

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 4, 2024

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: February 26, 2024
Subject: Petition for Annexation and Zoning Designation for ±0.19 acres on Little River Neck Road [Z-23-25]	Division: Planning and Development

Background:

Sandra Jones, owner, has petitioned the City of North Myrtle Beach to annex ±0.19 acres on Little River Neck Road identified by PIN 351-06-02-0030. 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:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Single-Family Residential 10 (SF10) under Horry County jurisdiction. Located on Little River Neck Road, the parcel contains a single-family residence. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned SF10 and Commercial Forest Agriculture (CFA). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-23-25, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council's review.

Proposed R-1 Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		10,000 SF	1 Acres	10,000 SF
Minimum Lot Width		80 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
	Side	10 feet ¹	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		40%	60%	40%
Maximum Height of Structures		35 feet (15 feet for Accessory Buildings)	45 feet	45 feet

Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.

R-1 District Permitted Uses:

Single-Family detached dwellings (excluding mobile homes); Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; Publicly owned recreational facilities; Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto; Accessory uses; Home occupations; and Signs permitted by and in accord with all applicable provisions of Article III.

Planning Commission Action:

The Planning Commission conducted a public hearing on January 16, 2024, and voted to recommend approval of the annexation and zoning designation, citing “A”, where necessary to implement the Comprehensive Plan. There was no public comment.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Department 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 ANNEXING ±0.19 ACRES IDENTIFIED BY PIN 351-06-02-0030.

WHEREAS, Sandra Jones, owner, has petitioned the City of North Myrtle Beach for annexation of ±0.19 acres consisting of the following parcel PIN 351-06-02-0030 as referenced on Exhibit A: Zoning Map Z-23-25, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

WHEREAS, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

WHEREAS, the City Council has received a report from the Planning Commission recommending the subject property be zoned Single-Family Residential Low-Density (R-1) upon annexation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

Section 1. Annexation. That parcel identified by PIN 351-06-02-0030 (the “Annexed Parcel”), consisting of approximately ±0.19 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

Section 2. Zoning Designation. The Annexed Parcel is hereby designated and zoned as Single-Family Residential Low-Density (R-1).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

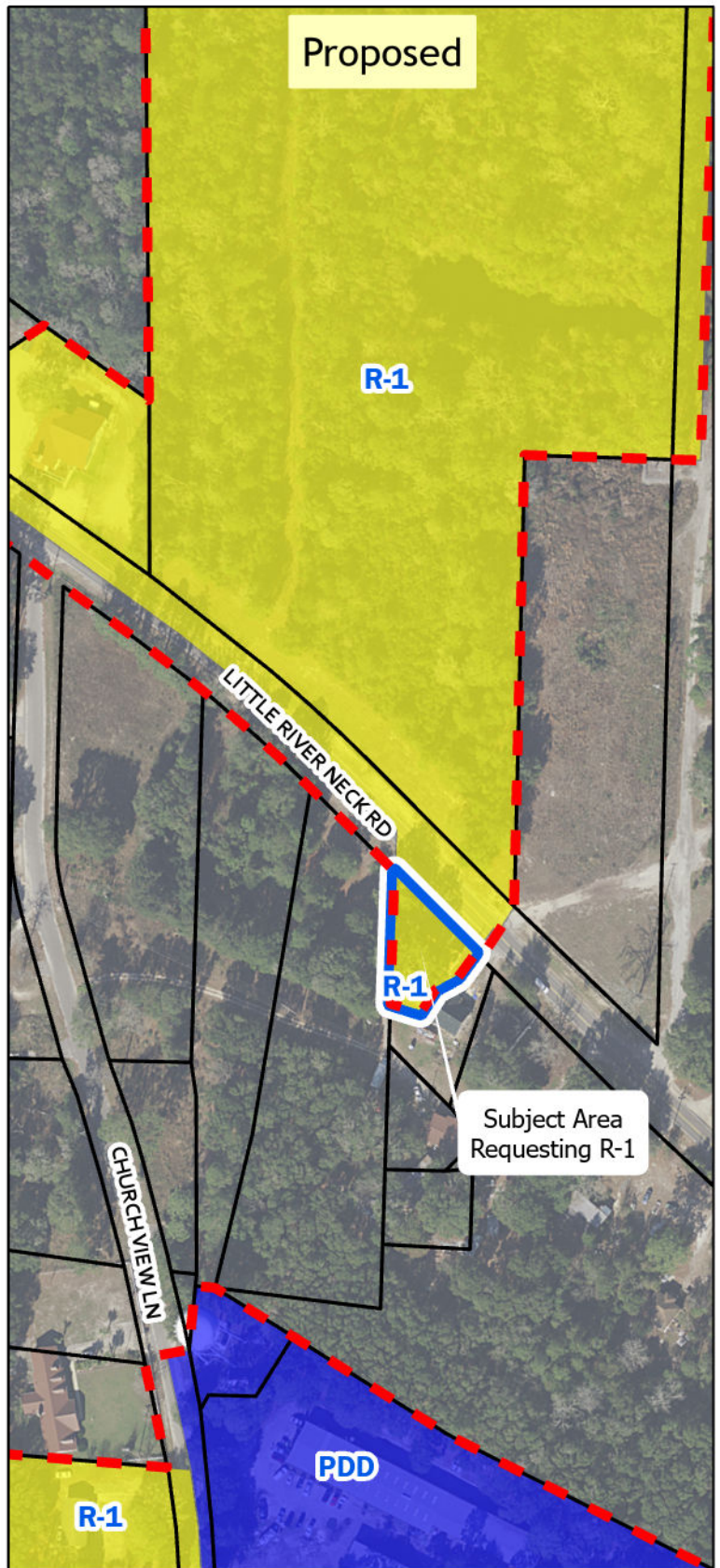
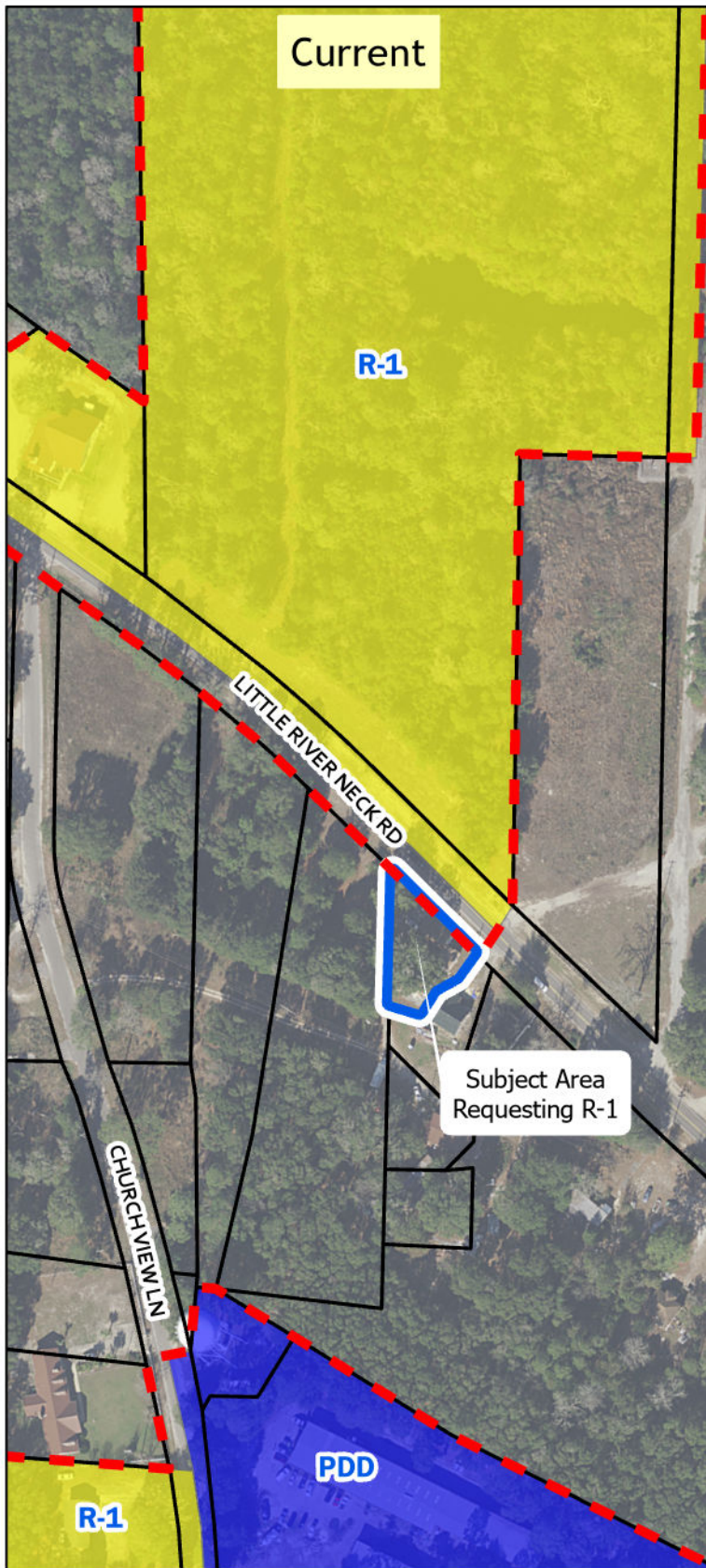
City Attorney

FIRST READING: 2.19.2024
SECOND READING: 3.04.2024

REVIEWED:

City Manager

ORDINANCE: 24-07



Legend



North Myrtle Beach City Limit



Subject Area

Zoning District

PDD

R-1

R-3



Exhibit A: Zoning Map Z-23-25

0 100 200 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2023\2023-44 Z-23-25 4690 Little River Neck Rd\Z-23-25 4690 Little River Rd.aprx

6A. ANNEXATION & ZONING DESIGNATION Z-23-25: City staff received a petition to annex ±0.19 acres on Little River Neck Road identified by PIN 351-06-02-0030. The lot is currently unincorporated and zoned Single-Family Residential 10 (SF10) 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 SF10 under Horry County jurisdiction. Located on Little River Neck Road, the parcel contains a single-family residence. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are SF10 and Commercial Forest Agriculture (CFA).

Proposed R-1 Zoning Development Standards

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		10,000 SF	1 Acre	10,000 SF
Minimum Lot Width		80 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
	Side	10 feet ¹	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		40%	60%	40%
Maximum Height of Structures		35 feet (15 feet for Accessory Buildings)	45 feet	45 feet

Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.

R-1 District Permitted Uses

Single-family detached dwellings, excluding mobile homes; neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; publicly-owned recreation facilities; churches, places of worship, religious institutions including accredited educational facilities when accessory thereto; accessory uses; home occupations; and signs permitted by and in accord with all applicable provisions of Article III of the City's zoning Ordinance.

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 to Little River Neck Road is subject to SCDOT 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:

Public water and sewer 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 the City Council at their next meeting tentatively scheduled for February 19, 2024. 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-23-25] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-25] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-25
Complete Submittal Date:	December 15, 2023



Notice Published:	December 21, 2023
Planning Commission:	January 9, 2024
First Reading:	February 19, 2024
Second Reading:	March 4, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: December 15, 2023	Property PIN(S): 35106020030
Property Owner(s): Sandra Jones	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 4690 Hwy 236 NMB SC 29582	Project Contact: SALANDA JONES
Contact Phone Number: 8432220987	Contact Email Address: littlebcfdc@gmail.com
Current County Zoning: Horry County	Proposed Zoning: R-1
Total Area of Property: 0.19 Acres	Approximate Population of Area to be Annexed: 0.19

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). <i>Applicant's E-signature: <u>SALANDA JONES</u></i>
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.

NO TITLE SEARCH CONDUCTED BY PREPARING ATTORNEY

ALL AND SINGULAR, all that certain piece, parcel or lot of land, situate, lying and being in Little River Township, state and county aforesaid with the improvements thereon containing 0.22 acres and designated as 2 on a plat prepared by Atlantic Land Surveying LLC, Robert A. Praete, PLS, which was recorded in the Office of the Register

of Deeds for Horry County, South Carolina on May 22, 2020 in Plat Book 293 at Page 24.

Derivation: This being a portion of the land conveyed to Grantors by deed of Edge, Alberta Randall a/k/a Alberta Edge recorded September 23, 2014 in the Office of the Register of Deeds for Horry County in Deed Book 3765 at Page 1874.

Tax/Map No. 131-14-16-006

PIN No. 35106020030

Grantees address: 4690 Little River Neck Rd
North Myrtle Beach, SC 29582

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said SANDRA JONES and her heirs, successors and assigns forever.

AND THE GRANTOR(S) do hereby bind Grantor(s) and their heirs, successors and/or assigns, to warrant and forever defend all and singular the said premises unto the said, SANDRA JONES and her heirs, successors and/or assigns forever, against Grantor(s) and Grantors heirs, successors and/or assigns, and against every person whomsoever lawfully claiming or to claim the same or any part hereof.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

WITNESS my Hand and Seal this 22nd day of July, 2020.

Signed, Sealed and Delivered
in the Presence of:

Barbara Harris
1st Witness (NOT the Notary)
Print Name: Barbara Harris

William Paul Young
2nd Witness (Can be NOTARY)
Print Name: William Paul Young

Sandra Jones
SANDRA JONES
Lee O. Edge
LEE O. EDGE

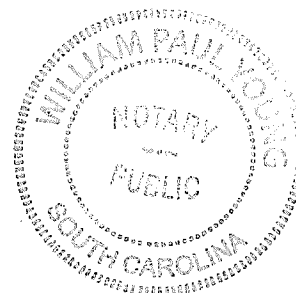
STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

ACKNOWLEDGMENT

I, the undersigned notary, do hereby certify that the above subscribed Grantor(s)
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument. Subscribing witnesses are not a party to or a beneficiary of this transaction.

WITNESS my hand and official seal this 22 day of July, 2020.

William Paul Young (L.S.)
Print Name of Notary: William Paul Young
Notary Public of South Carolina
My commission expires: 10-10-2027



STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT FOR TAXABLE AND EXEMPT TRANSFERS

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. Property located at 4690 Little River Neck Rd., bearing County Tax Map#1311416006 and PIN 35106020030 was transferred by Lee O. Edge and Sandra Jones to Sandra Jones this 22nd day of July 2020.
3. The transaction was (Check one):
 - (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, skip items 4-7 and go to item 8)
☐ **EXEMPTION NUMBER** (1) ONE
(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 (a) or (b) above has been checked:
 - (a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$0.00
 - (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 X 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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existed before 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: \$0.00
 - (b) Place the amount listed in item 5 above here: \$0.00
 - (c) Subtract line 6(b) from line 6(a) and enter result here: \$0.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is \$0.00

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.

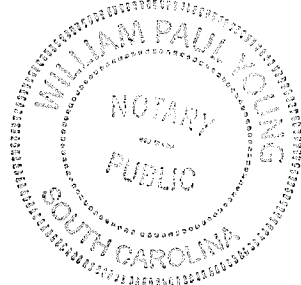
SWORN to before me this 22nd day of July, 2020

Lee O. Edge
Lee O. Edge

Sandra Jones
Sandra Jones

William Paul Young
Print Name of Notary: William Paul Young
Notary Public for South Carolina

My Commission Expires: 10.01.2023



**HORRY COUNTY REGISTER OF DEEDS
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Deed

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: William Paul Young, PA

ADDRESS:

418 Main St

North Myrtle Beach, SC 29582-3041

TELEPHONE: (843) 249-9999

FAX: (843) 249-9999

E-MAIL ADDRESS: paralegal@wpylaw.com

Related Document(s): book **3765** , page **1874**

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 50.00

BRIEF PROPERTY DESCRIPTION: SOUTH SIDE OF LITTLE RIVER NECK RD

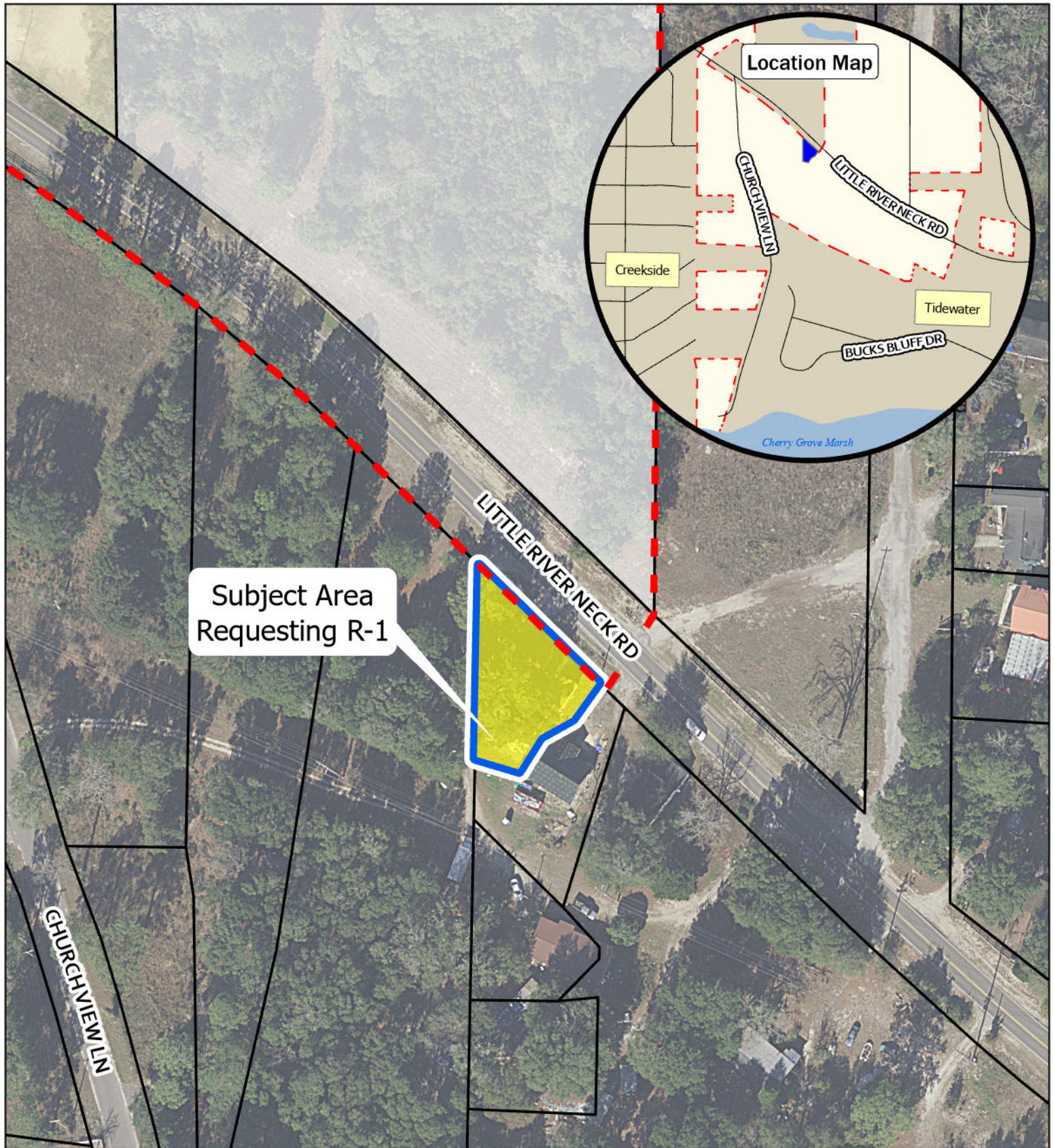
TAX MAP NUMBER (TMS #) 35106020030 / PIN NUMBER: .

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	JONES	SANDRA	
2.	EDGE	LEE	O

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	JONES	SANDRA	



Legend

-  North Myrtle Beach City Limit
-  Subject Area

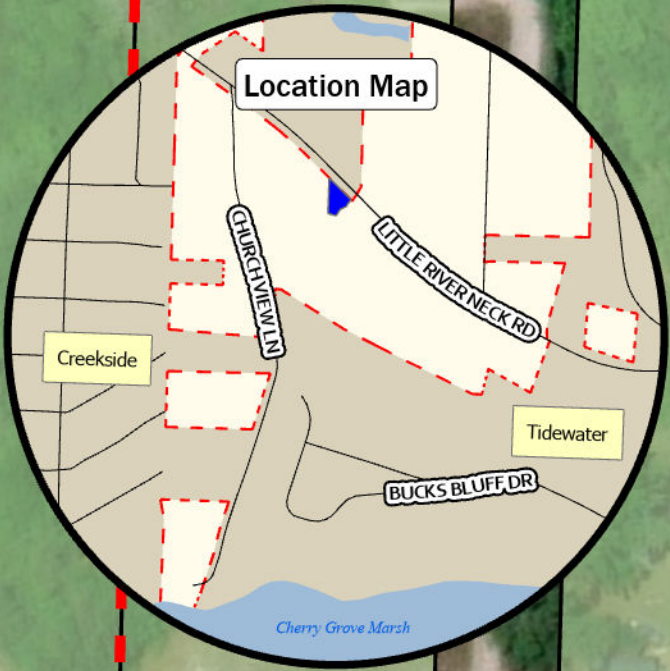
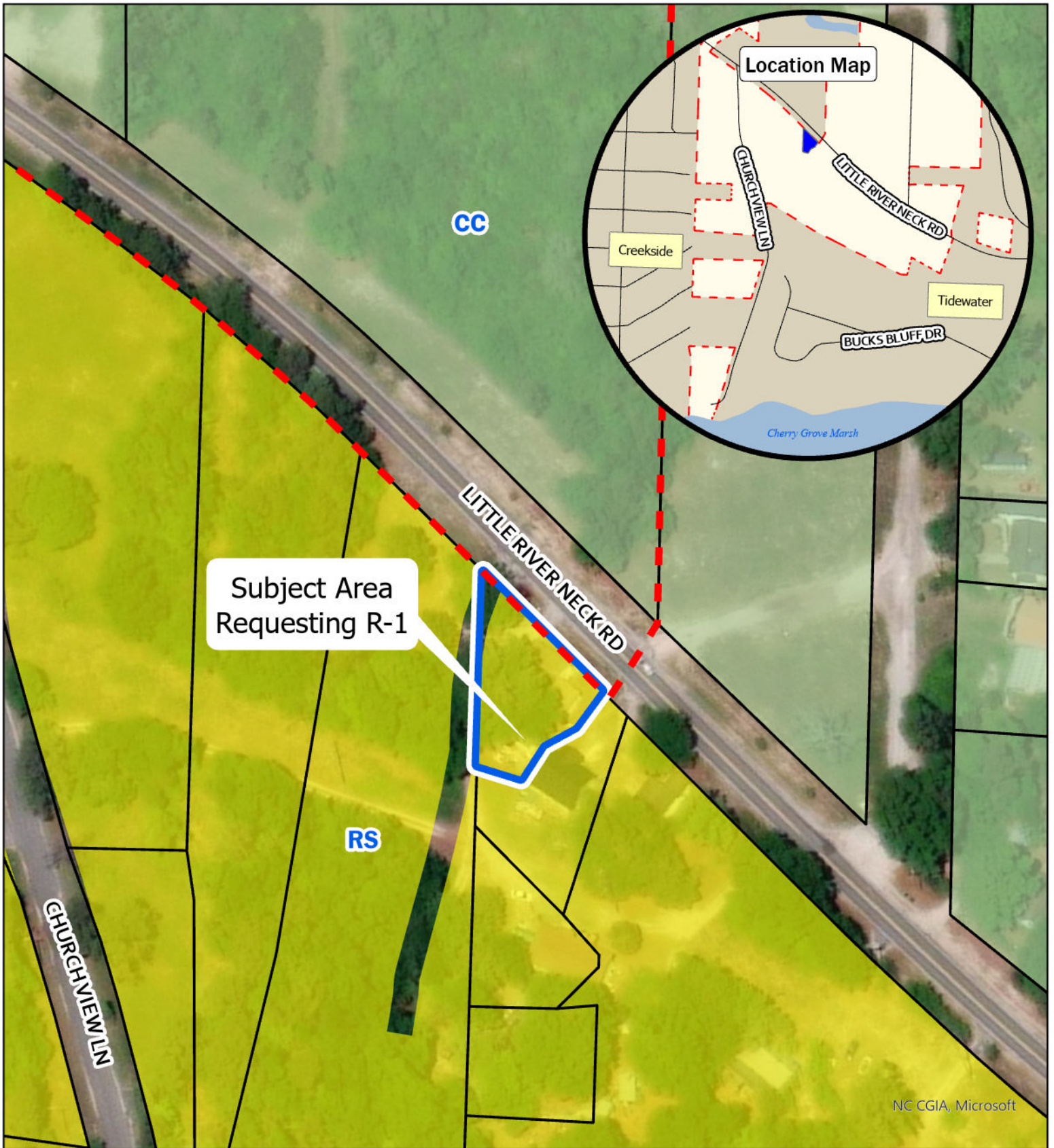
Existing Land Use

-  Single-Family
-  Religious Institutions
-  Vacant



0 50 100 Feet

Existing Land Use

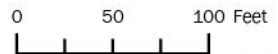


Subject Area
Requesting R-1



Legend

- North Myrtle Beach City Limit
- Subject Area
- Future Land Use CC
- Future Land Use RS



Future Land Use