

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: June 1, 2009

Agenda Item:	Prepared By: Paul Blust J:/Issue 2009/ztx-09-04 second
Agenda Section: Business: Ordinance/Second Reading	Date: May 27, 2009
Subject: Zoning Text Amendment- Allow crematoriums as accessory use to cemeteries and funeral homes	Division: Planning & Development

Background:

At the meeting of May 18, City Council adopted first reading of an ordinance to amend the Zoning Ordinance text to remove the prohibition of crematoriums and funeral homes as accessory uses for cemeteries and add crematoriums as a permitted accessory use to cemeteries and funeral homes in the HC (Highway Commercial) district.

Staff researched crematoriums and found that the manner of doing business has changed over the years; and due to technology there are no longer objectionable after effects of the cremation process.

Recommended Action:

Adoption of the ordinance on second reading.

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

6.B. ZONING TEXT AMENDMENT ZTX-09-04:

Staff has initiated an amendment to the Zoning Ordinance text to add crematorium as an accessory use for cemeteries and funeral homes in the HC (Highway Commercial) district subject to the use being entirely self-contained within the structure and provided there are no obnoxious odors, fumes, or emissions generated by the use.

Recently staff talked to a person interested in building a funeral home and crematorium on the property of an existing cemetery in the HC district. The current ordinance prohibits crematoriums.

Staff researched crematoriums and found that the manner in doing business has changed over the years and due to technology no longer has the objectionable after effects of the cremation process.

The attached proposed ordinance is presented for review.

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 ARTICLE II, SECTION 23-26 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 I, Section 23-26, HC Highway Commercial District, be amended as follows (new matter underlined, deleted matter struck-through):

Sec. 23-26. HC Highway Commercial District.

(1) *Purpose:* The purpose of this district is to provide commercial opportunities to the traveling public, and areas in the community where large scale commercial projects may take place with minimal impact on contiguous residential development.

This district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility.

(2) *Permitted uses:* Within the HC District, a building or lot shall be used only for the following purposes:

(a) Personal service establishments such as barber and beauty shops; laundromats; laundry pick-up; tailor; dressmaker; shoe shops; photo studio; libraries; child care centers; restaurants; and similar personal service establishments, but not massage parlors.

(b) Convenience retail establishments such as drug, hardware, grocery and beverage stores; bakery; flower and gift shops; newsstands and bookstores, and similar uses.

(c) Primary retail establishments such as department stores, general mercantile stores, clothing, variety, and similar low-bulk comparison items. Any single retail establishment that exceeds fifty thousand (50,000) [square] feet in gross sales floor area is separately defined as "big box" retail.

(d) Secondary retail establishments such as those selling principally one-stop items, usually high bulk, including furniture, appliances, home furnishings, floor coverings, business machines, heating and air conditioning sales and service, and similar establishments, also including establishments selling automobiles, truck, boats, farm equipment, building and plumbing supplies, tombstones, surplus materials, and heavy machinery, bicycle sales and service. Any single retail establishment that exceeds fifty thousand (50,000) [square] feet in gross sales floor area is separately defined as "big box" retail.

- (e) General business services such as duplicating, mimeographing, and multilithing shops, addressing and mailing services, blueprinting, photostating and film development.
- (f) Funeral homes and accessory crematoriums provided there are no obnoxious odors, fumes, or emissions generated by the use.
- (g) Professional offices such as business, financial, medical, clinics, and governmental offices.
- (h) Commercial recreation establishments, including theaters, pool and video gamerooms, bowling alleys and skating rinks, miniature golf, water slides and arcades, but not amusements parks with rides.
- (i) Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto.
- (j) Motels, hotels, lodges, [and] inns.
- (k) Multifamily dwellings.
- (l) Hospitals, clinics, nursing and convalescent homes.
- (m) Educational institutions, primary through graduate, public and private.
- (n) Armories, lodges and civic clubs.
- (o) Commercial schools and schools providing training of any of the arts, sciences, trades and professions.
- (p) Animal hospitals, veterinary clinics provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.
- (q) Automobile service and repair provided that there shall be no openings toward adjoining residential districts, and no junked or salvaged vehicles shall be kept on the premises.
- (r) Public and private transportation service and facilities, including bus terminals and taxi stands.
- (s) Commercial parking lots and structures.
- (t) Adult entertainment establishments, as defined in and subject to the provisions of Article VI.
- (u) Signs in accordance with Article III of this chapter.
- (v) Accessory uses customarily incidental to multifamily dwellings.

(w) Accessory uses customarily incidental to hotels, motels, inns, lodges and resort residential; provided such uses for hotels are located within the principal building and are accessible only from an interior court, lobby, corridor or pool deck except for poolside activities as regulated under section 23-118; further provided that such uses for hotels, motels, inns, lodges and resort accommodations shall be limited to the following: restaurants, newsstands, snack bars, florists, gift shops, confectionery stores, beach and convenience retail shops, automobile rental agencies, drug and sundry shops, nightclubs and radio broadcasting studios, health clubs, barbershops, and beauty shops.

(x) Other accessory uses.

(y) Cemeteries, including mausoleums, columbariums, administrative offices, mortuary, chapel, maintenance facility, crematoriums provided there are no obnoxious odors, fumes, or emissions generated by the use, caretakers residence and other accessory uses. ~~but excluding funeral homes, and crematoriums.~~

(z) Video gaming machines or stations limited to five (5) or fewer as accessory to arcades, restaurants/taverns and convenience stores.

(3) *Development standards:*

	Single-Family Dwelling	Multifamily Dwellings	Hotels, Motels, Resort Accommodations	All Other Uses ³
Minimum site area (square feet)	NA	15,000	15,000	10,000
Minimum lot area per dwelling unit	10,000	1,350	NA	NA
Minimum lot width	NA	100 feet	100 feet	NA
Minimum yards:				
Front	25 feet	20 feet	20 feet	20 feet
Side	10 feet ⁵ ;	1	1	8 ²
Rear	20 feet	20 feet	20 feet	20 feet
Maximum impervious surface ratio	60%	80%	80%	90%
Common open space		20%	20%	NA
Maximum height of structures	35 feet	50 feet	70 feet	50 feet ⁴
Maximum height of signs	NA	10 feet	40 feet	40 feet

Notes:

1 Ten (10) feet for the first thirty (35) feet plus one (1) foot for each one and one-half (1 1/2) feet over thirty-five (35) feet; for each building in excess of eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For the purpose of calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

2 On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in width.

Width of Project	Side Yard Required (two (2) sides)
To 200 feet	8 feet
201- 400 feet	16 feet
401-600 feet	30 feet

3 "Big box" retail shall provide the following: All lighting systems installed within the parking area shall use a ninety-degree (or less) cutoff luminare angled away from noncommercial properties with a maximum height of thirty (30) feet measured from the base of the pole when installed. All lamp posts shall be contained within a landscape island.

4 With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

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

(4) *Special exceptions:* Owing to their potential negative impact on the community, the following uses may be approved as special exceptions by the board of zoning appeals:

(a) Amusement parks, arcades, and rides, subject to the following conditions:

1. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
2. That the special exception will be in substantial harmony with the area in which it is to be located.
3. That the special exception will not be injurious to adjoining property.
4. That the special exception will contribute to the economic vitality and promote the general welfare of the community.

5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
 6. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the proposed special exception.
- (b) Commercial and noncommercial marinas, subject to the siting standards of section 23-120.
- (c) Business establishments, excluding accessory uses to hotels and motels with access exclusively from an interior lobby, serving or permitting on premise consumption of alcoholic beverages, beer and/or wine, subject to the following conditions:
1. That the special exception shall not be located closer than two hundred (200) feet (measured from property line) from an R-1, R-2, R-2A, or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.
 2. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
 3. That the special exception will be in substantial harmony with the area in which it is to be located.
 4. That the special exception will not be injurious to adjoining property.
 5. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
 6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
 7. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgement, will enhance the siting of the proposed special exception.
- (d) Dry storage and/or dry stack facilities as a principal or accessory use subject to the following conditions:
1. That boat storage shall not be located closer than two hundred (200) feet from the nearest residential district line, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.
 2. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
 3. That the special exception will be in substantial harmony with the area in which it is to be located.

4. That the special exception will not be injurious to adjoining property.
5. That the special exception will not contribute to the economic vitality and promote the general welfare of the community.
6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
7. That adequate provision is made for such items as fences, buffer or planting 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.
8. As a principal use, dry storage and/or dry stack facilities shall be subject to the siting standards listed in section 23-120.
9. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

(e) Mini-warehouses facilities: The board of zoning appeals may approve mini warehouse facilities subject to the following minimum development regulations and site location standards:

1. Minimum development regulations:
 - a. Each storage space shall not exceed three hundred (300) square feet with an exterior entrance under the control of the tenant.
 - b. Overall development size shall be limited to a maximum of three (3) acres.
 - c. Use standards shall prohibit:
 - (1) Any other business activity, other than the rental of storage units on the premise.
 - (2) Outside storage.
 - (3) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment.
 - (4) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
 - (5) The establishment of a transfer and storage business.
 - d. Where determined necessary by the board of zoning appeals, a screening barrier around the perimeter of the development shall be required. Such barrier may be a solid or semi-solid fence, but woven wire is expressly prohibited.
 - e. Storage structures shall be limited to one (1) story or twelve (12) feet in height.

2. Site location standards:

- a. The special exception will not abut Highway 17, Main Street or Sea Mountain Highway.
 - b. The special exception will not be injurious to adjoining property.
 - c. The special exception will be in substantial harmony with the area in which it is to be located.
 - d. The special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
3. Legislative intent: Recognizing that mini warehouse facilities are permitted by right in the Limited Industrial Districts, it is council's intent that the zoning board of appeals exercise its discretion gingerly in approving site locations for mini warehouse facilities in the Highway Commercial District. It is council's further intent that in granting the special exception, the board of zoning appeals impose such reasonable and additional stipulations, conditions, and/or safeguards as, in its judgement, will enhance the siting and aesthetic quality of the special exception.

2. Site location standards:

- a. The special exception will not abut Highway 17, Main Street or Sea Mountain Highway.
- b. The special exception will not be injurious to adjoining property.
- c. The special exception will be in substantial harmony with the area in which it is to be located.
- d. The special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
- e. Where determined necessary by the board of zoning appeals, additional screening may be required over and above that required by the landscape regulations.
- (g) Single-family residential subject to the following conditions:
 1. That the special exception will not be a property which abuts Highway 17, Main Street or Sea Mountain Highway.
 2. That the special exception will be in substantial harmony with the area in which it is to be located.
 3. That the special exception will not discourage or negate the use of surrounding property for uses permitted by right.

7. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

(5) *Off-street parking*: Off-street parking requirements for the various uses permitted herein are set forth in article IV.

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