

## REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 3, 2022

Agenda Item: 7B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 28, 2022
Subject: Request to rezone 17.2 acres on Highway 90 from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A) [Z-22-24]	Division: Planning and Development

**Background:**

Chad Hatley, agent for the owner, has requested that the City of North Myrtle Beach rezone approximately 17.2 acres of property located on Highway 90 from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A). The subject property is currently vacant and undeveloped and identified by PINs 349-00-00-0034 and 349-02-04-0003. Surrounding parcels within City limits are zoned HC; adjacent unincorporated county parcels are zoned Commercial Forest Agriculture (CFA), Planned Development District (PDD), and High Bulk Retail (RE4).

**Comparison of Existing and Proposed Zoning:**

The purpose of the HC district is to provide commercial opportunities to the traveling public, and areas in the community where large-scale commercial projects may take place with minimal impact on contiguous residential development. This district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility. The purpose of the R-2A district is to permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure.

Permitted uses within HC districts include the following: Personal service establishments; convenience, primary and secondary retail establishments; general business services; funeral homes and accessory crematoriums; professional offices; commercial recreation establishments; churches, places of worship, and religious institutions including accredited educational facilities when accessory thereto; motels, hotels, lodges, and inns; hospitals, clinics, nursing and convalescent homes; educational institutions; armories, lodges and civic clubs; commercial and training schools; animal hospitals and veterinary clinics; automobile service and repair; public and private transportation service and facilities; commercial parking lots and structures; adult entertainment establishments; signs as permitted by Article III; accessory uses incidental to multifamily dwellings, hotels, motels, inns, lodges and resort residential; other accessory uses; cemeteries; and video gaming machines or stations. The R-2A district allows dwellings, including single-family detached, semidetached, duplex, multiplex, townhouse developments, multifamily, and zero lot line single-family detached developments; nursing homes; accessory uses customarily incidental to dwellings; and signs as permitted by Article III. The following tables detail the development standards for both districts:

**HC District**

		Single-Family Dwelling	Multifamily Dwellings	Hotels, Motels, Resort Accommodations	All Other Uses <sup>3</sup>
Minimum Site Area (SF)		NA	15,000	15,000	10,000
Minimum Lot Area per Dwelling Unit		10,000	1,350	NA	NA
Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet <sup>5</sup>	1	1	8 <sup>2</sup>
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet <sup>4</sup>
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes: <sup>1</sup> Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building more than eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For the purpose of calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

<sup>2</sup> On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in width.

Width of Project	Side Yard Required (2 Sides)
To 200 feet	8 feet
201—400 feet	16 feet
401—600 feet	30 feet

<sup>3</sup> "Big box" retail shall provide the following: All lighting systems installed within the parking area shall use a ninety-degree (or less) cutoff luminaire angled away from noncommercial properties with a maximum height of thirty (30) feet measured from the base of the pole when installed. All lamp posts shall be contained within a landscape island. Reference article VII, general supplemental, developments of regional significance, for guidelines and standards affecting gross retail square footage of seventy-five thousand (75,000) square feet or greater.

<sup>4</sup> With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

<sup>5</sup> A five-foot side yard setback shall be required for substandard lots of record.

*Continued Next Page*

## R-2A District

		Single-family Detached	Semi-Detached	Duplex	Multiplex	Townhouse	Multi-Family	Camp Recreational or Educational
Minimum Site Area (SF)		5,000	7,000	7,000	10,000	16,000	15,000	20 Acres
Minimum Lot Area* (SF)		5,000	3,500	3,500	2,000	2,000	1,350	NA
Minimum Lot Width		50 feet	35 feet	55 feet	75 feet	14 feet <sup>5</sup>	100 feet	200 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet <sup>1</sup>	7.5 feet	7.5 feet	<sup>2</sup>	<sup>3</sup>	15 feet
	Rear	20 feet	20 feet	20 feet	20 feet	<sup>4</sup>	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA
Common Open Space		NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum Height of Signs					10 feet	10 feet	10 feet	10 feet
Floor Area Ratio								.15

Minimum distance between buildings: Where more than one (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building.

\* Per dwelling unit.

Notes: <sup>1</sup> 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 interior common property line.

<sup>2</sup> Zero (0) 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.

<sup>3</sup> Ten (10) feet for the first thirty-five (35) feet in height and fifteen (15) feet for buildings in excess of thirty-five (35) feet in height.

<sup>4</sup> Rear yard 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.

<sup>5</sup> 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 Highway Commercial on the Future Land Use Map, and the request is inconsistent with the Comprehensive Plan. In addition to the inconsistency, Planning staff notes uses such as multi-family are allowed conditionally in the HC zoning. However, multi-family would require a mix of commercial and residential uses and would cap the residential use at 50% or 75% of the building area dependent on building height.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on September 20, 2022 and voted unanimously to recommend approval of the rezoning request, citing 'C', to recognize substantial change or changing conditions or circumstances in a particular locality. Public comment was concerned about the increasing density in the area. A proposed ordinance has been attached for Council's review.

**Recommended Action:**

Approve or deny the proposed ordinance on first reading

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH  
AMENDING THE OFFICIAL ZONING MAP TO REZONE AN  
AREA FROM HIGHWAY COMMERCIAL (HC) TO MID-RISE  
MULTIFAMILY RESIDENTIAL (R-2A).**

**WHEREAS**, Chad Hatley, agent for the owner, has applied for the rezoning of two (2) lots containing approximately 17.2 acres identified by PINs 349-00-00-0034 and 349-02-04-0003, as referenced on Exhibit A: Zoning Map (Z-22-24) prepared by City of North Myrtle Beach Planning and Development Department. The applicant is requesting to change the zoning district from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A); 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 Mid-Rise Multifamily Residential (R-2A); 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 properties Mid-Rise Multifamily Residential (R-2A) in accordance with the attached reference map entitled “Exhibit A: Zoning Map (Z-22-24).”

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

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

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

APPROVED AS TO FORM:

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

REVIEWED:

FIRST READING: 10.3.2022  
SECOND READING: \_\_\_\_\_

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

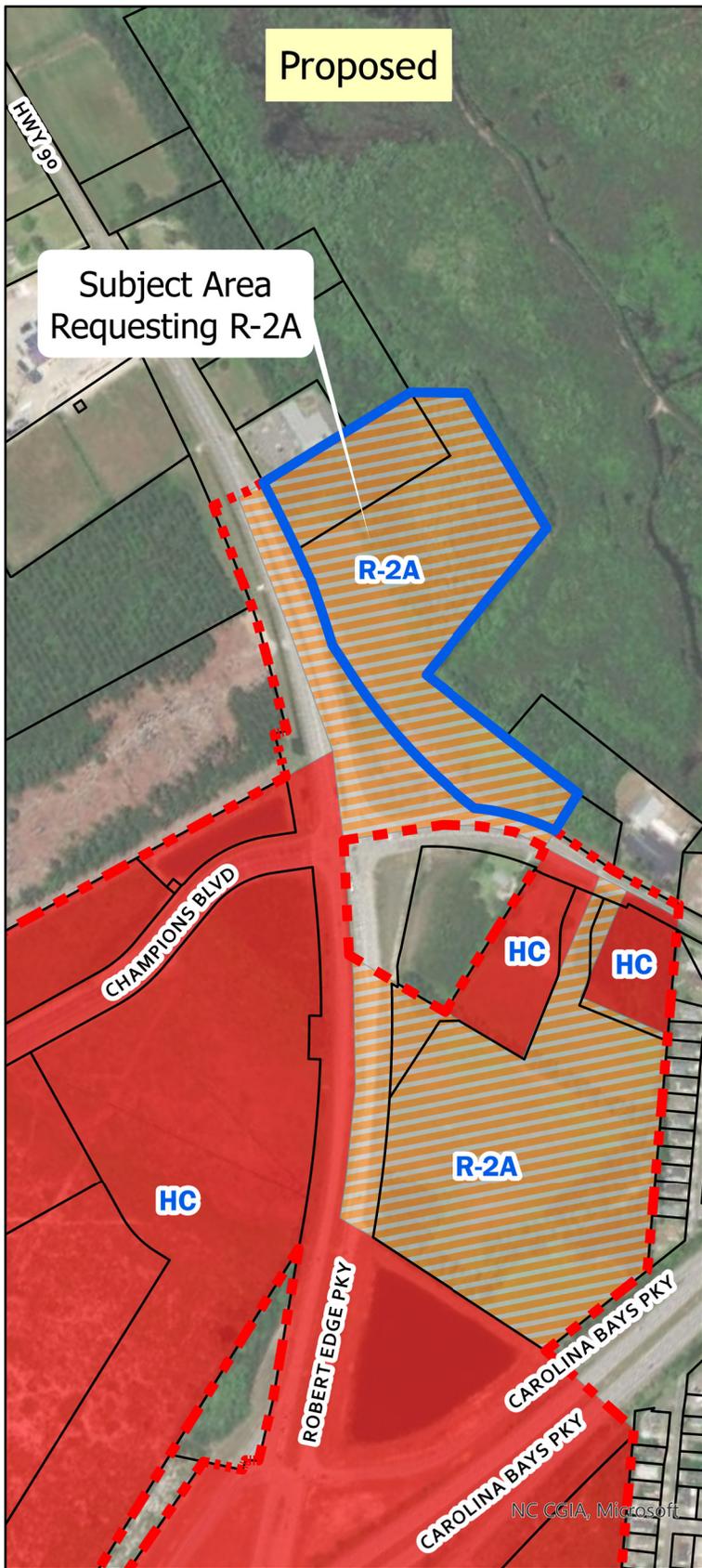
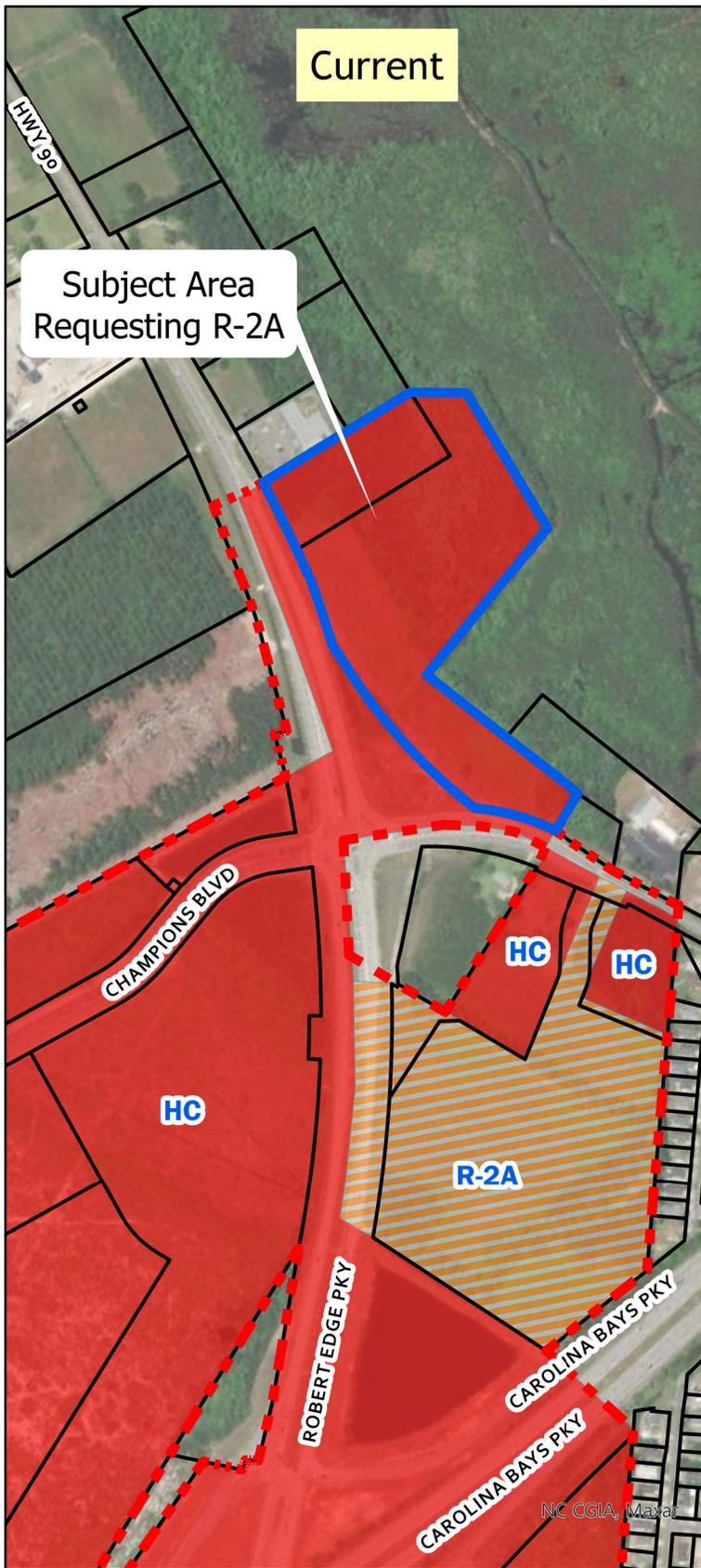
ORDINANCE: \_\_\_\_\_

Current

Proposed

Subject Area Requesting R-2A

Subject Area Requesting R-2A



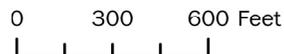
-  Subject Area
-  North Myrtle Beach City Limit

### Legend

#### Zoning District

 HC

 R-2A



## Exhibit A: Zoning Map Z-22-24

**6F. REZONING REQUEST Z-22-24:** The Planning & Development Department received an application requesting a rezoning of two parcels containing approximately 17.2 acres located at the intersection of Highway 90 and Robert Edge Parkway, PINs 349-00-00-0034 and 349-02-04-0003, from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A).

**Existing Conditions and Surrounding Land Uses:**

Located on Highway 90, the parcels are vacant and undeveloped. Surrounding parcels within City limits are zoned HC; adjacent unincorporated county parcels are zoned Commercial Forest Agriculture (CFA), Planned Development District (PDD), and High Bulk Retail (RE4).

**Comparison of Existing and Proposed Zoning:**

The purpose of the HC district is to provide commercial opportunities to the traveling public, and areas in the community where large-scale commercial projects may take place with minimal impact on contiguous residential development. This district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility. The purpose of the R-2A district is to permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure.

Permitted uses within HC districts include the following: Personal service establishments; convenience, primary and secondary retail establishments; general business services; funeral homes and accessory crematoriums; professional offices; commercial recreation establishments; churches, places of worship, and religious institutions including accredited educational facilities when accessory thereto; motels, hotels, lodges, and inns; hospitals, clinics, nursing and convalescent homes; educational institutions; armories, lodges and civic clubs; commercial and training schools; animal hospitals and veterinary clinics; automobile service and repair; public and private transportation service and facilities; commercial parking lots and structures; adult entertainment establishments; signs as permitted by Article III; accessory uses incidental to multifamily dwellings, hotels, motels, inns, lodges and resort residential; other accessory uses; cemeteries; and video gaming machines or stations. The R-2A district allows dwellings, including single-family detached, semidetached, duplex, multiplex, townhouse developments, multifamily, and zero lot line single-family detached developments; nursing homes; accessory uses customarily incidental to dwellings; and signs as permitted by Article III.

The following tables detail the development standards for both districts:

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Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet <sup>5</sup>	1	1	8 <sup>2</sup>
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet <sup>4</sup>
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes:

<sup>1</sup> Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building in excess of eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For the purpose of calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

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<sup>4</sup> With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

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**R-2A District**

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Minimum Lot Width		50 feet	35 feet	55 feet	75 feet	14 feet <sup>5</sup>	100 feet	200 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet <sup>1</sup>	7.5 feet	7.5 feet	<sup>2</sup>	<sup>3</sup>	15 feet
	Rear	20 feet	20 feet	20 feet	20 feet	<sup>4</sup>	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA
Common Open Space		NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum Height of Signs					10 feet	10 feet	10 feet	10 feet
Floor Area Ratio								.15

Minimum distance between buildings: Where more than one (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building.

\* Per dwelling unit.

Notes:

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<sup>4</sup> Rear yard 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.

<sup>5</sup> 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 Highway Commercial as a land use class for the subject area. The permitted uses noted in the compliance index include broad-based commercial, office, and business classifications, large-scale commercial projects, local or regional shopping centers, business complexes, and mixed-use development. may occur over time and is encouraged. The recommended primary zoning districts are HC; General Commercial (GC) and Neighborhood Commercial (NC) are the secondary zoning district alternatives.*

The proposed zoning designation, R-2A, is not a recommended zoning district 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 Neighborhood future land use classification as follows: This is a broad-based commercial, office, and business classification. It is intended to provide commercial opportunities to the traveling public and areas in the community where large-scale commercial projects may take place with minimal impact on contiguous residential development. This classification is designed to support local shopping, regional shopping centers, and business complexes. It will accommodate a wide range of business and commercial uses, clustered where feasible, for “cumulative attraction” and located for optimum accessibility. Many of the existing uses here are already highway-oriented commercial and are likely to remain, but mixed-use development may occur in this designation over time and should be encouraged.*

The proposed R-2A zoning is inconsistent with the Highway Commercial 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-2A zoning district is, “To permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against “overloading” existing infrastructure.”*

The uses permitted in the R-2A district would not 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:

*Access subject to SCDOT review/approval with city concurrence.*

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 available (GSWSA service area).*

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 3, 2022. 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 but notes the inconsistencies with the comprehensive plan. Further, uses such as multi-family are allowed conditionally in the HC zoning. However, it requires a mixing of commercial and residential uses and caps residential uses at 50% or 75% of the building area dependent on building height. Additionally, this intersection is defined as a “Community Activity Center,” in the Horry County comprehensive plan: Community Activity Centers should serve as a central location for community activity, including high density residential units that are integrated into areas of commercial activity and civic space.

*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.

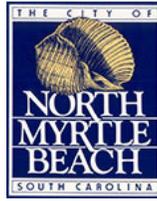
**Planning Commission Action:**

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-22-24] as submitted.  
OR
- 2) I move that the Planning Commission recommend denial of the rezoning request [Z-22-24] as submitted.  
OR
- 3) I move (an alternate motion).

Rezoning Finance Account Code:	<b>3.51</b>
<b>FEE PAID:</b>	\$500 on August 26, 2022
FILE NUMBER:	Z-22-24
Complete Submittal Date:	August 26, 2022



Notice Published:	September 1, 2022
Property Posted:	September 1, 2022
Planning Commission:	September 20, 2022
First Reading:	October 3, 2022
Second Reading:	October 17, 2022

**City of North Myrtle Beach, SC**

**Application for Rezoning**

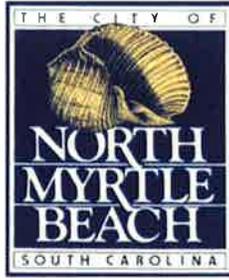
**GENERAL INFORMATION**

<b>Date of Request: August 26, 2022</b>	<b>Property PIN(S): 34900000034, 34902040003</b>
<b>Property Owner(s): MCD 31 Connector LLC</b>	<b>Type of Zoning Map Amendment: Rezoning (not to PDD)</b>
<b>Address or Location: 10423 Hwy 90 and 10383 Hwy 90 @ intersection of Main Street Connector and Hwy 90</b>	<b>Project Contact: Chad Hatley</b>
<b>Contact Phone Number: 18436854426</b>	<b>Contact Email Address: Chatley41@hotmail.com</b>
<b>Current Zoning: HC</b>	<b>Proposed Zoning: R-2A</b>
<b>Total Area of Property: 17.2 Acres</b>	<b>Currently Located in City: Yes</b>

**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: Chad Hatley*

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: 08/21/22

Nature of Approval Requested: Petition for Annexation and Zoning

R-2A



Property PIN(s): 34902040004, 34900000034 and 34902030006

Property Address/Location: subject property sits at the northern most intersection of Hwy 90 and the Robert Edge Pkwy

I, **Ben Powell**, *MEMBER*, hereby authorize **Chad Hatley and Robert Wilfong**  
*MCD 31 CONNECTOR LLC*

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

*BEN P POWELLS* Signature *MCD 31 CONNECTOR LLC*  
Owner/Managing Member

Signature

Title

Title

Signature

Signature

Title

Title

Signature

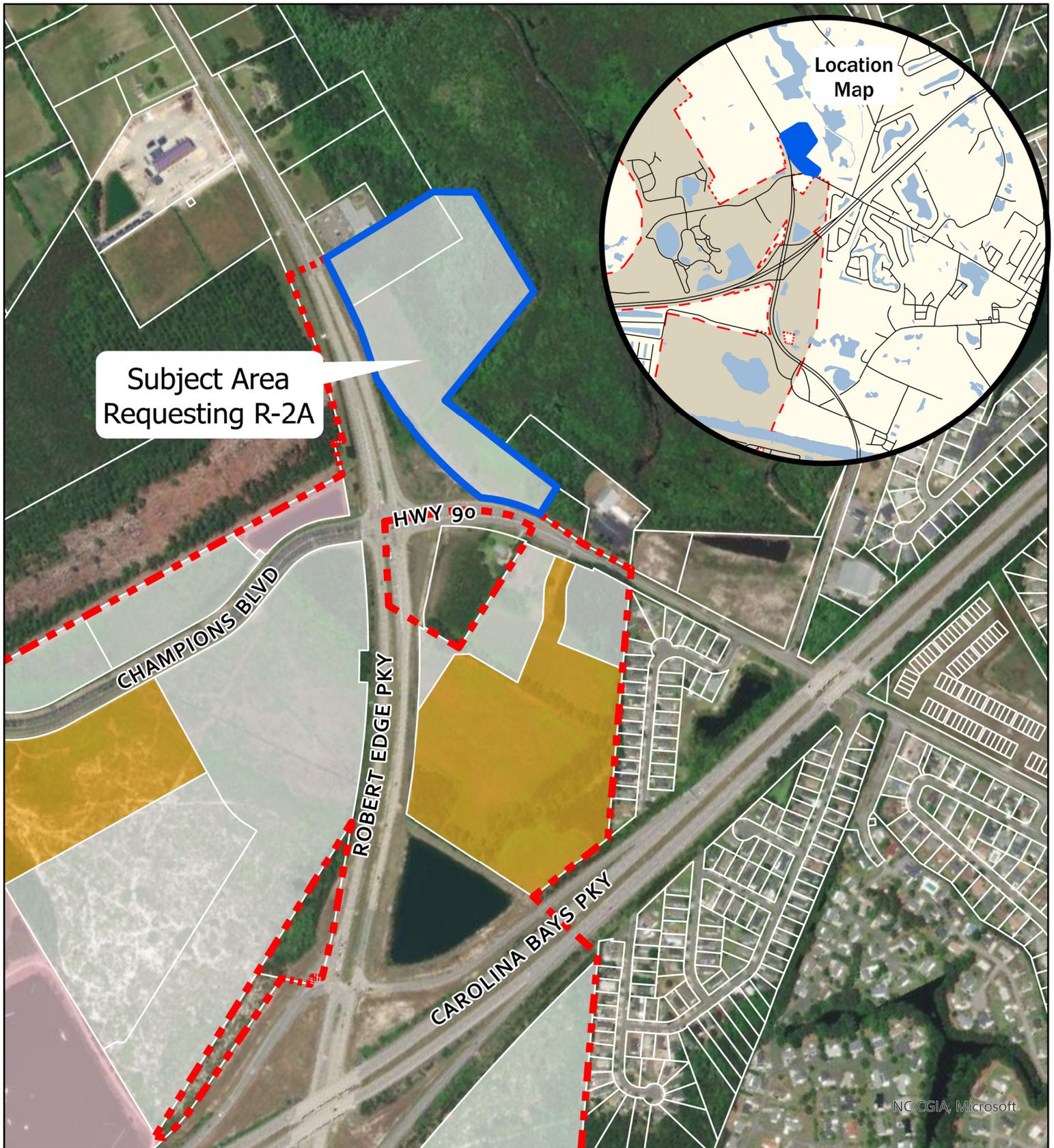
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Title

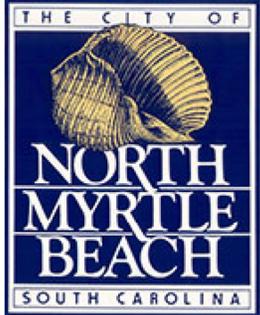
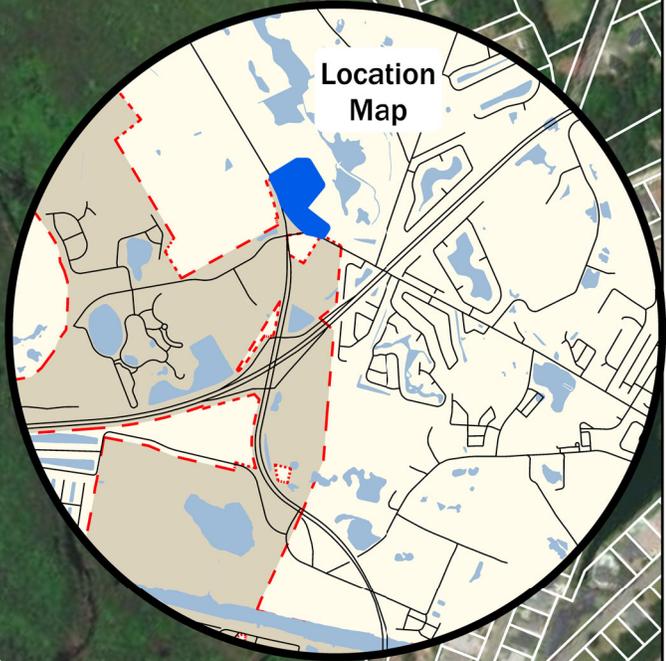
Title

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.





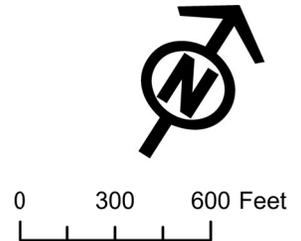
Subject Area Requesting R-2A

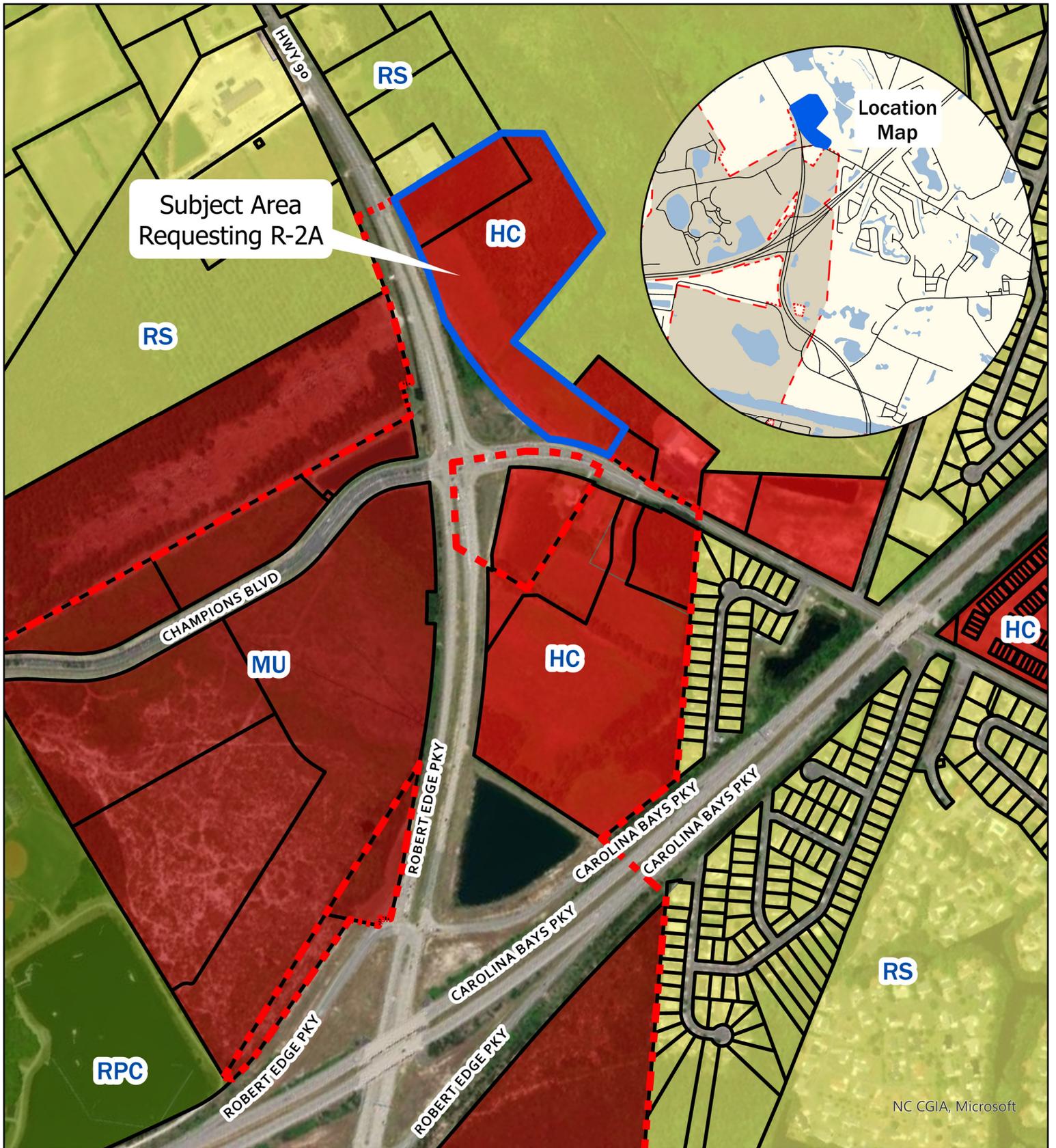


**Legend**

-  Subject Area
-  North Myrtle Beach City Limit
-  Multi-Family
-  Private Common Open Space
-  Vacant

**Existing Land Use**





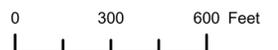
### Legend

-  Subject Area
-  North Myrtle Beach City Limit

#### Future Land Use

-  HC - Highway Commercial
-  MU - Mixed Use

-  RPC - Resource Protection Conservation
-  RS - Residential Suburban



### Future Land Use