ISSUE:

Should Horry County define the Comprehensive Plan adoption and amendment process within the Horry County Code of Ordinances?

PROPOSED ACTION:

Amend Chapter 15 – Planning of the Horry County Code of Ordinances to define the Comprehensive Plan approval and amendment process.

RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

The South Carolina Planning Enabling Act of 1994 defines the comprehensive plan adoption process for all jurisdictions in South Carolina. This is to ensure consistency with the public hearing and revision timeframes across all communities that have comprehensive plans. This consistency is important, as comprehensive plans provide local governments with the authority to establish and implement zoning, land development regulations, capital improvements programs, development agreements, and impact fees.

ANALYSIS:

Horry County has historically followed State law to adopt and amend its comprehensive plan. This amendment is intended to incorporate the comprehensive plan adoption and amendment process into the Horry County Code of Ordinances. While State law requires one 30-day public hearing notice prior to the adoption of the plan, Horry County has traditionally held a 30-day public hearing notice at both Planning Commission and County Council. This traditional process is defined within the draft amendment; however, an alternative option could be to require a 30-day public hearing notice at Planning Commission and maintain the typical ordinance adoption process at County Council that would only require a 15-day public hearing notice. Beyond public hearing process, this amendment incorporates procedures for a property owner to apply for an amendment to the Comprehensive Plan. This would require an application be submitted to the Planning Department and to undergo the complete comprehensive plan adoption process.
COUNTY OF HORRY )
) ORDNANCE NO. ______
STATE OF SOUTH CAROLINA )

AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE COMPREHENSIVE PLAN ADOPTION AND AMENDMENT PROCESS WITHIN CHAPTER 15 OF THE HORRY COUNTY CODE OF ORDINANCES.

WHEREAS, Horry County has adopted land use and comprehensive plans for more than 40 years; and,

WHEREAS, procedures for the comprehensive plan adoption and amendment process should be defined within the Horry County Code of Ordinances and readily available for the public; and,

WHEREAS, the public hearing and noticing procedures for the adoption and amendment process meet the requirements defined by the South Carolina Planning Enabling Legislation §6-29-760; and

WHEREAS, the proposed language provides the means for property owners to petition for amendments, allowing the plan to evolve as significant changes occur within the County; and

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 Horry County Code of Ordinances, Chapter 15, Article 1 is hereby amended as follows:
   (All existing text shown shall be-added)

Chapter 15 – PLANNING

ARTICLE I. IN GENERAL

Section 15 -1. Long-Range Comprehensive Plan.

Intent. The Planning Commission, as appointed by County Council, must establish and maintain a planning process that will result in the systematic preparation and continual evaluation and updating of the elements of the Comprehensive Plan to guide development and redevelopment. The planning process and contents of the plan shall be developed in accordance with the Local Government Planning Enabling Act of 1994, with all subsequent amendments.

(A) Development. Preparation of the Comprehensive Plan is the responsibility of the Horry County Planning Commission. The Planning Commission may designate a subcommittee to prepare or revise the plan. County staff ensure the Comprehensive Plan is developed in a manner consistent with established regulations and policy.

   1. Planning Commission shall periodically review and revise the plan based on surveys and studies of existing and changing conditions. A re-evaluation of the comprehensive plan elements must occur at least every 5 years.
2. Planning Commission shall update the comprehensive plan, including all the elements at least every 10 years.

3. County Council must adopt a new comprehensive plan as prepared and recommended by Planning Commission every 10 years.

(B) **Adoption.** When the plan, any element, amendment, extension, or addition is completed, Planning Commission shall make a recommendation to County Council and a public hearing must be held prior to approval for adoption by ordinance.

1. **Planning Commission Review and Recommendation.** The Planning Commission shall review any proposed plan or element of the plan. Prior to recommending the plan or changes to the plan, the Planning Commission shall hold a public hearing. Newspaper notice of a public hearing shall be made at least thirty (30) days in advance of the scheduled public hearing date. By affirmative vote of at least a majority of the entire membership the Planning Commission must adopt a resolution recommending the plan or element to County Council for adoption.

2. **County Council Hearing and Decision.** Before adopting a plan or element, the County Council shall hold a public hearing. Newspaper notice of a public hearing shall be made at least thirty (30) days in advance of the scheduled public hearing date. County Council shall adopt the Comprehensive Plan or element by ordinance. Approval of the plan on final reading cannot occur until the Planning Commission has recommended the plan.

(C) **Comprehensive Plan Amendment.** A proposed amendment to the Comprehensive Plan or element may be initiated by the County Council, Planning Commission, the Board of Zoning Appeals, any other Council appointed Board or Commission, the Zoning Administrator, or the Planning Director. Future Land Use Map amendments may also be proposed by a landowner or agent for a person, business or organization having rights in contract to the land that is subject to the map amendment by submitting an amendment application.

1. **Comprehensive Plan Application Process.** An application for a future land use amendment shall be accepted as complete when it includes the required fee and the following information:

   a. Completed Comprehensive Plan Future Land Use Amendment application signed by the property owner(s) or authorized agent initiating the amendment;

   b. Documentation of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect. Proposed changes to any Comprehensive Plan map shall be illustrated in map format similar to the existing Comprehensive Plan maps and shall be labeled as “proposed amendment;” and

   c. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to the whether the application complies with the standard of this Article.