

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 18, 2023

Agenda Item: 6B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: September 11, 2023
Subject: Petition for annexation and zoning designation for ±1.13 Acres at the end of Nature's Way [Z-23-15]	Division: Planning and Development

Background:

Vaughn Stanaland, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately ±1.13 acres at the end of Nature's Way identified by PIN 350-11-01-0137. 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 RC under Horry County jurisdiction. Located at the terminus of Nature's Way, the parcel is vacant, undeveloped, and currently used for storage of golf carts and other vehicles. Surrounding parcels within City limits are zoned Highway Commercial (HC); adjacent unincorporated county parcels are zoned RC. Upon annexation, the parcel would be designated R-2 as per Exhibit A: Zoning Map Z-23-15, 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-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 ⁶	NA	75 feet
Minimum Yards	Front	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	10 feet	²	20 feet
	Rear	20 feet	20 feet	20 feet	³	20 feet
Maximum Impervious Surface Ratio	50%	60%	60%	60%	60%	60%
Common Open Space	NA	NA	NA	25%	NA	25% ⁵
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 ⁴

- 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: ¹ 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.

² 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.

³ 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.

⁴ 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.

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

⁶ Minimum lot width and/or unit width.

Planning Commission Action:

The Planning Commission conducted a public hearing on July 18, 2023 and voted to recommend approval of the annexation and zoning designation, citing "C," to recognize substantial change or changing conditions or circumstances in a particular locality. 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 1.13 ACRES IDENTIFIED AS PIN 350-11-01-0137.

WHEREAS, Vaughn Stanaland, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 1.13 acres consisting of the following parcel PIN 350-11-01-0137 as referenced on Exhibit A: Zoning Map Z-23-15, 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 350-11-01-0137 (the “Annexed Parcel”), consisting of approximately 1.13 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: 8.21.2023
SECOND READING: 9.18.2023

ORDINANCE: 23-51

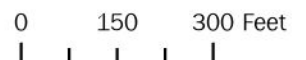
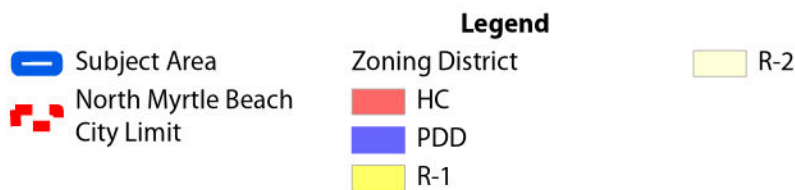
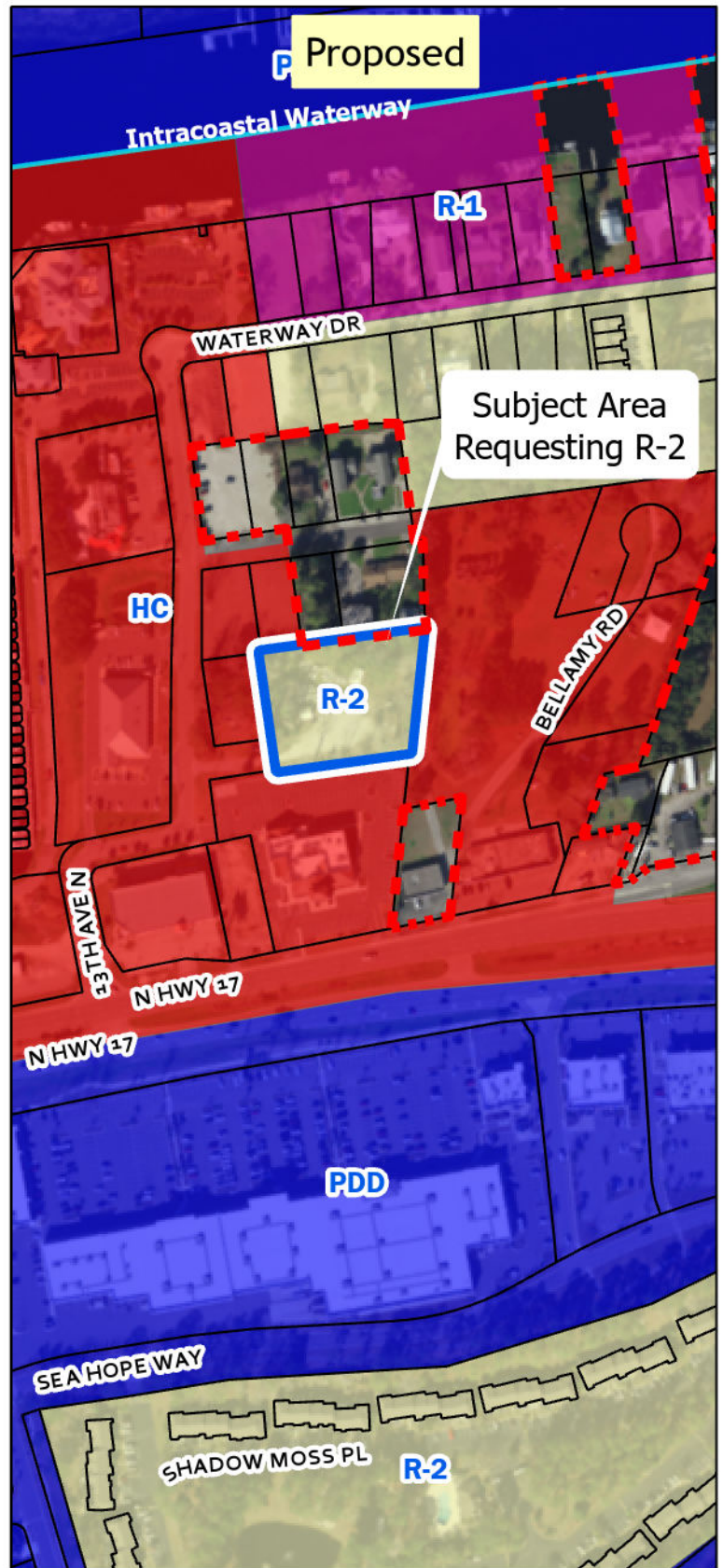
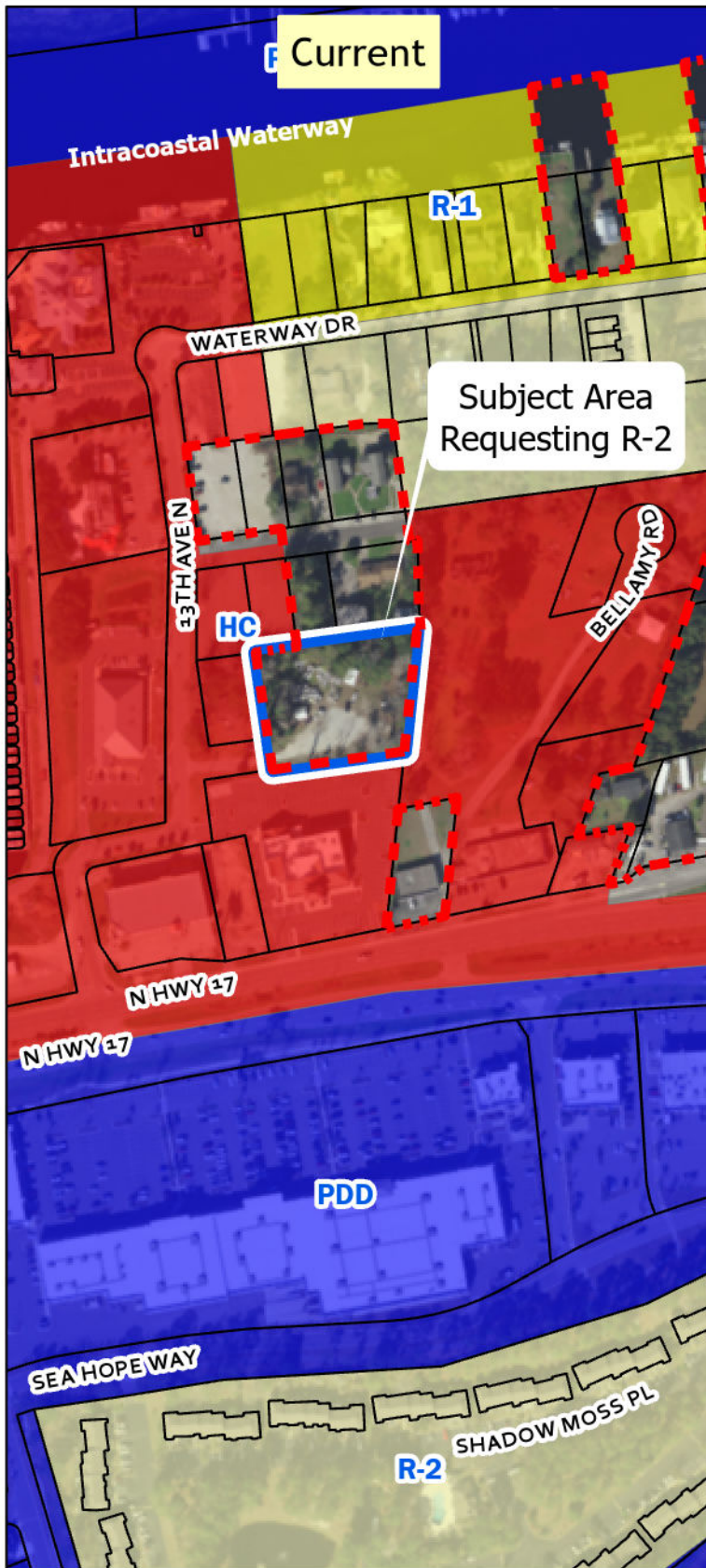


Exhibit A: Zoning Map Z-23-15

6E. ANNEXATION & ZONING DESIGNATION Z-23-15: City staff received a petition to annex ±1.13 acres at the end of Nature's Way identified by PIN 350-11-01-0137. The lot is currently unincorporated and zoned Resort Commercial (RC) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Medium Density Residential District (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 RC under Horry County jurisdiction. Located at the terminus of Nature's Way, the parcel is vacant, undeveloped, and currently used for storage of golf carts and other vehicles. Surrounding parcels within City limits are zoned Highway Commercial (HC); surrounding county parcels are zoned RC.

Proposed R-2 Zoning:

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

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

Notes: ¹ 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.

² Zero feet between units; 10 feet between end structures and side property line; no more than six units shall be attached in one building; for projects with multiple townhouse buildings on land owned "in common" the site side yard setback shall be 20 feet.

³ Rear yard setback shall be 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.

⁴ 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.

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

⁶ 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 Highway Commercial as a land use class for the subject area. The principal permitted uses noted in the compliance index include local shopping, regional shopping centers, business complexes, a wide range of business and commercial uses clustered where feasible and located for optimum accessibility, and mixed-use development may occur over time and is encouraged. The recommended primary zoning district is HC; General Commercial (GC) and Neighborhood Commercial (NC) are the secondary zoning district alternatives.

The proposed zoning designation, R-2 (Medium Density Residential), is not a recommended zoning district within the Compliance Index for the subject property. However, given the location and access to the parcel, Highway Commercial may not be the most realistic use or district for the property. In the likely future event that other adjacent properties were to annex into the city, future consistency could be better achieved.

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

Chapter 5, "The Way We Grow," of the 2018 Comprehensive Plan identifies the Highway Commercial future land use classification as follows: This is a broad-based commercial, office, and business classification. It is intended to provide commercial opportunities to the traveling public and areas in the community where large-scale commercial projects may take place with minimal impact on contiguous residential development. This classification is designed to support local shopping, regional shopping centers, and business complexes. It will accommodate a wide range of business and commercial uses, clustered where feasible, for "cumulative attraction" and located for optimum accessibility. Many of the existing uses here are already highway-oriented commercial and are likely to remain, but mixed-use development may occur in this designation over time and should be encouraged.

The proposed R-2 zoning is inconsistent with the Highway Commercial land use classification found in the *2018 Comprehensive Plan*. However, an argument can be

made that this request is correcting an original mistake or manifest error in the comprehensive plan due to the likelihood of commercial failure given the access and location of the parcel.

- 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 could be appropriate in the area and provide a buffer between the Highway commercial uses on Highway 17 and the residential uses off Wyndell Drive and Waterway Drive.

- 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; Nature's Way may require road improvements to meet City standards.

- 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 with extensions by developer.

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 August 21, 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-23-15] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-15] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-15
Complete Submittal Date:	June 22, 2023



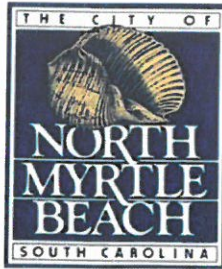
Notice Published:	June 29, 2023
Planning Commission:	July 18, 2023
First Reading:	August 22, 2023
Second Reading:	September 19, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: June 22, 2023	Property PIN(S): 35011010137
Property Owner(s): Duck Properties, LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Natures Way (the end of Nature's Way behind Rioz restaurant)	Project Contact: Vaughn Stanaland
Contact Phone Number: 843-222-2100	Contact Email Address: Vaughn@Stanaland.us
Current County Zoning: Highway Commercial	Proposed Zoning: HC
Total Area of Property: 1.13 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>Vaughn Stanaland</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



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 06/22/23

Nature of Approval Requested: Petition for Annexation and Zoning ☐

Property PIN(s): 35011010137

Property Address/Location: Natures Way (end of Natures Way behind Rioz restaurant)

I, WA Thomas, JS Mathews, hereby authorize Vaughn Stanaland

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

Signature

Duck Properties LLC Manager/Member ☐

Title

Signature

Duck Properties LLC Manager/Member ☐

Title

Signature

Title

Signature

Title

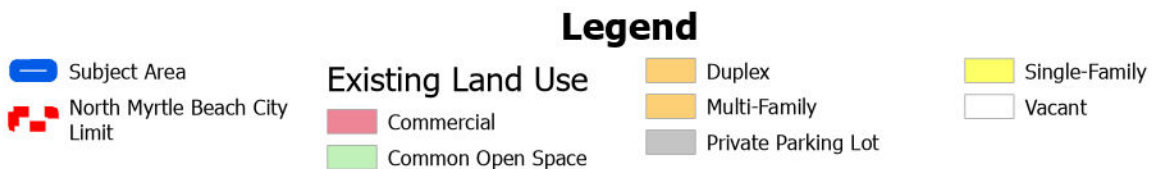
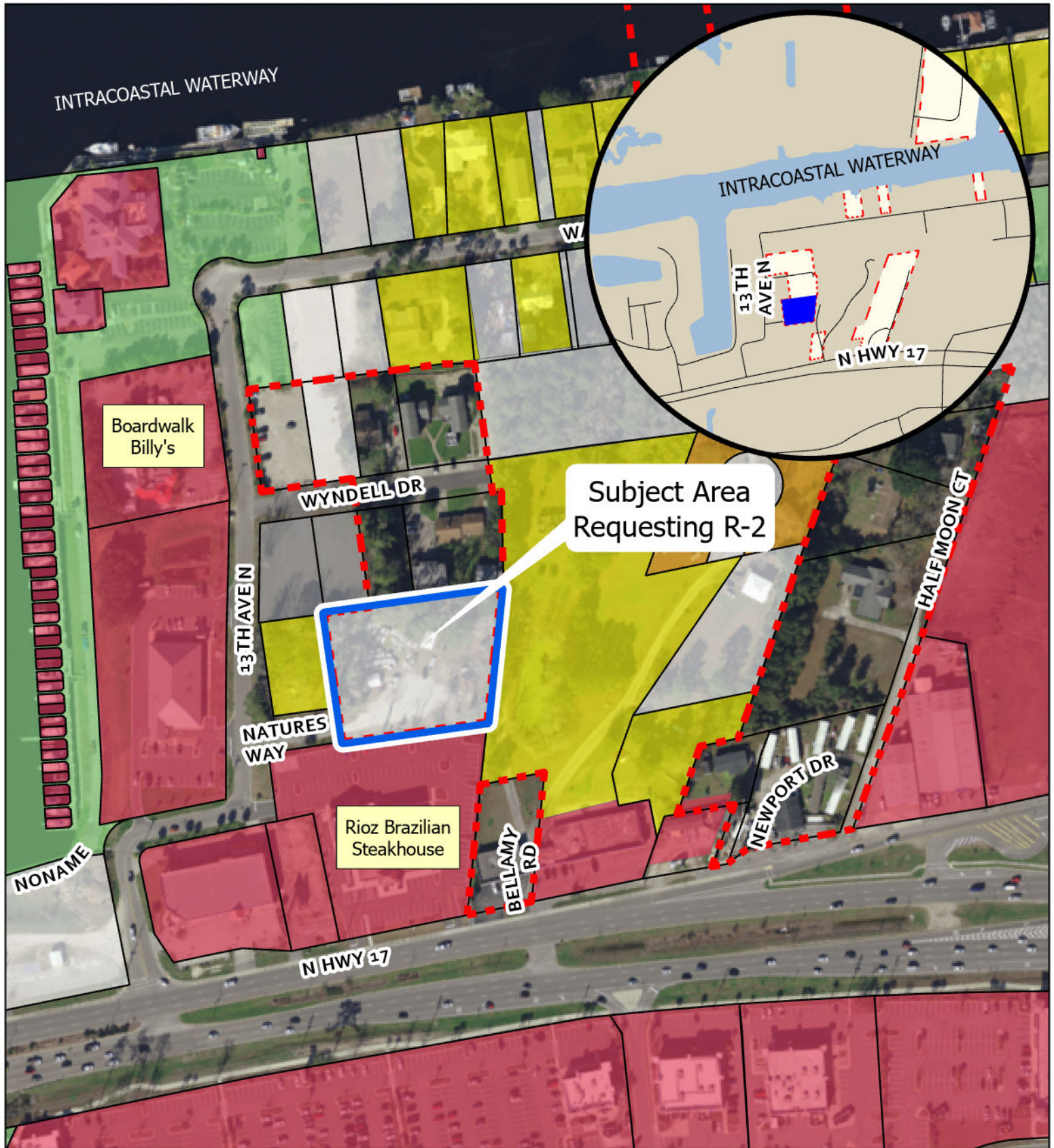
Signature

Title

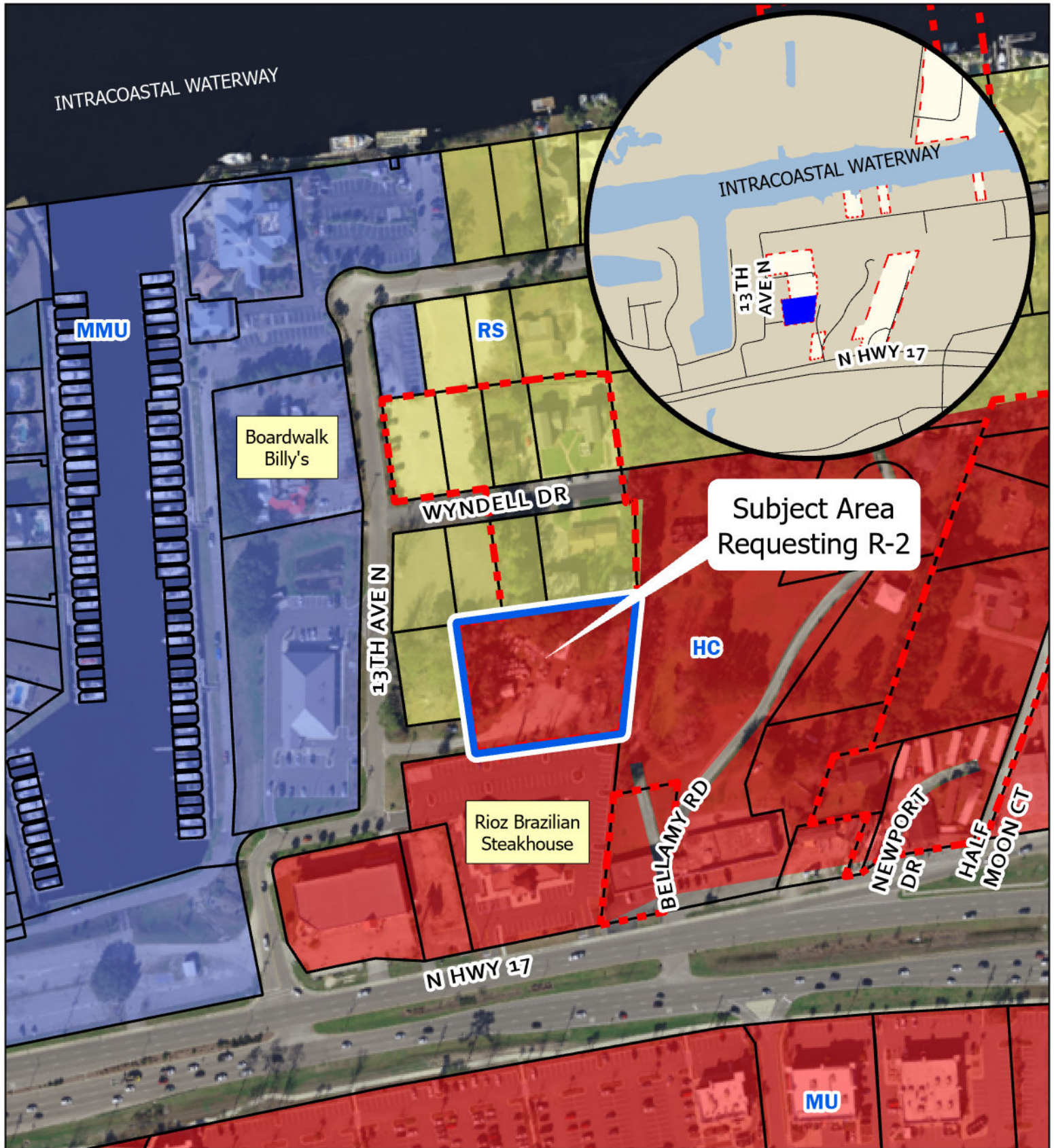
Signature

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.



Existing Land Use



Legend

- | | |
|---|---|
|  Subject Area | Future Land Use |
|  North Myrtle Beach City Limit |  HC |
| |  MMU |
| |  RS |

Future Land Use

0 400 800 Feet

User: desnyder
Path: \\nimbplan\PDGIS\2023\2023-25 Z-23-15 (Natures Way 2nd)\Z-23