PLANNING COMMISSION REGULAR MEETING
TOWN COUNCIL CHAMBERS
Monday, August 13, 2018 at 6:00PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

4. MINUTES APPROVAL – July 9, 2018 to be approved at later meeting

5. DIRECTOR’S REPORT

6. ACTION ITEMS
   a. Proposed Amendments to the Mixed Use District to include additional uses and restrictions Section 17-395 Use Chart, Section 17-396.34 Restaurants and other dining establishments with open or outdoor dining
   b. Certain Properties fronting on Surfside Drive from Poplar Drive to Dogwood Drive to rezone the properties from R-2 (Medium Density Residential and a small portion of C3 (Amusement District) to a Mixed Use District (MU) as shown on the Future Land Use Map found in the Town’s Comprehensive Plan, Land Use Element, Part three. Future Land Use.
   c. Resolution to Town Council recommending amendments to the Town’s Comprehensive Plan, specifically the Future Land Use Plan to allow for the addition of an Entertainment District and to extend the Mixed Use District as shown on attached map.

7. DISCUSSION ITEMS:
   a. Entertainment District
   b. Proposed Change in Layout/Concept of Article III, Section 17-394 & Section 17-395 Use Chart
   c. Design Overlay District guidelines
   d. Any topic the board wishes to discuss

8. PUBLIC COMMENTS – General Comments.

This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).
The public is invited to attend all meetings and events.
Planning Commission Issue Paper

Item 6A – Amend the permitted uses in the Mixed Use (MU) district to prevent certain uses not compatible with the proposed district

Issue

The Mixed-Use District is intended to provide neighborhood-scaled, pedestrian-oriented mixed-use development with a range of residential, retail, service, and office uses that are compatible with adjacent development.

The Planning Commission has reviewed and amended the Mixed Use District (MU) to promote the area as a neighborhood for living and working. Limiting the commercial uses to those compatible with the surrounding existing homes and other features of the area. The commission has worked to remove the vague allowed uses such as “high traffic retail”. By removing this use and being specific on permitted uses it prevents unwanted and incompatible uses from being approved.

This district is not intended to promote large scale commercial projects or high rise apartments or hotels. Controlling the buildings configuration, orientation and disposition marginalizes the buildings ability to effectively host other commercial or office uses that would not be compatible with the “neighborhood” feel of the district. Mixed Use Districts are designed to not only incorporate various types of real estate together, but complement them. Promoting walkability, live, work and play areas and a sense of “small town”.

The uses listed below are being considered for the Mixed Use District (some as permitted uses, some as conditional uses and others as accessory uses only (see attached for explanation):

<table>
<thead>
<tr>
<th>Single family Residence</th>
<th>Café, coffee shop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family, semi attached</td>
<td>Restaurant and other dining establishments with open or outdoor dining</td>
</tr>
<tr>
<td>Single family, attached</td>
<td>Restaurant and other dining establishments without lounges (indoors only)</td>
</tr>
<tr>
<td>Two-family (duplex)</td>
<td>Restaurants alcohol is consumed. (indoor except as noted*)</td>
</tr>
<tr>
<td>Multi Family</td>
<td>Bridal, Formal Wear</td>
</tr>
<tr>
<td>Upper story dwellings</td>
<td>Clothing store, specialty shops</td>
</tr>
<tr>
<td>Accessory dwellings</td>
<td>Antique Stores</td>
</tr>
<tr>
<td>Efficiency units</td>
<td>Artist’s studio &amp; Gallery</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>Art Shop</td>
</tr>
<tr>
<td>Non-commercial gardens</td>
<td>Frame Shop</td>
</tr>
<tr>
<td>Library</td>
<td>Gift Shop</td>
</tr>
<tr>
<td>Parks, neighborhood and community (public)</td>
<td>Farmers Market</td>
</tr>
<tr>
<td>Police and Fire Station</td>
<td>Jewelry/Jewelry Shop</td>
</tr>
<tr>
<td>Public Buildings and uses</td>
<td>Pet Supply (no selling of animals, no training or boarding)</td>
</tr>
<tr>
<td>Nail Salon</td>
<td>Stationary Shop</td>
</tr>
<tr>
<td>Bakery (retail only) with or without the sale of hot/cold drinks, sandwiches and snacks</td>
<td>Surf Shop</td>
</tr>
<tr>
<td>Candy Shop</td>
<td>Vintage Clothing Shop</td>
</tr>
<tr>
<td>Fruit &amp; Nut Store</td>
<td>Water Sports shop</td>
</tr>
<tr>
<td>Ice Cream Shop</td>
<td>Wine Tasting/Retail wine shop</td>
</tr>
<tr>
<td>Specialty Food Store</td>
<td>Real Estate Office</td>
</tr>
</tbody>
</table>

There is currently no Mixed Use Zoning District within the town. However, the Future Land Use map within the Town’s Comprehensive Plan calls for areas of town to be rezoned to allowed for the Mixed Use District (MU). The first proposal is also on tonight’s agenda. This area is located on Surfside Drive from Poplar Drive to Dogwood Drive.
DIVISION 8. MIXED USE DISTRICT (MU)

SECTION 17-360. INTENT

The intent of the provisions of this division is to: (1) Provide an area of transition between the town’s residential districts and areas of more intense commercial activity; and (2) encourage the integration of residential uses with compatible cultural, civic, and lower intensity commercial uses. It is further the intent of this division that the arrangement of the MU district should include three or more contiguous lots having common street frontage or one or more larger tracts suitable for future subdivision.

SECTION 17-361. PERMITTED USES

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

SECTION 17-362. MINIMUM LOT SIZE

The minimum size of lots in the MU mixed use district is as follows:

1. Single family (attached): 3,000 square feet
2. Single family (semi-attached): 4,000 square feet
3. Single family (detached): 5,000 square feet
4. Two family dwelling or single-family with an accessory dwelling unit: 6,000 square feet
5. Multi-family dwellings: Same as R-3 District (see Table 17-332)
6. Non-residential uses: 6,000 square feet

SECTION 17-363. MINIMUM LOT WIDTH AT BUILDING LINE

The minimum width of lots at the building line in the MU mixed use district is fifty (50) feet.

SECTION 17-364. YARD SETBACKS

The yard setback requirements in the MU mixed use district are as follows:

1. Front yard setback: Twenty-five (25) feet.
2. Rear yard setback: Twenty (20) feet.
3. Side yard setback: Five (5) feet for single-family detached dwellings and ten (10) feet for all other uses.

SECTION 17-365. BUILDING HEIGHT AND ROOF PITCH

The maximum building height in the MU mixed use district is thirty-five (35) feet. The minimum roof pitch required in the MU district shall be 6/12.
SECTION 17-366. MAXIMUM BUILDING AND IMPERVIOUS COVERAGE

On any lot within a MU mixed use district, the area occupied by all buildings including accessory buildings shall not exceed forty (40) percent of the total area of such lot. The maximum impervious coverage on any lot within the MU mixed use district shall not exceed fifty (50) percent of the total area of such lot.

SECTION 17-367. SUPPLEMENTAL DISTRICT STANDARDS

Uses and lots within the MU district are subject to the following standards:

(1) Parking. Off-street parking provided for any use or lot shall not exceed twenty (20) spaces. Parking facilities, excluding driveways and drive aisles, shall not be located in a required front yard.

(2) Buildings devoted to permitted nonresidential uses, as provided in Table 17-395, shall not exceed three thousand (3,000) square feet in floor area. When a building contains a mixture of commercial and residential uses, the floor area of a building shall not exceed five thousand (5,000) square feet.

(3) Excluding outdoor dining, produce markets, and temporary uses as provided in section 17-208, the storage, display, or sale of merchandise shall be conducted in an enclosed building.

(4) All nonresidential uses and activities shall be limited to operating between the hours of 7:00 AM to 10:00 PM.

DIVISION 11: USE REGULATIONS

SECTION 17-393. CLASSIFICATION OF USES

It is recognized that various types of land uses will develop and that different forms of land uses will seek to locate within the town. In order to provide for this occurrence, a determination of the appropriate classification for all uses of land shall be made as follows:

(1) All questions concerning the classification of uses shall be referred to the code enforcement official for an interpretation of this chapter. The referral of the use classification question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, storage and the amount thereof, anticipated employment, types of products, transportation requirements, and any additional information determined necessary by the code enforcement official in classifying the proposed use.

(2) The code enforcement official shall consider the nature and described performance of the proposed use and may assign a use classification descriptive of the proposed uses from Table 17-395 “Use Table” or assign a use classification as is otherwise specifically provided by this chapter.

(3) Appeals from the determinations of the zoning administrator are made to the board of zoning appeals pursuant to Section 17-223 of this chapter.

(4) If the code enforcement official or the board of zoning appeals, operating under subsections (2) and (3) of this section, determines that a described use does not appear or cannot be classified under the terms of this chapter, the code enforcement official shall transmit a copy of the determination to
the planning commission and town council. The planning commission or town council may initiate
a text amendment to classify the proposed use.

(5) Any use, which does not appear or cannot be classified under the terms of this chapter, shall be
determined to be a Use Not Allowed within the Town of Surfside Beach.

SECTION 17-394. USE TYPES

Within each zoning district, a use is either a Use Permitted by Right, a Conditional Use, a Special Exception,
or a Use Not Allowed:

(1) □ USES PERMITTED BY RIGHT. A “P” in the zoning district column of Table 17-395
indicates that a use is permitted in the respective zoning district, subject to compliance with the
applicable regulations of this chapter.

(2) □ CONDITIONAL USES. A “C” in the zoning district column of Table 17-395 indicates
that a use is allowed in the respective zoning district only if it complies with use-specific
conditions and all other applicable regulations of this chapter. A cross-reference to the use-specific
conditions can be found in the “Special Standards” column of Table 17-395.

(3) □ SPECIAL EXCEPTION USES. An “S” in the zoning district column of Table 17-395
indicates that a use is allowed in the respective zoning district only if reviewed and approved in
accordance with the special exception approval procedures of this chapter. In addition, these uses
must comply with the general and use-specific conditions of this chapter and other conditions which
may be imposed by the board of zoning appeals in the granting of a special exception permit. A
cross-reference to the use-specific conditions can be found in the “Special Standards” column of
Table 17-395.

(4) □ USES NOT ALLOWED. A blank cell in the zoning district column of Table 17-395
indicates that a use is not allowed in the respective zoning district, unless said use is otherwise
expressly allowed by other provisions within this chapter.
# Table 17-395
## USE CHART

<table>
<thead>
<tr>
<th>USE CLASSIFICATIONS</th>
<th>Districts</th>
<th>SPECIAL STANDARDS</th>
<th>PARKING CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family, detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single Family, semi-attached</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Single Family, attached</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Two-Family (duplex), accessory dwellings, efficiency units</td>
<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Multi-family</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Upper story dwelling</td>
<td>C</td>
<td>C</td>
<td></td>
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<tr>
<td>Dwelling Group</td>
<td>C</td>
<td>S</td>
<td></td>
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<tr>
<td>Manufactured Home</td>
<td>C</td>
<td>§17-391</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>P</td>
<td>§17-391</td>
<td>P</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>PROHIBITED</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

| **Residential Related Uses**                               |           |                   |              |
| Agriculture and Horticulture (noncommercial), excluding the keeping of poultry and livestock | P         | P                 | P            |
| Home Occupations                                           | P         | P                 | P            |

| **SPECIAL STANDARDS**                                      | §17-396.32| §17-396.37| §17-396.36 |
| **PARKING CODE**                                           | E         | E         | E          |

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Table 17-395 (Continued)

## USE CHART

<table>
<thead>
<tr>
<th>Districts</th>
<th></th>
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</thead>
</table>

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*TOWN OF SURFSIDE BEACH ZONING ORDINANCE*

3-20
### USE CLASSIFICATIONS

<table>
<thead>
<tr>
<th>USE CLASSIFICATION</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>MU</th>
<th>MP</th>
<th>SPECIAL STANDARDS</th>
<th>PARKING CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation Uses</strong></td>
<td></td>
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<td>§17-396.23</td>
<td>H</td>
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<tr>
<td>Hotels, motels, tourist courts</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Resort accommodations, 25 or more units</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>§17-396.33</td>
<td>H</td>
</tr>
<tr>
<td>Transient short term rental units and boarding houses</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td><strong>Civic, Governmental, and Institutional Uses</strong></td>
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<td>§17-396.12</td>
<td>B</td>
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<tr>
<td>Assembly halls, gymnasiums, and similar uses</td>
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<tr>
<td>Churches and other religious uses</td>
<td>S</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>§17-396.22</td>
<td>G</td>
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<tr>
<td>Hospitals</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>P</td>
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<tr>
<td>Libraries</td>
<td>S</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>§17-396.24</td>
<td>B</td>
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<tr>
<td>Lodges, fraternal organizations</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
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<td>C</td>
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<tr>
<td>Museums and similar cultural activities</td>
<td>S</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>§17-396.24</td>
<td>B</td>
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<tr>
<td>Parks, neighborhood and community (public)</td>
<td>S</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Public Buildings and uses</td>
<td>S</td>
<td>S</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<td>§17-396.26</td>
<td>B</td>
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<tr>
<td>Public Safety including Police and Fire Station</td>
<td></td>
<td>P</td>
<td>P</td>
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<td>C</td>
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<td>B</td>
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<tr>
<td>Public buildings and uses including courts of law, correctional institutions or jails, parole or probation offices, rehabilitation centers</td>
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<td></td>
<td>§17-396.1</td>
<td>R</td>
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<tr>
<td>Public, private, trade, and vocational schools</td>
<td>S</td>
<td>C</td>
<td>P</td>
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<td>§17-396.30</td>
<td>O</td>
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<tr>
<td><strong>Entertainment, Recreation, and Dining Uses</strong></td>
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<tr>
<td>Amusement Parks</td>
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<td>Arcades</td>
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<tr>
<td>Bakery</td>
<td>P</td>
<td>P</td>
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<td>S</td>
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<tr>
<td>Billiard parlors</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
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<tr>
<td>Bowling alleys, skating rinks, water slides, and similar forms of indoor recreation</td>
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<td>S (C3)</td>
</tr>
<tr>
<td>Café and Coffee Shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Golf driving range, par-3, tennis courts and similar outdoor recreation</td>
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</tr>
</tbody>
</table>

Table 17-395 (Continued)

**USE CHART**

**TOWN OF SURFSIDE BEACH ZONING ORDINANCE**

3-21
## Article III. District and Use Regulations

### Use Classifications

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>Districts</th>
<th>Special Standards</th>
<th>Parking Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entertainment, Recreation, and Dining Uses (continued)</td>
<td>R-1 R-2 R-3 C-1 C-2 C-3 MU MP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health clubs, gyms, fitness centers, dance studios</td>
<td>P P P</td>
<td>§17-367</td>
<td>L</td>
</tr>
<tr>
<td>Ice Cream Shop</td>
<td>P P P P</td>
<td></td>
<td>M</td>
</tr>
<tr>
<td>Restaurants with drive-in or drive-up facilities</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>Restaurants and other dining establishments without lounges (Indoor only)</td>
<td>P P P P C</td>
<td>§17-396.34</td>
<td>M S (C3)</td>
</tr>
<tr>
<td>Restaurants and other dining establishments with open or outdoor dining</td>
<td>C C C C</td>
<td>§17-396.34</td>
<td>M S (C3)</td>
</tr>
<tr>
<td>Restaurants, taverns, bars, nightclubs or other places where alcohol is consumed* (Indoor except as noted*)</td>
<td>C P P</td>
<td>§17-396.1</td>
<td>M S (C3)</td>
</tr>
<tr>
<td>Restaurants where alcohol is consumed* (Indoor except as noted*)</td>
<td>P P P C</td>
<td>§17-396.1</td>
<td>M S (C3)</td>
</tr>
<tr>
<td>Shooting galleries</td>
<td>P</td>
<td></td>
<td>L</td>
</tr>
<tr>
<td>Theaters</td>
<td>C C C</td>
<td>§17-396.39</td>
<td>B</td>
</tr>
<tr>
<td>Theaters, drive-in</td>
<td>C</td>
<td>§17-396.1</td>
<td>R</td>
</tr>
<tr>
<td>Note*: Restaurants and other dining establishments, defined as &quot;bona fide engaged primarily and substantially in the preparation and serving of meals&quot; 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 districts subject to the conditional use standards of §17-396.34.</td>
<td></td>
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</tbody>
</table>

### Commercial, Office, and Professional Uses

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>Districts</th>
<th>Special Standards</th>
<th>Parking Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops</td>
<td>C</td>
<td>§17-396.1 §17-396.2</td>
<td>J or L (pet shops and boarding)</td>
</tr>
<tr>
<td>Antique Shop</td>
<td>P P P C</td>
<td>§17-367</td>
<td></td>
</tr>
<tr>
<td>Auto/truck sales, service, repair and/or washing</td>
<td>C</td>
<td>§17-396.1</td>
<td>A</td>
</tr>
<tr>
<td>Auto Service Station</td>
<td>C</td>
<td>§17-396.1 §17-396.3</td>
<td>F</td>
</tr>
<tr>
<td>Banks, loan agencies, and other financial institutions</td>
<td>P P</td>
<td></td>
<td>K</td>
</tr>
<tr>
<td>Barber or Beauty Shops</td>
<td>P P C</td>
<td>§17-396.4</td>
<td>K S (C3)</td>
</tr>
<tr>
<td>Boat sales and service</td>
<td>C</td>
<td>§17-396.1</td>
<td>N</td>
</tr>
<tr>
<td>Body Piercing</td>
<td>C</td>
<td>§17-396.1 §17-396.11</td>
<td>Q</td>
</tr>
<tr>
<td>Building supplies and equipment sales</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**TOWN OF SURFSIDE BEACH ZONING ORDINANCE**

3-22
<table>
<thead>
<tr>
<th>USE CLASSIFICATIONS</th>
<th>Districts</th>
<th>SPECIAL STANDARDS</th>
<th>PARKING CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
<td>R-3</td>
</tr>
<tr>
<td>Commercial, Office, and Professional Uses (continued)</td>
<td></td>
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<tr>
<td>Charitable Institution (office)</td>
<td>P</td>
<td>P</td>
<td></td>
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<tr>
<td>Cold storage, freezer locker</td>
<td>P</td>
<td></td>
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<tr>
<td>Communication towers</td>
<td>C</td>
<td></td>
<td></td>
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<tr>
<td>Day care centers</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Dressmaker, seamstress, tailor</td>
<td>P</td>
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<tr>
<td>Electrical appliances and equipment, sales and repair</td>
<td>P</td>
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<tr>
<td>Fabracting shops, e.g. cabinet or upholstery</td>
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<tr>
<td>Fuel or chemical storage, excluding incidental or accessory storage</td>
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<tr>
<td>Funeral homes and mortuaries</td>
<td>P</td>
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<tr>
<td>Laundry and dry cleaning pick up stations</td>
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<td>P</td>
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<tr>
<td>Laundromats</td>
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<td>Lawn and garden equipment sales and service</td>
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<td></td>
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<tr>
<td>Liquor sales</td>
<td>P</td>
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<td>P</td>
</tr>
<tr>
<td>Lumber yards and sales</td>
<td>C</td>
<td></td>
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<tr>
<td>Medical and dental offices (clinics)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Nail Salon</td>
<td>P</td>
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<tr>
<td>Offices; business, professional, and governmental</td>
<td>P</td>
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<tr>
<td>Parking lots</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Pharmacy</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Piers</td>
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<td>Plumbing shops</td>
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<tr>
<td>Produce markets and stands</td>
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<td></td>
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<tr>
<td>Radio/Television station</td>
<td>C</td>
<td>C</td>
<td></td>
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TOWN OF SURFSIDE BEACH ZONING ORDINANCE

3-23
<table>
<thead>
<tr>
<th>USE CLASSIFICATIONS</th>
<th>Districts</th>
<th>SPECIAL STANDARDS</th>
<th>PARKING CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>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, pawn shops, office equipment, restaurant equipment, secondhand items, bicycles, guns, light fixtures, tackle shops, and other similar uses.</td>
<td>R-1</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>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.</td>
<td>R-2</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

TOWN OF SURFSIDE BEACH ZONING ORDINANCE
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SECTION 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. 17-396.1 General standards applicable to all conditional and special exception uses in the C-1 district

Excluding residential uses, all uses denoted as a conditional use or special exception by Chart 17-395 within the C-1 district are subject to the following requirements:

The listed uses are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as a result of their operation.
ARTICLE III. DISTRICT AND USE REGULATIONS

Sec. 17-396.2 Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops.

Retail pet shop, pet boarding facilities, animal hospitals, and veterinary clinics are allowed in the C-1 district provided all boarding arrangements are maintained within a building or courtyard and no noise connected with the operation of the facility is discernible beyond the premises. Retail pet shops, pet grooming, pet training permitted in C2 district with rear courtyard. No noise connected to the operation of the facility shall be discernible beyond the premises.

Sec. 17-396.3 Auto service station.

Automobile service stations are allowed in the C-1 district provided that:

a. All fuel pumps and/or roof coverings for fuel pumps shall be set back a minimum of at least twenty-five (25) feet from the right-of-way of any street;

b. No part of the principal building or pumps is located within one hundred fifty (150) feet of any residential district;

c. No more than five vehicles may be stored within one hundred fifty (150) feet of any residential district;

d. All vehicles stored overnight in open view of public streets and/or adjoining properties are currently licensed, in operable condition; and

e. All wrecked or disabled vehicles awaiting body or fender repair or legal disposition following an accident are currently licensed, except those waiting for legal disposition, and are stored in an area separated from adjoining properties and public streets by a planting screen, a fence with staves, or a wall at least six (6) feet, but not to exceed eight (8) feet, in height to effectively block the public view.

Sec. 17-396.4 RESERVED

Sec. 17-396.5 Upper Story Dwellings

Upper story dwellings are allowed in the C-2 district provided that:

a. Permitted on the 2nd story or above; in no instance shall residential be allowed in the 1st floor;

b. Non-residential uses shall not be permitted above a residential use on the same lot;

c. Utility equipment (electrical boxes, communication equipment and all other mechanical or utility equipment) shall be located on the side or rear of building and not visible on the front façade.

d. Shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.

e. Shall provide a separate entrance to the residential unit.

f. All upper story dwelling units shall be a minimum of six hundred (600) square feet in gross floor area.
ARTICLE III. DISTRICT AND USE REGULATIONS

  g. On-site parking shall be provided in the rear of same property at one (1) space per bedroom.

  Sec. 17-396.6 through 17-396.10 RESERVED

  Sec. 17-396.11 Body Piercing.

  Body piercing is allowed as a conditional use, subject to the following standards:

  The Town of Surfside Beach declares that it is unlawful to perform body piercing on persons under the age of eighteen (18) years without the in person consent of a parent or legal guardian. Body piercing involves an invasive procedure by which the human body is penetrated creating the opportunity for the transmission of infection and disease. The premises upon which body piercing is performed and the equipment to be used must, in the interest of the health and welfare of the public, be maintained in a sanitary and sterile condition to prevent the spread of infection and disease. The conduct of body piercing as an accessory use to most common commercial businesses is not consistent with the emphasis on sanitary and sterile conditions which appears to be necessary to address the health, safety and welfare of the public.

  a. Body piercing shall not be permitted as a principal use only as provided in this ordinance. Notwithstanding any conflicting provisions of this ordinance any business performing body piercing which was lawfully performing such services in the town immediately before the effective date of this ordinance that is thereafter in violation of this section shall be deemed a nonconforming use. Any such business that is lawfully performing such services in Horry County immediately before it is annexed into the town and is thereafter in violation of this ordinance shall also be deemed a nonconforming use. Any use found to be nonconforming by application of this ordinance shall be permitted to continue for a period not to exceed six (6) months from the initial date of nonconformity.

  b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

  Sec. 17-396.12 Churches and other religious uses.

  In the town’s residential districts, churches, synagogues, mosques, convents, monasteries, and similar religious uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This requirement does not apply to church-related activities as defined by § 6-29-715 of the State of South Carolina Code of Laws.

  Sec. 17-396.13 Communications towers.

  Where allowed as a conditional use, communication towers shall meet the following requirements:

  a. Communication towers and associated improvements shall meet all applicable zoning district, and applicable landscape and tree protection requirements. Communication towers are allowed

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

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in the C-1 zoning district provided they are located west of U.S. Highway 17; and communication towers may be located on existing towers or existing structures east of U.S. Highway 17 provided the towers do not exceed the height of the existing structure by more than thirty (30) feet. In this area the town encourages the location of towers on publicly owned land such as water tanks;

b. The height of the towers must not exceed two hundred (200) feet measured from grade;

c. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties (the fall zone determined by an engineer certified in the State of South Carolina in affidavit form which includes the engineers signature and seal);

d. The tower shall not be located within one thousand (1,000) feet of another communication tower. (This does not apply to tower facilities that collocate);

e. The applicant has attempted to collocate on existing communication towers, buildings, or other structures and the applicant is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities on the structure, frequency consideration, and proper compensation from the additional user. No conditional use permit is required when collocating on an existing tower or structure, however, a building permit is required. Towers located on existing structures are preferred to construction of new towers;

f. The communication tower structures on individual lots must be located no closer to noncommercially zoned lots or residential areas than a distance equal to the height of the tower;

g. The proposed tower is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agency;

h. The proposed tower shall not include signage of any nature on any portion of the tower, except for any necessary informational or warning signs related to the safe operation of the tower; and

i. A communication tower taken out of service must be removed within one hundred twenty (120) days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the owner.

Applications shall include the following information:

i. A scaled certified site plan showing the location of the tower, guy anchors, buildings and other structures or improvements, parking, driveways, fences, etc. Adjacent land uses shall also be noted on the site plan.

ii. The height and typical design of the tower, typical materials to be used, color, all information required by the building codes, and lighting shall be shown on elevation drawings.

iii. Documentation indicating that collocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reason noted.
iv. Other information as requested by staff to allow adequate review of approval criteria.

Sec. 17-396.14 through 17-396.18 RESERVED

Sec. 17-396.19 DAY CARES

Day cares are allowed subject to the following standards:

a. Such facility meets the rules and regulations established by the South Carolina Department of Social Services.

b. A landscaped hedge or fence shall be provided along any rear or side property line. Any such hedge or fence shall be designed and planted to be at least five (5) feet in height and effectively block the public view.

c. A minimum of one (1) off-street parking space be provided for each three hundred fifty (350) square feet of indoor play and/or instruction space plus adequate off-street loading and unloading space with separate ingress and egress.

Sec. 17-396.20 Dwelling group.

Dwelling groups are allowed subject to the following:

a. In the R-3 district, multiple detached single-family buildings may be located on individual lots provided the lots are at least seven thousand two hundred (7,200) square feet and each unit can meet all the requirements of this chapter. The maximum number of single-family buildings allowed on any one lot is based on one building per three thousand six hundred (3,600) square feet of lot area. There must be a ten-foot separation between the buildings and/or accessory uses.

b. In the R-3 district, multiple detached dwelling units, to include any combination of single-family, two-family, and multi-family structures, are permitted as a conditional use provided:

1. The lot must be at least nine thousand six hundred (9,600) square feet in area. The maximum number of dwelling units permitted per lot shall not exceed one single-family dwelling unit per each three thousand six hundred (3,600) square feet of lot area and one two-family dwelling unit per each six thousand (6,000) square feet of lot area. Multi-family dwellings shall not exceed the maximum density allowable per Table 17-332.

2. Each unit must meet all requirements of this chapter.

3. There must be ten-foot separation between buildings and/or accessory uses.

c. In the C-3 districts, multiple detached dwelling units, to include any combination of single-family, two-family, and multi-family structures, may be permitted as a special exception, subject to the following:

1. The lot must be at least one acre in area and the arrangement of the lot makes future subdivision impractical;
2. The maximum density for the various residential uses shall not exceed the density permitted within the R-3 district; and
3. There is a ten-foot separation between the buildings and/or accessory uses.

Sec. 17-396.21 Fuel or chemical storage.

Fuel or chemical storage may be permitted as a special exception provided in no case shall such storage areas be located within 100 feet of a public right-of-way or 150 feet from any off-premises structure. This classification does not include incidental or accessory storage for otherwise permitted uses such as automobile service stations.

Sec. 17-396.22 Hospitals.

In the town's residential districts, hospitals are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

Sec. 17-396.23 Hotels and motels.

Hotels and motels are allowed in the R-3 district provided the lot is contiguous to the Atlantic Ocean.

Sec. 17-396.24 Libraries and Museums

In the town's residential districts, libraries, and museums are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

Sec. 17-396.25 Lumber yards and sales.

Lumber yards and sales stations are allowed in the C-1 district provided that all storage is enclosed in a building.

Sec. 17-396.26 Public buildings and uses.

In the town's residential districts, public buildings and uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This classification does not include the following public uses: Courts of law, correctional institutions or jails, parole or probation offices, rehabilitation and detoxification centers, and similar uses.

Sec. 17-396.27 through Sec. 17-396.29 [RESERVED]

Sec. 17-396.30 Public, private, trade, and vocational schools.

In the town's residential districts, public, private, trade, and vocational schools are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

Sec. 17-396.31 Radio and television stations.

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

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ARTICLE III. DISTRICT AND USE REGULATIONS

Radio and television stations are allowed in the C-1 and C-2 districts provided that the transmission tower is not located on the site.

Sec. 17-396.32 Residential uses within commercial districts (amended 4/28/15 Ordinance #15-0800)

In the C-1 and C-3 districts dwellings units are allowed subject to the following standards:

a. Residential uses of any kind shall be prohibited on the west side of Highway 17 (including frontage road) and on all parcels having frontage on or are adjacent to the east side of Highway 17.

b. Where residential uses are permitted, the lot size, lot width, frontage, setbacks and density standards applicable to residential uses within the R-3 district shall apply.

c. Property, which is subdivided or developed to the lot size, lot width, frontage, or density standards applicable to the R-3 district, may not thereafter be used for nonresidential purposes unless the lot size and dimensional standards of the underlying commercial district are met.

Sec. 17-396.33 Resort accommodations.

A resort accommodation containing twenty-five (25) or more rental units shall be permitted to establish accessory uses within the principal building provided they are accessible only from an interior court, lobby, or corridor. Said accessory uses shall be limited to drug and sundry shops, florist and gift shops, confectionery stores, newsstands, lounges, restaurants, snack bars, amusement arcades, beach and automobile agencies.

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.

c. In the districts permitting the sale or consumption of alcohol in combination with the restaurant use (C-1, C-2, C-3, and MU), 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. In addition to the above requirements, within the MU district, the following shall apply:
ARTICLE III. DISTRICT AND USE REGULATIONS

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 10:00 p.m.
4. The outdoor facility shall be placed no closer than twenty feet from the nearest edge of the paved surface of a street and no closer than five feet from the nearest edge of a public sidewalk.

Sec. 17-396.35 Restaurants, taverns, bars, and nightclubs where alcohol is consumed.

Restaurants, taverns bars, and nightclubs where alcohol is consumed are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district, that no noise or air pollution be associated with the use, and that facilities not create any safety hazards or nuisances as a result of their operation. This provision and use classification exclude sexually oriented businesses as defined and allowed pursuant to the supplemental district regulations in Article IV of this chapter.

Sec. 17-396.36 Single-family dwelling (attached) (amended 4/28/15 Ordinance #15-0800)

Attached single-family dwellings where allowed are subject to the following standards:

a. The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

b. The front wall of the attached units shall not form long, unblocked lines of row housing, but shall be staggered at the front building line.

c. Not more than six (6) contiguous attached single-family units shall be built in a row.

d. The minimum lot width for the portion of the lot on which the attached single-family unit is to be constructed shall be thirty (30) feet. A lot shall have no less than three thousand (3,000) square feet.

e. Buildings within any single development shall be at least twenty (20) feet apart.

Sec. 17-396.37 Single-family dwelling (semi-attached) (amended 4/28/15 Ordinance #15-0800)

Semi-attached single family dwelling units where allowed are subject to the following:

The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district’s standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

Sec. 17-396.38 RESERVED

TOWN OF SURFSIDE BEACH ZONING ORDINANCE
3-32
ARTICLE III. DISTRICT AND USE REGULATIONS

Sec. 17-396.39 Theaters and Theater, drive-in.

Drive-in theaters are allowed in the C-1 district subject to the following standards:

a. No part of the theater screen, projection booth, or other building shall be located closer than five hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one hundred (100) feet to any residential district; and

b. The theater screen shall not face a major street or highway.

Sexually oriented theaters are subject to supplementary district regulations in Article IV, Division 3.

Sec. 17-396.40 Truck or bus terminal.

Truck and bus terminals are allowed in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district, that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as result of their operation.

Sec. 17-396.41 Water tower/public utilities. (amended 10/27/15)

Public utilities, to include water towers and utility substations, are allowed subject to the following standards:

a. No storage of vehicles or equipment outside fencing
b. Sites should be selected where topography minimize visual effects to surrounding properties
c. A natural landscape buffer of 25 feet shall be required between site and any developed parcel.
d. A natural landscape buffer of 60 feet shall be required between site and any undeveloped parcels. The buffer of 60 feet shall be permanent regardless of any future development.
e. All landscape buffers must remain in a natural state with mature trees.
f. Fencing around structure in accordance with town ordinance shall be required.

Sec. 17-396.42 Warehouse/storage facility.

Warehouse or other storage facilities are allowed in the C-1 district provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

SECTIONS 17-397 through 17-399 [RESERVED]
Planning Commission Issue Paper
Item 6B – Rezoning of properties shown on attached map from R2 and C3 to Mixed Use (MU)

Issue
The Future Land Use Map found within the Town’s Comprehensive Plan 2013-2022 designates areas where mixed use should be considered. These areas include the areas of Surfside Drive, and areas around Surfside Drive down towards the pier area. This area is ideal for mixed use because of location and connectivity to the Central Business District (C2) being located closest to Hwy. 17 and the Amusement District (C3) being located nearest the pier area. By creating a Mixed Use District on Surfside Drive it would allow potential property owners the option of living and working at home. It also allows for shoppers to walk down Surfside Drive from the Central Business District (C2) to the Amusement District (C3) and shop along the way.

Land Use Goals Include:

The creation of a mixed use zone along portions of Surfside Drive, Poplar Drive, and Ocean Boulevard when the following criteria can be met:

- The area involved includes multiple parcels or one large sub dividable parcel. Small single parcel districts should be avoided,
- The lots involved will complement and not disrupt the block, and the immediate area involved is transitional in nature and/or the allowed uses would provide a buffer from more intense commercial uses.
- Maintain zoning text standards for the mixed use district, to foster compatibility, which:
  - Restrict the size and location of off-street parking,
  - Limit signage, outdoor displays, and hours of operation,
  - Permit the combination of residential and commercial/professional activities while limiting the overall size and scale of the nonresidential component, and
- Permit nonintrusive outdoor dining and small restaurant/café uses

The planning commission has statutory authority through the state code §6-29-340 and Article II, Section 17-202 (b)(1) of the town’s zoning ordinance to recommend rezoning when it felt to be good zoning practice and is consistent with the Town’s Comprehensive Plan. As required a letter was mailed to all property owners affected by the rezoning and those properties within 150 ft. of the proposed rezoning; notices were posted in the area affected by the rezoning; and a public notice was published in the local paper. (see attached public notice)

As discussed the Public Works Director stated changes could be made to the sanitation schedule to accommodate the businesses if it became necessary in the future. Roll out moby carts would be used as opposed to dumpsters that would not be appropriate for the area. We have also met with the Police Chief to inquire as to any use listed that might cause concern with his department and he stated he was ok with those uses listed.
PROPERTY OWNERS LOCATED WITHIN THE PROPOSED REZONING AREAS PER THE HORRY COUNTY ASSESSOR’S RECORDS

JML BEACH ENTERPRISES, LLC
PO BOX 1527
HARTSVILLE, SC 29551
46107020141
46107020147
46107020146
46107020142

GREEN RYAN S ETAL
5024 PUDDIN SWAMP RD
TURBEVILLE, SC 29162
46107020148

MORRIS ANGELA L ETAL
814 ALEMBARLE BLVD
FLORENCE, SC 29501
46107020145

LORISQUE LLC
2940 W MAIN ST
SALEM, VA 24153
46107020143

JORDAN DAVID C & BETSY C
1633 CLARENCE COKER HWY
TURBEVILLE, SC 29162
46107020144

BRYAN SUZANNE MARIE
516 W CLIFFORD ST
WINCHESTER, VA 22601
46107020154
46107020155

LAIL STACY LEO JR & KATHERINE H
915 US 221 HWY S
RUTHERFORDTON, NC 28139
46107020191

SURFSIDE SEALOFFT 10 LLC
252 W MAIN ST
HANCOCK, MD 21750
46107020194

BUJE WILSON ROBERT III ETAL
5100 PINESTRASW RD
COLUMBIA, SC 29206
46107020188

CALI SUSAN
10 N OAK DR #7
SURFSIDE BEACH, SC 29575
46107020186
CHAMBERLAIN LE OLIN
656 6TH AVE N
SURFSIDE BEACH, SC 29575
46101030069

EADDY DORA L (LE) ETAL
11 N CEDAR DR
SURFSIDE BEACH, SC 29575
46101030068

BATTEN INVESTMENT PROPERTIES LLC
1535 MOUNT OLIVE CHURCH R
NICHOLS, SC 29581
46101030067

BURCHELL WILLIAM ALEXANDER & MARY E
902 DAVID DR
COLUMBIA, SC 29229
46101030066

LOCKAMY MICHAEL J
714 SURFSIDE DR
SURFSIDE BEACH, SC 29575
46101030065

BELL JOHN
1673 URSA MAJOR DR
MURRELLS INLET, SC 29576
46101030064

BUCZEK JOSEPH E ETAL
214 MILLWOOD DR
SURFSIDE BEACH, SC 29575
46101030063

720 SURFSIDE DRIVE LLC
404 LAKE PARK DR
MYRTLE BEACH, SC 29588
46101030062

ROMANO MICHAEL & CYNTHIA F TRUSTEES
518 13TH AVE N
SURFSIDE BEACH, SC 29575
46101030061

CHADWICK GERALD
11418 ABERNATHY RD
CHARLOTTE, NC 28216
46101030060

ROWE VENTURES INC
4803 OLEANDER DR #6
MYRTLE BEACH, SC 29577
46101030100
HARRIS JOAN S
805 POND DR
WEST COLUMBIA, SC 29170
46107020150

BELISSARY JOHN C ETAL
710 ALDWICH PLACE
FLORENCE, SC 29501
46107010109

BUICO LAURIE
423 SURFSIDE DR #304
SURFSIDE BEACH, SC 29575
46107010111

HOGAN WILLIAM C ETAL
423 SURFSIDE DR #302
SURFSIDE BEACH, SC 29575
46107010118

LITAKER HARRY L & JOAN H
4106 EDENBOROUGH DR
MYRTLE BEACH, SC 29588
46107010112

TEAL SHAWN R
1111 YELLOWSTONE DR
FLORENCE, SC 29505
46107010113

WARD DIANE L
423 SURFSIDE DR APT 101
SURFSIDE BEACH, SC 29575
46107010116

DELANE MICHAEL PATRICK
423 SURFSIDE DR #104
SURFSIDE BEACH, SC 29575
46107010110

MORMINO FRANK ETAL
6 VALLEY VIEW DR
WEATOGUE, CT 06089
46107010114

INDQUIST TIMOTHY W ETAL
422 BROOK BLUFF LN
FORT MILL, SC 29707
46107010120

BAILEY DAVID R
PO BOX 14609
SURFSIDE BEACH, SC 29587
46107010117
HALFACRE MOLLY
780 FOREST DR
ROCK HILL, SC 29730
46107010119

HAMBY JO ANN
568 SHELTER BAY DR
PROSPERITY, SC 29127
46107010115
NOTICE OF PUBLIC HEARING

The Planning Commission will hold a Public Hearing at 6:00 PM on Monday, July 9, 2018 in the Council Chambers of the Surfside Beach Town Hall located at 115 US Highway 17 N, Surfside Beach, SC.

The purpose of the hearing is to receive public input on the proposed rezoning of:

Properties fronting on Surfside Drive from Poplar Drive to Dogwood Drive the proposal would rezoned the properties from R-2 (Medium Density Residential) and a small portion of C3 (Amusement District) to a Mixed Use District (MU). (A map of the properties can be found on the town website and at the Town’s Planning, Building & Zoning Department).

Copies of the documents to be considered are available for public inspection in the Planning, Building and Zoning Department located at 829 Pine Drive Surfside Beach, SC 29575.
Planning Commission Issue Paper

Item 6C – Resolution recommending amendments to the Town’s Comprehensive Plan, specifically the Future Land Use Plan to allow for the addition of an Entertainment District and to extend the Mixed Use District as shown on map.

Issue

SECTION 6-29-520(B) of the SC Code of Laws requires and recommendations of the plan or any element, amendment, extension, or addition must be by resolution of the planning commission, carried by the affirmative votes of at least a majority of the entire membership. The resolution and vote must be recorded in the planning commission’s official minutes. A copy of the recommendation must be sent to town council requesting adoption of the amendment.

Town Council must hold a public hearing after publishing the notice of public hearing at least 30 days prior to the hearing. (Public notice was published in the local paper on June 29, 2018 – see attached)

Town council must adopt the amendment of the comprehensive plan by ordinance. The town council cannot approve the amendment of final reading of the ordinance until the planning commission has recommended the amendment.

Staff has prepared a resolution for the planning commission consideration recommending the Future Land Use Plan to be amended to include the expansion of the Mixed Use District to include properties from Willow Dr. to Dogwood Drive as shown on plan; and to add a new district to the Future Land Use Map to be called the Entertainment District (E-District) as shown on attached map.
RESOLUTION OF THE SURFSIDE BEACH PLANNING COMMISSION
RECOMMENDING THE AMENDMENT OF TOWN OF SURFSIDE BEACH COMPREHENSIVE PLAN 2013-2022

WHEREAS, the General Assembly of South Carolina enacted in 1994 an amendment to the Code of Laws of South Carolina by adding Chapter 29 to Title 6, “South Carolina Local Government Comprehensive Planning Enabling Act of 1994” [“the State Code”]; and

WHEREAS, the State Code §6-29-520 requires the planning commission, by resolution carried by the affirmative vote of at least a majority of the entire membership recommend amendments to the comprehensive plan; and

WHEREAS, the Surfside Beach Planning Commission [“the commission’] has identified the Land Use Element of the Comprehensive Plan, specifically the Future Land Uses Map as a need to be amended to better fit the town and incorporate walkability from the Central Business District (C2) to the Amusement Commercial District (C3); and

WHEREAS, the commission recommends that the town council hold a public hearing pursuant to §6-29-530 of the state code to receive input to amend the Future Land Use Plan to include an Entertainment District and to extend the Mixed Use District from Poplar Drive down Surfside Drive to Dogwood Drive; and

WHEREAS, a copy of proposed amendments to the Town of Surfside Beach’s Future Land Use Map located within the Town’s Comprehensive Plan is incorporated herein with a map outlining the proposed Entertainment District and the extension of the Mixed Use District;

NOW THEREFORE, THE SURFSIDE BEACH PLANNING COMMISSION, BY A VOTE OF ___ TO ___, RECOMMENDS AMENDING THE TOWN’S COMPREHENSIVE PLAN 2013-2022 SPECIFICALLY THE FUTURE LAND USE MAP TO INCORPORATE A NEW DISTRICT TO BE KNOWN AS THE ENTERTAINMENT DISTRICT (E-DISTRICT) AND TO EXPAND THE MIXED USE DISTRICT (MU) FROM POLAR DRIVE TO DOGWOOD DRIVE.

THIS RESOLUTION AND ALL REFERENCED ATTACHMENTS ENTERED INTO THE RECORD OF THE PLANNING COMMISSION ON JULY 9, 2018.

Carrie Johnson, Chairman
NOTICE OF PUBLIC HEARING

Town Council Town of the Town of Surfside Beach will hold a public hearing at 6:00 PM on Tuesday, August 14, 2018 in the Council Chambers of the Surfside Beach Town Hall located at 115 US Highway 17 N, Surfside Beach, SC on the amendment of the Land Use Element of the comprehensive plan recommended by the planning commission for adoption by council pursuant to SC Code §6-29-530.

Copies of the documents to be considered are available for public inspection in the Planning, Building and Zoning Department located at 829 Pine Drive Surfside Beach, SC 29575.
Planning Commission Issue Paper
Discussion Item 7A – Entertainment District

At the June 5, 2018 planning commission meeting a representative of two property owners within the proposed Entertainment District. The presentation, with PowerPoint showed two existing properties being renovate as is and not being elevated. A proposed deck (not connected to either building) was to expand from one building to the other to allow for a second story restaurant with seating outside. The representative stated parking would be moved to the front and rear of the property but the number of existing parking spaces would remain.

At the May meeting the planning commission recommended the parking requirements remain as is. Requiring the number of all parking spaces on each parcel to remain. If additional square footage is added to an existing building parking must increase.

Staff has reviewed the presentation and offer the following:

- Any renovation, expansion, addition etc. to the existing buildings are limited to 48% of the value of each building unless the structure in brought into compliance with the town’s Flood Damage Prevention Ordinance. The value is determined by the Horry Council Assessor’s office building value, or the owner can submit an appraisal from a SC licensed appraisal that has been done in the last 6 months.
- The planning commission has discussed having a 5 ft. setback on each side. Concerns with the stormwater run-off and landscaping was noted as the biggest concerns. If the planning commission allows the side yard setbacks to be zero (0), the commission can also require a stormwater plan designed and engineered by a SC licensed engineer be submitted to the PB&Z department for review and approval on each lot. This would ensure stormwater requirements are met and maintained per lot.
- By eliminating the side yard setback requirements, the deck (being proposed by the developer) could be built to the side property line of each lot. (after meeting all other requirements of the town codes). If zero (0) lot lines are allowed on the sides this allowance must be district wide.
- If zero (0) side yard setbacks are approved, the “two structures per lot” would not be required or needed for this project.
- The commission would have to re-address their proposal and recommendation at previous meetings that state adding square footage to property would require additional parking. The deck would allow for additional square footage and seating. Any changes to this requirement would also apply to all properties within the district.
- Currently the deck being proposed would be classified as an accessory use because it’s not attached to the building. Accessory uses are not allowed within the Coastal A flood zones. These properties are currently within this zone. The proposed Flood Maps have the Coastal A line excluding these properties. If town council would amend the current flood maps to abandon the existing Coastal A line and adopt the newly proposed Coastal A zone the deck could be built as an accessory.
- By adopting the proposed Coastal A zone quite a few other properties would benefit by being removed; while new properties would be included in the zone and have more restrictive requirements. This change can only be made by town council after a public hearing.

(McNair’s presentation is attached for your further review)
E-District: 12 & 14 S. Ocean Blvd

Presentation to Surfside Beach Planning & Zoning Commission

Presented by:
Jim Gilliam
AERIAL VIEW OF PIER 1960S
THE PIER IS THE HEART OF THE TOWN

- It attracts residents, visitors & business.
- It is a mixed commercial & residential area.
- It is where people:
  - Enjoy the beach
  - Seek entertainment
  - Spend time with their families
  - Work & Support their families
  - Generate Tax Dollars
- The Town does not need to lose businesses in the existing C-3 (and proposed E) to non-revenue sources.

- Currently, 82% of the Town's tax base comes from businesses in the C-3 and R-3 district.
WHAT THE E DISTRICT WILL DO

- More dining options
- Keep up with competition
- No building taller than 55 feet
- Attract desirable commercial projects that enhance the area & preserve the legacy
- Promote walkability around the pier
- Restrict residential structures in the current C-3 District and proposed E-District
- The proposed E-District would help preserve the pier as the heart of the town.
VERSUS 21% FOR CAR-DEPENDENT AREAS.

SALES PRICES FOR COMMERCIAL PROPERTIES ARE UP TO 43% IN HIGHLY WALKABLE AREAS.

FAMILY 6% 71% HIGHER FOR RETAIL.

WALKABLE COMMUNITIES COMMANDED RENT PREMIUMS OF 66% HIGHER FOR MULTI-
INCREASED WALKABILITY OF NEIGHBORHOODS AND COMMUNITIES.

NATIONAL DATA DEMONSTRATES THAT BOTH BABY BOOMERS AND MILLENNIALS FAVOR THE
WALKABILITY INCREASES VALUE.
12 & 14 S. OCEAN BLVD NOW
APPROVED
12 & 14 S. OCEAN BLVD. FUTURE (18)
No loss of parking places wih the proposal.

Buildings will be connected by concrete structure across lot line.

Porf print no bigger than the existing structures on the lots.

Mexican

Ice Cream

Coffee Shop/Bakery

Will feature 3 restaurants:

APPROVED

12 & 14 S. Ocean Blvd. Future (IF)
The grandchild’s businesses will remain but for how long, and then what will take

their place.

In the E district is going to be able to comply with parking requirements.

If we do not want to erect parking garages (and no one wants that), no new business

finite space around the Pier and in the proposed E district.

Proposal development cannot take place with parking regulations.

(PARKING)

IMPEDEMENTS TO PROPOSAL
Approximately 45 parking places surrounding the Pier:

- Only 10% full this past Saturday.
- 1.0 weeks per year it gets to capacity.
- This parking lot is empty 40 weeks a year.
- 115 public parking places behind 12 E. 14 S. Ocean Blvd.

 THE AVAILABLE PARKING
Parking regulations for proposed E district need to be re-examined.

In the April 23, 2018 P&Z minutes, it was acknowledged that after reconstruction, the Town's ordinances require more parking than is currently available at the Pier.

Parking is an issue for all businesses around the Pier.
Goldman Sachs estimates that the ride-sharing industry will grow by 2030, and increase to 828 Billion in 2030.

Ride-sharing rates are increasing in the future. Currently, using Uber and Lyft to get to this area, and they will continue to do so as they are popular.

Where they are staying:

Certainly, some people will walk off the beach or walk from a hotel or beach house.

Driving:

People will get to the E District in multiple ways, not all of which will involve

DISTRICT

OTHER WAYS OF GETTING TO E
This is no different than what is currently going on at the Pier.

12 & 14 S. Ocean Blvd are the only parcels that would be affected by Sec. 17-404.

amended to exclude the E district from its provisions.

When the E district was initially proposed, it was proposed that Sec. 17-404 be

Sec. 17-404 allows only one building on any lot (excepts R-3 district)

ON 2 LOTS

PROHIBITION AGAINST STRUCTURE

IMPEDEMENTS TO PROPOSAL
construction.

Normally, in central business districts or historic districts, we see zero lot line.

We would like to see a return to 0 setbacks in the B district.

Subsequently, P&Z recommended a 10 ft. front setback and 5 ft. setbacks on each side.

When initially proposed, there were no setback requirements in the B district.
Return to Zero Setback

Except 12 district from Sec. 17-404

Remove parking requirements from 5 district

FOR PROPOSED PROJECT
Issue

Staff has received many complaints regarding the difficulty in permitted uses within the town. Owners and contractors alike say the existing chart is difficult to read and vague when it comes to certain businesses. They also have complained that they find out about the overlay requirements after the fact.

Some of the problem is the zoning ordinance states if a use is permitted it will be specifically listed, if not it’s not allowed. The current ordinance list retail with high traffic and low traffic. This is not at all specific to uses and needs to be amended. Other areas are also vague as to an allowed use. A true listed permitted use ordinance has each use specifically itemized. If the use is not specifically listed it’s denied. The proposed business owner can present his/her request to the planning commission and afterwards town council and have a use not listed to be added to the ordinance if approved.

We have redesigned the Use Chart to include specific uses and added a column for the Design Overlay District. This will let potential business owners/tenants know in advance of the additional requirements of the district and if they apply.

Staff feels this will make it easier for property owners/tenants and realtors to know well in advance if a use is permitted in each district.

Enclosed is the draft copy of the proposed changes for your review.
**Issue**

Staff has received many complaints regarding the difficulty in permitted uses within the town. Owners and contractors alike say the existing chart is difficult to read and vague when it comes to certain businesses. They also have complained that they find out about the overlay requirements after the fact.

Some of the problem is the zoning ordinance states if a use is permitted it will be specifically listed, if not it’s not allowed. The current ordinance list retail with high traffic and low traffic. This is not at all specific to uses and needs to be amended. Other areas are also vague as to an allowed use. A true listed permitted use ordinance has each use specifically itemized. If the use is not specifically listed it’s denied. The proposed business owner can present his/her request to the planning commission and afterwards town council and have a use not listed to be added to the ordinance if approved.

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Staff feels this will make it easier for property owners/tenants and realtors to know well in advance if a use is permitted in each district.

Enclosed is the draft copy of the proposed changes for your review.
### Section 17-394. How to Use Section 17-395 Use Table

Each table looks similar to this example below:

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Specific Use</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>MU</th>
<th>MP</th>
<th>Applicable Standards</th>
<th>Design Overlay Applicable Article</th>
<th>Parking Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Single Family, detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td>§17-396.32 (C1 &amp; C3)</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Dwelling Types</td>
<td>Single Family, semi-attached</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (C1 &amp; C3)</td>
<td>§17-396.37</td>
<td>E</td>
</tr>
</tbody>
</table>

- First column list general groupings (e.g. Residential Dwelling Types for the category listed in the column header. (Residential Dwelling Types)
- Second column list specific uses.
- Middle columns represent each Town of Surfside Beach zoning district, with a use code. The letter codes are as follows:

<table>
<thead>
<tr>
<th>P</th>
<th>Uses Permitted by Right. A “P” in the zoning district column of Table 17-395 indicates the use is permitted in the respective zoning district, subject to compliance with the applicable regulations of this code.</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE IS NOT ALLOWED. A blank cell in the zoning district column of Table 17-395 indicates that a use is not allowed in the respective zoning district.</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Conditional Uses. A “C” in the zoning district column of Table 17-395 indicates that a use is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this code. Cross reference to the use specific conditions are listed under the applicable standards column of Table 17-395.</td>
</tr>
<tr>
<td>S</td>
<td>Special Exception Uses. An “S” in the zoning district column of Table 17-395 indicates that a use is allowed in the respective zoning district only if reviewed and approved in accordance with the special exception approval procedures of this code. In addition, these uses must comply with the general and use-specific conditions of this chapter and other conditions which may be imposed by the board of zoning appeals in the granting of a special exception permit. Cross reference to the use specific conditions are listed under the applicable standards column of Table 17-395.</td>
</tr>
<tr>
<td>Pa</td>
<td>Use is permitted, but only as an accessory use to a permitted use.</td>
</tr>
</tbody>
</table>

- The “Applicable Standards” column gives sections of the code that cross reference the use specific conditions for conditional “C” approved uses.
- The “Design Overlay Applicable Article” indicates the use is or is not required to meet the Town of Surfside Beach Design Overlay Standards. If blank the Design Overlay does not apply. If the Design Overlay does apply the article number for the specific design overlay is listed for cross reference.
- The “Parking Code” indicates the code (e.g. A, B, C) required for the use and indicates the table reference to find the requirement.
- The Planning Director or designee has the authority to consider and treat proposed use that is similar to a specific use in Article III.
- If a use is not listed or the Planning Director or designee does not feel a use is allowed by right or condition; the use must follow steps in Article II, Section 17-202 to request the ordinance be amended.
### SECTION 17-395. USE TABLE

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Specific Use</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>MU</th>
<th>MP</th>
<th>Applicable Standards</th>
<th>Design Overlay Applicable Article</th>
<th>Parking Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwelling Types</td>
<td>Single Family, detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td>§17-396.32 (21 &amp; C3)</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Single Family, semi-attached</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (21 &amp; C3)</td>
<td>§17-396.37 (MU)</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Single Family, attached</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (21 &amp; C3)</td>
<td>§17-396.36</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Two-Family (duplex)</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (21 &amp; C3)</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Multi-family</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Upper story dwelling</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.5 (C2)</td>
<td>§17-396.37 (MU)</td>
<td>E</td>
</tr>
<tr>
<td>Dwelling Group</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.20</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-391</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td></td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PROHIBITED</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Mobile Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.20</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Dwelling Uses</td>
<td>Accessory dwellings</td>
<td>Pa</td>
<td>Pa</td>
<td>Pa</td>
<td>Pa</td>
<td>Pa</td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (21)</td>
<td>§17-396.32 (C1)</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Efficiency units</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32 (C1)</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Business</td>
<td>Home Occupations</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>§17-007 – Home Occupation Definition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural</td>
<td>Agriculture and Horticulture (non-commercial), excluding the keeping of poultry and livestock</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
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<td></td>
<td></td>
<td>§17-396.23 (R3)</td>
<td></td>
<td>H or S (C3)</td>
</tr>
<tr>
<td>Accommodations Uses</td>
<td>Hotels, motels, tourist courts</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.33</td>
<td>Article IX (C1)</td>
<td>H or S (C3)</td>
</tr>
<tr>
<td></td>
<td>Resort accommodations, 25 or more units</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.33</td>
<td>Article IX (C1)</td>
<td>H or S (C3)</td>
</tr>
<tr>
<td></td>
<td>Transient short term rental units and boarding houses</td>
<td>P</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§17-396.32</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Civic, Governmental/ Public, Institutional Uses</td>
<td>Specific Use</td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
<td>C1</td>
<td>C2</td>
<td>C3</td>
<td>MU</td>
<td>MP</td>
<td>Applicable Standards</td>
<td>Design Overlay Applicable Article</td>
<td>Parking Code</td>
</tr>
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<td>----------------------------------------------</td>
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<tr>
<td>Assembly</td>
<td>Assembly Hall</td>
<td>P</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Article IX</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Gymnasium</td>
<td>P</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>Article IX</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Banquet Hall</td>
<td>P</td>
<td></td>
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### ARTICLE III. DISTRICT AND USE REGULATIONS  PROPOSED

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DRAFT: ARTICLE III. DISTRICT AND USE REGULATIONS

SECTION 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. 17-396.1 General standards applicable to all conditional and special exception uses in the C-1 district

Excluding residential uses, all uses denoted as a conditional use or special exception by Chart 17-395 within the C-1 district are subject to the following requirements:

The listed uses are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as a result of their operation.

Sec. 17-396.2 Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops.

Retail pet shop, pet boarding facilities, animal hospitals, and veterinary clinics are allowed in the C-1 district provided all boarding arrangements are maintained within a building or courtyard and no noise connected with the operation of the facility is discernible beyond the premises. Retail pet shops, pet grooming, pet training permitted in C2 district with rear courtyard. No noise connected to the operation of the facility shall be discernible beyond the premises.

Sec. 17-396.3 Auto service station.

Automobile service stations are allowed in the C-1 district provided that:

a. All fuel pumps and/or roof coverings for fuel pumps shall be set back a minimum of at least twenty-five (25) feet from the right-of-way of any street;

b. No part of the principal building or pumps is located within one hundred fifty (150) feet of any residential district;

c. No more than five vehicles may be stored within one hundred fifty (150) feet of any residential district;

d. All vehicles stored overnight in open view of public streets and/or adjoining properties are currently licensed, in operable condition; and

e. All wrecked or disabled vehicles awaiting body or fender repair or legal disposition following an accident are currently licensed, except those waiting for legal disposition, and are stored in an area separated from adjoining properties and public streets by a planting screen, a fence with staves, or a wall at least six (6) feet, but not to exceed eight (8) feet, in height to effectively block the public view.

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DRAFT: ARTICLE III. DISTRICT AND USE REGULATIONS

Sec. 17-396.4 Accessory Dwelling Unit

Accessory dwelling units shall not exceed a total square footage of 850 square feet, have independent means of access either to an owner occupied single family detached dwelling or located on the same lot as an owner occupied single family detached dwelling.

Sec. 17-396.5 Upper Story Dwellings

Upper story dwellings are allowed in the C-2 district provided that:
  a. Permitted on the 2nd story or above; in no instance shall residential be allowed in the 1st floor;
  b. Non-residential uses shall not be permitted above a residential use on the same lot;
  c. Utility equipment (electrical boxes, communication equipment and all other mechanical or utility equipment) shall be located on the side or rear of building and not visible on the front façade.
  d. Shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.
  e. Shall provide a separate entrance to the residential unit.
  f. All upper story dwelling units shall be a minimum of six hundred (600) square feet in gross floor area.
  g. On-site parking shall be provided in the rear of same property at one (1) space per bedroom.

Sec. 17-396.6 Restricted Location

Use is allowed in the C-1 district provided:

1. Use is located on properties fronting on Sandy Lane. No portion of the use shall be located on properties contiguous to the town’s frontage road or Highway 17.
2. If use (other than warehouse, mini storage or other storage facilities) includes outdoor storage of any kind a fence with a minimum height of six (6) feet shall be provided and effectively block the public view.
3. Any use of noxious or offensive odors, dust, noise, fumes, or vibrations shall be prohibited.
4. Warehouse, mini storage or other storage facilities shall:
   a. Be used for dead storage only.
   b. The storage of flammable or hazardous chemicals, explosives and containers of such materials shall be prohibited.
   c. Auctions, commercial, wholesale, retail, miscellaneous or garage sales shall be prohibited.
   d. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment shall be prohibited inside or outside the mini storage units.
   e. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment shall be prohibited.
   f. Open storage of any item including but not limited to boats, vacant trailers, and recreation vehicles, automobiles, or any other type of motorized vehicle shall be prohibited.

1st draft 7/17/18 by staff
Sec. 17-396.7 Massage/Bodywork Therapist

Massage/Bodywork Therapist is allowed as a conditional use, subject to the following standards:

a. Massage/bodywork therapist shall not be permitted as a principal use.

b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

c. Shall meet all requirements set forth in SC Code of Laws Title 40-Professions and Occupations; Chapter 30 Massage/Bodywork Practice Act as required by state law. A copy of his or her current state license from the South Carolina Labor, License and Regulations (LLR) for massage/bodywork therapist prior to any zoning approval.

Sec. 17-396.8 through 17-396.10 RESERVED

Sec. 17-396.11 Body Piercing.

Body piercing is allowed as a conditional use, subject to the following standards:

The Town of Surfside Beach declares that it is unlawful to perform body piercing on persons under the age of eighteen (18) years without the in person consent of a parent or legal guardian. Body piercing involves an invasive procedure by which the human body is penetrated creating the opportunity for the transmission of infection and disease. The premises upon which body piercing is performed and the equipment to be used must, in the interest of the health and welfare of the public, be maintained in a sanitary and sterile condition to prevent the spread of infection and disease. The conduct of body piercing as an accessory use to most common commercial businesses is not consistent with the emphasis on sanitary and sterile conditions which appears to be necessary to address the health, safety and welfare of the public.

a. Body piercing shall not be permitted as a principal use only as provided in this ordinance. Notwithstanding any conflicting provisions of this ordinance any business performing body piercing which was lawfully performing such services in the town immediately before the effective date of this ordinance that is thereafter in violation of this section shall be deemed a nonconforming use. Any such business that is lawfully performing such services in Horry County immediately before it is annexed into the town and is thereafter in violation of this ordinance shall also be deemed a nonconforming use. Any use found to be nonconforming by application of this ordinance shall be permitted to continue for a period not to exceed six (6) months from the initial date of nonconformity.

b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

Sec. 17-396.12 Churches and other religious uses.
DRAFT: ARTICLE III. DISTRICT AND USE REGULATIONS

In the town’s residential districts, churches, synagogues, mosques, convents, monasteries, and similar religious uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This requirement does not apply to church-related activities as defined by § 6-29-715 of the State of South Carolina Code of Laws.

Sec. 17-396.13 Communications towers.

Where allowed as a conditional use, communication towers shall meet the following requirements:

a. Communication towers and associated improvements shall meet all applicable zoning district, and applicable landscape and tree protection requirements. Communication towers are allowed in the C-1 zoning district provided they are located west of U.S. Highway 17; and communication towers may be located on existing towers or existing structures that currently have towers east of U.S. Highway 17 provided the towers do not exceed the height of the existing structure by more than thirty (30) feet. In this area the town encourages the location of towers on publicly owned land such as water tanks;

b. The height of the towers must not exceed two hundred (200) feet measured from grade;

c. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower’s fall zone from encroaching onto adjoining properties (the fall zone determined by an engineer certified in the State of South Carolina in affidavit form which includes the engineers signature and seal);

d. The tower shall not be located within one thousand (1,000) feet of another communication tower. (This does not apply to tower facilities that collocate);

e. The applicant has attempted to collocate on existing communication towers, buildings currently have towers, or other structures and the applicant is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities on the structure, frequency consideration, and proper compensation from the additional user. No conditional use permit is required when collocating on an existing tower or structure, however, a building permit is required. Towers located on existing structures are preferred to construction of new towers;

f. The communication tower structures on individual lots must be located no closer to noncommercially zoned lots or residential areas than a distance equal to the height of the tower;

g. The proposed tower is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agency;

h. The proposed tower shall not include signage of any nature on any portion of the tower, except for any necessary informational or warning signs related to the safe operation of the tower; and

i. A communication tower taken out of service must be removed within one hundred twenty (120) days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the owner.

Applications shall include the following information:

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i. A scaled certified site plan showing the location of the tower, guy anchors, buildings and other structures or improvements, parking, driveways, fences, etc. Adjacent land uses shall also be noted on the site plan.

ii. The height and typical design of the tower, typical materials to be used, color, all information required by the building codes, and lighting shall be shown on elevation drawings.

iii. Documentation indicating that collocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reason noted.

iv. Other information as requested by staff to allow adequate review of approval criteria.

Sec. 17-396.14 through 17-396.18 RESERVED

Sec. 17-396.19 DAY CARES

Day cares are allowed subject to the following standards:

a. Such facility meets the rules and regulations established by the South Carolina Department of Social Services.

b. A landscaped hedge or fence shall be provided along any rear or side property line. Any such hedge or fence shall be designed and planted to be at least five (5) feet in height and effectively block the public view.

c. A minimum of one (1) off-street parking space be provided for each three hundred fifty (350) square feet of indoor play and/or instruction space plus adequate off-street loading and unloading space with separate ingress and egress.

Sec. 17-396.20 Dwelling group.

Dwelling groups are allowed subject to the following:

a. In the R-3 district, multiple detached single-family buildings may be located on individual lots provided the lots are at least seven thousand two hundred (7,200) square feet and each unit can meet all the requirements of this chapter. The maximum number of single-family buildings allowed on any one lot is based on one building per three thousand six hundred (3,600) square feet of lot area. There must be a ten-foot separation between the buildings and/or accessory uses.

b. In the R-3 district, multiple detached dwelling units, to include any combination of single-family, two-family, and multi-family structures, are permitted as a conditional use provided:

1. The lot must be at least nine thousand six hundred (9,600) square feet in area. The maximum number of dwelling units permitted per lot shall not exceed one single-
family dwelling unit per each three thousand six hundred (3,600) square feet of lot area
and one two-family dwelling unit per each six thousand (6,000) square feet of lot area.
Multi-family dwellings shall not exceed the maximum density allowable per Table 17-
332.
2. Each unit must meet all requirements of this chapter.
3. There must be ten-foot separation between buildings and/or accessory uses.

c. In the C-3 districts, multiple detached dwelling units, to include any combination of single-
family, two-family, and multi-family structures, may be permitted as a special exception,
subject to the following:
   1. The lot must be at least one acre in area and the arrangement of the lot makes future
      subdivision impractical;
   2. The maximum density for the various residential uses shall not exceed the density
      permitted within the R-3 district; and
   3. There is a ten-foot separation between the buildings and/or accessory uses.

**Sec. 17-396.21 Fuel or chemical storage.**

Fuel or chemical storage may be permitted as a special exception provided in no case shall such storage
areas be located within 100 feet of a public right-of-way or 150 feet from any off-premises structure.
This classification does not include incidental or accessory storage for otherwise permitted uses such
as automobile service stations.

**Sec. 17-396.22 Hospitals.**

In the town’s residential districts, hospitals are allowed provided that any structure connected therewith
shall be placed no closer than seventy-five (75) feet from any residential property line.

**Sec. 17-396.23 Hotels and motels.**

Hotels and motels are allowed in the R-3 district provided the lot is contiguous to the Atlantic Ocean.

**Sec. 17-396.24 Libraries and Museums**

In the town’s residential districts, libraries, and museums are allowed provided that any structure
connected therewith shall be placed no closer than seventy-five (75) feet from any residential property
line.

**Sec. 17-396.25 Lumber yards and sales.**

Lumber yards and sales stations are allowed in the C-1 district provided that all storage is enclosed in
a building.

**Sec. 17-396.26 Public buildings and uses.**

In the town’s residential districts, public buildings and uses are allowed provided that any structure
connected therewith shall be placed no closer than seventy-five (75) feet from any residential property
line. This classification does not include the following public uses: Courts of law, correctional
institutions or jails, parole or probation offices, rehabilitation and detoxification centers, and similar uses.

Sec. 17-396.27 through Sec. 17-396.29  [RESERVED]

Sec. 17-396.30  Public, private, trade, and vocational schools.

In the town’s residential districts, public, private, trade, and vocational schools are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

Sec. 17-396.31  Radio and television stations.

Radio and television stations are allowed in the C-1 and C-2 districts provided that the transmission tower is not located on the site.

Sec. 17-396.32  Residential uses within commercial districts

In the C-1 and C-3 districts dwellings units are allowed subject to the following standards:

a. Residential uses of any kind shall be prohibited on the west side of Highway 17 (including frontage road) and on all parcels having frontage on or are adjacent to the east side of Highway 17.

b. Where residential uses are permitted, the lot size, lot width, frontage, setbacks and density standards applicable to residential uses within the R-3 district shall apply.

c. Property, which is subdivided or developed to the lot size, lot width, frontage, or density standards applicable to the R-3 district, may not thereafter be used for nonresidential purposes unless the lot size and dimensional standards of the underlying commercial district are met.

Sec. 17-396.33  Resort accommodations.

A resort accommodation containing twenty-five (25) or more rental units shall be permitted to establish accessory uses within the principal building provided they are accessible only from an interior court, lobby, or corridor. Said accessory uses shall be limited to drug and sundry shops, florist and gift shops, confectionery stores, newsstands, lounges, restaurants, snack bars, amusement arcades, beach and automobile agencies.

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

Restaurants and other dining establishments, defined as “bona fide engaging 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 C1, C2, C3 and MU districts 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.

c. In the districts permitting the sale or consumption of alcohol in combination with the restaurant use (C-1, C-2, C-3 and MU), 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. Shielding of all lighting as not to cast undue glare and light onto neighboring properties shall be required.

f. Control noise, so not to create a nuisance condition on or off site.

g. It shall be the responsibility of the owner of the establishment to prevent its patrons from causing a disturbance on public or private property in the vicinity of the restaurant or dining establishment.

h. All associated permits from applicable federal, state and local agencies must be obtained.

i. In addition to the above requirements, within the MU district, the following shall apply:

1. Bars, taverns or other places where alcohol is served shall be prohibited.
2. No live music or sound produced through electronic speakers shall be permitted.
3. The capacity of the outdoor facility shall be limited to no more than twenty (20) patrons.
4. 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 10:00 p.m.
5. The outdoor facility shall be placed no closer than twenty feet from the nearest edge of the paved surface of a street and no closer than five feet from the nearest edge of a public sidewalk.

Sec. 17-396.35 Restaurants, taverns, bars, and nightclubs where alcohol is consumed.

Restaurants, taverns bars, and nightclubs where alcohol is consumed are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district, that no noise or air pollution be associated with the use, and that facilities not create any safety hazards or nuisances as a result of their operation. This provision and use classification exclude sexually oriented businesses as defined and allowed pursuant to the supplemental district regulations in Article IV of this chapter.

Sec. 17-396.36 Single-family dwelling (attached)

Attached single-family dwellings where allowed are subject to the following standards:

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a. The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

b. The front wall of the attached units shall not form long, unblocked lines of row housing, but shall be staggered at the front building line.

c. Not more than six (6) contiguous attached single-family units shall be built in a row.

d. The minimum lot width for the portion of the lot on which the attached single-family unit is to be constructed shall be thirty (30) feet. A lot shall have no less than three thousand (3,000) square feet.

e. Buildings within any single development shall be at least twenty (20) feet apart.

Sec. 17-396.37 Single-family dwelling (semi-attached)

Semi-attached single family dwelling units where allowed are subject to the following:

The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district’s standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

Sec. 17-396.38 RESERVED

Sec. 17-396.39 Theaters and Multiplex Movie Theater

Drive-in theaters are allowed in the C-1 district subject to the following standards:

a. No part of the theater screen, projection booth, or other building shall be located closer than five hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one hundred (100) feet to any residential district; and

b. The theater screen shall not face a major street or highway.

Sexually oriented theaters are subject to supplementary district regulations in Article IV, Division 3.

Sec. 17-396.40 Truck or bus terminal.

Truck and bus terminals are allowed in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as result of their operation.

Sec. 17-396.41 Water tower/Public Utilities

Public utilities, to include water towers and utility substations are allowed subject to the following standards:

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a. No storage of vehicles or equipment outside fencing
b. Sites should be selected where topography minimize visual effects to surrounding properties
c. A natural landscape buffer of 25 feet shall be required between site and any developed parcel.
d. A natural landscape buffer of 60 feet shall be required between site and any undeveloped parcels. The buffer of 60 feet shall be permanent regardless of any future development.
e. All landscape buffers must remain in a natural state with mature trees.
f. Fencing around structure in accordance with town ordinance shall be required.

Sec. 17-396.42 RESERVED

SECTIONS 17-397 through 17-399 [RESERVED]
SECTION 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. 17-396.1 General standards applicable to all conditional and special exception uses in the C-1 district

Excluding residential uses, all uses denoted as a conditional use or special exception by Chart 17-395 within the C-1 district are subject to the following requirements:

The listed uses are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as a result of their operation.

Sec. 17-396.2 Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops.

Retail pet shop, pet boarding facilities, animal hospitals, and veterinary clinics are allowed in the C-1 district provided all boarding arrangements are maintained within a building or courtyard and no noise connected with the operation of the facility is discernible beyond the premises. Retail pet shops, pet grooming, pet training permitted in C2 district with rear courtyard. No noise connected to the operation of the facility shall be discernible beyond the premises.

Sec. 17-396.3 Auto service station.

Automobile service stations are allowed in the C-1 district provided that:

a. All fuel pumps and/or roof coverings for fuel pumps shall be set back a minimum of at least twenty-five (25) feet from the right-of-way of any street;

b. No part of the principal building or pumps is located within one hundred fifty (150) feet of any residential district;

c. No more than five vehicles may be stored within one hundred fifty (150) feet of any residential district;

d. All vehicles stored overnight in open view of public streets and/or adjoining properties are currently licensed, in operable condition; and

e. All wrecked or disabled vehicles awaiting body or fender repair or legal disposition following an accident are currently licensed, except those waiting for legal disposition, and are stored in an area separated from adjoining properties and public streets by a planting screen, a fence with staves, or a wall at least six (6) feet, but not to exceed eight (8) feet, in height to effectively block the public view.
DRAFT: ARTICLE III. DISTRICT AND USE REGULATIONS

Sec. 17-396.4 Accessory Dwelling Unit

Accessory dwelling units shall not exceed a total square footage of 850 square feet, have independent means of access either to an owner occupied single family detached dwelling or located on the same lot as an owner occupied single family detached dwelling.

Sec. 17-396.5 Upper Story Dwellings

Upper story dwellings are allowed in the C-2 district provided that:
   a. Permitted on the 2nd story or above; in no instance shall residential be allowed in the 1st floor;
   b. Non-residential uses shall not be permitted above a residential use on the same lot;
   c. Utility equipment (electrical boxes, communication equipment and all other mechanical or utility equipment) shall be located on the side or rear of building and not visible on the front façade.
   d. Shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.
   e. Shall provide a separate entrance to the residential unit.
   f. All upper story dwelling units shall be a minimum of six hundred (600) square feet in gross floor area.
   g. On-site parking shall be provided in the rear of same property at one (1) space per bedroom.

Sec. 17-396.6 Restricted Location

Use is allowed in the C-1 district provided:

1. Use is located on properties fronting on Sandy Lane. No portion of the use shall be located on properties contiguous to the town’s frontage road or Highway 17.
2. If use (other than warehouse, mini storage or other storage facilities) includes outdoor storage of any kind a fence with a minimum height of six (6) feet shall be provided and effectively block the public view.
3. Any use of noxious or offensive odors, dust, noise, fumes, or vibrations shall be prohibited.
4. Warehouse, mini storage or other storage facilities shall:
   a. Be used for dead storage only.
   b. The storage of flammable or hazardous chemicals, explosives and containers of such materials shall be prohibited.
   c. Auctions, commercial, wholesale, retail, miscellaneous or garage sales shall be prohibited.
   d. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment shall be prohibited inside or outside the mini storage units.
   e. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment shall be prohibited.
   f. Open storage of any item including but not limited to boats, vacant trailers, and recreation vehicles, automobiles, or any other type of motorized vehicle shall be prohibited.

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**Sec. 17-396.7 Massage/Bodywork Therapist**

Massage/Bodywork Therapist is allowed as a conditional use, subject to the following standards:

a. Massage/bodywork therapist shall not be permitted as a principal use.

b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

c. Shall meet all requirements set forth in SC Code of Laws Title 40-Professions and Occupations; Chapter 30 Massage/Bodywork Practice Act as required by state law. A copy of his or her current state license from the South Carolina Labor, License and Regulations (L.L.R) for massage/bodywork therapist prior to any zoning approval.

**Sec. 17-396.8 through 17-396.10** RESERVED

**Sec. 17-396.11 Body Piercing.**

Body piercing is allowed as a conditional use, subject to the following standards:

The Town of Surfside Beach declares that it is unlawful to perform body piercing on persons under the age of eighteen (18) years without the in person consent of a parent or legal guardian. Body piercing involves an invasive procedure by which the human body is penetrated creating the opportunity for the transmission of infection and disease. The premises upon which body piercing is performed and the equipment to be used must, in the interest of the health and welfare of the public, be maintained in a sanitary and sterile condition to prevent the spread of infection and disease. The conduct of body piercing as an accessory use to most common commercial businesses is not consistent with the emphasis on sanitary and sterile conditions which appears to be necessary to address the health, safety and welfare of the public.

a. Body piercing shall not be permitted as a principal use only as provided in this ordinance. Notwithstanding any conflicting provisions of this ordinance any business performing body piercing which was lawfully performing such services in the town immediately before the effective date of this ordinance that is thereafter in violation of this section shall be deemed a nonconforming use. Any such business that is lawfully performing such services in Horry County immediately before it is annexed into the town and is thereafter in violation of this ordinance shall also be deemed a nonconforming use. Any use found to be nonconforming by application of this ordinance shall be permitted to continue for a period not to exceed six (6) months from the initial date of nonconformity.

b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

**Sec. 17-396.12 Churches and other religious uses.**

1st draft 7/17/18 by staff
In the town’s residential districts, churches, synagogues, mosques, convents, monasteries, and similar religious uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This requirement does not apply to church-related activities as defined by § 6-29-715 of the State of South Carolina Code of Laws.

**Sec. 17-396.13 Communications towers.**

Where allowed as a conditional use, communication towers shall meet the following requirements:

a. Communication towers and associated improvements shall meet all applicable zoning district, and applicable landscape and tree protection requirements. Communication towers are allowed in the C-1 zoning district provided they are located west of U.S. Highway 17; and communication towers may be located on existing towers or existing structures that currently have towers east of U.S. Highway 17 provided the towers do not exceed the height of the existing structure by more than thirty (30) feet. In this area the town encourages the location of towers on publicly owned land such as water tanks;

b. The height of the towers must not exceed two hundred (200) feet measured from grade;

c. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties (the fall zone determined by an engineer certified in the State of South Carolina in affidavit form which includes the engineers signature and seal);

d. The tower shall not be located within one thousand (1,000) feet of another communication tower. (This does not apply to tower facilities that collocate);

e. The applicant has attempted to collocate on existing communication towers, buildings currently have towers, or other structures and the applicant is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities on the structure, frequency consideration, and proper compensation from the additional user. No conditional use permit is required when collocating on an existing tower or structure, however, a building permit is required. Towers located on existing structures are preferred to construction of new towers;

f. The communication tower structures on individual lots must be located no closer to noncommercially zoned lots or residential areas than a distance equal to the height of the tower;

g. The proposed tower is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agency;

h. The proposed tower shall not include signage of any nature on any portion of the tower, except for any necessary informational or warning signs related to the safe operation of the tower; and

i. A communication tower taken out of service must be removed within one hundred twenty (120) days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the owner.

Applications shall include the following information:
DRAFT: ARTICLE III. DISTRICT AND USE REGULATIONS

i. A scaled certified site plan showing the location of the tower, guy anchors, buildings and other structures or improvements, parking, driveways, fences, etc. Adjacent land uses shall also be noted on the site plan.

ii. The height and typical design of the tower, typical materials to be used, color, all information required by the building codes, and lighting shall be shown on elevation drawings.

iii. Documentation indicating that collocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reason noted.

iv. Other information as requested by staff to allow adequate review of approval criteria.

Sec. 17-396.14 through 17-396.18 RESERVED

Sec. 17-396.19 DAY CARES

Day cares are allowed subject to the following standards:

a. Such facility meets the rules and regulations established by the South Carolina Department of Social Services.

b. A landscaped hedge or fence shall be provided along any rear or side property line. Any such hedge or fence shall be designed and planted to be at least five (5) feet in height and effectively block the public view.

c. A minimum of one (1) off-street parking space be provided for each three hundred fifty (350) square feet of indoor play and/or instruction space plus adequate off-street loading and unloading space with separate ingress and egress.

Sec. 17-396.20 Dwelling group.

Dwelling groups are allowed subject to the following:

a. In the R-3 district, multiple detached single-family buildings may be located on individual lots provided the lots are at least seven thousand two hundred (7,200) square feet and each unit can meet all the requirements of this chapter. The maximum number of single-family buildings allowed on any one lot is based on one building per three thousand six hundred (3,600) square feet of lot area. There must be a ten-foot separation between the buildings and/or accessory uses.

b. In the R-3 district, multiple detached dwelling units, to include any combination of single-family, two-family, and multi-family structures, are permitted as a conditional use provided:

   1. The lot must be at least nine thousand six hundred (9,600) square feet in area. The maximum number of dwelling units permitted per lot shall not exceed one single-
family dwelling unit per each three thousand six hundred (3,600) square feet of lot area and one two-family dwelling unit per each six thousand (6,000) square feet of lot area. Multi-family dwellings shall not exceed the maximum density allowable per Table 17-332.

2. Each unit must meet all requirements of this chapter.

3. There must be ten-foot separation between buildings and/or accessory uses.

c. In the C-3 districts, multiple detached dwelling units, to include any combination of single-family, two-family, and multi-family structures, may be permitted as a special exception, subject to the following:
   1. The lot must be at least one acre in area and the arrangement of the lot makes future subdivision impractical;
   2. The maximum density for the various residential uses shall not exceed the density permitted within the R-3 district; and
   3. There is a ten-foot separation between the buildings and/or accessory uses.

**Sec. 17-396.21 Fuel or chemical storage.**

Fuel or chemical storage may be permitted as a special exception provided in no case shall such storage areas be located within 100 feet of a public right-of-way or 150 feet from any off-premises structure. This classification does not include incidental or accessory storage for otherwise permitted uses such as automobile service stations.

**Sec. 17-396.22 Hospitals.**

In the town’s residential districts, hospitals are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

**Sec. 17-396.23 Hotels and motels.**

Hotels and motels are allowed in the R-3 district provided the lot is contiguous to the Atlantic Ocean.

**Sec. 17-396.24 Libraries and Museums**

In the town’s residential districts, libraries, and museums are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

**Sec. 17-396.25 Lumber yards and sales.**

Lumber yards and sales stations are allowed in the C-1 district provided that all storage is enclosed in a building.

**Sec. 17-396.26 Public buildings and uses.**

In the town’s residential districts, public buildings and uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This classification does not include the following public uses: Courts of law, correctional
institutions or jails, parole or probation offices, rehabilitation and detoxification centers, and similar uses.

Sec. 17-396.27 through Sec. 17-396.29  [RESERVED]

Sec. 17-396.30  Public, private, trade, and vocational schools.

In the town’s residential districts, public, private, trade, and vocational schools are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line.

Sec. 17-396.31  Radio and television stations.

Radio and television stations are allowed in the C-1 and C-2 districts provided that the transmission tower is not located on the site.

Sec. 17-396.32  Residential uses within commercial districts

In the C-1 and C-3 districts dwellings units are allowed subject to the following standards:

a. Residential uses of any kind shall be prohibited on the west side of Highway 17 (including frontage road) and on all parcels having frontage on or are adjacent to the east side of Highway 17.

b. Where residential uses are permitted, the lot size, lot width, frontage, setbacks and density standards applicable to residential uses within the R-3 district shall apply.

c. Property, which is subdivided or developed to the lot size, lot width, frontage, or density standards applicable to the R-3 district, may not thereafter be used for nonresidential purposes unless the lot size and dimensional standards of the underlying commercial district are met.

Sec. 17-396.33  Resort accommodations.

A resort accommodation containing twenty-five (25) or more rental units shall be permitted to establish accessory uses within the principal building provided they are accessible only from an interior court, lobby, or corridor. Said accessory uses shall be limited to drug and sundry shops, florist and gift shops, confectionery stores, newsstands, lounges, restaurants, snack bars, amusement arcades, beach and automobile agencies.

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

Restaurants and other dining establishments, defined as “bona fide engaging 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 C1, C2, C3 and MU districts subject to the following standards:
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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.

c. In the districts permitting the sale or consumption of alcohol in combination with the restaurant use (C-1, C-2, C-3 and MU), 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. Shielding of all lighting as not to cast undue glare and light onto neighboring properties shall be required.

f. Control noise, so not to create a nuisance condition on or off site.

g. It shall be the responsibility of the owner of the establishment to prevent its patrons from causing a disturbance on public or private property in the vicinity of the restaurant or dining establishment.

h. All associated permits from applicable federal, state and local agencies must be obtained.

i. In addition to the above requirements, within the MU district, the following shall apply:

1. Bars, taverns or other places where alcohol is served shall be prohibited.
2. No live music or sound produced through electronic speakers shall be permitted.
3. The capacity of the outdoor facility shall be limited to no more than twenty (20) patrons.
4. 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 10:00 p.m.
5. The outdoor facility shall be placed no closer than twenty feet from the nearest edge of the paved surface of a street and no closer than five feet from the nearest edge of a public sidewalk.

Sec. 17-396.35 Restaurants, taverns, bars, and nightclubs where alcohol is consumed.

Restaurants, taverns bars, and nightclubs where alcohol is consumed are permitted in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district, that no noise or air pollution be associated with the use, and that facilities not create any safety hazards or nuisances as a result of their operation. This provision and use classification exclude sexually oriented businesses as defined and allowed pursuant to the supplemental district regulations in Article IV of this chapter.

Sec. 17-396.36 Single-family dwelling (attached)

Attached single-family dwellings where allowed are subject to the following standards:

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a. The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

b. The front wall of the attached units shall not form long, unblocked lines of row housing, but shall be staggered at the front building line.

c. Not more than six (6) contiguous attached single-family units shall be built in a row.

d. The minimum lot width for the portion of the lot on which the attached single-family unit is to be constructed shall be thirty (30) feet. A lot shall have no less than three thousand (3,000) square feet.

e. Buildings within any single development shall be at least twenty (20) feet apart.

**Sec. 17-396.37 Single-family dwelling (semi-attached)**

Semi-attached single family dwelling units where allowed are subject to the following:

The side yard setback for the attached interior walls of the structure shall be zero (0) feet. Unless a greater distance is required by the district’s standards, the exterior (unattached) wall shall observe a minimum side yard setback of ten (10) feet.

**Sec. 17-396.38 RESERVED**

**Sec. 17-396.39 Theaters and Multiplex Movie Theater**

Drive-in theaters are allowed in the C-1 district subject to the following standards:

a. No part of the theater screen, projection booth, or other building shall be located closer than five hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right of way, and no parking space shall be located closer than one hundred (100) feet to any residential district; and

b. The theater screen shall not face a major street or highway.

Sexually oriented theaters are subject to supplementary district regulations in Article IV, Division 3.

**Sec. 17-396.40 Truck or bus terminal.**

Truck and bus terminals are allowed in the C-1 highway commercial district provided that no part of the principal building is located closer than one hundred fifty (150) feet to any residential district that no noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as result of their operation.

**Sec. 17-396.41 Water tower/Public Utilities**

Public utilities, to include water towers and utility substations are allowed subject to the following standards:

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a. No storage of vehicles or equipment outside fencing
b. Sites should be selected where topography minimize visual effects to surrounding properties
c. A natural landscape buffer of 25 feet shall be required between site and any developed parcel.
d. A natural landscape buffer of 60 feet shall be required between site and any undeveloped parcels.
   The buffer of 60 feet shall be permanent regardless of any future development.
e. All landscape buffers must remain in a natural state with mature trees.
f. Fencing around structure in accordance with town ordinance shall be required.

Sec. 17-396.42 RESERVED

SECTIONS 17-397 through 17-399 [RESERVED]