

## Regular Meeting of the City Council

Tuesday, February 8, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

An agenda information packet is available for public inspection on the website at  
[www.surfsidetx.org](http://www.surfsidetx.org)

**NOTICE IS HEREBY GIVEN** that the City Council of the Village of Surfside Beach will conduct its Regular Meeting scheduled for **7:00 p.m. on Tuesday February 8, 2022**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/82804862016?pwd=M3Bma1hBTGFsOWdvUFJZaGNOMTZ6QT09> Meeting ID: 828 0486 2016 Passcode: 1304

The City Council reserves the right to meet in closed session on any agenda item, should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

### COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Mayor/council/committee/departement head/organization reports
- 4) Business of visitors not on the agenda.
- 5) **ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.**

#### CONSENT AGENDA:

- A. Consider approval of minutes from the Council meeting on January 11, 2022.
- B. Consider approval of the January 2022 financials.
- 6) Discuss update on the groin and renourishment project. *Bisso*
- 7) Discuss and take possible action on Ordinance 2022-02-08A calling the General Municipal Election. *Davenport*
- 8) Discuss and take possible action on Ordinance 2022-02-08B calling a Special Election to increase the city sales tax. *Bisso*
- 9) Discuss and take possible action on a Short-term Rental Ordinance recommendation from the Planning Committee. *Green-Prats*
- 10) Discuss and take possible action regarding adoption of the most recent IBC Building Codes. *Green-Prats*

- 11) Discuss and take possible action on recommendations from the Planning Committee regarding the changes and reinstatement of the NC zoning designation ordinance. *Green-Prats*
- 12) Adjourn

**CERTIFICATION**

I hereby certify that a true and correct copy of the above and foregoing "Notice of Meeting" by the City Council was posted on the front bulletin board of the City Hall of the Village of Surfside Beach, Texas, said notice was posted Friday, January 7 at or before 5:00 PM, and remained so posted continuously for at least 72 hours before the scheduled time and date of the afore mentioned meeting.

  
Amanda Davenport, City Secretary



## Minutes of Regular Meeting of the City Council

Tuesday, January 11, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

### COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE  
Mayor Bisso called the meeting to order at 7:00 p.m. Oscar attended via zoom due to Covid.
- 2) INVOCATION, PLEDGE OF ALLEGIANCE – Chief Wood gave the invocation.
- 3) Mayor/council/committee/department head/organization reports  
Chief Wood gave the monthly PD activity report.  
Robert King - presented the EMS billing numbers  
Mayor Pro Tem Capretta – SOBS is placing Christmas trees on dunes day  
Beach Advisory Committee – Beach plan discussion regarding updates;  
Peggy Llewellyn – Freeze grant emergency expenses completed and all other expenses are now opened up for FEMA assistance.  
Jennie Green-Prats- put complete agenda packet on website;  
Mayor Bisso – Bluewater Highway resurfacing completed and striped; moving sand back to Beach from the Hurricane Nick erosion; still making sewage system repairs and looking for funding for system update.
- 4) Business of visitors not on the agenda. NONE
- 5) ***ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.***

#### CONSENT AGENDA:

- A. Consider approval of minutes from the Council meetings on December 14, 2021 and December 20, 2021.
- B. Consider approval of the December 2021 financials.

Motion by Mayor Pro Tem Capretta to approve the consent agenda as presented. Motion was seconded by Green-Prats and approved unanimously.

- 6) Discuss update on the groin and renourishment project.  
Mayor Bisso gave the update stating that the project is still moving along.
- 7) Discuss and take possible action to allow the Tourism and Beautification committee to paint the electrical/utility box at the Splash Pad.  
Motion was made by Llewellyn for more information from the committee. Motion was seconded by Green-Prats and approved unanimously.

- 8) **Discuss and take possible action to approve alcohol being distributed by Vendors free of charge at a city sponsored event.**

Motion was made by Green-Prats to allow vendors to distribute Beer and Wine at the Wings Over Surfside event. Motion was seconded by Llewellyn and approved unanimously.

- 9) **Discuss and take possible action on a request to approve changing City Hall staff hours to a 4/10 work week and changing city hall hours to 7:30 a.m. – 6 p.m. Monday – Friday.**

Motion was made by Petty to approve changing the hours for city hall staff. Motion was seconded by Mayor Pro Tem Capretta and passed unanimously.

- 10) **Discuss and take possible action to change the meeting time for the Planning Commission meetings.**

Motion was made by Green-Prats to change the Planning Committee meeting times to 6 p.m. on the 4<sup>th</sup> Wednesday of each month. Motion was seconded by Llewellyn and passed unanimously.

- 11) **Discuss and take possible action on recommendations from the Planning Committee regarding the changes and reinstatement of the NC zoning designation.**

Motion was made by Green-Prats to table this item. Motion was seconded by Llewellyn and passed unanimously.

- 12) **Adjourn**

  
\_\_\_\_\_  
Gregg Bisso, Mayor

Attest:

\_\_\_\_\_  
Amanda Davenport, City Secretary

**ORDINANCE NO. 2022-02-08A**

**AN ORDINANCE OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, CALLING THE ANNUAL GENERAL ELECTION OF OFFICERS FOR SAID VILLAGE; PROVIDING FOR A JOINT MUNICIPAL ELECTION AND DESIGNATING THE POLLING PLACE THEREOF; ESTABLISHING THE QUALIFICATION FOR CANDIDATES FOR OFFICE; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND FIXING THE DEADLINE TO ACCOMPANY SUCH APPLICATIONS; PROVIDING FOR THE QUALIFICATIONS OF ELECTORS; APPOINTING OFFICERS OF SAID ELECTION AND THE COMPENSATION TO BE PAID TO THE ELECTION JUDGE AND CLERKS; AND CONFIRMATION BY THE MAYOR OF SAID VILLAGE OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

**SECTION ONE (1) – ANNUAL GENERAL ELECTION CALLED.**

Pursuant to provisions of Section 22.03, Texas Local Government Code, the Mayor and City Council of the Village of Surfside Beach, Texas hereby order that a joint election shall be held in and throughout the Village of Surfside Beach, Texas, on the 7th day of May, 2022, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P. M., for the purpose of electing the following named officers of the Village to office, to-wit:

Two (2) Aldermen-at-large positions and the Mayor position, of which are presently held by Jennie Green-Prats, Peggy Llewellyn and Gregg Bisso, respectively.

**SECTION TWO (2) – MUNICIPAL ELECTION PRECINCT AND POLLING PLACE.**

For the purpose of the annual general election called by this Ordinance, the entire Village of Surfside Beach, Texas, shall constitute one (1) Municipal election precinct and the polling place therefore shall be the Surfside Beach City Hall, located at 1304 Monument Drive, within the Corporate Limits of said Village and all other voting locations as prescribed by the Brazoria County Election Clerk throughout Brazoria County.

**SECTION THREE (3) – CANDIDATES ELIGIBILITY AND APPLICATIONS.**

Everyone who is a U.S. Citizen, has attained the age of eighteen (18) years, who is a registered voter in the Village, who has resided within the State for a period of twelve (12) months and for six (6) continuous months within the Incorporated Limits of the Village of Surfside Beach, Texas preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, (including other requirements of the Texas Election Code Section 141.001) shall be eligible to become a candidate for the office of Alderman-at-Large. or (12) continuous months for the office of Mayor, of the Village of Surfside Beach, Texas, by filing a sworn application in writing containing the matters set out in Section 141.031, Texas Election Code, with the City Secretary of the Village of Surfside Beach, Texas, no sooner than January 19, 2022, and no later than February 18, 2022.

**SECTION FOUR (4) – ELECTORS.**

Every person eligible to vote under the provisions of Section 22.03, Texas Local Government Code who is a resident of the Village of Surfside Beach, Texas, and who is registered to vote in

the precinct where and on the day on which he or she votes shall be entitled to vote at said election.

#### **SECTION FIVE (5) – OFFICER OF ELECTION AND COMPENSATION THEREOF.**

Brazoria County, Texas, shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The County Clerk shall make emergency appointments of election officials if necessary. Upon request by the County Clerk, the Village of Surfside Beach agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). The rate of pay of the judge who actually presides at said election shall be at an hourly rate of \$12.00. Each election clerk will receive compensation at an hourly rate of \$10.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies before election day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks who attend training will receive \$30.00 as compensation for same.

#### **SECTION SIX (6) - EARLY VOTING.**

The Mayor and City Council of the Village of Surfside Beach, Texas, agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Chapter 32 of the Texas Election Code. The Mayor and City Council of the Village of Surfside Beach agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Village further agrees that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of \$12.00. The clerks at each location will receive compensation at an hourly rate of \$10.00.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Applications for voting by mail should be mailed, to be received no later than the close of business (5:00 pm) on April 26, 2022. Any requests for early voting ballots to be voted by mail received by the Village of Surfside Beach shall be forwarded immediately by fax or courier to the County Clerk's Election Department for processing. If faxed, the original should be forwarded to the County Clerk's Election Department.

The County Clerk's Election Department shall, upon request, provide the Village of Surfside Beach and/or the general public with a copy of the early voting report, as well as a cumulative final early voting report following the election. Early voting in person begins on April 25, 2022 and ends on May 3, 2022.

Brazoria County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk's Election Department, shall appoint two or more additional members to constitute the EVBB. The County Clerk's Election Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

#### **SECTION SEVEN (7) – METHOD OF VOTING AND CONDUCTING ELECTION.**

All early voting and all voting on the day named above for the holding of said general annual election shall be by means of the voting system available from the voting machine department of Brazoria County, Texas. This manner of holding said election will be governed by the laws of the State of Texas governing general elections and as provided in this ordinance. The County Clerk's Election Department of Brazoria County, Texas, is hereby authorized and directed to procure the necessary supplies for said election, to make arrangements within the voting

machine department of Brazoria County, Texas, and is further authorized and directed to do and perform any and all other acts required by the Texas Election Code conducting Joint Municipal Elections and to do and perform any and all other acts required by the applicable laws of the United States of America.

**SECTION EIGHT (8) – NOTICE OF ELECTION.**

The Mayor of the Village of Surfside Beach, Texas, is hereby authorized and directed to issue notice of said election, to cause the same to be posted for at least ten (10) days before the date named above for the holding of said joint general annual election at the place within the Incorporated Limits of the Village of Surfside Beach, Texas, normally used to post notices of meetings of the City Council and to be published in the *Brazosport Facts*, a newspaper published in the City of Clute, Brazoria County, Texas, having a general circulation within the Corporate Limits of said Village, not less than ten (10) nor more than thirty (30) days before the date named above for the holding of said general annual election.

**SECTION NINE (9) – RATIFICATION AND CONFIRMATION BY MAYOR.**

By signing this Ordinance, the undersigned Mayor of the Village of Surfside Beach, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

**SECTION TEN (10) – EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon its passage and approval.

**READ, PASSED AND APPROVED this 8th day of February 2022.**

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Gregg Bisso, Mayor  
Village of Surfside Beach, Texas

**ATTEST:**

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Amanda Davenport, City Secretary  
Village of Surfside Beach, Texas

**ORDINANCE NO. 2022-02-08B**

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN AND THROUGHOUT THE VILLAGE OF SURFSIDE BEACH, BRAZORIA COUNTY, TEXAS, ON THE QUESTION OF THE ADOPTION OF ONE FOURTH OF ONE PER CENT (.025 per \$1.00) DEDICATED PURPOSE LOCAL SALES AND USE TAX WITHIN THE CITY FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC INFRASTRUCTURE, DESIGNATING THE DATE OF THE ELECTION AND THE POLLING PLACE, APPOINTING OFFICIALS THEREFOR ) PROVIDING THAT ALL DULY QUALIFIED RESIDENT ELECTORS SHALL BE QUALIFIED TO VOTE, PRESCRIBING FORM OF BALLOT, PROVIDING FOR NOTICE OF ELECTION, CONTAINING OTHER PROVISIONS RELATING TO SAID ELECTION, PROVIDING FOR SEVERABILITY, AND DECLARING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON EXECUTION.

**WHEREAS**, Section 321.101 of the Texas Tax Code authorizes the governing body of any city, town or village in Texas to call an election for the purpose of adopting a local sales and use tax within such city, town or village; and

**WHEREAS**, as a beach tourism destination, the Village of Surfside Beach, Texas faces an overwhelming burden to construct and maintain public infrastructure to accommodate the residents and visitors to the city; and

**WHEREAS**, the Village of Surfside Beach faces further, unique challenges to construct and maintain public infrastructure due the proximity to the Gulf of Mexico, unstable sandy soil, tropical storms, and other adverse physical conditions of a barrier island community; and

**WHEREAS**, the current sales tax rate in Village of Surfside Beach is below the statutorily authorized rate, and below the rate collected by the large majority of municipalities in the State of Texas, and neighboring municipalities;

**WHEREAS**, the City Council finds that an increase of revenue is required to construct and maintain public infrastructure through raising the sales tax rate to the statutorily authorized level.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, BRAZORIA COUNTY, TEXAS:**



**SECTION ONE – Election Called**

Pursuant to Section 321.101 of the Texas Tax Code, the Mayor and the City Council of the Village of Surfside Beach, Texas hereby order and ordain that an election shall be held jointly and concurrently with the General Election in and throughout the Village of Surfside Beach, Texas, on the 7th day of May, 2022, at which election there shall be submitted to the resident qualified voters of said City, for their action thereupon, the following propositions:

**FOR:**  
The adoption of a sales and use tax dedicated to the limited purpose of the construction and maintenance of public infrastructure at the rate of one-fourth of one percent (.025 per \$1.00).

**AGAINST:**  
The adoption of a sales and use tax dedicated to the limited purpose of the construction and maintenance of public infrastructure at the rate of one-fourth of one percent (.025 per \$1.00).

**SECTION TWO--Form of Ballot**

The ballot used at said election shall conform with the requirements of the Texas Election Code, Local Government Code of Texas, and the Texas Election Code, and shall contain the following proposed ballot language, to-wit:

**FOR:**  
The adoption of a sales and use tax dedicated to the limited purpose of the construction and maintenance of public infrastructure at the rate of one-fourth of one percent (.025 per \$1.00).

**AGAINST:**  
The adoption of a sales and use tax dedicated to the limited purpose of the construction and maintenance of public infrastructure at the rate of one-fourth of one percent (.025 per \$1.00).

**SECTION THREE--Municipal Polling Places**

As provided in the Joint Election Agreement and Contract for Election Services between the City and the Brazoria County Clerk Election Department, incorporated herein by reference, there shall be one (1) municipal polling place within the corporate limits of the City, the Surfside Beach City Hall located at 1304 Monument, Surfside Beach, Texas, where all voters of the City shall vote on the day of such election. On that

day, voting will also be permitted at the Election Day Polling Locations and during the specific hours as set by the Brazoria County Clerk.

**SECTION FOUR--Officers of Election and Compensation Thereof.**

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services mentioned above.

**SECTION FIVE--Electors.**

To be eligible to vote in such election, a person must, on the date such person votes, be (1) eligible to vote under the provisions of Chapter 2 of Title 2 of the Texas Election Code, (2) a resident of the City, and (3) duly registered to vote in the Brazoria County, Texas, election precinct which includes that portion of the corporate limits of the City of Surfside Beach where such voter resides.

**SECTION SIX--Early Voting.**

Early voting shall begin on April 25, 2022, and end on May 3, 2022, such early voting to be conducted by the County Clerk of Brazoria County, Texas, during the hours and at the Early Voting Polling Locations, as set by the Brazoria County Clerk as set forth in the attached Exhibit A and as may be amended and updated by the Brazoria County Clerk.

**SECTION SEVEN--Method of Voting and Conducting Election.**

Both early voting and all voting on the day named above for the holding of the election called by this ordinance shall be in the manner specified in the Joint Election Agreement and Contract for Election Services mentioned above.

**SECTION EIGHT--Notice of Election.**

The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said general annual election on the bulletin board used for posting notices of meetings of the City Council of the City, and to be published in the Brazosport Facts, a newspaper published in the City having a general circulation therein and

the official newspaper of the City, not later than ten (10) days nor earlier than thirty (30) days before the date named above for the holding of said general annual election.

**SECTION NINE--Ratification and Confirmation by Mayor.**

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

**SECTION TEN--Severance Clause**

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

**SECTION ELEVEN--Effective Date**

This ordinance shall be effective immediately upon its passage and approval.

**READ, PASSED AND ADOPTED this 8TH day of February, 2022.**

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Gregg Bisso, Mayor

**ATTEST:**

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Amanda Davenport, City Secretary

Sec. 12-25. - Adoption of Texas Windstorm Insurance Association Building Code for Windstorm Resistant Construction.

The village does hereby expressly adopt the provisions of the Texas Windstorm Insurance Association Building Code for Windstorm Resistant Construction, which became effective December 31, 1998, together with all future editions, revisions and supplements of same, and it is hereby adopted as a part of the building code for the village.

(Ord. No. 2004-15A, § 2, 12-14-2004)

Sec. 12-27. - More stringent provision shall prevail.

The same rules and regulations as printed in any copy of the code shall be admitted into evidence with the same force and effect as the rules and regulations included in sections 12-23, 12-25 and 12-26 and the more stringent provision shall prevail.

(Ord. No. 2004-15A, § 4, 12-14-2004)

Mayor Bisso & Council,

I have provided you some documentation regarding the change to Surfside Zoning Ordinances. The first item I have provided is Section 50-8 (Neighborhood Commercial) as it was prior to its removal in 2014 (Exhibit A). As you are aware, this Section was removed on August 19, 2014. This left a vacancy in the Ordinance that is referred to as a "Reserved" section. Consequently, a new Section 50-8 can be put in place and essentially just replace the old one. I have included as Exhibit B a proposed replacement Section 50-8. The vast majority of this proposal came from Alderman Llewellyn's recommendations, with a few tweaks.

As far as implementation, I have included Sections 50-20(c) & (d) of the Ordinances as Exhibit C, so that there is some clarification. I would recommend tackling this change, and the subsequent potential rezoning of any area, in at least two separate events. The first event should be simply adding Neighborhood Commercial as a "new" zone. This would require a public hearing.

Then, at a different date, I would recommend another public hearing for any potential rezoning that is to be done. All the mailing of notice and publication of notice would have to be followed for this hearing.

I believe the first public hearing can be done at the next Council meeting, followed by any modifications Council wishes to make to the proposed "new" Section 50-8. I wanted to get this to all of you early enough that you have time to read it before the next meeting and come with a list of suggestions. If you have any questions prior to the meeting, feel free to get it touch with me. My Surfside e-mail is [prosecutor@surfsidetx.org](mailto:prosecutor@surfsidetx.org), and my cell phone is (832) 425-2355. I'll be happy to assist anyway that I can.

Sincerely,

Patton D. Ritter

## EXHIBIT A

### Section 50-8 As Removed August 19, 2014

Sec. 50-8. - NC Neighborhood commercial.

- (a) *Purpose.* No building, structure or land shall be used and no building or structure shall be erected, constructed, reconstructed, moved or altered, except for one of the uses identified in subsection (d) of this section, subject to all applicable provisions of these zoning regulations.
- (b) *Minimum lot area.* Minimum lot area for the NC neighborhood commercial zone is 5,000 square feet.
- (c) *Minimum setback.* Minimum setback requirements are a minimum of 25 feet from the property line; a minimum of five feet from the property line on the sides; a minimum of ten feet from the property line on the back roof eaves, not to exceed 18 inches.
- (d) *Permitted uses.* Permitted uses in the NC neighborhood commercial zone are as follows:
  - (1) Beauty shop and barbershop with no more than two stations.
  - (2) Catering business.
  - (3) Day care center caring for no more than six children.
  - (4) Duplex.
  - (5) Florist shop.
  - (6) Library, museums.
  - (7) Professional office employing no more than three.
  - (8) Retail shop employing no more than three.
  - (9) Studio for tutor, music instructor or photographer.
  - (10) Similar business types
- (e) *Minimum floor space.* Minimum floor space requirement shall be 800 feet total.
- (f) *Minimum parking.* Minimum parking shall be one parking space per 200 square feet of building space with a minimum of **four** parking spaces.

## EXHIBIT B

### Section 50-8 Replacement Proposal

Sec. 50-8. - NC Neighborhood commercial.

- (a) *Description and purpose.* The NC Neighborhood commercial zone is a neighborhood shopping zone, wherein retail business establishments or service establishments supply commodities or perform services to meet the daily needs of the neighborhood. Uses which might be harmful to nearby residents are not permitted in this zone. This specifically excludes wholesale uses, warehouses, automobile repair, and automobile sales. The uses of the NC Neighborhood commercial zone shall be designed in a way so as to be operated completely compatible to, and harmonious with, the character of surrounding residential areas. This zone also excludes those uses specifically listed as permitted in C-2, and includes more stringent requirements for uses allowed in C-1, such as hours of operation, parking requirements, and lighting requirements. This zone also excludes mobile homes and HUD-code manufactured homes.
- (b) *Minimum lot area.* Minimum lot area for the NC neighborhood commercial zone is 5,000 square feet.
- (c) *Minimum setback.* Minimum setback requirements are a minimum of 25 feet from the property line; a minimum of five feet from the property line on the sides; a minimum of ten feet from the property line on the back roof eaves, not to exceed 18 inches.
- (d) *Permitted uses.* Permitted uses in the NC neighborhood commercial zone are as follows:
  - (1) Residential Uses:
    - a. Same as the permitted uses in the R-1 Residential Zone listed in Section 50-5(b).
    - b. Two-family dwellings (Duplexes).
  - (2) Public Uses:
    - a. Parks.
    - b. Police Stations.
    - c. Fire Stations.
    - d. Public Utilities.
  - (3) Commercial Uses:
    - a. Abstract title company.
    - b. Artist studio/gallery.
    - c. Bakery stores.
    - d. Banks and financial institutions.
    - e. Beauty shops and barbershops.
    - f. Book stores.
    - g. Catering businesses.
    - h. Clothing stores.
    - i. Dance studios.

- j. Day care centers with no more than six children.
  - k. Drug stores.
  - l. Florist shops.
  - m. Groceries.
  - n. Home for aged and orphans with no more than four residents.
  - o. Bed and breakfast with no more than 4 guest rooms.
  - p. Libraries, museums.
  - q. Professional offices.
  - r. Dine-in cafes/coffee shops that do not seat more than eight people and do not serve alcohol.
  - s. Sporting goods stores
  - t. Studios and retail craft stores, such as kite shops and sign shops.
  - u. **Similar businesses.**
- (e) *Floor space.* Floor space shall be a minimum of 800 square feet and a maximum of 3000 square feet.
  - (f) *Minimum parking.* Minimum parking shall be one parking space per 200 square feet of building space.
  - (g) *Vehicular traffic.* Any use in this zone shall not create customer related or delivery related vehicular traffic in excess of five customer vehicles at a time.
  - (h) *Maximum number of employees.* Any use in this zone shall have a maximum of three employees on premises at any given time.
  - (i) *Hours of operation.* Commercial uses in this zone cannot be opened to the public before 8 AM or after 10 PM.
  - (j) *Signage.* All lighted signs shall be shielded so that the lights do not shine on any adjoining property. Additionally, all signs must be physically attached to the building or on property owned or leased by the owner of the sign.
  - (k) **grandfathered—Any area designated as NC under the 2014 Repealed ordinance [ Section 50-8 (Neighborhood Commercial) ] is allowed.**



## EXHIBIT C

### Village of Surfside Beach, Code of Ordinances, Sections 50-20(c) & (d)

(c) *Changing the ordinance from which this chapter is derived.* The city council shall hold a public hearing to consider any proposed change. Written notice of all public hearings before the city council on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice to be given not less than ten days before the date set for hearing to all such owners. Such notice may be served by depositing the same, properly addressed postage paid, at a United States post office. Before the 15th day before the date of the public hearing, notice of the time and place of the hearing must also be published in a newspaper having general circulation in the village. If the city council is in favor of the proposed change, it may, after the 30th day after the notice to the property owners is given and after the public hearing, make such change in the ordinance.

(d) *Passage of rezoning regulations where written protest is filed.* In case, however, of a written protest against such change, signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the city council. The provisions of the previous section relative to public hearing and official notice shall apply equally to all changes or amendments.