

## **REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: November 7, 2022

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| Agenda Item: 7B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Prepared by:<br>L. Suzanne Pritchard, PLA, AICP, CFM |                           |
| Agenda Section:<br>New Business: Ordinance. First Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Date: November 2, 2022                               |                           |
| Subject: Amendments to Chapter 20, Land Development Regulations, of the Code of Ordinances of North Myrtle Beach, South Carolina Regarding Wetland Water Quality Buffers [STX-22-1]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Division: Planning and Development                   |                           |
| <p><b><u>Background:</u></b><br/>Due to ongoing concern from staff and citizens, City Council held a workshop June 15, 2022, investigating the opportunities available to better protect wetlands in our community. As the outcome of this workshop, staff has initiated an amendment to the Land Development Regulations creating a wetland water quality buffer across all new development. The current Planned Development District (PDD) zoning requirements create a minimum 20-foot water quality buffer, so this current standard was chosen as a simple, easily enforceable baseline to apply to all zoning districts.</p> <p><b><u>Proposal:</u></b><br/>Staff is proposing a text amendment to the Land Development Regulations to create a minimum 20' wetland water quality buffer. A proposed ordinance has been attached for Council's review.</p> <p><b><u>Planning Commission Action:</u></b><br/>The Planning Commission conducted a public hearing on October 18, 2022 and voted unanimously to recommend approval to City Council as submitted. There was no public comment.</p> <p><b><u>Recommended Action:</u></b><br/>Approve or deny the proposed ordinance on first reading</p> |                                                      |                           |
| Reviewed by Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Reviewed by City Manager                             | Reviewed by City Attorney |
| <p>Council Action:<br/>Motion By _____ 2<sup>nd</sup> By _____ To _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                      |                           |

## 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 20, LAND DEVELOPMENT  
REGULATIONS, ARTICLE III, SUBDIVISION REGULATIONS,  
§20-47 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 20-47. - Special provisions regarding wetlands*, be added to read as follows  
(*new matter underlined*):

### **Sec. 20-47. - Special provisions regarding wetlands.**

- (1) All wetlands proposed to remain on a site shall be surrounded with a minimum 20-foot water quality buffer, within which no building construction shall occur. These areas shall be in common ownership, and shall remain naturalized, with the exception that a multipurpose path not exceeding ten (10) feet in width may be constructed within them. Such paths may be utilized for recreation, and/or access for maintenance equipment.
- (2) This required buffer does not prevent the construction of permitted docks (or similar) in water bodies, protected or otherwise.
- (3) Boardwalks and trails created to facilitate access and enjoyment of wetlands may be allowed, if permittable. These elements should be constructed with the intent to provide interpretive opportunities that educate and expose the beauty and natural functions of wetlands, build support for the protection and restoration of wetlands, or provide for other ecotourism opportunities.
- (4) The provisions of this section shall apply to all new subdivisions and site-specific development plans. If no property owners association or homeowners association exists or will exist to maintain common ownership of the wetland buffers, the buffer will remain in private ownership. All wetland buffers shall be depicted on a final plat of record.

### **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

REVIEWED:

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

FIRST READING: 11.7.2022

SECOND READING: \_\_\_\_\_

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

**5C. LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT STX-22-1:** City staff has initiated an amendment to the land development regulations creating a wetland water quality buffer.

**Background:**

Due to ongoing concern from staff and citizens, City Council held a workshop June 15, 2022, investigating the opportunities available to better protect wetlands in our community. As the outcome of this workshop, staff has initiated an amendment to the Land Development Regulations creating a wetland water quality buffer across all new development. The current planned development district (PDD) zoning requirements create a minimum 20-foot water quality buffer, so this current standard was chosen as a simple, easily enforceable baseline to apply to all zoning districts.

**Proposed Changes**

Staff is proposing a text amendment to the Land Development Regulations to create a minimum 20' wetland water quality buffer.

The proposed amendment addresses **Division 5. – Minimum Design Standards** of *Chapter 20, Land Development Regulations* and would appear in the Ordinance as follows (new matter underlined):

**Sec. 20-47. –Special provisions regarding wetlands.**

- (1) All wetlands proposed to remain on a site shall be surrounded with a minimum 20-foot water quality buffer, within which no building construction shall occur. These areas shall be in common ownership, and shall remain naturalized, with the exception that a multipurpose path not exceeding ten (10) feet in width may be constructed within them. Such paths may be utilized for recreation, and/or access for maintenance equipment.
- (2) This required buffer does not prevent the construction of permitted docks (or similar) in water bodies, protected or otherwise.
- (3) Boardwalks and trails created to facilitate access and enjoyment of wetlands may be allowed, if permissible. These elements should be constructed with the intent to provide interpretive opportunities that educate and expose the beauty and natural functions of wetlands, build support for the protection and restoration of wetlands, or provide for other ecotourism opportunities.
- (4) The provisions of this section shall apply to all new subdivisions and site-specific development plans. If no property owners association or homeowners association exists or will exist to maintain common ownership of the wetland buffers, the buffer will remain in private ownership and shall be designated as an easement.

According to § 20-25, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Land Development Regulation amendments is 30 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 anticipated to occur on November 7, 2022.

**Planning Commission Action**

The Planning Commission may approve, approve with modifications and/or conditions; or disapprove the proposal, as submitted.

**Alternative Motions**

- 1) I move that the Planning Commission forward the Land Development Regulations text amendment [STX-22-1] to the Mayor and City Council with a recommendation of approval.

OR

- 2) I move that the Planning Commission forward the Land Development Regulations text amendment [STX-22-1] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).