

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 17, 2021

Agenda Item: 5G	Prepared by: Aaron C. Rucker, AICP	
Agenda Section: Consent: Ordinance. Second Reading	Date: April 28, 2021	
Subject: Proposed amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina [ZTX-21-03]	Division: Planning and Development	
<p><u>Background:</u> Standardizing the code by allowing any residential district the ability to reduce lot widths by 33% for properties fronting cul-de-sacs or eyebrows was approved by council in 2017 [ZTX-17-09]. Lot width standards in the R-1 and R-1A zoning districts were unintentionally removed during this process. Prior to omission, the minimum widths at the setback line were 80' and 60' respectively.</p> <p><u>Proposal:</u> Staff is proposing a text amendment to the Zoning Ordinance to reinstate the minimum lot width requirements for R-1 and R-1A zoned property. A proposed ordinance has been attached for Council's review.</p> <p><u>Planning Commission Action:</u> The Planning Commission conducted a public hearing on April 20, 2021 and voted unanimously to recommend approval to City Council as submitted. There was no public comment.</p> <p><u>Recommended Action:</u> Approve the ordinance on second reading</p>		
Reviewed by Division 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, ARTICLE II, ZONING DISTRICTS AND DEVELOPMENT REGULATIONS, § 23-18 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 23-18. - Detached single-family and duplex in common developments.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

Sec. 23-18. - R-1 Single-Family Residential Low-Density and R-1A Single-Family Residential Low-Medium Districts.

- (1) *Purpose:* The purpose of these districts is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of "lie development."
- (2) *Permitted uses:* Within the R-1 and R-1A Districts, a building or lot shall be used only for the following purposes:
 - (a) Single-family detached dwellings, excluding mobile homes.
 - (b) Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use.
 - (c) Publicly owned recreation facilities.
 - (d) Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto.
 - (e) Accessory uses.
 - (f) Home occupations.
 - (g) Signs permitted by and in accord with all applicable provisions of article III.
- (3) *Development regulations:* Regulations governing the location and height of structures, and the area upon which they may be located are as follows:

(a)	<i>Lot area requirements:</i>	<i>R-1</i>	<i>R-1A</i>
	Single-family dwelling (square feet)	10,000	7,500
	<u>Minimum Lot Width (linear feet)</u>	<u>80</u>	<u>60</u>
	Churches	1 acre	1 acre
	Other permitted uses (square feet)	10,000	10,000
(b)	<i>Yard requirements:</i>	<i>R-1 and R-1A</i>	

<i>Single-Family Dwelling</i>	<i>Churches</i>	<i>Other Permitted Uses</i>	
Minimum depth of:			
Front yard	25 feet	25 feet	25 feet
Rear yard	20 feet	25 feet	25 feet
Minimum width of:			
Side yards:			
R-1	10 feet ¹	25 feet	10 feet
R-1A	5 feet	25 feet	10 feet

*Note*¹: A five-foot side yard setback shall be required for substandard lots of record.

(c) *Height requirements: R-1 and R-1A*

Maximum height of structures:

Single-family structures 35 feet

Accessory building 15 feet

Other permitted uses 45 feet

- (d) *Impervious surface requirements:* No more than forty (40) percent of any lot surface shall be impervious to water absorption in the R-1 District and forty-five (45) percent in the R-1A District. For church use, no more than sixty (60) percent of any lot shall be impervious.
 - (e) A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.
- (4) *Special exceptions:* Owing to their potential negative impact on the community and surrounding areas, the following uses may be approved as special exceptions by the board of zoning appeals:
- (a) Noncommercial marinas, subject to the siting standards of section 23-120.
 - (b) Commonly owned amenities: The board of zoning appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in subsection 23-161(3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109.

Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.

- (c) Off-street parking: Off-street parking (requirements) for the various uses permitted herein are set forth in article IV of this chapter.
- (5) *Conditional uses.* Certain uses that assist in enhancing the character and sense of place of the community for residents and visitors, and which are compatible to the purpose of this district, may be allowed in the Single Family, Low Density Residential, R-1 District. However, due to the manner of operations, conditional uses must meet certain conditions stated in this section, as well as the restrictions and/or limitations applicable to all land uses in the R-1 District (See article I, section 23-2 of this chapter entitled "Definitions"). If the conditions or standards are met, the zoning administrator may permit the use without review by the board of zoning appeals.
- (a) Park and sports complexes are subject to the following conditions:
 1. That the use will be an enhancement to the character and sense of place of the area in which it is to be located.
 2. That the use has taken measures to not be injurious to adjoining property, including, but not limited to: controlling of all elements that produce light and noise, so as not to create nuisance conditions off-site. Nighttime lighting of athletic fields and other attractions may be permitted if it meets this standard.

3. That the use will contribute to the economic vitality and promote the general welfare of the community.
4. That the use will not discourage or negate the use of surrounding property for use(s) permitted by right.
5. The following additional performance standards shall be imposed upon park and sports complexes:
 - i. A scaled site plan shall be submitted indicating the location, size, and arrangement of all structures, fields, light poles, parking spaces, and traffic circulation aisles.
 - ii. Lighting of parking areas shall be provided and shall be of a type and placement so as not to pose visual disturbance to adjacent property owners. The maximum pole height is thirty (30) feet. If facilities are to be illuminated, the type and placement shall not to pose visual disturbance to adjacent property owners. The maximum pole height for facilities is one hundred (100) feet.
 - iii. Structures are limited to a maximum height of one hundred (100) feet.
 - iv. Accessory uses may erect signage advertising their offerings and/or sponsorships and promotional deals. Each use shall submit a comprehensive sign plan package to the planning and development and parks and recreation department staff who will make a recommendation to the city manager who will approve or deny the request prior to the erection of any such signage. The comprehensive sign plan package shall include quantities, sizes, locations, duration, and a maintenance and replacement schedule with obligations to keep signage in good condition for all proposed signage.

(6) *Off-street parking.* Off-street parking requirements for the various uses permitted herein are set forth in ~~a~~Article IV. Additionally, parking spaces provided in park and sports complexes may consist of alternative pervious paving material including, but not limited to, porous/pervious brick pavers, grass pavers, porous asphalt or porous concrete, or any other technique approved by the city engineer. However, driveways, circulation aisles and handicapped accessible parking stalls shall be constructed with hard surface impervious materials, unless the city engineer approves an alternate design. In case of conflicts in the various sources for safety, design, and functionality standards; the city engineer will consult with the director of planning and development and both will determine the appropriate standard to be required.

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 _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 5-3-2021

SECOND READING: 5-17-2021

REVIEWED:

City Manager

ORDINANCE: 21-22

7E. ZONING TEXT AMENDMENT ZTX-21-03: City staff has initiated an amendment to reinstate standards for lot widths in R-1 and R-1A zoning districts inadvertently eliminated from the code of ordinances in a previous amendment.

Background

Standardizing the code by allowing any residential district the ability to reduce lot widths by 33% for properties fronting cul-de-sacs or eyebrows was approved by council in 2017 [ZTX-17-09]. Lot width standards in the R-1 and R-1A zoning districts were unintentionally removed during this process. Prior to omission, the minimum widths at the setback line were 80’ and 60’ respectively.

Proposed Changes

Staff is proposing a text amendment to the Zoning Ordinance to reinstate the minimum lot width requirements for R-1 and R-1A zoned property.

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

Sec. 23-18. - R-1 Single-Family Residential Low-Density and R-1A Single-Family Residential Low-Medium Districts.

- (1) *Purpose:* The purpose of these districts is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of "lie development."
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	Other permitted uses (square feet)	10,000	10,000
(b)	<i>Yard requirements:</i>	<i>R-1 and R-1A</i>	

<i>Single-Family Dwelling</i>	<i>Churches</i>	<i>Other Permitted Uses</i>	
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*Note*¹: A five-foot side yard setback shall be required for substandard lots of record.

(c) *Height requirements: R-1 and R-1A*

Maximum height of structures:

Single-family structures	35 feet
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Other permitted uses	45 feet

(d) *Impervious surface requirements:* No more than forty (40) percent of any lot surface shall be impervious to water absorption in the R-1 District and forty-five (45) percent in the R-1A District. For church use, no more than sixty (60) percent of any lot shall be impervious.

(e) A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

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(a) Noncommercial marinas, subject to the siting standards of section 23-120.

(b) Commonly owned amenities: The board of zoning appeals may approve commonly owned amenities on parcels platted for said amenities in new subdivisions subject to the standards contained in subsection 23-161(3). Amenities can include a swimming pool, tennis court, clubhouse and open space as defined in section 23-109.

Title to all improved and unimproved commonly owned amenities lying within the subdivision shall be held as undivided interests by owners of lots within the subdivision, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of lot owners approved by the city and recorded with the final plat documents.

(c) Off-street parking: Off-street parking (requirements) for the various uses permitted herein are set forth in article IV of this chapter.

(5) *Conditional uses.* Certain uses that assist in enhancing the character and sense of place of the community for residents and visitors, and which are compatible to the purpose of this district, may be allowed in the Single Family, Low Density Residential, R-1 District. However, due to the manner of operations, conditional uses must meet certain conditions stated in this section, as well as the restrictions and/or limitations applicable to all land uses in the R-1 District (See article I, section 23-2 of this chapter entitled "Definitions"). If the conditions or standards are met, the zoning administrator may permit the use without review by the board of zoning appeals.

(a) Park and sports complexes are subject to the following conditions:

1. That the use will be an enhancement to the character and sense of place of the area in which it is to be located.

2. That the use has taken measures to not be injurious to adjoining property, including, but not limited to: controlling of all elements that produce light and noise, so as not to create nuisance conditions off-site. Nighttime lighting of athletic fields and other attractions may be permitted if it meets this standard.

3. That the use will contribute to the economic vitality and promote the general welfare of the community.

4. That the use will not discourage or negate the use of surrounding property for use(s) permitted by right.

5. The following additional performance standards shall be imposed upon park and sports complexes:

i. A scaled site plan shall be submitted indicating the location, size, and arrangement of all structures, fields, light poles, parking spaces, and traffic circulation aisles.

- ii. Lighting of parking areas shall be provided and shall be of a type and placement so as not to pose visual disturbance to adjacent property owners. The maximum pole height is thirty (30) feet. If facilities are to be illuminated, the type and placement shall not to pose visual disturbance to adjacent property owners. The maximum pole height for facilities is one hundred (100) feet.
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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 May 3, 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-21-03] 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-21-03] to the Mayor and City Council with a recommendation of denial.

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