ORDINANCE 2016-08

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, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROHIBIT MOBILE AND TEMPORARY UNITS BEING USED FOR OUTDOOR SALE OR RENTAL OF PERSONAL PROPERTY, EXCEPT DURING CITY-HOSTED, -SPONSORED OR -SANCTIONED SPECIAL EVENTS.

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 Section 5-4-38, Subsections (5)(a) and (5)(b) "Outdoor sale or rental of personal property, including food and beverage; public events," is hereby amended by deleting the subsections in their entirety and replacing them with new paragraphs to state as follows:

> "(a) Outdoor sale of food or beverage, in whole or in part, in the GC-2 district more than two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is strictly prohibited. Outdoor sale of food or beverage, in whole or in part, in the GC-2 district within two hundred feet (200') seaward of the right-of- way of Ocean Boulevard is permitted only by special exception pursuant to section 5-4-5. Outdoor sale of food or beverage, in whole or in part, in the GC-3 district is permitted only by special exception pursuant to section 5-4-5. Outdoor sale or rental of other tangible personal property, in whole or in part, in the GC-2 and GC-3 districts is strictly prohibited. All activity associated with outdoor sale of food or beverage in the GC-2 and GC-3 districts must occur within the footprint of a permitted permanent structure. Any use of a mobile or temporary unit, including, but not limited to, food trucks, vehicles, trailers, and carts, is prohibited, except as provided in Section 5-4-38(5)(c) and 5-4-38(5)(d).
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> (b) Outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 district is permitted only by special exception pursuant to section 5-4-5; provided, however, that outdoor sale or rental of any tangible personal property, including food and beverage, in whole or in part in the LC or GC-1 district within one hundred sixty feet (160') of the OCRM baseline established along the beach of the Atlantic Ocean is strictly prohibited. All activity associated with outdoor sales or rentals in the LC and GC-1 districts must occur within the footprint of a permitted permanent structure. Any use of a mobile or temporary unit, including, but not limited to, food trucks, vehicles, trailers, and carts, is prohibited, except as provided in Section 5-4-38(5)(c) and 5-4-38(5)(d)."

SECTION 2. That 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 and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 25th DAY OF October, 2016.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: September 27, 2016
Public Hearing: October 25, 2016
Second Reading: October 25, 2016
Ratification: October 25, 2016