

---

**2020-23 (1<sup>ST</sup> READING): TO AMEND APPENDIX A ZONING OF THE CODE OF ORDINANCES SECTION 1007.C TO REMOVE THE REQUIREMENT FOR A \$1 MORTGAGE AND TO INSTEAD REQUIRE A DEED RESTRICTION ON PROPERTY UTILIZED FOR REQUIRED PARKING LOCATED OFF-SITE.**

---

**Applicant/Purpose:** Staff/ to change the method of securing the continuing use of property designated for off-site parking spaces when that parking is counted to meet required parking standards.

**Brief:**

- The \$1 mortgage provision was intended to give the City a small amount of control to ensure that property used for off-site parking spaces which counted toward required parking for hotel or business uses were not subsequently conveyed for other uses.
- A conveyance of such property would have resulted in the business that relied upon such parking to becoming non-conforming.

**Issues:**

- In reality this has not been a useful tool to achieve the desired effect. In order for this to be useful, the City would have to satisfy all of the mortgages that have higher priority in order to secure the use of property being used for parking by a private business.
- As a better approach staff has suggested a change to substitute a requirement for a deed restriction (rather than the \$1 mortgage) on such property.
- Staff also recommends that the deed restriction be recorded prior to the issuance of a building permit, instead of the certificate of occupancy.

**Public Notification:** Normal meeting notification.

**Alternatives:** None considered.

**Financial Impact:** None to the City.

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading.

**Attachment(s):** Proposed ordinance.

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

TO AMEND APPENDIX A ZONING OF  
THE CODE OF ORDINANCES  
SECTION 1007.C TO REMOVE THE  
REQUIREMENT FOR A \$1  
MORTGAGE AND TO INSTEAD  
REQUIRE A DEED RESTRICTION ON  
PROPERTY UTILIZED FOR  
REQUIRED PARKING LOCATED OFF  
SITE.

IT IS HEREBY ORDAINED that 1007.C Appendix A, Zoning of the Code of Ordinances is amended to require a deed restriction on property utilized for required parking located off site as follows:

1007.C. Required off-site parking spaces shall be authorized solely for use by the principal permitted use supported. The parking spaces shall not be increased, decreased, or encroached upon in any manner unless first authorized by written consent of the City. This requirement shall in no way discourage or prevent the use of shared parking facilities as allowed by this ordinance. The owner or authorized agent for the land upon which such remote parking is to be located shall provide a ~~one-dollar (\$1.00) mortgage deed restriction, or other legal instrument~~, accompanied by a plat showing the boundaries of the proposed off-site parking lot. Both documents shall be properly filed with the Register of Mesne Conveyance for Horry County, and may be released only by the written consent of the City at such time as the restricted parking is no longer required to comply with zoning regulations. Receipt of a recorded copy of this document and plat shall be required prior to issuance of a ~~certificate of occupancy building permit~~ for the principal permitted use for which the off-site parking is to be utilized.

This ordinance will take effect upon second reading.

\_\_\_\_\_  
BRENDA BETHUNE, MAYOR

ATTEST:

\_\_\_\_\_  
JENNIFER STANFORD, CITY CLERK

1<sup>st</sup> Reading: 4-14-2020

2<sup>nd</sup> Reading:

1 **STAFF COMMENTS:**

2  
3 Fire: No Concerns

4  
5 Zoning: Requested the amendment

6  
7 Public Works: No Concerns

8  
9  
10  
11 **Section 403. Findings of Fact Required**

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

- 16  
17 403.A. Whether or not the requested zoning change is consistent with the Comprehensive  
18 Plan or is justified by an error in the original ordinance.  
19 403.B. The precedents and the possible effects of such precedents, which might result from  
20 approval or denial of the petition.  
21 403.C. The capability of the City or other government agencies to provide any services,  
22 facilities, or programs that might be required if the petition were approved.  
23 403.D. Effect of approval of the petition on the condition or value of property in the City.  
24 403.E. Effect of approval of the petition on adopted development plans and policies of the  
25 City.  
26