



Town of Surfside Beach
Planning, Building & Zoning Department
115 US Hwy. 17 North, Surfside Beach, SC 29575
(843)913-6341

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All questions & comments need to be emailed to tmazzo@surfsidebeach.org by 4:00 day of meeting

**PLANNING COMMISSION REGULAR MEETING
TELECONFERENCE
TUESDAY, MARCH 2, 2021 AT 6:00PM**

1. CALL TO ORDER - Sammy Truett, Chair
2. PLEDGE OF ALLEGIANCE
3. AGENDA APPROVAL
4. ELECTION OF OFFICERS
 - a. Chairperson
 - b. Vice-Chair

5. MINUTES APPROVAL - November 9, 2020
6. PUBLIC COMMENTS ON AGENDA ITEMS
7. DISCUSSION ITEMS

General zoning issues/concerns for items allowed in setbacks (stairs, HVAC, generator, propane tanks); accessory structures on corner lots; signage; and roof pitch on existing homes in R2 zoning district

8. PUBLIC COMMENTS - General Comments
9. COMMISSION COMMENTS
10. ADJOURNMENT



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**PLANNING COMMISSION REGULAR MEETING
TOWN COUNCIL CHAMBERS/TELECONFERENCE
MONDAY, NOVEMBER 9, 2020 AT 6:00 PM**

1. **CALL TO ORDER** - Chairman Truett called the meeting to order at 6:00 pm.
2. **PLEDGE OF ALLEGIANCE** Chairman Truett led in the Pledge of Allegiance.
3. **AGENDA APPROVAL** Ms. Abrams made a motion to approve the agenda. Mr. Kinken second. All voted in favor. **Motion carried.**
4. **MINUTES APPROVAL** - Mr. Kinken made a motion to approve the September 1, 2020 meeting minutes. Mr. Pesce second. All voted in favor. **Motion carried.**
5. **PUBLIC COMMENTS ON AGENDA ITEMS** No public comment
6. **PUBLIC HEARING**

**Article IV Supplemental District Regulations, Division 1 Generally, Sec. 17 - 419
Setback Encroachments for Handicapped Accessible Ramps, Lifts, and Elevators**

Ms. Coleman stated we discussed this last month, where the Board of Zoning Appeals had been repeatedly month after month taking applications for variances to allow for ramps, wheelchair ramps, lifts, anything to assist people who can no longer access their homes.

When I worked for Horry County, we saw the same thing happening when we had the building boom back in 2006, 2007, and 2008. So we did something to research it, and one of the attorneys on staff specialized, ADA, Americans with Disabilities Act, and came up with language similar to what we're proposing. In short, what it says is that unenclosed and uncovered handicap access ramps, lifts, and landings, existing structures only. This section should not apply to new construction.

Unenclosed and uncovered ramps, lifts, and associated landings necessary to provide handicapped access may extend into the required setback provided in residential uses. The landings are no larger than the ADA Americans with Disabilities Act, requirements for landings, enclosed elevators may encroach no more than 50% in the required setback without a variance. Part of the reason we decided to add a provision for the enclosed elevators as typically, you're going to add somewhat of an addition to the house that looks like a chimney or something, usually no more than 5 feet by 5 feet. So, if we allow five, we have 10-foot setbacks, then on the side, you'd still have a five-foot separation and since this goes to the Americans with Disabilities Act, which also applies to the Constitution so that we don't create a situation where you were creating a taking on someone's private property, which means they can no longer use it for the use it was intended for.

We're trying to expedite this and help people who need these services get them without having to jump through so many hoops.

Most new construction now includes a shaft in the middle of the house for an elevator in the future. They use it as a closet or pantry or something along those lines, but they can retrofit it. Part of the reason is that, in the long run, people come here to retire. And, at some point, there may come a time where they can no longer make it up and down the stairs. So, we're trying to create a means by which people can stay in their homes and not have to go elsewhere.

Mr. Pesce asked if somebody builds a house, and a year later, they come back, are they going to be allowed to do the 50% encroachment? Ms. Coleman stated we wouldn't allow someone to come in with new houseplants showing an encroachment, right? But if the house is already there, and a year, or 2, 3 down the road, they could come in. But many people are building the right structures now so that they can retrofit them in the future.

Mrs. Laveglia asked if this has any impact on the FEMA guidelines or impact the CRS rating? Ms. Coleman stated It should not entirely, this would not be looked at any differently than stairs, in my opinion, and that doesn't affect your CRS rate. This isn't access to the house. We discussed before I came in about something, and I want to make sure you understand. I'm not saying that I think the CRS rating is more important now because I'm not saying that we don't want it. I would like to know, at least, what the implications are.

Ms. Coleman stated you could have an enclosure on the ground level, but it has to have the breakaway water shutters, so if something comes in, the water keeps going. If you have a terrible storm and something comes through there, you're going to lose everything that's in that storage area. Now, I know there's an interpretation here that you can't have anything, period; You can have things.

Mrs. Laveglia stated that if you could get the information on the CRS rating, I'd just at least want to be able to defend why we did it, and we know that we did it knowingly. I would like for all of us to have a little bit more precise understanding of this.

Mrs. Laveglia also stated that If it did wash away, you would not only be losing your golf cart but what damage it might do to another property.

It's only a small amount of square footage, but am I correct that once there's the roof on the structure, you're also impacting the impervious coverage calculations,

Mrs. Laveglia made a motion to accept the language for Section 17-201 Exceptions and Modifications. Mrs. Abrams second. All voted in favor. **Motion Carried.**

7. DISCUSSION ITEM

Article III - District & Use Regulations

Minimum square footage for residential structures and dwelling units

Ms. Coleman stated this was previously discussed for minimum lot size, specifically in the R1 zone. And if you remember, we looked at them for 9,000 square foot lot minimums, which is currently the language. I counted off every lot and gave you a table and said that if you make it 10,000 square feet, there would be many more non-conforming lots. I think we had six lots, not owned by the city, or the town, that we're left at the end of that exercise. So my recommendation would be to leave it at 9000 square feet.

You can have a 9,000 square foot lot, but it's also got to have the 75-foot frontage. Many of these lots may have the square footage, but they're not 75 feet wide. A Regular corner, if you're going to split it, you'd have to have 150 feet. Each lot would have to have 70 feet. And if it's a corner lot, we're going to require them to subdivide it so that the short end is where the line is; the front has

to be on the short side. In my opinion, if you're going to cut down on density, cut down on the footprint area. You could put a maximum on square footage per lot if you want more green space.

But if you are creating new lots, I could understand it, but since everything is already built out and already there, I don't think creating a larger minimum lot area is the way to go.

There was a time where the County would allow you to combine lots for tax purposes. And I've run into that quite a bit that if someone could come in and show that the lots were combined, just for the Assessor to go in and say this is two lots with one house. You can't split it unless you go through the subdividing process.

The other thing that I put into the PowerPoint that I made that I sent out to you is that I've increased the minimum lot size in the R1 zone due to the high number of non-conforming, which is not recommended. The Chairman told me that you have already been through this, establishing minimum square footage for residential, because apparently, someone's concerned that tiny homes may start popping up. We went through this on January 14 of 2019; then, we set the minimum square footage at 900 square feet.

I've talked with Mr. Combs, the building official. They would have to meet all the building codes, but they could come in.

Mr. Pesce made a motion to limit a home's footprint to have the minimum square footage of 900 heated square feet. Mrs. Leviagne second. All voted in favor. **Motion Carried.**

Ms. Coleman stated, the issues that I wrote up, which should be limited, etcetera, use only which you already had in there were massage parlors. You can't have a standalone massage parlor, but you can have a massage as an accessory to a salon or a chiropractor.

Accessory uses for hotel/ resorts'/restaurants. Catering can be part of a hotel or resort, or a restaurant. But, they wanted the language to have an event space or allowing people to have events. Then also, in hotels and resorts, shops or stores, the one thing we wanted to add to C4, we had put micro-brewery in the language before that you got way back when I would recommend based on state law to call it a brewpub. Because I've told the Chairman, the micro-brewery takes it to another level; state law looks at it by the number of produced barrels. A brewpub can brew beer onsite, and you can go in there and take a growler and fill it out with beer. They make beer on site, but they're not making it and sending truckloads of it out somewhere. And a micro-brewery might be doing that. So, it's a little bit a step up and intensity. But a brewpub can still have beer sell it. They may produce a little bit for offsite consumption, but they're not selling it on beer trucks.

I'm trying to figure out how this got into the zoning ordinance; parking decks are allowed only west of 17. There shall be no parking decks near the beach. The only reason for me you would have a parking deck was to provide parking for someplace that had many visitors coming at a given time.

The last thing on my list is the warehouse storage facility requiring it to be on Sandy Lane, and I've got the language here, for the change. The only thing I can tell you is I went through lot by lot, and we're going to talk about the same type of issues that we talked about with corner lots and minimum frontage and setback requirements because of the setback requirements on the C1 district. The front yard setback of 75 feet, the rear setback is 20 feet.

I'm saying the properties in the Town limits on Sandy Lane are on the East side of Sandy Lane. The ones on the other side of Sandy lane are in the County. So to have a piece big enough, to do something that was proposed in the pud, you'd have to have the property set front on the frontage road or 17. And the whole point was, they don't want it to be visible from 17. But if you're creating a mechanism by which the only place you can put them is on a road that the lots aren't big enough to house them. You can do something to limit them, but if you create, if you're limiting them, means they can't do it, then you're zoning it out.

I have talked to one of the property owners, and what they're asking now, they are going to submit a plan under C1, but instead of having the section in the middle that was dedicated to outdoor storage for RV using campers and everything, all of that would be parking. So they may still come in and try to get a permit, and they may be able to meet the requirement without going into a pud.

Chairman Truett stated I would like to see the purview be considered in our parking in the future. That's not considered now. You go for a bunch of concrete. We need to revisit the parking standards that we did not talk about in September and incorporate somebody's ideas. We talked about that with a drive-thru, or I think it was Town Council with a Drive-thru restaurant. You don't want that car box in somebody's backyard. After all, they're going to hear that all night long.

Ms. Coleman stated, we don't want to zone them entirely out, and then we have to fight another lawsuit. Because you can't go into the lot that front on the frontage road, I understand what they're trying to do because the ordinance doesn't allow it. But by putting it one, rho D, or one lot deep on the next road. This parallels the 17; it still wouldn't go away because you think about how tall the buildings are going to be, you're still going to be able to see 17. So the only way for someone to do that is to buy the lots on Sandy Lane, Combine everything and then try and re subdivide to make a smaller lot against the highway, which would be problematic because they have a 75-foot setback. So you really can't even do that. That was my point: we're creating, creating, not a nonconformity, and then, I can't figure out how it can be done.

Ms. Abrams stated now that we know that it's almost impossible, what the previous Planning Commission recommended to have it only restricted to Sandy Lane if they had known that, what are the improper recommendation, or even illegal? I wouldn't say it was improper or illegal. I would say that it probably would have come up if somebody wanted to do it. Opening ourselves to some litigation

In South Carolina, we don't have an economic standard by saying whether something is necessary. If they want to do something, private property rights state, and it's allowed under the zoning ordinance; you can't just say no, because you think you've already got so many of them.

I'm going to make a motion that we recommend removing the restrictions on storage facilities or limiting them to Sandy Lane. But they have to meet everything else. But part of the word says they can't face 17.

I'm just looking at the minutes, maybe think of it, the amendment that we recommended for, or that you recommended for, the garden center, they were excited about, and they were delighted that you've got a business owner that wants to come in and, yeah, put some money into a business that everybody in the community is Excite, that wants to use, wants to have locally available.

8. PUBLIC COMMENTS - No Public comments

9. COMMISSION COMMENTS - No Commission comments

10. ADJOURNMENT Chairman Truett adjourned the meeting at 7:40 pm.

Respectfully Submitted

Sheri L Medina



Planning Commission Discussion Paper
Zoning Ordinance issues
March 2, 2021

Staff has noticed a few items coming up over and over again, and we thought it was worth bringing them up for discussion with you before taking the time to try to write up options. These are not action items at this time (and may never be), but we hoped to receive guidance in possibly moving forward. The first group involves setbacks.

- More and more residents are opting to install generators so as to be prepared in a storm event. With an existing structure, the area around the house is usually dedicated completely to setbacks, which means the addition of a generator is virtually impossible without a variance (which should not be issued based on the criteria set forth under state law).
- HVAC units have often presented challenges for homeowners. Many are located in setbacks and predate the ordinance changes which require them to meet setbacks. The issue is compounded when it's time to replace a unit. Many newer homes have them located in small alcoves in the structure of the house, and we have had reports that they are virtually impossible to work on when located in such a way. And many of these are located closer to the ocean where conditions lead to harsher weather impacts and lots of necessary maintenance.
- Propane tanks are required to meet setbacks. We recently had someone who I believe buried theirs in the setback to avoid the argument.
- Many homes have existing stairs that encroach into required setbacks. These can be replaced in some situations but one recently brought up another issue in that the stairs to be replaced did not meet the current building code, and to bring them to code pushed them further into the setback. There are a number of homes that are at their current front setback because they were built prior to the adoption of the current code, and this will continue to be an issue.

Corner lots and the orientation of the existing house (what is actually the front) can present a challenge for many homeowners when they need to locate a storage building, or other accessory structure. The rear yard for practical purposes is now the side yard and vice versa, so the available yard is limited.

Sec. 17-402. - Corner lots.

The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located except in the C-1 highway commercial district where the minimum side yard is five (5) feet for corner lots. For the purposes of this section, the lot line having the shorter dimension along the street line shall be considered the front of the lot.

Sec. 17-408. - Accessory buildings and uses in residential districts.

Customary residential accessory buildings and uses shall include but not be limited to the following:

- (1) Shed or tool room, including prefabricated structures. Shipping containers, tractor-trailer containers, and other structures that have an original intended purpose other than as a residential storage structure are not allowed as an accessory use.
- (2) Children's playhouse and play equipment.
- (3) Private kennel for not more than three (3) dogs, four (4) months of age or older.
- (4) Private bathhouse, cabana, or tennis courts for tenants of principal buildings.
- (5) Noncommercial greenhouse not over eight (8) feet in height.
- (6) Laundromats in multifamily development for the exclusive use of the tenants.
- (7) Accessory dwelling units or garage apartments in designated districts only.

Customary accessory buildings and uses in residential districts are permitted provided they are located in rear yards and not closer than five (5) feet to any property line, as measured from the closest point of the structure. Accessory buildings and uses shall also comply with the setback from the intersecting street and not cover more than twenty (20) percent of any required rear yard.

Accessory buildings in residential districts must be no greater than fifteen (15) feet in height when located less than ten (10) feet from the property line. Accessory buildings shall not exceed a maximum height of twenty-five (25) feet when located a minimum of ten (10) feet from the property line.

Exceptions:

- (1) Satellite dishes less than thirty-nine (39) inches in diameter may be located on the structure and shall be exempt from this section provided all required setbacks are met.
- (2) Swimming pools may be located in side yards and not closer than five (5) feet to any property line. Residential pools do not count toward lot coverage for zoning purposes.
- (3) Private garages are permitted provided they observe the minimum yard setbacks for the district (see section 17-303) and they are located no closer to the front yard setback line than the principal structure. The garage is not to exceed eight hundred fifty (850) square feet or fifty (50) percent of the footprint of the principal residence. A garage area of four hundred (400) square feet is permitted regardless of the living area of the principal residence.

Flags We need to add language to the ordinance to the ordinance to address various types of signage we don't currently identify. These only represent one type, so please let me know if there are others we need to identify.



Roof pitch in the R2 district

Sec. 17-321. - Building height and roof pitch

The maximum building height in the R-2 minimum density residential district is thirty-five (35) feet. The minimum roof pitch required in the R-2 district shall be 6/12.

The owners of an existing house with a 4/12 pitch roof would like to build an addition. The 6/12 pitch requirement will not work. Can we add an exception for existing structures?