Article 19. Development Options

Section 1901. Purpose and Intent
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Section 1901. Purpose and Intent
Development options are provided to allow flexibility and creativity in design and to achieve development that utilizes unique aspects of a development site and that enhance the City. Regulations of the underlying zoning district prevail unless otherwise described in the sections below.

Section 1902. Sustainability & Conservation Development
The Sustainability & Conservation Development Option promotes a flexible, innovative and sustainable site design pattern which requires higher standards for master planning, as well as architectural, building and landscaping standards compared to existing requirements of most zoning districts.

1902.A. Intent. It is the intent of this section that Sustainability & Conservation Developments are:

1. To preserve and protect important natural resources such as groundwater, floodplains, wetlands, streams, and woodlands for natural flood control, filtration of pollutants, habitat for wildlife, and natural beauty; and

2. To promote a sustainable development tool that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land; and

3. To permit clustering of structures in a compact development pattern, which will reduce the amount of necessary infrastructure, including paved surfaces and utility connections; and

4. To reduce erosion and sedimentation of nearby streams and other bodies of water by minimizing land disturbance and removal of existing vegetation in close proximity thereof; and

5. To promote the creation of an interconnected parks and open space system within developed and undeveloped areas of Myrtle Beach and Horry County for citizens to enjoy and for wildlife to survive; and

6. To promote the interconnectivity of developments within and amongst neighboring communities, businesses and facilities through walking trails and bike paths to reduce the reliance on automobiles; and

7. To encourage social interaction in the community by clustering buildings and orienting them closer to the street, providing public gathering places, encouraging use of traffic calming features, and creating parks and community facilities that serve as focal points; and

8. To encourage complete street designs to better foster more human-scale environments including energy-efficient and healthy travel choices such as cycling and walking; and

9. To protect scenic views and reduce perceived density in popular viewsheds by clustering the dwelling units in neighborhoods with direct access to and view of the open spaces; and respectfully
10. To preserve important historic and archeological sites such as cemeteries.

1902.B. Applicability. The Sustainability & Conservation Development Option is allowed in any new subdivision in any district that allows residential uses, provided the provisions of this section are followed.

1902.C. Ownership of Development Site. The tract of land to be developed may be held in single or multiple ownership. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.

1902.D. Lot Density Determination. Lots within Sustainability & Conservation Developments are not subject to minimum lot width, lot frontage, or lot area, but the subdivision, nonetheless, must be approved by the Planning Commission. The maximum number of lots is based on a conventional subdivision design plan in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations. The following shall not be included in the net buildable acreage of the involved land parcel:

1. Floodways, identified with “AF” on the latest FEMA floodplain maps for Myrtle Beach;

2. Perennial and intermittent watercourses as well as bodies of open water over five thousand (5,000) square feet contiguous area;

3. Jurisdictional Wetlands that meet the definition of the U.S. Army Corps of Engineers (USACE) pursuant to the Federal Clean Water Act;

4. Existing and proposed rights-of-way for roads, utilities and other basic infrastructure needs.

1902.E. Basic Development Standards. The Sustainability & Conservation Development concept is intended to encourage green building and master planning that incorporates conservation of a substantial percentage of existing natural resource areas into the overall development site to the benefits of the natural environment, residents, and overall quality of life. In order to attain the maximum density ratio in accordance to underlying zoning as established through the density calculation set forth in section 1902.D – Lot Density Determination, the Sustainability & Conservation Development is based on the idea of accommodating its development into sustainable neighborhoods. Nonetheless, the increased density in these developments shall not visibly intrude into the character of the surrounding area nor shall the overall development negatively impair any wetlands or floodplains.

1. Unless otherwise stated below, or incentivized in section 1902.F - Incentives, dimensional and parking requirements are as specified in the zoning district in which the development is located.

<table>
<thead>
<tr>
<th>Minimum Access Easement to Open Space</th>
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2. Specific Open Space Requirements:
   a. Definition – Open Space within a Sustainability & Conservation Development is the portion of land that is to be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved Open Space Management Plan and/or any instrument of permanent protection as approved under section 1902.G. – Application Process Step IV.
   b. Minimum Open Space Area – The Minimum Open Space Required in section 1902.E.1 - Dimensional and Parking Requirements shall be left undeveloped and shall be used for both conservation of the natural environment and human recreation. Protected features within the mandatory Open Space Area may include:
      i. The regulatory 100-year floodplain;
      ii. Significant or sensitive wetlands considered not under the jurisdiction of the U.S. Army Corps of Engineers (USACE);
      iii. Intermittent and perennial watercourses and other bodies of water;
      iv. Habitats of rare, threatened and endangered species as listed by the S.C. Department of Natural Resources (SCDNR);
      v. Archeological and other State or locally listed historic preservation sites;
      vi. Undisturbed forests and of an area of at least 3 acres of contiguous area, provided, however, that the owner and the city shall work together with the S.C. Forestry Commission under its Fire Wise program to take necessary measures to prevent large-scale and uncontrollable wildfires;
      vii. Protected and landmark trees;
      viii. Tree clusters;
      ix. Other significant features of the local environment (e.g. Carolina Bays, old dune systems);
      x. Scenic viewsheds, particularly those that can be seen from a public road, river, beach or other publically accessible area;
      xi. Agricultural lands and soils of statewide importance (as indicated by the USDA).

1902.F. Incentives. The following incentives may be applied for and pursued by the sustainability & conservation developer. However, in no case shall the overall development density exceed a factor of 1.2 of the by-right development density as determined by the zoning district in which the S&C Development is located.

1. Water Ways and Wetland Protection Buffers: Vegetated (native vegetation only) buffer zones with a width of at least 50', measured from the top of bank, shall be preserved around all existing wetland and riparian areas (as indicated on the Site Analysis Map) to protect water quality, reduce flood hazards by providing natural floodwater retention areas, and to conserve sensitive fauna and flora habitat. Land development and removal of vegetation shall be prohibited within protection buffers, except:
   a. Roadway, driveway, and utility crossings that are the minimum necessary to allow for the development;
b. Recreational pathways, greenways, and other passive recreational access that shall incorporate design features to minimize impervious cover.

c. Temporary erosion and sediment control practices should be located outside the buffer unless absolutely necessary;

d. Selective thinning of low-hanging limbs and underbrush to allow scenic views, but tree destruction is prohibited and at least 50% of the tree canopy and understory shall be maintained at all times; and

e. Stream and wetland restoration projects.

It is permissible for the land developer to utilize the instrument of buffer averaging to adjust the overall required buffer width of 50’ while at the same time allowing design flexibility. If the development property includes both sides of a river, steam or linear watercourse the required buffer is intended to be provided on both sides.

☐ Incentive: One (1) additional multifamily dwelling unit per 3,000 sq.ft. of provided buffer area, provided, however, that no incentive shall be provided for any wetland buffers required as compensatory mitigation pursuant to a Clean Water Act, Section 404 permit issued by the U.S. Army Corps of Engineers for wetland impacts.

2. Trails and Open Space Connectivity: The provision of open space and multi-use trail interconnectivity between the proposed development and adjacent communities and existing open spaces, parks and/or trails shall be provided to an overall benefit to the health of citizens and wildlife alike.

☐ Incentive: Reduction in required side yard setback to zero (0) feet to allow for zero-lot developments, provided, however, that consent by the adjacent property owner to the zero setback and any necessary maintenance easements is obtained and recorded with the office of the Register of Mesne Conveyance for Horry County, and that the overall stormwater plan shall comply with the stormwater management ordinance and construction general permit.

3. Additional Provision of Open Space: The provision of any additional acreage of natural open space area above the minimum required in section 1902.E.1 - Dimensional and Parking Requirements.

☐ Incentive: One (1) additional multifamily dwelling unit for every (0.5) acre of additionally provided open space.
4. **Low-Impact-Development (Nonstructural Stormwater Management Practices):**

Low-Impact-Development (L.I.D.) is a common expression for nonstructural stormwater measures that can be easily incorporated into any development site design to optimize the land’s ability to locally absorb stormwater, thus capturing pollutants on-site and preventing major environmental impacts downstream. Low-Impact-Development practices, such as bioretention swales, raingardens, porous pavers, vegetated buffers, green roofs, etc., mimic the natural hydrologic absorption functions by utilizing absorptive soils and local plant communities that increase localized retention and transpiration of excess precipitation. L.I.D. may result in cost benefits for the developer, such as less required stormwater infrastructure, irrigation water savings, better aesthetics, and better insulation through green roofs. Although L.I.D. practices are encouraged for their additional water quality benefits, the overall stormwater plan shall comply with the stormwater management ordinance and construction general permit. All proposed L.I.D. features shall be illustrated on the applicant’s or developer’s plat.

- Incentive: One (1) additional multifamily dwelling unit per 1 acre of impervious area of locally treated stormwater runoff from added L.I.D. features.

5. **Native Landscaping/Xeriscaping:** Landscaping by the use of either indigenous plants or trees recommended in the Community Tree Planting Plan for Myrtle Beach, South Carolina that are suitable to the local soil, topographic, climatic and hydrological conditions of Myrtle Beach and which greatly reduce irrigation demands. All regulations of Article 9 - Landscaping and Tree Protection shall be adhered to.

- Incentive: One (1) additional multifamily dwelling unit per 0.5 acre of natively landscaped area, including the utilization of rain harvesting and/or water recycling for irrigation.

6. **Affordable Housing:** Provision of a certain percentage of dwelling units that meet the definition of “Affordable Housing” in Article 2 - Definitions. All affordable dwelling units shall be interspersed with the market-sold dwelling units and shall be similarly equipped to avoid any negative stigmatization and geographic segregation of eligible residents.

- Incentive: One (1) additional fair-market value multifamily dwelling unit per every one (1) affordable dwelling unit. In single-family Sustainability & Conservation Developments of 10 new single-family units or more, One (1) additional fair-market value single-family dwelling unit per every one (1) affordable dwelling unit.

7. **Energy and Water Efficiency/Sustainable Construction Certification:** There are many regional, national and international environmental ratings and certifications that have established sustainability and efficiency standards for buildings, site design and products. The South Carolina Energy Office has prepared a guide to provide better understanding of the most prominent green building programs in South Carolina. The main goal of this incentive is to reward implementation of the latest energy and water efficiency as well as sustainable building standards that will reduce the overall need for heating and cooling and water use. This can be achieved actively by installing innovative heating and cooling systems (e.g.,
geothermal, photovoltaic, solar panels), by improving insulation to a point where heating or cooling losses can be reduced to a minimum (zero), by the installation of efficient plumbing fixtures and appliances, etc.

- Incentive: Builder/Developer is eligible for a 10' increase in maximum allowed height of multifamily structures if all proposed structures can prove implementation of the latest energy and water efficiency standards in compliance with BOTH the latest energy efficient construction programs as part of The South Carolina Energy Office’s Energy Efficient Construction Program (Green Home Program) AND the national energy and water efficiency standards as outlined in the USEPA Energy Star and Water Sense Programs. The builder/developer must provide copies of certification letters stating the implementation of the latest energy and water efficiency standards within the development through a State or Federal Energy Office or any other accredited non-governmental organization.


Step I. Pre-application conference – The applicant/developer shall schedule a pre-application conference. This conference shall include, at a minimum, the applicant/developer and representatives of the Planning, Construction Services and Public Works Departments. The conference serves the purpose of discussing development options, clarifying procedures and requirements, including but not limited to submittal requirements, design standards, development incentives, open space management, and reviewing the intended proposal, development pattern, number of achievable development incentives, and open space management features. The applicant shall provide site-specific topographical maps, including wetlands, floodplains, and other natural resource features that occur, as well as basic maps depicting the location, pre-development site features, such as trees, and a sketch plan indicating the proposed development, including site ingress/egress, open space, and internal connectivity.

Step II. Preliminary Plan Submittal Requirements – The applicant/developer shall prepare 7 copies of a preliminary development plan, which shall include at a minimum the following:

a. A preliminary subdivision application meeting the requirements of Chapter 20 – Subdivision Regulations of the City Code of Ordinances for review and approval by the Planning Commission;

b. A General Location Map of suitable scale, but no less than one (1) inch = 1,000 feet, which shows the location of the property within the community and adjacent parcels including a general drawing illustrating the location of any public streets, railroads, bodies of water, as well as existing structures and utility easements, including acreage references, general geographic bearings and property boundaries;

c. A Site Analysis Map identifying existing natural resource assets to be protected and all development constraints on site, including all protected and landmark trees, and all hydrologic features, such as wetlands, Carolina Bays, streams, ponds, etc. as well as applicable flood zones, such as “A” and 100-Year Flood (AE) in accordance to the most recent FEMA Floodplain maps for Myrtle Beach. The Site Analysis Map shall include prominent topographic features, general vegetation characteristics, soil types, as well as the
proposed location of active and passive open space areas, such as parks and trails and landscaping specifications;
d. A Landscaping and Open Space Management Plan;
e. Engineering plans;
f. Stormwater plan, stormwater calculations and notice of intent; and
g. Notice of how many development incentives are being pursued and an analysis of how many density credits are achievable.

Step III. Department Review – After receipt and review of the Preliminary Plan, staff will provide review comments within thirty (30) business days. Thereafter, the Final Plans, as outlined below, shall be submitted.

Step IV. Final Plan Submittal – The final plan shall include:
  a. A final subdivision plat meeting the requirements of Chapter 20 – Subdivision Regulations of the City Code of Ordinances for review and approval by the Planning Commission; and
  b. An Open Space Management Plan showing all proposed and required vegetative buffer and open space areas, including such applicable natural features as streams and other protected bodies of water; wetlands; floodplains; endangered and/or threatened species and their habitat; archeological sites; as well as protected and landmark trees, protected forests, and other outstanding features of the natural environment to be protected as open space.
     i. The Open Space Management Plan shall allocate responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
     ii. The Open Space Management Plan shall include cost estimates for staffing, maintenance and operation, and insurance of the community open space network, including source identification of funding thereof.
     iii. Unmaintained or abandoned trails, open space or other areas detailed in the Open Space Management Plan may be entered upon and maintained by the City. The costs of such abatement may be recovered by the City by whatever legal means necessary.
  c. An Instrument of Permanent Protection regarding the common open space and conservation areas, including their public access points, as through a Conservation Easement or Permanent Restrictive Covenant. The instrument of permanent protection shall provide for perpetual protection of all common space areas within the Sustainability & Conservation Development, including clear covenants, and restrictions on the use and maintenance thereof and for any recreational facilities contained therein.
  d. Other requirements: The applicant shall adhere to all other applicable requirements of the underlying zoning districts.

Section 1903. Planned Unit Development (PUD)
Planned Unit Developments (PUD) are districts or development projects comprised of housing of different types and densities and of compatible commercial uses, or commercial centers, office parks, and mixed-use developments. A Planned Unit Development (PUD) is established by rezoning prior to development and is characterized by a unified site design for a mixed use development.
1903.A. Purpose of district.

1. This section is intended to provide the method by which tracts of land may be developed as a unit rather than on a lot-by-lot basis as provided in the Ordinance. It is intended to provide a maximum of design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, yards, height and bulk restrictions and the planned mixing of uses. Through the requirement of the development plan, it is the intention that property under the Planned Unit Development (PUD) title will be developed through a unified design providing continuity among the various elements causing a better environment.

2. To establish standards and procedures for Planned Unit Development (PUD) in accordance with the following objectives:
   a. To allow variety and flexibility in land development necessary to meet changes in technology and demand.
   b. To allocate, maintain, and preserve common open space, recreation areas and facilities; to offer neighborhood recreational opportunities; to enhance the appearance of neighborhoods through the conservation of natural resources.
   c. To provide a maximum choice in the type of environment available by permitting a development that would not be allowed by other zoning districts.

1903.B. Planned Unit Development (PUD) Minimum Standards. At a minimum, a Planned Unit Development (PUD) shall meet the following standards.

1. The Planned Unit Development (PUD) shall be in conformity with the Comprehensive Development Plan of the City of Myrtle Beach.

2. The entire site of the Planned Unit Development (PUD) shall be under single ownership or unified control.

3. Minimum contiguous acreage for a Planned Unit Development (PUD) is as follows:
   - Residential PUD: 3 acres
   - Industrial PUD: 20 acres
   - Commercial/Mixed Use: 4.5 acres except for the areas bound to the west by Kings Hwy, to the east by the Atlantic Ocean, to the north by 29th Ave N. and to the south by 29th Ave S. where the minimum acreage for a commercial or mixed-use PUD is 2 acres, and property primarily used for parking lots and/or structures is considered contiguous if it meets the regulations of Section 1007.A Parking facilities are a permitted use and 1007.B The location of the parking facility.

4. All uses within the Planned Unit Development (PUD) shall be compatible each with one another.

5. Agreements, provisions or covenants shall govern the use, maintenance and protection of the Planned Unit Development (PUD) and any of its common open
space, recreation areas and facilities. An association of all property owners shall be established with the provisions of section 109 – Required establishment of legal entity.

6. All plans shall be designed so that the public health, welfare and safety shall be protected.

7. The proposed development shall be such that it does not cause substantial injury to the value of other property in the immediate area.

8. All plans shall provide for protection of both the aesthetics and function of the natural environment; shall include but not be limited to flood plains, soil and geological characteristics, air quality and preservation of vegetation. Site design shall be consistent with the provisions of the City’s landscape and tree protection requirements. Reasonable efforts shall be made to save and design around existing healthy trees and to maintain the character of existing tree coverage on the property based on the number, type, size and distribution of trees.

9. All plans shall provide for and insure the preservation of adequate recreational facilities and common open space.

10. Residential use areas are encouraged to have a variety of housing types and densities necessary to achieve a balanced neighborhood.

11. The Planned Unit Development (PUD) shall include land area necessary to accommodate recreational and other activities necessary to serve the needs of the residents thereof.

12. The Planned Unit Development (PUD) shall provide for the orderly and creative arrangement of all land uses with respect to each other and to the entire City.

13. Access for pedestrians and cyclists shall be arranged to provide safe and convenient routes and need not be limited to the vehicular access points. When pedestrian access points do not occur at street intersections, they shall be marked and controlled and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings except at designated points. Bicycle or bridle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

14. Building setbacks or yards in a Planned Unit Development (PUD) must be complementary, but not necessarily identical, to the building setbacks or yards in adjacent zoning districts. The streetscape that will result from the Planned Unit Development (PUD) shall be in keeping with the neighborhood/City design principles and goals listed in the City’s comprehensive plan. Planned Unit Developments (PUD) contiguous to residential districts shall comply with the regulations set forth in Section 1713 - Additional Design Standards for Commercial, Industrial and Mixed-Use Properties Contiguous to Residential (R, RM and residential PUD) Districts.
15. In a residential Planned Unit Development (PUD), the minimum distance between the walls of any two separate multifamily buildings shall be as follows:
   
   a. When the front wall of a building faces the front wall or rear wall of another building, the distance between the two buildings shall be not less than 20 feet.
   
   b. When the rear wall of a building faces the rear wall of another building, the distance between the two buildings shall not be less than 15 feet.
   
   c. When the side wall of a building faces the front wall of another building, the distance between the two buildings shall be not less than 20 feet.
   
   d. When the side wall of a building faces the rear wall of another building, the distance between the buildings shall not be less than 10’ feet.
   
   e. When the side wall of a building, which contains no windows, faces the side wall of another building, the distance between the two buildings shall be not less than ten feet.
   
   f. When the side wall of a building, which contains windows, faces the side wall of another building, which contains windows, the distance between the two buildings shall be not less than 15 feet.
   
   g. Walls forming courtyards of the same building shall be separated by at least 15 feet.

16. Article 8 – Sign Regulations governs signs unless otherwise specified within the Planned Unit Development (PUD) document.

17. An Industrial Planned Unit Development (PUD) shall include open space equivalent to at least 10% of the total PUD area. All other PUDs shall include open space equivalent to at least 25% of the total Planned Unit Development (PUD) area. The Planning Commission may consider whether land is suitable for designation as open space based upon the following criteria.
   
   a. For the purpose of this section, “open space” must adhere to all of the following:
      
      i. Open space shall be obviously and easily accessible.
      
      ii. Open space may include:
          Recreation areas
          Plazas and courtyards
          Lawns
          Boardwalk/ wooden deck space
          Greenspace
          Ground level outdoor pools and pool decks
          Landscaped areas over the minimum required by the landscape ordinance
          Pedestrian circulation areas and bike paths
          Utility easements, but no actual utility areas
       
   b. The following shall not be included in the calculation of “open space”:
      
      i. Dedicated public streets, alleyways or public rights-of-way (except for easements granted to create streetscapes or other public amenity areas.)
ii. Vehicular driveways, parking areas, loading areas, service or storage areas.
iii. Pool and pool deck areas that are enclosed or pool and pool deck areas that are above 6’ above grade.
iv. Utility areas where actual elements are in place (junction boxes, transformers, etc.)
v. Areas in which trash receptacles with a capacity greater than 95 gallons are stored or screened.
vi. Land areas traded to the City as a result of an alleyway swap.

19. A Planned Unit Development (PUD) shall include public facilities and improvements on public property or within public rights-of-way, including but not limited to:
   a. Underground utilities.
   b. Streetscape (wider sidewalks and enhanced amenities such as street furniture)
   c. Decorative lighting
   d. Enhanced landscaping
   e. Enhanced crosswalks
   f. Bike racks
   g. Bus shelters
   h. Street infrastructure enhancement or correction in alignment
   i. Added or improved public parking
   j. Enhanced public beach accesses
   k. Publicly accessible art as approved per section 1304 – Public Art Standards.
   l. Dedication of land for public use.
   m. Communications infrastructure.
   n. Removal of zoning nonconformities.

1903.C. Application procedures.

1. Pre-Application Conferences. The petitioner shall request a staff conference and a pre-application conference with the Planning Commission by submitting to the Planning Director a completed Planned Unit Development (PUD) Pre-application Form and all of its required attachments. Additional supporting materials may be submitted for review to assist the petitioner in determining:
   a. Whether the proposed Planned Unit Development (PUD) appears, in general, to be in compliance with the provisions of the zoning and other applicable Ordinances.
   b. Whether it appears that any zoning amendment or variance is required.
   c. Whether the proposed Planned Unit Development (PUD) meets the minimum Planned Unit Development (PUD) standards of Section 1903.B – Planned Unit Development (PUD) Minimum Standards.

2. Planned Unit Development (PUD) Application Requirements. A Planned Unit Development (PUD) shall be designed utilizing the standards addressed in Section 1903.B – Planned Unit Development (PUD) Minimum Standards. The application and all of its requisite attachments and copies shall be filed with the Planning Director no later than the last deadline prior to the application's
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presentation to the Planning Commission. The application for a Planned Unit Development (PUD) shall contain all documentation necessary for the Planning Commission to form a recommendation, including evidence that the minimum standards of Section 1903.B - Planned Unit Development (PUD) Minimum Standards have been met, and that infrastructure and ecological issues have been considered. At a minimum the application shall contain the following, although the Planning Commission may request additional information as may be deemed appropriate for Planning Commission review:

a. Completion of the required pre-application conference with the Planning Department staff and Planning Commission.

b. The Planned Unit Development (PUD) Application Fee as established by City Council, in a form established on the Request For Planned Unit Development (PUD) Zoning Application. Additional continuance fees as established by City Council are due upon continuance request by the applicant.

c. A completed Request For Planned Unit Development (PUD) District Zoning Application, signed by the property owner(s) or agent(s) authorized to request the amendment. Please attach a copy of letter or other document giving the agent authority to act on behalf of the current property owner.

d. Paper and digital copies of the proposed Planned Unit Development (PUD) ordinance, in an amount and by the deadline established on the Request For Planned Unit Development (PUD) Zoning Application. The proposed Planned Unit Development (PUD) ordinance must meet the Planned Unit Development (PUD) Ordinance Format Requirements (available from the Planning Department upon request) and must contain the following:
   i. General description of the character and area covered by the Planned Unit Development (PUD).
   ii. Time schedule for construction of the proposed Planned Unit Development (PUD).
   iii. Statement of responsibility for the streets, common and recreational areas, and maintenance of various entities within the proposed Planned Unit Development (PUD).
   iv. Proposed dimensional standards for construction within the Planned Unit Development (PUD) (building setbacks, building height, building separation, width of buffers, etc.).
   v. Calculations indicating the size of landscape, common and recreational areas, and density of residential areas - including the number of buildings and dwelling units by type.
   vi. Any covenants or deed restrictions proposed.
   vii. Establishment of a property owners association (where appropriate).

e. Paper and digital copies, in number and format and by the deadline established on the Request For Planned Unit Development (PUD) Zoning Application. Attachments must contain the following:
   i. Recent boundary survey of property and legal description of all properties within the proposed Planned Unit Development (PUD).
   ii. Topographical survey at 2’ contour intervals of all properties within the proposed Planned Unit Development (PUD).
   iii. Map of existing zoning and land uses on and within 300 feet of the proposed Planned Unit Development (PUD) site.
   iv. Site plans showing:
      (A) building locations
      (B) common open space
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(C) recreational areas and facilities
(D) roadways
(E) driveway openings
(F) parking and service areas
(G) easements
(H) lighting of public areas and streets.

v. Architectural renderings showing the general character of the proposed buildings within the Planned Unit Development (PUD).

vi. A landscape plan showing the size, location, and general planting scheme for landscaped areas and location of all proposed signs.

vii. A schematic plan of existing and proposed water, sewer and stormwater management systems. All plans must be to a scale of not less than 50 feet per inch.

viii. Completed public benefits spreadsheet (form to be provided by staff)

1903.D. Technical Review Committee. Representation at the Staff Technical Review Committee Meeting is mandatory. The Tech Review Meeting is normally one week after the deadline. Please check the meeting schedule to verify date and time.

1903.E. Planning Commission Public Meeting. The Planning Commission shall hold the public hearing on the application and proposed Ordinance for a Planned Unit Development (PUD) in accordance with the notification requirements and procedures set forth in section 401 - Amendment Procedure of this Ordinance.

1903.F. Planning Commission Action. The Planning Commission shall give a written opinion to City Council recommending approval, modification or disapproval of a proposed Ordinance creating the Planned Unit Development (PUD).

1903.G. City Council Action. City Council, after the receipt of the proposed Ordinance that would create the Planned Unit Development (PUD), shall approve, modify or disapprove such Ordinance. City Council may require special conditions to insure conformity with the intent and purpose of all City ordinances, including the Comprehensive Plan.

1903.H. Legal Status of Plans and Ordinances. A Planned Unit Development (PUD) shall be developed in strict compliance with the adopted Ordinance and the approved final plans. It shall be a contractual undertaking and shall be binding upon the applicant and the owners of the land covered by such Planned Unit Development (PUD), their successors and assigns, and shall limit and control the construction, location, use and operation of all land and all improvements to be located within the Planned Unit Development (PUD).

1903.I. Plan Changes.

1. Changes may be decided and approved by the Zoning Administrator as a minor amendment if the change(s):
   a. Do not alter the concept of the Planned Unit Development (PUD);
   b. Do not change the permitted land uses;
   c. Do not reduce the minimum building setback for principal structures;
   d. Do not decrease the number of off-street parking spaces; or
e. Do not otherwise violate the restrictions applicable within the Planned Unit Development (PUD).

The zoning administrator shall submit all minor amendments to a Planned Unit Development (PUD) to the Planning Commission for its information. An applicant may appeal the adverse decision of the zoning administrator to the board of zoning appeals.

2. Changes that alter the concept of the Planned Unit Development (PUD) including but not limited to, changes in density, type and location, height of buildings, proposed open space, development schedule, road standards or any changes in final governing agreements, or provisions or covenants must be approved by Ordinance through the submission of a Planned Unit Development (PUD) amendment application.

3. No variances shall be granted within, or for, a Planned Unit Development (PUD).

1903.J. Denial of a Planned Unit Development (PUD). No application for a Planned Unit Development (PUD) that has been denied wholly or in part by City Council shall be resubmitted for a period of one year from the date of said order of denial except on the grounds of new evidence or proof of change of conditions.

1903.K. Revocation. In any case where a Planned Unit Development (PUD) has not been substantially commenced within one year from the date of granting thereof, or if construction falls more than two years behind the schedule filed with the plans and the Planned Unit Development (PUD) Ordinance, the Planning Commission may recommend that City Council, after notice and public hearing thereon, repeal the Ordinance authorizing any such Planned Unit Development (PUD). The developer shall be notified at least 90 days prior to any revocation hearing.

1903.L. Public Facilities, Surety, Costs, Fees and Charges. All public facilities and improvements made necessary as a result of the Planned Unit Development (PUD) shall be either constructed in advance of the approval of the final plat; or at the discretion of the city manager. Escrow deposits, irrevocable letters of credit (in a form approved by the city manager) or performance bonds shall be delivered to the City to guarantee construction of the required improvements. Any such guarantee shall be 125 percent of the estimated installed cost as determined by the city manager.

1903.M. Performance Guarantee. In addition to the guarantee provided for in section 1903.L - Public Facilities, Surety, Costs, Fees and Charges, a deposit shall be made to the City in cashiers check, or at the discretion of the city manager, irrevocable letters of credit (in a form approved by the city manager) or maintenance bond equal to ten percent of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the Planned Unit Development (PUD) and shall be held by the City for a period of 12 months after acceptance of such facilities by the City. After such 12 months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit, if any, shall be refunded after reimbursement for amounts expended by the City in correcting any defective facilities.
Section 1904. Kings Highway Mixed-Use Option
Properties fronting on Kings Highway (Highway 17 Business) that are zoned Highway Commercial (HC1 or HC2) may, at the discretion of the property owner, be developed in accordance with all of the rules and regulations of the Mixed Use – Medium Density District (MU-M). The regulations of the Highway Commercial Districts (HC1 or HC2) may not be combined with the regulations of the Mixed Use – Medium Density District (MU-M), the development in its entirety must utilize the regulations of one zone or the other.

Section 1905. Redevelopment District Zone (RDZ) (Floating Zone)
1905.A. Purpose and Intent.
1. The purpose of the redevelopment district (RDV) is to promote appropriate investment and development in areas that are underperforming economically, or that are in need of new development or are underdeveloped. New development would enhance and support the entire community by providing residences, accommodations, visitor amenities, amusements, retail and service industry job opportunities as well as convenient access to necessary goods and services to residents and visitors alike.

2. The RDV is intended to upgrade and improve the physical, social, and economic character of the area and to promote mixed-use developments. The RDV is intended to encourage innovative land planning and site design concepts that conform to community quality-of-life benchmarks and that achieve a high level of aesthetics, high-quality development, environmental sensitivity, energy efficiency, and other community goals by:
   a. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
   b. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
   c. Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, retail, start-up businesses, technological enterprises, lot sizes and densities;
   d. Promoting quality urban and traditional neighborhood design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
   e. Encouraging quality urban and traditional neighborhood design and environmentally sensitive development by allowing increases in base densities or floor area ratios when such increases can be justified by superior design or the provision of additional amenities such as public open space.

1905.B. Location and applicability. The establishment of RDV district(s) shall constitute an amendment to the official zoning district map and text. Each RDV district
shall be controlled by a RDV development plan and RDV agreement that are approved as part of the RDV district designation.

1905.C Definitions Applicable to RDZ.

*Public improvements* include, but are not limited to, streets, streetscapes, sidewalks, utilities, parks, open and green spaces and public art.

*Redevelopment plan or project* means any approved and permitted work or undertaking by any individual or legal entity to prepare and execute to finality a redevelopment plan, including the planning, survey and other preparatory work incident to a redevelopment project, as well as the presentment and production costs of all plans to appropriate reviewing bodies, and the subsequent construction of new mixed use developments, or construction of new commercial buildings or structures, and concurrently enhancement of public improvements complementary or essential to the commercial redevelopment, in accordance with a redevelopment plan.

*Redevelopment Area* means a distinct contiguous area in which a combination of any combination of four (4) or more of redevelopment factors act, in the judgment of City Council, to suppress or stagnate economic and social development of commercial, residential or mixed uses.

1905.D Redevelopment Factors Which May Justify a RDZ include:

1. Aging of accommodations, but without historical designation;
2. Structure dilapidation;
3. Structure or land use obsolescence;
4. Structure deterioration;
5. Land uses incompatible with existing redevelopment or Comprehensive Plan;
6. Structure uses that have been declared a public nuisance, or have been subject to review as an unfit dwelling;
7. Concentrated density without adequate parking, or public transportation;
8. Illegal use of individual structures;
9. Derelict, vacant or boarded up structures;
10. Foreclosures;
11. Structures and land uses below minimum code standards;
12. Concentration of short or long term rental residential property in single family residential neighborhoods;
13. Overcrowding of structures and community facilities;
14. Excessive land coverage incompatible with open space needs;
15. Deleterious land use or layout in light of the City's Comprehensive Plan;
16. Depreciation of physical maintenance;
17. Assessment and tax delinquencies.

1905.E General Eligibility Criteria For RDZ.
1. Must be compatible with the underlying district and/or relate to an approved plan for the area, such as the Comprehensive Plan or other special area plans;
2. Must be located within a specifically identified and designated area as determined by the City Council;
3. Must have a minimum threshold investment of $1,000,000.00, for mixed use or commercial purposes, which may be comprised of a combination of physical improvements and acquisition costs; provided however, City Council may approve a lesser amount;
4. Such threshold investment may be comprised of a single real property holding investment or property assemblage.
5. Must be for one or more of the following:
   a. Retail uses
   b. Tourism related business or activity
   c. Cultural arts activities and associated businesses
   d. Corporate headquarters
   e. Research and development
   f. High technology growth business
   g. Residential uses
   h. Other uses as may be determined the City Council which meet the intent of the ordinance and as are identified more specifically according to the adopted master plans and/or redevelopment plans.

1905.F Design considerations.
1. In return for flexibility in site design and development, the RDV is expected to include exceptional design that preserves critical environmental resources; provides above-average open space and recreational amenities; incorporates creative design in the layout of buildings, open space, and circulation; assures compatibility with surrounding land uses and neighborhood character; and provides greater efficiency in the layout and provision of roads, utilities, and other infrastructure.
2. General development parameters. The RDV shall:
   a. Provide for a mix of uses, including but not limited to those set forth herein and without regard to the definition of "mixed use" in Article 2 of the zoning code;
   b. Utilize cluster or traditional neighborhood development to the greatest extent possible, when applicable, that is interrelated and linked by pedestrian-ways, bike-ways, and transportation systems;
   c. Result in land use patterns that promote and expand opportunities for public transportation, both vehicular and pedestrian, and an efficient and compact network of streets, sidewalks, bike paths, and similar public ways; and
   d. Enhance the value of surrounding properties.
3. Minimum dimensional requirements. Minimum lot area, minimum lot width, minimum setback, maximum lot coverage, and maximum height are unique to each RDV district. During the rezoning process, the planning commission
and city council shall determine that the characteristics of building situated on the property shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of the district, except that oceanfront setbacks will conform to the standards of the Coastal Protection (CP) overlay zone.

4. Off street parking. Off street parking and loading may comply with the standards of the underlying zoning district, or may offer variations from these standards if a comprehensive parking and loading plan for the RDV is submitted at the time of rezoning that is determined to be suitable for the uses of the RDV and generally consistent with the intent and purpose of the off street parking and loading standards of the underlying district.

5. Landscaping, buffering, and screening. Landscaping, buffering, and screening may comply with the standards of the underlying district, or may offer variations from these standards may be permitted if a comprehensive landscaping plan for the RDV is submitted at the time of rezoning that is determined to be suitable for the RDV and generally consistent with the intent and purpose of the landscaping standards of the underlying district, landscaping, buffering, and screening.

6. Signs. Signage may be consistent with the underlying district, provided however, a comprehensive sign plan for the RDV may be submitted and approved as part of the rezoning. The comprehensive sign plan shall propose a visually integrated system of signage for the entire RDV that is consistent with the intent and purpose of the sign standards of the underlying district’s sign regulations.

1905.G Uses. The plan will allow permitted uses that are in keeping with the existing list of permitted uses found in Appendix A, Zoning, Section 1407.C.

1905.H. Plan and information requirements. The approval process, and documentation requirements for the formal approval shall be consistent with Section 1903, Planned Unit Development.

1. Plans shall be submitted reflecting details sufficient for the planning commission and city council to determine that the proposal complies with the requirements of this subsection.

2. The planning staff shall advise the applicant of the type and extent of information to be supplied, which shall be similar to a PUD development, and that will adequately reflect the capacity of the site(s) to accommodate the proposed uses(s) and any public improvements consistent with the redevelopment project.

3. In addition, the applicant shall provide architectural information (including building elevations) reflecting the mass, scale, and form of buildings and structures sufficient to ensure that future final development plans will be consistent with the plans approved by the planning commission and city council as part of the RDV district designation.
4. The plan will have input from appropriate city staff, boards and commissions with the responsibility to oversee developments in the designated area. After receiving input, the Planning Commission will hold the public hearing and make recommendation to the City Council regarding the proposed plan.

5. The plan and agreement will remain valid unless a sunset clause or other expiration date is agreed upon by the developer and City Council, and is reflected in the ordinance.