

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 5, 2026

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: New Business: Ordinance. First Reading	Date: December 31, 2025	
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, adding beach cabanas to non-conforming uses allowing repair [ZTX-25-13]	Division: Planning and Development	
<p><u>Background:</u> On November 3, 2025, City Council postponed second reading of the Cabana House Text Amendment to allow staff to prepare a companion ordinance addressing treatment of existing cabana houses following removal of the definition and special exception.</p> <p><u>Proposal:</u> Staff is proposing a text amendment adding “beach cabana” to the list of nonconforming structures that may be repaired, rebuilt, or reestablished even if deterioration or damage exceeds seventy-five percent of replacement cost, provided no additional nonconformities are created. This update ensures the remaining cabana houses can continue to be maintained.</p> <p><u>Planning Commission Action:</u> The Planning Commission conducted a public hearing on December 2, 2025, and voted unanimously to recommend approval of the zoning amendment. There was no public comment.</p> <p><u>Recommended Action:</u> Approve or deny the ordinance on first reading</p>		
Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
<p>Council Action: Motion By _____ 2nd By _____ To _____</p>		

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, § 23-133, REPLACEMENT OF NONCONFORMING USE, BUILDING, OR STRUCTURE, 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. 23-133. - Replacement of nonconforming use, building, or structure*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 23-133. - Replacement of nonconforming use, building, or structure.

(1) A nonconforming building, structure or use shall not be ~~reestablished~~ re-established, ~~reoccupied~~ re-occupied, or replaced with the same or similar building, structure or use after physical removal or relocation from its specific site location at the time of passage of this chapter.

(2) A nonconforming building or structure shall not be repaired, rebuilt, or altered after deterioration and/or damage exceeding seventy-five (75) percent of its replacement cost except in conformity with the provisions of this chapter.

(3) A nonconforming use shall not be reestablished after deterioration and/or damage to the building or structure exceeding seventy-five (75) percent of its replacement cost.

(4) The provisions of subsections 23-133(2) and (3) shall not apply to the reconstruction, repair, or ~~reestablishment~~ re-establishment of the following:

(a) Single-family structure used as single-family dwelling, including single-family structures and patio homes.

(b) A multifamily structure within a group development of two (2) or more multifamily structures where seventy-five (75) percent of the total group development has not been damaged.

(c) A structure containing townhouse dwellings within a group development of two (2) or more such structures where seventy-five (75) percent of the total group development has not been damaged.

(d) A structure containing a commercial use within a commercial center or when there are multiple commercial buildings on the property where seventy-five (75) percent of the total area of all principal buildings has not been damaged.

(e) A structure utilizing single-family design and development standards that serves as an oceanfront-related amenity for a larger residential development, formerly regulated as a “beach cabana house.”

(f) Such structures listed in (a) through (e) above may be repaired, rebuilt, altered, or reestablished, provided there is not an increase in the amount of land occupied by the structure, the height of the structure is not increased, the density is not increased, and other nonconformities are not created.

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 _____, 2026.

ATTEST:

Mayor James O. Baldwin, III

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 1.05.2026

SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____

7A. ZONING ORDINANCE TEXT AMENDMENT ZTX-25-13: City staff has initiated a text amendment adding provisions for the reconstruction, repair, or re-establishment of non-conforming beach cabanas.

Background:

City Council postponed second reading of a text amendment on November 3 to allow a companion ordinance to be prepared addressing how the remaining cabana houses should be handled when damaged once the use is removed. Because cabana houses will become nonconforming uses after the definition and special exception are deleted, the ordinance must clarify how these existing structures may be repaired or reestablished when damaged.

Proposed Changes:

Staff is proposing a text amendment adding “beach cabana” to the list of nonconforming structures that may be repaired, rebuilt, or reestablished even if deterioration or damage exceeds seventy-five percent of replacement cost, provided no additional nonconformities are created. This update ensures the remaining cabana houses can continue to be maintained.

The proposed amendment addresses **§ 23-133. - Replacement of nonconforming use, building, or structure**, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

Sec. 23-133. - Replacement of nonconforming use, building, or structure.

(1) A nonconforming building, structure or use shall not be ~~reestablished~~ re-established, ~~reoccupied~~ re-occupied or replaced with the same or similar building, structure or use after physical removal or relocation from its specific site location at the time of passage of this chapter.

(2) A nonconforming building or structure shall not be repaired, rebuilt, or altered after deterioration and/or damage exceeding seventy-five (75) percent of its replacement cost except in conformity with the provisions of this chapter.

(3) A nonconforming use shall not be reestablished after deterioration and/or damage to the building or structure exceeding seventy-five (75) percent of its replacement cost.

(4) The provisions of subsections 23-133(2) and (3) shall not apply to the reconstruction, repair, or ~~reestablishment~~ re-establishment of the following:

(a) Single-family structure used as single-family dwelling, including single-family structures and patio homes.

(b) A multifamily structure within a group development of two (2) or more multifamily structures where seventy-five (75) percent of the total group development has not been damaged.

(c) A structure containing townhouse dwellings within a group development of two (2) or more such structures where seventy-five (75) percent of the total group development has not been damaged.

(d) A structure containing a commercial use within a commercial center or when there are multiple commercial buildings on the property where seventy-five (75) percent of the total area of all principal buildings has not been damaged.

(e) A structure utilizing single-family design and development standards that serves as an oceanfront-related amenity for a larger residential development, formerly regulated as a “beach cabana house.”

(f) Such structures listed in (a) through (e) above may be repaired, rebuilt, altered or reestablished provided there is not an increase in the amount of land occupied by the structure, the height of the structure is not increased, the density is not increased, and other nonconformities are not created.

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 January 5, 2026.

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-25-13] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-25-13] as submitted.

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