

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 3, 2009

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| Agenda Item: | Prepared By: Paul Blust J:/Issue 2008/ztx-08-07 |
| Agenda Section: Business: Ordinance/Second Reading | Date: January 15, 2008 |
| Subject: Zoning Text Amendment and Land Development Amendment – Allow private streets in the R-1A and R-1B zoning districts | Division: Planning & Development |

Background:

At the meeting of January 5, City Council adopted first reading of an ordinance to amend the Zoning Ordinance text to allow private streets in the R-1A and R-1B (Single-Family, Low-Medium Density) districts.

The Zoning Ordinance was amended in 2006 to allow private streets under certain circumstances in new subdivisions in the R-1 (Single-Family Residential) district as a special exception. The proposed ordinance amendment is similar to the changes made in 2006, except, that this proposal would now add R-1A and R-1B to what was done in 2006.

Council requested that a stipulation in the ordinance that stated “a private street shall not connect two public streets” be changed to state, “a private street cannot be the sole connection between two public streets.” That change has been made to the proposed ordinance.

Recommended Action:

Adoption of the ordinance on second reading.

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|--|--------------------------|---------------------------|
| Reviewed by Division Head | Reviewed by City Manager | Reviewed by City Attorney |
| | | |
| Council Action: Motion By _____ 2 nd By _____ To _____ | | |

6.D. & E. ZONING TEXT AMENDMENT ZTX-08-07 AND SUBDIVISION TEXT AMENDMENT STX-08-02:

At the City Council workshop on October 27, 2008, Council initiated an amendment to the Zoning Ordinance text and the Subdivision Ordinance text to allow private streets in the R-1A and R-1B (Single-Family Residential, low-medium density) zoning districts in newly created subdivisions under certain circumstances.

Wherever private streets are allowed there will always be the potential to disrupt the public street system by reducing overall system connectivity. For that reason, regulations should be very limiting as to when private streets are allowed. Council wanted to allow private streets in these two districts in a similar manner to which they are now allowed in the R-1 (Single-Family Residential, low density) district. The Zoning Ordinance was amended in 2006 to allow private streets in R-1 districts.

The following are standards that will be placed on private streets and are incorporated into the accompanying Zoning ordinance:

- The property to be developed shall have public street frontage, with the private street intersecting with one public street, while having no physical way of connecting to adjoining properties.
- The private street(s) shall be built to public street standards.
- There shall be a homeowners association established to maintain the street(s).
- A private street cannot connect two public streets. If that possibility exists then the street in the subdivision shall be public.

Attached are the proposed ordinances with the changes necessary to allow for private streets in the R-1A and R-1B districts. One is the Zoning Ordinance change and the other is the change to the Land Development Regulations.

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING SECTIONS 23-18, 23-18.1 AND 23-116 OF SAID CODE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1:

That Section 23-18 be amended as follows:

Sec. 23-18. R-1 Single-Family Residential Low Density and R-1A Single-Family Residential Low-Medium Districts.

(1) *Purpose:* The purpose of these districts is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of "lie development."

(2) *Permitted Uses:* Within the R-1 and R-1A Districts, a building or lot shall be used only for the following purposes:

- (a) Single-family detached dwellings, excluding mobile homes.
- (b) Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
- (c) Publicly owned recreation facilities.
- (d) Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto.
- (e) Accessory uses.
- (f) Home occupations.
- (g) Signs permitted by and in accord with all applicable provisions of Article III.

(3) *Development Regulations*: Regulations governing the location and height of structures, and the area upon which they may be located are as follows:

| | | |
|--------------------------------------|--------|--------|
| (a) Lot area requirements | R-1 | R-1A |
| Single-family dwelling (square feet) | 10,000 | 7,500 |
| Churches | 1 acre | 1 acre |
| Other permitted uses | 10,000 | 10,000 |

| | | | |
|-----------------------|-------------------------------|-----------------|-----------------------------|
| (b) Yard requirements | R-1 and R-1A | | |
| | <i>Single-Family Dwelling</i> | <i>Churches</i> | <i>Other Permitted Uses</i> |
| Minimum depth of: | | | |
| Front yard | 25 feet | 25 feet | 25 feet |
| Rear yard | 20 feet | 25 feet | 25 feet |
| Minimum depth of: | | | |
| Side yards: | | | |
| R-1 | 10 feet ¹ | 25 feet | 10 feet |
| R-1A | 5 feet | 25 feet | 10 feet |

Note 1: A five-foot side yard setback shall be required for substandard lots of record.

| | |
|-------------------------------|---------------------|
| (c) Height requirements: | <i>R-1 and R-1A</i> |
| Maximum height of structures: | |
| Single-family structures: | 35 feet |
| Accessory building | 15 feet |
| Other permitted uses | 45 feet |

(d) Impervious surface requirements: No more than forty (40) percent of any lot surface shall be impervious to water absorption in the R-1 District and forty-five (45) percent in the R-1A District. For church use, no more than sixty (60) percent of any lot shall be impervious.

(e) A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

(5) *Special exceptions*: Owing to their potential negative impact on the community and surrounding areas, the following uses may be approved as special exceptions by the Board of Zoning Appeals:

- (a) Noncommercial marinas, subject to the siting standards of section 23-120.
- (b) Commonly owned amenities: The Board of Zoning Appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in section 23-161 (3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109.

Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.

- (c) Private streets in newly platted subdivisions in the R-1 and R-1A districts subject to the following standards:
 - 1. The property to be developed ~~must~~ shall have public street frontage with the private street intersecting with one public street, while having no physical way of connecting to adjoining properties or other public streets.
 - 2. The private street(s) ~~must have a fifty foot right-of-way and~~ shall be built to public street standards.
 - 3. There ~~must~~ shall be a homeowner's association established to maintain the street(s).
 - 4. A private street cannot connect two public streets.
 - 5. That the provisions of Section 23-116 are met.
- (d) *Off-street parking*: Off-street parking (requirements) for the various uses permitted herein are set forth in Article IV of this chapter.

(Ord. No. 88-35, 11-1-88; Ord.No. 93-1, & 1, 1-4-93; Ord.No. 95-10, & 7, 3-20-95; Ord.No. 96-23, & 1, 6-3-96; Ord.No. 03-15, & 1, 5-19-03)

Section 2:

That Section 23-18.1 be amended as follows:

Sec. 23-18.1 R-1B Single-Family Low-Medium Density District

- (1) *Purpose*: The purpose of the district is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of "like development."

(2) *Permitted Uses:* Within the R-1B district, a building or lot shall be used only for the following purposes:

- (a) Single-family detached dwellings, excluding mobile homes.
- (b) Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
- (c) Publicly owned recreational facilities.
- (d) Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto.
- (e) Accessory uses.
- (f) Home occupations.
- (g) Signs permitted by and in accord with all applicable provisions of Article III.

(3) *Development Regulations:* Regulations governing the location and height of structures, and the area upon which they may be located are as follows:

| | Single-family Dwelling | Church | Other permitted uses |
|----------------------------------|------------------------|---------|----------------------|
| Minimum site area (square feet) | 7,000 | 1 acre | 7,000 |
| Minimum lot width | 60 feet | NA | NA |
| Minimum yards | | | |
| Front | 25 feet | 25 feet | 25 feet |
| Side | 5 feet | 25 feet | 10 feet |
| Rear | 20 feet | 25 feet | 25 feet |
| Maximum impervious surface ratio | 50 % | 60% | 50% |
| Maximum building height | 35 feet | 45 feet | 25 feet |

Notes:

1. Lot width requirement on a cul-de-sac may be reduced by 33%
2. A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

(4) *Special exceptions:* Owing to their potential negative impact on the community and surrounding areas, the following uses may be approved as special exceptions by the Board of Zoning Appeals:

- (a) Commonly owned amenities: the Board of Zoning Appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in sections 23-161(3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109.

Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.

- (b) Private streets in newly platted subdivisions subject to the following standards:

1. The property to be developed shall have street frontage on a public street, with the private street intersecting the public street, while having no physical way of connecting to adjoining properties or other public streets.
2. The private street shall be built to public street standards.
3. There shall be a homeowner's association established to maintain the street(s).
4. A private street shall not be the sole connection between two public streets.
5. That the provisions of Section 23-116 are met.

Section 3:

That Section 23-116 (7) be amended to read as follows:

“(7) Private streets or access alleys will be allowed only in patio home projects, single-family in common projects, townhouse projects, group developments, mobile home parks, PUD's and newly created subdivisions in the R-1, R-1A and R-1B districts when approved as a special exception. Private streets serving patio home projects will be limited to serving forty-five (45) lots or less and single-family in common projects serving forty-five (45) units or less.”

Section 4:

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2009.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: _____

SECOND READING: _____

REVIEWED:

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING SECTION 20-40 OF SAID CODE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1:

That Section 20-40 of the Land Development Regulations be amended as follows:

DIVISION 5. MINIMUM DESIGN STANDARDS

Sec. 20-40. Complete Streets.

- (a) *Conformity to existing maps, plans or policies.* The location and width of all proposed streets shall be in conformity with official plans and maps of the city and with existing or amended plans of the Planning Commission. All streets shall be designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to safely move along and across a “complete street.”
- (b) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area. Where feasible, all existing principal streets shall be extended so as to prevent increased traffic congestion on the overall street network. The Planning Commission, during the subdivision approval process, will determine feasibility as well as judge, and possibly require mitigation of, negative impacts if a proposed neighborhood design does not adequately connect to the adjoining street system.
- (c) *Access to adjacent properties.* To provide for street access to adjoining property, proposed streets shall be extended by dedication of right of way to the boundary of such property and a temporary turnaround shall be provided until connection is achieved.
- (d) *Public and private streets.* Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street.
 - (1) Planned unit developments, newly approved subdivisions in the R-1 (single-family residential, Low Density), R-1A and R-1B (Single-Family, Low- Medium Density) districts and single-family in-common projects, as defined in the zoning ordinance, may be developed with private streets

that meet the design standards for public streets in section 20-40(m), but are not intended for dedication to the public, provided:

- a. The proposed development will have direct access onto a public street;
- b. No street intended to be private is planned or expected to be extended to serve property outside the development;
- c. Continuation of the adjoining street system will not be obstructed;
- d. Street access to adjoining properties will not be obstructed;
- e. The subdivider's maintenance plan, as required by section 20-32(b)(14), demonstrates that the private streets will be properly maintained.

(2) Attached single-family developments (townhouses), and zero lot line single-family detached developments (patio homes), single-family in common projects, and multifamily group developments, may be developed with private streets that meet the design standards in section 20-40(m), subject to the provisions of the zoning ordinance, provided:

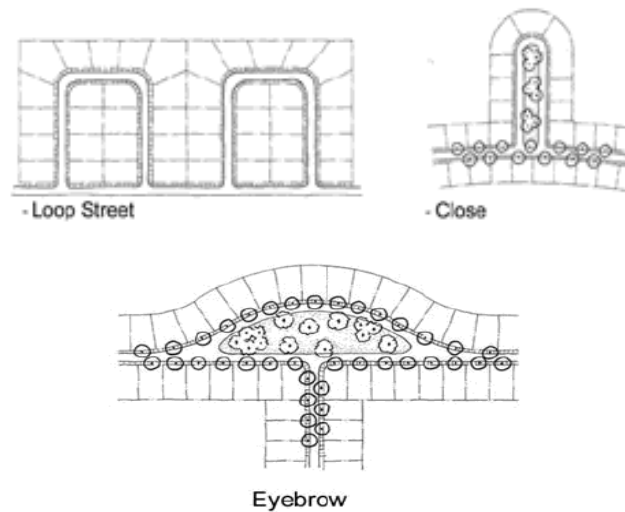
- a. Proposed developments which front a public street will have direct access onto a public street;
- b. No street intended to be private is planned or expected to be extended to serve property outside the development;
- c. Continuation of the adjoining street system will not be obstructed;
- d. Street access to adjoining properties will not be obstructed;
- e. The subdivider's maintenance plan, as required by section 20-32(b)(14), demonstrates that the private streets will be properly maintained.

A plan showing the location of private streets within a multifamily group development may be required by the Planning Commission before private streets are authorized within such developments.

- (e) *Street names.* For 911 emergency services provision, proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the names of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix "street," "avenue," "boulevard," "drive," "place," "court," etc.

- (f) *Local streets.* Local streets shall be so laid out that their excessive use by through traffic will be discouraged. However, to decrease the number of local trips and congestion on major roadways, provision for cross access (as described in b and c of this section) must not be totally eliminated in the process. While extensions of principal streets need to serve through traffic, the connections of local streets may be designed to be primarily useful to local residents of that area.
- (g) *Residential buffers for arterial or collector streets.* Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal-access streets, double frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (h) *Reserved strips prohibited.* Reserved strips at the terminus of a new street shall be prohibited.
- (i) *Street jogs.* Street jogs with center line of less than two hundred (200) feet shall be avoided.
- (j) *Right angle intersections.* Street intersections shall be as nearly at right angles as practicable.
- (k) *Cul-de-sac.* The total length of permanent dead-end streets (including cul-de-sac streets) shall not exceed 15% of the overall length of streets proposed in a development. Individual dead end and cul-de-sac streets shall not exceed six hundred (600) feet in length. Although through access for motorized vehicle ends, through bicycle and pedestrian access must be maintained. The Planning Commission may require cul-de-sacs to include pedestrian connections to abutting streets wherever practicable.

Temporary dead-end streets shall be provided with a turnaround having a "T" type design of sufficient dimensions to allow for adequate turning maneuvers. Alternatives to cul-de-sacs that have less impact on traffic congestion include loop streets, closes, and eyebrows as shown below:



Source: Metropolitan Government of Nashville & Davidson County, Tennessee, *Walkable Subdivisions*

(l) **Street Design Types:** Although this ordinance describes and refers to street types by function (i.e. collector, arterial) that terminology is tied to the functional classification assigned by engineering professionals for movement of motor vehicles. These terms alone do not address the City’s community design vision and commitment to “complete street” design that safely serves all modes (pedestrian, bicycle, transit) of transportation. Additional street type terminology that provides better imagery regarding community design and adjacent land use criteria are described in detailed cross section designs shown in the Street Design Guidelines section of Appendix A.

(m) *Design standards for streets.* The following street design standards shall be considered minimum requirements. All streets shall be designed using the city’s design standards as contained in appendix A at the end of this chapter, as well as the engineering standards of the City Public Works Department. In case of conflicts in the various sources for safety, design, and functionality standards; the City Engineer will consult with the Director or Planning & Development and both will determine the appropriate standard to be required.

(1) Vertical Design. Vertical design shall be in accordance with the current edition of the AASHTO Manual. The minimum grade shall be 0.5%.

(2) Right-of-Way and Pavement Width. Minimum public right-of-way width shall be at least forty (40) feet or as otherwise approved by the Planning Commission, except for alleys as illustrated in Appendix A. Private streets may consist of a combination of private roadway and utility easements(s), the combination of which achieves a minimum forty (40) feet of right-of-way, except for alleys as illustrated in Appendix A.

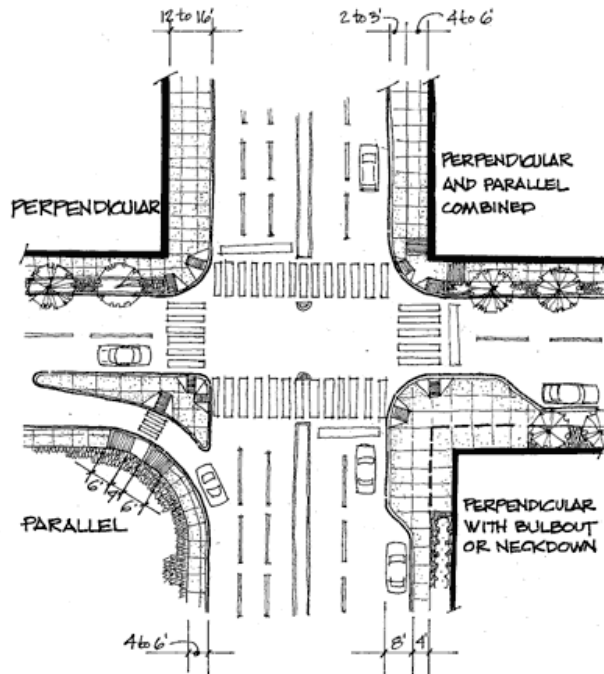
For all streets, pavement widths shall not be less than twenty (20) feet.

All streets shall be designed and constructed with reference to the city's Street Design Guidelines (Appendix A).

- (3) *Non-Curb Street Design Permitted.* When it is found to be in the public interest, a non-curb street design cross section in accordance with Public Works Department's Subdivision Construction Specifications may be permitted in low-density residential areas.
- (4) *Horizontal Radius of Curved Streets.* Subdivision streets shall not be superelevated.
- (5) *Turnarounds.* The type and design of turnaround required shall be determined by the Planning Commission, with advice from the Public Works Department.
 - a. Turnarounds shall be designed to accommodate emergency and service vehicles as well as passenger cars. All circular turnarounds of fifty (50) feet or greater radius on permanent dead-end streets shall be hollow-core turnarounds, with center landscaped islands.
- (6) *Transit stops:* At the request of the Planning Commission or Coast RTA, (Horry County's transit provider) if the development abuts a right of way with a planned or inadequate existing stop facility, a transit stop shall be incorporated into the proposed street design.

(7) *Intersection Design Standards*

- a. *Intersecting streets* should meet at a 90-degree angle wherever possible.
- b. *Pedestrian bulbs and median refuges* are techniques to ensure safety for all users of streets. The installation of pedestrian bulbs to decrease intersection crossing distance for pedestrians should be used wherever feasible, and may be required by the Planning Commission. A median refuge is used to accommodate pedestrians crossing the roadway in stages, and is required on any four-lane (or wider) roadway. An example of pedestrian bulbs and median refuges is shown below:

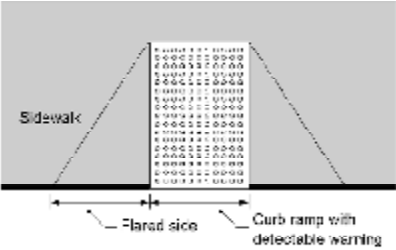


Source: United States Access Board

- c. *Intersection offset:* The centerline-to-centerline distance between offset T-type intersections shall be at least two hundred (200) feet along local streets and three hundred (300) feet when such T-type intersections occur along a collector street.
 - d. *Curb radius:* In general, when designing curb radii for street intersections, pedestrian safety, as well as safe turning movements for motorized vehicles, must be considered. The City Engineer, in consultation with the Director of Planning & Development, will determine the safest design for all modes.
 - e. *Number of Intersecting Streets:* Not more than two streets shall intersect in any one location unless otherwise specifically approved by the Planning Commission.
- (8) *Construction of sidewalks:* Cement concrete standard sidewalks are required. Sidewalk width shall vary depending on the street type. Sidewalks may not be located adjacent to the curb. The sidewalk will be separated from the curb by a planting strip. The planting strip width will depend on the street type.
- (9) *Bicycle accommodation:* Any vaults, covers, castings, and drainage grates must be designed to accommodate bicycle travel. Bicycle lanes or separated path/trail may be required, with construction standards and width determined by street type.

(10) *Standard construction of crosswalks:* For higher volume residential streets, and all commercial streets, crosswalks *may* be required at intersections. Such determination shall be made by the City Engineer, in consultation with the Director of Planning & Development. The construction shall be ladder-style crosswalks that are at least 10 feet wide. However, mid block crosswalk designs may be used with design approval by the City Engineer. Marked crosswalks should correspond as much as possible with the natural path of travel. Also, crosswalks must have a reflective surface that is visible in hours of darkness or during poor weather conditions. Textured and/or colored concrete crosswalk applications are encouraged. The following design criteria apply:

- *Area of crosswalk:* At least ten (10) feet wide.
- *Curb ramps:* Two are required at either end of the crosswalk. The following graphic provides an example (refer to the South Carolina Department of Transportation, Standard Drawings, Division 700 for specific details).





Source: United States Access Board

- *Smooth surface:* To reduce vibrations experienced by wheelchair users on bumpy surfaces, six (6) feet of the crosswalk area must have a fully vibration-free texture and a limit of $\frac{1}{4}$ inch or less rise, not more than every thirty (30) inches.
- *Visibility:* A thermoplastic parallel line on either side of a colored or textured crossing maintains visibility. No obstructions to pedestrian or driver visibility should be present within thirty (30) feet of the legal crosswalk. These include parking, trees, and bus zones.

(11) *Easements:*

- a. For the purpose of maintaining a distance of five (5) feet between the actual placement of utilities and structures, utility easements adjacent to private street rights-of-way shall have a width of between seven and one-half (7 1/2) and twelve (12) feet, as required by the city engineer.

(12) *Design criteria:*

For design criteria not specifically mentioned in this section, standards from the current SCDOT and AASHTO standards as stated in "A Policy on Geometric Design of Highway & Streets" as well as the Institute for Transportation Engineers street design manual entitled "Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities" shall be used as references. The City Engineer will determine the best criteria and apply that design criteria during development review.

Section 2:

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2009.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: _____

SECOND READING: _____

REVIEWED:

City Manager