

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 17, 2025

Agenda Item: 6C	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 parking flexibility in an overlay zone [ZTX-24-4]	Division: Planning and Development	
<u>Background:</u> Currently, the Priority Investment – Activity Center Overlay (PI-ACO) allows developers in the Main Street Activity Center to pay a fee in lieu of providing some or all required parking, thereby encouraging investment and redevelopment in that area. Other Activity Centers, such as 37th Avenue South in Windy Hill, do not share this flexibility, even though they face similar challenges with limited parcel sizes. A proposed project has highlighted the need to extend the fee-in-lieu parking option beyond the Main Street Activity Center. Furthermore, expanding this provision aligns with the goals of the Comprehensive Plan, which emphasize walkability and enhancing the streetscape along the City’s historic Main Streets. <u>Proposal:</u> To promote a more supportive development environment across all Activity Centers, the City proposes amending the ordinance so that the fee-in-lieu parking provision applies to all PI-ACO zones, not just Main Street. By providing every Activity Center the same opportunity for reinvestment and redevelopment, this amendment upholds the City’s commitment to the Comprehensive Plan’s vision for dynamic, walkable, and economically vibrant community focus areas. <u>Planning Commission Action:</u> 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. <u>Recommended Action:</u> Approve or deny the proposed ordinance on second reading		
Reviewed by Department Head	Reviewed by Interim City Manager	Reviewed by City Attorney
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 II, ZONING DISTRICTS AND DEVELOPMENT REGULATIONS, § 23-31(5)(A) 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 *Sec. 23-31. - Overlay zones, (5)Priority Investment Zones, (a) PI-ACO (Priority Investment - Activity Center Overlay) Zone*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

23-31(5)(a) PI-ACO (Priority Investment - Activity Center Overlay) Zone.

(1) *Purpose:* The purpose of Activity Center Overlay Zones is to encourage development and redevelopment to occur within a one-third mile walkshed centered around the traditional commercial centers of the four historic beach communities (Cherry Grove, Ocean Drive, Crescent Beach, and Windy Hill) that were combined to form the City of North Myrtle Beach. This shall be accomplished by relaxing parking standards in those walksheds, which will permit the development and redevelopment of small parcels that were created prior to current parking standards. It has been shown that a primary limiting factor in the economic use and revitalization of these areas has been excessive parking requirements for new uses. Reducing these standards will also promote walkability and the use of other modes of transportation.

(2) *Application:* The Activity Center Overlay provides an increased range of options over conventional zoning in that it permits reuse, redevelopment, and new development to occur on parcels otherwise too small to satisfy requirements. It is further meant to complement (not replace) the standards in the Zero Lot Line Overlay zone. The Activity Center Overlay Zones are to be designated by the Official City Zoning Map or text, and encompass areas located approximately one-third ($\frac{1}{3}$) of a mile from the center of the following intersections: ~~▲~~Main Street and Hillside Drive (Ocean Drive), ~~▲~~ 17th Avenue South and Holly Drive (Crescent Beach), ~~▲~~ Sea Mountain Highway and Spring Street (Cherry Grove), and ~~▲~~ 37th Avenue South and Seaview Street (Windy Hill). For any parcel situated within this overlay zone, the property owner may choose to request development review under the provisions herein.

(3) *Provisions of the Activity Center Overlays as designated in section:*

a. *Activity Center Parking Flexibility.* Proposed new uses for existing structures or new construction, may provide one-half ($\frac{1}{2}$) of the underlying zoning district requirements for that use, ~~with the exception of~~ except for the following: Multi-family residential uses, motels, hotels, bars/nightclubs and resort accommodations shall

provide the full amount of parking otherwise required by this Ordinance.

1. (For purposes of this section, a bar/nightclub shall be defined as any establishment licensed by the State of South Carolina to serve alcoholic beverages, and whose sale of such beverages constitutes forty (40) percent or more of its gross revenues. For those applicants who wish to claim that their sales of such beverages constitute less than forty (40) percent of gross revenues, the burden of proof shall rest with the applicant to so demonstrate.

2. ~~*Main street activity center:~~ As a means of further encouraging investment and reinvestment, proposed new uses for existing structures or new construction other than multi-family residential, motels, and hotels located entirely within ~~this~~ these activity ~~center~~ centers may, as an alternative to providing all or some portion of the required number of parking stalls, pay into a parking development fund, on a per-space fee schedule established by city council.

b. *Location of new parking:* For the Main Street and 17th Avenue South activity centers, all required and/or voluntarily provided on-site parking shall be in the side or rear yards of the parcel. No parking spaces shall be permitted to be placed between the building and the street frontage. This restriction shall not apply to the Sea Mountain Highway and 37th Avenue South activity centers.

c. *Offsite parking:* Within these activity centers, property owners with existing structures requesting to change uses (new use must be allowed in the underlying district) or new construction may still be unable to provide the reduced parking requirements onsite. In these cases, providing the required parking offsite will be allowed. This may be accomplished by leasing spaces from other property owners regardless of ownership, provided:

1.• At least one property line of the lot upon which the offsite parking is situated is within five hundred (500) feet of any property line of the lot upon which the use is situated, and;

2.• The proposed offsite lot is zoned to permit parking lots, or contains an existing grandfathered parking lot.

3. A copy of the executed lease and site plan illustrating the requested leased parking spaces shall be provided to the Zoning Administrator, and said lease must be for a minimum of two years with a renewal option. If the business owner fails to maintain the required number of leased stalls for any reason, including involuntary loss of lease, the lost parking stalls must be provided in another manner acceptable to the Zoning Administrator. Failure to do so will constitute a violation of this ordinance. In locations where a newly created parking lot would abut a residentially used or zoned

lot, a six-foot high solid wooden fence or vegetative screen is required as per 23-58(2)(d).

4. A long-range goal of the city, as determined in the 2010 Comprehensive Plan update, is to provide complete streets accessible to all modes of transportation and possibly eliminate the need for individual businesses to provide parking in these Activity Center areas. However, the immediate short-range goal of this section is to encourage new investment and reinvestment in these areas. Since this provision is meant to be a temporary measure, required parking within these Activity Centers may be located off-site on existing parking sites that do not meet the paving and landscaping standards required in this Ordinance. However, a dust-free surface shall still be required, and the applicant shall satisfy that requirement with any variety of materials deemed acceptable by the city engineer.

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: 25-06

7C. ZONING ORDINANCE TEXT AMENDMENT ZTX-24-4: City staff has initiated an amendment to the zoning ordinance addressing parking flexibility around the traditional commercial centers of the four historic beach communities that were combined to form the City of North Myrtle Beach and overlay zones.

Background:

Currently, the Priority Investment – Activity Center Overlay (PI-ACO) allows developers in the Main Street Activity Center to pay a fee in lieu of providing some or all required parking, thereby encouraging investment and redevelopment in that area. Other Activity Centers, such as 37th Avenue South in Windy Hill, do not share this flexibility, even though they face similar challenges with limited parcel sizes. A proposed project has highlighted the need to extend the fee-in-lieu parking option beyond the Main Street Activity Center. Furthermore, expanding this provision aligns with the goals of the Comprehensive Plan, which emphasize walkability and enhancing the streetscape along the City's historic Main Streets.

Proposed Changes:

To promote a more supportive development environment across all Activity Centers, the City proposes amending the ordinance so that the fee-in-lieu parking provision applies to all PI-ACO zones, not just Main Street. By providing every Activity Center the same opportunity for reinvestment and redevelopment, this amendment upholds the City's commitment to the Comprehensive Plan's vision for dynamic, walkable, and economically vibrant community focus areas.

The proposed amendment addresses **§ 23-31(5)(a) PI-ACO (Priority Investment - Activity Center Overlay) Zone.**, of *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

Sec. 23-31(5)(a) PI-ACO (Priority Investment - Activity Center Overlay) Zone.

(1) *Purpose:* The purpose of Activity Center Overlay Zones is to encourage development and redevelopment to occur within a one-third mile walkshed centered around the traditional commercial centers of the four historic beach communities (Cherry Grove, Ocean Drive, Crescent Beach, and Windy Hill) that were combined to form the City of North Myrtle Beach. This shall be accomplished by relaxing parking standards in those walksheds, which will permit the development and redevelopment of small parcels that were created prior to current parking standards. It has been shown that a primary limiting factor in the economic use and revitalization of these areas has been excessive parking requirements for new uses. Reducing these standards will also promote walkability and the use of other modes of transportation.

(2) *Application:* The Activity Center Overlay provides an increased range of options over conventional zoning in that it permits reuse, redevelopment, and new development to occur on parcels otherwise too small to satisfy requirements. It is further meant to complement (not replace) the standards in the Zero Lot Line Overlay zone. The Activity Center Overlay Zones are to be designated by the Official City Zoning Map or text, and

encompass areas located approximately one-third ($\frac{1}{3}$) of a mile from the center of the following intersections: ~~■~~ Main Street and Hillside Drive (Ocean Drive), ~~■~~ 17th Avenue South and Holly Drive (Crescent Beach), ~~■~~ Sea Mountain Highway and Spring Street (Cherry Grove), and ~~■~~ 37th Avenue South and Seaview Street (Windy Hill). For any parcel situated within this overlay zone, the property owner may choose to request development review under the provisions herein.

(3) *Provisions of the Activity Center Overlays as designated in section:*

a. *Activity Center Parking Flexibility.* Proposed new uses for existing structures or new construction, may provide one-half ($\frac{1}{2}$) of the underlying zoning district requirements for that use, ~~with the exception of~~ except for the following: Multi-family residential uses, motels, hotels, bars/nightclubs and resort accommodations shall provide the full amount of parking otherwise required by this Ordinance.

1. ~~(For purposes of this section, a bar/nightclub shall be defined as any establishment licensed by the State of South Carolina to serve alcoholic beverages, and whose sale of such beverages constitutes forty (40) percent or more of its gross revenues. For those applicants who wish to claim that their sales of such beverages constitute less than forty (40) percent of gross revenues, the burden of proof shall rest with the applicant to so demonstrate.~~

2. ~~*Main street activity center:~~ As a means of further encouraging investment and reinvestment, proposed new uses for existing structures or new construction other than multi-family residential, motels, and hotels located entirely within ~~this~~ these activity ~~center~~ centers may, as an alternative to providing all or some portion of the required number of parking stalls, pay into a parking development fund, on a per-space fee schedule established by city council.

b. *Location of new parking:* For the Main Street and 17th Avenue South activity centers, all required and/or voluntarily provided on-site parking shall be in the side or rear yards of the parcel. No parking spaces shall be permitted to be placed between the building and the street frontage. This restriction shall not apply to the Sea Mountain Highway and 37th Avenue South activity centers.

c. *Offsite parking:* Within these activity centers, property owners with existing structures requesting to change uses (new use must be allowed in the underlying district) or new construction may still be unable to provide the reduced parking requirements onsite. In these cases, providing the required parking offsite will be allowed. This may be accomplished by leasing spaces from other property owners regardless of ownership, provided:

1. At least one property line of the lot upon which the offsite parking is situated is within five hundred (500) feet of any property line of the lot upon which the use is situated, and;

2. The proposed offsite lot is zoned to permit parking lots, or contains an existing grandfathered parking lot.

3. A copy of the executed lease and site plan illustrating the requested leased parking spaces shall be provided to the Zoning Administrator, and said lease must be for a minimum of two years with a renewal option. If the business owner fails to maintain the required number of leased stalls for any reason, including involuntary loss of lease, the lost parking stalls must be provided in another manner acceptable to the Zoning Administrator. Failure to do so will constitute a violation of this ordinance. In locations where a newly created parking lot would abut a residentially used or zoned lot, a six-foot high solid wooden fence or vegetative screen is required as per 23-58(2)(d).

4. A long-range goal of the city, as determined in the 2010 Comprehensive Plan update, is to provide complete streets accessible to all modes of transportation, and possibly eliminate the need for individual businesses to provide parking in these Activity Center areas. However, the immediate short-range goal of this section is to encourage new investment and reinvestment in these areas. Since this provision is meant to be a temporary measure, required parking within these Activity Centers may be located off-site on existing parking sites that do not meet the paving and landscaping standards required in this Ordinance. However, a dust-free surface shall still be required, and the applicant shall satisfy that requirement with any variety of materials deemed acceptable by the city engineer.

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-24-4] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [Z-24-4] as submitted.

OR

- 3) I move (an alternate motion).