
Section 101. Authority
Section 102. Ordaining clause
Section 103. Title and Citations
Section 104. Purpose and Intent
Section 105. Jurisdiction
Section 106. Use of Land or Buildings
Section 107. Parking Installation
Section 108. Joining of Lots for Development
Section 109. Required Establishment of Legal Entity to Care for Common Areas
Section 110. Penalty
Section 111. Validity
Section 112. Repeal of Conflicting Ordinances
Section 101. Authority
This Zoning Ordinance is adopted pursuant to the authority conferred by the Code of Laws of South Carolina and specifically Title 5 and Chapter 29 of Title 6 (1976), as amended.

Section 102. Ordaining Clause
An ordinance to regulate the location, bulk, number of stories, and size of buildings and other structures, the percentage of lots which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of populations, and the uses of buildings, structures and land for trade, industry, residence, recreation, conservation, protection against floods, public activities, and other purposes; to create districts for said purposes; to provide for the method of administration, amendment, and appeal; to define the duties of the planning commission with respect to those regulations; to provide for the imposition of penalties for violations of these regulations; to establish a means by which conflicting regulations can be repealed; and for other purposes.

Section 103. Title and Citations
BE IT ORDAINED by the Mayor and Council of the City of Myrtle Beach, South Carolina:

This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Myrtle Beach, South Carolina, and will also be referred to in this document as the “Ordinance.” The map referred to herein shall be known and may be cited as the Zoning Map of the City of Myrtle Beach, and will also be referred to in this document as the “Zoning Map”.

Section 104. Purpose and Intent
The purpose of the Ordinance is to guide development in accordance with the City’s Comprehensive Plan and existing and future needs of the City.

These provisions shall be held to be the minimum requirements adopted for promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the City. They have been designed:

104.A. To provide for adequate light, air, and open space;

104.B. To prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;

104.C. To facilitate the creation of a convenient, attractive, and harmonious community;

104.D. To protect and preserve scenic, historic, or ecologically sensitive areas;

104.E. To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;

104.F. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;

104.G. To secure safety from fire, flood and other dangers; and
104.H. To further the public welfare in any other regard specified by City Council.

Section 105. Jurisdiction
This Ordinance shall govern all development within the incorporated area of the City of Myrtle Beach, together with such adjacent incorporated areas of Horry County that the City Council and the Horry County Council may jointly agree to become governed by this Ordinance.

Section 106. Use of Land or Buildings
No land or building shall be used or occupied, and no building or part thereof shall be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is or will be located. Also, in the case of developments, whether involving structures or not, which are part of a present or future project, development, or complex, a unity of design and character will be maintained.

Section 107. Parking Installation
All required parking and loading/unloading areas shall be fully installed prior to the release of a certificate of occupancy for any principal building or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, vehicular service needs requiring loading or unloading space or whenever a use is changed so as to require more parking or loading space to serve that use, or when a conversion in use occurs. Such off-street parking and loading area shall have direct access to a street or alley, and shall be developed and maintained in accordance with the landscaping provisions provided in Article 9 of this Ordinance.

Section 108. Joining of Lots for Development
Contiguous lots that are to be joined for development or redevelopment must be combined. A combination plat meeting the requirements of Section 20 Subdivision Regulations of the Code of Ordinances for the City of Myrtle Beach must be recorded in the office of the Register of Mesne Conveyance for Horry County.

Lots separated by a public street, alley, railroad or other public land or water body are not considered contiguous for the purpose of joining lots for development or redevelopment.

Section 109. Required establishment of legal entity to care for Common areas before Certificate of Occupancy can be issued.

109.A. Every commercial development, or residential development that contains any element of a common area, or a limited common area, as defined by state law in Title 27 must be subject to a lawfully formed legal entity that can maintain, repair or replace said common areas, or limited common areas.

109.B. The legal entity shall be formed in accordance with the laws of the State of South Carolina in Title 27, as shown by appropriate documents that shall be recorded with the Horry County Register of Deeds Office;

109.C. The filed documents shall contain a perpetual right of access over all common areas and private streets for the benefit of governmental agencies for installing, removing and reading water meters; maintaining and replacing water and sewer facilities, fire lines and
acting for other purposes consistent with public safety and welfare including without limitation, law enforcement, fire protection, emergency services, garbage collection and the delivery of mail.

109.D. Proof of recording of the required legal documents must be presented to the Director of Construction Services before a Certificate of Occupancy can be issued.

Section 110. Penalty
It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building or other structure without first obtaining the appropriate permit from the zoning administrator. A violation of any ordinance adopted pursuant to the provisions of this ordinance is hereby declared to be a misdemeanor under the laws of the state and, upon conviction thereof, an offender shall be liable to a penalty as set forth in City Code section 1-9. In the event any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is, or is proposed to be, in violation of this ordinance, the zoning administrator or any adjacent or neighboring property owner who would be especially damaged by such violation, may in addition to other remedies institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction or reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

Section 111. Validity
Should any section, subsection, paragraph, subdivision, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 112. Repeal of Conflicting Ordinances
All zoning ordinances and parts of zoning ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.