

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
TOWN OF ATLANTIC BEACH)

AN ORDINANCE TO AMEND THE LAND MANAGEMENT ORDINANCE TO REQUIRE ONLY ONE FRONT SETBACK PER PROPERTY.

WHEREAS, The Town of Atlantic Beach is empowered to amend its Land Management Ordinance to be consistent with the Comprehensive Plan and the changing needs of the Town, in its best interests, after review by the Town Planning Commission, public notice, and public hearing; and

WHEREAS, South Carolina Code § 6-29-310 empowers an appointed municipal planning commission to hear and make recommendations on zoning ordinance changes; and,

WHEREAS, Setback requirements for corner and double frontage lots limit the buildable area on such lots; and,

WHEREAS, The Planning Commission recommends that setback requirements of the Land Management Ordinance be revised to only require one (1) front yard setback when a property abuts multiple right-of- ways or the oceanfront.

NOW, THEREFORE, be it enacted and ordained by the Town Council of the Town of Atlantic Beach by the power and authority granted by the State of South Carolina that the Town of Atlantic Beach Land Management Ordinance is hereby amended as follows:

- 1) **Amendment to Article I. Introductory Provisions, Division 3. Definitions. Section 5.3.32 of the Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~strike through~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.32 Defined Terms

Frontage: The side of a lot that abuts a **public** street; ~~the front lot line.~~

Yard, Front: A yard extending between side lot lines across the front of a lot adjoining a public street ~~or the oceanfront.~~ In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three (3) feet, and no hedge nor vegetation shall be permitted which materially impedes vision across such yard between the heights of three (3) feet and ten (10) feet. Any yard which abuts a public street ~~or the oceanfront, including corner and double frontage lots,~~ is considered a front yard for the purposes of applying the standards of this Chapter. **In cases of multiple frontages on one lot, only the yard that abuts a public street in which it is addressed off of shall be considered the front yard.**

- 2) **Amendment to Article IV. Zoning Districts, Division 2. Bulk, Dimensional, and Density Standards. Section 5.3.420 of the Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~strike through~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.420 District Standards

Parcels within the individual districts are subject to bulk, dimensional, and density standards including, but not limited to, lot size, lot width, setbacks and required yards, building height, floor area ratio, and coverage maximums. The standards provided in Table 5.3.420A are the general requirements for the Town’s zoning districts. Where the use conditions prescribed by Article V or other provisions of this Chapter establish more restrictive standards than those found in Table 5.3.420A, the more restrictive standard shall apply.

Table 5.3.420A									
District Bulk, Dimensional & Density Standards									
STANDARDS	DISTRICTS								
	CP	R2	MS1	MS1R	MS2	G	HWY	WF1 (u)	WF2 (u)
Minimum Lot Area (in square feet)	None	6,000	7,000	7,000	7,000	7,500	15,000	22,500	22,500
Minimum Lot Width (in feet)	None	35	50	50	50	50	100	150	150
Maximum Structure Height		45 feet and no more than 3 stories	55 feet and no more than 5 stories	55 feet and no more than 5 stories	85 feet and no more than 8 stories	55 feet and no more than 5 stories	55 feet and no more than 5 stories	55 feet and no more than 5 stories	125 feet and no more than 12 stories
Maximum Building Coverage		40%	60%	50%	70%	60%	60%	45%	50%
Maximum Impervious Surface Coverage		40%	60%	50%	70%	65%	70%	45%	50%
Minimum Open Space	100%	55%	30%	40%	20%	20%	20%	45%	40%
Maximum Floor Area Ratio					1.75			.75	2.0
Density (minimum lot area in square feet per dwelling unit)									
Single-Family, attached		3,000		3,750					
Single-Family, detached		6,000		4,500					
Two-Family Dwellings		3,000		3,750					
Multi-Family		6,000	2,500	3,000	2,000		2,000	3,000	1,500

Table 5.3.420A

District Bulk, Dimensional & Density Standards ⁽⁺⁾⁽²⁾

STANDARDS	DISTRICTS								
	CP	R2	MS1	MS1R	MS2	G	HWY	WF1 ⁽¹⁾	WF2 ⁽¹⁾
Front Yard Setback (in feet) by Abutting Street/Feature									
Oceanfront		25	10	10	10	10	10	30 ⁽²⁾	30 ⁽²⁾
1 st Avenue		25	10	10	10	10	10	10	10
2 nd Avenue		25	10	10	10	10	10	10	10
3 rd Avenue		25	10	10	10	10	10	10	10
4 th Avenue		25	10	10	10	10	10	10	10
29 th Avenue S.		25	10	10	10	10	10	10	10
30 th Avenue S.		25	10	10	10	10	10	10	25
31 st Avenue S.		25	10	10	10	10	10	10	10
32 nd Avenue S.		25	10	10	10	10	10	10	10
US Hwy 17		25	20	20	20	20	20	25	25
All other Street Frontages		25	10	10	10	10	10	25	25
Front Yard Setback (in feet) for Building Heights Above 35 Feet by Abutting Street/Feature (where applicable)									
3 rd Avenue		25	10	10		10	10		
4 th Avenue		25	20	20		10	20		
29 th Avenue S.		25	20	20		10	20		
30 th Avenue S.		25	20	20		10	20		
31 st Avenue S.		25	20	20		10	20		
32 nd Avenue S.		25	20	20		10	20		
US Hwy 17		25	20	20		20	20		
Front Yard Setback (in feet) for Building Heights Above 45 Feet by Abutting Street/Feature (where applicable)									
Oceanfront								60	60

Table 5.3.420A

District BULK, Dimensional & Density Standards ⁽⁺⁾⁽²⁾

STANDARDS	DISTRICTS								
	CP	R2	MS1	MS1R	MS2	G	HWY	WF1 ⁽¹⁾	WF2 ⁽¹⁾
1 st Avenue								30	
2 nd Avenue					30			30	
29 th Avenue S.					30				30
30 th Avenue S.					60				75
31 st Avenue S.					30			30	30
Front Yard Setback (in feet) for Building Heights Above 45 Feet by Abutting Street/Feature (where applicable)									
32 nd Avenue S.					20			30	30
Side Yard Setback (in feet)									
Lots up to 8,000 square feet in area		5	5	5	5	5	5	5 ⁽³⁾	5 ⁽³⁾
Lots 8,000 to 15,999 square feet in area		5	10	10	10	5	10	5 ⁽³⁾	5 ⁽³⁾
Lots 16,000 square feet in area or greater		5	15	15	15	5	15	5 ⁽³⁾	5 ⁽³⁾
Rear Yard Setback (in feet)									
Lots less than 8,000 square feet in area		20	15	15	15	5	15	10	10
Lots 8,000 square feet or greater in area		20	30	30	30	5	15	10	10
Oceanfront Setback		25	10	10	10	10	10	30 ⁽²⁾	30 ⁽²⁾

Notes: (1) WF1 and WF2 properties may be eligible for designation as a Flexible Design District. This designation provides alternate height, coverage, FAR, and density standards.
 (2) At structure heights of 45 feet and greater, the ~~front yard~~ **oceanfront** setback (~~oceanfront~~) in the WF1 and WF2 districts is 60 feet. The oceanfront setback for lots northeast of 29th Avenue South and southeast of 32nd Avenue South is 5 feet, irrespective of height.
 (3) At structure heights of 45 feet and greater, the side yard setback in the WF1 and WF2 districts is increased to a distance equal to the front yard setback applicable to the lot.

- 3) **Amendment to Article IV. Zoning Districts, Division 3. Application of Standards. Section 5.3.432 of the Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~striketrough~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.432 Setbacks

- A. Setbacks, regardless of applicable height, shall be measured from the property line (or upward projection thereof) to the nearest portion of a structure, including overhangs, eaves, private decks, stairways, steps, and mechanical equipment. The setback distance is measured horizontally in a straight-line, irrespective of intervening structures or site features.
- B. Except where otherwise specified, setback requirements are not cumulative (i.e. buffer distances and other setbacks provided by this Chapter, are inclusive of, not in addition to, the standard setbacks for the district). Where a district requires an increased setback above a specified height, only that portion of the structure above the specified height is subject to the increased setback.
- C. In the MS1, MS2, WF1, and WF2 districts, street level arcades, awnings, and other pedestrian amenities may encroach into the setback by a distance of no more than ten (10) feet, provided such projection does not obstruct a sidewalk or other pedestrian way and that a minimum of eight (8) feet of height clearance is maintained.
- D. Any yard abutting a public ~~right-of-way~~ **street or the oceanfront** is subject to the front yard setbacks specified by Table 5.3.420A (see table “notes” for special WF1 and WF2 setbacks). **However, if a lot has multiple front yards, front setbacks shall only be applicable to the yard abutting the public street in which the lot is addressed.**
- E. Special setback standards for accessory structures and parking are provided in Article VI. No setback shall be required for landscaping, lagoons, retaining walls, street lights, and similar amenities.
- F. Zero Lot Line development (single-family, attached), where permitted, are exempt from the interior side yard setback requirements of this Article and are subject to the standards of Section 5.3.572.

- 4) **Amendment to Article X. Land Development Standards, Division 2. Subdivision Standards. Section 5.3.1023 of the Land Management Ordinance.** The Land Management Ordinance is hereby amended with all text shown in ~~striketrough~~ deleted and all text shown **underlined and bolded** shall be added.

SECTION 5.3.1023 Frontage

Lots created hereafter shall have frontage on and access to a public street. No subdivision shall be approved unless the lot(s) to be subdivided shall have a minimum of **thirty-five (35) feet of frontage on a public street in the R2 district and fifty (50) feet in every other zoning district** ~~of frontage on a public street~~. This requirement may be reduced to ~~thirty five (35)~~ **twenty-five (25)** feet **for lots in any zoning district** located on a cul-de-sac and to twenty (20) feet for a lot in an approved zero-lot-line development if, in the opinion of Administrator, such reduction would not hinder lot access and all other requirements of this Chapter can be met.

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 ordinance, which can be given effect without the invalid provision or application, and any such provisions are declared to be severable. All ordinances or parts thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption at second reading.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Atlantic Beach, South Carolina, in assembly and by the authority thereof, this _____ day _____ of _____, 2024.

Atlantic Beach Town Council

Jake Evans, Mayor

Josephine Isom, Mayor Protem

Edward Campbell, Councilmember

John David, Jr. Councilmember

Jacqueline Gore, Councilmember

Attest:

Town Clerk

Town Manager