

Planning Commission Decision Memorandum
Horry County, South Carolina

Date: September 11, 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.

The Planning Commission held a Special Workshop on March 12, 2020 to further review the details of this amendment with staff and the community.

Based on staff discussions after the Special Workshop, additional Sustainable Development criteria have been incorporated which are specific to multi-family, townhome, and in-common developments where increased density would be encouraged.

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, Character, and Urban Fabric. 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 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.

Significant revisions to the Ordinance, from the last version reviewed by this Commission, include the following:

1. “Urban Fabric” Sustainable Development Option and associated descriptions.

Items that need further discussion from the Special Workshop and in general:

1. If the 100 ft. undisturbed wetland buffer associated with Footnote 1 (related to Scenic & Conservation) of Table 5 should be reduced.
2. Should the max. building height for Multi-Family / Townhomes / Quadraplex within MRD-3 be increased from 60’ to allow for greater flexibility with density?

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:

(All existing text shall be deleted and all text shown shall be-added)

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 1: Location Criteria for MRD Districts

Future Land Use	Rural Density (MRD-1)	Suburban Density (MRD-2)	Urban Density (MRD-3)
Scenic & Conservation ¹	X	X	X
Rural Areas			
Rural Activity Centers			
Rural Communities	X		

Suburban		X	
Commercial Corridors		X	X
Neighborhood Activity Centers		X	X
Mixed Use		X	X
Community Activity Centers		X	X
Economic Activity Centers			X

FOOTNOTES:

^{1.} MRD-1, MRD-2, or MRD-3 may be considered within the Scenic & Conservation Future Land Use. Site specific information, such as wetland delineations and soil data, may be required to show that a property or a portion of a property is not environmentally constrained. This information would be presented to the Planning Commission to aid in the discussion as to whether the site should be considered for uses other than those defined within the recommended land use list and or described development pattern. The proposed development would need to be consistent with the character of the community, adjacent Future Land Use, and not adversely impact the surrounding landscape. The Applicant would need to address natural hazards, stormwater, public safety, access management, and wildlife through design, mitigation measures, capital improvements, or other necessary tools. If the 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. Refer to Article XV for additional rezoning submission requirements for sites located within Scenic & Conservation.

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 Districts¹

	MRD-1	MRD-2	MRD-3
Boarding House		C	C
Multi-family		P	P
Tiny Homes	P	P	P
Townhouse	S	P	P
Quadruplex	S	P	P
Patio Home	S	P	P
Semi-detached	P	P	P
Duplex	P	P	P
Single family detached, excluding mobile homes	P	P	P
Accessory dwelling unit	C	C	C

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 following requirements:

- a. 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.
- b. Maximum of two (2) boarding houses per parcel, regardless of the total number of acres.
- c. Food service facilities shall accommodate only boarders of said establishment and their guests.

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

	MRD-1		MRD-2		MRD-3	
	Standard	Sustainable	Standard	Sustainable	Standard	Sustainable
Maximum Density ¹	3 du/acre	4 du/acre	4 du/acre	7 du/acre	8 du/acre	20 du/acre
Single-Family	14,500 ft ²	10,000 ft ²	10,000 ft ²	6,000 ft ²	6,000 ft ²	4,000 ft ²
Duplex	14,500 ft ²	10,000 ft ²	10,000 ft ²	8,000 ft ²	8,000 ft ²	6,000 ft ²
Semi-Detached	7,250 ft ²	5,000 ft ²	5,000 ft ²	4,000 ft ²	4,000 ft ²	3,000 ft ²
Patio Home		10,000 ft ²	10,000 ft ²	6,000 ft ²	6,000 ft ²	4,000 ft ²
Townhome, Quadruplex		N/A	N/A	N/A	N/A	N/A
Multi-Family			N/A	N/A	N/A	N/A
Tiny Home	1,200 ft ²	1,200 ft ²	1,200 ft ²	1,200 ft ²	1,200 ft ²	1,200 ft ²
Boarding Home			1 unit/acre, max 2 units		1 unit/.75 acre, max 2 units	

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

Use	Setbacks*				Building Separation	Max. Height
	Front	Side	Rear	Corner		
Residential (not listed below)(MRD-1)	25'	10'	15'	15'	20'	35'
Residential (not listed below)(MRD-2&3)	20'	10'	15'	15'	20'	40'
Boarding House	30'	20'	25'	30'	20'	40'
Tiny Homes	NA	NA	NA	NA	NA	25' (max. 2 stories)
Townhome / Quadruplex (MRD-1&2) Multi-family (MRD-2)	25' measured from perimeter				20'	45'
Multi-family, Townhome, Quadruplex (MRD-3)	25' measured from perimeter				20'	60'

*No side yard setback is required where common walls are located.

- F. *Sustainable Development Standards.* Development incentives shall be considered for any MRD districts if the following 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 standards 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 & utility crossings when said impacts are minimized (such as perpendicular crossings); and
 - (c) Sustainable development design options are met that align with the MRD district according to Table 5. All sustainable development design 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 Design Options by MRD District

Sustainable Development Design Options	MRD-1	MRD-2	MRD-3	Points
Environment				
25 ft wide, undisturbed wetland and or riparian buffer, platted as open space	X	X	X	1
35 ft wide, undisturbed wetland and or riparian buffer, platted as open space	X	X	X	2
50 ft wide, undisturbed wetland and or riparian buffer, platted as open space	X	X	X	3
100 ft wide, undisturbed wetland and or riparian buffer, platted as open space ¹	X	X	X	6
Retain a gross 150" dbh of trees upland per acre, with a min. of 6" dbh per tree. (Tree survey required with submission.)	X	X	X	3
Required non-active open space area must be contiguous, upland, and undisturbed.	X	X	X	2
50% of development is deed restricted and dedicated to a land trust or federal or state agency for conservation.	X	X	X	5
All Finished Floor Elevations Min. 2 ft. above finished grade / pad elevation	X	X	X	5
Low Impact Development (Multi-family, Townhomes, Quadraplex, or In-Common Single-Family Projects)				
Impervious coverage not to exceed 35% of the upland portion of the development		X	X	5
All parking spaces / driveways are comprised of pervious pavement or pervious pavers or other approved LID materials. (Not applicable to Drives)	X	X	X	3

¹ 100 ft. undisturbed wetland buffer is required if property is within a Scenic & Conservation Future Land Use area.

Rain Gardens incorporated into the stormwater design for 50% of the buildings		X	X	2
Rain Gardens incorporated into the stormwater design for all of the buildings		X	X	4
Firewise				
50' wide fuel reduction area at the wildland interface that is treated to minimize vegetation by maintenance (mow, spray).	X	X		3
100' wide fuel reduction area at the wildland interface that is treated to minimize vegetation by maintenance (mow, spray).	X	X		5
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
Complete Streets				
Maximum Block or drive Length (measured at intersection spacing of thru streets) and Max. Cul-de-sac Length (Min. 50 lots / units)		900 lf.	450 lf.	5
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 road / drive.		X	X	2
Sidewalks (min. 5' wide) abutting all units, on both sides of the road / drive.		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 (public or private right-of-ways)	X	X	X	3
Street Lighting along all roadways and external points of access. (Maintained by HOA, POA, or HPR)	X	X	X	3
Increased Connectivity (Vehicular): Min. 3 points of vehicular connection (public and / or private) Must meet full-access requirements defined within the LDR		X	X	4
Character				
25' wide naturally vegetated front buffer, outside of lots	X	X		1
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 as a contiguous platted lot		X	X	2
200% Increase in Active / Recreational Open Space as a contiguous platted lot		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
All public drainage easements to be located in Common Area / Open Space (only for fee-simple single-family / duplex)	X	X	X	3
All drainage easements (public and or private) located within Common Area / Open Space (only applicable for fee-simple single family / duplex)	X	X	X	5
Urban-Fabric (specific to Multi-Family, Townhomes, & In-Common Residential)				
Min. 25% of Residential Units positioned over required parking		X	X	2
Min. 50% of Residential Units positioned over required parking		X	X	4
In-Fill / Redevelopment Site			X	4
Min. of 3 Habitable stories		X	X	2
Min. of 5 Habitable stories			X	4
Min. 25% of required parking spaces to be covered		X	X	1
Min. 50% of required parking spaces to be covered		X	X	3
A Canopy Tree within 25' of every required parking space		X	X	2
Min. 25% of energy demand to be met by on-site renewable		X	X	4
Min. 50% of energy demand to be met by on-site renewable		X	X	6
Provide EV charging stations		X	X	2
Bus stop / Lane (applicable only for projects with min. of 200 units)			X	2
Bicycle storage, where bike transit is an option for the residents			X	2

* Sustainable Development Design Options shown within Open Space, Common Area, or In-Common property shall require specific restrictions and or maintenance schedules to be defined within the Conditions, Covenants, & Restrictions (CCR), or similar recorded document, for the development.

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 meet the minimum size requirement.
- (b) Gross dbh: A cumulative diameter measurement of existing trees (min. 6" dbh tree) within upland areas, 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) Rain Gardens: The rain gardens are to be designed according to the LID Manual for Coastal South Carolina.
- (f) Firewise: 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).
- (g) 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.
- (h) 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.
- (i) Increased Connectivity: The project site must be served, at the time of initial construction, by at least three different of vehicular connections. These connections may include driveways onto a public right-of-way, private right-of-way, commercial cross access easement, ingress / egress easement, and or public access easement.
- (j) 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 or required perimeter drainage conveyances and or easements. Buffers along the front of the property can serve as any Type C (Streetscape) requirements found in Sec. 527.
- (k) Disturbance and Encroachments into Naturally Vegetated Buffers: Any proposed or required disturbance and or encroachment into the buffer shall be limited to twenty (20') feet in width. Encroachments and disturbances shall be limited to perpendicular (as practicable) utility crossings, sidewalks, multi-purpose paths, and or bike lanes.
- (l) 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. When street trees are installed within the road right-of-way, the abutting property owner shall be responsible for their maintenance.
- (m) Active / Recreation Open Space: An 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. Such open space shall be located on upland property.
- (n) 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.

- (o) In-Fill / Redevelopment Site: A min. of 50% of the overall proposed development area must have been previously developed.
- (p) Parking Canopy: Parking spaces would be located under a covered non-residentially occupied structure. The structures would have to meet applicable building setbacks.
- (q) On-Site Renewable Energy: A portion (either 25% or 50%) of the estimated energy needs for the project will be addressed with on-site renewable energy.
- (r) EV Charging Stations: Min. of 5% of the required parking spaces shall have access to an EV charging station. Those parking spaces shall be the standard size, not compact. A minimum of one dedicated parking space shall be provided per charging station.
- (s) Bus stop / lane: The applicable transit authority and or school district shall deem whether a bus stop / lane is applicable and appropriate for the site based on estimated demand from the project and surrounding communities. The bus stop shall include a covered shelter. Only applicable to project that include a min. of 200 units.
- (t) Bicycle storage: Provide a dedicated onsite, enclosed, and covered bicycle parking room (or separate building to be reviewed as an accessory structure complying with applicable setbacks) which can accommodate one (1) bicycle parking space per three bedrooms, rounded up to the next whole number. A studio unit shall count as one (1) bedroom for the purpose of this calculation. Storage areas within individual dwelling units do not count toward the bicycle parking requirement.

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. The points required per Sustainable Development Incentive are incremental and are to be addressed in the order shown in Table 6.

Table 6: Sustainable Development Incentives

Sustainable Development Incentives	Points Required
5' Side Setback Reduction	6
5' Front Setback Reduction	8
10' Front Setback Reduction	10
Sustainable Density Bonus & Lot Size Reduction (as shown in Table 3) and a 10' Reduction in Building Separation	12
15' Front Setback Reduction (MRD-3 Only)	15
20' Min. Lot Frontage	20
Building Height Increase for Multi-Family, up to 2 additional stories	20
300 lf. increase in Block Length	30
Expedited Preliminary Development Review (7 business days) (Pre-application meeting with Planning staff required)	35
No area, yard, height requirements, no frontage requirements	40

4. *Development Review.* The approved Sustainable Development Standards, design 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 text shown underlined and bolded shall be added)

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)

~~445. Net area. Gross parcel area minus public dedications streets, etc.~~ **Density.**

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.