

HORRY COUNTY PLANNING COMMISSION



APRIL 6, 2023



Committed to Excellence

**HORRY COUNTY PLANNING COMMISSION MEETING
AGENDA**

April 6, 2023 – 5:30 p.m.

- I. Call to Order – 5:30 p.m.**
- II. Invocation & Pledge of Allegiance**
- III. Public Input- You must register in the Planning Department one hour prior to the meeting.**
- IV. New Business**
- V. Approval of Minutes**
 - 1. Planning Commission Workshop –February 23, 2023.....7-10
 - 2. Planning Commission Meeting – March 2, 2023.....11-16
- VI. Street Names - NO PUBLIC HEARING REQUIRED.....17**
- VII. Street Names- PUBLIC HEARING REQUIRED.....18-19**
Conway Postal District (29526)
Justin Street– A 50’ private access easement off Warf Drive in Conway and currently known as McCray Way.
- VIII. Public Hearings**
 - 1. **2023-03-006-** Felix Pitts, G3 Engineering, agent for Chatham Crossing, LLC- Request to rezone from Limited Industrial (LI) to Convenience and Auto-related Services (RE3) located off Postal Way and Hwy 501 in Myrtle Beach (Council Member/Commissioner: DiSabato/Rhome).....26-54
Development Agreement-An Ordinance to Approve a Development Agreement between Horry County and Chatham Crossing, LLC. pertaining to 46.42 acres and identified as PIN 399-00-00-0425, and located on Postal Way. A copy of the development agreement can be obtained at the Horry County Planning Office, 1301 Second Ave, Conway, SC 29526.....27-49
 - 2. **2023-03-007-** Thomas & Hutton, agent for Tamsley Ann Waters Seaborn Etal & Elizabeth M Waters Whitty Etal- Request to rezone 129.6 acres from Highway Commercial (HC) & Limited Industrial (LI) to Planned Development (PDD) located off Postal Way and Highway 501 in Myrtle Beach (Council Member/Commissioner: DiSabato/Rhome).....55-77
Development Agreement- An Ordinance to Approve a Development Agreement between Horry County and RIRA GP INC. pertaining to 129.6 acres and identified as PINs 399-00-00-0417 and 399-00-00-0398 and located on Postal Way. A copy of the development agreement can be obtained at the Horry County Planning Office, 1301 Second Ave, Conway, SC 29526.....56-72
 - 3. **2023-03-001-** Janet Floyd, agent for Delanie Yates- Request to rezone 0.53 acres from Neighborhood Retail Services (RE 1) to Residential (MSF 10) located on Radius Rd in Longs (Council Member/Commissioner: Causey/Ford)78-83
 - 4. **2023-03-002-** Janet Floyd - Request to rezone 0.53 acres from Neighborhood Retail Services (RE 1) to Residential (MSF 10) located on Radius Rd in Longs (Council Member/Commissioner: Causey/Ford).....84-89



HORRY COUNTY PLANNING COMMISSION MEETING

5. **2023-03-003-** Jeffrey A. Kersey Jr.- Request to rezone 7.81 acres from Forest Agriculture (FA) and Commercial Forest Agriculture (CFA) to Commercial Agriculture (AG2) located on Mt. Pisgah Cemetery Rd off Hwy 701 N in Conway (Council Member/Commissioner: Allen/Brown).....90-95
6. **2023-03-004-** Venture Engineering, agent for Boathouse Marinas, LLC- Request to rezone 3.18 acres from Highway Commercial (HC) to Boating/Marine Commercial (BO1) located on Morgan Ave in Little River (Council Member/Commissioner: Causey/Ford)96-101
7. **2023-03-005-** Jason and Phoebe Britt- Request to rezone 27 acres from Planned Development (PDD) to Commercial Agriculture (AG2) located on River Oaks Dr in Myrtle Beach (Council Member/Commissioner: DiSabato/Rhome)102-107
8. **2023-03-008-** Trent Hardee, agent for Hardee Family Holdings, LLC- Request to rezone 0.62 acres from Commercial Forest Agriculture (CFA) to Retail with Accessory Outdoor Storage (RE4) located on Hwy 501 in Conway (Council Member/Commissioner: Allen/Brown).....108-113
9. **2023-03-009-** Stephen Scholz- Request to rezone 1 acre from Residential (SF 40) to Residential (MSF 40) located at 3142 Hwy 378 in Conway (Council Member/Commissioner: Allen/Brown).....114-119
10. **DEFERRED- 2023-03-010-** Diamond Shores, agent for J Martin, LLC- Request to rezone 54.44 acres from Multi Residential (MRD 1) to Multi Residential (MRD 1) & Retail with Accessory Outdoor Storage (RE 4) located off of SC 9 and Underwood Rd in Longs (Council Member/Commissioner: Causey/Ford)

IX. Text Amendments

1. AN ORDINANCE TO AMEND APPENDIX B, ARTICLE XI OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO SPECIAL EXCEPTIONS.....120-130

X. Adjourn



**HORRY COUNTY PLANNING COMMISSION WORKSHOP
AGENDA**

March 30, 2023 – 3:00 PM

I. Call to Order – 3:00 PM

II. Street Names - NO PUBLIC HEARING REQUIRED

III. Design Modifications

D.R. Horton- Glenss Bay Townhomes- PIN 458-00-00-0281- “Access Management – External Land Development Access Requirements”.....20-24

IV. Rezoning Requests

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VI. Adjourn

PLANNING & ZONING DEPT
1301 2nd Avenue Room 1D09
Conway, SC 29526

Phone: (843) 915-5340
Fax: (843) 915-6341



Memorandum

To: Planning Commission Members
From: Kaitlin Todd, Planning and Zoning Technician
Date: March 17, 2023
Re: Upcoming Meeting Dates and Times

April 18, 2023

6:00 PM

County Council Meeting

Council Chambers, 1301 Second Ave, Conway

April 27, 2023

3:00 PM

Planning Commission Workshop

Multi-purpose Room B, 1301 Second Ave, Conway

May 2, 2023

6:00 PM

County Council Meeting

Council Chambers, 1301 Second Ave, Conway

May 4, 2023

5:30 PM

Planning Commission Meeting

Multi-purpose Room B, 1301 Second Ave, Conway

May 16, 2023

6:00 PM

County Council Meeting

Council Chambers, 1301 Second Ave, Conway

Public Hearing Notice

The Horry County Planning Commission will hold a public hearing on Thursday, April 6, 2023 at 5:30 PM in the Multi-purpose Room of the Government & Justice Center located at 1301 Second Ave in Conway, South Carolina for the following rezoning requests. The Planning Commission Workshop will be held Thursday, March 30, 2023 at 3:00 PM. All interested persons are urged to attend.

2023-03-001- Janet Floyd, agent for Delanie Yates- Request to rezone 0.53 acres from Neighborhood Retail Services (RE 1) to Residential (MSF 10) located on Radius Rd in Longs (Council Member/Commissioner: Causey/Ford)

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Development Agreements

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Street Names

Conway Postal District (29526)

Justin Street– A 50’ private access easement off Warf Drive in Conway and currently known as McCray Way.

Title VI Notice

Horry County Government does not discriminate on the basis of race, color, national origin or sex, under Title VI of the Civil Rights Act. Persons who believe their access to services or programs is limited in violation of Title VI may contact the Title VI Coordinator at 843-915-7354.

Es la poliza de Gobierno de Condado de Horry de asegurar que ninguna persona sea excluida de participacion o sea negado los beneficios, o sea desicriminado bajo cualquiera de sus programas y actividades financiado con fondos federales sobre la base de raza, color, origen nacional o sexo, como proveido por el Titulo VI. Las personas que creen que su acceso a los servicios o programas es limitado en violacion del Titulo VI puede ponerse en contacto con los Coordinadores de Titulo VI, al 843-915-7354.

Americans with Disabilities Act (ADA) Information

The meeting site is accessible to persons with disabilities. Accommodations for persons with disabilities may be arranged with advance notice by calling the Title VI Coordinator at 843-915-7354.

Informacion sobre el Acta (ADA) para estadounidenses con discapacidades

El lugar de la reunion es accessible para las personas con discapacidades. Se puede hacer arreglos de acomodacion razonable para las personas con discapacidades, con aviso anticipado, llamando con los Coordinadores de Titulo VI, al 843-915-7354.

Zoning Districts

(Highlighted districts are no longer available for use in the rezoning of property. For a complete list of uses by district, please review the complete Horry County Zoning Ordinance.)

AG1	Agriculture	Businesses for the raising, care and harvesting of trees, plants, animals and crops
AG2	Commercial Agriculture	Farm related businesses characterized as agriculture-commercial in nature
AG3	Agricultural Community Services	Intended for businesses that meet the needs of the rural community
AG4	Agricultural Estate	Residential development of five acres or greater with non-commercial farming activities, horses and limited farm animals
AG5	Agricultural Manufactured Estate	Residential development of five acres or greater including manufactured, modular and mobile homes with non-commercial farming activities, horses & limited farm animals
AG6	Agricultural Ranchettes	Residential on two acres or greater with non-commercial farming activities & horses
AG7	Manufactured Agricultural Ranchettes	Residential development of two acres or greater including manufactured, modular and mobile homes with non-commercial farming activities
LFA	Limited Forest Agriculture	Agriculture, low-density residential, forestry uses as well as limited commercial (agriculturally related), social, cultural, recreational, and religious uses
FA	Forest Agriculture	Agriculture, forestry, low-density residential, limited commercial (maximum size of 4,500 sq.ft.), social, cultural, recreational, and religious uses
CFA	Commercial Forest Agriculture	Agriculture, forestry, low-density residential, commercial, social cultural, recreational and religious uses
CP	Conservation/Preservation	Preserves environmentally sensitive or scenic lands
BO1	Boating/Marine Commercial	Businesses reliant on the ocean, rivers and streams
RE	Rural Estates	Rural family farms with minimum 1-acre lots excluding mobile home and including livestock and limited commercial
SF40	Residential, no mobile homes allowed	Minimum lot size - 40,000 sq. ft.
SF20	Residential, no mobile homes allowed	Minimum lot size - 20,000 sq. ft.
SF14.5	Residential, no mobile homes allowed	Minimum lot size - 14,500 sq. ft.
SF10	Residential, no mobile homes allowed	Minimum lot size - 10,000 sq. ft.
SF8.5	Residential, no mobile homes allowed	Minimum lot size - 8,500 sq. ft.
SF7	Residential, no mobile homes allowed	Minimum lot size - 7,000 sq. ft.
SF6	Residential, no mobile homes allowed	Minimum lot size - 6,000 sq. ft.(SF) or 8,000 sq. ft. (duplex)
MSF40	Residential, including mobile homes	Minimum lot size - 40,000 sq. ft.
MSF20	Residential, including mobile homes	Minimum lot size - 20,000 sq. ft.
MSF14.5	Residential, including mobile homes	Minimum lot size - 14,500 sq. ft.
MSF10	Residential, including mobile homes	Minimum lot size - 10,000 sq. ft.
MSF8.5	Residential, including mobile homes	Minimum lot size - 8,500 sq. ft.
MSF7	Residential, including mobile homes	Minimum lot size - 7,000 sq. ft.
MSF6	Residential, including mobile homes	Minimum lot size - 6,000 sq. ft.(SF) or 8,000 sq. ft. (duplex)
MHP	Mobile Home Park	Mobile home developments in which lots are leased
MRD 1	Multi-Residential One	Allows for mixed residential development in the <i>rural communities</i> areas of the county as identified on the future land use map.
MRD 2	Multi-Residential Two	Allows for mixed residential development in the <i>suburban</i> areas of the county as identified on the future land use map
MRD 3	Multi-Residential Three	Allows for mixed residential development in the <i>community activity center and mixed use</i> areas as identified on the future land use map
GR	General Residential	High density development including apartments and condominiums
GRn	General Residential "n"	One, two, multi-family, apartment and condominiums at a specified density per acre. No mobile homes are allowed.

RR	Resort Residential	Hotels, motels and resort condominiums
RC	Resort Commercial	Hotels, motels, condominiums, and marinas
RH	Resort Housing	Medium to high-density housing for transient population
AC	Amusement Commercial	Businesses providing entertainment as its primary activity
AM1	Indoor Amusement Commercial	Amusement related uses within buildings or facilities
AM2	Outdoor Amusement Commercial	Amusement related uses generally located outside buildings or facilities
NC	Neighborhood Commercial	Businesses intended to serve the surrounding neighborhood
CC	Community Commercial	Pedestrian-oriented commercial centers
HC	Highway Commercial	Automobile-oriented commercial development
CR	Commercial Recreation	Allows uses focused on commercially operated recreational activities
EIO	Education, Institution, Office	Allows uses focused on providing services that meet the education, medical, personal, professional, religious, and social needs of the community
RCS	Retail Consumer Services	Allows uses focused on commercially operated recreational activities public consumes, purchases or participates in as part of their day-to-day activities
TRS	Transportation Related Services	Allows uses that are auto reliant or focused on providing services for autos, public or private transportation facilities, services and communication facilities
RE1	Neighborhood Retail Services	Retail business or services with limited impacts intended to serve immediate neighborhood
RE2	Community Retail Services	Retail Business uses near communities or along transportation corridors
RE3	Convenience & Auto-related Services	Retail and service uses located adjacent to arterials or collector streets
RE4	Retail w/ Accessory Outdoor Storage	Retail or services businesses requiring outdoor storage areas
PA1	Passenger & Product Transportation	Intended for businesses that move people or goods within Horry County or to other destinations
OPI	Office/Professional/Institutional	Office developments, hospitals, and nursing homes
PR1	Office-Professional	Office or institutional uses
PR2	Campus Institution, Office & Research	Research, institutional & light industrial uses that are developed in "park" settings
ME1	Inpatient Medical Services	Inpatient and outpatient medical services (doctor's office, clinics etc.)
ME2	Outpatient Medical Services	Intense outpatient medical services (drug treatment centers, counseling facilities etc.)
LI	Limited Industrial	Industries not considered objectionable in terms of smoke noise, etc.
HI	Heavy Industrial	Large scale manufacturing, processing, and assembling operations
MA1	Limited Manufacturing and Industrial	Industries that do not pose potential environmental or safety hazards
MA2	General Manufacturing and Industrial	Industrial and manufacturing uses that may require outdoor storage
MA3	Heavy/Intense Manufacturing and Industrial	Intense manufacturing and industrial uses not appropriate in proximity to commercial or residential uses
PDD	Planned Development District	Allows for mixture of residential, commercial, office, industrial uses on a single site provided a written narrative and conceptual plan are submitted (PDD replaces the PUD district)
DP	Destination Park	Recreational sites for travel trailers and campers

HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY

2023-2024 Forecasted 45-Day Modified Average Daily Membership*

	School	Facility Type	Functional Capacity	2022-23 45-Day Modified ADM *	2022-23 Utilization	2023-24 45-Day Modified ADM *	2023-24 Utilization
AYNOR	Aynor Elementary School	CD-5	714	784	110%	790	111%
	Midland Elementary School	CD-5	735	610	83%	618	84%
	Aynor Middle School	6-8	707	750	106%	710	100%
	Aynor High School	9-12	1,059	784	74%	806	76%
CAROLINA FOREST	Carolina Forest Elementary School	CD-5	971	1,211	125%	1,220	126%
	Ocean Bay Elementary School	CD-5	783	1,032	132%	1,037	132%
	River Oaks Elementary School	CD-5	870	1,286	148%	1,305	150%
	Palmetto Bays Elementary School	CD-5	685	574	84%	577	84%
	Waccamaw Elementary School	CD-5	863	967	112%	951	110%
	Black Water Middle School	6-8	859	777	90%	814	95%
	Ocean Bay Middle School	6-8	1,010	706	70%	743	74%
	Ten Oaks Middle School	6-8	1,200	1,118	93%	1,189	99%
	Carolina Forest High School	9-12	2,388	2,797	117%	3,012	126%
CONWAY	Conway Elementary School	CD-5	661	557	84%	534	81%
	Homewood Elementary School	CD-5	639	661	103%	660	103%
	Kingston Elementary School	CD-5	639	444	69%	452	71%
	Pee Dee Elementary School	CD-5	827	842	102%	869	105%
	South Conway Elementary School	CD-5	661	571	86%	592	90%
	Conway Middle School	6-8	657	581	88%	593	90%
	Whittemore Park Middle School	6-8	1,200	859	72%	893	74%
	Conway High School	9-12	2,095	1,531	73%	1,555	74%
GREEN SEA	Green Sea Floyds Elementary School	CD-5	681	580	85%	572	84%
	Green Sea Floyds High School (6-12)	9-12	819	608	74%	620	76%
LORIS	Daisy Elementary School	CD-5	682	614	90%	626	92%
	Loris Elementary School	CD-5	874	759	87%	762	87%
	Loris Middle School	6-8	859	697	81%	707	82%
	Loris High School	9-12	1,059	765	72%	781	74%
MYRTLE BEACH	Myrtle Beach Early Childhood School	CD-1	594	487	82%	479	81%
	Myrtle Beach Primary School	2-3	710	653	92%	648	91%
	Myrtle Beach Elementary School	4-5	1,101	1,019	93%	1,023	93%
	Myrtle Beach Middle School	6-8	1,200	1,070	89%	1,053	88%
	Myrtle Beach High School	9-12	1,329	1,505	113%	1,513	114%
N. MYRTLE BEACH	Ocean Drive Elementary School	CD-5	827	813	98%	783	95%
	Riverside Elementary School	CD-5	664	679	102%	685	103%
	Waterway Elementary School	CD-5	823	794	96%	808	98%
	North Myrtle Beach Middle School	6-8	1,200	1,260	105%	1,287	107%
	North Myrtle Beach High School	9-12	1,464	1,451	99%	1,489	102%
SOCASTEE	Forestbrook Elementary School	CD-5	1,030	844	82%	827	80%
	Lakewood Elementary School	CD-5	1,006	854	85%	827	82%
	Socastee Elementary School	CD-5	849	803	95%	803	95%
	Forestbrook Middle School	6-8	1,086	821	76%	793	73%
	Socastee Middle School	6-8	909	541	60%	554	61%
	Socastee High School	9-12	1,644	1,571	96%	1,639	100%
ST JAMES	Burgess Elementary School	CD-4	714	677	95%	651	91%
	Seaside Elementary School	CD-4	661	417	63%	398	60%
	St. James Elementary School	CD-4	758	829	109%	859	113%
	St. James Intermediate School	5-6	1,092	848	78%	851	78%
	St. James Middle School	7-8	985	898	91%	884	90%
St. James High School	9-12	1,577	1,738	110%	1,784	113%	

School is Considered Category 1 (Red Zone) - 95% Capacity Threshold Reached

Functional Capacity: Functional Capacity is the result of comparing the actual use of a space in a facility against the original design intent of the facility. Functional Capacity better reflects the actual space constraints a school may be experiencing and helps in planning for individual facility needs, such as additional support spaces. This number can fluctuate annually depending on how a facility is programmed and when various support programs change.

***Modified ADM:** The number does not include students in certain special education classes and students attending various academic programs such as Academy for Arts, Science & Technology, Academy for Technology & Academics, SOAR Academy, or the Therapeutic Learning Center.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

Horry County Planning Commission
Planning Commission Workshop
Thursday, February 23, 2023

The Horry County Planning Commission met on Thursday, February 23, 2023 at 3:00 PM. The following commission members were present: Hunter Platt, Jeffery Solan, Lance Thompson, Bunky Ford, and Charles Brown. Staff present included David Jordan, Andy Markunas, Thom Roth, Kaitlin Todd, Grayson Strickland, Charles Suggs, and Stewart Miller. Commission members not present: Chuck Rhome, Joey Ray, Paul Stecker, Chris Hennigan, Burnett Owens, and Jody Prince.

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time, and place of the meeting.

Call to Order – Chairman Hunter Platt called the meeting to order at approximately 3:03 PM. There was not a valid quorum present.

Street Names - NO PUBLIC HEARING REQUIRED

Charles Suggs gave an overview.

Design Modifications

PIN 291-00-00-0007 – Enoch Road LLC (Preserve at Cypress Commons) – Access Management Requirements (required number of internal and external access points) (Council Member/ Commissioner: Allen/Brown)

Moved to the March 2, 2023 meeting.

Vested Rights Extension

DEFERRED- PIN 41700000006- Sago Plantation Phase 4- To grant an extension of vested rights for a period of 1 year (Council Member/Commissioner: Masciarelli/Owens)

Rezoning Requests

2023-01-006- Peter Caye, Giddings-Group, LLC, agent for RL Bell Inc- Request to rezone 18.72 acres from Highway Commercial (HC) & Commercial Forest Agriculture (CFA) to Multi Residential (MRD3) located on Pecan St and Highway 9 E in Little River (Council Member/Commissioner: Causey/Ford)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Highway Commercial (HC) & Commercial Forest Agriculture (CFA) to Multi Residential (MRD3) to allow 374 multi-family units. Mr. Suggs explained the gross and net density was 19.9 units/acre. Mr. Suggs explained the development included three sustainable criteria: sidewalks, community garden, and 100% increase in active open space. Due to the existing easements on the property the applicant did apply for a variance that was approved. John Danford was present to address any questions and concerns. Mr. Danford explained the access points were at Hwy 9 and Pecan St, the improvements made to the roadways and infrastructure, and the Santee Cooper easements on the parcel. Lance Thompson questioned if there were medians on Hwy 9. Mr. Danford explained there was not, but they would still need to obtain an encroachment permit from SCDOT. Bunky Ford questioned if the driveway on the west side of the property will lead to future expansion and if the development would affect the access to the Pool & Spa Company. Mr. Danford explained they extended a paved access to an adjacent property at request of the property owner and that the development will have no effect on any surrounding property owners’

accesses. Hunter Platt questioned if the controlled access is where the accel lane ends on Hwy 9 and Mr. Danford explained that it is right after.

PC-2023-01* A resolution to amend the Future Land Use Map of Imagine 2040 Comprehensive Plan for PIN 18408040016 from Rural Communities to Suburban. (Associated with rezoning 2023-01-009)
2023-01-009- Venture Engineering, agent for Abrigo Guardado- Request to rezone 0.92 acres from Forest Agriculture (FA) to Residential (SF 6) located on Prince St in Loris (Council Member/Commissioner: Causey/Ford)

Charles Suggs gave an overview. Mr. Suggs explained there was a Future Land Use Map Amendment from Rural Communities to Suburban because of minimum lot size requirements. The applicant was requesting to rezone from Forest Agriculture (FA) to Residential (SF 6) to put in 4 single family lots. Cassidy Callaghan was present to address any questions and concerns. Ms. Callaghan included that the proposed plan has lower density than the surrounding properties.

2023-02-001- James Anderson III, agent for Hickman Rd, LLC- Request to rezone 1.97 acres from Planned Development District (PDD) to Agricultural Community Services (AG 3) located on Red Bluff Rd in Loris (Council Member/Commissioner: Hardee/Prince)

Charles Suggs gave an overview. Mr. Suggs explained that the applicant was requesting to rezone from Planned Development District (PDD) to Agricultural Community Services (AG 3) to allow mini storage or retail shops. Mr. Suggs included that the parcel is within the AE & Supplemental flood zone on the back of the parcel. The applicant was not present to address any questions and concerns.

2023-02-002- Venture Engineering, agent for South Creekside, LLC - Request to rezone 3.14 acres from Commercial Forest Agriculture (CFA) to Retail with Accessory Outdoor Storage (RE 4) located at the corner of Hwy 707 and Holmestown Rd in Myrtle Beach (Council Member/Commissioner: Loftus/Thompson)

Charles Suggs gave an overview. Mr. Suggs explained that the applicant was requesting to rezone from Commercial Forest Agriculture (CFA) to Retail with Accessory Outdoor Storage (RE 4) to have boat and RV storage. Mr. Suggs included that the parcel does have a 75' power line R/W and was within the 707 and Burgess Community overlays. Mr. Suggs included that the Burgess Community Area Plan does encourage the commercial development at transportation nodes. Cassidy Callaghan was present to address any questions and concerns.

2023-02-003- Blairmak Homes, LLC- Request to rezone 0.3 acres from Highway Commercial (HC) to Residential (SF 6) located on Stanley Dr in Garden City (Council Member/Commissioner: Servant/Ray)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Highway Commercial (HC) to Residential (SF 6) to subdivide the property to place two residential homes. Mr. Suggs included that the minimum lot width requirement was also another reason for the request. The applicant did apply for variance for the lot width requirement that was denied. The parcel is within the Garden City overlay. The applicant was not present to address any questions and concerns.

2023-02-004- Diamond Shores, LLC agent for Klaus Higor Rangel- Request to rezone 6.76 acres from Residential (SF 40) to Multi Residential (MRD 3) and Residential (SF 6) located at 5750 Enterprise Rd in Myrtle Beach (Council Member/Commissioner: Crawford/Stecker)
Design Modification: Access Management Requirements (required number of external access points)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Residential (SF 40) to Multi Residential (MRD 3) and Residential (SF 6) to allow 61 townhomes. The applicant did propose for a 1.15-acre portion to rezone to SF 6 for the existing single-family home. Mr. Suggs explained the plan proposes one point of access, 35' streetscape buffer, 25' type a buffer, 20' public drainage easement, and internal sidewalks. The applicant did apply for a design modification for Planning Commission Workshop
February 23, 2023

external access management. The plan did propose the 3-lane requirement, but they were looking to shorten the depth from 125' to 40'. Mr. Suggs explained that the FLU does support increasing the density the closer you get to Neighborhood Activity Centers. Dave Thomas was present to address any questions and concerns. Mr. Thomas explained that the FLU does support the project and that the adjacent properties are zoned similar.

2023-02-005- Christopher Harrelson, agent for Southern Suds, LLC- Request to rezone 2.09 acres from Community Retail Services (RE 2) to Retail with Accessory Outdoor Storage (RE 4) located at 3914 Hwy 701 S in Conway (Council Member/Commissioner: Anderson/Hennigan)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Community Retail Services (RE 2) to Retail with Accessory Outdoor Storage (RE 4) to allow a contractor's office. The applicant was not present to answer any questions and concerns.

DEFERRED-2023-02-006- Venture Engineering, agent for No Place Like Home, LLC- Request to rezone 18.44 acres from Commercial Forest Agriculture (CFA) and Limited Industrial (LI) to Multi Residential (MRD 1) located off Chestnut Rd in Longs (Council Member/Commissioner: Causey/Ford)

2023-02-007- Venture Engineering, agent for JTT's Rentals, LLC- Request to rezone 0.91 acres from Agricultural Community Services (AG 3) to Residential (MSF 10) located at the corner of Landmark Rd and Hallie Martin in Conway (Council Member/Commissioner: Allen/Brown)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Agricultural Community Services (AG 3) to Residential (MSF 10) to allow 7 residential lots. Mr. Suggs included that the FLU for the area was Rural, but the request will keep up with the character of the area. Cassidy Callaghan was present to address any questions and concerns.

2023-02-008- Sean Williams, agent for William & Ginger Ward- Request to rezone a 2-acre portion from Forest Agriculture (FA) to Commercial Agriculture (AG 2) located at 3912 Highway 45 in Loris (Council Member/Commissioner: Hardee/Prince)

Charles Suggs gave an overview. Mr. Suggs explained that the applicant was requesting to rezone a 2-acre portion from Forest Agriculture (FA) to Commercial Agriculture (AG 2) to allow RV and camper sales. Mr. Suggs explained that the FLU was rural, but does support some agricultural commercial activities. The applicant was not present to answer any questions and concerns.

2023-02-009- Earthworks Group, Agent for RSG Myrtle Beach, LLC- Request to rezone 2.6 acres from Highway Commercial (HC) to Passenger and Product Transportation (PA 1) located at the corner of Hwy 544 & Meadowbrook Dr in Myrtle Beach (Council Member/Commissioner: Masciarelli/Owens)

Charles Suggs gave an overview. Mr. Suggs explained the applicant was requesting to rezone from Highway Commercial (HC) to Passenger and Product Transportation (PA 1) to allow motor freight transportation and warehousing. Mr. Suggs included that the plan does include 2 access points and that the parcel was within the Hwy 544 overlay. The applicant did submit a Zoning Administrative Decision Form indicating the applicant wanted to operate a Two Men & A Truck moving business on the property and the Zoning Administrator deemed that the business was classified motor freight and transportation and warehousing. The applicant did appeal the decision to the ZBA where the determination was upheld requiring them to rezone. Dan Park was present to address any questions and concerns.

2023-02-010- Trent Hardee, agent for Richard Earl Hardee- Request to rezone 6.12 acres from Residential (MSF 10) and Retail with Accessory Outdoor Storage (RE 4) to Commercial Agriculture (AG 2) located at the corner of Hwy 905 & Duck Cove Rd in Conway (Council Member/ Commissioner: Hardee/Prince)

Charles Suggs gave an overview. Mr. Suggs explained that the applicant was requesting to rezone from Residential (MSF 10) and Retail with Accessory Outdoor Storage (RE 4) to Commercial Agriculture (AG 2) to allow the expansion of an existing boat and RV storage yard. Trent Hardee was present to address any questions and concerns.

Text Amendments

1. AN ORDINANCE TO AMEND APPENDIX B, ARTICLE XI OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO SPECIAL EXCEPTIONS

Charles Suggs gave an overview. Mr. Suggs explained the text amendment allow weddings and event venues based on new requirements. The current zoning ordinance options allowing these uses require the parcel to be historically designated, rural tourism permit by special exception from ZBA (must be 20 acres and/or 20 contiguous acres, not zoned residential, located in rural, rural community, rural activity center or scenic and conservation area on the future land use maps), or be zoned Outdoor Commercial Amusement (AM 2). The proposed new requirements were:

- Request a special exception from the ZBA
- 10 acres of land zoned CFA, FA, RE 3, RE 4, HC, CR, TRS, or RCS
- 75' setback from all property lines
- Not located on a shared private drive or ingress/egress easement
- Hours of operation limited to 7:00 AM to 11:00 PM
- No amplified sound outside of a fully enclosed structure
- Additional fencing and lighting requirements to mitigate impacts for adjacent properties

There were no questions for staff.

With no further business, Charles Brown made a motion to adjourn and Lance Thompson seconded. The motion carried unanimously, and the meeting adjourned at approximately 3:35 PM.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY) **Horry County Planning Commission**
Planning Commission Meeting
Thursday, March 2, 2023

The Horry County Planning Commission met on Thursday, March 2, 2023 at 5:30 p.m. in Multi-purpose Room B of the Government & Justice Center located at 1301 Second Avenue in Conway, SC. The following commission members were present: Hunter Platt, Jeffrey Solan, Chuck Rhome, Lance Thompson, Joey Ray, Bunky Ford, Paul Stecker, Burnett Owens, Jody Prince, and Charles Brown. Staff present included David Jordan, Andy Markunas, Thom Roth, Charles Suggs, Greyson Strickland, Kaitlin Todd, and Stewart Miller. Commission members not present: Chris Hennigan

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time, and place of the meeting.

CALL TO ORDER – Chairman Hunter Platt called the meeting to order at approximately 5:31 p.m. There was a quorum present. Lance Thompson led the invocation and the Pledge of Allegiance.

PUBLIC INPUT –

Richard J. Martino- Vested Rights Extension- Sago Plantation Phase 4

Richard Martino spoke about the Vested Rights Extension for Sago Plantation Phase 4. His concerns were the accesses through his private community.

NEW BUSINESS – None

APPROVAL OF MINUTES

Planning Commission Workshop- January 26, 2023

Planning Commission Meeting – February 2, 2023

With no corrections or additions to the minutes, Lance Thompson made a motion to approve as presented and Bunky Ford seconded. The motion to approve the minutes carried unanimously.

NEW STREET NAMES – NO PUBLIC HEARING REQUIRED

Conway Postal District (29526)

Warf Mobile Home Park

Brenda Sondra Drive

Longs Postal District (29568)

Pelican Crossing

Hope Bird Drive

Laughing Gull Drive

Pelican Glide Drive

North Myrtle Beach Postal District (29572)

Sentosa Apartments

Sentosa Drive

Falcon Gate Loop

David Jordan gave an overview. Charles Brown made a motion to approve as presented and Lance Thompson seconded. The motion to approve carried unanimously.

DESIGN MODIFICATIONS

PIN 417-00-00-0007- Hidden Pines - To waive the access management standards of a Major Subdivision. Masciarelli/Owens

David Jordan gave an overview and explained the design modification had previously been approved, but the applicant was amending it to have an emergency crash gate permanently installed on the 2nd point of access through Sago Plantation. Charles Brown made a motion to approve and Paul Stecker seconded. The motion to approve carried, with Hunter Platt voting no.

PIN 291-00-00-0007 – Enoch Road LLC (Preserve at Cypress Commons) – Access Management Requirements (required number of internal and external access points) (Council Member/ Commissioner: Allen/Brown)

David Jordan gave an overview and explained the applicant was requesting to install a 50' private emergency access easement, provided from the edge of public right-of-way to Party Pines and built to 22' base road standards. John Danford was present to address any questions and concerns. John Danford explained that they were limited to accesses due to existing wetlands. Charles Brown made a motion to approve and Jeffrey Solan seconded. The motion to approve carried unanimously.

Vested Rights Extension

PIN 4170000006- Sago Plantation Phase 4- To grant an extension of vested rights for a period of 1 year (Council Member/Commissioner: Masciarelli/Owens)

David Jordan gave an overview and explained that the applicant was requesting for another year to complete the proposed plan. Paul Stecker made a motion to approve. The motion to approve carried unanimously.

REZONING REQUESTS

2023-01-006- Peter Caye, Giddings-Group, LLC, agent for RL Bell Inc- Request to rezone 18.72 acres from Highway Commercial (HC) & Commercial Forest Agriculture (CFA) to Multi Residential (MRD3) located on Pecan St and Highway 9 E in Little River (Council Member/Commissioner: Causey/Ford)

David Jordan gave an overview and explained the applicant was requesting to rezone from Highway Commercial (HC) and Commercial Forest Agriculture (CFA) to Multi Residential (MRD3) to allow 374 multi family units. Susan Kreyer spoke in opposition of this request. Her concerns were traffic, school capacity, property values, preservation of trees, and construction access. Hunter Platt asked Andy Markunas to address the question on the restricted excel lanes. Andy Markunas explained the SCDOT would not allow a curb cut for the property. John Danford was present to address any questions and concerns. Mr. Danford explained there was several access easements for Santee Cooper. Mr. Danford explained that HCS receives notification of all the rezonings and that they would accommodate the students. He also explained that the applicant plans to preserve the trees, and have a landscaping buffer. Mr. Danford explained that Pecan St. was a paved road dedicated to the public. Mr. Danford explained he would get with the adjacent property owners about a construction access. Bunky Ford asked about making a left turn onto SC 31. Mr. Danford explained that the entrance to the property was given controlled access by SCDOT, but that they were required to get any encroachment permits from SCDOT. Paul Stecker asked staff if the entrance from SC 31 was the only access and David Jordan explained there was an additional access off Pecan St. Staff recommended approval. Bunky Ford made a motion to approve and Jeffrey Solan seconded. The motion to approved carried, with Hunter Platt and Paul Stecker voting no.

PC-2023-01* A resolution to amend the Future Land Use Map of Imagine 2040 Comprehensive Plan for PIN 18408040016 from Rural Communities to Suburban. (Associated with rezoning 2023-01-009)

2023-01-009- Venture Engineering, agent for Abrigo Guardado- Request to rezone 0.92 acres from Forest Agriculture (FA) to Residential (SF 6) located on Prince St in Loris (Council Member/Commissioner: Causey/Ford)

David Jordan gave an overview and explained the applicant was requesting to rezone from Forest Agriculture (FA) to Residential (SF 6) with a Future Land Use Amendment from Rural Communities to Suburban. Cassidy Callaghan was present to answer any questions and concerns. Ms. Callaghan explained the density was lower than the adjacent properties. Paul Stecker made a motion to approve the Future Land Use Amendment and Charles Brown seconded. The motion for the Future Land Use Map Amendment failed unanimously. Staff recommendation on the rezoning was disapproval. Bunky Ford made a motion approve the rezoning and Lance Thompson seconded. The motion to approve failed unanimously.

2023-02-001- James Anderson III, agent for Hickman Rd, LLC- Request to rezone 1.97 acres from Planned Development District (PDD) to Agricultural Community Services (AG 3) located on Red Bluff Rd in Loris (Council Member/Commissioner: Hardee/Prince)

David Jordan gave an overview and explained the applicant was requesting to rezone from Planned Development (PDD) to Agriculture Community Services (AG 3) to allow mini storage or retail shops. James Anderson III was present to address any questions and concerns. Staff recommendation was approval. Jody Prince made a motion to approve and Bunky Ford seconded. The motion to approve carried unanimously.

2023-02-002- Venture Engineering, agent for South Creekside, LLC - Request to rezone 3.14 acres from Commercial Forest Agriculture (CFA) to Retail with Accessory Outdoor Storage (RE 4) located at the corner of Hwy 707 and Holmestown Rd in Myrtle Beach (Council Member/Commissioner: Loftus/Thompson)

David Jordan gave an overview and explained the applicant was requesting to rezone from Commercial Forest Agriculture (CFA) to Retail with Accessory Outdoor Storage (RE 4) to allow boat and RV storage. Mr. Jordan explained that the property had a 75' power line easement. Mr. Jordan explained that the parcel was within a Neighborhood Activity Center that supports these uses and that the parcel was within the Burgess Community are Plan. The plan did encourage commercial development within commercial nodes. Cassidy Callaghan was present to address any questions and concerns. Lance Thompson questioned traffic. Ms. Callaghan explained that the applicant was not expecting heavy traffic flow to the site. Cad Holmes, Bob Ziegler, Howard McPherson, and James Butler spoke in opposition of this request. Their concerns being traffic and flooding. Ms. Callaghan explained Army Corps came out and inspected the site and it was good, and that the applicant would be willing to do 57 gravel instead of pavement. Hunter Platt asked Thom Roth to explain the existing drainage. Mr. Roth explained the property would drain towards Mill Creek and that there were existing flooding issues, but was a SCDOT drainage issues. Staff Recommendation was approval. Lance Thompson made a motion to approve and Charles Brown seconded. The motion to approve carried, with Joey Ray voting no.

2023-02-003- Blairmak Homes, LLC- Request to rezone 0.3 acres from Highway Commercial (HC) to Residential (SF 6) located on Stanley Dr in Garden City (Council Member/Commissioner: Servant/Ray)

David Jordan gave an overview and explained the applicant was requesting to rezone from Highway Commercial (HC) to Residential (SF 6) to allow the applicant to subdivide the parcel. Mr. Jordan explained the applicant did request a variance for the lot width requirement that was denied. Heather Howard was present to address any questions and concern. Staff recommendation was approval. Joey Ray made a motion to approve and Lance Thompson seconded. The motion to approve carried unanimously.

2023-02-004- Diamond Shores, LLC agent for Klaus Higor Rangel- Request- Request to rezone 6.76 acres from Residential (SF 40) to Multi Residential (MRD 3) and Residential (SF 6) located at 5750 Enterprise Rd in Myrtle Beach (Council Member/Commissioner: Crawford/Stecker)
Design Modification: Access Management Requirements (required number of external access points)

David Jordan gave an overview and explained the applicant was requesting to rezone from Residential (SF 40) to Multi Residential (MRD 3) and Residential (SF 6) to allow 61 townhomes. Mr. Jordan explained the applicant applied for design modification for external access management standards, requesting to shorten the required length from 125' to 40'. Mr. Jordan did explain that the parcel was not within the FEMA or Hurricane Florence flood zone. David Schwerd was present to address any questions and concerns. Mr. Schwerd explained that the adjacent properties do have higher density and that the applicant was leaving the existing single-family home. Mr. Schwerd explained the project did require a stormwater study and proposes a large stormwater pond, 20' stormwater easement, and a 25' landscape buffer internal to the easement. Mr. Schwerd explained that the parcel was close to a Neighborhood Activity Center which supports an increase in density according to the comp plan and the project was scaled to the surrounding single family. Amanda Fox, Nancy Olivieri, Dan Hesketh, and Jill Gonce spoke in opposition of this request. Their concerns were flooding, traffic, school capacity, preservation, and noise. Mr. Schwerd explained that development could potentially improve the current stormwater issues by supplying Stormwater with an easement. Mr. Schwerd explained that if he does not have enough storage for his stormwater he would have to expand the stormwater pond and reduce the number of units. Mr. Schwerd explained the project proposed 50' between it and the adjacent properties. Mr. Schwerd explained the new construction easement would be next to the existing single-family home. Thom Roth explained there were existing drainage issues because they were unable to get easements, and downstream issues from piping issues. Lance Thompson asked Thom Roth if the project proposes an opportunity to improve the drainage issue or make the issue worse, Thom Roth said yes it could improve, but without the design he couldn't answer fully. Jeffrey Solan questioned Thom Roth about the access to the easements. Mr. Roth explained that they would have access to the easements from two different access points. Staff recommendation was approval. Paul Stecker made a motion to approve and Bunky Ford seconded. The motion to approve carried with Hunter Platt, Jeffrey Solan, and Chuck Rhome voting no. Charles Brown recused himself.

2023-02-005- Christopher Harrelson, agent for Southern Suds, LLC- Request to rezone 2.09 acres from Community Retail Services (RE 2) to Retail with Accessory Outdoor Storage (RE 4) located at 3914 Hwy 701 S in Conway (Council Member/Commissioner: Anderson/Hennigan)

David Jordan gave an overview and explained that the applicant was requesting to rezone from Community Retail Services (RE 2) to Retail with Accessory Outdoor Storage (RE 4) to allow a contractor office. Christopher Harrelson was present to address any questions and concerns. Staff Recommendation was approval. Charles Brown made a motion to approve and was seconded. The motion to approve carried unanimously.

DEFERRED-2023-02-006- Venture Engineering, agent for No Place Like Home, LLC- Request to rezone 18.44 acres from Commercial Forest Agriculture (CFA) and Limited Industrial (LI) to Multi Residential (MRD 1) located off Chestnut Rd in Longs (Council Member/Commissioner: Causey/Ford)

2023-02-007- Venture Engineering, agent for JTT's Rentals, LLC- Request to rezone 0.91 acres from Agricultural Community Services (AG 3) to Residential (MSF 10) located at the corner of Landmark Rd and Hallie Martin in Conway (Council Member/Commissioner: Allen/Brown)

David Jordan gave an overview and explained the applicant was requesting to rezone from Agricultural Community Services (AG 3) to Residential (MSF 10) to allow 7 single family units. Cassidy Callaghan was present to address any questions and concerns. Staff recommendation was approval. Bunky Ford made a motion to approve and Lance Thompson seconded. The motion to approve carried unanimously.

2023-02-008- Sean Williams, agent for William & Ginger Ward- Request to rezone a 2-acre portion from Forest Agriculture (FA) to Commercial Agriculture (AG 2) located at 3912 Highway 45 in Loris (Council Member/Commissioner: Hardee/Prince)

David Jordan gave an overview and explained the applicant was requesting to rezone from Forest Agriculture (FA) to Commercial Agriculture (AG 2) to allow RV and camper sales. Sean Williams was present to address and questions and concerns. Staff recommendation was approval. Jody Prince made a motion to approve and Charles Brown seconded. The motion to approve carried unanimously.

2023-02-009- Earthworks Group, Agent for RSG Myrtle Beach, LLC- Request to rezone 2.6 acres from Highway Commercial (HC) to Passenger and Product Transportation (PA 1) located at the corner of Hwy 544 & Meadowbrook Dr in Myrtle Beach (Council Member/Commissioner: Masciarelli/Owens)

David Jordan gave an overview and explained the applicant was requesting to rezone from Highway Commercial (HC) to Passenger and Product Transportation (PA 1) to allow motor freight transportation and warehousing. Mr. Jordan explained the applicant appealed the Zoning Administrators determination that motor freight transportation and warehousing was not a permitted use within the zoning district. The decision was appealed, but was upheld. Dan Park and Greg Savitski were present to address any questions and concerns. Burnett Owens questioned if the applicant was going to pave the private road. Dan Park explained they plan to pave the private road. Greg Savitski stated they would only be paving a portion of the road to the corner. Staff recommendation was approval Burnett Owens made a motion to approve and Paul Stecker seconded. Joey Ray recused himself. The motion to approve carried unanimously.

2023-02-010- Trent Hardee, agent for Richard Earl Hardee- Request to rezone 6.12 acres from Residential (MSF 10) and Retail with Accessory Outdoor Storage (RE 4) to Commercial Agriculture (AG 2) located at the corner of Hwy 905 & Duck Cove Rd in Conway (Council Member/ Commissioner: Hardee/Prince)

David Jordan gave an overview and explained the applicant was requesting to rezone from Residential (MSF 10) and Retail with Accessory Outdoor Storage (RE 4) to Commercial Agriculture (AG 2) to expand an existing boat and RV storage yard. Trent Hardee was present to address any questions and concerns. Staff recommendation was approval. Jody Prince made a motion to approve and Bunky Ford seconded. The motion to approve carried unanimously.

Text Amendments

AN ORDINANCE TO AMEND APPENDIX B, ARTICLE XI OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO SPECIAL EXCEPTIONS

David Jordan gave an overview and explained that this would amend the existing requirements for wedding and event venues. The current requirements were: historically designated parcels with approval from the Historic Preservation Commission, Rural Tourism by special exception from the Zoning Board of Appeals, and request a rezoning for Outdoor Amusement Commercial (AM 2). The proposed requirements were:

- Request a special exception from the Zoning Board of Appeals
- 10 acres of land zoned CFA, FA, RE 3, RE 4, HC, CR, TRS, or RCS
- 75' setback from all property lines
- Not located on a shared private drive or ingress/egress easement
- Hours of operation limited to 7:00 AM to 11:00 PM
- No amplified sound outside of a fully closed structure
- Additional fencing and lighting requirements to mitigate impacts for adjacent properties.

Mr. Jordan explained that it would still require approval from ZBA. Jody Prince explained he did not think it would be appropriate to change the rules to make an exception to those unable to follow the current standards and questioned if there was already a current way to achieve this without the acreage. David Jordan explained the applicant could request to rezone to Outdoor Amusement Commercial (AM 2). Burnett Owens questioned if the proposed change would affect beach weddings. Mr. Jordan explained it would not. Bunky Ford questioned what the difference was between parcels that are 20 or 10 acres that would be able to do the events with this change. Mr. Ford also questioned the type of fencing required. Mr. Jordan explained it would have to be a 6ft privacy fence that was 85% or more opacity (vinyl, wood, or brick) interior of required landscaping. Mr. Jordan explained that the 75ft setback includes the parking. Mr. Jordan explained that AM 2 allows many of different things like batting cages, paintball, golf, go-carts, racing motorsports, and sport facility centers. Charles Brown questioned if an applicant could use any type of acreage, wetlands or buildable. Mr. Brown questioned the permitting on a building for the events. Mr. Jordan explained the applicant would have to undergo a full commercial review and that there could be something added for the required acreage. Paul Stecker questioned the noise and the allowed activities on the outside of the building. Mr. Jordan explained it would not allow any amplified sound on the outside. Jody Prince asked if they could vote for a deferral. Christie Holt spoke in opposition of this request. Her concerns were the acreage requirements, traffic, clarification on type of events allowed, security, noise, and alcohol consumption. Jody Prince made a motion for deferral and Charles Brown seconded. The motion for deferral carried unanimously.

With no further business, Jody Prince made a motion to adjourn and was seconded. The motion carried unanimously, and the meeting was adjourned at approximately 7:42 p.m.

**STREET NAMES FOR PC MEETING
April 6, 2023**

**New Development Street Names – No
Public Hearing Required**

Longs Postal District (29568)

Indigo Grove

Blue Fescue Court
Cambria Drive
Indigo Grove Drive
Swaying Palm Court
Sweet Vernal Street

Myrtle Beach Postal District (29588)

Arcadia

Azure Loop
Happy Valley Drive
Laconic Drive

Lyden Village

Hancher Drive
McGarry Drive
Parker Court

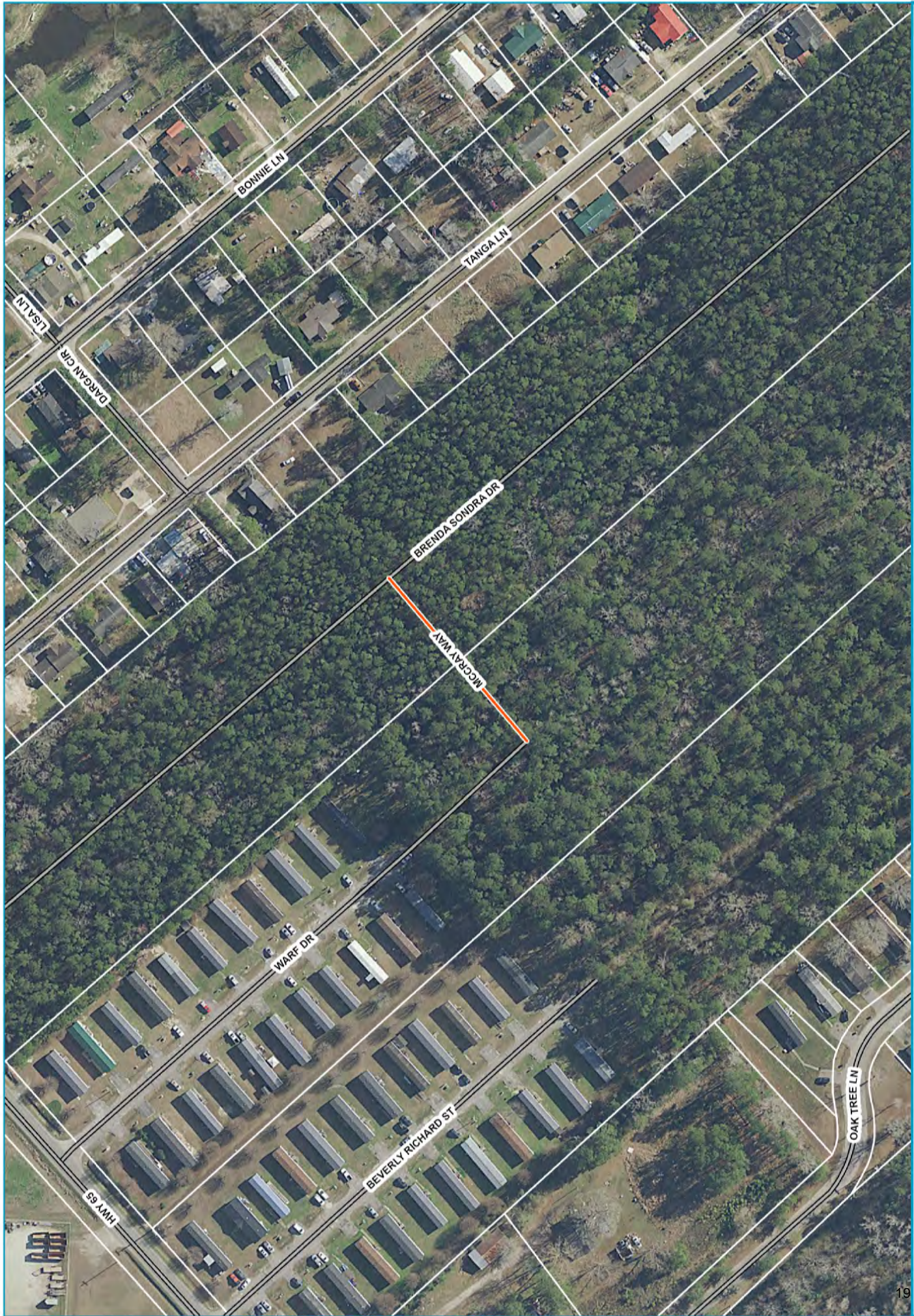
PUBLIC NOTICE

The Horry County Planning Commission will hold a public hearing on April 6, 2023 at 5:30 PM in Multi-purpose Room B at 1301 2nd Avenue in Conway to consider the following street name change. All interested persons are urged to attend. For further information, please call Yasmine Gore (843) 915-8731.

Conway Postal District (29526)

Justin Street– A 50’ private access easement off Warf Drive in Conway and currently known as McCray Way.

Run Date: 3/16/2023



Proposed Road Renaming

Current Name: McCray Way
 Proposed Name: Justin Street
 50' Private Access Easement

— Road Portion to be Renamed

— Other Road



Planning Commission Decision Memorandum
Horry County, South Carolina

Date:	March 8, 2023	District # 5
From:	Planning and Zoning	
Division:	Infrastructure and Regulation	
Prepared By:	Matt Breeden, Plan Reviewer	
Cleared By:	Stevie Brown, Deputy Director	
Regarding:	Design Modification for PIN: 458-00-00-0281 (D.R. Horton – Glenss Bay Townhomes)	

ISSUE:

Should the Planning Commission waive the Access Management standards for a proposed townhome project containing 89 units?

PROPOSED ACTION:

The Applicant is requesting to use a single 50 ft right-of-way for a development containing between 51 to 100 lots/units.

RECOMMENDATION:

Staff recommends approval

BACKGROUND:

- November 17, 1994, PB 131 PG 410 a Temporary Ingress / Egress Easement was created for Parcel “B”
- June 23, 2021, PB 299 PG 222 a Combination Plat was recorded for the current parcel including Parcel “B” giving this parcel access to Glenss Bay Road.
- On May 17, 2022, Horry County Council approved rezoning request number 2022-03-003 for this parcel to be rezoned from Highway Commercial (HC) to Convenience and Auto-related Services (RE3) Rezoning Ord. #42-2022
- January 2023 Planning and Zoning reviewed the first submittal of these plans.

ANALYSIS:

Article 4 Section 2, 2-1.1, A, 2. Developments containing between 51 to 100 lots/units shall be accessed by a minimum of one (1) paved point of ingress/egress subject to the following standards:

- a. *The access right-of-way shall be a minimum of 66 feet in width carried 125 feet into the development or the first intersection whichever comes first. Measurement of the 125 feet shall be from the edge of right-of-way.*
- b. *The access shall have no fewer than three (3) lanes of traffic extending a minimum of 125 feet. Demarcation of the lanes may occur in any of the following ways:*
 - i. *Striping or lane delineators;*
 - ii. *Raised concrete medians construction according to SCDOT standards; or*
 - iii. *A raised median, no less than 5 feet width, constructed to the median standards of these regulations.*

The plan proposes to install three (3) 12 ft lanes for access (1 lane in and 2 lanes out) within the 50 ft right-of-way without a raised median due to the limited space in the proposed right-of-way. The 12 ft

lanes will extend back over 150 ft from the SCDOT right-of-way to provide stacking for right and left turns.

This location has existing geographical constraints at the entrance (existing driveways, fences and telecommunication pedestals) required to increase the right-of-way to 66 feet. This site is also bounded on the west by Highway 17 Bypass and the east by South Bridge Condominiums.

The recommendation for approval is based on the geographical constraints associated with access to this site.

PROJECT:	221169
DATE:	11/16/2022
SCALE:	1" = 50'
DESIGNED BY:	CCR
DRAWN BY:	CCR
CHECKED BY:	MHD

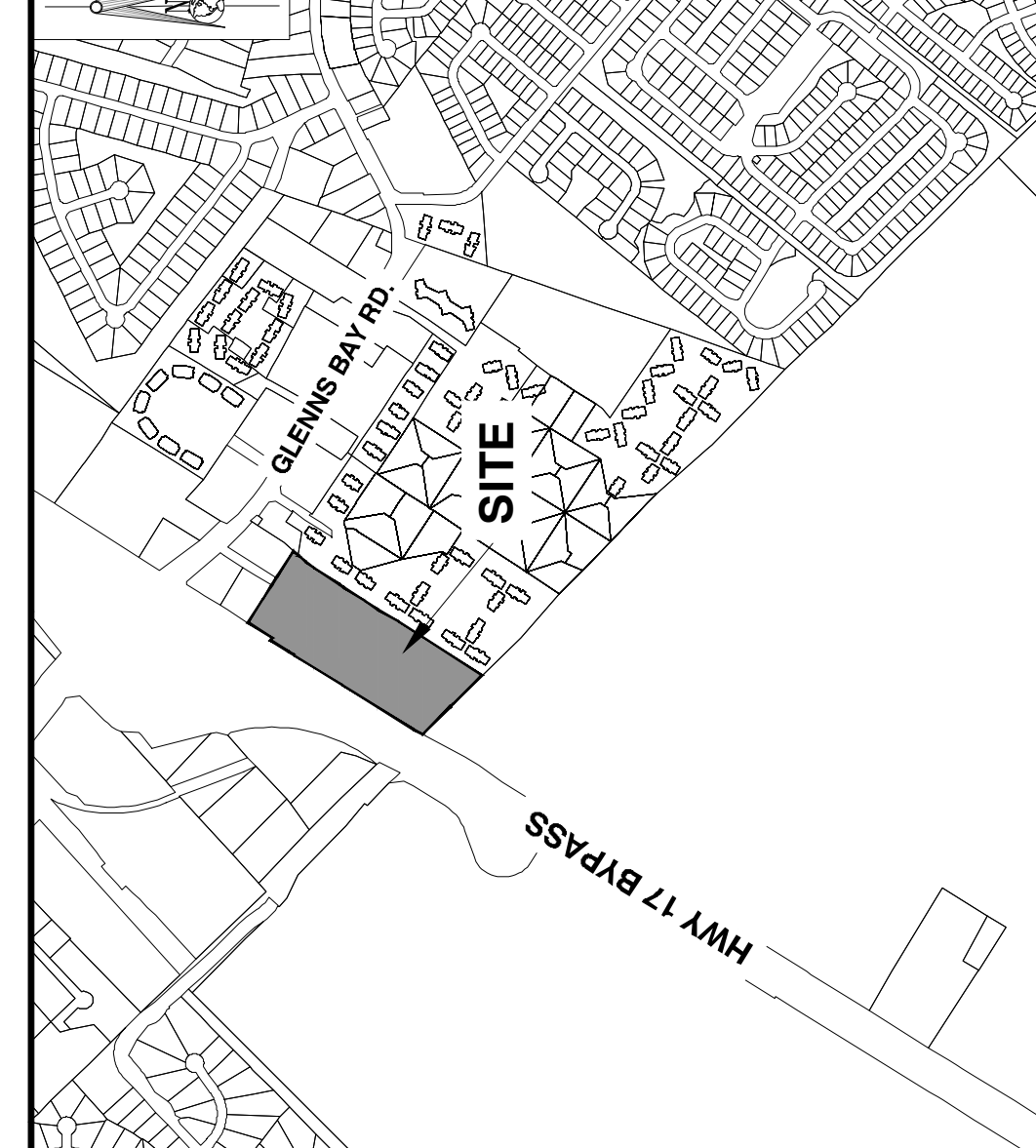
GLENNS BAY TOWNHOMES
TRANSPORTATION PLAN
D.R. HORTON
HORRY COUNTY

NO.	DATE:	DESCRIPTION
1	01/16/2023	GSWSA COMMENTS DATED 01/13/2023
2	02/15/2023	ADDRESS HC COMMENTS DATED 02/01/23
BY	LMR	CCR

PRELIMINARY NOT FOR CONSTRUCTION

Planning and design consultants
EARTHWORKS
11655 HIGHWAY 707
MURRELLS INLET, SC 29576
(FAX) 843.651.7903
www.earthworksgroup.com

JOB NAME: 221169 - GLENNS BAY TOWNHOMES



VICINITY MAP

PIN# 4580000281

OWNER/ DEVELOPER NOTES:
DEVELOPER: EARTHWORKS GROUP
4073 BELLE TERRE BLVD
MYRTLE BEACH, SC 29579

OWNER: BATES AND EVANS III, LLC
11655 HIGHWAY 707
MURRELLS INLET, SC 29576

GENERAL NOTES:
THIS PROPERTY IS KNOWN AS GLENNS BAY TOWNHOMES.
PIN# 4580000281

THIS PROPERTY IS LOCATED IN FLOOD ZONE X ACCORDING TO F.I.R.M. # 45051C092 K, DATED: 12/16/2021

LAST PROPERTY TRANSFER: WEDNESDAY 12/31/1989

WETLAND LETTER: SAC-2007-00444, DATED 8/8/2021

DEVELOPMENT NOTES:
PARCEL AREA - 11.79 AC
PARKY ROADWAY - 207 AC
TOTAL AREA - 12.86
EXISTING POND 0.57 AC - (EXCLUDED WATERS, NO TOTAL DISTURBED AREA - 12.09 AC

OFFSITE IMPROVEMENT 0.87 AC (EXISTING RIGHT OF WAY OFF 88 TOWNHOME UNITS

CURRENT ZONING RES. (RECOVER FROM HC, APPROVED 5/25/22)
NET DENSITY - 18.84 AC / 88 UNITS = 0.5
GROSS DENSITY - 11.79 AC / 88 UNITS = 0.13

OPEN SPACE:
OPEN SPACE REQUIRED 1.02 AC
OPEN SPACE PROVIDED 5.05 AC
TOTAL OPEN SPACE 6.07 AC
UPLAND OPEN SPACE 6.18 AC

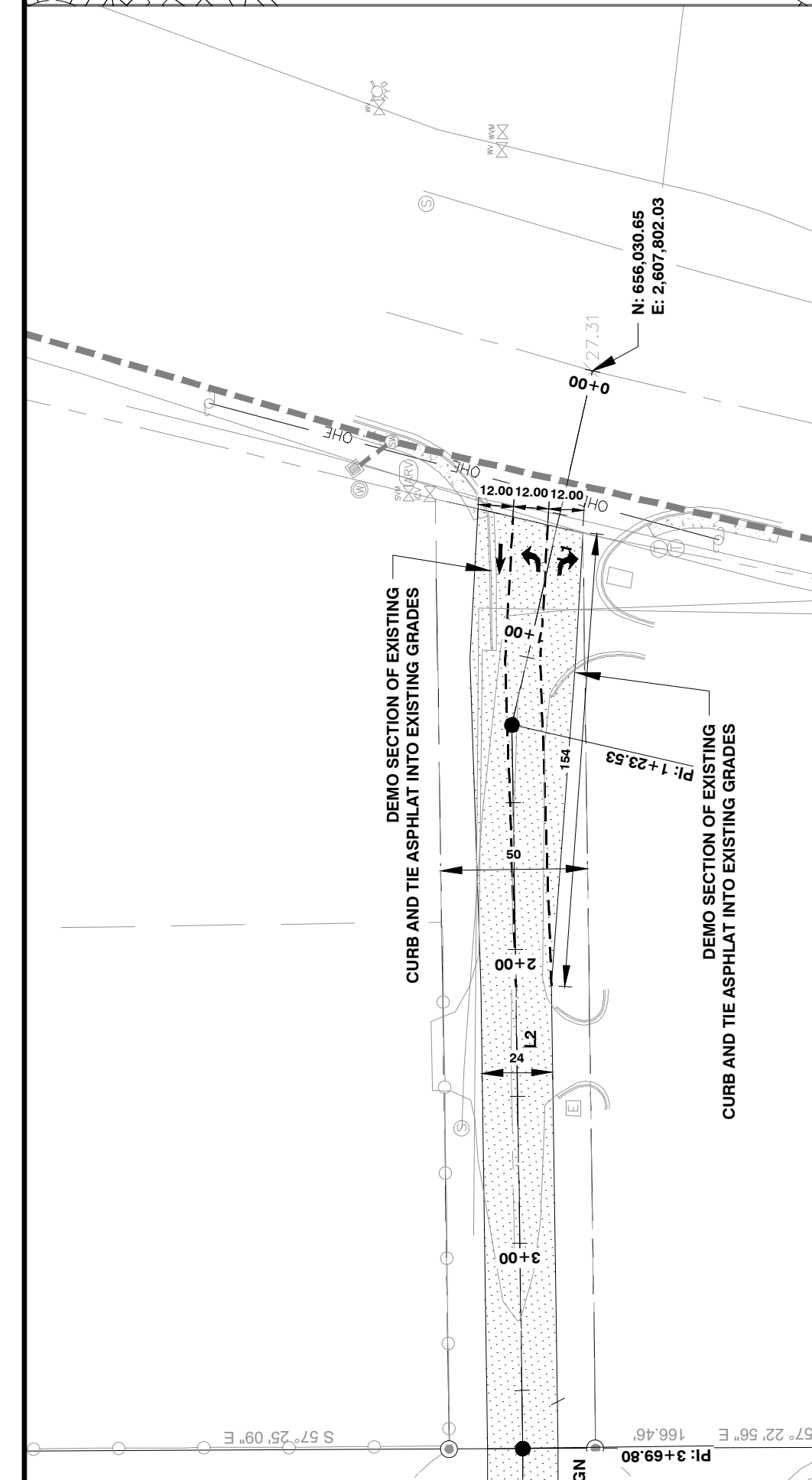
SETBACKS BASED ON RES ZONING (REF. MRD9)
FRONT SETBACK 25'
SIDE SETBACK 10'
REAR SETBACK 15'
MAXIMUM HEIGHT 40'
BUILDING SEPARATION 20'

PARKING REQUIREMENTS:
REQUIRED - 196
PROVIDED - 196

PRIVATE ROADWAY GENERAL NOTES:
1. ROADWAY HORIZONTAL DATA:
ENTRANCE = 487 LF
TOTAL = 487 LF
TOTAL = 487 LF

2. ROADWAY AREA DATA = 67388 SF (TOTAL COMBINED AREA OF ALL PAVED STREETS)

3. ALL ROADWAYS WITHIN THIS DEVELOPMENT ARE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE HOA FOR GLENNS BAY TOWNHOMES.



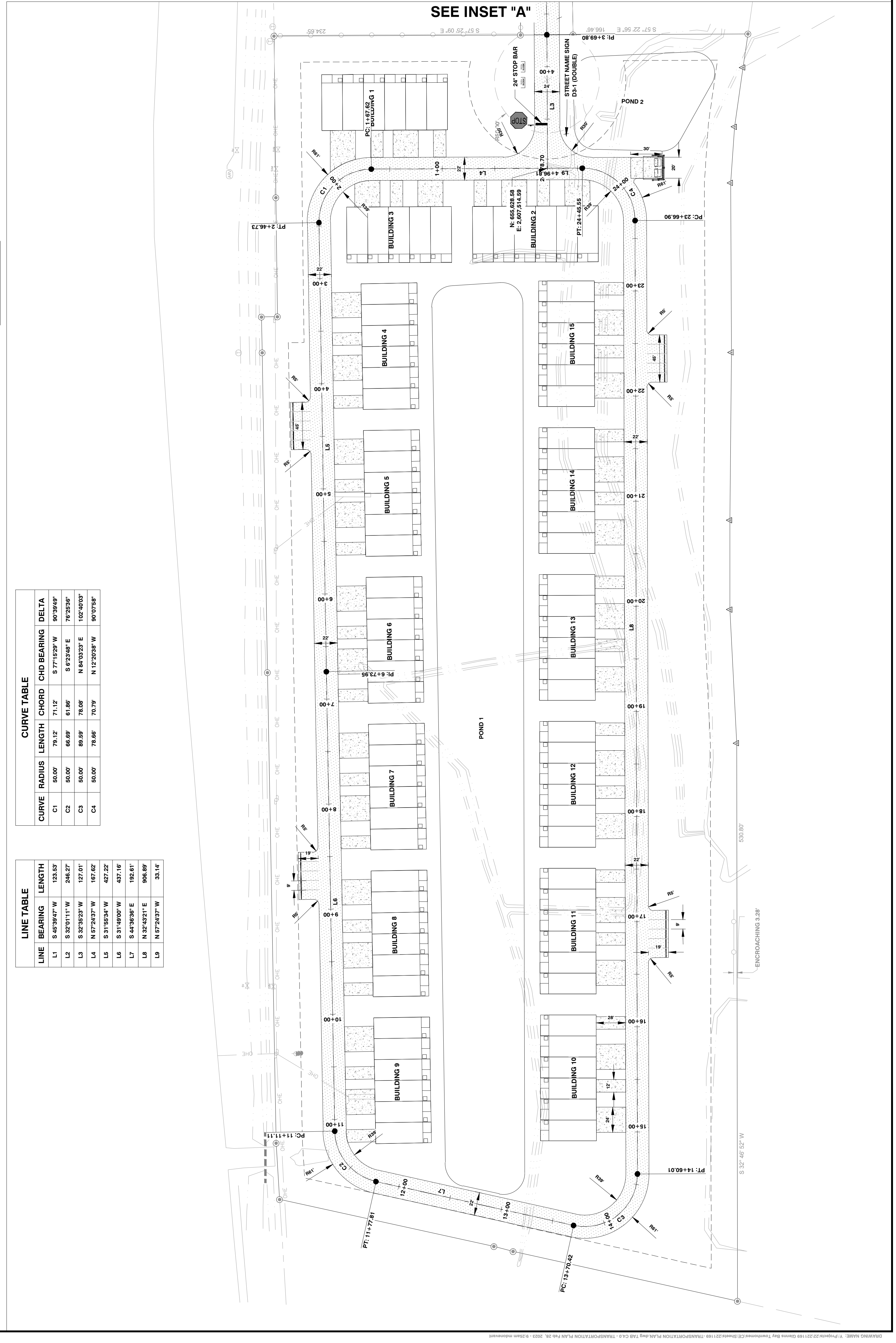
INSET "A"

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHD BEARING	DELTA
C1	50.00'	79.12'	71.12'	S 77°15'29" W	90°39'49"
C2	50.00'	66.69'	61.86'	S 6°23'48" E	76°25'38"
C3	50.00'	89.59'	78.08'	N 84°03'33" E	102°40'03"
C4	50.00'	78.66'	70.79'	N 12°20'38" W	90°07'88"

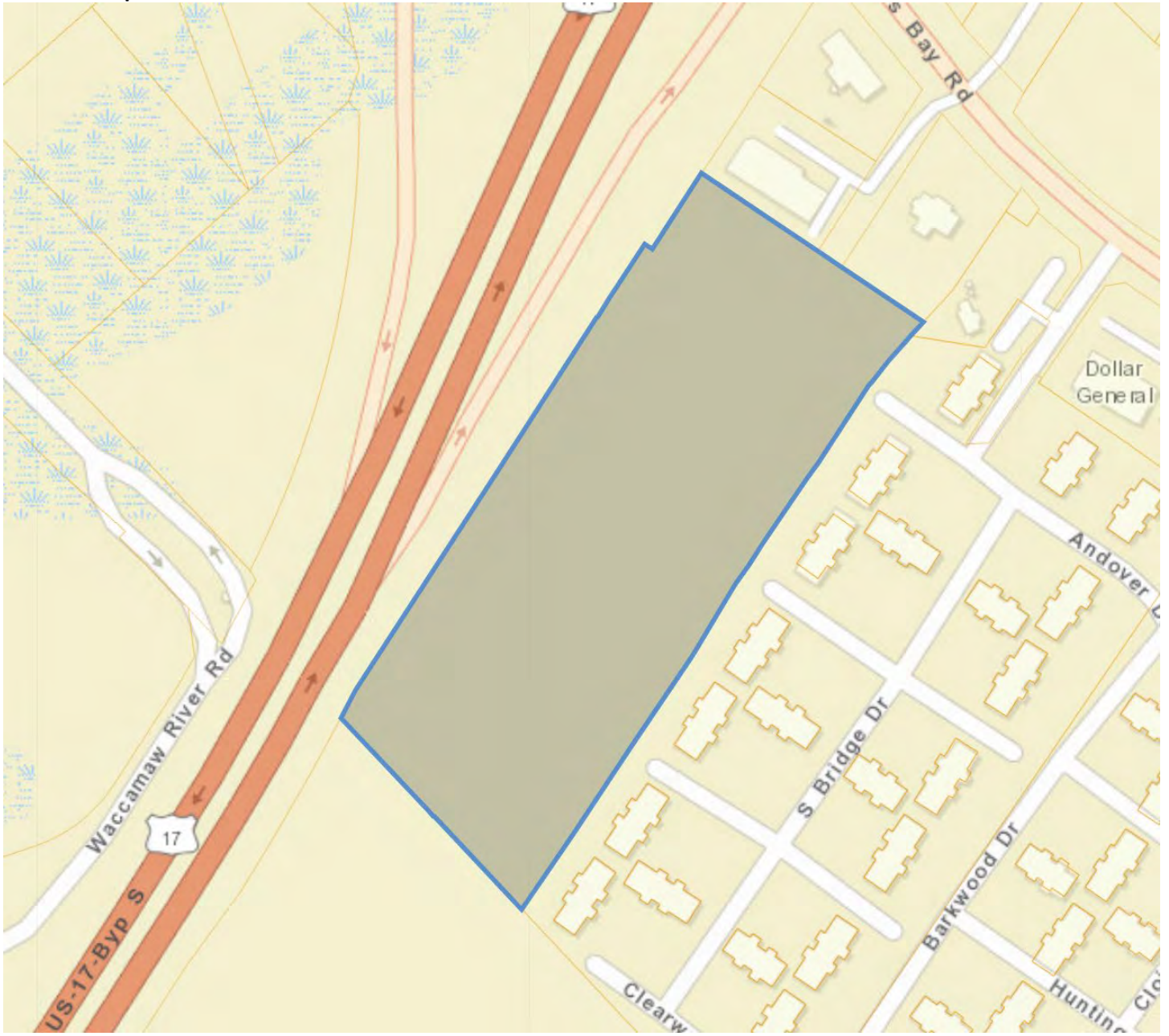
LINE TABLE

LINE	BEARING	LENGTH
L1	S 45°39'47" W	123.55'
L2	S 32°01'11" W	246.27'
L3	S 32°38'23" W	127.01'
L4	N 67°24'37" W	167.62'
L5	S 31°18'34" W	427.22'
L6	S 31°49'00" W	437.16'
L7	S 44°30'34" E	192.61'
L8	N 32°43'21" E	906.89'
L9	N 67°24'37" W	331.14'



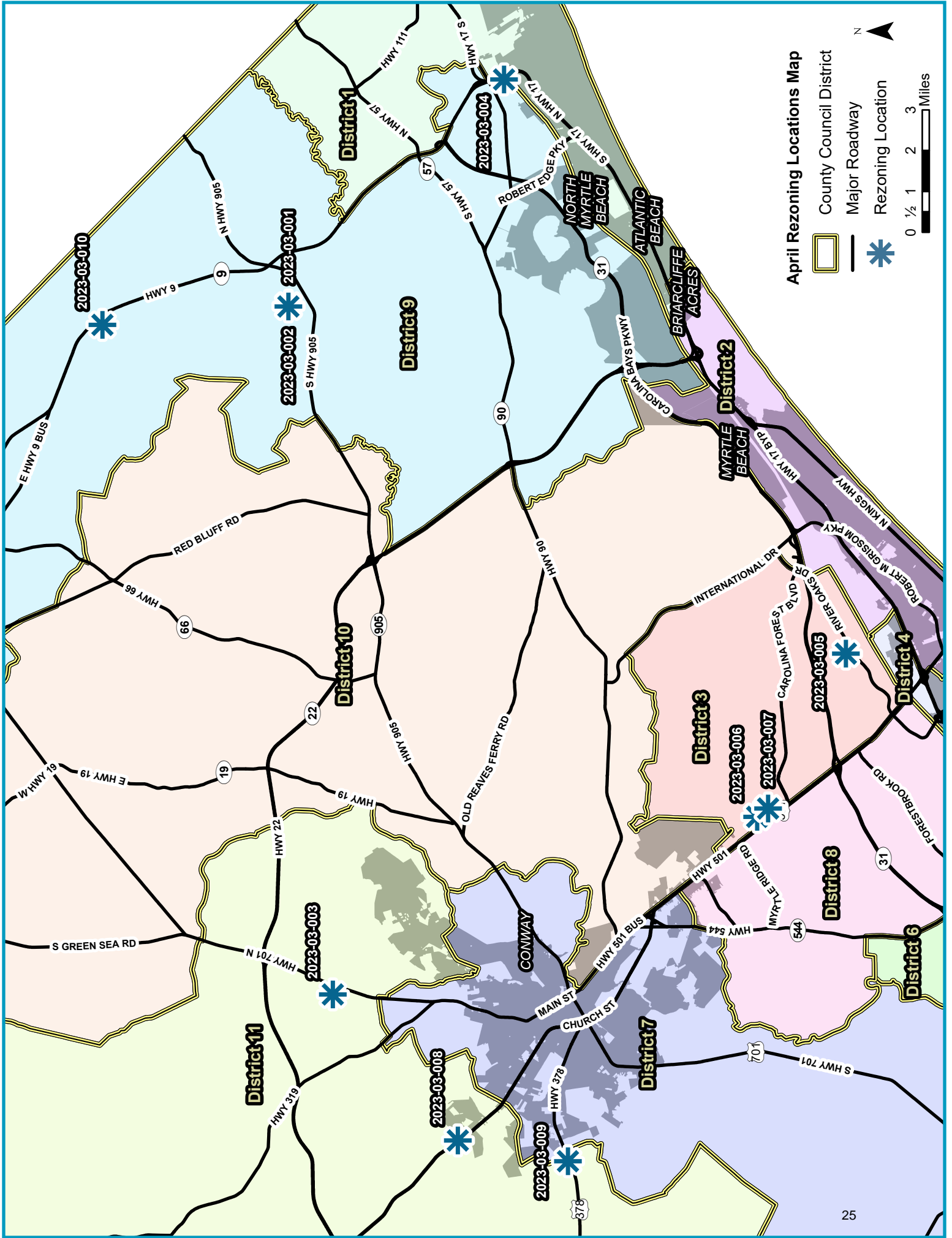
SEE INSET "A"

Location Map:



Aerial Imagery (2020): Project Site





April Rezoning Locations Map

County Council District
 Major Roadway
✱ Rezoning Location

0 1/2 1 2 3 Miles

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61247 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 2 Report Date: 3-13-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	G3 Engineering	Rezoning Request #	2023-03-006
PIN #	399-00-00-0425 (Portion)	County Council District #	3 - DiSabato
Site Location	Off Postal Way & Hwy 501 in Myrtle Beach	Staff Recommendation	
Property Owner	Chatham Crossing, LLC	PC Recommendation	
		Size (in acres) of Request	34.18 (Portion)

ZONING INFORMATION	LOCATION INFORMATION	ADJACENT PROPERTIES				
Current Zoning	LI	Flood Information	X	LI	MRD 2	LI
Proposed Zoning	RE 3	Wetland Information	N/A	LI	Subject Property	LI
Proposed Use	Mixed Used	Utilities	Public	HC	HC	HC
Character of the Area	Vacant commercial	Fire in miles	2.27- Fire Station 39 (Career)			
		EMS in miles	2.27- Fire Station 39 (Career)			

COMMENTS

Comprehensive Plan District: Suburban & Commercial Corridor	Overlay/Area Plan: Airport Environs Overlay
--	--

Discussion: The applicant is requesting to rezone a 34.18-acre portion from LI to RE 3 for Mixed Use. The property is surrounded by vacant, commercially zoned property, with the exception of an undeveloped MRD across Postal Way. This MRD was approved back in 2021 for 154 fee-simple townhomes with a gross density of 7.4 du/ac. This project has been approved with conditions. The applicants have supplied a development agreement.

The future land use designation is Commercial Corridor & Suburban. The Imagine 2040 Comprehensive Plan states "Residential development should have a density between 3-7 gross units per acre within major subdivisions and as small as 6,000 sq ft for individual, single family lots."

Some uses allowed in RE 3 include multi-family residential, townhomes, gas stations, self-storage, restaurants/bars, ATM, ice vending, high bulk retail, LP gas dealers, retail, grocery stores, trade shops, contractors' offices, warehouses, banks, barber shops, funeral homes, gyms, laundromat, offices, medical offices, event centers, car washes, boat services, repair services, and animal services.

Public Comment:

Proposed Improvements	DA: Postal Way improvements to include 3 lanes, roundabout, 5' sidewalk, 8' multiuse path, and US.501 frontage road.
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TRANSPORTATION INFORMATION	HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY				
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 5,000		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	3,000 / 5,000	Carolina Forest High	2,388	3,012	126%
Existing Road Conditions	County, Paved, Two-lane	Ten Oaks Middle	1,200	1,189	99%
Rd, Station, Traffic AADT (2021) % Road Capacity	US 501, Station (161) 50,100 AADT 80-85%	Carolina Forest Elementary	971	1,220	126%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
		RE 3 MF / Comm	LI	HC Res / Comm	LI	MRD 3
Min. Lot Size (in square feet)	43,560 / 10,000	21,780	6,000 / 10,000	21,780	N/A	
Front Setback (in feet)	30 / 50	50	20 / 50	50	15	
Side Setback (in feet)	20 / 10	20	10	20	5	
Corner Side Setback (in feet)	30 / 15	30	15	30	15	
Rear Setback (in feet)	25 / 15	25	15	25	10	
Bldg. Height (in feet)	120 / 48	60	35 / 120	60	40	

**DEVELOPMENT AGREEMENT BETWEEN HORRY COUNTY
AND CHATHAM CROSSING, LLC.**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2023 (the "Effective Date") by and between Horry County, a body politic under the laws of the State of South Carolina ("County") and CHATHAM CROSSING, LLC, a South Carolina limited liability company or its assigns ("Owner").

WITNESSETH:

WHEREAS, the legislature of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act", as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended (the "Act"); and

WHEREAS, Section 6-31-10(B)(1) of the Act, recognizes that "[t]he lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning"; and

WHEREAS, Section 6-31-10(B)(6) of the Act, also states that "[d]evelopment agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State"; and

WHEREAS, the Act, further authorizes local governments, including municipal governments, to enter into development agreements with Owner to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and

WHEREAS, the County seeks to protect and preserve the natural environment and to secure for its citizens' quality, a well-planned and designed development, and a stable and viable tax base; and

WHEREAS, the County finds that the program of development for this Property proposed by Owner over approximately the next five (5) years or as extended as provided herein is generally consistent with the County's comprehensive land use plan and land development regulations, and will further the health, safety, welfare and economic wellbeing of the County and its residents; and

WHEREAS, the development of the Property and the program for its development presents an opportunity for the County to secure quality planning and growth, protection of the environment, and to strengthen the County's tax base; and

WHEREAS, Owner desires to develop certain real property owned by Owner, consisting of approximately 83.94 acres, more or less, located in Horry County, South Carolina, as more particularly shown as Tract 1, Tract 2, Common Area 1, and Lot HC24 on that plat attached hereto as Exhibit A and incorporated herein by reference (the "Property") for the construction and development of a mixed-use project;

WHEREAS, the Property is currently zoned HC and LI;

WHEREAS, Owner has submitted an application for re-zoning a portion of the Property to RE-3

WHEREAS, the County desires to insure that in the event the Property is developed in accordance with the rezoning referenced herein and above that adequate and appropriate public benefits are provided;

WHEREAS, Owner desires to obtain from the County assurances that (i) the proposed rezoning of a portion of the Property to RE-3 will be approved by the County; (ii) upon its application for development permits, Owner may proceed with the development and construction of the Property or in any portion or phase thereof, in accordance with the zoning designation defined as of the Effective Date; and (iii) such development rights will be vested for the duration of the development of the Property pursuant to the terms of this Agreement;

WHEREAS, the Property is adjacent and in close proximity to other properties that are a part of a larger area being planned and developed by various owners and developers and the County wishes to coordinate the necessary infrastructure, improvements, and public benefits needed in this area to support these projects and the areas around them as shown on Exhibit B ("Roadway & Related Public Benefit Improvements");

WHEREAS, this Agreement is being made and entered into between Owner and the County, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, consistent with its approved rezoning without encountering future changes in the law which would materially and adversely affect the Owner's ability to develop the Property under its approved zoning, and for the purpose of providing important public benefits and improvements, protection to the natural environment and long term financial stability as well as an increased and more viable tax base to the County;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and incorporated herein by this reference, the mutual covenants of the parties contained herein and other good and valuable consideration agreed to by both Owner and County, including the public and economic benefits to both the County and Owner by entering this Agreement, and to encourage well-planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledged, the County and Owner hereby agree as follows:

1. DEFINED TERMS. Terms not otherwise defined herein have the meaning set forth in the Act, the provisions of which are incorporated herein by reference. The Code shall mean the South Carolina Code of Laws, 1976, as amended.

2. PURPOSE. The County finds that the development permitted or proposed herein is generally consistent with the County's comprehensive plan and land development regulations. The purpose of this Agreement is to agree on certain public benefits as shown on Exhibit B, to wit: the construction of (1) a third-lane on Postal Way, (2) a roundabout at the primary intersection of Postal Way and that spine road currently under construction designated as "North Chatham Avenue", (3) a 5' concrete walkway on the north side of Postal Way east of the roundabout and an 8' shared use path on the south side of Postal Way east of the roundabout, (4) an 8' shared use path on the north side of Postal Way west of the roundabout connecting the Property to Carolina Forest High School ("Offsite Improvements"), and (5) a frontage road running parallel to U.S. Highway 501 all as more fully shown on Exhibit B. Such Roadway & Related Public Benefit Improvements shall be constructed, installed, completed, and dedicated in accordance with County standards by Owner as shown on Exhibit B and generally in the timeframes listed in Exhibit D. The construction of the Offsite Improvements are contingent upon Horry County having those rights to allow Owner to construct the Offsite Improvements within the Postal Way right-of-way, including the crossing of the property west of the Property and the Horry County Railroad and contingent upon Horry County Schools allowing the construction of the Offsite Improvements on its property. The Offsite Improvements do not have to be constructed should the contingencies not be met. Additionally, Exhibit B shows certain public benefits being constructed on the neighboring "Waters Tract." Owner is not in anywise responsible for the construction of any public benefit improvements on or related to the Waters Tract and this Agreement is not contingent in anywise with the construction of any public benefit improvements on or related to the Waters Tract. The public benefit improvements on the Waters Tract are simply being shown on Exhibit B so that the public benefit improvements on the Property and the Waters Tract may be aligned. Additionally, the construction of that portion of the frontage road running from the spine road to the Waters Tract is contingent upon the approval of a Development Agreement concerning the Waters Tract showing the construction and continuation of this frontage road.

3. VESTED RIGHTS. This Agreement establishes the zoning classifications for the Property as HC, LI, and RE-3 and MRD-2 in accordance with the Horry County Zoning Ordinances (the "Zoning Code"), as existing on the Effective Date of this Agreement and continuing throughout the Term of this Agreement, as defined herein. As of the Effective Date, such zoning designations and development rights contained in the Zoning Code are deemed vested in Owner, its successors and assigns, subject to the terms of this Agreement, and the agreements, obligations, and commitments contained herein run with the Property and may not be changed or modified except as provided herein or as allowed by the Act.

- (a) No future changes or amendments to the Zoning Code or other local ordinances, laws, rules, or regulations shall apply to the Property after the Effective Date, and no other legislative enactments shall apply to the Property or this Agreement which have an adverse effect on the ability of Owner to develop the Property in accordance with this Agreement or which have the effect of materially increasing the costs of the improvement of the Property, except as may be provided for in this Agreement or Section 6-31-80 of the Act.

(b) Notwithstanding the foregoing, the parties specifically agree that this Agreement shall not prohibit the application of any building, housing, electrical, plumbing, or gas codes, nor of any tax or fee of universal application throughout the County to both new and existing development specifically bound to be necessary to protect the health, safety, and welfare of its citizens.

(c) Furthermore, the parties acknowledge that the improvements to be made to the Property remain subject to the current requirements of the building codes, land development regulations, and the current guidelines for approval by the County.

4. MASTER PLAN. The master plan attached hereto as Exhibit C¹ is the design plan for the Property and generally shows some of the public benefits to be obtained under this Agreement and is submitted herein for descriptive and illustrative purposes only. Notwithstanding anything contrary contained herein, the zoning classifications set forth herein shall govern the development of the Property. Design criteria and layout illustrated on the design plan and any other exhibits or materials supporting the development of this Property shall be understood to be flexible, and, as of the Effective Date, incomplete and may be revised, modified, and changed by Owner with the approval of the County, provided such revisions or changes do not conflict with the zoning classification for the Property set forth herein. The final design of the development and use as well as types and locations may be shifted, adjusted, and added to satisfy market objectives and be consistent with the overall general plan of development, as set forth herein.

5. ZONING; PERMITTED USES. The Property shall be zoned HC, LI, and RE-3 under the current Zoning Code as of the Effective Date of this Agreement. Specifically, as shown on Exhibit C, the designated numbered Lots, to wit, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and HC24 shall continue to be zoned HC; Phase 5 shall continue to be zoned HC; Phase 4B shall continue to be zoned LI; Common Area 1 shall continue to be zoned LI; Phase 3 shall be rezoned to RE-3; and Phase 4A shall be rezoned to RE-3. Any subsequent changes to these Zoning Code provisions shall not be effective as to the Property, except as provided in this Agreement.

6. FACILITIES, SERVICES, AND ROADS. Although the nature of this long-term project prevents Owner from providing exact completion dates, the general phases of Development are set forth and described in Exhibit C. Owner certifies that the services will be in place (or if not fully in place, the cost of construction will be secured by an irrevocable letter of credit or performance bond pursuant to any applicable federal, state, or local regulations (the "Current Regulations")) at the times provided herein. Owner shall comply with applicable Laws and all provisions of this Agreement, and obtain prior approval of construction plans by the County and other applicable governmental entities before installing any and all necessary "Facilities" as described in more detail below. Notwithstanding any provision herein to the contrary, Owner hereby assures the County that adequate Facilities shall be available concurrent with the phases of Development.

¹ Phase 2 of Exhibit C is the same property as Tract 3 of Exhibit A. This property was previously rezoned on June 15, 2021, Horry County Ordinance 57-2021, as recorded in the Office of the Register of Deeds for Horry County on June 28, 2021 in Deed Book 4436 at Page 962. This property is not a part of this Development Agreement.

- (a) Rights-of-Way/Easement. Owner or a third party shall, at its expense, develop and provide roads, streets, and other transportation and drainage-related facilities and infrastructure within the Project and pursuant to and at such time required by the development plans for the Project and/or the Current Regulations. Such facilities may be transferred by the Owner to the County, in fee or by easement, subject to proper dedication and acceptance by the County, or to a property owners' association. Rights-of-way and easements may also remain privately owned and maintained.
- (b) Potable Water. Subject to approval by the South Carolina Department of Health and Environment Control ("DHEC"), the service and facilities for water shall be provided by the City of Conway (the "City"). Owner, in its sole discretion and as permitted by DHEC, may utilize private water systems.
- (c) Sanitary Sewer Facilities and Service. Subject to approval by the DHEC, the service and facilities for sanitary sewer for the Project shall be provided by Grand Strand Water and Sewer Authority (the "Authority"). Sewer impact fees shall be paid in the normal course of the development process. Owner, in its sole discretion and as permitted by DHEC, may utilize private sewer systems.
- (d) Stormwater. Owner will comply with all stormwater and flood control ordinances, including but not limited to the Stormwater Management and Sediment Control Ordinance for Horry County, South Carolina; the Horry County Stormwater Management Design Manual, and the Horry County Flood Damage and Control Ordinance. The site design for the project shall minimize the generation of stormwater and maximize pervious areas, and stormwater management facilities shall be designed to reduce the 25-year, 24-hour developed peak discharge rates by twenty percent (20%) from the exiting peak discharge rates. In addition, the 100-year, 24-hour post-development peak discharge rates must not be greater than the pre-development peak discharge rates. Owner shall meet or exceed all County Stormwater Management and Sediment Control Ordinance requirements in effect as of the time of permitting.
- (e) Road Infrastructure. Owner shall pay for and construct all road, street, thoroughfare, and other transportation and drainage-related infrastructure and improvements within the Property and provide permanent unrestricted access to the Project. Any roads whose standards are dictated by federal, state or county standards shall be constructed according to the respective standards and pursuant to the applicable federal, state, or county processes.
- (f) Acceptance of Roads. The road improvements located with the Property described above may be made public upon proper dedication to and acceptance by the County.

7. DEVELOPMENT PERMITS. Such local, state, and federal permits that are needed and shall be obtained for the development of the Property include, but are not limited to, the following:

(a) Horry County Permits.

- (i) Clearing and grading;
- (ii) Stormwater;
- (iii) Water and Sewer;
- (iv) Planning and Zoning plan approval;
- (v) Road encroachment permits;
- (vi) Building permits; and
- (vii) Sign permits.

(b) State of South Carolina Permits and Approvals.

- (i) SCDHEC – water and sewer;
- (ii) OCRM – stormwater;
- (iii) OCRM – erosion and sediment control;

(c) Federal Permit.

- (i) EPA-NPDES – stormwater permit.

8. DEVELOPMENT SCHEDULE. If Owner elects to proceed with the development of the Property, the initial construction phase will begin with site clearing and grading. Though market forces may shift and thereby accelerate or slow down development, it is anticipated that the development will be completed within the Term and in phases pursuant to the Development Schedule shown on **Exhibit D**, attached hereto and incorporated by reference herein. It is agreed that the provisions of this Agreement will not apply to any development which occurs after the expiration of the Term unless this Agreement has been extended pursuant to the terms of this Agreement or state law.

9. PUBLIC NOTICE AND HEARINGS. The County represents and warrants that it has conducted at least two public hearings and has published the notice of intent to consider this Agreement in the Horry Independent and/or other Waccamaw Publishing newspapers, in accordance with the requirements of Section 6-31-50 of the Act.

10. COMPLIANCE WITH LAWS. Notwithstanding any other provision of law, the Property must comply with any building, housing, electrical, plumbing and gas codes subsequently adopted by the County as authorized by Chapter 9 of Title 6 of the Code. In the event state or federal laws or regulations enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement, the provisions of this Agreement must be modified or suspended as may be necessary to comply with the state or federal laws or regulations.

11. SUBSEQUENT LAWS. The County may subsequently adopt laws applicable to the Property, provided the County at a public hearing determines:

- (a) The laws are not in conflict with the Act and do not prevent the Property from being developed as set forth herein;

- (b) The laws are essential to the public health, safety, or welfare and expressly state that they apply to the Property;
- (c) The laws are specifically anticipated and provided for herein;
- (d) The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement, which changes, if not addressed by the County, would pose a serious threat to the public health, safety, or welfare; or
- (e) This Agreement is based on substantially and materially inaccurate information supplied by the Owner.

12. RECORDING. The Owner, at its sole cost and expense, shall record this Agreement with the Horry County Register of Deeds within fourteen (14) days of the Effective Date.

13. TERM. The Owner represents and warrants that the Property consists of a total of not less than 25 acres and not more than 250 acres of "highland" within the meaning given that term by the Act. Unless otherwise extended as provided for herein or in the Act, the term of this Agreement shall expire on the date which is Five (5) years from the Effective Date ("Term"). Notwithstanding such termination date, provided that the Owner is not in default (after being provided with notice and opportunity to cure as set forth below) of this Agreement, the Owner has diligently pursued the development of the Property, and the project has not been completed, at the conclusion of the initial five-year term, the termination date of this Agreement shall automatically be extended for One (1) additional Five (5) year term. Notwithstanding the terms and provisions in this Section or elsewhere in this Agreement to the contrary, if a court of competent jurisdiction hereafter determines that the length of the Term, or the provision for extension of the Term set forth above, exceeds the maximum term allowed under the Act and if all applicable judicial appeal periods have expired without such determination being overturned, then the Term of this Agreement relative to all or specific affected portions of the Property shall be reduced to the maximum permissible term under the Act, as determined by a court of competent jurisdiction.

14. MODIFICATIONS AND AMENDMENTS. This Agreement may be modified, amended, or canceled by mutual consent of the parties hereto, evidenced by the written agreement signed by both parties and recorded in the Office of the Register of Deeds for Horry County, as required herein.

15. BENEFIT. The burdens of this Agreement are binding upon and benefits of this Agreement shall run with the land and inure to all successors-in-interest of the parties hereto.

16. SEVERABILITY. If any provision herein or the application of any provision herein is held invalid, such invalidity shall apply only to such invalid provision, and the remaining provisions of the Agreement, and the application of this Agreement or any other provision of this Agreement shall remain in full force and effect.

17. GOVERNING LAW. The provisions of this Agreement are governed by, and construed in accordance with, the Act and general laws of the State of South Carolina.

18. SUCCESSORS AND ASSIGNS.

(a) Binding Effect. This Agreement shall be binding on the successors and assigns of the Owner in the ownership or Development of any portion of the Property or the Project. A purchaser, lessee, or other successor-in-interest of any portion of the Property shall be solely responsible for the performance of obligations hereunder as to the portion or portions of the Property so transferred. Assignees of development tracts shall be required to execute a written acknowledgment accepting and agreeing to perform the obligations in this Agreement, said document to be in recordable form and provided to the County at the time of the recording of any deed transferring a development tract. Following the delivery of such documents, the previous Owner shall be released of any further liability or obligation with respect to the obligations.

(b) Estoppel Certificate. Upon request in writing from an assignee or Owner to the County sent by certified or registered mail or publicly licensed message carrier, return receipt requested, the County will provide a certificate (the "Certificate") in recordable form stating that solely with respect to the portion of the Property described in the request, there are no violations or breaches of this Agreement of which the County has actual knowledge, except as otherwise described in the Certificate. The County will respond to such a request within thirty (30) days of the receipt of the request, and may employ such professional consultants, municipal, county and state agencies and staff as may be necessary to assure the truth and completeness of the statements in the Certificate. If the County is unable to confirm the statements in said Certificate are truthful and complete, County will notify Owner in writing and will not be required to sign said Certificate. The reasonable costs and disbursements of private consultants will be paid by the person making the request.

The Certificate issued by the County will be binding on the County in accordance with the facts and statements contained therein as of its date and may be relied upon by all persons having notice thereof.

If the County does not respond to such request within thirty (30) days of the time of its receipt, the portion of the Property described in the request will be deemed in compliance with all of the covenants and terms of this Agreement. A certificate of such conclusion may be recorded by Owner, including a copy of the request and the notice of receipt and it shall be binding on the County as of its date. Such notice shall have the same effect as a Certificate issued by the County under this Section.

19. GENERAL PROVISIONS.

(a) Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Horry County Administrator
P.O. Box 1236
Conway, SC 29528
Attn: Steve Gosnell
Telephone: 843-915-5020
E-mail: gosnells@HorryCounty.org

With copies to:

Horry County Attorney
P.O. Box 1236
Conway, SC 29528
Attn: Arrigo Carotti
Telephone: 843-915-5270
E-mail: carottia@HorryCounty.org

To the Owner:

Lee Wallace
301 N. Main St.
Salisbury, NC 28144
Email: lw28144@yahoo.com

With a copy to:

Christopher H. Pearce, Esquire
The Pearce Law Group, P.C.
1314 Professional Drive
Myrtle Beach, SC 29577
Telephone: 843-839-3210
Email: cpearce@pearcelawgroup.com

(b) Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

(c) Force Majeure. The parties hereto shall be excused for the period of delay in the performance of any obligations hereunder when such delay is occasioned by cause or causes beyond the control of the party whose performance is so delayed and the time of performance shall be automatically extended for a like period. Such causes shall include, without limitation, all labor disputes, civil commotion, war, war-like operations, sabotage, governmental or judicial regulation, legislation or controls, inability to obtain any necessary materials or services, moratoriums, a pandemic or

epidemic (e.g., COVID-19 or any variant thereof), acts of God, or any event where there is an analogous event of “force majeure” then in effect under any provision or requirement in this Agreement. The Term of this Agreement shall also be subject to and extended by any such force majeure event.

Signature pages to follow.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

HORRY COUNTY, a body politic under the laws of the State of South Carolina

Witnesses:

Name: _____

By: _____

Name: _____

Title: _____

Name: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

ACKNOWLEDGMENT

I, _____, a Notary Public, do hereby certify that _____, as _____ of Horry County personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this ___ day of _____, 2023.

Notary Public Signature

Notary Public Printed Name

Notary Public for South Carolina
My Commission Expires: _____

(Seal)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CHATHAM CROSSING, LLC . a South Carolina limited liability company

Witnesses:

Name: _____

Name: _____

By: _____
Name: Lee Wallace
Title: Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

ACKNOWLEDGMENT

I, _____, a Notary Public, do hereby certify that Lee Wallace, as Manager of Chatham Crossing, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this ____ day of _____, 2023.

Notary Public Signature

Notary Public Printed Name

Notary Public for South Carolina
My Commission Expires: _____

(Seal)

EXHIBIT "A"

EXHIBIT "B"

Roadway & Related Public Benefit Improvements
(Attached)

EXHIBIT "C"

Proposed Master Plan of Property
(Attached)

EXHIBIT "D"

Development Schedule

EXHIBIT A

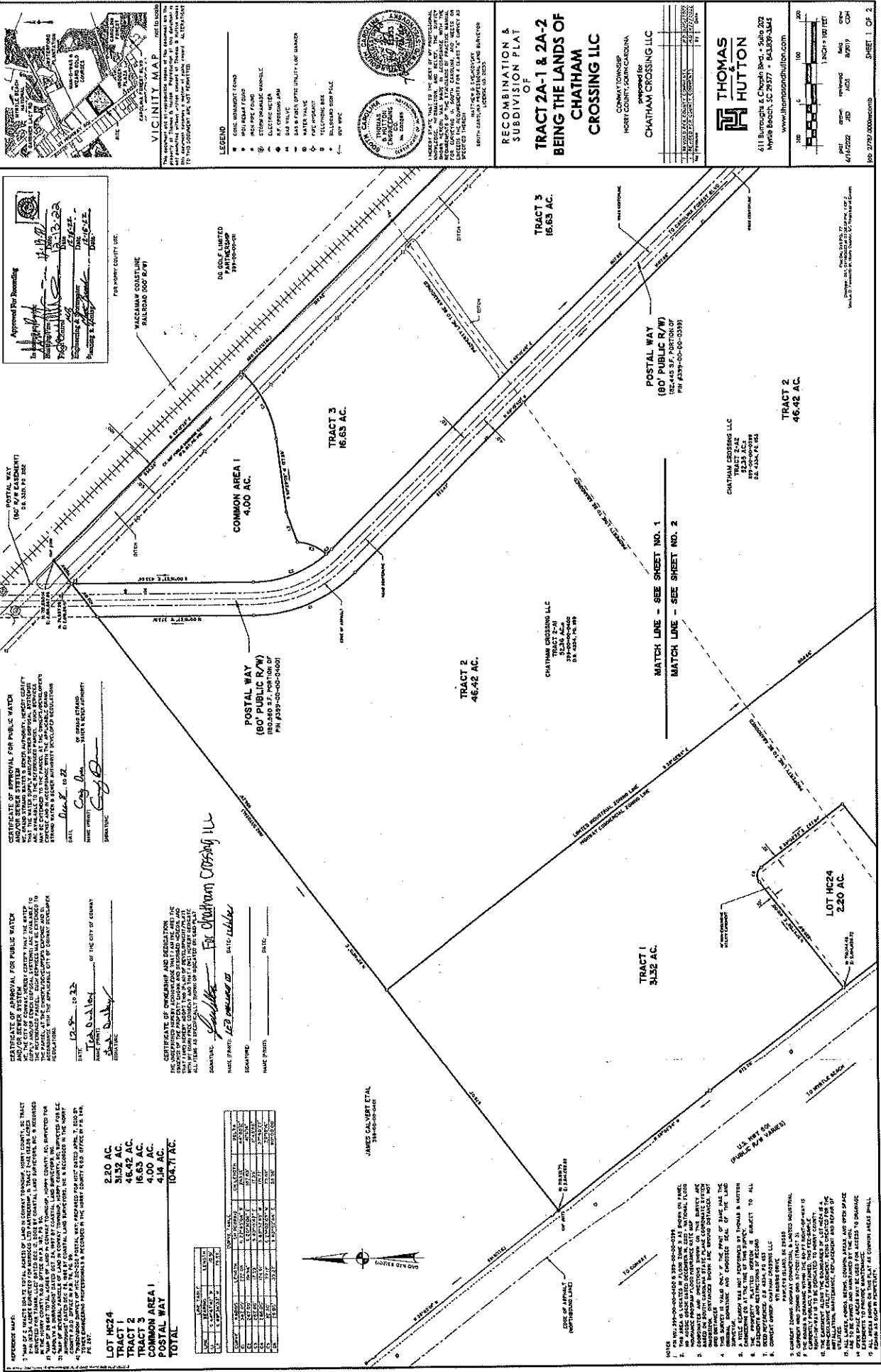
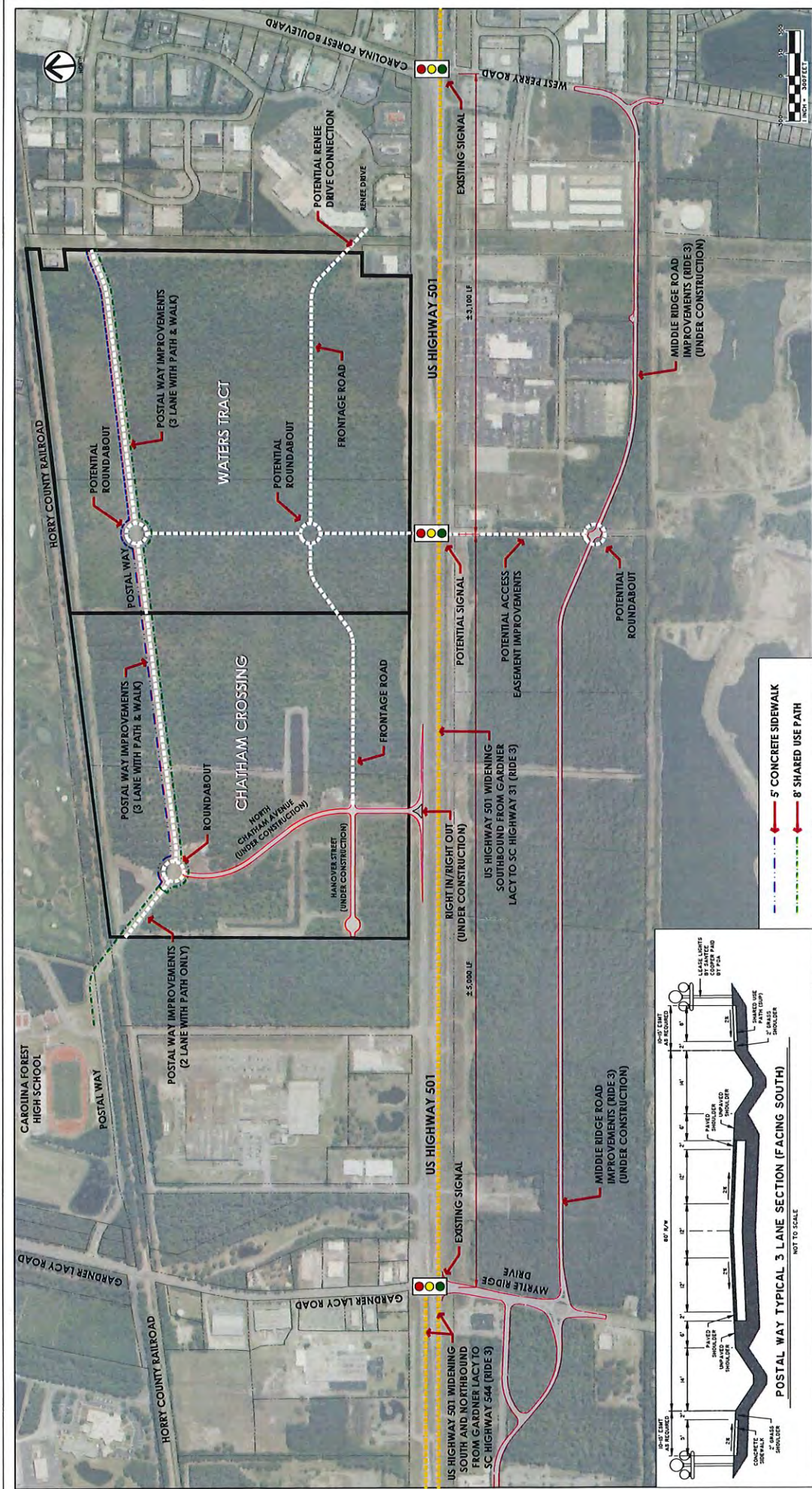


EXHIBIT “B”

Roadway & Related Public Benefit Improvements
(Attached)



Roadway & Related Public Benefit Improvements Postal Way / Middle Ridge / Highway 501

Horry County, South Carolina
February 14, 2023

PREPARED FOR:
REICHMANN INTERNATIONAL
&
CHATHAM CROSSING, LLC

THOMAS & HUTTON
611 Burroughs & Chapin Blvd. • Suite 202
Myrtle Beach, SC 29577 • 843.839.3545
www.thomasandhutton.com

This map, schedule, or plan is prepared solely by the engineer or architect and is not to be construed as a contract. The engineer or architect is not responsible for any errors or omissions in this map, schedule, or plan. The engineer or architect is not responsible for any actions taken by anyone other than the engineer or architect. The engineer or architect is not responsible for any actions taken by anyone other than the engineer or architect. The engineer or architect is not responsible for any actions taken by anyone other than the engineer or architect.

EXHIBIT “C”

Proposed Master Plan of Property
(Attached)

DEVELOPMENT SUMMARY

PIN: 399-00-00-0399
 399-00-00-0400
 OWNER: CHATHAM CROSSING, LLC
 CURRENT ZONING: LI, HC, MRD2
 DEVELOPMENT STANDARDS: SEE PHASE SUMMARY TABLE
 MINIMUM LOT AREA: SEE PHASE SUMMARY TABLE
 MINIMUM YARDS: SEE PHASE SUMMARY TABLE

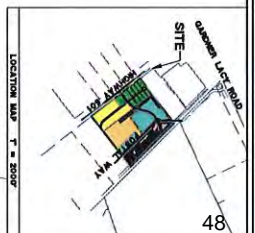
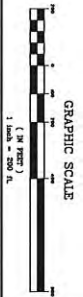
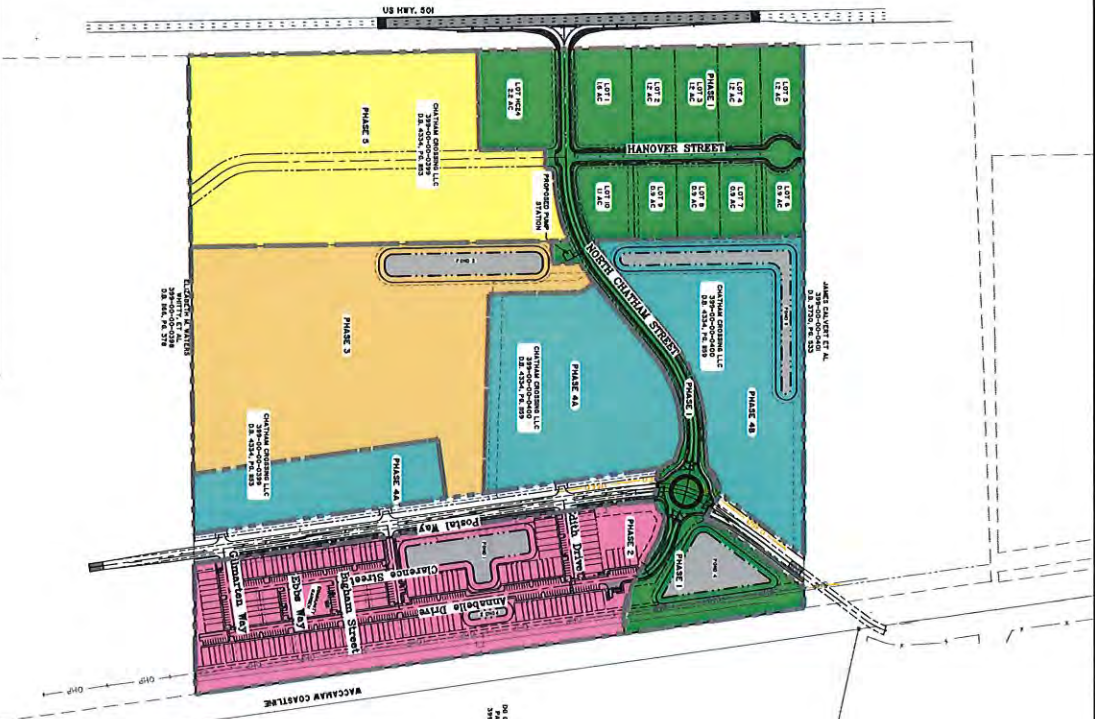
ZONE: LI
 FRONT: 50'
 SIDE: 20'
 REAR: 20'
 CORNER: 30'
 ZONE: HC
 FRONT: 50'
 SIDE: 10'
 REAR: 15'
 CORNER: 15'
 ZONE: MRD2
 FRONT: 15'
 SIDE: 5'
 REAR: 10'
 CORNER: 15'

TOTAL AREA: ±104.7 AC
 FEMA MAP PANEL: 450501C0540
 FLOOD ZONE: X

NOTES:
 1. WATER BY CITY OF CONWAY, SEWER BY GRAND STRAND WATER AND SEWER AUTHORITY.

SUMMARY

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	NON-PHASE ROADS
ACREAGE	22.3 AC	16.6 AC	19.6 AC	23.6 AC	17.9 AC	4.8 AC
DENSITY (GROSS)	0.8 LOTS/AC	8.0 DU/AC	0	0	0	0
DENSITY (NET)	0.8 LOTS/AC	7.3 DU/AC	0	0	0	0
# LOTS	18	154	1	1	1	0
MINIMUM LOT AREA	10,000 SF	PER ORD. 57-2021	21,780 SF	10,000 SF	PER ORD. 57-2021	R/W
MINIMUM LOT DIMENSIONS	SEE ART. VIII	PER ORD. 57-2021	SEE ART VIII	SEE ART. VIII	PER ORD. 57-2021	R/W



- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4
- PHASE 5

LAND USE MASTER PLAN
CHATHAM CROSSING
 PREPARED FOR: HOBBS COUNTY, SOUTH CAROLINA
 PREPARED BY: CHATHAM CROSSING LLC
 THOMAS HUTTON
 411 W. 10th St., Suite 202
 Myrtle Beach, SC 29577
 www.thomashutton.com

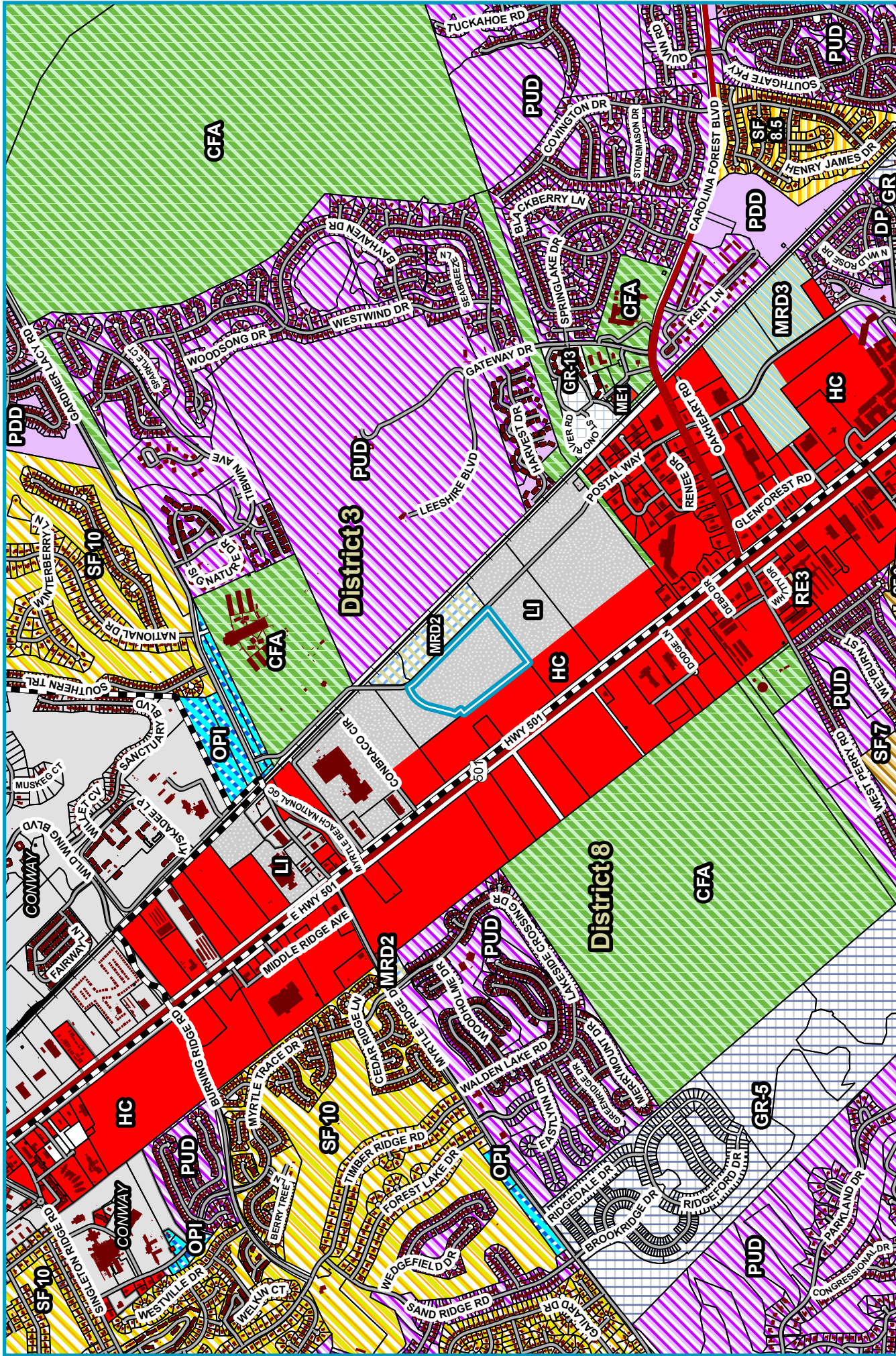
EXHIBIT D

DEVELOPMENT PHASING SCHEDULE

(To be adjusted from time to time as Development is impacted by many factors, including but not limited to things such as the economy, acts of God, and the housing market locally, regionally, and nationally)

Build Out	Phases
June 2026	Phase 1
June 2027	Phase 2
March 2028	Phase 3
March 2028	Phase 4
March 2028	Phase 5

This Development Phasing Schedule is merely an estimate of the substantial build-out of each phase. Individual Lot/Parcel owners will determine the final schedule.



Zoning Map
 Rezoning Case Number 2023-03-006
 Rezoning 34.18 acres from LI to RE 3

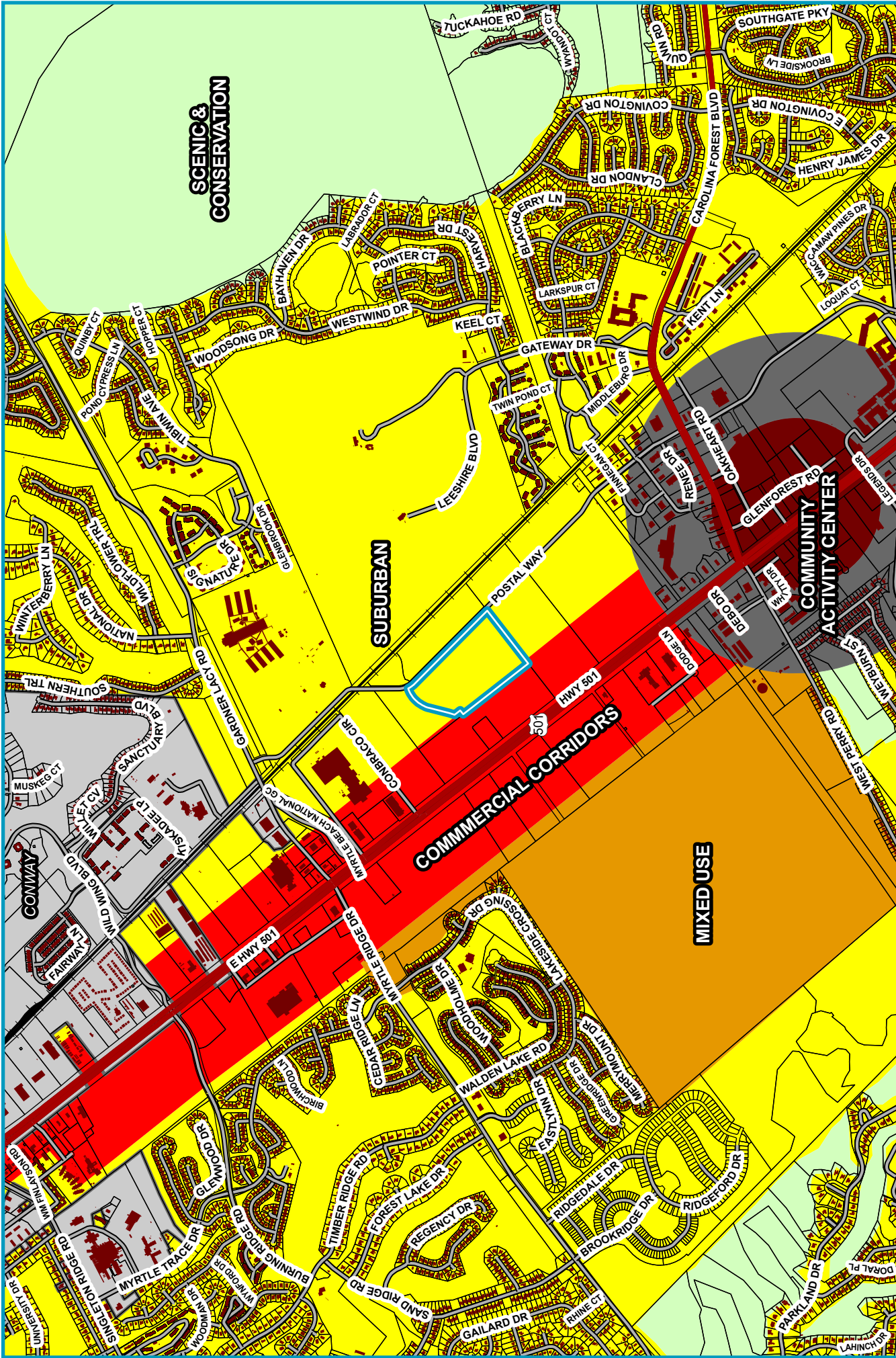
HC Government

Parcel for Consideration
 Council District Boundary
 Parcel Boundary
 Municipality

Structure
 Major Road
 Other Road
 Railroad

0 1000 2000 Feet

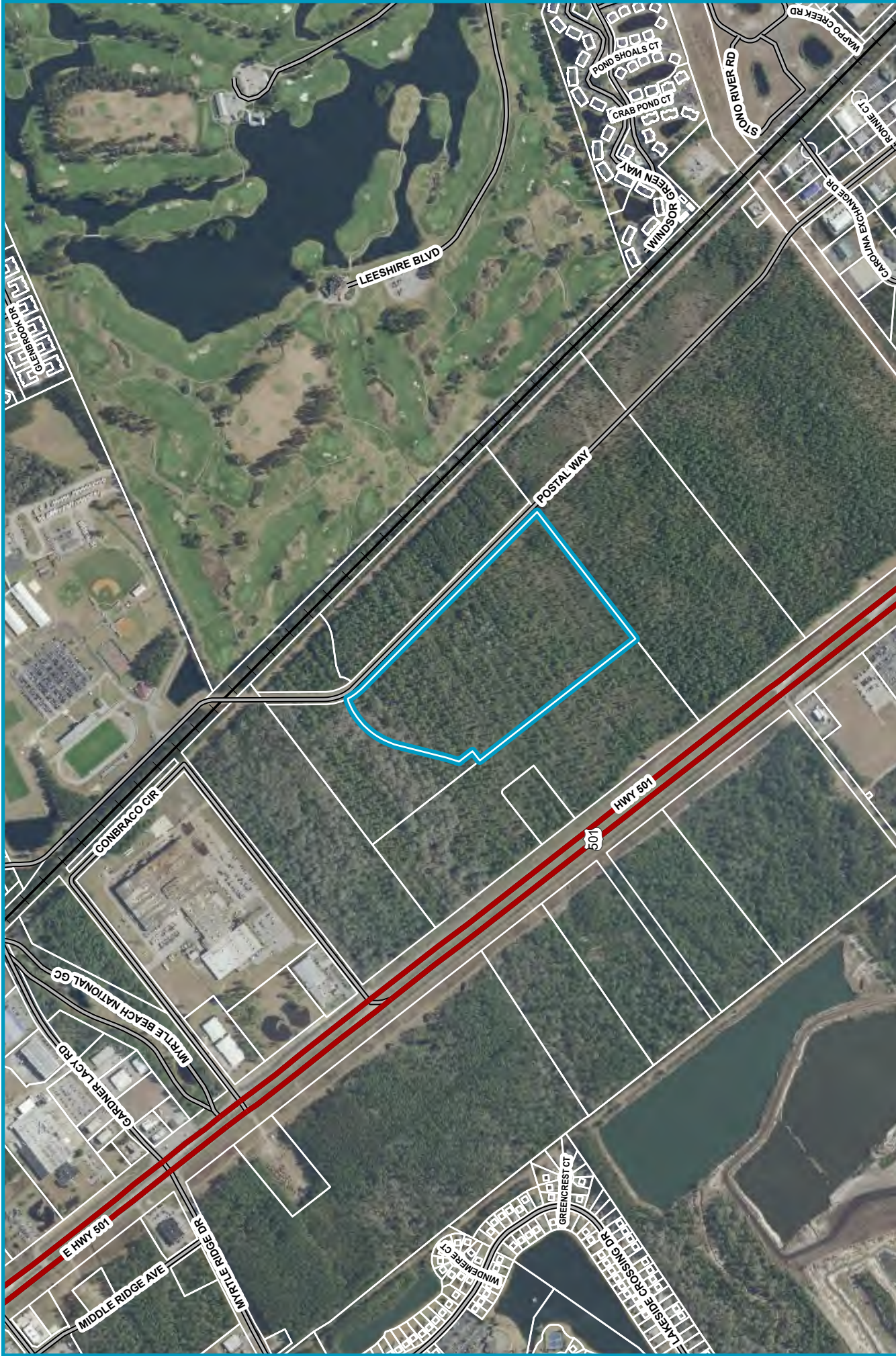
N



Future Land Use Map

Rezoning
Case Number
2023-03-006
Rezoning 34.18 acres
from LI to RE 3

- Parcel for Consideration
- Major Road
- Parcel Boundary
- Other Road
- Municipality
- Railroad
- Structure



Parcel for Consideration



Major Road



Other Road

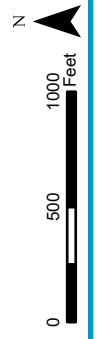


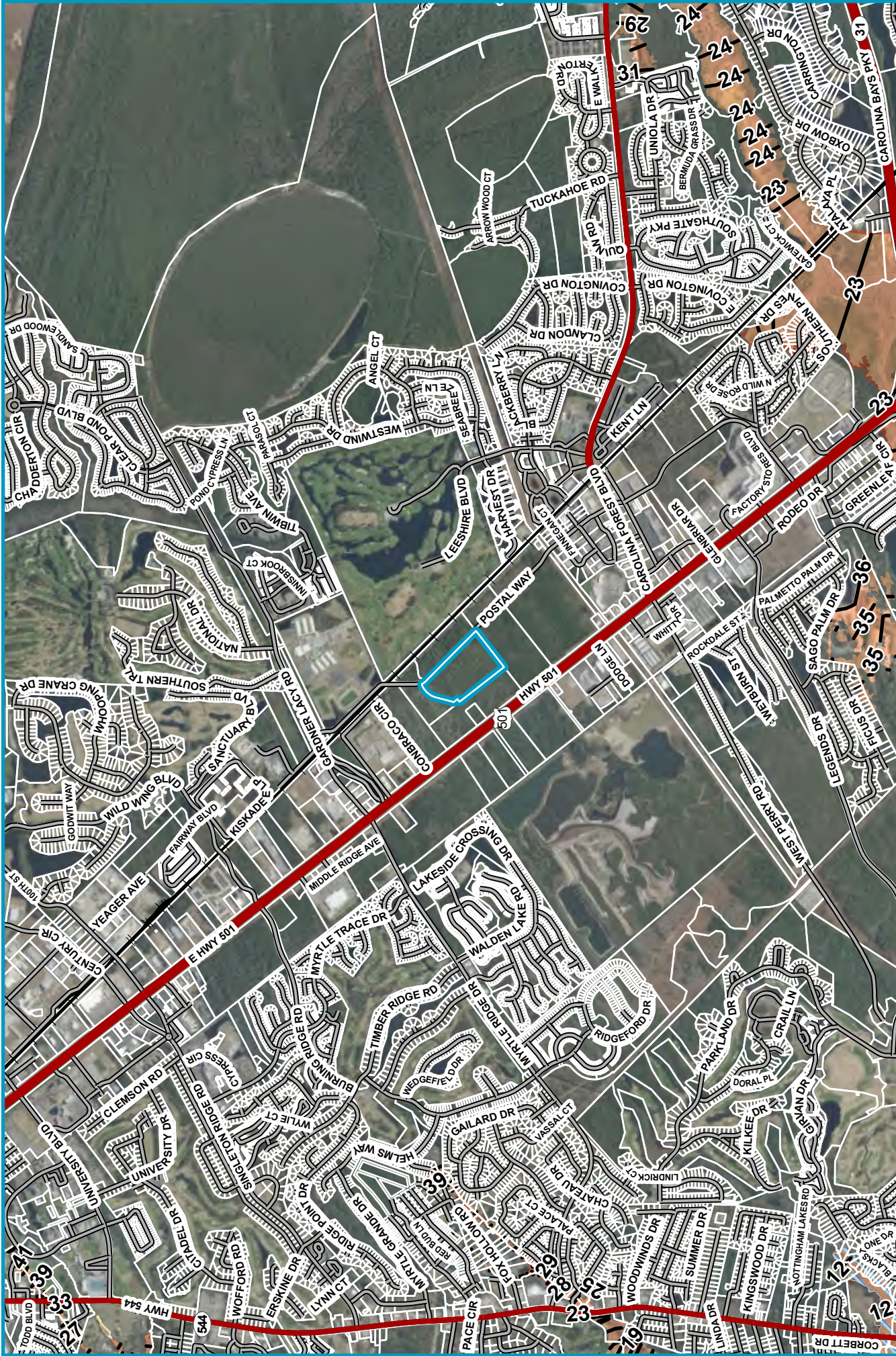
Railroad



Aerial Map

Rezoning Case Number 2023-03-006
 Rezoning 34.18 acres from LI to RE 3





Flood Map

Resoning
Case Number
2023-03-006
Resoning 34.18 acres
from LI to RE 3

Parcel for Consideration
Major Road
Other Road
Railroad

Supplemental Flood Zone
Preliminary Base Flood Elevation (BFE)
A
AE - Special Flood Hazard Area
0.2% Annual Chance Flood Hazard

HC Government

0 2500 5000 Feet

N



- 54 Parcel for Consideration
- 54 Public Notice
- 54 Major Road
- 54 Other Road
- 54 Railroad

Public Notice Map
 Rezoning
 Case Number
 2023-03-006
 Rezoning 34.18 acres
 from LI to RE 3

HC Government

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61323 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 93 Report Date: 3-14-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Thomas & Hutton	Rezoning Request #	2023-03-007
PIN #	399-00-00-0417 & 399-00-00-0398	County Council District #	3- DiSabato
Site Location	Off Postal Way and Hwy 501 in Myrtle Beach	Staff Recommendation	
Property Owner	Tamsley Ann Waters Seaborn Etal & Elizabeth M Waters Whitty Etal	PC Recommendation	
		Size (in acres) of Request	129.6

ZONING INFORMATION		LOCATION INFORMATION		ADJACENT PROPERTIES		
Current Zoning	HC & LI	Flood Information	X	MRD 2	PDD	CFA
Proposed Zoning	PDD	Wetland Information	7.3	LI	Subject Property	HC
Proposed Use	Mixed-use	Utilities	Public	HC	HC	HC
Character of the Area	Undeveloped commercial	Fire in miles	2.11- Fire Station 39 (Career)			
		EMS in miles	2.11- Fire Station 39 (Career)			

COMMENTS

Comprehensive Plan District: Commercial Corridors, Suburban & Community Activity Center – outer ring	Overlay/Area Plan: Airport Environs Overlay & Hwy 501 Overlay
---	--

Discussion: The applicant is requesting to rezone 129.6 acres from HC & LI to PDD. The plan proposes 1,154 units, including townhomes, single family, multi-family, commercial, and vertical mixed use. The project is broken down into 9 pods (A-I), each has its own unit count, density and allowed uses. Pods A & B contain both residential and commercial, while C & D are strictly commercial. Pods E-I are proposed to allow residential and commercial uses. All of the proposed commercial uses are uses allowed in RE 3 and ME 1, along with parking lots/garage, live/work townhomes, farmers market, and mobile food vending. The plan proposes 3 accesses on 501 as well as 4 accesses and a roundabout on Postal Way. The site contains 7.3 acres of wetlands. The applicant has supplied a development agreement.

The future land use designation is Suburban, Community Activity Center & Commercial Corridor. The Imagine 2040 Comprehensive Plan states “residential development should have a density between 3-7 gross units per acre within major subdivisions and as small as 6,000 sq ft for individual, single family lots. A mix of residential uses and densities is appropriate within neighborhoods; however, greater densities and commercial activities are encouraged near Neighborhood Activity Centers and within Community Activity Centers and Mixed-Use areas. Major, master planned developments are encouraged to minimize fragmented development patterns and support an internally and externally interconnected road and bicycle and pedestrian network, while also minimizing the need for multiple curb cuts along major arterial roadways.”

Public Comment:

Proposed Improvements	DA: \$1,500 per/du, Postal Way improvements to include 3 lanes, roundabout, 5' sidewalk, 8' multiuse path, and US.501 frontage road.
------------------------------	--

TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 17,500		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	10,000 / 10,000	Carolina Forest High	2,388	3,012	126%
Existing Road Conditions	County, Paved, Two-lane	Ten Oaks Middle	1,200	1,189	99%
Rd, Station, Traffic AADT (2021) % Road Capacity	US 501, Station (161) 50,100 AADT 80-85%	Carolina Forest Elementary	971	1,220	126%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
		PDD	HC / LI	CFA	HC	LI
Min. Lot Size (in square feet)	See Attachment	10,000 / 21,780	43,560	10,000	21,780	N/A
Front Setback (in feet)	See Attachment	50	60	50	50	15
Side Setback (in feet)	See Attachment	10 / 20	25	10	20	5
Corner Side Setback (in feet)	See Attachment	15 30	37.5	15	30	15
Rear Setback (in feet)	See Attachment	15 / 25	40	15	25	10
Bldg. Height (in feet)	See Attachment	120 / 60	35	120	60	40

COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA) Ordinance No.

AN ORDINANCE TO APPROVE THE REQUEST TO AMEND THE OFFICIAL ZONING MAPS FOR HORRY COUNTY, SOUTH CAROLINA, SO AS TO REZONE PINS 39900000417 & 39900000398, FROM HIGHWAY COMMERCIAL (HC) AND LIMITED INDUSTRIAL (LI) TO PLANNED DEVELOPMENT DISTRICT (PDD)

WHEREAS, Ordinance Number 71-2021 authorizes Horry County Council to periodically amend the Official Zoning Maps for Horry County; and,

WHEREAS, a request has been filed to amend the maps for the above mentioned parcel of land; and,

WHEREAS, Horry County Council finds that the present zoning is not appropriate for the above mentioned parcel(s) of land; and,

WHEREAS, Horry County Council finds that the request to amend the existing zoning is in compliance with the Comprehensive Plan and the good of the public welfare and is a reasonable request:

NOW THEREFORE by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

1) **Amendment of Official Zoning Maps of Horry County:**

Parcels of land identified by PINS 39900000417 & 39900000398 are here with amended to Planned Development District (PDD) and subject to the requirements of attachments A, B, & C.

2) **Severability:** If a Section, Sub-section, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

3) **Conflict with Preceding Ordinances:** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

4) **Effective Date:** This Ordinance shall become effective on Third Reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this _____ day of _____, 2023.

ATTACHMENT A

**Summary of Waters Tract Planned Development District (PDD)
ORDINANCE #**

The Waters PDD is located in Horry County on US Hwy 501 in close proximity to Carolina Forest. The property is bisected by Postal Way. The project is identified as 129.6 acres consisting of PINs 399-00-00-0417 & 399-00-00-0398. The Planned Development envisions a mixed-use community consisting of office, professional, retail and residential uses with an urban core of vertical use integration in addition to distinct residential, service and retail districts. The development will be accessed from US Hwy 501, Postal Way, and an interconnected network of internal roads. Open space is integrated and central to the vision of the development, including active and passive features for residents and visitors alike. Spatial and landscape buffer treatments around the perimeter and environmentally sensitive areas enhance and protect existing land uses, residents and the general public.

GENERAL PROVISIONS

1. Use Districts

Pod	Use District	# of units/sq.ft	Acreage	Gross Density
Pod A	Highway Mixed-use	93	5.8	16
Pod B	Highway Mixed-use	112	7.0	16
Pod C	Highway Oriented Commercial	0	4.1	0
Pod D	Highway Oriented Commercial	0	1.4	0
Pod E	High Density Residential	284	14.2	20
Pod F	Mid-Density Residential	160	10.9	15
Pod G	Town Center Mixed-use	150	7.5	20
Pod H	Town Center Mixed-use	220	10.9	20
Pod I	Mid-Density Residential	135	13.3	10
ROW			14.6	0
Ponds (under 2 AC)	N/A	N/A	6.1	0
Common Area			33.8	0
Total		1,154	129.6	8.9

2. Permitted and Conditional Uses – Use districts shall be in accordance with Exhibit A entitled “Conceptual Plan”

A. Pod A Uses

- All uses permitted within the RE3 district
- All uses permitted in the ME1 district
- All uses in the High Density Residential pods

- Conditional uses
 - All Conditional Uses in the RE3 district
 - All Conditional Uses in the ME1 district
 - Live/Work Townhomes not to exceed 8 units per acre.

B. Pod B Uses

- All uses permitted within the RE3 district
- All uses permitted in the ME1 district
- Existing offsite signs (no enlargement or relocation) subject to Sec. 609
- Conditional uses
 - All Conditional Uses in the RE3 district
 - All Conditional Uses in the ME1 district
 - Live/Work Townhomes not to exceed 8 units per acre.

C. Pod C Uses

- All uses permitted within the RE3 district (no outdoor storage)
- All uses permitted in the ME1 district
- Existing offsite signs (no enlargement or relocation)

D. Pod D Uses

- All uses permitted within the RE3 district (no outdoor storage)
- All uses permitted in the ME1 district
- Existing offsite signs (no enlargement or relocation) subject to Sec. 609

E. Pod E Uses

- Single-family detached (fee-simple & in-common)
- Single-family attached (fee-simple & in-common)
- Townhomes (fee-simple & in-common)
- Multi-family

F. Pod F Uses

- Single-family detached (fee-simple & in-common)
- Single-family attached (fee-simple & in-common)
- Townhomes (fee-simple & in-common)
- Multi-family

G. Pod G Uses

- All uses permitted within the RE3 district (no outdoor storage)
- All uses permitted in the ME1 district
- Stand-alone Parking Lot/Garage (non-commercial offsite parking)
- Conditional Uses
 - All Conditional Uses in the RE3 and ME1 districts
 - Non-commercial fee-simple parking lot/garage for shared and off-site parking
 - Live-Work Townhomes not to exceed 8-units per acre
 - Farmers Market
 - No additional parking required
 - May occupy required parking within the District
 - No structures requiring a building permit shall be allowed
 - Hours of operation: 8:00 a.m. – 5:00 p.m.
 - Temporary/Seasonal uses subject to Sec. 1002
 - Mobile Food Vending shall be subject to Sec. 913 (Food Vending) of the Horry County Zoning Ordinance unless otherwise noted.
 - May be a stand-alone use with no associated principal structure located on-site
 - No additional parking required

- May occupy required parking within the District
- No more than 15 vending licenses within the District

H. Pod H Uses

- All uses permitted within the RE3 district (no outdoor storage)
- All uses permitted in the ME1 district
- Stand-alone Parking Lot/Garage (non-commercial offsite parking)
- Conditional Uses
 - All Conditional Uses in the RE3 and ME1 districts
 - Non-commercial fee-simple parking lot/garage for shared and off-site parking
 - Live-Work Townhomes not to exceed 8-units per acre
 - Farmers Market
 - No additional parking required
 - May occupy required parking within the District
 - No structures requiring a building permit shall be allowed
 - Hours of operation: 8:00 a.m. – 5:00 p.m.
 - Temporary/Seasonal uses subject to Sec. 1002
 - Mobile Food Vending shall be subject to Sec. 913 (Food Vending) of the Horry County Zoning Ordinance unless otherwise noted.
 - May be a stand-alone use with no associated principal structure located on-site
 - No additional parking required
 - May occupy required parking within the District
 - No more than 15 vending licenses within the District

I. Pod I Uses

- Single-family detached (fee-simple & in-common)
- Single-family attached (fee-simple & in-common)
- Townhomes (fee-simple & in-common)
- Multi-family

3. Dimensional Standards

Use	Lot Area	Min. Lot Width	Setbacks				Building Separation	Height
			Front	Side	Rear	Side Corner		
Town Center Mixed-Use	N/A	N/A	25' PDD Exterior Setback				0'	60'
Highway Mixed-Use	N/A	N/A	50' PDD Exterior Setback				0', 20'	60'
Highway Oriented Commercial	10,000 sf	60'	50' PDD Exterior Setback				0'	60'
High Density Residential	N/A	N/A	25' PDD Exterior Setback				10', 20'	60'
Mid Density Residential	1,600 sf	20'	25' PDD Exterior Setback				10, 20'	35'

1. All buildings, structures and pools shall be subject to a 25' PDD perimeter setback.
2. All buildings, structures and pools shall be subject to a 50' setback from US Hwy 501.
3. All buildings, structures and pools shall meet a 25' setback from Postal Way.
4. Corner side setbacks in Highway Mixed-use and Highway Oriented Commercial shall be 10'.
5. Building separation shall be 10' for single-family (fee-simple, in-common) and 20' for multi-family (including Townhomes). All other uses (including mixed-use) shall be subject to a 0' building separation.

4. Signage

Signage shall be in accordance with Article VI of the Horry County Zoning Ordinance.

5. Lighting

Lighting shall be in accordance with Section 410 of the Horry County Zoning Ordinance. Lighting adjacent to streets within Waters PDD (including Postal Way), either within the right-of-way or directly adjacent, shall be considered “decorative” and exempt per Section 410.3.

6. Access Management

A. Complete Streets

Streets shown on Exhibit A shall be publicly dedicated and subject to the cross-section standards as identified in Exhibit B, Conceptual Street Sections.

- The Master Property Owners Association shall be responsible for maintenance of all landscaping and associated decorative features within the public right-of-way including but not limited to pavers, street lighting, and other hardscape features.

B. Vehicular Parking

- Parking within right-of-way shall count towards required parking in the Town Center Mixed-Use District.
- Signage and striping associated with marked on-street parking spaces within the public right-of-way shall be maintained by the Master Property Owners Association.
- Shared parking between the various Use Districts may be accommodated via non-commercial fee-simple parking lots or garages in the Waters PDD. Ownership of such facilities shall be held by a Master Property Owners Association and subject to private covenant for perpetual use and maintenance.
 - Districts and uses herein utilizing the shared parking facilities shall have perpetual access and maintenance rights recorded in Master Covenants and Restrictions for the Waters PDD.
- A Parking Demand Analysis shall be approved by the Horry County Engineer when shared parking is utilized in the Waters PDD.

C. Sidewalks & Pathways

- Sidewalks and pathways shall not be required on the perimeter of the Waters PDD.

D. Project Ingress/Egress

- There are multiple points of ingress/egress into and through the Waters PDD from the surrounding street network.
 - The main entrance from US Hwy 501 shall feature signage, landscaping, a center median and a minimum of five (5) lanes.
 - Access to Postal Way shall be limited to intersections as shown on Exhibit A “Conceptual Plan”. Individual pods shall not have direct access to Postal Way unless otherwise shown.

7. Open Space

- A.** Open space shall be programmed to meet the needs of residents and visitors as both a shopping destination and residential area. There are competing interests for recreational open space. The Town Center, Highway Mixed-use, and Highway Oriented Districts require streetscapes and recreational amenities suitable for both resident and visitor. However, the Residential Districts require amenities specifically for residents with interconnectivity to the region.
- B.** The Minimum required open space provided is based on a pro-rata share of the density achieved during project phasing. Open space for any given phase shall not be required to be in the same phase so long as it is provided within the Planned Development. Open space distribution may vary as density shifts between districts. Further, the amount of overall open space is a strict function of total density.

- C. Stormwater ponds greater than 2-acres shall count as active open space.
- D. The right-of-way within the Town Center Mixed-Use District of the PDD shall count towards the requirements of Recreational Open Space. The median shall be subject to an encroachment permit issued by Horry County Engineering for perpetual maintenance by a Master Property Owners Association for the Waters PDD.
- E. Required Open Space shall be based on the formulas in Section 206.C.3 of the Horry County Zoning Ordinance (PDD Buffers and Open Space), wherein the total open space acreage is a derivative of the number of dwelling units (1,154), average household population (2.3), and acreage per capita (0.01). Total open space required shall be based on the total number of residential units at build-out of the Waters PDD and is subject to change from the calculations herein.

Recreational Open Space:
 $1,154 \times 2.3 \times .01 = \mathbf{26.5 \text{ acres}}$

Common Open Space:
 $(1,154 \times 2.3)/.01 = \mathbf{6.1 \text{ acres}}$

8. Landscape Standards

- A. Landscape buffers shall be subject to the following standards

Plant quantities per 100 lf of buffer

Landscape Areas	Landscaping Type	Width	Canopy	Understory	Shrub
PDD Perimeter	Type A	25'	3	3	15
Streets	Type C	10'	2	2	15
Residential Districts Perimeter	Type B	5'	2	2	20
Highway Mixed-Use District Perimeter	Type B	5'	2	2	20
Town Center Mixed-Use District Perimeter	Type B	5'	2	2	20

1. Minimum plant sizes shall be in accordance with Sec. 504.A.3
2. Buffers shall not be subject to Table 4, Sec. 504.
3. The 25' PDD Perimeter Buffer shall be reduced to a 10' Type C adjacent to the Railroad right-of-way.
4. Where sidewalks and shared-use paths are provided, the landscape buffer shall be reduced to 5' for the adjacent Use District.

- B. Foundation plantings and Streetscape Buffers shall not be required in the Town Center Mixed-Use District of the Waters PDD.

- C. Stormwater Best Management Practices (BMP's) including Low Impact Development (LID) standards may be incorporated into buffers throughout the Waters PDD. When utilized, plant quantity requirements shall be waived. LID design shall be based on BMP's as described in the manual titled *Low Impact Development in Coastal South Carolina: A Planning and Design Guide*.

ATTACHMENT B

Waters Tract Planned Development District (PDD)

DEVELOPMENT SUMMARY

TOTAL SITE		47,129.6 AC	
POD	USE	# OF UNITS/SQ. FT.	GROSS DENSITY AC
A	HIGHWAY MIXED USE	03	47-5.8
B	HIGHWAY MIXED USE	102	47-20
C	HIGHWAY ORIENTED COMMERCIAL	0	47-41
D	HIGHWAY ORIENTED COMMERCIAL	0	47-14
E	HIGH DENSITY RES.	284	47-14.2
F	MID-DENSITY RES.	160	47-10.9
G	TOWN CENTER MIXED USE	150	47-7.5
H	TOWN CENTER MIXED USE	220	47-10.9
I	MID-DENSITY RES.	155	47-13.3
J	ROW	-	47-33.8
K	COMMON AREA	-	47-6.1
TOTAL		1,184	47-129.6

*COMMON AREA AC CALCULATION INCLUDES PONDS OVER 2 ACRES

PROJECT SUMMARY INFORMATION

OWNER:
SEABORN TAMSEY ANNI WATERS ETAL
WHITTY ELIZABETH WATERS ETAL

PARCEL:
PIN: 399-00-00-0417-399-00-00-0398
ACREAGE: 129.6

ZONING:
CURRENT: HC & LI
PROPOSED: PDD
FEMAL

ZONE X
FRM: 45001.00.658K

NOTES:
1. THE QUALITY OF POND OR CREEK SHALL NOT BE REMOVED, DAMAGED OR DESTROYED.
2. SEE DEVELOPMENT PLAN FOR POND AND CREEK LOCATIONS.
3. SEWER BY CONCA.
4. WETLANDS BY THE BIG DAM COMPANY DATED 01/29/2022.



EXHIBIT A
WATERS TRACT ZONING MASTERPLAN
HORRY COUNTY, SOUTH CAROLINA

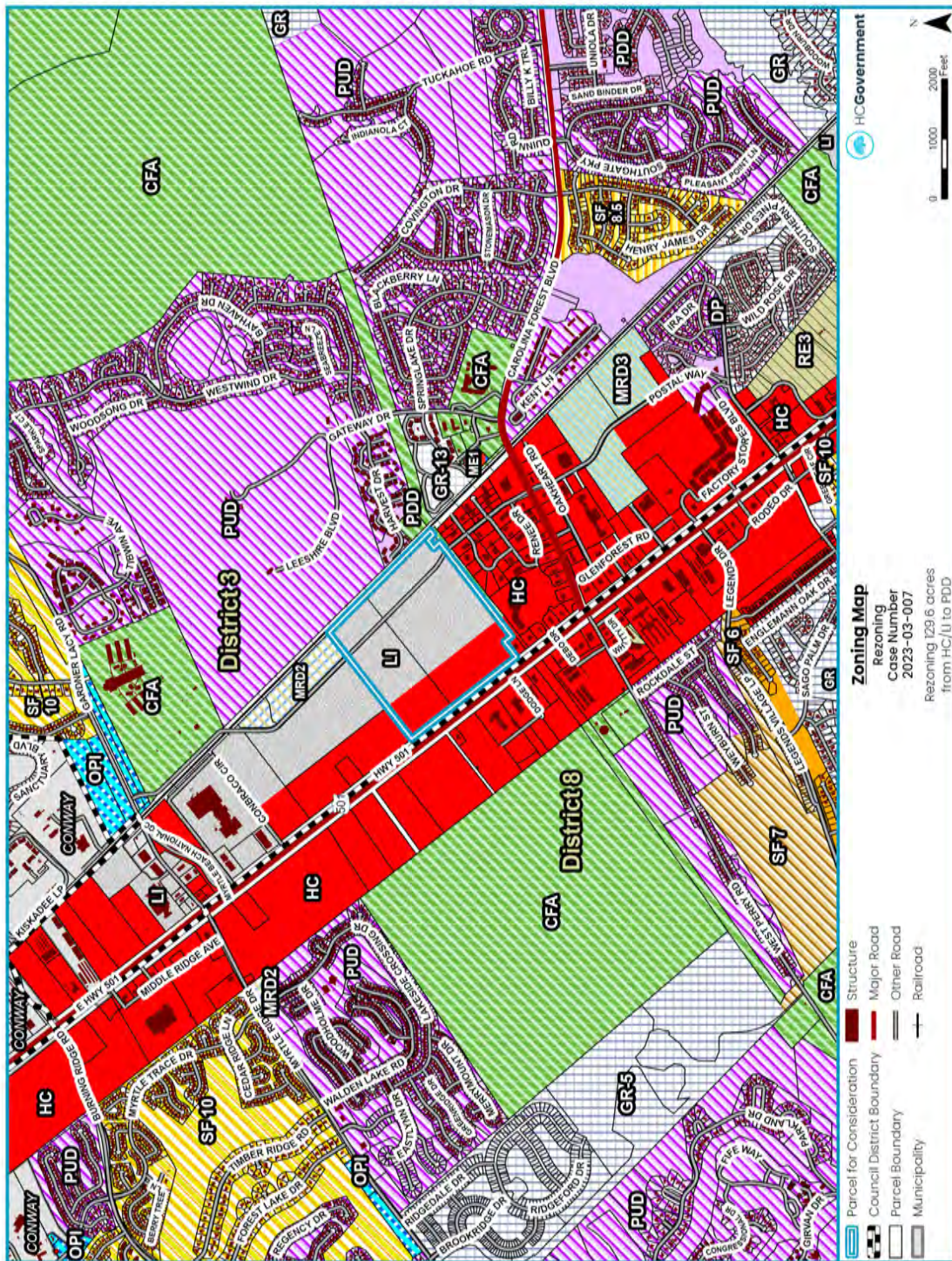
REICHMANN INTERNATIONAL
THOMAS HUTTON

SCALE: 1" = 4000'
FEBRUARY 2023

100' ROW WITH ACTIVE MEDIAN
25' BUFFER (TYP.)
140' ROW WITH ACTIVE MEDIAN
COMMON SPACE (TYP.)
25' BUFFER (TYP.)
STORM WATER EASEMENT
RAILROAD
POSTAL WAY
HIGHWAY 501
PROPOSED FUTURE TRAFFIC SIGNAL
PROPOSED FUTURE CONNECTION TO COMMERCIAL CENTER
66' ROW (TYP.)
COMMON SPACE (TYP.)
WETLAND (TYP.)
25' BUFFER (TYP.)

ATTACHMENT C

Waters Tract Planned Development District (PDD)



**DEVELOPMENT AGREEMENT BETWEEN HORRY COUNTY
AND RIRA GP INC.**

THIS DEVELOPMENT AGREEMENT (the “Agreement”) is made and entered into this ___ day of _____, 2023 (the “Effective Date”) by and between Horry County, a body politic under the laws of the State of South Carolina (“County”) and RIRA GP Inc. or its successors or assigns (“Developer”).

WITNESSETH:

WHEREAS, the legislature of the State of South Carolina has enacted the “South Carolina Local Government Development Agreement Act”, as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended (the “Act”); and

WHEREAS, Section 6-31-10(B)(1) of the Act, recognizes that “[t]he lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning”; and

WHEREAS, Section 6-31-10(B)(6) of the Act, also states that “[d]evelopment agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State”; and

WHEREAS, the Act, further authorizes local governments, including municipal governments, to enter into development agreements with developers to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and

WHEREAS, the County seeks to protect and preserve the natural environment and to secure for its citizens’ quality, a well planned and designed development and a stable and viable tax base; and

WHEREAS, Tamsley Ann Waters Seaborn, an individual and resident of the State of South Carolina, Elizabeth M. Waters Whitty, an individual and resident of the State of Virginia, and George Edward Waters, an individual and resident of the State of Virginia (collectively referred to herein as the “Owner”) are the legal owners of the Property (as hereinafter defined) and have given permission to Developer, pursuant to the terms of a valid and binding contract to purchase the Property, to enter into this Agreement with the County; and

WHEREAS, the County finds that the program of development for this Property proposed by Developer over approximately the next Five (5) years or as extended as provided herein is

generally consistent with the County's comprehensive land use plan and land development regulations, and will further the health, safety, welfare and economic wellbeing of the County and its residents; and

WHEREAS, the development of the Property and the program for its development presents an opportunity for the County to secure quality planning and growth, protection of the environment, and to strengthen the County's tax base; and

WHEREAS, Developer desires to develop certain real property owned by Owner, consisting of approximately 129.6 acres, more or less, located in Horry County, South Carolina, as more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "Property") for the construction and development of a mixed-use project;

WHEREAS, the Property is currently zoned HC and LI;

WHEREAS, Developer has submitted an application for re-zoning all of the Property to Planned Development District ("PDD");

WHEREAS, the County desires to insure that in the event the Property is developed in accordance with the rezoning referenced herein and above that adequate and appropriate public benefits are provided;

WHEREAS, Owner desires to obtain from the County assurances that (i) the proposed rezoning of the Property to PDD will be approved by the County; (ii) upon its application for development permits, Owner may proceed with the development and construction of the Property or in any portion or phase thereof, in accordance with the zoning designation defined as of the Effective Date; and (iii) such development rights will be vested for the duration of the development of the Property pursuant to the terms of this Agreement;

WHEREAS, the Property is adjacent and in close proximity to other properties that are a part of a larger area being planned and developed by various owners and developers and the County wishes to coordinate the necessary infrastructure, improvements and public benefits needed in this area to support these projects and the areas around them as shown on **Exhibit B** ("Roadway & Related Public Benefit Improvements");

WHEREAS, this Agreement is being made and entered into between Developer and the County, under the terms of the Act, for the purpose of providing assurances to Developer that it may proceed with its development plan under the terms hereof, consistent with its approved rezoning without encountering future changes in law which would materially and adversely affect the Developer's ability to develop the Property under its approved zoning, and for the purpose of providing important public benefits and improvements, protection to the natural environment and long term financial stability as well as an increased and more viable tax base to the County;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and incorporated herein by this reference, the mutual covenants of the parties contained herein and other good and valuable consideration agreed to by both Developer and County, including the

public and economic benefits to both the County and Developer by entering this Agreement, and to encourage well planned development by Developer, the receipt and sufficiency of such consideration being hereby acknowledged, the County and Developer hereby agree as follows:

1. DEFINED TERMS. Terms not otherwise defined herein have the meaning set forth in the Act, the provisions of which are incorporated herein by reference. The Code shall mean the South Carolina Code of Laws, 1976, as amended.

2. PURPOSE AND PUBLIC BENEFITS. The County finds that the development permitted or proposed herein is generally consistent with the County's comprehensive plan and land development regulations and provides public benefits. The purpose of this Agreement is to agree on certain public benefits as shown on Exhibit B (the "Roadway & Related Public Benefit Improvements"). Such Roadway & Related Public Benefit Improvements located on Developer's Property shall be constructed, installed, completed and dedicated in accordance with County standards as shown on Exhibit B and generally in the timeframes listed in Exhibit D. While Developer will be solely responsible for such improvements located within and on its Property, such improvements located outside Developer's Property ("Offsite Improvements") shall be contingent upon Horry County having the applicable rights and approvals to allow the installation and construction of such Offsite Improvements. Such Offsite Improvements shall be installed, constructed and paid for by the County but Developer agrees to pay to the County at building permit issuance, a contribution towards the cost of such Offsite Improvements in the amount of One Thousand Five Hundred Dollars (\$1,500.00) per approved density unit pursuant to the PDD ("Offsite Improvement Contribution"). The Offsite Improvements do not have to be constructed should the necessary and required contingencies not be met. In addition to the Offsite Improvements, Exhibit B specifically shows certain public benefits being constructed on the neighboring "Chatham Crossing Tract." Developer is not in any way responsible for the construction of any public benefit improvements on or related to the Chatham Crossing Tract and this Agreement is not contingent in any way with the construction of any public benefit improvements on or related to the Chatham Crossing Tract. The public benefit improvements on the Chatham Crossing Tract are simply being shown on Exhibit B so that the public benefit improvements on the Property and the Chatham Crossing Tract may be aligned and viewed as a whole with respect to the overall development of these properties while also showing the proposed Roadway & Related Public Benefit Improvements.

3. VESTED RIGHTS. This Agreement establishes the zoning classification for the Property as PDD, in accordance with the Horry County Zoning Ordinances (the "Zoning Code"), as existing on the Effective Date of this Agreement and continuing throughout the Term of this Agreement, as defined herein. As of the Effective Date, such zoning designations and development rights contained in the Zoning Code are deemed vested in Developer, its successors and assigns, subject to the terms of this Agreement, and the agreements, obligations, and commitments contained herein run with the Property and may not be changed or modified except as provided herein or as allowed by the Act.

- (a) No future changes or amendments to the Zoning Code or other local ordinances, laws, rules or regulations shall apply to the Property after the Effective Date, and no other legislative enactments shall apply to the Property or this Agreement which have an

adverse effect on the ability of Owner to develop the Property in accordance with this Agreement or which have the effect of materially increasing the costs of the improvement of the Property, except as may be provided for in this Agreement or Section 6-31-80 of the Act.

- (b) Notwithstanding the foregoing, the parties specifically agree that this Agreement shall not prohibit the application of any building, housing, electrical, plumbing or gas codes, nor of any tax or fee of universal application throughout the County to both new and existing development specifically bound to be necessary to protect the health, safety and welfare of its citizens.
- (c) Furthermore, the parties acknowledge that the improvements to be made to the Property remain subject to the current requirements of the building codes, land development regulations and the current guidelines for approval by the County.

4. FUTURE COSTS, FEES & IMPACT FEES. The parties agree that the above facts and cost involved in Developer constructing the required Roadway & Related Public Benefit Improvements on its Property as well as its financial obligation to make the Offsite Improvement Contribution, make it appropriate for the County to give assurances to Developer that the Property will not be subjected to any Impact Fees or subsequently enacted Impact Fees or any new future property fees and assessments of a general nature which might otherwise be imposed upon the Property due to the nature, transportation, density or size of the development upon the Property or to any applicable increase in such existing property or impact fees and assessments (e.g., a newly imposed transportation impact fee or the like). This assurance is imperative in order for Developer to accurately forecast the potential costs of future development of the Property and to construct the Roadway & Related Public Benefit Improvements as well as its Offsite Improvement Contribution and thus make an informed decision regarding its long term financial commitment to develop the Property. The prohibition against impact fees, future property fees and assessments shall not apply to the levying of any tax or fee of universal application within the County to new and previously existing development but shall prohibit the imposition of all fees and charges which specifically impact only new development.

5. MASTER PLAN. The master plan attached hereto as Exhibit C is the design plan for the Property and generally shows some of the public benefits to be obtained under this Agreement and is submitted herein for descriptive and illustrative purposes only. Notwithstanding anything contrary contained herein, the zoning classifications set forth herein shall govern the development of the Property. Design criteria and layout illustrated on the design plan and any other exhibits or materials supporting the development of this Property shall be understood to be flexible, and, as of the Effective Date, incomplete and may be revised, modified, and changed by the Developer with the approval of the County, provided such revisions or changes do not conflict with the zoning classification for the Property set forth herein or as stated and allowed in the PDD. The final design of development and use as well as types and locations may be shifted, adjusted, and added to satisfy market objectives and be consistent with the overall general plan of development as well as density, as set forth herein and in the PDD.

6. ZONING; PERMITTED USES. The Property shall be zoned PDD under the current Zoning Code as of the Effective Date of this Agreement. Any subsequent changes to any applicable Zoning Code provisions shall not be effective as to the Property, except as provided in this Agreement.

7. FACILITIES, SERVICES AND ROADS. Although the nature of this long-term project prevents the Developer from providing exact completion dates, the general phases of Development are set forth and described in Exhibit C. The Developer certifies that the services will be in place (or if not fully in place, the cost of construction secured by an irrevocable letter of credit or certified check posted pursuant to any applicable federal, state or local regulations (the “Current Regulations”)) at the times provided herein. The Developer shall comply with applicable Laws and all provisions of this Agreement, and obtain prior approval of construction plans by the County and other applicable governmental entities before installing any and all necessary “Facilities” as described in more detail below. Notwithstanding any provision herein to the contrary, the Developer hereby assures the County that adequate Facilities shall be available concurrent with the phases of Development.

- (a) Rights-of-Way/Easement. The Developer or a third party shall at its expense develop and provide roads, streets, and other transportation and drainage related facilities and infrastructure within the Project and pursuant to and at such time required by the development plans for the Project and/or the Current Regulations. Such facilities may be transferred by the Developer, in fee or by easement, subject to proper dedication and acceptance by the County, or a property owners association. Rights-of-way and easements may also remain privately owned and maintained.
- (b) Potable Water. Subject to approval by the South Carolina Department of Health and Environment Control (“DHEC”), the service and Facilities for water shall be provided by the City of Conway. The Developer, in its sole discretion and as permitted by DHEC, may utilize private water systems.
- (c) Sanitary Sewer Facilities and Service. Subject to approval by the DHEC, the service and facilities for sanitary sewer for the Project shall be provided by Grand Strand Water and Sewer Authority. Sewer impact fees shall be paid in the normal course of the development process. The Developer, in its sole discretion and as permitted by DHEC, may utilize private sewer systems.
- (d) Stormwater. Developer will comply with all stormwater and flood control ordinances, including but not limited to the Stormwater Management and Sediment Control Ordinance for Horry County, South Carolina; the Horry County Stormwater Management Design Manual, and the Horry County Flood Damage and Control Ordinance. The site design for the project shall minimize the generation of stormwater and maximize pervious areas, and stormwater management facilities shall be designed to reduce the 25-year, 24-hour developed peak discharge rates by twenty percent (20%) from the existing peak discharge rates. In addition, the 100-year, 24-hour post-development peak discharge rates must not be greater than the pre-development peak

discharge rates. Developer shall meet or exceed all County Stormwater Management and Sediment Control Ordinance requirements in effect as of the time of permitting.

(e) Road Infrastructure. Pursuant to Exhibit C, Developer shall pay for and construct all road, street, thoroughfare, and other transportation and drainage related infrastructure and improvements within the Property and providing permanent unrestricted access to the Project. Any roads whose standards are dictated by federal, state or county standards shall be constructed according to the respective standards and pursuant to the applicable federal, state or county processes.

(f) Acceptance of Roads. The road improvements located with the Property described above may be made public upon proper dedication to and acceptance by the County.

8. DEVELOPMENT PERMITS. Such local, state and federal permits which are needed and shall be obtained for the development of the Property include, but are not limited to, the following:

(a) Horry County Permits.

- (i) Clearing and grading;
- (ii) Stormwater;
- (iii) Water and Sewer;
- (iv) Planning and Zoning plan approval;
- (v) Road encroachment permits;
- (vi) Building permits; and
- (vii) Sign permits.

(b) State of South Carolina Permits and Approvals.

- (i) SCDHEC – water and sewer;
- (ii) OCRM – stormwater;
- (iii) OCRM – erosion and sediment control;

(c) Federal Permit.

- (i) EPA-NPDES – stormwater permit.

9. DEVELOPMENT SCHEDULE. If Developer elects to proceed with development of the Property, the initial construction phase will begin with site clearing and grading. Though market forces may shift and thereby accelerate or slow down development, it is anticipated that the development will be completed within the Term and in phases pursuant to the Development Schedule shown on Exhibit “D”, attached hereto and incorporated by reference herein. It is agreed that the provisions of this Agreement will not apply to any development which occurs after the expiration of the Term, unless this Agreement has been extended pursuant to the terms of this Agreement or state law.

10. PUBLIC NOTICE AND HEARINGS. The County represents and warrants that it has conducted at least two public hearings and has published the notice of intent to consider this Agreement in the Horry Independent and other Waccamaw Publishing newspapers, in accordance with the requirements of Section 6-31-50 of the Act.

11. COMPLIANCE WITH LAWS. Notwithstanding any other provision of law, the Property must comply with any building, housing, electrical, plumbing and gas codes subsequently adopted by the County as authorized by Chapter 9 of Title 6 of the Code. In the event state or federal laws or regulations enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement, the provisions of this Agreement must be modified or suspended as may be necessary to comply with the state or federal laws or regulations.

12. SUBSEQUENT LAWS. The County may subsequently adopt laws applicable to the Property, provided the County at a public hearing determines:

- (a) The laws are not in conflict with the Act and do not prevent the Property from being developed as set forth herein;
- (b) The laws are essential to the public health, safety or welfare and expressly state that they apply to the Property;
- (c) The laws are specifically anticipated and provided for herein;
- (d) The County demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement, which changes, if not addressed by the County, would pose a serious threat to the public health, safety or welfare; or
- (e) This Agreement is based on substantially and materially inaccurate information supplied by the Developer.

13. RECORDING. Developer, at its sole cost and expense, shall record this Agreement with the Horry County Register of Deeds within Fourteen (14) days of the Effective Date.

14. TERM. Developer represents and warrants that the Property consists of a total of not less than 25 acres and not more than 250 acres of "highland" within the meaning given that term by the Act. Unless otherwise extended as provided for herein or in the Act, the term of this Agreement shall expire on the date which is Five (5) years from the Effective Date ("Term"). Notwithstanding such termination date, provided that the Developer is not in default (after being provided with notice and opportunity to cure as set forth below) of this Agreement, Developer has diligently pursued development of the Property, and the project has not been completed, at the conclusion of the initial five-year term, the termination date of this Agreement shall automatically be extended for One (1) additional Five (5) year term. Notwithstanding the terms and provisions in this Section or elsewhere in this Agreement to the contrary, if a court of competent jurisdiction hereafter determines that the length of the Term, or the provision for extension of the Term set forth above, exceeds the maximum term allowed under the Act and if all applicable judicial appeal periods have

expired without such determination being overturned, then the Term of this Agreement relative to all or specific affected portions of the Property shall be reduced to the maximum permissible term under the Act, as determined by a court of competent jurisdiction.

15. MODIFICATIONS AND AMENDMENTS. This Agreement may be modified, amended, or cancelled by mutual consent of the parties hereto, evidenced by written agreement signed by both parties and recorded in the Office of the Register of Deeds for Horry County, as required herein.

16. BENEFIT. The burdens of this Agreement are binding upon and benefits of this Agreement shall run with the land and inure to all successors in interest of the parties hereto.

17. SEVERABILITY. If any provision herein or the application of any provision herein is held invalid, such invalidity shall apply only to such invalid provision, and the remaining provisions of the Agreement, and the application of this Agreement or any other provision of this Agreement shall remain in full force and effect.

18. GOVERNING LAW. The provisions of this Agreement are governed by, and construed in accordance with, the Act and general laws of the State of South Carolina.

19. SUCCESSORS AND ASSIGNS.

(a) Binding Effect. This Agreement shall be binding on the successors and assigns of the Developer in the ownership or Development of any portion of the Property or the Project. A purchaser, lessee or other successor in interest of any portion of the Property shall be solely responsible for performance of obligations hereunder as to the portion or portions of the Property so transferred. Assignees of development tracts shall be required to execute a written acknowledgment accepting and agreeing to perform the obligations in this Agreement, said document to be in recordable form and provided to the County at the time of the recording of any deed transferring a development tract. Following delivery of such documents, the previous Developer shall be released of any further liability or obligation with respect to the obligations.

(b) Estoppel Certificate. Upon request in writing from an assignee or the Developer to the County sent by certified or registered mail or publicly licensed message carrier, return receipt requested, the County will provide a certificate (the "Certificate") in recordable form stating that solely with respect to the portion of the Property described in the request, there are no violations or breaches of this Agreement of which the County has actual knowledge, except as otherwise described in the Certificate. The County will respond to such a request within thirty (30) days of the receipt of the request, and may employ such professional consultants, municipal, county and state agencies and staff as may be necessary to assure the truth and completeness of the statements in the Certificate. If the County is unable to confirm the statements in said Certificate are truthful and complete, County will notify the Developer in writing and will not be required to sign said Certificate. The reasonable costs and disbursements of private consultants will be paid by the person making the request.

The Certificate issued by the County will be binding on the County in accordance with the facts and statements contained therein as of its date and may be relied upon by all persons having notice thereof.

If the County does not respond to such request within thirty (30) days of the time of its receipt, the portion of the Property described in the request will be deemed in compliance with all of the covenants and terms of this Agreement. A certificate of such conclusion may be recorded by the Developer, including a copy of the request and the notice of receipt and it shall be binding on the County as of its date. Such notice shall have the same effect as a Certificate issued by the County under this Section.

20. GENERAL PROVISIONS.

(a) Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Horry County Administrator
P.O. Box 1236
Conway, SC 29528
Attn: Steve Gosnell
Telephone: 843-915-5020
E-mail: gosnells@HorryCounty.org

With copies to:

Horry County Attorney
P.O. Box 1236
Conway, SC 29528
Attn: Arrigo Carotti
Telephone: 843-915-5270
E-mail: carottia@HorryCounty.org

To the Developer:

Reichmann International
22 St. Clair Avenue East, Suite 1200
Toronto, Ontario M4T 2S3
Canada

With copy to:

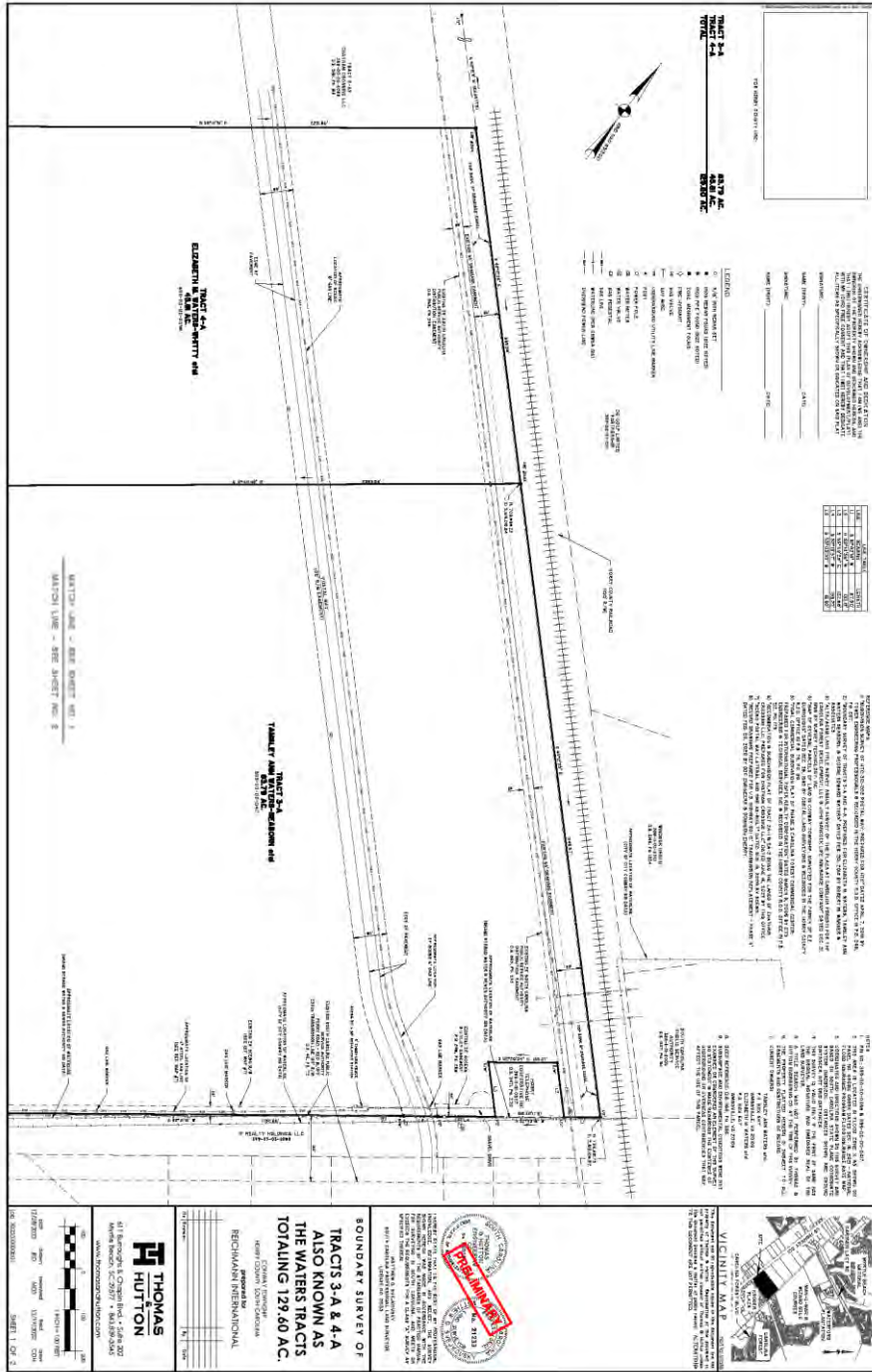
Franklin G. Daniels, J.D., LL.M.
Nexsen Pruet, LLC
1101 Johnson Avenue, Suite 300
Myrtle Beach, SC 29577
Telephone: 843-213-5403
Email: fdaniels@nexsenpruet.com

- (b) Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.
- (c) Force Majeure. The parties hereto shall be excused for the period of delay in the performance of any obligations hereunder when such delay is occasioned by cause or causes beyond the control of the party whose performance is so delayed and the time of performance shall be automatically extended for a like period. Such causes shall include, without limitation, all labor disputes, civil commotion, war, war-like operations, sabotage, governmental or judicial regulation, legislation or controls, inability to obtain any necessary materials or services, moratoriums, a pandemic or epidemic (e.g., COVID 19 or any variant or similar pandemic thereof), acts of God, or any event where there is an analogous event of “force majeure” then in effect under any provision or requirement in this Agreement. The Term of this Agreement shall also be subject to and extended by any such force majeure event.

Signature pages to follow.

EXHIBIT "A"

Legal Description of Property



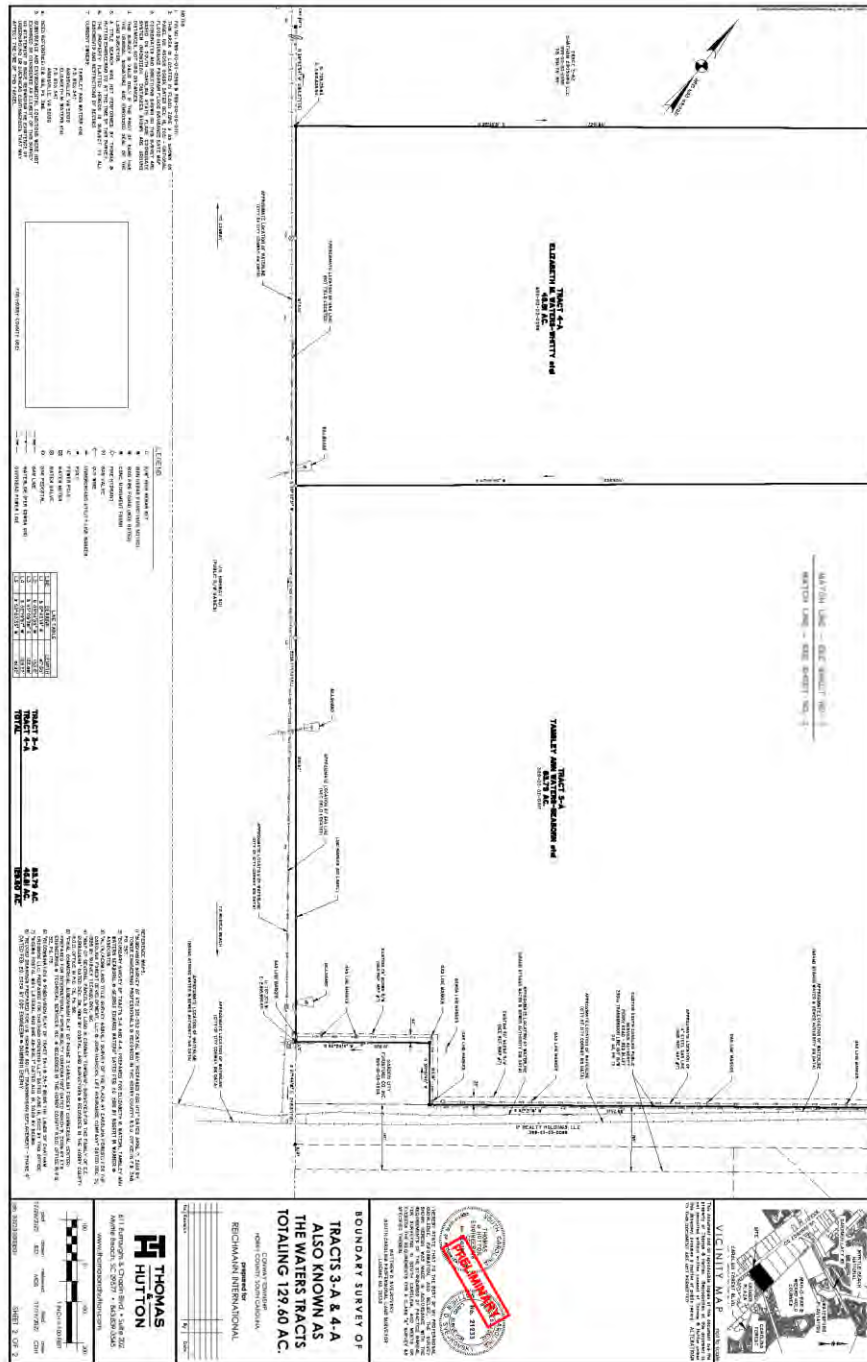


EXHIBIT "B"

Roadway & Related Public Benefit Improvements (Attached)

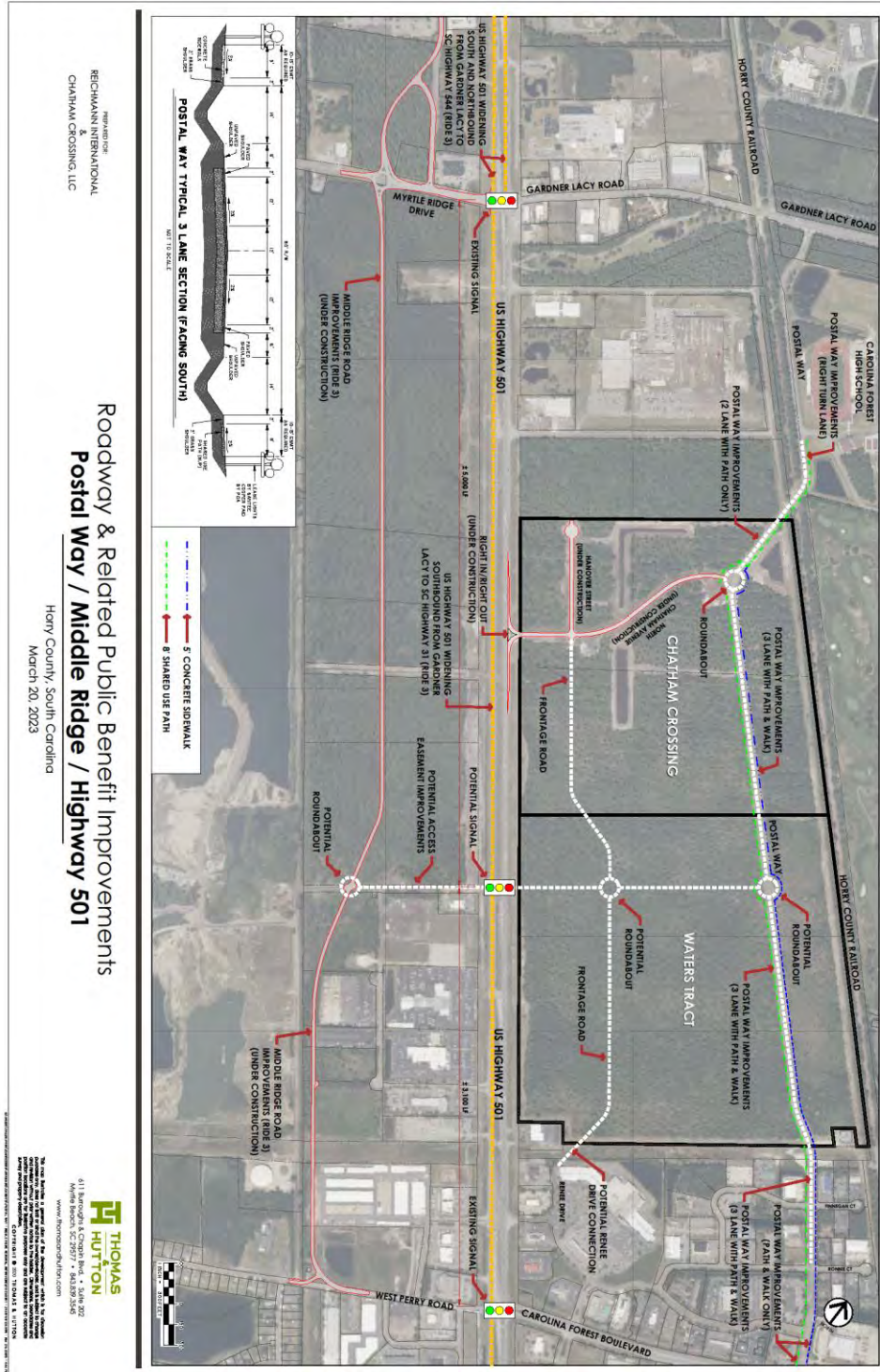


EXHIBIT "C"

Proposed Master Plan of Property (Attached)



REICHMANN INTERNATIONAL
THOMAS HUTTON

EXHIBIT A
WATERS TRACT ZONING MASTERPLAN
Horry County, South Carolina

FEBRUARY 2023

DEVELOPMENT SUMMARY

POD	USE	± 129.6 AC	± 129.6 AC	± 129.6 AC	± 129.6 AC
		± 129.6 AC	± 129.6 AC	± 129.6 AC	± 129.6 AC
A	HIGHWAY MIXED USE	93	± 5.8	16	
B	HIGHWAY MIXED USE	12	± 7.0	16	
C	COMMERCIAL	0	± 4.1	0	
D	HIGHWAY ORIENTED	0	± 1.4	0	
E	COMMERCIAL RES.	284	± 14.9	20	
F	MEDIUM DENSITY RES.	160	± 10.9	15	
G	TOWN CENTER MIXED USE	150	± 7.5	20	
H	TOWN CENTER MIXED USE	220	± 10.9	20	
I	MEDIUM DENSITY RES.	135	± 13.3	10	
	COMMON AREA	-	± 3.8	-	
	PONDS (UNDER 2 AC)	-	± 6.1	-	
TOTAL		1154	± 129.6	8.9	

*COMMON AREA ACRES CALCULATION INCLUDES PONDS OVER 2 ACRES.

PROJECT SUMMARY INFORMATION

OWNER:
SEACORNS TRUSTEE ANN WATERS EPA
WHITTY EDZBERTH W WATERS EPL

PARCEL:
PIN: 399-00-00-0417, 399-00-00-0398
ACREAGE: 129.6

ZONING:
CURRENT: HC & LI
PROPOSED: RPD

FEMA:
ZONE X
FIRM: 45051C0355K

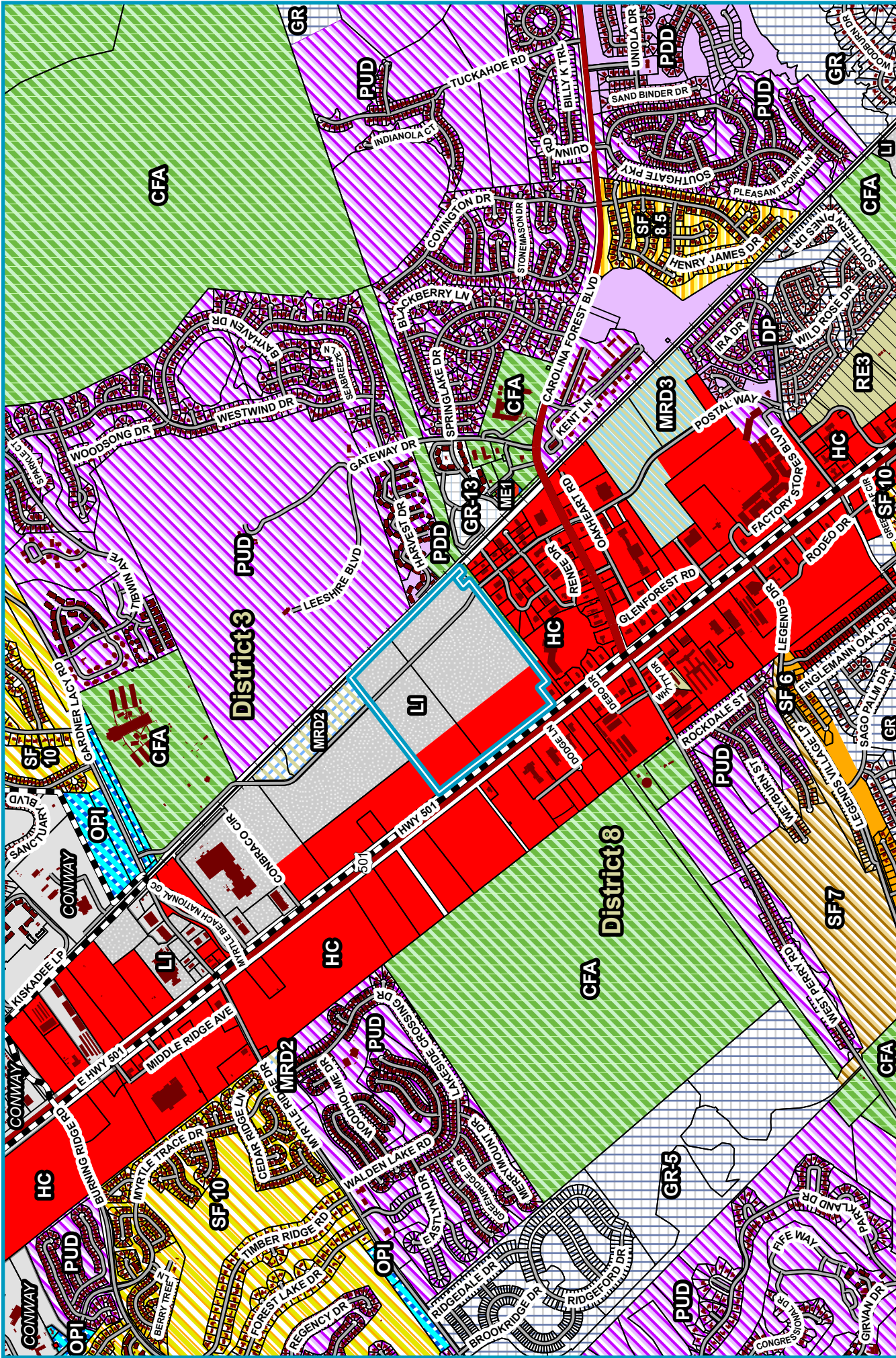
NOTES:
1. THIS PLAN IS A PRELIMINARY PLAN AND DOES NOT REPRESENT A GUARANTEE OF RESULTS.
2. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE Horry COUNTY BOARD OF ZONING ADJUSTMENTS.
3. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE Horry COUNTY BOARD OF ZONING ADJUSTMENTS.
4. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE Horry COUNTY BOARD OF ZONING ADJUSTMENTS.



EXHIBIT “D”

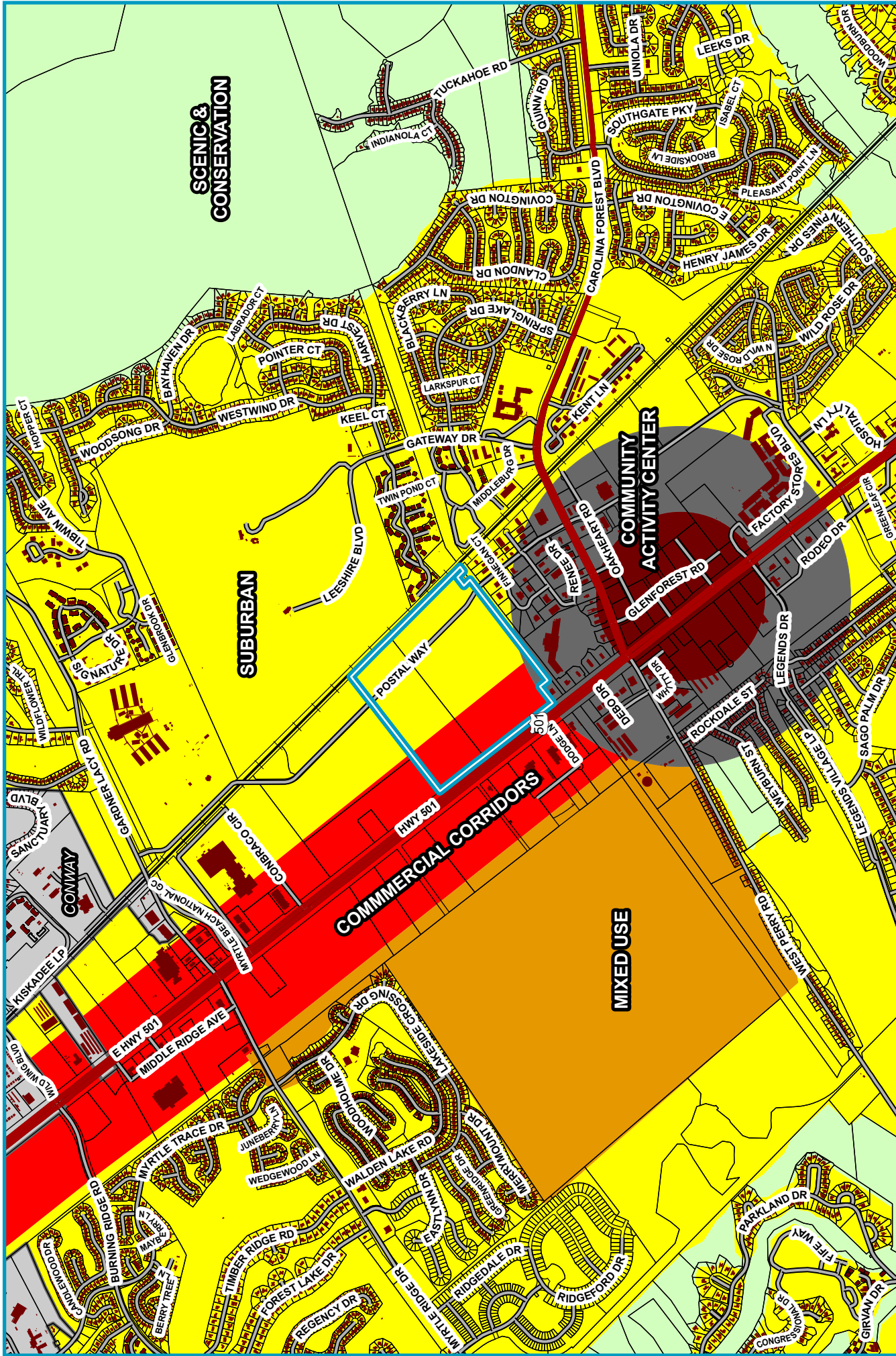
Development Schedule

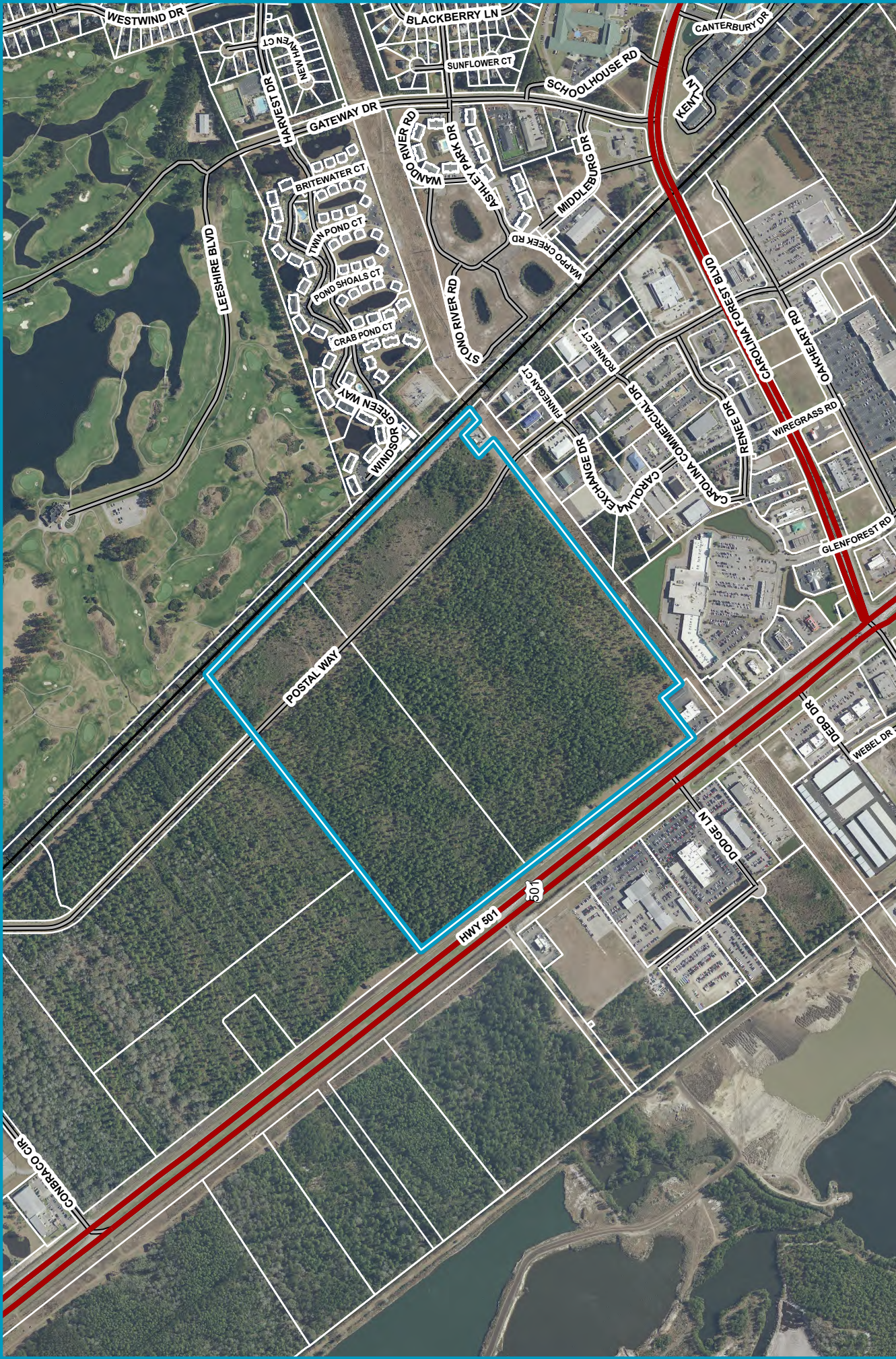
	Permit Date	Completion Date	Construction Phase
Site Improvements			
Postal Way/Hwy 501 connector/round-a-bout	Summer 2024	Winter 2026	Phase 1
Renee Drive extension to round-a-bout	Summer 2024	Winter 2026	Phase 1
Postal Way 3-lane	Fall 2025	Summer 2027	Phase 2
Renee Drive extension to Chatham	Fall 2025	Summer 2027	Phase 2
Postal Way pedestrian improvement	Winter 2027	Spring 2028	Phase 3
Offsite Improvements			
Renee Drive/Kroger connection	Fall 2025	Spring 2026	Phase 1
Postal Way to Renee Dr 3-lane widening	Winter 2027	Summer 2028	Phase 3
Postal Way/CFB pedestrian improvement	Winter 2027	Summer 2028	Phase 3
Middle Ridge/Hwy 501 connector	Upon Warrant	Upon Warrant	Upon Warrant
US Hwy 501 Signal	Upon Warrant	Upon Warrant	Upon Warrant
Postal Way/CFHS turn lane improvement	By Others	By Others	By Others
Postal Way/CFHS pedestrian improvement	By Others	By Others	By Others



Zoning Map
 Rezoning
 Case Number
 2023-03-007
 Rezoning 129.6 acres
 from HC/LI to PDD

- Parcel for Consideration
- Council District Boundary
- Parcel Boundary
- Municipality
- Structure
- Major Road
- Other Road
- Railroad





Parcel for Consideration



Major Road

Other Road

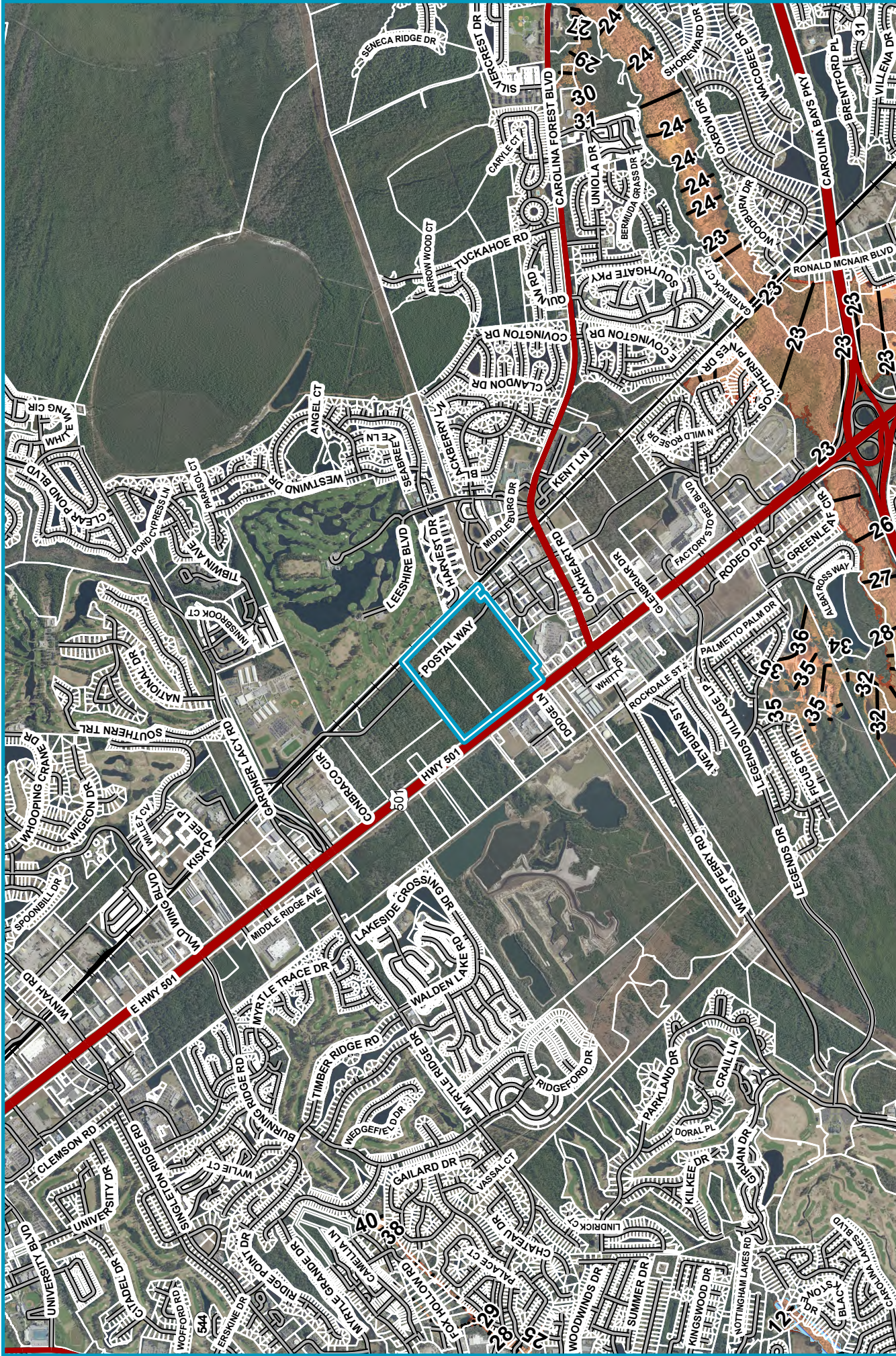
Railroad

Aerial Map

Rezoning Case Number 2023-03-007

Rezoning 129.6 acres from HC/LI to PDD



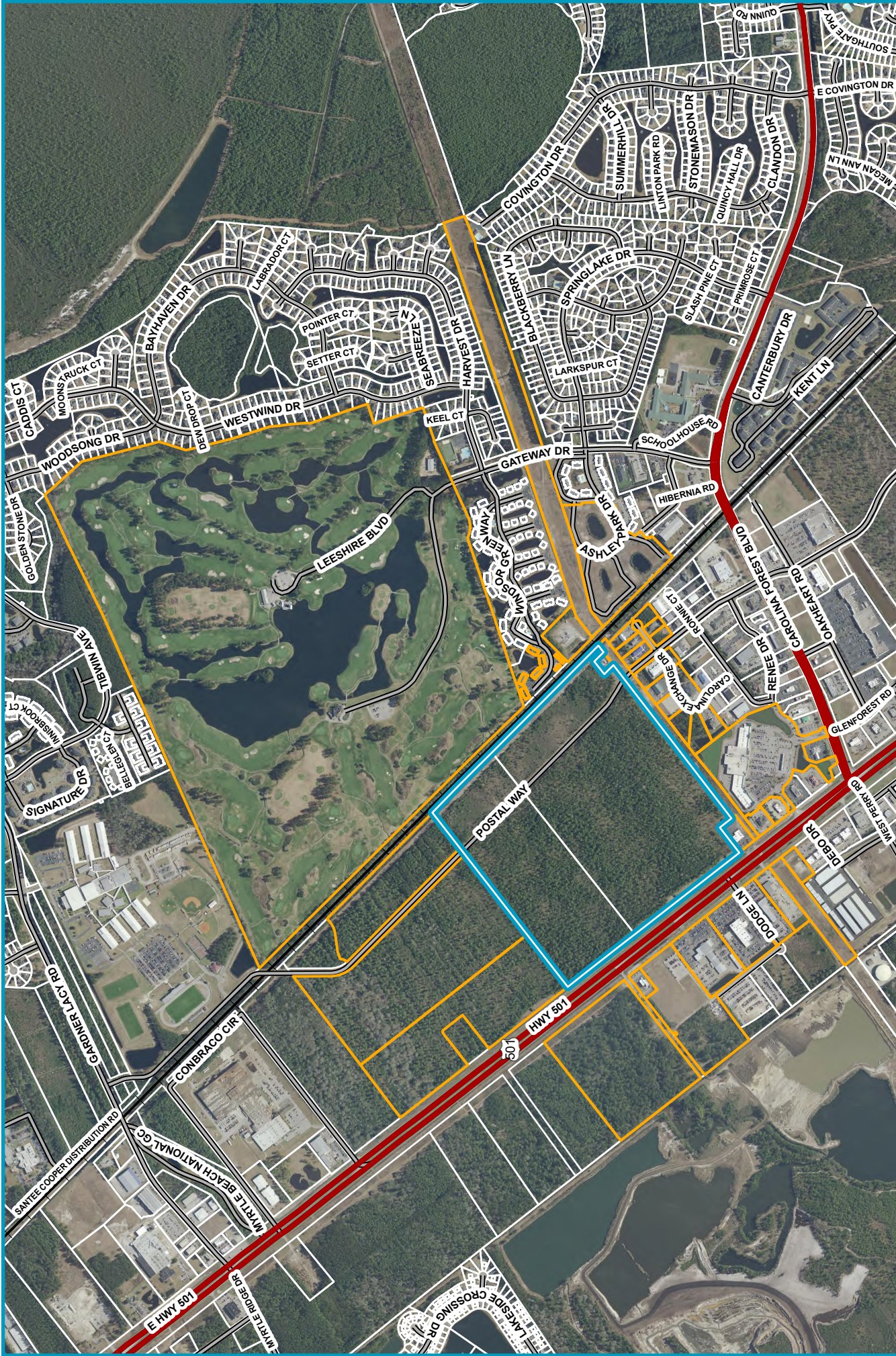


Flood Map






- Resoning
- Case Number
- 2023-03-007
- Resoning 129.6 acres
- from HC(L)to PDD

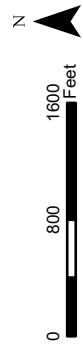
HC Government

	Parcel for Consideration		Supplemental Flood Zone
	Major Road		Preliminary Base Flood Elevation (BFE)
	Other Road		AE - Special Flood Hazard Area
	Railroad		0.2% Annual Chance Flood Hazard



Public Notice Map
 Rezoning
 Case Number
 2023-03-007
 Rezoning 129.6 acres
 from HC(L) to PDD

-  Parcel for Consideration
-  Public Notice
-  Major Road
-  Other Road
-  Railroad



Horry County Rezoning Review Sheet

Energov #: 60900 Advertisement & Mailout Date :3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 30 Report Date: 2-20-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Janet Floyd	Rezoning Request #	2023-03-001
PIN #	267-05-02-0012	County Council District #	9 - Causey
Site Location	Radius Rd off Freemont Rd in Longs	Staff Recommendation	
Property Owner	Delanie Yates	PC Recommendation	
		Size (in acres) of Request	0.53

ZONING INFORMATION		LOCATION INFORMATION		ADJACENT PROPERTIES		
Current Zoning	RE 1	Flood Information	X	RE 1	MSF 10	MSF 10
Proposed Zoning	MSF 10	Wetland Information	N/A	RE 1	Subject Property	MSF 10
Proposed Use	Manufactured home	Utilities	Public	RE 1	MSF 10	MSF 10
Character of the Area	Residential	Fire in miles	3.17- Fire Station 13 (Career)			
		EMS in miles	3.17- Fire Station 13 (Career)			

COMMENTS

Comprehensive Plan District: Rural Communities	Overlay/Area Plan:
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Discussion: The applicant is requesting to rezone from RE 1 to MSF 10 to permit a manufactured home on the property. RE 1 allows sitck built single family homes but not manufactured homes. The property was rezoned (2008-02-005) from MSF 10 to RE 1 back in 2008 to provide commercial services to the community, but was never developed.

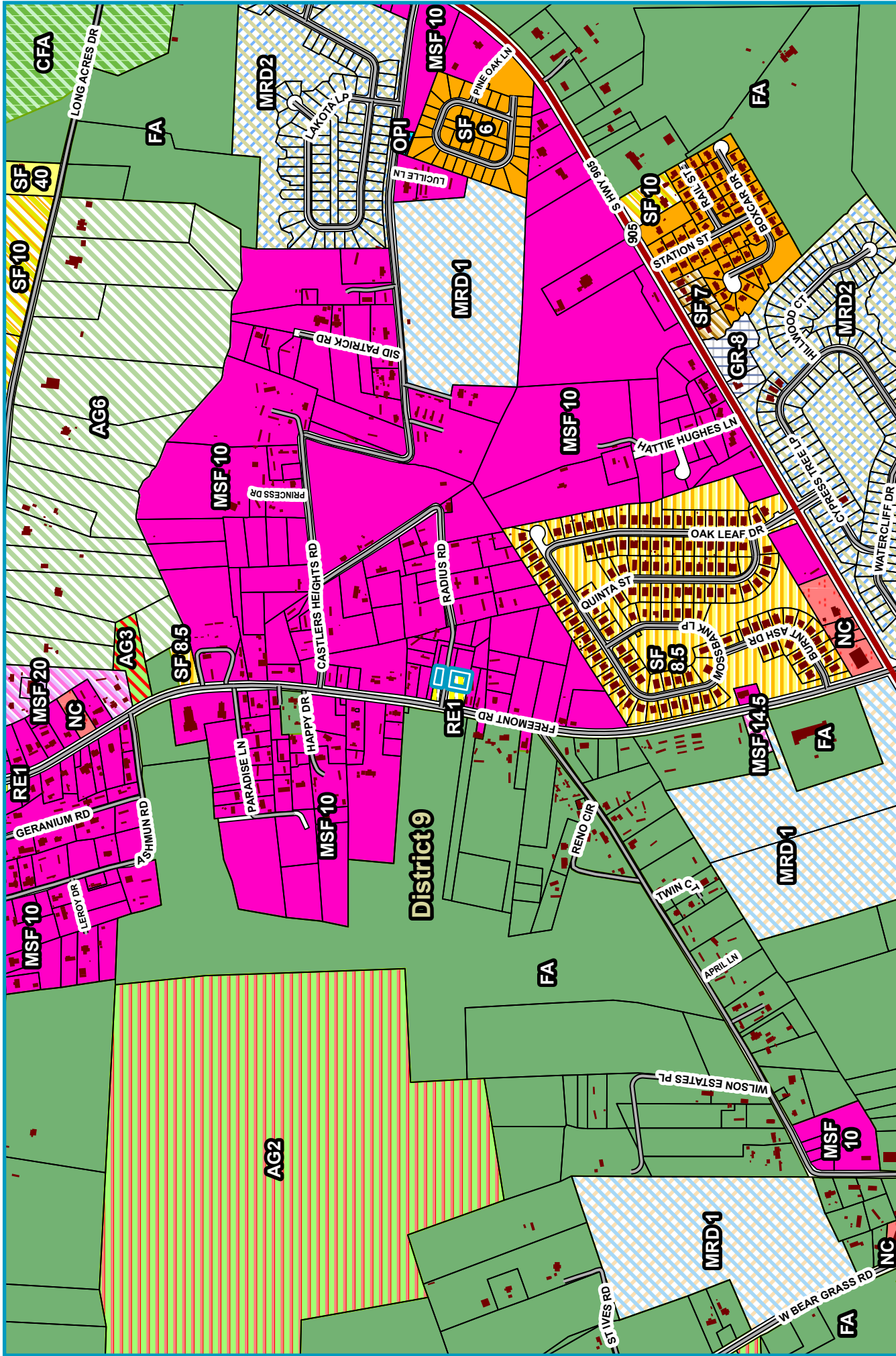
The future land use designation is Rural Communities. The Imagine 2040 Comprehensive Plan states the desired development pattern is "single family residential developments, including minor and major subdivisions, with lot sizes greater than 14,500 sqft or with a maximum of 3 net units per acre. It also states "Subdivision of land for single family detached housing units are allowable, as long as it coincides with existing residential development patterns and do not impede on adjacent farming operations."

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 8		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	8 / 8	Loris High	1,059	781	74%
Existing Road Conditions	County, Paved, Two-lane	Loris Middle	859	707	82%
Rd, Station, Traffic AADT (2021) % Road Capacity	SC 905, Station (252) 6,900 AADT 40-45%	Daisy Elementary	682	626	92%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
	MSF 10	RE 1	MSF 10	RE 1		
Min. Lot Size (in square feet)	10,000	10,000	10,000	10,000		
Front Setback (in feet)	25	25	25	25		
Side Setback (in feet)	10	10	10	10		
Corner Side Setback (in feet)	15	15	15	15		
Rear Setback (in feet)	15	15	15	15		
Bldg. Height (in feet)	35	36	35	36		



Zoning Map
 Rezoning
 Case Number
 2023-03-001
 Rezoning 0.53 acres
 from RE 1 to MSF 10

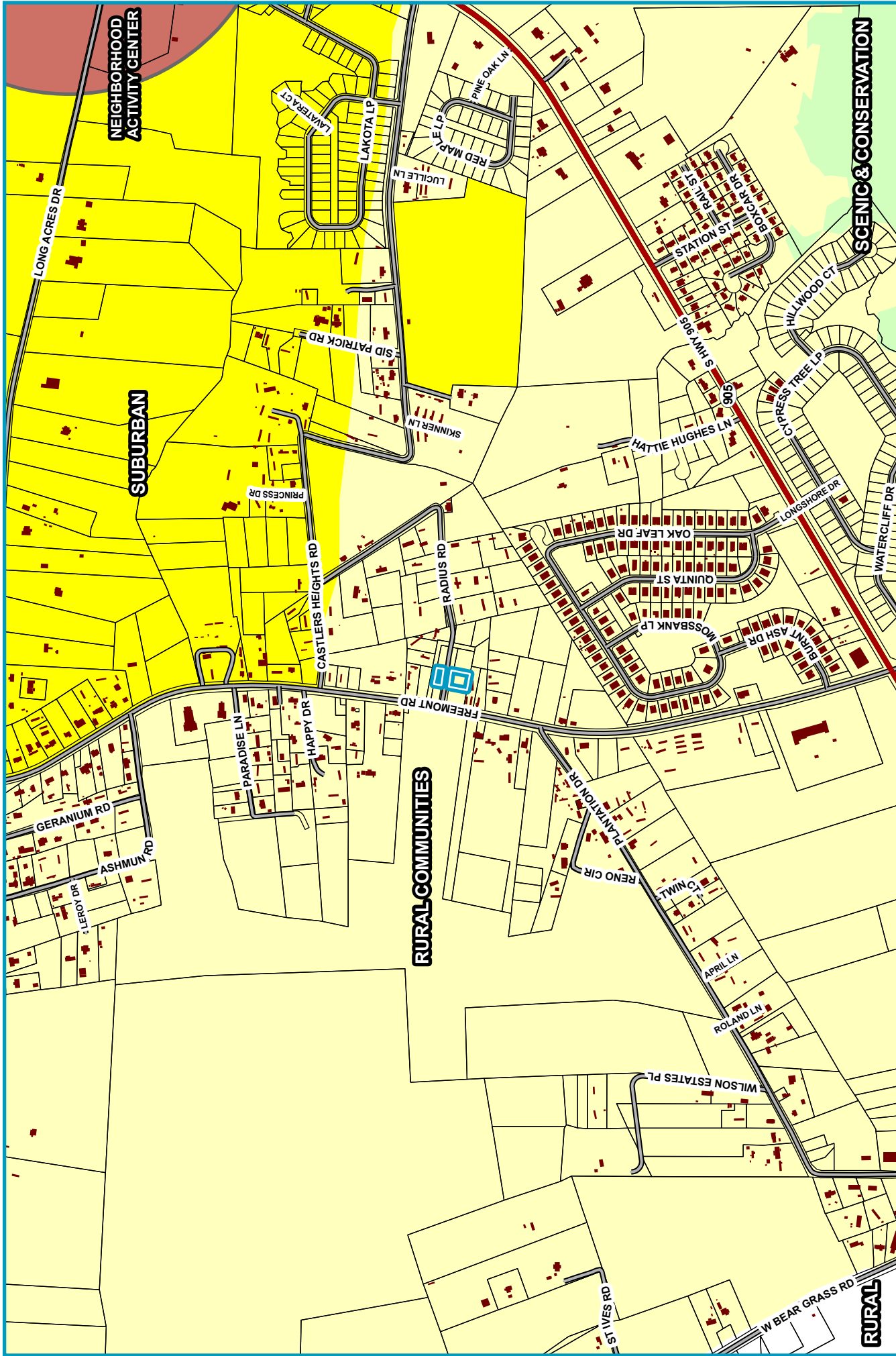
Parcel for Consideration
 Council District Boundary
 Parcel Boundary

Structure
 Major Road
 Other Road

HC Government

0 600 1200 Feet

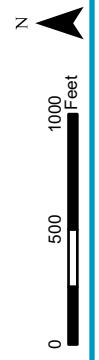
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Future Land Use Map

- Parcel for Consideration
- Parcel Boundary
- Structure
- Major Road
- Other Road

Resizing
 Case Number
 2023-03-001
 Resizing 0.53 acres
 from REI to MSF 10





 Parcel for Consideration

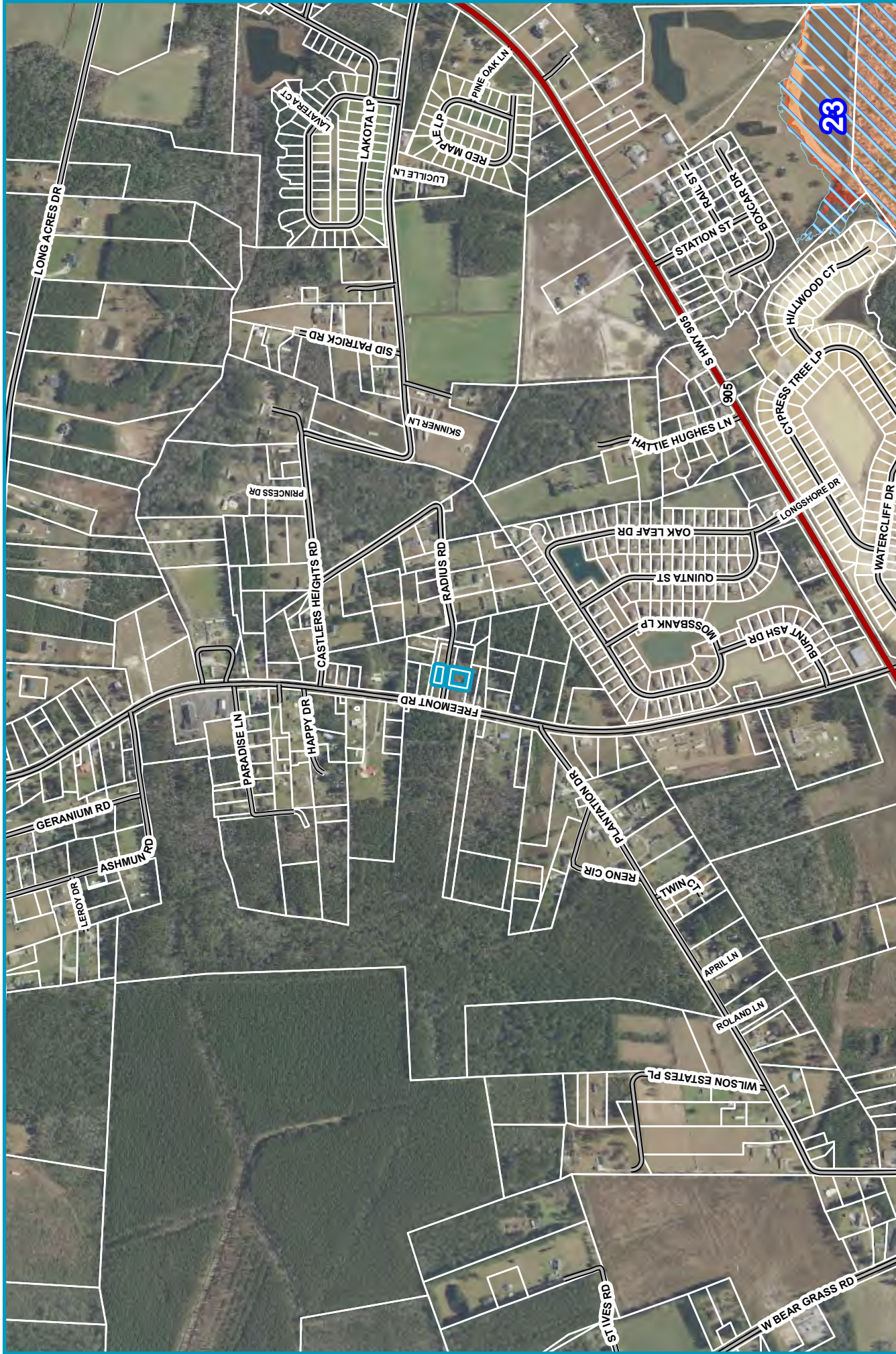
 Other Road

Aerial Map

Rezoning
Case Number
2023-03-001

Rezoning 0.53 acres
from RE1 to MSF 10





Flood Map

Parcel for Consideration
 Major Road
 Other Road

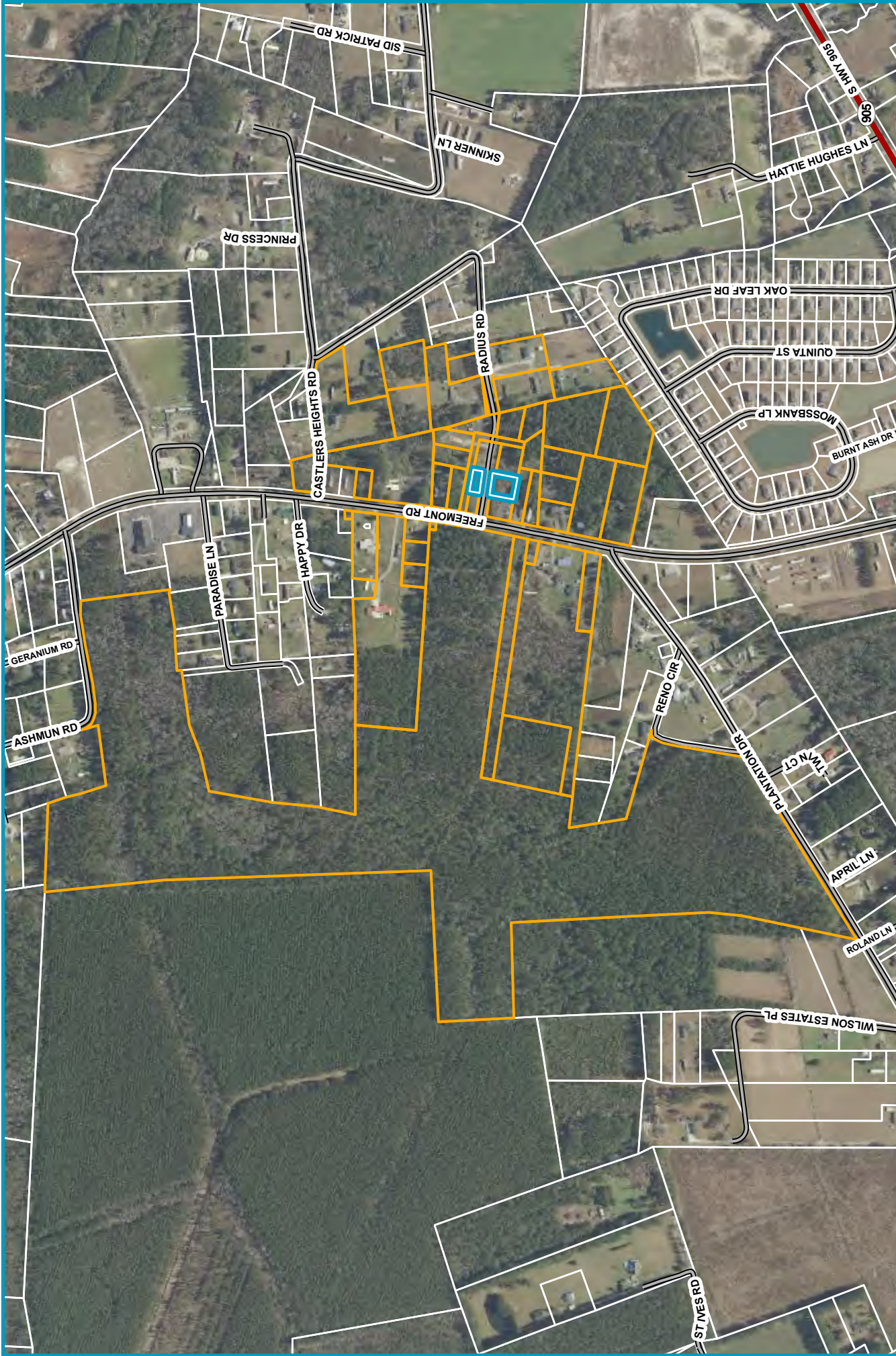
Supplemental Flood Zone
 AE - Special Flood Hazard Area
 0.2% Annual Chance Flood Hazard

Resoning
 Case Number
 2023-03-001
 Resoning 0.53 acres
 from REI to MSF 10

HC Government

0 400 800 Feet

N



Public Notice Map

Rezoning
Case Number
2023-03-001
Rezoning 0.53 acres
from RE1 to MSF10

Parcel for Consideration

Public Notice

Major Road

Other Road

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 60901 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 30 Report Date: 2-20-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Janet Floyd	Rezoning Request #	2023-03-002
PIN #	267-05-02-0046	County Council District #	9 - Causey
Site Location	Radius Rd off Freemont Rd in Longs	Staff Recommendation	
Property Owner	Janet Floyd	PC Recommendation	
		Size (in acres) of Request	0.53

ZONING INFORMATION	LOCATION INFORMATION	ADJACENT PROPERTIES				
Current Zoning	RE 1	Flood Information	X	FA	MSF 10	RE 1
Proposed Zoning	MSF 10	Wetland Information	N/A	FA	Subject Property	RE 1
Proposed Use	Manufactured home	Utilities	Public	FA	MSF 10	RE 1
Character of the Area	Residential	Fire in miles	3.17- Fire Station 13 (Career)			
		EMS in miles	3.17- Fire Station 13 (Career)			

COMMENTS

Comprehensive Plan District: Rural Communities	Overlay/Area Plan:
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Discussion: The applicant is requesting to rezone from RE 1 to MSF 10 to permit a manufactured home on the property. RE 1 allows sitck built single family homes but not manufactured homes. The property was rezoned (2008-02-005) from MSF 10 to RE 1 back in 2008 to provide commercial services to the community, but was never developed.

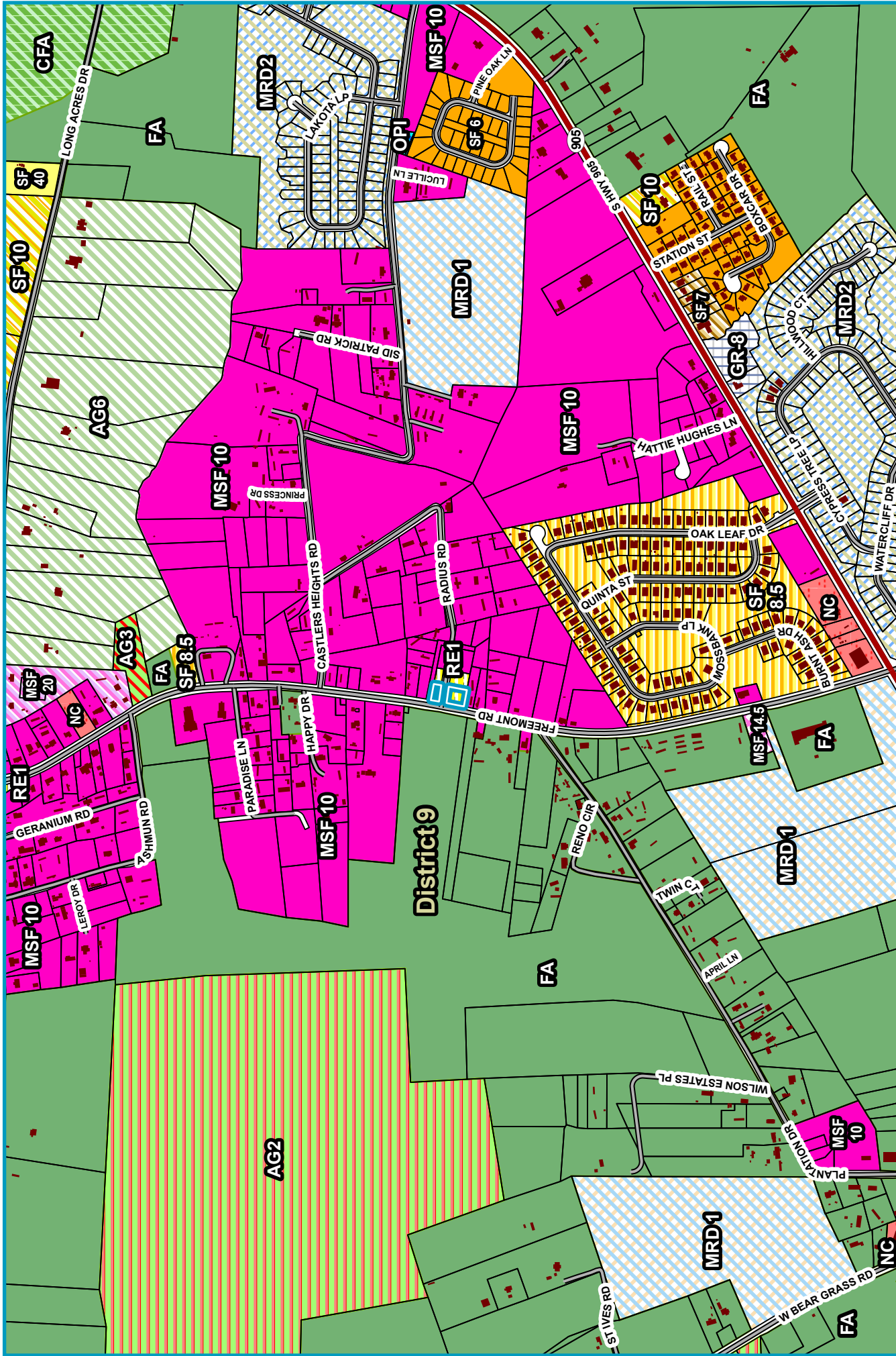
The future land use designation is Rural Communities. The Imagine 2040 Comprehensive Plan states the desired development pattern is "single family residential developments, including minor and major subdivisions, with lot sizes greater than 14,500 sqft or with a maximum of 3 net units per acre. It also states "Subdivision of land for single family detached housing units are allowable, as long as it coincides with existing residential development patterns and do not impede on adjacent farming operations."

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 8		Functional Capacity	2023-2024 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	8 / 8	Loris High	1,059	781	74%
Existing Road Conditions	County, Paved, Two-lane	Loris Middle	859	707	82%
Rd, Station, Traffic AADT (2021) % Road Capacity	SC 905, Station (252) 6,900 AADT 40-45%	Daisy Elementary	682	626	92%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
		MSF 10	RE 1	FA	MSF 10	RE 1
Min. Lot Size (in square feet)	10,000	10,000	21,780	10,000	10,000	
Front Setback (in feet)	25	25	40	25	25	
Side Setback (in feet)	10	10	10	10	10	
Corner Side Setback (in feet)	15	15	15	15	15	
Rear Setback (in feet)	15	15	15	15	15	
Bldg. Height (in feet)	35	36	35	35	36	

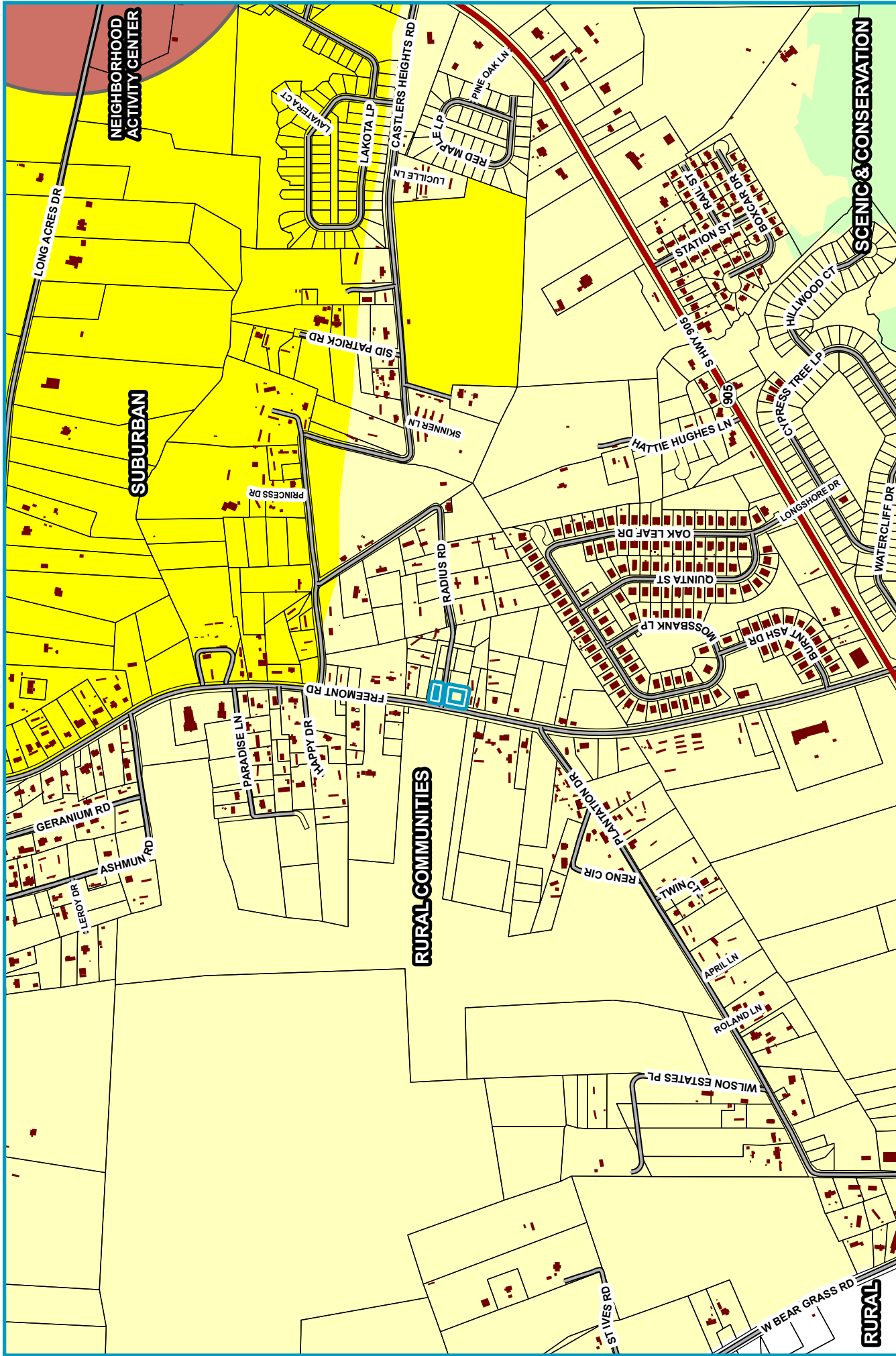


Zoning Map
 Rezoning
 Case Number
 2023-03-002
 Rezoning 0.53 acres
 from RE 1 to MSF 10

Parcel for Consideration
 Council District Boundary
 Major Road
 Other Road
 Structure
 Parcel Boundary

HC Government

0 500 1000 Feet
 N

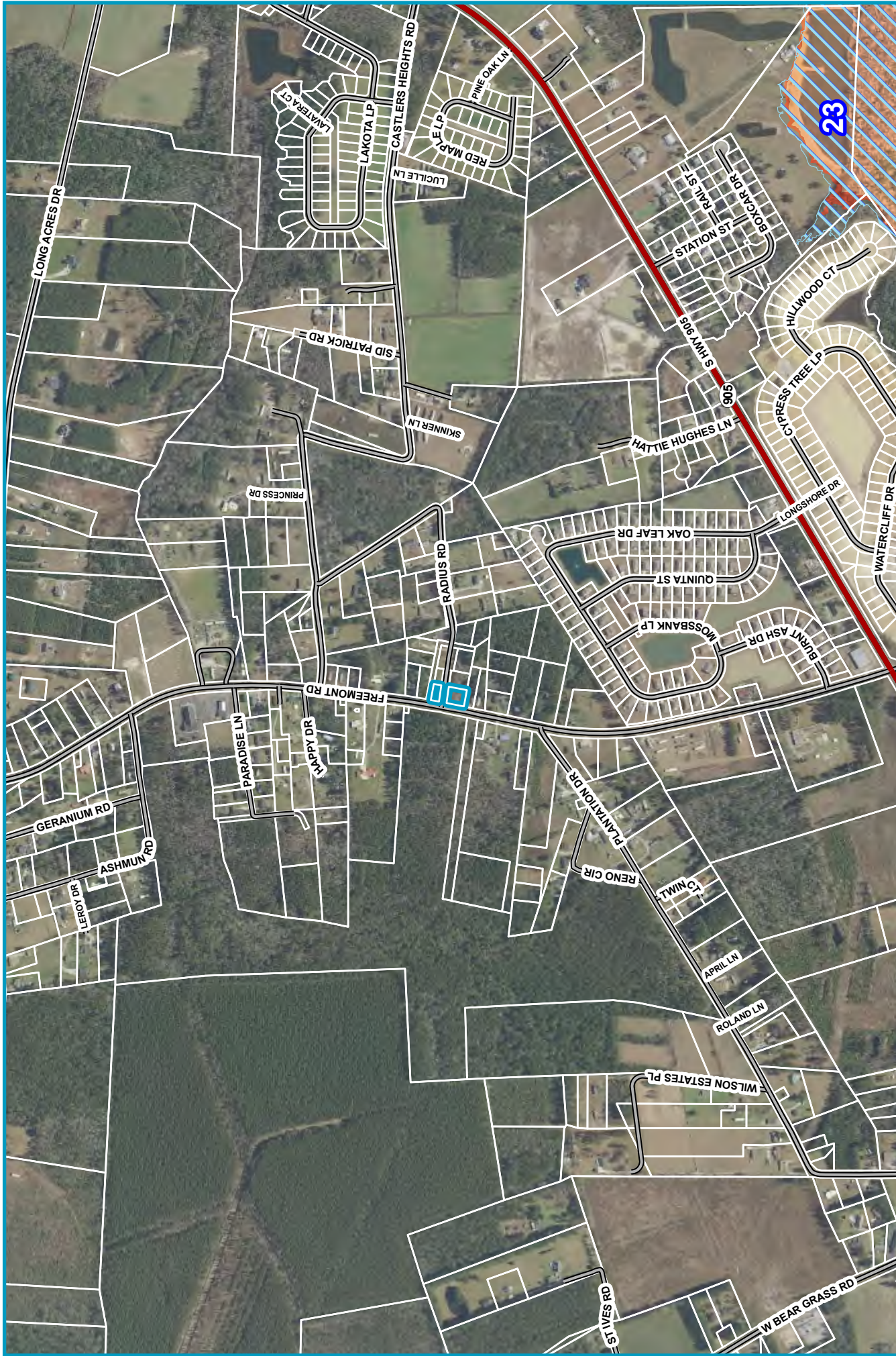




Parcel for Consideration
Other Road

Aerial Map
Rezoning
Case Number
2023-03-002
Rezoning 0.53 acres
from RE1 to MSF 10

HC Government
0 50 100 Feet
N



Flood Map

Parcel for Consideration Major Road Other Road

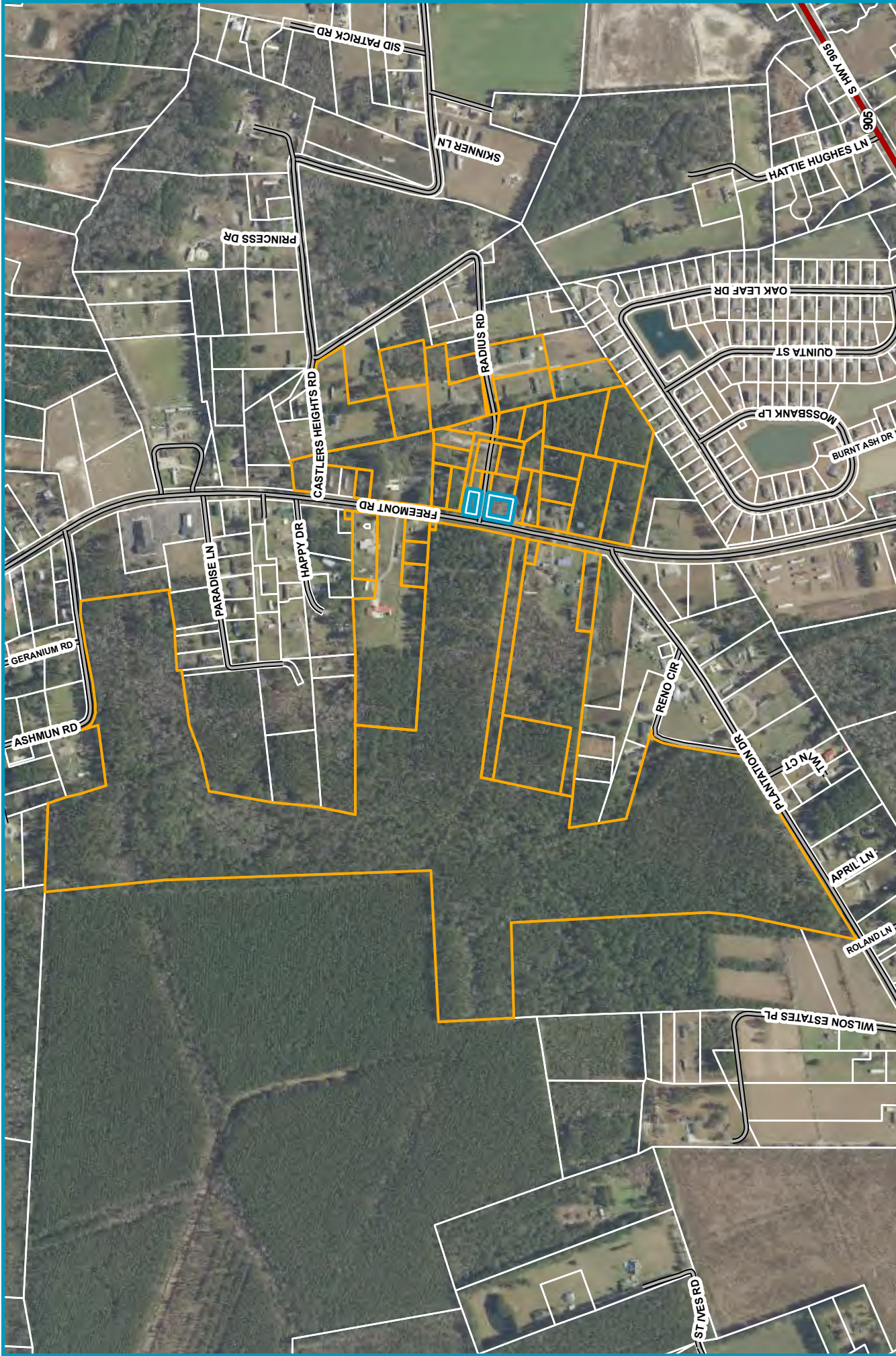
Supplemental Flood Zone AE - Special Flood Hazard Area 0.2% Annual Chance Flood Hazard

Resoning Case Number 2023-03-002
Resoning 0.53 acres from REI to MSF 10

HC Government

0 400 800 Feet

N



Parcel for Consideration



Public Notice



Major Road



Other Road



Public Notice Map

Rezoning
Case Number
2023-03-002
Rezoning 0.53 acres
from REI to MSF 10

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61179 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 23 Report Date: 2-22-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Jeffrey A Kersey, Jr.	Rezoning Request #	2023-03-003
PIN #	275-16-04-0013	County Council District #	11 - Allen
Site Location	Mt. Pisgah Cemetery Rd off Hwy 701 N in Conway	Staff Recommendation	
Property Owner	Jeffrey A Kersey, Jr.	PC Recommendation	
		Size (in acres) of Request	7.81

ZONING INFORMATION		LOCATION INFORMATION		ADJACENT PROPERTIES		
Current Zoning	FA & CFA	Flood Information	X	FA	FA	CFA
Proposed Zoning	AG 2	Wetland Information	N/A	FA	Subject Property	CFA
Proposed Use	Diesel Repair Shop	Utilities	Public	FA	CFA	CFA
Character of the Area	Farm land, rural residential, and industrial	Fire in miles	4.41- Fire Statin 29 (Career)			
		EMS in miles	4.41- Fire Statin 29 (Career)			

COMMENTS

Comprehensive Plan District: Rural Communities	Overlay/Area Plan:
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Discussion: The applicant is requesting to rezone 7.81 acres from FA & CFA to AG 2 for a Diesel Repair Shop. The property is split zoned and surrounded by CFA and FA zoning. There are some heavy industrial uses further down Mt. Pisgah Cemetery Rd.

The future land use designation is Rural Communities. The Imagine 2040 Comprehensive Plan states " Neighborhood commercial and services are allowable along major arterial roadways and SCDOT designated business routes if compatible with the community and the property can adequately support the proposed use and development requirements. Otherwise, commercial development and services should be located in designated Activity Centers to minimize sprawling development patterns."

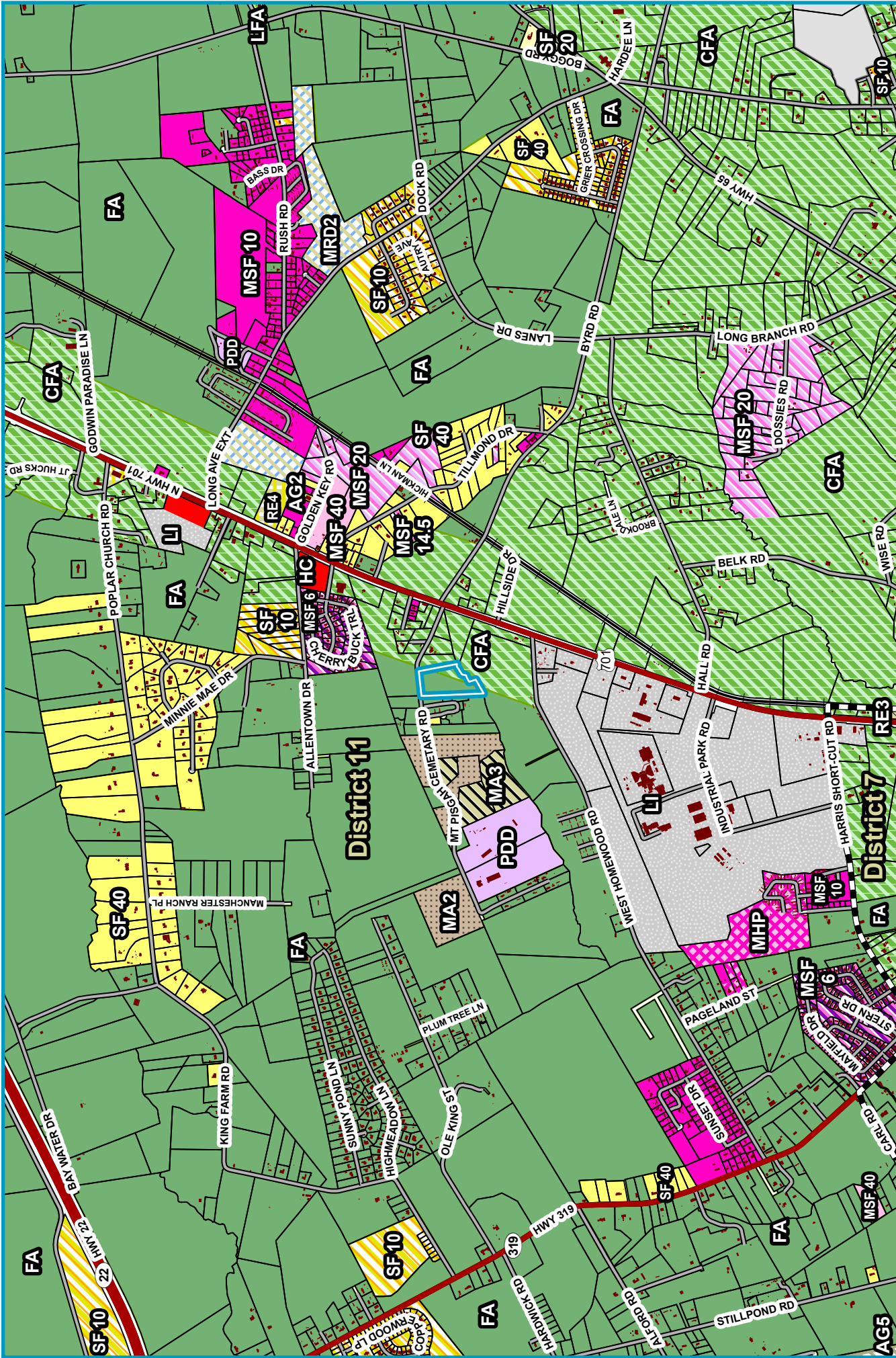
Some of the allowed uses in AG 2 include manufactured homes, stick-built homes, commercial crop production, produce stands, aqua farm, commercial animal raising facilities, livestock/agriculture auction facilities, farm animals, outdoor storage, vehicle/ equipment/ mobile home sales, car wash, vehicle and equipment repairs, & boat service.

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 150		Functional Capacity	2023-2024 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	50 / 150	Conway High	2,095	1,555	74%
Existing Road Conditions	County, Paved, Two-lane	Whittemore Park Middle	1,200	893	74%
Rd, Station, Traffic AADT (2021) % Road Capacity	US 701, Station (187) 12,900 AADT 75-80%	Homewood Elementary	639	660	103%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
	AG 2	FA / CFA (Commercial)	FA (Residential)	CFA (Residential)		
Min. Lot Size (in square feet)	21,780	43,560	21,780	21,780		
Front Setback (in feet)	50	60	40	40		
Side Setback (in feet)	10	25	10	10		
Corner Side Setback (in feet)	15	37.5	15	15		
Rear Setback (in feet)	15	40	15	15		
Bldg. Height (in feet)	65	35	35	35		



Zoning Map
 Rezoning Case Number 2023-03-003
 Rezoning 7.81 acres from FA/CFA to AG 2

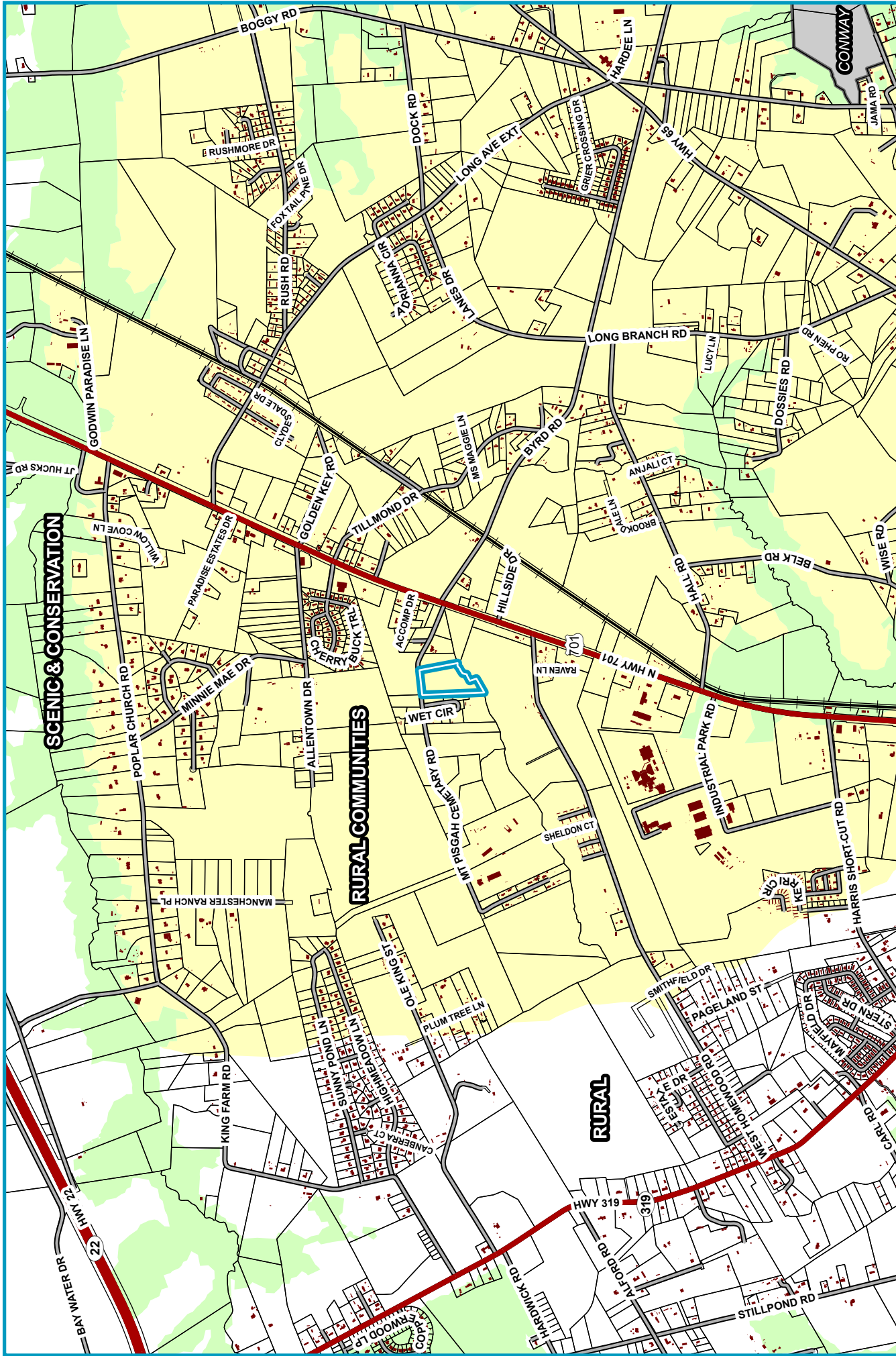
Legend:

- Parcel for Consideration
- Council District Boundary
- Parcel Boundary
- Municipality
- Structure
- Major Road
- Other Road
- Railroad

HC Government

0 1000 2000 Feet

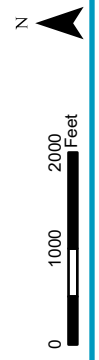
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Future Land Use Map

Rezoning
 Case Number
 2023-03-003
 Rezoning 7.81 acres
 from FA/CFA to AG 2

- Parcel for Consideration
- Major Road
- Parcel Boundary
- Other Road
- Municipality
- Railroad
- Structure





WILL PARK LN

MT PISGAH CEMETARY RD

WET CIR

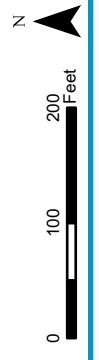
Parcel for Consideration

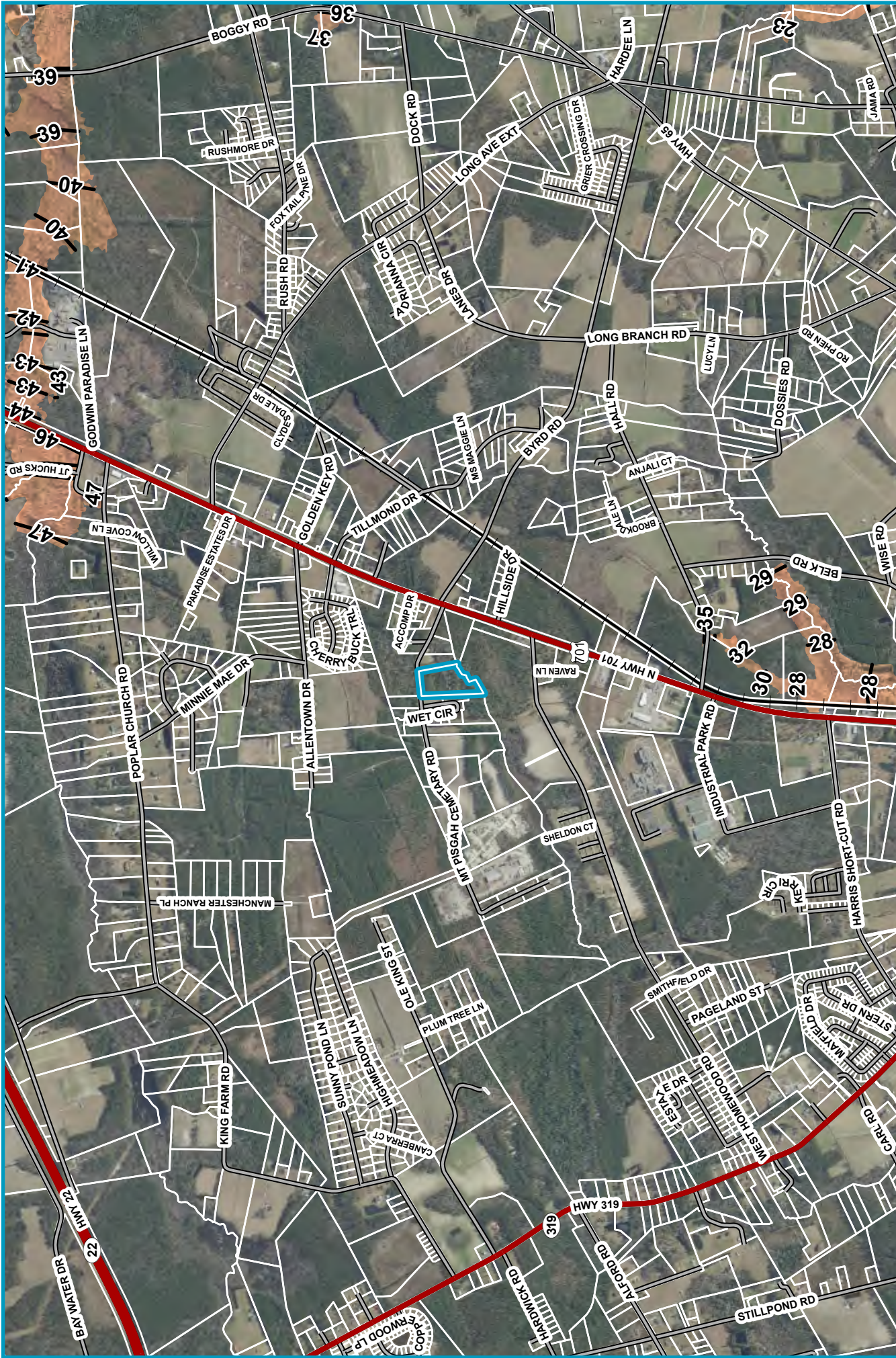
Other Road



Aerial Map

Rezoning Case Number 2023-03-003
Rezoning 7.81 acres from FA/CFA to AG 2





- Parcel for Consideration
- Preliminary Base Flood Elevation (BFE)
- AE - Special Flood Hazard Area
- Major Road
- Other Road
- Railroad

Flood Map

Rezoning Case Number 2023-03-003

Rezoning 7.81 acres from FA/CFA to AG 2

HC Government

0 1000 2000 Feet

N



Public Notice Map

Rezoning
 Case Number
 2023-03-003
 Rezoning 7.81 acres
 from FA/CFA to AG 2

Parcel for Consideration

Public Notice

Major Road

Other Road

Railroad

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61182 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 67 Report Date: 2-23-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Venture Engineering	Rezoning Request #	2023-03-004
PIN #	350-04-04-0040	County Council District #	9 - Causey
Site Location	Morgan Ave in Little River	Staff Recommendation	
Property Owner	Boathouse Marinas LLC	PC Recommendation	
		Size (in acres) of Request	3.18

ZONING INFORMATION	LOCATION INFORMATION	ADJACENT PROPERTIES				
Current Zoning	HC	Flood Information	AE & 500-Year	HC	HC	HC
Proposed Zoning	BO 1	Wetland Information	N/A	MRD 3	Subject Property	HC
Proposed Use	Marina & dry dock storage	Utilities	Public	ICW	ICW	ICW
Character of the Area	Commerical & residential	Fire in miles	2- NMB Fire Station 2 (Career)			
		EMS in miles	2- NMB Fire Station 2 (Career)			

COMMENTS

Comprehensive Plan District: Suburban	Overlay/Area Plan: Northeast Area Transportation Plan, Hog Inlet-Dunn Sound Watershed Plan, Airport Environs Overlay
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Discussion: The applicant is requesting to rezone 3.18 acres from HC to BO 1 for a marina and dry dock storage. The property abuts the Intracoastal Waterway and is surrounded by Highway Commercial zoning with the exception of Cape Cod Cottages, which is zoned MRD 3.

The future land use designation is Suburban. The Imagine 2040 Comprehensive Plan states "Smaller commercial uses and services are allowed along major arterial roadways if compatible with the community and the property is adequately sized to support the proposed use and development requirements."

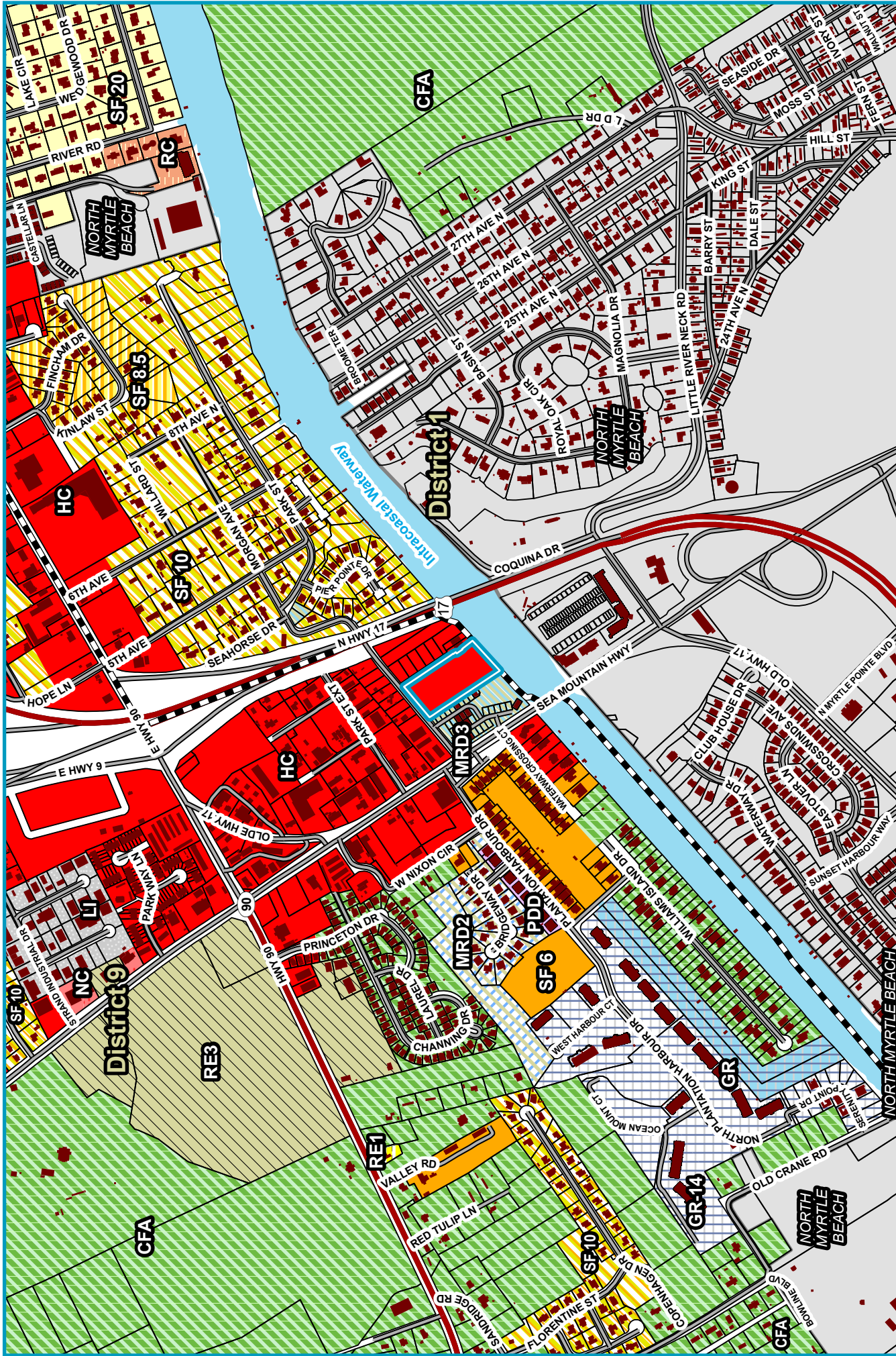
Some of the uses allowed in BO 1 include commercial piers, commercial marinas, water transportation services (not casinos), boat storage, sales, rental, construction, & repair, ice vending machines, aqua farm / fishery, and bait & tackle shops.

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION	HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY				
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 1,500		Functional Capacity	2023-2024 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	50 / 100	North Myrtle Beach High	1,464	1,489	102%
Existing Road Conditions	State, Paved, Two-lane	North Myrtle Beach Middle	1,200	1,287	107%
Rd, Station, Traffic AADT (2021) % Road Capacity	Sea Mountain Hwy S-20, Station (340) 11,000 AADT 65-70%	Ocean Drive Elementary	827	783	95%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
		BO 1	HC	MRD 3 Cape Cod Cottages	HC (Comm / Res)	
Min. Lot Size (in square feet)	10,000	10,000	5,000	10,000 / 6,000		
Front Setback (in feet)	40	50	15	50 / 20		
Side Setback (in feet)	10	30	5	10		
Corner Side Setback (in feet)	15	15	15	15		
Rear Setback (in feet)	15	15	10	15		
Bldg. Height (in feet)	65	120	40	120 / 35		



Zoning Map

Resoning
Case Number
2023-03-004
Resoning 3.18 acres
from HC to BO 1

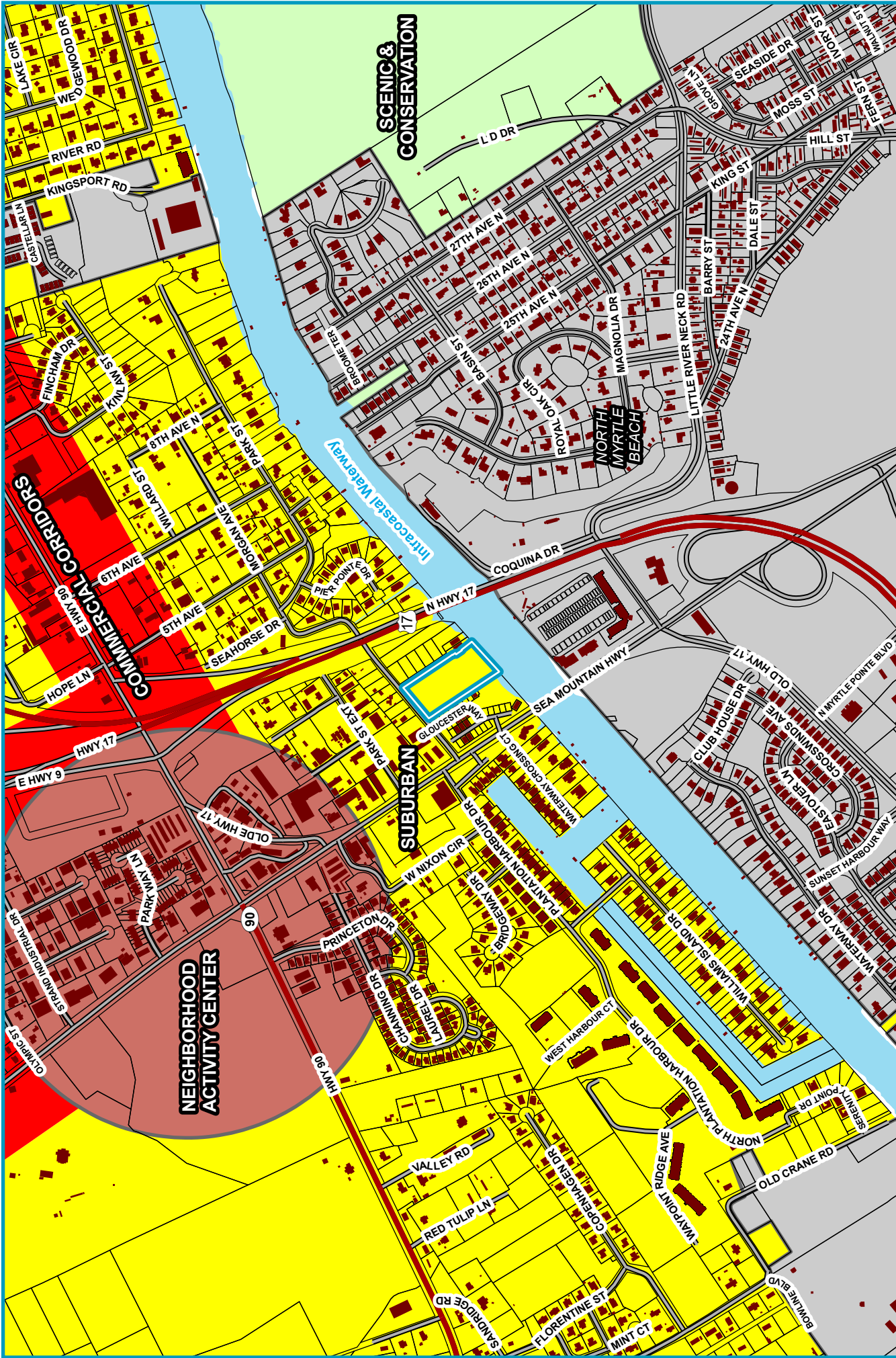
HC Government

Parcel for Consideration
Council District Boundary
Parcel Boundary
Municipality

Structure
Waterbody
Major Road
Other Road

0 500 1000 Feet

N



Future Land Use Map

Resoning Case Number 2023-03-004
Resoning 3.18 acres from HC to BO 1

HC Government

Parcel for Consideration
Parcel Boundary
Municipality
Structure

Waterbody
Major Road
Other Road

0 500 1000 Feet

N



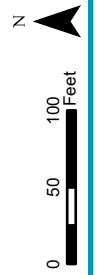
Aerial Map

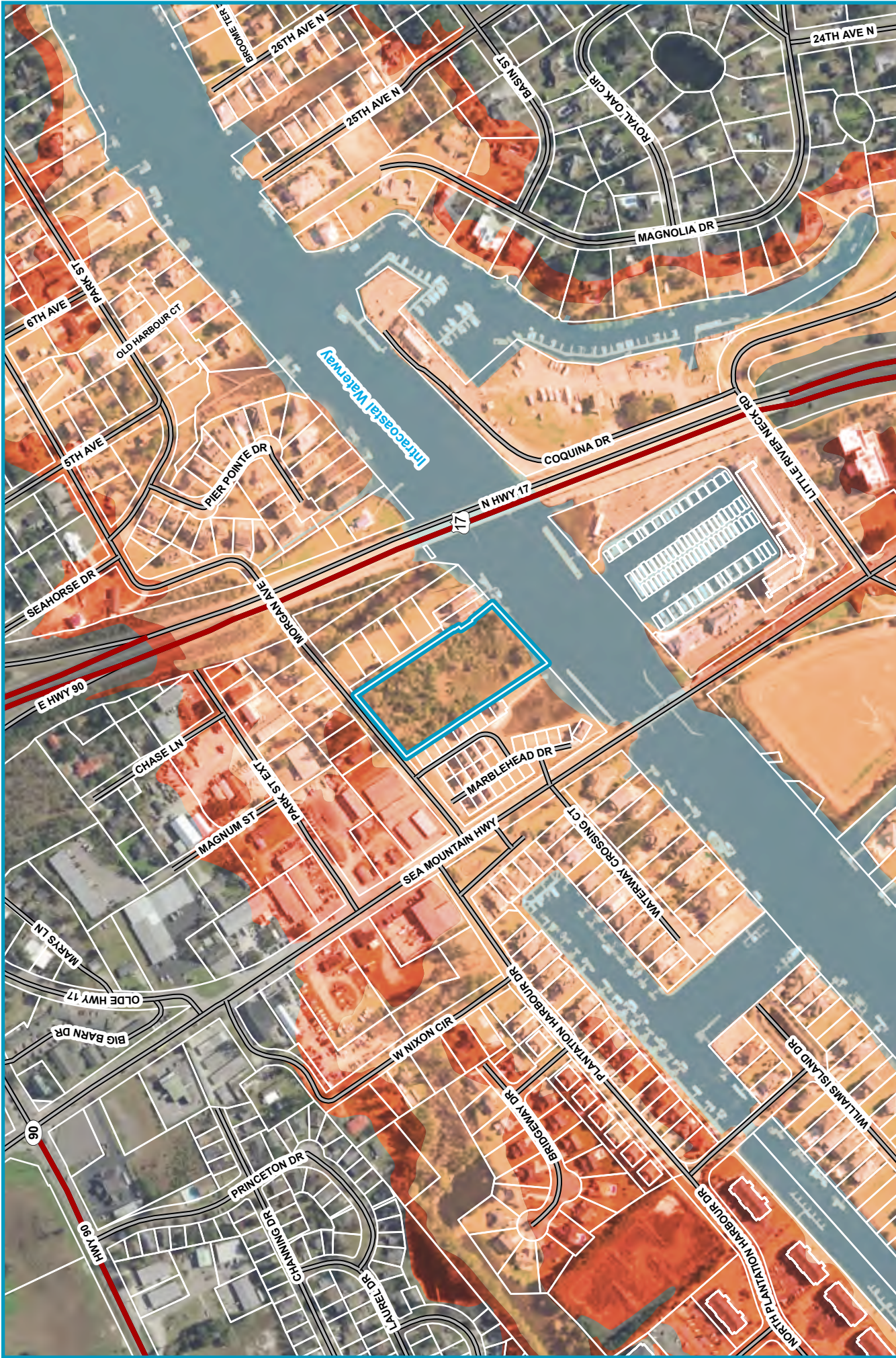
Rezoning
 Case Number
 2023-03-004
 Rezoning 3.18 acres
 from HC to BO 1

Parcel for Consideration

Major Road

Other Road





Flood Map

Parcel for Consideration
 Major Road
 Other Road
 Major Waterbody

AE - Special Flood Hazard Area
 0.2% Annual Chance Flood Hazard

Resoning Case Number 2023-03-004
 Resoning 3.18 acres from HC to BO 1

HC Government





0 250 500 Feet

N



Public Notice Map

Rezoning
 Case Number
 2023-03-004
 Rezoning 3.18 acres
 from HC to BO 1

-  Parcel for Consideration
-  Public Notice
-  Major Road
-  Other Road

HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61183 Advertisement & Mailout Date: 3-16-2023 Date Posted: 3-9-2023 # Property Owners Notified: 145 Report Date: 3-10-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Jason & Phoebe Britt	Rezoning Request #	2023-03-005
PIN #	419-00-00-0359	County Council District #	3 - DiSabato
Site Location	River Oaks Drive	Staff Recommendation	
Property Owner	Jason & Phoebe Britt	PC Recommendation	
		Size (in acres) of Request	27

ZONING INFORMATION		LOCATION INFORMATION		ADJACENT PROPERTIES		
Current Zoning	PDD	Flood Information	X	PDD	SF 10	PDD
Proposed Zoning	AG2	Wetland Information	N/A	PDD	Subject Property	PUD
Proposed Use	Single family home	Utilities	Public	MRD 3	MRD 3	PR 1
Character of the Area	Residential	Fire in miles	4.3- Fire Station 4 (Career)			
		EMS in miles	4.3- Fire Station 4 (Career)			

COMMENTS

Comprehensive Plan District: Scenic & Conservation and Suburban	Overlay/Area Plan:
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Discussion: The applicant is requesting to rezone 27 acres on River Oaks Drive from PDD to AG 2 for a single family residence. This parcel and 2 others were rezoned (2005-10-008) from R-4 to PDD back in 2005 for 1,000 multi-family units. The property was never developed residentially and is currently occupied by abandoned golf course features and is restricted by a conservation easement held by the North American Land Trust.

The future land use designation is Scenic & Conservation. The Imagine 2040 Comprehensive Plan states the desired development pattern is "Limited development. If developed, design should use low-impact designs principles to support environmental preservation and avoid natural hazards. Subdivision of land into lots less than 5 acres in size for new development is discouraged. In suburban and urbanizing areas of the County, these areas should be considered for dedication as open space in new development."

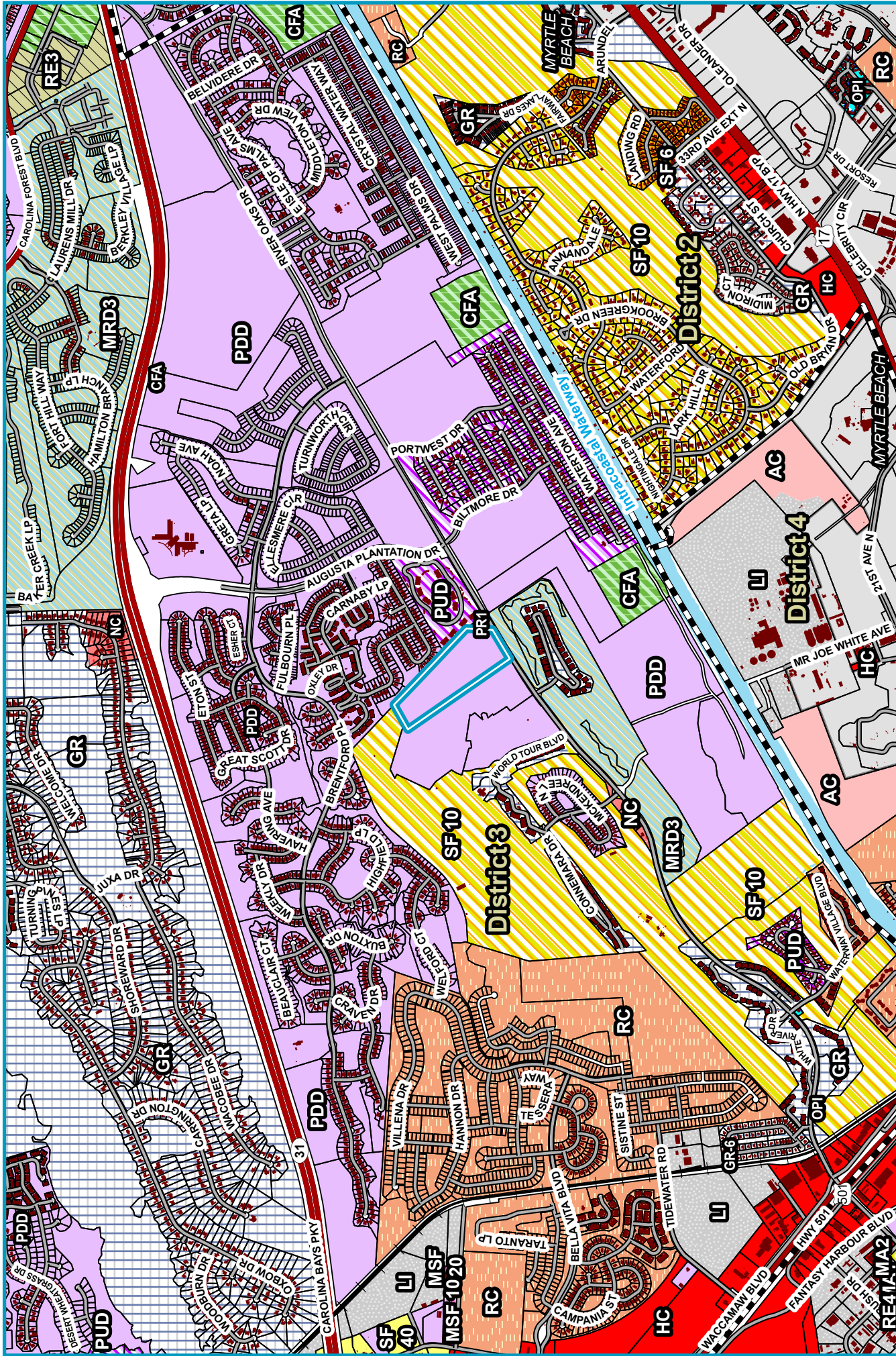
The conservation easement allows 1 single family home, agricultural activities, wildlife observation stands, weddings and social events.

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	0 / 8		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	8 / 300	Carolina Forest High	2,388	3,012	126%
Existing Road Conditions	County, Paved, Two-lane	Ocean Bay Middle	1,010	743	74%
Rd, Station, Traffic AADT (2021) % Road Capacity	River Oaks Drive, Station (310) 14,900 AADT 90-95%	River Oaks Elementary	870	1,305	150%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
	AG 2	PDD (World Tour)	PR 1	MRD 3	PDD (Berkshire Forest)	PUD (Augusta Plantation)
Min. Lot Size (in square feet)	21,780	10,000	10,000	5,000	6,000	43,560
Front Setback (in feet)	40	20	25	15	20	75
Side Setback (in feet)	15	10	10	5	5	50
Corner Side Setback (in feet)	22.5	15	15	15	7.5	50
Rear Setback (in feet)	25	10	15	10	10	25
Bldg. Height (in feet)	35	35	36	40	35	120



Zoning Map

Resoning
Case Number
2023-03-005
Resoning 27 acres
from PDD to AG 2

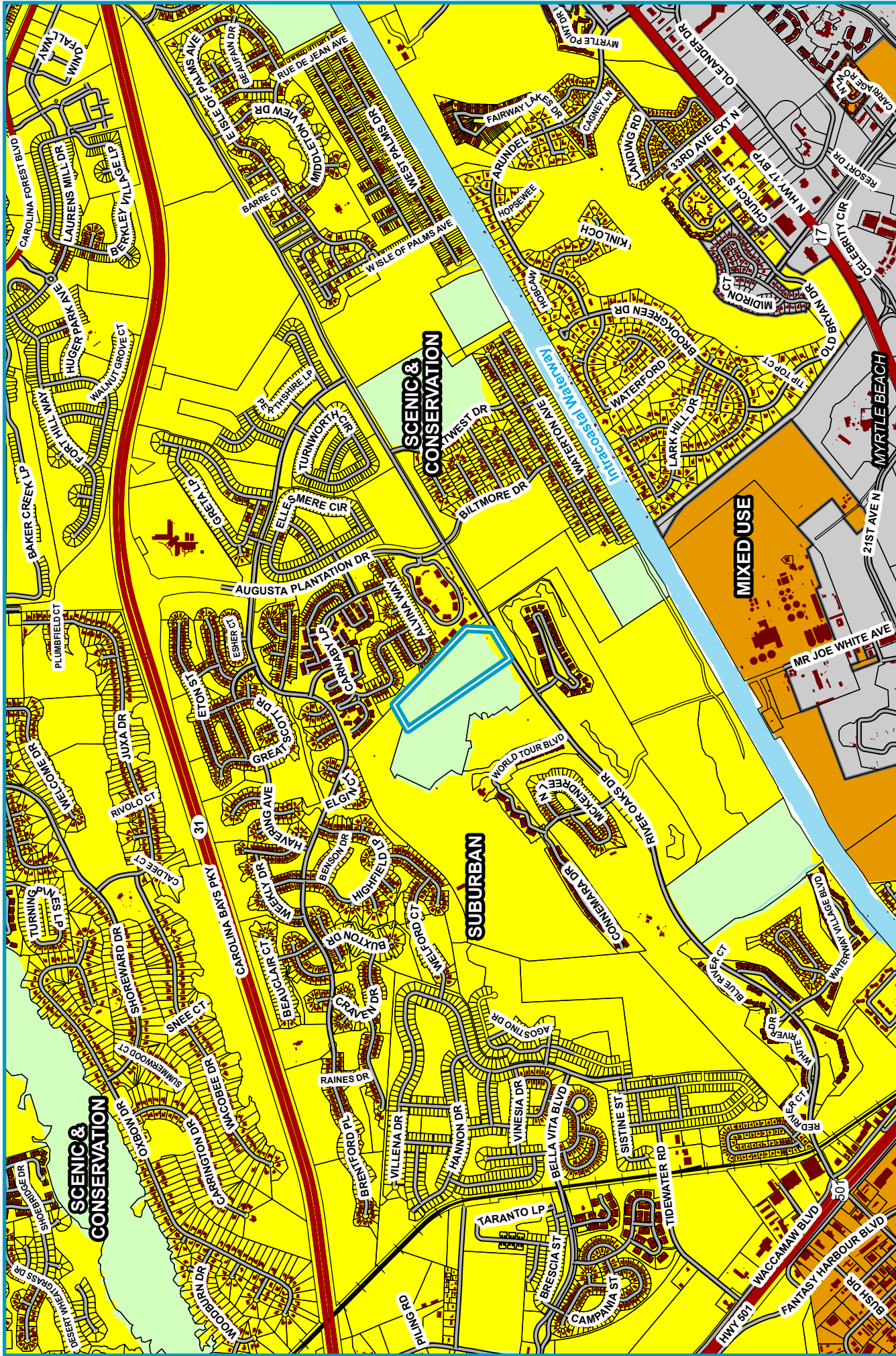
HC Government

Parcel for Consideration
Council District Boundary
Parcel Boundary
Municipality
Structure

Waterbody
Major Road
Other Road
Railroad

0 1000 2000 Feet

N



Future Land Use Map

Resoning Case Number 2023-03-005
Resoning 27 acres from PDD to AG 2

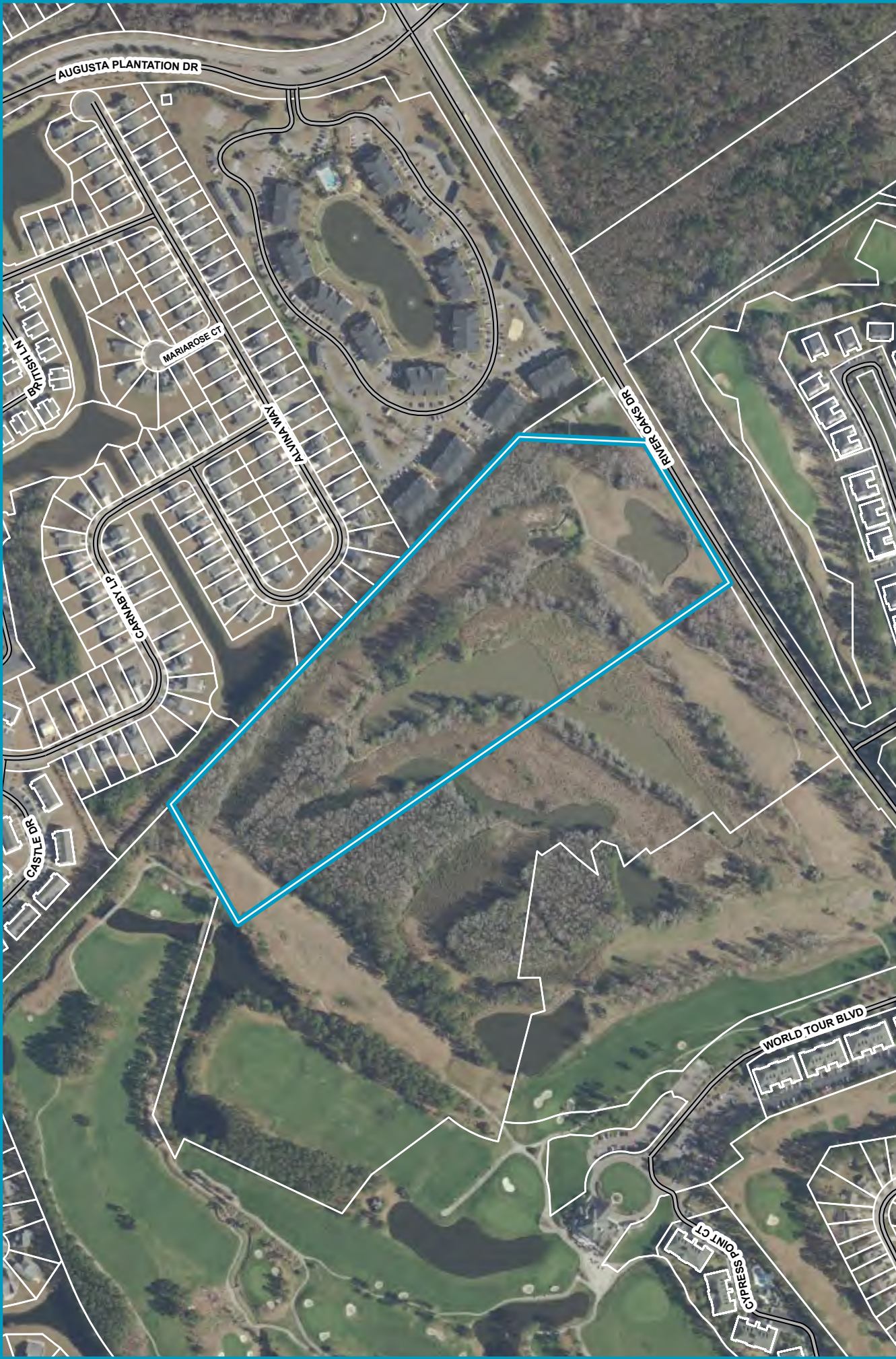
HC Government

Parcel for Consideration
Parcel Boundary
Municipality
Structure

Waterbody
Major Road
Other Road
Railroad

0 1000 2000 Feet

N



Parcel for Consideration

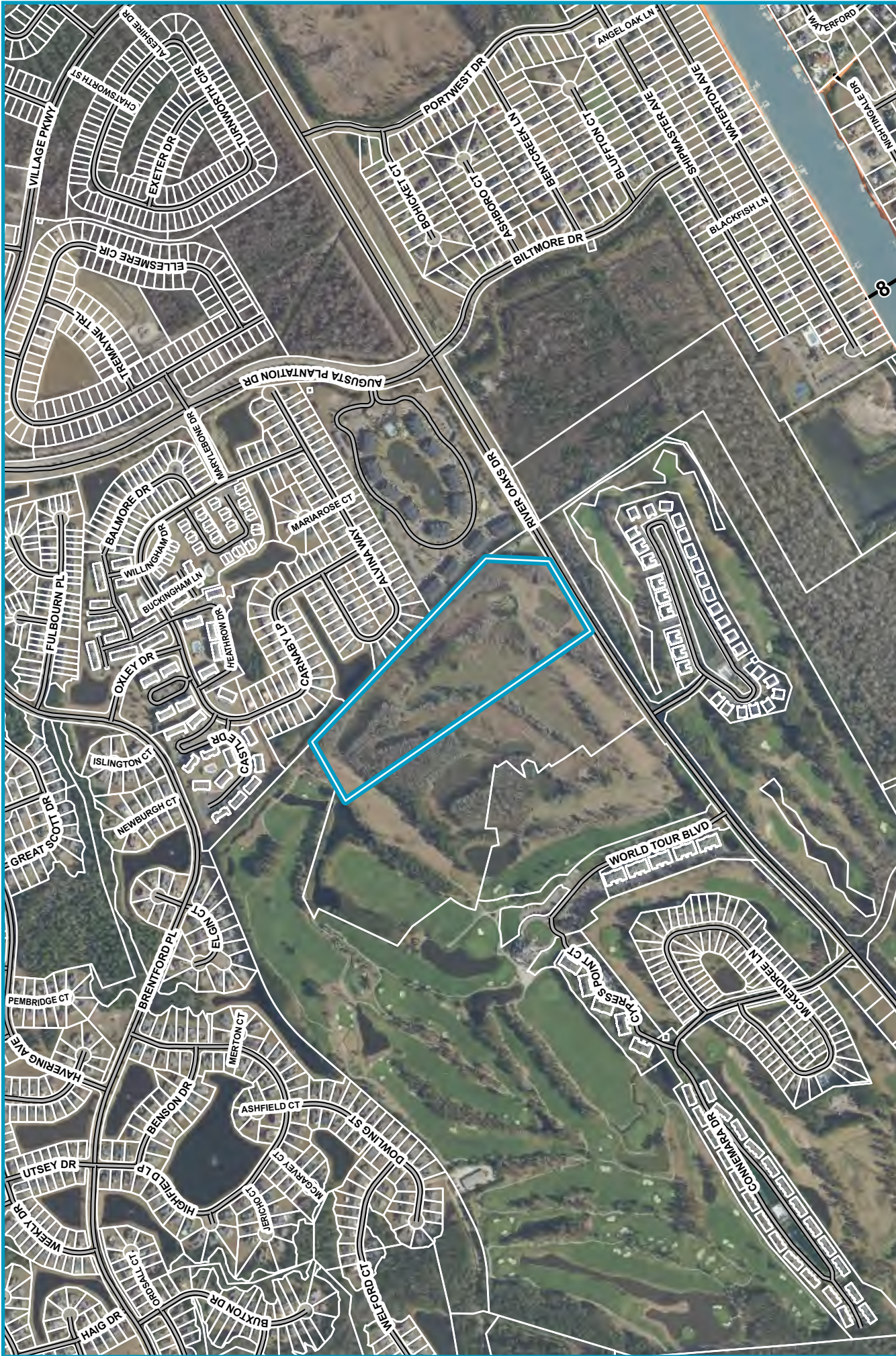


Other Road

Aerial Map

Rezoning Case Number 2023-03-005
Rezoning 27 acres from PDD to AG 2





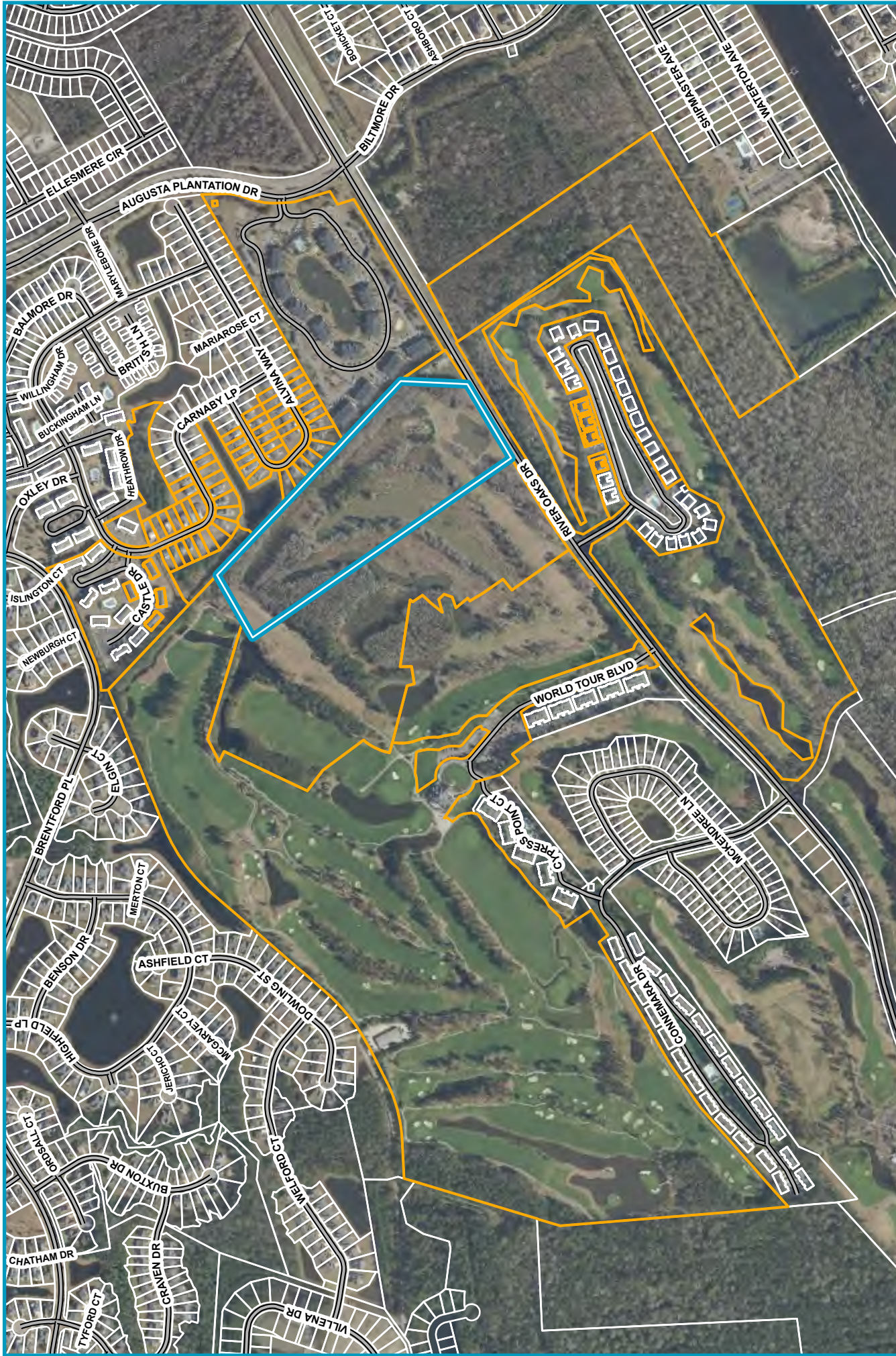
Flood Map

Rezoning Case Number 2023-03-005

Rezoning 27 acres from PDD to AG 2

Parcel for Consideration
 Other Road
 Major Waterbody
 Preliminary Base Flood Elevation (BFE)
 AE - Special Flood Hazard Area
 0.2% Annual Chance Flood Hazard

0 500 1000 Feet
 N



Public Notice Map

Parcel for Consideration
 Public Notice
 Other Road

Rezoning Case Number
 2023-03-005
 Rezoning 27 acres
 from PDD to AG 2



HORRY COUNTY REZONING REVIEW SHEET YOUR LOCATION

Energov #: 61276 Advertisement & Mailout Date: 03/16/2023 Date Posted: 03/09/2023 # Property Owners Notified: 10 Report Date: 3-9-2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Trent Hardee	Rezoning Request #	2023-03-008
PIN #	326-09-01-0003	County Council District #	11- Allen
Site Location	Hwy 501 in Conway	Staff Recommendation	
Property Owner	Hardee Family Holdings, LLC	PC Recommendation	
		Size (in acres) of Request	0.62

ZONING INFORMATION		LOCATION INFORMATION		ADJACENT PROPERTIES		
Current Zoning	CFA	Flood Information	X	RE 4	CFA	CFA
Proposed Zoning	RE 4	Wetland Information	N/A	RE 4	Subject Property	RE 3
Proposed Use	Combine properties	Utilities	Public	RE 4	HC	HC
Character of the Area	Commercial	Fire in miles	4.16- Conway Station #1 (Career)			
		EMS in miles	4.16- Conway Station #1 (Career)			

COMMENTS

Comprehensive Plan District: Rural Communities	Overlay/Area Plan:
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Discussion: The applicant is requesting to rezone 0.62 acres from CFA to RE 4 to combine the property with the one behind it. In order to combine the parcels, they must share the same zoning district. The future land use designation is Rural Communities. The Imagine 2040 Comprehensive Plan states " Neighborhood commercial and services are located along major arterial roadways and within historic Rural Activity Centers and at new highway interchanges."

The parcel to the rear was rezoned (2007-06-013) from CFA to RE 4 back in 2007.

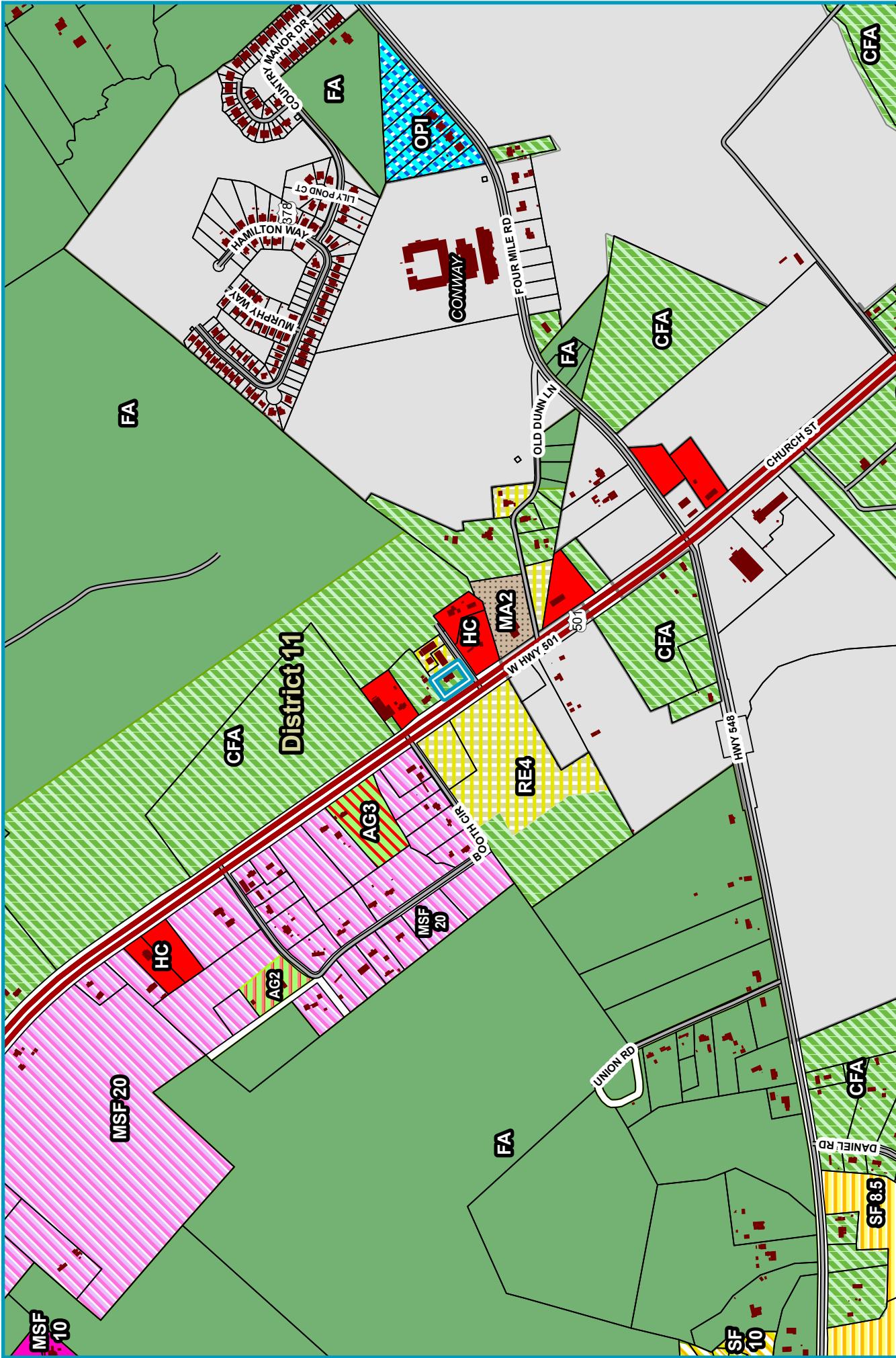
Some uses allowed in RE 4: Hotels, animal services, outdoor storage, vehicle/ equipment/ mobile homes sales, repair services, car washes, event centers, taxi/ limo servies, commercial parking lots, medical offices, banks, barber shops, gyms, funeral homes, laundromats, offices, warehouses, wholesale distribution, grocery stores, retail, lawn/ garden nurseries, bulk landscape material suplier, hardware stores, LP gas dealers, gas stations, self storage, ATM, ice vending, & restaurants.

Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION		HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY			
Daily Trips based on existing use / Max Daily Trips based on current zoning	25 / 25		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	25 / 1,000	Conway High	2,095	1,555	74%
Existing Road Conditions	Hwy 501: State, Paved, Four-lane, Divided No Name: County, Unpaved	Whittemore Park Middle	1,200	893	74%
Rd, Station, Traffic AADT (2021) % Road Capacity	US 501, Station (150) 21,600 AADT 55-60%	Homewood Elementary	639	660	103%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
	RE 4	CFA	RE 4	CFA	RE 3	HC
Min. Lot Size (in square feet)	21,780	43,560	21,780	43,560	10,000	10,000
Front Setback (in feet)	50	60	50	60	50	50
Side Setback (in feet)	10	25	10	25	10	10
Corner Side Setback (in feet)	15	37.5	15	37.5	15	15
Rear Setback (in feet)	15	40	15	40	15	15
Bldg. Height (in feet)	36 per 1/2 acre not to exceed 120	35	36 per 1/2 acre not to exceed 120	35	48	120



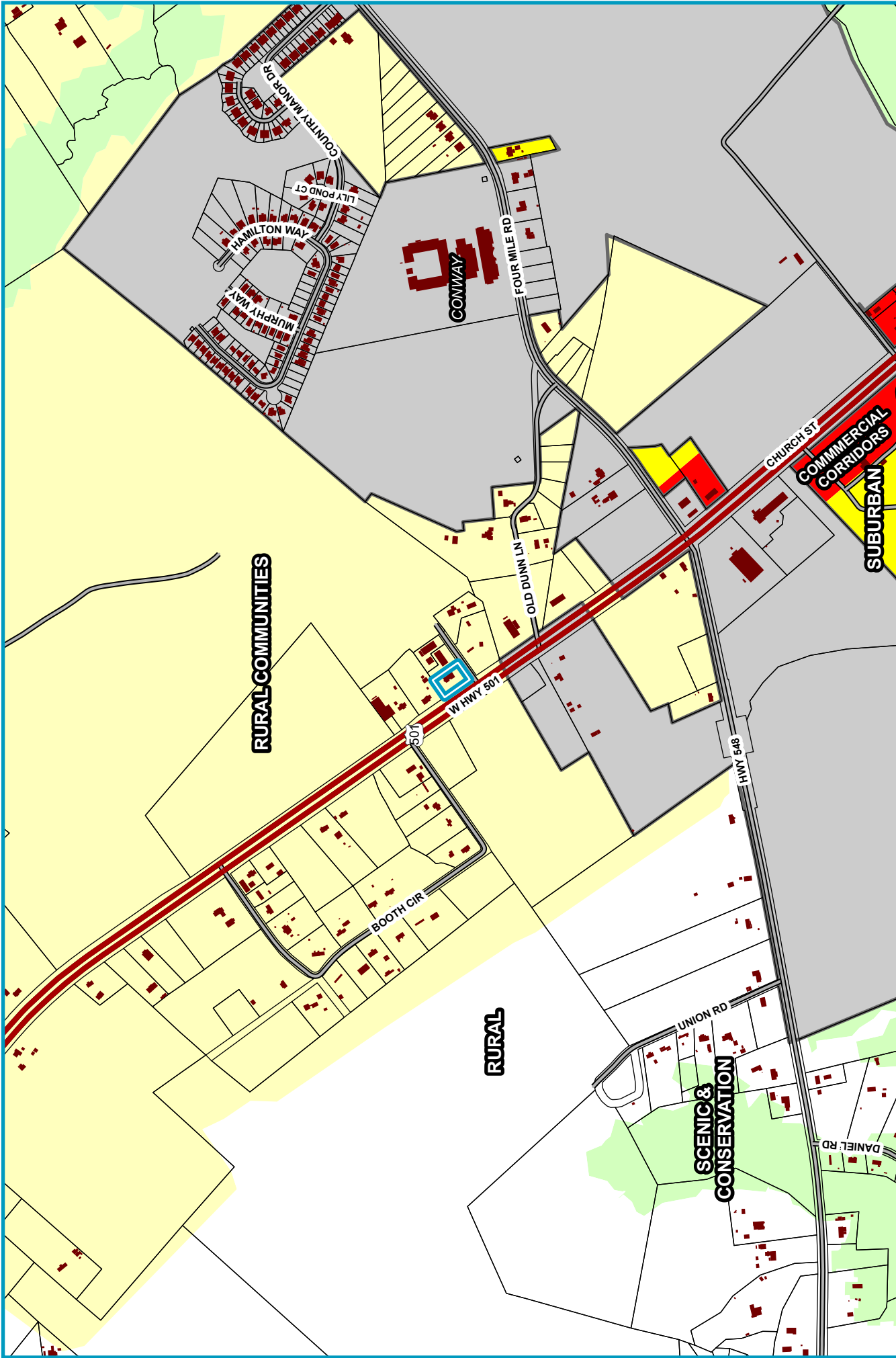
Zoning Map
 Rezoning Case Number 2023-03-008
 Rezoning 0.62 acres from CFA to RE 4

Legend:

- Parcel for Consideration
- Council District Boundary
- Parcel Boundary
- Municipality
- Structure
- Major Road
- Other Road

Scale: 0, 500, 1000 Feet

HC Government



	Parcel for Consideration		Structure
	Parcel Boundary		Major Road
	Municipality		Other Road





Parcel for Consideration



Major Road

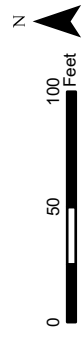


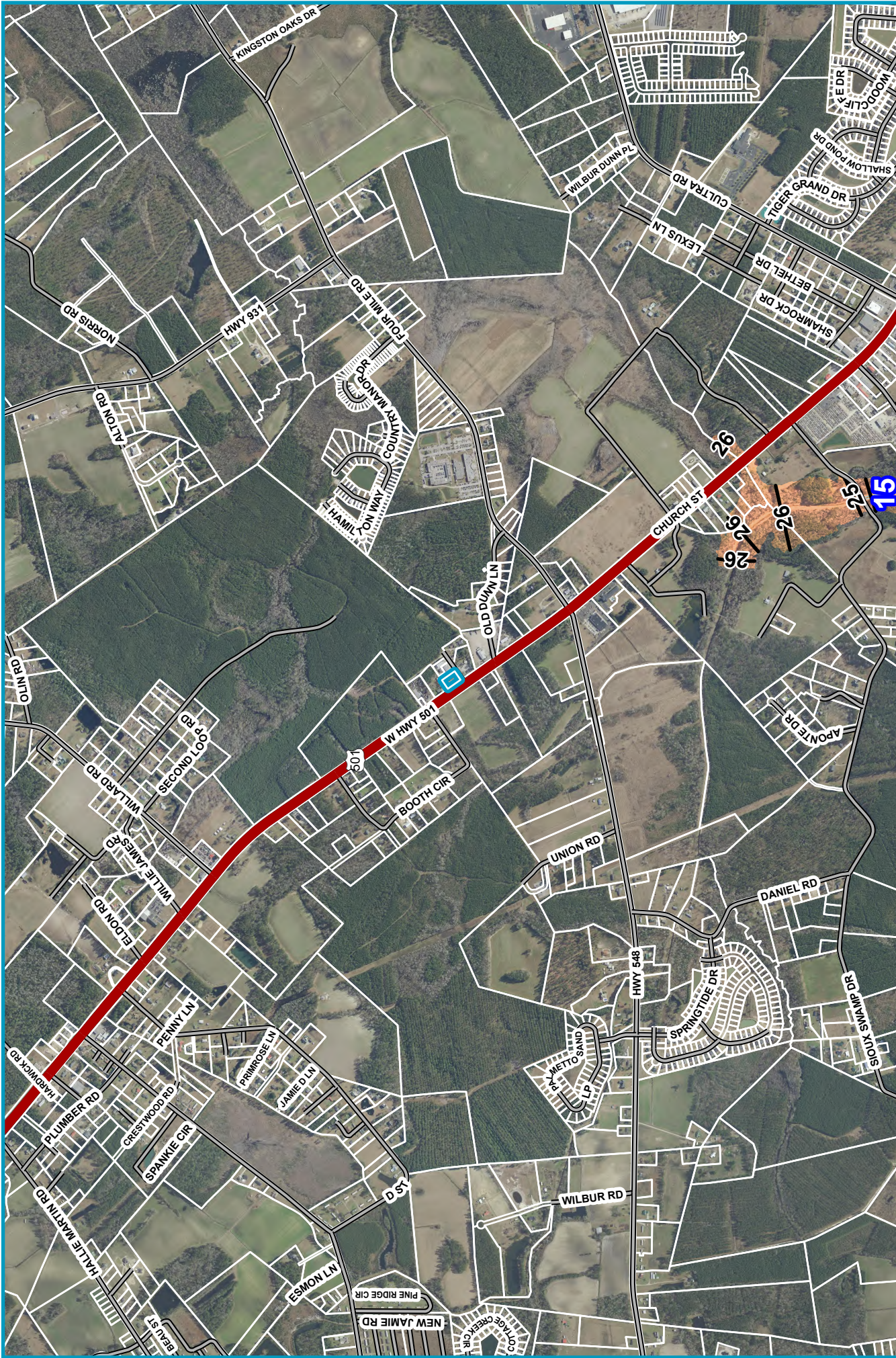
Other Road

Aerial Map

Rezoning Case Number
2023-03-008

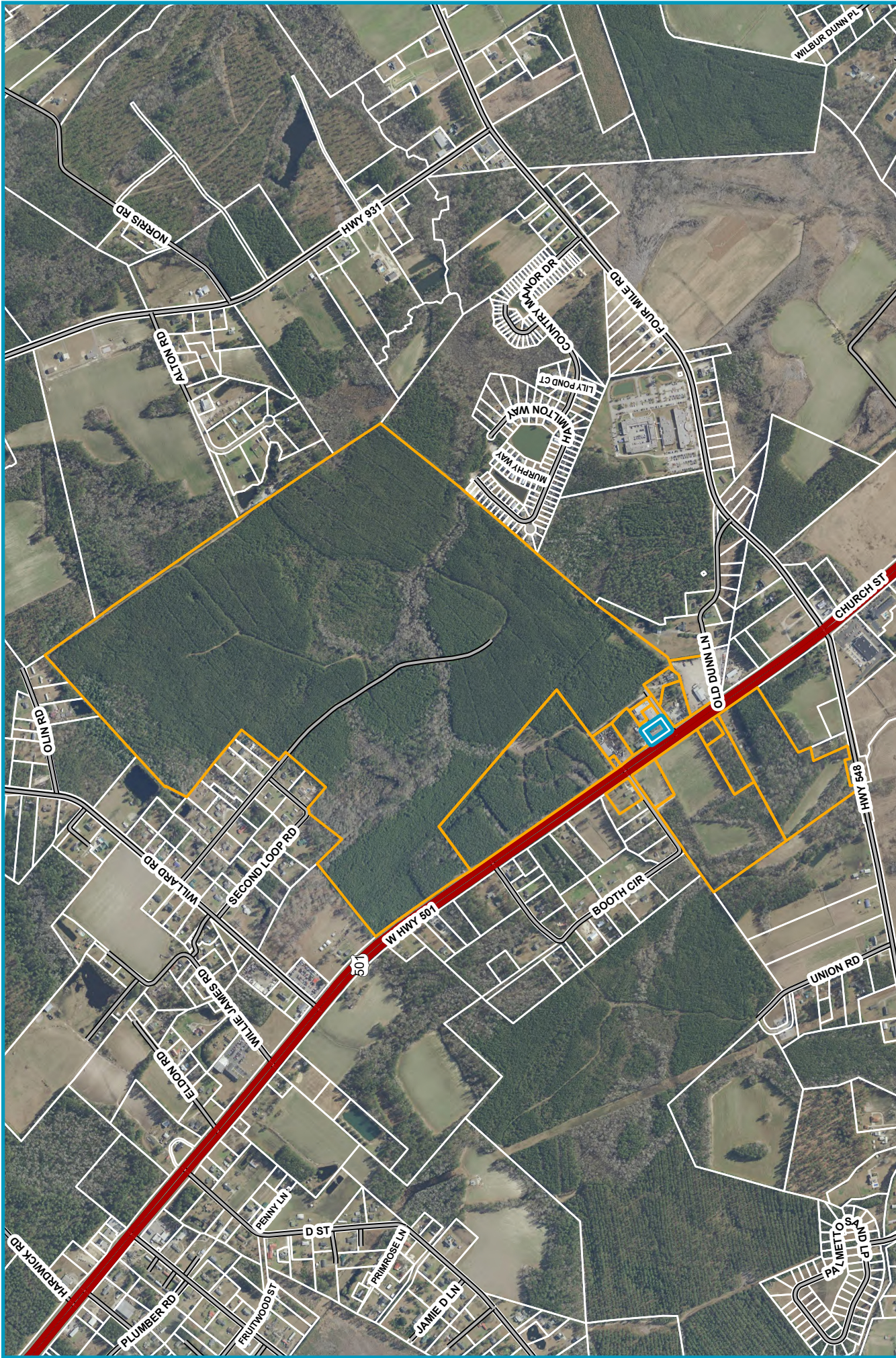
Rezoning 0.62 acres
from CFA to RE 4





Flood Map
 Rezoning Case Number 2023-03-008
 Rezoning 0.62 acres from CFA to RE 4

- Parcel for Consideration
- Supplemental Flood Zone
- Major Road
- Preliminary Base Flood Elevation (BFE)
- AE - Special Flood Hazard Area
- Other Road



Parcel for Consideration



Public Notice



Major Road



Other Road



Public Notice Map

Rezoning
 Case Number
 2023-03-008
 Rezoning 0.62 acres
 from CFA to RE 4



HORRY COUNTY REZONING REVIEW SHEET

Energov #: 61272 Advertisement & Mailout Date: 03/16/2023 Date Posted: 03/09/2023 # Property Owners Notified: 5 Report Date: 03/09/2023 BY: GHS

PROPERTY INFORMATION			
Applicant	Stephen Scholz	Rezoning Request #	2023-03-009
PIN #	336-13-04-0003	County Council District #	11- Allen
Site Location	3142 Hwy 378 in Conway	Staff Recommendation	
Property Owner	Stephen Scholz	PC Recommendation	
		Size (in acres) of Request	1

ZONING INFORMATION	LOCATION INFORMATION	ADJACENT PROPERTIES				
Current Zoning	SF 40	Flood Information	X	CFA	HC	HC
Proposed Zoning	MSF 40	Wetland Information	N/A	SF 40	Subject Property	SF 40
Proposed Use	Manufactured home	Utilities	Public	HC	RE 4	SF 40
Character of the Area	Commercial & residential	Fire in miles	3.66- Conway Station #1 (Career)			
		EMS in miles	3.66- Conway Station #1 (Career)			

COMMENTS

Comprehensive Plan District: Economic Activity Center	Overlay/Area Plan: Airport Environs Overlay
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Discussion: The applicant is requesting to rezone from SF 40 to MSF 40 for a manufactured home. The property owner was written a citation back in September of 2022 due to living in a camper on the property. He was also written a citation for an unpermitted storage building. The storage building cannot be permitted without a primary residence. The property is surrounded by SF 40 zoning and some commercial zoning districts.

The future land use designation is Economic Activity Center. The Imagine 2040 Comprehensive Plan states "This category encourages development of manufacturing, industrial, distribution, services, and office uses in locations that will minimally affect surrounding properties. Commercial uses are secondary to major employment uses."

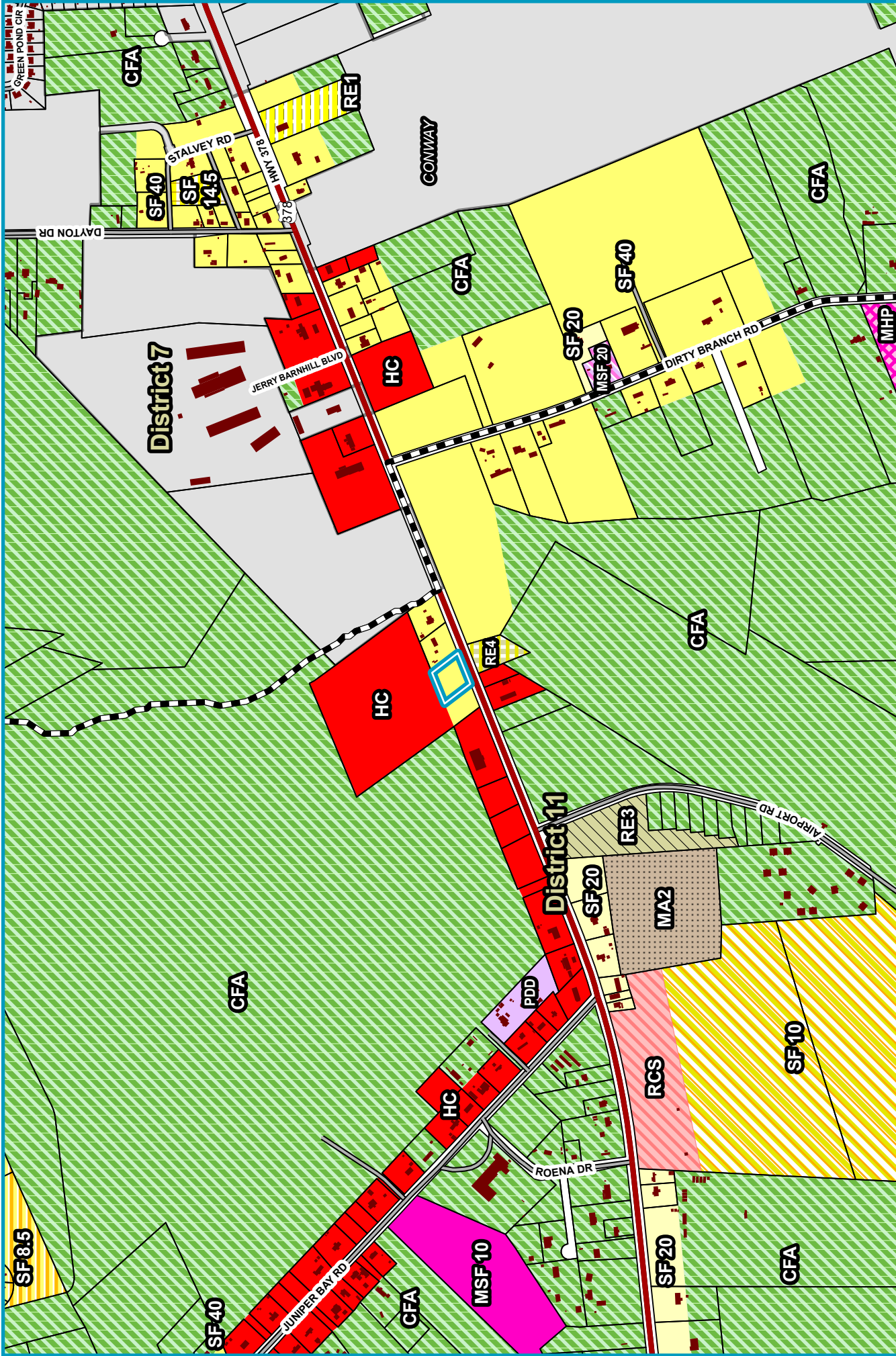
Public Comment:

Proposed Improvements	
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TRANSPORTATION INFORMATION	HORRY COUNTY SCHOOLS FUNCTIONAL CAPACITY		
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Daily Trips based on existing use / Max Daily Trips based on current zoning	8 / 8		Functional Capacity	2022-2023 ADM	Percent Capacity
Projected Daily Trips based on proposed use / Max Daily Trips based on proposed zoning	8 / 8	Conway High	2,095	1,555	74%
Existing Road Conditions	State, Paved, Two-lane	Whittemore Park Middle	1,200	893	74%
Rd, Station, Traffic AADT (2021) % Road Capacity	US 378, Station (143) 11,200 AADT 65-70%	Pee Dee Elementary	827	869	105%

DIMENSIONAL STANDARDS	Requested	Current	Adjacent	Adjacent	Adjacent	Adjacent
		MSF 40	SF 40	HC	SF 40	CFA
Min. Lot Size (in square feet)	40,000	40,000	6,000	40,000	43,560	
Front Setback (in feet)	50	50	20	50	60	
Side Setback (in feet)	20	20	10	20	25	
Corner Side Setback (in feet)	30	30	15	30	37.5	
Rear Setback (in feet)	30	30	15	30	40	
Bldg. Height (in feet)	35	35	35	35	35	



Zoning Map
 Rezoning Case Number 2023-03-009
 Rezoning 1 acres from SF 40 to MSF 40

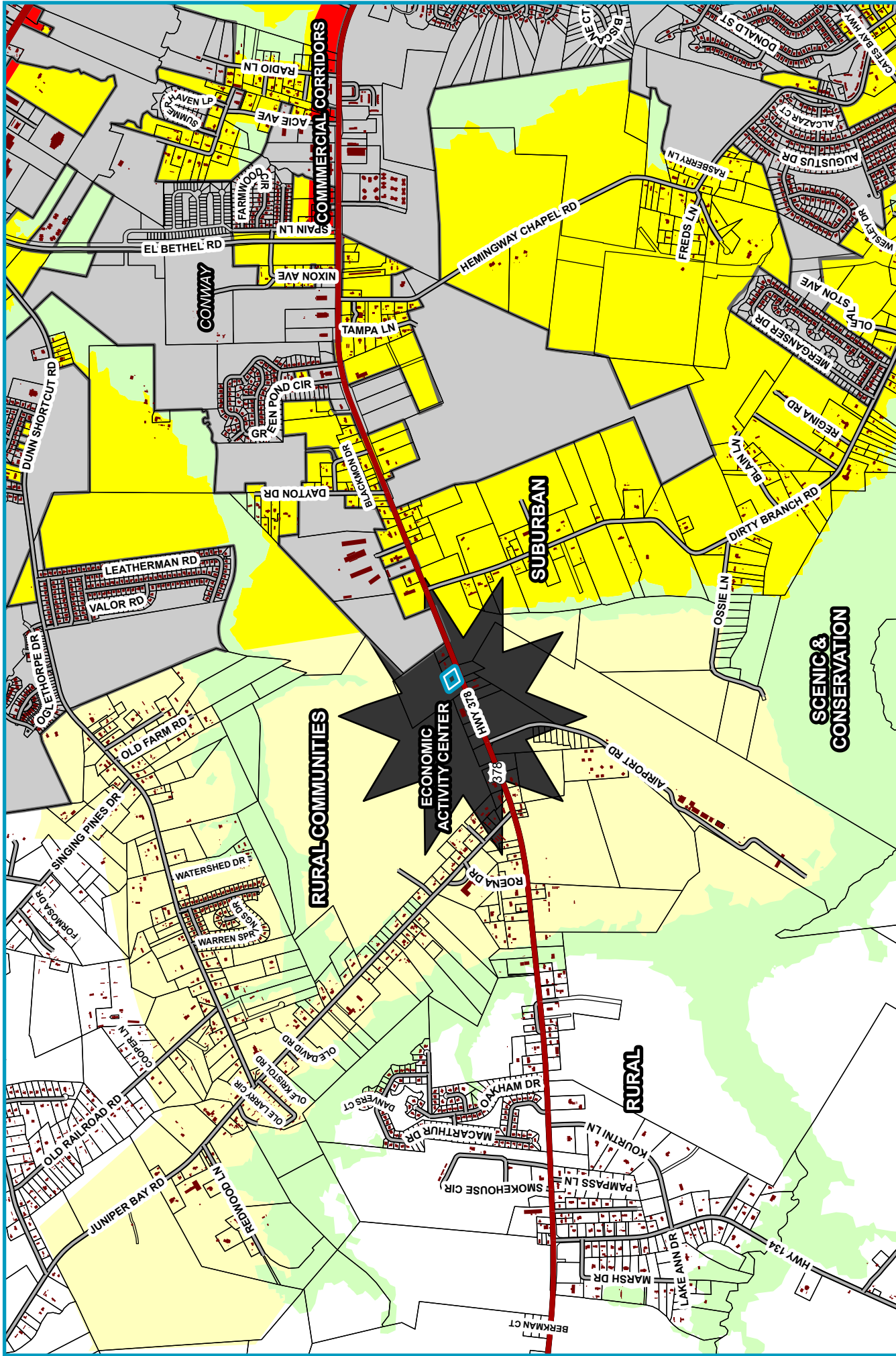
Parcel for Consideration (Blue square)
Council District Boundary (Dashed line)
Parcel Boundary (Thin black line)
Municipality (Grey area)

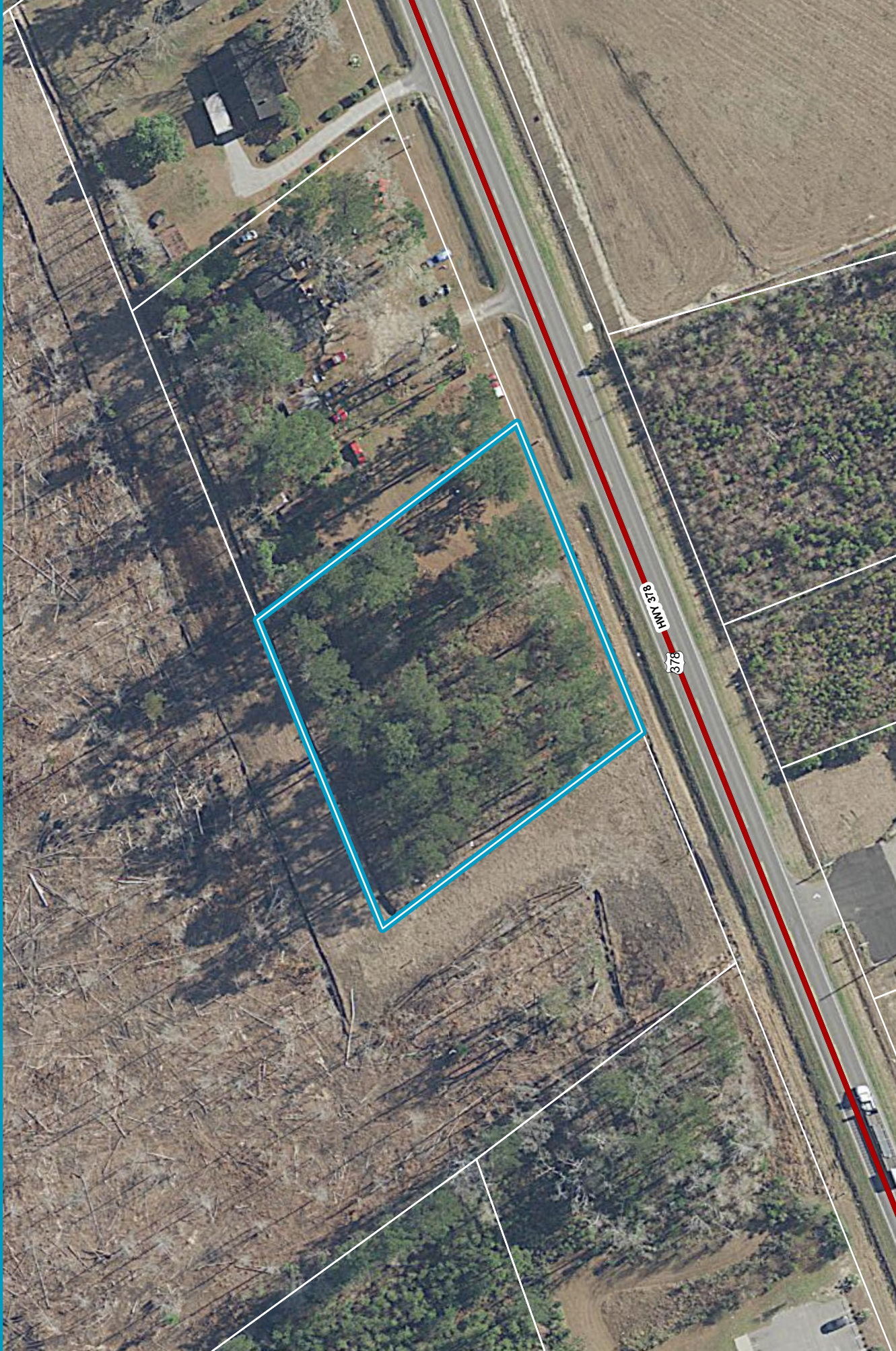
Structure (Red square)
Major Road (Thick red line)
Other Road (Thin black line)

HC Government

0 500 1000 Feet

N





Parcel for Consideration



Major Road



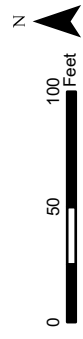
Other Road

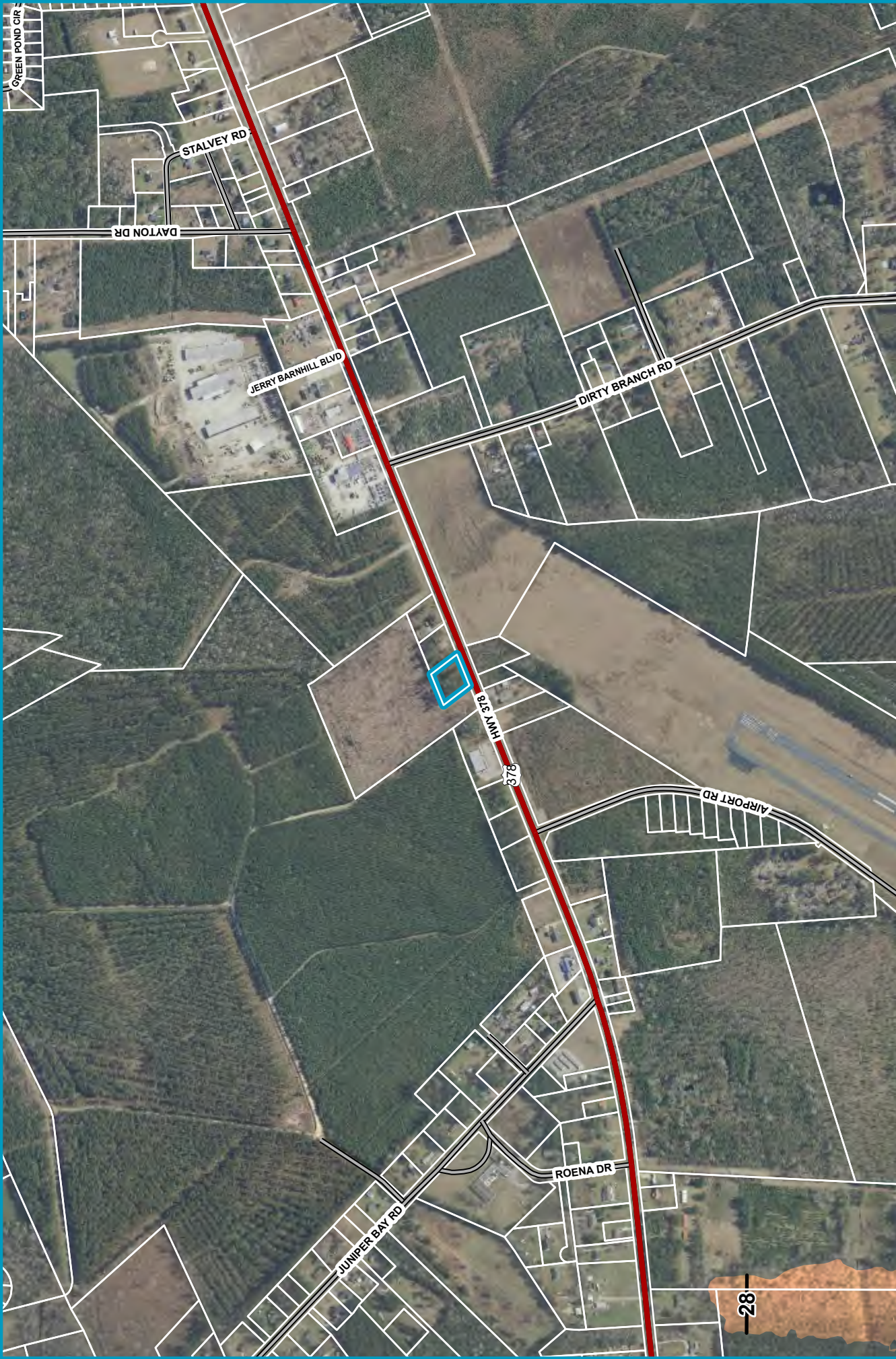







Aerial Map

Rezoning Case Number
2023-03-009

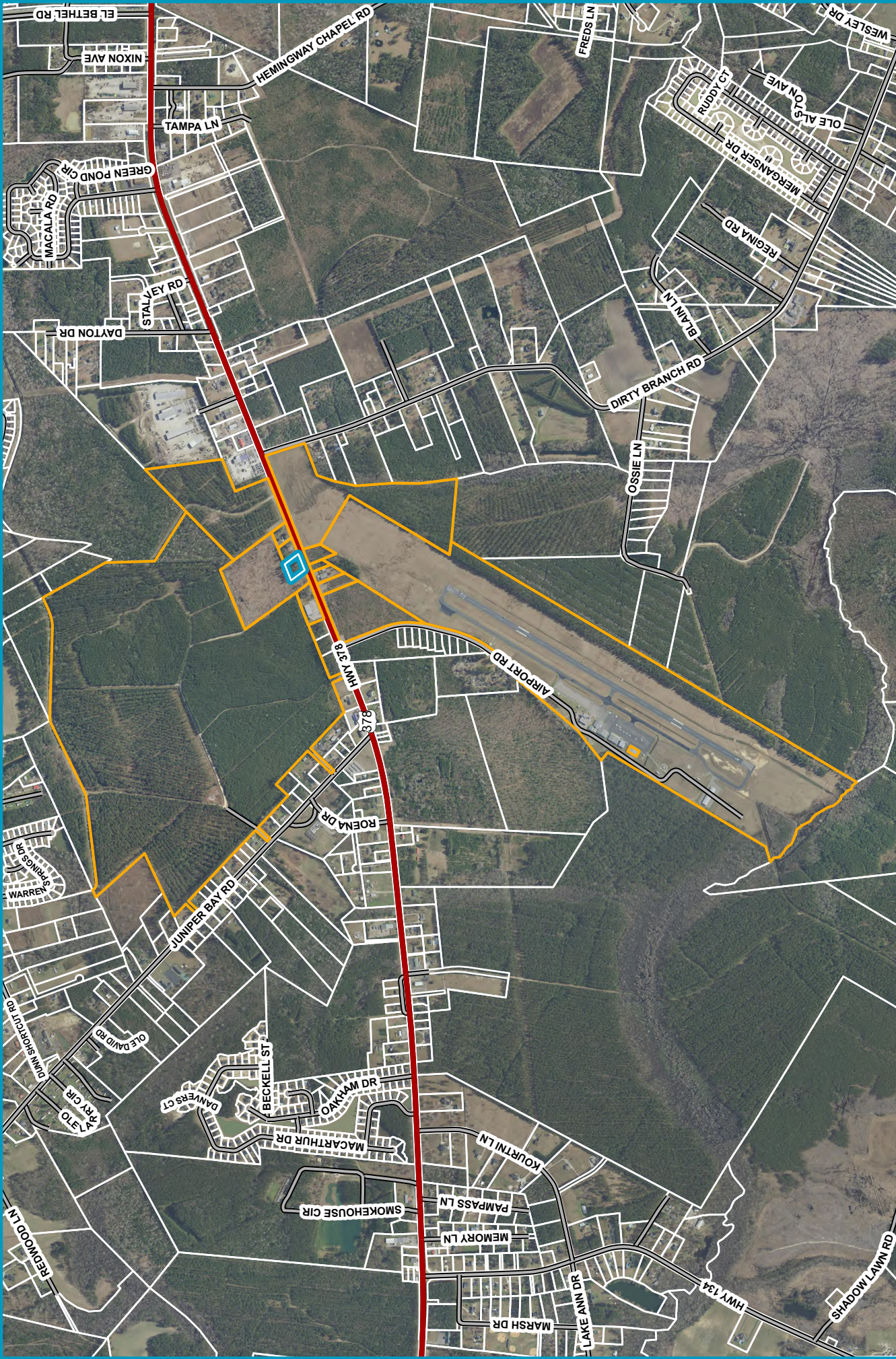
Rezoning 1 acres
from SF 40 to MSF 40





-  Parcel for Consideration
-  Major Road
-  Other Road
-  Preliminary Base Flood Elevation (BFE)
-  AE - Special Flood Hazard Area

Flood Map
 Rezoning
 Case Number
 2023-03-009
 Rezoning 1 acres
 from SF 40 to MSF 40



Parcel for Consideration



Public Notice



Major Road

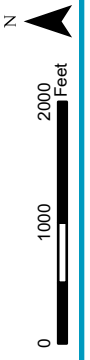


Other Road



Public Notice Map

Rezoning
 Case Number
 2023-03-009
 Rezoning 1 acres
 from SF 40 to MSF 40



Planning Commission Decision Memorandum
Horry County, South Carolina

Date: March 3, 2023
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Desiree Jackson, Senior Planner
Cleared By: Charles Suggs, Deputy Director
Regarding: Special Exceptions

ISSUE:

Should Horry County amend Appendix B, Article XI of Horry County Code of Ordinances pertaining to Special Exceptions?

PROPOSED ACTION:

Approve the proposed amendments to Appendix B of the Horry County Code of Ordinances.

RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Ordinance 38-12 was approved July 10, 2012, this ordinance created a process with the Board of Architectural Review (BAR) to approve periodic event facilities on historically designated properties.

On June 12, 2016, Ordinance 40-16 was approved. This ordinance created the Agritourism Permit process to allow local agricultural operations to benefit from additional activities on their property if they were approved by the BAR.

On October 15, 2019 County Council approved Ordinance 77-19, this ordinance replaced our existing Agritourism Permit with a Rural Tourism Permit. The rural tourism was established as a special exception granted by the ZBA instead of the BAR. The rural tourism permit allowed similar activities as its predecessor. Rural Tourism created a minimum lot size requirement of 20 acres and/or 20 contiguous acres, but the requirement for the property to be a working farm was removed.

Currently, Event Centers are allowed for indoor use only in the following zoning designations: Retailing and Consumer Services (RCS), Transportation Related Services (TRS), Highway Commercial (HC), Convenience and Auto-related services (RE3), Retail with accessory outdoor storage (RE4), Indoor Amusement Commercial (AM1) and Commercial Recreation (CR).

At present we only have two zoning districts which allow event centers to have both indoor and outdoor activities. Those districts are Amusement Commercial (AC) and Outdoor Amusement Commercial (AM2). AM2 is the only district someone can request a rezoning action for which allows the desired use.

ANALYSIS:

Staff has many inquiries about zoning districts which would allow an indoor / outdoor wedding and event venue. At present there are three available options for inquirers to obtain a venue.

- Option 1.** Have a historically designated property and request approval from the Historic Preservation Commission (HPC) to have periodic events.
- Option 2.** Request a special exception from the ZBA for Rural Tourism. This process requires 20 acres and/or 20 contiguous acres, the parcel cannot be zoned residential, and it must be within the areas designated as rural, rural community, rural activity center or scenic & conservation on the future land use map.
- Option 3.** Request a rezoning for the Outdoor Amusement Commercial (AM2) zoning district.

Staff is proposing a 4th option which would still require a special exception, like the rural tourism permit. This option would be for people who solely want a wedding and event venue, and who do not want to do all the additional uses associated with rural tourism or the AM2 zoning district. This special exception use would allow a public hearing process through the ZBA. This method would provide an opportunity for all concerned citizens to share their apprehensions and to ensure the proposed use is harmonious with the surrounding community.

The proposed ordinance would allow wedding and event venues with outdoor seating and activity areas by special exception in RCS, TRS, HC, RE3, RE4, AM1 or CR. All of these districts already permit the use inside of a fully enclosed structure. Additionally, staff has proposed to permit the wedding and event venue use by special exception only, in the Commercial Forest Agriculture (CFA) and Forest Agriculture (FA) districts. While these districts are usually in areas that could obtain a Rural Tourism permit, there have been inquiries that do not meet the 20-acre minimum. Allowing these districts to have a wedding and event venue by special exception could help to avoid rezoning requests to more intensive commercial zoning districts in the rural areas of Horry County. The minimum lot size requirement to apply would be 10 acres, and all applications would require a site and operation plan for the ZBA to review.

As with all of the avenues for an event venue mentioned above, this would not preclude the applicant from obtaining a Special Event permit if the event exceeded 499 attendees.

COUNTY OF HORRY)
) **ORDINANCE NO.**
STATE OF SOUTH CAROLINA)

AN ORDINANCE TO AMEND APPENDIX B, ARTICLE XI OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO SPECIAL EXCEPTIONS

WHEREAS, Horry County adopted the Special Exception process for Rural Tourism in 2019 which requires 20 acres of land in a rural area; and,


WHEREAS, we have citizens who are interested in creating only a wedding and event venue that allows outdoor activities; and,

WHEREAS, staff has multiple inquiries for the wedding and event venues use that are not capable of meeting the requirements of Rural Tourism; and,

WHEREAS, allowing wedding and event venues with outdoor activity areas by special exception will still require the public hearing process to ensure the use is harmonious with adjacent uses.

NOW THEREFORE the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State ordain it ordained that:

1) Amendment to Appendix B, Article II, Section 204.8 – Indoor Amusement Use Chart: Appendix B of the Horry County Code of Ordinances is hereby amended as follows: (All text in ~~strike through~~ shall be deleted and all text shown underlined and bolded shall be added)

SECTION 204.8 - INDOOR AMUSEMENT USE CHART																
<u>Zoning Districts</u>																
	<u>Land Uses</u>															
	<u>FA*</u>	<u>CFA*</u>	<u>CC*</u>	<u>RCS*</u>	<u>TRS*</u>	<u>HC*</u>	<u>RE 2</u>	<u>RE 3/ RE 4</u>	<u>AC*</u>	<u>AM 1</u>	<u>AM 2</u>	<u>CR*</u>	<u>LI*</u>	<u>HI*</u>	<u>Conditional Uses</u>	<u>Special Exception Uses</u>
Indoor Amusement			P	P	P	P	P	P	P	P	P	P				
Adult entertainment					C								C	C	901	
Auditorium/theater			P	P	P	P	P	P	P	P	P	P				
<u>Event Center Wedding and Event Venue</u>	<u>SE</u>	<u>SE</u>		P	P	P	P	P	P	P	P	P				<u>1106.C.8</u>
*= Retired Zoning District P = Permitted Use C = Conditional Use SE = Special Exception SE = Special Exception																

2) Amendment to Appendix B, Article XI, Section 1104 – Special Exceptions: Appendix B of the Horry County Code of Ordinances is hereby amended as follows: (All text in ~~strikethrough~~ shall be deleted and all text shown **underlined and bolded** shall be added)

SECTION 1104 - SPECIAL EXCEPTIONS.

A. IN ADDITION TO DEFINITIVE STANDARDS IN THIS ARTICLE, THE ZONING BOARD OF APPEALS SHALL CONSIDER THE FOLLOWING CRITERIA FOR SPECIAL EXCEPTIONS:

1. Traffic impact;
2. Vehicle and pedestrian safety;
3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view; and
5. Orientation or spacing of improvements or buildings.
6. Will be in substantial harmony with the area in which it is to be located.
7. Will not be injurious to adjoining property.
8. Will contribute to the economic vitality and promote the general welfare of the community.
9. Will not discourage or negate the use of surrounding property for use(s) permitted by right.

B. IN GRANTING A SPECIAL EXCEPTION, THE BOARD MAY ATTACH TO IT SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER, OR OTHER FEATURES OF THE PROPOSED BUILDING, STRUCTURE, OR USE AS THE BOARD MAY CONSIDER ADVISABLE TO PROTECT ESTABLISHED PROPERTY VALUES IN THE SURROUNDING AREA, OR TO PROMOTE THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

1. Violation of conditions and safeguards prescribed in conformity with this article, when made a part of the terms under which a special exception is granted, shall be deemed a violation of this article, punishable under the penalties established in this article.
2. Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified, when such time limit is made a part of the terms under which the special exception is granted, shall void the special exception.

C. SPECIAL EXCEPTIONS WHICH REQUIRE ADDITIONAL CONDITIONS INCLUDE:

1. **CASINO BOATS.**

- a) Shall not be located closer than two thousand (2,000) feet (measured from property line) from an existing residential use, except in unusual circumstances where mitigating condition can be imposed to minimize adverse effects to residential uses;

- b) Traffic patterns shall be reviewed due to potential disruption to residential communities and to avoid potential parking congestion.
- c) Hours of operations should be limited to avoid operation at unusual and unsociable hours.

2. LARGE ANIMAL PRODUCTION FACILITIES.

- a) Shall not be located closer than one thousand five hundred (1,500) feet (measured from the most outlying structure of the facility) from an existing residential use or zoning district whose principal purpose is for residential dwellings;
- b) The SCDHEC permit to construct the facility is submitted;
- c) A copy of the SCDHEC approved Animal Facility Management Plan (AFMP) is submitted;
- d) The following regulatory permits are submitted:
 - i. SCDHEC waste application contract for all landowners consenting to have waste spread on their properties.
 - ii. A copy of any waivers approved by SCDHEC related to modifications in the required setbacks or other requirements as established in the SCDHEC regulations for such facilities.
 - iii. Other applicable regulatory permits necessary for the operation of such facilities.

3. OFFICES.

No outdoor storage.

4. ON-PREMISES CONSUMPTION OF ALCOHOL.

- a) A bar, restaurant or business establishment meeting the definition of a bar must obtain a special exception if the establishment is within five hundred (500) feet from any residential districts. The five hundred (500) feet shall be measured from property line of the establishment to the residential district line.
- b) If a property or business is transferred to a subsequent party and it is determined after receipt of three or more complaints that the character of the business has changed substantially, the Zoning Administrator shall be authorized to suspend the previous approval and require rehearing by the Board.

5. OUTPATIENT TREATMENT FACILITIES FOR ALCOHOLISM AND DRUG ADDICTION, COUNSELING FACILITIES THAT DISTRIBUTE PRESCRIPTION MEDICATION ONSITE & PSYCHIATRIC HOSPITALS

Shall not be located closer than two thousand (2,000) feet (measured from property line) from any house of worship, day care center, public or private elementary or secondary education school, public park, public library, or residentially zoned property, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses;

6. TEMPORARY EVENTS & SEASONAL USES

Temporary events and seasonal uses, including but not limited to fairs, circuses, haunted houses and trails, community events and the like may be approved by the Zoning Board of Appeals as special exceptions. The board, after public hearing, shall consider the factors set forth in § 1106.A

of the Zoning Ordinance, determine the appropriate duration of the event or temporary use (not to exceed thirty (30) days), and set hours of operation. The board may also attach such conditions as it may deem advisable to protect the surrounding properties and the public health, safety and welfare.

7. RURAL TOURISM PERMIT.

a) Intent.

To support economic growth in rural areas while simultaneously preserving open space and farm land. The permit may provide relief from certain commercial standards that are inconsistent with the surrounding rural character.

b) Permitted activities.

- i. Rural Tourism activities are permitted provided:
 - A. The parcel is a minimum of 20 acres or 20 total contiguous acres and within a Rural area, Rural Corridors, Rural Community, Rural Activity Center, Transitional Growth Area, Scenic Conservation, or Preserved Open Space as identified on the active future land use map; and
 - B. The parcel is not zoned Residential; and
 - C. Rural Tourism Activities shall comply with Table 1, Operation Designations. Rural Tourism does not include amusement activities specified in the AM1 & AM2 zoning districts unless expressly stated in the table below.
- ii. If plans include use of a building onsite, a courtesy inspection will be made by Horry County Code Enforcement to ensure the building complies with accepted safety standards.
- iii. Upon approval, the Rural Tourism Activity may be exempt from Landscaping and Buffering requirements and Article VII of the Horry County Zoning Ordinance.
- iv. No event shall exceed 499 attendees at one time, unless a Special Event permit has been approved.

c) Application procedures.

- i. A completed Rural Tourism Special Exception application shall be made to the Planning and Zoning Department. Applications shall include the following:
 - A. A master plan identifying all existing and proposed: structures, parking areas, ingress and egress, restroom facilities and uses.
 - B. An operation plan that includes planned event days, type of activity and hours of operation.

TABLE 1	
<i>ACTIVITIES</i>	<i>DEFINITION</i>
Agricultural Activities	These activities can include, but are not limited to: rent-a-row, you-pick operations, harvest market
Education Classes/ Tours	Classes/ tours focused on rural or agricultural education. (i.e. bird watching, flora and fauna identification, farm / rural tours, farm / rural museum, fishing instruction, kayak or paddle board instruction)
Food Service, including, Food Trucks	On-site consumption of food, to include Farm to Table events
Rural Activities	These activities can include, but are not limited to: zip lines, motorized and non-motorized trail rides (does not include racing activities), horseback riding, rodeos, kayaking, fishing and petting zoos.
Rural Retail	Nurseries and the sale of agricultural products, produce and value added products.
Seasonal Activities	These activities can include, but are not limited to: corn mazes, haunted houses/ forests, egg hunts, and holiday light displays
Events	These events can include, but are not limited to: weddings, birthdays, and corporate events

8. WEDDING AND EVENT VENUES.

a) Intent

To allow wedding and event venues to have outdoor seating and activity areas by special exception when such use is deemed harmonious with the surrounding community.

b) Minimum Lot Size

Any lot for which a wedding and event venue is proposed shall be a minimum of ten (10) acres in size.

c) Setbacks

All uses associated with the venue, including parking, shall be setback 75' from all property lines.

d) Access

The venue shall not be served by a shared private drive or ingress/egress easement.

e) Fencing

A six (6) foot privacy fence, wherein privacy is understood as providing 85% or more opacity, is required around the use area. The privacy fence shall consist of vinyl, wood, stone or brick materials around the specified use area. Chain link and plastic materials are prohibited. Fence must be located interior to the landscaping.

f) Lighting

If a light is within seventy-five (75) feet of a residential zoned parcel or use, the height of the light shall be no greater than eighteen (18) feet with the fixture located along the edge of the parking area and light directed back into the site.

g) Outdoor seating/ activity areas

Outdoor seating/ activity areas shall be counted as floor area for purposes of determining off-street parking. Additionally, the outdoor seating/ activity areas shall not occupy parking spaces, drive aisles or required landscape areas.

h) Hours of Operation

The venue may operate between the hours of 7:00 AM and 11:00 PM. The ZBA may limit hours of operation if it finds it necessary to mitigate adverse impacts to adjoining uses.

i) Amplified Sound

The venue shall not have amplified sound outside of a fully enclosed structure.

j) Attendance

No event shall exceed 499 attendees at one time, unless a Special Event permit has been approved.

k) Site and Operation Plans

A site and operations plans shall be submitted with the application for special exception, describing how the site will be developed and operated. Substantive changes to the operations plan shall require additional approval by the ZBA. The site and operations plans shall include, at minimum, the following items:

- i. A conceptual site plan, drawn to scale, showing the proposed structures and use areas. The plan should include proposed parking areas, and show the planned ingress and egress.
- ii. The name and contact information for the on-site manager. An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included

- in the venue’s advertising materials and in the venue’s operations plan. Updated contact information for the on-site manager shall be provided to the zoning administrator any time the on-site manager’s contact information changes.
- iii. A description of who will provide event security, including traffic services, during special events in which 100 or more visitors are expected to attend or in which alcohol is served.
 - iv. Maximum capacity of the facility, based on building code, fire code and/or parking requirements.
 - v. Duration of time that the venue will be operational (seasonal or year-round) and daily hours of operation.
 - vi. Types and annual number of events anticipated and/or marketed.
 - vii. Noise Control Plan

l) Notice upon transfer of ownership

In at least 90 days in advance of a transfer of ownership, the owner/ permit holder shall submit written notice to the department of a transfer of ownership as well as updated contact information and other relevant supporting permit materials. Failure to do so will result in permit revocation.

m) Revocation

Any permit issued under this section may be revoked by the ZBA for cause, including but not limited to: failure to adhere to the approved site plan, discontinuance of use of the facility for a period exceeding six (6) months; or, failure to adhere to all County, State and Federal laws.

3) **Amendment to Appendix B, Article XIV, Section 1423 – W:** Appendix B of the Horry County Code of Ordinances is hereby amended as follows: (All text in ~~strike through~~ shall be deleted and all text shown **underlined and bolded** shall be added)

SECTION 1423 - W

WATER TRANSPORTATION, EXCEPT CASINO BOATS.

A boat, ferry, barge, or similar structure carrying or transporting passengers for a fee.

WAREHOUSE

A commercial use engaged in storage of manufactured products, supplies, overstock and/or equipment. This use does not include manufacturing or wholesale and distribution.

WEDDING AND EVENT VENUE.

An establishment which is rented by individuals or groups to accommodate private functions, including, but not limited to: weddings, banquets, anniversaries, and other similar celebrations. All functions must be within a fully enclosed structure. The venue may only include outdoor seating

and activities areas by special exception or within the Amusement Commercial and Outdoor Amusement Commercial Zoning Districts.

WETLANDS.

As defined by the Army Corps of Engineers.

WILDLIFE REFUGE.

An area maintained in a natural state for the preservation of both animal and plant life.

WHOLESALE & DISTRIBUTION

An establishment where goods are received and/ or stored to be redistributed to retailers, to wholesalers, or directly to consumers. Such a use may include the retail sale of products by television, tele-marketing, catalog, internet and mail order.

HORRY COUNTY PLANNING COMMISSION

CHAIRMAN

Term Expires: 6/30/2025
District #1

Hunter Platt

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Office: 843-315-6061

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