

O R D I N A N C E

AMENDING SECTIONS 5.1 AND 5.3.D OF THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE TO ADD RESTAURANTS WITH OUTDOOR COOKING AS A USE PERMITTED BY SPECIAL EXCEPTION

WHEREAS, some restaurants desire to cook certain foods outdoors; and

WHEREAS, the Unified Development Ordinance does not address the issue of outdoor cooking at restaurants; and

WHEREAS, outdoor cooking at restaurants is an appropriate activity in some situations but may have impacts on surrounding uses; and

WHEREAS, permitting a use by the special exception process requires a detailed examination of the proposal and allows conditions to be attached to approval of the use; and

WHEREAS, staff has prepared an amendment to the Unified Development Ordinance to allow restaurants with outdoor cooking as a use permitted by special exception in certain commercial districts; and

WHEREAS, this amendment has been presented to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on August 25, 2009, with notice of the hearing published in *The Beaufort Gazette* on August 10, 2009;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Unified Development Ordinance of the City of Beaufort, South Carolina* be amended as follows:

1. Delete the current Use Tables in Section 5.1 "Use Tables" and replace them with new Use Tables to read as shown on the attached sheets.
2. Revise Section 5.3.D "Specific Use Standards, Commercial Use," by adding a new paragraph 21, "Restaurant with Outdoor Cooking," to read as follows, and renumbering the existing paragraphs as appropriate:

21. Restaurant with Outdoor Cooking

Restaurants incorporating outdoor cooking are permitted by special exception subject to the following standards:

- a. Restaurants existing at the time of adoption of this ordinance that have been approved by the Administrator to utilize outdoor cooking are

