

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

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP AND THE LAND MANAGEMENT ORDINANCE FOR THE TOWN OF ATLANTIC BEACH, SOUTH CAROLINA, SO AS TO AMEND THE ZONING FOR PIN 392-01-01-0167 FROM WATERFRONT DISTRICT 2 (WF2) TO THE BLACK PEARL OF THE ATLANTIC WF2-FLEXIBLE DESIGN DISTRICT (WF2-FDD)

WHEREAS, Ordinance Number 7-2019 authorizes the Town of Atlantic Beach to amend the Official Zoning Map for the Town; and

WHEREAS, the property owner(s) have requested to amend the maps for the above mentioned parcel of land; and

WHEREAS, the intent of the Flexible Design District(s) (FDD) is to provide for higher intensity development along the oceanfront, while providing for a higher level of design and public amenities consistent with the Town of Atlantic Beach Comprehensive Plan and 2007 Master Plan; and

WHEREAS, the Waterfront 2 Flexible Design District (WF2-FDD) is designed to complement the character and the uses allowable within the WF2 zoning district; however, the WF2-FDD district allows for greater height, floor area ratio, density, and building coverage than fixed zoning districts described in Section 5.3.400 through the use of incentivized flexible development standards; and

WHEREAS, Atlantic Beach Town Council finds that the request to amend the zoning from Waterfront Two (WF2) to the Black Pearl of the Atlantic WF2- Flexible Design District (FDD) is consistent with the Comprehensive Plan.

NOW THEREFORE by the power and authority granted to the Town of Atlantic Beach by the Constitution of the State of South Carolina and the powers granted to the Town by the General Assembly of the State, it is ordained and enacted that:

- 1) PIN 392-01-0167 is hereby rezoned from Waterfront Two (WF2) to the Black Pearl of the Atlantic WF2-Flexible Design District (FDD) as shown in Attachment A titled Official Zoning Map Amendment.
- 2) The Land Management Ordinance is hereby revised to incorporate the Black Pearl of the Atlantic WF2-FDD as detailed in Attachments B, C, D, E, F, and G.

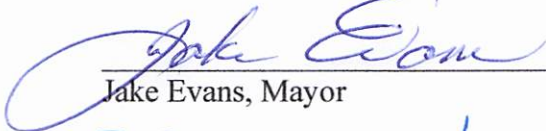
SEVERABILITY. If a section, sub-section, or part of the Ordinance shall be deemed or found in conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that section, sub-section or part of this Ordinance shall be deemed ineffective, but the remaining part of this Ordinance shall remain in full force and effect.

CONFLICT WITH PRECEDING ORDINANCES. If a section, sub-section or provisions of this Ordinance shall conflict with the provisions of a section, sub-section or part of a preceding Ordinance of the Town of Atlantic Beach, then the preceding section, sub-section or part shall be deemed repealed and no longer in effect.

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 29th day of August, 2024.

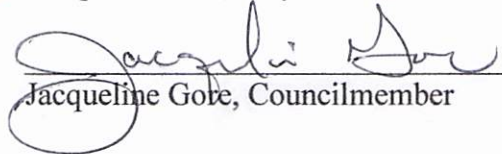
Atlantic Beach Town Council



Jake Evans, Mayor



Josephine Isom, Mayor Protem



Jacqueline Gore, Councilmember

Edward Campbell, Councilmember

John David, Councilmember

Attest:

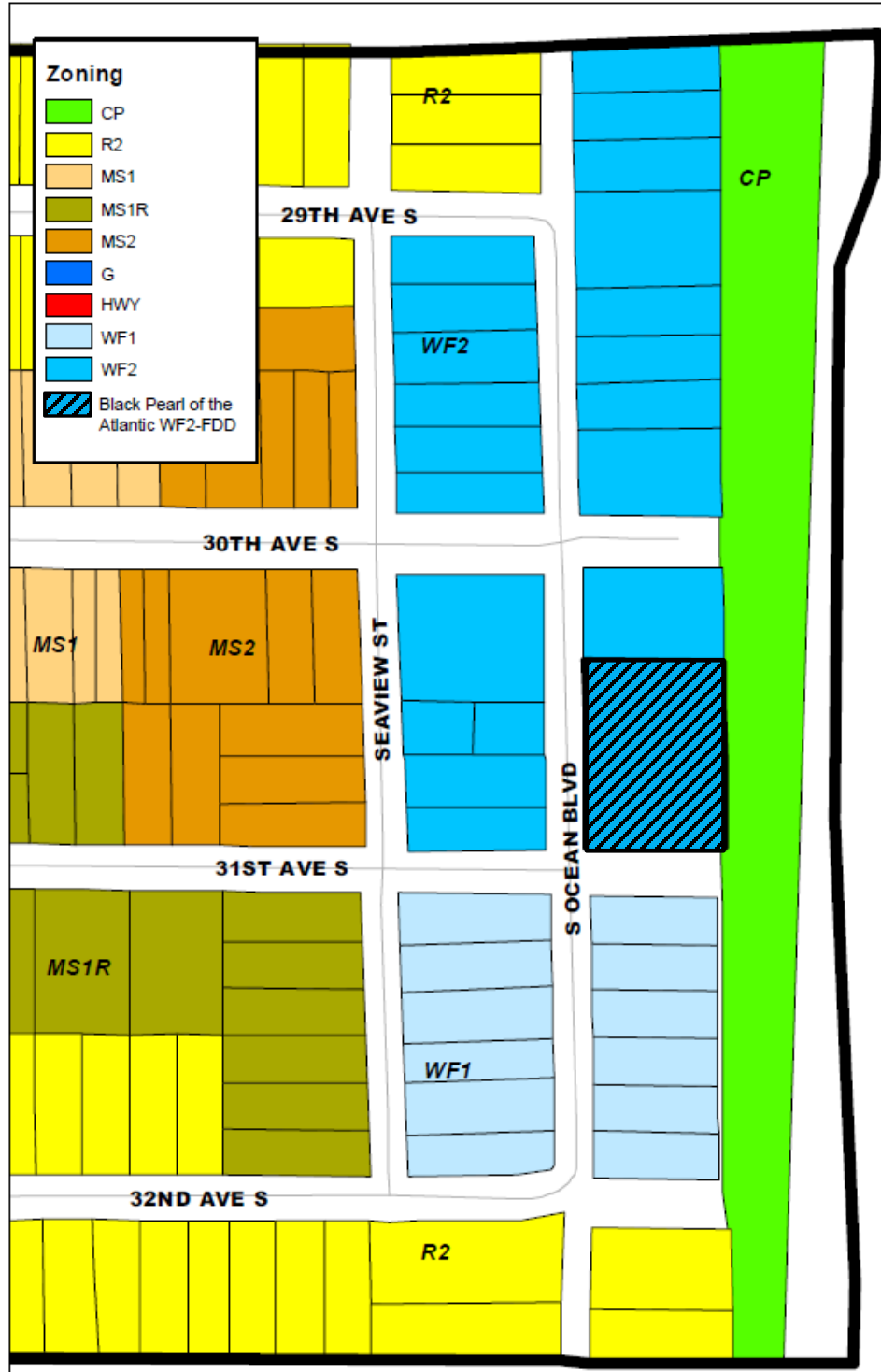


Town Clerk



Town Manager

ATTACHMENT A
OFFICIAL ZONING MAP AMENDMENT
TO REZONE FROM WATERFRONT TWO (WF2) TO THE BLACK PEARL OF THE
ATLANTIC WATERFRONT TWO – FLEXIBLE DESIGN DISTRICT
PIN NUMBER: 392-01-01-0167



ATTACHMENT B
DISTRICT STANDARDS FOR THE BLACK PEARL OF THE ATLANTIC WATERFRONT
TWO – FLEXIBLE DESIGN DISTRICT
PIN NUMBER: 392-01-01-0167

I. SUMMARY

**A. LEGAL DESCRIPTION FOR LOTS 9 THROUGH 11 (PIN 392-01-01-0167),
AS-SURVEYED AND SHOWN IN ATTACHMENT D.**

ALL AND SINGULAR, THAT CERTAIN PIECE, PARCEL, OR LOT OF LAND WITH ANY IMPROVEMENTS THEREON, SITUATE, LYING, AND BEING IN THE TOWN OF ATLANTIC BEACH, PEARL BEACH SECTION, HORRY COUNTY, SOUTH CAROLINA, BEING BOUND OF THE NORTH BY FIRST AVENUE (40' PUBLIC R/W), ON THE EAST BY IRENE TAYLOR FAMILY, LP, ON THE SOUTH BY THE ATLANTIC OCEAN, ON THE WEST BY 31ST AVENUE SOUTH (50' PUBLIC R/W) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FIRST AVENUE (40' PUBLIC R/W) AND 31ST AVENUE SOUTH (50' PUBLIC R/W), THENCE ALONG SAID FIRST AVENUE, A BEARING OF N 58°41'01" E, A DISTANCE OF 201.25 FEET TO A 1/2" REBAR FOUND, THENCE LEAVING SAID RIGHT-OF-WAY ALONG THE LANDS OF IRENE TAYLOR FAMILY, LP, A BEARING OF S 30°00'09" E, A DISTANCE OF 148.94 FEET TO A 1/2" REBAR FOUND, THENCE ALONG THE ATLANTIC OCEAN, A BEARING OF S 58°43'39" W, A DISTANCE OF 99.03 FEET TO A 1/2" REBAR FOUND, THENCE A BEARING OF S 30°48'53" E, A DISTANCE OF 11.15 FEET TO A 1/2" REBAR FOUND, THENCE A BEARING OF S 58°39'25" W, A DISTANCE OF 99.03 FEET TO A 1/2" REBAR FOUND, THENCE A BEARING OF N 30°59'25" E, A DISTANCE OF 11.12 FEET TO A 1/2" REBAR FOUND LOCATED ON EASTERN EDGE OF RIGHT-OF-WAY OF 31ST AVENUE SOUTH (50' PUBLIC R/W), THENCE ALONG SAID RIGHT-OF-WAY, A BEARING OF N 31°13'07" W, A DISTANCE OF 148.91 FEET TO A 1/2" REBAR FOUND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FIRST AVENUE (40' PUBLIC R/W) AND 31ST AVENUE SOUTH AND POINT OF BEGINNING AND CONTAINING 0.71 ACRES± (30,827 SQUARE FEET±).

B. STATEMENT OF INTENT AND OBJECTIVES FOR THE DISTRICT

The intent of The Black Pearl of the Atlantic Flexible Design District is to provide for pedestrian oriented, mixed-use, beachfront development. Uses are intended to be composed of a hotel, residential, and vacation units, retail, dining, nightclub, and cultural uses that are intended to bring the community together. Building height is permitted to reach 169 feet. The district incorporates development and height bonuses as permitted in the currently adopted Land Management Ordinance, while providing public amenities consistent with the Town of Atlantic Beach Comprehensive Plan, 2007 Master Plan, and Land Management Ordinance.

II. GENERAL PROVISIONS

A. PERMITTED LAND USES.

1. Uses.

Schedule of Uses			
P = Permitted by Right C = Conditional Use S = Special Exception N = Not Permitted			
Use Classifications	PIN NUMBER: 392-01-01-0167		Special Standards
	The Black Pearl - Flexible Design District		
Multi-family Dwelling	S		§5.3.506 §5.3.507 §5.3.555 §5.3.570
Eating Establishments, Low Seating Turnover	C		§5.3.506 §5.3.507 §5.3.530
Entertainment, Outdoor	C		§5.3.506 §5.3.507 §5.3.533
Health Club, Spa, or Gym	C		§5.3.506 §5.3.507 §5.3.544
Nightclub or Bar	C		§5.3.506 §5.3.507 §5.3.558
Eating Establishments, High Seating Turnover	C		§5.3.506 §5.3.507 §5.3.530
Souvenir or T-shirt Store	C		§5.3.506 §5.3.507 §5.3.575
Retail Sales or Services	C		§5.3.506 §5.3.507 §5.3.525
Department Store, Discount Store, and Gift Shop	C		§5.3.506 §5.3.507 §5.3.525
Hotel and Motel	C		§5.3.506 §5.3.549
Interval Occupancy and Short-Term Rental Residential Dwelling Units	C		§5.3.506 §5.3.507 §5.3.550

- a. Short-Term Rentals, as applicable to this development, shall be defined as the rental of all or part of a dwelling unit for a duration of occupancy of less than 30 days at a time. Such units are dedicated vacation rentals, where there are no primary occupants.
- b. Interval Occupancy and Short-Term Rental Units are not classified as permanent dwelling units.

2. **Densities.** Hotel, Multi-Family, and Interval Occupancy/Short-Term rental units shall not exceed 108 combined total units, allowing for flexibility in the combination of the type of units.

a. **Units Permitted.**

USES	MIN.	MAX.
Multi-Family	27	82
Interval Occupancy/Short-Term Rental units	36	108
Hotel Units	36	108

b. **Interval Occupancy or Short-Term Rental Dwelling Units Special Provisions:**

- i. If a special exception to allow for multi-family is not approved by the Zoning Board of Appeals, all units designated as multi-family may be developed as interval occupancy or short-term rental residential units.
- ii. The conversion of these hotel and multi-family units to interval occupancy or short-term rentals shall be permitted and supersede conversion restrictions as denoted in section 5.3.550D of the Land Management Ordinance.

B. DIMENSIONAL STANDARDS.

1. **Minimum Setbacks.** Minimum setbacks shall apply to the exterior boundaries of the property, as shown in Attachment C. These setbacks supersede the requirements of Table 5.3.420A.

Front – 15 ft
 Side – 10ft
 Rear (Oceanfront) – 20 ft

2. **Minimum separation distance.** Building separation shall meet the requirements of the International Building Code.
3. **Maximum Height.** The building shall not exceed 169 feet above ground level or 181 feet above sea level. With the appropriate FAA approval(s), necessary building appurtenances may extend beyond this height.
4. **Floor Area Ratio (FAR):** FAR for the entire project site shall not exceed 4.0.
5. **Maximum Building Coverage:** Maximum building coverage shall not exceed 70 percent.
6. **Maximum Impervious Surfaces:** Maximum impervious surfaces shall not exceed 80 percent. In order for this project to not exceed the 80 percent Impervious Surface Coverage limits, pervious pavers, green roofs, and other low impact design practices will be utilized.
7. **Minimum Open Space:** A minimum of 15 percent of the property shall be maintained as open space.

III. SPECIAL PROVISIONS

The following are special provisions that vary from the underlying requirements of the Land Management Ordinance. Unless expressly stated below or within this ordinance, the Black Pearl of the Atlantic WF2-FDD shall meet all other requirements of the Land Management Ordinance.

A. **LANDSCAPE AND TREE COVERAGE.** The project will meet the post development landscape requirements. If all of the required landscaping cannot be provided onsite, the developer will install the remaining required plantings on an alternative publicly owned or maintained location chosen by the Town of Atlantic Beach.

B. **BEACH AND SHORELINE PROTECTION.** In addition to the permitted structures denoted in section 5.3.802, this project will also allow for the following design features within the Shore Protection Area: terraces, pools, patios or flat areas allocated for outdoor entertainment, in addition to public amenities, such as public parking and showers, as identified within this ordinance. All requirements of the South Carolina Beachfront Jurisdictional Baseline and Setback line shall be met.

C. **PARKING CALCULATIONS**

1. Hotel / Multi-Family / Interval Occupancy/ Short Term Rental Units= 1.5 parking spaces per unit
2. Other Uses = 4 spaces per 1000 heated sf.

D. **ON AND OFFSITE SIGNAGE.**

1. **Additional Permitted Sign Types.** In addition to the permitted signs provided by Table 5.3.724(A)(11), this project will also allow for the following signs:

- | | | |
|------------------------|-----------------------|----------------|
| window | restroom blade | banner |
| small glass | banners | motion |
| horizontal blade | vehicular directional | vertical blade |
| monumental id | awning | street sign |
| parking id | flat | directory |
| pedestrian directional | big store sign | |

Figure 1: Additional Permitted Sign Types



2. **Maximum Signage per Lot** shall not be limited to the cumulative maximum area of signage, provided by Table 5.3.724(A)(11). Individual sign area shall not exceed 800 sf.
3. **Wayfinding and Identity Signage.** Wayfinding and identity signage may be pursued offsite in the Town, within building setbacks, and in the public right of way with the proper permits and approvals. No wayfinding sign shall exceed 400 sf. See Attachment E for the Wayfinding Signage Plan.

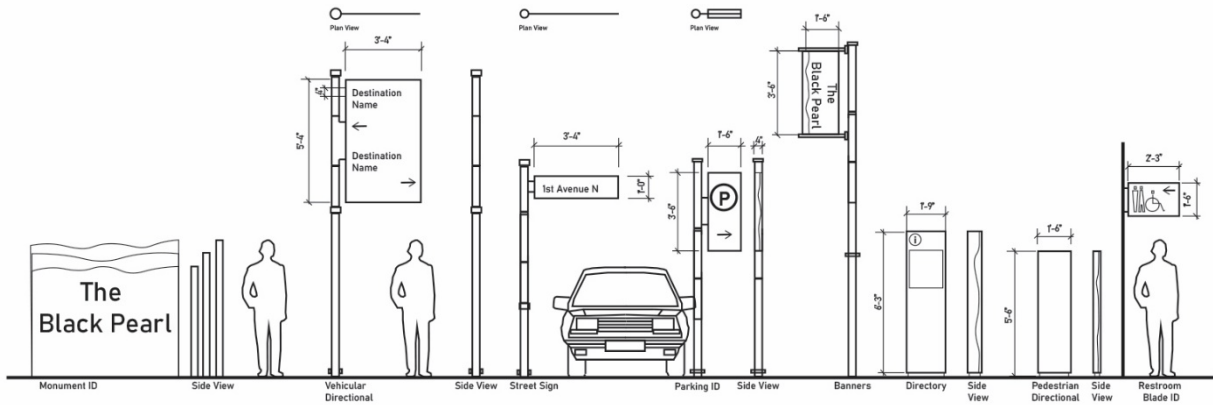


Figure 2: Examples of Wayfinding and Identity Signage

4. **Public Art**, such as: sculpture(s), mosaic(s), fountains / water elements, fine art crafts, earthworks, environmental artworks, murals, drawings, and paintings, monuments shall be permitted, allowed onsite, and not considered signage.

IV. PUBLIC AMENITIES

A. **ESTIMATED PROJECT COSTS.** The following details the estimated project costs, including construction, land, demolition, utility relocation, and the percent required to develop public amenity facilities.

Construction (without public amenity features)	\$ 55,200,000
Demolition	\$ 200,000
Land	\$ 1,450,000
Total Project Cost Estimate	\$ 58,717,393
Percent Required to Development Public Amenity Features	3.38%

B. **PUBLIC AMENITY FEATURES AND CONSTRUCTION COST ESTIMATES.** The following are the responsibility of the developer to provide as a benefit to the Town. Construction for public amenities shall begin upon commencement of project. In understanding construction sequencing / phasing, some items may begin before others. All public amenity features shall be completed prior to the issuance of a certificate of occupancy for the development. Public amenity features shall be completed, regardless of an increase or decrease in construction costs. Inability to provide an amenity or changes to the planned amenity features shall require an amendment of this ordinance for the project to proceed.

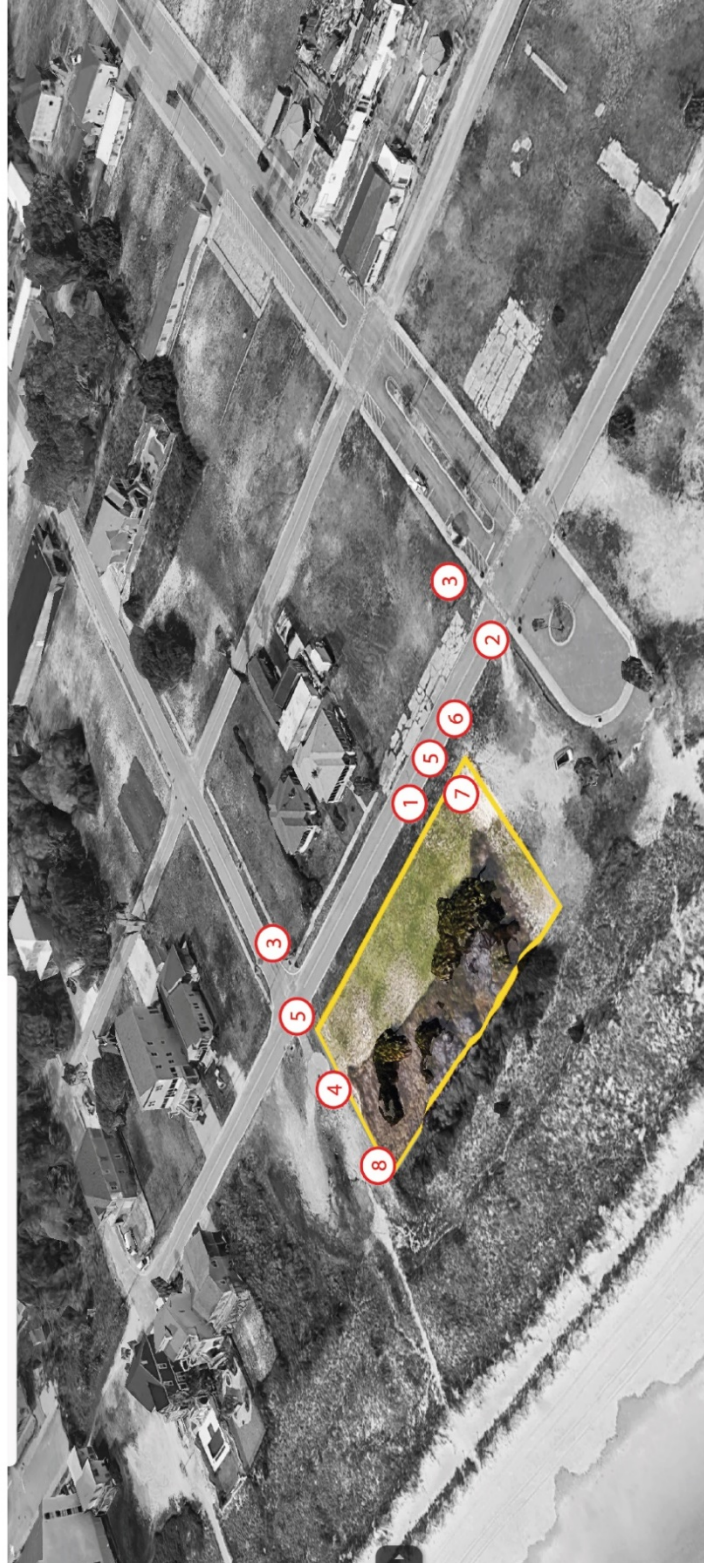
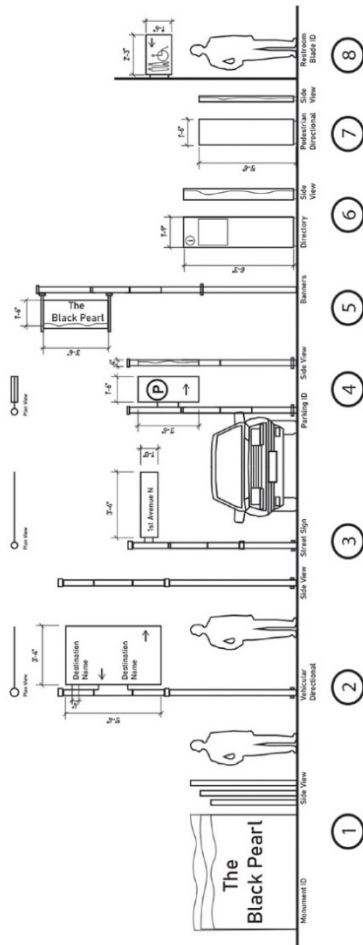
Streetscape Beautification on Ocean Boulevard, provided SCDOT approval -	
- Brick pavers for intersections and crosswalks -	\$546,000.00
- Landscaping (96 palms and 384 shrubs) -	\$115,680.00
Improved ADA accessible beach Access and Boardwalk	
\$229,000.00	
- Two public ADA beach access points. See beach access plan	
- Beach Access points shall be owned by the town, but maintained by Morant Properties or owner's representative	
- Any needed easements are owned by the town of Atlantic Beach	
- Developer will sign guarantee and/or legal instruments ensuring perpetual Public use and dedication agreements	
- Developer will sign a guarantee denoting maintenance schedule	
25 community parking spaces (not included in the project parking calculations) -	
\$80,000.00	
- Located on the West boundary property line of property. See conceptual site plan	
- Community Parking lot will be owned by the town, but maintained by Morant Properties or owner's representative/delegate	
- Property is owned by the town of Atlantic Beach	
- Developer will sign guarantee and/or legal instruments ensuring perpetual Public use and dedication agreements	
- Developer will sign a guarantee denoting maintenance schedule	
Community Public Showers -	
\$175,000.00	
- Located Alongside shore. See beach access plan	
- Beach Access point shall be owned by the town, but maintained by Morant Properties or owner's representative	
- Any needed easements are owned by the town of Atlantic Beach	
- Developer will sign guarantee and/or legal instruments ensuring perpetual Public use and dedication agreements	
- Developer will sign a guarantee denoting maintenance schedule	
Sidewalks and Crosswalks -	
\$375,000.00	
- Ocean Blvd, 8' wide, both sides of street	
- Upgrade exist8ing crosswalk at Atlantic Street	
Asphalt milling and overlay on Ocean Boulevard, Atlantic, 31st provided SCDOT approval -	
\$176,950.00	
<hr/>	
TOTAL PUBLIC AMENITY FEATURES COST(S)	
<i>\$1,697,630 + 10% contingency =</i>	\$1,867,393.00

ATTACHMENT E
CONCEPTUAL WAYFINDING SIGNAGE PLAN FOR THE BLACK PEARL OF THE ATLANTIC WF2-FDD
 PIN NUMBER: 392-01-01-0167

Signage Legend

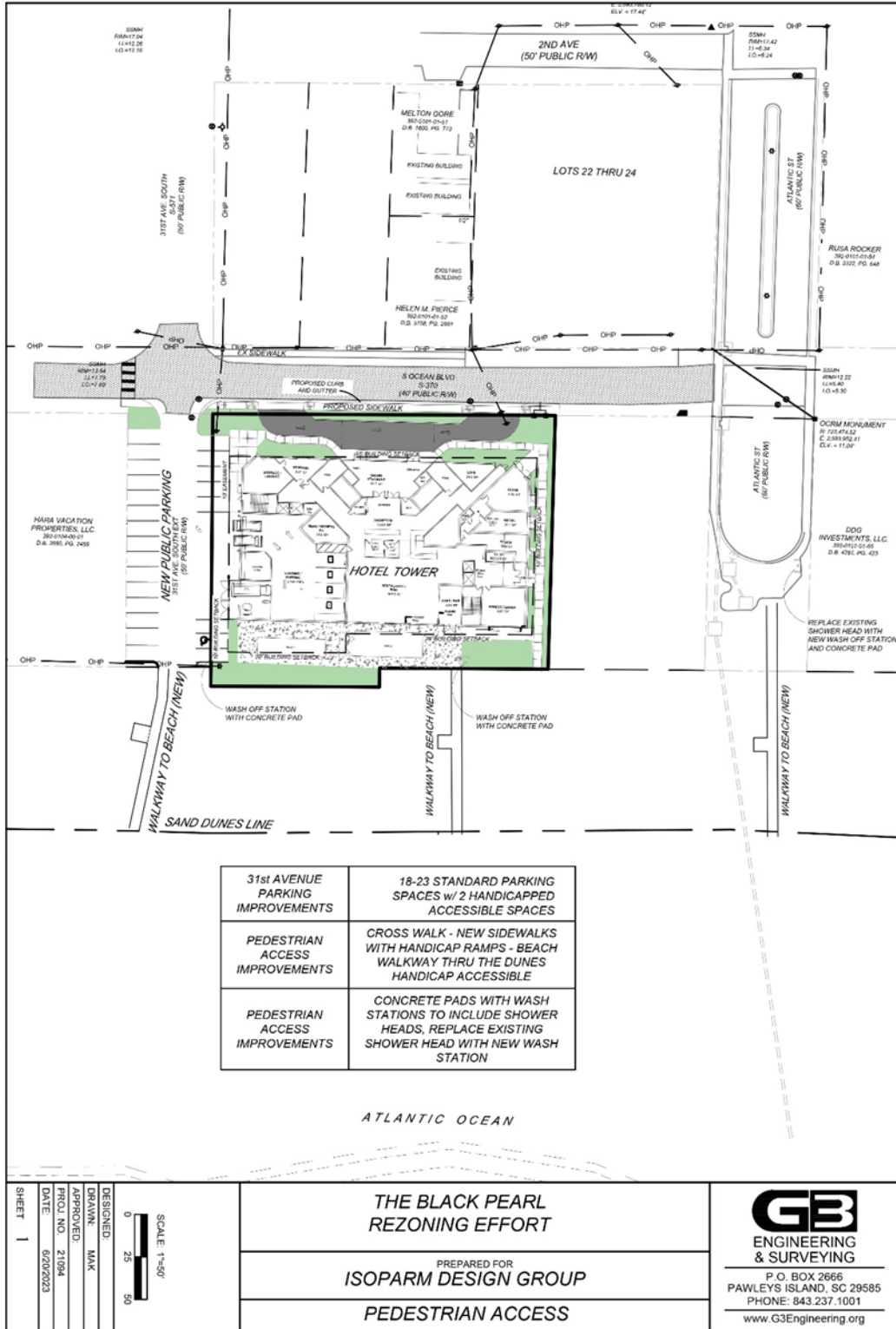
All proposed wayfinding signage shall be located in the public right of way or within the property boundary for the proposed BLACK PEARL Oceanside Tower.

Final signage location to be determined as design is finalized



Conceptual signage plan
 shown for illustration purposes only

ATTACHMENT F
BEACH ACCESS AND SIDEWALK PLAN FOR THE BLACK PEARL OF THE ATLANTIC
WF2-FDD
PIN NUMBER: 392-01-01-0167



31st AVENUE PARKING IMPROVEMENTS	18-23 STANDARD PARKING SPACES w/ 2 HANDICAPPED ACCESSIBLE SPACES
PEDESTRIAN ACCESS IMPROVEMENTS	CROSS WALK - NEW SIDEWALKS WITH HANDICAP RAMPS - BEACH WALKWAY THRU THE DUNES HANDICAP ACCESSIBLE
PEDESTRIAN ACCESS IMPROVEMENTS	CONCRETE PADS WITH WASH STATIONS TO INCLUDE SHOWER HEADS, REPLACE EXISTING SHOWER HEAD WITH NEW WASH STATION

DESIGNED: _____
 DRAWN: MAK
 APPROVED: _____
 PROJ. NO. 21084
 DATE: 02/02/2023
 SHEET 1

SCALE: 1"=50'
 0 25 50

THE BLACK PEARL
REZONING EFFORT

PREPARED FOR
ISOPARM DESIGN GROUP

PEDESTRIAN ACCESS

G3
ENGINEERING & SURVEYING

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 PAWLEYS ISLAND, SC 29585
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