

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: April 4, 2022

Agenda Item: 7D	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: March 30, 2022
Subject: Petition for annexation and zoning designation for 0.5 Acres on Riverside Drive [Z-22-4]	Division: Planning and Development

Background:

Kathryn Sapp, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.5 acres of property located off Riverside Drive identified by PIN 311-16-04-0018. 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 manufactured home located on it. Surrounding parcels within City limits are zoned Planned Development District (PDD) within the Hope Pointe 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-22-4), 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 March 22, 2022 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 first 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 0.5 ACRES IDENTIFIED AS PIN 311-16-04-0018.**

WHEREAS, Kathryn Sapp, owner, has petitioned the City of North Myrtle Beach for annexation of 0.5 acres consisting of the following parcel PIN 311-16-04-0018 as referenced on Exhibit A: Zoning Map (Z-22-4), 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.

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 311-16-04-0018 (the “Annexed Parcel”), consisting of approximately 0.5 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 Parcels are hereby designated and zoned as Single-Family Residential Low-Density (R-1).

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

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

FIRST READING: 4.4.2022

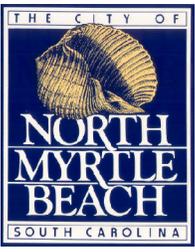
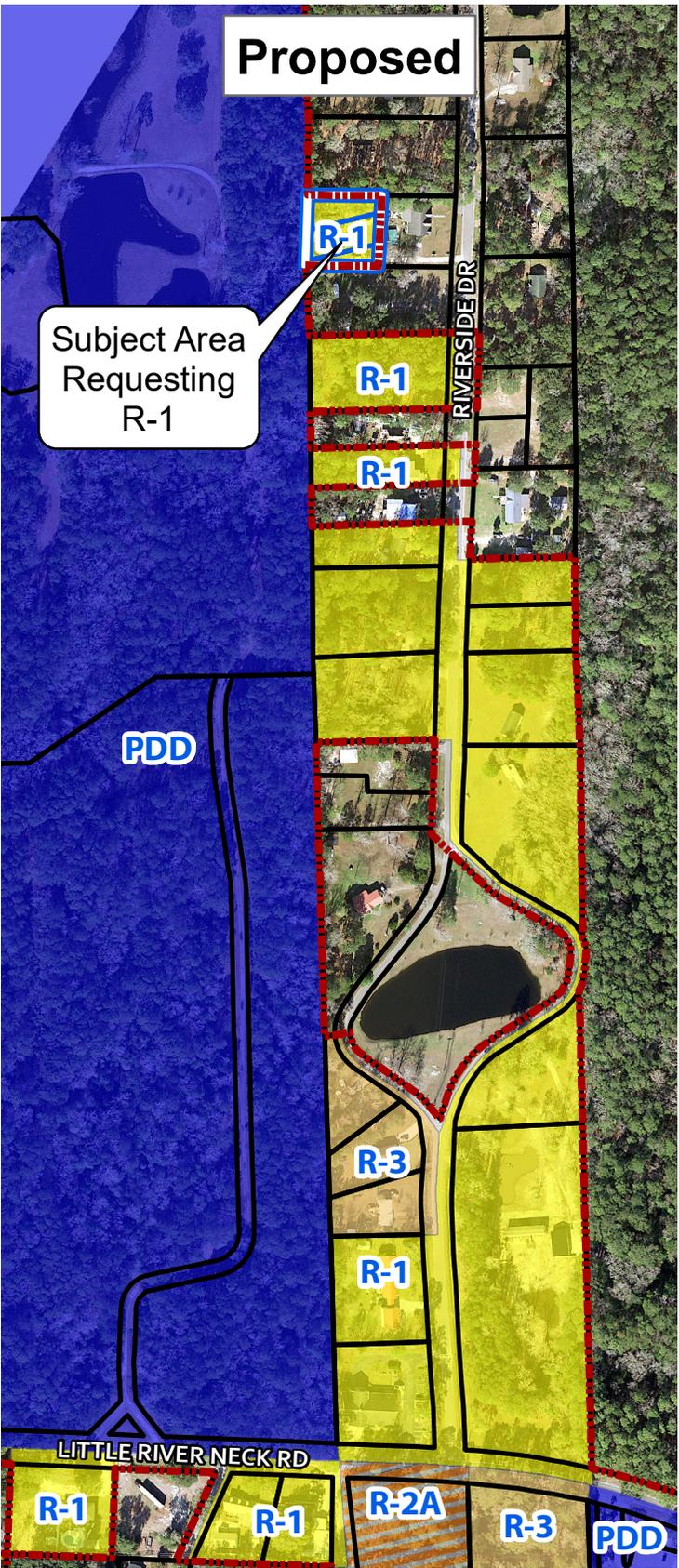
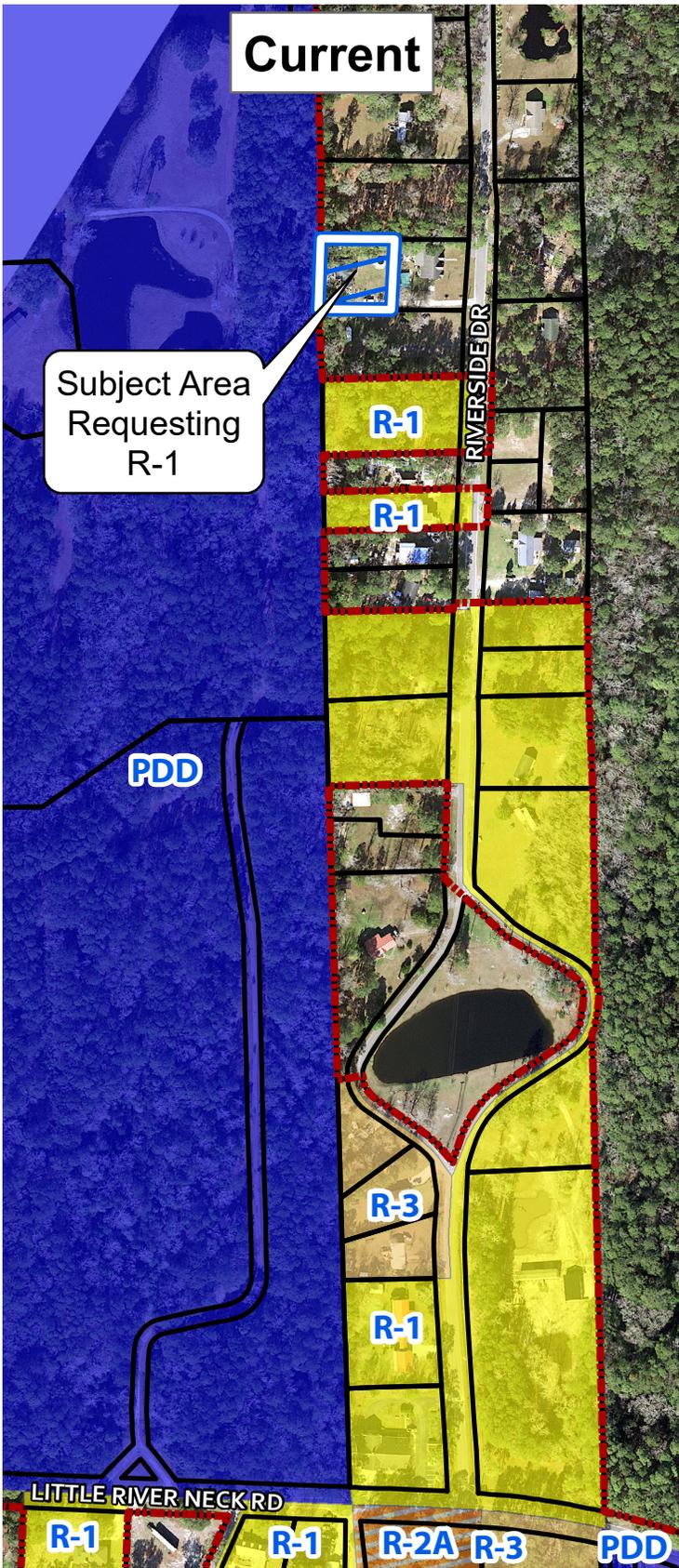
SECOND READING: _____

City Attorney

REVIEWED:

ORDINANCE: _____

City Manager



Legend

 Subject Area
  R-1
  R-3

 North Myrtle City Limits
  PDD
  R-2A

Exhibit A: Zoning Map (Z-22-4)



Date: 3/8/2022
 Author: Dawn E. Snider

6A. ANNEXATION & ZONING DESIGNATION Z-22-4: City staff received a petition to annex lands on Riverside Drive totaling ±0.46 acres and identified by PIN 311-16-04-0018. The lot is currently unincorporated and zoned Manufactured/Mobile Single-Family 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 manufactured home located on it. Surrounding parcels within City limits are zoned Planned Development District (PDD) within the Hope Pointe PDD; adjacent unincorporated county parcels are zoned MSF 10.

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.

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 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 City Council at their next meeting scheduled for April 4, 2022. 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-22-4] as submitted.

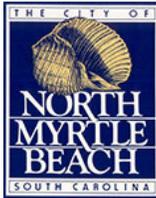
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-4] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-4
Complete Submittal Date:	February 21, 2022



Notice Published:	March 3, 2022
Planning Commission:	March 22, 2022
First Reading:	April 4, 2022
Second Reading:	May 2, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: February 21, 2022	Property PIN(S): 31116040018
Property Owner(s): SAPP KATHRYN H	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 4813 Riverside Dr	Project Contact: Kathy Sapp
Contact Phone Number: 843-340-8592	Contact Email Address: ksapp@rocketmail.com
Current County Zoning: MSF10	Proposed Zoning: R-1
Total Area of Property: 0.46 Acres	Approximate Population of Area to be Annexed: 1

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: Kathy Sapp

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.

SOUTH CAROLINA)
COUNTY OF DILLON) AFFIDAVIT FOR TAXABLE OR 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. The property being transferred is located in Horry County, State of South Carolina bearing Horry County Tax Map #131-17-01-014 and #131-17-01-003, was transferred by Kathryn H. Sapp, John D. Sapp, Jr., Alycia K. Sapp and Kara D. Sapp to Kathryn H. Sapp on April 28, 2017.
3. Check one of the following: The deed is
 - (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, please skip items 4-7, and go to item 8 of this affidavit.)

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 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
 - (b) The fee is computed on the fair market value of the realty which is \$113,200.00
 - (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 to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer 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 existing 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:	\$113,200.00
(b) Place the amount listed in Item 5 above here:	\$0.00
(If no amount is listed, place zero here.)	
(c) Subtract Line 6(b) from Line 6(a) and place result here:	\$113,200.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is \$419.95
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Kathryn H. Sapp.
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 and 00/100 Dollars (\$1,000.00) or imprisoned not more than a year, or both.

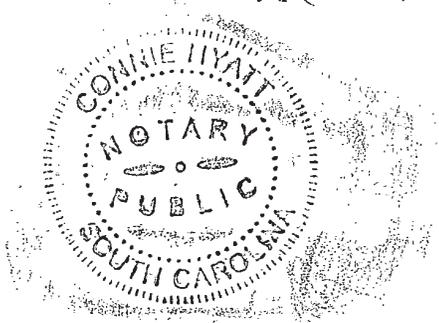
SWORN to and subscribed before me this

12th day of June 2017
Notary Public for South Carolina
My Commission Expires: 07-18-2022

Notary (U.S.) Connie Hyatt
Notary (printed name): Connie Hyatt

Kathryn H. Sapp
Responsible Person Connected with the Transaction

Kathryn H. Sapp
Printed or Type Name of Responsible Person



STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Kathryn H. Sapp, John D. Sapp, Jr.,
Alycia K. Sapp and Kara D. Sapp

TO

Kathryn H. Sapp

TITLE TO REAL ESTATE

EXHIBIT "A"

PARCEL ONE:

All and singular, all that certain piece, parcel or lot of land in Little River, Township, Horry County, South Carolina, being shown and designated as Lot Eleven (11) 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 Clerk of Court for Horry County, South Carolina, reference to said map is craved as forming a part of this description.

This being the same property conveyed to the grantors in a Deed of Distribution in Deed Book 4005 at Page 629 dated April 13, 2017 and recorded April 26, 2017 in the Office of the Horry County Registrar of Deeds.

Tax Map # 131-17-01-003

PARCEL TWO:

All that certain piece, parcel or lot of land with any improvements thereon, situate, lying and being in the Little River Township, Horry County, South Carolina, being shown and designated as Lot Two (2) on a plat prepared for Donald White by McKim & Creed, R.L.S. which is recorded in the Office of the Clerk of Court for Horry County in Plat Book 207 at Page 106. Said plat description is incorporated herein by reference thereto. This is the same property conveyed to the grantors in Deed Book 4005 at Page 631.

This being a portion of that property conveyed to John D. Sapp in a Deed recorded in the Office of the Clerk of Court for Horry County in Deed Book 2893 at Page 1493. This is the same property conveyed to the grantors in Deed Book 4005 at Page 631.

Tax Map #131-17-01-014

Grantees' Address: 4813 Riverside Drive, North Myrtle Beach, South Carolina 29582

I HEREBY CERTIFY THAT THIS MAP AND THE FIELD SURVEY ON WHICH IT IS BASED, TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF AND IN MY PROFESSIONAL OPINION, COMPLIES WITH THE REQUIREMENTS FOR A (CLASS A) URBAN LAND SURVEY AS SET FORTH IN THE "MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA" CODE OF REGULATIONS, CHAPTER 49, ARTICLE 3, RULES 49-20 THROUGH 49-29, AS AMENDED. I FURTHER CERTIFY THAT THE AREA WAS DETERMINED BY THE COORDINATE CROSS MULTIPLICATION METHOD OF CALCULATION. WITNESS MY HAND AND SEAL THIS 16TH DAY OF August 2005.

Timothy Cawood
TIMOTHY CAWOOD R.L.S. 14806

THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND OR TRANSFER TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

John Sapp *John Sapp* 8-19-05
NAME SIGNATURE DATE

NAME SIGNATURE DATE

NAME SIGNATURE DATE

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE PLAT OF RIVERSIDE CAMP GROUND SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE HORRY COUNTY LAND DEVELOPMENT REGULATIONS AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS.

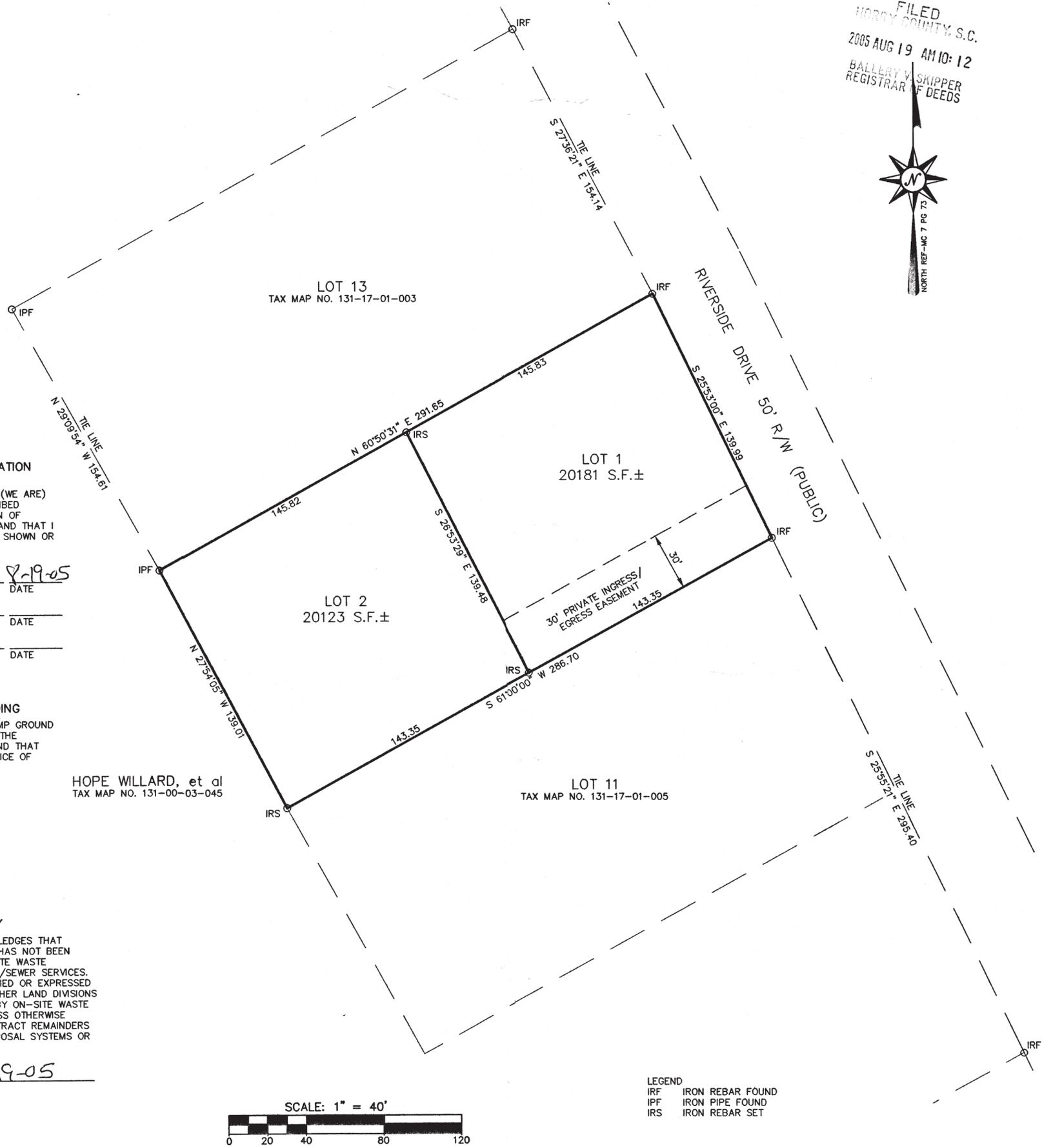
Michael Hodge 19 August
(PLANNING SIGNATURE) DATE

(ENGINEERING SIGNATURE) DATE

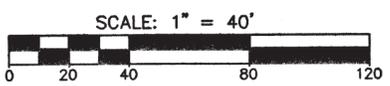
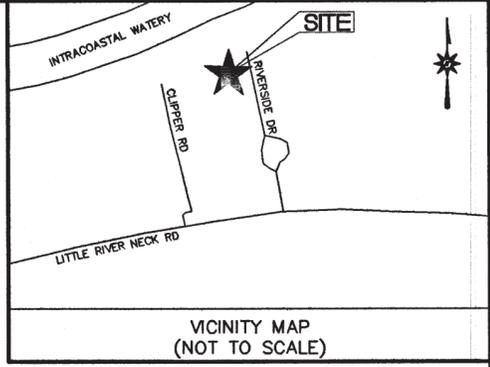
CERTIFICATE OF NON-EVALUATION FOR WATER AND SEWER AVAILABILITY

THE PROPERTY OWNER OF RECORD HEREBY ACKNOWLEDGES THAT THE SURVEYED PARCEL AND/OR TRACT REMAINDER HAS NOT BEEN REVIEWED TO DETERMINE THE AVAILABILITY OF ON-SITE WASTE DISPOSAL SYSTEMS OR PROVISION OF PUBLIC WATER/SEWER SERVICES. RECORDATION OF THIS PLAT SHALL NOT BE AN IMPLIED OR EXPRESSED CONSENT BY HORRY COUNTY THAT THE LOTS OR OTHER LAND DIVISIONS SHOWN HEREON ARE CAPABLE OF BEING SERVICED BY ON-SITE WASTE DISPOSAL OR PUBLIC WATER/SEWER SYSTEMS. UNLESS OTHERWISE STATED HEREON, ALL SURVEYED PARCELS AND/OR TRACT REMAINDERS HAVE NOT BEEN REVIEWED FOR ON SITE WASTE DISPOSAL SYSTEMS OR PUBLIC WATER/SEWER SERVICES.

John Sapp 8-19-05
PROPERTY OWNER DATE



FILED
HORRY COUNTY, S.C.
2005 AUG 19 AM 10:12
BALLERY SKIPPER
REGISTRAR OF DEEDS



LEGEND
IRF IRON REBAR FOUND
IRP IRON PIPE FOUND
IRS IRON REBAR SET

REFERENCES:
1) DEED BK. 1740, PG. 333
2) MAP CAB. 7, PG. 73

NOTES:
1) ALL DISTANCES SHOWN ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED.
2) ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.
3) THIS PROPERTY IS IN FLOOD ZONE X AS SCALED FROM FEMA FLOOD MAP PANEL NUMBER 45051C 0601 H DATED AUG. 23, 1999.
4) PARENT TAX MAP NO.: 131-17-01-004
5) DATE OF FIELD SURVEY: MAY 7, 2005
6) ACCESS IS PROVIDED TO LOT 2 THROUGH THE USE OF A 30 FOOT NON-EXCLUSIVE AND APPURTENANT ACCESS/UTILITY EASEMENT. THE ACCESS/UTILITY EASEMENT AND DRIVEWAY SHALL BE OWNED AND MAINTAINED COLLECTIVELY BY THE PROPERTY OWNER(S) OF THE ADJACENT LOTS. HORRY COUNTY SHALL NOT BE RESPONSIBLE IN ANY WAY FOR THE ACCESS/UTILITY EASEMENT.

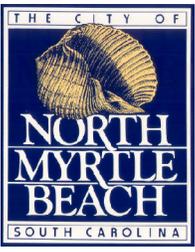
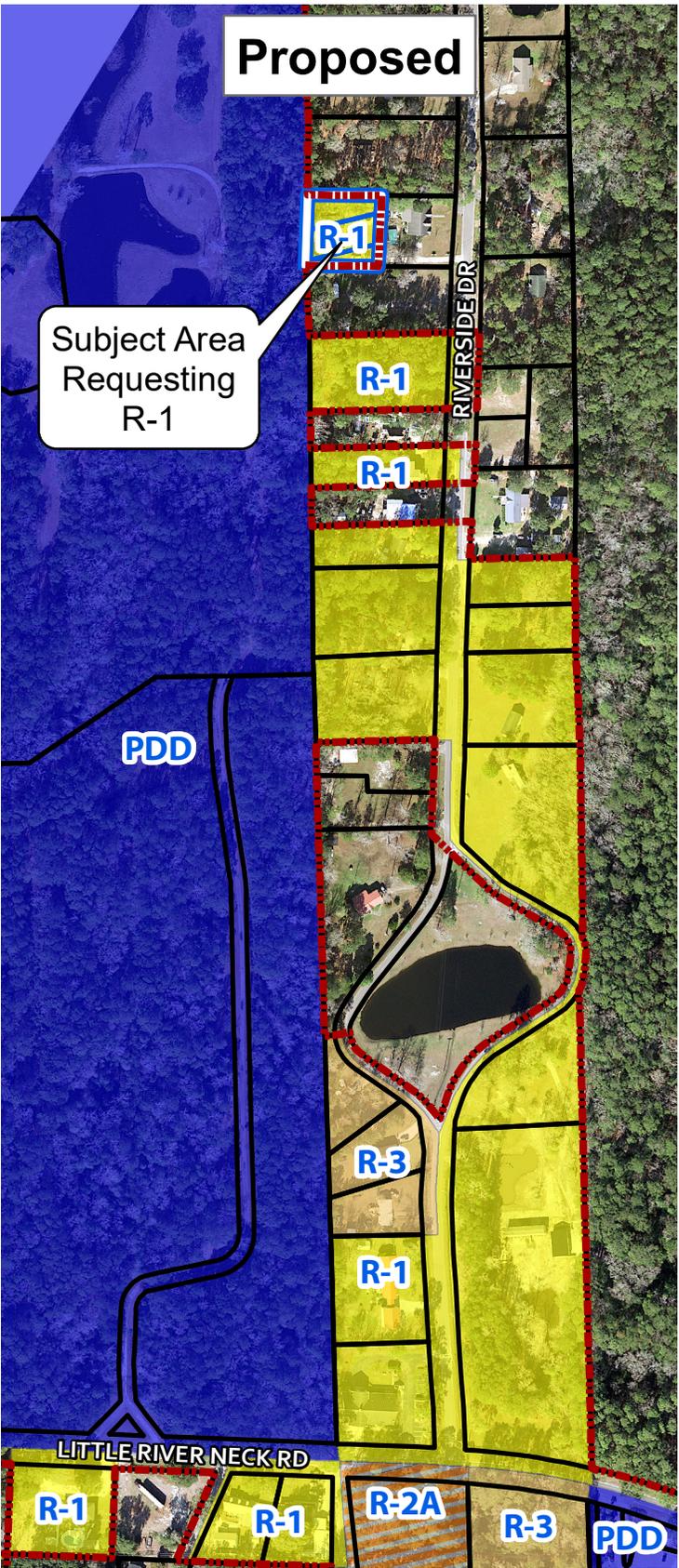
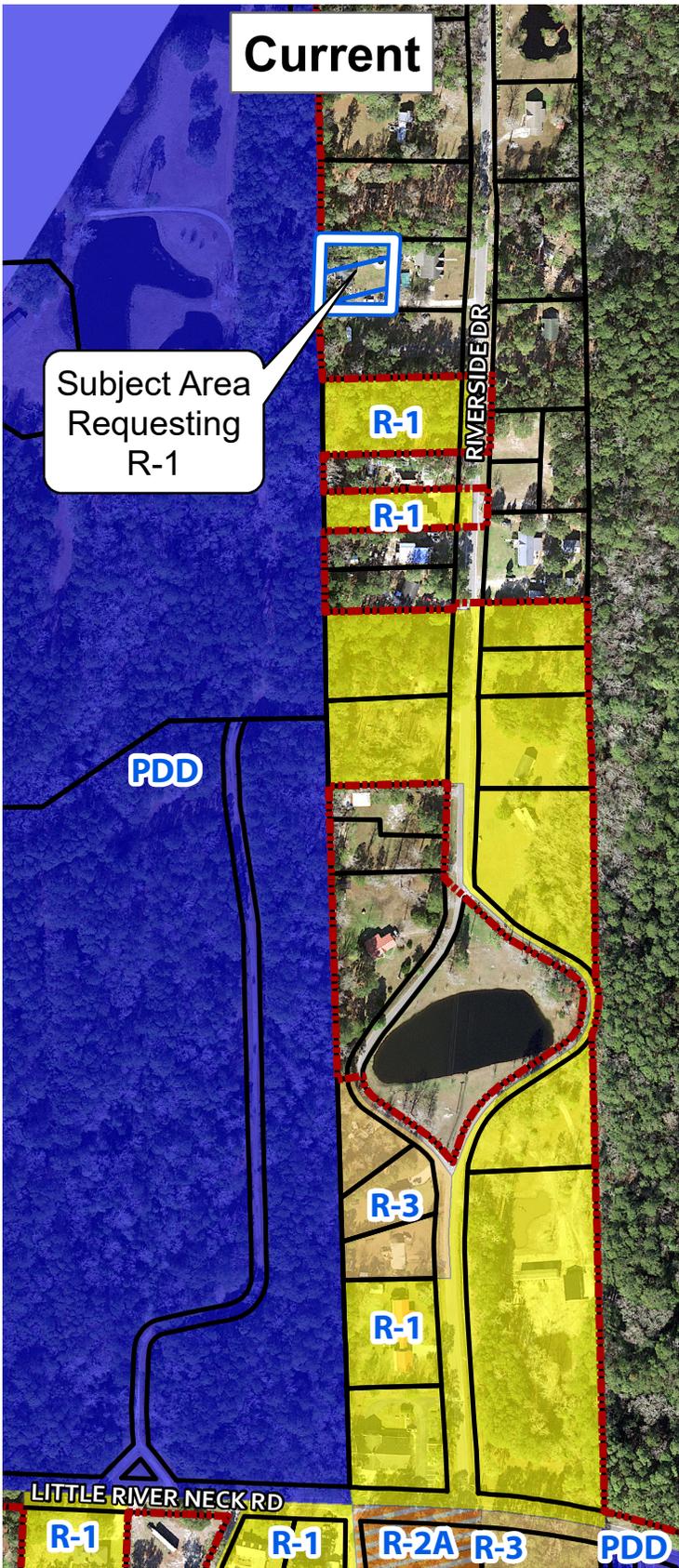
DATE	REVISION	INITIAL

3987 Bus. Hwy. 17 East
Bolivia, North Carolina 28422
Phone: (910)253-6622, Fax: (910)253-6634
Internet Site: <http://www.mckimcreed.com>

DATE: 08-16-05

PLAT OF
OF
2 LOTS
FOR
DONALD WHITE
RIVERSIDE DRIVE
LITTLE RIVER, SC
DATE: MAY 12, 2005 SCALE: 1" = 40'
LITTLE RIVER NECK TWSP. HORRY COUNTY SOUTH CAROLINA

PROJECT # : DONALD
PROJ. SVYR : MRS
DRAWN BY : RDT
FIELD BK. :
COMP. FILE : VB101-DONALD
SHEET # : OF
DWG. # : VB101-DONALD



Legend

 Subject Area
  North Myrtle City Limits

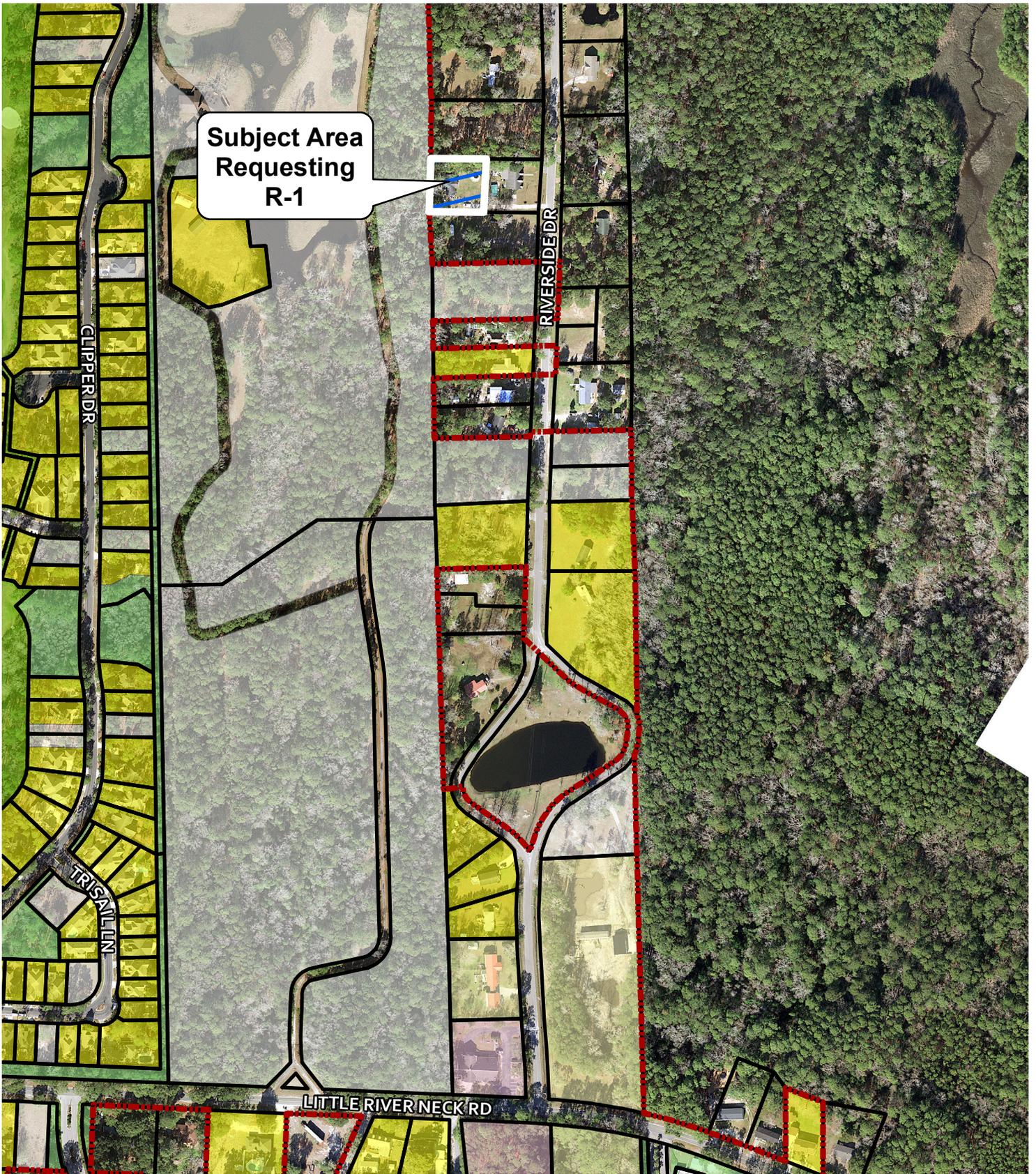
ZONING
 R-1
  R-3

 PDD
  R-2A

Exhibit A: Zoning Map (Z-22-4)



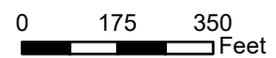
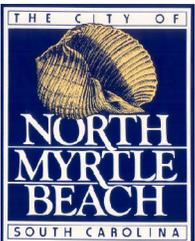
Date: 3/8/2022
 Author: Dawn E. Snider



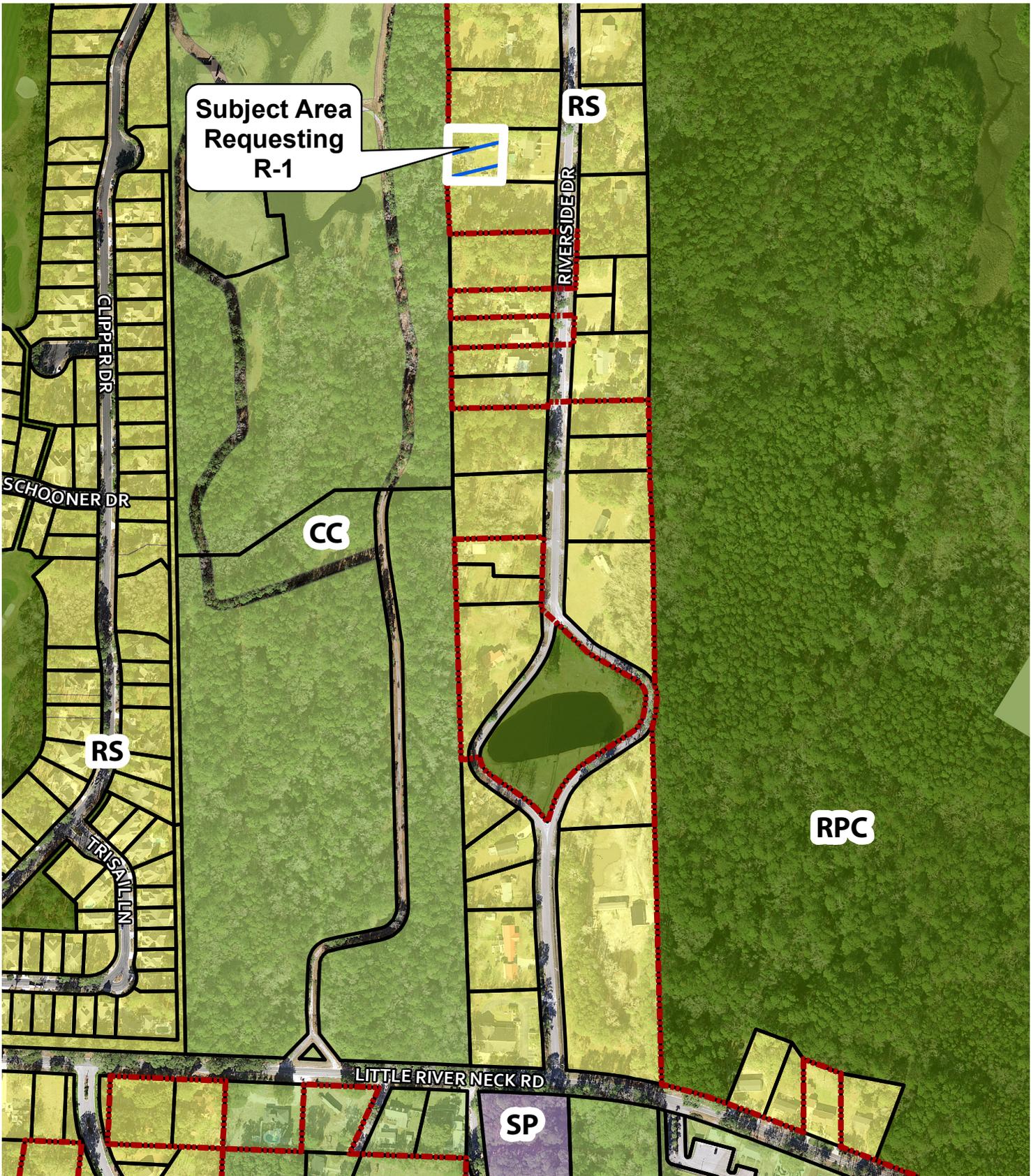
Subject Area Requesting R-1

Legend

-  North Myrtle City Limits
-  Golf Course
-  Single-Family
-  Existing Land Use
-  Mobile Home
-  Vacant
-  Common Open Space
-  Public, Social, Cultural



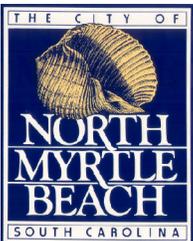
Existing Land Use Map (Z-22-4)



Legend

-  Subject Area
-  North Myrtle City Limits
-  CC - Conservation Community
-  RPC - Resource, Protection, Conservation
-  SP - Service / Production
-  RS - Residential Suburban

Recommended Future Land Use Categories



Future Land Use Map (Z-22-4)