



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

November 29, 2010 ♦ 6:00 P.M.

**TOWN COUNCIL/PLANNING COMMISSION
ZONING WORKSHOP MEETING**

1. CALL TO ORDER

Mayor Deaton called the workshop meeting to order at 6:00 PM. Members of council and members of the Planning Commission were in attendance. Mayor Deaton, Mayor Pro Tem Childs and councilmembers Blair, Johnson, Dodge and Samples were present. Planning Commission Chairman Seibold and Commission members, Rhoades, Pruitt, Livesay, Cook and Hanson were present. Commission member Abrams was on vacation and was absent. Staff present: Interim Administrator, Fellner, Clerk Pinnell; Building Director Donevant and Waccamaw Regional Council of Government Consultant, Tom Britton was also present.

2. ZONING ORDINANCE REVIEW

Mr. Tom Britton gave an overview. The commission has been working for a little over a year in reviewing the towns' ordinance and providing changes. The latest version was presented to council. The work has not been finished; the commission will still need to make a recommendation to council and hold a public hearing. The public hearing is currently scheduled for December 7th. The commission will take comments tonight from council and the public and they will be considered. Back in February council was provided with a technical and policy list of items the commission felt needed to be changed. There was a discussion from council at that time regarding some of the changes. The commission has incorporated the changes discussed. Mr. Britton stated that the section numbering has changed; one of the problems with the existing ordinance is that it has been amended a little over 70 times and each time an amendment was made the section numbering has been thrown off. Some section references do not match up. The sections have been renumbered to address this. The section numbering also corresponds with article numbers. Charts have been added to the redraft to explain some of the text.

Mr. Britton went through each article and the proposed changes. Definitions and new terms were included. Mayor Deaton stated that questions on an article will be taken after each article is addressed. Mr. Smith asked about the definition of bedroom. Mr. Britton stated that there were two different definitions of bedroom and now these definitions have been combined. Bedroom count is important in relating to parking requirements. The duties of the zoning administrator were enumerated in one place. Use variances and height requirements were addressed. The amendment section was amended to clarify and comply with State law. Provisions have been clarified relating to public hearings. The review criteria of the planning commission were addressed to add consistency to the planning commissions' review of a zoning request and in providing recommendations. Clarification of zoning permits and separating them from the concept of building permits was reviewed. Board of Zoning Appeals section was amended; the current ordinance is off-line with the State statute. Special exceptions were discussed. The planning commission chose to retain the original draft given to council in setting the review criteria for special exceptions. Special exceptions only apply to uses which are designated as special exception by the use chart or in the text of the ordinance; it is not a carte blanche grant; it is a very specific grant and council can expand or contract that grant. Appeals and decisions of the Board of Zoning Appeals; the current ordinance reads within a reasonable time and now a time frame has been added for clarity. Mr. Samples asked for clarification on the section 17-202 amendments. 2-2 reference to structures height to not exceed one half times is limited to "things out of the ordinary". Mr. Britton stated that this

57 section only applies to those listed uses. The current ordinance height depends on the
58 district; it ranges from 35 to 55 feet. Maximum in the commercial district is 55 feet.
59 Originally there was no maximum cap and the concern was that there could be certain
60 items stated in the list that would be out of place and be a distraction to adjoining
61 properties and this is why the cap at one and a half was put in. Mr. Samples had a
62 question on 2-9; hours of the Board of Zoning Appeals. The State statute is very
63 specific as to the conditions that must be met to grant a variance and the current
64 ordinance limits the authority to those conditions. Mr. Britton stated that the four
65 requirements have been adopted and codified in the town ordinances. The change to
66 the four conditions currently being made is to mirror the State requirements since the
67 State law is very specific on what needs to be done. Mr. Samples asked if special
68 exceptions are mandatory State requirements. Mr. Britton stated that the State
69 requirement reads that the zoning ordinance may allow for the granting of special
70 exceptions; it is a discretionary component; some cities do it and some do not. The
71 criteria for granting a special exception is primarily set by the individual city or town
72 councils. Mr. Britton explained the difference between special exception and a
73 variance; there is no requirement for a hardship to be shown in a request for special
74 exception. Mr. Samples suggested adding the word 'and' to a, b, c, d, e, f, g and h so
75 that all of the conditions in granting a special exceptions would be addressed in the
76 finding of facts. Garage or garden apartments were discussed briefly.
77

78 Mr. Britton discussed Article III which dealt with regulation of use. A mixed use was
79 added; it is not a mapped district at present and there currently is no recommendation
80 to designate the district. The district was a concept the Planning Commission wanted
81 to include to provide that option in case council, at some future date, wanted to
82 designate this use in a particular area. A series of criteria for making determinations
83 based on the official zoning map are now included. A district dimensional standards
84 chart is now included. All of the district requirements have been moved into one
85 place. Floor area ratio is now included in the R-2 district for duplex units; it does not
86 apply to single family buildings. Minimum lot width in the R-3 district has been
87 worded for further clarity. The 35 foot frontage requirement conflicted with another
88 provision and this was removed from the R-3 district. The C-1 district change
89 inserted deals with the rear yard access; the original intent is now made clear. The
90 mixed use districts were inserted; small commercial uses would be allowed but they
91 are limited to the floor area ratio. Technical changes have been made. Planned
92 developments and recent court cases were discussed. Additional requirements were
93 added to the manufactured home districts. Use regulations and classifications were
94 added. Currently the zoning administrator makes the determination of classification
95 of uses; if there is a disagreement it is made to the Board of Zoning Appeals. If a use
96 is not specifically listed within the code a determination is made that it is not listed
97 and thus not allowable within the town, however, as a safety net if a use is not listed,
98 the zoning administrator has to report it to the Planning Commission and Town
99 Council. Conditional use is a use allowed in a district, however, there are special
100 conditions that apply to that use that are in the ordinance enumerated and as long as
101 the use meets the conditions then the zoning administrator would issue a permit.
102 Special exceptions are uses which would require Board of Zoning Appeals prior
103 approval. If requirements are met then a permit would be given. A use chart was
104 added as a quick reference. Use conditions which apply to a specific use were
105 addressed. Dwelling groups was clarified in the ordinance and conditions for open or
106 outdoor dining has been included.
107

108 Mayor Deaton commended the commission on adding the mixed use district to the
109 zoning ordinances stating that this is an extremely important tool in planning for the
110 future. Mr. Johnson stated that he feels the charts are a wonderful addition and finds

111 them very user friendly. Mr. Johnson asked where the criteria under *Restaurants and*
112 *Other Dining Establishments* came from. Mr. Britton stated that 8 or 9 different
113 ordinances were reviewed and then criteria was chosen from the best ones; this
114 section deals with outdoor dining on a particular piece of property; this does not
115 address the Surfside Drive sidewalk dining that was referenced at a previous meeting.
116 If an area is outside of a lot it is in the town right of way and would be considered
117 town property. It was clarified that the provision for no live music pertains to only
118 the mixed use district; it does not apply to the C-1 or C-2 district. Mr. Samples asked
119 for confirmation that the restaurant and other outdoor dining establishments applied
120 to all commercial districts. Mr. Britton stated that it would apply to all of the
121 commercial districts where it is scheduled for placement which is referenced in the
122 chart on page 3-22; it applies to C-1, C-2 and C-3 by conditional use and by special
123 exception in the mixed use district. Mr. Samples stated that there had been some
124 discussion regarding outdoor dining and the consumption of alcohol; it is a
125 conditional use in all commercial districts. Mr. Britton explained that if a qualifier
126 applies in a district permitting the sale of consumption of alcohol in combination with
127 a restaurant use it would be allowed. Mr. Samples stated that he wants council and
128 the public to know what is being considered. Mr. Britton asked if there was a
129 concern in allowing this use. Mr. Samples stated that there is a concern adding
130 that time frames are specified in a mixed use district; a parameter has been
131 established and he believes that council should consider this in other zoning districts.
132 Mr. Britton asked if the thought process would be that this limitation be applied to all
133 zoning districts. Mr. Samples stated that he does not think so adding that he believes
134 that council would like to discuss this in more depth.

135
136 Mr. Samples asked about the side yard setback language. The 20 foot requirement
137 was discussed. Ingress and egress would need to be platted and shown otherwise; it
138 could be done with private covenants or deed restrictions. It could be stated as a
139 condition upon plan review. There is some discretionary authority involved. Mr.
140 Samples had a question regarding the mixed use district on page 3-24 and retail
141 businesses generating high traffic. Mr. Britton explained that high traffic retail
142 businesses are more desirable for a mixed use area. The amount of square footage is
143 capped therefore limiting the nuisance of traffic.

144
145 Mr. Britton presented Article IV. Frontage requirements for corner lots and other lots
146 were reviewed. Fence, wall and hedge requirements were added to the ordinance.
147 An amendment was made on open displays which were not originally listed. The
148 listing of potential permanent routine displays has been expanded. Permitted open
149 routine display items were increased to include golf carts, motorcycles and other
150 similar motorized vehicles; concerns were raised by business owners. Safeguards
151 were added. Temporary displays were addressed; currently they are limited to 4 per
152 year with 7 days per permit with a waiting period in between of 30 days. It has been
153 changed to expand the number of open displays permitted from 4 to 6 and it expands
154 the time frame from 7 days to 10 days and eliminates the waiting period in between.
155 It also allows additional permitting in cases where there are multiple businesses on a
156 single lot. Safeguards pertaining to tents have been included. A supplemental
157 parking chart was added. Driveway and access standards and construction and
158 maintenance standards have been added. Residential uses under the current draft do
159 not comply with the driveway and access standards; this pertains to only
160 nonresidential drives and entrances. It applies to commercial and multi-family uses.
161 A landscaping provision was added that is supplemental to the landscaping
162 requirements; it requires additional plantings for large parking lots. The sexually
163 oriented business section has been added; the town attorney has been asked to review
164 this section and it is currently pending a response. Mr. Britton went over some of the

165 details of the section. Mr. Smith asked Mr. Britton to review the corner lot site
166 triangle with council and the public. The ordinance requires a limit to visual
167 obstruction within the corner triangle shown in the example in the ordinance. It
168 would be within the front yard setback; the provision is 20 feet measured from the
169 right of way line which is the property line. Enforcement and safety issues were
170 brought up. Mayor Deaton stated that he disagreed with having a blanket enforcement
171 adding that it may create a protest. Ms. Donevant stated that if there is a safety issue
172 the area would be addressed.

173
174 Mr. Britton reported on Article V; the section dealing with nonconformities has been
175 rewritten in its entirety. The problem with the existing ordinance is that there are
176 very different types of nonconformities and the ordinance only addresses
177 nonconforming uses. One of the changes made is the distinction between residential
178 and commercial nonconforming structures and uses. The current code enforcement
179 activities have been codified.

180
181 Mr. Britton reported on Article VI. Formatting changes were originally the only
182 changes made but there have also been other changes made prompted by some public
183 comments relating to signs. The definition section was supplemented to bring clarity
184 to the section. Applying dimensional standards has been addressed. A *signs that are*
185 *exempt from permitting* section was added. Although certain signs are exempt from
186 permitting they would still need to comply with the dimensional standards if specified
187 in the ordinance. Three charts with a summary of exempt signs is now included. A
188 chart has now been provided on signs allowed in residential and commercial districts.
189 Prohibited signs and construction and maintenance of signs were addressed.
190 Illumination requirements are now included. Wall sign limitations were addressed.
191 Signs in the mixed use district were also addressed. Under the current ordinance it is
192 not clear whether electronic message boards are permitted; the proposed provision
193 now allows electronic message boards but places some restrictions on their display;
194 there has to be a constant message displayed for a certain length of time. Portable
195 and temporary event signs were changed and further clarified. Mr. Smith asked if
196 religious signs for meetings required a permit. Mr. Britton stated that a permit is
197 required. Mr. Smith asked about illumination of signs being white and Mr. Britton
198 stated that this would apply only in the mixed use district. Other districts could use
199 color. Mr. Smith stated that decorative artwork is not regulated and asked if a mural
200 is considered to be non-regulated since it contains no advertisements. Ms. Donevant
201 confirmed that murals are considered artwork and are not regulated.

202
203 Mr. Britton reported on Article VII which included the landscaping and tree
204 protection provision. Mr. Britton stated that there were items addressed that posed a
205 concern. Definitions were revised. The Long Leaf Pine was added as a protected
206 tree. This ordinance provides tree protection and planning or maintenance
207 requirements. Regulated trees and required trees were defined. Permit requirements
208 and required trees on lots were reviewed. Planned developments were left out of the
209 original ordinance and are now addressed. The tree mitigation was also reviewed.
210 There was some additional discussion regarding permits required.

211
212 Mr. Britton reported on Article VIII. Mr. Britton stated that the amendments included
213 in this section have brought what the town already has to be more in line with OCRM
214 requirements. Drafts were sent to OCRM and they have reviewed the section, made
215 comments and corrections were made and are included. The determination of where
216 the shore protection area lies was addressed. It was confirmed that the town's line
217 currently lies further west of the OCRM line. OCRM measures the line from the crest

218 and the towns' ordinance currently measures it from the trough except in case of
219 extreme erosion.

220
221 **3. PUBLIC COMMENTS**

222 *Shane Johnson from Solid Rock Baptist Church:* "Mr. Smith stated something
223 about religious signage, that there would have to be a permit? I understand there may
224 have to be a permit but there was also a statute of 90 days, after that 90 days are we
225 going to be able to purchase another permit or . . ."

226
227 *Mr. Britton:* The 90 days was . . . the waiting period between permits was one of the
228 things that was, in the recent draft, removed."

229
230 *Mr. Samples:* "This was a portable sign I think that he's talking about, right?"

231
232 *Mr. Britton:* "The waiting period between permits was something that was taken out,
233 at least, on the commission draft."

234
235 *Mr. Samples:* "I was looking at the little diagram and my understanding of portable
236 signs was that they would just kind of be a routine matter of business."

237
238 *Mr. Britton:* "The portable signs are restricted to C-1 under the existing ordinance,
239 under the rewrite. It's restricted under . . . the changes are, there is a 90 day, basically
240 waiting period between permits, in other words you get a permit that expires you have
241 to wait 90 days. The 90 day permit provision was taken out. The current ordinance
242 allows 4 permits and it's either 7 or 14 days, the text of the draft allows 6 instead of 4
243 and they can be consecutive for portable signs."

244
245 *Mayor Deaton:* "Sir, this is not cut and dry, you realize that right, we're in a starting
246 process."

247
248 *Mr. Shane Johnson:* "So that means I can purchase 6 permits for a total of 84 days,
249 correct?"

250
251 *Mr. Britton:* "No, it's a 10 day."

252
253 *Mayor Deaton:* "As proposed and you'll be holding your public hearing on this
254 December 7th."

255
256 *Mr. Hanson:* "They're approved on page 6 dash 7."

257
258 *Mr. Britton:* "There was a provision put in for informational signs, exempting them
259 from permit which would apply to (***)"

260
261 *Mr. Hanson:* "No permit for that."

262
263 There was some other conversation from audience unable to hear.

264
265 Ken Harbin, Chairman of the Stormwater Committee asked if certain language could
266 be placed in the ordinance regarding trees to address the importance of trees and
267 landscape in assisting with stormwater.

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269 Mayor Deaton stated that he agrees that stormwater should be a major issue for the
270 towns trees maintenance program as well water retention and absorption of water.

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4. **ADJOURNMENT**

The meeting was adjourned at 7:50 PM.

Approved: January 11, 2011

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Roderick E. Smith, Town Council

Vicki W. Blair, Town Council

Ann Dodge, Town Council

Douglas F. Samples, Town Council

Mark L Johnson, Town Council

Robert F. Childs, III, Mayor Pro Tempore

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