
1 **2022-47 (1ST READING): TO ANNEX THE CORNER OF MR. JOE WHITE AVE**
2 **AND OCALA ST (PIN# 425-12-04-0039) AND THE ABUTTING MR. JOE WHITE**
3 **AVENUE RIGHT-OF-WAY AND REZONE FROM HORRY COUNTY LI (LIMITED**
4 **INDUSTRIAL) TO CITY OF MYRTLE BEACH MU-M (MIXED USE/MEDIUM**
5 **DENSITY)**

6 **Applicant/Purpose:** MMH Properties (Brett Callaghan, Progress Companies Agent) / to annex
7 and rezone 1.64 +/- acres on the corner of Ocala St. and Mr. Joe White into the City of Myrtle
8 Beach

9
10 **Brief:**

- 11 • The request is to annex approx. 1.64 +/- acres at the corner of Ocala and Mr. Joe White
12 Ave.,
- 13 • The property is currently under Horry County's jurisdiction and is zoned LI (Limited
14 Industrial).
- 15 • Planning Commission (10.4.22): Recommends approval (8/0).

16
17 **Issues:**

- 18 • The applicant is requesting a rezoning to MU-M (Mixed Use –Medium Density) for the
19 construction of apartments.
 - 20 ○ The properties on either side are zoned MU-M.
 - 21 ○ Parcel needs city water and sewer service.
- 22 • Moves forward with the goal of closing “donut holes” in the city's jurisdiction.

23
24 **Public Notification:** 2 signs posted, Legal ad ran, and 28 public notices mailed.

25
26 **Alternatives:**

- 27 • Amend the zoning request.
- 28 • Deny the proposal.

29
30 **Financial Impact:**

- 31 • Increases in building permits, commercial property taxes, and business license revenue.
- 32 • Any revenue increase will be offset by nominal service demands (police, fire, public works,
33 etc) as required.

34
35 **Manager's Recommendation:**

- 36 • I recommend 1st reading (10.11.22).

37
38 **Attachment(s):**

- 39 • Ordinance
 - 40 • Staff Report
- 41
42
43

ORDINANCE 2022-47

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

**TO ANNEX THE CORNER OF MR JOE WHITE AVE
AND OCALA ST (PIN# 425-12-04-0039) AND THE
ABUTTING MR. JOE WHITE AVENUE RIGHT-OF-
WAY AND REZONE FROM HORRY COUNTY LI
(LIMITED INDUSTRIAL) TO CITY OF MYRTLE
BEACH MU-M (MIXED USE/MEDIUM DENSITY)**

PIN# 425-12-04-0039 AND THE ABUTTING MR. JOE WHITE AVENUE RIGHT-OF-WAY

WHEREAS, the property in question abuts the corporate limits of the City of Myrtle Beach; and

WHEREAS, the owner of the property has petitioned to be annexed into the City of Myrtle Beach;
and,

WHEREAS, it appears to City Council that annexation would be in the best interest of the city;

NOW, THEREFORE, IT IS ORDAINED that a parcel of land designated as Horry County PIN #425-12-04-0039, corner of Mr Joe White Ave and Ocala St, and the abutting Mr. Joe White Avenue right-of-way, and as shown in Exhibit A attached hereto, is hereby annexed to and becomes a part of the City of Myrtle Beach immediately upon adoption of this ordinance.

AND IT IS FURTHER ORDAINED that the official zoning map of the City of Myrtle Beach be amended to zone the newly annexed property shown in Exhibit A as MU-M (Mixed Use/Medium Density).

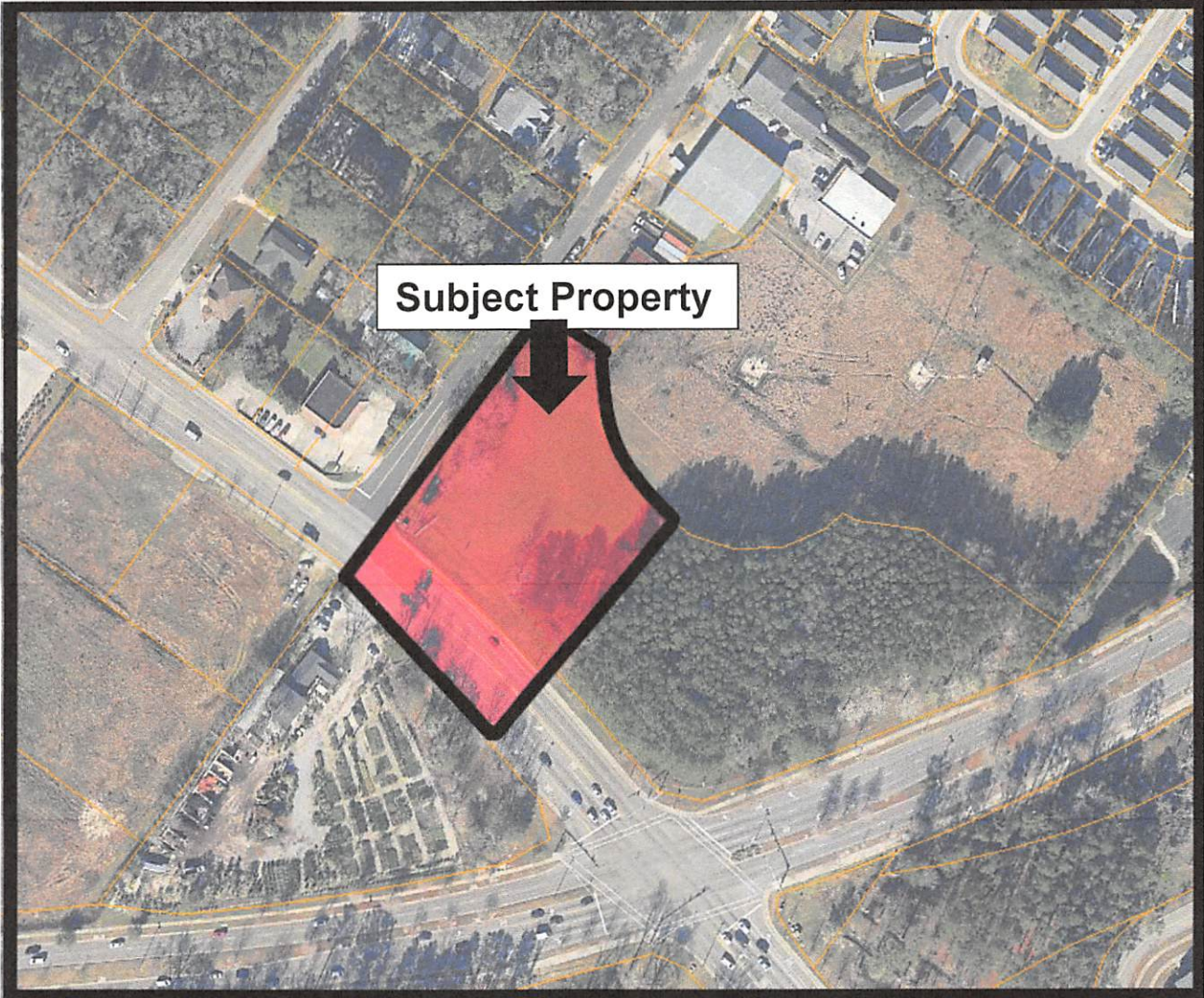
ATTEST: BRENDA BETHUNE, MAYOR

JENNIFER ADKINS, CITY CLERK

1st Reading: 10-11-2022
2nd Reading:

Exhibit A
Ordinance 2022-XX

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Annexed Property: Corner of Mr Joe White Ave and Ocala St
Zoning: MU-M (Mixed Use/Medium Density)
PIN: 42512040039 / TMS: 1810201030
And Abutting Mr. Joe White Ave. ROW

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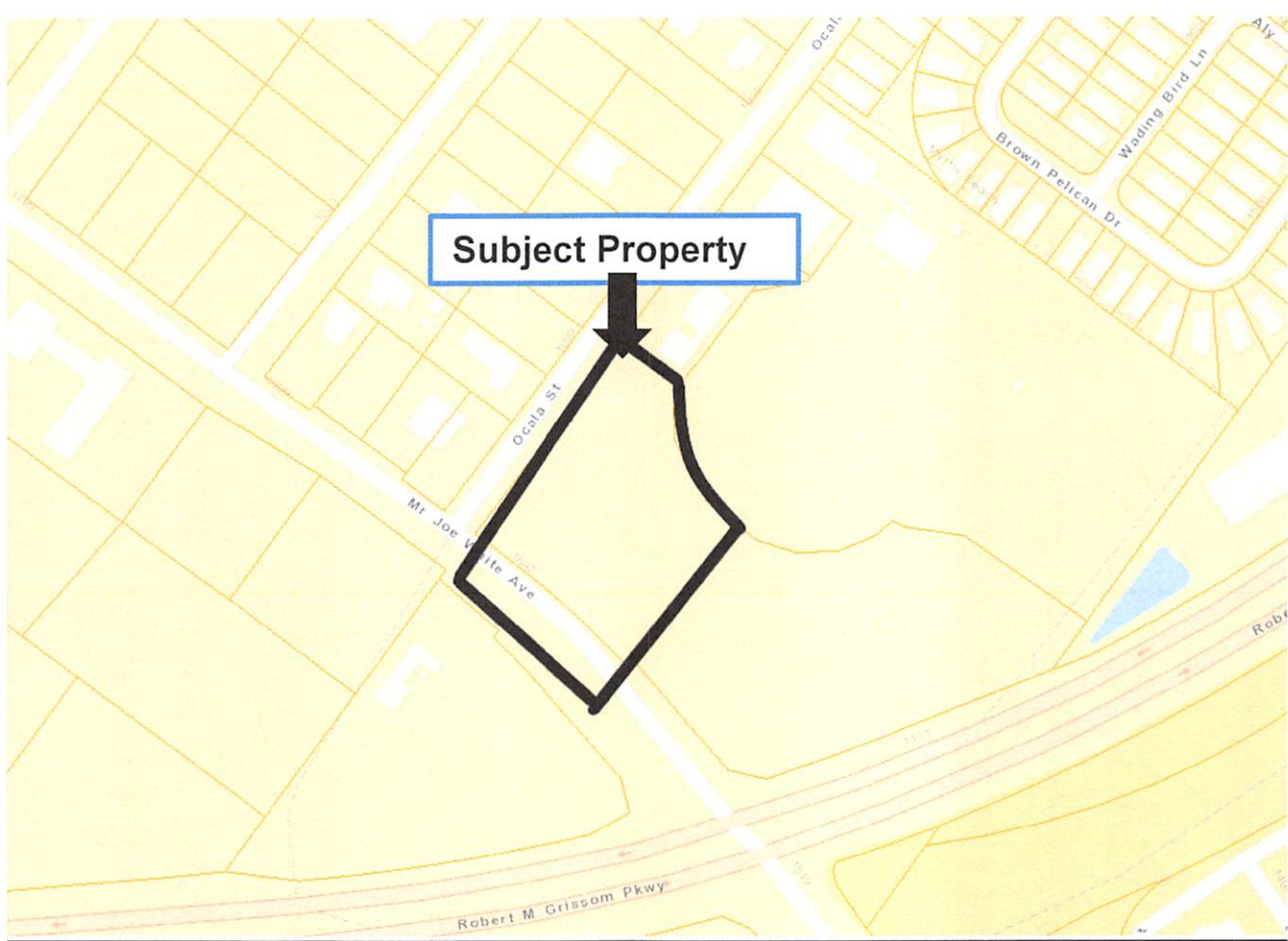
Property Information:

Location: The subject site is located on the corner of Mr Joe White Ave and Ocala St.

Size: Per the applicant's plat the parcel is 1.64 acres.

Current Use: Undeveloped.

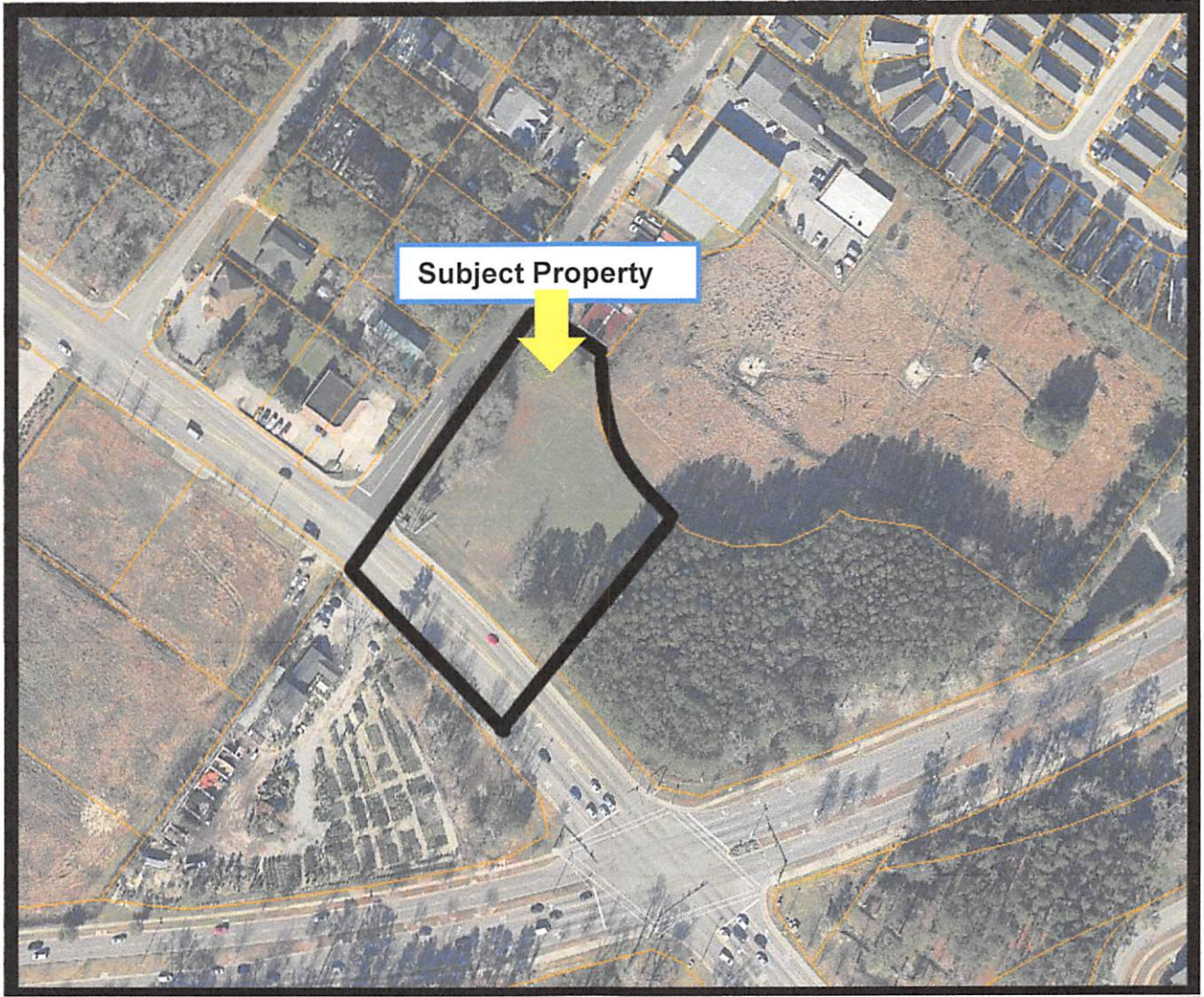
Vicinity Map



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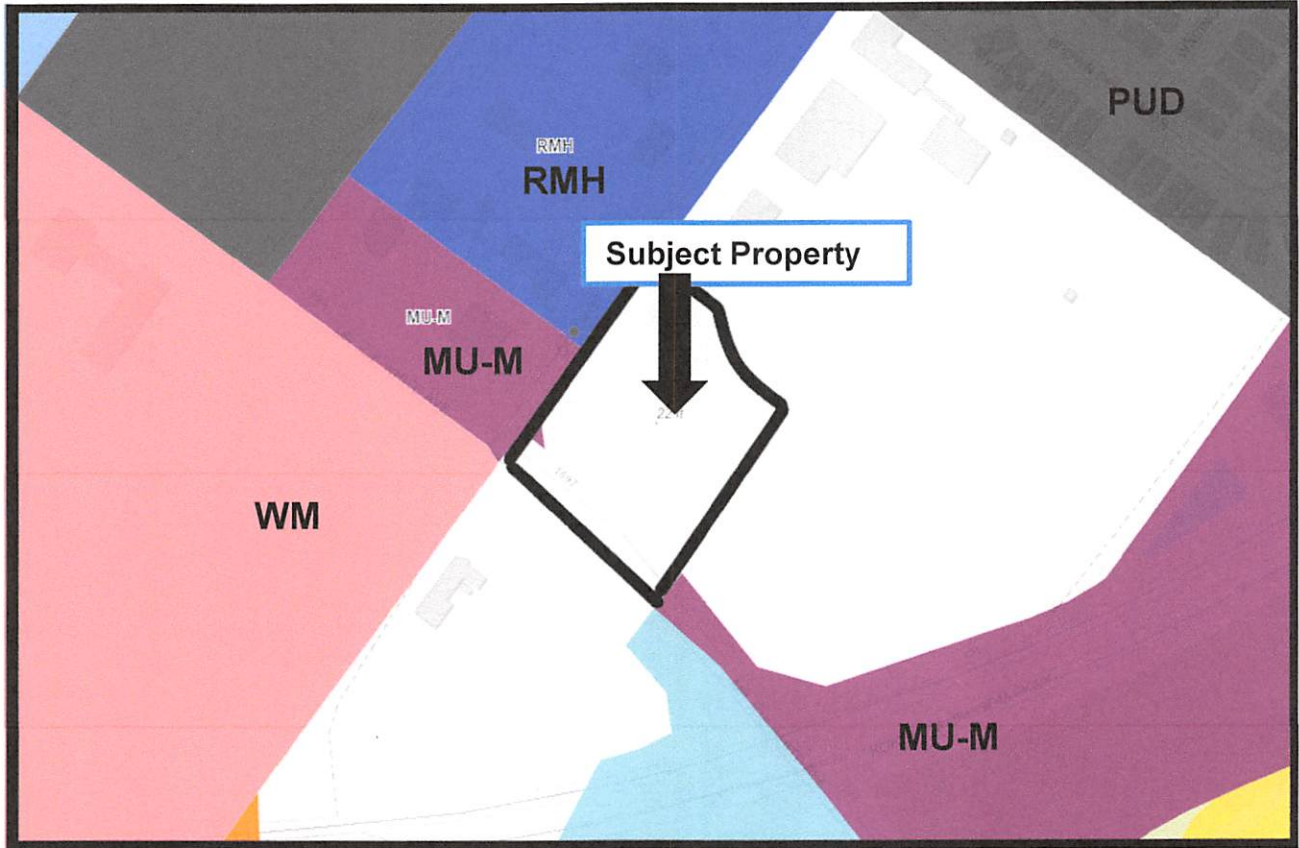
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Aerial View Map

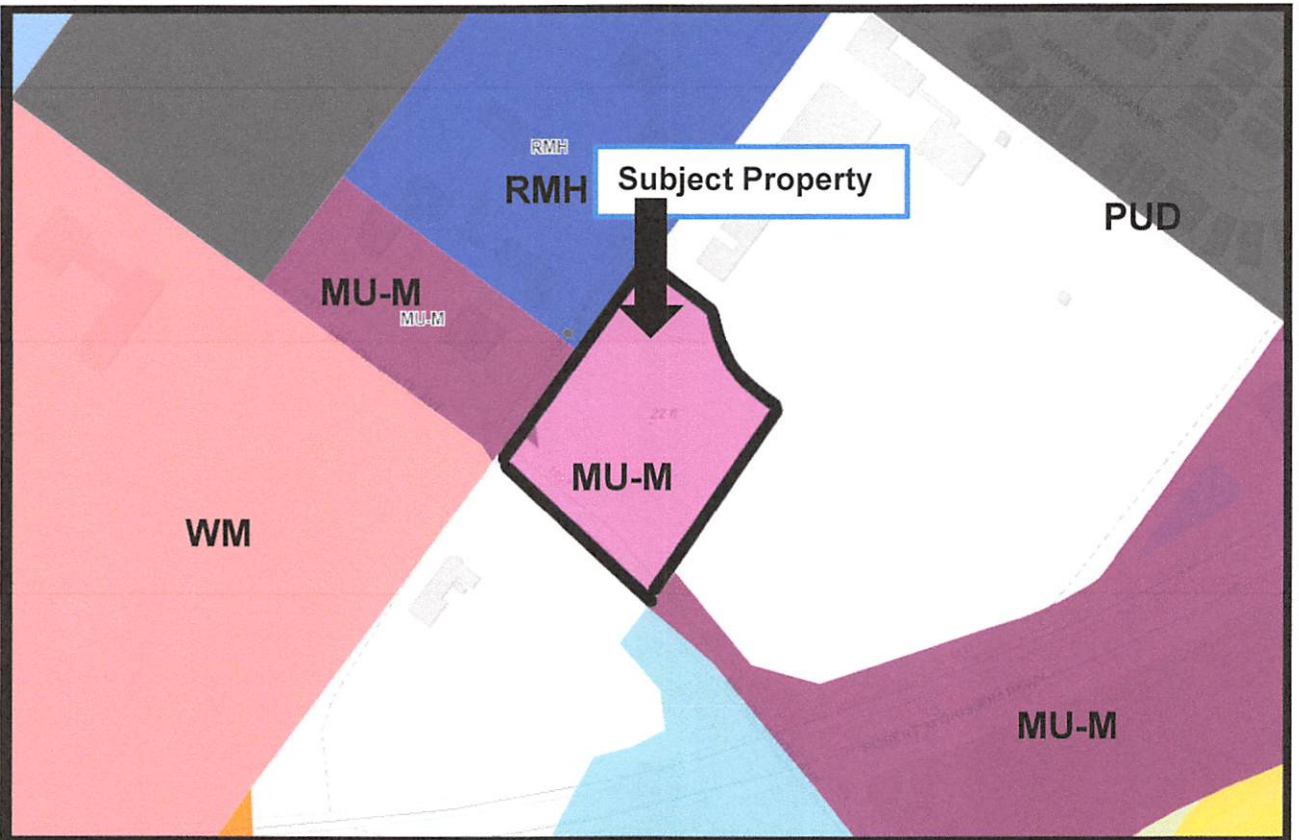


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1 Current Zoning Map



25 Proposed Zoning Map



1 **Other staff comments:**

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3 **Myrtle Beach Fire Department:** No issues.

4 **Zoning:** No issues

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7 **Public Comment:** No public comment received to date.

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Section 403. Findings of Fact Required

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

- 16
17 **403.A. Whether or not the requested zoning change is consistent with the**
18 **Comprehensive Plan or is justified by an error in the original ordinance.**
- 19
20 **403.B. The precedents and the possible effects of such precedents, which might result**
21 **from approval or denial of the petition.**
- 22
23 **403.C. The capability of the City or other government agencies to provide any services,**
24 **facilities, or programs that might be required if the petition were approved.**
- 25
26 **403.D. Effect of approval of the petition on the condition or value of property in the City.**
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28 **403.E. Effect of approval of the petition on adopted development plans and policies of**
29 **the City.**
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1 **Area & Dimensional Requirements**

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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	Min. Pervious Surface
MU-M	---	--- R	---	C	---	B	B	B	B	L	---

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6 **1603.C. Requirements for MU-M**

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8 (B) Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 –
 9 *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the
 10 Code of Ordinances apply. However, sight triangles and sight lines shall be maintained,
 11 requirements in section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use
 12 (MU) districts, the sidewalk and buffer requirements of section 1705.1 – *When A Property Is*
 13 *Developed* shall be met.

14

15 (C) Equal to the width of the widest right-of-way upon which it fronts.

16

17 (L) Per the landscaping regulations.

18

19 (R) Provided, however, that the minimum lot width along Kings Highway is 100’.

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26 **Permitted Use Comparison**

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28 **P-permitted use C-conditional use S-special exception**

29

Use Category and Type	MU-M	Additional Regulations
	Residential Uses	
Licensed group residential (caregiving)	P	

Use Category and Type	MU-M	Additional Regulations
Rooming or Boarding House	P	
Permanent residence, single-family dwellings	P	
Permanent residence, two-family dwellings	P	
Permanent residence, multi-family dwellings	P	
Residential care facilities of nine or less persons with mental or physical handicaps	P	
Commercial and Office Uses		
Accounting office	P	
Adult day care	C	1501.A
Advertising agency	P	
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.	P	
Architects office	P	
Arts and crafts studio	P	
Assisted living facilities	C	1501.EE

Use Category and Type	MU-M	Additional Regulations
Automated teller machines, free standing	P	
Bakeries, retail	P	
Banks	P	
Bar, Tavern	P	
Barbershops, beauty salons, and cosmetologists	P	
Blueprinting services	P	
Boating (non-motorized) and water-related activities	P	
Booksellers / book stores	P	
Bowling alleys	P	
Brokers	P	
Business consultants, offices of	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

Use Category and Type	MU-M	Additional Regulations
Child care home, group, for 7-12 children (GCCH)	C	1501.D
Chiropractic care establishments	P	
Clothing stores	P	
Comedy Clubs	P	
Commercial center	P	
Commercial group residential	S	1501.E
Confectionaries	P	
Congregate housing, older adult	C	1501.F
Continuing care retirement community	C	1501.F
Convention services	P	
Copy shops and business service centers	P	
Cosmetology establishments	P	
Credit office	P	
Dance Halls	P	

Use Category and Type	MU-M	Additional Regulations
	Drapery shops, custom	P
Dressmaker	P	
Dry cleaning establishments	C	1501.H
Engineering office	P	
Eyeglass sales	P	
Facilities for active recreation not otherwise listed	P	
Facilities for passive recreation	P	
Farm stands	C	1501.NN
Financial office	P	
Florists and flower shops	P	
Funeral homes	P	
Galleries	P	
Gift shops	P	
Golf courses	P	

Use Category and Type	MU-M	Additional Regulations
Golf courses, miniature	C	1501.K
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, 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	
Home decorating accessory shops sales	P	
Home occupations	C	1501.L
Independent living, older adult	C	1501.E
Indoor Passive Recreation	P	

Use Category and Type	MU-M	Additional Regulations
Indoor Urban Farm	C	1501.SS
Jewelry sales and repair	P	
Laundromats and service	P	
Law office	P	
Liquor package stores	P	
Mailing/addressing services	P	
Marinas	C	1501.AA
Massage establishment, therapeutic	C	1501.X
Museums	P	
Music sales	P	
News and magazine stands	P	
Nursing home facilities	C	1501.F
Outdoor display and merchandise area	C	1501.R

Use Category and Type	MU-M	Additional Regulations
Parking facilities	P	
Pharmacies	P	
Photography developing establishments	P	
Photography studios	P	
Pool halls/billiard parlors	P	
Professional organizations, offices of	P	
Prosthetic facilities	P	
Real estate offices	P	
Religious establishments providing for religious service and development	P	
Restaurant, with drive-through service	C	1501.RR
Restaurant, without drive-through service	P	
Restaurant with outdoor dining	C	1501.Q
Retail establishments providing convenience items and services	P	
Rooftop gardens	P	

Use Category and Type	MU-M	Additional Regulations
	Ropes course	P
Schools, elementary and secondary, including school stadiums	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	
Social welfare organizations	P	
Solar farms	C	1501.QQ
Sport facilities not otherwise listed	P	
Studios (art, dance, or music)	P	

Use Category and Type	MU-M	Additional Regulations
Studios (martial arts, athletic)	P	
Swimming pools, indoor or outdoor	P	
Tennis facilities, indoor or outdoor	P	
Theater, indoor	P	
Theater, outdoor	P	
Transportation terminals and establishments providing for the interchange of passengers	C	1501.W
Travel agencies	P	
Unlicensed group residential (caregiving)	S	1501.E
Public Services		
Administrative offices of federal, state and local governments	P	
Buildings and uses of utilities holding a franchise from the city	S	
Library, public	P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	
Post office	P	
Public parking	P	

Use Category and Type	MU-M	Additional Regulations
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	
Social welfare offices	P	
Water tanks, public	S	

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3 1501.A. Adult Day Care Facilities. The facility and its operator shall hold all licenses required
4 by the State of South Carolina.
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6 1501.D. Child Care Centers (CCC); Child Care Homes, Family (FCCH); and Child Care
7 Homes, Group (GCCH) provided the facility and its operator holds all licenses required by the State
8 of South Carolina and that in all zoning districts except C6 (Urban Village) the center is located only
9 on the ground floor of the structure.
10 1. No recreational facility may be lit for night play or uses unless located upon the
11 same parcel or tract as a K-12 school and meets lighting requirements as provided
12 in Article 12 – *Lighting and Glare*.
13
14 2. Required yards shall not be used for parking or accessory buildings.
15
16 1501.E. Correctional Placement Residences; Independent Living, Older Adult; Unlicensed group
17 residential (caregiving), Commercial group residential:
18
19 1. The facility and its operator shall hold all licenses required by the State of South
20 Carolina.
21
22 2. No facility listed in this section shall be located on any lot or parcel within 1200 feet
23 of any other facility listed in this section.
24
25 3. *Recreation areas/open space*: In all permitted zoning districts except multifamily
26 (RM) districts, there shall be provided 200 square feet of usable open space for

1 each resident, within which required landscaping may be included. All open space
2 area shall be suitably landscaped with at least one shade tree for each 1,000
3 square feet of yard area or part thereof.
4

5 1501.F. Congregate Housing, Older Adult; Continuing Care Retirement Community; Nursing
6 Home Facilities:

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

26 1501.H. Dry Cleaning Establishments:

- 27
- 28 1. Only non-combustible dry cleaning solvents (such as perchlorethlene) shall
29 be used in the dry cleaning process.
 - 30
 - 31 2. The dry cleaning machines must be closed systems.
32

33 1501.K. Golf Courses, Miniature:

- 34
- 35 1. *Lighting.* No lighting shall be permitted to shine on any adjacent property or street.
36 A lighting plan prepared by a lighting engineer must be submitted for review and
37 approval by the zoning administrator.
38
 - 39 2. *Buffer.* A landscape buffer shall be provided on any side adjacent to any residential
40 district. Such buffer shall be as follows:
41
 - 42 a. The buffer strip shall have a minimum width of eight feet.
 - 43 b. Trees shall be planted the entire length of the buffer with a minimum spacing of
44 12 feet. Each tree shall be at least eight feet tall and 1 and 1/2 inches caliper.
 - 45 c. Chain link fencing shall be:
 - 46 i. Coated in black or green vinyl; and
 - 47 ii. Screened by providing three-foot tall shrubs every three feet on the exterior
48 of the fence for the entire length of the fence.
49

- 1 3. *Loudspeakers.* If located within 100 feet of a residential district, loudspeakers must
2 be turned off after 10:00 p.m. Refer to sec. 14-62 - *Noise* of the code of ordinances
3 for additional noise regulations.
4

5 1501.L. Home Occupations:
6

- 7 1. Such occupation is conducted by no other persons than members of the family
8 residing on the premises.
9
- 10 2. Such occupation is conducted within the dwelling, is clearly incidental and
11 secondary to the use of the structure for dwelling purposes, and does not detract
12 from the residential character of the immediate area.
13
- 14 3. No stock in trade is kept or commodities sold or leased on the premises.
15
- 16 4. No mechanical equipment is used except such that is normally used for family,
17 domestic, or household purposes.
18
- 19 5. Such occupation(s) utilizes no more than 25 percent of the total floor area of the
20 principal building.
21
- 22 6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat,
23 or glare noticeable at or beyond the property line.
24
- 25 7. Such occupation is not evident from outside the dwelling and there is no exterior
26 indication that the building is being used for any purpose other than a dwelling.
27
- 28 8. Musical instruction is limited to a maximum of two (2) pupils at a time.
29
- 30 9. Child care is limited to a maximum of six (6) children.
31
- 32 10. Under no circumstances shall any of the following be considered a home occupation: adult
33 oriented businesses, aerobic exercise studio, ambulance service, auto repair service, barber shop,
34 beauty parlor, body piercing establishment, child care center, chiropractor, dentist, doctor,
35 drug/alcohol counseling services, escort services, firearms manufacturing, group day care home,
36 gym, health salon, kennel, mortuary, musical or dancing instruction involving more than two pupils
37 at one time, nightclub, nursing home, psychiatrist or psychologist office, restaurant, substance
38 abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding service, wig
39 styling clinic, veterinarian's clinic.

40 1501.Q. Outdoor Dining: When the outdoor dining area is adjacent to the property line, a buffer
41 shall be installed that provides a clear delineation between the properties, including any
42 public right-of way.
43

44 1501.R. Outside Display and Merchandise Areas. Only the following merchandise shall be
45 displayed or stored outside of a building (in this case only, building is defined as any
46 structure having completely enclosed walls and a roof):
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- 48 1. Heavy durable goods at establishments where the sale of same is the permitted
49 principal use,
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- 51 2. Live nursery products,

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- 3. Fresh produce,
- 4. Cut flowers,
- 5. Prepackaged firewood,
- 6. Newspaper and magazine racks,
- 7. Christmas trees from November 1st to January 2nd of the next year, and
- 8. Vending machines where not otherwise prohibited, provided that the vending machines are screened from public view from off the property upon which they are located.
- 9. In addition to the above listed exceptions, the following items may be displayed in Highway Commercial (HC1 and HC2) and Wholesale/Manufacturing (WM) zoning districts provided the items are at least 150 feet from any property line:
 - a. Lawn mowers and gardening equipment.
 - b. Outdoor cooking grills.
 - c. Playground equipment.
 - d. Wheelbarrows.
 - e. Building material samples.
 - f. Lawn furniture.

1501.S. Schools, Elementary and Secondary, including school stadiums:

- 1. The lot or lots for the school is at least 5 acres in size.
- 2. No structure or parking area shall be placed within 50 feet of any property line.

1501.W. Transportation Facility for Urban Passengers of Conveyances Including Bus, Passenger Rail, Taxicab provided that such facility is designed to accommodate no more than one vehicle at a time.

1501.X. Therapeutic Massage Establishments:

- 1. All massage therapists shall be licensed by the State of South Carolina.
- 2. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.

1501.AA. Marinas:

- 1. No net loss of protected wetlands and/or other unique wildlife habitat shall be permitted.
- 2. Fueling facilities (including underground storage, pipelines and pumps) shall be permitted only at commercial marinas, not at communal or individual docks.

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3 1501.FF. Moped rental and sales establishments subject to the following:
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- 5 1. Moped leasing, maintenance and all related functions shall be conducted within a
6 building on site or offsite that meets all building code regulations as well as the area
7 dimension regulations of the district.
8
9 2. Display of units available for rental shall be permitted outside the building so long as
10 parking or pedestrian passage is not diminished as required.
11
12 3. The operators of such establishments shall provide one motorcycle safety helmet
13 per moped offered for lease or use while the moped is being rented.
14
15 4. Any signage shall be within the allowable signage for the property.
16
17 5. Amortization of non-conformities. As to this specific zoning amendment pertaining
18 to moped rental uses, those uses made non-conforming which were in existence
19 legally as of May 1, 2010, that are also current with all taxes, fees and assessments
20 with the City, shall have a period of one year from the date of May 1, 2010 for legal
21 operation. On May 1, 2011, the non-conforming uses must end completely.
22

23 1501. NN. Farm Stands or shelter for the retail sales of seasonal agricultural produce, plants, seed,
24 garden supplies, honey, prepared foods and beverages, dairy and dairy products,
25 poultry, eggs, fish, shrimp and ice provided that:
26

- 27 1. All stands and shelters must meet applicable South Carolina DHEC and Department
28 of Agriculture regulations and be appropriately licensed by all appropriate licensing
29 organizations;
30 2. All stands and shelters must be on or adjacent to land occupied by a compliant farm
31 use. For real property tax assessment purposes, where the farm is classified as
32 agricultural, the adjacent land upon which such sales are conducted shall also be
33 classified agricultural;
34 3. All stands and shelters must be on private property, limited to one such venue per
35 parcel, and must meet the setbacks of the zoning district in which they are located;
36 4. No preparation of food on premises in conjunction with the farm stand operation;
37 5. Parking spaces equaling one space per 250 square feet of stand must be provided,
38 at a minimum graded with gravel and suitably maintained;
39 6. The size of stands or shelters shall not exceed six hundred (600) square feet;
40 7. Ingress and egress of vehicular traffic shall not create a hazard for traffic on an
41 adjacent street, as determined by city code enforcement and public works staff; and
42 8. Allowed signage meets the following criteria:
43 a. For fixed stands: one primary sign, affixed to the stand or shelter, either projected or parallel
44 to the wall (flat).
45 i. If sign is projected, it shall not exceed 32 sq ft (64 sq ft aggregate).
46 ii. If sign is parallel (flat), it shall not exceed 32 sq ft.
47 b. For all uses: one menu board sign, listing the prices and varieties of products, not to exceed
48 eight sq ft (16 sq ft aggregate).
49 c. For all uses: No signage will be allowed to encroach into the adjacent rights-of-way.
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- 1 1501.QQ Solar Farms:
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3 1. Intent. The intent of these standards is to provide for safe, attractive, orderly and
4 functional sustainable energy options in furtherance of the goals of the
5 comprehensive plan.
6
7 2. Application. These standards shall apply to the installation and/or placement of any
8 solar farm within the City of Myrtle Beach.
9
10 3. Installation.
11 a. Solar farms shall be installed and maintained in compliance with the International
12 Building Code, National Electric Code and all local regulations, directives and
13 codes.
14 b. Installation of any solar farm shall require the issuance of any applicable permits
15 such as building and/or electrical.
16 c. Solar farms may have transformers with substation capabilities in the design and
17 installation.
18 d. A building permit shall not be issued without Community Appearance Board
19 approval.
20
21 4. Setbacks and buffers.
22 a. Front street setbacks. Any solar farm installation will set back from the front street
23 30 feet or the front street setback of the underlying zoning, whichever is greater.
24 b. Side/Rear setbacks. 10 feet.
25 c. 15-foot minimum landscape buffers as required by CAB.
26
27 5. Structural Height Limit. 35 feet.
- 28 1501.RR Restaurant with Drive-Through Service in MU-M: Restaurants with drive-through service
29 are prohibited in the MU-M district except for those structures that abut Kings Hwy,
30 structures are less than 5,000 square feet in area, and had drive-through facilities in
31 place prior to the adoption of Ordinance 2014-34 (June 10, 2014).
32
- 33 1501. SS. Indoor Urban Farm. The purpose of this ordinance is to provide standards for indoor
34 urban farms while balancing the interests of public health, safety, and overall community
35 wellbeing.
36 1. All activities, including but not limited to growing, production, storage and packaging,
37 shall be conducted within completely enclosed buildings.
38 2. The space in which indoor urban farming occurs shall be no more than 2,000 square
39 feet in size.
40 3. The Indoor Urban Farm shall have a retail component.
41 4. Vehicles used for product delivery shall have a capacity no larger than one (1) ton.
42 5. The facility and its operator shall hold all licenses required by the State of South
43 Carolina.
44 6. Operating hours shall be consistent with those of surrounding businesses.
45 7. No use may generate any odor that reaches the odor threshold, measured at the
46 outside walls of the building or structure within which the urban farm operates.
47 8. There shall be no exterior dumping or disposal of wastewater.
48 9. No use shall create any electrical disturbance that adversely affects any operations or
49 equipment other than those of the creator of such disturbance.
50 10. No use may generate noise that is audible by a panel of healthy listeners standing
51 outside the walls of the building or structure within which the urban farm operates.

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11. No use may generate any ground-transmitted vibration that is perceptible to the human sense of touch outside the walls of the building or structure within which the urban farm operates.