

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: December 5, 2022

Agenda Item: 7I	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: November 30, 2022
Subject: Petition for annexation and zoning designation for 0.51 acres on Cenith Drive [Z-22-28]	Division: Planning and Development

Background:

On October 15, 2001, the City of North Myrtle Beach City Council approved a resolution allowing the City Manager to enter into a pre-annexation agreement with Mr. Robert Edge, Sr. regarding this property. This pre-annexation agreement allowed the residents of this property to connect to the water and/or sewer system of the City of North Myrtle Beach even though the property was not contiguous to the City’s corporate boundary and was not eligible for annexation at that time. In exchange for allowing connection to the City’s utilities, restrictive covenants were executed and recorded for this property allowing the property to be considered for annexation into the City of North Myrtle Beach once it was contiguous. Lot 14 was subdivided into two lots in a plat recorded on July 9, 2013, but the restrictive covenants run with both parcels that were included in the original Lot 14. On October 19, 2020, City Council approved the annexation and zoning of the property previously known as the Possum Trot Golf Course into the Chestnut Greens PDD. At that time, the subject parcel became contiguous to the City’s corporate boundary and eligible for annexation.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned GR under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned GR and Single-Family 6 (SF6). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-22-28, 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.

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:

The Planning Commission conducted a public hearing on November 15, 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 first 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 0.51 ACRES IDENTIFIED AS PIN 357-07-03-0078.**

WHEREAS, the property owner has entered into a pre-annexation agreement with the City of North Myrtle Beach through restrictive deed covenant until such time as it becomes contiguous, the 0.51 acres consisting of the following parcel PIN 357-07-03-0078 as referenced on Exhibit A: Zoning Map Z-22-28, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

WHEREAS, the referenced property is now contiguous; 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 357-07-03-0078 (the “Annexed Parcel”), consisting of approximately 0.51 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: 12.5.2022

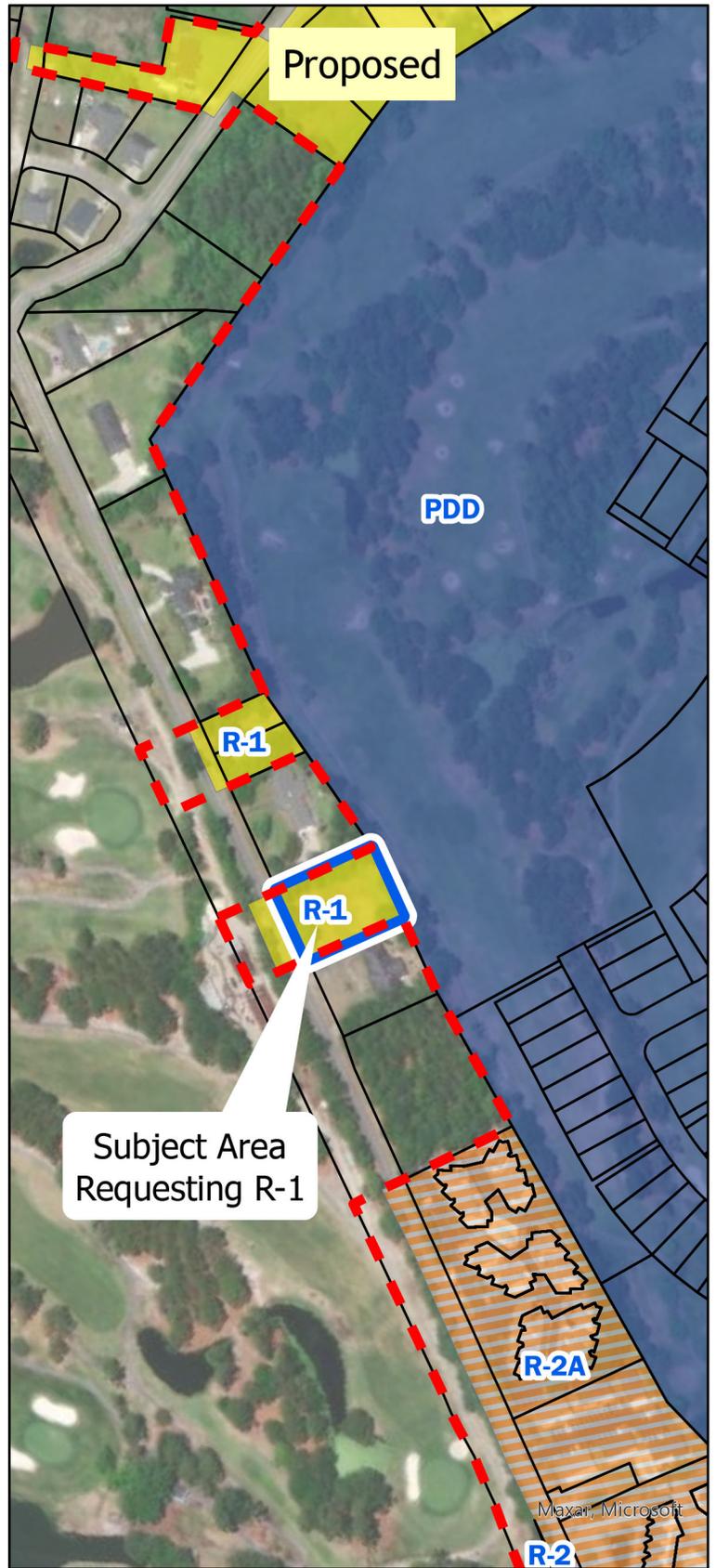
SECOND READING: _____

City Attorney

REVIEWED:

ORDINANCE: _____

City Manager



-  Subject Area
-  North Myrtle Beach City Limit

- Zoning District**
-  PDD
 -  R-1

-  R-2
-  R-2A

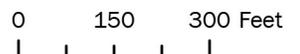


Exhibit A: Zoning Map Z-22-28

6C. ANNEXATION & ZONING DESIGNATION Z-22-28: Pursuant to a recorded pre-annexation agreement, City staff has begun the process to annex lands on Cenith Drive totaling approximately 0.51 acres and identified by PIN 357-07-03-0078. The lot is currently unincorporated and zoned General Residential (GR) 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.

History and Background:

On October 15, 2001, the City of North Myrtle Beach City Council approved a resolution allowing the City Manager to enter into a pre-annexation agreement with Mr. Robert Edge, Sr. regarding this property. This pre-annexation agreement allowed the residents of this property to connect to the water and/or sewer system of the City of North Myrtle Beach even though the property was not contiguous to the City’s corporate boundary and was not eligible for annexation at that time. In exchange for allowing connection to the City’s utilities, restrictive covenants were executed and recorded for this property allowing the property to be considered for annexation into the City of North Myrtle Beach once it was contiguous. Lot 14 was subdivided into two lots in a plat recorded on July 9, 2013, but the restrictive covenants run with both parcels that were included in the original lot 14. On October 19, 2020, City Council approved the annexation and zoning of the property previously known as the Possum Trot Golf Course into the Chestnut Greens PDD. At this time, the subject parcel became contiguous to the City’s corporate boundary and eligible for annexation.

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 GR under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned GR and Single-Family 6 (SF6).

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

Current public rights-of-way serve this area; access is subject to Horry County encroachment permit approval with City concurrence.

- 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 December 5, 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-22-28] as submitted.

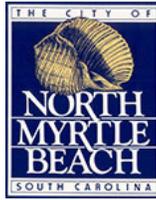
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-28] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-28
Complete Submittal Date:	October 17, 2022



Notice Published:	October 27, 2022
Planning Commission:	November 15, 2022
First Reading:	December 5, 2022
Second Reading:	January 2, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: October 17, 2022	Property PIN(S): 35707030078
Property Owner(s): Robert L. Edge, Jr.	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Cenith Dr between 1580 and 1670	Project Contact: Suzanne Pritchard
Contact Phone Number: 843-280-5572	Contact Email Address: lspritchard@nmb.us
Current County Zoning: GR	Proposed Zoning: R-1
Total Area of Property: 0.51 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: Suzanne Pritchard

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
COUNTY OF HORRY

FILED
HORRY COUNTY, S.C.
2001 OCT 31 PM 12:12
R.M.C.

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that Robert Edge, Sr. seeks permission to connect to the water and/or sewer system of the City of North Myrtle Beach. The Grantor owns that certain piece, parcel, or tract of land situate, lying and being Lot # 14 within the Belle Edge Property subdivision, containing 1.28 acres outside the City of North Myrtle Beach corporate limits. The property is also known as Horry County TMS # 143-12-01-025.

It is understood and agreed that as a condition for connecting to the water and/or sewer system, the Grantor, by executing this Restrictive Covenant, is permitting for annexation of the above described property into the City of North Myrtle Beach. If and when the above described property becomes contiguous to the corporate limits of the City, then the above described property shall be considered for annexation by the City Council of the City of North Myrtle Beach. Final annexation of the above described property rests upon an affirmative vote of a majority of the governing body of the City of North Myrtle Beach.

It is further understood and agreed that should the Grantor, its successors and assigns, withdraw this Restrictive Covenant, the City of North Myrtle Beach may immediately stop providing water and/or sewer services to the above described property, as well as institute legal action for non-performance.

This covenant shall run the land. All rights, powers and privileges hereby granted to the City of North Myrtle Beach shall pass to its successors and assigns, and shall be binding upon Grantor, its successors and assigns. It is hereby agreed that the conditions of this agreement, and

thereto; **TO HAVE AND TO HOLD**, all and singular, the said premises before mentioned unto the Grantee and the Grantee's heirs, successors and assigns forever.

The Grantor does hereby bind the Grantor, the Grantor's heirs, successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee and the Grantee's heirs, successors and assigns against the Grantor and no other persons whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the execution hereof this 2nd day of ~~June~~^{July}, 2013.

In the Presence Of:

Meredith C. Neal
Michael Barnett

Bobbie Ellen Edge
Bobbie Ellen Edge

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 2nd day of ~~June~~^{July}, 2013, by Bobbie Ellen Edge

Michael Barnett
Notary Public for South Carolina
My Commission Expires: 4-1-14

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

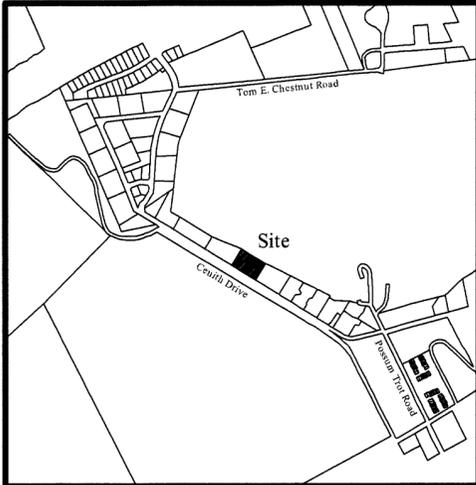
1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located on Cenith Dr., North Myrtle Beach, SC 29572, bearing Horry County Tax Map Number portion of 143-12-01-025, was transferred on June 26, 2013 by Bobbie Ellen Edge to Robert L. Edge, Jr.
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 (See Information section of affidavit) because of exemption No. 1 .
(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:
 - (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: _____, recorded in Book _____ at Page _____.
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.)	-0-
(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 § 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.

SWORN TO before me in this
2 day of ~~June~~ July, 2013.

Michael Barnett
Notary Public for South Carolina
My Commission Expires: ~~4-1-14~~

By: Bobbie E Edge
Bobbie Ellen Edge, Grantor



Vicinity Map - Not to Scale

Instrument#: 201300082489, PLAT BK: 258 PG: 204
 DOCTYPE: 061, 07/09/2013 at 12:59:03 PM, 1 OF 1
BALLERY V. SKIPPER
 Horry County, SC REGISTRAR OF DEEDS

Office Location
 1601 Whispering Hills Rd.
 Loris, S.C. 29569
 Phone: (843) 716-6021
 E-MAIL: suggsbarry@yahoo.com

Legend
 irf - iron rebar found
 ipf - iron pipe found
 irs - iron rebar set
 ips - iron pipe set
 cmf - concrete monument found
 pkf - pk nail found
 gw - guy wire anchor
 pp - power pole

Certificate of Non-Evaluation for Water and Sewer Availability
 The property owner of record hereby acknowledges that the surveyed parcel(s) 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 water/ sewer services.

Property Owner Signature: *Robert S. Edge*
 Date: 7-2-13

n/ f
 Alton Berry Edge, Jr.
 Tms # 143-12-01-024
 D.B. 1668, Pg. 510
 P.B. 48, Pg. 15

n/ f
 S. Belle Edge Estate, et al
 Tms # 143-00-01-024
 D.B. 845, Pg. 764
 (Possom Trot Golf Course)

n/ f
 Nettie S. Edge
 portion of Tms # 143-12-01-025
 D.B. 2860, Pg. 652
 P.B. 48, Pg. 15

Total Area
 22,108 ± sq. ft.
 0.51 ± ac.

Instrument#: 201300082489, PLAT BK:
 258 PG: 204 DOCTYPE: 061 07/09/2013 at
 12:59:03 PM, 1 OF 1
BALLERY V. SKIPPER, Horry County,
SC REGISTRAR OF DEEDS

n/ f
 Nettie S. Edge
 remainder of Tms # 143-12-01-025
 D.B. 2860, Pg. 652
 P.B. 48, Pg. 15

Total Area (remaining)
 25,332 ± sq. ft.
 0.58 ± ac.

n/ f
 Peggy Edge
 Tms # 143-12-01-026
 P.B. 48, Pg. 15

Cynth Drive (50' Public R/ W)

Notes

1. This property is subject to all easements and restrictions of record.
2. This document represents a subdivision survey of an existing parcel of record.
3. This property is located in flood zone "X" as shown on Flood Insurance Rate Map number 45051C 0579H dated 8/ 23/ 99 and flood zone lines (if applicable) shown are scaled and approximate only.
4. No South Carolina Geodetic monumentation is within 2000' of this site.
5. All or any existing or underground water and sewer utilities, facilities and / or easements have not been shown as a part of this survey.
6. No subsurface or environmental conditions have been considered as part of this survey and no statement has been made concerning the locations of underground utilities or facilities that may affect the use or development of this property.
7. Existing Tax Map Parcel numbers and references for the existing & adjoining properties are as shown (if applicable) on the face of this plat.
8. No title search has been performed by this office.
9. This survey is valid only if a print of the same has the original signature and embossed seal of the surveyor.
10. Parent Tax Map No. 143-12-01-025
11. This parcel contains a total acreage area of 0.51 ± acres.

Surveyors Certification

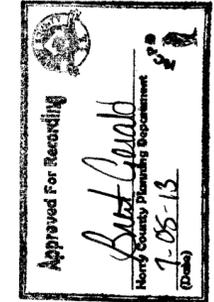
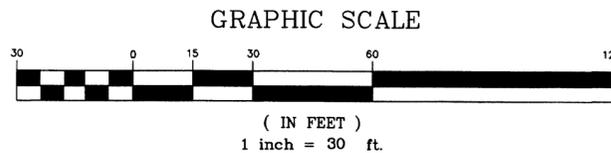
I hereby state that to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina" and meets or exceeds the requirements for a Class "B" survey as specified therein; also there are no visible encroachments or projections other than shown.

Barry W. Suggs SCPLS No. 25438 Date: 7/2/13

Certificate of Ownership and Dedication

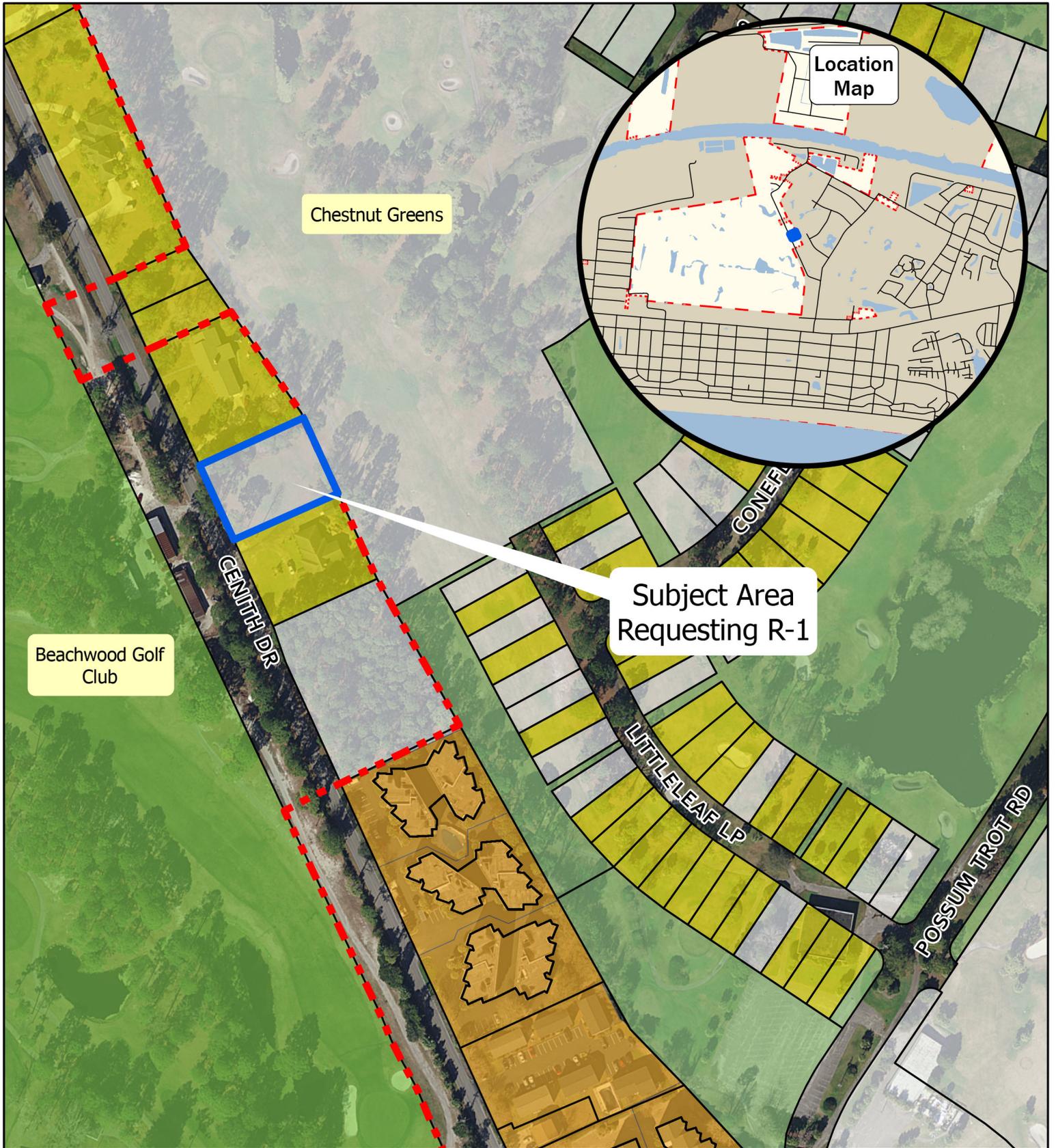
The undersigned hereby acknowledge that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this (plan of development / plat) with my (our) free consent and that I (We) hereby dedicate all items as specifically shown or indicated

Name: _____ Signature: *Robert S. Edge* Date: 7-2-13
 Name: _____ Signature: *Nettie S. Edge* Date: 7-2-13
 Name: _____ Signature: _____ Date: _____



Map of a Portion of Tms # 143-12-01-025
 Subdivision Survey
 near City of North Myrtle Beach

Prepared For:
Nettie S. Edge
 Date: 1/ 5/ 2010 Scale: 1" = 30'
 Little River Township, Horry County, South Carolina



Chestnut Greens

Beachwood Golf Club

Subject Area Requesting R-1

Location Map

CENITH DR

CONF

LITTLELEAF LP

POSSUM TROT RD

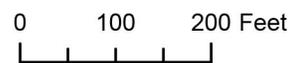


Legend

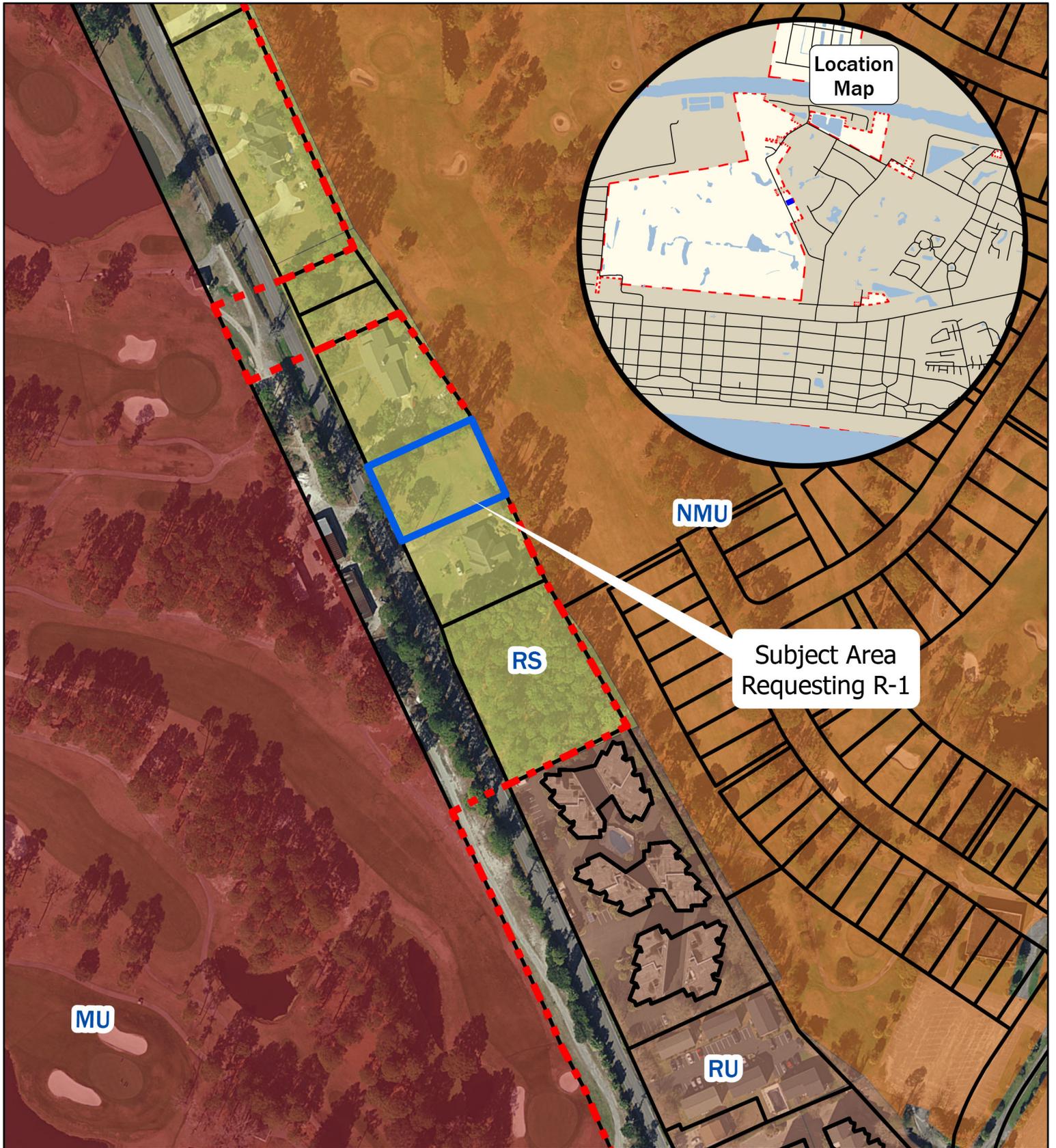
-  Parcel
-  North Myrtle Beach City Limit

- Existing Land Use**
-  Common Open Space
 -  Golf Course
 -  Multi-Family

-  Public, Social, Cultural
-  Vacant



Existing Land Use



Legend

-  Subject Area
-  North Myrtle Beach City Limit

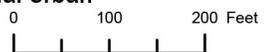
Recommended Future Land Use Categories

 MU - Mixed Use

 NMU - Neighborhood Mixed Use

 RS - Residential Suburban

 RU - Residential Urban



Future Land Use