

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: May 3, 2021

Agenda Item: 5C	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: April 14, 2021
Subject: Proposed amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina [ZTX-21-01]	Division: Planning and Development

**Background:**

“In common” developments are developments where multiple dwelling units are located on a single lot owned in common. The standards for in common developments are listed and further clarified in separate sections of the Code of Ordinances of North Myrtle Beach (§ 23-117 and § 23-119.1). Over the years as individual districts have been amended to allow certain uses, these other sections of the ordinance have not always been updated to coordinate with those changes. This is the case for the R-2A district, which allows single-family and duplex uses on individual parcels, but not in common. This is also the case for multiplex buildings, which are allowed in certain districts, but not in common. There appears to be no compelling land-use reason to not standardize these sections of the ordinance.

**Proposal:**

An applicant is proposing a text amendment to the Zoning Ordinance allowing duplex and in common developments in the R-2A zoning district. This text amendment would also allow multiplexes to be created in an in common development. A proposed ordinance has been attached for Council’s review.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on April 6 and voted unanimously to recommend approval to City Council as submitted. There was no public comment.

**Recommended Action:**

Approve the ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action: Motion By _____ 2 <sup>nd</sup> By _____ To _____
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## 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, § 23-117 AND § 23-119.1 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 23-117. – Number of principal buildings on a lot.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

##### **Sec. 23-117. - Number of principal buildings on a lot.**

Except for the following types of buildings and developments, no more than one (1) principal building may be located upon a tract or lot:

- (1) Institutional buildings.
- (2) Public and semipublic buildings.
- (3) Multifamily dwellings.
- (4) Buildings in a commercial center.
- (5) Industrial buildings.
- (6) Homes for the aged.
- (7) Planned Development District (PDD).
- (8) Mobile home and RV parks.
- (9) Hotels, motels and resort accommodations.
- (10) Townhouse buildings on land owned "in common."
- (11) Single-family in common projects.
- (12) Mixed-use buildings.
- (13) Duplexes.
- (14) Multiplex buildings on land owned "in common."

##### **Section 2:**

That *Section 23-119.1. - Detached single-family and duplex in common developments.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

##### **Sec. 23-119.1. - Detached single-family and duplex in common developments.**

It is the intent of this section to provide an alternative development type where multiple dwellings are located on commonly owned property and ownership of the land is held in common by all owners of the dwellings. Such developments shall be permitted in the R-2, R-2A and R-3 districts subject to their respective development standards pertaining to single-family and duplex construction and the following pertaining specifically to in common development:

1. Minimum site size—Five (5) acres.
2. Minimum building setback from exterior project property lines—Twenty (20) feet.

3. Minimum building setback from the right-of-way—Fourteen (14) feet from public right-of-way, six and one-half (6.5) feet from edge of private street easement.
4. Minimum distance between homes back to back—Twenty (20) feet.
5. Density—One (1) single-family unit for each five thousand (5,000) square feet of buildable land and one (1) duplex building for each seven thousand (7,000) square feet of buildable land, excluding streets and jurisdictional wetlands, but not excluding amenity areas, manmade ponds and open space.
6. Street right-of-way shall meet all standards of the city's Complete Street Designs Guidelines of Appendix A of the city's land development regulations.
7. Driveways shall meet all engineering standards as per the city engineer, fire apparatus access road requirements as defined in the latest edition of the South Carolina Fire Code shall be met.
8. Minimum separation between single-family buildings—Ten (10) feet. Minimum separation between duplex buildings—Fifteen (15) feet.
9. Direct access to all structures from the street or driveway.
10. All structures must front the approved street or driveway.
11. Ownership and maintenance of common areas shall be regulated by section 23-119(4).
12. A minimum of twenty-five (25) percent of the total project site shall be devoted to common open space as defined in section 23-109.

**Section 3:**

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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

FIRST READING: 4-19-2021  
SECOND READING: 5-3-2021

REVIEWED:

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

ORDINANCE: 21-15

**7A. ZONING TEXT AMENDMENT ZTX-20-04:** An applicant has initiated a text amendment to the Zoning Ordinance standardizing the duplex in-common use and multiplex in-common use across residential zoning districts.

### **Background**

“In common” developments are developments where multiple dwelling units are located on a single lot owned in common. The districts in which we allow in common developments are listed in a separate section of the ordinance (§ 23-119.1). Over the years as individual districts have been amended to allow certain uses, § 23-119.1 hasn’t always been updated to coordinate with those changes. This is the case for the R-2A district, which allows single family and duplexes by right on individual parcels, but not in common. There appears to be no compelling land-use reason to allow the uses by right, but to not allow them to be in common in this district, so this amendment would add R-2A to the list of districts in 23-119.1 where in common single family and duplexes are permitted.

### **Proposed Changes**

An applicant is proposing a text amendment to the Zoning Ordinance allowing duplex in common developments in the R-2A zoning district. This text amendment would also allow multiplexes to be created in an in common development.

The proposed amendment addresses two sections in *Chapter 23, Zoning, Article VII. – General and Supplemental Regulations* and would appear in the Ordinance as follows (new matter underlined):

#### **Sec. 23-119.1. - Detached single-family and duplex in common developments.**

It is the intent of this section to provide an alternative development type where multiple dwellings are located on commonly owned property and ownership of the land is held in common by all owners of the dwellings. Such developments shall be permitted in the R-2, R-2A and R-3 districts subject to their respective development standards pertaining to single-family and duplex construction and the following pertaining specifically to in common development:

1. Minimum site size—Five (5) acres.
2. Minimum building setback from exterior project property lines—Twenty (20) feet.
3. Minimum building setback from the right-of-way—Fourteen (14) feet from public right-of-way, six and one-half (6.5) feet from edge of private street easement.
4. Minimum distance between homes back to back—Twenty (20) feet.
5. Density—One (1) single-family unit for each five thousand (5,000) square feet of buildable land and one (1) duplex building for each seven thousand (7,000) square feet of buildable land, excluding streets and jurisdictional wetlands, but not excluding amenity areas, manmade ponds and open space.
6. Street right-of-way shall meet all standards of the city's Complete Street Designs Guidelines of Appendix A of the city's land development regulations.
7. Driveways shall meet all engineering standards as per the city engineer, fire apparatus access road requirements as defined in the latest edition of the South Carolina Fire Code shall be met.
8. Minimum separation between single-family buildings—Ten (10) feet. Minimum separation between duplex buildings—Fifteen (15) feet.
9. Direct access to all structures from the street or driveway.
10. All structures must front the approved street or driveway.
11. Ownership and maintenance of common areas shall be regulated by section 23-119(4).
12. A minimum of twenty-five (25) percent of the total project site shall be devoted to common open space as defined in section 23-109.

#### **Sec. 23-117. - Number of principal buildings on a lot.**

Except for the following types of buildings and developments, no more than one (1) principal building may be located upon a tract or lot:

- (1) Institutional buildings.
- (2) Public and semipublic buildings.
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- (10) Townhouse buildings on land owned "in common."
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- (12) Mixed-use buildings.
- (13) Duplexes.
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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 April 19, 2021.

**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 forward the Zoning Ordinance Text Amendment [ZTX-21-01] to the Mayor and City Council with a recommendation of approval.  
  
OR
- 2) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-21-01] to the Mayor and City Council with a recommendation of denial.  
  
OR
- 3) I move (an alternate motion).