THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge
Case No. 2020-CP-26-00785

APPELLATE CASE NO. 2021-001074

ANI CREATION, INC. d/b/a Rasta; ANI CREATION, INC. d/b/a Wacky T's; BLUE SMOKE, LLC d/b/a Doctor Vape; BLUE SMOKE, LLC d/b/a Blue Smoke Vape Shop; ABNME, LLC d/b/a Best for Less; KORETZKY, LLC d/b/a Grasshopper; RED HOT SHOPPE, INC.; E.T. SPORTSWEAR, INC. d/b/a Pacific Beachwear; MYRTLE BEACH GENERAL STORE, LLC; I AM IT, INC. d/b/a T-Shirt King; and BLUE BAY RETAIL, INC. d/b/a Surf's Up, Petitioners,

Appellants

vs.

CITY OF MYRTLE BEACH BOARD OF ZONING APPEALS and KEN MAY, ZONING ADMINISTRATOR FOR CITY OF MYRTLE BEACH, Respondents,

Respondents

RECORD ON APPEAL
VOLUME II

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INDEX

VOLUME I

ORDERS:

Order Denying Petitioners' Motion to Reconsider September 16, 2021 1

Form 4 Order Denying Motion to Reconsider September 8, 2021 12

Order Denying Appeal and Affirming Order of City of Myrtle Beach Board of Zoning Appeals April 22, 2021 15

Form 4 Order Granting Motion to Reconsider (by consent) March 2, 2021 25

Form 4 Order Motion to Reconsider Resolved January 25, 2021 28

Order on Appeal October 16, 2020 31

Form 4 Order Affirming Order of Board of Zoning Appeals September 10, 2020 36

Order of Board of Zoning Appeals for the City of Myrtle Beach January 16, 2020 39

Opinion and Order of Judge Lydon (USDC Case No. 4:18-cv-03517) August 17, 2020 46

Order of Judge Harwell (USDC Case No. 4:18-cv-03517) January 15, 2019 65

PLEADINGS:

Notice of Appeal and Petition to Circuit Court January 31, 2020 69

Brief of Appellants (Circuit Court) September 10, 2020 76

Motion for Reconsideration October 22, 2020 85

Consent Motion to Rescind Order [of October 16, 2020] and Continue Hearing January 22, 2021 89

Motion for Reconsideration April 30, 2021 92

COMB Response to Motion for Reconsideration May 5, 2021 97

TRANSCRIPTS:

Transcript of Record September 8, 2021 99

Transcript of Record March 1, 2021 109

Deposition Transcript of Kenneth May August 27, 2020 148

Transcript of Hearing before Board of Zoning Appeals October 10, 2019 220

EXHIBITS:

Exhibits - Transcript of Hearing before Board of Zoning Appeals October 10, 2019:

Exhibit 1 Map 341
Exhibit 2 Untitled document 342
Exhibit 3 Appeal Review Sheet Request 19-11 343
Exhibit 4 Appeal Review Sheet Request 19-12 346
Exhibit 5 Appeal Review Sheet Request 19-13 349
Exhibit 6 Appeal Review Sheet Request 19-14 352
Exhibit 7 Appeal Review Sheet Request 19-15 355
Exhibit 8 Appeal Review Sheet Request 19-16 358
Exhibit 9 Appeal Review Sheet Request 19-17 361
Exhibit 10 Appeal Review Sheet Request 19-18 364
Exhibit 11 Appeal Review Sheet Request 19-19 367
Exhibit 12 Binder Notebook 10-10-19 370
Exhibit 13 Map image (OBEOD Overlay) 469
Exhibit 14 Affidavit of Carl Sivertsen 470
Exhibit 15 Letter dated July 2, 2019 from Gene Connell to Kenneth May 473
Exhibit 16 Colored photographs, Coastal Grand Mall CBD 481
Exhibit 17 Colored photographs, Coastal Grand Mall 484
Exhibit 18 Colored photographs, "Malls are happy to have smoke shop and CBD" 489

VOLUME II

Exhibit 19 Colored photographs, "Broadway at the Beach..." 491
Exhibit 20 Colored photograph, "Aynor's 501 Main Store and Fireworks" 500
Exhibit 21 Multiple articles regarding alcohol 501
Exhibit 22 Multiple articles regarding CBD 505
Exhibit 23 Map images, "Tourist areas that are family friendly" 514
Exhibit 24 Photos and articles, "Family friendly business" 519
Exhibit 25 Photos and screenshots, "Bay Naturals..." 527
Exhibit 26 Colored photograph, "Studio 77..." 531

Notice of Filing Exhibits (Circuit Court) March 1, 2021)[1] 532
Exhibit 1 Article 18 (OBEOD Section 1807) 601
Exhibit 2 OBEOD Overlay Map 469
Exhibit 3 Hearing Transcript before Board of Zoning Appeals October 10, 2019 220
Exhibit 4 Opinion and Order of USDC Judge Lydon August 17, 2020 46
Exhibit 5 Order of Board of Zoning Appeals January 16, 2020 39
Exhibit 6 Affidavit of Carl Sivertsen December 18, 2018 470
Exhibit 7a List of Smoke Shops, Beachwear Stores, Gas Stations, etc. 371
Exhibit 7b Photos Smoke Shops Bordering Overlay 375
Exhibit 7c Photos Beachwear Stores Outside Overlay 393
Exhibit 7d Photos Beachwear Stores Outside Overlay 410
Exhibit 7e Photos Gas Stations Outside Overlay 427
Exhibit 7f Photos Advertisement Coastal Grand Mall 451
Exhibit 7g Photos Plaintiffs' Businesses 454
Exhibit 8 Ken May Deposition August 27, 2020 148

OTHER:

City of Myrtle Beach Ordinance 2017-23 First Reading, May 9, 2017 533

City of Myrtle Beach Ordinance 2017-23 Second Reading, August 14, 2018 537

Sections of the 2011 City of Myrtle Beach Comprehensive Plan 543
a. Tourism Element pp. 29-39 544
b. Land Use Objectives and Strategies p. 161 555

Letter June 3, 2019 from Zoning Administrator to Grasshopper 556

Letter June 3, 2019 from Zoning Administrator to Wacky T's 561

Letter June 3, 2019 from Zoning Administrator to Rasta Mon 566

Letter June 3, 2019 from Zoning Administrator to Best for Less 571

Letter June 11, 2019 from Zoning Administrator to Surf's Up 576

Letter June 11, 2019 from Zoning Administrator to Blue Smoke Vape Shop 581

Letter June 20, 2019 from Zoning Administrator to T-shirt Kings/I am It Inc. 586

Letter June 20, 2019 from Zoning Administrator to Pacific Beachwear/ET Sportswear 591

[1] Exhibits filed in Circuit Court March 1, 2021 are not being duplicated here but are referenced to the proper pages in this Record.

Letter June 19, 2019 from Zoning Administrator to Red Hot Shoppe 596

Enclosures to June 3, 11, 19, 20, 2019 letters from Zoning Administrators to Appellants:
Article 18. Overlay Zone Regulation Section 1807 (OBEOD) 601
Article 5 Local Planning – Zoning 606
Article 5. Board of Zoning Appeals 615

Certificate of Counsel 622

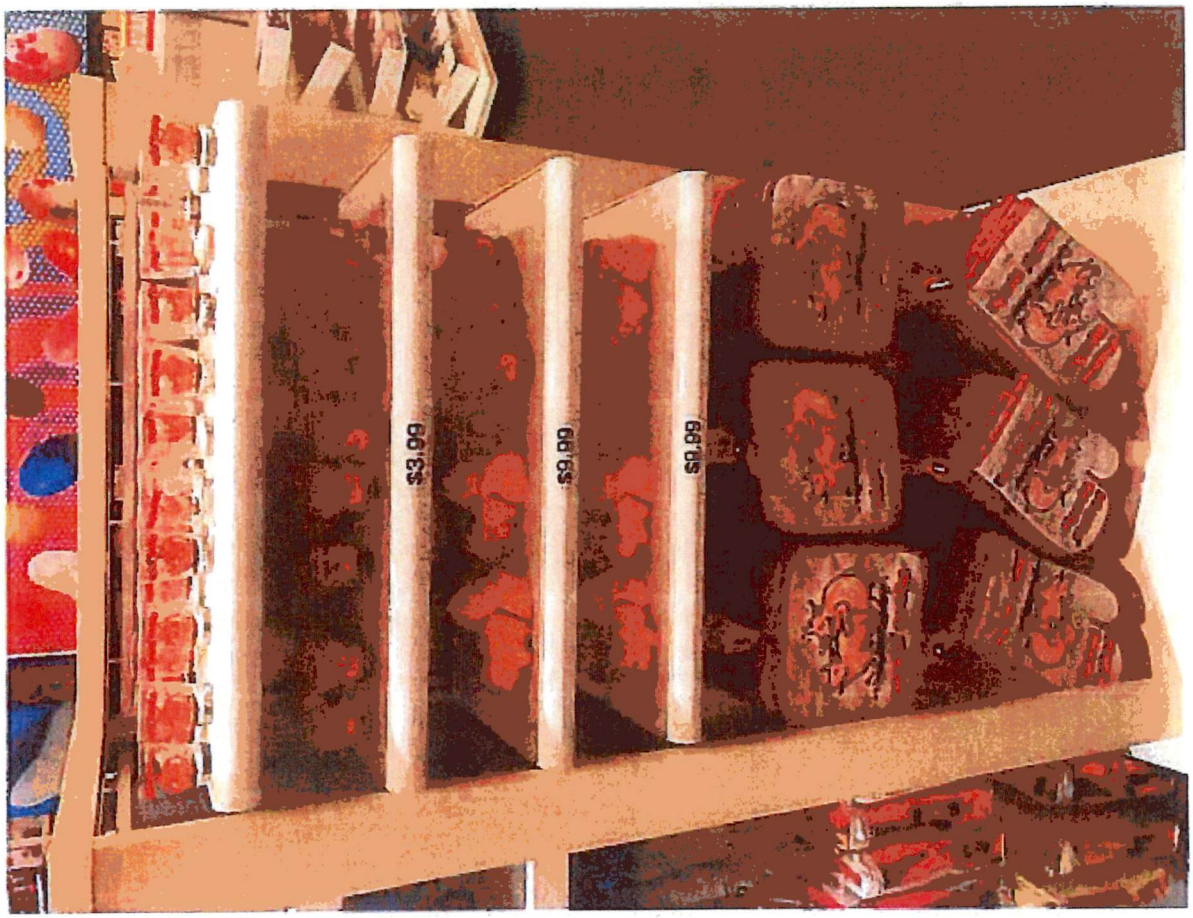
Broadway at the Beach I Love Sugar # one Family Store.

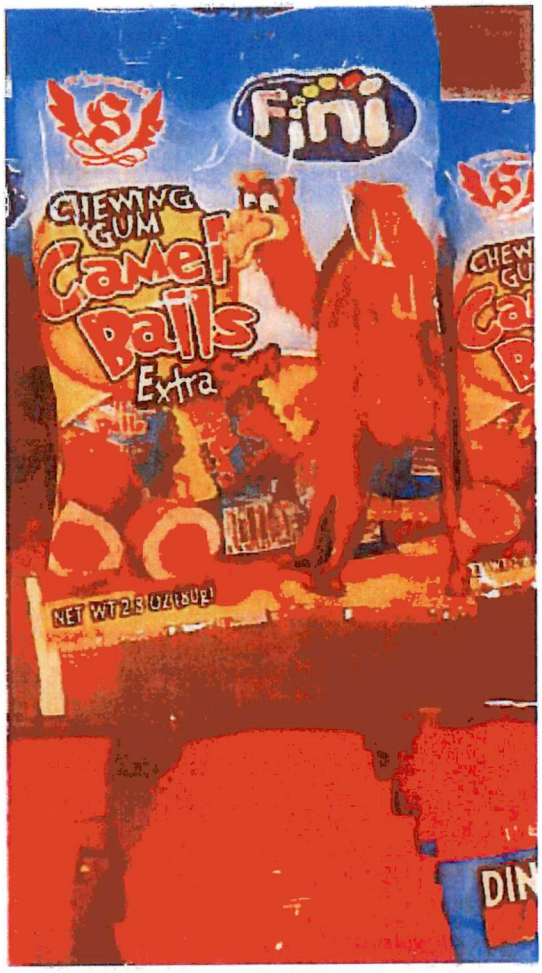


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Sexy
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Her
GUMMY SUTRA
WITH XXXTRA CREAM
WARNING ! XXX RATED
SWEET LICKS
BJ Blast
3 pack
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Broadway at the Beach Candy Store



Aynor's
501 main
store & firewrks

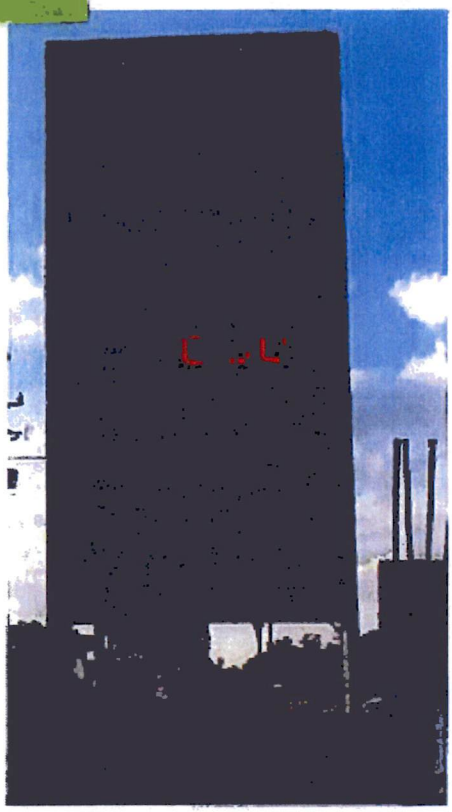


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Top 3 Addictive Drugs CBD not one of them

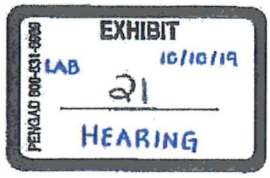
4:18
Messages

CBD is NON Addictive

5. Alcohol

Although legal in the US and UK, alcohol was scored by Nutt et al.'s experts 1.9 out of a maximum of 3. Alcohol has many effects on the brain, but in laboratory experiments on animals it increased dopamine levels in the brain's reward system by 40% to 360% -- and the more the animals drank the more dopamine levels increased.

Some 22% of people who have taken a drink will develop dependence on alcohol at some point during their life. The WHO has estimated that 2 billion people used alcohol in 2002 and more than 3 million people died in 2012 due to damage to the body caused by drinking. Alcohol has been ranked as the most damaging drug by other experts, too.



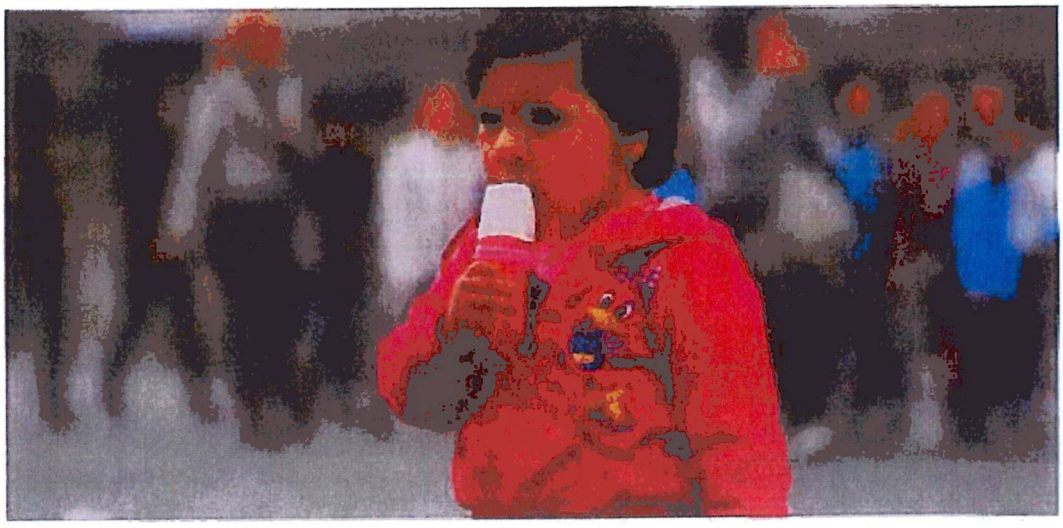
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LOCAL

Tipsy off alcoholic ice cream? Get your sugar fix at this new Broadway at the Beach spot

BY HANNAH STRONG

MARCH 07, 2019 12:48 PM, UPDATED MARCH 08, 2019 02:36 PM



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Alcohol eyed after underage college student collapses, dies at frat event: report

Fox News

Published on April 09, 2019



NEXT UP IN
TRENDING STORIES



THE SUN NEWS

Horry County Schools board member resigns after DUI arrest

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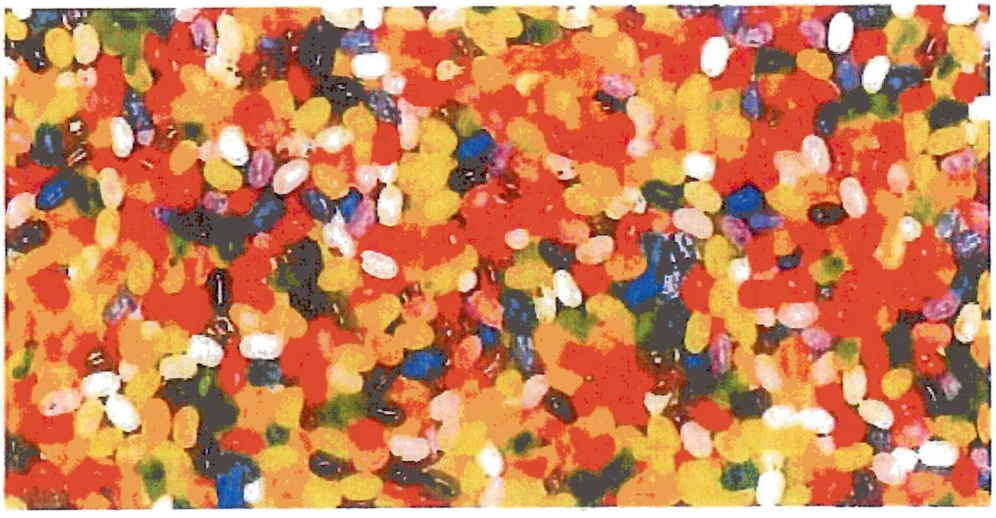
Family Friendly Companies Sell CBD.

FOX NEWS

FOOD · Published March 24, 2019 · Last

Jelly Belly creator ir CBD-infused jelly beans

By David Aaro | Fox News



An assortment of Jelly Belly candy beans. The creator of Jelly Belly has started a new company selling CBD-infused jelly beans. (iStock, File)

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Budweiser's Parent Company Enters $100 Million Deal with Cannabis Producer

AB InBev is the latest global beverage giant to invest in Canada's legal cannabis industry.



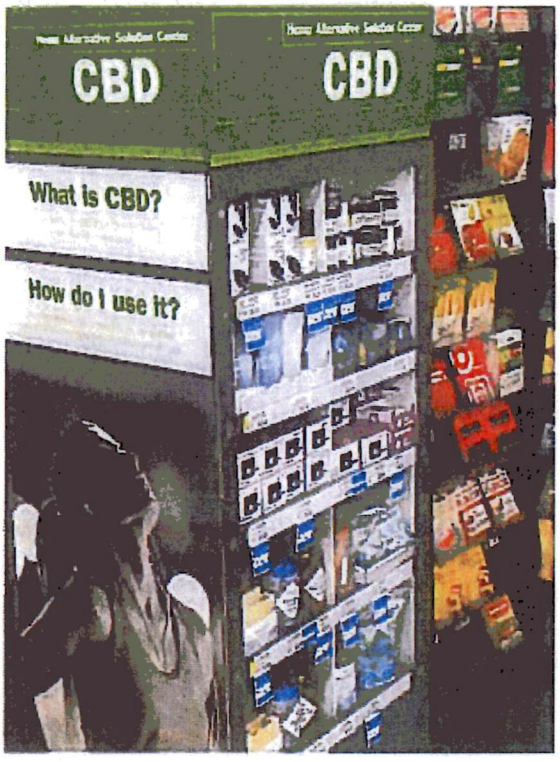
Published 18 hours ago on December 20, 2018
By **Adam Drury**



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On Wednesday, Belgium-based Anheuser-Busch InBev joined the ranks of other beverage giants

kroger
save-on



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bloomberg.com

Business

CVS Joins Cannabis Wellness Trend by Adding CBD Products

By Craig Giammona
March 20, 2019, 5:33 PM EDT
Updated on March 20, 2019, 5:59 PM EDT

CBD has landed at CVS.

CVS Health Corp. this week will begin selling products infused with the trendy, non-intoxicating hemp component at more than 800 of its stores as part of a partnership with marijuana company Curaleaf Holdings Inc., Curaleaf said Wednesday.

Curaleaf announced the agreement during an earnings conference call on Wednesday. The company's CBD products will be available in about 800 stores to start, Curaleaf said on the call, and hopes to expand to more.



You have 9 free articles remaining. View Offers

CNBC

Walgreens to sell CBD products in 1,500 stores

Angelica LaVito | @angelicalavito

Published 6 Hours Ago Updated 1 Hour Ago

CNBC.com

- Walgreens will sell CBD creams, patches and sprays in nearly 1,500 stores in select states.
- Walgreens will sell the cannabis-based products in Oregon, Colorado, New Mexico, Kentucky, Tennessee, Vermont, South Carolina, Illinois and Indiana.
- Rival drugstore chain CVS

WMBF NEWS

Creator of Jelly Belly releases CBD-infused jelly beans



The inventor of Jelly Belly has launched cannabis-infused jelly beans

By Josh White | March 17, 2019 at 3:01 PM EST - Updated March 18 at 10:36 AM

(Gray News) – The creator of the Jelly Belly bean has ventured into marijuana edibles.

David Klein, who invented the Jelly Belly brand in 1976 but left the company in 1980, has stayed active in the confectionery business in the last 40 years.

Now he's launched a company called Spectrum Confections, which has released a line of jelly beans infused with cannabidiol, or CBD.

Verizon 9:28 PM 46%

March 10
1:08 PM

Edit

GlobeNewswire

POTNETWORK HOLDING OTC PINK: POTN

Diamond CBD, POTN Subsidiary Enters the $46 Billion Coffee Market With the Release of Premium Line of CBD-Infused Coffee & Tea K-Kup Capsules

Launching This New CBD-Infused Coffee Line, Company Brings Homes and Offices Nationwide an Enhanced and Chill Coffee Drinking Experience

December 14, 2018 09:54 ET | Source: PotNetwork Holding, Inc

photo-release



[redacted]

HEALTH AND SCIENCE

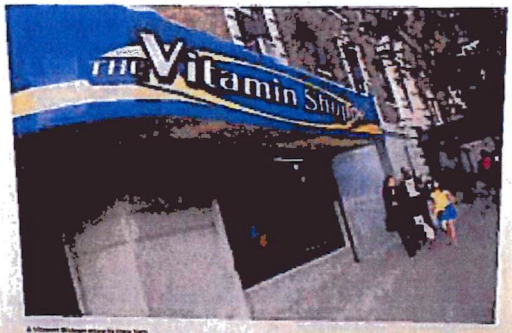
Vitamin Shoppe to sell edible CBD supplements as consumers clamor for cannabis compound

PUBLISHED WED, APR 17 2019 • 3:00 AM EDT

[redacted]

KEY POINTS

- There's now one stop for all your vitamins: including A, B and CBD.
- The Vitamin Shoppe is now started stocking its shelves with CBD soft gels.
- Vitamin Shoppe will add CBD drops later this month.
- CVS, Walgreens and Rite Aid all recently said they would carry CBD-infused products in some states.



A Vitamin Shoppe store in New York

[redacted]

54% 20:21
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CNBC

Walgreens to sell CBD products in 1,500 stores

Angelica LaVito | @angelicalavito

Published 6 Hours Ago Updated 1 Hour Ago

CNBC.com

- Walgreens will sell CBD creams, patches and sprays in nearly 1,500 stores in select states.
- Walgreens will sell the cannabis-based products in Oregon, Colorado, New Mexico, Kentucky, Tennessee, Vermont, South Carolina, Illinois and Indiana.
- Rival drugstore chain CVS introduced CBD-containing topicals,

Tourist Area's that are Family Friendly

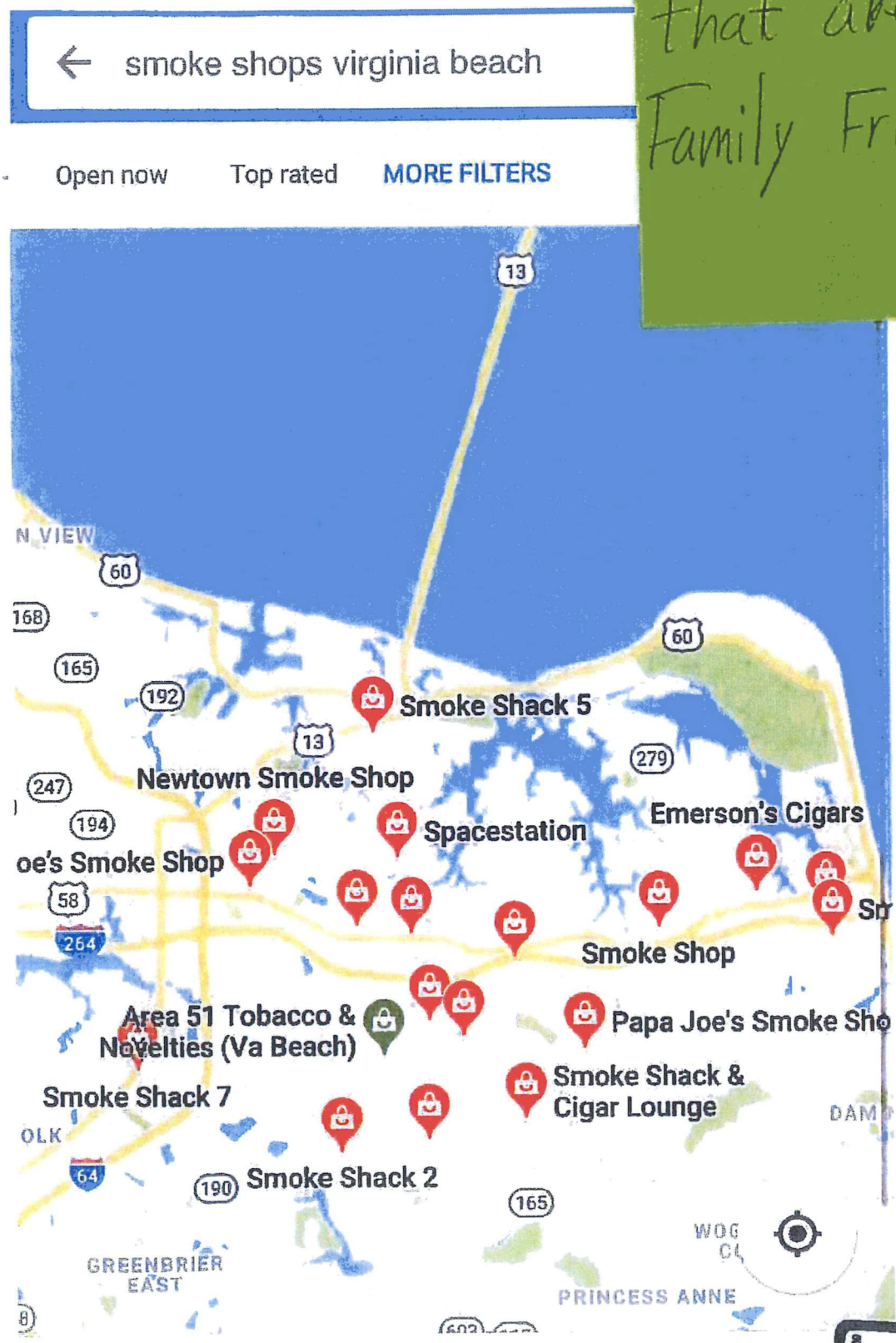
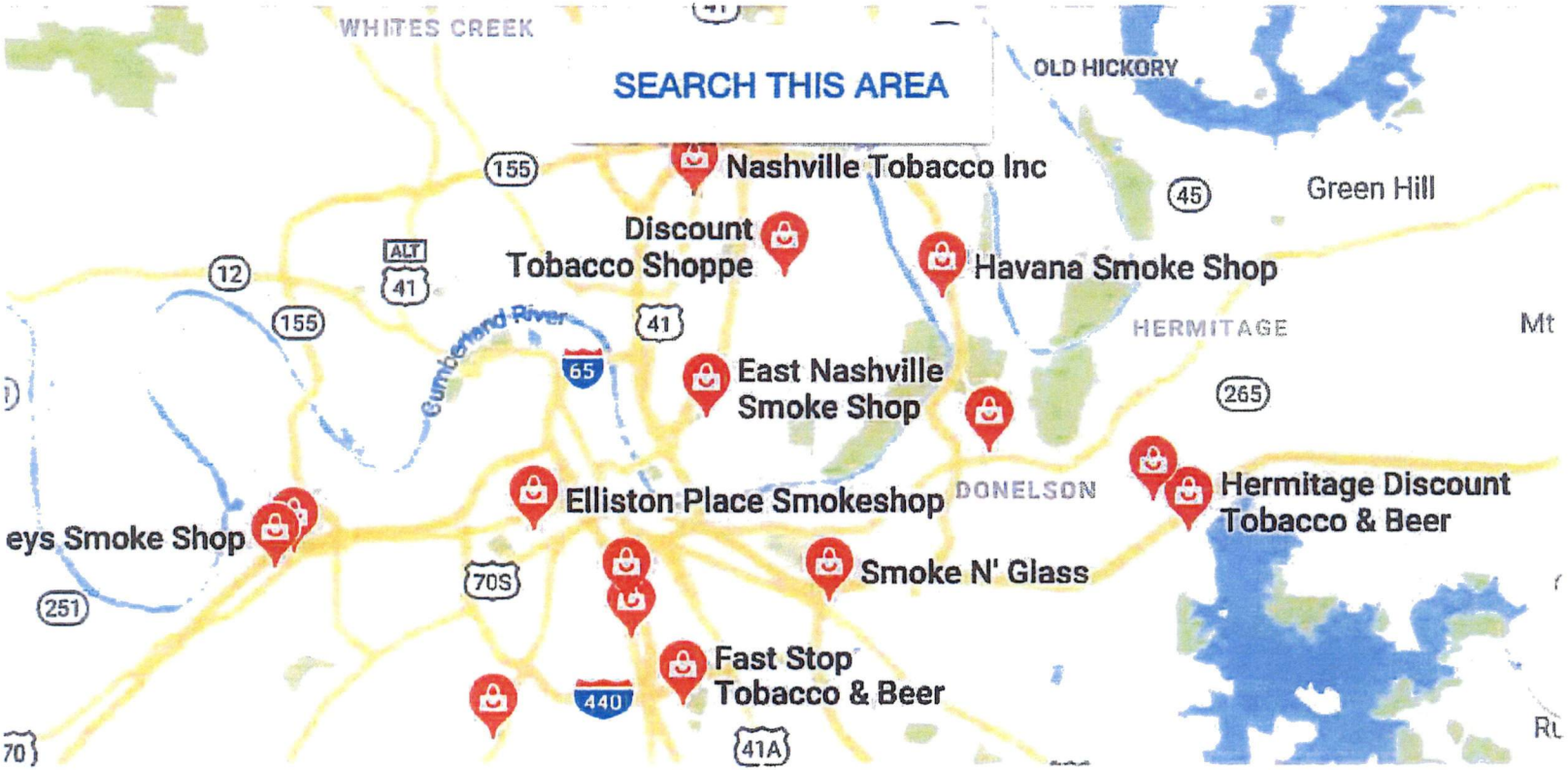
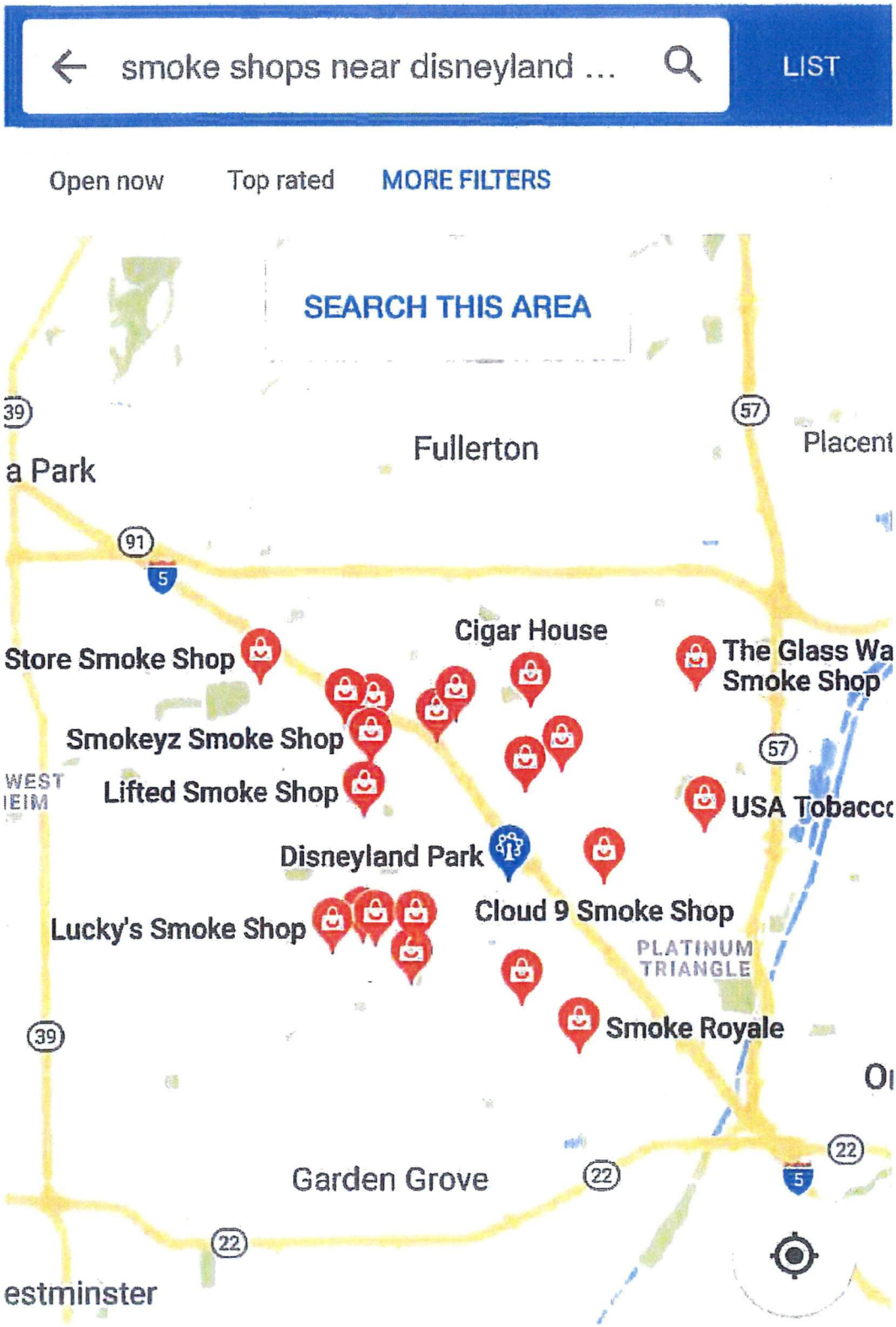


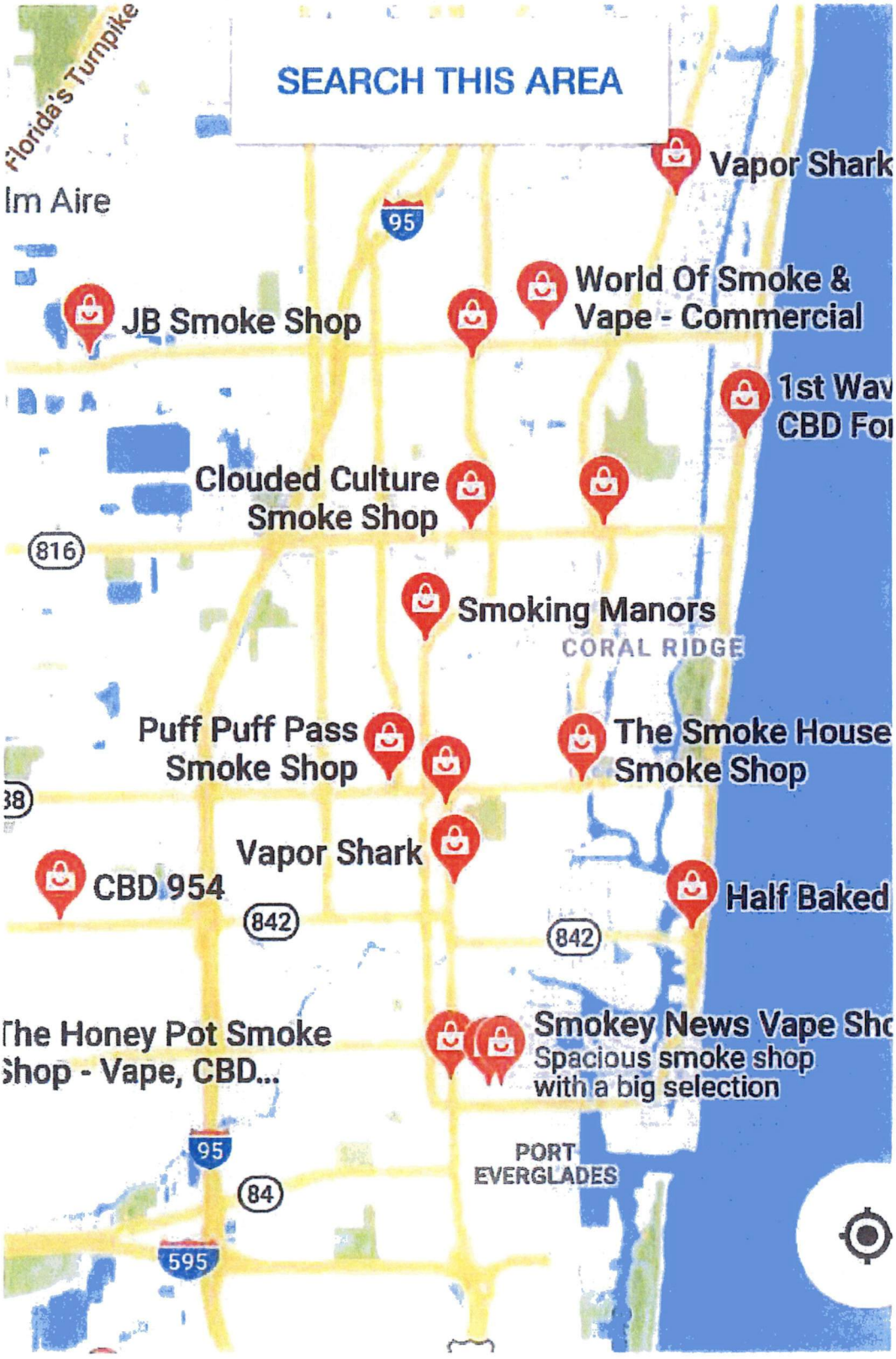
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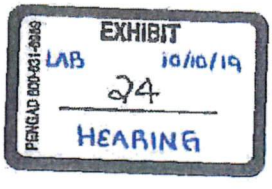

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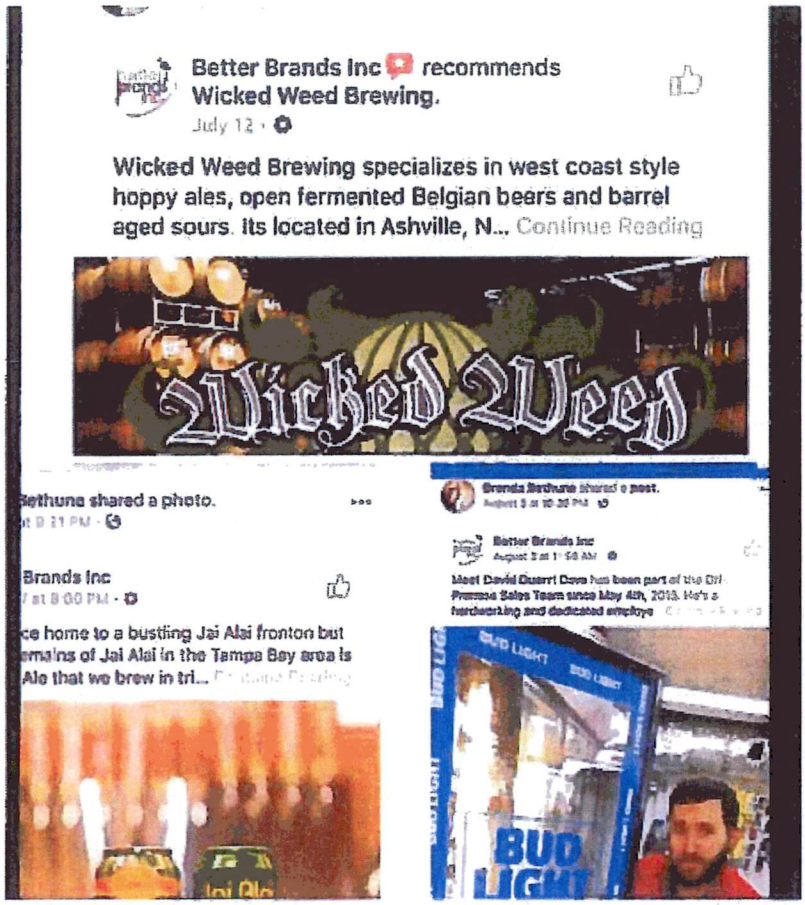

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CBD 954
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Half Baked
842
The Honey Pot Smoke Shop - Vape, CBD...
Smokey News Vape Sho
Spacious smoke shop with a big selection
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84
595
PORT EVERGLADES

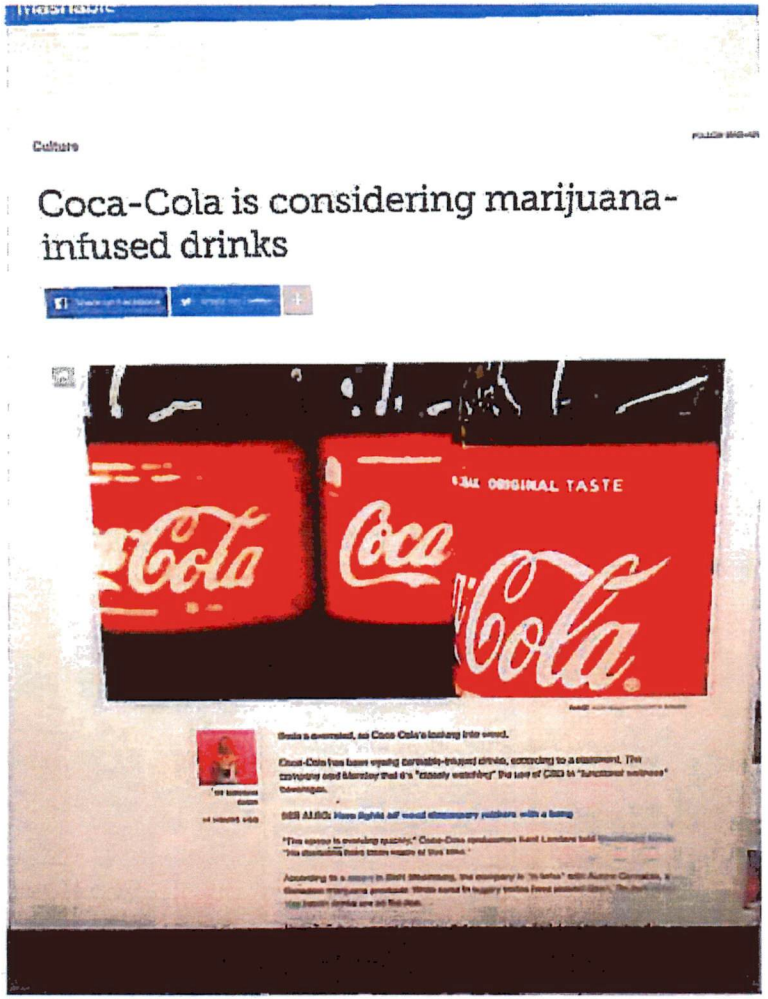

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Family Friendly Business






Better Brands Inc recommends
Wicked Weed Brewing.
July 12 ·
Wicked Weed Brewing specializes in west coast style hoppy ales, open fermented Belgian beers and barrel aged sours. Its located in Ashville, N... Continue Reading
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BUD LIGHT



Culture

Coca-Cola is considering marijuana-infused drinks

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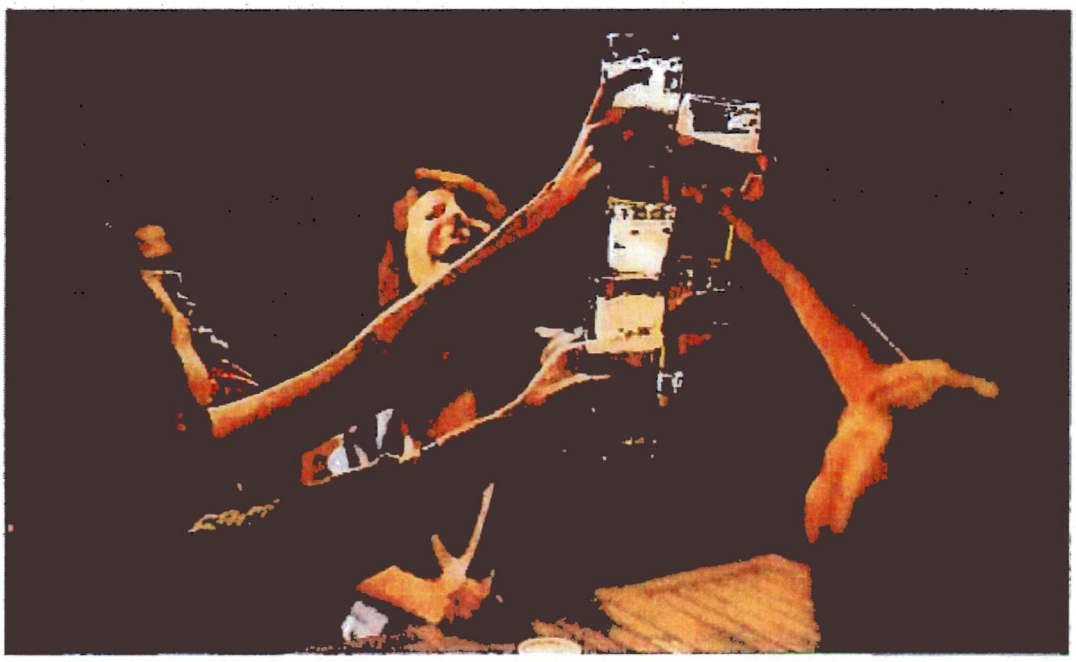
NEWS

Budweiser's Parent Company Enters $100 Million Deal with Cannabis Producer

AB InBev is the latest global beverage giant to invest in Canada's legal cannabis industry.



Published 18 hours ago on December 20, 2018
By **Adam Drury**



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On Wednesday, Belgium-based Anheuser-Busch InBev joined the rank[illegible] other beverage giants

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forbes.com

Forbes

1,323 views | Jan 20, 2019, 3:42 pm

Super Bowl LIII Will Feature CBD Coffee Ads In Stadium

Beth Kaiserman Contributor ⓘ

Food & Drink

I cover alternative wellness innovations, focusing on CBD and dairy.

Super Bowl LIII will feature Baristas EnrichaRoast CBD Coffee ads at the stadium, marking the first time CBD ads are shown at the Super Bowl.

The special set of ads will run throughout the day in and around the stadium before, during, and after the game promoting national brand Baristas Coffee Company's CBD coffee.



1 10 Best Coffees

523


The world's biggest beer company is looking at making cannabis drinks
CNN.com
26 mins ago

Coastal Green Wellness
21 hrs ·

The perfect option for children -Autism, Anxiety, ADHD 💚



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March 10
1:10 PM

Edit

Keeping it low-key cool with CBD brisket, charcoal steam buns, and avocado cake at the Hipster Cocktail Party for Charleston Wine + Food

Living the Hipster High Life

by Sam Spence
March 09, 2019

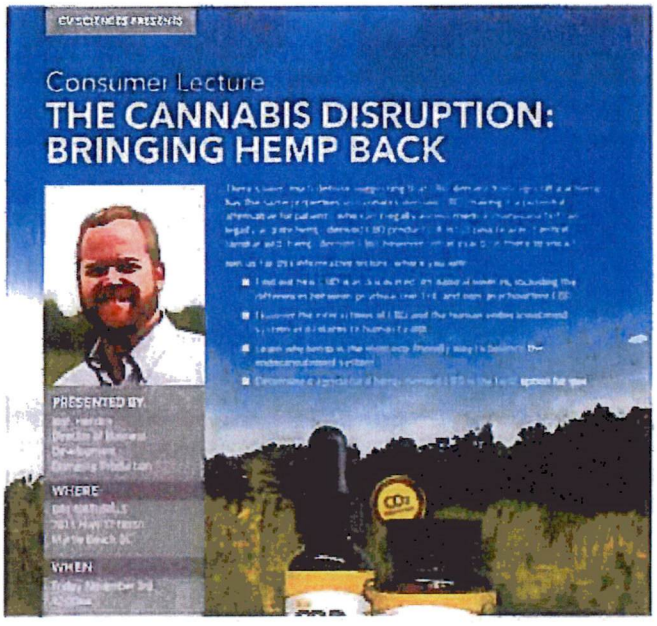
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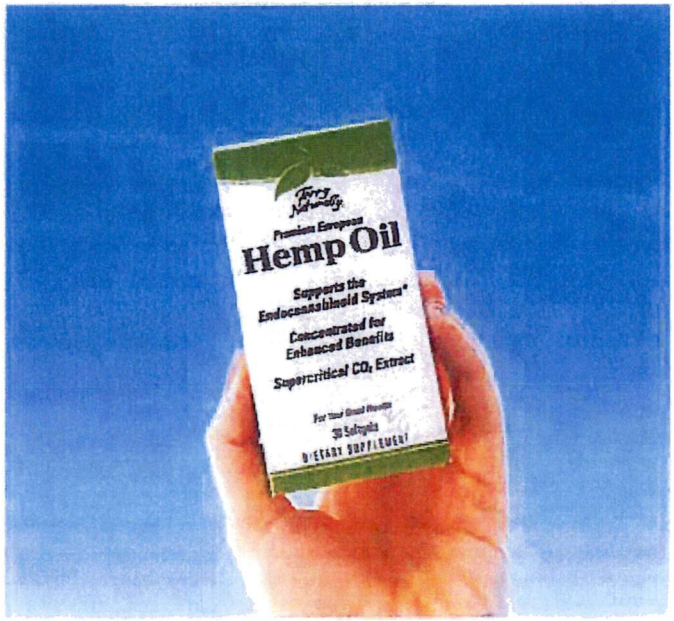
Bay Naturals Mayor Bethune step daughter work there when 17 years old.

RSVP for the FREE consumer lecture held FRIDAY NOV 3rd at NOON at Bay Naturals Myrtle Beach location! email info@bay-naturals.com



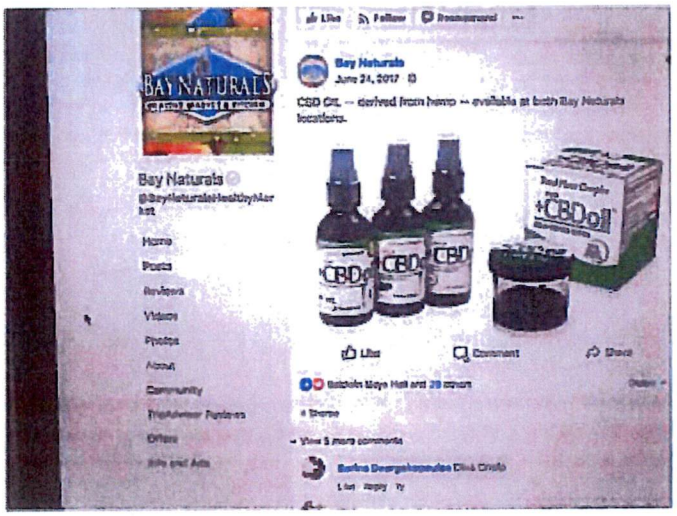
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Bay Naturals added an event.
October 21, 2017
There's been much debate suggesting that CBD derived from agricultural hemp has the same properties as cannabis-derived CBD, making it a potential alternative for patients who can't legally access medical marijuana but can legally acquire hemp-derived CBD products. A lot of people aren't entirely familiar with hemp-derived CBD, however. What exactly is there to know?
Join us for this informative lecture, where you will:
** Find out how CBD was discovered, its natural sources, ... See More
GOT PAIN?
Try all natural
CBD Oil HERE!
CBD Oil Educational Seminar - CBD: Legal, Safe, Effective
Mandie and 18 friends like this place

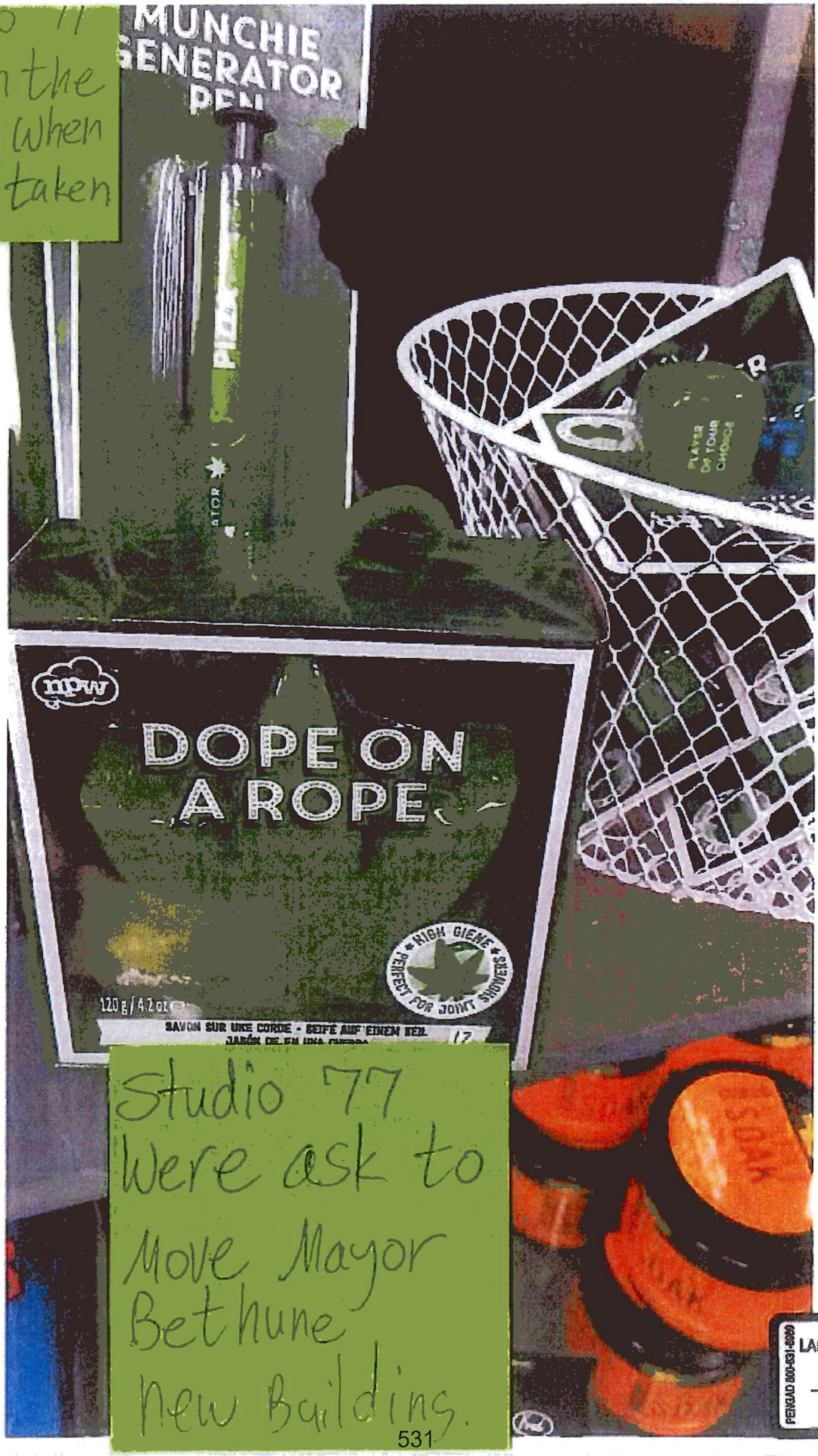


Terry Naturally April 19 at 4:36 PM ·

This #EarthDay, take a step back and appreciate the


BAY NATURALS
Bay Naturals
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Reviews
Videos
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June 24, 2017
CBD OIL -- derived from hemp -- available at both Bay Naturals locations.
+CBDoil
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Studio 77 kids in the store when pictures taken



Studio 77 Were ask to Move Mayor Bethune new Building.

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ELECTRONICALLY FILED - 2021 Mar 01 12:20 PM - HORRY - COMMON PLEAS - CASE#2020CP2600785

STATE OF SOUTH CAROLINA **COUNTY OF HORRY**	**IN THE COURT OF COMMON PLEAS** **FIFTEENTH JUDICIAL CIRCUIT** **C/A NO. 2020-CP-26-00785**
ANI CREATION, INC. d/b/a Rasta; ANI CREATION, INC. d/b/a Wacky T's; BLUE SMOKE, LLC d/b/a Doctor Vape; BLUE SMOKE, LLC d/b/a Blue Smoke Vape Shop; ABNME, LLC d/b/a Best for Less; KORETZKY, LLC d/b/a Grasshopper; RED HOT SHOPPE, INC.; E.T. SPORTSWEAR, INC. d/b/a Pacific Beachwear; MYRTLE BEACH GENERAL STORE, LLC; I AM IT, INC. d/b/a T-Shirt King; and BLUE BAY RETAIL, INC. d/b/a Surf's Up, Petitioners, vs. CITY OF MYRTLE BEACH BOARD OF ZONING APPEALS and KEN MAY, ZONING ADMININISTRATOR FOR CITY OF MYRTLE BEACH, Respondents.	NOTICE OF FILING EXHIBITS

The undersigned, as attorney for Petitioners, hereby notifies this Court, the parties above named, and their attorneys that they are filing the attached Exhibits in support of their Brief of Appellants filed September 10, 2020,

KELAHER, CONNELL & CONNOR, P.C.

s/Gene M. Connell, Jr.

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March 1, 2021
Surfside Beach, South Carolina.

May 2, 2017 - continued.
May 9, 2017 - presented for 1st reading

2017 - 23 (1st READING): AN ORDINANCE TO AMEND APPENDIX A, ZONING, BY ENACTING ARTICLE 18, SECTION 1806 TO ENACT AND ESTABLISH THE OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD), TO ESTABLISH A FAMILY FRIENDLY ENTERTAINMENT AND RETAIL LAND USE.

Staff/Purpose: Staff / to establish the Ocean Blvd., Entertainment Overlay District (OBEOD) & establish family friendly land uses w/in the overlay.

Brief:

- Families are the bedrock of all communities & the basis of a sustained tourist economy.
- The purpose of the district is to encourage mixed-use w/in the same structure or block &/or high intensity commercial development which provides a wide array of entertainment & retail options in a family friendly environment
- From 16th N to 6th S, Boardwalk/Ocean Boulevard to the back lot line of properties fronting Kings Highway.

Issues:

- The following retail business would be prohibited in the OBEOD district:
  - Merchandising/display of drug paraphernalia, smoking paraphernalia, & references/promotions of drugs
  - The retail merchandising/display of sexually oriented material
  - The retail merchandising/display of any weapons (real or simulated).
  - Providing space for a 'barker' for a business not located at the premises
- Each business in the overlay must maintain a working security camera system showing traffic in & out of the business & be connected to the City's police surveillance system.
- Nonconforming businesses will be allowed 12 months from passage of this ordinance to come into compliance, or by the business license renewal period, which ever is 1st.

Public Notification: Normal meeting notification

Alternatives:

- To amend ordinance
- To deny ordinance

Financial Impact: No impact.

Manager's Recommendation: I recommend 1st reading & refer to the Planning Commission for a Public Hearing (5/9/17).

City Council Strategic Initiatives: This ordinance supports Council's crime reduction, neighborhood enrichment, economic development and quality of life initiatives.

Attachment(s): Proposed ordinance.

ORDINANCE 2017-23

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND APPENDIX A, ZONING, BY ENACTING ARTICLE 18, SECTION 1806 TO ENACT AND ESTABLISH THE OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD), TO ESTABLISH A FAMILY FRIENDLY ENTERTAINMENT AND RETAIL LAND USE.

Purpose and intent.
The purpose of the Ocean Boulevard Entertainment Overlay District (OBEOD) is to establish a family friendly entertainment and retail land use, and encourage compatible land uses, ensure higher quality development and business uses and function in order to protect property values and provide safe and efficient pedestrian and automobile access. These criteria can encourage quality development and economic growth while continuing to provide for a wide range of economic development opportunities throughout the City for those uses which are incompatible with the OBEOD.

The boundaries of the OBEOD are as indicated in the attachment.

The OBEOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development, which provides a wide array of entertainment and retail options, without unfriendly environment promoting crudity, drug use and weapon availability. In the event of a conflict between the entitlements, regulations or standards established in the OBEOD, and the equivalent provisions in the underlying zoning districts, the provisions of the OBEOD shall govern.

Families are the center of all communities, the building blocks of our city and the basis of a sustained tourism economy. The Council wishes to see a "family lens" placed over all policies, strategies and initiatives undertaken and supported by the Council.

Family Friendly Criteria for Business Uses in Overlay zone

a. Definitions:

Barker a person who stands in front of a theater, sideshow, etc., and calls out to passersby to attract customers.

Business operator means any person who owns, leases, operates or manages or is employed by a business establishment.

Drug or tobacco paraphernalia means any equipment, product, or material of any kind which is designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or other smoking material, excluding sealed cigarette packages and e-cigarette components. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing

marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines, tobacco or tobacco related products into the human body, such as—

(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(2) water pipes;
(3) carburetion tubes and devices;
(4) smoking and carburetion masks;
(5) roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;
(6) miniature spoons with level capacities of one-tenth cubic centimeter or less;
(7) chamber pipes;
(8) carburetor pipes;
(9) electric pipes;
(10) air-driven pipes;
(11) chillums;
(12) bongs;
(13) ice pipes or chillers;
(14) wired cigarette papers; or
(15) cocaine freebase kits.
(16) rolling papers

Merchandise means, without limitation, any banner, button, clothing (including hats), figurine, game, greeting card, magnet, photograph, postcard, novelty item, poster, sculpture, souvenir, sticker, towel, apparel or similar item, whether or not the item is offered for sale.

Sexually oriented merchandise means any merchandise which graphically or by symbol or symbols depicts, describes, portrays, pictures by way of realistic, naturalistic or cartoonish representation human or animal sexual activities or specified anatomical parts. This shall include any depiction or description, by pictorial representation or language, of any sexual intercourse; masturbation; sadomasochistic abuse; sexual penetration with an inanimate object; sodomy; bestiality; uncovered genitals, buttocks, or female breast; defecation or urination; covered genitals in an obvious state of sexual stimulation or arousal; or the fondling or other erotic touching of genitals, the pubic region, buttocks or female breasts, or merchandise of that subject.

Weapon" means an any of the following, real or fake or facsimile thereof:

(1) Any configuration of a device capable of, or being made to, detonate, explode or release uncontained incendiary effect;
(2) Any weapon from which a projectile, electric charge or chemical substance may issue or discharged by created or stored energy;
(3) Any knife, sword, bladed or stabbing instrument
(4) Any billy, nightstick, club, blackjack or slapjack, and similar striking instruments;
(5) Nunchaku karate sticks, or other martial arts striking instruments;
(6) Shuriken or death star; spike gloves, or martial arts cutting, stabbing or penetrative instruments;
(7) Artificial knuckles made from metal, plastic, or other similar hard material;

b. The following retail business uses are prohibited in the OBEOD:

(1) The retail merchandising or display of drug paraphernalia and smoking paraphernalia, and merchandise referencing or promoting drugs or paraphernalia.
(2) The retail merchandising or display of sexually oriented material.
(3) The retail merchandising or display any weapons.
(4) Providing space for a "barker" for a business not located at the premises.

c. Each business in the OBEOD must maintain a working surveillance camera system capable of clearly showing the flow of traffic in and out of the business, and capable of interconnection with the City's surveillance camera system.

d. Existing nonconforming uses are amortized for a period of twelve (12) months from the date of second reading, or the renewal of an existing 2017 -2018 business license which ever shall occur first, and thereafter shall be discontinued. Only businesses that discontinue the incompatible retail uses and maintain a working surveillance camera system are subject to business license renewal.

This ordinance shall become effective upon adoption.

JOHN RHODES, MAYOR

ATTEST:

JOAN GROVE, CITY CLERK

1st Reading:
2nd Reading:

ORDINANCE 2017-23

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

ORDINANCE TO AMEND APPENDIX A, ZONING, BY ENACTING ARTICLE 18, SECTION 1806 TO ENACT AND ESTABLISH THE OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD), TO ESTABLISH A FAMILY FRIENDLY ENTERTAINMENT AND RETAIL LAND USE.

Section 1. Purpose and intent.

The City of Myrtle Beach finds that:

A. Without debate, the City's economic engine is tourism.
B. Sustaining tourism is essential to maintain our standard of living, the funding of our amenities for our citizens and for the preservation of property values.
C. Tourism is threatened by perceived unseemliness or unsafety in any particular area.
D. The perception of unseemliness or unsafety is, to large degree, a product of atmosphere.
E. The atmosphere of a location is comprised of many factors, one of which is whether a location is suitable and safe for children, and families.
F. One component of atmosphere for a location is the proliferation of retail offerings of businesses in that area, that are not family attractive.
G. Certain retail offerings create an atmosphere that is repulsive to mothers and fathers in the care of their children, in that retail outlets are promoting crudity and sexually explicit apparel, drug paraphernalia, and consumables that mimic and promote drug and substance consumption.
H. The purpose of the Ocean Boulevard Entertainment Overlay District (OBEOD) is to establish a family friendly entertainment and retail land use, and encourage compatible land uses, ensure higher quality development and business uses and function in order to protect property values and provide safe and efficient pedestrian and automobile access.
I. These retail restrictions and criteria can encourage quality development and economic growth while continuing to provide for a wide range of economic development opportunities throughout the City for those uses which are incompatible with the OBEOD.
J. The displacement of CBD consumables, smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of expanded retail offerings of CBD consumables, smoke shops and tobacco stores in the OBEOD.
K. The continued operation and expansion of these family adverse retail offerings in the overlay would result in undesirable impacts to the public economy of the overlay.
L. Among these impacts are increased potential for CBD consumables and tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses.
M. This overlay contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a

reasonable number of locations and zones for such shops/stores to locate within the city of Myrtle Beach.

N. The OBEOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development, which provides a wide array of entertainment and retail options, without the current family unfriendly environment promoting unhealthy tobacco use, crudity and the stigma of drug use and paraphernalia.

O. In the event of a conflict between the entitlements, regulations or standards established in the OBEOD, and the equivalent provisions in the underlying zoning districts, the provisions of the OBEOD shall govern.

P. Families are the center of all communities, the building blocks of our city and the basis of a sustained tourism economy. The Council is determined to see a "family friendly lens" placed over all policies, strategies and initiatives undertaken and supported by the Council.

Section 2. Boundaries.
The boundaries of the OBEOD are as indicated in the attachment.

Section 3. Definitions:
ALTERNATIVE NICOTINE PRODUCT. A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

ALTERNATIVE NICOTINE PRODUCT does not include cigarette, smokeless tobacco, other tobacco products, or any other product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

BARKER. A person who stands in front of a business, theater, sideshow, etc., and calls out to passersby to attract customers.

BUSINESS OPERATOR. Any person who owns, leases, operates or manages or is employed by a business establishment.

CANNABIS PRODUCT. A product originating from the species Cannabis Sativa L., excluding marijuana as defined by South Carolina law in 44-53-110 (27(a), and shall include all forms of Cannabis or low-THC Cannabis products (CBD) to be consumed or applied.

CANNABIS DISPENSING BUSINESS. A business offering for sale CBD, Cannabis or Derivative Cannabis Products.

CBD. Cannabidiol, a chemical compound from the species Cannabis Sativa L., of the family Cannabaceae.

E-CIGARETTE. Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

SMOKE OR SMOKING. The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted tobacco product in any manner or in any form and shall also include the inhaling, exhaling, burning or carrying any alternative nicotine product or vapor product as defined in this chapter.

SMOKE SHOP AND TOBACCO STORE. Any premises with more than an incidental display, sale, distribution, delivery, offering, furnishing, or marketing of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, single cigarette tobacco, tobacco products, or tobacco paraphernalia; provided however the incidental retail of commonly available packaged packs, cartons or boxes of cigarettes and cigars are not regulated herein. Incidental retail means accounting for less than ten (10) % of the retail offerings.

TOBACCO AND TOBACCO RELATED PRODUCTS. Items, including but not limited to cigarettes and any product containing, made, or derived from nicotine or tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO PARAPHERNALIA. Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in South Carolina Code of Laws 44-53-110 (33). et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia. It further includes items designed or manufactured and which may be used in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines, tobacco or tobacco related products into the human body, such as—

(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(2) water pipes;
(3) carburetion tubes and devices;
(4) smoking and carburetion masks;
(5) roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
(6) miniature spoons with level capacities of one-tenth cubic centimeter or less;
(7) chamber pipes;
(8) carburetor pipes;
(9) electric pipes;
(10) air-driven pipes;
(11) chillums;
(12) bongs;

(13) ice pipes or chillers;
(14) wired cigarette papers; or
(15) cocaine freebase kits.
(16) rolling papers

VAPOR PRODUCT. Any non-combustible product, which may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size that can be used to produce vapor from a solution or any other form. ***VAPOR PRODUCT*** includes any electronic cigarette, hookah, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe or similar product or device, as well as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. ***VAPOR PRODUCT*** does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

MERCHANDISE. Without limitation, any article, object, substance, compound, elixir, preparation, banner, button, clothing (including hats), figurine, game, greeting card, magnet, photograph, postcard, novelty item, poster, sculpture, souvenir, sticker, towel, apparel or similar item, whether or not the item is offered for sale.

SEXUALLY ORIENTED MERCHANDISE. Any merchandise which graphically or by symbol or symbols depicts, describes, portrays, pictures by way of realistic, naturalistic or cartoonish representation human or animal sexual activities or specified anatomical parts. This shall include any depiction or description, by pictorial representation or language, of any sexual intercourse; masturbation; sadomasochistic abuse; sexual penetration with an inanimate object; sodomy; bestiality; uncovered genitals, buttocks, or female breast; defecation or urination; covered genitals in an obvious state of sexual stimulation or arousal; or the fondling or other erotic touching of genitals, the pubic region, buttocks or female breasts, or merchandise of that subject.

Section 3. The following retail business uses are prohibited in the OBEOD:

A. Smoke shops and tobacco stores.
B. Retail merchandising or of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products.
C. Retail merchandising of tobacco or tobacco products of more than an incidental nature.
D. Retail merchandising or display of sexually oriented material, as defined herein. Any display of sexually oriented merchandise qualifies the retail operation as a sexually oriented business, which must be located in a permitted zone.
E. Providing space for a "barker" for a business not located at the premises.

Section 4. Amortization.
Retail stores offering space for the prohibited retail business uses that are operating on the effective date of the ordinance codified in this overlay are hereby declared immediately nonconforming as of the date of second reading, and shall be amortized as to the nonconformity, and must cease the nonconforming portion of their retail offerings no later than December 31, 2018.

Section 5. Business license impacts.

A. Only businesses that discontinue the incompatible retail uses are subject to business license renewal.
B. After the date of amortization, continued nonconforming shall result in business license suspension until conformity is achieved, or revocation of the business license.

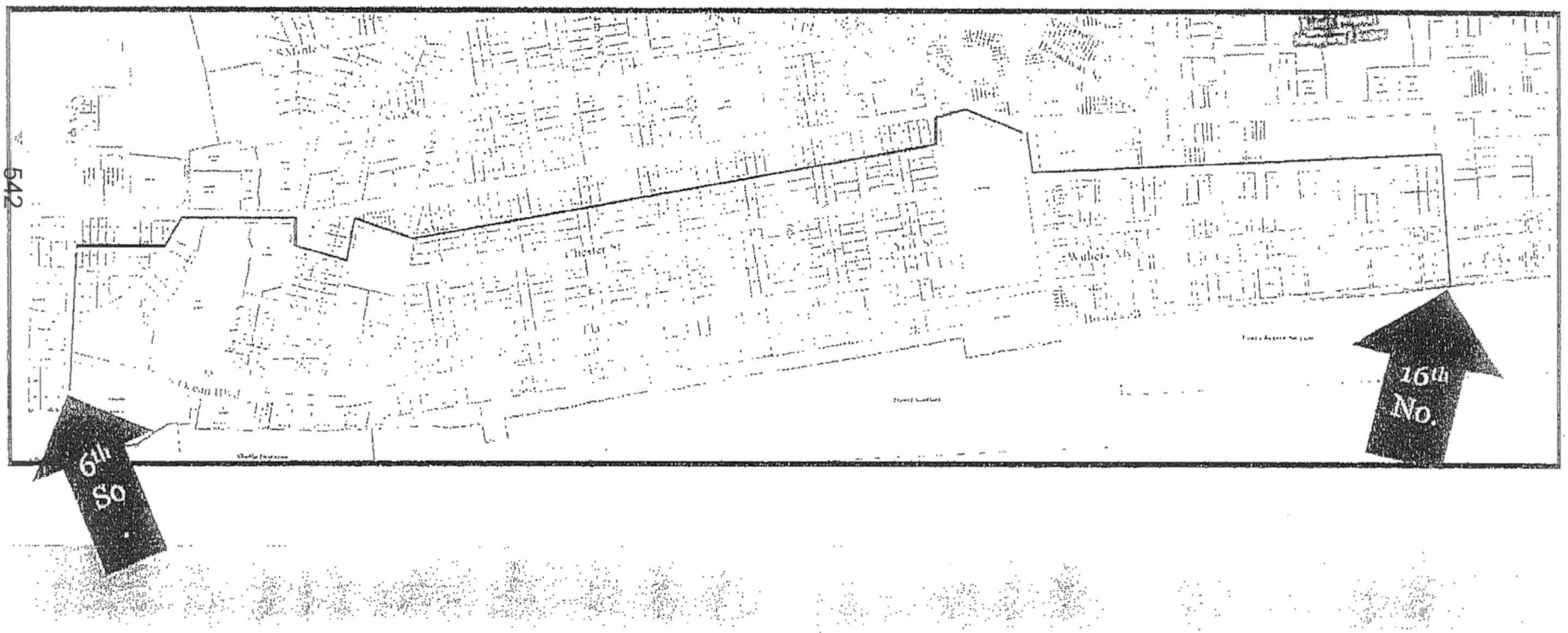
This ordinance shall become effective upon adoption.

Mayor Pro-Tem
BRENDA BETHUNE, MAYOR

ATTEST:
CITY CLERK

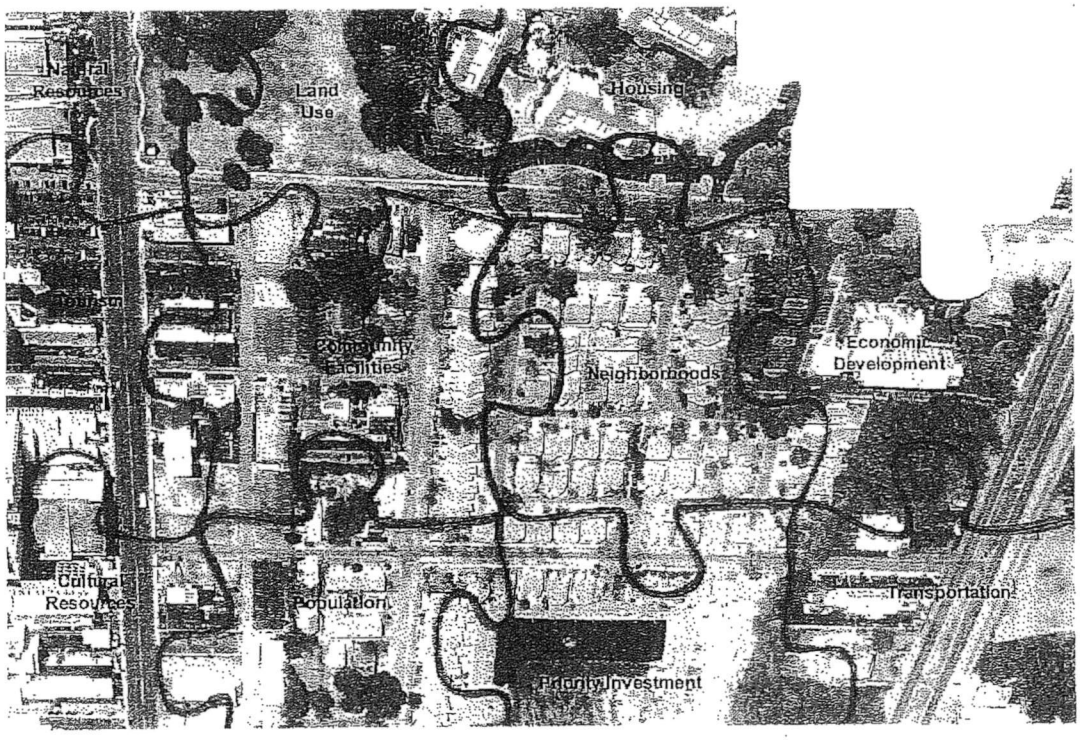
1st Reading: 5-9-2017
2nd Reading: 8-14-2018

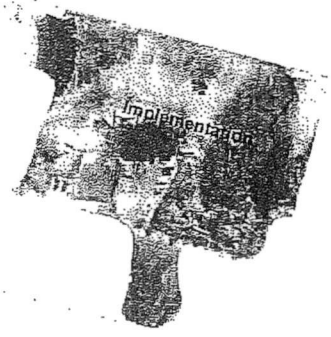
OBEOD Overlay



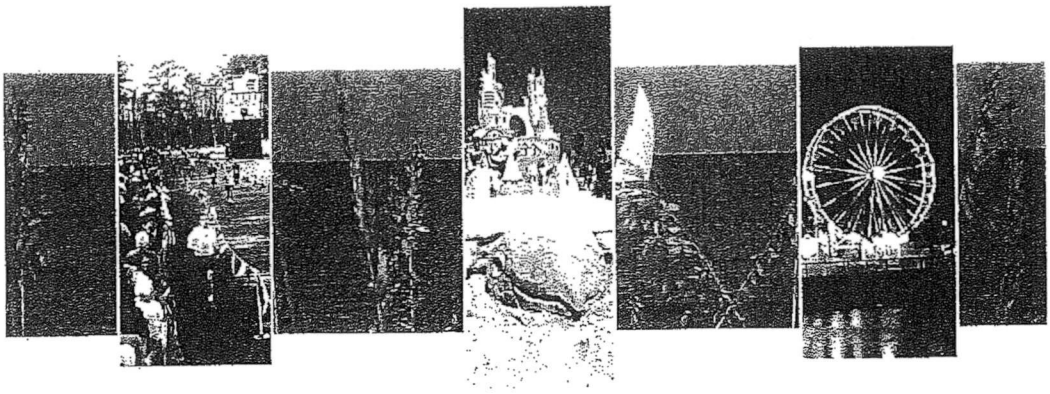
2011

City of Myrtle Beach Comprehensive Plan





Becoming a Sustainable City



Tourism Element

Tourism Background

Myrtle Beach has been a long-standing vacation destination since the late 19th century. The beginnings of the Myrtle Beach that exist today date to the late 1800s when in 1881 the Burroughs and Collins Company of Conway, SC, purchased much of the land that had once belonged to the Withers family. Because of its proximity to the Waccamaw River, Conway was the first settlement in Horry County to prosper. The community grew around the ship building industry, and eventually the timber industry. Toward the end of the 19th century, the Myrtle Beach Farms Company started acquiring property to the east of the Waccamaw River from the Withers family. The founders of Myrtle Beach Farms, Franklin G. Burroughs and Benjamin G. Collins, recognized the value in this vast wild property for expansion of their farming facilities. A secondary benefit was the beachfront, which they intended to use as recreational property for employees of Myrtle Beach Farms.

Myrtle Beach is known worldwide and the unsurpassed beauty of the beach and the mild climate will continue to attract tourists to the area year-round. The Myrtle Beach area, also known as the Grand Strand, is a 60-mile stretch of coastline from Little River on the SC - NC state line through Pawleys Island in Georgetown County. Myrtle Beach is less than 1,000 miles from 31 major cities in the US and Canada. Beautiful clean, white beaches and a wide variety of attractions, entertainment theaters, shopping centers, restaurants and golf courses draw visitors throughout the year. The average air temperature is 75°F and water temperature is 67°F.

Economically, as well as socially, tourism provides numerous positive benefits to the Myrtle Beach community. For a town of its size, Myrtle Beach has a higher than normal amount of diverse businesses and services available to residents as well as visitors. Taxes generated by visitor expenditures help contribute to City revenues. Visitor spending provides income for businesses and more job opportunities are available within the community.

Tourist visits vary considerably in their purpose, length of stay and economic impact. Some day-visitors drive through the Myrtle Beach area, stop and visit for a minimal time, if at all, and then drive on. Other day visitors spend several hours in the area, visit the beach and several area attractions, eat one or more meals and make additional retail purchases before leaving. However, the tourist who makes the greatest economic impact is the destination tourist who stays in the Myrtle Beach area for one or more nights, eats several meals in the area and makes more and larger retail purchases than the day-visitors. The Myrtle Beach Area Chamber of Commerce, recognizing the disparate impact of the destination tourist, aims most of its marketing and promotional efforts at destination visitors.

Considered one of the nation's top vacation destinations, the area hosted an estimated 15.2 million visitors in 2009 - *Appendix D: Figure 1 Number of Visitors to the Myrtle Beach/Grand Strand Area.* This is an increase of 2.3 million visitors since the *Comprehensive Plan* rewrite in 1999. A statistically sound process of data collection and analysis is used to estimate the number of annual visitors. Estimates have been provided by D.K. Shifflet and Associates, Ltd. Visitor count estimates include day trippers and overnight visitors, both in paid and unpaid accommodations. Independent research by the Myrtle Beach Area Chamber of Commerce has been used to evaluate D.K. Shifflet's estimate of visitors staying in paid accommodations, including local occupancy rates as published by various sources. The research staff at the Chamber also used growth in lodging tax collections as

well as relevant data (average length of stay, average number of travelers in traveling party, etc.) from in-market surveys to gauge the accuracy of D.K. Shifflet's study (Myrtle Beach Area Chamber of Commerce, 2009).

A study prepared for the SC Department of Parks, Recreation and Tourism, *The Economic Impact of Travel on South Carolina Counties 2007* (Travel Industry Association, July 2008) has shown that domestic (US) travelers directly spent more than $9.7 billion on transportation, lodging, food, entertainment/recreation and incidentals in SC during 2007, up almost seven percent from 2006 - *Appendix D: Figure 2 Domestic Travel Expenditures in SC by Industry in 2007.* Domestic travel has been defined as activities associated with all overnight and day trips to places 50 miles away or more, one way, from the traveler's home and any overnight trips away from home in paid accommodations.

Travel-generated payroll is the wage and salary income paid to employees directly serving the traveler - *Appendix D: Figure 3 Percentage of Domestic Travel-Generated Payroll in SC by Industry in 2007.* Domestic travel-generated employees in SC earned nearly $2 billion in payroll income in 2007. This represented a six percent increase from 2006. On average, every dollar spent by domestic travelers produced 20.5 cents in wage and salary income for SC residents in 2007.

On average, every $84,225.00 spent by domestic travelers in SC during 2007 generated one job. Domestic travel expenditures in SC directly generated 115,200 jobs in 2007, an increase of almost three percent over 2006. These jobs generated by domestic travel spending in SC composed almost six percent of the total state non-agricultural employment in 2007.

In 2007, total tax revenue generated by domestic traveler spending in SC reached nearly $1.5 billion, up nine percent from 2006. On average, each travel dollar spent by domestic travelers in SC produced nearly 15.2 cents in tax receipts for Federal, State and local governments that rely on these funds to support infrastructure and public programs. In 2007 the Federal government share was $593.6 million and the State received $547.5 million (State sales and excise tax and taxes on personal and corporate income). Sales and property tax revenue in the amount of $331.2 million was generated for local governments.

Horry County which includes Myrtle Beach, received nearly $3.1 billion in domestic travel expenditures to lead all of SC's 46 counties. Charleston County ranked second with $1.6 billion, followed by Beaufort County with more than $1 billion.

At least 79,974 international travelers, excluding Canadians and Mexicans, reported SC as their first or primary destination on their trip to the US according to the *US Immigration and Naturalization Service form I-94 data* (ITA Office of Travel and Tourism, 2008). *The Statistical Abstract for the Myrtle Beach Area of South Carolina - 18th Edition* (Myrtle Beach Area Chamber of Commerce 2007) indicated in 2005 the largest number of overseas visitors were from Germany and England. The annual Canadian visitation is 852,400 with Ontario having 69 percent as their primary origin and Quebec having 24 percent in second place. Vacationers account for 78 percent of these visitors. Approximately 58 percent of the Canadian visitors that come to SC spend the night.

According to the Chamber's 2007 conversion study conducted of visitors to the Grand Strand 18 percent of our visitors came from NC. Another 35 percent traveled from NY, PA, OH and VA. The top ten visitor inquiries at the Chamber in 2007 were from NY, OH, PA, NC, VA, GA, TN, KY, MD and NJ.

The Chamber's website recorded 2,962,298 visits and 16,588,121 page views in 2008. The Chamber reports that visitor inquiries have consistently been from OH, PA, NC, NY and VA. In 2008, the Chamber received over 17,000 inquiries from foreign countries with more than 95 percent of those inquiries coming from Canada. Inquiries also came from Japan, France, Germany and England.

Visitor phone inquiries at the Chamber totaled 83,672 in 2008. Over 92,950 walk-in visitors were served at the Chamber's three locations. Internet requests totaled 228,205 for *The Official Myrtle Beach Area Vacation Guide.*

The Myrtle Beach International Airport, a full service facility, is located approximately one mile from the oceanfront and serves as the only commercial airport for Horry County. The airport is currently redeveloping and expanding. A new general aviation complex completed in 2009 includes a passenger and pilot lounge, snack bar, conference

room and a state-of-the-art business center. The existing commercial terminal facilities are undergoing renovations in order to better meet the future needs of the airport. Arrival and departure numbers have continued to fluctuate for the past eight years - *Appendix D: Figure 4 Arrival and Departure Data for Myrtle Beach International Airport 2000-2008.*

Above 62 percent of the visiting population has some college, an associate or a college degree. Approximately 94 percent of visitors were under the age of 65 - *Appendix D: Table 1 2008 Grand Strand Visitor Information.* The Grand Strand attracts middle to high income travelers. The area continues to attract adults traveling with children. The average traveling party size with children was four. Visitors tend to stay five days for leisure travel and three days for the business traveler. Visitors traveling for leisure to the Grand Strand spend an average of $115 per day, and group business travelers average $194 per person per day. Eighty-six percent of visitors typically use their own cars as their primary transportation. Most Grand Strand visitors 59 percent stayed in hotels, while 25 percent stayed in condos or villas (*Myrtle Beach Area Chamber of Commerce In-Market Visitor Profile Study*, 2008)

Tourism generates and supports businesses such as restaurants, golf courses, entertainment theaters, specialty shops, outlet malls, and recreational facilities that can be enjoyed by residents as well as visitors, thus enhancing the quality of life. There is no one who lives or works in Myrtle Beach that does not benefit from tourism spending. The consequences of tourism spending are felt by all. When tourists go to a restaurant their direct spending goes to restaurant owners, personnel, food and beverage suppliers, linen service, utilities, rent, telephone, and other operating expenses. Indirectly, their spending filters from those sources to other sources throughout the Grand Strand. For example, each of the restaurant employees buys groceries, pays rent or makes mortgage payments, buys clothing and other personal items, puts money in local banks, buys insurance, visits doctors/dentists, pays taxes, and the list goes on and on.

The Clay Brittain Jr. Center for Resort Tourism at Coastal Carolina University reports there are approximately 89,000 bedrooms available for rent along the Grand Strand. This number has doubled since the *Comprehensive Plan* rewrite in 1999 - *Appendix D: Figure 5 Types of Accommodations – Grand Strand.*

The average daily rate for hotel rooms in the Myrtle Beach area has been an average of $126.81 for the past three years - *Appendix D: Table 4 SC Coastal Tourism Economic Indicators*. The occupancy rates in the Myrtle Beach area had been on a downward slide since 2006 with Charleston and Hilton Head Island reporting larger declines. However, according to the Clay Brittain Jr. Center for Resort Tourism, during the month of July 2009 the occupancy rates have slowly been increasing in Myrtle Beach. Admissions tax collections for golf, driving range and tennis have also seen a decline with other attractions increasing.

The occupancy rates for the summer months on a national and regional level have also declined during the past three years with the largest decline in 2008 while food, beverage and gasoline sales have increased - *Appendix D: Table 5 National and Regional Economic Indicators.*

Visitors pay sales tax and other special taxes such as admissions, accommodations, and hospitality on rooms and entertainment venues. *Appendix D: Table 2 SC 2% Accommodations Tax Collection* reflects the SC two percent accommodations tax revenue collections from hotels, motels, condos and vacation rentals. In the first quarter for fiscal year 2008-2009 Myrtle Beach collected $4,147,947.82 in accommodation taxes and received $3,357,935.08 in distribution from the SC Department of Revenue (*South Carolina 2% Accommodations Tax Revenue Distribution Q1 FY 2008-09 Report*).

Visitors pay a five percent entertainment/recreation admissions tax to the State. Admissions tax collections in Horry County during fiscal year 2005-2006 was $9,258,535, fiscal year 2006-2007 was $9,422,331 and fiscal year 2007-2008 was $9,905,591. *Appendix D: Table 3 SC 5% Entertainment/Recreation Admissions Tax Collections* reflects the admissions tax collections during the peak summer months.

According to the Travel Industry Association the most impressive contribution that travel and tourism makes to the SC economy is the number of businesses and jobs it supports. These jobs include a large number of executive and managerial positions, as well as service-oriented jobs. Restaurants and other eating and drinking places provided more jobs than any other industry sector. In 2005, the SC Employment Security Commission reported

that 68 percent employment in Horry County is tourism related (*The Sun News, May 14, 2009*). Coastal Carolina University has reported that seven of every ten locals work at tourism-related businesses along the Grand Strand (*The Sun News, May 16, 2009*).

Almost 12,000 people have joined the labor force in Horry County since 2006 - *Appendix D: Table 6 Number of People in the Labor Force and the Unemployment Rate*. The figures represent a yearly total for 2006, 2007 and 2008. In April 2009, there were 133,195 people in the labor force in Horry County with an 11 percent unemployment rate which are the latest figures for 2009 released by the SC Employment Security Commission.

The tourism industry is very labor intensive and requires a large number of employees. This industry creates jobs not only for the Grand Strand but the surrounding counties as well. Work is mainly in the support industries, services and retail trade. The Grand Strand's tourism industry offers employment opportunities not only to skilled workers, but also to large numbers of unskilled and semi-skilled workers, who might otherwise have to seek public assistance. A number of these jobs do not generate high levels of income but there are some important benefits associated with them:

- Tourism is a substantial source of employment and an economic boost not only for the local economy but Horry County and SC.
- There are some jobs with advancement potential such as in the areas of recreation, amusement, hotel/motel/restaurant management, and cultural services.
- The youth of this community clearly benefit from the tourism industry. When they are seeking part-time and summer employment, jobs in the tourism industry provide them an opportunity to work in their home community. Summer employment or part-time jobs often teach these young people very valuable work skills, provide future job contacts, and help them develop to support the tourism industry.
- With the growing number of retirees moving into this area, the tourism industry provides full-time and part-time jobs for persons desiring to supplement their retirement income. In addition, these jobs provide retirees an opportunity to stay active and continue to make a contribution to the community.

The tourism industry provides other benefits such as new people, new skills, and new industries in our community. This makes the Grand Strand not only a better place to live and work, but also attracts additional business and employment opportunities to support the tourism industry.

The tourism industry in the city has a dramatic impact on the remainder of the Grand Strand and vice versa. Planning for tourism cannot take place in a vacuum. The jobs that tourism creates, the taxes brought in, and the other benefits are not without their costs. It is critical that the local community identifies all of the facilities provided and services performed by local government and consider how they are affected by the tourism industry.

Tourism Findings

Tourism Planning

Tourism is big business in the US, in the world, in the state, and along the Grand Strand. According to the *South Carolina Tourism Action Plan* (October 2006) tourism and travel is now one of the world's largest industries and the world's largest service industry, growing at an average annual rate of nearly five percent worldwide. Tourism currently contributes $10.9 billion a year to gross state product and employs 216,000 people.

The United Nations World Tourism Organization defines sustainable tourism as tourism that meets the needs of present tourists and host regions while protecting and enhancing opportunity for the future. Sustainable tourism is an industry committed to making a low impact on the environment and local culture, while helping to generate income and employment for local people. The aim of sustainable tourism is to ensure that development is a positive experience for local people; tourism companies; and visitors themselves. Tourism must be sustainable if it is to be a successful part of the Grand Strand's economy. It must be properly planned and managed to ensure a continued high quality experience for the visitors to this area and the residents that reside in this community.

The objective of sustainable tourism is to retain the economic and social advantages of tourism development while reducing or mitigating any undesirable impacts on the natural, historic, cultural or social environment. This is achieved by balancing the needs of visitors with those of the community.

Without proper planning and controls, the Myrtle Beach Planning Area will suffer from an increased tax burden, pollution, congestion, litter, poor water quality, higher prices, and the loss of sense of community. With careful development, tourism costs communities less than any other form of economic development.

Using a tourism planning process to guide the development of the tourism industry improves the Grand Strand's ability to adapt to the unexpected, create the desirable and avoid the undesirable.

Planning for tourism also promotes the opportunity for improving the total community rather than improving one part of the community at the expense of another. Tourism should and must be a total community effort.

The impacts of tourism can be grouped into three categories. Direct impacts are those that arise from the initial tourism spending, such as money spent at a restaurant. The restaurant in turn then buys goods and services from other businesses, thereby generating indirect impacts. Restaurant employees spend part of their wages to buy various goods and services, thereby generating induced impacts. If the restaurant purchases the goods and services from outside the region, the money provides no indirect impact to the region and simply leaks away.

The City must continue its role in providing opportunities for input from all facets of the community, Horry County, and SC in planning for tourism in this area. Collaborative efforts will help to ensure that the needs of the visitor as well as the permanent resident are met and the industry will continue to thrive in a sustainable community.

Cultural Tourism

The nonprofit arts and cultural tourism industry in the US generates $166.2 billion in economic activity each year - $63.1 billion in spending by organizations and an additional $103.1 billion in event-related spending by audiences. According to a study, *Arts and Economic Prosperity III* (Americans for the Arts 2006) the national impact of this activity is significant, supporting 5.7 million jobs and generating $29.6 billion in government revenue - *Appendix D Figure 6: Growth of the Nonprofit Arts and Cultural Tourism Industry* 1992 - 2005.

Arts and cultural organizations are valuable contributors to the business community. They are employers, producers, consumers and key promoters of their cities and regions. Cultural tourism, unlike many industries, leverages a significant amount of event-related spending by its audiences. Attendance at arts events generates related commerce for local businesses such as restaurants, parking garages, hotels and retail stores. Nonlocal attendees spend twice as much as local attendees ($40.19 versus $19.53), demonstrating that when a community attracts cultural tourists, it harnesses significant economic rewards (Americans for the Arts 2006).

Congressional Arts Caucus Co-Chair and US House of Representatives member Louise M. Slaughter from NY has said that "Across America, cities that once struggled economically are reinventing and rebuilding themselves by investing in art and culture – a proven catalyst for growth and economic prosperity. By creating cultural hubs, nonprofit arts businesses help cities define themselves, draw tourists and attract investment" (Americans for the Arts 2006).

Sports Tourism

Sports tourism has become one of the hottest businesses in sports. It is already one of the fastest growing travel and tourism industries with an estimated value in 2003 as high as $51 billion. It encompasses both fans traveling to watch sport competitions and people participating in sports. Many cities around the world are increasingly reliant on the visiting golfer or the traveling football or baseball supporter. The sport tourist is at the heart of the strategies that spend tens of millions of dollars attracting national and international events. These flagship events help to build new facilities and infrastructure according to *The Business of Sport Tourism Report* (Biddiscombe 2004). The Myrtle Beach community has already benefited from sports tourism events which helped to renovate Doug Shaw Stadium and build the Grand Park softball complex into state of the art sports facilities for amateur and professional sporting events. BB&T Coastal Field is the new home for the Texas Rangers professional baseball farm team and also hosts many amateur and college sporting events. Biddiscombe reports that sports tourists are passionate, high-spending, enjoy new sporting experiences and often stimulate other tourism. The

direct benefit of the sports tourist to a destination is cash and their indirect benefit can be years of follow-on tourists.

Ecotourism

The Nature Conservancy and the World Conservation Union (2009) define ecotourism as "environmentally responsible travel to natural areas, in order to enjoy and appreciate nature (and accompanying cultural features, both past and present) that promote conservation, have a low visitor impact and provide for beneficially active socio-economic involvement of local peoples."

Ecotourism can provide much needed revenues for the protection of parks and other natural areas, revenues that might not be available from other sources. Ecotourism also helps to educate travelers, making them more enthusiastic and effective agents of conservation.

Ecotourism plays a particularly important role because it can create jobs in areas that historically have benefited less from economic development programs. This economic impact can increase political and financial support for conservation. Protected areas and nature conservation generally, provide many benefits to society, including preservation of biodiversity, maintenance of watersheds, and so on. Unfortunately, many of these benefits are intangible. However, the benefits associated with recreation and tourism in protected areas tend to be tangible. For example, kayakers in waterways or bicyclists cycling down the East Coast Greenway spend money on lodging, food, and other goods and services, thereby providing employment for local and non-local residents. These positive economic impacts can lead to increased support for the protected areas with which they are associated. This is one reason why ecotourism has been embraced as a means for enhancing conservation of natural resources.

Impact of Visitor Behavior

There are numerous factors that affect travel by consumers. According to the University of Missouri's Department of Recreation and Park Administration the reasons for travel, activities enjoyed during travel, a person's general interests and opinions about travel, and a person's values all affect tourism for that individual.

Myrtle Beach has a long history of being a community that attracts many different kinds of visitors including large groups of visitors attracted to events taking place in the community. Over the years residents and visitors alike have expressed some concern over the noise and behavior of certain groups visiting the area.

The city has taken a strong stand against undesirable visitor behavior. Visitors are welcomed to the area but are requested to abide by the laws and respect the privacy of local residents and visitors to our community.

Tourism Committee

Myrtle Beach is one of the top vacation destinations in the country. The city has experienced unprecedented growth in the last twenty years and continues to grow by leaps and bounds. With this in mind the city has realized that it needs a strategy both to capture its share of regional development activity and to ensure that the continued growth it captures respects the city's historical heritage and contributes to the betterment of the community.

The overwhelming increase in tourism-related activity in the city over the past twenty years has pushed the alarm button of local residents concerned with maintaining the quality of life in our city.

The Myrtle Beach City Council established a permanent Tourism Committee on October 10, 1995. The Committee serves in an advisory capacity to City Council through the City Manager, and provides input to the Planning Commission on appropriate elements of the *Comprehensive Plan*. The Committee's mission is to plan for tourism creating a great place for visitors, balancing tourism with residents' needs, minimizing adverse environmental impacts, and maximizing economic benefits to the community.

The Tourism Committee began its rewrite of the tourism element of the *Comprehensive Plan* in February 2008. To accomplish this task the Committee reached out into the community for input from professionals, business

owners, and residents. Panel discussions were organized for the Tourism Committee's monthly meetings with representatives from hotels, restaurants, economic development, Myrtle Beach Area Chamber of Commerce, Myrtle Beach Area Hospitality Association, banks, real estate, public schools, Coastal Carolina University and Horry-Georgetown Technical College and the golf industry. Panel members were asked to discuss the following three questions:

- What are the existing conditions of tourism development, city image, transportation and labor as they relate to tourism?
- What are the key tourism issues for the next ten years?
- What is the vision for the tourism industry for the next 10-20 years?

In April 2008 the Committee hosted a panel of representatives from the hotel and restaurant industry. This panel talked about the need to overcome the negative perceptions about Myrtle Beach. The city's image was important in 1999 during the last visioning and comprehensive planning process and many issues have still not been addressed. Building awareness about what Myrtle Beach is and has to offer through increased marketing will go a long way in bringing more visitors to our area. Myrtle Beach was once the destination of choice but we are now competing with Virginia Beach, Nags Head, Outer Banks, etc. Without expanded marketing programs visitation will be flat.

Providing a good experience for the visitor starts when they leave home and when they return to their homes. A regional and local wayfinding signage program could help make the driving commute easier and more interesting. Mass transit is also needed and expected by the visitors to the area. Unique transportation alternatives once they arrive will encourage more visitation to the area and reduce the traffic congestion on the roadways.

Labor affects the quality of service. The area has had to become reliant on foreign labor to fill positions in the hospitality industry. An assessment of the worker's needs is in order. Affordable housing, day care, and alternative modes of transportation for our labor force needs addressing.

In June 2008 the economic development panel discussion focused on the need to attract more people to the area who tend to spend more money. Business travelers reportedly spend $180 per day versus $115 per day by the leisure visitor. The panel emphasized the need to place more time and effort into growing the potential for corporate/business travel for industry such as AVX or Blue Cross Blue Shield. Traffic at the General Aviation Terminal in Myrtle Beach could be an indicator of the percentage of corporate/business travelers to the area. The business community needs to move beyond the perception that Myrtle Beach is just a tourism destination. There is a need to attract regional and national conventions as well as establishing an institutional presence here for agencies such as AAA and AARP. Myrtle Beach's capacity to host a variety of visitors is significantly larger than cities even twice our size. Expanding the tourism season with a diversity of attractions, entertainment, convention business, etc. will help to improve the economy throughout the area.

Business incubators are seen as a way to start new businesses that would support the tourism industry. To be a truly sustainable community the area should focus on businesses that would make the area self sufficient. Local farming, fishing, linen and uniform laundering, motor coach servicing are just a few of the businesses that could be encouraged to provide services and products to support the local tourism industry. *Please note information on diversifying the local economy can be found in the economic development element of this Comprehensive Plan.*

The tourism industry improves the quality of life for the residents that live here. Many amenities available to tourists make the area attractive to the corporate community that may be considering a move to the area. However, there are some hindrances to the recruitment of corporate executives to the area. Cultural amenities found in larger cities are lacking in the area as well as a well educated and trained labor force. Alternative modes of transportation to transport visitors, residents and workers need improvement and investment. Empty buildings, vacant lots, and unkempt properties along the Kings Highway corridor give the impression that Myrtle Beach is going out of business. The uncertainty of undeveloped property by major landowners is a problem for a community in terms of planning. The community needs to invest in itself to be an attractive place for visitors, residents, and outside industry looking to locate in this area.

During the month of August 2008 the Tourism Committee met with representatives from the banking industry. They expressed a need for economic diversity because the banking community cannot afford to tie up all of their

money in one concentrated area, for example: condos, high-rise hotels and golf courses. They believe economic diversity will help to keep the community economically viable. Hindrances to recruiting executives to the area was also discussed including the need for direct flights, parochial schools, better and expanded educational facilities, and cultural arts.

This panel included in their discussion the need to broaden the 100 days visitors come to the area with expanding our entertainment and attraction options. December was cited as the month for the shopping experience and the community already has everything in place to support this experience and help to grow the season.

With the continuing increase in gasoline prices and unpredictability of what is happening with gas prices the panel supports expanding our mass transit options. The members cited Cancun as a good example of getting workers, residents and visitors from one end of the beach to another. In Cancun people do not use cars because the buses run every 10-15 minutes with very inexpensive fares. Gas prices are causing people to rethink their trips whether vacations or trips to the grocery store.

The family beach image needs to be encouraged and supported by all businesses. Negative national publicity about the congestion and behavior during motorcycle rallies hurts the family business. City image is very important to these banking representatives. Crime and the perception of crime is a problem that needs addressing such as beach and street robberies reported in the daily newspapers and on television. The panel discussed the problem with balancing the need to address crime without giving the image of becoming a police state.

Many visitors are going to other communities because of the local gambling laws. Casino boats are busy in the off-season here as well as the summer season. The mindset locally seems to be changing about gambling. The panel discussed whether the City should be proactive in addressing gambling operations if the law should change in the coming years. However, the panel did question whether the family beach image could be maintained if gambling is allowed.

In September 2008 representatives from the development and real estate community served as panel members. The discussion centered around the slowing economy in 2008 and 2009 with difficulty in selling homes, getting new tenants for new commercial developments and getting loans to purchase homes or start new businesses. A representative from the local board of realtors reported that prior to 2004-2006 the area had been undiscovered but after 2006 the area became an investment market with 67 percent of real estate in Horry County being investments. The projection is that the future will also be an investment market.

Affordable housing was once again discussed. Horry County has established a task force to look at ways to establish affordable housing for workers with Myrtle Beach taking the lead in this area. Programs are needed to help blend affordable housing into residential neighborhoods. Public transportation is a necessary component of affordable housing.

The panel commended the Community Appearance Board for doing a good job of upholding and setting high standards for the community. However, it was suggested that the review process be streamlined and made more efficient by reducing the number of times a developer needs to go before a board or commission. Developers need to be encouraged to reach their goals and to help fund basic infrastructure and projects as done with Crabtree Gym and the park systems. Signage touches every economic element in the community. It was recommended that a better system for helping visitors and locals find their destinations be implemented.

In January 2009 the Tourism Committee hosted a panel of representatives from the educational institutions in the area. These representatives reported there is now a shrinking number of exhibitors at job fairs but a higher number of people looking for jobs. To help remedy the current situation Coastal Carolina University has been asking hospitality employers to look at hiring part time versus full time positions with shorter hours. As the economy improves the hours can be increased as needed. Over 60 percent of the students attending the Resort and Tourism Management Program at Coastal Carolina University are from out of state but stay in the area for their first job. With so many cutbacks in VISA work permits we need to do a better job of supplying a local work force.

Horry County Schools is working on laying a basic foundation to ensure students have the academic skills necessary to get and keep a job. The EEDA (Education and Economic Development Act) requires a comprehensive plan for each student. IGP (individualized graduation plan) is required for each student. Parents are the key components of the plan. There are 54 different majors in Horry County – academic and career orientations. Students and their parents are very apprehensive now as to where the jobs are. The school district is looking at new areas of employment for the students including the hospitality industry. They are looking at what the community needs and where the jobs are. Internships provided by Horry County Schools are free placements. Students go out for a limited time during the day for an internship with teachers supervising. Horry County Schools is finding it more and more difficult to place students because of the job market.

Tourism Goal

The goal of sustainable tourism is to retain the economic and social advantages of tourism development while reducing or mitigating any undesirable impacts on the natural, historic, cultural or social environment. This is achieved by balancing the needs of tourists with those of the local community.

Tourism Objectives and Strategies

1. Continue to recognize the Tourism Committee as a valuable and necessary component of future tourism planning efforts.
   Action: The Tourism Committee, with assistance of Planning and other departments, continues to oversee the implementation of the tourism element with recommendations for implementation submitted to the Planning Commission for consideration by City Council.
   Time frame: Immediate.
   Potential funding source: No funding needed.

2. Continue to make tourism in the Myrtle Beach area socially sustainable.
   Action: The Planning Department, with the assistance of the Tourism Committee, works with the travel and tourism industry to make tourism more socially, economically and environmentally sustainable.
   Time frame: Immediate and ongoing.
   Potential funding source: Private investment.

3. Continue to define and maintain Myrtle Beach as a family beach.
   Action: The Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association, Planning Department, the Public Information Officer, and City Manager's Office, receives public input and submits the plan of action to City Council for approval.
   Time frame: Immediate.
   Potential funding source: Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association.

4. Continue to value tourists and treat them as guests.
   Action: The Public Information Officer, Time Warner Cable, Horry Telephone Cooperative, Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association work together in creating a visitor education program.
   Time frame: Immediate.
   Potential funding source: City of Myrtle Beach accommodations tax monies, Time Warner Cable, Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association.

5. Continue to provide public facilities.
   Action: The City Manager's Office works with the travel and tourism industry to develop an educational program about facilities.
   Time frame: Immediate.
   Potential funding source: Capital improvements program and private investment.

6. Continue to create new markets.

Action: The Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association develop a program to create new diverse markets, including cultural tourism, sports tourism and eco-tourism, while maintaining Myrtle Beach's special identity.
Time frame: Short term.
Potential funding source: Myrtle Beach Area Chamber of Commerce, Myrtle Beach Area Hospitality Association and accommodation tax monies.

7. Continue to make tourism in the Myrtle Beach area economically sustainable.
Action: The City, economic development corporations, and the travel and tourism industry work to make tourism economically sustainable by engaging in a regional, collaborative approach to sustainable tourism that enhances local economies while preserving the natural environment and strengthening local cultures.
Time frame: Ongoing.
Potential funding source: Capital improvement program and private investment.

8. Participate as an active member in the SC Tourism Alliance.
Action: City Council will work with the SC Tourism Alliance Committee to appoint a representative from the Tourism Committee to serve on the SC Tourism Alliance Committee created by the SC Department of Parks, Recreation and Tourism.
Timeframe: Immediate.
Potential funding source: General fund if needed for dues and travel expenditures.

9. Continue to explore ways to have new development share the burden of the costs of growth.
Action: The Planning Commission, with the assistance of the Planning Department and the Zoning Administrator, works with developers and the travel and tourism industry to develop appropriate methods for funding growth.
Time frame: Short term.
Potential funding source: Development fees.

10. Continue to develop a comprehensive recovery plan for man-made or natural disasters.
Action: The City of Myrtle Beach continues to participate in the efforts of the Myrtle Beach Area Recovery Council to create a comprehensive recovery plan for man-made and natural disasters incorporating all actions needed for temporary and long-term recovery efforts including but not limited to utilities, transportation, communication, housing, food, medical, schools, zoning code and law enforcement.
Time frame: Immediate and ongoing.
Potential funding source: No additional funding needed.

11. Continue to revitalize the downtown area of Myrtle Beach.
Action: The Downtown Redevelopment Corporation, with private sector and the assistance of the City Manager's Office continues its downtown revitalization efforts with appropriate jurisdiction, staff support, and other resources as approved by City Council.
Time frame: Immediate and ongoing.
Potential funding source: Capital improvements program, bonds, special tax districts and private investment.

12. Continue to welcome visitors and citizens alike with handsome gateways, landscaped streets and businesses, and enhanced greenspaces, while preserving the natural beauty of the area.
Action: The Planning Department, with assistance from the Cultural and Leisure Services and Public Works Departments, works with State and regional transportation agencies to develop recommendations that are submitted to City Council for approval.
Time frame: Ongoing.
Potential funding source: Capital improvements program, general fund, grants and private donations.

13. Continue to eliminate visual clutter with compatible contiguous zoning that will accent the area's beauty.
Action: The Planning Department arranges a meeting of City and County Planning Department staff and Planning Commission members to review both jurisdictions' zoning to encourage compatible contiguous zoning; the Planning Commissions recommend appropriate revisions to their Councils.
Time frame: Short term.

Potential funding source: *General fund.*

14. Continue to create an environment, which ensures that visitors and residents are safe.
Action: *The City Manager's Office, with assistance from all departments, works with the hospitality industry and other businesses to ensure safety and security.*
Time frame: *Immediate and ongoing.*
Potential funding source: *General fund and capital improvements program.*

15. Continue to develop good customer service practices throughout the Grand Strand.
    - Continue to provide hospitality training to employers and employees.

Action: *The Myrtle Beach Area Chamber of Commerce and Myrtle Beach Area Hospitality Association in cooperation with the Resort and Tourism Management Program at Coastal Carolina University works with the travel and tourism industry to provide continuous training for hospitality industry employees.*
Time frame: *Immediate and ongoing.*
Potential funding source: *Travel and tourism industry.*
    - Continue to develop services to accommodate international visitors.

Action: *The Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association work with local businesses and governments to develop services to accommodate international visitors.*
Time frame: *Short term.*
Potential funding source: *General fund, accommodation taxes, Myrtle Beach Area Chamber of Commerce, Myrtle Beach Area Hospitality Association and private investment.*
    - Continue to provide off-street and handicapped parking.

Action: *The Downtown Redevelopment Corporation and Public Works Departments, works with transportation entities and the developers to develop a program to provide parking; and recommends the proposed program to City Council for approval.*
Time frame: *Immediate.*
Potential funding source: *Capital improvements program, grant and private investment.*

16. Continue to encourage motorcoach and other high occupancy vehicles in the city but regulate and manage them to minimize adverse effects associated with their numbers and characteristics.
Action: *The Myrtle Beach Area Chamber of Commerce and Myrtle Beach Area Hospitality Association, with the assistance of the Planning Department and the Zoning Administrator, works with the travel and tourism industry, motorcoach and bus companies to develop a program to accommodate motorcoaches and other high occupancy vehicles.* *Time frame:* *Immediate.*
Potential funding source: *Capital improvements program and private investment.*
    - Continue to educate motorcoach operators to regulate and minimize adverse impacts.

Action: *The Myrtle Beach Area Chamber of Commerce and the Myrtle Beach Area Hospitality Association works with the motorcoach and bus companies to develop a program; any recommendations in the program for City participation are submitted to City Council for approval.*
Time frame: *Short term.*
Potential funding source: *Capital improvements program.*

17. Increase the Horry County employment pool through coordinated recruitment efforts with governments (local, State, and Federal), educational institutions, and business organizations.
Action: *The Myrtle Beach Area Chamber of Commerce and Myrtle Beach Hospitality Association in cooperation with the SC Employment Security Commission and Horry County and its municipalities works with the travel and tourism industry, and educational institutions, to develop an employee recruitment program..*
Time frame: *Midterm.*
Potential funding source: *No additional funding needed.*

- Adopt and implement redevelopment plans for the downtown and other areas including corresponding transportation and utility master planning updates, development regulations updates, and design guidelines to aid the development process.

Action: The Planning Commission, with assistance from Planning and other appropriate departments, works with redevelopment agencies. The Planning Commission recommends the plans to City Council for adoption.
Time frame: Immediate.
Potential funding source: Capital improvements program and private investment.

22. Create range of housing opportunities and choices for people of all income levels with attention given to access to transportation, commuting patterns, access to services and education, and consumption of energy and other natural resources.
Action: The City will provide opportunities for quality housing for people of all income levels.
Time frame: Immediate and ongoing.
Potential funding source: Private development and grants.

23. Foster distinctive, attractive communities with a strong sense of place which reflects the values and the cultures of the people who reside there, and fosters the type of physical environments which support a more cohesive community fabric.
Action: The City plans for fostering distinctive, attractive communities with a strong sense of place.
Time frame: Immediate and ongoing.
Potential funding source: No funding needed.

24. Take advantage of compact building design which permits more open space to be preserved and buildings constructed which make more efficient use of land and resources. Consideration is given to growing vertically while reducing the footprint of new construction providing more open space to absorb and filter rain water, reduce flooding and stormwater drainage needs and lower the amount of runoff causing pollution in our streams, rivers and lakes.
Action: The City will encourage compact building design that reduces the footprint of new construction and preserves more green space.
Time frame: Immediate and ongoing.
Potential funding source: No funding needed.

25. Make development that includes the right infrastructure and regulatory decisions predictable, fair and cost effective smart growth.
Action: The City will work to make development decisions predictable, fair and cost effective.
Time frame: Immediate and ongoing.
Potential funding source: Capital improvements for needed infrastructure and private investment.

26. Encourage community and stakeholder collaboration to develop a community that is defined by the people who live and work there.
Action: The City, in cooperation with the community, will plan for growth that creates great places to live, work and play.
Time frame: Immediate and ongoing.
Potential funding source: No funding needed.

27. Preserve open space, natural beauty and critical environmental areas while improving our communities' quality of life and guiding new growth into existing communities.
Action: The City will work to preserve open space, natural beauty and critical environmental areas.
Time frame: Immediate and ongoing.
Potential funding source: No funding needed.

28. Reduce the city's carbon footprint.
Action: The Planning and other appropriate departments, working with appropriate Federal, State, and local agencies will develop a climate action plan including strategies such as solar power and wind energy that reduces electricity demand, since virtually all of the city's electricity comes from coal, and most experts

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City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 3, 2019

Grasshopper
Attn: Leon Koretzky
1103 N. Ocean Blvd., Unit B
Myrtle Beach, SC 29577

RE: Grasshopper
1103 N. Ocean Blvd., Unit B
TMS# 181-07-18-002

Name of Business license applicant:

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 1103 N. Ocean Blvd, Unit B is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. Failure to timely appeal shall constitute a waiver of the right to appeal.

The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.

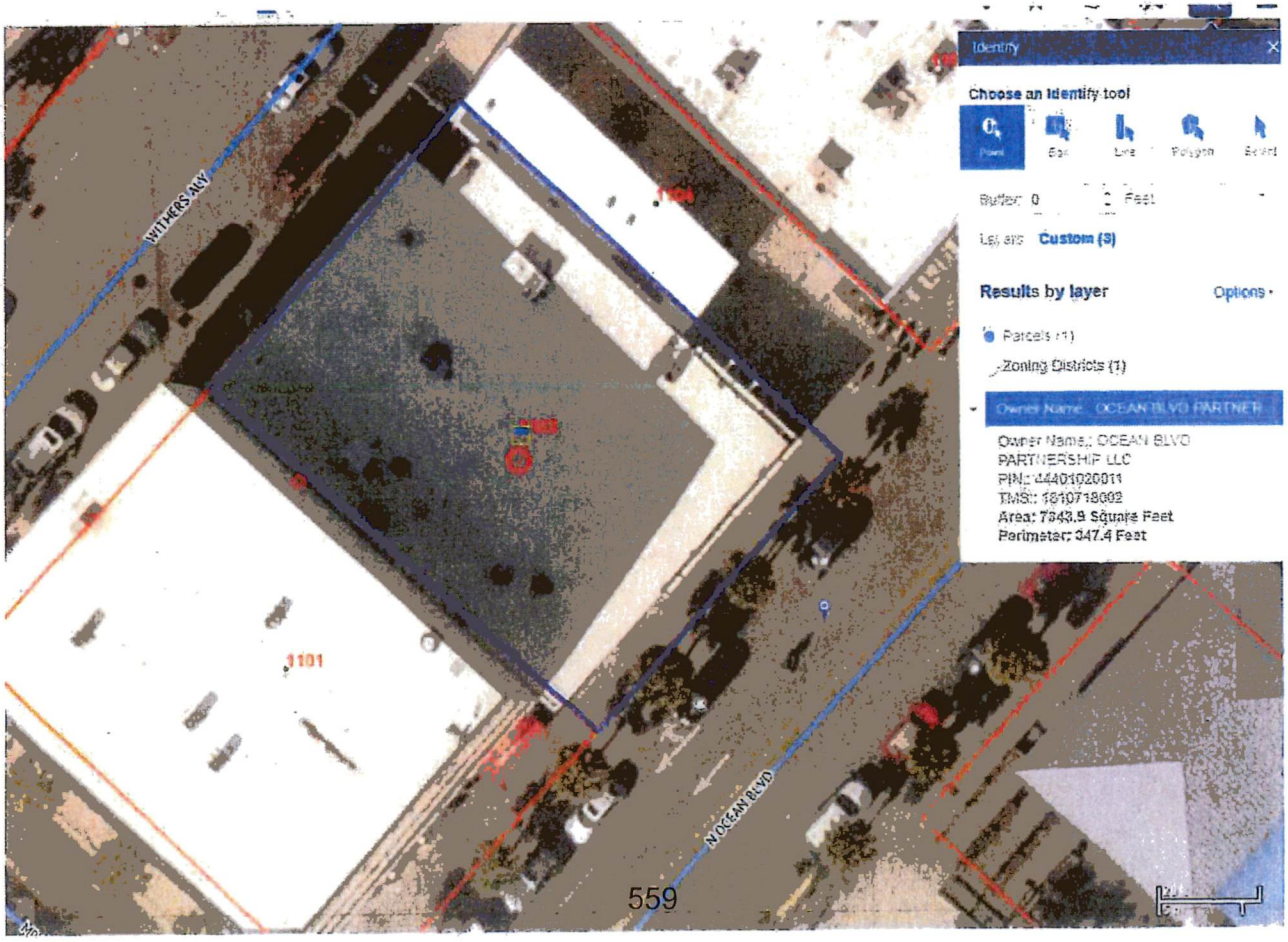
The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

Respectfully,

Kenneth E. May

Kenneth E. May
Zoning Administrator


GRASSHOPPER
Custom
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05/29/2019


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N OCEAN BLVD
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Parcels (1)
Zoning Districts (1)
Owner Name: OCEAN BLVD PARTNER
Owner Name1: OCEAN BLVD PARTNERSHIP LLC
PIN: 44401020011
TMS: 1810718002
Area: 7343.9 Square Feet
Perimeter: 347.4 Feet









560

Kenneth E. May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach
SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 3, 2019

Wacky T's
Attn: Natalie Aish
1001 N. Ocean Blvd. Unit A
Myrtle Beach, SC 29577

RE: Wacky T's
1001 N. Ocean Blvd. Unit A
TMS # 181-07-09-009

Name of Business license applicant: Natalie Aish

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 1001 N Ocean Blvd., Unit A is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. Failure to timely appeal shall constitute a waiver of the right to appeal.

The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.

The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

Respectfully,

Kenneth E May

Kenneth E. May
Zoning Administrator


1001
05/29/2019


MR JOE WHITE AVE
N OCEAN BLVD
1001
Identify
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Parcels (1)
Zoning Districts (1)
Owner Name: BLAKE ACIE V JR
Owner Name: BLAKE ACIE V JR
PIN:: 4440920009
TMS:: 1510709009
Area: 9362.6 Square Feet
Perimeter: 388.2 Feet








RICK

Kenneth E May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 3, 2019

Rasta Mon
Attn: Natalie Aish
1001 N. Ocean Blvd., Unit B
Myrtle Beach, SC 29577

RE: Rasta Mon
1001 N. Ocean Blvd., Unit B
TMS # 181-07-09-009

Name of Business license applicant:

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 1001 N. Ocean Blvd., Unit B is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

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Respectfully,

Kenneth E. May

Kenneth E. May
Zoning Administrator


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05/29/2019


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Owner Name: BLAKE ACIE V JR
Owner Name: BLAKE ACIE V JR
PIN: 4440102009
TMS: 181070009
Area: 8382.6 Square Feet
Perimeter: 368.2 Feet
N OCEAN BLVD

Kenneth E. May
Zoning Administrator

City of Myrtle Beach
SOUTH CAROLINA

Phone: (843) 918-1167
Fax: (843) 918-1158

OFFICE OF THE ZONING ADMINISTRATOR

June 3, 2019

Best For Less
Attn: Asher Bout Boul
1103 N. Ocean Blvd., Unit A
Myrtle Beach, SC 29577

RE: Best For Less
1103 N. Ocean Blvd., Unit A
TMS # 181-07-18-002

Name of Business license applicant:

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

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Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 1103 N. Ocean Blvd., Unit A is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

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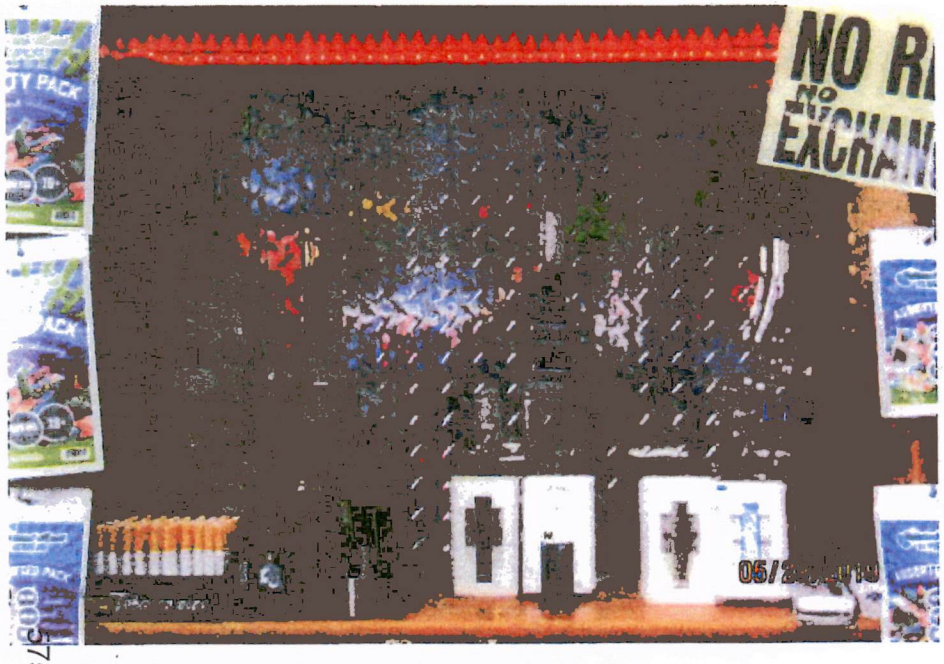
Respectfully,

Kenneth E. May

Kenneth E. May
Zoning Administrator


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Zoning Districts (1)
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Owner Name: OCEAN BLVD PARTNERSHIP LLC
PIN: 4440109011
TMS: 161071800
Area: 7343.9 Square Feet
Perimeter: 347.4 Feet


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CBD edibles On sale!!!
Must be 18
CBD Edibles On Sale!!
ACCESSORIES

Kenneth E. May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 11, 2019

Surf's Up
Attn: Yossi Aizenberg
913 N. Ocean Blvd., Unit B
Myrtle Beach, SC 29577

RE: Surf's Up
913 N. Ocean Blvd., Unit B
TMS# 181-07-09-013

Name of Business license applicant: Yossi Aizenberg

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 913 N. Ocean Blvd, Unit B is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018.. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

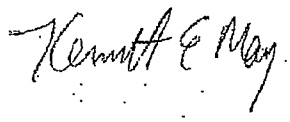
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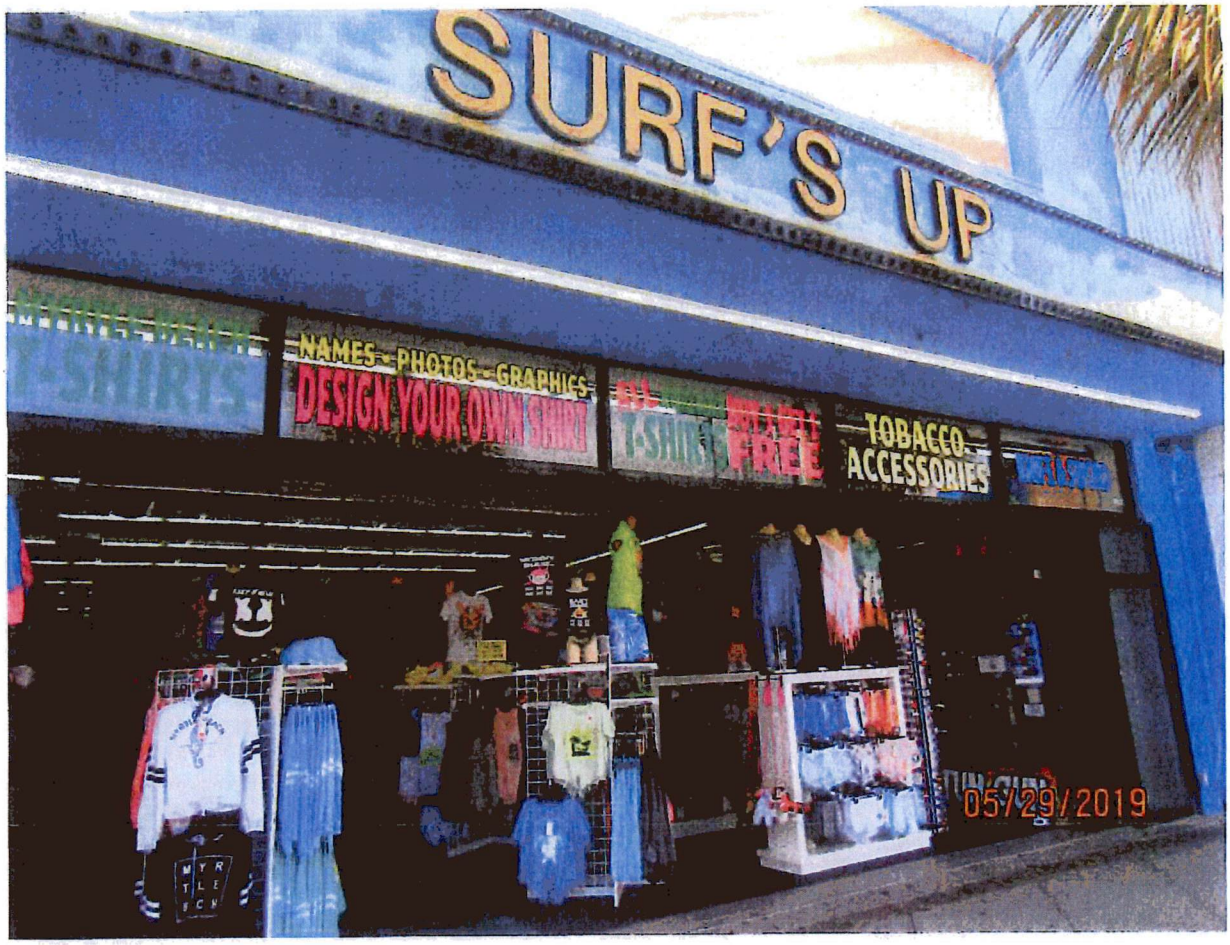
The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.

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Respectfully,



Kenneth E. May
Zoning Administrator

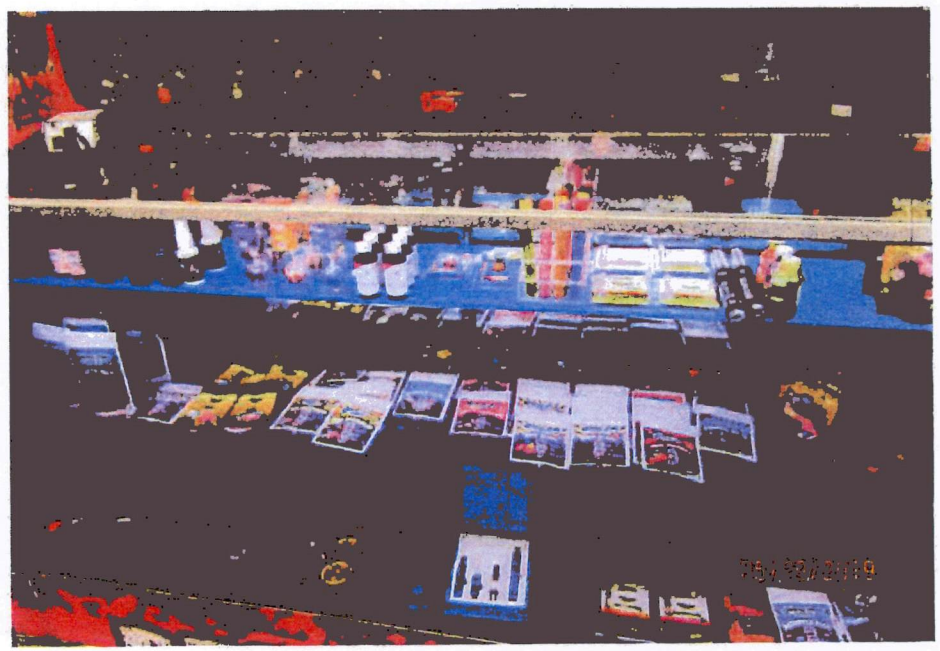

SURF'S UP
NAMES - PHOTOS - GRAPHICS
DESIGN YOUR OWN SHIRT
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ACCESSORIES
05/29/2019


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Options
Parcels (1)
Zoning Districts (1)
Owner Name: 913 NOB LLC
Owner Name: 913 NOB LLC
PIN: 44401030026
TMS: 1610709913
Area: 7101.5 Square Feet
Perimeter: 343.5 Feet
911
913
912









580

Kenneth E May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 11, 2019

Blue Smoke Vape Shop
Attn: Zahar David Gross
911 N. Ocean Blvd., Unit B
Myrtle Beach, SC 29577

RE: Blue Smoke Vape Shop
911 N. Ocean Blvd., Unit B
TMS# 181-07-09-014

Name of Business license applicant: Zohar David Gross

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 911 N. Ocean Blvd., Unit B is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. Failure to timely appeal shall constitute a waiver of the right to appeal.

The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.

The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

Respectfully,

Kenneth E. May

Kenneth E. May
Zoning Administrator


Identify
Choose an identify tool
Box
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Custom (3)
Results by layer
Options
Parcels (1)
Zoning Districts (1)
Owner Name: JOEL P CORPORATION
Area: 7198.4 Square Feet
Perimeter: 345 Feet


Blue Smoke
Vape Shop
WELCOME CENTER
DABS / VAPES
EDIBLES
05/29/2019









585

Kenneth E. May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 20, 2019

T-shirt Kings/I am It INC.
Attn: Aniti Wilkes
210 S. Ocean Blvd
Myrtle Beach, SC 29577

RE: T-Shirt Kings
210 S. Ocean Blvd
TMS# 181-10-43-004

Name of Business license applicant: Anati Wilkes

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 210 S. Ocean Blvd. is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. Failure to timely appeal shall constitute a waiver of the right to appeal.

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The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

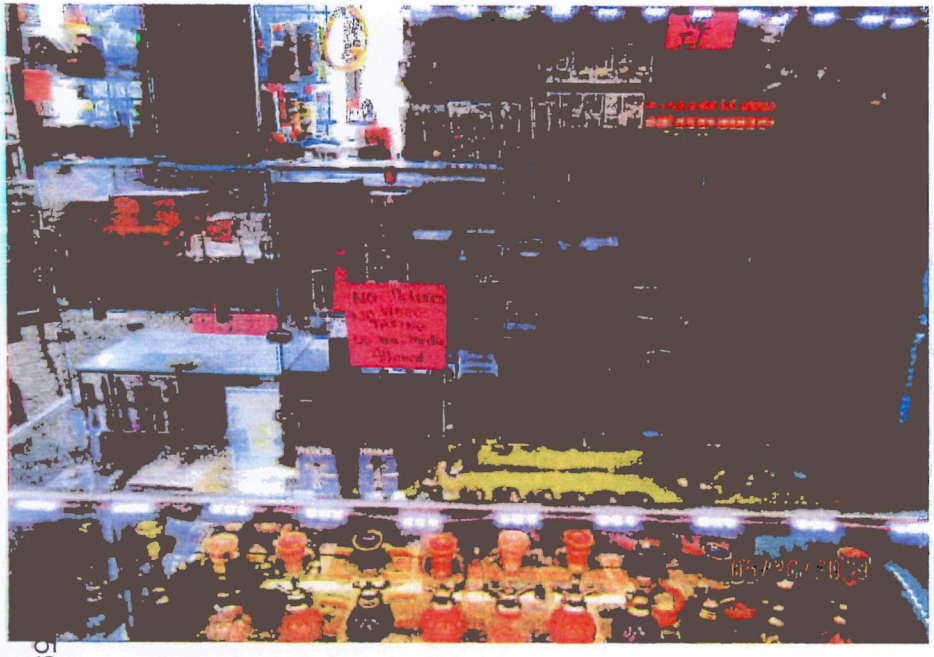
Respectfully,

Kenneth E. May

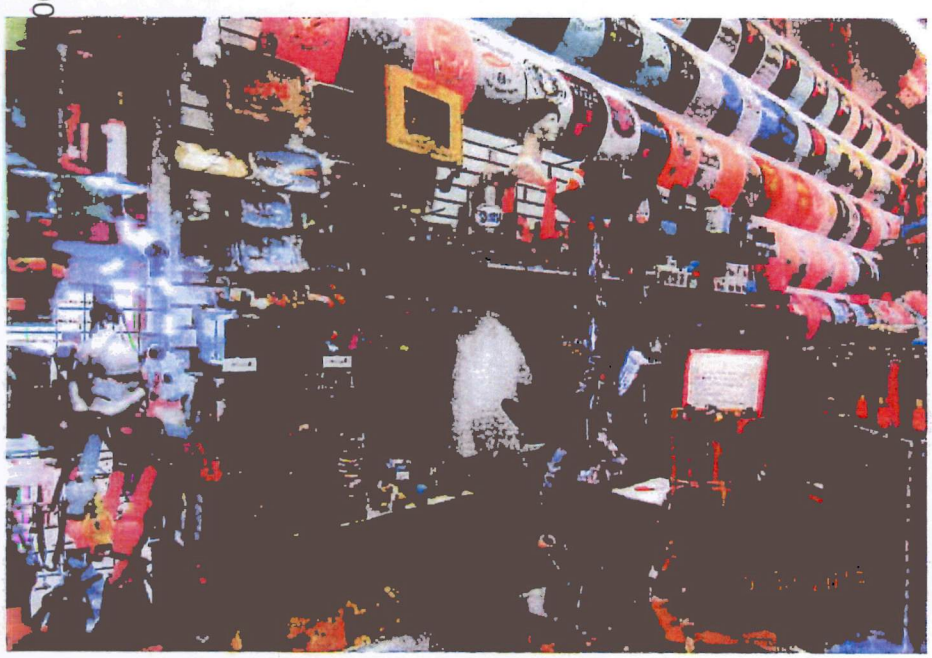
Kenneth E. May
Zoning Administrator


KING
210
05/30/2019


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Options
Parcels (1)
Zoning Districts (1)
Owner Name: NEW LATIN QUARTER LLC
Owner Name: NEW LATIN QUARTER LLC
PIN: 4431201000
TMS: 1011043004
Area: 17820.6 Square Feet
Perimeter: 552.7 Feet




CBD IS SOLD AT C.V.S., WALGREEN'S WAL-MART
GRINDERS





Kenneth E. May
Zoning Administrator

Phone: (843) 918-1167
Fax (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 20, 2019

Pacific Beachwear/ET Sportswear INC
Attn: Tim Wilkes
304 S. Ocean Blvd.
Myrtle Beach, SC 29577

RE: Pacific Beachwear
304 S. Ocean Blvd
TMS# 181-14-02-015

Name of Business license applicant: Tim Wilkes

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

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Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 304 S. Ocean Blvd is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

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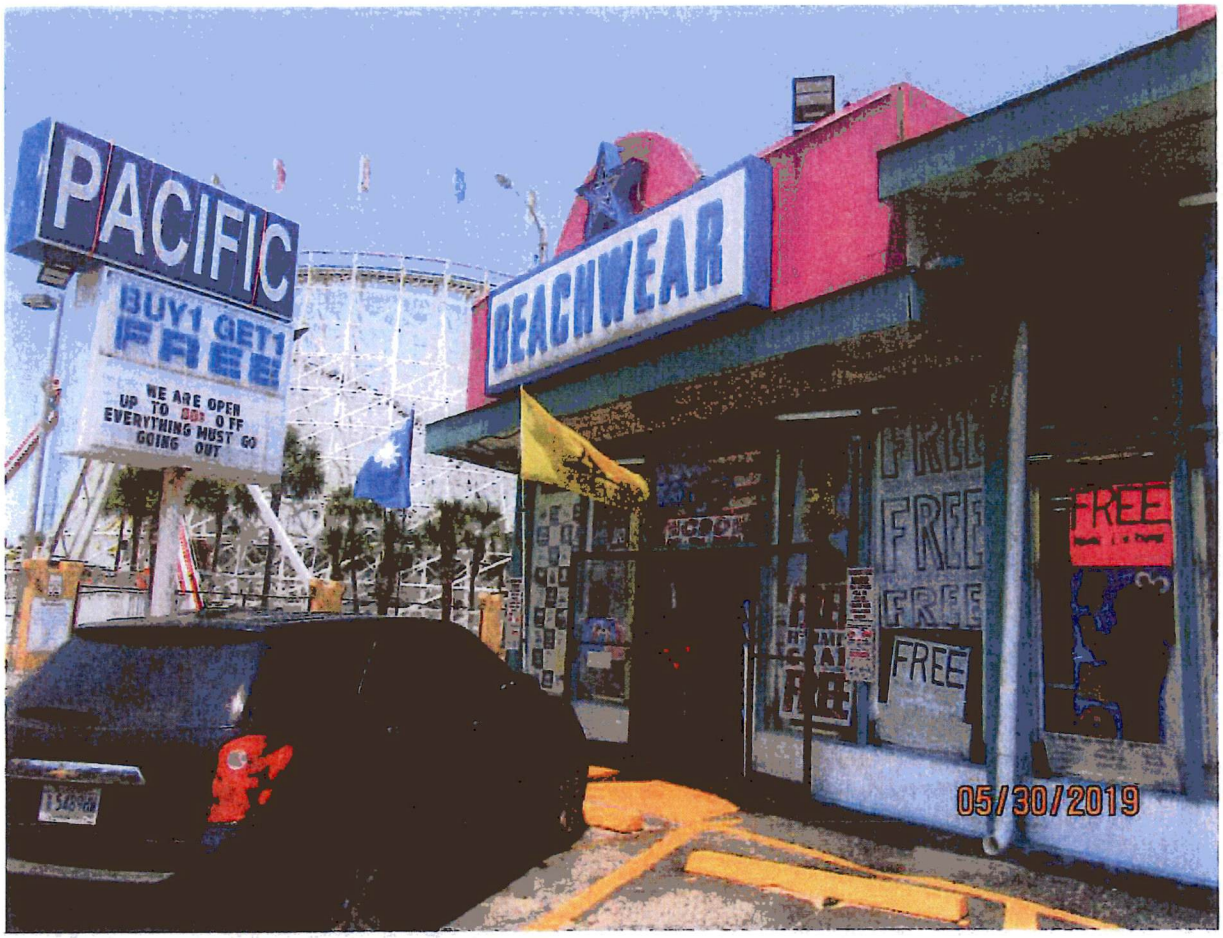
Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. Failure to timely appeal shall constitute a waiver of the right to appeal.

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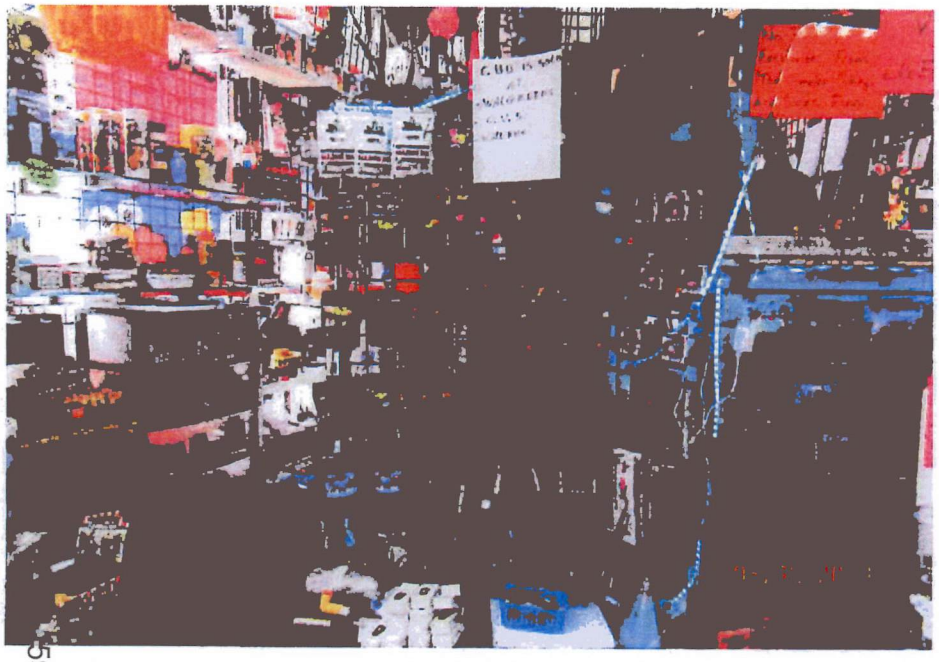
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Respectfully,

Kenneth E. May
Zoning Administrator


PACIFIC
BUY1 GET1 FREE
WE ARE OPEN
UP TO 80% OFF
EVERYTHING MUST GO
GOING OUT
BEACHWEAR
FREE
FREE
FREE
FREE
05/30/2019


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Options
Zoning Districts (1)
Owner Name: J & W AMUSEMENTS INC
PIN: 4431201
TMS: 161140
Area: 8579.6 Square Feet
Perimeter: 329.8 Feet
594









Kenneth E. May
Zoning Administrator

Phone: (843) 918-1167
Fax: (843) 918-1158

City of Myrtle Beach

SOUTH CAROLINA

OFFICE OF THE ZONING ADMINISTRATOR

June 19, 2019

Red Hot Shoppe
Attn: Orna H. Mills
701 N. Ocean Blvd.
Myrtle Beach, SC 29577

RE: Red Hot Shoppe
701 N. Ocean Blvd.
TMS# 181-11-05-001

Name of Business license applicant: Orna H. Mills

It is my determination that:

The City of Myrtle Beach has enacted an overlay zone pursuant to the authority South Carolina Code 5-7-30 (2004), which is attached. The overlay zone is denominated as City of Myrtle Beach Ocean Boulevard Entertainment Overlay District (OBEOD). An overlay zone is specifically recognized as an authorized zoning technique in South Carolina Code 6-29-720 (C) (5). The overlay requires conformity to the permitted uses.

This enactment became effective August 14, 2018, and was then amended for scrivener's correction on January 22, 2019. The enactment is in furtherance of the purposes of South Carolina Code 6-29-710 (2004). Per Section 1807. D. 2. of the zoning enactment, the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products is not permitted retail offerings within the OBEOD. By state law, nonconformities can be terminated. South Carolina Code 6-29-730. The overlay required termination of the non-conforming retail uses by December 31, 2018.

Upon inspection of the premises and in my capacity as Zoning Administrator, it is my decision that your business located at 701 N. Ocean Blvd. is located within the OBEOD, and that the zoning use is nonconforming because it continues to be engaged in the retail merchandising of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products, which are not allowed within the OBEOD, as of December 31, 2018. Please see the attached evidence that supports my decision.

You are hereby ordered to cease and desist this nonconformity and to remove the nonconforming merchandise. Failure to adhere to this order may result in further legal action.

If you feel that I have erred in my determination and/or do not agree with my decision, you have the right to appeal my decision to the Board of Zoning Appeals. South Carolina Code 6-29-800 through 6-29-850. The appeal will be limited to the evidence of the nonconformity, and and my determinations of its applicability to the law. Pursuant to state law, no challenge to the regulation or map or amendment may be made more than sixty (60) days after enactment, when substantial compliance with the notice requirements on enactment. It is my determination that substantial compliance with the notice requirements has been achieved. South Carolina Code 6-29-760 (D).

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Respectfully,

Kenneth E. May
Zoning Administrator


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Buffer 0
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Results by layer
Options
Parcels (1)
Zoning Districts (1)
Owner Name : BENJAMIN AARON LLC
PIN: 44401040055
TMS: 1811105001
Area: 8670.4 Square Feet
Perimeter: 388.6 Feet


RED HOT
SHOPPE
701
HELP WANTED
05/30/2019


05/30/2019


05/30/2019


05/30/2019


05/30/2019

2. Pedestrian features associated with the Seahawk District:
   a. Specially designed themed pedestrian crosswalks that provide safe walking areas across public rights-of-way and internally in the district.
   b. Sidewalk and street art to celebrate the contributions of the Seahawks to the district.
   c. Speed bumps or other traffic calming devices to slow traffic.
      i. If traffic islands are used, landscaping is encouraged as part of the design.
      ii. No traffic calming devices shall slow down emergency vehicle response times.

3. Amenities associated with the Seahawk District
   a. Pedestrian walking and cycling areas that connect the schools
   b. Uniform style street lights and posts
   c. Wayfinding signage for building and amenity locations
   d. Create a campus-wide park/playground area with landscaping and grass
   e. Emergency call boxes near Pepper Geddings Center and Doug Shaw Stadium

Section 1807. OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD)

1807.A Purpose and intent. The City of Myrtle Beach finds that:

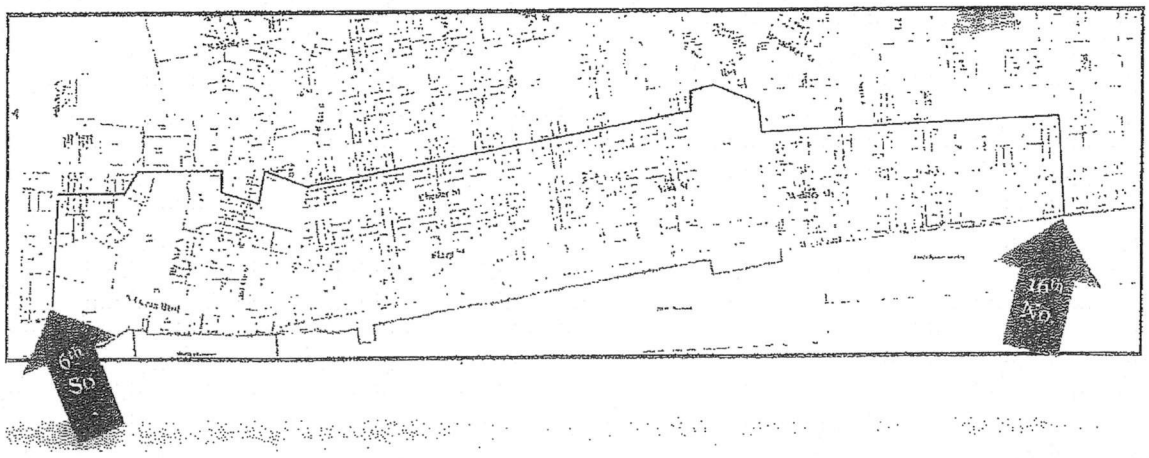
1. Without debate, the City's economic engine is tourism.
2. Sustaining tourism is essential to maintain our standard of living, the funding of our amenities for our citizens and for the preservation of property values.
3. Tourism is threatened by perceived unseemliness or unsafety in any particular area.
4. The perception of unseemliness or unsafety is, to large degree, a product of atmosphere.
5. The atmosphere of a location is comprised of many factors, one of which is whether a location is suitable and safe for children, and families.
6. One component of atmosphere for a location is the proliferation of retail offerings of businesses in that area, that are not family attractive.
7. Certain retail offerings create an atmosphere that is repulsive to mothers and fathers in the care of their children, in that retail outlets are promoting crudity and sexually explicit apparel, drug paraphernalia, and consumables that mimic and promote drug and substance consumption.
8. The purpose of the Ocean Boulevard Entertainment Overlay District (OBEOD) is to establish a family friendly entertainment and retail land use, and encourage compatible land uses, ensure higher quality development and business uses and function in order to protect property values and provide safe and efficient pedestrian and automobile access.
9. These retail restrictions and criteria can encourage quality development and economic growth while continuing to provide for a wide range of economic development opportunities throughout the City for those uses which are incompatible with the OBEOD.
10. The displacement of CBD consumables, smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of

expanded retail offerings of CBD consumables, smoke shops and tobacco stores in the OBEOD.

11. The continued operation and expansion of these family adverse retail offerings in the overlay would result in undesirable impacts to the public economy of the overlay.
12. Among these impacts are increased potential for CBD consumables and tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses.
13. This overlay contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/ stores to locate within the city of Myrtle Beach.
14. The OBEOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development, which provides a wide array of entertainment and retail options, without the current family unfriendly environment promoting unhealthy tobacco use, crudity and the stigma of drug use and paraphernalia.
15. In the event of a conflict between the entitlements, regulations or standards established in the OBEOD, and the equivalent provisions in the underlying zoning districts, the provisions of the OBEOD shall govern.
16. Families are the center of all communities, the building blocks of our city and the basis of a sustained tourism economy. The Council is determined to see a "family friendly lens" placed over all policies, strategies and initiatives undertaken and supported by the Council.

1807.B Boundaries. The boundaries of the OBEOD are as indicated in the attachment.

OBEOD Overlay



1807.C Definitions:

ALTERNATIVE NICOTINE PRODUCT. A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

ALTERNATIVE NICOTINE PRODUCT does not include cigarette, smokeless tobacco, other tobacco products, or any other product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

BARKER. A person who stands in front of a business, theater, sideshow, etc., and calls out to passersby to attract customers.

BUSINESS OPERATOR. Any person who owns, leases, operates or manages or is employed by a business establishment.

CANNABIS PRODUCT. A product originating from the species Cannabis Sativa L., excluding marijuana as defined by South Carolina law in 44-53-110 (27(a), and shall include all forms of Cannabis or low-THC Cannabis products (CBD) to be consumed or applied.

CANNABIS DISPENSING BUSINESS. A business offering for sale CBD, Cannabis or Derivative Cannabis Products.

CBD. Cannabidiol, a chemical compound from the species Cannabis Sativa L., of the family Cannabaceae.

E-CIGARETTE. Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

SMOKE OR SMOKING. The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted tobacco product in any manner or in any form and shall also include the inhaling, exhaling, burning or carrying any alternative nicotine product or vapor product as defined in this chapter.

SMOKE SHOP AND TOBACCO STORE. Any premises with more than an incidental display, sale, distribution, delivery, offering, furnishing, or marketing of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, single cigarette tobacco, tobacco products, or tobacco paraphernalia; provided however the incidental retail of commonly available packaged packs. cartons or boxes of cigarettes and cigars are not regulated herein. Incidental retail means accounting for Less than ten (10) % of the retail offerings.

TOBACCO AND TOBACCO RELATED PRODUCTS. Items, including but not limited to cigarettes and any product containing, made, or derived from nicotine or tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug

and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO PARAPHERNALIA. Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in South Carolina Code of Laws 44-53-110 (33). et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia. It further includes items designed or manufactured and which may be used in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines, tobacco or tobacco related products into the human body, such as-

1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. water pipes;
3. carburetion tubes and devices;
4. smoking and carburetion masks;
5. roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
6. miniature spoons with level capacities of one-tenth cubic centimeter or less;
7. chamber pipes;
8. carburetor pipes;
9. electric pipes;
10. air-driven pipes;
11. chillums;
12. bongs;
13. ice pipes or chillers;
14. wired cigarette papers; or
15. cocaine freebase kits.
16. rolling papers

VAPOR PRODUCT. Any non-combustible product, which may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size that can be used to produce vapor from a solution or any other form. *VAPOR PRODUCT* includes any electronic cigarette, hookah, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe or similar product or device, as well as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. *VAPOR PRODUCT* does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

MERCHANDISE. Without limitation, any article, object, substance, compound, elixir, preparation, banner, button, clothing (including hats), figurine, game, greeting card, magnet, photograph, postcard, novelty item, poster, sculpture, souvenir, sticker, towel, apparel or similar item, whether or not the item is offered for sale.

SEXUALLY ORIENTED MERCHANDISE. Any merchandise which graphically or by symbol or symbols depicts, describes, portrays, pictures by way of realistic, naturalistic or cartoonish representation human or animal sexual activities or specified anatomical parts. This shall include any depiction or description, by pictorial representation or language, of any sexual intercourse; masturbation; sadomasochistic abuse; sexual penetration with an inanimate object; sodomy; bestiality; uncovered genitals, buttocks, or female breast; defecation or urination; covered genitals in an obvious state of sexual stimulation or arousal; or the fondling or other erotic touching of genitals, the pubic region, buttocks or female breasts, or merchandise of that subject.

1807.D The following retail business uses are prohibited in the OBEOD:

1. Smoke shops and tobacco stores.
2. Retail merchandising or of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products.
3. Retail merchandising of tobacco or tobacco products of more than an incidental nature.
4. Retail merchandising or display of sexually oriented material, as defined herein. Any display of sexually oriented merchandise qualifies the retail operation as a sexually oriented business, which must be located in a permitted zone.
5. Providing space for a "barker" for a business not located at the premises.

1807.E Amortization.
Retail stores offering space for the prohibited retail business uses that are operating on the effective date of the ordinance codified in this overlay are hereby declared immediately nonconforming as of the date of second reading, and shall be amortized as to the nonconformity, and must cease the nonconforming portion of their retail offerings no later than December 31, 2018.

1807.F Business License impacts.

1. Only businesses that discontinue the incompatible retail uses are subject to business license renewal.
2. After the date of amortization, continued nonconforming shall result in business license suspension until conformity is achieved, or revocation of the business license.

ARTICLE 5
Local Planning — Zoning

SECTION 6-29-710. Zoning ordinances; purposes.

(A) Zoning ordinances must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. To these ends, zoning ordinances must be made with reasonable consideration of the following purposes, where applicable:

(1) to provide for adequate light, air, and open space;

(2) to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;

(3) to facilitate the creation of a convenient, attractive, and harmonious community;

(4) to protect and preserve scenic, historic, or ecologically sensitive areas;

(5) to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;

(6) to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements" which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;

(7) to secure safety from fire, flood, and other dangers; and

(8) to further the public welfare in any other regard specified by a local governing body.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-715. Church-related activities; zoning ordinances for single family residences.

(A) For purposes of this section, "church-related activities" does not include regularly scheduled worship services.

(B) Notwithstanding any other provision of law, no zoning ordinance of a municipality or county may prohibit church-related activities in a single-family residence.

HISTORY: 1998 Act No. 276, Section 2.

SECTION 6-29-720. Zoning districts; matters regulated; uniformity; zoning techniques.

(A) When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter. Within each district the governing body may regulate:

(1) the use of buildings, structures, and land;

(2) the size, location, height, bulk, orientation, number of stories, erection, construction, reconstruction, alteration, demolition, or removal in whole or in part of buildings and other structures, including signage;

(3) the density of development, use, or occupancy of buildings, structures, or land;

(4) the areas and dimensions of land, water, and air space to be occupied by buildings and structures, and the size of yards, courts, and other open spaces;

(5) the amount of off-street parking and loading that must be provided, and restrictions or requirements related to the entry or use of motor vehicles on the land;

(6) other aspects of the site plan including, but not limited to, tree preservation, landscaping, buffers, lighting, and curb cuts; and

(7) other aspects of the development and use of land or structures necessary to accomplish the purposes set forth throughout this chapter.

(B) The regulations must be made in accordance with the comprehensive plan for the jurisdiction, and be made with a view to promoting the purposes set forth throughout this chapter. Except as provided in this chapter, all of these regulations must be uniform for each class or kind of building, structure, or use throughout each district, but the regulations in one district may differ from those in other districts.

(C) The zoning ordinance may utilize the following or any other zoning and planning techniques for implementation of the goals specified above. Failure to specify a particular technique does not cause use of that technique to be viewed as beyond the power of the local government choosing to use it:

(1) "cluster development" or the grouping of residential, commercial, or industrial uses within a subdivision or development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel;

(2) "floating zone" or a zone which is described in the text of a zoning ordinance but is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of the zoning ordinance through legislative action;

(3) "performance zoning" or zoning which specifies a minimum requirement or maximum limit on the effects of a land use rather than, or in addition to, specifying the use itself, simultaneously assuring compatibility with surrounding development and increasing a developer's flexibility;

(4) "planned development district" or a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development;

(5) "overlay zone" or a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries;

(6) "conditional uses" or zoning ordinance provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district. The conditions, restrictions, or limitations must be set forth in the text of the zoning ordinance; and

(7) "priority investment zone" in which the governing authority adopts market-based incentives or relaxes or eliminates nonessential housing regulatory requirements, as these terms are defined in this chapter, to encourage private development in the priority investment zone. The governing authority also may provide that traditional neighborhood design and affordable housing, as these terms are defined in this chapter, must be permitted within the priority investment zone.

HISTORY: 1994 Act No. 355, Section 1; 2007 Act No. 31, Section 3, eff May 23, 2007.
Effect of Amendment
The 2007 amendment added paragraph (C)(7) relating to "priority investment zone".

SECTION 6-29-730. Nonconformities.

The regulations may provide that land, buildings, and structures and the uses of them which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with the regulations or amendments, which is called a nonconformity. The governing authority of a municipality or county may provide in the zoning ordinance or resolution for the continuance, restoration, reconstruction, extension, or substitution of nonconformities. The governing authority also may provide for the termination of a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into conformance, or by providing a formula where the compulsory termination of nonconformities may be so fixed as to allow for the recovery or amortization of the investment in the nonconformity.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-740. Planned development districts.

In order to achieve the objectives of the comprehensive plan of the locality and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces, the local governing authority may provide for the establishment of planned development districts as amendments to a locally adopted zoning ordinance and official zoning map. The adopted planned development map is the zoning district map for the property. The planned development provisions must encourage innovative site planning for residential, commercial, institutional, and industrial developments within planned development districts. Planned development districts may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. Amendments to a planned development district may be authorized by ordinance of the governing authority after recommendation from the planning commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments. The adopted plan may include a method for minor modifications to the site plan or development provisions.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-750. Special development district parking facility plan; dedication.

In accordance with a special development district parking facility plan and program, which includes guidelines for preferred parking locations and indicates prohibited parking areas, the planning commission may recommend and the local governing body may adopt regulations which permit the reduction or waiver of parking requirements within the district in return for cash contributions or dedications of land earmarked for provision of public parking or public transit which may not be used for any other purpose. The cash contributions or the value of the land may not exceed the approximate cost to build the required spaces or provide the public transit that would have incurred had not the reduction or waiver been granted.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-760. Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges.

(A) Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days' notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have a time prescribed in the ordinance which may not be more than thirty days within which to submit its report and recommendation on the change to the governing authority. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority is required before amending the zoning ordinance text or maps.

(B) If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, at least ten days' notice and an opportunity to comment in

the same manner must be given to other interested members of the public, including owners of adjoining property.

(C) An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment; however, this subsection does not create any new substantive right in any party.

(D) No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority or the planning commission.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-770. Governmental entities subject to zoning ordinances; exceptions.

(A) Agencies, departments, and subdivisions of this State that use real property, as owner or tenant, in any county or municipality in this State are subject to the zoning ordinances.

(B) A county or agency, department or subdivision of it that uses any real property, as owner or tenant, within the limits of any municipality in this State is subject to the zoning ordinances of the municipality.

(C) A municipality or agency, department or subdivision of it, that uses any real property, as owner or tenant, within the limits of any county in this State but not within the limits of the municipality is subject to the zoning ordinances of the county.

(D) The provisions of this section do not require a state agency, department, or subdivision to move from facilities occupied on June 18, 1976, regardless of whether or not their location is in violation of municipal or county zoning ordinances.

(E) The provisions of this section do not apply to a home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. A home is construed to be a natural family or such similar term as may be utilized by any county or municipal zoning ordinance to refer to persons related by blood or marriage. Prior to locating the home for the handicapped persons, the appropriate state agency or department or the private entity operating the home under contract must first give prior notice to the local governing body administering the pertinent zoning laws, advising of the exact site of any proposed home. The notice must also identify the individual representing the agency, department, or private entity for site selection purposes. If the local governing body objects to the selected site, the governing body must notify the site selection representative of the entity seeking to establish the home within fifteen days of receiving notice and must appoint a representative to assist the entity in selection of a comparable alternate site or structure, or both. The site selection representative of the entity seeking to establish the home and the representative of the local governing body shall select a third mutually agreeable person. The three persons have forty-five days to make a final selection of the site by majority vote. This final selection is binding on the entity and the governing body. In the event no selection has been made by the end of the forty-five day period, the entity establishing the home shall select the site without further proceedings. An application for variance or special exception is not required. No person may intervene to prevent the establishment of a community residence without reasonable justification.

(F) Prospective residents of these homes must be screened by the licensing agency to ensure that the placement is appropriate.

(G) The licensing agency shall conduct reviews of these homes no less frequently than every six months for the purpose of promoting the rehabilitative purposes of the homes and their continued compatibility with their neighborhoods.

(H) The governing body of a county or municipality whose zoning ordinances are violated by the provisions of this section may apply to a court of competent jurisdiction for injunctive and such other relief as the court may consider proper.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-775. Use of property obtained from federal government.

Notwithstanding the provisions of Section 6-29-770 of the 1976 Code or any other provision of law, a state agency or entity that acquires real property from the federal government or from a state instrumentality or redevelopment agency that received it from the federal government shall be permitted to use the property in the same manner the federal government was permitted to use the property. Further, the property in the hands of the state agency or entity shall be subject only to the same restrictions, if any, as it was in the hands of the federal government, and no county or municipality of this State by zoning or other means may restrict this permitted use or enjoyment of the property.

HISTORY: 2002 Act No. 256, Section 3.
Code Commissioner's Note—
Codified as Section 6-29-775 at the direction of the Code Commissioner.

SECTION 6-29-780. Board of zoning appeals; membership; terms of office; vacancies; compensation.

(A) As a part of the administrative mechanism designed to enforce the zoning ordinance, the zoning ordinance may provide for the creation of a board to be known as the board of zoning appeals. Local governing bodies with a joint planning commission and adopting a common zoning ordinance may create a board to be known as the joint board of appeals. All of these boards are referred to as the board.

(B) The board consists of not less than three nor more than nine members, a majority of which constitutes a quorum, appointed by the governing authority or authorities of the area served. The members shall serve for overlapping terms of not less than three nor more than five years or after that time until their successors are appointed. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The governing authority or authorities creating the board of zoning appeals may remove any member of the board for cause. The appointing authorities shall determine the amount of compensation, if any, to be paid to the members of a board of zoning appeals. None of the members shall hold any other public office or position in the municipality or county.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-790. Board of zoning appeals; officers; rules; meetings; notice; records.

The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the zoning board. The board shall adopt rules of procedure in accordance with the provisions of an ordinance adopted pursuant to this chapter. Meetings of the board must be held at the call of the chairman and at such other times as the board may determine. Public notice of all meetings of the board of appeals shall be provided by publication in a newspaper of general circulation in the municipality or county. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-800. Powers of board of appeals; variances; special exceptions; remand; stay; hearing; decisions and orders.

(A) The board of appeals has the following powers:

(1) to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

(2) to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

(i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

(ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare;

(3) to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance; and

(4) to remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing.

(B) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be taken within a reasonable time, as provided by the zoning ordinance or rules of the board, or both, by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds for the appeal. If no time limit is provided, the appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken. The officer from whom the appeal is taken immediately must transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(C) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(D) The board must fix a reasonable time for the hearing of the appeal or other matter referred to the board, and give at least fifteen days' public notice of the hearing in a newspaper of general circulation in

the community, as well as due notice to the parties in interest, and decide the appeal or matter within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

(E) In exercising the above power, the board of appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the execution of the duties specified in this chapter, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

(F) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 2, eff June 2, 2003.
Effect of Amendment
The 2003 amendment rewrote this section.

SECTION 6-29-810. Contempt; penalty.

In case of contempt by a party, witness, or other person before the board of appeals, the board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-820. Appeal from zoning board of appeals to circuit court; pre-litigation mediation; filing requirements.

(A) A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the board is mailed.

(B) A property owner whose land is the subject of a decision of the board of appeals may appeal either:

(1) as provided in subsection (A); or

(2) by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825.

Any notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the board is postmarked.

(C) Any filing of an appeal from a particular board of appeals decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8-21-310(11)(a).

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 3, eff June 2, 2003.
Effect of Amendment
The 2003 amendment added subsections (B) and (C) and designated the existing paragraph as subsection (A).

SECTION 6-29-825. Pre-litigation mediation; notice; settlement approval; effect on real property; unsuccessful mediation.

(A) If a property owner files a notice of appeal with a request for pre-litigation mediation, the request for mediation must be granted, and the mediation must be conducted in accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules and this section. A person who is not the owner of the property may petition to intervene as a party, and this motion must be granted if the person has a substantial interest in the decision of the board of appeals.

(B) The property owner or his representative, any other person claiming an ownership interest in the property or his representative, and any other person who has been granted leave to intervene pursuant to subsection (A) or his representative must be notified and have the opportunity to attend the mediation. The governmental entity must be represented by at least one person for purposes of mediation.

(C) Within five working days of a successful mediation, the mediator must provide the parties with a signed copy of the written mediation agreement.

(D) Before the terms of a mediation settlement may take effect, the mediation settlement must be approved by:

(1) the local legislative governing body in public session; and

(2) the circuit court as provided in subsection (G).

(E) Any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is the subject of the mediation, and a settlement agreement sets no precedent as to other parcels of real property.

(F) If mediation is not successful or if the mediated settlement is not approved by the local legislative governing body, a property owner may appeal by filing a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The petition must be filed with the circuit court within thirty days of:

(1) the report of an impasse as provided in the South Carolina Circuit Court Alternative Dispute Resolution Rules; or

(2) the failure to approve the settlement by the local governing body.

(G) The circuit court judge must approve the settlement if the settlement has a rational basis in accordance with the standards of this chapter. If the mediated settlement is not approved by the court, the judge must schedule a hearing for the parties to present evidence and must issue a written opinion containing findings of law and fact. A party may appeal from the decision:

(1) in the same manner as provided by law for appeals from other judgments of the circuit court; or

(2) by filing an appeal pursuant to subsection (F).

HISTORY: 2003 Act No. 39, Section 4, eff June 2, 2003.

SECTION 6-29-830. Notice of appeal; transcript; supersedeas.

(A) Upon the filing of an appeal with a petition as provided in Section 6-29-820(A) or Section 6-29-825(F), the clerk of the circuit court must give immediate notice of the appeal to the secretary of the board and within thirty days from the time of the notice, the board must file with the clerk a duly certified copy of the proceedings held before the board of appeals, including a transcript of the evidence heard before the board, if any, and the decision of the board including its findings of fact and conclusions.

(B) The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 5, eff June 2, 2003.

Effect of Amendment

The 2003 amendment, in subsection (A) inserted "with a petition as provided in Section 6-29-820(A) or Section 6-29-825(F)" preceding ", the clerk of circuit court", substituted "the appeal" for "it", inserted "duly" preceding "certified copy", and substituted "the board" for "it", in subsection (B) substituted "any" for "a" and "does" for "shall", and in subsections (A) and (B) made nonsubstantive changes.

SECTION 6-29-840. Determination of appeal; costs; trial by jury.

(A) At the next term of the circuit court or in chambers, upon ten days' notice to the parties, the presiding judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge

determines that the certified record is insufficient for review, the matter may be remanded to the zoning board of appeals for rehearing. In determining the questions presented by the appeal, the court must determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the governing authority which established the board of appeals.

(B) When an appeal includes no issues triable of right by jury or when the parties consent, the appeal must be placed on the nonjury docket. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre-existing right to trial by jury of any issue beyond the subject matter jurisdiction of the board of appeals, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.

HISTORY: 1994 Act No. 355, Section 1; 2003 Act No. 39, Section 6, eff June 2, 2003.
Effect of Amendment
The 2003 amendment added subsection (B), designated the existing paragraph as subsection (A), and made nonsubstantive changes.

SECTION 6-29-850. Appeal to Supreme Court.

A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the manner provided by the South Carolina Appellate Court Rules.

HISTORY: 1994 Act No. 355, Section 1; 1999 Act No. 55, Section

Article 5. Board of Zoning Appeals

Article 5. Board of Zoning Appeals
Section 501. Purpose and Intent
Section 502. Organization
Section 503. Duties and Powers
Section 504. Criteria and Standards
Section 505. Procedures
Section 506. Appeals From Decisions of the Board of Zoning Appeals

Section 501. Purpose and Intent

The Board of Zoning Appeals is a part of the mechanism designed to enforce the Zoning Ordinance. The Board has the authority to make final administrative decisions concerning the Zoning Ordinance, subject to appeal to circuit court, provided that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

Section 502. Organization

A Board of Zoning Appeals is hereby established.

502.A. **Membership.** The Board shall consist of nine members, the majority of whom shall be residents of the City. Members shall be appointed by the Myrtle Beach City Council for overlapping terms of three years.

Members shall continue to serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. The City Council may remove any member of the Board for cause. None of the members of the Board shall hold any other public office or position in the City.

502.B. **Educational Requirements.** Board members are subject to the mandatory orientation and continuing education required by statute.

502.C. **Officers.** The Board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The Board may elect one of its members vice-chairman who shall serve for one year or until he is re-elected or his successor is elected or qualified. The Board shall appoint a secretary who may be an officer of the City or a member of the Board. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses by subpoena.

502.D. **Rules.** The Board shall adopt rules of procedure.

502.E. **Meetings and Notices.** Meetings of the Board must be held at the call of the chairman and at such other times as the Board may determine.

The Board shall conduct its meetings in public, except when an executive session is authorized by the Freedom of Information Act. Written notice of dates, times and locations of regular meetings shall be given at the beginning of each calendar year. The agenda for regular, called, special or rescheduled meetings shall be posted at the meeting place 24 hours prior to each meeting. The Board shall provide requesting persons, organizations, and news media with requested meeting notifications.

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requesting persons, organizations, and news media with requested meeting notifications.

Public notice of all meetings of the Board, stating the subject matter of the hearing and including notice of the time and place of the meeting, shall be provided by publication in a newspaper of general circulation in the City at least 15 days prior to the date of the meeting. In cases involving variances or special exceptions conspicuous notice, stating the variance or special exception requested and including notice of the time and place of the meeting, shall be posted on or adjacent to the property affected at least 15 days prior to the date of the meeting; with at least one such notice being visible from each public thoroughfare that abuts the property. In cases involving special exceptions the city shall notify by mail all property owners within 300 feet of the proposed special exception not less than 10 days before the public hearing.

502.F. **Minutes and Records.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board and must be a public record.

502.G. **Quorum.** A quorum consists of a majority of the membership.

Section 503. Duties and Powers

The Board of Zoning Appeals shall have the following duties and powers:

503.A. **Zoning Appeals.** The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

503.B. **Variances.** The Board shall have the power to hear and decide requests for variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. In the consideration of variances, the Board shall be governed by the following:

1. The Board shall have the power to grant a variance in the requirements of the Zoning Ordinance so as to relieve particular hardships in cases when and where the strict application of such regulation or restriction would result in unnecessary hardship. All variances granted shall comply as nearly as possible in every respect with the spirit, intent and purpose of the Zoning Ordinance. It is the purpose of this provision to authorize variances based on a showing of demonstrable and exceptional hardship as distinguished from variances sought by applicants for purposes or reasons of convenience, profit, caprice or self-imposed hardship.

2. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
b. These conditions do not generally apply to other property in the vicinity;
c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

3. In granting a variance the Board may attach conditions to it. These conditions may address the location, character, or other features of the proposed building, structure or use. The Board may set these conditions to protect established property values in the surrounding area or to promote the public health, safety or general welfare.

4. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change zoning district boundaries shown on the official Zoning Map.

5. The fact that a property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance.

6. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after enactment of a zoning regulation complain that the nonconforming use would work as a hardship upon him.

7. The procedure for the amendment of a variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application. However, where the zoning administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application and filing fee be submitted. In any event, compliance with all required notice provisions of Article 5 – *Board Of Zoning Appeals* shall be followed for each and every hearing held.

8. Landscaping. In the event that strict compliance with the standards of Article 9 - *Landscaping and Tree Protection* conflict with existing federal or state statutory or regulatory requirements, the developer may submit to the Construction Services Department a Request for a zoning variance including a specific alternate planting plan. This plan must meet the purposes and standards of Article 9 - *Landscaping and Tree Protection*, but may suggest measures other than those specified within Article 9 - *Landscaping and Tree Protection*. In addition, if the developer seeks a modification of planting requirements based upon a contention that the planting required by Article 9 - *Landscaping and Tree Protection* would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification will only be considered upon receipt of a written explanation of the alleged conflict created

by the planting requirement and a copy of the statute or regulation that creates the conflict.

9. Flood Plain Management. Refer to section 1114.B - *Variance Procedures Associated With Flood Plain Management Regulations.*

10. Airport Hazard Zone. Refer to section 1803.I - *Permits* regarding FAA determination regarding impact to air navigation.

503.C. **Special Exceptions.** A special exception is a use presumed to have certain characteristics of operation that could, under certain instances, be detrimental to the neighborhood and to abutting property. Review by the Board of Zoning Appeals of the merits of such use is required prior to such use being permitted.

1. The Board shall have the power to permit uses by special exception, subject to the standards and conditions for the uses set forth for such uses in Article 15 – *Conditional And Accessory Uses And Special Exceptions.* Compliance with all required notice provisions of Article 5 – *Board Of Zoning Appeals* shall be followed for each and every hearing held.
   a. If, after public hearing, it is determined that such proposed public use cannot be located in a manner compatible with the surrounding neighborhood, the Board of Zoning Appeals shall have the right to deny the request.
   b. The Board of Zoning Appeals may impose such reasonable restrictions and conditions as in its opinion will accomplish the intent of this Ordinance.
   c. A use listed as a special exception is eligible for location within a district in which it is indicated in Article 14 – *Zoning Districts,* provided it can demonstrate the following conditions exist:
      i. The proposed use will not adversely affect the level of property values or general character or general welfare of the nearby area.
      ii. Adequate provision is made for such items as setbacks, fences, buffer or landscaping strips, to protect adjacent properties from possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.
      iii. Vehicular traffic and pedestrian movement on adjacent roads will not be hindered or endangered.
      iv. Off-street parking and loading areas and the entrance and exits of those areas will be adequate in terms of location, amount, design and construction to serve the proposed use.
      v. All additional requirements of section 1503 – *Special Exceptions* are met.

2. The procedure for the amendment of a special exception, or a request for a change of conditions attached to an approval, shall be the same as for a new application. However, minor changes may be decided and approved by the Zoning Administrator if the change(s):
   a. Do not alter the concept of the Special Exception;
   b. Do not change the permitted land uses;
   c. Do not reduce the minimum building setback for principal structures;
   d. Do not decrease the number of off-street parking spaces; or
   e. Do not otherwise violate the restrictions applicable within the Special

Exception.

The Zoning Administrator shall submit all minor changes to a Special Exception to the Board of Zoning Appeals for its information. An applicant may appeal the adverse decision of the Zoning Administrator to the Board of Zoning Appeals.

Section 504. Criteria and Standards

504.A. **Zoning Appeals.** Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.

504.B. **Variances and Special Exceptions.** Application, including accompanying maps, plans, or other supporting information, shall be made to the zoning administrator for processing in accordance with rules adopted by the Board.

504.C. An application by any property owner to appear before the Board shall be accompanied by a fee as prescribed in the fee schedule as established by the City Council. Fees shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner.

504.D. Fees shall not be required for appearances before the Board of Zoning Appeals by any governmental agency or body.

Section 505. Procedures

505.A. **Hearings.** The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

505.B. Decisions. The Board must make a decision regarding each appeal or matter within forty-five days following the hearing. Absentee ballots are not authorized; a member must be present to vote. All final decisions and orders of the Board must be in writing and be filed in the office of the Board. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail.

Section 506. Appeals From Decisions of the Board of Zoning Appeals

506.A. Litigation. A person who may have a substantial interest in any decision of the Board of Appeals, or the City, may appeal from a decision of the Board to the Circuit Court by filing with the clerk of the court. The appeal shall be filed within 30 days after the decision of the Board is postmarked. Within thirty days from the time of notice from the clerk of the appeal, the Board shall file with the clerk a certified copy of the proceedings held before the Board of Zoning Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusions of law.

506.B. Mediation. As an alternative to litigation, a property owner whose land is subject to a Board of Zoning Appeals decision may file a notice of appeal accompanied by a request for pre-litigation mediation. A notice of appeal and request for pre-litigation mediation shall be filed within 30 days after the decision of the Board is postmarked. The mediation shall be conducted in accord with the South Carolina Circuit Court Alternative Dispute Resolution Rules and section 6-29-825. A person who is not the owner of the property at issue may petition to intervene as a party in the mediation, and this motion shall be granted if the person has a substantial interest in the Board's decision. All property owners or representatives and interveners shall be notified and have opportunity to attend the mediation. The mediation may result in either an impasse or a mediation settlement agreement. No settlement agreement shall be effective until approved by City Council in public session and by the circuit court judge. If the mediation results in an impasse or if a settlement is not approved, the property owner has the option to pursue an appeal as described in 506.A - *Litigation*. Such petition for appeal must be filed with the Circuit Court within 30 days of either the report of impasse filed by the mediator or the council or judges failure to approve.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge
Case No. 2020-CP-26-00785

APPELLATE CASE NO. 2021-001074

ANI CREATION, INC. d/b/a Rasta; ANI CREATION, INC. d/b/a Wacky T's; BLUE SMOKE, LLC d/b/a Doctor Vape; BLUE SMOKE, LLC d/b/a Blue Smoke Vape Shop; ABNME, LLC d/b/a Best for Less; KORETZKY, LLC d/b/a Grasshopper; RED HOT SHOPPE, INC.; E.T. SPORTSWEAR, INC. d/b/a Pacific Beachwear; MYRTLE BEACH GENERAL STORE, LLC; I AM IT, INC. d/b/a T-Shirt King; and BLUE BAY RETAIL, INC. d/b/a Surf's Up, Petitioners,

Appellants

vs.

CITY OF MYRTLE BEACH BOARD OF ZONING APPEALS and KEN MAY, ZONING ADMINISTRATOR FOR CITY OF MYRTLE BEACH, Respondents,

Respondents

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all materials proposed to be included by any of the parties and not any other material.

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