

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: June 17, 2024

Agenda Item: 6D	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: June 12, 2024
Subject: Petition for Annexation and Zoning Designation for ±0.83 acres on Riverside Drive [Z-24-11]	Division: Planning and Development

Background:

Ernest and William Arrington, owners, have petitioned the City of North Myrtle Beach to annex ±0.83 acres on Little River Neck Road identified by PIN 311-16-04-0003. 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 MSF10 under Horry County jurisdiction. Located on Riverside Drive, the parcel contains a residence, shed, and detached carport. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned MSF10 and Commercial Forest Agriculture (CFA). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-24-11, 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 May 7, 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 ±0.83 ACRES IDENTIFIED BY PIN 311-16-04-0003.

WHEREAS, Ernest and William Arrington, owners, have petitioned the City of North Myrtle Beach for annexation of ±0.83 acres consisting of the following parcel PIN 311-16-04-0003 as referenced on Exhibit A: Zoning Map Z-24-11, 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 311-16-04-0003 (the “Annexed Parcel”), consisting of approximately ±0.83 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:

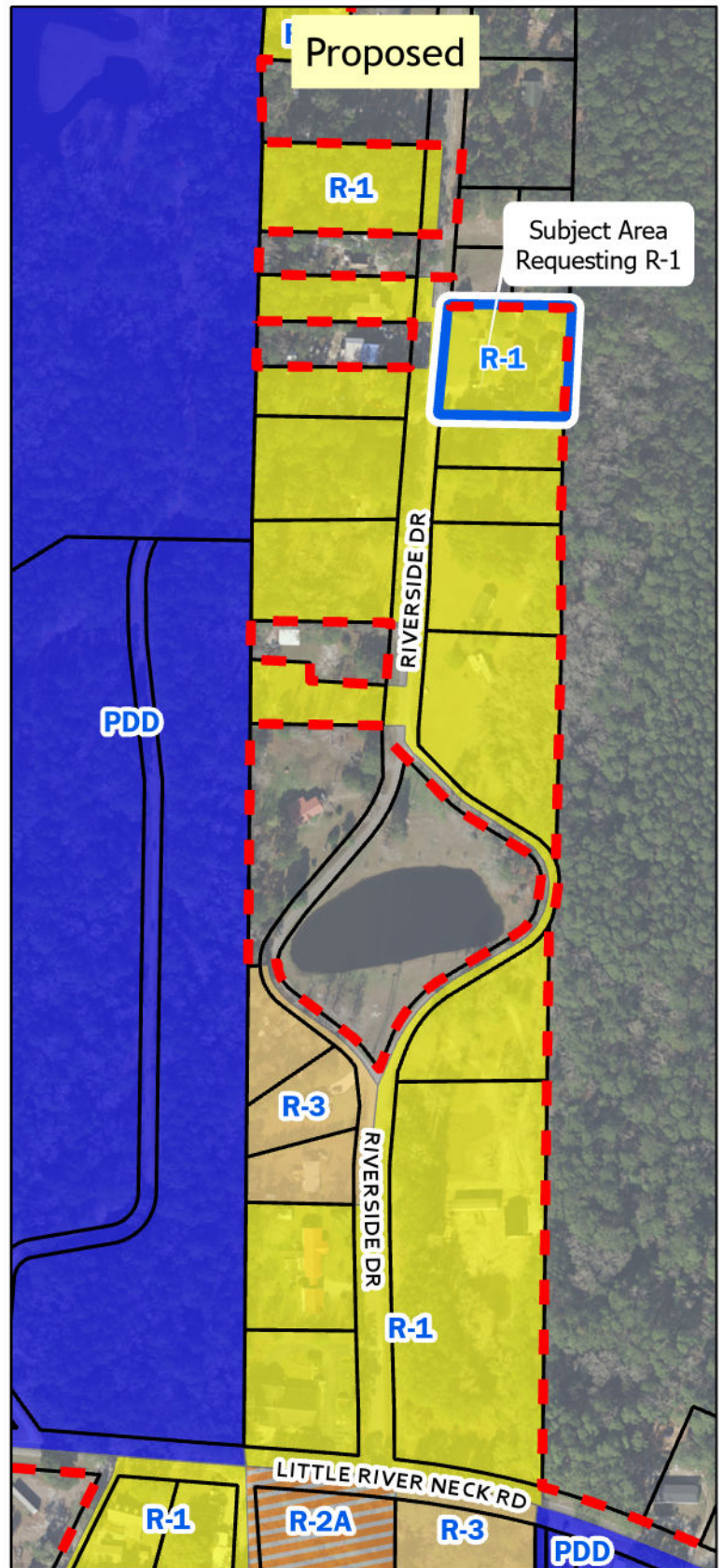
City Attorney

FIRST READING: 5.20.2024
SECOND READING: 6.17.2024

REVIEWED:

City Manager

ORDINANCE: 24-22



Legend

- | | | |
|-------------------------------|-----------------|------|
| North Myrtle Beach City Limit | Zoning District | R-1B |
| Subject Area | PDD | R-2A |
| | R-1 | R-3 |



Exhibit A: Zoning Map Z-24-11

0 150 300 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2024\2024-012 Z-24-11 4770 Riverside Dr\Z-24-11 4770 Riverside Dr.aprx

6B. ANNEXATION & ZONING DESIGNATION Z-24-11: City staff received a petition to annex ±0.83 acres on Riverside Drive identified by PIN 311-16-04-0003. The lot is currently unincorporated and zoned Manufactured/Single-Family 10 (MSF10) 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 MSF10 under Horry County jurisdiction. Located on Riverside Dr, the parcel contains a residence, shed, and detached carport. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are MSF10 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 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:

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 May 20, 2024. Should the Planning Commission desire to forward a positive recommendation to the 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-24-11] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-24-11] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-24-11
Complete Submittal Date:	March 25, 2024



Notice Published:	April 18, 2024
Planning Commission:	May 7, 2024
First Reading:	May 20, 2024
Second Reading:	June 17, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: March 25, 2024	Property PIN(S): 31116040003
Property Owner(s): ARRINGTON ERNEST G ETAL	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 4770 Riverside Dr	Project Contact: William Arrington
Contact Phone Number: 843-241-7613	Contact Email Address: arrin22@yahoo.com
Current County Zoning: MSF10	Proposed Zoning: R-1
Total Area of Property: 0.85 Acres	Approximate Population of Area to be Annexed: 2

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: William Arrington

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.

Mahley & Hatley, LLC
525 6th Avenue South
North Myrtle Beach, SC 29582
843-361-8611
05-853 K

FILED
HORRY COUNTY, S.C.

2005 MAR 10 PM 1:40

BALLERY V. CHILPER
REGISTRAR OF DEEDS

Space above this line for recording information

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

)
) TITLE TO REAL ESTATE
)

KNOW ALL MEN BY THESE PRESENTS THAT, **HOPE L. WILLARD** herein referred to as Grantor for and in consideration of the sum of **THIRTY TWO THOUSAND FIVE HUNDRED AND 00/100 (32,500.00) Dollars** to me paid by **ERNEST G. ARRINGTON AND WILLIAM A. ARRINGTON, JR.**, hereinafter referred to as Grantees in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents do es grant, bargain, sell and release unto the said Grantees, their heirs, successors, and assigns forever:

ALL AND SINGULAR, all that certain piece, parcel or lot of land, situate in Little River Township, Horry County, South Carolina, being shown and designated as **LOT THIRTY ONE (31)** on a map of thirty eight (38) lots in Riverside Campground, prepared by C. B. Berry, RLS. A copy of said map is recorded in Plat Book 62 at Page 21, in the Office of the Register of Deeds for Horry County, South Carolina. Reference to said map is craved as forming a part of this description.

Deed Book 699 at Page 846

This conveyance is made subject to Easements, Restrictions, Covenants, and Conditions of record, including matters shown on recorded plats.

Grantees' Address: 1102 JANET COURT
NORTH MYRTLE BEACH, SC 29582

HORRY COUNTY ASSESSOR
Tax/Map No. 131-17-03-007

Map Blk Parcel 3-11-05x

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 Grantee s, their heirs and assigns forever.

AND THE GRANTOR does hereby bind Grantor's heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantees, their heirs and assigns, against Grantor and Grantor's heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

STATE 84⁵⁰ COUNTY 35⁷⁵
EXEMPT YES ☒ NO ☐
ASSESSOR _____

DEED
2873 0063

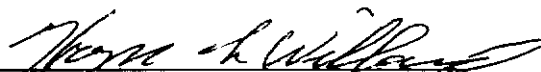
2873-63

WITNESS my Hand and Seal this March 9, 2005.

Signed, Sealed and Delivered
in the Presence of:



Krysten I Love


HOPE L. WILLARD

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Personally appeared before me the undersigned and made oath that she saw the within-named Grantor sign, seal and as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that she with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this
9th day of March, 2005,



Krysten I Love

Notary Public for the State of South Carolina

My Commission Expires: June 9, 2010

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

AFFIDAVIT

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

1. Property located at Lot 31 Riverside Campground, North Myrtle Beach, SC 29582, with a TMS #:131-17-03-007 was transferred from HOPE L. WILLARD TO ERNEST G. ARRINGTON AND WILLIAM A. ARRINGTON, JR. ON MARCH 9, 2005.

 X arm's length real property transaction and the sales price paid or to be paid
money or money's worth \$32,500.00

_____ not an arm's length real property transaction and the fair market value of the property is _____

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S. C. Code Ann. Section 12-24-10 et. seq. because

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

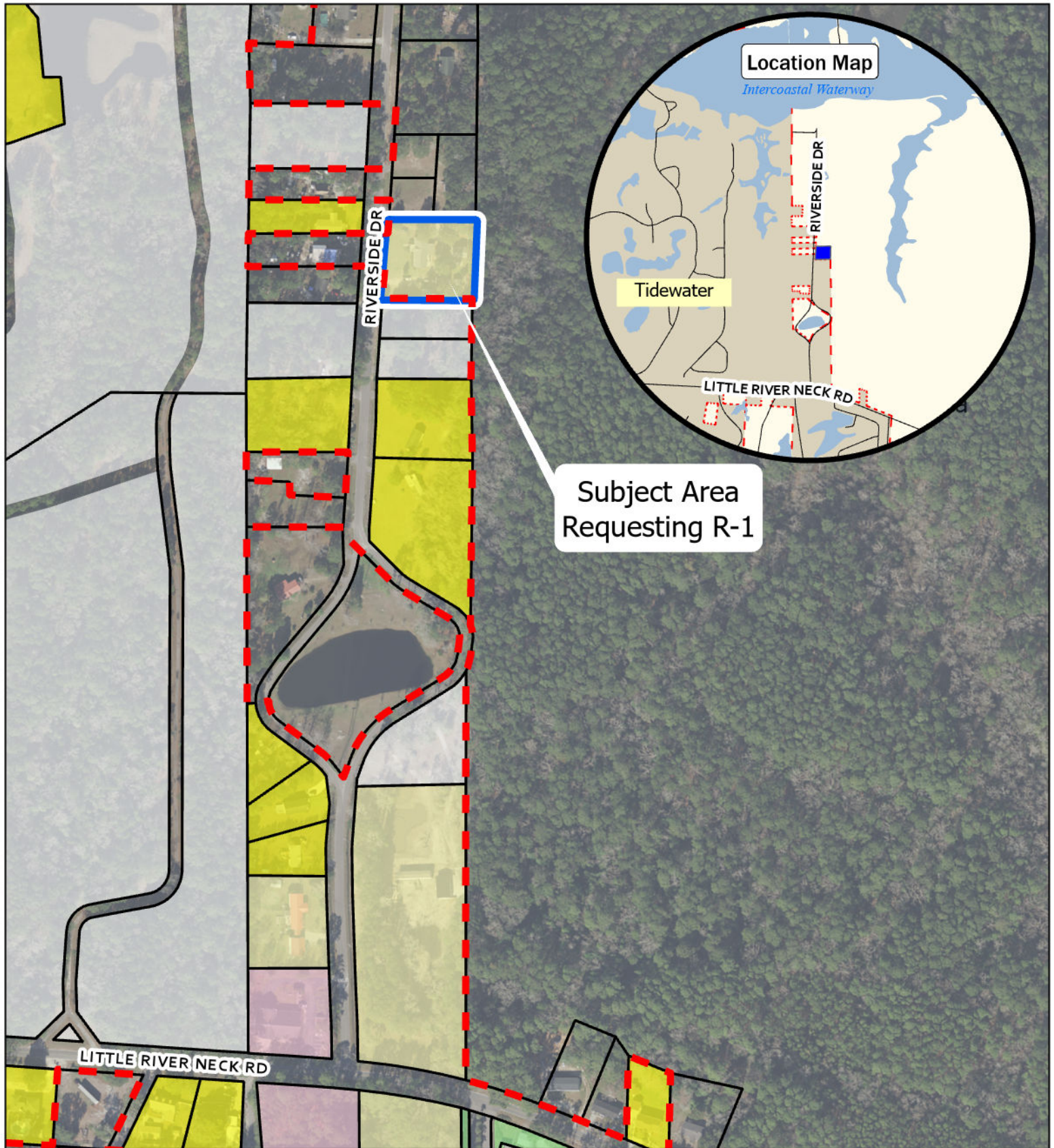
I further understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Purchaser, Seller, Legal Representative for the
Purchaser or Seller, or other Responsible Person
Connected with the Transaction

SWORN to before me this
9TH day of MARCH, 2005

Krust Love
Notary Public
My Commission Expires: June 9, 2010

* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.



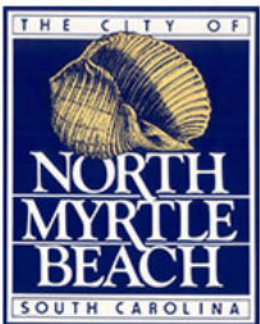
- Legend**
- | | | | |
|-------------------------------|-------------------|---------------------------|---------------|
| North Myrtle Beach City Limit | Existing Land Use | Mobile Home | Single-Family |
| Subject Area | Common Open Space | Private Common Open Space | Vacant |



Existing Land Use

0 150 300 Feet

User: arelmadolar
Path: \\nmbplan\PDGIS\2024\2024-0-12 Z-24-11 4770 Riverside Dr\Z-24-11 4770 Riverside Dr.aprx



Legend

- North Myrtle Beach City Limit
- Subject Area

Future Land Use

- CC
- RPC
- RS
- SP



0 150 300 Feet

Future Land Use

Path: \\nimbplan\PDGIS\2024\2024-012 Z-24-11 4770 Riverside Dr\Z-24-11 4770 Riverside Dr.aprx User: arelmadolar