

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: June 1, 2009

Agenda Item:	Prepared By: Dan Hatley
Agenda Section: New Business: Ordinance / Second Reading	Date: May 27, 2009
Agenda Item: ZONING TEXT AMENDMENT ZTX-09-05: Amendments to the Zoning Ordinance text to add amusement parks as a conditional use in the RC (Resort Commercial) district	Division: Planning & Development

Background and Recommendation:

Recently, planning staff was asked to evaluate the permitting processes and requirements for amusement parks in the RC Resort Commercial Zoning District. Currently, amusement parks are permitted as a special exception approved by the Board of Appeals, and fall in the category of uses that meet the stated purpose of the Resort Commercial District “to enhance tourist and visitor attraction.”

However, there is little in the way of guidance to the Board regarding how to judge their suitability for any given site. In an effort to allow flexibility for a proposed amusement use, as well as to protect surrounding property and City interests, staff has prepared a series of amendments to the Zoning ordinance text for consideration, including:

- An amendment to Article I of the Zoning Ordinance to add a definition for “Conditional Use.”
- An amendment to Article II of the Zoning Ordinance text to remove amusement parks as a *special exception* in the RC District, instead making them a *conditional use* in the district. Several conditions are provided for, to insure amusement uses can be located within the city in a harmonious manner.
- Amendments to three separate sections of Article IV of the Zoning Ordinance related to parking requirements. The goal of these sections is to reward amusement park uses that choose sites well-served by pedestrian and bicycle networks, that are within close proximity to a large number of accommodation units, and that are located on sites accessible to transit, by giving them reductions in required parking.

This would be the first use by the City of the “Conditional Use” planning provisions delineated in the SC State Planning Enabling Act of 1994. Under that legislation a planning tool called “Conditional Use” is provided for, which is different from a “Special Exception”. For many years, under previous State legislation the terms “special exception” and “conditional use” were used interchangeably. In the 1994 enabling legislation, Conditional Uses, (unlike Special Exceptions), must include the details of all conditions listed in the zoning ordinance text for that particular conditional use in that particular

district. However, if all conditions are met, approval can be granted by the Zoning Administrator.

The Planning Commission held a workshop on May 4th to discuss the staff recommendation, and some small changes were suggested, such as hours of operation. A public hearing was held by the Planning Commission at their regular meeting on Tuesday May 5, 2009. After input and discussion, the Commission voted 6-0 to approve and recommend the Zoning Text Amendment as presented to City Council. One member recused himself from discussion and vote on the item due to a potential financial conflict of interest.

The proposed Ordinance amendments are attached for your review and consideration.

First reading was held on May 18, 2009 with generally positive comments.

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. C. ZONING TEXT AMENDMENT ZTX-09-05: Amendments to the Zoning Ordinance text to add amusement parks as a conditional use in the RC (Resort Commercial) district.

Background and Recommendations

Recently, planning staff was asked to evaluate the location of amusement parks in the RC Resort Commercial Zoning District. Currently, amusement parks are permitted as a special exception approved by the Board of Appeals, and certainly fall in the category of uses that meet the stated Purpose of the Resort Commercial District “to enhance tourist and visitor attraction.”

However there is little in the way of guidance to the Board regarding how to judge their suitability for any given site. In an effort to allow flexibility for a proposed amusement use, as well as protect surrounding property and City interests, staff has prepared a series of amendments to the Zoning ordinance text for consideration, including:

- An amendment to Article I of the Zoning Ordinance to add a definition for “Conditional Use”.
- An amendment to Article II of the Zoning Ordinance text to remove amusement parks as special exceptions in the RC District, and add amusement parks as a conditional use in the RC (Resort Commercial) District.
- Amendments to three separate sections of Article IV of the Zoning Ordinance, related to parking requirements. The goal of these sections is to reward amusement park uses that choose sites well served by pedestrian and bicycle networks, that are within close proximity to a large number of accommodation units, and that are located on sites accessible to transit, by giving them reductions in required parking.

This would be the first use by the City of the “Conditional Use” planning provisions delineated in the SC State Planning Enabling Act of 1994. Under that Legislation a term and planning tool called “Conditional Use” is provided for, and is a different tool than a “Special Exception”. (For many years, under previous State legislation the terms “special exception” and “conditional use” were used interchangeably). In the 1994 enabling legislation, Conditional Uses, (unlike Special Exceptions), must include the details of all conditions listed in the zoning ordinance text for that particular conditional use in that particular district. However, if all conditions detailed are met, approval can be granted by the Zoning Administrator.

The proposed Ordinance amendments are 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 I, SECTION 23-2, ARTICLE II, SECTION 23-27, ARTICLE IV, SECTIONS 23-41, 23-42 , AND 23-43 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 23-2, Definitions, be amended by adding new definitions in alphabetical order (new matter underlined, deleted matter struck-through):

Sec. 23-2. Definitions.

Conditional Use: A zoning ordinance provision that imposes conditions, special provisions, or limitations on a use that are in addition to those applicable to other uses permitted by right in the same zoning district. SC State Law requires that the list of conditions must be set forth in the text of the Zoning Ordinance, and then; when all are met, the “conditional use” may be permitted by the Zoning Administrator without review of the Board of Appeals.

Section 2:

That Article II, Section 23-27, RC Resort Commercial, be amended as follows (new matter underlined, deleted matter struck-through):

Sec. 23-27. RC Resort Commercial District.

(1) *Purpose:* The purpose of this district is to define certain areas of the community where commercial uses may be established, and tourist and visitor attraction enhanced. To strengthen the drawing power of this district, it should remain relatively small and tightly developed for maximizing cumulative attraction, and minimizing the adversities of such uses on nearby residential development.

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

- (a) Motels, hotels, resort accommodations, lodges [and] inns.
- (b) Multifamily dwellings, including garden and high-rise apartments and boarding houses.
- (c) Personal service establishments such as barber and beauty shops, laundromats, laundry pick-up, tailor, dressmaker, shoe shops, photo studios, libraries, child care

centers, restaurants, and similar personal service establishments, but not massage parlors.

- (d) Commercial recreation establishments, including theaters, pool and video game rooms, bowling alleys and skating rinks, miniature golf, water slides and arcades, but not amusement parks with rides.
- (e) Rental of sport and recreation equipment, but not rental of motorized equipment and vehicles.
- (f) Primary and convenience retail shops, but not adult bookstores.
- (g) Professional offices, such as real estate, business, financial, medical and governmental offices.
- (h) Accessory uses customarily incidental to dwellings.
- (i) Accessory uses customarily incidental to hotels, motels, resort accommodations, inns and lodges; provided such uses 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 and off-site parking decks for hotels/motels; further provided that such uses 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, beauty and barber shops. Accessory retail may be located on the first floor of off-site parking decks in association with hotel/motel uses and be accessible from the street.
- (j) Other accessory uses.
- (k) Signs permitted by and in accord with all applicable regulations of Article III.
- (l) Off-street parking lots and structures.
- (m) Video gaming machines or stations limited to five (5) or fewer as accessory to arcades, restaurants/taverns and convenience stores.

(3) *Development standards:*

TABLE INSET:

	Hotels, Motels, Resort Accommodations, Lodges, Inns ⁵	Multifamily Dwellings ⁵	All Other Uses
Minimum lot area (square feet)	15,000	15,000	NA
Minimum lot width	100 feet	100 feet	NA
Minimum yards:			

Front	15 feet ³	15 feet	15 feet 1
Side	10 feet ³	2	10 feet 1
Rear	15 feet ³	15 feet	10 feet
Maximum impervious surface ratio	90%	80%	95%
Common open space	10%	20%	NA
Maximum height of structures , <u>(Except for Amusement Rides, determined in conditions for a Conditional Use)</u>	165 feet	165 feet	50 feet
Maximum height of signs	30 feet	10 feet	30 feet
Distance between structures	20 feet	20 feet	10 feet

Notes:

1. Zero lot line overlay zone per section 23-31(2).
2. Ten (10) feet for the first thirty-five (35) feet in height and fifteen (15) feet for buildings in excess of thirty-five (35) feet in height.
3. Off-site parking decks for hotels/motels shall have a six-foot front yard, zero (0) side yard and zero (0) rear yard setback.
4. *[Reserved.]*
5. The use may be constructed in the airspace above a noncontiguous parking lot of the same use subject to the requirements of section 23-41 and an agreement between the owners sharing the off-site lot and the City; and/or an easement protecting access and required off-site parking; and deed restriction of off-site spaces; and compensation for any lost required interior landscaping.

(4) *Special exceptions.* Due to their potential negative impact on the community and incompatibility with residential neighborhoods the following uses may be approved as special exceptions by the board of zoning appeals:

- (a) Fishing piers, provided that the uses permitted on such piers are limited to restaurants, bait and tackle shops, and marine accessories. Refer to section 23-124 for separation requirements.
- (b) 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 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) That in granting a special exception, the ~~board of zoning appeals~~ 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.

(c) ~~Amusement parks 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 exception.~~

(5) Conditional Uses. Certain uses that assist in enhancing the character and sense of place of the community for residents and visitors, and which are compatible to the purpose of this district, may be allowed in the Resort Commercial RC district. However, due to the manner of operations, conditional uses must meet certain conditions stated in this section, as well as the

restrictions and/or limitations applicable to all land uses in the RC district. (See Article I, Sec 23-2 of this ordinance entitled “Definitions”). If the conditions or standards are met, the Zoning Administrator may permit the use without review by the Board of [Zoning] Appeals. (SC Code 6-29-720 of the SC Comprehensive Planning Act of 1994)

(a) Amusement parks and rides, including traditional accessory uses, subject to the following conditions:

(1) That the use complies with all applicable development standards of the RC district, including parking requirements.

(2) That the use will be an enhancement to the character and sense of place of the area in which it is to be located.

(3) That the use has taken measures to not be injurious to adjoining property, including, but not limited to:

i. Limiting the hours of amusement ride operation to between 11:00 A.M. and 11:00 P.M. (All other uses associated with the amusement park are not restricted as to hours of operation.)

ii. Limiting the heights of amusement ride structures to seventy (70) feet or less. All other structures must meet the normal height limitations of the district.

iii. Controlling and shielding of all lighting so as not to cast undue glare onto adjoining residentially zoned or used properties.

iv. Controlling of all elements that produce noise, so as not to create nuisance conditions off-site.

(4) That the use will contribute to the economic vitality and promote the general welfare of the community.

(5) That the use will not discourage or negate the use of surrounding property for use(s) permitted by right.

(6) Off-street parking. Off-street parking requirements for the various uses permitted herein are set forth in ~~article~~ Article IV and in the Main Street parking overlay zone of section 23-31.

(Ord. No. 88-35, 11-1-18; Ord. No. 89-15, § 2, 4-4-89; Ord. No. 89-16, § 1, 4-18-89; Ord. No. 90-35, § 9, 8-28-90; Ord. No. 91-20, § 1, 5-20-91; Ord. No. 91-39, § 1, 11-11-91; Ord. No. 92-7, § 1, 1-20-92; Ord. No. 92-35, § 1, 7-20-92; Ord. No. 94-21, §§ 1--3, 7-18-94; Ord. No. 94-23, § 1, 7-18-94; Ord. No. 94-24, § 1, 7-18-94; Ord. No. 95-4, §§ 2--4, 2-6-95; Ord. No. 95-10, § 7, 3-20-95; Ord. No. 95-40, § 2, 7-3-95; Ord. No. 95-45, § 2, 7-17-95; Ord. No. 95-49, § 5, 10-16-95; Ord. No. 97-03, § 3, 2-3-97; Ord. No. 97-09, §§ 1, 2, 3-17-97; Ord. No. 97-31, § 4, 8-18-97; Ord. No. 98-12, §§ 1, 2, 4-20-98; Ord. No. 98-10, § 4, 4-20-98; Ord. No. 99-35, § 2, 9-20-99; Ord. No. 01-29, § 1, 6-4-01; Ord. No. 02-14, § 2, 4-15-02; Ord. No. 03-13, § 4, 4-21-03; Ord. No. 04-51, § 3, 10-4-04)

Section 3:

That Article IV, Section 23-41, Parking Regulations, be amended as follows (new matter underlined, deleted matter struck-through):

(1) Intent/purpose:

- (a) It is the intent of this section in conjunction with applicable definitions in section 23-17, the provisions of sections 23-42, 23-43 and any other applicable provisions of the Code of Ordinances to establish comprehensive criteria applicable to all public and private parking facilities within the City of North Myrtle Beach.

(2) Compact automobile parking requirements:

- (a) A parking lot servicing a structure or building may have a maximum of ten (10) percent compact automobile parking spaces of which fifty (50) percent or greater shall be on-site, the remaining portion (if any) may be located off-site.
- (b) When three (3) or more spaces are located together, two (2) compact automobile signs will be required. The first sign shall be located at the ~~lefthand~~ left-hand corner of the first space; the second sign shall be located in the ~~rightand~~ right-hand corner of the last space. When single spaces are utilized, one (1) sign will be required at each space. The location of the sign will be the same as outlined for handicapped parking signage.
- (c) Each space will have a dimension of fifteen (15) feet by eight (8) feet.
- (d) All of the abovementioned parking dimensions and signage are outlined in subsection 23-42(2) and subsection 23-42(10).

(3) Handicapped parking site requirements:

- (a) A parking lot servicing each entrance/exit pathway shall have a number of on-site level spaces located in closest proximity to the structure of the building, which must be identified by aboveground signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than thirteen (13) feet wide.
- (b) Each parking space shall display one (1) handicapped parking sign (international symbol of access) and the parking surface shall be identified with a blue background and the appropriate handicapped parking symbol and pavement striping.
- (c) Accessibility to buildings shall be provided for right-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public. Such pathway shall have been cleared of all obstructions related to construction activity prior to the opening of the building to the general public. Where curbs existing along such pathways, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curbcuts shall have a gradient of not more than one (1) inch to twelve (12) inches and width of not less than four (4) feet shall be provided for access by wheelchairs. Curb ramps should be properly marked with a

handicapped parking sign with the word "ACCESS" printed below. Curb ramps shall be properly marked with a handicap parking sign with the word "access" printed below and shall have a detectable warning as described in section 23-42(7)(b).

- (d) All of the abovementioned handicapped parking space dimensions, signage and curb ramp requirements are outlined in subsection 23-42(3) and subsections 23-42(7) through 23-42(9).
- (e) Required handicapped parking space(s) shall be compiled (computed) according to the following chart:

Total Spaces in Lot	Required Number of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
Over 1000	20 plus 1 for each 100 over 1000

One (1) in every eight (8) handicap parking spaces but not less than one (1) shall be served by a van accessible parking space according to section 23-42(3)(b).

(4) *Other requirements:*

- (a) Wheelstops--Detailed in subsection 23-42(5).
- (b) Paving surfaces--Detailed in subsection 23-42(4).
- (c) One-way/two-way traffic flow dimensions and signage--Detailed in subsection 23-42(11).
- (d) Stacking spaces for specific land uses. For purposes of calculation, a stacking space shall be nine (9) feet wide by nineteen (19) feet long.

Banks--Four (4) spaces for each window lane (including drive-through automatic teller machines).

Restaurants--Eight (8) spaces for each take-out window measured from the first contact point.

Other uses--Four (4) spaces for each service window.

- (e) Except as otherwise provided for in this article, no parking space shall have direct access to a street and no vehicle shall extend into a public right-of-way. Each parking space shall be unobstructed and shall be so arranged that any vehicle may be moved into and out of such space without moving another vehicle.
- (f) Lighting--Lighting of parking areas shall be provided and other freestanding light poles placed on the property shall be of a type and placement so as not to pose a visual disturbance to adjacent property owners pursuant to the following:
 - 1. No light pole shall exceed thirty (30) feet in height.
 - 2. Light fixtures that exceed two thousand (2,000) lumens shall be fully shielded.
 - 3. The maximum light level adjacent to any residential property line shall not exceed five-tenths (0.5) foot-candles.
 - 4. The maximum light level adjacent to any street right-of-way shall not exceed two (2.0) foot-candles.
 - 5. All service connections for any freestanding light pole shall be underground.

(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 twenty (20) percent of all required parking spaces located on the parcel(s) of land upon which the use is situated and up to eighty (80) 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)).~~

~~(e) 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 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) 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.~~
- (b) Off-site parking may be provided, as follows:
 - (1) All residential uses in all zoning districts (except overlay zones): A minimum of seventy-five (75) percent of all required parking spaces shall be located on lands on which the use is situated and a maximum of twenty-five (25) percent of required parking may be located off-site.
 - (2) Hotels / motels located within the RC (resort commercial) zoning district: A minimum of twenty (20) percent of all required parking shall be located on lands on which the use is situated and a maximum of eighty (80) percent of required parking may be located off-site.
 - (3) Amusement parks located within the RC (resort commercial) zoning district: All required parking except for required handicapped accessible stalls may be located off-site, as follows:
 - i. If the site meets the criteria listed in Sec. 23-43 (5), subsection b. as shown in the parking requirement for amusement parks, then off-site parking spaces may be located up to 1000 feet from the primary customer entrance to the amusement park.
 - ii. If the site fails to meet the criteria in Sec. 23-43, subsection b. as shown in the parking requirement for amusement parks, then off-site parking spaces shall

be located no farther away than 300 feet from the primary customer entrance to the amusement park.

(4) 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:

- i. The farthest parking space is located no more than three hundred (300) feet from the site upon which the principal use is situated.
- ii. All required handicapped-accessible stalls are located on the principal building site.
- iii. No off-site parking crosses a road with more than two (2) through travel lanes.

(c) General off-site parking regulations:

(1) 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).

(2) 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:

- i. 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.
- ii. 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.

(3) No noncontiguous parking lands shall be located in any zone other than one for which the use is permitted.

(4) Paved sidewalks, as per City of North Myrtle Beach specifications, from the noncontiguous lot to the principal development shall be provided at the owner's expense.

(5) 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.

- (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) 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.
 - (10) 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.
 - (11) All parking on noncontiguous lots shall be in accordance with section 23-42, parking design criteria, except where otherwise noted in Article IV.
- (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 when the street is an integral component of the design of the town center.

For individual sites not in a PUD, non-residential uses may be permitted to count on-street parking spaces immediately contiguous to the site toward the total spaces required, if the Zoning Administrator and City Engineer confirms one of the following:

- (a) The on-street parking exists at the time of site plan review; or
- (b) On-street parking has been scheduled as part of street improvements by SCDOT or the City; (a Certificate of Occupancy for the use proposing to count the parking shall not be issued until such parking is completed); or
- (c) The proposed site design provides an opportunity for adding on-street parking, with approval of the City Engineer.

Additionally:

- (a) Existing on-street parking stalls shall be delineated in a manner deemed acceptable by the City Engineer,
- (b) Proposed new on-street parking stalls shall be illustrated on a site plan and approved by the City Engineer, and
- (c) On-street parking stalls shall not be guaranteed for use solely by the adjacent property owner and/or their patrons. Attempts to sign, control, or limit the usage of any on-street parking space shall be prohibited, and
- (d) Any new on-street parking to be installed as a result of an applicant request shall be at the property owners' expense.

~~(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 4:

That Article IV, Section 23-42, Parking Design Criteria, Number (4), be amended as follows (new matter underlined, deleted matter struck-through):

(4) Paving surface:

- (a) The paving surface on all on-site and off-site parking lot(s), **except where otherwise stated in Article IV of this ordinance**, shall be dust free, all weather material, (i.e., concrete, asphalt). The paving surface shall have the necessary striping delineating the parking stalls and handicapped requirements.
- (b) One (1) single-family structure with five (5) or fewer bedrooms on one (1) lot is excluded. Single-family structures with six (6) or more bedrooms and where more than one (1) single-family structure of any size is sharing a driveway with one (1) or more single-family structures, the parking lot will be required to be paved per the standards of this article.

Section 5:

That Article IV, Section 23-43, Off-street parking requirements per land use, be amended as follows (new matter underlined, deleted matter struck-through):

- (1) No use shall be established or enlarged, or changed, except in conformance with the parking requirements of this section.
- (2) Under no circumstances shall the number of parking spaces provided on any site exceed the following:

- (a) For uses requiring fewer than one hundred (100) parking stalls, a maximum of one hundred twenty (120) percent of the required minimum parking may be provided. Single and two-family residential dwelling units shall be exempt from this limitation.
 - (b) For uses requiring one hundred (100) to two hundred (200) parking stalls, a maximum of one hundred fifteen (115) percent of the required minimum parking, plus four (4) additional stalls, may be provided.
 - (c) For uses requiring more than two hundred (200) parking stalls, a maximum of one hundred ten (110) percent of the required minimum parking, plus nine (9) additional stalls, may be provided.
- (3) All additional parking stalls exceeding the minimum number required herein shall be constructed as pervious parking, using pavers, porous asphalt or porous concrete, or any other technique approved by the Zoning Administrator and City Engineer. However, driveways and circulation aisles shall be constructed with hard surface impervious materials, unless the City Engineer approves an alternate design.
- (4) Up to three parking stalls may be waived by the Zoning Administrator for each approved driveway connection, or stub-out for future driveway connection between adjoining parking lots provided on the site.
- (5) Table of parking requirements:

Land Use	Parking Requirements
Apartments, condominiums, duplexes, hotels/motels, townhouses, efficiencies and one-bedroom units	One (1) space per unit
Two-bedroom units	One and one-half (1.5) spaces per unit
Three-bedroom units	Two (2) spaces per unit
Additional bedrooms	One-half (0.5) space per bedroom
Additional sleeping areas	One-half (0.5) space per sleeping area
<u>Amusement Parks</u>	<p><u>A. One (1) space for each six hundred (600) square feet of the Amusement Park Site, or</u></p> <p><u>B. The Zoning Administrator may reduce the required parking by up to 50 percent, if the site is:</u></p> <ol style="list-style-type: none"> 1. <u>adjacent to a network of sidewalks;</u> 2. <u>within one half mile of at least 100 public parking spaces;</u> 3. <u>within one mile of at least 1000 visitor accommodation units; and</u> 4. <u>reasonably served by existing or proposed transit routes.</u>

	<u>*In addition, due to the intermittent, seasonal nature of amusement uses, any park operating for six (6) months or less during the calendar year may utilize unpaved parking stalls, (provided that they meet the size and dimension requirements of the ordinance and are delineated with wheel stops), to meet parking requirements.</u>
Banks	One (1) space for each three hundred (300) square feet of gross floor space.
Barber and shoe shops and similar service outlets	One (1) space for each two hundred (200) square feet of gross floor space
Boarding house	One (1) space per bedroom
Car sales, house and truck trailer sales, outdoor equipment machinery sales, and commercial	Four (4) spaces for each sales person, plus one (1) space for each two (2) other employees
Churches, spiritual institutions, and places of public assembly	One (1) space for each four (4) seats in the principal assembly room. One (1) seat equals twenty-eight (28) inches of a pew
Commercial craft and gaming/gambling boats	One (1) space for each three (3) seats plus one (1) space for each two (2) employees or one (1) space for each three (3) persons of maximum allowed capacity, whichever is greater
Dry stack marina	One-fourth (0.25) space per boat slip in addition to parking requirements for accessory uses
Fishing pier	One (1) space for each two hundred seventy-five (275) square feet of pier area
Funeral parlors	One (1) space for each four (4) seats in chapel or parlor
Hospitals and clinics	One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses
Marinas	Six-tenths (0.6) space per boat slip in addition to parking requirements for accessory uses
Medical and dental offices	Five (5) spaces per doctor or dentist
Mini-warehouse	One (1) space for each eight (8) storage units
Mini-warehouse, climate controlled	One (1) space for each eight (8) storage units, plus (1) space for each three hundred (300) square feet of gross floor space for the office
Miniature golf	Two (2) spaces for each hole for the first eighteen

	(18) holes plus three (3) spaces for employees and one (1) additional space for each hole in excess of eighteen (18) holes
Mobile home parks	Two (2) spaces for each mobile home space
Movie theater	One (1) space for each four (4) seats except when the cinema is in a shopping center with at least two times the square footage of the cinema the requirement is one (1) space for each six (6) seats
Places of assembly or recreation without fixed seats	One (1) space for each two hundred (200) square feet of gross floor space directed to patron use
Professional and business offices	One (1) space for each three hundred (300) square feet of gross floor space
Public buildings (State, County or Municipal uses other than facilities dedicated to warehousing, storage, maintenance, and operations)	One (1) space for each three hundred (300) square feet of gross floor space. Facilities dedicated to warehousing, storage, maintenance, and operations shall provide parking at a ratio of one (1) space for each fifteen hundred (1,500) square feet of gross floor space
Recreation:	
Public park and recreation facilities (non-commercial parks, playgrounds, or other recreation facilities, and/or open space officially designated as a public park or recreation facility, including community centers, passive and active outdoor uses and indoor uses) ¹	
Passive outdoor uses (examples include parks, walking/hiking trails, and ponds/wetlands)	One (1) space for each twenty thousand (20,000) square feet of land area
Active outdoor uses (examples include softball, baseball, and soccer fields, tennis and basketball courts)	One (1) space for each ten thousand (10,000) square feet of land area
Indoor uses	One (1) space for each three hundred (300) square feet of gross floor space
Active outdoor recreational facilities (excluding miniature golf and golf	One (1) space for three hundred (300) square feet of area plus one (1) space per two hundred (200)

¹ Up to thirty (30) percent of the required parking for public park and recreation facilities may be constructed as informal and unpaved naturalized surfaces. The stalls shall be delineated using mounted wheelstops.

courses, and Amusement Parks) including water slides, skateboard parks and similar uses not specifically mentioned	square feet of building floor area
Bowling alleys	Five (5) spaces for each bowling lane
General outdoor recreational areas, parks, etc.	One (1) space for each five thousand (5,000) square feet of land area
Golf course	Four (4) spaces for each hole, plus requirements for any other associated use
Indoor or outdoor swimming pools (except when built as accessory to a residential use)	One (1) space for one hundred (100) square feet of water area or one (1) space per four (4) spectator seats, whichever is greater
Softball, baseball, or football fields	One (1) space per three thousand (3,000) square feet of field area or one (1) space per six (6) spectator seats, whichever is greater
Tennis courts--indoor or outdoor (except when built as an accessory to a residential use)	Four (4) spaces per court or one (1) space per four (4) spectator seats, whichever is greater
Restaurants and lounges	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on the shift of greatest employment or one (1) space per one hundred (100) square feet of gross floor area, whichever requires the greater number of parking spaces
Retail stores and shops of all kinds including shopping centers and "retail big box" as defined herein	(see below)
Up to 100,000 square feet of gross floor area	One (1) space for each three hundred (300) square feet of gross floor area
100,001 up to 200,000 square feet of gross floor area	333 spaces, plus one (1) space for each four hundred (400) square feet of gross floor area for the increment between 100,000 and 200,000 square feet
More than 200,000 square feet of gross floor area	583 spaces, plus one (1) space for each five hundred (500) square feet of gross floor area for the increment exceeding 200,000 square feet

Schools, including elementary and junior high	One (1) space for each classroom and administrative office. When accessory to a church and provided that it can be demonstrated that functions do not overlap in hours of operation as guaranteed by the relevant parties, shared parking will be permitted; either the church parking requirement or the schools requirement will apply, whichever is greater
Schools, senior high	One (1) space for each classroom and administrative office, plus one (1) space for each four hundred (400) square feet of area used for public assembly. When accessory to a church and provided that it can be demonstrated that functions do not overlap in hours of operation as guaranteed by relevant parties, shared parking will be permitted; either the church parking requirement or the schools requirement will apply, whichever is greater
Service stations	Five (5) spaces for each grease rack and five (5) spaces for each wash rack
Single-family residential	
One (1) to five (5) bedrooms	Two (2) spaces per unit
Six (6) bedrooms and more	One (1) space for the first bedroom plus one-half (1/2) space for each additional bedroom
Warehousing and distribution operations	One (1) space per five hundred (500) square feet of gross floor area
Wet slip marina	Six-tenths (0.6) space per boat slip in addition to parking requirements for accessory uses
Wholesaling and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift, plus one (1) space for each company vehicle operating from the premises

1. The minimum number of parking spaces required for a use not specifically mentioned in this section shall be as required for the most similar use listed herein as determined by the Zoning Administrator.
2. Shared parking may be used on a voluntary basis in lieu of the land use/parking requirements chart according to the Section 23-44, Shared parking regulations.

(Ord. No. 88-35, 11-1-88; Ord. No. 89-44, § 1, 9-5-89; Ord. No. 90-32, § 1, 8-28-90; Ord. No. 92-46, § 1, 10-5-92; Ord. No. 92-50, § 1, 10-19-92; Ord. No. 92-51, § 1, 10-19-92; Ord. No. 94-04, § 1, 2-21-94; Ord. No. 95-12, § 1, 3-20-95; Ord. No. 96-23, § 3, 6-3-96; Ord. No. 96-32, § 1,

8-19-96; Ord. No. 01-12, § 3, 2-19-01; Ord. No. 01-51, § 4, 11-19-01; Ord. No. 03-04, § 2, 2-3-03; Ord. No. 03-13, § 5, 4-21-03; Ord. No. 04-40, § 1, 9-20-04)

Section 6:

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