

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 16, 2009

Agenda Item:	Prepared By: Jenn Kiper
Agenda Section: Old Business: Ordinance/Second Reading	Date: March 6, 2009
Subject: Zoning Text Amendment – An amendment to the Zoning Ordinance text to Article IV Off Street Parking and Loading Requirements [ZTX-08-08]	Division: Planning & Development

Background:

Staff has been examining the parking requirements in our Zoning Ordinance over the past few weeks, spurred by issues that have come up in recent site plan reviews. A series of minor tweaks appear to be in order to bring our code into better consistency with currently-accepted thinking in the areas of Smart Growth and Sustainable Development. One such initiative was represented by the recent Shared Parking Amendment (Planning Commission November 18 and Council 1st reading December 1, 2008).

During our research, staff believes we have identified another opportunity for improvement, by providing greater flexibility with respect to the provision of off-premise parking. Our Zoning Ordinance is quite flexible with respect to where parking is provided for hotels along Ocean Boulevard, for example; but is much less so for uses in other parts of the city.

Currently, seventy five (75%) percent of required parking must be located on site for most land uses. Staff believes that reducing this number could assist property owners in utilizing their sites more efficiently, and make otherwise marginal sites more attractive for development or redevelopment.

Staff prepared a proposed zoning text amendment that would have reversed this ratio to 25% on-site, and 75% off-site, with the following additional limitations:

- That all required handicapped parking be provided on-site (new requirement).
- That no off-site parking space be more than 300 feet from the property line of the principal site (carries over from existing ordinance).
- No off-site parking lot shall be located where a customer or employee would have to cross a road with more than two (2) through travel lanes to get from the off-premise lot to the principal site (new requirement).

The Planning Commission held a public hearing on this proposed text amendment on December 16,

2008 at which time they voted (7-0) to recommend approval to City Council. The Commission had no discussion on the matter.

The proposed amendments were forwarded to City Council and placed on their January 5, 2009 agenda. After discussion, Council tabled the item to allow time for discussing their concerns at a workshop.

During the workshop, held on January 26, 2009, Council agreed *in principle* to adjusting the ratio, but chose to go with a 50/50 ratio of on-site to off-site parking, and instructed staff to further limit the allowance to commercial structures only. Due to the extent of the changes from the initial draft, it was determined that the ordinance would have to go back to Planning Commission as an item of new business, to be re-advertised. The item was removed from the City Council agenda altogether, pending reconsideration by the Planning Commission.

The Planning Commission held a public hearing on the revised text amendment on February 17, 2009 at which time they voted (5-0) to recommend approval to City Council.

City Council Action:

On March 2nd, 2009, City Council voted 7-0 to adopt the attached Ordinance on First Reading.

A proposed Ordinance is attached for Council's convenience.

Recommended Action:

Adoption or denial of the ordinance on Second Reading.

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:

Motion By _____ 2nd By _____ To _____

6. B. ZONING TEXT AMENDMENT ZTX-08-08: An amendment to the Zoning Ordinance to Article IV Off Street Parking and Loading, Sec 23-41 Parking Regulations, (5) Noncontiguous off-street parking, regarding off-site parking.

Recommendations

Staff has been examining the parking requirements in our Zoning Ordinance over the past few weeks, spurred by issues that have come up in recent staff site plan reviews. A series of minor tweaks appear to be in order to bring our code into better consistency with currently-accepted thinking in the areas of Smart Growth and Sustainable Development. One such initiative was represented by the recently adopted Shared Parking Amendment.

During our research, staff believes we have identified another opportunity for improvement, by providing greater flexibility on the issue of off-premise parking. Our Zoning Ordinance is quite flexible with respect to where parking is provided for hotels along Ocean Blvd, for example; but is much less so for uses in other parts of the city.

Currently, seventy five (75%) percent of required parking must be located on-site for those other uses. Staff believes that reducing this number could assist property owners in utilizing their sites more efficiently, and make otherwise marginal sites more attractive for development or redevelopment.

UPDATE

This is the second time the Planning Commission has seen this proposed parking reduction. Staff previously recommended that the on-site parking be reduced from seventy-five (75) percent to twenty-five (25) percent. The Planning Commission recommended approval of that reduction to City Council. City Council thought that the proposed reduction was too great and suggested discussion of the issue at a workshop. On January 26, City Council discussed the on-site parking reduction and agreed to reduce it from seventy-five (75) percent on-site to fifty (50) percent, and to exclude residential uses from taking advantage of the provision. The City Attorney felt that this was a substantial enough change to require re-advertising and taking it back to the Planning Commission as a new amendment.

Therefore, as a result of the workshop with City Council, staff is proposing that the ratio of on-site to off-site parking spaces for non-residential uses be fifty (50) percent on-site and fifty (50) percent off-site, under the following circumstances:

- That all required handicapped parking be provided on-site.
- That no off-site parking space be more than 300 feet from the property line of the principal site.

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- No off-site parking lot shall be located where a customer or employee would have to cross a road with more than two (2) through travel lanes to get from the off-premise lot to the principal site.

The Ordinance is attached for your review and consideration.

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CHAPTER 23, ZONING ORDINANCE, BE AMENDED BY REVISING ARTICLE IV, OFF-STREET PARKING AND LOADING, SECTION 23-41, 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 Article IV, Off-Street Parking and Loading, Section 23-41, Parking Regulations, be amended by modifying Section 5 as follows (new matter underlined, deleted matter struck-through):

ARTICLE IV. OFF-STREET PARKING AND LOADING

Sec. 23-41. Parking regulations.

(5) Noncontiguous, off-street parking:

- (a) The owner of a parcel of land may provide the required automobile storage and parking spaces on lands on which the use is situated and on levels which are not contiguous to the lands on which the use is situated, provided that all of the conditions set forth herein are satisfied.
- (b) All residential uses in all zoning districts (except overlay zones) and commercial uses in the RC (Resort Commercial) district shall have a minimum of seventy-five (75) percent of all required parking spaces located on lands on which the use is situated and a maximum of twenty-five (25) percent of such spaces may be located off-site where the farthest parking space is located no farther than three hundred (300) feet from the principal site, with the exception of hotels/motels in the RC (resort commercial), and PUD (planned unit development) districts. All other commercial uses shall have a minimum of fifty (50) percent of all required parking spaces located on lands on which the use is situated and a maximum of fifty (50) percent of such spaces may be located off-site provided:
 1. The farthest parking space is located no more than three hundred (300) feet from the site upon which the principal use is situated.
 2. All required handicapped-accessible stalls are located on the principal building site.

3. No off-site parking crosses a road with more than two (2) through travel lanes.

Hotels/motels in the RC (resort commercial) and PUD (planned unit development) districts shall be permitted zero (0) percent of all required parking spaces located on the parcel(s) of land upon which the use is situated and up to one hundred (100) percent of such spaces may be located off-site, provided the farthest parking space is located no more than three hundred (300) feet from the principal site.

Where primary district on site parking requirements and the oceanfront parking overlay zone are both applicable, the more permissive standard shall apply. (Re: section 23-31(4), OFO (Oceanfront Overlay Zone).

- (c) Town centers within PUDs (planned unit developments) may provide up to one hundred (100) percent of required parking off site within the boundaries of the town center.
- (d) The owner shall impose restrictions on such noncontiguous parking lands by a recorded declaration which shall require written consent of the city to release such lands from restriction. Such recorded declaration shall run with the land and shall provide that so long as the use exists, the lands shall be utilized exclusively as a parking area serving the use except as follows:
 1. Retail use shall be permitted on the first floor of parking decks in association with hotel/motel developments in the RC (resort commercial) district only.
 2. Hotel/motel, multifamily and resort accommodation developments in the RC (resort commercial) districts and hotel/motel and multifamily in the R-4 (resort residential) districts may allow required noncontiguous parking lands to be developed with a use the same as the principal use for which the parking is provided subject to all applicable development standards.
- (e) No noncontiguous parking lands shall be located in any zone other than one for which the use is permitted.
- (f) Paved sidewalks, as per City of North Myrtle Beach specifications, from the noncontiguous lot to the principal development shall be provided ~~and be~~ at the owner's expense.
- (g) The noncontiguous parking lands shall be clearly marked by appropriate signage indicating that such lands are devoted to parking area serving the use and such signage shall be maintained in good state of repair.

- (h) The noncontiguous parking lands shall be physically improved, landscaped, and surfaced in the same manner as the parking area located on the lands on which the use is situated. All surface water must be retained on-site, or drained into public storm water drainage ways in accordance with accepted engineering practices as approved by the city engineer.
 - (i) Each parking space shall be unobstructed and shall be so arranged that any vehicle may be moved into and out of each space without moving any other vehicle.
 - (j) Lighting shall be provided on the noncontiguous parking lands and shall be of a type and placement so as not to pose a visual disturbance to adjacent property owners. Lighting plans shall be submitted for review and approval which show the size, type, and placement of all such units.
 - (k) No certificates of occupancy shall be issued for any units until the required number of parking spaces, with ingress and egress, are fully constructed for the number of units for which certificates of occupancy are requested. In the event any of the required parking spaces for units for which certificates of occupancy are requested are provided on noncontiguous parking lands, such lands shall be fully constructed and restricted by deed in accordance with all of the standards of this chapter before the certificates of occupancy shall be issued.
 - (l) ~~During the construction of any project which is required to have an off-site parking area, per zoning requirements, [sic] shall be required to clear and grade said off-site parking area within ninety (90) days of issuance of a building permit.~~ Off-site parking areas shall be cleared and graded within ninety (90) days of issuance of a building permit. The off-site parking area shall then be reserved for employee parking until the project receives a certificate of occupancy or is released at the discretion of the chief building inspector.
 - (m) All parking on noncontiguous lots shall be in accordance with section 23-42, parking design criteria.
- (6) *Contiguous on-street parking:* In town centers within PUDs (planned unit developments) on-street parking shall be permitted to count toward the total number of parking spaces required per land use when the street is an integral component of the design of the town center.

(Ord. No. 88-35, 11-1-88; Ord. No. 89-41, § 2, 8-15-89; Ord. No. 89-43, § 1, 8-15-89; Ord. No. 93-8, § 1, 3-1-93; Ord. No. 93-9, § 1, 3-1-93; Ord. No. 94-22, § 1, 7-18-94; Ord. No. 94-23, § 2, 7-18-94; Ord. No. 95-39, §§ 1, 2, 7-3-95; Ord. No. 95-51, §§ 1, 2, 11-20-95; Ord. No. 98-10, § 1, 4-20-98; Ord. No. 00-15, §§ 2--4, 3-6-00; Ord. No. 01-09, § 3, 2-5-01; Ord. No. 04-49, § 1, 10-4-04)

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