

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 18, 2023

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 1, 2023
Subject: Request to rezone 1.07 acres on 24th Avenue North between Hilburn Street and Park Street from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A) [Z-23-17]	Division: Planning and Development

Background:

Venture Engineering, Inc., agent for the owner, has requested that the City of North Myrtle Beach rezone approximately 1.07 acres of property located on 24th Avenue North between the intersections of Hilburn Street and Park Street from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A). The subject property is currently vacant and undeveloped and identified by PIN 351-09-02-0038. Surrounding parcels within City limits are zoned R-2A, R-3 and HC; adjacent unincorporated county parcels are zoned MSF 10 Residential District (MSF 10). Surrounding parcels are zoned HC, R-2A, and Mobile/Manufactured Home Residential (R-3).

Comparison of Existing and Proposed Zoning:

The purpose of the HC district is 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 district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility. The purpose of the R-2A district is to permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure.

Permitted uses within HC districts include the following: Personal service establishments; convenience, primary and secondary retail establishments; general business services; funeral homes and accessory crematoriums; professional offices; commercial recreation establishments; churches, places of worship, and religious institutions including accredited educational facilities when accessory thereto; motels, hotels, lodges, and inns; hospitals, clinics, nursing and convalescent homes; educational institutions; armories, lodges and civic clubs; commercial and training schools; animal hospitals and veterinary clinics; automobile service and repair; public and private transportation service and facilities; commercial parking lots and structures; adult entertainment establishments; signs as permitted by Article III; accessory uses incidental to multifamily dwellings, hotels, motels, inns, lodges and resort residential; other accessory uses; cemeteries; and video gaming machines or stations. The R-2A district allows dwellings, including single-family detached, semidetached, duplex, multiplex, townhouse developments, multifamily, and zero lot line single-family detached developments; nursing homes; accessory uses customarily incidental to dwellings; and signs as permitted by Article III.

The following tables detail the development standards for both districts:

HC District

		Single-Family Dwelling	Multifamily Dwellings	Hotels, Motels, Resort Accommodations	All Other Uses ³
Minimum Site Area (SF)		NA	15,000	15,000	10,000
Minimum Lot Area per Dwelling Unit		10,000	1,350	NA	NA
Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet ⁵	1	1	8 ²
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet ⁴
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes:

¹ Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building in excess of eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For the purpose of calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

² On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in width.

Width of Project	Side Yard Required (2 Sides)
To 200 feet	8 feet
201—400 feet	16 feet
401—600 feet	30 feet

³ "Big box" retail shall provide the following: All lighting systems installed within the parking area shall use a ninety-degree (or less) cutoff luminaire angled away from noncommercial properties with a maximum height of thirty (30) feet measured from the base of the pole when installed. All lamp posts shall be contained within a landscape island. Reference article VII, general supplemental, developments of regional significance, for guidelines and standards affecting gross retail square footage of seventy-five thousand (75,000) square feet or greater.

⁴ With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

⁵ A five-foot side yard setback shall be required for substandard lots of record.

R-2A District

		Single-family Detached	Semi-Detached	Duplex	Multiplex	Townhouse	Multi-Family	Camp Recreational or Educational
Minimum Site Area (SF)		5,000	7,000	7,000	10,000	16,000	15,000	20 Acres
Minimum Lot Area* (SF)		5,000	3,500	3,500	2,000	2,000	1,350	NA
Minimum Lot Width		50 feet	35 feet	55 feet	75 feet	14 feet ⁵	100 feet	200 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	7.5 feet	7.5 feet	²	³	15 feet
	Rear	20 feet	20 feet	20 feet	20 feet	⁴	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA
Common Open Space		NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum Height of Signs					10 feet	10 feet	10 feet	10 feet
Floor Area Ratio								.15

Minimum distance between buildings: Where more than one (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building.

* Per dwelling unit.

Notes:

¹ A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property lines, and zero (0) setback shall be allowed for the interior common property line.

² Zero (0) 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.

³ Ten (10) feet for the first thirty-five (35) feet in height and fifteen (15) feet for buildings in excess of thirty-five (35) feet in height.

⁴ Rear yard 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.

⁵ Minimum lot width and/or unit width.

Staff Review:

The rezoning request has been reviewed by the Department of Public Works, the Department of Public Safety, and the Zoning Administrator; no concerns have been expressed. The subject area is identified as Mixed-Use on the Future Land Use Map, and the request is inconsistent with the Comprehensive Plan as the proposed R-2A zoning is inconsistent. The Mixed-Use land use classification is intended for larger scale mixed-use development at key transportation nodes and gateways in the community. In 2022, this parcel was split from a larger parcel that fronts Sea Mountain Highway. Development of the *Tsunami Surf and Resort Wear Shop* on the portion of the original parcel fronting Sea Mountain Highway effectively cut this parcel off from any major transportation corridor making the Mixed-Use land use classification less appropriate for this location because of the loss of visibility. Additionally, the residential uses adjacent to this parcel make the traffic common to mixed-uses less attractive to the neighborhood.

Planning Commission Action:

The Planning Commission conducted a public hearing on August 22, 2023 and voted unanimously to recommend approval of the rezoning request, citing “C”, to recognize substantial change or changing conditions or circumstances in a particular locality. There was no public comment. A proposed ordinance has been attached for Council’s review.

Recommended Action:

Approve or deny the proposed ordinance on first 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
AMENDING THE OFFICIAL ZONING MAP TO REZONE AN
AREA HIGHWAY COMMERCIAL (HC) TO MID-RISE
MULTIFAMILY RESIDENTIAL (R-2A).**

WHEREAS, Venture Engineering, Inc., agent for the owner, has submitted an application for the rezoning of one (1) lot containing approximately 1.07 acres identified by PIN 51-09-02-0038, as referenced on Exhibit A: Zoning Map (Z-23-17) prepared by City of North Myrtle Beach Planning and Development Department. The applicant is requesting to change the zoning district from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A); 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 Mid-Rise Multifamily Residential (R-2A); and

WHEREAS, the City Council has the authority to amend the zoning designation placed on the properties in accordance with applicable State Statutes and City Ordinances.

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. Rezoning. That the Official Zoning Map is hereby amended to rezone the properties Mid-Rise Multifamily Residential (R-2A) in accordance with the attached reference map entitled “Exhibit A: Zoning Map (Z-23-17).”

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

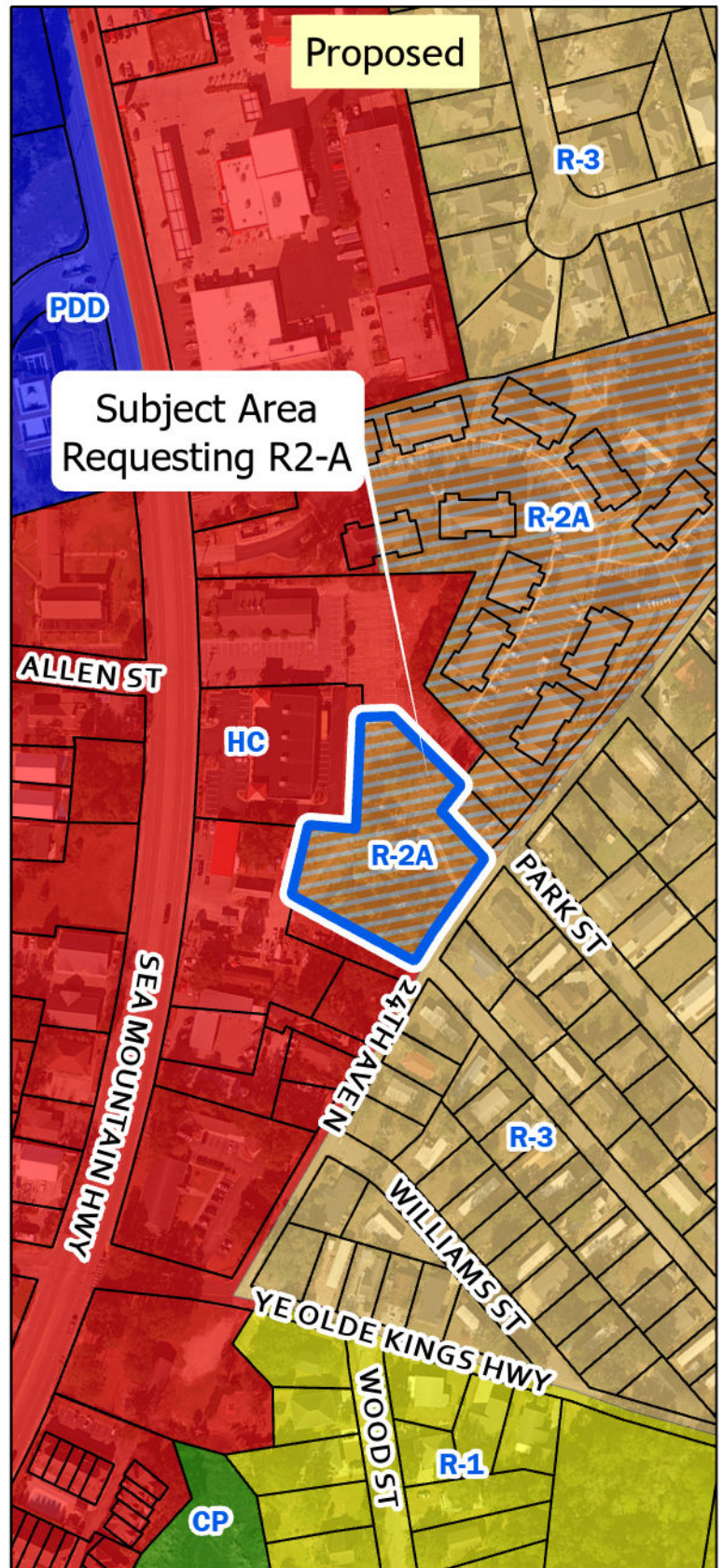
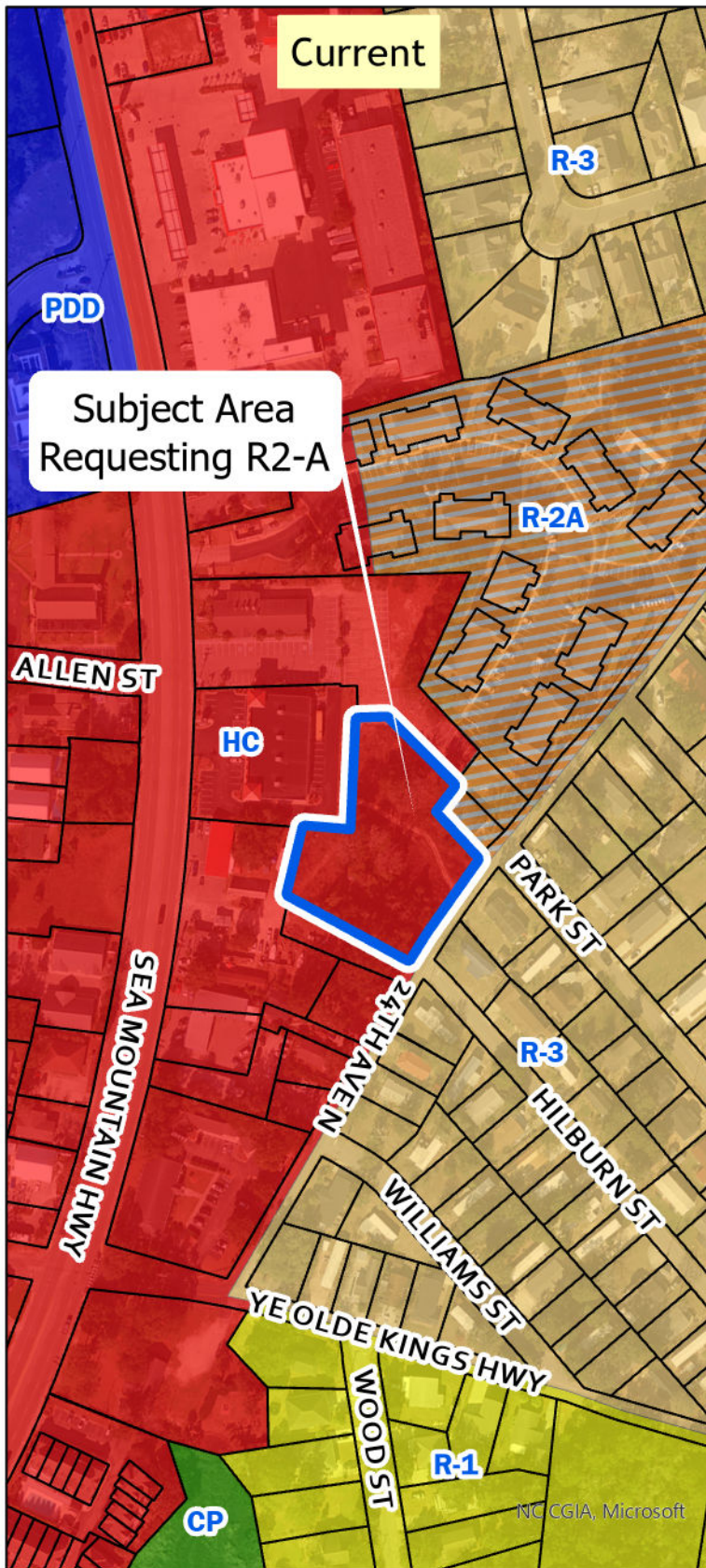
REVIEWED:

City Manager

FIRST READING: 9.18.2023

SECOND READING: _____

ORDINANCE: _____



 Subject Area

Legend

Zoning District

 CP
 HC
 PDD

 R-1
 R-2A
 R-3



0 125 250 Feet

Exhibit A: Zoning Map Z-23-17

User: arelmadolar

Path: \\nmbplan\PDGIS\2023\2023-29 Z-23-17 24th Ave N\Z-23-17 24th Ave N Zoning.aprx

6A. REZONING REQUEST Z-23-17: The Planning & Development Department received an application requesting a rezoning of one parcel containing approximately 1.07 acres located on 24th Ave N between the intersections of Hilburn Street and Park Street, PIN 351-09-02-0038, from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A).

Existing Conditions and Surrounding Land Uses:

Located on 24th Avenue North, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned HC, R-2A, and Mobile/Manufactured Home Residential (R-3).

Comparison of Existing and Proposed Zoning:

The purpose of the HC district is 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 district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility. The purpose of the R-2A district is to permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure.

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The following tables detail the development standards for both districts:

Continued Next Page

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Minimum Lot Area per Dwelling Unit		10,000	1,350	NA	NA
Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet ⁵	¹	¹	8 ²
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet ⁴
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes:

¹ Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building in excess of eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For the purpose of calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

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R-2A District

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Minimum Lot Width		50 feet	35 feet	55 feet	75 feet	14 feet ⁵	100 feet	200 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	7.5 feet	7.5 feet	²	³	15 feet
	Rear	20 feet	20 feet	20 feet	20 feet	⁴	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA
Common Open Space		NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum Height of Signs					10 feet	10 feet	10 feet	10 feet
Floor Area Ratio								.15

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⁴ Rear yard 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.

⁵ 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 Mixed Use as a land use class for the subject area. The permitted uses noted in the compliance index include larger scale mixed-use development at key transportation nodes and walkable areas where users can park once and access live, work, and play services in close proximity. The recommended primary zoning districts are HC and Resort Commercial (RC); Neighborhood Commercial (NC) is the secondary zoning district alternative.

The proposed zoning designation, R-2A, is not a recommended zoning district 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 Mixed Use future land use classification as follows: This classification is intended for larger scale mixed-use development at key transportation nodes and gateways in the community. The intersection of Main Street and US Highway 17 is an example of such a node. Areas of this sort are well positioned for intense mixed-use development, especially given their access to major transportation corridors. This category supports the creation of walkable areas where users can park once and access live, work, and play services in close proximity.

The proposed R-2A zoning is inconsistent with the Mixed Use land use classification found in the 2018 Comprehensive Plan. In 2022, this parcel was split from a larger parcel that fronts Sea Mountain Highway. Development of the *Tsunami Surf & Resort Wear Shop* on the portion of the original parcel fronting Sea Mountain Highway effectively cut this parcel off from any major transportation corridor making the Mixed Use land use classification less appropriate for this location.

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

The purpose of the R-2A zoning district is, "To permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure."

The uses permitted in the R-2A 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:

Access subject to SCDOT review/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:

Public water available; public sewer available with extension by the 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 rezoning request is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting scheduled for September 18, 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 rezoning request.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed rezoning request.

Public Works

The City Engineer has no issue with the proposed rezoning request.

Public Safety

The Fire Marshall has no issue with the proposed rezoning request.

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 rezoning request [Z-23-17] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the rezoning request [Z-23-17] as submitted.
OR
- 3) I move (an alternate motion).

Rezoning Finance Account Code:	3.51
FEE PAID:	\$500 on July 12, 2023
FILE NUMBER:	Z-23-17
Complete Submittal Date:	July 12, 2023



Notice Published:	August 3, 2023
Property Posted:	
Planning Commission:	August 22, 2023
First Reading:	September 18, 2023
Second Reading:	October 2, 2023

City of North Myrtle Beach, SC

Application for Rezoning

GENERAL INFORMATION	
Date of Request: July 10, 2023	Property PIN(S): 35109020038
Property Owner(s): Cherry Lake LLC	Type of Zoning Map Amendment: Rezoning (not to PDD)
Address or Location: Located off of 24th Ave North near Sea Mountain Highway	Project Contact: Cassidy Callaghan
Contact Phone Number: 843-347-5851	Contact Email Address: ccallaghanventure@gmail.com
Current Zoning: HC	Proposed Zoning: R-2A
Total Area of Property: 1.07 Acres	Currently Located in City: Yes
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: Cassidy Callaghan</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

North Myrtle Beach
843-280-5550 or 843-280-5585

REC#: 01855463 7/12/2023 12:39 PM
OPER: C6 TERM: 006
REF#: 16602 DT

TRAN: 3.5100 REZONINGS
CHERRY LAKE LLC
24TH AVE N NEAR SEA MTN
CITY CODES AND ORDI 500.00CR

TENDERED: 500.00 CHECK
APPLIED: 500.00-
CHANGE: 0.00

PAID
JUL 12 2023

LETTER OF AGENCY

To: City of North Myrtle Beach Planning & Development, SCDHEC, SCDOT, Grand Strand Water & Sewer Authority, City of North Myrtle Beach Public Works, City of North Myrtle Beach Administration

Re: Rezoning, Permitting & Applications:
TMS: 1450108003 (1.07 acres)

Property Location: Located off of 24th Avenue North and Sea Mountain Highway in North Myrtle Beach, South Carolina

Property Owner (s): Cherry Lake LLC
(Please Print Name)

In connection with the referenced property, I hereby appoint the person/agency shown below as my agent for the purpose of filing such application for project approval as they shall deem necessary and proper.

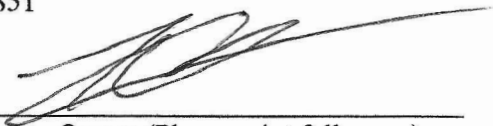
Authorized Agent: Venture Engineering, Inc.,
(Please Print Full Name) Cassidy Callaghan, Brandon Elvis, Stephen S. Powell Jr.

Reason for Agency: County/NMB Water & Sewer Application & Permitting
DHEC Applications & Permitting
NMB City Review & Permitting
SCDOT Encroachment Permitting, Rezoning & Variance

Business License #: 4394
Agent's Address: 209 Hwy 544, Conway, SC 29526
Agent's Telephone Number: (843) 347-5851



Witness



Property Owner (Please print full name)

llc president

Title

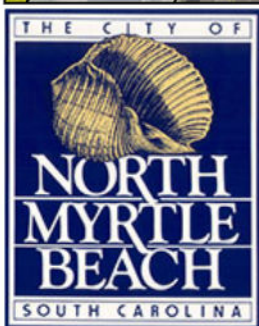
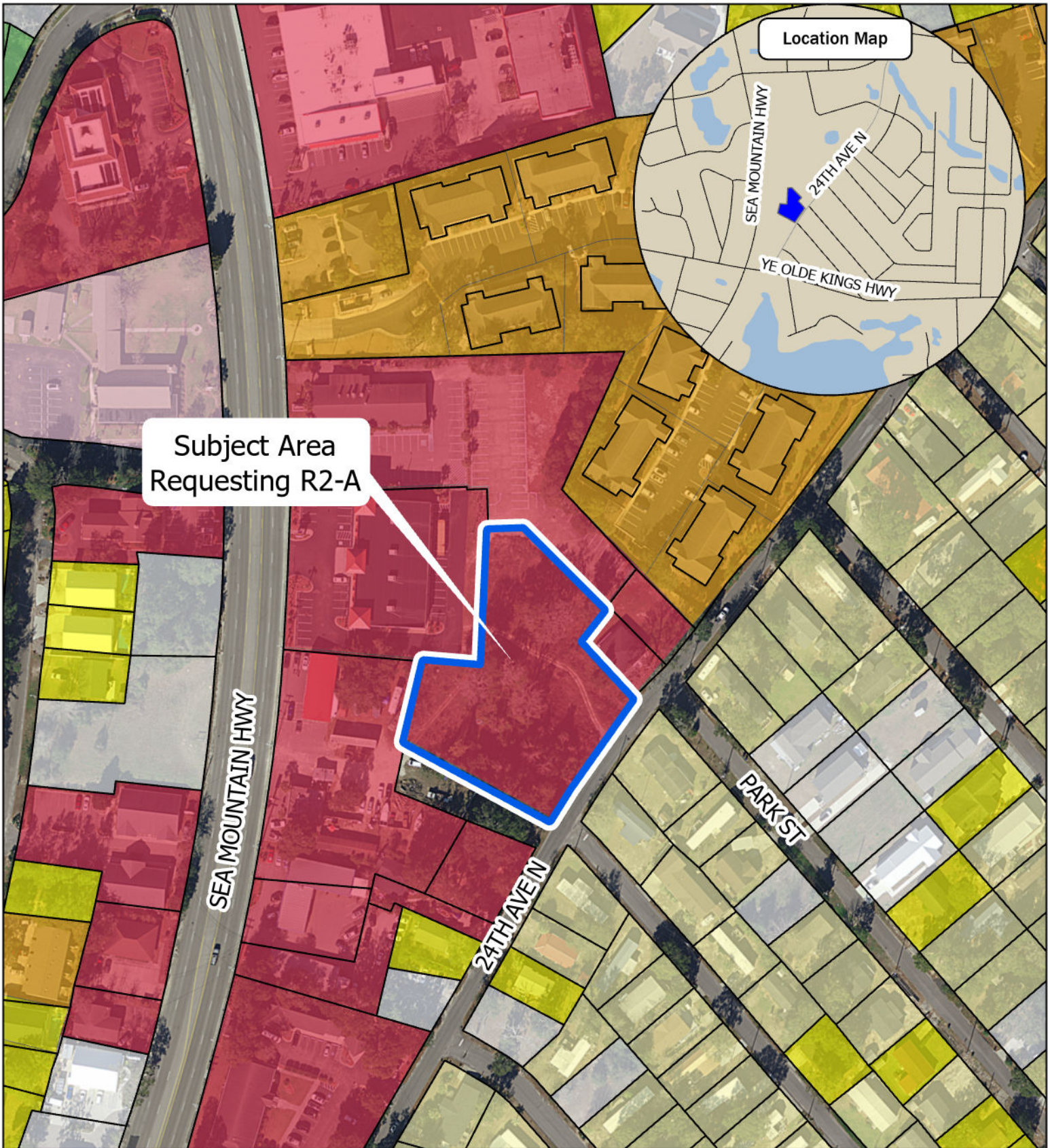


Signature of property owner

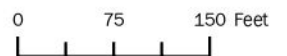
7-7-23

Date

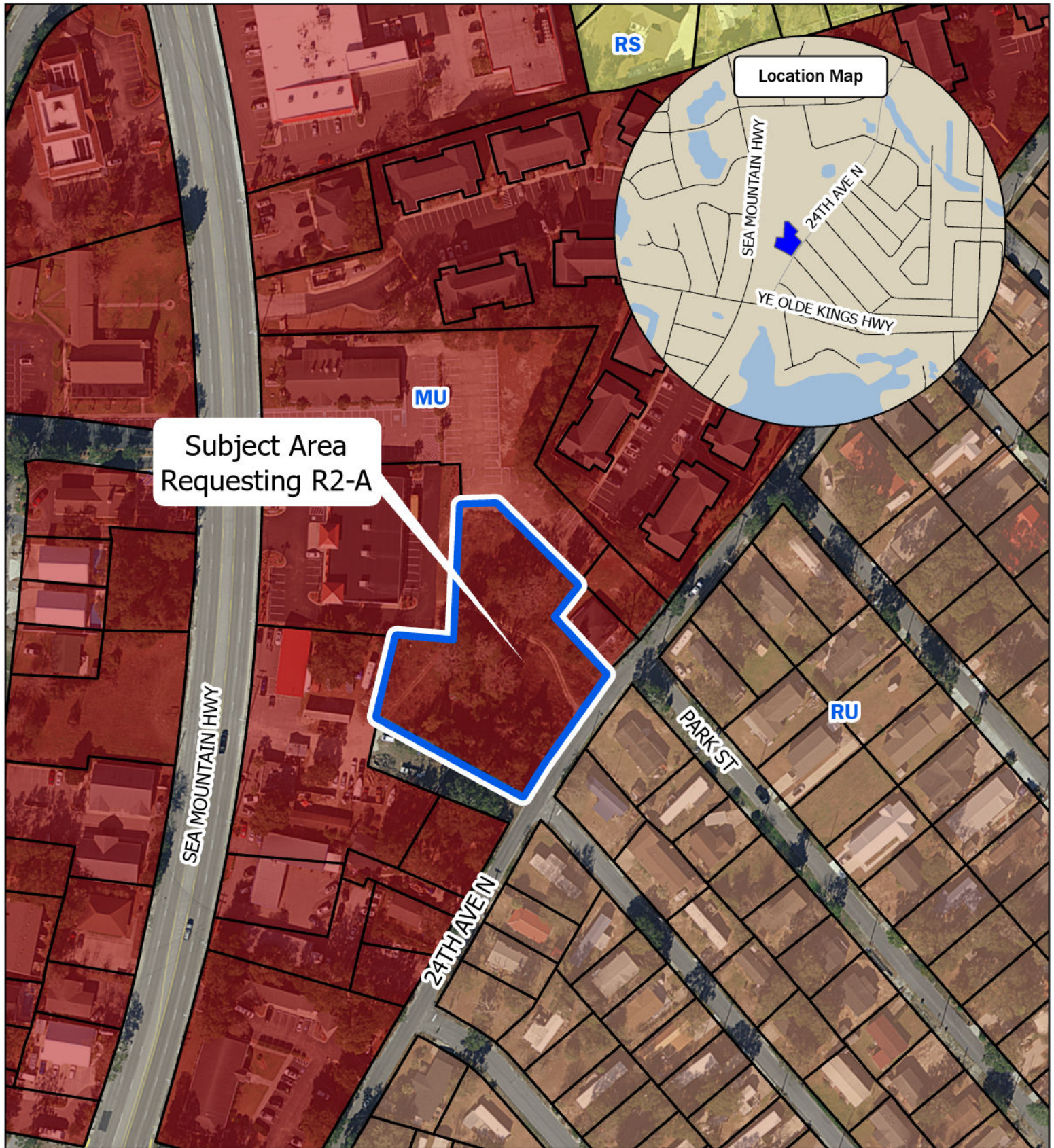
Letter of agency submitted must be original. No copies accepted.



Legend			
■ Subject Area	Existing Land Use	■ Common Open Space	■ Private Common Open Space
	■ Commercial	■ Mobile Home	■ Single-Family
		■ Multi-Family	■ Vacant



Existing Land Use



Legend

 Subject Area

Future Land Use

 MU - Mixed Use

 RS - Residential Suburban

 RU - Residential Urban



0 75 150 Feet

User: arelmadolar

Future Land Use

Path: \\nmblplan\PDGIS\2023\2023-29 Z-23-17 24th Ave N\Z-23-17 24th Ave N LU.aprx