

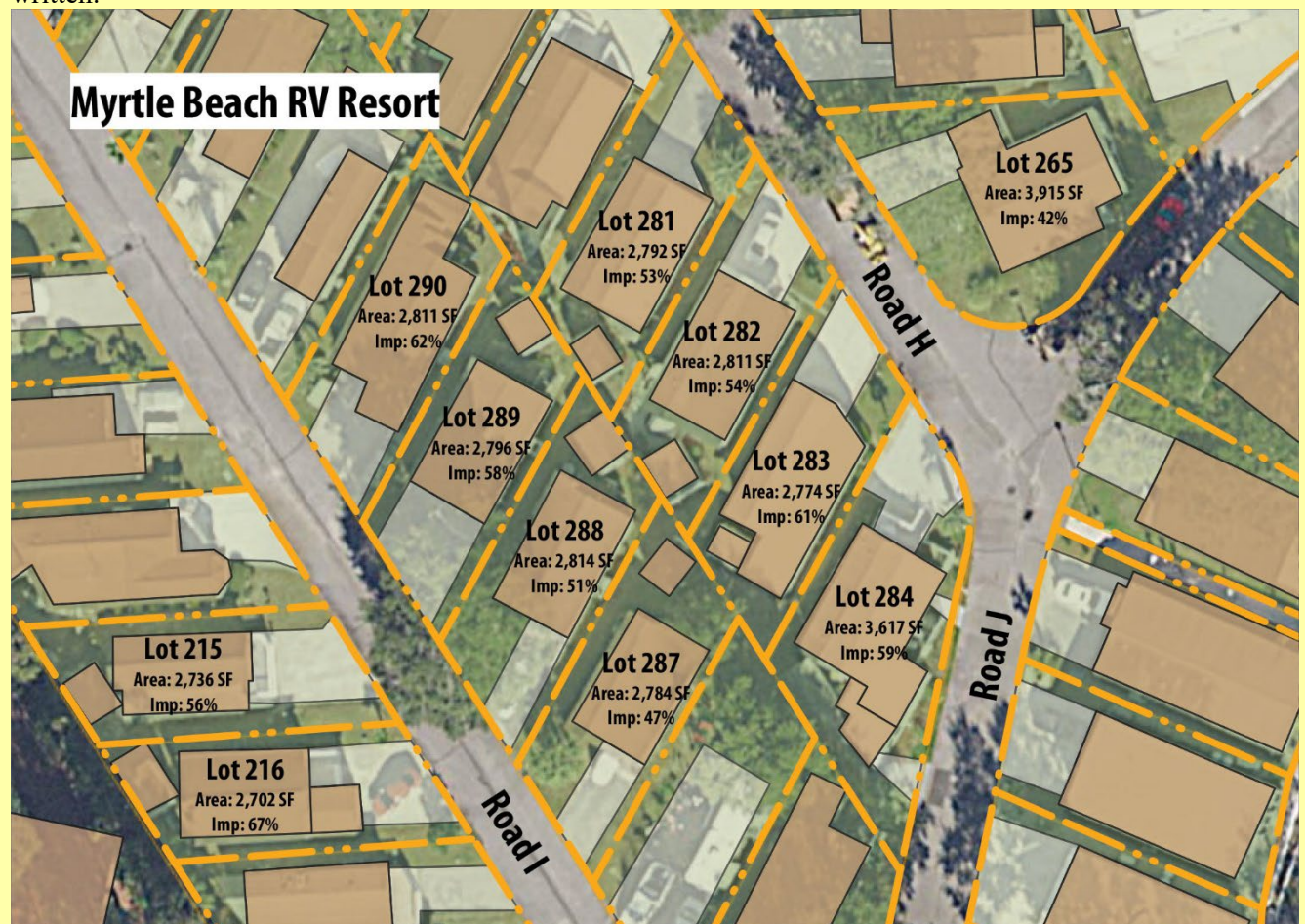
## REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 18, 2023

|                                                                                                                               |                                                      |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Agenda Item: 6A                                                                                                               | Prepared by:<br>L. Suzanne Pritchard, PLA, AICP, CFM |
| Agenda Section:<br>Unfinished Business: Ordinance. Second Reading                                                             | Date: September 11, 2023                             |
| Subject: Amendment to the Myrtle Beach RV Resort Planned Development District (PDD) amending living space standards [Z-23-13] | Division: Planning and Development                   |

### History:

At the July 17, 2023 City Council Meeting, this item was postponed allowing staff to analyze if limits similar to those in place in the Mobile/Manufactured Home Residential (R-3) zoning district should be applied to the Myrtle Beach RV Resort. Within the R-3 district, the minimum lot size is 5,000 SF with a limit of 50% maximum impervious area; setbacks are 20' front, 7.5' side, and 10' rear. In the surveyed area at the Myrtle Beach RV Resort shown in *Figure 1* below, eleven lots were surveyed. The average lot size was 2,959 square feet with an average impervious area of 55%; PDD setbacks are 20' front, 5' side, and 10' rear. The small size of these lots makes applying a 50% impervious surface limit impractical. Staff recommends approval of the amendment as written.



*Figure 1.* A sampling of lots in Myrtle Beach RV Resort detailing approximate lot size and impervious area calculated from aerial photography.

**Background:**

The Myrtle Beach RV Resort PDD was originally entitled in 1987. The approved PDD was approximately 41.5 acres and provided for a 313-lot recreational vehicle (RV) park subdivision. The original PDD limited the living space of each lot to 400 square feet, but over the years the interpretation of living space has changed. Outdoor living spaces, parking, and gardens have been added to virtually every lot in the development, but the limitation on 400 square feet has not changed.

**Proposed Changes:**

The applicant, Steven Potter, President of the Myrtle Beach RV Resort Homeowners, Inc., has requested an amendment to the Myrtle Beach RV Resort PDD revising the narrative description of the development by removing the 400 square feet limitation on living space. All other development parameters including density, buffers, and setbacks would remain as written.

**Planning Commission Action:**

The Planning Commission conducted a public hearing on June 20, 2023 and voted unanimously to recommend approval of the request. There were no public comments.

**Recommended Actions:**

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<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

## ORDINANCE

### **AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING THE MYRTLE BEACH RV RESORT PLANNED DEVELOPMENT DISTRICT (PDD).**

#### **Section 1:**

That the Myrtle Beach RV Resort PDD be amended to remove the 400 square feet limitation on living space as depicted in Exhibit A attached and included in this ordinance.

#### **Section 2:**

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

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: 8.21.2023  
SECOND READING: 9.18.2023

ORDINANCE: 23-50

PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT  
BETWEEN  
THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
AND  
MYRTLE BEACH R.V. RESORT REALTY, INC.

**Exhibit A**  
**August 21, 2023**

Myrtle Beach R.V. Resort Park  
PUD  
(Planned Unit Development)  
Agreement

The City of North Myrtle Beach, also referred to as "the City" and Myrtle Beach R.V. Resort Realty, Inc. also referred to as "Developer" hereby covenant and agree and bind their successors and assigns as follows:

Section 1:

The City has received a petition from the Developer to annex a 41.5 acre tract of land on Little River Neck Road into the City of North Myrtle Beach. The Developer has also submitted a request that this property be zoned PUD (Planned Unit Development) upon annexation into the City, and has submitted the necessary site plan (Exhibit A) for the proposed future development of the aforesaid 41.5 acres.

The City of North Myrtle Beach agrees to zone the 42 acres of property, described in Section 2, PUD, (Planned Unit Development) according to the conditions and provisions set forth in this agreement.

Section 2: Legal Description

The area to be zoned PUD, known as Myrtle Beach R.V. Resort, is described as:

All and singular, all that certain parcel or tract of land, together with improvements thereon, situate, lying and being in Little River Township, North Myrtle Beach, Horry County, South Carolina designated and shown on that certain plat by Culler Land Surveying Company, Inc., William H. Durden, RLS #8099 and 34.752 acres of said property recorded in deed book 91, page 39 and 6.807 acres of said property recorded in deed book 1053, page 7 in Horry County Records.

The property is also shown as attached hereto in Exhibit "A".

Section 3: Description of Development

A. Narrative

It is the specific intent of this Agreement to create and maintain a resort for recreational vehicles. All lots shall be restricted to use as recreational campsites for camping vehicles and recreational vehicles, as defined in the City's Zoning Ordinance, provided such facilities are mobile or semi-mobile ~~and do not exceed 400 square feet in living space.~~

Accessory structures may be allowed after approval by the Architectural Review Committee and are subject to the restrictions of Article IX, Use of Property of the deed restrictions of this subdivision, which are attached as Exhibit B.

B. Project Data Table and Development Parameters.

|                                                                               |                            |
|-------------------------------------------------------------------------------|----------------------------|
| Total Project Area                                                            | 41.5 acres                 |
| Number of Lots                                                                | 313                        |
| Gross Project Density (sites per acre)                                        | 7.5 sites per acre         |
| Net Project Density (total acres less common area & streets divided by sites) | 14.35 sites/acre           |
| <del>Maximum Living Area per Unit</del>                                       | <del>400 square feet</del> |
| Minimum Setbacks                                                              |                            |
| Front                                                                         | 20                         |
| Side                                                                          | 5                          |
| Rear                                                                          | 10                         |

C. Landscaping and Buffering.

The Developer shall insure that all previous areas located in the rights-of-ways are landscaped. Subdivision shall comply with all of the City of North Myrtle Beach Landscape ordinances regarding to property of this nature. In addition, within the buffer areas as designated on Exhibit A, all healthy natural vegetation shall be preserved to provide a natural buffer between the R.V. park and adjacent developments.

Section 4. Maintenance and Control

There shall be established and recorded with the Clerk of Court of Horry County, South Carolina, such private covenants, deed restrictions, homeowners association, maintenance controls and an architectural review board necessary to adequately maintain and restrict the use of land, water bodies, buildings, thoroughfares, and other physical features of the development. These covenants are attached as Exhibit B and shall contain maintenance controls which shall provide for the specific duties, obligations and prohibitions of the individual lot owners. In addition, the lot owners shall become members of the Association with voting rights as described in Article III of the Covenants and Restrictions.

Section 5. Drainage and Utility Systems

The development's stormwater drainage and retention system shall be provided as generally shown on the Preliminary Paving and Drainage Plan as contained in Sheets 10-13 of Exhibit A.

The development's water distribution and sanitary sewer system shall be provided as generally shown on the Preliminary Water Distribution and Sanitary Sewer Plan as contained in Sheets 4-9 of Exhibit A.

Location of easements for water and sewer lines within this project will be shown on the final plat and site plan exhibits for this development.

Telephone, electrical, and cable service lines shall be located below ground and shall be identified on all final utility system plans. (Exhibit A, pgs. 4-9)

#### Section 6. Final Platting Requirements

All subdivision of property shall require approval of a final plat by the City. The Developer shall submit a final plat to the City showing individual lots, roadways and common areas, before any lots are transferred. After such final plat is approved by the City and subsequent to the construction of those improvements to be dedicated, a final plat, as approved by the City shall be recorded. The developer shall have the option of posting a performance bond, placing a deposit, or letter of credit in escrow for these improvements and recording said plat prior to construction of the improvements.

#### Section 7. City Regulatory Power

The City maintains all regulatory powers as provided by law and as identified in its ordinance unless specifically provided for in this agreement.

#### Section 8. Expansions and Amendments

- A. Expansions and amendments to this PUD Agreement shall be permitted as approved by the City Council after review by the Planning Commission in conformance with the Zoning Ordinance.
- B. Minor modifications to the preliminary plan exhibits may be authorized by the City Planner after receiving plans signed by all City departments involved in the site plan review process.

#### Section 9. Recording of this Agreement

The developer shall record this agreement (excluding exhibits which shall be maintained by the City Clerk) in the public records of North Myrtle Beach, Horry County, South Carolina.

IN WITNESS WHEREOF, the parties hereto attach their hands and seals  
this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

\_\_\_\_\_

The CITY OF NORTH MYRTLE BEACH, SC.

\_\_\_\_\_

BY: \_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_

MYRTLE BEACH RV RESORT REALTY, INC.

BY: \_\_\_\_\_  
PRESIDENT

ATTEST: \_\_\_\_\_  
SECRETARY

**6D. MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT Z-23-13:** City staff received an application for a major amendment to the Myrtle Beach RV Resort Planned Development District (PDD) removing the 400 square feet limit to living space area through changes to the governing documents.

### **History & Background**

The Myrtle Beach RV Resort PDD was originally entitled in 1987. The originally approved PDD was approximately 41.5 acres and provided for a 313-lot recreational vehicle (RV) park subdivision. The original PDD limited the living space of each lot to 400 square feet, but over the years the interpretation of living space has changed. Outdoor living spaces, parking, and gardens have been added to virtually every lot in the development, but the limitation on 400 square feet has not changed.

### **Proposed Changes**

The applicant, Steven Potter, President of the Myrtle Beach RV Resort Homeowners, Inc., has requested an amendment to the Myrtle Beach RV Resort PDD revising their narrative description of the development by removing the 400 square feet limitation on living space. All other development parameters including density, buffers and setbacks would remain as written.

### **Staff Review**

#### *Planning & Development, Planning Division*

The Planning Department has no issue with the proposed amendment.

#### *Planning & Development, Zoning Division*

The Zoning Administrator has no issue with the proposed amendment.

#### *Public Works*

The Public Works Department has no issue with the proposed amendment.

#### *Public Safety*

The Fire Marshal has no issue with the proposed amendment.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance amendments is 15 days, and that advertisement notice has been met. The amendment 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.

### **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 major planned development district amendment to the Myrtle Beach RV Resort [Z-23-13] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the major planned development district amendment to the Myrtle Beach RV Resort [Z-23-13] as submitted.

OR

- 3) I move (an alternate motion).

|                                  |              |
|----------------------------------|--------------|
| PDD Zoning Finance Account Code: | <b>3.22</b>  |
| FEE PAID:                        | \$0.00 on    |
| FILE NUMBER:                     | Z-23-13      |
| Complete Submittal Date:         | May 30, 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

## Application for a Major Amendment to a Planned Development District (PDD)

#### GENERAL INFORMATION

|                                                                                 |                                                   |
|---------------------------------------------------------------------------------|---------------------------------------------------|
| Date of Request: May 30, 2023                                                   | Property PIN(S): 35201020026                      |
| Property Owner(s): Myrtle Beach RV Resort Homeowners Association Inc>           | Type of Zoning Map Amendment: Major PDD Amendment |
| Address or Location: 5400 Little River Neck Rd                                  | Project Contact: Steve Potter                     |
| Contact Phone Number: 843 249-1484                                              | Contact Email Address: myrtlebeachrv@gmail.com    |
| PDD Name:                                                                       | Total Area of Property: 34 Acres                  |
| Proposed Amendment: Remove line stating 400sf of total living space on city PDD |                                                   |

#### 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: Steve Potter

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



**CITY OF NORTH MYRTLE BEACH**  
**LETTER OF AGENCY**

Revision Date 05.24.19

Today's Date: 05/30/23

Nature of Approval Requested: PDD Amendment

Property PIN(s): Multiple

Property Address/Location: 5400 Little River Neck Road

I, Myrtle Beach RV Resort Homeowners, Inc., hereby authorize Steven Potter

to act as my agent for for the purposes of the above referenced approval.

Signature

President

Title

Signature

Title

Signature

Title

Signature

Title

Signature

Title

Signature

Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.