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**PLANNING & ZONING COMMISSION
MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
September 7, 2010
6:30 P.M.**

1. **CALL TO ORDER**

Chairman Seibold called the Planning & Zoning meeting to order at 6:30 PM. In attendance were: Planning & Zoning commission members Seibold, Hanson, Abrams, Rhoades, Pruitt, Cook and Livesay were present. There was a quorum. Staff present: Clerk Pinnell, Building and Zoning Director, Donevant. Also present was Waccamaw Council of Government Representative Tom Britton.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Seibold led the pledge of allegiance.

3. **AGENDA APPROVAL**

Ms. Livesay made a motion to approve the agenda with changing Public Comments on Agenda Items to Public Comments. Mr. Hanson seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Approval of minutes from August 3, 2010 meeting. Ms Abrams addressed two typo changes to be made. Ms. Livesay made a motion to approve minutes with changes. Mr. Pruitt seconded the motion. **All voted in favor. MOTION CARRIED.**

5. **PUBLIC COMMENTS**

Matt Scalise, Scalise Realty: “I’d like to take this opportunity to address this issue and hopefully it can get resolved satisfactorily as far as the town . . . just to bring everybody up to speed about . . . Going back roughly a year and a half ago I was so impressed with the murals that the city did on Surfside Drive it prompted me to have a conversation with the former town administrator, Ed Booth, asking about who did it and that they had done such a nice job I wanted to look into possibly doing a mural on the rear of our building next to our rental company on Surfside Drive where Eagles is currently located and we discussed the issue and he thought that was a great idea and I asked what the procedure was as far as approvals; what type permit would be necessary and he said there would be no need to have a permit because it didn’t fall under the category where you had to have a permit; that didn’t have to obtain a permit, so, just to be on the safe side because I know everybody tries to be thorough as far as documentation and getting approval and from my standpoint I didn’t want to go spend a couple thousand dollars unnecessarily and then not be able to do what I wanted which was to not only do the mural for a mini beautification project of my own, in my opinion, because at that time the city had a program where they were subsidizing the beautification projects around town up to I think it was up to about \$5,000 the town was subsidizing those type of projects that they approved on an individual basis but my proposal, I went to Ed and said I don’t want to jump through a bunch of hoops and as far as asking for funds I don’t want the town to pay for

52 anything; I'll pay for 100 percent of it I just want to make sure that if I do this in
53 conjunction with . . . and this was the key part that was made clear from the very
54 outset that if I incur this expense to do this mural I just want . . . we have this
55 common ownership of the rental company next door I just wanted to be able to put
56 the name of the rental company and the information regarding the rental company on
57 there, similar to what the town did put the words in the sky that I thought looks nice
58 and it was still a nice attractive scene on the other building so what I did was once I
59 got the proof from the artist I called Ed again and said are you sure I don't need to
60 have something in writing here? I'd really feel more comfortable before I spend this
61 money and write this check if you'd just . . . let me just bring you the proof and you
62 put your initials on it and sign off on this, please, because I don't want to have
63 somebody question it later and have me, in the situation I'm in today, where it's a
64 potentially or arguably a non-conforming sign even though we own the building right
65 next door; it's the same common ownership, so, here I am standing here today after
66 having been told on three different occasions by the former town administrator that I
67 could put a mural on the building that referenced the adjacent rental company and in
68 efforts to try to beautify the town and promote, obviously, promote the rental
69 company next door even though it was in a subtle manner. It's been there; it's been
70 in place for approximately 18 months, about 4 months ago I got a letter the town
71 attorney saying that it was out of compliance and we didn't have permission to do it
72 even though soon after the mural went up he and I had a conversation, I guess it was
73 the beginning of the summer, he and I had a conversation where once I explained the
74 whole scenario in more detail to him how everything evolved and how I was
75 reassured and I believe the quote was 'this is my town and if anybody has any issues
76 with that mural you send them to me, this is not a problem', so, I was given a
77 resounding verbal assurance that it was not a problem so that is why I proceeded and
78 once I explained this to the town attorney, I believe his name is Mike Smith, he told
79 me not to worry about it for now and he would get back to me and after roughly 4
80 months, almost 5 months passed after he told me not to worry about it, 'I'll get back
81 to you if you need to do anything but you probably don't need to do anything', so,
82 since I didn't hear anything I didn't expect, I didn't think there was a problem until I
83 got a letter stating that it we needed to rectify the problem and the problem had gone
84 on way too long even though I was never officially told what to do after having
85 spoken with him and the first time he spoke to me about it, officially, was about
86 almost a year after the initial mural went up with permission, so, all I would ask is
87 that I'd like to be allowed to leave the mural intact the way it exists as it was
88 approved even though I tried to obtain the permit, I tried to get something in writing
89 or even initials on a proof but I was told time and time again that that was not
90 necessary by the highest office in the Town of Surfside Beach. That's all I have."

91
92 ***Bruce French, Publicity Chairperson for Surfside United Methodist Church:*** "Two
93 or three weeks ago, I guess it was, we were advised that we needed to take our
94 portable sign down out in front and I think we also had a banner out there for the
95 YMCA after school camp, so we took them down; we complied, but I wanted to
96 come to explain to you all that we have a number of outreach ministries and programs
97 and events at the church that are attended by people not just with members of the
98 church and I said examples like upward basketball. We had 180 children in the
99 program last year and a third of them approximately were from church families. We
100 also had vacation bible school with a similar number of total attendees and about the

101 same percentage were from church families. Our scout troupe and pack are attended
102 mostly by children of non-member families so we outreach to the community a lot,
103 not just to the internal church, we can communicate to them through newsletters and
104 bulletins and that sort of thing and from the pulpit of course, but, so anyway, we need,
105 desperately we need this sign which our best means of communicating with the public
106 so and to that end I am respectfully requesting that you consider some additional
107 wording to the pending sign ordinance change. I've printed up 6 copies here, I didn't
108 know how many were going to be in this group today but I'll give them to you.
109 There's three sheets of paper there, the first one is just some wording that I scratched
110 out that would be added to the proposed ordinance, I believe on page 20, and then
111 there's a picture of the sign, the main sign out in front and partially hidden behind
112 that you can see our little portable message board, which is actually on a little trailer
113 so that we can more easily move it and hide it when we don't have something that
114 we're announcing on it and then the third is a sample that's just not all inclusive but
115 that's some of the activities that we've been promoting on the sign and you're
116 probably familiar with a lot of them. That's basically all I have to say. I can read
117 what I wrote if it would help. If not necessary I won't."

118
119 Mr. Seibold stated that will not be necessary.

120
121 **Bill McKown**, : "Thank you Mr. Chairman and other commissioners. We really
122 appreciate your public service. We know it's all volunteer work and we really
123 appreciate everything you do for the community. I'm Bill McKown, I've been here
124 for about 18 years and most of that time I've had businesses in Surfside. As you
125 know, in the economic climate that we have businesses have been on the downside,
126 especially in our community. A lot of the buildings in the last 3 or 4 years, as you
127 know, have been renovated; the Martin store, Benjamin's Bagels, the Old Owens Oil
128 building so 17 is really looking good but we are going to have to understand that
129 traffic along 17 is traveling anywhere from 45 to 50 miles an hour so it's hard to see a
130 lot of these businesses. Your counterparts up in Myrtle Beach, as you know, just
131 currently passed, addressed these issues of trying to stop businesses or customers to
132 start seeing businesses and they have a new ordinance in place that they're having
133 electronic signs so there's very multiples of the ordinance, one has to do with the big
134 billboard signs which two for one but they're letting the local businesses now actually
135 have electronic signs in the windows and out in front of their businesses. I want to
136 mostly talk to you in specific about Chapter 17, as you know, Article VI and a section
137 that I want to refer to today is Section 17-273 which is 'open display'. As most of
138 you know, most of Chapter 17 was written in the area between February 1980 to
139 November 1984. In fact, most of the stuff I this particular ordinance was not updated
140 or even reviewed until March 1988, so, we're a little bit behind the times and, again, I
141 commend all the work that you guys are putting into this in revising this but if you
142 look at 17-273 and I don't know if you have the books in front of you but basically it
143 references C-1, C-2 and C-3 exceptions. As we all know there's a specific reason
144 why they have a C-1, a C-2 and a C-3 because they have different needs. C-3, as we
145 know, is along the beach and has high traffic volume, it's more dense. C-1 is along
146 17 corridor, C-2 is really designated for a new avenue coming down Surfside Drive.
147 As you know, when they wrote this apparently the people at the time, this is people
148 who were concerned with it, newspaper containers which we see everywhere whether
149 they're in the public access of the easements or in the right of ways but you see them

150 everywhere, newspaper containers, vending machines, electronic refrigerated blocked
151 and bagged ice machines, bicycles, small rack, food and on and on. You can read it
152 for yourself, since that, we know that times have changed, one of the big things that's
153 changed in the last 5 years is golf carts, we see them everywhere and currently you
154 have seven businesses on town that have golf carts. I particularly, one of my
155 properties, one of my tenants runs golf carts, Back Nine, and you have a new vendor
156 coming into town, Mr. Graham, who's building this nice facility right here on 17 and
157 the way the current ordinance is written every one of those businesses, those seven
158 businesses, are in violation daily. If you ride by there, they are not exempt from open
159 display. The C-3 area there's even another exception because of the fact that C-3 you
160 have motor scooters down there as well, if you notice along the boardwalk. When
161 they wrote the C-3 exceptions it was because everything is so dense, if you notice the
162 right of ways for driveways or a lot of the properties down there have pavers or
163 designated areas in front of their businesses that were put there years ago and they
164 always place stuff on there, that was one of the reasons for the exemption. My
165 suggestion is to get everybody in compliance because I don't think we want to run
166 anybody out of town that's doing business, is to add into that ordinance 17-273, golf
167 carts, which is now a predominantly commercial item in town and also motor
168 scooters. I don't have anything to do with motor scooters but I noticed that when I
169 was talking to some of the other vendors down there, there's a retailer down there, I
170 think, at Sophia's that is running motor scooters but I would just hope that you would
171 take that into consideration because, if not, again, it makes Jackie's and whoever the
172 code enforcers job a lot harder because, again, right now all of those businesses along
173 17 are in violation of your own ordinance. I think it's an easy quick fix to update it
174 and I know there's other people in the residence that are going to talk about different
175 issues that they're concerned with as well but I also just want to mention one other
176 thing; a small group of us, you probably read in the paper, lead by Sammy Truett,
177 which everybody respects Sammy, has started the Surfside Beach Chamber of
178 commerce and we're trying to work closely with the local businesses and come to
179 groups like yourself that we can, I guess, communicate or transmit information of
180 things that effect us. Myself, personally, my company pays about \$45,000 a month in
181 accommodation tax directly and indirectly to the Town of Surfside, so, and I think our
182 budget is about 8 million dollars now, I haven't followed it, it's probably 7 or 8
183 million dollars but when you start adding up all those things without the building
184 going on I think that we need to embrace businesses and I know most of you on this
185 zoning board and I think that you've all lived here and you understand that business is
186 an important aspect of Surfside and, again, I commend you all for your alls time and I
187 don't think I'd be one to sit down for hours and hours and rewrite ordinances that
188 were dated back in 1980, so, I commend all you. Thank you."

189
190 *Elena Nicholas, Some Gave All Antiques and Consignments, 1510 Hwy. 17 N.:*
191 "I'm basically here for two things and this is . . . (Alyssa from Twin Beachwear Store
192 introduced herself) now looking at whatever papers I have with based on what he was
193 saying it seems to me that I'm in C-3. I believe that's what my papers say, that's not
194 right? Is that what the C-3 . . . (Planning members clarified that she was in C-1
195 district) Maybe my papers wrong, I'll have to come by. Anyway, I have two
196 requests. I know you have this thing about you're allowed to have four sales a year
197 where you, I think it's called a tent sale, where you can have stuff outside of your

198 store for I think seven days, four times a year. I would like to request that maybe we
199 could have more sales a year, maybe one a month.”

200

201 Mr. Hanson asked how many they would like to have a year.

202

203 *Ms. Nicholas:* “I would like twelve a year.”

204

205 *Alyssa:* “It would be easier if it was a ten day stretch. Give us time to get it up and
206 get it back down. It would make it easier for us. It goes through two weekends.”

207

208 *Mr. Hanson:* “That’s 144 days?”

209

210 *Alyssa:* “That’s the best business we’ve had this year when we did our four tent
211 sales. We got our four permits, did out tent sales and we haven’t had business like
212 that since the economy went down and when we took them down because we were
213 forced to and we took our signs down, we were forced to, our business dropped . . . a
214 lot. We laid off people, my hours went from being Store Manager 60, 70 hours a
215 week, I’m less than 30.”

216

217 *Mr. Hanson:* “You’re asking for 144 days, is that correct?”

218

219 *Alyssa:* “As much as we can get. It has to be more than four because four is just . . .
220 we need all the help we can get.”

221

222 *Mr. Hanson:* “And you pay for a permit every time.”

223

224 *Ms. Nicholas:* “Every time. I pay for a permit, I also put an ad in the Sun News as
225 well saying that I’m having an indoor/outdoor sale, so, that’s one request to have
226 more than four sales a year, twelve would be great, once a month would be terrific,
227 whether it was, I know she’s saying 10 I don’t have a problem if it’s anywhere from 5
228 to 10. I would be happy with 12 sales a year, 2 days. I mean I’m being honest, one
229 weekend out of every month I would be happy. The other thing is, to be able to put
230 maybe a few select items outside between where you have business 17 and then you
231 have the service road and then particularly, I mean, I guess in front of all our stores,
232 you have big parking lots. If you have stuff outside people are seeing it when they’re
233 driving; they’re not looking up here but they’re looking more eye level. I have a
234 sidewalk in front of my store.”

235

236 Mr. Hanson asked if it was town property. It was confirmed that it was private
237 property.

238

239 *Ms. Nicholas:* “I’m thinking it’s about six feet wide, maybe, before the parking area,
240 so, anyway when I put a table or a rocking chair or a rack of clothing it makes a huge
241 difference. My business has now, I don’t have a huge business, I maybe was having
242 25, 30, 35 people a day, when I don’t have one of these outside sales, now, when I
243 have absolutely nothing outside I’m having 4 to 5 people a day so it’s really hurt
244 tremendously.”

245

246 *Alyssa:* “It would be nice to put something outside to catch people’s attention.”

247 **Ms. Nicholas:** “I had one rack that had clothing, I had one rack that had pocketbooks
248 and then I was putting out like a rocking chair or a table and two chairs but if they
249 don’t want to have racks of clothing or pocketbooks I have no problem with that if I
250 could just put a rocking chair, a table with two chairs maybe, I have a brass coat rack,
251 just a little display outside that . . . 4 or 5 items.”
252

253 **Alyssa:** “Like a surfboard, just something that catches peoples eye that’s colorful that
254 . . . because we sit really far back for a beachwear store and I know she does too and
255 we really can’t . . . you don’t know we’re there.”
256

257 Ms. Livesay asked if the Beachwear store wants to put a tent up every time they have
258 a sale.
259

260 **Alyssa:** “No.”
261

262 **Ms. Nicholas:** “I’ve never put a tent up I just put stuff outside when I do the tent sale
263 I just put stuff on that sidewalk and my sidewalk runs in front. The building is half
264 vacant and the part that’s vacant sits back so the sidewalk part is even bigger so
265 because there’s no stores in there the landlord told me it was ok to put stuff there
266 when I have an outside sale so I just do that area this way people can still come in the
267 parking lot.”
268

269 **Alyssa:** “For us, we only do our sales in the summer, we’re closed during a lot of the
270 winter time so our money is made in the summer so 4 permits gives us two of the
271 Bike Weeks which we do really good at when we have the Bike Weeks but it doesn’t
272 get us like July 4th, Labor Day, the major holidays when the tourists are here and it’s
273 not enough and we can do most of the summer, but it’s just not enough, the business
274 is not making it right now. We don’t even know if we can stay open to be honest.
275 We closed one store in North Myrtle and we just don’t know. We need help.”
276

277 **David Cook, Carolina Wholesale Apparel, Surfside Plaza:** “I am from Camden,
278 South Carolina and I’ve been a South Carolina person all my life. Surfside is a nice
279 southern town and I understand there has to be rules and regulations, it’s part of life.
280 I grew up that way through my parents and now I listen to the more knowledgeable
281 people. I have a business in Surfside at Surfside Plaza. When I came in there, there
282 were 4 empty buildings and it looked pretty trashy, it’s right beside Fat Jacks, you
283 might know where the best wings in town are, I know where they are because I like
284 them. I have a business called Carolina Wholesale Apparel. We do custom logo
285 work, embroidery, screen printing. I have done work for the fire department in
286 Surfside, the City of Surfside and numerous customers, probably you’ve heard of me,
287 if you haven’t I wish you would and I see a Carol Cook, Ms. Cook how do you do?
288 My name is David. I opened there approximately 3 years ago; this November it will
289 be 3 years. My business has grown particularly in spurts. During the 3 year period I
290 put out a few racks of clothing, t-shirts. I put a sign out front ‘clearance sale’; I did it
291 respectfully, it was clean, I maintained the property, the parking lot. All the land is
292 owned by Mr. Dalton Floyd, he and I have become good friends; I’ve become good
293 friends with all my neighbors. I really do love Surfside, its’ been a great asset for me
294 but as in any other business during these tough economic times we need a little bit of
295 help to further our business. A little bit of help to create a little more notice to our

296 businesses. If you have a beautification program I'd be one of the first to volunteer
297 time, effort or even money if we want to put some bushes out front in the median
298 along that area, oh, it would look so good. My idea presenting to you with all the
299 respect in this world is to permit us to enhance our business atmosphere a little bit. A
300 rack of clothing that would be attached to the wall of the building so that it could not
301 run away or run over people; it has to be attached, a safety issue. If a person that
302 owns a business can sell a Pepsi Cola outside in a machine or a stack of fire wood or
303 a canister of propane gas or do a BBQ like they do at the Piggly Wiggly, it's fun, I
304 enjoy that, tables and chairs, a little more camaraderie between the shoppers. I don't
305 know why I'm just not permitted to put a sign out saying I'm having a clearance sale.
306 Sales are not planned; they are spur of the moment. Businesses in trouble this month
307 we need to create more money next month, we put a sign up, you lower your prices
308 you create an atmosphere of furthering your business. I'm just respectfully asking
309 you to consider a temporary, during these hard times, let us put a sign out, let us put a
310 rack of clothing out, one rack in front of one business. Each business having that
311 right; we will maintain it, we'll keep it clean; we'll make it safe; we'll meet any
312 requirements you give us but first of all we need your help in letting us do that. I
313 hope I'm speaking for the rest of my friends here; we just really need a little help.
314 Thank you. I appreciate your time."

315
316 **Tammy Stanton, New For You Consignment Shop, Surfside Plaza:** "The lady that I
317 had purchased it from said that she was well known and everything, with it being in a
318 small shopping center well what I had found out since even people that live here in
319 Surfside told me that they didn't even know where the shop was. People that work in
320 town hall did not know where the shop was and it's only a two by two small area so
321 that concerned me so I had some windows lettered, I had a rack out front of clothing,
322 also put a sign that was attached to my car with consignments on it and then I was let
323 known that we couldn't have the signs attached to the vehicle or the rack of clothes
324 outside and it has made a significant difference since we've had to take those in.
325 People do not see it; people were starting to say I've never seen this before, this is
326 great, we've added on put furniture in the next building and we've tried to make the
327 front of the building as attractive as possible, kept all the garbage up and everything
328 outside and I would just ask that you would allow us to put at least one rolling cart of
329 clothing and some type of signage out when we have sales. I like to do weekend sales
330 and clearance sales are really important right now with the end of the season. Thank
331 you."

332
333 **Chaplain Mack Willingham, United Methodist:** "I retired from 40 years of
334 chaplaincy and boy the mission field is tough. I've come to Surfside to help my
335 family, my son. I've given my life to people and it's time now to give myself to my
336 family and to this family, at Surfside. We could have chosen anyplace, you chose us
337 and the way you chose us every item of clothing I have on is from Carolina
338 Wholesale. I go in and buy from Carolina Wholesale and to be a member of this
339 community I must buy from your people so thank you and somebody actually told me
340 that you can fix a dead man to make him look good and that I needed to lose more
341 weight, that would be later at one of the diet centers I'm sure, but we have started a
342 small shop called Craigs' Affordable Antiques and it's right next to Golden Egg at
343 Surfside and we have been all month putting things in and this is a little bit comical,
344 before we were open we had already gotten all our permits and jumped through all

345 the hoops and I did over a \$1,000 in one day before we were open and I kept saying
346 we're not ready, we're not ready and then somebody said you have to bring that stuff
347 in and I brought the stuff in and I've only done a hundred and something dollars a day
348 since. I don't know if that stuff makes a difference but it makes a difference to me.
349 Crags' Corner Affordable Antiques is part on an anonymous angel ministry called
350 Care Resources, any proceeds from the shop goes to help people in need. Obviously
351 you don't work 40 years and then stop serving people, it's just a different way for my
352 family to serve people but I have certainly seen the difference in the last month I've
353 been with you people; no one, absolutely no one could have been any nicer especially
354 all the people at the town hall here. I've had no difficulties but I did want to drag a
355 little something out front like a ladder back chair because we've had so many people
356 say we didn't even know that place existed, well, I can't get my sign up because the
357 awning has got to be replaced in my section and then I know I have to get the permit
358 and then the person putting up the sign will have to get their permit so I'm in a
359 building with a lot of furniture. I told my wife, come to work one day without
360 makeup and you'll know what our building is going to be like, it's what's inside that
361 counts, but, I wouldn't have lived with her 40 years if she looked that bad, you know
362 what I'm saying, so we've been married 40 years and come to join you people and
363 everybody's been lovely but we need to drag a ladder back chair out front, ok?
364 Thank you all."

365
366 **Bill Rempfer, Defalco's Automotive and Towing and Cecil's Italian Grille:** "At
367 Cecil's we had some flags up, some banner flying flags and a little A-frame signs
368 there just while we were open. I was hoping maybe you considered allowing those
369 flags and allowing those a frames maybe 4,5, 6 months a year while the tourists are
370 going by 40, 50 miles an hour so they can go and stop and spend money in my
371 restaurant. It really makes a big difference with the ice cream shop; since they've
372 taken the flags down my business has dropped maybe 10 percent and if you just
373 consider during the prime times of the year. In December they probably wouldn't do
374 much good but in June, July and August they would. Thank you very much."

375
376 **Brair Sarat, Charleston Café:** "I reopened Charleston Café in May of 2009 and I
377 think my story is similar to most peoples' story here. The oak trees on Surfside Drive
378 are just beautiful awe inspiring trees but they don't lend themselves to being business
379 friendly. You can't see it and without being able to put signs on a regular basis; we
380 had a wooden chalkboard, very classy, in my opinion or at least tasteful, you know,
381 that kind of thing, out on the sidewalk and not where people would walk but right by
382 our front door; anything to let people know that we are there. Once again with the
383 oak trees, with the poor lighting, with the shabby sidewalks that are cracked and
384 broken that people trip on and stuff. There's no reason to stop on Surfside Drive and
385 without signs letting people know that we're open, we're there, we're reopen, you
386 know, whatever, it just doesn't seem to work well. We get telephone calls constantly
387 about where we're located, people saw an advertisement or heard good reviews on the
388 internet or whatever and literally we have to walk out into the street, not even on the
389 sidewalk which is behind the trees, but literally out on the street on the telephone like,
390 we're here, we're here and anyway any kind of help. I wish I knew a . . . I wish I
391 could make suggestions or recommendations, that's your job, respectfully, I don't
392 know, but anything, it's a tough economy as you know and as you hear from stories

393 and any kind of help that we can get from you would be very appreciated. Thank
394 you.”

395
396 Mr. Seibold stated that everyone on the commission is certainly tuned in to keeping
397 business in Surfside. There is a good mix of people on the commission and everyone
398 has their own opinions but there is nobody here that is not looking out for the best
399 interest of Surfside. Mr. Seibold stated that he would like to discuss this further
400 during the commission comments and thanked everyone for their comments.

401

402 **6. OLD BUSINESS**

403 Ms. Livesay reported that she attended a Specials exception hearing in Myrtle Beach
404 by the Board of Zoning Appeals. Ms. Livesay stated that she was curious to see their
405 procedure. Ms. Livesay stated that she went to the hearing with the Chairman of the
406 Board of Zoning Appeals, Ron Ott. There were a few things that came up in the
407 meeting that addressed the FAR (floor area ratios). Myrtle Beach is in the process of
408 changing their ordinances. Some developers came to the board to request a reduction
409 in the FAR. There was a large lot in Market Commons; they were held by their code
410 to construct according to the percentage in the code they could not construct a smaller
411 building; they had to build something that fit the area ratio of the lot. Ms. Livesay
412 stated that their code did not allow flexibility to construct a smaller building and
413 create more green space. Mr. Britton stated that Surfside has a maximum and he
414 believes that Market Common was created as a planned development. When there
415 are downtown urban areas one would specify a minimum footprint to make sure the
416 building is up close to the road and there are no huge gaps. Surfside is written with
417 the maximum and it only applies to duplexes in the R-2. An individual developer
418 could come in with a text of a planned development and propose instituting an FAR
419 in the requirements for that planned development; this is always an option.

420

421 Ms. Livesay stated that the hearing on the trees they were able to decide to remove
422 part of the tree that was dying and to allow the remaining part to grow. They
423 mitigated the loss of the tree; the town is imposing green space on the public parking
424 lots and in parking lots where businesses are located. Ms. Livesay stated that she
425 feels that trees added on 17 in front of somewhere like Surfside Plaza would be a
426 huge improvement. Mr. Hanson stated that he thought the commission put this in the
427 revised ordinance; Mr. Britton agreed. Ms. Livesay stated that she does not feel that
428 the town should grandfather anything that has to do with trees and landscaping; if it is
429 non-conforming then it should be brought up to code because this would be easy to
430 fix.

431

432 Ms. Livesay stated that changing the modification on page 313 would like to include
433 cutting of trees, landscaping, parking, stormwater, etc. and add that anything that
434 changes on an existing PD is not grandfathered; it must come before the Planning
435 Commission. Mr. Britton stated that the original ordinance prior to revisions at one
436 point in time there was a major and minor amendment provision for PDs. Mr. Britton
437 stated that he believes the minor amendment provision was stricken from the
438 ordinance some time ago so any changes to a PD would need to go through proper
439 channels. Mr. Hanson stated that the library expansion has approximately 30 trees
440 marked with x's that will be coming down; he inquired and was told that they need to
441 be replaced in caliber inches. It will take 150 trees, he was told, to replace the 30

442 trees they are removing. Mr. Hanson stated that this never came to the Planning
443 Commission and does not believe it went through council either. Ms. Livesay stated
444 that she does not feel a tree needs to be cut down if it was 10 feet within the
445 foundation. Ms. Donevant stated that some of the trees marked, according to the
446 landscape architect, were not marked by the landscape architect, the town does not
447 know who marked them. The Planning Commission agreed that they were
448 comfortable that the way the revision currently reads would apply to any change; no
449 need to add landscaping, etc. since it already includes this.

450
451 Ms. Livesay addressed page 614 prohibited signs. Portable signs are addressed in this
452 section and nowhere else except in the definition. It is only mentioned in C-1. Ms.
453 Livesay had a concern and suggested it be mentioned in multi use, C-2 or C-3. There
454 are strict regulations where the sign should sit; perhaps because there is no room in
455 the other zones for a portable signs with its restrictions other than C-1 but still feels it
456 should be mentioned. Ms. Livesay stated that there is always the possibility that they
457 could come out with some portable signs that are not as large as current ones and
458 could fit the code so she feels it should addressed in all of the zoning districts. Mr.
459 Seibold asked if this could be discussed during the open discussion section while the
460 commission discussed the sign comments made by the public.

461 462 **7. NEW BUSINESS**

463 **a. Zoning Ordinance Update**

464 Mr. Britton gave the update. The latest draft had been distributed to the
465 commission. Table of contents and some illustrations were included. There
466 were some changes and additions Mr. Britton wanted to address with the
467 commission. Typos and grammatical errors will be changed. Anything of
468 substance regarding content, etc will be brought to the commissions' attention.
469 In the memorandum some changes were identified. Under the definition
470 section a few terms were added: Park, Shopping Center and Floor Area Ratio
471 definition was amended, parking codes were added. Item 2 discussed
472 fluttering ribbons, balloons, etc. It was suggested that amendments to
473 temporary signs and portable signs should go in section 6 instead of this
474 section. Other changes noted in 4-4 section 17-416 there is a section that
475 deals with performance with other applicable codes related to development
476 chapter 13 needs to be added which is a reference to the building code. On
477 page 3-2 chart 17-303 setback requirements formatting is changed. Table 17-
478 395 schedule of uses needs term boarding house added. Page 3-21
479 accommodations uses under transient short term rental units needs term and/or
480 boarding homes needs to be added. There was some discussion regarding
481 condensing bed and breakfast and boarding house with these being similar and
482 others arguing that they were different. Mr. Britton stated that since the term
483 is defined it needs to be addressed. Transient short term rental could also be
484 referred to as including bed and breakfast, boarding house, etc. Mr. Britton
485 stated that he would hold off his comments on signs until it is discussed later
486 in the meeting adding that ideally the sign provision should be in the sign
487 section and if there are exceptions, modifications they should all be in one
488 section. Mr. Britton reported that he and Ms. Donevant had a discussion with
489 the town attorney on August 25th; it was a 45 minute phone conversation
490 dealing with the sexually oriented business provision. They were informed by

491 the attorney that they would receive feedback but currently have not received
492 the feedback. The attorney was also asked to look at the sign provisions and
493 some of the other provisions such as non-conforming uses; areas where most
494 litigation would occur. They are still waiting for these comments as well. Mr.
495 Britton stated that there would need to be a public hearing prior to making
496 recommendations to council. There is also the option of holding a public
497 hearing in conjunction with a workshop with council. Mr. Britton stated that
498 he feels that the commission is still a month away from having final product
499 not knowing what the public comments will be. The required public hearing
500 is to be held before the planning commission; there is nothing that limits to
501 one public hearing; the town could have two public hearings. The public
502 hearing would just need to be held prior to giving a recommendation to
503 council. When the document is released for the final public hearing it needs
504 to be as close to the finished product as possible.

505
506 Ms. Abrams questioned the definition of front yard. The second sentence is a
507 prohibition against certain kinds of fences and was not sure why it belonged in
508 the definition of front yard adding that there is nothing else about fences
509 anywhere and feels that it is hidden there. Mr. Britton stated that it could be
510 added in Article 4 and if there is no provision that it fits then one could be
511 made. This particular item was existing language and was not identified on
512 the original text change. There was consensus of the commission to move it
513 to Article 4. Ms. Abrams went to page 2-5 and questioned the reversion, if
514 construction is not completed in 2 years the planning commission can initiate
515 the reversion process. Is this the appropriate ordinance to address this, would
516 a builder just leave a half completed building or should this be addressed; a
517 half built box store would need to be removed. Mr. Britton stated that the
518 issue would be vested right; the reason for the amendment was the original
519 version stated that the reversion is automatic; the problem is that there is a
520 vested right provision that kicks in but there needs to be some documentation.
521 It cannot be the zoning administrator of code enforcement that makes the final
522 determination; it takes a legislative action. A discretionary act was placed; if it
523 got to this point then the planning commission could initiate a map
524 amendment and make a recommendation to council to have it go back to its
525 original district and council would make that decision. Ms. Livesay asked
526 about Moonwood; was it reverted back to its original zoning or is it still
527 classified as a PD on the town map? Ms. Donevant stated that she would look
528 into this. Mr. Hanson stated that it would need to be changed back if it was
529 changed. It was confirmed that the area was annexed and approved as a PDD
530 but due to economical conditions it was never developed. It was also required
531 for them to have two entrances, one on Plantation Drive and the other off of
532 the frontage road and they never built the entrance off the frontage road. PDD
533 expiration dates and reversion was discussed. The Planning Commission does
534 have the ability to initiate the rezoning of property but the final decision must
535 go to council.

536
537 Ms. Abrams stated that she has a concern with big box buildings being half
538 built and then left adding that in Virginia the ruling was the it was the
539 responsibility of the person building the building the take it down. There was

540 additional discussion regarding the town placing a lien. Ms. Abrams
541 questioned the wording in the zoning permit. The zoning permit will not be
542 issued without a legally approved subdivision. Mr. Britton stated that there is
543 a provision to allow one structure per lot and when someone comes in for a
544 permit they must demonstrate that they have a legally approved subdivision
545 prior to start of construction. There was a question on the mobile home
546 section that was cleared up. Ms. Abrams had a question on 3-30 public
547 buildings and uses. Mr. Britton referred the commission to the chart which
548 included additional information. Ms. Abrams questioned the wording under
549 billboards and asked for it to be made clearer. Mr. Britton stated that his
550 understanding is that if you have a permit for an existing billboard in the town
551 it can be replaced; an individual cannot get a new permit for a billboard that
552 was not pre-existing. It was agreed to leave the wording as it was. Page 4-3
553 the height of an accessory structure was addressed. There is a height limit of
554 15 feet, when it is 5 to 10 feet from the property line and if it meets a
555 minimum of 10 feet it's 25 feet in height the 10 there needs to be mutually
556 exclusive of one another. It needs to be changed from 5 to up to 10 and then
557 more than 10 feet from the property feet it goes up to 25 feet. There was
558 consensus of the commission. There was some additional discussion
559 regarding property lines.

560

561 **b. Address Previous Public Comments**

562 Mr. Seibold discussed Mr. Scalise and his request. Ms. Donevant stated that
563 she knows that there was a letter sent to Mr. Scalise by the attorney about the
564 mural not being conforming. Ms. Livesay stated that she feels Mr. Scalise
565 should go to the Board of Zoning Appeals to request a variance. Ms. Livesay
566 asked if this meets any of our codes. Ms. Donevant stated that it depends if it
567 is considered a work of art or a sign. Since it advertises it would be
568 considered an ad. Ms. Donevant stated that Mr. Scalise has been in town a
569 long time and asked why he did not go to the zoning official with this request.
570 Mr. Seibold stated that Mr. Scalise does not meet the current or newly
571 proposed ordinance. Ms. Abrams stated that she would feel better if Mr.
572 Scalise has a letter signed by the previous administrator. Mr. Britton agreed
573 that it should be a BZA issue. Mr. Seibold stated that Mr. Scalise was asking
574 to keep the mural as it currently exists and this is not the commissions place to
575 decide. The commission can review the ordinance it needs to be revisited
576 pertaining to this situation but that is the extent of the commissions duties.
577 There was consent of the commission to not suggest any changes to the
578 current ordinance. It was confirmed that the commission is not obligated to
579 return comments to the public who were in attendance this evening but if the
580 commission wanted to it would be at the discretion of the Chair and the
581 commission. Ms. Donevant stated that there is another issue the town has
582 with Mr. Scalise and she would be glad to let him know the proper procedure
583 to get his situation resolved. Ms. Donevant stated that she could even put it in
584 writing to him.

585

586 Ms. Livesay stated that she feels that if someone wanted to pay for a portable
587 sign there should be less limits. It was previously discussed to change it to 10
588 days 6 times per year and they could be run back to back. Ms. Livesay stated

589 that had to do with banners and sidewalk sales and not portable signs. The
590 portable sign at the church was discussed. Ms. Donevant stated that in the C-1
591 district signage is based on the frontage. The church currently has ample
592 frontage to change their sign to accommodate what they want. It was
593 determined that the church is allowed up to 250 square feet. There was some
594 discussion regarding the church putting up some permanent community
595 signage set up that could be electronic. A portable sign is allowed and there
596 was a discussion regarding changing the frequency of usage. Mr. Britton
597 stated that temporary uses and temporary signs and portable signs currently
598 have different requirements and it was agreed that they need to be the same.
599 It was recommended to place portable temporary signs on the chart, take
600 temporary sign and fluttering ribbons and place in Article 6 and consolidate
601 the temporary signs and portable signs into a common provision. How often
602 in what districts needed to be discussed. It was discussed to allow 10 days 6
603 times per with no time frame in between. There was a discussion to change
604 the fee from \$20.00. Size was discussed; it would be 32 square feet or 20
605 percent and allowing one per business with principal interest facing public
606 way and they would need to meet other set provisions. One per lot with an
607 exceptions clause was discussed. Mr. Britton stated he would bring back a
608 draft. The sandwich sign or A frame sign is considered a portable sign and
609 they could apply as such. Portable signs would be considered for C-1, C-2
610 and C-3 districts.

611
612 Open displays in section 4-4 were discussed. Mr. Britton asked what the
613 commission would like to consider adding. Mr. Hanson suggested allowing
614 golf carts, bicycles and mopeds to the definition. It was suggested to add
615 scooters and jet skis to the list. Items are not allowed on the right of way it
616 must be on the owners' property and it cannot block access. There was some
617 discussion regarding the plan for the redevelopment of Surfside Drive which
618 is going in front of council for a recommendation at the next council meeting.
619 Temporary signs including A frame and sandwich signs not being allowed in
620 the town right of way was discussed. Pruning of the trees on Surfside Drive
621 was discussed as a temporary fix until a plan is created. Ms. Donevant stated
622 that she would talk to Public Works about trimming the bottom branches of
623 the trees. Mr. Britton stated that he would redraft as discussed and bring it
624 back to the commission. Mr. Britton went over the changes discussed.

625
626 Fluttering ribbons were put in as temporary uses for 10 days 6 times per year.
627 Illumination of flagpoles was discussed. It was agreed to add this in. Number
628 of flags allowed was discussed. Mr. Hanson stated that he would agree to two
629 flags. The Town currently has 3 flags. Mr. Hanson stated that if the town has
630 three flags it needs to allow 3 for other people.

631
632 **c. Chapter 13 (Permits and Fees)**

633 Mr. Britton reported that he included in the information to the commission a
634 draft amendment for Chapter 13. This pertains to some of the permitting for
635 zoning. Mr. Britton stated that an intent provision is included. All
636 development related permits and fees should be in one single section.
637 Building permits section was segregated. One of the core things specified was

638 that prior to a building permit being issued a zoning permit is required or
639 occur simultaneously. Stormwater management fees are set by a separate
640 chapter but referenced in this chapter. The updated fees are now incorporated
641 into the other section. Zoning ordinance schedule of fees had added \$175
642 which is kept in line with variance appeals. For the appeals provision a new
643 section was added. For appeals with BZA where BZA rules in favor of the
644 applicant there is no fee or the fee is refunded back to the applicant. Planned
645 development includes a fee of \$350 for a map and text amendment. Zoning
646 permit general \$25 permit fee was added. Specific types of permits are
647 referenced. If a zoning permit is done in conjunction with a building permit
648 there are no additional fees for the zoning permit. One fee increase is for
649 zoning permit for manufactured home placement; there is an existing building
650 permit fee that is applicable but a \$50 zoning permit fee was added in addition
651 to this; the reason being that some new mobile and manufacturer home
652 provisions were added. There will be more enforcement for the code
653 enforcement official to do. Under zoning permits for tree removal the \$75
654 was unclear as to whether it applied to the activity or the tree. There was
655 some additional discussion on the current tree ordinance fees.
656

657 Mr. Seibold asked about the need for a homeowner needing a permit to work
658 on their own home. There was some discussion regarding this and that a
659 permit is not required for ordinary repairs. The International Building Codes
660 were discussed briefly. Mr. Seibold suggested changing the code to make it
661 more homeowner friendly. It was discussed that it was referenced in another
662 area of the codes and it could be cross referenced. Changing the temporary
663 sign fee was discussed. It was agreed to change the fee from \$20 to \$25. Mr.
664 Britton stated that some communities base their fee on the square footage of
665 signage; there would be a base fee plus \$1 or \$2. The benefit is the bigger the
666 sign the more you pay. Mr. Britton stated that this would need to go to
667 council simultaneously with the zoning ordinance revisions. The final public
668 hearing could include both as well.
669

670 **d. Priority Investment Element**

671 Mr. Britton reported that the information is still outstanding. The list will
672 include the towns' entire list of priority investments. There is a coordination
673 element required in the state statute where the town needs to coordinate with
674 adjacent jurisdictions and service providers. They would add their projects to
675 the listing and this would satisfy that coordination requirement. Mr. Britton
676 stated that he would send a letter to the surrounding jurisdictions and service
677 providers so as not to hold things up. It was discussed to add OCRM to the
678 list.
679

680 **e. Finalize a Work Plan 2010-2011**

681 Mr. Britton reported that the work plan was distributed and asked if anything
682 needed to be amended. Mr. Rhoades made a motion to approve the work
683 plan. Ms. Livesay seconded the motion. **All voted in favor. MOTION**
684 **CARRIED.**
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8. ADJOURNMENT

Ms. Livesay made a motion to adjourn. Mr. Rhoades seconded the motion. **All voted in favor. Meeting was adjourned at 9:40 PM.**

Charles Seibold, Chairman

Lynn Livesay, Commission Member

Marty Rhoades, Commission Member

Mikey Pruitt, Commission Member

Carol Cook, Commission Member

Bob Hanson, Commission Member

Mary Ellen Abrams, Commission Member

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. THE TAPE(S) OF THE MEETINGS ARE AVAILABLE UPON REQUEST, TO BE HEARD IN THE OFFICE OF THE SECRETARY TO THE PLANNING DEPARTMENT. AN AGENDA OF THIS MEETING HAS BEEN EITHER MAILED OR MADE AVAILABLE TO PERSONS, ORGANIZATIONS AND LOCAL NEWS MEDIA AS PER THEIR REQUEST. THE AGENDA GIVES THE DATE, TIME AND PLACE OF THE MEETING AS WELL AS THE ORDER OF BUSINESS. THIS DISCLOSURE IS IN COMPLIANCE WITH THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 30-4-80(E).