

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 20, 2023

Agenda Item: 5E	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Consent: Ordinance. Second Reading	Date: February 6, 2023
Subject: Petition for annexation and zoning designation for 1.08 acres on Cenith Drive [Z-22-34]	Division: Planning and Development

Background:

In 1997, the City of North Myrtle Beach City Council approved a pre-annexation agreement with E. E. Gore regarding Lot 17 of the Belle Edge Property (TMS 143-12-01-021). 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. 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 Planned Development District (PDD). At this 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 contains a single-family home. Surrounding parcels within City limits are zoned Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned GR, Commercial Forest Agriculture (CFA), and Single-Family 6 (SF 6). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-22-34, 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 December 6, 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

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 1.08 ACRES IDENTIFIED AS PIN 357-07-01-0002.**

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 1.08 acres consisting of the following parcel PIN 357-07-01-0002, as referenced on Exhibit A: Zoning Map Z-22-34, 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 the parcel identified by PIN 357-07-01-0002 (the “Annexed Parcel”), consisting of approximately 1.08 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 _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

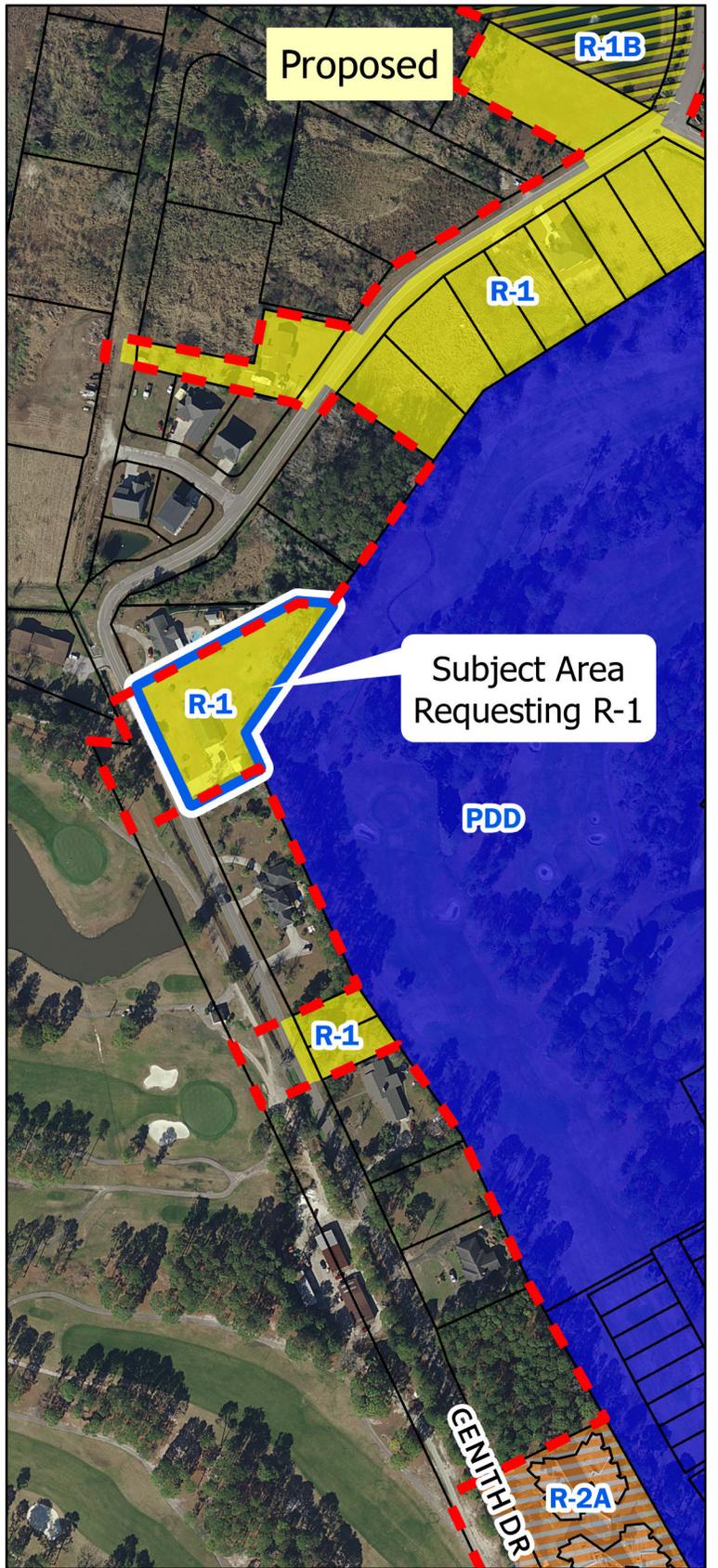
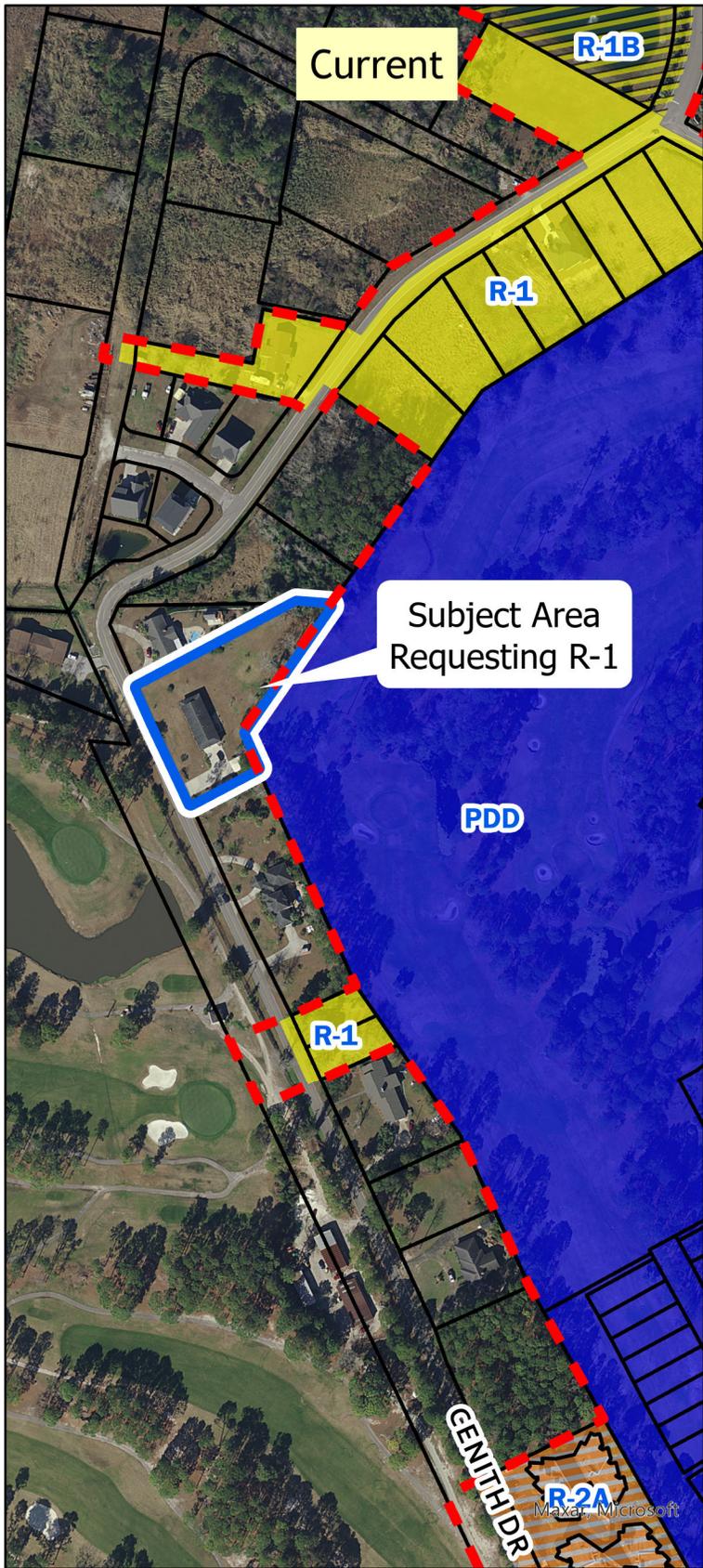
City Attorney

REVIEWED:

City Manager

FIRST READING: 1.9.2023
SECOND READING: 2.20.2023

ORDINANCE: 23-19



-  Subject Property
-  North Myrtle Beach City Limit

- Zoning District**
-  PDD
 -  R-1

-  R-1B
-  R-2A

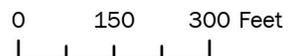


Exhibit A: Zoning Map Z-22-34

6D. ANNEXATION & ZONING DESIGNATION Z-22-34: Pursuant to a recorded pre-annexation agreement, City staff has begun the process to annex lands on Cenith Drive totaling approximately 1.08 acres and identified by PIN 357-07-01-0002. 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:

In 1997, the City of North Myrtle Beach City Council approved a pre-annexation agreement with E. E. Gore regarding Lot 17 of the Belle Edge Property (TMS 143-12-01-021). 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. 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 Planned Development District (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 contains a single-family home. Surrounding parcels within City limits are zoned PDD within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned GR, Commercial Forest Agriculture (CFA), and Single-Family 6 (SF6).

Proposed R-1 Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
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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 January 9, 2023. 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.

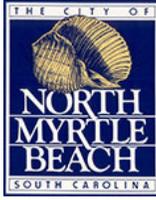
Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-22-34] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-34] as submitted.

OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-34
Complete Submittal Date:	November 7, 2022



Notice Published:	November 17, 2022
Planning Commission:	December 6, 2022
First Reading:	January 2, 2023
Second Reading:	February 6, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: November 7, 2022	Property PIN(S): 35707010002
Property Owner(s): LOUISE H GORE	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1710 Cenith Dr	Project Contact: Suzanne Pritchard
Contact Phone Number: 8432805572	Contact Email Address: lspritchard@nmb.us
Current County Zoning: GR	Proposed Zoning: R-1
Total Area of Property: 1.08 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.

1018 2nd Avenue South · North Myrtle Beach, SC 29582 · Telephone: (843) 280-5566 · Facsimile: (843) 280-5581

650943

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF NORTH MYRTLE BEACH)

RESTRICTIVE COVENANTS

FILED
HORRY COUNTY
SEP 30 PM 3:47

R.M.C.

KNOW ALL MEN BY THESE PRESENTS, that

E. E. GORE

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 # 17 of Block # _____ within the BELLE EDGE PROPERTY subdivision, containing 0.9 acres outside the City of North Myrtle Beach corporate limits, which property is shown on map or plat recorded in Plat Book _____ at Page _____. Said property being conveyed to the Grantor by deed of record in Deed Book 383 at Page 324, in the Office of the Register of Mesne Conveyance for Horry County.

Tax Map # 143-12-01-022

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 petitioning 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 with 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 the Grantor, its successors and assigns. It is hereby agreed that the conditions of this agreement, and this agreement itself, is a restriction and covenant on the title to the within named property and binding upon the Grantor, its successors and assigns.

WITNESS the execution hereof, this 26TH day of SEPTEMBER

1997

SIGNED, SEALED AND
DELIVERED IN THE
PRESENCE OF:

J. Gregory Heath
F. Craig Niles

F. E. Yost

STATE OF SOUTH CAROLINA)
COUNTY OF Horry) PROBATE

PERSONALLY appeared before me, K. GREG NILES and
made oath that (s)he saw the within named E.E. GORE,
as Grantor, sign, seal and as his act and deed, deliver the
within written Restrictive Covenant, and that (s)he with
THE OTHER WITNESS witnessed the execution thereof.

K. Greg Niles

SWORN to before me, this
25TH day of SEPTEMBER, 1997

J. Gregory Healy (L.S.)
Notary Public for South Carolina
My Commission Expires: 10-21-03

FILED
HORRY COUNTY, S.C.

Space above this line for recording information

2003 FEB 14 PM 3:49 ✓

STATE OF SOUTH CAROLINA)
) **BALLENT V. SKIPPER**
) **REGISTRAR OF DEEDS**
COUNTY OF HORRY)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS THAT, EUGENE E. GORE herein referred to as Grantor for and in consideration of the sum of TEN DOLLARS LOVE AND AFFECTION FOR MY WIFE to me paid by EUGENE E. GORE AND LOUISE H. GORE, hereinafter referred to as Grantees in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents do es grant, bargain, sell and release unto the said Grantees, for and during their natural lives and upon he death of either Grantee, then to the survivor and his or her heirs, successors, and assigns forever:

ALL AND SINGULAR, all those certain pieces, parcels or lots of land situate, lying and being near Crescent Beach, Little River Township, State and County aforesaid, and more particularly described as follows:

Begins on the north side of a 30 foot street at the corner of Lot 16 runs thence with said street, North 55 degrees West 244 feet to Lot 18a; thence with Lot 18a North 35 degrees East 285 feet, more or less to Lot N-1; thence with W1, in an easterly direction 75 feet, more or less, to the golf course line; thence with the golf course line, south 4 degrees -45' West 250 feet, more or less, to a corner; thence South 55 degrees east 82 feet to Lot 16; thence with Lot 16, South 35 degrees -00' West 140 feet to the beginning. Said property is shown as Lot 17 on a map of Lots mapped in the Belle Edge Lands dated March 6, 1968. by C. B. Berry, R.L.S.

DERIVATION: This being a portion of that certain property conveyed to the Mortgagor herein by deed recorded in Deed Book 383 at page 324, Records of Horry County.,

This conveyance is made subject to Easements, Restrictions, Covenants, and Conditions of record, including matters shown on recorded plats.

Grantees' Address: 1710 CENITH DRIVE ✓
NORTH MYRTLE BEACH, SC 29582

HORRY COUNTY ASSESSOR
Tax/Map No. 143-12-01-022 2-18-03
 Map Blk Parcel

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 Grantee s, for and during their joint lives and upon the death of either Grantee, then the survivor and his or her heirs and assigns forever.

AND THE GRANTOR does hereby bind Grantor's heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantees, for and during their joint lives and upon the death of either Grantee, then to the survivor and his or her heirs and assigns, against Grantor and Grantor's heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

DEED
2565 0686

EXEMPT

686

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

AFFIDAVIT

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

1. Property located at Lot 17 Belle Edge Lands Little River Township, South Carolina, bearing Horry County Tax Map Number 143-12-01-022, and is being transferred by Eugene E. Gore to Eugene E. Gore and Louise H. Gore on Feb. 10, 2003

The transaction was (Check One):

an arm's length transaction and the sales price paid or to be paid in money or money's worth was \$_____.

not an arm's length real property transaction and the fair market value of the property is \$_____.

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et. seq. because the deed is (See bank of Affidavit):

Conveyance by Husband to himself and his wife to make Joint Tenancy Deed of Gift AR

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

I further understand that a person required to furnish this affidavit who wilfully 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.

Eugene E. Gore

Eugene E. Gore

Sworn to before me this
10 day of Feb, 2003.

[Signature]

Notary Public for South Carolina
My Commission Expires: 02-12-09

WITNESS my Hand and Seal this February 10, 2003. ✓

Signed, Sealed and Delivered
in the Presence of:

Kim Strickland ✓

William Paul Young ✓

EUGENE E GORE ✓

EUGENE E. GORE

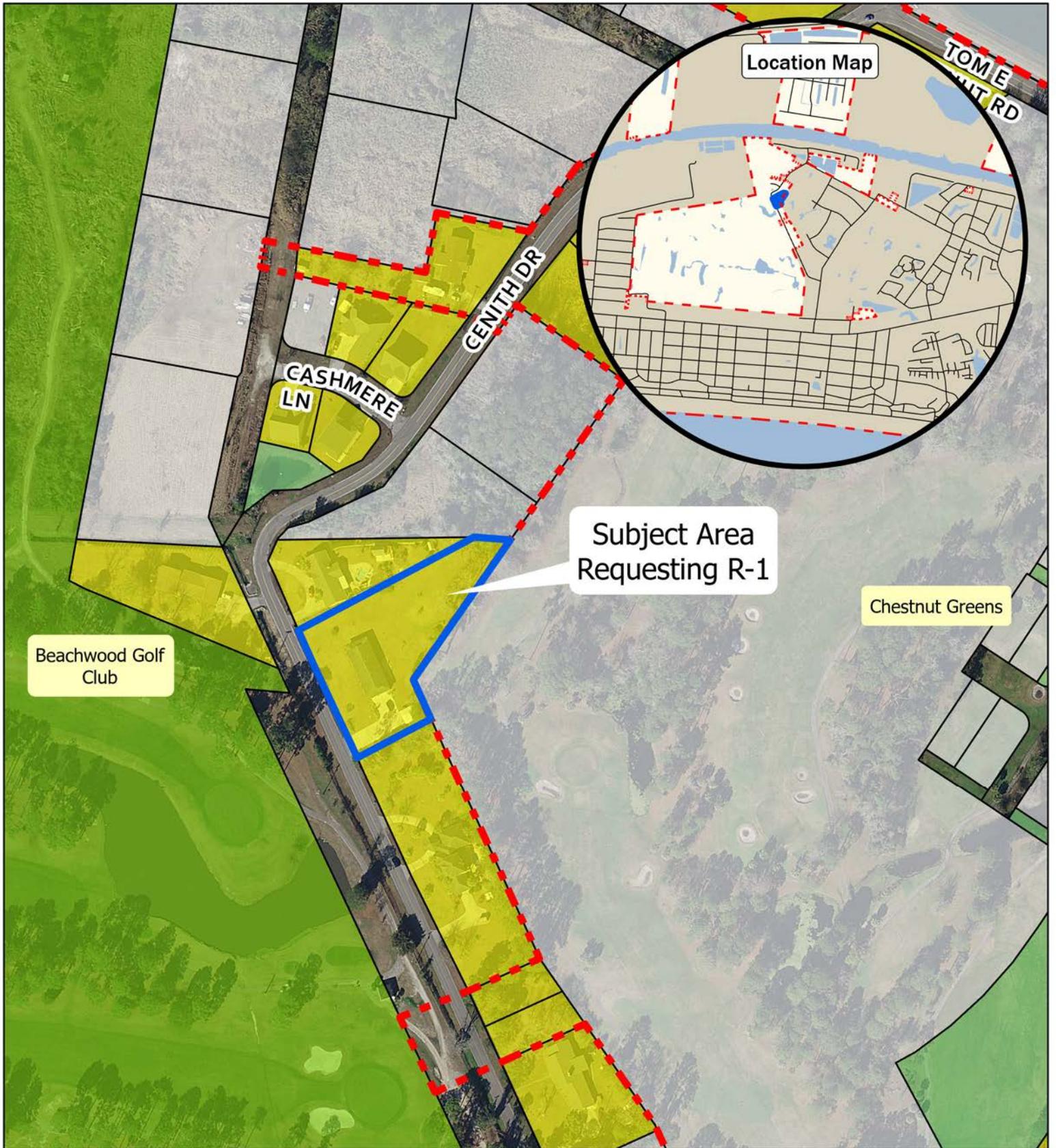
STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Personally appeared before me the undersigned and made oath that she saw the within-named Grantor sign, seal and as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that she with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this
10th day of February, 2003,

Kim Strickland ✓

[Signature]
Notary Public for the Horry County, South Carolina
My Commission Expires: February 12, 2009 ✓

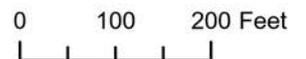


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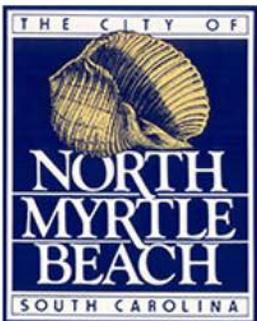
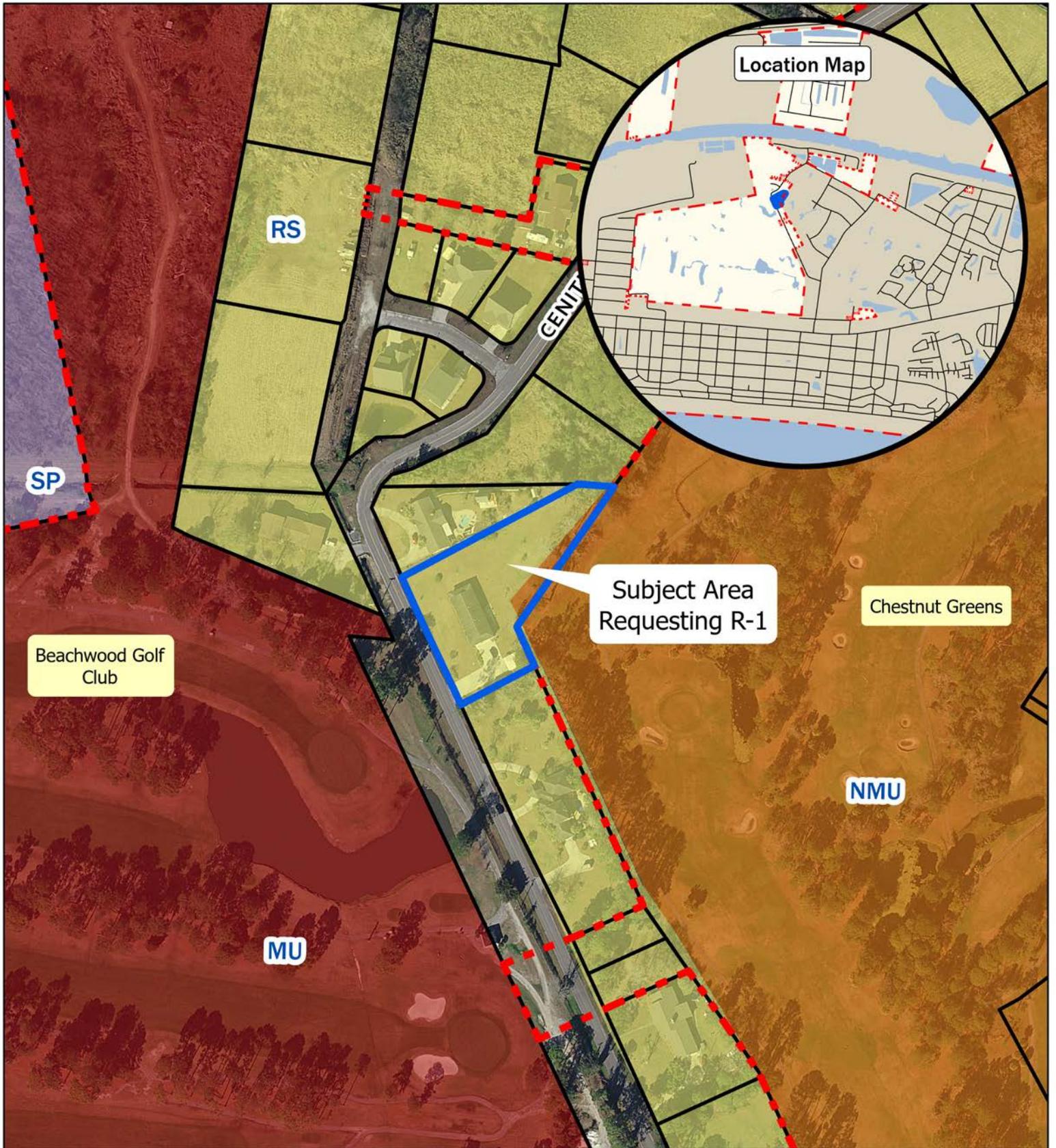
-  Subject Property
-  North Myrtle Beach City Limit

- Existing Land Use
-  Common Open Space
 -  Golf Course
 -  Private Common Open Space

-  Public, Social, Cultural
-  Vacant



Existing Land Use

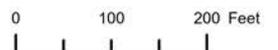


Legend

-  Subject Property
-  North Myrtle Beach City Limit

- Recommended Future Land Use Categories**
-  SP - Service / Production
 -  MU - Mixed Use

-  NMU - Neighborhood Mixed Use
-  RS - Residential Suburban



Future Land Use