
1 **2021-19 (1ST READING):** TO REZONE 0.11 ACRES LOCATED AT 500 1ST AVE N/501
2 2ND AVE N (PIN # 443-05-01-0053) FROM RMM (RESIDENTIAL MULTIFAMILY MEDIUM
3 DENSITY) TO HC2 (HIGHWAY COMMERCIAL) TO USE THE PROPERTY FOR SHORT-
4 TERM RENTALS.

5 **Applicant/Purpose:** Ramy ElShaer / to establish short-term rentals in new construction

6
7 **Brief:**

- 8 • Applicant owns property zoned RMM in Withers Swash Neighborhood that fronts both 1st Ave
9 and 2nd Avenue North.
- 10 • Applicant constructed a 10-bedroom duplex on the site in 2020, receiving a certificate of
11 occupancy in 2021. Staff members discussed the project with the applicant prior to permit,
12 advising him that the zone where the structure is located does not allow short-term rentals.
13 Since receiving the CO in February, the applicant has put the property on the market.
- 14 • 3/2/21: Planning Commission recommends denial (8-0) based on these points:
 - 15 ○ Inability of site to meet proposed HC-2 zoning requirements (parking, landscaping,
16 setbacks);
 - 17 ○ Commercial intrusion into established neighborhood;
 - 18 ○ Conflict with Comprehensive Plan and Withers Swash plan; and
 - 19 ○ Public comment in opposition to the rezoning.

20 **Issues:**

- 21 • The structure on the site was built under RMM zoning regulations and does not have the
22 space to meet the following HC2 regulations:
 - 23 ○ Front yard setbacks (25'; 30' is required for HC2)
 - 24 ○ Parking requirements (2 per dwelling unit; 3 - 5 required in HC2, depending)
 - 25 ○ Landscaping requirements (5' buffer around parking areas for commercial uses)

26
27 **Public Notification:** 18 letters sent to owners of property within 300'. Signs/legal ads placed.

28
29 **Public Interest:** Six texts and two phone calls received in opposition.

30
31 **Alternatives:**

- 32 • Deny the request. There are no zones that would allow short-term rentals in the area
33 without creating an entry for others to bring commercial uses into this established
34 residential neighborhood.

35
36 **Financial Impact:**

- 37 • For the city: Difference in tax revenue from a commercial vs. residential property.
- 38 • For the applicant: Difference in revenue between a short-term and long-term rental
39 property, difference in property value between a commercial and a residential property.

40
41 **Manager's Recommendation:**

- 42 • I support the Planning Commission's recommendation and recommend denial. (3/9/21)

43
44 **Attachment(s):** Proposed ordinance, supporting materials

45

ORDINANCE 2021-19

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

**TO REZONE 0.11 ACRES LOCATED AT 500 1st AVE
N/501 2nd AVE N (PIN # 443-05-01-0053) FROM RMM
(RESIDENTIAL MULTIFAMILY MEDIUM DENSITY) TO
HC1 (HIGHWAY COMMERCIAL) TO USE THE PROPERTY
FOR SHORT-TERM RENTAL**

PINs # 443-05-01-0053

IT IS HEREBY ORDAINED that the official zoning map of the City of Myrtle Beach is amended by rezoning 0.11 acres located at 500 1st Ave N and 501 2nd Ave N, that represented by Horry County PINs # 443-05-01-0053 (as shown on "Exhibit A" attached hereto), from zone RMM (Residential Multifamily Medium Density) to HC-2 (Highway Commercial).

This ordinance shall become effective upon adoption.

ATTEST:

BRENDA BETHUNE, MAYOR

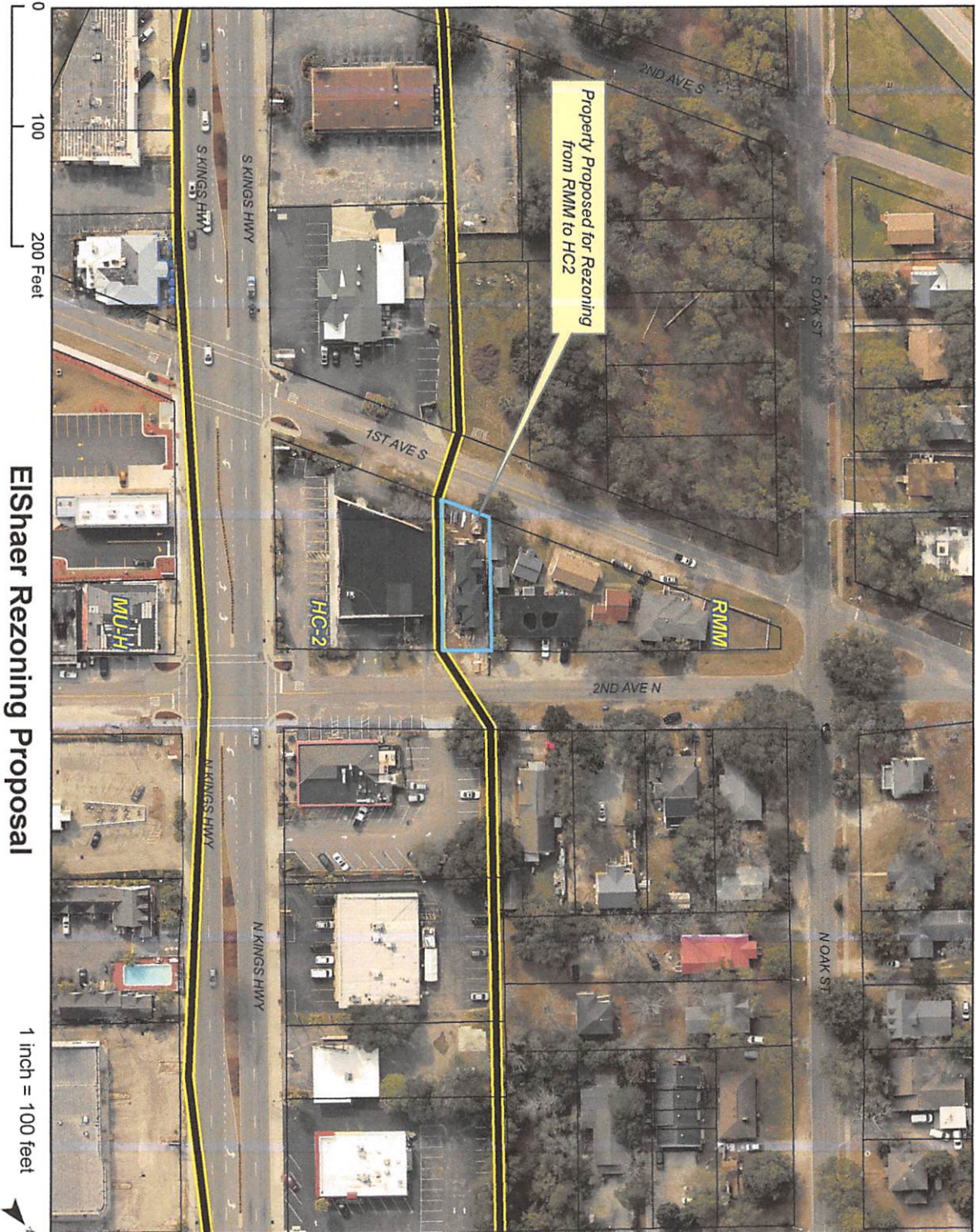
JENNIFER ADKINS, CITY CLERK

1st Reading: 3-9-2021

2nd Reading:

EXHIBIT A
ORDINANCE 2021-19

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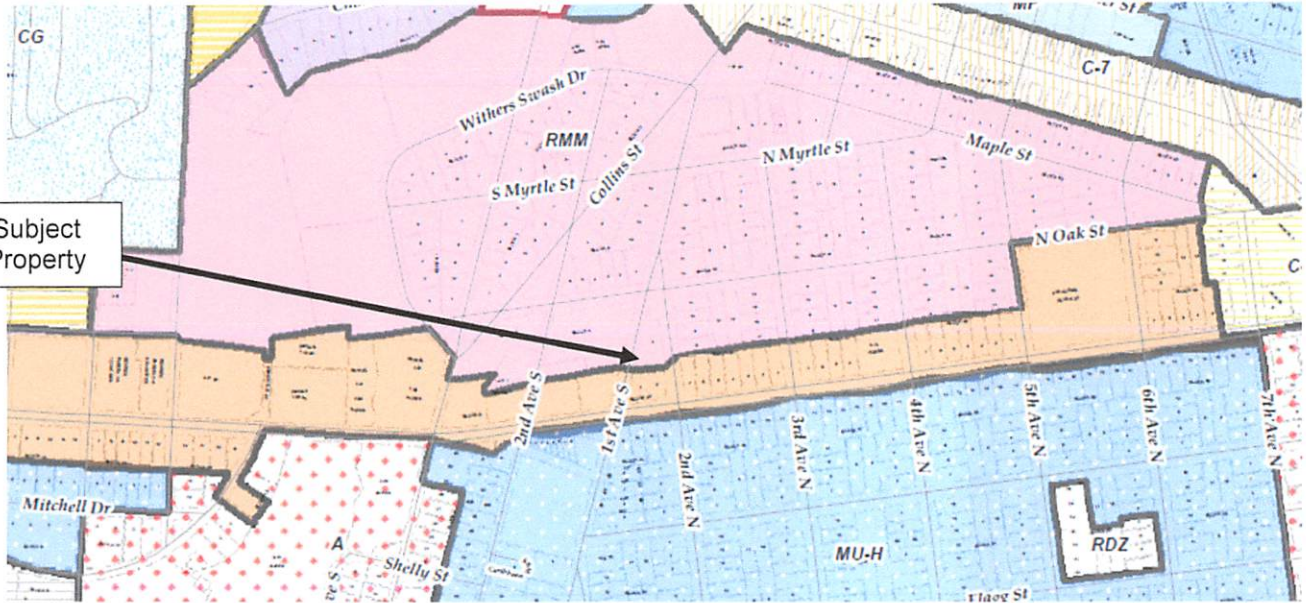


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SUPPORTING MATERIALS

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ZONING MAP



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FUTURE LAND USE MAP (COMPREHENSIVE PLAN)



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13

RELEVANT CODE CITATIONS

Permitted/Conditional Use Differences – see attached exhibit 1407.C

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Dimensional Requirement Differences – Article 16, Section 1603.C

	RMM	HC-2
Min Lot Area (SF, duplex)	5,000 sq ft	--
Min Lot Area (MF)	14,500 sq ft	--
Min Lot Area (any)	--	10,000 sq ft
Min Lot Width (SF)	50'	--
Min Lot Width (MF)	80'	--
Min Lot Depth	--	--
Max Height	35'	60'
Max Bldg Coverage	42%	50%
Pervious Surfaces	min 25%	--
Min Open Space	--	0%
Min Front Setback	25'	30'
Min Side Yard Setback	10'	per bldg codes
Min Rear Setback	15'	per bldg codes

Dimensional Requirement Differences – Article 10, Section 1006.D

Parking Requirement	2 per DU (SF)	1 space per 1 bedroom DU
	3 per DU (MF)	1 ½ spaces per 2 bedroom DU
		2 spaces per 3 bedroom DU
		2 ½ spaces per 4 bedroom DU
		Each additional bedroom – 0.5 spaces
		1 space per 350 SF for accessory uses

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STAFF COMMENTS

Zoning: Worked with the applicant during the permit phase.

Fire: The Myrtle Beach Fire Department has no issues with the proposed rezoning. For any future development, emergency vehicle access, fire hydrant placement, and adequate road widths shall be approved by the fire marshal.

Planning: Update to information discussed during the workshop:

1. *Why was the zoning line drawn between the former parking lot and the beachwear store?* The zoning line has not moved since at least 1982. The zoning line in the Withers Swash area is set at one lot deep from N Kings Hwy in order to keep commercial areas in the Kings Hwy corridor from creeping into the neighborhood.
2. *Were the subject lot and the beachwear store originally one property?* Records as far back as 1981 indicate two separate parcels.

- 1 3. Applicant constructed a duplex on the site in 2020, receiving a certificate of occupancy in
2 2021. During the permit review phase, staff members noted that the number of bedrooms
3 (10) and bathrooms (8.5) planned were more in line with a short-term rental design than
4 a typical duplex. The staff members discussed this with the applicant, advising him and/or
5 his agent(s) that the zone where the structure would be located does not allow short-term
6 rentals.

7
8 *Public Works:* Public Works staff has no concerns with the proposal.
9

10
11

Section 403. Findings of Fact Required

12

13
14 In reviewing any petition for a zoning amendment, the Planning Commission shall identify and
15 evaluate all factors relevant to the petition, and shall report its findings in full, along with its
16 recommendations for disposition of the petition, to the City Council. Factors shall include, but shall
17 not be limited to, the following:
18

- 19 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan
20 or is justified by an error in the original ordinance.
21
22 403.B. The precedents and the possible effects of such precedents, which might result from
23 approval or denial of the petition.
24
25 403.C. The capability of the City or other government agencies to provide any services,
26 facilities, or programs that might be required if the petition were approved.
27
28 403.D. Effect of approval of the petition on the condition or value of property in the City.
29
30 403.E. Effect of approval of the petition on adopted development plans and policies of the City.
31
32

33 **Staff Comments on Findings of Fact:**
34

- 35 • 403.A. **Comprehensive Plan**
36 ▪ The Comprehensive Plan identifies the area as “low density residential.” The
37 Withers Swash neighborhood is a long-established neighborhood of single-family
38 cottage homes and duplexes that has been studied in the WIN program (during
39 the 2005 Comp Plan update) and in its own plan (the Withers Swash
40 Neighborhood Plan).
41 ▪ The proposed zoning change would allow many potential commercial uses not
42 currently allowed, which do not fit in with the future land use plan.
43 ▪ The proposed change is also in conflict with future projections in the Withers
44 Swash Neighborhood plan (adopted by reference to the Comprehensive Plan).
45 ▪ There are no known errors in the Comprehensive Plan addressed by this
46 request.
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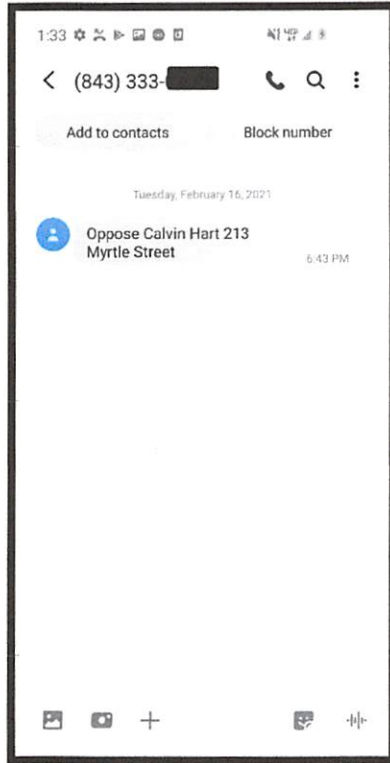
- 1 ▪ 403.B. ***Precedents***
- 2
- 3 ▪ Staff notes that the request to encroach into established residential
- 4 neighborhoods with commercial uses occurs often. The Comprehensive Plan
- 5 discourages this activity, in order to maintain stability in established
- 6 neighborhoods. To move the zoning line over one lot would provide the adjacent
- 7 property owner the chance to request their property be rezoned as well; this
- 8 would bring Highway Commercial zoning to Oak St, and is not called for in any
- 9 plan that covers the Withers Swash neighborhood.
- 10
- 11
- 12 ▪ 403.C. ***Ability to Provide Services***
- 13
- 14 ▪ The ability of the City to provide water, sewer, stormwater, and public safety to
- 15 the site is not impacted by this application. All utilities and safety operations are
- 16 available to this site.
- 17
- 18 ▪ 403.D. ***Effect on the condition or value of property in the City.***
- 19
- 20 ▪ The increase in property value to the applicant is the primary gain by this
- 21 request.
- 22
- 23 ▪ 403.E. ***Effect on adopted development plans and policies of the City.***
- 24
- 25 ▪ This request is in conflict with the Comprehensive Plan and the Withers Swash
- 26 Neighborhood Plan.
- 27

PUBLIC INPUT – Z 21-03 / 500 1ST AVE N

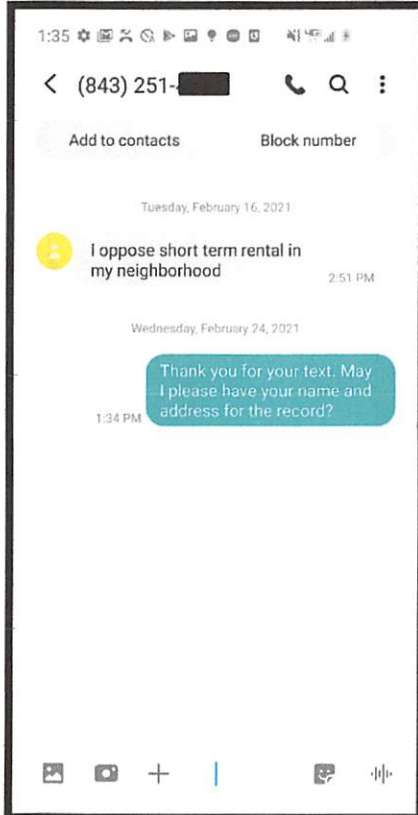
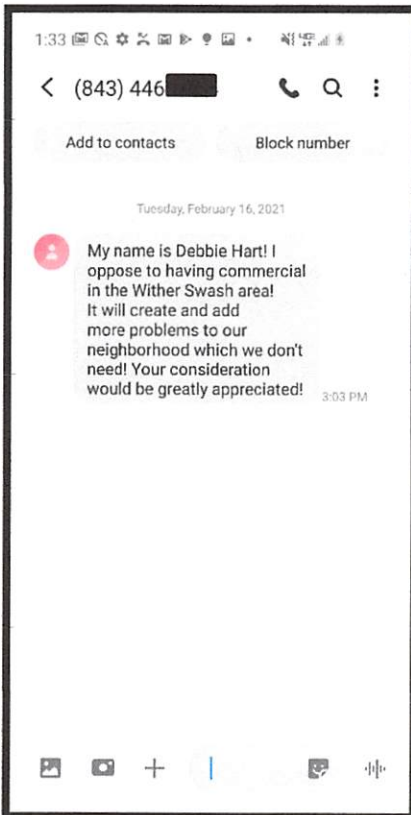


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PUBLIC INPUT – Z 21-03 / 500 1ST AVE N (continued)



2



← Don Boyce

3

4

Article 14, Section 1407.C – Use Category and Type	RMM	HC2	Additional Regulations
	<i>P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed</i>		
Residential Uses			
Cabana			1501.Z
Horse farms	C		1501.DD
Licensed group residential (caregiving)	P		
Rooming or Boarding House			
Manufactured homes for single-family permanent residence			1501.N
Manufactured homes, multifamily (more than 1 unit per lot)			1501.O
Permanent residence, single-family dwellings	P	P	1501.JJ
Permanent residence, two-family dwellings	P	P	1501.JJ
Permanent residence, multi-family dwellings	P	P	1501.JJ 1503.A
Residential care facilities of nine or less persons with mental or physical handicaps	P		
Travel trailers or recreational vehicles			1308 1501.BB
Commercial and Office Uses			
Accounting office		P	1503.A
Adult day care	C	C	1501.A
Advertising agency		P	1503.A
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	1503.A
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.		P	1503.A
Airport, freight			
Airport, passenger			
Amusements, open or unenclosed over 80' in height.			1501.B 1603.C.(B) 1603.C.(V)
Amusements, open or unenclosed under 80' in height.			1501.TT
Aquariums		P	
Architects office		P	1503.A
Arts and crafts studio		P	
Assembly of electronic instruments and devices such as computer hardware and software, audio and video equipment, business machines, and small appliances.			
Assisted living facilities	C	C	1501.EE

	RMM	HC2	
Auction houses			
Automated teller machines, free standing		P	
Automobile rental		P	
Bakeries, retail		P	
Bakeries, wholesale			
Banks		P	1503.A
Bar, Tavern		P	
Barbershops, beauty salons, and cosmetologists		P	1503.A
Bed & breakfast establishments		P	1503.A
Bingo parlors		P	
Blueprinting services		P	
Boating (non-motorized) and water-related activities			
Body piercing establishment			1501.C
Booksellers / book stores		P	
Bowling alleys		P	
Brewpub			
Broadcast studios, radio and television		P	
Brokers		P	1503.A
Business consultants, offices of		P	1503.A
Cabins			1501.BB
Campgrounds/mobile visitor accommodations			1501.BB
Car wash		P	
Cemetery			1502.E
Chambers of commerce		P	
Child care center for 13 or more children (CCC)	C	C	1501.D 1503.A
Child care home, family, for up to 6 children (FCCH)	C	C	1501.D
Child care home, group, for 7-12 children (GCCH)	C	C	1501.D
Chiropractic care establishments		P	1503.A
Clothing stores		P	
Comedy Clubs			
Commercial center		P	
Commercial group residential		S	1501.E
Communication establishments-carrying or conveying written, oral or visual information to the general public			1503.A
Confectionaries		P	
Congregate housing, older adult	C	C	1501.F
Construction establishments			

	RMM	HC2	
Construction vehicle and heavy machinery sales, repair, leasing maintenance, and storage			
Continuing care retirement community	C	C	1501.F
Convention services			
Copy shops and business service centers		P	
Cosmetology establishments		P	
Credit office		P	
Crematorium			1502.F
Customer service/reception centers for interval ownership operations		C	1501.G
Dance Halls		P	
Drapery shops, custom		P	
Dressmaker		P	
Dry cleaning establishments		C	1501.H
Engineering office		P	1503.A
Eyeglass sales		P	
Facilities for active recreation not otherwise listed	C	P	1501.I
Facilities for passive recreation	C	P	1501.I
Farm stands		C	1501.NN
Financial office		P	1503.A
Florists and flower shops		P	
Forests and botanical gardens (research)			
Funeral homes		P	
Galleries		P	
Game arcades		C	1501.J 1503.A
Gasoline station		C	1501.Y
Genetic research institutions			
Gift shops		P	
Go carts, electric, indoor or outdoor		P	
Golf courses	C	C	1501.I
Golf courses, miniature		C	1501.K
Golf driving ranges		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, osteopathic, and dental, including medical, surgical, psychiatric,		P	1503.A

osteopathic, and dental, but not primarily for recovery from substance abuse			
	RMM	HC2	
Health clubs, gymnasiums, exercise and workout areas		P	
Heavy durable goods sales not otherwise listed		P	1710.C 1715.C
Heavy machinery sales, repair, leasing, maintenance or storage sales			
Home decorating accessory shops sales		P	
Home occupations	C	C	1501.L
Horse carriage terminals and stables			
Horticultural nursery		P	
Hospital		P	
Independent living, older adult	C	P	1501.E
Indoor Passive Recreation		P	
Indoor Storage Facility		C	1501.OO
Indoor Urban Farm			1501.SS
Industrial service establishments that supply other businesses, industries or individuals			
Jewelry sales and repair		P	
Kennels and animal boarding facilities, indoor		P	
Kennels and animal boarding facilities, outdoor			
Laboratory (analytical, experimental testing, research and development)			
Laundromats and service		P	1503.A
Laundry and linen supply service			
Law office		P	1503.A
Liquor package stores		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.			
Manufacturing, processing, assembling, packaging and distribution establishments			
Marinas			1501.AA
Massage establishment, therapeutic		C	1501.X
Mausoleums and memorial gardens			1502.E
Metal/cabinet shops			
Moped rental and sales establishment		C	1501.FF

	RMM	HC2	
Motor vehicle detailing		P	
Motor vehicle paint or body shop		P	
Motor vehicle parts store		P	
Motor vehicle repair and maintenance		C	1501.P
Motor vehicle sales		P	
Motor vehicle rental and leasing		P	
Museums		P	
Music sales		P	
News and magazine stands		P	
Newspaper offices and plants			
Nightclubs		P	
Nursing home facilities	S	C	1501.F
Outdoor display and merchandise area		C	1501.R
Outdoor vending and concession stands			1501.M
Outpatient clinic treating substance abuse			1501.MM
Parking facilities		P	1503.A
Parking lots, accessory			1501.LL
Parolee-probationer home		S	1503.G
Pharmacies		P	
Photography developing establishments		P	
Photography studios		P	
Pool halls/billiard parlors		P	
Professional organizations, offices of		P	1503.A
Prosthetic facilities		P	
Radio or television station and related transmitting tower		P	
Real estate offices		P	1503.A
Religious establishments providing for religious service and development	S	P	1503.A 1503.D
Restaurant, with drive-through service		P	1501.RR 1503.A
Restaurant, without drive-through service		P	1501.HH 1503.A
Restaurant with outdoor dining		C	1501.Q
Retail, big box		P	
Retail establishments providing convenience items and services		P	1503.A
Rock climbing walls		P	
Rooftop gardens	P	P	

	RMM	HC2	
Ropes course			
Schools, elementary and secondary, including school stadiums	C	P	1501.S
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	
Skating rinks and parks, indoor		P	
Skating rinks and parks, outdoor		P	
Small engine repair		P	
Social welfare organizations		P	1503.A
Solar farms		C	1501.QQ
Sport facilities not otherwise listed		P	
Storage tanks for liquid substances, above ground			1503.E
Storage yards, vehicles			1501.CC
Storage yards not otherwise listed			1501.CC
Studios (art, dance, or music)		P	
Studios (martial arts, athletic)		P	
Swimming pools, indoor or outdoor	C	P	1501.I
Tattoo parlor			1501.C
Taxi business			
Telephone switching facilities			
Tennis facilities, indoor or outdoor	C	P	1501.I
Theater, indoor		P	
Theater, outdoor		P	
Tire sales and service		P	
Transmission or distribution lines for petroleum, gasoline, natural gas or liquefied petroleum gas			
Transmitting towers other than cell towers			
Transportation terminals and establishments providing for the interchange of passengers		P	1501.W
Transportation terminals and establishments providing for the interchange of freight		P	
Travel agencies		P	
Truck terminals			

	RMM	HC2	
Unlicensed group residential (caregiving)		S	1501.E
Veterinary offices, clinics, and hospitals		P	1501.GG
Video and other media productions			
Visitor accommodations not otherwise listed		P	1503.A
Visitor information reception center		P	
Warehouse storage			
Welding shops			
Wholesale business establishments for selling bulk goods or commodities, but not toxic chemicals			
Wholesale business establishments for selling bulk gasoline, kerosene or any other fuel oil			
Wholesale business establishments for selling bulk bottled gas			
Public Services			
Administrative offices of federal, state and local governments		P	
Buildings and uses of utilities holding a franchise from the city	S	P	
Correctional facilities			1503.F
Library, public		P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	
Post office		P	
Public parking	P	P	
Public regional stormwater facilities	P	P	
Public safety stations including fire, police and rescue services	P	P	
Public utilities installations and substations	P	P	
Public works facility/public utilities		P	
Social welfare offices		P	
Water tanks, public	S	P	

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2



PLANNING DEPARTMENT | CITY HALL
 937 Broadway St
 Myrtle Beach, SC 29577
 (843) 918 - 1050
 www.cityofmyrtlebeach.com

File # _____
 Date received _____ Fee Paid

Request for Rezoning

This is an application to request an amendment to the Zoning Map of the City of Myrtle Beach, South Carolina. All information contained in this application is subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). The following items are required to process a request for rezoning:

- Five-hundred dollar (\$500) non-refundable fee, cash or check payable to "City of Myrtle Beach."
- A completed Request for Rezoning application (this form), signed by the property owner(s) and authorized agent(s) (if applicable).
- If property owners(s) are not representing themselves, authorization for an agent to act on behalf of the property owner must be submitted.
- A written legal description (metes and bounds) of the property.
- Recent (within 12 months) boundary survey of property as a digital copy in either .pdf or .jpeg format. Staff may accept other property description instruments (i.e. plats or surveys) at their discretion.
- Copy of recorded deed(s) proving ownership of property.

PUBLIC HEARING AND WITHDRAWAL POLICIES

Regulations require that this application be given a public hearing. Notification of the public hearing will be in the form of advertisement in a local newspaper, public hearing sign(s) posted on the property, and letters mailed to property owners of record within 300 feet of the property.

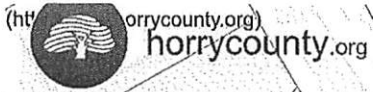
Complete applications will be processed by the Planning Department. At the written request of the applicant, prior to public notification, an application may be continued, tabled, or withdrawn. Once the public has been notified of the public hearing, the application request shall be placed on the agenda. During the public hearing, the applicant may request that the item be continued or tabled. Should the applicant wish to remove the request from the agenda after public notification but prior to the public hearing, the applicant must withdraw the application in writing. Once an application is withdrawn the file is closed. Another application, along with any applicable fees, may be submitted at a future date.

DESCRIPTION OF PROPERTY

Street Address of Property To Be Annexed and Rezoned: 500 1st Ave S. Myrtle Beach, SC 501 2nd Ave N. Myrtle Beach, SC 29577	Horry County PIN #(s): 1) 44305010053 2) _____ 3) _____ 4) _____ 5) _____
Current Horry County Zoning Designation: .	
Exact Area of Subject Property, in Acres and Square Feet... Acres: .11 Acres Square Feet:	(attach additional pages as needed)

ZONING REQUESTED

What Type of Zoning District is Requested? <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Institutional <input type="checkbox"/> Industrial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other	What City Zoning District is Requested? Commercial Hwy.
Specify Proposed Land Use (i.e. retail store, single family homes, restaurant, etc.): It is build on a commercial lot, and city	
Explain Why This Property Should Be Zoned as Requested: # I own the property across and the commercial line runs through. the Beach wear store next door is commercial. I needed to be Hwy commercial to be able to lease it short term rental other wise will not be able to afford the mortgage	



Land Records

44305010053

Back to Results >

N/W PT LTS 1&2 BL 39 :
PIN: 44305010053 / TMS: 1811027003

Land	Owner
	PYRAMIDS CONSTRUCTION CO LLC 1514 AMARYLLIS CT TRINITY, FL 34655
Transfers	District 880 - MYRTLE BEACH
	Deed Book 4267
	Deed Page 345
Spplits/Merges	Estimated Acres 0.11 Acres
	Primary Building
Permits	Estimated Year Built 0
	Finished Area 0 sqft
	Bedrooms 0
	Baths 0
	Garages/Carports 0
Members	Auxillary Improvements NO
Contact Us	Taxable Values
	Residential Land 0
	Residential Impr. 0
	Farm Land 0
	Farm Improved 0
	Farm Use 0
	Other Land 40170
	Other Improved 0

