

Decision Paper

Meeting Date: August 27, 2019

Written By: Sabrina Morris

1. **SUBJECT:** Ordinance #19-0905 to amend the Town's Code of Ordinances specifically Chapter 17 [Zoning Ordinance] to allow for bingo establishments as a permitted use in the Highway Commercial (C1) district.

2. **PURPOSE:** To allow for Bingo establishments in the Highway Commercial (HC) zoning district.

3. FACTS:

- (a) The Town's Zoning Ordinance does not currently allow for bingo establishments in any of the zoning districts.
- (b) Staff was requested by the mayor to have bingo presented to the planning commission and after recommendations from the commission to Town Council for consideration to allow bingo establishments in town in the Highway Commercial (HC) zoning district.
- (c) Staff advertised the Public Hearing to receive input on the allowance of bingo establishments in the paper as required.
- (d) Planning Commission held a Public Hearing on August 6, 2019 on the request to allow for bingo establishments.

4. RECOMMENDATION:

The Planning Commission, after holding the public hearing voted unanimously to *not* allow for bingo establishments in town. (see attached resolution).

Town Attorney Review/Comments:

S/EFC

8/19/19

Elise Crosby, Town Attorney

Date



Surfside Beach Planning Commission

RESOLUTION OF THE SURFSIDE BEACH PLANNING COMMISSION NOT RECOMMENDING THE ALLOWANCE OF BINGO ESTABLISHMENTS AS A PERMITTED USE IN THE HIGHWAY COMMERCIAL (C1) ZONING DISTRICT OF THE TOWN

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 and Chapter 17 of the Surfside Beach Code of Ordinances [Zoning Ordinance] provides a mechanism for amendments to Chapter 17 when appropriate; and

WHEREAS, the Surfside Beach Planning Commission ["the commission"] has determined after reviewing the proposed ordinance to allow for bingo establishments in the Highway Commercial (C1) district, has unanimously voted the amendment would not be beneficial to the town; and

WHEREAS, the mayor initiated the amendment process and the commission has held a public hearing on the proposed amendment as required by Section 17-202 (3) of the zoning ordinance; and

WHEREAS, a copy of the proposed amendment is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED the Surfside Beach Planning Commission, by a vote of 5 to 0, does not recommend that the Town Council approve the adoption of the proposed amendment to allow for Bingo Establishments in the Highway Commercial (C1) zoning district.

THIS RESOLUTION AND ALL REFERENCED ATTACHMENTS ENTERED INTO THE RECORD OF THE PLANNING COMMISSION ON JULY 2, 2019.



Robert Hellyer, Chair, Planning Commission



Surfside Beach Planning Commission

**THE PLANNING COMMISSION
DOES NOT SUPPORT THE AMENDMENT TO CHAPTER 17 ARTICLE III,
SECTION 17.395 TO ALLOW FOR BINGO ESTABLISHMENTS WITHIN THE
HIGHWAY COMMERCIAL (C1) DISTRICT TO THE TOWNS CODE OF
ORDINANCES**

Background: Section 17-202(A) of the Town of Surfside Beach Code of Ordinance allows for amendments to the ordinance.

Section 17-202(a) Authority to amend ordinance. When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the planning commission, the Surfside Beach Town Council may, from time to time, amend, supplement, or change by ordinance, the boundaries of the zoning districts or the regulations herein established.

The Planning Commission and subsequently Town Council were presented with a proposed amendment to Chapter 17 Article III, Section 17.395 to allow for Bingo Establishments in the Highway Commercial (C1) district to the Town's Code of Ordinances.

Factors Considered:

- 1) Safety aspect; the commission pointed out the recent double homicide in Myrtle Beach at a bingo establishment;
- 2) Large amount of money the establishments are required to have on hand causes a tremendous concern for safety;
- 3) No revenue for the town; non-profit;
- 4) Usually held at night; traffic concerns;
- 5) Not tourism driven;
- 6) Bingo establishments are currently located in Garden City and Myrtle Beach. If someone would like to play they do not have to travel far;
- 7) Did not think it would bring anything positive to the town.

Factors Considered: Currently the ordinance which regulates accessory buildings and uses in residential districts is somewhat confusing to the public. The ordinance in its current form also do not address non-residential accessory buildings or uses. While the commission understands the need to have accessory structures and uses, the structures and uses should not be overwhelming or become a nuisance to the surrounding properties.

Analysis: Upon review of the current ordinance, and studying requirements of other municipalities the commission believes the proposed ordinance amendments would have positive effects on the future development of the town as a whole.

END OF REPORT

RESOLUTION OF THE SURFSIDE BEACH PLANNING COMMISSION

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND THE TOWN'S CODE OF ORDINANCES
COUNTY OF HORRY) SPECIFICALLY CHAPTER 17 [ZONING ORDINANCE]
) TO ALLOW FOR BINGO ESTABLISHMENTS AS A
TOWN OF SURFSIDE BEACH) PERMITTED USE IN HIGHWAY COMMERCIAL (C1)

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 27 day of August, 2019; and

WHEREAS, the Mayor and Town Council desires to amend Chapter 17 [Zoning Ordinance] to allow for Bingo establishments as a permitted use in the Highway Commercial (C1) zoning district; and

WHEREAS, on August 9, 2019, the Planning Commission has held a public hearing on the proposed amendment and has subsequently unanimously recommended *not* allowing bingo establishments within the town limits as a permitted use and has presented to council their recommendation by resolution.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina Chapter 17 of the Town's Code of Ordinance shall be amended as follows:

Include Bingo establishments as an allowed use in the Highway Commercial (C1) zoning district and require parking under Table 17-420 Parking Chart "R" one space for each employee, plus one (1) space for each 250 square feet of floor space.

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

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

EFFECTIVE DATE. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina

DRAFT

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of
Surfside Beach, South Carolina, in assembly and by the authority thereof, this _____
day of _____ 2019.

Robert F. Childs, III, Mayor

Ron Ott, Town Council

Debbie Scoles, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Mayor Pro Tempore

Bruce Dietrich, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk

DRAFT