

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 21, 2023

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: August 14, 2023
Subject: Petition for annexation and zoning designation for 0.76 acres on Cenith Drive [Z-23-9]	Division: Planning and Development

Background:

Blane Sparks, registered agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately ±0.76 acres on Cenith Drive identified by PIN 357-07-01-0004. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned General Residential (GR) under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within the City limits are zoned PDD within the Chestnut Greens Planned Development District (PDD) and R-1; surrounding county parcels are zoned SF14.5 and SF6. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-23-9, 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 June 20, 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
Council Action: Motion By _____ 2 nd By _____ To _____		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH ANNEXING 0.76 ACRES IDENTIFIED AS PIN 357-07-01-0004.

WHEREAS, Blane Sparks, registered agent for the owner, Seaside Property Investments LLC, has petitioned the City of North Myrtle Beach for annexation of 0.76 acres consisting of the following parcel PIN 357-07-01-0004 as referenced on Exhibit A: Zoning Map Z-23-9, 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 357-07-01-0004 (the “Annexed Parcel”), consisting of approximately 0.76 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 Parcel is 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

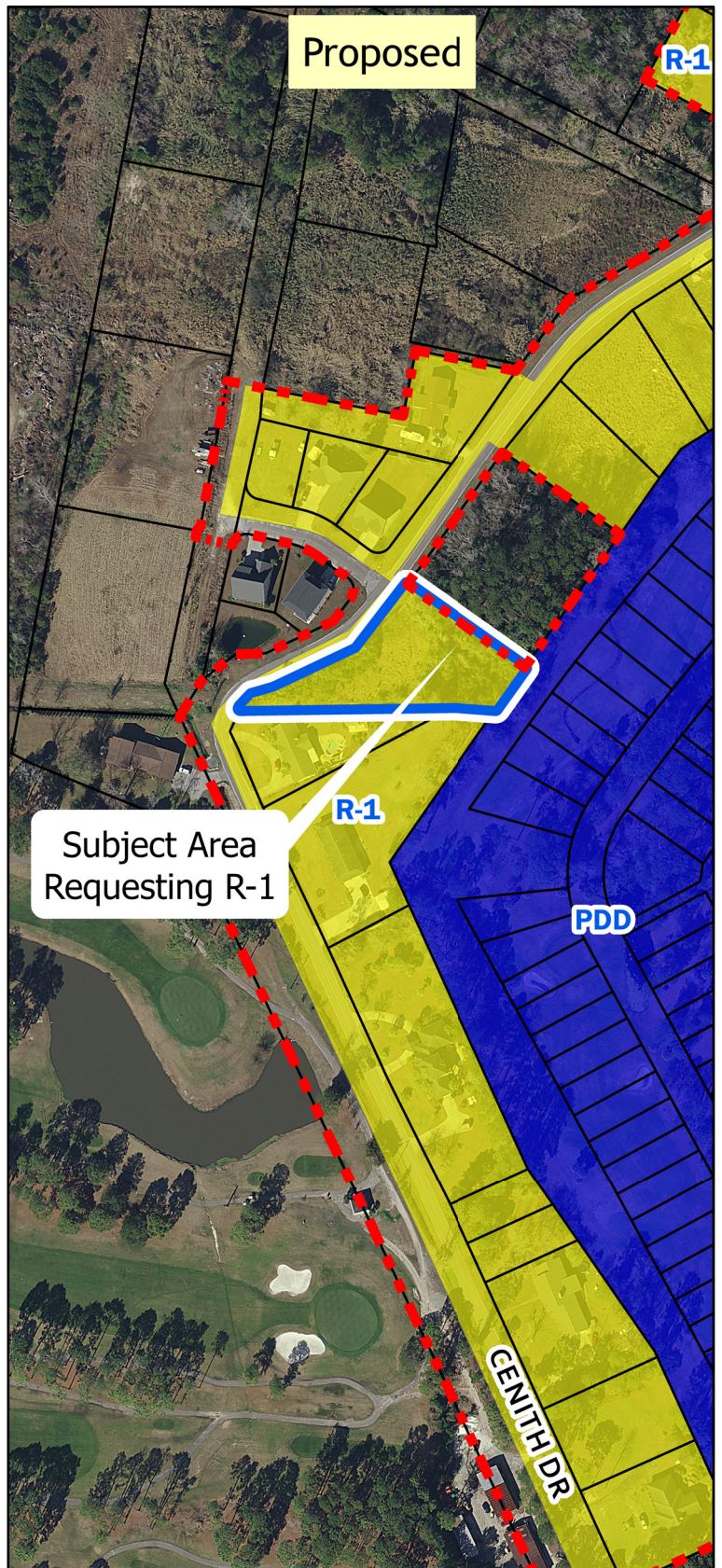
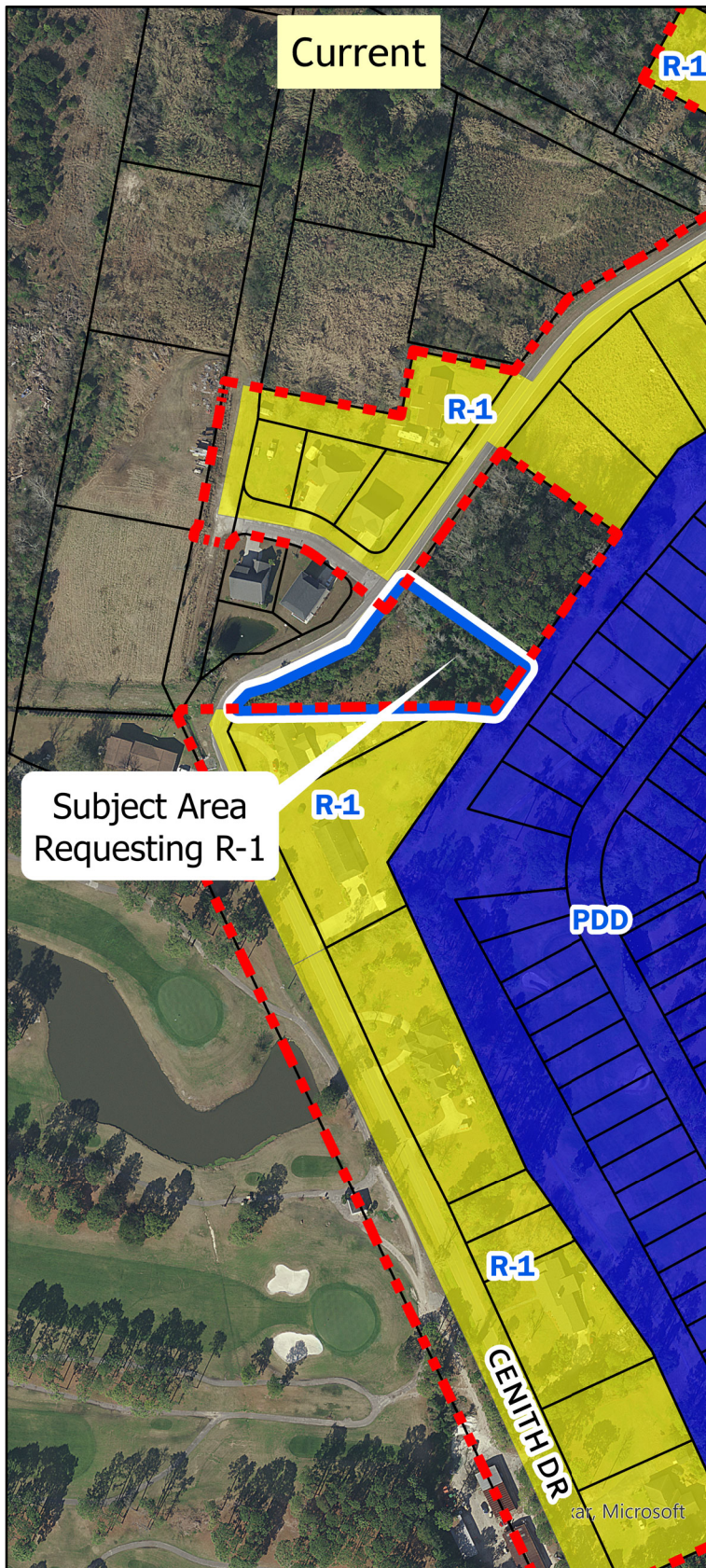
REVIEWED:

City Manager

FIRST READING: 7.10.2023

SECOND READING: 8.21.2023

ORDINANCE: 23-47



Legend

-  Subject Area
-  North Myrtle Beach City Limit

- Zoning District
-  PDD

-  R-1
-  R-1B



0 125 250 Feet

Exhibit A: Zoning Map Z-23-9

6A. ANNEXATION & ZONING DESIGNATION Z-23-9: City staff received a petition to annex ±0.76 acres on Cenith Drive identified by PIN 357-07-01-0004. 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.

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 PDD within the Chestnut Greens Planned Development District (PDD) and R-1; surrounding county parcels are zoned SF14.5 and SF6.

Proposed R-1 Zoning

		Single-family Dwelling	Churches	Other Permitted Uses
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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 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 and sewer 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 the City Council at their next meeting tentatively scheduled for July 17, 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-23-9] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-9] as submitted.

OR

- 3) I move (an alternate motion).

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



Notice Published:	June 1, 2023
Planning Commission:	June 20, 2023
First Reading:	July 10, 2023
Second Reading:	August 21, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: May 23, 2023	Property PIN(S): 44104030022
Property Owner(s): Seaside Property Investments LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1730 Cenith Drive	Project Contact: Blane Sparks
Contact Phone Number: 843-458-3744	Contact Email Address: blanesparks@gmail.com
Current County Zoning: GR	Proposed Zoning: R-1
Total Area of Property: 0.49 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). <i>Applicant's E-signature: <u>Blane Sparks</u></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

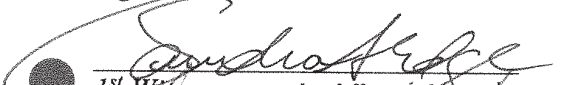
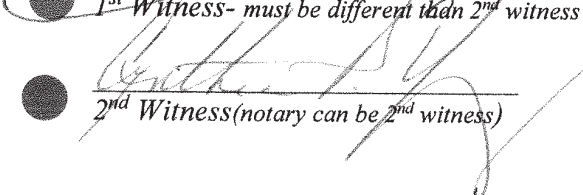
TOGETHER WITH all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

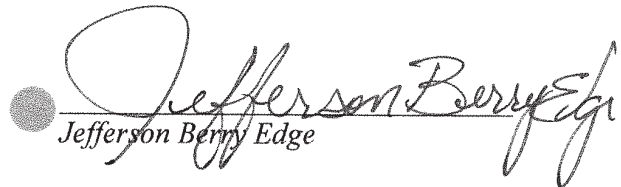
*TO HAVE AND HOLD all and singular the premises before mentioned unto the
said Grantee, its successors and/or assigns, forever, in fee simple, together with every
contingent remainder and right of reversion.*

*AND Grantor does hereby bind himself and his Heirs, Successors and/or Assigns,
to warrant and forever defend all and singular the said premises unto the said Grantee,
his or her heirs, successors and assigns forever, in fee simple, against themselves and their
Heirs, Successors and/or Assigns, and all persons whomsoever lawfully claiming, or to
claim the same or any part thereof.*

*WITNESS the execution hereof by Grantor this 17 day of May 2023 in the two
hundred forty sixth year of the Sovereignty and Independence of the United States of
America.*

Signed, Sealed and Delivered


1st Witness- must be different than 2nd witness

2nd Witness(notary can be 2nd witness)


Jefferson Berry Edge

STATE OF GEORGIA)

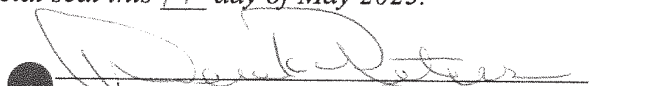
COUNTY OF FULTON)

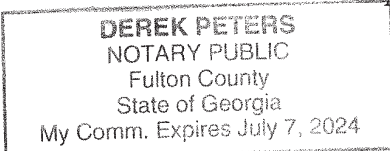
) ACKNOWLEDGMENT

I, DEREK PETERS, a Notary Public for Georgia, do hereby certify that the
Grantor herein personally appeared before me, and acknowledged the execution of the
foregoing instrument and that the witness is not a beneficiary to the transaction.

Witness my hand and official seal this 17 day of May 2023.

(SEAL)


Notary Public for GA
My Commission Expires: July 7, 2024



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 1730 Cenith Drive, North Myrtle Beach, SC 29582, bearing Horry County Tax Map Number 143-12-01-020 was transferred by Jefferson Berry Edge to Seaside Property Investments, LLC on 05/17/23.
3. Check one of the following: The deed is
 - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit); (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 (See Information section of this affidavit):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$195,000.00.
 - (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 X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$195,000.00
 - (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: \$195,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$721.50

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 May 2023

Notary Public for GA

My Commission Expires: July 7, 2024

Jefferson Berry Edge

DEREK PETERS
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires July 7, 2024

**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: Roy & Casper, LL

ADDRESS:

10409 N. Kings Hwy (PHYSICAL ADDRESS)

Post Office Box 4086

Myrtle Beach, SC 29597

TELEPHONE: (843) 663-1200

FAX: (843) 663-1200

E-MAIL ADDRESS: thoward@reclawonline.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 195000.00

**BRIEF PROPERTY DESCRIPTION: TRACT OF LAND SITUATE, LYING AND BEING IN LITTLE RIVER TOWNSHIP,
CRESCENT BEACH SECTION OF NORTH MYRTLE BEACH SHOWN AS TRACT N1**

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

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

LAST NAME

FIRST NAME

MIDDLE NAME

1. **EDGE**

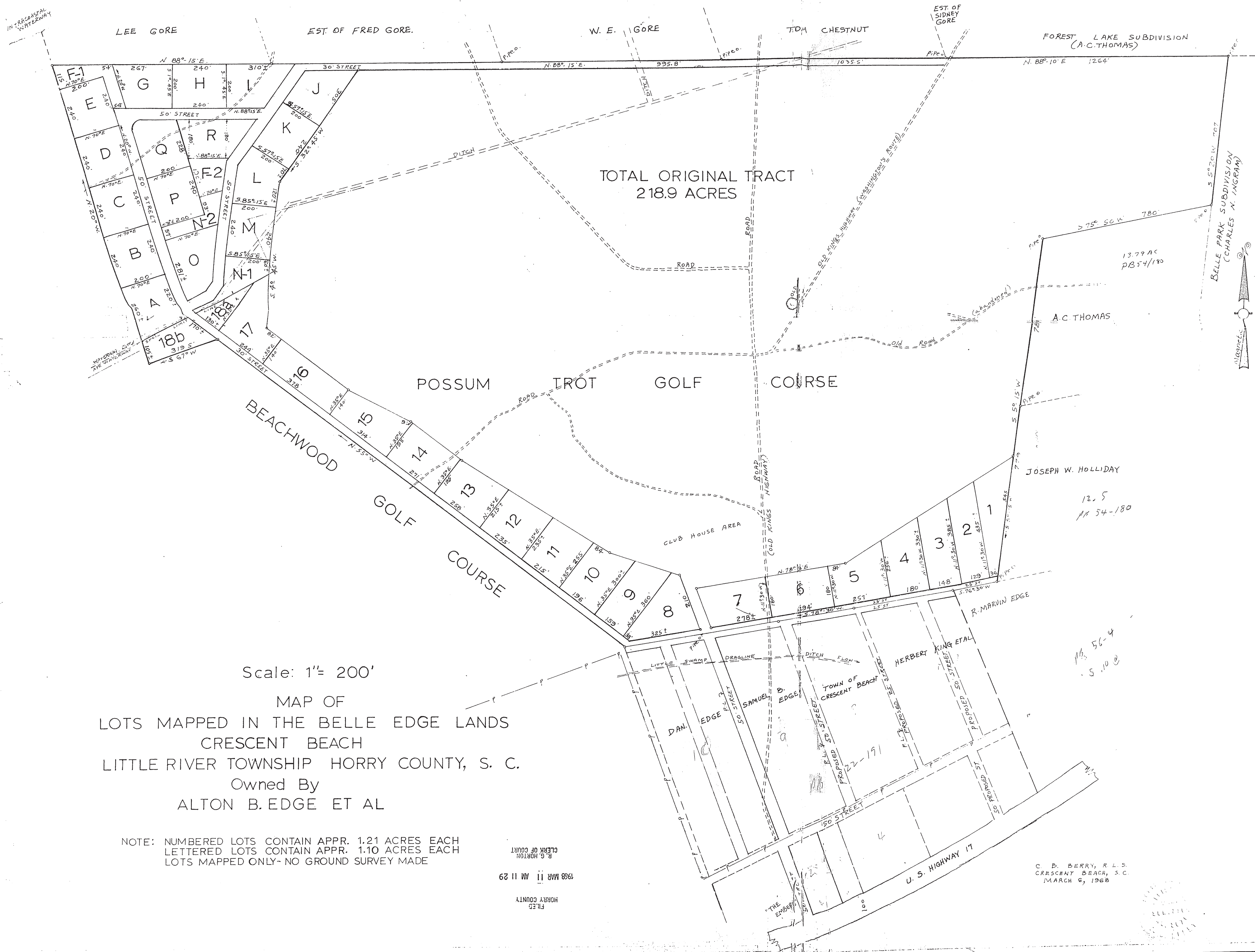
JEFFERSON

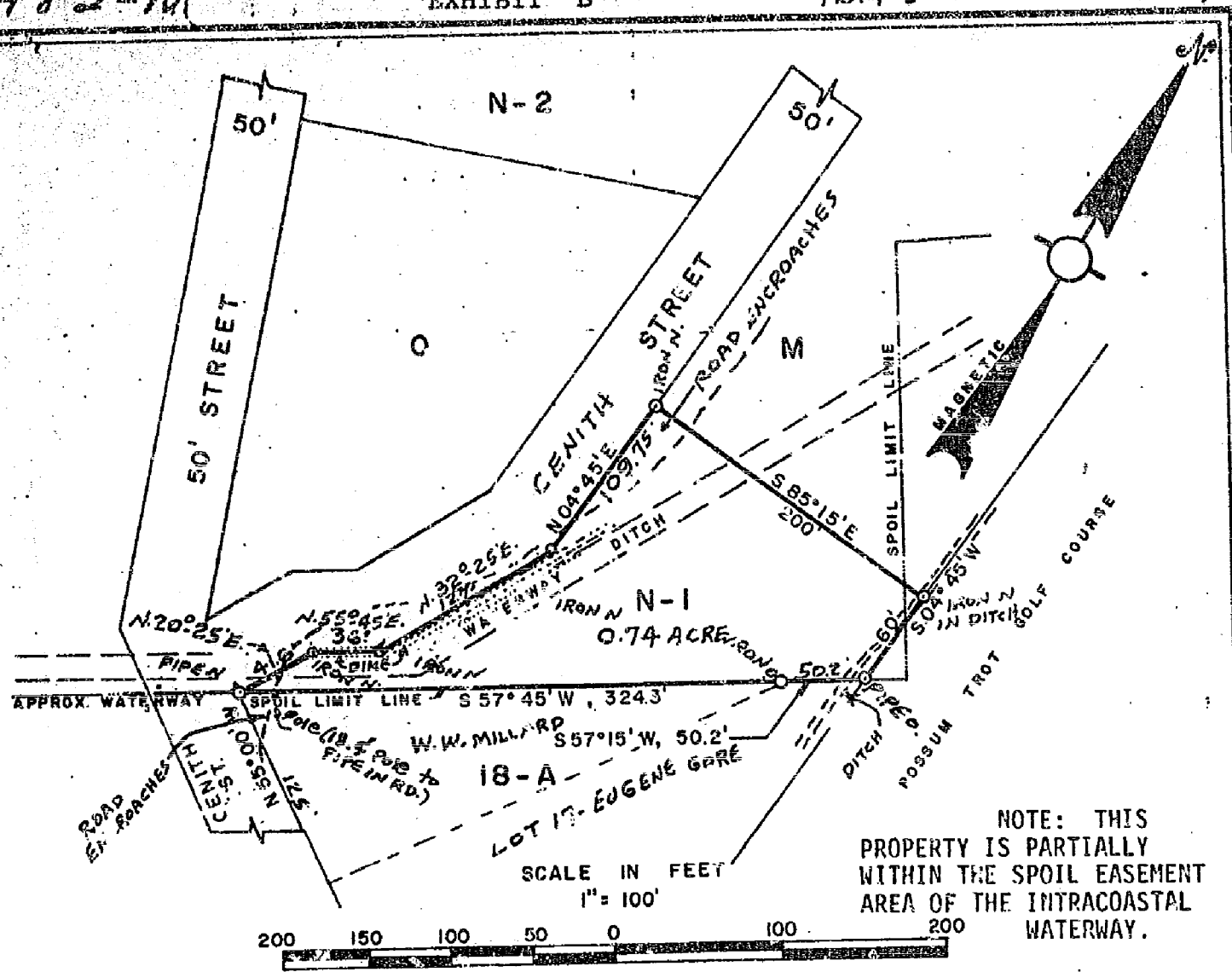
BERRY

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

FULL BUSINESS NAME

1. **SEASIDE PROPERTY INVESTMENTS, LLC**





MAP OF
LOT N-1 IN THE BELLE EDGE LOTS
CRESCENT BEACH SECTION OF NORTH MYRTLE BEACH
LITTLE RIVER TOWNSHIP - HORRY COUNTY, S. C.
REFERENCE: MAP OF LOTS IN THE BELLE EDGE PROPERTY
DATED MARCH 6, 1968, BY ME.
OWNED BY
RALPH L. EDGE, JOSEPH B. EDGE & BONNIE SUE EDGE GOUDE

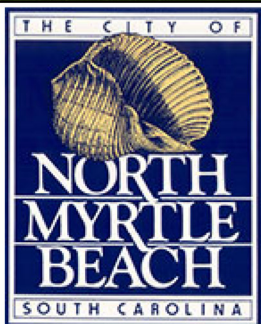
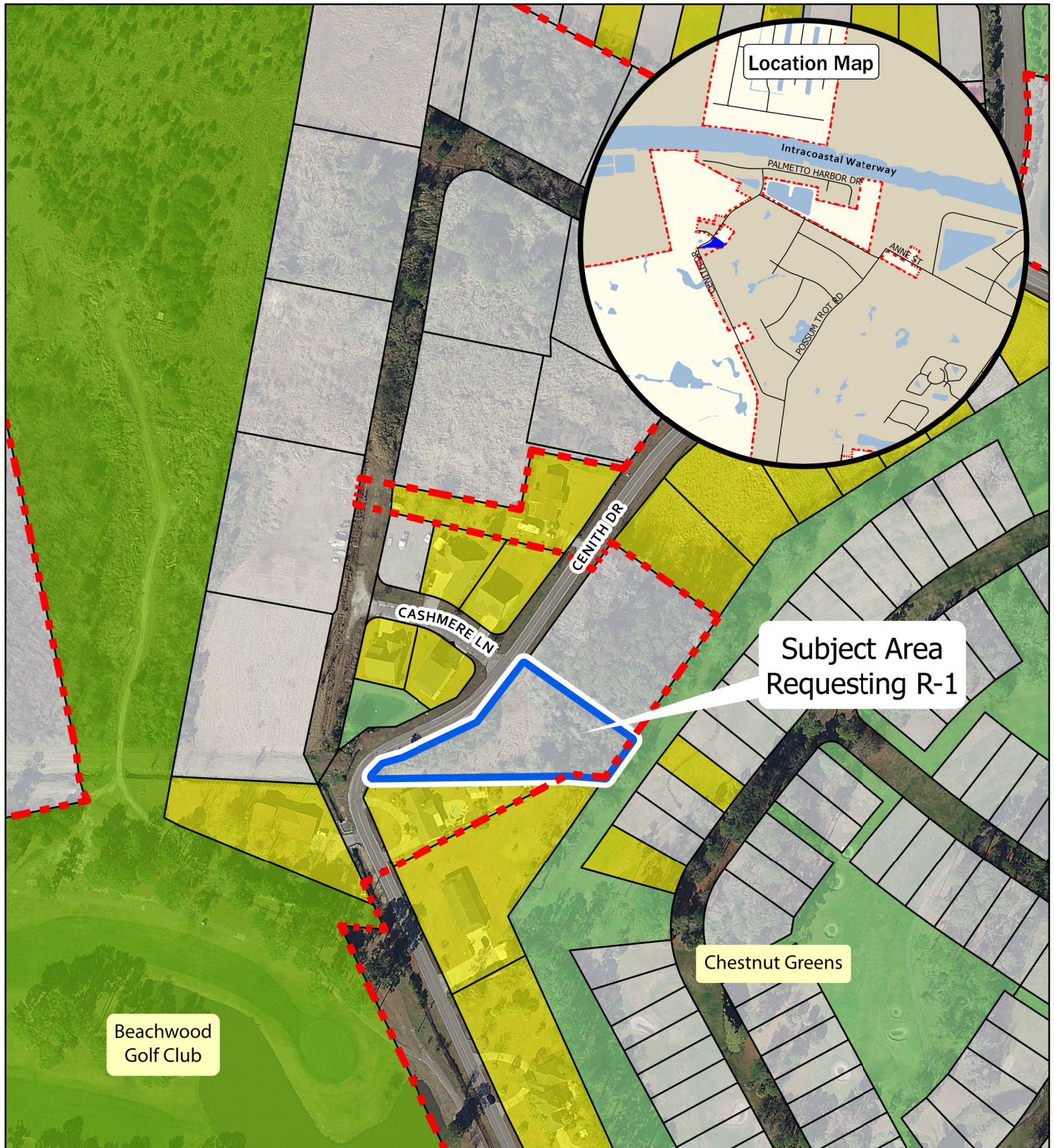
I HEREBY CERTIFY THAT THIS
PROPERTY IS NOT LOCATED IN A
FLOOD HAZARD ZONE.

BOOK 1034 PAGE 197



C. R. BERRY, R.L.S., S.C. No. 2075
NORTH MYRTLE BEACH, S.C. 29582
NOVEMBER 15, 1984

1987

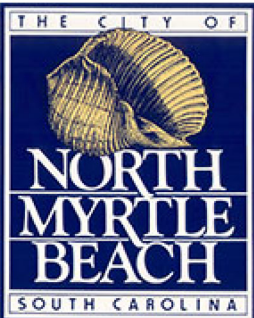
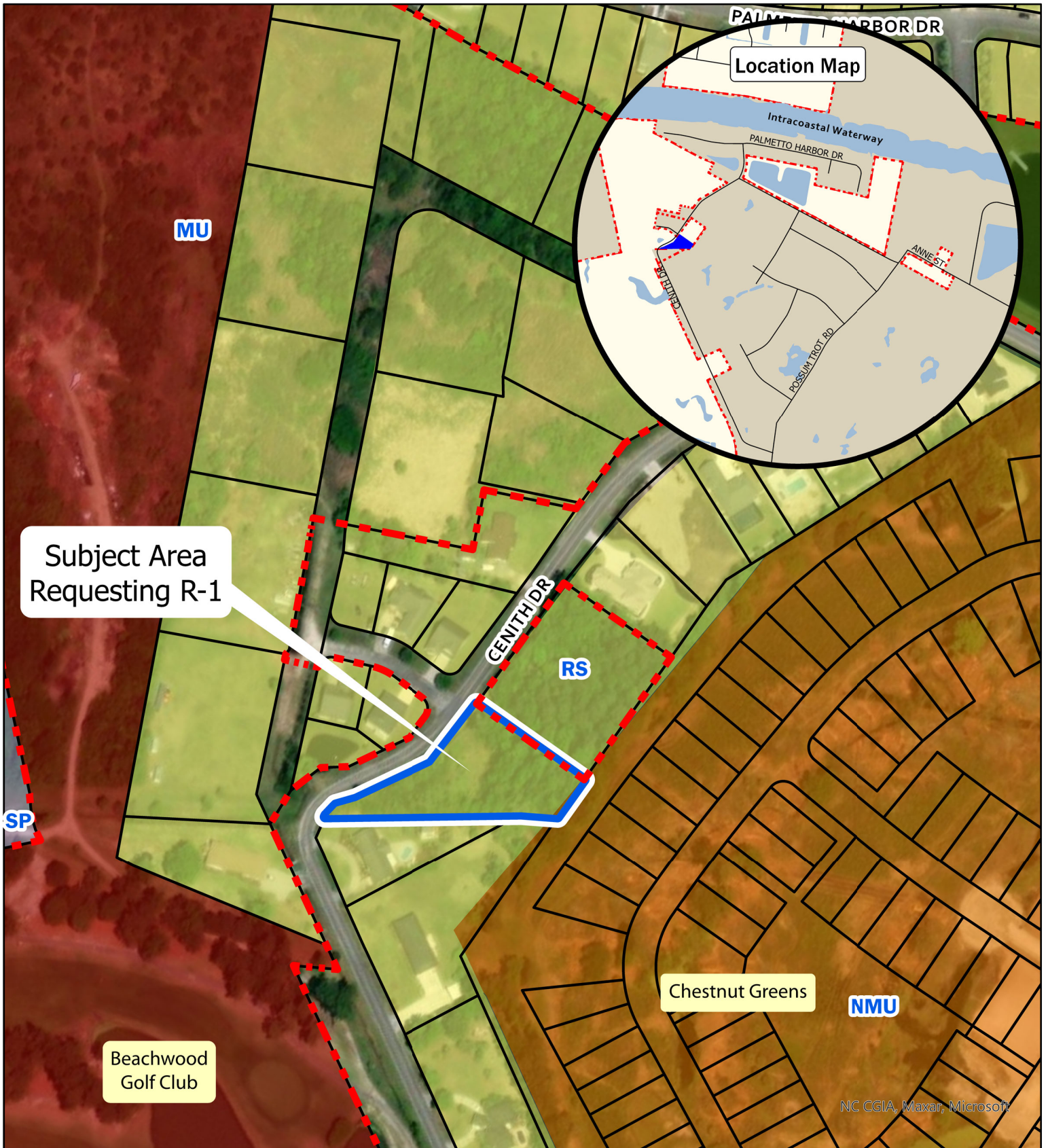


- | Legend | | | |
|--------|--|--|---------------------------|
| | North Myrtle Beach City Limit | | Private Common Open Space |
| | Subject Area | | Single-Family |
| | Existing Land Use
Common Open Space | | Vacant |
| | Golf Course | | |



0 100 200 Feet

Existing Land Use



Legend

-  North Myrtle Beach City Limit
-  Subject Area
- Recommended Future Land Use Categories
-  RPC - Resource, Protection, Conservation
-  SP - Service / Production
-  MU - Mixed Use
-  NMU - Neighborhood Mixed Use
-  RS - Residential Suburban



0 100 200 US Feet

Future Land Use