

1 **2022-56 (2ND READING): TO REZONE ~1.5 ACRES AT 1300 N KINGS HWY (PIN**
2 **42416030012) FROM HC-2 (HIGHWAY COMMERCIAL) TO A (AMUSEMENT),**
3 **AND TO REZONE ~0.32 ACRES ON CHESTER ST (PIN 44401020048) FROM**
4 **MUH (MIXED USE – HIGH DENSITY) TO A (AMUSEMENT) IN ORDER TO**
5 **ALLOW ANTICIPATED USES.**

6 **Application/Purpose:** Robert Lewis (agent) / to rezone 1300 N. Kings Hwy from HC2 (Highway
7 Commercial) to A (Amusement) and to rezone ~ 0.32 acres on Chester Street from MUH (Mixed
8 Use – High Density) to A
9

10 **Brief:**

- 11 • The properties are adjacent to N Kings Hwy, 14th Ave N, Chester St, and 13th Ave N.
- 12 • The properties are close to other A (Amusement) zoned properties to the east and south.
- 13 • Directly adjacent properties are zoned C-8, MU-H, E, and HC-2.
- 14 • The applicant plans to preserve the former First Presbyterian Church building.
- 15 • The applicant is pursuing the South Carolina abandoned building tax credits.
- 16 • Planning Commission recommends unanimous approval (8/0), 12.6.22.
- 17 • No changes since 1st reading.

18
19 **Issues:**

- 20 • There is some concern with an Amusement District being adjacent to the Chapin Library
21 and Chapin Park.
- 22 • This concern is somewhat mitigated because the City approved ordinance 2019-35.
- 23 • Ordinance 2019-35 rezoned 4 parcels across the street from Chapin Park on Chester
24 Street to Amusement District.

25
26 **Public Notification:** Letters sent to property owners within 300'. 50 letters were sent to
27 homeowners within the 300'. 3 signs posted for public hearing. Legal Ad published.
28

29 **Alternatives:** Modify or deny the proposed request.
30

31 **Financial Impact:** The redevelopment of the First Presbyterian church will provide commercial
32 property taxes, business license revenue, building permit revenue, and tourism related revenues.
33

34 **Manager's Recommendation:**

- 35 • I recommend 1st reading (12.13.22)
- 36 • I recommend approval (2.28.23).

37
38 **Attachment(s):** Proposed ordinance, supporting materials
39

CITY OF MYRTLE BEACH
COUNTY OF Horry
STATE OF SOUTH CAROLINA

TO REZONE ~1.5 ACRES AT 1300 N KINGS HWY (PIN 42416030012) FROM HC2 (HIGHWAY COMMERCIAL) TO A (AMUSEMENT), AND ~0.32 ACRES ON CHESTER ST (PIN 44401020048) FROM MUH (MIXED USE – HIGH DENSITY) TO A (AMUSEMENT) IN ORDER TO ALLOW ANTICIPATED USES.

PIN # 42416030012 and 44401020048

IT IS HEREBY ORDAINED that the official zoning map of the City of Myrtle Beach is amended by rezoning ~1.5 acres at 1300 N Kings Hwy (PIN 42416030012) from HC2 (Highway Commercial) to A (Amusement), and ~0.32 acres on Chester St (PIN 44401020048) from MUH (Mixed Used – High Density) to A (Amusement) as indicated on attached Exhibit A.

This ordinance shall become effective upon adoption.

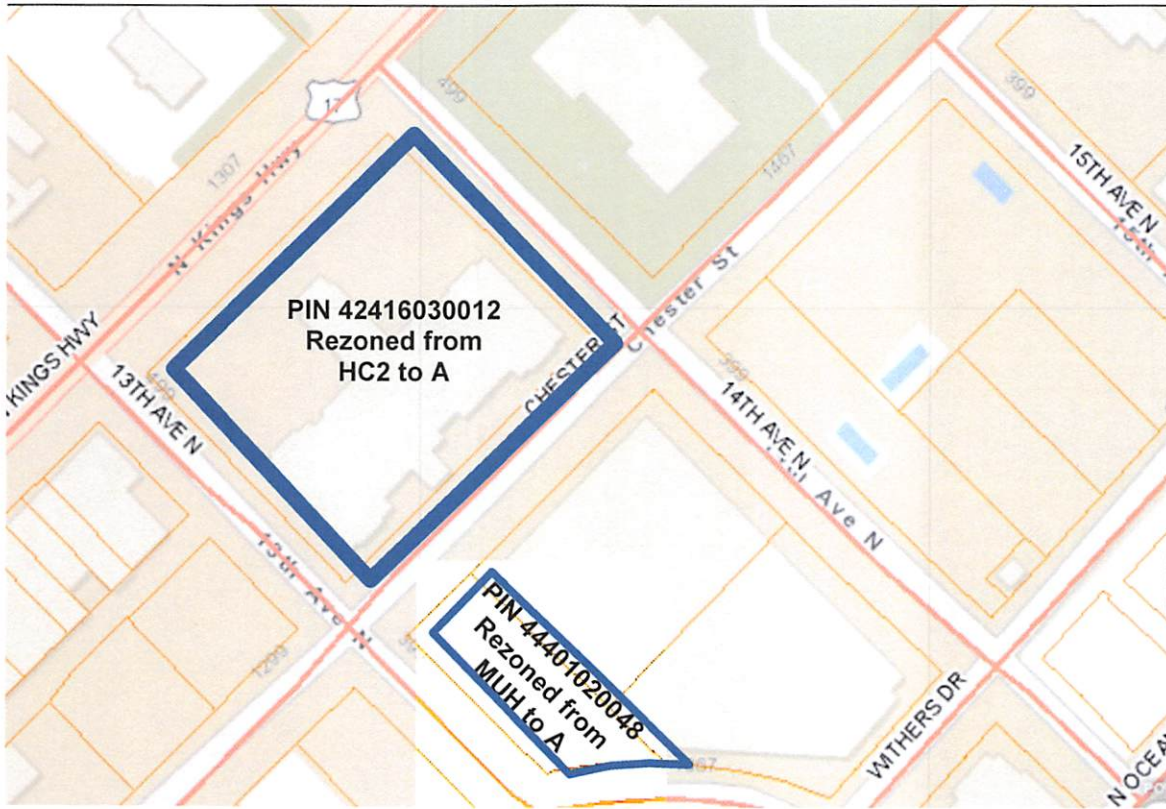
ATTEST:

BRENDA BETHUNE,
MAYOR

JENNIFER ADKINS, CITY CLERK

1st Reading: 12-13-2022
2nd Reading: 2-28-2023

Ordinance 2022-56
Exhibit A



REZONE ~1.5 ACRES AT 1300 N KINGS HWY (PIN 42416030012) FROM HC2 (HIGHWAY COMMERCIAL) TO A (AMUSEMENT), AND ~0.32 ACRES ACROSS CHESTER ST (PIN 44401020048) FROM MUH (MIXED USE – HIGH DENSITY) TO A (AMUSEMENT)

1 **ADDITIONAL INFORMATION**

2

3 **Staff Comments:**

4

5 Public Works: No concerns

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7 Fire Department: No concerns

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9 Zoning: No concerns.

10

11 **EXISTING AND PROPOSED ZONING: HC-2 (Highway Commercial District) to A (Amusement**

12 **District)**

13

District	Min. Lot Area	Min. Lot	Max. Height	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback
A	6,000 sq.ft.	50' R	240'	B	B	B	B
HC2	10,000 sq.ft.	--- R	60'	30'	30'	B	B

14

15 (B) Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 –

16 *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the

17 Code of Ordinances apply. However, sight triangles and sight lines shall be

18 maintained, requirements in section 902 – *Landscaping Regulations* shall be met; and in

19 the Mixed Use (MU) districts, the sidewalk and buffer requirements of section 1705.1 –

20 *When A Property Is Developed* shall be met.

21

22 (R) Provided, however, that the minimum lot width along Kings Highway is 100'.

23

24 **EXISTING AND PROPOSED ZONING: MU-H (Mixed Use, High Density) to A (Amusement**

25 **District)**

26

District	Min. Lot Area	Min. Lot	Max. Height	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback
MU-H	6,000 sq.ft.	60' R	240'	B	M	S	S
A	6,000 sq.ft.	50' R	240'	B	B	B	B

27

28 (B) Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 –

29 *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the

30 Code of Ordinances apply. However, sight triangles and sight lines shall be maintained,

31 requirements in section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use

32 (MU) districts, the sidewalk and buffer requirements of section 1705.1 – *When A Property*

33 *Is Developed* shall be met.

1
2 (M) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120';
3 except that in the DRC Area (16th Ave. N – 6th Ave. S. between Kings Hwy and the Atlantic
4 Ocean, up to 35' in height refer to subsection (B) above, 20' between 35' and 120' in height, 30'
5 for structures taller than 120'.
6

7 (S) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120';
8 except that in the DRC Area (16th Ave. N – 6th Ave. S. between Kings Hwy and the
9 Atlantic Ocean:

- 10 1. Minimum side yard setback up to 35' in height refer to subsection (B) above, 10' for
11 structures taller than 35'.
12 2. Minimum rear yard setback is 10' up to 35' in height, 20' between 35' and 120' in height, 30'
13 for structure taller than 120'
14

15 **Parking Requirements:**

16
17 5. Amusement (A) District: Minimum parking requirements for all residential and visitor
18 accommodations shall be as delineated in section 1006.D - Minimum Offstreet Parking
19 Requirements For Permitted Uses. Otherwise, there shall be no minimum parking requirements.
20
21

Permitted Uses	Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded
All office uses	1 space per 300 SF of gross building area. See sec. 1006.G.3 - <i>Office Uses</i> for exceptions.
All single-family residential uses	2 spaces per DU
All two-family and multi-family residential uses	1 space per 600 SF of gross floor space excluding yards, not to exceed 3 spaces per DU.
Amusement and theme parks	Designed capacity of the park divided by 2 ½
Motor vehicle repair and maintenance	1 space per 150 SF of gross floor area Service bays shall not count as spaces Parking spaces shall not block vehicular access to garage entrances
Bars and nightclubs	1 space per 100 SF of gross floor area
Campground	2 spaces recreational vehicle or tent site

Permitted Uses	Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded

22
23

Child care home, family (FCCH); child care home, group (GCCH); continuing care retirement community; residential care facilities of nine or less persons with mental or physical handicaps; licensed group residence parolee-probationer home; independent living, older adult; unlicensed group residential (caregiving)	1 space per 500 SF of gross building area
Congregate housing, older adult	0.33 spaces per dwelling unit. Refer to 1006.9.4 for Mixed Use (MU) district regulations.
Day care facilities, adult or child	1 space per 500 square feet of gross floor space
Golf courses	6 spaces per golf hole
Hospitals and outpatient clinics	1 space for each 2 patient beds/examining rooms
Customer service/reception centers for interval ownership operations	1 space per 100 SF of gross floor area
Kindergartens Elementary schools Intermediate and middle schools	2 spaces per classroom and administrative office
Marina	1 space per 3 boat slips
Miniature golf courses	2 ½ spaces per playable hole
Nursing home facilities	0.33 spaces per dwelling unit
Transportation terminals and establishments providing for the interchange of passengers	1 space per 600 SF of gross floor area
Places of assembly or recreation with fixed seats	1 space per 75 SF of gross floor area, or 1 space for every 3.5 seats, or 1 space per 40 SF of auditorium space
Religious facilities	1 space per 30 SF of gross floor area in the primary assembly hall (place of worship)
Restaurant, dine in	1 space per 100 SF of gross floor area
Restaurant, take-out	1 space per 350 SF of gross floor area
Retail	Commercial centers with over 25,000 square feet of gross floor space, 1 space per 500 square feet of gross floor space. Otherwise, 1 space per 350 SF of gross floor area
Retail, big box	1 space per 500 SF of gross floor area
Sexually oriented businesses	1 space per 100 SF of gross floor area within the building
Tennis facilities	2 spaces per tennis court
Visitor Accommodations	1 space per 1 bedroom DU 1 ½ spaces per 2 bedroom DU

Permitted Uses	Minimum Required Parking Spaces <i>(DU=dwelling unit; SF=square feet; fractional calculations shall be rounded)</i>
	2 spaces per 3 bedroom DU 2 ½ spaces per 4 bedroom DU Each additional bedroom – 0.5 spaces 1 space per 350 SF for accessory uses
Warehouse	1 space per 4,000 SF of net leasable square footage of warehouse space, or fraction thereof, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles to park and maneuver.
All other uses	1 space per 250 SF of gross floor area

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<i>Findings of fact</i>

Section 403.

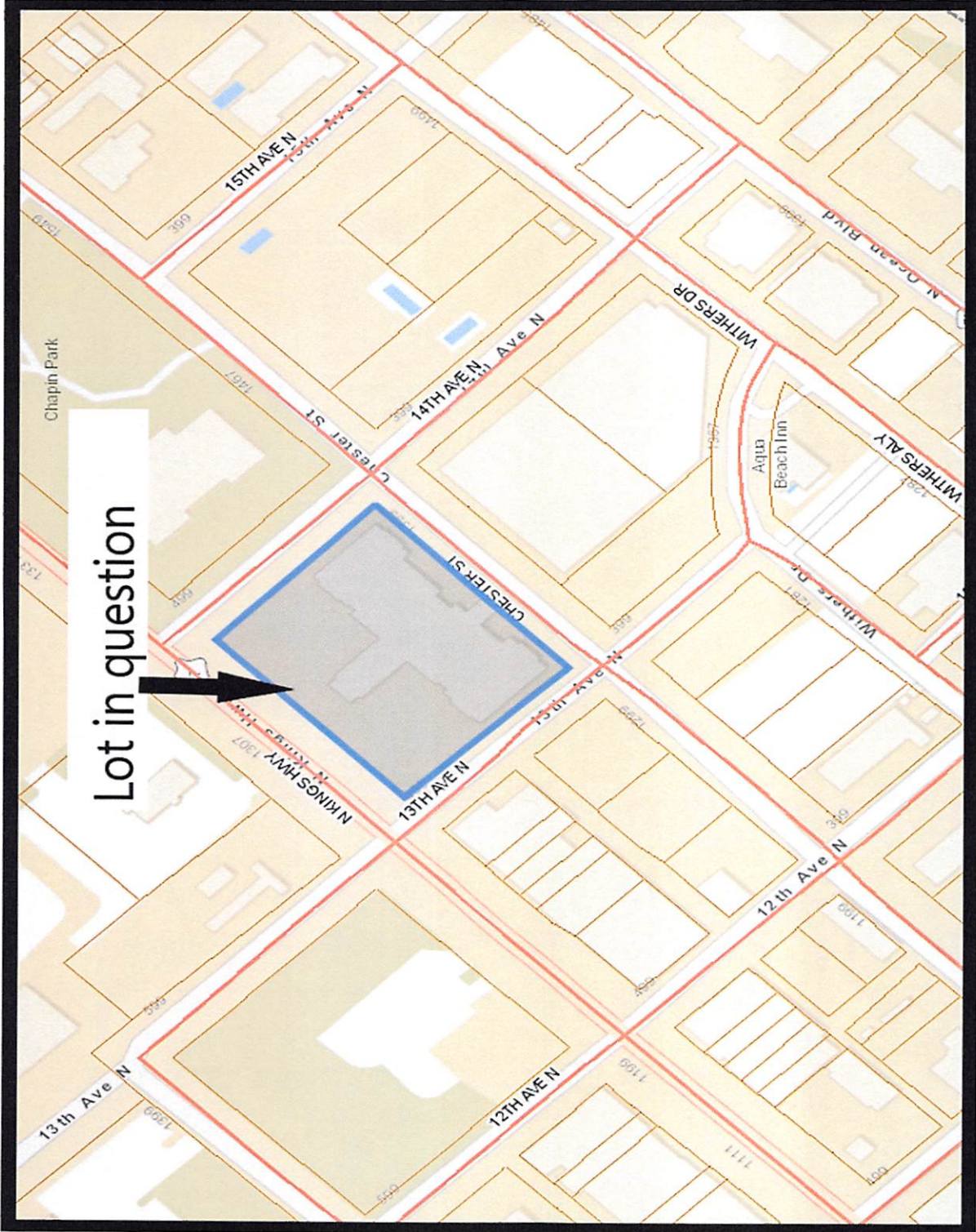
In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council. Factors shall include, but shall not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

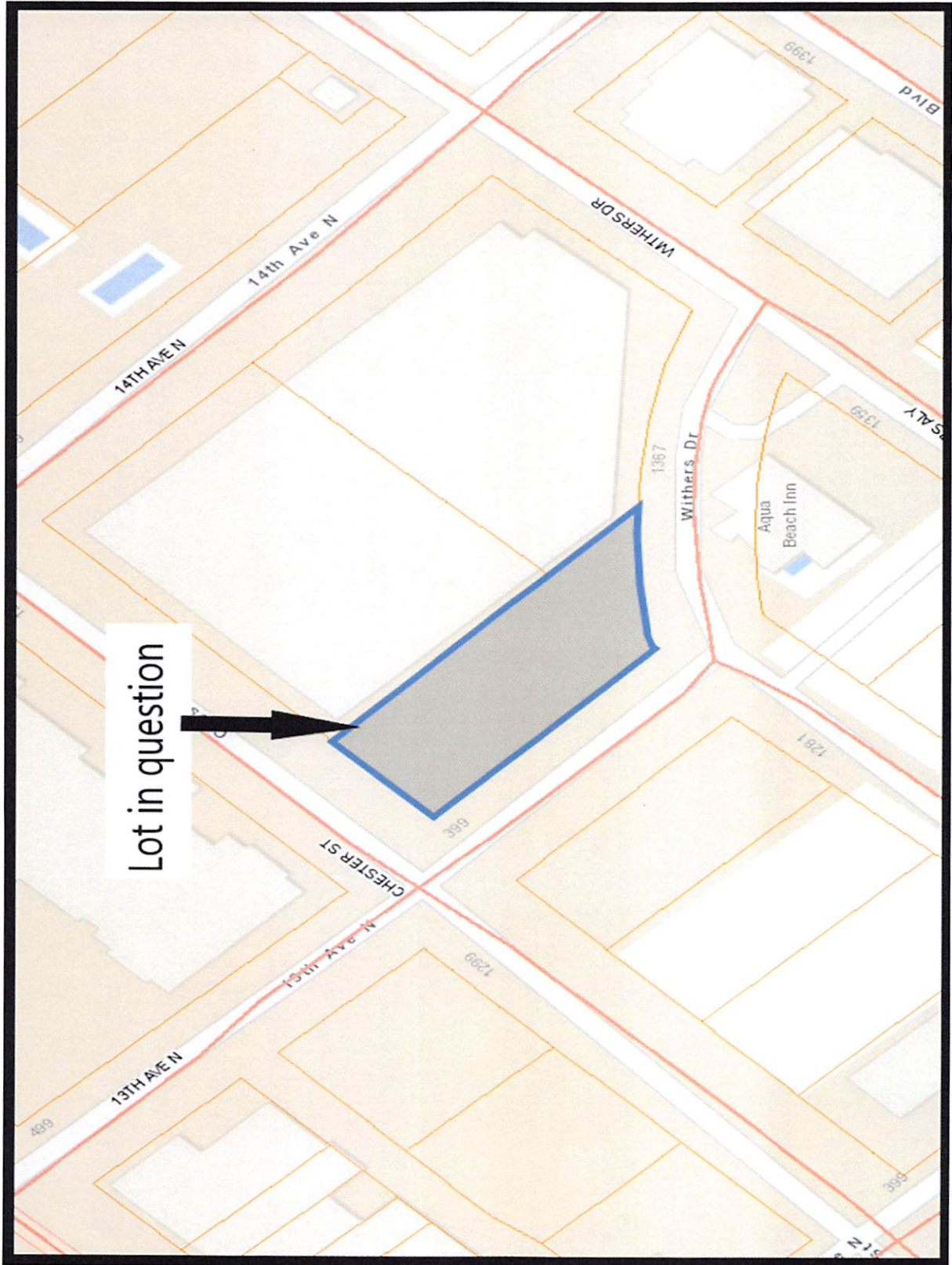
1 SUPPORTING MATERIALS:

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3 1300 N Kings Hwy

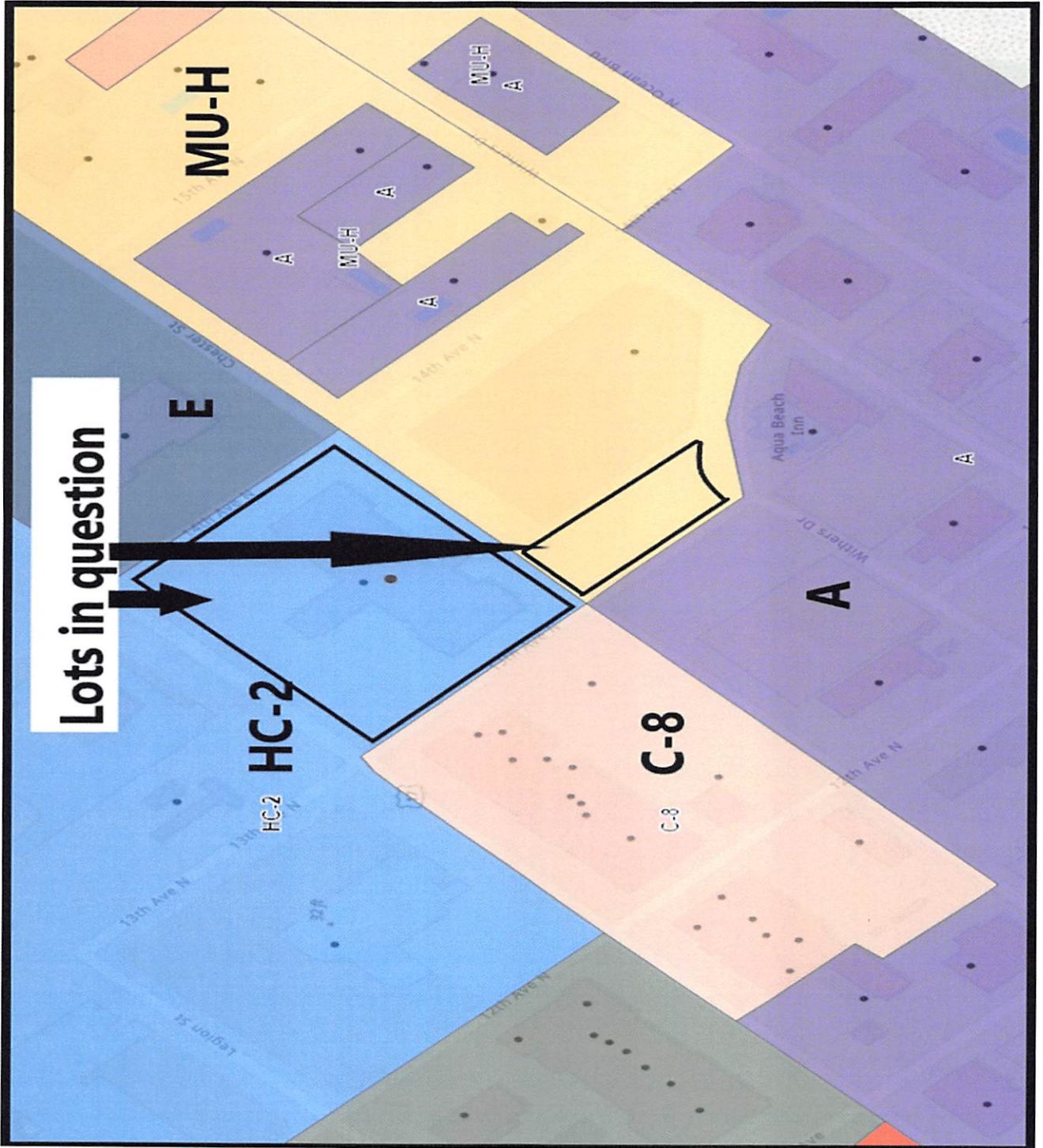


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1 Zoning Map:
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Use Category and Type	A	HC 2	
Residential Uses			
Cabana			
Horse farms			
Licensed group residential (caregiving)	P		
Rooming or Boarding House	P		
Manufactured homes for single-family permanent residence			
Manufactured homes, multifamily (more than 1 unit per lot)			
Permanent residence, single-family dwellings	P	P	
Permanent residence, two-family dwellings	P	P	
Permanent residence, multi-family dwellings	P	P	
Residential care facilities of nine or less persons with mental or physical handicaps	P		
Travel trailers or recreational vehicles			
Commercial and Office Uses			
Accounting office	P	P	

Use Category and Type	A	HC 2	
	Adult day care		C
Advertising agency	P	P	
Administrative service establishments of a business character which supply general needs of an intangible nature to the public including establishments performing management duties in the conduct of government, business, utilities, or industry	P	P	
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.	P	P	
Airport, freight			
Airport, passenger			
Amusements, open or unenclosed over 80' in height.	C		1501.B 1603.C.(B) 1603.C.(V)
Amusements, open or unenclosed under 80' in height.	C		1501.TT
Aquariums	P	P	
Architects office	P	P	
Arts and crafts studio	P	P	
Assembly of electronic instruments and devices such as computer hardware and			

Use Category and Type	A	HC 2	
	software, audio and video equipment, business machines, and small appliances.		
Assisted living facilities		C	1501.EE
Auction houses			
Automated teller machines, free standing	P	P	
Automobile rental	P	P	
Bakeries, retail	P	P	
Bakeries, wholesale			
Banks	P	P	
Bar, Tavern	P	P	
Barbershops, beauty salons, and cosmetologists	P	P	
Bed & breakfast establishments	P	P	
Bingo parlors	P	P	
Blueprinting services		P	
Boating (non-motorized) and water-related activities	P		

Use Category and Type	A	HC 2	
	Body piercing establishment		
Booksellers / book stores	P	P	
Bowling alleys	P	P	
Brewpub			
Broadcast studios, radio and television	P	P	
Brokers	P	P	
Business consultants, offices of	P	P	
Cabins			
Campgrounds/mobile visitor accommodations			
Car wash		P	
Cemetery			
Chambers of commerce		P	
Child care center for 13 or more children (CCC)		C	1501.D 1503.A
Child care home, family, for up to 6 children (FCCH)		C	1501.D

Use Category and Type	A	HC 2	
	Child care home, group, for 7-12 children (GCCH)		C
Chiropractic care establishments		P	
Clothing stores	P	P	
Comedy Clubs	P		
Commercial center	P	P	
Commercial group residential		S	1501.E
Communication establishments carrying or conveying written, oral or visual information to the general public			
Confectionaries	P	P	
Congregate housing, older adult		C	1501.F
Construction establishments			
Construction vehicle and heavy machinery sales, repair, leasing maintenance, and storage			
Continuing care retirement community		C	1501.F
Convention services			
Copy shops and business service centers	P	P	

Use Category and Type	A	HC	
		2	
Cosmetology establishments	P	P	
Credit office		P	
Crematorium			
Customer service/reception centers for interval ownership operations		C	1501.G
Dance Halls	P	P	
Drapery shops, custom		P	
Dressmaker		P	
Dry cleaning establishments		C	1501.H
Engineering office	P	P	
Eyeglass sales	P	P	
Facilities for active recreation not otherwise listed	P	P	
Facilities for passive recreation	P	P	
Farm stands		C	1501.NN
Financial office		P	

Use Category and Type	A	HC 2	
	Florists and flower shops	P	P
Forests and botanical gardens (research)			
Funeral homes		P	
Galleries	P	P	
Game arcades	C	C	1501.J 1503.A
Gasoline station		C	1501.Y
Genetic research institutions			
Gift shops	P	P	
Go carts, electric, indoor or outdoor	P	P	
Golf courses	P	C	1501.I
Golf courses, miniature	C	C	1501.K
Golf driving ranges	P	P	
Grocery and food stores		P	
Hardware stores		P	
Health care establishments engaged in the science and art of preventing, curing, recovering		P	

Use Category and Type	A	HC	
		2	
from, or alleviating injury or disease, and associated offices, including medical, surgical, psychiatric, osteopathic, and dental, including medical, surgical, psychiatric, osteopathic, and dental, but not primarily for recovery from substance abuse			
Health clubs, gymnasiums, exercise and workout areas	P	P	
Heavy durable goods sales not otherwise listed		P	
Heavy machinery sales, repair, leasing, maintenance or storage sales			
Home decorating accessory shops sales		P	
Home occupations	C	C	1501.L
Horse carriage terminals and stables			
Horticultural nursery		P	
Hospital		P	
Independent living, older adult		P	
Indoor Passive Recreation	P	P	

Use Category and Type	A	HC	
		2	
Indoor Storage Facility		C	1501.00
Indoor Urban Farm			
Industrial service establishments that supply other businesses, industries or individuals			
Jewelry sales and repair	P	P	
Kennels and animal boarding facilities, indoor		P	
Kennels and animal boarding facilities, outdoor			
Laboratory (analytical, experimental testing, research and development)			
Laundromats and service		P	
Laundry and linen supply service			
Law office	P	P	
Liquor package stores		P	

Use Category and Type	A	HC	
		2	
Mailing/addressing services		P	
Manufacturing, processing, packaging, and distribution of measuring, analyzing and controlling instruments; medical and optical instruments, photographic equipment (excluding film and chemicals); ceramic instruments and components; magnetic media; and small electronic components.			
Manufacturing, processing, assembling, packaging and distribution establishments			
Marinas	C		1501.AA
Massage establishment, therapeutic	C	C	1501.X
Mausoleums and memorial gardens			
Metal/cabinet shops			
Moped rental and sales establishment	C	C	1501.FF
Motor vehicle detailing		P	
Motor vehicle paint or body shop		P	
Motor vehicle parts store		P	
Motor vehicle repair and maintenance		C	1501.P

Use Category and Type	A	HC	
		2	
Motor vehicle sales		P	
Motor vehicle rental and leasing		P	
Museums	P	P	
Music sales	P	P	
News and magazine stands	P	P	
Newspaper offices and plants			
Nightclubs	P	P	
Nursing home facilities		C	1501.F
Outdoor display and merchandise area	C	C	1501.R
Outdoor vending and concession stands			
Outpatient clinic treating substance abuse			
Parking facilities	P	P	
Parking lots, accessory			
Parolee-probationer home		S	1503.G

Use Category and Type	A	HC 2	
	Pharmacies		P
Photography developing establishments	P	P	
Photography studios	P	P	
Pool halls/billiard parlors	P	P	
Professional organizations, offices of	P	P	
Prosthetic facilities		P	
Radio or television station and related transmitting tower		P	
Real estate offices	P	P	
Religious establishments providing for religious service and development		P	
Restaurant, with drive-through service	P	P	
Restaurant, without drive-through service	P	P	
Restaurant with outdoor dining	C	C	1501.Q
Retail, big box		P	
Retail establishments providing convenience items and services	P	P	

Use Category and Type	A	HC 2	
	Rock climbing walls	P	P
Rooftop gardens	P	P	
Ropes course	P		
Schools, elementary and secondary, including school stadiums		P	
Schools, colleges or universities		P	
Schools, trade or vocational		P	
Schools, artistic training		P	
Schools, athletic training		P	
Service establishments of a business character providing maintenance, installation, and repair for specialized service needs to individuals or other businesses, including sales and service operations, and stenographic and letter writing services		P	
Shoe repair		P	
Skating rinks and parks, indoor	P	P	
Skating rinks and parks, outdoor	P	P	

Use Category and Type	A	HC 2	
	Small engine repair		P
Social welfare organizations		P	
Solar farms	C	C	1501.QQ
Sport facilities not otherwise listed	P	P	
Storage tanks for liquid substances, above ground			
Storage yards, vehicles			
Storage yards not otherwise listed			
Studios (art, dance, or music)	P	P	
Studios (martial arts, athletic)	P	P	
Swimming pools, indoor or outdoor	P	P	
Tattoo parlor			
Taxi business			
Telephone switching facilities			
Tennis facilities, indoor or outdoor	P	P	
Theater, indoor	P	P	

Use Category and Type	A	HC	
		2	
Theater, outdoor	P	P	
Tire sales and service		P	
Transmission or distribution lines for petroleum, gasoline, natural gas or liquefied petroleum gas			
Transmitting towers other than cell towers			
Transportation terminals and establishments providing for the interchange of passengers	P	P	
Transportation terminals and establishments providing for the interchange of freight		P	
Travel agencies	P	P	
Truck terminals			
Unlicensed group residential (caregiving)		S	1501.E
Veterinary offices, clinics, and hospitals		P	
Video and other media productions	P		
Visitor accommodations not otherwise listed	P	P	
Visitor information reception center	P	P	
Warehouse storage			

Use Category and Type	A	HC	2
	Welding shops		
Wholesale business establishments for selling bulk goods or commodities, but not toxic chemicals			
Wholesale business establishments for selling bulk gasoline, kerosene or any other fuel oil			
Wholesale business establishments for selling bulk bottled gas			
Public Services			
Administrative offices of federal, state and local governments	P	P	
Buildings and uses of utilities holding a franchise from the city	S	P	
Correctional facilities			
Library, public	P	P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	
Post office		P	
Public parking	P	P	
Public regional stormwater facilities	P	P	

Use Category and Type	A	HC 2	
	Public safety stations including fire, police and rescue services	P	P
Public utilities installations and substations	P	P	
Public works facility/public utilities	P	P	
Social welfare offices		P	
Water tanks, public	S	P	

1 1501.A. Adult Day Care Facilities. The facility and its operator shall hold all licenses required
2 by the State of South Carolina.

3
4 1501.B. Amusement rides, open or unenclosed over 80' in height.

- 5
- 6 1. Proof of ownership or control of the minimum site area shall be provided. For
- 7 the purpose of this requirement minimum site area shall be defined as the
- 8 land area occupied by a ride or amusement device when fully extended plus
- 9 the land necessary to accommodate required setbacks and separations.
- 10
- 11 2. Increased setbacks from all property lines shall be required at a rate of one
- 12 foot for every two feet of height above 80 feet, not to exceed a total setback of
- 13 10 feet. Setbacks shall be measured from the limits of the ride at full
- 14 extension. All moving parts must be at least five feet from any property line.
- 15
- 16 3. 15 feet of clearance shall be maintained from any surrounding rides or
- 17 structures on the same parcel. Clearance shall be measured from the limits
- 18 of the ride through full extension.
- 19
- 20 4. No portion of the ride, at maximum extension, shall be closer than ten
- 21 feet, measured horizontally, to any right-of-way line.
- 22
- 23 5. Foundations for an amusement ride require a building permit and the
- 24 design must satisfy all applicable criteria of the Standard Building Code.
- 25
- 26 6. Before issuance of a building permit, proof of SC Department of Labor
- 27 approval of the ride design shall be proved.
- 28
- 29 7. Before issuance of the certificate of occupancy or certificate of
- 30 compliance, proof of approval of the ride from SC Department of Labor.

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8. No portion of the ride. at maximum extension. shall be closer than 220 feet, measured horizontally, from any public library, school, or church, or the property upon which it is located.

1501.D. Child Care Centers (CCC); Child Care Homes, Family (FCCH); and Child Care Homes, Group (GCCH) provided the facility and its operator holds all licenses required by the State of South Carolina and that in all zoning districts except C6 (Urban Village) the center is located only on the ground floor of the structure.

1501.E. Correctional Placement Residences; Independent Living, Older Adult; Unlicensed group residential (caregiving), Commercial group residential:

- 1. The facility and its operator shall hold all licenses required by the State of South Carolina.
- 2. No facility listed in this section shall be located on any lot or parcel within 1200 feet of any other facility listed in this section.
- 3. *Recreation areas/open space:* In all permitted zoning districts except multifamily (RM) districts, there shall be provided 200 square feet of usable open space for each resident, within which required landscaping may be included. All open space area shall be suitably landscaped with at least one shade tree for each 1,000 square feet of yard area or part thereof.

1501.F. Congregate Housing, Older Adult; Continuing Care Retirement Community; Nursing

Home Facilities:

- 1. The facility and its operator shall hold all licenses required by the State of South Carolina.
- 2. Except in the Medical/Professional (MP) district which has no maximum, the number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located and shall not exceed the maximum number of residential units allowed within the zoning district. For the purposes of density calculations, a rooming unit shall be counted as 1/2 a dwelling unit.
- 3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.
- 4. *Recreation areas/open space:* There shall be provided 200 square feet of usable open space for each resident, within which required landscaping may be included. All open space area shall be suitably landscaped with at least one shade tree for each 1,000 square feet of yard area or part thereof.

1501.G. Customer Service/Reception Centers for Interval Ownership Operations. Interval ownership real estate marketing and sales transactions provided the lot upon which the facility is located is a minimum of 3 acres in size.

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1501.H. Dry Cleaning Establishments:

1. Only non-combustible dry cleaning solvents (such as perchlorethlene) shall be used in the dry cleaning process.
2. The dry cleaning machines must be closed systems.

1501.I. Facilities for Active or Passive Recreation, including playgrounds, parks, tennis courts, ball fields, swimming pools and golf courses:

1. No recreational facility may be lit for night play or uses unless located upon the same parcel or tract as a K-12 school and meets lighting requirements as provided in Article 12 – *Lighting and Glare*.
2. Required yards shall not be used for parking or accessory buildings.

1501.J. Game Arcades:

1. An arcade shall not contain any machines prohibited by state law.
2. With the exception of game arcades located in the Amusement (A) District, the maximum number of machines in any arcade shall not exceed one machine for 40 square feet of gross floor area of the area allocated to the arcade operations.

1501.K. Golf Courses, Miniature:

1. *Lighting*. No lighting shall be permitted to shine on any adjacent property or street. A lighting plan prepared by a lighting engineer must be submitted for review and approval by the zoning administrator.
2. *Buffer*. A landscape buffer shall be provided on any side adjacent to any residential district. Such buffer shall be as follows:
 - a. The buffer strip shall have a minimum width of eight feet.
 - b. Trees shall be planted the entire length of the buffer with a minimum spacing of 12 feet. Each tree shall be at least eight feet tall and 1 and 1/2 inches caliper.
 - c. Chain link fencing shall be:
 - i. Coated in black or green vinyl; and
 - ii. Screened by providing three-foot tall shrubs every three feet on the exterior of the fence for the entire length of the fence.

- 1 3. *Loudspeakers.* If located within 100 feet of a residential district, loudspeakers
2 must be turned off after 10:00 p.m. Refer to sec. 14-62 - *Noise* of the code of
3 ordinances for additional noise regulations.
4

5 **1501.L. Home Occupations:**
6

- 7 1. Such occupation is conducted by no other persons than members of the family
8 residing on the premises.
9
10 2. Such occupation is conducted within the dwelling, is clearly incidental and
11 secondary to the use of the structure for dwelling purposes, and does not
12 detract from the residential character of the immediate area.
13
14 3. No stock in trade is kept or commodities sold or leased on the premises.
15
16 4. No mechanical equipment is used except such that is normally used for family,
17 domestic, or household purposes.
18 5. Such occupation(s) utilizes no more than 25 percent of the total floor area of
19 the principal building.
20
21 6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors,
22 heat, or glare noticeable at or beyond the property line.
23
24 7. Such occupation is not evident from outside the dwelling and there is no
25 exterior indication that the building is being used for any purpose other than a
26 dwelling.
27
28 8. Musical instruction is limited to a maximum of two (2) pupils at a time.
29
30 9. Child care is limited to a maximum of six (6) children.
31

32 10. Under no circumstances shall any of the following be considered a home occupation:
33 adult oriented businesses, aerobic exercise studio, ambulance service, auto repair service,
34 barber shop, beauty parlor, body piercing establishment, child care center, chiropractor, dentist,
35 doctor, drug/alcohol counseling services, escort services, firearms manufacturing, group day
36 care home, gym, health salon, kennel, mortuary, musical or dancing instruction involving more
37 than two pupils at one time, nightclub, nursing home, psychiatrist or psychologist office,
38 restaurant, substance abuse clinics, swimming pool companies, tattoo parlor, trucking company,
39 welding service, wig styling clinic, veterinarian's clinic.
40

41
42 **1501.P. Motor Vehicle Repair and Maintenance:**
43

- 44 1. In the Highway Commercial (HC1 and HC2) districts such use shall provide a minimum
45 50 feet front and a minimum 50 feet side street setback.
46
47 2. In the Downtown Commercial (C7 and C8) districts no outdoor storage is allowed,
48 including but not limited to motor vehicles, recreational vehicles, parts, supplies,
49 salvaged materials and mobile homes.
50
51

- 1 1501.Q. Outdoor Dining: When the outdoor dining area is adjacent to the property line, a
2 buffer shall be installed that provides a clear delineation between the properties,
3 including any public right-of way.
4
- 5 1501.R. Outside Display and Merchandise Areas. Only the following merchandise shall be
6 displayed or stored outside of a building (in this case only, building is defined as any
7 structure having completely enclosed walls and a roof):
8
- 9 1. Heavy durable goods at establishments where the sale of same is the permitted
10 principal use,
 - 11
 - 12 2. Live nursery products,
 - 13
 - 14 3. Fresh produce,
 - 15
 - 16 4. Cut flowers,
 - 17
 - 18 5. Prepackaged firewood,
 - 19
 - 20 6. Newspaper and magazine racks,
 - 21
 - 22 7. Christmas trees from November 1st to January 2nd of the next year, and
23
 - 24 8. Vending machines where not otherwise prohibited, provided that the vending
25 machines are screened from public view from off the property upon which they
26 are located.
 - 27
 - 28 9. In addition to the above listed exceptions, the following items may be displayed
29 in Highway Commercial (HC1 and HC2) and Wholesale/Manufacturing (WM)
30 zoning districts provided the items are at least 150 feet from any property line:
31 a. Lawn mowers and gardening equipment.
32 b. Outdoor cooking grills.
33 c. Playground equipment.
34 d. Wheelbarrows.
35 e. Building material samples.
36 f. Lawn furniture.
 - 37
 - 38
- 39 1501.Y. Gasoline Stations provided that gas pump islands shall be set back a minimum of 17'
40 from any property line.
41
- 42
- 43 1501.AA. Marinas:
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- 45 1. No net loss of protected wetlands and/or other unique wildlife habitat shall be
46 permitted.
 - 47 2. Fueling facilities (including underground storage, pipelines and pumps) shall be
48 permitted only at commercial marinas, not at communal or individual docks.
49
- 50 1501.EE. Assisted living facilities subject to the following:
51
1. The facility must be licensed as such by the State of South Carolina.

- 1 2. The number of dwelling units must be included in the computation of allowable
2 density for the zoning district in which the facility is located. For the purposes of
3 density calculations, a rooming unit (see definition in Article 2) shall be counted
4 as ½ a dwelling unit. In no instance shall the number of dwelling units exceed the
5 maximum number of residential units allowed within the zoning district.
- 6 3. The facility shall have 24-hour on-site management.

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10 **1501.FF. Moped rental and sales establishments subject to the following:**

- 11 1. Moped leasing, maintenance and all related functions shall be conducted within
12 a building on site or offsite that meets all building code regulations as well as the
13 area dimension regulations of the district.
- 14 2. Display of units available for rental shall be permitted outside the building so
15 long as parking or pedestrian passage is not diminished as required.
- 16 3. The operators of such establishments shall provide one motorcycle safety
17 helmet per moped offered for lease or use while the moped is being rented.
- 18 4. Any signage shall be within the allowable signage for the property.
- 19 5. Amortization of non-conformities. As to this specific zoning amendment
20 pertaining to moped rental uses, those uses made non-conforming which were
21 in existence legally as of May 1, 2010, that are also current with all taxes, fees
22 and assessments with the City, shall have a period of one year from the date of
23 May 1, 2010 for legal operation. On May 1, 2011, the non-conforming uses must
24 end completely.

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32 **1501.OO. Indoor Storage Facility: The following conditions are required to ensure that the**
33 **design and use of an indoor storage facility occur in a manner that is compatible with**
34 **the appropriate zoning characteristics:**

- 35 1. Indoor storage facilities are allowed in buildings of 40,000 sq ft or more.
- 36 2. Each unit will be within a single building and must have a private entrance that is
37 accessible from inside the facility. Direct exterior access to any individual unit is
38 prohibited.
- 39 3. No unit within an indoor storage facility shall be utilized as a place of business. No
40 business license, other than that of the indoor self-storage operator shall be approved
41 for a business operation in the facility.
- 42 4. Lighting and temperature control may be provided to units. No utilities, namely,
43 electricity, water, hvac, telephone, cable TV, or gas, will be provided on an individual
44 basis to the individual units. The use of generators of any kind is prohibited except for
45 emergency backup for the general operations of the indoor storage facility.
- 46 5. No outside storage of commercial vehicles, heavy equipment, boats, RVs and the like
47 shall be permitted.
- 48 6. The use or storage of hazardous materials is prohibited.
- 49 7. No individual storage unit shall be visible from exterior.

- 1 8. Facility must maintain a working surveillance camera system capable of clearly showing
2 the flow of traffic in and out of the building, and capable of interconnection with the City's
3 surveillance camera system.
4

5 1501.TT. Amusements, open or unenclosed under 80' in height: No portion of the ride, at
6 maximum extension, shall be closer than 220 feet, measured horizontally, from any
7 public library, school, or church, or the property upon which it is located.
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10 1501.QQ Solar Farms:

- 11 1. Intent. The intent of these standards is to provide for safe, attractive, orderly and
12 functional sustainable energy options in furtherance of the goals of the
13 comprehensive plan.
14
15 2. Application. These standards shall apply to the installation and/or placement of
16 any solar farm within the City of Myrtle Beach.
17
18 3. Installation.
19 a. Solar farms shall be installed and maintained in compliance with the
20 International Building Code. National Electric Code and all local regulations,
21 directives and codes.
22 b. Installation of any solar farm shall require the issuance of any applicable
23 permits such as building and/or electrical.
24 c. Solar farms may have transformers with substation capabilities in the design
25 and installation.
26 d. A building permit shall not be issued without Community Appearance Board
27 approval.
28
29 4. Setbacks and buffers.
30 a. Front street setbacks. Any solar farm installation will set back from the front
31 street 30 feet or the front street setback of the underlying zoning, whichever is
32 greater.
33 b. Side/Rear setbacks. 10 feet.
34 c. 15-foot minimum landscape buffers as required by CAB.
35
36 5. Structural Height Limit. 35 feet.
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40 1501. NN. Farm Stands or shelter for the retail sales of seasonal agricultural produce, plants,
41 seed, garden supplies, honey, prepared foods and beverages, dairy and dairy
42 products, poultry, eggs, fish, shrimp and ice provided that:
43

- 44 1. All stands and shelters must meet applicable South Carolina DHEC and
45 Department of Agriculture regulations and be appropriately licensed by all
46 appropriate licensing organizations;
47 2. All stands and shelters must be on or adjacent to land occupied by a compliant
48 farm use. For real property tax assessment purposes, where the farm is
49 classified as agricultural, the adjacent land upon which such sales are conducted
50 shall also be classified agricultural;

3. All stands and shelters must be on private property, limited to one such venue per parcel, and must meet the setbacks of the zoning district in which they are located;
4. No preparation of food on premises in conjunction with the farm stand operation;
5. Parking spaces equaling one space per 250 square feet of stand must be provided, at a minimum graded with gravel and suitably maintained;
6. The size of stands or shelters shall not exceed six hundred (600) square feet;
7. Ingress and egress of vehicular traffic shall not create a hazard for traffic on an adjacent street, as determined by city code enforcement and public works staff; and

8. Allowed signage meets the following criteria:

- a. For fixed stands: one primary sign, affixed to the stand or shelter, either projected or parallel to the wall (flat).
 - i. If sign is projected, it shall not exceed 32 sq ft (64 sq ft aggregate).
 - ii. If sign is parallel (flat), it shall not exceed 32 sq ft.
- b. For all uses: one menu board sign, listing the prices and varieties of products, not to exceed eight sq ft (16 sq ft aggregate).
- c. For all uses: No signage will be allowed to encroach into the adjacent rights-of-way.

1503.A. Interim Use of Properties in the Interim Redevelopment (IR) District.

1. The use will be located within an existing structure or facility located on the subject property.
2. A specific maximum period of time for operation of this use shall be established, not to exceed two years; but such use may be extended for a period not to exceed one additional year upon application for such extension to the Board of Zoning Appeals. If the property subject to the interim conditional use is rezoned prior to the expiration of that maximum time, the interim conditional use, if not permitted in the new zone shall be discontinued within 90 days of the rezoning.

1503.G. Parolee-probationer Home:

1. The facility and its operator must hold all licenses required by the State of South Carolina.
2. Except in the Medical/Professional (MP) district, the number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located and shall not exceed the maximum number of residential units allowed within the zoning district. For the purposes of density calculations, a rooming unit shall be counted as ½ a dwelling unit. There is no maximum number of dwelling units in the Medical/Professional (MP) district.
3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.
4. *Recreation areas/open space:* There shall be provided 200 square feet of

- 1 usable open space for each resident, within which required landscaping may be
- 2 included. All open space area shall be suitably landscaped with at least one
- 3 shade tree for each 1,000 square feet of yard area or part thereof.