COUNTY OF HORRY  )  
)                            ORDINANCE 77-19  
STATE OF SOUTH CAROLINA  )

AN ORDINANCE TO AMEND APPENDIX B, ZONING ORDINANCE OF THE 
HORRY COUNTY CODE OF ORDINANCES TO REPLACE AGRITOURISM 
WITH RURAL TOURISM AND TO ADOPT PROCEDURES FOR THE 
ISSUANCE OF A RURAL TOURISM PERMIT.

WHEREAS, Horry County Planning and Zoning has been asked by County Council to 
move the Agritourism Permit to the Zoning Board of Appeals; and,

WHEREAS, Rural Tourism will replace Agritourism and will assist in preserving open 
space and farm land in the Rural areas of Horry County; and,

WHEREAS, The Rural Tourism permit may provide relief to rural areas from certain 
commercial standards that are inconsistent with the character of the surrounding 
environment; and,

WHEREAS, it is the intent of the Horry County Council to reconcile the standards of the 
zoning ordinance.

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 Appendix B, Zoning Ordinance, Article IV, Section 468. 
Section 468 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)

468.3 Value Added Product Processing

*Value-added agricultural product means the enhancement or improvement of the 
overall value of an agricultural commodity to a higher value. The enhancement or 
 improvement includes, but is not limited to, marketing, agricultural processing, 
transforming packaging, and educational presentation activities and tours that 
relate to agriculture or agricultural products.*

2. Amendment of Appendix B, Zoning Ordinance, Article XIII, Section 1304.1. 
Section 1304.1 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)

1304.1. - Agritourism **Rural Tourism** activities permit.
(A) Agritourism activities permit required. All farm-owners and operators creating seeking the establishment of agritourism Rural tourism activities as defined herein shall be required to obtain an agritourism permit pursuant to the provisions of this article. a Special Exception from the Zoning Board of Appeals.

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

(B) Definitions.

1. Agriculture-Tourism or "Agritourism"—activities conducted on a working farm, ranch or other agricultural operation or facility, which offer existing members and the general public opportunities for recreation, entertainment, education, direct sales of value-added agricultural products and/or active involvement in the farm operation.

2. Agritourism Activity—Activities with four hundred ninety-nine (499) attendees or fewer intended to diversify the economic viability of the agricultural operation and generate additional income sources for the owner or operator. Any event or activity where it is anticipated attendance shall exceed four hundred ninety-nine (499) people on site at one time will be required to have a special event permit issued by the Horry County Public Safety Division, in accordance with Chapter 13, Article III, section 13-34 of the Horry County Code of Ordinances and Appendix B, Zoning Ordinance, Article XIII, section 13-34.

3. Acreage, Productive Agritourism—Agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active agritourism attractions.

4. Agricultural Operation Designation—Operation size in acres, used to approve requested agritourism activity.

5. Historic Farm—Any historic farm that has been established fifty (50) years or longer that is listed as a South Carolina Century Farm, is listed on the Horry County Historic Register or on the National Historic Registry.

6. Working Farm—Any operation that sells at least one thousand dollars ($1,000.00) of agricultural commodities or that would have sold that amount of produce under normal circumstances, and whose agricultural land and buildings are in active use for crop production and/or the raising of livestock.

(C) Permitted activities.

1. Agritourism Rural Tourism activities are permitted provided the parcel is a working, registered farm with a current USDA farm number, and meets one (1) of the following criteria:

   a. The parcel is a historic farm listed as a Century Farm, listed on the Horry County Historic Register or on the National Historic Registry a minimum of 20 acres or 20 total contiguous acres located West of the Waccamaw
b. The parcel qualifies for an agricultural real property assessment under the Horry County Assessor’s Office; or

e. b. Any operation that sells at least one thousand dollars ($1,000.00) of agricultural commodities or that would have sold that amount of produce under normal circumstances. Rural Tourism Activities shall comply with Table 1, Operation Designations. Rural Tourism does not include amusement activities specified in the AM1 & AM2 zoning districts unless expressly stated in the table below.

2. The requirements of Chapter 13, Article III (Noise Control) of the County Code shall be met.

3. Qualified agritourism activities will be outdoor events. If plans include use of a building onsite, a courtesy inspection will be made by Horry County Code Enforcement to ensure the building complies with accepted safety standards.

4. Upon approval, the agritourism Rural Tourism Activity shall may be exempt from Article V–Section 527, Landscaping and Buffering requirements and Article XI of the Horry County Zoning Ordinance. Exemptions shall only be made for any farm five (5) acres in size and greater.

5. Agritourism activities may not exceed one hundred twenty-one (121) days per year, starting the day of issuance of the permit. It is not required that the one hundred twenty-one (121) days be contiguous. No event shall exceed 499 attendees at one time, unless a Special Event permit has been approved.

6. No operator shall engage in agritourism activities without written consent of the owner of the property.

7. Agritourism Activities shall comply with Table 1, Agritourism Operation Designations.

(D) (C) Application procedures.

1. A completed Rural Tourism Special Exception application shall be made to the Planning and Zoning Department. Applications shall include the following:

a. The name, address and telephone number of the person completing the application.

b. The name, address and telephone number of the property owner. If the owner is a partnership or corporation, the names, addresses and telephone numbers of all parties is required.

c. The name, address and telephone number of the facility.
d. **a.** A master plan should be included with the application. The master plan will include a site sketch, parking plan, and plan for restroom facilities identifying all existing and proposed structures, parking areas, ingress and egress, restroom facilities and uses.

e. **A site sketch for each proposed agritourism activity.**

f. **A parking plan that includes ingress and egress plans for the agritourism activity.**

g. **A plan for restroom facilities is required. Portable toilets may be used for agritourism activities. A rental agreement for portable toilets with a cleaning schedule shall be included in the master plan.**

h. **b.** An operation plan that includes the rules and restrictions of the facility along with planned event days, dates, type of activity and **hours of operation**, expected attendance.

2. A non-refundable fee in the amount of twenty dollars ($20.00) shall accompany each application.

(E) **Review process:**

1. Review of the application shall be completed by the planning staff.

2. Planning staff shall have fifteen (15) days to review the agritourism application.

3. Upon planning staff review and recommendation, the board of architectural review shall review, approve and issue an agritourism permit to the applicant.

4. Permits will be valid for five (5) years from date of issuance.

5. Permitted agritourism activities are subject to a review every thirty (30) days by the zoning administrator to ensure compliance with the permit.

6. In granting a conditional approval, the board may attach to it such conditions regarding the location, character, or other features of the proposed uses as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety or general welfare.

7. **BAR will grant approval or conditional approval given the uses:**

   a. Are in substantial harmony with the area it is to be located;

   b. Will not be injurious to adjoining properties;

   c. Will contribute to the economic vitality and promote the general welfare of the community.
<table>
<thead>
<tr>
<th><strong>Activities</strong></th>
<th><strong>Definition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Activities</td>
<td>These activities can include, but are not limited to: rent-a-row, you-pick operations, harvest market.</td>
</tr>
<tr>
<td>Education Classes/ Tours</td>
<td>Classes/tours focused on rural or agricultural education, i.e. bird watching, flora and fauna identification, farm/rural tours, farm/rural museum, fishing instruction, kayak or paddle board instruction.</td>
</tr>
<tr>
<td>Food Service, including, Food Trucks</td>
<td>On-site consumption of food, to include Farm to Table events.</td>
</tr>
<tr>
<td>Rural Activities</td>
<td>These activities can include, but are not limited to: zip lines, motorized and non-motorized trail rides (does not include racing activities), horseback riding, kayaking, fishing and petting zoos.</td>
</tr>
<tr>
<td>Rural Retail</td>
<td>Nurseries, and the sale of agricultural products, produce and value added products.</td>
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<tr>
<td>Seasonal Activities</td>
<td>These activities can include, but are not limited to: corn mazes, haunted houses/forests, egg hunts, and holiday light displays.</td>
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<tr>
<td>Events</td>
<td>These events can include, but are not limited to: weddings, birthdays, and corporate events.</td>
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<tr>
<td>Agriculture Education Center*</td>
<td>A facility designed for the purpose of providing academic training in the techniques of agro-ecology and agricultural systems. An AEC may conduct (theoretical and applied) research and community outreach while offering academic education, practical experience and training and public service/instruction opportunities for audiences ranging from local school children to international agencies. It is also designed for the purpose of teaching, exchange of information and/or discussion which results in enhanced personal</td>
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<tr>
<td>Activity</td>
<td>Description</td>
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<tr>
<td>Barn-Dance</td>
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<tr>
<td>Corn-Maze</td>
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<tr>
<td>Educational Classes</td>
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<tr>
<td>Farm-Museum</td>
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<tr>
<td>Farm-Tour</td>
<td>Tours where members of the public are shown working farm-operations; and the owners and/or operators teach the attendees about farm-processes; current agricultural</td>
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<tr>
<td>Activity</td>
<td>Description</td>
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<tr>
<td>Farm-to-table event</td>
<td>A working farm where meals are served on-site. Meals are prepared for members of the general public largely from products of the working farm.</td>
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<td>Fee-Fishing (if aquaculture)</td>
<td>An aquaculture operation that provides the opportunity for anglers to pay a fee for the right to fish or pay for fish caught on a private pond on farm.</td>
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<tr>
<td>Harvest-Market*</td>
<td>Onsite market during harvest seasons.</td>
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<td>Hay-Ride</td>
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<tr>
<td>Nursery</td>
<td>An enterprise that conducts the retail and/or wholesale of plants grown on the premises. May include a greenhouse.</td>
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<tr>
<td>Petting Farm/Zoo</td>
<td></td>
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<tr>
<td>Activity</td>
<td>Description</td>
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<tr>
<td>Rent-a-row</td>
<td>An agritourism activity that allows individuals not associated with the farm operation to rent a defined row of a field for the purpose of learning the process of and growing produce</td>
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<tr>
<td>You-Pick Operation/Berry/Pumpkin-Patch</td>
<td>A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant</td>
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</tbody>
</table>

**Non-Agriculture Related Uses/Activities**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food-Service, including Food Trucks-Featuring Farm-Products*</td>
<td>An onsite retail store that sells products created from raw materials</td>
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<tr>
<td>Haunted House*</td>
<td></td>
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<tr>
<td>Agritourism-Retail</td>
<td></td>
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<tr>
<td>Produced-on-the-farm-or-products directly-related to-the agritourism activity:</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>An-agri-tourism use/activity, approved-by-the appropriate local, state and/or-federal agency, which provides-the opportunity-for an-individual-or group-to-pay-a fee-for-the-right to-hunt-on-a farm. Game farming-is-the intensive, small pasture production-of wild-animals-for the-purpose-of hunting, on agricultural land, for-a-fee, over-an extended-period of-time, in conformance with-state-and federal-game laws.</td>
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<tr>
<td>Planned/Guided Hunting-Preserve Tours</td>
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<td>Play-Area</td>
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<tr>
<td>Special Events, including Weddings</td>
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<tr>
<td>Value-added agricultural product means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation, activities and tours that relate to agriculture or agricultural products.</td>
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<tr>
<td>Wine-Tastings</td>
<td></td>
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</tbody>
</table>

> Farm Stay (Residential and Overnight Accommodation) Uses/Activities

| Camping | Section 14.7 Camping, camp |
means the act of parking any vehicle or erecting any structure for the purpose of providing shelter from the natural elements; establishing a temporary or permanent household for recreational activities; emergency relocations; relocations; meetings or reunions or providing privacy for any purpose for one or more persons. It shall also include persons remaining on the property of Horry-County overnight and choose not to use any means of defense or protection from the natural elements.

| Farm Stay | A general agritourism |
use/activity
category that
comprises a
variety of
overnight
accommodations
made available
at a working
farm that is
approved for an
agri-tourism
operation. A
Farm Stay, for
any group or
individual, does
not exceed
fourteen (14)
(consecutive or
non-
consecutive)
calendar days
per month;
however, farm
stays may serve
as an interactive
recreational
activity that
offers agri-
tourists,
including
children,
opportunities to
participate in
feeding animals;
collecting eggs;
and/or learning
how a farm
functions
through
practical day-to
day experience.
A farm-stay may also consist of a retreat or be described as a work-exchange, where the guests, for recreational purposes, work in exchange for free or discounted accommodation.

A farm-building designed for the purpose of providing proactive health and wellness education and/or physical exercise and diet regimens that can, in a rural-and-spa-like environment, improve one's quality of life. Health and wellness opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and...
| Nutritional classes/consultations, organic cooking classes/workshops, yoga, meditation, and massage. A health farm may serve meals only when served to participating clientele. |

> Rural Tourism Activities Are Not Covered Under This Permit

| Rural Tourism | Tourism enterprises that do not necessarily occur on a farm or ranch or of an agricultural plant, are not related to agricultural activities, but provide recreation to the general public. Rural tourism does not generate supplemental income for an agricultural enterprise but provides an additional income for the property owner. |

| Rural Tourism Activities | Activities that are not agriculturally related nor support an agricultural operation. |

NOTES:
Shading indicates an allowed use.

* Allowable extension of 121-day restriction.

(F) Complaints regarding violations and remedies. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the ordinance.

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

(H) — Appeal. It is the intention of this ordinance that all questions arising in connection with the enforcement of the ordinance shall be presented to the Board of Architectural Review.

3. **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.

4. **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.

5. **Effective Date**: This Ordinance shall become effective upon third reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED this 15th day of October, 2019.

HORRY COUNTY COUNCIL

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:

Patricia S. Hartley, Clerk to Council

First Reading: September 17, 2019
Second Reading: October 1, 2019
Third Reading: October 15, 2019