
1 **2022-58 (1st READING): TO AMEND THE CODE OF ORDINANCES, CITY OF MYRTLE BEACH,**
2 **APPENDIX A ZONING ARTICLE 14 ZONING DISTRICTS TO ADD “RELIGIOUS ESTABLISHMENTS” AS A**
3 **CONDITIONAL USE AND ARTICLE 15 CONDITIONAL AND ACCESSORY USES AND SPECIAL**
4 **EXCEPTIONS IN THE LM (LIGHT MANUFACTURING) ZONING DISTRICT.**

5 **Applicant/Purpose:** Daniel Baker (applicant) / to include Religious Establishments as a conditional
6 use in the LM (Light Manufacturing) zone.

7
8 **Brief:**

- 9 • Applicant is requesting a conditional use for Religious Establishments in the LM zone. The
10 conditions are:
11 o the property is located within 100’ of an airport, and
12 o the property is less than 1 acre.
13 • Planning Commission recommends denial, 8/0 (12.6.22):
14 o The request is inconsistent with development plans of the City;
15 ▪ the intention of LM zoning is for manufacturing endeavors and compatible
16 uses,
17 ▪ allowing religious establishments in the LM zone could impact the ability to
18 attract manufacturers to the district.
19 ▪ there are only 6 LM zones in the City.
20 o Approval could set a precedent and could prevent restaurants (permitted uses in
21 the LM) from opening due to state law preventing alcohol sales within 300 ft. of a
22 church.
23 • The Planning Commission wants to make clear their recommendation is not a denunciation
24 against religious establishments, and they also acknowledge such facilities are an asset to the
25 community.
26 • There are plenty of opportunities to open religious establishments in other locations within
27 the City, and this recommendation is based upon best planning and zoning practices.
28

29 **Issues:**

- 30 • Further permitted and conditional uses in the LM zone could diminish the overall usefulness of
31 LM districts.
32 • This LM zone abuts the airport, and is ripe for future development/redevelopment.
33 • DC Blox is constructing a data center within 1,000 ft. of this area.
34 • This data center could be a catalyst for rapid development within our community, which
35 represents an opportunity for stable, high-paying jobs.
36 • There are 16 zones in the code which allow for a religious establishment. 10 of these allow
37 religious establishments as a special exception. The difference between a conditional use and
38 a special exception is a special exception must go before BZA to seek approval. The special
39 exception for religious establishments requires the total size of the parcel be larger than 2
40 acres.
41

42 **Public Notification:** Ad in newspaper, agenda published and posted.
43

44 **Alternatives:** Approve the ordinance
45

46 **Financial Impact:** Churches are tax exempt.
47

48 **Manager’s Recommendation:** I support the Planning Commission’s recommendation of denial.
49

50 **Attachment(s):** Ordinance, staff report

CITY OF MYRTLE BEACH
 COUNTY OF HORRY
 STATE OF SOUTH CAROLINA

TO AMEND THE CODE OF ORDINANCES,
 CITY OF MYRTLE BEACH, APPENDIX A
 ZONING ARTICLE 14 ZONING DISTRICTS TO
 ADD "RELIGIOUS ESTABLISHMENTS" AS A
 CONDITIONAL USE AND ARTICLE 15
 CONDITIONAL AND ACCESSORY USES AND
 SPECIAL EXCEPTIONS IN THE LM (LIGHT
 MANUFACTURING) ZONING DISTRICT.

IT IS HEREBY ORDAINED that section 1407.C *Permitted Uses* of the Code of Ordinances, City of Myrtle Beach, South Carolina Appendix A Zoning, is hereby amended by adding "Religious Establishment" as a conditional use in the LM (Light Manufacturing) zoning district as follows:

Use Category and Type	Residential								
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV
Commercial and Office Uses									
Religious Establishments providing for religious service and development	S	S	S	S	S	S	S	S	S

Use Category and Type																					
	MU-M	MU-H	C6	C7	C8	A	CG	E	HC 1	HC 2	MP	IN	AP	BP	LM	WM	CS	IR	PRC	Additional Regulations	
Commercial and Office Uses																					
Religious Establishments providing for religious service and development	P	P	P						P	P	P									S	1501.VV 1503.A 1503.D

IT IS HEREBY FURTHER ORDAINED that the Myrtle Beach Code of Ordinances, Appendix A Zoning, Section 1501 Conditional Uses is amended add new Section 1501.VV as follows:

- 1501.VV. Religious Establishments provided that:
1. The property is located within 100 feet of an airport.
 2. The property is less than 1 acre in size.

1 This ordinance will take effect upon second reading.

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BRENDA BETHUNE, MAYOR

8 ATTEST:

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JENNIFER ADKINS, CITY CLERK

12

13

1st Reading: 12-13-2022

14

2nd Reading:

1 **Additional Information**

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3 **Staff Input:**

4 Fire: No Concerns

5 Zoning: Concerns with parking as it relates to the use. One space per 30 sqft.

6 Public Works: No Concerns

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

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

16
17 403.A. Whether or not the requested zoning change is consistent with the
18 Comprehensive Plan or is justified by an error in the original ordinance.

19
20 403.B. The precedents and the possible effects of such precedents, which might
21 result from approval or denial of the petition.

22
23 403.C. The capability of the City or other government agencies to provide any
24 services, facilities, or programs that might be required if the petition were
25 approved.

26
27 403.D. Effect of approval of the petition on the condition or value of property in the
28 City.

29
30 403.E. Effect of approval of the petition on adopted development plans and policies
31 of the City.

32
33 **History of Change to the LM Zones within the past 5 years**

34
35 As listed below, there are 9 recorded changes contained within 8 ordinances which has
36 impacted the LM (Light Manufacturing) Zones within the city.

37
38 1/25/22 – Ordinance 2021-51: Axe Throwing as a Conditional Use

39 6/23/20 – Ordinance 2020-27: Restaurants with Outdoor Seating and Administration
40 Service Establishments as a Conditional Use

41 5/14/19 – Ordinance 2019-28: Indoor Urban Micro Farms as a Permitted Use

42 2/26/19 – Ordinance 2019-6: Food Trucks as a Conditional Use

43 11/13/18 – Ordinance 2018-62: Brew Pubs as a Permitted Use

44 10/19/18 – Ordinance 2018-59: Solar Farms as a Conditional Use

45 4/24/18 – Ordinance 2018-30: "Health Uses" as a Permitted Use

46 1/24/17 – Ordinance 2017-3: Barbershops and Salons as a Permitted Use

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49 **Section 1007. Standards for Off-Site Parking Facilities**

1 If a lot on which a permitted use is conducted (permitted use site) is not large enough to
2 provide for all the required automobile parking spaces, such required spaces may be
3 provided on other off-street property only if the following conditions are satisfied:
4

5 1007.A. Parking facilities are a permitted use within the zoning district where the off-site
6 parking facility is to be located.
7

8 1007.B. The location of the parking facility complies with the following criteria:

- 9 1. The off-site parking facility is contiguous to the permitted principal use site; or
- 10 2. The off-site parking facility is no more than three hundred feet, airline
11 measurement, from the nearest property line of the principal permitted use
12 site; or
- 13 3. The off-site parking facility is no more than three hundred feet, airline
14 measurement, from any associated parking lot contiguous to the principal
15 permitted use site.
16

17 1007.C. Required off-site parking spaces shall be authorized solely for use by the
18 principal permitted use supported. The parking spaces shall not be increased,
19 decreased, or encroached upon in any manner unless first authorized by written consent
20 of the City. This requirement shall in no way discourage or prevent the use of shared
21 parking facilities as allowed by this ordinance. The owner or authorized agent for the
22 land upon which such remote parking is to be located shall provide a deed restriction, or
23 other legal instrument, accompanied by a plat showing the boundaries of the proposed
24 off-site parking lot. Both documents shall be properly filed with the Register of Mesne
25 Conveyance for Horry County, and may be released only by the written consent of the
26 City at such time as the restricted parking is no longer required to comply with zoning
27 regulations. Receipt of a recorded copy of this document and plat shall be required prior
28 to issuance of a building permit for the principal permitted use for which the off-site
29 parking is to be utilized.
30

South Carolina State Code

31
32
33 **CHAPTER 7**

34 **Alcoholic Beverages, Beer and Wine**

35 (Statutory Authority: 1976 Code §§ 12-4-320 and 61-2-60)
36

37 **7-303.** Measurements from Location to School, Church or Playground. Section 61-6-
38 120, provide that a retail liquor license or a possession and consumption license may not
39 be granted if the place of business is within three hundred feet of any church, school, or
40 playground situated within a municipality, or within five hundred feet of any church,
41 school, or playground situated outside of a municipality. This Regulation is for the
42 purpose of further clarifying the distance and how it shall be measured.
43

44 With respect to a church or a school, the distance shall be measured from the nearest
45 entrance of the place of business by following the shortest route of ordinary pedestrian or
46 vehicular travel along the public thoroughfare to the nearest point of entrance to the
47 grounds of the church or school, or any building in which religious services or school
48 classes are held, whichever is the closer. The South Carolina Department of Revenue has

1 determined that the grounds in use as part of the church or school is restricted to the
2 grounds immediately surrounding the building or buildings which provide ingress or
3 egress to such building or buildings and does not extend to the grounds surrounding the
4 church which may be used for beautification, cemeteries, or any purpose other than such
5 part of the land as is necessary to leave the public thoroughfare and to enter or leave such
6 building or buildings. Only one entrance to the grounds of a church or school shall be
7 considered, to wit: the entrance to the grounds nearest an entrance to the church or school
8 building. Where no fence is involved, the nearest entrance to the grounds shall be in a
9 straight line from the public thoroughfare to the nearest door. The nearest point of the
10 grounds in use as part of a playground shall be limited to the grounds actually in use as a
11 playground and the grounds necessary for ingress or egress to such grounds from the
12 public thoroughfare.

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14 HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003.
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1 Applicant Location:
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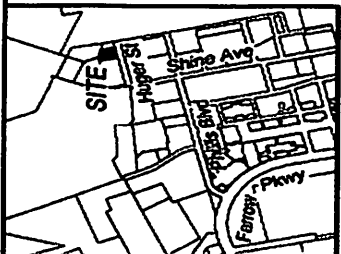
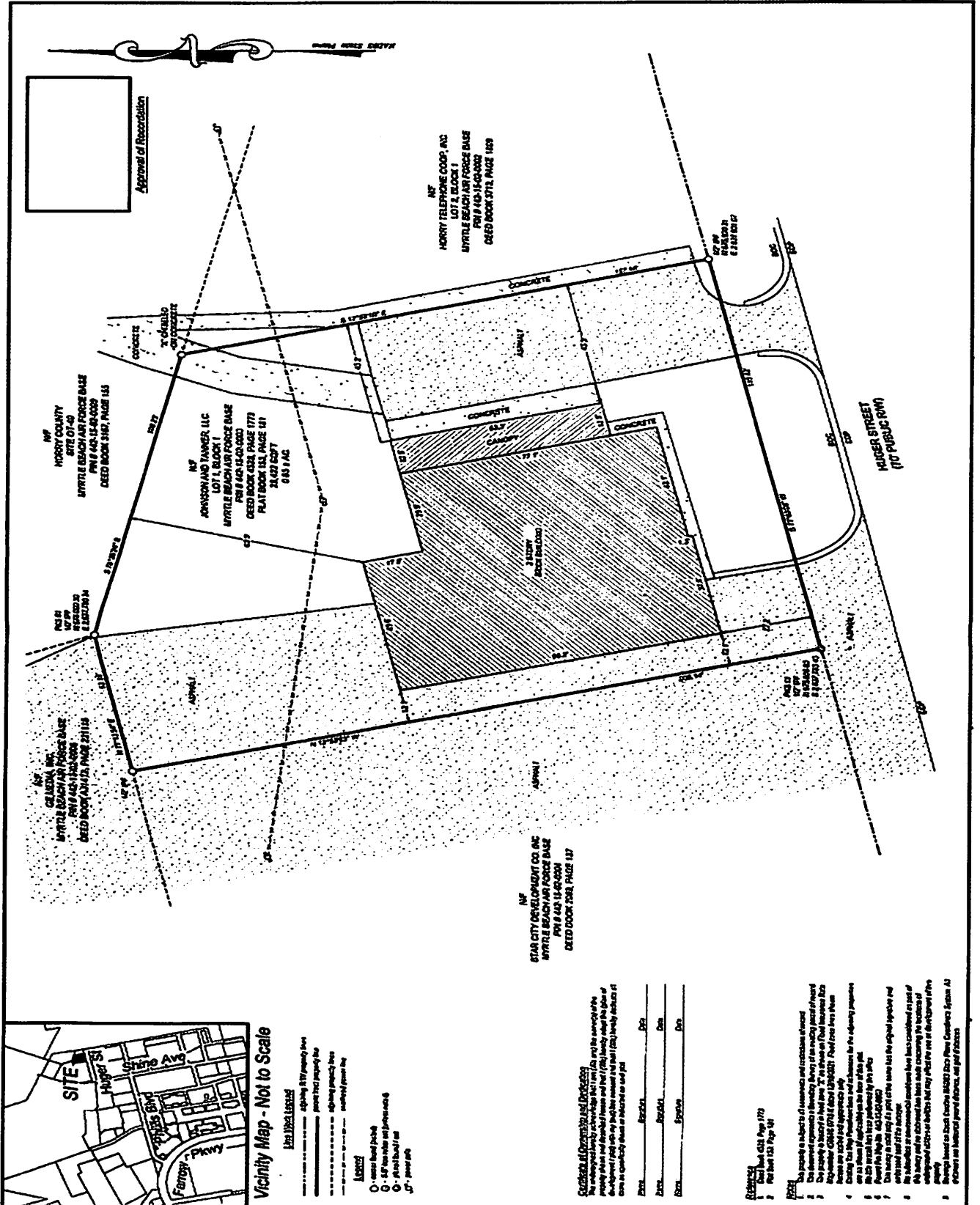


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Applicant Site:



Vicinity Map - Not to Scale

- Line Types Legend**
- Adjacent property lines
 - Easement lines
 - Easement project lines
 - Easement project lines
 - Easement project lines
- Legend**
- - center line (not shown)
 - - 4" (not shown)
 - - 6" (not shown)
 - - 8" (not shown)
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 - - 98" (not shown)
 - - 100" (not shown)

Line Type	Description	Notes
---	Adjacent property lines	See notes
---	Easement lines	See notes
---	Easement project lines	See notes
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Conditions of Approval (See Appendix)

The applicant hereby certifies that the information provided in this application is true and correct to the best of their knowledge and belief. The applicant understands that the information provided in this application is subject to the review and approval of the City of Myrtle Beach and that the applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant also understands that the information provided in this application is subject to the review and approval of the City of Myrtle Beach and that the applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.

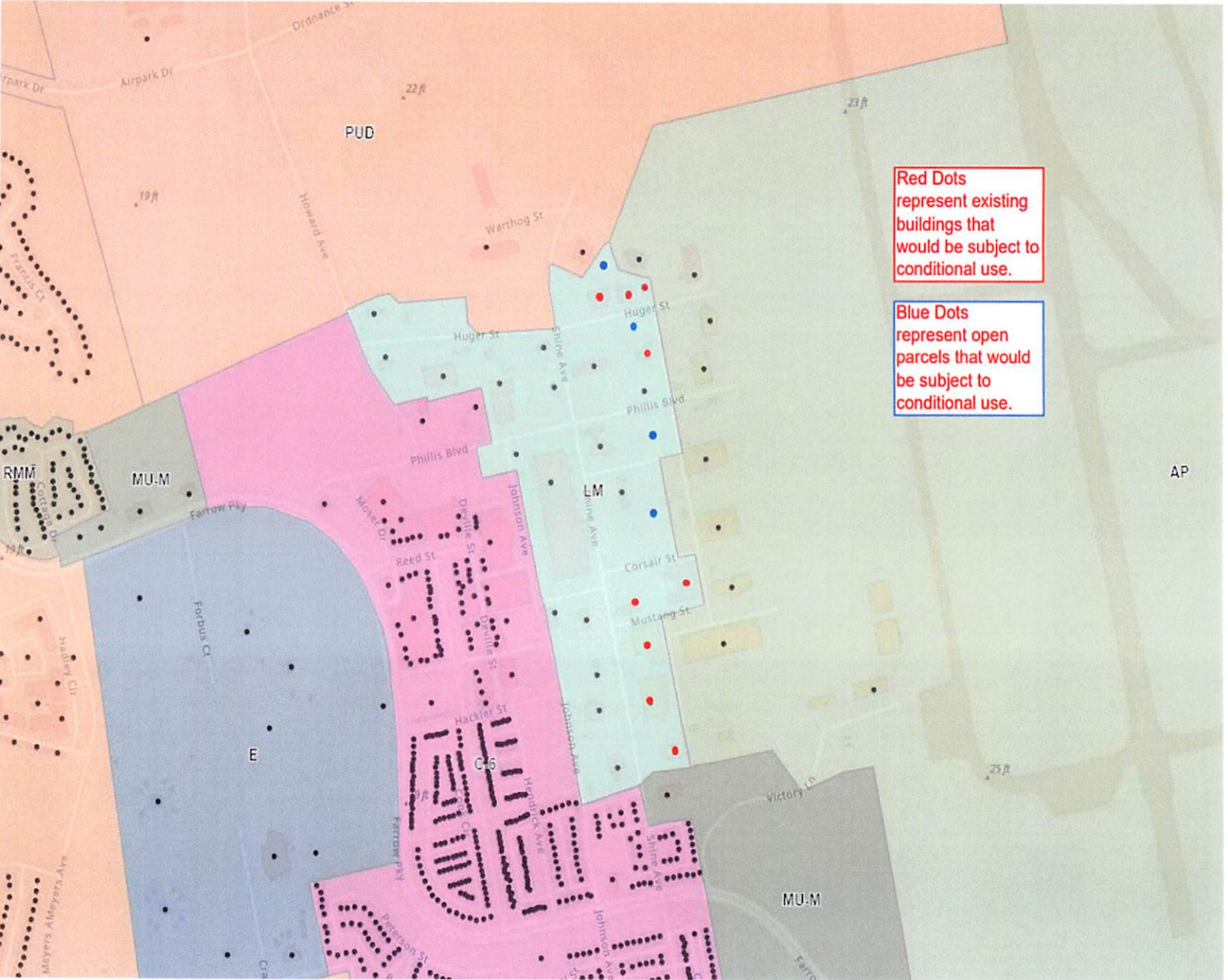
Item	Description	Notes
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Notes

- The project is subject to all laws, codes, and ordinances of the City of Myrtle Beach.
- The applicant understands that the information provided in this application is subject to the review and approval of the City of Myrtle Beach and that the applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
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1 Map of Airport LM and Sites Affected by Conditional Use Request:
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1 Aerial Overview of the Parcel:

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1 Applicant Building:
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