

Decision Paper

Written by: Jon Harrah

12/12/2017

1. **SUBJECT:** First Reading Ordinance #17-0862
2. **PURPOSE:** To establish an E-Entertainment District to accommodate Town Council to ensure commercial businesses around the pier.
3. **ASSUMPTIONS:**
 - a. Creation of E-Entertainment District within a small portion of C3-Amusement District to restrict residential structures and other use will insure that commercial establishment will be maintained around the pier area.
 - b. This district would promote the area as a pedestrian-oriented environment.
 - c. Rezoning the area will enhance the tax base by provide opportunity to revitalize the area and allowing the town to brand it in the marketing to encourage new businesses.
4. **FACTS:**
 - a. E-Entertainment District rezone was concurred to move forward by Planning Commission in June 6, 2016.
 - b. Planning Commission held a public hearing on December 5, 2017.
 - c. Planning Commission concurred to recommend to Town Council adopt the E-Entertainment District zone.
 - d. The rezoning of a small portion of C3-Amusement District would restrict residential structures, protecting the commercial businesses.
 - e. Establishing of the E-Entertainment District would allow branding and marketing to potential businesses, adding value to the Town.
 - f. E-Entertainment District would promote walkability.
 - g. Boundaries, Ocean Boulevard from 1st Avenue South to just North of Surfside Drive and from the Atlantic Ocean to South Dogwood Drive.
 - h. The Town Attorney has reviewed the recommends that Town Council adopt the proposed ordinance.
5. **RECOMMENDATION:** Town Council to make a motion to adopt first reading of Ordinances #17-0862 as presented.

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND CHAPTER 17, ARTICLE III DISTRICT AND USE
COUNTY OF HORRY) REGULATIONS, TABLE 17-303, TABLE 17-395 USE CHART,
) ARTICLE IV SUPPLEMENT DISTRICT REGULATIONS, TABLE
TOWN OF SURFSIDE BEACH) 17-420 PARKING CHART AND ARTICLE VII LANDSCAPING

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this _____ day of _____, 2017; regular meeting; and

WHEREAS the Mayor and Town Council want to protect the commercial business around the pier area; and

WHEREAS, rezoning the area will enhance the tax base by providing opportunity to revitalize the area; and

WHEREAS, the Planning Commission concurred at the December 5, 2017 regular meeting to bring this ordinance for consideration to Town Council.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Chapter 17, Article III District and Use Regulation, Table 17-303, Table 17-395 Use Chart, Article IV of the Town of Surfside Beach, South Carolina, is hereby amended to read as follows:

Chapter 17
Article III DISTRICT AND USE REGULATIONS

Division 1. Districts in General

17-301. **Add (10) E – entertainment**

17-303. Table 17-303 (District Dimensional Standards) **Add column for E.**

Table 17-303 District Dimensional Standards(1)(8)								
STANDARDS	DISTRICTS							
Minimum Lot Area (in square feet)	R-1	R-2	R-3	C-1	C-2	C-3	MU	E
Single-family (detached)	9,000	6,000	3,600	3,600/ 10,000(4)	N/A	3,600	5,000	N/A
Single-family (semi-attached)	N/A	6,000	3,000	3,000/ 10,000(4)	N/A	3,000	4,000	N/A
Single-family (attached)	N/A	N/A	3,000	3,000/ 10,000(4)	N/A	3,000	3,000	N/A

Two-Family (Duplex) or Single-family (detached) with Accessory Unit	N/A	6,000	6,000	6,000/10,000(4)	N/A	6,000	6,000	N/A
Multifamily	N/A	N/A	See §17-332	See §§17-332 & 17-396.32	N/A	See §§17-332 & 17-396.32	See §17-332	N/A
Dwelling Group	N/A	N/A	7,200 per lot/3,600 per unit(2)	7,200 per lot/3,600 per unit(2)	N/A	7,200 per lot/3,600 per unit(2)	N/A	N/A
Nonresidential Lots or Uses	9,000	6,000	6,000	5,000/10,000(4)	0	5,000	6,000	3500
Minimum Lot Width (in feet)	75	60	30	50/75(4)	0	60	50	35
Minimum Yard Setback (in feet)								
Front Yard	25	25	20	25/75(4)	0	20	25	0
Rear Yard	20	20	15	20	0	10	20	0
Side Yard	10	10	5/10(3)	0/20(4)	0	5/10(3)	5/10(7)	0
Maximum Building Height (in feet)	35	35	55	55	35	55	35	55
Maximum Impervious Coverage (in percent)	40	45	50	N/A	N/A	N/A	50	N/A
Maximum Building Coverage (in percent)	30	30	40	N/A	N/A	N/A	40	N/A
Maximum Floor Area Ratio	N/A	0.4(6)	N/A	N/A	N/A	N/A	N/A	N/A

Table Notes:

(1) The dimensional standards illustrated in Table 17-303 are the minimum standards for the above districts. Where the text of this chapter provides more restrictive dimensional standards than those summarized above, the more restrictive standard shall apply.

(2) Dwelling groups in the R-3, C-1, and C-3 district are subject to the conditional use standards of §17-396.20.
(3) The side yard setback is five (5) feet for single-family detached buildings up to fifty-five feet (55) high and ten (10) feet for all other uses.
(4) The greater area and yard requirements apply to those lots fronting on the U.S. 17 Highway Corridor (including frontage roads). Access to the rear of buildings for fire and garbage trucks by a drive aisle or an unobstructed side yard setback of at least twenty (20) feet shall be provided in the C-1 highway commercial district except where the property is strictly developed for single-family and two-family buildings. The code enforcement official may reduce the side yard requirement to ten (10) feet when a combined unobstructed side yard of (20) feet is provided by two abutting property owners.
(5) Corner and double frontage lots are subject to the special setback standards of §§ 17-402 and 17-403. Semi-attached single-family dwelling units are exempt from one (1) side yard setback. Attached single-family dwelling units are exempt from side yard setbacks subject to the provisions of § 17-396.36.
(6) Maximum floor area ratio requirements apply only to two-family residential dwelling units (duplex) in the R-2 district.
(7) The side yard setback is five (5) feet for single-family detached buildings and ten (10) feet for all other uses.
(8) The PD and MH districts are subject to the dimensional standards required by Divisions 9 and 10 of this article, respectively.

Division 2 through Division 6 - no changes. These address R-1,2,3 and C-1,2

New Division – Entertainment District.

Intent

The intent of the provisions of this division is to allow for a small pedestrian-oriented commercial environment where additional dining and entertainment venues will complement the town pier area as a destination.

Uses. Uses are allowed by right, are allowed as conditional uses, may be permitted as special exceptions, or are prohibited in the E district in accordance with the Use Regulations of Division 11 of the article.

Minimum Lot Size

The minimum size of lots in the E Entertainment District is 3500 square feet.

Minimum Lot Width at Building Line

The minimum width of lots at the building line in the E Entertainment District is 35 feet.

Yard Setbacks.

There are no yard setback requirements in the Entertainment district.
Maximum Building Height.

The maximum building height in the **E Entertainment** district is fifty-five (55) feet.

DIVISION 11, USE REGULATIONS

Sec. 17-395. - Use table. Add column for E.

Table 17-395 USE CHART											
USE CLASSIFICATIONS	Districts									SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP	E		
Residential Uses											
Single-family, detached	P	P	P	C		C	P			§17-396.32	E
Single-family, semi-attached		C	C	C		C	C			§17-396.32 §17-396.37	E
Single-family, attached			C	C		C	C			§17-396.32 §17-396.36	E
Two-Family (duplex), accessory dwellings, efficiency units		P	P	C		C	P			§17-396.32	D, E
Multifamily			P	C		C	C			§17-396.32 §17-367(2)	E
Upper story dwellings					C					§ 17-396.5	E
Dwelling Group			C			S				§17-396.20 §17-201(c)	D, E
Manufactured Home								C		§17-391	P
Manufactured Home Park								P			P
Mobile Homes										PROHIBITED	N/A
Agriculture and Horticulture (noncommercial), excluding the keeping of poultry and livestock	P	P	P	P		P	P				N/A
Home Occupations	P	P	P	P		P	P	P			
Accommodation Uses											

Hotels, motels, tourist courts			C	P		P				§17-396.23	H
Resort accommodations, 25 or more units			C	C		C			P	§17-396.33	H
Transient short term rental units and boarding houses			P	P		P					D, E
Civic, Governmental, and Institutional Uses											
Assembly halls, gymnasiums, and similar uses						P					B
Churches and other religious uses	S	C	C	P	P			P		§17-396.12	B
Hospitals	S	S	S	P						§17-396.22	G
Libraries	S	C	C	P	P			P		§17-396.24	B
Lodges, fraternal organizations				P	P						C
Museums and similar cultural activities	S	C	C	P	P			P		§17-396.24	B
Parks, neighborhood and community (public)	S	P	P	P	P			P			B
Public Buildings and uses	S	S	C	P	P			P		§17-396.26	B
Public buildings and uses including courts of law, correctional institutions or jails, parole or probation offices, rehabilitation centers					S					§17-396.1	R
Public, private, trade, and vocational schools	S	C		P	C					§17-396.30	O
Entertainment, Recreation, and Dining Uses											
Amusement Parks										PD ONLY	L
Arcades						P			P		S T (E)
Billiard parlors					P	P					R S (C3)

Bowling alleys, skating rinks, water slides, and similar forms of indoor recreation				C	P				§17-396.1	L
Golf driving range, par-3, tennis courts and similar outdoor recreation				P						L
Health clubs, gyms, fitness centers, dance studios				P	P					L
Restaurants with drive-in or drive-up facilities				P						M
Restaurants and other dining establishments without lounges (indoor only)				P	P	P	C	P	§17-367	M S (C3) T (E)
Restaurants and other dining establishments with open or outdoor dining				C	C	C	S	P	§17-396.34 §17-367 §17-396.1	M S (C3) T (E)
Restaurants, taverns, bars, nightclubs or other places where alcohol is consumed* (Indoor except as noted*)				C	P	P		P	§17-396.1 §17-396.35 §17-396.34*	MS (C3) T (E)
Shooting galleries						P				L
Theaters				C	C	C			§17-396.39	B
Theaters, drive-in				C					§17-396.1 §17-396.39	R
	<p>Note*: Restaurants and other dining establishments, defined as "bona fide engaged primarily and substantially in the preparation and serving of meals" by Title 61, Chapter 6 of the Code of Laws of South Carolina, may include outdoor dining in the C-1, C-2, and C-3, E districts subject to the conditional use standards of § 17-396.34.</p>									
	Commercial, Office, and Professional Uses									
Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops, pet training				C					§17-396.1 §17-396.2	J or L (pet shops and boarding)

Auto/truck sales, service, repair and/or washing				C						§17-396.1	A
Auto Service Station				C						§17-396.1 §17-396.3	F
Banks, loan agencies, and other financial institutions				P	P						K
Barber or Beauty Shops	S	S	C	P	P	C	C			§17-396.4 §17-367	K S (C3)
Boat sales and service				C						§17-396.1	N
Body Piercing				C						§17-396.1 §17-396.11	
Building supplies and equipment sales				P							Q
Cold storage, freezer locker				P							R
Communication towers				C						§17-396.1 §17-396.13	R
Day care centers				C		C	C			§17-396.1 §17-396.19 §17-367	See §17-238.19
Dressmaker, seamstress, tailor				P			C			§17-367	K
Electrical appliances and equipment, sales and repair				P	P	P					N S (C3)
Fabricating shops, e.g. cabinet or upholstery				C						§17-396.1	I
Fuel or chemical storage, excluding incidental or accessory storage				S						§17-396.21	R
Funeral Homes and mortuaries				P							B
Laundry and dry cleaning pick up stations				P	P						L
Laundromats				P	P						L
Lawn and garden equipment sales and service				C						§17-396.1	N

Liquor sales				P	P	P						I S (C3)
Lumber yards and sales				C						§17-396.1 §17-396.25		Q
Medical and dental offices (clinics)				P	P	P	C			§17-367		J
Offices; business, professional, and governmental				P	P	P	C			§17-367		K
Parking lots				P	P	P					P	
Piers, Gift Shops, Beach shops, Bicycles rentals, Tackle shops, Bakeries where products are consumed onsite, Jewelry store, On premise entertainment, establishments selling commodities in small quantities to the consumer.						P					P	E T (E)
Plumbing shops				P								Q
Produce markets and stands				P			S					L
Radio/Television station				C	C					§17-396.1 §17-396.31		K
Repair shops, excluding auto				P	P							A
Retail Businesses (low traffic) including specialty establishments selling primarily one (1) product line, including stores selling appliances, radios, televisions, floor coverings, furniture, home furnishings, antiques, automobiles and accessories, motorcycles, auction houses, business machines, computers,				P	P	P						N S (C3) T (E)

pawn shops, office equipment, restaurant equipment, secondhand items, bicycles, guns, light fixtures, tackle shops, and other similar uses.											
Retail Businesses (high traffic) and establishments selling commodities in small quantities to the consumer, usually low bulk comparison items, including department stores, supermarkets, discount stores and stores selling general merchandise, variety merchandise, foods including bakeries where products are consumed onsite, shoes, millery, clothing, jewelry, books, flowers, gifts, music, cameras, stationary, watches, art supplies, hobby supplies, stamps and coins, furs, leather goods, records, savings stores, and similar uses.				P	P	P	C			§17-367	L S (C3) T (E)
Sexually oriented businesses				C						Article IV, Division 3	§17-435(a)
Sheet metal/machine shop				C						§17-396.1	I
Shopping center				C	P	P				§17-396.1	L
Taxi stands					P						R
Truck or bus terminal				C						§17-396.1 §17-396.40	R
Water tower/public utilities	C	C	C	C	C	C	C	C		§17-396.41	N/A
Warehouse/storage facility				C						§17-396.42	R
Table Notes: The "Special Standards" column of this table is a cross-reference to use specific standards that apply											

	to conditional and special exception uses. The "Parking Code" column establishes the parking requirement (key) for specific uses and is to be used with Table 17-420 in Article IV of this chapter.
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Sec. 17-396. - Use conditions.

In addition to the district and supplemental requirements imposed on lands and uses by this chapter, the following conditions shall apply in any zoning district where a use is allowed as a conditional use or special exception as shown in Table [17-395](#).

• **Sec. 17-396.34. - Restaurants and other dining establishments with open or outdoor dining.**

Restaurants and other dining establishments with open or outdoor dining are permitted subject to the following standards:

- a. Outdoor facilities shall be located on the same parcel as the restaurant or dining establishment.
- b. Outdoor facilities shall be used for seated patrons only **except in the Entertainment District.**
- c. In the districts permitting the sale or consumption of alcohol in combination with the restaurant use (C-1, C-2, and C-3), no outdoor bars for the service of alcohol shall be permitted. Any restaurant use with open or outdoor dining shall be further subject to the requirements imposed by this Code and state law regulating the licensing, sale, or public consumption of alcohol including, but not limited to, the requirements and restrictions imposed by [section 8-95](#) of this Code.
- d. Except where specifically authorized by this Code, outdoor dining areas shall not be located in any public right-of-way.
- e. **No live music or sound produced through electronic speakers shall be permitted after the hours of 12:00 Midnight.**
- E-f. In addition to the above requirements, within the MU district, the following shall apply:
 - 1.No live music or sound produced through electronic speakers shall be permitted.
 - 2.The capacity of the outdoor facility shall be limited to no more than twenty (20) patrons.
 - 3.Operation of the outdoor facility shall be limited to the overall hours of operation of the dining establishment but in no event shall the facility be occupied by patrons before 7:00 a.m. or after 8:00 p.m.
 - 4.The outdoor facility shall be placed no closer than twenty (20) feet from the nearest edge of the paved surface of a street and no closer than five (5) feet from the nearest edge of a public sidewalk.

ARTICLE IV. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 17-404. - One principal building on a lot.

Except in the R-3 **and E** district and as is otherwise excluded by [section 17-201](#), only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot.

Sec. 17-420. - Spaces required for certain uses.

Add (T) No parking required to chart

Sec. 17-420. - Spaces required for certain uses.

Off-street vehicular parking space shall be provided on every lot on which any of the following uses are hereafter established or at such time any building or structure is erected, enlarged, or increased in capacity except in the C-2 central business district. The number of vehicular parking spaces provided shall be at least as great as the number specified below in Table 17-420:

Table 17-420 PARKING CHART	
PARKING CODE(1)	PARKING SPACES REQUIRED
A	One (1) space for each regular employee, plus one (1) space for each two hundred fifty (250) square feet of floor space used for repair work.
B	One (1) space for each four (4) seats.
C	One (1) space for each three hundred (300) square feet of floor space over 1,000 square feet.
D	One and one-half (1½) spaces for each efficiency unit.
E	One (1) space per bedroom.
F	Two (2) spaces for each bay or similar facility, plus one (1) space for each employee.
G	One (1) space for each two (2) staff or visiting doctors, plus one (1) space for each two (2) employees and one (1) space for each four (4) beds, computed on the largest number of employees on duty at any time.
H	One (1) space for each accommodation, plus one (1) space for each four (4) employees computed on the largest number of employees at any time. In addition, hotels, motels and tourist courts which have restaurants and/or lounges must add one (1) space for each one hundred (100) square feet of floor space devoted to the restaurant and/or lounge.
I	One (1) space for each three (3) employees computed on the largest number of employees at any period of time.
J	Five (5) spaces for each doctor or dentist.
K	One (1) space for each four hundred (400) square feet of floor space.
L	One (1) space for each two hundred (200) square feet of floor area devoted to patron use.

M	One (1) space for each two (2) employees, plus one and one-half (1½) spaces for each one hundred (100) square feet of floor area devoted to patron use.
N	One (1) space for each five hundred (500) square feet of floor area.
O	One (1) space for each faculty member, plus one (1) space for each four (4) pupils except in elementary or junior high.
P	Two (2) spaces for each manufactured home space.
Q	One and one-half (1½) spaces per employee during maximum seasonal employment, with a minimum of four (4) required.
R	One (1) space for each employee, plus one (1) space for each two hundred fifty (250) square feet of floor space.
S	Number of spaces shall be at least eighty (80) percent of the potential spaces for each parcel/business. Any lot(s) containing parking areas for existing businesses relinquish the right to develop the area devoted to parking until such time as parking is provided elsewhere by the business/property owner meeting the requirements of this chapter.
T	No parking required

Figure Notes:

- (1) The parking code assigned to the various uses is provided in Table 17-395.
- (2) In cases of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (3) Where a fractional space results, any fraction less than one-half (½) may be dropped and any fraction of one-half (½) or more shall be counted as one (1) parking space.
- (4) If parking requirements for a specific or similar use are not provided in this or subsequent sections, then the parking requirement shall be one (1) space for each employee, plus one (1) space for each 250 square feet of floor area (Parking Code R).

Chart 17-623(B) Summary of Commercial Districts Sign Standards

Signs Permitted in commercial Districts (C1, C2, C3, **E**) add

Freestanding, Wall, Window Sign and Electronic Message Boards

ARTICLE VII. - LANDSCAPING AND TREE PROTECTION

Sec. 17-702. - Area required to be landscaped per zoning district.

Add **E** to C-2 zoning district

Sec. 17-724. - Commercial property with primary structure.

Add **E** to C-2 zoning district

In C-2 District in the chart no tree planting required.

Table 17-725.1 MINIMUM NUMBER OF REQUIRED TREES AND
DIAMETER/CIRCUMFERENCE BY ZONING DISTRICT

Add E District to chart in C2 where no planting is required.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this _____ day of _____ 2017.

Surfside Beach Town Council

VOTE:

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk

Draft



6.30 Acres