

**HORRY COUNTY COUNCIL**  
**Workshop on Mining Ordinance 45-2020**  
September 29, 2020, 2:00 p.m.  
County Council Chambers  
1301 Second Avenue, Conway, SC

Agenda

- I. Call to Order Chairman Gardner
- II. Invocation
- III. Pledge of Allegiance
- IV. Public Comment
- V. Staff Briefing
- VI. Council Discussion
- VII. Adjourn

COUNTY OF HORRY )  
 )  
 STATE OF SOUTH CAROLINA ) **ORDINANCE 45-2020**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE, OF HORRY COUNTY TO ESTABLISH THE MINING (MG) FLOATING ZONE AND STANDARDS THEREOF.**

**WHEREAS**, Horry County Council approved Ordinance 141-05 on February 7, 2006 establishing conditional use standards for all commercial mining in the AG1, AG2, LFA, FA, CFA, R-1, R-2 and RE zoning districts; and

**WHEREAS**, Horry County Council believes that certain amendments are warranted for smaller mines less than 5 acres; and

**WHEREAS**, Horry County Council believes that it would also be appropriate to allow mines providing material specifically for Horry County projects should have the same exemptions as mines that operate for the benefit of SCDOT; and

**WHEREAS**, Council sees a need to create an additional Floating Zone whereby property owners not in one of the above listed zoning districts may pursue mining opportunities by rezoning to the aforementioned Floating Zone.

**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 of Horry County Code of Ordinances to delete Article VI Mining Permits of Chapter 13 of the Horry County Code of Ordinances in its entirety.**

**2) Amendment of Horry County Code of Ordinances:** Appendix B, Article VI Section 600 of the Horry County Code of Ordinances shall be as amended to as set forth below.

**ADDITION OF** the following district to the table following the entry for Mineral Extraction Zone

Mineral Extraction Zone	MG
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**3) Amendment of Horry County Code of Ordinances:** Appendix B, Article VII to creation Section 754 of the Horry County Code of Ordinances shall be as amended to as set forth below.

**§754. MINING DISTRICT (MG).**

Intent. The Mining Floating Zone is intended be used solely for the purposes of mining uses involving the excavation, handling and hauling of both “Consolidated” and “Unconsolidated Materials” Consolidated materials in Horry County, South Carolina, relates to cemented

sandstone, cemented limestone, and coquina formations that are categorized in the family of materials of cemented or semi-cemented fossiliferous material. Unconsolidated materials include all those located above those of a consolidated nature and include sand, clay, marl, and surficial deposits.

MG Districts are not intended to be within five hundred (500) feet of any residential structures, are not appropriate in close proximity to commercial business districts and should be surrounded by similar industrial uses and/or districts. This doesn't apply where the structures are resident property owners.

#### **§754.1 Conditional Uses**

(A) Accessory uses that are subordinate and incidental to any permitted uses below and onsite signage in accordance to the provisions of Article 10.

(B) Mining and/or mineral excavation operations and businesses intended for the purposes of hauling excavated material off-site.

**4) Amendment of Horry County Code of Ordinances:** Appendix B, Article V Section 532 of the Horry County Code of Ordinances shall be as amended to as set forth below.

532. - Mining.

Unless exempt, a certificate of zoning compliance must be obtained by the property owner or operator of any mining operation prior to removal of excavated materials to be hauled off-site. If all excavated material is kept on-site, no review or approval is required. The following levels of review and approval are hereby established for mining operations where the excavated material is hauled off-site.

1. Ponds less than ten thousand (10,000) square feet in size are exempt from the requirements of this section. The final slopes are to be at a 3:1 slope to minimize the possibility of slides.
2. Ponds no greater than two (2) acres in size shall be allowed as conditional uses in all zoning districts subject to the following conditions:
  - a) Ponds shall be a minimum of fifty (50) feet from wetlands, and a minimum of twenty-five (25) feet from a property line unless a written agreement with an adjacent property owner is obtained.
3. Ponds no greater than five (5) acres shall be allowed as conditional uses in the AG1, AG2, LFA, FA, CFA, and RE zoning districts subject to the following conditions:
  - a) There shall be no more than one pond for every ten (10) acres of land.
  - b) Ponds shall be a minimum of fifty (50) feet from wetlands, and a minimum of twenty-five (25) feet from a property line unless a written agreement with an adjacent property owner is obtained.

c) Hauling of material from the site must be done between the hours of 6:00 a.m. and 7:00 p.m. Monday through Saturday.

d) Where an unpaved county road is used to access the site, the owner and/or operator shall maintain five hundred (500) feet in the direction of traffic to and from the site, using Best Management Practices and maintaining the road in good condition.

4. All other mining activity shall be allowed only as a conditional use in the MG zoning districts subject to the following conditions:

a) A pre-construction meeting with county engineering must be held to assess road conditions and develop a maintenance plan, regarding grading and watering, that addresses impacts of the mining operation to include dust in populated areas and road conditions.

b) Mine operator must maintain paved roads accessing site for two hundred (200) feet of site access in the direction of travel and control dust in populated areas.

c) Mining operations must be screened and buffered by a six (6) foot high opaque screen of natural vegetation within a one hundred (100) foot buffer area or a six (6) foot high berm within a fifty (50) foot buffer area. Berms must be graded, shaped and grassed. Provided, however, that no screen is required along any property boundary where the mining operations are setback five hundred (500) feet, or more from the property line. These screening and buffering provisions shall supercede the requirements of the landscape, buffer and tree preservation standards.

d) Mine operator will submit a road maintenance and traffic routing plan to the county. Traffic plan should minimize impacts to surrounding residences to the greatest reasonable extent possible. Reasonableness analysis should include but is not limited to physical limitations and financial costs. Plan may be modified if conditions warrant.

e) Operational hours are 6:00 a.m. until 7:00 p.m. Hours may be extended for public projects of limited duration upon notice to the zoning administrator.

f) Mining operations will be conducted in accordance with Horry County and DHEC regulations. Mine operator will obtain a county stormwater permit.

g) Mining operations must be conducted in accordance with all county, state, and federal regulations.

h) Applicant shall identify the nature of the material to be excavated, the duration of the DHEC approval sought and the acreage of staging and excavation areas.

5. The removal and hauling of excavated material for the construction of a commercial development or major residential subdivision that has received construction plan approval and a county stormwater permit is exempt from the provisions of this section.

6. The provisions of this section are not applicable if all excavated materials from a site are used solely for the construction of a public project by the South Carolina Department of Transportation or Horry County.

- a) In order to establish the right to an exemption for a state or county project, the property owner and/or site operator must provide the Zoning Administrator with a letter from the SCDOT or Horry County project engineer identifying the contractor, the SCDOT file# or Horry County project name, the start date and end date of the contract, and the cubic yards to be excavated.
- b) A county stormwater permit must be obtained.
- c) The property owner must provide the zoning administrator with a statement acknowledging that:
  - (1) Any future use of the property would have to be consistent with the zoning on the property; and
  - (2) The exemption is limited to the duration and extent of the SCDOT or Horry County contract; and
  - (3) Any use of the excavated materials for any project outside the scope of the SCDOT or Horry County contract will result in the loss of the exemption.

**5) Amendment of Horry County Code of Ordinances:** Appendix B, Article VIII to add the following district to the Dimensional Standards table.

<b>Dimensional Standards</b>						
<b>District</b>	<b>Lot Area</b>	<b>Setbacks (in feet)</b>				<b>Height</b>
		<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>	
MG	10 acres	50	50	50	50	35

**6) 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.

**7) 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.

**8) Effective Date:** This ordinance shall become effective on third reading.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.**

**HORRY COUNTY COUNCIL**

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Johnny Gardner, Chairman

Harold G. Worley, District 1  
Dennis DiSabato, District 3  
Tyler Servant, District 5  
Orton Bellamy, District 7  
W. Paul Prince, District 9  
Al Allen, District 11

Bill Howard, District 2  
Gary Loftus, District 4  
Cam Crawford, District 6  
Johnny Vaught, District 8  
Danny Hardee, District 10

Attest:

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Patricia S. Hartley, Clerk to Council

First Reading: May 5, 2020  
Second Reading: July 14, 2020  
Third Reading: