



CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET, CONWAY, SC 29526
MONDAY, JUNE 17, 2024 - 4:00 PM

PLEASE SILENCE ALL ELECTRONIC DEVICES

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

III. CONSENT AGENDA

Approval of June 3, 2024 Council Meeting Minutes

IV. PUBLIC INPUT

V. SPECIAL PRESENTATION

Presentation of Employee of the Month for June 2024 – Public Safety

VI. FIRST READING

- A. First Reading of Ordinance #ZA2024-07-15 (A) to annex approximately 0.24 acres of property located at 2671 Oak St (PIN 325-15-01-0014) and request to rezone from Horry County Residential District, no mobile homes allowed (SF20), to City of Conway Low/Medium Density Residential District (R-1). (Hucks)
- B. First Reading of Ordinance #ZA2024-07-15 (B) to annex approximately 11.22 acres of property located on Highway 501, past the intersection of Wild Wing Blvd & Highway 501 (PIN 383-00-00-0323), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. (Hucks)
- C. First Reading of Ordinance #ZA2024-07-15 (C) to rezone approximately 3.31 acres of property located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development (PD) district to the City of Conway Light Industrial (LI) district. (Hucks)
- D. First Reading of Ordinance #ZA2024-07-15 (D) to amend Article 10 – Subdivision and Land Development, of the City of Conway Unified Development Ordinance, regarding revisions to various standards contained within Article 10. (Hucks)

“I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city.”

- E. First Reading of Ordinance #2024-07-15 (E), an ordinance granting a distribution right-of-way easement to the South Carolina Public Service Authority (Santee Cooper) across property of the City of Conway adjacent to Wright Boulevard at Racepath Avenue (PIN 368-03-01-0009). (Hyman)
- F. First Reading of Ordinance #2024-07-15 (F), an ordinance granting permanent and temporary easements to Dominion Energy across property of the City of Conway adjacent to Lake Busbee. (Rogers)
- G. First Reading of Ordinance #2024-07-15 (G), an ordinance amending Title 1, Government and Administration, Chapter 8 Elections, transferring of authority from the City of Conway to the Horry County Election Commission for conducting the City's Municipal Elections. (Rogers)

VII. CONSIDERATION

- A. Consideration of a Special Event – Riverfest 2024 – June 29 (Rogers)
- B. Consideration of Selection of Design Professional to Create a City of Conway Parks Master Plan (Hyman)

VIII. CITY ADMINISTRATOR'S REPORT

IX. COUNCIL INPUT

X. WORKSHOP

XI. EXECUTIVE SESSION

- A. Discussion on Contractual Negotiations Incident to the Potential Development of Property on Ann Street [pursuant to SC Code §30-4-70 (A) (5)].
- B. Discussion on Contractual Negotiations Incident to the Potential Development of Riverfront Property [pursuant to SC Code §30-4-70(A) (5)].

XII. RECONVENE FROM EXECUTIVE SESSION

XIII. POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

XIV. ADJOURNMENT

Any citizen of the municipality may make an appearance before City Council concerning any municipal matter with the exception of personnel matters. Persons desiring to speak must notify the City Clerk prior to the beginning of the meeting. However, if you are speaking regarding a public hearing item, then you would do so during that time on the agenda. Please address Council from the podium stating your name, address, and the subject you would like to discuss. The public may also access the meeting at <https://www.conwaysc.gov/> under the "Latest Events" tab on the home page. If you are unable to attend and would like to voice your concerns or comments regarding a request, please call the City Hall at 843-248-1760 or email ashelley@conwaysc.gov to be received prior to 12:00 noon on June 17, 2024. To ensure proper recording of public comments left on the City's voicemail, callers are urged to clearly pronounce their names and addresses, preferably providing spelling for both.

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city."

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, JUNE 3, 2024 - 4:00 P.M.

PRESENT: Mayor Barbara Jo Blain, Amanda Butler, William Goldfinch, Julie Hardwick, Beth Helms, Justin Jordan. **ABSENT:** Mayor Pro Tem Larry White

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy City Administrator; John Rogers, Deputy City Administrator; June Wood, Public Information Officer; Jeff Leveille, Technology Services Director; Timmy Williams, Hospitality & Beautification Director; Lynn Smith, Human Resource Director; Rock Rabon, Fleet Maintenance Director; Dale Long, Police Chief; Ted Dudley, Public Utilities Deputy Director; Brandon Harrelson, Public Works Director; Allison Williams, Finance Director; Kayla Fleming, Municipal Judge; Jessica Hucks, Planning and Development Director; Jason Perzan, Deputy Fire Chief; Reggie Jenerette, Solid Waste Director; James Friday, Public Utilities Director; Robert Cooper, Construction Services Director; John Sumter, Administration Summer Intern; Kayla Chiles, Administration Summer Intern; and Alicia Shelley, City Clerk.

OTHERS: Priscilla Fuller, Brandon Oates. There were approximately 25 others in attendance.

CALL TO ORDER: Mayor Blain called the meeting to order. Rev. Andrew Cooke, First United Pentecostal gave the invocation and led the Pledge of Allegiance.

The requirements for posting notice of this meeting under South Carolina's Freedom of Information Act (FOIA) were met.

CONSENT AGENDA:

- A. Final Reading of Ordinance #2024-06-03 (A), Fiscal Year 2024-25 Budget, an Ordinance to Levy Taxes and Establish a Municipal Budget for the City of Conway, South Carolina.**
- B. Final Reading of Ordinance #2024-06-03 (B), amending Title 1, Chapter 1, Section 1-4-4 Creation of Specific Departments**
- C. Final Reading of Ordinance #ZA2024-06-03 (C), to amend Article 6 – Residential Design Standards, of the City of Conway Unified Development Ordinance (UDO), regarding design standards for residential dwellings and dimensional requirements for fee-simple single-family attached dwellings.**
- D. Approval of Councilmembers' Participation in the State Insurance Benefits Program offered by SCPEBA**
- E. Approval of May 20, 2024 Council Meeting Minutes**

APPROVAL OF CONSENT AGENDA: **Motion:** Goldfinch made a motion, seconded by Butler to approve the June 3, 2024 consent agenda. **Vote:** Unanimous. Motion carried.

Motion: Jordan made a motion, seconded by Helms to approve the June 3, 2024 agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

There was no public input. **Motion:** Goldfinch made a motion, seconded by Butler, to close public input. **Vote:** Unanimous. Motion carried.

SPECIAL PRESENTATION:

- A. Presentation of Longevity Awards – May 2024 – 5 Years: Chad Hancock, Fire; 5 Years: Koby Avant, Recreation; 10 Years: Kara Gainey, Finance; 20 Years: Shon Doctor, Public Works; 25 Years: Tammy Carter, Police** – Emrick and Helms presented the longevity awards.
- B. Proclamation Recognizing Juneteenth** – Blain presented the Juneteenth Proclamation to Ms. Adamson and Ms. Butler.
- C. Proclamation Recognizing National Garden Week** – Blain presented the National Garden Week Proclamation to the Club President and others present.
- D. Presentation on Community Resource Center at the Shepherds Table** – Brandon Oates, Executive Director of the Shepherds Table gave a presentation to Council on the need for a Community Resource Center at the Shepherds Table. Oates told the mission of the center and how it would be used.
- E. Presentation by Madison Cooper, Coastal Carolinas Association of Realtors** – Cooper gave a presentation to Council on the housing, availability, affordability and zoning in Horry and Georgetown Counties.

Goldfinch encouraged the CCAR to reach out to the delegation in Horry and Georgetown Counties for incentives to give to people that are already here.

CONSIDERATION:

- A. Consideration of Awards of 2024-25 Economic Development Grants** – Rogers said that the city solicited applications for the Economic Development Grant program, which is in its fifth year and was due May 6. Rogers said that seven applications were received, and staff recommendations were as follows: (1) Conway Chamber of Commerce – Riverfest 2025, \$69,000; 2024 Conway Christmas Parade, \$2,000; and Performing Arts Center Marketing Analysis, \$62,000. (2) Horry County First Steps – Early Childhood Community Day, \$5,000.

Jordan asked why the 3 were excluded. Rogers said that the Music Festival and Back to School Bash were incomplete applications, and the deconstruction and material reuse

application was due to not fitting the purpose of economic development and budgetary matters.

Butler asked if those applicants that were not recommended were aware. Rogers said not yet, but staff will reach out and offer to help them have a more competitive application next year if they are interested in the help.

Helms asked if the leftover funds would be available after staff help. Rogers said that in the past Council has kept it open and solicited applications again, but that would be at Council's discretion of the remaining \$12,000.

Motion: Blain made a motion, seconded by Butler, to approve staff funding recommendations. **Vote:** Unanimous. Motion carried.

- B. Consideration of a Special Event –Praise on the Hill – June 15, 2024** – Rogers said that Cherry Hill Missionary Baptist Church has requested a special event for Praise on the Hill to be held on June 15, 2024 from 12 Noon to 3:00 p.m. The event will be an outdoor church service and fellowship with dances, singing, games, prayer, and preaching. The church has requested the closure of Fifth Avenue between Smith Street and Highway 501 during this time.

Motion: Goldfinch made a motion, seconded by Jordan, to approve the special event application for Praise on the Hill. **Vote:** Unanimous. Motion carried.

- C. Consideration of Agreements to Grant Utility Easements to Dominion Energy** – Rogers stated that Dominion Energy has been working with Santee Cooper to receive the right to two permanent and two temporary easements along the south side of the Lake Busbee property. Before this process can be completed, the property will transfer to ownership by the City of Conway. Now, the city must consider the easement. The easement will allow Dominion Energy to construct and operate a 12-inch natural gas pipeline that will run from Conway to Myrtle Beach. Rogers said that Dominion is requesting a permanent easement of 2.7 acres of land and a temporary construction easement of an additional 2.61 acres. Dominion agrees to pay the city \$11,355 in exchange for the easements.

There was some discussion regarding the new pipe, crossing the Waccamaw, actual location, Ride IV, SCDOT, timeline, and the dollar amount.

Rogers said that in the agreement it states that Dominion would be held responsible for any damage caused during construction or operation.

Emrick stated that Dominion has already been talking with Santee Cooper, and that he would be reluctant to negotiate since Santee Cooper is giving the property to the city.

Motion: Blain made a motion, seconded by Goldfinch, to authorize staff to enter into agreements to grant permanent and temporary utility easements to Dominion Energy. **Vote:** Jordan, Goldfinch, Blain, Butler, Helms voted yes. Hardwick voted no. Motion carried with a 5-1 vote.

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- Last Tuesday, the Mayor's Youth Advisory Council had their final meeting of the year in Council Chambers. This group of kids was very impressive and active in their roles. This fall a new Council will be seated and will continue their involvement as future leaders of our community.
- Conway High School's graduation is tomorrow evening.
- On Friday, June 7th at 10 a.m. the city will celebrate the renovations of the parking lot behind Jerry Cox.
- Staff had hoped to begin work on the next phase of the Scarborough Alley/Garden Walk/Town Green project this week, but a new engineer was brought in to finish the drawings. Staff hope to redo a portion of this project prior to the fall festivities, but there is a chance that it may need to wait for another window of opportunity to improve that area and make the public area a little larger.
- The pickleball courts at Collins Park are getting some amazing use since they came online last fall. Looking at the entirety of the park, traffic was up 34% for the month of May year over year. That's nearly 6,000 more visits in the month of May 2024 vs May of 2023 prior to the pickleball courts being constructed.
- Despite the high interest rates and high prices affecting our housing market, we are still seeing large numbers of new homes being built. In April, the city permitted 46 new single-family homes. In total, 170 building permits were issued in April.
- The Riverwalk Extension is still moving at a good pace. The area where pilings are being driven currently has a lot of debris in the water, which makes the going slow, but steady.
- We are officially in Hurricane season now. With experts predicting a very busy season we are watching the weather carefully and will be through November. The water temperatures are at record highs in many places for this time of the year and that only exacerbates storm season. Typically, we have several days if not longer to watch a storm track across the Caribbean to prepare. One of the things we are concerned with this year is storms that seem to spring up out of nowhere right at the Coastline and hit us quickly and powerfully with little warning. So fun times ahead!
- The Recreation Department's summer camp is full this summer.
- On June 15th, the Recreation Department is having a Juneteenth Family Fun Festival at Smith Jones Park from 10 a.m. until 2 p.m.
- The Summer Movie Series begins this Friday at the Terrace with The Sandlot. Friday the 21st is Grease. July 12th is Diary of a Wimpy Kid. Emrick said that his favorite movie of all time would be shown on July 26th, the Goonies.
- On the 29th of June, the city will host the 2024 Summer Slam Mixed Doubles Pickleball Tournament.
- The WES Football and Cheer Camp will be held all day on June 29.
- Tennis Camp for children ages 8-12 runs every week in June beginning next week.

Blain introduced John Sumter and Kayla Chiles, Administration Summer Interns.

COUNCIL INPUT:

Helms said that she went to the swearing in of the new police officers and was thankful to be able to go. Helms congratulated Coastal and said that Will Smith did a great job pitching. Helms appreciates all that Gilly has done for Conway and Coastal and congratulated him. Helms said that Groovin on the Green was a success.

Butler wanted to reiterate what the Administrator said about Juneteenth and said that she was excited about the celebration at Smith Jones on Saturday, June 15 from 10-2. Butler said that the Conway High School graduation is tomorrow as that will be an exciting time for the seniors and asked that all keep the seniors in your thoughts and prayers as they enter the real world. Butler said that the Conway Architectural Salvage Heritage reached out to her, and she wants to make sure that they are aware of why they did not receive funding and what can be done to help them in the future.

Goldfinch piggybacked on everything that had already been said and stated that if you haven't been downtown on Friday nights to Groovin on the Green, that you missed a good time. Goldfinch said that he believes in these quality-of-life events and said let's keep up the good work, as there are lots of good things going on.

Hardwick piggybacked on what was already said and congratulated the graduates of Conway High School. Hardwick said they are a phenomenal group that are going to do some marvelous things. Hardwick congratulated the parents and hoped they would make it through this transition also. Hardwick said that there were lots of people at Groovin on the Green and the car show was fabulous. Hardwick said that there are so many good things going on, and it is exciting to see what is going on at Coastal and the City of Conway with the athletic teams and the summer programs that are being offered by the city at the Recreation Department as it is exciting to hear that they are full.

Blain said that this is the first year that the Youth Advisory Council has been acted upon and was able to seat all that applied. Blain said that part of what was saw was their maturity and seriousness as they took their job has to do with the fact that is who they are anyway, but she said that she does like to think that they grew. Blain said that their meeting was set up like Council's and she was very proud of them. Blain said that Councilman White was out with his family on vacation, but that he and Blain were in DC last week at a flood convention and there were interesting people from various communities, but most were from South Carolina, North Carolina and Georgia. Blain said there was also a contingency from Iowa and Texas. Blain said that she learned the most of that everyone's flooding story is so very different and are learning together how to best manage mother nature. Blain said that she missed Groovin on the Green but heard wonderful things about it as is the case that every week over the last few years to the staff of the city, she hears remarkable comments about how people have noticed that there are more to do and see, community is more pleasant, more excepting, and she is proud that staff made it so.

WORKSHOP:

Santee Cooper easement on Highway 378- Jentry Ward of Santee Cooper explained the need for a right of way easement on Highway 378 at Wright Blvd. and Racepath Avenue. Ward said that the franchise improvement project is to replace the poles with cross arms. Council asked for possible electricity in that area for Christmas decorations.

Hyman said that the staff is talking to Santee Cooper regarding the electricity. Hyman also said that this easement would need 2 readings for approval.

Godfrey and Freeman – Harrelson informed Council that Godfrey and Freeman Streets were obtained from SCDOT and now belong to the city. Chestnut Bay will encompass the entire area near Trinity Church to include these streets. The City's process to permanently close both roads will be more streamlined and quicker than awaiting SCDOT. Both Godfrey and Freeman will eventually be required to be abandoned completely and City Council will be required to take action at that point with the guidance of an outside attorney. Harrelson said that both roads do not serve any homes, but access will be left to Trinity for purposes of accessing their parking lot.

Amendment to Article 10 – Subdivision and Land Development, of the City of Conway Unified Development Ordinance (UDO), regarding revisions to various standards contained within Article 10. – Hucks informed Council that Planning staff began going through the UDO towards the end of 2022/beginning of 2023 to identify any inconsistencies or incorrect information contained within each of the 15 articles of the UDO. At the 2023 budget retreat, Council was presented with a proposal to amend or revise each article within the UDO that would clean up these inconsistencies. However, 2023 was a challenging year for the Planning Department, with several large-scale annexations and projects being submitted, so several items on the to-do list, including the amendments that including housekeeping items, was temporarily put on hold. Now that several large projects are being submitted for review; many of which are a result of the number of annexations and rezoning requests over the past year and a half, staff felt that the first Article of the UDO that needed to be amended was Article 10 since it contains the city's land development regulations. So, while a majority of the UDO contains zoning regulations, Article 10 contains regulations which control site design, street layouts, provisions for utility services, requirements for preliminary plan and final plat approvals, among other subdivision regulations. Simply put, while zoning regulations control what can be developed on a property and how land is developed *vertically*, land development regulations govern how that land is developed *horizontally*. The presentation includes some of the biggest items included in the amendment; most of which are things that staff has put into practice, such as requiring a master plan to be submitted for conservation subdivisions and Planned Developments, for wetlands to be platted outside of lots intended to be developed and instead keeping in common areas of open space, requiring lots to be accessed internal to subdivisions only and not outside of the subdivision, as well as the revisions to Wastewater Pump facilities. One item that was discussed at the 2023 budget retreat was to remove the requirement for council to approve letters of credit for subdivisions and to accept approval of the letter of credit contingent on approval of the Technical Review Committee. While it doesn't happen often, there are times where scheduling can cause delays in getting final plats approved for individual phases of development because staff cannot approve the plats that would create the lots without the letter of credit being approved and received from the bank. There are other revisions contained within the proposed amendment, but most of them are housekeeping changes. What is not included in this amendment are revisions to open space requirements as well as revisions to the conservation subdivision standards; both of which are contained in Article 10. The reason being that these changes will be comprehensive, and each warrants their own

amendment. Changes to the city's open space requirements were also discussed at the 2023 budget retreat, and staff provided a few different options on how to best revise the standards for open space that would best serve the needs of the city. Staff are hoping to get the text amendment for open space revisions on the July Planning Commission agenda for consideration and public hearing and bring those to you at a meeting in August. As far as the proposed amendments to Article 10, Planning Commission is scheduled to hold the public hearing and make their recommendation at their meeting this Thursday, June 6, and their recommendation will be forwarded to Council for first reading later this month.

There was some discussion regarding sidewalk requirements.

Discussion on possible Future Land Use Map amendments for properties located off Main Street, between 5th and 16th Avenue

Hucks informed Council that the city's future land use map is part of the Land Use Element of the Comprehensive Plan. It differs from the current zoning map of property, in that the current zoning of a property regulates uses that would be currently permitted on property. Future land use maps guide the future growth and development of the city. Typically, you would want the future land use map to be consistent with how property is currently zoned; but future land use maps do not necessarily have to be parcel-based; however, Conway's future land use map is parcel-specific. An example of when an amendment to the future land use map may be necessary is a recent future land use map amendment for a property that contained a church adjacent to a residential area that was mostly zoned R-1 (low/medium density residential) (Sessions Street), but the property owner was interested in having a daycare at that location. The current zoning did not permit a daycare; however the structure existed, and it had always been a church. Even if the property owner demolished the church, the permitted uses wouldn't have changed. That property was also less than 3 acres, and when less than 3 acres, the only zoning districts that a property could be rezoned to without being considered "*spot zoning*" are those that are consistent with the future land use map of the comprehensive plan or the surrounding zoning districts, which included either low/medium-density residential or highway commercial, and highway commercial was not an option that could be supported by staff due to the location of the property. Because the future land use identified for that property was residential, the applicant had to request a future land use map amendment to a district that would permit the use of a daycare in addition to a request to rezone the property. The zoning district that was assigned to the property was the Professional district, which permits commercial uses that do not detract from the residential area and serves as a transitional zone between the more intense commercial areas and the residential areas. Even though future land use would typically match the current zoning of a property, it does not mean that the current zoning of a property is the preferred zoning or that the current use of the property is permitted in the current zoning. This is the case with several properties just outside of the downtown area. Residential areas located a block or so off Main Street, between 5th and 16th Ave, have uses that are not permitted in the current zoning district, and the future land use map designation is also inconsistent with how the property is currently being used. This may not ever become an issue for most properties; however, the City's *Unified Development Ordinance* also prevents uses that are "*abandoned*" or "*destroyed*" due to natural disasters or fires, from ever being re-established. So, when you have a duplex or a quadplex on a property currently zoned R-1, which only permits single-family residential, and the future land use map also identifies the property as R-1, if the use were abandoned or destroyed beyond a certain percentage, the use could not be re-established. More recently, a request to rezone a property just off Main Street from the R-1 district to the Professional district to construct a duplex on the property was denied,

due to concerns with commercial uses encroaching further into the residential areas. Due to the size of the property and the surrounding zoning of adjacent properties, the only zoning district that could be requested was the Professional district. Staff have gone through several parcels along Main Street and the surrounding blocks to see what uses currently exist on many of the properties that are currently zoned R-1 as well as properties that may be inappropriately zoned due to their location. Some of these areas are shown in the presentation. Staff identified several properties that contain a duplex, a quadplex, and even a multifamily development in the R-1 district, which again, only permits single-family detached residential dwellings. Another issue we noticed directly on Main Street were a few properties that were zoned Neighborhood Commercial – one with a single-family residence and the other next to the library, where Shine Café was previously located. Residential uses are not permitted in NC. The better zoning district for these properties may be Professional, which allows some commercial uses along with some residential uses. The only other properties zoned NC (on Main) contain an auto repair shop, a gas station, or vacant property, as well as the old Barker’s gas station location at the corner of Main and 6th Ave, which is proposed to be redeveloped as a gas and service station.

Hucks said should council be in favor of amending the future land use maps for some properties with frontage on Main Street, or around Main Street, doing so does not change the current zoning district of any of the properties or any uses that are currently permitted without the property also being rezoned and/or a future land use map amendment. However, it would provide an opportunity for property owners with property currently zoned R-1 the option to seek a rezoning and future land use map amendment to a district that provides housing options outside of single-family detached dwellings.

Council asked staff to proceed with the amendments.

EXECUTIVE SESSION: Motion: Jordan made a motion, seconded by Helms to enter into Executive Session for the following: **(A) Discussion on Contractual Negotiations Incident to the Development of Riverfront Property [pursuant to SC Code §30-4-70(A) (2)]; and Discussion on Contractual Negotiations Incident to Property near Racepath Street [pursuant to SC Code §30-4-70(A) (2)].**

RECONVENE FROM EXECUTIVE SESSION: Motion: Blain made a motion, seconded by Jordan to leave Executive Session. **Vote:** Unanimous. Motion carried.

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: None

ADJOURNMENT: Motion: Goldfinch made a motion, seconded by Hardwick to adjourn the meeting. **Vote:** Unanimous. Motion carried.

APPROVAL OF MINUTES: Minutes approved by City Council this _____ day of _____, 2024.

Alicia Shelley, City Clerk

DATE: JUNE 17, 2024
ITEM: V.

Presentation of Employee of the Month for June 2024 – Public Safety

DATE: JUNE 17, 2024

ITEM: VI.A.

ISSUE:

First Reading of Ordinance #ZA2024-07-15 (A) to annex approximately 0.24 acre of property located at 2671 Oak Street (PIN 325-15-01-0014) and request to rezone from Horry County Residential District, no mobile homes allowed (SF20) to City of Conway Low/Medium Density Residential District (R-1).

BACKGROUND:

The annexation application was submitted by Jeffrey Fulmer on May 30, 2024, as a requirement to connect to water and/or sewer utilities. According to Horry County Land Records, the property was transferred into the applicant's names on May 29, 2024. There is an existing single-family structure on the property. Restrictive covenants were recorded for this property at the time annexation was applied for, on May 30, 2024.

Council has previously annexed approximately five properties within the McRoy Bland Subdivision since 2009.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

STAFF RECOMMENDATION:

Approve **First Reading of Ordinance #ZA2024-07-15 (A)**.

ORDINANCE #ZA2024-07-15 (A)

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.24 ACRES OF PROPERTY
LOCATED AT 2671 OAK STREET (PIN 325-15-01-0014), AND REQUEST TO REZONE
FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES ALLOWED,
(SF20) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY
RESIDENTIAL DISTRICT (R-1) DISTRICT.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.24 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.24 acres of property located at 2671 Oak Street (PIN 325-15-01-0014), and request to rezone from the Horry County Residential, no mobile homes allowed (SF20) district to the City of Conway Low/Medium Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

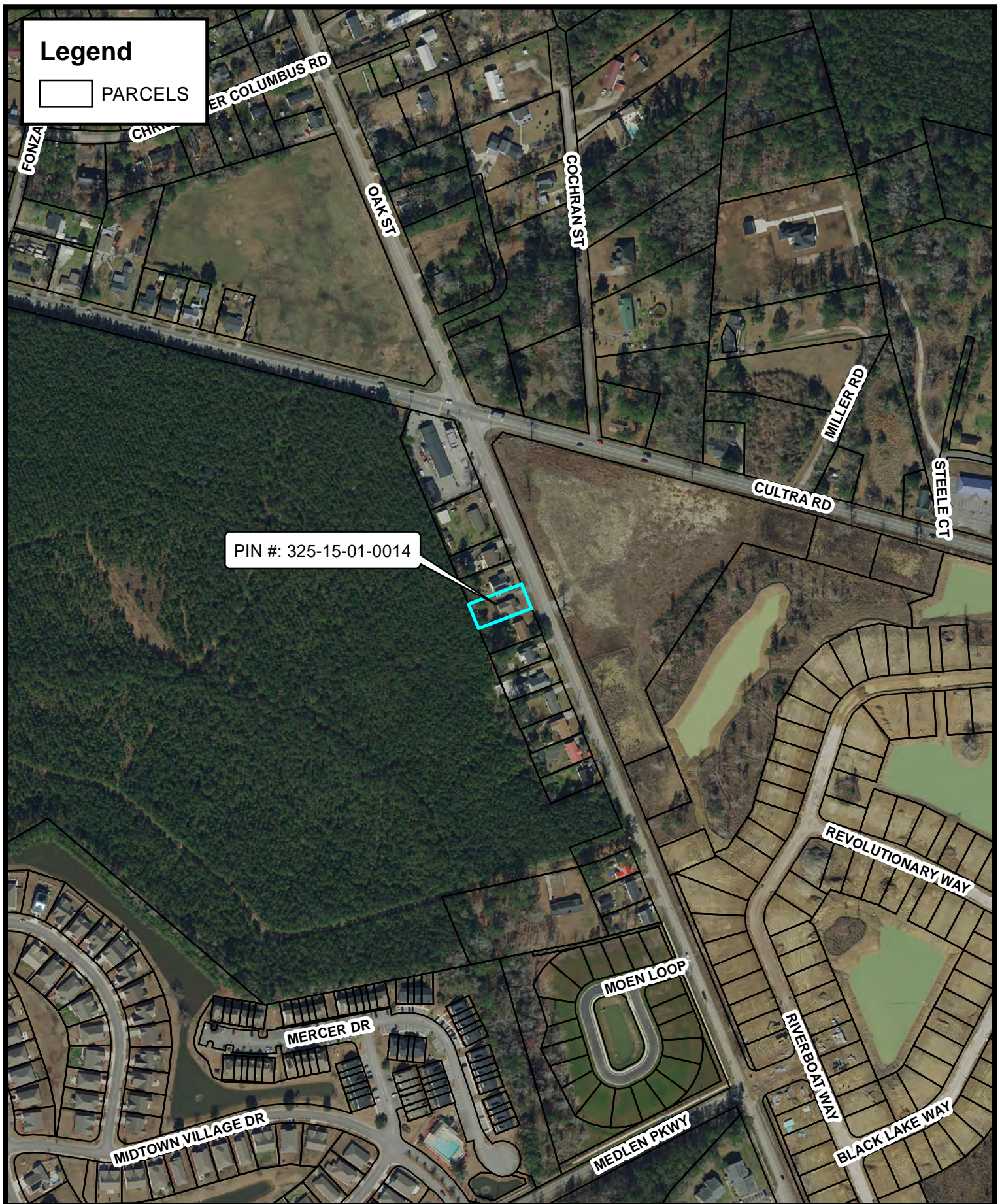
Legend

 PARCELS


















PIN #: 325-15-01-0014

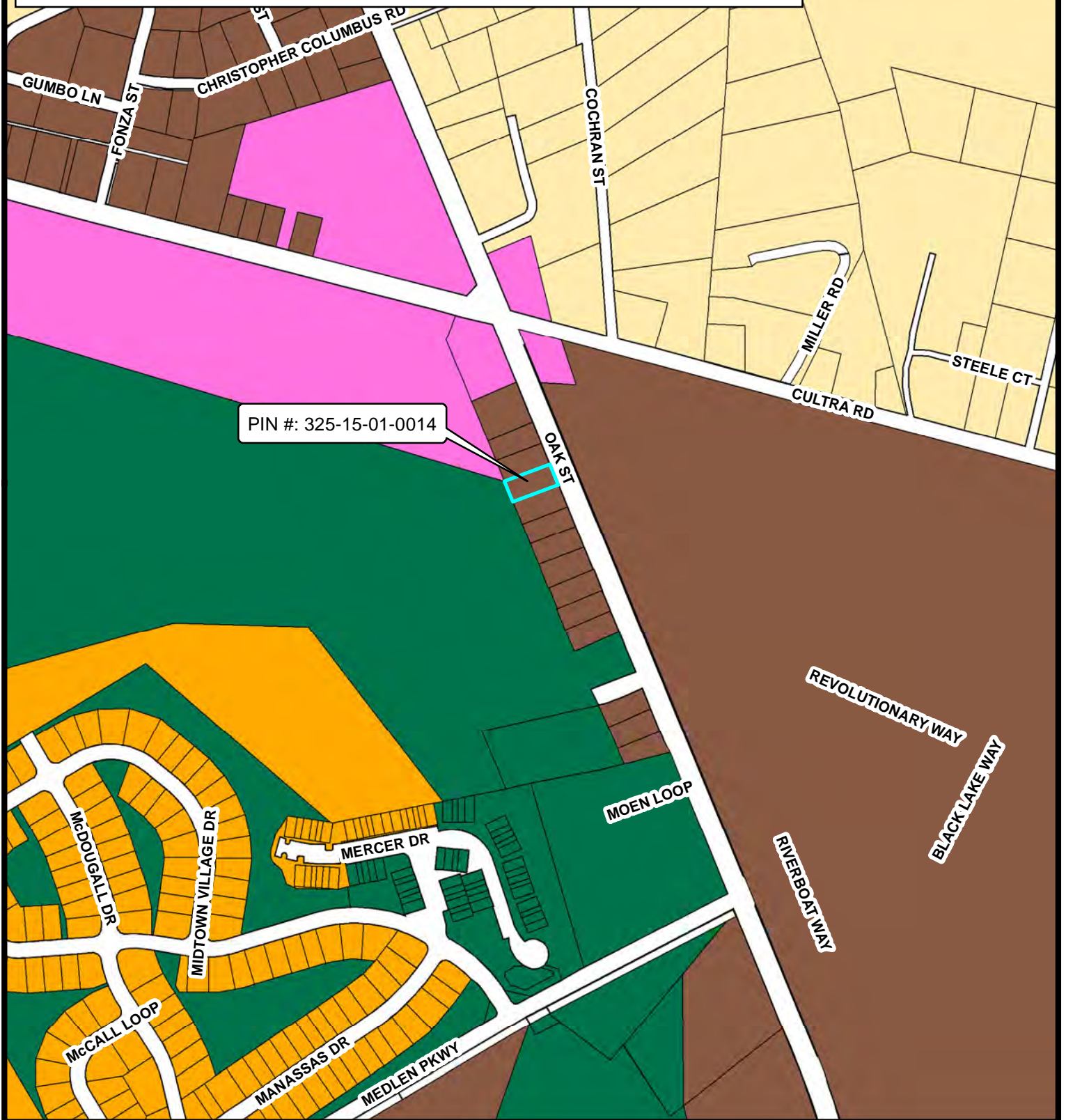
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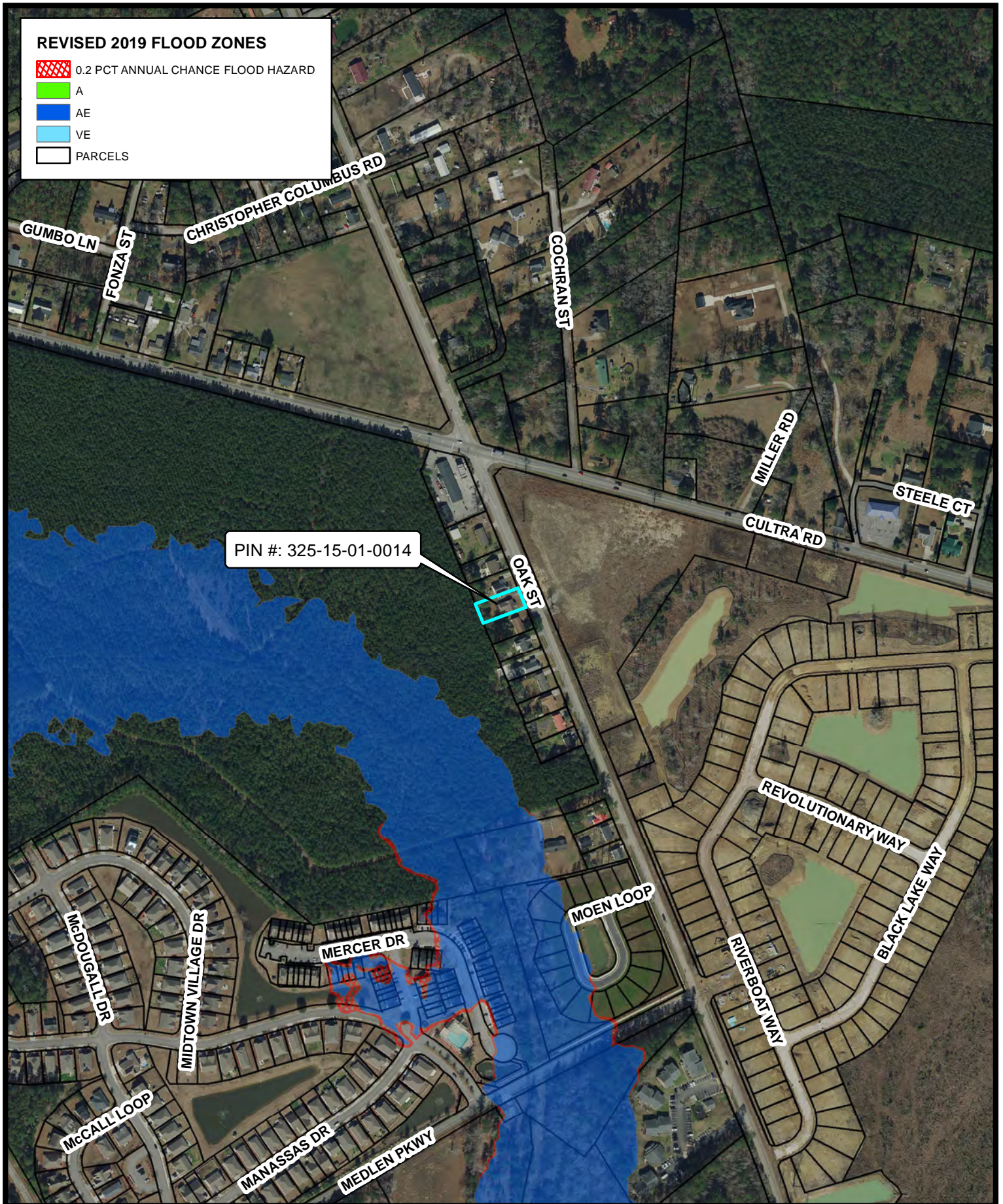




FUTURE LAND USE

 CONSERVATION PRESERVATION	 HIGHWAY COMMERCIAL	 MEDIUM DENSITY RESIDENTIAL	 PROFESSIONAL
 DOWNTOWN HISTORIC DISTRICT	 INDUSTRIAL	 MIXED USE	 RECREATIONAL
 FOREST AGRICULTURE	 INSTITUTIONAL	 NEIGHBORHOOD COMMERCIAL	 RURAL RESIDENTIAL
 HIGH DENSITY RESIDENTIAL	 LOW DENSITY RESIDENTIAL	 PLANNED DISTRICT	 UTILITY
			 PARCELS







STATE OF SOUTH CAROLINA)

) RESTRICTIVE COVENANT

COUNTY OF HORRY)

KNOW ALL ME BY THESE PRESENTS, that, (I, we) Jeffrey C Fulmer Construction Co
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway. Inc
The property/parcel is situated outside the corporate limits of the City Of Conway. The
property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification
Number (PIN) 325 15 01 0014 and is physically located at

2671 Oak Street
The above referenced property was conveyed by deed to the Grantor and recorded in the Office of
the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4815 at
Page 239.

We understand and agree that as a condition of service and connection of the Water and/or
Sewer System to the above referenced property, we will petition, when requested by the City Of
Conway (by Group or Individual method) for annexation to the City Of Conway under Section 5-
3-150 of the Code of Laws for the State of South Carolina. We further understand that it may be
necessary to execute a petition for annexation on more than one occasion; however, the final
acceptance of the said petition rests upon an affirmation vote of a majority of the governing body
of the City of Conway.

It is understood and agreed upon that this covenant shall be legally binding upon
(myself/us) as the Grantor(s), and our heirs and successors. Any violation of, or refusal to sign,
said petition shall result in either legal recourse for nonperformance by the City, and/or termination
of water and/or sewer services provided to the premises.

It is further understood and agreeable that the City may inspect and approve the owner's
water and/or sewer system prior to connection to insure compliance with the City and State
regulations. An inspection fee, if applicable, may be imposed for such inspection in accordance
with the guidelines and policies set forth by the City of Conway.

All rights, powers, and privileges hereby granted to the City of Conway as grantee shall
convey to its heirs, successors and assigns, and shall be binding upon the heirs, successors,
administrators, executors and assigns of the Grantor. Grantor acknowledges that the conditions of
this agreement and this agreement itself is a restriction and covenant of the title of the above
reference property and binding upon the grantors, heirs, successors, and assigns. Furthermore, it is
mutually agreeable that upon any dividing, separation, or split of the above referenced property,
this agreement shall remain binding upon the successors and heirs of such division, and that this
covenant shall remain binding upon the successors and heirs of such division, and that this covenant
shall remain a restriction and covenant on the title of the parcel resultant of such division.

Deed BK: 4815 PG: 2126 Doctype: 082
05/30/2024 at 12:26:47 PM, 1 OF 2

Marion D. Foxworth III
HORRY COUNTY, SC REGISTRAR OF DEEDS



IN WITNESS THEREOF, the undersigned Grantor has hereto set his hand and Seal this

30 day of May 2024.

SIGNED, SEALED AND DELIVERED by:

Grantor in the presence of:

Elizabeth Harry

Witness

AKSant

Witness or Notary

[Signature]
Grantor Name

Jeffrey Fulmer
Pres.

STATE OF SOUTH CAROLINA)

)

PROBATE

COUNTY OF HORRY)

PERSONALLY appeared before me the undersigned witness, and made oath that he/she saw the within named Grantor(s) sign, seal and as his/her act and deed, deliver the within written Agreement and Covenant; and that he/she with the other witness named above witnessed the execution thereof.

Elizabeth Harry

Witness

SWORN TO BEFORE ME THIS 30
DAY OF May, 2024

AKSant

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Anne Bessant

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 4/8/32

Section 26-1-120 (E) (4): A witness is not a party to or a beneficiary of the transaction, signed the record as a subscribing witness.



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)

)

PETITION FOR ANNEXATION

COUNTY OF HORRY)

)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION:

2671 Oak St. Conway

PIN:

3251501 0014

ACREAGE:

PROPERTY ADDRESS:

2671 Oak St. Conway

PROPERTY OWNER MAILING ADDRESS:

2886 Mercedes Dr Conway SC

PROPERTY OWNER TELEPHONE NUMBER:

843-241-5365

PROPERTY OWNER EMAIL:

fulmer@SCLconst.net

APPLICANT:

APPLICANT'S EMAIL:

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE:

YES



NO



IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Jeffery Fulmer

(Print)

[Signature]

(Signature)

DATE: 5/30/24

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____

BS&A #: _____

Is there a structure on the lot: _____ Structure Type: _____

Current Use: _____

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ☐ NO ☒

If yes, please describe.

Are there any building permits in progress or pending for this property?

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 2671 Oak Street FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.24 PIN: 32515010014

CURRENT ZONING CLASSIFICATION: SF 20

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Medium Density Residential

REQUESTED ZONING CLASSIFICATION: R-1

NAME OF PROPERTY OWNER(S):

Jeffrey C Fulmer

PHONE # 843-241-5365

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

PROPERTY OWNER'S SIGNATURE(S)

DATE

5/30/24

PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: JUNE 17, 2024
ITEM: VI.B.

ISSUE:

First Reading of Ordinance #ZA2024-07-15 (B) to annex approximately 11.22 acres of property located on Hwy 501, past the intersection of Wild Wing Blvd and Hwy 501 (PIN 383-00-00-0323), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

BACKGROUND:

On April 9th, 2024, the applicant submitted an annexation and rezoning application for the subject property, located on Hwy 501, past the intersection of Wild Wing Blvd and Hwy 501. The property is currently zoned Horry County Highway Commercial (HC) and is currently vacant. The application to annex and rezone does not specify the proposed use of the property, and it is not *required* that the use be provided. Any use in the requested zoning district would be permitted should the request be approved. The property is a donut hole along this portion of Hwy 501, and the adjacent parcel was annexed last year as Highway Commercial for development of two separate fast-food chains (Freddy's & Popeye's Chicken).

Per Section 3.2.10 of the UDO, the intent of the Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

Surrounding uses/Zoning Districts:

The property abuts parcels zoned City of Conway Light Industrial (LI), City of Conway Highway Commercial, and City of Conway Planned Development (PD) district (Wild Wing PD). Adjacent uses in a self-storage facility, vacant property (currently proposed to be developed) and one of the multifamily developments in the Wild Wing PD.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* also identifies the entire parcel as *Highway Commercial (HC)*.

PLANNING COMMISSION:

Planning Commission considered this request and held a public hearing at their June 6th meeting. Planning Commission recommended approval of the annexation and rezoning as presented by staff.

STAFF RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance #ZA2024-07-15 (B)**.

ATTACHMENTS: Application; GIS Maps

ORDINANCE #ZA2024-07-15 (B)

**AN ORDINANCE TO ANNEX APPROXIMATELY 11.22 ACRES OF PROPERTY
LOCATED ON HWY 501, PAST THE INTERSECTION OF WILD WIND BLVD AND
HWY 501 (PIN 383-00-00-0323), AND REZONE FROM HORRY COUNTY HIGHWAY
COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY
COMMERCIAL (HC) DISTRICT.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 11.22 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 11.22 acres of property located on Hwy 501, past the intersection of Wild Wing Blvd and Hwy 501 (PIN 383-00-00-0323), and request to rezone from the Horry County Highway Commercial (HC), to the City of Conway Highway Commercial (HC) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property.

For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Highway Commercial (HC) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

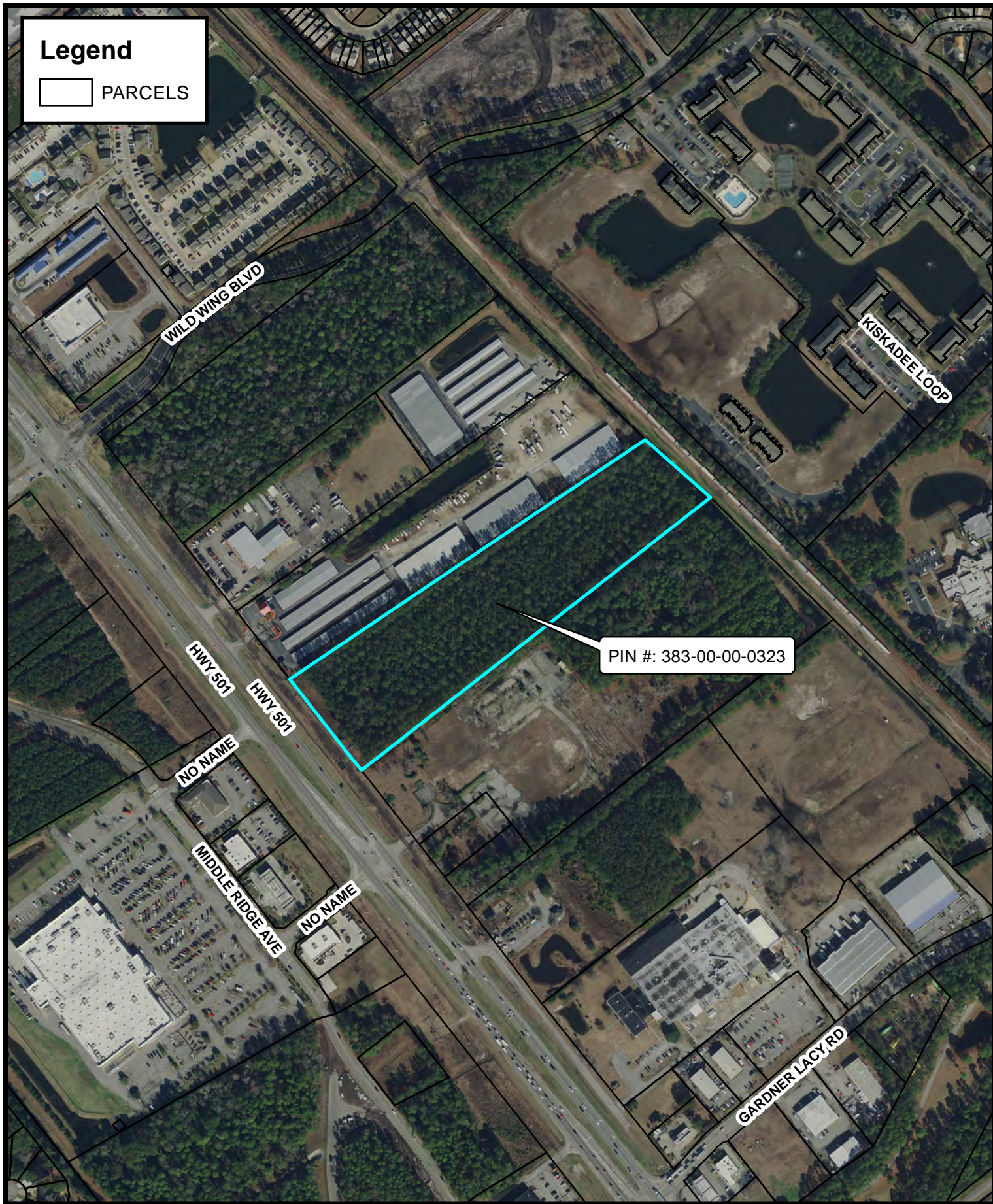
Beth Helms, Council Member

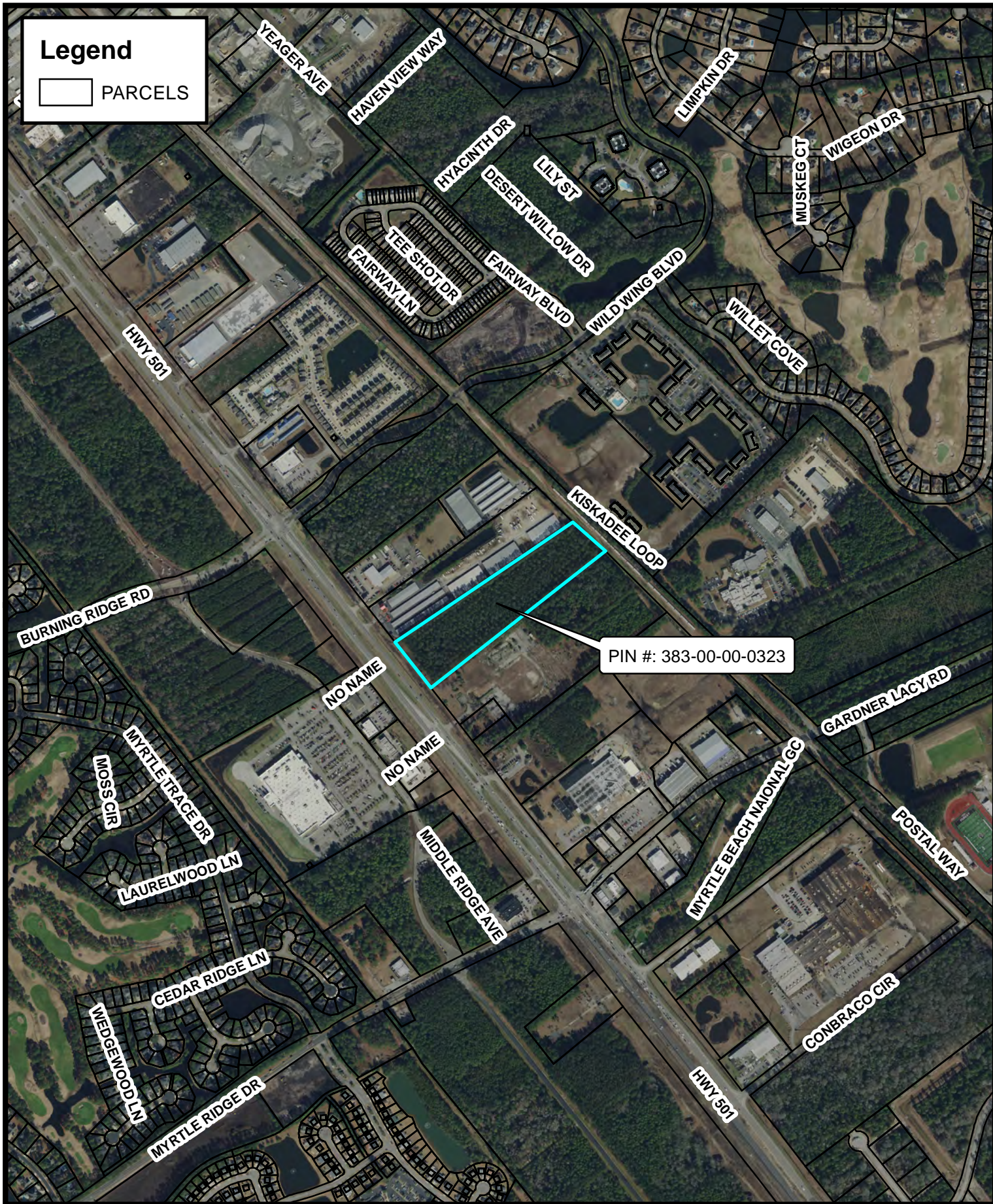
Justin D. Jordan, Council Member

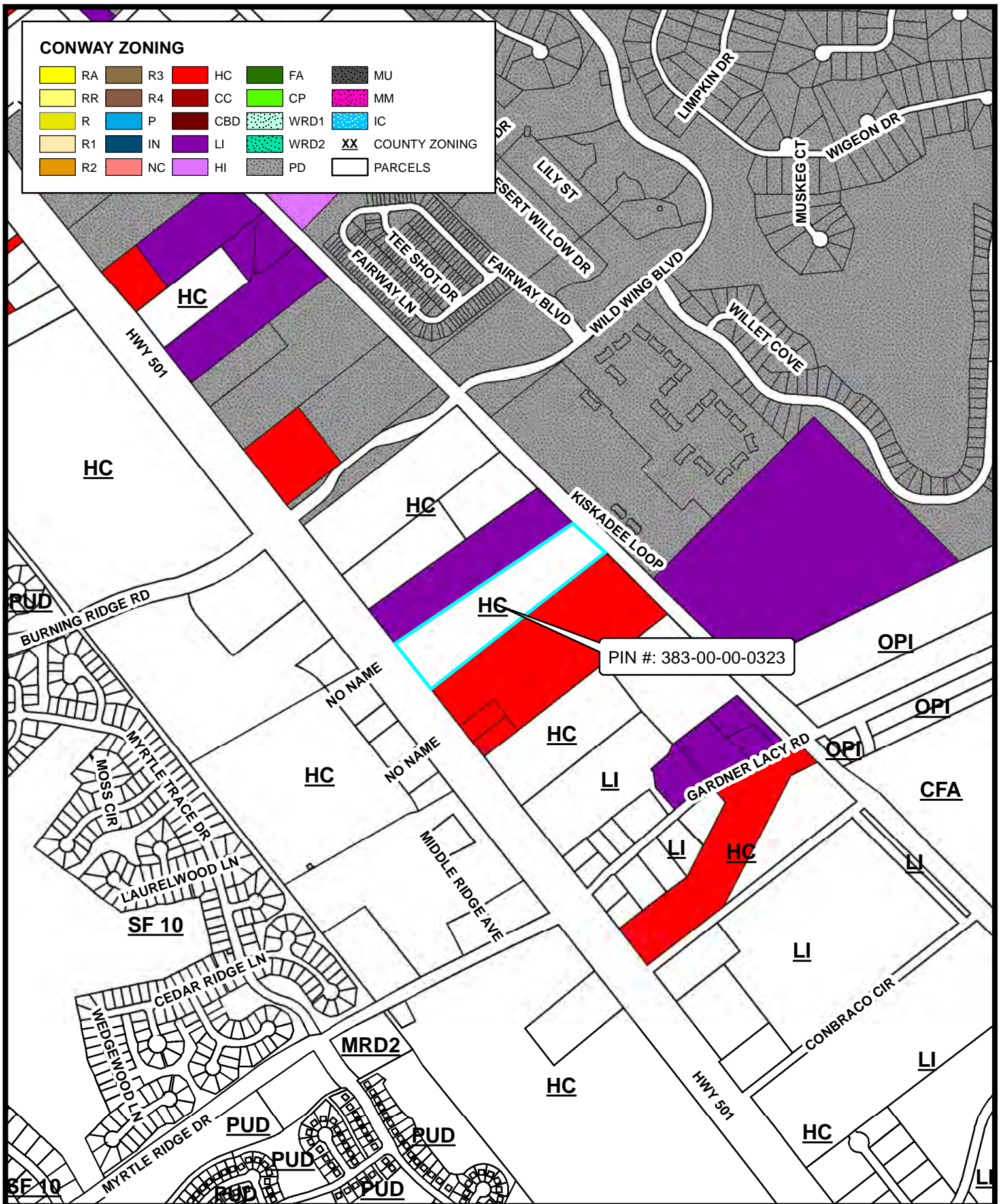
ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

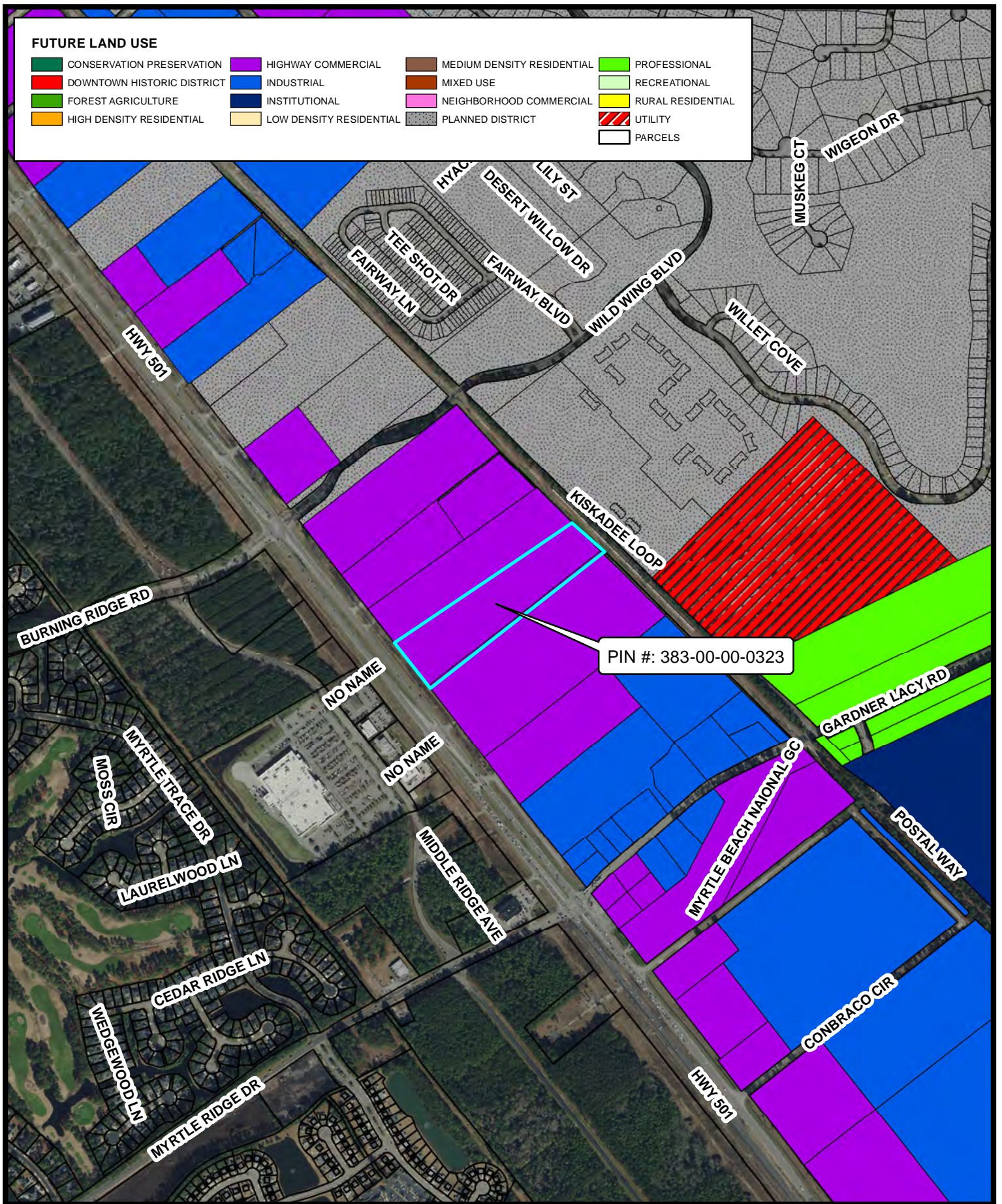


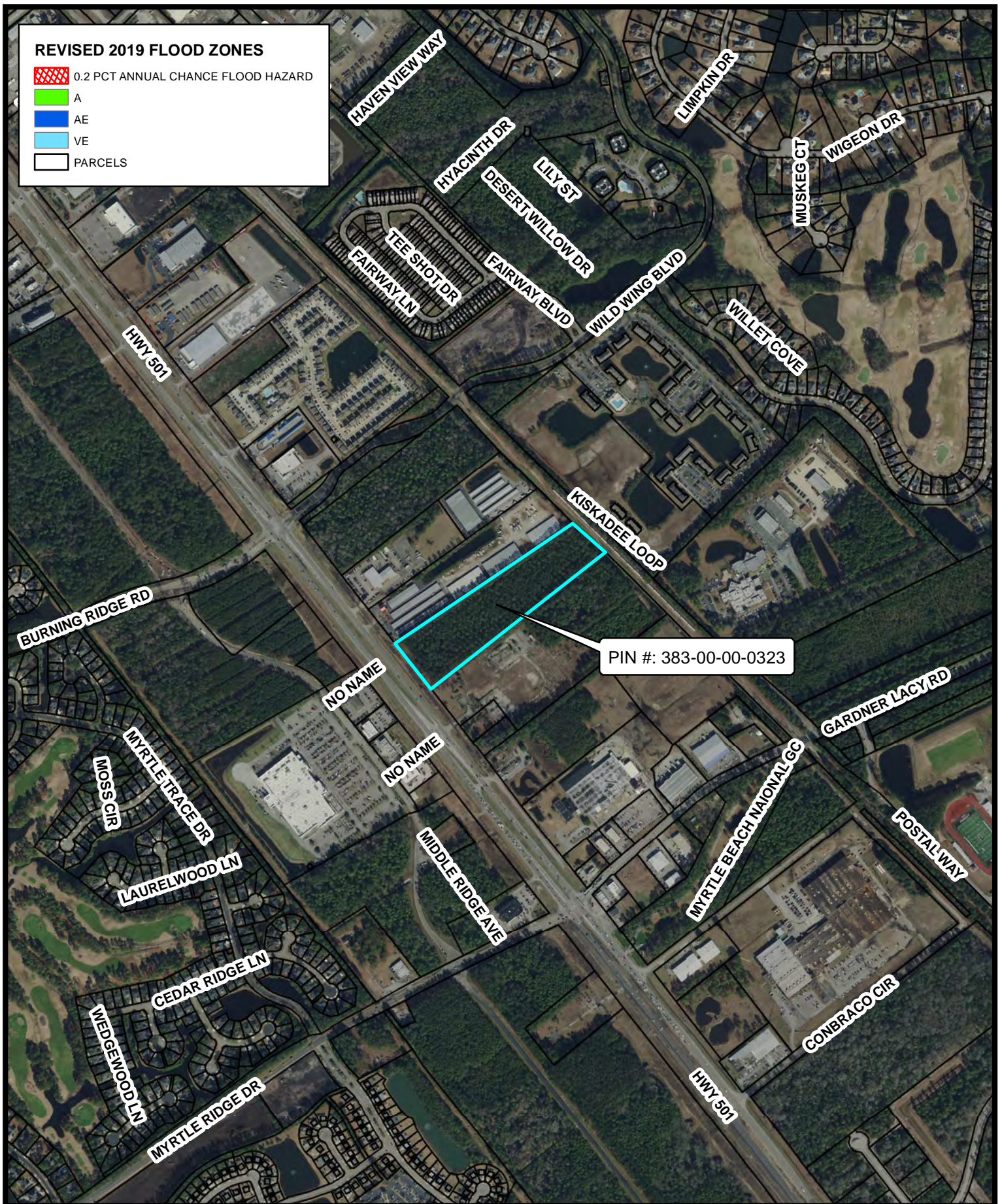




FUTURE LAND USE

CONSERVATION PRESERVATION	HIGHWAY COMMERCIAL	MEDIUM DENSITY RESIDENTIAL	PROFESSIONAL
DOWNTOWN HISTORIC DISTRICT	INDUSTRIAL	MIXED USE	RECREATIONAL
FOREST AGRICULTURE	INSTITUTIONAL	NEIGHBORHOOD COMMERCIAL	RURAL RESIDENTIAL
HIGH DENSITY RESIDENTIAL	LOW DENSITY RESIDENTIAL	PLANNED DISTRICT	UTILITY
			PARCELS







PETITION FOR ANNEXATION

Staff Use Only

 Received: _____
 BS&A #: _____

 City of Conway Planning
 Department 196 Laurel Street, 29526

 Phone: (843) 488-9888
 Conway, South Carolina

www.cityofconway.com
Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

 STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

PETITION FOR ANNEXATION
TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

 PROPERTY LOCATION/SUBDIVISION: US-501, Conway, Horry County, South Carolina

 PIN: 38300000323 ACREAGE: 11.22

 PROPERTY ADDRESS: Near 2787 US-501, Conway, SC 29526

 PROPERTY OWNER MAILING ADDRESS: 621 NW 53rd Street Suite 320, Boca Raton, FL, 33487

 PROPERTY OWNER TELEPHONE NUMBER: 717-891-5168

 PROPERTY OWNER EMAIL: rob@impeccabledevelopment.com

 APPLICANT: Rob Tanner

 APPLICANT'S EMAIL: rob@impeccabledevelopment.com

 IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☒ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Rob Tanner
 (Print)

[Signature]
 (Signature)

 DATE: 4/10/24

 (Print)

 (Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

 Received: _____
 BS&A #: _____

 Is there a structure on the lot: NO Structure Type: _____

 Current Use: VACANT

Are there any wetlands on the property?

 CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

 CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

 CIRCLE: YES ☐ NO ☒

If yes, please describe.

Are there any building permits in progress or pending for this property?

 CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.
RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250
PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT
planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

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PHYSICAL ADDRESS OF PROPERTY: Near 2787 US-501, Conway, SC 29526 FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 11.22 PIN: 38300000323

CURRENT ZONING CLASSIFICATION: Highway Commercial (HC)

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Suburban/Commercial Corridors

REQUESTED ZONING CLASSIFICATION: Highway Commercial (HC)

NAME OF PROPERTY OWNER(S):

Rob Tanner PHONE # 717-891-5168

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

621 NW 53rd Street Suite 320, Boca Raton, FL, 33487

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

DocuSigned by: Rob Tanner 4/9/2024
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: JUNE 17, 2024
ITEM: V.L.C.

ISSUE:

First Reading of Ordinance #ZA2024-07-15 (C) to rezone approximately 3.31 acres of property located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development (PD) district to the City of Conway Light Industrial (LI) district.

BACKGROUND:

In 2006, the subject property was annexed into the City as an existing Planned Development (PD) district – part of the Atlantic Center industrial park. Properties within the Atlantic Center are also subject to Protective Covenants and Easements. *Article IV, Section 4.2 – Permitted Uses*, of the *Covenants and Easements* outlines the Permitted Uses for the property as well as uses that are NOT permitted; one of which is “*Heavy equipment dealerships, sales yards or sales locations*”. A copy of the ordinance (Ord. #ZA2006-07-24 (B)) annexing the property as a PD is included.

In July 2022, the Zoning Administrator, in response to a request for a “Zoning Determination / Verification Letter” provided the letter stating that the proposed use – H&E Equipment Services – would not be a permitted use based on the PD documents and the Protective Covenants and Easements for the property. Following this, there were several emails and discussions regarding the proposed use, and whether or not the use could be permitted with the approval of the POA or if the original developer would have to lift the restriction. At some point between July 2022 and August 2022, there had been a determination made that the use could be permitted with approval from the Atlantic Center POA, which represents the entire Atlantic Center; most of which is part of the same original PUD (Planned Unit Development) from 1989.

In August 2022, the Atlantic Business Center POA provided the applicant with a letter stating the POA agreed that H&E Equipment Services was an approved use with the following conditions:

1. Property use is rental only;
2. Brick water table added to the front of the building;
3. BOD approved required for final engineering plans.

In November 2022, the applicant provided another letter from the Atlantic Center POA stating that the applicant had satisfied all of the aforementioned conditions and approved the use as submitted.

It was not until the project was near completion, at the time a Certificate of Occupancy was being requested, that staff realized the current zoning of the property – a Planned Development (PD), did not permit the use, and regardless of the Atlantic Center’s approval of the use, it did not change the permitted uses or the prohibited uses of the property. The City’s zoning ordinance is still applicable, even with the approval of the POA. In 2006, when the property was annexed, the property could have been zoned as another district that would have permitted the use, and with the approval of the POA, the use would have

been permitted. However, the zoning assigned at annexation was PD, which mirrored the Protective Covenants and Easements for the Atlantic Center industrial park and regardless of the approval being provided from the POA, the use is still prohibited under the current zoning, which makes the use legal nonconforming since permits were approved and issued to develop such use, and subsequently developed. While the use is legally permitted, as a legal nonconforming use, the use could never be expanded outside the current building footprint and if the property were to ever be up for sale, the nonconforming use could become an issue for a future owner.

Additionally, a Planned Development (PD) district should consist of a mixture of uses, including (but not limited to) different residential dwelling types, densities, as well as a commercial component. A property that is zoned PD with a single use, like the one that exist on this property, does not meet the intent of a PD district.

To rectify the situation, staff proposes to rezone the property from the Planned Development (PD) district to the Light Industrial (LI) district, which would permit the now existing use. The City is the applicant, as the situation was created through no fault of the owner. The property owner has signed the rezoning application and provided a signed designation of agent form. Rezoning the property to LI does not impact the Protective Covenants and Easements for the Atlantic Center.

There are six (6) other properties within the Atlantic Center that are within the City limits of Conway. Five (5) of them are zoned Light Industrial. The other one is zoned Institutional (IN) and is where the City's fire station 3 is located.

Per Section 3.2.13 of the UDO, the intent of the Light Industrial (LI) district is to *provide areas for light industrial uses, such as manufacturing, processing, repairing of goods, wholesaling, storage, packaging, distribution and retailing while ensuring adjacent and nearby properties are not adversely impacted.*

Surrounding uses/Zoning Districts:

Property on both sides of the subject property are in the City limits of Conway, with one zoned Light Industrial (LI) and the other zoned Institutional (IN). Other surrounding properties are zoned Horry County Planned Unit Development (PUD), which today would be Planned Development District. Teknoware, a fire station, Builders First Source, Southeastern Paper Group, and Glendinning Marine Products are all businesses/institutions that surround the subject property within the Atlantic Center.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* also identifies the property as a *Planned Development (PD) district*. The intent of a PD is to *provide for large-scale, quality development projects with mixed land uses which create a superior environment through unified development and provide for the application of design ingenuity while protecting surrounding developments.*

PLANNING COMMISSION:

Planning Commission considered this request and held a public hearing at their June 6th meeting.

Planning Commission recommended approval of the rezoning as presented by staff.

STAFF RECOMMENDATION:

Staff recommends approval of First Reading of **Ordinance #ZA2024-07-15 (C)** to rezone the property to the City of Conway Light Industrial (LI) district.

ATTACHMENTS:

Application;

GIS Maps

ORDINANCE #ZA2024-07-15 (C)

**AN ORDINANCE TO REZONE APPROXIMATELY 3.31 ACRES OF PROPERTY
LOCATED AT 695 CENTURY CIRCLE (PIN 383-06-03-0005) FROM THE CITY OF
CONWAY PLANNED DEVELOPMENT (PD) DISTRICT TO THE CITY OF CONWAY
LIGHT INDUSTRIAL (LI) DISTRICT.**

WHEREAS, pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, the City of Conway enacted the Zoning Ordinance of the City of Conway, South Carolina; and

WHEREAS, Article 13, Section 13.1.7 of the City of Conway Unified Development Ordinance (UDO) provides that regulations, restrictions, and boundaries set forth in the UDO may be amended, supplemented, changed, or repealed in accordance with S.C. Code §6-29-760; and

WHEREAS, a petition has been submitted to rezone approximately 3.31 acres located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development district to the City of Conway Light Industrial district; and

WHEREAS, the Planning Commission of the City of Conway, on June 6, 2024, held the required public hearing to discuss the request to rezone from Planned Development (PD) to Light Industrial (LI), and made their recommendation; and

WHEREAS, City Council determined that it is in the best interest of the health, safety, and general welfare of the City of Conway and its citizens to approve the subject rezoning petition as presented. Therefore, be it

ORDAINED, by Conway City Council, in Council duly assembled, that the zoning boundaries of the Official Map of the City of Conway, together with explanatory matter herein, be revised as follows:

Rezone approximately 3.31 acres located at 695 Century Circle (PIN 383-06-03-0005) from Planned Development (PD) to Light Industrial (LI); and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This Ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

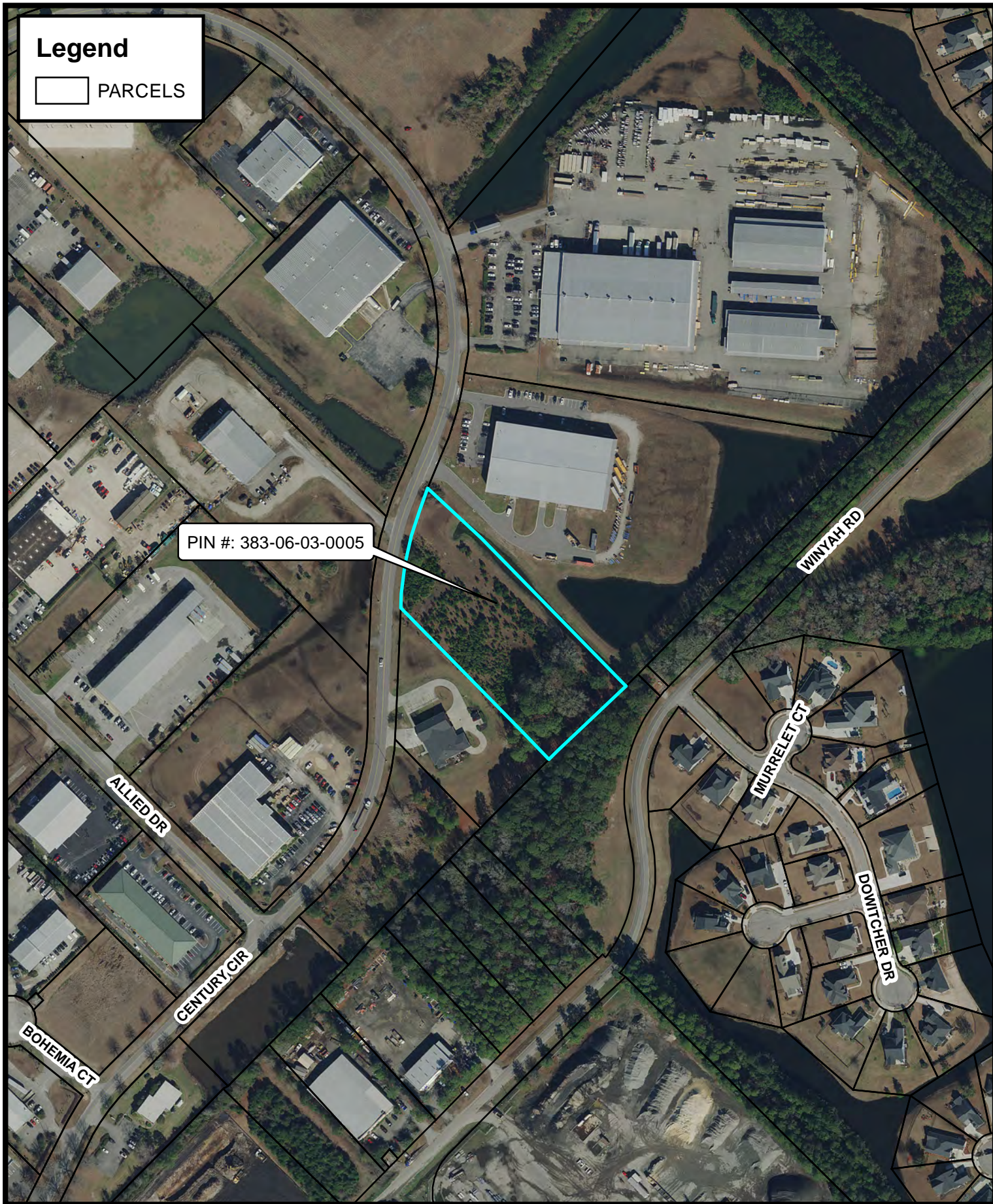
Beth Helms, Council Member

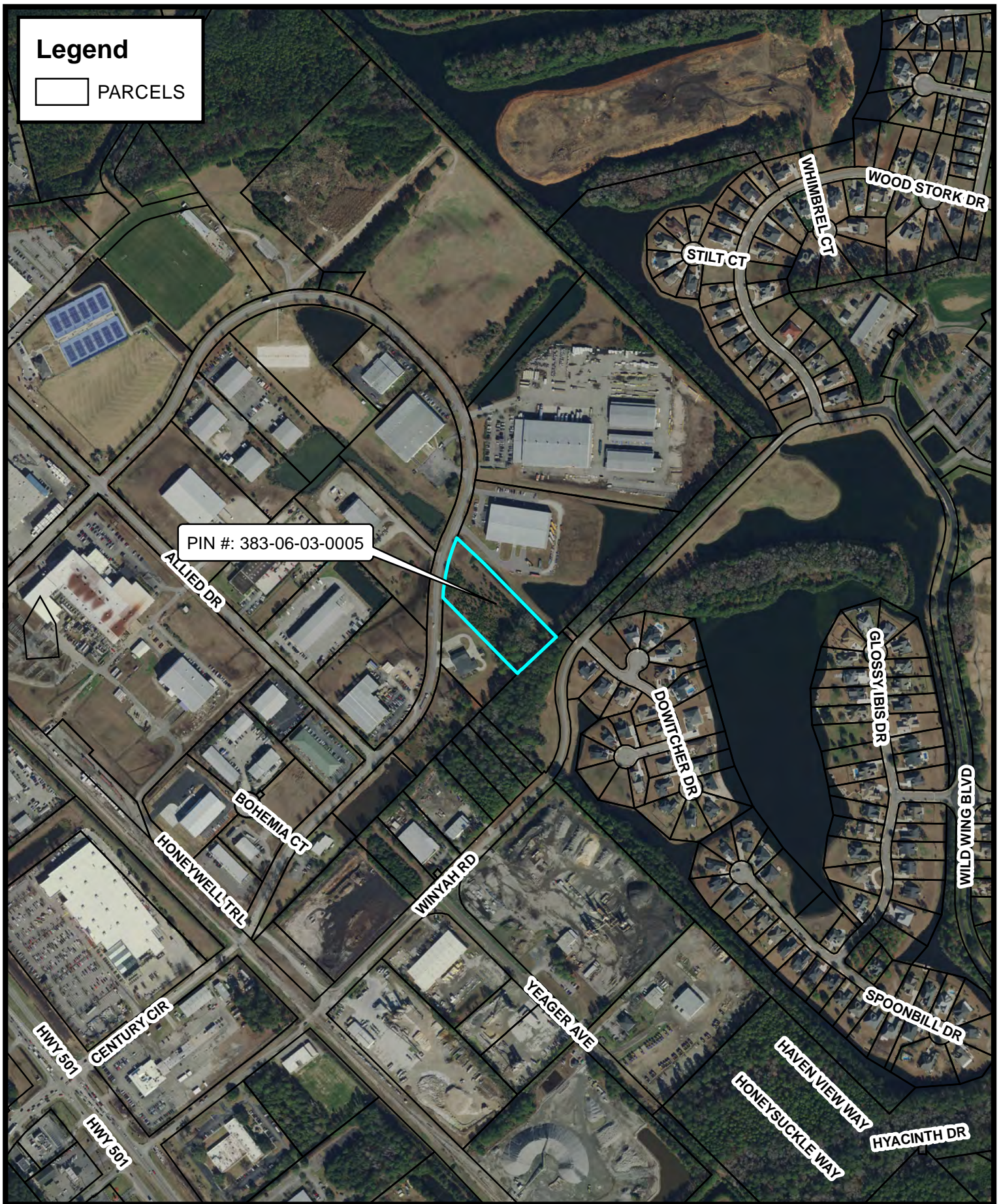
Justin D. Jordan, Council Member

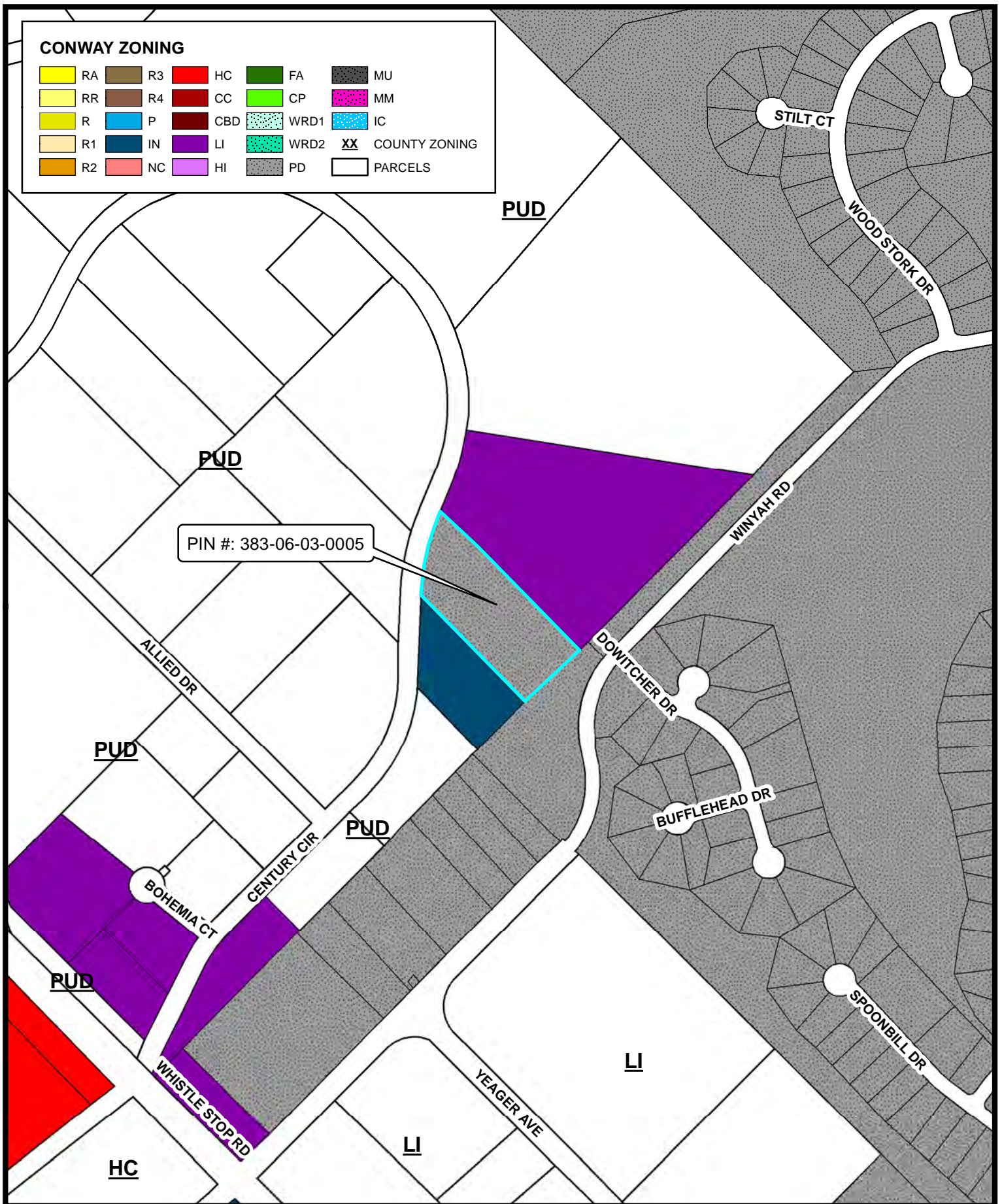
ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

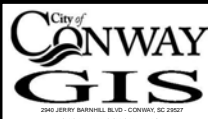
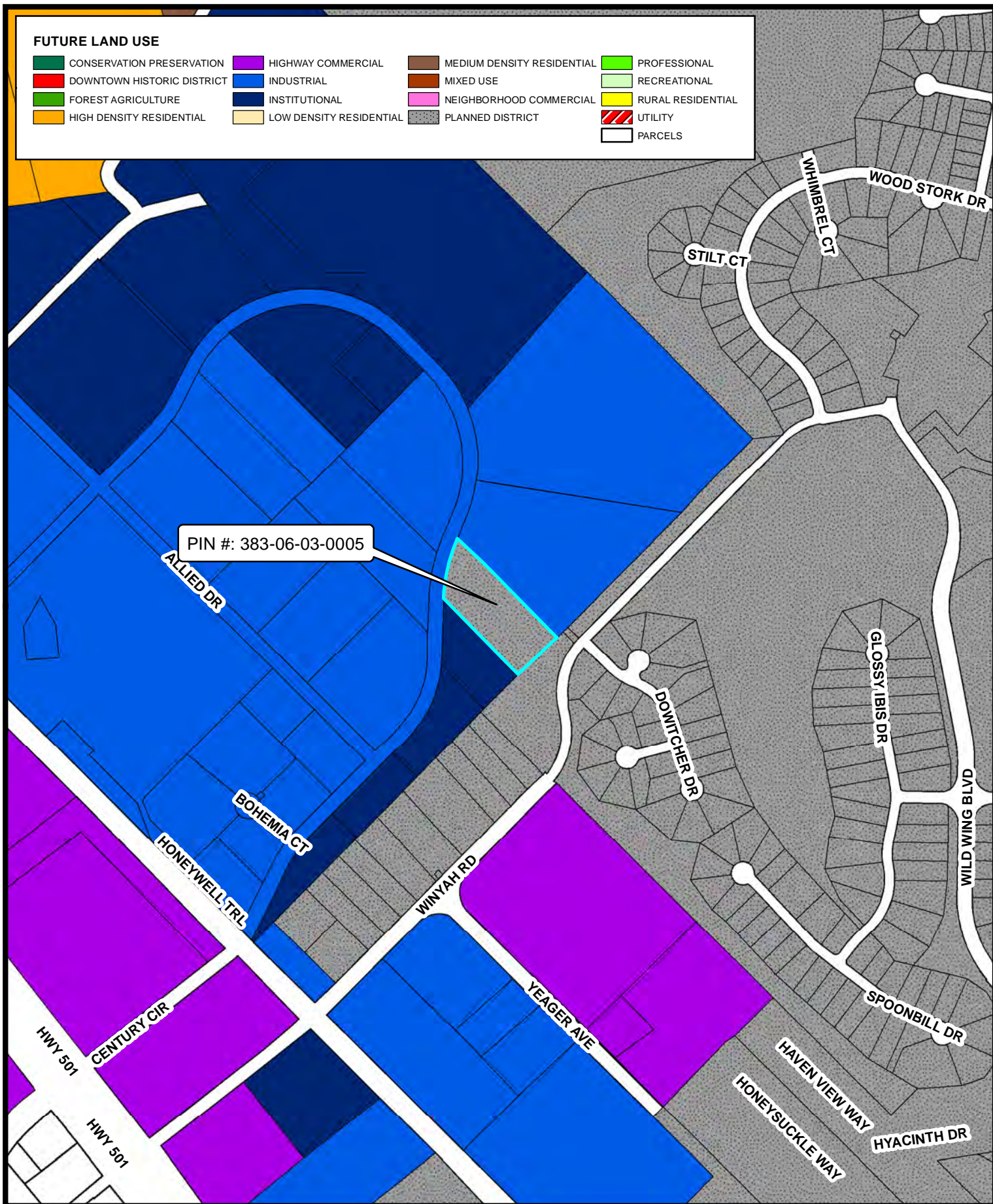






FUTURE LAND USE

CONSERVATION PRESERVATION	HIGHWAY COMMERCIAL	MEDIUM DENSITY RESIDENTIAL	PROFESSIONAL
DOWNTOWN HISTORIC DISTRICT	INDUSTRIAL	MIXED USE	RECREATIONAL
FOREST AGRICULTURE	INSTITUTIONAL	NEIGHBORHOOD COMMERCIAL	RURAL RESIDENTIAL
HIGH DENSITY RESIDENTIAL	LOW DENSITY RESIDENTIAL	PLANNED DISTRICT	UTILITY
			PARCELS








Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

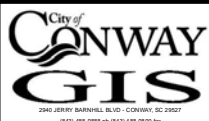
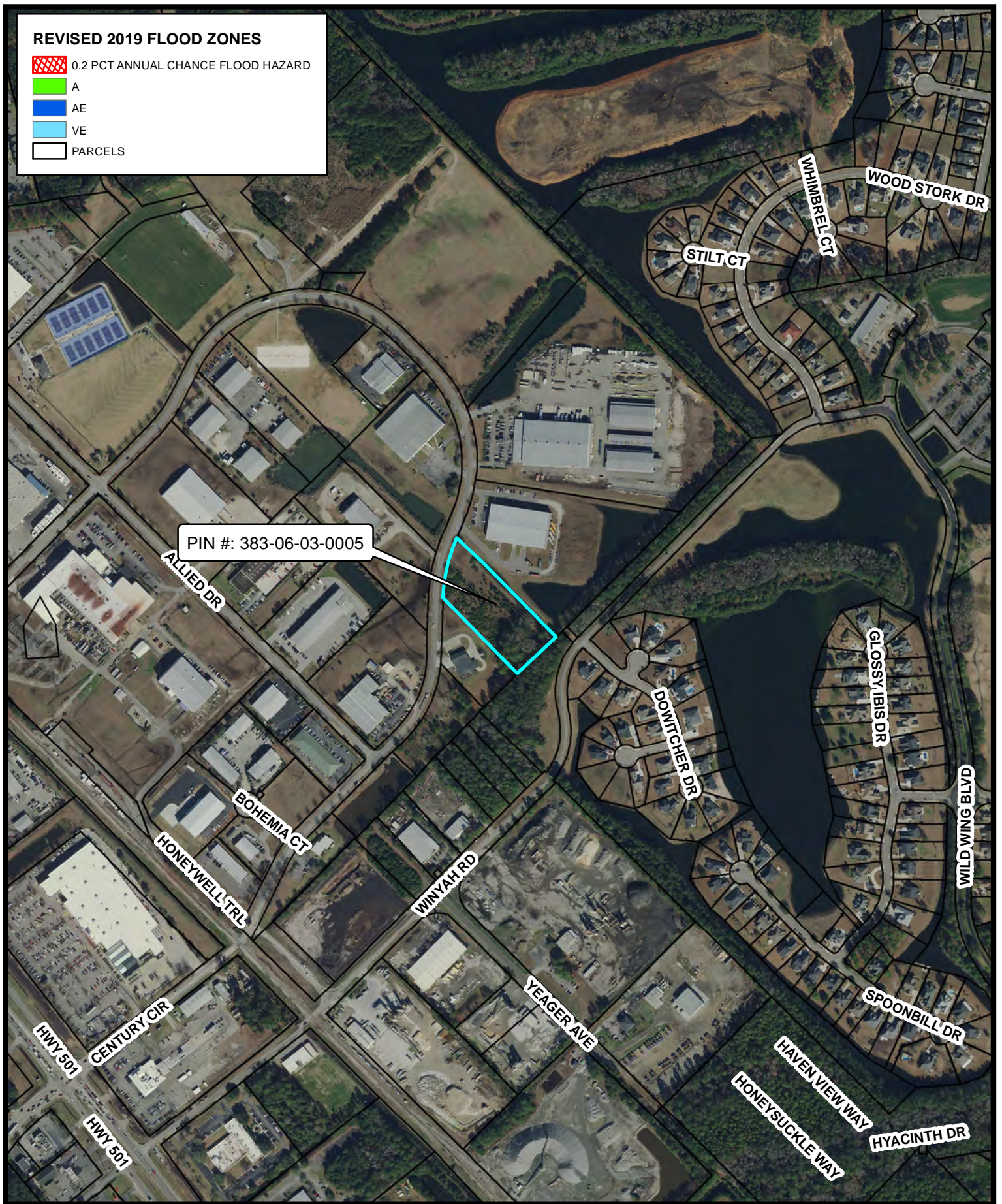


PIN #: 383-06-03-0005
TMS #: 151-00-04-180
695 CENTURY CIR
(P24-0104)



REVISED 2019 FLOOD ZONES

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  VE
-  PARCELS



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PIN #: 383-06-03-0005
TMS #: 151-00-04-180
695 CENTURY CIR
(P24-0104)





PLANNING DEPARTMENT

196 LAUREL STREET
CONWAY, SOUTH CAROLINA 29526
843-488-9888
WWW.CITYOFCONWAY.COM

DESIGNATION OF AGENT

(If the Property Owner Wishes To Appoint an Agent to Represent Him or Herself)

Agents Name: City of Conway
Address: 196 Laurel St., Conway, SC 29526
Telephone: 843-488-9888 Email: jhucks@conwaysc.gov

I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance/rezoning request as he/she shall deem necessary and proper.

Carolyn E Martin
PROPERTY OWNER(S) NAME (PRINT)

Carol E. Huck
PROPERTY OWNER SIGNATURE

4/25/24
DATE



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____

BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 695 Century Circle FEE PAID ☐ YES ☐ NO

AREA OF SUBJECT PROPERTY (ACREAGE): 3.31 acres PIN: 383-06-03-0005

CURRENT ZONING CLASSIFICATION: Planned Development (PD) district

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: _____

REQUESTED ZONING CLASSIFICATION: Light Industrial (LI)

NAME OF PROPERTY OWNER(S):

HE Conway LLC

PHONE # _____

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

450 Main St., Baton Rouge, LA 70801-1906

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.


PROPERTY OWNER'S SIGNATURE(S)

4/25/24
DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: JUNE 17, 2024

ITEM: VI.D.

ISSUE:

First Reading of Ordinance #ZA2024-07-15 (D) regarding proposed amendments to *Article 10 – Subdivision and Land Development*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding revisions to various standards contained within Article 10.

BACKGROUND

At the 2023 City Council budget retreat, staff presented proposed amendments to several articles within the UDO, including Article 10, which contain the city’s ‘Land Development Regulations’. Since the council retreat in 2023, more than a year ago, staff has been noting several items within Article 10 that need amending, or that contain minor errors in conflict with other sections of the UDO.

The attached proposed amendments seek to remedy several issues that are inconsistent or outdated with the current UDO or current policy. Some of the sections / items proposed to be amended within Article 10 include (but are not limited to) the following:

- Approval levels (10.2.1)
- Review periods for plan and plan submittals (10.2.5)
- Platting action requirements (10.2.8)
- Blocks (10.3.7)
- Lots and Building Sites (10.3.8)
- Wastewater Pump Facilities (10.3.17)
- Street addresses (10.3.20)
- Centralized Mail Delivery Systems (10.5.12)
- Duration of financial guarantees (10.6.2)
- Road and Street Dedication Requirements (10.9)

CITY COUNCIL:

The proposed amendments were discussed during the workshop portion of the June 3rd Council meeting.

PLANNING COMMISSION:

Planning Commission held the required public hearing on the amendments to Article 10 and recommended approval of the text amendment at their June 6th meeting.

RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance #ZA2024-07-15 (D)**.

ORDINANCE #ZA2024-07-15 (D)

AMENDING ARTICLE 10 – SUBDIVISION AND LAND DEVELOPMENT, OF THE CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO), REGARDING REVISIONS TO VARIOUS STANDARDS CONTAINED WITHIN ARTICLE 10.

WHEREAS, pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the “South Carolina Local Government Comprehensive Planning Enabling Act of 1994” enabled the City of Conway to adopt the *Unified Development Ordinance (UDO)* of the City of Conway, South Carolina; and

WHEREAS, Article 13, Section 13.1.7 of the *UDO* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code 6-29-760; and

WHEREAS, Article 10 of the UDO contains the City’s Land Development Regulations; and

WHEREAS, the City has seen unprecedented growth with an increased interest in developing property in the City limits of Conway as well as in surrounding areas outside the City limits that may be subject to annexation in the future; and

WHEREAS, previous amendments regarding residential design standards have been adopted, and several items within Article 10 must be amended to be consistent with previous amendments as well as future amendments; and

WHEREAS, the amendments contained within Article 10 include changes to approval levels, requirements for lots and building sites, financial guarantee approvals, stormwater requirements, platting action requirements, review periods for plan submittals, wastewater pump facilities, and other items relative to land development; and

WHEREAS, following a review by the Planning Commission and the required public hearing, it has been determined that the *UDO* should be amended relative to various development and maintenance standards: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the *UDO* be shall be amended as attached hereto; and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This ordinance shall become effective upon final reading approval.

RATIFIED BY CITY COUNCIL, duly assembled, this _____day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

Article 10. Subdivision and Land Development

Article 10 Contents

Section 10.1 – General Guidelines for Subdivisions and Land Development

- 10.1.1, Adoption and Amendment
- 10.1.2, Land Development and Subdivision Defined
- 10.1.3, Compliance
- 10.1.4, Enforcement by City Staff
- 10.1.5, Coordination of Plans
- 10.1.6, Administrative Fee

Section 10.2 –Review Procedures

- 10.2.1, Approval Levels
- 10.2.2, Land Development Types
- 10.2.3, Approval Authority
- 10.2.4, Plan and Plat Requirements
- 10.2.5, Review Periods for Plan and Plat Submittals
- 10.2.6, Appeals
- 10.2.7, Effects of Approvals – Prerequisites

Section 10.3 – Subdivision Design Standards

- 10.3.1, General Standards
- 10.3.2, Lots Must Comply with Zoning Requirements
- 10.3.3, Design in Respect to Physical Conditions
- 10.3.4, Connectivity and Appropriateness to Adjoining Property and Land Uses
- 10.3.5, Reserve Strips, Half Streets, and Private Streets
- 10.3.6, Intersections
- 10.3.7, Blocks
- 10.3.8, Lots and Building Sites
- 10.3.9, Park and Open Space Dedication
- 10.3.10, ~~Restriction of Access~~ **Reserved**
- 10.3.11, Construction in Public Right-of-Way and Easements
- 10.3.12, Subdivision Street Design
- 10.3.13, Storm Drainage in Streets
- 10.3.14, Utility Easements
- 10.3.15, Development Entrance Markers and Landscaped Medians
- 10.3.16, Water and Sewer
- 10.3.17, Wastewater Pump Stations
- 10.3.18, Subdivision Naming
- 10.3.19, Street Names
- 10.3.20, Street Addresses

Section 10.4 – Conservation Subdivisions

- 10.4.1, Conservation Subdivisions

Section 10.5 – Required Improvements

- 10.5.1, General Standards
- 10.5.2, Street Improvements
- 10.5.3, Public Water
- 10.5.4, Public Sewer
- 10.5.5, Sidewalks
- 10.5.6, Street Name Signs
- 10.5.7, Traffic Control Signs, Signals, and Markings
- 10.5.8, Street Lights
- 10.5.9, Storm Drainage Not in Public Streets
- 10.5.10, Monuments and Markers
- 10.5.11, Other Utilities and Services

Section 10.6 – Guarantee of Required Improvements

- 10.6.1, Financial Guarantee in Lieu of Immediate Installation of Approval
- 10.6.2, Duration of Financial Guarantees
- 10.6.3, Default
- 10.6.4, Release of Guarantee Security
- 10.6.5, Warranty Against Defects

Section 10.7 – Legal Provisions

- 10.7.1, Interpretation, Purpose, Conflict
- 10.7.2, Repeal and Re-Enactment of Existing Subdivision Regulations
- 10.7.3, Effect Upon Outstanding Preliminary Plats
- 10.7.4, Effect upon New Territory Added to Jurisdiction
- 10.7.5, Modifications
- 10.7.6, Amendment
- 10.7.7, Violations and Penalties
- 10.7.8, Validity
- 10.7.9, Effective Date

Section 10.8 – Vested Rights

- 10.8.1, Definitions as Used in this Section
- 10.8.2, Vested Rights Duration and Conditions
- 10.8.3, Vested Rights and Zoning Conditions
- 10.8.4, Revision in the Law/Building Code Requirements
- 10.8.5, Annexation and Vested Right Developments
- 10.8.6, Failure to Meet Terms of the Conditional Approval
- 10.8.7, Vested Rights and Development Agreements

Section 10.9 – Road Dedication Requirements

- 10.9.1, The Road Dedication Process
- 10.9.2, General Requirements
- 10.9.3, Basic Design Requirements
- 10.9.4, Construction Standards
- 10.9.5, Base and Pavement Requirements
- 10.9.6, City of Conway Inspections
- 10.9.7, City of Conway As-Built Requirements

Section 10.1 – General Guidelines for Land Development

10.1.1 Adoption and Amendment

The City of Conway may adopt and amend this section of subdivision ~~development~~ regulations by ordinance after a public hearing. The City of Conway will publish at least 30 days' notice of the time and place of the public hearing in a general circulation newspaper in the community. This follows the requirements of South Carolina State Law (S.C. Code §6-29-1130(B)).

10.1.2 Land Development and Subdivision Defined

A. Land Development

Land development is a change in land characteristics through redevelopment construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, or similar developments for sale, lease or any combination of owner and rental characteristics (S.C. Code § 6-29-1110(2)).

The following land development activities shall be exempt from complying with the procedures of this Article:

1. The development or redevelopment of detached single-family dwellings on existing lots that conform to the standards of the City of Conway;
2. Such subsequent land development activities resulting from an approved land development plan as the Planning Commission may designate; and
3. Such other classes of land development activity that the Planning Commission may designate.

B. Subdivision of Property

Subdivision means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development. This includes all divisions of land involving a new street or change in existing streets and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to SC State law (S.C. Code § 6-29-1110(4)). In addition, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law is considered under this Article.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivision:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the City of Conway.
2. The division of land into parcels of five acres or more where no new street is involved, and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and the combination or recombination of entire lots of record where no new street or change in existing streets is involved.
3. Any plat or document **requiring** to be recorded pursuant to the exceptions set forth above shall ~~bear the notation 'Approved for Recording' and the signature of the Planning Director or their designated agent, prior to being presented for recording~~ **filed or recorded in the Horry County Register of Deeds, are required to meet the platting action requirements set herein. Otherwise,** one reproducible copy of the document/plat shall be provided to the Planning Director or their designated agent at the time of the signing. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.1.3 Compliance

From and after the adoption of these regulations, no subdivision plat or other land development plan within the jurisdiction of these regulations may be filed or recorded in the Horry County Register of Deeds, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the Planning Director or their designee. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by these regulations is declared a misdemeanor and, upon conviction, is punishable as provided by law. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.1.4 Enforcement by City Staff

These regulations shall be administered by the Planning Director and or the Technical Review Committee (TRC) ~~who shall be appointed by the City Administrator.~~ The Planning Director / TRC shall administer and enforce the provisions of these regulations and have such other specific powers and duties as are set forth in these regulations. The Planning Director may designate agents to act on ~~his~~ **their** behalf. The Planning Director / TRC shall have the right to enter property at reasonable hours for the purpose of making inspections.

10.1.5 Coordination of Plans

All plans, plats and supporting documents to be submitted in connection with the procedures set forth in these regulations shall be submitted first to the Planning Director or their designee. The Planning Director or their designee shall develop and maintain a set of standards to serve as a basis for the type, size, graphic media, number of copies, information to be shown and other such matters in regard to the maps and documents required to be submitted in the administration of these regulations. Such standards may also include standards for street, storm drainage and utility construction plans. A listing of such standards may be appended to these regulations and are presumed to be necessary to satisfy the requirements of these regulations. However, it is recognized that each development is unique, and therefore, the Planning Director or their designee may exercise flexible judgment in requiring less or more information and submittal according to the needs of the particular case. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.1.6 Administrative Fee

The City Council shall set a fee schedule for the administration of these regulations. The Planning Director or their designee shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the applicant. [Amended 9-21-20 #ZA2020-09-21 (B)]

Section 10.2 – Land Development for Subdivision Review Procedures

10.2.1 Approval Levels

- ~~A. The land development review procedure shall consist of two (2) levels of required approval: **Technical Review Committee (TRC) approval and Planning Commission approval (for major developments)**. A Preliminary Plan must be submitted (followed by required construction plans) and a Final Plat.~~
- B. Sketch Plan.**
Prior to preliminary plan application, the applicant may submit to the ~~Planning Director or their designee~~ **Technical Review Committee (TRC)** a sketch plan showing the concept of the proposed ~~subdivision~~ **development for review**. The applicant may at that time discuss the proposed development with the Planning Director or their designee and become familiar with the *UDO*. This procedure does not require formal application or fee. One sketch plan submittal may be permitted for each proposed project.
- C. Master Plan.**
Prior to preliminary plan applications, Planned Developments, Conservation Subdivisions, and projects with multiple phases all require a Master Plan showing the concept of the proposed development and layout of each phase. Plans shall provide all applicable project data for review by the Technical Review Committee.
- D. Preliminary Plan.**
Preliminary plan approval shall be a prerequisite to final plat approval. The preliminary plan shall include the entire area to be considered for current and future development. The final plat may include only that area proposed for current development, provided that the Planning Director or their designee may not approve final plat phases where in his opinion necessary supporting facilities (roads, sidewalks, drainage, etc.) are not being provided to support the proposed phasing scheme.
- E. Construction Plans.**
Construction plans shall require approval of the Technical Review Committee. Construction plans are not required to be submitted as part of the preliminary plan approval. It is the responsibility of the applicant to ensure that the preliminary plan design is feasible for public facility services. The Technical Review Committee may require, however, the submittal for review and approval of all or part of construction plans in order to ascertain the feasibility of serving all or part of a proposed development prior to preliminary plan approval. Approved construction plans are a prerequisite to receive permission to proceed with construction of development improvements and for final plat approval. *[Amended 9-21-20 #ZA2020-09-21 (B)]*

10.2.2 Types of Land Development Defined

The land development review procedure shall consist of two (2) types of developments: major land developments and minor land developments.

- A. Major Developments.**
Major developments are those developments which involve five (5) or more lots **or units**, those developments which involve the dedication of new street segments (but not simply widening), those developments where the Planning Commission is required by the *UDO* to review certain plans and those developments that involve dedication or reservation of land for open space, school sites, and other public purposes.
- B. Minor Developments.**
Minor developments are **the commercial development of existing lot(s), the reconfiguring and/or recombination of lots, as well as** the creation of two (2) to four (4) lots, and do not result in the creation of any public or private streets. ~~or involved dedication of open space. Minor residential subdivisions shall meet the average size of surrounding lots to fit into the surrounding neighborhood context.~~

10.2.3 Approval Authority

The approval authority for the levels and types of development approval shall be as follows:

A. **Preliminary Plans:**

1. Major Developments - Planning Commission **and the Technical Review Committee (TRC).**
2. Minor Developments - Planning Director or their designee; **however,** ~~provided that the Planning Director or their designee may at his option refer any plan to the Planning Commission to review as a major development.~~

B. **Construction Plans:**

1. Major and Minor Developments – Technical Review Committee

C. **Final Plats:**

1. Major and Minor Developments - Planning Director or their designee. ~~Any type of surety~~ **Financial guarantees** ~~to may~~ be approved by ~~City Council~~ **the Technical Review Committee** [Amended 9-21-20 #ZA2020-09-21 (B)]

10.2.4 Plan and Plat Requirements

Plans and plats and supporting documents and material for the levels of land development approval shall be submitted in the form as stated in Section 10.9. The Planning Director or their designee may refuse to accept the submission of any plans or supporting documents which in his opinion do not meet the standards for such submittal as specified in Article 10. The City Council will make the final decision for dedication of road rights-of-way. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.2.5 Review Periods for Plan and Plat Submittals

Plans and plats, in the proper form, shall be submitted to the Planning Director for review and consideration of approval by the appropriate agency, according to the following schedule:

A. **Preliminary Plans for Minor Developments.**

Preliminary Plans for Minor Developments may be submitted at any time. ~~The Planning Director or their designee~~ **Technical Review Committee (TRC)** shall either approve, approve conditionally, or deny the approval of the preliminary plans within thirty (30) days of receipt. Approval, conditional approval or denial shall be in written and/or drawn form and dated. The applicant shall be notified in writing of the action taken. Failure of the Planning Director or their designee to act within thirty (30) days of receipt of the plan in proper form shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed.

B. **Preliminary Plans for Major Developments.**

Preliminary Plans for Major Developments may be submitted at any time. **The Technical Review Committee (TRC) shall either approve, approve conditionally, or deny the approval of the preliminary plans within 30 days of receipt.** ~~provided,~~ However, in order to be eligible to be placed on an agenda of a Planning Commission meeting, **review comments made by the Technical Review Committee shall be minor enough so as addressing such outstanding comments will not significantly alter the overall layout.** ~~such submittal shall have been filed with the Planning Director or their designee at least thirty (30) days prior to that meeting. The Planning Commission shall approve, approve with conditions, or deny the preliminary plan within sixty (60) days of official receipt. The decision shall be in written and/or drawn form and dated. The applicant shall be notified in writing of the action taken. Failure of the Planning Commission to act within sixty (60) days of receipt of the plan in proper form shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed.~~

C. **Final Plats.**

Final Plats may be submitted at any time. ~~The Planning Director or their designee~~ **Technical Review**

Committee (TRC) shall approve, approve with conditions, or deny the final plat within thirty (30) days of receipt. The decision shall be in written and/or drawn form and dated. The applicant shall be notified in writing of the action taken. Failure of the Planning Director or their designee to act within thirty (30) days of receipt of the plat in proper form shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed.

[Amended 9-21-20 #ZA2020-09-21 (B)]

10.2.6 Appeals

In any case where the Planning Director or their designee is authorized to approve or disapprove a land development plan such action may be appealed to the Planning Commission by any party in interest (S.C. Code § 6-29-1150(C)). The Planning Commission shall act on the appeal within sixty (60) days and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to Circuit Court within thirty (30) days after actual notice of the decision S.C. Code § 6-29-1150(D). [Amended 9-21-20 #ZA2020-09-21 (B)]

10.2.7 Effects of Approvals – Prerequisites

- A. Preliminary plan approval shall constitute tentative approval of the final plat if the final plat is in substantive agreement with the preliminary plan and shall entitle the applicant to proceed to prepare street, storm drainage and utility construction plans, if applicable, and/or to proceed to prepare the final plat. Approval of construction plans shall entitle the applicant to proceed with construction of development improvements for the preliminary plan and no construction, including grading, shall proceed without such approval.
- B. If a final plat of all or part of the area shown on a preliminary plan is not recorded in the Horry County Register of Deeds within twenty-four (24) months of approval of the preliminary plan, or if there is a lapse of more than twelve (12) months between the recording of sections, the Planning Director ~~shall~~ **may** require the re-submittal of the unrecorded portion as a preliminary plan.
- C. Final Plat approval shall entitle the applicant to record the final plat. A final plat must be recorded in the Horry County Register of Deeds within thirty (30) days of its approval by the Planning Director or their designee. No final plat shall be regarded as finally approved, until such plat has been recorded with the Horry County Register of Deeds. The book and page number from the Horry County Register of Deeds shall be required by the City of Conway. [Amended 9-21-20 #ZA2020-09-21 (B)]
- D. No final plat shall be approved for recording until all required development improvements have been installed and approved or until the applicant supplies an appropriate Guarantee of Installation as provided for in these regulations. In addition, no final plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Planning Director, with the approved preliminary plan. Final plats not in substantial agreement shall be resubmitted as preliminary plans as provided for herein.
- E. After the final plat is recorded, lots as shown on the plat may be sold or otherwise conveyed by reference to the plat and building permits may be authorized to be issued. Certificates of Occupancy shall not be authorized to be issued until roads are dedicated and at least 50% completed. No zoning permit shall be received until the final plat (certified copy) is provided to the Planning Director or their designee. [Amended 9-21-20 #ZA2020-09-21 (B)]
- F. A road dedication package (showing each public street and utility and drainage easement in a subdivision) must be submitted to the **Public Works Director** as part of the final plat and ~~shall~~ **may** be recorded in phases if necessary/**authorized**. Approval and recording of the final plat shall constitute dedication by the applicant. Road improvements shall not be accepted for maintenance until approved by the City Council. Roads can be dedicated during final plat submittal, but appropriate surety will be required to cover the cost of roads.

Such right-of-way and improvements may be accepted by the City Council by resolution upon completion by the applicant and inspection by appropriate city officials. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be

considered to be offered for dedication until the city has by resolution accepted such dedication and such land is deeded to the city. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the City shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the City Council.

10.2.8 Minor Development and Platting Action Requirements

All minor plats must be submitted to the Planning Department prior to recording. Minor plats may be submitted either by paper or via email for review. All plats being submitted for recording must submit a minimum of two copies that have been signed and sealed by the required parties.

The City of Conway will review all minor developments and platting actions to ensure compliance with the Unified Development Ordinance (UDO) and the Standards of Practice Manual for Surveying in South Carolina.

A. Platting Actions:

1. **Boundary Survey.** An existing lot of record with no boundary changes whatsoever.
2. **Resurvey.** A survey of an existing lot of record, with no boundary changes whatsoever, in which the plat book and/or deed book and page reference for the previously recorded survey map of the same parcel is cited. The reference map is to be the identical subject parcel. A resurvey ~~is~~ **does** not require a Certificate of Ownership and Dedication nor the signatures of the property owners.
3. **Court Order Survey.** Court ordered platting actions shall be treated in the same manner as parcel splits, minor or major developments where applicable.

The signatures of affected property owners will not be required if:

- a. The civil action, estate package, probate or will number is clearly indicated on the plat via the following notation: "This plat has been prepared at the request of the court, Case No: _____"; and,
 - b. The court order listing the affected property owners as parties used to settle the civil action, estate, probate or will is supplied. The order must clearly describe the plat presented for recording.
4. **Recombination or Reconfiguration Survey.** Existing property lines are being established, abandoned, altered or relocated in order to combine two or more lots of record together.
 - a. Common lot lines shall be illustrated as dashed on the plat with a notation stating "Property line(s) to be abandoned".;
 - b. All affected property owners must sign a Certificate of Ownership and Dedication on the plat agreeing to the combination or reconfiguration.
 5. **Easement / Buffer Plats** Easement **and/or buffer** plats are used to dedicate or record easements **and/or buffers** across property.
 - a. Easements **and Buffers** shall be delineated with dashed lines marking the boundaries;
 - b. The following statement must be on the face of the plats "This _____ foot (**easement or buffer**) is being (created, altered, relocated) for the purpose of _____ and will be owned by _____. ("Owned by" **or "administered by" (for a buffer)** should reference the beneficiary of the easement **or buffer**, not the owner of the underlying property);
 - c. Easements **and/or buffers** shall be labeled as to indicate the type of easement/**buffer**, easement/**buffer** width and whether the easement/**buffer** is public or private. Easements **and/or buffers** shall be delineated with distance and bearing unless parallel with a surveyed property line;

- d. Existing easements **and buffers** should be labeled as such with reference to the creation of the **encumbrance** cited on the plat; and
 - e. All affected property owners must sign a Certificate of Ownership and Dedication agreeing to the dedication or abandonment of the easement **and/or buffer**.
6. **Phasing Plat.** Phasing plats shall conform to the approved phasing plan including the corresponding phase numbers, metes, bounds and dimensions of each phase.
- a. The plat shall be clearly identified as a “phasing plat of (approved project name)”. Phasing plats shall state the date of approval of the corresponding phasing plan;
 - b. The statement, “The creation of this parcel(s) is to facilitate building development. The phase lines shown on this plat are in accordance with an approved phasing plan and will be subsequently deleted to incorporate each phase of development into the _____ (state appropriate development HPR or HOA)”; and
 - c. The initial phasing plat submitted for a land development shall include sufficient easements for access to all remaining phases.
7. **Closing/As built Phase Plat.** Closing plats shall conform to the approved phasing plat and any previously recorded phasing plats submitted prior to the adoption of these regulations. Minor shifting of phase lines shall be permitted when necessary to meet other City of Conway requirements.
- a. The plat shall be clearly identified as a closing or as-built plat of (phasing plat). Closing plats shall state the date of Preliminary Plan approval of the corresponding phasing plan;
 - b. The plat book and page number reference to the previously recorded phasing plat;
 - c. Common lot lines or phase lines to be deleted, due to previously recorded phasing plats, shall be dashed on the plat and a note shall specify the “line(s) to be abandoned”;
 - d. Statement verifying ownership and maintenance of the property (HPR, HOA, POA, property management company, etc.); and
 - e. Show all existing buildings.
8. **Gaps, Overlaps and Boundary Disputes.** Survey maps that are presented for recording that show gaps or overlaps in one or more of the surveyed lines shall label each of the property lines, creating such issue, with the reference for the previously recorded instrument that created the line(s).
- Maps that resolve disputed boundary lines shall label the newly established boundary as an: “Agreed Upon Line(s)” on the plat and the Certificate of Ownership and Dedication shall be signed by all affected property owners.
- Unless court ordered, plats that attempt to show possession, claims or previously recorded property lines as “in error” will not be approved for recording.

B. Plat Contents:

Plats prepared for minor development or platting actions shall be clearly and legibly drawn and be consistent with those requirements in Table 10.1 **(A)** [Amended 9-21-20 #ZA2020-09-21 (B)]

Table 10.1 (A): Minor Plat Requirements [Amended 9-21-20 #ZA2020-09-21 (B)]

REQUIREMENT		EXPLANATION
1	Scale not less than 1"=200'	Shall use a standard engineers scale
2	Sheet size minimum 11"x17"	Self-explanatory
3	Approval Block Area 1.5"x2.5"	A blank approval block (empty space) needs to be set-aside on every sheet of the final plat and in the same location.
4	Type of Platting Action	In accordance with the platting actions listed in Section 10.2.8

5	Name of development/survey	May be the name of the landowner or developer
6	Owner of record	If owner/developer are the same, reference will only need to be made once in the title block
7	Developer	Self-explanatory
8	Surveyor address and contact information	Self-explanatory
9	Number of lots/units	If the project or plat contains less than one acre, give area in square feet. The number of lots should include the parent or remainder tract if remainder is less than 5 acres.
10	Total acreage	Self-explanatory
11	Scale (graphic and written)	Shall use a standard engineers scale
12	Date of survey	Self-explanatory
13	Deed/plat reference of last property transfer	Self-explanatory
14	Legible location map	No scale required
15	Surveyor Certification of Accuracy	See the Standards of Practice for Surveying in South Carolina, Sec. 49-460
16	Certificate of Ownership and Dedication (not required on resurveys)	Same as above
17	North arrow	Self-explanatory
18	Parcel identification number(s) of the property	PIN/TMS number of the subject property should be in note format, not in the title block
19	Parcel identification number(s) and ownership of adjacent parcels	PIN/TMS number and owner of record of adjacent properties to be located in the appropriate area of the plat (not in note format)
20	Adjacent property lines	All adjacent property lines within 50 feet of the subject property shall be shown as dashed.
21	Unincorporated Horry County boundaries	Self-explanatory
22	Distance to the nearest intersection OR state coordinates for a minimum of 3 boundary points/pins along the exterior boundary	Give X, Y coordinates for a minimum of three boundary points or pins along the project's exterior boundary, if applicable, to a photo-identifiable point on the most recent copy of the City of Conway aerial photos with distance and bearings, or to the nearest intersection by distance only.
23	Existing public/private rights-of-way	Designation shall be located within the appropriate right-of-way or easements (not in a separate note). These need to be labeled to indicate road name, total width or width from centerline, and whether the roadway is public or private. If city maintenance ends within the platted area, locate and label the "End of City Maintenance" on the face of the plats.
24	Existing/proposed easements, ownership and uses	To be to scale and located on the appropriate area of the plat (not in note format). In no instances shall an easement be labeled as proposed. If easement is existing, label as such and provide deed and/or plat reference.
25	Existing buildings	Indicate all buildings and/or structures within 60-ft of any existing and/or proposed property or easement lines including those that may be on the remainder lot area.
26	Existing water bodies and water courses	Self-explanatory
27	Flood zone(showing floodplain and floodway)	Note the classification, FIRM map number and panel section and the date of map (must be most current edition). For unnumbered A zones, base flood elevations shall be established in accordance with the National Flood Insurance Program guidelines.
28	Detention/retention basins	Containment area w/in basin should be indicated in square feet. Where

		ownership is to be assumed by a body other than the City of Conway, a note shall be added to the plat stating: "Not the responsibility of the City of Conway". In phased land developments, detention/retention basins not divided by phasing lines shall be included w/in the first phase of which its existence is necessary.
29	Property (other than rights-of-way and easements) intended for public dedication or use	Location and boundary of each area to be shown with bearings, distances and size in square feet. Ownership to be indicated for each area. Where ownership is to be assumed by a body other than the City of Conway, a note shall be added to the plat stating, "Not the responsibility of the City of Conway".
30	Lot numbers	Lot number(s) shall be assigned to all proposed lots and shall be consecutive.
31	Lot lines	All lot lines must be solid with bearings and distances, with pins "set" or "found" at each corner and indicated and plotted to scale on the plat.
32	Lot dimensions	Lot sizes shall be given in square feet for all newly create or altered lots one acre in size or less. Parcel remainders do not have to be surveyed if greater than 1 acre in size.
33	Lot sizes for each individual building lot	Same as above
34	Revisions	Show dates and indicate type of revision.
35	Plat book page or deed book and page references for resource material	Can be provided on the face of the plat or in note form.
36	Statement referencing recorded easements and restrictive covenants or HOA/POA documents	Self-explanatory
37	Signature and seal of registered surveyor	Self-explanatory
38	ACOE SAC number if applicable	Self-explanatory
39	Required City of Conway regulations (when applicable)	<p>The following text shall be placed on the final plat or platting action (if necessary) as related to the specifically identified plat note.</p> <p>(a): Public roadway ownership: "The roads and drainage within this subdivision are intended to be public and dedicated to the City of Conway, unless otherwise noted on the plat."</p> <p>(b): Private roadway ownership: "The roads and drainage with this subdivision are intended to be private. The City of Conway shall not be responsible for the maintenance of the road or the drainage systems shown on this plat."</p> <p>(c): Public works: "All activities, including activities by individual lot owners or lease holder, or contractors, will be carried out in accordance with the approved Stormwater Management and Sediment Control plan for the subdivision."</p> <p>(d): Drainage easements: "All drainage easements are to be cleared and remain free and clear of all structures and other obstructions."</p>
40	Acreage of the remainder of the parent tract	The approximate acreage of the un-surveyed portion of the parent tract remainder in which the platting action alters or adjusts the parcel size. If the remainder is less than one acre the parcel must be surveyed out and the square footage shown. If a platting action splits the remainder into two or more non-contiguous parcels, the remainder of the parcels need to be indicated separately insuring that no non-conforming lots are being created by default.
41	Phases	Location and boundary of each individual phase with metes, bearing and distances shown. Phases shall be numbered in the order in which they are to be developed.

[Amended 9-21-20 #ZA2020-09-21 (B)]

C. Plat Contents:

Plats prepared for major development or platting actions shall be clearly and legibly drawn and be consistent with those requirements in Table 10.1(B)

Table 10.1 (B): Major Plat Requirements

REQUIREMENT		EXPLANATION
1	Scale not less than 1"=100'	Shall use a standard engineers scale
2	Sheet size minimum 24"x 36"	Self-explanatory
3	Approval Block Area 1.5"x2.5"	A blank approval block (empty space) needs to be set-aside on every sheet of the final plat and in the same location.
4	Type of Development	In accordance with the dwelling types listed in <i>Section 6.2</i>
5	Name of development/phase	Approved name for the subdivision and phase of development
6	Owner of record	If owner/developer are the same, reference will only need to be made once in the title block
7	Developer	Self-explanatory
8	Surveyor address and contact information	Self-explanatory
9	Number of lots/units	Number of lots being created via platting action (not including remainder tract if over 1-acre in size)
10	Total acreage	Self-explanatory
11	Scale (graphic and written)	Shall use a standard engineers scale
12	Date of survey	Self-explanatory
13	Deed/plat reference of last property transfer	Self-explanatory
14	Legible location map	No scale required
15	Surveyor Certification of Accuracy	See the Standards of Practice for Surveying in South Carolina, Sec. 49-460
16 (a)	Certificate of Ownership and Dedication	verbiage as follows: "The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this (plan of development/ plat) with my (our) free consent and that I (we) hereby dedicate all items as specifically shown or indicated on said plat. "Same as above
16 (b)	Certificate of Approval for Public Water and Sewer Systems	verbiage as follows: "We _____, certify that the water supply and sewer disposal system(s) installed or proposed for installation, fully meet our requirements."
17	North arrow	Self-explanatory
18	Parcel identification number(s) of the property	PIN/TMS number of the subject property should be in note format
19	Parcel identification number(s) and ownership of adjacent parcels	PIN/TMS number and owner of record of adjacent properties to be located in the appropriate area of the plat (not in note format). If surveyed property is adjacent to a major residential development, adjoining lots may be identified by "Subdivision Name" and "Lot #"
20	Adjacent property lines	All adjacent property lines within 50 feet of the subject property shall be shown as dashed.
21	Unincorporated Horry County boundaries	Self-explanatory
22	Distance to the nearest intersection OR state coordinates for a minimum of 3 boundary points/pins along the exterior boundary	Give X, Y coordinates for a minimum of three boundary points or pins along the project's exterior boundary, if applicable, to a photo-identifiable point on the most recent copy of the City of Conway aerial photos with distance and bearings, or to the nearest intersection by distance only.
23	Existing public/private rights-of-way	Designation shall be located within the appropriate right-of-way or easements (not in a separate note). These need to be labeled to indicate road name, total width or width from centerline, and whether the roadway is public or private. If city maintenance ends within the platted area, locate and label the "End of City Maintenance" on the face of the plats.
24	Existing/proposed easements and/or buffers, ownership and uses	To be to scale and located on the appropriate area of the plat (not in note format). In no instances shall an easement be labeled as proposed. If easement is existing, label as such and provide deed and/or plat reference. For easements & buffers not being dedicated to the city or the

		HOA/POA, a notation will need to be added to express both the scope and cite the beneficiary/administrator of the encumbrance.
25	Existing buildings	Indicate all buildings and/or structures within 60-ft of any existing and/or proposed property or easement lines including those that may be on the remainder lot area.
26	Existing water bodies and water courses	Self-explanatory
27	Flood zone (showing floodplain and floodway)	Note the classification, FIRM map number and panel section and the date of map (must be most current edition). For unnumbered A zones, base flood elevations shall be established in accordance with the National Flood Insurance Program guidelines.
28	Detention/retention basins	Containment area w/in basin should be indicated in square feet. In phased land developments, detention/retention basins not divided by phasing lines shall be included w/in the first phase of which its existence is necessary.
29	Property (other than rights-of-way and easements) intended for public dedication or use	Location and boundary of each area to be shown with bearings, distances and size in square feet. Ownership to be indicated for each area. Where ownership is to be assumed by a public entity, a note shall be added to the plat stating: "____sq. ft. area to be dedicated to _____" (insert name of public entity).
30	Lot numbers	Lot number shall be assigned to all proposed lots and shall be consecutive.
31	Lot lines / Lot dimensions	All lot lines must be solid, labeled with appropriate line/curve data, with pins "set" or "found" at each corner and indicated and plotted to scale on the plat.
32	Open Space	Lots designated as Open Space should be labeled as such and given a unique legal description (e.g. Open Space # __)
33	Lot sizes for each individual building lot	Lot sizes shall be given in square feet for all newly created or altered lots.
34	Revisions	Show dates and indicate type of revision.
35	Plat book page or deed book and page references for resource material	Can be provided on the face of the plat or in note form.
36	Statement referencing recorded easements and restrictive covenants or HOA/POA documents	When restrictive covenants/bylaws have been previously recorded or are being recorded concurrent with plat: "HOA/POA documents or restrictive covenants and easements for the development shown hereon were recorded in Deed Book _____, Page _____ on ____ (date) in the Office of the Register of Deeds for Horry County". If restrictive covenants/bylaws are to be recorded subsequent to the plat: "All lots depicted hereon shall be subject to the restrictive covenants and easements of the _____ homeowners/property owners association. Adherence to applicable restrictive covenants are the responsibility of the lot owners/occupants and enforcement/compliance therewith will be the responsibility of the HOA/POA"
37	Signature and seal of registered surveyor	Self-explanatory
38	Wetland Delineation / USACE, SAC number if applicable	If located within surveyed area, Wetlands shall be delineated and labeled to indicate the size of wetland area on the face of the plats and the following note added: "Wetland areas shown hereon are as delineated by the U.S. Army Corps of Engineers, SAC# _____ dated: _____" (insert applicable information from USACE determination letter)
39	Required City of Conway regulations (when applicable)	The following text shall be placed on the final plat or platting action (if necessary) as related to the specifically identified plat note. (a): <u>Public roadway ownership</u> : "The roads and drainage within this subdivision are intended to be public and dedicated to the City of Conway, unless otherwise noted on the plat." (b): <u>Public Works</u> : "All activities, including activities by individual lot owners or lease holder, or contractors, will be carried out in accordance with the approved Stormwater Management and Sediment Control plan for the subdivision." (c): <u>Drainage Easements</u> : "All drainage easement are to be cleared and remain free and clear of all structures and other obstructions." (d): <u>Street Trees</u> : "The maintenance and/or replacement of required

		<p>street trees within the public rights-of-way dedicated hereon, shall be the responsibility of the HOA"</p> <p>(e): <u>Protected Trees</u>: "No protected or landmark trees as defined in the City of Conway Tree Preservation Ordinance shall be removed without the written approval of the city arborist and the issuance of a tree removal permit by the City of Conway"</p> <p>(f): <u>Open Space</u>: "All areas shown hereon as Open Space shall remain as such in perpetuity. Open Spaces are to be owned and maintained by the HOA/POA"</p>
40	Acreage of the remainder of the parent tract	The approximate acreage of the un-surveyed portion of the parent tract remainder in which the platting action alters or adjusts the parcel size. If the remainder is less than one acre the parcel must be surveyed out and the square footage shown. If a platting action splits the remainder into two or more non-contiguous parcels, the remainder of the parcels need to be indicated separately insuring that no non-conforming lots are being created by default.
41	Phases	Location and boundary of each individual phase with metes, bearing and distances shown. Phases shall be numbered in the order in which they are to be developed.

Section 10.3 – Subdivision Design Standards

10.3.1 General

All proposed land developments subject to these regulations shall comply with the design standards of this Article and shall be so planned as to facilitate the most advantageous development of the entire community.

10.3.2 Lots Must Comply with Zoning Requirements

No person shall subdivide land, and the Planning Director shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the zoning district and/or overlay zone, as applicable, and as may be amended from time to time.

10.3.3 Appropriate to Physical Conditions

The general design of the development shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Development plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by these regulations.

Any proposed land development and/or subdivision of land exceeding 50 acres shall submit **a site** plans for Conservation Subdivision pursuant to Section 10.4. Recognizing that not all developments are appropriate for Conservation Subdivision, this requirement shall not bind the developer to utilizing this method of development. The purpose of this requirement is to determine if Conservation Subdivision is appropriate given the geographic, topographic and ecological confines and characteristics of the property. *[Amended 6/15/20 #ZA2020-06-15 (D)]*

10.3.4 Connectivity and Appropriateness to Adjoining Property and Land Uses

The development shall be designed in relationship to adjoining property and land uses. Except where the Planning Commission determines that a different scheme is more appropriate, the proposed street system shall extend existing and projected streets at no less than the required minimum width for the classification of the street and shall be in conformance with the following criteria below.

A. Conformance with Transportation Element of the Comprehensive Plan.

The location and design of streets shall be in conformance with the Transportation Element of the currently adopted City of Conway Comprehensive Plan. *[Amended 7.19.21 #ZA2021-07-19 (D)]*

B. Street Classification.

All streets within and adjoining the development shall be classified ~~according to function by the Planning Commission. Each street segment shall be classified in~~ accordance with the street classifications defined in Article 7, **Section 7.1.23**. The classification of a street segment shall determine the cross-section, street, tree planting requirements, and design standard to which that street segment shall be designed and constructed. Street design standards for each street classification are shown in ~~Article~~ **Section 7.1.24, Table 7.1**.

C. Connection to Adjoining Property.

Where, in the opinion of the Technical Review Committee, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection.

Cul-de-sacs shall not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development except where

on the opinion of the Planning Commission a cul-de-sac is necessitated by topography, property accessibility or appropriate for land use separation. Cul-de-sacs shall not exceed 800 feet in length unless necessitated by topography or property accessibility and approved by the Planning Commission. Measurement shall be from the point where the centerline of the dead-end street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

10.3.5 Reserve Strips, Half Streets and Private Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property, private streets, and half-streets shall not be permitted under any condition (except ~~these as required by the Planning Commission to prevent~~ to restrict access **to existing or proposed arterial streets, collector streets, access to or thoroughfares**).

10.3.6 Intersections

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of two hundred (200) feet shall be maintained. **Curvilinear streets may be utilized to avoid and/or protect environmentally sensitive areas; particularly when utilizing the conservation subdivision design, and/or with the approval of TRC.**

10.3.7 Blocks

Block lengths are linear measurements (measured from centerline to centerline) between intersecting streets that provide interconnectivity or alternative routes for vehicular ingress/egress. Blocks shall not be less than four hundred (400) nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length the Planning Commission may require one or more public walkways of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Planning Commission will approve a single tier of lots of minimum depth.

10.3.8 Lots and Building Sites

A. Size, Shape, and Orientation.

The size, shape and orientation of lots shall be appropriate for the location of the proposed development. It is the intent of this Article that lot size, shape and orientation shall be controlled by the provisions of the *UDO*. Every lot shall have sufficient area, dimensions and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions of the *UDO*.

B. Lot Building Areas.

1. Such building area shall lie at or be elevated to at least two (2) feet above the one hundred (100) year flood elevation as provided for in the Flood Damage Prevention Ordinance (*Title 5, Chapter 2 of the City of Conway Code of Ordinances*).
2. Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the development. Storm drains carrying water from street rights-of-way shall be placed along lot lines where practical. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that can be built upon only by altering such

drainage ways.

3. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. **No lots shall be created / platted to contain any wetlands within major residential subdivisions.**
4. Side lines of lots should be at or near right angles or radial to street lines.

C. Lots not intended for building purposes.

~~Public street access and frontage shall meet the requirements set forth in the UDO.~~ Parcels created through the development process which are not intended for building purposes shall be designated and perpetually bound as “not buildable”, unless subsequently released through the development process.

D. Street Access.

Public street access and frontage shall meet the requirements set forth in the UDO. **Lots within major residential developments are to access via internal streets only. Lots accessed via an alley shall not use such alleys to serve as their required road frontage.**

E. Lots with Double Frontage.

Lots with double frontage lots shall be **prohibited** ~~except where required to restrict access to existing or proposed arterial or collector streets as set forth in Section 10.3.10.~~ Otherwise, **A fee-simple** landscaped area **shall be provided to separate the rear of the lot(s) from the adjoining roadway**, as specified in Section 9.2.2, Table 9.1 (Note 5) [Amended 9-21-20 #ZA2020-09-21 (B)]

PARKS AND OPEN SPACE DEDICATION SECTION (below) OF THE UDO TO BE AMENDED SEPARATELY
(amendment will be considered at the July PC Mtg.)

10.3.9 Park and Open Space Dedication

A. Park and Open Space.

The applicant of any residential development or Planned Development District shall reserve land for open space designed to serve the residents of the development and residents of the immediate neighborhood of the development. This land shall be designated for ownership and maintenance by a property owner's association.

1. **Passive Use Parks.** A park or area within a park is designated as passive use for activities that are engaged in by individuals or groups of nine (9) or fewer, not dependent on a delineated area designed for specific activities. Passive parks have no designated sports fields. Team sports activities are limited to areas specifically designated, such as volleyball, basketball and handball courts.
2. **Active Use Parks.** Active parks or park areas are characterized by formal designated fields, outdoor courts (e.g. basketball, volleyball, and tennis), trails and/or outdoor amenities (e.g. skateboard park, frisbee golf).

B. Residential Subdivision Development and Planned District Development.

1. Each development shall provide a minimum open space area to be calculated as the number of lots and/or units in the development multiplied by the average household size according to the latest US Census multiplied by .008, considered the amount of open space required by each individual (# of lots X average household size X .008 = required open space). This shall apply to major subdivisions (five or more lots). Developers shall provide all open space during the initial phase of development, even if the subdivision is divided into future phases. Open Space improvements shall be installed prior to the recording of a final plat. [ZA2020-09-21(A)]
2. If more passive open space is provided than active open space, then more total open space will be required.
3. The open space shall be preserved as such in perpetuity.

4. If less than one (1) acre of open space is required for any major subdivision, the developer shall submit a fee in lieu of providing the open space as described in subsection D, herein.
5. Water surfaces can only be counted as 25% of required open space and may only be considered as open space if:
 - a. A size appropriate fountain is installed in the pond or lake, maintained and operated at the expense of the developer and/or HOA; or
 - b. The pond or lake is made an active amenity, by installing a dock or pier with suitability for fishing or boating.
6. Where major recreational facilities are to be installed by the developer, such as those containing community swimming pools or similar amenities, a letter of credit may be approved by City Council to allow the facility to be constructed after approval of the Final Plat, but no later than 50% of approved lots have been issued building permits. Should the 50% threshold be reached prior to the installation of the amenity facility, no further building permits shall be issued until the facility is constructed.

C. Park and Open Space Suitability

The land proposed for dedication shall be suitable for the intended purpose as determined by the City Council. Factors to be considered in evaluating suitability shall include but not be limited to the following:

1. **Unity:** The preferred land should be one parcel with a width not significantly greater than the depth. The minimum size of any individual open space parcel shall be one (1) acre, which is sufficient size for a mini park according to the National Park and Recreation Association's standards for parks. If the open space area is less than one (1) acre, then all required open space shall be provided in one (1) parcel with a width not significantly greater than the depth.
2. **Location:** The preferred land should be centrally located relative to the development and neighborhood.
3. **Accessibility:** The preferred land should have easy, direct access to the public street system and be accessible by both vehicular and pedestrian traffic.
4. **Usability:** The preferred land should be usable for active recreation facilities and/or passive open space.
5. **Connectivity:** Open space should be located, if possible, to take advantage of other existing or planned open space, trails, sidewalks, recreational amenities, or bike paths within the immediate area.
6. **Conformity:** The open space should complement and meet the objectives of the City of Conway Greenway Plan and the Recreation & Open Space Element goals of the Comprehensive Plan.
7. The Planning Commission may accept as suitable any land which meets an entirely different set of criteria when in its opinion such land meets the purpose of this section in providing for the particular circumstances and needs of the development and neighborhood.

D. Fee in Lieu of Open Space Dedication

1. As part of the review of a subdivision or residential development plan, the Planning Commission may recommend to City Council that the applicant make a payment in lieu of all or part of the required open space dedication whereby the City may acquire or improve recreational park and open space area(s) to serve the development or developments in the City or upon finding that the recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the City or County.
2. As part of an application for review of a subdivision or residential development plan, the subdivider or applicant may request to pay the fee in lieu of open space dedication. If the Planning Commission supports the request to pay the fee in lieu of open space dedication, that request to pay the fee in lieu of open space dedication shall be forwarded to City Council for review and a final decision. If the Planning Commission does not support the request to pay the fee in lieu of open space

dedication, the subdivider or applicant shall include the actual area of required open space in the development.

3. As part of the review of a request to rezone to a Planned Development district, the Planning Commission may recommend to City Council that the applicant make a payment in lieu of all or part of the required open space dedication whereby the City may acquire or improve recreational park and open space area(s) to serve the development or developments in the City or upon finding that the recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the City or County. The subdivider or applicant may request to pay the fee in lieu of open space dedication. The Planning Commission shall forward its recommendation regarding payment of the fee in lieu of open space to City Council for review and a final decision. City Council reserves the right to require a minimum amount of open space for any planned district that meets the criteria outlined in **Section 10.3.9.C**.

E. Appraisal Requirements

1. Any subdivider or applicant wishing to make a payment in lieu of open space dedication shall attach to the application for preliminary plat approval, preliminary plan approval, or the rezoning application for a planned development district, a letter requesting the payment of fees in lieu of open space dedication.
2. Where payment of the fee in lieu of dedication of open space is proposed as permitted by this ordinance, the subdivider or applicant shall provide to the City, at the subdivider or applicant's expense, a satisfactory current written appraisal of the market value of the land to be annexed, zoned, platted, or developed, as if the subdivision, residential development, rezoning or Planned Development district has been completed according to the plans submitted. The value determined will be divided by the total area in the subdivision or development and multiplied by the open space area required to determine the necessary fee.
3. Each appraisal shall be performed by a South Carolina licensed real estate appraiser.
4. The Planning Commission may, at its discretion, accept other documentation evidencing the market value of the proposed subdivision or development which in the opinion of the Planning Commission, reasonably estimates the land values as outlined above.
5. Even if not required by the Planning Commission, City Council may require an appraisal performed by a South Carolina licensed real estate appraiser in order to accept a fee in lieu of open space. City Council also reserves the right to, at the City's expense, obtain an additional appraisal of the property to assist in determining the market value of the proposed subdivision or development.
6. The appraisals and/or documentation of the land's market value, along with other evidence that, in City Council's opinion, aids in the determination of market value, may be used in the determination of the amount of payment in lieu of open space dedication permitted by this section.
7. The fee in lieu of open space dedication shall be paid prior to recording any lot(s) in the subdivision, granting any permits for development or any permits for a Planned Development district to which the fees relate. The fee in lieu of open space compensation for the entire development, regardless of the number of proposed phases, shall be made prior to the recording of lots or the issuance of permits for first phase of development.

F. Exemptions from Park and Open Space Dedication

1. Minor subdivisions or minor developments as defined in this Section are exempt from the open space requirements.
2. If a parent tract has undergone five (5) or more parcel splits, meeting the definition of a major subdivision, any additional splits from the tract are considered major development and subject to the

requirements of a major development, including open space dedication. A parent tract is defined as the original lot, parcel, or tract of land, as established in the Horry County Assessor's records, from which the proposed subdivided lot(s) will be split from. For the purposes of determining minor or major development status, a parent tract is reviewed to determine the total number of parcel splits within a 10-year period. [Amended 4/4/16]

3. **Once a subdivision or developments actions classifies a parcel status as a major subdivision/development, any subsequent development is considered an expansion of that major subdivision/development.**

- G. All major subdivisions and other developments with common areas shall form a Homeowners or Property Owners Association ~~whom~~ **who** shall perpetually maintain all open space, detention ponds, amenities, landscape areas and other commonly owned facilities. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.3.10 ~~Restriction of Access~~ **RESERVED.**

~~Where a development abuts or contains an existing or proposed arterial, the Planning Commission may require marginal access streets or through lots with screen planting. In some instances, the Planning Commission may require a no access, planting screen easement of at least ten (10) feet, across which there shall be no right of access along the line of lots abutting a traffic artery or other disadvantageous use. Screen planting and landscaping shall be determined under Article 9, Landscaping and Buffering.~~

10.3.11 Construction in Public Right-of-Way and Easements

The design and construction of any facilities, whether required or provided, within public rights-of-way and easements, shall be in accordance with design standards (Article 6) and construction standards (Article 10). Design of all facilities must meet standards of appropriate governing agencies.

- A. **Except as otherwise specified throughout the UDO**, no structures are permitted to be constructed and/or located within a public drainage easement owned and maintained by the City of Conway.

10.3.12 Subdivision Street Design

See ~~Article~~ **Section 7.1.4** and **Section 10.9** for detailed design standards for residential streets.

10.3.13 Storm Drainage in Streets

All streets must be so designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed in accordance with the City of Conway's Storm Drainage Facilities Ordinance and applicable State of South Carolina storm drainage requirements. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

10.3.14 Utility Easements

To provide for electric, telephone and gas service, community antenna television distribution systems, water and sewer lines and other such facilities within the development, appropriate utility easements not to exceed thirty (30) feet shall be provided on the final plat. The locations of such easements shall be based upon the approved construction plans. All utilities shall be placed underground. The applicant shall be responsible for incorporating the design of all utilities and services into the easement and construction design.

10.3.15 Development Entrance Markers and Landscaped Medians

The Planning Commission may permit development entrance markers and landscaped medians within the public right-of-way subject to the following conditions and any additional conditions the Planning Commission may find to be appropriate in the individual circumstance:

- A. The City will not be responsible for maintenance.
- B. An entity responsible for maintenance shall be created.
- C. No such improvements shall interfere with sight distance or with normal maintenance requirements or otherwise pose a hazard to vehicular, bicycle, or pedestrian traffic.
- D. In the event of loss, damage or lack of maintenance, the City may remove all improvements and maintain the area in accordance with City standards.
- E. A minimum twenty-four (24) foot entrance lane into the subdivision is provided. If a landscaped median is at the entrance of a subdivision, each travel lane must be at least twelve (12) feet in width.
- F. Signage must meet the requirements of Article 11, Signage, Section 11.4.11. [ZA2021-08-16(C)]

10.3.16 Water and Sewer

All developments shall be designed to provide City of Conway or Grand Strand Water and Sewer Authority water and sewer. Water and sewer systems shall be designed in accordance with City standards. The applicant shall be responsible for obtaining all necessary permits and approvals.

10.3.17 Wastewater Pump Facilities

A dedicated piece of land or parcel shall be required for the location of a wastewater pump/lift station within a new subdivision development. The following requirements shall determine the site design, screening, and landscaping of wastewater facilities where wastewater pump is required upon approval by Technical Review Committee.

A. Site Design Requirements

- 1. A minimum ~~twenty-five (25)~~ **fifty (50) feet X fifty (50) feet** area **(2,500 square feet)** shall be provided for a wastewater pump / lift station.
- 2. A wastewater lift station shall be ~~sited~~ **contained** in an open space/buffer area or community greenspace, to the rear of residential properties.
- 3. The wastewater lift station shall not be designed in line of the sight of residential homes; **except as otherwise approved by the Technical Review Committee (TRC).**
- 4. A fifty (50) feet **landscape** buffer shall be provided between the exterior property line and the wastewater pump facility, **located on property owned and maintained by the HOA/POA.**
- 5. A dedicated thirty (30) feet **easement** (paved or gravel) ~~driveway~~ shall be provided to allow access for service vehicles to the wastewater pump site. Access easements ~~on~~ **across** residential ~~properties~~ **parcels** shall ~~not be allowed~~ **prohibited.**

B. Perimeter Fence and Gates

- 1. All wastewater lift stations must have a minimum six (6) feet high perimeter fence surrounding the lift station site designed to discourage unauthorized access.
- 2. A three (3) feet wide gate as well as double 8-foot-wide (16-foot total) swinging gates shall be provided for access to the site.
- 3. A sixteen (16) feet sliding gate may be allowed in lieu of the swinging gates if circumstances warrant.
- 4. All gates must be capable of achieving full open position, including sliding gates.

C. Landscaping

1. All wastewater station sites shall be screened as appropriate for the surrounding subdivision development.
2. Landscape design and materials shall meet the same requirements for landscaping as required by the conditions of approval for the project.
3. Flowering plants shall be used for landscaping along **the** exterior perimeter of the facility.
4. Landscaping shall not be done within the site but shall surround the perimeter of the site, or as required by the ~~Conway Planning Department~~ **Technical Review Committee (TRC)**.
5. **The upkeep and perpetual maintenance of the landscaping shall be the responsibility of the HOA/POA.**
6. ~~Variations to the minimum requirements may be allowed with the approval of the Planning Director.~~

10.3.18 Subdivision Naming

All subdivision names must be reviewed and adopted by the Conway City Council.

10.3.19 Street Names

Proposed streets which are in alignment with existing and already named streets shall bear the names of existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue, boulevard, driveway, place, or court. The Technical Review Committee shall review proposed street names before going to Planning Commission. Planning Commission shall have the authority to name all streets. Street signs shall be provided by the applicant before the roads and right of way are dedicated to the City of Conway.

10.3.20 Street Addresses

- A. All buildings, residences, and other structures located within the city shall be assigned a number in accordance with the following provisions:
 1. On streets running north and south, all street address numbers shall be even on the east side and odd on the west side.
 2. On streets running east and west, all street address numbers shall be even on the north side and odd on the south side.
 3. Street address numbers shall be assigned by the building inspector or his agent. No Certificate of Occupancy shall be issued without addresses being placed on the structure where appropriate.
 4. **Except as otherwise approved by TRC, street numbers shall be installed on the building façade determined as being the 'front' of the building, residence, or other structure.**
- B. No building shall be assigned more than one number. A building with more than one entrance serving separate occupants shall be assigned only one number, and in addition to such number a letter designation such as A, B, C, shall be assigned to each principal entrance serving an occupant.
- C. When multiple buildings on a single lot have a limited amount of frontage and sufficient numbers are not available, then all such buildings at that location will be assigned the same number and each such building will carry a letter designation as A, B, C, in addition to the assigned number.
- D. The cost of the numbers shall be paid for by the property owner. Residential numbers used shall not be less than three (3) inches in height and business numbers shall not be less than four (4) inches in height. These numbers shall be made of a durable and clearly visible material and shall be in a contrasting color from the background.
- E. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more

than fifty (50) feet from the street line, the number must be placed near the walk, driveway or common entrance to such building and upon a mailbox, gatepost, fence, post, or other appropriate place so as to be easily discernible from the street line.

- F. For the purpose of facilitating correct numbering, a map book of all streets, avenues, and public ways within the City of Conway showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file by the Planning Department. ~~The map book shall be open to inspection of all persons during the normal office hours of the Planning Department.~~

DRAFT

Section 10.4 (below) will be brought to Planning Commission as a separate amendment for consideration at a later date.

Section 10.4 – Conservation Subdivisions

10.4.1 General Requirements for Conservation Subdivisions

It is the purpose of this section to provide flexibility in ensuring preservation of open space within a new residential development. A conservation subdivision design preserves open space while maintaining the prorated density of residential units for the overall site area. Natural density is achieved by allowing smaller individual owned residential lots in neighborhoods that include or are adjacent to aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation areas prior to the delineation of transportation and residential pod layouts. Open space areas include wetlands, stream buffer zones, woodlands, farmlands, playing fields, and meadows, depending on the resources of the land.

The purpose of conservation subdivisions is below.

1. Preserve significant areas of land for ecological, recreational, and agricultural purposes in perpetuity.
2. Afford greater flexibility of design and placement of buildings and structures.
3. Preserve and protect exceptional terrain, natural beauty, or sites of historic interest.
4. Preserve the Waccamaw River and its streams and tributaries as natural resources.
5. Prevent flooding, erosion, and water pollution, and protect the quality and quantity of drinking water.
6. Preserve wetlands, aquifers, topographical or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation.
7. Promote interconnected greenways and corridors throughout the city.
8. Promote contiguous open space with adjacent jurisdictions.

A. **Applicability**

In order to achieve these purposes, Conservation Subdivisions are permitted by-right in the R, CP, RR, RA, R-1, and R-2 zoning districts. Applicants utilizing the Conservation Subdivision design regulations shall comply with all other provisions of the Conway Unified Development Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein. [Amended 12/17/18#ZA2018-12-17(A)]:

[Amended 6/15/20 #ZA2020-06-15 (D)]

B. **General Requirements**

1. Ownership of Development Site

The tract of land to be subdivided may be held in single ownership, separate ownership, or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

2. Housing Density Calculation

The maximum number of lots in a Conservation Subdivision shall be determined by the Yield Plan method. The maximum number of lots is based on a conventional subdivision design plan, prepared by the developer and/or property owner, in which the tract of land is subdivided in a manner intended to yield the highest number of by-right lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable design standards.

The following shall not be included in the net buildable acreage of the involved land parcel:

- a. Floodways, identified with "AF" on the latest FEMA floodplain map for Horry County.

- b. Perennial and intermittent watercourses as well as bodies of open water over five thousand (5,000) square feet contiguous area.
- c. Jurisdictional Wetlands that meet the definition of the U.S. Army Corps of Engineers (USACE) pursuant to the Federal Clean Water Act.
- d. Existing and proposed rights-of-way for roads, utilities and other basic infrastructure needs or a simple factor of 20% of gross acreage to account for these rights-of-way in the conventional design yield plan.

3. Maximum Density Determination.

In no case shall the overall development density of any Conservation Subdivision exceed a factor of 1.6 of the by-right development density as determinable by the underlying zoning.

4. Basic Development Standards.

In order to attain the maximum density ratio in accordance to underlying zoning as established through the Yield Plan method, the Conservation Subdivision is based on the idea of accommodating its dwelling units into cohesive neighborhoods forming a village neighborhood atmosphere, whether in single or multiple villages. The increased density in these neighborhood villages shall not visibly intrude into the character of the surrounding area nor shall the overall development negatively impact sensitive environmental areas.

C. **Development Incentives**

1. Riparian Corridor Buffers.

Developers and/or property owners pursuing to develop a Conservation Subdivision shall provide a natural protection buffer of a minimum of thirty (30) feet along or around rivers, wetlands and/or other water features. See additional information in Section 9.6.2 for requirements of buffer widths.

The City of Conway will grant an incentive for providing a mandatory protective buffer area with a width of thirty (30) feet or greater. One (1) additional dwelling unit per one (1) acre of provided buffer area.

Development credits under this incentive shall not be allowed for any wetland buffers required as compensatory mitigation pursuant to a Clean Water Act, Section 404 permit issued by the U.S. Army Corps of Engineers for wetland impacts.

All River and Wetland Protection Buffers shall be shown and labeled on the engineering plans, preliminary, and final (bonded) plats. In addition, boundary marker signs shall be visibly posted to show that no disturbances to the existing vegetation are allowed within the buffer areas.

2. Trails and Open Space Connectivity.

The provision of open space and multi-use trail interconnectivity in between the proposed residential neighborhood(s) and/or adjacent communities and/or adjacent parks and other publically accessible green spaces, should these exist.

Incentive: Reduction in required side yard setback to zero (0) feet to allow for zero-lot developments.

3. Additional Provision of Open Space.

A density bonus will be provided for additional acreage of natural open space area above the mandatory 30% of net buildable area.

Incentive: One (1) additional dwelling unit for every one (1) acre of additionally provided open space area greater than the required 30% of open space shall be granted.

Development credit shall not be allowed under this incentive in cases where the provision of

additional river and wetland protection buffer area up to 100 ft. may exceed the mandatory 30% Open Space Area.

4. Low Impact Development Practices (L.I.D.).

Incentive: One (1) additional dwelling unit per one (1) acre of impervious area of locally treated stormwater runoff (through such features as rain gardens, green roofs, bioretention swales, constructed wetlands, etc.). All proposed L.I.D. features shall be illustrated on the developer's and/or property owner's plat.

5. Native Landscaping / Xeriscaping.

Landscaping by the use of either indigenous or other recommended plants that are better suitable to the local soil, topographic, climatic and hydrological conditions of Conway and which greatly reduce irrigation demands. Please refer to Article 9 for a complete list of native trees, shrubs, grasses and perennials that shall be exclusively used in native landscaping.

Incentive: Two (2) additional dwelling units per one (1) acre of natively landscaped area, including the utilization of rain harvesting and/or water recycling for irrigation. Article 9 of the *UDO* and the City of Conway Tree Preservation Ordinance shall be adhered to.

6. Energy and Water Efficiency/Sustainable Construction Certification.

There are many regional, national and international environmental ratings and certifications that have established sustainability and efficiency standards for buildings, site design and products. The main goal of this incentive is to reward implementation of the latest energy and water efficiency as well as sustainable building standards that will reduce the overall need for heating and cooling as well as water use. This can be achieved actively by installing innovative heating and cooling systems (e.g. geothermal, photovoltaic, solar panels), by improving insulation to a point where heating or cooling losses can be reduced to a minimum (zero) as well as by the installation of efficient plumbing fixtures, appliances, etc.

Incentive: Developer and/or property owner is eligible to a five (5) feet increase in allowable maximum height of buildings. The allowed height of structures shall not exceed forty-five (45) feet. This height incentive only applies, if builder or developer and/or property owner can prove implementation of the latest energy and water efficiency standards in compliance with the South Carolina Energy Office's Energy Efficient Construction Program (Green Home Program) in all proposed dwelling units by an endorsement letter from either aforementioned or any other accredited agency.

OVERVIEW OF AVAILABLE INCENTIVES FOR CONSERVATION SUBDIVISIONS

Development Provision	Description	Development Credit
River/Wetland Protection Buffers	1. Minimum buffer width of 30-ft.	1. One (1) additional dwelling unit per one (1) acre of provided mandatory buffer area.
Trails and Open Space Connectivity	Provision of multi-use trails and greenways that connect with existing ones to create network.	Reduction in required side yard setback to zero (0) feet to allow zero-lot developments.
Additional Open Space	Provision of additional natural open space above required percentage (30% of net buildable area)	One (1) additional dwelling unit per every one (1) acre of additionally preserved open space.
Low-Impact Development	Incorporation of site-specific stormwater treatment and water conservation practices (e.g. through constructed wetlands, raingardens, bioswales, cisterns)	One (1) additional dwelling unit per one (1) acre of impervious area of locally treated stormwater runoff.
Sustainable Landscaping/Xeriscaping	Planting of native trees, shrubs, and perennials in proposed landscaping to conserve water, reduce maintenance, and offer micro wildlife habitat	Two (2) additional dwelling units per (1) acre of native landscaped area including rainwater reuse or other water recycling system
Energy Efficient and Sustainable Design Features	Implementation of state-of-the-art energy efficiency and sustainable building standards (alternative heating and cooling; insulation standards; orientation) as endorsed by S.C. Energy Office (Green Building Programs)	Five (5) feet increase in maximum building height (total 45 feet) for implementation of latest Energy Building Codes (SC Energy Office)

D. **Use Regulations**

Land planned as a Conservation Subdivision may be used for the following purposes:

1. Single Family detached dwellings;
2. Single Family attached dwellings;
3. Conservation Areas (see Section G below);

The following non-residential use in accordance with standards specified in this Article:

1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and building related to the same.
2. Woodlots, woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
3. Municipal or public uses; public park or recreation area owned and operated by a public or private non-profit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.
4. Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

E. **Conservation Subdivision Dimensional Requirements**

Dimensional Requirements	
Minimum Tract Size	20 acres
Minimum Lot Size	6,000 square feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	10 feet
Minimum Side Yard Setback, fronts on Local Street or Arterial	20 feet
Minimum Rear Yard Setback	15 feet
Minimum Lot Width	60 feet
Maximum Height of Structure	40 feet
Minimum Access to Open Space	20 feet
Minimum Open Space Required	30% of Net Buildable Area
Maximum Development Density	Factor of 1.6 based on by-right develop capacity.

1. All new dwellings shall meet the following building setback requirements from roads or other uses:
 - a. From all external roads right of way: 100 feet
 - b. From all other tract boundaries: 75 feet
 - c. From all cropland or pasture land: 100 feet
 - d. From buildings or barnyards housing livestock: per Horry County Health Department requirements.
 - e. From active recreation areas, such as courts or ball fields (not including playgrounds, tot lots or open multi-purpose fields): 150 feet.
 - i. Views of house lots from exterior road and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets landscaping requirements of the *UDO*.
 - ii. House lots shall generally be accessed from interior streets rather than from roads bordering the tract.
 - iii. At least three quarters (3/4 or 75%) of the lots should directly face, abut or be across the street from conservation land.

F. **Design Options.**

1. Single Neighborhood Design. The lots are located within one (1) neighborhood on the subject property surrounded by the open space area. Adequate open space access from all sides of the developed portion shall be provided, e.g. through walking paths, cycling/hiking trails, or boardwalks. Also, a one hundred (100) feet undisturbed vegetative buffer shall be provided and protected along all exterior streets (not to prohibit access to the site), and a fifty (50) feet undisturbed vegetative buffer shall be provided and protected along the perimeter of the entire property where a single neighborhood design is utilized.
2. Multiple Neighborhood Design. The subject property is divided into multiple neighborhoods connected by the open space areas. Adequate open space access shall be provided for. In

addition to a one-hundred-foot (100-ft) undisturbed vegetative buffer along all exterior streets as well as a fifty-foot (50-ft) undisturbed vegetative buffer along the entire perimeter of the property, a twenty (20) feet undisturbed vegetative buffer shall be provided and protected in between neighborhoods, where a multiple neighborhood design is utilized.

All required buffer areas shall be visibly posted by the developer and/or property owner as restricted common open space areas. House lots shall not encroach upon Primary Conservation Areas, and their layout shall respect Secondary Conservation Areas, as described herein.

G. Open Space.

Open space is defined as the undeveloped land resulting from reductions in the minimum size of lots set aside as permanently protected land which may be for common use by the residents of the subdivision, or other uses as permitted in this UDO. Activities within the open space are restricted in perpetuity through the use of an approved Open Space Management Plan and an instrument of permanent protection.

A minimum of 30% of the net buildable area of the subject property shall be left undeveloped and shall be used for both conservation of the natural environment and human recreation.

H. Primary Conservation Areas.

Primary Conservation Areas are the most sensitive environmental areas and shall form the core of the open space to be protected in the city. Primary Conservation Areas shall be permanently protected through the thoughtful design and protection instruments outlined in this section. The total area of land identified as Primary Conservation Areas shall be conserved and protected to the maximum amount and extent physically possible.

The following lands are considered to constitute lands that serve important ecological purposes and possess beneficial environmental qualities contributing to the health of the local community.

The following are considered Primary Conservation Areas:

1. The 100-year floodplain.
2. Riparian zones of at least thirty (30) feet width on either side along all perennial and intermittent streams.
3. Riparian zones of at least one hundred (150) feet width on either side of the Waccamaw River.
4. Slopes above 35% of at least five thousand (5,000) square feet contiguous area.
5. Wetlands that meet the definition used by state and/or federal regulations.
6. Populations of endangered or threatened species, or habitat for such species.

I. Secondary Conservation Areas.

Secondary Conservation areas are those areas within a property which contain other intrinsic qualities of value to the community. Secondary Conservation Areas are valued as supplemental area to the total conservation area of a conservation subdivision. Secondary Conservation Areas to be protected to the maximum extent possible after all identified Primary Conservation Areas have been protected.

The following are considered Secondary Conservation Areas and should be protected to the maximum extent feasible:

1. Important historic sites subject to approval indicating that these structures are compatible with the UDO.
2. Existing healthy, native forests of at least one-acre contiguous area.
3. Individual existing healthy trees greater than fourteen (14) inches d.b.h.
4. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.

5. Prime agricultural lands of at least five acres' contiguous area.
6. Existing trails that connect the tract to neighboring areas.
7. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 30% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.

J. **General Recommendations for Conservation Areas**

1. Conservation areas should include the most sensitive resources areas of a property.
2. Fragmentation of conservation land should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development.
3. Conservation areas should be designed as a part of larger continuous and integrated Open Space.
4. The Conservation Areas (Primary and Secondary) shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Conservation Areas.

K. **Permitted Uses of Open Space.**

Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of permeable materials;
4. Passive recreation areas, such as open fields;
5. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
6. Easements for drainage, access, and underground utility lines.
7. Other conservation-oriented uses **that are** compatible with the purposes of this ordinance.
8. Wetlands (Existing wetlands, as defined by a wetland delineation at the time of development, shall apply towards Open Space requirements across the entire tract at issue within the project as a whole, regardless of how such tract is subdivided in land or ownership). [Amended 6/15/20 #ZA2020-06-15 (D)]

L. **Prohibited Uses of Open Space.**

Uses of open space may not include the following activities or uses.

1. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.
2. Agricultural and forestry activities not conducted according to accepted Best Management Practices.
3. Golf Courses.
4. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

M. **Ownership and Management of Open Space.**

1. Ownership of Open Space. Open space may be owned by the Homeowners Association **or dedicated to the City of Conway**.
2. Management Plan. An applicant shall submit an Open Space Management Plan that includes the following:

- a. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - c. Provides that any changes to the Open Space Management Plan be approved by the Planning Commission; and
 - d. Provides for enforcement of the Open Space Management Plan.
3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Conway may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowners Association or to the individual property owners that make up the Homeowners Association and may include administrative costs and penalties to be determined by the HOA. Such costs shall become a lien on all subdivision properties.

N. **Application Requirements**

1. Site Analysis Map Required.

Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:

- a. Property boundaries;
- b. All streams, rivers, lakes, wetlands and other hydrologic features;
- c. Topographic contours of no less than 10-foot intervals;
- d. All Primary and Secondary Conservation Areas labeled by type, as described in this section
- e. General vegetation characteristics;
- f. General soil types;
- g. The planned location of protected Open Space;
- h. Existing roads and structures;
- i. Potential connections with existing open space and trails.

2. Open Space Management Plan Required.

An open space management plan, as described in this Article, shall be prepared and submitted prior to the issuance of a land disturbance permit.

3. Instrument of Permanent Protection Required.

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.

4. Final Recorded Plat.

Sustainable design and energy-efficient features chosen within the Conservation Subdivision shall be noted on the bonded final plat to be recorded.

5. Other Requirements.

The Applicant shall adhere to all other applicable requirements of the underlying zoning district in the City of Conway Unified Development Ordinance.

O. **Legal Instrument for Permanent Protection.**

1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed **and submitted to Horry County.**
 - a. The instrument shall be a permanent conservation easement:
 - i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, or;
 - ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not in the City of Conway, then a third right of enforcement favoring the City of Conway shall be included in the easement.
 - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - c. An equivalent legal tool that provides permanent protection, if approved by the City of Conway.
2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.
3. Once a legal instrument for permanent protection has been placed upon the Open Space, the Horry County Tax Assessor's office shall be directed to reassess the Open Space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment should be at a value of zero.

Section 10.5 – Required Improvements

10.5.1 General

- A. All required improvements set forth in this section shall be installed or constructed by the applicant at no cost to the City of Conway except as may otherwise be specifically provided. Required improvements under this section shall not be installed or constructed until required construction plans have been approved by the Planning Director and an order to proceed has been issued. The City of Conway may, in order to serve future development, require the applicant to install sidewalks beyond the property line to connect to existing sidewalks, certain oversized improvements, and to increase such improvements to a size and/or extent beyond that necessary for the needs created by the applicant. In such cases, the City of Conway shall enter into an agreement to reimburse the applicant for the over sizing and/or extension based upon rates as agreed to by the City of Conway.
- B. Development may be designated to be constructed and platted in phases. Provided, however, the Planning Director may not approve a phasing plan when in ~~his~~ **their** opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases, the Planning Director may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase(s) independent of any future development.
- C. In cases where there is no dedicated construction access and city streets will serve as the construction access, the Planning Director is authorized to require an applicant to have a financial surety for existing roadways and other required improvements (e.g. stormwater detention, sidewalks) for the duration of the construction. The bonding amount and procedure will follow the process outlined in Section 10.5, Guarantee of Required Improvements.

10.5.2 Street Improvements

All proposed streets shall be graded to the full width of the right-of-way and improved with a pavement width and standard curb and gutter and storm drainage section as required for the particular classification of street. All grading, pavement and curb and gutter shall be designed and installed in accordance with City of Conway standards and the approved construction plan. Where bridges are required, such shall be installed to fit the cross-section of the street classification. In addition, street paving and curb and gutter and storm drainage, in accordance with the above conditions, shall be installed in the following situations:

- A. Any existing street segment that has not been accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation. No development shall be permitted on any street that is an "island" not connected directly to the public street system.
- B. Where a development fronts on any existing street segment maintained by either the City, Horry County or the South Carolina Department of Transportation and the street does not meet the minimum standards of these regulations for the classification of such street, the applicant shall dedicate additional right-of-way to meet the minimum street width standard for that street classification including bicycle and pedestrian facilities. The entire right-of-way shall be provided where any part of the development is on both sides of the existing street. When the development adjoins only one side of an existing street, one-

half of the minimum right-of-way shall be provided, measured from the centerline of the street.

- C. Where a development fronts on any existing street segment maintained by either the City, Horry County or the South Carolina Department of Transportation and a sidewalk does not exist in the right-of-way, the applicant shall construct a sidewalk to meet the minimum standards for that street classification.
- D. The Planning Commission may require pavement and widening or pavement and widening and curb and gutter and storm drainage for turning lanes along any existing or proposed street that forms a significant entrance to a proposed development where in the opinion of the Planning Commission such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed development.
- E. Where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Planning Commission may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in the Planning Commission's opinion such turn-around is necessary for the public convenience, safety and service.

10.5.3 Public Water

The public water system shall be extended throughout the development and to each lot located therein. All required water line extensions shall include appropriate valves, hydrant taps and service to the property line of each lot as required by City standards. Water lines shall be extended across the property line of the development to the public right of way, allowing for future development to connect to the water lines and to allow for future improvements, such as looping the system. [ZA2020-09-21(A)]

10.5.4 Public Sewer

The public sewer system shall be extended throughout the development and to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps and service to the property line of each lot as required by City standards. Sewer lines shall be extended across the property line of the development to the public right of way, allowing for future development to connect to the sewer system and to allow for future improvements. [ZA2020-09-21(A)]

10.5.5 Sidewalks

Sidewalks constructed to City standards stated in Article 7 shall be installed on both sides of all new streets created by the new subdivision development. This requirement does not apply to those single-family residential developments where the average lot size is one (1.0) acre or greater.

10.5.6 Street Name Signs

Standard street name signs shall be installed prior to the recording of a Final Plat. Street name signs shall be installed at all intersections in accordance with City Standards. The applicant may, however, with the approval of the ~~Planning~~ **Public Works** Director, install a different street name sign type at no cost to the City. The ~~Planning~~ **Public Works** Director shall approve the design and material of such signs. In such case, the applicant or ~~his~~ **their** successors or assignees shall be responsible for replacing such signs in instances of loss, damage or deterioration; otherwise, the City will replace such signs with its standard sign. The developer or HOA/POA shall reimburse the City for the expense of such replacement. [Amended 9-21-20 #ZA2020-09-21 (B)]

10.5.7 Traffic Control Signs, Signals, and Markings

Traffic control signs, signals, and markings shall be installed in accordance with City or South Carolina Department of Transportation standards and specifications, as the case may require. Before a Final Plat is approved, signal and traffic control signs must be installed and operational.

10.5.8 Street Lights

Street lights within the City are installed to provide security for the pedestrian and vehicular safety. The applicant shall install street lights at appropriate locations in accordance with City standards and specifications. All wiring shall be underground.

A. Street lights are required to be installed with the following specifications, per the City's street light policy (adopted 3/28/94):

1. Install at intersections,
2. When intersections are less than 150 feet apart, one light should serve both intersections; however, it may need to be of greater intensity to provide sufficient light,
3. Install at sharp curves in streets,
4. Install at dead ends of streets,
5. Install at cul-de-sacs,
6. Install at 400-foot intervals on streets where blocks exceed 800 feet in length,
7. In high crime areas and business districts, shorter intervals and higher intensities shall be provided,
8. In general, 4-lane streets should have 50,000 lumen, 400-watt HPS fixtures; collector streets should have 27,500 lumen, 250-watt HPS fixtures; and residential streets should have 15,000 lumen, 150-watt fixtures.

B. Cost estimates for monthly rates of Santee Cooper Roadway Lights:

Santee Cooper Roadway Lights	Per Month Cost
16,000 lumens 150-watt HPS	\$7.18 Cobra head fixture
27,500 lumens 250-watt HPS	\$9.86 Cobra head fixture
50,000 lumens 400-watt HPS	\$13.75 Cobra head fixture
An additional charge of \$4.40 for a 30-ft pole will be added to the fixture cost when applicable, per month	

10.5.9 Storm Drainage Not in Public Streets

The applicant shall install such storm drainage facilities to handle storm drainage not in public streets in accordance with the Stormwater Management and Sediment Control Ordinance (*Title 3, Chapter 6 of the City's Code of Ordinances*) and as shown on the approved construction plan.

10.5.10 Monuments and Markers

The applicant shall install such property monuments and markers as are required by law and the standards of practice for land surveying in South Carolina.

10.5.11 Other Utilities and Services

The installation of utilities or services must be installed to appear neat and orderly. Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the development and which are required to be shown on construction plans are not "Required Improvements" within the context of this Article. Since the installation of such improvements are by agreement between the development and the appropriate utility company, the execution of such agreements between the applicant and the utility companies are deemed to satisfy the construction and installation requirements of these regulations as long as they are installed in the public right-of-way or easement in accordance with City standards for such installations, including underground installation.

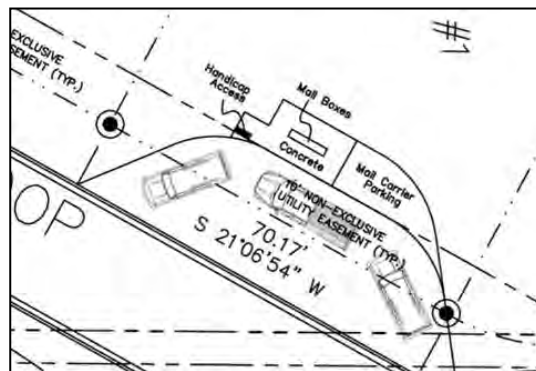
10.5.12 Centralized Mail Delivery Systems

Purpose: Cluster Box Units (CBU's) or Centralized Mail Delivery Kiosks shall be provided in all new residential subdivisions per USPS requirements, for regular mail service delivery. The purpose of this section is to establish regulations to guide the installation and maintenance of Cluster Box Units (CBU's) / Centralized Mailbox Kiosks for all residential subdivisions.

A. Cluster Box Unit's (CBU's):

1. General Standards:
 - a. Cluster box units (CBU's) shall include no more than 16 units (and 2 package parcel compartments).
 - b. Cluster mailboxes of more than 16 units shall be located in a centralized mail kiosk.
 - c. The installation of CBU's, as well as any associated shelters, lighting, parking, landscaping, and other related amenities shall be the responsibility of the developer.
 - d. Maintenance of CBU's, and associated shelter, lighting, parking, landscaping, and other related amenities shall be the responsibility of the home owner's association (HOA) for the development.
 - e. CBU's shall provide access compliant with the Americans with Disabilities Act (ADA).
 - f. Must be a minimum of 4-ft from curb on the street or sidewalk. Sidewalks are required to remain clear.
 - g. No parking spaces are required; however, sufficient area shall be provided for maneuvering outside of the travel lane.
 - h. Refer to the most current USPS Guide for Builders and Developers or contact the USPS Growth Manager directly for specifications on the construction and installation of CBU's (i.e. design, equipment type). Detailed design shall also be provided on the civil and construction plans for the development.
2. Location Standards:
 - a. CBU's may be permitted within rights-of-way (Figure 1), subject to the review and approval of the Technical Review Committee (TRC) and USPS; however, such facilities shall be owned and maintained by the HOA, not the City of Conway, and shall be specified as such in the covenants and restrictions for the development and noted on the final plat.
 - b. CBU's shall not be located directly in front of any residential lot and must be at least 5-ft from any driveway. Such units are typically located within 1 block of the residence, per the USPS.
 - c. CBU's shall not be installed so close to an intersection or traffic lane that they block visibility for approaching traffic or could be struck by a passing motor vehicle.
 - d. CBU locations and equipment type **are subject to review and approval by the USPS** ~~shall be reviewed and approved by the USPS.~~ Such Approvals shall be submitted to the Planning Department. ~~Final plats for each phase of development shall not be approved without the approval of the USPS.~~

Figure 1. (Example of an acceptable Cluster Box Unit (CBU)) location



B. Centralized Mail Delivery Kiosks:1. General Standards:

- a. Installation of centralized mail kiosks, as well as associated parking, landscaping, lighting, shelter, and other related amenities, shall be the responsibility of the developer.
- b. Maintenance of centralized mail kiosks, as well as associated parking, landscaping, lighting, shelter, and other related amenities, shall be the responsibility of the HOA of the development, not the City of Conway, and shall be noted as such in the covenants and restrictions for the development and the final plat.
- c. Mail kiosks shall provide access compliant with the Americans with Disabilities Act (ADA).
- d. Refer to the most current USPS Guide for Builders and Developers or contact the USPS Growth Manager directly for specifications on the construction and installation of centralized mail kiosks (i.e. design, equipment type). Detailed design shall also be provided on the civil and construction plans for the development.
- e. Structures associated with centralized mailbox kiosks are subject to the following:
 - i. Shall comply with setback requirements for accessory structures;
 - ii. Area(s) shall be illuminated by way of street lights, fixtures attached to a roof or canopy, or via ground lighting;
 - iii. Shelters with roofs or canopies are required to obtain building permits and comply with applicable building code(s);
 - iv. Locations shall be compatible with other streetscape elements of the development and building materials and design shall compliment the architectural style of the neighborhood / development.
 - v. Structures / shelters are the responsibility of the HOA to own and maintain.
- f. Minimum off-street parking shall be required as follows:

Centralized Mailbox Kiosk Off-street Parking Requirements	
Number of Mailboxes:	Parking spaces required:
17-50	2, including 1 ADA van accessible space
51-100	3, including 1 ADA van accessible space
101 or more	4, including 1 ADA van accessible space

- g. Access drives and parking areas / spaces shall be constructed in accordance with the City of Conway's standards.
2. Location Standards:
- a. Centralized mail kiosks shall be located on property owned (i.e. open space areas) and maintained by the homeowner's association (HOA) and are not permitted within rights-of-way. The City of Conway will not be responsible for damage or maintenance of such structures, and such language shall be provided for in the covenants and restrictions for the development and noted on the final plat.
 - b. Location of mail kiosks shall be provided on the construction / site plans for the development.
 - c. Mail kiosk locations and equipment type are subject to the review and approval of ~~shall be reviewed and approved by~~ the USPS. Such approvals shall be submitted to the Planning Department. ~~Final plats for each phase of development shall not be approved without the approval of the USPS.~~

C. Other requirements:

1. Cluster box units (CUB's) / centralized mail kiosks shall be fully installed for each phase of the development prior to the first certificate of occupancy being issued.
2. Appropriate landscaping, **as determined by the TRC**, shall be provided around individual cluster box units and/or centralized mail kiosks. [Amended 9-21-20 #ZA2020-09-21 (B)]

Section 10.6 – Guarantee of Required Improvements

10.6.1 Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in these regulations prior to final plat approval, the City of Conway shall accept a financial guarantee whereby the applicant shall agree to complete all required improvements. Once the security required herein is provided, the final plat may be approved if all other requirements of these regulations are met. The initial cost estimate shall be the responsibility of the applicant and certified by the TRC. ~~but the~~ Approval of the final cost estimate shall be made by the TRC.

A. **Cash or Equivalent Security:**

1. The applicant shall deposit cash, a cashier's check or an irrevocable letter of credit, either with the City or in escrow with a financial institution. No other surety forms shall be acceptable. The amount of deposit shall be equal to one hundred and twenty-five percent (125%) of the estimated cost as approved by the Technical Review Committee (TRC) of installing all required improvements. The initial cost estimate shall be the responsibility of the applicant and certified by the TRC, but the approval of the final cost estimate shall be made by the Technical Review Committee.
2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City an agreement between the financial institution and himself guaranteeing the following:
 - a. The escrow account shall be held in trust until released by the City and may not be used or pledged by the applicant in any other matter during the term of the escrow; and
 - b. In the case of a failure on the part of the applicant to complete said improvements within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments, readily convertible to cash, fully endorsed or otherwise made payable in full to the City.

B. **Governmental Guarantee:**

In any case where a required improvement is to be provided by the State of South Carolina, or any local government other than the City of Conway or a public service authority, the applicant may provide, in lieu of the types of financial guarantee as provided for above, a letter from the appropriate State, local government or public service authority official guaranteeing the installation of the improvement in the required manner and within the time allotted. Provided, however, in any case where the cost of such improvement exceeds ten thousand dollars (\$10,000) as determined by the City, such governmental guarantee shall be in form of an approved Project Budget Ordinance where local government is to be the provider or an equivalent document where the State or a public service authority is to be the provider.

10.6.2 Duration of Financial Guarantees

- A. The initial duration of a financial guarantee shall be a maximum of twelve (12) months, approved by ~~City Council~~ the TRC. The TRC will review and may renew financial guarantees for an additional twelve (12) months. The Planning Commission will review and may renew financial guarantees for the first time after two (2) years.
- B. All developments requiring public improvements that are not completed and accepted at least thirty days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Technical Review Committee to a future date not to exceed a 12-month period. Any extension beyond 12 months must be reviewed and approved by the Planning Commission. The Planning Commission may issue a time extension up to three times, or total of

five (5) years for a letter of credit. If the developer or property owner can demonstrate extraordinary conditions or an economic hardship, he/she can make a request to the Planning Commission to extend the letter of credit for more than a total of five (5) years.

- C. In the event that 75% of the approved lots on the final plat of the subdivision have been issued building permits, the developer shall install all infrastructure, and the letter of credit will not be renewed by the Planning Commission.

10.6.3 Default

Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as specified in the guarantee agreement, the surety or the financial institution holding the financial account shall, if requested by the City, pay all or any portion of the account funds to the City up to amount needed to complete the improvements based on an estimate by the City. Upon payment, the City, at its discretion, may expend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements. Default on a project does not release the applicant from liability/responsibility, financial or otherwise, for the completion of the improvements.

10.6.4 Release of Guarantee Security

The Planning Director may release a portion or all of any security posted as the improvements are completed and approved by the Technical Review Committee (TRC). Prior to such release, **the site shall be inspected by the TRC to ensure such improvements have been installed, and** the applicant shall provide the Planning Director with a set of 'as built' drawings certified by the Technical Review Committee.

10.6.5 Warranty Against Defects

Prior to the acceptance of any improvements in any development, the applicant shall submit a dedication package (e.g. roadways, **drainage**) with the final plat for consideration by City Council. In addition, the applicant shall submit to the City of Conway a written warranty against defects which shall guarantee the material and workmanship for a period of not less than three (3) years from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to the value of the City's current contracted price (for two-lane roadway). Roads with additional lanes shall have additional surety, also equal to the City's current contracted price for each lane of roadway. Such financial guarantee shall be in a form of financial guarantee as provided for in this Article (Section 10.6.1, A).

Upon successful performance of the improvements, as determined by the Technical Review Committee, for the three (3) year period, the financial guarantee shall be returned to the applicant. If any repairs are required during the three (3) year warranty period, those repairs must be warranted for an additional year. Upon the failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Technical Review Committee, the applicant shall be notified and given a reasonable period of time to correct the defects.

Should the applicant fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the ~~Planning Director shall find the applicant in~~ **shall be considered to be in** default and **the City shall** proceed in the same manner as provided for in this Article for default.

10.6.6 Stormwater Warranty and Maintenance Responsibility

Facilities maintained by the City shall be designed and constructed consistent with the requirements of the City's Stormwater Management and Sediment Control Ordinance (*Title 3, Chapter 6 of the City's Code of Ordinances*) and dedicated to the City by deed with attached record drawings and a ~~one-year~~ **three (3) year** warranty for defects in materials and workmanship. A financial guarantee shall be provided to the City in an amount equivalent to ten (10) percent of the cost of the improvements dedicated to the City. Such financial guarantee shall be held by the City for a period of ~~one (1)~~ **three (3) years** following dedication of said improvements to the City. Financial guarantees shall be in the form of a financial guarantee as provided for in this Article (Section 10.6.1, A). [ZA2020-09-21(A)]

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Section 10.7 – Legal Provisions

10.7.1 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where these regulations impose a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provisions of these regulations shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern.

10.7.2 Repeal and Re-enactment of Existing Subdivision Regulations

The rewriting of this Ordinance in part carries forth by re-enactment some of the provisions of the existing subdivision regulations of the City of Conway and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the subdivision regulations which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the subdivision regulations in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of these regulations, but shall be prosecuted to their finality the same as if these regulations had not been adopted; and any and all violations of the existing regulations, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in these regulations shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

10.7.3 Effect Upon Outstanding Preliminary Plats

Nothing herein contained shall require any change in any preliminary plat which has received approval by the City of Conway prior to the time of the adoption of these regulations provided that such preliminary plat has been prosecuted to completion and a final plat recorded in the Horry County Register of Deeds within one year after the time of the adoption of these regulations. If the final plat of all or part of the area shown on any previously approved preliminary plat is not recorded in the Horry County Register of Deeds within one year after the time of the adoption of these regulations, such non-recorded area shall be subject to all the provisions of these regulations.

- A. After the effective date of this Ordinance, any final plat to be recorded based upon any outstanding preliminary plat shall follow the final plat approval procedures of this Ordinance including the guarantee of installation provisions. In addition, nothing herein contained shall require any change in any final plat which has received approval by the City of Conway prior to the time of the adoption of these regulations provided that such final plat is prosecuted to completion in accordance with the terms of approval. In the event of default or the failure of the applicant to perform in accordance with the conditions as approved, the City of Conway may, at its option, take lawful action pursuant to the subdivision regulations in existence at the time of the final plat approval or these regulations.

10.7.4 Effect Upon New Territory Added to Jurisdiction

At any time when new territory is added to the jurisdiction of these regulations, such new territory shall immediately become subject to the provisions of these regulations. Any proposed development or any development in progress within such new territory shall proceed only in accordance with the following:

- A. Any development for which a final plat has been recorded in the Horry County Register of Deeds pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of development improvements, shall remain under the development control of such local government until such time as such applicant shall have been prosecuted to completion. Provided, however, the City may not accept the dedication of any street or street improvements unless such street and street improvements meet the standards of these regulations and the City's Policy for Acceptance of Streets for use and maintenance by the City.
- B. All other developments shall meet all of the requirements of these regulations and it shall be the responsibility of the applicant of any proposed development or developments in progress to receive approval as provided for in these regulations before proceeding with any development. The applicant shall arrange a conference with the Planning Director who shall determine the level and type of approval required and provide the applicant with an approval track for the particular case.

10.7.5 Modifications

In approving a preliminary plan, the Planning Commission may modify any standard or requirement of these regulations where in the Commission's opinion equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purposes of these regulations. In approving a modification, the Commission may prescribe such reasonable and appropriate conditions and safeguards as will in its opinion assure performance and the maintenance of the purposes of these regulations.

10.7.6 Amendment

The City Council may from time to time amend the terms of these regulations after a public hearing has been held and notice given as required by law. However, any proposed Amendment shall be submitted to the Planning Commission for review and recommendation prior to City Council action. The Planning Commission shall have forty-five (45) days from the date such Amendment is first submitted for review to the Council to make its recommendation. If the Planning Commission fails to make its recommendation within the specified time, it shall be deemed to have recommended in favor of the Amendment (S.C. Code § 6-29-1130(B)).

10.7.7 Violations and Penalties

- A. After the effective date of these regulations, no subdivision plat or other land development plan may be filed or recorded in the Horry County the Register of Deeds, and no building permit may be issued until the plat bears the stamp of approval and is properly signed by the Planning Director. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by these regulations is declared a misdemeanor and, upon conviction, is punishable as provided by law.
- B. The Horry County Register of Deeds shall not accept, file, or record a land development plan or subdivision plat involving a land area subject to these regulations unless the development plan or subdivision plat has been properly approved. If a public official violates the provisions of this section, he is, in each instance, subject to the penalty provided in this Section and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided and may enjoin any violations of them.
- C. The owner or agent of the owner of any property being developed within the City may not transfer title to any lots or parts of the development unless the land development plan or subdivision has been approved as provided for herein and an approved plan or plat recorded in the Office of the Register of Deeds. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in

the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The City may enjoin the transfer by appropriate action.

- D. It is unlawful for a person in laying out a new street or road within the City to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

10.7.8 Validity

If any section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these regulations. The City Council hereby declares that it would have passed these regulations and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

10.7.9 Effective Date

This ordinance shall become effective upon its adoption by the City Council of the City of Conway, South Carolina.

Section 10.8 – Vested Rights

10.8.1 Definitions as Used in This Section

Approved means a final action by the local governing body or an exhaustion of all administrative remedies that results in the authorization of a site-specific development plan.

Building Permit means a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.

Conditionally Approved or Conditional Approval means all interim action taken by a local governing body that provides authorization for a site-specific development plan but is subject to approval.

Landowner means an owner of legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owners. Landowner may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as ~~his~~ **their** agent or representative for purposes of submitting a proposed site-specific development plan pursuant to this article.

Local Governing Body means (a) the governing body of the municipality, or (b) a municipal body authorized by ordinance to make land-use decisions.

Person means an individual, corporation, business or land trust, estates, trust, partnership, association, two (2) or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

Real Property or Property means all property that is subject to the land use and development ordinances or regulations of a local governing body, and includes improvements or structure customarily regarded as part of real property.

Site Specific Development Plan means a development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but not limited to, the following plans or approvals; Planned Development; subdivision plat; preliminary or general development plan; variance; or other land-use approval designations as are approved by The City of Conway.

Vested Right means the right to undertake and complete the development of property under the terms and conditions of a site-specific development plan as provided in this Article.

10.8.2 Vested Rights Duration and Conditions

Excluding Conservation Subdivisions, a Vested Right shall be established for two (2) years upon the approval of a site-specific plan by the Planning Commission, Planning Director, and Technical Review Committee. Such vested right shall receive a total of five (5) one (1) year extensions upon annual application by the landowner in each year that an extension is desired. City shall approve applications for a total of five annual extensions of the vested rights unless an amendment to the land development ordinance or regulations have been adopted that prohibits approval.

A Vested Right for Conservation Subdivisions shall be established for ten (10) years upon the approval of a site-specific plan by the Planning Commission, Planning Director, and Technical Review Committee. Such vested rights shall receive extensions upon timely application by the landowner as allowed by law, and the terms may be extended periodically as needed to serve the development of the entire tract at issue within the project, by way of mutual agreement between the Developer and the City.

It is the responsibility of the applicant to file for an extension before the annual due date.

A vested right in a site-specific development plan shall not attach until all plans have been received, approved

and all fees paid in accordance with the *UDO*. All administrative appeals must be resolved in favor of the applicant before a vested right attaches.

The following plans must be approved by the TRC, as well as the Planning Commission (when applicable) prior to receiving a vested right to the property.

A. Commercial and Residential:

1. A scaled site plan showing all proposed improvements to the site including but not limited to:
 - a. Structures
 - b. Parking spaces, handicapped spaces and access ramps, wheelstops, and curbing
 - c. Dumpster or compactor location and screening
 - d. Proposed fences or walls
 - e. Perimeter and interior landscaped areas
2. A current survey of the property signed and sealed by a licensed surveyor.
3. Landscape Plan showing:
 - a. Perimeter landscaping
 - b. Interior landscaping areas within parking lots and percentage ratio
 - c. Irrigation system
 - d. Proposed planting plan showing location, size and type of proposed trees and shrubs per Landscape Ordinance requirements
4. Drainage Plan including: (Requires Drainage Plan and Calculations signed and sealed by a State licensed Engineer)
 - a. Direction of surface flow
 - b. Subsurface piping and structure
 - c. Elevations of outfall and location
 - d. Storm Water retention calculation
 - e. Proof of Approval of OCRM (Office of Ocean and Coastal Resource Management)
5. Utilities Plan including:
 - a. Location of the tie-in location
 - b. Proposed on-site utilities and or possible extensions
 - c. Proposed water line layout
 - d. Proposed sewer line layout
 - e. Location of all fire hydrants within 1,000 feet radius of project

Depending on the size and complexity of the proposed project, additional plans and information may be required.

Upon approval, such vested right must attach prior to the issuance of a building permit but not later than that authorization to proceed with investments in infrastructure.

The City of Conway shall not require a landowner to waive ~~his~~ **their** vested rights as a condition of approval of a site-specific development plan.

A Vested site-specific development plan may be amended if approved by the local governing body, including the Planning Director, Technical Review Committee and Planning Commission (when applicable), pursuant to the provisions of the *UDO*.

Upon the expiration of a vested right, a building permit may be issued for the development only in accordance with applicable land development ordinances or regulations.

Amended 6/15/20 #ZA2020-06-15 (D)]

10.8.3 Vested Rights and Zoning Requirements

A vested site-specific development plan is subject to later local governmental overlay zoning that imposes site-plan related requirements, but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.

A change in the Zoning district designation or land-use regulations made subsequently to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner.

10.8.4 Revision in the Law/Building Code Requirements/Vested Rights

A Vested site-specific development is subject to later enacted federal, states, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structures and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical and mechanical codes in force at the time of the issuance of the building permit.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or a prescribed by the applicable building code.

10.8.5 Annexation and Vested Right Developments

If Real Property having a vested site-specific development plan is annexed, the City Council shall determine after notice and a public hearing, at which time the landowner is allowed to present evidence, if the vested right is effective after the annexation.

10.8.6 Failure to Meet Terms of the Conditional Approval

Failure to meet the terms of the preliminary conditional approval as set forth by the *UDO* shall allow the termination of the vested rights established on said site specific plan. The City of Conway shall be required to give notice to the landowner of the said real property and hold a public hearing to determine if the landowner has failed to meet the terms of the conditional/preliminary approval.

A vested right to a site-specific development is subject to revocation by the local governing body upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner, or substantial non-compliance with the terms and conditions of the original or amended approval.

10.8.7 Vested Rights and Development Agreements

A vested right is not a personal right, but attached to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right as required by the *UDO* may reply upon and exercise the vested right for its duration subject to applicable federal, state and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structures and uses regulations which do not provide for the grandfathering of the vested right. This Vested Rights section does not affect the provisions of a development agreement executed by the City of Conway.

Section 10.9 – Road and Street Dedication Requirements

10.9.1 The Road Dedication Process

1. **Submit Plans.** Construction plans are submitted to the Planning Department for review and approval by the Technical Review Committee as part of the subdivision review process.
2. **Submit Initial Dedication Documents.** Including Developer Easement, Roadway Deed, Drainage Easements, Warranty Agreement, Joinder and Consent to dedicate prior to the start of construction. Final Plat or Bonded Final Plat shall not be approved by the Planning Director or Technical Review Committee until those documents are received.
3. **Start Construction.** Upon plan approval and receipt and approval by the Technical Review Committee of all the above items, all other regulatory permits, and following a pre-construction conference attended by the project design engineer, the project contractor and the city construction inspector, construction may commence.
4. **Inspection of Road and Drainage Construction.** Periodic inspections by the Technical Review Committee and/or their designee(s) are required as listed under Inspection section.
5. **Submit “as-Built” Plans and Certification of Non-Litigation.** Upon completion of construction and final inspection approval, the “As-Built” Plans and Certification of Non-Litigation shall be submitted to the Technical Review Committee.
6. **Submit “Warranty Agreement”.** The developer shall be notified of the upcoming dedication presentation to City Council and the developer shall provide the necessary Warranty Agreement and required surety to the Technical Review Committee prior to said meeting.
7. **City Council.** Once all necessary documentation has been received and approved by the Technical Review Committee the road dedication resolution shall be presented by the Technical Review Committee to City Council for acceptance. Following approval by City Council, the final plat will be approved for recording by the Technical Review Committee and Planning Director assuming all other requirements of the UDO have been met.
8. **Warranty Period.** The Warranty Period shall run for a minimum of three years from date of acceptance by City Council. Thirty-four months after acceptance, or at any time that deficiencies are discovered, a warranty inspection shall be performed by the Technical Review Committee or ~~his~~ **their** designee, the developer shall then be notified in writing of the results. Deficient items must be repaired or replaced within thirty (30) days of said written notice or the City may require payment from the surety to provide funds to make the necessary repairs. All repairs are expected to be good quality workmanship, meeting City of Conway construction standards and shall be subject to an additional one-year warranty.

10.9.2 General Requirements

1. **Eligibility for Acceptance** – A road or street will be eligible for acceptance into the City of Conway maintenance system only after meeting all the requirements listed herein.
2. **Public Benefit and Access** – The road being dedicated must serve a public benefit by providing access to two or more parcels of land or as a connection between existing roads and must connect to an existing public road.
3. **Plan Submittal and Review** – Construction plans must be submitted to the City of Conway through the Planning Department for review and approval by the City Staff prior to the start of any construction. Plans must be prepared by a licensed Civil Engineer in the State of South Carolina. No inspections will be performed without approved plans. In addition to the construction plans, a preliminary plat showing the roadways and drainage easements to be dedicated is to be prepared by a licensed Land Surveyor in the State of South Carolina and submitted to the City Planner along with the initial dedication documents.
4. **Warranty Period** – Roadways accepted for dedication by the City shall be conditionally accepted, subject to a minimum three-year warranty for workmanship and materials. During this period the City shall only perform the minimum maintenance necessary to correct unsafe situations. Repair of all other defects or deficiencies shall be the responsibility of the developer. Damage caused by construction activities of the developer's contractors or contractors working for purchasers of lots shall be the responsibility of the developer.
5. **Warranty Agreement** – The Warranty Agreement form shall be executed by the developer(s) and forms the basis for the warranty by the developer to the City of Conway.
6. **Warranty Surety** – Warranty surety in the form of an irrevocable standby letter of credit issued by a bank doing business in South Carolina or cashier's check or cash shall be provided prior to presentation of the dedication to City Council. The time period of the letter of credit must be sufficient so as to be in effect sufficient to allow time for City staff and City Council acceptance. Typically, a 38-month period will be sufficient to allow for City staff and City Council to finalize the acceptance process. This surety may be used by the City to make necessary repairs to the roads or drainage systems in the event that the developer fails to respond to the City's request to make said repairs in a timely manner.

The letter of credit shall contain the following items: a) the beneficiary shall be The City of Conway; and b) drafts may be drawn by written notification on official City letterhead, signed by an authorized representative of the City of Conway stating the failure of the developer to meet the requirements of the conditional roadway dedication to the City. The letter of credit cannot require sight drafts only. In lieu of a letter of credit, a cashier's check or cash can be posted in the appropriate amount. No other surety forms shall be acceptable.

- a. **Warranty Surety Amount** – The amount of surety shall be equal to ~~\$15 per linear foot~~ **the city's current contracted amount per linear foot** of 2-lane roadway. Roads with additional lanes shall have additional surety, also equal to ~~\$5 per in linear foot~~ **the city's current contracted amount**, for each lane of roadway.
- b. **Utility Easements** – The City of Conway Developer Easement shall be provided to the City prior to the start of any construction. This easement is intended to protect the City's rights. The City cannot accept title to roadways or drainage easements which are encumbered by previous easements granted to other parties. If easement(s) are granted to utility companies or other parties in areas that are intended to be dedicated to the City of Conway prior to the above-mentioned easement being granted to the City, then the Utility Joinder and Consent Form must be signed by the easement grantee (i.e. utility company).

- c. **General Joinder and Consent to Dedicate** – The Joinder and Consent to Dedicate form must be signed by any parties who hold a mortgage or lien on the subject property.

10.9.3 Basic Design Requirements

All the requirements below shall be subject to review, inspection and approval by TRC.

1. Road right-of-way shall be a minimum of fifty (50) feet wide for residential access and sub collector roads, greater width required for other road classifications in accordance with Article 7. Additional right-of-way width may be required in areas of excessive cut and fill or to encompass wider drainage ditches.
2. Roadside drainage system and culverts shall be required to convey runoff from the 25-year storm event. Culverts under arterial roads shall be designed to convey runoff from the 50-year storm event.
3. Roadside ditches, if allowed, shall be a minimum of twelve (12) inches below finished crown elevation unless a curb and gutter system is utilized or required. Roadside shoulders shall be a minimum of 4 feet wide. Side slopes of roadside ditches shall be a maximum of 4:1 to allow ease of maintenance. Additional right-of-way width shall be required to accommodate any ditches greater than 2 feet deep. [ZA2020-09-21(A)]
4. Roadway alignment and grade should be designed to allow for adequate drainage and safety to the public and shall be approved by TRC before construction begins.
5. Road shall be crowned with a slope of one-quarter (1/4) inch per foot. Longitudinal slope shall be a minimum of 0.50%.
6. Stormwater shall not be designed to flow across streets or through intersections unless existing site conditions make it impossible or highly impractical to do otherwise. Final determination of feasibility in this case is at the sole judgment of the City staff. Typically catch basins and culverts shall be provided to convey stormwater from one side of the road or intersection to another.
7. All piping located within the public right-of-way or within a drainage easement dedicated or proposed for dedication to the City shall be RCP Class III as a minimum.
8. Unsuitable sub-grade material will require undercutting as determined by the developer's engineer with the approval of the Technical Review Committee and replaced with suitable granular material. Alternate sub-grade improvements such as soil-cement, lime stabilization, calcium chloride, or stabilization fabric or geo-grid may be substituted if recommended by a geotechnical engineer and approved by TRC. Upon completion of the work, the geotechnical engineer shall certify that the improvements were constructed in conformance with the approved recommendations.
9. Underdrains shall be required beneath all curb and gutters unless a geotechnical investigation shows that the soils are highly permeable and the seasonal high-water table, as certified by a geotechnical engineer, is more than 2 feet below the bottom of the road base. Underdrain design and location is subject to approval by TRC.
10. Prime coats shall be applied to all base material and allowed to properly cure prior to paving. Prime will not be required when more than 2 inches of compacted asphalt is to be used.
11. Shoulder and ditch grassing will be required. A good stand of permanent grass shall be present 90 days after the final inspection, or the area shall be re-seeded or sodded. If a good stand of permanent grass has not become established within 180 days, sodding may be required by TRC.
12. Traffic control signs and pavement markings shall comply with the South Carolina Manual of Uniform Traffic Control Devices and SCDOT specifications for highway signs and pavement markings.
13. Entrance features, signs, street lighting, sidewalks, trees, landscaping and irrigation systems may be permitted within right-of-ways subject to review and approval and issuance of an encroachment permit from the Technical Review Committee following approval of all other required City Boards and staff. The

developer or a HOA will be responsible for maintenance of said items.

14. All other roadway construction, drainage construction, or safety items not specifically listed above shall meet the current SCDOT standards as a minimum.

10.9.4 Construction Standards

1. General: In addition to all standards previously listed, the following construction standards are required:
 - a. Clearing and grubbing: All work will be required to conform to requirements and standards as set forth by the SCDOT Specifications, most recent edition.
 - b. Subgrade: As specified in Section 208, SCDOT Specifications, or sound, undisturbed natural subsoils compacted to 95% Modified Proctor. The subgrade shall be proof-rolled with a 20-ton load on a tandem axle truck. Independent compaction testing shall also be required.
2. Base Courses: To be one of the following types and shall be proof-rolled with a 20-ton tandem axle truck and independent compaction tests will be required. The minimum acceptable compaction shall be 100% modified proctor for all base materials.
 - a. Soil aggregate, (coquina) as specified in Section 304, SCDOT Specifications.
 - b. Stabilized Aggregate as specified in Section 305, SCDOT Specifications.
 - c. Cement Stabilized Aggregate as specified in Section 308, SCDOT Specifications
 - d. Hot Laid Asphalt Aggregate Base specified in Section 311, SCDOT Specifications.
3. Surface Course: Hot Laid Asphalt Concrete Surface Course: Type I and Type III as specified in Section 403, SCDOT Specifications.
4. Paving Tolerances: The average of the core samples shall be at least the minimum required paving depth. No individual core depth shall be less than 90% of the minimum required depth. Where areas of inadequate depth are found, additional cores shall be taken to define the deficient area. The deficient area shall be removed and replaced in a curb and gutter situation or overlaid if no curbing is present. Overlay shall be a 1" minimum depth. Paving "birdbaths" shall be no larger than 20 s.f. and no greater than 3/16" deep when measured with an 8 ft. straightedge.
5. Traffic Control Signs shall be in accordance with the South Carolina Manual of Uniform Traffic Control Devices as required by State law. Speed limit signs shall be posted at the entrances to developments and at appropriate intervals within the development. All traffic control sign surfaces shall be Type III High Intensity Sheeting. Signs in residential subdivisions may be mounted on treated wood 4 x 4 posts or steel u-channels. Signs in other areas shall be mounted on steel u-channels.
6. Street Name Signs shall be the standard City of Conway, size and color and shall be mounted on steel posts with appropriate brackets. [ZA2020-09-21(A)]
7. Pavements striping of collector roads and arterials will be required, this shall include centerlines, edge lines (unless curb and gutter is used) land dividers, turn arrows, stop bars, and pedestrian crossings. All lane striping shall be latex based. All striping shall be thermoplastic.

10.9.5 Base and Pavement Requirements

Base and Pavement Materials and Minimum Thickness

TYPE OF FACILITY	BASE	BINDER	SURFACE
Local Access	11" Coquina Soil Cement or 8" SABC	None required	2" Type I
Sub-collector	11" Coquina Soil Cement or 9" SABC	None required	2.5" Type I
Collector	14" Coquina Soil Cement or 10" SABC	1.5"	1.5" Type I or 3" Type I if Binder not used
Arterial	17" Coquina Soil Cement or 12" SABC	2"	2" Type I

The values shown are the minimum required for good soil conditions. TRC may require that a geotechnical report and pavement design be provided if the native soil's conditions are considered unsatisfactory or of questionable suitability. "Type of Facility" is defined in Section 7.1. [ZA2020-09-21(A)]

10.9.6 City of Conway Inspections

A minimum of two (2) working days' notice must be given for any requested inspection. If subsequent work is done prior to inspection, it is done so at the contractor's and developer's risk and may, upon decision of TRC, be required to be removed and reinstalled or have the quality substantiated by tests as determined by the ~~Building Department~~ **Construction Services and/or Public Works Departments (i.e. Stormwater)**. All approved inspections are valid for a maximum of 30 days. In the event that weather or construction activities result in changes to approved conditions, re-inspections shall be required before proceeding to the next stage of construction. Inspections will be required after the following stages of construction and shall meet the minimum requirements of the SCDOT Standard Specifications for Highway Construction.

- A. Clearing and grubbing.
- B. Drainage installation.
 1. Required prior to backfilling. Joints must be exposed for inspection.
 2. Final inspection required.
- C. Sub-grade: Proof-rolling and independent compaction tests required. If curbing is to be installed, sub-grade proof-rolling beneath curbing will be required. 95% modified proctor compaction required. Proof-rolling shall be performed with a tandem axle dump truck with a 20-ton load. Any "pumping" or substantial depression observed shall constitute a failure of the test.
- D. Base installation: Proof-rolling and independent compaction tests required. 100% modified proctor compaction required. Proof-rolling shall be performed with a tandem axle dump truck with a 20-ton load. Any "pumping" or substantial depression observed shall constitute a failure of the test.
- E. Prime coat applications.
- F. Pavement installation: Independent depth core, gradation and compaction tests are required. Additional asphalt tests may be required. Additional asphalt tests may be required to substantiate quality if pavement shows signs of failure to meet minimum standards. Core locations shall be marked by the ~~Building Department~~ **Construction Services and/or Public Works Departments** and generally will be spaced approximately 500 ft. apart.
- G. Grass seeding of shoulders and ditches.
- H. Sign installation including street name signs and traffic control signs.
- I. Pavement markings.
- J. Final inspection of all completed infrastructure.

10.9.7 City of Conway As-Built Requirements

The developer shall provide the Planning Director with “as-built” plans documenting the roadway and drainage system post construction conditions. The plans shall be based on actual field surveys for location and elevation information. The plans shall bear the stamp and seal of the land surveyor who prepared the plan. The plans shall show the following items as a minimum. Additional information may be required by the Technical Review Committee to accurately depict unusual situations.

- A. Subdivision name and phase designation.
- B. Lot lines, lot numbers and phase limits.
- C. Street names, right-of-way width, and private or public designation.
- D. Easements.
- E. Edge of pavement or curbing, road centerline stationing and curve data.
- F. Road centerline elevations at 100 intervals and at intermediate high points and low points.
- G. Drainage structures with sizes, elevations of tops, grates, inlets and all pipe inverts.
- H. Drainage pipes with size, material, length, slope and invert elevations.
- I. Drainage lakes or pond edges, water surface and average bottom elevations and details of any control structures and elevations. Also include calculation of actual volume of retention/detention storage provided in acre-feet.
- J. Drainage ditches and swales, depths and bottom elevations at 100' intervals and at the ends.
- K. Any encroachments within road right-of-ways and drainage including structures, utility boxes, fences and landscaping.

In the event that the “As-Built” plans show that field changes were made, or significant differences exist from the design plans, the design engineer shall certify that the changes or differences are not detrimental, and that the system will still meet the minimum acceptable design standards and practices.

All the above information shall be provided to the Planning Director **Department** in a digital format, along with two (2) paper copies. No mylar copies will be accepted.

CITY OF CONWAY WARRANTY AGREEMENT

Know all men by these present, that _____, of _____, hereafter referred to as “Developer”, as principal and firmly bound unto the City of Conway, existing under the laws of the State of South Carolina, as oblige in full and just sum of \$_____, lawful money of the United States of America, to the payment of which sum, well and truly made the Developer bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Developer has lawfully developed and constructed a development in the City of Conway, South Carolina, known and identified as _____, and in connection therewith has constructed, certain roadways, drainage ways, and other appurtenant **road and drainage structures (i.e. stormwater infrastructure)**, and has dedicated those facilities to the City of Conway for public use and maintenance.

NOW, THEREFORE, the condition of this obligation is such that the Developer shall give to the City of Conway fee simple title to said improvements, and warrants that said improvements are in first-class condition, and shall remain in said condition, less normal wear, for a period of three (3) years from the date of action by Conway City Council to accept said facilities. Should said facilities, or any portion thereof, require repair or replacement for failure of workmanship, materials, or damage resulting from any construction related activities, including utility construction or building construction performed by other parties who purchased land from said Developer, within three (3) years from date of said acceptance, the Developer shall make the necessary repairs or shall be liable to the City of Conway in the amount of the full and just sum herein stated above for costs to repair and replace said facilities to a first-class condition. All repairs made shall be of good quality and shall be subject to an additional twelve (12) month warranty period with a suitable financial guarantee being posted for 125% of the estimated cost of the repair work as determined by the Technical Review Committee (TRC).

SIGNED, SEALED, AND DATED this _____ day of _____

WITNESS:

DEVELOPER:

Witness signature

Developer signature

Witness print name

Developer signature

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

The foregoing was acknowledged before me this _____ day of _____, by _____.

Notary Public

My Commission Expires: _____



CITY OF CONWAY
CERTIFICATE OF NON-LITIGATION

I, (We), hereby certify that there is no pending or threatened actions at law that will affect the fee simple dedication of the below named project. I, (We), further certify that all contractors, subcontractors, material suppliers, surveyors, attorneys, or other persons, firms, or corporations retained for the purpose of designing, planning, and constructing the project have been paid in full.

Project name: _____

Road names: _____

WITNESS:

Witness signature

Witness print name

WITNESS:

Witness signature

Witness print name

WITNESS:

Witness signature

Witness print name

DEVELOPER:

Developer signature

Developer print name

GENERAL CONTRACTOR:

General Contractor signature

General Contractor print name

ENGINEER:

Engineer signature

Engineer print name

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

The foregoing was acknowledged before me this _____ day of _____, by _____

Notary Public

My commission expires: _____



CITY OF CONWAY
GENERAL JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that it is the holder of a mortgage, lien, easement, right-of-way, or encumbrance on certain lands properly known as _____ and that the undersigned hereby joins in the consent to the dedication of the roadways, drainage ways, easements, and other appurtenances located on or in said described property by the owner thereof, and agrees that its mortgage, lien, easement, right-of-way or other encumbrance, which is recorded in Official Records Book _____ at Page _____, of the Public Records of Horry County, South Carolina, shall be subordinated to the above dedication.

Witness Signature

Signature

Witness Print Name

Signatory Print Name

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

The foregoing was acknowledged before me this _____ day of _____, by

Notary Public

My commission expires: _____

CITY OF CONWAY
UTILITY JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that it is the holder of an easement or right-of-way on certain lands properly known as _____, and that the undersigned hereby joins in the consent to the dedication of the roadways, drainage ways, easements, and other appurtenances located on or in said described property by the owner hereof, and agrees that its easement, right-of-way or other encumbrance which is recorded in Official Records Book _____ at Page _____, of the Public Records of Horry County, South Carolina, shall be subordinated to the above dedication on the condition that _____ will have perpetual, complete and full access to any of its utility lines which run along, cross overhead, or extend underneath the roadways to replace, repair, maintain, and upgrade said lines and facilities.

_____ agrees to repair any and all damage to the roadways and all damage to the roadways and drainage facilities caused by its activities within the subject rights-of-way and easements. Said repairs shall be promptly performed and meet City of Conway standards of construction.

Witness Print Name

(Signatory Print Name)

Witness Signature

Signature

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

The foregoing was acknowledged before me this _____ day of _____ by

_____.

Notary Public

My commission expires: _____

STATE OF SOUTH CAROLINA)

RIGHT-OF-WAY DEED

COUNTY OF HORRY)

KNOW ALL MEN BY THESE PRESENT, THAT I, (We) _____

in consideration of the sum of One Dollar, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the City of Conway, its successors and assigns, a right-of-way deed for the following road(s) named _____

as shown on a plat prepared by _____ titled _____ and dated _____ said plat being recorded in the Horry County Register of Deeds at Book _____ Page _____.

Said road right-of-way having been offered for dedication and said dedication being accepted by action of Conway City Council at its meeting on _____ 20____.

TO HAVE AND TO HOLD, all and singular, the said right-of-way and the rights hereinabove granted, unto the said City of Conway, its successors and assigns forever.

IN WITNESS WHEREOF I (or we) have hereunto set my/our hand(s) and seal(s) this __ day of _____ in the year of our Lord Two Thousand and _____.

Signed, sealed and delivered in the presence of:

WITNESS #1

OWNER

WITNESS #2

OWNER

STATE OF SOUTH CAROLINA)

PROBATE

COUNTY OF HORRY)

Personally appeared before me _____

and made oath that he/she was present and saw the within named owner(s), _____

_____ sign, seal, and act as their act and

deed deliver the within deed for right-of-way; and that _____ with

_____ Witnessed the execution thereof.

Sworn to before me this _____ day of _____, 20____.

WITNESS SIGNATURE

Witness is not a party to or a beneficiary of the transaction

Notary Public

My Commission Expires: _____



STATE OF SOUTH CAROLINA)

DRAINAGE EASEMENT

COUNTY OF HORRY)

KNOW ALL MEN BY THESE PRESENTS, THAT I, (We), _____
 _____ in consideration of the sum of One Dollar, receipt of
 which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant,
 bargain, sell and release, unto the City of Conway, its successors and assigns, a right-of-way easement for the
 following road(s) named _____
 _____ as
 shown on a plat prepared by _____ titled _____
 _____ and dated _____ said plat being recorded in the Horry County
 Register of Deeds at Book _____ Page _____.

Said drainage easement having been offered for dedication and said dedication being accepted by action of
 Conway City Council at its meeting on _____, 20____.

TO HAVE AND TO HOLD, all and singular, the said right-of-way and the rights hereinabove granted, unto
 the said City of Conway, its successors and assigns forever.

IN WITNESS WHEREOF I (or we) have hereunto set my/our hand(s) and seal(s) this ____ day of ____
 _____ in the year of our Lord Two Thousand and _.

Signed, sealed and delivered in the presence of:

 WITNESS #1

 OWNER

 WITNESS #2

 OWNER

STATE OF SOUTH CAROLINA)

PROBATE

COUNTY OF HORRY)

Personally appeared before me _____ and made oath that he/she was present
 and saw the within named owner(s), _____
 _____ sign, seal and act as their act and deed deliver the within easement for
 right-of-way; and that _____ with
 _____ witnessed the execution thereof.
 Sworn to before me this _____ day of _____, 20____.

 Witness signature

Witness is a not a party to or a beneficiary of the transaction

 Notary Public

My Commission Expires: _____



**CITY OF CONWAY PUBLIC WORKS
WARRANTY BOND**

Purpose: Prior to Service Authorization Contractor's Warranty Bond for One Year

KNOW ALL MEN BY THESE PRESENT, THAT _____ of _____, South Carolina, hereinafter referred to as "Developer", as principal and _____, a company authorized to do business in the State of South Carolina, hereinafter called "Surety", and held and firmly bound under the City of Conway, a body politic existing under the laws of the State of South Carolina, as oblige in full and just sum of \$_____, lawful money of the United States of America, to the payment of which sum, well and truly made, the Developer and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these present.

WHEREAS, the Developer has developed and constructed a development in Horry County, South Carolina, known and identified as _____ and in connection therewith has installed with approval of the City of Conway Technical Review Committee, certain water distribution and/or wastewater collection facilities, and had dedicated those facilities to the City of Conway.

NOW THEREFORE, the condition of this obligation is such that the Developer shall give to the City fee simple title said **water distribution and wastewater collection facilities** and warrants that said facilities are in first class condition, and shall remain in said condition, less normal wear, for a period of one (1) year from the date of Agreement by the City of Conway to accept said facilities. Should said facilities, or any portion thereof require replacement for failure of workmanship or materials within one (1) year from date of said acceptance, the Developer and their Surety shall be jointly and severally liable to the City of Conway in the amount of the full and just sum herein stated above for costs to replace said facilities to a first-class condition.

SIGNED, SEALED AND DATED this _____ day of _____, 20____.

OWNER

WITNESSES:

SURETY:

**LETTER OF CREDIT / FINANCIAL GUARANTEE TEMPLATE
(EXAMPLE ONLY)**

**NAME OF BANK / FINANCIAL INSTITUTION
IRREVOCABLE STANDBY LETTER OF CREDIT**

Date: _____

LOC No.: _____

Lender:

Name of Financial Institution

C/O (Contact person)

Address

City/State/Zip

Beneficiary:

City of Conway

C/O Planning & Development Dept.

196 Laurel Street

Conway, SC 29526

Amount:

Insert amount of LOC here

Applicant:

Name of Individual or Corporation

C/O (Contact Person)

Address

City/State/Zip

Project Name:

Provide project name and phase # (if applicable)

for: (remaining infrastructure, roadway warranty, etc.)

Expiration Date:

Date of Expiration of LOC here

We (INSERT NAME OF FINANCIAL INSTITUTION HERE) hereby issue our irrevocable standby letter of credit No. (INSERT LOC # HERE) in your favor for the account of (INSERT “APPLICANT” HERE), up to the aggregate amount of exactly (INSERT LOC AMOUNT HERE) U.S. Dollars. Your draft must bear the clause “Drawn under Irrevocable Letter of Credit No. (INSERT LOC # HERE) dated (INSERT DATE HERE)”, and be accompanied by the following:

1. The original of this Irrevocable Letter of Credit with the amount of your draft and your indorsement on the reverse of this letter.
2. A signed statement on City of Conway letter head signed by an authorized official, stating that (INSERT “APPLICANT” HERE), as Principal, has failed to complete all improvements for (INSERT DEVELOPMENT / PROJECT NAME AND PHASE HERE), as required by the City of Conway.

(INSERT NAME FINANCIAL INSTITUTION HERE), as surety hereby agrees that drafts drawn under and in compliance with the terms of this letter of credit will be duly honored upon presentation to us and delivery of the documents set forth above, if drawn and presented for payments on or before the expiration date of this letter. Multiple draws and/or or drafts are not permitted under this letter of credit.

Upon honoring your draft, we shall be fully discharged of our obligations under this Letter of Credit and shall not thereafter be obligated to make any further payment under this Letter of Credit in respect to such demand for payment by you or any other person. This Letter of Credit is not transferable or assignable. Any negotiation fees or charges shall be the responsibility of the applicant.

Except as otherwise stated herein, this letter of credit is subject to the “Uniform Customs and Practices for Documentary Credits” (INSERT EDITION HERE), established by the International Chamber of Commerce, Publication (INSERT NUMBER HERE).

AUTHORIZED SIGNAGE HERE
(TYPED NAME) (TITLE)



DATE: JUNE 17, 2024
ITEM: VI.E.

ISSUE:

First reading of Ordinance #2024-07-15 (E) An ordinance granting a distribution right-of-way easement to the South Carolina Public Service Authority (Santee Cooper) across property of the City of Conway adjacent to Wright Boulevard at Racepath Avenue (PIN 368-03-01-0009).

BACKGROUND:

Santee Cooper is currently performing powerline upgrades on Wright Boulevard and Racepath Avenue to upgrade and replace lines and poles. This includes conversion of vertical lines into overhead lines with crossarms, installation of guy wires, and trimming of overhanging tree limbs. Easements are required of property owners within the subject work area, which includes the City of Conway for the property adjacent to Wright Boulevard at Racepath Avenue (PIN 368-03-01-0009).

RECOMMENDATION:

Approve **first reading of Ordinance #2024-07-15 (E)**.

ORDINANCE #2024-07-15 (E)

**GRANTING DISTRIBUTION RIGHT-OF-WAY EASEMENT TO
THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY ACROSS PROPERTY OF
THE CITY OF CONWAY ADJACENT
TO WRIGHT BOULEVARD AT RACEPATH AVENUE**

WHEREAS, the City of Conway is a municipality duly organized and existing under the laws of the State of South Carolina; and

WHEREAS, the City of Conway owns certain real property located adjacent to Wright Boulevard and bordered by Racepath Avenue on the west; and

WHEREAS, South Carolina Public Service Authority desires a distribution right-of-way easement twenty (20) feet in width, extending ten (10') feet on either side of the center of wires, cables, or conduits; and

WHEREAS, it is in the best interests of the City of Conway and its citizens that the City of Conway grant said easement to the South Carolina Public Service Authority: Therefore be it

ORDAINED, by Conway City Council, in Council duly assembled, that the City of Conway does hereby grant unto the South Carolina Public Service Authority an easement over the referenced property, the easement being more particularly described on the right-of-way easement, the same being incorporated herein and made part and parcel hereof by reference; and be it further

ORDAINED, that the City Administrator is hereby authorized to execute said right-of-way easement on behalf of the City of Conway.

EFFECTIVE DATE: This ordinance shall become effective as of the date of the final reading of this Ordinance.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

STATE OF SOUTH CAROLINA)	DISTRIBUTION	PIN # 368-03-01-0009
)	RIGHT-OF-WAY	
COUNTY OF HORRY)		Racepath – City of Conway

KNOW ALL MEN BY THESE PRESENTS, THAT **City of Conway**, of 229 Main Street, Conway, South Carolina 29526 (hereafter called Grantor(s)), in consideration of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, from **South Carolina Public Service Authority** (hereinafter called Grantee), hereby grants unto the Grantee the following described easement across a tract or development situated in the County of Horry, State of South Carolina; said tract of land containing 0.25 acre(s), more or less, and being more particularly described as “10710 Sq. Feet 0.25 Acres” on that certain map or plat entitled “RECONFIGURATION & ORIGINAL SURVEY OF LOT ON WRIGHT BLVD, U.S. HWY 378 & LOT ON CORNER OF RACEPATH AVE. CONWAY TOWNSHIP, HORRY COUNTY SOUTH CAROLINA PREPARED FOR SHAWN BABWAH” prepared by Culler Land Surveying III, Inc., dated May 12, 2017, and recorded on May 31, 2017, in Plat Book 275 at Page 225 in the Register of Deeds for Horry County.

The Grantor(s) hereby grants and conveys to Grantee, its successors and assigns, the perpetual right, privilege and authority to enter upon, construct, extend, inspect, operate, replace, relocate, allocate, repair and maintain upon, over, along, across, through and under the above described property as indicated on the plat above referred to, and also upon, over, along, across, through and under any and all streets, alleys, roads or other public ways or places of said development now existing or hereinafter laid out, various electric lines with such poles, wires, cross arms, guy wires, push brace, underground cables, conduits, manholes, transformer pads, switch gear, junction boxes, and other usual structures, transfer switches, fixtures and appurtenances as may from time to time be or become convenient to the transaction of its business for distribution of electricity and communication of intelligence relating thereto, together with the right of ingress, egress, and access to and from such rights-of-way across and upon lands of Grantor as may be necessary or convenient for the purposes connected therewith.

Together with the right, from time to time, to install guy wires, conductors, cross arms and service wires, along with the right from time to time to trim, cut or remove trees, underbrush and other obstructions that are over, under, or through a strip of land Twenty (20') feet in width, extending Ten (10') feet on either side of the center of wires, cables, or conduits; provided, however, any damage to the property of Grantors (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, or excavating to install, repair, maintain, replace or remove underground manholes, shall be borne by Grantee, provided further, however, that Grantor agrees for itself, its successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the above specified number of feet of any wire strung on the said lines, and in case such structure is built, then the Grantor, or such successor and assign as may be in possession and control of the premises at the time, will promptly remove the same upon demand of the Grantee herein.

The Grantor(s) agree(s) that all structures and facilities placed on or under said right-of-way by the South Carolina Public Service Authority shall remain the property of the South Carolina Public Service Authority, removable at its option.

The premises herein granted are taken from that certain property conveyed to the undersigned by Deed of Joy Thackoordeen, dated and recorded on June 25, 2021, in Deed Book 4435 at Page 3119 in the Register of Deeds for Horry County.

TO HAVE AND TO HOLD, all and singular the rights, privileges and easements aforesaid unto the said South Carolina Public Service Authority, its successors and assigns forever.

And the Grantor(s) agree(s) to warrant and forever defend the above granted rights against itself or its successors or assigns and against any other person lawfully claiming or to claim the same or any part thereof.

The word “Grantor(s)” shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor(s) has duly executed this agreement, this the _____ day of _____, 20____.

Signed, Sealed, and Delivered in the
Presence of:

Grantors:
City of Conway

1st witness signature

Signature

2nd witness signature or Notary

Adam Emrick, City Administrator
Print Name & Title

STATE OF _____)
COUNTY OF _____)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged before me this _____ day of _____, 20____ by **City of Conway** by **Adam Emrick** its **City Administrator**.

Signature of Notary

Print Name of Notary

Notary Public for _____

My Commission Expires: _____

(AFFIX SEAL)

Project Engineer: Chris Taylor

RETURN TO:
SANTEE COOPER
Land Agent Jentry Ward
305-A GARDNER LACY ROAD
MYRTLE BEACH, SC 29579-7248

DATE: JUNE 17, 2024
ITEM: VI.F.

ISSUE:

First reading of Ordinance #2024-07-15 (F), an ordinance granting permanent and temporary easements to Dominion Energy across property of the City of Conway adjacent to Lake Busbee.

BACKGROUND:

Dominion Energy has been working with Santee Cooper to receive the right to two permanent easements and two temporary easements along the south side of the Lake Busbee property. Before this process can be completed, the property will transfer to ownership by the City of Conway. Now, the City must consider the easement.

The easement will allow Dominion Energy to construct and operate a 12-inch natural gas pipeline that will run from Conway to Myrtle Beach. As part of the agreement, Dominion accepts responsibility for any damage caused during construction or operation.

Dominion is requesting a permanent easement of 2.7 acres of land and a temporary construction easement of an additional 2.61 acres. Dominion agrees to pay the City \$11,355 in exchange for the easements.

RECOMMENDATION:

Approve first reading of Ordinance #2024-07-15 (F).

ORDINANCE #2024-07-15 (F)

**GRANTING DISTRIBUTION RIGHT-OF-WAY EASEMENT TO
DOMINION ENERGY ACROSS PROPERTY OF THE CITY OF CONWAY
ADJACENT TO LAKE BUSBEE**

- WHEREAS,** the City of Conway is a municipality duly organized and existing under the laws of the State of South Carolina; and
- WHEREAS,** the City of Conway is contracted to purchase land including and adjacent to Lake Busbee; and
- WHEREAS,** Dominion Energy seeks to build a 12-inch distribution pipeline across a portion of the property, for which Dominion Energy is requesting a 2.7-acre permanent easement and 2.61-acre temporary easement; and
- WHEREAS,** it is in the best interests of the City of Conway and its citizens that the City of Conway grant said easement to Dominion Energy: Therefore be it
- ORDAINED,** by Conway City Council, in Council duly assembled, that the City of Conway does hereby grant Dominion Energy an easement over the referenced property,
- ORDAINED,** that the City Administrator is hereby authorized to execute said right-of-way easement on behalf of the City of Conway.

EFFECTIVE DATE: This ordinance shall become effective as of the date of the final reading of this Ordinance.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

DATE: JUNE 17, 2024
ITEM: VI.G.

ISSUE

First reading of ordinance #2024-07-15 (G) to transfer authority to conduct municipal elections in the City of Conway to the Horry County Election Commission

BACKGROUND

Historically, the City of Conway has held full authority to conduct all municipal elections. Because the City lacks dedicated staff for this purpose, the process has been burdensome and created the risk of staff shortages in the event of illness around election time. The City has the option to join other municipalities in the County and transfer authority to conduct elections to the Horry County Election Commission.

Horry County has a department dedicated to elections and will ensure a seamless transfer. The City will maintain authority for candidate filing and certification. The County will handle all responsibilities beyond that.

The City agrees to reimburse the County for costs related to election administration. These costs will be similar to what the City is already budgeting for this purpose. This action will also dissolve the City's election commission.

RECOMMENDATION

Approve **first reading of Ordinance #2024-07-15 (G)** to transfer authority to conduct municipal elections to the Horry County Election Commission and authorize the City Administrator to enter into an Intergovernmental Agreement (IGA) with Horry County to give effect to the Ordinance.

ORDINANCE #2024-07-15 (G)

**AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION,
CHAPTER 8 ELECTIONS, TRANSFERRING OF AUTHORITY FROM THE CITY OF
CONWAY TO THE HORRY COUNTY ELECTION COMMISSION FOR
CONDUCTING THE CITY'S MUNICIPAL ELECTIONS**

WHEREAS, the City of Conway has traditionally handled administration of all municipal elections, and

WHEREAS, City Council has recognized that handling of elections presents certain burdens and risks that could be eliminated by pursuing other alternatives, and

WHEREAS, the Mayor and City Council desire to ensure municipal elections are conducted in compliance with state law and in the best interests of its citizens, and

WHEREAS, Pursuant to Section 5-15-145, South Carolina Code of Laws, the City wishes to transfer authority to conduct municipal elections to the Horry County Election Commission, with the exception of filing and certification of candidates; and

WHEREAS, the Conway City Council acknowledges as a condition of transfer, the City Council and Horry County Council must agree to terms of the transfer to include, but not limited to, the City bearing financial responsibility for expenses incurred by the County Election Commission in conducting the City's municipal elections; Therefore be it

ORDAINED, by Conway City Council, in council duly assembled, that Chapter 8, Elections, be amended as attached hereto.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2024.

Barbara Jo Blain, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

CHAPTER 8 Elections

State Law Reference: Municipal election commissions, S.C. Code, Sec. 5-15-90, 5-15-100.

Sec. 1-8-1 Terms of office.

- (a) The mayor and council members shall be elected for a term of four (4) years.
- (b) The term of the office of council members shall be staggered, so that one-half (½) of the membership shall be elected every two (2) years.

(Code 1978, Sec. I-800I)

State Law Reference: Terms of office for mayor and council members, S.C. Code, Sec. 5-15-40.

Cross Reference: Form of government, Sec. I-I-I.

Sec. 1-8-2 Method of election.

- (a) The members of the city council shall be elected from the municipality at large.
- (b) The mayor shall be elected at large.

(Code 1978, Sec. I-8002)

State Law Reference: Methods of election, S.C. Code, Sec. 5-15-20.

Sec. 1-8-3 Nonpartisan elections; procedure.

- (a) All regular and special elections for the offices of mayor and city council for the city held after adoption of this code shall be nonpartisan elections using the nonpartisan election and runoff election method pursuant to S.C. Code 1976, § 5-15-60.
 - (1) Candidate qualifications. A candidate filing for municipal office must be a registered voter and shall have resided within the city for at least four (4) months prior to the date of the election in which he is a candidate. The candidate shall offer proof of such residency as may be required by the municipal election commission at the time of filing.
 - (2) Filing fees. Filing fees for municipal offices shall be \$700 for mayor and \$425 for council and shall be turned in to the city clerk at the time the statement of candidacy is submitted.
- (b) Public notice for any election shall be given no later than 90 days prior to the election. The second notice shall be given two (2) weeks after the first notice. Candidates for the office of mayor and council shall file a statement of candidacy no earlier than 74 calendar days and no later than 60 calendar days prior to the date of any scheduled election and no earlier than 59 calendar days and no later than 45 calendar days prior to the date of any special election. The municipal election commission shall place the names of the qualified candidates upon the ballot.
- (c) Pursuant to section 5-15-60 of the 1976 Code of Laws of South Carolina except as otherwise provided in this section, results in elections of the city shall be determined by a majority of votes cast. A majority within the meaning of this section shall be determined as follows:
 - (1) When more than one (1) person is seeking election to a single office, the majority shall be ascertained by dividing the total votes cast for all candidates by two (2). Any excess of the sum so ascertained shall be a majority, and the candidate who obtains a majority shall be declared elected.

- (2) When more persons are seeking election to two (2) or more offices (constituting a group) than there are offices to be filled, the majority shall be ascertained by dividing the total votes cast for all candidates by the number of offices to be filled, and by dividing the results by two (2). Any excess of the sum so ascertained shall be a majority, and the candidates who obtained a majority shall be declared elected. If more candidates obtain a majority than there are offices to be filled, those having the highest vote (equal to the number of offices to be filled) shall be declared elected.
- (d) If no candidate for a single office receives a majority of the votes cast in the first election, or if an insufficient number of candidates receives a majority of the votes cast for a group of offices, a runoff election shall be held as herein provided:
 - (1) If no candidate for a single office receives a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between the two (2) candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected.
 - (2) If candidates for two (2) or more offices (constituting a group) are to be selected and aspirants for some or all of the positions within the group do not receive a majority of the votes cast in the first election, a second election shall be conducted two (2) weeks later between one (1) more than the number of candidates necessary to fill the vacant offices. The candidates receiving the highest number of the votes cast in the second election equal in number to the number to be elected shall be declared elected.

(Code 1978, Sec. 1-8003, as amended by Ord. of 12/11/78; Ord. No. 2009-05-11(A), 5/11/09; Ord. No. 2011-04-25(A), 4/25/11; Ord. No. 2023-08-07(G), 8/7/23)

State Law Reference: Public notice of elections, S.C. Code, Sec. 5-15-50; nonpartisan election and runoff method, S.C. Code, Sec. 5-15-60, 5-15-62.

Sec. 1-8-4 Time of elections.

- (a) Elections shall be held on the Tuesday following the first Monday in the month of November followed by a second election, if necessary, 14 days after the first election.
- (b) Conway city elections shall be held in odd-numbered years.
- (c) The change of election date is effective this 11th day of February, 2008.

(Code 1978, Sec. 1-8004, as amended by Ord. of 5/28/84: Ord. No. 2007-10-22(E), 11/12/07; Ord. No. 2008-02-11(A), 2/11/08)

Amendment Note: The Ord. of 5/28/84 changed the date of municipal elections from the first Tuesday in December to the date provided in subsection (a).

Sec. 1-8-5 Time of taking office.

The mayor and council members who are elected in any regular election shall take office at the first regular council meeting in January following the election.

(Code 1978, Sec. 1-8005; Ord. No. 2011-04-25(A), 4/25/11)

Sec. 1-8-6 Governance

Upon approval by Horry County, the governance of City of Conway elections shall be transferred to the

Horry County Election Commission. The City shall be responsible for candidate filing and will supply completed filing paperwork to Horry County.

DATE: JUNE 17, 2024
ITEM: VII.A.

ISSUE:

Special event request: Riverfest 2024 - June 29 – Morgan McDonnell, Chamber of Commerce

BACKGROUND:

The Conway Chamber of Commerce is requesting permission to again hold the annual Riverfest at Riverfront Park on June 29, 2024, from 11 am to 10 pm. The event will be staged along Elm Street from the railroad to the marina, tennis court area (grass), tennis court parking lot, and Conway Marina parking lot.

The following activities will be offered: Business Expo, Artisan Market, food vendors, Kidz Zone, golf cart parade, beverage/beer sales, entertainment on a stage and a fireworks display.

The golf cart parade will proceed down Elm Street from the train tracks to Waccamaw Outfitters then turn around and go back down Elm Street. The water slides, jello jump, and Kidz Zone activities will be in the old tennis center parking lot.

Arts/crafts and vendor booths will be set up along either side of Elm Street. Food vendors will be on the grass lot of old tennis center.

Musical entertainment will be held on stage at the corner lot of Marina Drive and Second Avenue; performers will be announced at a later date. Request for an alcohol consumption zone to include all outdoor areas beyond the festival barricade on Elm Street to the marina including the marina parking lot, as well as the former tennis center parking lot and vacant grass lot. The applicant is aware that liquor and liability insurance must be in force with the City listed as additional insured before beer sales can take place. Beer sales will stop at 9:30.

The applicant is requesting closure of Elm Street at Second Avenue (partial), Marina Drive and Laurel Street (partial) from 10:00 am until 10:00 pm on the day of the event.

Any City services provided can be absorbed in the City's budget.

RECOMMENDATION:

Approve the special event request for Riverfest 2024 as presented.



TO: Honorable Mayor Barbara Blain-Bellamy & Members of Conway City Council

FROM: Morgan McDonnell – Special Events Coordinator

RE: Riverfest 2024 Special Event Permit Application

The Conway Chamber of Commerce is seeking approval of the Special Event Permit for Riverfest 2024, scheduled for June 29th. This year's event does include some changes to the festival layout and logistics. Our staff has met with heads of City departments involved and agreed on the set up that best suits all aspects of planned events and activities. Attached is the completed Special Event Application as well as a map of the proposed new layout.

The vacant lot at the corner of Marina Drive and Second Avenue (*formerly the tennis courts*) would once again accommodate our staging area, allowing ample space for festival goers to sit back and enjoy the entertainment and the fireworks show. This area will not be gated, and we will not be charging an admission fee for the evening entertainment.

We request Elm Street be blocked off at second avenue beginning the "alcohol consumption zone". We request that the festival alcohol consumption zone include all outdoor areas beyond the festival barricade at Second and Elm Street down to the marina including the marina parking lot, as well as the former tennis center parking lot and vacant grass lot at corner of Marina Drive and Elm (*formerly the tennis courts*). Marina Drive will also be blocked off from the entrance of the courthouse parking lot to Elm Street, as well as Laurel Street beyond the fountain down to Elm.

Arts/crafts and business expo vendor booths will set up along either side of Elm Street and in the small parking lot behind the Santee Cooper building.

Food vendors will set up along the back of the former tennis court lot closest to Marina Drive. The back section of the tennis center parking lot will be reserved for stage staff, bands and equipment load in and equipment load out parking. Children's inflatables and activities will set up in the front portion of the parking lot.

The Marina parking lot near the entrance to Riverfront Park will house the tour busses, trash receptacles and accommodate event staff parking.

On behalf the Conway Chamber of Commerce, our Board of Directors, and the Riverfest 2024 Committee, thank you for your continued support!

RECEIVED
5/29/2024



For Office Use Only
Permit Application

- ☐ Approved
☐ Disapproved
☐ Charges required
in the amount of _____

Signature

Date

SPECIAL EVENT PERMIT APPLICATION

According to the Code of Ordinances of the City of Conway, it is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly or picketing, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly, parade or picketing has been obtained. A special event application is also required for events held on private property within the city that may expect a large crowd, impact on the neighborhood and/or city services, or require other permits such as zoning, signage, etc. Charges may apply to each application. The City of Conway, at its discretion, may choose to waive any fees and charges for special events held by bonafide, non-profit organizations.

**APPLICATION FOR PERMIT MUST BE FILED NOT LESS THAN
30 DAYS IN ADVANCE OF THE PROPOSED ACTIVITY.**

Name of the event: Conway Riverfest 2024

Name of permit holder: Conway Chamber of Commerce - Morgan McDonnell

Address of permit holder: 203 Main Street

City: Conway State: SC Zip: 29526

Telephone number of permit holder: 843-248-2273 Cell 843-602-1082

Are you conducting the activity on behalf of an organization? ☒ Yes ☐ No

Is your organization a non-profit 501(c)(3) organization? ☐ Yes ☒ No

Name of organization: Conway Chamber of Commerce

Address of organization: 203 Main Street

Telephone number of organization: 843-248-2273

What is the purpose of the activity? Community Festival (annual event)

What is the proposed date(s) of the activity? June 29, 2024

What are the proposed times of the activity? 11am - 10pm

What are the plans for the event? Business expo, artisan market, live music, food,
Kids zone, fireworks, golf cart parade, alcohol sales

What is the location or route of the activity? (Please attach any necessary route maps.) _____
7 Elm Street. Elm Street from 2nd Ave to the Marina

If you are conducting a parade, please attach a map showing the route with the portion of the street(s) and/or sidewalk(s) to be utilized clearly marked.

List any streets which may need to be closed, including specific dates and times of closing and re-opening:

Elm St. (partial) from 2nd Ave to the Marina, Laurel Street (beyond the fountain) to Elm Street,
Marina Drive from the Courthouse parking lot to Elm St.

What is the approximate number of participants? 15,000 throughout the day

What is the approximate number of vendors?

BUSINESS LICENSE REQUIREMENTS: *Any vendors at this event who do not have 501(c)(3) nonprofit status are required to purchase a business license.*

Will there be any vehicles, water craft, equipment or animals used for the event? ☐ Yes ☐ No
If yes, please explain: Golf carts, petting zoo, inflatable water slide, sound/light equipment

Are you requesting any road blockades? (charges may apply) ☒ Yes ☐ No
If yes, please attach a map showing the locations of any road blockades.

Are you requesting any police assistance? (charges may apply) ☒ Yes ☐ No

Are you requesting to set up tents or temporary structures? (charges may apply) ☒ Yes ☐ No
If yes, please attach a drawing showing the locations and sizes of all auxiliary structures.

Are you requesting any fire/medical standby assistance? (charges may apply) ☒ Yes ☐ No

Will supplementary utility services such as power and water be used in addition to what is available in the area? If yes, describe in detail the specific utilities and location. Any additional utilities must be provided by the applicant. ☒ Yes ☐ No
Additional generators as required and Santee Cooper temporary power as required

Have you requested or obtained a permit from any other jurisdiction (city or county) within which the activity shall commence, terminate or occur in part? ☐ Yes ☒ No

How do you plan to remove garbage? City public works staff

Will existing restroom facilities be adequate? ☐ Yes ☒ No

If not, describe plans to augment available sanitary facilities: port-o-lets will be available

Please include any additional information that may be useful:

Does any of the following apply to the proposed activity: ☒ Fireworks Display ☒ Other
(live band, band, loudspeakers, sound amplifiers, etc.). Please specify: Live band with stage speakers and fireworks display

ALCOHOL SALES AT SPECIAL EVENT: *Procedures and logistics for serving alcoholic beverages must be submitted with the special event permit application. These should include but are not limited to location, hours of operation, locations with site diagram and security procedures. Consideration will also be given as to whether alcohol sales would create potentially dangerous situations due to the nature of the event. Permission to serve or consume alcohol may be granted by the city as part of the special event permit; however, such service must comply with all South Carolina Alcohol Beverage Control Commission regulations and the City of Conway Special Events Alcohol Control Policy. The City reserves the right to revoke the permit or require the applicant to discontinue alcohol sales whenever the consumption of alcohol by participants becomes excessive or when, over a period of time, participants regularly demonstrate obnoxious, loud, or other inappropriate behavior following events.*

Will alcoholic beverages be served?

☒ Yes ☐ No

Will alcoholic beverages be sold? *If yes, SC ABC permit required.*

☒ Yes ☐ No

Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine." Beer and/or wine must be served in opaque paper, plastic or Styrofoam cups.

VENDORS: Please list any vendors, including applicant, for whom you are requesting permission to sell alcohol and the proposed locations for sales.

Conway Chamber of Commerce - old tennis court area

RESTAURANTS: Please list any restaurants for which you are requesting permission to sell alcohol for public consumption during the special event.

Times for alcohol to be served: From 11AM To 9:30PM

Event map must show requested designated special event area for alcohol sales/public consumption.

The following does not apply to restaurants:

Have you applied for a South Carolina temporary ABC Permit? ☐ Yes ☐ No

Name of insurance company providing general liability with liquor liability insurance for the event naming the City of Conway as additional insured (a copy of the Certificate of Insurance must be provided): Evanston Insurance Company

ACKNOWLEDGMENT: *I acknowledge that I have read and do fully understand the Special Event Alcohol Control Policy attached to this application and agree to comply with the guidelines.*

Applicant's Signature: 

Date: 5/13/24



SPECIAL EVENTS

ALCOHOL CONTROL POLICY

All event organizers and restaurants are required to be familiar with and follow the guidelines when participating in special events where alcoholic beverages will be permitted. It is understood that responsibility for fully meeting these requirements during an event rests with the event organization and/or restaurant serving alcohol within a designated special event area.

1. Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. *Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine."*
2. Public consumption of alcohol as authorized by the special event permit shall not begin before the designated event start time. There shall be no open containers of alcohol allowed in the event area before this designated time. The event organizers and all participating restaurants must discontinue alcohol distribution for public consumption within the event area at a minimum of 30 minutes prior to the end of the event. All alcohol must be cleared from the event site at the end of the event.
3. At no other time may alcohol be present, possessed, served, and consumed in the public area. The event organizer is responsible for informing participating restaurants of the event hours for compliance and to make certain that no one leaves restaurant premises with alcohol except during the time of the special event.
4. It is a violation to permit or knowingly allow a person under 21 years of age to purchase or possess or consume liquor, beer or wine. The seller of beer or wine must clearly display signs stating that the purchase or possession of beer or wine by a person under the age of 21 is unlawful.
5. Signs informing participants that alcohol beverages are prohibited on City streets and sidewalks beyond the boundaries of the designated special event area will be posted by the City.
6. No alcohol may be in served in glass containers, cans or bottles; only opaque plastic, paper, or Styrofoam containers will be allowed.
7. It is a violation to sell liquor, beer or wine to an intoxicated person. Any person in an intoxicated condition, even if of legal age, must be denied alcohol.
8. The event organizer shall supply identification wristbands to the vendors and/or participating restaurants at any special event that includes the sale/public consumption of alcoholic beverages. Anyone 21 years of age or older wishing to consume alcohol on public property must be wearing the colored wristband assigned to the special event in order to be served alcohol.

If your event is to be held on property not owned by the sponsoring organization, the property owner must complete the following:

PROPERTY OWNER PERMISSION LETTER

I (we), being the property owner of Horry County (address),
give permission for CONWAY CHAMBER OF COMMERCE to hold a special event on
my/our property.

3-28-24
Date
Dina Livingston
Witness
GINA LIVINGSTON
Printed Witness Name

H. R. Hild
Signature
1301 SECOND AVENUE
Address
(843) 915-5270
Telephone Number

INSURANCE REQUIREMENTS FOR SPECIAL EVENTS HELD ON CITY PROPERTY

The event must maintain general liability insurance and, if beer and wine is to be served, liquor liability insurance for the event for which the permit has been obtained. The City of Conway shall be named as an additional insured on the policy with respect to claims arising from the use of property owned or operated by the city and the issuing of the permit by the city. The applicant shall submit a Certificate of Insurance verifying the following minimum coverage and specifically identifying the City of Conway as an additional insured. **Your permit will not be issued if the Certificate of Insurance has not been received prior to event.** The City of Conway must be listed as the "Certificate Holder" on the Certificate of Insurance.

Each Occurrence	1,000,000
Personal Injury	1,000,000
General Aggregate	2,000,000

Application completed by: Morgan McDonnell Contact No.: 843-248-2273 Date: 5/13/24

Special events permits are granted in accordance with the City of Conway Code of Ordinances and in no way imply assumption of liability by the City of Conway. Your organization is fully responsible for complying with all applicable laws and safety procedures. A permit does not authorize you to enter upon private property or to, in any way, hinder or obstruct pedestrian or vehicular traffic. The City of Conway reserves the right to modify the conditions of this permit or to cancel it entirely if it is deemed appropriate.

Please return completed permit application to:

City of Conway Planning Department
Attn: Special Event Permits
P.O. Drawer 1075
Conway, SC 29528-1075

[FOR OFFICE USE ONLY]

Special Event: _____ Date(s) _____

Sponsoring Organization: _____

Application completed by: _____

Contact No.: _____

Date: _____

☐ Recommend approval ☐ Recommend disapproval

Police Department

_____ Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

Police Officers

\$40.00/hour per officer

☐ Recommend approval ☐ Recommend disapproval

Fire Department

_____ Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

Fire Inspector/Fire-Rescue Officers

\$40.00/hour per officer

☐ Recommend approval ☐ Recommend disapproval

Public Works Department

_____ Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

Residential & Non Residential Street Closure

Barricades

\$20.00 each

Public Works Employee

\$25.00/hour per employee

<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend disapproval	
Parks & Rec. Department	Date
Fees or charges associated with this event: _____	
Special Conditions/Comments: _____	

Parks & Rec. Employee	\$25.00/hour per employee

<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend disapproval	
Planning Department	Date
Special Conditions/Comments: _____	

<input type="checkbox"/> License(s) obtained for _____ vendor(s) <input type="checkbox"/> License(s) not required	
Has general liability and liquor liability insurance (if applicable) listing the City of Conway as additional insured been secured? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Business License Department	Date
Special Conditions/Comments: _____	

RELEASE AND INDEMNIFICATION AGREEMENT
City of Conway

THIS IS A RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT. THE SPECIAL EVENTS HOLDER MUST READ CAREFULLY BEFORE SIGNING.

In consideration for being permitted to engage in the following special event on City of Conway property:

Conway Riverfest 2024

Special Event Holder hereby acknowledges, represents, and agrees as follows:

- A. We understand that activities associated with the above-described special event are or may be dangerous and do or may involve risks of injury, loss, or damage to us and/or to third parties. We further acknowledge that such risks may include but are not limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage, arising from the following circumstances, among others:

MM (Special Event Holder initial here)

- B. If required by this paragraph, we agree to require each participant in our special event to execute a release and indemnification agreement for ourselves and for City of Conway on a form approved by the City of Conway.

MM (Special Event Holder initial here)

- C. We agree to procure, keep in force, and pay for special event insurance coverage, from an insurer acceptable to the City of Conway, for the duration of the above referenced event.

MM (Special Event Holder initial here)

- D. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby expressly assume all such risks of injury, loss, or damage to us or to any related third party, arising out of or in any way related to the above-described activities, whether or not caused by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.

MM (Special Event Holder initial here)

- E. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we further hereby exempt, release, and discharge the City of Conway, its officers, and its employees, from any and all claims, demands, and actions for such injury, loss, or damage to us or to any third party, arising out of or in any way related to the above-described activities, whether or not caused by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.

MM (Special Event Holder initial here)

- F. We further agree to defend, indemnify and hold harmless the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, court costs, and attorneys' fees, including those arising from any third party claim asserted against the City of Conway, its officers, employees, insurers, or self-insurance pool, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any way related to the above-described activities, whether or not caused by our act, omission, negligence, or other fault, or by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.

MM (Special Event Holder initial here)

- G. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby acknowledge and agree that said agreement extends to all acts, omissions, negligence, or other fault of the City of Conway, its officers, and/or its employees, and that said agreement is intended to be as broad and inclusive as is permitted by the laws of the State of South Carolina. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

MM (Special Event Holder initial here)

- H. We understand and agree that this **RELEASE AND INDEMNIFICATION AGREEMENT** shall be governed by the laws of the State of South Carolina, and that jurisdiction and venue for any suit or cause of action under this agreement shall lie in the courts.

MM (Special Event Holder initial here)

- I. This **RELEASE AND INDEMNIFICATION AGREEMENT** shall be effective as of the date or dates of the applicable Special Event, shall continue in full force until our responsibilities hereunder are fully discharged, and shall be binding upon us, our successors, representatives, heirs, executors, assigns, and transferees.

MM (Special Event Holder initial here)

IN WITNESS THEREOF, this **RELEASE AND INDEMNIFICATION AGREEMENT** is executed by the Special Event Holder, acting by and through the undersigned, who represents that he or she is properly authorized to bind the Special Event Holder hereto.

PRINTED NAME OF SPECIAL EVENT PERMIT HOLDER:

Conway Chamber of Commerce - Kelli James

PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS HOLDER:

NAME: Morgan McDonnell TITLE: Special Events

SIGNATURE: [Signature] DATE: 5/13/24

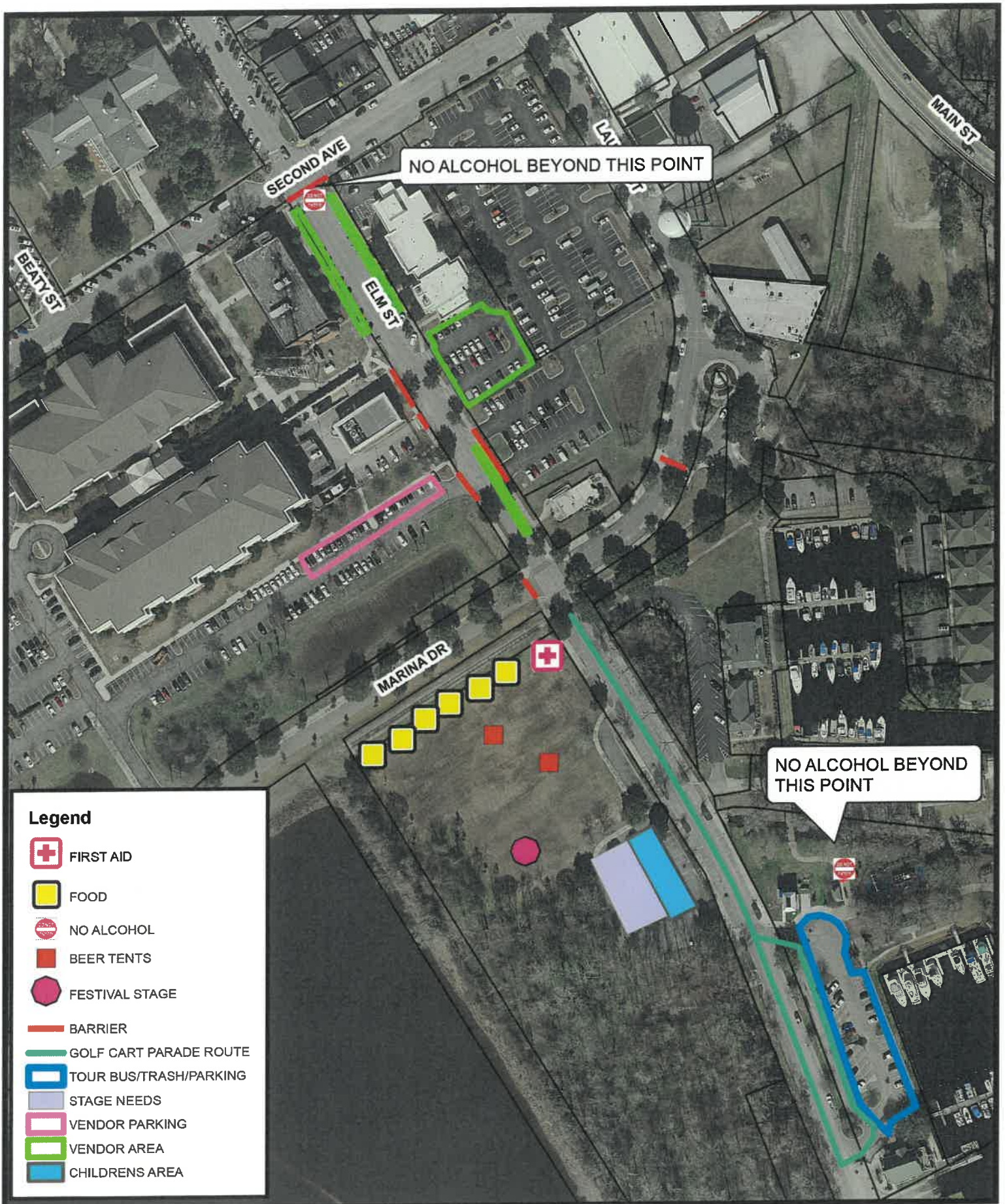
FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION
City of Conway

- A. In consideration for being permitted to use the facilities of the City of Conway, Conway Chamber of Commerce
(hereinafter "Applicant") agrees to indemnify and hold harmless, City of Conway its officers, employees, insurers, and SCMIT/SCMIRF Insurance Programs, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity, on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.
- B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein, the City of Conway may require reimbursement for the full amount of such damage, loss, or injury and all costs associated therewith upon billing by City of Conway.
- C. In addition, in consideration for being permitting to use the facilities, Applicant, on behalf of itself, and its officers, employees, members, and invitees, hereby expressly exempts and releases the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.

Conway Chamber of Commerce
NAME OF PERSON/ORGANIZATION

Morgan McDonnell
SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE

5/13/24
DATE



DATE: JUNE 17, 2024
ITEM: VII.B.

ISSUE:

Recommendation on selection of design professionals to create a City of Conway Parks Master Plan.

BACKGROUND:

On April 24, 2024, the City of Conway advertised publicly to select a firm to provide professional design services for a City of Conway Parks Master Plan. This includes:

- Needs assessment and park inventory of all existing facilities
- Defining the mission, vision, values, goals and objectives for Parks, Recreation facilities, and their usage
- Providing short, intermediate, and long-range management and development plans for recreation, park and facility planning
- Establishing priorities and recommendations for existing and future park and facility development, including types of parks, size of parks, timing of development, and developer-led allocation of park lands
- Developing a systematic plan that maximizes the park, recreation, and natural open space opportunities for Conway residents.
- Identify appropriate staffing needs to support park maintenance operations
- Identify appropriate staffing needs to support recreation operations
- All work to be completed in accordance with local, state, and federal regulations.
- Knowledge of current and future trends recommended
- Coordination with existing Conway plans, including the Pathway & Trails Plan, and the Riverfront & Downtown Master Plan
- Providing recommendations for physical improvements to existing and future recreation and park facilities to create a uniform and cohesive look and feel that is distinctly Conway, including branding and signage

A portion of this Master plan is funded by a grant awarded from the SC Department of Parks, Recreation & Tourism Park and Recreation Development Fund (PARD). Proposals were required to be submitted to the City no later than May 28, 2024. Three firms submitted proposals, and firms were ranked based on the following criteria:

- the firm's qualifications and project team submitted. (Maximum 20 Points)
- applicant's previous experience with grant-funded projects (Maximum 10 Points)
- Demonstrated ability to meet project deadlines. Proposed work schedule. Timeframe for delivery of service. (Maximum 15 Points)

- Demonstrated ability of key personnel and/or construction management experience. (Max. 15 Points)
- Similar projects completed within past three (3) years (Maximum 15 Points)
- References of past clients (Maximum 15 points)
- Financial responsibility and stability (Max. 10 Points)

Firms submitting proposals and their respective scores are listed below (average of scores from review team):

1. Bolton & Menk: 80
2. Greenberg Farrow: 86
3. Landplan Group South: 74

Staff reviewed and scored the submittals in May, and Greenberg Farrow scored the highest. Should City Council approve the hiring of Greenberg Farrow, the City would enter into negotiations for a contract for services immediately.

RECOMMENDATION:

Staff recommends selection of Greenberg Farrow to provide professional design services for the City of Conway Parks Master Plan and authorize the City Administrator to enter into contract negotiations.