

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: September 15, 2025

Agenda Item: 6D	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 10, 2025
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, defining pervious and impervious surfaces and creating an exception for swimming pools [ZTX-25-8]	Division: Planning and Development

**History:**

At the August 18, 2025, City Council meeting, Council requested a workshop to further discuss and better understand the amendment. The workshop was held on September 8, 2025, and the attached ordinance was clarified to specify that the standard applies irrespective of native soil conditions.

**Background:**

The City's ZONING ORDINANCE limits the amount of impervious surface permitted on a lot, which helps manage stormwater runoff, protect natural infiltration, and reduce flooding risks. While this limit is widely understood, the interpretation of what qualifies as a pervious surface has varied in practice. To ensure consistent application of the ordinance, this amendment establishes clear, performance-based criteria. It also acknowledges that while swimming pools are technically impervious, the City does not wish to place an undue burden on properties with pools, which are a common and valued amenity in our residential community. For that reason, the surface area of the pool basin is exempted from impervious surface calculations, while pool decks and surrounding hardscape continue to count toward those limits unless they meet the defined pervious criteria.

**Proposal:**

Staff is proposing a text amendment to the zoning ordinance, revising the definitions of “Impervious surface” and “Impervious surface ratio,” adding a new definition for “Pervious Surface,” and establishing a new section in the general and supplemental regulations with standards for pervious and impervious surfaces. Regulating pervious materials can be complex due to the wide range of products and installation methods available, and how differently they perform depending on installation and site conditions. The proposed amendment adopts a practical, performance-based standard: A minimum infiltration rate of two inches per hour. This is a threshold that most true pervious materials routinely exceed and is consistent with standards adopted by other coastal jurisdictions (such as the Town of Sullivan’s Island) seeking to distinguish between functional pervious systems and decorative surfaces that do not meaningfully reduce runoff. The standard is intended to provide clarity without placing an undue burden on homeowners and to ensure consistent enforcement of impervious surface limits across all zoning districts.

These revised standards shall apply only to single-family and duplex residential development. Larger projects, including multifamily, commercial, and institutional uses, are subject to separate site-specific development plan review and must meet more rigorous stormwater requirements through that process. This amendment does not change or override the existing standards or review procedures applicable to those development types.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on July 22, 2025, and voted unanimously to recommend approval of the zoning amendment. There was no public comment.

**Recommended Action:**

Approve or deny the proposed ordinance on first reading

Reviewed by Department Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> 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 I, IN GENERAL, § 23-2, DEFINITIONS, AND ARTICLE VII, GENERAL AND SUPPLEMENTAL REGULATIONS, BY ADDING § 23-129.4 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. § 23-2, Definitions*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

#### **Sec. 23-2. Definitions.**

*Impervious surface:* ~~Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the zoning administrator to be impervious within the meaning of this definition will also be classed as impervious surfaces.~~ A surface that prevents or significantly impedes the infiltration of stormwater into the ground. This includes but is not limited to roofs, buildings, concrete, asphalt, pool decks, patios, compacted gravel, and pavers not meeting the definition of a pervious surface. Surfaces shall be considered impervious unless demonstrated otherwise in accordance with the performance criteria set forth in Section 23-129.4.

*Impervious surface ratio:* The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area. For the purposes of this calculation for single-family and duplex residences not subject to site-specific development plan review, the surface area of swimming pool basins shall be excluded.

*Pervious Surface:* A surface designed and installed to allow for stormwater infiltration. To qualify, the installed system must achieve a minimum infiltration rate of two inches per hour. Applicants must submit manufacturer specifications and construction details demonstrating the installation method required to meet this standard. Permits for pervious surface systems are subject to inspection to verify proper installation of base materials and other components in accordance with the approved specifications. Property owners are also responsible for maintaining the surface to ensure continued infiltration performance over time.

**Section 2.** That *Section 23-129.4* be added to read as follows (*new matter underlined, deleted matter struck through*).

#### **Sec. 23-129.4. - Standards for pervious surfaces and impervious surfaces for single-family and duplex residences not subject to site-specific development plan review.**

- (1) *Purpose:* This section is intended to ensure consistent and performance-based evaluation of surfaces for the purposes of calculating compliance with impervious surface limits established in individual zoning districts.

(2) Standards for pervious materials: To be considered pervious and excluded from impervious surface calculations, a material or system must:

- a. Be installed in a manner that allows water infiltration through the surface and into the ground;
- b. Demonstrate a minimum infiltration rate of two inches per hour, based on manufacturer testing or accepted industry standards;
- c. Be installed according to manufacturer specifications, including required base materials and installation methods to achieve pervious performance;
- d. Permits for pervious surfaces are subject to inspection to confirm installation per approved specifications;
- e. Property owners are responsible for maintaining the system to ensure continued infiltration over time;
- f. This standard applies regardless of native soil conditions. Site-specific soil testing is not required.
- g. If these criteria are not met, the surface will be considered impervious, regardless of material type or labeling.

(3) Exemption for pool basins: Although swimming pool basins are impervious, they are excluded from the calculation of impervious surface coverage. This exemption applies only to the pool basin, not to surrounding pool decks, patios, or hardscape. This provision acknowledges the widespread use of pools as valued amenities in residential and resort areas and is intended to avoid undue burden while maintaining effective stormwater controls.

**Section 3.** 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: 9.15.2025  
SECOND READING: \_\_\_\_\_

REVIEWED:

\_\_\_\_\_  
City Manager

ORDINANCE: \_\_\_\_\_

**6F. ZONING ORDINANCE TEXT AMENDMENT ZTX-25-8:** City staff has initiated a text amendment defining pervious and impervious surfaces and creating an exception for swimming pools.

**Background:**

The City's zoning ordinance limits the amount of impervious surface permitted on a lot, which helps manage stormwater runoff, protect natural infiltration, and reduce flooding risks. While this limit is widely understood, the interpretation of what qualifies as a pervious surface has varied in practice. To ensure consistent application of the ordinance, this amendment establishes clear, performance-based criteria. Rather than relying on material labels, the ordinance now defines perviousness based on tested infiltration rates for both the installed surface system and the underlying soil. It also acknowledges that while swimming pools are technically impervious, the City does not wish to place an undue burden on properties with pools, which are a common and valued amenity in our resort/residential community. For that reason, the surface area of the pool basin is exempted from impervious surface calculations, while pool decks and surrounding hardscape continue to count toward those limits unless they meet the defined pervious criteria.

**Proposed Changes:**

Staff is proposing a text amendment to the Zoning Ordinance revising the definitions of “Impervious surface” and “Impervious surface ratio,” adding a new definition for “Pervious Surface,” and establishing a new section in the general and supplemental regulations with standards for pervious and impervious surfaces. Regulating pervious materials can be complex due to the wide range of products and installation methods available, and how differently they perform depending on installation and site conditions. The proposed amendment adopts a practical, performance-based standard: A minimum infiltration rate of two inches per hour. This is a conservative threshold that most true pervious materials routinely exceed and is consistent with standards adopted by other coastal jurisdictions (such as the Town of Sullivan’s Island) seeking to distinguish between functional pervious systems and decorative surfaces that do not meaningfully reduce runoff. The standard is intended to provide clarity without placing an undue burden on homeowners and to ensure consistent enforcement of impervious surface limits across all zoning districts.

These revised standards shall apply only to single-family and duplex residential development. Larger projects, including multifamily, commercial, and institutional uses, are subject to separate site-specific development plan review and must meet more rigorous stormwater requirements through that process. This amendment does not change or override the existing standards or review procedures applicable to those development types

The proposed amendment addresses *Chapter 23, Zoning, Article I. - In General, § 23-2. - Definitions.* and would appear in the Ordinance as follows (new matter underlined, deleted matter struck-through):

*Impervious surface:* ~~Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the zoning administrator to be impervious within the meaning of this definition will also be classed~~

as impervious surfaces: A surface that prevents or significantly impedes the infiltration of stormwater into the ground. This includes but is not limited to roofs, buildings, concrete, asphalt, pool decks, patios, compacted gravel, and pavers not meeting the definition of a pervious surface. Surfaces shall be considered impervious unless demonstrated otherwise in accordance with the performance criteria set forth in Section 23-129.4.

Impervious surface ratio: The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area. For the purposes of this calculation for single-family and duplex residences not subject to site-specific development plan review, the surface area of swimming pool basins shall be excluded.

Pervious Surface: A surface designed and installed to allow for stormwater infiltration. To qualify, the installed system must achieve a minimum infiltration rate of two inches per hour. Applicants must submit manufacturer specifications and construction details demonstrating the installation method required to meet this standard. Permits for pervious surface systems are subject to inspection to verify proper installation of base materials and other components in accordance with the approved specifications. Property owners are also responsible for maintaining the surface to ensure continued infiltration performance over time.

The proposed amendment also addresses *Chapter 23, Zoning, Article VII. - GENERAL AND SUPPLEMENTAL REGULATIONS*, and would add a new subsection in the Ordinance as follows (new matter underlined):

**Sec. 23-129.4. - Standards for pervious surfaces and impervious surfaces for single-family and duplex residences not subject to site-specific development plan review.**

- (1) Purpose: This section is intended to ensure consistent and performance-based evaluation of surfaces for the purposes of calculating compliance with impervious surface limits established in individual zoning districts.
- (2) Standards for pervious materials: To be considered pervious and excluded from impervious surface calculations, a material or system must:
  - a. Be installed in a manner that allows water infiltration through the surface and into the ground;
  - b. Demonstrate a minimum infiltration rate of two inches per hour, based on manufacturer testing or accepted industry standards;
  - c. Be installed according to manufacturer specifications, including required base materials and installation methods to achieve pervious performance;
  - d. Permits for pervious surfaces are subject to inspection to confirm installation per approved specifications;
  - e. Property owners are responsible for maintaining the system to ensure continued infiltration over time;
  - f. If these criteria are not met, the surface will be considered impervious, regardless of material type or labeling.
- (3) Exemption for pool basins: Although swimming pool basins are impervious, they are excluded from the calculation of impervious surface coverage. This exemption applies only to the pool basin, not to surrounding pool decks, patios, or hardscape. This provision

acknowledges the widespread use of pools as valued amenities in residential and resort areas and is intended to avoid undue burden while maintaining effective stormwater controls.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance 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 City Council at their next meeting scheduled for August 18, 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 [ZTX-25-8] as submitted.  
  
OR
- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-25-8] as submitted.  
  
OR
- 3) I move (an alternate motion).