

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: Monday, November 16, 2009

Agenda Item:	Prepared By: Dan Hatley
Agenda Section: Old Business: Ordinance/Second Reading	Date: November 11, 2009
Subject: Zoning Text Amendment ZTX-09-10	Division: Planning & Development

ZONING TEXT AMENDMENT ZTX-09-10: A series of proposed amendments to the Zoning Ordinance text regarding design standards and approval process for Planned Developments.

Background:

Council approved on First Reading a series of amendments to the Planned Unit Development regulations in the zoning ordinance. The major changes are as follows:

1. Change the term PUD to PDD (Planned Development District) in conformance with state enabling legislation.
2. Requirement for a project phasing plan.
3. Requirement for a plan detailing the locations and extent of heritage trees, significant stands of protected trees, wetlands, and hydrology patterns.
4. Requirement for a *written project description* in a booklet form, describing the project, describing how it meets or fails to meet urban design goals listed later in the ordinance, and an analysis of the existing surrounding land use context.
5. Requirement for a *mobility analysis* to include a traffic study and bike-pedestrian plan, whenever proposed densities significantly exceed those otherwise permitted by right under existing zoning.
6. Requirement for a public *benefit analysis*, detailing the kinds of public benefits and/or proffers that the project will generate. Further, there are time limits built in for payment of proffers involving land or money, when projects consist of parcels in several ownership.
7. Requirement for a *pattern book* detailing the proposed design and architectural themes to be used in the project.
8. Requirement for an *open space, wetland, and amenity analysis*, which details types, locations, and sizes of open spaces proposed, and all public or private recreation amenities.

The ordinance also has a new section 6 that sets forth *general design criteria and development standards* expected of all PDDs. Issues such as compatibility with surrounding uses, connectivity, mixing of uses, workforce housing, wetland buffering, wildfire hazard prevention, and park provision are addressed in detail.

Finally, the proposed changes clarify two issues:

- The obligations of a developer to bury all new and some existing utilities, but which also permits a ‘payment-in-lieu’ option.
- What constitutes a public benefit

Planning Commission held a Public Hearing on October 20, 2009. After several minor wording changes the Planning Commission recommended approval of the amendments. The staff report to the Planning Commission, along with the latest draft copy version of proposed amendments has been attached for your review and consideration. It should be noted that there are several “scrivener’s” changes in the ordinance for second reading that change existing ‘PUD’ references to ‘PDD.’

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

6. B. ZONING TEXT AMENDMENT ZTX-09-10: A series of proposed amendments to the Zoning Ordinance text regarding design standards and approval process for Planned Developments.

Background:

Staff has been examining the Planned Unit Development regulations in the zoning ordinance, in the context of our experiences with several recent major PUD's, such as Parkway Group, and Robber's Roost.

During the approval processes for these and other PUD's, frustrations were raised about the open-ended and sometimes ambiguous submission requirements of the current ordinance. Examples include the lack of a requirement for a wetland delineation or a traffic study, and the lack of clarity about how and when utilities are to be placed underground. Thus, staff has taken the opportunity to draft a series of changes to the ordinance that would address these deficiencies, and provide additional tools to take advantage of current thinking in the practice of planning.

First, the amendments change the term "Planned Unit Development" to "Planned Development District," in conformance with how South Carolina enabling laws refer to such projects. The term "planned unit development" is no longer the correct usage, and is inconsistent with state law.

Other key elements of these proposed changes include requirements to provide:

1. A project phasing plan.
2. The locations of heritage trees and significant stands of protected trees on the site.
3. A chart or table that identifies all proposed land uses, including square footages or unit quantities for each phase, and for the project as a whole.
4. *A wetland delineation and hydrology plan* showing existing water movement patterns on the site.
5. *A written project description* in a booklet form, describing the project, describing how it meets or fails to meet urban design goals listed later in the ordinance, and an analysis of the existing surrounding land use context.
6. *A mobility analysis* to include a traffic study and bike-pedestrian plan, whenever proposed densities significantly exceed those otherwise permitted by right under existing zoning..
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Staff Report to Planning Commission – October 20, 2009

8. A *pattern book* detailing the proposed design and architectural themes to be used in the project.
9. An *open space, wetland, and amenity analysis*, which details types, locations, and sizes of open spaces proposed, and all public or private recreation amenities.
10. A preliminary *infrastructure and utility analysis*.
11. Information about the property owner's association that will own common areas.

The ordinance also has a new section 6 that sets forth *general design criteria and development standards* expected of all PDD's. Issues such as compatibility with surrounding uses, connectivity, architectural quality, pedestrian and bicycle design, mixing of uses, workforce housing, environmental stewardship, wetland buffering, wildfire hazard prevention, and park provision are addressed in detail. The ordinance states that the extent to which a project achieves these design goals will bear a strong relationship to the project's approval prospects.

Finally, the proposed changes clarify two issues:

- The obligations of a developer to bury all new and some existing utilities, but which also permits a 'payment-in-lieu' option.
- What constitutes a public benefit.

A draft copy of proposed changes is attached for your review and consideration.

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During the approval processes for these and other PUD's, frustrations were raised about the open-ended and sometimes ambiguous submission requirements of the current ordinance. Examples include the lack of a requirement for a wetland's delineation or a traffic study, and the lack of clarity about how and when utilities are to be placed underground. Thus, staff has taken the opportunity to draft a series of changes to the ordinance that would address these deficiencies, and provide additional tools to take advantage of current thinking in the practice of planning.

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1. A project phasing plan.
2. The locations of heritage trees and significant stands of protected trees on the site.
3. A chart or table that identifies all proposed land uses, including square footages or unit quantities for each phase, and for the project as a whole.
4. A *wetland delineation and hydrology plan* showing existing water movement patterns on the site.
5. A *written project description* in a booklet form, describing the project, describing how it meets or fails to meet urban design goals listed later in the ordinance, and an analysis of the existing surrounding land use context.
6. A *mobility analysis* to include a traffic study and bike-pedestrian plan, whenever proposed densities significantly exceed those of surrounding land uses.
7. A *public benefit analysis*, detailing the kinds of public benefits and/or proffers that the project will generate. Further, there are time limits built in for payment of proffers involving land or money, when projects consist of parcels in several ownership.
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- What constitutes a public benefit?

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 23-2, 23-16, 23-29, 23-30.1, 23-31, 23-36, 23-41, 23-56, 23-58, 23-73, 23-111, AND 23-117 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 23-2, Definitions, be amended to change the following (new matter underlined, deleted matter struck-through):

Town center: A large contiguous (including streets) commercial area which contains at least twenty (20) acres and a minimal commercial area of at least fifty thousand (50,000) square feet within a ~~planned unit development (PUD)~~ Planned Development District (PDD) and not covering more than fifty (50) percent of the total land area of the entire ~~PUD~~ PDD.

Section 2:

That Section 23-16, Zoning districts, be amended to change the following (new matter underlined, deleted matter struck-through):

- CP Conservation Preservation
- R-1 Single-Family Residential, Low Density R-1A Single-Family Residential, Low-Medium Density
- R-1B Single-Family Residential, Low-Medium Density
- R-2 Medium Density Residential
- R-2A Mid-Rise Multifamily Residential
- R-3 Mobile Home Residential
- R-4 Resort Residential
- NC Neighborhood Commercial
- OC Office Commercial
- BC Business Commercial
- HC Highway Commercial
- RC Resort Commercial
- LI Limited Industrial
- ~~PUD Planned Unit Development~~ PDD Planned Development District
- W-1 Waterfront-Pleasure
- IZD Interim Zoning District

Section 3:

That Section 23-29, Process, be amended to read as follows (new matter underlined, deleted matter struck-through):

Sec. 23-29. ~~PUD~~ PDD Planned ~~Unit~~ Development District.

(1) *Purpose:* The purpose of the Planned ~~Unit~~ Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the provision of livable streets and utilities; ~~and~~ to preserve the natural and scenic features of open areas, ~~and~~ to provide a flexible zoning management tool that meets the needs of integrated mixed use developments in creative arrangements. This district is best suited to ~~undeveloped~~ areas; where "planned ~~unit~~ development district" is a superior response to less coordinated development, as permitted elsewhere by this chapter. It is also an appropriate response in relatively large areas undergoing redevelopment.

(2) *District requirements:* In order to qualify as a Planned ~~Unit~~ Development District, a project request must meet the following minimum requirements:

(a) At the time of rezoning, the site must contain not less than two (2) acres and have a minimum width between any two (2) opposite boundary lines of one hundred twenty-five (125) feet, and must adjoin or have direct access to at least one (1) public street. However, the ~~Planning~~ Commission may reduce this requirement by twenty-five (25) percent to encourage better design and site application of ~~PUD~~ PDD's ~~Districts~~ on oceanfront properties.

(b) The site shall be in one (1) ownership, or if in several ownerships, the application for amendment to the zoning ordinance shall be filed jointly by all of the owners.

(c) At the time of rezoning the site shall not be divided by public right-of-way, unless all tracks so divided, when combined, contain the minimum site size for a ~~PUD~~ PDD; off-site parking, including parking decks with commercial uses on the ground level, shall not be used in the calculation of the minimum site size and are, therefore, excluded from this requirement.

(3) *Submission requirements:* All proposed Planned Development Districts shall require the following information to be submitted before the request shall be deemed a complete submission:

(a) ~~(d)~~ A Master Site Plan ~~site plan~~ shall be submitted ~~with the request for change~~ and shall contain the following information:

1. The proposed title of the project and the name and contact phone number of the engineer, architect, designer, or landscape architect, and the developer or authorized agent.
2. The northpoint, a general location map, scale and date. The scale of the site plan shall be not more than fifty (50) feet to one (1) inch.
3. Existing zoning and zoning district boundaries and proposed changes.
4. The boundaries of the property involved, the general location of all existing easements, property lines, existing streets, buildings and other existing physical features on or adjoining the project.
5. The approximate location and sizes of existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities in or near the project on a topographic map using contour lines at appropriate intervals.
6. The general location and dimensions of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking and loading spaces).
7. The general location of proposed lots, setback lines, easements, and a generalized land use plan, including a generalized phasing plan representing the timing and sequence of proposed development.
8. The location and approximate heights of all proposed main and accessory building and dimensions of structures drawn to scale.
9. Identification of all lands in private or common ownership.
10. General location, height, width and material of all existing and proposed fences, walls, screens, buffers, plantings and landscaping.
11. The general locations of isolated heritage trees (those greater than 24 inches in caliper), or significant stands of protected trees as defined by this Ordinance.
- ~~12.~~ Proposed location and number of dwelling units (by bedroom type) for each structure.
13. A table or chart summarizing all proposed uses by category (commercial, industrial, office, single family and multifamily residential, accommodations, amusement uses, etc.), with information on their square footages and/or unit sizes, bedroom counts, etc. Such table or chart shall indicate summary statistics for the entire development at build-out, and for each proposed phase, if applicable.

142. General location, character, size and height and orientation of proposed signs.

15. A wetland and hydrologic delineation indicating the location of all wetlands, water courses, ditches, streams, lakes or ponds, and the general direction(s) of natural stormwater flow throughout the site, indicated by arrows.

163. The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement, if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

(b) A written PDD description, in bound booklet form, containing at a minimum the following sections:

1. Copy of the completed PDD application, followed by a Table of Contents for the remainder of the document.

2. Introductory statement / summary description of the project, to include location, size of property, uses proposed, residential densities and non-residential square footages proposed, and proposed phasing of the project.

3. Analysis of how each of the design ideals listed in (6)(a)(1-11) has been addressed in the design of the PDD.

4. Analysis of the surrounding land-use context, zoning, and character of development for lands abutting the proposed project.

5. Whenever a PDD is proposed that would result in significantly higher residential densities or significantly higher non-residential intensities of land use than would otherwise be possible under the existing zoning classification of the property (as determined by the Zoning Administrator), a *mobility analysis* for the proposed site shall be required, to include, but not necessarily be limited to:

a. Traffic study describing existing streets that will serve or be impacted by project traffic, current traffic counts and automobile level of service (LOS) for those streets, and projected traffic counts and level of service at build-out of the project, using standard trip generation data from the Institute of Transportation Engineers.

b. Description of any proposed improvements to the existing street network that the traffic study indicates may be warranted, and cost estimates thereto.

c. Pedestrian and bicycle circulation plan, and if deemed necessary by the Planning Commission, a transit service plan.

6. Public benefit analysis: As a trade-off for increased flexibility in design, it is expected that the project will generate significant benefits to the public at large. A description of all proposed public benefits and/or proffers shall be provided, including the timing and triggering mechanisms for their provision.

7. Pattern book: This section shall include commentary and illustrative examples of architectural styles, yard requirements, building setbacks, screening and enclosure of mechanical equipment, trash containers and outside storage areas, general materials, colors and techniques proposed for use within the project's various phases, categories of uses, and signs. Lists of approved and prohibited styles, materials, colors, and techniques shall be required. A subset of this chapter shall discuss proposed lists of landscape materials to be used, and a buffer analysis of the types, sizes, and general locations of all proposed landscape buffers.

8. An open space, wetland, and amenity analysis, to include all of the following:

a. Total open space project-wide, and a breakdown of open space by phase, type (improved or unimproved), and size.

b. Location and size of all wetlands on the subject property (approved wetland delineation).

c. Analysis of how much of the proposed open space is made up of wetlands.

d. Location, size, and description of all proposed recreational amenities (parks, playgrounds, swimming pools, tennis courts, clubhouses, off-site amenities such as private beach parking areas and/or cabanas, etc.) intended solely to serve project residents, and any that are proposed for public use and/or dedication.

9. Preliminary infrastructure / utility analysis outlining projected water and sewer and other utility needs, and preliminary information about how storm water will be managed on the site. More detailed plans will be required before development approval is given on any phase of the project.

10. Property Owner's Association makeup, areas of responsibility and proposed covenants and review procedures, if applicable.

(c.e) In addition to the above, an application for a PUD Planned Development District shall be accompanied by:

1. Proposed standards for the development of the project, including restrictions on the use of property, density standards, yard requirements and restrictive covenants, if any;

~~1. 2.~~ A statement defining the manner in which the city is to be assured that all improvements and protective devices are to be installed and maintained; and,

~~3. A construction schedule.~~

~~2.4.~~ A statement assuring the city that all off-premise signage will be removed from the site prior to the issuance of any permits.

~~(4) Uncertainty of uses:~~ ~~(f)~~ ~~PUD PDD~~ projects containing sixty (60) acres or more can utilize the following percentages of the entire project size to designate areas for "future development":

- ~~1.~~ ~~(a)~~ 60-100 acres--5 percent
- ~~2.~~ ~~(b)~~ 101-200 acres--10 percent
- ~~3.~~ ~~(c)~~ 201-500 acres--15 percent
- ~~4.~~ ~~(d)~~ 501-1,000 acres--25 percent
- ~~5.~~ ~~(e)~~ 1,001-3,000 acres--45 percent

~~(f)~~ In order to utilize the "future development" designation, the ~~PUD PDD~~ designer shall show the following:

1. Designate "future development" areas on the site plan and acreages associated with that area.
2. Designate general proposed uses.
 - a. Residential--Single-family, multifamily, townhouse, etc.
 - b. Commercial--Retail, big box, service, restaurant, etc.
3. Designate general proposed density.
4. Designate general proposed architectural style.
5. Designate general proposed street network.
6. Designate general proposed utility systems.

~~(53)~~ *Permitted uses:* Any use proposed by the developer and considered by the ~~p~~ Planning e Commission as being reasonably compatible with ~~to~~ other nearby uses within and beyond the district may be permitted in such district, upon approval by the planning commission and city council. A listing of permitted uses within a particular ~~PUD~~ Planned Development District shall be adopted as part of the regulations applying to that district. After approval by the commission and e Council, the list or portion thereof shall be adopted as part of the regulations applying to that particular ~~PUD~~ Planned Development

District. Thereafter, the uses permitted in the district shall be restricted to those listed, approval and adopted.

(6.4) *General design criteria and development standards:*

~~(a) Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.~~

(a) In exchange for the flexibility afforded to developers of a PDD, the city expects these projects to represent the highest ideals of urban design, producing a rich, rewarding living and working environment. The following list represents design ideals that each of these projects shall aspire to achieve. The extent to which a project achieves these ideals will bear a strong relationship to its approval prospects, and the degree of public acceptance for the project. Where a standard below utilizes the word 'shall,' compliance is mandatory.

1. Land uses proposed should be generally compatible with surrounding uses, and located so that uses within the project abut like-uses off-site. To the extent that this is unachievable, significant buffering protecting existing off-site uses shall be expected. In general, taller structures should be situated so that they do not cast shadows on existing surrounding land uses, unduly block existing views, or create wind-tunnel or other negative environmental effects on existing surrounding uses.

2. While it is useful from the public perspective for projects to seamlessly integrate with and connect to surrounding neighborhoods, it is expected that such connections shall be made artfully, and without significant negative traffic or quality of life impacts on existing development.

3. It is expected that architectural standards governing the project should result in designs and materials that are of high quality, and sympathetic to, and harmonious with the local historic design traditions of the Carolinas.

4. The needs of pedestrians, bicyclists, and transit shall be considered and planned for throughout the development.

5. Mixing of uses is highly encouraged, including vertical mixing of uses within the same building, and horizontal mixing of uses situated in different buildings within close proximity.

6. Commercial areas within projects should avoid the conventional 'shopping center' design prototype, and instead, model the project according to 'town center' principles of design.

7. A variety of housing types and price ranges should be utilized within residential or mixed-use projects, including workforce housing, which is defined as housing affordable to career classes such as teachers, police and fire officers, medical technicians, office workers, and similar fields. The city understands that this sometimes necessitates flexibility to be economically feasible. Excellence of design is critical to the acceptance of greater residential intensities.

8. Streets shall generally follow the design standards within the Land Development Regulations, but flexibility may be possible for innovative designs that utilize traffic calming measures, or improve safety and alternative forms of mobility.

9. Environmental stewardship should be a key guiding principle of the site design. This may include, but not be limited to: use of low impact design, use of natural means of stormwater collection, filtering and disposal, wetland preservation, preservation of significant natural features, landscapes and trees, use of community gardens, use of organic composting sites, use of alternate forms of energy production such as wind and solar energy, use of 'green building' technologies (as defined by the United States Green Building Council), and other methods.

10. It should be a goal for each residential dwelling unit located within the project to be no farther than 800 feet from a public or private recreational amenity, park, or improved open space.

11. It should be a goal for each project to offer an attractive mix of public benefits, as defined in (6)(e) of this section.

12. All wetlands proposed to remain on a site shall be surrounded with a minimum 20 foot water quality buffer, within which no building construction shall occur. These areas shall be in common ownership, and shall remain naturalized, with the exception that a multipurpose path not exceeding ten (10) feet in width may be constructed within them. Such paths may be utilized for recreation, and/or access for maintenance equipment.

13. For all Planned Development Districts located west of the Intracoastal Waterway, and for those whose primary access is Little River Neck Road, the project shall be designed to achieve substantial conformity with Firewise Community (www.firewise.org) principles, in order to protect against wildfire hazards. Techniques such as the use of fire-resistant landscaping and building materials, the establishment and preservation of structure ignition zones around buildings, and similar shall be incorporated into the design.

~~(b) Parking requirements for each PUD District shall comply with the requirements of article IV of this chapter. Areas designated for parking and loading or for trafficways~~

~~shall be physically separated from streets by suitable barriers against unchanneled motor vehicle ingress and egress.~~

~~(be) Minimum open space requirements: Each PDD shall preserve at least fifteen Fifteen (15) percent of the site each project shall be developed into as common open space generally in accord with section 23-109., and no more than seventy five (75) percent of any lot or parcel shall have an impervious surface. Regulation golf courses shall be excluded from the total acreage in determining that fifteen (15) percent. Open spaces shall be further classified in terms of which ones are to be public versus privately held, and improved or left unimproved. Private yards located within single-family residential lots shall not be counted toward project open space, nor shall landscape buffers within and surrounding parking lots. Wetlands may constitute not more than one-half of the required open space.~~

~~(cd) Signage within PUD Planned Development Districts will be harmonious with the proposed uses and will be architecturally integrated with the overall project design. In general, pole or pylon signs shall be prohibited, and vinyl-faced box signs shall be strongly discouraged. Actual allowable signage within a PUD Planned Development District will be determined at the time a particular PUD District PDD is established or amended. While it is the intent of this section to allow flexibility in the height, size, location, and character of allowable signage, it is not the intent of this section to allow signage which has a negative impact on the PUD PDD or surrounding uses. Moreover, it is generally not the intent to allow signage of greater intensity than would be allowed similar uses within other zoning districts.~~

~~(d) Except primary electrical transmission lines, all utilities shall be located or relocated underground in the PUD PDD and on all adjacent rights-of-way to the PUD PDD, subject to approval of the specific utility effected. In cases where the expense to bury said utilities is deemed by the City Engineer to be unreasonably costly due to the complexity of the work, City Council may negotiate a fee-in-lieu arrangement with the project developer, whereby a contribution toward the City's utility conversion fund is paid in lieu of requiring burial. Any such agreement shall be a part of a Development Agreement governing the subject property. The burying of utilities shall be completed, or the fee-in-lieu paid to the City, prior to any building permit being issued for structures in any phase abutting the right of way within which the overhead utilities are situated.~~

(e) Public benefits may include, but shall not be limited to:

1. Voluntary proffers of land within the project boundaries or off-site, money or other consideration to offset the impact the project will have on utilization of public services, schools, parks, or other amenities.
2. Correction of deficient infrastructure (roads, water, sewer, drainage) conditions that results in benefits to off-site properties.
3. Preservation or creation of wetland resources on or off-premises.
4. The offering for sale of significant numbers of workforce housing units, at prices deemed affordable for that class of housing.
5. Removal of blight conditions existing within the site, or mitigation of environmental hazards.
6. The provision of transit or shuttle service within the site, or the provision of transit stops deemed desirable by any public transit provider.

(f) Projects in several ownership. When a PDD consists of tracts in several ownership, all approved public benefits involving proffers of land shall be provided within one-hundred eighty (180) days of final PDD zoning designation by City Council. All approved proffers of money shall be provided within ninety (90) days of final PDD zoning designation by City Council.

(7.5) Administrative procedures: Requests for ~~PUD~~ PDD zoning shall be as provided for amendments generally. City e Council may approve the request in accord with the site plan and other applicable regulations may include specific modifications or may deny the request, following a public hearing and recommendation by the p Planning e Commission.

Once a ~~PUD~~ Planned Development District is established on the official zoning map, no building permit shall be issued therein unless approved plans and reports for the development as a whole or in stages or portions thereof are deemed satisfactory in relation to the total development. The form and content of such site plans and reports shall be as prescribed in zoning, subdivision regulations, or other regulations involved generally, and in rules of other affected agencies.

Upon approval by e-City e Council, one (1) copy of the site plan and the ~~PUD~~ PDD agreement shall be recorded in the office of the Horry County Register of Deeds Mesne Conveyance.

Building permits then shall be issued in the same manner as for building permits generally. Except as provided below, the plans and reports approved shall be binding on the applicant and any successors in title so long as the ~~PUD~~ PDD zoning is applicable.

Changes to approved site plans and development provisions determined by the ~~z~~ Zoning ~~a~~ Administrator to be minor may be approved by the ~~p~~ Planning ~~e~~ Commission upon findings identical to those required for the original approval. Minor changes disapproved by the ~~p~~ Planning ~~e~~ Commission may be resubmitted for legislative consideration as major changes. Major changes shall be approved subject to further amendatory action only. Changes determined by the ~~z~~ Zoning ~~a~~ Administrator to be major may be appealed to the ~~p~~ Planning ~~e~~ Commission for consideration as a minor change.

(Ord. No. 88-35, 11-1-88; Ord. No. 89-15, § 3, 4-4-89; Ord. No. 90-3, § 4, 2-20-90; Ord. No. 96-14, § 1, 3-18-96; Ord. No. 00-14, § 1, 3-6-00; Ord. No. 01-09, § 1, 2-5-01; Ord. No. 01-48, §§ 1, 2, 11-19-01; Ord. No. 02-29, § 1, 7-1-02; Ord. No. 06-58, § 1, 11-6-06; Ord. No. 07-40, § 1, 10-1-07)

Section 4:

That Section 23-30.1, Interim zoning district, be amended to change the following (new matter underlined, deleted matter struck-through):

(1) *Purpose:* The purpose of this district is to create a zoning classification for large properties annexing into the city when there is no immediate or near term development intended for the property. Property development rights can only be acquired through future legislative action by city council with the establishment of a permanent zoning district classification for the property. This district could typically be appropriate for future establishment of a ~~PUD (Planned Unit Development)~~ PDD (Planned Development District) zoning classification.

Section 5:

That Section 23-31, Overlay zones, be amended to change the following (new matter underlined, deleted matter struck-through):

(4) *OFO (Oceanfront Overlay Zone).*

(b) *Application:* The OFO (Oceanfront Overlay Zone) is applicable only to oceanfront properties and associated developments within the boundaries of the overlay zone and within R-4 (Resort Residential), RC (Resort Commercial) and ~~PUD (Planned Unit Development)~~ PDD (Planned Development District) primary zoning districts. The boundaries of the overlay zone are proposed to include oceanfront properties and associated properties within three hundred (300) feet of the oceanfront properties in the R-4, and RC and ~~a PUD~~ PDD districts.

Section 6:

That Section 23-36, Sign regulations, be amended to change the following (new matter underlined, deleted matter struck-through):

(2) *Scope of this article:* The provisions set forth in this article shall apply and govern in all districts, except ~~Planned Unit Development Districts (PUD)~~, Planned Development Districts (PDD's) and shall regulate the construction, erection, alteration, use, location, size and height of all signs, regardless of their cost of construction. The provisions of this article shall not apply to:

(n) Animated signs, except in ~~PUDs (planned unit developments)~~ PDD's (Planned Development Districts) with more than twenty-five (25) acres when fronting U.S. Highway 17 and approved by city council as a part of the ~~PUD~~ PDD sign package.

Section 7:

That Section 23-41, Parking regulations, be amended to change the following (new matter underlined, deleted matter struck-through):

(5) *Noncontiguous, off-street parking:*

(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~~ PDD's (Planned 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:

Hotels/motels in the RC (resort commercial) and ~~PUD (planned unit development) districts~~ PDD (Planned Development District) 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: subsection 23-31(4), OFO (oceanfront overlay zone).

(c) Town centers within ~~PUDs (planned unit developments)~~ PDD's (Planned Development Districts) may provide up to one hundred (100) percent of required parking off-site within the boundaries of the town center.

(6) *Contiguous on-street parking*: In town centers within ~~PUDs (planned unit developments)~~ PDD's (Planned Development Districts) 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~~ PDD, nonresidential 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:

Section 8:

That Section 23-56, Parking lot landscape requirements, be amended to change the following (new matter underlined, deleted matter struck-through):

3. With the exception of town centers in ~~PUDs~~ PDD's and the General Commercial (GC) district, no required landscape area shall be larger than three hundred fifty (350) square feet unless a larger area is necessary to save or protect existing trees. Interior landscaped areas shall contain a minimum of seventy-five (75) square feet.

Section 9:

That Section 23-58, Perimeter landscaped areas, be amended to change the following (new matter underlined, deleted matter struck-through):

(1) *Size*: With the exception of ~~PUDs~~ PDD's and the General Commercial (GC) district, a perimeter landscaped area with a minimum depth of five (5) feet shall be provided along all property lines except when a tract is being partially developed or developed in stages the perimeter landscape area may be provided around the exterior of the developed area.

In a ~~PUD~~ PDD, when and if a setback of less than five (5) feet has been approved by city council, it is not possible to provide the five-foot perimeter yard setback, an equal amount of area, which has been reduced, shall be provided elsewhere within the affected site. Twice the number of trees and shrubs, which would have been provided in the reduced area, shall be planted in the alternate area. On adjacent parcels within a ~~PUD~~ PDD, where the developer can demonstrate that the parcels will act in coordination and conjunction with each other to form a continuous development site, perimeter landscaping on each individual parcel shall not be required when an equal amount of landscaping area and planting is provided elsewhere within the subject coordinated development as shown on the ~~PUD~~ PDD master site plan. The perimeter landscaping requirement shall not be reduced on the outer perimeter of the coordinated development. A maintenance agreement is required to be signed and submitted by all property owners involved in this arrangement.

Section 10:

That Section 23-73, Regulations, be amended to change the following (new matter underlined, deleted matter struck-through):

(1) No adult entertainment establishments shall be located within six hundred (600) feet of an R-1, R-1A, R-2, R-2A, R-3, R-4 district and ~~PUD~~ PDD's containing residential uses, a church, a day care center, a school, a public park, a hospital or a convalescent/nursing home.

Section 11:

That Section 23-111, Temporary uses, be amended to change the following (new matter underlined, deleted matter struck-through):

(7) Tents in large (twenty-five (25) acres and greater) ~~PUDs (planned unit developments)~~ PDD's (Planned Development Districts) once a site plan, type of use within the tent and specified period of use are approved through the ~~PUD~~ PDD amendment process.

Section 12:

That Section 23-117, Number of principal buildings on a lot, be amended to change the following (new matter underlined, deleted matter struck-through):

(7) Planned ~~unit~~ Development District (PUDD).

Section 13:

That the North Myrtle Beach City Council 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