

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 3, 2022

Agenda Item: 5D	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 0.36 Acres on Cenith Drive [Z-22-18]	Division: Planning and Development	
<u>Background:</u> Terry Price, agent for the owners, has petitioned the City of North Myrtle Beach to annex approximately 0.36 acres of property located on Cenith Drive identified by PIN 357-02-04-0058. 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. <u>Existing Conditions:</u> The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned SF14.5 under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped, but a building permit for a single-family dwelling has been applied for in the county. Surrounding parcels within City limits are zoned R-1 and Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned SF 14.5 and Commercial Forest Agriculture (CFA). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-22-18), 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. <u>Planning Commission Action:</u> 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. <u>Recommended Action:</u> Approve or deny the proposed ordinance on second reading		
Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2nd By _____ To _____		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH ANNEXING 0.36 ACRES IDENTIFIED AS PIN 357-02-04-0058.

WHEREAS, Terry Price, agent for the owners, has petitioned the City of North Myrtle Beach for annexation of 0.36 acres consisting of the following parcel PIN 357-02-04-0058 as referenced on Exhibit A: Zoning Map (Z-22-18), 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 357-02-04-0058 (the “Annexed Parcel”), consisting of approximately 0.36 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:

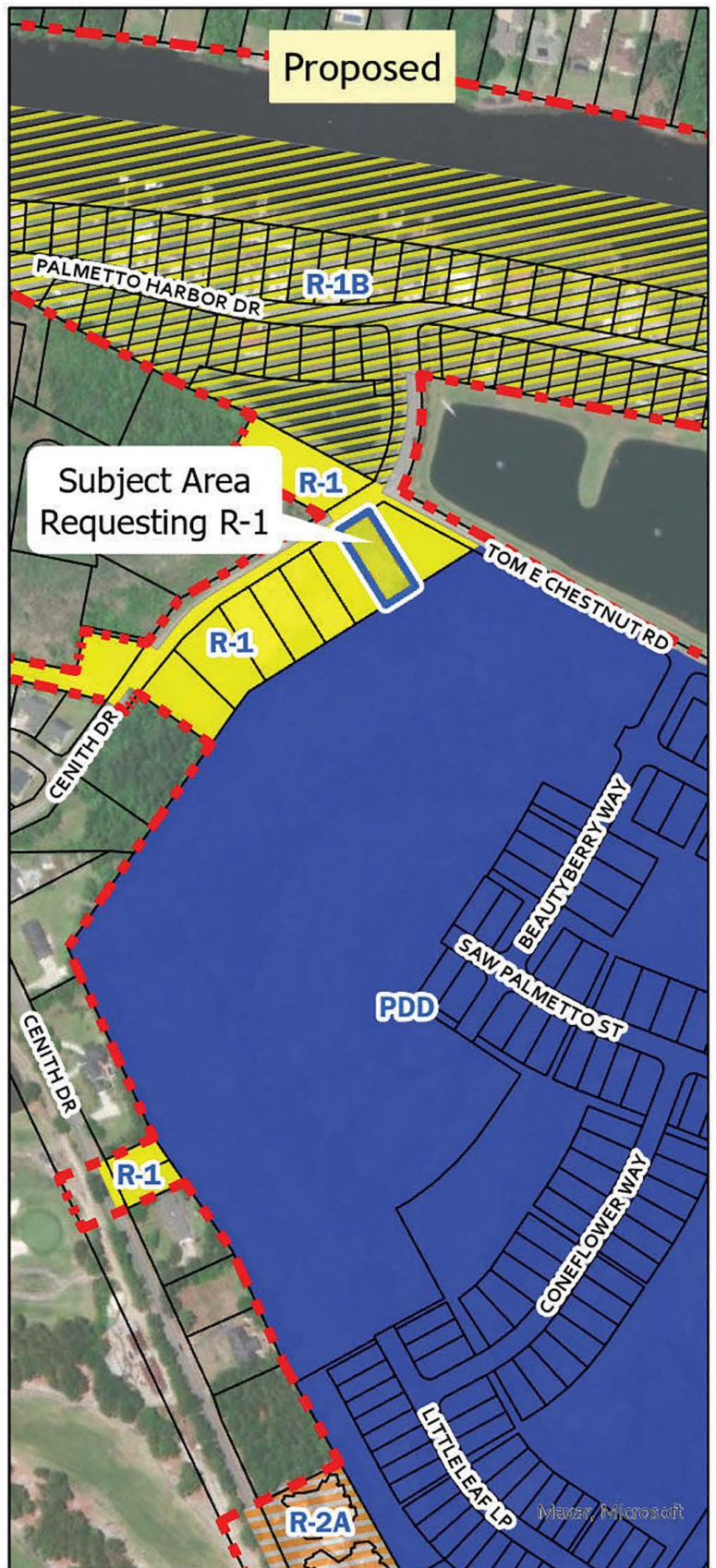
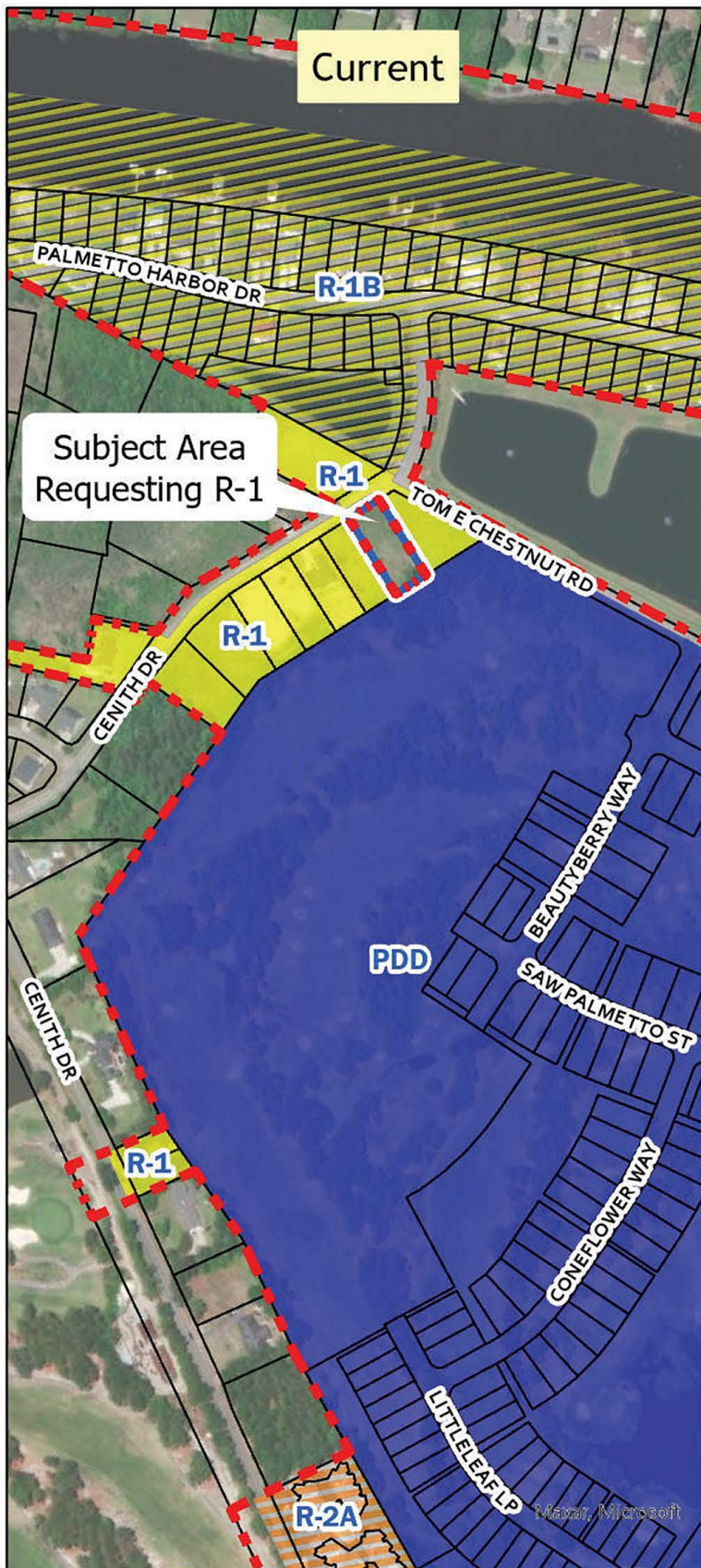
City Attorney

REVIEWED:

City Manager

FIRST READING: 9.19.2022
SECOND READING: 10.3.2022

ORDINANCE: 22-44



-  North Myrtle Beach City Limit
-  Subject Area

- ZONING**
-  PDD
 -  R-1

-  R-1B
-  R-2A



0 200 400 Feet

Exhibit A: Zoning Map Z-22-18

User: desnyder

Path: \\nmbplan\PDGIS\2022\2022-32 Z-22-18 (Cenith Dr)\Z-22-

6H. ANNEXATION & ZONING DESIGNATION Z-22-18: City staff received a petition to annex ±0.36 acres on Cenith Dr identified by PIN 357-02-04-0058. The lots are currently unincorporated and zoned Single-Family Residential 14.5 (SF14.5) 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.

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.

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 SF14.5 under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped, but a building permit for a single-family dwelling has been applied for in the county. Surrounding parcels within City limits are zoned R-1 and Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned SF 14.5 and Commercial Forest Agriculture (CFA).

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 because of such change, and the consequence of such change:

Current public rights-of-way serve this area; access subject to Horry County encroachment permit 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 services 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-22-18] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-18] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-18
Complete Submittal Date:	July 12, 2022



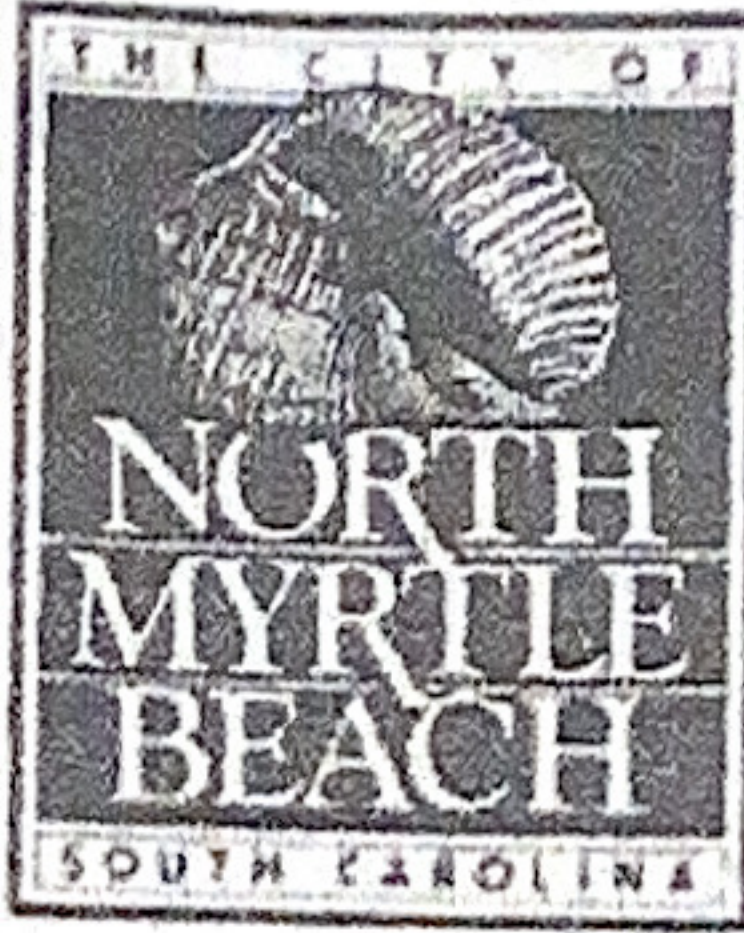
Notice Published:	July 28, 2022
Planning Commission:	August 16, 2022
First Reading:	September 19, 2022
Second Reading:	October 3, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: July 12, 2022	Property PIN(S): 35702040058
Property Owner(s): Mathew Hiill	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1804 Cenith Drive	Project Contact: Terry Price
Contact Phone Number: 8432514944	Contact Email Address: acstprice@yahoo.com
Current County Zoning: SF 14.5	Proposed Zoning: R-1
Total Area of Property: 0.36 Acres	Approximate Population of Area to be Annexed:
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). <i>Applicant's E-signature: Terry Price</i>	
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



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 7/12/2022

Nature of Approval Requested: Petition for Annexation

Property PIN(s): 35702040068

Property Address/Location: 1804 Genith Drive

I, Mathew Hill, hereby authorize Terry Price

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

Mathew Hill

Signature

Owner of lot / land

Title

Signature

Title

Signature

Title

Signature

Title

Signature

Title

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.

35702040058,

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

TITLE TO REAL ESTATE

ALL AND SINGULAR all that certain piece, parcel or lot of land, situate, lying and being in North Myrtle Beach, Horry County, South Carolina, being shown and designated as Lot J-2 on a plat entitled "A Minor Subdivision Creating Lots J-1, J-2, & J-3 Belle Edge Subdivision" prepared by Harry F. Bruton & Associates dated February 17, 2020. A copy of said map being recorded in Plat Book 292 at Page 170, records of Horry County and is by reference incorporated herein as forming a part and parcel of this description.

This property is conveyed subject to covenants, conditions, restrictions, reservations and easements appearing of record.

This is the identical property conveyed to Matthew Allen Hill by deed of Deborah M. Wilson and Sharon M. Brown, recorded in Deed Book 4405 at Page 2223, records of Horry County.

PIN 357-02-04-0058

Grantee Address: 2518 South Scales Street
Reidsville, NC 27320

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 said Premises before mentioned unto the said **MATTHEW ALLEN HILL AND BRANDI L. MCMILLAN**, as joint tenants with right of survivorship and not as tenants in common, his, her or their heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind himself and his heirs and assigns, to warrant and forever defend all and singular the said Premises unto the said **MATTHEW ALLEN HILL AND BRANDI L. MCMILLAN**, as joint tenants with right of survivorship and not as tenants in common, his, her or their heirs and assigns against himself and his heirs and assigns and against any person or persons whomsoever lawfully claiming or to claim the same, or any part thereof.

Remainder of page intentionally left blank

WITNESS the execution hereof by the undersigned hand and seal this 20 day of May, 2022.

Signed, Sealed and Delivered
in the Presence of

Bridget C Moore
Witness Signs
Renee N Bayley
Notary Signs

Matthew Allen Hill
Matthew Allen Hill

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) ACKNOWLEDGEMENT
 {#30-5-30-(c)}

I, Renee N Bayley, a Notary Public for the State of South Carolina, do hereby certify
that Matthew Allen Hill, the within named Grantor, personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 20 day of May, 2022.

Renee N Bayley

Signature of Notary Public

(Same Notary as signs above signs again)

My commission expires: 12-18-27

Printed name of Notary: Renee N Bayley

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

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 at Lot J2 Belle Edge, North Myrtle Beach, S.C.29582 bearing County PIN 357-02-04-0058 was transferred by **Matthew Allen Hill** to **Matthew Allen Hill and Brandi L. McMillan** by deed dated May 20, 2022.

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

(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): Consideration less than \$100 (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?

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. (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: \$ N/A

(b) Place the amount listed in item 5 above here: -0-
(If no amount is listed, place zero here.)

(c) Subtract Line 6(b) from Line 6(a) and place result here: \$ N/A

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$0

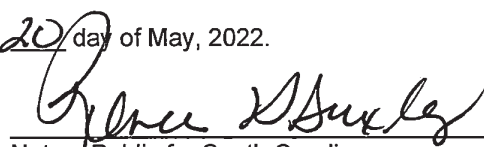
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor

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.


Matthew Allen Hill

SWORN to and subscribed before me this

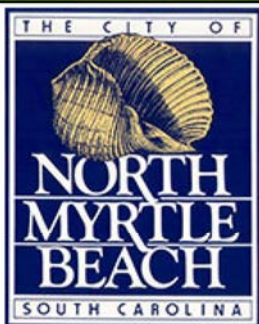
20 day of May, 2022.


Notary Public for South Carolina

My Commission Expires: 12-18-27

Notary (printed name):

Renee H Baxley



-  North Myrtle Beach City Limit
-  Subject Area

- Existing Land Use**
-  Common Open Space
 -  Public, Social, Cultural
 -  Golf Course

Legend

-  Private Common Open Space
-  Public, Social, Cultural

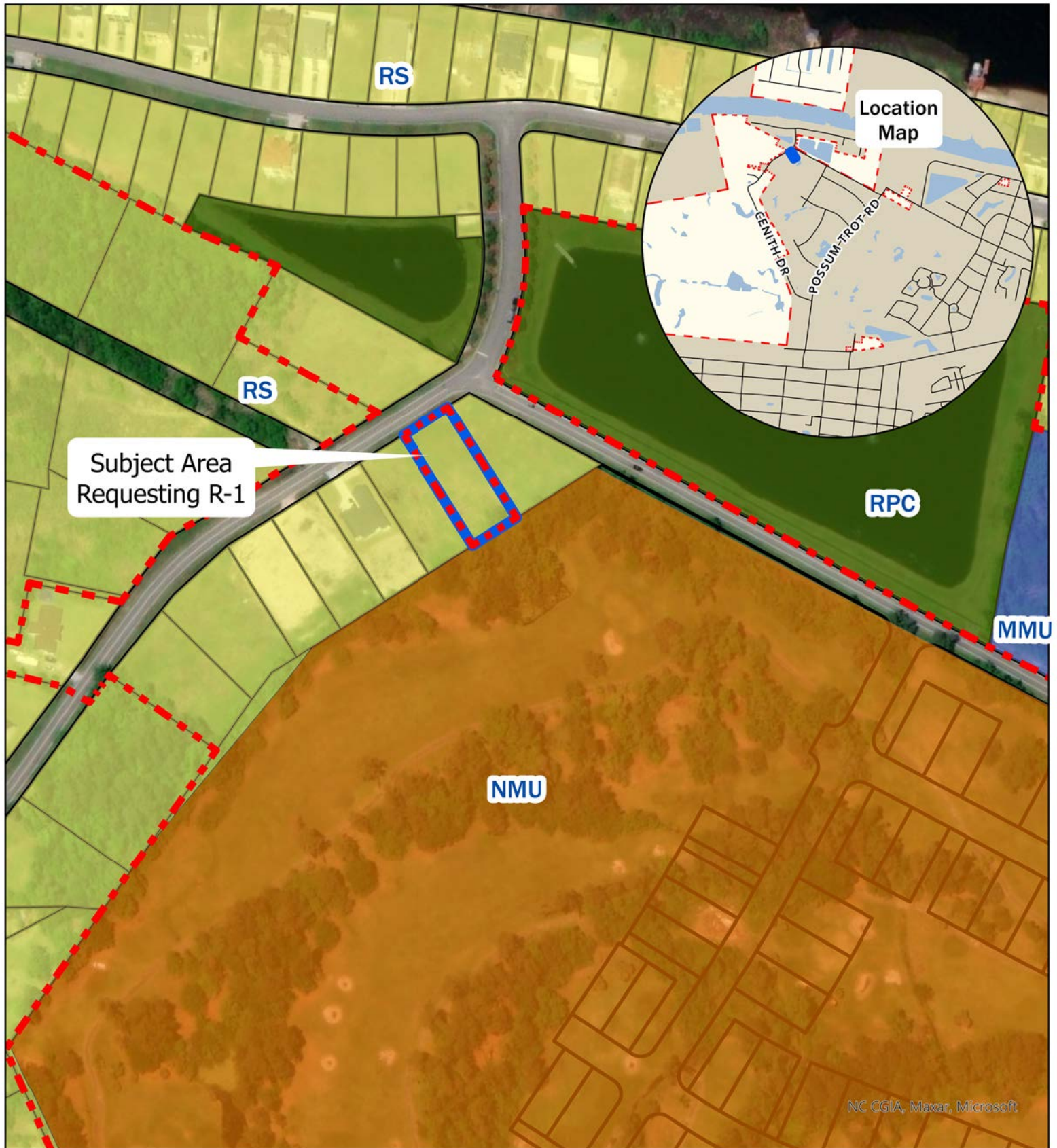
-  Vacant



0 100 200 Feet



Existing Land Use



- - - North Myrtle Beach City Limit
- - - Subject Area

Legend

Recommended Future Land Use Categories

■ MMU - Marina Mixed Use

- NMU - Neighborhood Mixed Use
- RPC - Resource, Protection, Conservation
- RS - Residential Suburban



0 100 200 Feet

Future Land Use

User: desnyder
Path: \\nimbplan\PDGIS\2022\2022-32 Z-22-18 (Centith Dr)\Z-22-18.aprx