

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: June 20, 2022

Agenda Item: 5F	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Consent: Ordinance. Second Reading	Date: June 13, 2022
Subject: Petition for annexation and zoning designation for 1.03 Acres on 1st Avenue South [Z-22-6]	Division: Planning and Development

**Background:**

David O’Connell, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 1.03 acres of property located off 1st Avenue South identified by PIN 350-16-04-0009. The petition also reflects the requested City of North Myrtle Beach zoning district of Medium Density Residential (R-2). The subject area is identified as Residential Neighborhood 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 Highway Commercial (HC) under Horry County jurisdiction. Located on 1st Avenue South, the parcel is vacant and undeveloped. Surrounding parcels within City limits are Mobile/Manufactured Home Residential (R-3) and Limited Industrial (LI); surrounding county parcels are zoned HC and Manufactured/Mobile Single-Family 10 Residential (MSF10). Upon annexation, the parcel would be designated R-2 as per Exhibit A: Zoning Map (Z-22-6), 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 3, 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 second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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**Council Action:**

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH  
ANNEXING 1.03 ACRES IDENTIFIED AS PIN 350-16-04-0009.**

**WHEREAS**, David O’Connell, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 1.03 acres consisting of the following parcel PIN 350-16-04-0009 as referenced on Exhibit A: Zoning Map (Z-22-6), 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 Medium Density Residential (R-2) 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 350-16-04-0009 (the “Annexed Parcel”), consisting of approximately 1.03 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 Medium Density Residential (R-2).

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

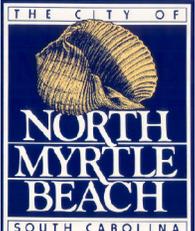
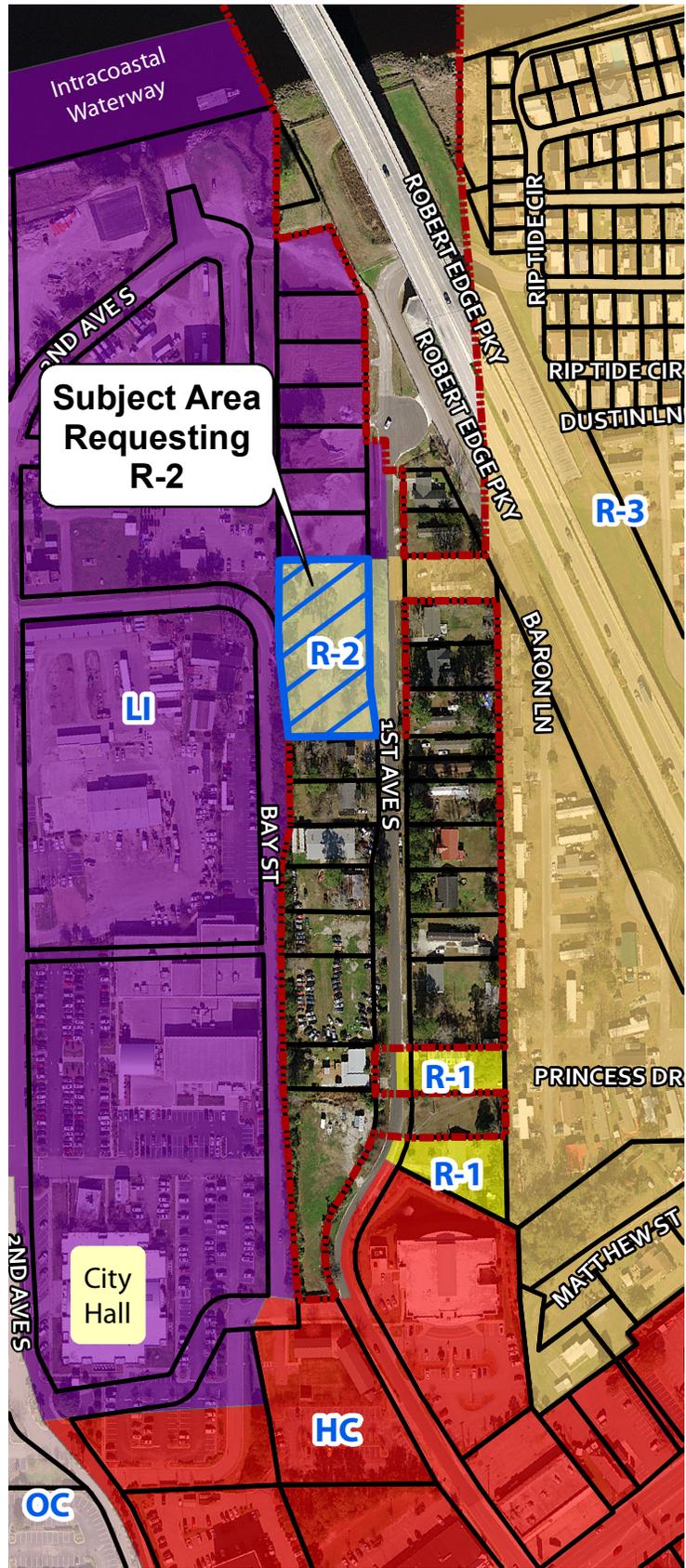
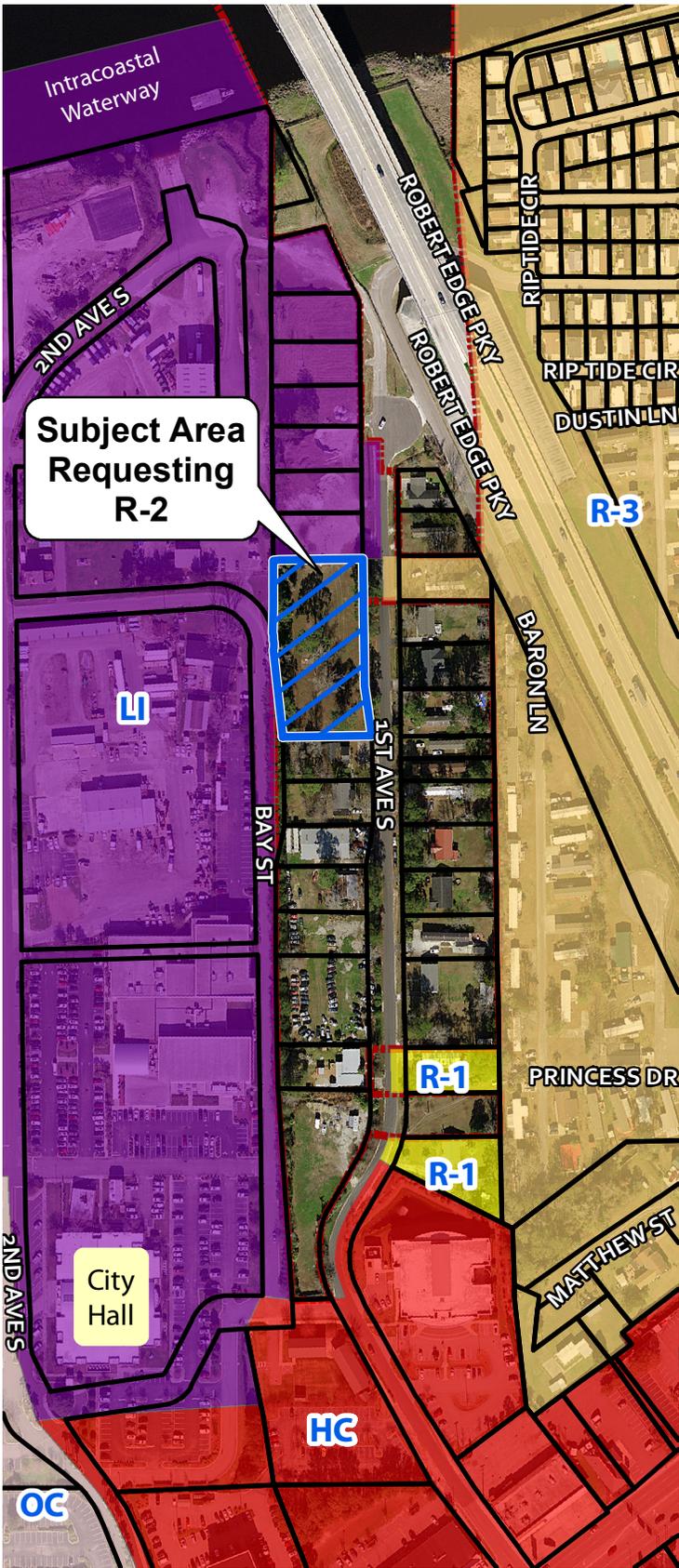
\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager

FIRST READING: 5.16.2022  
SECOND READING: 6.20.2022

ORDINANCE: 22-22



**Legend**

-  Subject Area
-  North Myrtle City Limits
- ZONING**
-  OC
-  R-2
-  HC
-  R-1
-  LI
-  R-3

**Exhibit A: Zoning Map (Z-22-6)**



Date: 4/22/2022  
Author: Dawn E. Snider

**6F. ANNEXATION & ZONING DESIGNATION Z-22-6:** City staff received a petition to annex lands on 1st Avenue South totaling ±1.03 acres and identified by PIN 350-16-04-0009. The lot is currently unincorporated and zoned Highway Commercial (HC) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Medium Density Residential (R-2) 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 HC under Horry County jurisdiction. Located on 1<sup>st</sup> Avenue South, the parcel is vacant and undeveloped. Surrounding parcels within City limits are Mobile/Manufactured Home Residential (R-3) and Limited Industrial (LI); surrounding county parcels are zoned HC and Manufactured/Mobile Single-Family 10 Residential (MSF10).

**R-2 District**

	Single-Family Detached	Semi-Detached Dwelling	Duplex	Townhouse	Other Permitted Uses	Multiplex
Floor Area Ratio	NA	NA	.5	NA	NA	NA
Minimum Site Area (SF)	5,000	7,000	7,000	16,000	5,000	16,000
Minimum Lot Area per DU	5,000	3,500	3,500	3,000	5,000	2,000
Minimum Lot Width	50 feet	35 feet	55 feet	14 feet <sup>6</sup>	NA	75 feet
Minimum Yards	Front	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet <sup>1</sup>	10 feet	<sup>2</sup>	20 feet
	Rear	20 feet	20 feet	20 feet	<sup>3</sup>	25 feet
Maximum Impervious Surface Ratio	50%	60%	60%	60%	60%	60%
Common Open Space	NA	NA	NA	25%	NA	25% <sup>5</sup>
Minimum Distance Between Principle Building on Same Lot	NA	NA	NA	NA	NA	20 feet
Minimum Distance to Single-Family Dwelling	NA	NA	NA	NA	NA	75 feet <sup>4</sup>

- Maximum height: 35 feet for residential uses, 15 feet for accessory uses, and 45 feet for all other permitted uses.
- A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.

Notes: <sup>1</sup> A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property line, and zero-foot setback shall be allowed for the interior common property line.

<sup>2</sup> Zero (0) feet between units; ten (10) feet between end structures and side property line; no more than six (6) units shall be attached in one (1) building; for projects with multiple townhouse buildings on land owned "in common" the site side yard setback shall be twenty (20) feet.

<sup>3</sup> Rear yard setback shall be ten (10) feet except where contiguous to the project site property line, then a twenty-foot setback shall be required, and shall remain unoccupied by any accessory building or structure.

<sup>4</sup> Measured from the closest exterior wall of a single-family dwelling unit on the adjacent property to the closest exterior wall of the multiplex dwelling.

<sup>5</sup> Reference common open space requirements pursuant to section 23-119(4).

<sup>6</sup> Minimum lot width and/or unit width.

**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 Neighborhood as a land use class for the subject area. The principal permitted uses noted in the compliance index include a mix of residential uses at medium densities (mostly duplexes, townhomes, and patio homes), multi-family housing up to six stories, and infill mixed-use development and neighborhood commercial uses. The recommended primary zoning district is R-2; R-2A and R-3 are the secondary zoning district alternatives.*

The proposed zoning designation, R-2, 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 Neighborhood future land use classification as follows: This classification supports a mix of residential uses at medium densities, which includes mostly duplexes, townhouses, and patio homes, as well as multi-family housing up to six stories. This designation could also allow infill mixed-use development and neighborhood commercial uses. This category allows 5-10 du/acre.*

The proposed R-2 zoning is consistent with the Residential Neighborhood 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 provide for limited alternatives to single-family housing, smaller lot development and correspondingly higher densities, but not permit the crowding of development on individual lots or parcels."*

The uses permitted in the R-2 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 is subject to City of North Myrtle Beach encroachment review/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 with extension(s) constructed by the developer.*

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 tentatively scheduled for May 16, 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-22-6] as submitted.

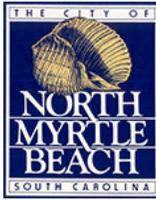
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-6] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-6
Complete Submittal Date:	March 29, 2022



Notice Published:	April 14, 2022
Planning Commission:	May 3, 2022
First Reading:	May 16, 2022
Second Reading:	June 20, 2022

**City of North Myrtle Beach, SC**

**Petition for Annexation & Zoning**

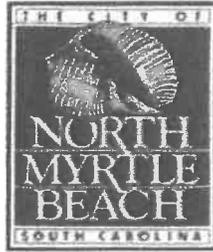
**GENERAL INFORMATION**

<b>Date of Request: March 29, 2022</b>	<b>Property PIN(S): 35016040009</b>
<b>Property Owner(s): WAYNE L CASHIN - JEFFREY M CARROLL</b>	<b>Type of Zoning Map Amendment: Petition for Annexation and Zoning</b>
<b>Address or Location: (300 x 150 Lot) Between 1021 and 1033 1st Ave South in NMB</b>	<b>Project Contact: David OConnell</b>
<b>Contact Phone Number: 8434555500</b>	<b>Contact Email Address: mroceanfront@yahoo.com</b>
<b>Current County Zoning: HC</b>	<b>Proposed Zoning: R-2</b>
<b>Total Area of Property: 1.03 Acres</b>	<b>Approximate Population of Area to be Annexed: 0</b>

**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: David OConnell*

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.



**CITY OF NORTH MYRTLE BEACH  
LETTER OF AGENCY**

*Revision Date 05.24.19*

Today's Date: ~~03/28/20~~ **2022**

Nature of Approval Requested: **Petition for Annexation and Zoning**



Property PIN(s): **35016040009**

Property Address/Location: **Between 1021 and 1033 1st Ave South in NMB SC 29582**

I, **Jeffery M Carroll**, hereby authorize **David OConnell**

to act as my agent for for the purposes of the above referenced approval.

*Jeffery Carroll*

03-28-2022

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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Title

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Title

\_\_\_\_\_  
Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.



**CITY OF NORTH MYRTLE BEACH  
LETTER OF AGENCY**

Revision Date 05.24.19

Today's Date: 03/28/2022

Nature of Approval Requested: Petition for Annexation and Zoning

Property PIN(s): 35016040009

Property Address/Location: Between 1021 and 1033 1st Ave South in NMB SC 29582



I, Wayne Cashin, hereby authorize David OConnell

to act as my agent for for the purposes of the above referenced approval.

*Wayne. Cashin*

03-28-2022 5:41 PM EDT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.



**Cashin by deed of Catherine M. Carroll and Mary F. Cashin, Surviving Trustees of the Mary Lou Bennett Revocable Living Trust dated May 10, 2012 dated September 22, 2017, and recorded October 20, 2017, in Deed Book 4052 at Page 1825, records of the office of the Register of Deeds for Horry County, South Carolina.**

TMS#: 144-06-02-009

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 **Jeffrey M. Carroll and Wayne L. Cashin**, as joint tenants with rights of survivorship and not as tenants in common, their heirs and assigns forever.

And we do hereby bind ourselves and our heirs and executors and administrators, to warrant and forever defend all and singular the said premises unto the said **Jeffrey M. Carroll and Wayne L. Cashin**, as joint tenants with rights of survivorship and not as tenants in common, their heirs and assigns, against ourselves and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the execution hereof by grantor this 27 day of November, 2017.

WITNESSES.

[Signature]  
First Witness Sign Here

Catherine M. Carroll  
Catherine M. Carroll

[Signature]  
Notary as Second Witness Sign Here

[Signature]  
First Witness Sign Here

Mary F. Cashin  
Mary F. Cashin

[Signature]  
Notary as Second Witness Sign Here

STATE OF Ohio  
COUNTY OF Cuyahoga

)  
)  
)  
PROBATE  
{#26-1-120}  
{#26-1-90}

Personally appeared before me Lesya Stadnik, the  
(Print Non-Notary Witness Name)

undersigned witness and made oath that (s)he was present and saw **Catherine M. Carroll and Mary F. Cashin** the within Grantor(s) sign, seal, and as his/her/their act and deed, deliver the within foregoing instrument; that deponent with the other witness whose name is subscribed above, witnessed the execution thereof, and that the subscribing witness is not a party to or beneficiary of the transaction.

[Signature]  
(Non-Notary Witness Signature)

SWORN TO before me this  
27 day of Nov, 2017.

Paul Klimko  
Notary Public Printed Name or Seal

[Signature]  
Notary Public Signature  
Notary Public for Cuyahoga

My Commission Expires: 12/22/2018



PAUL KLIMKO  
Notary Public, State of Ohio  
My Commission Expires Dec. 22, 2018  
Recorded in Cuyahoga County

STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )

AFFIDAVIT

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 at Lots 11, 12, 13, and 14 of Waterway Terrace Section of the J. C. Ward Property, bearing Horry County Tax Map Number 144-06-02-009, was transferred by Catherine M. Carroll and Mary F. Cashin to Jeffrey M. Carroll and Wayne L. Cashin on \_\_\_\_\_, 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) XX exempt from the deed recording fee because (See Information section of affidavit); a transfer to a member of the family for no consideration, pursuant to §12-24-40(9) of the S.C. Code of Laws (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 \_\_\_\_\_.
  - (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 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: \_\_\_\_\_
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_ (If no amount is listed, place zero here.)
  - (c) Subtract line 6(b) from Line 6(a) and place result here: \_\_\_\_\_

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

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

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.

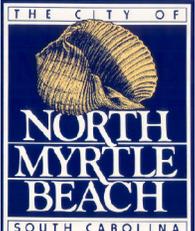
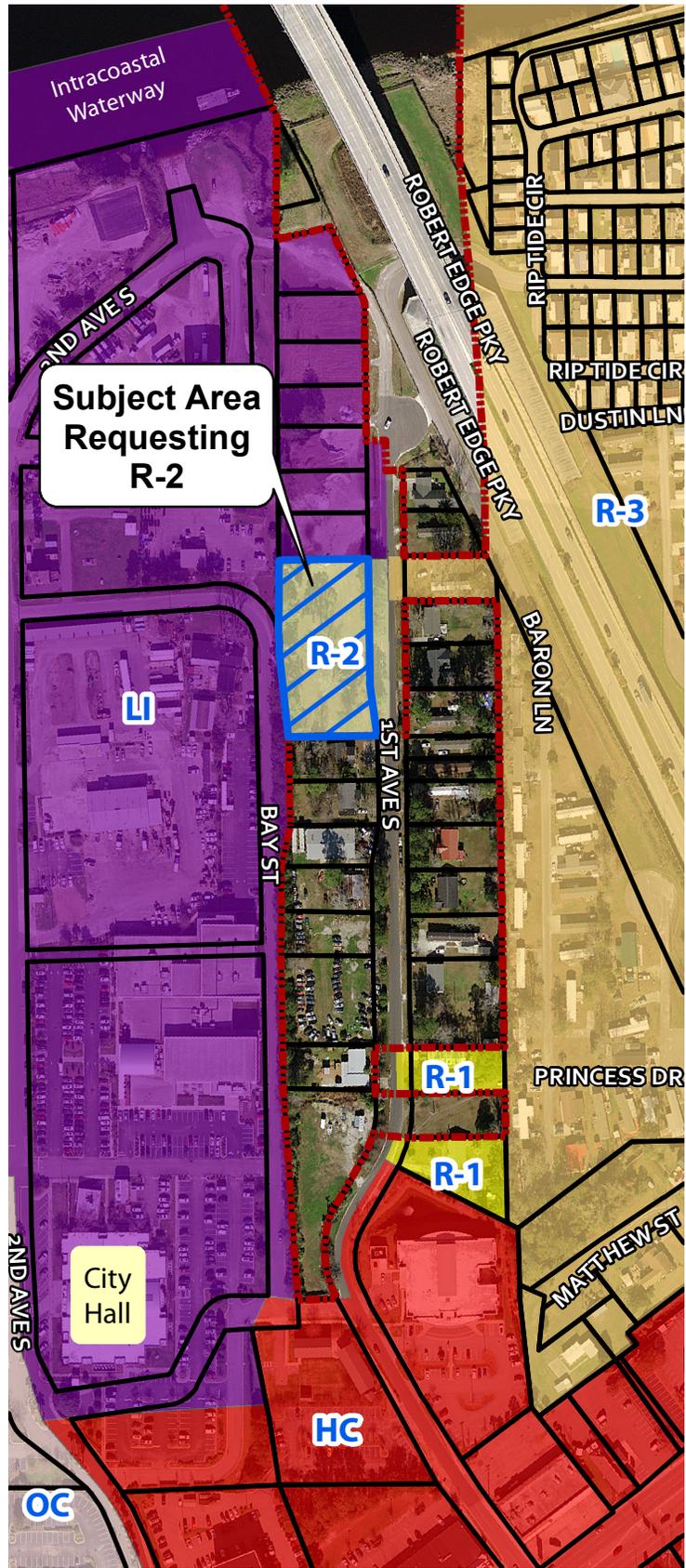
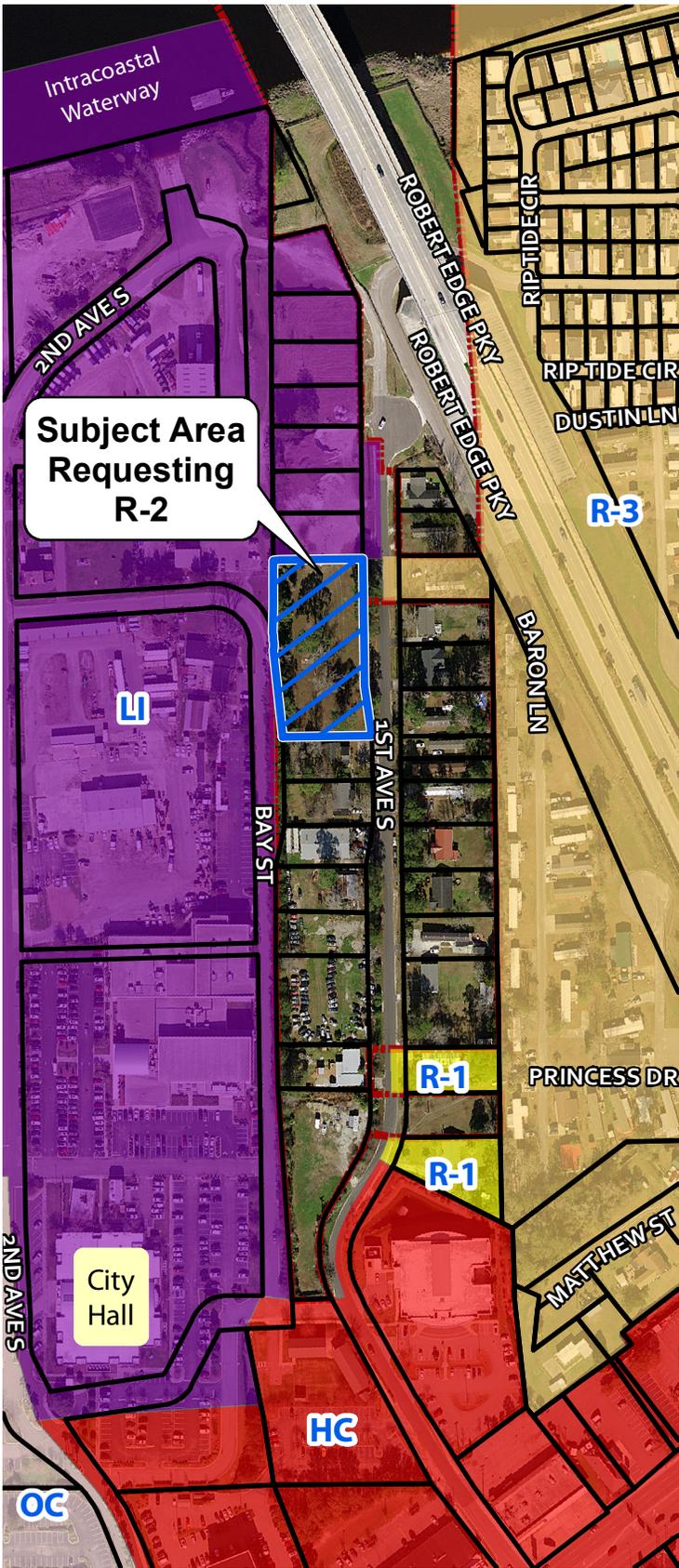
SWORN to before me this 27  
day of Nov, 2017.

Catherine M. Carroll  
Catherine M. Carroll  
Print or type the above name here

Notary Public for Cuyahoga  
My Commission Expires: 12/22/2018



PAUL KLIMKO  
Notary Public, State of Ohio  
My Commission Expires Dec. 22, 2018  
Recorded in Cuyahoga County



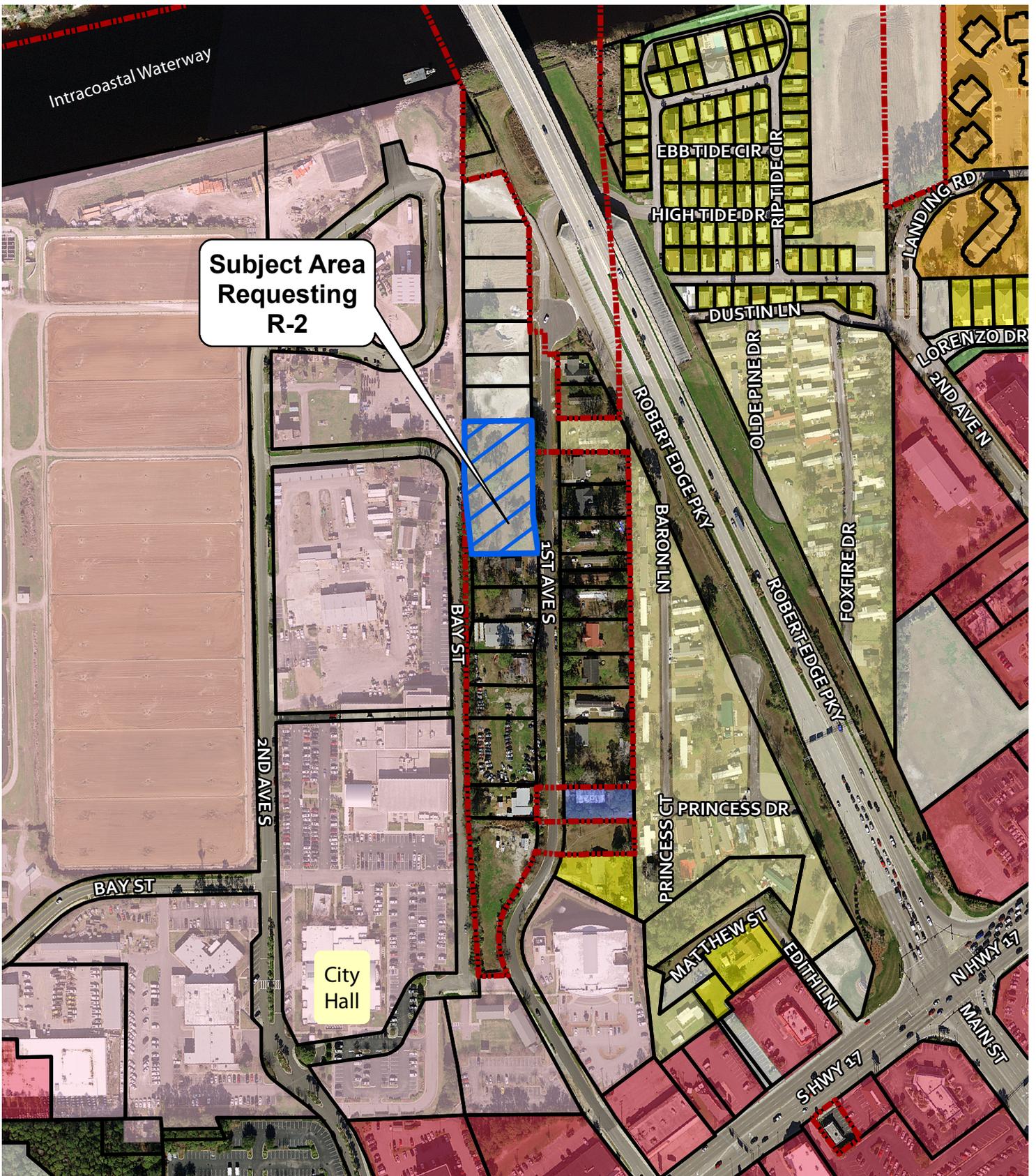
**Legend**

-  Subject Area
-  North Myrtle City Limits
-  LI
-  HC
-  R-1
-  OC
-  R-2
-  R-3

**Exhibit A: Zoning Map (Z-22-6)**



Date: 4/22/2022  
Author: Dawn E. Snider



Subject Area Requesting R-2

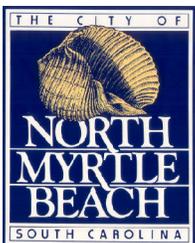
City Hall

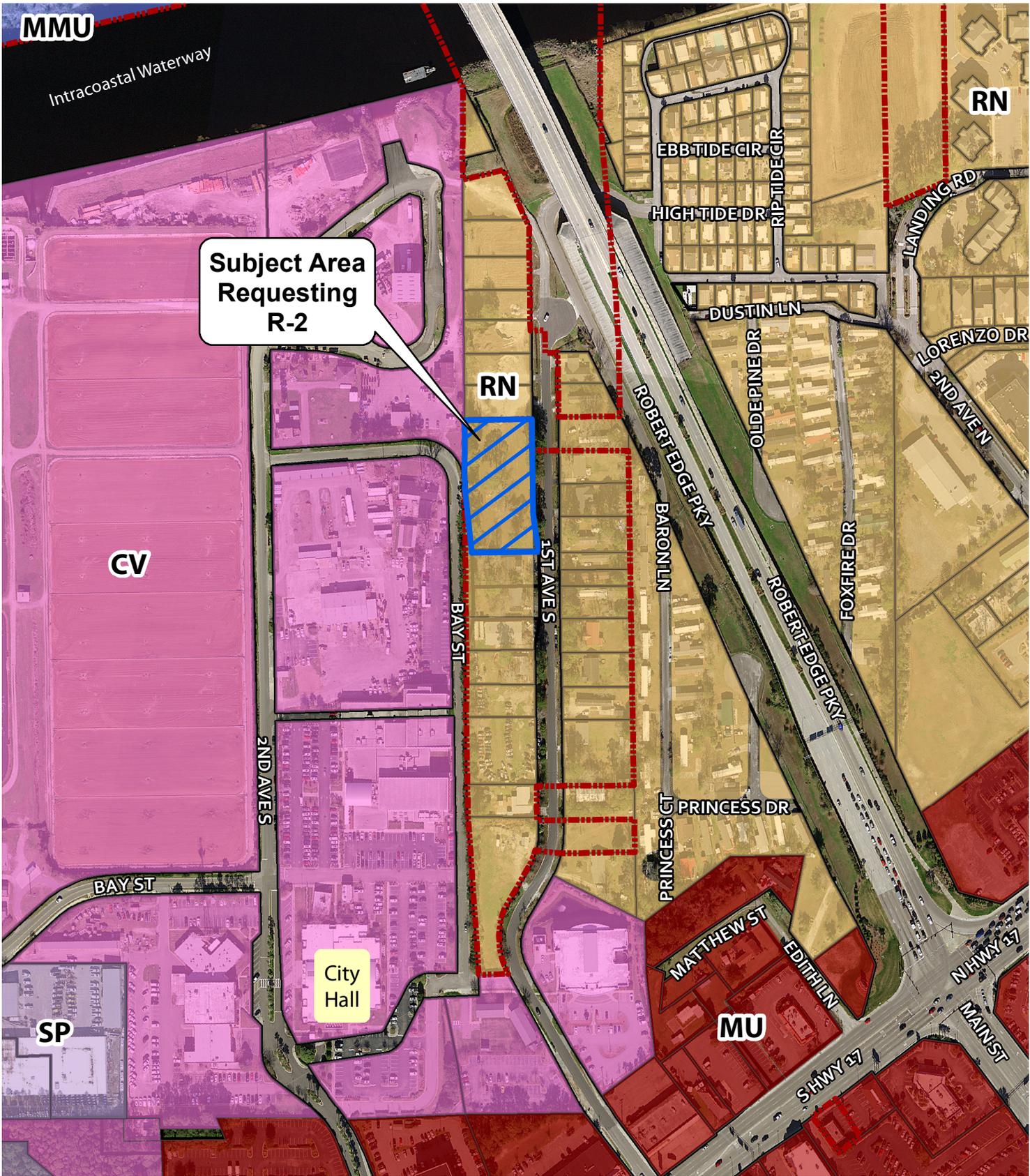
Legend

-  Subject\_Area
-  Common Open Space
-  Public, Social, Cultural
-  North Myrtle City Limits
-  Industrial / Warehouse
-  RV / Campground
-  Existing Land Use
-  Mobile Home
-  Single-Family
-  Commercial
-  Multi-Family
-  Vacant



Existing Land Use Map (Z-22-6)





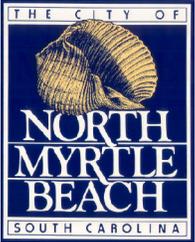
Subject Area Requesting R-2

Legend

- Subject Area
- North Myrtle City Limits
- CV - Civic / Education
- SP - Service / Production
- MU - Mixed Use
- MMU - Marina Mixed Use
- RN - Residential Neighborhood



# Future Land Use Map (Z-22-6)



Path: M:\2022\2022-18 Z-22-6 1st Ave S\2022-18 Z-22-6 FLU.mxd

Date: 4/22/2022  
Author: Dawn E. Snider