

MAYOR
Barbara Jo Blain

MAYOR PRO TEM
William M. Goldfinch IV



COUNCIL MEMBERS
Amanda Butler
Julie Ann Hardwick
Beth Helms
Justin D. Jordan
Larry A. White

**PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING AGENDA**

Thursday, June 5, 2025 | 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 1, 2025 Planning Commission Meeting Minutes

III. PUBLIC INPUT

IV. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request to annex approximately 2.22+/- acres of property at and adjacent to 1091 E Hwy 501 (PIN's 367-14-04-0001, -0002, and -0003), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

B. REZONING REQUEST(S)

1. Request to rezone approximately 0.33+/- acres of property at 1307 Grainger Rd (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district.
2. Request to rezone approximately 10.97+/- acres of property at 1808 Rhue Street (PIN 368-00-00-0002) from the Low/Medium-Density Residential (R-1) district to the Institutional (IN) district.

C. PLANNED DEVELOPMENT AMENDMENT(S)

1. Request (*revised*) to amend the Carsen's Ferry Planned Development (PD) district (a.n.a. Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+/- acres of property located on Riverport Drive (PIN 337-05-02-0004).

D. TEXT AMENDMENT(S)

MAYOR
Barbara Jo Blain

MAYOR PRO TEM
William M. Goldfinch IV



COUNCIL MEMBERS
Amanda Butler
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Beth Helms
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Larry A. White

1. Request to amend *Section 5.1.16 – Mobile Vending*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding requirements for obtaining a Mobile Food Vending Permit.
2. Request to amend *Article 6 – Design Standards*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding in-common developments.
3. Request to amend *Article 15 – Enforcement*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding penalties for violations of the UDO.

V. BOARD INPUT

VI. STAFF INPUT

VII. ADJOURNMENT

**CITY OF CONWAY
PLANNING COMMISSION MEETING**

THURSDAY, May 1, 2025

Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Jessica Wise, Greg Bryson, George Ulrich, Kendall Brown, Allan Cornell
Absent: Danny Hardee, David Sligh, Ellen Watkins, Thomas J. Anderson III
Staff: Jessica Hucks, Planning Director; Katie Dennis, Planner; Marsha Ponder, Planning & Development Assistant; Brent Gerald, Planner, Marcus Cohen, IT
Others: Kenneth Barnes, Ashley Cowen, Annette Blondeau, Russ Mehl, Robert Stevens, Andy Christenson, Craig Anderson, Sheri Walton, Amy Hill, Phillip McLean, Carla Rector, Susan Douthat, Karen Santa, Kate Hartson

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Ulrich made a motion, seconded by Bryson to approve the April 3, 2025, minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

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

IV. PUBLIC HEARINGS

A. REZONING REQUEST(S)

1. *Deferred...* Request to rezone approximately 18.78+/- total acres of property located at the corner of Oak Street and Mill Pond Road (PIN 338-00-00-0019) from the Neighborhood Commercial (NC) district to High-Density Residential (R-3) district.
2. Request to rezone approximately 1.4+/- total acres of property located at the corner of Davidson Road and East Highway 501 (PIN's 383-08-02-0003 & 383-08-02-0002) from the Professional (P) district to Highway Commercial (HC) district.

Hucks stated that the applicant submitted a rezoning application for the subject properties on April 1, 2025. The properties are already in the city limits, zoned Professional (P). These properties are lots 1 and 2 on block 8 of the College Park subdivision (see attached plat of College Park). The lots are currently vacant; however, they are encumbered by power transmission line easements, as are several other surrounding lots, which will restrict any type of development. Lot 1 (PIN 383-08-02-0003) is approx. 0.74 acres and Lot 2 (PIN 383-08-02-0002) is approx. 0.66 acres. The proposed use of the property is not known at this time.

The applicant is seeking to rezone the properties to the Highway Commercial (HC) zoning

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

These parcels front Hwy 501. Lot 1 is a corner lot, adjacent to Davidson Road. There is nothing on either side of these lots, and properties on either side are zoned Professional. Properties directly behind the subject property is zoned R-1; also, part of the College Park Subdivision. While developed in the county, several parcels were annexed into the city limits over the years, including the lots that front Hwy 501. University Baptist Church is located on lots 1-4 on block 9 of College Park.

Staff was recently made aware of the existence of restrictive covenants for the College Park Subdivision, from when the development was originally created in 1967, recorded in Deed Book 371 at Page 517 (at Horry County Register of Deeds). Building regulations provided in the restrictions is limited to single-family dwellings only, not to exceed two stories in height. Uses are limited to private family residences together with appropriate and approved outbuildings. Further, the restrictions strictly prohibit commercial activity within the College Park subdivision.

The restrictions described within the Declaration of Restrictive Covenants are in effect for an initial 20-year period, and then automatically extended for successive periods of 5 years each, unless an instrument signed by the then owners of a majority of lots within the subdivision has been recorded, agreeing to change in the covenants, limitations or restrictions – in whole or in part. There was such an amendment filed in 1996 for lots 1-4 of block 9 of the subdivision, which subsequently allowed a church with amenities to be constructed on said lots. However, the amendment did not include any revisions to any of the other lots within College Park. In fact, page 3 of the amendment specifically states that “except as changed, amended, or modified herein, the subdivision Declaration of Restrictions, and any amendment thereto, shall remain in full force, virtue and effect.”

While deed restrictions / restrictive covenants are a civil matter, and it is not required by the local planning agency to determine whether such restrictions exist, once we have received notice of their existence, the local planning agency does have the ability to deny plans that would otherwise violate such restrictions. However, they are not enforced by the local planning agency. More specifically:

SC Code of Laws, Section § 6-29-1145. Determining existence of restrictive covenant; effect.

- A. In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract of land or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
- B. If a local planning agency has actual notice of a restrictive covenant on a tract or parcel

of land that is contrary to, conflicts with, or prohibits the permitted activity:

1. In the application for the permit;
2. From materials or information submitted by the person or persons requesting the permit; or
3. From any other source including, but not limited to, other property holders,

The local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

C. As used in this section:

1. “actual notice” is not constructive notice of documents filed in local offices concerning the property and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants.

The future land use map of the Comprehensive Plan identifies the property as Highway Commercial (HC). Per Section 3.2.10 of the UDO, the intent of the 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.

Staff recommends, in addition to holding the required public hearing, that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.

The applicant, Kenneth Barnes, C21 McAlpine & Associates was present to give a brief presentation and to answer any questions. The board, staff and the applicant briefly discussed the request.

Phillip McLean, Amy Hill and Sheri Walton spoke in opposition of the request during public input. Wise made a motion, seconded by Brown to close public input. Motion carried unanimously.

Wise made a motion to deny the request to rezone from Professional to Highway Commercial, explaining to the applicant that, given the covenants and restrictions, she would consider a rezoning if there were an aspect that facilitated movement on the property, particularly given its location on Highway 501 and its potential viability. She further stated that, under the current circumstances, she was not comfortable supporting a rezoning. Bryson seconded the motion, and the motion carried unanimously.

B. PLANNED DEVELOPMENT AMENDMENT(S)

1. ***Previously deferred...*** Request to amend the existing Carsen's Ferry Planned Development (PD) district (aka Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+/- acres of property located on Riverport Drive (PIN 337-05-02-0004).

Hucks stated that the Rivertown Landing Planned Development (PD) district, now known as the Carsen's Ferry Planned Development, was originally created in 2007 out of 28.55 acres off Hwy 501 at Riverport Dr. The stated purpose was to "create a walkable, mixed-use community featuring multi-family residential, civic, commercial, and office space in the City of Conway." Until 2015/2016, the only thing that had been developed in this community was the clubhouse and pool. Since its creation, the PD has been amended four (4) other times.

2010 amendment: Amended to increase the height allowance for Carsen's Ferry multifamily project from 40 feet to 52 feet and reduce the total residential units from 108 to 86.

2017 amendment: removed all commercial and multifamily from the rear most parcels and replaced them with single-family homes on 50 small individual lots. This created a traditional neighborhood layout / development style (*i.e.* The Village at Country Club) with 1 and 2-story traditional craftsman and low-country style homes spaced closely together, ranging from 1,400 to 2,200 sq. ft.

2018 amendment: 3.5 acres of a designated as commercial was amended and added to allow additional single-family residential, which now makes up phase 5 of the development, which contains an additional 18 single-family dwellings and with the same requirements as the previous 4 phases. This left approx. 1.5 acres of Commercial acreage for commercial development.

2022 amendment: amended the permitted uses in what was remaining of Commercial Tract B to include any use permitted in the Highway Commercial (HC) district.

Proposed 2025 amendment: amend the permitted uses on Commercial Tract "A", which includes approx. 4.24+/- acres, to allow a combination of residential, professional, and other limited commercial uses on the upland portion of the property, or mixed-use development, leaving the remainder as open space and a master-planned stormwater system.

A more comprehensive description of previous amendments has also been provided by staff, which has been recommended to be included in the proposed amendment, should the amendment be approved.

The intent of the current zoning, a Planned Development (PD) district, per Section 3.3.2 of the UDO, is to provide for large-scale, quality development projects (3 acres and larger) with mixed land uses which create a superior environment through unified development and provide for the application of design ingenuity while protecting surrounding developments.

The future land use map of the comprehensive plan identifies the subject property as Planned Development (PD) and Conservation Preservation (CP). Per Section 3.2.15 of the UDO, the intent of the Conservation Preservation (CP) district is to provide needed open space for general outdoor and indoor recreational uses and to protect environmentally sensitive areas and flood prone areas from the encroachment of any residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the district.

The applicant held a community meeting with residents of Carsen's Ferry on April 24, 2025 at the clubhouse in the Carsen's Ferry development. It is staffs understanding, from an email staff received by the applicant following this meeting, that the community will only support single-family residential on Tract A, not mixed use. Currently, staff does not have an updated PD narrative or master plan that is required to accompany any PD requests or PD amendments. The applicant has stated that they intend to provide additional information at the upcoming meeting on May 1st.

Staff recommends, in addition to holding the required public hearing, that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.

The applicant, Ashley Cowen, Diamond Shores LLC was present to give a brief presentation and to answer any questions. The board, staff and the applicant briefly discussed the request.

Andy Christenson, Robert Stevens, Annette Blondeau, Kate Hartson, and Russ Mehl spoke in opposition of the request during public input. Wise made a motion, seconded by Ulrich to close public input. Motion carried unanimously.

Wise made a motion to defer the request to amend the existing Carsen's Ferry Plan Development district. Bryson seconded the motion, and the motion carried unanimously.

V. BOARD INPUT

Wise welcomed Allan Cornell as the newest member of the board.

VI. STAFF INPUT

None.

VII. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:21 pm.

Approved and signed this _____ day of _____, 2025.

Jessica Wise, Chairperson

DATE: JUNE 5, 2025

ITEM: IV.A.1

ISSUE:

Request to annex approximately 2.22+/- acres of property at and adjacent to 1091 E Hwy 501 (PIN's 367-14-04-0001, -0002, and -0003), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

BACKGROUND:

The applicants submitted annexation and rezoning applications in April for the subject property, which is being required by Public Utilities. An adjacent property (on Amber Lane), which will be forwarded for first reading when these properties are forwarded, contains a residential structure that uses the same water meter as the property where a business, South Atlantic Monument, is located. Due to the requirement to obtain a separate meter, considered a new service, and because the owner of the property is the same owner of the surrounding properties, all contiguous properties owned by the applicant are now subject to annexation. The applicants are requesting the Highway Commercial (HC) zoning upon annexation. The property is currently zoned Highway Commercial in Horry County.

The intent of the 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 Zoning / Uses:

Surrounding properties with frontage on Hwy 501 are commercial in nature, and are zoned commercially (HC, CFA); although most surrounding property is within the county's jurisdiction. There is one property across from one of the properties included in this request that fronts Amber Lane within the City limits, zoned Highway Commercial, that contains an auto repair shop and which makes the subject properties contiguous and subject to annexation.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan also identifies the property as Highway Commercial (HC). The intent of the 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.

STAFF RECOMMENDATION:

Staff recommends, in addition to holding the required public hearing, that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

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

www.cityofconway.com

Instructions:

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

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF HORRY)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

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

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

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

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

PROPERTY LOCATION/SUBDIVISION: _____

PIN: 367 1404 0003 - 0002 - 0001 ACREAGE: 1.17 + 0.6 + 0.45

PROPERTY ADDRESS: 1091 E HWY 501

PROPERTY OWNER MAILING ADDRESS: 5246 Alligator Ct., Conway SC 29526

PROPERTY OWNER TELEPHONE NUMBER: (843) 241-3410 & (843) 460-1106

PROPERTY OWNER EMAIL: annandmackhutsen@yahoo.com

APPLICANT: William M. & Karen Ann Hutson

APPLICANT'S EMAIL: Same as Above

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

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

PROPERTY OWNERS (Attach additional sheets if necessary)

Karen Ann Hutson (Print) Karen Ann Hutson (Signature) DATE: 4/16/25

William M. Hutson (Print) William M. Hutson (Signature) DATE: 4/16/25



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: OFFICE

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

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

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

CIRCLE: YES ☐ NO ☒

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

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

CIRCLE: YES ☐ NO ☒

If yes, please describe.

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

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

FEEES 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: 1091 E Hwy 501 FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 1.17 0.6 0.45 PIN: 367 14 04 0003
367 14 04 0002
367 14 04 0001

CURRENT ZONING CLASSIFICATION: HC

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: HC

NAME OF PROPERTY OWNER(S):

William M. Hutson PHONE # (843) 450-1106
Karen Ann Hutson PHONE # (843) 241-3410

MAILING ADDRESS OF PROPERTY OWNER(S):

5246 Alligator Ct.
Conway SC 29526

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

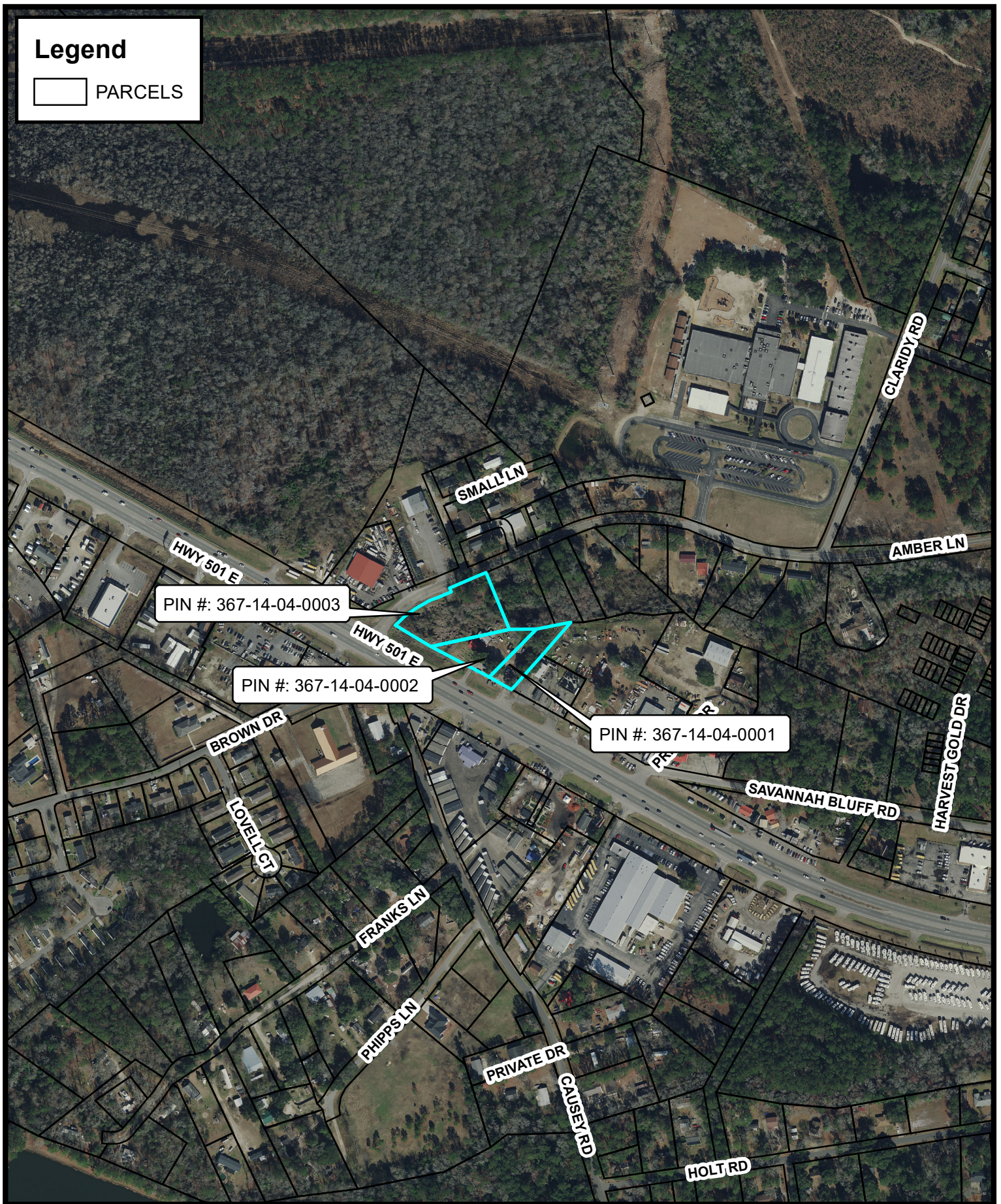
Karen Ann Hutson 4-16-25
PROPERTY OWNER'S SIGNATURE(S) DATE

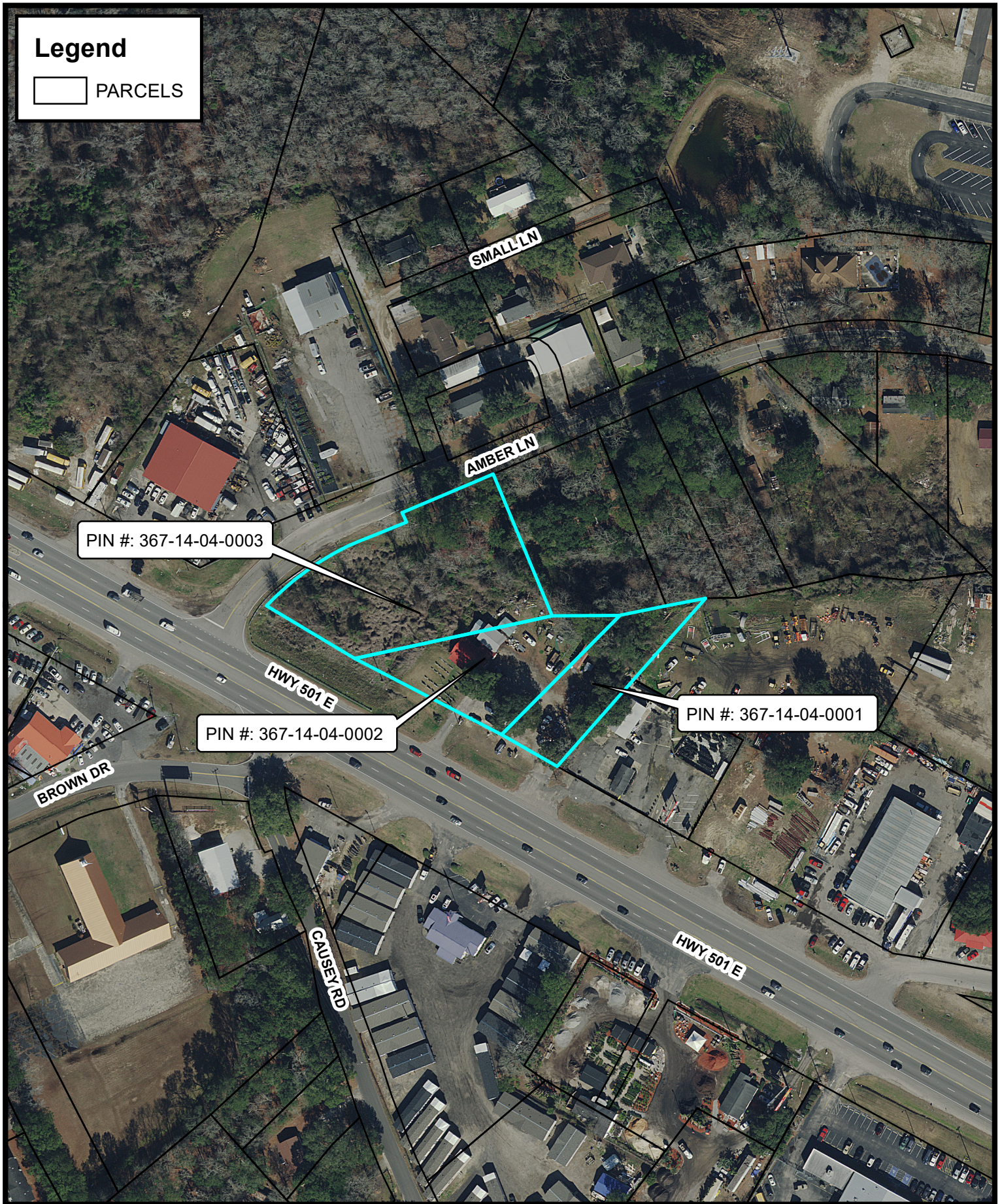
William M. Hutson 4-16-25
PROPERTY OWNER'S SIGNATURE(S) DATE

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

Legend

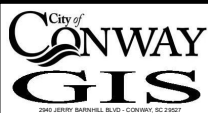
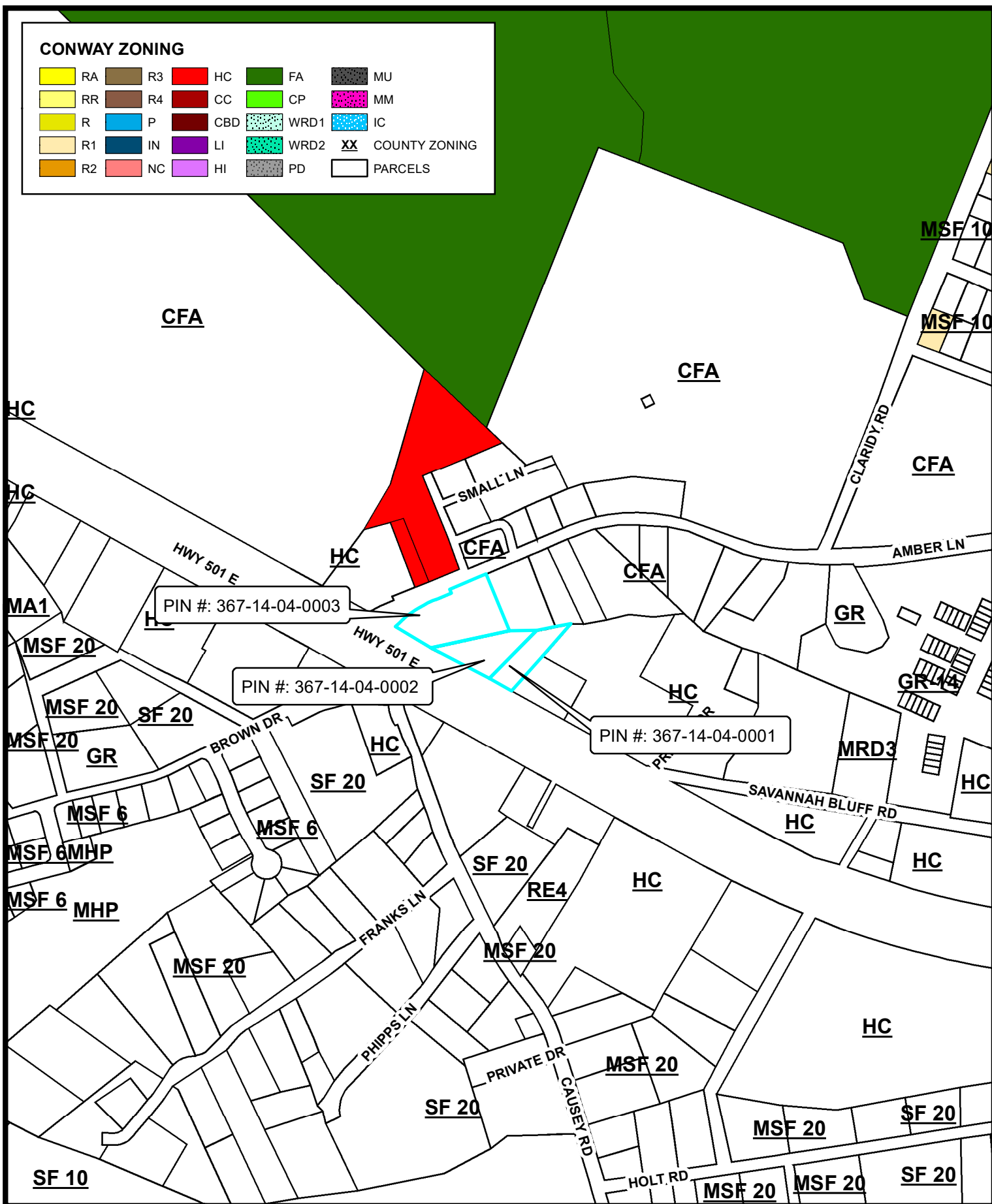
 PARCELS





CONWAY ZONING

RA	R3	HC	FA	MU
RR	R4	CC	CP	MM
R	P	CBD	WRD1	IC
R1	IN	LI	WRD2	XX COUNTY ZONING
R2	NC	HI	PD	PARCELS



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

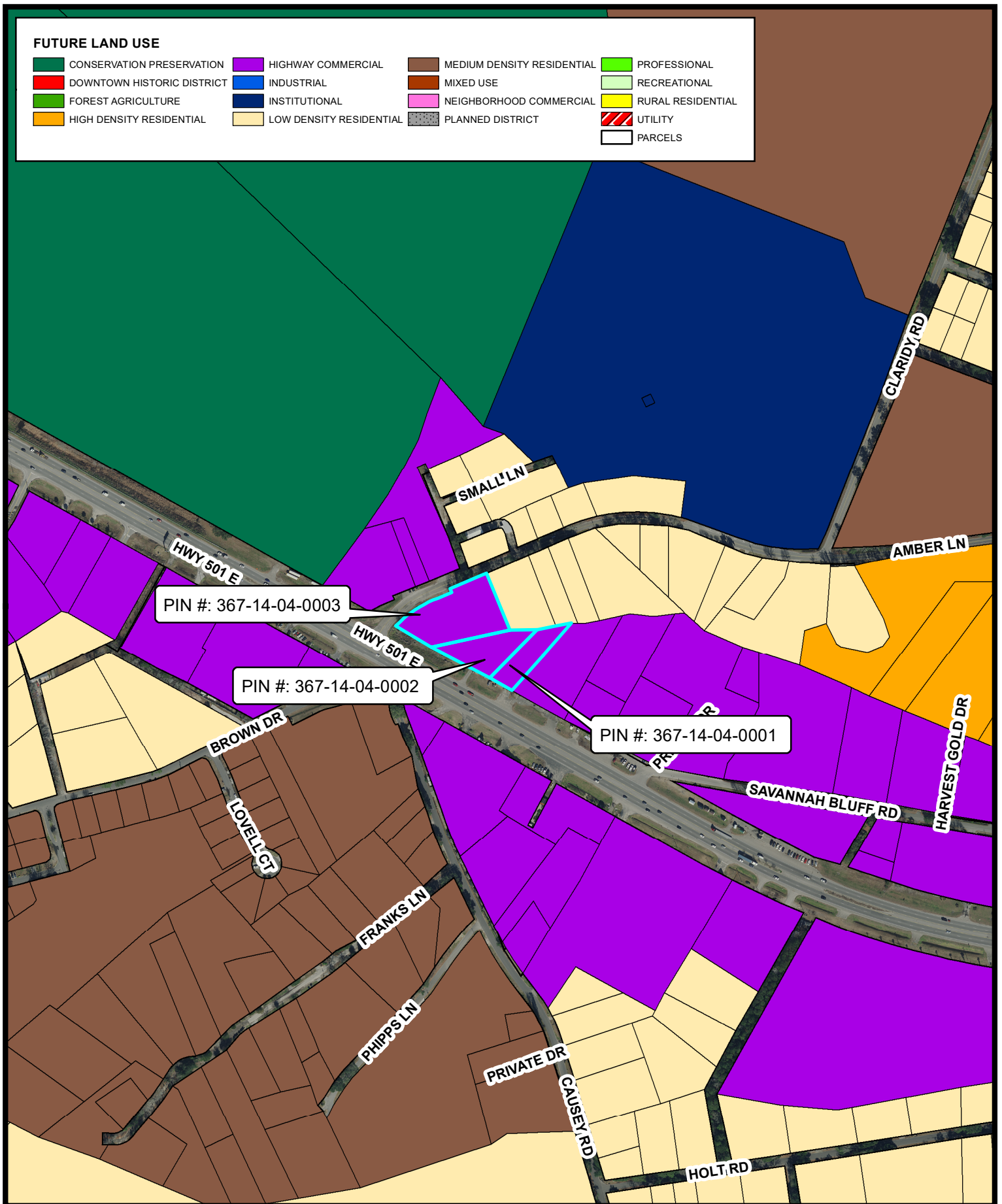


PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



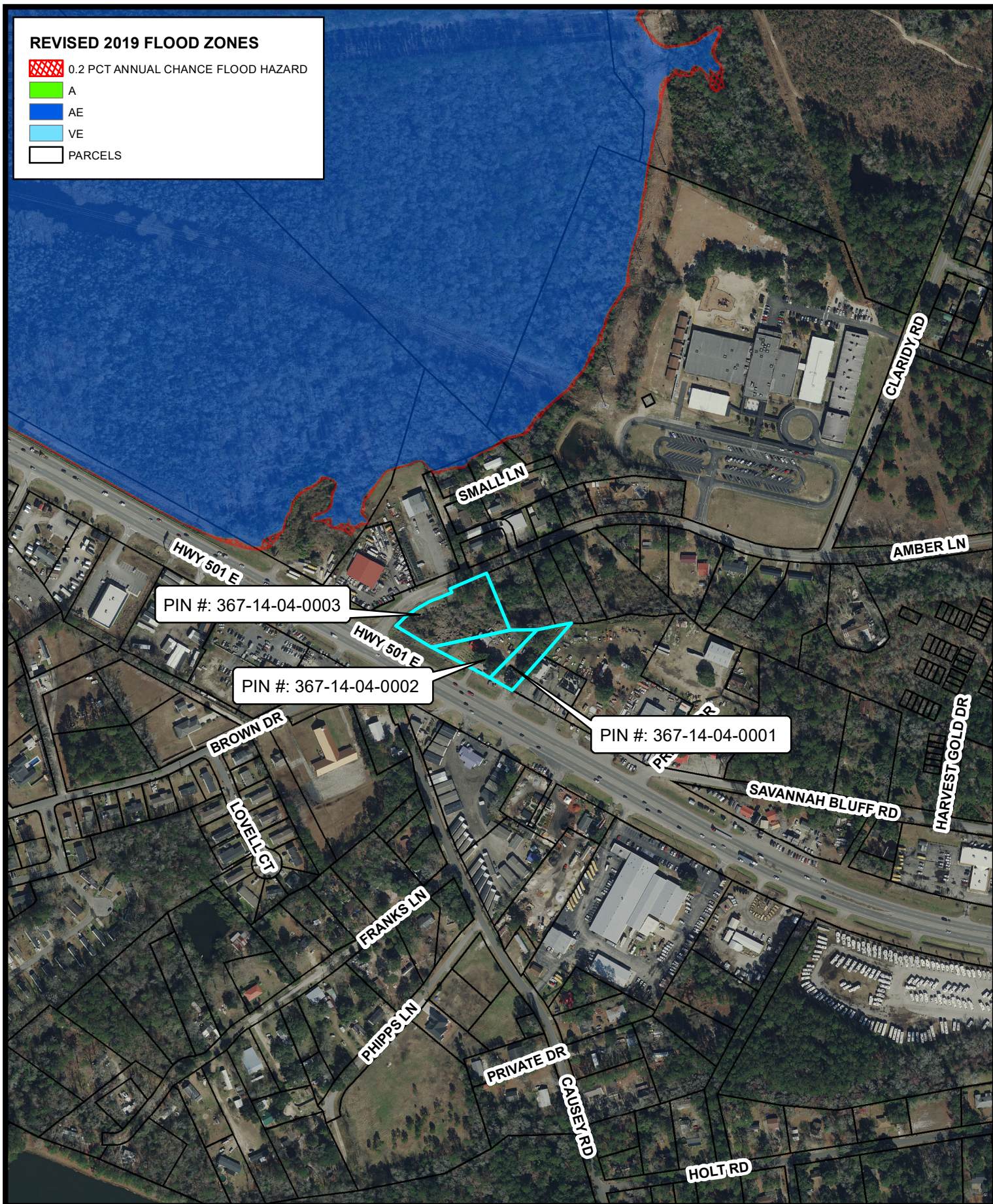
FUTURE LAND USE

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



REVISED 2019 FLOOD ZONES

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



DATE: JUNE 5, 2025

ITEM: IV.B.1

ISSUE:

Request to rezone approximately 0.33+/- acres of property at 1307 Grainger Rd (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district.

BACKGROUND:

The applicants, Celia Sands and Vallerie Jordan, are requesting to rezone the property located at 1307 Grainger Rd to the Low/Medium-Density Residential (R-1) district in order to construct a single-family dwelling. The property still contains an older structure that previously housed an auto garage (currently classified as storage/warehousing) and previously contained a dilapidated residential structure that was demolished. Per Plat Book 3 at Page 45, the property is identified as lot 21; however, Horry County Land Records provides a legal description of the property as being lot 21 and a *portion* of lot 20.

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

Surrounding Zoning / Uses:

Property on either side of the subject property is also zoned Highway Commercial (HC). There is an upholstery business and Ocean View Funeral Home on one side of the property and the other side – across from Green Street, while also zoned HC, is currently vacant. Other properties in the immediate area are zoned R-1 and contain residential uses; primarily single-family.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan also identifies the property as Highway Commercial (HC). The intent of the 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.

STAFF RECOMMENDATION:

Staff recommends, in addition to holding the required public hearing, that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only
Received: 5/2/25
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

PIN # 368-01-02-0007

Notice

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PHYSICAL ADDRESS OF PROPERTY: 1307^B Granger Road FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.33 PIN: 36801020007

CURRENT ZONING CLASSIFICATION: Highway Commercial (HC)

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: R-1

NAME OF PROPERTY OWNER(S):

Celia Sands PHONE # 843-397-3191
PHONE # 843-331-0031

MAILING ADDRESS OF PROPERTY OWNER(S):

3595 Hwy 701 South
Conway, S.C. 29527

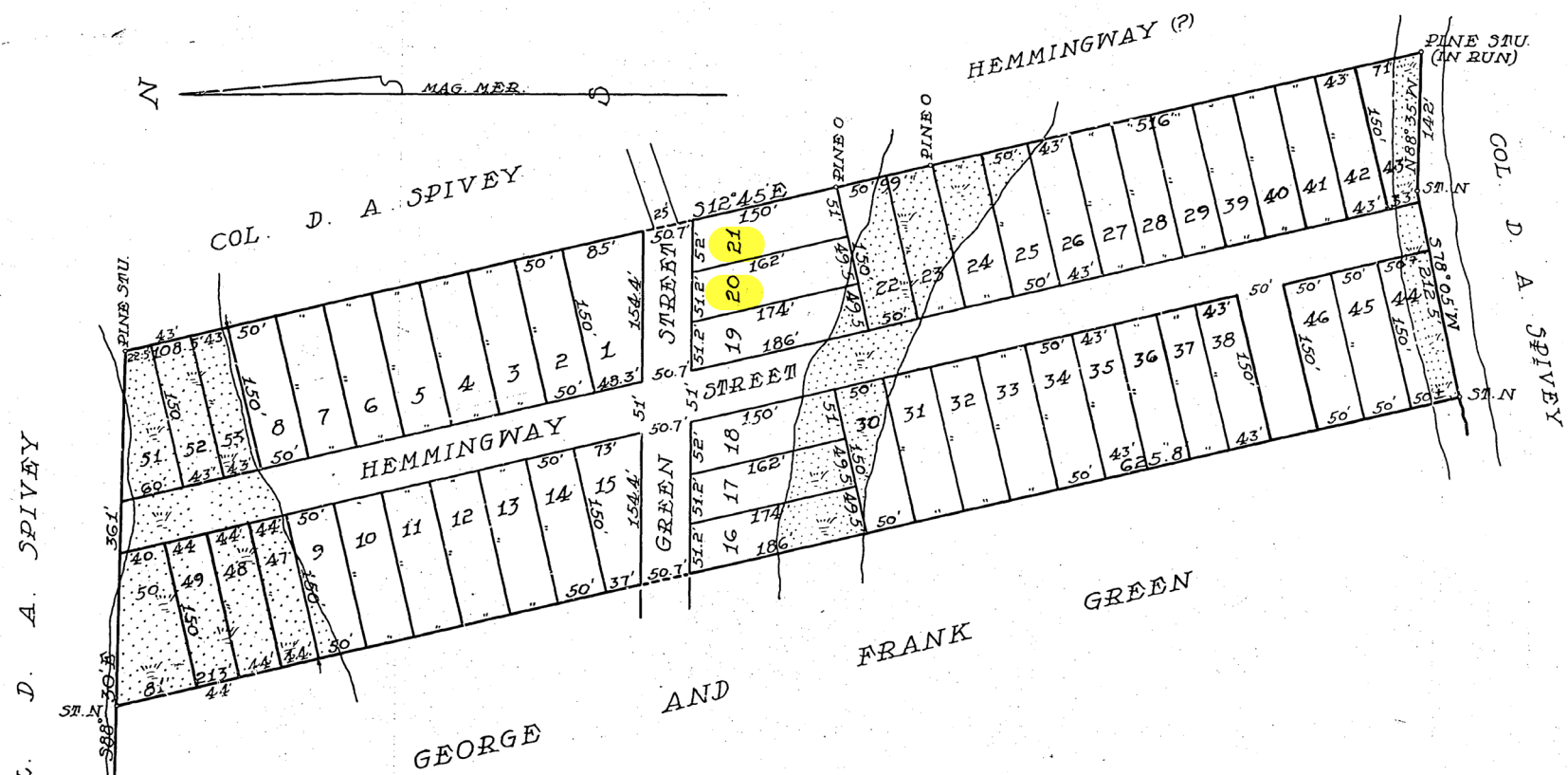
I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

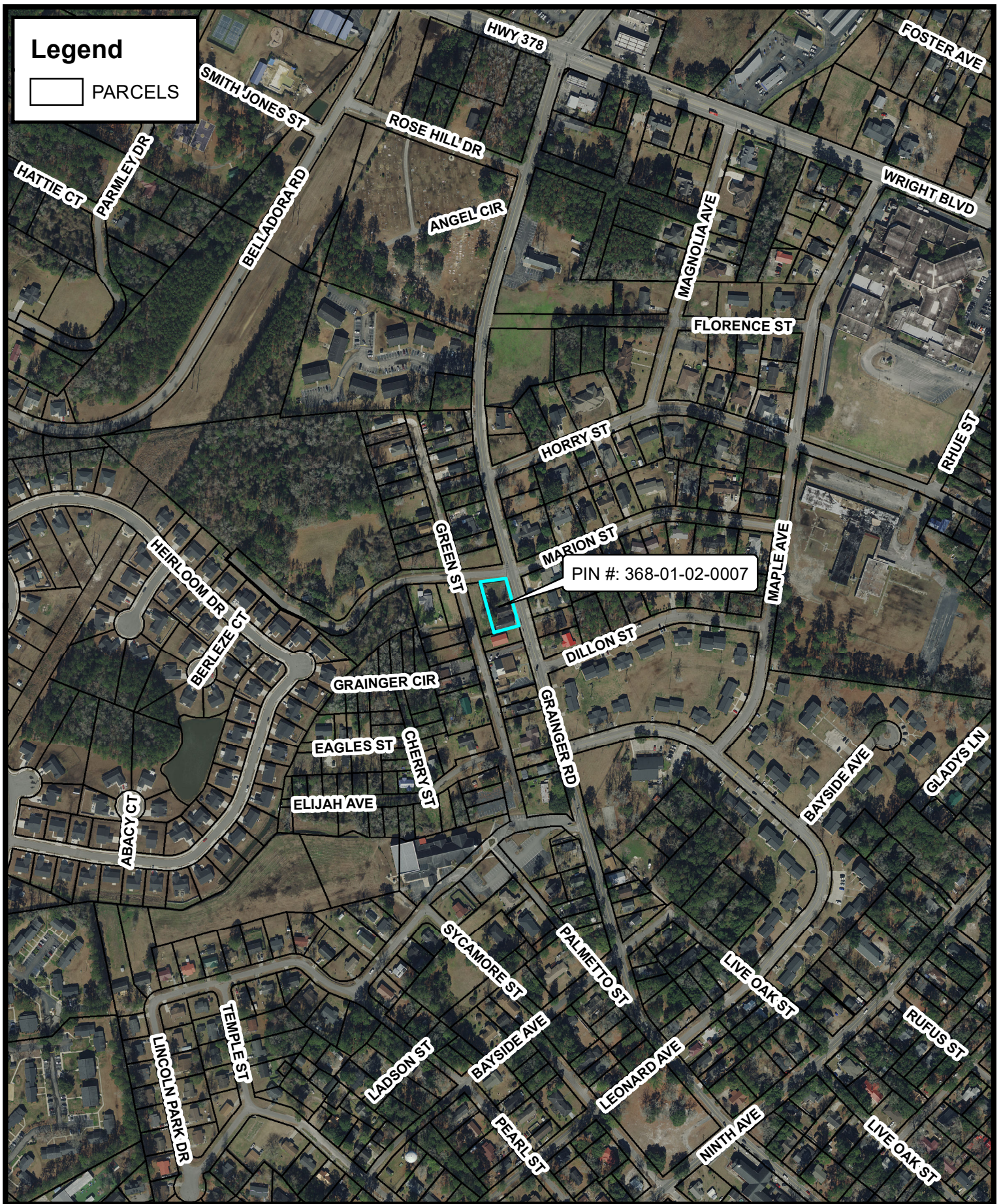
Celia A. Sands 5-2-25
PROPERTY OWNER'S SIGNATURE(S) DATE

Valerie Jordan 5/2/25
PROPERTY OWNER'S SIGNATURE(S) DATE

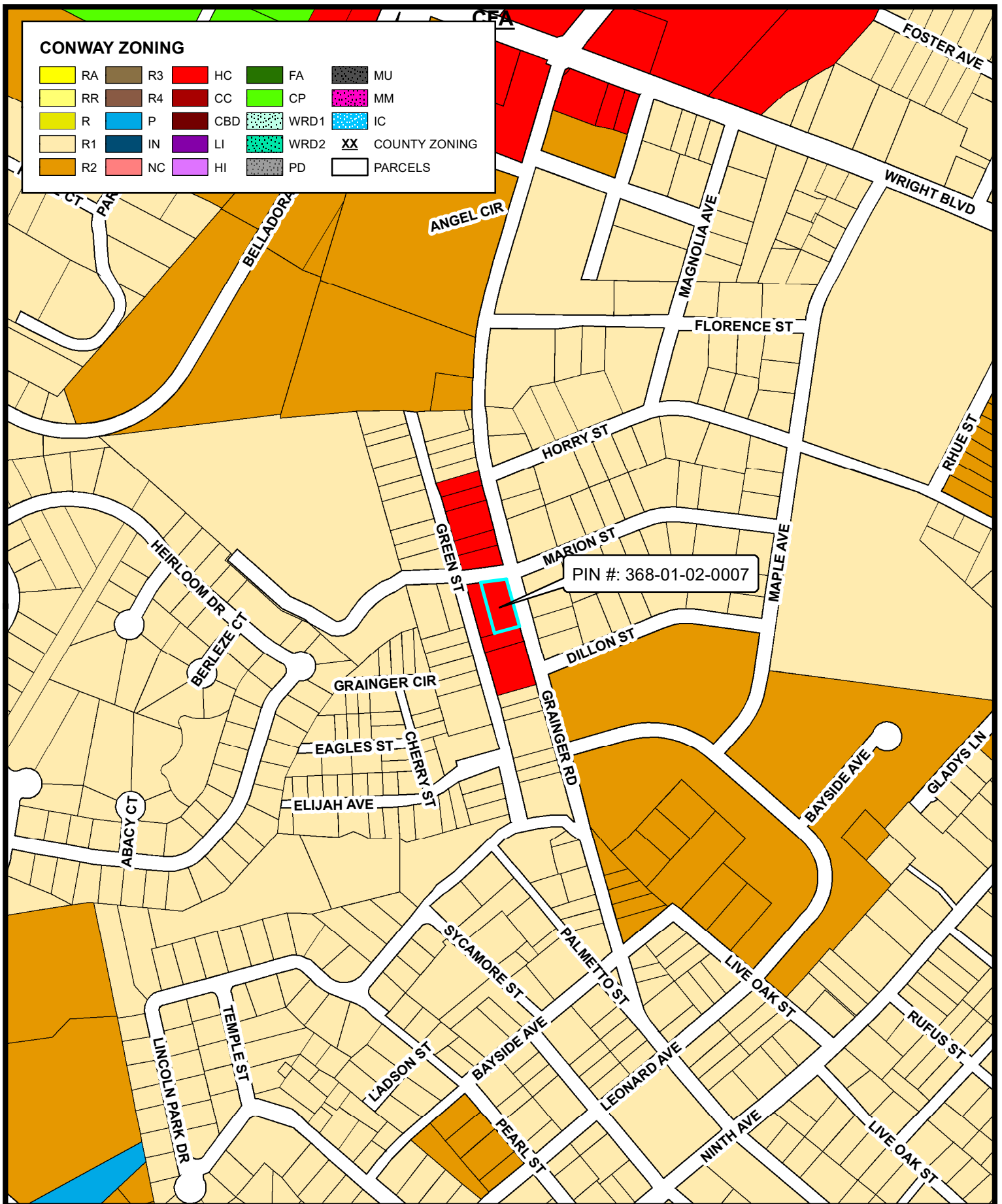
THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

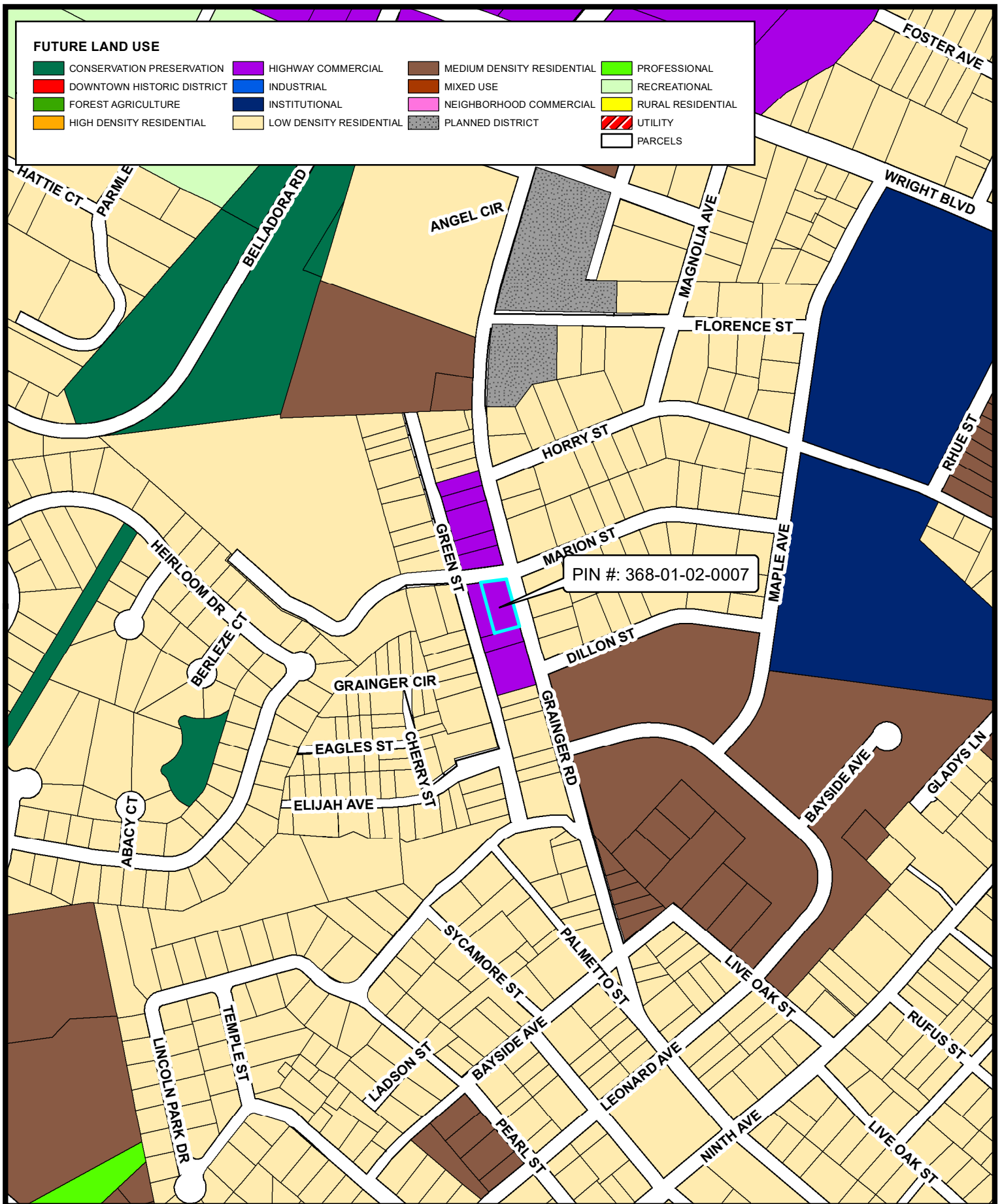
SEP 20 1941

FILED
RECORDED



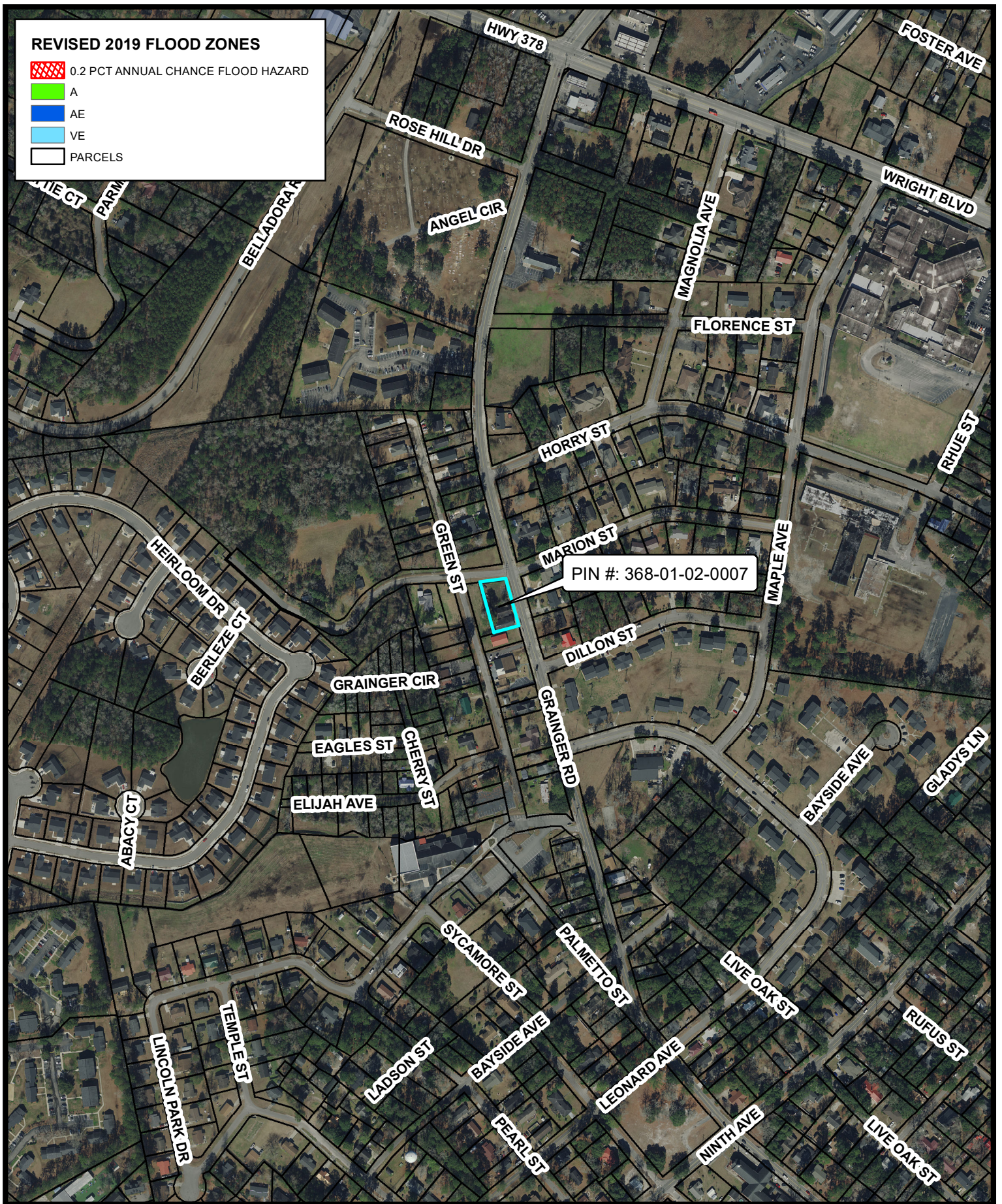






REVISED 2019 FLOOD ZONES

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



DATE: JUNE 5, 2025

ITEM: IV.B.2

ISSUE:

Request to rezone approximately 10.97+/- acres of property at 1808 Rhue Street (PIN 368-00-00-0002) from the Low/Medium-Density Residential (R-1) district to the Institutional (IN) district.

BACKGROUND:

The applicant, Horry County Schools, is requesting to rezone the former site of Whittemore Park Middle School, which is currently zoned Low/Medium-Density Residential (R-1). The property and building will be the HCS Rivertown Complex, which will house the Conway area Adult Education and its programs, including a limited childcare function, as well as a therapeutic learning center for students, the districts JROTC program, and other staff.

The intent of the IN District is to provide areas for the development of medical, educational, and higher educational facilities in a campus-like setting. More specifically, the district is intended to accommodate the development styles, uses, and accessory uses associated with these facilities. This district is not intended for businesses engaged in retail sales, except for those businesses that are clearly accessory to and specifically provide services to the permitted principal use.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan also identifies the property as Institutional (IN). The intent of the IN district is to provide areas for development of medical, educational, and higher educational facilities in a campus-like setting. More specifically, the district is intended to accommodate the development styles, uses, and accessory uses associated with these facilities. The district is not intended for businesses engaged in retail sales, except for those businesses that are clearly accessory to and specifically provide services to the permitted principal use.

STAFF RECOMMENDATION:

Staff recommends, in addition to holding the required public hearing, that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.



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: 1808 RHUE ST. FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 12.25 PIN: 3680000002

CURRENT ZONING CLASSIFICATION: R1

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: INSTITUTIONAL

REQUESTED ZONING CLASSIFICATION: INSTITUTIONAL

NAME OF PROPERTY OWNER(S):

Horry County Board of Education PHONE # 843-488-6712

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

1160 E. Hwy 501

CONWAY, SC 29526

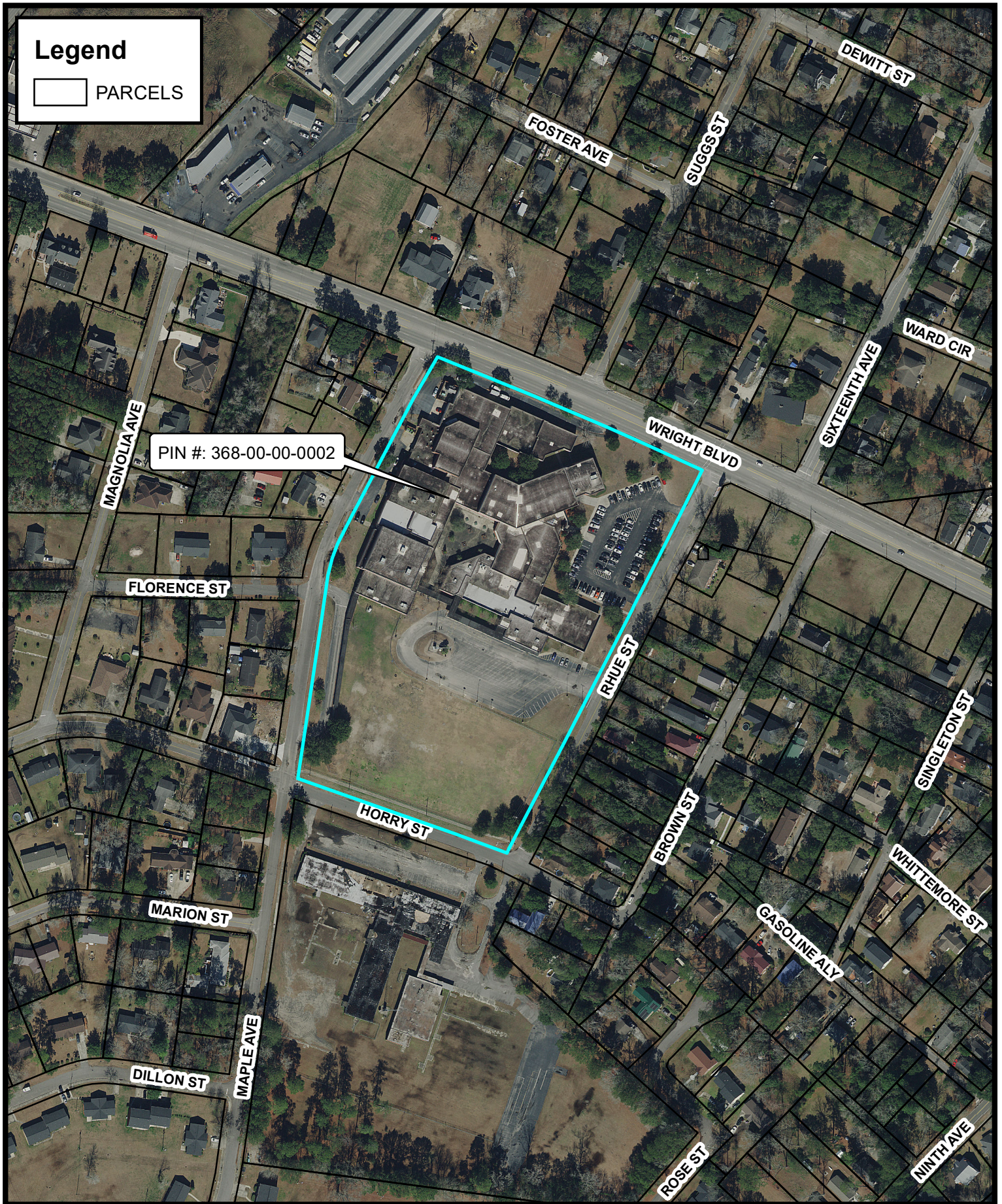
I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

[Signature] 5/6/2025
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

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

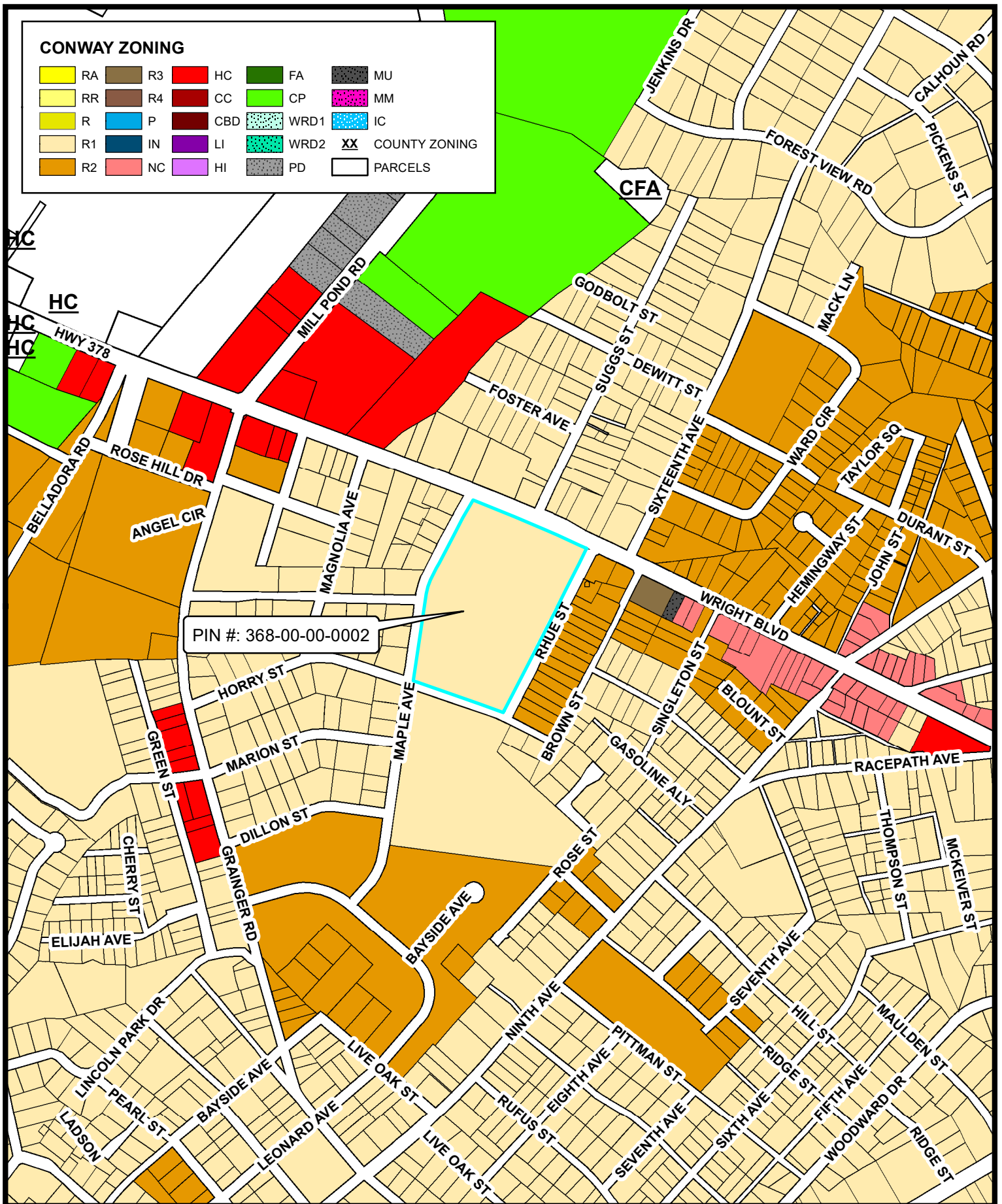


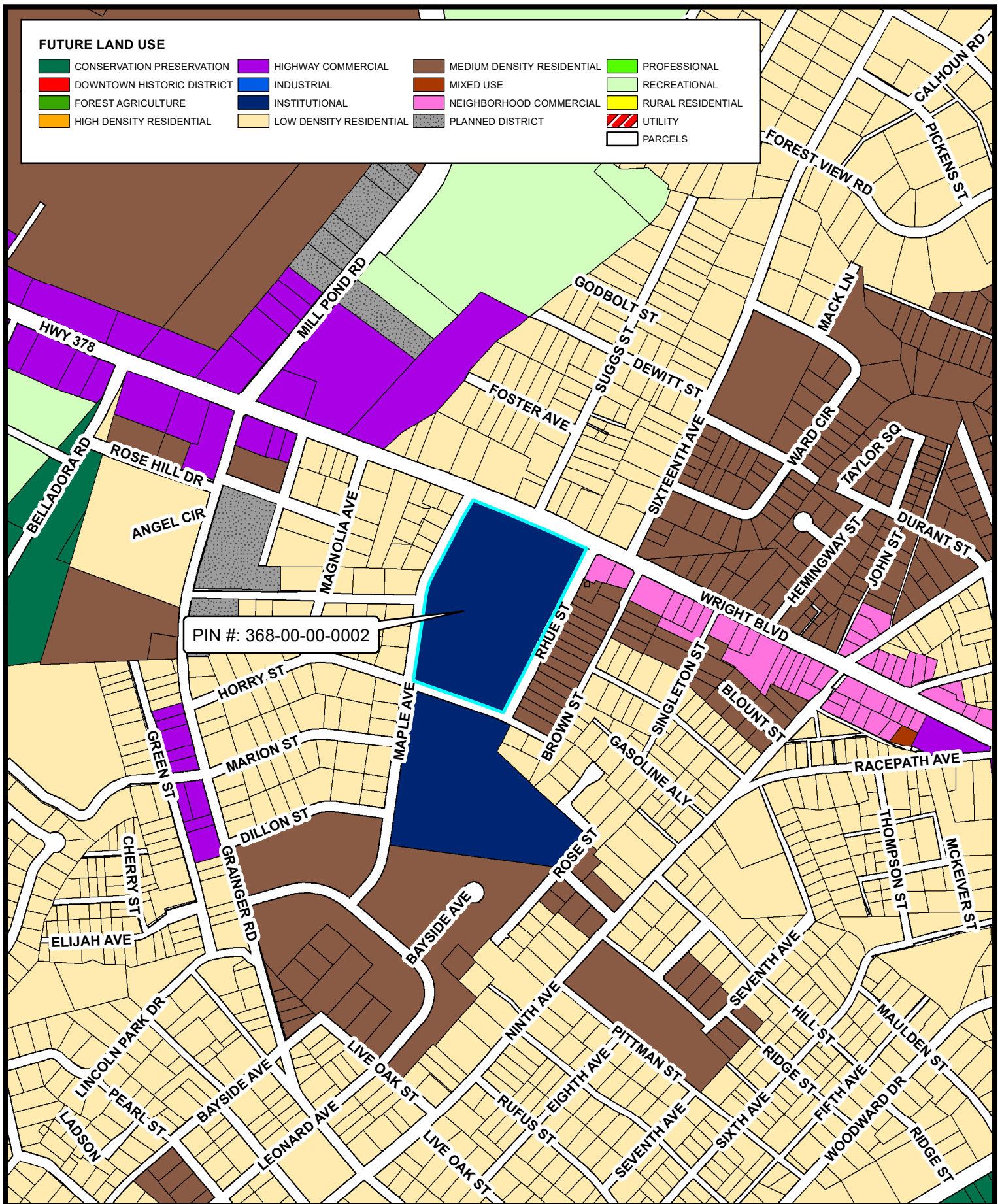


Legend

 PARCELS

PIN #: 368-00-00-0002

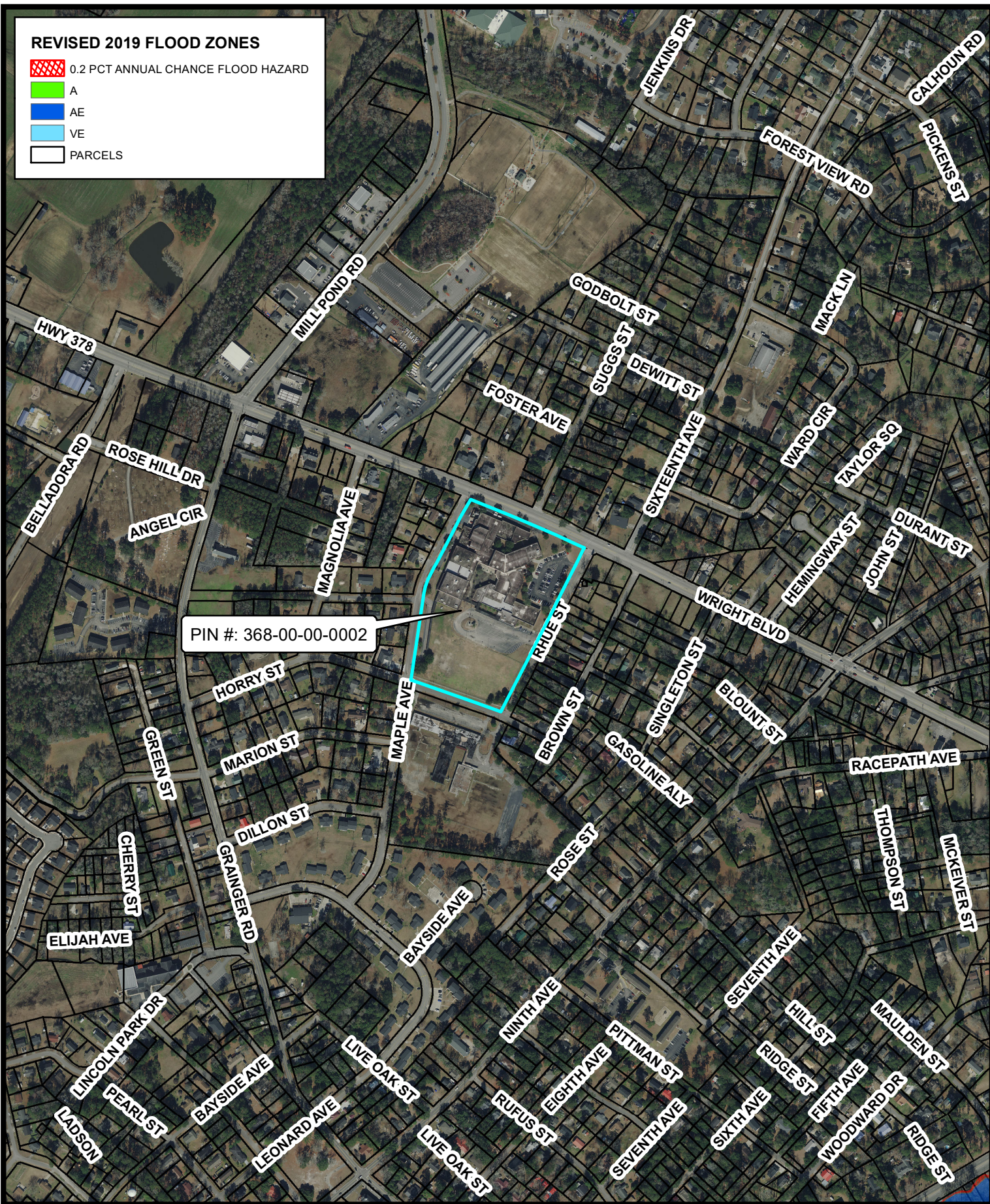




REVISED 2019 FLOOD ZONES

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

PIN #: 368-00-00-0002



DATE: JUNE 2, 2025
AGENDA ITEM:

ISSUE:

Discussion of a (*revised*) request to amend the Carsen's Ferry Planned Development (PD) district (a.n.a. Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+/- acres of property located on Riverport Drive (PIN 337-05-02-0004).

BACKGROUND:

The Rivertown Landing Planned Development (PD) district, now Carsen's Ferry, was originally created in 2007 out of 28.55 acres off Hwy 501 at Riverport Dr. The stated purpose was to "create a walkable, mixed-use community featuring multi-family residential, civic, commercial, and office space in the City of Conway." Until 2015/2016, the only thing that had been developed in this community was the clubhouse and pool. Since its creation, the PD has been amended four (4) other times.

- 2010 amendment: Amended to increase the height allowance for Carsen's Ferry multifamily project from 40 feet to 52 feet and reduce the total residential units from 108 to 86.
- 2017 amendment: removed all commercial and multifamily from the rear most parcels and replaced them with single-family homes on 50 small individual lots. This created a traditional neighborhood layout / development style (*i.e.* The Village at Country Club) with 1 and 2-story traditional craftsman and low-country style homes spaced closely together, ranging from 1,400 to 2,200 sq. ft.
- 2018 amendment: 3.5 acres of a designated as commercial was amended and added to allow additional single-family residential, which now makes up phase 5 of the development, which contains an additional 18 single-family dwellings and with the same requirements as the previous 4 phases. This left approx. 1.5 acres of Commercial acreage for commercial development.
- 2022 amendment: amended the permitted uses in what was remaining of Commercial Tract B to include any use permitted in the Highway Commercial (HC) district.

(UPDATED) Proposed 2025 amendment: amend the permitted uses on Commercial Tract "A", which includes approx. 4.24+/- acres, to allow **up to six (6) single-family dwellings to be constructed** ~~a combination of residential, professional, and other limited commercial uses on the upland portion of the property, or mixed-use development,~~ leaving the remainder as open space and a master-planned stormwater system.

Current Zoning:

The intent of the current zoning, a Planned Development (PD) district, per *Section 3.3.2* of the UDO, is *to provide for large-scale, quality development projects (3 acres and larger) with mixed land uses which create a superior environment through unified development and provide for the application of design ingenuity while protecting surrounding developments.*

COMPREHENSIVE PLAN:

The future land use map of the comprehensive plan identifies the subject property as Planned Development (PD) and Conservation Preservation (CP). Per *Section 3.2.15* of the UDO, the intent of the Conservation Preservation (CP) district is *to provide needed open space for general outdoor and indoor recreational uses and to protect environmentally sensitive areas and flood prone areas from the encroachment of any residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the district.*

PLANNING COMMISSION:

Planning Commission held the required public hearing on the proposed amendments at their April 3rd and May 1st meetings. Residents of Carsen's Ferry were present at both meetings to express their concerns with the request, which included increased traffic, the possibility of commercial with residential on upper floor units that would overlook the pool amenity area, use of the pool by residents staying in the proposed mixed-use buildings, and commercial uses encroaching closer to residential areas.

The applicants held a community meeting in late April with residents of Carsen's Ferry. As a result of that meeting, in which the residents were adamant that they would only be supportive of single-family units on that parcel, the applicants have since revised their request to propose up to six (6) single-family detached dwellings to be constructed on Tract A of the PD, similar to what was constructed in the Carsen's Ferry development, even though the *current* PD allows some commercial uses, including a restaurant.

Planning Commission will consider the *revised* request at their June 5th meeting. Their recommendation will be forwarded to Council with first reading of the request.

ATTACHMENTS:

Revised proposed PD Amendment (narrative) and site plan

Application

GIS Maps



- NOTES:
1. AMENDMENT TO PIN:337-05-02-004. NO FURTHER AMENDMENTS TO EXISTING PD REQUESTED
 2. THIS PLAN IS CONCEPTUAL IN NATURE, PARKING AND LANDSCAPE DESIGN MAY BE CHANGED DEPENDING ON UNIT USE.
 3. EXISTING .5 AC POND WILL BE RELOCATED
 4. LANDSCAPING WILL BE DESIGNED CONSISTENT WITH THE SURROUNDING PD AND APPROVAL BY CITY OF CONWAY.
 5. 5' REDUCTION IN LANDSCAPE BUFFER WIDTH REQUESTED VIA TABLE 9.2 NOTE "WALLS AND FENCES, A MINIMUM OF T FEET IN HEIGHT, MAY BE USED TO REDUCE THE WIDTHS OF LANDSCAPING BY 5 FT IN TYPE B AND C LANDSCAPING."
 6. 10' LANDSCAPE BUFFER PROVIDED BETWEEN PARCEL AND AMENITY CENTER. 6' PRIVACY FENCE WILL BE ADDED IF PARCEL UNITS ARE NOT ANNEXED INTO THE CARSENS FERRY HOA. BREAKS IN LANDSCAPE ARE PROVIDED TO ACCOMMODATE COMMUNITY REQUESTED ADDITIONAL PARKING AND REQUIRED FIRE TURNAROUND.
 7. SEWER SAFE LANDSCAPE PLANTINGS WILL BE UTILIZED IN HC/PD LANDSCAPE BUFFER.

SITE DATA TABLE	
	PD AMENDMENT
PIN	337-05-02-0004 (AMENDMENT)
MUNICIPALITY	CITY OF CONWAY
PROPERTY OWNER	MICHELLE S. CHRISTENSON
OWNER ADDRESS	3550 HWY 472 CONWAY, SC 29526
TOTAL AC	4.24 AC
WETLAND AC	0 AC
UPLANDS	1.37 AC
TOTAL POND ACREAGE	.19 AC + 2.56 AC
CURRENT ZONING	PD
TOTAL NUMBER OF UNITS	COMMERCIAL TRACT A - AMEND TO RESIDENTIAL TRACT B
EXISTING UNIT SIZES	NONE
UNITS SIZE	25' X 45'-60'
TYPICAL BUILDING SEPARATION	10'
MAXIMUM BUILDING HEIGHT	35'
FEMA FLOOD ZONE	LARGE POND IS IN FEMA FLOOD ZONE
GROSS DENSITY FULL PD	5 UNITS / 4.24 = 1.18 DU/AC 73 UNITS / 22.86 AC. = 3.19 DU/AC
NET DENSITY FULL PD	22.98 TOTAL AC. - .88 AC. (EX. WETLANDS) = 22.1 AC. 73 UNITS / 21.1 AC. = 3.46 DU/AC
REQUIRED OPEN SPACE	NOT LESS THAN 4.58 ACRES.
PROPOSED OPEN SPACE	AMENITY CENTER: 0.61 AC. PONDS: 3.67 AC. OPEN SPACE: 4.33 AC. TOTAL: 8.61 AC.

Diamond Shores Surveying, LLC
"BUILDING THE CAROLINAS"

315 MAIN STREET, SUITE 11
CONWAY, SC 29526
843.488.2900
DIAMONDSHORES.NET

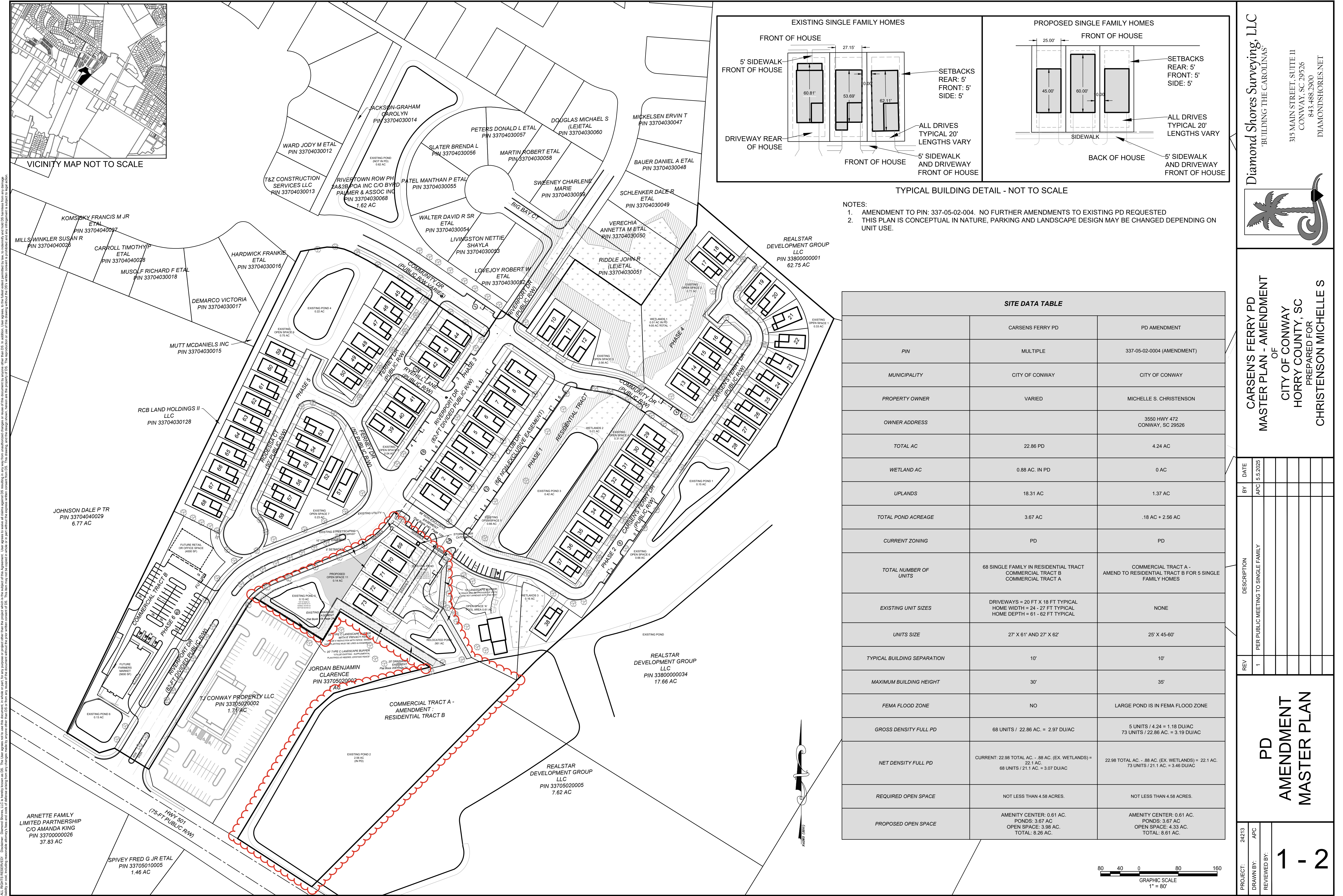
CARSEN'S FERRY PD
MASTER PLAN - AMENDMENT
OF
CITY OF CONWAY
HORRY COUNTY, SC
PREPARED FOR
CHRISTENSON MICHELLE S

REV	DESCRIPTION	BY	DATE

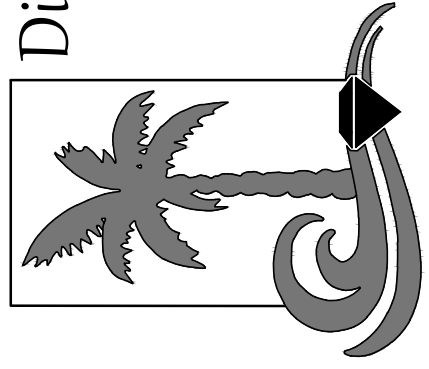
PD
AMENDMENT-
MIXED USE
TRACT

PROJECT: 24213
DRAWN BY: APC
REVIEWED BY:

2 - 2



Diamond Shores Surveying, LLC
"BUILDING THE CAROLINAS"



315 MAIN STREET, SUITE 11
CONWAY, SC 29526
843-488-2900
DIAMONDSHORES.NET

CARSEN'S FERRY PD
MASTER PLAN - AMENDMENT
OF
CITY OF CONWAY
HORRY COUNTY, SC
PREPARED FOR
CHRISTENSON MICHELLE S

REV	DESCRIPTION	BY	DATE
1	PER PUBLIC MEETING TO SINGLE FAMILY	APC	5.5.2025

PD
AMENDMENT
MASTER PLAN

PROJECT: 24213
DRAWN BY: APC
REVIEWED BY:

1 - 2

Carsen's Ferry Planned Development (aka Rivertown Landing PD)

Revision May 2025

NARRATIVE

A revision to the existing Carsen's Ferry PD (aka Rivertown Landing PD) is requested to rename Commercial Tract 'A' to **Residential Tract B**, and permit **use** as follows:

- **Allow up to 6 single-family homes on the upland portion.**
- Leave the remaining portion as open space and a master-planned stormwater system.

Commercial Tract 'A' (**Residential Tract B**) within Carsen's Ferry (Rivertown Landing PD) is Horry County PIN#'s 337-05-02-0004. The current owner(s) are Michelle and Andy Christenson, 3550 Hwy 472, Conway, SC 29526. This tract is located along Riverport Drive, in the City of Conway.

HISTORY

Carsen's Ferry (aka Rivertown Landing PD) was originally created in 2007 with the intent of developing a mixed-use development on 28.55 acres of land, consisting of multifamily condominium units, office and retail space, as well as civic use space.

The multifamily tract would have consisted of 108 condominium units as well as 16,800 sq. ft. of retail space within 3 buildings located along the main entrance road into the community, with the retail space on the bottom floors used for various different specialty shops.

The proposed commercial/office park portion of the development was intended to consist of four, 3-story buildings that would house 5,600 sq. ft. of retail space on the first floor and 11,200 sq. ft. on the remaining 2 floors. Upon completion of the development, as originally proposed, there would have been 44,800 sq. ft. of retail space and 89,600 sq. ft. of office/commercial space, located adjacent to the entrance road.

The original master plan also included a 12,000 sq. ft. stand-alone restaurant on a 1.6-acre parcel, overlooking the existing pond. Additionally, the original master plan included a 4.6-acre tract that was intended to be used by a civic organization, to contain a 10,000 sq. ft. banquet hall, overflow parking and a small park to accommodate the community.

PREVIOUS AMENDMENTS

Carsen's Ferry (aka Rivertown Landing PD) was previously amended in 2010, 2017, 2018 and in 2022. These amendments are summarized on the following pages.

2010 Amendment [Ord. #ZA2010-06-28 (F)]

Multifamily tract to include 16,800 sq. ft. of office/retail space and 36 residential condominium units in the upper floors of the buildings. Buildings to be 4 stories and located along Riverport Drive. Remainder of the multifamily tract intended to contain 50 single-family attached dwellings (townhomes) along with an amenity center and pool area. Townhome units to be fee-simple ownership of the land below each unit as shown on the proposed Master Plan provided with the amendment.

Commercial Tract 'B'. The commercial/office park tract to consist of four 3-story buildings intended to provide 22,400 sq. ft. of office or retail space on ground levels and 44,800 sq. ft. of office or commercial space on above floors. The remainder of this tract was intended to provide 67,800 sq. ft. of additional commercial space that had yet to be determined; however, would be subject to the development standards of the district, with review and approval by the City of Conway.

Commercial Tract 'A'. This 1.74-acre parcel was proposed to accommodate a 12,000 sq. ft. restaurant and located behind the former Fatz Café, which would have been overlooking the existing pond.

Commercial Tract 'C', the remaining 4.94-acre parcel, would have provided up to 10,000 sq. ft. of additional commercial space that had yet to be determined but would have been subject to the development standards of the district, with review and approval by the City of Conway.

Additional amendments included revisions to the Minimum Development Standards to the 'Multifamily Tract' (Min. lot size for MF: 10,000 sq. ft. / Not applicable to Single-Family attached lots); revisions to street widths, which would have allowed parcels to be accessed via access easements in lieu of public or private road rights-of-way; reduction in Walking Trail acreage (3.13 acres to 2.92 acres); increase in amenity center acreage (0.41 acres to 0.62 acres); and changes to the 'Procedure for Plat Approval'.

Open Space required to be provided was 15% total area of the PD. In this case, not less than 4.58 acres. According to the PD document, 5.43 acres was to be provided. A breakdown of the open space was also provided in the updated PD document.

2017 Amendment [Ord. #ZA2017-01-03 (F)]

Multifamily tract to be renamed to 'Residential Tract', named 'Carsen's Ferry' and to consist of 50 single-family (detached) dwellings on 11.44+/- acres of the overall development. Characteristics of the residential tract include:

- Houses spaced closely together in a traditional neighborhood layout
- Tree lined streets, to include sidewalks, to create a pedestrian friendly atmosphere
- Reconstructed infrastructure to provide parallel parking spaces along streets where possible
- Houses to have porches located approx. 12-ft. behind the walk line to add to the traditional neighborhood feel
- Houses will be one- and two-story homes with traditional craftsman and low country exteriors

- Heated areas of homes to range from 1,400 to 2,200 sq. ft. and will include a one-car attached garage
- Houses along Riverport and Community Drive (public roadways) will include rear-loading garages
- Exterior siding will be cement fiber
- Roofs will be asphalt shingles or metal
- Typical lots proposed to be 38.5' (wide) by 83' (deep) and lot area of 3,195 sq. ft. Lot width along street right-of-way line to be 27.54' if located along a curve. Minimum lot depth along a side yard: 78.08'
- Setbacks: Front yards – 5' | Side yards – 1' on one side & 9' opposite side (10' min. separation between structures) | Rear yards – 5'
- Existing pool and amenity center to be subdivided into a separate lot – to serve Carsen's Ferry development and potential to serve surrounding subdivisions
- Maximum building height: 35 feet
- Gross Density of development: 4.37 units per acre
- Accessory structures prohibited on privately owned lots. A storage structure of 200 sq. ft. or less to be located on common area for use by HOA will be allowed.
- Open space to comply with requirements of City ordinance for residential developments
- Roads within subdivision (residential tract) to remain private with the exception of adjacent public roadways. HOA responsible for road maintenance.

Commercial Tract 'B' (Commercial / Office Park) to consist of four, 3-story buildings that would house 5,600 sq. ft. of retail space along the first floor and 11,200 sq. ft. of office/commercial space on upper floors. Upon completion of the development, there was intended to be 44,800 sq. ft. of retail space and 89,600 sq. ft. of office/commercial space. These buildings were to be located adjacent to the entrance road.

Commercial Tract 'A' consists of approx. 1.6 acres that was intended to be designed to accommodate a 12,000 sq. ft. restaurant that would have overlooked the existing pond.

(REMOVED) Commercial Tract 'C' consisted of approx. 4.94 acres and was removed from this PD and rezoned to R-2 (medium-density residential). This acreage was sold for residential development, now known as Rivertown Row. Tract C also contained a significant amount of the open space.

Carsen's Ferry PD acreage reduced from 28.55 acres to 23.61+/- acres.

Sections of PD entitled 'Design Review' and 'Procedure for Phased Development' were removed from the amended PD document.

Open space amounts were not broken down in this amendment; however, it does state that a minimum of 4.58+/- acres of open space would be retained.

2018 Amendment [Ord. #ZA2018-05-21 (D)]

Commercial Tract 'B'. Remove 3.51 acres from this tract and add to 'Residential Tract' to be developed as Phase 5 of Carsen's Ferry. Remaining acreage in Commercial Tract 'B' following this amendment: 1.49 acres.

Additional land area added to the Residential Tract and developed as Phase 5, per the existing PD requirements. However, there were some changes.

- High-density subdivision with houses spaced closely together in a traditional neighborhood layout
- Tree lined streets to include sidewalks for a pedestrian friendly atmosphere
- Houses to be one- and two-story homes with traditional craftsman and low country exteriors
- Heated areas to range from 1,400 to 2,200 sq. ft.
- Exterior siding will be cement fiber
- Roofs to be asphalt shingles or metal
- Existing amenity pool and clubhouse to serve the Carsen's Ferry Subdivision
- Typical lot is 38.5' (wide) by 83' (deep) with a lot area of 3,195 sq. ft.
- Minimum lot width along the street ROW line is 27.54' located along a right-of-way curve
- Minimum lot depth along a side yard line is 78.08'
- Setbacks are to be 5' on all sides and a minimum separation of 10' between structures required. Eaves shall be fire rated construction when adjacent structures can be built within 10' of building footprint
- Max building height: 35'
- Gross density: 4.37 units per acre
- Accessory structures prohibited on privately owned lots. A storage structure of 200 sq. ft. or less located on common area for use by the HOA will be allowed.
- Existing wetlands and buffers shall be preserved
- Open space to be provided at a rate now required per the City's ordinance for residential developments
- Roads within the subdivision SHALL BE PUBLIC.

The requirement for houses to have porches 12' behind the walk line was removed. Garage requirements were also removed. Setbacks were revised to be 5' on all sides. Roads were also revised so that they were required to be public, not private.

Open Space amounts remained unchanged.

Remainder of Commercial Tract 'B' to be developed per the existing PD requirements.

2022 Amendment [Ord. #ZA2022-10-03 (F)]

Commercial Tract 'B'. Revise the permitted uses on Commercial Tract 'B' to permit all uses listed in the Highway Commercial (HC) zoning district as specified in the City of Conway Unified Development Ordinance (UDO).

Parking requirements for Commercial Tract 'B' shall be provided as required per the UDO for the proposed use.

CURRENT CONDITIONS

Currently, Carsen's Ferry (Rivertown Landing PD) is a planned development consisting of two commercial tracts (Tract 'A' and Tract 'B') and Carsen's Ferry residential subdivision. Carsen's Ferry is a high-density subdivision with houses spaced closely together in a traditional neighborhood layout, consisting of a total of 68 single-family detached dwellings on fee-simple lots. Streets are tree-lined and include sidewalks to create a pedestrian-friendly atmosphere.

It is proposed that the existing PD be amended to allow for a combination of residential, professional, and limited commercial (Mixed Use development) and rename Commercial Lot 'A' to Mixed Use Tract within this development. The lot size is 4.24 acres.

EXISTING PD REQUIREMENTS FOR COMMERCIAL TRACT 'A'

- Setbacks are as follows:
 - Front Yard: 30'
 - Side Yard: 10'
 - Rear Yard: 0'
- Maximum building height shall be 50'. This dimension is measured from the ground elevation to the soffit of the building.
- Minimum Lot Size: not applicable, Commercial Tract 'A' may not be subdivided.
- Maximum Lot Coverage: In order to preserve the open space, wetlands and native wildlife within this area, the maximum impervious ratio allowed within the "Rivertown Landing" Planned District is 50% of the total area within the Planned District.
- Stormwater system is master planned and maintained by the POA
- Roads within this development are existing and public, except for one private alley.
- Maximum Density: The maximum amount of commercial space within this tract is 15,000 square feet.
 - An increase in commercial square footage would require a major amendment.
- The Permitted Uses in Commercial Lot 'A' include:
 - Baked Goods Stores
 - Cafes; Restaurants
 - Candy; Confectionery Stores
 - Ice Cream Stores
- Parking: The tract is intended to be occupied by a restaurant. The required parking for this tract is one (1) space per three (3) seats, as defined in section 10.1070 of the City of Conway Zoning Ordinance.

Proposed amendments to Commercial Tract 'A' are as follows:

- Rename Commercial Tract 'A' to **Residential Tract B**
- There are no wetlands on Commercial Lot 'A'/**Residential Tract B**
- There are two ponds. The revision includes a site plan to move or remove one pond. Removal or movement of the pond will be determined during the Engineering phase. Stormwater system is master planned and maintained by the POA
- The maximum allowable number of residential units in the **Residential Tract B is eight (8).**
- Setbacks: (*same as Residential Tract*)
 - Front = **5'**
 - Rear = **5'**
 - Side = **5'**
 - Minimum Building Separation = 10', Eaves may encroach up to one (1) foot.
- Maximum Building Height: **30'**
- Minimum Lot Size: **Not Applicable**
- Maximum Lot Coverage: **In order to preserve the open space, wetlands, and native wildlife within this area, the maximum impervious ratio allowed within the "Rivertown Landing" Planned District is 50% of the total area within the Planned District.**
- Permitted Uses: **Tract shall be developed as detached single-family homes.**
- **Parking:**
 - **Two spaces per unit, one may be located within a garage**

Carsen's Ferry Planned Development (*aka* Rivertown Landing PD~~B~~)

(Proposed Revisions May 2025)

~~4.2505~~ **INTENT**

The intent of this Planned District is to create a walkable, mixed-use community featuring detached single-family residential, civic, commercial and office space in the City of Conway.

~~4.2506~~ **PERMITTED USES**

A. Commercial Lot 'A': (*Parcel renamed Residential Tract B in 2025*)

- ~~a. — Baked Goods Stores~~
- ~~b. — Cafes; Restaurants~~
- ~~c. — Candy; Confectionery Stores~~
- ~~d. — Ice Cream Stores~~

1. Primary Uses:

The tract shall be developed as a single-family detached residential subdivision. Streets will be tree-lined and include sidewalks to create a pedestrian-friendly atmosphere. The proposed houses will be one and two-story homes with traditional craftsman and low country exteriors. Exterior siding will be cement fiber. Roofs will be asphalt shingles or metal. Common Area(s) to be owned and maintained by the Homeowners Association. All rights shall be specified within a master deed and homeowner association documents per governing laws and regulations.

B. Commercial Lot 'B':

The following uses will be permitted within Commercial Lot 'B' of Rivertown Landing:

1. All uses as allowed with zoning district 'HC' as defined within the City of Conway Unified Development Ordinance.

C. Commercial Lot 'C': (*Removed, Parcel was rezoned to R2 in 2016 revision*)

D. Residential Tract: (*Parcel renamed 'Residential Tract' in 2016 revision*)

The following uses will be permitted within the 'Residential Tract' of Rivertown Landing (Carsen's Ferry) (*to include revisions from the 2017; 2018 amendments*):

1. Primary Uses:

Tract shall be developed as a single-family detached residential subdivision. Streets will be tree-lined and include sidewalks to create a pedestrian friendly atmosphere. The proposed houses will be one and two-story homes with traditional craftsman and low country exteriors. Heated area will range from 1,400 to 2,200 square feet and each house will include a one-car attached garage. Exterior siding will be cement fiber. Roofs will be

asphalt shingles or metal. Common Area(s) to be owned and maintained by the Home Owners Association. There is an existing amenity pool and clubhouse facility serving the Carsen's Ferry subdivision. All rights shall be specified within a master deed and homeowner association documents per governing laws and regulations.

2. Accessory Uses

Accessory uses are uses which are customarily incidental to and subordinate to a permitted principal use and located on the same property as the permitted use.

- a. Amenity building and pool shall be allowed (existing pool and clubhouse on Open Space A).
- b. Storage structures will not be allowed on privately owned lots. A storage structures of 200 sq. ft. or less located on common area for the use of the HOA will be allowed.

MINIMUM DEVELOPMENT STANDARDS

(All previous amendments included below)

A. Minimum Lot Size:

1. ~~Commercial Tract 'A': Not applicable, Commercial Tract 'A' may not be subdivided.~~
Residential Tract B: The typical lot is 35' wide by 88' deep with an area of 3,109 sq. ft. The minimum lot width along the street right-of-way line is 27.54' located along a right-of-way curve. The minimum lot depth along a side yard is 78.08'.
2. Commercial Tract 'B': The minimum lot size for Commercial Tract 'B' is 10,000 square feet.
3. Residential Tract: The typical lot is 38.5' wide by 83' deep with an area of 3,195 sq. ft. The minimum lot width along the street right-of-way line is 27.54' located along a right-of-way curve. The minimum lot depth along a side yard is 78.08'.

B. Maximum Lot Coverage

In order to preserve the open space, wetlands and native wildlife within this area, the maximum impervious ratio allowed within the "Rivertown Landing" Planned District is 50% of the total area within the Planned District.

C. Maximum Height:

1. ~~Commercial Tract 'A'~~ **Residential Tract B:**

~~The maximum building height allowed within the commercial Mixed-Use area tract of the Rivertown Landing subdivision is 50 feet. This dimension is measured from the ground elevation to the soffit of the building.~~

The maximum building height allowed within the residential tract area of the Rivertown Landing subdivision is 35 feet. This dimension is measured from the ground elevation to the soffit of the building.

2. Commercial Tract 'B':

The maximum building height allowed within the commercial area of the Rivertown Landing subdivision is 50 feet. This dimension is measured from the ground elevation to the soffit of the building.

3. Residential Tract:

The maximum building height allowed within the residential tract area of the Rivertown Landing subdivision is 35 feet. This dimension is measured from the ground elevation to the soffit of the building.

D. Maximum Density:

~~1. Commercial Tract 'A':~~

~~The maximum amount of commercial space within this tract is 15,000 square feet. An increase of in commercial square footage within this tract will require a major amendment.~~

1. Residential Tract B:

The maximum number of units will be six (6). The tract is 4.24 acres. Gross Density of the Residential Tract B is 1.8 units/acre.

2. Commercial Tract 'B':

The maximum amount of commercial space within this tract is 12,500 square feet. An increase of in commercial square footage within this tract will require a major amendment.

3. Residential Tract:

The maximum allowable number of dwelling units within the 13.92 +/- acre Residential Tract is sixty-eight (68) units. Gross density of the residential tract is 4.37 units per acre.

E. Street Width:

All public streets shall meet the requirements set forth in the City of Conway Land Development Regulations. Streets within the development are existing and public; except those which are labeled as being an easement (Club Drive).

F. Setbacks:

~~1. Commercial Tract 'A':~~

~~a. Front = 30'~~

~~b. Rear = 0'~~

~~e. Side = 10'~~

1. **Residential Tract B:**

- a. Front = 5'
- b. Rear = 5'
- c. Side = 5'
- d. Minimum building separation: 10', Eaves may encroach up to one (1) foot.

¹ Setbacks are to building frame. Eaves shall be fire rated construction when adjacent structures can built within 10' of building footprint.

2. **Commercial Tract 'B':**

- a. Front = 10'
- b. Rear = 8'
- c. Side = 5'
- d. Minimum Building Separation = 20'

3. **Residential Tract:**

- a. Front = 5'
- b. Rear = 5'
- c. Side = 5'
- d. Minimum Building Separation = 10', Eaves may encroach up to one (1) foot¹.

¹ Setbacks are to building frame. Eaves shall be fire rated construction when adjacent structures can built within 10' of building footprint.

G. Parking

~~1. Commercial Tract 'A'~~

- ~~a. The tract is intended to be occupied by a restaurant. The required parking for this tract is one (1) space per three (3) seats, as defined in section 10.1070 of the City of Conway Zoning Ordinance.~~

1. **Residential Tract B**

- a. Two spaces per unit, one may be located within a garage

2. **Commercial Tract 'B'**

- a. Parking shall be provided as required by City of Conway Unified Development Ordinance (UDO) for proposed uses.

3. **Residential Tract**

- a. Two spaces per unit, one may be located within a garage

~~4.2520~~

H. Common Open Space Requirements

A minimum of fifteen percent (15%) of the total area of this PD must be devoted to active and

passive open space, therefore, not less than 4.58 +/- acres of land must be retained in open space. Twenty-five percent (25%) of this open space will be made up of water surfaces. An amenity center (clubhouse) with pool will also be installed as part of this PD for use by owners and guests within the residential tract.

Per the 2017 and 2018 amendments to this PD, open space is to be provided at a rate now required by the City of Conway Unified Development Ordinance (UDO) for residential developments. Below is a summary of the existing open space that is provided within the development.

	Original 2006	2010	2017	2018	2022	2025 (proposed)
Required Open Space	4.28 acres	4.28 acres	3.54	3.54	3.54	4.92 existing .14 proposed
Open Space provided	5.43 acres 1.07 acres is a water surface (max permitted)	5.43 acres	Amounts not specified	Amounts not specified	Amounts not specified	.14 additional 5.06 total PD
Type of open space	Walking trails; around ponds; town center (courtyard); amenity center	Walking trails; amenity center; ponds; town center (courtyard); area around ponds	Amenity Center (clubhouse) and pool completed; areas around ponds			Passive
Changes to open space over time	Tract C, which included the town center courtyard, was removed from the PD (2017); Walking trails were removed; Clubhouse and pool were completed. Any ponds installed had fountains and open areas around them.					
Open Space labeled on Master Plan			(Existing) Open Space as labeled on Horry Co. Land Records			
Open Space A (0.61a)			Amenity Club (0.59a)			
Open Space 1 (0.33a)			Open Space 8 (0.33a)			
Open Space 2 (0.77a)			Open Space 7 (0.78a)			
Open Space 3 (0.56a)			Open Space 2 (0.56a)			
Open Space 4 (0.31a)			Open Space 6 (0.31a)			
Open Space 5 (0.66a)			*Open Space 1 (1.51a)			
Open Space 6 (0.66a)			*Open Space 5 (0.81a)			
Open Space 7 (0.23a)			Common Area 5-1 (0.21a)			
Open Space 8 (0.04a)			Open Space 3 (0.04a)			
Open Space 9 (0.75a)			*Common Area 5-2 (0.76a)			
New open space areas proposed (.14a)			Open Space 4 (0.02a)			
Total: 5.06 acres			Total: 5.92 acres			
			*acreage contains stormwater pond			

~~4.2525~~ UTILITIES, SERVICES, AND EASEMENTS

All structures within the Rivertown Landing Planned Development ~~District~~ (Carsen's Ferry) shall be connected to the City of Conway water and wastewater system. All utilities shall be located underground and shall be within the right-of-way of the road. Stormwater shall be collected and stored onsite. Appropriate water, sewer and storm drainage easements shall be assigned to accommodate for these systems. All stormwater pipes and structures shall be maintained by the property owner's association.

~~4.2530~~ ACCESS AND CIRCULATION

Primary access to the development shall be provided from U.S. Highway 501 to Riverport Drive, and a secondary access shall be provided through the Tiger Grand Subdivision to accommodate vehicular traffic. Pedestrian traffic is encouraged and will be handled by a series of sidewalks located throughout the community. Roadways have been designed to accommodate emergency and safety vehicles.

~~4.2540~~ DESIGN REVIEW

(Removed in 2017 amendment)

~~4.2545~~ PLAT APPROVAL

Planned developments which require the subdivision of property shall adhere to the requirements for plat approval in the City of Conway ~~Land Development Regulations~~ **Unified Development Ordinance (UDO)**.

~~4.2550~~ PROCEDURE FOR PHASED DEVELOPMENT

(Removed in 2017 amendment)

~~4.2555~~ AMENDMENT PROCEDURES

The owner/applicant of an approved planned development may apply for an amendment of the plan of development in concept in minor detail. In case of a change of concept, the applicant shall have the approval of the Planning Commission and the City Council and shall follow the same procedures as outlined in ~~Section 4.2435.D~~ **the City of Conway Unified Development Ordinance (UDO)**. Changes of density, land use, land area, open space, type of community facilities, type of housing, type of commercial and industrial establishments, and the overall design layout shall be considered to be changes of concept. In case of a change of minor details, the City Planner may approve these changes upon being presented with a written request along with the necessary graphic and statistical information. Changes of location and design of structures, streets, parking, community facilities, landscaping, and utilities shall be considered to be changes of minor detail.

DATE: JUNE 5, 2025

ITEM: IV.D.1

ISSUE:

Amendment to *Section 5.1.16 – Mobile Vending*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding requirements for obtaining a Mobile Food Vending Permit.

BACKGROUND:

Mobile Food Trucks have become extremely popular as a way of generating income. The number of Mobile Food Vending Permits issued has more than doubled from this time last year. Staff spends a great deal of time assisting Mobile Vendors with their submittals for review to ensure that all required documentation is accounted for. This is year-round. A Mobile Food Vending Permit may be issued in February only to expire on April 30th and the whole process starts over again.

Staff must also enforce the renewal of Mobile Food Vending Permits. Most vendors will receive their initial permit and never renew but continue to operate in the City limits. Between Franchise Agreements and Private Property vendors, keeping up with Mobile Food Vendors has almost become a full time job. This is time that could be spent completing all other reviews including but not limited to commercials, residential, signs, plats, etc. as well as focusing on zoning violations within the City.

After researching, staff has determined that the City of Myrtle Beach only offers 20 Mobile Food Vending Permits each year. Horry County has a cap of 50 Mobile Food Vendors each year. With the continued growth in the City of Conway, a cap would limit the number of Mobile Food Vendors going forward and allow staff to focus on other duties and responsibilities that require our attention.

Mobile Food Vending Permits expire each year on April 30 when the City of Conway Business License expires. Prior to renewing their Business License, the Mobile Food Vendor must resubmit all necessary documents to Planning for review as well as schedule an inspection with the Fire Marshal. As of May 8, 2025, nineteen (19) Mobile Food Vendors had renewed.

There were thirty-seven (37) Mobile Food Vendors permitted in the 2024-2025 license year. Staff would like to see a cap of forty (40) Mobile Food Vendors allowed to be permitted each year. This would keep the number at a reasonable amount that current staff would be able to oversee and enforce. Any more than forty (40) will require limited time in other areas of review and enforcement by staff.

STAFF RECOMMENDATION:

In addition to holding the required public hearing, staff recommends that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.

2025-2026 MOBILE FOOD VENDORS FRANCHISE AGREEMENTS

2025-26 MOBILE FOOD UNITS	Type of Vending	PZE #	Location	Mobile Vending Permit Expires	Mobile Vending Permit Fee (Paid)	Franchise Annual Fee Due	Franchise Annual Fee (Paid)	Franchise Ordinance	Franchise Expires	Business License Expires
FRANCHISE										
A Coffee Movement	Franchise	P25-0146	Riverwalk	4.30.26	\$100	4.30.26	\$50	ZA2022-08-15-C	8.15.27	4.30.26
A Cup Full	Franchise	P25-0210	Town Greene	4.30.26		4.30.26		ZA2022-07-05-A	7.5.27	4.30.26
Mister Softee	Franchise	P25-0039 / 40	Collins Park & Riverfront Park	4.30.26	\$300	4.30.26	\$150	ZA2025-05-05-A	5.5.30	4.30.26
Mister Softee	Franchise	P25-0039 / 40	Collins Park & Riverfront Park	4.30.26	\$300	4.30.26	\$150	ZA2025-05-05-A	5.5.30	4.30.26
Mister Softee	Franchise	P25-0039 / 40	Collins Park & Riverfront Park	4.30.26	\$300	4.30.26	\$150	ZA2025-05-05-A	5.5.30	4.30.26
Randalls Culinary Creations	Franchise	P24-0300	7 Elm Street	1.27.26	\$100	Exp 1.27.26	\$50	ZA2025-01-21-B	1.27.26	4.30.26
PRIVATE/TRANSIENT										
Barista Boss Beverage Co	Private	P25-0211	Mercy Baptist Church	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Caribbean Jerk	Private	P25-0151	Caribbean Jerk Restaurant	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Carter's Carolina BBQ	Private	P25-0036	Tractor Supply	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.25
Hawg Dawgs	Private	P25-0137	Advance Auto	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Hot Dogz a la Cart	Private	P25-0019	Tractor Supply	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Hot Dogz a la Cart	Private	P25-0152	Dick's Pawn	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Jersey Boyz BBQ Grill	Private	P25-0197	Conway Feed	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Jersey Boyz BBQ Grill	Private	P25-0201	O'Reilly's Auto Parts	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Jersey Boyz BBQ Grill	Private	P25-0202	Rob's Autobody	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Knowledge Perk Coffee	Private	P25-0158	CCU	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Lemons & Dough	Private	P25-0153	CCU	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Liberty Brew Coffee	Private	P25-0126	CCU	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Little Latin Kitchen	Private	P25-0154	Tractor Supply	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Lobster Dogs	Private	P25-0150	Tractor Supply	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Lobster Dogs	Private	P25-0149	Conway Feed	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Pelican's Snoballs	Private	P25-0018	CCU / Transient	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Project Smashburger	Private	P25-0156	Rob's Autobody	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Project Smashburger	Private	P25-0155	Napa Auto Parts	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26
Randalls Culinary Creations	Private	P25-0195	Mercy Baptist Church	4.30.26	\$100	n/a	n/a	n/a	n/a	4.30.26

5.1.16 Mobile Vending

The intent of this ordinance is to regulate how mobile food and beverage vendors sell food and / or non-alcoholic beverages to the public.

A. Mobile vending shall be permitted with the following conditions.

1. Mobile Food Vending Permits are limited to a cap of forty (40) issued per year (May 1st – April 30th), on a first-come, first-serve basis. Partial submittals will not be accepted in order to reserve a Mobile Food Vending Permit. Also, renewing a Mobile Food Vending Permit does not guarantee a permit.
2. The vendor shall obtain and carry at all times any SCDHEC (South Carolina Department of Health and Environmental Control) food handler and / or other applicable health safety licenses.
3. If the vendor wants to operate on public property or on private property under a special event permit, he or she shall obtain notarized written permission from the owner to conduct business.
4. The vendor shall obtain and carry at all times a valid City of Conway Business License. Vendors must obtain an annual zoning compliance. Food truck permits issued under this ordinance will be valid beginning on date of this Ordinance's enactment until June 30 of the ensuing year. In the following year, a permit shall be from May 1 until April 30 of the ensuing year. [Amended 4-16-18 ZA# 2018-04-16 (B)]
5. The vendor can operate through an approved City of Conway Special Event Permit. Mobile vendors shall not be permitted to operate in the location of Special Event activities without the permission of the Special Event permit holder.
6. The vendor is subject to a background check by the Conway Police Department prior to issuance of a zoning permit.
7. The vendor shall provide a list of the items to be sold and shall be limited to selling food and non-alcoholic beverages.
8. All sales shall be made to pedestrians and bikers only. Vendors may not solicit or conduct business with persons in motor vehicles.
9. The vendor may use only music or bells to attract attention but shall not violate the noise ordinance regulations (City of Conway Code of Ordinances Sec. 9-1-21).
10. The vendor shall not operate in any manner that blocks, obstructs or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property. The vendor shall maintain, at a minimum, four feet of passage for pedestrians and shall follow ADA (Americans with Disabilities Act) and ANSI (American National Standards Institute) Regulations.
11. Vending units shall be in compliance with all ANSI (American National Standards Institute) regulations.
12. The vendor shall be actively engaged in vending operations at all times while occupying any property.
13. The vendor shall pick up all refuse generated by his or her operation before the vending unit is moved.
14. All vending units must be self-contained with a waste receptacle.
15. The vendor shall not discharge items from any vending unit onto the sidewalk, gutter, storm inlets, streets, or planters.
16. The vendor shall keep the area surrounding their vending unit maintained in a safe, clean, orderly, and sanitary condition at all times. Mats shall be used in the food preparation area to keep the area clean.
17. No tables, chairs, fences, shade structures, or other site furniture shall be permitted.
18. Exterior storage or display of surplus refuse, equipment, materials, goods, wares, or merchandise associated with the vending unit shall be prohibited.

19. The vendor shall display, in plain view and at all times, current permits and licenses in or on their vending unit.
20. Any damage to landscape or vegetation caused by the mobile vending operation shall be immediately compensated by the vendor upon request of the City.
21. The vendor shall provide the location of an appropriate storage facility where the vending unit is when not in operation.

B. Transient Mobile Vending.

In addition to the requirements in *Section 5.1.16 A*, transient mobile vending shall be permitted in the R, RA, RR, R-1, R-2, R-3, R-4, IN, HI, and LI Zoning Districts and legitimate construction sites only with the following conditions:

1. The vending unit shall not stop within 300 feet of any school, religious institution, or cemetery.
2. The vending unit shall only be stationary for a maximum of 30 minutes per stop and move at least one block before making another stop.
3. The hours of operation shall be anytime between sunrise and sunset.
4. The vehicle shall park legally.
5. The vending unit shall not stop in congested areas where it may impede or inconvenience the public or create a traffic hazard.
6. No door-to-door solicitation shall occur.
7. The vending unit shall incorporate flashing lights or signage indicating frequent stops of the vehicle.
8. Transient mobile vending may be permitted on City Property in the zones referenced in this section with the written approval of City Council. [ZA2018-12-17(A)]

C. Franchise Mobile Vending.

In addition to the requirements stated in *Section 5.1.16, A*, franchise mobile vending shall be permitted on Public Property in the CBD, CC, WRD, and City Parks with the following conditions:

1. Shall be granted through a franchise agreement approved by Conway City Council.
2. City Council shall determine the hours of operations.
3. City Council shall determine the approved location(s) of the vending unit.
4. Vendors shall not store, park, or leave any vending unit overnight on any public property.
5. The vendor shall complete a release and indemnification agreement, which will hold the City of Conway harmless for any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted public space within the City of Conway.
6. The vendor shall submit a Certificate of Insurance verifying the following minimum coverage and specifically identifying the City of Conway as an additional insured. The mobile vendor will not be permitted to operate without a Certificate of Insurance. The City of Conway must be listed as the "Certificate Holder" on the Certificate of Insurance. Minimal acceptable coverage:
 - a. Each Occurrence: \$1,000,000
 - b. Personal Injury: \$1,000,000
 - c. General Aggregate: \$2,000,000

D. Vending on Private Property.

In addition to the requirements stated in *Section 5.1.16, A*, mobile vending shall be permitted on private property in the CBD, CC, WRD, P, IN, NC, HC, LI, HI, and commercial areas of PD with the following conditions:

1. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel must be obtained.
2. No vendor shall operate within 150 feet from the principal public entrance to any food service

business, unless the adjacent food service business owner provides a notarized letter agreeing to the lesser distance. If a food services business opens within the zone after the vending unit has continuously operated the business in the location for at least 6 months, the vending unit may remain in that location.

3. The vending unit shall meet a 15' front setback from the property line, a 10' clearance between units, 10' from any fire hydrant, and a 10' emergency access setback between the unit and any buildings. If adjacent to a residential area, then the vending unit must meet the side and rear property setback requirements of its underlying zoning district.
4. A list of all requested vending sites, including property owners and physical addresses, must be provided to the City. The applicant must submit a site plan, to scale, for all proposed locations of the vending operation(s) for Commercial Plan Review by the Technical Review Committee (TRC).
5. A minimum of two (2) parking spaces must be provided per vending unit and maintained in addition to the minimum parking required for the principal business (except in the CBD, CC, and WRD Zoning Districts).
6. The vending units are to be located only on parcels with no less than a paved 30 feet driveway (except in the CBD, CC, and WRD Districts).
7. The maximum number of vending units per parcel:
 - a. For parcels up to 10,000 sq. ft., up to two vending units may be permitted at a time;
 - b. For parcels more than 10,000 sq. ft. and less than 20,000 sq. ft., up to three vending units may be permitted at a time;
 - c. For parcels greater than 20,000 sq. ft. in size, a maximum of 4 vending units is permitted at the same time (with the exception of city-sponsored or special events).
8. Each vending unit may submit multiple location sites, subject to staff approval. Commercial plan review fees will apply to each location. [ZA#2018-04-16 (B); ZA2019-03-18(B)]

E. Appearance.

The appearance of vending units shall be approved by the Planning Department with the following conditions:

1. The vendor shall be responsible to ensure that the vending unit is in good condition, free from evidence of deterioration, weathering, discoloration, and rust.
2. Advertising consisting of the name and logo, and a listing of items available for sale may be displayed on the vending unit. No other form of advertising or signs shall be allowed. Additionally, the vendor shall follow the requirements in *Section 11.2.2, Prohibited Signs*, of the UDO.
3. If already constructed, the vendor shall submit three photographs and the dimensions of the vending unit. If not constructed, the vendor shall submit a copy of the plans and color renderings of the vending unit.
4. A vendor shall be entitled to appeal the decision of the Planning Department to revoke or deny a permit based on the appearance of the vending unit by submitting a Conway CAB (Community Appearance Board) Application. Appeals must be filed within thirty (30) days from the date the notice of revocation or denial is issued. The basis for the appeal must be included in the request for an appeal.



PLANNING DEPARTMENT

196 LAUREL STREET
CONWAY, SOUTH CAROLINA 29526
843-488-9888
WWW.CONWAYSC.GOV

MOBILE VENDING SUBMITTAL CHECKLIST

ALL ITEMS LISTED BELOW MUST BE SUBMITTED TOGETHER
PARTIAL SUBMITTALS WILL NOT BE ACCEPTED

- Signed / Initialed Mobile Vending Application & this Signed Checklist
- Approval or Exemption from SCDHEC
- List of Items to be Sold
- Location of an appropriate Storage Facility where the vending unit is stored
- Letter, Email or Lease Agreement from the Property Owner
- Site Plan
- Pictures of Vending Unit
- Picture of Current Vehicle Plate
- Copy of Public Notice Ad and Receipt (*Franchise Only*)
- Release and Indemnification Agreement (*Franchise Only*)
- **Picture of Current Fire Inspection Sticker**
(David Parker, Fire Marshal | (843) 798-6494 dparker@conwaysc.gov)

All required information is included with this submittal. I understand that if any required information is missing, the review time may be extended.

APPLICANT NAME (PRINT)

APPLICANT SIGNATURE

DATE

BUSINESS NAME



MOBILE FOOD VENDING PERMIT
Franchise, Transient, Private Property*

Staff Use Only

Received: _____
Staff: _____
Inspected: _____

City of Conway Planning & Development
196 Laurel Street
Conway, SC 29526

Phone: (843) 488-9888

www.conwaysc.gov

planning@conwaysc.gov

VENDOR INFORMATION

Name of Business:	Name of Owner:
Owner Address:	Owner Phone Number(s):
Owner Email Address:	Type of Mobile Vending (franchise*, transient, or private property):
Nature of Goods to be Sold:	
Vending unit vehicle plate number:	State Registered:

VENDOR SITE INFORMATION (franchise or private property)

Address of proposed vending location:	Day(s) of the week at this location:
PIN number of location:	Zoning District:
Name of Property Owner:	Address of Property Owner:

A **Franchise Agreement** must receive **two (2) readings at City Council**.

Three (3) public advertisements, at the cost of the applicant, must be placed in a newspaper of general circulation prior to the first reading. The third ad must run no later than **seven (7) calendar days before the first reading** at City Council.



MOBILE FOOD VENDING PERMIT

Franchise, Transient, Private Property*

Staff Use Only

Received: _____
Staff: _____
Inspected: _____

Please initial A & E below, as well as the type of mobile vending you are requesting approval for (franchise, transient, or private property).

5.1.16 Mobile Vending

The intent of this ordinance is to regulate how mobile food and beverage vendors sell food and / or non-alcoholic beverages to the public.

A. Mobile vending shall be permitted with the following conditions:

1. The vendor shall obtain and carry at all times any SCDHEC (South Carolina Department of Health and Environmental Control) food handler and / or other applicable health safety licenses.
2. If the vendor wants to operate on public property or on private property under a special event permit, he or she shall obtain notarized written permission from the owner to conduct business.
3. The vendor shall obtain and carry at all times a valid City of Conway Business License. Vendors must obtain an annual zoning compliance. Food truck permits issued under this ordinance will be valid beginning on date of this Ordinance's enactment until April 30 of the ensuing year. In the following year, a permit shall be from May 1 until April 30 of the ensuing year.
4. The vendor can operate through an approved City of Conway Special Event Permit. Mobile vendors shall not be permitted to operate in the location of Special Event activities without the permission of the Special Event permit holder.
5. The vendor is subject to a background check by the Conway Police Department prior to issuance of a zoning permit.
6. The vendor shall provide a list of the items to be sold and shall be limited to selling food and non-alcoholic beverages.
7. All sales shall be made to pedestrians and bikers only. Vendors may not solicit or conduct business with persons in motor vehicles.
8. The vendor may use only music or bells to attract attention but shall not violate the noise ordinance regulations (City of Conway Code of Ordinances Sec. 9-1-21).
9. The vendor shall not operate in any manner that blocks, obstructs or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property. The vendor shall maintain, at a minimum, four feet of passage for pedestrians and shall follow ADA (Americans with Disabilities Act) and ANSI (American National Standards Institute) Regulations.
10. Vending units shall be in compliance with all ANSI (American National Standards Institute) regulations.
11. The vendor shall be actively engaged in vending operations at all times while occupying any property.
12. The vendor shall pick up all refuse generated by his or her operation before the vending unit is moved.
13. All vending units must be self-contained with a waste receptacle.
14. The vendor shall not discharge items from any vending unit onto the sidewalk, gutter, storm inlets, streets, or planters.
15. The vendor shall keep the area surrounding their vending unit maintained in a safe, clean, orderly, and sanitary condition at all times. Mats shall be used in the food preparation area to keep the area clean.
16. No tables, chairs, fences, shade structures, or other site furniture shall be permitted.
17. Exterior storage or display of surplus refuse, equipment, materials, goods, wares, or merchandise associated with the vending unit shall be prohibited.
18. The vendor shall display, in plain view and at all times, current permits and licenses in or on their vending unit.
19. Any damage to landscape or vegetation caused by the mobile vending operation shall be immediately compensated by the vendor upon request of the City.
20. The vendor shall provide the location of an appropriate storage facility where the vending unit is when not in operation.

Initial: _____



MOBILE FOOD VENDING PERMIT

Franchise, Transient, Private Property*

Staff Use Only

Received: _____
Staff: _____
Inspected: _____

B. Transient Mobile Vending

In addition to the requirements in Section 5.1.16 A., transient mobile vending shall be permitted in the R, RA, RR, R-1, R-2, R-3, R-4, IN, HI, and LI Zoning Districts and legitimate construction sites only with the following conditions:

1. The vending unit shall not stop within 300 feet of any school, religious institution, or cemetery.
2. The vending unit shall only be stationary for a maximum of 30 minutes per stop and move at least one block before making another stop.
3. The hours of operation shall be anytime between sunrise and sunset.
4. The vehicle shall park legally.
5. The vending unit shall not stop in congested areas where it may impede or inconvenience the public or create a traffic hazard.
6. No door-to-door solicitation shall occur.
7. The vending unit shall incorporate flashing lights or signage indicating frequent stops of the vehicle.
8. Transient mobile vending may be permitted on City Property in the zones referenced in this section with the written approval of City Council.

Initial: _____

C. Franchise Mobile Vending

In addition to the requirements stated in Section 5.1.16A., franchise mobile vending shall be permitted on Public Property in the CBD, CC, WRD, and City Parks with the following conditions:

1. Shall be granted through a franchise agreement approved by Conway City Council.
2. City Council shall determine the hours of operations.
3. City Council shall determine the approved location(s) of the vending unit.
4. The vendor shall provide the method and routes for transporting vending units to and from public property and storage facilities.
5. Vendors shall not store, park, or leave any vending unit overnight on any public property.
6. The vendor shall complete a release and indemnification agreement, which will hold the City of Conway harmless for any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted public space within the City of Conway.
7. The vendor shall submit a Certificate of Insurance verifying the following minimum coverage and specifically identifying the City of Conway as an additional insured. The mobile vendor will not be permitted to operate without a Certificate of Insurance. The City of Conway must be listed as the "Certificate Holder" on the Certificate of Insurance. Minimal acceptable coverage:
 - a. Each Occurrence: \$1,000,000
 - b. Personal Injury: \$1,000,000
 - c. General Aggregate: \$2,000,000

Per the **General Ordinances** of the City of Conway - Sec. 1-3-23 - Notice Required:

Prior to the introduction of an ordinance granting a **franchise**, license or right for the use of any street or public property, or for the permanent closing of any abandoned street, the applicant for such an ordinance shall publish a notice in **three (3) issues of a newspaper** having general circulation in the city stating the nature of the franchise, license or right sought or a description of the street sought to be closed, and the date on which the application is to be presented to the council which **shall be at least one (1) week after the last notice**.

Initial: _____



MOBILE FOOD VENDING PERMIT

Franchise, Transient, Private Property*

Staff Use Only

Received: _____
Staff: _____
Inspected: _____

D. Vending on Private Property

In addition to the requirements stated in Section 5.1.16A., mobile vending shall be permitted on private property in the CBD, CC, WRD, P, IN, NC, HC, LI, HI, and commercial areas of PD with the following conditions:

1. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel must be obtained.
2. No vendor shall operate within 150 feet from the principal public entrance to any food service business, unless the adjacent food service business owner provides a notarized letter agreeing to the lesser distance. If a food services business opens within the zone after the vending unit has continuously operated the business in the location for at least 6 months, the vending unit may remain in that location.
3. The vending unit shall meet a 15' front setback from the property line, a 10' clearance between units, 10' from any fire hydrant, and a 10' emergency access setback between the unit and any buildings. If adjacent to a residential area, then the vending unit must meet the side and rear property setback requirements of its underlying zoning district.
4. A list of all requested vending sites, including property owners and physical addresses, must be provided to the City. The applicant must submit a site plan, to scale, for all proposed locations of the vending operation(s) for Commercial Plan Review by the Technical Review Committee (TRC).
5. A minimum of two (2) parking spaces must be provided per vending unit and maintained in addition to the minimum parking required for the principal business (except in the CBD, CC, and WRD Zoning Districts).
6. The vending units are to be located only on parcels with no less than a paved 30 feet driveway (except in the CBD, CC, and WRD Districts).
7. The maximum number of vending units per parcel:
 - a. For parcels up to 10,000 sq. ft., up to two vending units may be permitted at a time;
 - b. For parcels more than 10,000 sq. ft. and less than 20,000 sq. ft., up to three vending units may be permitted at a time;
 - c. For parcels greater than 20,000 sq. ft. in size, a maximum of 4 vending units is permitted at the same time (with the exception of city-sponsored or special events).
8. Each vending unit may submit multiple location sites, subject to staff approval. Commercial plan review fees will apply to each location.

Initial: _____

E. Appearance The appearance of vending units shall be approved by the Planning Department with the following conditions:

1. The vendor shall be responsible to ensure that the vending unit is in good condition, free from evidence of deterioration, weathering, discoloration, and rust.
2. Advertising consisting of the name and logo, and a listing of items available for sale may be displayed on the vending unit. No other form of advertising or signs shall be allowed. Additionally, the vendor shall follow the requirements in section 11.2.2 Prohibited Signs of the *UDO*.
3. If already constructed, the vendor shall submit three photographs and the dimensions of the vending unit. If not constructed, the vendor shall submit a copy of the plans and color renderings of the vending unit.
4. A vendor shall be entitled to appeal the decision of the Planning Department to revoke or deny a permit based on the appearance of the vending unit by submitting a Conway CAB (Community Appearance Board) Application. Appeals must be filed within thirty (30) days from the date the notice of revocation or denial is issued. The basis for the appeal must be included in the request for an appeal.

Initial: _____



MOBILE FOOD VENDING PERMIT
Franchise, Transient, Private Property Property*

Staff Use Only

Received: _____
Staff: _____
Inspected: _____

Acknowledgement:

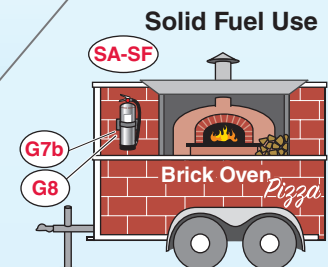
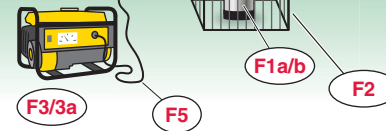
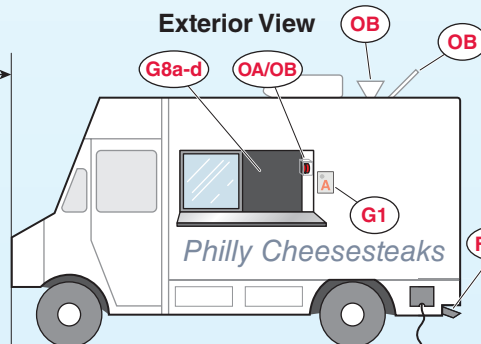
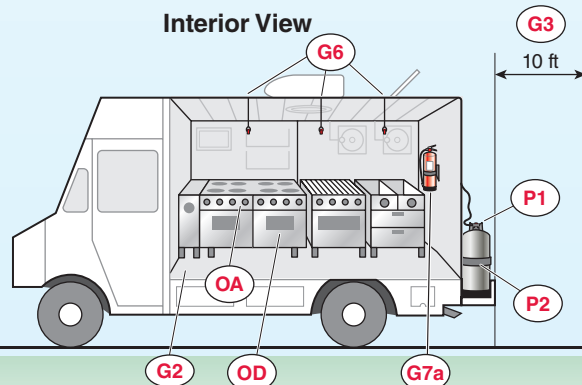
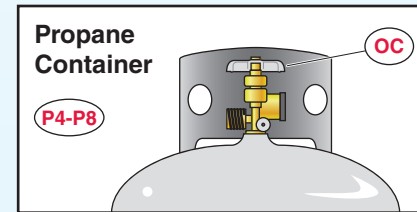
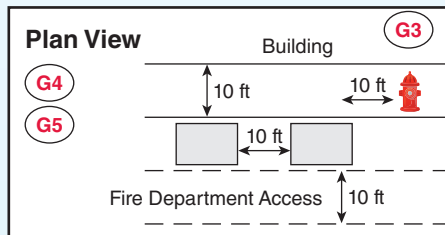
I hereby acknowledge by signature below that the proposed mobile food vending business satisfies the requirements of the City of Conway Unified Development Ordinance (UDO), **Article 5, Section 5.1.16 – Mobile Vending**. I understand that the City of Conway may revoke the zoning compliance for this vendor permit if the business is found to be in violation of these requirements.

Signature of vendor / owner

Date



FACT SHEET » Food Truck Safety



NATIONAL FIRE PROTECTION ASSOCIATION
The leading information and knowledge resource on fire, electrical and related hazards

NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to nfpa.org/foodtrucksafety.

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FACT SHEET » Food Truck Safety (continued)

NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see Annex B in NFPA 96.

GENERAL SAFETY CHECKLIST

- ❑ Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- ❑ Ensure there is no public seating within the mobile food truck. **G2**
- ❑ Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:7.8.2; 96:7.8.3 for carnivals only] **G3**
- ❑ Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- ❑ Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5] **G5**
- ❑ Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- ❑ Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3] **G7a**
- ❑ Where solid fuel cooking appliance produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:14.7.1] **G7b**
- ❑ Ensure that workers are trained in the following: [96:B.15.1]: **G8**
 - ❑ Proper use of portable fire extinguishers and extinguishing systems [10:1.2] **G8a**
 - ❑ Proper method of shutting off fuel sources [96:10.4.1] **G8b**
 - ❑ Proper procedure for notifying the local fire department [1:10.14.9 for carnivals only] **G8c**
 - ❑ Proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17] **G8d**

FUEL & POWER SOURCES CHECKLIST

- ❑ Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1 for carnivals only] **F1a**
- ❑ Ensure that refueling is conducted only during non-operating hours. [96:B.18.3] **F1b**
- ❑ Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2] **F2**
- ❑ Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:11.7.2.1.2] **F3**
- ❑ Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- ❑ Make sure that exhaust from engine-driven source of power complies with the following: **F4**
 - ❑ At least 10 ft in all directions from openings and air intakes [96:B.13] **F4a**
 - ❑ At least 10 ft from every means of egress [96:B.13] **F4b**
 - ❑ Directed away from all buildings [1:11.7.2.2] **F4c**
 - ❑ Directed away from all other cooking vehicles and operations [1:11.7.2.2] **F4d**
- ❑ Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70®. [96:B.18] **F5**

PROPANE SYSTEM INTEGRITY CHECKLIST

- ❑ Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- ❑ Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- ❑ Inspect gas systems prior to each use. [96:B.19.2.3] **P3**
- ❑ Perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17] **P4**
- ❑ Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- ❑ Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- ❑ Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- ❑ Where a gas detection system is installed, ensure that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.1] **P8**

OPERATIONAL SAFETY CHECKLIST

- ❑ Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**
- ❑ Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:14.2.2; 96:14.2.3] **OB**
- ❑ Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- ❑ Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:11.4] **OD**

SOLID FUEL SAFETY CHECKLIST (WHERE WOOD, CHARCOAL, OR OTHER SOLID FUEL IS USED)

- ❑ Fuel is not stored above any heat-producing appliance or vent. [96:14.9.2.2] **SA**
- ❑ Fuel is not stored closer than 3 ft to any cooking appliance. [96:14.9.2.2] **SB**
- ❑ Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7] **SC**
- ❑ Fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4] **SD**
- ❑ Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1] **SE**
- ❑ Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least 3 ft from any cooking appliance. [96:14.9.3.8] **SF**

NFPA RESOURCES

NFPA 1, *Fire Code*, 2015 Edition
NFPA 1 *Fire Code Handbook*, 2015 Edition
NFPA 58, *Liquefied Petroleum Gas Code*, 2017 Edition
LP-Gas Code Handbook, 2017 Edition
NFPA 70®, *National Electrical Code®*, 2017 Edition
National Electrical Code® Handbook, 2017 Edition

NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2017 Edition
NFPA 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook*, 2017 Edition

For more of these resources,
become an NFPA member

DATE: JUNE 5, 2025

ITEM: IV.D.2

ISSUE:

Amendments to *Article 4 – Use Tables*, and *Article 6 – Design Standards*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding standards for single-family in-common development.

BACKGROUND:

Typically, detached single-family units are transferred as an affixture to a lot, the conveyance would include: a front yard, side yards, a rear yard, the residence and the underlying property. This pattern of ownership is called: fee simple.

Our regulations use dimensional standards to govern such things like:

- project density: through minimum lot sizes & open space requirements,
- intensity: through minimum lot widths,
- building separation: through side yard setbacks,
- off-set from internal roadways: through front yard setbacks and
- spacing from project boundaries: through rear setbacks as well as landscape buffering

A more unconventional pattern of ownership, for single-family homes, is the Condominium form of ownership. This style of ownership, if transferred, conveys to the grantee, an individual unit, consisting of the interior surfaces of the perimeter walls, floors and ceilings, while the underlying and surrounding real property is common area, to be owned by either a Horizontal Property Regime or a property management group.

Duplexes can currently be owned: fee-simple (as a semi-detached development) or condominium style (Duplex), but only one duplex per lot in the R-2 and R-3 zoning districts.

ANALYSIS:

An in-common style of development would use different tools to govern items like:

- project density: through minimum parking & open space requirements,
- intensity and building separation: through the adoption of building separation requirements,
- off-set from internal roadways: through dimensional standards for parking if provided via individual driveways and
- spacing from project boundaries: through the adoption of a perimeter setback as well as landscape buffering

In many in-common single-family & duplex developments, there is the added complexity of providing residents with privacy and personal space outside of the units in which they own. Often this is resolved by delineating “Limited Common Area” for each unit. This distinction would allow for the owners of the units to practice more control of amenities that are appurtenant to their specific unit (i.e: driveways,

front porches, patios, etc....) via the restrictive covenants which would dictate such provisions and/or constraints. However, these: Limited Common Areas would not be required by the political body and should not be counted toward meeting the mandatory Passive or Active Open Space required for the development.

Also, required parking may be provided through individual driveways/ garages or through the use of a parking lot style/vehicle use area. If the development chooses to utilize common vehicle use area(s), the amount of required parking would be based on the number of bedroom units (as parking for: apartments are calculated).

Since this development is designed for medium to high density, the R-2 and R-3 zoning districts seem the most appropriate, as these districts currently allow: multi-family and townhome in-common developments already and the side setbacks, for standard fee-simple developments are consistent with the proposed building separation.

This type of development is convenient for both: short-term & long-term rentals as well as age-restricted communities, as the maintenance of the sites would be the responsibility of the Horizontal Property Regime or property management group, not the owner of the individual unit.

The highlighted text and additional images on the following pages are some of the amendments needed to properly govern in-common single-family and duplex developments.

STAFF RECOMMENDATION:

In addition to holding the required public hearing, staff recommends that Planning Commission conduct a thorough review of the request and make an informed recommendation to City Council.

Section 6.2 – Residential Dimensional Requirements, Dwelling Types & Design Standards

Table 6.1: Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	R	RA	RR	R-1	R-2	R-3	R-4	FA ₃	P ₁
RESIDENTIAL ACREAGE, LOT WIDTH, AND LOT DEPTH REQUIREMENTS									
Minimum lot size, Single-Family Detached (sq. ft.)	10,000	40,000	20,000	7,500	6,000	5,000	5,000	40,000	7,000
Minimum lot size, Duplex (sq. ft.)	N/A	N/A	N/A	N/A	8,400	7,000	N/A	N/A	10,000
Minimum lot size, Duplex Semi-Attached (sq. ft.)	N/A	N/A	N/A	N/A	4,200	3,500	N/A	N/A	7,000
Minimum lot size, Fee-Simple Townhomes (sq. ft.)	N/A	N/A	N/A	N/A	2,160	1,800	1,800	N/A	1,800
Minimum lot size, Multi-Family (sq. ft.)	N/A	N/A	N/A	N/A	6,000	5,000	N/A	N/A	N/A
Minimum lot width, Single-Family Detached (feet) <i>Section 6.1.5</i>	100	200	100	75	50	50	50	200	70
Minimum lot width, Duplex (feet)	N/A	N/A	N/A	N/A	70	70	N/A	N/A	100
Minimum lot width, Duplex Semi-Attached (feet)	N/A	N/A	N/A	N/A	35	35	N/A	N/A	50
Minimum lot width, Fee-Simple Townhomes (feet)	N/A	N/A	N/A	N/A	18	18	18	N/A	18
Minimum lot width, Multi-Family (feet)	N/A	N/A	N/A	N/A	50	50	N/A	N/A	N/A
Lot Depth , min feet	100	200	200	100	120 / 100 ⁴	100	100	200	100
Building Height , max feet	40	40	40	40	40	40/65 ²	40	40	40
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS (minimum feet)									
Front Yard	25	50	30	20	15 _s	15 _s	Build-to-Line	50	20
Rear Yard	25	50	30	20	20 _s	20 _s	15	50	15
Side Yard	10	20	15	10	7.5 _s	5 _s	5	20	10
Corner Front – Local St	25	30	20	20	15 _s	10 _s	10	30	15
Corner Front – Arterial St	25	50	30	20	20 _s	15 _s	15	50	25
1) Standards contained in Table 6.1 are applicable only in residential development in the Professional (P) District. Refer to Table 6.2 for dimensional requirements for commercial/mixed-use development in the P district [ZA2020-09-02-A]. 2) Multifamily developments in the R-3 district to be developed on (or adjacent to) Hwy 501 Bypass, between Lake Busbee and Carolina Forest Blvd, shall be limited to a 65-ft height limit above base-floor elevations, subject to applicable fire codes [ZA2023-03-20-F]. 3) Standards contained in Table 6.1 are applicable only to properties zoned FA that are proposed for single-family residential development [ZA2023-05-15-B]. 4) The minimum lot depth for fee-simple, single-family attached (townhome) developments in the R-2 district shall be 100-ft. This does not apply to in-common development in the R-2 district, in which the min. lot depth is 120-ft. [ZA2024-06-03-C] 5) Single-family detached, Duplex, Townhome and Multi-family in-common developments are permitted in the R-2 and R-3 districts. In such developments a 25-ft building setback shall be required, from all exterior project boundaries.									

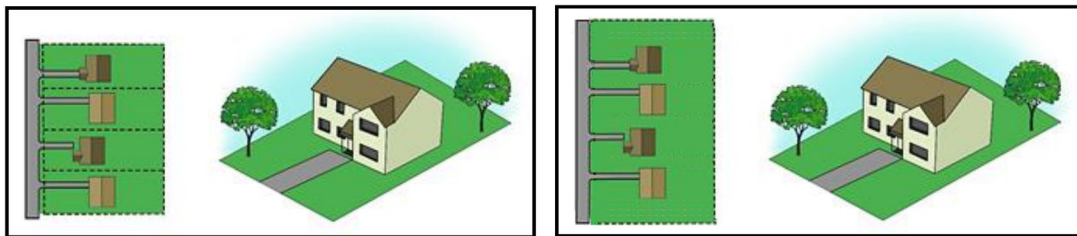
6.2.1 Dimensional Requirements

Except as specified for each dwelling type (below), the following dimensional requirements shall apply:

- A. Minimum Lot Size. The minimum lot sizes for each zoning district and/or dwelling type can be found in **Table 6.1: Dimensional Requirements for Residential Zoning Districts**.
- B. Setbacks: the front, side, corner front, and rear yard setbacks shall adhere to the requirements set forth in **Table 6.1**.
- C. **Each lot shall front on a public street.**

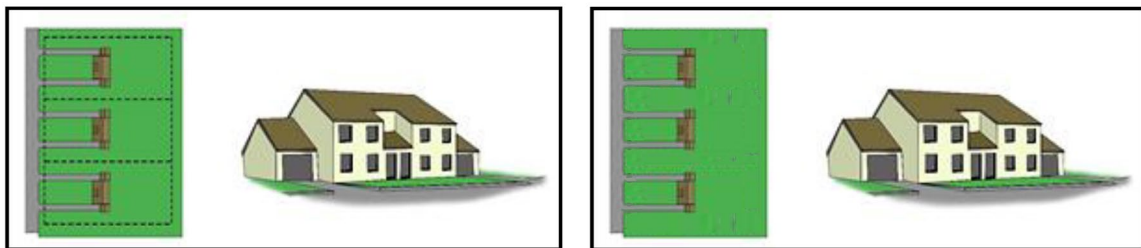
6.2.2 Residential Dwelling Types

- A. **Single-Family Detached**: A one (1) family dwelling that is not attached to any other dwelling by any means and may include an attached garage. These units may be subdivided on fee simple lots or, remain in common in applicable zoning districts specified in Table 6.1.



1. Dimensional Requirements:

- a. Building Separation. In addition to adhering to setback requirements set forth in Table 6.1, each structure in an in-common development shall be a minimum of fifteen (15) feet from any other structure situated on the same parcel.
- B. **Duplex**: A building on a single lot containing two (2) single family dwelling units that are connected by an unpierced solid common wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. Duplexes may be subdivided into simple lots or, remain in common in applicable zoning districts specified in Table 6.1.



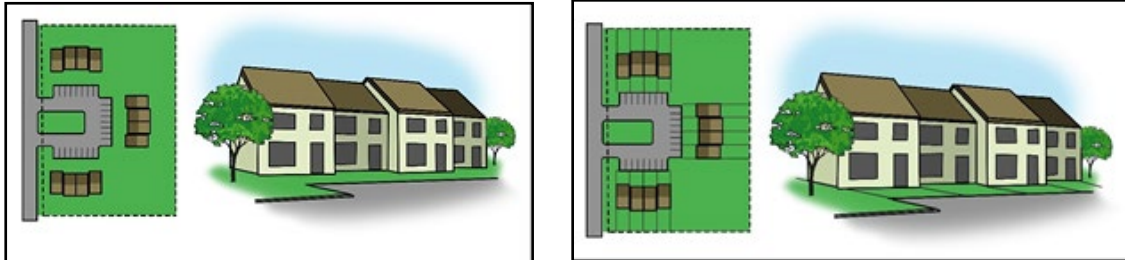
Dimensional Requirements:

- a. Building Separation. In addition to adhering to setback requirements set forth in Table 6.1, each structure in an in-common development shall be a minimum of fifteen (15) feet from any other structure situated on the same parcel.
- C. **Duplex Semi-Attached**: A one (1) family dwelling attached to one (1) other one (1) family dwelling by a



common fire-resistant vertical wall extending from ground to roof, with each dwelling located on a separate lot.

- D. **Townhomes:** A single-family dwelling in a row of at least three (3) and no more than eight (8) single family dwellings attached by common fire-resistant vertical walls. No unit is located over another unit. These units may be subdivided on fee simple lots or remain in common.



Dimensional Requirements:

- a. **Building Separation.** In addition to adhering to setback requirements set forth in Table 6.1, each structure in an in-common development shall be a minimum of fifteen (15) feet from any other structure situated on the same parcel.

- E. **Multi-Family:** A building containing three (3) or more dwelling units, including units that are located one over the other. Each dwelling unit has a common fire-resistant wall with another dwelling unit.

1. Dimensional Requirements:

- a. **Building Separation.** In addition to adhering to setback requirements set forth in Table 6.1, each structure shall be a minimum of fifteen (15) feet from any other structure situated on the same parcel.
- b. **Density.** The density of the development of multi-family shall be determined by the parking requirements, open space limitations, yard requirements, height limitations in the area of construction and other factors set forth in the UDO.

A. Single-Family (detached), Duplex and Duplex (Semi-Attached):

1. **Facade materials.** The following materials are permitted on newly constructed residential structures:
 - a. Brick, fiber-cement, hardi-plank, stone, vinyl, or equivalent quality material, as approved by the Planning Department. A combination of these materials is encouraged.
 - b. When vinyl siding is proposed as one of the materials for the façade, the following additional requirements shall apply:
 - i. A combination of no less than two (2) types of materials, as described above, shall be required to be installed the entire width and length of the front and side facades of the structure. (See Fig. 2) Materials shall be diverse in appearance and on scale with the height of the structure. Building elevations are subject to staff review and approval.

Fig. 1: Garage dominant home with all vinyl siding on all facades



Fig. 2: Brick base of same width carried entire length of side of home.



2. **Block Diversity.** All major residential developments shall provide a variety of housing styles and house plans to avoid repetitive facades and building styles within the same development block. A development block within a residential development is defined as the smallest group of residential dwellings surrounded by streets.
 - a. Within the same block, no building elevation or mirrored building elevation shall be located on either side or across the street from itself. The following elements may be considered when determining this requirement has been met:
 - i. Different façade materials /colors or a combination of different materials and/or colors.
 - ii. Different offsets, recesses or projections are utilized on front building elevations.
 - iii. Variations in roof elevation, roof form, or roof projections (i.e. with or without dormers).
 - iv. Variations in porches and entries, window fenestration (placement, shape, orientation of windows).
 - b. A block diversity plan illustrating lots, building elevations, and/or house plans shall be submitted for review with permit applications. No permits shall be issued until the development has an approved block diversity plan.
3. **Architectural Details and Features.** In addition to façade material requirements, structures shall contain a minimum of two (2) architectural details on front facades, a minimum of one (1) on side facades, and a minimum of one (1) on rear facades that are visible from public rights-of-way, and which must be provided on building elevations at the time of permit submittal:
 - a. Vertical columns or pillars;
 - b. Stonework detailing on columns (if applicable);

- c. Decorative / ornamental window design (i.e. window trim, recesses, adding bay windows, shutters, grids, etc.);
 - d. Decorative (front) door design;
 - e. Decorative / ornamental garage door design (i.e. glass/windows, carriage hardware, etc.);
 - f. Decorative roofline elements, such as roof brackets or dormers;
 - g. Porch (front) or covered entry features;
 - h. Decorative belly band trim;
 - i. Other decorative ornamentation/feature or design technique that meets the intent of this section, with the approval of the Planning Department.
4. **Attached Garages and/or Carports.** The following standards are applicable to single-family residential structures that contain attached garages and/or carports:



- a. Attached garages and/or carports shall have a mix of orientations within the development.
 - b. Garage dominant houses (i.e. snout houses), or those in which the garage and/or carport protrudes past the front façade by more than 10 feet, are prohibited in instances where the garage faces the front yard or public street(s).
 - c. Front-load garages, or garages facing a public street, shall contain decorative windows or other acceptable decorative / ornamental feature (standard squares on garage doors do not count).
5. **Parking.**
- a. When parking is to be provided via parking lot style/vehicle use area(s), in-common developments shall adhere to the minimum required and maximum allowed parking standards for an "Apartment", as cited in Article 8, Table 8.3: Parking Requirements and the Handicapped Accessible Parking Requirements of Section 8.2.3.
6. **Sidewalks.** A sidewalk or walkway, constructed of concrete or decorative pavers, a minimum of three (3) feet in width, shall be installed connecting the front door to the street-front sidewalk or driveway.
7. **Overhangs.** A minimum overhang/eave of 12-inches shall be required on all sides of all new single-family construction.
- a. Applicable Building and Fire codes shall apply.
8. **Shingles.** Where shingles are proposed to be installed, architectural shingles shall be used. **Three-tab shingles are prohibited.**
9. **Roof Pitch.** The minimum roof pitch for single-story dwellings shall not be less than 6:12.
10. **Chimneys** located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry or same as adjacent materials.

ISSUE:

Amendment to *Article 15 – Enforcement*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding penalties for violations of the UDO.

BACKGROUND:

Recently, a case being heard in Municipal Court involved violations of both the Unified Development Ordinance (UDO) and Building Code. In addition, there was discussion between Municipal Court and Planning & Development staff regarding the authority to issue judgements for those found guilty of misdemeanor offenses in violations of the UDO. The Construction Services Dept. (formerly Building Dept.) has a Code Enforcement Officer, who is able to issue a Uniform Ordinance Summons, in accordance with SC Code § 56-7-80, in addition to Law Enforcement Officers; however, only sworn Law Enforcement Officers are able to issue both a uniform ordinance summons *AND* a uniform traffic ticket. Code Enforcement Officers cannot issue uniform traffic tickets because they do not have the power to arrest. Because Planning & Development does not have an employee “designated” or employed as a Code Enforcement Officer, staff reached out to the Municipal Associations General Counsel for advice.

Furthermore, *Article 15 – Enforcement*, of the UDO, does not include language referencing the penalties for such violations of the UDO. Currently, with regard to violations, the UDO states the following:

Section 15.1.3 Remedies

“A violation of any section of the UDO shall constitute a misdemeanor, except where specified throughout the UDO as being a civil infraction.”

Section 15.1.4 Penalties for Violation

“Violation of the UDO or failure to comply with any requirements states herein shall be a misdemeanor, except where specified throughout the UDO as being a civil infraction.”

There is no language specifying the penalty for the offense other than it being a misdemeanor or a civil infraction. Last year, an ordinance was adopted to amend Article 15 to include civil infractions and the penalties for such infractions, which was recommended by the Municipal Association. In this instance, the Municipal Association has stated that while the UDO does not cover the issue of an exact penalty, the general code provides language that would include “*any ordinance or resolution of the city, or rule or regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor...*” as stated in Title 1, Ch. 3, Art. C, Sec. 1-3-48: General Penalty; continuing violations of the city’s general code.

The Unified Development Ordinance (UDO) is not contained within the city’s general code; however, it is referenced in Title 5 of the general code. Title 5 – Planning & Development, only includes Building

Regulations, which also includes a subsection (Sec. 5-1-7 – Violations and penalties) that specifies the penalties for violations of building codes, citing the following:

Sec. 5-1-7. – Violations and penalties

*“Any person, firm, corporation or agent who shall violate a provision of these codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, and in like manner, any condition which is permitted to exist after notice to abate, discontinue, or remove such condition, **duly given by the Building Official shall constitute a misdemeanor.** Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed or continued, and **upon any conviction of any such violation such person shall be punished within the limits as provided by the ordinances of the City of Conway or the laws of the State of South Carolina.**”*

Ch. 5, Sec. 5-5-1. – Unified Development Ordinance, of the general code, only specifies that the UDO is adopted herein, in accordance with Title 6, Ch. 29 of the Code of Laws of South Carolina 1976, amended as “South Carolina Local Government Comprehensive Enabling Act of 1994.”

For the sake of consistency and clarity, staff proposes amending *Article 15 – Enforcement*, of the UDO to include language specifying that **violations of the UDO are a misdemeanor offense that is subject to the penalties specified in the City of Conway Code of Ordinances** (general code).

With regard to the authority of staff in Planning & Development to issue uniform ordinance summons, staff was advised that there is very little as to what qualifications are necessary to be appointed as a code enforcement officer, and the only statute on the matter in SC Code of Laws (§ 5-7-32) states “*A municipality may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the municipality.*” Planning & Development staff may be appointed as code enforcement officers so that they could issue uniform ordinance summons as a way to have control of the ticketing process through the Planning & Development Dept. Staff believes that through the authority given within the UDO, this has been satisfied.

Staff can provide additional information from the City’s general code if needed that provides the entire sections referenced in this report.

RECOMMENDATION:

Provide guidance to staff on how to proceed.

Article 15. Enforcement

Article 15 Contents

Section 15.1 – Enforcement

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Section 15.1 – Enforcement

15.1.1 Violations

If the Planning Director or other designated administrative officer shall find that any of the provisions of the City of Conway Unified Development Ordinance are being violated, they shall notify in writing the owner or tenant of the property, indicating the nature of the violation and order the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the *UDO* to ensure compliance with, or to prevent violation of its provisions.

15.1.2 Complaints Regarding Violations

Whenever a violation of the *UDO* occurs, or is alleged to have occurred, any person may file verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the Planning Director or other designated administrative officer. They shall record the complaint properly, investigate promptly, and take action thereon as provided by the *UDO*.

15.1.3 Remedies

- A.** It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit shall be issued or approved unless the requirements of the *UDO* are complied with. It shall be unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the Planning Director or other designated administrative officer. A violation of any section of the *UDO* shall constitute a misdemeanor **offense and is subject to penalties specified in the City of Conway Code of Ordinances**, except where specified throughout the *UDO* as being a civil infraction. In case a building, structure, or land is or is proposed to be used in violation of any requirements set forth herein, the Planning Director or other appropriate administrative officer, or adjacent or neighboring property owner who would be directly damaged by the violation may in addition to other remedies, institute injunction, mandate, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be considered a separate offense.
- B.** In case a building, structure, or land is or is proposed to be used in violation of the *UDO* adopted pursuant to this chapter, the Planning Director or other designated administrative officer may in addition to other remedies issue and serve upon a person pursuing the activity or activities a stop order requiring that entity stop all activities in violation of the *UDO*.

15.1.4 Penalties for Violation

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this chapter; or there is a violation of any condition or requirement in connection with variances under the terms of the *UDO*, that violation shall constitute a misdemeanor **offense and is subject to penalties specified in the City of Conway Code of Ordinances**, except where specified throughout the *UDO* as being a civil infraction.

Violations of the *UDO* or failure to comply with any requirements stated herein shall be a misdemeanor **offense, subject to the penalties specified in the City of Conway Code of Ordinances**, except where specified throughout the *UDO* as being a civil infraction. Each day such violation continues after due notice to discontinue such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and/or any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Conway from taking such other lawful action as is necessary to prevent or remedy any violation.

- A. **Civil Infractions.** Where penalties of the *UDO* are specified as being a civil infraction, such penalty for violation shall be fifty dollars (\$50).

15.1.5 Legal Status Provisions

- A. **Conflict with Other Laws:** Whenever the regulations of the *UDO* require a greater width or size of yards or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute, the requirements of the *UDO* shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.
- B. **Severability:** If any section or provision of the *UDO* should be declared invalid or unconstitutional by any court or competent jurisdiction, such declaration shall not affect the validity of the *UDO* as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.
- C. **Repeal of Conflicting Ordinances:** All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give the *UDO* full force and effect.
- D. **Effective Date:** The *UDO* shall take effect and be in force from and after the date of its adoption by the City Council of the City of Conway.