

June 9, 2020 - Presented for 1st Reading

2020-27 (1ST READING): ORDINANCE TO AMEND APPENDIX A ZONING OF THE CODE OF ORDINANCES SEC. 1407.C PERMITTED USES TO ALLOW RESTAURANTS WITH OUTDOOR DINING, AND ADMINISTRATIVE SERVICE ESTABLISHMENTS IN THE LM (LIGHT MANUFACTURING) ZONING DISTRICT.

Applicant/Purpose: Dr. Bogache (applicant)/ to better serve businesses in the LM district w/ basic needs of restaurants & management space.

Brief:

- There are 5 LM (Light Manufacturing) zoned areas in the city.
- The applicant’s property is on the corner of Shine Ave & Phillis Blvd b/w Market Common & the General Aviation terminal at MYR.
- Proposed ordinance adds 2 uses to the LM (Light Manufacturing) District:
 - Restaurant w/ Outdoor Dining (Conditional Use).
 - Administrative Service Establishments (Permitted Use).
- Planning Commission 6/2/20: recommends approval (7-0)

Issues:

- The proposed condition for Restaurants w/ Outdoor Dining is as required elsewhere: When that area is adjacent to the property line, a buffer shall be installed to provide a clear delineation b/w the properties, including any public ROW.
- Administrative Service Establishments are defined as having a business character & supply general needs of an intangible nature to the public, including those performing government, business, utilities, or industry management duties.
- Uses in the LM district have historically been limited to manufacturing, wholesaling, & storage uses. Introducing new uses may affect operations & property values.
- Businesses w/in the LM (Light Manufacturing) district, & their employees, have to travel outside the district for administrative services & to restaurants.

Public Notification:

- Legal ad ran 3/20/20, 4/17/20, & 5/15/20.
- Public Hearing 6/2/20

Alternatives:

- Modify the proposed ordinance.
- Deny the proposed ordinance.

Financial Impact: Increased business license and hospitality revenues from the operations of restaurants.

Manager’s Recommendation: I recommend 1st reading (6/9/2020).

Attachment(s): Proposed ordinance, staff report.

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CITY OF MYRTLE BEACH
 COUNTY OF Horry
 STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND APPENDIX A ZONING OF THE CODE OF ORDINANCES SEC. 1407.C PERMITTED USES TO ALLOW RESTAURANTS WITH OUTDOOR DINING AS A CONDITIONAL USE, AND ADMINISTRATIVE SERVICE ESTABLISHMENTS AS A PERMITTED USE IN THE LM (LIGHT MANUFACTURING) ZONING DISTRICT.

IT IS HEREBY ORDAINED that 1407.C Permitted Uses, Appendix A, Zoning of the Code of Ordinances is amended to add restaurants with outdoor dining as a conditional use, and administrative service establishments as a permitted use, in the LM (Light Manufacturing) district as follows:

1407.C Permitted Uses

Use Category and Type	P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed													Additional Regulations	
	MU-M	MU-H	C6	C7	C8	A	E	HC1	HC2	MP	AP	LM	WM		IR
Commercial and Office Uses															
Administrative service establishments of a business character which supply general needs of an intangible nature to the public including establishments performing management duties in the conduct of government, business, utilities, or industry	P	P	P	P	P	P		P	P	P		<u>P</u>		S	1503.A
Restaurant with outdoor dining	C	C	C	C	C	C	C	C	C		C	<u>C</u>	C		1501.Q

This ordinance will take effect upon second reading.

 BRENDA BETHUNE, MAYOR

ATTEST:

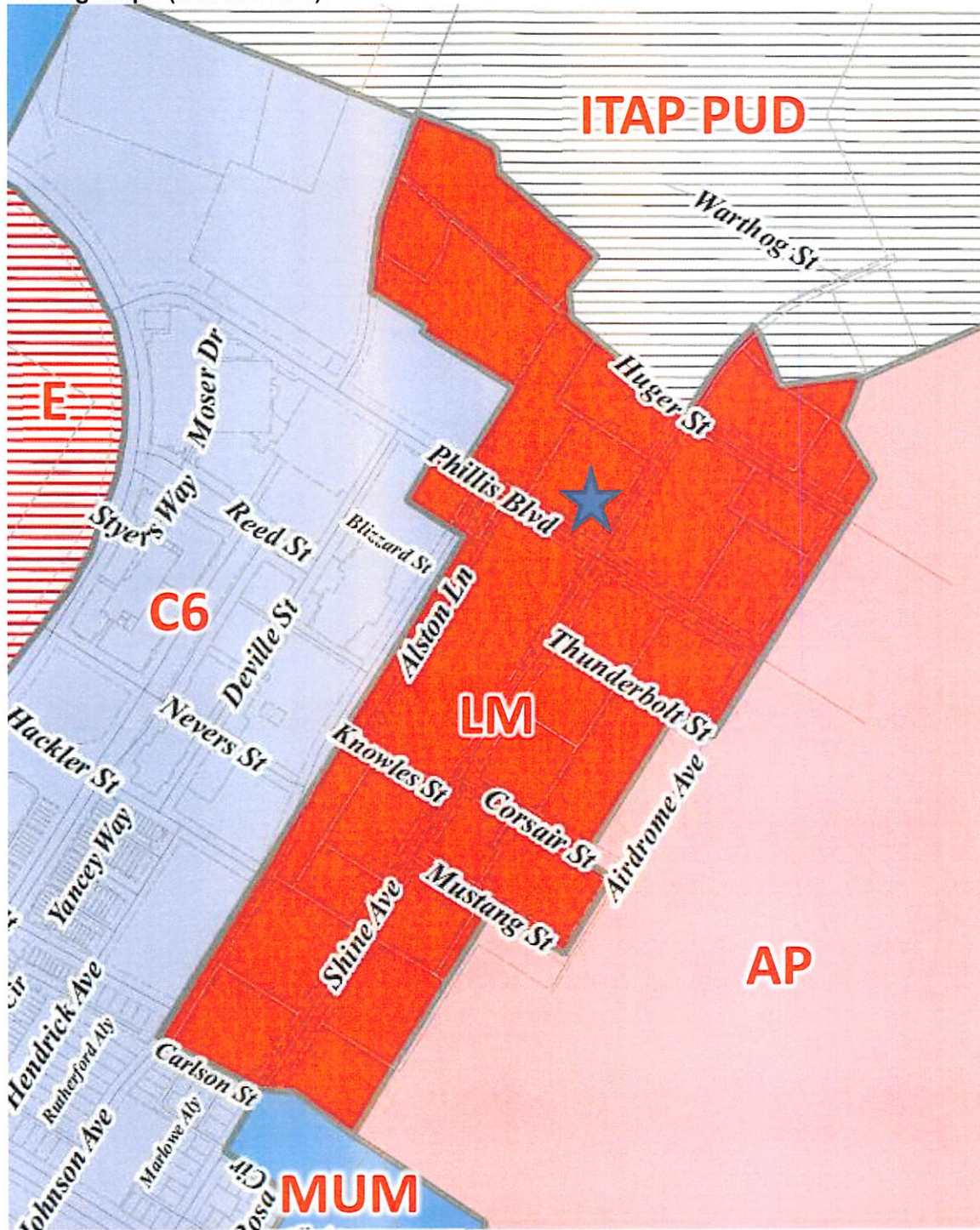
 LINDSEY HARING, ACTING CITY CLERK

1st Reading: 6-9-2020

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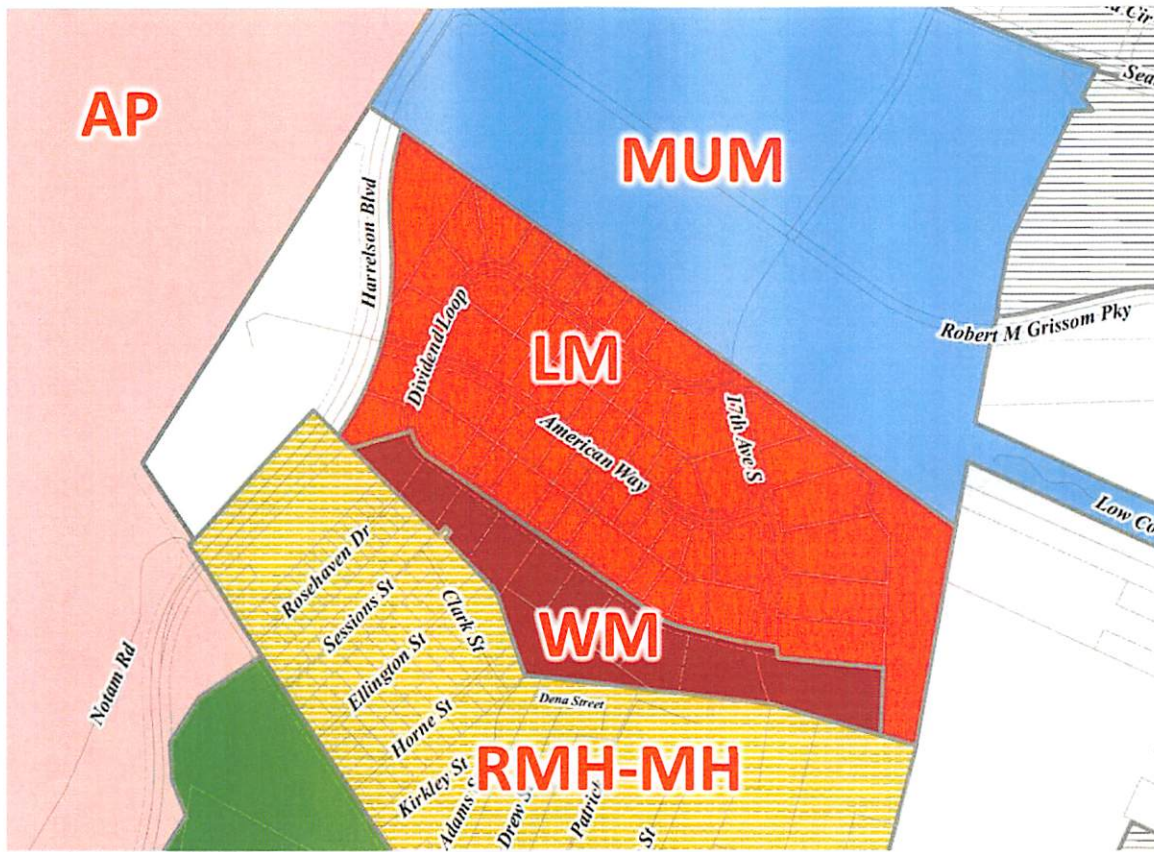
2nd Reading:

1 Zoning Maps (not to scale):



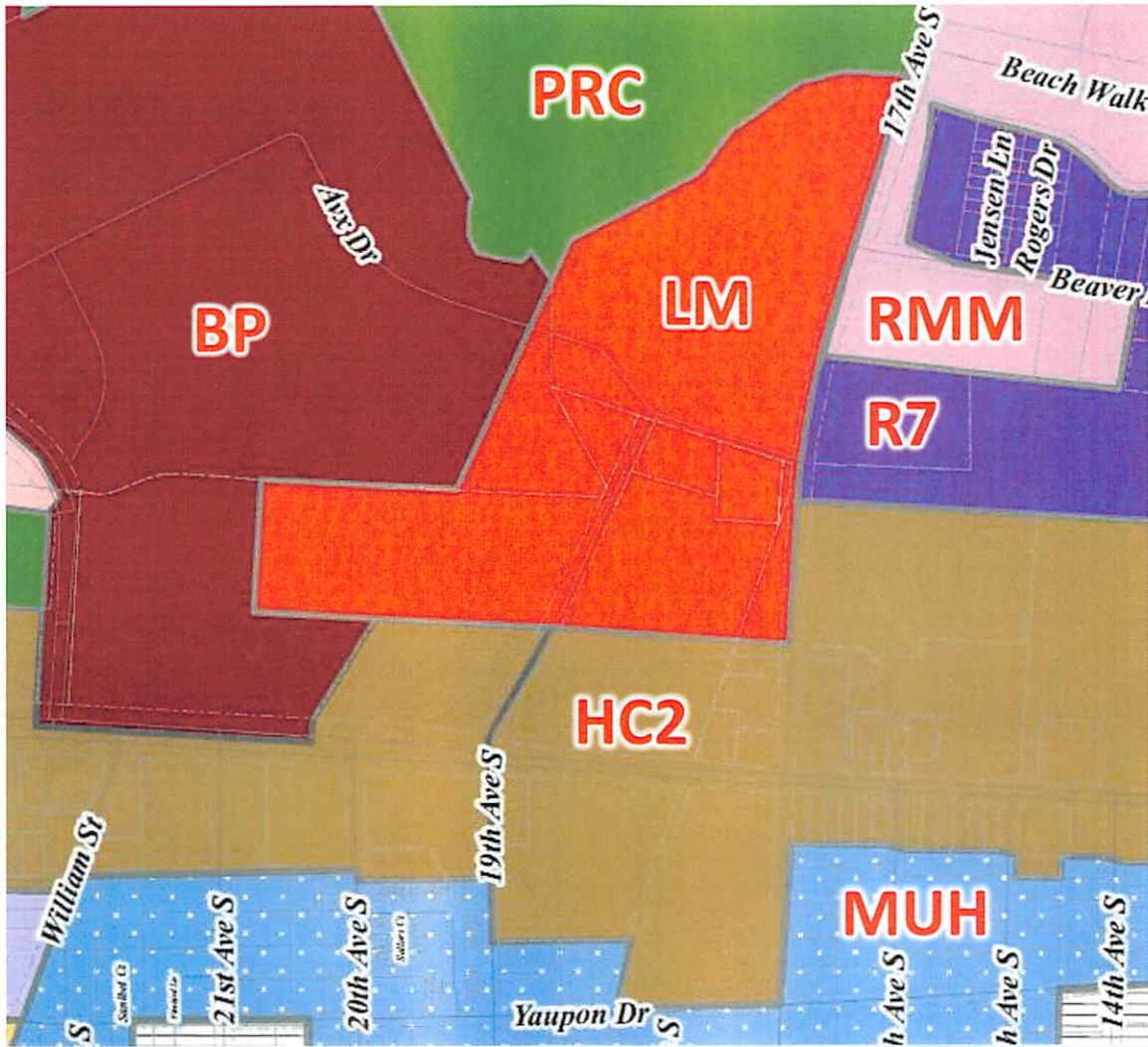
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★ Applicant's property: 1229 Shine Avenue

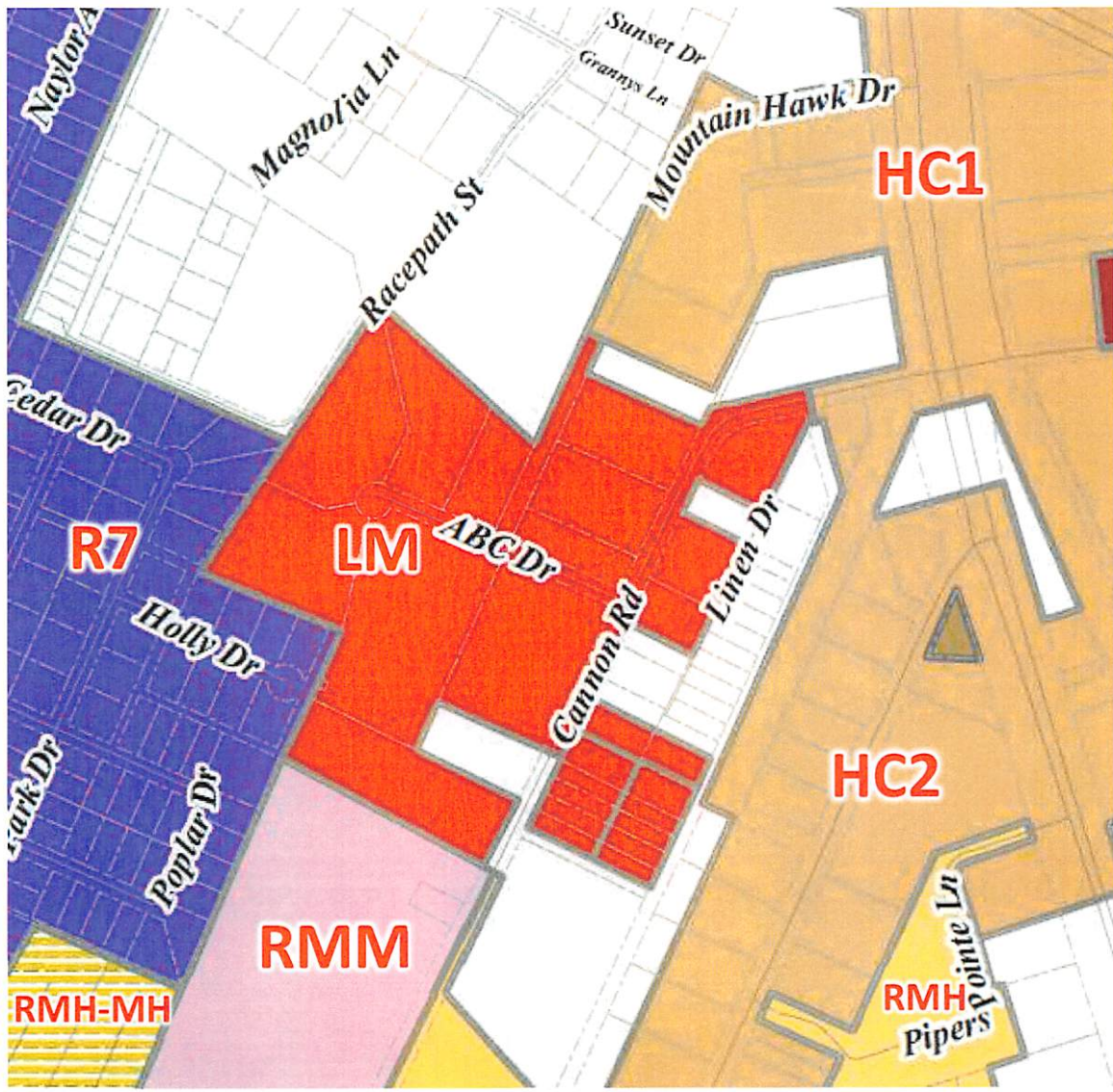


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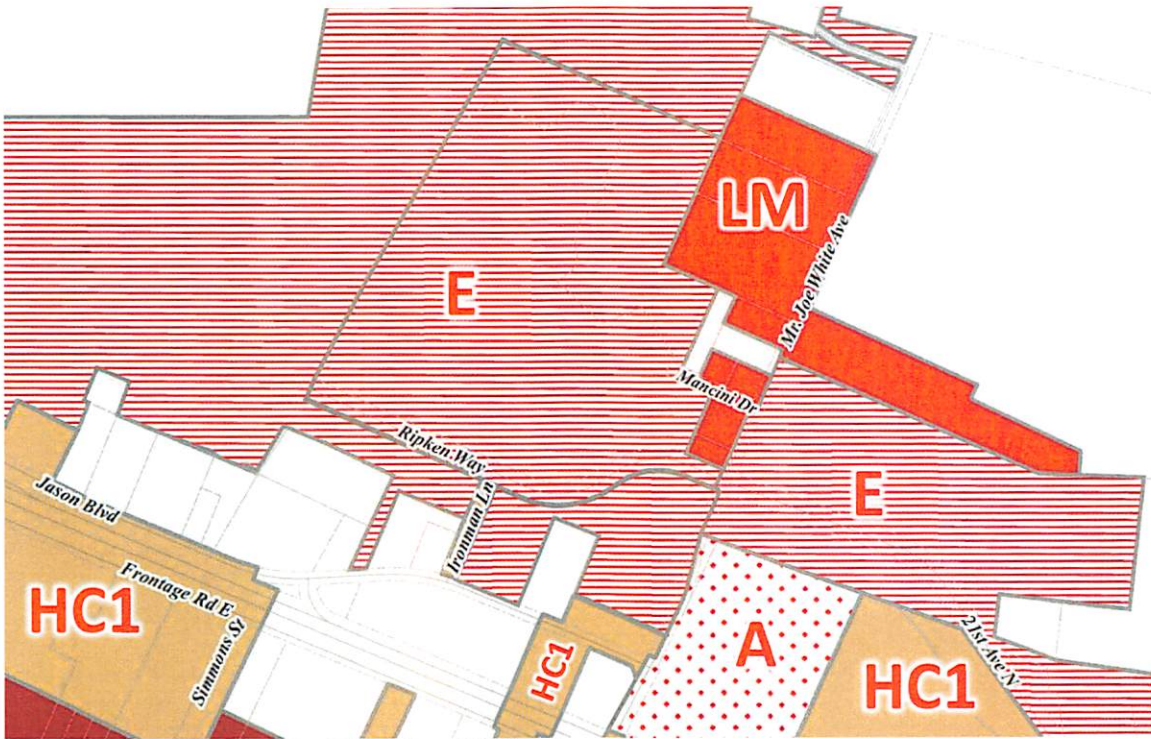
North Industrial Park



- 1
- 2 Around the AVX properties



- 1
- 2 Between Cannon Rd and the Racepath Neighborhood



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Near the western end of Mr. Joe White Ave

Currently Permitted in the LM (Light Manufacturing) District:

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed

Use Category and Type	LM	Additional Regulations
Residential Uses		
None		
Commercial and Office Uses		
Assembly of electronic instruments and devices such as computer hardware and software, audio and video equipment, business machines, and small appliances.	P	
Automated teller machines, free standing	P	

Use Category and Type	LM	Additional Regulations
Bakeries, wholesale	P	
Barbershops, beauty salons, and cosmetologists	P	
Blueprinting services	P	
Brewpub	P	
Broadcast studios, radio and television	P	
Car wash	P	
Communication establishments carrying or conveying written, oral or visual information to the general public	P	
Construction establishments	P	
Construction vehicle and heavy machinery sales, repair, leasing maintenance, and storage	P	
Copy shops and business service centers	P	
Dry cleaning establishments	P	
Forests and botanical gardens (research)	P	
Gasoline station	P	
Genetic research institutions	P	

Use Category and Type	LM	Additional Regulations
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	
Heavy durable goods sales not otherwise listed	P	
Heavy machinery sales, repair, leasing, maintenance or storage sales	P	
Horticultural nursery	P	
Indoor Urban Farm	P	
Industrial service establishments sales that supply other businesses, industries or individuals	P	
Kennels and animal boarding facilities, indoor	P	

Use Category and Type	LM	Additional Regulations
Laboratory (analytical, experimental testing, research and development)	P	
Laundry and linen supply service	P	
Mailing/addressing services	P	
Manufacturing, processing, packaging, and distribution of measuring, analyzing and controlling instruments; medical and optical instruments, photographic equipment (excluding film and chemicals); ceramic instruments and components; magnetic media; and small electronic components.	P	
Manufacturing, processing, assembling, packaging and distribution establishments sales	P	
Metal/cabinet shops	P	
Motor vehicle detailing	P	
Motor vehicle paint or body shop	P	
Motor vehicle parts store	P	
Motor vehicle repair and maintenance	P	
Motor vehicle sales	P	
Motor vehicle rental and leasing	P	

Use Category and Type	LM	Additional Regulations
	Newspaper offices and plants	P
Parking facilities	P	
Parolee-probationer home	S	1503.G
Radio or television station and related transmitting tower	P	
Retail establishments providing convenience items and services	P	
Rooftop gardens	P	
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	
Shoe repair	P	
Small engine repair	P	

Use Category and Type	LM	Additional Regulations
	Social welfare organizations	P
Solar farms	C	1501.QQ
Storage tanks for liquid substances, above ground	S	1503.E
Storage yards, vehicles	C	1501.CC
Telephone switching facilities	P	
Tire sales and service	P	
Transmission or distribution lines for petroleum, gasoline, natural gas or liquefied petroleum gas	S	
Transmitting towers other than cell towers	P	
Transportation terminals and establishments providing for the interchange of passengers	P	
Transportation terminals and establishments providing for the interchange of freight	P	
Truck terminals	P	
Video and other media productions	P	
Warehouse storage	P	
Welding shops	P	

Use Category and Type	LM	Additional Regulations
	Wholesale business establishments for selling bulk goods or commodities, but not toxic chemicals	P
Wholesales business establishments for selling bulk gasoline, kerosene or any other fuel oil	P	
Wholesale business establishments for selling bulk bottled gas	P	
Public Services		
Buildings and uses of utilities holding a franchise from the city	P	
Correctional facilities	S	1503.F
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	
Post office	P	
Public parking	P	
Public regional stormwater facilities	P	
Public safety stations including fire, police and rescue services	P	
Public utilities installations and substations	P	
Public works facility/public utilities	P	

Use Category and Type	LM	Additional Regulations
Social welfare offices	P	
Water tanks, public	S	

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Districts In Which The Requested Uses Are Allowed:

Use Category and Type	P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed													Additional Regulations
	MU-M	MU-H	C6	C7	C8	A	E	HC1	HC2	MP	AP	WM	IR	
Commercial and Office Uses														
Administrative service establishments of a business character which supply general needs of an intangible nature to the public including establishments performing management duties in the conduct of government, business, utilities, or industry	P	P	P	P	P	P		P	P	P			S	1503.A
Restaurant with outdoor dining	C	C	C	C	C	C	C	C	C		C	C		1501.Q

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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.

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

1501.Q. Outdoor Dining: When the outdoor dining area is adjacent to the property line, a buffer shall be installed that provides a clear delineation between the properties, including any public right-of way.

1501.CC. Storage Yards:

- Storage yards are a minimum of 20 feet from the front and side street and a minimum of 10 feet from the side and rear property line.

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- 2. Material incapable of being reused in some form shall not be placed in the storage yard.
- 3. Material shall not be placed in any storage yard in such a manner that it is capable of being transferred out of the storage yard by wind, water or other natural causes.
- 4. All storage yard materials and activities not within fully enclosed buildings shall be enclosed by a mesh fence of sufficient gage and weave to screen the view or a wall of at least six feet in height, but not greater than eight feet in height; along any and all street frontages. It must be mesh of sufficient gage, weave and consistency as to completely hide the use of the storage yard from public view.
- 5. The storage yard shall have a minimum 5-foot wide landscape buffer. Landscape materials in the buffer along any front or side street will consist of at last one 10-foot tree placed at 25-foot intervals and one 3-gallon shrub placed at 5-foot intervals.

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.

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.A. Interim Use of Properties in the Interim Redevelopment (IR) District.

- 1. The use will be located within an existing structure or facility located on the subject property.
- 2. A specific maximum period of time for operation of this use shall be established, not to exceed two years; but such use may be extended for a period not to exceed one additional year upon application for such extension to the Board of Zoning Appeals. If the property subject to the interim conditional use is rezoned prior to the expiration of that maximum time, the interim conditional use, if not permitted in the new zone shall be discontinued within 90 days of the rezoning.

- 1 1503.E. Storage Tanks, above ground (liquid substances) subject to appropriate state
2 and/or federal agency permits.
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- 4 1503.F. Correctional Facilities provided they are in a totally enclosed building and
5 meet all state regulations.
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- 7 1503.G. Parolee-probationer Home:
- 8 1. The facility and its operator must hold all licenses required by the State
9 of South Carolina.
- 10 2. Except in the Medical/Professional (MP) district, the number of dwelling
11 units must be included in the computation of allowable density for the
12 zoning district in which the facility is located and shall not exceed the
13 maximum number of residential units allowed within the zoning district.
14 For the purposes of density calculations, a rooming unit shall be counted
15 as ½ a dwelling unit. There is no maximum number of dwelling units in
16 the Medical/Professional (MP) district.
- 17 3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and
18 tub or shower per five residents plus an additional toilet and sink shall be
19 provided for each additional group of three persons or less.
- 20 4. *Recreation areas/open space:* There shall be provided 200 square feet
21 of usable open space for each resident, within which required
22 landscaping may be included. All open space area shall be suitably
23 landscaped with at least one shade tree for each 1,000 square feet of
24 yard area or part thereof.
- 25

26 **STAFF COMMENTS:**

27 Fire: Myrtle Beach Fire Department has no issues with the proposed rezoning. Future
28 development emergency vehicle access, fire hydrant placement, and adequate road
29 widths require fire marshal approval.

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31 Police, Public Works: No Concerns

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

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

- 40
- 41 403.A. Whether or not the requested zoning change is consistent with the
42 Comprehensive Plan or is justified by an error in the original ordinance.
- 43 403.B. The precedents and the possible effects of such precedents, which might
44 result from approval or denial of the petition.
- 45 403.C. The capability of the City or other government agencies to provide any
46 services, facilities, or programs that might be required if the petition were
47 approved.
- 48 403.D. Effect of approval of the petition on the condition or value of property in the
49 City.
- 50 403.E. Effect of approval of the petition on adopted development plans and policies
51 of the City.