

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: October 20, 2025

Agenda Item: 7C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: October 15, 2025
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, creating a conservation zoning district and an estate lot zoning district [ZTX-25-12]	Division: Planning and Development

**Background:**

The City’s *2018 Comprehensive Plan* introduced a new land use classification called Conservation Community (CC). This classification was envisioned as an alternative development pattern for greenfield lands, especially those adjacent to environmentally sensitive areas such as wetlands, waterways, and marshlands. The plan emphasized compact housing forms, common open space, and preservation of natural features to balance growth with stewardship and contextual development. Although the Comprehensive Plan called for the creation of a corresponding zoning district, no such district was created.

Since 2018, development pressures along corridors such as Little River Neck Road and other environmentally sensitive areas have highlighted the need for zoning tools that implement the plan’s vision. In addition, staff have recognized a separate need to provide a residential zoning option that allows for larger lot sizes than the current R-1 district, to protect the character of existing low-density neighborhoods and accommodate infill where infrastructure or environmental conditions constrain higher densities.

**Proposal:**

The proposed ordinance creates two new residential zoning districts. Together, these districts expand the City’s residential zoning options to better align with both the environmental and neighborhood protection goals identified in the Comprehensive Plan:

1. **Conservation Residential District (CR):** This district directly implements the Conservation Community land use classification of the comprehensive plan. It provides a framework for clustered residential development that preserves significant open space, protects natural resources, and incorporates architectural and design standards to ensure quality. The district emphasizes compactness, connectivity, and open space preservation over sprawling or fragmented development patterns.

To achieve this balance, developments in the CR district are required to include a mix of residential lot sizes, including a minimum proportion of homes on larger half-acre parcels, alongside smaller-lot single-family, duplex, townhouse, and multiplex options. This ensures both diversity and compatibility with sensitive landscapes. The street network is expected to include meandering roadways designed to fit the land

rather than imposing a rigid grid, reinforcing the intended rural residential character while still providing connectivity and walkability.

2. **Estate Residential District (R-1E):** The R-1E district establishes a lower-density alternative to the existing R-1 district by requiring larger residential lots, deeper setbacks, and a consistent single-family character, representing the historical development patterns of many of the City's older neighborhoods. By limiting density and prohibiting incompatible uses, the district provides a framework for neighborhoods that prioritize open space, privacy, and low impact on surrounding infrastructure and natural resources.

In addition to creating these new districts, the ordinance also includes housekeeping revisions to ensure that both CR and R-1E carry the same protections and development safeguards that currently apply to the R-1 district.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on October 7, 2025, and voted unanimously to recommend approval of the zoning amendment with the intent of the next step being a joint workshop with City Council to fully consider all the provisions of the amendment. There was no public comment.

**Recommended Action:**

Postpone the proposed ordinance on first reading and schedule a joint workshop with Planning Commission at a future date.

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, § 23-16(A), § 23-18.2, § 23-22(5)(A)(4), § 23-25(4)(A), § 23-26(4)(C), § 23-26.1(4)(A), § 23-27(4)(B), § 23-30, § 23-31(6)(C)(8), § 23-36(10)(A), § 23-73(A), § 23-107(3), § 23-111(1), AND § 23-171 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. 23-16. - Zoning districts, (a) Primary zoning districts*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

**Sec. 23-16. - Zoning districts.**

*(a) Primary zoning districts. The following primary zoning districts are hereby established:*

CP	Conservation Preservation
<u>CR</u>	<u>Conservation Residential</u>
R-1	Single-Family Residential, Low Density
R-1A	Single-Family Residential, Low-Medium Density
R-1B	Single-Family Residential, Low-Medium Density
<u>R-1E</u>	<u>Single-Family Residential, Estate Lot</u>
R-2	Medium Density Residential
R-2A	Mid-Rise Multifamily Residential
R-2B	Single-Family Medium Density
R-3	Mobile Home Residential
R-4	Resort Residential
R-4I	Inland Multifamily Residential
NC	Neighborhood Commercial
OC	Office Commercial
BC	Business Commercial
HC	Highway Commercial
GC	General Commercial
RC	Resort Commercial
LI	Limited Industrial
PDD	Planned Development District
W-1	Waterfront-Pleasure
IZD	Interim Zoning District

**Section 2.** That *Sec. 23-18.2. - R-1E Single-Family Residential, Estate Lot District*, be created to read as follows (*new matter underlined*).

**Sec. 23-18.2. R-1E Single-Family Residential, Estate Lot District.**

(1) Purpose: The purpose of this district is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, this district is intended to encourage larger-lot residential design representing historical patterns of existing older neighborhoods within the city, and to encourage lower-density infilling and expansion of existing neighborhoods and subdivisions where transportation or other infrastructure constraints do not support significant increases in density. Permitted land uses are intended to reinforce existing conditions and promote appropriate neighborhood growth.

(2) Permitted uses: Within the R-1E District, a building or lot shall be used only for the following purposes:

- a. Single-family detached dwellings, excluding mobile homes.
- b. Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
- c. Publicly owned recreation facilities.
- d. Churches, places of worship, religious institutions including accredited educational facilities where accessory thereto.
- e. Accessory uses.
- f. Home occupations.
- g. Signs permitted by and in accord with all applicable provisions of article III.

(3) Development regulations: Regulations governing the location and height of structures, and the area upon which they may be located are as follows:

a. Lot area requirements:

<u>Single-family dwelling (square feet)</u>	<u>14,000</u>
<u>Minimum lot width (linear feet)</u>	<u>100</u>
<u>Churches</u>	<u>1 acre</u>
<u>Other permitted uses (square feet)</u>	<u>10,000</u>

b. Yard requirements:

	<u>Single-Family Dwelling</u>	<u>Churches</u>	<u>Other Permitted Uses</u>
<u>Front yard</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>20 feet</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Side yards:</u>	<u>10 feet<sup>1</sup></u>	<u>25 feet</u>	<u>10 feet</u>

Note<sup>1</sup>: A five-foot side yard setback shall be required for substandard lots of record.

c. Maximum height of structures:

- i. Single-family structures: 35 feet
- ii. Accessory buildings: 15 feet
- iii. Detached garages with finished rooms over the garage space: 27 feet
- iv. Other permitted uses: 45 feet

- d. Impervious surface requirements: No more than 40% of any lot surface shall be impervious to water absorption in the R-1E District. For church uses, no more than 60% of any lot shall be impervious.
  - e. A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.
- (4) Special exceptions: Owing to their potential negative impact on the community and surrounding areas, the following uses may be approved as special exceptions by the board of zoning appeals:
- a. Noncommercial marinas, subject to the siting standards of section 23-120.
  - b. Commonly owned amenities: The board of zoning appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in subsection 23-161(3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109. Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.
- (5) Off-street parking: Off-street parking requirements for the various uses permitted herein are set forth in Article IV.

**Section 3.** That *Sec. 23-22. - R-4 Resort Residential District, (5) Conditional uses, (a) Restaurants, (4)*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

4. That the use has taken measures to not be injurious to adjoining property including, but not limited to:

- i. Controlling and shielding all lighting so as not to cast undue glare onto adjoining residential uses. In addition, landscape buffers and/or fencing must be added if the R-4 adjoins ~~an~~ a CR, R-1, or R-1E District parcel. These requirements will be based on buffering of R-1 from adjacent commercial uses in other commercial districts in this chapter.
- ii. Signage will be limited to wall signage as permitted this use if it were locating in ~~The~~ the RC District. However there will be no freestanding signage allowed, other than pedestrian oriented (sandwich/menu boards) per RC District standards.
- iii. Controlling all elements that produce noise, such as interior/exterior music and table availability announcements for waiting customers so as not to create a nuisance for neighboring properties.

**Section 4.** That *Sec. 23-25. - BC Business Commercial District, (4) Special exceptions, (a)*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- (a) Business establishments serving or permitting on premise consumption of alcoholic beverages, beer and/or wine, subject to the following conditions:
  - 1. That the special exception shall not be located closer than ~~two hundred~~ (200) feet (measured from property line) from ~~an~~ a CR, R-1, R-1A, R-1B,

R-1E, R-2, R-2A or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.

2. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
3. That the special exception will be in substantial harmony with the area in which it is to be located.
4. That the special exception will not be injurious to adjoining properties.
5. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
7. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgement, will enhance the siting of the proposed special exception.

**Section 5.** That *Sec. 23-26. - HC Highway Commercial District, (4) Special exceptions, (c)*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- (c) Business establishments, excluding accessory uses to hotels and motels with access exclusively from an interior lobby, serving or permitting on premise consumption of alcoholic beverages, beer and/or wine, subject to the following conditions:
  1. That the special exception shall not be located closer than ~~two hundred~~ (200) feet (measured from property line) from ~~an~~ a CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.
  2. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
  3. That the special exception will be in substantial harmony with the area in which it is to be located.
  4. That the special exception will not be injurious to adjoining property.
  5. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
  6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
  7. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

**Section 6.** That *Sec. 23-26.1. - GC General Commercial District, (4) Special exceptions, (a)*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- (a) Business establishments, excluding accessory uses to hotels/motels and resort accommodations with access exclusively from an interior lobby, serving or

permitting on premise consumption of alcoholic beverages, beer and/or wine, subject to the following conditions:

1. That the special exception shall not be located closer than ~~two hundred~~ (200) feet measured from property line from ~~an~~ a CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, R-3 district line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.
2. That the special exception complies with all applicable development standards including off-street parking, and dimensional requirements.
3. That the special exception will be in harmony with the area in which it is to be located.
4. That the special exception will not be injurious to adjoining property.
5. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
7. In granting a special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgement, will enhance the siting of the proposed special exception.

**Section 7.** That *Sec. 23-27. - RC Resort Commercial District, (4) Special exceptions, (b)*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

(b) Business establishments, excluding accessory uses to hotels and motels with access exclusively from an interior lobby, serving or permitting on premise consumption of alcoholic beverages, beer and/or wine, subject to the following conditions:

1. That the special exception shall not be located closer than ~~two hundred~~ (200) feet from ~~an~~ a CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.
2. That the special exception complies with all applicable development standards, including off-street parking, and dimensional requirements.
3. That the special exception will be in substantial harmony with the area in which it is to be located.
4. That the special exception will not be injurious to adjoining property.
5. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
6. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
7. That in granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgement, will enhance the proposed special exception.

**Section 8.** That *Sec. 23-30. - Reserved*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

**Sec. 23-30. – Reserved CR Conservation Residential.**

- (1) Purpose: The purpose of this district is to define certain areas of the community where a variety of residential uses and lot sizes are developed in concert with preservation of important ecological or topographic features and/or view sheds and corridors, while also incorporating architectural standards that ensure a high quality of design.
- (2) Permitted uses: Within the CR District, a building or lot shall be used only for the following purposes:
- a. Single-family dwellings.
  - b. Semidetached dwellings and duplexes.
  - c. Triplex dwellings.
  - d. Townhouse developments.
  - e. Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
  - f. Publicly owned recreational facilities.
  - g. Churches, places of worship, religious institutions including accredited educational facilities where accessory thereto.
  - h. Accessory uses, including commonly owned equestrian facilities and accessory dwelling units (ADUs), provided such ADU's meet the following minimum requirements:
    - i. The accessory dwelling unit is located on a parcel containing one single-family home, and when detached, it is separated from the principal structure by a minimum of 15 feet.
    - ii. One additional parking space is provided for the accessory dwelling unit.
    - iii. The principal structure must be owner-occupied, and if the accessory dwelling unit is leased, the rental period shall not be less than 30 days (28 days for the month of February).
    - iv. The accessory dwelling unit must use compatible exterior materials and be architecturally like the principal structure. Applications for accessory structures shall contain sufficient details for this requirement to be reviewed.
    - v. Detached accessory dwelling units shall be located only in the rear or side yard, and must meet all applicable setbacks, impervious surface, and other requirements for the district as if it were a principal structure. However, where the principal structure directly abuts a significant water feature such as a marsh, river, or the Intracoastal Waterway, a detached accessory dwelling unit may be located in the front yard provided that it meets all other applicable requirements of this section
    - vi. The minimum parcel size must be at least 6,500 square feet for parcels where ADU's are proposed.
    - vii. For purposes of determining overall maximum project density, each accessory dwelling unit shall count as 1/2 of a standard dwelling unit.
    - viii. The maximum conditioned space of an accessory dwelling unit shall not exceed 800 square feet, with a height limit of 25 feet.

- i. Home occupations.
- j. Signs permitted by and in accord with all applicable regulations of Article III.
- k. Community gardens serving the residents of the community, including beekeeping and food production, but excluding livestock.

(3) Development standards:

- a. The maximum overall density allowed in this district is four dwelling units per acre of land.
- b. The minimum parent parcel size is fifteen acres for the development as a whole.
- c. At least 10% of the total number of dwelling units shall be situated on parcels of one-half acre or larger.
- d. For all other single-family units proposed for the development, the minimum lot size shall be 5,500 square feet, or 6,500 square feet if an ADU is also contemplated for the parcel.
- e. Duplex lots shall be a minimum of 7,000 square feet in size.
- f. Triplex lots shall be a minimum of 8,000 square feet in size.
- g. Townhouses shall require a minimum of 2,250 square feet of lot area per unit and shall be limited to not more than 10% of the overall number of dwelling units in the development.
- h. Setbacks for various residential and amenity lots shall be as follows:
  - i. One-half acre or larger lots: 40' front, 10' side, 20' rear.
  - ii. All other single-family lots: 20' front (25' for garage doors facing the street), 5' side, 15' rear.
  - iii. Duplex and triplex lots: 20' front (25' for garage doors facing the street), 10' side, 20' rear.
  - iv. Townhouse lots: 25' front, 10' side, 20' rear.
  - v. Parcels containing commonly owned amenities: 25' front, 20' side, 25' rear for all vertical structures that are one foot or more above grade.
- i. Commonly owned open space, excluding man-made stormwater management ponds/lakes shall not be less than 35% of the total land area.
  - i. Areas to be prioritized for open space include but are not limited to wetlands and their associated required buffers, areas within the special flood hazard area, cemeteries, land currently in agricultural use, significant stands of vegetation and/or trees, viewsheds and corridors, and unique topographical features.
  - ii. At least 60% of the open space shall be in one contiguous tract.
  - iii. Non-wetland open space, where not otherwise prohibited by law, shall be used as follows:
    1. At least one of the following active uses: Commonly owned amenities on sites not less than ½ acre in size, active recreation (excluding golf courses), a trail system designed for walking and/or bicycling and/or equestrian activities, fitness courses, or children's play areas.
    2. Conservation of natural, archaeological, or historical resources, meadows, pastureland, forested areas, wildlife corridors, and easements for utilities and drainage.

- iv. Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed.
- v. The applicant must identify the owner of the open space who is responsible for its maintenance and the maintenance of any facilities thereon. If a Homeowner's Association is the owner, the association shall have lien authority to ensure collection of dues from all members.
- j. A project buffer of 20' minimum width shall be required around the perimeter of the site, in which existing vegetation shall not be disturbed (other than routine under-brushing of scrub vegetation), and supplemental plantings of native trees and shrubs shall be required where existing vegetation provides inadequate screening, as determined by the Planning Commission. One-half of the area of this buffer may count toward fulfilling the 35% open space requirement. The Planning Commission may approve limited breaks in the buffer for purposes of creating access roads into and out of the development or necessary utility easement corridors.
- k. The Planning Commission may consider full or partial waivers of the usual sidewalk requirements only along principal access/spine roads where the developer agrees to provide a separate robust and highly connected pedestrian and/or bicycle/equestrian trail network outside of street rights of way. Street tree requirements shall not be waived.
- l. Vinyl siding and unfinished concrete block shall be prohibited as façade material for all structures. Vinyl may be used in window casings, fencing, roof soffits, or similar applications.
- m. All single-family and duplex structures shall have a usable front porch with at least 80 square feet of floor area and not less than seven feet in depth measured from the front of the house to the front of the porch.
- n. For single-family and duplex structures with attached garages, not more than 40% of the total width of the front of the structure shall consist of garage doors. Garage doors that face the street shall be recessed by a minimum of 5' from the front façade of the home (excluding front porches or stoops).
- o. Streets are expected to meander throughout the development to avoid monotony through a uniform linear arrangement of parcels. The design ideal is to achieve an overall rural residential feel as opposed to densely networked urban street grids. However, such grids may be utilized sparingly in portions of the development where smaller single-family lots or duplex, triplex, quadplex and townhouse units are situated. For purposes of achieving this design, the usual maximum block and cul-de-sac lengths set forth in the Land Development Regulations may be waived by the Planning Commission for primary project access roads and roads with large-lot single-family dwelling units fronting them, but not for streets within portions of the property where gridded, denser, smaller-lot design is proposed.

- p. All wetlands in the development shall be preserved except where necessary to cross them with streets or utility corridors, where such crossings are permitted by State and/or Federal regulatory authorities.
- q. All landscape plans for buffers, amenity areas or townhouse units shall incorporate pollinator species and be entirely comprised of native species.
- r. Maximum building heights shall be as follows:
  - i. Townhouses and single-family homes on one-half acre or larger parcels: 45'.
  - ii. Accessory dwelling units and detached garages or barns: 25'.
  - iii. Accessory buildings such as sheds, carports, storage buildings and similar: 15'.
  - iv. All other structures shall be limited to 35' in height.
- s. Maximum impervious surface for individual building parcels shall be 35% for the ½ acre and larger parcels, 60% for all other residential parcels without accessory dwelling units, and 70% for parcels under ½ an acre that contain an accessory dwelling unit
- t. Open space and amenity areas shall be platted all at once in the first phase of the preliminary plat of the development. Once 50% of the total number of residential units are permitted, no further residential units shall be permitted until all proposed amenities are fully constructed and amenity buildings issued certificates of occupancy.
- u. Temporary frontage exception for open space and amenity areas. Within the CR district only, commonly owned open space and amenity parcels that are required to be platted in the first phase of development may be created without frontage on a public or private street, provided that:
  - i. The parcels are clearly identified as future open space or amenity areas on the approved preliminary plat;
  - ii. Each such parcel is designed and located to receive direct access from a public or private street as shown on the final plat for the corresponding phase of development; and
  - iii. No building permits shall be issued for open space or amenity area parcels lacking frontage until the public or private street creating frontage has received final plat approval.

**Section 9.** That *Sec. 23-31. - Overlay zones, (6) TND (Traditional Neighborhood Development) District Overlay Zone for Single-Family Residential Uses Only, (c) General requirements, (8)* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- 8. A natural buffer shall be required along the perimeter of the overlay district, ~~fifteen~~ (15) feet for the CR, R-1, and R-1E district districts and ~~ten~~ (10) feet for all other residential districts. This may be an easement or common space but not to be included in total calculation of required open space.

**Section 10.** That *Sec. 23-36. - Sign regulations, (10) Zoning district sign regulations, (a)* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- (a) Signs permitted in CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, R-3, R-4, and R-4I Districts:
1. In subdivisions with more than ten (10) lots, two (2) subdivision entrance signs per principal entrance are allowed. Such signs shall designate the subdivision by name or symbol only and shall be placed on the face of a masonry entrance wall to said subdivision or residential district. Such signs shall not exceed twenty (20) square feet per sign face and an aggregate area of forty (40) square feet per entrance, nor shall they exceed a height of seven (7) feet. If a double-faced sign is used without the entrance walls, only one such sign is allowed per entrance.
  2. In subdivisions with ten (10) or fewer lots, one (1) subdivision identification sign is allowed. Such sign shall not exceed twenty (20) feet in area nor five (5) feet in height.
  3. One (1) identification sign for each principal use allowed for religious, public, educational and public recreational uses provided it shall not exceed fifty (50) square feet in area per sign face. The maximum height of the sign shall be ten (10) feet if freestanding.
  4. Multifamily structures and group developments are permitted building or development identification sign(s) not to exceed sixty-four (64) square feet in area. Only one (1) freestanding sign per street frontage is allowed not to exceed ten (10) feet in height.
  5. Hotels, motels, inns and lodges shall be permitted business identification signs, which signs shall not exceed a combined area of one hundred (100) square feet. Only one (1) freestanding sign per street frontage is allowed not to exceed thirty (30) feet in height. Wall signs existing prior to February 1, 1989, within the R-4 District only, shall not be included in the combined area calculation.

**Section 11.** That *Sec. 23-73. – Regulations, (a)* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

- (a) Adult entertainment establishments shall be regulated as to location in the following manner in addition to any other requirements of this Code:
- (1) No adult entertainment establishments shall be located within ~~six hundred (600)~~ feet of ~~an~~ a CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, R-3, R-4 district and PDD's containing residential uses, a church, a day care center, a school, a public park, a hospital or a convalescent/nursing home.
  - (2) No adult entertainment establishment shall be located within two thousand (2,000) feet of another such use.
  - (3) No more than one (1) adult entertainment establishment shall be located in the same building or structure or on the same lot.
  - (4) For the purpose of subsection (1) of this section, measurement shall be made in a straight line from the nearest property line of the premises where an adult entertainment establishment is located to the nearest property line of the premises of a church, day care center, school, public park or nearest residential zoning boundary.
  - (5) For the purpose of subsection (2) of this section, the distance between any two (2) adult entertainment establishments shall be measured in a straight

line from the closest property lines of the premises where the adult entertainment establishments are located.

**Section 12.** That *Sec. 23-107. - Accessory buildings and uses, (3)* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

(4) Accessory buildings and uses may be located in required yards, under the following conditions:

Accessory Use	Conditions
Off-street parking	May be located in required yards of all zoning districts, except that off-street parking shall not be allowed in any required perimeter landscaped area.
Signs	May be located in required yards in all zoning districts, subject to the provisions of article III.
Accessory structures or buildings	<p>May be located in required yards in all zoning districts, subject to the provisions of article III.</p> <ul style="list-style-type: none"> <li>(1) Are permitted in all zoning districts except the <u>CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A and R-3</u> Districts, subject to the setback and building separation requirements of the district.</li> <li>(2) In the <u>CR, R-1, R-1A, R-1B, R-1E, R-2, R-2A, and R-3</u> Districts only one (1) accessory structure shall be permitted per lot provided said structure: <ul style="list-style-type: none"> <li>a. Does not exceed one (1) story in height.</li> <li>b. Does not exceed one hundred fifty (150) square feet in gross floor area.</li> <li>c. Is at least five (5) feet from any side or rear property line.</li> <li>d. Maintains a minimum five-foot separation from the principal building on the lot.</li> <li>e. Is located behind the rear building line of the structure.</li> <li>f. Is subject to the setback requirement of the district on double frontage lots.</li> </ul> </li> <li>(3) Are prohibited within designated project (site) yard setbacks for zero lot line and townhouse residential developments.</li> </ul>
Fences and walls	<p>Excluding the following exceptions, fences and walls are prohibited in the required side yards of the Coastal Protection Overlay Zone. For purposes of this regulation and notwithstanding section 23-2, definition of side yard, required side yards shall be extended from the rear of the front yard to the rear property line.</p> <ul style="list-style-type: none"> <li>(1) Fences no higher than three (3) feet with posts no closer spaced than eight (8) feet and connected by no more than two (2) ropes or rails no greater than four (4) inches in diameter.</li> <li>(2) Swimming pool fences subject to the following: <ul style="list-style-type: none"> <li>a. At least a five-foot setback.</li> <li>b. Maximum opacity of fifty (50) percent.</li> </ul> </li> </ul>

	<p>c. Maximum fence height four (4) feet from grade to top.</p> <p>d. Aluminum or PVC (polyvinyl chloride) construction.</p> <p>(3) Sand fencing on the oceanfront subject to the requirements of the oceanfront overlay zone in section 23-31(c)(9).</p> <p>(4) A fence that has a decorative masonry base of no higher than eighteen (18) inches and an approved clear glass structure above the base provided that overall height of the fence is no higher than forty-eight (48) inches: provided that:</p> <p>a. There is no signage on the glass except for the project name on the gate enclosure.</p> <p>b. That the glass remains clearly transparent with no sandblasting scars and cracking.</p> <p>c. That the glass remains clearly transparent with proper cleaning and maintenance.</p>
Swimming pools (unenclosed and inground)	<p>May be located in required yards in all zoning districts except the <u>CR, R-1, R-1A, R-1B, R-1E</u>, R-2, R-2A, and R-3 Districts, where such uses shall be permitted behind the majority of the dwelling provided said uses shall be no closer than five (5) feet from the nearest property line and shall have all lighting shielded or directed away from adjoining residences.</p> <p>Restaurants meeting the conditions for approval as conditional use in the R-4 district shall meet the parking required for the conditional use as spelled out in section 23-22(5).</p>
Tennis courts	<p>May be located in required yards in all zoning districts except the <u>CR, R-1, R-1A, R-1B, R-1E</u>, R-2, R-2A, and R-3 Districts, where such uses shall be permitted only in rear yards provided said uses shall be no closer than ten (10) feet from the nearest property line and shall have all lighting shielded or directed away from adjoining residences.</p>
Satellite dishes	<p>May be located in required front, side, and rear yards in all districts except the <u>CR, R-1, R-1A, R-1B, R-1E</u>, R-2, R-2A, and R-3 Districts, where they are prohibited in side and front yards, provided such uses, where permitted shall observe a ten (10) foot setback from all property lines.</p>

**Section 13.** That *Sec. 23-111. - Temporary uses, (1)* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

(1) Mobile home and manufactured structures may be permitted as temporary uses in any zoning district except the CR, R-1, R-1A, R-1B, R-1E, and R-2 Districts, during construction of buildings or projects, provided that said use shall be removed within fifteen (15) days after completion of the project.

**Section 14.** That *Sec. 23-171. - General*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

The siting of wireless communications facilities within the city limits, and the maintenance, modification, operation, and replacement of such facilities, shall be considered either a permitted use, a conditional use, or a special exception as indicated in the table below. Uses not specifically listed below are prohibited.

<u>Installation Type</u>	<u>Zoning Districts</u>	<u>Administrative Review</u>
Vertical support structures	LI	Permitted use
Wireless facilities on rooftops	LI	Permitted use
Eligible facilities requests that do not substantially change the physical dimensions of such facility	All zones	Permitted use
Vertical support structures and wireless facilities on rooftops	All zoning districts that are not LI, R-1, R-1A, <del>or</del> R-1B, R-1E, or CR	Conditional use
Eligible facilities requests that substantially change the physical dimensions of such facility	All zones	Conditional use
Vertical support structures and wireless facilities on rooftops	R-1, R-1A, R-1B, R-1E, or CR	Special exception

**Section 15.** 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: 10.20.2025

SECOND READING: \_\_\_\_\_

REVIEWED:

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

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

**6E. ZONING ORDINANCE TEXT AMENDMENT ZTX-25-12:** City staff has initiated a text amendment creating a conservation zoning district and an estate lot zoning district and amending other sections of the code as needed for consistency.

**Background:**

The City's 2018 *Comprehensive Plan* introduced a new land use classification called Conservation Community (CC). This classification was envisioned as an alternative development pattern for greenfield lands, especially those adjacent to environmentally sensitive areas such as wetlands, waterways, and marshlands. The plan emphasized compact housing forms, common open space, and preservation of natural features to balance growth with stewardship and contextual development. Although the *Comprehensive Plan* called for the creation of a corresponding zoning district, no such district was created.

Since 2018, development pressures along corridors such as Little River Neck Road and other environmentally sensitive areas have highlighted the need for zoning tools that implement the plan's vision. In addition, staff have recognized a separate need to provide a residential zoning option that allows for larger lot sizes than the current R-1 district, to protect the character of existing low-density neighborhoods and accommodate infill where infrastructure or environmental conditions constrain higher densities.

**Proposed Changes:**

The proposed ordinance creates two new residential zoning districts. Together, these districts expand the City's residential zoning options to better align with both the environmental and neighborhood protection goals identified in the *Comprehensive Plan*:

1. **Conservation Residential District (CR):** This district directly implements the Conservation Community land use classification of the comprehensive plan. It provides a framework for clustered residential development that preserves significant open space, protects natural resources, and incorporates architectural and design standards to ensure quality. The district emphasizes compactness, connectivity, and open space preservation over sprawling or fragmented development patterns.

To achieve this balance, developments in the CR district are required to include a mix of residential lot sizes, including a minimum proportion of homes on larger half-acre parcels, alongside smaller-lot single-family, duplex, townhouse, and multiplex options. This ensures both diversity and compatibility with sensitive landscapes. The street network is expected to include meandering roadways designed to fit the land rather than imposing a rigid grid, reinforcing the intended rural residential character while still providing connectivity and walkability.

2. **Estate Residential District (R-1E):** The R-1E district establishes a lower-density alternative to the existing R-1 district by requiring larger residential lots, deeper setbacks, and a consistent single-family character, representing the historical development patterns of many of the City's older neighborhoods. By limiting density and prohibiting incompatible uses, the district provides a framework for neighborhoods that prioritize open space, privacy, and low impact on surrounding infrastructure and natural resources.

In addition to creating these new districts, the ordinance also includes housekeeping revisions to ensure that both CR and R-1E carry the same protections and development safeguards that currently apply to the R-1 district.

The proposed amendment also addresses **§ 23-16(a)**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-16. Zoning districts.**

(a) *Primary zoning districts.* The following primary zoning districts are hereby established:

CP	Conservation Preservation
<u>CR</u>	<u>Conservation Residential</u>
R-1	Single-Family Residential, Low Density
R-1A	Single-Family Residential, Low-Medium Density
R-1B	Single-Family Residential, Low-Medium Density
<u>R-1E</u>	<u>Single-Family Residential, Estate Lot</u>
R-2	Medium Density Residential
R-2A	Mid-Rise Multifamily Residential
R-2B	Single-Family Medium Density
R-3	Mobile Home Residential
R-4	Resort Residential
R-4I	Inland Multifamily Residential
NC	Neighborhood Commercial
OC	Office Commercial
BC	Business Commercial
HC	Highway Commercial
GC	General Commercial
RC	Resort Commercial
LI	Limited Industrial
PDD	Planned Development District
W-1	Waterfront-Pleasure
IZD	Interim Zoning District

The proposed amendment creates **§ 23-18.2. - R-1E Single-Family Residential Estate Lot District**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-18.2. R-1E Single-Family Residential, Estate Lot District.**

- (1) Purpose: The purpose of this district is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, this district is intended to encourage larger-lot residential design representing historical patterns of existing older neighborhoods within the city, and to encourage lower-density infilling and expansion of existing neighborhoods and subdivisions where transportation or other infrastructure constraints do not support significant increases in density. Permitted land uses are intended to reinforce existing conditions and promote appropriate neighborhood growth.
- (2) Permitted uses: Within the R-1E District, a building or lot shall be used only for the following purposes:
  - a. Single-family detached dwellings, excluding mobile homes.
  - b. Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
  - c. Publicly owned recreation facilities.
  - d. Churches, places of worship, religious institutions including accredited educational facilities where accessory thereto.
  - e. Accessory uses.
  - f. Home occupations.
  - g. Signs permitted by and in accord with all applicable provisions of article III.
- (3) Development regulations: Regulations governing the location and height of structures, and the area upon which they may be located are as follows:

a. Lot area requirements:

<u>Single-family dwelling (square feet)</u>	<u>14,000</u>
<u>Minimum lot width (linear feet)</u>	<u>100</u>
<u>Churches</u>	<u>1 acre</u>
<u>Other permitted uses (square feet)</u>	<u>10,000</u>

b. Yard requirements:

	<u>Single-Family Dwelling</u>	<u>Churches</u>	<u>Other Permitted Uses</u>
<u>Front yard</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Rear yard</u>	<u>20 feet</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Side yards:</u>	<u>10 feet<sup>1</sup></u>	<u>25 feet</u>	<u>10 feet</u>

Note<sup>1</sup>: A five-foot side yard setback shall be required for substandard lots of record.

- c. Maximum height of structures:
  - i. Single-family structures: 35 feet
  - ii. Accessory buildings: 15 feet
  - iii. Detached garages with finished rooms over the garage space: 27 feet
  - iv. Other permitted uses: 45 feet
- d. Impervious surface requirements: No more than 40% of any lot surface shall be impervious to water absorption in the R-1E District. For church uses, no more than 60% of any lot shall be impervious.

- e. A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.
- (4) Special exceptions: Owing to their potential negative impact on the community and surrounding areas, the following uses may be approved as special exceptions by the board of zoning appeals:
  - a. Noncommercial marinas, subject to the siting standards of section 23-120.
  - b. Commonly owned amenities: The board of zoning appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in subsection 23-161(3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109. Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.
- (5) Off-street parking: Off-street parking requirements for the various uses permitted herein are set forth in Article IV.

The proposed amendment also addresses § 23-22(5)(a)(4)(i), and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-22. - R-4 Resort Residential District.**

(5)(a)(4)i. Controlling and shielding all lighting so as not to cast undue glare onto adjoining residential uses. In addition, landscape buffers and/or fencing must be added if the R-4 adjoins ~~an~~ a CR, R-1, or R-1E District parcel. These requirements will be based on buffering ~~of R-1~~ the residential uses from adjacent commercial uses in other commercial districts in this chapter.

The proposed amendment also addresses § 23-25(4)(a)(1), and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-25. - BC Business Commercial District.**

(4)(a)1. That the special exception shall not be located closer than ~~two hundred (200)~~ feet (measured from property line) from ~~an~~ a CR, R-1, R-1E, R-2, R-2A or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.

The proposed amendment also addresses § 23-26(4)(c)(1), and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-26. - HC Highway Commercial District.**

(4)(c)1. That the special exception shall not be located closer than ~~two hundred (200)~~ feet (measured from property line) from ~~an~~ a CR, R-1, R-1E, R-2, R-2A, or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.

The proposed amendment also addresses § 23-26.1(4)(a)(1), and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-26.1. - GC General Commercial District.**

(4)(a)1. That the special exception shall not be located closer than ~~two hundred (200)~~ feet measured from property line from ~~an~~ a CR, R-1, R-1E, R-2, R-2A, R-3 district line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.

The proposed amendment also addresses § 23-27(4)(b)(1), and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-27. - RC Resort Commercial District.**

(4)(b)1. That the special exception shall not be located closer than ~~two hundred (200)~~ feet from ~~an~~ a CR, R-1, R-1E, R-2, R-2A, or R-3 District line or residential neighborhood, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses.

The proposed amendment also addresses § 23-30. - Reserved, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-30. - ~~Reserved~~ CR Conservation Residential.**

- (1) Purpose: The purpose of this district is to define certain areas of the community where a variety of residential uses and lot sizes are developed in concert with preservation of important ecological or topographic features and/or view sheds and corridors, while also incorporating architectural standards that ensure a high quality of design.
- (2) Permitted uses: Within the CR District, a building or lot shall be used only for the following purposes:
  - a. Single-family dwellings.
  - b. Semidetached dwellings and duplexes.
  - c. Duplex and triplex dwellings.
  - d. Townhouse developments.
  - e. Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
  - f. Publicly owned recreational facilities.
  - g. Churches, places of worship, religious institutions including accredited educational facilities where accessory thereto.
  - h. Accessory uses, including commonly owned equestrian facilities and accessory dwelling units (ADUs), provided such ADU's meet the following minimum requirements:
    - i. The accessory dwelling unit is located on a parcel containing one single-family home, and when detached, it is separated from the principal structure by a minimum of 15 feet.
    - ii. One additional parking space is provided for the accessory dwelling unit.
    - iii. The principal structure must be owner-occupied, and if the accessory dwelling unit is leased, the rental period shall not be less than 30 days (28 days for the month of February).
    - iv. The accessory dwelling unit must use compatible exterior materials and be architecturally similar to the principal structure. Applications for accessory structures shall contain sufficient details for this requirement to be reviewed.
    - v. Detached accessory dwelling units shall be located only in the rear or side yard, and must meet all applicable setbacks, impervious surface, and other requirements for the district as if it were a principal structure.
    - vi. The minimum parcel size must be at least 6,500 square feet for parcels where ADU's are proposed.
    - vii. For purposes of determining overall maximum project density, each accessory dwelling unit shall count as 1/2 of a standard dwelling unit.
    - viii. The maximum conditioned space of an accessory dwelling unit shall not exceed 800 square feet, with a height limit of 25 feet.
  - i. Home occupations.
  - j. Signs permitted by and in accord with all applicable regulations of Article III.
  - k. Community gardens serving the residents of the community, including beekeeping and food production, but excluding livestock.
- (3) Development standards:
  - a. The maximum overall density allowed in this district is four dwelling units per acre of land.

- b. The minimum parent parcel size is fifteen acres for the development as a whole.
- c. At least 10% of the total number of dwelling units shall be situated on parcels of one-half acre or larger.
- d. For all other single-family units proposed for the development, the minimum lot size shall be 5,500 square feet, or 6,500 square feet if an ADU is also contemplated for the parcel.
- e. Duplex lots shall be a minimum of 7,000 square feet in size.
- f. Triplex lots shall be a minimum of 8,000 square feet in size.
- g. Townhouses shall require a minimum of 2,250 square feet of lot area per unit and shall be limited to not more than 10% of the overall number of dwelling units in the development.
- h. Setbacks for various residential and amenity lots shall be as follows:
  - i. One-half acre or larger lots: 40' front, 10' side, 20' rear.
  - ii. All other single-family lots: 20' front (25' for garage doors facing the street), 5' side, 15' rear.
  - iii. Duplex and triplex lots: 20' front (25' for garage doors facing the street), 5' side, 20' rear.
  - iv. Townhouse lots: 25' front, 10' side, 20' rear.
  - v. Parcels containing commonly owned amenities: 25' front, 20' side, 25' rear for all vertical structures that are one foot or more above grade.
- i. Commonly owned open space, excluding man-made stormwater management ponds/lakes shall not be less than 35% of the total land area.
  - i. Areas to be prioritized for open space include but are not limited to wetlands and their associated required buffers, areas within the special flood hazard area, cemeteries, land currently in agricultural use, significant stands of vegetation and/or trees, viewsheds and corridors, and unique topographical features.
  - ii. At least 60% of the open space shall be in one contiguous tract.
  - iii. Non-wetland open space, where not otherwise prohibited by law, shall be used as follows:
    - 1. At least one of the following active uses: Commonly owned amenities on sites not less than ½ acre in size, active recreation (excluding golf courses), a trail system designed for walking and/or bicycling and/or equestrian activities, fitness courses, or children's play areas.
    - 2. Conservation of natural, archaeological, or historical resources, meadows, pastureland, forested areas, wildlife corridors, and easements for utilities and drainage.
  - iv. Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed.
  - v. The applicant must identify the owner of the open space who is responsible for its maintenance and the maintenance of any facilities thereon. If a Homeowner's Association is the owner, the association shall have lien authority to ensure collection of dues from all members.

- j. A project buffer of 20' minimum width shall be required around the perimeter of the site, in which existing vegetation shall not be disturbed (other than routine underbrushing of scrub vegetation), and supplemental plantings of native trees and shrubs shall be required where existing vegetation provides inadequate screening, as determined by the Planning Commission. One-half of the area of this buffer may count toward fulfilling the 35% open space requirement. The Planning Commission may approve limited breaks in the buffer for purposes of creating access roads into and out of the development or necessary utility easement corridors.
- k. The Planning Commission may consider full or partial waivers of the usual sidewalk requirements only along principal access/spine roads where the developer agrees to provide a separate robust and highly connected pedestrian and/or bicycle/equestrian trail network outside of street rights of way. Street tree requirements shall not be waived.
- l. Vinyl siding and unfinished concrete block shall be prohibited as façade material for all structures. Vinyl may be used in window casings, fencing, roof soffits, or similar applications.
- m. All single-family and duplex structures shall have a usable front porch with at least 80 square feet of floor area and not less than seven feet in depth measured from the front of the house to the front of the porch.
- n. For single-family and duplex structures with attached garages, not more than 40% of the total width of the front of the structure shall consist of garage doors. Garage doors that face the street shall be recessed by a minimum of 5' from the front façade of the home (excluding front porches or stoops).
- o. Streets are expected to meander throughout the development to avoid monotony through a uniform linear arrangement of parcels. The design ideal is to achieve an overall rural residential feel as opposed to densely networked urban street grids. However, such grids may be utilized sparingly in portions of the development where smaller single-family lots or duplex, triplex, quadplex and townhouse units are situated. For purposes of achieving this design, the usual maximum block and cul-de-sac lengths set forth in the Land Development Regulations may be waived by the Planning Commission for primary project access roads and roads with large-lot single-family dwelling units fronting them, but not for streets within portions of the property where gridded, denser, smaller-lot design is proposed.
- p. All wetlands in the development shall be preserved except where necessary to cross them with streets or utility corridors, where such crossings are permitted by State and/or Federal regulatory authorities.
- q. All landscape plans for buffers, amenity areas or townhouse units shall incorporate pollinator species and be entirely comprised of native species.
- r. Maximum building heights shall be as follows:
  - i. Townhouses and single-family homes on one-half acre or larger parcels: 45'.
  - ii. Accessory dwelling units and detached garages or barns: 25'.
  - iii. Accessory buildings such as sheds, carports, storage buildings and similar: 15'.
  - iv. All other structures shall be limited to 35' in height.

- s. Maximum impervious surface for individual building parcels shall be 35% for the ½ acre and larger parcels, 60% for all other residential parcels without accessory dwelling units, and 70% for parcels under ½ an acre that contain an accessory dwelling unit
- t. Open space and amenity areas shall be platted all at once in the first phase of the development. Once 50% of the total number of residential units are permitted, no further residential units shall be permitted until all proposed amenities are fully constructed and amenity buildings issued certificates of occupancy.

The proposed amendment also addresses **§ Sec. 23-31(6)(c)(8)**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-31. - Overlay zones.**

(6)(c)8. A natural buffer shall be required along the perimeter of the overlay district, ~~fifteen (15)~~ feet for the CR, R-1, and R-1E ~~district districts~~ and ten ~~(10)~~ feet for all other residential districts. This may be an easement or common space but not to be included in total calculation of required open space.

The proposed amendment also addresses **§ Sec. 23-73. - Regulations**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-73. - Regulations.**

(A) Adult entertainment establishments shall be regulated as to location in the following manner in addition to any other requirements of this Code:

- (1) No adult entertainment establishments shall be located within ~~six hundred (600)~~ feet of ~~an a~~ CR, R-1, R-1A, R-1E, R-2, R-2A, R-3, R-4 district and PDD's containing residential uses, a church, a day care center, a school, a public park, a hospital or a convalescent/nursing home.
- (2) No adult entertainment establishment shall be located within ~~two thousand (2,000)~~ feet of another such use.
- (3) No more than one ~~(1)~~ adult entertainment establishment shall be located in the same building or structure or on the same lot.
- (4) For the purpose of subsection (1) of this section, measurement shall be made in a straight line from the nearest property line of the premises where an adult entertainment establishment is located to the nearest property line of the premises of a church, day care center, school, public park or nearest residential zoning boundary.

(5) For the purpose of subsection (2) of this section, the distance between any two ~~(2)~~ adult entertainment establishments shall be measured in a straight line from the closest property lines of the premises where the adult entertainment establishments are located.

(B) No adult entertainment establishment shall exhibit photographs, silhouettes, drawings or pictorial representations depicting people, objects or activities related to the establishment within view of the general public.

The proposed amendment also addresses **§ Sec. 23-107(3)**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-107. - Accessory buildings and uses.**

(3) Accessory buildings and uses may be located in required yards, under the following conditions:

Accessory Use	Conditions
Off-street parking	May be located in required yards of all zoning districts, except that off-street parking shall not be allowed in any required perimeter landscaped area.
Signs	May be located in required yards in all zoning districts, subject to the provisions of article III.
Accessory structures or buildings	<p>May be located in required yards in all zoning districts, subject to the provisions of article III.</p> <ul style="list-style-type: none"> <li>(1) Are permitted in all zoning districts except the R-1, R-1A, R-2, R-2A and R-3 Districts, subject to the setback and building separation requirements of the district.</li> <li>(2) In the R-1, R-1A, R-2, R-2A, and R-3 Districts only one <del>(4)</del> accessory structure shall be permitted per lot provided said structure: <ul style="list-style-type: none"> <li>a. Does not exceed one <del>(4)</del> story in height.</li> <li>b. Does not exceed <del>one hundred fifty (150)</del> square feet in gross floor area.</li> <li>c. Is at least five <del>(5)</del> feet from any side or rear property line.</li> <li>d. Maintains a minimum five-foot separation from the principal building on the lot.</li> <li>e. Is located behind the rear building line of the structure.</li> <li>f. Is subject to the setback requirement of the district on double frontage lots.</li> </ul> </li> <li>(3) Are prohibited within designated project (site) yard setbacks for zero lot line and townhouse residential developments.</li> </ul>
Fences and walls	Excluding the following exceptions, fences and walls are prohibited in the required side yards of the Coastal Protection Overlay Zone. For purposes of this regulation and notwithstanding section 23-2, definition of side yard, required side yards shall be extended from the rear of the front yard to the rear property line.

	<p>(1) Fences no higher than three (<del>3</del>) feet with posts no closer spaced than eight (<del>8</del>) feet and connected by no more than two (<del>2</del>) ropes or rails no greater than four (<del>4</del>) inches in diameter.</p> <p>(2) Swimming pool fences subject to the following:</p> <ol style="list-style-type: none"> <li>At least a five-foot setback.</li> <li>Maximum opacity of <del>fifty</del> (50) percent.</li> <li>Maximum fence height four (<del>4</del>) feet from grade to top.</li> <li>Aluminum or PVC (polyvinyl chloride) construction.</li> </ol> <p>(3) Sand fencing on the oceanfront subject to the requirements of the oceanfront overlay zone in section 23-31(c)(9).</p> <p>(4) A fence that has a decorative masonry base of no higher than <del>eighteen</del> (18) inches and an approved clear glass structure above the base provided that overall height of the fence is no higher than <del>forty-eight</del> (48) inches: provided that:</p> <ol style="list-style-type: none"> <li>There is no signage on the glass except for the project name on the gate enclosure.</li> <li>That the glass remains clearly transparent with no sandblasting scars and cracking.</li> <li>That the glass remains clearly transparent with proper cleaning and maintenance.</li> </ol>
<p>Swimming pools (unenclosed and inground)</p>	<p>May be located in required yards in all zoning districts except the <u>CR</u>, R-1, R-1A, <u>R-1E</u>, R-2, R-2A, and R-3 Districts, where such uses shall be permitted behind the majority of the dwelling provided said uses shall be no closer than five (<del>5</del>) feet from the nearest property line and shall have all lighting shielded or directed away from adjoining residences.</p> <p>Restaurants meeting the conditions for approval as conditional use in the R-4 district shall meet the parking required for the conditional use as spelled out in section 23-22(5).</p>
<p>Tennis courts</p>	<p>May be located in required yards in all zoning districts except the <u>CR</u>, R-1, R-1A, <u>R-1E</u>, R-2, R-2A, and R-3 Districts, where such uses shall be permitted only in rear yards provided said uses shall be no closer than ten (<del>10</del>) feet from the nearest property line and shall have all lighting shielded or directed away from adjoining residences.</p>
<p>Satellite dishes</p>	<p>May be located in required front, side, and rear yards in all districts except the <u>CR</u>, R-1, R-1A, <u>R-1E</u>, R-2, R-2A, and R-3 Districts, where they are prohibited in side and front yards, provided such uses, where permitted shall observe a ten (10) foot setback from all property lines.</p>

The proposed amendment also addresses **§ Sec. 23-111. - Temporary uses**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-111. Temporary uses.**

The following temporary uses may be approved by the zoning administrator:

- (1) Mobile home and manufactured structures may be permitted as temporary uses in any zoning district except the CR, R-1, R-1A, R-1E, and R-2 Districts, during construction of buildings or projects, provided that said use shall be removed within ~~fifteen~~ (15) days after completion of the project.
- (2) Open lot sale of Christmas trees may be permitted for a period not to exceed ~~forty-five~~ (45) days.
- (3) Fluttering ribbons and banners and similar devices will be allowed for grand openings and special occasions not to last longer than one ~~(4)~~ week. All permits for temporary uses may be renewed no more than once each six ~~(6)~~ months.
- (4) Real estate sales office for a period of one ~~(4)~~ year, provided such is associated with on site sales within the project. The sales office can be in a manufactured structure until a certificate of occupancy is issued, at which time the sales office shall be within a completed model unit and the manufactured structure is removed.
- (5) Tents for a period not to exceed a total of ~~twenty-eight~~ (28) days per calendar year, choosing one of the following options:
  - a. A seven ~~(7)~~ day use period;
  - b. A ~~fourteen~~ (14) day use period.
    - i. There shall be the following minimum gaps between use periods:
      - (a) The minimum gap between seven ~~(7)~~ day periods shall be ten ~~(10)~~ days.
      - (b) The minimum gap between any seven ~~(7)~~ day period and any ~~fourteen~~ (14) day period shall be ~~thirty~~ (30) days, regardless of chronological order.
      - (c) The minimum gap between ~~fourteen~~ (14) day periods shall be ~~thirty~~ (30) days.
      - (d) Tents can be no larger than ~~twenty~~ (20) percent of the parking area nearest a public street.
- (6) Construction offices in manufactured structures in any zoning district during construction of a project. Such structures shall be removed within fifteen (15) days after completion of the project.
- (7) Tents in large (twenty-five (25) acres and greater) PDD's (Planned Development Districts) once a site plan, type of use within the tent and specified period of use are approved through the PDD amendment process.

The proposed amendment also addresses **§ Sec. 23-171. - General**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-171. General.**

The siting of wireless communications facilities within the city limits, and the maintenance, modification, operation, and replacement of such facilities, shall be considered either a permitted use, a conditional use, or a special exception as indicated in the table below. Uses not specifically listed below are prohibited.

<u>Installation Type</u>	<u>Zoning Districts</u>	<u>Administrative Review</u>
Vertical support structures	LI	Permitted use
Wireless facilities on rooftops	LI	Permitted use
Eligible facilities requests that do not substantially change the physical dimensions of such facility	All zones	Permitted use
Vertical support structures and wireless facilities on rooftops	All zoning districts that are not LI, R-1, R-1A, <del>R-1B</del> , <u>R-1E</u> , or CR	Conditional use
Eligible facilities requests that substantially change the physical dimensions of such facility	All zones	Conditional use
Vertical support structures and wireless facilities on rooftops	R-1, R-1A, R-1B, <u>R-1E</u> , or CR	Special exception

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 October 20, 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-25-12] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-25-12] as submitted.

OR

- 3) I move (an alternate motion).