

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 21, 2023

Agenda Item: 6B	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 0.72 acres on Cenith Drive [Z-23-10]	Division: Planning and Development

Background:

In 2003, the City of North Myrtle Beach City Council approved a pre-annexation agreement with Faye Bellamy regarding Lot 18-B of the Belle Edge Property (TMS 143-12-01-0006). 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 March 20, 2023, City Council approved the annexation and zoning of the property immediately adjacent to the subject property on the northeast. 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 the City limits are zoned R-1; adjacent unincorporated county parcels are zoned Commercial Forest Agriculture (CFA). Upon annexation, the parcels would be designated R-1 as per Exhibit A: Zoning Map Z-23-10, 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 _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 0.72 ACRES IDENTIFIED BY PIN 357-07-01-0021.**

WHEREAS, the property owners have 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 0.72 acres consisting of the following parcel PIN 357-07-01-0021 as referenced on Exhibit A: Zoning Map Z-23-10, 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 357-07-01-0021 (the “Annexed Parcel”), consisting of approximately 0.72 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

FIRST READING: 7.10.2023

SECOND READING: 8.21.2023

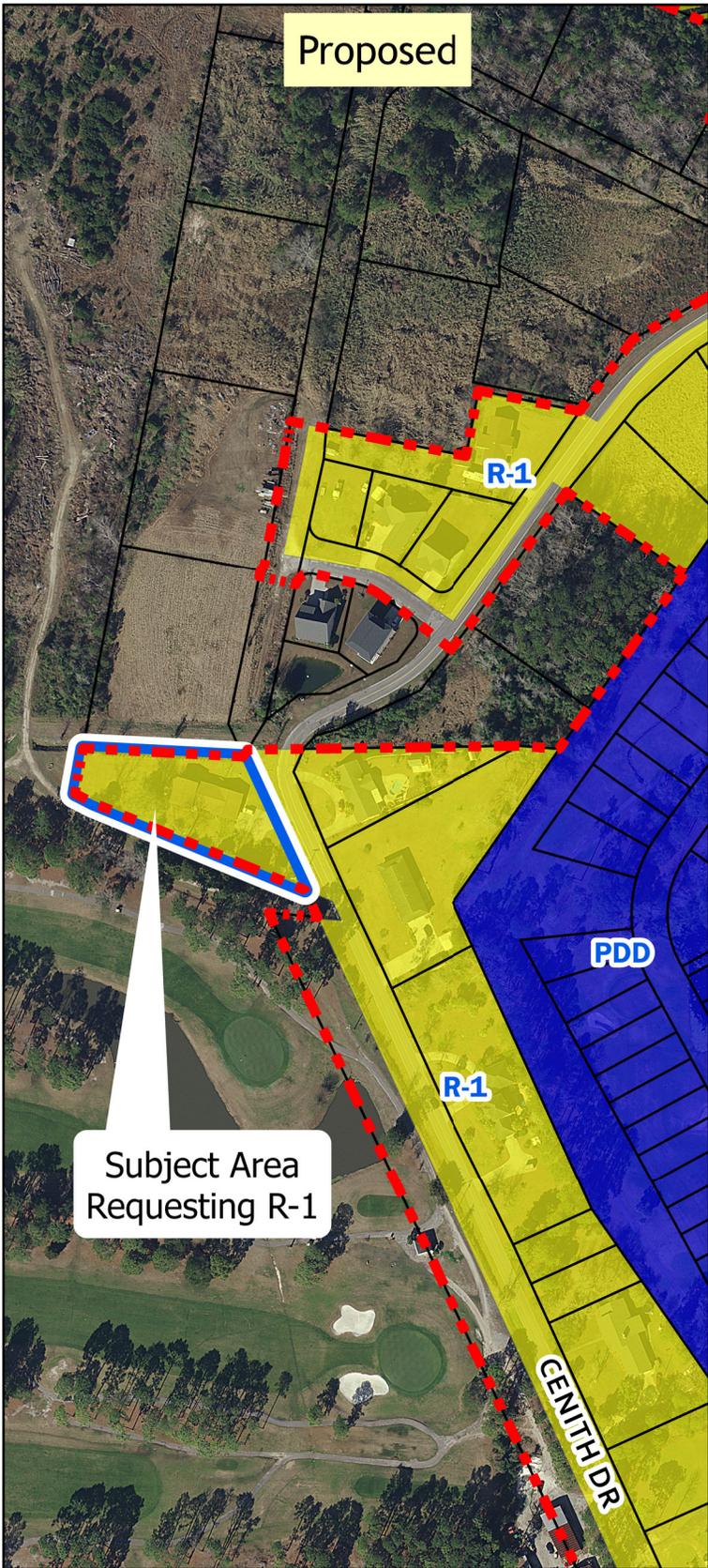
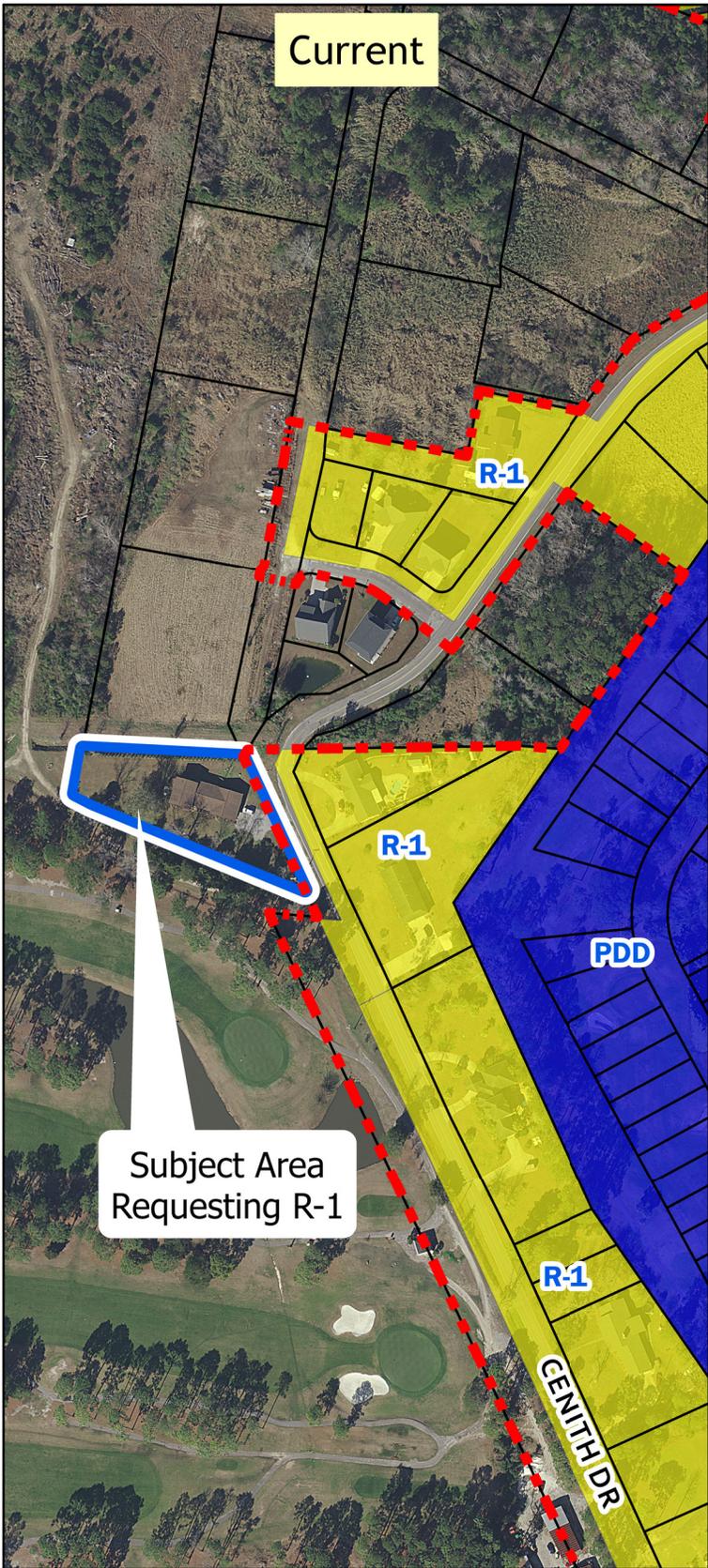
REVIEWED:

City Manager

ORDINANCE: 23-48

Current

Proposed



Legend

-  Subject Area
-  North Myrtle Beach City Limit

- Zoning District
-  PDD
 -  R-1
 -  R-1B



Exhibit A: Zoning Map Z-23-10

6B. ANNEXATION & ZONING DESIGNATION Z-23-10: Pursuant to a recorded pre-annexation agreement, City staff has begun the process to annex lands on Cenith Drive totaling approximately ±0.72 acres and identified by PIN 357-07-01-0021. 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 2003, the City of North Myrtle Beach City Council approved a pre-annexation agreement with Faye Bellamy regarding Lot 18-B of the Belle Edge Property (TMS 143-12-01-0006). 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 March 20, 2023, City Council approved the annexation and zoning of the property immediately adjacent to the subject property on the northeast. 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 R-1; adjacent unincorporated county parcels are zoned Commercial Forest Agriculture (CFA).

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 SCDOT 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 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.

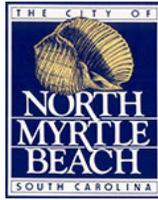
Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-23-10] as submitted.

OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-10] as submitted.

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

FILE NUMBER:	Z-23-10
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): 35707010021
Property Owner(s): BELLAMY FAYE H	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1721 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: 0.72 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
JUN - 5 0111:45
REGISTER OF DEEDS

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that *I, Faye H. Bellamy,* seek 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 # *18-B* of Block # *-* within the *Belle Edge Property* subdivision, containing _____ acres outside the City of North Myrtle Beach corporate limits, which property is shown on map or plat recorded in Plat Book *48* at Page *15*. Said property being conveyed to the Grantor by Deed of Record in Deed Book *497* at Page *151*, in the office of the Register of Mesne Conveyance for Horry County.

Tax Map # *143-12-01-006*

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.

35886

TITLE TO REAL ESTATE

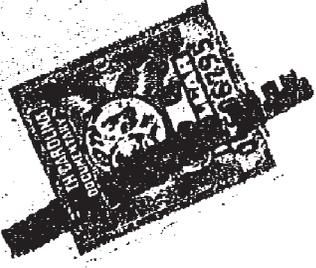
State of South Carolina,

COUNTY OF HORRY

3-28-85
2:41

FILED
HORRY COUNTY
MAR - 3 PM 2:41
CLERK OF COURT

Know All Men by These Presents, That It, Beachwood Golf Corporation



I Certify \$ 559 Horry County Documentary Tax has been paid on this instrument.

Billie G. Richardson

BILLIE G. RICHARDSON
Clerk of Court

in the State aforesaid, for and in consideration of the sum of the exchange of property having a value of Five Hundred and no/100 (\$500.00) Dollars to it paid by Faye H. Bellamy Post Office Box 1056, North Myrtle Beach, South Carolina 29598 in the State aforesaid have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Faye H. Bellamy, her Heirs and Assigns forever, the following described property, to wit:

ALL AND SINGULAR, all that certain piece, parcel or tract of land lying being situate in Little River Township, Horry County, State of South Carolina, and being shown on a Plat of Survey by C. B. Perry, R.L.S., dated January 18, 1985, and recorded in the Office of the Clerk of Court for Horry County in Plat Book 84, at Page 121, and shown on said plat as follows: Beginning at an Iron N (designated on said Plat as "Iron N at end of 30" R. C. Culvert") on the Southwestern border of Cenith Street and running from there S 81° 09' W along the "new agreed lot line" to a point where said line intersects the "original lot line"; then turning and running N 67° E along the "original lot line" to the point of intersection with the Southwestern border of Cenith Street; then turning and running along Cenith Street to the point of beginning.

Derivation: Deed Book 828, Page 118, Horry County Records.

HORRY COUNTY ASSESSOR
143-12-01-006
Map Lk Parcel

3-11-85

BOOK 940 PAGE 233

33

STATE OF NORTH CAROLINA)
COUNTY OF COLUMBUS)

PROBATE

PERSONALLY APPEARED before me the undersigned witness who being duly sworn, deposes and says that (s)he saw the within named Beachwood Golf Corporation, by its duly authorized officers, sign, seal and as its acts and deeds, deliver the within-written Title to Real Estate, and that (s)he, along with the other witness whose name is subscribed above witnessed the execution thereof.

Tammie C. Rives
Witness

SWORN to before me this
21 day of February, 1985.

Cathy J. Anderson (L.S.)
Notary Public for North Carolina
My commission expires: 1-2-87

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 Faye H. Bellamy, her

Heirs and Assigns forever.

And it does hereby bind itself and its Successors ~~and~~ Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Faye H. Bellamy, Her

Heirs and Assigns, against it and its Successors ~~and~~ and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS its Hand and Seal this 21st day of February in the year of our Lord one thousand nine hundred and eighty-five and in the two hundred and ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Olivia B. Quarilli
Bruce A. Muden
Tammie C. Norris
Cathy J. Anderson

BEACHWOOD GOLF CORPORATION

By: [Signature] (Seal)
President

Attest: [Signature] (Seal)
Secretary

STATE OF SOUTH CAROLINA, }
HORRY COUNTY. }

PERSONALLY appeared before me the undersigned witness

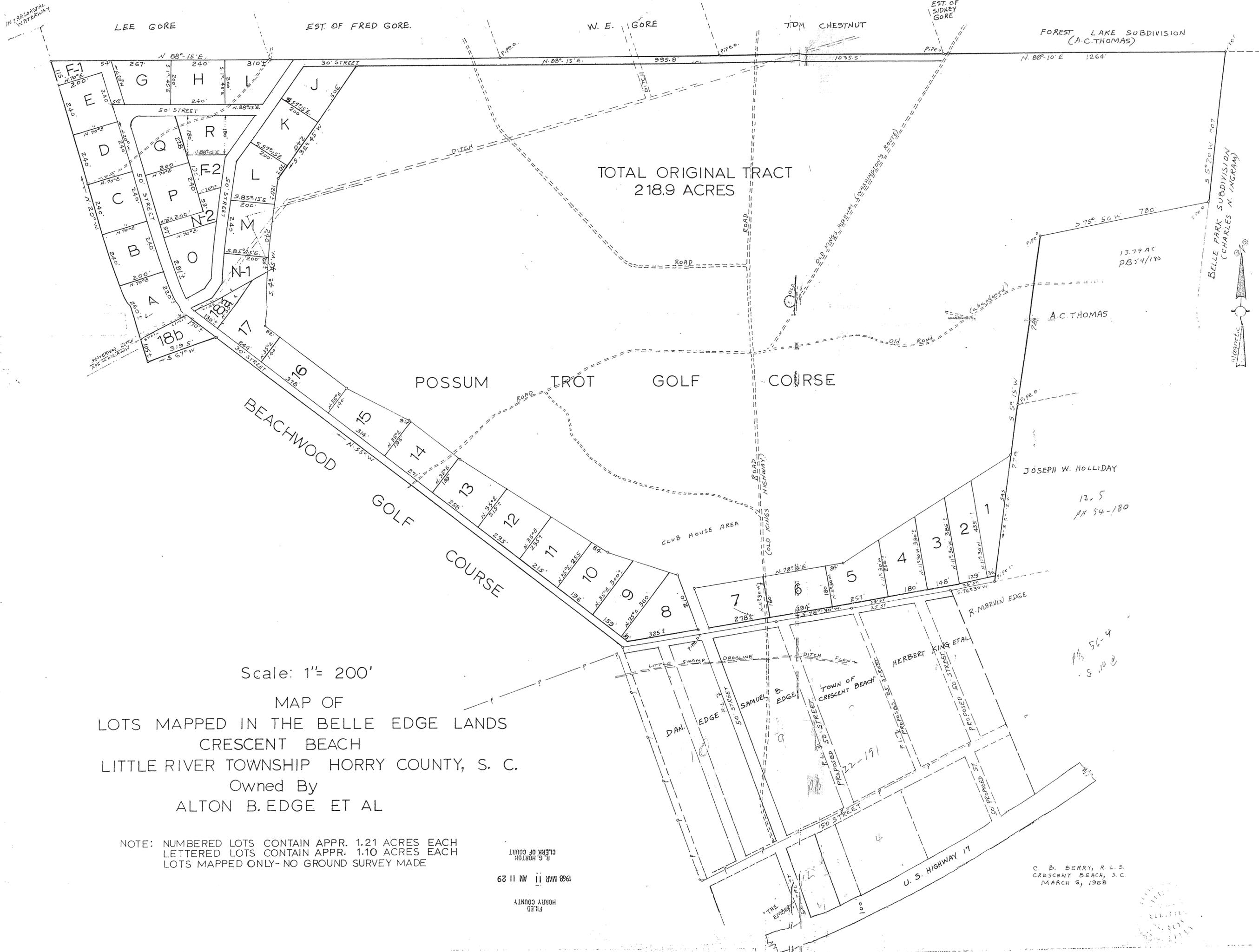
and made oath that (s)he saw the within-named Beachwood Golf Corporation by its duly authorized officers seal and, as its act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that he, with the other witness whose name is subscribed above witnessed the execution thereof.

SWORN to before me this 21st day of February, 19 85

Bruce A. Muden (L. S.)
Notary Public of S. C.
My Commission Expires: 3-13-94

Olivia B. Quarilli

BOOK 940 PAGE 235



TOTAL ORIGINAL TRACT
218.9 ACRES

POSSUM TROT GOLF COURSE

BEACHWOOD GOLF COURSE

Scale: 1" = 200'

MAP OF
LOTS MAPPED IN THE BELLE EDGE LANDS
CRESCENT BEACH
LITTLE RIVER TOWNSHIP HORRY COUNTY, S. C.
Owned By
ALTON B. EDGE ET AL

NOTE: NUMBERED LOTS CONTAIN APPR. 1.21 ACRES EACH
LETTERED LOTS CONTAIN APPR. 1.10 ACRES EACH
LOTS MAPPED ONLY- NO GROUND SURVEY MADE

FR.ES
HORRY COUNTY
1968 MAR 11 AM 11 29
R. G. HORTON
CLERK OF COURT

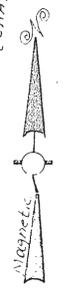
C. B. BERRY, R. L. S.
CRESCENT BEACH, S. C.
MARCH 6, 1968

pg. 56-4
S. 10 e

13.79 AC
PB 54/180

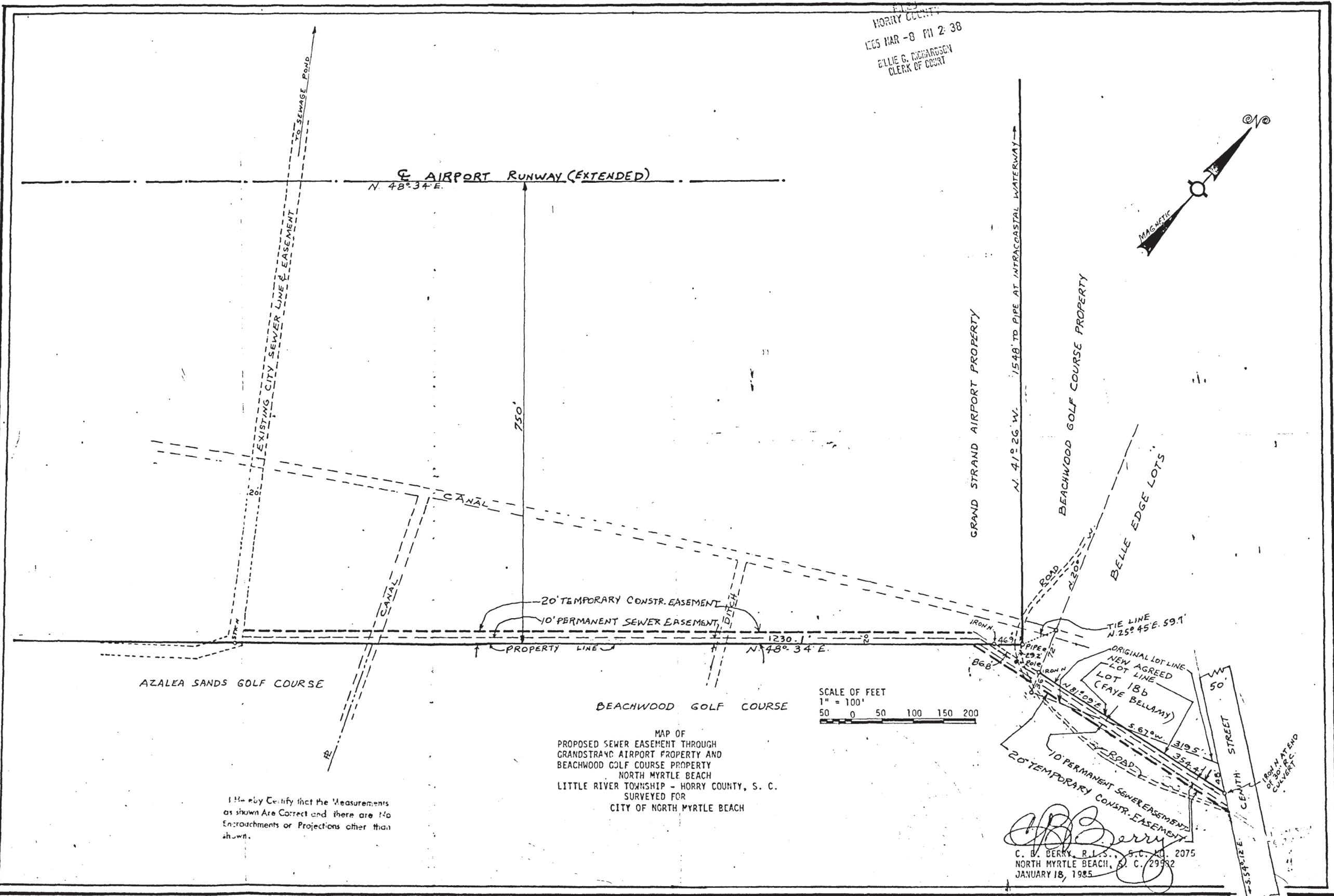
12.5
11 54-180

BELLE PARK SUBDIVISION
(CHARLES N. INGRAM)



84-121

HORRY COUNTY
1665 MAR -8 PM 2:38
ELLIE G. RICHARDSON
CLERK OF COURT

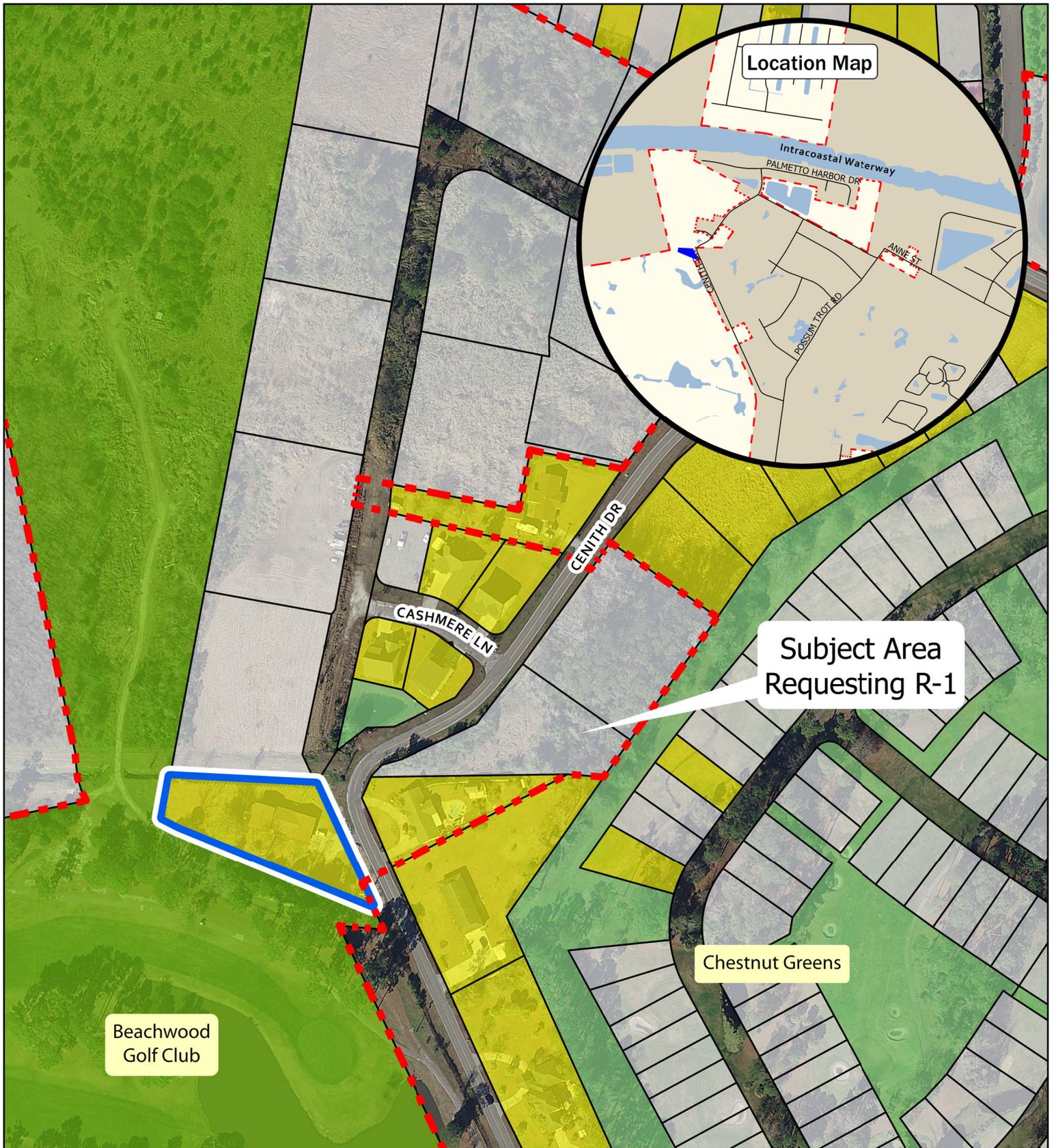


I hereby Certify that the Measurements
as shown Are Correct and there are No
Encroachments or Projections other than
shown.

MAP OF
PROPOSED SEWER EASEMENT THROUGH
GRANDSTRAND AIRPORT PROPERTY AND
BEACHWOOD GOLF COURSE PROPERTY
NORTH MYRTLE BEACH
LITTLE RIVER TOWNSHIP - HORRY COUNTY, S. C.
SURVEYED FOR
CITY OF NORTH MYRTLE BEACH

SCALE OF FEET
1" = 100'
50 0 50 100 150 200

C. B. Berry
C. B. BERRY, R.L.S., S.C. NO. 2075
NORTH MYRTLE BEACH, S. C. 29582
JANUARY 18, 1985

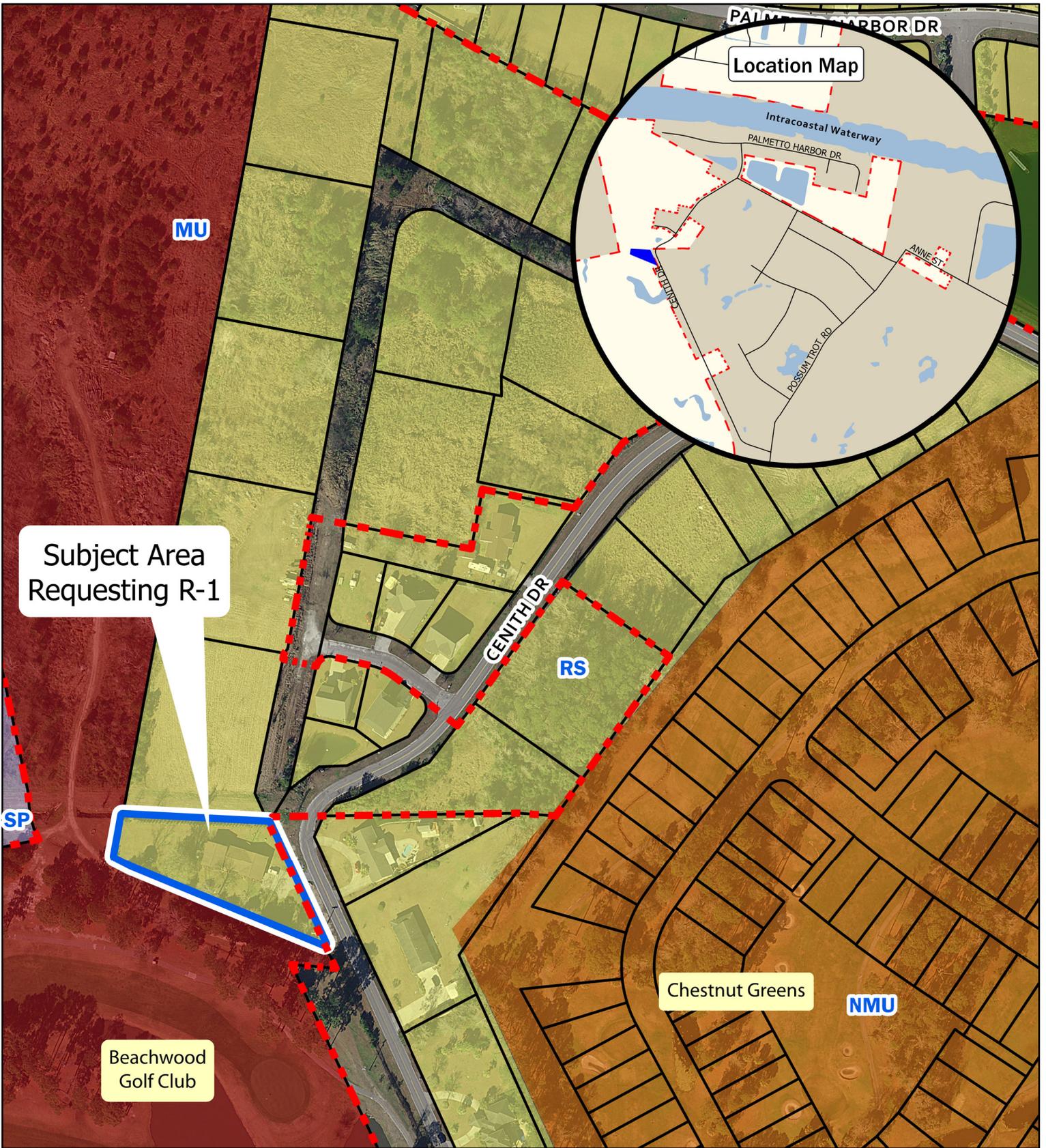


Legend

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



Existing Land Use



Subject Area Requesting R-1

Location Map

MU

RS

SP

Beachwood Golf Club

Chestnut Greens

NMU

CENTITH DR

PALMETTO HARBOR DR

Intracoastal Waterway

PALMETTO HARBOR DR

AMNEST

POSSUM TROT RD

Legend

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



Future Land Use

