

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 3, 2022

Agenda Item: 5C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Consent: Ordinance. Second Reading	Date: September 28, 2022
Subject: Petition for annexation and zoning designation for 0.44 Acres on Riverside Drive [Z-22-15]	Division: Planning and Development

Background:

Michael Ainsworth, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.44 acres of property located off Riverside Drive identified by PIN 311-16-04-0007. 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 is vacant and undeveloped, but a permit has been applied for a single-family home through the county. Surrounding parcels within City limits are zoned R-1 and 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-22-15), prepared by the City of North Myrtle Beach Planning & 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 August 16, 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 or deny 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 0.44 ACRES IDENTIFIED AS PIN 311-16-04-0007.**

WHEREAS, Michael Ainsworth, owner, has petitioned the City of North Myrtle Beach for annexation of 0.44 acres consisting of the following parcel PIN 311-16-04-0007 as referenced on Exhibit A: Zoning Map (Z-22-15), 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 311-16-04-0007 (the “Annexed Parcel”), consisting of approximately 0.44 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:

City Attorney

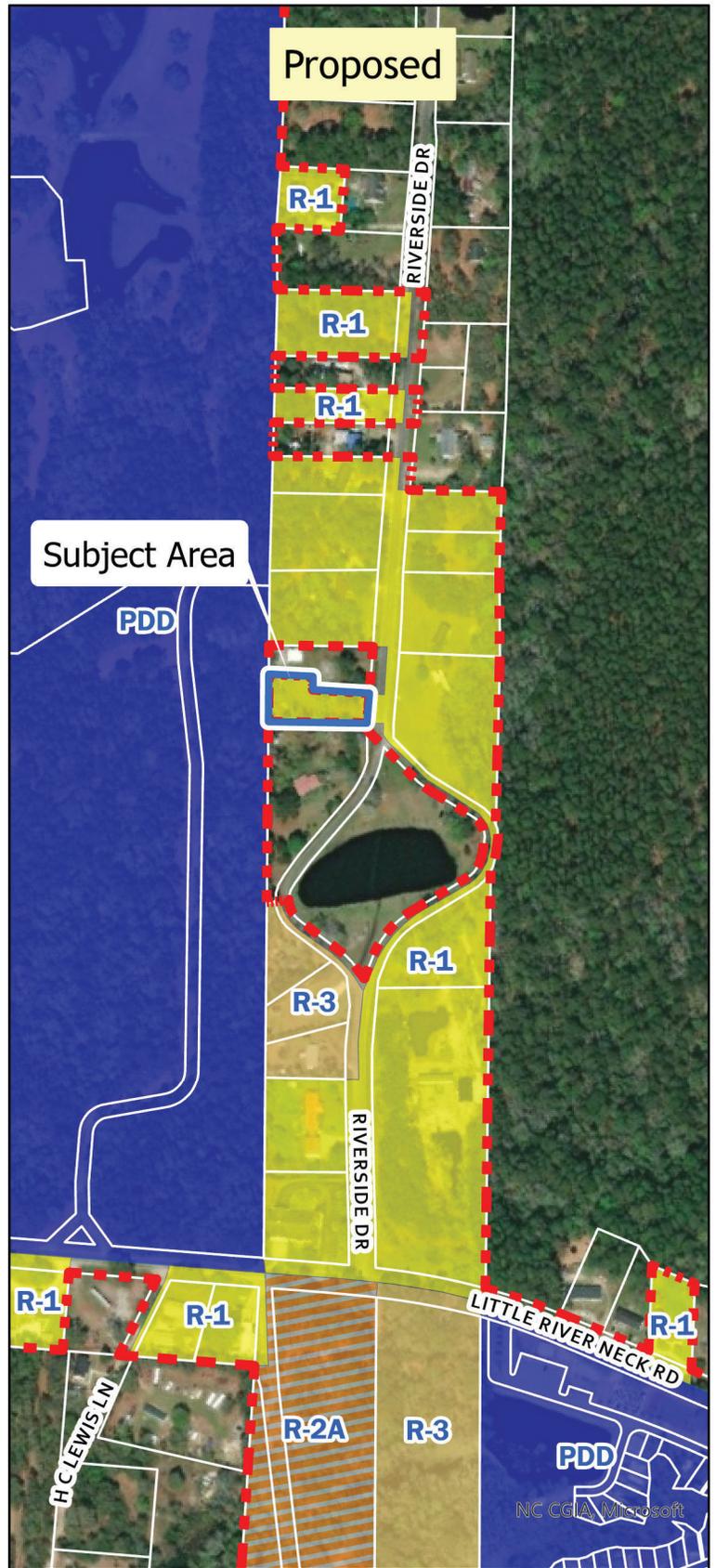
REVIEWED:

City Manager

FIRST READING: 9.19.2022

SECOND READING: 10.3.2022

ORDINANCE: 22-43



- Legend**
- Subject Area
 - North Myrtle Beach City Limit
 - ZONING R-1
 - R-3
 - R-2A
 - PDD

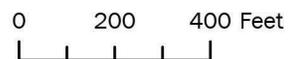


Exhibit A: Zoning Map Z-22-15

6F. ANNEXATION & ZONING DESIGNATION Z-22-15: City staff received a petition to annex ±0.44 acres on Riverside Dr identified by PIN 311-16-04-0007. The lots are currently unincorporated and zoned Manufactured/Mobile Single-Family Residential (MSF10) 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 is vacant and undeveloped, but a permit has been applied for a single-family home through the county. Surrounding parcels within City limits are zoned R-1 and 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. Access is subject to county encroachment review and 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 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 September 19, 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-22-15] as submitted.

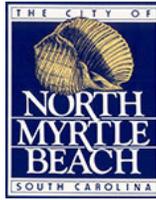
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-15] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-15
Complete Submittal Date:	



Notice Published:	July 28, 2022
Planning Commission:	August 16, 2022
First Reading:	September 20, 2022
Second Reading:	October 4, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: July 5, 2022	Property PIN(S): 31116040007
Property Owner(s): Ainsworth	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Lot 5A Riverside 4703	Project Contact: Michael Ainsworth
Contact Phone Number: 843-653-1666	Contact Email Address: ainsworthm301@gmail.com
Current County Zoning: MSF10	Proposed Zoning: R-1
Total Area of Property: 19,335.5 Acres	Approximate Population of Area to be Annexed: 0

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: Michael Ainsworth

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.

STATE OF SOUTH CAROLINA

TITLE OF REAL ESTATE

COUNTY OF HORRY

KNOW ALL MEN BY THESE PRESENTS,

That **David Vereen Abbott and Catherine Abbott Jones** in the State of aforesaid for and in consideration of the sum of **ONE HUNDRED TWENTY FOUR THOUSAND FIVE HUNDRED AND 00/100 --- (\$124,500.00) DOLLARS** to me paid by **Michael E. Ainsworth and Sarah J. Ainsworth** in the State aforesaid, (Receipt whereof is hereby acknowledged) have granted, bargained, sold and released; and by these presents do grant, bargain, sell and release unto the said **Michael E. Ainsworth and Sarah J. Ainsworth**, as **joint tenants with right-of-survivorship and not as tenants-in-common**, their Heirs and Assigns, the following described property.

SEE PROPERTY DESCRIPTION RIDER

Grantees Address: 2720 Monaca Drive, Longs, SC 29568

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 **Michael E. Ainsworth and Sarah J. Ainsworth**, as **joint tenants with right-of-survivorship and not as tenants-in-common**, their Heirs and Assigns forever.

AND the Grantor(s) herein hereby binds itself, themselves, its or their successors, or his her, and their Heirs, Executors or Administrators, (as the case may be), to Warrant and forever defend all and singular the said premises unto the said **Michael E. Ainsworth and Sarah J. Ainsworth**, as **joint tenants with right-of-survivorship and not as tenants-in-common**, their Heirs and Assigns, or his, her and their Heirs and assigns, (as the case may be), against itself, themselves,

and its or their successors, or his, her and their heirs, (as the case may be), and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

Witness the execution hereof by grantor this 11 of January in the year of our Lord Two Thousand Twenty-Two and in the Two Hundred and Forty-Fifth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in Presence of :

1 Caron Armstrong
Witness # 1

David Vereen Abbott
David Vereen Abbott

2 [Signature]
Witness # 2 (Notary)

State of KY
County of Barron

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that the above referenced grantor(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 11 day of January, 2022

[Signature]
Harold Armstrong (Print Name)
Notary Public for KY
My Commission Expires: 2-13-2024
IDKYNP 2729

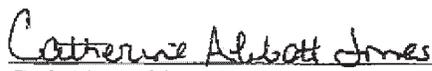
and its or their successors, or his, her and their heirs, (as the case may be), and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

Witness the execution hereof by grantor this 10th of January in the year of our Lord Two Thousand Twenty-Two and in the Two Hundred and Forty-Fifth year of the Sovereignty and Independence of the United States of America.

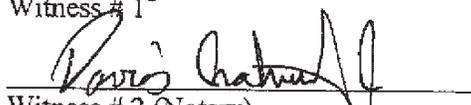
Signed, Sealed and Delivered
in Presence of :



Witness # 1



Catherine Abbott Jones

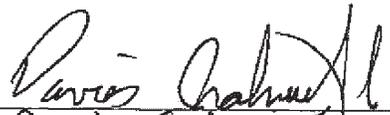


Witness # 2 (Notary)

State of South Carolina
County of Horry

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that the above referenced grantor(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this 10th day of January, 2022



Davis Inabnit Jr. (Print Name)
Notary Public for SC
My Commission Expires: 12/2/25

DAVIS INABNIT JR
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 12-02-25

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF HORRY

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 described as Lot 5A,, bearing PIN 311-16-04-0007 was transferred by David Vereen Abbott and Catherine Abbott Jones to Michael E. Ainsworth on January 10th 2022.
3. Check one of the Following: The Deed is
 - (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

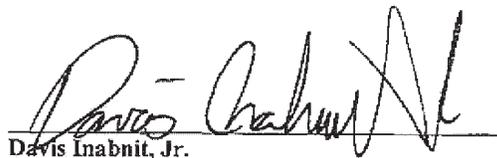
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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 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) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of **\$124,500.00**
 - (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 XX 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: **\$124,500.00**
 - (b) Place the amount listed in item 5 above here: **\$**
 - (c) Subtract line 6(b) and place result here: **\$124,500.00**
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is **\$460.65**
8. As required by Code Section 12-24-70, I state I am a responsible person who was connected with the transaction as **Attorney**
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 10th day of January, 2022.


 KRISTA GRANT (Print Name)
 Notary Public for South Carolina
 My Commission Expires: 5/1/2029


 Davis Inabnit, Jr.

KRISTA GRANT
 Notary Public - State of South Carolina
 My Commission Expires May 1, 2029

EXHIBIT "A"

PROPERTY DESCRIPTION RIDER

ALL AND SINGULAR, all those certain parcels or lots of land, situate in Little River Township, Horry County, South Carolina, being shown and designated as Lot 5A of Riverside Campground Subdivision, as shown on a map prepared by C. B. Berry, R.L.S. dated August 23, 1997 and recorded in Plat Book 149 at page 196 in the office of the Register of Deeds for Horry County, South Carolina. Reference to said map is craved as forming a part of this description.

DERIVATION: This being a portion of thr property conveyed by Deed of Distribution from David Vereen Abbott as Personal Representative of the Estate of Esther Phillips Abbott (Horry County Probate Court Case No. 2016-ES-26-02655) to David Vereen Abbott, Catherine Abbott Jones, recorded August 15, 2021 in Deed Book 4453 at page 1817 in the office of the ROD for Horry County, South Carolina.

PIN: 311-16-04-0007

**HORRY COUNTY REGISTER OF DEEDS
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Deed

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: Dunes Law Firm, PA

ADDRESS:

1065 London St

Myrtle Beach, SC 29577-5760

TELEPHONE: (843) 692-8000

FAX: (843) 692-8000

E-MAIL ADDRESS: tstanley@duneslawfirm.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 124500.00

BRIEF PROPERTY DESCRIPTION: Lot 5A Riverside Drive, North Myrtle Beach, SC 29582

TAX MAP NUMBER (TMS #) 31116040007 / PIN NUMBER: ,

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>ABBOTT</u>	<u>DAVID</u>	<u>VEREEN</u>
2.	<u>JONES</u>	<u>CATHERINE</u>	<u>ABBOTT</u>

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>AINSWORTH</u>	<u>MICHAEL</u>	<u>E.</u>
2.	<u>AINSWORTH</u>	<u>SARAH</u>	<u>J.</u>

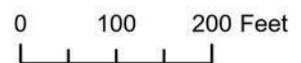


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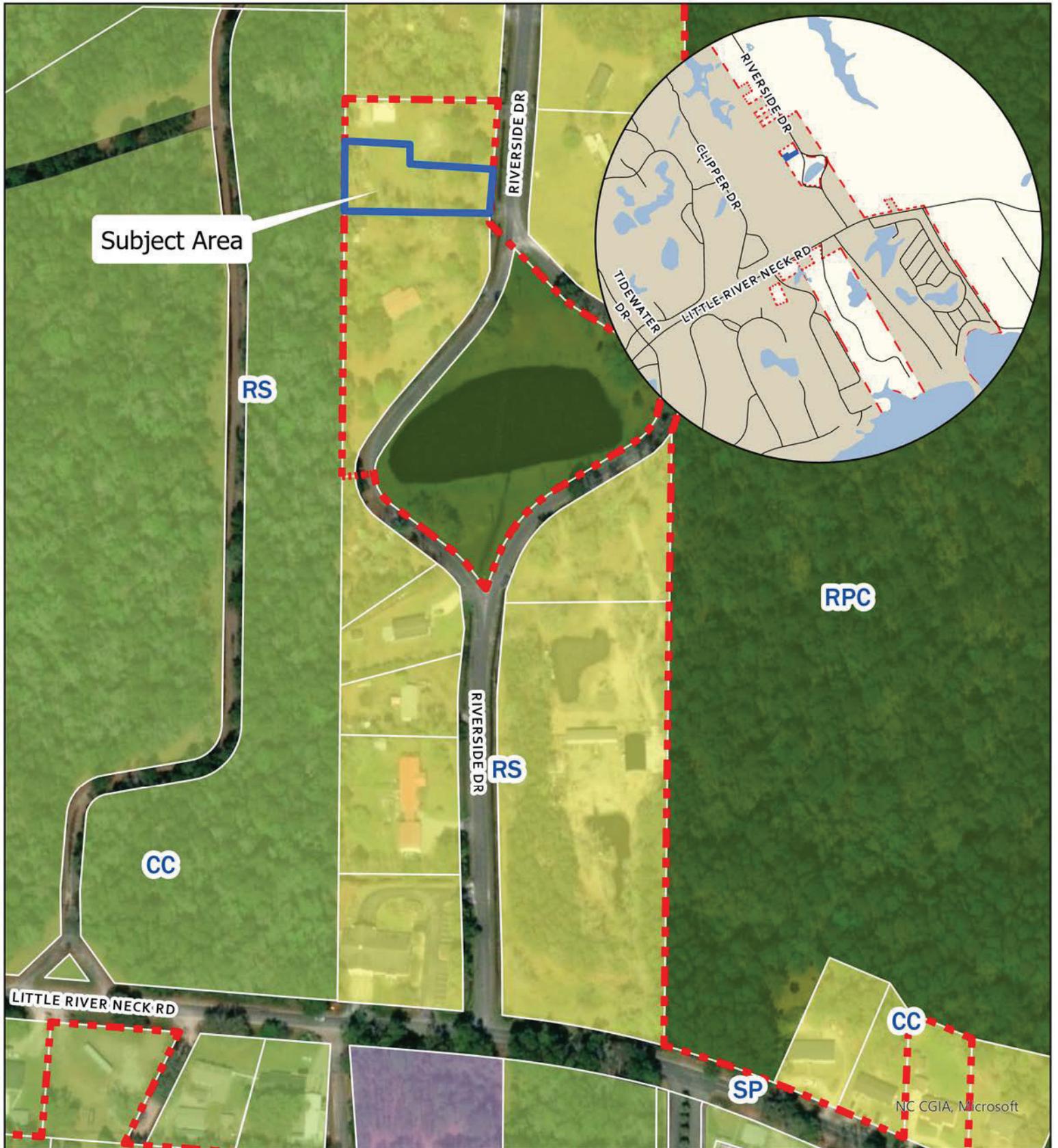
-  North Myrtle Beach City Limit
-  Subject Area

- Existing Land Use**
-  Common Open Space
 -  Mobile Home

-  Private Common Open Space
-  Pubic, Social, Cultural
-  Vacant



Existing Land Use



Subject Area

RS

RPC

CC

RS

CC

SP

NC CGIA, Microsoft



-  Subject Area
-  North Myrtle Beach City Limit

Legend

Recommended Future Land Use Categories

-  CC - Conservation Community

-  RPC - Resource, Protection, Conservation
-  SP - Service / Production
-  RS - Residential Suburban



Future Land Use

