

ORDINANCE 2021-10

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4. ZONING, ARTICLE 2. DISTRICT REGULATIONS, SECTION 5-4-38. TABLE OF PERMITTED USES IN COMMERCIAL DISTRICTS, SUBSECTION 5. OUTDOOR SALE OR RENTAL OR PERSONAL PROPERTY, INCLUDING FOOD AND BEVERAGE; PUBLIC EVENTS TO AUTHORIZE THE TEMPORARY USE OF NEW OR ADDITIONAL SPACE FOR OUTDOOR DINING SERVICES.

WHEREAS, a full recovery of the City's food and beverage industry after the demise of the current pandemic is critical to the full recovery of the health, welfare, culture and economy of the City and its residents;

WHEREAS, the City should maximize outdoor dining opportunities by food and beverage establishments, while minimizing adverse impacts from, among other things, overcrowding, noise and traffic.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1: That Title 5, Planning and Development, Chapter 4 Zoning, Article 2 District Regulations, Section 5-4-38 (5) be amended by adding subsection (e) to read as follows:

(e) Temporary Suspension of Regulations Governing Outdoor Dining Areas: Restaurants are authorized to offer outdoor dining services dining on site. The temporary suspension shall expire on January 31, 2023.

- i. The restaurant shall be properly licensed by appropriate state and local agencies to perform any activities, sales, and services.
- ii. The restaurant shall comply with all applicable laws relating to litter, noise, and other livability matters.
- iii. Outdoor dining areas shall not be located more than two hundred feet (200') seaward of the right-of-way of Ocean Boulevard or within one hundred sixty feet of the OCRM baseline established along the beach of the Atlantic Ocean.
- iv. Outdoor dining areas shall not encroach within any public rights-of-way.
- v. Outdoor dining areas shall not encroach into or interfere with required handicapped parking spaces.
- vi. Outdoor dining areas shall not interfere with safe pedestrian and vehicular access or access required to be maintained under the Americans with Disabilities Act.
- vii. Outdoor dining areas shall not encroach within or interfere with fire and other emergency access.
- viii. Any sales and/or consumption of food and/or alcoholic beverages shall be in compliance with the provisions of any federal, state, and/or local laws and regulations governing same.

- ix. Outdoor dining areas shall comply with all applicable occupancy requirements and other provisions of the fire code.

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 27th DAY OF July, 2021.



Jimmy Carroll, Mayor

(Seal)

Attest:


Nicole DeNeane, City Clerk



First Reading: June 22, 2021
Public Hearing: July 27, 2021
Second Reading: July 27, 2021
Ratification: July 27, 2021