



# CITY OF FOLLY BEACH

1<sup>st</sup> Reading: September 26, 2017

2<sup>nd</sup> Reading: October 10, 2017

Introduced by: Councilmember Stuckey

Date: September 26, 2017

## ORDINANCE 30-17

### AN ORDINANCE AMENDING THE FOLLY BEACH CODE OF ORDINANCES BY AMENDING SECTION 164.03-03, COMMERCIAL USES, SUBSECTION (G), OUTDOOR RETAILERS, TO CLARIFY WHEN OUTDOOR RETAILERS MAY OPERATE ON PUBLIC PROPERTY.

The City Council of Folly Beach, South Carolina, duly assembled, hereby ordains that the Folly Beach Code of Ordinances be amended as follows:

**Note:** Deleted material struck through; new material in red.

#### SECTION 164.03-03, COMMERCIAL USES

(G) *Outdoor retailers.* Outdoor retailers shall comply with the following standards:

(1) Outdoor retailers shall operate only on lots that have frontage on Center Street, East Ashley Avenue, and East Arctic Avenue in the Downtown Commercial or Island Commercial Zoning Districts.

(2) The property on which the business will be operated contains adequate space to support the proposed outdoor retail sales without encroaching into or creating a negative impact on existing buffers, landscaping, or traffic movements.

(3) A lot may have one outdoor retailer at a time per 2625 square feet. Multiple retailers may occupy the same lot, but at no time can the number of retailers operating exceed the maximum number allowed on the lot.

(4) If there is more than one outdoor retailer on a lot, the space used by each outdoor retailer must be at least five feet away from any part of the space being used by any other outdoor retailer.

(5) The business will be located so as not to interfere with the normal operation of any other permitted use of the property.

(6) The business will not cause interference with the movement of vehicular or pedestrian traffic to such an extent that adequate police, fire, or other emergency services cannot be provided.

(7) The hours of operation of the business will be from no earlier than 7:30 a.m. to no later than 10:00 p.m., except for food and beverage sales.

(8) ~~Unless the business has a franchise from the city, n~~ No business activity shall occur on a street, sidewalk, right of way, **beach**, or other public property or interfere with the public's use of such public property **unless the business has a franchise from the city or is being operated as part of a special event regulated by Chapter 153, Special Events, etc.**

(9) The business shall pick up, remove, and properly dispose of all trash or refuse created by the business as often as needed and at the end of business hours.

(10) The business shall not change locations within the City without prior notice to and permission from the city.

(11) The business shall comply with all other applicable provisions of the Folly Beach Code of Ordinances and the laws and regulations of South Carolina and the United States.

(12) Outdoor retailers located in the Island Commercial (IC) Zoning District shall be located only in commercial parking lots with more than ten spaces.

(13) No more than one outdoor retailer shall operate in any commercial parking lot located in the IC Zoning District.


(14) All aspects of an outdoor retailer business must be adequately secured against windstorms or be capable of being moved to a secure place quickly when a windstorm is approaching. In addition, an outdoor retailer business must be capable of being moved within 24 hours of getting notice from the city of an approaching tropical storm or hurricane.

**ADOPTED** this 10<sup>th</sup> day of October 2017, at Folly Beach, South Carolina.

Ayes: 5

Nays: 1

Abstains: \_\_\_\_\_

  
Signature Attest

  
\_\_\_\_\_  
Tim Goodwin, Mayor