

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: May 15, 2023

Agenda Item: 5C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Consent: Ordinance. Second Reading	Date: May 8, 2023
Subject: Petition for annexation and zoning designation for 0.27 Acres on 1 <sup>st</sup> Avenue South [Z-23-8]	Division: Planning and Development

**Background:**

Ahmed Afifi, the owner, has petitioned the City of North Myrtle Beach to annex approximately ±0.27 acres on 1<sup>st</sup> Avenue South identified by PIN 350-16-04-0013. The petition also reflects the requested City of North Myrtle Beach zoning district of Medium Density Residential (R-2) and will be heard concurrently.

**Existing Conditions:**

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned MSF10 under Horry County jurisdiction. Located on 1<sup>st</sup> Avenue S, the parcel houses a single-family residential dwelling. Surrounding parcels within City limits are zoned R-2 and Mobile/Manufactured Home Residential (R-3); adjacent unincorporated county parcels are zoned MSF10. Upon annexation, the parcel would be designated R-2 as per Exhibit A: Zoning Map Z-23-8, 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.

**Proposed R-2 Zoning:**

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

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

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

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

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

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

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

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

**Planning Commission Action:**

The Planning Commission conducted a public hearing on April 4, 2023 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 \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH  
ANNEXING 0.27 ACRES IDENTIFIED AS PIN 350-16-04-0013.**

**WHEREAS**, Ahmed Afifi, owner, has petitioned the City of North Myrtle Beach for annexation of 0.27 acres consisting of the following parcel PIN 350-16-04-0013 as referenced on Exhibit A: Zoning Map Z-23-8, 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 Medium Density Residential (R-2) upon annexation.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

**Section 1. Annexation.** That parcel identified by PIN 350-16-04-0013 (the “Annexed Parcel”), consisting of approximately 0.27 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

**Section 2. Zoning Designation.** The annexed parcels are hereby designated and zoned as Medium Density Residential (R-2).

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ATTEST:

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

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

APPROVED AS TO FORM:

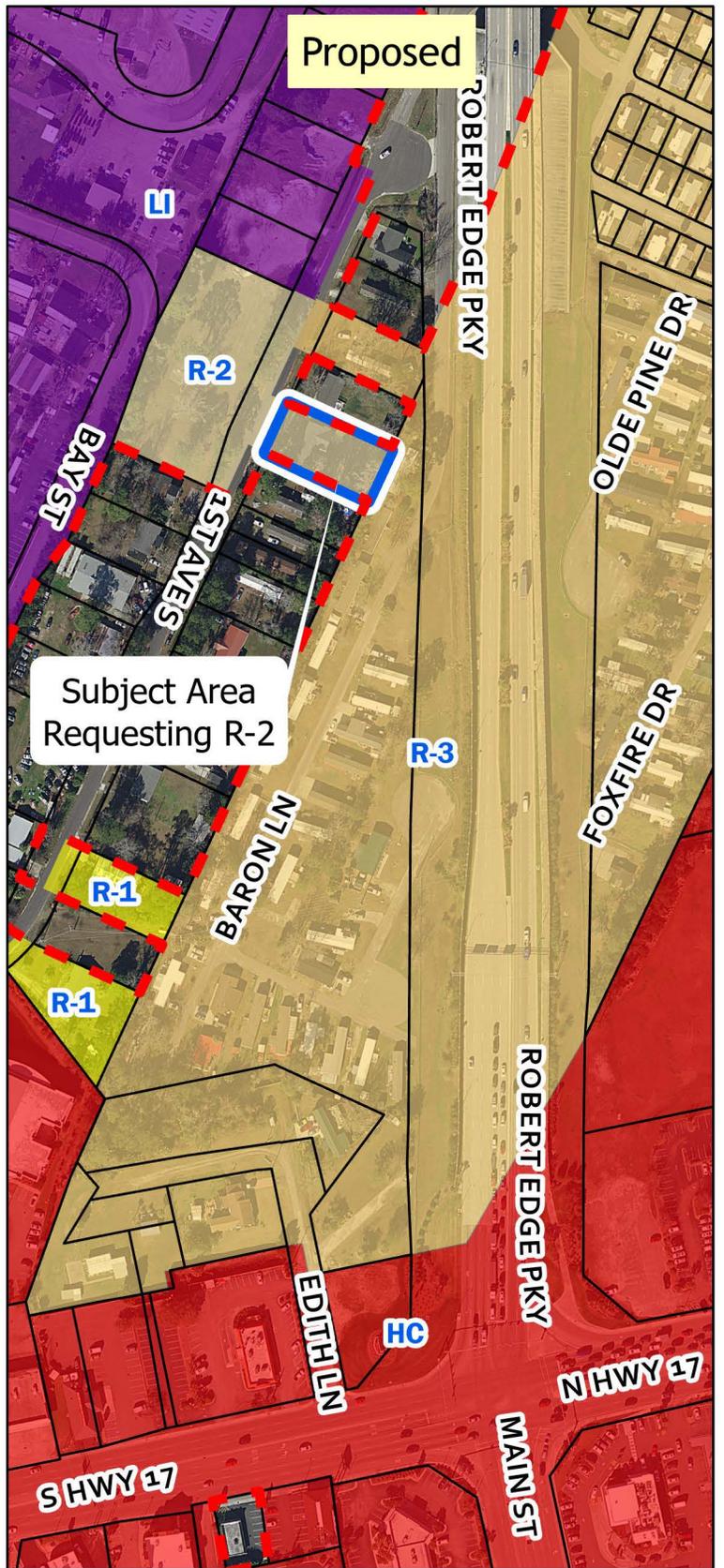
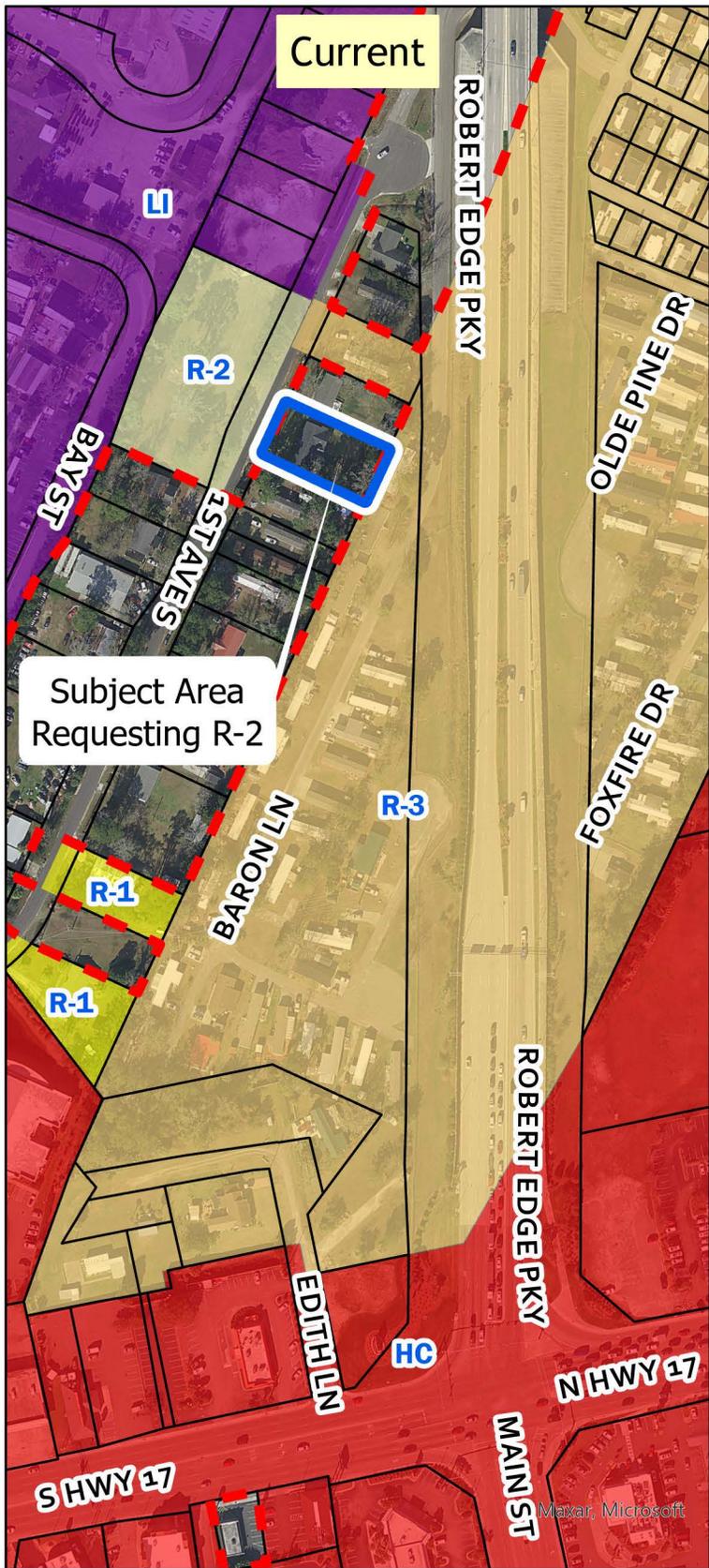
\_\_\_\_\_  
City Attorney

REVIEWED:

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

FIRST READING: 5.1.2023  
SECOND READING: 5.15.2023

ORDINANCE: 23-41



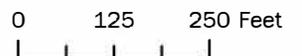
-  Subject Area
-  North Myrtle Beach City Limit

- Zoning District**
-  HC

**Legend**

-  LI
-  R-1
-  R-2

-  R-3



**Exhibit A: Zoning Map Z-23-8**

**6A. ANNEXATION & ZONING DESIGNATION Z-23-8:** City staff received a petition to annex ±0.27 acres on 1st Avenue South identified by PIN 350-16-04-0013. The lot is currently unincorporated and zoned MSF 10 Residential (MSF10) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of R-2 Medium Density Residential (R-2) and will be heard concurrently.

**Existing Conditions and Surrounding Land Uses:**

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned MSF10 under Horry County jurisdiction. Located on 1<sup>st</sup> Avenue South, the parcel contains a single-family, residential dwelling. Surrounding parcels within City limits are R-2 and Mobile/Manufactured Home Residential (R-3); surrounding county parcels are zoned MSF10.

**R-2 District**

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

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

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

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

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

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

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

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

**Planning Commission Action:**

As per the Zoning Ordinance Section 23-4, *Amendments*, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the North Myrtle Beach

Zoning Ordinance, including the Zoning Map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan:

*The Future Land Use map contained in the 2018 Comprehensive Plan recommends Residential Neighborhood as a land use class for the subject area. The principal permitted uses noted in the compliance index include a mix of residential uses at medium densities (mostly duplexes, townhomes, and patio homes), multi-family housing up to six stories, and infill mixed-use development and neighborhood commercial uses. The recommended primary zoning districts are R-2, R-2A and R-3; R-2B and NC are the secondary zoning district alternatives.*

The proposed zoning designation, R-2, is a primary recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

*Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Residential Neighborhood future land use classification as follows: This classification supports a mix of residential uses at medium densities, which includes mostly duplexes, townhouses, and patio homes, as well as multi-family housing up to six stories. This designation could also allow infill mixed-use development and neighborhood commercial uses. This category allows 5-10 du/acre.*

The proposed R-2 zoning is consistent with the Residential Neighborhood land use classification found in the 2018 Comprehensive Plan.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

*The purpose of the R-2 zoning district is, “To provide for limited alternatives to single-family housing, smaller lot development and correspondingly higher densities, but not permit the crowding of development on individual lots or parcels.”*

The uses permitted in the R-2 district would be appropriate in the area.

- d) Whether adequate public-school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place because of such change, and the consequence of such change:

*Current public rights-of-way serve this area; access is subject to Horry County encroachment review/approval with City of North Myrtle Beach 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:

*Public water provided, public sewer not currently available.*

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 the City Council at their next meeting tentatively scheduled for May 1, 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.

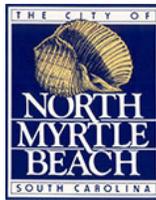
**Planning Commission Action:**

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-23-8] as submitted.  
  
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-8] as submitted.  
  
OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-8
Complete Submittal Date:	March 9, 2023



Notice Published:	March 16, 2023
Planning Commission:	April 4, 2023
First Reading:	May 1, 2023
Second Reading:	May 15, 2023

**City of North Myrtle Beach, SC**

**Petition for Annexation & Zoning**

**GENERAL INFORMATION**

<b>Date of Request: March 9, 2023</b>	<b>Property PIN(S): 35016040013</b>
<b>Property Owner(s): Ahmed Afifi</b>	<b>Type of Zoning Map Amendment: Petition for Annexation and Zoning</b>
<b>Address or Location: 1026 1st ave south City / north myrtle beach - sc 29582</b>	<b>Project Contact: Ahmed AFIFI</b>
<b>Contact Phone Number: 8036626020</b>	<b>Contact Email Address: Ahmedafifi8919@gmail.com</b>
<b>Current County Zoning: MSF10</b>	<b>Proposed Zoning: R-2</b>
<b>Total Area of Property: 0.27 Acres</b>	<b>Approximate Population of Area to be Annexed:</b>

**RECORDED COVENANT INFORMATION**

I hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145).

*Applicant's E-signature: Ahmed AFIFI*

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.



**TO HAVE AND TO HOLD**, all and singular the said premises before mentioned unto the said Grantee, his heirs and assigns forever.

**AND THE GRANTOR** does hereby bind its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, his heirs and assigns, against the Grantor and the Grantor's successors and assigns and against every person whomsoever lawfully claiming or to claim, the same or any part thereof.

**WITNESS** my Hand and Seal this 6<sup>th</sup> day of **February, 2023**.

**Surf Capital Partners LLC**



**BY: Nicholas W. Sowers**  
**ITS: Manager**

**SIGNED, SEALED AND DELIVERED**  
**IN THE PRESENCE OF:**



Witness #1  
*(Witness is not a party to or a beneficiary of the transaction.)*



Witness #2  
*(Witness is not a party to or a beneficiary of the transaction.)*

**STATE OF SOUTH CAROLINA**

**COUNTY OF HORRY**

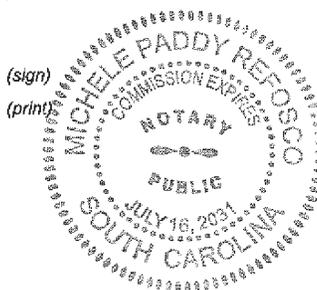
)  
)  
)

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of **February, 2023**, by the Grantor, **Surf Capital Partners LLC**, by **Nicholas W. Sowers**, its **Manager**.

**SWORN** to before me this 6<sup>th</sup> day of **February, 2023**.

  
Notary Name: Michele Paddy Refosco  
Notary Public for the State of SC  
My Commission Expires: 07/16/2031



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY ) AFFIDAVIT

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

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at 1026 1st Avenue South, North Myrtle Beach, SC 29582 J.C. Ward Subdivision, Lot 361 bearing Horry County Tax Map Number 144-06-03-062 (PIN 350-16-04-00131) and was transferred by Surf Capital Partners LLC to Ahmed Afifi on 02/06/2023.

- 3. Check one of the Following: The Deed is  
(a) XX 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 (See Information section of this affidavit);

(If exempt, please skip items 4-7, and go on 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) XX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$289,900.00.  
(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: N/A.

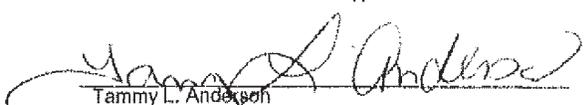
- 6. The deed recording fee is computed as follows:  
(a) Place the amount listed in item 4 above here: \$294,900.00  
(b) Place the amount listed in item 5 above here: \$ 0.00  
(If no amount is listed, place zero here.)  
(c) Subtract line 6(b) from line 6(a) and place result here: \$294,900.00

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: \$1,091.50.

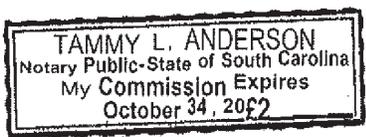
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: GRANTOR.

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.

SWORN to before me this 17 day of March, 2023.

  
\_\_\_\_\_  
Tammy L. Anderson  
Notary Public for South Carolina  
My Commission Expires: 10/31/2027

  
\_\_\_\_\_  
Nathan Bruccoffiere



**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: Hutchens Law Firm LLP - Columbia

ADDRESS:

240 Stoneridge Dr

Columbia, SC 29210-8013

TELEPHONE: (910) 864-6888

FAX: (910) 864-6888

E-MAIL ADDRESS: susan.benoit@hutchenslawfirm.com

Related Document

(s):

**PURCHASE PRICE / MORTGAGE AMOUNT: \$ 294900.00**

**BRIEF PROPERTY DESCRIPTION: Lot 36 JC Ward Subdivision**

**TAX MAP NUMBER (TMS #) 144-06-03-062 / PIN NUMBER: ,**

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

FULL BUSINESS NAME

1. SURE CAPITAL PARTNERS LLC

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

LAST NAME

FIRST NAME

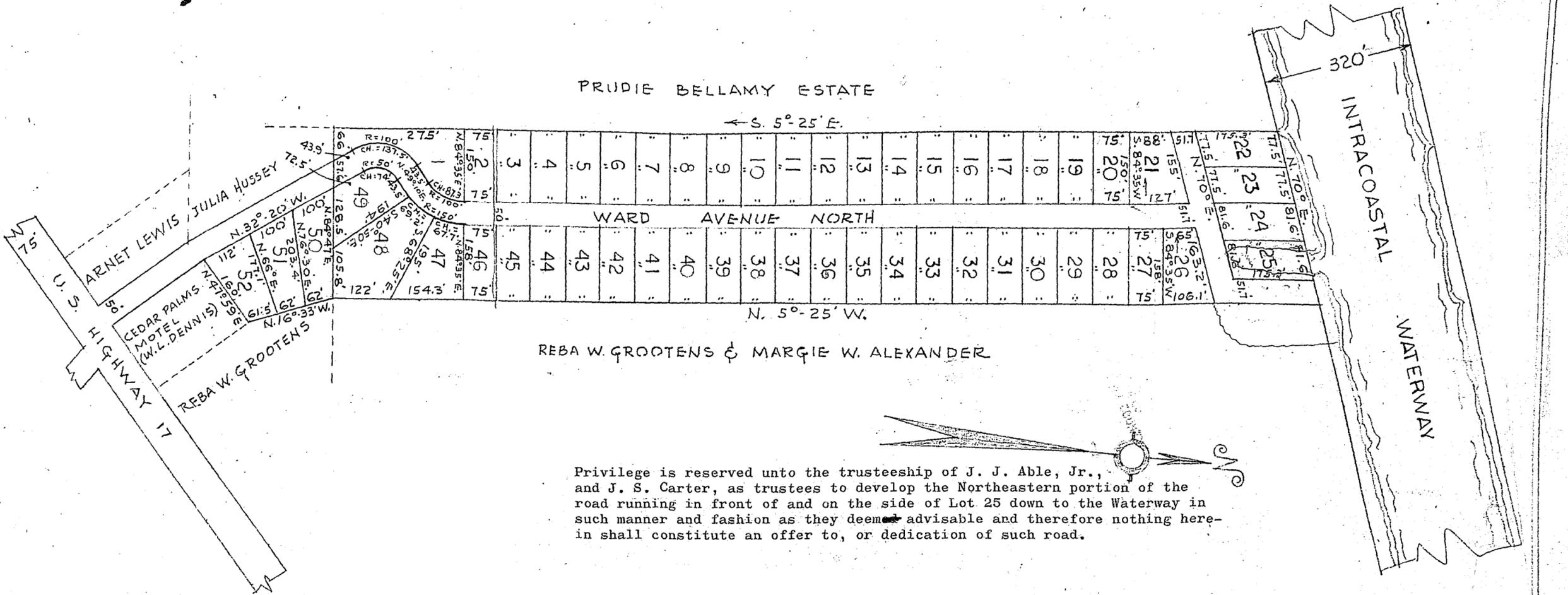
MIDDLE NAME

1. AFIFI

AHMED

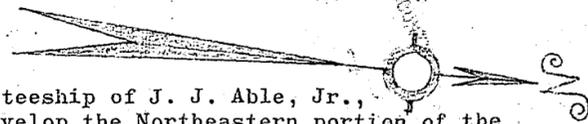
WATERWAY TERRACE  
 A SUBDIVISION AT OCEAN DRIVE BEACH  
 LITTLE RIVER TOWNSHIP HORRY COUNTY, S.C.

SCALE: 1"=200'  
 MAP OF



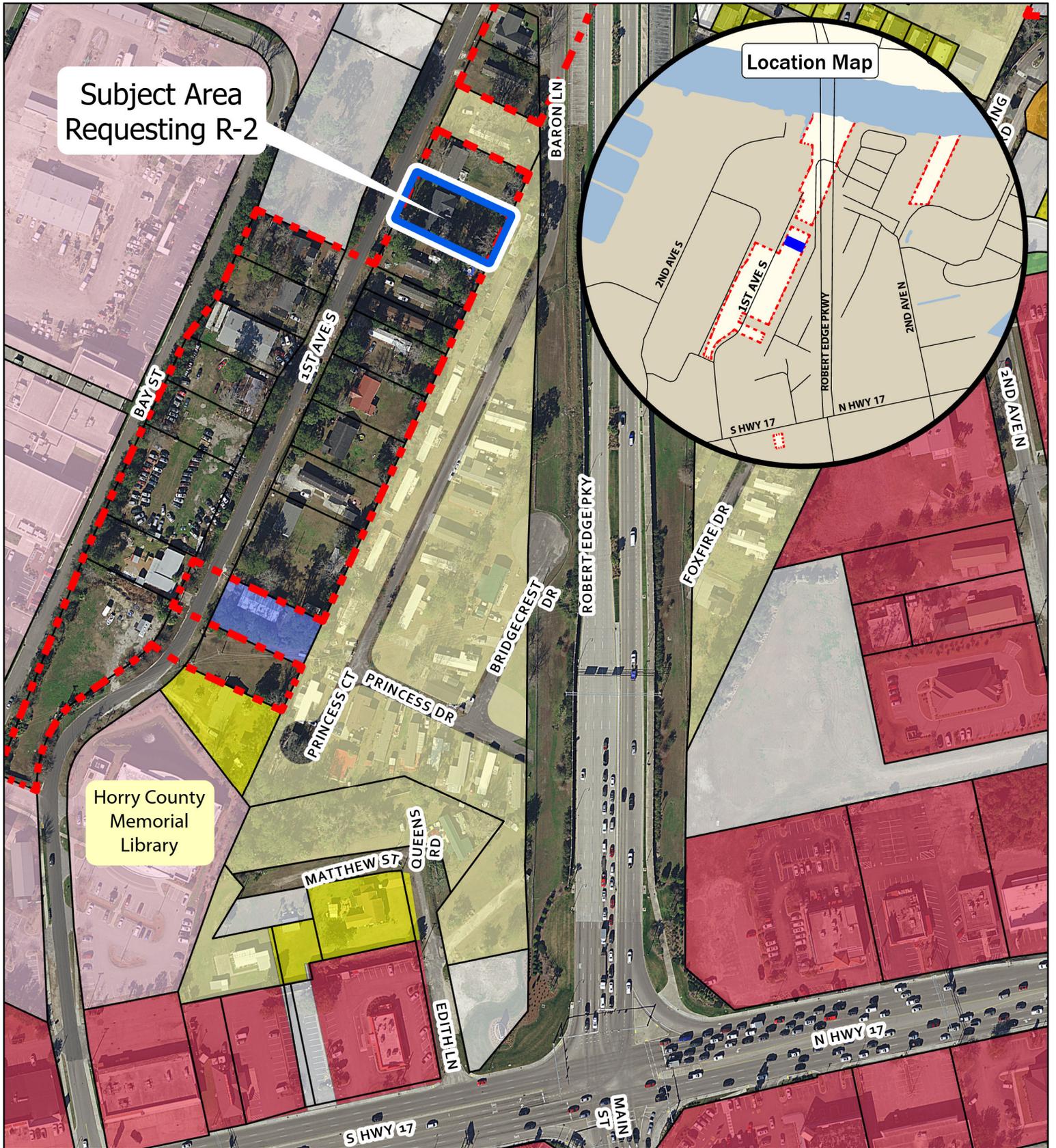
REBA W. GROOTENS & MARGIE W. ALEXANDER

Privilege is reserved unto the trusteeship of J. J. Able, Jr., and J. S. Carter, as trustees to develop the Northeastern portion of the road running in front of and on the side of Lot 25 down to the Waterway in such manner and fashion as they deem advisable and therefore nothing herein shall constitute an offer to, or dedication of such road.



FILED  
 HORRY COUNTY  
 1961 OCT 9 PM 4 42  
 CLERK OF COURT

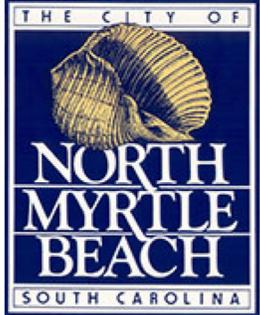
C. B. BERRY, R.L.S.  
 CRESCENT BEACH, S.C.  
 JUNE 21, 1961



Subject Area  
Requesting R-2

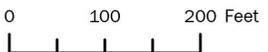
Horry County  
Memorial  
Library

Location Map

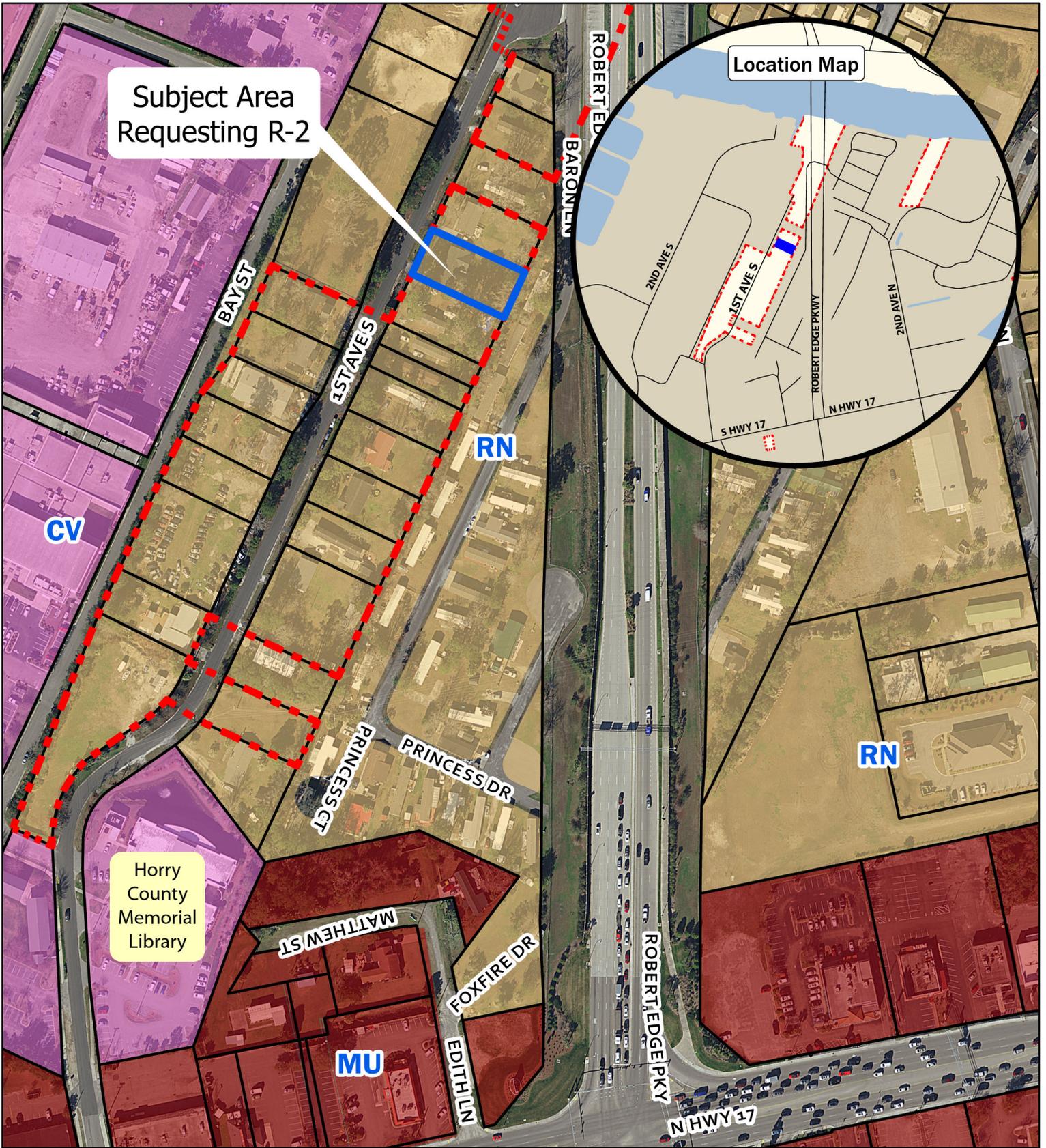


**Legend**

- Subject Area
- Common Open Space
- Private Common Open Space
- North Myrtle Beach City Limit
- Industrial / Warehouse
- Pubic, Social, Cultural
- Existing Land Use**
- Mobile Home
- RV / Campground
- Commercial
- Multi-Family
- Vacant



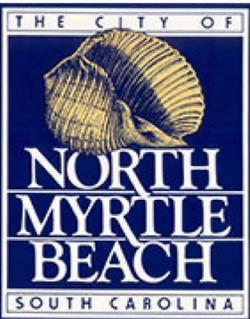
**Existing Land Use**



Subject Area Requesting R-2

Location Map

Horry County Memorial Library



- Legend**
- Subject Area
  - North Myrtle Beach City Limit
  - CC - Conservation Community
  - RPC - Resource, Protection, Conservation
  - CV - Civic / Education
  - SP - Service / Production
  - HC - Highway Commercial
  - MU - Mixed Use
  - MMU - Marina Mixed Use
  - NMU - Neighborhood Mixed Use
  - RS - Residential Suburban
  - RN - Residential Neighborhood
  - RU - Residential Urban
  - Undesignated



# Future Land Use