
1 **2020-35 (2ND READING): TO AMEND APPENDIX A ZONING OF THE CODE OF**
2 **ORDINANCES SECTION 1407.C PERMITTED USES TO ALLOW BREWPUBS IN THE E**
3 **(ENTERTAINMENT) ZONING DISTRICT.**

4 **Applicant/Purpose:** American Surf Parks, LLC (applicant) / to amend Appendix A of the Zoning
5 Code to allow brewpubs as a permitted use in the Entertainment District

6
7 **Brief:**

- 8 • The applicant is developing a surf park attraction on the corner of Robert Grissom
9 Parkway & Burroughs & Chapin Boulevard, behind the Myrtle Beach Sports Center.
- 10 • The applicant's business model includes a brewpub, which is currently not a permitted
11 use in the Entertainment (E) Zone.
- 12 • Planning Commission recommends approval July 7, 2020 (7-0).
- 13 • No changes since 1st reading.

14
15 **Issues:**

- 16 • The Code defines "Brewpub" as "a facility w/ on-site food service (not more than 50%
17 of total sales), tap room & retail operations that brews or produces alcoholic & non-
18 alcoholic beverages for sale & consumption on-site as well as wholesale or off-site sales,
19 consistent w/ State law (including operations, & separation from school, church, &
20 playground uses).
- 21 • Brewpubs were added in 2018 to allow for new business opportunities & are currently
22 permitted in the LM (Light Manufacturing) & WM (Wholesale/Manufacturing) districts.

23
24 **Public Notification:**

- 25 • Legal ad for the PC public hearing was published on 6/19/20.
- 26 • Normal City Council meeting notification.

27
28 **Alternatives:**

- 29 • Modify the proposed ordinance.
- 30 • Deny the proposed ordinance.

31
32 **Financial Impact:** The City will receive increased Business License revenue, rental payment,
33 property taxes, & tourist based revenues once the Surf Park opens

34
35 **Manager's Recommendation:**

- 36 • 1st reading (7/14/2020).
- 37 • I recommend approval (7/28/2020).

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

ORDINANCE 2020-35

CITY OF MYRTLE BEACH
 COUNTY OF Horry
 STATE OF SOUTH CAROLINA

TO AMEND APPENDIX A ZONING OF
 THE CODE OF ORDINANCES SEC.
 1407.C PERMITTED USES TO ALLOW
 BREWPUBS IN THE E
 (ENTERTAINMENT) ZONING DISTRICT.

IT IS HEREBY ORDAINED that 1407.C Permitted Uses, Appendix A, Zoning of the Code of Ordinances is amended to add brewpubs as a permitted use in the E (Entertainment) district as follows:

1407.C Permitted Uses

Use Category and Type	P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed														Additional Regulations
	MU-M	MU-H	C6	C7	C8	A	E	HC1	HC2	MP	AP	LM	WM	IR	
Commercial and Office Uses															
Brewpub							<u>P</u>					P	P		

This ordinance will take effect upon second reading.

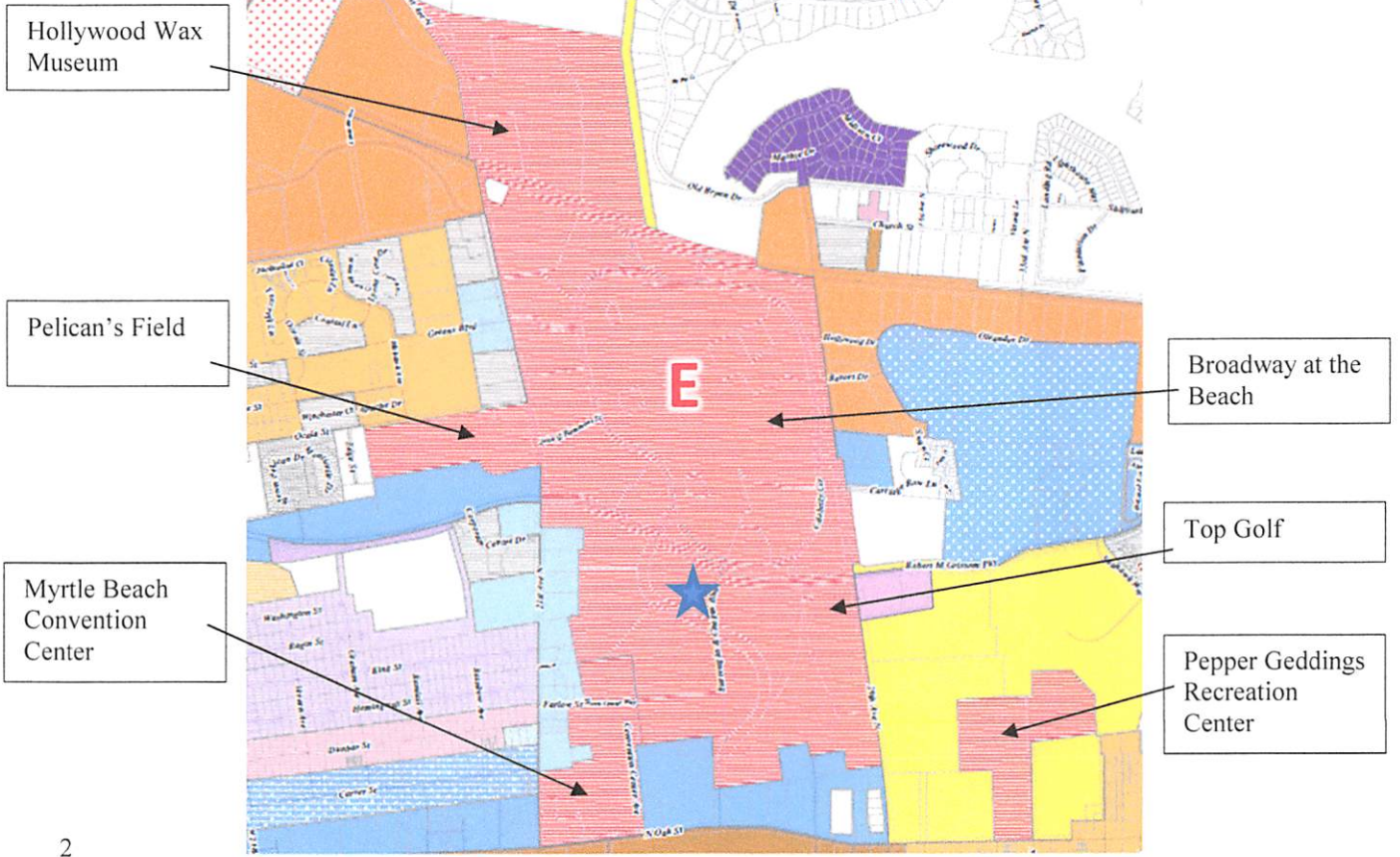
 BRENDA BETHUNE, MAYOR

ATTEST:

 JENNIFER ADKINS, CITY CLERK

1st Reading: 7-14-2020
 2nd Reading: 7-28-2020

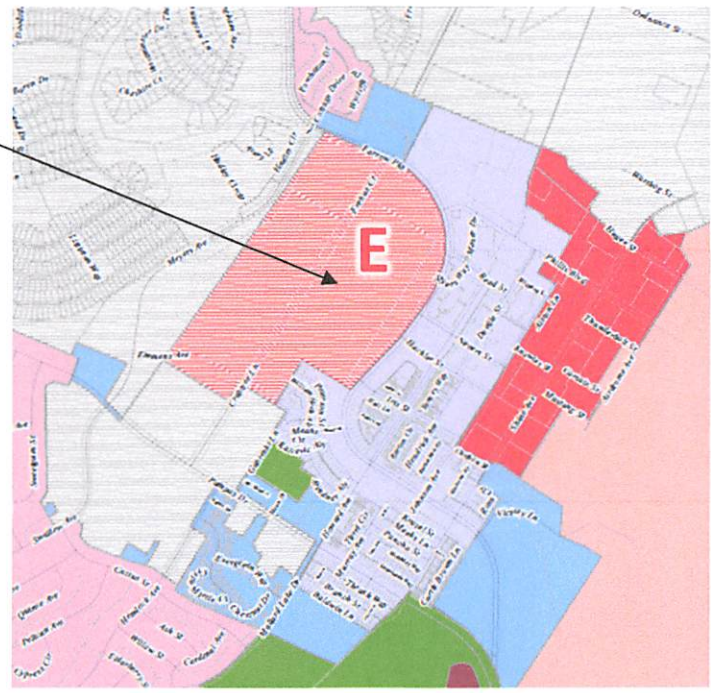
1 Zoning Maps (not to scale). E (Entertainment) District shown in red/white hash marks.



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★ Project Location

Grand Park



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- 1 **Currently Permitted in the E (Entertainment) District:**
 2 P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed

Use Category and Type	E	Additional Regulations
Residential Uses		
Permanent residence, two-family dwellings	P	
Permanent residence, multi-family dwellings	P	
Commercial and Office Uses		
Amusements, open or unenclosed over 80' in height.	P	1603.C.(V)
Amusements, open or unenclosed under 80' in height.	P	
Aquariums	P	
Arts and crafts studio	P	
Automated teller machines, free standing	P	
Automobile rental	P	
Bakeries, retail	P	
Bar, Tavern	P	
Barbershops, beauty salons, and cosmetologists	P	

Use Category and Type	E	Additional Regulations
Bed & breakfast establishments	P	
Bingo parlors	P	
Boating (non-motorized) and water-related activities	P	
Booksellers / book stores	P	
Bowling alleys	P	
Broadcast studios, radio and television	P	
Clothing stores	P	
Comedy Clubs	P	
Commercial center	P	
Confectionaries	P	
Convention services	P	
Cosmetology establishments	P	
Customer service/reception centers for interval ownership operations	C	1501.G
Dance Halls	P	

Use Category and Type	E	Additional Regulations
	Dressmaker	P
Eyeglass sales	P	
Facilities for active recreation not otherwise listed	P	
Facilities for passive recreation	P	
Florists and flower shops	P	
Galleries	P	
Game arcades	C	1501.J
Gasoline station	C	1501.Y
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	
Health clubs, gymnasiums, exercise and workout areas	P	

Use Category and Type	E	Additional Regulations
Home decorating accessory shops sales	P	
Home occupations	C	1501.L
Horse carriage terminals and stables	S	
Indoor Passive Recreation	P	
Jewelry sales and repair	P	
Liquor package stores	P	
Marinas	C	1501.AA
Moped rental and sales establishment	C	1501.FF
Motor vehicle sales	P	
Motor vehicle rental and leasing	P	
Museums	P	
Music sales	P	
News and magazine stands	P	

Use Category and Type	E Additional Regulations	
	Nightclubs	P
Outdoor display and merchandise area	C	1501.R
Outdoor vending and concession stands	C	1501.M
Parking facilities	P	
Photography developing establishments	P	
Photography studios	P	
Pool halls/billiard parlors	P	
Religious establishments providing for religious service and development	P	
Restaurant, with drive-through service	P	
Restaurant, without drive-through service	P	
Restaurant with outdoor dining	C	1501.Q
Retail, big box	P	
Retail establishments providing convenience items and services	P	
Rock climbing walls	P	

Use Category and Type	E Additional Regulations	
	Rooftop gardens	P
Ropes course	P	
Schools, colleges or universities	P	
Schools, trade or vocational	P	
Schools, artistic training	P	
Schools, athletic training	P	
Skating rinks and parks, indoor	P	
Skating rinks and parks, outdoor	P	
Solar farms	C	1501.QQ
Sport facilities not otherwise listed	P	
Studios (art, dance, or music)	P	
Studios (martial arts, athletic)	P	
Swimming pools, indoor or outdoor	P	
Tennis facilities, indoor or outdoor	P	

Use Category and Type	E	Additional Regulations
Theater, indoor	P	
Theater, outdoor	P	
Transportation terminals and establishments providing for the interchange of passengers	P	
Video and other media productions	P	
Visitor accommodations not otherwise listed	P	
Visitor information reception center	P	
Public Services		
Buildings and uses of utilities holding a franchise from the city	S	
Library, public	P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	
Post office	P	
Public parking	P	
Public regional stormwater facilities	P	
Public safety stations including fire, police and rescue services	P	

Use Category and Type	E	Additional Regulations
Public utilities installations and substations	P	
Public works facility/public utilities	P	
Water tanks, public	S	

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Section 1501. Conditional Use:

A use allowed in a particular zoning district provided all the conditions, restrictions or limitations set forth in the text of the Ordinance are met. The conditions imposed are in addition to the restrictions applied to all land in the zoning district.

The conditions provided in this section apply to uses permitted conditionally (C) in the appropriate zoning districts as provided in section 1407 - *Table of Uses*.

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.

- 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 every 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

1 property or street. A lighting plan prepared by a lighting engineer must
2 be submitted for review and approval by the zoning administrator.

3
4 2. *Buffer.* A landscape buffer shall be provided on any side adjacent to any
5 residential district. Such buffer shall be as follows:

- 6
7 a. The buffer strip shall have a minimum width of eight feet.
8 b. Trees shall be planted the entire length of the buffer with a minimum
9 spacing of 12 feet. Each tree shall be at least eight feet tall and 1
10 and 1/2 inches caliper.
11 c. Chain link fencing shall be:
12 i. Coated in black or green vinyl; and
13 ii. Screened by providing three-foot tall shrubs every three feet on
14 the exterior of the fence for the entire length of the fence.

15
16 3. *Loudspeakers.* If located within 100 feet of a residential district,
17 loudspeakers must be turned off after 10:00 p.m. Refer to sec. 14-62 -
18 *Noise* of the code of ordinances for additional noise regulations.

19
20 1501.L. Home Occupations:

- 21
22 1. Such occupation is conducted by no other persons than members of the
23 family residing on the premises.
24
25 2. Such occupation is conducted within the dwelling, is clearly incidental
26 and secondary to the use of the structure for dwelling purposes, and
27 does not detract from the residential character of the immediate area.
28
29 3. No stock in trade is kept or commodities sold or leased on the premises.
30
31 4. No mechanical equipment is used except such that is normally used for
32 family, domestic, or household purposes.
33
34 5. Such occupation(s) utilizes no more than 25 percent of the total floor
35 area of the principal building.
36
37 6. Such occupation creates no offensive noise, vibrations, smoke, dust,
38 odors, heat, or glare noticeable at or beyond the property line.
39
40 7. Such occupation is not evident from outside the dwelling and there is no
41 exterior indication that the building is being used for any purpose other
42 than a dwelling.
43
44 8. Musical instruction is limited to a maximum of two (2) pupils at a time.
45
46 9. Child care is limited to a maximum of six (6) children.
47
48 10. Under no circumstances shall any of the following be considered a
49 home occupation: adult oriented businesses, aerobic exercise studio,
50 ambulance service, auto repair service, barber shop, beauty parlor,
51 body piercing establishment, child care center, chiropractor, dentist,

1 doctor, drug/alcohol counseling services, escort services, firearms
2 manufacturing, group day care home, gym, health salon, kennel,
3 mortuary, musical or dancing instruction involving more than two pupils
4 at one time, nightclub, nursing home, psychiatrist or psychologist office,
5 restaurant, substance abuse clinics, swimming pool companies, tattoo
6 parlor, trucking company, welding service, wig styling clinic,
7 veterinarian's clinic.

8
9 **1501.M. Outdoor Vending and Concession Stands.** When associated with a specific
10 temporary event, not otherwise regulated by any specific law of general
11 application, outdoor vending and concession stands are permitted if the
12 following conditions are met. This permissive use does not exempt the owner
13 from compliance with the regulations of any law dealing specifically with the
14 subject of special events in general application.

- 15
16 1. Tents, tractor trailers and other temporary structures. Tents, tractor-
17 trailers and other temporary structures may be erected or established
18 provided they are in compliance with the International Building Code and
19 the International Fire Code.
- 20
21 2. City Council reserves the right to set vendor fees at its discretion.
- 22
23 3. Merchandise shall be displayed in a manner that it will not be visible
24 from any public right-of-way, with the exception of Celebrity Circle.
- 25
26 4. A clear walkway of not less than 20 feet shall be maintained along the
27 front of temporary structures.
- 28
29 5. Temporary event structures shall be placed no less than ten feet from a
30 public right-of-way provided that the activity area of the structure is
31 facing away from the right-of-way.

32
33 In the event a temporary event structure is to face the right-of-way it
34 shall be no closer than 50 feet from the right-of-way, screened by other
35 structures so that it is not visible from the right-of-way or screened by a
36 six foot high opaque fence.

- 37
38 6. The temporary structure must be removed within 24 hours of the end of
39 the temporary event and cleaning of the premises must be completed
40 once vacated.

41
42 **1501.Q. Outdoor Dining:** When the outdoor dining area is adjacent to the property
43 line, a buffer shall be installed that provides a clear delineation between the
44 properties, including any public right-of way.

45
46 **1501.R. Outside Display and Merchandise Areas.** Only the following merchandise
47 shall be displayed or stored outside of a building (in this case only, building is
48 defined as any structure having completely enclosed walls and a roof):

- 49
50 1. Heavy durable goods at establishments where the sale of same is the
51 permitted principal use,

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- 2. Live nursery products,
- 3. Fresh produce,
- 4. Cut flowers,
- 5. Prepackaged firewood,
- 6. Newspaper and magazine racks,
- 7. Christmas trees from November 1st to January 2nd of the next year, and
- 8. Vending machines where not otherwise prohibited, provided that the vending machines are screened from public view from off the property upon which they are located.

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

1501.AA. Marinas:

- 1. No net loss of protected wetlands and/or other unique wildlife habitat shall be permitted.
- 2. Fueling facilities (including underground storage, pipelines and pumps) shall be permitted only at commercial marinas, not at communal or individual docks.

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.QQ Solar Farms:
- 2 1. Intent. The intent of these standards is to provide for safe, attractive,
- 3 orderly and functional sustainable energy options in furtherance of the
- 4 goals of the comprehensive plan.
- 5 2. Application. These standards shall apply to the installation and/or
- 6 placement of any solar farm within the City of Myrtle Beach.
- 7 3. Installation.
- 8 a. Solar farms shall be installed and maintained in compliance with the
- 9 International Building Code. National Electric Code and all local
- 10 regulations, directives and codes.
- 11 b. Installation of any solar farm shall require the issuance of any
- 12 applicable permits such as building and/or electrical.
- 13 c. Solar farms may have transformers with substation capabilities in the
- 14 design and installation.
- 15 d. A building permit shall not be issued without Community Appearance
- 16 Board approval.
- 17

18 1603.C. Area, Height and Dimensional Requirements for Commercial Zoning Districts

District	Min. Lot Area	Min. Lot Width	Max. Height	Max. Building Coverage	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. District Land Area	Min. Open Space
E	21,780 sq.ft.	50' R	180' V	40% gg	D	D	aa	aa	10 acres	25%

19 (V) Provided, however, that open or unenclosed amusements shall have a maximum height of

20 240' if located at least 700 feet from the district boundary, and 180' if otherwise located; and that

21 the maximum height for subdivided out parcels is 100'.

22

23 **STAFF COMMENTS:**

24

25 Fire, Police, Zoning: No Concerns

26

27

28 **Section 403. Findings of Fact Required**

29

30 In reviewing any petition for a zoning amendment, the Planning Commission shall

31 identify and evaluate all factors relevant to the petition, and shall report its findings in full,

32 along with its recommendations for disposition of the petition, to the City Council.

33 Factors shall include, but shall not be limited to, the following:

34

- 35 403.A. Whether or not the requested zoning change is consistent with the
- 36 Comprehensive Plan or is justified by an error in the original ordinance.
- 37 403.B. The precedents and the possible effects of such precedents, which might
- 38 result from approval or denial of the petition.
- 39 403.C. The capability of the City or other government agencies to provide any
- 40 services, facilities, or programs that might be required if the petition were
- 41 approved.
- 42 403.D. Effect of approval of the petition on the condition or value of property in the
- 43 City.
- 44 403.E. Effect of approval of the petition on adopted development plans and policies
- 45 of the City.