

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 21, 2023

Agenda Item: 7H	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: August 16, 2023
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding the standards governing swimming pools as an accessory use [ZTX-23-2]	Division: Planning and Development

Proposal:

Staff is proposing a text amendment to the Zoning Ordinance revising where swimming pools are allowed. Currently, pools must be located completely behind the rear of a dwelling. However, if a house has articulation to the rear façade this can require the owner to seek a variance to have a pool on their property (see figure below). A proposed ordinance has been attached for Council's review.

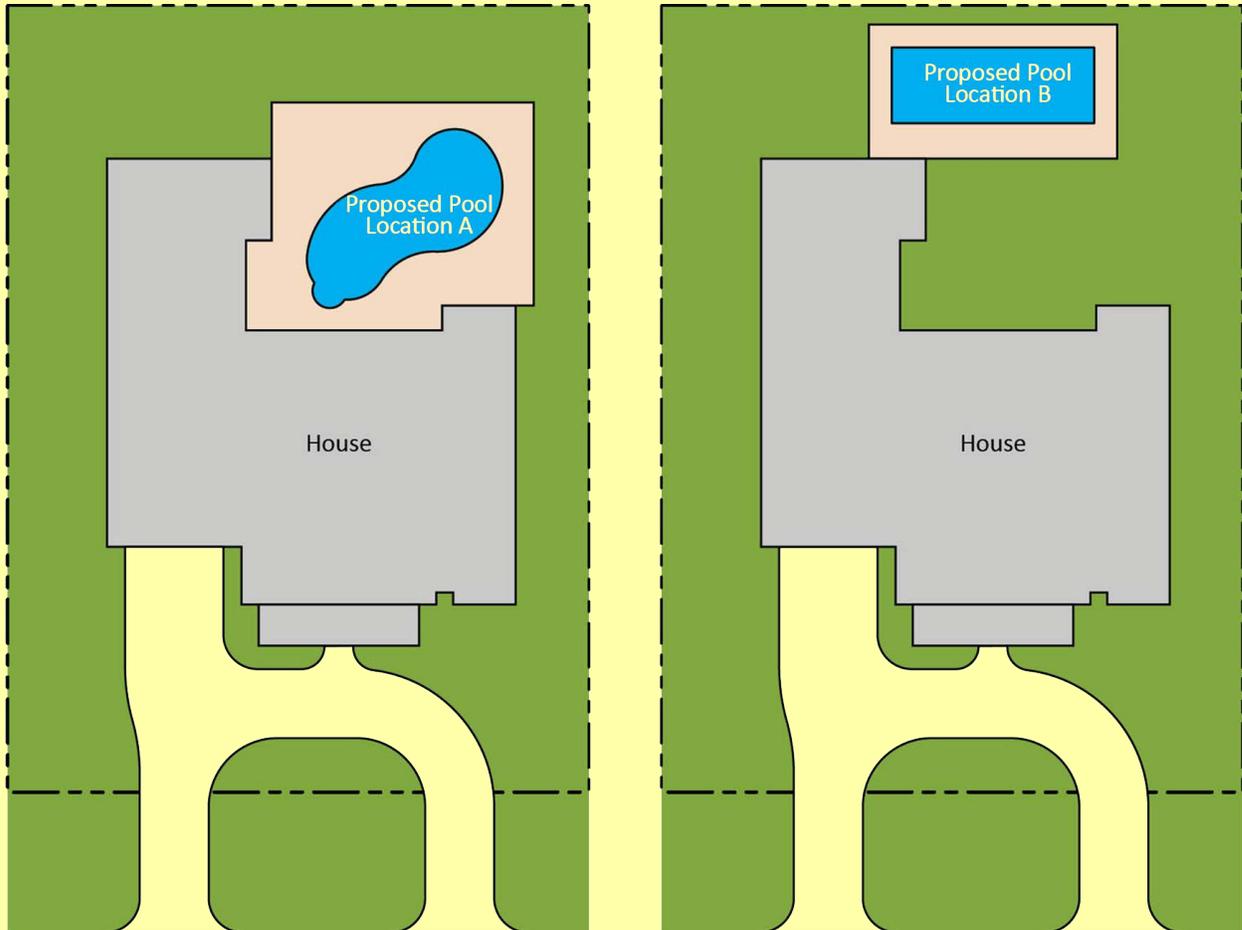


Figure 1. The proposed pool in Location A would not be allowed by current ordinance without a variance. The only pool layout allowed on the current lot would have to be in Location B.

Planning Commission Action:

The Planning Commission conducted a public hearing on July 18, 2023 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

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 VII—GENERAL AND SUPPLEMENTAL REGULATIONS, § 23-107—ACCESSORY BUILDINGS AND USES, 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 23-107. – Accessory buildings and uses.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

Sec. 23-107. - Accessory buildings and uses.

- (1) Accessory detached garages for single-family residential subject to the following conditions:
 - (a) The setbacks for the district regulations in which the use is located are met.
 - (b) The building is no larger than six hundred twenty-five (625) square feet or thirty (30) percent of the gross square footage of the principal residence, whichever is greater not to exceed nine hundred (900) square feet.
- (2) Customary accessory uses to certain principal land uses. In each case, the heated square footage for any structure(s) containing the customary accessory use shall not exceed twenty-five (25) percent of the primary use structures heated square footage.
 - (a) *Church*. Customary accessory uses to a church may include any combination of the following:
 - i. child and adult daycare operations;
 - ii. meeting space for community service or non-profit groups;
 - iii. gymnasium or other recreation facilities and activities;
 - iv. classroom space for educational programs;
 - v. kitchen for preparation of food consumed on or off the premises;
 - vi. gift shops;
 - vii. pastoral counseling.
 - (b) *Golf course*. Customary accessory uses to a golf course may include any combination of the following:
 - i. pro shop offering for sale or rent of golf clubs, golf balls, apparel, and similar gear typically used by golfers during play;
 - ii. clubhouse for the offering of meeting spaces, events, and social gatherings;

- iii. restaurants, snack bars, or similar uses owned and operated by the owners of the clubhouse, but excluding fast-food franchises;
- iv. tennis courts, swimming pools, health spas, and other similar uses as determined by the Zoning Administrator;
- v. golf instruction, schooling, and lessons for improvement of play;
- vi. office space for organizations, whether for-profit or non-profit, whose primary mission is to promote the game of golf locally or regionally.

(c) *Hotels.* For accessory uses, reference the hotel regulations contained within the zoning districts R-4, Resort Residential, RC Resort Commercial, HC Highway Commercial, and GC General Commercial.

(3) Accessory buildings and uses may be located in required yards, under the following conditions:

Accessory Use	Conditions	
Off-street parking	May be located in required yards of all zoning districts, except that off-street parking shall not be allowed in any required perimeter landscaped area.	
Signs	May be located in required yards in all zoning districts, subject to the provisions of article III.	
Accessory structures or buildings	(1)	Are permitted in all zoning districts except the R-1, R-1A, R-2, R-2A and R-3 Districts, subject to the setback and building separation requirements of the district.
	(2)	In the R-1, R-1A, R-2, R-2A, and R-3 Districts only one (1) accessory structure shall be permitted per lot provided said structure:
	(a)	Does not exceed one (1) story in height.
	(b)	Does not exceed one hundred fifty (150) square feet in gross floor area.
	(c)	Is at least five (5) feet from any side or rear property line.
	(d)	Maintains a minimum five-foot separation from the principal building on the lot.
	(e)	Is located behind the rear building line of the structure.
	(f)	Is subject to the setback requirement of the district on double frontage lots.
	(3)	Are prohibited within designated project (site) yard setbacks for zero lot line and townhouse residential developments.
Fences and walls	Excluding the following exceptions, fences and walls are prohibited in the required side yards of the Coastal Protection Overlay Zone. For purposes of this regulation and notwithstanding section 23-2, definition of side yard, required side yards shall be extended from the rear of the front yard to the rear property line.	

	(1)	Fences no higher than three (3) feet with posts no closer spaced than eight (8) feet and connected by no more than two (2) ropes or rails no greater than four (4) inches in diameter.
	(2)	Swimming pool fences subject to the following:
	(a)	At least a five-foot setback.
	(b)	Maximum opacity of fifty (50) percent.
	(c)	Maximum fence height four (4) feet from grade to top.
	(d)	Aluminum or PVC (polyvinyl chloride) construction.
	(3)	Sand fencing on the oceanfront subject to the requirements of the oceanfront overlay zone in section 23-31(c)(9).
	(4)	A fence that has a decorative masonry base of no higher than eighteen (18) inches and an approved clear glass structure above the base provided that overall height of the fence is no higher than forty-eight (48) inches: provided that:
	▲(a)	There is no signage on the glass except for the project name on the gate enclosure.
	▲(b)	That the glass remains clearly transparent with no sandblasting scars and cracking.
	▲(c)	That the glass remains clearly transparent with proper cleaning and maintenance.
Swimming pools (unenclosed and inground)		May be located in required yards in all zoning districts except the R-1, R-1A, R-2, R-2A, and R-3 Districts, where such uses shall be permitted only in rear yards <u>behind the majority of the dwelling</u> provided said uses shall be no closer than five (5) feet from the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
		Restaurants meeting the conditions for approval as conditional use in the R-4 district shall meet the parking required for the conditional use as spelled out in section 23-22(5).
Tennis courts		May be located in required yards in all zoning districts except the R-1, R-1A, R-2, R-2A, and R-3 Districts, where such uses shall be permitted only in rear yards provided said uses shall be no closer than ten (10) feet from the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.
Satellite dishes		May be located in required front, side and rear yards in all districts except the R-1, R-1A, R-2, R-2A, and R-3 Districts, where they are prohibited in side and front yards, provided such uses, where permitted shall observe a ten-foot setback from all property lines.

(4) Lighting on accessory uses and accessory amenity areas.

1. No light pole shall exceed twenty (20) feet.
2. No floodlights are permitted.

3. Light fixtures shall be aimed down at least forty-five (45) degrees with the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.
4. The maximum light level shall not be greater than twenty-four (24) maintained foot-candles. The maximum light level adjacent to any residential property line shall not exceed five-tenths (0.5) foot-candles.
5. The maximum light level adjacent to any street right-of-way shall not exceed two (2.0) foot-candles.

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 _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 8.21.2023
SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____

6G. ZONING ORDINANCE TEXT AMENDMENT ZTX-23-2: City staff has initiated an amendment to the zoning ordinance revising the standards governing swimming pools as an accessory use.

Proposed Changes

Staff is proposing a text amendment to the Zoning Ordinance revising where swimming pools are allowed. Currently, pools must be located completely behind the rear of a dwelling. However, if a house has articulation to the rear façade this can require the owner to seek a variance to have a pool on their property (see figure below).

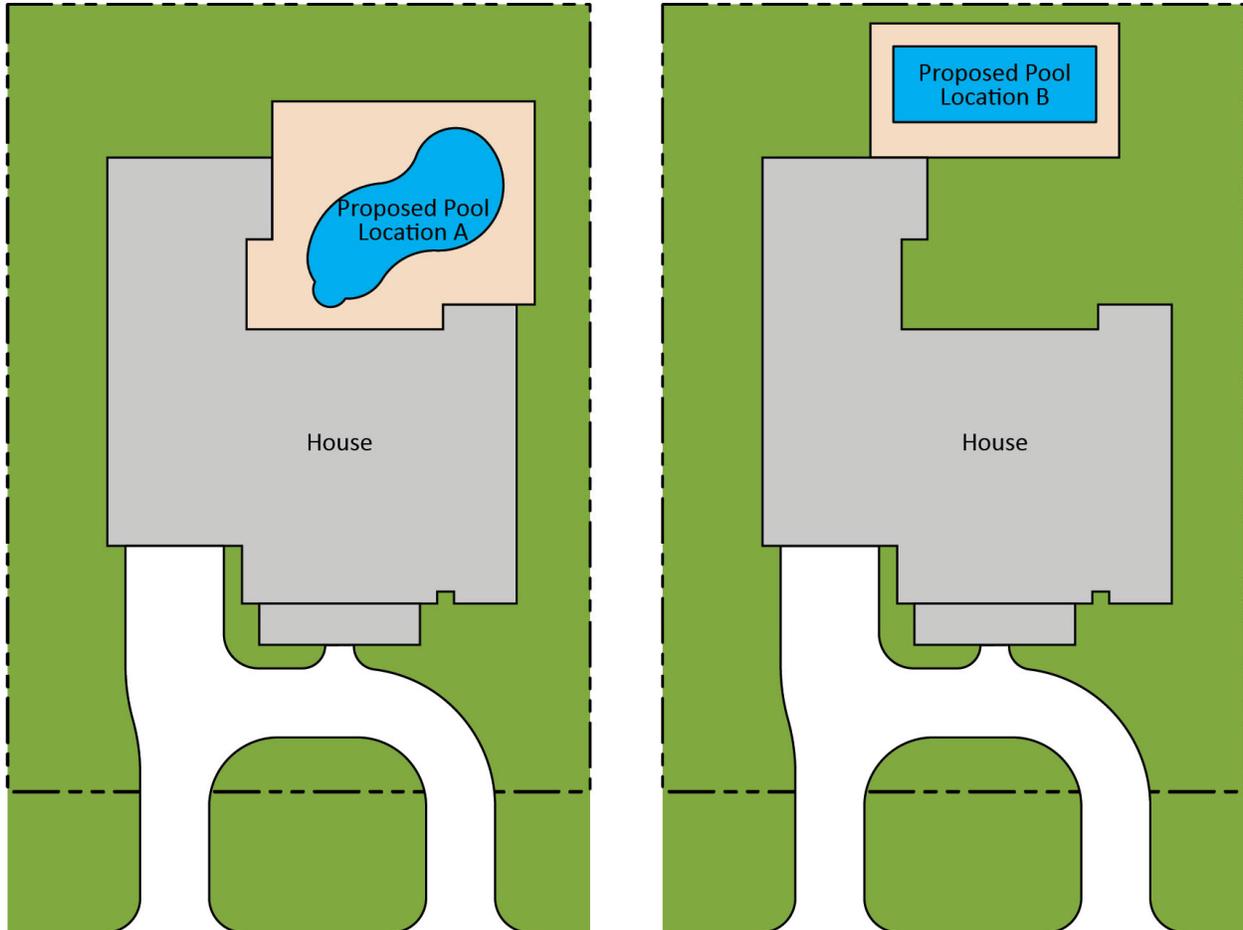


Figure 1. The proposed pool in Location A would not be allowed by current ordinance without a variance. The only pool layout allowed on the current lot would have to be located in Location B.

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).

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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 August 21, 2023.

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-23-2] 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-23-2] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).