
1 **2018-58 (1ST READING): ORDINANCE TO AMEND ARTICLE 18 OVERLAY ZONES**
2 **OF THE ZONING OF THE ZONING ORDINANCE TO ADD NEW SECTION 1807 BED &**
3 **BREAKFAST OVERLAY ZONE, TO AMEND SECTION 2 DEFINITIONS TO DELETE THE**
4 **CURRENT DEFINITION OF BED AND BREAKFAST, AND TO AMEND SECTION 1407.C**
5 **TO DELETE BED AND BREAKFASTS AS A PERMITTED USE.**

6 **Applicant/Purpose: Susan Lynch/to amend Article 18 of the Zoning Ordinance to add Bed &**
7 **Breakfast Overlay Zone.**

8
9 **Brief:**

- 10 • Applicant owns a historically significant home in the Pine Lakes neighborhood & proposes
11 to operate the home as a Bed & Breakfast.
- 12 • This ordinance creates an overlay zone that could be applied to a residential
13 neighborhood, or neighborhoods, or portions of neighborhoods, as zoning applications
14 are made & as City Council sees fit.
- 15 • Upon approval of this ordinance, the applicant & her neighbors intend to submit a zoning
16 application in September to apply the overlay zone to a portion of their neighborhood.
- 17 • The overlay includes strict conditions, including owner occupation, parking restrictions,
18 signage, licensure, retail restrictions, meal service restrictions, meeting/gathering/
19 partying prohibition, cooking facilities, & use of accessory structures.
- 20 • 8/21/18: Planning Commission recommended denial (6-2; Boyce & Howard) due to:
21 ▪ The proposal resulting in an encroachment into residential districts.
22 ▪ Adequate zones already exist for establishing bed & breakfast facilities.
23 ▪ There is no evidence of a great public need.
24 ▪ A desire to have single family homes remain as single family homes.

25
26 **Issues:**

- 27 • B&B's are now allowed in RMV, MU-H, C-6, A, HC, & E zones (permitted uses) & IR
28 (supplemental use).
- 29 • PC is concerned about proliferating short term residential lodging in established single-
30 family neighborhoods, & the issues that arise (transience, debris & garbage, safety).

31
32 **Public Notification:**

- 33 • Legal ad ran.
- 34 • Public hearing: 2 members of the public spoke against, 1 in favor.

35
36 **Alternatives:**

- 37 • Modify the request.
- 38 • Deny the proposed ordinance.

39
40 **Financial Impact: The City would see increased revenue though taxes (6% commercial vs. 4%**
41 **residential), Business Licenses, Hospitality Fees, along w/ state & local Accommodations Taxes.**

42
43 **Manager's Recommendation: I support the PC's recommendation of denial.**

44
45 **Attachment(s): Proposed ordinance, staff report, expanded statement from applicant,**
46 **research of other communities.**

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND THE MARKET
COMMON MASTER PLAN ADDITIONAL
PERMITTED USES SUBSECTION OF THE SITE
ZONING SUMMARY SECTION TO ADD
“KENNELS AND ANIMAL BOARDING
FACILITIES, INDOOR” AS A CONDITIONAL
USE.

IT IS HEREBY ORDAINED that Site Zoning Summary section, Proposed Zoning Modifications
Conditional uses subsection, of the Market Common, Myrtle Beach Master Plan is amended as
follows:

- ~~No Modifications~~ Kennels and animal boarding facilities, indoor, provided that:
 1. Such facilities are only allowed in the Phase 1 Area as shown in the Key Plan and shown in further detail in the Enlarged Phase 1 Site Plan on page 13 of the Market Common Master Plan.
 2. Boarding shall be for dogs and cats only.
 3. Space shall be sound-proofed by an architect or engineer.
 4. Waste shall go into an indoor animal relief system same as in local similar in design and disposal to the one at Myrtle Beach International Airport.

This ordinance will take effect upon second reading.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, INTERIM CITY CLERK

1st Reading:
2nd Reading:

1 **APPLICANT** BEI Beach LLC

2

3 **REQUESTED ACTION** Include the Market Common Commercial District in the current
4 ordinance change to allow day and overnight boarding for dogs
5 and cats only.
6

7 **REASON FOR REQUEST** "Currently Myrtle Beach is not meeting a high demand
8 need for locals & tourists. You can only get this service in
9 the county. We have a high request for this service."
10

11 **SITE LOCATION** Market Common Commercial District

12

13 **PUBLIC NOTICE** *Legal Ad Ran* Yes
14 *Signs Posted* 4
15
16

17 **ALTERNATIVES TO APPROVAL** Recommend denial.
18 Recommend alternative amendments.
19

20 **FINANCIAL ANALYSIS:** Potential business license fees.
21

22 **ANALYSIS**
23

24 *Section 403 of the Zoning Ordinance lists the following factors, which should be part of the*
25 *information considered when evaluating requests to change the Zoning Ordinance Text or Map.*

26 **Section 403.A.** Whether or not the requested zoning change is [1] consistent with the
27 Comprehensive Plan or [2] is justified by an error in the original ordinance.

28

- **[1] Neutral.** The Comprehensive Plan does not specifically address kennels or uses
29 relating to the Market Common.
 - An economic strategy is to work with developers and business owners to
30 develop new retail and service businesses in short supply.
 - A tourism strategy is to encourage and develop local businesses to provide
31 tourism-related goods and services.
- **[2] No.** There is no discernable error in the original ordinance.
32
33
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36 **Section 403.B.** – The precedents, and the possible effects of such precedents, which might
37 result from approval or denial of the petition.
38

- None perceived.
39

40 **Section 403.C.** – The capability of the city or other government agencies to provide any
41 services, facilities or programs that might be required if the petition were approved.
42

- The City and other government agencies are able to provide services including
43 utilities, business licenses, and site plan review to any potential kennel facility.
44

45 **Section 403.D.** Effect of approval of the petition on the condition or value of property in the city.
46

- No perceived effect.
47

48 **Section 403.E.** Effect of approval of the petition on adopted development plans and policies of
49 the City.
50

- Petition is in compliance with the comprehensive plan.

Other Policies

Code of Ordinances of the City of Myrtle Beach – Chapter 14 Offenses and Miscellaneous Provisions:

14-62(c) Noises Prohibited: (5) *Animals, birds, etc.* The keeping of any animal or bird on residential or commercial premises that causes frequent or long continued noise which disturbs the comfort or repose of any persons in the vicinity.

14-62(g) *Measurement Methodology: (7) Decibel Standards.* In addition to the subjective standards established above, it shall be presumed that the allowable noise level limits have been violated whenever any noise or sound is projected from 1 property to another is such sound. Measured at the boundary of or on the property receiving the sound, exceeds the following decibel standards:

Residential Zones:

7AM-10PM 55 dBa

10PM-7AM 50 dBa

Medical/Professional Zones:

7AM-Midnight 65 dBa

Midnight-7AM 60 dBa

Highway Commercial Zones:

7AM-Midnight 70 dBa

Midnight-7AM 65 dBa

Warehouse and Light Manufacturing Zones:

Anytime 75 dBa

City Manager’s Strategic Objectives Citations – Economic Development:

Strategy 1: Define an Economic Development Vision & Define Strategies to Achieve that Vision.

- Proposed Vision – to foster an environment in which economic activity can be expanded so that all our citizens have an opportunity to enjoy what the community has to offer.
- Focus Sectors:
 - Infill retail development.
 - New technology & communications.
 - Medical services.

Strategy 4: Continue to Strengthen, Grow & Diversify Tourism.

PUBLIC COMMENTS

One phone call 7/9/18 in support.

Next Door post by John Krajc 7/25-8/1/18 yielded 8 responders in favor of the amendment, 5 responders against the amendment, and 6 neutral responders. Detailed synopsis attached.

STAFF COMMENTS

Public Works, Fire, C&L Services, Addressing, Construction Services: No concerns.

Police: the impact of sound, smell and traffic coming and going from the unit. This may not be an issue as I am not familiar with Phase 1 of Master Plan.

1
2 **Planning:**

3 Staff consulted with Tony Cochrane, a Veterinary Architect at Animal Arts (designing the facility
4 for Dr. Thomas on 21st Ave N) on regulatory conditions that could reduce environmental impacts
5 of kennels on neighboring properties. The conversation yielded the following:

- 6 • There is a point of diminishing returns at which a wall becomes ineffective at stopping
7 noise.
- 8 • Distance is the best way to alleviate sound.
- 9 • Different dogs have different pitches and frequencies of bark. Materials that stop one
10 frequency won't necessarily stop another.
- 11 • The best way to quiet a dog is to wear it out. Good kennels allow a great deal of "play
12 time" during the day so the animals will sleep at night.
- 13 • Different sound deadening materials and devices work differently in different
14 environments. Instead of regulating building materials, its best to choose an acceptable
15 decibel level and let the designer figure out how to achieve it.

16
17 Excerpts from " A BARKING DOG NEVER BITES" by Dr. Leslie Ross B.Sc. D.V.M.:

18
19 "Interpreted literally, the expression "a barking dog never bites" supplies little
20 consolation for many folks, dog-lovers or not, who happen to be within acoustic range of
21 a raucous dog.

22 Along with being undeniably annoying, prolonged, high-decibel barking can
23 cause psychological distress and sometimes permanent hearing damage to humans and
24 other pets within hearing range.

25 Many dogs are capable of barking at a sound intensity level in the 100-decibel
26 range. In rough comparison, starting at 0 as a baseline, 80 dB s a person shouting loudly
27 and about 110 dB is a pneumatic drill nearby. A dog barking from four feet way can be
28 as loud as 95 decibels. If the dog is closer up, the number could be much higher; two
29 dogs barking together, higher yet!

30 According to the National Institute for Occupational Safety and Health (NIOSH)
31 noises louder than 85 decibels can cause people to suffer hearing damage leading to
32 hearing loss or persistent ringing of the ears (tinnitus). Furthermore, widespread noise
33 control bylaws make it unlawful for a dog owner to allow a dog to bark or howl to the
34 annoyance of neighbors or the public. For these reasons it follows that dog-owners must
35 accept the responsibility that comes with owning a dog and control any objectionable
36 barking behavior that their dog may have."

37
38 Dr. Ross goes on to describe several training methods and devices to control a dog's
39 barking. The full article may be found at

40 [www.veddermountainvetclinic.com/articles/article_a-barking-dog-never-bites---by-dr--](http://www.veddermountainvetclinic.com/articles/article_a-barking-dog-never-bites---by-dr--lesl_21.aspx)
41 [lesl_21.aspx](http://www.veddermountainvetclinic.com/articles/article_a-barking-dog-never-bites---by-dr--lesl_21.aspx)

42
43 As a basis for comparison, the following table comes from a STEM Physics web site
44 (Owlcation):

dBA	Example	Home Appliances	Power Tools
0	healthy normal hearing threshold		
10	A watch ticking		
20	rustling leaves		
30	A whisper		
40	Light Rain	computer	
50	Quiet office	refrigerator	
60	normal conversation	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	average personal stereo	lawn mower	Welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		Chain Saw
110	Live Rock Music		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		
130	peak stadium crowd noise		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
160	shotgun		
165	.357 magnum revolver		
180	rocket launch		

Decibel Levels

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THE MARKET COMMON, MYRTLE BEACH

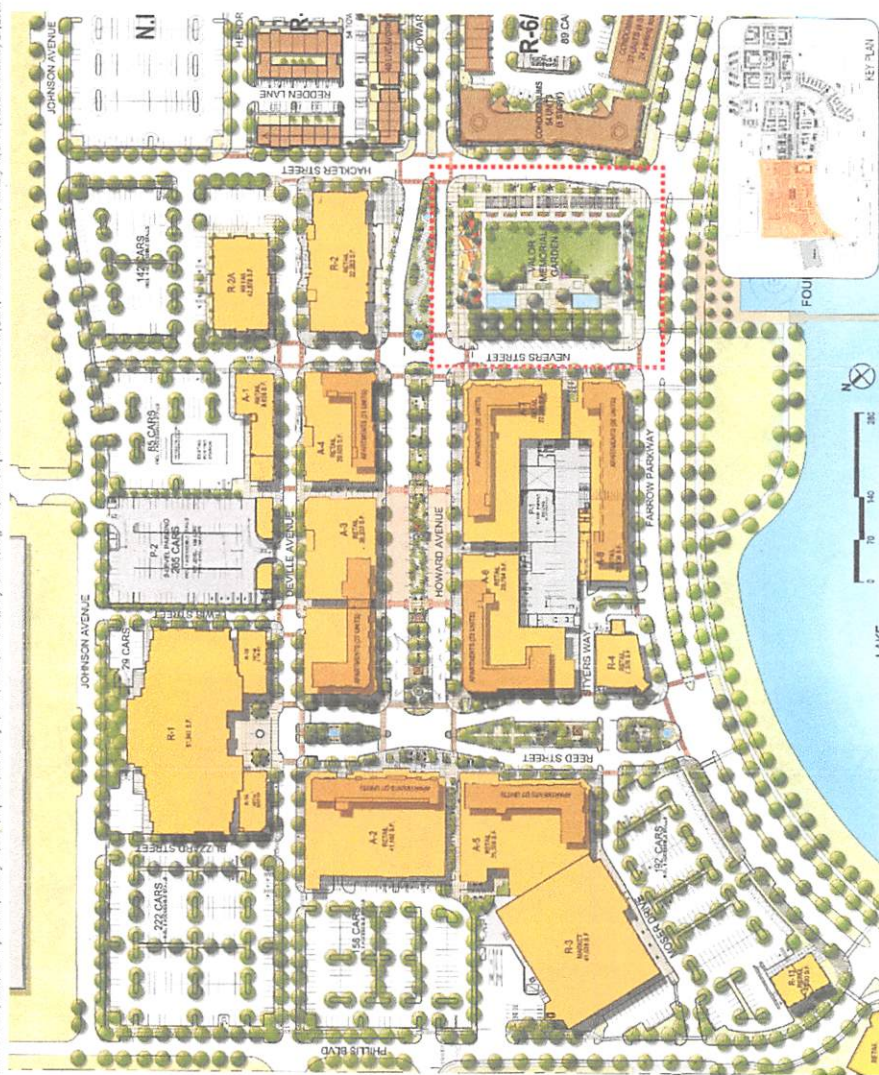
Myrtle Beach, South Carolina | October 27, 2004; Revised November 16, 2004; June 9, 2005; November 27, 2006; January 3, 2007; January 17, 2007; April 24, 2007; May 8, 2007; June 5, 2007 (A); July 3, 2007; August 11, 2007; September 21, 2007; October 19, 2007; November 13, 2007; January 16, 2008; Revised January 23, 2008

Enlarged Phase I Site Plan

PHASE I AREA SUMMARY

SITE AREA	25,219 ACRES
RETAIL	367,919 G.S.F.
COMMUNITY CENTER AREA	42,273 G.S.F.
APARTMENTS	0.448 M ² (4,813 SQ. FT.)
APARTMENT AREA	236,983 G.S.F.

PARKING SUMMARY:	1,218 SPACES
ON-SITE RETAIL PARKING	195 SPACES
ON-SITE RESIDENTIAL PARKING	195 SPACES
PARKING ON ADJACENT STREETS	307 SPACES



MCCARTERY INTERESTS | DEVELOPER
 LEUCADIA INTERNATIONAL CORPORATION | ARCHITECTS PLANNERS
 ANTONOVICH ASSOCIATES | ARCHITECTS
 JOHN REAGAN ARCHITECTS | ARCHITECTS
 THOMAS & BUTTON ENGINEERING CO. | CIVIL ENGINEERING

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July 25- August 1 is how long the post stayed up

RESULTS

29 "thank you" to the post (I count these as positive reactions)

60 comments

20 UNIQUE comments (meaning 20 people were involved in the 60 total)

Of those comments, 8 were positively geared comments FOR the addition, 5 were geared AGAINST, and 6 were just GENERAL comments or questions. Those numbers are based on the unique comments, not the 60 total.

Post reads

Look what could be coming to the Market Common!! (Pet lovers unite)

Hello all, Check this out. I was talking with Heather Gray from the Market Common and this could be coming to the Market Common. Meadowlawn Veterinary has seen such success that they are exploring(very actively) the possibility of opening into the former Kangaroo Pouch location as well specifically for a Pet Boutique (think leashes, treats, clothing for your pooch or cat) as well as pet resort (high end pet boarding). They are working with an architect who specifically works on pet boarding projects for sound proofing walls to assist with noise reduction, and it would keep regular business hours as well as have an overnight employee to monitor the animals as well. You'll see little indoor "potty stations" that they'll have in the back for dogs that are staying that will be connected to a plumbing system similar to the service animal relief areas that they have in the airport now. This will be geared to have an upscale look throughout and these are some pictures she provided me of possible renderings. Their next step is one more meeting with zoning so that they can allow this type of use (overnight boarding) to the plan for Market Common. In speaking with Heather, she says that they are listening and trying to fill empty storefront with long term tenants that provide services that many of us local Market Common folk will have the potential to use on a regular basis. This would certainly fill up an ample amount of empty space, and the scuttlebutt around the Common is that folks have been pleased with the new veterinary service outside of our front door thus far.