

October 8, 2019 – 1st Reading

October 22, 20-19 – Presented for 2nd Reading

2019-50 (2ND READING): TO REZONE A 3.89 ACRE PARCEL (PRE-FIN 19-18) ON STOCKHOLDER ST (A SUB-DIVIDED PORTION TMS#181-01-01-051) FROM HC-1 (HIGHWAY COMMERCIAL) TO WM (WHOLESALE/MANUFACTURING); AND TO REZONE THE ADJACENT PORTION OF STOCKHOLDER AVENUE ACCORDINGLY.

Applicant/Purpose: AVX Corporation /outdoor pod storage.

Brief:

- The property owner originally requested that this parcel be split zoned w/ the portion of the parcel closest to 501 remaining HC-1, & the remainder to be rezoned to WM to accommodate a proposed storage use.
- Planning Commission & staff recommended that the property be subdivided along the proposed zoning line to avoid a split-zoned parcel.
- The property owner agreed, & the property was subdivided on 10/1/19 (the plat has not yet been recorded).
- Planning Commission recommended approval of this modified plan, conditioned upon the recordation of the subdivision prior to 2nd Reading (8-0).
- As discussed at 1st reading the ordinance has been revised to indicate that it will be effective upon the later of approval or the recordation of the subdivision plat.

Issues:

- The practical differences between HC-1 (current zoning) & WM are:
 - HC1 allows a greater variety of commercial uses than WM.
 - Unlike HC-1, WM allows manufacturing, wholesale, heavy equipment, & storage.
 - There is no maximum height in WM.
 - Most setbacks are greater in WM.
- The subdivision has been approved by PC, but is not official until recorded.
- Without the subdivision, approval would have resulted in a split-zoned property.

Public Notification:

- Normal notification for a public hearing before Planning Commission.
- Normal notice for a City Council meeting.

Alternatives:

- Do not require recording of the subdivision prior to 2nd reading.
- Deny the request.

Financial Impact: Potential for increased taxes and fees with development.

Manager Recommendation:

- I recommend 1st reading (10/8/19).
- I recommend 2nd reading & approval (10/22/19).

Attachment(s): Proposed ordinance, Planning Staff Report.

ORDINANCE 2019-50

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

TO REZONE A 3.89-ACRE PARCEL
(PRE-FIN 19-18) ON STOCKHOLDER
ST (A SUBDIVIDED PORTION OF
TMS#181-01-01-051) FROM HC1
(HIGHWAY COMMERCIAL) TO WM
(WHOLESALE/MANUFACTURING);
AND TO REZONE THE ADJACENT
PORTION OF STOCKHOLDER AVENUE
ACCORDINGLY.

PIN # 42500000307

IT IS HEREBY ORDAINED that the official zoning map of the City of Myrtle Beach is amended by rezoning approximately 3.89 acres, that being a portion of Horry County PIN # 42500000307, and the adjacent portion of Stockholder Avenue (as shown on "Exhibit A" attached hereto) from zone HC-1 (Highway Commercial) to WM (Wholesale/Manufacturing).

This ordinance shall become effective upon the later of adoption or recordation.

ATTEST:

BRENDA BETHUNE,
MAYOR

JENNIFER STANFORD, CITY CLERK

1st Reading: 10-8-19
2nd Reading: 10-22-19

1
2
3



STAFF COMMENTS

Planning: Recommend holding 2nd Reading until subdivision is recorded and new PIN# issued
Public Works: No Concerns

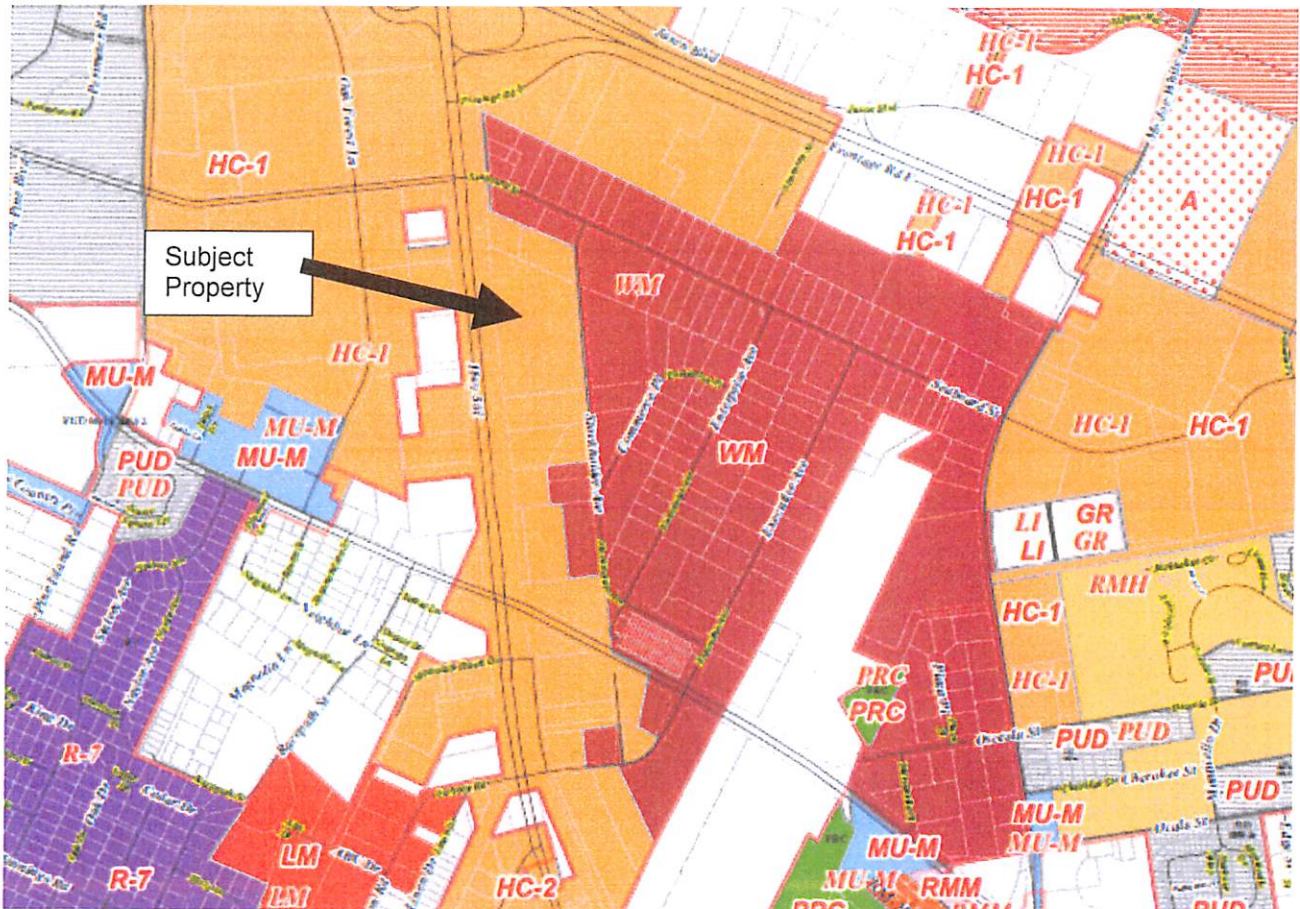
PUBLIC INTEREST: No calls or information requests to date.

Section 403. Findings of Fact Required

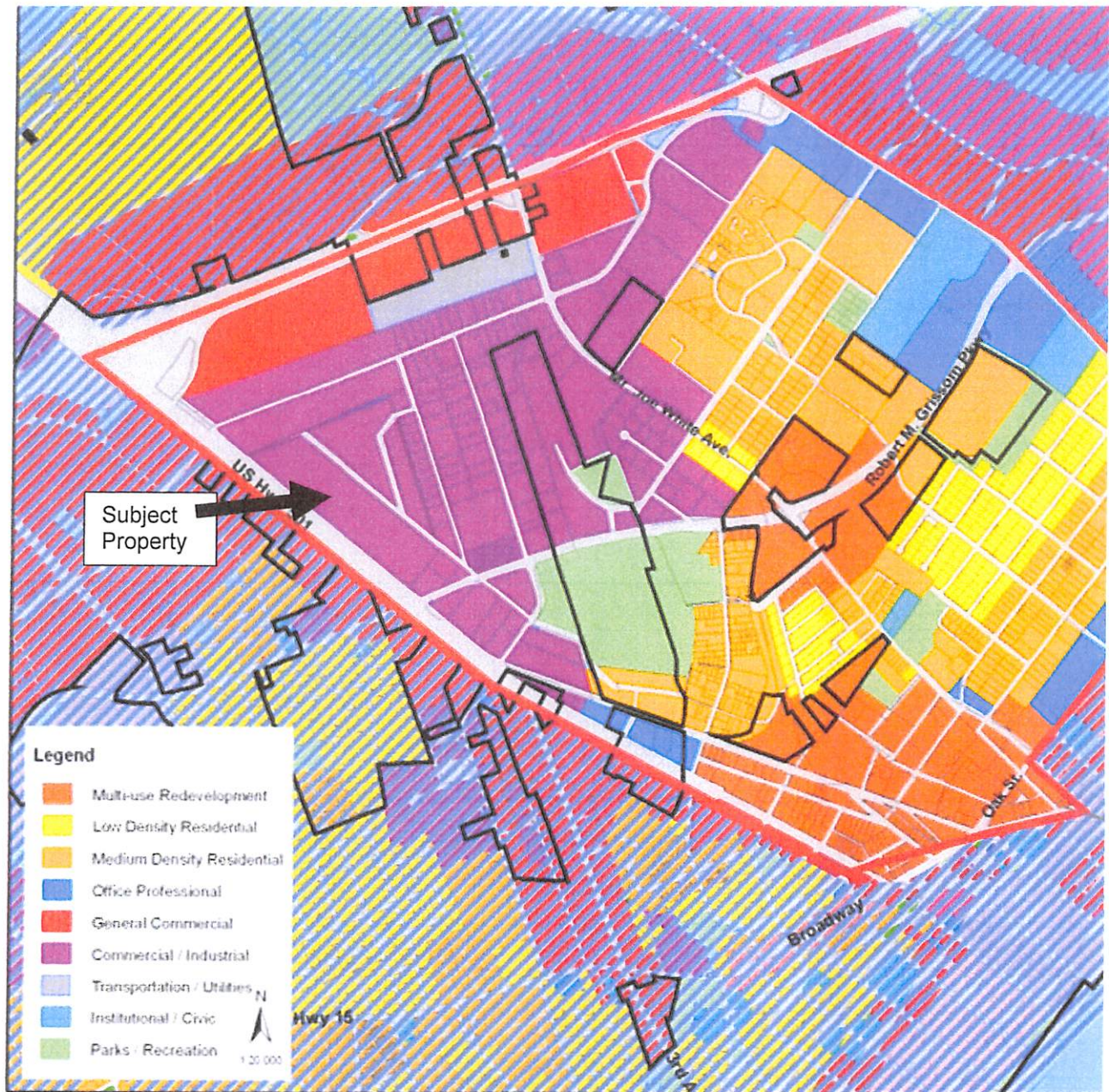
In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council. Factors shall include, but shall not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

ZONING MAP



1 **COMPREHENSIVE PLAN** Future Land Use Map
2
3



4 **Myrtle Beach Proposed Land Use - Planning Area III**
5
6
7

8 **ZONING DISTRICTS COMPARED**

9 **Parking:** Regulations are the same for HC-1 and WM.
10

11 **Signs:** Regulations are the same for HC-1 and WM.
12
13

Area & Dimensional Requirements:

District	Min. Lot Area	Max. Height	Max. Building Coverage	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Ocean Yard Setback	Min. Open Space
HC1	10,000 sq.ft.	60'	50%	30'	30'	B	B	Per CPZ	0% hh
WM	10,000 sq.ft.	---	50%	40'	25'	F G	F K	20'	---

(B) Setbacks are zero except that the provisions of Chapter 6 – *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the Code of Ordinances apply. However, sight triangles and sight lines shall be maintained, requirements in section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use (MU) districts, the sidewalk and buffer requirements of section 1705.I – *When A Property Is Developed* shall be met.

(F) 50' when adjacent to a residential district.

(G) When adjacent to a non-residential district: 20' of setback on each side; or 30' setback on the side of a building with a vehicular access door; or if designed as zero lot line, the side yard opposite the zero lot line shall be a minimum of 50'.

(K) When adjacent to a non-residential district: 15' if no vehicular use area is provided to the rear of the structure; or 25' if vehicular use area is provided in the rear yard; or 30' if a vehicular access door is provided on the rear of a building.

(hh) 20% minimum open space on properties of 3 acres or more.

Permitted Uses: In the table below, a "P" indicates a use that is permitted by right in the respective zoning district. Permitted uses are also subject to other applicable regulations in this Ordinance. A "C" indicates a use that is allowed conditionally, provided that it meets the additional listed regulations. Conditional uses are also subject to other applicable regulations in the Zoning Ordinance. An "S" indicates a use that is allowed only by the Board of Zoning Appeals as a Special Exception, in accordance with the provisions of *Article 5 – Board of Zoning Appeals* and upon compliance with general conditions in the regulations. Special Exception uses are also subject to other applicable regulations in this Ordinance.

Use Category and Type	District		Additional Regulations
	HC 1	WM	
Commercial and Office Uses			
Accounting office	P		

Use Category and Type	HC 1	WM	Additional Regulations
Adult day care	C		1501.A
Advertising agency	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		
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.	P		
Aquariums	P		
Architects office	P	P	
Arts and crafts studio	P	P	
Assembly of electronic instruments and devices such as computer hardware and software, audio and video equipment, business machines, and small appliances.		P	
Assisted living facilities	C		1501.EE
Automated teller machines, free standing	P	P	
Automobile rental	P	P	

Use Category and Type	HC 1 WM Additional Regulations		
	HC 1	WM	Additional Regulations
Bakeries, retail	P	P	
Bakeries, wholesale		P	
Banks	P		
Bar, Tavern	P	P	1312
Barbershops, beauty salons, and cosmetologists	P		
Bed & breakfast establishments	P		
Bingo parlors	P		
Blueprinting services	P	P	
Body piercing establishment		C	1501.C
Booksellers / book stores	P		
Bowling alleys	P		
Brewpub		P	
Broadcast studios, radio and television	P	P	
Brokers	P		

Use Category and Type	HC	WM	Additional Regulations
	1		
Business consultants, offices of	P	P	
Car wash	P	P	
Chambers of commerce	P		
Child care center for 13 or more children (CCC)	C		1501.D
Child care home, family, for up to 6 children (FCCH)	C		1501.D
Child care home, group, for 7-12 children (GCCH)	C		1501.D
Chiropractic care establishments	P	P	
Clothing stores	P		
Commercial center	P		
Commercial group residential	S		
Confectionaries	P		
Congregate housing, older adult	C		1501.F
Construction establishments		P	
Construction vehicle and heavy machinery sales, repair, leasing maintenance, and storage		P	

Use Category and Type	HC	WM	Additional Regulations
	1		
Continuing care retirement community	C		1501.F
Copy shops and business service centers	P	P	
Cosmetology establishments	P		
Credit office	P		
Customer service/reception centers for interval ownership operations	C		1501.G
Dance Halls	P		
Drapery shops, custom	P	P	
Dressmaker	P	P	
Dry cleaning establishments	C	P	1501.H
Engineering office	P	P	
Eyeglass sales	P		
Facilities for active recreation not otherwise listed	P		
Facilities for passive recreation	P		
Financial office	P		

Use Category and Type	HC 1	WM	Additional Regulations
Florists and flower shops	P		
Funeral homes	P		
Galleries	P		
Game arcades	C		1501.J
Gasoline station	C	P	1501.Y
Genetic research institutions		P	
Gift shops	P		
Go carts, electric, indoor or outdoor	P		
Golf courses	C		1501.I
Golf courses, miniature	C		1501.K
Golf driving ranges	P		
Grocery and food stores	P	P	
Hardware stores	P	P	
Health care establishments engaged in the science and art of preventing, curing, recovering from, or alleviating injury or disease, and associated offices, including	P	P	

Use Category and Type	Additional Regulations		
	HC 1	WM	
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	P	1710.C
Heavy machinery sales, repair, leasing, maintenance or storage sales		P	
Home decorating accessory shops sales	P		
Horticultural nursery	P	P	
Hospital	P		
Independent living, older adult	C		1501.E
Indoor Urban Farm		P	
Industrial service establishments sales that supply other businesses, industries or individuals		P	
Jewelry sales and repair	P		

Use Category and Type	HC 1	WM	Additional Regulations
Kennels and animal boarding facilities, indoor	P	P	
Laboratory (analytical, experimental testing, research and development)		P	
Laundromats and service	P	P	
Laundry and linen supply service		P	
Law office	P		
Liquor package stores	P		
Mailing/addressing services	P	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.		P	
Manufacturing, processing, assembling, packaging and distribution establishments sales		P	
Massage establishment, therapeutic	C		1501.X
Metal/cabinet shops		P	
Moped rental and sales establishment	C		1501.FF

Use Category and Type	HC 1 WM Additional Regulations		
	HC 1	WM	Additional Regulations
Motor vehicle detailing	P	P	
Motor vehicle paint or body shop	P	P	
Motor vehicle parts store	P	P	
Motor vehicle repair and maintenance	C	P	1501.P
Motor vehicle sales	P	P	
Motor vehicle rental and leasing	P	P	
Museums	P		
Music sales	P	P	
News and magazine stands	P	P	
Newspaper offices and plants		P	
Nightclubs	P	P	1312
Nursing home facilities	C		1501.F
Outdoor display and merchandise area	C	C	1501.R
Outpatient clinic treating substance abuse		C	1501.MM

Use Category and Type	HC	WM	Additional Regulations
	1		
Parking facilities	P	P	
Parolee-probationer home	S	S	1503.G
Pharmacies	P		
Photography developing establishments	P	P	
Photography studios	P	P	
Pool halls/billiard parlors	P		
Professional organizations, offices of	P	P	
Prosthetic facilities	P	P	
Radio or television station and related transmitting tower	P	P	
Real estate offices	P	P	
Religious establishments providing for religious service and development	P		
Restaurant, with drive-through service	P	P	1312
Restaurant, without drive-through service	P	P	1312
Restaurant with outdoor dining	C	C	1312 1501.Q

Use Category and Type	HC	WM	Additional Regulations
	1		
Retail, big box	P	P	
Retail establishments providing convenience items and services	P	P	
Rock climbing walls	P		
Rooftop gardens	P	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	P	
Shoe repair	P	P	
Skating rinks and parks, indoor	P		

Use Category and Type	HC	WM	Additional Regulations
	1		
Skating rinks and parks, outdoor	P		
Small engine repair	P	P	
Social welfare organizations	P		
Solar farms	C	C	1501.QQ
Sport facilities not otherwise listed	P		
Storage yards, vehicles		C	1501.CC
Storage yards not otherwise listed		S	
Studios (art, dance, or music)	P	P	
Studios (martial arts, athletic)	P	P	
Swimming pools, indoor or outdoor	P		
Tattoo parlor		C	1501.C
Taxi business		P	
Telephone switching facilities		P	
Tennis facilities, indoor or outdoor	P		

Use Category and Type	HC 1	WM	Additional Regulations
Theater, indoor	P		
Theater, outdoor	P		
Tire sales and service	P	P	
Transmission or distribution lines for petroleum, gasoline, natural gas or liquefied petroleum gas		S	
Transmitting towers other than cell towers		P	
Transportation terminals and establishments providing for the interchange of passengers	P	P	
Transportation terminals and establishments providing for the interchange of freight	P	P	
Travel agencies	P		
Truck terminals		P	
Unlicensed group residential (caregiving)	S		
Veterinary offices, clinics, and hospitals	P	C	1501.GG
Video and other media productions		P	
Visitor accommodations not otherwise listed	P		
Visitor information reception center	P		

Use Category and Type	HC 1	WM	Additional Regulations
Warehouse storage	P	P	
Welding shops		P	
Wholesale business establishments for selling bulk goods or commodities, but not toxic chemicals	P	P	
Public Services			
Administrative offices of federal, state and local governments	P		
Buildings and uses of utilities holding a franchise from the city	P	P	
Correctional facilities		S	1503.F
Library, public	P		
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	
Post office	P	P	
Public parking	P	P	
Public regional stormwater facilities	P	P	
Public safety stations including fire, police and rescue services	P	P	
Public utilities installations and substations	P	P	

Use Category and Type	HC	WM	Additional Regulations
	1		
Public works facility/public utilities	P	P	
Social welfare offices	P		
Water tanks, public	S	S	

Referenced sections from the table above:

1312. Special Conditions of Drinking Places and Nightclubs

1312.A Definitions applicable to Section to be used as guidance in interpretation.

Alcoholic beverages shall be construed to mean any spirituous, malt, vinous, fermented, brewed (whether Lager or rice beer) or other Liquors, or any compound or mixture thereof, by whatever name it is known, which contains alcohol and is used as a beverage. It shall not apply to wine when manufactured or made for home consumption and which is not sold by the manufacturer thereof or by any other person or to any beverage declared by state Law to be nonalcoholic or non-intoxicating.

Banquet or event hall means a facility, as a stand-alone structure or as an accessory part of an accommodations complex, which is primarily engaged in providing banqueting rooms, and meals, and entertainment events for persons and entities reserving the space for special occasions including, but not limited to: formal dinners, receptions, reunions, benefits, and club meetings, and may include the onsite consumption of alcohol as an accessory component of food and beverage service.

Bars, lounges, pubs, taverns or similar drinking places are as defined by SIC 5813 or NAISC 722410, and are defined as a place of social gathering and entertainment primarily engaged in the preparation and service of alcoholic beverages onsite or with an open dance floor of Less than 150 square feet.

Beer, ale, porter and wine shall be defined for purposes of this section as stated in Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time.

Comedy club, dinner theatre or performing theatre or similar performance venues are characterized by an visually emphasized performance stage or area that offers patrons paying the ticket or admission fee a fixed seating/table arrangement from which one may view the performance art, such as musical groups, improvisational offering, stand-up comedy, plays, skits, ventriloquism, magic and other staged performance art to patrons,

1 with no floor area of greater than 150 square feet for patron dance, and where food and
2 beverage service is provided, while the business purpose is primarily performance
3 viewing, with an accessory purpose of the service of alcoholic beverages, and or food.
4

5 *Drinking place* generally means any place under permitting by the DOR and licensed as
6 a business in the city to engage in the sale or service of alcohol as defined by SIC 5813
7 or NAISC 722410. This industry comprises establishments known as bars, taverns,
8 nightclubs, performance venues or drinking places primarily engaged in preparing and
9 serving alcoholic beverages for immediate consumption. Not included are
10 establishments primarily engaged food service, or civic and social organizations or
11 package stores. Included are bars, lounges, taverns, nightclubs, pubs and similarly
12 named and licensed entities as identified herein.
13

14 *Entertainment activities or opportunities* means all other activities in drinking places and
15 nightclubs that do not involve the manufacture, sale, purchase, transportation,
16 possession, consumption or other use of alcoholic beverages or food or beverage
17 service during permitted hours of operation, pursuant to state law. Entertainment
18 activities may include, but are not limited to:

- 19 1. The presentation or allowance of live or recorded musical presentations or
20 performances of any sort, including both live amplified performances and amplified
21 recorded presentations or broadcasting,
- 22 2. Live action of performance art or prerecorded video of performance art,
- 23 3. The provision of dedicated space or areas for individual, group, customer or patron
24 dance,
- 25 4. Consumer or product promotions,
- 26 5. Table or electronic games, light shows,
- 27 6. The use of foam or other substances in contact with patrons, independent
28 contractors or employees as an entertainment element, or
- 29 7. The use of objects by patrons, independent contractors and employees as an
30 entertainment element.
31

32 *Nightclub* means an alcohol-free teen club or adult club permitted to serve alcohol, of
33 general admission, membership admission or under a cover charge, which is a place of
34 social gathering and nightclub entertainment activities or opportunities emphasizing live
35 or recorded amplified music in an largely unstructured dance club atmosphere in a
36 interior or outside deck space that is rated for greater than 150
37 person occupancy, with an open dance floor greater than 150 square feet and where the
38 nightclub entertainment activities are primarily orchestrated by a nightclub entertainment
39 promoter or house disc jockey, typically open after 10:00 p.m. and if alcohol is served,
40 where the primary business purpose is the admission cost and sales of alcoholic
41 beverages, and where the admission cost and alcohol sales are greater than the gross
42 sales of food, or when alcohol is not provided, the sale of food is incidental to the
43 primary business purpose of providing a venue for Live or recorded music and dance in
44 the manner described.
45

46 *Primarily or primary* means gross income from all Licensed activities on site which is 60
47 percent or greater, or the greater degree of frequency of conduct, as the context
48 provides.
49

50 *Restaurant* means a place where the primary business purpose is food sales, but which
51 also have both DOR and a business license as a drinking place. A restaurant is operated

as a bona fide eating place that maintains appropriately sized kitchen facilities in relationship to the proposed dining seating areas, and in which, during all business hours, food and beverages are prepared for and served to the customer, for consumption on or off the premises.

1312.B Conditions

1. Notwithstanding any other provision in Appendix A, nightclub uses and drinking places that primarily engage in the sale and service of alcohol are prohibited in the area commonly known as the Super Block, the site of Nance Plaza bounded by 9th Avenue North, Broadway Street and Highway 501 and Main Street.
2. Notwithstanding any other provision in Appendix A, drinking places are prohibited in any zoning district or overlay district in which is contained the area commonly known as the Super Block, the site of Nance Plaza bounded by 9th Avenue North, Broadway Street and Highway 501 and Main Street; provided however restaurants and other uses in which alcohol sales and service are an accessory use are conditionally permitted.
3. Notwithstanding any other provision in Appendix A, no business selling alcoholic beverages may be located in the described area within four hundred feet of any church, school, or playground. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:
 - a. "church", an establishment, other than a private dwelling, where religious services are usually conducted;
 - b. "school", an establishment, other than a private dwelling where the usual processes of education are usually conducted, whether public or private; and
 - c. "playground", a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.
4. Notwithstanding any other provision in Appendix A, and in HC and MU zones where nightclubs and similar drinking places are permitted, they are only as a conditional use, with the conditions being
 - a. adequate parking and
 - b. not being within four hundred feet of any church, school, playground or private residence. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, playground or residence, which, as used herein, shall be defined as follows:
 - i. "church", an establishment, other than a private dwelling, where religious services are usually conducted;
 - ii. "school", an establishment, other than a private dwelling where the usual processes of education are usually conducted, whether public or private; and
 - iii. "playground", a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.
 - iv. Private residence means any owned or long term rental of a house, duplex, apartment, townhouse or other structure.

- 1 1501.A. Adult Day Care Facilities. The facility and its operator shall hold all licenses required by
2 the State of South Carolina.
3
- 4 1501.C. Body Piercing Establishments and Tattoo Parlors provided they shall not be located on
5 properties abutting Mr. Joe White Avenue or Robert Grissom Parkway.
6
- 7 1501.D. Child Care Centers (CCC); Child Care Homes, Family (FCCH); and Child Care Homes,
8 Group (GCCH) provided the facility and its operator holds all licenses required by the
9 State of South Carolina and that in all zoning districts except C6 (Urban Village) the
10 center is located only on the ground floor of the structure.
11
- 12 1501.E. Correctional Placement Residences; Independent Living, Older Adult; Unlicensed group
13 residential (caregiving), Commercial group residential:
14
- 15 1. The facility and its operator shall hold all licenses required by the State of South
16 Carolina.
17
- 18 2. No facility listed in this section shall be located on any lot or parcel within 1200 feet
19 of any other facility listed in this section.
20
- 21 3. *Recreation areas/open space:* In all permitted zoning districts except multifamily
22 (RM) districts, there shall be provided 200 square feet of usable open space for
23 each resident, within which required landscaping may be included. All open space
24 area shall be suitably landscaped with at least one shade tree for each 1,000
25 square feet of yard area or part thereof.
26
- 27 1501.F. Congregate Housing, Older Adult; Continuing Care Retirement Community; Nursing
28 Home Facilities:
29
- 30 1. The facility and its operator shall hold all licenses required by the State of South
31 Carolina.
32
- 33 2. Except in the Medical/Professional (MP) district which has no maximum, the
34 number of dwelling units must be included in the computation of allowable density
35 for the zoning district in which the facility is located and shall not exceed the
36 maximum number of residential units allowed within the zoning district. For the
37 purposes of density calculations, a rooming unit shall be counted as ½ a dwelling
38 unit.
39
- 40 3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or
41 shower per five residents plus an additional toilet and sink shall be provided for
42 each additional group of three persons or less.
43
- 44 4. *Recreation areas/open space:* There shall be provided 200 square feet of usable
45 open space for each resident, within which required landscaping may be included.
46 All open space area shall be suitably landscaped with at least one shade tree for
47 each 1,000 square feet of yard area or part thereof.
- 48 1501.G. Customer Service/Reception Centers for Interval Ownership Operations. Interval
49 ownership real estate marketing and sales transactions provided the lot upon which the
50 facility is located is a minimum of 3 acres in size.
51

1 1501.H. Dry Cleaning Establishments:

- 2
- 3 1. Only non-combustible dry cleaning solvents (such as perchlorethlene) shall be used
- 4 in the dry cleaning process.
- 5
- 6 2. The dry cleaning machines must be closed systems.
- 7

8 1501.I. Facilities for Active or Passive Recreation, including playgrounds, parks, tennis courts,

9 ball fields, swimming pools and golf courses:

10

- 11 1. No recreational facility may be lit for night play or uses unless located upon the
- 12 same parcel or tract as a K-12 school and meets lighting requirements as provided
- 13 in Article 12 – *Lighting and Glare*.
- 14
- 15 2. Required yards shall not be used for parking or accessory buildings.
- 16

17 1501.J. Game Arcades:

18

- 19 1. An arcade shall not contain any machines prohibited by state law.
- 20
- 21 2. With the exception of game arcades located in the Amusement (A) District, the
- 22 maximum number of machines in any arcade shall not exceed one machine for every
- 23 40 square feet of gross floor area of the area allocated to the arcade operations.
- 24

25 1501.K. Golf Courses, Miniature:

26

- 27 1. *Lighting*. No lighting shall be permitted to shine on any adjacent property or street.
- 28 A lighting plan prepared by a lighting engineer must be submitted for review and
- 29 approval by the zoning administrator.
- 30
- 31 2. *Buffer*. A landscape buffer shall be provided on any side adjacent to any residential
- 32 district. Such buffer shall be as follows:
- 33
- 34 a. The buffer strip shall have a minimum width of eight feet.
- 35 b. Trees shall be planted the entire length of the buffer with a minimum spacing of
- 36 12 feet. Each tree shall be at least eight feet tall and 1 and 1/2 inches caliper.
- 37 c. Chain link fencing shall be:
- 38 i. Coated in black or green vinyl; and
- 39 ii. Screened by providing three-foot tall shrubs every three feet on the exterior
- 40 of the fence for the entire length of the fence.
- 41
- 42 3. *Loudspeakers*. If located within 100 feet of a residential district, loudspeakers must
- 43 be turned off after 10:00 p.m. Refer to sec. 14-62 - *Noise* of the code of ordinances
- 44 for additional noise regulations.
- 45

46 1501.P. Motor Vehicle Repair and Maintenance:

47

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

1
2 1501.Q. Outdoor Dining: When the outdoor dining area is adjacent to the property line, a buffer
3 shall be installed that provides a clear delineation between the properties, including any
4 public right-of way.
5

6 1501.R. Outside Display and Merchandise Areas. Only the following merchandise shall be
7 displayed or stored outside of a building (in this case only, building is defined as any
8 structure having completely enclosed walls and a roof):
9

- 10 1. Heavy durable goods at establishments where the sale of same is the permitted
11 principal use,
12
- 13 2. Live nursery products,
14
- 15 3. Fresh produce,
16
- 17 4. Cut flowers,
18
- 19 5. Prepackaged firewood,
20
- 21 6. Newspaper and magazine racks,
22
- 23 7. Christmas trees from November 1st to January 2nd of the next year, and
24
- 25 8. Vending machines where not otherwise prohibited, provided that the vending
26 machines are screened from public view from off the property upon which they are
27 located.
28
- 29 9. In addition to the above listed exceptions, the following items may be displayed in
30 Highway Commercial (HC1 and HC2) and Wholesale/Manufacturing (WM) zoning
31 districts provided the items are at least 150 feet from any property line:
32 a. Lawn mowers and gardening equipment.
33 b. Outdoor cooking grills.
34 c. Playground equipment.
35 d. Wheelbarrows.
36 e. Building material samples.
37 f. Lawn furniture.
38

39 1501.X. Therapeutic Massage Establishments:
40

- 41 1. All massage therapists shall be licensed by the State of South Carolina.
42
- 43 2. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
44

45 1501.Y. Gasoline Stations provided that gas pump islands shall be set back a minimum of 17'
46 from any property line.
47

48 1501.CC. Storage Yards:
49

- 50 1. Storage yards are a minimum of 20 feet from the front and side street and a minimum
51 of 10 feet from the side and rear property line.

2. Material incapable of being reused in some form shall not be placed in the storage yard.
3. Material shall not be placed in any storage yard in such a manner that it is capable of being transferred out of the storage yard by wind, water or other natural causes.
4. All storage yard materials and activities not within fully enclosed buildings shall be enclosed by a mesh fence of sufficient gage and weave to screen the view or a wall of at least six feet in height, but not greater than eight feet in height; along any and all street frontages. It must be mesh of sufficient gage, weave and consistency as to completely hide the use of the storage yard from public view.
5. The storage yard shall have a minimum 5-foot wide landscape buffer. Landscape materials in the buffer along any front or side street will consist of at last one 10-foot tree placed at 25-foot intervals and one 3-gallon shrub placed at 5-foot intervals.

1501.EE. Assisted living facilities subject to the following:

1. The facility must be licensed as such by the State of South Carolina.
2. The number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located. For the purposes of density calculations, a rooming unit (see definition in Article 2) shall be counted as $\frac{1}{2}$ a dwelling unit. In no instance shall the number of dwelling units exceed the maximum number of residential units allowed within the zoning district.
3. The facility shall have 24-hour on-site management.

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

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

- 1 1501.GG. Veterinary offices, clinics, and hospitals provided there are no outdoor kennels and the
2 facility is licensed by appropriate state boards.
3
- 4 1501.MM. Outpatient substance abuse treatment programs must meet all State of South Carolina
5 licensing requirements.
6
- 7 1501.QQ. Solar Farms:
8 1. Intent. The intent of these standards is to provide for safe, attractive, orderly and
9 functional sustainable energy options in furtherance of the goals of the
10 comprehensive plan.
11
- 12 2. Application. These standards shall apply to the installation and/or placement of any
13 solar farm within the City of Myrtle Beach.
14
- 15 3. Installation.
16 a. Solar farms shall be installed and maintained in compliance with the International
17 Building Code. National Electric Code and all local regulations, directives and
18 codes.
19 b. Installation of any solar farm shall require the issuance of any applicable permits
20 such as building and/or electrical.
21 c. Solar farms may have transformers with substation capabilities in the design and
22 installation.
23 d. A building permit shall not be issued without Community Appearance Board
24 approval.
25
- 26 4. Setbacks and buffers.
27 a. Front street setbacks. Any solar farm installation will set back from the front street
28 30 feet or the front street setback of the underlying zoning, whichever is greater.
29 b. Side/Rear setbacks. 10 feet.
30 c. 15-foot minimum landscape buffers as required by CAB.
31
- 32 5. Structural Height Limit. 35 feet.
33
- 34 1503.G. Parolee-probationer Home:
35
- 36 1. The facility and its operator must hold all licenses required by the State of South
37 Carolina.
38
- 39 2. Except in the Medical/Professional (MP) district, the number of dwelling units must
40 be included in the computation of allowable density for the zoning district in which
41 the facility is located and shall not exceed the maximum number of residential units
42 allowed within the zoning district. For the purposes of density calculations, a
43 rooming unit shall be counted as ½ a dwelling unit. There is no maximum number
44 of dwelling units in the Medical/Professional (MP) district.
45
- 46 3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or
47 shower per five residents plus an additional toilet and sink shall be provided for
48 each additional group of three persons or less.
49
- 50 4. *Recreation areas/open space:* There shall be provided 200 square feet of usable
51 open space for each resident, within which required landscaping may be included.

- 1 All open space area shall be suitably landscaped with at least one shade tree for
2 each 1,000 square feet of yard area or part thereof.
3
4 1710.C. Outdoor display of Heavy Durable Goods is not allowed on lots less than two (2) acres.