

June 9, 2020 – Presented for 1<sup>st</sup> Reading  
June 23, 2020 – Presented for approval.

**2020-29 (2<sup>ND</sup> READING): ORDINANCE TO REZONE ~0.51 ACRES ON SWANN CURVE (PIN 44306010016) FROM RMM (MULTIFAMILY MEDIUM DENSITY) TO MUM (MIXED USE MEDIUM DENSITY) IN ORDER TO MATCH THE ZONING OF THE ADJACENT PARCEL WITH WHICH IT IS TO BE COMBINED.**

**Applicant/Purpose:** Earthworks Group (Applicant) / to rezone approx. 0.51 acres on Swann Curve from RMM to MUM.

**Brief:**

- Applicant intends to construct townhomes along Hwy 15 b/w Boundary St. & 5<sup>th</sup> South.
- Applicant needs to combine 2 lots to make project work,
- The 2 lots are zoned differently (MUM & RMM).
- Planning Commission: recommends approval (7-0).
- No changes since 1<sup>st</sup> reading.

**Issues:**

- In order to avoid a split-zoned property, staff has requested the smaller parcel (RMM) be rezoned to match the larger parcel (MUM) before combining the lots.
- The number of units proposed is permitted under either zoning district.
- The townhome project built to the MUM design standards will result in much-needed pedestrian improvements to this section of Highway 15.
- A zoning district comparison is attached to the ordinance. In summary:
  - RMM (current zoning) is a multifamily district allowing a maximum 12 units/acre.
  - MUM (requested zoning):
    - Allows up to 20 units/acre, w/ a density bonus for increased open space.
    - Is a mixed-use district. Mixed Use districts allow a number of commercial uses residential districts do not.
    - Includes pedestrian-oriented design standards that RMM (current zoning) does not.
- Increased workforce housing is a City Council priority.

**Public Notification:**

- 13 letters sent to owners of property within 300'.
- One sign placed on the property.
- Legal ad ran 5/15/20.
- Public Hearing 6/2/20.

**Alternatives:**

- Modify the proposed rezoning.
- Deny the proposed rezoning.

**Financial Impact:** An increase in property tax revenue, building permit revenue, & business license revenue (if the townhomes are rented)

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading (6/9/2020).
- I recommend 2<sup>nd</sup> reading & adoption (6/23/2020).

**Attachment(s):** Proposed ordinance, staff report

ORDINANCE 2020-29

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

ORDINANCE TO REZONE ~0.51 ACRES ON SWANN :  
CURVE (PIN 44306010016) FROM RMM  
(MULTIFAMILY MEDIUM DENSITY) TO MUM (MIXED  
USE MEDIUM DENSITY) IN ORDER TO MATCH THE  
ZONING OF THE ADJACENT PARCEL WITH WHICH  
IT IS TO BE COMBINED.

PIN # 44306010016

**IT IS HEREBY ORDAINED** that the official zoning map of the City of Myrtle Beach is amended by rezoning approximately 0.51 acres, that represented by Horry County PIN # 44306010016 (as shown on "Exhibit A" attached hereto) from zone RMM (Multifamily Medium Density) to MUM (Mixed Use Medium Density).

This ordinance shall become effective upon adoption.

ATTEST:

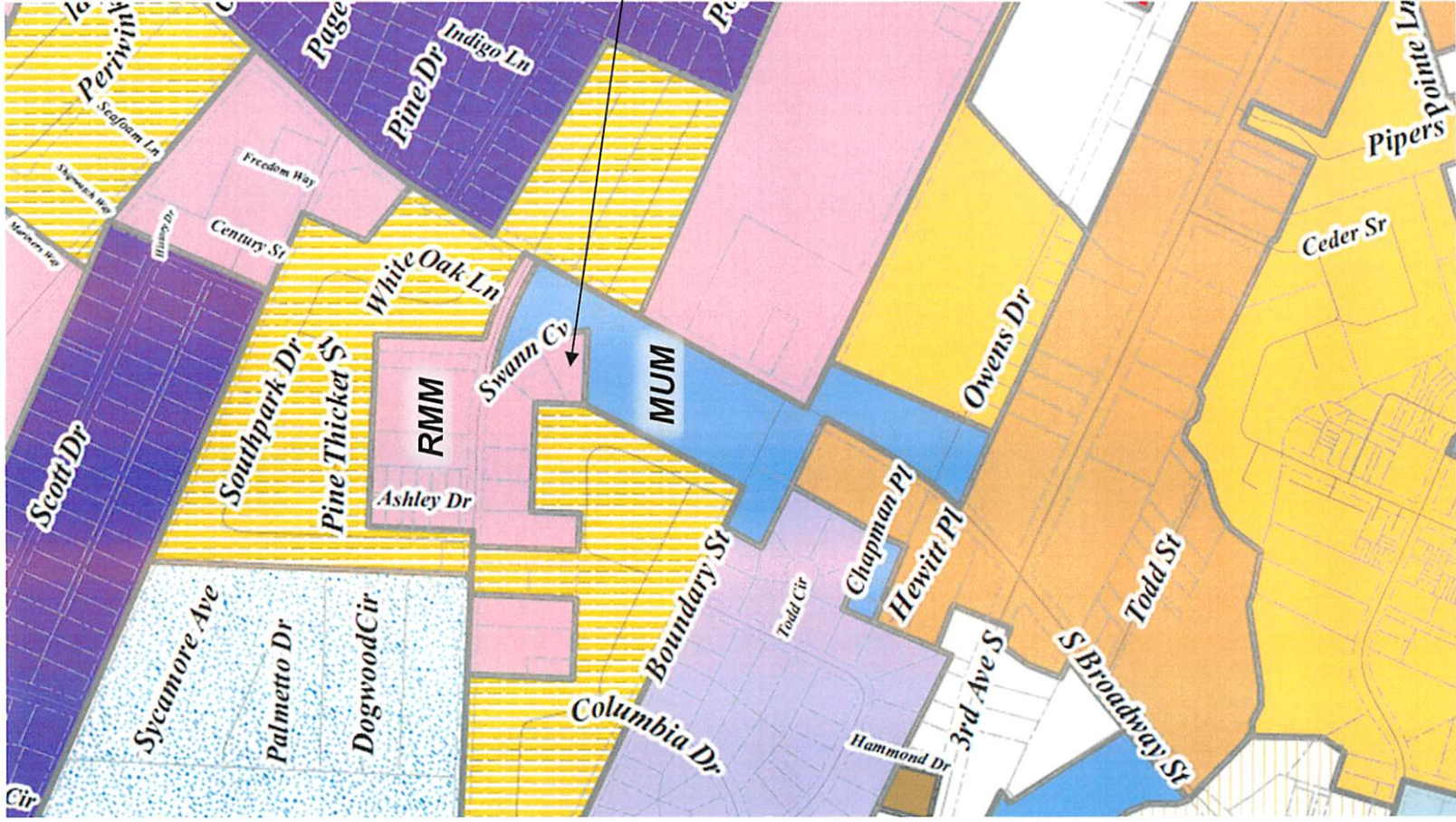
\_\_\_\_\_  
BRENDA BETHUNE, MAYOR

\_\_\_\_\_  
LINDSEY HARING, ACTING CITY CLERK

1<sup>st</sup> Reading: 6-9-2020

2<sup>nd</sup> Reading: 6-23-2020

EXHIBIT A  
ORDINANCE 2020-XX

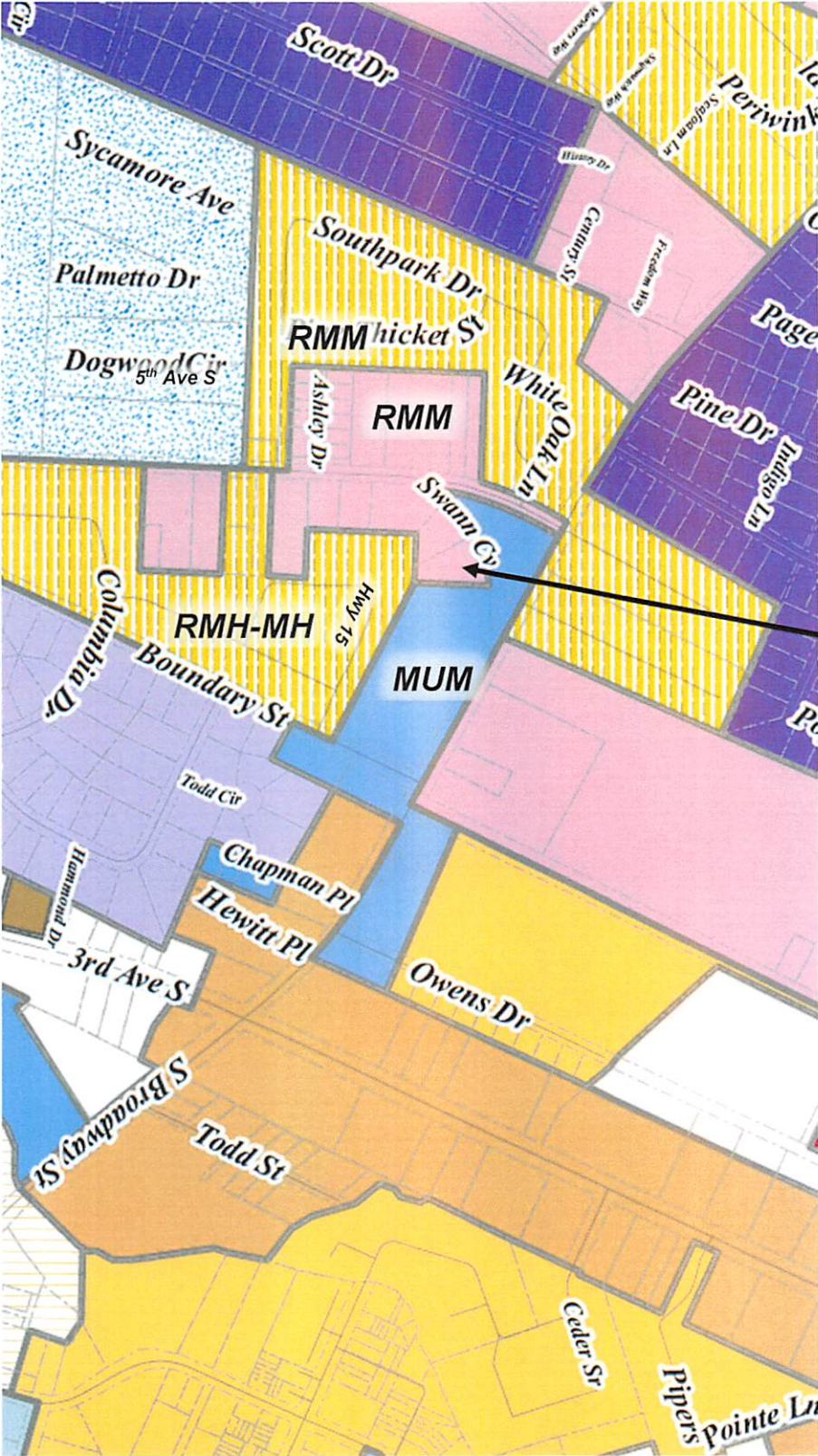


Property (PIN #  
44306010016)  
rezoned from  
RMM to MUM



SUPPORTING MATERIALS

ZONING MAP



PRELIMINARY SITE PLAN



**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. Differences between RMM and MUM are highlighted.

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
<b>Residential Uses</b>			
Horse farms	C		1501.DD
Licensed group residential (caregiving)	P	P	
Rooming or Boarding House		P	
Permanent residence, single-family dwellings	P	P	
Permanent residence, two-family dwellings	P	P	
Permanent residence, multi-family dwellings	P	P	
Residential care facilities of nine or less persons with mental or physical handicaps	P	P	
<b>Commercial and Office Uses</b>			
Accounting office		P	
Adult day care	C	C	1501.A



Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Advertising agency		P	
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.		P	
Architects office		P	
Arts and crafts studio		P	
Assisted living facilities	C	C	1501.EE
Automated teller machines, free standing		P	
Bakeries, retail		P	
Banks		P	
Bar, Tavern		P	
Barbershops, beauty salons, and cosmetologists		P	
Blueprinting services		P	
Boating (non-motorized) and water-related activities		P	
Booksellers / book stores		P	

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Bowling alleys		P	
Brokers		P	
Business consultants, offices of		P	
Chambers of commerce		P	
Child care center for 13 or more children (CCC)	C	C	1501.D
Child care home, family, for up to 6 children (FCCH)	C	C	1501.D
Child care home, group, for 7-12 children (GCCH)	C	C	1501.D
Chiropractic care establishments		P	
Clothing stores		P	
Comedy Clubs		P	
Commercial center		P	
Commercial group residential		S	
Confectionaries		P	
Congregate housing, older adult	C	C	1501.F



Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Continuing care retirement community	C	C	1501.F
Convention services		P	
Copy shops and business service centers		P	
Cosmetology establishments		P	
Credit office		P	
Dance Halls		P	
Drapery shops, custom		P	
Dressmaker		P	
Dry cleaning establishments		C	1501.H
Engineering office		P	
Eyeglass sales		P	
Facilities for active recreation not otherwise listed	C	P	1501.I
Facilities for passive recreation	C	P	1501.I
Farm stands		C	1501.NN

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Financial office		P	
Florists and flower shops		P	
Funeral homes		P	
Galleries		P	
Gift shops		P	
Golf courses	C	P	1501.I
Golf courses, miniature		C	1501.K
Grocery and food stores		P	
Hardware stores		P	
Health care establishments engaged in the science and art of preventing, curing, recovering from, or alleviating injury or disease, and associated offices, including medical, surgical, psychiatric, osteopathic, and dental, including medical, surgical, psychiatric, osteopathic, and dental, but not primarily for recovery from substance abuse		P	
Health clubs, gymnasiums, exercise and workout areas		P	

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Home decorating accessory shops sales		P	
Home occupations	C	C	1501.L
Independent living, older adult	C	C	1501.E
Indoor Passive Recreation		P	
Indoor Urban Farm		C	1501.SS
Jewelry sales and repair		P	
Laundromats and service		P	
Law office		P	
Liquor package stores		P	
Mailing/addressing services		P	
Marinas		C	1501.AA
Massage establishment, therapeutic		C	1501.X



Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Museums		P	
Music sales		P	
News and magazine stands		P	
Nursing home facilities	S	C	1501.F
Outdoor display and merchandise area		C	1501.R
Parking facilities		P	
Pharmacies		P	
Photography developing establishments		P	
Photography studios		P	
Pool halls/billiard parlors		P	
Professional organizations, offices of		P	
Prosthetic facilities		P	
Real estate offices		P	
Religious establishments providing for religious service and development	S	P	1503.D

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Restaurant, with drive-through service		C	1501.RR
Restaurant, without drive-through service		P	
Restaurant with outdoor dining		C	1501.Q
Retail establishments providing convenience items and services		P	
Rooftop gardens	P	P	
Ropes course		P	
Schools, elementary and secondary, including school stadiums	C	P	1501.S
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	

Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Shoe repair		P	
Social welfare organizations		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	C	P	1501.I
Tennis facilities, indoor or outdoor	C	P	1501.I
Theater, indoor		P	
Theater, outdoor		P	
Transportation terminals and establishments providing for the interchange of passengers		C	1501.W
Travel agencies		P	
Unlicensed group residential (caregiving)		S	1501.E
<b>Public Services</b>			



Use Category and Type			
	RMM (current)	MU-M (proposed)	Additional Regulations
Administrative offices of federal, state and local governments		P	
Buildings and uses of utilities holding a franchise from the city	S	S	
Library, public		P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	
Post office		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	
Public works facility/public utilities		P	
Social welfare offices		P	
Water tanks, public	S	S	

**Additional Regulations as noted in the table above:**

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.

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

3  
4 1501.A. Adult Day Care Facilities. The facility and its operator shall hold all licenses required by  
5 the State of South Carolina.

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 1. The facility and its operator shall hold all licenses required by the State of South  
15 Carolina.
- 16 2. No facility listed in this section shall be located on any lot or parcel within 1200 feet  
17 of any other facility listed in this section.
- 18 3. *Recreation areas/open space*: In all permitted zoning districts except multifamily  
19 (RM) districts, there shall be provided 200 square feet of usable open space for  
20 each resident, within which required landscaping may be included. All open space  
21 area shall be suitably landscaped with at least one shade tree for each 1,000  
22 square feet of yard area or part thereof.

23  
24 1501.F. Congregate Housing, Older Adult; Continuing Care Retirement Community; Nursing  
25 Home Facilities:

- 26 1. The facility and its operator shall hold all licenses required by the State of South  
27 Carolina.
- 28 2. Except in the Medical/Professional (MP) district which has no maximum, the  
29 number of dwelling units must be included in the computation of allowable density  
30 for the zoning district in which the facility is located and shall not exceed the  
31 maximum number of residential units allowed within the zoning district. For the  
32 purposes of density calculations, a rooming unit shall be counted as ½ a dwelling  
33 unit.
- 34 3. *Bathroom facilities*: A minimum of one full bathroom with toilet, sink and tub or  
35 shower per five residents plus an additional toilet and sink shall be provided for  
36 each additional group of three persons or less.
- 37 4. *Recreation areas/open space*: There shall be provided 200 square feet of usable  
38 open space for each resident, within which required landscaping may be included.  
39 All open space area shall be suitably landscaped with at least one shade tree for  
40 each 1,000 square feet of yard area or part thereof.

41  
42 1501.H. Dry Cleaning Establishments:

- 43 1. Only non-combustible dry cleaning solvents (such as perchlorethlene) shall be used  
44 in the dry cleaning process.
- 45 2. The dry cleaning machines must be closed systems.

46  
47 1501.I. Facilities for Active or Passive Recreation, including playgrounds, parks, tennis courts,  
48 ball fields, swimming pools and golf courses:

- 49 1. No recreational facility may be lit for night play or uses unless located upon the  
50 same parcel or tract as a K-12 school and meets lighting requirements as provided  
51 in Article 12 – *Lighting and Glare*.

- 1                   2.   Required yards shall not be used for parking or accessory buildings.
- 2
- 3   1501.K.   Golf Courses, Miniature:
- 4           1.   *Lighting.* No lighting shall be permitted to shine on any adjacent property or street.
- 5           A lighting plan prepared by a lighting engineer must be submitted for review and
- 6           approval by the zoning administrator.
- 7           2.   *Buffer.* A landscape buffer shall be provided on any side adjacent to any residential
- 8           district. Such buffer shall be as follows:
- 9           a.   The buffer strip shall have a minimum width of eight feet.
- 10           b.   Trees shall be planted the entire length of the buffer with a minimum spacing of
- 11           12 feet. Each tree shall be at least eight feet tall and 1 and 1/2 inches caliper.
- 12           c.   Chain link fencing shall be:
- 13           i.   Coated in black or green vinyl; and
- 14           ii.   Screened by providing three-foot tall shrubs every three feet on the exterior
- 15           of the fence for the entire length of the fence.
- 16           3.   *Loudspeakers.* If located within 100 feet of a residential district, loudspeakers must
- 17           be turned off after 10:00 p.m. Refer to sec. 14-62 - *Noise* of the code of ordinances
- 18           for additional noise regulations.
- 19
- 20   1501.L.   Home Occupations:
- 21           1.   Such occupation is conducted by no other persons than members of the family
- 22           residing on the premises.
- 23           2.   Such occupation is conducted within the dwelling, is clearly incidental and
- 24           secondary to the use of the structure for dwelling purposes, and does not detract
- 25           from the residential character of the immediate area.
- 26           3.   No stock in trade is kept or commodities sold or leased on the premises.
- 27           4.   No mechanical equipment is used except such that is normally used for family,
- 28           domestic, or household purposes.
- 29           5.   Such occupation(s) utilizes no more than 25 percent of the total floor area of the
- 30           principal building.
- 31           6.   Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat,
- 32           or glare noticeable at or beyond the property line.
- 33           7.   Such occupation is not evident from outside the dwelling and there is no exterior
- 34           indication that the building is being used for any purpose other than a dwelling.
- 35           8.   Musical instruction is limited to a maximum of two (2) pupils at a time.
- 36           9.   Child care is limited to a maximum of six (6) children.
- 37           10.   Under no circumstances shall any of the following be considered a home
- 38           occupation: adult oriented businesses, aerobic exercise studio, ambulance service,
- 39           auto repair service, barber shop, beauty parlor, body piercing establishment, child
- 40           care center, chiropractor, dentist, doctor, drug/alcohol counseling services, escort
- 41           services, firearms manufacturing, group day care home, gym, health salon, kennel,
- 42           mortuary, musical or dancing instruction involving more than two pupils at one time,
- 43           nightclub, nursing home, psychiatrist or psychologist office, restaurant, substance
- 44           abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding
- 45           service, wig styling clinic, veterinarian's clinic.
- 46
- 47   1501.Q.   Outdoor Dining: When the outdoor dining area is adjacent to the property line, a buffer
- 48           shall be installed that provides a clear delineation between the properties, including any
- 49           public right-of way.
- 50
- 51   1501.R.   Outside Display and Merchandise Areas. Only the following merchandise shall be



- displayed or stored outside of a building (in this case only, building is defined as any structure having completely enclosed walls and a roof):
1. Heavy durable goods at establishments where the sale of same is the permitted principal use,
  2. Live nursery products,
  3. Fresh produce,
  4. Cut flowers,
  5. Prepackaged firewood,
  6. Newspaper and magazine racks,
  7. Christmas trees from November 1<sup>st</sup> to January 2<sup>nd</sup> 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.
  9. In addition to the above listed exceptions, the following items may be displayed in Highway Commercial (HC1 and HC2) and Wholesale/Manufacturing (WM) zoning districts provided the items are at least 150 feet from any property line:
    - a. Lawn mowers and gardening equipment.
    - b. Outdoor cooking grills.
    - c. Playground equipment.
    - d. Wheelbarrows.
    - e. Building material samples.
    - f. Lawn furniture.
- 1501.S. Schools, Elementary and Secondary, including school stadiums:
1. The lot or lots for the school is at least 5 acres in size.
  2. No structure or parking area shall be placed within 50 feet of any property line.
- 1501.W. Transportation Facility for Urban Passengers of Conveyances Including Bus, Passenger Rail, Taxicab provided that such facility is designed to accommodate no more than one vehicle at a time.
- 1501.X. Therapeutic Massage Establishments:
1. All massage therapists shall be licensed by the State of South Carolina.
  2. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
- 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.DD. Horse farms subject to the following:
1. Horse farms shall have a minimum contiguous area of 6 acres.
  2. There shall be no other livestock kept except horses. For the purpose of this ordinance, "horse" does not include donkey, burro or mule.
  3. Barns and stables shall set back a minimum of 50' from the rear or side property line and a minimum of 300' from the nearest adjacent primary residence, and a minimum of 50' from any swimming pool. The size of the barn or stable shall be determined by the size regulations for accessory structures in the zoning district in which it is located.

4. Manure piles shall be located a minimum of 200' from any dwelling, pool, patio, water body or property line and shall meet all SCDHEC requirements.
  5. There shall be no more than 1 residential unit per acre.
  6. There shall be no more than 1 horse per 1 acre.
  7. Fencing shall be sufficient to restrain horses. No wire fencing shall be visible from any public right-of-way.
  8. No barbed-wire fencing shall be allowed. If electric fencing is used it shall be installed so as not to be visible from off premise and shall include a warning sign that meets the provisions of Article 8 - *Sign Regulations*.
- 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 ½ 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. NN. Farm Stands or shelter for the retail sales of seasonal agricultural produce, plants, seed, garden supplies, honey, prepared foods and beverages, dairy and dairy products, poultry, eggs, fish, shrimp and ice provided that:
1. All stands and shelters must meet applicable South Carolina DHEC and Department of Agriculture regulations and be appropriately licensed by all appropriate licensing organizations;
  2. All stands and shelters must be on or adjacent to land occupied by a compliant farm use. For real property tax assessment purposes, where the farm is classified as agricultural, the adjacent land upon which such sales are conducted shall also be classified agricultural;
  3. All stands and shelters must be on private property, limited to one such venue per parcel, and must meet the setbacks of the zoning district in which they are located;
  4. No preparation of food on premises in conjunction with the farm stand operation;
  5. Parking spaces equaling one space per 250 square feet of stand must be provided, at a minimum graded with gravel and suitably maintained;
  6. The size of stands or shelters shall not exceed six hundred (600) square feet;
  7. Ingress and egress of vehicular traffic shall not create a hazard for traffic on an adjacent street, as determined by city code enforcement and public works staff; and
  8. Allowed signage meets the following criteria:
    - a. For fixed stands: one primary sign, affixed to the stand or shelter, either projected or parallel to the wall (flat).
      - i. If sign is projected, it shall not exceed 32 sq ft (64 sq ft aggregate).
      - ii. If sign is parallel (flat), it shall not exceed 32 sq ft.
    - b. For all uses: one menu board sign, listing the prices and varieties of products, not to exceed eight sq ft (16 sq ft aggregate).
    - c. For all uses: No signage will be allowed to encroach into the adjacent rights-of-way.
- 1501.QQ Solar Farms:

1. Intent. The intent of these standards is to provide for safe, attractive, orderly and functional sustainable energy options in furtherance of the goals of the comprehensive plan.
  2. Application. These standards shall apply to the installation and/or placement of any solar farm within the City of Myrtle Beach.
  3. Installation.
    - a. Solar farms shall be installed and maintained in compliance with the International Building Code, National Electric Code and all local regulations, directives and codes.
    - b. Installation of any solar farm shall require the issuance of any applicable permits such as building and/or electrical.
    - c. Solar farms may have transformers with substation capabilities in the design and installation.
    - d. A building permit shall not be issued without Community Appearance Board approval.
  4. Setbacks and buffers.
    - a. Front street setbacks. Any solar farm installation will set back from the front street 30 feet or the front street setback of the underlying zoning, whichever is greater.
    - b. Side/Rear setbacks. 10 feet.
    - c. 15-foot minimum landscape buffers as required by CAB.
  5. Structural Height Limit. 35 feet.
- 1501.RR Restaurant with Drive-Through Service in MU-M: Restaurants with drive-through service are prohibited in the MU-M district except for those structures that abut Kings Hwy, structures are less than 5,000 square feet in area, and had drive-through facilities in place prior to the adoption of Ordinance 2014-34 (June 10, 2014).
1501. SS. Indoor Urban Farm. The purpose of this ordinance is to provide standards for indoor urban farms while balancing the interests of public health, safety, and overall community wellbeing.
1. All activities, including but not limited to growing, production, storage and packaging, shall be conducted within completely enclosed buildings.
  2. The space in which indoor urban farming occurs shall be no more than 2,000 square feet in size.
  3. The Indoor Urban Farm shall have a retail component.
  4. Vehicles used for product delivery shall have a capacity no larger than one (1) ton.
  5. The facility and its operator shall hold all licenses required by the State of South Carolina.
  6. Operating hours shall be consistent with those of surrounding businesses.
  7. No use may generate any odor that reaches the odor threshold, measured at the outside walls of the building or structure within which the urban farm operates.
  8. There shall be no exterior dumping or disposal of wastewater.
  9. No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
  10. No use may generate noise that is audible by a panel of healthy listeners standing outside the walls of the building or structure within which the urban farm operates.
  11. No use may generate any ground-transmitted vibration that is perceptible to the human sense of touch outside the walls of the building or structure within which the urban farm operates.
- Section 1503. Special Exceptions.



In addition to the regulations of Article 5 – *Board of Zoning Appeals*, the following provisions apply to uses permitted as Special Exceptions (S) in the appropriate zoning districts as provided in section 1407 - *Table of Uses*.

- 1503.D. Religious Establishments providing for religious service and development, including churches, temples, synagogues, educational buildings, and rectories subject to the following:
- The parcels constituting the religious establishment total at least 2 acres in size and are no further apart than 300 feet, airline measurement, as measured from any property line to any property line.
  - Required yards shall not be used for parking or accessory buildings.

**Section 1603. Area & Dimensional Requirements:**

District	Dwelling Unit*	Min. Lot Area (sq. ft.)	Min. Lot Width	Max. Height	Max. Horizontal Dimensions	Max. Building Coverage	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Lot Setback	Min. Per-vious Surface
RMM (current)	SF, 2F	5,000	50' L	35' A	200'	42%	25' B J	10' J	15' C J	25%
	MF, TH	14,520	80' L	35' A	200'	42%	25' B J	10' J	15' C J	25%

\* (SF) Single-family, (MF) Multi-family, (2F) Two-family, (TH) Townhouse

- (A) 1' of additional building height is permitted for each 1-1/2' of additional side yard setback per side if the setback is increased in excess of the minimum. All portions of the structure not exceeding 35' in height are permitted between the height bonus setback and the minimum side yard setback line in the Multifamily (RM) districts. However, in no instance is the maximum height to exceed 50'.
- (B) Provided, however, that accessory buildings shall be set back a minimum of 40'.
- (C) Provided, however, that hot tubs, swimming pools or enclosures shall be set back a minimum of 10'.
- (J) Provided, however, that all lots contiguous to or fronting on the King's Highway shall observe a 30-foot minimum building line setback from King's Highway.
- (L) Provided, however, that the minimum lot width along Kings Highway is 100'.

District	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Building Coverage	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Open Space
MU-M (proposed)	---	---	---	C	---	B	B	B	B	L

- (B) Except as stated in (A) above, 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.
- (C) Equal to the width of the widest right-of-way upon which it fronts.
- (L) Per the landscaping regulations.

1 1603.D. Minimum Lot Area Per Dwelling Unit: Under current zoning (RMH) a single-family home  
2 could be built on the subject property according to the density requirements in the table below  
3 (subject to building code). If rezoned to R8 the setback exceptions in Section 1702 would apply.  
4

District	1 <sup>st</sup> Unit (sq.ft.)	2 <sup>nd</sup> Unit (sq.ft.)	3 <sup>rd</sup> Unit (sq.ft.)	4 <sup>th</sup> or Greater Units
RMM (current)	4,500	2,000	2,000	A
MU-M (proposed)	C	C	C	C

5 (A) For lots or parcels larger than 8,500 square feet use the formula below to compute allowable  
6 density. In the formula, N equals maximum number of units permitted.

7 
$$(\text{Total Square Feet in Parcel} / 43,560 \text{ sq. ft}) \times 12 = N$$

8 When N is computed to be less than three, it shall be rounded up to three. When N is  
9 computed to be greater than three, it is always rounded down to a whole number.

10 (C) There shall be no minimum lot area per dwelling unit for mixed-use developments. Use the  
11 formula below to compute allowable density for residential developments. In the formula, N equals  
12 maximum number of units permitted.

13 
$$(\text{Total Square Feet in Parcel} / 43,560 \text{ sq. ft} \times 20) + 1 \text{ unit per acre for each 2.5\% of usable open}$$
  
14 
$$\text{space} = N$$

15  
16 When N is computed to be less than three, it shall be rounded up to three. When N is  
17 computed to be greater than three, it is always rounded down to a whole number.  
18

19 **Signs:** MUM (proposed district) allows commercial signage that RMM (current district) does not.

20  
21 **Landscaping:** Regulations are the same in RMM and MUM.  
22

23 **Parking:** Regulations are based on use, not zoning designation. Residential parking minimums are  
24 the same in RMM and MUM. Commercial minimums in the MUM depend on the particular type of  
25 commercial.  
26

27 **Design Standards:**

28 MUM (proposed district) standards are intended to create a pedestrian-oriented environment:

29 **Section 1705. Design Standards for all Mixed Use (MU) Zoning Districts**

30 1705.A. Shared driveways and driveways across property lines are permitted. The property  
31 owners for which a shared driveway aisle has been authorized shall reflect the cross  
32 easement agreement within a written agreement and on revised plats of affected  
33 properties showing the boundaries of the easement area. Plats will require stamped  
34 approval of the planning director and all documents shall be properly filed with the  
35 Register of Mesne Conveyance for Horry County, and may be released only by the  
36 written consent of the city. (Consent will be given by the city at such time as subject  
37 properties have submitted proposed plans no longer utilizing shared access for site  
38 modifications in compliance with current codes and ordinances.) Receipt of recorded  
39 copy of easement agreement and plats shall be required prior to the issuance of a  
40 building permit.  
41

42 1705.B. All development sites shall front public streets.

- 1  
2 1705.C. Except for the limited function of access, no loading area, storage area, or maintenance  
3 area shall be visible from the primary public right-of-way, provided, however, that corner  
4 lot access shall only be located on the right-of-way with the lowest traffic count.  
5  
6 Screening requirements for refuse/solid waste collection areas: all dumpsters, trash  
7 compactors, roll-outs, trash cans, or other refuse or recycling collection areas shall be  
8 screened from all abutting rights of way, and abutting properties, provided however,  
9  
10 1. A collection area completely screened from abutting rights-of-way and properties by  
11 intervening buildings shall not be required to have an additional enclosure, and  
12  
13 2. A collection area on a corner lot access shall only be located on the right-of-way with  
14 the lowest traffic count. Enclosures shall be closed on 3 sides with an operable gate  
15 on the 4<sup>th</sup> side as access, and shall be designed and installed to completely screen  
16 the collection area, and constructed of durable material. The enclosure detail shall be  
17 approved by the Community Appearance Board.  
18  
19 1705.D. Primary buildings shall have direct pedestrian access from at least one public sidewalk.  
20  
21 1705.E. Buildings shall have no more than 50' of wall space between windows and/or doors.  
22  
23 1705.F. Wall articulations, including any combination of the following, shall be designed into all  
24 buildings not less than every 100' or more than every 25' along the building façade.  
25 1. A minimum of 5 inch indentation or projection in plane,  
26  
27 2. Different materials,  
28  
29 3. Contrasting doorways, windows or other openings, including those required in section  
30 1705.E above,  
31  
32 4. Projecting elements such as awnings and canopies to provide shade and shelter.  
33  
34 1705.G. Windows on the first level shall not contain mirrored glass or shading film such to make  
35 the window opaque.  
36  
37 1705.H. On-site surface parking shall be accessed from the front, side, or rear of the property. No  
38 on-site parking or drive aisles, except as regulated in 1705.K *A Drop-off Entry Canopy*,  
39 shall be located between the principle building and the front street. No on-site parking  
40 between the principle building and any side street shall be located forward of the building  
41 front facade. Drive aisles and vehicular accesses shall not disallow the continuation of  
42 the sidewalk required in section 1705.M – *When A Property Is Developed*.  
43  
44 1705.I. When a property is redeveloped to such an extent that the current taxable value as  
45 determined by public record is increased by more than 50%, or when parking is  
46 decreased to meet the new parking requirements set forth in this ordinance, sidewalks  
47 and buffers shall be installed to city standards along all abutting public rights-of-way,  
48 excluding alleys, as follows. The sidewalk/buffer may contain landscaping outside the  
49 minimum required pavement width and shall include street trees at intervals allowing for  
50 the placement and shine of streetlights. The maximum tree spacing shall be the minimal  
51 spread of the specific tree species as described in the current *Supplement To The*



Community Tree Planting Plan For Myrtle Beach, South Carolina. Street trees placed within a paved sidewalk shall be placed in tree grates. All or part of the required sidewalk and buffer may, upon agreement between the city and the property owner, be located within the public right-of-way.

1. On roadways having 2 vehicular lanes or less: minimum 7 foot wide sidewalk and buffer with a minimum 6' being a continuous paved sidewalk.
2. On roadways having more than 2 vehicular lanes: minimum 14 foot sidewalk and buffer with a minimum 10' being a continuous paved sidewalk.

1705.J. When a property abuts more than one public right-of-way greater than 20' wide, vehicular access shall be from the right-of-way with the lowest traffic count, provided, however, that if the property frontage along the right-of-way with the highest traffic count exceeds 350' then one vehicular access may be from the right-of-way with the highest traffic count.

1705.K. A drop-off entry canopy and drive aisle thereto, hot tub, swimming pool, or pool enclosure which does not exceed 20' in height may be constructed no closer than 10' from the rear, side or front property line subject to the provisions of the Coastal Protection Overlay Zone; provided, however, that they do not disallow the continuation of the sidewalk required in section 1705.M – *When A Property Is Developed*.

RMM (current district) standards are less stringent and are specific to multifamily residential:  
Section 1704. Design Standards for all Multi-family Residential (RM) Districts.

1704.A. In no case shall the distance between the buildings within a single development project be less than 20'. The minimum distance between wings of a structure or between structures shall not be less than the height of the abutting structures and shall be maintained as usable open space. In the case of varying heights of the buildings abutting the open space, the distance shall be the average of the heights.

1704.B. Open balconies, bay windows, uncovered porches and the like may project into required open space not more than 10% of the required distance between structural wings or between structures.

1704.C. Swimming pools and hot tubs have the following requirements:

1. Outdoor Swimming pools and hot tubs are allowed in rear and side yards where they are conditionally permitted as follows:
  - a. Pools and hot tubs are set back at least 10' from all rear and side lot lines and from all buildings.
  - b. Pools and hot tubs and their related structural or foundation improvements shall be subject to the Coastal Protection (CP) overlay zone.
2. When a swimming pool or hot tub is partially or wholly enclosed by the permitted building, the pool or hot tub enclosure must meet all side and rear yard setback requirements of the district.
3. Swimming pools and hot tubs must meet the minimum standards of the state and have a deck around them of at least 2' in width or a deck of at least 4' in width around at least 50% of the facility.

1 **STAFF COMMENTS**

2  
3 Zoning: No Concerns  
4

5 Fire: The Myrtle Beach Fire Department has no issues with the proposed rezoning. For future development,  
6 emergency vehicle access, fire hydrant placement, and adequate road widths shall be approved by the fire  
7 marshal.  
8

9 **PUBLIC INTEREST:** No calls for information to date.  
10

11 **Section 403. Findings of Fact Required**  
12

13 In reviewing any petition for a zoning amendment, the Planning Commission shall identify and  
14 evaluate all factors relevant to the petition, and shall report its findings in full, along with its  
15 recommendations for disposition of the petition, to the City Council. Factors shall include, but shall  
16 not be limited to, the following:  
17

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