
1 **2019-35 (2ND READING):** TO REZONE APPROXIMATELY 2.16 ACRES BETWEEN OCEAN
2 BLVD & CHESTER ST (PIN# 42415040199, 42415040200, 42415040201,
3 44402010431) & THE ADJACENT RIGHTS-OF-WAY OF OCEAN BLVD & WITHERS DR
4 FROM MU-H (MIXED-USE HIGH DENSITY) TO A (AMUSEMENT) IN ORDER TO
5 ACCOMMODATE A MIX OF FAMILY-CENTRIC USES & AMEND SECTION 14 OF
6 APPENDIX A ZONING TO RESTRICT AMUSEMENTS NEAR A PUBLIC LIBRARY, SCHOOL
7 & CHURCH.

8 **Applicant/Purpose:** CPC Oceanfront Delaware (applicant) / to rezone 2.16 acres b/w Ocean Blvd., &
9 Chester St., from MU-H (mixed-use, high density) to A (Amusement) & to place conditions on the
10 amusements near a public library, school, & church.

11
12 **Brief:**

- 13 • The property is in the Downtown Master Planning Area & an Opportunity Zone.
- 14 • The intended project is an amusement on the 2nd row, & 6-8-bedroom vacation rental homes &
15 a parking garage on the 3rd row.
- 16 • Homes will have individual amenities. Garage will have ~ 350 spaces in 4 stories.
- 17 • In comparing existing to proposed zoning: minimum lot size & max. height are the same,
18 maximum building coverage is roughly the same, setbacks & minimum parking are significantly
19 lower in the A District. MU-H allows a number of personal services that A does not. A allows a
20 number of indoor & outdoor amusements that MU-H does not.
- 21 • The proposed ordinance states that no portion of the ride, at maximum extension, shall be closer
22 than 220', measured horizontally, from any public library, school, or church.
- 23 • 7/2/19: Planning Commission recommends approval (7-0).
- 24 • No changes since 1st reading.

25
26 **Issues:**

- 27 • Opportunity Funds must be invested before 2020 in order to maximize tax benefits.
- 28 • The 3rd-row property is across Chester from Chapin Library & Chapin Park. The Downtown Master
29 Plan suggests moving the library & repurposing the building.
- 30 • Setback requirements in MU-H & E Districts preclude the 3rd-row plans.
- 31 • Current parking spaces on these lots are not required parking for any nearby businesses.
- 32 • Once a property is rezoned any permitted use in that zone may be built. The applicant cannot
33 be held to the original plans.
- 34 • 3rd-row property intended uses are permitted in the current zoning district, but setback
35 requirements preclude the desired density.

36
37 **Public Notification:**

- 38 • PC notification - 17 letters sent. 2 signs placed. Legal ad ran.
- 39 • Normal City Council meeting notification.

40
41 **Alternatives:**

- 42 • Amend the ordinance.
- 43 • Deny the ordinance.

44
45 **Financial Impact:** An increase in tax revenues (property & tourist taxes), business licenses, & building
46 permit fees.

47
48 **City Manager's Recommendation:**

- 49 • 1st reading (7/23/19).
- 50 • I recommend approval (8/13/19).

51
52 **Attachment(s):** Proposed ordinance, staff report.

ORDINANCE 2019-35

CITY OF MYRTLE BEACH
 COUNTY OF HORRY
 STATE OF SOUTH CAROLINA

AN ORDINANCE TO REZONE ~2.16 ACRES BETWEEN OCEAN BLVD AND CHESTER ST (PIN#42415040199, 42415040200, 42415040201, 44402010431) AND THE ADJACENT RIGHTS-OF-WAY OF OCEAN BLVD AND WITHERS DR FROM MU-H (MIXED-USE HIGH DENSITY) TO A (AMUSEMENT) IN ORDER TO ACCOMMODATE A MIX OF FAMILY-CENTRIC USES AND TO AMEND SECTIONS 14 AND 14 OF APPENDIX A ZONING TO RESTRICT AMUSEMENTS NEAR A PUBLIC LIBRARY, SCHOOL OR CHURCH.

PIN # 42415040199
 42415040200
 42415040201
 44402010431

IT IS HEREBY ORDAINED that the official zoning map of the City of Myrtle Beach is amended by rezoning approximately 2.16 acres, being Horry County PIN # 42415040199, 42415040200, 42415040201, and 44402010431 (as shown on "Exhibit A" attached hereto) from zone MU-H (Mixed-Use High Density) to A (Amusement).

IT IS FURTHER ORDAINED that section 1407.C. Permitted Uses is amended as follows:

Use Category and Type	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	Additional Regulations	
Amusements, open or unenclosed over 80' in height.						C		P										1501.B 1603.C.(B) 1603.C.(V)
Amusements, open or unenclosed under 80' in height.						P C		P										1501.RR

IT IS FURTHER ORDAINED that section 1501.B. Permitted Uses is amended as follows:

- 1501.B. Amusement rides, open or unenclosed over 80' in height.
- Proof of ownership or control of the minimum site area shall be provided. For the purpose of this requirement minimum site area shall be defined as the land area occupied by a ride or amusement device when fully extended plus the land necessary to accommodate required setbacks and separations.
 - Increased setbacks from all property lines shall be required at a rate of one foot for every two feet of height above 80 feet, not to exceed a total setback of 10 feet. Setbacks shall be measured from the limits of the ride at full extension. All moving parts must be at least five feet from any property line.
 - 15 feet of clearance shall be maintained from any surrounding rides or structures on the same parcel. Clearance shall be measured from the limits of the ride through full extension.

- 1 4. No portion of the ride, at maximum extension, shall be closer than ten feet, measured
- 2 horizontally, to any right-of-way line.
- 3 5. Foundations for an amusement ride require a building permit and the design must
- 4 satisfy all applicable criteria of the Standard Building Code.
- 5 6. Before issuance of a building permit, proof of SC Department of Labor approval of
- 6 the ride design shall be proved.
- 7 7. Before issuance of the certificate of occupancy or certificate of compliance, proof of
- 8 approval of the ride from SC Department of Labor.
- 9 8. No portion of the ride, at maximum extension, shall be closer than 220 feet, measured
- 10 horizontally, from any public library, school, or church, or the property upon which it
- 11 is located.

12
13 **IT IS FURTHER ORDAINED** that section 1501.RR is added as follows:

14 1501.RR. Amusements, open or unenclosed under 80' in height: No portion of the ride, at maximum

15 extension, shall be closer than 220 feet, measured horizontally, from any public library,

16 school, or church, or the property upon which it is located.

17
18 This ordinance shall become effective upon adoption.

19
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21
22 ATTEST:

BRENDA BETHUNE, MAYOR

23
24
25
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29 _____
JENNIFER STANFORD, CITY CLERK

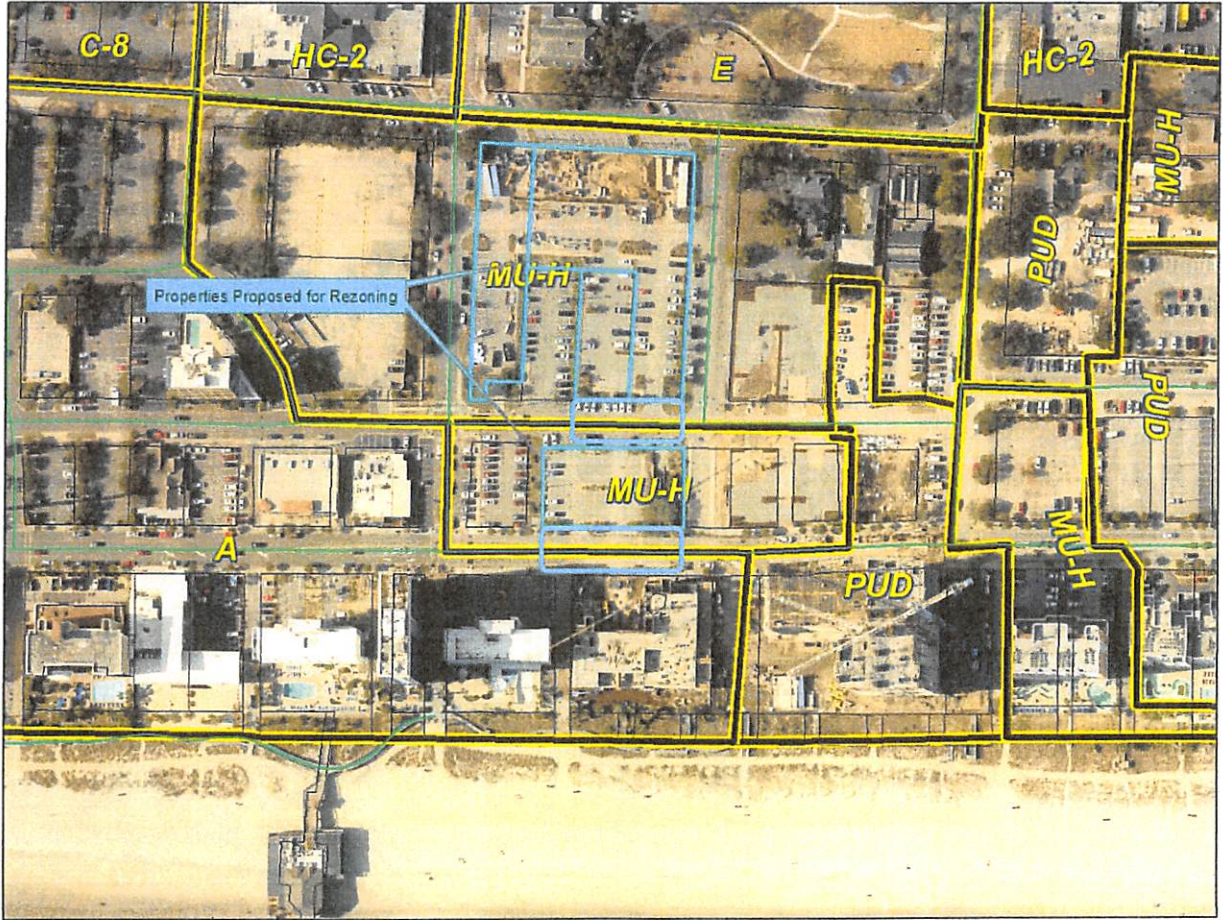
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31 1st Reading: 7-23-19

32 2nd Reading: 8-13-19

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EXHIBIT A
ORDINANCE 2019-35



Proposed Rezoning - 14th & 15th Aves N between N Ocean and Chester



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2
3 **STAFF COMMENTS**

4 Planning, Fire, Police, Construction Services, Public Works: No Concerns

5
6 **PUBLIC INTEREST:** One inquiry to date.

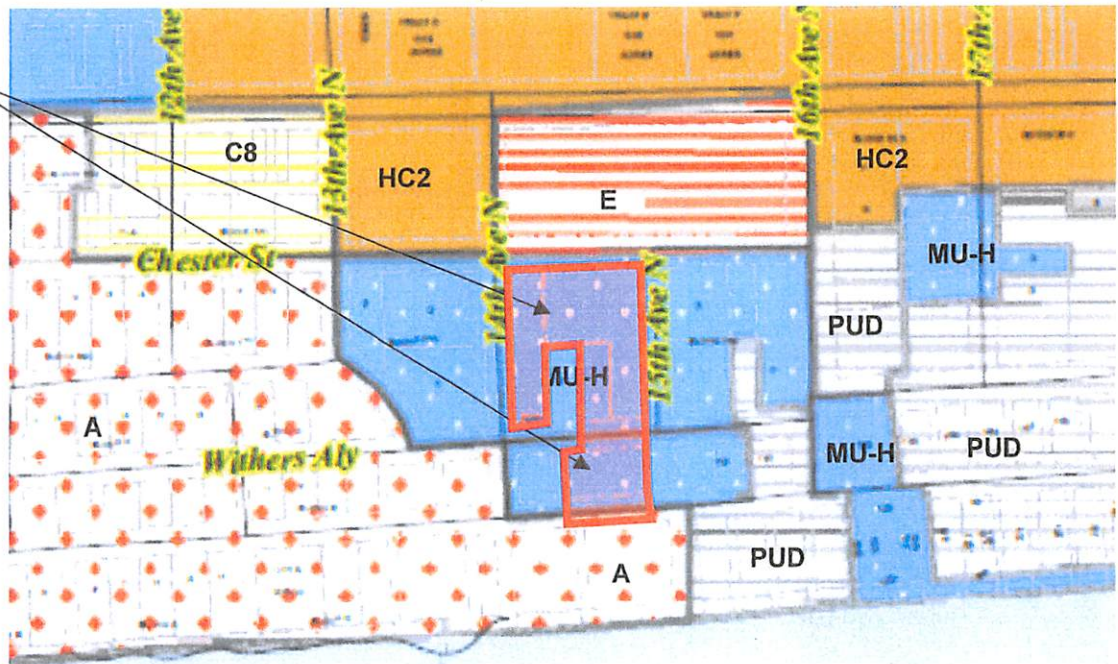
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8 **Section 403. Findings of Fact Required**

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

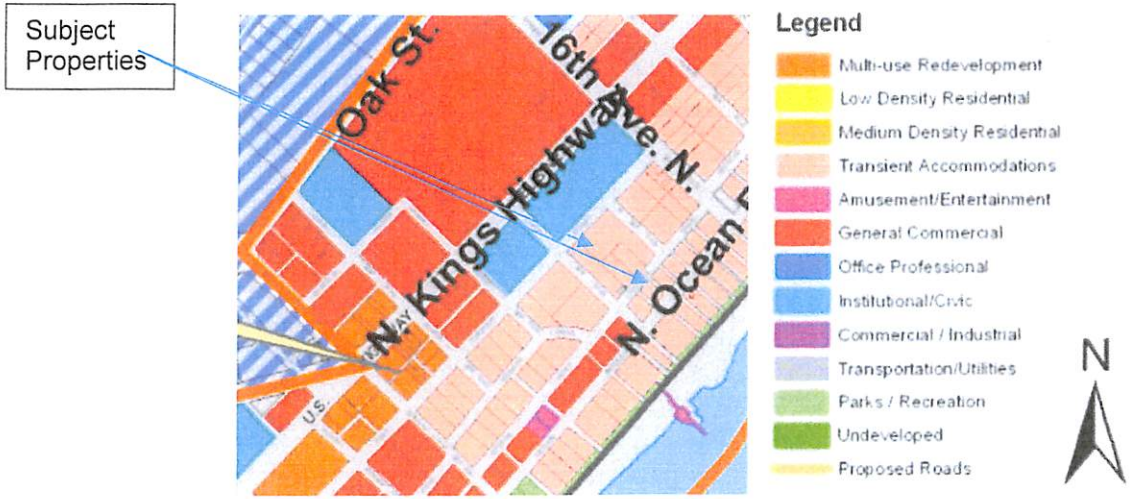
- 14
15 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan
16 or is justified by an error in the original ordinance.
17 403.B. The precedents and the possible effects of such precedents, which might result from
18 approval or denial of the petition.
19 403.C. The capability of the City or other government agencies to provide any services,
20 facilities, or programs that might be required if the petition were approved.
21 403.D. Effect of approval of the petition on the condition or value of property in the City.
22 403.E. Effect of approval of the petition on adopted development plans and policies of the City.
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26 **ZONING MAP**

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Subject Properties



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ZONING DISTRICTS COMPARED

Parking:

Mixed Use (MU) Districts: Because of its pedestrian-oriented design standards, minimum parking requirements for all uses except residential and visitor accommodations within any Mixed Use (MU) district shall be ½ those delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses.*

Amusement (A) District: Minimum parking requirements for all residential and visitor accommodations shall be as delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses.* Otherwise, there shall be no minimum parking requirements.

Entertainment (E) District: As delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses.*

Signs:

Amusement (A) District: Maximum 600 square feet for each individual parcel of land, flexible as to number and location. CEVMS are allowed.

Mixed Use-High Density (MU-H) District: specific square footage maximums per sign type and location, based on lot size. CEVMS are not allowed.

Area & Dimensional Requirements:

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. District Land Area	Min. Open Space
MU-H	6,000 sq.ft.	60' R	---	240'	U	B	M	S	S	---	T
A	6,000 sq.ft.	50' R	90'	240'	---	B	B	B	B	---	L
E	21,780 sq.ft.	50' R	---	180' V	40% gg	D	D	aa	aa	10 acres	25%

- 1 (B) Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 –
 2 *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the Code of
 3 Ordinances apply. However, sight triangles and sight lines shall be maintained, requirements in
 4 section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use (MU) districts, the
 5 sidewalk and buffer requirements of section 1705.1 – *When A Property Is Developed* shall be
 6 met.
- 7 (D) For all structures and open or unenclosed amusements from roads that extend beyond the
 8 boundaries of the district (external streets): buildings: 100', surface parking facilities along
 9 Grissom Parkway between 21st Avenue North and 29th Avenue North: 24'; other surface parking
 10 facilities 30'; otherwise 15' from any public right-of-way.
 11 Minimum setback from internal streets: all structures and open or unenclosed amusements:
 12 30'; surface parking facilities: 5'.
- 13 (L) Per the landscaping regulations.
- 14 (M) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120';
 15 except that in the DRC Area (16th Ave. N – 6th Ave. S. between Kings Hwy and the Atlantic
 16 Ocean, up to 35' in height refer to subsection (B) above, 20' between 35' and 120' in height, 30'
 17 for structures taller than 120'.
- 18 (R) Provided, however, that the minimum lot width along Kings Highway is 100'.
- 19 (S) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120';
 20 except that in the DRC Area (16th Ave. N – 6th Ave. S. between Kings Hwy and the Atlantic
 21 Ocean:
 22 1. Minimum side yard setback up to 35' in height refer to subsection (B) above, 10' for
 23 structures taller than 35'.
 24 2. Minimum rear yard setback is 10' up to 35' in height, 20' between 35' and 120' in height, 30'
 25 for structure taller than 120'.
- 26 (T) 20% if all structures are 20' or less in height, 25% if any structure exceeds 20' in height.
- 27 (U) 50% if the site contains structures taller than 120'.
- 28 (V) Provided, however, that open or unenclosed amusements shall have a maximum height of 240'
 29 if located at least 700 feet from the district boundary, and 180' if otherwise located; and that the
 30 maximum height for subdivided out parcels is 100'.
- 31 (aa) Minimum setback for all structures and open or unenclosed amusements from the bounding
 32 exterior property lines of an identified development: 30'. Except as stated in (A) above,
 33 Minimum setback for all other internal property lines of an identified development are zero
 34 except that the provisions of Chapter 6 – *Buildings and Building Regulations*, Chapter 9 – *Fire*
 35 *Prevention & Protection* of the Code of Ordinances apply, sight triangles and sight lines shall be
 36 maintained, and requirements in section 902 – *Landscaping Regulations* shall be met.
- 37 (gg) This calculation shall consider the entire development as defined on a site plan filed with the
 38 zoning administrator.

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 41 **Maximum Density:**

42 Amusement (A) District: None

43 Mixed Use-High Density (MU-H) District: 20 units per acre +1 unit per acre for each 2.5% of usable
 44 open space

45
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 47 **Permitted Uses:** In the table below, a "P" indicates a use that is permitted by right in the respective
 48 zoning district. Permitted uses are also subject to other applicable regulations in this Ordinance. A
 49 "C" indicates a use that is allowed conditionally, provided that it meets the additional listed
 50 standards contained in Article 16. Conditional uses are also subject to other applicable regulations
 51 in this Zoning Ordinance.

Use Category and Type	MU-H	A	E	Additional Regulations
Residential Uses				
Licensed group residential (caregiving)	P	P		
Rooming or Boarding House	P	P		
Permanent residence, single-family dwellings	P	P		
Permanent residence, two-family dwellings	P	P	P	
Permanent residence, multi-family dwellings	P	P	P	
Residential care facilities of nine or less persons with mental or physical handicaps	P	P		
Commercial and Office Uses				
Accounting office	P	P		
Adult day care	C			1501.A
Advertising agency	P	P		
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		
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.	P	P		

Use Category and Type	MU-H	A	E	Additional Regulations
Amusements, open or unenclosed over 80' in height.		C	P	1501.B 1603.C.(B) 1603.C.(V)
Amusements, open or unenclosed under 80' in height.		P	P	
Aquariums		P	P	
Architects office	P	P		
Arts and crafts studio	P	P	P	
Assisted living facilities	C			1501.EE
Automated teller machines, free standing	P	P	P	
Automobile rental		P	P	
Bakeries, retail	P	P	P	
Banks	P	P		
Bar	P	P	P	1312
Barbershops, beauty salons, and cosmetologists	P	P	P	
Bed & breakfast establishments	P	P	P	
Bingo parlors		P	P	
Blueprinting services	P			

Use Category and Type	MU-H	A	E	Additional Regulations
Boating (non-motorized) and water-related activities	P	P	P	
Booksellers / book stores	P	P	P	
Bowling alleys		P	P	
Broadcast studios, radio and television		P	P	
Brokers	P	P		
Business consultants, offices of	P	P		
Chambers of commerce	P			
Child care center for 13 or more children (CCC)	C			1501.D
Child care home, family, for up to 6 children (FCCH)	C			1501.D
Child care home, group, for 7-12 children (GCCH)	C			1501.D
Chiropractic care establishments	P			
Clothing stores	P	P	P	
Comedy Clubs	P	P	P	
Commercial center	P	P	P	
Commercial group residential	S			1501.E

Use Category and Type	MU-H	A	E	Additional Regulations
Confectionaries	P	P	P	
Congregate housing, older adult	C			1501.F
Continuing care retirement community	C			1501.F
Convention services	P		P	
Copy shops and business service centers	P	P		
Cosmetology establishments	P	P	P	
Credit office	P			
Customer service/reception centers for interval ownership operations	C		C	1501.G
Dance Halls	P	P	P	
Draperieshops, custom	P			
Dressmaker	P		P	
Dry cleaning establishments	C			1501.H
Engineering office	P	P		
Eyeglass sales	P	P	P	
Facilities for active recreation not otherwise listed	P	P	P	

Use Category and Type	MU-H	A	E	Additional Regulations
Facilities for passive recreation	P	P	P	
Financial office	P			
Florists and flower shops	P	P	P	
Galleries	P	P	P	
Game arcades		C	C	1501.J
Gasoline station			C	1501.Y
Gift shops	P	P	P	
Go carts, electric, indoor or outdoor		P	P	
Golf courses	P	P	C	1501.I
Golf courses, miniature	C	C	C	1501.K
Golf driving ranges		P	P	
Grocery and food stores	P			
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,	P			1503.A

osteopathic, and dental, including medical, surgical, psychiatric, osteopathic, and dental, but not primarily for recovery from substance abuse				
Use Category and Type	MU-H	A	E	Additional Regulations
Health clubs, gymnasiums, exercise and workout areas	P	P	P	
Home decorating accessory shops sales	P		P	
Home occupations	C	C	C	1501.L
Horse carriage terminals and stables			S	
Independent living, older adult	C			1501.E
Indoor Passive Recreation	P	P	P	
Jewelry sales and repair	P	P	P	
Laundromats and service	P			1503.A
Law office	P	P		1503.A
Liquor package stores	P		P	
Mailing/addressing services	P			
Marinas	C	C	C	1501.AA

Use Category and Type	MU-H	A	E	Additional Regulations
Massage establishment, therapeutic	C	C		1501.X
Moped rental and sales establishment		C	C	1501.FF
Motor vehicle sales			P	
Motor vehicle rental and leasing			P	
Museums	P	P	P	
Music sales	P	P	P	
News and magazine stands	P	P	P	
Nightclubs		P	P	1312
Nursing home facilities	C			1501.F
Outdoor display and merchandise area	C	C	C	1501.R
Outdoor vending and concession stands			C	1501.M
Parking facilities	P	P	P	1503.A
Pharmacies	P			
Photography developing establishments	P	P	P	
Photography studios	P	P	P	

Use Category and Type	MU-H	A	E	Additional Regulations
Pool halls/billiard parlors	P	P	P	
Professional organizations, offices of	P	P		1503.A
Prosthetic facilities	P			
Real estate offices	P	P		1503.A
Religious establishments providing for religious service and development	P		P	1503.A 1503.D
Restaurant, with drive-through service		P	P	1312 1503.A
Restaurant, without drive-through service	P	P	P	1312 1501.HH 1503.A
Restaurant with outdoor dining	C	C	C	1312 1501.Q
Retail, big box			P	
Retail establishments providing convenience items and services	P	P	P	1503.A
Rock climbing walls		P	P	
Rooftop gardens	P	P	P	
Ropes course		P	P	
Schools, elementary and secondary, including school stadiums	P			1501.S
Schools, colleges or universities	P		P	

Use Category and Type	MU-H	A	E	Additional Regulations
Schools, trade or vocational	P		P	
Schools, artistic training	P		P	
Schools, athletic training	P		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			
Skating rinks and parks, indoor		P	P	
Skating rinks and parks, outdoor		P	P	
Social welfare organizations	P			1503.A
Solar farms	C	C	C	1501.QQ
Sport facilities not otherwise listed	P	P	P	
Studios (art, dance, or music)	P	P	P	
Studios (martial arts, athletic)	P	P	P	
Swimming pools, indoor or outdoor	P	P	P	1501.I

Use Category and Type	MU-H	A	E	Additional Regulations
Tavern	P	P	P	1312
Tennis facilities, indoor or outdoor	P	P	P	1501.I
Theater, indoor	P	P	P	
Theater, outdoor	P	P	P	
Transportation terminals and establishments providing for the interchange of passengers	C	P	P	1501.W
Transportation terminals and establishments providing for the interchange of freight				
Travel agencies	P	P		
Unlicensed group residential (caregiving)	S			1501.E
Video and other media productions		P	P	
Visitor accommodations not otherwise listed	P	P	P	1503.A
Visitor information reception center	P	P	P	
Public Services				
Administrative offices of federal, state and local governments	P	P		
Buildings and uses of utilities holding a franchise from the city	P	S	S	
Library, public	P	P	P	

Use Category and Type	MU-H	A	E	Additional Regulations
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	P	5 6 7
Post office	P		P	8 9 10
Public parking	P	P	P	11 12 13
Public regional stormwater facilities	P	P	P	14 15 16
Public safety stations including fire, police and rescue services	P	P	P	17 18 19
Public utilities installations and substations	P	P	P	20 21 22
Public works facility/public utilities	P	P	P	23 24 25
Social welfare offices	P			
Water tanks, public	S	S	S	