



CITY OF FOLLY BEACH

1st Reading:
2nd Reading:

Introduced by: Mayor Goodwin
Date: June 8th, 2021

ORDINANCE 24-21

AN ORDINANCE AMENDING CHAPTER 164 (USE STANDARDS) SECTION 164.03-03 (COMMERCIAL USES) TO REQUIRE A RESTROOM AND TRASH RECEPTACLES FOR LOTS WITH OUTDOOR RETAILERS.

WHEREAS, Public restroom facilities are limited in the commercial districts of the City of Folly Beach; and

WHEREAS, Litter is a growing concern for our island community with surrounding sensitive habitats; and

WHEREAS, Outdoor retailers do not currently have to provide restroom or trash facilities.

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

NOTE: Deleted material struck through, new material in red:

SECTION 164.03-03 Commercial Uses.

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- (E) Outdoor storage. Outdoor storage uses (as a principal use) shall:
- (1) Be screened with a wooden fence or masonry wall no less than eight feet in height in accordance with § 166.09, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall; and
 - (2) Not allow customer or vehicular circulation to occur through the area used for outdoor storage.
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- (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) Beginning January 1, 2022, no outdoor retailer offering the sale of food or beverage shall be located on property that does not provide at least one restroom facility. Restroom facilities may be permanent or temporary and must:

(a) Remain open and accessible during the hours during which any food or beverage sales occur.

(b) Be screened from offsite views and adjacent rights-of-way in conjunction with § 164.04-05.

Screening enclosures must be approved by the DRB.

(c) Be maintained in a clean and orderly condition.

(d) Include a hand washing or sanitization station inside or in close proximity of the restroom.

~~(8)~~(9) 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 Ch. 153, Special Events, etc.

~~(9)~~(10) 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.

(a) Beginning January 1, 2022, no outdoor retailer offering the sale of food or beverage shall be located on property that does not provide at least one 96-gallon roll cart trash can per outdoor retailer. Each trash can must:

(1) Remain open and accessible during the hours during which any food or beverage sales occur.

(2) Be screened from offsite views and adjacent rights-of-way in conjunction with §164.04-05.

(3) Be maintained in a clean and orderly condition.

~~(10)~~(11) The business shall not change locations within the City without prior notice to and permission from the city.

~~(11)~~(12) 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)~~(13) Outdoor retailers located in the Island Commercial (IC) Zoning District shall be located only in commercial parking lots with more than ten spaces.

~~(13)~~(14) No more than one outdoor retailer shall operate in any commercial parking lot located in the IC Zoning District.

~~(14)~~(15) 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.

SECTION 164.04-05 Standards for Specific Accessory Uses and Structures.

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(G) Outdoor storage (as an accessory use). Outdoor storage (as an accessory use) shall meet all of the following standards:

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(3) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials may not be stored higher than the height of the primary structure.

ADOPTED this __ day of __, 2021, at Folly Beach, South Carolina.

Ayes: _____

Nays: _____

Abstains: _____

Municipal Clerk

Tim Goodwin, Mayor