

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 2, 2022

Agenda Item: 5H	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: April 25, 2022
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina revising the definition of <i>Park and sports complex</i> and <i>Public park and recreation facilities</i> [ZTX-22-3]	Division: Planning and Development

Proposal:

Staff is proposing a text amendment to the Zoning Ordinance revising park definitions to allow supported commercial and/or fee-based activities to occur within these uses. These definition changes give City staff flexibility to engage in commercial partnership agreements on publicly owned lands. A proposed ordinance has been attached for Council’s review.

Planning Commission Action:

The Planning Commission conducted a public hearing on March 22, 2022 and voted unanimously to recommend approval to City Council as submitted. There was no public comment.

Action:

Approve the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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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 I, IN GENERAL, § 23-2 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 23-2. - Definitions. Park and sports complex.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

Park and sports complex. A tract of publicly owned land one hundred (100) acres or more in size, with athletic fields, active and/or passive recreation facilities and regional attractions such as, but not limited to, zip lines and water parks and associated facilities and activities, dog parks, biking/hiking trails, water activities, and entertainment/gathering venues. Such facilities may also have accessory on-site sales and consumption of food, legal beverages, gifts, clothing, ticket sales, fee-based recreational activities, equipment rental and similar activities.

Section 2:

That *Section 23-2. - Definitions. Public park and recreation facilities.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

Public park and recreation facilities: Any ~~noncommercial~~ park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility including community centers, passive and active outdoor uses and indoor uses, and all structures associated with such uses. Supportive commercial activities such as food and merchandise vending, sports, leisure and tourism activities and the like are permissible within parks with City approval, whether through direct management, sponsorship, or franchising.

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 _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 4.4.2022

SECOND READING: 5.2.2022

REVIEWED:

City Manager

ORDINANCE: 22-20

6C. ZONING ORDINANCE TEXT AND MAP AMENDMENT ZTX-22-3: City staff has initiated an amendment to the zoning ordinance text to revise the definition of *Park and Sports Complex* and *Public Park and Recreation Facilities* to include supported commercial and/or fee-based recreational activities approved by the City.

Proposed Changes

Staff is proposing a text amendment to the Zoning Ordinance revising park definitions to allow supported commercial and/or fee-based activities to occur within these uses. These definition changes give City staff some flexibility to address issues in our City, such as kayak tours and launches at public landings and future sport tourism needs.

The proposed amendment addresses one existing section in *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined, deleted matter struck).

Sec. 23-2. - Definitions.

Park and sports complex. A tract of publicly owned land one hundred (100) acres or more in size, with athletic fields, active and/or passive recreation facilities and regional attractions such as, but not limited to, zip lines and water parks and associated facilities and activities, dog parks, biking/hiking trails, water activities, and entertainment/gathering venues. Such facilities may also have accessory on-site sales and consumption of food, legal beverages, gifts, clothing, ticket sales, fee-based recreational activities, equipment rental and similar activities.

Public park and recreation facilities: Any ~~noncommercial~~ park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility including community centers, passive and active outdoor uses and indoor uses, and all structures associated with such uses. Supportive commercial activities such as food and merchandise vending, sports, leisure and tourism activities and the like are permissible within parks with City approval, whether through direct management, sponsorship, or franchising.

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 4, 2022.

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-22-3] 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-22-3] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).