
2019-60 (2ND READING): TO AMEND APPENDIX A ZONING, ARTICLE 16 AREA, HEIGHT, AND DIMENSIONAL REQUIREMENTS SECTION 1603 DIMENSIONAL STANDARDS, OF THE CODE OF ORDINANCES TO ADD SETBACK REQUIREMENTS SPECIFIC TO PROPERTY LINES ABUTTING AN ALLEY IN THE MU-H HIGH DENSITY) DISTRICT.

Applicant/Purpose: Staff/to encourage redevelopment of 2nd & 3rd row properties.

Brief:

- Currently in the MUH districts side yard setbacks are 10' when the structure is less than 20' in height, 20' between 20' and 120', and 30' for buildings in excess of that height.
- In cases where the property adjoins an alleyway, the distance between the buildings is effectively increased by the width of the alley (usually 20').
- The effect of this ordinance would be to allow zero set-backs for properties adjacent to the alleyways to increase the maximum developable property. This is especially critical in areas where the lots are relatively narrow to begin with.

Issues:

- This change accommodates renovations of the Sun Rise, a Mid-Century Modern Hotel located at 2303 North Ocean Boulevard.
- This item has been fast-tracked to accommodate the time table for the redevelopment of the Sun Rise.

Public Notification:

- Normal City Council meeting notice for 1st reading.

Alternatives:

- Modify the proposed amendment.
- Deny the proposed amendment.

Financial Impact:

- There is no additional cost to the City relating to this proposed change.
- If this change helps to spur redevelopment of these 2nd and 3rd row properties, the ultimate impact may be substantial.

Manager's Recommendation: While I understand the downside of decreasing the side yard setbacks. Our previous efforts at encouraging redevelopment of these smaller hotels on the second and third rows has been largely unsuccessful. In order to meet Council's goals of encouraging this reinvestment, we are going to need to try some tools that we have not previously considered.

Attachment(s): Proposed ordinance.

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

**TO AMEND APPENDIX A ZONING,
ARTICLE 16 AREA, HEIGHT AND
DIMENSIONAL REQUIREMENTS, SECTION
1603 DIMENSIONAL STANDARDS, OF THE
CODE OF ORDINANCES TO ADD
SETBACK REQUIREMENTS SPECIFIC TO
PROPERTY LINES ABUTTING AN ALLEY IN
THE MU-H (MIXED USE – HIGH DENSITY)
DISTRICT.**

IT IS HEREBY ORDAINED that Article 16 Area, Height and Dimensional Requirements, Section 1603 Dimensional Standards, Appendix A, Zoning, of the Code of Ordinances is amended as follows:

Section 1603. Dimensional Standards

1603.A. All permitted, conditional and accessory uses shall conform to the area and dimensional requirements as provided in sections 1603.B – *Requirements for Residential Zoning Districts* and 1603.C – *Requirements for Commercial and Other Zoning Districts*, for the district in which the use is located.

1. A cell with only dashes (---) in the tables indicates that there are no requirements of that type in the respective zoning district. However, such requirements may be provided in other applicable sections of this Ordinance.
2. Lettered footnote references in the tables correspond to footnotes provided below each table.
3. Exceptions:
 - a. A roof overhang, cornice, fascia, and wall-applied ornamentation may extend into a required setback yard up to 24" provided they are a minimum of 10' above the finished floor.
 - b. The zoning administrator may allow up to a 20% variation, not to exceed 4 feet, in setback requirements in order to save a protected or landmark tree.

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. Ocean Yard Setback	Min. Open Space
MU-H	6,000 sq.ft.	60' R	---	240'	U	B	M	S	S	20' A	T

(S) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120'; except that;

1. Along property lines that abut an alley, minimum setback is zero up to 120' in height, and 10' over 120' in height.
2. In the DRC Area (16th Ave. N – 6th Ave. S. between Kings Hwy and the Atlantic Ocean):

- 1 a. Minimum side yard setback up to 35' in height refer to subsection (B) above, 10'
2 for structures taller than 35'.
3 b. Minimum rear yard setback is 10' up to 35' in height, 20' between 35' and 120' in
4 height, 30' for structure taller than 120'
5

6 This ordinance will take effect upon second reading.
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8
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10 _____
11 BRENDA BETHUNE, MAYOR

12 ATTEST:
13
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15 _____
16 JENNIFER STANFORD, CITY CLERK

17 1st Reading: December 10, 2019

18 2nd Reading: January 14, 2020

TEXT 19-12 MUH SIDE ALLEY SETBACKS: Proposal By The City Of Myrtle Beach To Amend Appendix A Zoning, 1 Article 16 Area, Height, And Dimensional Requirements Section 1603 Dimensional Standards, Of The Code Of Ordinances To Add Setback Requirements Specific To Property Lines Abutting An Alley In The Mu-H High Density District.

Applicant/Purpose: Staff/to encourage redevelopment of 2nd & 3rd row properties.

Brief:

- Currently in the MUH districts side yard setbacks are 10' when the structure is less than 20' in height, 20' between 20' and 120', and 30' for buildings in excess of that height. The proposal allows a side alley setback of 0' up to 120' in height, and 10' above 120' in height.
- In cases where the property adjoins an alleyway, the distance between the buildings is effectively increased by the width of the alley (usually 20').
- The effect of this ordinance would be to allow zero set-backs for small developments on properties adjacent to the alleyways to increase the maximum developable property. This is especially critical in areas where the lots are relatively narrow to begin with.

Issues:

- The city was originally laid out in the 1920s to accommodate beach houses and small motels. For the vision at the time, 20' alleys between lots were adequate for maintaining views. The city has since evolved, and the area is now a mix-use district allowing high-rises to 240'. As a community we need to determine the current purpose for the alleys and plan accordingly.
- The issues regarding small lots in the MU-H go beyond setbacks and alleys, and include maximum building coverage and minimum open space requirements.
- Allowing high-rise buildings on small lots between alleys could result in wind tunnels and a canyon effect.
- The alleys provide pedestrian-ways from the 2nd and 3rd rows to the beach. If they are to continue serving that purpose, buildings built to the property line on the alleys will likely detract from the pedestrian experience.
- Why loosen setbacks only on the alleys? Should other MU-H setbacks be revised as well?

Financial Impact: There is no additional cost to the City.

Alternatives:

- Modify or deny the proposed ordinance. One option: a new zone based on MU-M.

Planning Commission 01/07/20: Recommends denial (8-0). Recognizing that zoning changes are necessary to encourage development on the 2nd, 3rd, and 4th rows, the Planning Commission requests time to properly assess the issues, and the impacts of zoning changes to other areas of the city. Unresolved concerns include:

- The potential of creating a canyon effect with tall buildings directly abutting 20' alleys.
- The creation and preservation of the pedestrian nature of the district, and the role the alleyways play in the pedestrian experience.
- Zero setbacks leave little to no room for landscaping.

MU-H District with Side Alleys: see attached PowerPoint for maps.

MU-M Alternative: Create a new district based on the MU-M and rezone current MU-H properties roughly between Ocean Blvd and Kings Hwy.

Reasoning:

1. MU-H was written with 240' towers in mind. Although it works well for combined lots, requirements limit smaller development on originally platted 60' lots.
2. The city has always allowed high-rise development on 2-4th rows. In the 1980s the city instituted "retreat from the beach" regulations, allowing buildings to rise to 55' on the oceanfront (TA-55), 80' on the 2nd row (TA-80) and 120' on the 3rd and 4th rows (TA-120). However, the market for high-rises remained primarily on the oceanfront, and the zoning districts were amended to reflect that, first by allowing 120' heights in the TA-55 and TA-80 with additional setbacks, and then through PUDs that allowed building heights of 240', and eventually with the MU-H that allows 240' height by right.
3. Zoning that does not reflect the market may have contributed to a false impression of inflated land values and a deterioration of property conditions.
4. MU-M allows for almost zero lot-line development, with heights of a human (pedestrian) scale. Major differences include setbacks, minimum open space, and maximum building coverage, and permitted visitor accommodations.
5. Oceanfront properties would remain MU-H, as will adjacent properties already built to the MU-H. Over time, if adjacent property owners would like to develop under MU-H, they can request to be rezoned; Planning Commission and City Council will consider their request on a case-by-case basis as is done with any rezoning.

COMPREHENSIVE PLAN: See attached Goals, Objectives and Strategies

STAFF COMMENTS: None

Section 403. Findings of Fact Required

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council.

Factors shall include, but shall not be limited to, the following:

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

ORDINANCE 2019-60

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND APPENDIX A ZONING,
ARTICLE 16 AREA, HEIGHT AND DIMENSIONAL
REQUIREMENTS, SECTION 1603 DIMENSIONAL
STANDARDS, OF THE CODE OF ORDINANCES
TO ADD SETBACK REQUIREMENTS SPECIFIC
TO PROPERTY LINES ABUTTING AN ALLEY IN
THE MU-H (MIXED USE – HIGH DENSITY)
DISTRICT.

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exceed 4 feet, in setback requirements in order to save a protected or
landmark tree.

1603.C. Requirements for Commercial and Other Zoning Districts

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- c. Along property lines that abut an alley, minimum setback is zero up to 120' in height, and 10' over 120' in height.

This ordinance will take effect upon second reading.

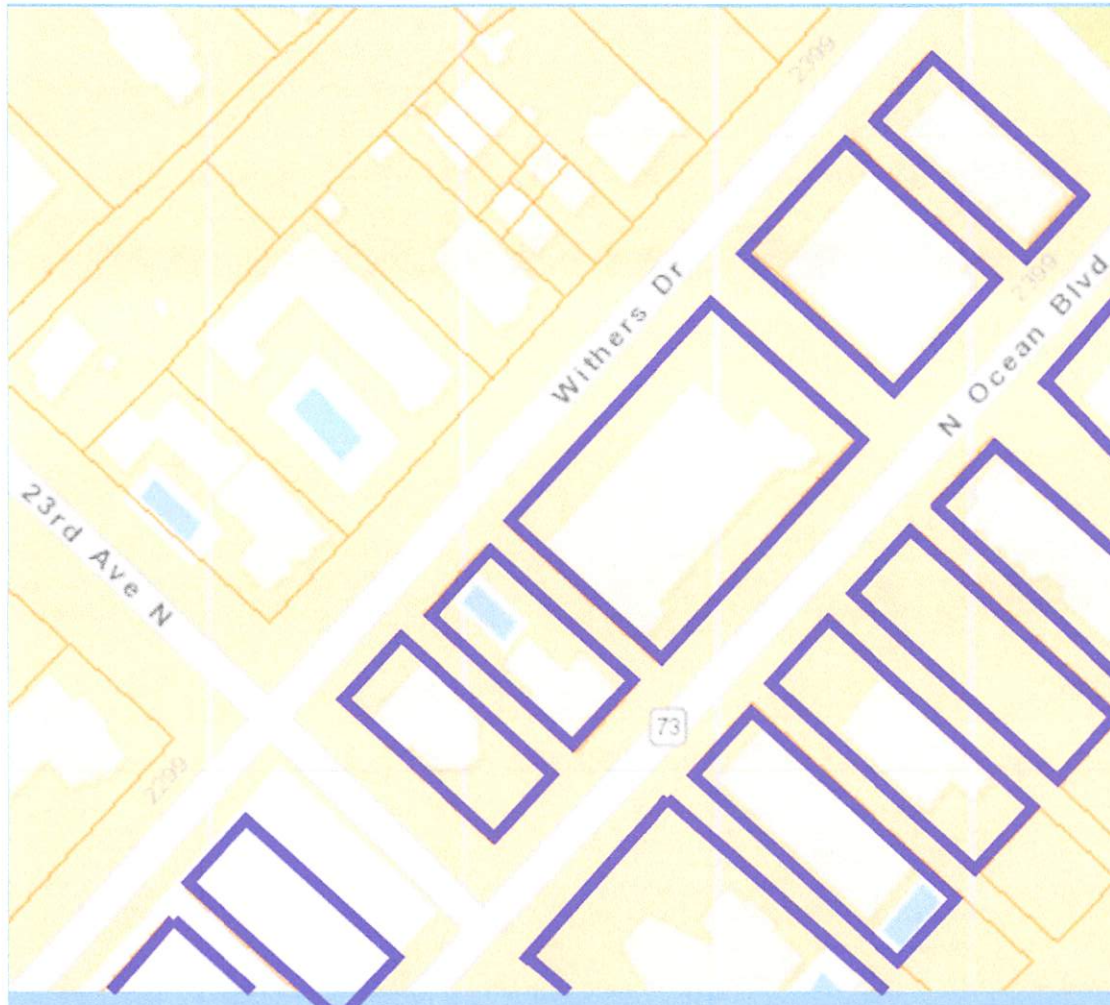
BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, CITY CLERK

1st Reading: December 10, 2019

2nd Reading:



2019-60 MU-H Setbacks:

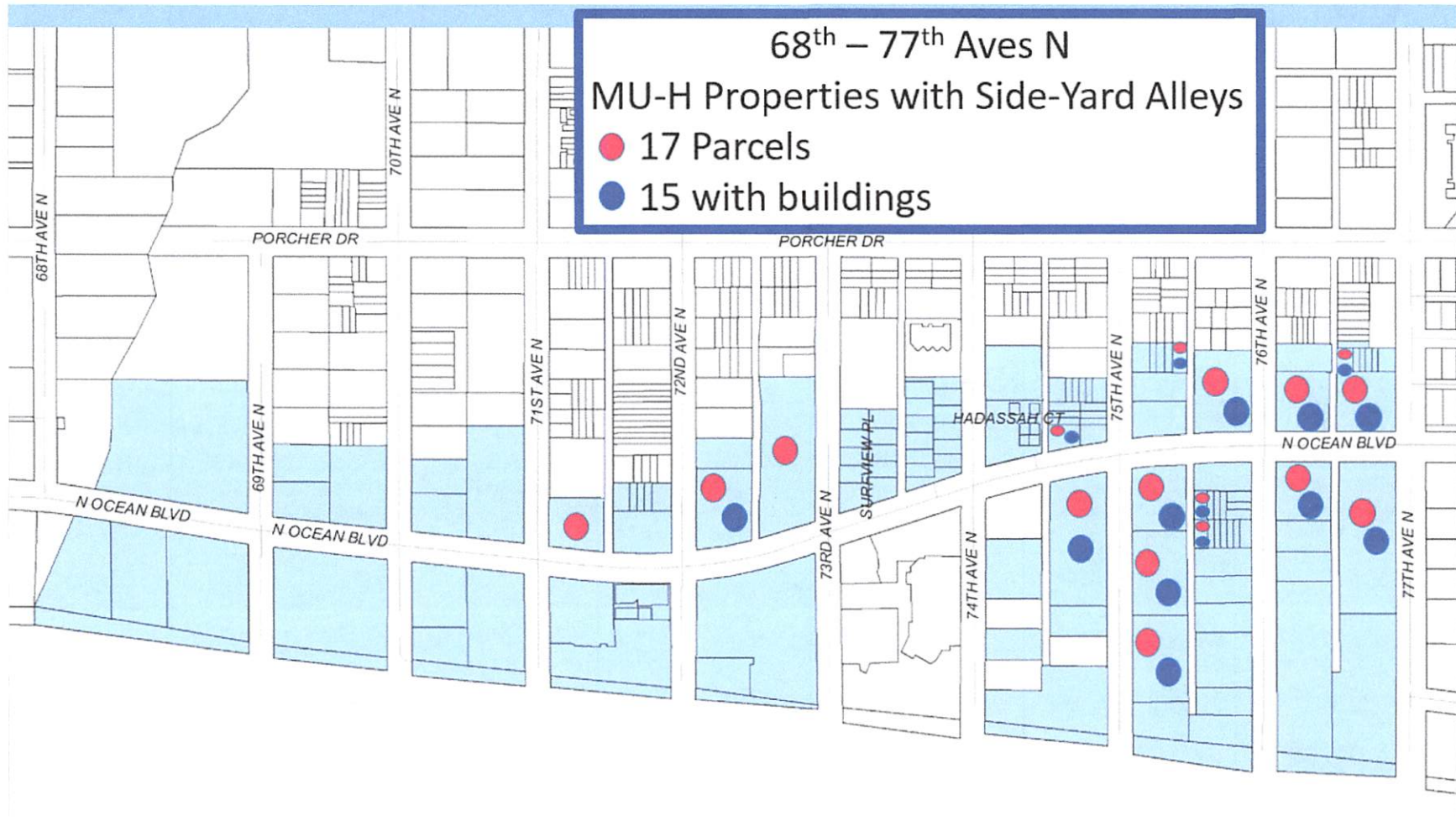
Current Setbacks:

Front (Ocean Blvd): Zero
Front (Withers Dr): Zero

Side Alley (each alley):
10' up to 20' in Height
20' 20-120' in Height
30' >120' in Height

Proposed:

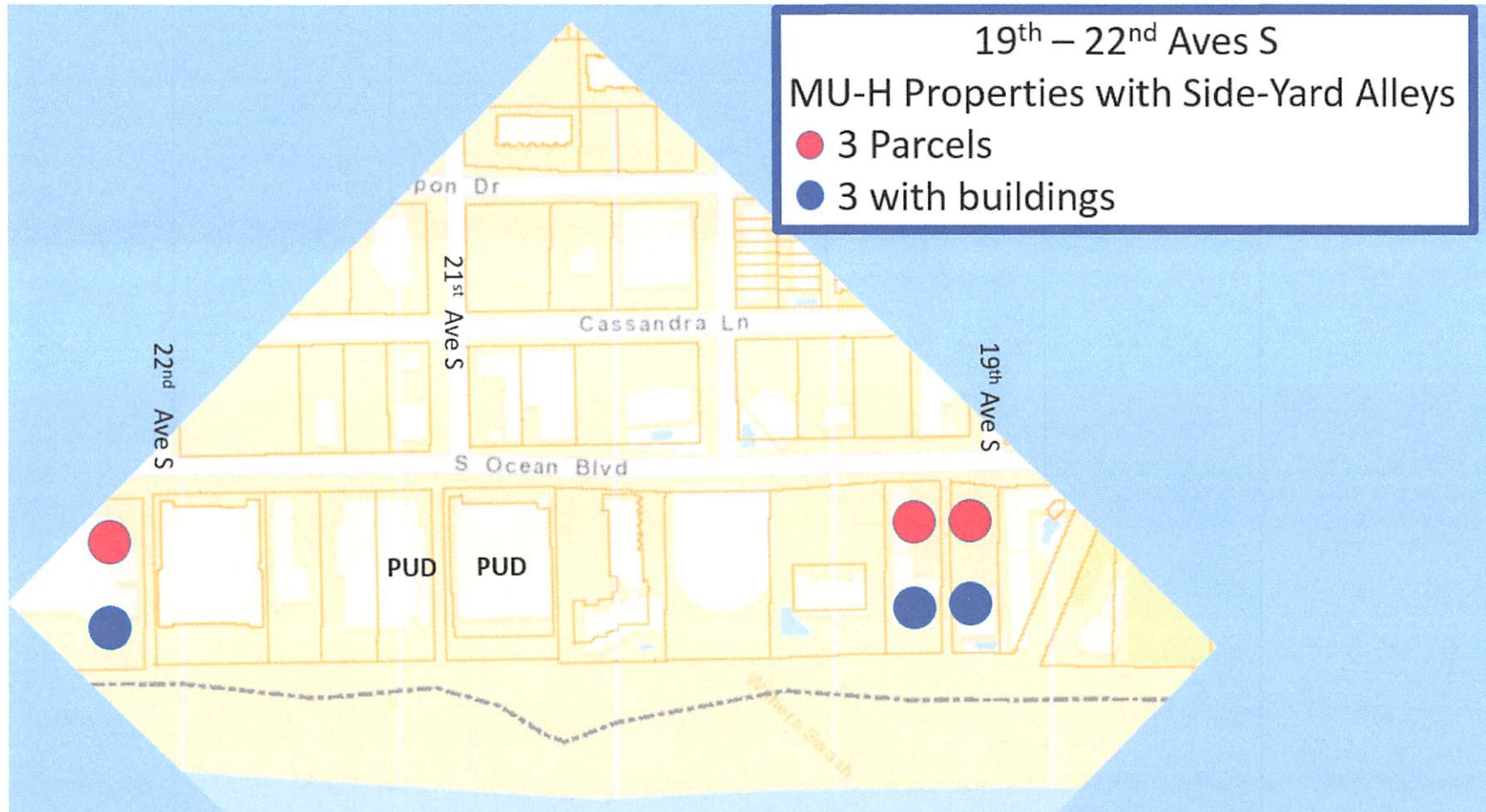
Side Alley (each alley):
Zero up to 120' in Height
10' over 120' in Height



13th – 31st Aves N
MU-H Properties with Side-Yard Alleys
● 58 Parcels
● 45 with buildings







MU-H Properties with Side-Yard Alleys

- 7 Parcels



68th – 77th Aves N

MU-H Properties with Side-Yard Alleys

- 17 Parcels
- 15 with buildings

19th – 22nd Aves S

MU-H Properties with Side-Yard Alleys

- 3 Parcels
- 3 with buildings

13th – 31st Aves N

MU-H Properties with Side-Yard Alleys

- 58 Parcels
- 45 with buildings

23rd – 29th Aves S

MU-H Properties with Side-Yard Alleys

- 7 Parcels
- 5 with buildings

3rd Ave N – 3rd Ave S

MU-H Properties with Side-Yard Alleys

- 5 Parcels
- 4 with buildings

Totals

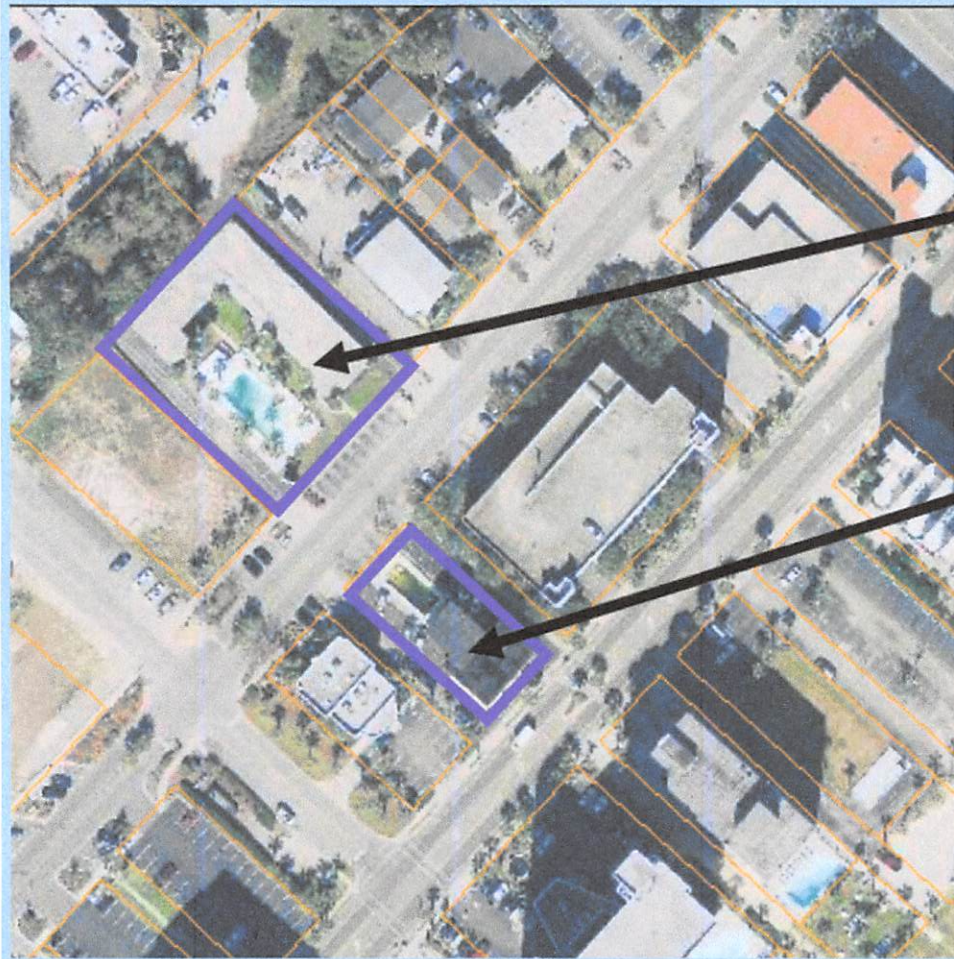
MU-H Properties with Side-Yard Alleys

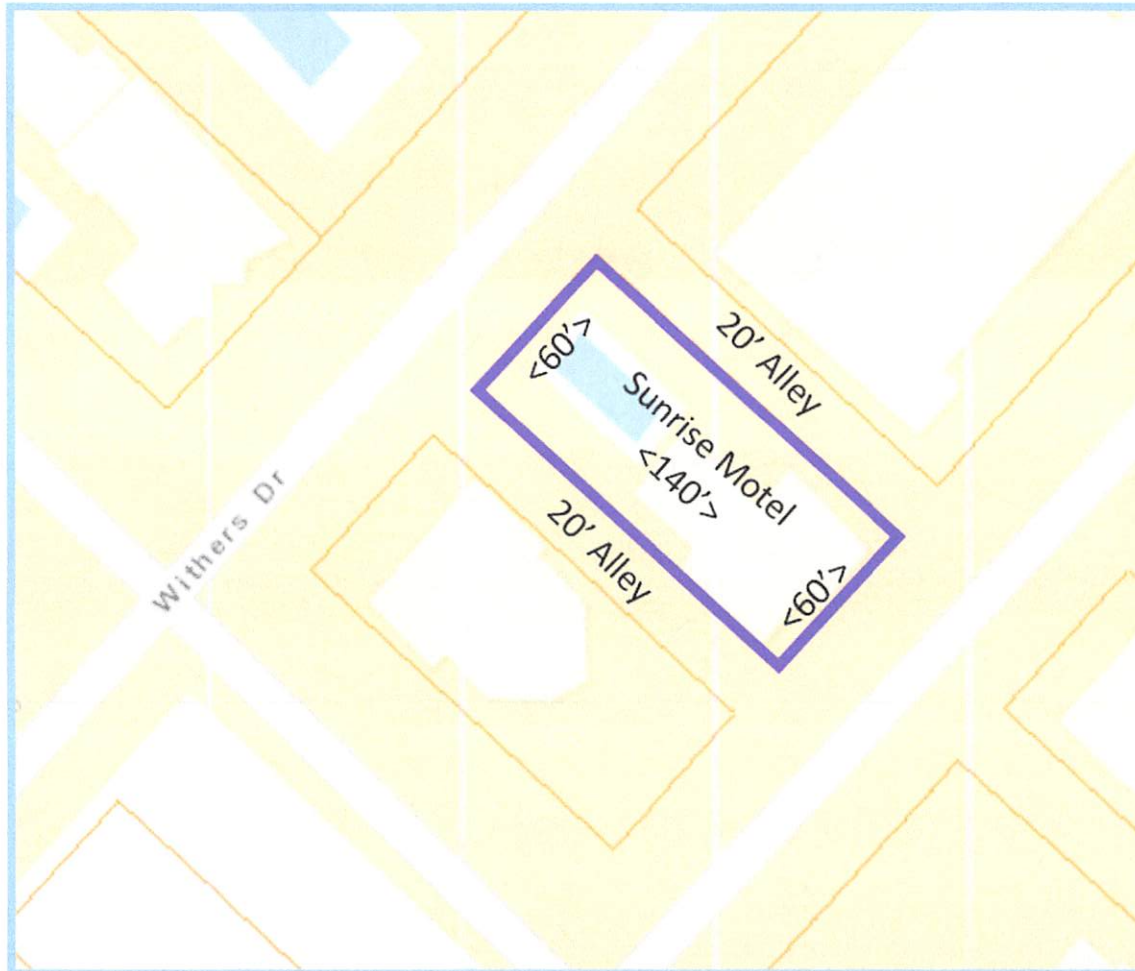
- 90 Parcels
- 72 with buildings

2019-60 MU-H Setbacks:

Sun Fun Motel:
140' Fronting on Withers Dr
160' Deep

Sun Rise Motel:
60' Fronting Ocean Blvd
60' Fronting Withers Dr (Double Front)
140' Along Each Alley





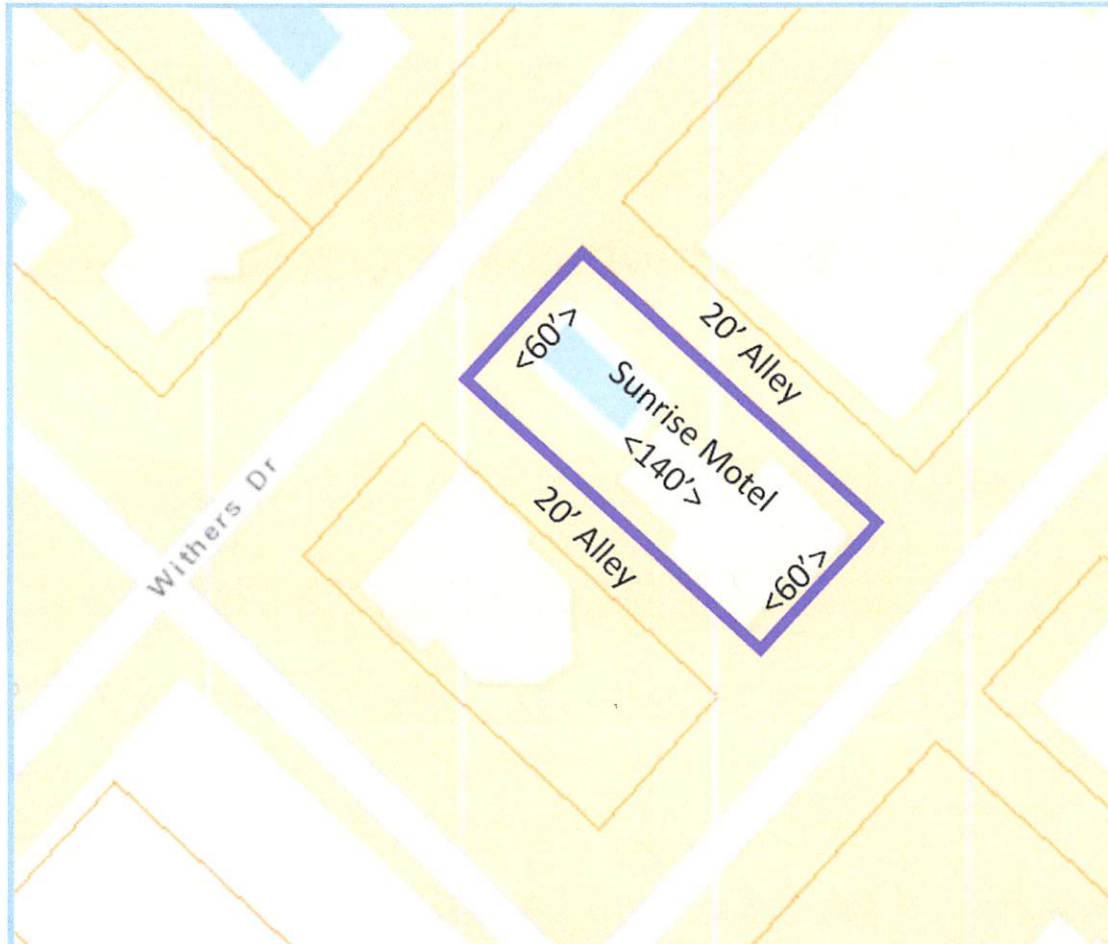
2019-60 MU-H Setbacks:

Current Setbacks:

Front (Ocean Blvd): Zero
Front (Withers Dr): Zero

Side Alley (each alley):
10' up to 20' in Height
20' 20-120' in Height
30' >120' in Height

Build to 120':
60' W – (20'X2 Alleys) =
20' Buildable Width*



2019-60 MU-H Setbacks:

Proposed Setbacks:

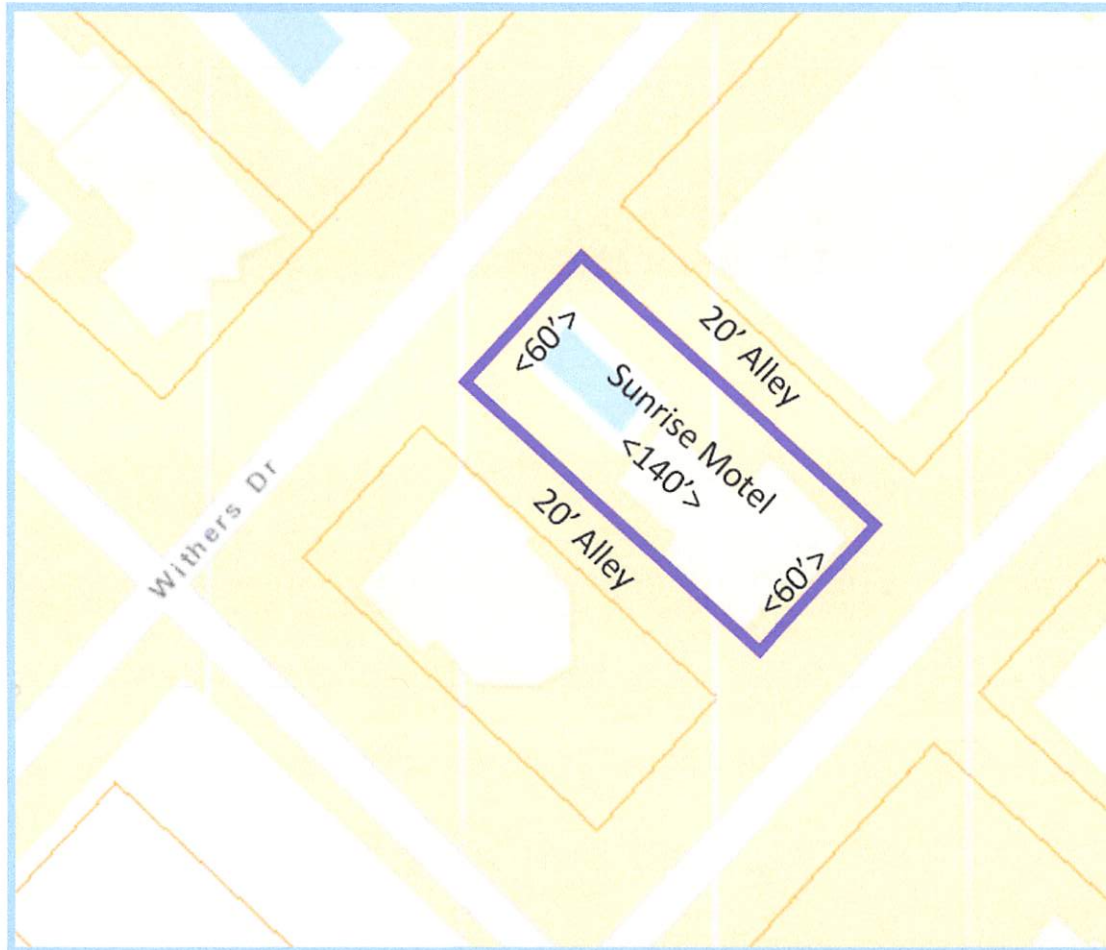
Front (Ocean Blvd): Zero
Front (Withers Dr): Zero

Proposed:

Side Alley (each alley):
Zero up to 120' in Height
10' over 120' in Height

Build to 120':

60' W – (0'X2 Alleys) = 60'
Buildable Width*



2019-60 MU-H Setbacks:

With Current Setbacks:
60' W – (20'X2 Alleys) =
20' Buildable Width*

With Proposed Setbacks:
60' W – (0'X2 Alleys) =
60' Buildable Width*

*Still To Be Met:

- Building Code
- Fire Code
- Landscape Requirements
- MUH Design Standards

2019-60 MU-H Setbacks:

Ex. Apply MU-M
Regulations:

Max Height: 80'

Front (Ocean Blvd): Zero

Front (Withers Dr): Zero

Side Alley (each alley):

Zero up to 80' in Height

Build to 80':

60' W – (0'X2 Alleys) = 60'

Buildable Width*

