

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: November 6, 2023

Agenda Item: 7	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: November 1, 2023
Subject: Petition for Annexation and Zoning Designation for ±0.25 acres off Oyster Lane [Z-23-22]	Division: Planning and Development

Background:

Pleasant Meadow Baptist Church, owner, has petitioned the City of North Myrtle Beach to annex approximately ±0.25 acres off Oyster Lane identified by PIN 351-07-02-0027. The petition also reflects the requested City of North Myrtle Beach zoning district of Mobile/Manufactured Home Residential (R-3) 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 CFA under Horry County jurisdiction. Located off Oyster Lane, the parcel is home to the Pleasant Meadow Baptist Church. Surrounding parcels within City limits are zoned R-3; surrounding county parcels are zoned CFA. Upon annexation, the parcel would be designated R-3 as per Exhibit A: Zoning Map Z-23-22, 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-3 Zoning:

	Single-Family Detached Residence	Mobile Homes on Individual Lots	Duplexes	Semi-Detached Dwelling	Other Permitted Uses
Minimum Lot Area Per Project (square feet)	5,000 SF	5,000 SF	7,000 SF	7,000 SF	5,000 SF
Minimum Lot Area Per Dwelling Unit (square feet)	5,000 SF	5,000 SF	3,500 SF	3,500 SF	NA
Minimum Lot Width	50 feet	50 feet	55 feet	35 feet	NA
Minimum Yards	Front	25 feet	25 feet	20 feet	20 feet
	Side	7.5 feet	7.5 feet	7.5 feet ¹	20 feet
	Rear	10 feet	10 feet	10 feet	30 feet
Maximum Impervious Surface Ratio	50%	50%	60%	60%	60%
Maximum Height	35 feet for residential uses, 5 feet for accessory uses, and 45 feet for all other uses.				

Notes: A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.

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 common interior property line.

R-3 District Permitted Uses:

Dwellings (Single-Family detached, Semi-Detached, and duplex); Mobile/manufactured homes on individual lots; Mobile/manufactured home parks; Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; Publicly owned recreational facilities; Churches or similar places of worship, including parish houses, parsonages, and childcare centers when accessory thereto; Recreational vehicle parks and campgrounds; Accessory uses; Home occupations; Family day care homes; and Signs permitted by and in accord with all applicable provisions of Article III. Staff would like to note that though the R-3 zoning designation provides for a variety of uses, the deed to this property only allows this property to be owned by the Church if it is used as the Pleasant Meadow Baptist Church. This deed restriction makes the property's use more certain.

Planning Commission Action:

The Planning Commission conducted a public hearing on October 17 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 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 0.25 ACRES IDENTIFIED BY PIN 351-07-02-0027.**

WHEREAS, Pleasant Meadow Baptist Church, owner, has petitioned the City of North Myrtle Beach for annexation of 0.25 acres consisting of the following parcel PIN 351-07-02-0027 as referenced on Exhibit A: Zoning Map Z-23-22, 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 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 351-07-02-0027 (the “Annexed Parcel”), consisting of approximately 0.25 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 Mobile/Manufactured Home Residential (R-3).

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

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 11.06.2023
SECOND READING: _____

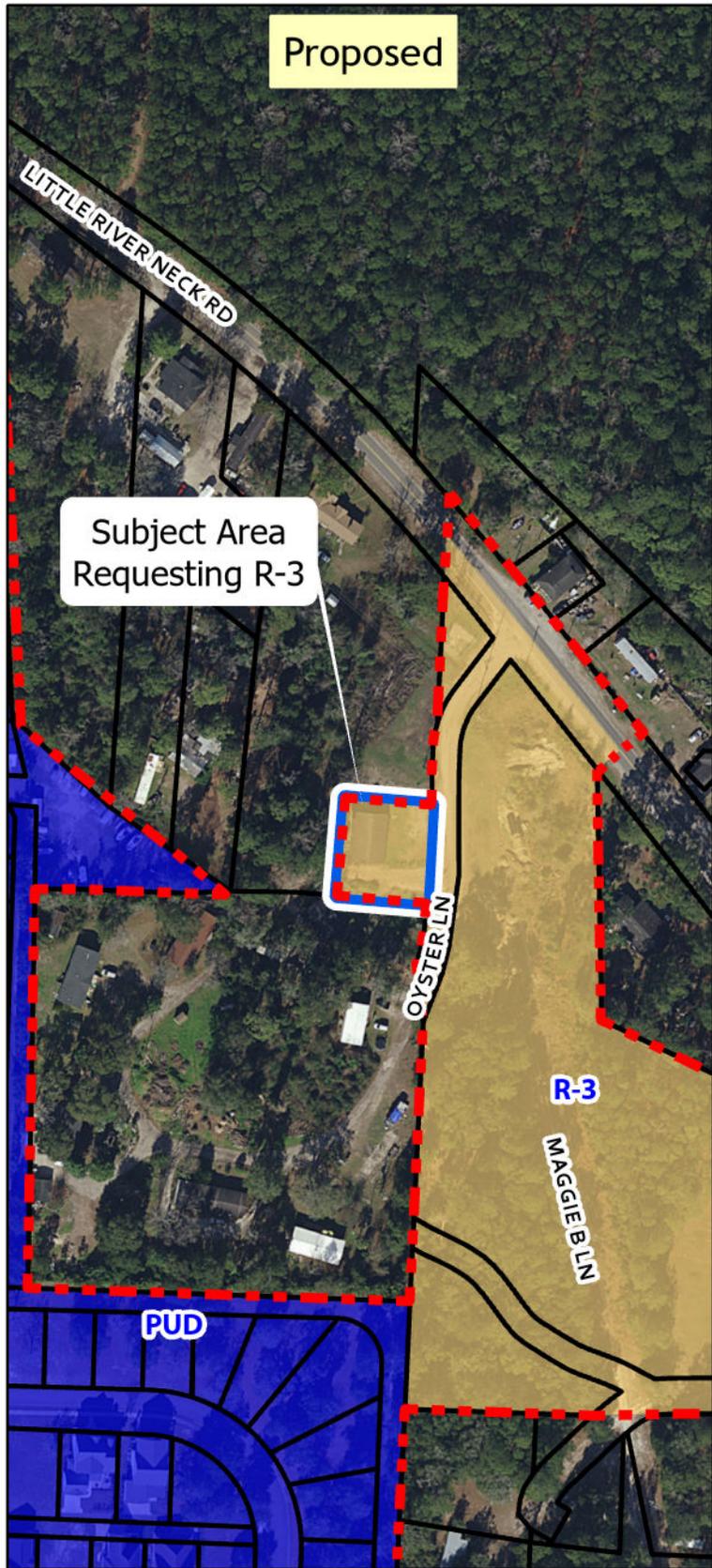
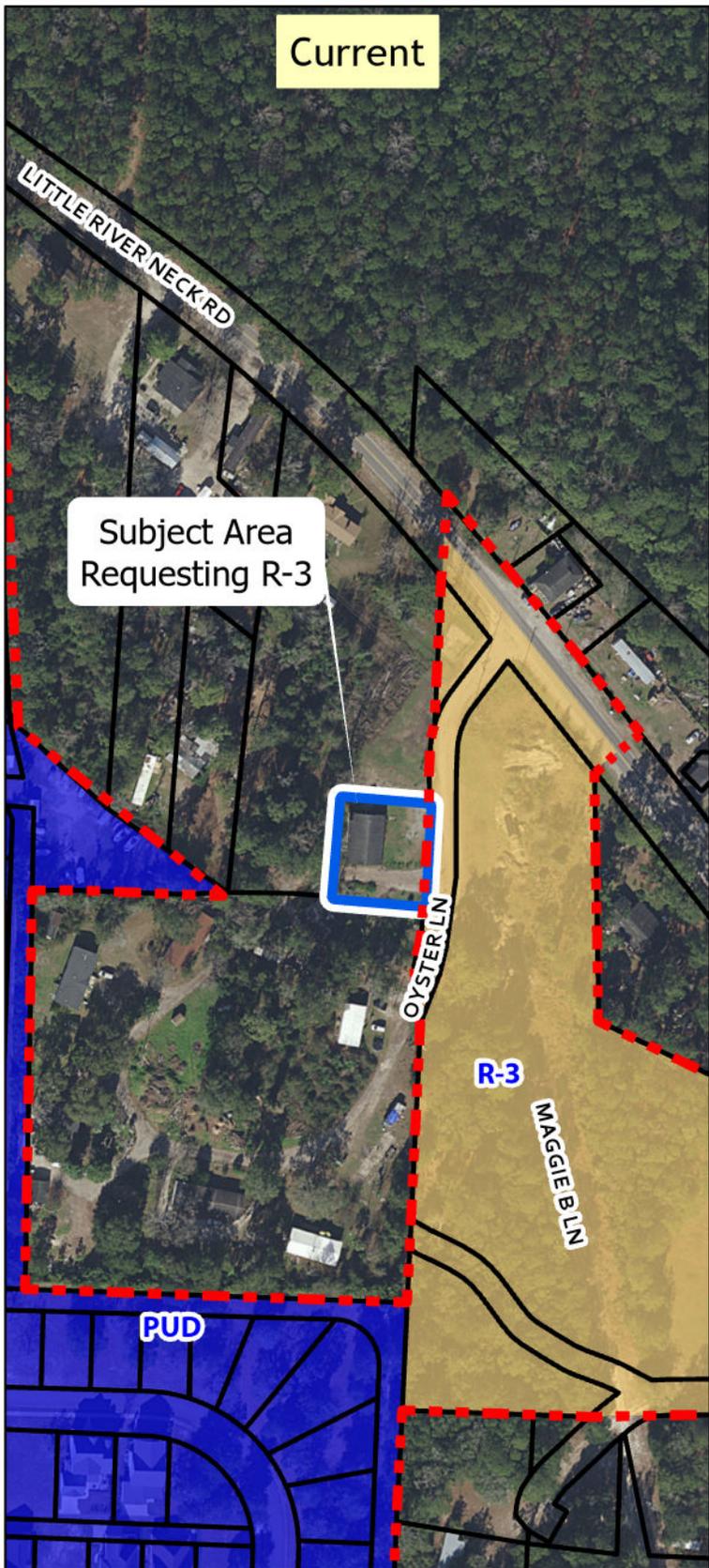
REVIEWED:

City Manager

ORDINANCE: _____

Current

Proposed



Legend

- Subject Area
- North Myrtle Beach City Limits
- ZONING**
- PUD
- R-3



Exhibit A: Zoning Map Z-23-22

6A. ANNEXATION & ZONING DESIGNATION Z-23-22: City staff received a petition to annex ±0.25 acres off Oyster Lane identified by part of PIN 351-07-02-0027. 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 Mobile/Manufactured Home Residential (R-3) 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 off Oyster Lane, the parcel is home to the Pleasant Meadow Church. Surrounding parcels within City limits are zoned R-3; surrounding county parcels are zoned CFA.

R-3 District Development Standards

		Single-Family Detached Residence	Mobile Homes on Individual Lots	Duplexes	Semi-Detached Dwelling	Other Permitted Uses
Minimum Lot Area Per Project (square feet)		5,000 SF	5,000 SF	7,000 SF	7,000 SF	5,000 SF
Minimum Lot Area Per Dwelling Unit (square feet)		5,000 SF	5,000 SF	3,500 SF	3,500 SF	NA
Minimum Lot Width		50 feet	50 feet	55 feet	35 feet	NA
Minimum Yards	Front	25 feet	25 feet	20 feet	20 feet	20 feet
	Side	7.5 feet	7.5 feet	7.5 feet	7.5 feet ¹	20 feet
	Rear	10 feet	10 feet	10 feet	10 feet	30 feet
Maximum Impervious Surface Ratio		50%	50%	60%	60%	60%
Maximum Height		35 feet for residential uses, 5 feet for accessory uses, and 45 feet for all other uses.				
Notes: A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.						
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 common interior property line.						

R-3 District Permitted Uses

Dwellings (Single-Family detached, Semi-Detached, and duplex); Mobile/manufactured homes on individual lots; Mobile/manufactured home parks; Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; Publicly owned recreational facilities; Churches or similar places of worship, including parish houses, parsonages, and childcare centers when accessory thereto; Recreational vehicle parks and campgrounds; Accessory uses; Home occupations; Family day care homes; and Signs permitted by and in accord with all applicable provisions of Article III.

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 Conservation Community as the land use class for the subject area. There are no permitted or explicitly defined land uses for this land use class. There are no recommended primary or secondary zoning districts for this land use class; the plan refers to a future zoning district that has not yet been created.

The proposed zoning designation, R-3, is not a primary or secondary 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 Conservation Community future land use classification as follows: This classification is intended to provide an alternative type of development that preserves undisturbed natural areas, creates common open spaces, and has a light impact on the environment. It is ideally applied to undeveloped greenfield land that may be adjacent to sensitive environmental areas like wetlands and waterways.

The proposed R-3 zoning is inconsistent with the Conservation Community 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-1B zoning district is, “To provide for areas within the city where mobile/manufactured homes may be located in harmony with other single-and two-family dwellings—to provide for a full range of housing alternatives to meet buyer demands. Also, this district is designed to separate incompatible uses and eliminate the blighting effect of incompatibility.”

The uses permitted in the R-3 district would be appropriate in the area, and this area is immediately adjacent to a large area zoned R-3 and the Creekside Mobile Home Park.

- 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 subject to encroachment permit application review and approval.

- 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 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 tentatively scheduled for November 6, 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. Staff would like to note that though the R-3 zoning designation provides for a variety of uses, the deed to this property only allows this property to be owned by the Church as long as it is used as the Pleasant Meadow Church. Although we have no guarantees, this deed restriction makes the future development and use of the property more certain.

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-23-22] as submitted.

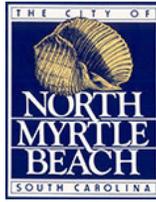
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-22] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-22
Complete Submittal Date:	September 21, 2023



Notice Published:	September 28, 2023
Planning Commission:	October 17, 2023
First Reading:	November 6, 2023
Second Reading:	December 4, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: September 21, 2023	Property PIN(S): 35107020027
Property Owner(s): Pleasant Meadow Missionary Baptist Church	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1449 Oyster Lane, North Myrtle Beach, SC 29582	Project Contact: Rudene Vaught
Contact Phone Number: 6099545661	Contact Email Address: rlvaught6783@gmail.com
Current County Zoning:	Proposed Zoning: R-3
Total Area of Property: 0.25 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: Rudene Vaught

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.

From Harriet Williams
Pleasant Meadow Baptist Church, Little
to River Neck, Steven Smith, W.H. Williams
and R.J. Hardee now Deacon.
Filed June 28th, 10:26 A.M. A. D. 19 47.

Documentary Stamp(s) \$ None

KNOW ALL MEN BY THESE PRESENTS, That

I, Harriet Williams

in the State aforesaid for and

in consideration of the sum of
\$1.00 one Dollars,

to me paid by Pleasant Meadow Baptist Church

in the State aforesaid (receipt whereof is hereby acknowledged)
Harriet Williams
have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Pleasant Meadow Baptist church.

The below described parcel or piece of land to become the property of said pleasant meadow Baptist Church as long as same is used as the Pleasant Meadow Baptist Church. When discontinued all property to belong to said Harriet Williams or Successors.

To Wit. One Parcel or tract of land described as follows: One small lot lying and being in Horry Co. S.C. Little River Township. S.C. in Little River Neck on old ordric Vaught road. Beginning at a stake on said road west 100 F T. thence South 110 F. T. thence East 100 Ft. thence north 110 Ft. to beginning point this being a part of tract of land conveyed to me by Amanada Nixon Deed dated Dec. 24th, 1943, and recorded in Book 15 at page 316, June 19th, 1944.

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 Pleasant Meadow Baptist Church, Little River Neck Heirs and Assigns forever.

And I do hereby bind myself and my heirs and executors and administrators, to warrant and forever defend all and singular the said premises unto the said Pleasant Meadow Baptist Church in Little River ToS. as long as used as above mentioned. heirs and assigns, against me and my heirs and all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS hand and seal, this 25 day of March in the year of our Lord one thousand nine hundred and forty-seven and in the one hundred and year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered }
in the Presence of }
D. W. Permenter Harriet Williams Ther rank (L. S.)
Estelle P. Bellamy Witnessed by L. S. Bellamy (L. S.)

STATE OF SOUTH CAROLINA, }
County of Horry.

PERSONALLY APPEARED before me D. W. Permenter
and made oath that he saw the within-named Harriet Williams
sign, seal and as her act and deed, deliver the within-written Deed; and that Estelle P. Bellamy, with Estelle P. Bellamy witnessed the execution thereof.

SWORN to before me this 25 day of March, A. D. 1947 }
L. S. Bellamy (L. S.) }
Notary Public for S. C. }
D. W. Permenter

STATE OF SOUTH CAROLINA, } RENUNCIATION OF DOWER
County of Horry. }
No Woman

I, _____
do hereby certify unto all whom it may concern that Mrs. _____
the wife of the within-named grantor,
did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named grantee,
heirs and assigns, all her interest and estate, and also all her right and claim of Dower, of, in or to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this _____
day of _____, Anno Domini 19____ (L. S.)

Notary Public for S. C. (L. S.)

I hereby certify that the within deed has been this }
28th day of June, A. D. 1947 }
Recorded in Book J of Deeds, Page _____ }
Fee \$ _____ Henry B. Brown }
Auditor for Horry County, S. C. }
Recorded this _____ day of _____ }
A. D. _____, in Book _____ Page _____, Fee \$ _____ }

Auditor for Horry County, S. C.



Marion D. Foxworth, III
Registrar

#4508

135247

R & Mtg Op
1543 Pg. 554
385610

I

FILED
HORRY COUNTY, S.C. 1990 AUG 31 PM 12:49

2002 MAR 22 AM 8:15 R.M.C.

R.M.C. MORTGAGE
2935 0601

The debt hereby encumbered is paid in full and the lien of this instrument is satisfied this 14th day of Feb. 2002 Peoples Federal Savings & Loan Assn.

For Sat. Sec. Mtg.
BK 2935 PG 601

By George H. McGrath, Jr., President
Peoples Federal Savings & Loan Assn.

[Space Above This Line For Recording Data]

CANCELED OF RECORD Register of Deeds MAR 22 2002 MORTGAGE

THIS MORTGAGE ("Security Instrument") is given on August 15 1990. The mortgagor is Lottia Rene Bellamy, f/k/a Kettie Rene Williams and Willie Faye Moore ("Borrower"). This Security Instrument is given to Peoples Federal Savings & Loan Association of South Carolina, which is organized and existing under the laws of the State of South Carolina, and whose address is Rose Office Box 1740, Conway, South Carolina 29526 ("Lender"). Borrower owes Lender the principal sum of EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY AND NO/100 Dollars (U.S. \$18,750.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on September 1, 2002. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender and Lender's successors and assigns the following described property located in Horry County, South Carolina:

ALL AND SINGULAR, that certain piece, parcel or tract of land situate, lying and being in Little River Township, County and State aforesaid, containing two (2) acres, more or less, and situate, lying and being on the Little River Neck surfaced road and bounded on the North by aforesaid road; East by S.J. Moss; South by Battie Vaught; and West by Ollie Moss.

Beginning at Amanda Nixon and Ordric Vaught line on the South side of Neck Road and running in a Southeasterly direction with Ordric Vaught and Amanda Nixon, 418 feet to stake on Vaught and Nixon line; thence in a line a distance of 170 feet in westwardly direction; thence running northwardly a distance of 561 feet to Neck Road; thence with Neck Road, an eastwardly direction 231 feet to starting point.

EXCEPTED:

ALL AND SINGULAR, that certain piece, parcel or lot of land in Little River Township, Little River Neck Road, County and State aforesaid, on Ordric Vaught road, beginning at stake on said road, West 100 feet; thence South 110 feet; thence East 100 feet; and thence North 110 feet to the beginning point, and bounded on the East by Ordric Vaught Road. This being the parcel of land deeded by Harriet Williams to Pleasant Meadow Baptist Church by deed filed June 28, 1947, in Deed Book 44 at page 274, Horry County records.

For derivation, see deed recorded in Deed Book 591, page 619, records of Horry County.

which has the address of 4100 Highway 236, Little River Neck Rd., North Myrtle Beach

South Carolina 29582 ("Property Address");

TO HAVE AND TO HOLD such property unto Lender and Lender's successors and assigns, forever, together with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

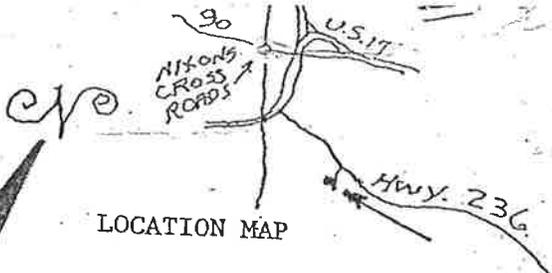
BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

601

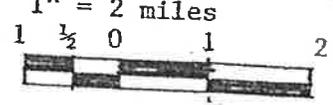
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MAGNETIC



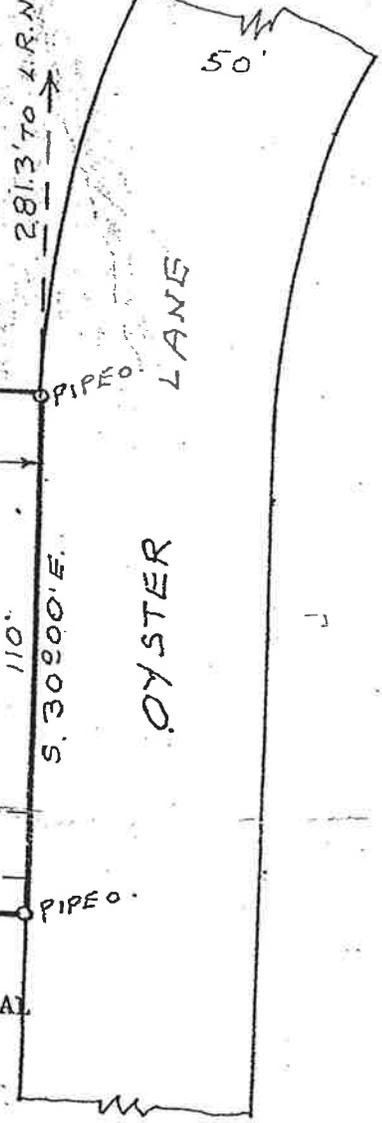
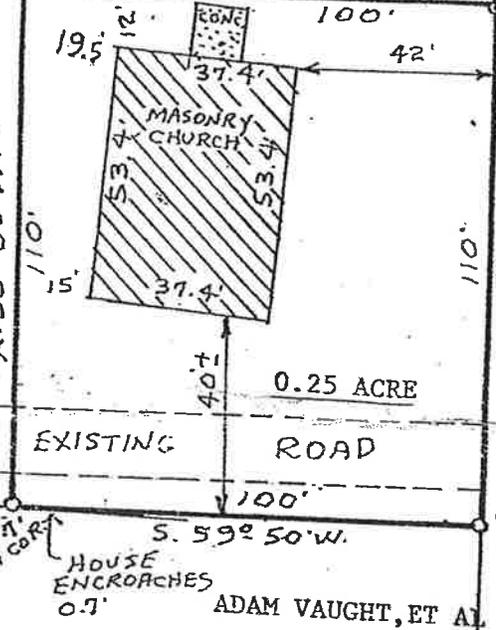
LOCATION MAP

SCALE OF MILES
1" = 2 miles

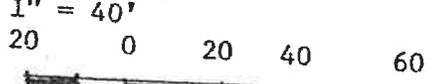


LOTTE RENE BELLAMY
REMAINDER
1.75 ACRES

IRON N. $N. 59^{\circ} 50' E.$



SCALE OF FEET
1" = 40'

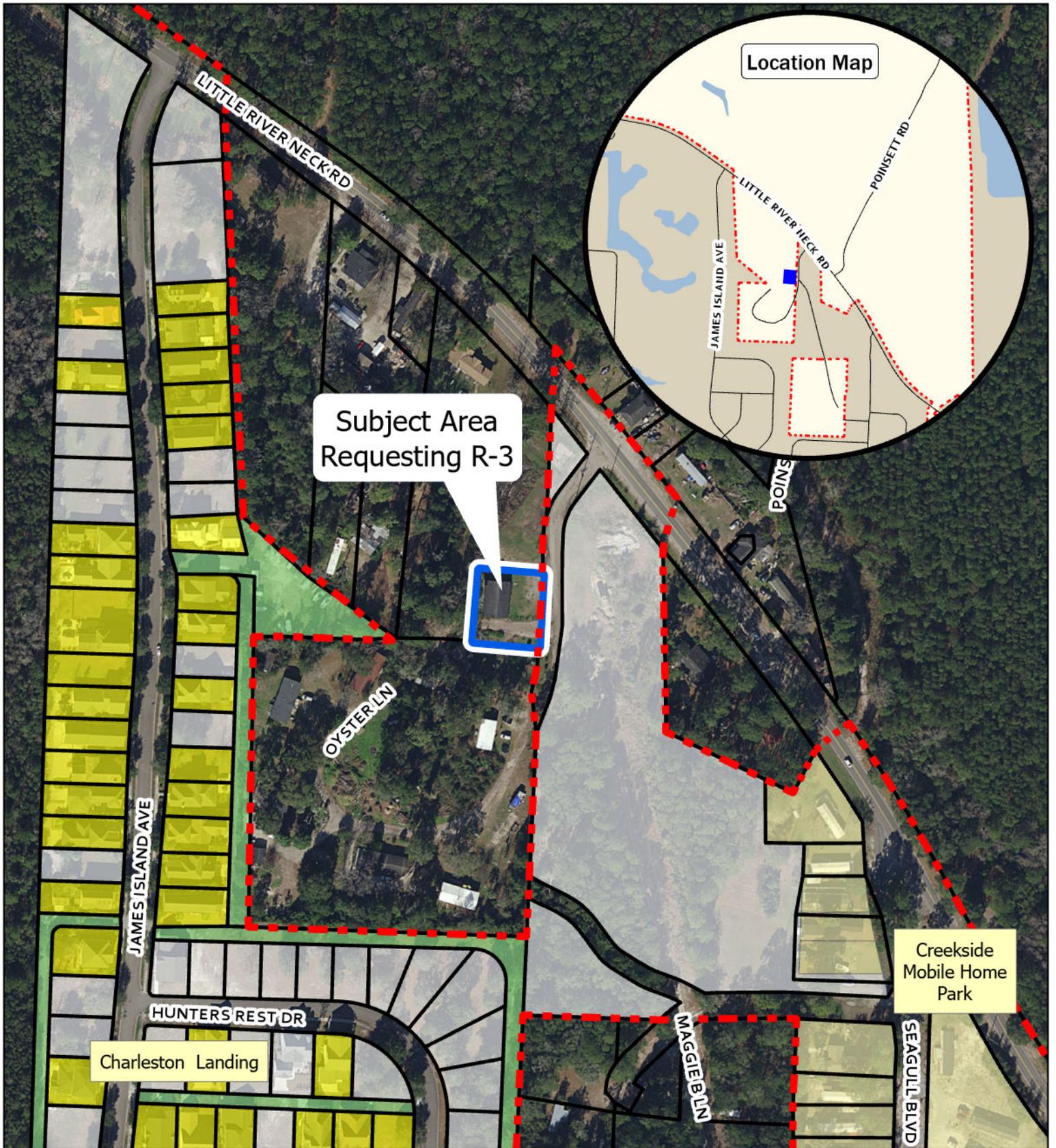


BEING A PORTION OF
TMS 131-13-025-011

THIS PROPERTY IS LOCATED IN
FLOOD ZONE X
COMMUNITY PANEL NO. 450-104-0366-F
EFFECTIVE DATE: SEPT. 3, 1992

ADAM VAUGHT, ET AL.
PLOT LAYOUT
PLEASANT MEADOW MISSIONARY BAPTIST CHURCH
LOCATED IN LITTLE RIVER NECK
NORTH MYRTLE BEACH
LITTLE RIVER TOWNSHIP - HORRY COUNTY, S. C.
BEING A PORTION OF 2.03 ACRES OWNED BY LOTTE
RENE BELLAMY
REF: PLOT LAYOUT OF 1.78 ACRES PREPARED FOR
LOTTE RENE BELLAMY & WILLIE FAYE MOORE
DATED JULY 16, 1990, BY ME.
SURVEYED FOR
PLEASANT MEADOW MISSIONARY BAPTIST CHURCH

June 28 1947



Subject Area Requesting R-3

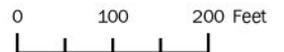
Location Map

Charleston Landing

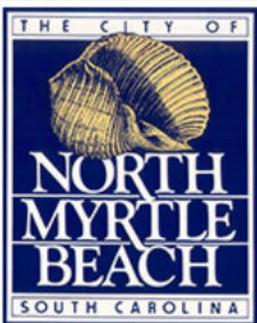
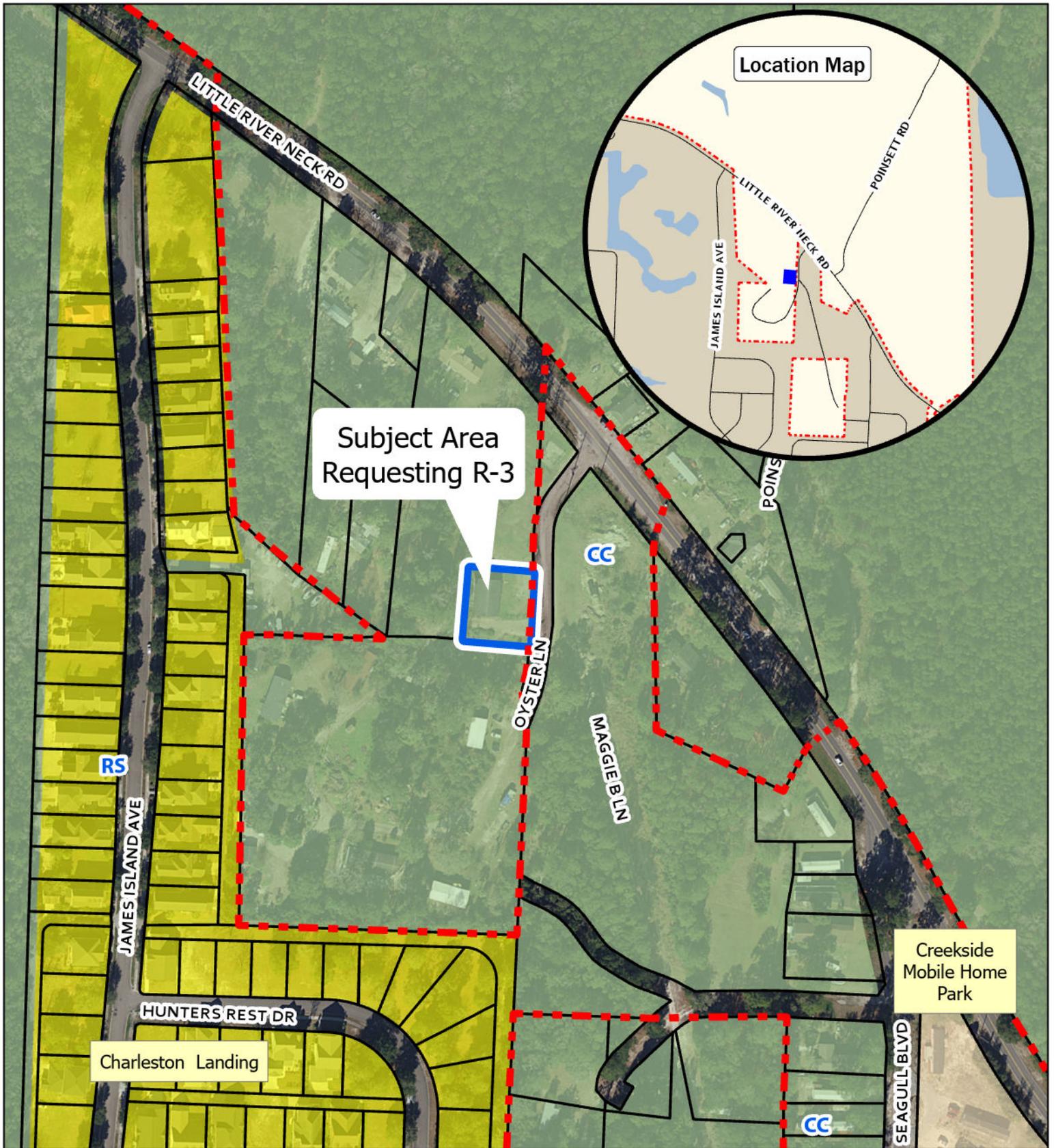
Creekside Mobile Home Park



- | | | | |
|-------------------------------|--|-------------|--------|
| North Myrtle Beach City Limit | Existing Land Use
Common Open Space | Mobile Home | Vacant |
| Subject Area | Single-Family | | |



Existing Land Use



-  Subject Area
-  North Myrtle Beach City Limit

Legend

- Future Land Use
-  CC
 -  RN

 RS



Future Land Use

