I. Call to Order – 2:00 p.m.

II. Text Amendment Discussion

   A. AN ORDINANCE TO AMEND CHAPTER 15 OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO THE COMPREHENSIVE PLAN ADOPTION AND AMENDMENT PROCESS.

   B. AN ORDINANCE TO AMEND ZONING APPENDIX B, ARTICLE XV OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO AMENDMENTS.

   C. AN ORDINANCE TO AMEND ZONING APPENDIX B, ARTICLE IV & ARTICLE VII OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO DEFINITIONS & THE MULTI-RESIDENTIAL DISTRICT.

III. Adjourn
I ISSUE:

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

CONCLUSION:

Planning Staff will present an amendment to Chapter 15 – Planning of the Horry County Code of Ordinances to define the Comprehensive Plan approval and amendment process.

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 the public to apply for amendments to the Comprehensive Plan. This would require an application be submitted to the Planning Department and to undergo the complete comprehensive plan adoption process.
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 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. The citizens of Horry County either by residency or by contract rights to property may petition for an amendment to the Comprehensive Plan or element by submitting an amendment application.

1. Comprehensive Plan Application Process. No application for an amendment shall be accepted as complete unless it includes the required fee and the following information:
   a. Completed Comprehensive Plan Amendment application signed by the individual(s) initiating the amendment or an authorized agent;
b. Document of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, underlined text. 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.
ISSUE:

Should Horry County amend Article XV of the Horry County Zoning Ordinance to ensure authorities, application procedures, and review criteria are clearly defined for zoning amendments?

PROPOSED ACTION:

Approve the proposed amendments to Article XV of the Horry County Zoning Ordinance.

RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

The South Carolina Planning Enabling Act of 1994 identifies the public hearing, public noticing criteria, and adoption procedures for text amendments and zoning map amendments. However, it does not define the application submission or review criteria for text amendment and zoning map requests, as this is a local government authority. The IMAGINE 2040 Comprehensive Plan public input process identified the need to revise the submission requirements and rezoning review criteria that Planning Commission and County Council use to evaluate rezoning requests, especially for those properties located within Scenic & Conservation areas of the Future Land Use Map. Amendments to Article XV were drafted to ensure that the ordinance reflects state law and the implementation of the comprehensive plan.

ANALYSIS:

Significant revisions to Article XV include:

- Addition to Declaration of Policy that zoning amendments be evaluated for their consistency with the Consolidated Plan, Capital Improvements Plan, and Official Map;
- Allowance for publically initiated text amendment application procedures;
- Amend refund policy to allow PDDs to be refunded all except the cost of a Standard Rezoning fee ($250) if a request for withdraw occurs prior to Planning Commission public hearing;
- New requirement for a Water and Sewer Service Verification Letter to be submitted for all commercially reviewed rezoning requests that are greater than or equal to 3 acres in size or any major residential development;
- Consolidation of rezoning submission requirements for PDD, MRD, and major residential subdivisions with lots less than or equal to 10,000 ft²;
• Additional requirement for the 100 and 500-year regulatory floodplain to be included in all conceptual plans for all MRD and all major residential rezonings with lots less than or equal to 10,000 ft²;
• Additional rezoning submission criteria for PDD, MRD, and major residential rezoning requests in Scenic & Conservation areas;
• Revisions to the rezoning review criteria to ensure that they are consistent with the vision, goals, and objectives of the IMAGINE 2040 Comprehensive Plan and to ensure there are greater considerations for the environment, especially for rezoning requests in Scenic & Conservation areas; and
• Clarification of what constitutes a minor and major amendment within PDD and MRD developments.
1500. Authority.

Any amendment, change or supplement to the Zoning Map or Ordinance must be submitted through the Horry County Planning Department to the Horry County Planning Commission for public hearing, review and recommendation to County Council. No amendment shall be approved by County Council unless a recommendation has first been made by the Planning Commission.

1501. Requirements for change.

(A) Declaration of Policy. As a matter of policy, no request to change the text of the ordinance or map shall be acted upon favorably except:

1. Where necessary to implement the Comprehensive Plan,
2. When consistent with the Consolidated Plan, Capital Improvements Plan, and Official Map;
3. To correct an original mistake or manifest error in the zoning ordinance or map;
4. To recognize substantial change or changing conditions or circumstances in a particular locality; or
5. To recognize changes in technology, the style of living, or manner of doing business.

(B) Availability of certain zoning districts for rezoning requests. The following zoning districts shall no longer be available for use in the rezoning of property within Horry County. Property zoned as any of following districts may remain zoned as such until rezoned and shall be subject to the standards of the district as specified within this ordinance.

<table>
<thead>
<tr>
<th>Conservation Preservation</th>
<th>CP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Forest Agriculture</td>
<td>LFA</td>
</tr>
<tr>
<td>Forest Agriculture</td>
<td>FA</td>
</tr>
<tr>
<td>Commercial Forest Agriculture</td>
<td>CFA</td>
</tr>
<tr>
<td>Resort Residential</td>
<td>RR</td>
</tr>
<tr>
<td>Resort Commercial</td>
<td>RC</td>
</tr>
<tr>
<td>Neighborhood Commercial</td>
<td>NC</td>
</tr>
<tr>
<td>Community Commercial</td>
<td>CC</td>
</tr>
<tr>
<td>Highway Commercial</td>
<td>HC</td>
</tr>
<tr>
<td>Amusement Commercial</td>
<td>AC</td>
</tr>
<tr>
<td>Office, Professional, Institutional</td>
<td>OPI</td>
</tr>
<tr>
<td>Limited Industrial</td>
<td>LI</td>
</tr>
<tr>
<td>Heavy Industrial</td>
<td>HI</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>CR</td>
</tr>
<tr>
<td>Education, Institution, Office</td>
<td>EIO</td>
</tr>
<tr>
<td>Retailing and Consumer Services</td>
<td>RCS</td>
</tr>
<tr>
<td>Transportation-related Services</td>
<td>TRS</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>PUD</td>
</tr>
</tbody>
</table>
1502. Procedure for Amendments.

Requests to amend the Zoning Ordinance shall be processed in accordance with the requirements of this Article.

(A) *Initiation of Amendments.* Amendments to the zoning ordinance text or official zoning map may be initiated by the Planning Commission, County Council, the Board of Zoning Appeals, the Zoning Administrator, the Planning Director, other County Council appointed boards and commissions, or a landowner or agent for a person, business or organization having rights in contract to the land. An amendment to the zoning ordinance text may also be initiated by any member of the public.

(B) *Application Filing.* Applications for amendments must be signed by the applicant(s) and submitted, in proper form, at least thirty (30) days prior to a Planning Commission meeting in order to be heard at that meeting. Completed forms, together with the application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent will be filed with the Planning Department. The same text or zoning map amendment, affecting the same parcel or parcels of property or part thereof and requesting the same change in district classification by a property owner or owners, cannot be submitted more than once every twelve (12) months. Application fees are not refundable, except in cases where a PDD rezoning is withdrawn prior to Planning Commission action. In such cases, all except the cost of a Standard Rezoning fee may be refunded provided the retained fees cover the cost incurred by the County associated with the request.

1. *Zoning Text Amendment Application.* No application for a text amendment shall be accepted as complete unless it includes the following information:
   a. Signature of applicant or agent.
   b. Written statement explaining the proposed amendment(s) and how it meets the Declaration of Policy in this Article.
   c. If applicable, document of the proposed changes to the Zoning Ordinance in effect and showing proposed text deletions as strike-through text and proposed additions in bold, underlined text.
   d. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the Standards of this Article.

2. *Official Zoning Map Amendment Application.* No application for an amendment shall be accepted as complete unless it includes the following information:
   a. Signature of current property owner(s) and/or agent.
   b. Proposed zoning classification;
   c. Property Identification Number of the proposed development;
   d. Tract boundaries and total land area;
   e. Existing and proposed land uses throughout the development;
   f. Adjacent property owners and land uses;
   g. Boundary survey of the property, upon request;
   h. Water and Sewer Service Verification Letter. Commercially reviewed uses greater than or equal to 3 acres in size and major residential developments must provide a verification letter from the appropriate water and sewer service provider of their ability to serve the proposed development.
i. Restrictive covenant affidavit(s) signed by the applicant or current property owner(s) in compliance with state laws, if applicable.
j. Any rezoning request to establish a PDD, MRD, or major residential development with lots less than or equal to 10,000 ft² lots must also present a general idea of how the tract of land will be developed. The submission shall contain the following information:

**Table 1: Submission criteria for PDD, MRD, and major residential rezoning requests.**

<table>
<thead>
<tr>
<th>Wetlands Information.</th>
<th>The applicant must submit one (1) of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>· Preliminary wetlands assessment prepared by a qualified wetlands consultant,</td>
<td></td>
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<tr>
<td>· Wetlands verification letter from the Corps of Engineers, or</td>
<td></td>
</tr>
<tr>
<td>· Certified wetlands delineation map and preliminary jurisdictional determination letter from the Corps of Engineers.</td>
<td></td>
</tr>
</tbody>
</table>

**Project phasing plan and phase completion schedule;**

**Conceptual Plan** shall include, but not limited to:

- Plan sheet size not to exceed 30” x 42”;
- Drawn to scale not smaller than 1”=200’;
- Proposed Project Name;
- Owner of the property and/or developer;
- Adjacent property owners and land uses;
- North arrow, written and graphic scales, and a location map drawn to scale and not less than 1” = 2000’ to show the relationship between the proposed land development and surrounding area;
- Location and types of uses;
- Table summarizing project acreage, gross and net density, number of lots, and proposed area, yard, and height requirements;
- Number of units by residential dwelling type;
- Gross and net densities by phase or residential dwelling type;
- Existing road rights-of-way and easements;
- Adjacent driveway, roadway, and curb-cut locations;
- Proposed rights-of-way and lot layout compliant with the requirements of the Land Development Regulations;
- Traffic circulation for all uses;
- Traffic analysis and proposed external improvements;
- All planned accessory dwelling units, places of worship, golf courses, public spaces, amenity areas, common areas, ponds, and open space;
- All required external buffers.
- Location of 100 and 500-year regulatory floodplains per FEMA Flood Insurance Rate (FIRM) Maps;
- Existing wetlands, spoilage areas, and any wetlands that will be filled;

**Pedestrian Flow Plan,** when sidewalks and/or paths included.

**Illustrative Plan is optional, but does not replace the need to submit a conceptual plan.**

- North arrow, name of developer, owner, proposed development, and Parcel Identification Number (PIN) and adjacent PINs;
- Location and types of uses;
- General road layout for all pods and phases;
- Amenity areas and/or active and common open space areas; and
- Typical lot layouts per product type and phase.
k. Additional Submission Criteria for Request within Scenic and Conservation Area. Any rezoning request made within a Scenic and Conservation Area of the Comprehensive Plan’s Future Land Use Map shall also include:
   i. Certified wetland delineation map and preliminary jurisdictional determination letter from the Corps of Engineers for all requests over 2.5 acres;
   ii. National Wetlands Inventory Map for all requests under 2.5 acres;
   iii. Identification of any federally or state recognized rare, threatened, and endangered species located on the property;
   iv. USDA Soils Map and classifications;
   v. Map of the Hydrologic Unit Code (HUC) 12 watershed and identification of existing ditches, ponds/lakes, or other waterbodies on the property;
   vi. Identification of any historical or archeological resources; and
   vii. Topographic Survey overlaid on conceptual plan for all requests over 2.5 acres. Provide year of survey.

l. Additional Submission Criteria for Planned Development District (PDD). All PDD requests shall also meet additional requirements as defined in 721, including, but not limited to:
   i. Written narrative;
   ii. Internal buffers between dissimilar uses in accordance with 721.3B; and
   iii. Provision for recycling facility location and documentation for proposed collection of recyclables.
   iv. A Conceptual Plan with bubble diagrams depicting uses, densities, internal roadways (interconnectivity to be established), and open space may be submitted for projects greater than 100 acres.

m. Additional Submission Criteria for Multi-Residential District (MRD) with Sustainable Development Standards. All MRD requests that include Sustainable Development Standards shall also include:
   i. All sustainable development options being utilized.
   ii. Supporting documentation to convey how the sustainable development standards will be met, such as a pedestrian flow plan, open space plan, tree survey, or other supporting documentation,
   iii. Expected sustainable development incentives, including any density increases over the standard MRD development standards, setbacks, and dimensions.

n. Submission Criteria for the Marine Industrial (MI) District. Any request to establish a Marine Industrial district (MI) shall meet the following criteria:
   i. Minimum size to rezone to MI district is one hundred (100) acres. This can be a group of existing contiguous parcels.
   ii. Conceptual plan showing major roadways and potential traffic impacts and improvements shall be submitted with the request.
(C) Planning Commission Review and Report. Planning Commission shall have at least 30 calendar days to conduct a review of each proposed amendment and make a recommendation to County Council. If the Planning Commission fails to submit a report within a thirty (30) day period, it shall be deemed to have recommended approval of the proposed amendment.

(D) Planning Commission Public Hearing Notice. Notice of the time and place of the Planning Commission public hearing shall be published in a newspaper of general circulation in the County in advance of the scheduled Planning Commission meeting date in which the proposed amendment shall be heard.

1. Zoning Amendment. Newspaper notice of a public hearing shall be made at least fifteen (15) days in advance of the scheduled public hearing date.

2. Zoning Map Amendment.
   a. Property Posting. When a proposed amendment affects the district classification of a property, conspicuous notice shall be posted on or adjacent to the property affected with at least one (1) such notice being visible from each public thoroughfare that abuts the property.
   b. Notification of Surrounding Property Owners. Property owners within 500 feet of the property proposed for the zoning map amendment shall be notified by mail at least fifteen (15) days prior to the Planning Commission public hearing.
   c. Registration to Receive Public Notice. Any organization or individual may register with the Planning Department to receive public notice by electronic mail at least fifteen (15) days prior to the Planning Commission public hearing.

3. Public Comment. The Planning Commission may receive public input by written comments being submitted to the Planning Department. Planning Commission shall hold a public hearing on all zoning text and map amendments. If the landowner’s oral or written comments are to be allowed, the commission must give other interested members of the public at least 10 days’ notice and an opportunity to comment in the same manner.
Planning Commission Recommendation. The Planning Commission shall review the proposed amendment and take action, recommending that the County Council approve or deny the proposed amendment. The Planning Commission shall state its findings and its evaluation of the request to County Council based upon the following criteria:

1. Comprehensiveness:
   a. Is the change consistent with the Comprehensive Plan?

2. Reasonableness:
   a. Will the change address a non-conforming use?
   b. Are there other adequate sites with the appropriate zoning for the proposed use?
   c. How does the project minimize or mitigate adverse impacts on the surrounding community and on necessary public safety services, infrastructure, and the environment?

3. Character of Surrounding Community:
   a. Is the change consistent with the surrounding land uses?
   b. Is the property within a municipal annexation area?
   c. Are there other properties in the same area that are already zoned to allow the same use?

4. Changing Conditions:
   a. Have there been recent changes in public infrastructure that would support a change in the zoning, such as the completion of a road project, school, fire station, etc?
   b. Is there an economic development project that supports a change in the zoning or and surrounding zoning?

5. Public Welfare:
   a. Could the change result in an environmental justice issue?
   b. Will the change present a nuisance (light, dust, noise, airflow, smell) to the surrounding area?
   c. Will the change negatively impact the capacity of water & sewer system, schools, streets, or other public services and infrastructure?
   d. Are the cumulative infrastructure impacts of the proposed change, along with background growth occurring in the surrounding area, addressed in the submittal?

6. Public Safety:
   a. Will the change place people and infrastructure in a hazard prone area?
   b. Can the regional stormwater drainage system support the change?
   c. Will the change impact significant hydrologic systems and connectivity?
   d. Will the change result in the creation of an ISO 10 area?

7. Environment (evaluated for changes in Scenic & Conservation Future Land Use Areas):
   a. Will the change result in wetland fill?
   b. Will the change result in fill in the regulatory floodzone?
   c. Will the change impact an important habitat?
   d. Will the change adversely impact protected and endangered species?

County Council Hearing and Decision. Before enacting an amendment, the County Council shall hold a public hearing. In any request for change, County Council shall consider the recommendation of the Planning Commission on each proposed amendment; however, County Council is not bound by
the recommendation in making a final decision. All amendments shall be adopted by ordinance.

(G) Notice of Decision. Following final action by the County Council, the Planning Director or designee shall be responsible for providing the applicant with written notice of the decision within fifteen (15) days. Any changes to the Official Zoning Map shall occur within this timeframe. Approved text amendments shall be made available to the public upon request.

(H) Deferral and Withdrawal Requests. An applicant may request their application be deferred or withdrawn by submitting a written request to the Planning Department. If the public cannot be notified of the deferral or withdraw within a reasonable time period prior to the Planning Commission public hearing at which the application is to be heard, the request for deferral shall be considered and acted upon during the public hearing as scheduled. A maximum of two (2) applicant initiated deferrals shall be allowed prior to Planning Commission recommendation. Once Planning Commission has made its recommendation to County Council, all requests for deferral or withdraw shall be submitted by the applicant to the Clerk of Council for Council’s consideration.

1503. Pending Amendments. No application for a Zoning Permit, Building Permit, or Certificate of Occupancy shall be accepted for property within any area involved in or affected by a pending amendment if the Zoning Permit, Building Permit, or Certificate of Occupancy would allow uses or activities that would be in conflict to the proposed amendment. This prohibition on acceptance of applications shall apply from the date that the application is filed until final action on the amendment is taken by County Council.

1504. Changes in the Zoning Map. Following final action by the County Council any necessary changes shall be made on the official Zoning Map. A written record of the type and date of such changes shall be maintained by the Planning Commission. Until such change is made, no action by the County Council on amendments to the Zoning Ordinance shall be considered official unless the Planning Commission fails to make the change within fifteen (15) days after formal action by the County Council. In the latter event, action by the County Council shall be considered official fifteen (15) days after the date of the action if the Planning Commission fails to make the appropriate changes.

1505. Modifications within PDD and MRD Developments. Land development of all PDD and MRD developments shall conform to the County Council approved conceptual plan and written narrative. All developments shall also be reviewed utilizing the procedures established in the Horry County Land Development Regulations. Minor changes in conceptual or master phasing plans for PDD and MRD developments may be approved by the Zoning Administrator or designee, provided that a request is submitted in writing through a Minor Amendment Application by the owner or agent and that the changes:

(A) Do not increase density or intensity;
(B) Do not change the outside (exterior) boundaries;
(C) Do not change any uses, including mixture of uses and residential housing types, that would significantly alter the character of the development.
(D) Do not significantly change the external appearance from those shown on any plans which may be submitted or presented by the developers;
(E) Minor changes may include, but are not limited to: minor shifting of the location of buildings, parking, shifting of entrances and internal roadways to resolve regulatory permitting issues, utility easements, parks, amenities, or other public open spaces, or other features of the plan.

Changes which materially affect the plan’s basic concept or the designated general use of parcels of land within the development should be considered major changes. All other changes or modifications not enumerated above shall also constitute a major change and will require a full rezoning action, as outlined in 1502.
Date: January 22, 2020
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Thomas Dobrydney, Principal Planner
Cleared By: John Danford, Deputy Director
Regarding: MRD & Density

**ISSUE:**

Should the Multi-Residential Zoning District (MRD) language be updated to reflect the revisions to the Future Land Use Map within Imagine 2040? Should this update incorporate a greater variety of Sustainable Development Options and Sustainable Development Incentives available to Applicants? In addition to updated MRD standards, should density be defined in terms of gross and net and be relocated to the definitions section of the ordinance?

**PROPOSED ACTION:**

Approval of the proposed amendments to Appendix B, Article VII, Section 752 and Article IV, Section 435.5 and 445 of the Horry County Zoning Ordinance.

**RECOMMENDATION:**

Staff recommends approval.

**BACKGROUND:**

With Imagine 2040’s analysis of Future Lane Uses throughout Horry County, a strategy was formed which expresses the need to establish and proliferate sensible growth patterns that preserve and promote a high standard of living for existing and future residents. One such means to promote these high standards is to foster a higher frequency of sustainable development elements within our growing County. The MRD Zoning District currently incorporates a handful of sustainable development options, of which if they’re incorporated into a proposed development, the Applicant is awarded with a number of different incentives (dependent upon the number of options incorporated).

Currently, gross density is defined by the Land Development Regulations and Net density is defined throughout the existing zoning ordinance. The proposed amendment will consolidate the locations to the definition section of the Zoning Ordinance.

**ANALYSIS:**

The revised MRD ordinance language aligns with the new land use classifications of Imagine 2040. It also improves upon the sustainable development options for Applicants to review and incorporate while simultaneously providing a greater number of sustainable development incentives. The options fall under the broad categories of Environment, Low Impact Development, Firewise, Complete Streets, and Character. The Incentives have been expanded to not only include reductions in setbacks, density bonuses
and lot size reduction, but now incorporate such elements as a reduction in road right-of-way width, extended block and cul-de-sac lengths, and expedited review.

As a means to incorporate a wider range of available options and incentives, a point system has been developed to track the value of the various options selected and the corresponding incentives available to the Applicant.

The proposed amendment aligns with the future land use classifications as well as the Goals and Strategies of Imagine 2040 through the continued and improved use of sustainable development options within residential development.
COUNTY OF HORRY   
STATE OF SOUTH CAROLINA

ORDINANCE NO._____

AN ORDINANCE TO AMEND ZONING APPENDIX B OF THE HORRY COUNTY CODE OF ORDINANCES PERTAINING TO THE MULTI-RESIDENTIAL DISTRICT AND DEFINITIONS.

WHEREAS, County Council adopted the Imagine 2040 Comprehensive plan; and,

WHEREAS, current language needs to be updated to reflect the Future Land Use Map within Imagine 2040; and,

WHEREAS, the revised MRD ordinance language aligns with the new land use classifications of Imagine 2040. It also improves upon the sustainable development options for Applicants to review and incorporate while simultaneously providing a greater number of sustainable development incentives; and,

WHEREAS, gross and net density need to be defined to proliferate sensible growth patterns that preserve and promote a high standard of living for existing and future residents.

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 Zoning Appendix B, Article VII, Section 752. Section 752 of the Zoning Ordinance is hereby amended as follows:

752. Multi-Residential District (MRD).

Intent. The Multi-Residential (MRD) District is intended to provide opportunities for rural, suburban and urban density residential developments consistent with the objectives of the Horry County Comprehensive Plan. The MRD district encourages imaginative approaches to community design that support mixed-residential uses, design flexibility, pedestrian-oriented development, road interconnectivity, and preservation of environmentally sensitive lands and floodplains.

General Provisions

A. Location. The following details the appropriate location for the Multi-Residential Districts in relationship to the Future Land Use Map in the Horry County Comprehensive Plan.

<table>
<thead>
<tr>
<th>Future Land Use</th>
<th>Rural Density (MRD-1)</th>
<th>Suburban Density (MRD-2)</th>
<th>Urban Density (MRD-3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenic &amp; Conservation(^1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rural Areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Activity Centers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Communities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Location Criteria for MRD Districts
FOOTNOTES:

1. In cases where more site specific information, such as wetland delineations and soil data, is available to show that a property or a portion of a property is not environmentally constrained, that information may be presented to the Planning Commission to be considered for uses other than those defined within the recommended land use list or described development pattern. The proposed development would need to be consistent with character of the community and not adversely impact the surrounding landscape. Development would need to address natural hazards, stormwater, public safety, access management, and wildlife through design, mitigation measures, capital improvements, or other necessary tools. If development is deemed appropriate, it should incorporate best management practices for protecting environmentally sensitive areas and water quality, in addition to avoiding natural hazards and addressing public safety issues.

B. Permitted Uses. The following uses or combination of uses may be permitted as fee simple or in-common developments:

Table 2: Permitted Uses by MRD Districts\(^1\)

<table>
<thead>
<tr>
<th>Use</th>
<th>MRD-1</th>
<th>MRD-2</th>
<th>MRD-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding House</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Multi-family</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Tiny Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Townhouse</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Quadruplex</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Patio Home</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Semi-detached</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Duplex</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single family detached, excluding mobile homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory dwelling unit</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

P=Permitted Use C=Conditional Use S=Conditional if Sustainable Criteria Met

FOOTNOTES:

1. Uses in Table 2 are listed in order of decreasing intensity.

C. Conditional Uses.

1. Accessory Dwelling Unit, provided that it does not increase the approved density of the project and that it is in conformance with the requirements of Article V, Section 509.

2. Boarding Houses, provided that it meets the requirements of Article IV, Section 412 and other herein, in addition to the following:
   a. The maximum number of occupants per house shall be sixteen (16), including any live-in personnel who are responsible for management and operation.
b. The quarters to be utilized by the boarders and the occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings and garages are not permitted to be used as boarding rooms.

c. Maximum of two (2) boarding houses per parcel, regardless of the total number of acres.

D. Development Standards. The standards enumerated below establish the criteria by which a request to rezone property to the MRD district shall be evaluated. Table 3 lists the Standard Density and Area Requirements allowed for each district. In addition, it includes densities and area requirements when sustainable development standards are achieved as listed in Table 6.

Table 3: MRD Maximum Densities and Minimum Area Requirements by District and Housing Type

<table>
<thead>
<tr>
<th></th>
<th>MRD-1</th>
<th>MRD-2</th>
<th>MRD-3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Standard</td>
<td>Sustainable</td>
<td>Standard</td>
</tr>
<tr>
<td>Maximum Density&lt;sup&gt;1&lt;/sup&gt;</td>
<td>3 du/acre</td>
<td>4 du/acre</td>
<td>4 du/acre</td>
</tr>
<tr>
<td>Single-Family</td>
<td>14,500 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Duplex</td>
<td>14,500 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Semi-Detached</td>
<td>7,250 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>5,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>5,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Patio Home</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>6,000 ft&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Townhome, Quadruplex</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Tiny Home</td>
<td>1,200 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>1,200 ft&lt;sup&gt;2&lt;/sup&gt;</td>
<td>1,200 ft&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Boarding Home</td>
<td>1 unit/acre, max 2 units</td>
<td>1 unit/.75 acre, max 2 units</td>
<td></td>
</tr>
</tbody>
</table>

FOOTNOTES:
1. MRD-1 shall use Net Density, MRD-2 & MRD-3 shall use Gross Density.

E. Dimensional Standards. The following dimensional standards shall apply to permitted uses:

Table 4: MRD District Yard and Height Standards

<table>
<thead>
<tr>
<th>Use</th>
<th>Setbacks</th>
<th>Building Separation</th>
<th>Max. Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
</tr>
<tr>
<td>Boarding House</td>
<td>30’</td>
<td>20’</td>
<td>25’</td>
</tr>
<tr>
<td>Tiny Homes</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Multi-family, Townhome, Quadruplex (MRD-2)</td>
<td>25’ measured from perimeter</td>
<td>20’</td>
<td>45’</td>
</tr>
<tr>
<td>Multi-family, Townhome, Quadruplex (MRD-3)</td>
<td>25’ measured from perimeter</td>
<td>20’</td>
<td>60’</td>
</tr>
<tr>
<td>All Other Residential (MRD-1)*</td>
<td>25’</td>
<td>10’</td>
<td>15’</td>
</tr>
<tr>
<td>All Other Residential (MRD-2&amp;3)*</td>
<td>20’</td>
<td>10’</td>
<td>15’</td>
</tr>
</tbody>
</table>

* No side yard setback is required where common walls are located.
F. **Sustainable Development Standards.** Development incentives will be considered for any MRD districts if the following design standards are incorporated into the rezoning submission and incorporated into the development.

1. In order to qualify for any development incentives, all of the following criteria must be met:
   (a) No lots or buildings shall be developed or platted within the Special Flood Hazard Area;
   (b) No lots, buildings, or roadways shall be developed or platted within any wetland (jurisdictional and non-jurisdictional) over 10,000 sq. ft. in area as shown on ACOE Preliminary Jurisdictional Determination (JD) submittal documents. Wetlands may be disturbed for roadway crossings when said impacts are minimized; and
   (c) Additional sustainable development criteria are met that align with the MRD district according to Table 5. All sustainable development options that are utilized must be included with the conceptual plan submitted with the rezoning application. The points earned will qualify the project for incentives in Table 6.

Table 5: Sustainable Development Options by MRD District

<table>
<thead>
<tr>
<th>Sustainable Development Options</th>
<th>MRD-1</th>
<th>MRD-2</th>
<th>MRD-3</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 ft wide, undisturbed wetland and or riparian buffer, platted as open space</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>1</td>
</tr>
<tr>
<td>50 ft wide, undisturbed wetland and or riparian buffer, platted as open space</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>3</td>
</tr>
<tr>
<td>100 ft wide, undisturbed wetland and or riparian buffer, platted as open space (^1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>6</td>
</tr>
<tr>
<td>Retain a gross 150” dbh of trees per acre, with a min. of 6” dbh per tree. (Tree survey required with submission.)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>3</td>
</tr>
<tr>
<td>Required non-active open space area must be contiguous and undisturbed.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>3</td>
</tr>
<tr>
<td>50% of development is deed restricted and dedicated to a land trust or federal or state agency for conservation.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>5</td>
</tr>
<tr>
<td>Finished Floor Elevation 2 ft. above finished grade</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>5</td>
</tr>
<tr>
<td><strong>Low Impact Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Multi-family, Townhomes, Quadraplex, or In-Common Single-Family Projects)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious coverage not to exceed 35% of the lot</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>5</td>
</tr>
<tr>
<td>All driveways are comprised of pervious pavement or pervious pavers or other approved LID material.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>3</td>
</tr>
<tr>
<td>All parking areas are comprised of pervious pavement. (Multifamily only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>3</td>
</tr>
<tr>
<td><strong>Firewise</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50’ wide fuel reduction area at the wildland interface that is treated to minimize vegetation by maintenance (mow, spray).</td>
<td>X</td>
<td>X</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>100’ wide fuel reduction area at the wildland interface that is treated to minimize vegetation by maintenance (mow, spray).</td>
<td>X</td>
<td>X</td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

\(^1\) 100 ft undisturbed wetland buffer is required if property is within a Scenic & Conservation Future Land Use area.
30’ wide fuel break (located at the wildland interface) treated to minimize vegetation by maintenance (mow, spray) and includes at least a 15 feet wide surface treatment, such as gravel, sand, or pavement. May be included in perimeter buffers. X X X 3

Covenants and Restrictions that prohibit the use of pine straw, vinyl siding, asphalt shingles, and any wood siding or shingles. X X X 3

Additional emergency access point as a named and platted road meeting base road standards, regardless of number of lots. (Above Min req. by LDR) X X X 2

Additional point of paved ingress and egress meeting County road standards with public access, regardless of number of lots. (Above Min Req. by LDR) X X X 5

| Complete Streets | 900 lf. | 450 lf. | 5
|------------------|---------|---------|---
| Maximum Block Length (measured at intersection spacing of thru streets) | | | |
| Multi-purpose path (min. 8’ wide) minimally on one side of all roads or within open space around the perimeter of the site. | X | X | X | 5
| Sidewalks (min. 5’ wide) as a continuous pedestrian walkway on at least one side of the street. | | X | X | 2
| Sidewalks (min. 5’ wide) abutting all units, on both sides of the road | | X | X | 4
| Bicycle Lanes along interior Arterial & Collector roadways (min. 4’ wide) | | X | X | 2
| Multi-modal network | X | X | X | 6
| Street Trees on all roadways | X | X | X | 3
| Street Lighting along all roadways and external points of access. (Maintained by HOA, POA, or HPR) | X | X | X | 3

| Character | 1 | 3 | 5
|------------------|---------|---------|---
| 25’ wide naturally vegetated front buffer, outside of lots | X | X | |
| 50’ wide naturally vegetated front buffer, outside of lots | X | X | 3
| 25’ wide naturally vegetated side buffer, outside of lots | X | X | 1
| 50’ wide naturally vegetated side buffer, outside of lots | X | X | 3
| 25’ wide perimeter buffer (Entire project, external to lots & allows supplemental plantings) | X | X | X | 3
| 25’ wide naturally vegetated perimeter buffer (Entire project, external to lots) | X | X | X | 5
| 100% Increase in Active / Recreational Open Space | | X | X | 2
| 200% Increase in Active / Recreational Open Space | | X | X | 4
| 1,500 sq. ft. Community Garden per 25 dwelling units | | X | X | 2
| All residential lots shall abut active or passive open space, excluding sidewalks | X | X | X | 3

2. **Description of Sustainable Development Options:**
   (a) Undisturbed Wetland Buffer: A buffer area from the edge of all wetlands (wetland min. 10,000 sq. ft. in area), as shown on required wetland delineation map (including jurisdictional and non-jurisdictional wetlands) that has not been disturbed or cleared
and will not be disturbed with the proposed project. Option only applies to properties which contain at least one wetland that minimum size requirement.

(b) Gross dbh: A cumulative diameter measurement of existing trees (min. 6” dbh tree), measured at breast height (four and one-half feet above grade).

(c) Low Impact Development: These sustainable development options shall be limited to those projects where the development contains a unified management structure so as to allow for consistent compliance and adherence with the associated options.

(d) Pervious Pavement/Pavers: Also known as permeable pavement or porous concrete, is a specific type of pavement with a high porosity that allows rainwater to pass through it into the ground below. Such pavement material(s) shall be approved by the County.

(e) Firewise: is a set of principles that involves understanding the wildland environment and taking steps to make the community and surrounding area more resilient and survivable from wild fires (maintenance standards shall be included in covenants & restrictions).

(f) Fuel Reduction Area & Fuel Break: The required maintenance of these areas shall be developed per the guidelines of the National Fire Protection Association’s (NFPA) Firewise USA program. Such maintenance schedule shall be included within the Conditions, Covenants, & Restrictions (CCR) for the development.

(g) Multi-modal network: The network can include such elements as sidewalks, bike lanes, multi-use paths, and street scape. Such network shall be located on both sides of all roadways, shall be continuous, and interconnected (where applicable). Network elements are permitted with open space areas. Network shall include at least two (2) elements.

(h) Naturally Vegetated Buffers (Streetscape / side buffer): The buffers shall consist of native and existing vegetation of varied ages, heights, and types (i.e. a mixture of canopy, understory, and ground-cover). Supplemental plantings shall be permitted in areas that are less than one-hundred (100) linear feet in length as a means to fill in existing gaps in the vegetation. Such buffers shall be located internal to any existing perimeter drainage conveyances.

(i) Disturbance and Encroachments into Naturally Vegetated Buffers: Any proposed or required disturbance and or encroachment into the buffer shall be limited to ten (10’) feet in width. Encroachments and disturbances shall be limited to perpendicular (as practicable) utility crossings, sidewalks, multi-purpose paths, and or bike lanes.

(j) Street Trees: The project shall include a minimum of one tree for every fifty (50) lf. of road length. The tree species shall be listed as a Street Tree, and recommended for planting near sewer lines where applicable, from the Horry County Landscaping Manual.

(k) Active / Recreation Open Space: A 100% increase in the required active recreation open space as defined by the open space requirements, Art. 4 Sec. 6-2 (B) of the land development regulations.

(l) Community Garden: A community garden is a plot of land gardened and managed by a group and/or community of people for the cultivation of fruits, vegetables, and/or ornamentals. A 1,500 sq. ft. plot is required for every twenty-five (25) units, allowing for sixty (60) sq. ft. to be allocated per unit. If less than twenty-five (25) units are
proposed, one 1,500 sq. ft. plot shall suffice. A 1,500 sq. ft. plot would allow for twenty-five (25) four-by-eight foot individual plots (raised bed or at-grade) with a 2’ wide path on two sides. The community garden shall be centrally located and accessible from all proposed residential units. The garden shall be accessible by a path (min. 4’ wide of gravel or stone) with a max. cross slope of 2%. The garden shall be located on upland open space (excluding wetlands), with adequate sunlight, and provided a water source for irrigation. Community garden shall adhere to the standards of the American Community Gardening Association publication titled “Starting a Community Garden” (or similar publication). The publication is available at the Planning Department. Said garden(s) shall be owned in common and kept in perpetuity. Maintenance shall be the responsibility of the common ownership. A community garden shall be allowed no more than one storage structure (max. 100 sq. ft. in size) per 1,500 sq. ft. of garden space.

3. **Sustainable Development Incentives.** The following details the allowable development incentives according to the Sustainable Development Points earned through design practices. Points within each defined sustainable category shall not be cumulative; however, they may be cumulative if within different sustainable categories.

<table>
<thead>
<tr>
<th>Sustainable Development Incentives</th>
<th>Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5’ Side Setback Reduction</td>
<td>6</td>
</tr>
<tr>
<td>5’ Front Setback Reduction</td>
<td>8</td>
</tr>
<tr>
<td>10’ Front Setback Reduction</td>
<td>10</td>
</tr>
<tr>
<td>Sustainable Density Bonus and Lot Size Reduction, as shown in Table 3</td>
<td>12</td>
</tr>
<tr>
<td>15’ Front Setback Reduction (MRD-3 Only)</td>
<td>15</td>
</tr>
<tr>
<td>20’ Min. Lot Frontage</td>
<td>20</td>
</tr>
<tr>
<td>Building Height Increase for Multi-Family, up to 2 additional stories</td>
<td>20</td>
</tr>
<tr>
<td>1,500 lf. Block &amp; Cul-de-sac Length</td>
<td>30</td>
</tr>
<tr>
<td>Expedited Preliminary Development Review (5 business days) (Pre-application meeting with Planning staff required)</td>
<td>35</td>
</tr>
<tr>
<td>No area, yard, height requirements, no frontage requirements</td>
<td>40</td>
</tr>
</tbody>
</table>

4. **Development Review.** The approved Sustainable Development Standards, options, and incentives shall be noted and clearly drawn on all plans submitted for review by the Planning Department with the County Ordinance Number clearly marked. Final development review approval shall not be granted until all Standards have been met in accordance with the approved rezoning. All sustainable development standards shall be reviewed and inspected prior to the issuance of a Certificate of Occupancy.

2. **Amendment of Zoning Appendix B, Article IV, Section 435.5.** Section 435.5 of the Zoning Ordinance is hereby amended as follows: (All text in strikethrough shall be deleted and all
435.5 Gross Density

The number of dwelling units divided by the total project area.

3. **Amendment of Zoning Appendix B, Article IV, Section 445.** Section 445 of the Zoning Ordinance is hereby amended as follows: (All text in strikethrough shall be deleted and all text shown underlined and bolded shall be added)


The total number of dwelling units divided by the buildable acreage. Buildable acreage being that portion of a tract or parcel of land which can be developed, not including existing platted rights-of-ways and utility easements, natural water bodies (streams/lakes), and wetlands under the jurisdiction of the U.S. Army Corps of Engineers unless such wetlands are to be filled upon issuance of a “fill” permit. Wetland buffers may be included in the developable acreage, but may not be encroached upon unless specified by a permit and approved development plan.