



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

January 6, 2009 6:30 p.m.

PLANNING & ZONING COMMISSION
MEETING MINUTES

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8 **1. CALL TO ORDER**

9 Vice Chairwoman Cook called the meeting to order at 6:30 p.m. Commission Members
10 Culbertson, Cook, Barnard, Smith and Seibold were present. Commission Members
11 Hanson and Saunders were absent. There was a quorum. Staff present: Building/Zoning
12 Director Donevant and Clerk Pinnell. Mr. Tom Britton from the Waccamaw Regional
13 Council of Governments was also in attendance.

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15 **2. PLEDGE OF ALLEGIANCE**

16 Vice Chairwoman Cook led the Pledge of Allegiance.

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18 **3. AGENDA APPROVAL**

19 Ms. Cook made a motion to approve the agenda as submitted. Mr. Culbertson seconded
20 the motion. **All members present voted in favor. MOTION CARRIED.**

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22 **4. MINUTES APPROVAL**

23 Mr. Seibold requested that lines 84 and 94 be changed to read “Mr.”, “it” and Ms.
24 Barnard requested that line 132 be changed to read “depth”. Mr. Seibold made a motion
25 to approve the meeting minutes from December 2nd, 2008 with noted changes. Ms.
26 Barnard seconded the motion. **All members present voted in favor. MOTION**
27 **CARRIED.**

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29 **5. BUSINESS**

30 **a. *Nonconforming Structure – text amendment review:***

31 Mr. Britton stated that at the last meeting the commission met and discussed the issue
32 of nonconforming structures and ways to possibly alleviate some of the concerns that
33 residents have in respect to the expansion of structures. Mr. Britton stated that he has
34 presented sample text for the commission to review and make a determination of
35 whether to proceed with a public hearing. A concern that was presented at the last
36 meeting was to make sure the text was very finite and targeted so that if the ordinance
37 were changed it would not affect other provisions or change other areas. Mr. Britton
38 stated that he is presenting one of the models, Option 1, which was previously
39 presented and was taken from the city of Beaufort; it was amended to incorporate
40 some limiting provisions. Mr. Britton explained that the provision would allow an
41 extension of non-conformities that encroach setbacks as long as the extension is in
42 keeping of the wall line of the existing structure. Some of the caveats included in the
43 amendment to make it limited were to limit it to conforming uses. An enlargement of
44 a nonconforming use or structure would not be allowed. Other limitations included
45 are that it would be confined to principal structures; a house or business on a lot
46 would be eligible; accessory structures would not be. Accessory structures are
47 covered by another section of the zoning ordinance with different setbacks that would
48 apply. Mr. Britton stated that he feels that the most significant provision included
49 was a limitation on how close one could be to a property line; five feet from any
50 property line was included with the exception of frontage or on a corner lot where

51 there were two abutting streets; this provision was put at 15 feet. The 15 feet was
52 used because in previous zoning ordinances the 15 feet had been allowed and this
53 should address the corner lot issues. Mr. Britton stated that the two options given
54 including text that are almost identical, the only difference is where it is placed in the
55 ordinance. Initially it was considered to put it in as an amendment to Article V of the
56 ordinance but to do this the entire section would need to be rewritten. Mr. Britton
57 added that there are some existing problems with that particular Article that the
58 commission will need to address at some point adding that it is his personal opinion
59 that it may be premature to address this at this time since there are other items to look
60 at in conjunction with this. Mr. Britton stated that there is an exceptions provision
61 which is also in the ordinance that is Option 2 and that adding item E would be the
62 place to put the text. Mr. Britton stated that he and staff are recommending that the
63 commission pursue Option 2 and to authorize staff to schedule a public hearing for
64 next month; in doing so a determination is not being made whether to recommend it
65 to council, but that they would just be authorizing a public hearing and then by next
66 month's meeting they would be in a position to determine whether to pursue it or not.

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68 Ms. Barnard asked if Mr. Britton felt that this would handle the problem without
69 creating additional problems. Mr. Britton stated that he feels that it is very limited
70 and finite and that it addresses the problem without causing other problems. Mr.
71 Britton added that he debated whether to include the illustrations. The illustrations
72 can be included along with the text amendment if the commission so desires. The
73 only reason he did not include it was that he wanted to remain consistent with the
74 other ordinances where no illustrations were included. Ms. Donevant suggested that
75 the commission may want to include the picture. Ms. Barnard stated that she would
76 like to get input from the public. Mr. Britton stated that a limiting factor regarding
77 this amendment is if there is a structure that basically qualifies but for some other
78 reason is nonconforming, perhaps from a coverage standpoint, this type of
79 construction would not be allowed because they would violate another portion of the
80 ordinance. Mr. Smith made a motion to go with Option 2 and hold a public hearing
81 the following month. Mr. Seibold seconded the motion. **All present voted in favor.**
82 **MOTION CARRIED.**

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84 *b. Discussion Overview Zoning Ordinance*

85 Mr. Britton stated that according to the schedule that the commission approved at the
86 previous month's meeting, next month the commission would begin a comprehensive
87 review of the zoning ordinance. The meeting would provide the commission time to
88 ask any questions they have as well as go over the review process and to get some
89 direction on what types of information that will be needed and what type of format
90 the commission would like to conduct this review in. Mr. Britton stated that the
91 current ordinance is composed of 8 articles and about 80 pages and it has been broken
92 down to take an article a month to review. Prior to each meeting staff will scope the
93 particular article and put, in memorandum form, any changes they see that need to be
94 made. Mr. Britton stated that he would be reviewing it with Ms. Donevant and
95 possibly Mr. Booth as well. This would be given to the commission one week prior to
96 the meeting. Mr. Booth stated that if the commission is comfortable with the changes
97 they would give a tentative approval on it and it would then go on a list in addition to
98 any other items that the commission sees that need to be addressed during their

99 review. Mr. Britton stated that one article per month would be reviewed and it would
100 be done sequentially adding that due to the inner linkage of the articles when Article
101 3 comes up the commission will also revisit Article 2; there will be multiple reviews
102 of each individual article. The staff will also be looking at the clarity of the ordinance
103 to see if it is easily understandable. Mr. Britton stated that if a Zoning Official
104 needed to look at a provision twice to understand it, then no one else will understand
105 it either adding that there should be user friendly ordinances that most people can
106 look at and understand. Mr. Britton stated that staff will also be looking at the
107 consistency of the ordinances. Mr. Britton pointed out that it looks like there have
108 been about 72 amendments to the Surfside Beach zoning ordinance since 1980 of
109 which close to 30 were done in the past 5 to 6 years adding that this is a lot of
110 amendments with a potential for inconsistencies and these need to be looked at. Mr.
111 Britton stated that they would also be looking at potential omissions; items that are
112 not in there that most zoning ordinances have and probably need to go in. Mr. Britton
113 stated that they would also be looking at the State Enabling Legislation explaining
114 that over the past few years there have been changes to State Law. For example the
115 Appeals Provision as it relates to the Planning & Zoning Commission, the Zoning
116 Board of Appeals and the Board of Architectural Reviews have changed in the last
117 few years and sections of the ordinances need to be updated to reflect those changes.
118 Mr. Britton stated that they would also be looking at the consistency with the
119 Comprehensive Plan because the zoning ordinance has to be a reflection of the
120 Comprehensive Plan and as discussions come up over potential changes and if the
121 commission would like to do something radically different than what currently exists
122 then staff may also need to look at the Comprehensive Plan to make sure there it is
123 legally covered. Mr. Britton stated that staff can be helpful in many ways but the
124 commission is going to be the experts at dealing with the scope and method of the
125 zoning ordinance; what should be addressed and how it should be addressed as well
126 as having the vision. Mr. Britton stated that ideally the zoning ordinance is set up to
127 preserve the good but that the commission would also need to have a vision of where
128 they want to go and how they would get there by the enactment of the ordinance. Mr.
129 Britton reiterated that staff would need direction from the commission on this. Mr.
130 Britton stated that the compatibility of dwellings with respect to size and placement
131 has been discussed and there are many ways to get to that within the zoning ordinance
132 by looking at various requirements. By the standpoint of policy and what is
133 recommended to the town council should be presented as the best and least painful
134 method of getting to that vision. Staff would need all of this input from the
135 commission.

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137 *c. Commission Recommendations:*

138 Mr. Britton stated that initially staff was looking for areas to concentrate on or hone
139 in on adding that a preliminary list of these type items was submitted by Chairman
140 Hanson and added if any other commission member has anything more to add they
141 are more than welcome to do so. Mr. Britton stated that regarding the format, staff
142 anticipated on doing the review at the regular meeting but if at some point the
143 commission would like to go to a workshop format or alter this format in some way
144 staff is open to any changes and will accommodate the commission. Mr. Siebold
145 asked if Mr. Britton thought that all of these items could be covered at a regular
146 meeting or would there be time constraints adding that he has no problem with this

147 but if the format was done in a regular meeting format that was open to the public
148 would the commission have enough time to cover the issues. Mr. Britton answered
149 that this would need to be determined as the meetings progress adding that workshops
150 are also open to the public and the benefit to the workshop is that the commission
151 would be working around a table as opposed to sitting at a dais and typically the
152 workshop format works better. Mr. Britton stated that some of the articles may take
153 30 or 40 minutes and some will take more time. Mr. Seibold stated that for the more
154 detailed analysis they may consider a different format. Ms. Barnard stated that the
155 recent Planning & Zoning meetings have not had many business items but that could
156 change at some point and they would have to decide how to handle this as they go.
157 Mr. Britton agreed that the commission can decide as they go on how to handle each
158 upcoming meeting.

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160 Mr. Britton stated that sometime in September or October the total list of potential
161 changes would be reviewed and at that point staff would begin drafting text
162 amendments to present to the commission. Ms. Cook asked how many public
163 hearings the commission would need to have. Mr. Britton stated that the requirement
164 under the statute is 1, however, it depends on how extensive the amendments are; if
165 there was a substantial rewrite or reformat to the ordinance then it would be
166 recommended to have more than one. Ms. Barnard stated that one of the biggest
167 concerns is clarity and that she does not see the need to make a lot of changes to the
168 ordinances but to make them clearer.

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170 Mr. Britton stated that the commission would be reviewing the Comprehensive Plan
171 towards the middle of the year and if the commission needs to make major
172 amendments on zoning they may need to tie them into the Comprehensive Plan
173 review to make sure that it is legally covered. It was confirmed that Mr. Britton
174 would meet with Ms. Donevant and list changes they would like to discuss with the
175 commission; it would be presented in a memo and then the commission would decide
176 how to proceed with the items on the list. Mr. Culbertson asked Mr. Britton if the
177 commission should notify him of anything they feel needs to be discussed while
178 reviewing the ordinances. Mr. Britton answered that they should absolutely contact
179 him and Ms. Donevant; these comments would be added to the list to present to the
180 entire commission.

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182 **6. COMMISSION COMMENTS**

183 Mr. Smith: "A few months ago we voted not to change the ordinance regarding the
184 storage sheds and down at that lot on Business 17 around 14th Avenue South they still got
185 that big pile of dirt and I'm requesting the town look into seeing about smoothing that out
186 or whatever and the next issue is the trash cans at the Bank of America, they need to
187 make sure they take them in after the Monday pickup. Thank you."
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7. ADJOURNMENT

Meeting was adjourned at 6:53.

Sharon Pinnell, Town Clerk

Approved: February 3, 2009

Bob Hanson, Commission Member

Connie Barnard, Commission Member

Ron Saunders, Commission Member

John Culbertson, Commission Member

Carol Cook, Commission Member

Charles Seibold, Commission Member

Rod Smith, Commission Member

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.

