
1 **2022-5 (1ST READING): TO AMEND THE CODE OF ORDINANCES, CITY OF MYRTLE**
2 **BEACH, APPENDIX A ZONING SECTION 1501 CONDITIONAL USES TO RESTRICT**
3 **GASOLINE STATIONS WITHIN 500’ OF ANY RESIDENTIAL DWELLING UNIT.**

4 **Applicant/Purpose:** Mr. Geoffrey Kay/ to amend the Zoning Code and add a conditional use
5 that no gas station can be within 500’ of any residential dwelling unit.
6

7 **Brief:**

- 8 • There are 32 gas stations in the City, plus 2 in donut holes. At the public hearing, a
9 location/zoning map was displayed showing these locations.
- 10 • Applicant submitted additional materials on January 9, 2022, that further clarifies his
11 intent for the request; see the attachment in the file.
- 12 • The applicant’s intent is to prohibit all gas stations within 500’ of any residential
13 dwelling unit.
- 14 • All gas stations are regulated through the South Carolina DHEC.
15 <https://scdhec.gov/gasoline-dispensing>
- 16 • **Planning Commission:**
 - 17 ○ 1.4.22 - Planning Commission held a public hearing and voted unanimously to
18 continue the request.
 - 19 ○ 1.18.22 - Planning Commission held a public meeting and voted unanimously to
20 continue the request.
 - 21 ○ 2.1.22 - Planning Commission held a public meeting and voted to recommend
22 denial (7 yea, 1 recused, 1 abstained), feeling as though they have not been
23 presented with adequate information regarding the dangers of gas stations
24 within 500’ of residences in Myrtle Beach.
25

26 **Issues:**

- 27 • Approval would render all existing gas stations in the City nonconforming, limiting resale
28 financing and expansion options.
- 29 • Approval in any form will render both gas stations in “donut holes” to be un-annexable.
30

31 **Public Notification:** Agenda published, Notice placed in newspaper.
32

33 **Alternatives:** Approve or amend the ordinance.
34

35 **Financial Impact:**

- 36 • Property tax, business licenses, construction permit and water and sewer utility
37 revenue; additional services (police, fire, public works, etc...) as required.
38

39 **Manager’s Recommendation:**

- 40 • I support the Planning Commission’s recommendation of denial (2/22/2022).
41

42 **Attachment(s):**

- 43 • Ordinance
- 44 • Detailed Staff Report
- 45 • Applicant’s submittal items as of January 9, 2022

CITY OF MYRTLE BEACH
COUNTY OF Horry
STATE OF SOUTH CAROLINA

TO AMEND THE CODE OF
ORDINANCES, CITY OF MYRTLE
BEACH, APPENDIX A ZONING
SECTION 1501 CONDITIONAL USES TO
RESTRICT GASOLINE STATIONS
WITHIN 500' OF ANY RESIDENTIAL
DWELLING UNIT.

IT IS HEREBY ORDAINED that the Myrtle Beach Code of Ordinances, Appendix A
Zoning, Section 1501 Conditional Uses is amended as follows:

- 1501.Y. Gasoline Stations provided that:
 1. Gas pump islands shall be set back a minimum of 17' from any property line; and
 2. No gasoline pumps or underground storage shall be within 500' of any residential dwelling unit.

This ordinance will take effect upon second reading.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK

1st Reading: 2-22-2022

2nd Reading:

1 **STAFF COMMENTS:**

2
3 **Fire:** The Myrtle Beach Fire Department does not have any concerns with this proposal
4 but we also recognize the proposed distance is significantly greater than that required
5 by International Fire Code Section 2303 (dispensing devices must be 10ft. from the gas
6 station lot line).

7
8 **Public Works:** No concerns.

9
10 **Planning & Zoning:**

11 Of the 28 zoning districts in the City, plus approximately 35 PUDs, only six zoning
12 districts do not allow residential uses:

- 13 • Airport (AP)
- 14 • Business Park (BP)
- 15 • Light Manufacturing (LM)
- 16 • Wholesale/Manufacturing (WM)
- 17 • The Cabana Section (CS)
- 18 • Parks, Recreation, & Conservation (PRC)

19
20 **1/9/22:** The applicant has clarified his intention to disallow gas stations within 500' of
21 any residential dwelling unit, (*Please see attached additional submittal items receive*
22 *January 9, 2022*).

- 23
24 • 32 gas stations (100%) in the city are within 500' of a zoning district that allows
25 residential dwelling units, raising nonconformity concerns regarding existing gas
26 stations *and* existing residences.
- 27 • Two “donut-hole” gas stations (100%) are within 500' of a zoning district that
28 allows residential dwelling units, potentially rendering the gas stations un-
29 annexable.

30
31 **SC-DHEC:** No concerns regarding gas station proximity to any particular use. Although
32 they have occasionally acted as intermediary between concerned residents and gas
33 station developers, resulting buffers have resulted from perception, not science.
34 Current regulations and technology adequately mitigate gas station emissions.
35 Additionally, it is in the best interest of the gas station to collect all gasses for sale -
36 any that escapes into the air is money lost.

37
38 **US-HUD:** Research revealed no Federal regulations regarding housing proximity to gas
39 stations. Related Federal regulations are specific to above-ground tanks and oil drilling.
40 FHA will not insure the mortgage on a home within 300' of:

- 41 • An oil well or drill site.
 - 42 • An aboveground, stationary storage tank with a capacity of 1,000 gallons or
43 more of flammable or explosive material.
- 44
45

1 US-EPA: Ozone measurements (including Benzene) in the Myrtle Beach area, on a scale
 2 of:

AQI Basics for Ozone and Particle Pollution

Daily AQI Color	Levels of Concern	Values of Index	Description of Air Quality
Green	Good	0 to 50	Air quality is satisfactory, and air pollution poses little or no risk.
Yellow	Moderate	51 to 100	Air quality is acceptable. However, there may be a risk for some people, particularly those who are unusually sensitive to air pollution.
Orange	Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is less likely to be affected.
Red	Unhealthy	151 to 200	Some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.
Purple	Very Unhealthy	201 to 300	Health alert: The risk of health effects is increased for everyone.
Maroon	Hazardous	301 and higher	Health warning of emergency conditions: everyone is more likely to be affected.

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- Myrtle Beach has averaged over 300 “good” days every year for the past 20 years (2000-2019)
- During the same 20-yr period, the Myrtle Beach area only experienced a total of 2 “Orange” days, the worst we’ve ever had, and they were both prior to 2015.

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.