

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 2, 2023

Agenda Item: 7	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 27, 2023
Subject: Petition for Annexation and Zoning Designation for ±0.59 acres on Cenith Drive [Z-23-18]	Division: Planning and Development

Background:

Bruce and Lynda Fowler, owners, have petitioned the City of North Myrtle Beach to annex approximately ±0.59 acres on Cenith Drive identified by PIN 357-07-01-0007. 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 Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned SF6 and CFA. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-23-18, prepared by the City of North Myrtle Beach Planning & 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 September 19, 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 first reading

Reviewed by Department 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 0.59 ACRES IDENTIFIED BY PIN 357-07-01-0007.**

WHEREAS, Bruce & Lynda Fowler, owners, have petitioned the City of North Myrtle Beach for annexation of 0.59 acres consisting of the following parcel PIN 357-07-01-0007 as referenced on Exhibit A: Zoning Map Z-23-18, 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 357-07-01-0007 (the “Annexed Parcel”), consisting of approximately 0.59 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:

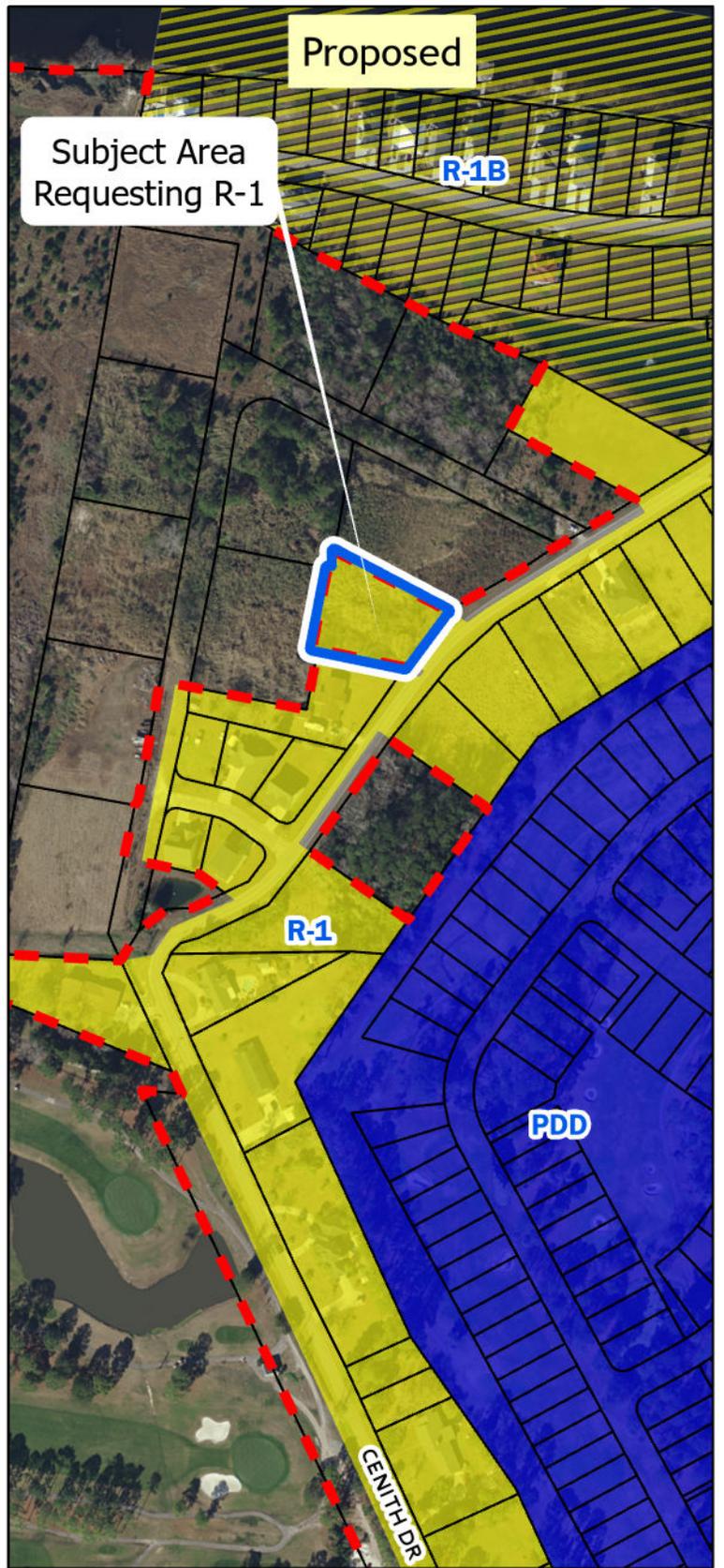
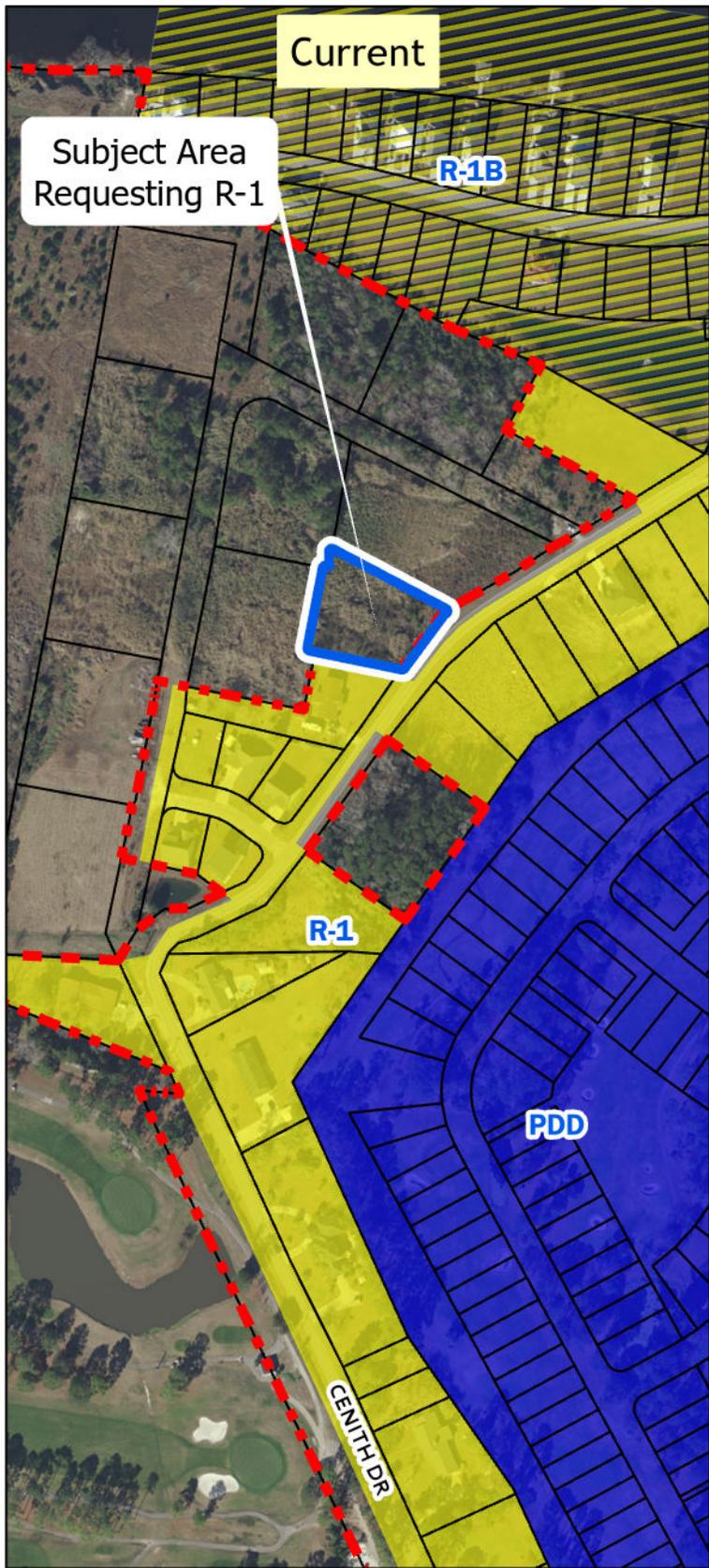
FIRST READING: 10.02.2023
SECOND READING: _____

City Attorney

REVIEWED:

ORDINANCE: _____

City Manager



Legend

-  Subject Area
-  North Myrtle Beach City Limit

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

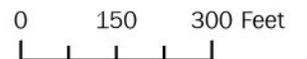


Exhibit A: Zoning Map Z-23-18

6A. ANNEXATION & ZONING DESIGNATION Z-23-18: City staff received a petition to annex ±0.59 acres on Cenith Drive identified by PIN 357-07-01-0007. The lot is currently unincorporated and zoned Commercial Forest Agriculture (CFA) 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 CFA under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned SF6 and 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
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	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 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 October 2, 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-23-18] as submitted.

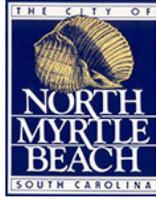
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-18] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-18
Complete Submittal Date:	August 17, 2023



Notice Published:	August 31, 2023
Planning Commission:	September 19, 2023
First Reading:	October 2, 2023
Second Reading:	October 16, 2023

City of North Myrtle Beach, SC
Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: August 17, 2023	Property PIN(S): 35707010007
Property Owner(s): Bruce & Lynda Fowler	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1755 Cenith Drive	Project Contact: Bruce Fowler
Contact Phone Number: 8432228139	Contact Email Address: bfsc295@gmail.com
Current County Zoning: NA	Proposed Zoning: R-1
Total Area of Property: 0.64 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: Bruce Fowler

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.

Together with all and singular rights, members, hereditaments and appurtenances to the said premises belonging or in any way incident or appertaining.

To Have and To Hold all and singular the said premises before mentioned unto the said Grantees, as set out above, as joint tenants with the right of survivorship, and not as tenants in common, their heirs and assigns forever, in fee simple, together with every contingent remainder and the right of reversion and to the heirs of said survivor forever.

And Grantors do hereby bind themselves, their successors and assigns to warrant and forever defend all and singular the said premises unto the said Grantees, as herein provided, against themselves and their successors and all other persons whomsoever lawfully claiming, or to claim the same or any part thereof.

In Witness Whereof, the Grantors have caused these presents to be signed and sealed this 8 day of March, 2023.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

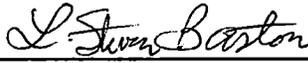

Non-Notary Witness

Talmadge Reynolds
Printed Name

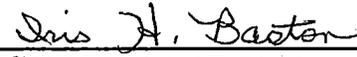

Notary Witness

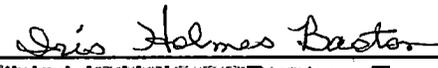
Keyshonna Singleton
Printed Name

GRANTORS:

 {L.S.}
L. Steven Baston, Trustee

 {L.S.}
a/k/a Larry Steven Baston, Trustee

 {L.S.}
Iris H. Baston, Trustee

 {L.S.}
a/k/a Iris Holmes Baston, Trustee

STATE OF SOUTH CAROLINA)

COUNTY OF Berkley)

ACKNOWLEDGMENT
(Pursuant to S.C. Code Section 30-5-30 (C))

I, Keyshonna Singleton the undersigned notary, do hereby certify that the above subscribed Grantors personally appeared before me this day and acknowledged the due execution of the foregoing instrument. The above witnesses, including myself as notary, are not parties to, nor beneficiaries of this transaction.

Witness my hand and official seal this 8 day of March, 2023.



Keyshonna Singleton
Notary Public for State of South Carolina
My Commission Expires: 7/26/2032
(SEAL)

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

AFFIDAVIT FOR TAXABLE
OR
EXEMPT TRANSFER

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 located at 1755 Cenith Drive (Lot F-2 Belle Edge) North Myrtle Beach, South Carolina 29582, bearing Horry County Tax Map Number 143-12-01-015 and PIN# 357-07-01-0007 was transferred by L. Steven Baston, a/k/a Larry Steven Baston and Iris H. Baston, a/k/a Iris Holmes Baston, Trustees of the Baston Family Revocable Living Trust, dated September 19, 2018, and any amendments thereto to Bruce Fowler and Lynda Fowler, on March 8, 2023.
3. Check one of the following: The deed is
 - (a) XX 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 or 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 sections 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) XX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of **One Hundred Thousand Dollars and 00/100 (\$100,000.00)**
 - (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 XX 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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes", the amount of the outstanding balance of this lien or encumbrance is: **\$0.00**
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: **One Hundred Thousand Dollars and 00/100 (\$100,000.00)**
 - (b) Place the amount listed in item 5 above here: **ZERO**
(If no amount is listed, place zero here)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: **One Hundred Thousand Dollars and 00/100 (\$100,000.00)**

- 7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: **Three Hundred Seventy Dollars and no/100 (\$370.00)**
- 8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **SELLER**
- 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.

L. Steven Baston

L. Steven Baston, Trustee

Iris H. Baston

Iris H. Baston, Trustee

Larry Steven Baston

a/k/a: Larry Steven Baston, Trustee

Iris Holmes Baston

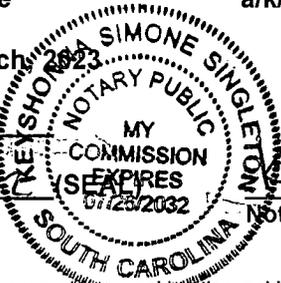
a/k/a Iris Holmes Baston, Trustee

SWORN to before me this 8 day of March

Keshona Singleton

Notary Public for South Carolina

My Commission Expires: 7/26/2032



Keshona Singleton

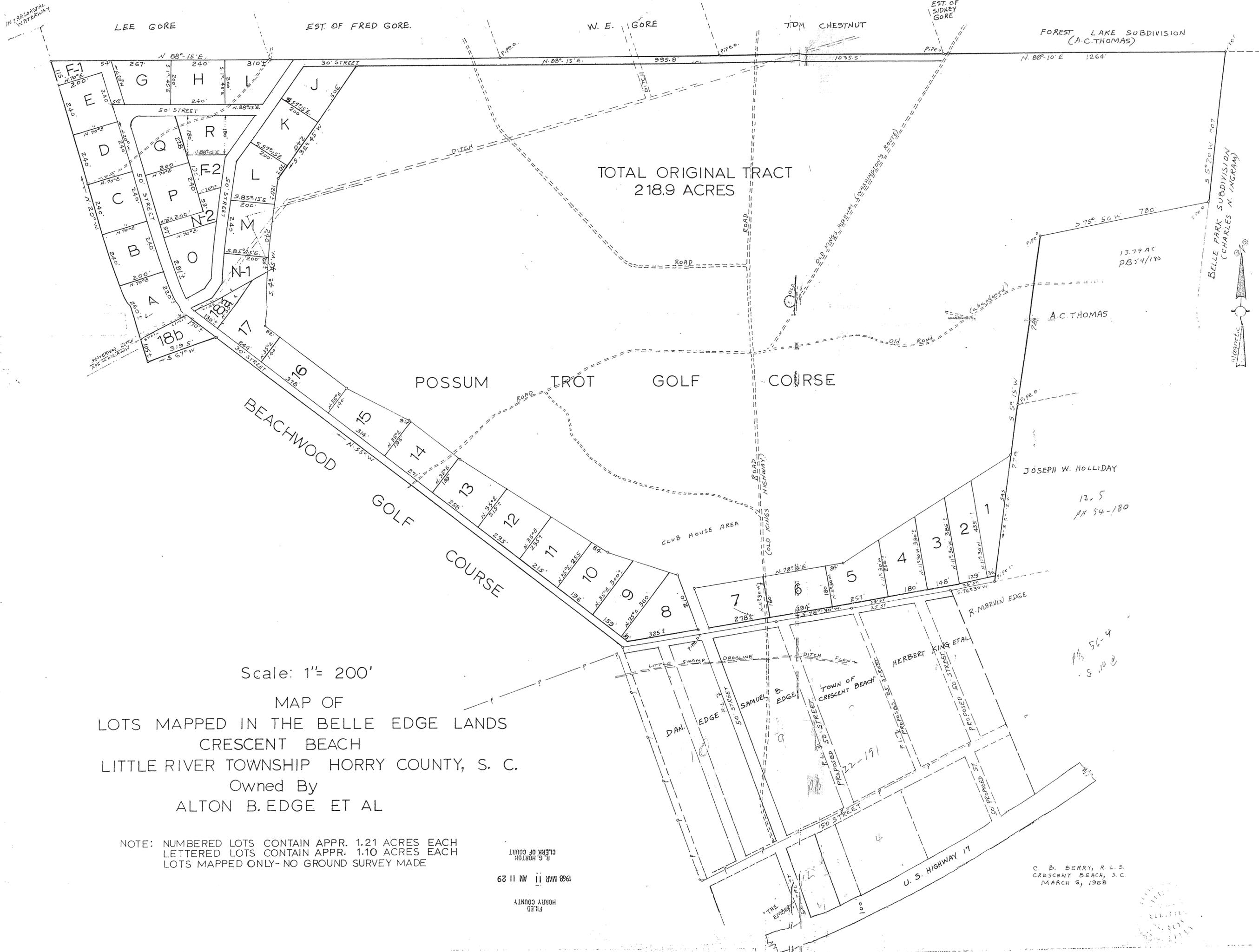
Notary Printed Name

INFORMATION

Except as provided in this paragraph, the term "value" means the consideration paid or to be paid in money or money's worth for the realty. Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-9-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed pursuant to foreclosure proceedings.
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.



TOTAL ORIGINAL TRACT
218.9 ACRES

POSSUM TROT GOLF COURSE

BEACHWOOD GOLF COURSE

CLUB HOUSE AREA

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

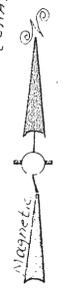
C. B. BERRY, R. L. S.
CRESCENT BEACH, S. C.
MARCH 6, 1968

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S. 10 e

13.79 AC
PB 54/180

12.5
A 54-180

BELLE PARK SUBDIVISION
(CHARLES N. INGRAM)



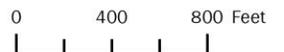


Subject Area
Requesting R-1

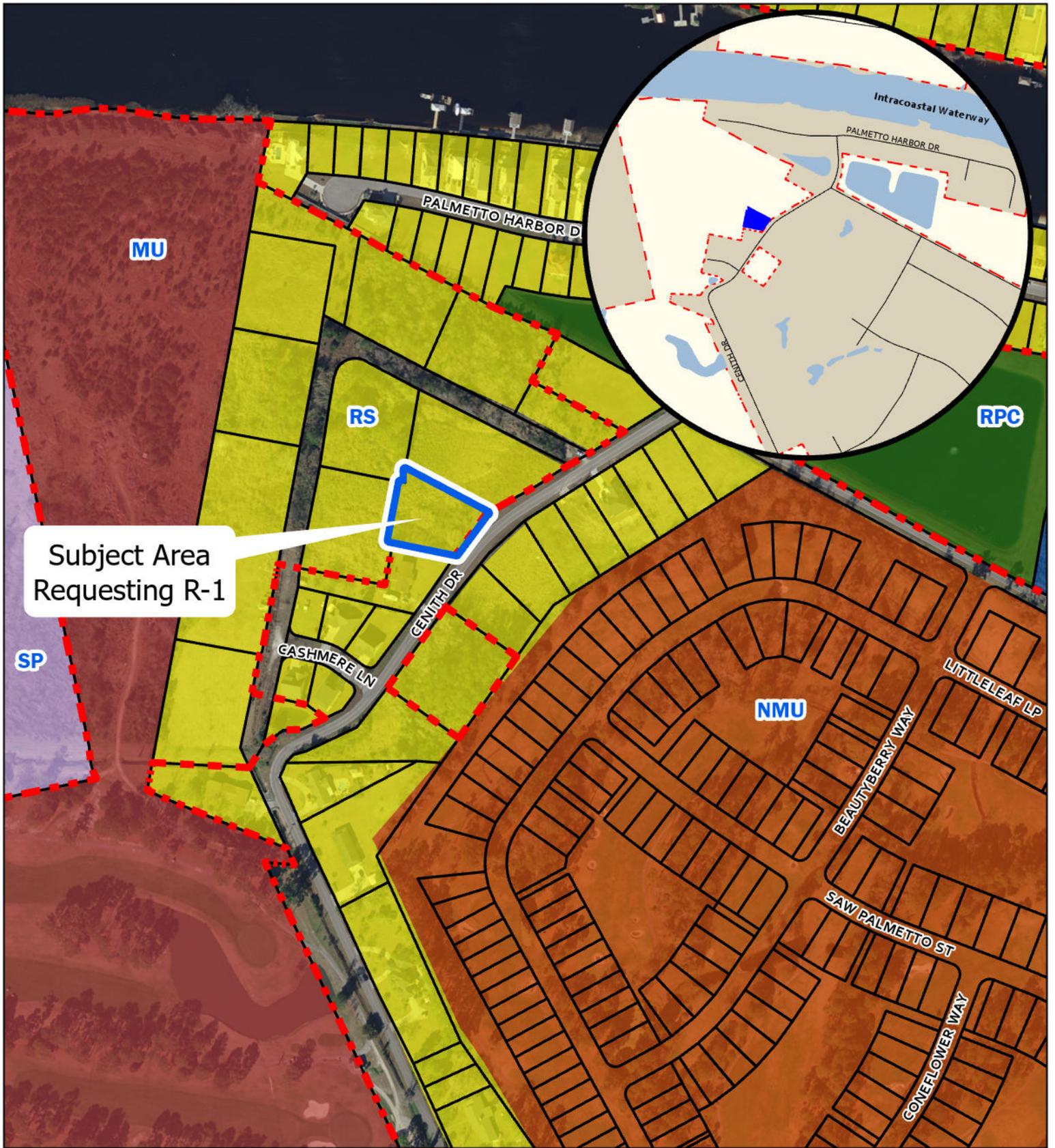


Legend

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



Existing Land Use



Subject Area
Requesting R-1



Legend

-  Subject Area
-  North Myrtle Beach City Limit

- Future Land Use
-  MMU
 -  MU

-  NMU
-  RPC
-  RS
-  SP

Future Land Use

