission.

### SECTION 15-453. INTERSECTIONS AND STREET JOGS

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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- (a) Street intersections shall be as nearly at right angles as practicable. Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross such features at or near to right angles as is possible within the limits of topographic conditions.
- (b) Offset intersections shall be avoided. A minimum intersection offset of two-hundred (200) feet shall be maintained.
- (c) Street jogs with centerline offsets of less than two hundred (200) feet shall be avoided.

### SECTION 15-454. CUL-DE-SACS

- (a) Permanent dead-end streets shall not exceed six hundred (600) feet in length and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet.
- (b) Temporary dead-end streets shall be provided with a turnaround having a sixty-foot diameter or a "T" type design of sufficient dimensions to allow for adequate turning maneuvers.
- (c) When an internal circle or traffic control island is utilized in a cul-de-sac, the pavement width shall be a minimum of twenty (20) feet as measured from the nearest edge of the turnaround circle to the outside edge of pavement. The planning commission may require a greater pavement width on nonresidential streets, not to exceed thirty (30) feet. The diameter of the internal circle of island shall not be less than twenty (20) feet or more than forty (40) feet. The sum of the diameter of the internal circle or island's diameter and the width of the paved turn around shall not equal less than eighty (80) feet.

### SECTION 15-455. CUL-DE-SAC ISLANDS AND MEDIANS

- (a) *Cul-de-sac islands.* A natural or planted island may be used in the center of a cul-de-sac if the island meets the dimensional requirements of section 15-454. The cul-de-sac island shall be included within the platted right-of-way. Landscaping of such islands shall not interfere with the sight distance requirements of section 15-548. Landscape materials shall require the approval of the public works director prior to planting.
- (b) *Medians.* A landscaped street median may be included as part of a street's design. When used, medians shall be no less than six (6) feet wide for local and marginal access streets, nine (9) feet wide for collector streets, and twelve (12) feet wide for arterial streets. The street median shall be included within the platted right-of-way and the minimum right-of-way width as required by Table 15-546 shall be increased by an amount equal to the width of the median. Landscaping of such islands shall not interfere with the sight distance requirements of section 15-458. Landscape materials shall require the approval of the public works director prior to planting.
- (c) *Maintenance.* Upon dedication and acceptance of the street, the Town of Surfside Beach shall not be responsible for the upkeep or replacement of any specific landscaping element(s) within a cul-de-sac island or street median. The developer or property owner's association may petition the town council and the council may authorize, by revocable permit, the private maintenance of the center island or street median.

### SECTION 15-456. RIGHT-OF-WAY AND PAVEMENT WIDTH

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**ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS**

(a) All streets hereafter created or extended shall observe the minimum street right-of-way widths and minimum paving widths as illustrated in Table 15-456:

<b>Table 15-456</b>			
<b>Minimum Right-of-Way and Pavement Widths (1)</b>			
<b>STREET CLASSIFICATION</b>	<b>Pavement Width (2)(3)(4)(5) (Curb and Gutter Design)</b>	<b>Pavement Width (2)(3)(4)(5) (Valley Gutter Design)</b>	<b>Right-of-Way Width (5)</b>
<b>Local Street</b>	22	22	<del>60</del> 50
<b>Marginal Access Street</b>	22	22	50
<b>Collector Street</b>			
Two-lane	22	22	50
Three-lane	33	33	60
Four-lane	44	44	70
<b>Arterial Street</b>			
Four-lane	52	52	80
Five-lane	64	64	95
Six-lane	76	76	110
<b>Table Notes:</b>			
(1) All values are expressed in feet.			
(2) Pavement width is measured from the edge of pavement to the edge of pavement and does not include the width of the curb or gutter.			
(3) Except for local streets, the pavement widths shown does not provide for on-street parking (see section 15-465). Pavement widths for local and marginal access streets are for two lane streets only. Where additional drive lanes are provided, add ten feet per lane.			
(4) The minimum pavement width as provided in the above table does not include left turn lanes or service lanes. The minimum pavement width required shall be increased by twelve (12) feet where a turn lane is provided and seven (7) feet for each service lane. Service lanes are intended only for the loading and unloading of passengers and goods for disabled vehicles and not for the storage of vehicles.			
(5) Right-of-way widths greater than required are encouraged because they make a safer, more aesthetic, and more comfortable facility and permit future roadway widening without disrupting abutting property. The minimum right-of-way width as provided in the above table does not include medians, left turn lanes, or service lanes. The minimum right-of-way width shall be increased by ten feet (10) where a turn lane is provided and five (5) feet for each service lane. Where a median is provided, the minimum right-of-way width shall be increased in accordance with section 15-455(b).			

(b) In cases where a street improvement will extend an existing street, the planning commission may, in addition to the minimum standards established in Table 15-456, require that the extension's pavement and right-of-way width be equal to that of the existing street.

**SECTION 15-457. DESIGN SPEED**

The minimum design speeds for streets shall be as illustrated in Table 15-457:

<b>Table 15-457</b>	
<b>Minimum Design Speed for Streets</b>	
<b>STREET CLASSIFICATION</b>	<b>MINIMUM DESIGN SPEED (mph)</b>
<b>Local Street</b>	30
<b>Marginal Access Street</b>	30
<b>Collector Street</b>	35
<b>Arterial Street</b>	40

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**SECTION 15-458. DESIGN CRITERIA FOR VERTICAL AND HORIZONTAL CURVES**

(a) Vertical curves shall provide at least the minimum stopping sight distance and horizontal curves shall have at the least the minimum radius as recommended in the American Association of State Highway and Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets* (latest edition). The development's engineer shall certify the plan's conformance with AASHTO standards upon the submission of the preliminary plat and accompanying construction documents.

(b) The planning commission may grant a design modification(s) from the terms of this section in cases where, in addition to the requirements imposed by Article II, the developer's engineer certifies that such deviation would not result in an unsafe or hazardous street condition.

(a) On any given Vertical curves shall provide at least the minimum stopping sight distance and horizontal curves shall have at least the minimum radius, both as indicated of the applicable design speed in the following table:-

<b>Table 15-458 Rounded Geometric Design Criteria</b>						
<b>DESIGN CRITERIA</b>		<b>Design Speed (mph)</b>				
		<b>30</b>	<b>35</b>	<b>40</b>	<b>45</b>	<b>50</b>
<b>Stopping sight distance (see note 1):</b> —						
	<i>Minimum stopping sight distance (ft.)</i> —	200	240	275	315	350
<b>K value for (see note 2):</b> —						
	<i>1. Crest vertical curve</i> —	30	40	55	70	85
	<i>2. Sag vertical curve</i> —	35	40	55	60	75
<b>Horizontal curves (see note 3):</b> —						
	<i>Minimum centerline radius (ft.)</i> —	250	350	450	600	750
	<i>Maximum degree of curve (D°)</i> —	23.0	16.5	12.5	9.5	7.5
<b>Table Notes:</b> (1) From AASHTO 1965 Geometric Design Policy for Rural Highways, with some rounding and interpolation. (2) K value is a coefficient by which the algebraic difference in grades (see Figure 1) should be multiplied to determine the minimum length in feet of the vertical curve (simple parabolic) which will provide minimum sight distance. (3) See Figure 2 for minimum setback required to provide minimum stopping sight distance for sight obstructions on inside of horizontal curves.						

(b) Figure 1: Types of Vertical Curves

(c) Figure 2: Stopping Sign Distance on Horizontal Curves Open Road Conditions

Figure 2 is a design chart showing the required middle ordinates for clear sight areas at various degrees of curve to satisfy stopping sight distance requirements. This is an application of simple geometry for the several dimensions, as indicated in the diagrammatic sketch and formulas on the figure. These formulas apply only to circular curves longer than the sight distance for the pertinent design speed. For any design speed the relation of D to m is a straight line. In this chart form, relations of D, m and V can be quickly checked. For example, with a 50 mph design speed and a 5-degree curve, a clear sight area with a middle ordinate of 13.3 feet is required. As another example,

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for a sight obstruction condition with a 20 feet on a 10 degree curve, the resulting sight distance is equivalent to a design speed of about 44 mph.

### SECTION 15-459. CURVE TANGENTS

Between reverse curves, there shall be a tangent of not less than one hundred fifty (150) feet for local and marginal access streets, two hundred (200) feet for collector streets, and two hundred fifty (250) feet for arterial streets.

### SECTION 15-460. GRADES AND STREET CROWN

(a) *Grades.* A minimum grade of .5 percent is to be maintained on all streets with curb and gutter, paved valley gutters, or center gutters to insure proper drainage. The maximum permissible grade on a street is ten (10) percent. The planning commission may modify this requirement pursuant the design modification procedures established in Article II. The planning commission shall not grant a design modification from this provision preceding a referral to the public works director for recommendation.

(b) *Crowns.* Streets are to have a minimum cross slope of ¼ inch per foot.

### SECTION 15-461. CONSTRUCTION STANDARDS AND SURFACING

(a) All new streets are to be constructed and surfaced in accordance with these regulations and, when applicable, the standards as set forth in the “SCDOT Standard Specifications for Highway Construction” (latest edition). In addition to all standards previously listed, the following construction standards are required:

(1) *Clearing and grubbing.* All work is required to conform to the standards as set forth by the SCDOT’s specifications, latest edition.

(2) *Subgrade.* The street subgrade shall consist of sound, undisturbed natural subsoils compacted to 95% Modified Proctor as specified in Section 208 of the SCDOT’s specifications.

(3) *Base courses.* Base course shall consist of one of the following types:

- a. Soil aggregate (coquina) as specified in Section 304, SCDOT’s specifications;
- b. Stabilized Aggregate as specified in Section 305, SCDOT’s specifications;
- c. Cement Stabilized Aggregate as specified in Section 308, SCDOT’s specifications; or
- d. Hot Laid Asphalt Aggregate Base as specified in Section 311, SCDOT’s specifications.

(4) *Surface course.* The surface course shall consist of Hot Laid Asphalt Concrete Surface Course, Type I and Type III, as specified in Section 403, SCDOT’s specifications.

(5) *Paving tolerances.* The average of the core samples shall be at least the minimum required paving depth. No individual core depth shall be less than 90% of the minimum required depth. Where areas of inadequate depth are found, additional cores shall be taken to define the deficient area. The deficient area shall be removed and replaced in a curb and gutter situation, or overlaid if no curbing is present. Overlay shall be a 1” minimum depth. Paving

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

“birdbaths” shall be no larger than twenty (20) square feet and no greater than 3/16” deep when measured with an eight (8) foot straightedge.

- (6) *Traffic control.* Traffic control signs shall be installed in accordance with the *South Carolina Manual of Uniform Traffic Control Devices* as required by state law. Speed limit signs shall be posted at the entrances to developments and at appropriate intervals within the development. All traffic control sign surfaces shall be Type III High Intensity Sheeting. Signs shall be mounted on steel u-channels.
- (7) *Signs.* Except as provided herein, street name signs shall be the standard Town of Surfside Beach size and color and shall be mounted on steel posts with appropriate brackets. *The public works director may authorize the use of substitute materials, including wood.*
- (8) *Striping.* Pavement striping of collector roads and arterials shall be required, to include centerlines, edge lines (unless curb and gutter is used) lane dividers, turn arrows, stop bars, and pedestrian crossings. All lane striping shall be latex-based. All stop bars, turn arrows, and pedestrian crossings shall be thermoplastic *or equivalent.*
- (b) Material thickness. The minimum required materials, base, and pavement thickness are provided in Table 15-461. The values shown are the minimum required for good soil conditions. The planning commission or development administrator may require that a geotechnical report and pavement design be provided if the native soil conditions are considered unsatisfactory or of questionable quality.

<b>Table 15-461 Base and Pavement Table of Materials and Minimum Thickness</b>				
<b>Street Type</b>	<b>Subgrade</b>	<b>BASE</b>	<b>BINDER</b>	<b>SURFACE</b>
Local Street	12"	9" Coquina or 6" SABC	None required	2" Type I
Marginal Access Street	12"	9" Coquina or 6" SABC	None required	2" Type I
Collector (Major)	12"	12" Coquina or 8" SABC	1.5"	1.5" Type I or 3" Type I if Binder is not used
Arterial Streets (Major)	12"	15" Coquina or 10" SABC	2"	2" Type I

### SECTION 15-462. SIDEWALKS

- (a) When a new street(s) is to be dedicated or in cases where a sidewalk(s) is planned as part of a development proposal, sidewalks shall be constructed in accordance with the requirements of this section and SCDOT's specifications. The construction and dedication of sidewalks shall be concurrent with the construction and dedication of streets as provided by this division.

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- (b) Sidewalks shall be constructed on both sides of the street for all zoning districts and planned developments, except the R-1 and R-2 Districts. In the R-1 and R-2 Districts, sidewalks shall be constructed, at a minimum, the full length of one street side.
- (c) Sidewalks shall be constructed to a sufficient width, slope, and provide ramping to ensure accessibility as required by the Americans with Disabilities Act (ADA). The minimum width for sidewalks constructed hereafter is provided in Table 15-462 below:

<b>Table 15-462 Minimum Sidewalk Width</b>	
<b>Street Type</b>	<b>Minimum Sidewalk Width</b>
Local Street	5 feet
Marginal Access Street	5 feet
Collector Street	7 feet
Arterial Street	9 feet

Where a new sidewalk will serve as an extension to an existing sidewalk having a greater width than provided in Table 15-462, the planning commission may require that the new sidewalk be constructed at a width equal to the width of the existing sidewalk.

- (d) All new sidewalks shall be constructed within the dedicated right-of-way. In residential districts the sidewalk shall be setback a minimum of eighteen (18) inches from the back of the street curb. The area between the sidewalk and the street curb or surface shall be landscaped with grass. Where other plantings are proposed by a developer, the planning commission may approve such plantings subsequent to a recommendation from the public works director.
- (e) Except as provided in section 15-466, sidewalks are to be constructed of Portland Cement.

### **SECTION 15-463. BICYCLE LANES**

The inclusion of bicycle lanes and paths in development design is optional. Where provided, the design and construction of bicycle lanes shall observe the following:

- (1) Bicycle lanes shall be placed on the outside edge of the street, adjacent to the curb or shoulder. In cases where on-street parking is used, bicycle lanes shall be between the parking lane and the outer lane of moving traffic;
- (2) Bicycle lanes are to be considered part of the street. Pavement widths as provided in Table 15-546 shall be increased by an amount proportional to the area (width) required to accommodate the inclusion of the bicycle lane(s);
- (3) Bicycle lanes shall be delineated by striping. Raised reflectors or curbs shall not be used; and
- (4) Bicycle lanes shall meet the minimum width and other specifications as established by AASHTO standards.

### **SECTION 15-464. PEDESTRIAN PATHS**

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- (a) The inclusion of pedestrian paths in development design is optional. Where provided, pedestrian paths shall be constructed of durable materials such as concrete, asphalt, pavers, gravel, or similar materials. Pedestrian paths and crossings located within a street right-of-way shall be constructed to the same standards and materials applicable to sidewalks. Pedestrian paths located outside of a dedicated right-of-way shall be maintained by the developer or homeowner's association.
- (b) Where pedestrian paths are provided in planned development districts, the planning commission may reduce, through design modification, the requirement for sidewalks as provided in section 15-462. Such reduction shall only be granted in instances where:
- (1) Access to individual lots would be accomplished through pedestrian paths in a manner similar to that accomplished through the provision of sidewalks;
  - (2) The provision of pedestrian paths, in lieu of sidewalks, would facilitate an optimum development design;
  - (3) The pedestrian path is located within an easement of no less than fifteen (15) feet in width and public access to the path is unrestricted;
  - (4) The pedestrian path is improved to a width equal to or greater than would be required for a sidewalk placement. The width, surface materials, and slope are sufficient to accommodate access and the path would comply with the requirements of the Americans with Disabilities Act;
  - (5) The modification would not conflict with the planned development's conceptual plan or text as approved by the town council; and
  - (6) The proposal includes a mechanism for perpetual private maintenance of all improvements outside of the street right-of-way.

### **SECTION 15-465. DESIGNATED ON-STREET PARKING**

Where designated on-street parking is to be provided in conjunction with a proposed street, pavement width shall be increased to accommodate parking stalls. Excluding local streets, a minimum seven (7) feet of additional surface shall be required for each street side that designated parallel parking is proposed. In such instances, the planning commission may require a right-of-way width in excess of the minimum established by Table 15-456. Designated angled or slanted parking on proposed streets is discouraged and the commission shall deny such proposals except in cases where it can be demonstrated that the parking arrangement is in the public interest and safety concerns can be mitigated.

### **SECTION 15-466. DECORATIVE AND SUBSTITUTE MATERIALS**

- (a) The planning commission may approve sidewalks and/or street surfaces that incorporate decorative elements or substitute materials provided the request is accompanied by certification from the developer and public works director indicating:
- (1) The substitute material(s) is of equal or comparable strength and durability;
  - (2) The substitute material(s) or decorative elements can be maintained by the town without additional public expenditure; and

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- (3) The substitute material(s) or decorative element(s) will not compromise the accessibility of the sidewalk or the functionality of the street.
- (b) The dedication and subsequent acceptance of streets and sidewalks containing decorative elements or substitute materials shall in no way obligate the town council to repair or replace any damaged or deteriorated section to the original design standard.

### SECTIONS 15-467. through 15-468. [RESERVED]

## DIVISION SIX: IMPROVEMENT CONSTRUCTION AND ACCEPTANCE

### SECTION 15-469. PURPOSE AND INTENT OF DIVISION

This division establishes the procedures for the dedication, construction, and acceptance of streets and in-right-of-way infrastructure. It is the intent of this division to establish a seamless process for the transfer of streets, sidewalks, and other street features into public ownership and maintenance. Where the dedication, construction, and acceptance of infrastructure, such as utilities, are governed by the rules and procedures of non-municipal agencies or other chapters of this code, the developer shall follow such rules and procedures.

### SECTION 15-470. STREET CONSTRUCTION PLANS AND OTHER DOCUMENTS

- (a) *Plan required.* Street construction shall not commence until a preliminary plat, illustrating the proposed street, has been approved by the planning commission and street construction plans, consistent with the requirements of this article, have been submitted to and approved by the development administrator. Construction plans shall be prepared by a licensed engineer and shall consist of three (3) blue or black line copies of the proposed construction on sheet sizes of twenty four (24) inches by thirty six (36) inches. The following information shall be shown:
  - (1) Street profiles. The final grades of each street shall be shown at a horizontal scale equal to one-tenth of the horizontal scale.
  - (2) Street cross-section. A scale of one (1) inch to ten (10) feet shall be used to show the cross-section of each new street. The cross-section shall include pavement width, curb, gutters, sidewalks, utility locations, and, where applicable, designated on-street parking.
  - (3) Miscellaneous depictions. Drainage easements, rights-of-way improvements including the location of sidewalks, manholes, and catch basins, street signs, street lights, the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and all underground utilities including fire hydrant hook ups shall be illustrated.
  - (4) Other materials. When the proposed subdivision or development is only a portion of the owner's holdings and intentions are for future development, a sketch plan illustrating the street layout and proposed lots of the remaining tract is required.
- (b) *Plan approval.* The development administrator shall coordinate the review of construction drawings and other documents with the public works director. The *development* administrator's written determination shall incorporate any comments or conditions of approval as submitted by the public

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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works department. The *development* administrator shall have sixty (60) days following the submission of the street construction plan to approve, approve with conditions or other modifications, or disapprove the plan. The sixty (60) day timeline may be extended with the mutual agreement of the applicant and the *development* administrator. The failure of the *development* administrator to act within sixty (60) days or within any agreed extension shall constitute approval of the plan; however, the failure of the administrator to act on the request shall not bind the town council to accept any street into public maintenance which does not meet the requirements of this chapter.

- (c) *Dedication documents.* Prior to the start of construction, the developer shall submit to the development administrator a Right-of-Way Deed, Warrant Agreement, Joinder and Consent to Dedicate, and all other pertinent documents required by the planning commission or the town's attorney necessary to convey title to the right-of-way once the street(s) has been constructed and accepted by town council. The final (record) plat shall not be signed until these documents are received and a surety instrument has been posted in accordance with Article VI, Division One (sample documents are included in Appendices A and B).
- (d) *Start of Construction.* Upon plan approval and acceptance of dedication documents, the approval of all other regulatory permits, and following a pre-construction conference attended by the project contractor, the *development* administrator, and the public works director, construction may commence.

### SECTION 15-471. INSPECTIONS

- (a) The development administrator shall coordinate the inspection of improvements with the public works department. Inspections will be required after the following stages of construction and shall meet the minimum requirements of this chapter and, when applicable, the requirements of the *SCDOT Standard Specifications for Highway Construction*:
- (1) Clearing and grubbing;
  - (2) Drainage installation;
  - (3) Subgrade;
  - (4) Base installation;
  - (5) Prime coat application;
  - (6) Pavement installation;
  - (7) Sidewalk installation;
  - (8) Grass seeding of shoulders and ditches;
  - (9) Sign installation including street name signs and traffic control signs; and
  - (10) Final inspection of all completed infrastructure.
- (b) A minimum of two working days notice must be given by the developer for any requested inspection. If subsequent work is done prior to inspection, it is done at the developer's own risk and may, upon a decision of the administrator, be required to be removed and reinstalled or have the quality

## ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS

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substantiated by additional tests as determined by the *development* administrator. In the event that weather or construction activities result in changes to approved conditions or in the case of a failed inspection, re-inspection shall be required before proceeding to the next stage of construction. All approved inspections shall be valid for a maximum of thirty (30) days.

### SECTION 15-472. AS BUILT PLAN REQUIRED

Following the completion of the all in-right-of-way construction, the developer shall submit to the *development* administrator three copies of an “as built” plan documenting the condition of the improvements. The plans shall be based on actual field surveys for location and elevation information. The plans shall bear the stamp, seal, and signature of the engineer who prepared the plan and shall contain at a minimum:

- (1) The subdivision or development name and designation;
- (2) The location of lot lines, lot numbers, and phase limits (when applicable);
- (3) Street names and right-of-way width;
- (4) The location, dimension, and material of pavement, curbing, and sidewalks;
- (5) The location, dimension, and material of drainage structures including tops, grates, pipes, and culverts (to include invert elevation);
- (6) The location of ditches and swales with depth and bottom elevations at one-hundred (100) feet intervals at the ends;
- (7) The location, size, and extent of any encroachments in the right-of-way including utility boxes, utility lines, structures, and/or fences; and
- (8) Any additional information deemed necessary by the development administrator or public works director to accurately depict improvements or unusual conditions.

In the event the “as-built” plan shows that field changes were made, or significant differences exist from the design plans, the design engineer or another civil engineer shall certify that the changes or differences are not detrimental and that the system will still meet the minimum standards of these regulations.

### SECTION 15-473. ACCEPTANCE BY TOWN COUNCIL

The town council ~~shall~~ *may* accept a street and other in-right-of-way improvements into public maintenance when such improvements are installed in accordance with these regulations. The acceptance by the town council must be preceded by the referral of the acceptance request to the planning commission for a recommendation and the posting of an acceptable warranty instrument as provided in section 15-605(c) of this chapter. The town council shall not be obligated to accept any improvement where the developer has failed to follow the design, construction, or procedural requirements of this chapter.

### SECTIONS 15-474. through 15-499. [RESERVED]

**ARTICLE IV. DESIGN AND IMPROVEMENT STANDARDS**

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## ARTICLE V. SUPPLEMENTAL REVIEW STANDARDS AND PROCEDURES

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### DIVISION ONE: STREET NAMES

#### SECTION 15-500. AUTHORITY TO NAME STREETS; CONSULTATION REQUIRED

The planning commission shall, by proper certificate, approve and authorize the naming or renaming of streets within the Town of Surfside Beach. In exercising this authority, the commission shall consult with the appropriate county department(s) responsible for addressing and E911 services and the town's police and fire departments. Notice of pending action and requests for comments from such departments shall be in writing.

#### SECTION 15-501. VIOLATION IS MISDEMEANOR

It is unlawful for a person in laying out a new street to name the street on a plat, by a marking, or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

#### SECTION 15-502. INITIATION OF STREET NAME; APPLICATION

- (a) *Naming of new streets.* The proposed name of a new street(s) shall appear on the final subdivision plat in accordance with Article IV of this chapter. The name appearing on the approved final plat and included in the planning commission's subsequent recommendation for street acceptance shall, barring any further action, constitute the official name of the street.
- (b) *Renaming or naming of existing streets.* An application to name or rename an existing street may be initiated by the town council, town administrator, development administrator, or planning commission. The application for renaming or naming shall include the name to be assigned or reassigned to the street and a description of the affected street including its location, length, and the points of beginning and termination for which the new name shall apply.

#### SECTION 15-503. CHANGING STREET NAME; CAUSE

The planning commission may, after consultation as required in section 15-500 and a public hearing with fifteen days notice through a newspaper having general circulation in the town, change the name of a street in the following instances:

- (1) When there is a duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
- (2) When it is found that a change may simplify markings or giving of directions to persons seeking to locate addresses; or
- (3) Upon any other good and just reason that may appear to the commission.

#### SECTION 15-504. RECORDING OF STREET NAME CHANGE

On the street name being changed, after notice and a hearing as required in section 15-503, the planning commission shall issue a certificate designating the change, which must be recorded in the Office of the

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Horry County Register of Deeds. Thereafter, the name changed and certified is the legal name of the street.

**SECTIONS 15-505. through 15-519. [RESERVED]**

### **DIVISION TWO: PUBLIC PROJECT REVIEW**

#### **SECTION 15-520. PURPOSE AND INTENT**

Section 6-29-540 of the State of South Carolina Code of Laws requires the planning commission to review proposed public projects for conformance with the town's comprehensive plan. These public projects include new streets, structures, utilities, squares, parks, or other public ways, grounds, or open spaces, or public buildings for any use, whether publicly or privately owned. The review specified by this section of the state code is separate and distinct from the regulatory compliance and other reviews required under the town's zoning ordinance and land development regulations.

The purpose of this division is to specify the review procedures to be followed by the planning commission and to establish the plan submittal requirements for entities seeking to locate public facilities within the town. Although this division has been incorporated in the town's land development regulations, the review and requirements specified by this division shall be considered supplemental to all other provisions contained within this chapter.

#### **SECTION 15-521. PUBLIC PROJECTS SUBJECT TO PLANNING COMMISSION REVIEW**

The following shall be reviewed by the planning commission prior to the construction or authorization of their use within the Town of Surfside Beach:

- (1) New streets and public squares when proposed by a public entity;
- (2) New major utilities as defined by this chapter;
- (3) New public parks; and
- (4) New public buildings, grounds, and open spaces (whether publicly or privately owned).

Where the planning commission's review and approval is required for new streets and/or utilities, or when a public park is incorporated in a subdivision proposal, the planning commission's review under this division may be concurrent with other reviews and approvals required under the land development regulations.

#### **SECTION 15-522. SUBMISSION REQUIREMENTS; TRANSMITTAL TO PLANNING COMMISSION**

- (a) Any public entity proposing to construct or establish any building, structure, or use governed by this division shall submit to the development administrator a complete application and eight (8) copies of a site plan. The application and site plan shall contain, at a minimum, the following information:

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### (1) Application.

- a. The name of the applicant and property owner (if different);
- b. The current address of the applicant;
- c. The street address and tax map parcel of the property for which the review is required;
- d. A written description of the existing and proposed use of the property; and
- e. The signature of the property owner and a representative of the entity proposing the use (if different).

### (2) Site plan. The site plan shall be prepared by a design professional (engineer, surveyor, or architect) and shall utilize an engineer's scale (1" = 10', 1"=20', 1"=30, 1"=40', or 1"=50'). All site plans shall depict, at a minimum, the following information:

- a. North arrow;
- b. Scale to be utilized;
- c. Name of the property owner(s);
- d. Address of the property;
- e. Property lines (existing and proposed);
- f. Street(s) on which the property has frontage and/or street(s) which provide access to the property;
- g. Size of the property (dimensions and square footage);
- h. Accurate location and dimensions of proposed and existing building(s);
- i. Surface water drainage patterns;
- j. Parking spaces with dimensions provided;
- k. All existing and/or proposed entrances, exits, and internal driveways which will be utilized by the development;
- l. Any existing or proposed easements (i.e. utility or drainage) located on the property;
- m. Location and description of all screening/buffering elements which will be utilized for the development (if required);
- n. Location of trash and garbage containment areas with the proposed buffer; and
- o. Location of natural features (such as an area of special flood hazard).

- (b) The *development* administrator shall review the submission for its completeness. If the submission is determined to be incomplete, the *development* administrator shall notify the entity within five (5) working days of the application's receipt, specifying the information needed to constitute a complete application. If no notice is sent within the five working days, the application shall be considered complete. The *development* administrator shall promptly transmit the complete application and site plan to the planning commission for review.

### SECTION 15-523. REVIEW BY PLANNING COMMISSION

- (a) The planning commission shall review and provide comment on the public facilities proposal within sixty (60) days of the receipt of the complete application and site plan as prescribed in section 15-203. The commission shall hold a duly noticed hearing on the proposal within forty-five days of the application's receipt. Public notice of the hearing shall be provided by publication in a newspaper of general circulation within the town at least fifteen (15) days in advance of the hearing. Notice of the hearing shall be mailed to the entity proposing the construction or use and to all parties in interest no less than fifteen days prior to the meeting. Notice of the meeting shall be given by certified mail. At the hearing, any party may appear in person or by agent or attorney.

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- (b) Pursuant to the hearing, the planning commission shall consider the location, extent, and character of the proposal. The commission shall review and provide written comment as to the compatibility of the proposal with the comprehensive plan. In the event the commission finds the proposal to be in conflict with the comprehensive plan, the commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. All findings shall be in writing and shall be sent to the entity and any other parties in interest by certified mail.

### **SECTION 15-524. PROJECTS IN CONFLICT WITH COMPREHENSIVE PLAN; NOTICE OF CONSTRUCTION; EXEMPTIONS**

- (a) If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the town council, planning commission, and published as a public notice in a newspaper of general circulation in the community at least thirty (30) days prior to awarding a contract or beginning construction.
- (b) Telephone, sewer and gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the town or a state or federal regulatory agency, or electric suppliers, utilities and providers who are acting in accordance with a legislatively delegated right pursuant to Chapter 27 or 21 or Chapter 49 of Title 33 of the State of South Carolina Code of Laws are exempt from the preceding review and notice of construction provisions of this division; however, such entities shall submit construction information as required by section 15-522.

### **SECTION 15-525. CONFORMANCE WITH ZONING AND DEVELOPMENT REGULATION PROVISIONS**

Public projects, activities, and uses governed by this article shall comply with the requirements of the Surfside Beach Zoning Ordinance (Chapter 17) and this chapter. The procedures and exceptions as provided in this article shall not be construed as alleviating such requirements or to otherwise abridge the authority exercised by the town pursuant to §6-29-770 of the State of South Carolina Code of Laws.

### **SECTIONS 15-526. through 15-529. [RESERVED]**

## **DIVISION THREE: PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 15-530. INTENT**

It is not the intent of these regulations to freeze new developments into any single type of design. It is, however, the intent of these regulations to ensure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.

### **SECTION 15-531. APPLICATION OF DEVELOPMENT REGULATION STANDARDS**

- (a) Except as provided herein, the platting and design standards as specified by this chapter shall apply to all planned developments and affected districts.

## **ARTICLE V. SUPPLEMENTAL REVIEW STANDARDS AND PROCEDURES**

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- (b) In order to provide the developer with maximum flexibility in the design and character of new planned developments, the planning and zoning commission is hereby authorized to recommend to the town council to modify the standards and requirements of these regulations in the case of a plan for a planned development which, in the judgment of the planning and zoning commission, provides adequate public spaces for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides those covenants or other legal provisions as will assure conformity to and achievement of the plan. Any modification to the applicable standards shall constitute an amendment to these regulations. In addition to the zoning amendment requirements specified by Chapter 17 of this code, a planned development proposal permitting deviation from the standards of these regulations shall follow the amendment procedures specified in Article II of this chapter.

### **SECTION 15-532. PLANNED DEVELOPMENTS SUBJECT TO PLATTING STANDARDS**

All planned development districts authorized pursuant to Article III, Division 9 of Chapter 17 of this code shall be platted. Such platting shall follow the approval of the planned development's conceptual plan and text as provided in section 17-374 of this code:

- (1) In cases where a planned development district involves the subdivision of property or the creation of a new street, the preliminary and final platting procedures provided in Article III of this chapter and section 17-375 of this code shall apply.
- (2) In cases where the planned development district does not involve the subdivision of property or the creation of a new street, the planned development shall be platted in accordance with the final plat provisions of Article III of this chapter and section 17-375 of this code.

### **SECTIONS 15-533. through 15-599. [RESERVED]**

**ARTICLE V. SUPPLEMENTAL REVIEW STANDARDS AND PROCEDURES**

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## ARTICLE VI. SUPPLEMENTAL EXHIBITS

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### DIVISION ONE: SURETY INSTRUMENTS

#### SECTION 15-600. PURPOSE

The developer shall bear the cost of all public improvements required by this chapter. It is recognized that the developer's need to receive final plan or plat approval may precede the installation and acceptance of public improvements. It is the purpose of this division to provide reasonable accommodation to a developer while guarding the fiscal interests of the town and its residents. This division provides a mechanism by which a developer can receive final approval prior to the acceptance of improvements, provided sufficient financial guarantees have been established to ensure their timely installation and acceptance.

#### SECTION 15-601. SURETY INSTRUMENTS AUTHORIZED; REFUSAL

- (a) A surety instrument may be posted to allow for the recording of a final plat or to obtain zoning, building, or other required permits prior to the installation and acceptance of required improvements. Acceptable surety instruments shall include irrevocable letters of credit or cash deposits. The form and sufficiency of surety instruments shall be subject to the approval of the planning commission or, where delegated or in cases involving permits, the development administrator.
- (b) Approved surety instruments shall be independent of the developer's project construction loan. The commission or *development* administrator shall not accept any surety instrument that requires draw downs for monthly expenditures. Payment of monthly expenditures does not affect the amount of money held by the town in a surety instrument.
- (c) Acceptance of a surety instrument is discretionary. The planning commission and development administrator reserve the right to refuse, for cause, a surety instrument for any remaining improvements and require that such improvements be completed before the recording of a plat and/or prior to the issuance of a building or zoning permit.

#### SECTION 15-602. COST ESTIMATE REQUIRED; AMOUNT OF SURETY; TIME LIMIT FOR COMPLETION OF IMPROVEMENTS

- (a) *Cost estimate.* The developer shall submit to the development administrator a detailed itemized unit cost estimate for the proposed public improvements to be guaranteed by the surety instrument. The cost estimate shall include material costs and the cost of installation. Such estimates shall bear the original signature of a licensed professional engineer. Cost estimates may include, but are not limited to, the following improvements:
  - (1) Water and sewer systems;
  - (2) Storm water management systems (basins, ditching, drains, etc) and storm sewers;
  - (3) Street improvements including grading, surfacing, curbs, gutters, culverts, temporary cul-de-sacs, street signs, lighting, and grassing or landscaping;
  - (4) Fire hydrants; and/or
  - (5) Underground electric service.

## ARTICLE VI. SUPPLEMENTAL EXHIBITS

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The planning commission shall verify the sufficiency of the estimate with the appropriate department or agency responsible for the inspection and/or acceptance of the required public improvement. Within thirty (30) days of the receipt of the cost estimate, the planning commission shall either approve or deny the cost estimate. Determinations of the commission shall be in writing. If denied, the commission shall state the reasons for the denial. Where delegated by the commission or in cases not involving major subdivisions, the development administrator is authorized to approve or deny a cost estimate.

- (b) *Amount of surety and form.* Upon approval of the cost estimate, the developer shall submit to the development administrator a surety instrument in an amount not less than 125% of the approved estimate. Surety instruments shall be accompanied by an application form. The *development* administrator may accept a letter of credit that substantially conforms to the format as provided in Appendix A. In cases where a cash deposit is provided, the developer shall submit a cashier's check, payable to the Town of Surfside Beach. Such check shall bear an expiration date of not less than one (1) year. The town clerk shall, after the acceptance of an application and surety agreement by the *development* administrator, cause such funds to be deposited in a special account, separate from other funds of the town, bearing interest at the short term rate prevailing in the market (See Appendix A).
- (c) *Time limit and extension.* All improvements guaranteed by a surety instrument shall be completed and accepted within one (1) year of the posting of such instrument. The planning commission or development administrator may authorize one (1) extension of the surety for a period not to exceed one (1) additional year. The authorization to extend a surety instrument shall only be granted by the commission or *development* administrator in cases where the developer demonstrates good cause, i.e. adverse weather conditions or material shortages.

### SECTION 15-603. REDUCTION

A developer may request and the planning commission or development administrator may grant a reduction in the amount of a letter of credit during the surety's term to reflect work performed. A request to reduce the letter of credit shall be submitted to the administrator and shall include a revised cost estimate. The approval of the cost estimate shall follow the same procedures as specified in section 15-602. The authorization to reduce a letter of credit is discretionary to the commission or *development* administrator. Requests to reduce a surety, where a cash deposit is posted, shall not be granted.

### SECTION 15-604. FAILURE TO PERFORM; UNEXPENDED FUNDS; INSUFFICIENT SURETY

The development administrator, planning commission, or town council may draw a letter of credit or authorize the use of a cash deposit when it has been determined that the improvements for which the surety instrument was posted will not be completed in accordance with this code or within the time frame provided by the surety instrument. Upon such default, the proceeds from a drawn letter of credit or cash deposit shall be used by the town to install the required improvements. The town may assess reasonable administrative costs, not to exceed ten (10) percent of the total value of the surety, incurred in bidding, contract management, and/or oversight of improvements. Any unexpended funds, once construction is complete, shall be released to the financial institution or responsible entity that posted the surety instrument. Where the surety instrument was insufficient to finance the required improvements after the developer defaulted, the town council will assess the developer the cost of the improvements plus any administrative costs over and above the surety amount.

## ARTICLE VI. SUPPLEMENTAL EXHIBITS

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### SECTION 15-605. RELEASE OF SURETY; MAINTENANCE WARRANTY FOR STREET IMPROVEMENTS REQUIRED

- (a) *Release of surety.* Upon completion of the improvements as required by this chapter, written notice thereof shall be given by the developer to the development administrator, who shall cause an inspection of the improvements to be made. The *development* administrator will, within thirty (30) days of the date of notice, authorize in writing the release of the surety instrument, provided improvements have been completed and accepted in accordance with the required specifications.
- (b) *Surety release involving new streets.* Notwithstanding the time limits imposed by subsection (a), a surety instrument involving the construction and dedication of a new street(s) shall not be released by the development administrator until the street has been accepted into public maintenance by the town council and a warranty has been posted by the developer. If within ninety (90) days of a recommendation from the planning commission, the town council fails to accept a street by ordinance or deny acceptance by resolution, with reasons for such denial stated, the *development* administrator may release the surety instrument provided a warranty has been established by the developer.
- (c) *Warranty required.* Streets that are dedicated and accepted by the town council into public maintenance shall be under warranty for all defects and failures for a period of two (2) years, commencing from the date the ordinance to accept the street(s) is adopted. The warranty shall be in an amount of not less than ten (10) percent of construction costs and shall be in the form of a letter of credit or cash deposit. The form and sufficiency of the warranty shall be subject to the approval of the town council.

### SECTIONS 15-606 through 15-619. [RESERVED]

## DIVISION TWO: DIGITAL SUBMISSION

### SECTION 15-620. PURPOSE AND INTENT

The advent of Geographic Information Systems (GIS) has substantially increased the ability to collect, analyze, share, and store parcel information. GIS assists in the accurate depiction of property for tax purposes, assists in the provision of utility and public safety services, and increases the accuracy of mapping products. GIS and similar electronic media also reduce costs associated with the storage and reproduction of paper documents.

The Town of Surfside Beach, like many communities across the country, has begun the process of converting mapping and the storage of parcel information to electronic media. The purpose of this division is to require the submission of GIS compatible digital data for new developments prior to the signing of a final subdivision plat or prior to the issuance of permits. In establishing this requirement, it is recognized that digital data submission may pose difficulties in certain instances. As such, this division provides certain exceptions designed to reduce any hardships imposed on small or minimally intense development proposals.

### SECTION 15-621. DIGITAL SUBMISSION REQUIRED; EXEMPTIONS

- (a) Except as provided in subsection (b), prior to the final approval of a new development, a digital copy of plats or plans shall be submitted to the development administrator. Submissions shall be on two (2)

## ARTICLE VI. SUPPLEMENTAL EXHIBITS

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Compact Disks or DVD media. An alternative media for the submission of this data may be requested by the applicant and agreed to by the administrator prior to the signing of a final plat or the issuance of a zoning permit. Expressly included by this requirement are:

- (1) Major subdivisions;
  - (2) Minor subdivisions;
  - (3) Public facilities;
  - (4) All public improvements to be dedicated and accepted by the town for maintenance;
  - (5) Shopping centers;
  - (6) Planned developments;
  - (7) Multi-family or group developments containing more than ten (10) units; and
  - (8) All other developments not exempted by this section.
- (b) The development administrator may waive the submission of a digital plan copy in instances where, in the opinion of the *development* administrator, the requirement would impose a substantial hardship on a developer and the project is minimal in scope and intensity. Expressly exempted from the digital submission requirement are:
- (1) Excepted subdivisions;
  - (2) New commercial or industrial projects on less than one half (1/2) acre not involving the subdivision of property;
  - (3) Commercial and industrial developments involving building additions of less than ten thousand (10,000) square feet and not involving the subdivision of property; and
  - (4) Residential developments of less than ten units when such units are constructed on an existing lot of record.

### SECTION 15-622. DIGITAL FILE FORMAT

Acceptable file formats include: AutoCAD \*.dwg, AutoCAD \*.dxf, or other GIS compatible file format. The files must be identical to the relevant significant features on the printed plan and contain all factual information included on the written plan. Upon project completion, a digital submission of the “as-built” plan conforming to the above requirements is required for final release of the surety instrument associated with any project.

### SECTION 15-623. DIGITAL DATA STANDARDS

- (a) All digital mapping data must be delivered in the South Carolina State Plane Coordinate System with a horizontal datum of NAD83, units of U.S. survey feet and a vertical datum of NAVD 88. Each plan must include a minimum of one survey-derived (bearings & distances listed) reference to a permanent in-ground feature such as a catch basin, manhole, stone bound, municipal benchmark, or other readily

## ARTICLE VI. SUPPLEMENTAL EXHIBITS

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identifiable marker. The permanent in-ground feature should appear on the plan in its as-built location and include sufficient bearings and distances to be able to locate the feature relative to the property parcel(s). The latitude and longitude of the in-ground feature must be provided with survey grade accuracy (generally accepted to an accuracy of plus or minus one foot).

- (b) Each feature type must be organized in the CAD or GIS data structure as a separate layer. These may include but are not limited to separate layers for: parcel boundaries, dimensions, buildings, roads, road centerlines, surface water, areas of special flood hazard, and wetlands. Multiple features represented in a single CAD layer or GIS file will not be accepted. Any features submitted in the electronic plan must be represented in their entirety in an individual layer. All data shall be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes.
- (c) Documentation of the data format must be provided with a description of the CAD layers and a list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and a description of their content.
- (d) The data submitted must include documentation, the name of the person(s) responsible for preparing the data, contact information, and an estimation of the horizontal and vertical accuracy. Also included must be:
  - (1) Date of submission;
  - (2) Street address of submitted plan;
  - (3) Map and lot of submitted plan;
  - (4) Type of lot adjustment (new lot, subdivision, lot line correction, lot combination, easement, other – describe); and
  - (5) Name of engineer or surveyor providing the plan or plat.

**SECTIONS 15-624 through 15-998. [RESERVED]**

**ARTICLE VI. SUPPLEMENTAL EXHIBITS**

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**SECTION 15-999. APPENDICES**

(a) The attached documents are supplemental to the text of the Land Development Regulations of Surfside Beach, South Carolina. These documents include:

**(1) Appendix A: Surety Documents**

- a. Exhibit A1: Application for Posting Letter of Credit
- b. Exhibit A2: Sample Irrevocable Letter of Credit
- c. Exhibit A3: Application and Agreement for Posting Cash Deposit

**(2) Appendix B: Street Dedication and Acceptance Documents**

- a. Exhibit B1: Sample Deed for Right-of-Way Conveyance
- b. Exhibit B2: Sample Drainage Easement Conveyance
- c. Exhibit B3: Certificate of Non-Litigation for Street Dedication
- d. Exhibit B4: General Joinder and Consent to Dedication

**(3) Appendix C: Certifications**

- a. Exhibit C1: Certificate of Accuracy
- b. Exhibit C2: Certificate of Ownership and Dedication
- c. Exhibit C3: Certificate of Approval for Streets and other Dedications
- d. Exhibit C4: Certification of Water and Sewer Availability or Extension
- e. Exhibit C5: Certificate of Approval for Recording Plat

(b) The foregoing document templates are designed to provide guidance to the planning commission, development administrator, and developers. These documents provide the basic information requirements and form related to surety instruments, the exhibits required for the dedication of streets, and certifications required prior to the approval of a plat. The commission and/or administrator may supplement such forms when determined that additional information or exhibits are required to ensure compliance with the provisions of these regulations, to meet the requirements of other applicable statutes, or where the customization of the attached forms would be necessary to address the particulars of a development proposal.

(c) Document templates appearing in Appendix B are related to the dedication of streets and conveyance of real property to the Town of Surfside Beach. The foregoing should be considered sample documents only and do not alleviate any other requirements/exhibits customary to the conveyance of property or as is otherwise mandated by state law. All documents related to the conveyance of property should be referred to the town's attorney prior to formal acceptance.

**APPENDIX A. SURETY DOCUMENTS**

**EXHIBIT A1: APPLICATION FOR POSTING LETTER OF CREDIT**

**Application, Conditions, and Compliance Agreement**  
Posting of Irrevocable Letter of Credit in Lieu of Public Improvement  
Completion/Acceptance

Name of Owner or Developer: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Address of Owner or Developer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

FAX Number (if available): \_\_\_\_\_

Is there anyone in addition to yourself who may be contacted with respect to this Letter of Credit or the improvements required or covered by this surety?

\_\_\_ Yes (please list below) \_\_\_ No

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

**Cost Estimate for Improvement**

I hereby certify that to the best of my knowledge and belief that the following estimates are accurate and that they have been prepared by a licensed engineer:

Street Construction (include all design elements) \$ \_\_\_\_\_

Storm Water Management (include design and installation): \$ \_\_\_\_\_

Sidewalks (include design and installation): \$ \_\_\_\_\_

Water/Sewer Improvements: \$ \_\_\_\_\_

Fire Hydrants: \$ \_\_\_\_\_

Other (Specify: \_\_\_\_\_): \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

## **APPENDIX A. SURETY DOCUMENTS**

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Please attach detailed estimates to this form.

I understand and agree that the estimates provided above and attached hereto will be provided to the agency or town department having inspection and/or approval responsibilities for the respective improvements. The agency or town department may require monies to be posted in surety which are in excess of those provided above if it is determined that the estimates provided are insufficient to guarantee installation and acceptance.

### **Conditions for Acceptance of Letters of Credit**

#### **Responsibility of a Developer in Posting Surety**

I, the owner/developer of the project as indicated above, understand and agree as follows:

1. Prior to the establishment of the letter of credit for my project, the cost estimates, as provided above, will be submitted to and approved by Surfside Beach Planning Commission [‘commission’] or Development Administrator [‘administrator’] as stipulated in the *Land Development Regulations of the Town of Surfside Beach, South Carolina*. The letter of credit will be provided in an amount equal to 125% of the approved cost estimates for design and installation.
2. The letter of credit as issued by the bank must be in a format which is approved by the commission (Please see sample format).
3. The letter of credit’s term may not be less than six months nor more than one year. Letters of credit issued by or requiring document presentation at branches or main offices outside of Horry County must contain an automatic extension clause, as provided in the sample format. Letters of credit issued by in-county banks with an in-county place of presentation office may, at the discretion of the lending institution, include the automatic extension clause.

#### **Time Limitation and Responsibility to Notify**

The public improvements as provided herein are to be installed and approved within one year of the posting of the letter of credit. In the event that hardship or unforeseen circumstances prevent the installation of improvements within one year, the commission or administrator may, at its discretion, allow the letter of credit to be extended for an additional term (Please see §15-602).

Prior to the granting of an extension, the developer and/or owner understand and agree as follows:

1. The owner/developer will notify the administrator no less than thirty (30) days prior to the expiration of the letter of credit’s term that the public improvements have not been completed and request an extension.
2. The granting of an extension for a term of an additional year may, at the commission’s discretion, be granted administratively. The owner/developer may be required to submit a revised cost estimate and a proposed timeline for project completion. If a revised cost estimate is required, the sum of the letter of credit may be increased to guarantee the installation of all remaining improvements.
3. Letters of credit may not be extended cumulatively beyond twenty four (24) months.

## **APPENDIX A. SURETY DOCUMENTS**

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4. When the extension of a letter of credit requires the issuing bank to provide an amended letter of credit, the amended letter of credit must be provided to the administrator no less than ten (10) days prior to the expiration of the original letter of credit's term. In the event that an amendment is provided less than ten (10) days prior to expiration and said delay results in the preparation or delivery of "failure to perform drafts" by the town, the owner/developer is responsible to reimburse the town for all costs associated with the preparation and/or delivery of drafts.

Nothing herein shall be construed as a guarantee or inference that an extension of surety will be automatically granted after a one (1) year period as provided in the land development regulations or limit the ability of the town to declare the surety in default after the completion date specified in the original letter of credit.

### **Request for Surety Reduction**

The commission or administrator may, at its discretion, grant reductions in the amount of a letter of credit to reflect progress by an owner/developer in installing required improvements. The owner/developer must provide requests for reduction no less than thirty (30) days prior to the expiration of a letter of credit. Request for reduction may accompany the notification and request for extension as provided above. The owner/developer must provide cost estimates or documentation justifying the reduction (See §15-603).

### **Notification of Improvement Completion and Request For Release**

Once all improvements covered by the letter of credit are installed and are accepted by the town or responsible agency, the administrator will release the letter of credit. The owner/developer is responsible for notifying the administrator of project completion and requesting acceptance of the improvements. Notification should be provided no less than thirty (30) days prior to the expiration of the letter of credit. The acceptance of streets requires action by the commission and Surfside Beach Town Council. Notification of street completion and requests for acceptance should be submitted no less than ninety (90) days prior to the expiration of the letter of credit. In the event that notification is provided less than ninety (90) days prior to the expiration and said delay results in the preparation or delivery of "failure to perform drafts", the owner/developer is responsible to reimburse the town for all costs associated with the preparation and/or delivery of drafts. The letter of credit may not be released until the improvements are accepted, a warranty has been established for street improvements (where applicable), and the administrator provides written notification of completion and acceptance to the issuing bank.

### **The Letter of Credit is Not a Waiver of Liability**

In the event of a failure to perform, default, or failure to extend a letter of credit, the town reserves the right to take all available legal and administrative actions necessary to compel the completion of the project by the owner/developer, to secure all necessary easements and rights of entry, and/or to recoup any public funds expended by the town or responsible agencies in the fulfillment of the owner/developer's obligation.

**APPENDIX A. SURETY DOCUMENTS**

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**Compliance Agreement**

I, \_\_\_\_\_, as the owner/developer and the provider of the letter of credit have read, understand, and agree to be bound by the conditions as provided herein. I understand and agree that I have been advised that I may forego the requirement to provide a letter of credit by having the required public improvements installed and approved prior to the issuance of my building permit and/or the approval of my subdivision plat. I understand and agree that I have been advised that an alternate form of surety, the posting of a cash deposit, is available and that I have voluntarily elected to provide a letter of credit. I understand and agree that my failure to perform the required improvement or comply with the conditions as outlined herein will constitute a violation of *the Land Development Regulations of the Town of Surfside Beach, South Carolina*.

\_\_\_\_\_  
**Developer/Owner Signature**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Witness Signature**

\_\_\_\_\_  
**DATE**

STATE OF SOUTH CAROLINA     )  
COUNTY OF HORRY             )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**APPENDIX A. SURETY DOCUMENTS**

**EXHIBIT A2: SAMPLE IRREVOCABLE LETTER OF CREDIT**

**Bank Letterhead**

**Date:**

**Letter of Credit No.:**

**Lender:**

**Applicant:**

Name of Financial Institution  
C/O (Contact Person)  
Address

Name of Individual or Corporation  
C/O (Contact Person)  
Address

**Beneficiary:**

**Project Name:**

Town of Surfside Beach  
115 US Highway 17 North  
Surfside Beach, SC 29575

**Amount:**

**Expiration Date:**

Insert Amount of LOC

Insert Expiration Date

Gentlemen:

At the request of (Developer or Developers), d/b/a (Company or Corporation), and for the account of the same, we hereby extend in your favor Irrevocable Letter of Credit No. \_\_\_\_\_ for a sum not to exceed (Amount) (\$ \_\_\_\_\_), available by your draft, payable at sight on us, and accompanied by your statement certifying (Developer or Developers) have defaulted or failed to perform improvements to (Project), as described in the attached estimates, the contents of which are made a part hereof.

Acting through and on behalf of the Town of Surfside Beach, you will provide us with a signed statement certifying either:

1. The improvements have been timely and satisfactorily completed by (Date, must be ten days prior to expiration of Letter of Credit) and the credit may be released; or
2. The developer has failed to perform or is in default as it relates to the attached estimates of improvements.

All drafts drawn under this Letter of Credit must be marked: "Drawn under (Developer or Developers), d/b/a (Company or Corporation), Letter of Credit No. \_\_\_\_\_ dated \_\_\_\_\_".

Except as otherwise stated herein, this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credit (Insert Latest Edition), International Chamber of Commerce Publication Number (Number).

We engage with you that the draft(s) drawn under and in accordance with the terms of this Letter of Credit will be duly honored upon presentation and delivery of documents as specified if presented at this office on or before (date, usually one year from date of issue).

**APPENDIX A. SURETY DOCUMENTS**

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It is a condition of this credit that it shall be deemed automatically extended, without amendment, for one (1) year from the present or any future expiration date hereof, unless sixty (60) days prior to any such date, we shall send you notice by courier service that we elect not to consider this credit renewed for such additional one (1) year period. {Optional for in-county banks or in-county place of presentation}

(Bank Executive Signature Block)

**APPENDIX A. SURETY DOCUMENTS**

**EXHIBIT A3: APPLICATION AND AGREEMENT FOR POSTING CASH DEPOSIT**

**Application, Conditions, and Compliance Agreement**  
Posting of Cash Deposit in Lieu of Public Improvement Completion/Acceptance

Name of Owner or Developer: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Address of Owner or Developer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

FAX Number (if available): \_\_\_\_\_

Is there anyone in addition to yourself who may be contacted with respect to this cash deposit or the improvements required or covered by this surety?

\_\_\_ Yes (please list below) \_\_\_ No

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

**Cost Estimate for Improvement**

I hereby certify that to the best of my knowledge and belief that the following estimates are accurate and that they have been prepared by a licensed engineer:

Street Construction (include all design elements) \$ \_\_\_\_\_

Storm Water Management (include design and installation): \$ \_\_\_\_\_

Sidewalks (include design and installation): \$ \_\_\_\_\_

Water/Sewer Improvements: \$ \_\_\_\_\_

Fire Hydrants: \$ \_\_\_\_\_

Other (Specify: \_\_\_\_\_): \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

## **APPENDIX A. SURETY DOCUMENTS**

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Please attach detailed estimates to this form.

I understand and agree that the estimates provided above and attached hereto will be provided to the agency or town department having inspection and/or approval responsibilities for the respective improvements. The agency or town department may require monies to be posted in surety which are in excess of those provided above if it is determined that the estimates provided are insufficient to guarantee installation and acceptance.

### **Conditions for Acceptance of Cash Deposit**

#### **General Stipulations**

I, the owner/developer of the project as indicated above, understand and agree as follows:

1. Prior to providing a cash deposit for my project, the cost estimates, as provided above, will be submitted to and approved by The Town of Surfside Beach Planning Commission ['commission'] or Development Administrator ['administrator'] as stipulated in the *Land Development Regulations of the Town of Surfside Beach, South Carolina*. The cash deposit will be provided in an amount equal to 125% of the approved cost estimates for design and installation.
2. The cash deposit to be provided by me (us) will be in the form of a cashier's check, payable to the Town of Surfside Beach, with an expiration of not less than six months from the date of issue.
3. The proceeds from the cash deposit (cashier's check) may be deposited by the town in an interest bearing account in favor of the Town of Surfside Beach (surety account). The proceeds from the cashier's check or subsequent surety account may be used by the town to install required improvements in the event that I (we) fail to install and have accepted the required improvements by (Insert date, not to exceed one year of posting of the surety).
4. Interest accrued on surety account funds will be included in the funds released by the town upon the owner/developer's completion and the town's acceptance of the required improvements covered herein. The owner/developer shall assume any tax liability resulting from any interest accrued on money held under this agreement.

#### **Time Limitation and Responsibility to Notify**

The public improvements as provided herein are to be installed and approved within one year of the posting of the surety. In the event that hardship or unforeseen circumstances prevent the installation of improvements within one year, the commission or administrator may, at its discretion, allow the surety and this agreement to be extended for an additional one year term (Please see §15-602).

Prior to the granting of an extension, the developer and/or owner understand and agree as follows:

1. The owner/developer will notify the administrator no less than thirty (30) days prior to the expiration of this agreement's term that the public improvements have not been completed and request an extension.
2. The granting of an extension for a term of an additional year may, at the commission's discretion, be granted administratively. The owner/developer may be required to submit a revised cost estimate and a proposed timeline for project completion. If a revised cost estimate is required, the sum of the cash deposit may be increased to guarantee the installation of all remaining improvements.

## **APPENDIX A. SURETY DOCUMENTS**

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3. The date specified for completion and acceptance of the improvements may not be extended cumulatively beyond twenty four (24) months.

Nothing herein shall be construed as a guarantee or inference that an extension of surety will be automatically granted after an one (1) year period as provided in the land development regulations or limit the ability of the town to declare the surety in default on or after the completion date specified in this agreement.

### **Notification of Improvement Completion and Request For Release**

Once all improvements covered by this surety agreement are installed and are accepted by the town or responsible agency, the administrator will release funds held in the surety account or shall return the cashier's check to the owner/developer. The owner/developer is responsible for notifying the administrator of project completion and requesting acceptance of the improvements. Notification should be provided no less than thirty (30) days prior to the completion date contained herein. The acceptance of streets requires action by the commission and the Surfside Beach Town Council. Notification of street completion and requests for acceptance should be submitted no less than ninety (90) days prior to the completion date specified herein. The cash deposit may not be released until the improvements are accepted and, where applicable, a warranty has been established for street improvements.

### **The Cash Deposit is Not a Waiver of Liability**

In the event of a failure to perform, default, or failure to extend this agreement, the town reserves the right to take all available legal and administrative actions necessary to compel the completion of the project by the owner/developer, to secure all necessary easements and rights of entry, and/or to recoup any public funds expended by the town or responsible agencies in the fulfillment of the owner/developer's obligation.

## **Compliance Agreement**

I, \_\_\_\_\_, as the owner/developer and the provider of the cash deposit have read, understand, and agree to be bound by the conditions as provided herein. I understand and agree that I have been advised that I may forego the requirement to provide a cash deposit by having the required public improvements installed and approved prior to the issuance of my building permit and/or the approval of my subdivision plat. I understand and agree that I have been advised that an alternate form of surety, the posting of a letter of credit, is available and that I have voluntarily elected to provide a cash deposit. I understand and agree that my failure to perform the required improvement or comply with the conditions as outlined herein will constitute a violation of the *Land Development Regulations of the Town of Surfside Beach, South Carolina*.

\_\_\_\_\_  
**Developer/Owner Signature**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Witness Signature**

\_\_\_\_\_  
**DATE**

STATE OF SOUTH CAROLINA     )  
COUNTY OF HORRY             )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



**APPENDIX B. STREET DEDICATION AND EASMENT DOCUMENTS**

**EXHIBIT B2: SAMPLE DRAINAGE EASEMENT CONVEYANCE**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

**DRAINAGE EASEMENT**

KNOW ALL MEN OF THESE PRESENTS, THAT I (or we) \_\_\_\_\_ in consideration of the sum of One Dollar, receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release, unto the Town of Surfside Beach, and its successors and assigns, a drainage easement described as follows: \_\_\_\_\_ as shown on a plat prepared by \_\_\_\_\_ titled \_\_\_\_\_ and dated \_\_\_\_\_ said plat being recorded in the Horry County Register of Deeds at \_\_\_\_\_.

Said drainage easement having been offered for dedication and said dedication being accepted by action of the Surfside Beach Town Council at its meeting on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I (or we) have hereunto set my/our hand(s) and seal(s) this day of \_\_\_\_\_ in the year of our Lord Two Thousand and \_\_\_\_\_.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
WITNESS #1

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
WITNESS #2

\_\_\_\_\_  
OWNER

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

**PROBATE**

Personally appeared before me \_\_\_\_\_ and made oath that he/she was present and saw the within named owner(s), \_\_\_\_\_ sign, seal and as their act and deed deliver the within deed of right-of-way; and that \_\_\_\_\_ with \_\_\_\_\_ witnessed the execution thereof.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness Signature \_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina  
My Commission Expires: \_\_\_\_\_





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**APPENDIX C. CERTIFICATIONS**

**EXHIBIT C1: CERTIFICATE OF ACCURACY**

I hereby certify that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the “Standards of Practice Manual for Surveying in South Carolina”, and meets or exceeds the requirements for a Class \_\_\_\_ survey.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registered Land Surveyor (Signed)

\_\_\_\_\_  
S.C. Registration No.

**EXHIBIT C2: CERTIFICATE OF OWNERSHIP AND DEDICATION**

The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described hereon and that I (we) adopt this (plan of development/plat) with my (our) free consent and that I (we) hereby dedicate all items as specifically shown or indicated on said plat.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT C3: CERTIFICATE OF APPROVAL FOR STREETS AND OTHER DEDICATIONS**

I hereby certify that to the best of my knowledge, information, and belief the street(s) and other illustrated improvements, to be dedication to the Town of Surfside Beach, have been installed in accordance with the requirements of the Town of Surfside Beach Development Regulations or a financial guarantee has been provided to the Town to guarantee the acceptable and timely installation of the street(s) and/or other public improvements.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Public Works Director or Town  
Designated Engineer

\_\_\_\_\_  
S.C. Registration No. and Seal  
(when applicable)

**APPENDIX C. CERTIFICATIONS**

**EXHIBIT C4: CERTIFICATE OF WATER AND SEWER AVAILABILITY OR EXTENSION**

I hereby certify that to the best of my knowledge and belief (1) the (insert water and/or sewer lines) have been installed for the above subdivision or development in an acceptable manner and in accordance with all applicable specifications or (2) a financial guarantee has been provided to the Town to guarantee the acceptable and timely installation of the (water and/or sewer) improvements.

\_\_\_\_\_  
Date

\_\_\_\_\_  
GSWSA or other Applicable Agency

**EXHIBIT C5: CERTIFICATE OF APPROVAL FOR RECORDING PLAT**

I hereby certify that the (development plan/plat) shown hereon has been found to comply with the Land Development Regulations of the Town of Surfside Beach, South Carolina and that it has been approved for recording in the Office of the Register of Deeds.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairman or  
Development Administrator



**Debra Herrmann**

---

**From:** t\_friedman@wefenceitall.com  
**nt:** Monday, November 21, 2011 8:08 AM  
**o:** dherrmann@surfsidebeach.org  
**Subject:** Temporary Parking Advisory Committee

Greetings,

If needed, I would be happy to volunteer for the Parking Advisory Committee.

My wife and I are residents of Surfside Beach (331 South Willow). We have three children - one in St James Middle, one a senior at St James and another is a sophomore in college. I own a business in Myrtle Beach (css GOODE FENCE Company).

We are transplants in early 2010 after 20+ years on the corporate treadmill in the Midwest. We have been weekly renters at various North and South Carolina beach locations for many years before making the permanent move. So, I think I would bring a good perspective of both tourist and resident.

I've always had a bug to get into local community management and this seems like a very good opportunity.

If I can be of service, please call or e-mail me:

Todd Friedman  
c - 602-1116  
o - 626-2070  
h - 712-1722

Regards,

Todd

Todd Friedman  
President  
Tothegress Associates, Inc. dba

css GOODE FENCE Company  
346 Robert Grissom Parkway  
Myrtle Beach, SC 29577

P-843-626-2070  
[www.wefenceitall.com](http://www.wefenceitall.com)

Be a good neighbor, buy a GOODE fence!

Gene Maruca  
116 7<sup>th</sup> Avenue South  
Surfside Beach, SC  
843.238.9965  
Email: [gmaruca@aol.com](mailto:gmaruca@aol.com)

To Town Council:

Please consider me as a candidate for the Ad Hoc Parking Advisory Committee. I live and work in the town's tourist district and see on a regular basis the kinds of problems that need to be addressed.

I have 28-years of knowledge about the town's parking problems and have seen it grow and grow and grow! I'd really like to assist the council to begin implementing solutions to the problems.

A handwritten signature in cursive script that reads "Gene Maruca". The signature is written in black ink and is positioned to the right of the main text block.

## Debra Herrmann

---

**From:** HK2624@aol.com  
**nt:** Tuesday, November 15, 2011 9:46 PM  
**o:** dherrmann@surfsidebeach.org  
**Subject:** Temporary Parking Committee

Ms. Herrmann,

I would like to be a member of the Temporary Parking Committee. I was a member of the NYPD for 27 years of which 10 years I served in the traffic control division, which dealt with traffic conditions, accidents prone locations and their causes including working with closely with both NYS and NYC DOT. I have reviewed and analyzed numerous accident prone locations and made recommendations, which were accepted by DOT, and engineering changes were made which not only decreased accidents but reduced injuries and fatalities. I also live on Ocean Blvd and I am fully aware of the safety problems that parking on the Blvd causes.

My name and address is  
Harry Kohlmann  
1610B South Ocean Blvd.  
Surfside Beach, SC

Thank you,  
Harry

November 22, 2011

I, John Ard, would like to put in my name as a volunteer to serve on the parking advisory committee.

 11-22-11

## Debra Herrmann

---

**From:** Ken Harbin [Ken@SurfsideBeachRealtor.com]  
**nt:** Tuesday, November 22, 2011 3:01 PM  
**o:** Debra Herrmann  
**Cc:** 'Jim Duckett'; Allen K Deaton  
**Subject:** parking sub-committee

Debra

I have an interest in serving on the committee to look into parking along Ocean Boulevard. Please let me know how and to whom I would send that interest to.

Thanks



**KEN HARBIN**

(843) 458-8340

[SurfsideBeachRealtor.com](http://SurfsideBeachRealtor.com)

[Ken@SurfsideBeachREALTOR.com](mailto:Ken@SurfsideBeachREALTOR.com)

## Debra Herrmann

---

**From:** Debra Herrmann [dherrmann@surfsidebeach.org]  
**nt:** Thursday, January 19, 2012 11:55 AM  
**o:** Mike Smith ; 'A. Kelley'; 'Alternatives'; Anderson, Lorena; Blomquist, Rob; Brenda Alverson (balverson@surfsidebeach.org); 'C. Perry'; 'C. Perry'; 'CFC News'; 'D. Bryant'; Debbie Ellis (dellis@surfsidebeach.org); Faye Creel (Faye.Creel@VisitMyrtleBeach.com); 'H. Gale'; 'H. Gold'; 'J. Hart'; Jackie Donevant (jdonevant@surfsidebeach.org); Jim Duckett (jduckett@surfsidebeach.org); Joanne Petosa (joannepetosa@wwpemlaw.com); John Adair (jadair@surfsidebeach.org); Kenneth Moss, Esquire (kennethmoss@wwpemlaw.com); Kim Hursey (khursey@surfsidebeach.org); Kurt Knapek; 'M. Miller'; Mary Beth Mabry; Micki Fellner (mfellner@surfsidebeach.org); Mike Frederick (mfrederick@surfsidebeach.org); 'North Myrtle Beach Times'; Peggy Broach (pbroach@surfsidebeach.org); 'R. Magliette'; 'Richard Green'; Robert Packard; 'S. Miles'; 'S. News'; Sabrina Morris (smorris@surfsidebeach.org); 'Sun News Editors'; 'T. O'Dare'; Terry Grady (tgrady@surfsidebeach.org); The Hon. Allen Deaton; The Hon. Ann Dodge ; The Hon. Bob Childs ; The Hon. Doug Samples; The Hon. Mark Johnson; The Hon. Rod Smith; The Hon. Valerie Wentz; The Hon. Vicki Blair; 'V. Spechko'; 'WBTW'; 'WMBF'; 'WNMB'; 'WPDE'; 'WRNN'  
**Subject:** 01-24-12 Town Council Agenda and Supporting Documents  
**Attachments:** 01\_24\_12\_tc\_agenda\_7b\_and\_12\_ad\_hoc\_parking\_committee.pdf; 01\_24\_12\_tc\_agenda.pdf; 01\_24\_12\_tc\_agenda\_4i\_01\_10\_12\_draft\_minutes.pdf; 01\_24\_12\_tc\_agenda\_4ii\_01\_16\_12\_draft\_special\_meeting\_minutes.pdf; 01\_24\_12\_tc\_agenda\_6bi\_finance.pdf; 01\_24\_12\_tc\_agenda\_6bii\_recreation.pdf; 01\_24\_12\_tc\_agenda\_6biii\_public\_works.pdf; 01\_24\_12\_tc\_agenda\_7a\_2nd\_reading\_12\_0709\_land\_dev\_regs.pdf

The Town Council meeting agenda and supporting documents are attached.

The public is invited to attend all meetings, during which time is allotted for comments on agenda items and general comments.

This transmission is pursuant to the Freedom of Information Act §30-4-80.

Debra Herrmann, CMC, Town Clerk  
Town of Surfside Beach  
115 US Highway 17 N  
Surfside Beach, SC 29575  
843.913.6111 (Main) - 843.913.6333 (Direct)  
[dherrmann@surfsidebeach.org](mailto:dherrmann@surfsidebeach.org)

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TOWN OF SURFSIDE BEACH  
115 US Highway 17 North, Surfside Beach, SC 29575  
Web: www.surfsidebeach.org  
☎ (843) 913-6111 ☎ (843) 238-5432

*Debra*

**PUBLIC NOTICE:** The first regular Town Council meeting in February will be held on MONDAY, February 13<sup>th</sup>, at 6:30 p.m. in Council Chambers. The date was changed so Town Council could attend the Municipal Elected Officials Institute and the Hometown Legislative Action Day in Columbia on February 14<sup>th</sup> and 15<sup>th</sup>.

**TOWN COUNCIL ♦ REGULAR MEETING  
COUNCIL CHAMBERS ♦ TUESDAY, JANUARY 24, 2012 ♦ 6:30 P.M.**

**AGENDA**

1. **CALL TO ORDER** - Mayor K. Allen Deaton
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**  
Rev. Ronald E. Farrar, Timberlake Baptist Church (confirmed 01/10/12)
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** *iv* Regular Meeting January 10, 2012 *pdf copy*  
*iv* Special Meeting January 16, 2012 *pdf copy*
5. **PUBLIC COMMENTS – AGENDA ITEMS**  
Please address Town Council from the podium; 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Progress Report – DDC Engineers, Mr. Wooten
  - B. Department Reports
    - ✓* i. Finance *copied pdf*
    - ✓* ii. Recreation *copied pdf*
    - ✓* iii. Public Works *copied pdf.*
  - C. Administrator's Report - Update on Current Events
7. **BUSINESS**
  - ✓* A. Second Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations *scan*
  - ✓* B. Ad Hoc Parking Committee – Membership and Scope of Duties & Appointments (Item 12) *copied pdf*
8. **DISCUSSION** – Special Events/Recreation Committee – Councilmember Samples
9. **PUBLIC COMMENTS** - Please address Town Council from the podium; 5-minutes per speaker
10. **COUNCIL COMMENTS**
12. **EXECUTIVE SESSION** Pursuant to FOIA §30-4-70(a)(1) to discuss appointments to the Ad Hoc Parking Committee and to perform the town clerk's 6-month performance review
- .1. **ADJOURNMENT**

## Debra Herrmann

---

**From:** Jim Duckett [jduckett@surfsidebeach.org]  
**Sent:** Tuesday, January 17, 2012 11:23 AM  
**To:** 'Debra Herrmann'  
**Subject:** RE: 01-24-2012 TC Draft Agenda

Looks good to me as is.

---

**From:** Debra Herrmann [<mailto:dherrmann@surfsidebeach.org>]  
**Sent:** Tuesday, January 17, 2012 11:22 AM  
**To:** The Hon. Allen Deaton; Jim Duckett  
**Subject:** 01-24-2012 TC Draft Agenda

Draft agenda for the January 24<sup>th</sup> meeting is attached. Please let me know of your changes and/or additions by 5:00 p.m. tomorrow.

Thanks,

D.

Debra Herrmann, CMC, Town Clerk  
Town of Surfside Beach  
115 US Highway 17 N  
Surfside Beach, SC 29575  
43.913.6111 (Main) - 843.913.6333 (Direct)  
[dherrmann@surfsidebeach.org](mailto:dherrmann@surfsidebeach.org)

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COPY MAYOR ON AGENDA EMAIL

**PUBLIC NOTICE:** The first regular Town Council meeting in February will be held on MONDAY, February 13<sup>th</sup>, at 6:30 p.m. in Council Chambers. The date was changed so Town Council could attend the Municipal Elected Officials Institute and the Hometown Legislative Action Day in Columbia on February 14<sup>th</sup> and 15<sup>th</sup>.

**TOWN COUNCIL ♦ REGULAR MEETING  
COUNCIL CHAMBERS ♦ TUESDAY, JANUARY 24, 2012 ♦ 6:30 P.M.**

**AGENDA**

1. **CALL TO ORDER** - Mayor K. Allen Deaton
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**  
Rev. Ronald E. Farrar, Timberlake Baptist Church (confirmed 01/10/12)
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - Regular Meeting January 10, 2012  
*Special mtg Jan 16 - if done!*
5. **PUBLIC COMMENTS – AGENDA ITEMS**  
Please address Town Council from the podium; 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Progress Report – DDC Engineers, Mr. Wooten
  - B. Department Reports
    - i. Finance
    - ii. Recreation
    - iii. Public Works
  - C. Administrator's Report - Update on Current Events - *stolen items at Huchabee emailed 1-17-12 d*
7. **BUSINESS**
  - A. Second Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations
  - B. Ad Hoc Parking Committee – Membership and Scope of Duties, *Appointment (#12)*
8. **DISCUSSION** – Special Events/Recreation Committee – Councilmember Samples
9. **PUBLIC COMMENTS** - Please address Town Council from the podium; 5-minutes per speaker
10. **COUNCIL COMMENTS**
12. **EXECUTIVE SESSION** Pursuant to FOIA §30-4-70(a)(1) to discuss appointments to the Ad Hoc Parking Committee and to perform the town clerk's 6-month performance review
11. **ADJOURNMENT**

# Reminders:

## Ordinances

→Section 4, Repeal Board of Fee Appeals - Mr. Duckett-established 04/14/09 -no one appointed and no challenges received

→To correct election codes re member terms (attorney directed at 08/09 meeting - Council concurred to defer to State Code for 6-year term on new appointments)

→11/08/11 Administrator identify issues and permitting fee relating to permitting docks (Concurred)

→get permission from council to request exemption to have a building board of appeals...initially presented 09/27 and 10/11/11, but no action taken)

12-13-2011 Membership and Scope of Duties for Ad Hoc Parking Committee. Ms. Blair moved to table this item, because Mr. Johnson, who moved to create the committee, was absent. Mr. Smith seconded. Ms. Blair explained that she felt Mr. Johnson should be given the courtesy of waiting until he is present before planning the committee. All voted in favor. MOTION CARRIED. (Johnson and Samples absent from meeting.)

→Rotate to next agenda until Mr. Duckett says to delete or a councilmember says to add)

→Decision Paper: Golf Carts

→Dedication plaques and flowers on Surfside Drive - Councilmember Blair - she never confirmed to add