

## REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date:      Monday November 2, 2009

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|--|----------------------------------|
| Agenda Item:   | Prepared By: Dan Hatley          |
| Agenda Section: Old Business: Ordinance/Second Reading | Date: October 28, 2009           |
| Subject: Zoning Text Amendment ZTX-09-09               | Division: Planning & Development |

**ZONING TEXT AMENDMENT ZTX-09-09:** An amendment to the Zoning Ordinance text in Article IV Parking Requirements.

**Background:**

In the early months of 2009 Planning Staff took a comprehensive look at the existing Zoning ordinance parking requirements, and recommended reductions for both storm water runoff and site efficiency reasons.

Planning Commission and Council adopted a series of ordinance amendments, which included a strategy to reduce excessive parking by adoption of parking *maximums*, instead of only having minimums. Further, the amendments specified that all excess parking spaces above the minimum have to be constructed of pervious materials. The maximum number of parking spaces was established at 120 percent of the minimum. For example, if the ordinance specifies a minimum requirement of 50 spaces for a particular land use, the developer *has* to install at least that many, but *may not* provide more than 60 stalls (120% of 50).

During site plan review this summer, staff noticed that the parking maximum seems to disproportionately impact smaller business, and reduces their flexibility to a greater degree than is the case with a larger business. Therefore, staff recommended that the limit on additional spaces be changed to one hundred and fifty (150%) percent for commercial uses under 10,000 square feet in size.

While discussing this proposed change at Planning Commission workshop, consensus was reached to recommend that these smaller uses also be exempt from the pervious requirement for parking spaces over the minimum.

The Planning Commission voted unanimously to recommend this adjustment to the parking regulations at their October 6<sup>th</sup> regular meeting.

City Council gave this ordinance First Reading at the October 19, 2009 regular meeting, at which it was unanimously approved.

Attached is the section of Article IV containing the proposed changes, for your review and consideration.

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**6. A. ZONING TEXT AMENDMENT ZTX-09-09:** An amendment to the Zoning Ordinance text to Article IV Parking Requirements.

**Background:**

In the early months of 2009 Planning Staff took a comprehensive look at the existing Zoning ordinance parking requirements, and recommended reductions both for storm water runoff and economic development reasons.

Planning Commission and Council agreed with the benefits and adopted the ordinance amendments. The amendments included both minimum and maximum parking requirements. If the proposed development feels the need for additional spaces they must be pervious. A provision limited these additional spaces up to a one hundred and twenty percent (120%) increase from the parking space requirements.

During site plan review this summer, staff has noticed that these limits on the number of spaces over requirement seem to unnecessarily impact smaller business more heavily than larger businesses. Therefore, staff recommends that the limit on additional spaces be changed to one hundred and fifty (150%) percent for retail under 10,000 square feet in size.

Please find attached the Section of Article IV where recommended changes have been made for your review and comment.

## 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 IV AS UNDERLINED OR STRICKEN, 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 23-43, Off-street parking requirements per land use, be amended by modifying the existing language (new matter underlined, deleted matter struck-through):*

#### **Sec. 23-43. Off-street parking requirements per land use.**

(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 and twenty (120) percent of the required minimum parking may be provided. Single and two family residential dwelling units shall be exempt from this limitation.~~

(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, except as follows:

- Single and two-family residential dwelling units shall be exempt from this limitation.
- Retail uses less than 10,000 square feet in size will be allowed to exceed the maximum parking by one hundred and fifty (150) percent of the requirement; and be exempt from the pervious requirement.

(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) Except as otherwise stated in this Section 23-43-2a; 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.

**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