



PLANNING COMMISSION MEETING AGENDA

Tuesday, February 22, 2022 – 5:00 P.M.

Morning Workshop 9:15 A.M.

1018 Second Avenue South - North Myrtle Beach, SC

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS: Sports Park Expansion
4. APPROVAL OF MEETING MINUTES: February 8
5. OLD BUSINESS
6. NEW BUSINESS
 - A. **SWEARING IN OF NEWLY APPOINTED BOARD MEMBERS**
 - B. **ANNEXATION & ZONING DESIGNATION Z-22-3:** City staff received a petition to annex lands on Cenith Drive totaling ±0.79 acres and identified by PIN 357-02-04-0052. The lot is currently unincorporated and zoned Commercial Forest Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.
 - C. **ZONING ORDINANCE TEXT AND MAP AMENDMENT ZTX-22-1:** City staff has initiated an amendment to the zoning ordinance text to revise the Crescent Beach Neighborhood Overlay (CBNO) by extending the boundaries and creating standards governing height, uses, and design along the oceanfront and second row.
7. ADJOURNMENT

Respectfully submitted,

Aaron C. Rucker, AICP
Principal Planner

Notice to the Public of Rights under Title VI

- The City of North Myrtle Beach operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of North Myrtle Beach. Complaints must be filed within 180 days of the alleged discriminatory act.
- If information is needed in another language, contact (843)280-5555.
- ~Si se necesita *información en otro idioma llame al (843)280-5555.*

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION OR PARTICIPATION SHOULD CONTACT 843-280-5555 AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.

CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
PLANNING COMMISSION MEETING
Tuesday, February 8, 2022
5:00 PM

MINUTES

Harvey Eisner, Chairman
Silvio Cutuli
Tom Edwards, Absent
Ruth Ann Ellis
Ed Horton
Callie Jean Wise, Absent

City Staff:
Aaron Rucker, Principal Planner
Suzanne Pritchard, Senior Planner
Chris Noury, City Attorney
Allison Galbreath, City Clerk

1. **CALL TO ORDER:** Chairman Eisner called the meeting to order at 5:00 PM.
2. **ROLL CALL:** The City Clerk called the roll.
3. **COMMUNICATIONS:** None
4. **APPROVAL OF MEETING MINUTES:** The motion to approve the minutes for the January 4, 2022 meeting, as presented, was made by Commissioner Horton and seconded by Commissioner Ellis. Chairman Eisner called for the vote. The motion passed 4-0.
5. **OLD BUSINESS:** None
6. **NEW BUSINESS:**
 - A. **ANNEXATION & ZONING DESIGNATION Z-22-1:** City staff received a petition to annex lands on Riverside Drive totaling ±0.49 acres and identified by PIN 311-16-04-0011. The lot is currently unincorporated and zoned manufactured/Mobile Single-Family Residential (MSF 10) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently. Ms. Pritchard stated this item was discussed during the morning workshop.

Having no comments from the public or Commission, Chairman Eisner called for a motion. Commissioner Cutuli motioned to approve the Annexation & Zoning Designation Z-22-1, as submitted, and was seconded by Commissioner Ellis. The motion to approve passed 4-0.
 - B. **MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT Z-22-2:** City staff received an application for a major amendment to the Parkway Group Planned Development District (PDD) creating the Palmetto Coast Industrial Park through changes to the governing documents, including narrative, plans, and elevation. Ms. Pritchard stated the staff requested to postpone this agenda item until a later date.

Having no comments from the public or Commission, Chairman Eisner called for a motion. Commissioner Cutuli motioned to postpone the Major Planned Development District Amendment Z-22-2, as submitted, and was seconded by Commissioner Horton. The motion to approve passed 4-0.
 - C. **FIRST PUBLIC HEARING REGARDING THE DEVELOPMENT AGREEMENT ASSOCIATED WITH THE MAJOR PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT CASE Z-22-2 AND REVISIONS TO THE PARKWAY GROUP PDD:** The North Myrtle Beach Planning Commission will host the first of two public hearings regarding the proposed Separate and Independent Amendment to the Master Development Agreement associated with the major

amendment to the Parkway Group PDD. The proposal creates an independent agreement for the Palmetto Coast Industrial Park.

Having no comments from the public or Commission, Chairman Eisner called for a motion. Commissioner Cutuli motioned to postpone the Major Planned Development District Amendment Z-22-2, as it was in connection with the previous agenda item, and was seconded by Commissioner Horton. The motion to approve passed 4-0.

- D. STREET PLANNING MANUAL UPDATE SPM-22-1:** City staff has revised the Street Planning Manual to require radio-activated switches instead of siren-activated switches at the request of the Fire Marshal.

Having no comments from the public or Commission, Chairman Eisner called for a motion. Commissioner Horton motioned to approve the Street Planning Manual Update SPM-22-1, as submitted, and was seconded by Commissioner Cutuli. The motion to approve passed 4-0.

- E. FINAL SUBDIVISION PLAT SUB-22-1:** A major final plat of subdivision creating eight single-family lots, open space, and rights-of-way in the Briarcliffe Commons subdivision. Ms. Pritchard stated the Planning Commission approved the preliminary plat on November 17, 2020. It was consistent with the zoning and a financial guarantee of \$188,962.50 had been approved by the City Engineer.

Susan Stanton, 1100 Commons Boulevard, Unit 1304, North Myrtle Beach, stated their pond would be emptying directly in the pond behind their building. She asked if this had been thoroughly reviewed. She was concerned about overflow, especially during a hurricane. The pond they were proposing was on a hill. She didn't know what the pond would be retaining. Everything would drain into the pipe that flowed into the pond directly behind their building. She asked if this had been given any consideration or discussion as far as the possibility of a problem when there was a storm. She stated they were not in a flood zone, but it was a concern, because the pipe was so huge. She stated this land was much higher and everything flowed down hill. She asked if the Board had addressed this with the developer and the potential problem. Ms. Pritchard stated prior to the preliminary plat being approved, a maintenance agreement was in place for the larger pond. In speaking with the Public Works Department, Ms. Pritchard was told the pond would be rarely used as an overflow because of the sandy soil that was around the pond. The maintenance agreement was in place with the owner of the pond, which was separate from the people that lived in the area. Ms. Stanton wanted to know if they had a problem with the pond who they would bring their concerns to. Ms. Pritchard stated the Public Works Department would address their concerns.

Having no further comments from the public or Commission, Chairman Eisner called for a motion. Commissioner Horton motioned to approve the Final Subdivision Plat SUB-22-1, as submitted, and was seconded by Commissioner Ellis. The motion to approve passed 4-0.

7. ADJOURNMENT:

Chairman Eisner called for a motion to adjourn the meeting. The next meeting would be February 22, 2022. Commissioner Cutuli motioned to adjourn the meeting and was seconded by Commissioner Ellis. The meeting adjourned at 5:13 PM.

Respectfully submitted,

Allison K. Galbreath
City Clerk

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING.

6B. ANNEXATION & ZONING DESIGNATION Z-22-3: City staff received a petition to annex lands on Cenith Drive totaling ±0.79 acres and identified by PIN 357-02-04-0052. The lot is currently unincorporated and zoned Commercial Forest Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.

Existing Conditions and Surrounding Land Uses:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1 and Single-Family Low-Medium Density (R-1B); adjacent unincorporated county parcels are zoned SF 14.5 and Commercial Forest Agriculture (CFA).

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 Residential Suburban as a land use class for the subject area. The principal permitted uses noted in the compliance index include primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots. The recommended primary zoning district is R-1; R-1A and R-1B are the secondary zoning district alternatives.

The proposed zoning designation, R-1 (Single-Family Residential Low-Density), is a recommended zoning district within the Compliance Index 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 Suburban future land use classification as follows: The purpose of this classification is to define, protect, and provide low density, single-family detached housing areas where designated, and to prohibit any development that would compromise existing residential characteristics. In addition, these areas are intended to provide for in-fill and expansion of existing neighborhoods and subdivisions. Standards and densities for these areas are designated to reflect existing conditions. This area is also intended to allow incorporation of property west of the waterway at densities typical of inland development. Primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots, excluding large mobile home parks, are compatible uses here. This category allows up to five dwelling units per acre (du/acre).

The proposed R-1 zoning is consistent with the Residential Suburban 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-1 zoning district is, “To preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of ‘lie development.’”

The uses permitted in the R-1 district would 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:

Current public rights-of-way serve this area; access subject to Horry County encroachment permit approval.

- 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:

Water and sewer services are available to the parcel.

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 petition for annexation and zoning designation is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for March 7, 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 petition for annexation and zoning.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed petition for annexation and zoning.

Public Works

The City Engineer has no issue with the proposed petition for annexation and zoning.

Public Safety

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

Planning Commission Action:

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

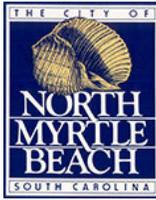
Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-22-3] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-3] as submitted.

OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-3
Complete Submittal Date:	



Notice Published:	
Planning Commission:	February 22, 2022
First Reading:	March 7, 2022
Second Reading:	March 21, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

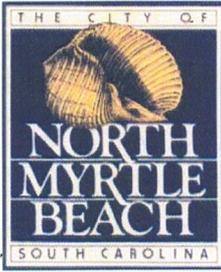
GENERAL INFORMATION

Date of Request: January 19, 2022	Property PIN(S): 35702040052
Property Owner(s): Shemon and Bryanna Dadush	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1807 Cenith Dr. North Myrtle Beach,	Project Contact: Joel Warren
Contact Phone Number: 843-399-2727	Contact Email Address: joel@shscgroup.com
Current County Zoning: Residential	Proposed Zoning: R-1
Total Area of Property: 0.78 Acres	Approximate Population of Area to be Annexed: 4

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: Joel Warren

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.



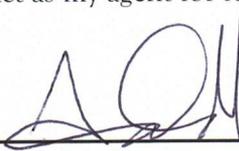
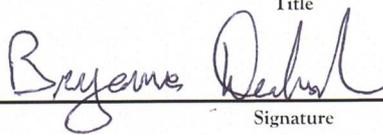
CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 1/19/22
Nature of Approval Requested: Petition for Annexation and Zoning
Property PIN(s): 143-12-01-105 / 357-02-04-0052
Property Address/Location: 1807 CEMETH DR.

I, SHEMON DADUSH, hereby authorize JOEL WARREN

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

 _____ Signature	_____ Signature
<u>OWNER</u> _____ Title	_____ Title
 _____ Signature	_____ Signature
<u>OWNER</u> _____ Title	_____ Title
_____ Signature	_____ Signature
_____ 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.

TO HAVE AND HOLD all and singular the premises before mentioned unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns, forever in fee simple, together with every contingent remainder and right of reversion.

AND Grantors does hereby bind themselves and his Heirs, Successors and/or Assigns, to warrant and forever defend all and singular the said premises unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns, forever in fee simple, together with every contingent remainder and right of reversion, against themselves and their Heirs, Successors and/or Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the execution hereof by Grantor this 10th day of March 2021 in the year of our Lord two thousand and twenty-one and in the two hundred forty fourth year of the Sovereignty and Independence of the United States of America.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 1807 Cenith Drive, North Myrtle Beach, SC 29852, bearing Horry County Tax Map Number 143-12-01-105 was transferred by Davis Allen Sansbury and Bonnie Sparks Sansbury to Shemon Dadush and Bryanna Dadush on 03/10/21.
3. Check one of the following: The deed is
 - (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit); (If exempt, please skip items 4 – 7, and go to item 8 of this affidavit).

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):

- (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$150,000.00.
- (b) _____ The fee is computed on the fair market value of the realty which is _____.
- (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes ___ or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$150,000.00
 - (b) Place the amount listed in item 5 above here: \$0
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: \$150,000.00

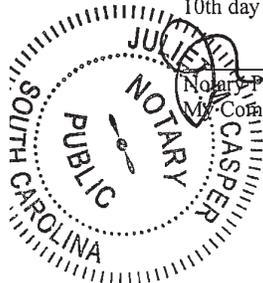
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$555.00

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: GRANTOR.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

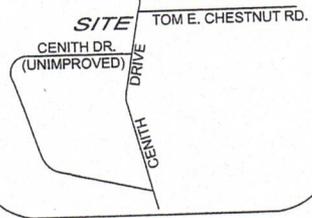
SWORN to before me this 10th day of March 2021


Davis Allen Sansbury



Notary Public for SC
My Commission Expires: Aug. 22, 2023

Vicinity Map
Not To Scale



LOT H
BELLE EDGE LANDS
PIN# 357-02-04-0005
TAX# 143-12-01-008
N/F KAREN G. EDGE
DB.1638 @ PG.600

the survey shown hereon was made in accordance with the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein; that there are no visible encroachments or projections other than shown; that the unadjusted ratio of precision is 1:10,000+; that this property is subject to any easements of record that may be shown on an up-to-date title search not furnished me this date; that the area was determined by the coordinate method of area calculation. Date: DECEMBER 22 2021

SIGNED HARRY F. BRUTON
PROFESSIONAL LAND SURVEYOR
HARRY F. BRUTON, PLS 24275

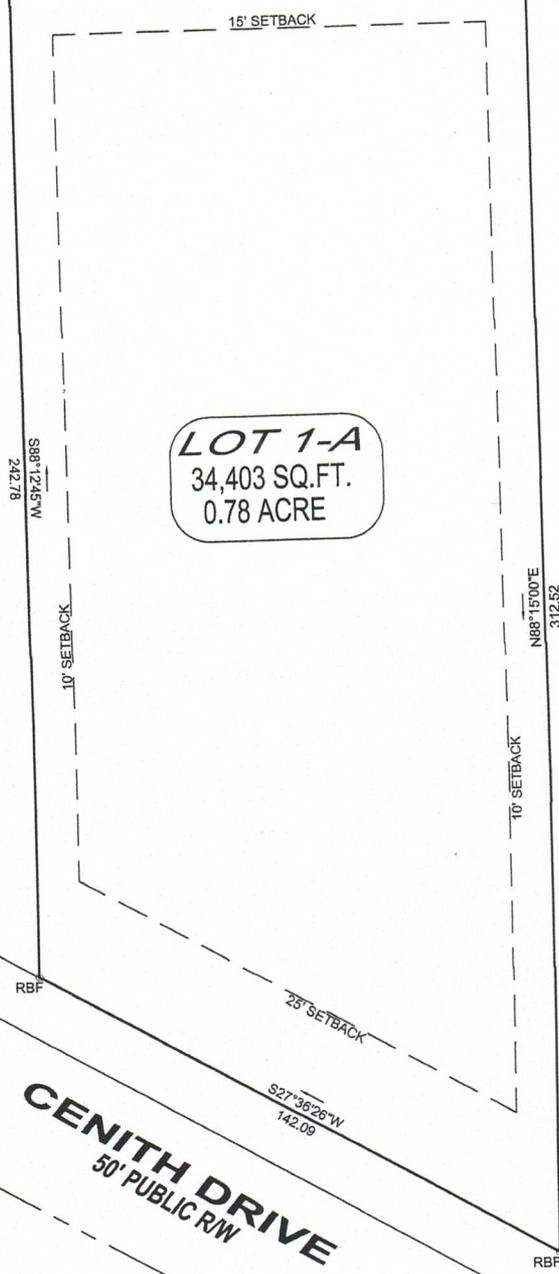
- NOTES:
- PIN# 357-02-04-0052
 - OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
 - SURVEY SUBJECT TO FULL TITLE SEARCH
 - THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
 - OWNER TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD
 - AREA COMPUTED BY COORDINATE GEOMETRY
 - RW = RIGHT OF WAY
 - ⊙ = SEWER MANHOLE
 - ⊙ = POWER POLE
 - RBF = 5/8" IRON REBAR FOUND
 - TAX # 143-12-01-105
 - PLAT REF. = PB. 253 @ PG.92
 - CURRENT HORRY COUNTY SETBACKS SHOWN. ZONED CFA-RESIDENTIAL SINGLE FAMILY SETBACKS.
 - EA = EDGE OF ASPHALT

RBF N01°47'15"W 124.00 RBF

LOT 1-A
34,403 SQ.FT.
0.78 ACRE

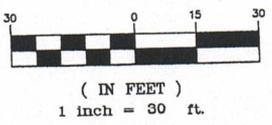
LOT 1-B
BELLE EDGE LANDS
PIN# 357-02-04-0053
TAX# 143-12-01-106
N/F RAYMOND R. PEVERALL JR.
DB.3552 @ PG.1707

PALMETTO HARBOR
RETENTION POND
PIN# 357-02-04-0020
TAX# 143-19-01-069
N/F PALMETTO HARBOR POA, INC
DB.3404 @ PG.335



CENITH DRIVE
50' PUBLIC RW

GRAPHIC SCALE

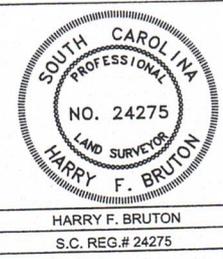


FLOOD NOTE:
THE SUBJECT PROPERTY SHOWN
HEREON LIES IN FLOOD ZONE "X"
PER F.E.M.A. MAP # 45051 C0 604 "C"
DATED DECEMBER 16, 2021.

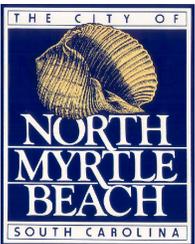
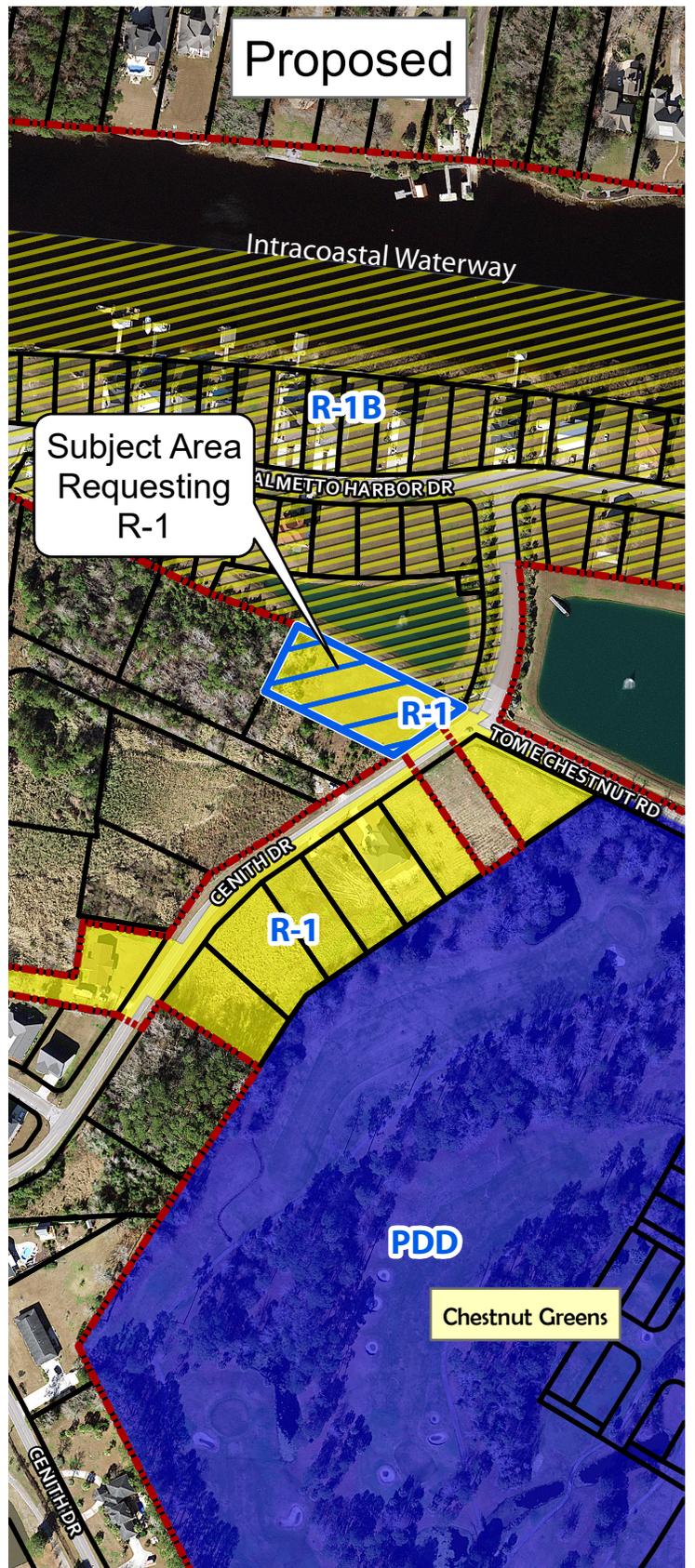
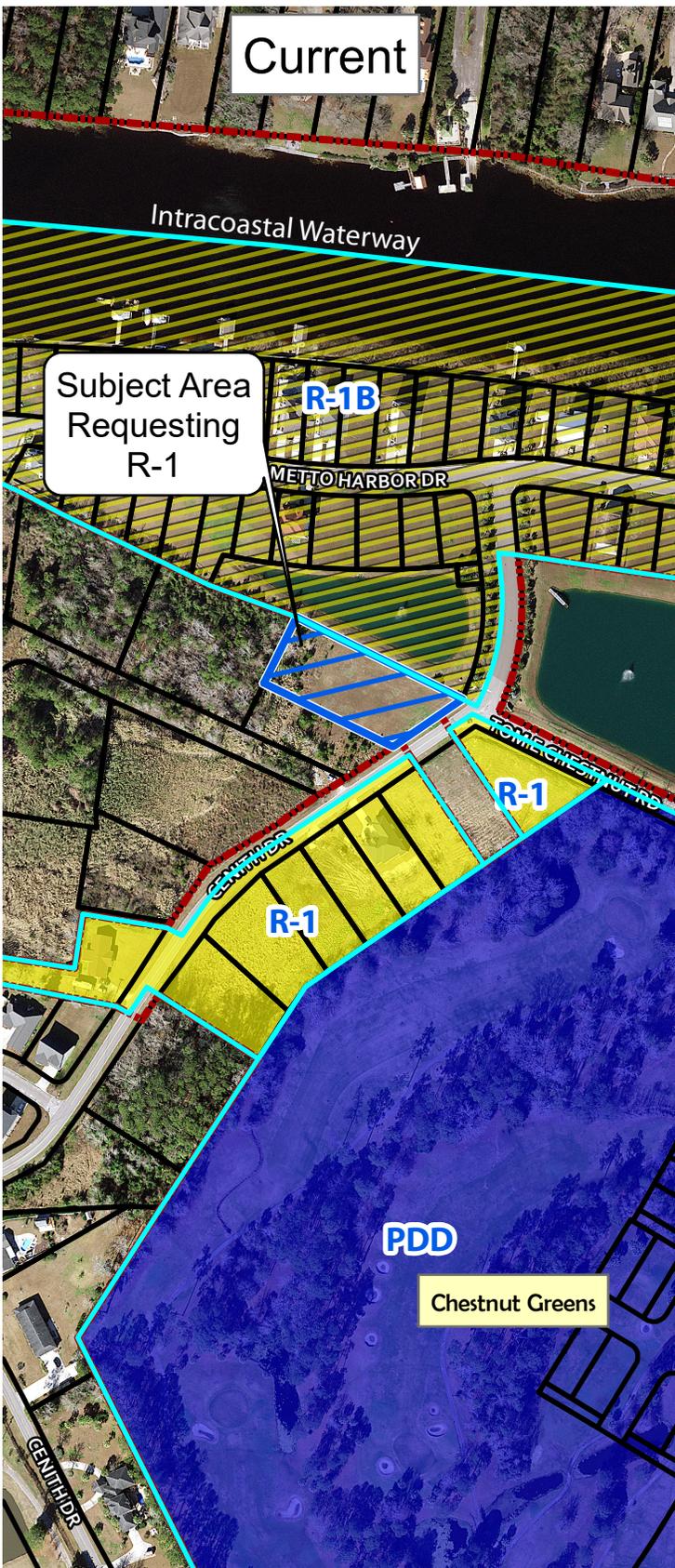
Harry F. Bruton & Associates
Professional Land Surveying & Design

RESIDENTIAL & COMMERCIAL IN S.C.
905-2 Sea Mountain Hwy.
North Myrtle Beach, SC 29582
hbruton@gmail.com
OFFICE (843) 281 - 8822
FAX (843) 280 - 0920

A BOUNDARY RESURVEY
SHOWING
LOT 1-A
BELLE EDGE LANDS
NORTH MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA
SCALE 1"=30'
THE PROPERTY OF **SHEMON & BRYANNA DADUSH**
MAP REFERENCE IN BOOK 253 PAGE 92
DEED REFERENCE IN BOOK 4398 PAGE 1274
JOB NO. 21329 ACAD: 1807 CENITH DR BNDY 12/22/21



HARRY F. BRUTON
S.C. REG.# 24275

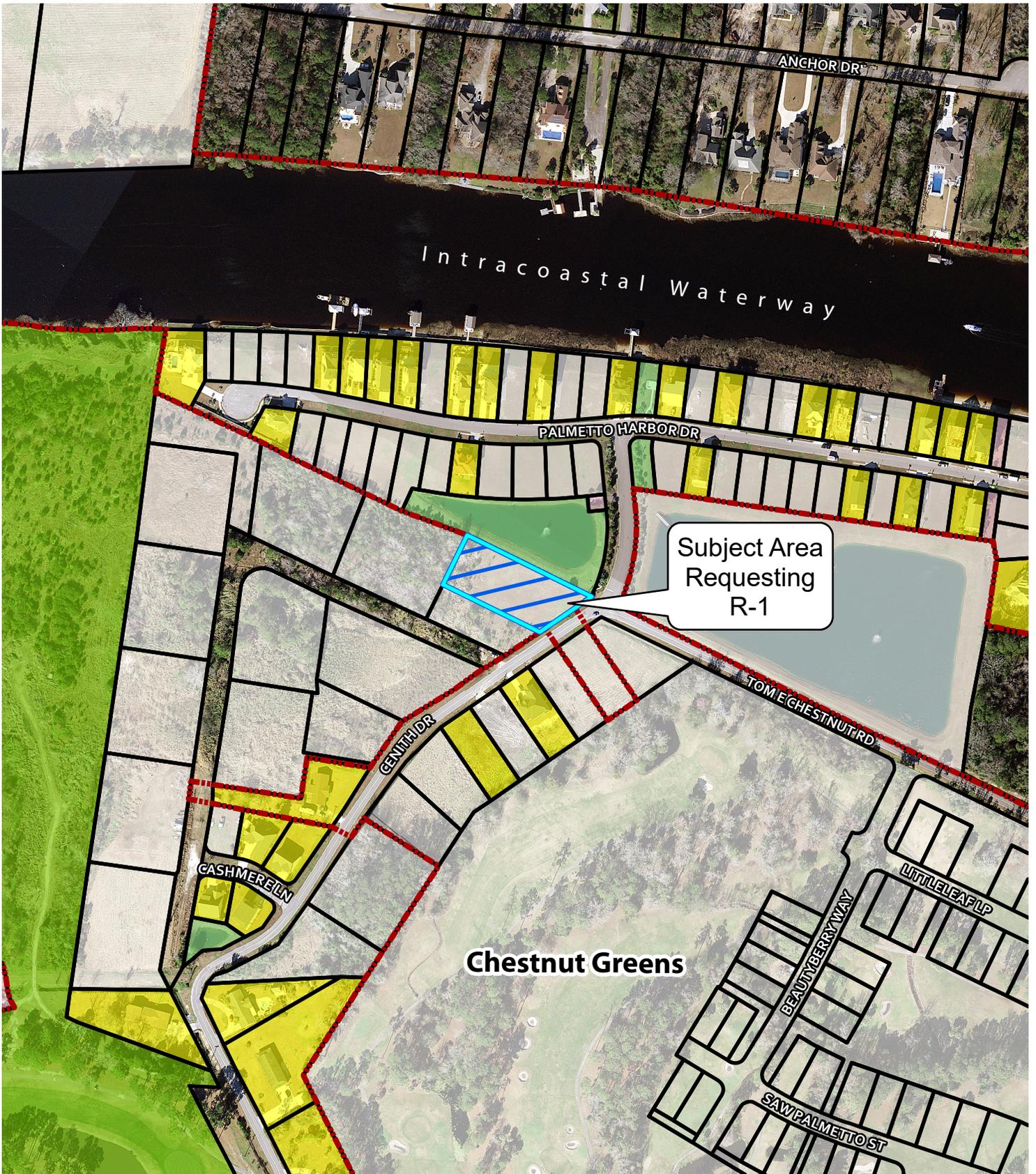


Legend

- Subject_Area
- North Myrtle City Limits
- ZONING**
- R-1
- PDD
- R-1B



Exhibit A: Zoning Map (Z-22-3)



Subject Area
Requesting
R-1

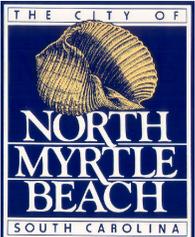
Chestnut Greens

Legend

-  Subject Area
-  Existing Land Use - Common Open Space
-  Public, Social, Cultural
-  North Myrtle City Limits
-  Existing Land Use - Golf Course
-  Single-Family
-  Vacant



Existing Land Use Map (Z-22-3)





Subject Area
Requesting
R-1

Chestnut Greens

Legend

-  Subject Area
 -  North Myrtle City Limits
- Recommended Future
Land Use Categories**

-  RPC - Resource, Protection, Conservation
-  MU - Mixed Use
-  MMU - Marina Mixed Use

-  NMU - Neighborhood Mixed Use
-  RS - Residential Suburban
-  RN - Residential Neighborhood



Future Land Use Map (Z-22-3)

6C. ZONING ORDINANCE TEXT AND MAP AMENDMENT ZTX-22-1: City staff has initiated an amendment to the zoning ordinance text and map to revise the Crescent Beach Neighborhood Overlay (CBNO) by extending the boundaries and creating standards governing height, uses, and design along the oceanfront and second row.

Background:

On January 12th City Council held a workshop to discuss alternatives to a city-initiated rezoning of multiple lots affecting approximately 9.28 acres located near 17th Avenue South from Resort Residential (R-4) to Resort Commercial (RC) Resort Commercial [Z-21-12]. The proposed rezoning was passed on first reading, but the workshop was asked for prior to second reading.

Staff presented two options for consideration at the workshop: Expansion of the Crescent Beach Neighborhood Overlay to areas along Ocean Boulevard or allowing smaller Planned Development Districts (PDDs) along the oceanfront. Council chose to pursue expansion of the overlay and asked staff to prepare a new ordinance for consideration. Expansion of the overlay provides a more targeted means of managing development by avoiding changes to underlying zoning districts while providing flexibility in concessions offered and public benefits requested. Consequently, the original rezoning of properties to RC was withdrawn and is no longer being considered.

Proposed Changes:

Staff is proposing a text amendment and map amendment to the Zoning Ordinance to expand the existing Crescent Beach Neighborhood Overlay to encompass properties along the oceanfront and second row with new standards governing height, uses, and design. The area includes property south of 17th Avenue South to 18th Avenue South along Ocean Boulevard. All properties within the expanded overlay would be subject to the standards.

The following provides a summary of the proposal:

- The overlay would consist of two sub-areas, CBNO-17 and CBNO-Ocean.
- CBNO-17 standards remain unchanged.
Applicable to CBNO-Ocean:
- No change to the underlying R-4 zoning.
- CBNO-Ocean location and application defined.
- Maximum 165' height limit for oceanfront properties.
- All uses allowed in the RC district would be permissible within the overlay.
- Development of second-row property limited to maximum 90'.
- If a property owner has oceanfront property and they propose any structure which exceeds the R-4 height limit, then any second-row property associated with that development would be limited to parking and commercial uses only. No residential or accommodation uses.
- Property setback minimums of 5 feet on all sides for structures less than 50' in height.
- Parking garages must provide a minimum 10% of their ground floor area for street-fronting commercial with detailed building articulation and ornamentation.
- Decorative, pedestrian-scaled free-standing lighting is required.
- Continued commitments to required landscaping minimums through existing and alternative on-site placements.

The proposed amendment addresses a section in *Chapter 23, Zoning, Article II. – Zoning Districts and Development Regulations* and would appear in the Ordinance as follows (new matter underlined, deleted matter struck-through):

Sec. 23-31. Overlay zones.

(7) *CBNO - Crescent Beach Neighborhood Overlay District (17th Avenue South)*

(a) *Purpose:* The CBNO Overlay is divided into two (2) sub-areas, the CBNO-17 and CBNO-Ocean. The purpose of this overlay is to accomplish the City's Comprehensive Plan goals for pedestrian-friendly streets that may also serve as public gathering spaces and encourage sustainable economic development and redevelopment by increasing activity and preserving neighborhood commercial character along the 17th Avenue South corridor and in certain areas along Ocean Boulevard.

(b) *Overlay Boundaries and Applicability* ~~*Applicability and Boundaries:*~~

CBNO-17:

1. The 17th Avenue South Crescent Beach Neighborhood Overlay District (hereafter referred to as CBNO-17) is applied to all parcels with frontage on 17th Avenue South (and intersecting side streets for corner parcels) from Ocean Boulevard to Madison Drive. The Overlay boundary will follow the current district boundaries in the rear, including some existing parcels without 17th Avenue South frontage, but that are likely to be combined with parcels fronting 17th Avenue South for development.
2. Proposed new commercial or mixed-use development or redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the ~~Crescent Beach Neighborhood Overlay~~. Single-family residences zoned Neighborhood Commercial (NC) with the purpose of improving but remaining a single-family residence are exempt from this requirement. However, at the point of demolition and proposed replacement of the existing single-family residence, certain sections of CBNO-17 will apply (see Provisions under number 4).

CBNO-Ocean:

1. The Ocean Boulevard Crescent Beach Neighborhood Overlay District (hereinafter referred to as CBNO-Ocean) is applied to all oceanfront parcels along Ocean Boulevard south of the 17th Avenue South street-end to 1801 South Ocean Boulevard and all second-row parcels from 1707 Perrin Drive south to 18th Avenue South.
2. Proposed new hotel/motel, resort accommodation and multifamily redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the overlay.

(c) *Provisions (CBNO-17)*

1. A district front "build-to" line is established for commercial and mixed-use development sites with frontage onto 17th Avenue South, and including intersecting side streets within the CBNO (from Ocean Boulevard to Madison Drive). This build-to line shall be established twelve (12) feet from the 17th Avenue South public right-of-way line to the front facade of the proposed new construction. The front façade of the building must be built upon the build-to line and must contain the primary public entrance and retail window display, or restaurant windows that open to the outside on the ground floor. Exceptions to the build-to line may be permitted to create inset entrances. A zero side yard setback shall be permitted for commercial and mixed-use development with the

exception of corner lots. On corner lots where the property owner does not wish to continue the plaza around the side of the building on the secondary street, a minimum five-foot side yard setback is required, within which the property owner is to provide a minimum four-foot concrete sidewalk. If there is existing public sidewalk on the secondary street, then only the setback shall apply. Where the property owner wishes to extend the front plaza to the corner side of the building along the secondary street, a minimum twelve-foot side yard setback shall apply, and the plaza area finished in the same manner as the front.

2. The resulting twelve (12) feet of space between the build-to line and the street right-of-way shall become a pedestrian plaza to be improved by the owner with an appropriate surface extending the full width of the lot and from the public right-of way/sidewalk to the building frontage. Material choices and installation specifications will be determined by the City Public Works Department. No permanent structures will be allowed on or over the plaza, except for a required fabric awning or balcony attached to the building at a minimum clearance height of nine (9) feet from the plaza surface with a minimum depth of four (4) feet. Secondary signage to the main wall signage may be placed on the awning, but the CBNO does not increase the amount of signage allowed by the underlying zoning district. In addition, no freestanding signage will be allowed; however, cantilevered signs may be allowed on the second floor of a building frontage. Movable container plants, seating, tables, lighting, cooling and heating devices, unlighted sandwich/menu boards and patio umbrellas are allowed.
3. The twelve (12) feet of space merging with the public sidewalk is anticipated to provide a wider pedestrian area, in addition to street tree planting areas, curbing and public parking. Rear loaded parking may be placed on parcels that have side street access, or in the case of a parking structure, on the second floor level or above. Sites within the CBNO may use the parking reductions contained within the Crescent Beach Priority Investment - Activity Center Overlay Zone and/or count on-street public parking immediately or partially in front of their site, as well as off-site parking. If those reductions are insufficient to provide the required relief, the property owner may also elect to pay a "fee-in-lieu" of parking, in the amount of one thousand two hundred dollars (\$1,200.00) per parking space, to be collected by the city and held in a fund whose purpose is to expand public parking within the district. Midblock sites may include extra rear parking on site, if privately negotiated access easements can be arranged with neighboring lots with side street access. If parking is provided in the side portions of a lot, stalls shall be set back a minimum of seventeen (17) feet, to maintain the continuity of the twelve-foot wide plaza, and provide for a five-foot perimeter landscape buffer. While the ultimate objective is to eliminate all vehicular access curb cuts that interrupt the 17th Avenue South streetscape/parking, proposed midblock developments desiring rear onsite parking, having exhausted all cross access options with adjacent parcels, will be allowed a side lot line alley (ten (10) feet wide) that crosses (but does not interrupt) the pedestrian plaza including a curb cut access to 17th Avenue South, if approved by the city engineer via an encroachment permit. If approved curb cut access results in loss of public parking spaces, then a fee of one thousand two hundred dollars (\$1,200.00) per lost parking space will be assessed to the applicant and paid into the "fee-in-lieu" fund in addition to assessing any costs of adequately modifying the existing public street and parking configuration to receive the new curb cut.
4. New or replacement single-family homes must provide the twelve-foot improved plaza space by the owner according to Provisions (2) and (3), but shall be exempt from having to construct the house on the build-to line.

5. Uses allowed and other basic zoning requirements/calculations not addressed by the CBNO or the Crescent Beach Priority Investment - Activity Center Overlay will be determined by the underlying zoning districts. Any new "live-work" structures in the CBNO must place the commercial and/or office at street level with residential beginning on the second level.



Example of a "live-work" structure with commercial at the street level and residential atop.

(d) Provisions (CBNO-Ocean):

I. Development standards:

<u>Location</u>	<u>Height maximum (feet)</u>	<u>Setbacks</u>	<u>Uses</u>	<u>Parking Garages</u>	<u>Lighting</u>	<u>Landscaping</u>
<u>Oceanfront</u>	165	See 23-22, Development Standards	All those found in Resort Commercial (RC)	Minimum 10% ground floor area reserved for street-fronting commercial ³	Decorative standards apply ⁴	See Article V. – Landscaping Requirements ⁵
<u>Second Row</u>	90 ¹	5' ²				

Notes:

¹ No structure may exceed 90' in height regardless of use and the presence or absence of structured parking underneath the building. For any second-row structure that is a part of or associated with an oceanfront high-rise building with heights exceeding R-4 standards, only parking and commercial uses are allowed within that structure.

² Minimum 5' setbacks for all sides allowed if structure is less than 50' in height, otherwise Section 23-22, Development Standards apply.

³ Each street-fronting façade of the ground-level of all parking structures, including the portions reserved for street-fronting commercial uses, must provide detailed building articulation and ornamentation such as awnings, water tables, contrasting finishes, doors, windows, and/or varying facing materials, to disguise parking garage use.

⁴ Free-standing lighting shall be on decorative poles and fixtures and positioned at a pedestrian scale.

⁵ Referencing Section 23-56(2)(b). Parking lot landscape requirements: The required parking lot landscaping area (10%) may be located within the parking lot, within green roofs, rooftop gardens and/or planted terraces incorporated into the building but shall not be located underneath the building.

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 March 7, 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

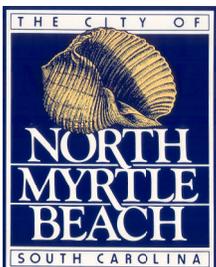
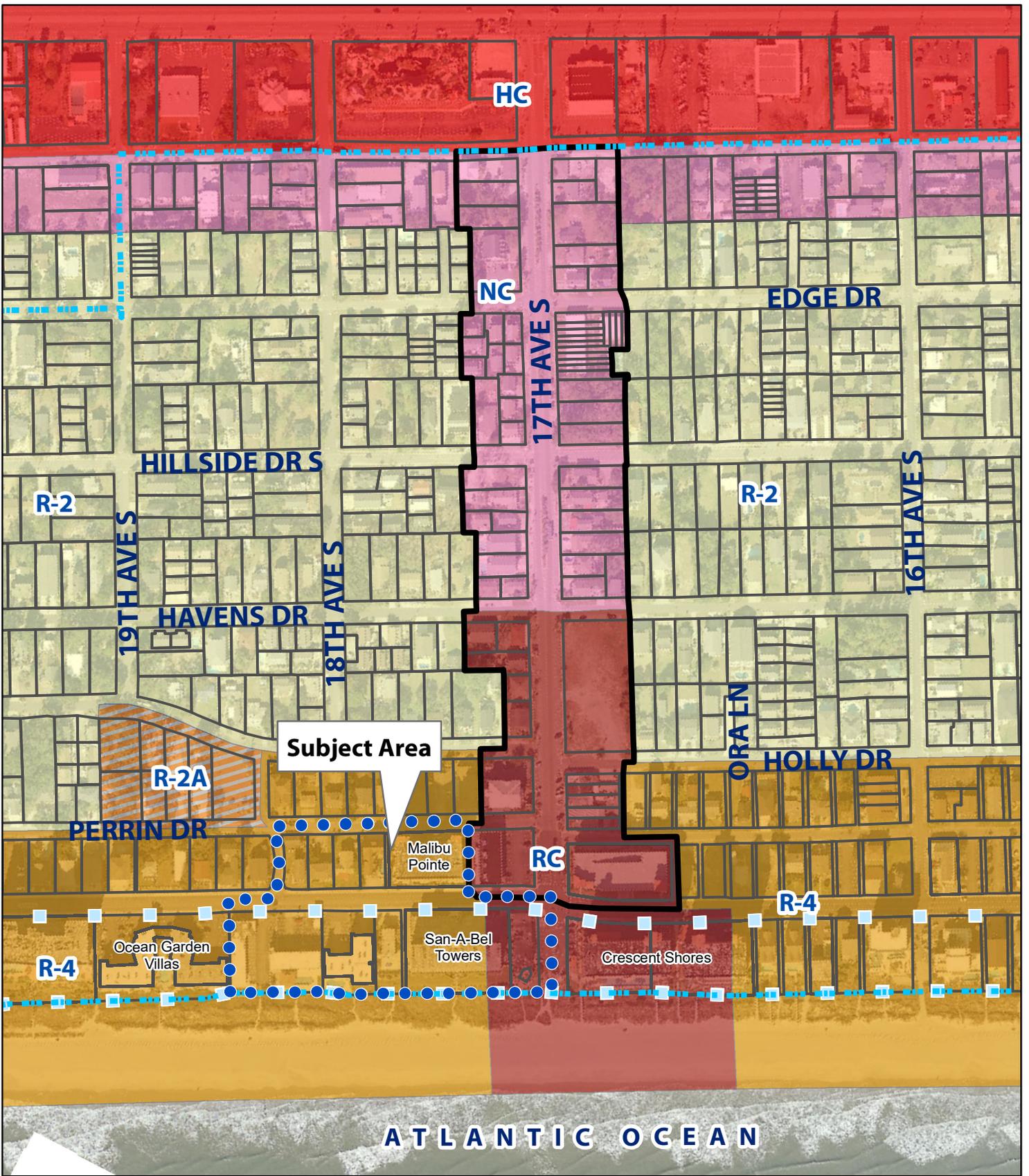
1) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-22-1] to the Mayor and City Council with a recommendation of approval.

OR

2) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-22-1] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).



Author: Dawn E. Snider
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Legend

-  Subject Area
-  NC
-  R-4
-  Priority Investment Activity Center Overlay Zone (PIACO)
-  R-2
-  RC
-  Oceanfront Overlay Zone (OFO)
-  Crescent Beach Neighbor Overlay District (CBNO)
-  HC
-  R-2A
- 

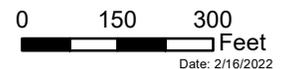


Exhibit A: Location Map (ZTX-22-1)