

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE TO CREATE A
REDEVELOPMENT DISTRICT ZONE
KNOWN AS THE GATEWAY
GALLERIA REDEVELOPMENT
DISTRICT ZONE

It is hereby ordained that the Gateway Galleria Redevelopment District Zone is created pursuant to the terms and conditions of this ordinance (the "Ordinance"). The development authorized by this Ordinance shall be located on those pieces, parcels, or tracts of land designated as Lots 4 (also known as 4A), 5, and 6 of Block 1 of the Hotel Section, Lot 7 of Block 19 of the Hotel Section, and Lot 1 of Block 15 of the Hotel Section, Myrtle Beach, S.C. as shown on (a) the Boundary Survey attached hereto as Exhibit 1. The development authorized by this ordinance shall be constructed in accordance with the set of plans drawn and/or compiled by Miller Design Services, P.A. Architects, titled "Gateway Galleria a Mixed Use Complex for 7th Avenue North Ocean Boulevard, Myrtle Beach", dated March 15, 2018 consisting of six (6) total pages plus renderings and attached hereto as Exhibit 2. The Plans and surveys referred to above are hereinafter collectively referred to as the "Plans". Additional materials have been provided and are titled "RDZ Support Data". These materials are informational only and are not to be considered as a part of this Ordinance. Provided, however, that the duties and powers of review of the Community Appearance Board are not negated except as to matters that are specifically set forth within this Ordinance, including without limitation height, building setbacks, and number of units.

1. Purpose of Redevelopment District Zone (Scope and Narrative)

- 1.1 Scope:** The RDZ will consist of commercial and residential condominium units, some of which will be used for by owners for transient accommodations, surface parking, amenities, including water amenities, and associated areas as shown on the Plans. The structure may be up to 80 feet tall. The architectural design in the RDZ shall be consistent and complimentary throughout. The architectural, site work, and engineering components of the development will be designed by architects and engineers registered in the State of South Carolina. The anticipated use and investment in the development meet the

criteria of the Incentive Program described in Sections 15-50 et seq. of Chapter 15 of the City Code as enacted by Ordinance 2015-70.

1.2 Narrative: The City of Myrtle Beach Comprehensive Plan designates the property comprising the RDZ as within a Transient Accommodations area. The RDZ will provide transient accommodations in the proposed condominium building and will include appropriate parking facilities. The RDZ will promote appropriate investment and development in an area that is underperforming economically and is in need of new development and will improve the physical and economic character of the area. The improvements will be used for tourism related and retail uses. The oceanfront lots in the RDZ are currently vacant and are in need of development. The RDZ will be developed in accordance with the Plans and uses set forth herein. The Development shall consist of the improvements shown upon the Plans, including 41 residential accommodation units and 4 commercial units on the ground floor, parking and amenities.

The RDZ will provide increased transient accommodation density on the ocean front, within walking distance of the central area of the Downtown Redevelopment area, thus reducing reliance on public parking through provision of code required parking spaces for the existing uses. If the City of Myrtle Beach develops a plan for such, conveniently located and visible public transportation stops along the adjacent Ocean Blvd. as anticipated in the City's development plan that will also encourage less vehicular traffic. This new development will provide accommodations, visitor amenities retail and service industry job opportunities, as well as upgrade and improve the area, both in use and appearance. As designed, the development will also promote a high level of aesthetics and high-quality development.

Portions of the surface parking for the development may be provided by lease from the Developer with the right to terminate or amend the lease and substitute other parking in the event the area of the original surface parking is provided to the City of Myrtle Beach for the construction of a parking garage. Such change shall be predicated

1 by having an agreement with the City for the Developer to have a
2 comparable number of parking spaces in the new garage dedicated to
3 the use of the development.
4

5 **2. Location**

6
7 **2.1 Location/Property:** This combined site, exclusive of public rights of
8 way, is located within the City of Myrtle Beach, South Carolina,
9 generally beginning at the Atlantic Ocean and extending west past Flagg
10 Street generally between 6th Avenue North and 8thth Avenue North, all
11 as shown on Exhibit 1 and/or the Plans. The area shown on the Plans to
12 be within the owner's property lines is privately owned real estate and
13 includes no public land. The development authorized and approved by
14 this Ordinance shall be located on those pieces, parcels, or lots of land
15 within the Hotel Section designated as follows:
16

<u>Lot and Block</u>	<u>PIN No.</u>	<u>TMS</u>	<u>Location</u>
Lot 4, Block 1	444-01-03-0017	181-11-05-007	Oceanfront
Lot 5, Block 1	444-01-03-0017	181-11-05-007	Oceanfront
Lot 6, Block 1	444-01-03-0017	181-11-05-007	Oceanfront
Lot 7, Block 19	444-01-04-0048	181-10-03-009	Parking
Lot 1, Block 15	444-01-04-0054	181-11-04-005	Parking

29 as shown on the surveys attached as Exhibit 1.

31 This property falls within the boundaries of redevelopment area
32 described in Section 15-51(d) of Chapter 15 of the City Code as enacted
33 by Ordinance 2015-70.
34

35 **2.2 Combination of Parcels within Phases.** As the Project is developed,
36 all individual parcels involved in one or more phases of development
37 may be combined through submittal of a combination plat to the City of
38 Myrtle Beach for review and approval.
39

40 **2.3 Clarification of Zoning Ordinances.** It is the intention of this
41 ordinance that where specific development criteria are not set out, to

1 provide references to either the 2014 Zoning Ordinance relating to the A
2 and MU-H zones, as applicable, and the Redevelopment District Zone
3 provisions. The Oceanfront lots lie within the A zone and the parking
4 areas lie within the MU-H zone.
5

6 **3. Permitted Uses:** Within this Redevelopment District Zone, a building or
7 premises shall only be used for the following purposes:
8

9 **3.1** Hotels, motels, condominiums, and other transient accommodations.

10 **3.2** Timeshare projects.

11 **3.3** Parking facilities and indoor or outdoor waterparks and water amenities.

12 **3.4** Restaurants, cafes, bakeries, delicatessens, and grocery stores.

13 **3.5** Nightclubs and bars.

14 **3.6** Retail shops for food and beverages, furniture and antiques, music,
15 stationery, flowers, news/magazines, clothing and sporting goods.

16 **3.7** Personal service establishments for barbers, laundries, cosmetologists,
17 duplicating and mailing services, dressmakers and tailors, jewelry and
18 watch repair, and shoe repair.

19 **3.8** Professional service establishments for lawyers, medical providers,
20 accountants, engineers, designers, architects and real estate
21 professionals.

22 **3.9** Convenience stores.
23

24 **4. Reserved:** Section 4 is intentionally reserved.
25

26 **5. Accessory Uses:** Within this RDZ, buildings or premises used primarily for one
27 of the above principal uses may also be used as follows:
28

29 **5.1** A transient accommodation may establish game rooms and arcades
30 provided that they are located within the accommodations buildings or
31 the parking structures, and provided that no identifying signs or
32 machines are visible from the outside of the building. The facilities may
33 be used only by registered guests of the accommodations.
34

35 **5.2** A transient accommodation may establish facilities such as recreational
36 facilities, convention facilities, meeting rooms, spas and exercise
37 facilities, and parking facilities as accessory uses; provided such

1 structures or facilities must be under the same operation and control as
2 the permitted use and be within the RDZ.

3
4 **5.3** A transient accommodation with 100 accommodation units or more shall
5 be permitted to sponsor one-day art, antique, or fashion shows at which
6 only wearing apparel and accessories may be sold; provided that the
7 show is limited to the commercial areas of the development. In addition,
8 the sponsoring accommodation shall ensure that the person conducting
9 the show has obtained a peddler's business license from the city and
10 that the license is prominently displayed at all times during the show.

11
12 **5.4** A transient accommodation may establish a child care or child
13 development center for the care and development of the children of its
14 employees and registered guests; provided such structures or facilities
15 must be under the same operation and control as the permitted use and
16 be on the same property.

17
18 **5.5** An oceanfront transient accommodation facility may establish on its
19 property on the oceanfront side of any building a pool-front bar and a
20 stage for musical entertainment in compliance with the Existing Zoning
21 Code.

22
23 **6. Dimensional Requirements:**

24
25 **6.1 Site Layout. Building Site Requirements:** Every building erected or
26 structurally altered shall provide a land area not less than the following:

27
28 6.1.1. Per transient accommodation and/or dwelling unit. No limit.

29
30 6.1.2. Total Site: The minimum lot requirement (after any combination
31 of lots has been accomplished) is 6,000 square feet in area and 55
32 feet in width.

33
34 **6.2 Maximum Height:** The maximum height of buildings and structures
35 shall be 240 feet. Height will be governed by the definition of "Building
36 Height" in §1603.C of the Existing Zoning Code.

37
38 **6.3 Building Lines:** Building setbacks shall be as shown on the Plans.

1 For the three combined Ocean Boulevard lots there shall be (i) a zero (0)
2 foot minimum building setback measured from the property line
3 adjacent to Ocean Boulevard (subject to compliance with the A district
4 zoning requirement relating to a buffer), and (ii) a zero (0) foot building
5 setback measured from the property line, on the line adjacent to the 7th
6 Avenue North Street End, (iii) a zero (0) foot setback for buildings
7 measured from the property line to the face of the building on the North
8 side (Side Yard), and (iv) a zero (0) foot building setback measured from
9 the property line ease side adjacent to the City owned boardwalk
10 property, The building setbacks described in this section relate to the
11 building itself and does not prevent the placement of utilities and
12 equipment, including but not limited to HVAC equipment, within the
13 setback areas.

14
15 For the two lots designated for surface parking on the Plans, no buildings
16 are planned, however, the improvement of the parking lots shall comply
17 with current landscaping requirements.

18
19 **6.4 Other Amenities:** On the three combined lots on Ocean Boulevard only,
20 recreational water amenities, swimming pool, may be constructed within
21 ten feet of any property line subject to provisions of the coastal
22 protection (overlay) zone and any coastal management laws that may
23 apply. Temporary pool enclosures which do not exceed 50 feet in height
24 may be erected on the eastern side and, other than the height
25 limitation, will be governed by the existing Zoning Code.

26
27 **6.5 Maximum building coverage:** Maximum ground floor building coverage
28 on the three combined lots, excluding public rights of way and other
29 public property, if any, shall be as shown in the Plans and shall not
30 exceed 90% for the said lots.

31
32 **7. Parking:** Upon completion of anticipated development within the RDZ,
33 parking will be located on privately owned or leased surface spaces, subject to
34 the terms of the Redevelopment Agreement.

35
36 **7.1 Required Spaces:** Parking for Accommodations shall comply with the
37 requirements of Article 10 of the Zoning Code. No additional parking

1 shall be required for any other uses. All parking areas shall be located in
2 the areas shown on the Plans, or as otherwise allowed by the
3 Redevelopment Agreement. Where fractional spaces result from the
4 computation above, the parking spaces required shall be construed to be
5 the next highest whole number.
6

7 **7.2 Application of Parking Requirements:** To the degree specific parking
8 requirements are not set out herein, Article 10 of the Zoning Code are
9 incorporated herein by reference.
10

11 **7.3 Landscaping for Surface Parking:** Regarding the surface parking areas
12 on the two individual lots shown on the Plans, Article 9 of the Zoning
13 Code landscaping requirements for the MU-H zoning designation shall
14 apply.
15

16 **8. Landscaping/Buffering/Open Space Requirements:**
17

18 **8.1** A final landscape plan, which will be in conformance with the Plans, has
19 been or will be submitted to the Community Appearance Board for
20 review and approval based upon conformance prior to installation
21 thereof or issuance of the Certificate of Occupancy for the building.
22

23 **8.2** During the construction of the Project, an irrigation system in
24 accordance with City requirements stated in the Landscape Ordinance
25 will be installed to maintain landscaping.
26

27
28 **9. Lighting Standards:** The District will be redeveloped with sensitive and
29 subtle exterior lighting treatments which will compliment, enhance, and
30 highlight the development in a positive manner. Exterior lighting will meet the
31 requirements of, and shall be governed by, the provisions of Article 12 of the
32 Existing Zoning Code applicable to the A and MU-H zones.
33

34 **10. Signage Requirements:** Signage shall conform to the sign regulations that
35 pertain to the Article 8 of the Existing Zoning Ordinance as applicable to the A
36 and MU-H zones.
37

38 **11. Special Requirements:**
39

1 **11.1 Existing Uses.** Until such time as development of the Project is begun
2 all structures, if any, and uses which are currently existing shall be
3 continued as they currently exist subject to the following:
4

5 **11.1.1 Alterations.** Structural alterations shall not be permitted
6 except in conformance with the requirements of this RDZ.
7 Nothing in this Ordinance shall prevent the strengthening or
8 restoration to a safe condition of any part of any building or
9 structure declared unsafe by proper authority.
10

11 **11.1.2 Repair and Maintenance of Damaged Buildings.** Buildings
12 damaged by fire, explosion, war, riot, or naturally occurring
13 calamities due to forces of nature may be repaired to their
14 original condition existing prior to damage, if such cost of repair
15 is less than fifty percent 50% of the redevelopment cost of
16 construction consistent with the RDZ. After such damage, the
17 owner (or the condominium regime) shall provide the cost of
18 redevelopment (consistent with the RDZ) and the cost of repair to
19 the City Manager. If the cost of repair is less than fifty percent
20 (50%) of the redevelopment cost, the building may be restored to
21 original condition. Should the cost of repair exceed fifty percent
22 (50%) of the redevelopment cost, the owner shall redevelop only
23 according to the RDZ requirements and current applicable law.
24

25 **11.2 City Regulatory Power:** The City maintains all regulatory powers as
26 provided by this Ordinance and all other adopted Codes and
27 Ordinances. Where this Ordinance is silent, all other City codes
28 and ordinances are applicable.
29

30 **11.3 Severability:** If any provisions of this Ordinance shall be held invalid,
31 its invalidity shall not affect any other provisions of the Ordinance that
32 can be given affect without the invalid provision, and for this purpose
33 this purpose the provisions of this Ordinance are hereby declared to be
34 severable.
35

36 **11.4 Amendment:** This Ordinance may be amended by the City of Myrtle
37 Beach in accordance with the existing laws and regulations. While the

1 basic size, setbacks and uses allowed for the future Development
2 property of the RDZ are set forth herein, prior to issuance of a building
3 permit for the development thereof the owner shall present full
4 elevations showing the design thereof for approval as a Major
5 Amendment to this Ordinance.
6

7 **12. Technical Design Criteria**

8

9 **12.1** For new construction, grading, excavation, backfilling, and surcharging
10 to site may be required to support footings, foundations, buildings, and
11 all site improvements.
12

13 **12.2** For new construction, soil erosion control measures for each Phase will
14 be designed and installed per the requirements of the City and of DHEC.
15

16 **12.3** All redevelopment shall comply with the requirements of the City's
17 Stormwater Management Ordinance within the confines of the site plan
18 referenced herein. The RDZ developers endorse the concept of a
19 regional stormwater plan and will support the creation of a fair and
20 equitable funding plan to facilitate the removal of storm water pipes on
21 the beach.
22

23 **12.4** Water and sanitary sewer systems connected to City lines will include
24 design, sizing and calculations for domestic water and wastewater pipes,
25 water meters, manholes, and other water/sewer appurtenances required
26 to serve and accommodate the development needs. Easements for
27 either or both systems will be deeded to the City as required during the
28 development of each Phase. All design, sizing and calculations will be
29 subject to review and approval by the City Engineering Department.
30

31 **12.5** For new construction, curb and gutter will be concrete 6" in height and
32 18" in width. In order to maintain proper surface drainage, curb and
33 gutter will be installed for all entrances, rear service, and side
34 perimeter areas, and public street areas.
35

36 **12.6** Drive through service windows are prohibited in the District.
37

38 **12.7** Fencing within the District shall comply with the Existing Zoning Code.
39

1 **13. Public Benefits.** The owner(s) of any Phase to be developed must submit to
2 the City Building Department: (i) an executed easement, if necessary, for any
3 Public Improvements that are to be built on the owner's private land. The
4 Public Improvements, if any, are detailed in the Plans and constitute the
5 following:
6

7 **13.1. Ocean Boulevard Sidewalk adjacent to the Building.** The Owner
8 intends to redesign and reconstruct the sidewalk between Ocean
9 Boulevard and the building to be constructed on the three combined
10 lots. The Owner shall also provide landscaping and irrigation as shown in
11 the Plans and as approved by the City. The sidewalk shall be
12 constructed, with finished concrete. The Owner shall install additional
13 Palm Trees in Tree grates as shown. Tree spacing shall match spacing
14 approved by the City of Myrtle Beach.
15

16 **13.2** Handicap curbs shall be installed at all curb cuts and crosswalks.
17

18 **13.3 Sidewalk Landscaping.** The Sidewalk will have trees (e.g. palmettos
19 and yaupons and similar), streetlights and shrubs. The trees will be
20 irrigated by city water, but the irrigation system shall be installed by the
21 owner at the time of installation of the trees.
22

23 **13.4 Engineering and Design.** The Owner shall engage a design team, a
24 landscape designer, and civil engineer to engineer and design the
25 Installed Improvements in conformance with the within requirements.
26 The plan must be approved by the City Manager and by the Owner. Once
27 approved, the plan shall be the plan for the Installed Improvements for
28 the Project.
29

30
31 **14. Phasing Plan and Construction Schedule**
32

33 **14.1 Phasing Plan:** In the event the RDZ consists of two (2) or more Phases,
34 the Phases may be constructed in any order or simultaneously,
35 notwithstanding the number designations used for convenience herein.
36

37 **14.2 Construction Schedule.** The following minimum construction schedule

1 shall be maintained in the construction of elements of the RDZ

2
3 **14.2.1.** Construction of the building and parking shown on the Plans
4 is anticipated to begin not later than December 1, 2018 and
5 be completed not later than June 1, 2020. Construction of
6 future phases, if any, shall comply with such amendments
7 to this RDZ as approved by the City Council.
8

9 Any extension to this proposed schedule of redevelopment must be approved
10 by City Council, and must be supported by facts and circumstances warranting
11 an extension.
12

13 **15. Summary of Variations between Existing Zoning Districts and RDZ Provisions**
14

15 **15.1** The property comprising the RDZ is currently zoned A (Combined Ocean
16 Boulevard lots) and MU-H (surface parking lots). The primary differences
17 between the requirements of the existing zoning and the new RDZ are
18 minimal and relate (i) to the sidewalk buffer on Ocean Boulevard, as
19 shown on the Plans, and (ii) the fact that there are no public
20 improvements required of the Owner.
21

22 **15.2 Enactment Provision:** This Ordinance is effective only upon
23 presentment of five (5) complete sets of the RDZ Ordinances documents,
24 including but not limited to attachments, exhibits and maps to the City
25 Clerk within five (5) working days of the second reading. Failure to
26 supply the required documents results in this rezoning ordinance having
27 no force or effect, and the zoning district in place prior to second
28 reading shall be the assigned district.
29
30

1 This ordinance become effective upon adoption.
2
3

4 
5 _____
6 MICHAEL CHESTNUT, MAYOR PRO-TEM

7 ATTEST:
8

9 
10 _____
11 JENNIFER STANFORD, INTERIM CITY CLERK
12
13
14

15 1st Reading: 7-10-18
16

17 2nd Reading: 7-24-18
18

1
2
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EXHIBIT 1