

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 3, 2022

Agenda Item: 5D	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Consent: Ordinance. Second Reading	Date: December 14, 2021
Subject: Request to rezone 0.75 Acres on Old Crane Road from Single-Family Residential Low-Density (R-1) to Single-Family Residential Low-Medium (R-1A) [Z-21-28]	Division: Planning and Development

Background:

Kenneth Culler, owner, has requested that the City of North Myrtle Beach rezone approximately 0.75 acres of property located on Old Crane Road from Single-Family Residential Low-Density (R-1) to Single-Family Residential Low-Medium (R-1A). The subject property is currently vacant and undeveloped and identified by PIN 350-06-01-0137. Surrounding parcels within City limits are zoned within the Bahama Island Planned Development District (PDD); adjacent unincorporated county parcels are zoned Commercial Forest Agriculture (CFA) and General Residential (GR). The applicant annexed into the City on August 16, 2021, and misunderstood his development needs for a 2-lot subdivision prior to annexation.

Comparison of Existing and Proposed Zoning:

The R-1 and R-1A districts share the same purpose: 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 permitted uses within both districts are the same: Single-family detached dwellings; 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

R-1 & R-1A District

District		R-1	R-1A
Lot Area Requirements	Single-Family Dwelling (SF)	10,000 SF	7,500 SF
	Churches	1 Acre	1 Acres
	Other Permitted Uses (SF)	10,000 SF	10,000 SF
Minimum Lot Width		80 feet	60 feet
Yard Requirements	Front (All Uses)	25 feet	25 feet
	Rear	Single-Family Dwelling	20 feet
		Churches & Other Permitted Uses	25 feet

	Side	Single-Family Dwelling	10 feet ¹		5 feet	
		Churches	25 feet		25 feet	
		Other Permitted Uses	10 feet		10 feet	
Maximum Height of Structures	Single-Family Structures		35 feet		35 feet	
	Accessory Building		15 feet		15 feet	
	Other Permitted Uses (SF)		45 feet		45 feet	

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

Staff Review:

The rezoning request has been reviewed by the Department of Public Works, Department of Public Safety, and the Zoning Administrator; no concerns have been expressed. The subject area is identified as Residential Suburban on the Future Land Use Map, and the request is consistent with the comprehensive plan. A proposed ordinance has been attached for Council's review.

Planning Commission Action:

The Planning Commission conducted a public hearing on November 16, 2021 and voted unanimously to recommend approval of the rezoning request, 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
Council Action: Motion By _____ 2 nd By _____ To _____		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
AMENDING THE OFFICIAL ZONING MAP TO REZONE
AN AREA FROM SINGLE-FAMILY RESIDENTIAL
LOW-DENSITY (R-1) TO SINGLE-FAMILY RESIDENTIAL
LOW-MEDIUM (R-1A).**

WHEREAS, Kenneth Culler, owner, has submitted an application for the rezoning of one (1) lot containing approximately 0.75 acres identified by PIN 350-06-01-0137, as referenced on Exhibit A: Zoning Map (Z-21-28) prepared by City of North Myrtle Beach Planning and Development Department. The applicant is requesting to change the zoning district from Single-Family Residential Low-Density (R-1) to Single-Family Residential Low-Medium (R-1A); 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 Medium Density Residential (R-1A); and

WHEREAS, the City Council has the authority to amend the zoning designation placed on the properties in accordance with applicable State Statutes and City Ordinances; 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. Rezoning. That the Official Zoning Map is hereby amended to rezone the property Single-Family Residential Low-Medium (R-1A) in accordance with the attached reference map entitled “Exhibit A: Zoning Map (Z-21-28).”

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

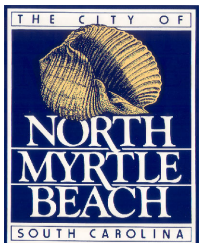
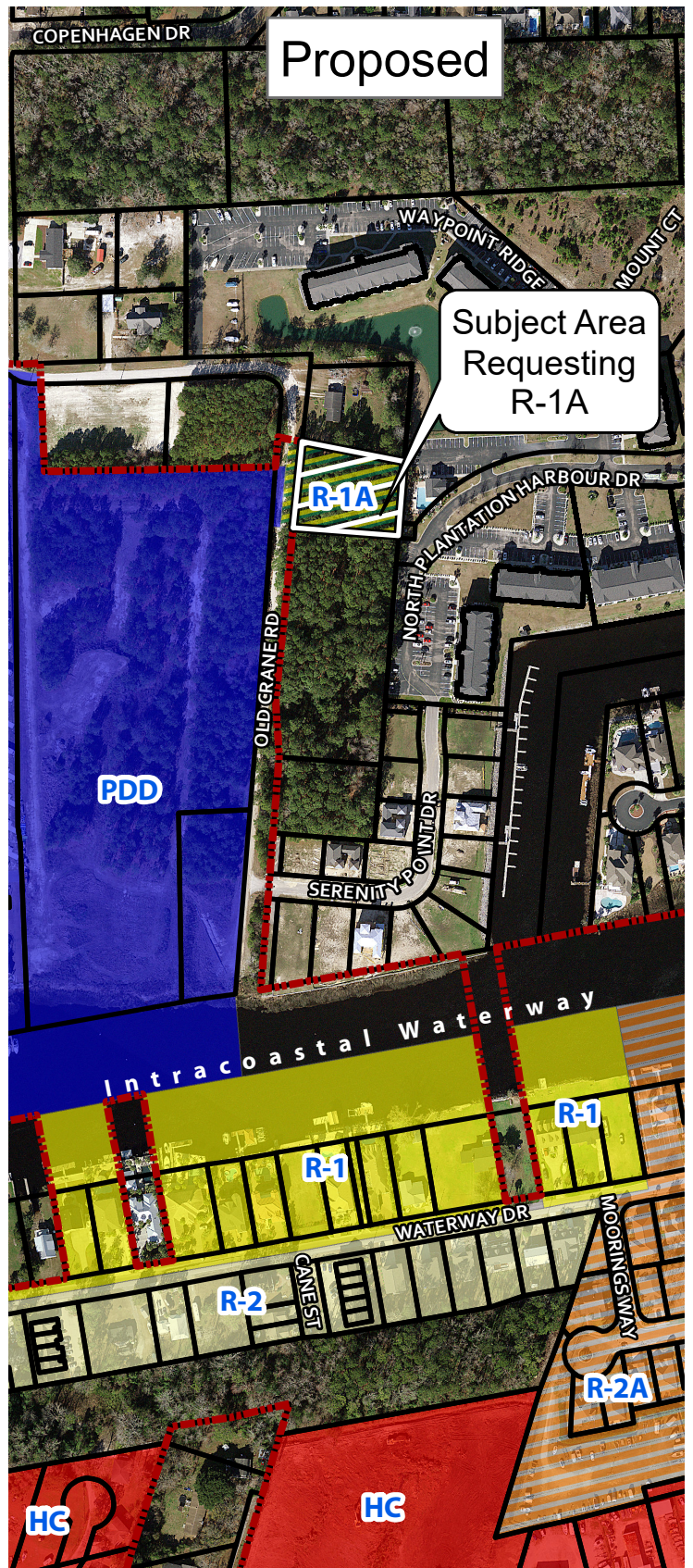
City Attorney

REVIEWED:

FIRST READING: 12.6.2021
SECOND READING: 1.3.2022

City Manager

ORDINANCE: 21-50



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Legend



Subject Area

North Myrtle Beach City Limit

ZONING

HC

PDD

R-1

R-1A

R-2

R-2A



0 200 400 Feet

Exhibit A: Zoning Map (Z-21-28)

Date: 11/5/2021
Author: Dawn E. Snider

7D. REZONING REQUEST Z-21-28: The Planning & Development Department received an application requesting a rezoning of one (1) lot containing ±0.75 acres and identified by PIN 350-06-01-0137 located off Old Crane Road from Single-Family Residential Low-Density (R-1) to Single-Family Residential Low-Medium (R-1A).

Background:

The planning commission reviewed the petition for annexation and zoning to R-1 for this parcel at their June 22, 2021, meeting.

Existing Conditions and Surrounding Land Uses:

Located on Old Crane Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned within the Bahama Island Planned Development District (PDD); adjacent unincorporated county parcels are zoned CFA and General Residential (GR).

Comparison of Existing and Proposed Zoning:

The R-1 and R-1A districts share the same purpose: 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 permitted uses within both districts are the same: Single-family detached dwellings; 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.

R-1 & R-1A District

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	Rear (Churches & Other Permitted Uses)	25 feet	25 feet
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Note:¹A five-foot side yard setback shall be required for substandard lots of record.

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-1A, 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 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-1A 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-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 (are identical to the R-1 district).

- 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:

Old Crane Rd is a Horry County maintained road; new driveways will require Horry County encroachment permit review and approval. Other public services exist with adequate service capacity.

- 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 appear to be available based on GIS data regarding the GSWSA service area. GSWSA to confirm and provide letter of availability prior to development.

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 rezoning request is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for December 6, 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 rezoning request.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed rezoning request.

Public Works

The City Engineer has no issue with the proposed rezoning request.

Public Safety

The Fire Marshall has no issue with the proposed rezoning request.

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 rezoning request [Z-21-28] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the rezoning request [Z-21-28] as submitted.
OR
- 3) I move (an alternate motion).

Rezoning Finance Account Code:	3.51
FEE PAID:	\$500 on October 12, 2021
FILE NUMBER:	Z-21-28
Complete Submittal Date:	October 12, 2021



Notice Published:	October 28, 2021
Property Posted:	October 28, 2021
Planning Commission:	November 16, 2021
First Reading:	December 6, 2021
Second Reading:	January 3, 2022

City of North Myrtle Beach, SC

Application for Rezoning

GENERAL INFORMATION

Date of Request: October 8, 2021	Property PIN(S): 35006010137
Property Owner(s): Kenneth lee culler	Type of Zoning Map Amendment: Rezoning (not to PDD)
Address or Location: 445 old crane rd	Project Contact: Kenneth Culler
Contact Phone Number: 9103310736	Contact Email Address: cullerken@yahoo.com
Current Zoning: R-1	Proposed Zoning: R-1A
Total Area of Property: 1 Acres	Currently Located in City: Yes

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 Culler

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

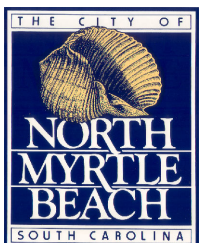
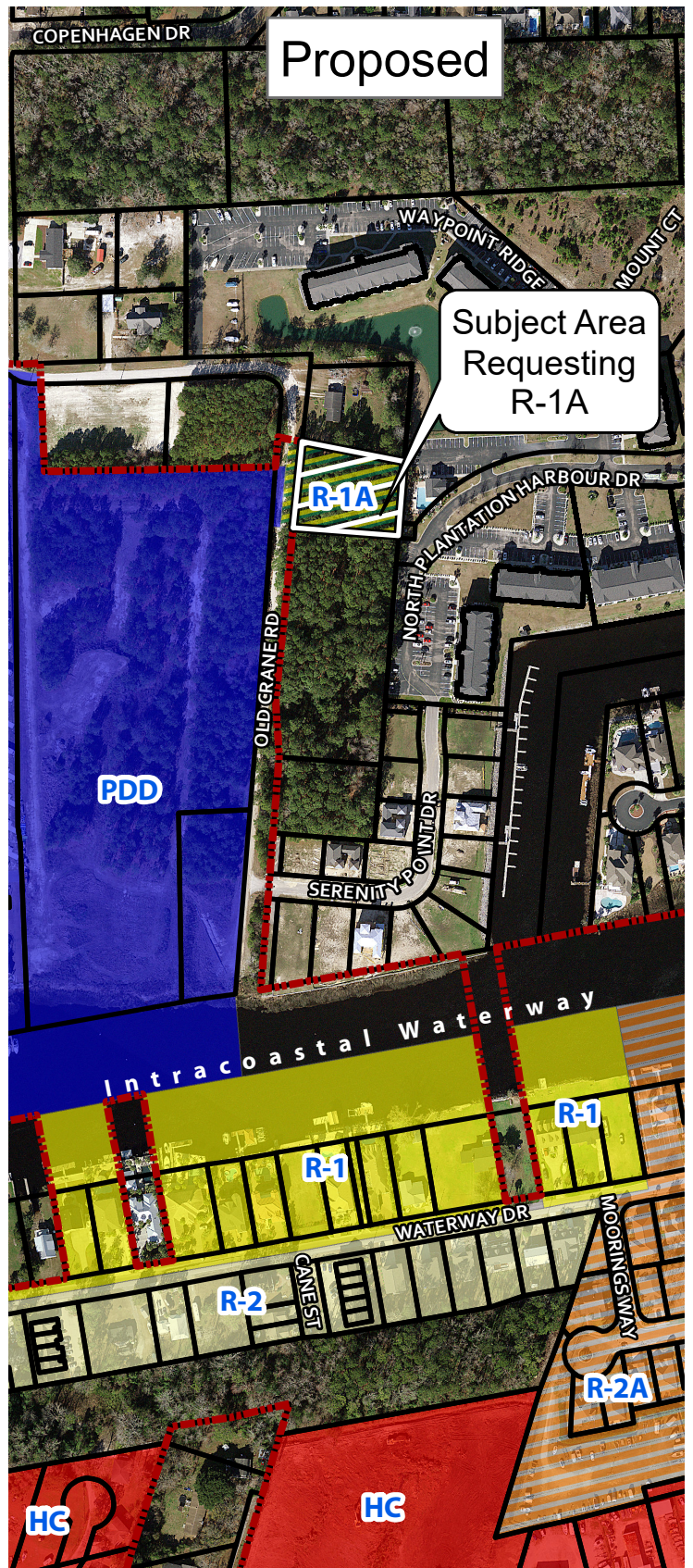
North Myrtle Beach
843-200-5550 or 843-200-5585

REC#: 01733632 10/12/2021 12:54 PM
OPER: C4 TERM: 004
REF#: 234 SO

TRAN: 3.5100 REZONINGS
KENNETH LEE CULLER
445 OLD CRANE DR
CITY CODES AND ORDI 500.00CR

TENDERED: 500.00 CREDIT CARD
APPLIED: 500.00-
CHANGE: 0.00

PAID
OCT 12 2021



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Legend



Subject Area

North Myrtle Beach City Limit

ZONING

HC

PDD

R-1

R-1A

R-2

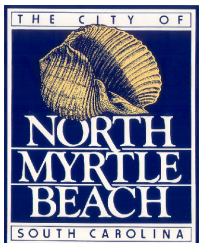
R-2A



0 200 400 Feet

Exhibit A: Zoning Map (Z-21-28)

Date: 11/5/2021
Author: Dawn E. Snider



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Legend

North Myrtle City Limits

Existing Land Use

Common Open Space

Mobile Home

Multi-Family

Public, Social, Cultural

RV / Campground

Single-Family

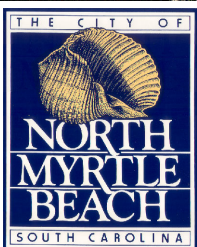
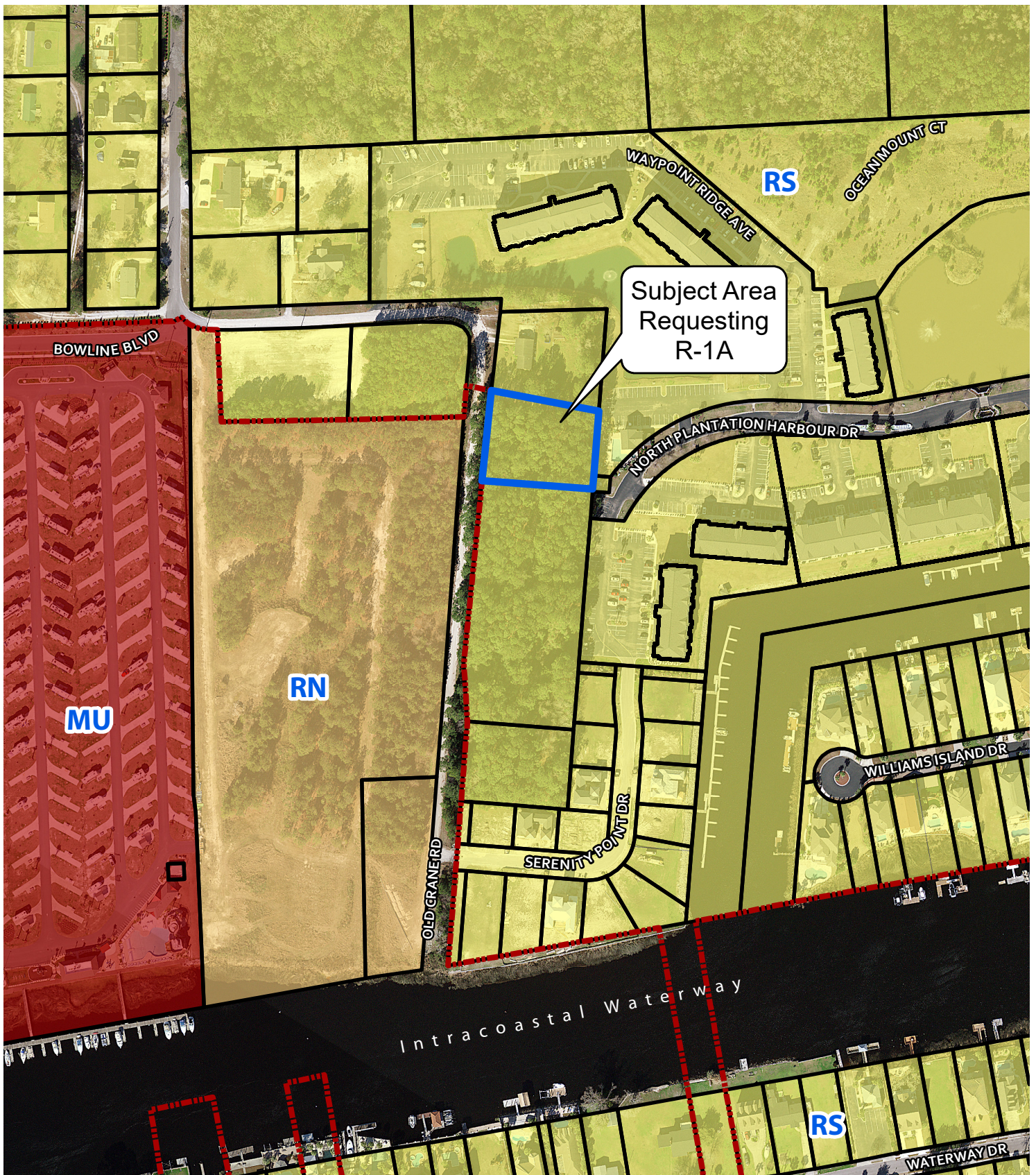
Vacant



0 125 250 Feet

Existing Land Use Map (Z-21-28)

Date: 11/1/2021
Author: Dawn E. Snider



Legend

- Subject_Area
- North Myrtle City Limits

**Recommended
Future Land Use
Categories**

- MU - Mixed Use

- RS - Residential Suburban
- RN - Residential Neighborhood



0 125 250 Feet

Future Land Use Map (Z-21-28)