



**SURFSIDE BEACH PLANNING & ZONING COMMISSION MEETING
TOWN COUNCIL CHAMBERS
SEPTEMBER 10, 2019 ♦ 6:00 P.M.**

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1. **CALL TO ORDER.** Chairman Hellyer called the meeting to order at 6:00 p.m. Chairman Hellyer, and members Brown, Lane-Laveglia, Pesce, Truett and von Buseck were present. Member Sluder was absent. A quorum was present. Others Present: Town Clerk Herrmann; Planning, Building & Zoning Director Morris, and Permit Flood Coordinator Mazzo.

2. **PLEDGE OF ALLEGIANCE.** Chairman Hellyer led the Pledge.

3. **PUBLIC HEARING.** Amendments to the Town's Code of Ordinances specifically Chapter 17 Zoning Ordinance Article III District and Use Regulations. Full review of specific permitted uses within the town limits, special conditions for certain uses; specifically address Massage Parlors as permitted accessory uses and define Long Term Rental. Ms. Morris gave a PowerPoint presentation for the public benefit, comments included:

- Town Council removed parole, probation officers, and rehabilitation centers as permitted uses at the August 27th meeting
- Town Council denied allowing bingo in the C1 District
- The zoning ordinance has two parts: (1) maps that show exact boundaries for the town's separate zoning districts, and (2) text that stipulate allowable uses within each district
- Article III District and Use Regulations list and defines each zoning district, and set out rules for land use in each district; conditional and special uses are allowed under certain circumstances; accessory uses are only permitted to an approved permitted use
- Zoning laws are created to protect the health, safety, and general welfare of the public relating to land use; provide for orderly town development, and to make provisions for land use in the best interest of the citizens while maintaining compatible neighboring uses
- The commission's job is to recommend uses allowed in each zoning district
- Changes to Article III were
 - Reformatting the Use Table to include all applicable codes, uses, and regulations
 - Each allowable business was included (the zoning code is permissive, meaning if it is not listed, it is not allowed)
 - Educational: private, trade, and vocational schools should be under R1 and R2, and there are conditions that apply, which is already stipulated in the zoning districts
 - Veterinarian services were moved to medical and clinical that already included animal hospitals and the separate line deleted
 - Transportation and Public Infrastructure: courier and local deliveries were recommended to be permitted in only the C1 District as an allowable accessory use; however, restaurants are allowed in all commercial districts, including the entertainment district. Staff recommended allowing courier and local deliveries in all those districts, and the commission was asked to consider that for a motion during business
 - Massage Parlors are being recommended to permit only as accessory uses to established health care establishments or hair salons. The commission was asked to consider that for a motion during business
 - Long term rental definition needs to be established, because there is no definition in Chapter 17, which makes it difficult to enforce. The commission was asked to consider that for a motion during business

Mr. Truett said the business committee reviewed the Use Table and had no additional businesses to add.

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54 Chairman Hellyer opened the public hearing at 6:14 p.m.
55

56 Mr. Larry McKeen, 6th Avenue South, said he lives in an R1 District and he wants it to remain as it
57 is. He always assumed rentals were for one year in his district. Unless there are complaints, you will
58 never know people are renting for less than a year. It's happening now. He suggested leaving the long
59 term definition at a year; shorter terms would require him to lock his back gate, because the house
60 behind him could easily be a month or more rental housing transient rentals.
61

62 Mr. Rock Richardson, Richardson Builders, encouraged the commission to adopt the proposed
63 Article III, because under the current code, he cannot continue operating his commercial business on
64 Sandy Lane that he has had for over 20 years. Ms. Mazzo explained that code is under the manufacturing
65 fabrication section, which requires 150 feet from a residential district. Chairman Hellyer asked if Mr.
66 Richardson could get a permit if the new code is adopted. Ms. Morris said yes, the proposed code states
67 that all manufacturing must be located on Sandy Lane.
68

69 Mr. Truett asked if radio and television stations could be in the C1 District. Ms. Morris said yes,
70 stations are a general permitted use in the C1 District and could also be allowed in C2, if the commission
71 recommends it, but the transmission tower cannot be located in the district.
72

73 Mr. Truett asked if the state defined long term rental. Ms. Morris said there is no one definition; it
74 varies depending on the county and municipality. Mr. Truett asked if the commission had entertained an
75 intermediate rental term, something between 31 and 364 days. Ms. Morris said that was discussed at the
76 last meeting. The department needs a long term definition in the code for enforcement purposes.
77 Chairman Hellyer said snowbirds who rent between three and six months were discussed at the last
78 meeting, too. Mr. Truett said that was the point, there are also people who need shorter term rentals
79 while homes are being built because their home was flooded or other reasons. He didn't believe signing a
80 year-long lease to meet the criteria was justifiable knowing the rental would only be for four or five
81 months.
82

83 Ms. Lane-Laveglia agreed with Mr. Truett and said that was not the answer. Chairman Hellyer
84 said this didn't address the "it's okay as long as you don't get caught" matter, either. Ms. Lane-Laveglia
85 believed there needed to be more leeway than 12 months. In her opinion, that was over-governing.
86 There are so many people moving to town that need a place to live while their homes are being built or
87 while they search for a home; are displaced by a storm or other disaster; snowbirds, and many other
88 situations that require good rentals for less than a year that should be allowed. Ms. Morris said rental
89 enforcement is the most difficult challenge for the department regardless of the time allowed. Often
90 times when enforcement efforts are made based on complaints, the tenants say that the vehicles belong
91 to out-of-state family members, and there is no way to prove the rental is short term. If the code defines
92 long term, then that code could be used when letters are written to suspected violators.
93

94 Mr. Brown asked what the shortest term in the state is for long term rentals. Ms. Morris said the
95 definition varies from six months to one year; the most popular is annual. Mr. Brown asked if any other
96 cities that were largely tourism driven had less than six months. Ms. Morris said not that she spoke to.
97 Folly Beach and Isle of Palms were contacted, because they are very similar to our town, but they have
98 not responded.
99

100 Mr. Pesce believed the issue was to eliminate the abuse to our town during the summer months.
101 He asked if the term was set at four months if that would help alleviate the concern; four months would
102 allow snowbird rentals. Mr. von Buseck said as baby-boomers retire the Grand Strand is booming. He
103 moved here as soon as he could from the north. Baby-boomers are hardworking, dedicated, and are
104 transitioning to their retirement homes from selling their homes elsewhere and then buying or building
105 here. In his opinion, some leniency would be beneficial for them.
106

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107 Ms. Morris said it was up to the planning commission. Resident concerns and other comments
108 were:

- 109 • R1 District owners purchased in R1 because they don't want a few days rental by their house;
- 110 they want long term neighbors
- 111 • R2 District goes all the way to Highway 17; if the commission wanted to designate a portion of it
- 112 allow short-term rentals, it could do so by creating an overlay. A public hearing would have to be
- 113 held – after a brief discussion, this was determined to be an enforcement nightmare
- 114 • R3 District has short or long term rentals – from one day to 30 days, but allows for longer leases
- 115 • Snowbirds can rent in R3 for rentals
- 116

117
118 Ms. Lane-Laveglia thought long term rentals should be six months or longer. Mr. Pesce believed
119 that would create a problem when tenants found a home prior to the lease expiration. Ms. Lane-Laveglia
120 said lease agreements can be written to allow early termination for specific circumstances. She reiterated
121 that she believed six months or longer leases should be offered, which is common in areas that are not
122 vacation rentals. Mr. Truett agreed and said if the lease needed to be extended, that could be done
123 under a hardship clause.

124
125 Mr. von Buseck asked Mr. McKeen if he had a concern about a six month or less lease. Mr.
126 McKeen said he bought his house, closed on it and moved in six weeks later. That is the usual process.
127 You can still build a house. He deliberately moved to the R1 District so he would have neighbors instead
128 of vacationers next door. In his opinion, the about 2,000 R1 residents would be angry if the rules change
129 to allow relatively short term rentals. Mr. von Buseck asked if Mr. McKeen had any specific problems. Mr.
130 McKeen said none immediately around his house, but across the street he proactively meets the new
131 neighbors in the nearby rental house and establishes a friendly relationship. So far, he's never had to
132 complain about noise. Mr. von Buseck believed that most town vacation renters were in their 50s and
133 60s, which are not the rowdy 20-something year old kids. Mr. McKeen said the rental house had two
134 police calls during one week. So far, it's been good. He loves his house and neighbors; he plans to stay
135 there. Mr. von Buseck said he can count on one hand the number of times he's experienced problems
136 with people being too loud or rowdy. Mr. McKeen agreed, saying this is a great town. We have a great
137 police department. He was hesitant to do anything to 'tweak' it too far from where we are. He was open
138 to change, but he knew from serving on the planning commission that residents, especially in the R1
139 District, get angry when their environment changes. In his opinion, people should rent short term in the
140 R3, especially in the winter months when rental is cheap.

141
142 Ms. Morris said complaints received in her department are not because of a younger crowd or
143 noise; it's because the owner bought in R1 and expects to know his neighbors without a constant change
144 over. Residents in R1 are very particular about having long-term neighbors instead of 30 to 60 day
145 renters next door.

146
147 Ms. Lane-Laveglia said the town could never prevent an owner from allowing someone to stay in
148 their house. She said if I understand correctly, we not changing anything, but defining the term. Ms.
149 Morris said she was correct; currently staff states long term is an annual lease (365 days) based on past
150 practice, but that is not codified.

151
152 Mr. Brown asked if there was a financial difference between long and short term rentals. Ms.
153 Morris said Surfside Beach cannot issue a business license to a short term rental in the R1 or R2 Districts.
154 Mr. Brown said if there is a long term lease, they have a business license. Ms. Morris said absolutely.

155
156 Mr. Pesce asked if anyone had been put in jeopardy because the code is not clear, for instance a
157 tenant choosing not to stay here because of the code. Ms. Morris said no. Ms. Lane-Laveglia said that
158 question would most likely be presented at a rental office instead of town hall.

159

160 Chairman Hellyer asked what prompted this issue to be presented to the commission. Ms. Morris
161 said there is a problem, because transient rental is defined in the code, but there is no definition for long
162 term rental.

163
164 Mr. Truett asked if long term (yearly) rentals could be done in just R1 and R2. Ms. Morris said
165 yes, the commission could define the term per district. Mr. Truett did not want to make any
166 recommendations that could not be enforced. Ms. Morris believed that would be much easier than a six
167 month term, and would create the stability that R1 District owners want. Mr. Truett asked if the majority
168 of snowbirds probably stayed in the R3. Ms. Morris said yes.

169
170 There were no other comments. Chairman Hellyer closed the public hearing at 6:41 p.m.

171
172 **4. AGENDA APPROVAL.** Chairman Hellyer called for a motion to amend the agenda to add
173 approval of the June 24th workshop minutes. Mr. Truett moved to approve the [agenda] with an
174 amendment to include the June 24th workshop minutes. Mr. Brown second. All voted in favor. **MOTION**
175 **CARRIED.**

176
177 **5. MINUTES APPROVAL. August 6, 2019 and June 28, 2019 workshop minutes (added**
178 **by motion during #4 Agenda Approval.)** Mr. Truett moved to approve the June 28 workshop
179 minutes and the August 6 regular meeting minutes. Mr. Brown second. All voted in favor. **MOTION**
180 **CARRIED.**

181
182 **6. PUBLIC COMMENTS ON AGENDA ITEMS.** There were no comments.

183
184 **7. BUSINESS. Vote on recommendations to send to council regarding the amendment**
185 **as provided for under the public hearing in #3.**

186
187 **Massage Parlors.** Mr. Brown did not have a problem with stand-alone massage parlors, saying
188 that the town police department and the solicitor's office did a good job managing complaints. They are
189 good business. Chairman Hellyer said the town has rules and regulations, but there is no mechanism to
190 revoke a business license when there is a problem. The business license was transferred to another
191 person the last time there was a problem, so there were no consequences for bad behavior. Mr. Brown
192 said if the massage parlor is an accessory use, it would also close the hair salon. The police department
193 and solicitor's office will close an establishment as a public nuisance business. Mr. Pesce said he spoke
194 with Chief Hofmann and learned more of the history. The problem is the code is not enforceable; adding
195 the parlors as an auxiliary use in an established business will be a good way to vet it and keep it
196 reputable. Mr. von Buseck asked how many businesses would close if the proposed code is adopted. Ms.
197 Morris said one. Mr. von Buseck said from a business owner's viewpoint, he opposed requiring a business
198 to close in this manner. This is a complex topic. There are many potential problems with massage
199 parlors, but he leans towards less regulation and agreed with Mr. Brown. Ms. Morris said this was
200 presented at the police department's request. Other towns allow a nonconforming use to remain open
201 until the current owner sells or closes the business. Mr. Truett asked if massage parlors were accessory
202 uses if they would be subject to stricter regulations. Ms. Morris said yes; the police department requested
203 that if they are allowed to do so as an accessory use in a more supervised setting. Mr. Truett did not
204 support a two year closing requirement for a free standing business, and thought capitalism would take
205 care of that problem. He supported making massage parlors an accessory use. Ms. Lane-Laveglia asked if
206 he had an option to allow the stand-alone business to remain; she did not support the two year closing.
207 Mr. Truett believed as long as the establishment adhered to the rules and regulations, the business
208 should be allowed to operate. He believed people would be more comfortable using the parlors if they
209 were in a doctor's office or hair salon. Chairman Hellyer asked what would be done with existing stand-
210 alone massage parlors. Ms. Lane-Laveglia said they can operate until they close. Mr. Truett agreed. Ms.
211 Morris said it would remain as a nonconforming use. She asked if the commission meant that once the
212 current owner goes out of business, the business would close. Mr. Truett said yes. I think that is a good

213 compromise. Ms. Lane-Laveglia said once the current owner closes, the business cannot reopen under
214 another owner. Ms. Morris said that would not be a problem from an enforcement standpoint. Mr. Pesce
215 asked if there was any way to transfer ownership for a free-standing massage parlor. Ms. Morris said the
216 code needs to be amended to state that the free-standing massage parlors can remain as long as the
217 current owners stays in business, and specifically state that the business would close and ownership
218 cannot be transferred. Ms. Lane-Laveglia asked if there would be any problem for the town because the
219 business could not be sold. Ms. Morris said other towns use this method. The town attorney has to
220 review the ordinance before it is submitted to council. Mr. Truett moved to recommend that massage
221 parlors be added as an accessory use, and delete the two year expiration for stand-alone businesses. Ms.
222 Lane-Laveglia second. Chairman Hellyer, and Members Lane-Laveglia, Pesce and Truett voted in favor.
223 Members Brown and von Buseck voted against. **MOTION CARRIED.**

224
225 **Long Term Rental Definition.** Mr. Truett suggested the commission define long term as one
226 year today and then revisit an intermediate term at a later date; perhaps Ms. Morris could get more
227 information. Mr. Truett moved to define long term rentals as 365 days for the R1 and R2 districts. Ms.
228 Lane-Laveglia second. All voted in favor. **MOTION CARRIED.**

229
230 **Courier and Local Deliveries.** Ms. Morris recommended that courier and local deliveries be
231 permitted in all commercial districts, including the entertainment district, because they all allow
232 restaurants. Mr. Pesce moved to add courier and local deliveries to all commercial districts. Mr. Brown
233 second. All voted in favor. **MOTION CARRIED.**

234
235 **Article III, District and Use Regulations.** Mr. Pesce moved to recommend Article III as
236 amended be presented to Town Council for consideration. Mr. von Buseck second. All voted in favor.
237 **MOTION CARRIED.**

238
239 **8. PUBLIC COMMENTS – General.**

240 Mr. Rock Richardson, Richardson Builders, said the commission is doing a good job.

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243 **9. COMMISSION COMMENTS.**

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245 Mr. Brown thanked everyone for attending. There were great comments tonight. Some of these
246 matters can be difficult. A lot of people are on one side or the other. I really appreciate the public
247 comments. If you have friends and neighbors that want to attend and comment, encourage them to do
248 so. I'd like to hear from them.

249
250 Mr. von Buseck thanked everyone. This was a very stressful couple of weeks with Hurricane
251 Dorian coming in. I watched a video of Hurricane Hugo and the intense things that happened. I think it
252 makes what we're trying to do all that more important. I'm grateful we've been spared this time. Thank
253 you for having me as part of the commission. These are tough decisions. We'll make some decisions and
254 some people will be happy; some people aren't. We try to find the best, most common sense solutions.

255
256 Ms. Lane-Laveglia thanked everyone for attending.

257
258 Mr. Pesce asked Ms. Morris to notify the businesses of the delivery services once it is adopted.
259 Ms. Morris said absolutely. Ms. Pesce said that would be awesome, and thanked everyone.

260
261 Mr. Truett also thanked all the homeowners for their comments say it was good to hear their
262 opinions. He thought this process was made a lot easier because of the hard work by the previous
263 commission members. They put a lot of hard work into this. Our business committee went through all the
264 permitted uses and we couldn't come up with anything, either. He applauded what they did. Regarding
265 Hurricane Dorian, he said for the record, "I want to thank all the employees in this town. I mean, what a

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266 great job John and his staff did; police; fire; getting us prepared; being proactive. That's why we love
267 where we live."
268

269 Chairman Hellyer thanked everybody for coming, especially for the citizen involvement. He loved
270 to see people coming, and as far as he was concerned, when you come you guys can talk as much as
271 you want because we want to hear what you have to say and get involved in what's going on and put the
272 citizens back and have some control over it. So thanks for coming by, and we will see you next month.
273

274 **10. ADJOURNMENT.** Mr. Truett moved to adjourn the meeting at 7:01 p.m. Mr. Brown second.
275 All voted in favor. **MOTION CARRIED.**
276

277 Prepared and submitted by,
278

279 _____
280 Debra E. Herrmann, CMC, Town Clerk

281 Approved: October 1, 2019
282

283 _____
284 Robert Hellyer, Chairman
285

286 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and is not
287 intended to be a complete transcript. Appointments to hear recordings may be made with the town
288 clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive. In
289 accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and
290 interested parties via the town's email subscription list. The agenda was posted on the entry door at
291 Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org
292 and on the marquee.