
1 **2018-6 (2ND READING): AN ORDINANCE TO REZONE PROPERTY LOCATED AT 604**
2 **5TH AVE S (PIN # 443-060-300-57, 443-060-300-58, 443-060-300-59) FROM**
3 **RMM (RESIDENTIAL MULTIFAMILY MEDIUM DENSITY) TO 5TH AVE S PUD**
4 **(LAKEVIEW VILLAS PLANNED UNIT DEVELOPMENT).**

5 **Applicant/Purpose: Julie & Tripp Nealy (owner) /to convert a condominium development into**
6 **a short-term rental development.**

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8 **Brief:**

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- 10 • Applicant owns property at 604 5th S, zoned RMM.
 - 11 • Applicant reports having trouble selling the condominiums to single buyers & asks for
 - 12 rezoning to allow for weekly rentals & permanent residences.
 - 13 • RMM zoning does not allow for visitor accommodations.
 - 14 • Applicant had requested MU-H or HC-2, but staff had concerns about those zones.
 - 15 • After discussions with the PC, the applicant returned a PUD document mirroring the
 - 16 current zoning (RMM) w/ the exception of adding in visitor accommodations use & related
 - 17 code sections (parking requirements, parking lots allowed as a use).
 - 18 • 10/17/17: PC recommends approval (6-1-1; Commissioner Sivertsen opposed,
 - 19 Commissioner Warner recused, Chairman Pritchard absent). The PC encouraged the
 - 20 developer to meet w/ neighbors to discuss ways to address their concerns.
 - 21 • **Changes since 1st reading: The current site plan is divided into 2 parts: the portion of**
 - 22 **the lot closest to King's Highway will permit 4-units for transient accommodations &**
 - 23 **the other portion of the lot will reserve 4-units for permanent residents. Further,**
 - 24 **the developer has agreed to grant the City a conservation easement on the**
 - 25 **northwestern corner of the property facing Boundary Street. As such, the developer**
 - 26 **cannot develop this section of the property.**

27 **Issues:**

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- 29 • There are 600+ short-term rentals near the KOA Campground & a long-established
 - 30 residential neighborhood (Withers Swash) across the swash from the property.
 - 31 • Staff & PC recommended a PUD to protect the surrounding neighborhood from uses in
 - 32 MU-H or HC-2 while still allowing the applicant to provide short-term rentals.

33 **Public Notification:**

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- 35 • At the 10/17/17 public hearing, Katherine Linder presented a petition w/ 24 signatures
 - 36 from neighbors on Charlotte Dr & Todd Cir opposed to the proposal.
 - 37 • Ms. Linder & Charles Fullwood expressed concerns about increased speeding on 5th S, an
 - 38 increase in traffic to add to what already occurs for the KOA, & trash & vagrancy that
 - 39 may occur in the space around the pump station.
 - 40 • Mr. Nealy expressed the need for reinvestment in the south end of the City.

41 **Alternatives:**

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- 43 • Modify the request.
 - 44 • Deny the proposed ordinance.

45 **Financial Impact: Increase in property tax, business license, permit, & tourism revenues.**

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47 **Manager's Recommendation:**

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- 49 • I recommend 1st reading (1/23/18).
 - 50 • I understand the residents are not satisfied w/ the changes proposed by the developer.
 - 51 As we have established a practice of honoring objections to the placement of transient
 - 52 accommodations adjacent to residential neighborhoods, I recommend denial.

53 **Attachment(s): Staff report, ordinance, & exhibits.**

CITY OF MYRTLE BEACH
COUNT OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE TO CREATE A
PLANNED UNIT DEVELOPMENT
KNOWN AS LAKEVIEW VILLAS
PLANNED UNIT DEVELOPMENT

It is hereby ordained that the Lakeview Villas Planned Unit Development (“PUD”) is created pursuant to the terms and conditions of this ordinance. The development authorized and approved by this ordinance shall be in accordance with that set of plans, drawn by Miller Design Services, dated September 30, 2017, titled “Lakeview Villas Planned Unit Development” (attached as Sections 17, which are regulatory, and 18, which are support materials only), which plans are incorporated into this ordinance (“Plans”). Provided, however, that the duties and powers of review of the Community Appearance Board are not negated except as to matters that are specifically set forth within this Ordinance, including without limitation height, building setbacks, and number of units.

Section 1 Purpose of Planned Unit Development (Scope and Narrative)

1.1 Scope: The PUD will consist of medium density visitor accommodation facilities, surface parking, and amenities. The architectural, site work, and engineering components of the development will be designed by architects and engineers registered in the State of South Carolina. The architectural design shall be consistent and complimentary throughout the PUD. The PUD will consist of one phase, containing eight (8) multi-family buildings (which may be permitted and built separately), together with surface parking.

1.2 Narrative: The PUD is proposed to promote and allow variety and flexibility in land development, and will be developed in accordance with the Plans and uses as set forth herein. There will be one Phase which shall consist of the improvements shown upon the Plans, including the following:

<u>Phase</u>	<u>Maximum Number of Units</u>
Phase 1 - (8 multi-family buildings)	141 Units

In addition to the above structures and uses, Phase 1 will contain surface parking and amenities as shown on the Plans.

The Site plan, attached and referenced herein, shows a pump station owned by the City of Myrtle Beach within the most northwesterly undeveloped portion of the PUD, and the parties agree that the owner shall grant unto the City a Conservation Easement, which shall preserve the area in natural state.

1 **Section 2 Location**
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3 2.1 **Location/Property:** This approximately 10.7 acre site is located within the City
4 of Myrtle Beach, South Carolina, along 5th Avenue South and Withers Swash, west
5 of Kings Highway. The development authorized and approved by this ordinance
6 shall be located on those pieces, parcels, or tracts of land designated as follows:
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- 8 Parcel A TMS # Portion of 181-10-19-042 PIN #44306030057
9 Parcel B TMS # Portion of 181-10-19-042 PIN #44306030058
10 Parcel C TMS # Portion of 181-10-19-042 PIN #44306030059
11

12 **Section 3 Permitted Uses**
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14 3.1 Within the PUD, a building or premises shall only be used for the following
15 purposes:
16

- 17 • All uses allowed under the RMM - Residential Multi-Family Medium Density Zone
18 • Visitor Accommodations with rentals of less than 30 days
19 • Parking facilities
20

21 **Section 4 Conditional Uses-Not Applicable**
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23 **Section 5 Accessory Uses** within the PUD, buildings or premises used primarily for
24 one of the above principal uses, may also be used as follows:
25

- 26 • Facilities such as recreational facilities, spas and exercise
27 facilities, swimming pools and parking facilities as accessory uses;
28 provided such structures or facilities must be under the same
29 operation and control as the permitted use and be on this same or
30 contiguous property.
31

32 **Section 6 Dimensional Requirements**
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34 6.1 **Site Layout:** Building Site Requirements. Every building erected or
35 structurally altered shall provide a land area not less than required for
36 the RMM zone.
37

38 6.2 **Maximum Height:** The maximum height of buildings and structures shall
39 be fifty feet (50') from average grade for new construction. Height will
40 be governed by the definition of "Height, Building" in §203 of the Zoning
41 Code.
42

43 6.3 **Building Lines:**
44

- 45 a. Building lines for the PUD shall be as required for the RMM zone.
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47 6.4 **Maximum building coverage.** Maximum building coverage for the entire PUD is
48 forty-two percent (42%).
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50 **Section 7 Parking**

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Upon completion of anticipated development of the PUD, all private parking will be located in privately owned surface spaces.

7.1 Required Spaces: Condominium and other visitor accommodations shall provide 1 space per one-bedroom unit, 1.5 spaces per two-bedroom unit, 2 spaces per three-bedroom unit, and 2.5 spaces per four-bedroom unit. No additional parking shall be required for any other permitted or accessory uses.

7.2 Additional Parking Requirements.

- a. Location. Parking for the PUD shall be located on surface parking as shown on the plans. All parking areas shall be surfaced with concrete, asphalt, grass paver blocks, or other pervious material approved by the city engineer.
- b. Interior Circulation. All parking shall be served by interior circulation drives with adequate space for turning maneuvers on the lot. No individual off-street parking space shall access directly from a public street. All parking spaces shall be located so that the occupant of any parking space can enter and leave independently.
- c. Aisle Width. The minimum width of all aisles providing direct access to individual parking stalls shall be in accordance with the minimum requirements specified as follows

Parking Angle (Degree)	Minimum Aisle Width (in Feet)	
	One-Way	Two-way
31-45	11	Not permitted
46-60	13	Not permitted
61-70	18	Not permitted
71-80	19	Not permitted
81-90	22	22

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- d. Marking. Parking spaces shall be clearly marked on the ground for all uses except single-family detached residential.
- e. Size. Parking stalls shall not be less than nine feet by nineteen feet except that a maximum of twenty percent (20%) of the total

1 number of stalls may be eight and one-half feet by sixteen feet
2 provided such spaces are clearly designated “for compact cars
3 only.” Parallel parking stalls shall not be less than nine feet by
4 twenty-four feet. All parking spaces shall be located so that the
5 occupant of any parking space can enter and leave independently.

6 f. Use of Right-of-Way Restricted. No parking or maneuvering area
7 shall be located in any public right-of-way.

8 g. Curbs and Wheel Stops Required.

9 1. Raised curbs with a minimum width of one foot six inches
10 or approved barriers will be installed on the perimeter of
11 the parking lot to control the entrance and exit of vehicles
12 or pedestrians. This requirement may be waived by the
13 city engineer to permit sheet flow drainage into pervious
14 areas designed as part of an approved alternative
15 engineered stormwater retention system.

16 2. Landscaped areas and pedestrian walkways shall be
17 protected from vehicular encroachment or overhang
18 through appropriate wheel stops or curbs.

19 3. If full size parking spaces are utilized, then wheel stops
20 must be located to ensure a minimum clearance of two and
21 one-half feet from landscaped areas.

22 4. If a raised curb is used, then the parking spaces may be
23 reduced two and one-half feet in length provided required
24 landscape material is not located in the vehicle overhang
25 area or any vehicle overhang does not encroach into
26 required pedestrian walkways.

27 **Section 8 Landscaping/Buffering/Open Space Requirements**

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29 8.1 A final landscape plan, which will be in conformance with the Plans, will be
30 submitted to the Community Appearance Board for review and approval prior to
31 installation thereof or issuance of the Certificate of Occupancy.

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33 8.2 During construction, an irrigation system in accordance with City requirements
34 stated in the Landscape Ordinance will be installed to maintain landscaping.

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36 **Section 9 Lighting Standards**

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38 Lighting for the PUD shall comply with the requirements of Article 12 of the
39 Zoning Ordinance for the Residential (R) Lighting Zone.

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41 **Section 10 Signage Requirements**

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2 Signage on buildings at street level or on the second floor level shall conform to the
3 sign regulations that pertain to the RMM zoning district as set forth in Article 8 of the
4 Zoning Ordinance.
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6 Section 11 Special Requirements 7

8 11.1 City Regulatory Power: The City maintains all regulatory powers as provided by
9 this ordinance and all other adopted Codes and Ordinances. The development
10 regulations stated in this Ordinance are supplemental to the Subdivision
11 Regulation in Chapter 20 of the City Code as applied to the property that
12 constitutes the PUD. Where this Ordinance is silent, all other City codes and
13 ordinances are applicable.
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15 11.2 Severability: If any provisions of this Ordinance shall be held invalid, its
16 invalidity shall not affect any other provision of the Ordinance that can be given
17 affect without the invalid provision, and for this purpose the provisions of this
18 Ordinance are hereby declared to be severable.
19

20 11.3 Amendment: This Ordinance may be amended by the City of Myrtle Beach in
21 accordance with the existing laws and regulations.
22

23 11.4 Alterations: Structural alterations shall not be permitted except in conformance
24 with the requirements of this PUD. Nothing in this ordinance shall prevent the
25 strengthening or restoration to a safe condition of any part of any building or
26 structure declared unsafe by proper authority.
27

28 11.5 Repair and Maintenance of Damaged Buildings: Buildings damaged by fire,
29 explosion, war, riot, or naturally occurring calamities due to forces of nature
30 may be repaired to their original condition existing prior to damage, if such cost
31 of repair is less than fifty percent 50% of the redevelopment cost of construction
32 consistent with the PUD. After such damage, the owner shall provide the cost
33 of redevelopment (consistent with the PUD) and the cost of repair to the City
34 Manager. If the cost of repair is less than fifty percent (50%) of the
35 redevelopment cost, the building may be restored to original condition. Should
36 the cost of repair exceed fifty percent (50%) of the redevelopment cost, the
37 owner shall redevelop only according to the PUD requirements and current
38 applicable law.
39

40 Section 12 Technical Design Criteria 41

42 12.1 For new construction, grading, excavation, backfilling, and surcharging to site
43 may be required to support footings, foundations, buildings, and all site
44 improvements.
45

46 12.2 For new construction, soil erosion control measures for each Phase will be
47 designed and installed per the requirements of the City and of DHEC.
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49 12.3 All redevelopment shall comply with the requirements of the City's Stormwater
50 Management Ordinance within the confines of the site plan referenced herein.

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2 12.4 Water and sanitary sewer systems connected to City lines will include design,
3 sizing, and calculations for domestic water and wastewater pipes, water meters,
4 manholes, and other water/sewer appurtenances required to serve and
5 accommodate the development's needs. Easements for either or both systems
6 will be deeded to the City as required during the development of each Phase. All
7 design, sizing, and calculations will be subject to review and approval by the
8 City Engineering Department.

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10 12.5 For new construction, curb and gutter will be concrete 6" in height and 18" in
11 width. In order to maintain proper surface drainage, curb and gutter will be
12 installed for all entrances, rear service, and side perimeter areas, and public
13 street areas.

14
15 12.6 Trash Receptacles/compactors to service the PUD shall be located on private
16 property and screened from view of adjacent properties or public right-of-ways..

17
18 12.9 Fencing within the District shall comply with section 1702.A.2.f. of the Zoning
19 Ordinance.

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21 **Section 13 Public Improvements**

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23 13.1 Responsibility: The Public Improvements contemplated by this section, or
24 payment of equivalent monies as shown on Exhibits A, will be accomplished by
25 the Owner or Owners of the property within the PUD and shall be completed and
26 installed throughout the PUD in accordance with Section 14.2 of this Ordinance.

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28 13.2 Easement: At the time of redevelopment the Owner or Owners shall give the
29 City of Myrtle Beach an easement to the portion of the Phase, if any, required
30 to provide the Public Improvements.

31
32 13.3. Engineering and Design. The developer shall engage a civil engineer to engineer
33 and design the Public Improvements. The plan must be approved by the City
34 Manager.

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36 13.4 Required Improvements: As shown and listed in Exhibit A attached to this
37 Ordinance, the Owners of the PUD shall ~~install public improvements within and~~
38 ~~around the PUD district including but not limited to: subject the area designated~~
39 ~~as a Conservation Easement on Exhibit 17.5 as the public benefit for the PUD.~~

40
41 ~~{TO BE DISCUSSED. Exhibit 17.8 indicates proposed areas for public~~
42 ~~improvement}~~

43
44 **Section 14 Phasing Plan and Construction Schedule**

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46 14.1 Phasing: The PUD shall consist of one (1) Phase, consisting of multiple buildings
47 that may be permitted and constructed independently.

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49 14.2 Construction Schedule: Construction of Phase 1 shall be completed within ten
50 (10) years of adoption of this Ordinance. Construction of the Public

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Improvements required by Section 13 shall be completed within five (5) years of adoption of this Ordinance.

Section 15 Summary of Variations Between Existing Zoning Districts and PUD Provisions

The property comprising the PUD is currently zoned RMM. The primary difference between the requirements of this Ordinance and this zoning district are that this Ordinance allows visitor accommodation uses that allow rentals for periods less than thirty (30) days.

Section 16 Enactment Provision

This Ordinance is effective only upon presentment of ten (10) complete sets of the PUD Ordinance documents, including but not limited to attachments, exhibits and maps to the City Clerk within five (5) working days of the second reading. Failure to supply the required documents results in this rezoning ordinance having no force or effect, and the zoning district in place prior to the second reading shall be the assigned district.

ATTEST:

Mayor

City Clerk

1st Reading: _____

2nd Reading: _____

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Exhibit A
Public Improvements

5 **Sources**

6 PUD Fees (1% x \$14,000,000 construction cost): \$140,000.00

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8 **Uses**

9 As the Public Benefit for the PUD, the Owner shall subject the portion of the property designated
10 as "Conservation Easement" on Exhibit 17.5 to a conservation easement prohibiting any
11 development thereof.

12 ~~{TO BE DISCUSSED. AREAS OF POSSIBLE PUBLIC IMPROVEMENT ARE SHOWN ON EXHIBIT 17.8}~~