



SURFSIDE BEACH PLANNING & ZONING COMMISSION MEETING MINUTES
TOWN COUNCIL CHAMBERS
October 4, 2011 ♦ 6:30 P.M.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

1. **CALL TO ORDER.** Chairman Seibold called the Planning & Zoning Commission meeting to order at 6:30 p.m. Planning & Zoning Commission members present: Chairman Seibold, Vice-Chairman Pruitt and members Abrams, Hanson, Lowery, Livesay, and Rhoades. A quorum was present. Staff present: Code Enforcement Official Morris, and Public Works Director Adair. Others present: Waccamaw Council of Government Representative Tom Britton, and Town Clerk Herrmann.

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

3. **AGENDA APPROVAL.** Ms. Lowery moved to approve the agenda as written. Ms. Abrams seconded. Ms. Abrams asked why public comments were not listed for agenda items. Chairman Seibold said that future agendas should include public comments on agenda items and public general comments after business. All voted in favor. **MOTION CARRIED.**

4. **MINUTES APPROVAL.** Mr. Pruitt moved to approve the September 6, 2011 minutes as presented. Mr. Rhoades seconded. **All voted in favor. MOTION CARRIED.**

5. **DIRECTOR'S REPORT.** Mr. Britton asked that this report be deferred due to the absence of the building director. Chairman Seibold asked whether Ms. Morris could report. Ms. Morris said she did not know what the director had reviewed.

6. **OLD BUSINESS.** There was no old business.

7. **NEW BUSINESS.**

Land Development Regulations (LDR) Amendments. Mr. Britton said the amendments to which the commission concurred during the September 6th meeting were made and those particular pages were presented for insertion into their respective copies of the regulations. There were two errors on the chart: 15-351(4)(h) was corrected to 15-351(2)(h) and 15-461(a)(6) was corrected to 15-461(a)(7). The commission **CONCURRED** for those corrections to be made to the September 6th minutes.

Mr. Britton said for the record that "*when references are made to the "draft" that the document is the August 3, 2011 LDR Draft, which was made available to the public.*" He reiterated the amendments for clarification and asked for questions. Chairman Seibold asked if the road width was based on SC Department of Transportation standards. Mr. Britton said no; they are based on local regulations. Surfside Beach has had 22-foot width roads for several years. Chairman Seibold asked for an explanation of "birdbaths." Mr. Britton explained those are puddles created from uneven paving; the goal is to have a uniform paved surfaces with positive drainage. Ms. Lowery asked if specific colors and fonts should be stated. Mr. Britton said the language was written to allow public works to direct the style and size signage. Mr. Adair said several options are allowed, blue and white signage is being phased in. Chairman Seibold asked if the developer was responsible for furnishing street signs. Mr. Britton answered that when a developer builds a street, it is responsible for cost and installation of the initial signs. Once the streets are accepted into the town's roadway system, public works would be responsible thereafter. The phrasing in the LDR is such that the regulations would not have to be amended as the case would be if specific details were stated.

Mr. Britton said Section 15-004 was inadvertently omitted from the previous list. That section was amended to combine paragraphs (a) and (b), creating one subsection. Some formatting was also corrected to use lower case, upper case, and number corrections; all were minor corrections and no content was changed.

57
58 **Buffer on Lakefront Lots.** Mr. Britton said preliminary language was drafted as stated on page
59 4-6, Section 15-442(b). This section would enable the planning commission discretion to require a 15-
60 foot easement adjacent to a surface water body for new subdivisions or new developments when the
61 water body is more than 10,890 square feet. It would not affect existing lots, and would be applicable
62 when subdivision requests are submitted. Easements rights granted through a plat provide access to that
63 area for the water body. Mr. Adair believes the proposed amendment is a good start. His goal is to help
64 prevent erosion resulting from stormwater passing through the town to the ocean. Bulkheads eventually
65 fail; life expectancy is 15-to-20 years. The town is currently involved in a suit because an owner's yard
66 eroded because of a bulkhead. Recently a homeowner on Cherry Lake that wanted to install a bulkhead
67 was required to sign a hold harmless agreement insuring the town against loss from himself, his
68 neighbors, and future owners. The hold harmless agreement was filed of record at the Register of Mesne
69 Conveyance so it is now attached to the property. He believed this should be implemented as policy
70 where lakefront property is concerned to protect the town.

71
72 Chairman Seibold asked what type vegetation was preferable. Mr. Adair said natural vegetation
73 or planted shrubs and trees. Trees are preferable. Plantings could be done in groups, with some grass
74 areas, but clear-cutting to the water is not good practice. Ms. Lowery asked if the homeowner could plant
75 shrubbery, etc. Mr. Adair said homeowners could use plants of their choice; the root system is what
76 stabilizes the bank. This policy applies to future developments and he suggested that the matter be
77 incorporated into the zoning and stormwater regulations. Since the LDR was being reviewed, he believed
78 this was good time to provide education on this topic.

79
80 Ms. Lowery was concerned that 15-feet would be too much because of the lot sizes. Mr. Adair
81 said there were several ways to implement this policy, including a percentage of the lot. Ms. Lowery
82 asked what the impact would be if an owner constructed a dock above the water that began on his
83 property beyond the 15-foot requirement. Mr. Britton understood that the town owns the water bodies
84 within its limits; he believed it had a right to determine what encroached upon them. Chairman Seibold
85 asked if current zoning code included setbacks that prohibited construction therein. Mr. Britton said the
86 issue is for accessory structures, which are allowed to be placed closer to property lines. His concern
87 was where the proper placement in code would be: land development regulations; zoning regulations, or
88 stormwater regulations. Having the provision in the LDR does not get to the heart of the issue, because
89 LDR is triggered when property is subdivided. Zoning and stormwater regulations always apply, and he
90 believed those codes may need to include similar provisions. Insofar as LDR, easements can be required
91 as long as there is a public interest and public reason for requiring an easement in proportion to the
92 proposed improvement.

93
94 Ms. Livesay said a stormwater plan must be submitted with development and believed it would be
95 appropriate to include a provision in the stormwater regulations. Mr. Britton said shoreline protection is
96 already included in code, which applies mainly to the ocean, but could include the lakes. Ms. Lowery
97 asked if this language could be adopted adding the word structures and more specific regulations could
98 be implemented through zoning regulations. Mr. Britton said yes; there was no provision in LDR to add-
99 on to. Many communities have conversation districts, overlay districts or special zoning districts which
100 are all zoning related. Chairman Seibold agreed that this provision did not belong in LDR, nor did he
101 believe zoning was the appropriate code. Mr. Britton said additional research would be done about
102 proper placement. Discussions with the building director and public works director led him to believe the
103 best fit is stormwater regulations. Mr. Adair said there are about 64 vacant lakefront lots in town. He
104 would like to see this language adopted to protect the shoreline. Ms. Livesay believed the language
105 should be specific; discretion is not easy.

106
107 Ms. Lowery asked if hardship cases could be appealed. Mr. Adair said yes. Mr. Britton said
108 appeals under this code come before the planning commission. This provision only applies when lots are
109 being subdivided and the water body is over a quarter acre. Ms. Livesay asked if educational brochures
110 could be distributed when applications were made. Mr. Adair said they are already doing so. Chairman
111 Seibold had no idea that his tax dollars were being used to pay for repairs because of erosion and asked
112 if the town was subject to future suits. Mr. Adair said yes, and also the county. The only way to prevent

113 future losses is to adopt this code or to require owners to execute a hold harmless agreement to be
114 recorded as a matter of record. Chairman Seibold was concerned that the matter be presented as
115 appropriate to protect the town. Ms. Lowery believed adopting the recommended language in the LDR is
116 a starting point, and that other committees should adopt applicable code. Mr. Britton said the easement
117 language presented is straight-forward. The Comprehensive Plan should be reviewed to insure that this
118 item is mentioned and referenced, because zoning gets its 'life' from that plan, then it would move to the
119 appropriate committee. The judgment of the validity of zoning is tied to the Comprehensive Plan where a
120 clear community interest has been stated therein increases the defensibility of the code. Ms. Abrams
121 asked if the town attorney had submitted comments on the LDR amendments. Mr. Britton said no. Ms.
122 Abrams said for the record, "*It has been five months since the attorney received the document.*" Ms.
123 Livesay asked when it could be sent to town council. Mr. Britton said a resolution was presented and it
124 was up to the commission. Chairman Seibold said the recommendation could be presented without the
125 attorney's input.

126
127 Mr. Britton said that page 4-6 includes a proposed amendment to Section 15-442 adding
128 paragraph (b) requiring a 15-foot easement on lakefront properties being subdivided when the water body
129 is greater than 10,890 square feet. Mr. Rhoades moved to add Section 15-422(b) to the LDR as
130 presented. Mr. Hanson seconded. All voted in favor. **MOTION CARRIED.**

131
132 Mr. Britton said the LDR draft as amended was ready to present to town council if the commission
133 so desired and said a motion was in order to approve the August 3, 2011 LDR draft as amended. Ms.
134 Abrams so moved. Mr. Rhoades seconded. All voted in favor. **MOTION CARRIED.** Mr. Britton
135 presented a resolution for the commission's consideration to submit the LDR as amended to town council.
136 Mr. Pruitt moved to approve the resolution to submit the LDR as amended to town council. Mr. Rhoades
137 seconded. Chairman Seibold read the resolution for the record, a copy of which is attached hereto. All
138 voted in favor. **MOTION CARRIED.** Chairman Seibold asked staff to note that the attorney had not
139 approved the LDR as amended.

140
141 Ms. Livesay suggested that staff continue pursuing the lakefront lot easement code. Mr. Britton
142 said he would discuss the matter with the building director and make a recommendation at the next
143 meeting as to the proper placement so the commission could act. Chairman Seibold said that should be
144 an agenda item at the next meeting. Mr. Adair said he could also present the information on the next
145 stormwater committee agenda.

146
147 **2012 Work Plan.** Mr. Britton said a work plan for 2012 was included in the package that will be
148 presented at the next meeting for approval. The plan includes updating town mapping; the
149 Comprehensive Plan, and education. Members should advise the building director of any other issues to
150 be included.

151
152 **8. PUBLIC COMMENTS.** There were no members of the public present.

153
154 **9. COMMISSION COMMENTS**

155
156 Mr. Hanson thanked Mr. Adair for explaining the drainage problem. He did a good job. Mr.
157 Hanson thanked everyone for attending and said it showed a real interest in the commission.

158
159 Mr. Rhoades thanked Mr. Adair and appreciated the continuing cooperation between the
160 commission and staff.

161
162 Ms. Lowery appreciated everyone's assistance helping her learn about planning.

163
164 Chairman Seibold thanked Mr. Adair and appreciated the information he presented. He had seen
165 many lots cleared down to the water and never considered that it cost him money.

166
167 **10. ADJOURNMENT.** Mr. Rhoades moved to adjourn at 7:29 p.m. Ms. Lowery seconded. **All**
168 **voted in favor. MOTION CARRIED.**

169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195

Respectfully submitted,

Debra E. Herrmann, CMC, Town Clerk

Approved: _____, 2011

Charles Seibolt, Chairman

Mary Ellen Abrams, Commission Member Albert Harrison, Commission Member

Lynn Livesay, Commission Member Betty Lowery, Commission Member

Mickey Pruitt, Vice Chairman Marty Rhoades, Commission Member

APPROVED

Note: Be advised that these minutes represent a summary of the planning commission meeting and are not intended to represent a full transcript of the meeting. Meeting tapes are available upon request to be heard in the office of the secretary to the planning department. An agenda of this meeting was made available to persons, organizations and local news media as requested, a list of which is available in the building department, and posted on bulletin boards in Town Hall and outside Council Chambers. This disclosure is in compliance with the SC Code §30-4-80(e).