

August 9, 2018

Memo to: City Council  
From: John Pedersen  
Subject: Proposed Overlay Zone

As you are aware, Tuesday's agenda includes second reading of an ordinance establishing a downtown overlay district. The zoning overlay is proposed to restrict the sale of items that do not match the family-friendly environment that we all desire. Some of the items glorify a drug culture, while others contain sexually explicit messages. Yet another category are sales barkers unrelated to the business from which they operate. This briefing lays out my reasons for recommending approval of this ordinance.



City Council has clearly prioritized four goals. One goal, downtown revitalization, is directly on point. The other three, crime reduction, economic development, and the maintenance of aging structures and infrastructure, are closely tied to downtown redevelopment. Recently, Council has taken steps to both manage our current challenges, as well as to permanently change the environment and the culture of our downtown (see attached). Over that period a vision for the downtown has been evolving. While the City has hired

a consultant to put a point on that vision, everyone agrees that we need to make our downtown more family friendly. At a minimum, visitors and locals should feel as safe and secure downtown as they would at other public destinations such as a shopping mall or outdoor retail and dining development. Unfortunately, our downtown does not currently meet the standards of these competing destinations.

At the core, this is not a complicated issue. The question is "Does the sale of these items in our downtown promote a family-friendly environment?" For me the answer is simply "No". We also need to ask ourselves "If our residents are not comfortable downtown, then why should our guests be?" I can think of no good answer to that question.

You may encounter two arguments to defend the status quo. First, you may hear that "these are legal products,". SLED's testing results are not back, but my recommendation does not depend on whether the products test slightly above, or slightly below, legal THC thresholds. Nor does it matter whether the smoking devices sold in these stores could conceivably be used to smoke legal substances. I doubt that many parents or visitors care about these technicalities either. Regardless of their legality, these items tend to glorify a drug culture and are not conducive to a family friendly environment.



You may also hear, "Well, those items can be sold in other places, so why prohibit them here?" Zoning determines what goes where and which uses are compatible with other uses. Zoning is a core function of local government. Allowing or prohibiting certain uses in certain places happens in zoning decisions made every day by local elected officials across this country. Previous City Councils have already taken the step to define this environment by zoning our sexually oriented businesses, body piercing and tattooing. The ordinance before you is consistent with those previous actions.

Thank you for the opportunity to explain my recommendation. I will be glad to answer any questions.

**Sample of Recent Efforts to Improve our Downtown**

- Much more intensive law enforcement effort
- Crime enforcement through environmental design
  - Led lighting for the backstreets
  - Ripley's steps
- Engagement of master planning firm to help Council finalize its downtown vision
- Enhanced code enforcement
- Pedestrian counters (in progress)
- Financial incentives
  - Floating zone
  - Financial incentive vouchers (south bay inn and suites; gateway galleria)
  - Bailey Bill
  - Designation of historic district (in progress)
  - Opportunity zones (in progress)
- Activation of outdoor spaces
  - Food Truck Festival
  - Seafood Festival
  - Gospel festival – "MB Waves of Praise"
  - Children's theater
  - OMA events
  - Boardwalk Bonanza
  - Craft beer festival
  - Salt games
- Beautification efforts
  - Hanging baskets
  - Sidewalk designs
  - Power washing sidewalks
  - Nance plaza improvements (proposed)
- Focus on the arts
  - Discussion of proposed arts district
  - Goddess of the Sea installation in Plyler Park
  - Installation of sidewalk art
- Lessons learned from other communities
  - Trips to Columbia, & Greenville
  - DRC downtown forum with presentations from Greenville and Durham
  - DRC briefing by Spartanburg
- Collaborative efforts and partnerships
  - Proposed partnership with CCU for performing arts center
  - Proposed partnership with EdVenture for children's museum
- Demolition of blighted properties
- Streetscape improvements
  - Completion of underground utility conversion on Ocean Blvd.
  - Changed Ocean Blvd configuration, extension of bike lanes thru the downtown.