

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 2, 2026

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: February 23, 2026
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, defining inground pools [ZTX-25-15]	Division: Planning and Development

Background:

The zoning ordinance currently allows unenclosed and inground swimming pools to be located within five feet of property lines in most residential zoning districts. While the ordinance references inground swimming pools, it does not include a definition of that term. In recent applications, particularly in flood-prone areas, questions have arisen regarding what constitutes an inground pool versus an above-ground or partially raised pool, as property owners have requested modest vertical pool edges to accommodate flood conditions.

Proposal:

City staff has initiated a text amendment to define “inground swimming pool” within the zoning ordinance. The proposed definition clarifies that an inground pool is a permanent structure installed into excavated earth and constructed to function as an inground pool rather than a self-supporting above-ground vessel. The definition allows limited wall extension above finished grade, up to 30 inches inclusive of coping, to account for site and flood conditions, while clearly distinguishing inground pools from above-ground pools that are partially or fully buried. This amendment provides consistent guidance for staff and applicants while preserving the intent of the existing setback standards.

Planning Commission Action:

The Planning Commission conducted a public hearing on January 6, 2026, and voted unanimously to recommend approval of the zoning amendment. There was no public comment.

Recommended Action:

Approve or deny the ordinance on second reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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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 I, IN GENERAL, § 23-2, DEFINITIONS, 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).

Sec. 23-2. Definitions.

Inground swimming pool: A permanent pool structure installed into excavated earth, constructed to function as an inground structure rather than a self-supporting, above-ground vessel. An inground pool is designed and built to retain surrounding soil and is intended to sit primarily below finished grade. Pool walls may extend above finished grade, but not more than 30 inches, inclusive of coping. Partially or fully buried above-ground pools are not considered inground swimming pools.

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 J.O. Baldwin, III

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 2.16.2026
SECOND READING: 3.2.2026

REVIEWED:

City Manager

ORDINANCE: 26-09

6A. ZONING ORDINANCE TEXT AMENDMENT ZTX-25-15: City staff has initiated a text amendment defining inground swimming pools.

Background:

The zoning ordinance currently allows unenclosed and inground swimming pools to be located within five feet of property lines in most residential zoning districts. While the ordinance references inground swimming pools, it does not include a definition of that term. In recent applications, particularly in flood-prone areas, questions have arisen regarding what constitutes an inground pool versus an above-ground or partially raised pool as property owners have requested modest vertical pool edges to accommodate flood conditions.

Proposed Changes:

City staff has initiated a text amendment to define “inground swimming pool” within the zoning ordinance. The proposed definition clarifies that an inground pool is a permanent structure installed into excavated earth and constructed to function as an inground pool rather than a self-supporting above-ground vessel. The definition allows limited wall extension above finished grade, up to 30 inches inclusive of coping, to account for site and flood conditions, while clearly distinguishing inground pools from above-ground pools that are partially or fully buried. This amendment provides consistent guidance for staff and applicants while preserving the intent of existing setback standards.

The proposed amendment addresses **§ 23-2. - Definitions**, and would appear in the Ordinance as follows (new matter underlined):

Inground swimming pool: A permanent pool structure installed into excavated earth, constructed to function as an inground structure rather than a self-supporting, above-ground vessel. An inground pool is designed and built to retain surrounding soil and is intended to sit primarily below finished grade. Pool walls may extend above finished grade, but not more than 30 inches, inclusive of coping. Partially or fully buried above-ground pools are not considered inground swimming pools.

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 February 2, 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-25-15] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-25-15] as submitted.

OR

- 3) I move (an alternate motion).