

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 6, 2025

Agenda Item: 6C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: September 30, 2025	
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, creating standards for above-ground propane tanks [ZTX-25-9]	Division: Planning and Development	
<u>Background:</u> The City's zoning ordinance currently allows HVAC units, pool equipment, and generators to encroach into side and rear yard setbacks under specific conditions, but it is silent on propane tanks. As a result, propane tanks are not permitted within setbacks, even when their size and placement would otherwise be allowable under fire code. The Board of Zoning Appeals has seen a recurring number of variance requests from homeowners seeking to place propane tanks within their side or rear yards. Most of these tanks fall within the size limits permitted by the fire code without requiring building separation or special containment. This pattern suggests a need to clarify the ordinance and reduce unnecessary variance requests. <u>Proposal:</u> Staff is proposing a text amendment to explicitly allow up to two above-ground propane tanks less than 125 gallons each to encroach into side and rear yard setback areas for one- and two-family dwellings. The proposed language mirrors existing provisions for HVAC and pool equipment and incorporates the same five-foot buffer from adjacent properties' equipment. This change aligns the zoning ordinance with fire safety standards and provides clarity to homeowners and contractors, minimizing the need for variances while maintaining safe and functional access around structures. <u>Planning Commission Action:</u> The Planning Commission conducted a public hearing on August 19, 2025, and voted unanimously to recommend approval of the zoning 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 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 VII, GENERAL AND SUPPLEMENTAL REGULATIONS, § 23-105 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 23-105. - Structures projecting into required yards*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 23-105. - Structures projecting into required yards.

The following structures within the limits set forth may project into required yards:

- (1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.
- (2) Unenclosed steps not extending more than three (3) feet into a front or rear yard, provided other applicable building codes are complied with.
- (3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.
- (4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.
- (5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.
- (6) HVAC units, swimming pool equipment, ~~and~~ non-portable electric generators, and propane tanks.
 - a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, ~~and~~ non-portable electric generators, and not more than two above-ground propane tanks less than 125 gallons each may encroach into side yard and rear yard setback areas. No minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property's encroachments, ensuring a clear path to maneuver around equipment on different properties.
 - b. In all other cases HVAC units, swimming pool equipment, ~~and~~ non-portable electric generators, and propane tanks must meet the setbacks of the zoning districts.

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: 9.15.2025

SECOND READING: 10.6.2025

REVIEWED:

City Manager

ORDINANCE: 25-43

6B. ZONING ORDINANCE TEXT AMENDMENT ZTX-25-9: City staff has initiated a text amendment creating standards for propane tanks.

Background:

The City's zoning ordinance currently allows HVAC units, pool equipment, and generators to encroach into side and rear yard setbacks under specific conditions, but it is silent on propane tanks. As a result, propane tanks are not permitted within setbacks, even when their size and placement would otherwise be allowable under fire code. The Board of Zoning Appeals has seen a recurring number of variance requests from homeowners seeking to place propane tanks within their side or rear yards. Most of these tanks fall within the size limits permitted by the fire code without requiring building separation or special containment. This pattern suggests a need to clarify the ordinance and reduce unnecessary variance requests.

Proposed Changes:

Staff is proposing a text amendment to explicitly allow up to two above-ground propane tanks not exceeding 125 gallons each to encroach into side and rear yard setback areas for one- and two-family dwellings. The proposed language mirrors existing provisions for HVAC and pool equipment and incorporates the same five-foot buffer from adjacent properties' equipment. This change aligns the zoning ordinance with fire safety standards and provides clarity to homeowners and contractors, minimizing the need for variances while maintaining safe and functional access around structures.

The proposed amendment addresses **§ 23-105. - Structures projecting into required yards**, of *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

Sec. 23-105. - Structures projecting into required yards.

The following structures within the limits set forth may project into required yards:

- (1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.
- (2) Unenclosed steps not extending more than three (3) feet into a front or rear yard provided other applicable building codes are complied with.
- (3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.
- (4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.
- (5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.
- (6) HVAC units, swimming pool equipment, ~~and~~ non-portable electric generators, and propane tanks.
 - a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, ~~and~~ non-portable electric generators, and not more than two above-ground propane tanks not exceeding 125 gallons each may encroach into side yard and rear yard setback areas. No

minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property's encroachments, ensuring a clear path to maneuver around equipment on different properties.

In all other cases HVAC units, swimming pool equipment, and non-portable electric generators must meet the setbacks of the zoning districts.

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 September 15, 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-25-9] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-25-9] as submitted.

OR
- 3) I move (an alternate motion).