

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: July 15, 2024

Agenda Item: 6B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: July 12, 2024
Subject: Petition for Annexation and Zoning Designation for ±0.68 acres on Anne Street [Z-24-17]	Division: Planning and Development

Background:

In 2000, the City of North Myrtle Beach City Council approved a resolution allowing the City Manager to enter into a pre-annexation agreement with Cleda F. and E. Dean Sharrer regarding their property at 1026 Anne Street (TMS 144-05-18-002). This pre-annexation agreement allowed the residents of this property to connect to the water and/or sewer system of the City of North Myrtle Beach even though the property was not contiguous to the City's corporate boundary and was not eligible for annexation at that time. In exchange for allowing connection to the City's utilities, restrictive covenants were executed and recorded for this property allowing the property to be considered for annexation into the City of North Myrtle Beach once it was contiguous. These restrictive covenants run with the land and are passed to successive owners. On October 5, 2020, the City Council approved the annexation and zoning of the property surrounding the subject parcel. At this time, the subject parcel became contiguous to the City's corporate boundary and eligible for annexation.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Anne Street, the parcel contains a single-family home and detached garage. Surrounding parcels within City limits are zoned R-1A; surrounding county parcels are zoned SF6. Upon annexation, the parcel would be designated R-1A as per Exhibit A: Zoning Map Z-24-17, 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-1A Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		7,500 SF	1 Acres	10,000 SF
Minimum Lot Width		60 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		45%	60%	45%
Maximum Height of Structures		35 feet (15 feet for Accessory Buildings)	45 feet	45 feet

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

R-1A 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 20, 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 ±0.68 ACRES IDENTIFIED BY PIN 357-03-04-0003.

WHEREAS, the property owner has entered into a pre-annexation agreement with the City of North Myrtle Beach through a restrictive deed covenant until such time as it becomes contiguous, the ±0.68 acres consisting of the following parcel PIN 357-03-04-0003 as referenced on Exhibit A: Zoning Map Z-24-17, 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 referenced property is now contiguous; 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-Medium (R-1A) 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 357-03-04-0003 (the “Annexed Parcel”), consisting of approximately ±0.68 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-Medium (R-1A).

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

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

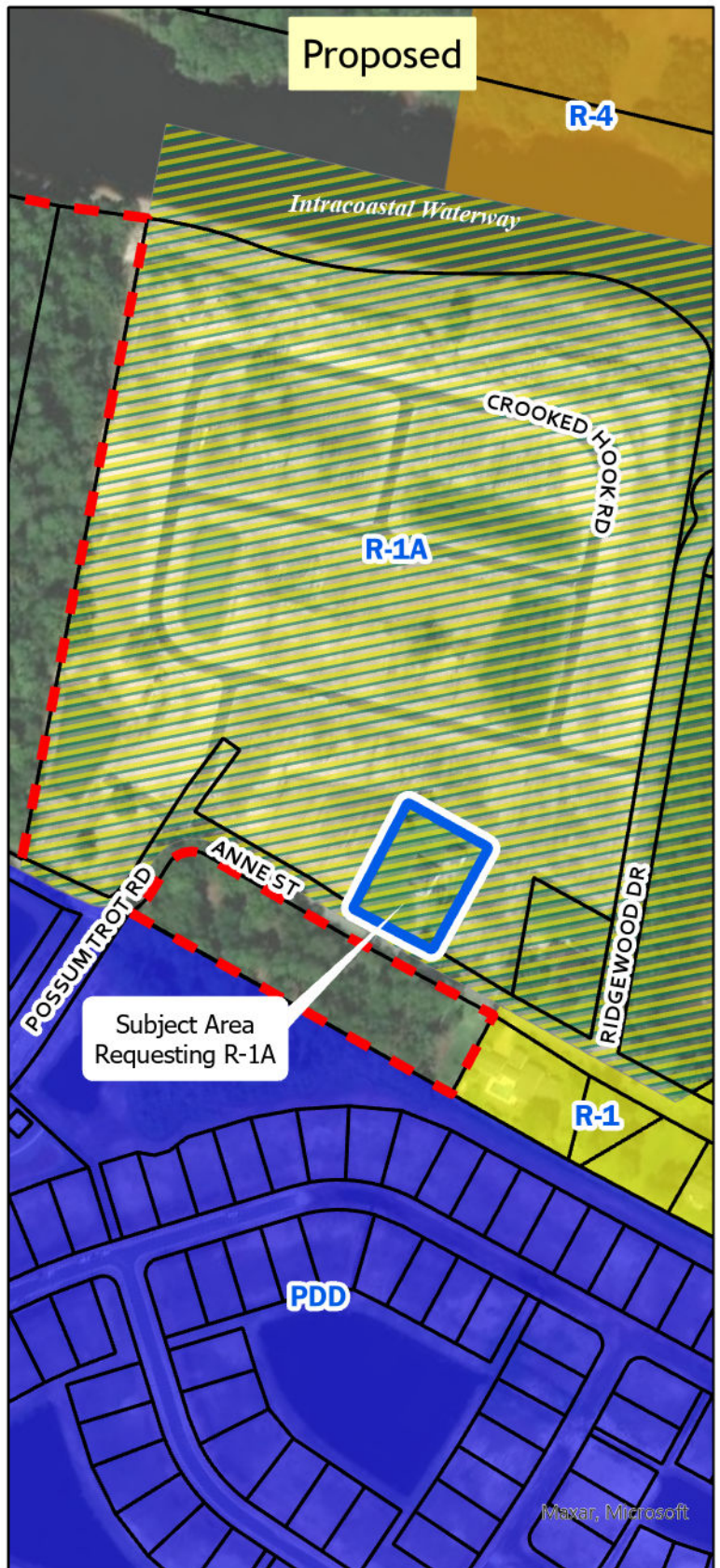
City Attorney

REVIEWED:

City Manager

FIRST READING: 6.17.2024
SECOND READING: 7.15.2024

ORDINANCE: 24-28



Legend

- North Myrtle Beach City Limit
- Subject Area

Zoning District

- PDD
- R-1
- R-1A

- R-4



Exhibit A: Zoning Map Z-24-17

0 150 300 Feet

6B. ANNEXATION & ZONING DESIGNATION Z-24-17: Pursuant to a recorded pre-annexation agreement, City staff has begun the process to annex lands on Anne Street totaling approximately ±0.68 acres and identified by PIN 357-03-04-0003. 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-Medium (R-1A) and will be heard concurrently.

History and Background:

In 2000, the City of North Myrtle Beach City Council approved a resolution allowing the City Manager to enter into a pre-annexation agreement with Cleda F. and E. Dean Sharrer regarding their property at 1026 Anne Street (TMS 144-05-18-002). This pre-annexation agreement allowed the residents of this property to connect to the water and/or sewer system of the City of North Myrtle Beach even though the property was not contiguous to the City's corporate boundary and was not eligible for annexation at that time. In exchange for allowing connection to the City's utilities, restrictive covenants were executed and recorded for this property allowing the property to be considered for annexation into the City of North Myrtle Beach once it was contiguous. These restrictive covenants run with the land and passed to successive owners. On October 5, 2020, the City Council approved the annexation and zoning of the property surrounding the subject parcel. At this time, the subject parcel became contiguous to the City's corporate boundary and eligible for annexation.

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 Anne Street, the parcel contains a single-family home and detached garage. Surrounding parcels within City limits are zoned R-1A; adjacent unincorporated county parcels are zoned R-1A; surrounding county parcels are zoned SF6.

Proposed R-1A Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		7,500 SF	1 Acres	10,000 SF
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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 Marina Mixed Use as a land use class for the subject area; defined as those areas where marinas and related uses (docks, dock facilities, storage areas, housing, and restaurants or retail where appropriate) would complement existing land use. The recommended primary zoning district is GC or LI; R-1, R-1A, R-2, R-2A, or R-4 are the secondary zoning district alternatives.

The proposed zoning designation, R-1A (Single-Family Low-Medium Density), is a recommended secondary 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 Marina Mixed Use future land use classification as follows: The Intracoastal Waterway has become the second busiest area for development in recent years. Development along the waterway can support various marine related uses like docks, dock facilities, storage areas, housing, and restaurants or retail where it's appropriate. Looking towards future potential annexation west of the waterway, and existing land use patterns along it in the city, a mixed marina district defines those areas where marinas and related uses would complement existing land use.

The proposed R-1A zoning is consistent with the Marina Mixed Use 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-1A 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-1A 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 exists to the parcel and is subject to City 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. A new gravity sewer tap is available for connection in the rear yard.

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 June 17, 2023. 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-24-17] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-24-17] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-24-17
Complete Submittal Date:	April 24, 2024



Notice Published:	May 2, 2024
Planning Commission:	May 21, 2024
First Reading:	June 17, 2024
Second Reading:	July 15, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: April 24, 2024	Property PIN(S): 35703040003
Property Owner(s): CLARK WAYNE K, WELCH SHERL	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1026 Anne St	Project Contact: Suzanne Pritchard
Contact Phone Number: 8432805572	Contact Email Address: lspritchard@nmb.us
Current County Zoning: CFA	Proposed Zoning: R-1
Total Area of Property: 0.68 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). <i>Applicant's E-signature: <u>Suzanne Pritchard</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.	

1018 2nd Avenue South · North Myrtle Beach, SC 29582 · Telephone: (843) 280-5566 · Facsimile: (843) 280-5581

705823

STATE OF SOUTH CAROLINA
 COUNTY OF HORRY
 FILED
 HORRY COUNTY, S.C.
 2000 JUN -7) PM 2:01
 R.M.C.

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that Clede F. and E. Dean Sharrer seek permission to connect to the water and/or sewer system of the City of North Myrtle Beach. The Grantor owns that certain piece, parcel, or tract of land situate, lying and being Lot # _____ of Block # 2 within the US HIGHWAY 17 subdivision, containing 0.68 acres outside the City of North Myrtle Beach corporate limits, which property is shown on map or plat recorded in Plat Book _____ at Page _____. Said property being conveyed to the Grantor by Deed of Record in Deed Book 2081 at Page 1135, in the office of the Register of Mesne Conveyance for Horry County.

Tax Map # 144-05-18-002

It is understood and agreed that as a condition for connecting to the water and/or sewer system, the Grantor, by executing this Restrictive Covenant, is permitting for annexation of the above described property into the City of North Myrtle Beach. If and when the above described property becomes contiguous to the corporate limits of the City, then the above described property shall be considered for annexation by the City Council of the City of North Myrtle Beach. Final annexation of the above described property rests upon an affirmative vote of a majority of the governing body of the City of North Myrtle Beach.

It is further understood and agreed that should the Grantor, its successors and assigns, withdraw this Restrictive Covenant, the City of North Myrtle Beach may immediately stop providing water and/or sewer services to the above described property, as well as institute legal action for non-performance.

CLEDE F. & E. DEAN SHARRER
 P.O. Box 4278
 N. MYRTLE BEACH, SC 29597

DEED
 2269 0932

938

This covenant shall run the land. All rights, powers and privileges hereby granted to the City of North Myrtle Beach shall pass to its successors and assigns, and shall be binding upon Grantor, its successors and assigns. It is hereby agreed that the conditions of this agreement, and this agreement itself, is a restriction and covenant on the title to the within named property and binding upon the Grantor, its successors and assigns.

WITNESS the execution hereof, this 19th day of May, 2000.

Signed, Sealed and Delivered
in the presence of:

Sheila A. Evans

Cleda F. Sharer
E. Dean Sharer

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

PROBATE

PERSONALLY appeared before me Jean Rowley, and made oath that he or she saw the within named Cleda F. & E. Dean Sharer sign, seal and as his or her act and deed in the case of private persons, or as the corporate act and deed, in the event of a corporation, and by its proper officers, deliver the within Restrictive Covenants, and the he or she, with Sheila A. Evans witnessed the execution thereof.

Sworn to and subscribed before me this 19th
day of May, 2000.

Sheila A. Evans

Notary Public for South Carolina

My Commission Expires: 5/19/00

-----space above for recording information-----

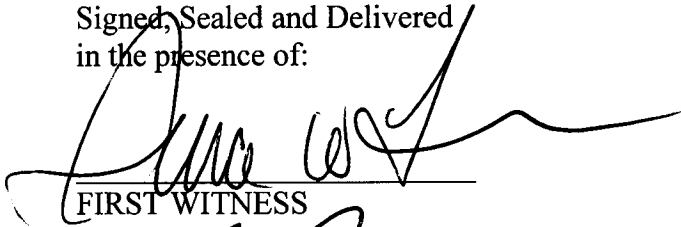
Grantee's Address: 1400 Lombardy Blvd.
Bay Shore, NY 11708

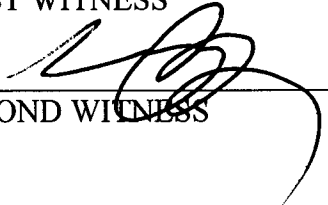
TOGETHER with all and singular the rights, members, hereditaments, and appurtenances to
the said premises belonging, or in anywise incident or appertaining.

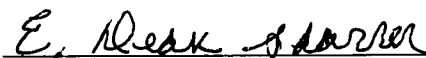
TO HAVE AND TO HOLD, all and singular the said Premises before mentioned unto said
WAYNE K. CLARK AND SHERL WELCH, as **joint tenants with right of survivorship**
and not as tenants in common, their heirs and assigns, forever, in fee simple, and the Grantor(s)
does hereby bind themselves and their heirs, successors and assigns to warrant and forever defend
all and singular the said Premises unto said **WAYNE K. CLARK AND SHERL WELCH**, as
joint tenants with right of survivorship and not as tenants in common, as hereinabove
provided against the Grantor(s) and their heirs, successors and assigns and any person or persons
whomsoever lawfully claiming or to claim the same, or any part thereof.

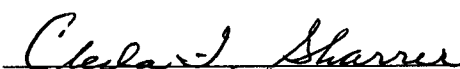
WITNESS the execution hereof by my hand and seal this 27th day of February, 2015.

Signed, Sealed and Delivered
in the presence of:


FIRST WITNESS


SECOND WITNESS


E. DEAN SHARRER


CLEDA F. SHARRER

Notary Legal Signature
Notary Public for South Carolina
My Commission Expires: 12-2-18

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT OF CONSIDERATION

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

2. Property located at 1026 Anne Street, North Myrtle Beach, SC 29582, bearing Horry County Tax Map Number 144-05-18-002 as transferred by EARNEST DEAN SHARRER AND CLEDA F. SHARRER to WAYNE K. CLARK AND SHERL WELCH, on February 27, 2015.

3. The transaction was (Check one):

- (a) X 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); (1) _____
(If exempt, skip items 4-7 and go to item 8)

4. Check one of the following if either item (a) or (b) above has been checked:

- (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$233,000.00
(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 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. 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: \$233,000.00
(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: \$233,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is \$862.10.

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

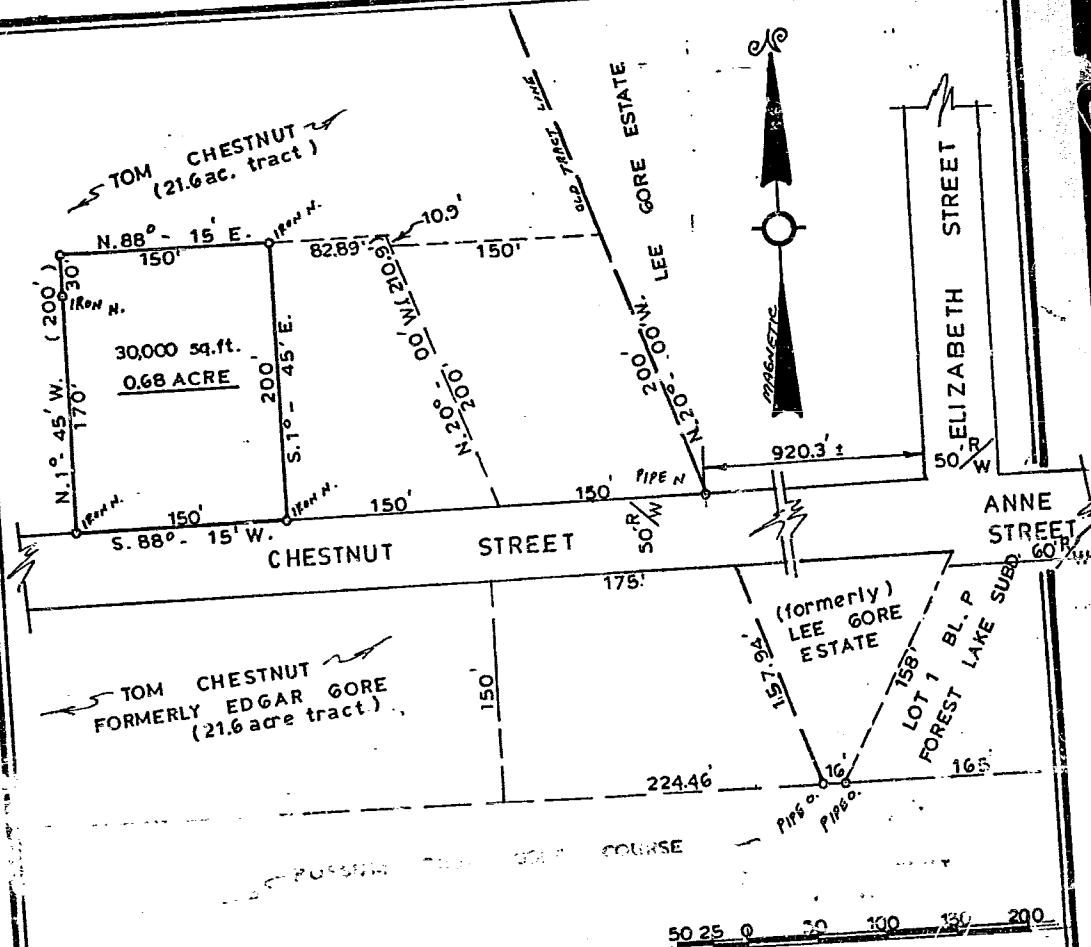
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this
27th day of February, 2015

Notary Public for South Carolina
My Commission Expires: 12-20-18

E. Dean Sharrer
Responsible Person Connected with the Transaction

E. DEAN SHARRER
Print or type the above name here



APPROVED FOR
RECORDING

Sharon Richardson
May 19, 1987

MAP OF
0.68 ACRE LOT IN THE TOM CHESTNUT LOTS
NORTH MYRTLE BEACH
LITTLE RIVER TOWNSHIP - HORRY COUNTY, S.C.
REF: MAP OF 12 LOTS IN NORTH MYRTLE BEACH
PREPARED FOR TOM CHESTNUT, DATED OCT.
26, 1974, BY M.E.
OWNED BY
RAYMOND E. SMITH

I Hereby Certify that the Measurements
as shown Are Correct and there are No
Encroachments or Projections other than
shown.

Terry McLamb
C. E. BERRY, R.L.S., S.O. NO. 2075
NORTH MYRTLE BEACH, S.C. 29582
NOVEMBER 20, 1986
PREPARED BY TERRY McLAMB



- North Myrtle Beach City Limit
- Subject Area

- Existing Land Use**
- Common Open Space

Legend

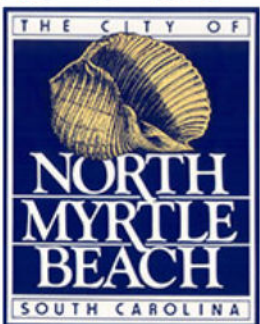
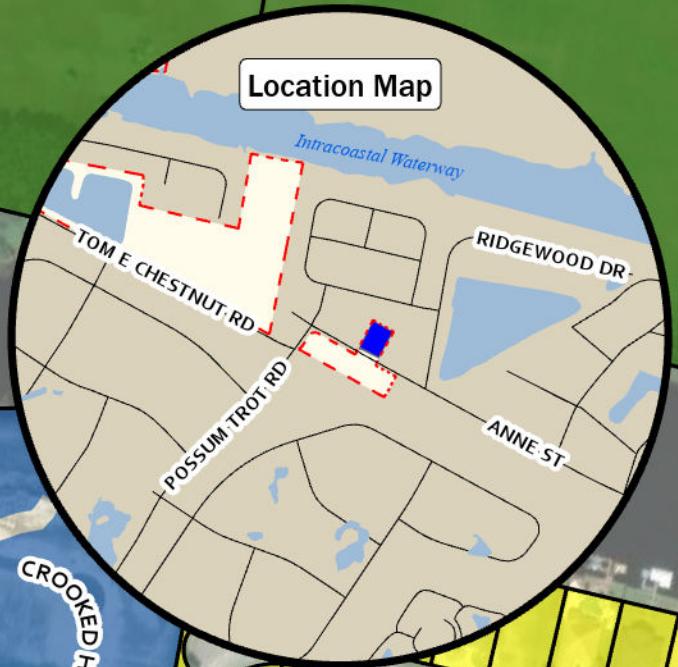
- Private Common Open Space
- Single-Family

- Vacant



Existing Land Use

0 150 300 Feet



Legend

- | | |
|-------------------------------|------------------------|
| North Myrtle Beach City Limit | Future Land Use |
| Subject Area | MMU |
| | NMU |
| | RPC |
| | RS |



0 150 300 Feet

Future Land Use