

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: October 17, 2022

Agenda Item: 6	Prepared by: Aaron C. Rucker, AICP
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: October 12, 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

**Executive Summary:**

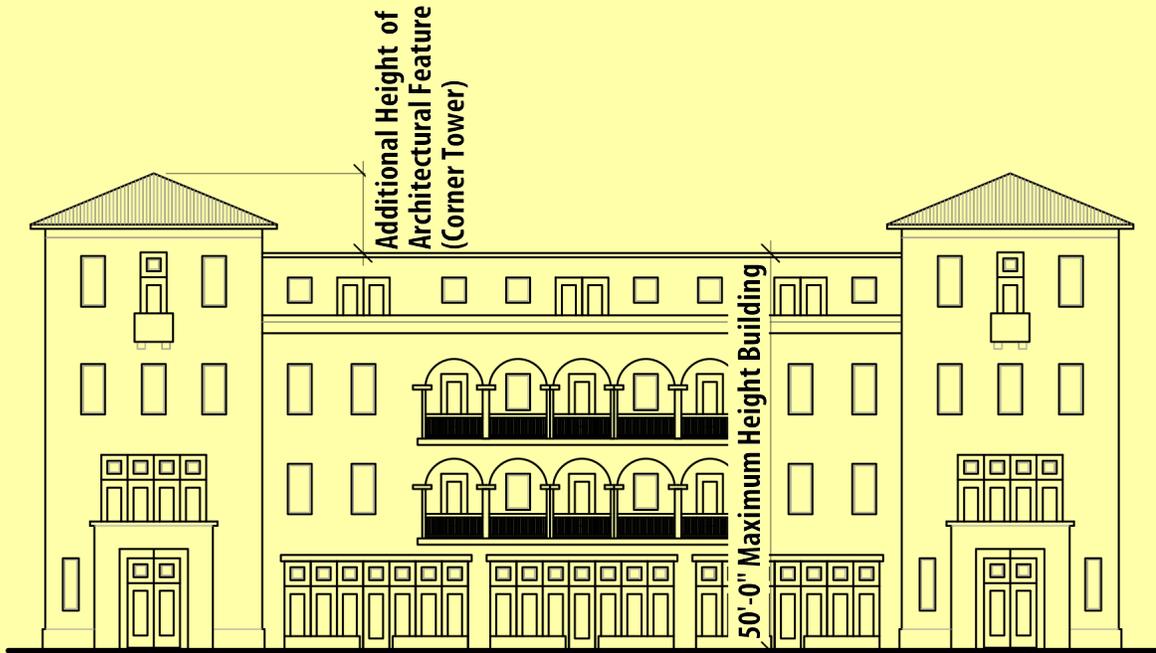
The first reading of the ordinance was passed unanimously by Council on October 3, 2022. The purpose of the proposal is to allow additional exceptions to height maximums that help enhance a building's appearance. Examples illustrating the proposed exception are provided.

**Proposal:**

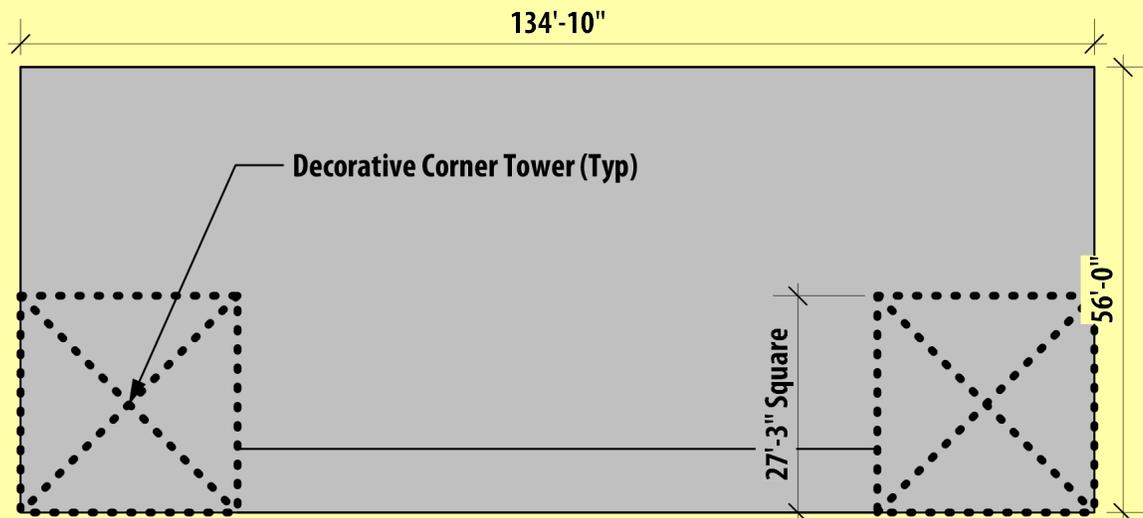
Staff is proposing a text amendment to the Zoning Ordinance establishing additional, small allowances to height maximums for non-habitable architectural features used to enhance a building's appearance within the HC zoning district. The current maximum height in HC is 50'. Exceptions to height maximums already exist for chimneys, church spires, water tanks, parapet walls under 6', and necessary mechanical features meeting a certain percentage maximum.

Allowances would permit non-habitable architectural features such as cupolas, turrets, and corner towers to exceed 50' in height, when the total of all features exceeding the maximum height are not occupying more than **20% of the roof area**. To provide additional protections, language has also been added to allow no more than **40% of the perimeter roof area** to exceed the current 50' height maximum. Additionally, the building articulation provided by elements exceeding the height allowance shall respond to corner conditions, public open spaces, visual axes, or building entries. Recognizing this amendment affects all properties zoned HC, there is currently private local interest in developing a mixed-use experience within city limits incorporating a slightly higher height for decorative corner towers. A proposed ordinance has been attached for Council's review.

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**Figure A.** Elevation view of a mixed use building in Highway Commercial (HC) District taking advantage of the height exception for decorative corner towers. The maximum height of the main building is 50'-0", but the corner towers may extend a maximum of 10'-0" above that maximum height.



**Figure B.** Plan view of a mixed use building in Highway Commercial (HC) District taking advantage of the height exception for decorative corner towers. The area of the total roof is 7,551 square feet; the area of each decorative corner tower is 743 square feet. The decorative corner towers occupy 19.6% of the total roof area (1,486 square feet). The total roof perimeter is 382'; the decorative corner towers occupy 54.5' of the total roof perimeter each, so the decorative corner towers occupy 28.5% of the total roof perimeter (109' total). The decorative corner towers are allowed because they meet the the maximum threshold of 20% of the total roof area and 40% of the total roof perimeter.

**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 second 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 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, THAT:

**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 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 occupying no more than twenty (20) percent of the roof area, no more than forty (40%) percent of the perimeter area. The building articulation provided by these features exceeding the height allowance shall respond to corner conditions, public open spaces, visual axes, or building entries.

**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: 10.17.2022

REVIEWED:

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

ORDINANCE: 22-47

**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).