



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

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1. CALL TO ORDER. Vice Chairman Seibold called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Vice Chairman Seibold, and members Elliott, Gambino, Johnson, Lauer, and Lowery. Chairman Abrams was absent. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

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

3. PUBLIC HEARING. Proposed amendment to the Zoning Ordinance Chapter 17, Section 17-418 to regulate the sale of personal property in yard areas of residential zoning areas. Chairman Seibold opened the public hearing at 6:02 p.m.

Mr. Ron Ott, 7th Avenue North, said I believe there should be some way to judge how many sales would be held and what would be sold. Without inaction, we're pitting neighbor against neighbor.

Ms. Judy Lowe, Cedar Drive North, said I need some clarification between yard sales and operating a business from your home in the R1 zone. It isn't every weekend, but on most weekend they are bringing in trailers full of furniture and things like that. The point is this is happening in R1 and it shouldn't be. I haven't said anything, because I don't want to be pitting neighbor against neighbor when I know you can't a business license in R1. I hope you will develop an ordinance that will clarify yard sales.

There were no other public comments. Chairman Seibold declared the public hearing closed at 6:05 p.m.

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

5. MINUTES APPROVAL - May 2, 2017. Ms. Gambino said line 16 should be corrected to show that Ms. Elliot was *not* at the meeting. Mr. Lauer moved to approve the May 2, 2017 meeting minutes as corrected. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

6. PUBLIC COMMENTS – AGENDA ITEMS.

7. DIRECTOR'S REPORT. Ms. Morris said 182 permits were issued last month; only one was new construction. No new subdivisions were approved last month. At the last council meeting, council approved a motion to send the landscape and tree ordinance to a three member subcommittee with the administrator and me also serving on the subcommittee. The first meeting was last Friday. The goal is to simplify the ordinance. Directions were to have all information in one place for each classification, which will create repetition, but those using the ordinance will have all the information in one section. The planning commission section does not state that any major changes made by Town Council would require the planning commission to review the ordinance again. Without this wording, Town Council may make any changes to any ordinance recommended by the commission without sending back to the commission. During the subcommittee meeting on Friday, I requested approval to send the draft landscape and tree ordinance to the commission members for input and recommendations. In my opinion, it is crucial that I hear from you. Members review ordinances all the time. I'm sure there is something that was stated incorrectly or overlooked, and would appreciate your input. The draft should be completed early next week. Chairman Seibold asked when the ordinance would be presented for second reading. Ms. Morris explained that after the commission's comments were received on the draft, a second meeting of the subcommittee would be held. Once the subcommittee approves the draft, then it will be presented at the

54 next regular council meeting for second reading. There was discussion about the proposed changes and
55 whether the commission should discuss jointly or individually, after which the commission **CONCURRED**
56 to have a lunchtime workshop to discuss the draft. Ms. Morris would notify the members of the date.
57

58 **8. BUSINESS. Proposed amendment to the Zoning Ordinance Chapter 17, Section 17-**
59 **418 to regulate the sale of personal property in yard areas of residential zoning areas.**
60

61 Ms. Gambino suggested limiting the number of yard sale allowed; two or three times a year
62 should be sufficient to allow for spring and fall cleaning. At the two sales I saw last Saturday, there were
63 definitely 10 to 12 of the same items without getting out of the car. There were trailer loads of furniture
64 stacked up. We need to make clear what is allowed.
65

66 Mr. Lauer agreed that rules were needed. We don't want to pit neighbor against neighbor. He
67 offered several options for restricting yard sales.
68

69 Ms. Johnson believed the only way to regulate yard sales was to require a permit; three times a
70 year should be enough. Ms. Lowery didn't know how to keep people from hauling in loads of furniture.
71 Mr. Lauer said if the number is restricted, that would certainly make it better for the neighborhood.
72

73 Ms. Elliott agreed with Ms. Johnson that permits are needed. The rules could be printed on the
74 back of the permit.
75

76 Ms. Lowery said an ordinance would not effective without being able to track yard sales.
77 Homeowners' associations limit sales to one or twice annual for the entire development. Ms. Johnson said
78 three sales a year is plenty.
79

80 Ms. Gambino suggested designating weekends for the town as a whole. Ms. Johnson did not
81 support that.
82

83 Chairman Seibold reminded the commission that the public spoke negatively about permits. We
84 don't want to overburden staff with work or the residents with fees. I can support a permit, because I
85 see the value. In my opinion, three sales a year is enough. They could be monitored through complaints;
86 neighbors can call.
87

88 Mr. Lauer believed limiting the number was the best way to control yard sales. If they are held
89 town wide that would eliminate paperwork and staff working weekends to do inspections. Ms. Morris
90 explained that permits are required for businesses to use banners on Highway 17. There is no charge,
91 but the permits allow us to track them on a spreadsheet. The fourth time the owner comes in for a
92 permit, they are told no, because they are only allowed three per year. So a system is in place that could
93 be applied to yard sales. I personally think there is no way around a permit, if you want enforcement.
94 The application could state the requirements and be accepted via email.
95

96 Ms. Johnson said until the public is educated, perhaps warnings could be issued. Ms. Morris said
97 staff works on Saturdays. Chairman Seibold asked if they could come in on Friday for a Saturday yard
98 sale. Ms. Morris said until five o'clock. Mr. Lauer said having all sales on a certain day is the cleanest way
99 to manage this.
100

101 Ms. Lowery said there were many side events and/or vendors that could participate on the
102 specific yard sales days and create a 'party' atmosphere in town. Ms. Judy Lowe said many people use a
103 yard sale to sell excess furniture, etc. when they sell their home, so picking specific days would be a
104 problematic for those residents. Ms. Lowery suggested designated days with one 'personal' sale date.
105

106 Ms. Johnson did not support designated days, and asked what happened if it rained the entire
107 weekend. Just limit the number.

108
109 Mr. Ott said the town accepts electronic waste twice a year, but people put televisions roadside
110 daily. I read in the minutes where the town used to issue a yard sale sign. I liked that. Ms. Morris
111 explained that placards were given to residents.

112
113 Ms. Lane-Laveglia said I'm very glad you're addressing this problem. I agree with Ms. Lowe, don't
114 over regulate. If we have three sales a year, why do we care if there are bigger pieces of furniture?
115 What happens if a person holds a fourth sale? Ms. Morris said it would be a misdemeanor.

116
117 Ms. Lowery liked Ms. Lane-Laveglia's comments, but it is an issue when yard sales became retail
118 businesses, which are not permitted in R1 districts. She supported three sales a year, a free permit with
119 online application. Ms. Johnson reiterated that bulk items should be prohibited, and that only one car
120 and/or boat/trailer per resident should be allowed at any time. Ms. Elliott agreed and asked if clean-up
121 would be required at the end of the day. Ms. Morris said yes. Chairman Seibold summarized that the
122 ordinance should include the key points from the discussion, including

- 123
- 124 • Remove current first paragraph and replace with Mr. Lauer's recommendation "Only personal
- 125 property collected over time by members of the residence, family members or immediate
- 126 neighbors, meaning nearest, adjacent, or contiguous, shall be offered for sale. The sale of
- 127 merchandise by a business entity, items purchased for resale, or consignment items may not be
- 128 sold. The sale of bulk items, four or more identical items that are not sets is prohibited.
- 129 • Three days per year for yard sales with a maximum two consecutive days per yard sale
- 130 • Permit required with no fee
- 131 • Only one car and/or boat & trailer for sale per residential lot
- 132 • New items are allowed, because often times people receive gifts they cannot use or don't want
- 133 • Items for sale must be removed from the yard by sundown (regardless of whether the sale is two
- 134 days

135
136 **COMMISSION CONCURRED to the content**

137
138 Ms. Johnson moved to recommend an ordinance with the stipulations noted to Town Council. Ms.
139 Gambino second. All voted in favor. **MOTION CARRIED.** Ms. Morris said the final ordinance would be
140 prepared for commission comments and then submitted to Town Council at the June 13 regular meeting.

141
142 **9. DISCUSSION ITEMS – Design Overlay Revisions.**

143
144 Ms. Morris presented the current overlay ordinance along with the Horry County overlay
145 ordinances for Horry County for the Garden City area and the area just north of the town and along
146 Highway 544. She explained at the budget meeting Town Council concurred that the town's overlay
147 ordinance should mirror Horry County's. Mr. Truett and Mr. FitzMaurice were present representing the
148 Surfside Beach Business Committee. They supported adding "change of tenant" as a trigger for
149 compliance with the overlay. After a lengthy discussion, including that existing businesses can be
150 required to comply with an overlay ordinance within a certain period of time, the commission
151 **CONCURRED that "change of tenant" should be a trigger, and that the commission will**
152 **consider the Horry County Garden City area overlay over the next several meetings to create**
153 **a document that supports the town's vision.**

154
155 **10. PUBLIC COMMENTS - General.**

156
157 Mr. Ron Ott, 7th Avenue North, said I apologize to this commission for what happened to the
158 landscape and tree ordinance. I hope it never happens again. [Town Council] had a workshop and

159 nobody spoke out on what they wanted before we pushed forward with first reading. That was a very sad
160 occasion, because the whole ordinance was completely erased at that time with one move. I hope it will
161 never happen again. But, I'm gonna ask the council if there are any problems they have with our overlay
162 coming up, to spit it out first; get the problems on the table and hash them out before we bring it
163 forward. I hate it happened, but I didn't want it completely eradicated. I know you work hard. Thank
164 you.

165
166 **11. COMMISSION COMMENTS.**

167
168 Chairman Seibold said I'm not a tree hugger, but there is a lot of value in trees. The town is a
169 beautiful place. How many places this close to the ocean have trees like this town?

170
171 Ms. Johnson said the town is unique.

172
173 Ms. Lowery said it doesn't matter whether we like the trees or not. We have to make the best
174 decision for the town. Decisions are not based on what we personally want or need.

175
176 **12. ADJOURNMENT.** Mr. Lauer moved to adjourn at 7:18 p.m. Ms. Johnson second. All voted
177 in favor. **MOTION CARRIED.**

178
179 Prepared and submitted by,

180
181 _____
182 Debra E. Herrmann, CMC, Town Clerk

183 Approved: _____, 2017.

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185 _____
186 Mary Ellen Abrams, Vice Chairman

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