

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 17, 2025

Agenda Item: 6B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: February 14, 2025
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing perimeter landscape requirements [ZTX-24-3]	Division: Planning and Development

Background:

Around 2009, certain provisions of the perimeter landscape area ordinance were inadvertently deleted. One provision required a ten-foot landscape depth along certain roads, while all other roads required a five-foot depth. Additionally, a section was removed that allowed required plantings in the perimeter landscape area to be located outside the minimum area, if a submitted plan demonstrated more than the minimum required perimeter landscaping. Although staff has continued enforcing these provisions despite their removal, the omission has led to inconsistencies in both enforcement and clarity.

Proposal:

To correct these oversights and provide clear guidance for property owners, staff proposes amending the perimeter landscape ordinance by revising the following elements:

1. Reintroducing the ten-foot landscape requirement on the roads originally intended for it and adding a few additional major streets where staff believes a greater depth is warranted: Highway 17, Sea Mountain Highway, Main Street, Robert Edge Parkway, Champions Boulevard, and Water Tower Road.
2. Restoring the language that permits required plantings to be moved outside the minimum perimeter area when a plan demonstrates more than the minimum landscaping requirement is being provided.

Planning Commission Action:

The Planning Commission conducted a public hearing on January 7, 2025, and voted unanimously to recommend approval of the building amendment. There was no public comment.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Department Head	Reviewed by Interim City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd 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 23, ZONING, ARTICLE V,
LANDSCAPING REQUIREMENTS, § 23-58(1) 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 23-58. - Perimeter landscaped areas, §§(1) Size*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 23-58. - Perimeter landscaped areas.

(1) *Size*:

(a) With the exception of 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.

(b) Where property abuts Highway 17, Sea Mountain Highway, Main Street, Robert Edge Parkway, Champions Boulevard, and Water Tower Road, the minimum depth of the perimeter landscape area shall be ten (10) feet.

(c) Required plantings in the perimeter landscape area may be moved outside the minimum perimeter area when a plan is submitted showing more than the minimum is being provided for perimeter landscape area.

(d) In a 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 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 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 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 _____, 2025.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 2.3.2025

SECOND READING: 2.17.2025

REVIEWED:

Interim City Manager

ORDINANCE: 25-05

7B. ZONING ORDINANCE TEXT AMENDMENT ZTX-24-3: City staff has initiated an amendment to the zoning ordinance addressing perimeter landscape requirements.

Background:

Around 2009, certain provisions of the perimeter landscape area ordinance were inadvertently deleted. One provision required a ten-foot landscape depth along certain roads, while all other roads required a five-foot depth. Additionally, a section was removed that allowed required plantings in the perimeter landscape area to be located outside the minimum area if a submitted plan demonstrated more than the minimum required perimeter landscaping. Although staff has continued enforcing these provisions despite their removal, the omission has led to inconsistencies in both enforcement and clarity.

Proposed Changes:

To correct these oversights and provide clear guidance for property owners, staff proposes amending the perimeter landscape ordinance by revising the following elements:

1. Reintroducing the ten-foot landscape requirement on the roads originally intended for it— and adding a few additional major streets where staff believes a greater depth is warranted.
2. Restoring the language that permits required plantings to be moved outside the minimum perimeter area when a plan demonstrates more than the minimum landscaping requirement is being provided.

The proposed amendment addresses **§§ (1) Size, of § 23-58. - Perimeter landscaped areas.**, of *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

Sec. 23-58. - Perimeter landscaped areas.

(1) *Size:*

(a) With the exception of 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.

(b) Where property abuts Highway 17, Sea Mountain Highway, Main Street, Robert Edge Parkway, Champions Boulevard, and Water Tower Road, the minimum depth of the perimeter landscape area shall be ten (10) feet.

(c) Required plantings in the perimeter landscape area may be moved outside the minimum perimeter area when a plan is submitted showing more than the minimum is being provided for perimeter landscape area.

(d) In a 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 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 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.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for zoning text amendments is 15 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 February 3, 2025.

Planning Commission Action

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

Alternative Motions

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