

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 18, 2021

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: New Business: Ordinance. First Reading	Date: October 13, 2021
Subject: Request to rezone 5.65 Acres on Hill Street from Mobile/Manufactured Home Residential (R-3) to Medium Density Residential (R-2) [Z-21-23]	Division: Planning and Development

Request to Postpone by Applicant:

The applicant requested postponement of this item just prior to the October 4, 2021 meeting and has again requested this item be postponed to the next meeting to allow time to work with the neighboring residents to reach a consensus to move forward.

Background:

Earthworks, authorized agent for the owner, has requested that the City of North Myrtle Beach rezone approximately 5.65 acres of property located on Hill Street near the intersection with 24th Avenue North from Mobile/Manufactured Home Residential (R-3) to Medium Density Residential (R-2). The subject property is currently vacant and undeveloped and identified by PINs 351-08-03-0087 and 351-07-04-0114. Surrounding parcels are zoned R-3. City Council denied a previous request to rezone these parcels to Mid-Rise Multifamily Residential (R-2A) at their August 16, 2021, meeting due to concerns over the maximum allowed height of 50'. This revised request of R-2 has a maximum allowed height of 35' for residential uses.

Comparison of Existing and Proposed Zoning:

The purpose of the R-3 district is to provide for areas within the city where mobile/manufactured homes may be located in harmony with other single-and two-family dwellings—to provide for a full range of housing alternatives to meet buyer demands. Also, this district is designed to separate incompatible uses and eliminate the blighting effect of incompatibility. The purpose of the R-2 district is to provide for limited alternatives to single-family housing, smaller lot development and correspondingly higher densities, but not permit the crowding of development on individual lots or parcels.

Permitted uses within both districts include dwellings: Single-family detached, semidetached, and duplex. The R-3 district allows mobile/manufactured homes and mobile/manufactured home parks; neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; publicly owned recreational facilities; churches or similar places of worship, including parish houses, parsonages, and childcare centers when accessory thereto; recreational vehicle parks and campgrounds; accessory uses; home occupations; family day care homes; and signs, as permitted by Article III. The R-2 district allows zero lot line, single-family detached developments; townhouse developments; family day care homes; multiplex (triplex and quadraplex) dwellings, and single-family in common projects. The following tables detail the development standards for both districts:

R-3 District

		Single-Family Detached Residence	Mobile Homes on Individual Lots	Duplexes	Semi-Detached Dwelling	Other Permitted Uses
Minimum Lot Area per Project (SF)		5,000	5,000	7,000	7,000	5,000
Minimum Lot Area per Dwelling Unit (SF)		5,000	5,000	3,500	3,500	NA
Minimum Lot Width		50 feet	50 feet	55 feet	35 feet	NA
Minimum Yards:	Front	20 feet	20 feet	20 feet	20 feet	20 feet
	Side	7.5 feet	7.5 feet	7.5 feet	7.5 feet ¹	20 feet
	Rear	10 feet	10 feet	10 feet	10 feet	30 feet
Maximum Impervious Surface Ratio		50%	50%	60%	60%	60%

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

Notes:

¹ A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property lines, and zero (0) setback shall be allowed for the common interior property line.

R-2 District

		Single-family Detached	Semi-Detached Dwelling	Duplex	Townhouse	Other Permitted Uses	Multiplex
Floor Area Ratio				0.5			
Minimum Site Area (SF)		5,000	7,000	7,000	16,000	5,000	16,000
Minimum Lot Area per DU		5,000	3,500	3,500	3,000	5,000	2,000
Minimum Lot Width		50 feet	35 feet	55 feet	14 feet ⁶	NA	75 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	7.5 feet	²	20 feet	20 feet
	Rear	20 feet	20 feet	20 feet	³	25 feet	20 feet
Maximum Impervious Surface Ratio		50%	60%	60%	60%	60%	60%
Common Open Space		N/A	N/A	N/A	25%	N/A	25% ⁵
Maximum Distance Between Principal Building on Site		N/A	N/A	N/A	N/A	N/A	20 feet
Maximum Distance to Single-family Dwelling		N/A	N/A	N/A	N/A	N/A	75 feet ⁴

(a) Maximum height: Thirty-five (35) feet for residential uses, fifteen (15) feet for accessory uses, and forty-five (45) feet for all other permitted uses.

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

Notes:

¹ A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property line, and zero-foot setback shall be allowed for the interior common property line.

² Zero (0) feet between units; ten (10) feet between end structures and side property line; no more than six (6) units shall be attached in one (1) building; for projects with multiple townhouse buildings on land owned "in common" the site side yard setback shall be twenty (20) feet.

³ Rear yard setback shall be ten (10) feet except where contiguous to the project site property line, then a twenty-foot setback shall be required, and shall remain unoccupied by any accessory building or structure.

⁴ Measured from the closest exterior wall of a single-family dwelling unit on the adjacent property to the closest exterior wall of the multiplex dwelling.

⁵ Reference common open space requirements pursuant to section 23-119(4).

⁶ Minimum lot width and/or unit width.

Staff Review:

The rezoning request has been reviewed by the Department of Public Works, Department of Public Safety, and the Zoning Administrator; no concerns have been expressed. The subject area is identified as Residential Neighborhood on the Future Land Use Map, and the request is consistent with the comprehensive plan.

Planning Commission Action:

The Planning Commission conducted a public hearing on September 2, 2021 and voted unanimously to recommend approval of the rezoning request, citing a, where necessary to implement the comprehensive plan. There was no public comment. A proposed ordinance has been attached for Council's review.

Recommended Action:

Approve the ordinance on first reading

Reviewed by Division 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
AMENDING THE OFFICIAL ZONING MAP TO REZONE AN
AREA FROM MOBILE/MANUFACTURED HOME RESIDENTIAL
(R-3) TO MEDIUM DENSITY RESIDENTIAL (R-2).**

WHEREAS, Earthworks, authorized agent for the owner, has submitted an application for the rezoning of two (2) lots containing approximately 5.65 acres identified by PINs 351-08-03-0087 and 351-07-04-0114, as referenced on Exhibit A: Zoning Map (Z-21-23) prepared by City of North Myrtle Beach Planning & Development Department. The applicant is requesting to change the zoning district from Mobile/Manufactured Home Residential (R-3) to Medium Density Residential (R-2); and

WHEREAS, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

WHEREAS, the City Council has received a report from the Planning Commission recommending the subject property be zoned Medium Density Residential (R-2); and

WHEREAS, the City Council has the authority to amend the zoning designation placed on the properties in accordance with applicable State Statutes and City Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

Section 1. Rezoning. That the Official Zoning Map is hereby amended to rezone the property Medium Density Residential (R-2) in accordance with the attached reference map entitled "Exhibit A: Zoning Map (Z-21-23)."

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

FIRST READING: _____

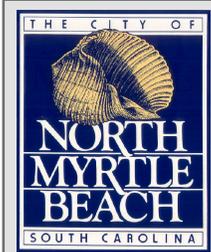
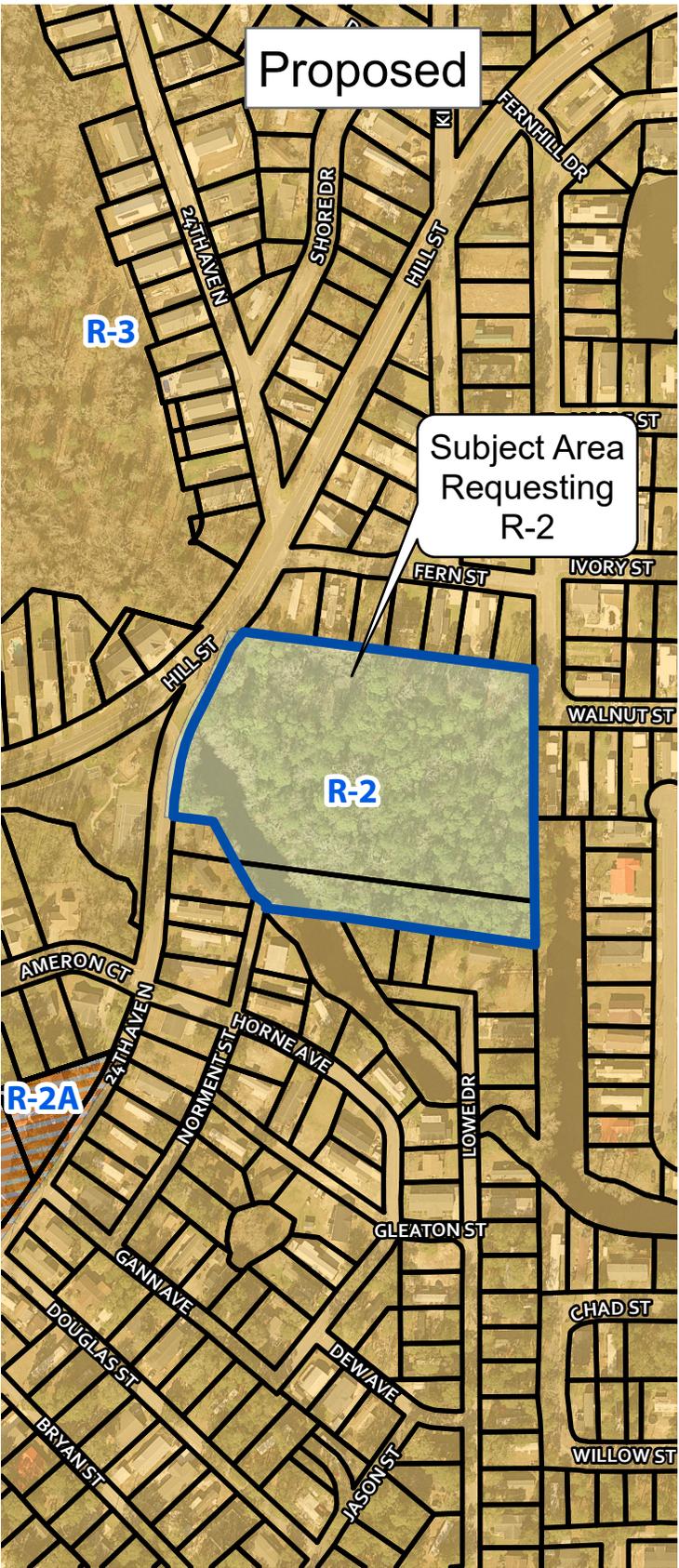
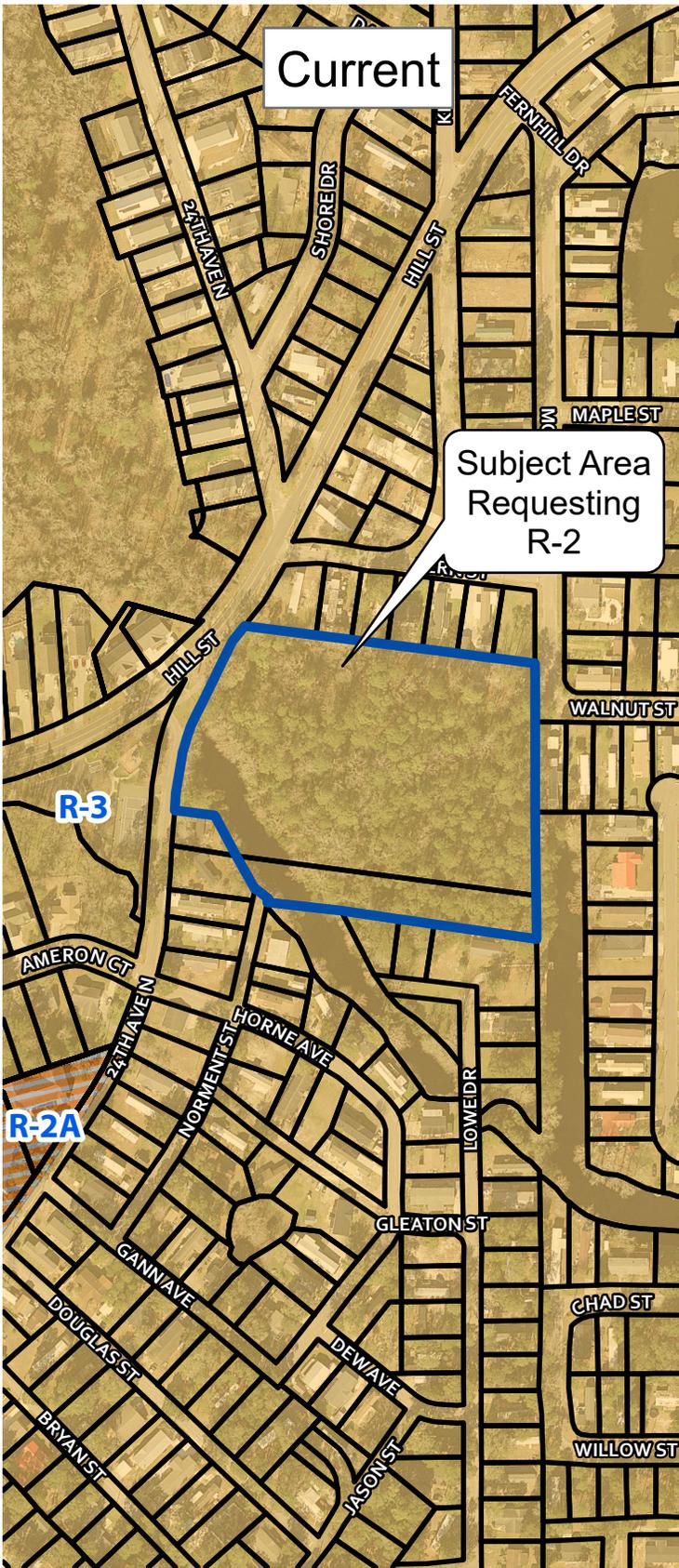
SECOND READING: _____

City Attorney

REVIEWED:

ORDINANCE: _____ 21-29

City Manager



Legend

- Subject Area
- Zoning**
- R-2A
- R-3



Exhibit A: Zoning Map (Z-21-23)

7A. REZONING REQUEST Z-21-23: The Planning & Development Department received an application requesting a rezoning of two (2) lots containing approximately 5.65 acres located at the intersection of Hill Street and 24th Avenue North, PINs 351-08-03-0087 and 351-07-04-0114, from Mobile/Manufactured Home Residential (R-3) to Medium Density Residential District (R-2).

Background:

The planning commission reviewed a similar request at their July 20 meeting; the request was denied at first reading at City Council because of objections to the 50’ maximum height allowed in the previously requested zoning district of R-2A.

Existing Conditions and Surrounding Land Uses:

Located at the intersection of Hill Street and 24th Avenue North, the parcels are vacant and undeveloped. Surrounding parcels are zoned R-3.

Comparison of Existing and Proposed Zoning:

The purpose of the R-3 district is to provide for areas within the city where mobile/manufactured homes may be located in harmony with other single-and two-family dwellings—to provide for a full range of housing alternatives to meet buyer demands. Also, this district is designed to separate incompatible uses and eliminate the blighting effect of incompatibility. The purpose of the R-2 district is to provide for limited alternatives to single-family housing, smaller lot development and correspondingly higher densities, but not permit the crowding of development on individual lots or parcels.

Permitted uses within both districts include dwellings: Single-family detached, semidetached, and duplex. The R-3 district allows mobile/manufactured homes and mobile/manufactured home parks; neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; publicly owned recreational facilities; churches or similar places of worship, including parish houses, parsonages, and childcare centers when accessory thereto; recreational vehicle parks and campgrounds; accessory uses; home occupations; family day care homes; and signs, as permitted by Article III. The R-2 district allows zero lot line, single-family detached developments; townhouse developments; family day care homes; multiplex (triplex and quadraplex) dwellings, and single-family in common projects. The following tables detail the development standards for both districts:

R-3 District

		Single-Family Detached Residence	Mobile Homes on Individual Lots	Duplexes	Semi-Detached Dwelling	Other Permitted Uses
	Minimum Lot Area per Project (SF)	5,000	5,000	7,000	7,000	5,000
	Minimum Lot Area per Dwelling Unit (SF)	5,000	5,000	3,500	3,500	NA
	Minimum Lot Width	50 feet	50 feet	55 feet	35 feet	NA
Minimum Yards:	Front	20 feet	20 feet	20 feet	20 feet	20 feet
	Side	7.5 feet	7.5 feet	7.5 feet	7.5 feet ¹	20 feet
	Rear	10 feet	10 feet	10 feet	10 feet	30 feet
	Maximum Impervious Surface Ratio	50%	50%	60%	60%	60%

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

Notes:

¹ A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property lines, and zero (0) setback shall be allowed for the common interior property line.

R-2 District

		Single-family Detached	Semi-Detached Dwelling	Duplex	Townhouse	Other Permitted Uses	Multiplex
Floor Area Ratio				0.5			
Minimum Site Area (SF)		5,000	7,000	7,000	16,000	5,000	16,000
Minimum Lot Area per DU		5,000	3,500	3,500	3,000	5,000	2,000
Minimum Lot Width		50 feet	35 feet	55 feet	14 feet ⁶	NA	75 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	7.5 feet	²	20 feet	20 feet
	Rear	20 feet	20 feet	20 feet	³	25 feet	20 feet
Maximum Impervious Surface Ratio		50%	60%	60%	60%	60%	60%
Common Open Space		N/A	N/A	N/A	25%	N/A	25% ⁵
Maximum Distance Between Principal Building on Site		N/A	N/A	N/A	N/A	N/A	20 feet
Maximum Distance to Single-family Dwelling		N/A	N/A	N/A	N/A	N/A	75 feet ⁴

(a) Maximum height: Thirty-five (35) feet for residential uses, fifteen (15) feet for accessory uses, and forty-five (45) feet for all other permitted uses.

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

Notes:

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⁴ Measured from the closest exterior wall of a single-family dwelling unit on the adjacent property to the closest exterior wall of the multiplex dwelling.

⁵ Reference common open space requirements pursuant to section 23-119(4).

⁶ Minimum lot width and/or unit width.

Planning Commission Action:

As per the Zoning Ordinance Section 23-4, *Amendments*, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the North Myrtle Beach Zoning Ordinance, including the Zoning Map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

a) The relationship of the request to the Comprehensive Plan:

The Future Land Use map contained in the 2018 Comprehensive Plan recommends Residential Neighborhood as a land use class for the subject area. The principal permitted uses noted in the compliance index include a mix of residential uses at medium densities (mostly duplexes,

townhomes, and patio homes), as well as multi-family housing up to six stories; also allows infill mixed-use development and neighborhood commercial uses. The recommended primary zoning districts are R-2, R-2A, or R-3; R-2B and NC are the secondary zoning district alternatives.

The proposed zoning designation, R-2, is a recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Residential Suburban future land use classification as follows: This classification supports a mix of residential uses at medium densities, which includes mostly duplexes, townhouses, and patio homes, as well as multi-family housing up to 6 stories. This designation could also allow infill mixed-use development and neighborhood commercial uses. This category allows 5-10 du/acre.

The proposed R-2 zoning is consistent with the Residential Neighborhood land use classification found in the *2018 Comprehensive Plan*.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

The purpose of the R-2 zoning district is, “To provide for limited alternatives to single-family housing, smaller lot development and correspondingly higher densities, but not permit the crowding of development on individual lots or parcels.”

The uses permitted in the R-2 district would be appropriate in the area.

- d) Whether adequate public-school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place because of such change, and the consequence of such change:

Lot access subject to SCDOT review and approval. Other public services exist with adequate service capacity.

- e) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area:

Public water and sewer are available to the parcel.

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably, except:

- (a) Where necessary to implement the comprehensive plan, or
- (b) To correct an original mistake or manifest error in the regulations or map, or
- (c) To recognize substantial change or changing conditions or circumstances in a particular locality, or
- (d) To recognize changes in technology, the style of living, or manner of doing business.

This rezoning request is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for October 4, 2021. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the reasons should be included in the report.

Staff Review:

Planning and Development, Planning Division

The Planning Division has no issue with the proposed rezoning request.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed rezoning request.

Public Works

The City Engineer has no issue with the proposed rezoning request.

Public Safety

The Fire Marshall has no issue with the proposed rezoning request.

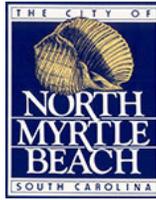
Planning Commission Action:

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 rezoning request [Z-21-23] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the rezoning request [Z-21-23] as submitted.
OR
- 3) I move (an alternate motion).

Rezoning Finance Account Code:	3.51
FEE PAID:	\$500 on May 18, 2021
FILE NUMBER:	Z-21-23
Complete Submittal Date:	August 18, 2021



Notice Published:	August 27, 2021
Property Posted:	September 2, 2021
Planning Commission:	September 21, 2021
First Reading:	October 4, 2021
Second Reading:	October 18, 2021

City of North Myrtle Beach, SC

Application for Rezoning

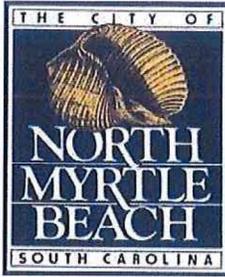
GENERAL INFORMATION

Date of Request: August 18, 2021	Property PIN(S): 35108030087, 35107040114
Property Owner(s): Hill Street Park Villas, LLC	Type of Zoning Map Amendment: Rezoning (not to PDD)
Address or Location: Adjacent to Hill Street Park/25th Ave North and Hill Street	Project Contact: EARTHWORKS GROUP
Contact Phone Number: 843-651-7900	Contact Email Address: tasmith@earthworksgroup.com
Current Zoning: R-3	Proposed Zoning: R-2
Total Area of Property: 5.65 Acres	Currently Located in City: Yes

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: EARTHWORKS GROUP

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.



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 8/18/21

Nature of Approval Requested: Rezoning

Property PIN(s): 35108030087 & 35107040114

Property Address/Location: 24th Avenue North / Hill Street

I, Hill Street Park Villas, LLC/Tripp Nealy, hereby authorize The EARTHWORKS Group

to act as my agent for for the purposes of the above referenced approval.



Signature

Member

Title

Signature

Signature

Title

Title

Signature

Signature

Title

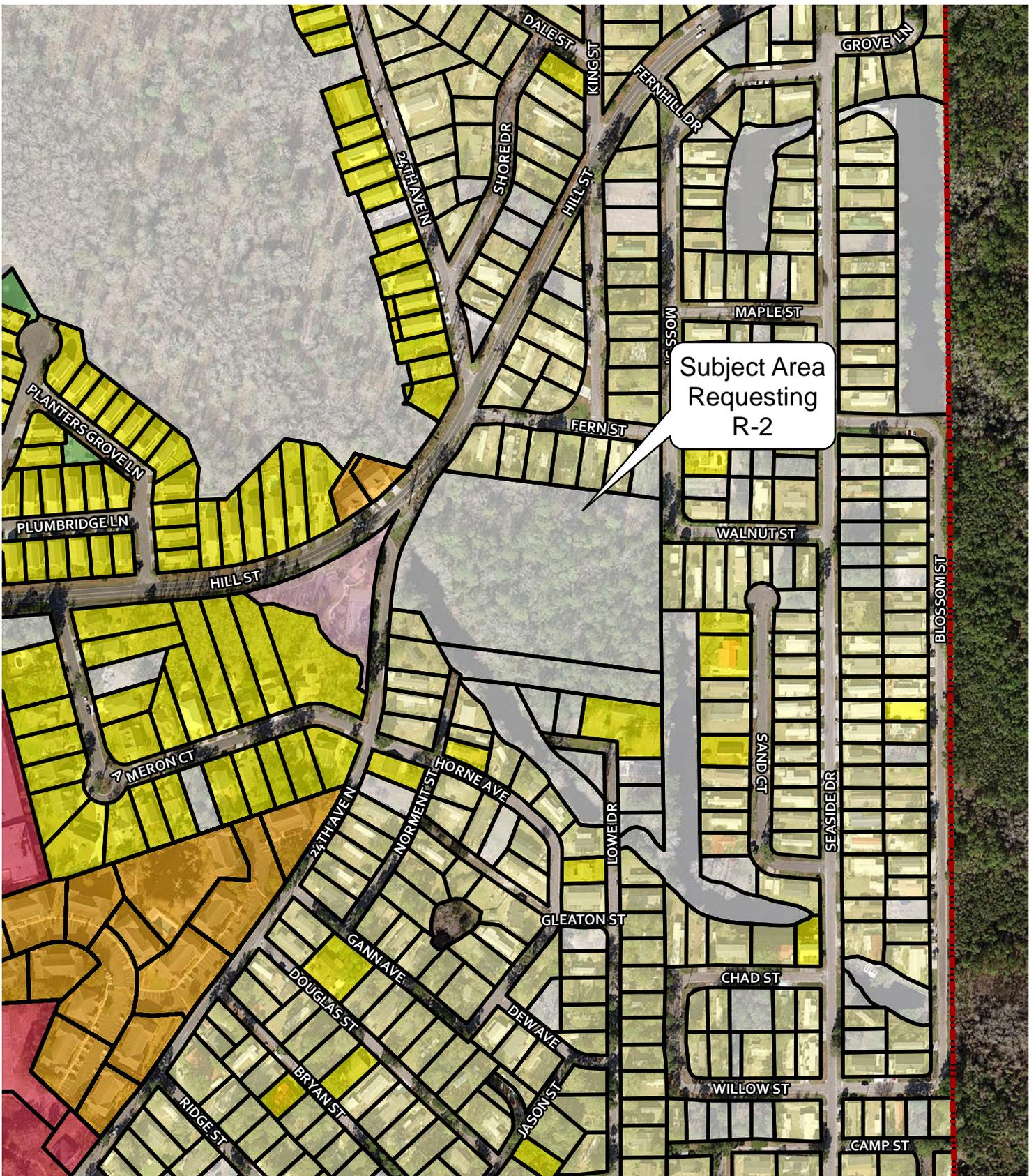
Signature

Signature

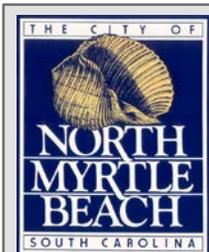
Title

Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.

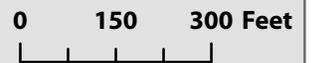


Subject Area
Requesting
R-2

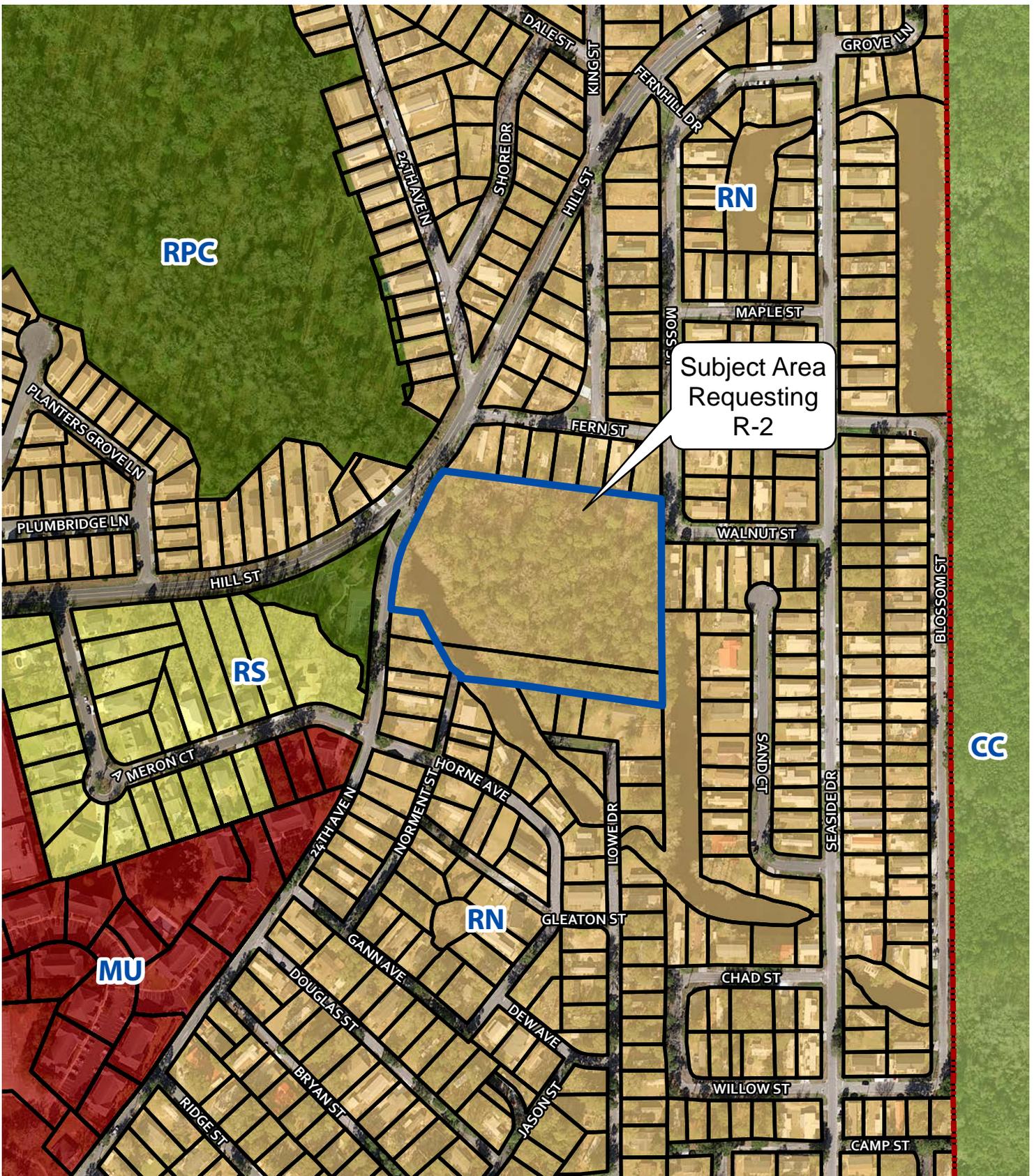


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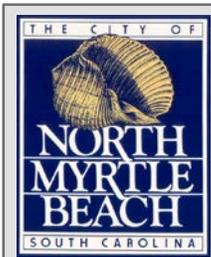
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|---|--|---|
|  Subject Area |  Duplex |  Public, Social, Cultural |
|  Commercial |  Mobile Home |  Single-Family |
|  Common Open Space |  Multi-Family |  Vacant |



Existing Land Use Map (Z-21-23)



Subject Area Requesting R-2



Legend

Subject Area	CC - Conservation Community	MU - Mixed Use
Recommended Future Land Use Categories	RPC - Resource, Protection, Conservation	RS - Residential Suburban
		RN - Residential Neighborhood



Future Land Use Map (Z-21-23)