MAYOR Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Ann Hardwick
Beth Helms
Justin D. Jordan

PLANNING & DEVELOPMENT PLANNING COMMISSION MEETING AGENDA

Thursday, June 6, 2024 | 5:30 p.m.

Planning & Building Dept. Conference Room – 196 Laurel Street

- I. CALL TO ORDER 5:30 p.m.
- II. MINUTES
 - A. Approval of the May 2, 2024 Planning Commission Meeting Minutes
- III. PUBLIC INPUT
- IV. SUBDIVISIONS
 - **A. Previously Deferred-** Buchanan Lane- applicant(s) requesting approval of a design modification regarding roadway design standards (PIN 324-16-01-0005).
 - **B. Rivers Edge Village-** applicant(s) requesting to develop a conservation subdivision, consisting of 127 single family lots as well as requesting a design modification for the roadway design standards and street name approval for the project located on both East Country Club dr. and John Doctor Rd. (PIN 339-00-00-0023).
 - C. Spring Oaks- Letter of Credit renewal and reduction

V. PUBLIC HEARINGS

A. ANNEXATION/REZINING REQUEST(S)

1. Request to annex approximately 11.22 acres of property located on Hwy 501, past the intersection of Hwy 501 and Wild Wing Blvd (PIN 383-00-00-0323), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

B. REZONING REQUESTS

1. Request 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 Light Industrial (LI) district.

*MAYOR*Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



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C. TEXT AMENDMENTS

1. 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.

VI. BOARD INPUT

VII. STAFF INPUT

VIII. UPCOMING MEETINGS

MEETING	DATE	TIME	<u>LOCATION</u>	ADDRESS
Community Appearance Board (CAB)	June 12, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
City Council	June 17, 2024	4:00 p.m.	City Hall	229 Main St.
Community Appearance Board (CAB)	June 26, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Board of Zoning Appeals (BZA)	June 27, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Community Appearance Board (CAB)	July 10, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Planning Commission (PC)	July 11, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.

IX. ADJOURNMENT

CITY OF CONWAY PLANNING COMMISSION MEETING THURSDAY, MAY 2, 2024

Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Jessica Wise, Kendall Brown, Ellen Watkins, George Ulrich, Thomas J. Anderson III, Greg

Bryson

Absent: Danny Hardee, Brian O'Neil, David Sligh

Staff: Jessica Hucks, Planning Director; Jeff Leveille, IT; Anne Bessant, Planning Assistant

Others: Todd Grinolds, Kyle Nobles, Philip Hornbeck

I. CALL TO ORDER

Vice-Chairperson Wise called the meeting to order at approximately 5:30 pm.

II. APPROVAL OF MINUTES

Ulrich made a motion, seconded by Watkins to approve the April 11, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

There was no public input. Ulrich made a motion, seconded by Watkins, to close public input. Motion carried unanimously.

IV. SUBDIVISIONS

A. Hemingway Chapel Landing – applicant(s) requesting preliminary plan approval, street name approval, and approval of design modifications regarding roadway design standards, cul-de-sac and block lengths (PIN 369-00-00-0021).

Hucks stated that the applicant is seeking preliminary plan approval of a conservation subdivision located on Heminway Chapel Rd. Additionally, the applicant is requesting approval of design modifications regarding roadway design standards as well as street name approval.

The property is approx. 46 acres, zoned R-1 (low/medium-density residential), and the property contains 15.88 acres of wetlands, with a sizable portion of the wetlands also being located in a flood zone.

This property is being developed as a conservation subdivision, which is a type of subdivision design that preserves open space while allowing the developer to maintain a prorated density of residential units for the overall site area. Natural density is achieved by allowing smaller lots in neighborhoods that include or are adjacent to environmentally sensitive and ecologically important areas so that those areas can be set aside as conservation areas in perpetuity. Density is capped using a yield plan method, which uses the allowable or by-right density under a standard subdivision design and multiplies it times 1.6; granted, however, that unless every development incentive that is provided in the conservation subdivision ordinance is utilized, it is unlikely that the maximum density could be achieved.

A conservation subdivision is permitted by-right in several residential zoning districts, including the R-1 district. Although the R-1 district typically requires a minimum lot size of 7,500 sq. ft., when developed as a conservation subdivision, the minimum lot size for a single-family lot is reduced to 6,000 sq. ft.

In addition, conservation subdivisions have additional dimensional standards aside from lot dimensions, including the requirement to provide a minimum amount of open space equivalent to 30% of the net buildable area and 100' undisturbed vegetative buffer is required along all exterior streets and a 50' undisturbed vegetative buffer is required along all other property boundaries.

This particular conservation subdivision consists of 77 single-family lots on a total buildable area of 12.09 acres. The upland open space required of the buildable area is 3.63 acres. The total amount of open space being provided, when the conservation areas are included, is 29.95 acres.

There are 3 points of access being provided, which is split due to the topography of the site, with lots 1-53 served by 2 access points, and lots 54-77 served by a single access point.

The preliminary plans are still being reviewed by the city's technical review committee (TRC); however, unless there are any major comments that require the layout to change significantly, staff does not anticipate any changes that would prohibit Planning Commission review and approval of the preliminary plans, on the condition that such approvals be contingent upon satisfaction of applicable requirements of TRC.

Aside from the request for preliminary plan approval, the applicant is seeking 3 design modifications related to road design standards.

The first is regarding the maximum length of a cul-de-sac, which is limited to a maximum 800 LF per the UDO. The applicant is requesting a cul-de-sac length of 867 feet for Clove Court, as identified on the preliminary plans.

The second request is regarding the maximum block length, which is limited to 1,200' per the UDO. The proposed block length of Parkside Court, as shown on the plans, is 1,236 feet.

The last design modification being requested is regarding the requirement that additional right-of-way be dedicated when the development "fronts" on any existing street segment maintained by the county, state or city that does not meet the minimum standards for the classification of the street.

Rasberry Lane is an existing, unimproved roadway that is 40-ft in width. Rasberry Lane provides access to 4 adjacent properties; none of which include any proposed lots within this subdivision. Per Horry County Engineering, the county discontinued maintenance of Rasberry Lane in 2022.

Per the standards of the UDO, this project *could* be required to split out a 5-ft wide strip to dedicate to the county for future widening. However, since the county no longer maintains the road, and since none of the lots within this development will access Rasberry Lane, it would not be beneficial to the county or city to have an additional 5-ft dedicated for future widening of a roadway that is no longer maintained by the county and is essentially a private road.

The street names proposed in this development are Clove, Parkside, and Starlight, and they have been reserved by Horry County for this development.

Todd Grinolds, Diamond Shores, applicant, was present and further explained the request.

The board, staff, and applicant discussed the request at length.

PC 5/2/2024

Wise made a motion to approve the design modification request as presented, including preliminary plan approval and street name approval. The motion was seconded by Anderson and the motion carried unanimously.

B. Wild Wing, Phase 4 – applicant(s) requesting preliminary plan and street name approval (PIN 383-00-00-0380).

Hucks stated that the applicant is requesting preliminary plan approval for Phase 4 of Wild Wing Plantation, which is part of the Wild Wing Planned Development – *originally* approved back in 1996 and then later annexed into the city limits in 1999. The first development that was approved by the city was in 2006 for Phase 1 of Wild Wing Plantation. Phases 2 and 3 were approved in 2007, phases 5A and 5B were approved last year, and phase 4 was originally submitted for review in December last year.

Phase 4 will consist of 36 single-family lots. With the "new" creation of 36 lots, a single point of access would not be sufficient; however, this layout was approved as part of a 2009 amendment to the Master Plan and extends Turnstone Drive that will ultimately create a separate development entrance off of East Cox Ferry Rd with Phase 6. According to our records, the Fire Dept. has approved the proposed layout.

The applicant is also requesting approval of one street name: Bright Jay Court, which has been reserved by Horry County for this development.

Philip Hornbeck, applicant, was present to answer any questions.

Wise made a motion to approve the request as presented. Ulrich seconded the motion and the motion carried unanimously.

C. *Requesting Deferral...*Buchanan Lane – applicant(s) requesting approval of a design modification regarding roadway design standards (PIN 324-16-01-0005).

Ulrich made a motion to defer. Watkins seconded the motion and the motion carried unanimously.

V. BOARD INPUT

Wise welcomed Greg Bryson to Planning Commission.

VI. STAFF INPUT

Hucks gave the board an overview of potential items coming to Planning Commission.

VII. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:38 pm.

Approved and signed this	day of	, 2024.
	Brian O'Neil, Chairman	

DATE: June 6, 2024

ITEM: IV.A

ISSUE:

PREVIOUSLY DEFERRED...Buchanan Lane – the applicant, Sellers Construction, is requesting a design modification from the roadway design standards for future development of a property located on Buchanan Lane, which would service PIN 324-16-01-0005.

BACKGROUND:

<u> Difference</u>	
1958	PB 25-141 subdividing a 60.50-acre parcel into Tract A (30.25 acres) and Tract B (30.25 acres) showing a 50' res. street.
2014	PB 263-129 creating parcels B-1, B-2, and B-3, which also names Buchanan Lane as a 50-ft <i>public</i> right-of-way (R/W).
2017	PB 274-152 combining 2 parcels on Graham Rd showing Buchanan Lane as a 50' <i>public</i> R/W.
2018	PB 283-73 subdividing a parcel (B-1) into 3 tracts (corner of Long Rd and Graham Rd) showing Buchanan Ln as a <i>private</i> R/W.
2019	PB 284-294 subdividing PIN 324-16-01-005 into Tracts A (4.04 acres) and B (0.77 acres), totaling 4.81 acres, and showing Buchanan Ln as a 50' <i>Public</i> R/W.
June 2023	PIN 324-16-01-0005, containing approx. 4.04 acres, was annexed into the city limits (Ord. #ZA2023-05-15 (E)).
April 2024	Design modification applied for from the road design standards for Buchanan Ln to be improved to the same standards as Graham Rd.

The 4.04-acre tract was annexed into the city limits in 2023 as Low-Density Residential (R). The property owner proposes to develop a single-family dwelling on the property at some point in the near future; however, no permits for the structure have been applied for at this time. Buchanan Lane is a 50' unimproved right-of-way. Per Section 10.5.2 – Street Improvements, of the Unified Development Ordinance (UDO), "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".

Section 10.9.3 – Basic Design Requirements, provides several standards for construction of streets to be dedicated to the City upon completion, including right of way standards, drainage system/stormwater requirements, sub-grade/surface material requirements, underdrain requirements, standards for shoulders/ditches, etc.

The applicant is seeking a design modification to allow Buchanan Lane to be improved to the same standards as Graham Rd; provided that the 24' pavement width requirement is still met. Granting the modification would exempt the applicant from the requirement to install curb/gutter, sidewalks, and street trees along either side of Buchanan Lane.

Buchanan Lane (Google Earth street view):



Graham Rd (Google Earth Street view):



The design modification, if granted, will not exempt the applicant from having to comply with other construction standards, including base/binder course/subgrade requirements, surface course requirements, minimum paving tolerances, installation of street signage (if applicable), applicable drainage/stormwater improvements, etc. Public Works may also require that a geotechnical report and pavement design be provided if the native soil's conditions are considered unsatisfactory or of questionable suitability.

Additionally, Buchanan Lane will be required to be dedicated to the City for perpetual maintenance once the improvements have been completed AND before any permits for any construction on the property can be issued.

The requirements of $Section\ 10.5.2\ (A)$ – $Street\ Improvements$, regarding the requirement for all lots to be directly connected to the public street system and not an "island", are and will continue to be applicable to this property.

STAFF RECOMMENDATION:

Staff recommends a thorough review of the applicant's request.



PLANNING & DEVELOPMENT

DESIGNMO	ODIFICATION REQUEST
Address/ PIN:	
32416010005	
Project:	
Buchanan Lane Improvements	
Contact Name:	
Jay Sellers	
Email Address/Telephone Number:	
sellersgeneralconstruction@yathoo.com	843-340-583 9
Describe the Proposal in Detail:	
Bring Buchanan Lane to be equal to the	design of Graham Rd. Asphalt, Open Ditches, and No curb.
**FEE OF \$100 IS	S DUE WITH APPLICATION
Staff Use Only:	
Date Received:	Planning Commission Meeting:
City Council Meeting:	BS&A Case #:
Fee:	(check/credit card/cash)









DATE: June 6, 2024

ITEM: IV.B

ISSUE:

Rivers Edge Village – the applicant is proposing to develop a conservation subdivision, consisting of: 127 single family lots as well as requesting a design modifications for the roadway design standards and street name approval.

The project is located at and has frontage on both East Country Club Drive (behind Langston Baptist Church) as well as John Doctor Road (beyond Langston Heights subdivision), on PIN: 339-00-00-0023

BACKGROUND:

April 2023 First submittal of construction plan set submitted.

Oct. 2023 thru Revised construction plan sets submitted.

March 2024

March 2024 First submittal of Master Plan, Site Analysis Map and Yield Plan submitted

May 2024 Subdivision Name was approved by City Council

Request for Design Modification was submitted.

ANALYSIS:

The approximately: 469-acre property is currently zoned: R-1 (Low/Medium Density Residential), however the applicant is proposing to develop only the 123.43-acre portion located east of Country Club Drive.

<u>Phase 1</u> is a 54.56-ac portion, containing: 11.48-acres of wetlands and proposing to dedicate: 31.09-acre as Open Space. This phase of development proposes: 95 single-family lots with two access points off East Country Club Drive.

<u>Phase 2</u> is a 17.83-ac portion, containing; 1.69-acres of wetlands and proposing to dedicate: 8.45-acres as Open Space. This phase of development proposes: 32 single-family lots with two access points off John Doctor Road.

In addition to the open space listed above, a 51.04-acre portion, located north of the development phases, is to dedicate as: Conservation Open Space. Such tract contains an unspecified number of wetlands and is entirely blanketed by the: AE flood zone, however the 2022 Trails Plan for the City of Conway does depict this parcel as being a location for a future trail.

The Conservation Subdivision design standards will require that lots be a minimum of: 6,000 sq. ft. in size, while providing a minimum width of: 60-ft and a minimum depth of: 100-ft. This plan proposes a total of 127-lots, with 124 of such lots (97.6%) either abutting or directly across the street from conservation area, which exceeds the minimum 75% required in the conservation subdivision standards.

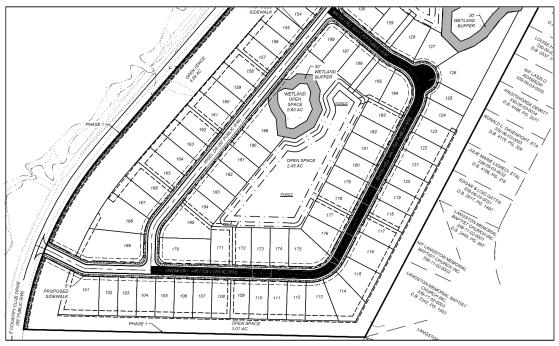
The project will provide: 100-ft undisturbed landscape buffers along both East Country Club Drive and John Doctor Road, as well as 50-ft landscape buffers along all other project boundaries, only one of

which (along the southern border) having to installed supplemental landscaping. The site contains: 70.66-acres of net buildable area and the applicant proposes to dedicate: 26.33-acres, to satisfy the 30% of net buildable area (21.20-acres) required to be provided as open space in conservation subdivision standards.

Design Modifications requested:

In addition to Planning Commission approval, the applicant is also seeking the following design modification:

<u>Block Length</u> – the maximum length of a block, as cited in Sec. of the U.D.O, is: 1,200-feet... Snowhill Way, as depicted on the preliminary plans, measures approximately: 1,610-feet before intersecting with Nigel Drive. (see image below)



STREET NAMES PROPOSED:

The applicant is requesting approval of the following street names.

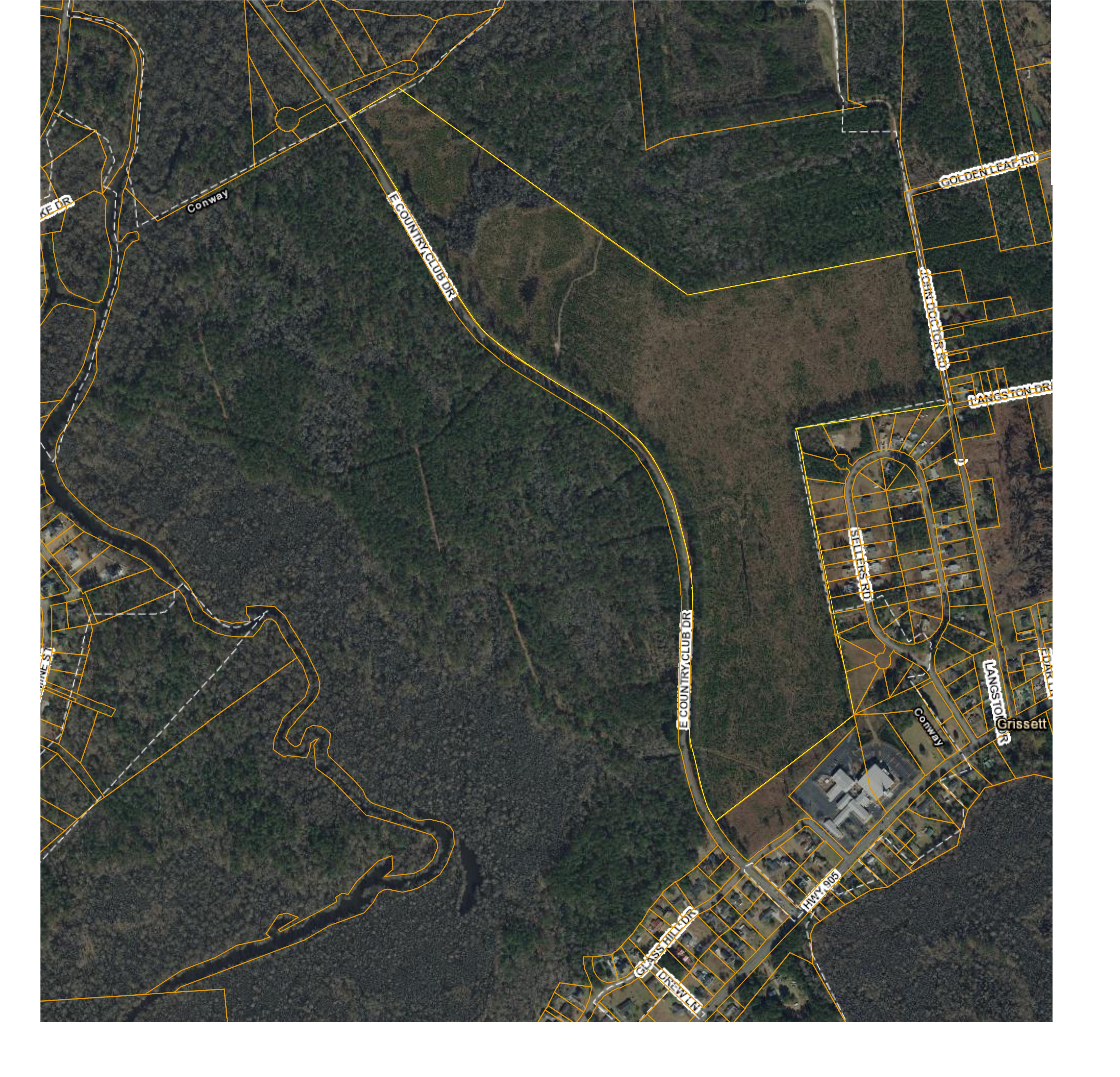
- Horonzy
- Lisa Ann
- Nigel
- Snow Hill

(suffixes have intentionally been omitted, to provide opportunity for any necessary changes)

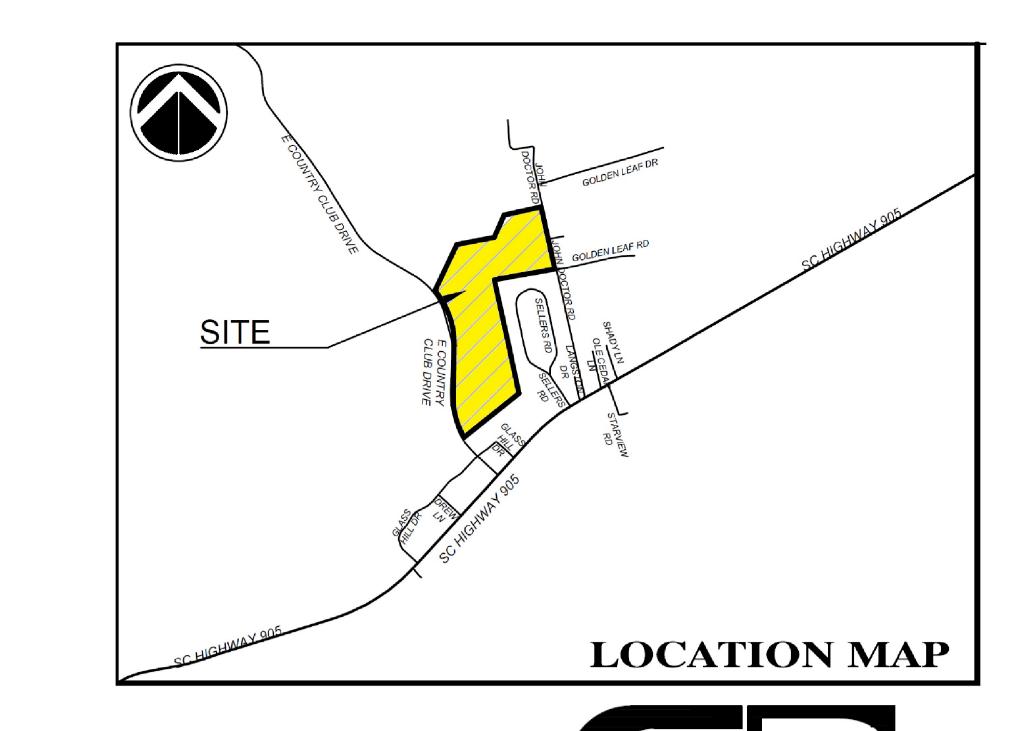
Horry County has reserved these names for this development:

RECOMMENDATION:

If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon satisfaction of applicable requirements of the Technical Review Committee (TRC).





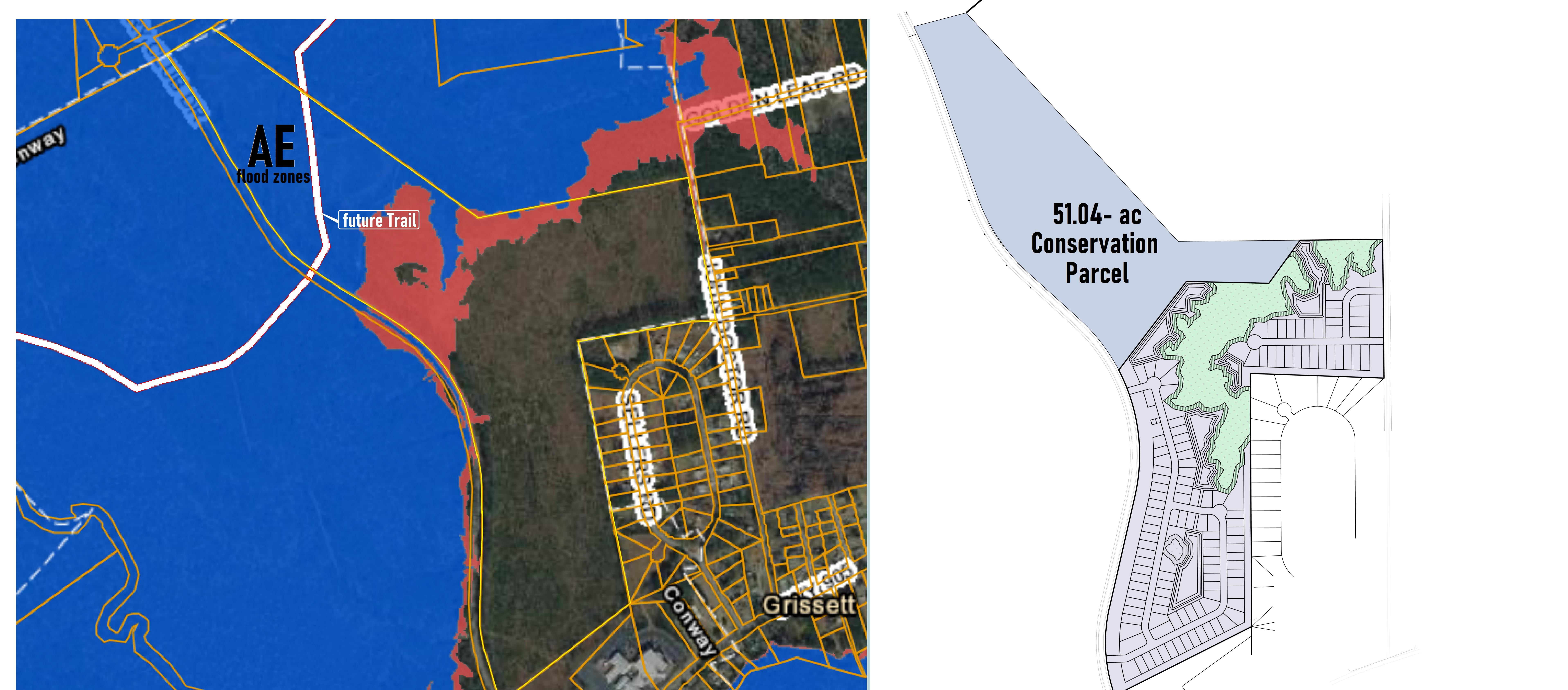


ENGINEERING & SURVEYING

P.O. BOX 2666
PAWLEYS ISLAND, SC 29585
PHONE: 843.237.1001
www.G3Engineering.org

SITE DATA		
OWNER	SNOWHILL COMPANY	
OWNER ADDRESS	PO BOX 1605 CONWAY, SC	
PIN #	3390000023	
TOTAL PARCEL	469.69 AC.	
NET BUILDABLE AREA	70.66 AC.	
EXISTING ZONING	R1	
PROPOSED ZONING	SF 40	
PROPOSED # OF LOTS	127 LOTS	
PHASE 1 # OF LOTS	95 LOTS	
PHASE 2 # OF LOTS	32 LOTS	
RIGHT OF WAY (AC)	4.87 AC.	
NET DENSITY (TOTAL)	2.34 AC.	
NET DENSITY PHASE 1	2.43	
NET DENSITY PHASE 2	2.09	
MIN. LOT WIDTH	60'	
MAX HEIGHT	40'	
LOTS NEAR CONSERVATION LAND	31	
SETBACKS	F=20' S=10' R=15' C=20'	
PROPOSED USE	SINGLE FAMILY	
O.S. REQUIRED	30% BUILDABLE AC. = 21.19 AC.	
O.S. PROVIDED	54.37 AC	
TOTAL O.S.	90.54 AC	
TOTAL CONSERVATION O.S.	51.04 AC	
TOTAL POND AREA WITHIN O.S.	7.76 AC	
TOTAL WETLAND AREA WITHIN O.S.	18.07 AC	
BUFFER & EASEMENT AREA WITHIN O.S.	0.28 AC	
TOTAL WATER SURFACE AREA BEING QUALIFED AS O.S.	1.09 AC	

RIVERS EDGE VILLAGE



DATE: June 6, 2024

ITEM: IV.C

ISSUE:

Letter of Credit for Spring Oaks (reduction and renewal).

BACKGROUND:

The letter of credit to cover any remaining required infrastructure in Spring Oaks, which in this instance includes remaining street trees, sidewalks, curb & gutter repair/replace, and the surface layer of asphalt for the roadways, is set to expire on June 30, 2024. All other infrastructure has been installed. The amount of the *current* letter of credit is \$360,900.00 and is from Anderson Brother Bank, letter of credit number 150538143. **The reduced letter of credit amount is \$258,100.00**.

Exp. Date	Current LOC Amount	Outstanding Work	Original LOC Date	Original LOC Amount	Original Number of Units	Units Built/ under construction	Vacant Lots	Last CO Issued
6/30/2024	\$360,900.00	Sidewalks, Street trees, & 1.5" Type Surface C Asphalt (final layer)	6/30/2022	\$360,900.00	94	53	41	NA

RECOMMENDATION:

36 of the lots in this development have been completed and 58 lots are either vacant or under development, and there have been new homes permitted and constructed in this development in the last six months. Staff recommends extending the letter of credit for one more year, at the requested reduced amount of \$258,100.00.

Attachments: Engineer estimate for reduced letter of credit; final plat of Spring Oaks

CAROLINA ENGINEERING SERVICES, LLC

520 Highway 17 S. Suite D Surfside Beach, SC 29575

May 17, 2024

City of Conway Planning Department Post Office Box 1075 196 Laurel St. Conway, South Carolina 29528

Attention:

Ms. Anne Bessant, Assistant Planner

Reference:

Spring Oaks Subdivision

(Formerly The Village at Crabtree Phases 1 and 2) Opinion of Probable Cost- Letter of Credit Revision 2

Dear Ms. Bessant:

As a follow-up to my May 16, 2024 letter to you and your subsequent May 16, 2024 response email to me, I have revised the Opinion of Probable Cost (OPC) regarding expiration and renewal of the Letter of Credit (LOC) No. 150538143. I have added Item "4. Trees" to the OPC as shown below. The completion of the project would require streets surfacing, concrete curb, remaining sidewalks, and the trees for the project in order to establish the Financial Guarantee amount. The May16, 2024 letter was an update revision to my previous May 26, 2022 letter to the City.

The developer of the referenced project would like to proceed with the renewal of the Letter of Credit based on the City's approval of the amount. The status of the streets, concrete curb, sidewalks, and trees for the project as of this date is as follows:

- 1. Streets. Streets have been completed except for the Final Asphalt Surface Course.
- 2. <u>Concrete Curb.</u> The concrete curb has been completed but some curb has been damaged and needs to be replaced as a result of the homes construction.
- 3. Sidewalks Remaining. Sidewalks are being constructed with the homes by the home builder.
- 4. <u>Trees.</u> Each lot requires one tree to be installed. Trees are being installed as each home is built.

Based on the above-described status of work completed, the Opinion of Probable Cost to complete was calculated as follows:

Cost to Complete:

TOTAL FINANCIAL GUARANTEE AMOUNT		= \$258,100.00
25% Fees		= <u>\$ 51,650.00</u>
Subtotal		= \$206,450.00
4. Trees	51 Trees x \$450.00/ Tree	= <u>\$22,950.00</u>
3. Sidewalks Remaining	= 2,700 LF x \$24.75/ LF	= \$66,825.00
2. Concrete Curb and Gutter Repair/Replace	= 1,200 LF x \$20.00/LF	= \$24,000.00
1B. Streets 2.0" Asphalt Surface Course	= 275 SY x \$12.00/ SY	= \$3,300.00
1A. Streets 1.5" Asphalt Surface Course	= 12,500 SY x 7.15/ SY	= \$ 89,375.00

Please accept this letter as the Engineer's Certification of the probable cost for site improvements remaining for Spring Oaks. The construction cost is based on the actual prices by Southern Asphalt, Inc. of Conway, SC.

I am requesting that the Planning Department review this material and provide written notification to me, of the acceptability of these costs prior to the Developer obtaining the revised Financial Guarantee.

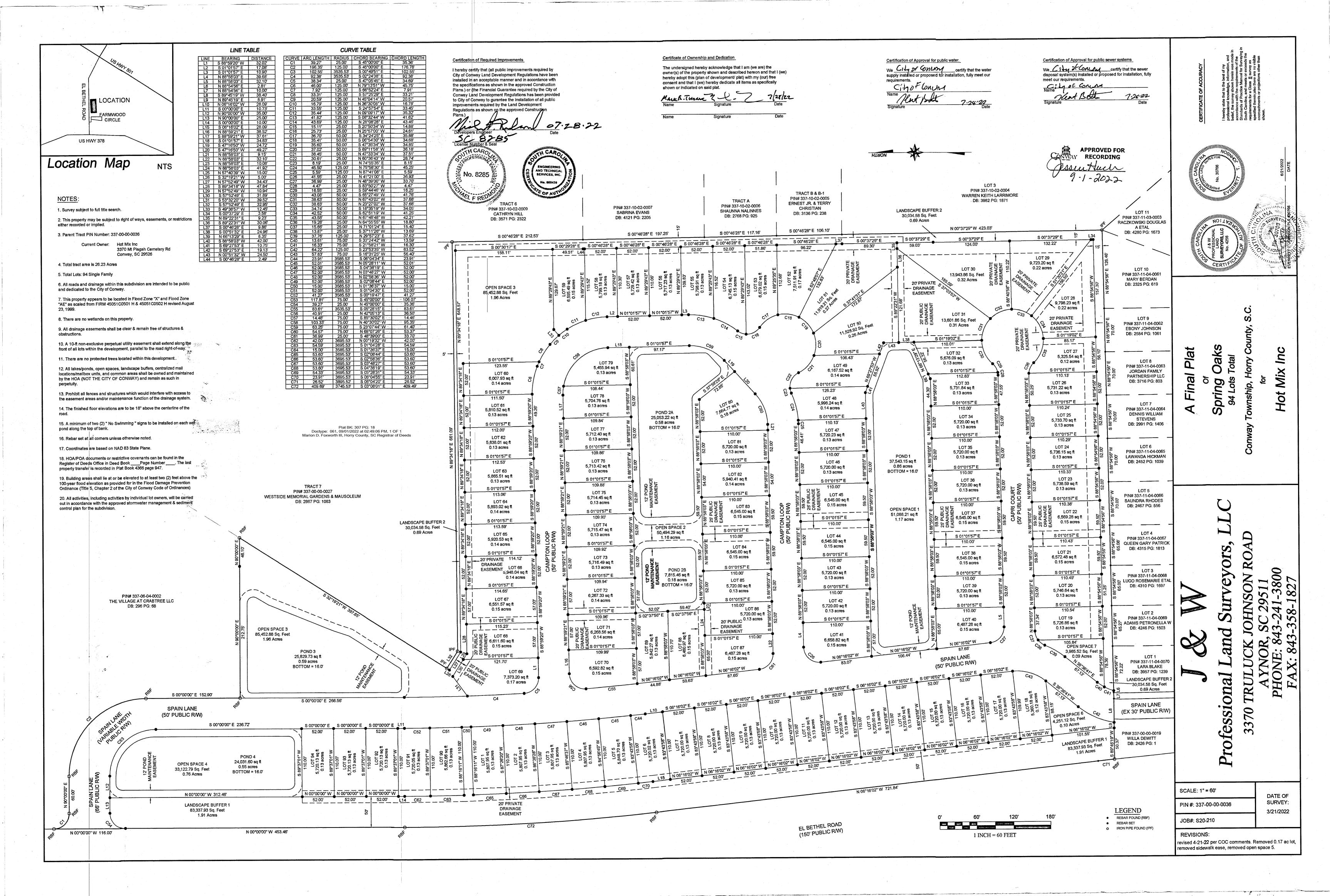
If you have any questions or comments, please feel free to contact me.

Sincerely.

Engineering and Technical Services, Inc.

Michael F. Redmond, PE

cc: Nick Godwin, Hot Mix, Inc. via email ETS 2020011



DATE: June 6, 2024

ITEM: V.A.1

ISSUE:

Request by Rob Tanner of Impeccable Development, applicant, 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 <u>Section 3.2.10</u> 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 include 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).

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

ATTACHMENTS:

Application;

GIS Maps

DocuSign Envelope ID: 92B075FA-7103-46EE-B5B6-626D3DD175B4



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:

(Print)

(Print)

- Fill out all 3 pages

Submit signed forms to City of Conwa	y Planning D	epartment		
STATE OF SOUTH CAROLINA COUNTY OF HORRY)	PETITION	FOR ANNEXATION	
TO THE HONORABLE MAYOR A	ND CITY (COUNCIL OF CO	ONWAY	
WHEREAS, § 5-3-150 (3) of the opposite which is contiguous to a City by sowning real estate in the area requesting an	filing with the	e municipal governir	provides for the annexation of an area ng body a petition signed by all perso	or ns
WHEREAS, the undersigned are a	ıll persons ow	ning real estate in th	ne area requesting annexation; and	
WHEREAS, the area requesting an	nnexation is d	lescribed as follows,	to wit:	
area into the municipal limits of the City of	Conway.		f Conway to annex the below describ	ed
PROPERTY LOCATION/SUBDIVISION: $_$	IS-501, Co	nway, Horry Co	unty, South Carolina	_
38300000323	ACDE	11.22		_
PROPERTY ADDRESS. Near 2787 US-	·501, Conv	vay, SC 29526		_
PROPERTY OWNER MAILING ADDRESS:	621 NW 53	3rd Street Suite	320, Boca Raton, FL, 33487	_
PROPERTY OWNER TELEPHONE NUMBER	R: 717-891	-5168		_
PROPERTY OWNER EMAIL: rob@impe	ccabledev	elopment.com		_
APPLICANT: Rob Tanner				
APPLICANT'S EMAIL: rob@impeccab	ledevelopr	ment.com		_
IS THE APPLICANT THE PROPERTY OWNE			NO	
IF NOT: PLEASE INCLUDE A LETTER OF RESPONSIBILITY TO THE APPLICANT. PROPERTY OWNERS (Attach additional sheet			ENEY FROM THE OWNER ADDIGNING DATE: $4/10/24$	IG

DATE:__

(Signature)

(Signature)

DocuSign Envelope ID: 92B075FA-7103-46EE-B5B6-626D3DD175B4



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 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 O
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 O
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

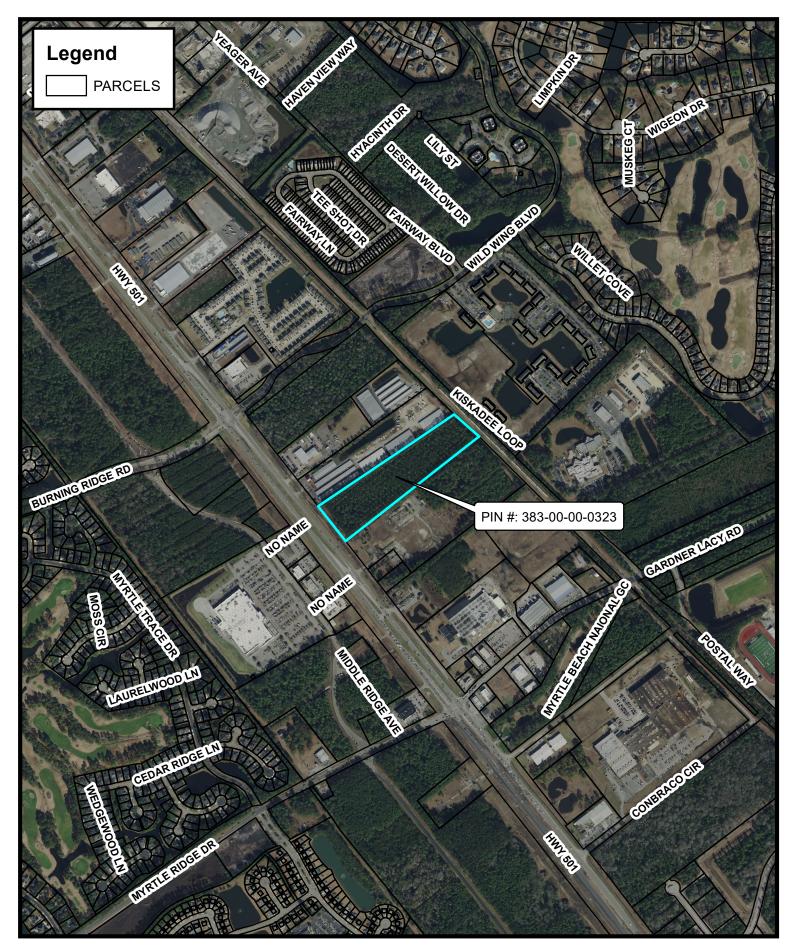
www.cityofconway.com

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.

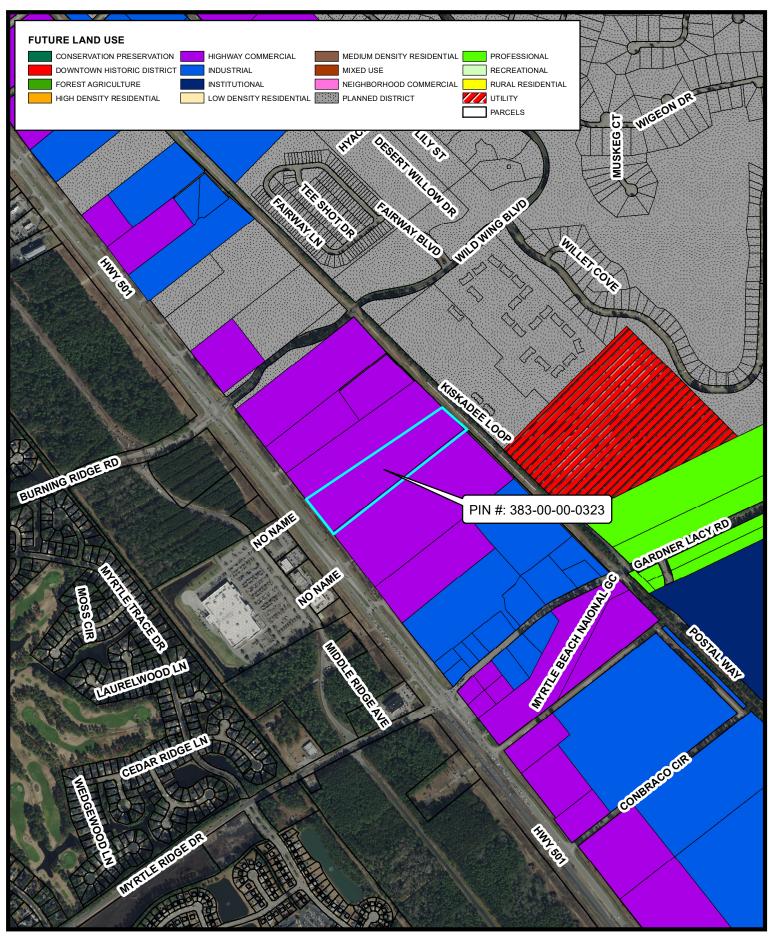
PHYSICAL ADDRESS OF PROPERTY: Near 2787 US-5	01, Conway, SC 29526 FEE PAID ()YES ()NO
AREA OF SUBJECT PROPERTY (ACREAGE): 11.22	
CURRENT ZONING CLASSIFICATION: Highway	
COMPREHENSIVE PLAN 2035 FUTURE LAND USE:	Suburban/Commercial Corridors
REQUESTED ZONING CLASSIFICATION: Highwa	y Commercial (HC)
NAME OF PROPERTY OWNER(S):	
Rob Tanner	PHONE #
	PHONE #
MAILING ADDRESS OF PROPERTY OWNER(S): 621 NW 53rd Street Suite 320, Boca Rator	n, FL, 33487
**************************************	******************
I (we) the owner(s) do hereby certify that Amendment Application is correct.	all information presented in this Zoning Map
Rob Tanner	4/9/2024
PROPERTIMENTS SIGNATURE(S)	DATE
PROPERTY OWNER'S SIGNATURE(S)	DATE

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



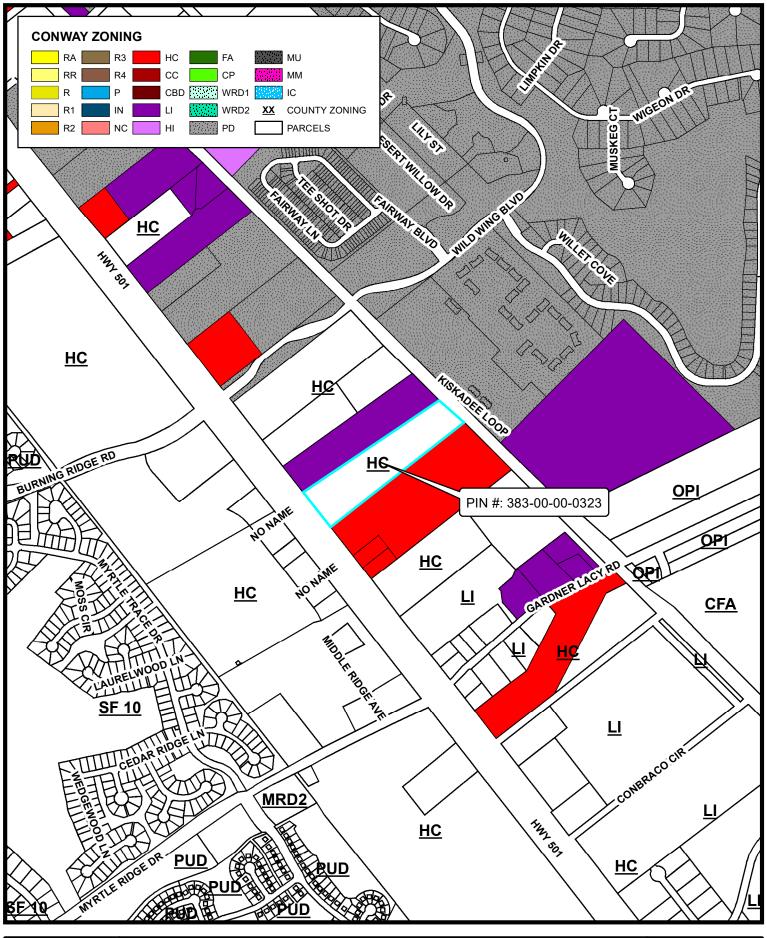






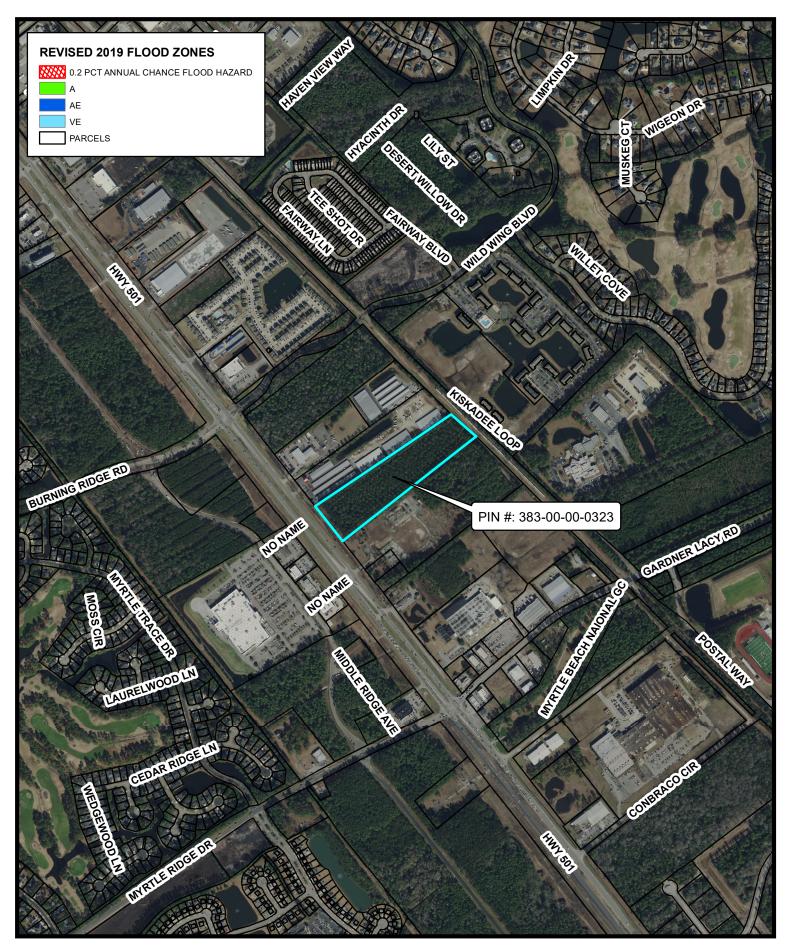
















DATE: June 6, 2024

ITEM: V.B.1

ISSUE:

Request by the City of Conway, agent, 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.

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 <u>Section 3.2.13</u> 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.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

ATTACHMENTS:

Application;

GIS Maps



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

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PHYSICAL ADDRESS OF PROPERTY: 695 Century Circ	lefee paid □yes □no
AREA OF SUBJECT PROPERTY (ACREAGE): 3.31 acres	
CURRENT ZONING CLASSIFICATION: Planned Develop	oment (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 is correct. Carly Edition is correct. PROPERTY OWNER'S SIGNATURE(S)	ation presented in this Zoning Map
PROPERTY OWNIER'S SIGNIATURE(S)	DATE

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



PLANNING DEPARTMENT

196 LAUREL STREET
CONWAY, SOUTH CAROLINA 29526
843-488-9888
www.CityofConway.com

DESIGNATION OF AGENT

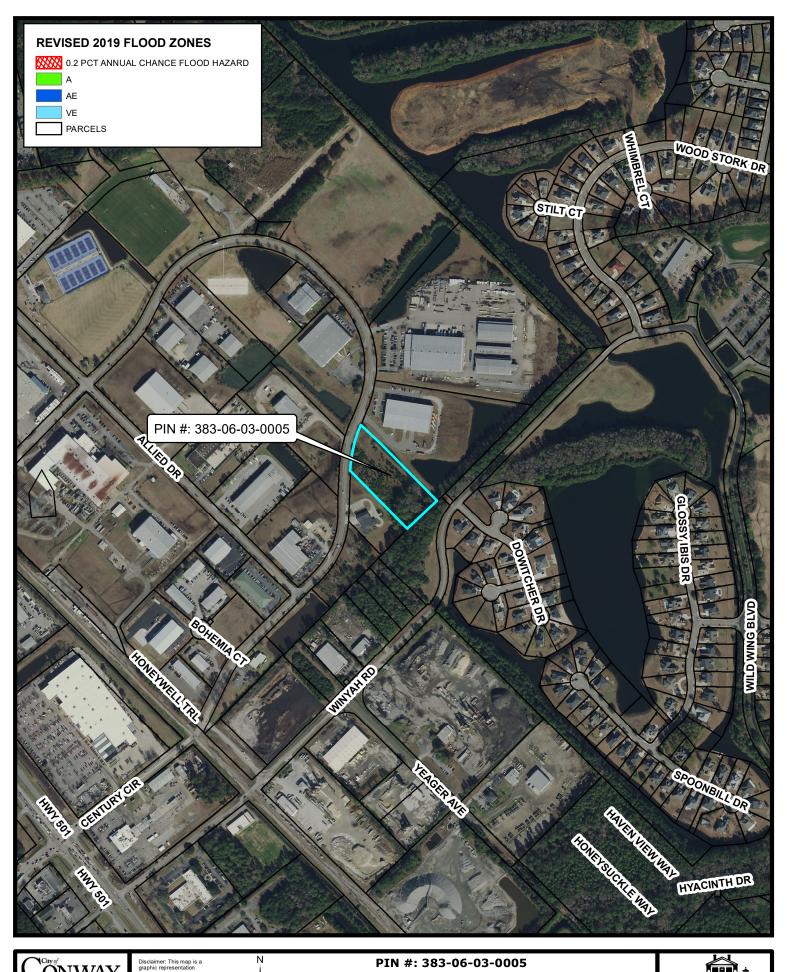
(If the Property Owner Wishes To Appoint an Agent to Represent Him or Herself)

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.

PROPERTY OWNER(S) NAME (PRINT)

PROPERTY OWNER SIGNATURE

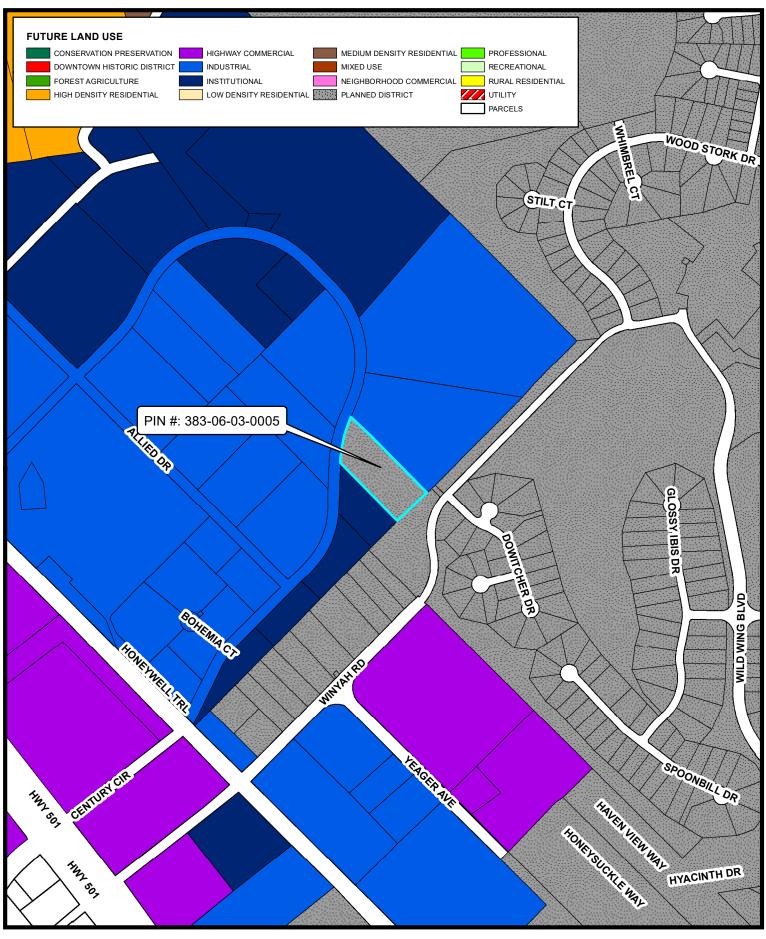
DATE





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

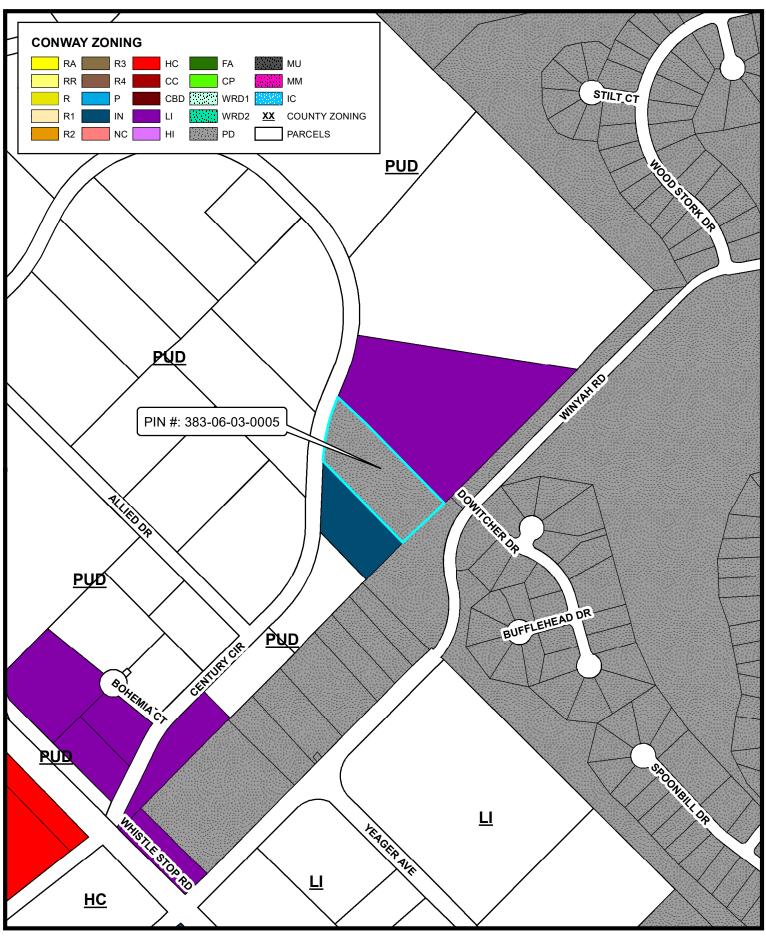






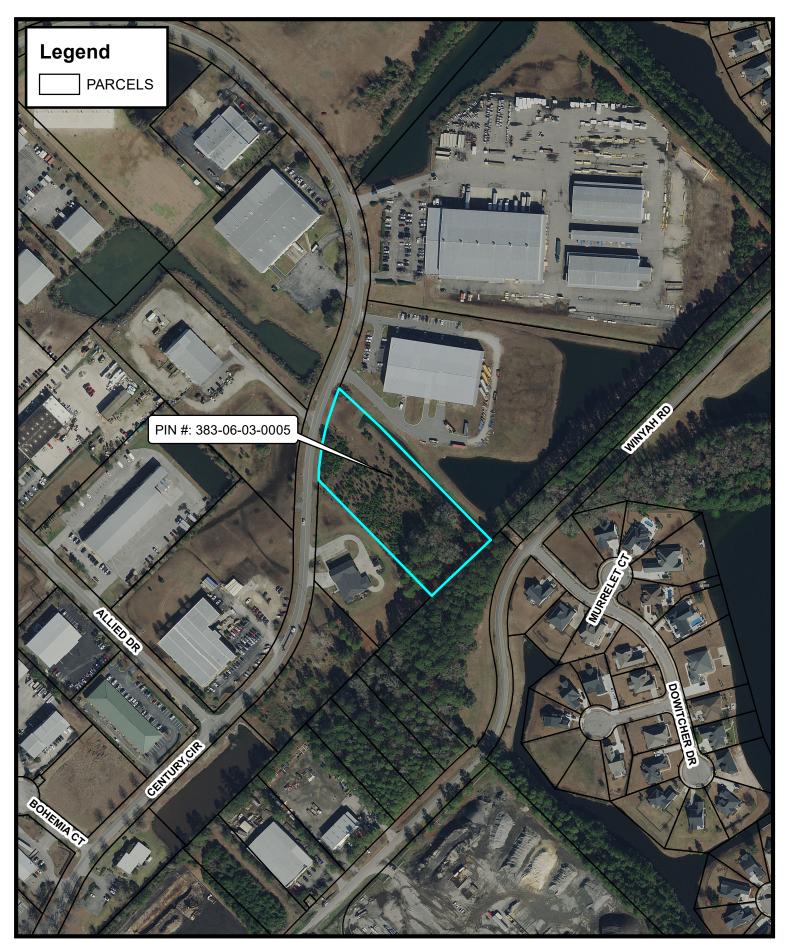
PIN #: 383-06-03-0005 TMS #: 151-00-04-180 695 CENTURY CIR (P24-0104)







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

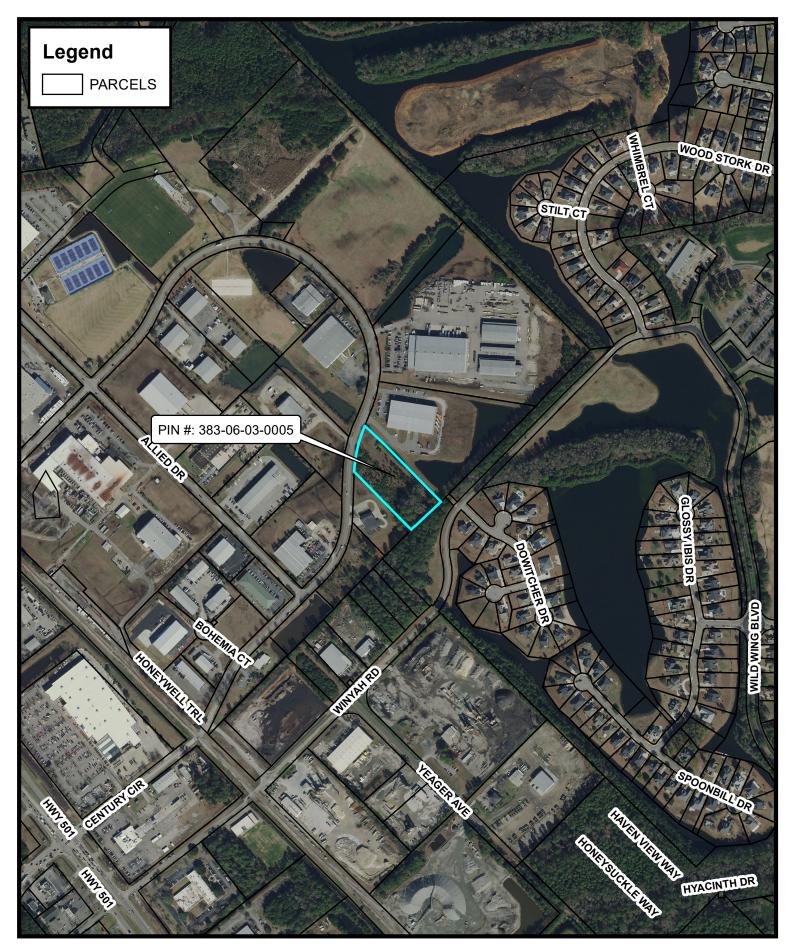




Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

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



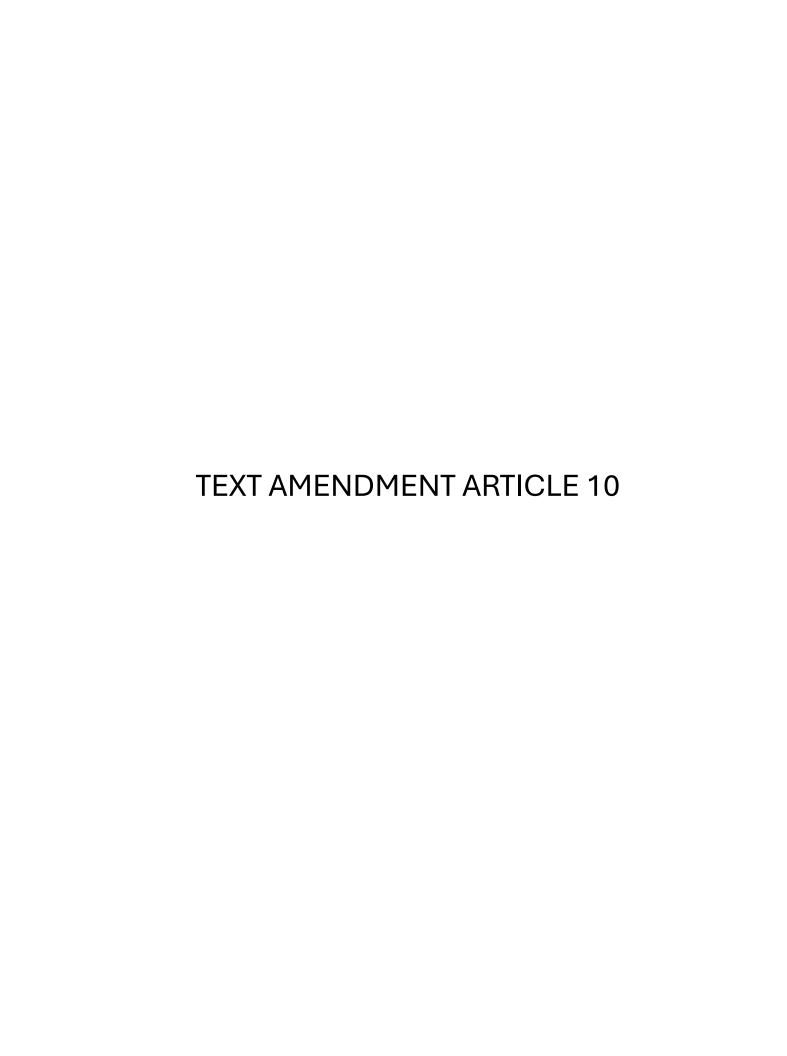




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PIN #: 383-06-03-0005 TMS #: 151-00-04-180 695 CENTURY CIR (P24-0104)





DATE: June 6, 2024

ITEM: V.C

ISSUE:

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)

RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the proposed amendments to Article 10 of the UDO and make an informed recommendation to City Council.

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

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- 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

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- 10.3.3, Design in Respect to Physical Conditions
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- 10.3.5, Reserve Strips, Half Streets, and Private Streets
- 10.3.6, Intersections
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- 10.3.13, Storm Drainage in Streets
- 10.3.14, Utility Easements
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- 10.3.20, Street Addresses

<u>Section 10.4 – Conservation Subdivisions</u>

• 10.4.1, Conservation Subdivisions



Section 10.5 – Required Improvements

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- 10.5.7, Traffic Control Signs, Signals, and Markings
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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
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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
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<u>Section 10.9 – Road Dedication Requirements</u>

- 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).
- 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:

 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 Department** 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 required a Certificate of Ownership and Dedication nor the signatures of the property owners.
- 3. <u>Court Order Survey.</u> 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:

- 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. <u>Recombination or Reconfiguration Survey.</u> 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. <u>Easement / Buffer Plats</u> Easement <u>and/or buffer</u> plats are used to dedicate or record easements <u>and/or buffers</u> 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. <u>Closing/As built Phase Plat.</u> 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	PIN/TMS number of the subject property should be in note format, not in the title	
10	property	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	
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	
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		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 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)	The following text shall be placed on the final plat or platting action (if necessary) as related to the specifically identified plat note. (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." (b): Private roadway ownership: "The road and drainage with this subdivision are intended to be private. The City of Conway shall not be responsible for the maintenance or the road or the drainage systems shown on this plat." (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." (d): Drainage easements: "All drainage easement are to be cleared and remain free and clear of all structures and other obstructions."	
40	Acreage of the remainder of the parent tract remainder in which the platting action alters or adjusts the parcel size. If the remainder of the parent tract parent tract Acreage of the remainder of the parent tract 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	

[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 Section 6.2	
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 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 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 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	



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		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 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	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, Pageon(date) in the Office of the Register of Deeds for Horry County". If restrictive covenants/bylaws are to be recorded subsequent to the	
00	documents	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): 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." (b): 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." (c): Drainage Easements: "All drainage easement are to be cleared and remain free and clear of all structures and other obstructions." (d): Street Trees: "The maintenance and/or replacement of required	



		street trees within the public rights-of-way dedicated hereon, shall be the responsibility of the HOA"
		(e): <u>Protected Trees</u> : "No protected or landmark trees as defined in Section 3-4-8 of the 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"
		(f): Open Space: "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"
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 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 7.1.2. 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 7.1.3.

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, (except those required by the Planning Commission to prevent access to thoroughfares), private streets and half-streets shall not be permitted under any condition.

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.

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 / Double Frontage of Lots. Lots within major residential developments are to access via internal streets only. 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 feesimple 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.

- 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 (?) 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 10.3.9.C.

E. Appraisal Requirements

- 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. 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]
- 2. 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. No structures are permitted to be constructed and/or located within a public drainage easement owned and maintained by the City of Conway without written permission from 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 <u>sited</u> **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.
- 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.



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. <u>Trails and Open Space Connectivity</u>.

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	Minimum buffer width of 30-ft.	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.
- 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	20 feet	
Setback	20 1661	
Minimum Side Yard Setback	10 feet	
Minimum Side Yard		
Setback, fronts on Local	20 feet	
Street or Arterial		
Minimum Rear Yard		
Setback	13 1661	
Minimum Lot Width	60 feet	
Maximum Height of	40 feet	
Structure	40 1661	
Minimum Access to Open	20 feet	
Space		
Minimum Open Space	30% of Net Buildable Area	
Required	50% of Net bolldable Area	
Maximum Development	Factor of 1.6 based on by-right	
Density	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.
- 3. 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.

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. <u>Management Plan</u>. 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;

- 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. <u>Site Analysis Map Required</u>.

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;
- General soil types;
- g. The planned location of protected Open Space;
- h. Existing roads and structures;
- 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. <u>Instrument of Permanent Protection Required.</u>

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 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 streets 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:

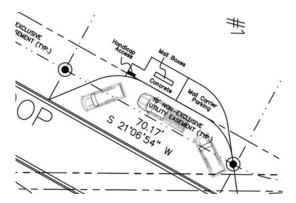
- a. Cluster box units (CBU's) shall include no more than 16 units (and 2 package parcel compartments).
- b. Cluster mailboxes of more than 16 units shall be located in a centralized mail kiosk.
- c. The installation of CBU's, as well as any associated shelters, lighting, parking, landscaping, and other 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. <u>Location Standards</u>:

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 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) year 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)]





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.

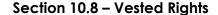
10.7.8 Validity

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.







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 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 landuse 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 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 that that authorization to proceed with investments in infrastructure.

The City of Conway shall not require a landowner to waive his 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 siteplan 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.
- Submit Initial Dedication Documents. Including Developer Easement, Roadway Deed, Drainage
 Easements, Warranty Agreement, Joinder and Consent to dedicate <u>prior</u> 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. <u>Start Construction.</u> 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. <u>Inspection of Road and Drainage Construction.</u> Periodic inspections by the Technical Review Committee and/or their designee(s) are required as listed under Inspection section.
- 5. <u>Submit "as-Built" Plans and Certification of Non-Litigation.</u> 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. <u>Submit "Warranty Agreement"</u>. 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 <u>prior</u> to said meeting.
- 7. <u>City Council.</u> 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 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 abovementioned 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.

- 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, SDCOT Specifications.
- 4. Paving Tolerances: The <u>average</u> 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	PE OF FACILITY BASE		SURFACE
Local Access	al Access 11" Coquina or 8" SABC		2" Type I
Sub-collector 11" Coquina or 9" SABC		None required	2.5" Type I
Collector	Collector 14" Coquina or 10" SABC		1.5" Type I or 3" Type I if Binder not used
Arterial	17" Coquina 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. 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 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 ad 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.



WARRANTY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS THAT	
and firmly bound unto the City of Conway existing and just sum of \$, lawful money of the U	, hereafter referred to as "Developer", as principal under the laws of the State of South Carolina, as oblige in full nited State of America, to the payment of which sum, well and heirs, executors, administrators, successors and assigns, jointly
Carolina, known and identified as in connection therewith has constructed, certain	and constructed a development in the City of Conway, South and roadways, drainage ways, and other appurtenant road and ties to the City on Conway for public use and maintenance.
simple title to said improvements, and warrants remain in said condition, less normal wear, for a per Council to accept said facilities. Should said facilities of workmanship, materials, or damages rest construction or building construction performed by three (3) years from date of said acceptance, the latter City of Conway in the amount of the full and justicilities to a first-class condition. All repairs made	such that the Developer shall give to the City of Conway fee that said improvements are in first-class condition, and shall priod of three (3) years from the date of action by Conway City ities, or any portion thereof require repair or replacement for sulting from any construction related activities, including utility other parties who purchased land from said Developer, within Developer shall make the necessary repairs or shall be liable to st sum herein stated above for costs to repair and replace said shall be of good quality and shall be subject to an additional acial guarantee being posted for 125% of the estimated cost of view Committee. day of day of
WITNESS:	DEVELOPER:
Witness Print Name	Developer Print Name
STATE OF SOUTH CAROLINA) COUNTY OF HORRY	
The foregoing was acknowledged before m	ne
this day of	
by —	
	<u> </u>
Notary Public	My commission expires:



CERTIFICATION 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 and Road Name(s):	
Witness Print Name	Developer Print Name
Witness Signature	Developer Signature
Witness Print Name	General Contractor Print Name
Witness Signature	General Contractor Signature
Witness Print Name	Engineer Print Name
Witness Signature	Engineer Signature
STATE OF SOUTH CAROLINA)	
COUNTY OF HORRY)	
The foregoing was acknowledged before me	
this day ofby	
Notary Public My commission expires:	Notary Public



GENERAL JOINDER AND CONSENT TO DEDICATION

pove dedication.	
	Signatory Print Name
- Witness Signature	Signature
STATE OF SOUTH CAROLINA)	
COUNTY OF HORRY The foregoing was acknowledged be	oforo mo
The foregoing was acknowledged be	arore me
This day of	



UTILITY JOINDER AND CONSENT TO DEDICATION

- · · · · · · · · · · · · · · · · · · ·	s the holder of an easement or right-of-way on certain lands properly
easements, and other appurtenances loc that its easement, right-of-way or other er	in the consent to the dedication of the roadways, drainage ways, ated on or in said described property by the owner hereof, and agrees ncumbrance which is recorded in Official Records Book at ds of Harry County, South Carolina, shall be subordinated to the above
underneath the roadways to replace, repo	ss to any of its utility lines which run along, cross overhead, or extend air, maintain, and upgrade said lines and facilities.
_	to repair any and all damage to the roadways and drainage facilities right-of-ways and easements. Said repairs shall be promptly performed onstruction.
Witness Print Name	(Signatory Print Name)
Witness Signature	Signature
STATE OF SOUTH CAROLINA)	
COUNTY OF HORRY)	
The foregoing was acknowledged	d before me
This day of	
Ву	
	Notary Public ————
	My commission expires:



STATE OF SOUTH CAROLINA)

RIGHT-OF-WAY DEED

COUNTY OF HORRY)

KNOW ALL MEN BY T	HESE PRESENTS, THAT	I (or we)			
				cknowledged, have grante	=
				e, unto the City of Conway	its successors and
assigns, a right-of-wo	ay deed for the follow			_ as shown on a plat prep	ared
hv	titled		and dated		said
p.a. 2011.g . 200. a 20			<u></u>		<u> </u>
Said road right-of-w Conway City Counc		ered for dedica	tion and said d	edication being accepted	by action of
	OLD, all and singular, uccessors and assign	=	f-way and the r	ights hereinabove granted,	unto the said
IN WITNESS WHEREO	F I (or we) have here	unto set my/our	nand(s) and sec	al(s) this day of	
in the year of our Lo	rd Two Thousand and				
Signed, sealed and	delivered in the prese	ence of:			
		_			
Witness #1			OWNER		
Witness #2			OWNER		_
STATE OF SOUTH CAP	POLINA)				
SIAIL OF SOUTH CAP	(OLINA)		PR	OBATE	
COUNTY OF HORRY)				
Personally appeared	d before me			and made oath that	
	and saw the within n	amed owner(s),			sign,
seal and as their act	t and deed deliver th	e within deed fo with	r right-of-way; c	and that	
witnessed the execu	ution thereof.			_	
Sworn to before me	this	_ day of _		, 20	
		Wii	ness Signature		_
Natan Dutie			-		
Notary Public —— My commission expi	rec.		\\/;	tness is not a party to	
TWO CONTINUESSION EXP				a beneficiary of	



the transaction

STATE OF SOUTH CAROLINA)

DRAINAGE EASEMENT

COUNTY OF HORRY)

KNOW ALL MEN BY THESE PRESENTS, THAT I (or we)	
sold and released, and by these presents do	of of which is hereby acknowledged, have granted, bargained, grant, bargain, sell and release, unto the City of Conway, its for the following road(s) namedas shown on a plat prepared by
	 ad dated said plat being recorded in
the Horry County Register of Deeds at	
Said drainage easement having been offered for Conway City Council at its meeting on	or dedication and said dedication being accepted by action of
TO HAVE AND TO HOLD, all and singular, the said City of Conway, its successors and assigns forever	right-of-way and the rights hereinabove granted, unto the said
IN WITNESS WHEREOF I (or we) have hereunto set	my/our hand(s) and seal(s) this day of
in the year of our Lo	ord Two Thousand and
Signed, sealed and delivered in the presence of:	
Witness #1	OWNER
Witness #2	OWNER
STATE OF SOUTH CAROLINA) COUNTY OF HORRY)	PROBATE
Personally appeared before me present and saw the within named owner(s),	and made oath that he/she wassign, seal and as
their act and deed deliver the within easement for and that with	or right-ot-way; witnessed the execution thereof.
Sworn to before me this day of	
	Witness Signature
Notary Public	Witness is not a party to or a beneficiary of the transaction



CITY OF CONWAY PUBLIC WORKS

WARRANTY BOND

Purpose: Prior to Se	vice Authorization Cor	ntractor's Warranty Bo	ond for One Year	
KNOW ALL MEN BY	THESE PRESENTS, THAT			
of		, South C	arolina, hereinafter referred to	as "Developer", as
principal and	a compan <u>y authori</u>	zed to do business i	<u>in the State of</u> South Carolina	ı, hereinafter called
"Surety", and held	and firmly bound unde	r the City of Conway	, a body politic existing under t	the laws of the State
of South Carolina, o	as oblige in full and just	sum of \$, lawful money of the United S	states of America, to
the payment of wh	ich sum, well and truly	m <u>ade, the Devel</u> ope	er and Surety bind themselves, t	heir heirs, executors,
administrators, succ	cessors, and assigns, joir	ntly and severally, firm	nly by these present.	
WHEREAS, the Deve	eloper has developed o	and constructed a de	evelopment in Horry County, So	uth Carolina, known
and identified as			and in connection therew	rith has installed with
approval of the C	ity of Conway Techni	cal Review Committ	tee, certain water distribution	and/or wastewater
collection facilities,	and had dedicated th	ose facilities to the C	ity of Conway.	
said water distribu condition, and sho Agreement by the replacement for fo Developer and the	tion and wastewater Ill remain in said cond City of Conway to ac ailure of workmanship ir Surety shall be jointly	collection facilities ition, less normal we cept said facilities. So or materials within and severally liable to	the Developer shall give to the and warrants that said facilities, or a period of one (1) year should said facilities, or any poone (1) year from date of said to the City of Conway in the and of a first-class condition.	ies are in first class ar from the date of rtion thereof require d acceptance, the
SIGNED, SEALED AN	D DATED this	day of	, 20	
WITNESSES:				
		Surety		



LETTER OF CREDIT / FINANCIAL GUARANTEE TEMPLATE (EXAMPLE ONLY)

BANK LETTERHEAD IRREVOCABLE STANDBY LETTER OF CREDIT

Date:	LOC No.:
Lender:	Applicant:
Name of Financial Institution	Name of Individual or Corporation
C/O (Contact person)	C/O (Contact Person)
Address	Address
City/State/Zip	City/State/Zip
Beneficiary:	Project Name:
City of Conway	Provide project name and phase # (if applicable,
C/O Planning & Development Dept.	for: (remaining infrastructure, roadway warranty, etc.)
196 Laurel Street	
Conway, SC 29526	
Amount:	Expiration Date:

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.

Date of Expiration of LOC here

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)

Insert amount of LOC here

