

September 10, 2019 - 1<sup>st</sup> Reading.

September 24, 2019 – presented for 2<sup>nd</sup> Reading

**2019-47 (2<sup>ND</sup> READING): TO AMEND APPENDIX A ZONING TO CREATE A NEW ARTS & INNOVATION (ART) ZONING DISTRICT AND TO REZONE APPROXIMATELY 56 ACRES, THAT BEING 155 PARCELS IDENTIFIED BY THE PIN NUMBERS NOTED BELOW AND LOCATED IN DOWNTOWN MYRTLE BEACH FROM C7 (DOWNTOWN COMMERCIAL), C8 (DOWNTOWN COMMERCIAL), AND MUM (MIXED USE - MEDIUM DENSITY) TO ART (ARTS & INNOVATION) IN ACCORDANCE WITH THE DOWNTOWN MASTER PLAN.**

**Applicant/Purpose:** City of Myrtle Beach/To further implement the Downtown Master Plan.

**Brief:**

- The Downtown Master Plan calls for the creation of a new Arts and Innovation District in & around the Superblock. This ordinance is the zoning component of that District.
- Properties w/in the proposed district are currently zoned C7, C8, & MUM.
- The district is w/in the Opportunity Zone & includes the Designated Historic District.
- As recommended, permitted uses are categorized w/ listed examples that are not all inclusive, to allow for unanticipated innovative use ideas.
- As recommended, design requirements are minimal, relying heavily on CAB.
- Developers using historic tax credits will follow US Department of the Interior standards.
- Planning Commission recommends approval (8-0) on August 20, 2019. Further recommends:
  - Create plans for additional districts near-by districts.
  - Develop a plan to incentivize residential development.
- Based on Council's discussion the following changes were made to the ordinance at 1<sup>st</sup> reading:
  - Removal of "transportation hub" as a permitted use.
  - Max building height to remain at 80' (as opposed to 60' recommended by PC).
  - Change in language regarding retail uses in the 1<sup>st</sup> 30' of parking garage structures.
  - Allow, but not require, extended "shade structures" over public sidewalks.
- Based on advice from the City Attorney & research into other cities' practices, chains would be allowed subject to conformance w/ ART District design standards & CAB review.

**Issues:**

- The restriction of like-businesses locating next to one another has been removed.
- The southern boundary of the proposed district borders residential neighborhoods.
- As recommended:
  - All businesses must be closed for business between midnight & 6AM.
  - The market will determine parking requirements (no minimum requirements).
  - Signage is based on principal frontage, w/a max 300 sf to be applied in any manner of sign & any location, per CAB approval, including CEVM & neon signage.
  - At least 70% of the building wall between 2' & 10 shall be made of transparent glass, & shall not be tinted, mirrored, or covered to obstruct the view of the interior space.

**Public Notification:**

- Normal advertising for Planning Commission public hearing.
- Normal City Council meeting public notice.

**Alternatives:** Modify or deny the proposed zoning amendment.

**Financial Impact:** Increased property, accommodations, & admissions taxes & business license fees.

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading (9/10/19).
- I recommend approval w/ the changes noted above.

**Attachment(s):** Proposed ordinance, Planning Staff Report.

**CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA**

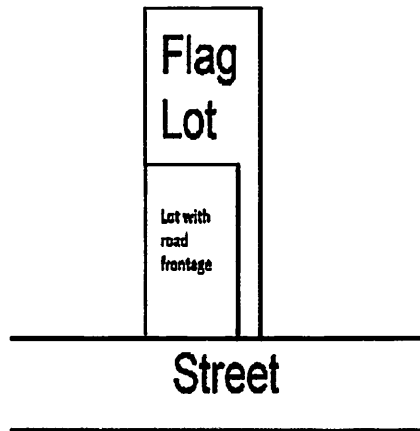
To amend Appendix A Zoning to create a new Arts & Innovation (ART) zoning district and to rezone approximately 56 acres, that being 155 parcels identified by the PIN#s noted below and located in downtown Myrtle Beach from C7 (Downtown Commercial), C8 (Downtown Commercial), and MUM (Mixed Use - Medium Density) to ART (Arts & Innovation) in accordance with the Downtown Master Plan.

**PIN #**

|              |              |              |              |              |              |
|--------------|--------------|--------------|--------------|--------------|--------------|
| 42416040005, | 44401010014, | 44401020082, | 44401020083, | 44401020084, | 44401020085, |
| 44401020086, | 44401010001, | 44401010002, | 44401010003, | 44401010004, | 44401010005, |
| 44401010006, | 44401010013, | 44401010012, | 44401010011, | 44401010010, | 44401010009, |
| 44401010008, | 44401010007, | 44401010018, | 44401010017, | 44401010016, | 44401010015, |
| 42416040049, | 44401010019, | 44401010020, | 44401010021, | 44401010024, | 44401010025, |
| 44304020005, | 44304020004, | 44304020018, | 44304020017, | 44304020016, | 44304020015, |
| 44304020014, | 44304020013, | 44304020012, | 44304020011, | 44304020010, | 44304020008, |
| 44304020007, | 44304020006, | 44401010026, | 44401010028, | 44401010058, | 44401010057, |
| 44401010056, | 44401010055, | 44401010054, | 44401010053, | 44401010052, | 44401010051, |
| 44401010050, | 44401010049, | 44401010048, | 44401010047, | 44401010046, | 44401010045, |
| 44401010063, | 44401010064, | 44401010044, | 44401010043, | 44401010042, | 44401010041, |
| 44401010040, | 44401010039, | 44401010038, | 44401010037, | 44401010036, | 44401010035, |
| 44401010034, | 44401010033, | 44401010032, | 44401010031, | 44401010030, | 44401010029, |
| 44401010060, | 44401010059, | 44401010061, | 44401010062, | 44401010027, | 44304020086, |
| 44304020085, | 44304020073, | 44304020074, | 44304020075, | 44304020076, | 44304020077, |
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| 44304020084, | 44304030081, | 44304030082, | 44304030071, | 44304030072, | 44304030073, |
| 44304030074, | 44304030075, | 44304030076, | 44304030077, | 44304030078, | 44304030079, |
| 44304030080, | 44304030039, | 44304030003, | 44304030002, | 44304030001, | 44401040002, |
| 44401040003, | 44401040004, | 44401040005, | 42416040006, | 42416040005, | 44401010014, |
| 44401020082, | 44401020083, | 44401020084, | 44401020085, | 42416040049, | 44401010019, |
| 44401010025, | 44304020005, | 44304020004, | 44304020018, | 44304020017, | 44304020016, |
| 44304020015, | 44304020014, | 44304020013, | 44304020012, | 44304020011, | 44304020010, |
| 44304020009, | 44304020008, | 44304020007, | 44304020006, | 44401010026, | 44304020081, |
| 44304020082, | 44304020083, | 44304020084, | 44304030081, | 44304030082, | 44304030071, |
| 44304030039, | 44304030003, | 44304030002, | 44304030001, | 44401040002  |              |

IT IS HEREBY ORDAINED that Appendix A, Zoning, Article 2 Definitions, of the Code of Ordinances is amended to add the following definitions and illustration:

**Flag Lot:** An irregularly shaped lot fronting or abutting a public street by only a private driveway.



IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 6 Community Appearance Board, of the Code of Ordinances is amended as follows:

604.A.7. Aboveground Structured Parking Standards.

a. Use Regulations.

- i. On garages located in the Mixed Use (MU) or Entertainment (E) districts, a minimum linear footage equal to 25% of the garage's longest building face shall be designed for and contain any use permitted in the zoning district EXCEPT parking. These uses shall face and have a primary entrance off any public right-of-way.
- ii. In the ART District: retail, restaurant, or office space must be maintained on first floor to a minimum depth of 30 feet and must face and be directly accessible from adjacent right-of-way (New construction design requirements apply where applicable). Vehicular ingress/egress shall not exceed a maximum width of 40 feet.

IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 8 Sign Regulations, of the Code of Ordinances is amended as follows:

803.K. Design Standards.

2. No sign, sign structure or attention seizing device shall be shaped in the form of a statue of a human or animal figure nor in the form of a three dimensional model (e.g. dinner bucket, paint cans, Christmas trees, etc.). The following are allowable exceptions:
  - a. Signs in the A and ART districts;

803.M. Occupation of, or Projection into, Public Right-of-Way. No private sign shall occupy public property in any manner nor shall any sign extend across a property line where such property line borders a public right-of-way or any public property except as follows: within the Art & Innovation (ART), Amusement (A) and Mixed Use-Medium Density (MU-M) zoning districts, and on existing buildings in Mixed Use-High Density (MU-H) districts which are closer than 4 feet to the principal street right-of-way, if projecting into or over a public right-of-way, the sign must be at least 9 feet above the right-of-way so as not to interfere with pedestrian traffic nor extend beyond the back edge of the curb line nor more than 4 feet inside the right-of-way line.

1  
2 805.P. Signs Permitted in the Arts & Innovation (A&I) District: The intent of the Arts and Innovation  
3 District is to create and sustain a walkable mixed-use urban environment that will serve  
4 as the hub of artistic, cultural and civic life in the traditional core of downtown Myrtle Beach.  
5 The goal is to have signage that is edgy and new without creating visual clutter. Most  
6 buildings are designed with a defined sign space. The location of appropriately sized signs  
7 in these spaces is strongly encouraged. Signs on awning flaps and store display windows  
8 are generally appropriate as well. Acceptable sign placement does not obstruct  
9 architectural features and windows.

- 10  
11 1. All signs permitted in section 804.B - *Signs Exempt from Permit Procedures*, subject  
12 to the limitations and requirements thereof, provided, however, that signs listed under  
13 804.B.3 - *Single Family Residential Signs* are prohibited.
- 14  
15 2. The total allowed sign area for all signs on a lot is 3 square feet per 1 foot of principal  
16 street frontage, not to exceed 300 square feet. This sign allowance includes the sum  
17 of all sign areas, whether freestanding, window, wall mounted or projecting. The total  
18 allowed signage may be placed specifically on the front or shared amongst any and  
19 all sides.
- 20  
21 3. Changeable copy signs are permitted, including CEVMs as regulated in section 808.
- 22  
23 4. Temporary Portable A-Frame or Sandwich Board Type Signs as permitted in  
24 Section 810.
- 25  
26 5. Temporary Construction Fence Scrim. An active construction site shall be permitted  
27 a construction fence scrim to screen the construction area and to control debris and  
28 dust. The scrim shall not exceed the height and length of the construction fence, and  
29 shall be removed with the construction fence. The scrim may contain graphics  
30 designed to inform the public as to the nature of the construction project. The scrim  
31 may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*,  
32 contain a maximum of 32 square feet of text per construction site identifying the firms  
33 involved with, the character of, and the future occupants of the construction site.

34  
35  
36 IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 10 Parking and Loading Requirements,  
37 of the Code of Ordinances is amended as follows:  
38

39 1006.E. Exceptions to Minimum Parking Requirements.

- 40 10. Arts & Innovation (ART) District: The intent of the Arts and Innovation District is to  
41 create and sustain a walkable mixed-use urban environment that will serve as the hub  
42 of artistic, cultural and civic life in the traditional core of downtown Myrtle Beach. In  
43 such an environment, parking needs are best determined by market forces. Therefore,  
44 there are no minimum parking requirements. New surface parking lots shall be located  
45 to the rear of buildings, and at a minimum shall be buffered in accordance with section  
46 902, although the use of a narrow-depth liner building, active public space, or similar  
47 feature to screen the parking from the street may be considered.

48  
49 IT IS FURTHER ORDAINED that Appendix A, Zoning, Section 1312 Special Conditions of Drinking  
50 Places is hereby revoked;  
51

IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 14 Zoning Districts, of the Code of Ordinances is amended as follows:

Section 1402. Zoning Districts Named.

In order to accomplish the purposes set forth in section 104 – *Purpose and Intent*, the following districts are hereby established:

| District | District Name              | Classification |
|----------|----------------------------|----------------|
| ART      | Arts & Innovation District | Mixed-use      |

1407.D Uses permitted in the Arts & Innovation (ART) District.

Purpose & Intent. The intent of the Arts and Innovation District is to create and sustain a walkable mixed-use urban environment that will serve as the hub of artistic, cultural and civic life in the traditional core of downtown Myrtle Beach. As a year-round destination for both residents and visitors, the district's primary uses are supported by a wide range of businesses that help to maintain a vibrant atmosphere. This is further supported by the active use of outdoor spaces for dining and entertainment, and the development of upper-story residences in mixed-use buildings.

Unlike the other zoning districts listed in section 1407.C, uses are permitted in the ART District in the following categories. Examples are provided for explanatory purposes and are not intended as complete lists. A mix of categories and uses sharing spaces is permitted. Classification within the categories will be determined by the Zoning Administrator unless the use is explicitly listed. Innovation within the categories is encouraged.

In general:

1. All non-residential uses will be closed for business between the hours of 12 AM and 6 AM.
2. No drive-through windows are permitted.

Use Categories:

**Multifamily residential dwelling units** and amenities, provided that no permanent dwelling units fronting on the rights-of-way of Oak St, Main St, Broadway St, 8<sup>th</sup> Ave N, 9<sup>th</sup> Ave N, Kings Hwy, or Hwy 501 are permitted at ground level.

**Offices**, including but not limited to accounting, advertising, law, architects, real estate, finance, engineering, government offices, shared office spaces

**Service establishments of a personal character**, including but not limited to barbers, beauty salons, cosmetologists, but excluding tattoo parlors and body piercers

**Lifestyle service establishments** including but not limited to decorators, event planners, seamstress, shoe repair, travel agencies, pet groomers, jewelers

**Personal health care services**, including but not limited to medical, dental, chiropractic, therapeutic, homeopathic

**Fitness centers**, including but not limited to martial arts, yoga, gyms, personal training

**Arts and crafts studios** including maker's spaces

**Indoor recreation and entertainment**, including but not limited to escape rooms, bowling, passive recreation, arcades, miniature golf, museums, billiard parlors, darts, but excluding bingo parlors and sexually oriented businesses

**Theaters**, including but not limited to comedy clubs, dinner theaters or performance venues or characterized by a visually emphasized performance stage or area that offers patrons paying the ticket or admission fee a fixed seating/table arrangement from which one may view the performance, such as musical groups, improvisational offering, stand-up comedy, plays, skits, ventriloquism, magic and other staged performance art to patrons, with no floor area of greater than 150 square feet for patron dance, while the business purpose is primarily performance viewing, with an accessory purpose of the service of alcoholic beverages, and or food.

**Banquet halls and event spaces** for persons and entities reserving the space for special occasions including, but not limited to: formal dinners, receptions, reunions, benefits, and club meetings, and may include the onsite consumption of alcohol as an accessory component of food and beverage service; but excluding events charging general admission or a cover charge at the door.

**Specialty Retail** limited to a maximum of 60 linear feet of principle store frontage, including but not limited to antique dealers, art galleries, home décor, booksellers, music stores, vintage record stores, vintage clothing stores, bakeries, confectionaries, florists, gift shops, pet boutiques, and newsstands, but excluding the primary sale of CBD, vape, liquor, and sexually oriented products

**Convenience Retail** limited to a maximum of 60 linear feet of principle store frontage, including but not limited to fresh produce, groceries, neighborhood pharmacies, neighborhood hardware stores

**Restaurants** and food halls; sidewalk cafes and roof-top bistros are encouraged

**Bars, brew pubs, and taverns**, but excluding nightclubs and sexually oriented businesses

**Media establishments and production studios**, including but not limited to newspaper, radio, television, streaming

**Small-scale manufacturing** limited to a maximum of 10,000 square feet, including but not limited to breweries, distilleries, small crafts; provided they meet the “good neighbor” standards of Sec. 1712 regarding sound, smell, pollution, vibration, and electrical disturbance, and further provided that all manner of operations and storage are indoors.

**Indoor and outdoor farming** provided they meet the “good neighbor” standards of Sec. 1712 regarding sound, smell, pollution, vibration, and electrical disturbance

**Dry cleaners and laundromats**

**Religious establishments** providing for religious service and development, provided the minimum lot size is 1.25 acres.

**Schools** for educating children or adults

**Permanent indoor and outdoor marketplaces**, including but not limited to food truck parks and spaces for farmers, artisans, fishermen, florists, and bakers

**Business incubators**, including but not limited to those for chefs, artists, craftsmen, pop-up businesses, innovative concepts

**Local government offices**, buildings and facilities, including but not limited to libraries, in a walkable, cohesive, campus

**Visitor Accommodations**, including but not limited to boutiques hotels and bed & breakfasts

**Parking lots and garages**

**Vending Machines, ATMs, Newspaper/Advertising Boxes** shall not be located outside.

IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 16 Area, Height and Dimensional Requirements, of the Code of Ordinances is amended as follows:

**1603.C Requirements for Commercial and Other Zoning Districts**

| 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 |
|------------|---------------|----------------|----------------|-------------|------------------------|--------------------|--------------------------|------------------------|------------------------|-----------------|
| <u>ART</u> | ---           | ---            | ---            | 80'         | ---                    | B                  | B                        | B                      | B                      | ---             |

**1603.D. Minimum Lot Area Per Dwelling Unit:**

| 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 |
|---------------------------|-------------------------------|-------------------------------|-------------------------------|----------------------------------|
| A, MP, C7, C8, <u>ART</u> | ---                           | ---                           | ---                           | ---                              |

IT IS FURTHER ORDAINED that Appendix A, Zoning, Article 17 Design and Performance Standards, of the Code of Ordinances is amended as follows:

**Section 1716. Design Standards for the Arts & Innovation (ART) District.**

**Purpose & Intent.** The intent of the Arts and Innovation District is to create and sustain a walkable mixed-use urban environment that will serve as the hub of artistic, cultural and civic life in the traditional core of downtown Myrtle Beach. As a year-round destination for both residents and visitors, the district's primary uses are supported by a wide range of businesses that help to maintain a vibrant atmosphere. Building design is in harmony with the character of the area and establishes a continuity of pedestrian-oriented frontages between adjacent buildings. This is further supported by pedestrian oriented urban design, the active use of outdoor space for dining and entertainment, encouraging the development of upper-story residences in mixed-use buildings, and the incorporation of both active and passive public spaces throughout the district.

**1716.A Newly constructed buildings shall have a minimum of two occupiable stories above grade.**

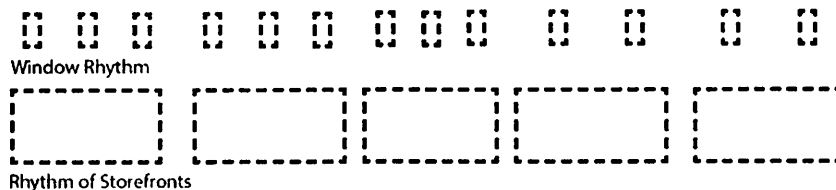
**1716.B Awnings, roofs, or other creative structures may extend over the public sidewalk, provided that they do not extend beyond the back edge of the curb line or more than**

a distance of 8' over the sidewalk; and further provided the roof maintains a minimum 9' clearance from grade; and further provided that the roof does not rely on public property for structural support nor interfere with pedestrian traffic.

1716.B. Where applicable, the first floor shall have a minimum interior height of 14 feet as measured from the finished floor elevation of the ground floor to the bottom of the floor plate of the second floor.

1716.C. Side and rear walls shall be improved and maintained in harmony with the primary façade. The development of rear or side entrances is encouraged where appropriate.

1716.D. Scale and Proportion: The width and general proportions of a building shall conform generally to other buildings in the district. Ratio of wall surface to openings and the ratio of the width and height of windows and doors shall be consistent with the district. Buildings shall remain "pedestrian-scaled" in order to protect views, sunlight and street character.



As seen in the illustration above, the "rhythm" of the buildings is established by the variety that is created between window sizes and spacing, the amount of wall area that is visible, and the placement of details.

1716.E. Storefronts:

1. A minimum of 70% of the building wall between a height of 2 feet and 10 feet above grade shall be composed of transparent glass.
2. Storefront doors shall be recessed from the public sidewalk a minimum of 3 feet.

1716.F. Windows shall not be tinted, mirrored, or covered with materials in such a way that obstructs the view of the interior space. Creative merchandise window displays are encouraged, provided the background is not opaque and provided displays contain no flashing or strobe lighting or any signage.

1716.G. When historic tax credits are utilized, US Department of Interior and SC Department of Archives and History design requirements supersede the requirements of section 1716.

1716.H. No property shall be subdivided into a "flag lot."

**IT IS FURTHER ORDAINED** that the official zoning map of the City of Myrtle Beach is amended by rezoning parcels identified by the Horry County PIN #s 44401010024, 44401010025, 44304020005, 44304020004, 44304020018, 44304020017, 44304020016, 44304020015, 44304020014,



44304020013, 44304020012, 44304020011, 44304020010, 44304020008, 44304020007,  
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44304020082, 44304020083, 44304020084, 44304030081, 44304030082, 44304030071,  
and the adjacent public rights-of-way (as shown on "Exhibit A" attached hereto) from zone C7  
(Downtown Commercial) to ART (Arts & Innovation).

**IT IS FURTHER ORDAINED** that the official zoning map of the City of Myrtle Beach is amended by  
rezoning parcels identified by the Horry County PIN #s 44304030039, 44304030003, 44304030002,  
44304030001, 44401040002, 44401040003, 44401040004, 44401040005, 44401010061,  
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44401010037, 44401010036, 44401010035, 44401010034, 44401010033, 44401010032,  
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44304030003, 44304030002, 44304030001, 44401040002, and the adjacent public rights-of-way (as  
shown on "Exhibit A" attached hereto) from zone C8 (Downtown Commercial) to ART (Arts &  
Innovation).

**IT IS FURTHER ORDAINED** that the official zoning map of the City of Myrtle Beach is amended by  
rezoning parcels identified by the Horry County PIN #s 44401010020, 44401010021, 42416040049,  
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44401020084, 44401020085, 42416040049, 44401010019, and the adjacent public rights-of-way (as  
shown on "Exhibit A" attached hereto) from zone MUM (Mixed Use-Medium Density) to ART (Arts &  
Innovation).

This ordinance shall become effective upon adoption.

ATTEST:

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

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

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:

EXHIBIT A  
ORDINANCE 2019-XX

