

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 7, 2024

Agenda Item: 6B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: October 2, 2024	
Subject: Amendments to Chapter 20, Land Development Regulations, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing building permits for illegal subdivisions [STX-24-1]	Division: Planning and Development	
<p><u>Background:</u> An “illegal” subdivision occurs when a parcel of land within the City is divided into smaller lots or modified without complying with the City’s codes and regulations. Although these situations are rare, our Land Development Regulations prohibit the issuance of any building permits to buildings located on these sites.</p> <p><u>Proposal:</u> Staff is proposing a text amendment to the Land Development Regulations to allow for routine maintenance and health and safety upgrades to bring buildings up to the standards of the building code on sites created by illegal subdivisions.</p> <p><u>Planning Commission Action:</u> The Planning Commission conducted a public hearing on August 20, 2024, and voted unanimously to recommend approval of the Land Development Regulations amendment. There was no public comment.</p> <p><u>Recommended Action:</u> Approve or deny the proposed ordinance on second reading</p>		
Reviewed by Department Head	Reviewed by Acting City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

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 CHAPTER 20, LAND DEVELOPMENT REGULATIONS, ARTICLE III, SUBDIVISION REGULATIONS, §20-20 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 20-20. - Application of regulations*, be added to read as follows (*new matter underlined*).

Sec. 20-20. - Application of regulations. From and after the adoption of these regulations and notification of the office and Horry County official responsible for recording plats and deeds in the county:

- (1) No subdivision plat shall be filed with or recorded by any Horry County official responsible for accepting and recording plats and deeds until such plat has been given final plat approval according to the procedures set forth in these regulations and until such final plat has been stamped and certified approved for recording by the planning commission's administrative official.
- (2) No building permit or certificate of occupancy shall be issued for any lot, parcel, plat of land or building site which was created by subdivision after the effective date of, and not in conformance with, the provisions of these regulations, except that permits may be issued for routine maintenance of existing building systems, and health and safety updates to bring a building up to the current code standards, provided that such work does not expand or alter the nonconforming use, structure, or site in a way that exacerbates the noncompliance with these regulations.
- (3) No street right-of-way shall be accepted as a public street and no public or private street right-of-way shall be opened or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.
- (4) No building permit and no occupancy permit shall be issued for, and no building or structure shall be erected on any lot unless (a) the street giving access to the lot shall have been accepted as or otherwise received the status of a public street; or unless (b) such street corresponds in its location and lines with a street shown on a recorded final plat approved by the planning commission. Permanent erosion control structures such as bulkheads are exempt from this subsection.

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 _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 9.16.2024
SECOND READING: 10.7.2024

REVIEWED:

Acting City Manager

ORDINANCE: 24-38

6I. LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT STX-24-01: City staff has initiated an amendment to the land development regulations addressing building permits for illegal subdivisions.

Background:

An “illegal” subdivision occurs when a parcel of land within the City is divided into smaller lots or parcels without complying with the City’s codes and regulations. Although these situations are rare, our land development regulations prohibit the issuance of any building permits to buildings located on these sites.

Proposed Changes

Staff is proposing a text amendment to the Land Development Regulations to allow for routine maintenance and health and safety upgrades to bring buildings up to the standards of the building code on sites created by illegal subdivision.

The proposed amendment addresses **DIVISION 2. – ADMINISTRATION** of *Chapter 20, Land Development Regulations* and would appear in the Ordinance as follows (new matter underlined):

Sec. 20-20. Application of regulations.

From and after the adoption of these regulations and notification of the office and Horry County official responsible for recording plats and deeds in the county:

- (1) No subdivision plat shall be filed with or recorded by any Horry County official responsible for accepting and recording plats and deeds until such plat has been given final plat approval according to the procedures set forth in these regulations and until such final plat has been stamped and certified approved for recording by the planning commission's administrative official.
- (2) No building permit or certificate of occupancy shall be issued for any lot, parcel, plat of land or building site which was created by subdivision after the effective date of, and not in conformance with, the provisions of these regulations, except that permits may be issued for routine maintenance of existing building systems, and health and safety updates to bring a building up to the current code standards, provided that such work does not expand or alter the nonconforming use, structure, or site in a way that exacerbates the noncompliance with these regulations.
- (3) No street right-of-way shall be accepted as a public street and no public or private street right-of-way shall be opened or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.
- (4) No building permit and no occupancy permit shall be issued for, and no building or structure shall be erected on any lot unless (a) the street giving access to the lot shall have been accepted as or otherwise received the status of a public street; or unless (b) such street corresponds in its location and lines with a street shown on a recorded final plat approved by the planning commission. Permanent erosion control structures such as bulkheads are exempt from this subsection.

According to § 20-25, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Land Development Regulation amendments is 30 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting anticipated to occur on September 16, 2024.

Planning Commission Action

The Planning Commission may approve, approve with modifications and/or conditions; or disapprove the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the Land Development Regulations text amendment [STX-24-1] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the Land Development Regulations text amendment [STX-24-1] as submitted.
OR
- 3) I move (an alternate motion).