

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 2, 2026

Agenda Item: 7F	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: New Business: Ordinance. First Reading	Date: February 25, 2026	
Subject: Amendment to the Barefoot Resort Planned Development District (PDD) revising rear yard setbacks in Tuscan Sands [Z-26-1]	Division: Planning and Development	
<p><u>Background:</u> In September 2017, City Council approved a major amendment to the Tuscan Sands neighborhood within the Barefoot Resort PDD, reducing the rear setback from 20 feet to 10 feet for certain unheated and non-conditioned patios and porches, subject to specific design and transparency standards. The 20-foot rear setback remained in place for heated or air-conditioned living space.</p> <p>In 2025, a property owner whose lot borders the golf course applied for a variance to further reduce the rear setback to construct a screened lanai extending closer to the rear property line. The applicant cited recurring golf ball intrusion into the rear yard as the basis for the request. The Board of Zoning Appeals denied the variance, finding that the request did not meet the statutory hardship criteria required for approval. During discussion, the Board indicated that a text amendment to the PDD would be the appropriate mechanism if the development standards were to be revised. The applicant has subsequently requested consideration of such an amendment.</p> <p><u>Proposed Changes:</u> The applicant, John Russo at 2200 Via Palma Drive, requests a major amendment to the Barefoot Resort PDD revising the rear setbacks for the Tuscan Sands neighborhood. The proposed amendment would reduce the rear setback to three feet for qualifying unheated and nonconditioned patios or porches on lots that border the golf course or driving range. The 20-foot rear setback for heated or air-conditioned living space would remain unchanged. All previously adopted design, transparency, and Architectural Review Board requirements would continue to apply.</p> <p><u>Staff Review:</u> The amendment has been reviewed by the Department of Public Works, the Department of Public Safety, and the Department of Planning and Development; no concerns have been expressed.</p> <p><u>Planning Commission Action:</u> The Planning Commission held a public hearing on February 17, 2026, and voted unanimously to recommend approval of the proposal. There was no public comment.</p> <p><u>Recommended Actions:</u> Approve or deny the proposed 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 REAR YARD SETBACKS TO THREE FEET TO ALLOW UNHEATED/ NON-AIR-CONDITIONED PATIOS OR PORCHES ON LOTS BORDERING THE GOLF COURSE OR DRIVING RANGE IN TUSCAN SANDS AT THE BAREFOOT RESORT PLANNED DEVELOPMENT DISTRICT (PDD)

Section 1:

That the Tuscan Sands neighborhood within the Barefoot Resort Planned Development District (PDD) be amended as follows (*new matter underlined, deleted matter struck-through*).

The rear setback for heated/ air-conditioned living space shall be 20 feet. For lots directly bordering the golf course or driving range, qualifying unheated/non-air-conditioned patios or porches as described below may have a minimum rear setback of three feet. Unheated/non-air-conditioned patios or porches (lanais, verandas, screened pool enclosures, and pergolas) may be fully or partially enclosed and roofed, and shall have a minimum rear setback of 10' feet provided all the following conditions are met:

1. Enclosures shall be a minimum of 10' feet from the side property lines.
2. Swimming pool screen enclosures cannot exceed 12' feet in height.
3. Roofs must be gable or hip, and roofing material must match the existing roof of the house or otherwise be submitted for ARB review and approval for conforming to the look and design of the home.
4. The use of wall or window-mounted heating or air conditioning devices shall be prohibited, nor shall the space be ducted for heating or air conditioning.
5. Transparency of the walls of the patio or porch shall be accomplished using transparent polyvinyl, screen material, or open voids.
6. The Architectural Review Board shall determine adherence to transparency as stated below, and all other esthetics and HOA regulations, taking into consideration the preservation of view corridors from adjoining properties:
 - a. There will be no solid exterior walls allowed.
 - b. ~~Knee wall perimeter of any walls can be no taller than three feet in height.~~
Perimeter knee walls shall not exceed three feet in height.
 - c. No wall starter columns or corner columns for roof assemblies can be more than one foot in width.
 - d. The ARB recommends that all open areas of any enclosures be as large as possible, however, no less than stated above.

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

REVIEWED:

City Manager

FIRST READING: 3.2.2026

SECOND READING: _____

ORDINANCE: _____

6E. MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT Z-26-1: City staff received an application for a major amendment to the Barefoot Resort Planned Development District (PDD) revising rear yard setbacks on golf course lots in the Tuscan Sands neighborhood.

Background

In September 2017, City Council approved a major amendment to the Tuscan Sands neighborhood within the Barefoot Resort PDD, reducing the rear setback from 20 feet to 10 feet for certain unheated and non-conditioned patios and porches, subject to specific design and transparency standards. The 20-foot rear setback remained in place for heated or air-conditioned living space.

In 2025, a property owner whose lot borders the golf course applied for a variance to further reduce the rear setback to construct a screened lanai extending closer to the rear property line. The applicant cited recurring golf ball intrusion into the rear yard as the basis for the request. The Board of Zoning Appeals denied the variance, finding that the request did not meet the statutory hardship criteria required for approval. During discussion, the Board indicated that a text amendment to the PDD would be the appropriate mechanism if the development standards were to be revised.

The applicant has subsequently requested consideration of such an amendment.

Proposed Changes

The applicant, John Russo at 2200 Via Palma Drive, requests a major amendment to the Barefoot Resort PDD revising the rear setbacks for the Tuscan Sands neighborhood. The proposed amendment would reduce the rear setback to three feet for qualifying unheated and non-conditioned patios or porches on lots that border the golf course. The 20-foot rear setback for heated or air-conditioned living space would remain unchanged. All previously adopted design, transparency, and Architectural Review Board requirements would continue to apply.

Staff Review

Planning & Development, Planning Division

The planning division has no issue with the proposed amendment.

Planning & Development, Zoning Division

The Zoning Administrator has no issue with the proposed amendment.

Public Works

The Public Works Department has no issue with the proposed amendment.

Public Safety

The Fire Marshal has no issue with the proposed amendment.

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 March 2, 2026.

Planning Commission Action

The Planning Commission may approve, approve with modifications and/or conditions, or deny the proposal as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the major planned development district amendment to the Barefoot Resort PDD [Z-26-1] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the major planned development district amendment to the Barefoot Resort PDD [Z-26-1] as submitted.
OR
- 3) I move (an alternate motion).

PDD Zoning Finance Account Code:	3.22
FEE PAID:	\$500.00 on January 21, 2026
FILE NUMBER:	Z-26-1
Complete Submittal Date:	January 21, 2026



Notice Published:	January 29, 2026
Planning Commission:	February 17, 2026
First Reading:	March 2, 2026
Second Reading:	April 6, 2026

City of North Myrtle Beach, SC

**Application for a Major Amendment
to a Planned Development District (PDD)**

GENERAL INFORMATION

Date of Request: January 20, 2026	Property PIN(S): 1234
Property Owner(s): John Russo	Type of Zoning Map Amendment: Major PDD Amendment
Address or Location: 2200 Via Palma Drive	Project Contact: John Russo
Contact Phone Number: Contact the Planning Division for Info	Contact Email Address: Contact the Planning Division for Info
PDD Name: Barefoot Resort	Total Area of Property: 0.18 Acres
Proposed Amendment: To build a lanai/pool enclosure inside the rear lot setback due to special circumstances per supporting documentation attached. Amendment is limited to only lots backing up to the golf course	

RECORDED COVENANT INFORMATION

I hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145).
Applicant's E-signature: John Russo

This form complies with a state law that took effect on July 1, 2007 (S.C. Code § 6-29-1145) that requires all planning agencies to inquire in an application for a permit if the parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority.



TUSCAN SANDS at BAREFOOT
RESORT AND GOLF
HOMEOWNERS ASSOCIATION, INC.

PO Box 1706
North Myrtle Beach, SC 29598
Phone: 843-399-9888
Fax: 843-399-1761
www.tuscansands.com

July 24, 2025

John S. Russo
2200 Via Palma Drive 018
N Myrtle Beach SC 29582

RE: 2200 Via Palma Drive 018

Dear Owner:

The Architectural Review Committee (ARC) has reviewed and **CONDITIONALLY APPROVED** your 7/22/2025 application to install a lanai within the fenced in area, 2.5 to 3 feet from rear lot setback as per the documents that you submitted.

This ARC Application has the following Conditions for Approval: **Per the Revised July 15, 2025 Document: Lanais will be allowed to be placed on properties under the following guidelines: The structure shall be constructed of black aluminum and must be attached to the house sharing at least one wall with the main structure. Screens shall be charcoal or black in color. The structure shall not exceed the roofline or the length of the house. The structure shall comply with all North Myrtle Beach building codes and setback regulations and be able to withstand a minimum of 139-mile winds.**

Owner Responsibilities:

1. You must comply with any and all engineering design practices, zoning ordinances, building ordinances, and/or any other governmental agency regulations or restrictions.
2. It is your responsibility to obtain all required permits necessary and determine if any easements are in place that affects your property prior to beginning any work.
3. You understand that the authority to perform an alteration granted by this application will automatically expire if the work is not commenced within 180 days following approval, and completed within 120 days of the start date.
4. Any changes to the ARC approved plans must be resubmitted to the ARC for review and approval.
5. Access for equipment used in construction must be over or through the applicant's property. Streets and/or common elements may not be obstructed with equipment, building materials or landscape materials without permission of the ARC.
6. You must return the enclosed Architectural Review Compliance Form within ten (10) days of completion of the project. The ARC then has thirty (30) days to inspect the completed project. 7. When any type of digging is involved, you must call PUPS at 811 to identify where any utility lines may be buried.

Tuscan Sands Legal Notice:

- ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with any of the warranties or engineering design practices or zoning and

- The ARC shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approved, from the standpoint of structural safety or conformance with building or other codes.
- By approving such plans and specifications, neither the ARC, the members thereof; the Association, any member thereof; their Board of Directors, any member thereof; or the Declarant, assumes any responsibility for any defect in the construction or improvement from such plans or specifications.
- As provided in the CC&Rs, neither the ARC, the Association, the Board of Directors of the Association or any members thereof, nor the Declarant or Developer, shall be liable to any Member, Owner, Occupant, or any other person or entity for any damage, loss, or prejudice suffered or claimed on account of (i) the approval or disapproval of any plans, drawings, or specifications, whether or not defective, or (ii) the construction or performance of any work whether or not pursuant to the approved plans, drawings, or specifications.

If you have any further questions, please contact Brandy Reaves at 843-399-9948 or via email to breaves@pm-llc.com.

FOR THE ARCHITECTURAL REVIEW COMMITTEE

Sincerely,

Brand Reaves, Administrative Coordinator
Kelly White, CMCA, AMS, PCAM
Community Association Manager
Ponderosa Management, LLC