

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 16, 2026

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: March 11, 2026
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, requiring screening for mechanical equipment in setbacks [ZTX-26-1]	Division: Planning and Development

Background:

In January 2025, City Council adopted ordinance amendments to address recurring accessibility issues related to the placement of residential mechanical equipment within required side and rear yard setbacks. Those amendments allowed certain structures and equipment, including HVAC units, pool equipment, generators, and most recently, propane tanks, to encroach into side and rear yard setbacks when specific size and operational noise standards are met, reducing the need for variances on constrained residential lots.

Following adoption of those changes, City Council raised concerns regarding the compatibility impacts of mechanical equipment located within required setbacks, particularly where such equipment may be visible or audible from adjacent properties. While the prior amendments addressed placement and separation requirements, they did not include screening standards. City Council has requested that additional provisions be established to require screening for mechanical equipment encroaching into required setbacks to mitigate both visual and noise impacts on neighboring properties.

Proposal:

City staff has initiated a text amendment to require screening for certain mechanical equipment when located within required yard setback areas. The proposed amendment builds upon the previously adopted encroachment allowances by adding a screening requirement intended to reduce visual and noise impacts and improve neighborhood compatibility. The amendment does not change the types of equipment permitted to encroach or the applicable separation standards but clarifies that when such equipment is placed within a required yard setback, it must be screened from adjacent properties.

Planning Commission Action:

The Planning Commission conducted a public hearing on February 17, 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

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING CHAPTER 23, ZONING, ARTICLE VII, GENERAL AND SUPPLEMENTAL REGULATIONS, § 23-105 OF SAID CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1. That *Section 23-105. - Structures projecting into required yards*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

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

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

- (1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.
- (2) Unenclosed steps not extending more than three (3) feet into a front or rear yard provided other applicable building codes are complied with.
- (3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.
- (4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.
- (5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.
- (6) HVAC units, swimming pool equipment, non-portable electric generators, and propane tanks.

a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, ~~and~~ non-portable electric generators, and not more than two above-ground propane tanks less than 125 gallons each may encroach into side yard and rear yard setback areas.

b. When such equipment is located within a required yard setback, it shall be screened from view from adjacent properties or streets by a fence, wall, or comparable screening structure. Screening shall extend to at least 12 inches above the top of the equipment being screened and may begin no more than six inches above finished grade. Screening materials need not be solid but shall provide effective visual opacity. Screening shall comply with all applicable manufacturer clearance, ventilation, and safety requirements. This requirement shall not apply

to equipment elevated above base flood elevation within a Special Flood Hazard Area and installed more than three feet above finished grade.

c. No minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property's encroachments, ensuring a clear path to maneuver around equipment on different properties.

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

Section 2. That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2026.

ATTEST:

Mayor J.O. Baldwin, III

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 3.2.2026
SECOND READING: 3.16.2026

REVIEWED:

City Manager

ORDINANCE: 26-12

6A. ZONING ORDINANCE TEXT AMENDMENT ZTX-26-1: City staff has initiated a text amendment requiring screening for certain mechanical equipment when located within required side yard setbacks.

Background:

In January 2025, City Council adopted ordinance amendments to address recurring accessibility issues related to the placement of residential mechanical equipment within required side and rear yard setbacks. Those amendments allowed certain structures and equipment, including HVAC units, pool equipment, generators, and most recently, propane tanks, to encroach into side and rear yard setbacks when specific size and operational noise standards are met, reducing the need for variances on constrained residential lots.

Following adoption of those changes, City Council raised concerns regarding the compatibility impacts of mechanical equipment located within required setbacks, particularly where such equipment may be visible or audible from adjacent properties. While the prior amendments addressed placement and separation requirements, they did not include screening standards. City Council has requested that additional provisions be established to require screening for mechanical equipment encroaching into required setbacks to mitigate both visual and noise impacts on neighboring properties.

Proposed Changes:

City staff has initiated a text amendment to require screening for certain mechanical equipment when located within required yard setback areas. The proposed amendment builds upon the previously adopted encroachment allowances by adding a screening requirement intended to reduce visual and noise impacts and improve neighborhood compatibility. The amendment does not change the types of equipment permitted to encroach or the applicable separation standards but clarifies that when such equipment is placed within a required side yard setback, it must be screened from adjacent properties.

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

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

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

- (1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.
- (2) Unenclosed steps not extending more than three (3) feet into a front or rear yard provided other applicable building codes are complied with.
- (3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.
- (4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.

- (5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.
- (6) HVAC units, swimming pool equipment, non-portable electric generators, and propane tanks.
 - a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, non-portable electric generators, and not more than two above-ground propane tanks not exceeding 125 gallons each may encroach into side yard and rear yard setback areas.
 - b. When such equipment is located within a required yard setback, it shall be screened from adjacent properties by a solid fence, wall, or comparable opaque screening structure with a minimum height of six (6) feet. Screening shall be installed and maintained so as to fully screen the equipment from view at grade from adjacent properties and shall be designed to comply with all applicable manufacturer clearance, ventilation, and safety requirements.
 - c. No minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property’s encroachments, ensuring a clear path to maneuver around equipment on different properties.
 - d. In all other cases HVAC units, swimming pool equipment, and non-portable electric generators must meet the setbacks of the zoning districts.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for February 16, 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-26-1] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [ZTX-26-1] as submitted.

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