TOWN OF SURFSIDE BEACH
PLANNING COMMISSION

January 14, 2020
6:00 PM
PLANNING COMMISSION REGULAR MEETING
TOWN COUNCIL CHAMBERS
Tuesday, January 14, 2019
6:00 PM

1. CALL TO ORDER – Sammy Truitt, Chair

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

4. ELECTION OF OFFICERS
   a. Chairperson
   b. Vice-Chair

5. MINUTES APPROVAL – September 10, 2019

6. PUBLIC COMMENTS ON AGENDA ITEMS

7. DISCUSSION ITEMS
   a. Preliminary Review of a Proposed Planned Development (Surfside Business Park)
   b. Article V. Non-Conformities
   c. Minimum Square footage for residential structures and dwelling units
   d. Article I - Definitions

8. PUBLIC COMMENTS – GENERAL

9. COMMISSION COMMENTS

10. ADJOURNMENT

This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (B).
The public is invited to attend all meetings and events.
1. CALL TO ORDER. Chairman Hellyer called the meeting to order at 6:00 p.m. Chairman Hellyer, and members Brown, Lane-Lavegilia, Pesci, Truett and von Buseck were present. Member Sluder was absent. A quorum was present. Others Present: Town Clerk Hermann; Planning, Building & Zoning Director Morris, and Permit Flood Coordinator Mazzi.

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 addressing those allowed as permitted accessory uses and define Long Term Rental. Ms. Morris gave a power point 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 of the district boundaries for the town's separate zoning districts, and (2) text that stipulates allowed uses within each district.
- Article III District and Use Regulations list any defines each district, and sets out rules for land use in each district; conditional and special uses allowed under certain circumstances; accessory uses are only permitted in 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 existing law were:
  - Requiring the Use Table to include all applicable codes, uses, and regulations.
  - Each allowable uses was included (the zoning code is permissive, meaning if it is not listed, it is not allowed).
  - Educational, private, and vocational schools should be under R1 and R2, and there are conditions that apply, which are already stipulated in the zoning districts.
  - Veterinarian services were moved to medical and clinical that already included animal hospitals and the soil line deleted.
  - Transportation and Public Infrastructure: courier and local deliveries were recommended.
  - To be permitted in the C1 District as an accessory use; however, representatives are allowed in all commercial districts, including the entertainment district.
  - Staff recommended allowing courier and local deliveries in all these districts, and the commission was asked to consider that for a motion during business.
  - Massage Parlors are being recommended to permit it 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. Larr 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. Mr. Mazko 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. Mr. Morris said yes, the proposed code states that all manufacturing must be located on Sandy Lane.

Mr. Trueit asked if radio and television stations could be in the C1 District. Mr. 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. Trueit asked if the state defined long term rental. Mr. Morris said there is no one definition; it varies depending on the county and municipality. Mr. Trueit asked if the commission had entertained an intermediate rental term, something between 31 and 365 days. Mr. Morris said this 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 four months were discussed at the last meeting, too. Mr. Trueit 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 desirable knowing the rental would only be for four or five months.

Ms. Lane-Laveiglia agreed with Mr. Trueit and said that was not the answer. Chairman Hellyer said this didn’t address the "monkey as long as you don’t get caught" matter. Mr. Lane-Laveiglia believed there needed to be more leniency 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 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 the 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 transient 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 own, but they have not responded.

Mr. Pese believed the issue was to eliminate the abuse to the town during the summer months. He asked if the term was set at four months that would help alleviate the concern; four months would allow snowbirds. Mr. van 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 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-Laveaga thought long term rentals should be six months or longer. Mr. Pesco believed that wouldn’t create a problem when tenants found a home prior to the lease expiration. Ms. Lane-Laveaga 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. McKee if he had a concern about a six month or less lease. Mr. McKee 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 wouldn’t have neighbors instead of vacationers next door. In his opinion, the about 2,000 R1 residents would be upset if the rules change to allow relatively short term rentals. Mr. von Buseck stated if Mr. McKee had any specific problems. Mr. McKee said none immediately around his house, but across the street, he has a guest who meets the new neighbors in the nearby rental house and establishes a friendly rapport. So far, he’s never had to complain about noise. Mr. von Buseck believes that most long-term vacationers were in their 50s and 60s, which are not the rowdy 20-something year old kids. Mr. McKee said the rental house had two police calls during one week. So far, it’s been good. He lives in the house and 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. McKee agreed, saying this is a great town. We have a great police department. Just had to do something to “break” it too far from where we are. He was open to change, but he knew from being 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 supply falls off.

Mr. Morris said complaints received in her department are not because of a younger crowd or noise; it is 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-Laveaga said the town could never prevent an owner from allowing someone to stay in their house. She said R1 understands correctly, we not changing anything, but defining the term. Ms. Morris said she was coming currently state long term is an annual lease to 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. Pesco 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-Laveaga 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 26, 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 do a good job of 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. 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. Pesco 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 retires 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-Lavelloga 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-Lavelloga 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
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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 stay 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 addition of a definition for long term rentals as one year today and then revisit an intermediate term at a later date. Ms. Morris said she could get more information. Mr. Truett moved to define long term rentals as 365 days for the RS 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 a bit more important. I'm grateful we've been spared this time. Thank you for having me as part of this 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. Mr. 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
great job John and his staff did; police; fire; getting us prepared; being proactive. That’s why we love where we live."

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

Clerk’s Note: This document constitutes minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you agree to a new, unopened flash drive. In accordance with FOIA §30-4-80(E), meeting notices and the agenda will be distributed to local media and interested parties via the town’s email subscriptions. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and on the marquee.
Provisioned Planned Development (Surfside Business Park)

When reviewing a proposal for a new development within the town, you must consider several factors. One being the “highest and best use for the property”. This means considering the reasonable probable and legal use of a property that is physically possible, appropriate and financially feasible.

**Description**

- The Planned Development would consist two parcels and is approx. 8.03 acres.
- Horry County PIN#: 45915010046 and 45915010046
- Properties are located north of Santee Cooper Substation and “Southern Chicken” Restaurant and south of “Denny’s” Restaurant and Plantation Resort.
- Both properties are currently vacant.
- Current zoning on both parcels is C1 (Highway Commercial).
- Rear of 5.14 acres has a 50’ Right of way for the SC Public Authority Transmission lines.
- Rear property (5.14 acres) abuts Commercial zoning on each side and a residential zoning on the rear outside the town limits. (Deerfield Plantation).
- Front property (2.60 acres) abuts Commercial zoning on all sides.

**Proposal**

The developer is seeking to rezone both properties from C1 Highway Commercial to PD Planned Development. The proposed development would allow for a three (3) story climate controlled storage facility and retail closest to the Frontage Road. An open storage area (fenced and concealed) is proposed in the rear of the climate controlled storage and retail. Additionally, the rear calls for two (2) properties for ‘flex’ use. The developer states the space is designed for building and mechanical trades such as HVAC, plumbing, woodworking and equipment repairs and assembly. An extension of the street, currently being developed in the easement shown on the southern side of the front parcel. The street would then divide the flex zoning proposed and the
other uses. This street would connect into an existing street easement on the north side of the property connecting to Plantation Resort Properties.

The developer is requesting the project be approved in Phases. Phase I would include only the construction of the Three (3) story climate controlled storage units. Retail would be Phase II; Outdoor Storage Phase III and finally Flex trade space would be Phase IV. The timetable for construction can be found in Section D of the developer’s proposal.

Comprehensive Plan

The current Future Land Use Map indicates that the subject parcels be C1 (Highway Commercial). The designation is described as follows:

The town’s C1 district is located on properties adjacent to US Highway 17. This district is the town’s most permissive commercial district allowing a wide range of entertainment, dining, commercial and professional office uses.

Relevant areas/objectives of the Comprehensive Plan

Industrial Uses: The median lot size for an industrial use is approximately 14,000 square feet. The town does not have a large factory or industrial site. The observed industrial uses included small fabrication shops and light warehousing (including mini-storage). Many of these uses were located on Sandy Lane, west of US 17. (Storage facilities are considered industrial uses)

- Develop context sensitive zoning and development standards which address (at a minimum):
  - Setbacks for buildings, signs, and other structures;
  - Building coverage and impervious areas;
  - Building and structure height;
  - Lot sizes, widths, and access to public streets;
  - Buffering;
  - Parking;
  - Landscaping and the protection of significant trees and native species;
  - Drainage and flood protection;
  - Access to public utilities; and
  - Construction and dedication requirements for new infrastructure.

- Provide adequate buffering, screening, or other techniques that mitigate nuisances to residential areas. Require these techniques when commercial uses abut residential districts. Mitigation efforts should include the use of:
  - Fences, walls, and other physical barriers;
  - Vegetation;
  - Physical separation; and/or
  - Building orientation.
Continue to provide the option of Planned Development District (PD) designation through the zoning ordinance. Care should be taken in the application of PD provisions to:

- Require that petitions for PD designation follow the text and zoning amendment process of the zoning ordinance;
- Encourage innovative design and a mixture of uses. Proposals involving single uses should be discouraged;
- Discourage the use of the PD designation for small parcels (less than two acres); and
- Discourage the use of private infrastructure (e.g. streets) where residential subdivision is involved.

The town's promotion of robust commercial districts is extremely important. These commercial districts provide convenient goods and services to town residents, provide dining, recreation, and shopping for visitors, and contribute greatly to the tax base. In certain instances, the growth of nonresidential activities may place pressure on or seek to replace residential uses. The town must strike a balance between the occasionally competing needs of differing land uses.

Objectives include:

- Monitor the amount of vacant property available for commercial activities.
- Analyze the placement of nonresidential uses and the creation of new commercial districts. All rezonings should consider:
  - Trip generation potential of proposed uses and the need for parking;
  - Drainage patterns and the impact of storm water runoff on existing and planned drainage systems;
  - Compatibility with surrounding land uses and the potential for nuisance creation;
  - Compatibility with future land use patterns; and
  - Utility and other infrastructure needs and the capabilities present in that area of the town.

US Highway 17 is the town's most significant thoroughfare. Zoning and development regulations which protect the aesthetics and functionality of this roadway are critical.

Objectives: US Highway 17 provides visitors with their first and, in some cases, only impression of Surfside Beach. Ensuring motorist safety, promoting access, and corridor beautification have been goals of previous plans. This plan supports a continuation of these efforts.

Objectives include:

- Establish access standards that control the location and size of drives and crossovers. Coordinate the development and enforcement of these standards with the South Carolina Department of Transportation.
- Maintain adequate setbacks along the corridor.
- Develop special standards for large or intense developments (e.g. shopping centers or “big box” stores).

**Standards to consider include:**

- Traffic impact studies with required mitigation;
- Additional landscaping requirements for large parking lots; and
- Special architectural and signage standards.
- Reevaluate zoning and development standards in coordination with the planned widening of US Highway 17 and the closure (or reconfiguration) of the town’s frontage roads.

**Objectives:** US Highway 17 Business is the main arterial thoroughfare that passes through the Town of Surfside Beach. This roadway connects the town to its neighboring communities and to the Grand Strand’s regional road network. US Highway 17 Business also serves as the main commercial corridor for the town.

**Objectives include:**

- Develop zoning standards that compliment pending corridor improvements in areas such as building setback, driveway separation and alignment, parking, lighting, signage, and landscaping.

**Objectives:** The zoning ordinance and the land development regulations are tools that help guide the future development of the built environment within the community. Land use patterns strongly influence traffic flow and parking capacities within the transportation system. Well-designed regulations can augment other strategies to manage the local transportation system. Proper construction material standards can also help reduce the long-term life cycle costs of transportation infrastructure investments.

**Objectives Include:**

- Develop parking standards that meet the intended needs of each zoning district. Institute both minimum and maximum parking requirements for each type of land use.

*Make community aesthetics a priority in all transportation improvement projects and initiatives.*

**Objectives:** The transportation system is a major component of public space in Surfside Beach. The aesthetics of a roadway corridor (including parking areas) strongly influence the experience of a visitor and the quality of life for local residents. Coordinating attractive roadway designs with other community aesthetic initiatives can help maintain a positive identity for the town.
Objectives include:

- Develop landscaping standards that help improve aesthetics along roadways and provide an adequate buffer between motor vehicle and pedestrian traffic.
- Develop sign regulations to ensure that new sign placements do not detract from the overall aesthetics of the community.

Town Zoning: Planned Development Regulations/Requirements

Construction Timetable

If the approved planned development project has not begun within one (1) year of its approval date by town council, the planning commission or town council may initiate a map and text amendment to cause the reversion of the property to its previous zoning classification. For purposes of this section, "begun" shall be evidenced by the approval of the preliminary plat and having construction of infrastructure under contract.

Phase I of the proposed Planned Development is planned for July 2020.

Permitted Uses

Any use proposed by the developer and considered by the planning commission and town council as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the planning commission and town council. The uses permitted in the district shall be restricted to those listed, approved, and adopted.

The uses submitted for the proposed Planned Development are:

- Climate Controlled indoor storage
- Outdoor Storage
- Retail (Must be specific or state retail uses permitted within the C1 (highway commercial) district.
- Flex – (Must be specific) Mentioned Building and mechanical trades such as HVAC, plumbing, woodworking and equipment repair and assembly.

  - Signage size and locations must be submitted before Planning Commission’s recommendations to Town Council.
  - Proposal does not address accessory structures, if accessory structures are proposed this will need to be included in the plan prior to Planning Commission’s recommendations to Town Council.

Any use not listed will not be permitted.
General Design Criteria and Development Standards

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. There shall be a variety in building types, heights, and facades.

Proposed development calls for various heights. **Please note the proposed heights found in Table 2 of the developer’s packet request the heights be measured to the mean roof line between the building eave and peak of slope.**

**The town’s height requirements are from the highest vertical distance measured from the lowest finished grade at ground level, within one (1) foot of the structure footprint to the highest point of the roof. Staff recommends this be required of this proposed development to be consistent.**

Details of “flex buildings” must be submitted for approval and recommendations from the Planning Commission to Town Council.

Landscaped buffers, berms, berm walls or fences shall be provided along the periphery of a PD. The type and or width of buffer accepted shall depend on the proposed peripheral use and the adjacent land use.

Proposal calls for a 25’ Landscape buffer between the frontage road and the proposed parking area of the two (2) front uses (climate controlled storage and retail use). A 10’ landscape buffer is proposed for the North side of the entire development.

No buffer/landscape is proposed for the rear “flex” parcels and the South side of the property or the front portion of those properties and the proposed street. A stormwater retention pond is proposed on the North side of the “flex” parcels.

Open Space is being proposed for the 50’ Transmission line right of way in the rear of the property. **This portion of the property offers no amenity and cannot be used or developed.**

Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles ingress and egress. Commercial, industrial, institutional, and multifamily uses shall have not more than two (2) access points to any one (1) public street, unless unusual circumstances dictate otherwise. All uses shall be located at least one hundred (100) feet from the intersection of any street center lines and shall be designed in a manner conducive to safe ingress and egress.

The front portion of the proposed Planned Development calls for two (2) private entrances off of the Frontage Road (must be approved by SCDOT) and two (2) entrances off of the proposed street to be developed.

Streets shall be designed to interconnect with other streets when possible. Traditional block patterns are recommended.

**Proposed street does align with existing Platt Blvd. Ext.**
Parking and other requirements for each PD district may be set by town council upon recommendations of the commission.

<table>
<thead>
<tr>
<th>Use</th>
<th>Proposed Square Footage</th>
<th>Proposed Parking under Planned Dev. Zoning</th>
<th>Required Parking under Highway Commercial Zoning</th>
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<tbody>
<tr>
<td>Climate Control Storage</td>
<td>96,000</td>
<td>1 per 50 cubes and 1 per employee largest shift *proposals shows 550 cubes</td>
<td>1 space for each 250 sq. ft. and 1 for each employee</td>
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<tr>
<td></td>
<td>11 spaces plus 1 per employee largest shift</td>
<td>384 spaces plus 1 per employee</td>
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<tr>
<td>Total</td>
<td>12,000</td>
<td>1 space per 300 sq. ft.</td>
<td>1 space for each 200 sq. ft. of floor area</td>
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<tr>
<td>Total</td>
<td>40 spaces</td>
<td>80 spaces</td>
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<tr>
<td>Outdoor Storage</td>
<td>46,609</td>
<td>N/A</td>
<td>Currently not allowed in zoning</td>
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<tr>
<td>Total</td>
<td>None</td>
<td></td>
<td></td>
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<tr>
<td>Flex Trade Spaces</td>
<td>Not shown</td>
<td>1 per 2,000 sq. ft. and 1 per employee</td>
<td>(based on business office) 1 space for each 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Total</td>
<td>Unknown</td>
<td>unknown</td>
<td></td>
</tr>
</tbody>
</table>

Parking areas are encouraged to be located to the rear of structures and shall be screened from public view.

Proposed Parking for two (2) uses in front are proposed in the front setback and around the retail building. The proposed parking for the Flex parcels will need to be presented prior to Planning Commission’s recommendations to Town Council.

Sidewalks and/or multiuse paths shall be provided and interconnect with existing sidewalks and multiuse paths. Sidewalks and multiuse paths shall be developed in accordance with the comprehensive plan.

No sidewalks or multi-use paths are offered by the developer in the proposed packets.

A minimum of fifteen (15) percent of the gross project area shall be permanently allocated to open space/green space for the gathering of and individual access by all residents of a planned development district (PD), and shall include places for sitting, strolling, social interaction and informal recreation. These areas shall be sited in prominent locations throughout the district. In all developments two and one-half (2 1/2) acres or more, a minimum of ten thousand (10,000) square feet of the required fifteen (15) percent shall be configured as a park and one (1) such park shall be integrated into each designated neighborhood center.

The proposed plan calls for the 50’ transmission line right of way to be used as open space. Although this does equal 15% of the project it does not allow for any amenities for public use. The project is over 2 ½ acres and does not propose a park.
Proposed additional features not specifically named in the open space/green space definition will be reviewed and approved on a case-by-case basis at initial planned district development (PD) application before the planning commission, with final approval by town council.

Parks shall be located in all developments over two and one-half (2 1/2) acres in size. They shall be a minimum of ten thousand (10,000) square feet and they shall be designed to allow for community gatherings as well as for the uses anticipated in a square, and at least one (1) park shall be integrated into each designated neighborhood center.

Street trees shall be planted on both sides of all streets. Planting strips and pedestrian scale street lights shall be provided in appropriate locations.

Street trees are shown on the proposed plan as being 25' apart from one another.

Lighting shall be installed and oriented in such a manner as to avoid direct light shining into a residential district.

Street lights have not been submitted, but will be required to be shown on plans prior to the Planning Commission making recommendations to Town Council.

While discouraged, private streets are allowed and lots can be fronted on the private streets. Public access is required on all private streets.

The developer is proposing the 75' roadway providing access to the parcels and uses within the proposed Planned Development be maintained as a private right of way, maintained by the property owners within the development and not by the town.

This is not recommended. Streets (both private and public) must meet SCDOT requirements for construction. Platt Blvd. Ext. is currently publicly maintained. The portion of the proposed street currently under construction by a different developer has also stated they would like that portion of the road dedicated to the town upon completion. Private streets, when approved are only allowed in Planned Developments.

**Transportation Improvements**

Developer states the PDD will not generate measureable increases to the existing traffic volume on the existing roadways. No improvements are proposed by the developer.

The Planning Commission does have the option of requiring a detailed Traffic study if it is felt the uses and location may generate a higher rate of traffic requiring transportation improvements.

**Stormwater**

If proposed Planned Development is approved a complete stormwater plan must be submitted meeting the Town’s Stormwater Management Ordinance and will require approval of a Stormwater Pollution Prevention Plan (SWPPP) from SCDHEC.
DIVISION 9. PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 17-370. INTENT

It is the intent of the planned development district to encourage flexibility in the development of land in order to promote its most appropriate use; to improve design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open areas.

SECTION 17-371. GENERAL CONDITIONS

Any area may be zoned as a planned development district if two (2) or more of the following conditions are met:

1. More than one (1) principal land use is proposed for development on a parcel under single or multiple ownership or management.

2. Separate land uses, which would not otherwise be permitted to locate within the same zoning district are proposed for development on one (1) or more adjacent parcels under single or separate ownership or management.

3. Exceptions or variations to the site or design and dimensional requirements of the chapter are essential to the project.

SECTION 17-372. ADMINISTRATIVE PROCEDURES

Any request pertaining to the establishment of a Planned Development (PD) zoning district or changes to an existing PD district shall be considered an amendment to the zoning ordinance and be administered and processed accordingly. All data pertaining to the conceptual plat for a planned development, section 17-374, shall be submitted to the planning commission for review, public hearing, and recommendation, then forwarded to town council for final action. If approved by the town council, all information pertaining to the proposal shall be adopted as an amendment to the zoning ordinance, as the standards of development for that particular planned development district. Revised conceptual plats shall be submitted to the planning commission for review in accordance with section 17-375. Final plats for each phase shall be submitted to the planning commission for their review and approval provided that the final plats are in accordance with the approved conceptual plat. If the owner or developer is not in agreement with the planning commission's findings, they may request approval from the town council. A building or zoning permit shall not be issued for construction until a final plat for the PD phase in which the permit is being requested has been submitted to and approved by the planning commission or by the town council.

The time established for the final planned development district (PD) survey, to be duly recorded in and authenticated by the County of Horry, SC, shall be thirty (30) days from the approval date of the PD by the Town of Surfside Beach Council. The thirty-day filing time only applies to development specifically categorized as a "PD" and has been processed and approved by the planning commission and town council as a "PD".

SECTION 17-373. CHANGES AND MODIFICATIONS

All changes to an approved planned development (PD) shall require another public hearing, planning commission review, and approval by town council, and shall be treated as an amendment to the ordinance.
SECTION 17-374. CONCEPTUAL PLAT REQUIRED FOR PD

(a) Site plan—Sheet 1. Location map; ownership patterns; property dimensions; location of structures; types of uses; phases and timetables; number of units per phase; acreages (total and per phase); ingress and egress; yard requirements; lot sizes; street layout; parking; screening, buffers and borders; off-street loading facilities; building heights; public access and recreation; open space (active or passive); density; number of units per building; general layout of sidewalks or pathways; and graphics (north arrow, scale-written and engineer's signature and date of field survey).

(b) Environmental plan—Sheet 2. Contours; drainage plan; flood prone areas; marsh areas or wetlands; tree plan and other principal geographic features.

(c) Utilities plan—Sheet 3. Layout and easements for utilities including water, sewer, gas, electricity, telephone and cable.

SECTION 17-375. FINAL PLAT REQUIREMENT FOR PD

Before any permits may be issued, the developer shall submit final plats for review and approval to the planning commission. The final plats shall contain the following information:

(1) Site plan—Sheet 1. Location map; location of structures; phases of development and timetables; acreages (total and per phase); property dimensions of phase development; ingress and egress (dimensions, acceleration and deceleration lanes and ingress and egress points); yard requirements (distance between buildings, distance of buildings from street, distance from easements and distance from off-street parking); lot sizes; street layout (street names, proximity of dwelling units, relationship to street patterns, right-of-way widths, paving widths, type of streets, directional arrows, type of pavement, street jogs, location of intersections and statement on traffic speed); size of structures (exact dimensions, height and number of units/building); screening buffers, etc.; off-street loading (relationship to commercial and public facilities); public access and recreation—open space/ dimensions and locations, proximity to streets and buildings, relationship to streets and buildings and type of recreation area; density (number of units per phase, number of units per acre and overall density); final layout of sidewalks/pathways (width, type of material and relationship to public street); location and size of all signs; graphics (north arrow, name of developer, name of development, scale, adjoining property owners and uses, engineer's signature, date of field survey and dimensions, bearings, angles and reference points).

(2) Environmental plan—Sheet 2. Contours; drainage plan; flood prone areas; marsh areas or wetlands; tree plan and other principal geographic features; dumpster locations; and erosion control methods.

(3) Utilities plan—Sheet 3. Layout and easements for utilities including water, sewer, gas, electricity, telephone and cable.


(5) Other information required by the planning commission—Sheet 5. Construction timetable with proposed start and completion dates.

SECTION 17-376. CONSTRUCTION TIMETABLE

If the approved planned development project has not begun within one (1) year of its approval date by town council, the planning commission or town council may initiate a map and text amendment to cause the reversion of the property to its previous zoning classification. For purposes of this section, "began" shall
be evidenced 'by the approval of the preliminary plat and having construction of infrastructure under contract.

SECTION 17-377. PERMITTED USES

Any use proposed by the developer and considered by the planning commission and town council as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the planning commission and town council. A listing of permitted uses within a particular PD district shall be adopted as part of the regulations applying to that district. After approval by the planning commission and town council, the list or portions thereof shall be adopted as part of the regulations applying to that particular PD district. Thereafter, the uses permitted in the district shall be restricted to those listed, approved, and adopted.

SECTION 17-378. GENERAL REQUIREMENTS

In order to qualify for a planned development district classification, a proposed planned development must first meet the following minimum requirements:

(1) The site must be a minimum of one (1) acre in size.
(2) The area proposed shall be in one (1) ownership, or if in several ownerships, the application for amendment to this chapter shall be filed jointly by all of the owners of the properties in the plan.
(3) Comply with Article IV of this chapter and Chapter 14, Flood Damage Prevention.

SECTION 17-379. GENERAL DESIGN CRITERIA AND DEVELOPMENT STANDARDS

(a) Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. There shall be a variety in building types, heights, and facades.
(b) Densities per acre for residential dwelling units for each PD district shall not exceed those specified in the Surfside Beach Comprehensive Plan.
(c) Accessory dwellings (i.e. garage apartments and guest houses) shall be allowed but the total number shall be included in the multifamily quota for the project.
(d) Landscaped buffers, berms, berm walls or fences shall be provided along the periphery of a PD. The type and or width of buffer accepted shall depend on the proposed peripheral use and the adjacent land use.
(e) Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles ingress and egress. Commercial, industrial, institutional, and multifamily uses shall have not more than two (2) access points to any one (1) public street, unless unusual circumstances dictate otherwise. All uses shall be located at least one hundred (100) feet from the intersection of any street center lines and shall be designed in a manner conducive to safe ingress and egress.
(f) Streets shall be designed to interconnect with other streets when possible. Traditional block patterns are recommended.
ARTICLE III. DISTRICT AND USE REGULATIONS

(g) Parking and other requirements for each PD district may be set by town council upon recommendations of the commission. Shared parking is encouraged in mixed-use developments.

(b) Adjacent nonresidential parking lots shall have internal connections. On-street parking shall be provided in commercial areas (except for Ocean Boulevard).

(i) Parking areas are encouraged to be located to the rear of structures and shall be screened from public view. Residential parking areas are encouraged to be located to the side or rear of structures.

(j) Sidewalks and or multiuse paths shall be provided and interconnect with existing sidewalks and multiuse paths. Sidewalks and multiuse paths shall be developed in accordance with the comprehensive plan.

(k) A minimum of fifteen (15) percent of the gross project area shall be permanently allocated to open space/green space for the gathering of and individual access by all residents of a planned development district (PD), and shall include places for sitting, strolling, social interaction and informal recreation. These areas shall be sited in prominent locations throughout the district. In all developments two and one-half (2 1/2) acres or more, a minimum of ten thousand (10,000) square feet of the required fifteen (15) percent shall be configured as a park and one (1) such park shall be integrated into each designated neighborhood center.

(1) Proposed additional features not specifically named in the open space/green space definition will be reviewed and approved on a case-by-case basis at initial planned district development (PD) application before the planning commission, with final approval by town council.

(2) Parks shall be located in all developments over two and one-half (2 1/2) acres in size. They shall be a minimum of ten thousand (10,000) square feet and they shall be designed to allow for community gatherings as well as for the uses anticipated in a square, and at least one (1) park shall be integrated into each designated neighborhood center.

(l) Street trees shall be planted on both sides of all streets. Planting strips and pedestrian scale street lights shall be provided in appropriate locations.

(m) Lighting shall be installed and oriented in such a manner as to avoid direct light shining into a residential district.

(n) Wetlands greater than one-quarter (1/4) acre in size do not count toward the minimum site requirements for park and open space dedication, nor can their acreage be counted toward the density calculations for the site.

(o) While discouraged, private streets are allowed and lots can be fronted on the private streets. Public access is required on all private streets.

SECTIONS 17-380 and 17-381 [RESERVED]
SURFSIDE BUSINESS PARK PLANNED DEVELOPMENT DISTRICT
(A Multiple Use Commercial District)

STATEMENT OF INTENT

Surfside Business Park Planned Development District (the "PDD"), encompassing an 8.03 acre site, is designed with the intent of incorporating compatible commercial uses within a single zoning district, using enhanced site planning, architecture, landscaping and interconnectivity among the included uses, while incorporating the most enduring standards of the existing ordinances and codes of the Town of Surfside Beach, South Carolina.

The PDD is anchored by a Three (3) story climate controlled indoor storage facility, with capacity to store both documents as well as personal valuables, in individual storage spaces, each accessed through a common entrance, elevator and internal corridors. This structure, along with a second smaller “jewel box” retail location, adjacent to the storage facility, provides an attractive road frontage for the PDD, and is designed to attract specialty foods and retail operators, ranging from 400 square feet in size to a single tenant occupancy. These buildings are architecturally enhanced to project the curb appeal designed to attract patrons with higher household incomes, in seeking both goods and services.

In the rear of the storage facility and the jewel box retail location is an outdoor storage area, to accommodate motor vehicles, construction equipment and recreational equipment for patrons of the storage facility. This secure, fenced and screened outdoor storage area is not visible from the frontage road, and is accessed from the common entrance road in the rear of the PDD.

The rear portion of the PDD also incorporates flexible trade space, designed for small businesses needing both a small office and public space, together with staging areas and outdoor storage adjacent to warehouse space for inventory, parts and equipment. This space is designed for building and mechanical trades such as HVAC, plumbing, woodworking and equipment repairs and assembly. The outdoor storage areas of this flexible trade space will be fenced and screened so as to impair the visibility of the stored materials and equipment.

By electing to proceed under the PDD, the Developer is submitting defined site plan, together with architectural and use elements which are both more specific and binding upon the Developer than traditional zoning. In order to revise the elements presented as a part of this submission, a future amendment to the PDD would be required, which amendments could range from minor amendments subject to staff level approvals to major amendments requiring votes of both Planning Commission and Town Council, the determination of such required amendment to be made by City Staff.

PROPOSED USES AND MIXTURES

The proposed uses, acreage, and percentage of mixture within the PDD are as follows:
Table 1

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th># of Units/Sq. Ft.</th>
<th>Acreage</th>
<th>Net Density</th>
<th>Gross Density</th>
<th>Percentage of Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate controlled indoor storage</td>
<td>1/64,712 Sq. Ft.</td>
<td>1.49</td>
<td>N/A</td>
<td>N/A</td>
<td>19.25%</td>
</tr>
<tr>
<td>Retail</td>
<td>1/62,917 Sq. Ft.</td>
<td>1.44</td>
<td>N/A</td>
<td>N/A</td>
<td>18.61%</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>1/46,609 Sq. Ft.</td>
<td>1.07</td>
<td>N/A</td>
<td>N/A</td>
<td>13.82%</td>
</tr>
<tr>
<td>Flexible Trade Space</td>
<td>2/13,923 Sq. Ft. each total 27,846 Sq. Ft.</td>
<td>0.64</td>
<td>N/A</td>
<td>N/A</td>
<td>8.27%</td>
</tr>
<tr>
<td>Roadways, Open Space and Retention</td>
<td>135,036 Sq. Ft.</td>
<td>3.10</td>
<td>N/A</td>
<td>N/A</td>
<td>40.05%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>7.74</td>
<td></td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

**DIMENSIONAL STANDARDS**

The applicable dimensional standards for the PDD are as follows:

Table 2

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Lot Area</th>
<th>Minimum Lot Width</th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
<th>Corner Side</th>
<th>Height (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate controlled indoor storage</td>
<td>60,000 Sq. Ft.</td>
<td>150 Ft.</td>
<td>25 Ft.</td>
<td>10 Ft.</td>
<td>20 Ft.</td>
<td>N/A</td>
<td>42 Ft.*</td>
</tr>
<tr>
<td>Retail</td>
<td>43,500 Sq. Ft.</td>
<td>150 Ft.</td>
<td>25 Ft.</td>
<td>10 Ft.</td>
<td>20 Ft.</td>
<td>N/A</td>
<td>35 Ft.*</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>43,500 Sq. Ft.</td>
<td>150 Ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Flexible Trade Space</td>
<td>12,000 Sq. Ft.</td>
<td>75 Ft.</td>
<td>25 Ft.</td>
<td>10 Ft.</td>
<td>20 Ft.</td>
<td>N/A</td>
<td>35 l.</td>
</tr>
</tbody>
</table>

* Measured to the mean roof line between the building eave and peak of slope.
OPEN SPACE PROVIDED

The applicable Open Space provided within the PDD is as follows:

<table>
<thead>
<tr>
<th>Type of Open Space Description</th>
<th>Type</th>
<th>Active</th>
<th>Passive</th>
<th>Acreage Provided</th>
<th>Phase</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffer</td>
<td>Common X</td>
<td>Active X</td>
<td>0.37</td>
<td>1</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>X</td>
<td>Active X</td>
<td>0.88</td>
<td>1</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Transmission Corridor</td>
<td>X</td>
<td></td>
<td>1.74</td>
<td>1</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>1.16</td>
<td>2.99</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PARKING STANDARDS

Current parking standards will be used for this Project, with the following exceptions:

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Parking Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate controlled indoor storage</td>
<td>1 per 50 Cubes and 1 per Employee largest shift</td>
</tr>
<tr>
<td>Retail</td>
<td>1 per 300 Sq. Ft.</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>N/A</td>
</tr>
<tr>
<td>Flexible Trade Space</td>
<td>1 per 2,000 Sq. Ft. and 1 per Employee (Minimum 3)</td>
</tr>
</tbody>
</table>

TRANSPORTATION IMPROVEMENTS

1. The proposed PDD will affect existing infrastructure such as:
   a. Roadway Capacity. The proposed uses within the PDD will not generate material increases to the existing traffic volume on the existing roadways. The capacity of the offsite roadways is more than adequate to support the build-out traffic counts generated from the PDD.
   b. Fire/EMS/Police. The proposed uses within the PDD will not create material demand on Fire/EMS/Police services as commercial uses generally demand fewer services than residential uses, and the most significant component of the PDD is climate controlled storage which generates minimal and intermittent visits. The minimal visits in turn create significantly fewer incidents for Fire/EMS/Police responses.

2. How does the applicant propose to mitigate the effects on the existing infrastructure? The applicant proposes that the 75' roadway providing access to the parcels and uses within the PDD
be maintained as a private right-of-way, maintained by the property owners within the PDD and not by the municipality as a public expense.

3. Will off-site improvements be made as a result of this project? No off-site improvements are anticipated as a result of this project.

4. Will any project improvements be dedicated to Horry County? It is anticipated that the water and sewer improvements associated with the project will be dedicated to Grand Strand Water & Sewer Authority, an authority under Horry County.

5. What will be the average daily trips generated by proposed project at build-out for each use?

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Average Daily Trip (at build-out)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate controlled indoor storage</td>
<td>388</td>
</tr>
<tr>
<td>Retail</td>
<td>310</td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>141</td>
</tr>
<tr>
<td>Flexible Trade Space</td>
<td>24</td>
</tr>
</tbody>
</table>

PDD Plans and Exhibits:
A. Boundary Survey
B. Open Space Plan
C. Phasing Plan
D. Construction Timetable
E. Environmental Plan
F. Utility Plan
G. Site Plan
H. Illustrative Plan
I. Stormwater Plan
J. Trip Generation Plan
K. Building Elevations
EXHIBIT “A”

Boundary Survey
EXHIBIT “B”

Open Space Plan
EXHIBIT “C”

Phasing Plan
## EXHIBIT “D”

### Construction Timetable

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Projected Start Date</th>
<th>Projected Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate controlled indoor storage</td>
<td>July 2020</td>
<td>April 2021</td>
</tr>
<tr>
<td>Retail</td>
<td>October 2020</td>
<td>May 2021</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>February 2021</td>
<td>April 2021</td>
</tr>
<tr>
<td>Flexible Trade Space</td>
<td>September 2021</td>
<td>May 2022</td>
</tr>
</tbody>
</table>
EXHIBIT "E"
Environmental Plan
EXHIBIT "F"

Utility Plan
EXHIBIT “G”

Site Plan
EXHIBIT "H"

Illustrative Plan
EXHIBIT “I”

Stormwater Plan
EXHIBIT "J"

Trip Generation Plan
Article V: Non-Conformities

Before Article III "District and Use Regulations" is presented to Town Council for consideration the Planning Commission should review and amend Article V: Nonconformities. This will prevent any inconsistencies between the two articles and allow each article to work together for the betterment of the town.

When creating a list of uses that the town would permit in certain zoning districts this list, once approved by Town Council after two (2) affirmative votes becomes law. This will place certain uses currently within the town in legal nonconforming status. Those uses that were established without the proper approval are known as illegal nonconforming uses (both have been defined under Section 17-502 of the proposed amendments). This section also holds the owner responsible to prove, if needed that the establishment was a legal nonconformity.

The Town's Attorney was not in favor of limiting the time frame for massage parlors to the current owner. On October 2-4th staff had the opportunity to attend the SC Planning Association's Fall Conference. There I spoke with planning attorneys about our existing nonconforming ordinance and the changes staff was recommending. The attorneys were gracious enough to offer suggestions regarding the language and also gave suggestions on ordinances in South Carolina that may be helpful. They recommended I review Edisto Beach, Columbia (which has an individual ordinance addressing massage parlors), Bluffton, Mount Pleasant, Charleston, Myrtle Beach, and a few others. After reviewing the ordinances staff offers the attached draft ordinance for review. I have sent this ordinance to the Town Attorney for review and recommendations and hope to have her comments for the commission prior to the November meeting.

As you will see, some of the sections have been amended with the new language, this language will be in RED. Other sections were amended by moving language from one section of the ordinance to another. This makes for an easier read and allows for everything "nonconforming" to be in one section of the code.

In the current ordinance, certain "nonconformities" are found in Article II: General Provisions of the zoning ordinance. Sections addressing nonconformities have been removed from this article and the language has been added to Article V. This will prevent those looking for nonconformities from having to search the entire ordinance to get all requirements.

Also, it was recommended that those nonconformities that apply to specific aspects of the code (i.e. signs, shoreline) should be referenced in this section. This would direct those looking for that particular section and make it easily found by any layperson searching.

While we were reviewing our current ordinance a few sections were pointed out as possibly being problematic or would require specific recommendations from the commission to town council:

SECION 17-504 NONCONFORMING USES

Section 17-504 E: Abandonment of Nonconforming Uses: If a legal nonconforming use is replaced with another conforming use, or is discontinued for any reason for a period of ninety (90) days, six (6) months??? or longer, the use shall be considered abandoned. Once abandoned, the user's
legal nonconforming status shall be lost and the re-establishment of a nonconforming use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

- Suggested the Planning Commission recommend the timeline defining abandonment for all nonconforming uses as a whole. They did give three (3) suggestions.

Section 17-504F - Commercial uses located within the Entertainment District (C-4) that are deemed to be nonconforming with the creation of the district and as of the date of this ordinance that is damaged by fire or any other cause shall be permitted to restore or reestablish the use, or to establish any other use permitted in the Entertainment District.

- Considered this language inconsistent with the intent and purpose of the nonconforming uses since the purpose of the article is to eliminate nonconforming uses in the town. This language was added through the amendments made by the Town Council during 2nd reading of the Entertainment District (C4) ordinance. The previous Planning Commission did not recommend this language be added.

SECTION 17-505. NON-CONFORMING STRUCTURES

Section 17-505(c) (2) Commercial structures located within the Entertainment District (C-4) that are deemed to be nonconforming with the creation of the district and as of the date of this ordinance that is damaged by fire or any other cause shall be permitted to restore or rebuild the structure, using the same footprint, height and square footage as existed prior to the fire or other cause. Structures must comply with the current flood damage prevention ordinance and all other federal, state and local law that are applicable.

- Considered this language inconsistent with the intent and purpose of the nonconforming uses since the purpose of the article is to eliminate nonconforming uses in the town. This language was added through the amendments made by the Town Council during 2nd reading of the Entertainment District (C4) ordinance. The previous Planning Commission did not recommend this language be added. Recommend removal from the ordinance.

Section 17-505(c) (3) A nonconforming residential structure that is damaged by fire or any other cause may be restored. In such cases, the structure may be re-established to the extent that existed before the time of damage, provided that the repairs or rebuilding do not increase the degree of nonconformity, do not increase the footprint and/or height, of the damaged or destroyed building, and that the restoration or reconstruction begin within six (6) months and is completed within twelve (12) months of such damage. Height may increase only when required for residential structures in the Special Flood Hazard Areas. At no time shall the high limit exceed maximum allowed in zoning district.

- Suggested we add the italicized words to ensure compliance with FEMA and town flood requirements while making it clear maximum height limits in each district cannot be exceeded.

Request the Planning Commission review all sections and have comments/ recommendations during discussion at the November meeting.
SECTION 17-500. PURPOSE

The zoning regulations established by this Ordinance are designed to guide the future use and development of land within the Town by, among other things, encouraging controlled site development and appropriate groupings of compatible and related uses, thereby promoting and protecting the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of currently established zoning regulations and can adversely affect orderly development and the value of nearby properties; thus, the elimination or lessening of nonconformities is desirable. This article provides for the removal and termination of illegal nonconformities and the regulation of legal nonconforming uses, structures, sites, and specifies those circumstances and conditions under which legal nonconformities are permitted to continue or expand. This article establishes regulations governing uses, structures, lots and open spaces that were lawfully established but that do not comply with one or more existing requirements of this chapter.

SECTION 17-501. REVISIONS IN THE LAW/BUILDING CODE/VESTED RIGHTS

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. SC Code of Laws Sec. 6-29-1520 (11).

SECTION 17-502. APPLICABILITY

A. Legal Nonconformities: Legal nonconformities are those nonconformities that were properly permitted and legally established at the time of establishment but no longer comply with applicable zoning and land development regulations. This article shall apply to uses, structures and sites that became nonconforming by the initial adoption of this Ordinance, an amendment to this Ordinance, or the division of the territory subject to this ordinance of the Town. Legal nonconformities are allowed to continue, subject to the regulations of this article.

B. Illegal Nonconformities: Illegal nonconformities are those nonconformities that were not properly permitted or legally established at the time of establishment and do not comply with applicable zoning and land development regulations. Illegal nonconformities are hereby declared to be illegal. Illegal nonconformities are subject to removal and termination by the Town upon a determination of such illegality by the code enforcement official, and a determination by the code enforcement official that the continuance of an illegal nonconformity will have a material adverse impact on the public health, safety, or welfare. Illegal nonconforming uses, structures and sites shall not be changed, enlarged, expanded, or extended, unless such action is in full conformance with the provisions of this Ordinance.

C. Burden of Proof: The burden of establishing a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the Town or any other person.
SECTION 17-503 REPAIR AND MAINTENANCE

A. Repairs and Normal Maintenance: Repairs and normal maintenance required to keep nonconforming structures and site improvements in a safe condition are permitted, provided that no alterations may be made to nonconformities except those allowed by this article or those required by law or ordinance.

B. Public Safety: This article shall not be construed as to prevent strengthening or repair of a structure in compliance with the order of a code enforcement official whose duties include protecting the public safety.

SECTION 17-504 NONCONFORMING USES

Where uses legally existing on the effective date of this Ordinance are not in conformity with the provisions of this Ordinance, it is the intent and purpose of this section to declare such uses within the Town to be nonconforming and detrimental to the orderly development of the Town. The elimination of such nonconforming uses as quickly as possible consistent with the rights of the owners and users thereof, and the promoting of appropriate groupings or compatible and conforming-related uses shall be endorsed.

1. Continuation of Nonconforming Uses: Uses of land and buildings that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance may be continued as legal nonconforming uses subject to the following:
   A. A nonconforming use may not be enlarged, expanded, or intended to occupy a greater area of land or floor space than was occupied on the effective date of this Ordinance, and no additional nonconforming accessory use or structure may be established on the site of a nonconforming use.
   B. A nonconforming use may not be moved or relocated, in whole or in part, to any other portion of the parcel on which it is located, or to any other building located thereon, nor to any other lot or parcel, unless such use will be in conformance with the use regulations of the district into which it is moved.
   C. A nonconforming use which has been changed to a conforming use shall not thereafter be changed to another nonconforming use.
   D. A non-conforming use may not be changed to another non-conforming use. This includes change of occupancy for existing non-conforming uses.

2. Abandonment of Nonconforming Uses: If a legal nonconforming use is replaced with another conforming use, or is discontinued for any reason for a period of ninety (90) days, six (6) months or longer, the use shall be considered abandoned. Once abandoned, the user's legal nonconforming status shall be lost and the re-establishment of a nonconforming use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.
3. **Cessation.** All nonconforming uses shall be discontinued or otherwise made to conform to the provisions of this chapter within one (1) year from the effective date of this chapter or the current business license becomes invalid whichever comes first.

4. **Commercial uses located within the Entertainment District (C-4) that are deemed to be nonconforming with the creation of the district and as of the date of this ordinance that is damaged by fire or any other cause shall be permitted to restore or reestablish the use, or to establish any other use permitted in the Entertainment District.**

**SECTION 17-505. NON-CONFORMING STRUCTURES**

Structures lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be continued as legal nonconforming structures, subject to the following:

A. A nonconforming structure may be occupied by any use allowed in the underlying zoning district.

B. **Expansion.** A nonconforming use shall not be enlarged or expanded unless one of the following conditions exists:

1. Such expansion eliminates or reduces the nonconformity and such expansion or extension conforms to the provisions of this chapter; or

2. Where the principal building on a lot is nonconforming solely as a result of a setback encroachment, additions to the principal building can be allowed provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already has been encroached upon, the addition can be allowed, provided that it projects no further into the setback than the existing building and in no way extends past the wall line of the existing building. This provision does not apply to a nonresidential use that adjoins a residential district on the side of the lot having the setback nonconformity. Neither shall this provision be applied to allow a building to be extended closer than five (5) feet from any property line nor allow a building to be extended closer than fifteen (15) feet from any publicly maintained right-of-way. (Eliminate 17-201(e) and include here).

![Section 17-505(b)(2) Illustration](image-url)
C. Damage or destruction and loss of legal nonconforming status.

1. A nonconforming structure, other than a residential structure, that is damaged by fire or any other cause shall not be restored, except in conformity with the provision of this chapter, if the cost of the repair work equals forty eight (48) percent or more of the structure's total physical replacement cost (which shall consist solely of materials and labor). Determinations of physical replacement costs shall be made by the code enforcement official. Where damage is less than forty eight (48) percent and such repairs are permitted, they shall in no way increase the extent of the nonconformity (pre-damage) and shall otherwise be in full compliance with the regulations of this chapter. Authorized repairs shall be completed within twelve (12) months of such damage.

2. Commercial structures located within the Entertainment District (C-4) that are deemed to be nonconforming with the creation of the district and as of the date of this ordinance that is damaged by fire or any other cause shall not be permitted to restore or rebuild the structure, using the same footprint, height and square footage as existed prior to the fire or other cause. Structures must comply with the current flood damage prevention ordinance and all other federal, state and local law that are applicable.

3. Moving or relocation. A nonconforming structure may not be moved or relocated, in whole or in part, to any other portion of the parcel on which it is located, or to any other building located thereon, nor to any other lot or parcel, unless such structure will be in conformance with the regulations of the district into which it is moved.

4. All construction authorized by this section shall conform to the requirements of the building code and Flood Prevention Ordinance (Chapter 16 of this Code).

SECTIONS 17-506 NON-CONFORMING LOTS

Lots of record that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be developed for uses allowed in the applicable zoning district, subject to the following: (eliminate 17-201 (a) and include amended language here)

A. Any lot created prior to the adoption of this ordinance, and is an existing lot of record that does not comply with the minimum lot area and/or lot width, or frontage requirements as set forth shall nonetheless be approved for use provided all other applicable requirements of the ordinance are met.

B. Where the owner of lots consisting of (2) or more adjacent lots of record at the time of adoption of this chapter and the owner of such nonconforming lot chooses to build on or sell these lots, the owner must combine the lots to comply with the minimal dimensional requirements of this chapter.
C. Where but one lot is involved, the owner may use such lot, provided the dimensional requirements, including front, side, and rear yard setbacks, are reduced no more than 20%. In the event where a reduction of more than twenty (20) percent is required, the board of zoning appeals may authorize the reduction of required yards or setbacks consistent with variance standards as imposed by this chapter.

SECTIONS 17-507 NON-CONFORMING FEATURES

Except as may be provided elsewhere in this chapter, nonconforming features to include a deficiency in the number of required parking, required illumination, or similar site appurtenance may continue pursuant to the provisions of this chapter, subject to the following:

Parking: The use of an existing structure which is nonconforming due to its failure to comply with the minimum off-street parking standards may be changed to a use that is permitted in the district in which it is located without meeting the minimum parking requirements for that use with the following condition:

Additions or expansions to structures with nonconforming off-street parking shall require entire site to be brought into compliance with Article IV, Division 2, Off-Street Parking.

SECTIONS 17-508 SPECIAL PROVISIONS ACCESSORY USES OF NONCONFORMING STRUCTURES

No use that is accessory to a principal nonconforming use shall continue after such principal use shall have ceased, unless it conforms with the regulations of this chapter. Accessory uses shall conform to the requirements of all local, state and federal requirements.

SECTIONS 17-509 OTHER NONCONFORMITIES REFERENCES

Nonconforming signs: See Article V, Sections 17-632 of this chapter.
Nonconforming uses: removal of destroyed or damaged nonconforming structures (Shore Protection): See Article VIII, Section 17-806 of this chapter.

SECTIONS 17-510 through 17-599 (RESERVED)
Minimum Square Footage for Principal Residential Structures and dwelling units

Recently an article came out about a proposed project off of Hwy. 17 S. next to the Tupelo Bay Golf Center. The developers are requesting approval to place 221 homes on about 25 acres of land. These homes planned would have a square footage ranging from 800 sq. ft. to 2000 sq. ft.

Ten percent of the homes will be about 2,000 square feet, 50% will be less than 900 square feet and roughly 20% will be less than 600 square feet.

Once the article was published our office received many calls asking how we could allow tiny houses town. I explained the project was not within the town limits, but just outside. They asked if this project or one similar could be built in town. The answer is the town does not have a minimum square footage requirement on structures. The building code does establish certain requirements, however "tiny homes" can be built to meet those requirements. The only avenue towns have is regulation through zoning.

They shared concerns of:
- property values declining
- They’re not that marketable; people desire space, bedrooms and bathrooms; difficult for resale
- quality of life issues
- safety/crime
- tiny homes would clash with established neighborhoods
- traffic problems
- hurricane standards
- air quality and ventilation (often heated with wall mounted propane tank)
- and many other anxieties and frustrations they were feeling.

**Building codes versus zoning**

It's important to understand the difference between building codes and zoning—both of which dictate and limit the construction of tiny homes.

- Construction codes tell you how to build your house
- Zoning depends on where you'll build your house

The Town of Surfside Beach has adopted the International Residential Code (IRC) for one- and two-family dwellings, which contains size specifications for rooms (except bathrooms and kitchens) must be at least 70 square feet, while ceiling height must be at least 7 feet.

Zoning regulations are based off more local factors, and can determine the size requirements of your home based on what zone it's located in or the town can establish a minimum square footage for any or all structures depending on use.

We found through our research that many cities, towns, and counties, have a minimum size requirement of 1,000 square feet or more for construction. Ordinances also state it's illegal to live in a tiny home or "micro-unit" on wheels. The ordinances not only require minimum square footage but also requires permanent foundations.

Home Owners' Associations (HOAs) often have a minimum building size requirement because they say it preserves the character of the neighborhood, the property values, and the tax base of the community, according to a report from the American Planning Association. (See excerpt included).

*Although this is not a field for municipal action.*

Some ordinances don't allow RV's or campers (which define tiny homes on wheels as RV's). The **Town currently does not allow RV's. However, tiny homes are not defined at all in the zoning ordinance.**

Another idea some may have is to place a tiny home in the backyard of a family member or friend, as the zoning ordinance allows "accessory dwellings" with a maximum allowed square footage of 850 sq. ft. in floor area. Efficiency dwellings are also currently allowed in the zoning ordinance with no minimum square footage requirement. (Both uses are allowed in R2, R3 and MU zoning districts).
Planning Commission Issue Paper
Item 7 (c)
January 14, 2020

Dwelling, accessory unit shall mean a dwelling unit, not exceeding 850 square feet in floor area, that has been added to or created within a single-family (detached) structure or is located on a lot containing a single-family (detached) structure. This definition includes garage apartments and guest houses.

Efficiency shall mean a dwelling unit of not more than one (1) room in addition to a kitchen and bath.

We've found most ordinances that address this issue simply place minimum square footage requirements on primary and secondary accessory residential units.

One example would be Rock Hill

Rock Hill requires a minimum house size:

Single family detached dwellings must comply with these minimum size standards:

- 2 or fewer bedrooms: 850 square feet of heated floor area
- 3 or more bedrooms: 1,000 square feet of heated floor area

Accessory dwellings must be at least 450 square feet.

The majority, where allowed are located in counties and not municipalities. Many say the cost for land, and minimum size requirements of lots in a municipality makes building tiny homes out of reach for the average person. However, some are willing to pay the price for location.
Article I – Section 17-007 Definitions

Many times in the past staff has been asked what certain sections of the ordinance means. These questions range from “floor area”, highest point of the roof, tree protection and goes on and on. A good definitions section of a zoning ordinance is important when enforcing this code. In certain instances words can be defined in many different ways. If not defined, can be challenged.

As you can see in the attached draft proposal several new words have been added and defined. These words are found throughout the ordinance and need to be defined within the ordinance. Councilman Pellegrino has also requested in the past more illustrations be added to the ordinance. This makes it easier for a layperson to understand the zoning definitions.

Because the commission is reviewing a proposed amendment to include Tiny Homes and other amendments throughout the ordinance we request review and recommendations to the definitions section of the ordinance.
ARTICLE I. GENERAL PROVISIONS

SECTION 17-001. AUTHORITY AND ENACTMENT CLAUSE
The following articles and sections are adopted pursuant to the statutory authority conferred by Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

SECTION 17-002. SHORT TITLE
This chapter shall be known as the "Zoning Ordinance of the Town of Surfside Beach, South Carolina," and the map referred to in this chapter, which is identified by the title, "Zoning Map of the Town of Surfside Beach South Carolina," dated March 1, 1988, as amended, and all explanatory matter thereon are hereby adopted and made a part of this chapter.

SECTION 17-003. EFFECTIVE DATE
This chapter shall take effect and be in force from and after the date of its adoption by the town council.

SECTION 17-004. PURPOSE
The zoning regulations and districts 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 provide for adequate light, air, and open space; to prevent the overcrowding of land; to avoid the undue concentration of population, and to lessen congestion in the streets; to facilitate the creation of a convenient, attractive, and harmonious community; to protect and preserve scenic, historic, and ecologically sensitive areas; to regulate the density and distribution of populations and uses of buildings, structures, and land for trade, residence, recreation, conservation, water supply, sanitation, protection against floods, public activities, and other purposes; to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements; to secure safety from fire, flood, and other dangers; and to further the public welfare in any other regard specified by the town council. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

SECTION 17-005. CONFLICTS WITH OTHER LAWS
Whenever the regulations of this chapter require a greater width or size yard, or require a greater percentage of a lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

SECTION 17-006. SEVERABILITY
The various articles, sections, subsections, provisions, paragraphs, and clauses of this chapter are severable and in the event that any article, section, subsection, provision, paragraph, or clause is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect.

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

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SECTION 17-007. DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” and “will” are mandatory and the word “may” is permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, and designed to be used or occupied.” The word “lot” includes the words plot, parcel, or property. The word “structure” includes the word “building”. Words or phrases not specifically defined herein shall have their customary dictionary meanings.

Abandonment shall mean the relinquishment of property, or a cessation of the use of property, by the owner or lessee without any intention of transferring title to the property to another owner or of resuming the use of property.

Access shall mean a way or means of approach to provide vehicle or pedestrian physical entrance to a property.

Accessory structure shall mean a detached subordinate structure, the use of which is incidental to and customary in connection with the principal building or use, and which is located on the same lot with such principal building or use.

Accessory use shall mean a subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Alley shall mean a public or private way at the rear of a property, permanently serving as a means of providing secondary or service vehicle access to abutting property, less in size than a street, and which is not designed for general vehicular traffic.

Alteration of building shall mean any changes in the supporting members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Amusement arcade shall mean any portion of a building used for entertainment through the use of coin operated video games, games of skill, or similar amusement devices as licensed pursuant to S.C. Code 1976, § 12-33-2720(e).

Amusement Arcade shall mean a venue where people play arcade games such as video games, pinball machines, electro-mechanical games, redemption games, merchandisers (such as claw cranes), or coin-operated billiards or air hockey tables.

Animal Boarding facility or daycare shall mean a commercial establishment where dogs, cats or other household pets are kept for any length of time. Such establishment may offer ancillary services, such as grooming.

Arborist shall mean for the purpose of this ordinance, a person or firm, possessing a current town business license, trained and knowledgeable in all aspects of arboriculture.

Automobile service station shall mean any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing, installing, or repairing of bodies, orfeeders of motor vehicles, or painting motor vehicles, and excluding public garages.
ARTICLE I. GENERAL PROVISIONS

A-Weighted Sound Level (dBA) shall mean a scale for sound measurement that is meant to simulate the subjective response of the human ear. See dBA.

Awning shall mean a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. See figure 17-097(a)

Figure 17-097(a)

Bedroom shall mean any room in a dwelling unit that is intended as having the characteristics of a sleeping room. Any room which by size or location will accommodate permanent or temporary sleeping equipment, such as but not limited to: standard mattress/box spring beds, pull down (Murphy) beds, futons, sleeper sofas, waterbeds, inflatable mattresses, and day beds, shall be considered a bedroom for the purpose of administering and enforcing this chapter. Rooms designated kitchen, bathroom, dining room, or living room/great room shall be excluded provided they include the customary attributes of so named rooms and are placed in the floor plan in the customary arrangement for such a room. For the purposes of counting bedrooms, only one (1) living room/great room, dining room, and kitchen designation is permitted per dwelling unit.

Bed and Breakfast Rule (dBA) shall mean a portion of an owner-occupied dwelling unit structure offering transient lodging, to paying guests on an overnight basis, usually staying seven days or less. The use of a dwelling as a bed and breakfast shall not be considered as an accessory use or a home based business.

Berm shall mean a mound of earth or the act of pushing earth into a mound. Figure 17-097(b)

Figure 17-097(b)

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

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ARTICLE I. GENERAL PROVISIONS

Board of zoning appeals ['the board'] shall mean the Town of Surfside Beach Board of Zoning Appeals, as created by this chapter pursuant to S.C. Code § 6-29-780 et seq.

Body piercing shall mean any method of piercing of the human skin of one person by another person with the intention of inserting any object including but not limited to jewelry. For the purposes of this chapter the term body piercing shall also include any process of marking or disfiguring the skin or other tissue of any person by branding or scarification but shall not include the piercing of the fatty lobe of the ear by an ear-piercing gun designed solely for that purpose, or physician-authorized surgical procedures. The definition of body piercing includes that process commonly referred to as implantation.

Branding shall mean the act of intentionally marking or disfiguring a human body by burning it through the use of a hot object or by the use of any substance or process which results in such marking or disfiguring.

Brewery shall mean a facility used for the commercial purpose of the production of beers, ales, and similar beverages. The facility incorporate all aspects of production including aging, storage, bottling, wholesale sales and administrative office functions. Retail sales, tasting facilities, and even facilities may be permitted as part of the facility operations.

Buffer strip shall mean a suitable planting, screen, or fence at least six (6) feet in height above finished grade.

Buildable area shall mean that portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear setbacks requirements for that district have been subtracted from the total area.

Building shall mean any structure constructed on site or placed on site having a roof supported by columns or walls for the shelter or enclosure of persons or property. The connection of two (2) buildings by means of an open porch, breezeway, garage, or other such open structure, with or without a roof, shall not be deemed to make them one (1) building.

Building Footprint shall mean the area encompassed by a buildings outer wall at ground level. See figure 17.007(c).

Building height shall mean the highest vertical distance measured from the lowest finished grade at ground level, within one (1) foot of the structure footprint to the highest point of the roof. See Figure 17.007(c).

Within one (1) foot of the structure footprint.
ARTICLE I. GENERAL PROVISIONS

Building line shall mean that line which represents the distance a building or structure must be set back from a lot boundary or a street right-of-way line according to the terms of this chapter.

Building official shall mean the person(s) designated by the town who, by virtue of certification by the State of South Carolina, is authorized to administer and enforce the building code.

Building, Principal shall mean a building in which is conducted the principal use of the lot on which it is located.

Banquet Facility shall mean an establishment that provides food prepared and served in a formal setting for special occasions such as weddings, bar/bat mitzvahs, family reunions, corporate award ceremonies, charitable benefits and other special events. See Catering establishments.

Catering Establishment shall mean an establishment in which food is prepared and typically served or delivered to an off-site location. See Banquet facility.

Certificate of occupancy shall mean a document issued by the building official governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable municipal codes, ordinances and building code.

Certificate of zoning compliance shall mean a document issued by the code enforcement official certifying that the use, alteration, or maintenance of a building or lot conforms or will conform, subject to the conditions imposed by the certificate, to the requirements of this chapter.

Cessation shall mean a final ceasing to end.

Child Day Care center shall mean an establishment provided for the care, supervision, and protection of children for hire for seven (7) or more children not related by blood, marriage, or adoption to the owner of such facility.

Clinic shall mean an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians who admits practicing medicine.

Clinic shall mean a facility operated by a group of physicians, dentist, chiropractors, or other licensed practitioners for the examination, care and treatment of outpatient clients.

Code enforcement official shall mean the person(s) appointed to administer and enforce the provisions of this chapter. The code enforcement official may also, when appropriately certified and designated by the town, perform the duties of the building official as defined in this section.

Commercial flea market shall mean a flea market, swap shop, or similar activity by whatever name, or those which involve the setting up of two (2) or more booths, tables, platforms, racks or similar display area for the purpose of selling or buying merchandise, goods, material, products, or other items offered for sale outside an enclosed building. A flea market shall not be intended to include a garage sale, bake sale, fruit or produce stands, booths in an enclosed building, or art festival or any similar activities or sales done by a civic group or by nonprofit organizations.

Communication tower shall mean a tower of any size which supports communication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public
users. This does not include communications towers for amateur radio operators licensed by the Federal Communications Commission which are exempt from municipal zoning restrictions, but does include radio and television towers. Communication towers are considered a principal use, however towers located on existing structures shall be considered an accessory use.

Compact Car Parking shall mean parking spaces, in parking lots and parking structures, intended for compact cars only, on smaller dimensions than those provided for standard-sized or larger size vehicles.

 Conditional use shall mean a use of land or structure that is permitted in a particular zoning district subject to the conditions, restrictions, or limitations on the use as specified in the zoning ordinance and authorized by the Planning Director.

Condominium shall mean a multifamily building and land, certain parts of which are held in common ownership such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and other related common elements, together with individual ownership in fee of a particular dwelling unit within such building.

Correctional Facility shall mean a publicly owned and operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

dBA shall mean the unit of measurement of the total sound level of all noise as measured with a sound level meter using the A-weighted network. See A-Weighted Sound Level.

Deck shall mean an unroofed platform, either freestanding or attached to a building that is supported by pillars or post.

Density shall mean the number of dwelling units per acre of land within the boundaries of a residential project, inclusive land or parcels designed for support of the development.

Derelict vehicle shall mean any vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power on private property for more than ten (10) days.

Design Standards shall mean the ordinance defining parameters to be followed in site and/or building design and development.

Drive-In Restaurant shall mean an eating establishment dispensing food or drink where customers order from a menu board or window and pick up food or drink by a pass-out window. A drive-in restaurant may or may not provide seating capacity for its customers.

Dwelling shall mean a building designed or used as the permanent living quarters for one (1) or more families. Unless explicitly provided and applicable to a provision within this chapter, the term dwelling and the subcategories provided below do not include manufactured or mobile homes.

1) Dwelling, single-family (detached) shall mean a building for or occupied exclusively by one (1) family and containing no more than (1) kitchen.

2) Dwelling, single-family (semi-detached) shall mean a building containing two (2) attached dwelling units that share a common wall at the lot line and that are on separate lots.

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ARTICLE I. GENERAL PROVISIONS

(3) **Dwelling, single family (attached)** shall mean a series of three (3) or more attached one (1) family dwelling units on separate lots which may or may not have a common roof but share a common vertical exterior wall. These dwellings have private entrances (usually both front and rear). This dwelling arrangement may also be referred to as townhouses or row-houses.

(4) **Dwelling, two-family** shall mean a building on a single lot designed for or occupied exclusively by two (2) families. This dwelling arrangement may also be referred to as a duplex.

(5) **Dwelling, upper story** means a dwelling unit located on the second floor or higher of a building with non-residential uses located on the street level.

(6) **Dwelling, micro** shall mean a dwelling unit having a permanent foundation having a square feet of or less in floor area containing a kitchen, bathroom and sleeping accommodations. See Tiny House.

(7) **Dwelling, multifamily** shall mean a building on a single lot designed for or occupied exclusively by three (3) or more families.

(8) **Dwelling group** means any combination of two or more single-family, two-family, or multi-family dwellings occupying a single lot. This definition does not include accessory dwelling units, such as a garage apartment or guest house.

(9) **Dwelling unit** shall mean a building, or portion thereof, providing complete and permanent living facilities for one (1) family.

(10) **Dwelling, accessory unit** shall mean a dwelling unit (not including townhouses), not exceeding 850 square feet in floor area, that has been added to or created within a single-family (detached) structure or is located on a lot containing a single-family (detached) structure. This definition includes garage apartments and guest houses.

**Dwelling, accessory unit** shall mean a dwelling unit, not exceeding a total of 850 square footage in floor area, with a separate means of egress containing separate kitchen, bathroom, and sleeping facilities that is (1) physically attached to an existing single-family house or (2) occupies the second story of a garage on the same lot or (3) added as an accessory building on the same lot as the principal dwelling.

(11) **Efficiency** shall mean a dwelling unit of not more than one (1) room in addition to a kitchen and bath.

**Easement** shall mean a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

**Fabrication and assembly** shall mean the manufacturing for standardized parts of a distinct object from the individual components.

**Façade** shall mean the exterior portion of a building exposed to public view.

**Family** shall mean one (1) or more persons occupying a premises and living together as a single housekeeping unit.

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**TOWN OF SURFSIDE BEACH ZONING ORDINANCE**

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Finished Grade shall mean the elevation of the surface of the ground after completion of final grading.

Floor area shall mean the square feet of floor space within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. It does not include porches, unheated garages, or space in a basement or cellar when the basement or cellar space is used for storage or residential use.

Floor Area shall mean the total of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet; above-ground stairs or fire escapes; elevator shafts; cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment; porches or vehicular parking area (garage).

Floor area ratio (FAR) shall mean the total heated living space (heated floor area) of a building(s) on a lot divided by the total area of contiguous land of such lot (see illustration). (Example: A building with 3,200 square feet of heated floor area located on a lot that is 8,000 square feet in area would have a floor area ratio of 0.4) See Figure 17-007(d)

Footcandle shall mean the measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on a one (1) square foot surface located one (1) foot away. Footcandle measurements shall be made with a photometric light meter and with a specified horizontal orientation.

Garage, private residential shall mean a detached accessory building or portion of a main building housing the automobiles of the occupants of the premises in a single family or two family dwelling, used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

Garage, public shall mean a structure or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking of vehicles and available to the general public.

Garage, repair shall mean a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop, nor the rebuilding, disassembling, or storage of wrecked or junked vehicles.
ARTICLE I. GENERAL PROVISIONS

Gazebo is a standalone roofed structure that offers an open view of the surrounding area, typically used for relaxation or entertainment.

Home occupation shall mean any occupation within a dwelling that meets the following conditions:

1. Such occupancy is conducted by no other persons than individuals living in a residential dwelling as defined by the International Residential Code.
2. Such occupation is conducted inside the dwelling, is clearly incidental and secondary to the use of the structure for dwelling purposes, and does not detract from the residential character of the immediate area.
3. No stock in trade is kept or commodities sold or leased on the premises.
4. No mechanical equipment is used except that which is normally used for family, domestic, or household purposes.
5. Such occupation(s) utilize no more than 25 percent of the total floor area of the principal building.
6. Such occupation create no offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
7. Such occupation shall comply with Section 17-623(a) signage in residential districts.
8. Musical instruction is limited to a maximum of four (4) pupils at a time.
9. Child care is limited to a maximum of six (6) children, including the occupant's children.
10. Under no circumstances shall any of the following be considered a home occupation: adult-oriented businesses, aerobics, exercise studio, amusement service, auto repair service, barber shop, beauty parlor, cosmetology, hair salon, body piercing establishment, childcare center, chiropractor, dentist, doctor, drug, alcohol counseling services, escort services, firearms manufacturing, group day care, beauty salon, kennel, mortuary, music or dancing instruction involving more than two (2) pupils at one time, nightclub, nursing home, psychiatrist or psychologist office, restaurant, substance abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding service, wig styling clinic, veterinarian's clinic.

Impermeable shall mean not permitting the passage of water.

Impervious coverage (percentage) shall mean all non-vertical land within a lot containing impervious surfaces, expressed as a percentage of the lot's area.

Impervious surface shall mean a land surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This term includes, but is not limited to, most conventionally surfaced streets, roofs, sidewalks, driveways, and parking lots. See Figure 17-091(e).
HIGHEST POINT OF A BUILDING OR STRUCTURE shall mean the highest vertical distance measured from the lowest finished grade at ground level, within one (1) foot of the structure footprint to the highest point of the roof or building appendages whichever is greater. See §17-201(d) for exceptions. See Figure 17-07(c).

Hotel shall mean a building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to permanent or transient guests. The word "hotel" includes the terms "motels" and "tourist court."

Junk shall mean any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition.

Junkyard and salvage yards shall mean the use of premises for open storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building material, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, mattresses, beds or bedding, household and commercial appliances, or any other kind of scrap or waste material.

Kennel, commercial shall mean an establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold for a fee or compensation.

Kennel, private shall mean the keeping, breeding, raising, showing or training of four or more dogs over three (3) months of age for personal amusement of the owner or occupant of the property.

Landscape shall mean elements used in the design and or ornamentation of open space, including lawns, trees, shrubs, and other natural materials such as wood chips and decorative features, including patios, walks and paved pavers.

Loading space, off-street shall mean space logically and conveniently located for bulk pickups and deliveries, designed to deliver vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot shall mean a designated parcel, tract, or area of land established by 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, corner shall mean any lot having at least two contiguous sides abutting one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, double frontage (through 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.

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.

Lot, interior shall mean a lot, other than a corner lot, that fronts on only one street. See Figure 17-007(f)

Lot line shall mean a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot of record shall mean a lot, the boundaries of which are filed as a legal record that existed as shown or described on a plat as filed in the records of the Horry County Register of Deeds.

Lot width shall mean the horizontal distance between side lot lines measured at the required front yard setback.

Manufacturing shall mean the production, shaping, or the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins or liquors.


Manufactured home park shall mean a tract of land consisting of five (5) or more acres on which two (2) or more manufactured homes are located or intended to be located.

Manufactured home subdivision shall mean a subdivision designed and intended for residential uses, where residence is exclusively in manufactured homes.

Mezzanine shall mean one (1) or more intermediate levels between the floor and ceiling of any story with a total of all mezzanines not exceeding one-third that of the room or space in which they are located.

Mobile home shall mean a single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed as a permanent residence,

Modular building shall mean any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the South Carolina Modular Buildings Construction Act, a modular building shall be considered equivalent to a site built structure for the purposes of this chapter.

Modular home shall mean a modular building designed for single-family occupancy that is certified by the South Carolina Building Council as conforming to the South Carolina Modular Buildings Construction Act's requirements for the placement of modular homes. A mobile home, house trailer, or manufactured home is not a modular home.

Nonconforming feature shall mean a characteristic of a building or property, such as illumination, parking, landscaping, performance standards, or certain requirements applicable to a conditional use or special exception, that lawfully existed prior to the enactment or amendment of this chapter, but which does not comply with the current requirements of this chapter.

Nonconforming lot shall mean a tract of land, designated on a duly recorded subdivision plat, or by duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and frontage standards of the zoning district, if any, at the time it was located or the time of its creation, but which does not comply with the minimum lot area, lot width, or frontage requirements of the zoning district in which it is now located.

Nonconforming structure shall mean a building or structure that was legally established but which no longer complies with the dimensional standards of the zoning district in which it is located.

Nonconforming structure shall mean a structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

Nonconforming use shall mean the use of land or a building or a portion thereof that was lawfully established but which no longer complies with the use regulations of the district in which it is located.

Nonconforming use shall mean a use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance.

Nursing home shall mean a home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Open space/green space shall mean an area of outdoor, permeable ground, consisting of lawn, shrubs, trees, or other vegetation, and cover capable of absorbing runoff water.

Overhang shall mean the part of a roof or wall that extends beyond a lower wall, also referred to as an eave. See Figure 17-695g.)
Overlay Zone shall mean a zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

Parking, Off-Street shall mean a parking space that is not located on a dedicated street or right of way and that is directly accessible to an access aisle.

Parks, neighborhood or community shall mean an area of land, open to the general public without fee that is designed and arranged for the general recreational enjoyment of residents of a neighborhood or the community at large. This use may include playgrounds, picnic areas, walking trails, and similar passive uses as well as limited noncommercial active uses such as public tennis courts, basketball courts, and similar uses.

Ferguson is a standalone archway in a garden, yard or park consisting of a framework covered with trained climbing or trailing plants.

Permeable Pavement System shall mean an aggregate or supplemental stormwater management system using cast in place or precast modular units, both of which create voids for gravel, grass or sand.

Permit, building shall mean an official document or certificate issued by the building official under the terms of the building code for any carpentry, masonry, roofing, or other construction or repair.

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

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

Permeable Surface shall mean any material that permits full or partial absorption of stormwater into previously unimproved lands. See Figure 17-0-07(c).

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

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

Porch shall mean a roofed or unroofed structure forming the entrance to a building or used primarily as a partial access to the exterior of the building. A porch is primarily open and subject to exterior views of its interior portion. See Figure 17-007(a)

Portable storage unit (on Demand Storage) shall mean portable, lightweight storage containers that provide temporary storage for homeowners in yards or driveways. This definition shall not include shipping containers.

Principal entrance shall mean the entrance primarily used by customers/guests to enter a premises or building.

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

Quorum shall mean a majority of the full authorized membership of a board or commission.

Recreational Vehicle (RV) shall mean a vehicle which is built on a mobile chassis, designed to be self-propelled or permanently tovable by a car, truck, utility vehicle, or light duty truck; and designed to be used as a temporary dwelling for travel, recreational, or vacation purposes. This definition includes pickup campers, converted buses, tiny homes on wheels and does not include permanent foundations, and pop-up campers.

Right of Way, Public shall mean an area of land or a lot that is dedicated for public use to accommodate pedestrian, bicycle, and vehicular movement and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, streets/pipes to accommodate stormwater, and gas lines). In these cases, a right of way be considered to mean easement. See Figure 17-007(b)

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

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

Setback shall mean the distance between the building, to include including building features and any lot line that establishes an area within which a structure shall not be erected, extended, or projected over or upon, except as may be provided by this chapter.

Setback, front shall mean the distance between the front of the building, including porches, decks over 18” in height from finished grade and steps to the front property line that establishes an area within which a structure shall not be erected, extended or projected over or upon, except as may be provided by this chapter. See Figure 17-007(b)

Setback, side shall mean the distance between the side of the building, including porches, decks over 18” in height from finished grade and steps to the side property line that establishes an area within which a structure shall not be erected, extended or projected over or upon, except as may be provided by this chapter. See Figure 17-007(b)
Setback, rear shall mean the distance between the rear of the building, including porches, decks over 10' in height from finished grade and steps to the side property line that establishes an area within which a structure shall not be erected, extended or projected over or upon, except as may be provided by this chapter. See Figure 17-407(b).

Shed, Storage Building shall mean an accessory structure or building used primarily for storage of purposes. This definition does not include garages. See Figure 17-407(b).

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

Sign, Abandoned Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or publicly available for a period of 3 months, or which has not been in use or publicly available for 3 months, or which is no longer imminent within a period of 3 months, or any sign structure that fails to display any sign copy for 3 months, or any sign which, for a period of 3 months, is in a condition growing upon it, clinging to it, touching it or obscuring the sign face or sign parts or structure or any sign, for a period of 3 months, which has not been maintained to be free of peeling, chipping, rusting, wearing and fading so as to be illegible at all times or to be free of rusting, rotting, breaking or other deterioration of the sign parts shall be deemed to be an obsolete or abandoned sign. The passage of time alone under the above-delineated circumstances establishes abandonment or obsolescence. Abandonment does not require any element of personal or business intent to relinquish the rights one might have in sign placement as the term is used or defined in this Ordinance. Obsolete or abandoned signs, sign copy or sign structures are declared to be a public nuisance, are prohibited and shall be removed by the owner of the property or his agent after written notification from the code enforcement official.
ARTICLE I. GENERAL PROVISIONS

Sign, Animated shall mean any sign, or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

Sign, Awning shall mean a sign that is mounted, painted or attached to an awning or door canopy that is otherwise permitted by ordinance.

Sign, Balloon, inflated or tethered shall mean an inflatable object or device that may or may not display commercial logos, that uses gases or air as a means of support and which is designed to draw attention to a product, service, or commercial activity.

Sign, Beacon/spotlight shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate.

Sign, Billboard shall mean a permanent freestanding, off-site sign which is generally used to rent or lease advertising space but which may also include noncommercial copy; also referred to interchangeably as "outdoor advertising sign" and "outdoor advertising billboard sign" and "billboard sign".

Sign, Changeable copy (manual) shall mean a sign whose message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other characters or changeable panels.

Sign, Construction shall mean a sign displayed on the site of a construction development project.

Sign, Copy shall mean all words, letters, numbers, figures, characters, artwork, symbols, or insignia that are displayed on a sign face.

Sign, Decorative artwork shall mean exterior works of art, such as statues, murals, and other graphics that do not advertise a product, service, or business. Decorative artwork shall not be considered a sign and is not regulated by this article.

Sign, Dilapidated shall mean a sign which the code enforcement official has determined is structurally unsound, has defective glass, or is in need of painting or maintenance.

Sign, Display time interval shall mean the length of time in seconds a message, graphic, or illustration is held constant, without oscillation or other change, on an electronic message board.

Sign, Directional shall mean any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, store drives, handicap access, pickup and delivery areas and the like.

Sign, Directory shall mean a sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

Sign, Electronic message board shall mean an electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Sign, Flashing shall mean any illuminated sign whose motion or visual impression changes through electronic means. Said signs include visual simulations of motion characteristic of chasing.
running, blinking, oscillating, twinkling, or expanding or contracting light patterns.

Sign, Freestanding shall mean a sign which is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, General advertising shall mean the business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. As to signs, the sign owner makes display space available to other parties in exchange for a fee or other consideration.

Sign, Governmental shall mean a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or ordinance or governmental regulation.

Sign, Home occupation shall mean a sign used in association with a home-based business that is allowed to be conducted in the dwelling occupied by the operator of the business.

Sign, House of worship shall mean any structure in which any recognized religion that has a tax-exempt status meets to practice its religion.

Sign, Illuminated shall mean any sign which, communicates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface or which reflects lights from a source intentionally directed upon it.

Sign, Interior shall mean a sign that is completely enclosed within a building or structure, provided such signs are not intended primarily to attract customers into the business.

Sign, Menu Board shall mean a sign containing the menu, or a portion thereof, of the food products for sale from the restaurant with which it is associated.

Sign, Mural shall mean a picture or design painted on the exterior of a structure. A mural is a sign if it contains any language, religious or other words or symbols which advertise any product or service or if the mural identifies any business. In such instances, the mural would be classified as an "off-site sign", a "wall sign", or other sign as defined herein and shall be subject to the regulations imposed by this article for such signs. See "Decorative Artwork".

Sign, Nonconforming, any sign, fully existing on the effective date of any ordinance, or amendment thereto, that renders such sign non-conforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Sign, Off-premise shall mean a sign that advertises goods, products, services or facilities which are located on premises other than those where the sign is located.

Sign, Placard shall mean a temporary paperboard sign no larger than six (6) square feet in size and no taller than two (2) feet in height.

Sign, Portable shall mean a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Sign, Projecting shall mean a sign attached to and projecting from the wall of a building and not in the same plane as the wall.
ARTICLE I. GENERAL PROVISIONS

Sign, Roof shall mean a sign that is erected, constructed, or maintained above the roof of any building.

Sign structure shall mean any structure which supports, has supported or is capable of supporting a sign, including the decorative cover.

Sign, Special event shall mean fluttering ribbons, pennants, banners, streamers, inflated or tethered balloons, and wall signs designed for temporary use whether attached, tethered, or otherwise affixed to the ground, a permanent sign, a building or other structure, or a parked vehicle. This definition does not include the advertising of vehicles for sale at a bona fide automobile dealership.

Sign, Wall shall mean a building-mounted sign attached to a wall, and which projects less than six (6) inches from the wall.

Sign, Warning shall mean a sign intended to warn the public of the existence of danger.

Sign, Window shall mean any sign painted, stenciled, or affixed on a window, which is visible from a public right-of-way or beach access intended to catch the attention of those outside of the structure.

Shipping Container shall mean a standardized re-sealable transportation box or unitized freight container with standardized equipment.

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

Special exception shall mean a departure from a general provision of this chapter, by the expressed terms of such provision, may be permitted by the Board of Zoning Appeals upon application only after the Board finds the existence of special circumstances, not inherent in such provision.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it; or, where the floor above it, the space between such floor and the ceiling next above it. A story is defined as a floor used for human occupancy.

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, or parkway, road, lane, or otherwise designed, including the entire area within the right-of-way. Except as otherwise termed a "private street" by a provision of this chapter, the term "street" shall mean "public street".

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.

Structure shall mean a combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, brought in, or constructed on site. Also see Building.
ARTICLE I. GENERAL PROVISIONS

Survey shall mean the scientific process of measuring the dimensions of a particular area of the earth's surface, including its horizontal distances, directions, angles, and elevations.

Tiny House shall mean a dwelling unit having a permanent foundation having a square feet of ______ or less in floor area containing a kitchen, bathroom and sleeping accommodations. See Dwelling, Micro.

Tiny House on wheels – see Recreational Vehicle

Transit short-term rental use shall mean a dwelling or other accommodation used as a dwelling or other place of human habitation with sleeping accommodations which is rented, leased, or subleased for periods less than a calendar month or thirty (30) days.

Tree Protection shall mean measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during construction (see Figure 17-0006). A tree shall mean the specific activity, or function for which land, a building, or a structure is designed, arranged, invented, occupied, or maintained.

Variance shall mean a deviation from the height, bulk, setback, parking, or other dimensional requirements where authorized by the board of zoning appeals pursuant to the procedural requirements established by this chapter. The term variance does not include deviations from this chapter's use, lot size, or density standards. Except from the literal enforcement of this chapter, permitting the use of property in a manner otherwise forbidden, granted by the Board of Zoning Appeals upon a finding that such enforcement if this chapter as written would inflict practical difficulty or unnecessary hardship as hereby described; provided, however, that the Board of Zoning Appeals may not, by variance, permit to be established or carried on in any use district an activity, business or operation which is not otherwise allowed in such a district by a specific provision of this chapter. Variances shall be allowed on after certain criteria are met per §6-29-800(2).

Yard shall mean a required open space other than a court occupied and obstructed from its lowest level upward, that lies between the principal building or buildings and the nearest lot line, provided however that

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fences, poles, posts, open patios, decks no higher than 18" above grade, signs, ornaments, furniture, and other customary yard accessories may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front shall mean a space extended the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. See Figure 17-007(b)

Yard, side shall mean a space extended from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. See Figure 17-007(b)

Yard, rear shall mean a space extended across the lot width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. See Figure 17-007(b)

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

The illustrations in this ordinance are not a part of the ordinance, but are included herein for purposes of explanation and clarification only.

SECTIONS 17-008 INTERPRETATION

When interpreting the Surfside Beach Zoning Code, the canon of construction "expositioniusestexclusioalterius" or "inclusioniusetexclusioalterius" (i.e. 'to express or include one thing implies the exclusion of another, or of the alternative') shall be strictly observed. (If a use is not explicitly listed it shall not be permitted).

SECTIONS 17-009 through 17-199 [RESERVED]