

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: October 3, 2022

Agenda Item: 7D	Prepared by: Aaron C. Rucker, AICP
Agenda Section: New Business: Ordinance. First Reading	Date: September 28, 2022
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina revising height exceptions in the Highway Commercial (HC) District [ZTX-22-5]	Division: Planning and Development

**Background:**

Staff is proposing a text amendment to the Zoning Ordinance establishing additional, small allowances to height maximums for non-habitable architectural features used to enhance a building's appearance within the HC zoning district. The current maximum height in HC is 50'; however, exceptions to height maximums already exist for chimneys, church spires, water tanks, parapet walls under 6', and necessary mechanical features not occupying more than 15% of the roof area. Recognizing this amendment affects all properties zoned HC, there is currently private local interest in developing an upscale restaurant/commercial experience within city limits and utilizing a slightly higher height limit for decorative corner towers. A proposed ordinance has been attached for Council's review.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on September 20, 2022 and voted unanimously to recommend approval to City Council as submitted. There was no public comment.

**Recommended Action:**

Approve or deny the proposed ordinance on first 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 \_\_\_\_\_

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, § 23-106 OF SAID CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED:

Section 1:

That Section 23-106. - Measurement of and exceptions to height, be amended to read as follows (new matter underlined, deleted matter struck-through):

Sec. 23-106. - Measurement of and exceptions to height.

The height of a building shall be measured from the mean elevation of the finished grade at the front of a building or structure to the mid-point between the eve and the highest point of the roof: Except that single-family and duplex buildings in designated flood hazard areas, as established by the city's flood damage control ordinance shall be measured from the established "certified floor elevation," to the mid-point between the eve and the highest point of the roof. Height limitations shall not apply to chimneys, church spires, water tanks parapet walls not exceeding six (6) feet, or necessary mechanical features not occupying more than fifteen (15) percent of the roof area. Within the HC District, height limitations shall not apply to non-habitable architectural features such as cupolas, turrets and corner towers, when the aggregate of all features exceeding the maximum building height are not occupying more than twenty (20) percent of the roof area.

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 \_\_\_\_\_, 2022.

ATTEST:

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

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

APPROVED AS TO FORM:

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

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

REVIEWED:

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

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

**6H. ZONING ORDINANCE TEXT AMENDMENT ZTX-22-5:** City staff has initiated an amendment to the zoning ordinance revising height exceptions in the Highway Commercial (HC) district.

**Background:**

Staff is proposing a text amendment to the Zoning Ordinance establishing additional, small allowances to height maximums for non-habitable architectural features used to enhance a building's appearance within the HC zoning district. The current maximum height in HC is 50'; however, exceptions to height maximums already exist for chimneys, church spires, water tanks, parapet walls under 6', and necessary mechanical features not occupying more than 15 % of the roof area. Recognizing this amendment affects all properties zoned HC, staff has been working with a local developer interested in developing an upscale restaurant/commercial experience within city limits and would like to utilize a slightly higher height for decorative corner towers.

**Proposed Changes:**

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

**Sec. 23-106. - Measurement of and exceptions to height.**

The height of a building shall be measured from the mean elevation of the finished grade at the front of a building or structure to the mid-point between the eave and the highest point of the roof: Except that single-family and duplex buildings in designated flood hazard areas, as established by the city's flood damage control ordinance shall be measured from the established "certified floor elevation," to the mid-point between the eave and the highest point of the roof. Height limitations shall not apply to chimneys, church spires, water tanks parapet walls not exceeding six (6) feet, or necessary mechanical features not occupying more than fifteen (15) percent of the roof area. Within the HC District, height limitations shall not apply to non-habitable architectural features such as cupolas, turrets and corner towers, when the aggregate of all features exceeding the maximum building height are not occupying more than twenty (20) percent of the roof area.

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 October 3, 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-22-05] 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-22-05] to the Mayor and City Council with a recommendation of denial.  
OR
- 3) I move (an alternate motion).