Article 4. Amendments

Section 401. Amendment Procedure
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Section 401. Amendment Procedure

401.A. Any amendment, change or supplement to the Zoning Map or Ordinance must be submitted through the planning department, to the Myrtle Beach Planning Commission for public hearing, review and recommendation.

401.B. A signed and completed application form, together with the application fee for a zoning amendment, change, or supplement shall be filed with the city planning director. The city planning director or his assignee shall review the application as to proper form, then shall transmit same to the Planning Commission for public hearing, review and recommendation to City Council. Changes or amendments initiated by Myrtle Beach City Council do not require an application filed through the city planning director or his agent.

401.C. A public hearing shall be scheduled by the Planning Commission to be held not more than forty-five days after the filing of the rezoning application.

401.D. Notice of the time and location of the public hearing shall be published in a newspaper of general circulation in the City at least ten days prior to the public hearing.

401.E. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice visible from each public thoroughfare that abuts the property. The notice(s) shall be posted not less than ten days before the public hearing.

401.F. Any groups that have expressed in writing, to the Planning Department, an interest of being informed of zoning proceedings shall be mailed notice of such meetings not less than ten days before the public hearing.

401.G. In a case where an individual application for rezoning of property is proposed, the City shall notify by mail all property owners within 300 feet of the proposed rezoning not less than ten days before the public hearing.

401.H. The Planning Commission shall have thirty days from the public hearing within which to submit its recommendation to the City Council. The report submitted to the City Council shall contain a summary of all significant issues or concerns presented at the public hearing. If the Commission fails to submit a recommendation within the thirty-day period, it shall be deemed to have recommended approval of the requested amendment.

401.I. All amendments, changes or supplements to the Zoning Map or Ordinance must be adopted by ordinance by City Council in accordance with S.C. Code §5-7-270.
Section 402. Required Information
The applicant shall set forth a detailed description of the amendment on an application provided by the city planning director or his agent. When the amendment involves a change in the zoning district map, the applicant shall submit the following information:

402.A. A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the City map.

402.B. Name, address, and phone number of applicant.

402.C. Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title.

402.D. Filing date of application.

402.E. Applicant's and owner's signature.

402.F. A copy of the subject property deed most recently filed in the Horry County Office of the Register of Mesne Conveyances.

402.G. Any other information required by the Planning Commission

Section 403. Findings of Fact Required
In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council. Factors shall include, but shall not be limited to, the following:

403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan or is justified by an error in the original ordinance.

403.B. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.

403.C. The capability of the City or other government agencies to provide any services, facilities, or programs that might be required if the petition were approved.

403.D. Effect of approval of the petition on the condition or value of property in the City.

403.E. Effect of approval of the petition on adopted development plans and policies of the City.
Section 404. Fees

404.A. A petition of any property owner to amend, supplement, or change the regulations, district boundaries or classification of property shall be accompanied by a fee as prescribed in the fee schedule as established by the City Council.

404.B. Fixed fees shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees based on actual processing costs shall be paid in full prior to second reading of the ordinance by City Council.

404.C. Fees shall not be required for amendments proposed or requested by any governmental agency or body.

Section 405. Limitations on Reapplication

A property owner or owners shall not initiate action for a zoning text or zoning map amendment within 12 months of City Council denial of the same request.