1. CALL TO ORDER. Chairman Hellyer called the meeting to order at 6:00 p.m. Chairman Hellyer, and members Brown, Lane-Laveglia, Pesce, Truett and von Buseck were present. Member Sluder was absent. A quorum was present. Others Present: Town Clerk Herrmann; Planning, Building & Zoning Director Morris, and Permit Flood Coordinator Mazzo.

2. PLEDGE OF ALLEGIANCE. Chairman Hellyer led the Pledge.

3. PUBLIC HEARING. Amendments to the Town’s Code of Ordinances specifically Chapter 17 Zoning Ordinance Article III District and Use Regulations. Full review of specific permitted uses within the town limits, special conditions for certain uses; specifically address Massage Parlors as permitted accessory uses and define Long Term Rental. Ms. Morris gave a PowerPoint presentation for the public benefit, comments included:

- Town Council removed parole, probation officers, and rehabilitation centers as permitted uses at the August 27th meeting
- Town Council denied allowing bingo in the C1 District
- The zoning ordinance has two parts: (1) maps that show exact boundaries for the town’s separate zoning districts, and (2) text that stipulate allowable uses within each district
- Article III District and Use Regulations list and defines each zoning district, and set out rules for land use in each district; conditional and special uses are allowed under certain circumstances; accessory uses are only permitted to an approved permitted use
- Zoning laws are created to protect the health, safety, and general welfare of the public relating to land use; provide for orderly town development, and to make provisions for land use in the best interest of the citizens while maintaining compatible neighboring uses
- The commission’s job is to recommend uses allowed in each zoning district
- Changes to Article III were:
  - Reformatting the Use Table to include all applicable codes, uses, and regulations
  - Each allowable business was included (the zoning code is permissive, meaning if it is not listed, it is not allowed)
  - Educational: private, trade, and vocational schools should be under R1 and R2, and there are conditions that apply, which is already stipulated in the zoning districts
  - Veterinarian services were moved to medical and clinical that already included animal hospitals and the separate line deleted
  - Transportation and Public Infrastructure: courier and local deliveries were recommended to be permitted in only the C1 District as an allowable accessory use; however, restaurants are allowed in all commercial districts, including the entertainment district. Staff recommended allowing courier and local deliveries in all those districts, and the commission was asked to consider that for a motion during business
  - Massage Parlors are being recommended to permit only as accessory uses to established health care establishments or hair salons. The commission was asked to consider that for a motion during business
  - Long term rental definition needs to be established, because there is no definition in Chapter 17, which makes it difficult to enforce. The commission was asked to consider that for a motion during business

Mr. Truett said the business committee reviewed the Use Table and had no additional businesses to add.
Chairman Hellyer opened the public hearing at 6:14 p.m.

Mr. Larry McKeen, 6th Avenue South, said he lives in an R1 District and he wants it to remain as it is. He always assumed rentals were for one year in his district. Unless there are complaints, you will never know people are renting for less than a year. It’s happening now. He suggested leaving the long term definition at a year; shorter terms would require him to lock his back gate, because the house behind him could easily be a month or more rental housing transient rentals.

Mr. Rock Richardson, Richardson Builders, encouraged the commission to adopt the proposed Article III, because under the current code, he cannot continue operating his commercial business on Sandy Lane that he has had for over 20 years. Ms. Mazzo explained that code is under the manufacturing fabrication section, which requires 150 feet from a residential district. Chairman Hellyer asked if Mr. Richardson could get a permit if the new code is adopted. Ms. Morris said yes, the proposed code states that all manufacturing must be located on Sandy Lane.

Mr. Truett asked if radio and television stations could be in the C1 District. Ms. Morris said yes, stations are a general permitted use in the C1 District and could also be allowed in C2, if the commission recommends it, but the transmission tower cannot be located in the district.

Mr. Truett asked if the state defined long term rental. Ms. Morris said there is no one definition; it varies depending on the county and municipality. Mr. Truett asked if the commission had entertained an intermediate rental term, something between 31 and 364 days. Ms. Morris said that was discussed at the last meeting. The department needs a long term definition in the code for enforcement purposes.

Chairman Hellyer said snowbirds who rent between three and six months were discussed at the last meeting, too. Mr. Truett said that was the point, there are also people who need shorter term rentals while homes are being built because their home was flooded or other reasons. He didn’t believe signing a year-long lease to meet the criteria was justifiable knowing the rental would only be for four or five months.

Ms. Lane-Laveglia agreed with Mr. Truett and said that was not the answer. Chairman Hellyer said this didn’t address the “it’s okay as long as you don’t get caught” matter, either. Ms. Lane-Laveglia believed there needed to be more leeway than 12 months. In her opinion, that was over-governing. There are so many people moving to town that need a place to live while their homes are being built or while they search for a home; are displaced by a storm or other disaster; snowbirds, and many other situations that require good rentals for less than a year that should be allowed. Ms. Morris said rental enforcement is the most difficult challenge for the department regardless of the time allowed. Often times when enforcement efforts are made based on complaints, the tenants say that the vehicles belong to out-of-state family members, and there is no way to prove the rental is short term. If the code defines long term, then that code could be used when letters are written to suspected violators.

Mr. Brown asked what the shortest term in the state is for long term rentals. Ms. Morris said the definition varies from six months to one year; the most popular is annual. Mr. Brown asked if any other cities that were largely tourism driven had less than six months. Ms. Morris said not that she spoke to. Folly Beach and Isle of Palms were contacted, because they are very similar to our town, but they have not responded.

Mr. Pesce believed the issue was to eliminate the abuse to our town during the summer months. He asked if the term was set at four months if that would help alleviate the concern; four months would allow snowbird rentals. Mr. von Buseck said as baby-boomers retire the Grand Strand is booming. He moved here as soon as he could from the north. Baby-boomers are hardworking, dedicated, and are transitioning to their retirement homes from selling their homes elsewhere and then buying or building here. In his opinion, some leniency would be beneficial for them.
Ms. Morris said it was up to the planning commission. Resident concerns and other comments were:

- R1 District owners purchased in R1 because they don’t want a few days rental by their house; they want long term neighbors
- R2 District goes all the way to Highway 17; if the commission wanted to designate a portion of it allow short-term rentals, it could do so by creating an overlay. A public hearing would have to be held – after a brief discussion, this was determined to be an enforcement nightmare
- R3 District has short or long term rentals – from one day to 30 days, but allows for longer leases
- Snowbirds can rent in R3 for rentals

Ms. Lane-Laveglia thought long term rentals should be six months or longer. Mr. Pesce believed that would create a problem when tenants found a home prior to the lease expiration. Ms. Lane-Laveglia said lease agreements can be written to allow early termination for specific circumstances. She reiterated that she believed six months or longer leases should be offered, which is common in areas that are not vacation rentals. Mr. Truett agreed and said if the lease needed to be extended, that could be done under a hardship clause.

Mr. von Buseck asked Mr. McKeen if he had a concern about a six month or less lease. Mr. McKeen said he bought his house, closed on it and moved in six weeks later. That is the usual process. You can still build a house. He deliberately moved to the R1 District so he would have neighbors instead of vacationers next door. In his opinion, the about 2,000 R1 residents would be angry if the rules change to allow relatively short term rentals. Mr. von Buseck asked if Mr. McKeen had any specific problems. Mr. McKeen said none immediately around his house, but across the street he proactively meets the new neighbors in the nearby rental house and establishes a friendly relationship. So far, he’s never had to complain about noise. Mr. von Buseck believed that most town vacation renters were in their 50s and 60s, which are not the rowdy 20-something year old kids. Mr. McKeen said the rental house had two police calls during one week. So far, it’s been good. He loves his house and neighbors; he plans to stay there. Mr. von Buseck said he can count on one hand the number of times he’s experienced problems with people being too loud or rowdy. Mr. McKeen agreed, saying this is a great town. We have a great police department. He was hesitant to do anything to ‘tweak’ it too far from where we are. He was open to change, but he knew from serving on the planning commission that residents, especially in the R1 District, get angry when their environment changes. In his opinion, people should rent short term in the R3, especially in the winter months when rental is cheap.

Ms. Morris said complaints received in her department are not because of a younger crowd or noise; it’s because the owner bought in R1 and expects to know his neighbors without a constant change over. Residents in R1 are very particular about having long-term neighbors instead of 30 to 60 day renters next door.

Ms. Lane-Laveglia said the town could never prevent an owner from allowing someone to stay in their house. She said if I understand correctly, we not changing anything, but defining the term. Ms. Morris said she was correct; currently staff states long term is an annual lease (365 days) based on past practice, but that is not codified.

Mr. Brown asked if there was a financial difference between long and short term rentals. Ms. Morris said Surfside Beach cannot issue a business license to a short term rental in the R1 or R2 Districts. Mr. Brown said if there is a long term lease, they have a business license. Ms. Morris said absolutely.

Mr. Pesce asked if anyone had been put in jeopardy because the code is not clear, for instance a tenant choosing not to stay here because of the code. Ms. Morris said no. Ms. Lane-Laveglia said that question would most likely be presented at a rental office instead of town hall.
Chairman Hellyer asked what prompted this issue to be presented to the commission. Ms. Morris said there is a problem, because transient rental is defined in the code, but there is no definition for long term rental.

Mr. Truett asked if long term (yearly) rentals could be done in just R1 and R2. Ms. Morris said yes, the commission could define the term per district. Mr. Truett did not want to make any recommendations that could not be enforced. Ms. Morris believed that would be much easier than a six month term, and would create the stability that R1 District owners want. Mr. Truett asked if the majority of snowbirds probably stayed in the R3. Ms. Morris said yes.

There were no other comments. Chairman Hellyer closed the public hearing at 6:41 p.m.

4. AGENDA APPROVAL. Chairman Hellyer called for a motion to amend the agenda to add approval of the June 24th workshop minutes. Mr. Truett moved to approve the [agenda] with an amendment to include the June 24th workshop minutes. Mr. Brown second. All voted in favor. MOTION CARRIED.

5. MINUTES APPROVAL. August 6, 2019 and June 28, 2019 workshop minutes (added by motion during #4 Agenda Approval.) Mr. Truett moved to approve the June 28 workshop minutes and the August 6 regular meeting minutes. Mr. Brown second. All voted in favor. MOTION CARRIED.

6. PUBLIC COMMENTS ON AGENDA ITEMS. There were no comments.

7. BUSINESS. Vote on recommendations to send to council regarding the amendment as provided for under the public hearing in #3.

Massage Parlors. Mr. Brown did not have a problem with stand-alone massage parlors, saying that the town police department and the solicitor’s office did a good job managing complaints. They are good business. Chairman Hellyer said the town has rules and regulations, but there is no mechanism to revoke a business license when there is a problem. The business license was transferred to another person the last time there was a problem, so there were no consequences for bad behavior. Mr. Brown said if the massage parlor is an accessory use, it would also close the hair salon. The police department and solicitor’s office will close an establishment as a public nuisance business. Mr. Pesce said he spoke with Chief Hofmann and learned more of the history. The problem is the code is not enforceable; adding the parlors as an auxiliary use in an established business will be a good way to vet it and keep it reputable. Mr. von Buseck asked how many businesses would close if the proposed code is adopted. Ms. Morris said one. Mr. von Buseck said from a business owner’s viewpoint, he opposed requiring a business to close in this manner. This is a complex topic. There are many potential problems with massage parlors, but he leans towards less regulation and agreed with Mr. Brown. Ms. Morris said this was presented at the police department’s request. Other towns allow a nonconforming use to remain open until the current owner sells or closes the business. Mr. Truett asked if massage parlors were accessory uses if they would be subject to stricter regulations. Ms. Morris said yes; the police department requested that if they are allowed to do so as an accessory use in a more supervised setting. Mr. Truett did not support a two year closing requirement for a free standing business, and thought capitalism would take care of that problem. He supported making massage parlors an accessory use. Ms. Lane-Laveglia asked if he had an option to allow the stand-alone business to remain; she did not support the two year closing. Mr. Truett believed as long as the establishment adhered to the rules and regulations, the business should be allowed to operate. He believed people would be more comfortable using the parlors if they were in a doctor’s office or hair salon. Chairman Hellyer asked what would be done with existing stand-alone massage parlors. Ms. Lane-Laveglia said they can operate until they close. Mr. Truett agreed. Ms. Morris said it would remain as a nonconforming use. She asked if the commission meant that once the current owner goes out of business, the business would close. Mr. Truett said yes. I think that is a good
compromise. Ms. Lane-Laveglia said once the current owner closes, the business cannot reopen under another owner. Ms. Morris said that would not be a problem from an enforcement standpoint. Mr. Pesce asked if there was any way to transfer ownership for a free-standing massage parlor. Ms. Morris said the code needs to be amended to state that the free-standing massage parlors can remain as long as the current owners stays in business, and specifically state that the business would close and ownership cannot be transferred. Ms. Lane-Laveglia asked if there would be any problem for the town because the business could not be sold. Ms. Morris said other towns use this method. The town attorney has to review the ordinance before it is submitted to council. Mr. Truett moved to recommend that massage parlors be added as an accessory use, and delete the two year expiration for stand-alone businesses. Ms. Lane-Laveglia second. Chairman Hellyer, and Members Lane-Laveglia, Pesce and Truett voted in favor. Members Brown and von Buseck voted against. MOTION CARRIED.

**Long Term Rental Definition.** Mr. Truett suggested the commission define long term as one year today and then revisit an intermediate term at a later date; perhaps Ms. Morris could get more information. Mr. Truett moved to define long term rentals as 365 days for the R1 and R2 districts. Ms. Lane-Laveglia second. All voted in favor. MOTION CARRIED.

**Courier and Local Deliveries.** Ms. Morris recommended that courier and local deliveries be permitted in all commercial districts, including the entertainment district, because they all allow restaurants. Mr. Pesce moved to add courier and local deliveries to all commercial districts. Mr. Brown second. All voted in favor. MOTION CARRIED.

**Article III, District and Use Regulations.** Mr. Pesce moved to recommend Article III as amended be presented to Town Council for consideration. Mr. von Buseck second. All voted in favor. MOTION CARRIED.

8. **PUBLIC COMMENTS – General.**

Mr. Rock Richardson, Richardson Builders, said the commission is doing a good job.

9. **COMMISSION COMMENTS.**

Mr. Brown thanked everyone for attending. There were great comments tonight. Some of these matters can be difficult. A lot of people are on one side or the other. I really appreciate the public comments. If you have friends and neighbors that want to attend and comment, encourage them to do so. I’d like to hear from them.

Mr. von Buseck thanked everyone. This was a very stressful couple of weeks with Hurricane Dorian coming in. I watched a video of Hurricane Hugo and the intense things that happened. I think it makes what we’re trying to do all that more important. I’m grateful we’ve been spared this time. Thank you for having me as part of the commission. These are tough decisions. We’ll make some decisions and some people will be happy; some people aren’t. We try to find the best, most common sense solutions.

Ms. Lane-Laveglia thanked everyone for attending.

Mr. Pesce asked Ms. Morris to notify the businesses of the delivery services once it is adopted. Ms. Morris said absolutely. Ms. Pesce said that would be awesome, and thanked everyone.

Mr. Truett also thanked all the homeowners for their comments say it was good to hear their opinions. He thought this process was made a lot easier because of the hard work by the previous commission members. They put a lot of hard work into this. Our business committee went through all the permitted uses and we couldn’t come up with anything, either. He applauded what they did. Regarding Hurricane Dorian, he said for the record, “I want to thank all the employees in this town. I mean, what a
Chairman Hellyer thanked everybody for coming, especially for the citizen involvement. He loved to see people coming, and as far as he was concerned, when you come you guys can talk as much as you want because we want to hear what you have to say and get involved in what’s going on and put the citizens back and have some control over it. So thanks for coming by, and we will see you next month.

10. ADJOURNMENT. Mr. Truett moved to adjourn the meeting at 7:01 p.m. Mr. Brown second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: October 1, 2019

Robert Hellyer, Chairman

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