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1 **2018-46 (2<sup>ND</sup> READING): TO AMEND SECTION 1407.C OF THE ZONING**  
2 **ORDINANCE TO ALLOW INDOOR KENNELS AS A PERMITTED USE IN THE MP**  
3 **(MEDICAL/PROFESSIONAL) DISTRICT.**

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4 **Applicant/Purpose:** Amanda Thomas DVM (applicant) / to add indoor kennels as a permitted  
5 use in the MP (Medical Professional) Zone.  
6

7 **Brief:**

- 8 • Applicant owns Vet Clinic of Myrtle Beach at 708 21<sup>st</sup> N & would like to offer additional  
9 services on an adjacent lot.
- 10 • Both properties are zoned MP which does not allow kennels.
- 11 • 6/19/18: Planning Commission recommends adding indoor kennels as a permitted use in  
12 the MP Zones (8-0).
- 13 • No changes since 1<sup>st</sup> reading.  
14

15 **Issues:**

- 16 • There are 7 locations where an MP district abuts a residential district, although the  
17 applicant's location does not.
- 18 • Indoor kennels are allowed in the HC1 & HC2 (Highway Commercial), WM  
19 (Wholesale/Manufacturing) & LM (Light Manufacturing) zones w/out conditions.
- 20 • The noise ordinance adequately regulates potential kennel noise.  
21

22 **Public Notification:** Legal ad ran.  
23

24 **Financial Impact:** Increased business license fees, permit fees, & property taxes.  
25

26 **Manager's Recommendation:**

- 27 • I recommend 1<sup>st</sup> reading (7/10/18). I recommend 2<sup>nd</sup> reading & adoption (7/24/18).  
28

29 **Alternatives:**

- 30 • Modify the request.
- 31 • Deny the proposed ordinance.  
32

33 **Attachment(s):** Proposed ordinance, staff report.

CITY OF MYRTLE BEACH  
 COUNTY OF HORRY  
 STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND SECTION 1407.C  
 OF THE ZONING ORDINANCE TO ALLOW  
 INDOOR KENNELS AS A PERMITTED USE IN  
 THE MP (MEDICAL/PROFESSIONAL)  
 DISTRICT.

IT IS HEREBY ORDAINED that Appendix A, Zoning, Article 14, Zoning Districts and Map, Section 1407.C, Table of Uses, is amended as follows;

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	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS	IR		PRC
Kennels and animal boarding facilities, indoor									P	P	P				P	P				

This ordinance will take effect upon second reading.

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

ATTEST:

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

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

1	<b>APPLICANT</b>	Amanda Thomas DVM
2		
3	<b>REQUESTED ACTION</b>	To allow indoor kennels in the MP Zone
4		
5	<b>REASON FOR REQUEST</b>	“To add services offered by the veterinary clinic, and expand the existing business”
6		
7		
8	<b>SITE LOCATION</b>	There are currently ten MP Districts, 7 of which abut residential districts.
9		
10		
11	<b>PUBLIC NOTICE</b>	<b>LEGAL AD RAN</b> Yes
12		
13		
14	<b>ALTERNATIVES TO APPROVAL</b>	Recommend denial.
15		Recommend alternative amendments.
16		Recommend rezoning to a district that allows indoor kennels.
17		
18		

19 **FINANCIAL ANALYSIS:** Potential business license fees.

20  
21 **ANALYSIS**

22  
23 *Section 403 of the Zoning Ordinance lists the following factors, which should be part of the*  
24 *information considered when evaluating requests to change the Zoning Ordinance Text or Map.*

25 **Section 403.A.** Whether or not the requested zoning change is [1] consistent with the  
26 Comprehensive Plan or [2] is justified by an error in the original ordinance.

- 27 • **[1] Neutral.** The Comprehensive Plan does not specifically address kennels or uses  
28 relating to the MP district.
  - 29 ○ An economic strategy is to work with developers and business owners to  
30 develop new retail and service businesses in short supply.
  - 31 ○ A tourism strategy is to encourage and develop local businesses to provide  
32 tourism-related goods and services.
  - 33 ○ A land use objective is to recognize that neighborhoods are major elements  
34 of urban form and take appropriate steps to strengthen and enhance existing  
35 neighborhoods and to encourage new ones of similar viability by encouraging  
36 infill development that is compatible.
  - 37 ○ The Neighborhoods Goal is that neighborhoods will be protected, preserved,  
38 and kept safe, secure, and aesthetically pleasing, with well-maintained  
39 supporting facilities and with convenient connections to nearby, supporting  
40 land uses. Objectives and strategies supporting that goal include protecting  
41 and preserving neighborhoods from disruptive intrusions so that they remain  
42 vital parts of the planning area, and not approving zoning changes that allow  
43 inappropriate development to intrude upon neighborhoods.
- 44 • **[2] No.** There is no discernable error in the original ordinance.

45  
46 **Section 403.B.** – The precedents, and the possible effects of such precedents, which might  
47 result from approval or denial of the petition.

- 48 • The possibility of incompatible uses creeping closer to residential neighborhoods.

49

1 **Section 403.C.** – The capability of the city or other government agencies to provide any  
2 services, facilities or programs that might be required if the petition were approved.

- 3 • The City and other government agencies are able to provide services to including  
4 utilities, business licenses, and site plan review to any potential kennel facility.  
5

6 **Section 403.D.** Effect of approval of the petition on the condition or value of property in the city.

- 7 • Should the uses prove incompatible, residential property values could be negatively  
8 effected.  
9

10 **Section 403.E.** Effect of approval of the petition on adopted development plans and policies of  
11 the City.

- 12 • Petition is in compliance with some sections of the comprehensive plan.  
13  
14  
15

### 16 ***Other Policies***

### 17 **Code of Ordinances of the City of Myrtle Beach – Chapter 14 Offenses and Miscellaneous** 18 **Provisions:**

19  
20  
21 14-62(c) Noises Prohibited: (5) *Animals, birds, etc.* The keeping of any animal or bird on  
22 residential or commercial premises that causes frequent or long continued noise which disturbs  
23 the comfort or repose of any persons in the vicinity.  
24

25 14-62(g) *Measurement Methodology: (7) Decibel Standards.* In addition to the subjective  
26 standards established above, it shall be presumed that the allowable noise level limits have  
27 been violated whenever any noise or sound is projected from 1 property to another is such  
28 sound. Measured at the boundary of or on the property receiving the sound, exceeds the  
29 following decibel standards:

#### 30 Residential Zones:

31 7AM-10PM 55 dBa

32 10PM-7AM 50 dBa

#### 33 Medical/Professional Zones:

34 7AM-Midnight 65 dBa

35 Midnight-7AM 60 dBa

#### 36 Highway Commercial Zones:

37 7AM-Midnight 70 dBa

38 Midnight-7AM 65 dBa

#### 39 Warehouse and Light Manufacturing Zones:

40 Anytime 75 dBa  
41  
42

### 43 **City Manager's Strategic Objectives Citations – Economic Development:**

44  
45 Strategy 1: Define an Economic Development Vision & Define Strategies to Achieve that Vision.

- 46 • Proposed Vision – to foster an environment in which economic activity can be expanded  
47 so that all our citizens have an opportunity to enjoy what the community has to offer.
- 48 • Focus Sectors:  
49 ○ Infill retail development.  
50

- 1           o New technology & communications.
- 2           o Medical services.

3  
4 Strategy 4: Continue to Strengthen, Grow & Diversify Tourism.

5  
6 **STAFF COMMENTS**

7  
8 **Planning:**

9 As suggested, staff consulted with the applicant's architect on regulatory conditions that could  
10 reduce environmental impacts of kennels on neighboring properties. The conversation yielded  
11 the following:

- 12       • There is a point of diminishing returns at which a wall becomes ineffective at stopping  
13       noise.
- 14       • Distance is the best way to alleviate sound.
- 15       • Different dogs have different pitches and frequencies of bark. Materials that stop one  
16       frequency won't necessarily stop another.
- 17       • The best way to quiet a dog is to wear it out. Good kennels allow a great deal of "play  
18       time" during the day so the animals will sleep at night.
- 19       • Different sound deadening materials and devices work differently in different  
20       environments. Instead of regulating building materials, its best to choose an acceptable  
21       decibel level and let the designer figure out how to achieve it.

22  
23 Excerpts from " A BARKING DOG NEVER BITES" by Dr. Leslie Ross B.Sc. D.V.M.:

24  
25           "Interpreted literally, the expression "a barking dog never bites" supplies little consolation for  
26 many folks, dog-lovers or not, who happen to be within acoustic range of a raucous dog.

27           Along with being undeniably annoying, prolonged, high-decibel barking can cause psychological  
28 distress and sometimes permanent hearing damage to humans and other pets within hearing range.

29           Many dogs are capable of barking at a sound intensity level in the 100-decibel range. In rough  
30 comparison, starting at 0 as a baseline, 80 dB s a person shouting loudly and about 110 dB is a  
31 pneumatic drill nearby. A dog barking from four feet way can be as loud as 95 decibels. If the dog is  
32 closer up, the number could be much higher; two dogs barking together, higher yet!

33           According to the National Institute for Occupational Safety and Health (NIOSH) noises louder  
34 than 85 decibels can cause people to suffer hearing damage leading to hearing loss or persistent ringing  
35 of the ears (tinnitus). Furthermore, widespread noise control bylaws make it unlawful for a dog owner to  
36 allow a dog to bark or howl to the annoyance of neighbors or the public. For these reasons it follows that  
37 dog-owners must accept the responsibility that comes with owning a dog and control any objectionable  
38 barking behavior that their dog may have."

39  
40 Dr. Ross goes on to describe several training methods and devices to control a dog's barking. The full  
41 article may be found at [www.veddermountainvetclinic.com/articles/article\\_a-barking-dog-never-bites---by-dr--lesl\\_21.aspx](http://www.veddermountainvetclinic.com/articles/article_a-barking-dog-never-bites---by-dr--lesl_21.aspx)

42  
43  
44 As a basis for comparison, the following table comes from a STEM Physics web site (Owlcation):

dBA	Example	Home Appliances	Power Tools
0	healthy normal hearing threshold		
10	A watch ticking		
20	rustling leaves		
30	A whisper		
40	Light Rain	computer	
50	Quiet office	refrigerator	
60	normal conversation	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	average personal stereo	lawn mower	Welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		Chain Saw
110	Live Rock Music		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		
130	peak stadium crowd noise		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
160	shotgun		
165	.357 magnum revolver		
180	rocket launch		

## Decibel Levels

- 1
- 2
- 3
- 4

DPW, Police, Fire, C&L Services, Addressing, Construction Services: No concerns.

**Considered and discussed at Planning  
Commission Public Hearing 6/19/18  
ORDINANCE 2018-XX**

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

**ORDINANCE TO AMEND SECTION 1407.C  
OF THE ZONING ORDINANCE TO ALLOW  
INDOOR KENNELS AS A CONDITIONAL USE  
IN THE MP (MEDICAL/PROFESSIONAL)  
DISTRICT AND TO CHANGE INDOOR  
KENNELS FROM A PERMITTED TO A  
CONDITIONAL USE IN THE HC1, HC2  
(HIGHWAY COMMERCIAL), WM  
(WHOLESALE/MANUFACTURING), AND LM  
(LIGHT MANUFACTURING) DISTRICTS;  
AND TO AMEND SECTION 1501 TO CREATE  
A NEW SECTION 1501.RR ESTABLISHING  
CONDITIONS FOR INDOOR KENNELS**

**IT IS HEREBY ORDAINED** that Appendix A, Zoning, Article 14, Zoning Districts and Map, Section 1407.C, Table of Uses, is amended as follows;

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	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS	IR	PRC	
Kennels and animal boarding facilities, indoor									P C	P C	C				P C	P C				1501.RR

**AND IT IS FURTHER ORDAINED** that Appendix A, Zoning, Article 15, Conditional and Accessory Uses and Special Exceptions is amended to include a new Section 1501.RR, Indoor Kennels and Animal Boarding Facilities as follows:

1501.RR Indoor Kennels and Animal Boarding Facilities, provided that the following conditions are met:

1. No noise or sound projecting from the kennel facility shall exceed fifty (50) decibels at the boundary of or on any property or premises receiving the sound.
2. Indoor housing shall be provided with sufficient heating and cooling to protect the housed animals from extreme temperatures and to provide for their health and comfort at all times. The ambient temperature shall be consistent with the needs of the animal species kept at the facility.
3. Lighting shall be provided, whether natural or artificial or a combination of both, for a minimum of eight hours per day, at a sufficient level for inspection of the animals, routine cleaning and sanitation, and proper animal care.
4. Sufficient ventilation shall be provided to minimize odors and moisture and ensure the health and comfort of the animals.

- 1 5. All indoor floors, walls and animal contact areas shall be smooth, impervious to water and  
2 able to be easily cleaned and sanitized.
- 3 6. Floors shall have properly constructed drains that are kept in good repair.
- 4 7. Convenient toilet and hand washing facilities with hot and cold running water shall be  
5 available to maintain personal hygiene among animal caretakers.
- 6 8. Food supplies and bedding shall be stored in such a manner that they are adequately  
7 protected against spoilage, infestation and contamination by vermin.
- 8 9. Primary animal enclosures shall be separated by solid walls to prevent water and waste  
9 from flowing from animal to animal, and to prevent nose-to-nose contact between animals  
10 in separate enclosures.
- 11 10. Primary animal enclosures shall be of sufficient size to allow room for each animal to  
12 stand and walk around freely, and exercise normal postural movements as well as allowing  
13 room for bedding and food bowls.
- 14 11. Wire flooring in primary enclosures for dogs, cats, guinea pigs, and chinchillas is  
15 prohibited.
- 16 12. Animal waste shall be removed from primary animal enclosures daily or more often as  
17 necessary for the animal housed within to avoid contact with the waste.
- 18 13. Primary animal enclosures shall be cleaned daily and sanitized between animals. Animals  
19 shall be removed from the enclosures during the cleaning process.
- 20 14. Food and water bowls shall be clean and made of materials that can be sanitized or that  
21 are disposed of after each use. Plastic bowls are prohibited.
- 22 15. Adequate drainage in outdoor areas shall be provided in order to prevent standing water.

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24 This ordinance will take effect upon second reading.  
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28 \_\_\_\_\_  
29 BRENDA BETHUNE, MAYOR

30 ATTEST:

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32 \_\_\_\_\_  
33 JENNIFER STANFORD, INTERIM CITY CLERK  
34

35 1<sup>st</sup> Reading:

36 2<sup>nd</sup> Reading:  
37