

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: July 19, 2021

Agenda Item: 5C	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: Consent: Ordinance. Second Reading	Date: July 14, 2021
Subject: Petition for annexation and zoning designation for 0.46 acres on Riverside Drive [Z-21-8]	Division: Planning and Development

Background:

Kenneth Stephenson, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.46 acres of property located on Riverside Drive identified by PIN 311-16-04-0013. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1). The subject area is identified as Residential Suburban on the Future Land Use Map and the request is consistent with the comprehensive plan.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned MSF 10 Residential (MSF 10) under Horry County jurisdiction. Located on Riverside Drive, the parcel has a raised manufactured home located on it. Surrounding parcels within City limits are zoned Planned Development District (PDD); adjacent unincorporated county parcels are zoned MSF 10. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-21-8), 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.

Planning Commission Action:

The Planning Commission conducted a public hearing on May 18, 2021 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 the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 0.46 ACRES IDENTIFIED AS PIN 311-16-04-0013.**

WHEREAS, Kenneth Stephenson, property owner, has petitioned the City of North Myrtle Beach for annexation of 0.46 acres consisting of the following parcel PIN 311-16-04-0013 as referenced on Exhibit A: Zoning Map (Z-21-8), prepared by the City of North Myrtle Beach Planning & 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; and

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 311-16-04-0013 (the “Annexed Parcel”), consisting of approximately 0.46 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 _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED:

City Manager

FIRST READING: 6.21.2021
SECOND READING: 7.19.2021

ORDINANCE: 21-25

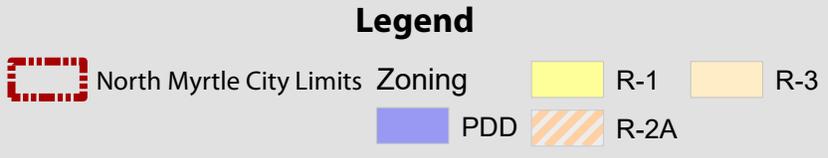
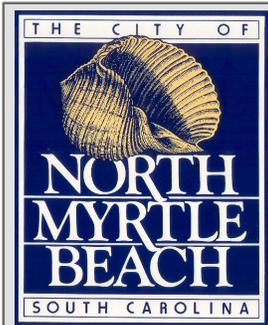
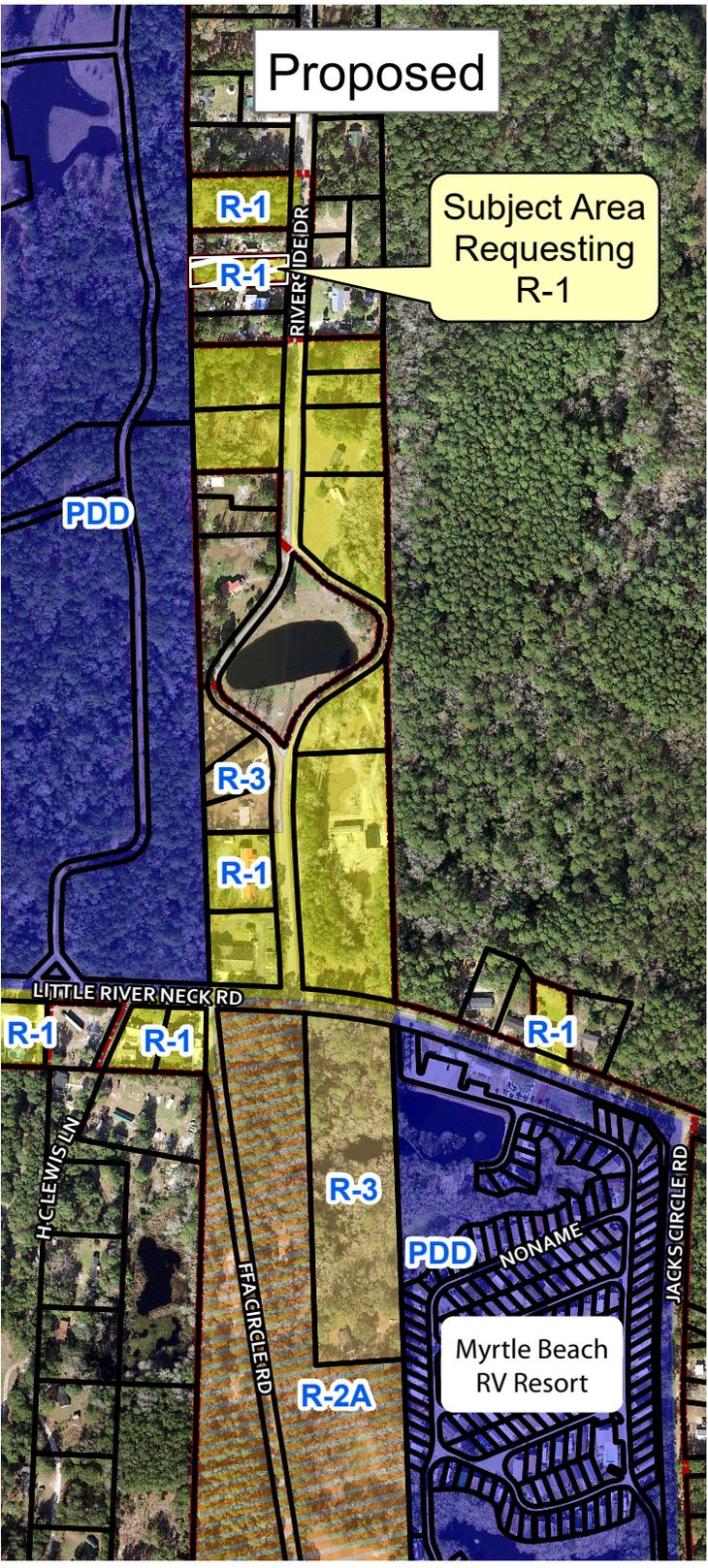
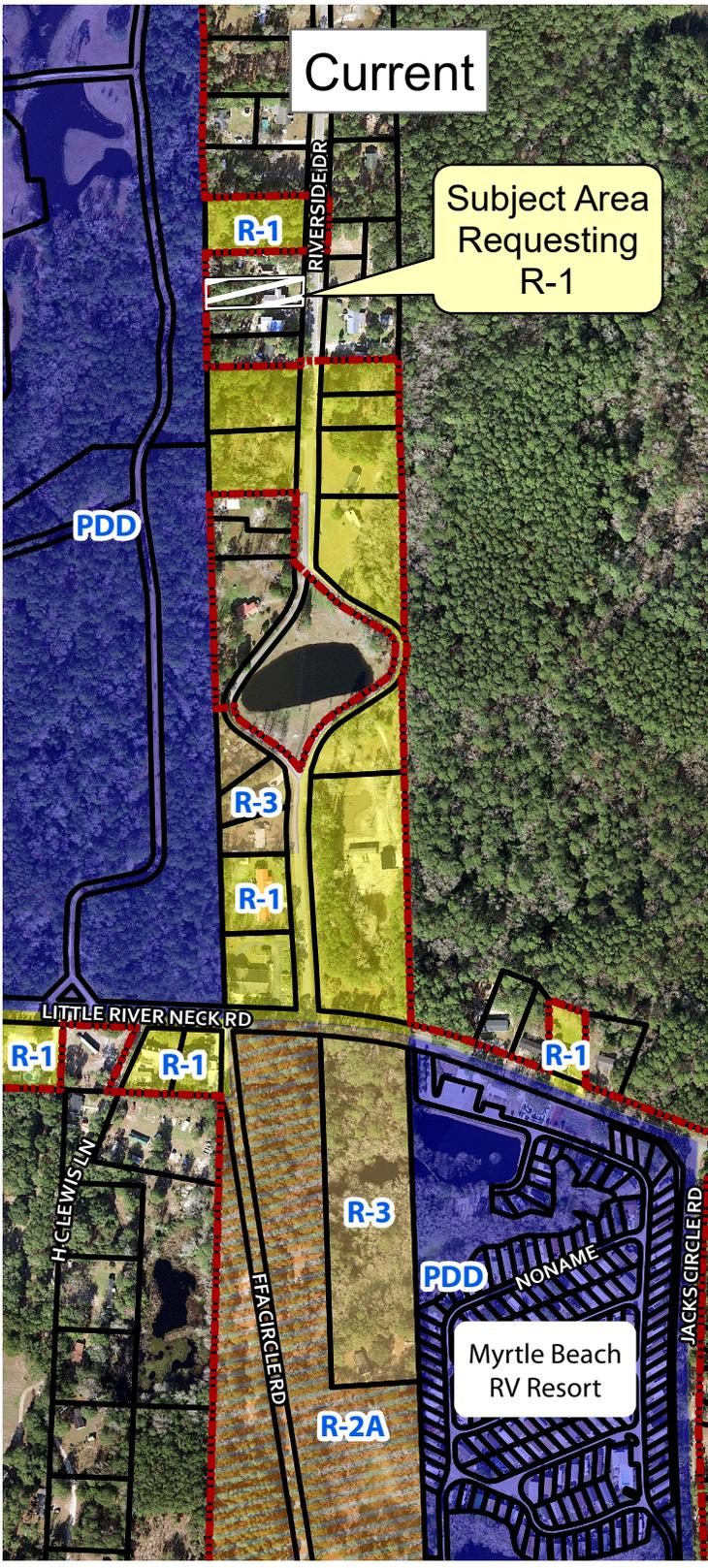


Exhibit A: Zoning Map (Z-21-8)

7A. ANNEXATION & ZONING DESIGNATION Z-21-8: City staff has received a petition to annex lands on Riverside Drive totaling approximately 0.46 acres and identified by PIN 311-16-04-0013. The lot is currently unincorporated and zoned MSF 10 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.

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 MSF 10 Residential (MSF 10) under Horry County jurisdiction. Located on Riverside Drive, the parcel has a raised manufactured home located on it. Surrounding parcels within City limits are zoned Planned Development District (PDD); adjacent unincorporated county parcels are zoned MSF 10.

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 as a result of such change, and the consequence of such change:

Current public rights-of-way serve this area via the existing, county-maintained Riverside Drive.

- 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 service is available to the parcel; sewer service is under construction.

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 June 21, 2021. 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-21-8] as submitted.

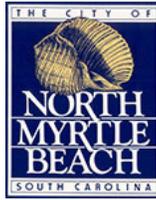
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-21-8] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-8
Complete Submittal Date:	April 17, 2021



Notice Published:	April 29, 2021
Planning Commission:	May 18, 2021
First Reading:	June 21, 2021
Second Reading:	July 19, 2021

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: April 18, 2021	Property PIN(S): 311-16-04-0013
Property Owner(s): Kenneth R Stephenson, Sandra Stephenson	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 4775 Riverside drive	Project Contact: Kenneth Stephenson
Contact Phone Number: 8436248513	Contact Email Address: Kennethstephenson4040@gmail.com
Current County Zoning: MSF10	Proposed Zoning: R-1
Total Area of Property: .46 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: Kenneth Stephenson

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.

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 HOLD all and singular the premises before mentioned unto the said Grantee, his or her heirs, successors and/or assigns, forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind himself and his Heirs, Successors and/or Assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, his or her heirs, successors and assigns forever, in fee simple, 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 7th day of August in the year of our Lord two thousand and six and in the two hundred thirty first year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered

1st Witness

2nd Witness

(Notary)

Joe Carroll Shook

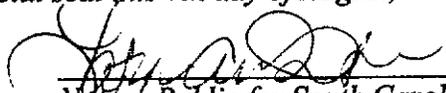
STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

ACKNOWLEDGEMENT

I, LARRY ANN SMITH a Notary Public for South Carolina, do hereby certify that the Grantor herein personally appeared before me, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 7th day of August, 2006.

(SEAL)



Notary Public for South Carolina
My Commission Expires: 8/24/2013

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 9-A Riverside Dr., N. Myrtle Beach, SC 29582, bearing Horry County, Tax Map Number 131-17-01-016 was transferred by Joe Carroll Shook and to Kenneth Stephenson on 08/07/06.

The transaction was (Check one):

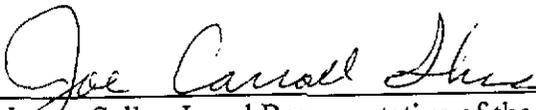
X an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$ 55,000.00

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

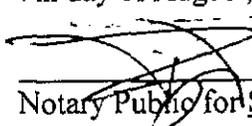
The above transaction is exempt. Or partially exempt from the recording fee as set forth in S.C. Coed Ann. Section 12-24-40,() et. seq., because the deed is:

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

I further 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.



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

SWORN to before me this /
7th day of August, 2006


Notary Public for South Carolina
My Commission Expires: 7/12/11

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.

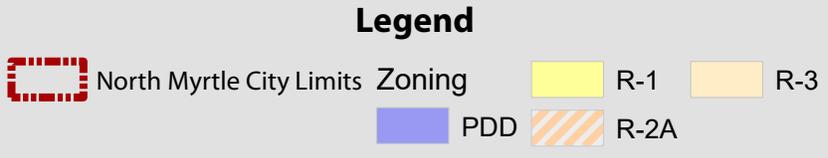
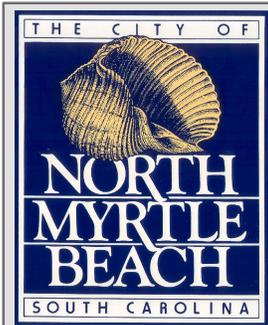
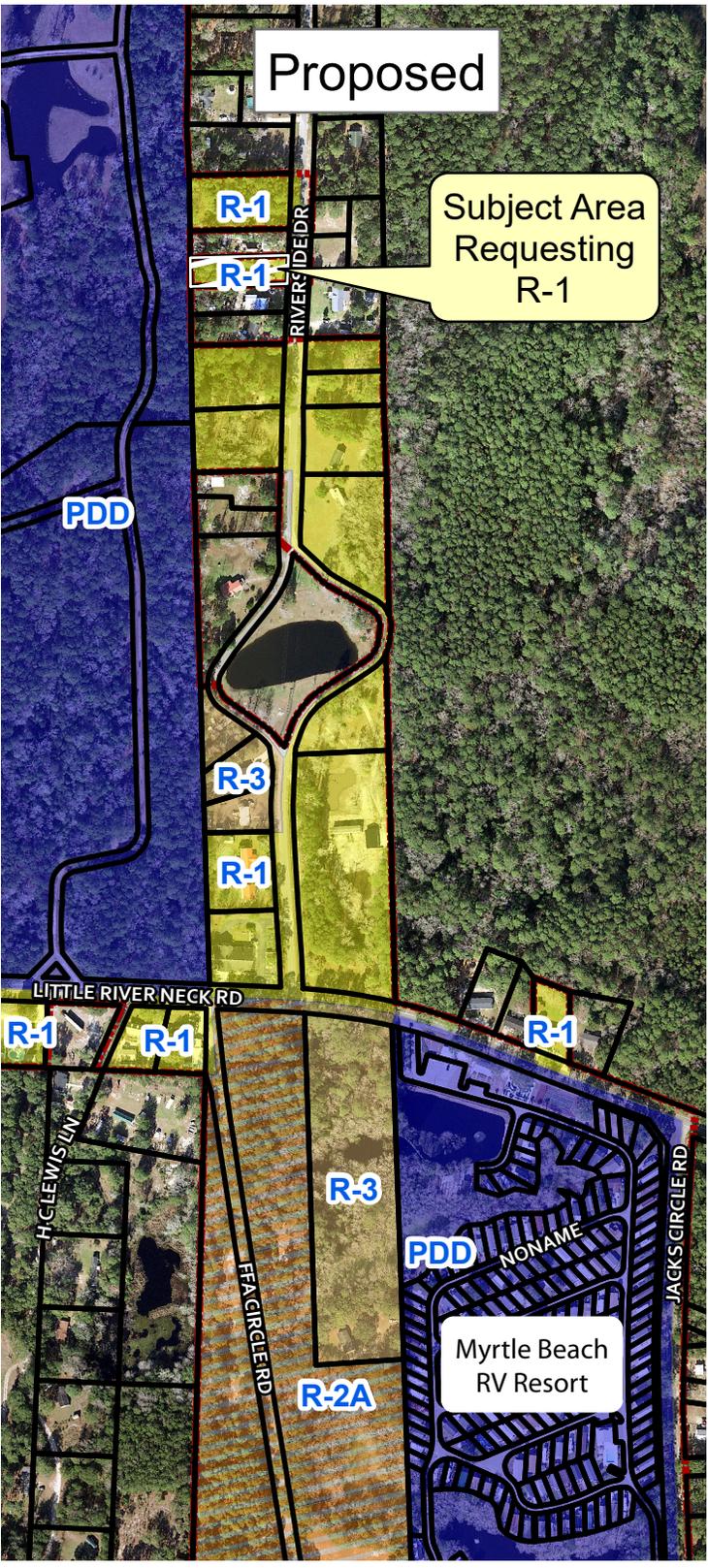
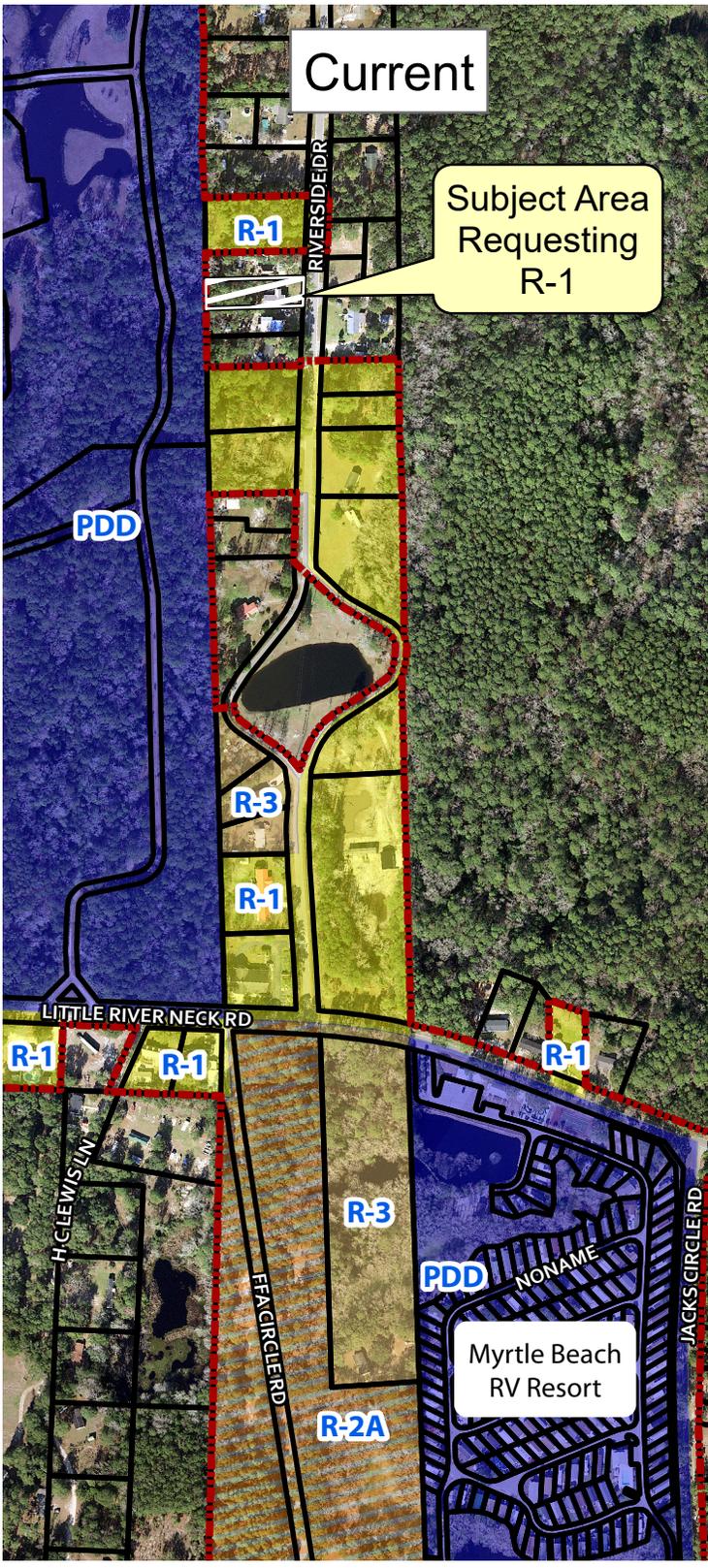
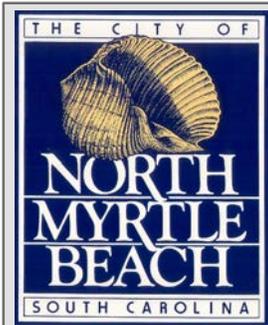


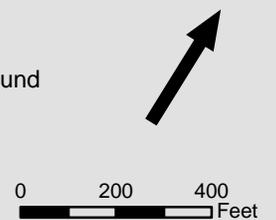
Exhibit A: Zoning Map (Z-21-8)



Subject Area Requesting R-1



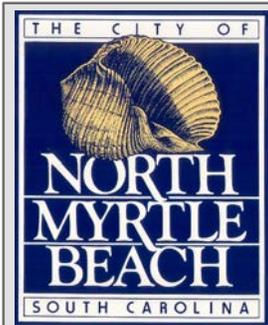
Legend					
	Subject Area		Common Open Space		Public, Social, Cultural
	North Myrtle City Limits		Golf Course		RV / Campground
			Mobile Home		Single-Family
			Vacant		



Existing Land Use (Z-21-8)



Subject Area
Requesting R-1



-  Subject Area
-  North Myrtle City Limits

- Recommended Future Land Use Categories**
-  CC - Conservation Community

Legend

-  RPC - Resource, Protection, Conservation
-  SP - Service / Production

-  RS - Residential Suburban



Future Land Use (Z-21-8)