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Article 2 Contents

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Section 2.1 – Interpretation of Certain Words and Phrases

2.1.1 Interpretation

• Words used in the present tense include the future tense.
• Words or phrases not specifically defined herein shall have their customary meanings as defined in a standard dictionary.
• Words used in the singular number include the plural, and words used in the plural include the singular.
• The word ‘lot’ shall include the words ‘tract’, ‘plot’, ‘parcel’, and ‘property’.
• The word ‘shall’ is always mandatory, and the words ‘may’ and ‘should’ are permissive.
• The words “should” and “may” always indicate OPTIONAL.
• The words ‘used’ or ‘occupied’ as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
• The word ‘building’ includes the word “structure”.
• The word ‘person’ includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
• The words “he” or “his” shall also mean the words “she” or “hers”
• The word ‘structure’ includes the word ‘building’.
• The phrase “set forth herein” refers to all Articles of the City of Conway Unified Development Ordinance.
• The phrase ‘Historic Design Review District(s)’ shall also be identified as ‘HDRD(s)”.
• The phrase ‘on-premise’ shall be interpreted to mean “on the same lot”.
• The term “City of Conway Unified Development Ordinance” shall also be identified as the “UDO”.
• The term “Planning Director” shall mean the Planning Director for the City of Conway, South Carolina.
• The term “Council” or “City Council” shall mean the Conway City Council.
• The term “Planning Commission” shall mean the City of Conway Planning Commission.
• The term “Community Appearance Board” or “CAB” shall mean the City of Conway Community Appearance Board.
• The term ‘Board of Zoning Appeals’ shall mean the City of Conway Board of Zoning Appeals.
• The term “Technical Review Committee” shall also be identified as the
“TRC”.
- The word “use” includes the terms “arranged”, “designed” and/or “intended” for use, activity and/or purpose.

Section 2.2 – Definitions

2.2.1 General Definitions

Accessory Dwelling Unit: A housing unit not exceeding one thousand (1,000) square feet, with cooking facilities, sanitary facilities, and an independent means of access, either attached to a single-family detached dwelling or located on the same lot as a single-family detached dwelling. May also be referred to as ‘accessory dwelling unit’ or the acronym ‘ADU’.

Accessory Structure: A subordinate structure, the use of which is incidental to and customary in connection with the principal structure or use, and which is located on the same lot with such principal structure or use.

Accessory Use: A subordinate use which is incidental to and customary in connection with the principal structure or use and which is located on the same lot with such principal structure or use.

Active Open Space: Areas where group or team activities take place with formal designated fields, outdoor courts (basketball, volleyball, tennis) and / or outdoor amenities (skate park, frisbee, golf, etc.)

Amenity Center: A clubhouse or similar structure owned by a homeowners’ association, property owners association or development/property management company for use by residents of a specific apartment, condominium, or townhouse complex or a specific subdivision including recreational facilities, social rooms and other non-commercial activities. The structure shall fit with the residential character of the surrounding development.

Artisan: A person skilled in an applied art or artistic discipline (also known as Artist, Craftsman).

Artists' Studio & Gallery: An establishment for the preparation, display, and / or sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, watercraft, baked or prepared food and drink, and similar items by one or more artisans (also known as Artisan Workshop)

Bail Bond Establishment: A building in which a “Professional bondsman” (any person who is approved and licensed under the provisions of the South Carolina Code of Laws; Statute 38-53-10) makes a business of furnishing bail in criminal cases or who furnishes bail in five or more criminal cases in any one year, whether for compensation or otherwise.

Banquet Hall: An establishment used regularly for serving food and beverages to groups that, before the day of the event, have reserved the facility. Food shall be brought in from off-site. Live entertainment may be featured as accessory to the meeting or banquet.

Bars & Taverns: Bars and taverns are defined as an establishment primarily engaged in the sales and service of alcoholic beverages for on-premise consumption. The incidental sale or provision of food on the premises does not entitle the establishment to be considered a restaurant under the provisions of this code, unless 60% or greater of total revenue is generated from the sale of food. Synonymous with bars and taverns are other establishments, such as pubs, saloons, barrooms, tap rooms, and watering holes – all of which shall be considered a bar or tavern for the purposes of this code of ordinances. This does not include nightclubs or adult entertainment establishments, which are elsewhere defined herein.
**Bed and Breakfast Home:** A private residence which provides lodging and meals for guests, in which the host or hostess resides at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, and serves food only to overnight guests.

**Body Piercing:** The creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow, but does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

**Borrow Pit:** A pit in close proximity to and worked solely in conjunction with a large-scale construction project. The working provides the development with bulk filling minerals and is restored with any surplus soils that may arise.

**Buffer:** Open spaces, landscape areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**Buildable Area:** The area of a lot remaining after the minimum yard and open space requirements of the UDO have been met. (See Figure 1)

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials or any kind.

**Building Height:** The highest vertical distance measured from the finished grade at ground level at the building line to the average height of the roof.

**Building, Principal:** The building in which is conducted the main or principal use of the lot on which said building is located.

**Building Frontage:** The linear length of a building facing the street right-of-way.

**Build-to line:** An alignment that dictates the front yard setback from a street or public right-of-way, to be followed by buildings fronting thereon. The build-to line does not apply to building
projections or recesses.

**Build-to Zone:** The Build-to Zone includes the area of a front yard from the Build-to Line to any allowed variance from that line indicated in the applicable code sections.

**Café, Coffee Shop:** A small establishment in which beverages, light meals, and snacks are served. If the building where this establishment is located is greater than one thousand (1,000) square feet, it shall be considered a restaurant.

**Caliper:** The measurement of the size in inches of a tree’s trunk diameter at one (1) foot above the ground elevation.

**Community Residential Care Facility (CRCF):** A facility which offers room and board and which, unlike a boarding house, provides/coordinates a degree of personal care for a period of time in excess of twenty-four (24) consecutive hours for two (2) or more persons, eighteen (18) years old or older, not related to the licensee within the third degree of consanguinity. It is designed to accommodate residents’ changing needs and preferences, maximize residents’ dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. These facilities may be referred to as “assisted living” provided they meet the above definition of community residential care facility.

- **Assisted Living Facility:** Residences for the frail and elderly that provide rooms, meals, personal care, and supervision of self-administered medication. Such facilities may also provide other services, such as recreational activities, financial services, and transportation.
- **Congregate Housing:** A multi-unit rental housing complex with self-contained apartments designed to provide a supportive environment for the elderly and accommodate a relatively independent lifestyle. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.
- **Continuing Care Retirement Community:** A community in which there is furnished, pursuant to a continuing care contract, to two (2) or more persons not related to the administrator or owner of the facility within the third degree of consanguinity, board or lodging together with nursing, medical, or other health-related services, regardless of whether the services or lodging are provided at the same location or not. It does not include an institution operating solely as a nursing home or community residential care facility licensed by the Department.
- **Group Home:** A licensed facility offering room and board, and which, unlike a boarding house, provides / coordinates a degree of personal care for a period of time in excess of twenty-four (24) consecutive hours for two (2) or more persons, eighteen (18) years old or older, not related to the licensee within three degrees of relation. Included in this definition is any facility (other than a hospital) which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities.
- **Nursing Home:** A facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two (2) or more unrelated persons over a period exceeding twenty-four (24) hours, which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

**Conditional Use:** Property uses that would otherwise be undesirable in a particular zoning district, but which may be allowed given certain requirements (‘conditions’) listed in Article 5, and subject to additional restrictions if deemed necessary by the planning staff.
Conservation Areas: A tract of land that has been awarded protected status in order to ensure that natural features, cultural heritage or biota are safeguarded. A conservation area may be a nature reserve, a park, a land reclamation project, or other area.

Cropland: Shall be defined as tracts of land of five (5) acres or greater, which is used for growing cultivated plants or agricultural produce, such as grain, vegetables, or fruit. Such use of land must be present and active (inactivity for agricultural production may last no more than two years).

Day Care Facilities:

- Adult Day Care Services: Activities and therapies offered in a day care facility for adults through an individualized plan of care which sets forth measurable goals or behaviorally stated objectives, with such services being designed to activate, motivate, and retrain impaired or other categories of adults to enable them to sustain or regain functional independence.
- After School Programs: Any organized program which invites youth to participate outside of the traditional school day. Some programs are run by a primary or secondary school and some by externally funded non-profit or commercial organizations.
- Child Day Care Facilities: Any facility which provides care, supervision, or guidance for any minor child who is not related by blood, marriage, or adoption to the owner or operator of such a facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition shall include, but shall not be limited to day nurseries, nursery schools, and day care centers, but shall exclude any residence or dwelling used for the purpose stated herein including but not limited to group day care homes and family day care homes.
- Day Care Facilities for Adults: Facilities for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based adult day care services for those adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation a day.
- Family Day Care Homes: An occupied residence in which child day care is regularly provided for no more than five children, unattended by a parent or legal guardian, including those children living in the home and children received for day care who are related to the resident care giver. Provided, however, that an occupied residence in which child day care is regularly provided only for a child or children related to the resident care giver, or only for the child or children of one unrelated family, or only for a combination of such children shall not be a family day care home.

Dedication: A gift, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Developer: A person engaging in the act of developing property.

Drive Thru Service: A type of service provided by a business that allows a customer to purchase products or conduct business without leaving their vehicle. The drive-thru area shall not impede other traffic at the business in question or interfere with or diminish the site parking requirements.

Dwelling: A structure or portion thereof, containing one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Design Standards and Illustrations for each dwelling type are included in Article 6, Section 6.2.
• **Duplex dwelling:** A building containing two single-family dwelling units totally separated from each other by an unpierced (solid) wall extending from ground to roof. Minimum roof pitch for a single story duplex to be not less than 6:12.

• **Multi-family dwelling:** A building containing three or more dwelling units, including units that are located one over the other. Minimum roof pitch for a single story multi-family dwelling to be not less than 6:12.

• **Single-family attached dwelling:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls. Minimum roof pitch for a single story single family attached dwelling to be not less than 6:12.

• **Single-family detached dwelling:** A one family dwelling that is not attached to any other dwelling by any means. Minimum roof pitch for a single family single-family detached dwelling to be not less than 6:12.

• **Single-family semi-detached dwelling:** A one family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot. Minimum roof pitch for a single-family semi-detached dwelling to be not less than 6:12.

• **Townhouse dwelling:** One of a series of three (3) or more attached one (1) family dwelling units on separate lots which may or may not have a common roof; share a common vertical exterior wall; and are separated from each other by a fire resistive party wall extending at least from the lowest floor level to the roof.

• **Two-family dwelling:** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Easement:** A grant of one or more of the property rights by the property owner of a portion of land for a specified purpose and use by the public, a corporation or other entities.

**Educational Facilities:** Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge and meets state requirements for elementary and secondary education.

**Facade:** The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof surfaces.

**Family:** One (1) or more persons related by blood, marriage, adoption or guardianship, and not more than three (3) persons not related.

**Farmers Market:** A public market at which farmers and often other vendors sell produce directly to consumers.

**Festoon Lighting:** A string of outdoor lights suspended between two (2) points.

**Financial Institutions.** Any business or use of property as a full service bank, credit union or savings and loan association. Such institutions shall be licensed or hold a certificate of registration from the appropriate State agency. This definition shall not include ‘short-term loan businesses’ as defined herein.

**Flea Market:** A swap shop or similar activity by whatever name, or those which involve the setting up of two (2) or more booths, tables, platforms, racks, or similar display area for the purpose of selling or buying merchandise, goods, material, products, or other items offered for sale inside an enclosed building.

**Floor Area:**

• **Gross Floor Area:** The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is
City of Conway Unified Development Ordinance

Article 2 – Definitions

Adopted December 12, 2011
Last Amended April 1, 2016

- Net Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. [Typically, Net Floor Area = Gross Floor Area minus fifteen (15%) percent]

Forest Management: The branch of forestry concerned with the overall administrative, economic, legal, and social aspects and with the essentially scientific and technical aspects, especially silviculture, protection, and forest regulation.

Frontage: The length of the property line of any one (1) premise serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall generally be that which abuts the street having the highest vehicular traffic volumes; but if the frontages have equal traffic exposure, then the property owner shall be permitted to designate his or her principal street frontage.

Greenhouse: A building designated or used for growing or propagating plants with walls or roof usually designed to transmit light.

Gross Surface Area: See Sign Area.

Higher Education Facility: An education institution that awards associates, baccalaureate or higher degrees. This includes colleges, universities, technological schools, and other post-secondary education facilities. This shall not include ‘Vocational Schools’ where industrial, manufacturing, automotive, or other shop-related classes and facilities are provided.

Historic Design Review District (HDRD): A geographically definable area possessing a significant concentration, linkage, or continuity of sites, structures, or objects united by past events or aesthetically by plan or physical development and locally designated and / or amended by City Council. (Section 14.1.2.A)

Home-Based Business: A gainful occupation conducted in an office within a residential structure, by a resident of the home, with no outward appearances of a business within the premises. Services of the business that are not office-related are conducted off-premises. Restrictions and guidelines for Home-based Businesses are provided in Article 5, Section 5.2.4.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Impervious surface: A man-made structure or surface, which prevents the infiltration of water into the ground below the structure or surface. Examples are buildings, structures, roads, driveways, parking lots, decks, swimming pools, and patios.

Joint Use Agreement: A joint use agreement shall be an agreement between adjacent property owners for the joint utilization of parking, shared open spaces, or pedestrian walkways.

Junk Yards: See Salvage Yards

Landscaped Area: An area of various plantings such as shrubs, trees, turf, flowers, bushes, and water features that enhances the aesthetic ecological and economic value of property.

Lot: An area, plot, parcel, or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Horry County.
Low Impact Development (L.I.D.): A common term for nonstructural stormwater measures that can be easily incorporated into any development site design to optimize the land’s ability to locally absorb stormwater, thus capturing pollutants on-site and preventing major environmental impacts downstream. Low-Impact-Development practices, such as bioretention swales, rain gardens, constructed wetlands, porous pavers, vegetated buffers, green roofs, etc., mimic the natural hydrologic absorption functions by utilizing absorptive soils and local plant communities that enhance localized treatment and infiltration of excess precipitation. Also, L.I.D. includes various cost benefits for the developer, such as less required stormwater infrastructure, irrigation water savings, nicer aesthetics, and better climate insulation through green roofs.

Mechanical Equipment: All equipment included for the purposes of HVAC, standby electrical generator(s) or similar equipment.

Mini-Storage Warehouses: See Self-Service Storage Facilities

Mobile Food and Beverage Vending Unit: A motorized or otherwise mobile unit, truck, or cart that is readily movable and from which non-alcoholic beverages and / or ready-to-eat food is heated, wrapped, packaged, processed or portioned for service, sale or distribution. The term shall also be known as “vending unit” in Section 5.1.15.

Mobile Food and Beverage Vendor: Any person who sells or offers for sale food or non-alcoholic beverages or distributes food or non-alcoholic beverages free of charge, from a Mobile Food and Beverage Unit in areas authorized by City Ordinances. The term shall also be known as “vendor” in Section 5.1.15.

Mobile Home: Any structure on a chassis and designed to be used without a permanent foundation as a dwelling.

Mobile Vending: The act of selling food and / or non-alcoholic beverages from a mobile food and beverage vending unit.

Modular Building Unit: Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile home, constructed off-site in accordance with the current International Building Code Certification for windloads in our area, and transported to its ultimate site from the factory and assembled on a permanent foundation. Modular homes may consist of one or more stories. The primary roofline must be a minimum 6:12 roof pitch. A copy of the Current International Building Code Compliance report must be reviewed before installation.

Multi-family: One or more persons related by blood, marriage, adoption or guardianship, and not more than four (4) persons not related.

Name and Address Plates: A sign bearing only the name of the principal occupant and/or the street number.

Newsstands: A newsstand is a small business that sells newspapers, magazines, snacks and often items of local interest such as postcards. The physical establishment can be either freestanding or part of a larger structure (e.g. a shopping center).

Nightclub: An establishment engaged in the sales and service of alcohol for on-premise consumption, whereby a patron may be charged an entry fee or membership dues for their patronage, which may also include dancing or live entertainment. This does not include Adult Entertainment establishments, which are elsewhere defined and regulated in this code of ordinances.
Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Sign: Any sign lawfully existing on the effective date of any ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Nonconforming Structure: A structure or building, the size, dimensions, or location or which was lawful prior to the adoption, revision, or amendment to the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nurseries: Also referred to as “Garden Centers”. A retail firm that sells products and services outside of a permanent building or structure, limited to the selling and delivering of goods, wares, merchandise, and services associated with gardening, farming and landscaping.

Outdoor Dining: Dining not wholly conducted inside a completely enclosed building with solid walls, whether on public or private property.

Overlay District: A specifically delineated district that encompasses all or part of one or more zoning districts and imposes additional requirements above that required by the underlying zone.

Parapet: A false front or wall extension above the roof line.

Parking Area: An off-street, ground-level open area including parking spaces, aisles, and access ways usually improved, for the temporary storage of motor vehicles.

Passive Open Space: Areas where recreational activities are engaged in by individuals or small groups, not dependent on a delineated area designated for specific activities.

Pasture Land: Shall be defined as; tracts of land of 5 acres or greater, on which grass or other vegetation is grown and eaten as food, and is set aside for use by domestic grazing animals. Such use of land must be present and active. Potential use of land as pasture does not qualify under this definition.

Performance Standards: A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

Planting Strip: The portion of a street between the constructed curb and property line, (exclusive of the sidewalk and / or bike path area) planted with grass and / or trees. Provided, that if there is no constructed curb, then the “planting strip” means that portion of the street lying between a constructed sidewalk and the property line: Provided further, that if there is no constructed curb or constructed sidewalk, then planting strip means that portion of the street lying between the traveled way and the property line, exclusive of any established pedestrian path.
Premises: A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Produce: Produce includes fresh fruits and vegetables grown non-commercially for personal consumption, small markets, and produce stands.

Professional Use: A business housed in an office that provides professional services, research and information, rather than the selling or manufacturing of goods. This includes real estate, insurance, attorneys, accountants, government offices, architects, medical professions, and other services of a similar nature and function.

Recreational Activity: Any activity performed during one’s leisure or free time. Recreational activities are often done for amusement, enjoyment, or pleasure and are considered to be ‘fun’. See Active and Passive Recreational Activities.

Religious Institutions: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. See Section 5.1.2 for additional standards regulations regarding Religious Institutions.

Reservation: An obligation, shown on a plat or site plan, to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

Reserve Strip: A strip of land (usually only a few feet wide) owned privately, and set aside around a development in order to prevent access to adjacent property by way of development streets.

Restaurant: An establishment where food and drink are prepared and served on site or picked up for off-premise consumption. A restaurant shall be considered an establishment whereby sales of food or other goods constitute at least 60% of total revenue, and sales of alcohol comprises no more than 40% of total revenue. Establishments generating greater than 40% of total revenue from alcohol sales shall be considered a bar or tavern. See definition for ‘Bar or tavern.’

Rubble Landfill: The use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be nonreactive, and includes rubble, concrete, broken bricks, and block.

Salvage Yards: The use of premises for open storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of contractor’s equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, beds or bedding, or any other kind of scrap or waste materials.

Satellite Dish Antennas: A dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

Self-Service Storage Facilities: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Service Station: Any building or premises used for the retail sales of motor vehicle fuels, oils and accessories, and for servicing, installing, or repairing parts and accessories, but not including the repairing of bodies, or fenders of motor vehicles, or painting motor vehicles.
Setback: The required minimum distance between the nearest portion of a structure (including roof overhangs) and the nearest property line or portion thereof. Structures or portions thereof which do not exceed twelve (12”) inches in height and removable mechanical equipment shall not be considered part of the structure for the purpose of determining minimum setback requirements.

- **Front yard setback** – required undeveloped yard area between the principal structure and the front property line.
- **Rear yard setback** – required undeveloped yard area between the principal structure and the rear property line.
- **Side yard setback** – required undeveloped yard area between the principal structure and side property lines.

Shared Parking Plan: An arrangement between two or more parties whereby they agree, through a written instrument, the use of each other’s designated parking areas jointly so as to satisfy the parking requirements, as set forth in this and other ordinances, of each party in that arrangement.

Sidewalk Café: An area in the public right of way used by a restaurant to provide outdoor tables and seating to their patrons.

Specialty Foods Store: A retail establishment selling a particular type of food product or a specialized type or category of foods; unlike a grocery store, which sells a wide variety of fresh produce, meats and common staple foods. This includes, but is not limited to gourmet food stores, imported food stores, bakeries, delicatessens, cheese shops, organic food or beverage stores.

Small Loan Businesses: Office or retail establishments specializing in providing check-cashing or unsecured short-term loan services. This includes but is not limited to check-cashing stores, short-term loan businesses, payday loan stores, and title loan shops. These establishments shall not be considered ‘financial institutions’ as defined herein.

Sporting Goods Store: Sale of athletic equipment, gear and apparel associated with a sport or leisure activity. This definition specifically excludes the sale or repair of motorboats, motor vehicles, and motors.

Storage Unit (Portable): A boxlike container transported by truck to a desired location. Container is moved from the bed of the truck to the ground and back using a hydraulic metal framework or similar device. Storage Unit (portable) is also known as Portable On Demand Storage (PODS).

Storefront: For the purposes of the Central Business District, a ‘storefront’ shall be considered the front seventy-five percent (75%) of ground level floor space of a building facing a street within the district.
**Street:** A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the City of Conway, Horry County or the South Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to this Ordinance.

**Street, Half:** A proposed vehicular travel-way intended to be developed by constructing one-half of a required width of a street with the remainder to be provided at some future date.

**Street, Marginal Access:** A local street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

**Street, Private:** A vehicular travelway not accepted as a public street.

**Street Right-of-Way:** A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical identification signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

**Strip Commercial:** Strip commercial development refers to a type of retail development that is typified by buildings that are one story deep, one-story with direct access to major highways or arterials and oriented and developed to maximize accessibility to the automobile. Other characteristics include minimal building design, heavy signage, parking located between the building and fronting street, minimal open space and landscaping, high percentages of impervious surface, and limited pedestrian accessibility.

**Structure:** Any manmade object temporarily or permanently fixed to the earth's surface as a result of its construction and/or assembly. It shall include, but not be limited to residential, commercial, industrial and civil buildings as well as “hard” infrastructures designed for societal support.

**Tattoo or Tattooing:** To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, nor the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

**Teen Dance Club:** A place of entertainment offering music and dancing specifically for patrons under the age of 21. This definition excludes adult entertainment.

**Thoroughfare Plan:** A plan, adopted by the City Council, and as may from time to time be amended, for the development of existing and proposed major streets that will adequately serve the future travel needs of the area in an efficient and cost-effective manner.

**Trade School:** See Vocational schools.

**Traffic Calming:** Transportation techniques, facilities, or programs designed to slow the movement of motor vehicles.

**Transmission Towers, Wireless, Cellular of Communication Towers** - Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas or satellite dishes.
Utility Lines: Any conduit deemed necessary for a competent that is designed for societal support (infrastructure).

Vocational Schools: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. Vocational schools shall differ from ‘Higher Education Facilities’ where there are industrial, manufacturing, automotive, or other shop-related classes and facilities.

Wetlands: Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Xeriscaping: A trademark used for a landscaping method that employs drought-resistant plants in an effort to conserve resources, especially water.

Yard: A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.

- **Front Yard (1):** A space extending the full width of the lot between any building and the front lot line. For corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard at the side property line shall be known as a **Corner Front Yard (4).**

- **Rear Yard (2):** A space extending across the full width of the lot between the principal building and the rear lot line. For corner lots, the rear yard shall be that yard on the opposite side of the building from the front lot line.

- **Side Yard (3):** A space extending from the front yard to the rear yard between the principal building and the side lot line. (See Figure)

Yield Plan Method: Exhibits the base density allowed in the underlying zone minus areas protected through sensitive area designation in a subdivision plan.

Zoning District: A specifically delineated area on the Official Zoning Map within which uniform regulations and requirements govern the use, placement, spacing, size of land and buildings, signage, landscaping, etc.

Zoning Permit: A document signed by the Zoning Administrator, as required in this document (UDO), as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the UDO or authorized variance there from.

Amended 8-5-13, #ZA2013-08-05 (A)
2.2.2 Sign-related Definitions

Refer to Article 11 for Signage Regulations.

**Animation:** The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any part of a sign shall be considered to be animation. Also, included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion. Time and temperature units and electronic message centers are not included in this definition.

**Sign:** Any device designed to attract the attention of the public for commercial or advertising purposes that is attached, painted or otherwise affixed to, or a part of a building, structure, material, surface, vehicle, or object. Integral decorative or architectural features of buildings except letters or trademarks, fences, walls and works of art, which are noncommercial in nature, are not to be construed as being a sign. Sign shall include any artificial light source, time or temperature units, clocks and any device that animates or projects a visual representation that attracts the attention of the public for commercial purpose.

**Sign Area** (also referred to as the gross surface area): The square foot area individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting structure or bracing. The aggregate sign area is the summation of the area of all sign faces combined.

**Sign Copy:** The portion of a sign which contains the name, logo, advertising message, or business identification and consists of all such symbols, letters, figures, insignia, illustrations, messages or forms. Sign copy does not include the border, molding or decorative framing.

**Sign Face:** The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not. In the case of signs designed with integral sign face and sign structure, the blank (support) area equivalent to a maximum of 50% of the allowable sign area shall be exempt from computations of sign area.

**Sign Height:** The vertical distance measured from the lowest adjacent street crown grade to the top of the sign face or sign structure, whichever is greater.

**Sign Panel:** The primary surface of a sign that carries the identifying/advertising message.

**Sign Structure:** A supporting structure erected or intended for the purpose of identification or advertising with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence. If the total width of the sign structure exceeds fifty (50) percent of the total width of the sign face, the sign structure area shall be included as part of the sign area.
Sign Types

Abandoned Sign: Any sign that advertises a business, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

Awning Sign: Signage or text located on the front face of an awning projection. (Section 11.4.3)

Banner: A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of flexible material with or without frame. The term banner shall include flags, pennants, life rafts, floats, spinners, streamers, kites, balloons, (but not dirigibles) and/or similar types of lighter than air objects, or any other material or outside advertising display fastened in such a manner as to move upon being subjected to movement of the atmosphere or any mechanical device.

Billboard: A sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. Such signs are also known as outdoor advertising display signs. (Section 11.4.14)

Building Identification Sign: A sign bearing only the name, number(s), letter(s), and/or symbol(s) which identifies a particular building or occupant.

Changeable Copy: An element of a sign in which a message is changed manually in the field, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels.

Directional Sign: A sign permanently erected or permitted in the public right-of-way or private property by the state of South Carolina, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine, or hospital, to direct and regulate traffic, to denote any railroad crossing, bridge, or other transportation or transmission company for the direction or safety of the public.

Directory Sign: A sign listing the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center. Such a sign contains no other identifying/advertising message than that listed above. (Section 11.4.9)

Electronic Message Center: A type of sign that presents its message through internal illumination of flashing, intermittent, or moving lights forming the letters, numbers, or symbols of the message, whether or not the message appears to move across the sign face. (Section 11.4.10)

Fixed Projecting Sign: A plaque mounted on a wall, projecting 90 degrees from the building wall.

Freestanding Post Sign: A sign supported by a structure on two posts that are placed in the ground and which is wholly independent of any building, fence, vehicle or object other than the structure for support. (Section 11.4.7)

Grandfathered Signs: Signs, or sign hardware, of historic significance, such as those relating to an original business, that have a built-in nature to a significant form or style of historic architecture, or the nostalgic name of a business that has come to define a site for a long period of time.
Handbill (circular): A sign that is distributed to the public or placed on vehicles, buildings, structures, objects or surfaces as part of said distribution.

Hanging Sign: Hanging signs and suspended signs, sometimes called “blade signs”, are used to help define entries and identify business names to pedestrians. They are small and can hangover a building entry if the appropriate clearance is provided (Section 11.4.5).

Historic Identification Signs: Small date markers, “National Register” identification plaques, history signs or site identification markers that are part of a local or regional tourism initiative.

Iconic Sign: A sign whose form suggests its meaning. It may be sculptural in style and demonstrates extraordinary aesthetic quality, creativity or innovation. They typically have characteristics of art, going beyond simply advertising the why and where. It typically refers to an object in symbolic form.

L.E.D. Sign: A sign or portion thereof that displays electronic images, graphics, numbers, prices, or other text information using different combinations of light emitting diodes (LEDs).

Menu Sign: Menu signs shall be allowed only with a restaurant having a drive-through window. The color of such signs shall be similar to the main building or other signage for the development. (Section 11.4.17)

Monument Sign: A sign in which the entire bottom of the sign face is in contact with a solid and continuous structure which is attached to the ground and made of brick, stone, or other material architecturally compatible with the principal building on the lot with which it pertains. (Section 11.4.6)

Nonconforming Signs: Any sign, which was granted a permit and was erected or displayed prior to the effective date of this Ordinance or subsequent amendments thereto which does not conform with the standards of this Ordinance.

Off-Premises Sign: A business sign which directs the attention of the public to a business, activity conducted, or a product sold or offered at a location not on the same premises where such business sign is located. (Section 11.4.14)

Official Business Directional Sign: A sign erected and maintained by the state or any entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

Pole Sign: A sign supported by a structure on one pole that is placed in the ground and which is wholly independent of any building, fence, vehicle or object other than the structure for support.

Political Sign: A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote. (Section 11.5.6).

Portable Sign: Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. The term includes on wheels or on portable structures, tent signs, A-frame signs, sidewalk and sandwich signs and similar devices and any sign not secured or securely affixed to the ground or a permanent structure.

Private Traffic Directional Sign: A sign which is on-premise consisting of type and/or an arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety.

Projecting Sign: Projecting signs are attached to a building face and project out perpendicular to the building wall (Section 11.4.4)
Real Estate Sign: A temporary sign erected by the owner, or his or her agent, advertising the real property upon which the sign is located for rent, for lease, or for sale.

Residential Subdivision Sign: The purpose of residential subdivision signs is to identify the name of a subdivision, provided the subdivision is not an in-fill project within an established neighborhood. They are usually monument signs or wall signs placed on a wall feature in a landscaped open space area at the entry of the development. (Section 11.14.12)

Roof Sign: A sign erected over or on, and wholly or partially dependent upon thereof of any building for support, or attached to the roof in any way.

Sandwich Board Sign: Sandwich-board signs can be effective for certain types of uses, such as markets, restaurants, or bakeries that have changing specials and menus. These sign may have re-writable surfaces, such as chalkboards or dry-erase boards. (Section 11.4.16)

Shopping Center Identification Sign: Shopping center identification signs are used to provide sign names of tenants along the street frontage of a shopping center. (Section 11.4.11).

Snipe Sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise poles, stakes, or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Special Event Sign: A sign which carries a message regarding a special event or function which is of general interest to the community.

Swinging Projecting Sign: A sign projecting from the outside wall or walls of any building which is supported by only one (1) rigid support, irrespective of the number of guy wires used in connection therewith.

Temporary Sign: Any sign or information transmitting structure intended to be erected or displayed for a limited period, as provided by Article 11, Section 11.5.

Time and Temperature Sign: An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community. (Section 11.4.13)

Vehicle Sign: A permanent or temporary sign affixed, painted on, or placed in or upon any vehicle, trailer or other device capable of being towed, the primary purpose of which is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle, provided that this definition does not include any signs which are required by any unit of government and does not include a single sign placed on a single vehicle or trailer at a residence of an individual which sign identifies the vehicle or trailer as being for sale.

Wall Sign: Any sign that shall be affixed parallel to the top of the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided however, said wall sign shall not project above the tip of the wall or beyond the end of the building. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign. (Section 11.4.1)

Window Sign: Any sign which is painted on, applied to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within fifteen (15) feet of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any form which communicates information, can be read from off premises contiguous property or public right-of-way. (Section 11.4.2)
2.2.3 Industrial District Definitions

**Agricultural Processing:** Processing of foods and beverages from agricultural commodities, but excludes animal slaughtering. Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats (from purchased, previously slaughtered animals).

**Agricultural Research:** Agricultural research use type refers to establishments for experimental greenhouse and field growing of agricultural commodities, landscaping and seeds, including experimental use of herbicides, pesticides and other agricultural practices.

**Alternative Energy Production:** Energy production sites dedicated to the commercial production of electricity by means of wind, solar, or other non-petroleum energy sources.

**Custom Manufacturing:** Custom manufacturing refers to the on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools, individually powered tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, custom cabinet making, crafts making, candle making, custom jewelry manufacturers, woodworkers, custom furniture craftsmen, metal craftsmen, blacksmiths, glass blowers.

**High Technology (Hi-Tech) Industry:** Research, development and controlled production of high-technology electronic, industrial or scientific products. Typical uses include biotechnology firms and computer component manufacturers.

**Light Industrial:** Production processes which use already manufactured components to assemble, print or package a product such as cloth, paper, plastic, leather, wood, glass or stones, but not including such operations as paper, saw or mills, steel, iron or other metalworks, rolling mills, or any manufacturing uses involving primary production of commodities from raw materials. By the nature of the activity performed and/or the scale of the operation, these uses can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products finishing, furniture production and production of fabricated metal products.

**Heavy Industrial:** Heavy industry refers to production processes, which should not be located near residential or commercial uses due to the insensitive nature of the industrial activity and/or the scale of the operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may be required for some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include equipment or vehicle manufacturing, sawmills, textile dying, leather tanning, hazardous chemical production, petroleum refining, primary metal processing and production of explosives or propellants.

**Wholesaling, Storage, and Distribution.** Wholesaling, storage and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage and bulk sale distribution including but not limited to, air handling of material and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types:

- **Light:** Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
- **Heavy:** Distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.
Article 14. Boards and Procedures

Article 14 Boards and Procedures

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Section 14.1 - Community Appearance Board

14.1.1 Community Appearance Board

The City of Conway Community Appearance Board (CAB), hereinafter referred as the “CAB”, is composed of seven (7) members appointed by the Conway City Council. The Board is created to serve as an architectural review board as authorized by SC § 6-29-870. It is the declared policy of the City Council that it will consider and approve only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and ability to prepare for and attend meetings.

Membership of the Board shall at all times include not less than one (1) nor more than two (2) members who are serving in professionally designated seats as AIA-certified architects. The person serving in the designated licensed architect or landscape professional seat is permitted to serve beyond the maximum term limit until a replacement member meeting the professional designation qualifications is found. All other members of the CAB shall have a demonstrated interest in, and/or competence and knowledge of, architecture, landscape architecture, and urban design.

14.1.2 Duties and Powers

A. Historic Design Review Districts (HDRDs).

1. The CAB will have specific duties pertaining to Conway’s local, Historic Design Review Districts (authorized by SC § 6-29-870) in which it is the CAB’s duty to:
   a. To protect and promote the appearance, character, and economic value of all development located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District. This shall be accomplished through the issuance of Certificates of Appropriateness (COAs) for the building or property owner to commence work or apply for a zoning permit with the City, and/or if the proposed work requires a building permit.
   b. To oversee the survey and inventory of historic properties, and assure the survey is conducted in accordance with the professional standards which are complementary to the standards of the State Historic Preservation Office.
   c. To recommend the designation and nomination of buildings, structures, sites, objects, districts, or individual property to the State Historic Preservation Office for inclusion in the National Register.
   d. To recommend to City Council the inclusion of additional historic districts and the expansion of the size of existing historic districts.
   e. To review, and approve or deny, all applications for proposed new commercial developments to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.
   f. To review, and approve or deny, all applications for alterations and/or additions to existing commercial developments to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.
   g. To review and approve or deny, all applications for permits to build, alter, or demolish any building or structure located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.
h. To review, approve or deny, landscape plans for all developments within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

i. To review, approve or deny, landscape plans proposed by the City of Conway or any other state or federal agency for public rights-of-way or for publicly owned property located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

j. To review, and approve or deny, architectural plans for facilities proposed by the City of Conway or any other state or federal agency to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

k. The CAB will act as the official "reviewing authority" for the City of Conway to review, and approve or deny, all applications for a 15-year Local Property Tax Abatement incentive offered through Conway's adoption of state authorizing legislation (Sections 4-9-195 and 5-21-140, SC Code of Laws, 1976, as amended). The process will require full CAB review procedures for any owner-occupied residence or income-producing building located within any locally designated Historic Design Review District, National Register Historic District, those properties listed individually to the National Register of Historic Places, or any other building 50-years old, or older, within the City limits, that an owner voluntarily submits their planned work through said review. Official approval must be stated by the CAB in writing to the Conway Planning Department that the proposed and completed rehabilitation work is appropriate for the (historic) building in question and/or the historic district in which it is located, and verify that individual expenditures for rehabilitation have exceeded the locally designated minimum expenditure of 25% of the fair market value of the building.

2. The purpose of establishing each Historic Design Review District is to protect and enhance the aesthetic and visual character of each individual district and all development in the traditional, established portions of the City of Conway. This will provide for economic growth and stability through the preservation of property values. The design review process is not intended to stifle innovative architecture but to assure respect for surrounding uses and reduce incompatible and adverse impacts on the visual experience and irreplaceable building resources. To accomplish this, the CAB has produced the "Historic Design Review Districts: Community Appearance Guidelines" to aid in reviewing proposed work to existing structures, site improvements, signs, and landscaping, in addition to those standards pertaining to the particular base zoning district in which the development occurs.

a. The boundaries of the Historic Design Review Districts shall include all parcels located in the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, Waccamaw Riverfront Historic Design Review District.

b. Once the CAB determines that an application for a material change in appearance and/or new construction within a designated local Historic Design Review District (or on property voluntarily put up for CAB review) will not adversely affect the Historic Design Review District or the architectural significance of an individual historic resource, a Certificate of Appropriateness (COA) is given to the building owner to commence work or apply for a zoning permit with the City, and/or if the proposed work requires a building permit. Such required Historic Design Review process shall be in accordance with the Requirements set forth in Section

c. No zoning permit shall be issued for the alteration of the existing conditions of the lands, uses, or structures within the Historic Design Review District except in accordance with the requirements stated herein. This includes construction of new structures, renovations to existing structures, installation of new or replacement signage, and removal of trees and/or natural vegetation. The CAB will review changes being proposed to the form or appearance of an existing resource that can be seen from the public right-of-way in the Main Street Corridor Historic Design Review District and on proposed changes (or new construction) of all sides of structures in the Downtown and Waccamaw Riverfront Historic Design Review Districts. The CAB may waive the design review requirements if a portion of the project will not be visible from a public right-of-way once the project is completed.

d. Prior to the issuance of a Certificate of Appropriateness to obtain a City zoning permit, applicants shall submit two copies of all relevant information deemed necessary by the CAB and/or the Planning Director in order for the Board to approve or deny the application. Relevant information may include but shall not be limited to site plans illustrating the location of existing structures and proposed new structures and/or additions; landscape plans illustrating the location of existing landscaping and proposed new landscaping; building designs and facade drawings of the front, sides, and rear of all proposed new structures and/or facades proposed to be renovated; plans for existing signage and proposed new signage; color samples of paint, brick, shingles, siding; topographic surveys; tree surveys; and lighting plans. Such required plans shall be submitted in accordance with the requirements set forth in Section 14.1.4.

B. Local Historic Register of Individual Properties.

Based on the criteria below, individual properties that have been requested by the property owner(s) to be added to the City of Conway Historic Property Register shall be reviewed by the CAB and a recommendation forwarded to the Conway City Council for the consideration of approval. These records shall be held in the City of Conway Planning Department and made available to the public. The process of review shall include property owner notification and a public hearing. See Section 13.1.7.

1. Designation.

If the owner(s) of the property initiate the request, the CAB shall make recommendations for historic properties for local historic designation to the Conway City Council based on one (1) or more of the following criteria:

a. Has significant inherent character, interest, history, or value as part of the community or heritage of the community, state, or nation; or
b. Is the site of an event significant in history; or
c. Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
d. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
e. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering; or
f. Is the work of a designer whose work has influenced significantly the development of the community, state, or nation; or
g. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
h. Is part of or related to a square or other distinctive element of community
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14.1.3 Historic Design Review and Community Appearance Requirements

A. Purpose.

1. This section establishes requirements for the comprehensive review of development to implement the goals and policies of the City of Conway’s Comprehensive Plan and the “Historic Design Review Districts: Community Appearance Guidelines”, which shall also be referred to the Community Appearance Guidelines in this Article.

B. Applicability of Historic Design Review.

1. All projects that require a land use or building permit or will affect the exterior appearance and/or new construction of any building or property within Conway’s local Historic Design Review Districts shall be subject to Historic Design Review in compliance with Article 14.1.2(A) and this Article. Property owners located in the Conway Residential National Register Historic District, only, are recommended to follow the Community Appearance Guidelines, on a voluntary basis.

2. In addition, public projects such as sidewalk installation and other streetscape and pedestrian / bicycle improvement projects within the historic districts shall be subject to CAB review.

3. In addition, projects that require a land use or building permit or will affect the exterior appearance and/or new construction of any building or property that meet the requirement for “Voluntary Historic Property Review” shall be subject to Historic Design Review in compliance with this Article and may gain additional local tax benefits offered by the City (see Article 14.1.3(G) below).

C. Building permits.

1. No City Zoning Permit, and/or if the project requires a City building permit, shall be issued for any project until the project has been evaluated through the CAB Review process and a Certificate of Appropriateness with appropriate permits has been issued.

D. Requirement for a Certificate of Appropriateness.

1. Any articles of this Unified Development Ordinance (UDO) related to historic preservation shall pertain to the exterior material appearance of a building, structure, work of art, and site as a whole, or a combination thereof. Upon designation and inclusion of a district or individual landmark within the Historic Design Review Districts, a Certificate of Appropriateness shall be issued by the CAB for work on projects prior to the issuance of a zoning and/or building permit for any material change in the exterior appearance of a structure or site, and or new construction.

2. A property owner may voluntarily submit their property to the CAB for a full historic design review (see Article 14.1.3(G) below). More information may be found in the Community Appearance Guidelines, Section A (Chapter 2.2), "Certificate of Appropriateness Approval Matrix".

E. Amendments to the Historic Design Review Districts.
1. Local designations for historic districts or individual landmarks may be proposed to be established or proposed to be rescinded by the City Council, the CAB, the Planning Staff, and the property owner(s). Local designations shall be considered as amendments to the Historic Design Review Districts. The City Council is the authoritative body that approves and adopts the historic design review district additions and/or boundary changes.

2. The Historic Design Review Districts and Historic Design Review Maps may be amended from time to time to include new or separate, noncontiguous designated historic districts, to modify existing local historic districts, to designate historic landmarks, or for other reasons, provided such an amendment conforms to the provisions of this Article.

F. Affirmation of Building Regulations and Community Appearance Guidelines.

1. Nothing in this section shall be construed so as to exempt property owners or occupants from complying with applicable building codes, nor prevent any property owners or occupant from making use of the property not prohibited by other statutes, ordinances, or regulations.

2. The City of Conway “Historic Design Review Districts: Community Appearance Guidelines” are standards for evaluating proposed material changes to structures located within Historic Design Review Districts. These guidelines are intended to offer guidance to owners and occupants, architects, developers, and other individuals contemplating restoration, remodeling, or new construction on how to maintain the architectural integrity of the structure and district as a whole.

3. The CAB shall review and make recommendations to City Council to amend the Community Appearance Guidelines. The Community Appearance Guidelines shall be approved and adopted by City Council. Nothing in this section shall be construed so as to exempt property owners and occupants from complying with applicable design and construction guidelines.

G. Voluntary Historic Property Review Requirement.

1. A property owner may choose to follow the standards of the Community Appearance Guidelines and comply with the full requirements and procedures of Historic Design Review for additional local tax benefits (inquire with Conway Planning Department for more information) or other purposes, if the following items are applicable:
   a. The structure being reviewed is fifty (50) years or older;
   b. The structure is a current contributing structure to one of Conway’s National Historic Register Districts as recorded in the National Register of Historic Places with the National Park Service of the United States;
   c. The structure is currently individually listed on the National Register of Historic Places with the National Park Service of the United States.

H. Criteria for Relocations.

1. A decision by the CAB approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
   a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting.
   b. Whether there are definite plans (provided by the project applicant) for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
   c. Whether the building, structure, or object can be moved without the significant damage to its physical integrity.
   d. Whether the proposed relocation is compatible with the historic and architectural character of the building, structure, site, or object.
City of Conway Unified Development Ordinance

Article 14 – Boards and Procedures

I. Criteria for Demolition.

1. A decision by the CAB approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees, or objects (judged to be fifty (50) years old or older) shall be guided by:

   a. The historic, scenic, or architectural significance of the building, structure, or object.
   b. The importance of the building, structure, site, or object to the ambiance and/or recorded history of a district.
   c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its unique design, texture, material, detail, craftsmanship or location.
   d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, city, county or nation.
   e. Whether there are definite plans for use of the property (provided by the project applicant) if the proposed demolition is carried out and what the effect of those plans on the character of the surrounding area will be.
   f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.
   g. Whether the building, structure, site, trees, or objects is capable of earning reasonable economic return on its value (existing or potential rehabilitated condition).
   h. The protection of historic trees shall meet the City of Conway Tree Preservation Ordinance.

J. Variances for Undue Hardship.

1. Where, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the CAB shall have the power to vary strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided that such variances or interpretations do not compromise the architectural or historical integrity of the property. In granting variances, the CAB may impose reasonable and additional conditions as deemed necessary. Any undue hardship shall not be a situation of the person's own making.

2. Within sixty (60) days after receiving written notification from the CAB of the denial of a Certificate of Appropriateness for a proposed alteration or construction, an applicant may seek relief on the ground of hardship pursuant to this section. In order to prove the existence of hardship, the applicant shall establish that the property, without the owner's proposed alteration, is incapable or earning a reasonable return, regardless of whether that return represents the most profitable return possible. The applicant shall have an opportunity to demonstrate undue hardship if the CAB approves a request with additional conditions and additional work to be provided.

3. An application for a Certificate of Appropriateness on the grounds of hardship shall include:

   a. A verifiable estimate of the cost of the proposed construction or alteration and an estimate of any additional cost that would be incurred to comply with the recommendations of the CAB for changes necessary for the issuance of a Certificate of Appropriateness.
   b. An estimate of the market value of the property in its current condition; and after completion of the proposed construction or alteration and after renovation of the existing property for continued use.
   c. Any listing(s) of the property for sale or rent, price asked and offers received, if any, within the previous two years.
d. The assessed value of the property according to the two most recent Horry County assessments; and  

e. An indication of the form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.  
f. Any other information the CAB needs in order to make its hardship decision.  

4. The CAB shall act on the hardship application at a public meeting of the CAB, at which time an opportunity will be provided for proponents and opponents of the application to present their views.  

5. The applicant shall consult in good faith with the CAB, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.  

6. All decisions of the CAB should be within forty-five (45) days of the submission to the CAB of the completed application and shall be in writing. A copy of any CAB decision shall be sent to the applicant by mail, with a copy forwarded to the Planning Director. The CAB’s decision shall state the reasons for granting or denying the hardship application. If the CAB does not act on the application within forty-five (45) days, the hardship application shall be deemed denied.  

7. No exterior building permit or demolition permit shall be issued while the hardship application is pending. The CAB shall make a determination on whether a hardship exists. Building and demolition permits shall be issued in accordance with that determination but for only such work as is necessary to alleviate the hardship.  

8. A person who may have substantial interest in any decision of the CAB or any officer or agent thereof may appeal to the circuit court in Horry County, SC (filed within 30 days after the decision of the CAB), which is referenced in SC Code 6-29-900.  

K. Maintenance of Historic Properties.  

1. Ordinary maintenance and repair is any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, and which does not result in a change in the existing appearance and materials of a property. The Conway CAB has the authority to determine whether or not the definition of ordinary maintenance and repair applies to any given project or application for design review. Ordinary maintenance and repair does not require the approval of a Certificate of Appropriateness. Some ordinary maintenance and repair may still require a City building permit application. Examples of this type of work can be found in the Community Appearance Guidelines, Section A (Chapter 2.2), “Certificate of Appropriateness Approval Matrix”.  

2. Property owners of individual properties within a designated historic district or of designated historic landmarks shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The CAB shall be charged with the responsibilities regarding “deterioration by neglect” (the willful lack of maintenance, usually preventable, leading to the demise of a historic building) without known Variance for Undue Hardship, in the following cases below.  

a. Notice to owner to remedy. If the CAB determines a property owner has failed to provide ordinary maintenance or repair (including but not limited to damaged windows, doors, siding, foundation, or roof structure), the CAB shall deem (by majority vote) that Planning Department staff notify the property owner and set forth the steps which need to be taken to remedy the situation. The property owner shall have 180 days in which to resolve the situation.  

b. Failure by owner to remedy. If the condition is not remedied within 180 days, the owner shall be subject to the enforcement provisions as specified in Article 15 or upon authorization and at the direction of the City Council. The CAB shall make the determination of what means are
necessary to remedy this situation and prevent deterioration by neglect. The property owner shall be liable for the cost of such maintenance or repair. The cost of such maintenance or repair shall be a lien against the real property. The lien shall attach to the real property at the time of payment of all costs of maintenance or repair by the City of Conway.

L. Design Guidelines for Local Historic Register of Individual Properties.

1. Intent: It is the intent to ensure that properties designated in the Local Historic Register of Individual Properties shall remain in harmony with the architectural and historical character of Conway, South Carolina. In granting a Certificate of Appropriateness, the CAB shall take into account the following:
   a) The architectural and historic significance of the structure.
   b) The exterior form and appearance of any proposed additions or modifications.
   c) The effect of such change or additions upon other structures in the vicinity.

2. General Design Review Guidelines: When considering an application for a Certificate of Appropriateness, the CAB shall use the Secretary of Interior Standards for Rehabilitation as guidelines in making decisions. When appropriate, the CAB can also refer to the “Historic Design Review Districts: Community Appearance Guidelines” when making decisions.

14.1.4 Site Design and Architectural Plan Submittals

A. Site plans shall meet all applicable zoning requirements including but not limited to setbacks, parking, and landscaping. In addition, the CAB shall review site plans in order to insure compliance with the following standards.

1. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.
2. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of surrounding parcels.
3. Where it is reasonable and practical, proposed structures shall not impede scenic views from the main road, from existing structures, or from natural settings.
   a. Although maximum site densities and special site requirements defined for particular zoning categories in the Unified Development Ordinance shall be preserved, proposed structures shall not dominate an adjacent building or surrounding development in an incompatible manner.
   b. The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape. Extreme care shall be given to the preservation of existing natural vegetation on the site and shall be incorporated into proposed landscape plans.
   c. Plant materials shall be selected and placed with regards to the estimated mature height and width of such materials.
B. Architectural Design Standards.

Structures shall meet all applicable Building Code requirements. In addition the CAB shall review building design and materials in order to insure compliance with the City of Conway’s visual character.

14.1.5 Design Review Procedures for Applicants and Application Process

A. Appearances.

The applicant of any party in interest may appear in person or by agent. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of any applicant.

B. Calendar.

Applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Applications shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

C. Submittal of Information.

Applicants shall submit all information deemed necessary by the CAB in order for the board to approve or deny the application. The deadline for applicant’s submittals will be ten (10) days prior to the CAB meeting in order to be placed on that meeting’s agenda.


1. Design Review Procedures for Historic Design Review Districts and for Local Historic Register Properties that require Certificates of Appropriateness.

Depending on the level of work proposed based on the matrix found in Section A of the “Historic Design Review Districts: Community Appearance Guidelines”, the CAB will allow the Planning Department staff to suggest a non-public, Administrative Approval with the CAB knowledge and signed agreement for a quicker issuance of a Certificate of Appropriateness for a Zoning Permit.

   a. Conceptual Review. Applicants are encouraged to meet with the Planning Director prior to the preparation of working drawings and specifications. The purpose of the meeting shall be to familiarize applicants with the City of Conway CAB and the “Historic Review District: Community Appearance Guidelines”. Applicants may meet with the CAB to review a general design concept of a proposed project.

   b. Preliminary Review. The CAB shall review each application to determine if it adheres to the design review criteria. If the design and materials are consistent with the design guidelines, the Board may grant final approval. If revisions are required, the applicant shall make the necessary revisions and submit them for a final review.

   c. Final Review. Once the CAB has determined that an application satisfies all design guidelines, the Board may approve the issuance of a Certificate of Appropriateness.
14.1.6 Terms of Office

The term of office for all seats on the Board shall be four years except that at the Board’s creation, two members shall be appointed for one three-year term to be eligible for appointment to additional four-year terms, and two members shall be appointed for one two-year term to be eligible for appointment to additional four-year terms. The determination of which members shall be initially appointed for one three-year term shall follow assigned seat numbers with seats one and two being initially appointed for one, three-year term each and seats three and four being initially appointed for one two-year term. All terms hereunder shall, however, continue until a successor is appointed by the City Council. City Council shall act promptly after the expiration of a term to make appointments as soon as may reasonably be accomplished. Board members may be appointed to succeed themselves for a maximum of two successive terms. None of the members shall hold any other public office or position in the municipality while serving on this Board.

14.1.7 Vacancy and Removal

A vacancy in a term of office shall occur whenever it is found that a member has resigned or is unable to serve for whatever reason or is removed by the City Council. Inefficiency, neglect of duty, three consecutive unexcused absences, malfeasance or misconduct in office shall constitute reasons for removal of office. Any vacancy in the membership shall be filled for the unexpired term as soon as may reasonably be accomplished by the City Council in the same manner as the initial appointment. Service pursuant to an appointment in this regard shall not preclude subsequent appointment to two full terms.

14.1.8 Organization

The Board shall elect by majority vote a Chairperson and Vice-chairperson from among its members at the January meeting of each year. The term of office of the Chairperson and Vice-chairperson shall be one year. If a vacancy occurs in an office prior to the expiration of the full term, another election to fill the remainder of the term of office shall be conducted at the first meeting thereafter. The election procedures stated hereinabove shall be followed in filling an unexpired term of office. The Chairperson and Vice-chairperson may be re-elected only one time after serving a full term in office, for a maximum total of two successive full terms. Passage of a one year period without holding a particular office, however shall make a member eligible again for that office. The Board shall appoint a Secretary who may be an officer or employee of the City of Conway. The Board shall adopt rules for the transaction of business.

A. Officers.

The officers of the Board shall be a chairman and vice-chairman elected for one (1) year terms at the first meeting of the Board in each calendar year. Vacancies in offices shall be filled immediately for unexpired terms by regular election procedures. The Board shall appoint a member of the staff of the City of Conway as secretary of the Board.

B. Chairman.

The chairman shall be a voting member of the Board and shall:
1. Call meetings of the Board;
2. Preside at meetings and hearings;
3. Act as spokesperson for the Board;
4. Sign documents for the Board;
5. Perform other duties approved by the Board.
C. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. Secretary.

E. The secretary shall:

1. Provide and publish notice of meetings;
2. Assist the chairman in preparation of agenda;
3. Keep recordings and minutes of meetings;
4. Maintain Board records as public records;
5. Attend to Board correspondence; and
6. Perform other duties normally carried out by a secretary.

14.1.9 Meetings and Quorum

Four members of the Board shall constitute a quorum for conducting business. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses by subpoena. Decisions shall be made by a majority vote. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board, or if there is no such office, in an appointed office of the city. Said minutes and records shall be a public record. All meetings of the Board shall be open to the public. Members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties. Absences by members shall be declared excused or unexcused at each meeting by the Chairperson or, in his or her absence, the acting Chairperson.

A. Time and Place.

An annual schedule of regular meetings shall be adopted published and posted in the City of Conway Planning Department in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public. The CAB shall meet twice a month.

B. Agenda.

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

C. Quorum.

A majority of the members – four (4) members of the board - shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by any member does not affect the quorum, which is determined by the membership present at the start of the meeting.
D.  **Rule of Order.**

Robert’s Rules of Order, Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

**14.1.10 Conflict of Interest**

Any member of the Board who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of said Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith. A member disqualified from voting shall be counted as present for purposes of a quorum.

**14.1.11 Liability of Members**

Any member of the Board acting within the powers set forth herein is relieved from all personal liability for any damage and shall be held harmless by the City of Conway. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the City of Conway until the termination of the procedure.

**14.1.12 Annual Report**

The board shall make an annual report to the City Council at the end of the city fiscal year citing applications brought before the Commission and the approvals, denials or other resolutions issued by the Commission.

**14.1.13 Records**

A.  **Minutes.**

The secretary shall record all meetings and hearings of the Board on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

B.  **Orders and Documents.**

The secretary shall assist in the preparation and service of all order of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public record.

**14.1.14 Appeal to Community Appearance Board**

In accordance with S.C. Code §6-29-890, appeals to the CAB may be taken by any person aggrieved by a decision of the Planning Director relating to design standards from Article 6 of the UDO or from “Historic Design Review Districts: Community Appearance Guidelines”.

A.  **The appeal must be taken within thirty (30) days from the date of the decision by the Planning Director, by filing with the officer from whom the appeal is taken and with the CAB notice of appeal specifying the grounds of it. The officer from whom the appeal is taken shall immediately transmit to the Board all the documents constituting the records for the appealed action.**

B.  **An appeal shall stay all legal proceedings in furtherance of the action appealed from,**
unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record of Horry County, South Carolina on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

C. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time.

D. At the hearing any party may appear in person or be represented by an agent or by attorney.

E. The board, either in response to a party’s motion or on its own motion, may remand a matter to an administrative official if the board determines the record is insufficient for review. The board must set a rehearing on the remanded matter without further public notice within sixty (60) days unless otherwise agreed to by the parties. However, those persons who expressed an interest in being informed of the rehearing date must be mailed a notice of the rehearing in advance.

F. The board must decide the appeal within a reasonable time frame.

### 14.1.15 Appeal from Community Appearance Board to Circuit Court

A person who may have substantial interest in any decision of the CAB or any officer, or agent of the appropriate governing authority may appeal from any decision of the Board to the Circuit Court in and for Horry County, South Carolina by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the CAB. (S.C. Code, §6-29-600(A).
Section 14.2 – Board of Zoning Appeals

14.2.1 Duties and Powers

Duties and powers of the Board of Zoning Appeals are derived from Section 6-29-800 of the South Carolina Code of Laws.

A. To hear and decide appeals where it is alleged the City Planner erred in an order, requirement, decision, or determination. In such cases, the Board may reverse or affirm, wholly or in part, the City Planner’s action. The Board shall have all the powers of the City Planner in such cases and may direct the issuance of a permit.

B. To hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attached conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

1. Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.
3. Utilization: Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. Detriment: The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

C. An affirmative vote of two-thirds (2/3) of the Board members present and voting shall be required before a variance may be granted for a use of land, a building or a structure that is prohibited in a given district, provided however that City Council may overrule the decision of the Board within thirty (30) days following the decision of the Board. In order to grant a use variance, the following finding must be determined and made part of the record: the use requested can be documented to have been a past use of the property; however, historic use alone may not be sufficient to grant a use variance. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for any variance.

14.2.2 Procedure for Appeals and Variances

A. Application: Any person aggrieved by an administrative action or decision, or seeking relief from a requirement in the Zoning Ordinance, shall make a formal request on an application supplied by the City Planner. Such application shall be completed in full and returned to the office of the City Planner.

B. Stay of proceedings: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would, in the opinion of the officer, cause imminent peril to life or property. In that...
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Adopted December 12, 2011

Last Amended August 1, 2016

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case, proceedings shall not be stayed except by a restraining order which may be
granted by the Board of Zoning Appeals or by a court of record on application, on notice
to the officer from whom the appeal is taken and on due cause shown.

C. Notice of hearing: Notice of regularly scheduled meetings of the Board of Zoning Appeals
shall be published in a general circulation newspaper fifteen (15) days prior to the date of
the meeting.

D. Posting of lot: In cases involving variance requests, a notice of a variance request shall be
posted on or adjacent to the affected property in a conspicuous place fifteen (15) days
prior to the date of the scheduled meeting. One such notice shall be visible from each
public right-of-way that abuts the property.

E. Decisions of the Board: All final decisions and orders of the Board of Zoning Appeals shall
be in writing and be permanently filed in the office of the Board as a public record. All
findings of fact and conclusions of law must be separately stated in final decisions or
orders of the Board of Zoning Appeals, which must be addressed to parties or interest by
certified mail.

14.2.3 Appeal of Board of Zoning Appeals Decision to Court

Appeal of the Board of Zoning Appeals is derived from Section 6-29-820 of the South Carolina
Code of Laws.

A. Any person or persons jointly or severally aggrieved by a final decision of the Board of
Zoning Appeals may present to a court of record a petition duly verified setting forth that
the decision of the Board of Zoning Appeals is illegal, in whole or in part, specifying the
grounds of the illegality. Such petition shall be presented to the court within thirty (30) days
after the filing of such decision of the Board.

B. Upon the filing of the appeal, the clerk of court shall give immediate notice of such
appeal to the secretary of the Board of Zoning Appeals, and within thirty (30) days from
the time of the notice, the Board of Zoning Appeals shall file with the clerk a certified copy
of the proceedings held before the Board of Zoning Appeals, including transcript of the
evidence heard before it, if any, and the decision to the Board including its findings of fact
and conclusions.

C. The filing of an appeal from a decision of the Board of Zoning Appeals shall not ipso facto
act as a superseded, but the judge of the court may in his discretion grant a supersedes
upon such terms and conditions as may seem reasonable and proper.

14.2.4 Organization

The rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the City of Conway Board
of Zoning Appeals which consists of members appointed by the City Council.

A. Officers.

The officers of the Board shall be a chairman and vice-chairman elected for one (1) year
terms at the first meeting of the Board in each calendar year. Such officers shall be
eligible to succeed themselves. Vacancies in office shall be filled immediately for
unexpired terms by regular election procedures. The Board shall appoint a member of the
staff of the City of Conway as secretary of the Board.

B. Chairman.

1. The chairman shall be a voting member of the Board and shall:
2. Call meetings of the Board;
3. Preside at meetings and hearings; and swear in witnesses;
4. Act as spokesperson for the Board;
5. Sign documents for the Board;
6. Have orders of the Board served on parties; and
7. Perform other duties approved by the Board.

C. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. Secretary.

The secretary shall:
1. Provide and publish notice of appeals and meetings;
2. Assist the chairman in preparation of agenda;
3. See that property involved in appeals for variances is properly posted;
4. Keep recordings and minutes of meetings and hearings;
5. Maintain Board records as public records;
6. Serve Board decisions on parties;
7. Attend to Board correspondence; and
8. Perform other duties normally carried out by a secretary.

14.2.2 Meetings

A. Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted in the City of Conway Planning Department in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

B. Agenda.

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

C. Quorum.

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by a member does not affect the quorum, which is determined by the membership present.

D. Rule of Order.

Robert’s Rules of Order, Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

14.2.3 Appeals Procedure

A. Form of Appeal.
Appeals from administrative decisions and applications for variances shall be filed on forms approved by the Board and provided to applicants by the secretary.

B. Time for Appeal.

An appeal from an administrative decision must be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Board who shall notify the official appealed from.

C. Calendar.

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

D. Withdrawal of Appeal.

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be re-filed after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances may be refiled after six (6) months and shall be placed on the calendar according to the date re-filed.

E. Continuances.

The hearing of an appeal or application may be continued one time by the Board for good cause shown.

F. Notice.

Public notice of hearing of the Board shall be published in a local newspaper and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

14.2.4 Hearing Procedure

A. Appearances.

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

B. Witnesses.

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witness when deemed appropriate.

C. Cross Examination.

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

D. Evidence.
Relevant documents, photographs, maps, plans, and drawings will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with or without an objection noted.

14.2.5 Conduct of Hearing

A. Conduct of Hearing.

The normal order of hearing, subject to modification by the chairman, shall be:

1. Statement of matter to be heard (chairman or secretary);
2. Presentation by applicant;
3. Presentation by official appealed; or
4. Presentation by opponents;
5. Rebuttal by applicant;
6. Unsworn public comment when appropriate;
7. The Board may question participants at any point during the hearing;
8. Matter in which additional time is granted may be moved to the end of the agenda.

B. Disposition.

The Board may deliberate and make a final disposition of a matter by a majority vote of the members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations and voting shall be conducted in public.

C. Form of Order.

An order shall be issued disposing of a matter by granting or denying relief with such conditions may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

D. Service of Order.

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

E. Rehearing.

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.
14.2.6 Records

A. Minutes.

The secretary shall record all meetings and hearings of the Board which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

B. Orders and Documents.

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.
Section 14.3 – City of Conway Planning Commission

14.3.1 Rules and Procedures

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the City of Conway Planning Commission which consists of nine (9) members appointed by Council.

A. Officers.

The officers of the Commission shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Commission in each calendar year. Such Officers shall be eligible to succeed themselves. Vacancies in offices shall be filled immediately for unexpired terms by regular election procedures. The Commission shall appoint a member of the staff as secretary of the Commission.

B. Chairman.

1. The chairman shall be a voting member of the Commission and shall:
2. Call meetings of the Commission;
3. Preside at meetings and hearings;
4. Acts as spokesperson for the Commission;
5. Sign documents for the Commission;
6. Transmit reports and recommendations to Council; and
7. Perform other duties approve by the Commission.

C. Vice-Chairman.

The Vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. Secretary.

The secretary shall:
1. Provide notice of meetings;
2. Assist the chairman in preparation of agenda;
3. Keep minutes of meetings and hearings;
4. Maintain Commission records as public records;
5. Attend to Commission correspondence; and
6. Perform other duties normally carried out by a secretary.

14.3.2 Meetings

A. Time and Place.

An annual schedule of regular meetings shall be adopted, published, and posted in the Planning Department at 206 Laurel Street each year in December. Special meetings may be called by the chairman upon 24 hours notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.
B. Agenda.

A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

C. Quorum.

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by any member does not affect the quorum which is determined by the membership present at the start of the meeting.

D. Rules of Order.

The most recent edition of Robert’s Rules of Order Newly Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

E. Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

F. Conduct.

Except as provided for in Section 14.3 of these Rules and Procedures, no person shall speak at a Commission meeting unless invited to do so by the Commission. Time may be reserved at the end of the meeting agenda for public input on matters other than zoning map amendments.

G. Notice.

The secretary shall give the notice required by statute or ordinance for all meetings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the meeting.

H. Procedure.

In zoning map or text amendment matters brought before the Commission for consideration where an applicant requests to make a presentation to the Commission, the applicant, their agent or attorney shall be heard first, members of the public next, and the staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a Planning Commission meeting shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.
14.3.3 Records

A. Minutes.

The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

B. Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

C. Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

D. Reconsideration.

The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review.

14.3.4 Finances

A. Budget.

The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

B. Expenditures.

Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Planning Commission may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

C. Personnel.

The Commission shall employ such staff and consultants as may be authorized and by budget or make recommendations for staff members to be employed by the City of Conway. Consultants shall be engaged by majority vote of the Commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the Commission, or a committee of Commission members and staff.
Section 14.4 – City Council

14.4.1 Duties of City Council.

It is the intent of the City of Conway Unified Development Ordinance that the function of the City Council under this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The City Council has the powers to:

A. Act on proposals for amendment or repeal of provisions set forth in the City of Conway Unified Development Code.

B. Establish a schedule of fees and charges for plan submittals.

C. Initiate a text amendment and zoning map amendment.
Section 14.5 – City of Conway Technical Review Committee (TRC)

14.5.1 Purpose.

The purpose of the Technical Review Committee (TRC) shall be to determine whether or not proposed developments meet the standards established in the City of Conway Unified Development Ordinance and to provide guidance as how to provide for the betterment of public’s health, safety, and welfare.

The TRC will include key staff from each department involved in the permitting process to promote efficiency and carry out the City of Conway’s mission, goals, and objectives. The TRC works to improve productivity and standardization in the permitting process, resulting in quality customer service.

TRC meetings are open to applicants to attend to discuss development plans or applications.

14.5.2 Members of the TRC.

The TRC shall include key personnel from the following departments that are involved in the permitting process: Planning, Building, Parks, Recreation, and Tourism, Public Works, Public Utilities, Police, and Fire. Any governmental or quasi-governmental agency representative may join the TRC or attend meetings when needed.

14.5.3 Duties & Procedures.

The duties of the Technical Review Committee shall include:

A. Review plans submitted for permits (where applicable).
B. Meet and discuss status of pending plan reviews.
C. Meet on a regular basis to discuss and resolve problems relating to the permitting process.
D. Systematically review policies and procedures relating to the permitting process and make recommendations for changes.
E. Assist in standardizing policies, procedures, review approvals, and time frames for reviews.
Article 3. Zoning Districts

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## Section 3.1 – Division into Districts and Provisions for Official Map

### 3.1.1 Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City of Conway under the following words: Official Zoning Map, Conway, SC. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map which shall be located in the office of the City Planner or his/her designee and shall be the final authority as to the current zoning status of lands, buildings, and other structures in the City.

### 3.1.2 Zoning Districts

The City of Conway is hereby divided into zoning districts as shown on the Official Zoning Map, which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this Ordinance. In order to achieve the objectives set forth in this Ordinance, the following Zoning Districts are hereby established:

<table>
<thead>
<tr>
<th>BASE ZONING DISTRICTS</th>
<th>CODE</th>
<th>SPECIAL USE DISTRICTS</th>
<th>CODE</th>
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<tbody>
<tr>
<td>Residential Agricultural District</td>
<td>RA</td>
<td>Waccamaw Riverfront District</td>
<td>WRD</td>
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<tr>
<td>Rural Residential District</td>
<td>RR</td>
<td>Planned Development District</td>
<td>PD</td>
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<tr>
<td>Low-Density Residential District</td>
<td>R-1</td>
<td>Mixed Use District</td>
<td>MU</td>
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<td>Medium-Density Residential District</td>
<td>R-2</td>
<td>Mineral Mining District</td>
<td>MM</td>
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<td>High-Density Residential District</td>
<td>R-3</td>
<td>Institutional Campus District</td>
<td>IC</td>
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<td>Traditional Residential District</td>
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<td>Professional District</td>
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<tr>
<td>Institutional District</td>
<td>IN</td>
<td>Upper Main Street Overlay</td>
<td>MSO</td>
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<tr>
<td>Neighborhood Commercial District</td>
<td>NC</td>
<td>Gateway Corridor Overlay</td>
<td>GCO</td>
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<td>Highway Commercial District</td>
<td>HC</td>
<td>Village Corridor Overlay</td>
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<td>Forest Agricultural District</td>
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<tr>
<td>Conservation Preservation District</td>
<td>CP</td>
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### 3.1.3 Rules for Interpretation of District Boundaries

A. Boundaries indicated as approximately following the centerlines of streets, highways, railroads, utility easements, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines and city limit lines shall be construed as following such lines.

C. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

D. Boundaries indicated as parallel to or extensions of features indicated herein shall be so construed.
Section 3.2 – Base Zoning Districts

The following are descriptions and intents of the base zoning districts within the City of Conway:

3.2.1 Residential Agricultural (RA)

The intent of the RA District is to provide areas for large residential estates and agriculture. Single lots are two (2) acres or larger.

3.2.2 Rural Residential (RR)

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

3.2.3 Low Density Residential (R-1)

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

3.2.4 Medium Density Residential (R-2)

The intent of the R-2 District is to provide areas for medium density attached, detached, semi-attached and multi-family residential development in the City of Conway, and to prohibit uses that would substantially interfere with the development or continuation of residential structures in the District.

3.2.5 High Density Residential (R-3)

The intent of the R-3 District is to provide areas for high-density attached, detached, semi-detached, and multifamily residential development in the City of Conway and to prohibit uses that would substantially interfere with the development or continuation of residential structures in the District.

3.2.6 Traditional Residential (R-4)

The intent of the R-4 District is to allow undeveloped parcels of land to be subdivided and developed in a manner that utilizes traditional residential neighborhood principles that were common in the early part of the 20th Century. More specifically, the district is intended to provide for the configuration of blocks, lots, streets, open spaces, and other amenities that lend to creating a sense of community and social interaction. The characteristics of such developments generally include rectangular block configurations where streets run parallel and perpendicular to one another, intersect at or near 90-degree angles, and form blocks of similar size and shape. Centrally located open space for community recreation and leisure is required in order to compensate for the uniquely smaller lots of such developments. Service alleys providing access to the rear of lots are necessary in order to accommodate vehicular storage and public utility services. The design
aspect of the individual homes is as critical to the creation of the sense of community as the design standards of the platted subdivision. Typically, homes should be built closer to streets and on raised foundations. Front porches, which create an ‘outside room’ combined with the close proximity of the homes to the sidewalks, promote social interaction which lends to creating a sense of community.

3.2.7 Professional (P)

The intent of the P District is to accommodate office, institutional, and residential uses in areas whose character is neither exclusively business nor residential in nature. This district is intended to establish areas that provide professional services to the public, which do not materially detract from nearby residential areas. More specifically this district should serve as a transitional zone between more intensive commercial areas and residential areas. This district is not intended for businesses that engage in retail sales.

3.2.8 Institutional (IN)

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.

3.2.9 Neighborhood Commercial (NC)

The NC District is intended to provide small-scale retail and service uses for nearby residential areas. Dimensional requirements and design standards of the NC district are intended to promote compatibility to surrounding residential areas and accommodate pedestrian use and access. Strip commercial development, designed primarily to accommodate vehicular access and parking, and development that is insensitive or incompatible with the scale and character of the surrounding residential areas, is discouraged in this district.

3.2.10 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.

3.2.11 Core Commercial (CC)

The intent of the CC District is to establish a thriving commercial and mixed-use district adjacent to the Central Business District that provides form and use of development compatible to that of the CBD, but not as strict with regards to design standards.

3.2.12 Central Business District (CBD)

The intent of the CBD District is to establish and preserve the Central Business District for commercial and professional uses focused on pedestrian traffic, which concentrate comparative shopping and service opportunities in centrally located areas.
3.2.13 Light Industrial (LI)

The intent of the LI District is to provide areas for light industrial uses, such as manufacturing, processing, repairing of goods, wholesaling, storage, packaging, distribution and retailing while ensuring adjacent and nearby properties are not adversely impacted.

3.2.14 Heavy Industrial (HI)

The intent of the HI District is to accommodate areas for heavy manufacturing, distribution and processing.

3.2.15 Conservation Preservation (CP)

The intent of the 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.

3.2.16 Forest Agriculture District (FA)

The intent of the FA District is to establish and preserve areas designated for agriculture uses and passive recreational activities.
Section 3.3 – Special Use Districts

3.3.1 Waccamaw Riverfront District (WRD)

The intent of the WRD District is to provide for the proper physical, social, and economic development of the City’s riverfront area in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, including but not limited to: safeguarding the cultural, scenic, economic, environmental, and social heritage of the Waccamaw Riverfront on behalf of the City, Horry County and South Carolina; providing for adequate light, air, and public open space; encouraging efficient and economic practices in the process of development and redevelopment; making adequate provision for pedestrian and vehicular traffic; supporting the wise and efficient expenditures of public funds promoting safe and proper drainage; protecting lives and properties from the hazards of flooding; safeguarding water quality; promoting attractive and economically beneficial community and architectural appearance; protecting valuable wetlands trees, and other vegetation; encouraging natural and environmentally sound shoreline stabilization, promoting economic prosperity for the district and the City, and providing for adequate public access to the river and its shores.

3.3.2 Planned Development District (PD)

The intent of the PD District is to provide for large-scale, quality development projects (three acres or 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. More specifically, the intent of the PD District is to permit:

A. Flexibility in design to take the greatest advantage of natural land, trees, historical and other features;
B. Accumulation of large areas of usable open space for recreation, preservation of natural amenities, and provision of community facilities;
C. Creation of a variety of residential and compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living units;
D. Clustering of one residential type for better use of land and open space;
E. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the city;
F. Efficient use of land which may result in reduction in development and maintenance cost of street and utility systems;
G. Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the city of proposed land use, site consideration, lot and setback consideration, public needs and requirements, and health and safety factors.

3.3.3 Mixed Use Flexible Zone (MU)

The intent of the Mixed Use Flexible Zone is to encourage a mix of residential, professional and limited commercial development throughout the City of Conway that does not create excessive demands for vehicular parking. The requirements of the district are designed to promote mixed uses and provide a transition between residential and commercial properties and minimizing adverse effects to adjoining properties.

The Mixed Use District is a ‘floating zone’ which is defined as a zone that is described in the text of a zoning ordinance, but is unmapped (S.C. Code of Laws, Title 6, Chapter 29). Once a property is designated Mixed Use, it will then be mapped by amending the Official Zoning Map of the City of Conway. The floating zone may be applied to properties throughout the city through a rezoning application process – this applies only to properties that are identified as Mixed Use on the City of

City of Conway Unified Development Ordinance

Adopted December 12, 2011
Last Amended August 1, 2016
Conway’s official Future Land Use Map in the City of Conway Comprehensive Plan.

3.3.4 Mineral Mining Zone (MM)

The Mineral Mining District (MM) is a flexible zoning district established for the purpose of providing for the development of needed mineral resources in areas where such resources exist subject to adequate safeguard for the conservation of the environment.

Mineral mining, as used herein, applies to the extraction and processing of crushed stone, building stone, sand, clay, limestone, gravel deposits, and other minerals mined in a quarry type operation. The standards set forth in this section do not regulate or permit the extraction of metallic minerals, fossil fuels or other minerals not specifically enumerated above.

3.3.5 Institutional Campus District (IC)

The intent of the IC, Institutional Campus district is to accommodate universities, colleges, or other large institutional schools in campus-like settings. The IC district is intended to promote and enhance the development and expansion of institutional campuses while minimizing the adverse impacts that can result when such uses are located near residential neighborhoods, and to ensure development that is coordinated with the provision of local infrastructure and public service capacities. The requirements of the district will also help provide a predictable framework for the City of Conway in its efforts to make sound public decisions.
Section 3.4 – Overlay Districts

The following are overlay districts, which provide supplemental regulations to the underlying base districts to achieve particular development objectives.

3.4.1 Upper Main Street Overlay (MSO)

The intent of the Upper Main Street Overlay is to preserve the residential and historic character of properties fronting Main Street, while also allowing professional services and neighborhood commercial uses. This overlay covers properties along Main Street between the intersections of 5th Avenue and 16th Avenue.

3.4.2 Gateway Corridor Overlay (GCO)

The improvement of community quality is a key goal in the City of Conway Comprehensive Plan, especially in the form of improved development quality. An important element of quality of growth is the recognition of the importance of community gateways, which refer to key points of entry into a community.

The intent of this overlay district is to create a commercial corridor that is well planned and attractive through the implementation of consistent design standards. The provisions in this section will ensure that the design quality of new development in the city’s identified gateway corridors are held to high standards. This section shall not apply to detached single-family residential dwellings being used for residential purposes.

3.4.3 Village Corridor Overlay (VCO)

The intent of this overlay district shall be used to promote compact, pedestrian-scale development with residential, neighborhood commercial, professional, and office uses. The Village Corridor Overlay zoning shall include all properties fronting on minor arterials and collector streets designated on the zoning map.

3.4.4 Coastal Carolina University Neighborhood Overlay Zone (Amended 6-15-15 (#ZA2015-06-15))

1. The Overlay Zone is established to provide standards relative to neighborhood appearance and safety in the residential areas surrounding and adjacent to Coastal Carolina University. Furthermore, the overlay is established to provide occupancy limits relative to the residential areas surrounding and adjacent to Coastal Carolina University in order to promote a sense of place in an orderly neighborhood context. The purpose and intent of the governing authority of the City in enacting this article is as follows:

   a. To protect the health, safety and general welfare of the citizens of the City of Conway through the enactment of a set of regulations governing property maintenance in the Coastal Carolina University Neighborhood Overlay Zone;

   b. To preserve the value of property and maintain for the City’s residents, workers and visitors a safe and aesthetically attractive environment;

2. The further intent of this Overlay is to provide for consistency between existing
County zoning standards and those of the City of Conway.

3. The following standards provide the minimum requirement that must be met in order to receive Planning Department/Commission authorization to develop, redevelop or occupy residential property within the Overlay Zone as established by the Unified Development Ordinance.

4. The standards established herein address only neighborhood occupancy, appearance and safety concerns. Specific zoning-related standards are established in the Unified Development Ordinance and must also be met prior to beginning development or redevelopment activities in the Overlay Zone.

B. Applicability.

1. The boundaries of the Overlay Zone are established herein. The standards that follow shall be applicable to any residential building with an issued Certificate of Occupancy, and any residential building substantially modified and/or newly constructed that is located partially or completely as established in the Boundaries section of this ordinance and that is within the municipal boundaries of the City of Conway.

2. This Overlay Zone shall have no effect on parcels currently located outside of the boundaries of the City of Conway, however as said parcels annex into the City Limits of Conway, they shall become subject to the regulations and standards contained herein immediately upon annexation.

3. Any parcel completely contained in the overlay shall comply with these regulations.

C. Boundaries.

1. Coastal Carolina University Neighborhood Overlay Zone;
   a. Corridor and overlay are used interchangeably throughout these regulations. When referenced, it shall mean those residential properties within the following subdivisions of record: Quail Creek, Quail Creek Village, College Park, College Place and Barberry Drive. A complete list of associated TMS is available by request in the Planning and Zoning Department.
   b. Map 1 provides the location of the boundaries of this overlay.
D. Definitions.

1. “Owner” is defined as any person, firm, corporation or entity who, alone or jointly or severally with others:
   
a. Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
   
b. Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article to the same extent as the owner.

E. Occupancy of dwelling units.

1. Occupancy. The number of individuals unrelated by blood, marriage, adoption, guardianship or other duly authorized custodial relationship residing in a dwelling unit within this overlay shall not exceed the number of bedrooms in the dwelling, as determined by county records, but shall not exceed four (4), irrespective of the number of bedrooms. The owner, agent and tenants shall be subject to the penalties established in the City’s Unified Development Ordinance for a violation of this Occupancy limit.

F. Parking requirements.

1. A violation of any of the parking requirements herein detailed shall be considered unlawful and the owner, agent and tenant shall be subject to the penalties described in City’s Unified Development Ordinance. Between the hours of 11:00 PM and 8:00 AM every day:
   
a. No vehicle shall be parked within the right-of-way within the boundaries of the Overlay as defined herein.
   
b. Vehicles shall be parked in an off-street facility, including private garages, drives and aisles for maneuvering and gaining ingress and egress, of a residence within the boundary of the Overlay.
   
c. Landscaped, unimproved and naturally vegetated areas shall not be used as parking facilities.
   
d. Areas of drainage and open space, as specified on the recorded subdivision plat, shall not be improved or used for parking facilities unless documented as such on the original plat of record.

G. Effective Date.

1. This Overlay shall become effective upon approval from Conway City Council.
### Article 4. Use Tables

#### Article 4 Contents

- Section 4.1 – How to Use This Section
- Section 4.2 – Use Tables
- Section 4.3 – Footnotes

#### 4.1 How to Use This Section

Each table looks similar to this example below:

<table>
<thead>
<tr>
<th>B. ACCESSORY USES</th>
<th>SPECIFIC USES</th>
<th>RA</th>
<th>RR</th>
<th>R1</th>
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<th>FA</th>
<th>CP</th>
<th>Applicable Standards</th>
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</table>

- First column lists general groupings (e.g. ‘Residential Dwelling Types for the category listed in the column header (A. Residential Types)
- Second column lists specific uses.
- Middle columns represent each City of Conway zoning district, with a use code. The letter codes are as follows:
  - **P** = Use is **Permitted** in that district
  - **Blank** = Use is **Not Permitted** in that district
  - **C** = Use is permitted as a **Conditional Use** (see Article 5 and Article 6 for conditions)
  - **Pₐ** = Use is Permitted, but only as an **accessory use**
  - **P¹/C¹** = **Footnote** indicates additional information; See section 4.3 for notes

- Applicable Standards columns: Indicates ordinance section numbers with additional standards related to the specific use.
- Land Use Code (LUC) column indicates applicable required landscape buffer type for each specific use; reference Article 9, Section 9.2 for specific requirements for each buffer type.
- The Planning Director has the authority to consider and treat a proposed use that is similar to a specific use in Article 4.
### 4.2 Use Tables

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*Adopted December 12, 2011*
*Last Amended August 1, 2016*
### F. CIVIC/INSTITUTIONAL USES

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## Footnotes

1. Custom Manufacturing permitted in CBD as an accessory use to a Craft Store that sells the products manufactured on site.
2. Conditional Uses listed under the Mixed Use (MU) column shall meet the requirements in Section 6.4.3.
3. Accessory uses in the Institutional (IN) Zoning District shall only be permitted when the principal use is a college or university.
4. Accessory uses in the Institutional (IN) Zoning District shall only be permitted when the principal use is a medical facility.
5. Permitted uses and conditional uses listed under the WRD column shall meet the mixed use requirements in Section 6.4.1 if located in the WRD-1 sub-district.
Article 5. Specific Use Regulations

Article 5 Contents

Section 5.1 – Conditional Uses
- 5.1.1, Adult Entertainment Establishments
- 5.1.2, Bail Bond Establishments
- 5.1.3, Banquet Halls
- 5.1.4, Bed & Breakfast Homes
- 5.1.5, Body Piercing
- 5.1.6, Car Wash and Detailing Facilities
- 5.1.7, Day Care Facilities & After School Programs
- 5.1.8, Dry Cleaners with Drive-through Services
- 5.1.9, Educational Facilities
- 5.1.10, Farmers Markets
- 5.1.11, Flea Markets
- 5.1.12, Funeral Homes & Mortuaries
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- 5.1.16, Mobile Vending
- 5.1.17, Modular Homes
- 5.1.18, Open Air Storage
- 5.1.19, Open Display
- 5.1.20, Produce Stands
- 5.1.21, Public Utility Facilities
- 5.1.22, Religious Institutions
- 5.1.23, Sidewalk Cafés and Outdoor Dining
- 5.1.24, Tattooing/Tattoo Parlors
- 5.1.25, Taverns, Bars, Night Clubs, Teen Clubs
- 5.1.26, Transit Shelters
- 5.1.27, Transmission Towers, Wireless, Cellular or Communication Towers
- 5.1.28, Veterinarian / Animal Clinic
- 5.1.29, Mini Storage Units
- 5.1.30, Nurseries, Garden Centers, and Greenhouses

Section 5.2 – Accessory Uses & Structures
- 5.2.1, Accessory Structures
- 5.2.2, Accessory Dwelling Units
- 5.2.3, Fences & Walls
- 5.2.4, Home-Based Business
- 5.2.5, Non-commercial Keeping of Livestock & Fowl
- 5.2.6, Parking, Storage and Use of Major Recreational Equipment
- 5.2.7, Portable Storage Units
- 5.2.8, Residential Swimming Pools
- 5.2.9, Satellite Dish Antennas

Section 5.3 – Temporary Uses
- 5.3.1, Temporary Uses
- 5.3.2, Emergency Temporary Uses
Section 5.4 – Prohibited Uses

- 5.4.1, Mobile Homes
Section 5.1 – Conditional Uses

Conditional uses shall be permitted subject to a determination by the Planning Director that such use(s) conform(s) to all applicable regulations set forth herein for that specific use and the district in which such use is to be located. Applications to construct or alter conditional uses shall be processed in accordance with the standards set forth herein for permitted uses.

Applicable conditional uses shall be shown in Article 4, Use Tables. In addition to the conditions set forth in this Article, the Planning Director and TRC may require additional provisions as deemed necessary to protect the health, safety, and welfare of the general public.

5.1.1 Adult Entertainment Establishments

Adult entertainment establishments include, but are not limited to: cabarets, bookstores, drive-in theaters, theaters, peep shows, adult model studios, sexual encounter centers, escort services and motels, as defined herein, and any other establishment which contains activities characterized by the performance, depiction or description of "specified sexual activities", or "specified anatomical areas". Adult entertainment establishments shall be permitted as conditional uses in the Light Industrial (LI) and Heavy Industrial (HI) districts provided the following requirements are met:

A. **Number**: No more than one (1) adult use as classified above shall be located on any lot.

B. **Location**: Adult entertainment establishments shall not be located closer than:
   1. 1,000 feet from residential zoning districts in the City of Conway (RA, RR, R-1, R-2, R-3, R-4, or residential within a MU or PD Zoning District) or equivalent residential zoning districts in Horry County.
   2. 1,000 feet from any religious institution, day care facilities, public or private education facility, public park, public library, cemetery, or any motion picture establishment which shows G or PG rated movies to the general public on a regular basis.
   3. 2,000 feet from any other adult use, provided that this shall not apply to any establishment or cabaret that does not provide adult entertainment more than twelve (12 times per calendar year).
   4. Measurements of distance separation shall be in a straight line from the closest points of the buildings in which the adult uses are located.

C. **Ownership Disclosure**: If a person who applies to operate an adult entertainment business is an individual, he must sign the application for a permit as applicant. If a person who applies to operate an adult entertainment business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of an adult business, or as entity which wishes to operate such business, each individual having a ten (10%) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant. All corporate officers shall also sign the application. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirements of obtaining a sexually oriented business permit and/or license.

D. **Sale and/or Consumption of Alcohol Prohibited**: The sale and/or consumption of alcoholic beverages in conjunction with any adult entertainment establishment shall be prohibited.

E. **Inspections**: The management of any adult entertainment establishment shall permit the admittance / patronage of any person who is under 18 years of age.

F. **Revocation of Zoning Compliance**: The Planning Director shall revoke a Certificate of
Zoning Compliance, thereby suspending the operation of any adult entertainment establishment, for any of the following:

1. The giving of false or misleading information by the applicant at any time in the application process;
2. For the illegal sale of any controlled substance on the premises;
3. For the arrest and conviction of any owner or employee (unless said employee is discharged immediately) for any violation of Title 44 of the Code of Laws of South Carolina, 1976 as amended, relating to controlled substances; and/or violation of any State or Federal crime involving moral turpitude and/or violation of Title XVI, Chapters 3, 15, 23, and 25 of the Code of Laws of South Carolina, 1976, as amended; and/or for the arrest and conviction of any owner or employee for any violation of Title 16 of the Code of Laws of South Carolina, 1976, as amended.
4. Failure to permit inspections by authorized City and State agencies or personnel.
5. Violation of the age restrictions as set forth herein.

H. Exterior Portions of Regulated Establishments:

1. It shall be unlawful for an owner or operator of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.
2. It shall be unlawful for the owner or operator of a regulated establishment to allow the exterior portions of the regulated establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the signage provisions of this section and Article 11.
3. It shall be unlawful for the owner or operator of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single achromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:
   a) The regulated establishment is a part of a commercial multi-unit center
   b) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the regulated establishment are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing set forth herein shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

I. Signage:

1. It shall be unlawful for the owner or operator or any regulated establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one sign as provided herein.
2. Signs shall have no more than two (2) display surfaces. Each such display surface shall:
   a) Not contain any flashing lights;
   b) Be a flat plane, rectangular in shape;
   c) Not exceed twenty-five (25) square feet in area or greater than 5% of the façade wall; and
   d) Not exceed eight (8) feet in height.
3. Signs shall contain no photographs, drawings, silhouette, or pictorial representations of any manner, and may contain only the following:
   a) The name of the regulated establishment; and/or
   b) One or more of the following phrases:
      i. “Adult Bookstore”
      ii. “Adult Movie Theater”
      iii. “Adult Cabaret”
      iv. “Adult Entertainment”
      v. “Adult Model Studio”
   c) Signs for Adult Movie Theaters may contain the additional phrase, “Movie
J. **Parking:** Adult entertainment establishments shall be required to provide one (1) on-premise parking space for each 100 square feet of gross floor area of the structure, or one (1) on-premise parking space per every three (3) persons of maximum seating capacity, whichever is greater; plus one (1) space per employee. Maximum seating capacity shall be determined by the City of Conway Building Department and/or Fire Department.

K. **Architectural Design Standards:**
   1. Adult Entertainment Establishments shall be reviewed and approved by the Planning Director and shall meet the architectural design standards stated in Section 6.3.1.C.

### 5.1.2 Bail Bond Establishments

Bail Bond Establishments shall be permitted in the LI and HI Zoning Districts provided the following requirements are met:

A. **Number:** No more than one (1) bail bonding establishment shall be located on any lot.

B. **Location:** Bail bonding establishments shall not be located closer than:
   1. 300 feet from institutional and residential zoning districts. This includes Horry County residential zoning districts and City of Conway residential zoning districts (R-1, R-2, R-3, R-4 or residential designation within a Planned District).
   2. 1,000 feet from any religious institution, day care facility, public or private education facility, playground, public park or public library.
   3. 250 feet from any other bonding establishment.
   4. Measurements of distance shall be in a straight line from the closest point of the lot on which the bail bonding establishment is located.

C. **License:** All bail bonding establishments must be licensed as defined by Section 38-53-10 of the South Carolina Code of Laws.

### 5.1.3 Banquet Halls

Banquet halls shall be permitted in the CC, MU, HC, and WRD Zoning Districts. Such use shall be subject to the minimum requirements set forth here in for the respective district in which such use is located, including but not limited to setbacks, parking, landscaping, and design review.

Banquet halls shall be allowed as a conditional use in the CBD, provided the following conditions are met:

A. **Buffers:** Parcel boundaries adjacent to any residential district (RA, RR, R-1, R-2, R-3, R-4) shall require a Type A Buffer as set forth Section 9.3.

B. **Design Review Criteria:** Banquet Halls shall be subject to the requirements of the Community Appearance Board (CAB).

C. **Hours of Operation:** All Banquet Hall events shall cease by 10:00 p.m., Sunday through Thursday, and by midnight (11:59 p.m.) on Friday and Saturday.

D. **Storefront Exclusion:** In order to protect the vibrant retail and service character of the area, Banquet Halls shall not be permitted to occupy a storefront space as indicated in the CBD (See Section 6.3.7).
5.1.4 Bed & Breakfast Homes

A bed & breakfast home is a private residence which provides lodging and meals for guests, in which the host or hostess resides at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, and serves food only to overnight guests.

Bed & breakfast shall be permitted in the RA, RR, R-1, R-2, R-3, R-4, P, and NC Zoning Districts, subject to the following conditions:

A. Room Limit. No more than ten (10) rooms shall be devoted to bed & breakfast uses.
B. Owner Residency: The owner of the Bed & Breakfast shall be a permanently domiciled resident of the home. One (1) additional full or part-time staff member who does not reside at the Bed & Breakfast home is permitted, with the provision of an additional off-street parking space.
C. Off-street Parking. One (1) off-street parking space shall be provided per guest room, plus two (2) spaces for owners.
D. Fire Safety. All residential fire codes shall be met. Additionally, each guest room shall be equipped with a smoke detector and access to a fire extinguisher.
E. Food Service. Food service shall be limited to breakfast, hors devours, or beverages served solely to those guests lodging at the establishment. No food service advertising as a restaurant shall be permitted.
F. Cooking Facilities: There shall be no food cooking facilities located in guest rooms. Microwaves and coffee makers are permitted.
G. Signage. In RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts, advertising of the bed & breakfast shall be limited to one (1) hanging sign of no more than six (6) square feet or one freestanding post sign no greater than six (6) feet in height. Signs shall conform to all other applicable local sign regulations in Article 11. Bed & Breakfasts within the P and NC Zoning Districts shall conform to all signage requirements of those zoning districts.
H. Residential Character Preservation. For bed & breakfast homes in RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts, the residential character of the structure shall be maintained, and no additions to the primary structure to accommodate additional guest rooms shall be made that are visible from the public right of way.
I. Permits. All applicable and required permits must be obtained from the South Carolina Department of Health & Environmental Control (DHEC) prior to the issuance of a zoning permit.

5.1.5 Body Piercing

Body piercing shall not be permitted as a principal use in any zoning district and shall only be permitted as an accessory use in health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices, but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

5.1.6 Car Wash & Detailing Facilities

Car washes are permitted in the HC, LI, and HI Zoning Districts, subject to the following conditions.

A. A minimum lot size of 20,000 square feet shall be required for a car wash facility.
B. Vehicle Stacking: A minimum of 5 stacking spaces for queuing of cars shall be provided per car wash bay.
C. Required Yard Activity: Car wash facilities shall not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any landscape.
D. **Distance from Residential Districts:** The establishment shall not be located within one hundred (100) feet, measured in any direction, of a residential district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street.

E. **Exit Drives:** The establishment shall provide exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.

F. **Surface Drainage:** The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way or adjoining properties as a result of the car wash operations.

**5.1.7 Day Care Facilities**

A. **Day Care Facilities for Adults:** Shall be permitted as a conditional use in the P, NC, HC, MU, CC, AND IN Zoning Districts and are subject to the following provisions:

1. **License:** The City shall be provided proof of licensing from the Department of Social Services (DSS).
2. **Buffering:** See Article 9.
3. **Loading and Unloading:** An on-premises area adequate for loading and unloading of adults to be accommodated shall be provided and that area shall not be located within any public right-of-way.
4. **Parking Requirements:** See Article 8.

B. **Child Day Care Facility:** Shall be permitted as a conditional use in the P, CC, NC, HC, MU, and IN Zoning Districts and are subject to the following provisions:

1. **License:** The city shall be provided proof of licensing from the Department of Social Services (DSS).
2. **Fencing:** A fenced area of not less than 1,500 square feet shall be provided and shall be located in the rear yard. No fence shall be less than four (4) feet in height or greater than seven (7) feet. If use of a chain link fence is found to be appropriate and necessary, it shall be painted dark green or black to camouflage it and may come past the rear facade of the house. Fences shall meet all requirements in the design review districts, subject to approval by the Planning Director or CAB if applicable.
3. **Buffering:** A buffer strip of suitable planting shall be required along the outside fence perimeter - one tall shrub per four (4) linear feet.
4. **Playground equipment:** No playground equipment including, but not limited to, swing sets, sliding boards, monkey bars, horizontal bars, or seesaws, shall be located closer than twenty (20) feet to any residential lot.
5. **Loading and Unloading:** An on-premises area adequate for loading and unloading of children to be accommodated shall be provided and that area shall not be located within any public right-of-way.
6. **Parking Requirements:** Parking requirements for day care facilities can be found in Section Article 8.

C. **Family Day Care Home:** Family Day Care homes shall be permitted as a conditional use in the R-2, R-3, P, and MU Zoning Districts and are subject to the following provisions:

1. **License:** The city must be provided with proof of licensing from the Department of Social Services (DSS).
2. **Fencing:** A fenced area of not less than 750 square feet shall be provided entirely on the premises in the rear and/or side yards. No fence shall be less than four (4) feet in height or greater than seven (7) feet. Fences shall meet all requirements...
in the design review districts, subject to approval by city staff.

3. **Loading and Unloading**: An on-premises area adequate for loading and unloading of children to be accommodated shall be provided and that area shall not be located within any public right-of-way.

D. **After School Program**: After school programs are permitted as a conditional accessory use to all schools, religious institutions and day care facilities in the IN or P Zoning Districts and as a conditional use in the RA, RR, R-1, R-2, and R-3 Zoning Districts with the following conditions:
   1. **DSS Permit**: The program must provide proof of licensing from the South Carolina Department of Social Services (DSS), unless an exemption is provided.
   2. **Hours**: The after-school program is limited to no more than four (4) consecutive hours per day and within the hours of 2:00 p.m. and 8:00 p.m.
   3. **Fencing**: A permanent fence enclosing any designated play areas shall be constructed before commencing the after school program use.

**5.1.8 Dry Cleaners with Drive-thru Service**

Dry Cleaners with drive-thru services are permitted as a conditional use in the HC, MU, LI, and HI Zoning Districts, provided the following conditions are met:

A. **Distance from Residential Property**: Dry Cleaners with drive-through windows shall not be located within one hundred (100) feet of a residentially zoned property (RR, R-1, R-2, R-3, R-4).

B. **Lot size**: In order to accommodate a drive-thru on the property, a minimum lot size of 10,000 square feet is required to provide adequate area for the drive-through and vehicle parking.

C. **Vehicle Stacking**: A minimum of 3 stacking spaces for queuing of cars shall be provided for the drive-thru area.

**5.1.9 Educational Facilities**

Educational Facilities shall be permitted as a conditional use in RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts provided the following requirements are met:

A. **Setbacks**:
   1. The setback requirements for Educational Facilities shall be thirty (30) feet for parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.
   2. Standard setback requirements for the district in which the use is located (as set forth in Article 6) shall apply to parcel boundaries not adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.

B. **Buffers**: Parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts shall require a Type A Buffer as set forth in Section 9.2.

C. **Rights-of-Way**: For the purpose of determining the setback requirements and buffer requirements set forth in Sections 9.2, rights-of-way shall impede the contiguity of parcels.

D. **Accessory Structures**: Accessory structures for Educational Facilities shall be subject to the requirements for accessory structures in commercial districts as set forth in Section 5.2.1.

E. **Architectural Design Standards**:
   1. Educational Facilities located within the HDRDs shall be reviewed and approved by the Community Appearance Board (CAB) and shall meet the “Historic Design Review Districts: Community Appearance Guidelines”.
   2. Educational Facilities that are located outside the HDRDs shall be reviewed and approved by the Planning Director and shall meet the architectural design standards stated in Section 6.3.1.C.
5.1.10 Farmers Markets

Farmers Markets are allowed as a conditional use in the CC, CBD, NC, HC, MU, CP, FA, and WRD Zoning Districts. All Farmers Markets established within the City of Conway are required to adhere to the following regulations:

A. The operator or governing authority of a farmers market shall obtain a business license from the City of Conway prior to opening the farmers market.

B. The City of Conway shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.

C. An application must be made for a temporary use permit in which a farmers market is not the primary and permanent use of the property. The following regulations must be followed for farmers markets as temporary uses:
   1. The proposed activity is in compliance with all safety, health, and environmental standards and is not detrimental to the surrounding area.
   2. Where feasible, the location of the farmers market shall be on sites that have convenient pedestrian, bicycle, public transit access, and sufficient off-street parking.
   3. The site is of a sufficient size to accommodate the intended temporary use.
   4. Safe and orderly flow of traffic can be ensured.

5.1.11 Flea Markets

Flea markets are allowed as a conditional use in the HC Zoning District. All Flea Markets established within the City of Conway are required to adhere to the following regulations:

A. The property owner/lessor/rental agency shall be responsible for all products and services offered by individual vendors (tenant spaces, booths, tables, accessory uses, etc);

B. The property owner/lessor/rental agency is required to obtain a City of Conway Business License and shall require all vendors to receive a City of Conway Business license prior to operation;

C. All vendors are limited to the sale and services outlined within the City of Conway Unified Development Ordinance’s list of permitted uses for HC and LI (Article 4). The Conway Planning Department reserves the right to determine whether requested uses are compatible with those outlined in Section 4.1.3.

D. Any special events involving conventions, shows, or other events outside of normal operation of the flea market shall require a special events permit, and must meet all requirements of the City of Conway Special Events Ordinance. This includes, but is not limited to: auctions, antique shows, farmers markets, traveling road shows, conventions, races, gun shows, boat shows, car shows, collective garage or yard sales, live entertainment, circuses, fairs, carnivals and festivals.

E. City Council, at its discretion, may waive this requirement in the case of an activity sponsored or promoted by a recognized civic or charitable organization where it is deemed that the overall interest of the City will be served through the waiver of such permit.

5.1.12 Funeral Homes & Mortuaries

Funeral homes and mortuaries shall be permitted as conditional uses in the R-2, R-3, P, NC, HC, MU, and CC Zoning Districts provided the following requirements are met:

A. Setbacks:
   1. The setback requirements for Funeral homes and mortuaries shall be thirty (30) feet
for parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.

2. Standard setback requirements for the district in which the use is located (as set forth in Article 5) shall apply to parcel boundaries not adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.

B. Buffers: Parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts shall require a Type A Buffer as set forth in Section 9.2.

C. Rights-of-Way: For the purpose of determining the setback requirements and buffer requirements set forth in this section, rights-of-way shall impede the contiguity of parcels.

D. Accessory Structures: Accessory structures for Funeral homes and mortuaries shall be subject to the requirements for accessory structures in commercial districts as set forth in Section 5.2.1.

E. Architectural Design Standards:

1. Funeral Homes and Mortuaries located within the HDRDs shall be reviewed and approved by the Community Appearance Board (CAB) and shall meet the “Historic Design Review Districts: Community Appearance Guidelines”.

2. Funeral Homes and Mortuaries that are located outside the HDRDs shall be reviewed and approved by the Planning Director and shall meet the architectural design standards stated in Section 6.3.1.C.

5.1.13 Grocery Stores

Grocery stores shall be permitted as a conditional use in the CBD, on the following conditions:

A. Maximum Size Requirement: A grocery store shall be no larger than 20,000 square feet.

B. Parking Requirements: Maximum off-street parking required shall be one parking space per 400 square feet of gross floor area. Shared parking shall be utilized between grocery stores and nearby businesses in order to minimize the need for new surface parking. See Section 8.2.8 for shared parking requirements.

C. Loading Requirements: Grocery store loading requirements shall follow requirements set forth in Section 8.3.

5.1.14 Group Homes

Group homes shall be permitted as a conditional use in the R-2, R-3, P, and CC Zoning Districts on the following conditions:

A. Limit: Home serves nine or fewer individuals.

B. Full-time Care: Home provides care on a 24-hour basis.

C. Residential Character – All parts of the structure and property must be designed and maintained in a residential character equal to that found in the district.

D. Floor Area Requirements – To avoid unsafe or unhealthy conditions that may be produced by the overcrowding of persons living in these facilities, a minimum floor area per person shall be required below.

E. Total interior living space: A minimum of 175 square feet of interior living space shall be provided per residing facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.

F. Minimum sleeping areas: A minimum of 80 square feet shall be provided in each sleeping space for single occupancy. A minimum of 60 square feet of sleeping space shall be provided for each bed in a sleeping space for multiple occupancy.

G. Bathroom Facilities: One full bathroom with toilet, sink, and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.

H. Density limitation/spacing. To avoid concentration of facilities, there shall be distance of at least 1,200 linear feet as measured in a straight line from property line to property line separating each facility.
I. Lot and Building Requirements. Each facility shall meet the lot and building requirements of the district in which it is located. All applicable fire safety codes, building codes, and housing codes.

J. Off street parking. Minimum of two (2) off street parking space or one (1) parking space per shift employee, plus one per number of permanent vehicles stored at the facility shall be provided, whichever is greater.

K. Authorization from state and county agencies. It shall be the responsibility of the licensee to obtain all appropriate state or county licenses prior to issuance of a certificate of occupancy.

L. Licensing. All such facilities shall meet and comply with the applicable state, county and municipal rules and regulations and shall, where applicable, obtain state, county, and/or municipal licenses or evidence of eligibility for such licenses from the appropriate agencies prior to issuance of a building permit.

5.1.15 Hunting

Hunting shall be permitted in the FA, CP, RA, RR, or R-1 Zoning Districts with the following conditions:

A. Hunting activities shall be conducted in accordance with the laws of the state of South Carolina and the South Carolina Department of Natural Resources.

B. The property where hunting occurs shall be a minimum of fifteen (15) acres.

C. No person(s) shall hunt within three hundred (300) yards of a residence without permission of the owner and/or occupant.

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.

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.

B. Transient Mobile Vending.
In addition to the requirements in Section 5.1.16 A., transient mobile vending shall be permitted in the 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.

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. 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

D. 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.

5.1.17 Modular Homes

In addition to the requirements set forth in Article 2: Definitions of this Ordinance, all modular homes must be transported to the home site on a truck bed (not axles). Permanent masonry with appropriate exterior finish are required to be installed on all Modular Homes. “For Display Only” models will not be permitted in the City of Conway.

State of South Carolina Requirements and Standards
All modular homes are required to meet South Carolina state standards and regulations, as provided in South Carolina Code of Ordinances §40-29-50, and in the South Carolina Manufactured Housing Board §19-425.39.

5.1.18 Open Air Storage

The term “open air storage” shall be defined as the placement of merchandise, equipment, machinery, or miscellaneous materials outside the walls of any enclosed building for the purpose of storage and / or stockpile. Open-air storage shall be permitted in conjunction with permitted uses in the HC, LI, and HI, provided the following requirements are met.

A. The type of items and materials permitted in open air storage shall include any raw material required by a permitted use, any finished product produced by a permitted use, any material stockpiled and distributed by a permitted use, or any materials or equipment necessary in the production of a finished product.

B. Salvage and junk yards which utilize premises for open storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof,
scrap building materials, scrap contractor’s equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, mattresses, beds or bedding, or any other kind of scrap or waste materials shall be specifically prohibited.

C. Open-air storage shall be located in the side yard and / or rear yard of a permitted use.

D. The portion of the premises used for open storage in a HC Zoning District shall be shielded from public view on all sides by an opaque fence or wall seven (7’) feet in height. One (1) tall shrub per 5 linear feet shall be required around the outside perimeter of the screened area. The City of Conway Technical Review Committee may require additional buffering and/or wall types if necessary.

5.1.19 Open Display

The term “open display” shall be defined as the placement of merchandise and / or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and / or merchandise vending machines. Open Displays shall be permitted in conjunction with permitted uses in the CBD, CC, NC, HC, LI, and HI Zoning Districts provided the following requirements are met:

A. The type of merchandise permitted in open displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, nursery and agricultural products, and vending machines. (This section shall not be interpreted to include supply yards, salvage yards, or other items or materials addressed in Section 5.1.18, “Open Air Storage”)

B. Open displays shall be permitted in any yard or required yard, but shall not encroach into any public rights-of-way.

C. Open displays shall present a neat and orderly appearance, subject to the determination of the Zoning Administrator.

D. The term “open display” shall not apply to merchandise which is placed outside temporarily for the purpose of sales and is stored inside an enclosed structure while the business is closed.

E. Open display shall be permitted where such display is incidental to and supportive of the principal use of the structure located on the same parcel.

F. Open display location must be shown on site plan at time of review and shall not encroach on any required landscaping and parking areas.

5.1.20 Produce Stands

Produce stands shall be permitted in HC, CBD, CC, NC, FA, MU, LI, and HI Zoning Districts provided the following requirements are met:

A. Produce includes fresh fruits and vegetables. Other goods, such as meats and seafood shall not be sold unless approved and permitted by the South Carolina Department of Health and Environmental Control (DHEC).

B. The produce vendor shall provide the Zoning Administrator with a notarized letter of consent from the property owner verifying that such vendor has the authorization of the property owner to conduct temporary produce sales from the particular lot in question.

C. The produce stand shall operate only between the hours of 7:00 A.M. and 8:00 P.M.

D. No temporary structures including but not limited to tables, signs, and buildings shall be erected and / or displayed overnight.

E. Ingress and egress of vehicular traffic to the proposed location shall not create a hazard street.

F. The proposed location shall contain adequate area for four (4) on-site parking spaces.

G. All signage shall adhere to requirements set forth in Section Article 11.
5.1.21 Public Utility Facilities

Public utility facilities including water storage tanks, water pump stations, sewer pump stations, telephone switching stations, electric substations and natural gas substations shall be permitted in all districts provided the facility is buffered from view on all sides by a landscape screen consisting of a minimum "Type A" buffer as set forth in 9.2. The City of Conway Technical Review Committee may require larger buffers if necessary.

5.1.22 Religious Institutions

Religious Institutions include churches, synagogues, temples, mosques and other places of worship, as defined by Article 2. A single Religious Institution shall consist of the primary building of worship and all associated accessory structures and uses located on the same lot, or on contiguous lots not entirely separated by public rights-of-way or other land lots.

Religious Institutions under three acres of contiguous land shall be permitted as a conditional use in zoning districts, as shown in Article 4. Religious institutions over three (3) acres in size are subject to the review and procedures indicated by the Planned Development District (PD). All accessory uses shall be submitted and approved as part of the PD application process.

Religious Institutions less than three acres of contiguous land shall be permitted as a Conditional Use in the following Zoning Districts: RA, RR, R-1, R-2, R-3, R-4, P, NC, HC, CC, CBD, IN, and FA. The following requirements shall be met:

A. Setbacks.
   1. The setback requirements for Religious Institutions shall be thirty (30) feet for parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.
   2. Standard setback requirements for the district in which the use is located (as set forth in Article 6) shall apply to parcel boundaries not adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.

B. Storefront Exclusion: In order to protect the vibrant retail and service character of the area, Religious Institutions shall not be permitted to occupy a storefront space as indicated in the CBD (See Section 6.3.7).

C. Buffers: Parcel boundaries adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts shall require a Type A Buffer as set forth in Section 9.2.

D. Rights-of-Way: For the purpose of determining the setback requirements and buffer requirements set forth in Sections 9.2, rights-of-way shall impede the contiguity of parcels.

E. Accessory Structures: Accessory structures for Religious Institutions shall be subject to the requirements for accessory structures in commercial districts as set forth in Section 5.2.2.

F. Architectural Design Standards:
   1. Religious Institutions located within the HDRDs shall be reviewed and approved by the Community Appearance Board (CAB) and shall meet the "Historic Design Review Districts: Community Appearance Guidelines".
   2. Religious Institutions that are located outside the HDRDs shall be reviewed and approved by the Planning Director and shall meet the architectural design standards stated in Section 6.3.1.C.

5.1.23 Sidewalk Cafés and Outdoor Dining

A. Sidewalk Cafes: Shall be permitted in the CBD, CC, WRD, NC, P, and IN Zoning Districts with the following conditions:
   1. The Sidewalk Café area must be maintained in a safe, clean, orderly, and sanitary condition.
   2. Sidewalk café area is limited to the area of right of way directly adjacent to the
restaurant. Adjacent storefronts and businesses may not be obscured or obstructed.

3. An unobstructed travel way of four (4) feet of clear passage in the pedestrian public right of way must be maintained at all times.

4. All sidewalk cafes must be approved by the Planning Department. Any site changes other than the placement of furniture for the sidewalk café must be reviewed and approved by the Community Appearance Board.

5. Non-permanent tables, chairs, and potted plants are the only objects permitted in the public right of way in conjunction with a sidewalk café.

6. Removable umbrellas may be permitted subject to the following:
   a. Umbrellas may not obstruct the required four (4) feet of clear passage as required above.
   b. Umbrellas may be no less than seven (7) feet in height.
   c. Umbrellas must be designed and installed to be secure in windy conditions, weather resistant and made of fire treated or nonflammable materials.
   d. Umbrellas may not contain commercial language and must be of a color scheme that complements the adjacent storefront.

7. Outdoor heaters may be utilized upon the review and approval of the Conway Fire Department as part of the sidewalk café permitting process.

8. Hours of Operation shall be limited to 7 am – 11 pm.

9. SCDOT approval is required for the placement of sidewalk furniture in any SCDOT right of way.

10. Small fencing, planter boxes, or other materials may be utilized to define the Sidewalk Café area, unless it impedes the required travel way as indicated in condition 3.

11. The purchase and consumption of alcohol shall be prohibited in the sidewalk café area.

12. Landscaping requirements shall be determined by the primary use on the property.

B. Outdoor Dining

1. Outdoor dining shall only be an accessory use to a permitted operating restaurant.

2. All lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjacent residential properties.

3. Adequate provision is made for such items as setbacks, fences, and buffers or planting strips to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors. Screening, buffering and public safety measures will be required that are deemed necessary by the Planning Department.

4. Signage shall comply with the sign regulations contained in Article 11.

5. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

6. When an outdoor dining area is adjacent to any single-family or multi-family residential district, all outdoor activity must cease at the close of business or 10:00 pm, whichever is earlier.

7. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order and in sanitary conditions.

8. The type of materials for all tables, chairs, and other furnishings provided in the outdoor dining area shall be approved by the Planning Department. The restaurant owner shall be entitled to appeal the decision of the Planning Department to revoke or deny a permit based on the appearance of the outdoor dining area 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.”
9. The location of table umbrellas shall be approved by the Planning Department and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area. Umbrellas must be designed and installed to be secure in windy conditions, be weather resistant, and be made of nonflammable materials.

10. The advertising of products or brands on any chairs, tables, or other furnishings shall be prohibited.

11. An outdoor dining area shall be delineated by a removable physical barrier or base wall separating patrons from pedestrian traffic no larger than 30 inches in height. Acceptable delineators shall be paneled flower boxes, flower box posts and chains, wrought iron fencing, wooden fencing, picket fencing (with blunt pickets) and posts and chains.

12. The number of outdoor dining seats shall not exceed the total maximum permitted number of seats within the premises to which the outdoor dining area is accessory.

13. The licensee shall have the consent of the owner, if any, of the premises in which the licensed activity is to be conducted.

14. In addition to the parking requirements in Article 8, one (1) parking space shall be provided per three (3) seats.

15. Landscaping requirements shall be determined by the primary use on the property.

16. The purchase and consumption of alcohol shall be limited on private property only under the following standards:
   a. The vendor must be validly licensed for alcohol sales.
   b. Alcohol sales in an outdoor dining area must be in conjunction with food service and not as standalone sales of alcohol.
   c. No alcoholic beverages may be mixed or stored in the outdoor dining area.
   d. Alcoholic beverages may not be removed from the premises, and no alcohol sold off-premises may be brought into the dining area.
   e. The number of alcoholic beverages permitted to be served at any time within the outdoor dining area shall be limited to the number of seats approved for and provided in the outdoor dining area.

5.1.24 Tattooing / Tattoo Parlors and Body Piercing Establishments

A. Body Piercing Establishments: Body piercing shall not be permitted as a principal use in any zoning district and shall only be permitted as an accessory use in health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices, but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

B. Tattoo parlors shall be permitted as conditional uses in the LI and HI Zoning Districts provided that the following conditions are met:
   1. Number: No more than one (1) tattooing establishment shall be located on any lot.
   2. Location: Tattooing establishments shall not be located closer than:
      a) Six hundred (600) feet from all residential zoning districts in the City of Conway (RA, RR, R-1, R-2, R-3, R-4, or residential designation within a PD) or equivalent residential zoning districts in Horry County.
      b) One thousand (1,000) feet from any religious institution, day care facility, public or private education facility, playground, public park or public library.
      c) Two hundred fifty (250) feet from any other tattooing establishment.
      d) Measurements of distance shall be in a straight line from the closest point of the lot on which the tattooing establishment is located.
3. **License**: The tattooing establishment must be licensed by the South Carolina Department of Health and Environment Control.

### 5.1.25 Taverns, Bars, Nightclubs, Teen Clubs

**A.** Bars, Taverns, Night Clubs and Teen Clubs are permitted by right in the CC, HC, CBD, and LI Zoning Districts. These uses are allowed by conditional use in the NC and WRD Zoning District.

**B.** The applicant must prove they have taken measures to not be injurious to adjoining property, including, but not limited to:

1. Controlling and shielding of all lighting so as not to cast undue glare and light onto neighboring properties.
2. Controlling of all elements that produce noise, so as not to create nuisance conditions off-site.
3. Controlling and shielding of parking, ingress and egress, so as not to create a nuisance off-site.
4. Controlling and shielding of trash receptacles, so as not to create a nuisance off-site.

**C.** It shall be the responsibility of the applicant to prevent its patrons from causing a disturbance on public or private property in the vicinity of the applicant’s establishment. Live entertainment shall be permitted in bars, taverns and nightclubs in the CBD district, provided that it shall occur inside the enclosed building. Outside entertainment shall be permitted only with proper event permits from the City of Conway.

**D.** All associated permits from applicable federal, state and local agencies must be submitted in conjunction with a site plan after TRC review but prior to Planning Commission review.

**E.** An alcoholic beverage license issued by the State of South Carolina is required for establishments intending to serve alcohol.

**F.** Failure to comply with the conditions in the Conditional Use Permit will result in revocation of the Conditional Use Permit.

### 5.1.26 Transit Shelters

**A.** Transit shelters shall only be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle (See Section 7.1.8).

**B.** Only governmental signs are permitted in association with a transit shelter. Advertisements shall not be allowed.

**C.** If constructed by other than the City of Conway, a schematic plan must be submitted and approved by the Technical Review Committee. The plan must include the following:

1. The location of the proposed shelter relative to street, property lines, and established building yards and;
2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.

**D.** A building permit shall be issued only after approval by the Technical Review Committee of the proposed schematic plan.

**E.** A transit shelter located within a street right-of-way or an established yard may be removed by the City of Conway if the Planning Commission determines that it no longer serves the best interest of the public.

### 5.1.27 Transmission Towers; Wireless, Cellular or Communications Towers

Transmission Towers, Wireless, Cellular or Communication Towers shall be permitted only in the LI
and HI Zoning Districts subject to the following conditions:

A. **Lot size.**
   
The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties and street rights-of-way (the fall zone shall be determined by an engineer certified in the State of South Carolina in a letter which includes the engineer’s signature and seal). An additional 50 feet beyond the fall zone must be provided when the tower property is adjacent to any residentially zoned property.

B. **Illumination.**
   
   Towers shall be illuminated only as required by the Federal Communications Commission and/or the Federal Aviation Administration. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies.

C. **Color.**
   
The color of the proposed tower shall be appropriate to blend in with its surroundings.

D. **Security.**
   
The proposed tower and associated structures are appropriately secured by means of walls, fences or other devices at least six (6) feet height. Razor or barbed wire fencing is not permitted.

E. **Signage.**
   
   A single sign, two square feet (2 ft²) in size, which includes the name of the company operating the equipment and a telephone number for emergencies, shall be displayed in a visible location on or near the tower.

F. **Emissions.**
   
The equipment on all towers shall not emit no ionizing electromagnetic radiation (NIER) which results in ground level exposure exceeding the lowest applicable exposure standards of any regulatory agency of the United States government or the American National Standards Institute.

G. **Removal.**
   
   A written agreement to remove the tower and/or antenna and other accessory structures within 180 days after cessation of use shall be submitted.

H. **Height.**
   
The height of a proposed freestanding tower shall not exceed 200 feet.

I. **Co-location.**
   
   Satisfactory evidence shall be provided indicating that alternative towers, buildings or other structures do not exist within the vicinity of the proposed tower, which can provide coverage to the proposed service area, and which are structurally capable of supporting the intended equipment, or which meet the necessary height criteria, or do not cause interference between the existing and proposed frequencies. The applicant must also be willing to allow other users to co-locate on the proposed tower in the future subject to
engineering capabilities of the structure, frequency considerations, and proper compensation from the additional user.

J. **Landscaping.**

1. Evergreen shrubs capable of obtaining a height of six (6) feet shall be planted, with a maximum spacing of three (3) feet, around the immediate perimeter of the security fence surrounding the proposed tower and associated structures. Plants shall be at least three (3) feet in height at the time of planting.
2. Within a 50 foot radius of the tower and around all sides that are visible from the public right of way or adjacent to a residential zone, at least one (1) row of evergreen or shade trees with a minimum caliper of 3 inches at the time of planting shall be installed, at a maximum spacing of 25 feet. This requirement may be waived by the Planning Commission, in whole or in part, if the existing natural vegetation provides adequate screening.

K. **Application.**

Transmission Towers, Wireless, Cellular or Communication Towers are subject to review and approval by the City of Conway Planning Commission. The following must be submitted for all applications:

1. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, parking, fencing, landscape plan, and existing land uses on adjacent properties.
2. One copy of typical specifications for proposed structure and antennae, including photographs or elevation drawings depicting the design of proposed structures and materials.
3. A current map showing locations of applicant’s antennae, facilities, existing towers, and proposed towers, serving any property within the City.
4. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
5. Written authorization from the site owner for the application.
6. Evidence that a valid FCC license for the proposed activity has been issued.
7. A line of sight analysis showing the potential visual impacts on adjacent residential districts.
8. Letter from the Horry County Department of Airports assuring that the County’s restrictions on communications towers have been met.
9. Any other information deemed necessary by the Planning Commission.

L. **Criteria for approval.**

1. The proposed tower is located such that it will not unreasonably impair the use of or prove detrimental to neighboring properties.
2. The aesthetics and/or location of the proposed tower will not substantively detract from the character of the neighborhood. Structures other than the normal steel tower may be considered less imposing on the character of the neighborhood.
3. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical design requirements without unreasonable modifications on any existing structure or tower under the control of the applicant.
4. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet the applicant’s structural specifications and the applicant’s technical design requirements, or that a collocation agreement could not be obtained.
5. Applicant must show that a new tower is designed to accommodate additional
antennae equal in number to the applicant’s present and future requirements.

6. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting Federal Communications Commission (FCC) rules, and must file a written indemnification of the City of Conway and show proof of liability insurance or financial ability to respond to claims up to $1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the City and in a form approved by the City attorney.

5.1.28 Veterinarian / Animal Clinic

Veterinarian / Animal Clinics shall be permitted in the HC, LI, and HI Zoning Districts subject to the following conditions:

A. Barding
   1. All boarding arrangements shall be maintained within a building.

B. Noise
   1. No noises connected with the operation of the facility shall be discernible beyond the premises.

5.1.29 Mini Storage Units

Mini Storage Units shall be permitted in the HC, LI, and HI Zoning Districts subject to the following conditions:

A. Conditions in the HC Zoning District
   1. Shall be permitted as a secondary use only and shall not be the principal use on the parcel which it is situated.
   2. Shall be permitted only in the rear yard of a permitted use.
   3. Shall not exceed 1.5 times the total square footage of the principal building(s) on the lot.
   4. The closest point of the mini storage unit(s) shall be a minimum of two hundred (200) linear feet from the any public right-of-way.
   5. A minimum Type B Buffer, as set forth in Section 9.2.3, shall be required around the portion of the lot used for mini storage units. Any greater buffer, required in the UDO, shall apply.

B. Conditions in the HC, LI, and HI Zoning Districts
   1. For the area containing mini storage units, required loading and unloading areas and the required landscaping, shall not exceed 40% of the total lot area.
   2. Shall be used for dead storage only.
   3. The storage of flammable or hazardous chemicals, explosives and containers of such materials shall be prohibited.
   4. Auctions, commercial, wholesale, retail, miscellaneous or garage sales shall be prohibited.
   5. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment shall be prohibited inside or outside the mini storage units.
   6. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment shall be prohibited.
   7. Any use that is noxious or offensive because of odors, dust, noise,
fumes, or vibrations shall be prohibited.
8. Open storage of any item including but not limited to boats, vacant trailers, and recreation vehicles, automobiles, or any other type of motorized vehicle shall be prohibited.

C. Signage

1. In addition to the sign requirements stated in Article 11, two (2) wall signs are permitted on each premise that include mini storage unit(s) with the following conditions:
   a) The location of the wall sign(s) shall be on the mini storage unit(s).
   b) Wall sign(s) shall face the direction of the public or private road.
   c) The total combined area of the Wall sign(s) shall be no larger than twenty-five (25) square feet or 10% of the mini storage unit(s) face where the sign is attached, whichever is less.
   d) The content of the wall sign(s) shall be limited to a business name, phone number, and / or email address.
   e) No changeable copy and no EMCs [Electronic Message Centers] shall be permitted on the mini storage unit(s).

5.1.30 Nurseries, Garden Centers, and Greenhouses

A. Nurseries / Garden Centers

Nurseries and Garden Centers shall be permitted in the NC, HC, IN, LI, and FA Zoning Districts with the following conditions:

1. Permitted activities may include the off-site delivery of plant materials and the use and storage of all vehicles, equipment, and crew necessary for those activities.
2. The majority of plants offered for sale shall have been grown on-site.
3. The sale of any meats, dairy, packaged food, and beverage items not intended for immediate consumption shall be prohibited.
4. The property shall be kept neat and orderly.
5. The parking requirements in Article 8 shall not be in violation as a result of a nursery or garden center locating on a property.
6. A detailed site plan of the nursery or garden center shall be submitted to the Planning Director for review and approval. The site plan shall include the following:
   a) Areas for storage, deliveries, and parking.
   b) Design of any building or structure.
   c) Screening from neighboring uses. An eight (8) feet high solid fence must surround all storage areas for business vehicles, equipment, and bulk storage.
   d) The view from the public street.
   e) Shall be located at a distance or otherwise protected from nearby homes or apartments as not to disturb neighboring residents.

B. Greenhouses

Greenhouses are permitted as an accessory use in the RA, RR, HC, IN, LI, and FA Zoning Districts and shall meet the requirements in Section 5.2.1.

Amended 12-3-12, #ZA2012-12-03 (A)
Section 5.2 – Accessory Uses & Structures

5.2.1 Accessory Structures

A. Single-family detached dwelling, single-family semi-detached dwelling, and two family dwelling uses shall be permitted to construct and utilize structures which are accessory to the principal use of the property (including but not limited to detached private garages, storage sheds, children’s playhouses, private kennels, non-commercial greenhouses, bath houses, cabanas, gazebos, and structures designed and used for purposes of shelter in the event of a man-made or natural catastrophe). They shall meet the following requirements:

1. Location: Shall be located in the rear yard only. Detached garages and gazebos may also be located in the side yard.
2. Setbacks: Shall be located a minimum of five (5) feet from all property lines, other accessory structures, and the principal structure. Detached garages and gazebos located in the side yard shall meet the setback requirements of the zoning district and shall not be located more forward than the front façade of the primary structure. Building codes and buffers, landscaping, and other requirements stated throughout the UDO may require a greater setback.
3. Height: Shall not exceed fifteen (15) feet in height unless it is located entirely in the buildable area of the lot in which it is located. If the accessory structure is more than fifteen (15) feet in height, it will be subject to the maximum height requirements of the zoning district and shall not be higher than the principal structure.
4. Number: Shall be limited to three (3).
5. Size: The total square footage of all accessory structures on a lot shall not exceed fifty (50%) percent of the rear yard. The square footage of one (1) accessory structure shall not exceed 50% of the area of the primary structure on the same lot.
6. Design: The following design standards shall be required:
   a. Less than two hundred (200) square feet: If the structure exceeds ten (10) feet in height, it shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding, or other material with similar texture.
   b. Between two hundred (200) and three hundred ninety-nine (399) square feet: Shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding, or other material with similar texture.
   c. Four hundred (400) square feet and greater: Shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall architecturally complement the primary structure in exterior finish and roof pitch.
   d. Corner lots: In addition to the design standards stated above, the following conditions shall apply to accessory structures located on a corner lot:
      i. Detached garage: Shall architecturally complement the primary structure in exterior finish and roof pitch.
7. CAB: Any proposed accessory structure that is located in a Historic Design Review District shall be approved by the Community Appearance Board (CAB).
B. Non-residential, multi-family dwellings, single-family attached dwellings, religious institutions, and governmental uses shall be permitted to construct and utilize structures which are accessory to the principal use of the property provided such accessory structures. They shall meet the following requirements:

1. Location: Shall be located in the rear yard and side yard only.
2. Setbacks: Shall meet the required setbacks of the zoning district for the side yard and / or rear yard and shall be a minimum of five (5) feet from other accessory structure(s) and the principal structure. Building codes and buffers, landscaping, and other requirements stated throughout the UDO may require a greater setback.
3. Height: Shall not be higher than the principal structure on the same lot.
4. Number: Shall be limited to three (3).
5. Size: The square footage of one (1) accessory structure shall not exceed 50% of the area of the primary structure on the same lot.
6. Design: Shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding, or other material with similar texture. Accessory structures visible from any public or private roads shall architecturally complement the primary structure in exterior finish.
7. CAB: Any proposed accessory structure that is visible from any public or private road and located in a Historic Design Review District shall be approved by the Community Appearance Board (CAB).

C. Exceptions to the following uses or structures are as follows:

1. Commercial gasoline pump canopies shall be permitted in appropriate district when setback a minimum of fifteen (15') feet from all property lines and the overhang of the canopy shall be setback a minimum of five (5') feet from all property lines.
2. Guardhouses located at entrances to residential subdivisions, multi-family developments, industrial sites, and educational facilities shall be permitted provided such accessory structures are located a minimum of ten (10) feet from any property line.
3. Permanent playground and / or recreational structures shall meet the required setbacks of the zoning district for any yard.

5.2.2 Accessory Dwelling Units (ADUs)

See Section 6.2.2.

5.2.3 Fences & Walls

A fence or wall of any construction may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following:

A. Commercial and Residential:

1. Front yards—4 feet,
2. Side yards—6 feet, (Fences and walls on corner lots, adjacent to major and minor arterial roads, may be up to six (6) feet in height)
3. Rear yards—8 feet,
B. Industrial Zoning Districts:
   1. Front yards—6 feet (not permitted in any required front setback),
   2. Side yards—10 feet,
   3. Rear yards—10 feet,

C. Corner Lots:

   A fence or wall located on a corner lot may be up to six (6) feet in height provided it is
   located adjacent to a major or minor arterial road, and meets a mandatory ten (10) foot
   setback from the public right-of-way or lot line.

D. Design:

   Wherever a fence or wall is installed, if one side of the fence or wall appears more
   “finished” than the other (i.e. one side has visible support framing and the other does not),
   then the more “finished” side of the fence shall face the perimeter or outside of the lot,
   rather than facing the interior of the lot. This design provision shall also be mandatory for
   fences and walls required for buffering and screening purposes. Decorative or ornamental
   wood, brick, stone or stucco piers, built as a structural component of a fence, wall, or gate
   may be located in all required yards.

E. Maintenance:

   The structural and aesthetic integrity shall be maintained for all new and existing fences
   and walls. Any fence or wall provided to meet buffering and screening requirements may
   be exempted from the height and location standards as necessary to meet the
   requirements of that section. All fences and walls must meet the requirements of Article 9
   (Landscaping & Buffering).

5.2.4 Home-Based Business

A gainful occupation conducted in an office within a residential structure, by a resident of the
home, with no outward appearances of a business within the premise. Services of the business that
are not office-related are conducted off-premises.

A. Home-based businesses shall be subject to the following requirements:

   1. No retail sales shall be permitted;
   2. No visible indication the residence is being used as a business location shall be
      permitted;
   3. No stock or equipment shall be stored at the residence except in a vehicle used in
      conjunction with the business;
   4. Such business shall employ only the business owner and members of the
      immediate family currently residing at the business address;
   5. No clients or customers of such business shall be permitted to receive services at
      the business location;
   6. No accessory structure shall be used in conjunction with the business and only ten
      percent (10%) or one (1) room of the residence shall be used in conjunction with
      the business;
   7. No deliveries shall be permitted other than by regular mail or overnight mail
      services;
   8. No tractor trailers shall be permitted in conjunction with home-based businesses;
   9. All signage shall be subject to the requirements set forth in Article 11.
B. The following list contains the permitted home-based businesses. Any similar businesses shall be reviewed and approved by the Planning Director.

<table>
<thead>
<tr>
<th>Auto Wrecker Service</th>
<th>Brick Mason</th>
<th>Carpenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpet or Rug Cleaning</td>
<td>Carpet &amp; Tile Contractor</td>
<td>Consulting Services</td>
</tr>
<tr>
<td>Drywall &amp; Painting Contractor</td>
<td>Electrical Contractor</td>
<td>Errand/Shopping Service</td>
</tr>
<tr>
<td>Fencing Contractor</td>
<td>Fire Extinguisher Service</td>
<td>Floor Finishing Contractor</td>
</tr>
<tr>
<td>General Contractor</td>
<td>Heating/Air Conditioner Contractor</td>
<td>Ice Cream Vendor</td>
</tr>
<tr>
<td>Insulation Contractor</td>
<td>Janitorial Services</td>
<td>Landscaping/Lawn Care Services</td>
</tr>
<tr>
<td>Locksmith</td>
<td>Mail Order Business</td>
<td>Pest Control Service</td>
</tr>
<tr>
<td>Plumbing Contractor</td>
<td>Pool Installation</td>
<td>Pool Service</td>
</tr>
<tr>
<td>Roofing Contractor</td>
<td>Security Services</td>
<td>Septic/Sewer Services</td>
</tr>
<tr>
<td>Siding Contractor</td>
<td>Sprinkler Contractor</td>
<td>Stucco Contractor</td>
</tr>
<tr>
<td>Tree Surgery</td>
<td>Window Washing Service</td>
<td>Windshield Repair</td>
</tr>
</tbody>
</table>

5.2.5 Non-commercial Keeping of Livestock or Fowl

This ordinance recognizes the desire of some residents to keep horses, livestock, chickens or other fowl for personal enjoyment or sustenance. However, the keeping of these animals for any purpose should not cause nuisance to surrounding properties or present a health hazard.

Non-commercial keeping of poultry or livestock is permitted as a conditional use in the RA and FA Zoning Districts under the following provisions:

A. Livestock: Horses, cows, ponies, donkeys, and other domestic livestock may be kept, raised or bred for home use and enjoyment, provided that only one such animal shall be permitted for each two (2) acres of land area, and shall be adequately contained by fence within that property.

B. Fowl: Ducks, quail, chickens, turkeys, pigeons, pheasants, and other fowl, may be raised for home use provided such fowl are adequately contained within the property. The keeping of fowl is limited to five (5) birds per acre.

C. Setbacks & Fencing: All domestic livestock or fowl must be kept at least 25 feet from all property lines with fencing adequate to retain any livestock within the required setbacks. For properties abutting a residential district (R-1 through R-4), the minimum setbacks shall be increased to 50 feet from all property lines adjacent to the residential district.

D. Non-Commercial: The keeping, breeding, or training of any animals for monetary gain or profit shall be deemed a commercial business and is prohibited in all residential districts.

5.2.6 Parking, Storage & Use of Recreational Equipment

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreation equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or rear yard, provided however that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
5.2.7 Portable Storage Units

A. Portable Storage Units shall be allowed in the HC, LI, and HI Zoning Districts subject to the following conditions:

1. The use of portable containers will require the applicant to obtain a zoning permit from the Zoning Administrator.
2. Portable storage units when placed in an area not seen from public street right-of-ways shall be approved on a year-to-year basis.
3. Portable storage units shall not be placed in required parking spaces, or impede any parking area.
4. Portable storage units placed in an area other than stated in #2 of this section shall be approved for no more than sixty (60) days, two (2) times per year.
5. The total square footage for a portable storage unit shall not exceed three hundred twenty (320) square feet in area.
6. No portable storage shall be allowed in the front yard of any property.
7. Such portable storage units shall be located a minimum of five (5) feet from all other accessory structures, and the principal structure.
8. The placement of the portable storage unit shall adhere to all side and rear setbacks applicable to accessory structures.
9. Portable storage units shall not be located in such a manner to obstruct the flow of pedestrian or vehicular traffic. A site plan showing the location of the portable storage unit must be approved by the Planning Director prior to installation.
10. Portable storage units shall not be located in such a manner to impair a motor vehicle operator’s view of motor vehicles, bicycles or pedestrians upon entering or exiting right-of-way.
11. There shall be no more than two (2) Portable Storage Units on one parcel at any given time (portable storage units as stated in #2 of this section are exempt from this requirement).
12. Signage is prohibited on all portable storage units.
13. The owner, operator and/or renter of the portable storage unit shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use the portable storage unit shall be kept locked. The owner, operator of any site on which a portable storage unit is placed shall be responsible that no hazardous substances are stored or kept within the portable storage units.

B. Portable Storage Units shall be allowed in all other districts subject to the following conditions:

1. The unit may not exceed 130 square feet and eight (8) feet in height.
2. The unit may not remain on the premises longer than sixty (60) days, and not more than once per year.
3. The Planning Director may grant extensions on a case-by-case basis.

5.2.8 Residential Swimming Pools & Spas

A swimming pool, hot tub, or other type of spa may be constructed on the side or rear yard of a private residence under the following conditions:

A. The edge of the water must be at least three and a half (3.5) feet from all required setbacks and from any buildings.
B. Fencing and/or a suitable enclosure device shall be provided, in compliance with applicable building codes.
C. Pool lighting shall be shielded and oriented away from adjacent properties. If individual light shielding is not provided, they shall be placed so that enclosure walls or fences direct light away from adjacent properties.

5.2.9 Satellite Dish Antennas

A. Satellite dish antennas greater than one meter (39.37") in diameter shall be permitted with the following condition:

1. Shall be permitted in rear yards only in all residential districts and in rear yards only in residential developments in any other district.

B. Satellite dish antennas one meter (39.37") in diameter or less shall be regulated with the following conditions except the restrictions below shall not impair the installation, maintenance or use of antennas, or interfere with the reception of acceptable quality signal. The enforcement of these satellite dish antennas will not violate the prohibitions of the FCC Act.

1. Shall be permitted in rear yards only.
2. The Community Appearance Board can require additional regulations to properties located on the National Registry of Historic Places in order to encourage historic preservation. These regulations shall not be more burdensome than necessary to accomplish the historic preservation goal.
Section 5.3 – Temporary Uses

5.3.1 Temporary Uses Requiring a Temporary Certificate

This section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the property where they occur. The Zoning Administrator shall be authorized to issue a Temporary Certificate of Zoning Compliance for the following temporary uses:

A. Carnivals, circuses, and/or fairs, for a period not to exceed ten (10) days (including setup and takedown) in any commercial district, subject to the approval of the City Council.

B. Religious meetings / revivals in a tent or other temporary structure located in any district for a period not to exceed seven (7) days, including setup and takedown.

C. Open lot sale of Christmas trees in any commercial district for a period not to exceed forty-five (45) days. Sales are limited to Christmas trees and associated holiday fare.

D. Real estate sales offices associated with new developments or subdivisions, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

E. Contractor’s office and equipment shed, in any district, for a period not to exceed one (1) year, provided such office or shed is located on the property to which such office or shed is appurtenant.

F. Public Educational and Public Higher Education Facilities may utilize portable classrooms and offices in any district for a period not to exceed five (5) years. Up to ten (10) structures are permitted as accessory structures to a permanent education facility.

G. Accessory Residential Uses. Residential uses accessory to any of the above permitted temporary uses are prohibited, unless expressly permitted by the Zoning Administrator at the time of issuing the Temporary Certificate of Zoning Compliance.

5.3.2 Temporary Uses During a Declared Emergency

A. Temporary Public Safety Uses During a Natural Disaster or Emergency. In the case of a natural disaster or other citywide emergency event, all public safety and/or public health land uses of a temporary nature that the city deems as necessary to serve the city during a time of need, as declared by the Mayor or City Council, shall be exempt from requiring a Temporary Certificate. This includes, but is not limited to:

1. Temporary emergency tents or shelters;
2. Triage care centers;
3. Mobile communications units or similar staging and care equipment;
4. Temporary structures needed to house displaced city departments and/or services.

B. Private Temporary Uses During a Natural Disaster or Emergency. Private temporary uses in the case of a citywide declared emergency shall require Temporary Certificate of Zoning Compliance allowing the temporary use for a period of ninety (90) days. The Zoning Administrator may issue an extension of up to sixty (60) days if deemed necessary. The following are private temporary uses that will be considered for a Temporary Certificate:

1. Mobile homes or on-site RVs and campers for displaced residents;
2. Portable storage units;
3. Dumpsters;
4. Portable toilets;
5. Other uses related to home repair or residential displacement related to said emergency.
C. Additional Requirements.
The Zoning Administrator may impose any additional requirements including landscape buffers and restrictions necessary to insure the public health, safety, comfort, and convenience. The Zoning Administrator shall have the authority to renew any Temporary Certificate of Zoning Compliance with just cause shown; however any request by a public educational facility or public higher education facility to maintain more than 10 temporary classrooms or offices or to maintain any portable facilities for more than five (5) years is subject to review and approval by the Conway City Council.
Section 5.4 – Prohibited Uses

5.4.1 Mobile Home

Mobile homes shall not be permitted in any district for residential or other use, except as permitted as Temporary Uses under Section 5.3.

--Reserved for additional prohibited uses--
Article 6. Design Standards

Article 6 Contents

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- 6.1.2, Zoning Affects All Lands, Buildings and Structures
- 6.1.3, Designation of Zoning for Annexed Areas
- 6.1.4, Minimum Area of Zoning District
- 6.1.5, Measurement of Minimum Lot Width
- 6.1.6, Minimum Required Yard and Setbacks
- 6.1.7, Modification of Yard Regulations
- 6.1.8, Building and Structures Not to Share Required Yards
- 6.1.9, Side Yard Setbacks for Corner Lots
- 6.1.10, Setbacks for Lots Fronting Cul-de-sacs
- 6.1.11, Build to Lines
- 6.1.12, Building Height
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- 6.2.2, Accessory Dwelling Units
- 6.2.3, Single Family Residential Detached (Neo-Traditional)
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- 6.6.2, Utility, Dumpster, Recycling, and Trash Handling
Section 6.1 – Setbacks, Yards, and Height Requirements

6.1.1 Regulation Declared to be Minimum Requirements

Within each district, the regulations set forth in Article 6 shall apply uniformly to each class or type of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. If requirements set forth herein are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts involve the city as a party in interest, the city shall have no administrative responsibility for enforcing such deed restrictions or covenants.

6.1.2 Zoning Affects All Lands, Buildings, and Structures

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

6.1.3 Designation of Zoning for Annexed Areas

A. When property has not been specifically included within a district or where property has become a part of the City of Conway by annexation, such areas shall automatically be classified as Low Density Residential (R-1) until such classification shall be changed by an amendment to the Ordinance.

B. Where property is under consideration for annexation and the property owner has requested a classification other than Low Density Residential (R-1), the City Council shall receive a recommendation from the Planning Commission and city staff concerning the appropriate zoning classification prior to a final vote to annex the property.

C. City Council shall hold a public hearing in accordance with the requirements set forth in Article 13, when a zoning classification different from the surrounding in-city zoning is requested for property under consideration for annexation.

D. The annexation ordinance shall indicate the zoning or the subject property and shall be considered an amendment to the Official Zoning Map.

6.1.4 Minimum Area of Zoning District

No tract(s) of land shall hereafter be rezoned for a zoning classification different from that of the surrounding properties unless such tract(s) is a minimum of three (3) acres in area. Tracts less than three (3) acres in area annexed into the city limits, may be zoned for a classification different from that of the surrounding in-city properties provided such zoning classification is consistent with the Future Land Use Map of the Conway Comprehensive Plan.

6.1.5 Measurement of Minimum Lot Width

The minimum lot width shall be measured at the right-of-way line provided such lot does not front on a cul-de-sac or a curved street.
6.1.6 Minimum Required Yards and Setbacks

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in the UDO.

In the case where a build-to line is established by or pursuant to the UDO, no building shall be erected in a manner to have a different building setback or yard than that established by said build-to line.

6.1.7 Modification of Yard Regulations

No yard or lot existing at the time of passage of the UDO shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the UDO shall meet at least the minimum requirements set forth herein.

6.1.8 Building and Structures Not to Share Required Yards

No part of a yard, or other open space required about or in connection with any building for the purpose of complying with provisions set forth herein shall be included as a part of a yard or open space similarly required of any other building or use.

6.1.9 Side Yard Setbacks for Corner Lots

In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards. The side yards with street frontage on corner lots shall be subject to the setback requirements set forth in Table 6.1.

A space extending the full width of the lot between any building and the front lot line is the Front Yard (1). For corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard at the side property line shall be known as a Corner Front Yard (4).

6.1.10 Setbacks for Lots Fronting Cul-de-sacs

The minimum lot width shall be measured at the right-of-way line provided such lot does not front on a cul-de-sac or a curved street. If such lot does front on a cul-de-sac, the minimum lot width shall be measured at the front setback line.

A. If such lot fronts on a curved street, it must have at least 50 feet of frontage on a public right of way but the minimum lot width may be measured at the front setback line.

B. Lots zoned Low Density Residential (R-1) that front on cul-de-sacs shall be permitted a minimum lot width of forty-five (45) feet. Lots zoned Rural Residential (RR) that front on cul-de-sacs shall be permitted a minimum lot width of seventy (70) feet.

C. Lots zoned, Medium Density Residential (R-2), and High Density Residential (R-3) that front...
on cul-de-sacs shall be permitted a minimum lot width of thirty-five (35) feet.

6.1.11 Build-to-Lines

In lieu of a front building setback (yard requirement) for a principal building, there shall be a “build-to” front building line required for principal buildings in the CC and R-4 zoning districts. The intent of a build-to line is to ensure that new principal buildings or principal building additions constructed are placed in a manner that is compatible and consistent with the placement characteristics of existing principal buildings and to maintain a consistent street edge. If existing principal buildings are close to the street with shallow front yards, so too shall be the proposed building on abutting, adjacent, and nearby building lots.

The build-to line in the CC and R-4 zoning districts shall be determined by the Planning Director pursuant to this intent and the guidance in this Article. Required build-to lines shall be determined by the Planning Director based on existing principal buildings within the same block of the property in question on the same side of the street in the zoning district.

6.1.12 Building Height

Buildings and structures are subject to the height limitations established in Table 6.1 for Residential Uses or Table 6.2 for Non-Residential Uses. See Article 2 for Building Height definition.

6.1.13 Exceptions to Building Height Regulations

The height regulations set forth herein shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, widows walks, turrets, parapet walls, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
### Section 6.2 – Residential Building Types and Design Standards

#### Table 6.1: Dimensional Requirements for Residential Zoning Districts

<table>
<thead>
<tr>
<th>DIMENSIONAL REQUIREMENT</th>
<th>RA</th>
<th>RR</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Acreage, Lot Width, and Lot Depth Requirements</strong></td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>Minimum lot size, detached single-family dwelling (square feet)</td>
<td>87,120 (2 acres)</td>
<td>21,780 (0.5 acres)</td>
<td>7,500</td>
<td>6,000</td>
<td>5,000</td>
<td>5,000</td>
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<tr>
<td>Minimum lot size, two-family dwelling (square feet)</td>
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<td>8,500</td>
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<td>Minimum lot size, semi-detached dwelling (square feet)</td>
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<td>4,250</td>
<td>3,500</td>
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<td>Minimum lot size, fee simple townhouse (square feet)</td>
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<td>Minimum lot size, multi-family building (square feet)</td>
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<td>Minimum lot width, detached single-family dwelling (feet)</td>
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<td>Lot depth, minimum (feet)</td>
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<td><strong>Building Height Requirements</strong></td>
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<td>Height, maximum (feet)</td>
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<td><strong>Building Setbacks, Residences or Other Permitted Principal Buildings</strong></td>
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<td>Front, minimum (feet)</td>
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<td>15</td>
<td>15</td>
<td>Build-to-Line</td>
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<td>Rear yard, minimum (feet)</td>
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<td>30</td>
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<td>Side yard, minimum</td>
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<td>Side yard fronts on local street (feet)</td>
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<td>15</td>
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<tr>
<td>Side yard fronts on arterial (feet)</td>
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<td>20</td>
<td>20</td>
<td>15</td>
<td>15</td>
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</table>
6.2.1 Single-Family Residential Detached Building

A. Dimensional Requirements
   1. **Minimum Lot Size.** The minimum lot size for each zoning district can be found in Table 6.1 or Table 6.2.
   2. **Setbacks.** The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1 or Table 6.2.

6.2.2 Accessory Dwelling Units (ADUs)

A. **Location:** ADUs shall be located in the rear yard as defined by Article 2 with the exception of being part of an attached or detached garage, which may be located in a side yard. If located in a side yard, it shall not be located more forward than the front façade of the principal structure on the property, and it shall meet the setback requirements of the district.

B. **Setbacks:** The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1.

C. **Height:** The height of the ADU shall be subject to the maximum height requirements set forth for that particular zoning district found in Table 6.1 or Table 6.2. Additionally, the ADU shall not exceed the height of the principal structure on the property.

D. **Number:** No more than one ADU shall be permitted on a single deeded lot in conjunction with only single-family detached dwelling.

E. **Size:** The size of an accessory dwelling unit shall not exceed 50 percent of the gross floor area of the principal dwelling or one thousand (1,000) square feet, whichever is greater.

F. **Parking:** One off-street parking space shall be required in addition to what is required for the principal use.

G. **Architecture:** The ADU must architecturally compliment the primary structure in exterior finish and roof pitch. Additionally, the ADU should be compatible with the neighborhood in which it is established.

H. **Other Conditions:**
   1. Shall be detached from or attached to a single-family detached dwelling.
   2. No retail sales shall be permitted.
   3. All building codes and fire codes shall be met.
   4. Under no circumstances shall the property be converted to a horizontal ownership regime.
   5. No leases of the ADU shall be permitted.
6.2.3 Neo-Traditional Single-Family Residential Building

A. Dimensional Requirements
   1. Minimum Lot Width: The minimum lot width of duplex buildings is fifty (50) feet.
   2. Setbacks: The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1.
   3. Build to Lines: The City of Conway Planning Commission shall establish a front built-to line for each street in a traditional residential development prior to preliminary plat approval. The build-to line shall be the line, which the front of all homes on a given street must be aligned with. Typically, the build-to line should be between ten (10) and fifteen (15) feet from the right-of-way line. Single-family detached dwellings shall be permitted to deviate a maximum of two (2) feet on either side of the established build-to line. All other permitted uses and conditional uses shall be exempt from the front build-to line requirements, provided, however, no building associated with such uses shall be located between the established built-to line and the right-of-way line.

B. General Design Standards
   1. All single-family detached dwelling units shall have a raised first floor level a minimum of thirty (30) inches above the finished elevation of the front sidewalk. Measurement shall be taken from the interior edge of the sidewalk at the midpoint of the lot frontage.
   2. The exterior façade finish for the above ground basement level foundation wall shall be identical to the remainder of the façade or other compatible finish approved by the City of Conway. The crawl space underneath the porch shall be enclosed.
   3. Single-family detached dwellings shall provide covered front porches that extend a minimum of forty (40%) percent of the width of the dwelling (excluding garages). Such porches shall be a minimum of eight (8) feet in depth.
   4. Single-family detached dwellings situated on lots accessible by a rear service alley shall not be permitted attached or detached garages that are accessible from the principal street frontage. In such instance garages shall be permitted that are accessible from the rear service alley.
   5. Single-family detached dwellings situated in lots that are not accessible by a rear service alley with attached or detached garages shall be giving the option of separating from sidewalks by a natural hedge, picket, brick, or wrought iron fence a maximum of three and one-half (3.5') feet in height.
   6. Single-family detached dwelling situated in lots that are accessible by a rear service alley shall be required to be separated from sidewalks by a natural hedge, picket, brick, or wrought iron fence a maximum of three and one-half (3.5') feet in height.
C. Street Design Standards
   1. All lots in proposed traditional developments shall be configured so that the rear of each lot is accessible by means of a service alley. Such service alleys shall be constructed in accordance with the requirements set forth in Section 7.1.3. The Planning Commission may make exception to the requirements for rear service alleys where topography, property boundary configuration, or other site constraints make the provision for rear service alleys impossible or impractical.
   2. The proposed streets in traditional developments shall be configured in such a manner as to provide rectangular and / or square blocks that intersect at or near ninety (90) degree angles. Interconnectivity of proposed streets with other proposed streets, existing streets, and adjacent tracts with development potential shall be required in order to improve traffic circulation. The requirements set forth herein shall not be construed to prohibit curvilinear streets where topography, property boundary configuration, or other site constraints warrant the use of curvilinear streets. Cul-de-sacs and dead-end streets shall be prohibited unless no other reasonable alternative is available. The use of cul-de-sacs solely for the purpose of increasing street frontage in order to provide additional lots shall be prohibited.

6.2.4 Two-Family Dwelling Unit

Property containing a two-family dwelling (one building structure with a shared wall on one property) is subject to all applicable building codes and requirements of the Conway Unified Development Ordinance.

A. Dimensional Requirements
   1. Minimum Lot Size. The minimum lot size shall adhere to the requirements set forth in each zoning district in Table 6.1 and Table 6.2.
   2. Setbacks. The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1 or Table 6.2. Each lot shall front on a public street.
6.2.5 Single-Family Semi-Detached Dwellings

A property containing a semi-detached dwelling (duplex) may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units. This will be subject to compliance with applicable building codes of the City of Conway.

A. Dimensional Requirements
   1. Minimum Lot Size. The minimum lot size for each zoning district where semi-detached dwellings are allowed can be found in Table 6.1.
   2. Setbacks. The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1 or Table 6.2.
      a. Each unit shall have one side yard with no minimum required setback (two units shall share one common vertical wall which shall be the property line) and one side yard with a minimum seven and one half (7.5) foot setback.
      b. Each lot shall front on a public street.

6.2.6 Single-Family Attached (Townhouse)

A. Dimensional Requirements
   1. Setbacks. The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1 or Table 6.2. A side yard of zero shall be allowed on the side of attachment to an adjoining townhouse.
   2. Number of Units. No fewer than three (3) contiguous dwellings shall be built in a row. A maximum of eight (8) dwelling units may be allowed in one structure or building.

B. General Design Standards
   1. The property boundaries for such lots created may extend beyond the footprint of the dwelling structure.
   2. All common driveways, parking areas, open space, or other amenities shall have provisions for perpetual maintenance by the participating property owners.
   3. A pathway system connecting greenway/open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.
4. Two (2) parking spaces shall be provided for each unit. The title of such parking spaces and/or the easement for the use of such parking spaces shall run with and/or be appurtenant to the title to such dwelling.

C. General Design Standards

1. Buildings shall be constructed of materials consistent with characteristics of the neighborhood, including but not limited to brick, stone, wood, vinyl siding, fiber cement siding, and masonry hardi-plank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the above listed materials on each façade of the building.

2. All units with front-loaded garages shall have garage faces with decorative design treatments to minimize their appearances. Garages for units/buildings located on rear alleys shall be located to the rear of the unit and accessed via alley only.

3. A four-foot (4’) wide walkway, constructed of concrete or decorative pavers, shall extend from the sidewalk to the steps, stoop, or porch of all units.

4. All front doors must have either a glass element in the door or sidelights and a transom surrounding it.

5. Columns on the front elevation or otherwise visible from the public view shall have a minimum two-foot (2’) base constructed of brick or stone to match the front elevation.

6. Chimneys located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry or same as adjacent materials.

6.2.7 Multi-Family Residential

A. Dimensional Requirements

1. **Setbacks.** The front, side, and rear yard setbacks shall adhere to the requirements set forth in Table 6.1. In addition to adhering to setback requirements, each structure shall be a minimum of fifteen (15) feet from any other structure situated on the same lot.

2. **Lot Size.** In the R-2 district, the first unit on each lot shall require a minimum of six thousand (6,000) of gross lot area square feet and each additional unit shall require two thousand five hundred (2,500) square feet of gross lot area. In the R-3 district, the first unit on each lot shall require a minimum of five thousand (5,000) of gross lot area square feet and each additional unit shall require two thousand five hundred (2500) square feet of gross lot area.

B. General Design Standards

1. All common driveways, parking areas, open space, or other amenities shall have provisions for perpetual maintenance by the participating property owners.

2. A pathway system connecting greenway/open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and sidewalks shall be constructed.

C. Architectural Design Standards

1. Buildings shall be constructed of materials consistent with characteristics of the neighborhood, including but not limited to brick, stone, wood, vinyl siding, fiber cement siding, and masonry hardi-plank shakes/shingles. The primary material on the front elevation shall also be used on the side and rear elevations. There shall be a combination of no less than two (2) of the above listed materials on each façade of the building.

2. Columns on the front elevation or otherwise visible from the public view shall have a minimum two-foot (2’) base constructed of brick or stone to match the front elevation.

3. Chimneys located on an exterior elevation of the dwelling must extend to the ground and be clad in masonry or same as adjacent materials.
Section 6.3 – Non-Residential Design Standards

Table 6.2: Non-Residential Zoning Districts

<table>
<thead>
<tr>
<th>DIMENSIONAL REQUIREMENT</th>
<th>P</th>
<th>IN</th>
<th>NC</th>
<th>HC</th>
<th>CC</th>
<th>CBD</th>
<th>WRD</th>
<th>MU</th>
<th>LI</th>
<th>HI</th>
<th>FA</th>
<th>CP</th>
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<td>ACREAGE, DENSITY, AND LOT WIDTH REQUIREMENTS</td>
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<td>Minimum lot area (square feet or acres)</td>
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<td>10 acres</td>
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<td>Minimum lot width (feet)</td>
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<td>BUILDING SETBACKS FOR PRINCIPAL BUILDINGS</td>
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<tr>
<td>Side yard, arterial/collector or minimum (feet)</td>
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</tr>
</tbody>
</table>

1 BTZ = Build-to-Zone; see Section 6.3.6(c)-1
2 15’ rear yard setback required adjacent to residential property or mid-block alley; otherwise none required
3 See Section 6.3.2 for IN District side yard setback requirements.
4 Front setback in WRD district is five feet from edge of pavement or curb.
5 Side yard setback for properties fronting on a local street, cul-de-sac, or alley.
6 Side yard setback for properties adjacent to an arterial or collector street.

Amended 12-3-12, #ZA2012-12-03 (B)
6.3.1 Non-Residential Architectural Design Standards

A. Intent: Non-residential architectural design standards protect and enhance the aesthetic and visual character of various developments within the City of Conway. In particular, the purpose is to encourage and better articulate positive visual experiences throughout the City of Conway and to provide for economic growth and stability through the preservation of property values. The design review process is not intended to stifle innovative architecture but to assure respect for surrounding uses and reduce incompatible and adverse impacts on the visual experience.

B. Historic Design Review Districts (HDRDs): Properties located within the HDRDs shall be reviewed and approved by the Community Appearance Board (CAB) and shall meet the “Historic Design Review Districts: Community Appearance Guidelines”.

C. P, NC, HC, CC, CBD, GCO, and VCO: Properties zoned P, NC, HC, CC, CBD, GCO, and VCO (exempting parcels zoned CP, FA, LI, and HI) that are located outside the HDRDs shall be reviewed and approved by the Planning Director and shall meet the following architectural design standards:

1. The architectural design, color, and material of a proposed structure, or structures, shall conform to community standards of good taste and design.
2. Proposed structures will contribute to the image of the City of Conway as a unique place of visual character, integrity, and quality.
3. All elevations of a structure shall be in harmony one with another in terms of scale, proportion, detail, material, color, and high design quality.
4. The side and rear elevations of buildings shall be visually attractive, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.
5. All structures within a proposed development, including gasoline station canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through proper consideration of scale, proportion, detail, materials, color, site planning, and landscaping.
6. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features shall not be permitted.
7. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.
8. The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and surrounding structures.
9. Color combinations of paints and stains shall be complimentary. In general, no more than three different colors per building shall be permitted.
10. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
11. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.
12. Stucco, tabby, wood siding, brick, stone, traditional metal components, textured concrete masonry units, glass, fiber cement siding, and other materials with similar textures are permitted. In addition to these materials, aluminum composite materials are permitted for HC Zoning Districts located within the GCO. Fiber cement, AZEK, and PVC are permitted as a synthetic trim.
13. No portion of a building constructed of unadorned concrete masonry units or corrugated metal, sheet metal, exposed metal, and / or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, from existing public rights-of-way, or from adjoining properties which are eligible for future development.

14. When unreasonable or impractical situations would result from the strict application of Section 6.3.1.C of the UDO, the owner or developer of property, zoned HC and located in the GCO, has the right to provide an alternative architectural design plan. Such situations may result from unique site conditions, innovative design applications, and / or unified development design. The Planning Director shall use the following criteria when determining whether an alternative architectural design plan can be accepted in lieu of meeting the requirements stated in Section 6.3.1.C:
   a) The proposal includes a clear and concise explanation of the specific standards that are unreasonable or impracticable in that particular situation and how the alternative methods proposed will achieve the intent of Section 6.3.1.C.
   b) The proposal represents the use of alternative designs and / or materials, which will result in an acceptable alternative to what is required in Section 6.3.1.C.
   c) The proposal is compatible with and will enhance the use or value of surrounding properties.
   d) The proposal is consistent with the intent of the UDO, the City of Conway Comprehensive Plan, and other current and future City of Conway adopted plans.
   e) The Planning Director can require larger building setbacks, increased landscape buffers, and / or other screening methods as part of the approval for an alternative design plan.

Amended 12-3-12, #ZA2012-12-03 (C)

6.3.2 Professional District (P)

A. Dimensional Requirements.
   1. For the purposes of this Section, the term “new construction” shall also include expansion of existing, conforming nonresidential structures. Nonconforming structures shall be subject to the provisions in Article 12.
   2. All new construction in the P District shall result in a maximum building footprint that does not exceed thirty (30) percent of the total lot size.
   3. No expansion of an existing building in the P District shall cause the standards of this Section to be exceeded.
   4. Landscaped buffers adjacent to any property zoned or used residentially shall be provided in accordance with Article 9.
   5. The project should rely on a limited number of major access points to adjacent arterials. Project outparcels should share these access points and be connected internally to the remainder of the project.
   6. Similarly, curb cuts may be limited, and shared parking is encouraged, provided it meets the standards found in Article 8.
   7. Circulation patterns should be designed to minimize conflicts between pedestrian, vehicular, and service traffic.
   8. No drive-thru facilities shall be permitted.

B. Accessory Structures
   1. Permitted uses and conditional uses may erect accessory structures in accordance with the requirements set forth in Section 5.2.1 and Table 6.2.
C. Architectural Design Standards

Depending on the location of the proposed development, the Planning Director or CAB will insure compliance with the architectural design standards that are identified in Section 6.3.1.

Amended 12-3-12, #ZA2012-12-03 (D)

6.3.3 Institutional (IN)

A. Dimensional Requirements
   1. For structures less than fifty feet (50') in height, there shall be a minimum side setback of fifteen (15') feet required for side yards.
   2. For structures more than fifty (50') feet in height, there shall be a minimum side setback of twenty five (25') feet required for side yards.

B. Accessory Structures
   1. Permitted uses and conditional uses may erect accessory structures in accordance with the requirements set forth in Section 5.2.1 and Table 6.2.

C. Accessory Retail Uses
   1. Certain retail sales establishments which are customarily accessory to and clearly incidental to permitted uses shall be permitted. Such retail sales shall be designed to serve the convenience of only those persons working or receiving services in the building or office park in which the accessory use is located. Permitted accessory uses include pharmacies, barber shops, beauty shops, cafeteria, florist shops, bookstores, newsstands, opticians, restaurants, and medical supply shops.

D. Division of Property Lines in Office Parks and Campuses
   1. In order to permit individual ownership of separate buildings in office parks and campuses, developments which comply with the development standards for the Institutional district shall be permitted to subdivide property below the minimum square footage requirements set forth in Table 6.2, provided the following requirements are met:
      a. The property boundaries for such lots created shall not extend beyond the footprint of the structure.
      b. All common driveways, parking areas, open space, or other amenities shall have provisions for perpetual maintenance by the participating property owners.

6.3.4 Neighborhood Commercial (NC)

A. Dimensional Requirements.
   1. For the purposes of this Section, the term “new construction” shall also include expansion of existing, conforming nonresidential structures. Nonconforming structures shall be subject to the provisions in Article 12.
   2. All new construction in the NC District shall result in a maximum building footprint that does not exceed thirty (30) percent of the total lot size.
   3. No expansion of an existing building in the NC District shall cause the standards of this Section to be exceeded.
   4. Landscaped buffers adjacent to any property zoned or used residially shall be provided in accordance with Article 9.
   5. The project should rely on a limited number of major access points to adjacent arterials. Project outparcels should share these access points and be connected
6. Similarly, curb cuts may be limited, and shared parking is encouraged, provided it meets the standards found in Article 8.
7. Circulation patterns should be designed to minimize conflicts between pedestrian, vehicular, and service traffic.
8. No drive-thru facilities shall be permitted.

B. Accessory Structures
   1. Accessory structures may be erected where permitted uses or conditional uses are present. They must be erected to meet the requirements set forth in Section 5.2.1.

C. Architectural Design Standards

Depending on the location of the proposed development, the Planning Director or CAB will insure compliance with the architectural design standards that are identified in Section 6.3.1.

Amended 12-3-12, #ZA2012-12-03 (E)

6.3.5 Highway Commercial (HC)

A. Accessory Structures
   1. Accessory structures may be erected where permitted uses or conditional uses are present. They must be erected to meet the requirements set forth in Table 6.2.

B. The following shall be required in the Highway Commercial District:
   1. Utility Equipment: Electrical boxes, communication equipment and all other mechanical or utility equipment shall locate on the side or rear of the building and not visible on the front façade. All refuse storage areas shall be located to the rear or side yard of the property and screened with a finished exterior surface.

C. Architectural Design Standards

Depending on the location of the proposed development, the Planning Director or CAB will insure compliance with the architectural design standards that are identified in Section 6.3.1.

6.3.6 Core Commercial District

The following standards shall apply to all properties within the Core Commercial District as delineated by the City of Conway’s Official Zoning Map, except for the Horry County Courthouse and Courthouse Annex.

A. Uses

Permitted, Conditional and Accessory Uses within the Core Commercial District shall follow those as listed as permissible or by conditional use in Article 4, and subject to additional conditional standards as stated in Article 5. The following are the only exceptions or additional restrictions of those uses:

1. Appropriate Mix of Uses. Upper floor uses (those on the 2nd or 3rd floors) are limited to those residential or professional service uses as permitted in the CC district. Offices and/or storage accessory to a permitted ground floor use are also permitted.
2. Residential Mix. Non-residential uses shall not be permitted above a residential use on the same lot.

B. Height Standards

1. Building Height:
Heights in this district are established by the number of floors. The maximum height of buildings in the CC district is 4 floors.

2. Parapet Walls:
Parapet walls shall be required for all flat-roofed buildings in CC District. Parapets shall be of a minimum height adequate to screen all rooftop mechanical equipment from the public right(s)-of-way, and a maximum of six (6) feet in height.

3. Floor Heights:
The minimum height of a ground floor shall be twelve (12) feet. Upper floors shall have a minimum floor height of ten (10) feet. The finished floor elevation of the ground floor relative to the sidewalk shall be either the same or no greater than 1.5 feet higher, except to accommodate requirements of the Americans with Disabilities Act (ADA).

C. Building on Lot Location

1. Build-to-Zone:
The build-to-zone shall be an area within three feet of the public right of way (sidewalk line). The façade of each building in the CC district shall be built to or within the build-to-zone. Exception: In the case of a corner lot at a street intersection, the building may be setback further to provide a public plaza or civic space.

2. Sidewalks:
Sidewalks shall be a minimum of six (6') feet wide and consistent along the entire street facing property line(s).

3. Lot Coverage:
A maximum of 85% of the total lot area may be covered by the building footprint. No more than 40% of the lot shall be covered by surface parking areas. This may be increased to 60% if the parking lot is made of impervious surfaces.

4. Rear and Side Setbacks:
No rear or side yard setbacks are required unless abutting property that is zoned exclusively residential, or
abutting an alleyway (to provide adequate mobility. A privacy fence of six (6') feet in height shall be required adjacent to residential properties, and shall be permitted adjacent to other properties.
D. Alleys and Parking Lots

1. Off-street Parking:

Off street parking shall be located to the rear of the lot. Access to surface parking shall be from alleys unless no alley access is available; in this case driveways shall be consolidated between adjoining lots where possible to reduce curb cuts. Shared parking spaces between uses shall meet the requirements of Section 8.2.9.

2. Alleys:

Mid-block alleys are encouraged to provide access to parking areas at the rear of properties. Alleys should either be continuous (extending from one side of the block through to the other side), or should connect into a continuous alley, with enough width and clearance to provide vehicular turning. Alleys shall be a minimum of fifteen (15) feet wide at all points and shall be one-way to prevent vehicular conflicts.

3. Pedestrian and Bicycle Access to Parking Areas:

All parking areas should be made accessible to pedestrians and bicyclists from the outer block sidewalks through walkways, pedestrian alleys, or sidewalks. Pedestrian/bike alleys shall be a minimum of 6 feet wide. Pedestrian/bike alleys greater than 8 feet wide shall provide spaced bollards or permanent planters to prevent access to vehicles.
E. Façade & Projection Standards

1. Fenestration:

   Fenestration (doors and windows) on the ground floor of a façade shall make up a minimum of 60% of the façade area, and a maximum of 85%. Fenestration on upper floors shall comprise between 40% and 70% of the façade area (between 3’ and 9’ above each finished floor).

2. Projections:

3. Awnings or upper floor roof overhangs may project a maximum of 6 feet out from the main façade into the public right of way, with a minimum clearance height of 8 feet. Ornamented parapet walls may project outward from the façade up to 2 feet.

4. Upper Floor Stepbacks:

   Upper floor areas may stepback from the floor below a maximum of three (3) feet, except where a colonnaded or arcaded balcony is provided that meets the maximum stepback line.

F. Building Orientation & Entrances

All buildings shall be oriented towards the street, and each building shall have a clearly defined primary entrance that shall front the street, rather than to a courtyard, alleyway, or parking lot. Buildings adjacent to an internal mid-block parking area shall provide a secondary entrance for employees and servicing, and optionally can also provide access for patrons.

G. Required Design Standards

The following shall be required in the Core Commercial District:

1. Floor Division: An expression line clearly delineating divisions between floors of a building shall be incorporated into the front façade. For flat roofs, a cornice line shall be incorporated to delineate the top of the façade.

2. Utility Equipment: Electrical boxes, communication equipment and all other mechanical or utility equipment shall locate on the side or rear of the building and not visible on the front façade. All refuse storage areas shall be located to the rear or side yard of the property and screened with a finished exterior surface.

3. Transparency: Each floor of a building façade facing a street, park, or plaza shall contain transparent windows.
H. Architectural Design Standards

Depending on the location of the proposed development, the Planning Director or CAB will insure compliance with the architectural design standards that are identified in Section 6.3.1.

6.3.7 Central Business District (CBD)

A. Active Commercial Street Frontage Preservation.

In order to preserve vibrancy and activity along the CBD’s street frontages and limit uses that do not operate on a daily basis and add to the street life of the area, the following use types are permitted to occupy storefronts within the district, which is defined as the front (or façade-facing) 75% of ground level floor space of a building fronting a street in the CBD.

1. All ‘Professional Services’ uses, as listed under Section 4.2 (G) that are shown as permitted use in the CBD District.
2. All ‘Neighborhood Commercial’ uses, as listed under Section 4.2 (H) that are shown as permitted use in the CBD District.
3. All ‘Highway Commercial’ uses, as listed under Section 4.2 (I) that are shown as permitted use in the CBD District.
4. Police or fire stations.
5. Public libraries or museums.
6. Theaters.
7. Grocery stores, subject to the conditions provided in Article 5.

All other uses permitted or conditional in the Central Business District may occupy the rear space of the building or upper levels.

B. Requirements for Upper Floor Dwellings.

1. Dwelling units in the CBD District shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.
2. All upper level dwelling units in the CBD District shall be a minimum of six hundred (600) square feet in gross floor area.

C. Architectural Design Standards

All new or infill developments within the Central Business District are required to follow City of Conway’s “Historic Design Review Districts: Community Appearance Guidelines”. 
6.3.8 Light Industrial District (LI)

A. Dimensional Requirements

1. Properties in the Light Industrial District shall meet the dimensional requirements set forth in Table 6.2.

B. Accessory Structures

1. Permitted uses and conditional uses may erect accessory structures in accordance with the requirements set forth in Section 5.2.1 and Table 6.2.

C. Accessory Retail Uses

1. Certain retail sales establishments which are customarily accessory to and clearly incidental to permitted uses shall be permitted. Such retail sales shall be designed to serve the convenience of only those persons working or receiving services in the building or office park in which the accessory use is located. Permitted accessory uses for light industrial parks include a cafeteria, newsstands, restaurants, and medical supply shops.

D. Division of Property Lines in Light Industrial Office Parks

1. In order to permit individual ownership of separate buildings in light industrial office parks and campuses, developments which comply with the development standards for the Light Industrial district shall be permitted to subdivide property below the minimum square footage requirements set forth in Table 6.2, provided the following requirements are met:
   a) The property boundaries for such lots created shall not extend beyond the footprint of the structure.
   b) All common driveways, parking areas, open space, or other amenities shall have provisions for perpetual maintenance by the participating property owners.

E. Accessory Dwellings Permitted:

1. Dwellings incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.
2. Watchman’s or caretaker’s single family dwelling providing that it is located on the premises of a permitted use; and provided that the head of the household is employed by the industry as a watchman or caretaker of that permitted use.
3. See Table 6.2 for ADU dimensional requirements in the LI Zoning District.

6.3.9 Heavy Industrial District (HI)

The following performance standards shall be applied to all properties in the Heavy Industrial (HI) Districts:

A. Odor: No use may generate any odor that can be detected at:

1. The outside boundary of the immediate space occupied by the enterprise generating the odor, or
2. The lot line if the enterprise generating the odor is the only enterprise located on
B. **Air & Water Pollution:** No land use is permitted which entails the use of a potential source of air contaminant (i.e., boilers, incinerators, and furnaces) or which entails the discharge of industrial wastewater or industrial stormwater until the appropriate governmental agency has certified to the Planning Director

1. That the appropriate permits have been received by the developer, or
2. That the proposed use does not require such permits.

C. **Electrical Disturbance or Interference**

1. No use shall create any electrical disturbance that adversely affects any operations of equipment other than those of the creator of such disturbance.
2. No use shall cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

D. **Noise**

1. The maximum permissible noise level shall be 70 dB(A) between the hours of 7:00 a.m. and 7:00 p.m. and 65 dB(A) between 7:00 p.m. and 7:00 a.m. Measurements shall be taken at the boundary line of the lot where the use is located. Where such lot is adjacent to a residential zoning district, the permissible noise levels shall be 10 dB(A) less than those above.
2. An A-weighted filter constructed in accordance the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section.
3. The standards established in Section 6.3.6 above are expressed in terms of the Equivalent Sound Level (Leq), and measurements shall be taken which compute the Leq.
4. Impact noises, generated by sources that do not operate more than one minute in any one-hour period, are permissible up to a level of 10 dB(A) in excess of the figures listed in Section 6.36 except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.
5. Sources of noise which are exempt from the above requirements are (i) temporary construction activity that occurs between 6:00 a.m. and 11:00 p.m.; (ii) transportation vehicles not under the control of the industrial use; and (iii) occasionally used safety signals, warning devices and emergency pressure relief valves.

E. **Accessory Dwellings Permitted:**

1. Dwellings incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.
2. Watchman’s or caretaker’s single family dwelling providing that it is located on the premises of a permitted use; and provided that the head of the household is employed by the industry as a watchman or caretaker of that permitted use.
3. See Table 6.2 for ADU dimensional requirements in the HI Zoning District.
Section 6.4 – Special Use District Design Standards

6.4.1 Waccamaw Riverfront District (WRD)

The Waccamaw Riverfront District defines the area south of Second Avenue and east of Beaty Street. Historically a manufacturing and rail transportation corridor, it is important to honor the area’s past while continuing to support new quality development. The purpose of this district is to help increase the economic vitality of the downtown, enhance the riverfront approach, provide opportunity for new mixed-use development, provide for the public’s use and enjoyment, and to provide for the protection of the river bank.

New buildings and uses that locate in the Waccamaw Riverfront District should be of pedestrian scale and orientation; ensure the public’s visual access and enjoyment of the river; evoke a feeling of the industrial and transportation history of the area; include design orientation both to the river and to the public way; and integrate public outdoor activity.

The area’s configuration is linear and narrow and provides limited potential for on-site vehicular circulation or storage. It’s an area primarily served and occupied by people, not vehicles, although some provision has been made for public and private parking. Uses in the Waccamaw Riverfront District are not to be automobile-oriented or dependent; however parking requirements will need to be addressed by the property or business owner.

A. Sub-districts

The Waccamaw Riverfront District is divided into two sub-districts for zoning purposes: WRD-1 and WRD-2, as shown on the Official Zoning Map.

B. Dimensional Requirements

The following requirements shall apply to all new buildings, uses, or development in the Waccamaw Riverfront District.

1. Minimum lot area: Five-thousand (5,000) square feet.
2. Minimum front yard: Five (5) feet from edge of pavement or curb.
4. Minimum rear yard:
   a) Ten (10) feet measured from top of bank.
   b) Fifteen (15) feet setback when the river easement does not apply.
   c) Twenty-five (25) feet setback is required when a river easement is required (see Section E.2).
5. Maximum height: Thirty-five (35) feet.
6. Flexibility in setbacks for properties adjacent to the Riverwalk may be needed to allow for creativity in site design and building placement, if approved the Planning Director. Property owners and/or developers shall be able to reduce their setbacks and distances between adjacent buildings, as to be determined on a case-by-case basis by the Planning Director.
7. No development shall be allowed in the existing railroad right-of-way.
8. Specific uses in water to be approved by the Conway City Council.

C. Waccamaw Riverfront HDRD Design Guidelines

All new or infill developments within the Waccamaw Riverfront District are required to follow the City of Conway’s Community Appearance Guidelines, and must be reviewed by the City of Conway’s Community Appearance Board (CAB).
D. Mixed Use Requirements for WRD-1

E. In order to stimulate pedestrian activity and public access within the WRD-1 District, a minimum of twenty-five percent (25%) of the first floor (ground level) of any new or redeveloped building or buildings must be devoted to one or more of the permitted uses listed in Article 4 for WRD, excluding multi-family residential or offices, which is to be located on the second floor only. The second floor may include any permitted use of the district, provided that all other building and development requirements are met.

F. Riverfront District Regulations

1. Standards for Development Site Review.
   a) All new construction requiring a zoning permit shall have underground utility service from the nearest utility pole, including electric, cable television, and telephone service, unless this requirement is waived by the Technical Review Committee.
   b) Structures, uses, and landscaping shall be arranged so not to interfere with the continued, active use of railroad facilities by present and future rail operators.
   c) Sites shall be designed to accommodate persons with disabilities.
   d) Landscaping shall be in compliance with Article 9.
   e) With respect to vehicular, bicycle, and pedestrian circulation, special attention shall be given to the location and number of access points to the public street, sidewalk, or path, to the arrangement of parking areas, to service and loading areas, and to the location of accessible routes and ramps for the disabled. Common or shared driveways and walkways will be required.
   f) Special attention shall be accorded to stormwater runoff so that the neighboring properties and/or the public stormwater drainage system are not adversely affected. Attention shall also be accorded to design features which address the affects of rain with particular attention to affects on the areas between buildings.

2. Riverfront Development Standards
   a) Each approved application for development shall provide a Riverwalk area between the mean high water mark of the river and all proposed structures and parking areas. The Riverwalk area shall be continuous, except as set forth in Section 6.4.1, and be no less than twenty-five feet (25') in depth across the river frontage of the property, such Riverwalk area being measured from, the mean high water mark. Where lagoons and drainage swales occupy a substantial portion of the Riverwalk area because of natural land forms or drainage patterns additional width and/or vegetation may be required.

   b) If existing pilings can be established and recognized as usable for the boardwalk by the appropriate state and federal agencies, then the twenty-five feet (25') Riverwalk area can extend beyond the mean high water mark. The Technical Review Committee will review the feasibility and desirability of these extensions on a case-by-case basis.

3. Parking
   a) The maximum number of off-street parking spaces required for permitted uses shall be fifty percent (50%) of the number of spaces required or shall meet conditions of Joint Use Parking in Article 8.

   b) Required customer parking spaces may be provided off-premises, provided such customer parking is located within five hundred feet (500') of any customer entrance. Required spaces for employee
parking may be provided off-premises, provided such employee parking is located within one-thousand feet (1000’) of any entrance.

c) Multi-family Residential and Office Uses: The minimum number of off-street parking spaces required for office and multi-family residential uses shall be the same number as required for such uses under Article 8. All required parking spaces for these uses shall be provided on-site.

d) Bicycle Parking: Bicycle parking spaces shall be provided at the rate of at least one for every twenty (20) automobile spaces required. Bicycle parking facilities shall be located within easy access of the public right-of-way or other public ways.

4. Signage

a) Signage shall be in compliance with the requirements of Article 11 and the Waccamaw Riverfront HDRD Design Guidelines.

6.4.2 Planned Development District

A. Minimum Development Standards

1. A Planned Development project area shall contain a minimum of three (3) contiguous acres of land.
2. The minimum lot size, maximum lot coverage, maximum height, maximum density, street width, and setbacks in a Planned Development shall meet general health, safety, and welfare requirements and be in harmony with good planning practices as determined by the Planning Commission.

B. Common Open Space Requirements

1. A minimum of 15% of the gross buildable area of the Planned Development shall be required for usable open space. Required landscape buffers shall not count towards this 15% requirement. For additional open space dedication requirements for Planned Development districts, refer to Section 10.3.9, Parks and Open Space Dedication.

C. Utilities, Services, and Easements

1. Structures within a Planned Development shall be connected to city water and sewer lines and all utility lines shall be placed underground. Adequate provisions to maintain on-site and off-site drainage shall be provided. Adequate provisions for utility and drainage easements shall be provided.

D. Access and Circulation

1. A circulation system shall be designed so as to provide for safe and convenient access to dwelling units, open space, community facilities, commercial uses, and industrial uses in the Planned Development.
2. Principal vehicular access points shall be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle, or pedestrian traffic.
3. Cul-de-sacs and dead-end streets shall be prohibited unless no other reasonable alternative is available (See Section 7.1.11). The use of cul-de-sacs solely for the purpose of increasing street frontage in order to provide additional lots shall be prohibited.
4. Adequate access and circulation for emergency and service vehicles shall be provided.
5. Sidewalks and bicycle lanes shall be designed to meet the requirements of Section 7.1.14.

E. Application and Approval of Planned Developments

1. Prior to a formal application being filed to rezone property to Planned Development, a sketch plan shall be submitted to the Planning Director. Such sketch plan shall illustrate the boundaries of the proposed area to be rezoned to Planned Development; the proposed land uses, a proposed lot layout and street configuration, estimated gross densities, and estimated useable open space.

2. The Planning Director shall submit the proposed sketch plan to the Planning Commission with a recommendation as to whether the proposed design concept is consistent with the Comprehensive Plan and Planned Development standards. The Planning Commission shall either instruct the applicant to proceed with the drafting of a detailed master plan based on the proposed sketch plan or resubmit a revised sketch plan.

3. The Applicant shall prepare and submit a detailed master plan for the entire Planned Development to the Planning Commission. The master plan shall contain all relevant information deemed necessary by the Planning Commission and/or Planning Director. Relevant information may include but shall not be limited to the following:
   a. A plan illustrating the proposed land use of each lot or tract within the development;
   b. A plan illustrating the circulation patterns of vehicular, pedestrian or other traffic;
   c. A plan illustrating proposed community facilities and proposed usable open space;
   d. A plan illustrating the location and specifications of existing and proposed utilities;
   e. A plan illustrating the location and specifications of existing and proposed drainage;
   f. A site plan illustrating the proposed location of existing structures, proposed new structures, renovations, and/or additions;
   g. A landscape plan prepared in accordance with the submittal requirements in Article 9;
   h. A topological survey which illustrates existing elevations, the location of existing trees with a minimum caliber of eight (8") inches, or other significant natural features;
   i. Statistical data necessary to evaluate the total development including but not limited to the following:
      i. Amount of land proposed to be used for public or semipublic uses such as religious institutions, educational facilities;
      ii. Amount of land proposed to be set aside for recreational use;
      iii. Amount of land in the floodplain or unusable land within the project boundary;
      iv. Average daily traffic counts (ADT) of proposed streets;
      v. Proposed number of parking spaces for cars and recreational vehicles and the number of parking spaces per unit;
      vi. Gross density of the Planned Development computed by dividing the total number of proposed dwelling units in the development by the gross development area;
      vii. The name, professional title, and address of the planner, urban designer, architect, or engineer who prepared the proposed plan development;
      viii. Total area of impervious surfaces.

4. The Planning Commission shall review the master plan and make a recommendation to the City Council as to whether to approve or deny the
requested rezoning to Planned Development. The City Council shall in turn hold a public hearing on the proposed rezoning in accordance with provisions in Article 13. Following the public hearing, City Council shall consider an ordinance rezoning the property to Planned Development. If the request is approved by two (2) readings of the ordinance, the rezoning shall be considered complete and the master plan shall become the zoning standards for the property.

F. Design Review

1. The Planning Commission shall have the authority to require the applicant to submit sketches of proposed facades and signage and landscape plans for commercial uses in Planned Developments to the Community Appearance Board for review and approval. The Community Appearance Board shall determine if the proposals are consistent with the design standards for the Commercial Design Review Overlay District. Such submittal shall be made in accordance with the City of Conway’s Community Appearance Guidelines.

G. Plat Approval

1. Planned Developments which require the subdivision of property shall adhere to the requirements for plat approval in Section 10.2.4.

H. Procedure for Phased Development

1. Nothing in this section shall prevent an applicant from developing a Planned Development in phases provided the following conditions are met:
   a. A phase of development shall be part of an overall approved Planned Development.
   b. The proposed phases shall be delineated on the plan of development.
   c. A construction timetable shall be submitted and approved showing the estimated completion dates for each phase.
   d. The gross densities of phases shall not vary by more that ten (10) percent of the gross density approved for the total development.
   e. When any phase of a Planned Development is developed, such phase shall conform to the master plan for the Planned Development as approved or amended.

I. Amendment Procedures

1. The owner/applicant of an approved Planned Development may apply for an amendment of the plan of development in concept for minor details. The Planning Director shall be responsible to decide if a change is a minor or major detail.
   a. In case of a change of minor details, the Planning Director 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, and community facilities, landscaping, and utilities shall be considered to be changes of minor detail.
   b. In case of a change of concept, the applicant shall have the recommendation of the Planning Commission (favorable or unfavorable) and with the approval of the City Council and shall follow the same procedures as outlined in Articles 13 and 14. 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.
   c. The Planning Director shall have the right to take a minor amendment to the Planning Commission and City Council.
6.4.3 Mixed Use Flexible Zone (MU)

A. Applicability. The MU Flexible Zone can be applied citywide and is not specifically designated to a specific area on the Official Zoning Map for the City of Conway. All properties within Mixed Use Category on Conway’s official Future Land Use Map are eligible to apply for rezoning to the Mixed Use District.

B. Mixed Use Requirement. A minimum of forty percent (40%) of the ground floor must be occupied by a use or uses that differ from those on upper levels.

C. Permitted Mix of Uses. All uses shown in Article 4 as permitted in the Mixed Use District are allowed within the Mixed Use Zone, with the following restrictions.

1. Ground Level – all uses listed as permitted for Mixed Use in Article 4 may occupy the ground level of a district lot.
2. Upper Levels – upper level uses are limited to those uses categorized as Professional Services and Multi-family Residential.
3. Residential below non-residential – In no case shall a residential use occupy a ground floor in the same structure where non-residential uses occupy floors above it.

D. Application and Approval of Mixed Use Developments

1. Prior to a formal application being filed to rezone property to mixed use development, a sketch plan shall be submitted to the Planning Director. Such sketch plan shall illustrate the boundaries of the proposed area to be rezoned to mixed use development; the proposed land uses, a proposed lot layout and street configuration, estimated gross densities, and estimated useable open space.
2. The Planning Director shall submit the proposed sketch plan to the Planning Commission with a recommendation as to whether the proposed design concept is consistent with the current Comprehensive Plan and mixed use development standards. The Planning Commission shall either instruct the applicant to proceed with the drafting of a detailed master plan based on the proposed sketch plan or resubmit a revised sketch plan.
3. The Applicant shall prepare and submit a detailed master plan for the entire mixed use development to the Planning Commission. The master plan shall contain all relevant information deemed necessary by the Planning Commission and/or Planning Director. Relevant information may include but shall not be limited to the following:
   a. A plan illustrating the proposed land use of each lot or tract within the development;
   b. A plan illustrating the circulation patterns of vehicular, pedestrian or other traffic;
   c. A plan illustrating proposed community facilities and proposed usable open space;
   d. A plan illustrating the location and specifications of existing and proposed utilities;
   e. A plan illustrating the location and specifications of existing and proposed drainage;
   f. A site plan illustrating the proposed location of existing structures, proposed new structures, renovations, and/or additions;
   g. A landscape plan prepared in accordance with the submittal requirements in Article 9;
   h. A topological survey with illustrates existing elevations, the location of existing trees with a minimum caliber of eight (8”) inches, or other significant natural features;
   i. Statistical data necessary to evaluate the total development including...
but not limited to the following:

i. Amount of land proposed to be used for public or semipublic uses such as religious institutions, educational facilities, etc.;

ii. Amount of land proposed to be set aside for recreational use;

iii. Amount of land in the floodplain or unusable land within the project boundary;

iv. Average daily traffic counts (ADT) of proposed streets;

v. Proposed number of parking spaces for cars and recreational vehicles and the number of parking spaces per unit;

vi. Gross density of the mixed use development computed by dividing the total number of proposed dwelling units in the development by the gross development area;

vii. The name, professional title, and address of the planner, urban designer, architect, or engineer who prepared the proposed plan development;

viii. Total area of impervious surfaces.

4. The Planning Commission shall review the master plan and make a recommendation to the City Council as to whether to approve or deny the requested rezoning to mixed use development. The City Council shall in turn hold a public hearing on the proposed rezoning in accordance with Section 13.1.8. Following the public hearing, City Council shall consider an ordinance rezoning the property to mixed use development. If the request is approved by two (2) readings of the ordinance, the rezoning shall be considered complete and the master plan shall become the zoning standards for the property.

E. Design Review

1. The Planning Commission shall have the authority to require the applicant to submit sketches of proposed facades and signage and landscape plans for commercial uses in mixed use developments to the Community Appearance Board for review and approval. The Community Appearance Board shall determine if the proposals are consistent with the design standards for the Commercial Design Review Overlay District. Such submittal shall be made in accordance with the City of Conway’s Community Appearance Guidelines.

F. Plat Approval

1. Mixed use developments which require the subdivision of property shall adhere to the requirements for plat approval in Section 10.2.4.

G. Procedure for Phased Development

1. Nothing in this section shall prevent an applicant from developing a mixed use development in phases provided the following conditions are met:

   a. A phase of development shall be part of an overall approved mixed use development.

   b. The proposed phases shall be delineated on the plan of development.

   c. A construction timetable shall be submitted and approved showing the estimated completion dates for each phase.

   d. The gross densities of phases shall not vary by more than ten (10) percent of the gross density approved for the total development.

   e. When any phase of a mixed use development is developed, such phase shall conform to the master plan for the mixed use development as approved or amended.
H. Amendment Procedures

1. The owner/applicant of an approved mixed use development may apply for an amendment of the plan of development in concept for minor details:
   a. In case of a change of concept, the applicant shall have the recommendation of the Planning Commission (favorable or unfavorable) and with the approval of the City Council and shall follow the same procedures as outlined in Articles 13 and 14. 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.
   b. In case of a change of minor details, the Planning Director 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.
   c. The Planning Director shall have the right to take a minor amendment to the Planning Commission and City Council.

6.4.4 Mineral Mining Flexible District

A. Permitted Uses

The following uses and activities are permitted in the Mineral Mining District:

1. Mineral extraction and processing, including grinding, polishing, washing, mixing and sorting, stockpiling, and manufacture of finished products which contain at least 40% of material derived on site.
2. Borrow pits and rubble fills.
3. Accessory uses operated in conjunction with the mineral extraction such as business office, caretaker's or watchman's structures, or facilities for the repair of equipment used in conjunction with the mining operation.

B. Accessory Uses

All accessory uses shall occupy no more than 25% of the land zoned mineral mining.

C. Application Process

The application shall be filed and processed in the same manner as a zoning map amendment. The application may be granted if the Planning Commission and City Council finds that the proposed use is compatible with the surrounding area and not have a substantially negative impact where it is to be located, and it satisfies the development standards and criteria set forth in this section and all other applicable provisions of this chapter. The property owner or party having interest in the land shall submit to the Zoning Administrator:

1. An application;
2. Site plan;
3. If the applicant is licensed, a copy of its South Carolina surface mining license or evidence of application for the license; if the applicant is not licensed, a copy of the license of the proposed operator;
4. A copy of the application for surface mining permit and evidence of its filing with the State of South Carolina;
5. Plans showing compliance with the development standards set forth below and
haul routes and adequacy hereof.

D. **On-Site Development Standards**

Mineral mining operations shall be based on the following on-site development standards:

1. **Minimum lot size.** Minimum lot size shall be 25 acres.
2. **Required setbacks.** See Table 6.3 for required setbacks.
3. **Blasting activities.** Blasting activities shall be conducted in accordance with the rules and regulations promulgated by the State of South Carolina, Department of Natural Resources, the South Carolina Water Resources Center, applicable to surface mining activities.
4. **Building height restrictions.** The height of principal use equipment shall not exceed 100 feet from grade; accessory structures shall not exceed 60 feet from grade. Agricultural buildings are exempt from height restrictions.
5. **Frontage.** The site shall have a minimum of 80 feet frontage on a public road meeting the collector street standards established in the City of Conway Land Development Standards.
6. **Lot width.** The lot width at the front building line shall be a minimum of 300 feet.
7. **Open space/green areas.** All setback areas shall be landscaped and maintained as green space.
8. **Exclusions from setbacks.** Fences, railroad access, warning signs, security/noise barriers, and berms may be located within the setback areas.
9. **Fencing.** Fencing shall be required around all mineral mining and accessory activity areas.
10. **Lighting.** Lighting shall be designed and directed so as not to adversely impact adjoining properties and shall be specifically approved during the site plan approval process.
11. **Access.** Commercial/industrial entrance standards shall be utilized in the design of any point of access to a public road, including acceleration and deceleration lanes.

E. **Off-Site Development standards**

1. The applicant shall establish that the roads serving the site and which will be utilized as haul routes meet the collector street standards and are capable of handling the traffic to be generated by the proposed activities.
2. The applicant shall provide evidence as to what effect the proposed use will have on the groundwater supply and quality of all adjoining properties.
3. Additional regulations. Mineral mining and all activities conducted on site shall meet all federal, state and local regulation governing noise, dust, air pollutant emissions, vibrations, water appropriation and discharge.

F. **Development standards for property with existing mineral mining zoning.**

1. The minimum lot size for all permitted uses within the district will be 25 acres.
2. All operations including storage or stockpiling of excavated or processed materials will be located a minimum of 150 feet from all property lines, except land zoned Heavy Industrial (HI) or land upon which other extraction or processing operations are being conducted, in which case the setback from all property lines will be 50 feet. The required setback area will be landscaped and maintained as green area.
3. The public road providing access to the site will meet the minimum pavement standard of a collector street as established in the Master Highway Plan.
4. Prior to the issuance of a zoning certificate, copies of all State of South Carolina permits must be submitted to the Zoning Administrator in order that any conditions placed on the permits can be incorporated into the conditions under which the zoning certificate was issued. In addition, any conditions placed on renewed...
permits shall also be submitted in order to determine if there also should be made conditions of the zoning certificate.

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<th>Table 6.3 Mineral Mining District Regulations Adjacent Zoning Setbacks</th>
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<td><strong>Type of Operation</strong></td>
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<td>Crushing or rock processing of stone, gravel, or other material</td>
</tr>
<tr>
<td>Stockpile of materials</td>
</tr>
<tr>
<td>Buildings used for mining operation</td>
</tr>
</tbody>
</table>

6.4.5 Institutional Campus District (IC)

A. Applicability

The IC District provides flexibility for large institutional uses, including college campuses, universities, medical facility complexes and similar campus-oriented institutions, to develop and function as independent campus areas with unique needs and characteristics. The district provides flexibility beyond the IN District by allowing the applicant to create their own master plan for future development, rather than submitting individual developments for review under the IN District. The master plan allows flexibility, and provides uniformity and arrangement of buildings and spaces that is not possible when development occurs on a lot-by-lot basis.

Development within the IC District that complies with an approved, valid and unexpired master plan shall be exempt from individual zoning review.

B. Permitted Uses

The principal use within the IC District shall include colleges, universities, technical schools, or hospitals, as well as uses supporting and ancillary to those institutions, including but not limited to: campus housing, bookstores, food services, recreational and athletic fields and facilities, auditoriums, parking lots and structures, clinics, research facilities, and utility facilities.

C. Minimum General Requirements

Flexibility from the dimensional and design requirement of the IC District shall be provided by allowing a unique Institutional Master Plan. However, the following minimum requirements shall be adhered to throughout the IC District:

1. **Open Space Requirement.** A minimum of 25% of net developable land within the IC District shall be provided as public open space, including parks, plazas, trails, greenways, water features, or natural open space.

2. **General Requirements.** Minimum lot size, maximum lot coverage, maximum height, maximum density street widths, and setbacks in the IC District shall meet general health, safety and welfare requirements and be in harmony with good planning practices as determined by the Planning Commission.

3. **Protection of Gateway Corridors and Village Corridors as described in Section 6.5.2 and Section 6.5.3.** In order to protect the character of Conway's gateway
corridors and village corridors, the following standards shall be applicable:

a. Metal buildings visible from these gateway corridors and village corridors shall be prohibited.

b. All signage along the corridor shall be monument style only.

c. All other standards under the GCO and VCO shall apply.

D. Institutional Master Plan Elements and Requirements

The following elements shall be provided in the Institutional Master Plan for all new or existing institutions seeking development under the Institutional Campus District, unless the Planning Director determines that certain elements or portions of an element are not necessary to evaluate the proposed institution and its future impacts on surrounding neighborhoods.

1. **Missions & Objectives.** The applicant shall provide a Mission Statement of the institution’s organizational mission and objectives, including any services to be provided to the residents of adjacent neighborhoods and the City of Conway. The Mission Statement or Strategic Plan should include a statement of the institution’s existing and projected population including faculty, staff, and students.

2. **Existing Property & Uses.** The applicant institution shall provide an inventory and description of all land, buildings and other structures occupied, owned, or used by the institution as of the date of submission of the plan. The inventory of institution property should include the boundary locations illustrating all areas within the campus as well as areas impacted by the institution within 300 feet of the campus boundary. The inventory should include:

   a. Site plan showing the footprints of each building or structure, roads, sidewalks, parking areas or facilities, principal landscape features, and other significant site improvements.
   
   b. Land and building uses.
   
   c. Floor area of each building in square feet.
   
   d. Building height in stories and feet.
   
   e. Location and size of parking facilities.

3. **Program of Institution Needs.** The applicant institution shall provide a comprehensive Program Statement for a 10-year time horizon including its projected growth of faculty, staff, and students (or administration, staff and patients/customers), its current and future facility needs in assignable square feet (asf), acreage of athletic and recreational fields and facilities, and numbers of parking spaces. The Program Statement shall include any of the following that are applicable to the institution:

   a. Existing and projected faculty/administration, staff, and student/patient headcount.
   
   b. Academic, office and research facilities in assignable square feet.
   
   c. Student life facilities in assignable square feet.
   
   d. Housing in number of beds to be provided and gross square feet.
   
   e. Athletic facilities and recreational facilities and fields.
   
   f. Parking facilities in number of cars.
   
   g. Bicycle facilities.
   
   h. Patient care facilities in gross square feet.
   
   i. Other supporting facilities in gross square feet.
   
   j. Patient care facilities in assignable square feet.

4. **Physical Land Use Master Plan.** The applicant institution shall provide a Physical Land Use Master Plan to scale illustrating existing and proposed land use, pedestrian, bicycle and vehicular circulation, and open space. An Illustrative Site Development Plan shall also be provide for the purposes of background information to the Physical Land Use Master Plan. The Master Plan shall illustrate:
a. Proposed land use districts, including academic, housing, recreation, and mixed use where appropriate and supportable. The anticipated location of future facilities shall also be shown.
b. Existing and proposed conservation areas and principal campus open spaces.
c. Existing and proposed primary vehicular circulation.
d. Existing and proposed primary pedestrian circulation.
e. Existing and proposed bicycle circulation and facilities (with capacities).
f. Existing and proposed parking facilities along with their capacities.
g. A transportation demand management program.

5. **Community and Neighborhood Needs** – The Physical Land Use Master Plan will address the needs of the community including public safety with respect to signage, lighting and potential impacts to adjoining neighborhoods generated by the institution.
   a. **Signage.** The institution shall provide a plan for wayfinding for campus entries, street and campus drive identification, building identification and parking locations.
   b. **Lighting.** The institution shall provide a lighting plan for streets and campus drives, as well as parking areas, athletic facilities, and other areas requiring outdoor lighting, which meets the lighting standards of Santee-Cooper for public rights of way, and all applicable lighting codes for the City of Conway.
   c. **Neighborhoods.** The institution shall provide a neighborhood protection plan incorporating a buffer that will be reviewed and approved by the technical review committee, limit building height to fifty feet (50') within one-hundred fifty (100) feet of campus boundaries which adjoin residential neighborhoods, reduce light intrusion from athletic venues or playfields and restrict campus related vehicular circulation and parking from adjoining residential neighborhoods.

6. **Building Design Plan.** The plan shall include a description of design elements of existing objectives for new and existing buildings and structures to assure appropriateness to surrounding areas and provide continuity of architectural styles and design elements shared among the institution’s structures throughout campus. This should include a list of appropriate and expected materials, height, bulk massing and colors that will be used as a guide for future new and redeveloped construction.

E. **Institutional Campus Master Plan Procedures**

This section sets out the required review and approval procedures for the Instructional Master Plan and request for the Institutional Campus Zoning.

1. **Application.** The applicant shall prepare and submit the Institutional Master Plan to the Planning Department for an initial review.

2. **Review.** The following review procedures shall be followed by the applicant.
   a. **Staff Review.** The Planning Department, along with the Technical Review Committee, will conduct an initial review of the Institutional Master Plan. After this review is completed by staff, the Planning Director will instruct the applicant the next steps in the review procedure, which includes meetings with the Planning Commission and City Council.
   b. **Planning Commission.** The Planning Commission shall review the Institutional Master Plan, and make a recommendation to the City Council as to whether to approve or deny the requested rezoning to Institutional Campus.
   c. **City Council.** After recommendations have been made by the Planning
Commission, City Council shall hold a public hearing on the proposed rezoning. Following the public hearing, City Council shall consider an ordinance rezoning the property to IC. If the request is approved after two (2) readings of the ordinance, the rezoning shall be considered complete, and the Institutional Master Plan shall become the zoning standards for the campus area property.

3. Master Plan Horizon & Updating Requirements. The Institutional Campus Master Plan shall cover a 10-year time horizon, and shall be updated every ten (10) years with approval of the City Council after review by the Planning Commission and City Staff.

4. Amendment Procedures. The institution / applicant of an approved Institutional Master Plan may apply for an amendment of the plan of development in concept or in minor details:
   a. Major Amendments. Major amendment(s) shall be defined as a 15% change in programmatic need, 15% increase in land acquisition, or a significant change in primary vehicular circulation or parking. Major amendments shall be reviewed by the Planning Commission and forwarded to the City Council for approval as in the procedure for the 10-year update.
   b. Minor Amendments. Minor amendment(s) may be approved by the Planning Director upon being presented with a written request and necessary graphics and information. If the Planning Director determines the amendment is major, he or she shall forward the request to the Planning Commission and City Council.

F. Approval Criteria

The City Council shall approve and permit an Institutional Master Plan for IC District development, subject to the following criteria:

1. The plan is consistent with the adopted plans of the City of Conway;
2. Any strain on public services and infrastructure created from this proposed plan will be worked out between the applicant and the City as development occurs;
3. The plan complies with all applicable standards of the UDO;
4. The plan will not result in significant adverse impacts to other property in the vicinity of the applicant institution, or to the natural environment;
5. The plan will not have significant adverse impacts on the livability of nearby residentially zoned land, especially with respect to:
   i. noise, glare from lights, late-night operation, odors and litter;
   ii. privacy, traffic and other safety issues;
   iii. parking
6. Any differences in appearance or scale from the surrounding area will be mitigated through setbacks, screening, landscaping or other design features;
7. The plan has adequate mitigation measures for any other identified potential adverse impact(s).
Section 6.5 – Overlay District Design Standards

6.5.1 Upper Main Street Overlay District (MSO)

The Design Standards of the Upper Main are supplementary to the regulations provided in the underlying zoning districts. The standards herein are more strict or more lenient only where specifically stated and do not provide relief of other sections of the code.

A. **Applicability.** These standards apply to all new or infill development of properties fronting Main Street, between Fifth Avenue and Sixteenth Avenue, as indicated in the City of Conway’s Official Zoning Map.

B. **Design Guidelines.** In addition to the standards provided in this overlay district, all properties within the MSO district are also required to follow the City of Conway’s Residential/Main Street Guidelines.

C. **Use & Character.** The character and form of Upper Main Street is single-family residential and commercial or office uses occupying former residences or structures that have a residential appearance. No residential structures, whether in residential or non-residential use, shall be demolished unless the Building Department determines that the building is structurally beyond repair.

   1. **Residential Uses.** The MSO district is single-family and duplex residential only, with the exception of accessory dwelling units which are allowed on single-family lots.
   2. **Non-Residential Uses.** Non-residential uses permitted by the underlying zoning shall maintain a single-family detached residential appearance, either through the use of existing residential structures or new structures.

D. **Parking & Driveway Standards.**

   1. **Parking Locations.** Parking shall be located at the rear of a lot behind the primary structure or along an existing driveway. In order to permit parking in the front, the following things could be taken into consideration:
      a. The location of any current structure on the property which could prevent providing the required number of parking spaces in the rear or side.
      b. Any tree(s) protected by City Ordinance which could prevent placing parking in the rear or side.
      c. Any other extraordinary circumstance(s) which could be considered for a variance by the Zoning Board of Appeals.

   2. **Garage Locations.** Garages, attached or detached shall be located to the rear of the
3. **Parking Requirements.** Parking requirements are determined by the underlying zoning, but shared parking is permitted between adjoining lots to provide the required parking allotment subject to the requirements stated in the Shared Parking section in Article 7. All shared parking agreements must be reordered at the Horry County Register of Deeds.

4. **Driveways and Curb Cuts.** A maximum of one (1) curb cut per lot is allowed along Main Street. Corner lots shall utilize the side street for vehicular access and shall not create a new curb cut along Main Street. Existing curb cuts on Main Street shall be allowed to continue, but no new curb cuts and driveways are permitted unless shared between two lots.

E. **Landscaping and Buffer Requirements**

1. **Front Yard Buffer Requirements**
   a. The front buffer for parking Lots located in the front yard shall be ten (10') feet along corridor rights-of-way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:
      i. Two (2) canopy trees, two and one-half (2 1/2) inches caliper minimum.
      ii. Two (2) understory trees six (6)--eight (8) feet height minimum.
      iii. Eighteen (18) shrubs, three (3) gallon minimum.

2. **Side Yard Buffer Requirements**
   a. Shall meet the requirements set forth in Article 9.

3. **Rear Yard Buffer Requirements**
   a. Shall meet the requirements set forth in Article 9.

F. **Building Placement on Lot.** All structures along Main Street shall be oriented towards Main Street, including corner lots.

1. **Front Setback.** For front yards, the minimum front yard setback shall be twenty (20) feet from the public right-of-way and the maximum is thirty (30) feet.

2. **Sideyard Setback.** Sideyard setbacks shall be a minimum of ten (10) feet on one side of the property, and a minimum of 15 feet for the other (driveway side). A minimum cumulative sideyard width of twenty-five (25) feet is required.

3. **Rear Yard Setback.** The rear yard requirement is determined by the underlying zoning.
G. **Sidewalks.** Minimum width for sidewalks in the Main Street overlay shall be four (4) feet, or match the existing sidewalk. A minimum two (2) feet wide planting strip adjacent to Main Street between the street and the sidewalk shall be constructed, when applicable and shall be approved by the CAB. Damaged sidewalks shall be replaced.

H. **Signage.** All signage within the MSO must meet signage standards provided in the City of Conway Historic Design Review Districts: Community Appearance Guidelines and Article 11, Signage of the UDO.

### 6.5.2 Gateway Corridor Overlay (GCO)

**A. Purpose**

The GCO is established to provide standards relative to accessibility, appearance, and safety in the development of commercial, industrial, multi-family residential, and office projects that utilize highway corridors as their primary means of access. The purpose is to provide unified development that promotes a sense of place and provides opportunities to develop projects engineered to be compatible with the carrying capacity of highway corridors.

**B. Applicability**

The boundaries of the GCO shall be as shown on a map titled Gateway Corridor Overlay Zone which is hereby adopted and made a part of the UDO, and which may be amended from time to time in accordance with the procedures established in the UDO.

The boundaries of the GCO include all those major roadways entering the city along Highways 90, 378, 501, 501 Business, 544, 701, and 905. The GCO district shall include all properties fronting on a thoroughfare or highway designated on the overlay zone map. Properties annexed into the City of Conway shall be required to conform to the GCO regulations.

The GCO district shall extend 500 feet from the right-of-way line on properties along these highways. Any property or building that has any portion within the 500-feet overlay boundary shall comply with these regulations. Construction or renovation of any buildings located beyond the 500-feet overlay boundary shall be required if visible from the corridor. Parcels zoned CC, CBD, and single-family developments (less than 5 homes) are exempt from the overlay district standards.

Renovated or newly constructed commercial, industrial, multi-family residential, or office developments that are located partially or completely within the boundaries indicated above shall comply with the regulations established below. Renovation is defined as: Work that modifies or expands a structure or business where the improvements are equal to or greater than fifty percent (50%) of the properties assessed value or the value of the property as determined by an independent appraisal.

**C. Permitted Uses**

All uses permitted by right or as Conditional Uses by the underlying zoning district shall be similarly permitted under the GCO.
D. **Accessory Structures Size**

Accessory structures for all nonresidential uses shall not exceed twenty-five (25) percent of the area of the principal structure. Residential use of accessory structures shall be prohibited except for owner/business operators.

E. **Buildings**

1. **Building Massing and Modulation.** The massing of building facades oriented to public streets shall incorporate modulation with horizontal breaks at least every fifty (50) feet. Massing and modulation changes could include changes in height, horizontal plane, building projections/recessions, roof form, and/or other architectural elements.

2. **Building materials.** The Planning Director shall insure compliance with the architectural design standards that are identified in Section 6.3.1.

3. **Mechanical equipment.** Mechanical equipment whether ground level, raised, or rooftop shall be shielded and screened from public view through the use of a parapet wall or other decorative feature. The public view includes front facades, and side and rear facades visible from public right(s)-of-way, adjacent properties, and residential uses or districts.

F. **Access Management**

All properties within this corridor shall meet the requirements of the City of Conway’s access management standards in Section 7.2.1.

1. **Inter-parcel Access.** Provide inter-parcel vehicle access points between all contiguous non-residential properties. A system of joint use driveways and cross access easements shall be used to promote connectivity in the GCO. This requirement may be waived by the TRC only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety, topographic, or environmental concerns.

2. **Shared Access Points.** Shared access points should be located along a common property boundary. The first thirty (30’) feet of a driveway shall be paved with impervious or pervious surfaces including concrete pavers or similar materials. The TRC shall approve the paving surface of the first thirty (30’) feet.

3. Where shared access or service driveways occur, an access agreement shall be required by the City of Conway. The agreement must be signed by all affected property owners and must be registered with the Horry County Register of Deeds.

G. **Connectivity**

1. **Pedestrian/Bike Access.** Pedestrian and bicycle access must be provided to individual developments and each establishment within the development. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways.

2. **Pedestrian Walkways.** Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. A minimum five (5’) feet wide sidewalk connection shall be provided from public rights-of-way to the entrance[s] of buildings.

3. **Trails.** If a parcel is located within five hundred (500) feet of a proposed greenway/bike trail, a minimum eight (8’) feet wide trail connection shall be provided.

4. **Sidewalks.** Sidewalks shall be installed on all public streets the parcel[s] abuts or match existing sidewalk. Sidewalks shall meet the design requirements in Article 7.

5. **Bicycle Lanes.** Bicycle lanes shall meet the street design requirements in Article 7.
H. Utilities

All new utility lines (electric, telephone, CATV, etc.) shall be placed underground. All junction and access boxes shall be screened with sufficient vegetation so as to completely obscure it from view. All utility pad features and meters should be shown on the development site plan.

I. Landscaping and Buffer Requirements

1. Non-Residential Front Buffers.
   a. Parking Lots up to 30,000 square feet: The front buffer for commercial and office establishments shall be ten (10') feet along corridor rights-of-way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:
      1. Two (2) canopy trees two and one-half (2 1/2) inches caliper minimum.
      2. Two (2) understory trees six (6)--eight (8) feet height minimum.
      3. Eighteen (18) shrubs, three (3) gallon minimum.
   b. Parking Lots over 30,000 square feet: The front buffer for non-residential establishments shall be fifteen (15') feet along corridor rights-of-way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:
      1. Three (3) canopy trees two and one-half (2 1/2) inches caliper minimum.
      2. Three (3) understory trees six (6)--eight (8) feet height minimum.
      3. Twenty (20) shrubs, three (3) gallon minimum.

2. Non-Residential Side and Rear Buffers. Side and rear buffers shall meet the requirements set forth in Article 9.

3. Residential Front Buffers. A fifty (50') feet buffer shall be provided along the frontage of any new single-family residential development (over five new units) or multi-family development across the street from any use or zoning other than single-family residential. The fifty (50) feet front buffer shall contain the following minimum planting per one hundred (100) linear feet when existing vegetation is not sufficient:
   a. Eight (8) canopy trees two and one-half (2 1/2) inches caliper minimum.
   b. Twelve (12) understory trees six (6)--eight (8) feet minimum.
   c. Fifty (50) shrubs, three (3) gallon minimum.

4. Residential Side and Rear Buffers. For new single-family residential (over five units) or multi-family developments, a twenty-five (25) feet vegetative buffer shall be constructed on residentially zoned or used parcels along the edge of any such parcel that abuts a parcel either zoned for or dedicated to a commercial, office or multifamily use.

5. Required Screening for Loading Zones. Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public or private rights-of-way, or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of solid fencing or appropriate landscaping.

6. Dumpster screens. Garbage dumpsters shall be screened and buffered with an eight (8) foot high opaque fence or walls on four (4) sides. Dumpster screens shall be reviewed by the TRC.

7. Fencing materials. Chain linked fencing (with and without barbed wire) in the GCO shall be prohibited.
J. **Site Design and Parking**

1. Up to twenty-five percent (25%) of the required parking spaces for any development may be reduced in total area, width, or depth for designated compact vehicle parking. Each compact vehicle parking space shall not be less than eight-feet (8') in width and seventeen-feet (17') in depth.

K. **Height Requirements**

1. Building height shall be limited to fifty (50) feet above base floor elevations.

L. **Signs**

Off premise signs, portable signs, and temporary signs shall be prohibited within the GCO corridor. Monument and freestanding post signs are the only freestanding signs allowed in the GCO. Signs in the GCO shall be as permitted in Article 11 of this Unified Development Ordinance, except that compliance with the following regulations shall be required.

1. **Materials.** All signs shall be compatible with the architectural design of associated building, including colors and materials.
2. **Setback.** All monument and freestanding post signs shall meet the setback requirements in Section 11.1.7.
3. **Size.**
   a. Monument Signs: The maximum sign face area shall be sixty (60) square feet for a single-tenant. The maximum sign face area shall be eighty (80) square feet for multi-tenants (more than three).
   b. Freestanding Post Signs: The maximum sign face area shall be sixty (60) square feet for a single-tenant. The maximum sign face area shall be eighty (80) square feet for multi-tenants (more than three).
4. **Height.**
   a. Monument Signs: The maximum sign height shall be ten (10) feet for a single-tenant. The maximum sign height shall be ten (10) feet for multi-tenants (more than three).
   b. Freestanding Post Signs: The maximum sign height shall be sixteen (16) feet for a single-tenant. The maximum sign height shall be twenty (20) feet for multi-tenants (more than three businesses).
5. **Location.** A property that contains more than one road frontage shall be permitted an additional monument sign. This additional monument sign shall not front the gateway corridor and shall meet the requirements in Section 11.4.6
6. **Incentive.** For any monument sign request, the TRC can consider reducing the street yard and sign landscaping requirements.

### 6.5.3 Village Corridor Overlay Zone (VCO)

A. **Purpose**

The VCO is established to provide standards to promote compact, pedestrian-scale development with residential, neighborhood commercial, professional, and office uses. The overlay is established to provide unified development that promotes a sense of place and provides opportunities to develop projects engineered to be compatible with the carrying capacity of minor arterials and collector streets.
B. Applicability

The boundaries of the VCO shall be as shown on a map titled Village Corridor Overlay Zone which is hereby adopted and made a part of the UDO, and which may be amended from time to time in accordance with the procedures established in the UDO.

The VCO shall only include El Bethel Road, Cultra Road, Mill Pond Road, and Sixteenth Avenue between Main Street and Church Street (Highway 501). The VCO shall include all properties fronting on these roads designated on the overlay zone map. Properties annexed into the City of Conway shall be required to conform to the VCO regulations.

The VCO zone shall extend 250 feet from the right-of-way line for properties along these streets. Any property or building that has any portion within the 250-feet overlay boundary shall comply with these regulations. Construction or renovation of any buildings located beyond the 250-feet overlay boundary shall be required if visible from the corridor. Single-family developments (less than 5 homes) are exempt from the VCO standards.

Renovated or newly constructed commercial, multi-family residential, or office developments that are located partially or completely within the boundaries indicated above shall comply with the regulations established below. Renovation is defined as: Work that modifies or expands a structure or business where the improvements are equal to or greater than fifty percent (50%) of the properties assessed value or the value of the property as determined by an independent appraisal.

C. Permitted Uses

All uses permitted by right or as Conditional Uses by the underlying zoning district shall be similarly permitted under the VCO.

D. Accessory Structures Size

Accessory structures for all nonresidential uses shall not exceed twenty-five (25) percent of the area of the principal structure. Residential use of accessory structures shall be prohibited except for owner/business operators.

E. Buildings

1. Building Massing and Modulation. The massing of building facades oriented to public streets shall incorporate modulation with horizontal breaks at least every fifty (50) feet. Massing and modulation changes could include changes in height, horizontal plane, building projections/recessions, roof form, and/or other architectural elements.

2. Building materials. The Planning Director shall ensure compliance with the architectural design standards that are identified in Section 6.3.1.

3. Mechanical equipment. Mechanical equipment whether ground level, raised, or rooftop shall be shielded and screened from public view through the use of a parapet wall or other decorative feature. The public view includes front facades, side and rear facades visible from public right(s)-of-way, adjacent properties, and residential uses or districts.

F. Access Management

All properties within this corridor shall meet the requirements of the City of Conway’s access management standards in Section 7.2.1.

1. Inter-parcel Access. Provide inter-parcel vehicle access points between all contiguous non-residential properties. A system of joint use
driveways and cross access easements shall be used to promote connectivity in the VCO. This requirement may be waived by the Planning Director only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety, topographic, or environmental concerns.

2. **Shared Access Points.** Shared access points should be located along a common property boundary. The first thirty (30') feet of a driveway shall be paved with impervious or pervious surfaces including concrete pavers or similar materials. The CAB shall approve the paving surface of the first thirty (30') feet.

3. Where shared access or service driveways occur, an access agreement shall be required by the City of Conway. The agreement must be signed by all affected property owners and must be registered with the Horry County Register of Deeds.

G. **Connectivity**

1. **Pedestrian/Bike Access.** Pedestrian and bicycle access must be provided to individual developments and each establishment within the development. Pedestrian walkways must be designed and located in a manner that does not require pedestrians to walk through parking lots or cross driveways.

2. **Pedestrian Walkways.** Grade-separated pedestrian walkways must provide a direct connection from the street to the main entrance, and to abutting properties. A minimum five (5') feet wide sidewalk connection shall be provided from public rights-of-way to the entrance(s) of buildings.

3. **Trails.** If a parcel is located within five hundred (500') feet of a proposed greenway/bike trail, a minimum eight (8') feet wide trail connection shall be provided.

4. **Sidewalks.** Sidewalks shall be installed on all public streets the parcel(s) abuts or match existing sidewalk.

5. **Bicycle Lanes.** Bicycle lanes shall meet the street design requirements in Section 7.1.4.

H. **Utilities**

All new utility lines (electric, telephone, CATV, etc.) shall be placed underground. All junction and access boxes shall be screened with sufficient vegetation so as to completely obscure it from view. All utility pad features and meters should be shown on the development site plan.

I. **Landscaping and Buffer Requirements**

1. **Non-Residential Front Buffers.**
   a. Parking Lots up to 30,000 square feet: The front buffer for commercial and office establishments shall be ten (10') feet along corridor rights-of-way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:
      i. Two (2) canopy trees two and one-half (2 1/2) inches caliper minimum.
      ii. Two (2) understory trees six (6)--eight (8) feet height minimum.
      iii. Eighteen (18) shrubs, three (3) gallon minimum.
   b. Parking Lots over 30,000 square feet: The front buffer for non-residential establishments shall be fifteen (15') feet along corridor rights-of-way, both public and private. This buffer is intended for aesthetic, rather than screening purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:
      i. Three (3) canopy trees two and one-half (2 1/2) inches caliper minimum.
      ii. Three (3) understory trees six (6)--eight (8) feet height minimum.
      iii. Twenty (20) shrubs, three (3) gallon minimum.
2. **Non-Residential Side and Rear Buffers.** Side and rear buffers shall meet the requirements set forth in Article 9.

3. **Residential Front Buffers.** A fifty (50') feet buffer shall be provided along the frontage of any new single-family residential development (over five new units) or multi-family development across the street from any use or zoning other than single-family residential. The fifty (50) feet front buffer shall contain the following minimum planting per one hundred (100) linear feet when existing vegetation is not sufficient:
   a. Eight (8) canopy trees two and one-half (2 1/2) inches caliper minimum.
   b. Twelve (12) understory trees six (6) -- eight (8) feet minimum.
   c. Fifty (50) shrubs, three (3) gallon minimum.

4. **Residential Side and Rear Buffers.** For new single-family residential (over five units) or multi-family developments, a twenty-five (25) feet vegetative buffer shall be constructed on residentially zoned or used parcels along the edge of any such parcel that abuts a parcel either zoned for or dedicated to a commercial, office or multifamily use.

5. **Required Screening for Loading Zones.** Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public or private rights-of-way, or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of solid fencing or appropriate landscaping.

6. **Dumpster screens.** Garbage dumpsters shall be screened and buffered with an eight (8) foot high opaque fence or walls on four (4) sides. Dumpster screens shall be reviewed by the TRC and CAB.

7. **Fencing materials.** Chain linked fencing (with and without barbed wire) in the GCO shall be prohibited.

J. **Site Design and Parking**

1. Up to twenty-five percent (25%) of the required parking spaces for any development may be reduced in total area, width, or depth for designated compact vehicle parking. Each compact vehicle parking space shall not be less than eight-feet (8') in width and seventeen-feet (17') in depth.

K. **Height Requirements**

1. Building height shall be limited to forty (40) feet above base floor elevations.

L. **Signs**

Monument and freestanding post signs are the only freestanding signs allowed in the VCO. Signs in the VCO shall be as permitted in Article 11 of this Unified Development Ordinance, except that compliance with the following regulations shall be required.

1. **Materials.** All signs shall be compatible with the architectural design of associated building, including colors and materials.
2. **Setback.** All monument and freestanding post signs shall meet the setback requirements in Section 11.1.7.
3. **Size.** The maximum sign face area shall be twenty-four (24) square feet for a single-tenant. The maximum sign face area shall be forty (40) square feet for multi-tenants (more than three).
4. **Height.** The maximum sign height shall be eight (8) feet for a single-tenant. The maximum sign height shall be eight (8) feet for multi-tenants (more than three).
5. **Location.** A property that has more than one road frontage shall be permitted an additional monument sign. This additional sign shall not front the village corridor and shall meet the requirements in Section 11.4.6.
Section 6.6 – General Design Standards

6.6.1 Outdoor Lighting

A. Nonresidential and multifamily buildings and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjoining properties.

B. Applicability.

The requirements of this section shall apply to all nonresidential or multifamily development, as well as all residential subdivision development.

C. Exempt.

1. The following activities are exempt from the requirements of this Section.
   a. Outdoor lights used for a temporary event are permitted through a Temporary Use Permit.
   b. Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable requirements in this UDC. Such lighting shall be located at least 50 feet from any adjoining residential district or use.

2. Outdoor lighting exempt from the Section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

D. Lighting Plan

A site lighting plan shall be required as part of the application review for all areas proposed for illumination that exceeds 40,000 square feet in area. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the multiple areas exceeds 40,000 square feet.

E. Site Lighting Design Requirements

Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

1. Fixture (Luminaire)
   a. The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
   b. Under canopy lighting fixtures should be completely recessed within the canopy.

2. Fixture Height
   a. Lighting fixtures shall be a maximum of forty (40’) feet in height within the parking lot and shall be a maximum of fifteen (15’) feet in height within
non-vehicular pedestrian areas. All light fixtures located within fifty (50') feet of any residential use or residential property boundary shall not exceed fifteen (15') feet in height.

b. The Planning Director may allow fixtures above this height to provide internal lighting for stadiums, arenas, and similar facilities.

3. Light Source (Lamp)
   a. Incandescent, florescent, metal halide, or color corrected high-pressure sodium are preferred. The Planning Director shall have the authority to approve other lamp types (including light emitting diodes (LEDs) and fiber optics) provided the color emitted is similar to the preferred types. Non color corrected high pressure sodium lamps are prohibited.
   b. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

4. Mounting. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

5. Limit Lighting to Periods of Activity. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Planning Director to conserve energy, provide safety, and promote compatibility between different land uses.

F. Illumination Levels

1. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in Table 6.4 with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level), measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

2. The maximum level of illumination at the outer perimeter of the site or project shall be 0.5 foot-candles when abutting a residential zoning district and 5.0 foot-candles when abutting all other districts and/ or streets.

Table 6.4: Light Levels for Different Types of Lighting

<table>
<thead>
<tr>
<th>Light Levels (Foot Candles)</th>
<th>Minimum</th>
<th>Average</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Lighting</td>
<td>0.0</td>
<td>1.0</td>
<td>5.0</td>
</tr>
<tr>
<td>Canopy Area Lighting</td>
<td>2.0</td>
<td>10.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Multifamily Parking Lot</td>
<td>0.2</td>
<td>1.0</td>
<td>8.0</td>
</tr>
<tr>
<td>Nonresidential and Multifamily Entrances</td>
<td>1.0</td>
<td>5.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Nonresidential Parking Lot</td>
<td>0.2</td>
<td>1.5</td>
<td>10.0</td>
</tr>
<tr>
<td>Storage Area (security lighting)</td>
<td>0.2</td>
<td>1.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Vehicle Sales and Display</td>
<td>2.0</td>
<td>3.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Walkways, Landscape or Decorative Lighting</td>
<td>0.2</td>
<td>0.8</td>
<td>5.0</td>
</tr>
</tbody>
</table>
G. Excessive Illumination
   1. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this Section.
   2. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on neighboring residential uses, and 0.5 on neighboring commercial sites and public rights-of-way.
   3. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
   4. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

6.6.2 Mechanical Equipment, Dumpster, Recycling, and Trash Handling

A. Applicability

This section shall apply to all residential and non-residential development, light industrial, and heavy industrial use. This includes any outdoor type of trash container or recycling container that is larger than the 95 gallon roll-out carts used by the City of Conway for weekly domestic pickup except in the case where a site uses more than one 95 gallon trash container.

B. Location

All mechanical equipment (including heating or air conditioning units and other mechanical equipment) and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved. The location of all utilities and trash handling facilities shall be in the rear or side yards. No such facilities shall be located in the required street yard.

C. Screening

   1. All ground level mechanical equipment (including heating or air conditioning units and other mechanical equipment) and trash handling facilities shall be completely screened from the public right-of-way and adjacent properties pursuant to Section 9.3. Mechanical equipment on rooftops shall be screened from the view of the public street.
   2. A wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof may be provided to obscure such facilities pursuant to Section 9.4.1; however, when the service side of the particular facility faces any property line, a minimum six (6) foot wall or solid wood fence with gates or doors shall be provided.
   3. Landscaping of the entire service area shall be installed in accordance with the landscape buffer requirements listed in Section 9.3.

D. Access

   1. All required trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

E. Utilization

   1. Space allocated to any trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any trash handling
facility.

F. Performance

1. All trash handling facilities shall be designed to prevent wind-blown debris from leaving the site.
2. All food-related businesses shall provide water quality treatment in conformance with applicable standards and design guidelines for runoff from trash handling facilities.

G. Additional Requirements

1. The Technical Review Committee may impose additional requirements as necessary to protect public health and safety.
Article 7. Streets and Circulation

Article 7 Contents

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- 7.1.2, Complete Streets
- 7.1.3, Street Classification System
- 7.1.4, Design Standards by Street Type
- 7.1.5, Estimate of Average Daily Trips (ADT)
- 7.1.6, Right-of-Way
- 7.1.7, Street Intersections
- 7.1.8, Sight Triangles
- 7.1.9, Connectivity
- 7.1.10, Blocks
- 7.1.11, Cul-de-Sacs
- 7.1.12, Reserve Strips, Half Streets and Private Streets
- 7.1.13, Street Construction Standards

Section 7.2 – Access Management
- 7.2.1, Access Management Requirements

Section 7.3 – Traffic Calming
- 7.3.1, Traffic Calming Standards
Section 7.1 – Streets and Circulation

7.1.1 Layout of Circulation System

A. Proposed street layouts within the city limits shall interconnect within a development and with adjoining development as often as possible. No dead-end streets shall be permitted, except those classified as an alley or cul-de-sac (see section 7.1.3).

B. While it is the intent to provide ample flexibility in the layout of streets, proposed street systems will be reviewed in terms of design, safety, and convenience of users as well as adjacent property owners. Review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections.

C. The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic, pedestrian and bicycle mobility, and transit when appropriate. The layout of circulation shall be efficient with a minimum impact on adjacent properties, while providing an aesthetically pleasing design.

D. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors such as the visual impact of the street pattern and the highlighting of special site features. Cul-de-sacs shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic.

E. Pathways may also be designed to be independent of the road system, but they may be required along roads in areas of high intensity of land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.

7.1.2 Complete Streets

A. Intent.

Complete Streets achieve safety, comfort and convenience for all modes of travel, including pedestrians, bicyclists and transit riders, in addition to automobile traffic. The following is a checklist of elements that shall be incorporated into all new developments or transportation projects shown in the Conway Transportation Plan:

1. Offer a full range of travel choices.
2. Provide sidewalks either separated by a planting strip or with ample width to provide pedestrian safety on all new roads.
3. Include bicycle facilities on all new roadways and retrofit existing roadways with major reconstruction projects.
4. Connect to a network that offers choice.
5. Provide safe pedestrian crossings at intersections.
6. Build corridors that will be conducive to transit, even if transit is not available.
7. Provide full accessibility to all, including children, seniors, and people with disabilities.
8. Contribute to the pleasant and convenient pedestrian atmosphere of the downtown area.
9. Serve and support public transit where possible.

B. Applicability.

1. All non-residential developments (excluding CP, FA, LI, and HI Zoning Districts), major subdivisions developments, Planned developments, Mixed Use
developments, GCO developments, and VCO developments shall adhere to the concept of Complete Streets.
2. All the elements of complete streets that are required shall be constructed at the expense of the owner and/or developer of the real estate where such system is to be constructed.
3. In major subdivisions, in lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in this section prior to final plan approval, the City of Conway shall accept a financial guarantee whereby the property owner and/or developer shall agree to complete all required improvements. (See Section 10.6 for additional requirements for financial guarantees in lieu of immediate requirements improvements.
4. In non-residential developments, GCO developments, and VCO developments, the completion, installation and inspection of all or any part of the required improvements as described in this section shall be installed by the property owner and/or developer before a Certificate of Zoning Compliance and a Certificate of Occupancy are issued.
5. Since Planned Developments and Mixed Use Developments may include subdivisions for commercial development required improvement as described in this section may require financial guarantees as outlined in section 10.6 or completion prior to the issuance of a Certificate of Occupancy.

C. Pathways.

1. Design Requirements for Pathways.
   a. Dimensions and construction specifications of pathways shall be determined by the location and the number and type of users.
   b. Pathways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest, provided a grassed or landscaped area at least three (3) feet wide is retained to separate the pathway from the adjacent curb.
   c. A minimum eight (8) foot paved width shall be provided for both two-way bicycle traffic and pedestrians.
   d. Choice of surface materials, including but not limited to bituminous mixes, concrete, gravel, soil, cement, stabilized earth, and wood planking, shall depend on use and users of the path, as approved by the Technical Review Committee.
   e. Gradients of bike paths should generally not exceed a grade of five percent (5%), except for short distances.
   f. Pathways shall comply with the most current ADA standards.

2. Pathway Designation.
   a. In a residential development, any pathway shall be restricted as part of the site’s common open space when on a residential site.
   b. On a non-residential property, a permanent easement shall be reserved and maintenance assigned to a specific entity.
   c. The improvements, in either residential or non-residential developments, may also be offered for public dedication with approval by City Council.

D. Sidewalks.

1. Sidewalks shall be constructed along the frontage of all properties abutting arterial or local non-residential streets.
2. A connecting system of sidewalks shall be provided on both sides of each local residential street.
3. In a multi-family development, a connecting system of sidewalks shall be provided on both sides of each street and shall be provided running from each building.
4. Sidewalks shall be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of three (3) feet.
5. A reduced width or different location may be approved by the Technical Review Committee unless it involves a major subdivision, which then requires approval by the Planning Commission.

6. Where the construction of the sidewalk is not possible within the right-of-way, a dedication of land from a property owner shall be required unless there are special circumstances. If there are special circumstances, an easement on private property could be approved by the Technical Review Committee.

7. Commercial and residential sidewalks shall be a minimum of five (5) feet in width. All sidewalks shall be a minimum of four (4) inches in thickness, except where crossing driveways in which case the minimum thickness shall be six (6) inches and will have a six (6) inch by six (6) inch #10 W. W. F. (or equivalent) reinforcement.

8. Sidewalks are required on both sides of all new street segments.

9. Sidewalks may be required in areas not specifically noted, where necessary, to continue a walk on an existing street, to link areas, or to provide access to pedestrian generators located in close proximity.

10. All sidewalks, including driveway sections where sidewalk crosses, and ramps shall comply with the following ADA standards:
   a. All cross slopes shall be 2% maximum.
   b. All ramp slopes should be 8.6% maximum.
   c. All efforts should be made to locate all utility features (meters, valves, clean outs, etc.) and storm water features (basins, manholes, etc.) outside the sidewalks.
   d. Ramps shall be located at each intersection, pedestrian crossing, and any section of sidewalk longer than 1,000 linear feet.
   e. All ramps should extend from sidewalk to edge of pavement.
   f. The TRC shall approve the design of all sidewalks, driveways, and ramps before construction begins to ensure ADA standards are met.

E. Bicycle Facilities

1. A bikeway providing for travel in two directions may be provided, if feasible, along Highway 378, Highway 501, Highway 544, and Highway 701, subject to review and approval of the South Carolina Department of Transportation and the City of Conway.

2. Bicycle facilities may also be required if a bicycle route system is addressed within an adopted plan, such as the City of Conway Comprehensive Plan, or addressed by the Planning Commission or City Council.

3. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street. If another material is requested, the TRC can consider it.

4. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.

5. Bicycle facilities shall be designed to meet the standards of the current version of the American Association of State Highway and Transportation Official’s Guide for the Development of Bicycle Facilities.

F. Exemptions / Waivers

1. Exempting elements of ‘Complete Streets’, with the exception of sidewalks, can be granted by the Technical Review Committee. Exemptions may occur under the following conditions:
   a. Bicycle and pedestrian facilities are not required where they are prohibited by law.
   b. The cost for a particular project in complying with ‘Complete Streets’ principles would be excessively disproportionate to the need or probable use of that particular complete street.
   c. Estimated low population density or the level of transit service around a particular roadway indicates an absence of future need.
2. In the event the Technical Review Committee does not grant a requested exemption, an appeal of the decision can be made to the Conway City Council. City Council shall have the authority to grant a waiver as it may deem appropriate.

3. Exemption of sidewalks
   a. The exemption of sidewalks can be granted only by Conway City Council. If the property owner, developer, or the Technical Review Committee requests a waiver of the requirement to construct a sidewalk because there is no foreseeable connectivity, a waiver can be considered by Conway City Council. However, City Council will require the property owner and/or developer to contribute, in lieu of construction, an amount equal to the cost of construction of the required sidewalk, which includes any required infrastructure improvements for that sidewalk. The payment would then be used for the City of Conway to use in building or completing pedestrian, bikeway, and/or pathway systems.
   b. The TRC shall review and make a recommendation before a waiver for sidewalk can be considered by Conway City Council.

7.1.3 Street Classification System

A. Street Classification System. The classification of a street segment shall determine the cross-section, street, planting strip, and design standard to which that street segment shall be designed and constructed. Street design standards are shown in Table 7.1.

1. Major Arterial Street. Major arterials consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

2. Minor Arterial Street. Minor arterials collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

3. Collector Street. A street whose principal function is to carry traffic between cul-de-sac, local, and sub-collector streets and streets of higher classification but which may also provide direct access to abutting properties.

4. Minor-Collector Street. A street whose principal function is to provide access to abutting properties but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

5. Local Street. A street whose primary function is to provide access to abutting properties.

6. Alley. A narrow street set aside primarily for vehicular access to the backside of properties otherwise fronting on a street.

7. Cul-de-sac Street. A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
7.1.4 Design Standards by Street Type

Streets shall be designed according to a hierarchy of functions with through traffic separated from residential access streets. The street hierarchy shall be defined by road function and average daily trips. Each street shall be designed to meet or exceed the minimum standards for one of the street types defined below in Table 7.2.

Table 7.1: Design Standards by Street Type

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Maximum Average Daily Trips</th>
<th>Minimum Right-of-Way (feet)</th>
<th>Minimum Pavement Width (feet)</th>
<th>Minimum Planting Strip (feet)</th>
<th>Minimum Sidewalk Width (measured from curb)</th>
<th>Bicycle Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Arterial</td>
<td>50,000</td>
<td>90</td>
<td>44</td>
<td>10</td>
<td>6-10 marked</td>
<td>4-5 feet marked</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>25,000</td>
<td>80</td>
<td>38</td>
<td>8</td>
<td>6-8 marked</td>
<td>4 feet marked</td>
</tr>
<tr>
<td>Collector</td>
<td>6,000</td>
<td>70</td>
<td>32</td>
<td>8</td>
<td>6-8 marked</td>
<td>4 feet marked</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>4,000</td>
<td>60</td>
<td>28</td>
<td>6</td>
<td>6-8 marked (optional)</td>
<td>4 feet marked</td>
</tr>
<tr>
<td>Local Street</td>
<td>2,000</td>
<td>50</td>
<td>24</td>
<td>4</td>
<td>5-6 None</td>
<td>None</td>
</tr>
<tr>
<td>Cul-de-sacs</td>
<td>250</td>
<td>50</td>
<td>24</td>
<td>4</td>
<td>5-5 None</td>
<td>None</td>
</tr>
<tr>
<td>Alleys (commercial)</td>
<td>50</td>
<td>20</td>
<td>12</td>
<td>0</td>
<td>0 None</td>
<td>None</td>
</tr>
<tr>
<td>Alleys (residential)</td>
<td>50</td>
<td>20</td>
<td>12</td>
<td>0</td>
<td>0 None</td>
<td>None</td>
</tr>
</tbody>
</table>

7.1.5 Estimate of Average Daily Trips (ADT)

If it is not possible to determine the maximum average daily trips (ADT) to be served by a street at the time of street design due to uncertainty about the type or intensity of use to be served, then the Applicant shall estimate the probable uses, intensities, and probable ADT. The Applicant may use average annual daily traffic estimates from South Carolina Department of Transportation (SCDOT). Information can be found on the SCDOT website. If the Technical Review Committee determines that such estimates are unrealistic, the Technical Review Committee shall state why and require more realistic estimates.

7.1.6 Right-of-Way

Right-of-way shall be measured from property line to property line and shall be sufficiently wide enough to contain the encompassing street elements of street pavement, shoulders, curbing, sidewalks, and median (if provided). In addition to a street, it may only contain utilities (including drainage), signs allowed by this code, and where applicable, pathways. The street elements required vary depending on intensity of development and street order. Minimum right-of-way shall be provided as shown in Table 7.1.
7.1.7 Street Intersections

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. There shall be a minimum distance of two hundred (200) feet between street intersection. Offset intersections shall be discouraged.

7.1.8 Sight Triangles

In order to insure landscape materials do not impede vision and constitute a driving hazard, a sight triangle shall be required at all street and driveway intersections. No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between thirty (30) inches and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within a sight visibility triangle as defined by this UDO. Heritage and landmark trees shall be preserved and not subject to removal.

Unless otherwise specified by the Technical Review Committee, the area regulated shall be two triangular areas formed by the street right-of-way lines, or such lines extended, and lines connecting such right-of-way lines at points twenty-five (25) feet from the intersections of the right-of-way lines. In such cases as right-of-way lines do not exist or cannot be determined, said measurements shall be made from points fifteen (15) feet from the centerline of the existing road or ten (10) feet from the existing pavement or roadbed, whichever is greater.

7.1.9 Connectivity

It is the intention of the City of Conway that as residential infill development and new subdivision development occurs, that connectivity among all such tracts can be provided and thus avoid reliance on major arterials for access and connections among developments. Where, in the opinion of the Technical Review Committee, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets for future connection. Cul-de-sacs shall not be used to...
avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property.

Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall meet the requirements as specified in Section 7.1.11. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street.

### 7.1.10 Blocks

Blocks shall not be less than four hundred (400) nor more than twelve hundred (1,200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length the Planning Commission may require one or more public walkways of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical and environmental conditions or size of the property, in which case the Planning Commission may approve a single tier of lots of minimum depth.

### 7.1.11 Cul-de-Sacs

Cul-de-sacs shall only be approved in instances necessitated by topography, environmental conditions, property accessibility, or appropriate for land use separation.

#### A. Design Standards for Cul-de-sacs.

1. The maximum length of a cul-de-sac shall be 800 feet, unless necessitated by topography or property accessibility and approved by the Planning Commission.
2. Measurement shall be from the point where the centerline of the dead-end street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.
3. Residential cul-de-sacs shall have a minimum right-of-way radius of 85 feet and a minimum outside edge of pavement radius of 65 feet.
4. Non-residential cul-de-sacs shall have a minimum right-of-way radius of 96 feet and a minimum outside edge of pavement radius of 75 feet.
5. A cul-de-sac shall have a minimum width of 20 feet of unobstructed pavement.

### 7.1.12 Reserve Strips, Half Streets and Private Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property, (except those required by the Technical Review Committee to prevent access to thoroughfares), private streets and half-streets shall not be permitted under any condition.
7.1.13 Street Construction Standards

A. The arrangement of streets shall conform to the circulation requirements of the City of Conway Comprehensive Plan or the Official Zoning Map.

B. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation’s Access and Roadside Management Standards.

C. All streets shall meet the standards set forth above, whether publicly owned or privately owned and/or maintained.

D. Shoulders, Side Slopes, and Ditches. Subject to the Technical Review Committee’s approval, the following standards shall apply:

1. All streets offered for public dedication shall have shoulders, curbs, side slopes, ditches, or alternative storm drainage systems, prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation.

2. Shoulders shall be properly compacted and backfilled to safe edge. Stabilized turf shoulders are not required, but are recommended where proper irrigation is available. If curbs are used, shoulders may not be required.

3. Paving Streets for Public Dedication. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation’s Standard Specifications for Highway Construction.
Section 7.2 – Access Management

7.2.1 Access Management Requirements

The purpose of this article is to establish standards and criteria for the number, location, design, construction, and maintenance of curb cuts/driveways, acceleration/deceleration lanes, and inter-parcel connection within the city limits of Conway. This section is intended to implement the transportation and access management standards as set forth in the Conway Comprehensive Plan.

A. Applicability. These regulations apply to all new development and construction with the city limits of Conway. Except where there would be a conflict with any provision of this Article, any driveway, street, acceleration/deceleration lane, or similar project shall be designed to conform to SCDOT standards. Property owners desiring curb cuts off of City streets or SCDOT highways not associated with an approved large scale development plan or subdivision, must obtain a letter of approval from the Public Works department prior to installation of said curb cut/driveway.

When there is a change in land use that will affect the amount, type, or intensity of traffic activity to a site, the City of Conway or SCDOT may reserve the right to require submission of a new Application for Encroachment Permit. In this case, the City or SCDOT may require the existing access to be revised to better accommodate the expected traffic even if no significant building renovations are planned. In some cases, the number and/or width of driveways allowed may change depending upon the land use change and the current standards. The City or SCDOT shall require that driveway locations being retained be rebuilt if the existing driveway violates ADA requirements. The City or SCDOT shall require that driveways taken out of service be removed as a condition of granting access for a new land use. This provision will also apply to existing access when a property is redeveloped with the same general land use.

B. Standards for Driveways on Arterial and Collector Streets

1. Location. Driveways shall be located where there are no sharp horizontal curves or steep vertical grades and SCDOT standards regarding points of access are met. Driveways shall not be located on auxiliary (acceleration/deceleration lanes) or their tapers.

2. Width. Ingress-egress openings, commonly referred to as “curb cuts”, shall be not less than twenty four (24) feet nor more than forty (40) feet in width for nonresidential uses unless approved by the Technical Review Committee.

3. Distance from Intersections. Curb cuts or access points shall be no closer than one hundred (100) feet measured from the right-of-way of intersecting collector streets to the center line of the drive, and no closer than two hundred (200) feet measured from the right-of-way of an intersection involving a major or minor arterial to the center line of the drive.

4. Offset. Either the centerline of opposing non-residential driveways shall align, or shall be offset no less than seventy-five (75) feet. This condition shall not apply where a permanent median exists without a break for these driveways.

5. Curb Radius. To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 20’ for curb cuts along arterial and collector streets. Exceptions may be granted through a waiver to the Planning Commission for shorter radii in the downtown area and for larger radii needed where there may be a need to accommodate truck traffic.

6. Entrance/Exit and Parking Design. Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. The first thirty (30) feet of driveways shall be paved with asphalt, concrete, or brick pavers (non-asphalt), and will be subject to approval.
by the Technical Review Committee. All parking facilities, except those serving single-family detached and two-family dwellings, shall be designed so that all existing movements onto a public street are in a forward motion.

7. **Right Turn Only.** Site plans for all commercial development and multifamily dwellings on Minor Arterial and Major Arterial streets will be required to have exit points that are designated right turn only exiting movements onto a public street. Site plans will be subject to approval by the Technical Review Committee.

8. **Sight Distance.** Sight distances shall meet SCDOT standards unless the Technical Review Committee allows a different distance.

9. **ADA Requirements.** Sidewalls and curb ramps shall meet ADA requirements at all intersections and driveway entrances. Existing and new driveways shall be brought in compliance with applicable ADA standards.

C. **Acceleration/Deceleration Lanes.** Acceleration and deceleration lanes shall be designed in accordance with SCDOT standards.

D. **Joint and Cross Access.**

1. **Major Traffic Generators.** Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

2. **Techniques.** A system of joint use driveways and cross access easements shall be established as required by the City for major traffic generators and the building site shall incorporate the following:
   a. A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb-cut standards.
   b. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
   c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
   d. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

3. **Shared parking.** Shared parking areas shall be permitted to reduce required parking if peak demand periods for proposed land uses do not occur at the same time periods (i.e., bank & movie theater).

4. **Documentation.** Pursuant to this section, property owners shall:
   a. **Access Easement.** Record an easement with the Horry County Register of Deeds allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.
   b. **Access Agreement.** Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City of Conway and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.
   c. **Maintenance Agreement.** Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

5. **Reduction in Separation Distance.** The City of Conway Planning Commission may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
   b. The site plan incorporates a unified access and circulation system in accordance with this section.
   c. The property owner shall enter a written agreement with the City of Conway.
Conway, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

6. **Waivers.** With recommendation from the Technical Review Committee, the Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

E. **Emergency Access.**

1. **Multi-family development.** In the case of multi-family development, the City shall require additional reasonable access separate and apart from the primary ingress and egress openings and impose additional reasonable connectivity requirements on the developed property to include allowing access across the developed property and to the adjoining properties. Such requirements shall be imposed for the purposes of facilitating emergency access to public safety services.

2. **Waivers.** With recommendation from the Technical Review Committee, the Planning Commission may modify or waive the requirements of this section.

*Amended 3-3-14, #ZA2014-03-03 (A)*
Section 7.3 – Traffic Calming

A. Speed Humps

1. Speed humps are raised sections of pavement, constructed along a street, which cause drivers to reduce their speed. The humps are typically three inches at their highest point and have a gradual ramp up to that high point.

2. Emergency response vehicles need to go slower over speed humps than automobiles to reduce the jarring effects of the hump. For this reason, conventional speed humps on primary and secondary emergency response routes shall be avoided if possible.

B. Chicane

1. A chicane is a series of two or more staggered curb extensions on alternating sides of the roadway. It creates a serpentine route along the street. Drivers slow down to make the lateral movement necessary to maneuver through the chicane. On wider streets, a raised island can be added to the center of the road to prevent motorists from crossing the center line.

C. Median

1. Medians are raised islands placed at the center of a roadway that separate two directions of traffic. Typically, medians are landscaped to provide a visual enhancement and to create the perception of a narrower roadway. A median at the entrance to the neighborhood notifies drivers that they are entering a residential area. Medians usually require the removal of on-street parking.
D. Roundabouts

1. A roundabout is a type of circular junction in which road traffic must travel in one direction around a central island. Signs usually direct traffic entering the circle to slow down and give the right of way to drivers already in the circle. These junctions are sometimes called modern roundabouts in order to emphasize the distinction from older circular junction types which had different design characteristics and rules of operation. Older designs, called traffic circles or rotaries, are typically larger, operate at higher speeds, and often give priority to entering traffic.

E. Traffic Circles

1. Traffic circles are raised islands, placed at intersections, around which traffic circulates. Circles prevent drivers from speeding through intersections by impeding straight-through movement and forcing drivers to slow down to yield. The circles offer an opportunity for landscaping and visually break up a long, straight stretch of roadway. Collisions and other traffic accidents are reduced at intersections with traffic circles. Traffic circles usually require the removal of some on-street parking. The landscaping within the circle is maintained by volunteer neighbors.

2. Traffic circle with curb extension is similar to the traffic circle (see above description). The design of the circle is slightly smaller, and it is the curb extensions that force the vehicles to make a lateral movement to navigate through the intersection. The curb extension is landscaped with a pedestrian pathway through it so that pedestrians have a shorter distance in crossing the street. These are appropriate on wider streets that have a lot of pedestrian activity.
Article 8. Off-Street Parking and Loading

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- 8.2.5, Paving Surfaces
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Section 8.3 – Off-Street Loading Requirements
- 8.3.1, Required Off Street Loading
- 8.3.2, Determination of Unlisted Uses
- 8.3.3, Off-Street Loading Space Standards
Section 8.1 – Intent and Purpose

8.1.1 Intent

The intent of this section is to require adequate on-premise parking for all development in the City of Conway, and establish uniform design standards for parking spaces, aisles, and access ways.

8.1.2 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, and aesthetic appeal of the City of Conway.

8.1.3 Existing Agreements

This Article shall not abrogate any private agreement, provided that where the regulations of this Article are more restrictive or impose higher standards than such private agreements, the provisions and requirements of this Article shall govern.

8.1.4 Affected Property

This Article shall apply to all development located within the City Limits of Conway except for the following:

A. Detached Single-Family Developments: Shall be exempt.

B. Developments Located in the CC Zoning District: The amount of parking spaces provided shall be at twenty-five percent (25%) of the calculated requirements in this Article with the exception of Hotels, Motels, Inns, and residential dwellings, which shall provide the full required parking spaces as set forth in this Article. Required parking may be located off site on a leased or owned separate lot. This offsite parking must be located within two hundred (200) feet of the principal use which it is to serve.

C. Developments Located in the CBD Zoning District: No developments shall be required to provide any on-site or off-site parking with the exception of conditional uses, residential uses, and hotels, motels, and inns.


8.1.5 Completion of Parking Required Prior to Issuance of Zoning Compliance

The required parking areas for any development shall be paved with asphalt, concrete, brick pavers, or approved pervious surfaces per Section 8.2.5. These must be properly marked prior to the issuance of a Certificate of Zoning Compliance or a Temporary Certificate of Zoning Compliance. Pervious parking lot alternatives are permitted with approval by the Technical Review Committee. The City of Conway shall not accept any type of improvement guarantee in lieu of the completion of required parking.
Section 8.2 – Design Standards

8.2.1 General Design Standards

A. Unless no other practicable alternative is available, any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.

B. No parking is allowed in yards or landscaping between the hours of 11:00 p.m. and 8:00 a.m.

C. Every off-street parking space shall be arranged so that any vehicle may be moved into and out of such space without moving another vehicle.

D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.

E. All open off-street parking areas, except for single family, two-family and townhouse dwellings, shall provide concrete curb and gutter per approval of the Technical Review Committee to ensure that no portion of a vehicle encroaches into the required setback. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the Technical Review Committee for review. All plans shall be subject to the Technical Review Committee’s written approval.

F. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way.

G. All open, non-residential off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts.

H. All commercial driveway and parking areas shall be paved with asphalt, concrete, brick pavers, or alternative paving surfaces except for areas used for overflow, special events, and peak parking.

8.2.2 Parking Lot Design

Parking lots (over 100 parking spaces) shall have designated landscaped pedestrian/ bike pathways to improve pedestrian and bicycle connections and safety.
8.2.3 Handicapped Accessible Parking Requirements

A. Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136) and Building Code adopted by the City of Conway or the State of South Carolina.

1. **Required Number.** The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 8.1. In some instances, ANSI requirements may be used to calculate required spaces, and whichever is more restrictive shall be used to calculate required spaces.

ADA spaces shall count toward the requirements for off-street parking as specified in Table 8.3. In addition, handicapped van spaces are required at a rate of one van space for each eight (8) handicapped spaces required, with a minimum of one.

2. **Locations.** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

3. **Dimensions.** Accessible parking spaces shall be at least nine (9) feet wide by nineteen (19) feet in depth. Accessible parking spaces must have a minimum five (5) foot-wide access aisle. For van spaces, the width of the parking space shall be at least eleven (11) feet wide with a minimum five (5) foot wide access aisle. Parking access aisles shall be part of an accessible route to the building or facility entrance; two accessible parking spaces may share a common access aisle.

4. **Signs.** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>100 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20, plus 1 for every 100 spaces over 1,000</td>
</tr>
</tbody>
</table>
ADA Spaces Detail

8.2.4 Minimum Parking Space and Aisle Dimensions

A. One-way traffic flow:
   1. Parallel: Aisle Width: Twelve (12') feet
      Stall Dimensions: Eight (8') feet by twenty-three (23') feet

     ![Parallel Parking Diagram]

   2. Thirty (30) Degree: Aisle Width: Twelve (12') feet
      Stall Dimensions: Nine (9') feet by nineteen (19') feet
      Angular Parking Dimension: Seventeen (17') feet, three (3") inches

     ![30 Degree Parking Diagram]
3. Forty-Five (45) Degree: Aisle Width: Thirteen (12'-9") feet  
   Stall Dimensions: Nine (9') feet by nineteen (19') feet  
   Angular Parking Dimensions: Nineteen (19') feet, eight (9")

4. Sixty (60) Degree: Aisle Width: Eighteen (18') feet  
   Stall Dimensions: Nine (9') feet by nineteen (19') feet  
   Angular Parking Dimension: Twenty-one (21') feet

5. Ninety (90) Degree: Aisle Width: Twenty-two (22') feet  
   Stall Dimensions: Nine (9') feet by nineteen (19') feet  
   Angular Parking Dimension: Nineteen (19') feet
B. Two-way traffic flow:

1. Parallel: Aisle Width: Twenty-two (22') feet
   Stall dimensions: Eight (8') feet by twenty-three (23') feet
   Parallel Parking Dimension: Eight (8') feet

2. Thirty (30) Degree: Aisle Width: Twenty-two (22') feet
   Stall Dimensions: Nine (9') feet by nineteen (19') feet
   Angular Parking Dimension [two (2) spaces]: Thirty-four (34') feet, six (6") inches

3. Forty-five (45) Degree: Aisle Width: Twenty-two (22') feet
   Stall Dimensions: Nine (9') feet by nineteen (19') feet
   Angular Parking Dimension [two (2) spaces]: Thirty-nine (39') feet, four (4") inches
4. Sixty (60) Degree: Aisle Width: Twenty-two (22') feet  
   Stall Dimensions: Nine (9') feet by nineteen (19') feet  
   Angular Parking Dimension [two (2) spaces]: Forty-two (42') feet

5. Ninety (90) Degree:  
   Aisle Width: Twenty-two (22) feet  
   Stall Dimensions: Nine (9') feet by nineteen (19') feet  
   Angular Parking Dimension [two (2) spaces]: Thirty-eight (38') feet
8.2.5 Paving Surfaces

A. **Typical Paving Surfaces.** The paving surface of all on-site and off-site parking areas shall be a dust free, all weather material (i.e. asphalt, concrete, brick pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

B. **Alternative Paving Surfaces.** Alternative paving surfaces include pervious paving, concrete pavers, and similar materials shall be acceptable with the approval of the Technical Review Committee.

1. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with pervious pavement or brick pavers.
2. Pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces may be permitted for specific uses as set forth below.
3. All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface for the following:
   a. Uses within or near environmentally sensitive areas.
   b. Uses which require parking on an average of less than five days per week during a month;
   c. Parks, playgrounds, ballfields, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas; and
   d. Surplus parking areas above the required number of parking spaces (see Section 8.2.10, Parking Requirements for Specific Uses).
8.2.6 Wheelstop Requirements

A. Wheelstops shall be required in all handicapped parking spaces.

B. Wheelstops shall be required in all parking spaces that abut sidewalks and parking spaces that abut landscape areas where the parking area does not contain curbing.

C. Wheelstops shall be located thirty (30) inches on center from the front of the parking space. The stop shall be a minimum of four (4") inches in height and shall have the capacity to stop both wheels of a vehicle. Parking Spaces abutting sidewalk can eliminate wheelstops only by providing a two (2) foot green space between the curb and required landscape areas. Green space may be counted in required buffer; however, required plants cannot be placed within the two (2) foot green space; in the case where the two (2) foot buffer is used parking spaces can be 9x17 in size. (See Figure 1 below).

D. Wheelstop requirements can be waived if the sidewalk in front of the parking space is at least six (6) feet in width and is raised at least four (4) inches.

![Figure 1](image_url)
8.2.7 Entrance and Exit Curb Cuts

All curb cuts on public streets shall meet the following requirements:

A. **Maximum.** A maximum of one (1) driveway per lot shall be permitted. Additional driveways may be permitted with the approval of the TRC and/or SCDOT. Curb cuts shall not exceed forty (40) feet in width.

B. **Application.** Parcels zoned HC, LI, or HI, which share frontage with residential neighborhoods on a residential local street, residential cul-de-sac, or residential alley shall be permitted a curb cut onto such street classification upon review and approval of the Technical Review Committee, and approval by Planning Commission and City Council if it involves a major subdivision or extension of a roadway. If a parcel fronts on a major arterial, minor arterial, collector, sub-collector, non-residential local, non-residential cul-de-sac, and non-residential alley, curb cuts which meet all other applicable requirements set forth herein shall be permitted. Street classifications are defined in Section 7.1.3.

C. Curb cuts shall not intersect a sight triangle and shall not be located within twenty-five (25') feet of another curb cut.

D. The required minimum radius shall be fifteen (15') feet as illustrated in the figure below.

![Diagram of curb cut](image)

8.2.8 Off-Premises Parking

Required off-street parking spaces may be located off-premises provide the following requirements are met:

A. A minimum of seventy-five (75%) percent of all required parking spaces shall be located on the premises for which the use is located, and a maximum of twenty-five (25%) percent of such required parking spaces may be located on one (1) off-premise parking area. Off-premise parking areas and the premises on which the use is located shall be separated by a maximum of two hundred (200) feet. Such distance shall be measured between the closest point of such off-premise parking area and the most direct public access walking route.

B. The property owner of off-premises parking areas shall restrict the use of land for such off-premise parking by means of a properly recorded deed restriction, which shall require the written consent of the City of Conway to release such property from the restriction. Such restriction shall be in effect for as long as the use which requires such off-premises parking exists, or other parking arrangements are made.
C. Off-premises parking areas shall be permitted in any zoning district where the use served by such off-premise parking is permitted.

D. Paved sidewalks from the off-premises parking area to the use such off-premise parking serves shall be required at the owner’s expense. Such sidewalks shall be constructed to SCDOT Standards.

E. Off-premise parking areas shall be clearly designated by appropriate signage indicating the use served by such off-premise parking. Such signage shall adhere to requirements set forth in Article 11.

F. Off-premise parking areas shall meet all requirements for on-premise parking including but not limited to parking design standards, landscaping requirements, signage, and design review requirements.

8.2.9 Joint-Use Parking

A. Certain adjacent developments/businesses may be permitted to make joint utilization of a maximum of fifty (50%) percent of the required parking spaces, as required in Section 8.2.10, provided the peak hours of attendance of one use is during the time the adjacent use is not in operation. Such situations shall include, but are not limited to, religious institutions, theaters, or assembly halls where the peak hours of attendance are at night or on weekends, and the adjacent use is closed at night or on weekends. The shared parking areas shall be interconnected by vehicular access ways and/or sidewalks. If adjacent uses utilizing shared parking change to where the hours of peak operation are the same, the total required number of parking spaces for each use shall be installed to meet the standards set forth herein. Joint parking agreements between the entities utilizing joint-use parking shall be submitted to the City of Conway for review and approval.

B. A joint-use parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to the Horry County Register of Deeds for recordation. Proof of recordation of the agreement shall be presented to the Conway Planning Department prior to issuance of a Building Permit. A parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to this Section or if an alternative parking plan is approved by the Planning Commission and Planning Department Staff.

8.2.10 Master Parking Plan for Institutional Uses

The Conway Planning Commission may authorize a reduction in the number of required off-street parking spaces for campuses that have different peak parking demands or different operating hours. Parking plans shall be subject to the following standards:

A. Location. Off-street parking spaces shall be located no farther than 200 feet from the closest point of such parking area and the most direct public access walking route. The Planning Commission may waive this distance limitation, if written assurances are made that van, shuttle or other acceptable methods or means shall be operated between the lot and the principal use.

B. Zoning Classification. Parking areas shall be considered accessory uses of principal uses that the parking spaces are intended to serve. Parking areas must be the same or a more intensive zoning classification than the zoning classification of the building or grounds area that is to be served.

C. Required Study and Analysis. The applicant shall submit a shared parking analysis to the
Planning Commission that clearly demonstrates the feasibility of the proposed parking arrangement. The study shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that shall be sharing off-street parking spaces. The Planning Commission shall have the authority to require a revised study and analysis should conditions change that may result in a change in site parking conditions.

D. **Revocation.** Failure to comply with the parking provisions of this Section shall constitute a violation of the Conway UDO and shall specifically be cause for revocation of a Certificate of Occupancy.

E. **Periodic Review.** The Planning Department may require review of parking plans and amendments as needed.

### 8.2.11 Queuing Lanes

In addition to the number of spaces required in Section 8.2.12, uses which provide drive-thru services shall provide queuing lanes to accommodate the stacking of vehicles. A nine (9’) feet by nineteen (19’) feet area shall be provided for each car length required in Table 8.2.

#### Table 8.2: Queuing Lane Requirements

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>NUMBER OF CAR LENGTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants</td>
<td>8 car lengths per window</td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>4 car lengths per window or automated teller machine</td>
</tr>
<tr>
<td>Dry Cleaners</td>
<td>4 car lengths per window</td>
</tr>
<tr>
<td>Car Washes</td>
<td>5 car lengths per automatic wash bay; 3 car lengths per manual wash bay</td>
</tr>
<tr>
<td>Retail Establishments</td>
<td>4 car lengths per window</td>
</tr>
</tbody>
</table>
8.2.12 Parking Requirements for Specific Uses

Off-street vehicle parking areas shall be provided for every use hereafter established. The following table sets forth the use classifications and the minimum number of spaces required for each classification.

**Table 8.3: Parking Requirements**

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Required</th>
<th>Parking</th>
<th>Maximum Parking Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family attached</td>
<td>2 spaces per unit</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Two family dwelling (duplex)</td>
<td>2 spaces per unit</td>
<td></td>
<td>Three spaces per unit.</td>
</tr>
<tr>
<td>Residence within building containing a non-residential use</td>
<td>One space per unit.</td>
<td></td>
<td>1.5 spaces per unit.</td>
</tr>
<tr>
<td>Apartment, One Bedroom</td>
<td>1.5 spaces per unit plus 0.1 per unit for guest space.</td>
<td></td>
<td>2 spaces per unit plus 0.2 per unit for guest space.</td>
</tr>
<tr>
<td>Apartment, Two Bedroom</td>
<td>1.5 spaces per unit plus 0.1 per unit for guest space.</td>
<td></td>
<td>2 spaces per unit plus 0.2 per unit for guest space.</td>
</tr>
<tr>
<td>Apartment, Three Bedroom</td>
<td>2 spaces per unit plus 0.2 per unit for guest space.</td>
<td></td>
<td>3 spaces per unit plus 0.2 per unit for guest space.</td>
</tr>
<tr>
<td>Apartment, Four Bedroom</td>
<td>3 spaces per unit plus 0.2 per unit for guest space.</td>
<td></td>
<td>4 spaces per unit plus 0.2 per unit for guest space.</td>
</tr>
<tr>
<td>Rooming House</td>
<td>1 space per 2 sleeping rooms.</td>
<td></td>
<td>1 space per sleeping room.</td>
</tr>
<tr>
<td><strong>Public-Institutional Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutions of higher education</td>
<td>1 space per two (2) students; 1 space per faculty and staff at capacity class attend.</td>
<td></td>
<td>1 space per student; 1.5 spaces per faculty and staff at capacity class attend.</td>
</tr>
<tr>
<td>High schools</td>
<td>10 per classroom, or 1 per 3 seats in auditorium or principal place of assembly, whichever is greater.</td>
<td></td>
<td>15 per classroom, or 1 per 3 seats in auditorium or principal place of assembly, whichever is greater.</td>
</tr>
<tr>
<td>All other educational facilities</td>
<td>1.5 spaces per classroom/administrative office</td>
<td></td>
<td>2.0 spaces per classroom/administrative office</td>
</tr>
<tr>
<td>Hospital</td>
<td>2 spaces per patient bed</td>
<td></td>
<td>3 spaces per bed.</td>
</tr>
<tr>
<td>Nursing homes; Rest homes; Homes for the aged</td>
<td>1 space per 4 patient beds</td>
<td></td>
<td>1 space per 3 patient beds.</td>
</tr>
<tr>
<td>Government Institutions</td>
<td>1 space per 300 sq. ft of gross floor area</td>
<td></td>
<td>1 space per 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Theaters; Auditoriums; Public Assembly</td>
<td>1 space per 4 seats</td>
<td></td>
<td>1 space per 3 seats</td>
</tr>
<tr>
<td>Religious Institutions</td>
<td>1 space per 6 seats in main assembly area</td>
<td></td>
<td>1 space per 3 seats in main assembly area.</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Minimum Parking Required</td>
<td>Maximum Parking Allowed</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Recreational Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic Field</td>
<td>20 spaces per field</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Billiard hall/amusement arcade</td>
<td>One per 200 square feet</td>
<td>One per 150 square feet</td>
<td></td>
</tr>
<tr>
<td>Bowling alley</td>
<td>Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)</td>
<td>Three per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)</td>
<td></td>
</tr>
<tr>
<td>Community center</td>
<td>One per 300 square feet</td>
<td>One per 250 square feet</td>
<td></td>
</tr>
<tr>
<td>Ice or roller skating rink</td>
<td>One per 200 square feet</td>
<td>One per 150 square feet</td>
<td></td>
</tr>
<tr>
<td>Miniature golf</td>
<td>Two per hole</td>
<td>Three per hole</td>
<td></td>
</tr>
<tr>
<td>Golf driving range, principal use</td>
<td>0.75 space per tee</td>
<td>1 space per tee</td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>2.5 spaces per hole</td>
<td>Three spaces per hole</td>
<td></td>
</tr>
<tr>
<td>Swimming pool – subdivision community</td>
<td>One per 150 square feet of surface water area.</td>
<td>One per 100 square feet of surface water area.</td>
<td></td>
</tr>
<tr>
<td>Health or fitness club</td>
<td>One per 200 square feet</td>
<td>One per 150 square feet</td>
<td></td>
</tr>
<tr>
<td>Swimming pool – public</td>
<td>One per 125 square fee of surface water area.</td>
<td>One per 75 square feet of surface water area.</td>
<td></td>
</tr>
<tr>
<td>Tennis or racquet ball court</td>
<td>Two per court</td>
<td>Four per court</td>
<td></td>
</tr>
<tr>
<td>Theater, cinema</td>
<td>One per four fixed seats</td>
<td>One per three fixed seats</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail establishments such as clothing, notions, music, arts, gifts, sporting goods, hobbies, etc.</td>
<td>1 space per 200 sq. ft. of gross floor area.</td>
<td>1 space per 150 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Retail Establishments such as furniture, hardware, appliances, etc.</td>
<td>1 space per 400 sq. ft. of gross floor area.</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Grocery Stores and Specialty Food Stores</td>
<td>1 space per 400 sq. ft. of gross floor area.</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Commercial strip center</td>
<td>1 space per 275 square feet</td>
<td>1 space per 225 square feet.</td>
<td></td>
</tr>
<tr>
<td>Restaurants; Nightclubs; Bars; Taverns</td>
<td>One space per 125 square feet.</td>
<td>1 space per 75 square feet.</td>
<td></td>
</tr>
<tr>
<td>Service Establishments (not set forth elsewhere herein)</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
<td>1 space per 250 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Day Care Center</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 space per 375 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Professional and Business Offices</td>
<td>1 space per 300 sq. ft. of gross floor area</td>
<td>1 space per 250 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Doctor and Dentist Offices</td>
<td>1 space per 250 sq. ft. of gross floor area</td>
<td>1 space per 200 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>1 space per 300 sq. ft. of gross floor area</td>
<td>1 space per 250 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, and Bed &amp; Breakfast Inns</td>
<td>1 space per room or suite available for rent</td>
<td>1.5 per room or suite available for rent</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes; Mortuaries</td>
<td>1 space per 4 seats in chapel or parlor</td>
<td>1 space per 5 seats in chapel or parlor</td>
<td></td>
</tr>
<tr>
<td>Car sales; Manufactured housing sales; Outdoor Equipment sales</td>
<td>1 space per 2000 square feet of gross sales lot area.</td>
<td>1 space per 2500 square feet of gross sales lot area.</td>
<td></td>
</tr>
<tr>
<td>Service Stations</td>
<td>2 spaces per service bay</td>
<td>2.5 spaces per service bay</td>
<td></td>
</tr>
<tr>
<td>Marinas</td>
<td>0.25 space per boat slip</td>
<td>3 spaces per boat slip</td>
<td></td>
</tr>
</tbody>
</table>
8.2.1 Compact Car Spaces

A. Design requirements for compact car spaces:
   1. Compact car spaces shall have a required stall dimension of 8 feet by 17 feet.
   2. Compact car parking spaces shall be allowed only as 90 degree angle parking.
   3. Compact car parking spaces shall be clearly identified by signing or other marking as approved by the Planning Director.
   4. No more than four (4) compact car parking stalls shall be placed side-by-side, or eight (8) head-to-head.

B. Compact car spaces shall be permitted in districts as followed:
   1. Professional (P), Neighborhood Commercial (NC), Core Commercial (CC), and Institutional Campus (IC) shall have a maximum of 20% of required parking as compact car spaces.
   2. Highway Commercial (HC), Institutional (IN), Light Industrial (LI), and Heavy Industrial (HI) shall have a maximum of 10% of required parking as compact car spaces.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Parking Required</th>
<th>Maximum Parking Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing; Assembly</td>
<td>1 space per 1000 square feet of gross floor area.</td>
<td>1 space per 600 square feet of gross floor area.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 space per 1,500 square feet of gross floor area.</td>
<td>1 space per 1000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Wholesale</td>
<td>1 space per 1000 square feet.</td>
<td>1 space per 600 square feet of gross floor area.</td>
</tr>
</tbody>
</table>
Section 8.3 – Off-Street Loading Requirements

8.3.1 General Requirements

A. Every use requiring the receipt or distribution, by vehicles, of materials and merchandise shall have one or more loading berths or other space for standing, loading and unloading on the same or adjoining premises. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Also, a required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements.

B. The requirements in Table 8-4 shall apply to new structures or additions to structures, and shall not be considered to make any existing structure nonconforming for lack of such off-street loading.

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office and Hotel Uses</td>
<td>1 loading berth for every 10,000 square feet of floor area, up to a maximum of 3 berths</td>
</tr>
<tr>
<td>(larger than 1,500 sq. ft.)</td>
<td></td>
</tr>
<tr>
<td>Industrial and commercial uses as follows:</td>
<td>Minimum number of loading berths required:</td>
</tr>
<tr>
<td>Under 39,999 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>39,000–99,999 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>100,000–159,999 sq. ft.</td>
<td>3</td>
</tr>
<tr>
<td>160,000–239,999 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>Over 240,000 sq. ft</td>
<td>4, plus 1 for each additional 100,000 sq. ft.</td>
</tr>
</tbody>
</table>

Table 8.4 Off-Street Loading

8.3.2 Determination of Unlisted Uses

For any land use which is not listed in Table 8.4, the Planning Director, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.
8.3.3 Off-Street Loading Space Standards

A. All off-street loading spaces shall meet the following standards:
   1. Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such spaces.
   2. Loading space shall observe the minimum street and interior setbacks established for structures.
   3. All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.
   4. No loading space shall be located so that a vehicle using such space intrudes on or hinders the use of the public right-of-way, or adjacent properties.
   5. Each required off-street loading space shall have a minimum width of twelve (12) feet and a minimum vertical clearance of sixteen (16) feet above finished grade of the space. The length shall be a minimum of thirty (30) feet for local delivery and 60 feet for semi-trailers. A maximum of two-thirds of the required loading spaces can be used for local delivery vehicles.
Article 9. Landscaping and Buffer Requirements

Article 9 Contents

Section 9.1 – Intent and Purpose
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• 9.1.2, Interpretation
• 9.1.3, Applicability

Section 9.2 – Landscaping and Buffer Requirements
• 9.2.1, Landscaping Requirements
• 9.2.2, Landscaping Determination
• 9.2.3, Landscaping Types

Section 9.3 – Landscaping Design Standards
• 9.3.1, Landscaping Design Standards
• 9.3.2, Minimum Landscaped Open Space Required
• 9.3.3, Preservation of Existing Trees and Vegetation
• 9.3.4, Landscape Requirements for the Interior of Parking Areas
• 9.3.5, Retention Pond Landscaping Requirements
• 9.3.6, Street Tree Requirements
• 9.3.7, Landscaping within Sight Triangles
• 9.3.8, Landscape Requirements for Freestanding Signs

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• 9.4.2, Landscape Plan Submittal Requirements
• 9.4.3, Tree Preservation and Care During Construction
• 9.4.4, Landscape Material Installation and Maintenance
• 9.4.5, Irrigation Required
• 9.4.6, Overhead Utility Service
• 9.4.7, Financial Guarantees

Section 9.5 – Recommended Plant List
• 9.5.1, Recommended Plant List
• 9.5.2, Invasive Species
• 9.5.3, Plants Required for Bio Retention Areas

Section 9.6 – Buffer Ordinance for Wetlands and Riparian Corridors
• Reserved

Section 9.7 – Stormwater Best Management Practices
• 9.7.1, Stormwater Best Management Practices
Section 9.1 – Intent and Purpose

9.1.1 Intent

A. The requirement and regulation of landscaping in the City of Conway is a critical public concern. Requirements and regulations for landscaping are necessary in order to preserve and enhance the aesthetic beauty of the city, and promote the safety and general welfare of its residents. More specifically, the intent of the landscape ordinance is to:
   1. Provide buffering between non-compatible land uses.
   2. Protect, preserve, and promote aesthetic appeal and scenic beauty.
   3. Reduce noise pollution and air pollution.
   4. Reduce storm water run-off.
   5. Filter and reduce glare from artificial light sources.
   6. Provide shaded areas along streets and in parking areas.

9.1.2 Interpretation

In their interpretation and application, the provisions of this Unified Development Ordinance shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, and aesthetic appeal of the City of Conway. This Article shall be consistent with the City of Conway Tree Preservation Ordinance and Planting Guidelines.

9.1.3 Applicability

A. Exemptions
   1. Any R-1 zoned development shall be exempt from the buffering requirements herein. (Amended 6-15-15 ZA2015-06-15 (D))
   2. Properties in the CBD are exempt only if property includes no off-street parking.
   3. Portion of the property abutting railroad right-of-way and utility easements in excess of sixty (60) feet in width.
   4. Portion of the property abutting dedicated street right-of-way which is undeveloped.

B. Applicable Areas
   1. New Principal Building or Use. Principal buildings or open uses of land constructed or established after the adoption of this Unified Development Ordinance.
   2. Changes in Use. A change in use resulting in a completely different type of use shall be subject to the landscaping provisions in Article 9. This would include a use not found in the same general grouping. The requirements of this Article shall be applicable to the entire zoned lot. (Amended 6-15-15 ZA2015-06-15 (D))
   3. Expansions or Reconstruction. Expansions or renovations to an existing building within a five year period that exceed twenty-five percent (25%) of the appraised value (as indicated by Horry County Tax Records). This includes all existing buildings or properties on the effective date of this Unified Development Ordinance. In such cases the landscaping requirements shall apply only to the expansion.
   4. Publicly Owned Buildings. Publicly owned buildings, municipal or other utility structures and installations, parks and open air uses, but not including utility rights-of-way or easements.
Section 9.2 – Landscaping and Buffer Requirements

9.2.1 Landscaping Requirements

A. Required Planting Areas

1. Street landscaping.
2. Parking lots (excluding vehicle loading, storage and display areas).
3. Side and rear yards (Referred to as Type A, B, C, and D landscaping).

B. Planting Area Descriptions

1. **Street Landscaping:** A planting area parallel to a public street designed to provide a continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of street landscaping may be used for walkways or signage. Parking, merchandise display, and off-street loading area prohibited in the street landscaping yard.

2. **Parking Lot Landscaping:** The landscaping area within and adjacent to parking areas designed to shade and improve the attractiveness of expansive parking lots and paved areas.

3. **Type A Landscaping:** A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties.

4. **Type B Landscaping:** A low density screen intended to partially block visual contact between uses and create spatial separation.

5. **Type C Landscaping:** A medium density screen intended to partially block visual contact between uses and create spatial separation.

6. **Type D Landscaping:** A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. Type D Landscaping reduces lighting and noise which would otherwise negatively impact adjacent land uses.
9.2.2 Landscaping Determination

Requirements for landscaping yards shall be based on the existing zoning district of the adjacent parcel(s). The type of landscaping yard required for each zoning classification is outlined in Table 9.1. {Amended 6-15-15 #ZA2015-06-15 (D)}

A. Landscaping Determination and Calculation.

1. To determine the landscaping required in this Article, take the following steps:
   a. Identify the zoning designation for the parcel being developed and the zoning designation for adjoining parcels.
   b. Use the Landscaping Chart, Table 9.1, to determine the appropriate letter designation for each landscaping area, then
   c. Match the letter designation obtained from the Landscaping Chart with the Landscaping Rate Chart, Table 9.2, to determine the types and numbers of shrubs and trees required.
   d. Where multiple zoning designations exist along a single adjoining side, the higher standard shall apply along this side.
### Table 9.1

<table>
<thead>
<tr>
<th>Type</th>
<th>RA RR R-1 R-2 R-3 R-4</th>
<th>P NC CC CBD WRD HC</th>
<th>IN</th>
<th>LI</th>
<th>HI</th>
<th>FA CP</th>
<th>MU PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>R-3</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>R-4</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>P</td>
<td></td>
<td></td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>NC</td>
<td></td>
<td></td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>CC</td>
<td></td>
<td></td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>IN</td>
<td></td>
<td></td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>HC</td>
<td></td>
<td></td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>A</td>
<td>C</td>
</tr>
<tr>
<td>LI</td>
<td></td>
<td></td>
<td>C</td>
<td>B</td>
<td>B</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>HI</td>
<td></td>
<td></td>
<td>D</td>
<td>C</td>
<td>C</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>FA</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>CP</td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

### Notes

1. Any R-1 zoned development shall be exempt from the buffering requirements herein.

2. Where a proposed development adjacent to a developed single family detached dwelling, two-family dwelling, or semi-attached dwelling, the required Planting Area shall be more strict and increased by one (1) letter (A to B for example).

3. Landscape requirements for proposed MU, PD, and WRD developments shall be determined by either the Planning Commission, Community Appearance Board, or City Council, depending on the location.

4. Where parcels zone NC or HC are currently used for single family residential uses in a legal non-conforming manner, adjacent NC or HC parcels shall install twice the required plant material in the same sized buffer to adequately protect the residential use.

{Amended 6-15-15 #ZA2015-06-15 (D)}
### Table 9.2 Landscaping Rate Chart

<table>
<thead>
<tr>
<th>Landscaping Type</th>
<th>Minimum Width (ft.)</th>
<th>Min. Average Width (ft.)</th>
<th>Maximum Width</th>
<th>Canopy Tree Rate</th>
<th>Understory Tree Rate</th>
<th>Tall Shrub Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>8</td>
<td>N/A</td>
<td>25</td>
<td>2 per 100 linear feet**</td>
<td>N/A</td>
<td>15 per 100 linear feet</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>5</td>
<td>10</td>
<td>15</td>
<td>1 per 8 Parking Spaces**</td>
<td>N/A</td>
<td>25 per 100 linear feet</td>
</tr>
<tr>
<td>Type A</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>N/A</td>
<td>2 per 100 linear feet</td>
<td>18 per 100 linear feet</td>
</tr>
<tr>
<td>Type B</td>
<td>15*</td>
<td>20*</td>
<td>40</td>
<td>2 per 100 linear feet**</td>
<td>3 per 100 linear feet</td>
<td>20 per 100 linear feet</td>
</tr>
<tr>
<td>Type C</td>
<td>25*</td>
<td>30*</td>
<td>50</td>
<td>3 per 100 linear feet</td>
<td>5 per 100 linear feet</td>
<td>25 per 100 linear feet</td>
</tr>
<tr>
<td>Type D</td>
<td>25</td>
<td>30</td>
<td>60</td>
<td>4 per 100 linear feet on center</td>
<td>8 per 100 linear feet on center</td>
<td>30 per 100 linear feet on center</td>
</tr>
</tbody>
</table>

*Walls and fences, a minimum of 5 feet in height (constructed of masonry, stone, pressure treated lumber) may be used to reduce the widths of landscaping by 5 feet in Type B and C landscaping.

**Understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree in street yards, parking lots, and Type B yards.

Notes:
1. One understory tree may be substituted for each required canopy tree if the TRC determines that there would be a major conflict with overhead utility lines.
2. If a fence is used instead of a buffer, then the TRC may reduce the quantity of landscaping materials.
3. If the required parking lot landscaping type is located between the parking lot and any structure, canopy trees will not be required.
9.2.3 Landscaping Types

A. Type A Landscaping

Buffer width: 5’ minimum buffer width, 10’ maximum buffer width
Plantings: 2 Understory trees per 100 linear feet
          18 shrubs per 100 linear feet

B. Type B Landscaping

Buffer width: 15’ minimum buffer width, 40’ maximum buffer width
Plantings: 2 Canopy trees per 100 feet on center
          3 Understory trees per 100 feet on center
          20 shrubs per 100 feet on center
Fencing: Optional
C. Type C Landscaping

Buffer width: 25’ minimum, 50’ maximum width
Plantings: 3 canopy trees per 100 feet on center
5 understory trees per 100 feet on center
25 shrubs per 100 feet on center
Fencing: Optional

D. Type D Landscaping

Buffer width: 25’ minimum, 60’ maximum
Plantings: 4 canopy trees per 100’ on center
8 understory trees per 100’ on center
30 shrubs per 100’ on center
Fencing: Required
E. Street Landscaping

Buffer width:  8' minimum buffer width
              25' maximum buffer width

Plantings:  2 Canopy trees per 100 feet
           15 shrubs per 100 feet
Section 9.3 – Landscaping Design Standards

9.3.1 Landscaping Design Standards

A. Calculation of Street Landscaping: Street landscaping rate and width calculations shall exclude access drives.

B. All plant materials used to satisfy requirements set forth herein shall be suitable for the climatic characteristics of Conway (USDA Climate Zone 8). The recommended plant list in Section 9.5.1 lists species of plants that are suitable for the climate of Conway.

C. Equal spacing of plant material installed to satisfy requirements set forth herein shall not be required. Plant materials shall be grouped and clustered in order to present a more natural appearance. However, not more than 50% of each required plant material shall be grouped or clustered. The remainder of the materials shall be distributed throughout the landscaping.

D. Existing trees may be counted as canopy or understory as set forth herein provided such trees are a minimum of five (5) inches in caliper, in good health and located in the approximate area as required herein. Invasive species shall not be counted toward existing trees.

A twenty-five (25') foot strip of undisturbed woodlands preserved between the parking area and right-of-way shall be permitted in lieu of the requirements set forth in Section 9.2.3

E. Canopy trees. Any tree that reaches a mature height in excess of forty (40) feet. Canopy trees shall be a minimum of three (3) inches in caliper and twelve (12) to fourteen (14) feet in height at the time of installation.

F. Understory trees. Understory trees shall be a minimum of six (6) feet high and one inch in caliper, measured six inches above grade, when planted. When mature, an understory tree should be between fifteen (15) and forty (40) feet high.

G. Palm trees. Palm species trees shall be used as an ornamental or decorative tree only. Palm trees shall not be permitted to meet the minimum landscaping requirements (i.e. buffers, perimeter parking requirements, mitigation requirements, etc.).

H. Shrubs. Shrubs shall be a minimum of three (3) gallons in size and one and one-half (1.5) feet in height at the time of installation. Where this ordinance specifically requires “tall shrubs”, such shrubs shall be a minimum of three (3) gallons in size and three (3) feet in height at the time of installation and shall reach a minimum mature height of five (5) feet.

I. Groundcover. Groundcover shall be grass, turf, sod, ivy, bulbs, potted flowers, and bedding plants. Pebbles, wood chips, bark, mulch, straw, and similar materials may be used in conjunction with groundcover to delineate planting beds, but in no instance shall such materials be used for the purpose of sidewalks, parking areas, or driveways. Areas dedicated for lawns shall be cleared of debris, graded level, and covered with sod, turf, or grass seed.

J. Berms. Berms constructed to satisfy buffer requirements stated herein shall be physical barriers which screen incompatible land uses. If included in the landscape design, berms shall be:

1. Constructed with a maximum slope of one foot of rise to three feet of run (3:1).
2. Have a minimum crown of six (6) feet in width.
3. The width of any required buffer for residential uses abutting...
industrial property, or for industrial uses abutting residential properties shall be a minimum height of 4 feet with a maximum slope of 3:1.

4. Have a maximum slope of 4:1 when greater than six feet in height, as measured from the exterior property line.

5. Designed and constructed with an undulating appearance which mimics as much as is practicable a natural topographical feature of the site.

6. Substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material. If a berm is greater than 2 feet in height all trees shall be arranged so that they are planted within 2 vertical feet of the natural grade.

7. Fully installed, planted and stabilized prior to issuance of certificate of occupancy.

8. Designed to prevent standing water or to impede the flow of storm water from adjacent properties.

9. Free of structures, including fences, unless approved by the City of Conway as part of the landscaping requirements for a development site.

K. Walls and Fences. Walls and fences constructed to satisfy buffer requirements stated herein shall be placed in a linear, serpentine, or stepped alignment and shall be a minimum of five (5) feet in height, but shall not exceed ten (10) feet in height. Such wall and fences shall be solid, continuous structures that screen incompatible lands uses. Walls shall be constructed of brick, stone, stucco, or concrete. Fences shall be constructed of wood or synthetic wood material. Other materials and colors may be approved either by the TRC or CAB.

As an alternative screening requirement for parking lot edge(s) which abut public street rights-of-way in the Central Business District or Core Commercial District, a three (3) feet masonry wall to provide casual seating may be installed in place of the continuous row of shrubs.

In landscape buffers that require wooden fences or masonry walls, the required plant materials shall be installed on the opposite side of the fence from the subject parcel. The finished side of the fence to be required on the outside of the property. In order to provide the finished side of the fence on the inside of the property, written documentation that is notarized and witnessed shall be provided by the adjacent property owner(s) to the Planning Director.

L. Subject parcel boundaries adjacent to delineated wetlands (as determined by U.S. Army Corp of Engineers) which would normally require landscape buffers as determined in this Article shall be exempt from such required buffer provided the width of the delineated wetlands is a minimum of thirty (30) feet. If the adjacent wetlands should be mitigated and approved for development at any time in the future, the required buffer shall be installed on the subject parcel.

M. For the purposes of determining landscape buffer requirements, rights-of-way shall not impede the contiguity of parcels. However, to prevent land uses from being completely buffered from a public right-of-way and the view of passing traffic, the buffer requirement set forth in Table 9.1 may be reduced by one letter for parcel boundaries adjacent to arterial, collector, and sub-collector streets. The requirement for tall shrubs in such landscape buffers may also be reduced to small shrubs.

N. No structures or portions of structures (except structures required in conjunction with public utility services) shall be permitted in a required landscape buffer. Ingress and egress shall be permitted through required landscape buffers in accordance with Section 9.2.

O. Adjacent commercial parcels shall provide pedestrian and bicycle connectivity when a buffer separates parcels. A minimum six (6) feet walkway shall be provided to allow pedestrian and bicycle access between parcels. The material used for walkways located...
within natural areas shall allow for the percolation of water into the ground. Suitable materials include wooden decking, crushed gravel, and pervious pavement as approved by the Technical Review Committee.

9.3.2 Minimum Landscaped Area Required

Each property shall devote a minimum of fifteen (15%) percent of its total area to landscaping which may include existing or transplanted trees, shrubs, hedges, and lawns. Paved areas, gravel areas, and retention/detention ponds shall not be calculated as part of the minimum fifteen (15%) percent.

9.3.3 Preservation of Existing Trees and Vegetation

Existing trees and vegetation shall be incorporated into the landscape plans for all proposed developments and may be used to satisfy requirements stated herein. The Conway Tree Preservation Ordinance shall be consulted and used for specific guidance on tree preservation. Site plans shall be designed to preserve existing vegetation, wherever practical.

1. Existing trees may be counted in meeting the requirement for trees along rights-of-ways. To be counted, a tree must have a tree diameter at breast height (DBH) of two inches. The type and condition of such trees are subject to approval by the Planning Director for that purpose and must be depicted on the landscape plan. If existing trees do not satisfy the requirement, a sufficient number must be planted to comply with the requirements of this Article.

2. Random placement of landscape islands and irregular shaped parking lots are not encouraged and shall be only required in locations where such random placement and irregularities will preserve natural vegetation, landmark, or protected trees.

3. The Planning Director shall have the authority to require additional landscape islands of any shape or size that are necessary for the preservation of natural vegetation. Such additional landscaped islands may be exempt from the minimum requirements set forth in Section 9.3.4D.

9.3.4 Landscape Requirements for the Interior of Parking Areas

A. The interior of parking areas shall contain landscape islands and peninsulas located in such a manner as to:
   1. Divide and break up large expanses of paving.
   2. Guide traffic flow and direction.
   3. Promote pedestrian and vehicular safety.
   4. Preserve existing trees and vegetation.
   5. Coordinate with required lighting.

B. A minimum of one (1) canopy tree and ten (10) shrubs for every 3,000 square feet of vehicular use area or one (1) canopy tree and ten (10) shrubs shall be planted for every ten (10) parking spaces, whichever is greater. The canopy trees should be spaced evenly within the parking area to provide the maximum amount of shaded area to the parking spaces, and reduce heat and glare. No more than two (2) canopy trees fulfilling this recommendation should be located within a common traffic safety island. Species selected shall be tolerant of urban conditions, and shall conform to the City of Conway Tree Preservation Ordinance.
C. A maximum of twelve consecutive parking spaces in a row shall be permitted without a landscape island or peninsula.

D. Each end of each row of parking spaces shall require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape screen or border as required in Section 9.2.3.

E. The minimum width for a landscape island or peninsula that is parallel to a parking space shall be nine (9') feet, and the minimum length for the same shall be nineteen (19') feet. Each landscape island or peninsula shall contain a minimum of one (1) canopy tree and five (5) shrubs. The TRC may consider reducing the width of a landscape island, and reduce the amount of plant materials if there are extraordinary conditions.

F. For parking spaces adjacent to a landscape island, a two (2) feet distance is required between the parking space and curb/gutter.
Section 9.3.5 Retention Pond Landscape Requirements

Developments that provide on-site retention ponds shall be required to plant wetland plant materials in and around such ponds. The plant species selected shall be those which are commonly known to flourish in wetland areas and improve the quality of surface water run-off. A minimum of one (1) tree (a minimum of one and one half (1.5) inches in caliper) shall be required per four thousand (4,000) square feet of retention area. In addition, grasses, shrubs, aquatics, and other herbaceous materials shall be provided in and around the retention areas in an appropriate quantity and placement as to ensure the propagation of such materials to approximately one-half of the retention area within a three (3) year period. Species of plant materials appropriate for wetland areas are listed in Section 9.5.

The TRC may consider reducing the required planting areas and plant materials if the retention
9.3.6  **Street Tree Requirements**

All properties which require the installation of sidewalks as set forth in Article 7 shall be required to install street trees in the public right-of-way at fifty (50') feet intervals. Such street trees shall meet the minimum requirements for canopy trees as set forth in Section 9.3.1, provided however in instances where such trees would interfere with underground utilities or overhead utility services, tree types of a more appropriate species may be permitted. The following factors shall be considered in determining the type of trees installed and the placement of trees:

A. Proximity of overhead and underground utility services;
B. Driveway and street intersection site triangles;
C. Estimated mature height, root development, and canopy shape and size of trees;
D. As an alternative to the above requirements, a developer may submit a master streetscape plan for the development. The total number of trees in the master streetscape plan must be at least equivalent to placing trees in the public right of way at fifty feet (50’) intervals on both sides of the street. The master streetscape plan shall be reviewed and approved by the TRC, and must meet the minimum requirements stated in Section 9.4.

9.3.7  **Landscaping at Street and Driveway Intersections**

In order to ensure landscape materials do not impede vision and constitute a driving hazard, a sight triangle shall be required at all street and driveway intersections. Within the required sight triangle, grass and shrubs shall not exceed two (2) feet in height. Trees shall be permitted in the sight triangle provided no limbs or branches project below seven (7) feet above grade. The Zoning Administrator shall determine if new and/or existing landscaping can be permitted in the sight distance triangle.

9.3.8  **Landscape Requirements for Freestanding Signs**

A landscape border a minimum of five (5’) feet in depth and a minimum width equal to the greatest width of the freestanding sign shall be required for all freestanding signs. The landscape border shall contain one (1) shrub per 3 linear feet of border perimeter with appropriate ground cover. No portion of the sign shall project beyond the landscape border.
Section 9.4 – Landscape Materials and Maintenance

9.4.1 Landscape Plan Preparation

All landscape plans shall be prepared by a design professional. The Planning Director/Community Appearance Board shall reserve the right to refuse acceptance of landscape plans which have not been prepared in a professional manner. Landscape plans shall meet and preferably exceed all requirements stated herein. Plants shall not be haphazardly placed in order to fill left over space, but rather to accomplish the intent of this Article. In situations where a site meets the minimum requirements set forth herein or a proposed development is not subject to requirements set forth herein, the Planning Director may waive the requirement for the landscape plan.

9.4.2 Landscape Plan Submittal Requirements

A. Two (2) copies and a digital copy (PDF and/or AutoCAD) of the proposed landscape plans shall be submitted for zoning compliance.

B. The landscape plan must illustrate the following information:
   1. Location and labels for all proposed vegetation, including a legend;
   2. Planting and installation details for proposed plant materials;
   3. Location labels of existing vegetation and trees to be saved;
   4. Methods and details for the protection of existing vegetation;
   5. Location and specifications for proposed fences, walls, and berms;
   6. Plant list or schedule with the botanical and common name, quantity, spacing and size of all proposed materials at the time of installation;
   7. Provide a tree legend with existing trees, all landmark and protected trees, and the location of the trees to meet the requirement of 60-inches DBH per acre.
   8. Location of all existing and proposed structures, paved areas, landscape islands, and sidewalks;
   9. Location and specification of proposed irrigation system;
   10. Location and specifications for dumpster pads;
   11. List adjacent land uses and zoning districts of adjacent properties.

9.4.3 Tree Preservation and Care During Construction

In order to ensure that existing trees and vegetation are incorporated into proposed site plans, the Planning Director shall have the authority to require the submittal of a topographic survey and existing tree survey with any site plan. The topographic survey shall show the location and type of existing trees including landmark and protected trees. The Planning Director shall require a topographic survey if it is determined that the proposed development or alterations will threaten, disturb, encroach upon, or require the removal of any existing trees. The standards for tree care and preservation set forth in the Tree Protection Ordinance for the City of Conway shall be strictly adhered to.

9.4.4 Landscape Material Installation and Maintenance

A. All landscaping materials shall be installed in accordance with accepted planting procedures prior to the issuance of a Certificate of Zoning Compliance or a financial guarantee posted in accordance with Section 9.4.7.

B. The owner, occupant, tenant, or agent shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat, and orderly appearance. Proper maintenance shall include watering, weeding, mowing, mulching, fertilizing, and pruning. Any dead or damaged landscaping material shall be promptly replaced with materials of an
approved size and type.

1. **Trees.** Unless special approval is given by the Community Appearance Board, and noted on the approved landscape plan, trees planted and retained to fulfill the requirements of this ordinance shall be permitted to attain their normal and mature size. Trees shall be pruned only as necessary to promote healthy growth and within the guidelines of the City of Conway Tree Protection Ordinance. All pruning methods shall comply with the ANSI A300 Standards.

2. **Shrubs.** Unless special approval is given by the Community Appearance Board and noted on the approved landscape plans, all shrubs planted and retained to fulfill the requirements of this ordinance shall not be trimmed in unusual shapes and shall be permitted to grow to their normal height.

3. **Landscape planting area.** All landscape planting areas shall always contain the ground cover as required by the approved landscape plan. All landscape planting areas on all properties shall be kept free of weeds, debris or refuse, shall maintain a three (3) inch layer of mulch, and shall present a neat and orderly appearance at all times.

9.4.5 **Irrigation Required**

Irrigation shall not be required where landscaping is installed in the right of way, unless specified by the Technical Review Committee. All required landscape areas shall be required to have an in-ground irrigation system that provides coverage to all plant materials. All components of irrigation systems shall be maintained in proper working order. Drip line irrigation is also acceptable for the maintenance of required landscaping provided that the drip line is fastened down and has automated flow control from a metered water source.

Where landscaping along the right of way does not include irrigation, the developer shall guarantee the life of the landscaping for a period of at least one (1) year.

9.4.6 **Overhead Utility Service**

When the configuration of a structure and parking area are such that the required landscaping set forth herein has to be placed under overhead utility services, consideration shall be given to the estimated mature height of required plant materials.

A. Understory trees which have an estimated mature height less than that of the overhead utility service may be substituted on a 1:1 ratio for canopy trees.

B. Tall shrubs that have an estimated mature height in excess of eight (8) feet and can be pruned to resemble a small tree may be substituted on a 2:1 ratio for canopy trees provided the shrubs are a minimum of seven (7) gallons at the time of installation.

9.4.7 **Financial Guarantees**

The City of Conway recognizes that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with requirements set forth herein, and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of any and all landscape improvements prior to the issuance of a certificate of zoning compliance, the Planning Director may enter into a written agreement with the developer whereby the developer shall agree to complete all required landscape improvements. Once said agreement is signed by both parties and the security required herein is provided, the certificate of zoning compliance may be issued if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide as approved by Planning Director either one, or a combination of the following guarantees equal to one hundred twenty-five (125%) percent the entire cost of the improvements secured.

Adopted December 12, 2011
Last Amended August 1, 2016
A. **Cash or Equivalent Security.** The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City. The use of any instrument other than cash shall be subject to the approval of the Planning Director. The amount of deposit shall be equal to one-hundred twenty-five (125%) percent the entire cost, as estimated by the developer, and verified by the City, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the City an agreement between the financial institution and himself guaranteeing the following:

1. That said escrow amount will be held in trust until released by the Planning Director and may not be used or pledged by the developer in any other transaction during the term of the escrow; and
2. That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.
3. A six-month letter of credit shall be required when weather does not permit for proper installation of landscaping. A conditional certificate of occupancy shall be issued by the City lasting no longer than six (6) months.

B. **Default.** Upon default, meaning failure on the part of the developer to complete the required improvements in the time allowed by this Ordinance or as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City of Conway up to the amount needed to complete the improvements based on an estimate by the City. Upon payment, the City of Conway, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the developer any funds not spent in completing the improvements.

C. **Release of Guarantee Security.** The Planning Director may release part of any security posted as the improvements are completed and approved by the City of Conway. Such funds may be released within ten (10) days after the corresponding improvements have been so approved.
Section 9.5 – Recommended Plant List

9.5.1 Recommended Trees

The following list contains those plant materials which are native to the Conway area or have been determined to be suitable for the climate of the Conway area. Applicants seeking landscape plan approval shall be encouraged to select plant materials from the following plant list. In situations where the applicant proposes to incorporate plant materials not found in the following list into a proposed landscape plan, a certified landscape architect or certified arborist shall certify that such plant materials are appropriate for Conway’s climate (plants in Zone 8). The Planning Director may consult the City of Conway’s Arborist, the South Carolina Urban Tree Species Guide, City of Conway Tree Planting Guide, or SCDOT Tree Guide for more information.

A. Large Canopy Trees:

<table>
<thead>
<tr>
<th>Common/Scientific Name</th>
<th>Height and Width</th>
<th>Sun and Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash, green Fraxinus pennsylvanica</td>
<td>60-70' h 45'w</td>
<td>FS</td>
</tr>
<tr>
<td>Beech, American Fagus grandifolia</td>
<td>50-75' h 40-80' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Blackgum Nyssa sylvatica</td>
<td>65-75' h 25-35' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Deodar Cedar Cedrus deodara</td>
<td>40-60' h 25-30' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Cryptomeria, Japanese Cryptomeria japonica</td>
<td>50-60' h 15-20' w</td>
<td>FS</td>
</tr>
<tr>
<td>Cypress, bald Taxodium distichum</td>
<td>60-80' h 25-35' w</td>
<td>FS/PS</td>
</tr>
<tr>
<td>Cypress, pond Taxodium ascendens</td>
<td>50-60' h 50-60' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Dawn redwood Metasequoia glyptostroboides</td>
<td>70-90'h 25-35' w</td>
<td>FS/PS</td>
</tr>
<tr>
<td>Ginkgo Ginkgo biloba</td>
<td>50-75' h 50-60' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Hickory, pignut Carya glabra</td>
<td>50-65' h 30-40' w</td>
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<tr>
<td>Hickory, shagbark Carya ovata</td>
<td>60-80' h 25-35' w</td>
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<tr>
<td>Katsura tree Cercidiphyllum japonicum</td>
<td>40-60' h 35-60' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Loblolly bay Gordonia lasianthus</td>
<td>50-60' h 10-15' w</td>
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</tr>
<tr>
<td>Magnolia, Southern Magnolia grandiflora ‘Claudia Wannamaker’</td>
<td>60-80' h 30-40' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Maple, red Acer rubrum</td>
<td>60-75 'h 25-35' w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Maple, sugar Acer saccharum</td>
<td>50-80' h 35-50' w</td>
<td>S/FS</td>
</tr>
<tr>
<td>Oak, laurel/darlington Quercus laurifolia</td>
<td>60-70 'h 50' w</td>
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<tr>
<td>Oak, live Quercus virginiana</td>
<td>60-80' h 60-120' w</td>
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</tr>
<tr>
<td>Oak, shumard Quercus shumardii</td>
<td>60-80' h 40-50' w</td>
<td>FS</td>
</tr>
<tr>
<td>Oak, southern red Quercus falcata</td>
<td>60-80' h 60-70' w</td>
<td>FS</td>
</tr>
</tbody>
</table>
### B. Medium Canopy Trees:

<table>
<thead>
<tr>
<th>Common/Scientific Name</th>
<th>Height and Width</th>
<th>Sun and Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch, river Betula nigra ‘Heritage’</td>
<td>40-50’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Crapemyrtle Lagerstroemia indica</td>
<td>15-30’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Crapemyrtle, Japanese Lagerstroemia furiei</td>
<td>35-50’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Dogwood, flowering Cornus florida</td>
<td>20-30’ h</td>
<td>PS</td>
</tr>
<tr>
<td>Elm, lacebark Ulmus parvifolia ‘Drake’</td>
<td>40-50’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Goldenraintree Koelreuteria paniculata</td>
<td>30-40’ h</td>
<td>FS/PS</td>
</tr>
<tr>
<td>Holly, East Palatka Ilex x attenuata</td>
<td>30-45’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Holly, American Ilex opaca</td>
<td>40-50’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Holly, Nellie R. Stevens Ilex x</td>
<td>20-30’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Holly, Savannah Ilex x</td>
<td>30-45’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Holly, weeping yaupon Ilex vomitoria</td>
<td>20-30’ h</td>
<td>FS</td>
</tr>
<tr>
<td>Hophornbeam, American Ostrya virginiana</td>
<td>30-40’ h</td>
<td>PS/FS</td>
</tr>
</tbody>
</table>

FS=Full Sun  PS= Part Sun  S= Shade
<table>
<thead>
<tr>
<th>Common/Scientific Name</th>
<th>Height and Width</th>
<th>Sun and Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hornbeam, American Carpinus caroliniana</td>
<td>20-40’ h 20-30’ w</td>
<td>PS</td>
</tr>
<tr>
<td>Hornbeam, European Carpinus betulus</td>
<td>30-40’ h 15-20’ w</td>
<td>PS</td>
</tr>
<tr>
<td>Loquat Eriobotrya japonica</td>
<td>20-30’ h 30-35’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Magnolia, sweetbay Magnolia virginiana</td>
<td>40-50’ h 15-25’ w</td>
<td>PS</td>
</tr>
<tr>
<td>Magnolia, Southern Magnolia grandiflora ‘Bracken’s Brown Beauty’</td>
<td>30-50’h 15-30’w</td>
<td>FS</td>
</tr>
<tr>
<td>Maple, hedge Acer campestre</td>
<td>30-35’ h 30-35’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Maple, trident Acer buergerianum</td>
<td>30-40’ h 25’w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Oak, Chinese evergreen Quercus myrsinifolia</td>
<td>20-40’ h 20-30’ w</td>
<td>FS</td>
</tr>
<tr>
<td>Oak, overcup Quercus lyrata</td>
<td>35-50’ h 35-50’ w</td>
<td>FS</td>
</tr>
<tr>
<td>Palm, cabbage Sabal palmetto</td>
<td>40-50’h 10-12’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Palm, windmill Trachycarpus fortunei</td>
<td>20-40’ h 6-10’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Persian parrotia Parrotia persica</td>
<td>20-40’ h 20-40’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Pistache, Chinese Pistacia chinensis</td>
<td>25-35’ h 25-35’ w</td>
<td>FS/PS</td>
</tr>
<tr>
<td>Redbud, eastern Cercis canadensis</td>
<td>20-30’ h 15-30’ w</td>
<td>PS</td>
</tr>
<tr>
<td>Redcedar, eastern Juniperus virginiana</td>
<td>40-50’ h 8-25’ w</td>
<td>FS</td>
</tr>
<tr>
<td>Silverbell, Carolina Halesia carolina</td>
<td>20-40’ h 15-30’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Snowbell, Japanese Styrax japonicus</td>
<td>20-30’ h 15-25’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Stewartia, tall Stewartia monadelpha</td>
<td>25-35’ h 15-25’ w</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Yellowwood, American Cladaxis kentukea</td>
<td>30-50’ h 40-50’ w</td>
<td>PS/FS</td>
</tr>
</tbody>
</table>

FS=Full Sun  PS= Part Sun  S= Shade
### C. Small Canopy Trees:

<table>
<thead>
<tr>
<th>Common/Scientific Name</th>
<th>Height and Width</th>
<th>Sun and Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buckeye, red</td>
<td>15-20' h</td>
<td>S/FS</td>
</tr>
<tr>
<td>Aesculus pavia</td>
<td>15-25' w</td>
<td></td>
</tr>
<tr>
<td>Chastetree</td>
<td>10-15' h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Vitex agnus-castus</td>
<td>15-20' w</td>
<td></td>
</tr>
<tr>
<td>Chastetree, cutleaf</td>
<td>10-15' h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Vitex negundo-</td>
<td>10-15' w</td>
<td></td>
</tr>
<tr>
<td>‘Heterophylla’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cherry, Okame</td>
<td>15-25' h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Prunus x incamp ‘Okame’</td>
<td>20' w</td>
<td></td>
</tr>
<tr>
<td>Dogwood, Japanese</td>
<td>20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Cornus officinalis</td>
<td>25’ w</td>
<td></td>
</tr>
<tr>
<td>Dogwood, kousa</td>
<td>15-20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Cornus kousa</td>
<td>15-20’ w</td>
<td></td>
</tr>
<tr>
<td>Dogwood, pagoda</td>
<td>15-20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Cornus alternifolia</td>
<td>15-20’ w</td>
<td></td>
</tr>
<tr>
<td>Fringetree</td>
<td>12-15’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Chionanthus virginicus</td>
<td>10-15’ w</td>
<td></td>
</tr>
<tr>
<td>Fringetree, Chinese</td>
<td>20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Chionanthus retusus</td>
<td>10-15’ w</td>
<td></td>
</tr>
<tr>
<td>Holly, Foster’s</td>
<td>15-25’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Ilex x attenuata ‘Fosteri’</td>
<td>8-12’ w</td>
<td></td>
</tr>
<tr>
<td>Holly, yaupon</td>
<td>15-20’ h</td>
<td>S/FS</td>
</tr>
<tr>
<td>Ilex vomitoria</td>
<td>15-20’ w</td>
<td></td>
</tr>
<tr>
<td>Maple, amur</td>
<td>15-20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>15-20’ w</td>
<td></td>
</tr>
<tr>
<td>Magnolia, star</td>
<td>15-20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Magnolia stellata</td>
<td>10-15’ w</td>
<td></td>
</tr>
<tr>
<td>Magnolia, Southern</td>
<td>20-25' h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Magnolia grandiflora 'Little Gem’</td>
<td>10-15’ w</td>
<td></td>
</tr>
<tr>
<td>Palm, pindo</td>
<td>15-25’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Butia capitata</td>
<td>10-15’ w</td>
<td></td>
</tr>
<tr>
<td>Redbud, Chinese</td>
<td>10-15’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Cercis chinensis</td>
<td>6-10’ w</td>
<td></td>
</tr>
<tr>
<td>Waxmyrtle</td>
<td>15-20’ h</td>
<td>PS/FS</td>
</tr>
<tr>
<td>Myrica cerifera</td>
<td>20-25’ w</td>
<td></td>
</tr>
</tbody>
</table>

FS=Full Sun  PS= Part Sun  S= Shade
### 9.5.2 Invasive Species List

A. No invasive species (shown below) will be allowed in the City of Conway.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Potato</td>
<td>Dioscorea bulbifera</td>
</tr>
<tr>
<td>Autumn Olive</td>
<td>Elaeagnus umbellata</td>
</tr>
<tr>
<td>Beach Vitex</td>
<td>Vitex rotundifolia</td>
</tr>
<tr>
<td>Brazilian Peppertree</td>
<td>Schinus terebinthifolius</td>
</tr>
<tr>
<td>Canada Thistle</td>
<td>Cirsium arvense</td>
</tr>
<tr>
<td>Chinese Thallow</td>
<td>Triadica sebifera</td>
</tr>
<tr>
<td>Cogongrass</td>
<td>Imperata cylindrica</td>
</tr>
<tr>
<td>Common Teasel</td>
<td>Dipsacus fullonum</td>
</tr>
<tr>
<td>Dalmatian Toadflax</td>
<td>Linaria dalmatica</td>
</tr>
<tr>
<td>Diffuse Knapweed</td>
<td>Centaurea diffusa</td>
</tr>
<tr>
<td>Downy Brome</td>
<td>Bromus tectorum</td>
</tr>
<tr>
<td>Fig Buttercup</td>
<td>Ranunculus ficaria</td>
</tr>
<tr>
<td>Garlic Mustard</td>
<td>Alliaria petiolata</td>
</tr>
<tr>
<td>Giant Hogweed</td>
<td>Heracleum mantegazzianum</td>
</tr>
<tr>
<td>Hairy Whitetop</td>
<td>Lepidium appelianum</td>
</tr>
<tr>
<td>Houndstongue</td>
<td>Cynoglossum officinale</td>
</tr>
<tr>
<td>Japanese Stilt Grass</td>
<td>Microstegium vimineum</td>
</tr>
<tr>
<td>Japanese Climbing Fern</td>
<td>Lygodium japonicum</td>
</tr>
<tr>
<td>Japanese Honeysuckle</td>
<td>Lonicera japonica</td>
</tr>
<tr>
<td>Japanese Knotweed</td>
<td>Fallopia japonica</td>
</tr>
<tr>
<td>Japanese Spiraea</td>
<td>Spiraea japonica</td>
</tr>
<tr>
<td>Johnsongrass</td>
<td>Sorghum halepense</td>
</tr>
<tr>
<td>Kudzu</td>
<td>Pueraria montana var. lobata</td>
</tr>
<tr>
<td>Leafy Spurge</td>
<td>Euphorbia esula</td>
</tr>
<tr>
<td>Medusahead</td>
<td>Taeniatherum caput-medusae</td>
</tr>
<tr>
<td>Mile-A-Minute Weed</td>
<td>Persicaria perfoliata</td>
</tr>
<tr>
<td>Multiflora Rose</td>
<td>Rosa multiflora</td>
</tr>
<tr>
<td>Musk Thistle</td>
<td>Carduus nutans</td>
</tr>
<tr>
<td>Old World Climbing Fern</td>
<td>Lygodium microphyllum</td>
</tr>
<tr>
<td>Oriental Bittersweet</td>
<td>Celastrus orbiculatus</td>
</tr>
<tr>
<td>Princess Tree</td>
<td>Paulownia tomentosa</td>
</tr>
<tr>
<td>Purple Star Thistle</td>
<td>Centaurea calcitrapa</td>
</tr>
<tr>
<td>Quackgrass</td>
<td>Elymus repens</td>
</tr>
<tr>
<td>Russian Knapweed</td>
<td>Rhaponticum repens</td>
</tr>
<tr>
<td>Russian Olive</td>
<td>Elaeagnus angustifolia</td>
</tr>
<tr>
<td>Saltcedar</td>
<td>Tamarix spp.</td>
</tr>
<tr>
<td>St. Johnswort</td>
<td>Hypericum perforatum</td>
</tr>
<tr>
<td>Scotch Broom</td>
<td>Cytisus scoparius</td>
</tr>
<tr>
<td>Scotch Thistle</td>
<td>Onopordum acanthium</td>
</tr>
<tr>
<td>Spotted Knapweed</td>
<td>Centaurea stoebe</td>
</tr>
<tr>
<td>Tree-of-Heaven</td>
<td>Ailanthus altissima</td>
</tr>
<tr>
<td>Tropical Soda Apple</td>
<td>Solanum viarum</td>
</tr>
<tr>
<td>Whitetop</td>
<td>Lepidium draba</td>
</tr>
<tr>
<td>Witchweed</td>
<td>Striga asiatica</td>
</tr>
<tr>
<td>Yellow Star Thistle</td>
<td>Centaurea solstitialis</td>
</tr>
<tr>
<td>Yellow Toadflax</td>
<td>Linaria vulgaris</td>
</tr>
</tbody>
</table>
9.5.3 Plants Required for Bio Retention Areas

A. Native vegetation shall be planted in bio retention areas, such as rain gardens (see Section 9.7.1). Native vegetation includes plants indigenous to South Carolina (Zone 8), which intercept rain water and are highly drought tolerant (see list below).

In addition to the list below, the TRC can review and approve other proposed vegetation types that are appropriate for bio retention areas:

1. Black Eyed Susan
2. Coneflower
3. Crepe Myrtle
4. Daylilly species
5. Variegated Sedge Grass
6. Liriope

Section 9.6 – Buffer Ordinance for Wetlands and Riparian Corridors

Section reserved.

Section 9.7 – Stormwater Best Management Practices

9.7.1 Stormwater Best Management Practices

A. Purpose.

Through the use of Best Management Practices (BMP’s) to protect onsite and offsite water resources, a variety of BMP’s can preserve site hydrology and maintain or reduce pre-development runoff volumes and rates. New development shall minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water.

Every development over three acres shall at all times have in place a plan approved by the City of Conway that articulates sustainable stormwater management initiatives. In addition to other requirements set by the City of Conway, the Storm Water Management Plan shall include storm water management performance standards. Post development peak discharge rates should not exceed pre-development peak rates.

B. Storm Water Management Performance Standards

   a. Rate Control. Storm water drainage systems shall manage the peak rate of discharge from the Development, incorporating the maximum permissible release rate allowed by the City of Conway. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
   b. Volume Control. Storm water drainage systems shall reduce the volume of runoff from a development by one of the following measures: 1) Capture first one-half inch of runoff from all impervious surfaces in accordance with volume control BMP’s; or 2) achieve a fifteen (15) percent reduction in impervious surfaces from existing conditions.

2. Provisions for Sediment and Erosion Control. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
C. **Stormwater Management Design Techniques.** Multiple Storm Water Management Techniques (Best Management Practices or BMP’s) shall be applied to a development parcel in order to accomplish the above stated rate and volume controls. BMP’s shall include the following methods of infiltration.

1. **Bioswale.** Bio-swales are open, linear channels that filter stormwater as the water flows through vegetation to the discharge point. Although their width and length vary as needed to achieve function, at a minimum they are two feet wide at the bottom and have a maximum slope of 2.5:1.

   Rain will not stand for more than four (4) hours in a bioswale before infiltrating. A bioswale often includes a perforated pipe for emergency overflow situations.

2. **Filter Strips.** A landscape strip usually underlain by open graded aggregate with no fines.

3. **Permeable Pavers.** A paving system that allows water to move through the driving surface into the stone base below. Permeable pavers are individual clay or concrete pavers that provide a solid ground surface and strong enough to take heavy loads, like large vehicles, while at the same time allowing water to filter through the surface and reach the underlying soils. Permeable pavers shall be utilized in commercial and residential paved areas such as parking lots, sidewalks, storage yards, building entryways, plazas and patios. Design requirements include the following:
   a. Use surface material that allows infiltration.
   b. A minimum 6-inch depth of aggregate base/storage bed shall be used below the permeable pavement surface.
   c. Provide positive drainage from the permeable surface (slope surface at 1% to 2%).
   d. Provide surface conveyance system as if material was impervious. Drain stormwater to a designed discharge point.
   e. Perforated overflow pipe design shall be designed and evaluated by project engineer or geotechnical engineer.

4. **Vegetated Roof.** A vegetated roof system designed to detain rain water on the buildings roof. In general, the vegetated roof is planted with species adaptable to drought conditions.

5. **Cistern.** A closed system that re-uses rain water for various landscape uses and/or internal building recycling.

6. **Rain Garden.** A vegetated garden space that filters rain water. Rain gardens are shallow depressions in the landscape and are designed to hold and filter runoff. They are amended with bioengineered soil and vegetated with plants that are adapted to both wet and dry conditions.

7. **Native Vegetation.** See Section 9.5.3 for approved plants and trees for bio retention areas.

8. **Perforated Pipe.** The use of permeable pipe embedded in open-graded aggregate, in lieu of concrete pipe, shall be the preferred method for stormwater conveyance.

D. **Parking Lot Design for Impervious Surface Reduction.**

1. Use minimum parking stall and ADA compliant dimensions.
2. Use the most space-efficient stall configuration for the site.
3. In larger commercial parking lots, design thirty (30) percent of the spaces for compact cars only.
4. Selection of pervious surface material shall be based on amount of automobile
traffic and use.
5. If soils are suitable, drain parking lot runoff into infiltration islands using curb cuts or flat curbs.
6. If soils are unsuitable, excavate to a depth of three (3) feet and fill with a planting soil mix.
7. Plant native or vigorous non-native perennials rather than turfgrass over as much of non-paved surfaces as possible.
Article 10. Subdivision and Land Development

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Section 10.1 – General Guidelines for Land Development

10.1.1 Adoption and Amendment

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

10.1.2 Land Development and Subdivision Defined

A. Land Development.

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

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

1. The development or redevelopment of detached single-family dwellings on existing lots that conform to the standards of the City of Conway;

2. Such subsequent land development activities resulting from an approved land development plan as the Planning Commission may designate; and

3. Such other classes of land development activity that the Planning Commission may designate.

B. Subdivision of Property

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

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

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the City of Conway.

2. The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and the combination or recombination of entire lots of record where no new street or change in existing streets is involved.
3. Any plat or document to be recorded pursuant to the exceptions set forth above shall bear the notation "Approved for Recording" and the signature of the Planning Director or his designated agent prior to being presented for recording. One reproducible copy of the document/plat shall be provided to the Planning Director at the time of the signing.

10.1.3 Compliance

From and after the adoption of these regulations, no subdivision plat or other land development plan within the jurisdiction of these regulations may be filed or recorded in the Horry County Register of Deeds, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the Planning Director. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by these regulations is declared a misdemeanor and, upon conviction, is punishable as provided by law.

10.1.4 Enforcement by City Staff

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

10.1.5 Coordination of Plans

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

10.1.6 Administrative Fee

The City Council shall set a fee schedule for the administration of these regulations. The Planning Director shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the applicant.
Section 10.2 – Land Development for Subdivision Review Procedures

10.2.1 Approval Levels

A. The land development review procedure shall consist of two (2) levels of required approval. A Preliminary Plan must be submitted (followed by required construction plans) and a Final Plat.

B. Sketch Plan.

Prior to preliminary plan application, the applicant may submit to the Planning Director a sketch plan showing the concept of the proposed subdivision. The applicant may at that time discuss the proposed development with the Planning Director and become familiar with the UDO. This procedure does not require formal application or fee.

C. Preliminary Plan.

Preliminary plan approval shall be a prerequisite to final plat approval. The preliminary plan shall include the entire area to be considered for current and future development. The final plat may include only that area proposed for current development, provided that the Planning Director may not approve final plat phases where in his opinion necessary supporting facilities (roads, sidewalks, drainage, etc.) are not being provided to support the proposed phasing scheme.

D. Construction Plans.

Construction plans shall require approval of the Technical Review Committee. Construction plans are not required to be submitted as part of the preliminary plan approval. It is the responsibility of the applicant to ensure that the preliminary plan design is feasible for public facility services. The Technical Review Committee may require, however, the submittal for review and approval of all or part of construction plans in order to ascertain the feasibility of serving all or part of a proposed development prior to preliminary plan approval. Approved construction plans are a prerequisite to receive permission to proceed with construction of development improvements and for final plat approval.

10.2.2 Types of Land Development Defined

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

A. Major Developments.

Major developments are those developments which involve five (5) or more lots, those developments which involve the dedication of new street segments (but not simply widening), those developments where the Planning Commission is required by the UDO to review certain plans and those developments that involve dedication or reservation of land for open space, school sites, and other public purposes.

B. Minor Developments

Minor developments are the creation of two (2) to four (4) lots and do not result in the creation of any public or private streets, or involved dedication of open space. Minor residential subdivisions shall meet the average size of surrounding lots to fit into the surrounding neighborhood context.
10.2.3 Approval Authority

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

A. Preliminary Plans:
   1. Major Developments - Planning Commission
   2. Minor Developments - Planning Director, provided that the Planning Director may at his option refer any plan to the Planning Commission to review as a major development.

B. Construction Plans:
   1. Major and Minor Developments – Technical Review Committee

C. Final Plats:
   1. Major and Minor Developments - Planning Director. Any type of surety to be approved by City Council

10.2.4 Plan and Plat Requirements

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

10.2.5 Review Periods for Plan and Plat Submittals

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

A. Preliminary Plans for Minor Developments.

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

B. Preliminary Plans for Major Developments.

   Preliminary Plans for Major Developments may be submitted at any time provided, however, in order to be eligible to be placed on an agenda of a Planning Commission meeting, such submittal shall have been filed with the Planning Director at least thirty (30) days prior to that meeting. The Planning Commission shall approve, approve with conditions, or deny the preliminary plan within sixty (60) days of official receipt. The decision shall be in written and/or drawn form and dated. The applicant shall be notified in writing of the action taken. Failure of the Planning Commission to act within sixty (60) days of receipt of the plan in proper form shall constitute approval and the applicant shall be issued a letter of approval and authorization to proceed.
C. Final Plats.

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

10.2.6 Appeals

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

10.2.7 Effects of Approvals – Prerequisites

A. Preliminary plan approval shall constitute tentative approval of the final plat if the final plat is in substantive agreement with the preliminary plan and shall entitle the applicant to proceed to prepare street, storm drainage and utility construction plans, if applicable, and/or to proceed to prepare the final plat. Approval of construction plans shall entitle the applicant to proceed with construction of development improvements for the preliminary plan and no construction, including grading, shall proceed without such approval.

B. If a final plat of all or part of the area shown on a preliminary plan is not recorded in the Horry County Register of Deeds within twenty-four (24) months of approval of the preliminary plan, or if there is a lapse of more than twelve (12) months between the recording of sections, the Planning Director shall require the re-submittal of the unrecorded portion as a preliminary plan.

C. Final Plat approval shall entitle the applicant to record the final plat. A final plat must be recorded in the Horry County Register of Deeds within thirty (30) days of its approval by the Planning Director. No final plat shall be regarded as finally approved, until such plat has been recorded with the Horry County Register of Deeds. The book and page number from the Horry County Register of Deeds shall be required by the City of Conway.

D. No final plat shall be approved for recording until all required development improvements have been installed and approved or until the applicant supplies an appropriate Guarantee of Installation as provided for in these regulations. In addition, no final plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Planning Director, with the approved preliminary plan. Final plats not in substantial agreement shall be resubmitted as preliminary plans as provided for herein.

E. After the final plat is recorded, lots as shown on the plat may be sold or otherwise conveyed by reference to the plat and building permits may be authorized to be issued. Certificates of Occupancy shall not be authorized to be issued until roads are dedicated and at least 50% completed. No zoning permit shall be received until the final plat (certified copy) is provided to the Planning Director.

F. A road dedication package (showing each public street and utility and drainage easement in a subdivision) must be submitted as part of the final plat, and shall be recorded in phases if necessary. Approval and recording of the final plat shall constitute
dedication by the applicant. Road improvements shall not be accepted for maintenance until approved by the City Council. Roads can be dedicated during final plat submittal, but appropriate surety will be required to cover the cost of roads.

Such right-of-way and improvements may be accepted by the City Council by resolution upon completion by the applicant and inspection by appropriate city officials. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be considered to be offered for dedication until the city has by resolution accepted such dedication and such land is deeded to the city. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the City shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the City Council.
Section 10.3 – Subdivision Design Standards

10.3.1 General

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

10.3.2 Lots Must Comply With Zoning Requirements

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

10.3.3 Appropriate to Physical Conditions

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

10.3.4 Connectivity and Appropriateness to Adjoining Property and Land Uses

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

A. Conformance with Transportation Plan.

The location and design of streets shall be in conformance with the City of Conway Transportation Plan (adopted as part of City of Conway Comprehensive Plan 2019).

B. Street Classification.

All streets within and adjoining the development shall be classified according to function by the Planning Commission. Each street segment shall be classified in accordance with the street classifications defined in Article 7.1.2. The classification of a street segment shall determine the cross-section, street, tree planting requirements, and design standard to which that street segment shall be designed and constructed. Street design standards for each street classification are shown in Article 7.1.3.

C. Connection to Adjoining Property.

Where, in the opinion of the Technical Review Committee, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection. Cul-de-sacs shall not be used to avoid connection with an existing
street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development except where on the opinion of the Planning Commission a cul-de-sac is necessitated by topography, property accessibility or appropriate for land use separation. Cul-de-sacs shall not exceed 800 feet in length unless necessitated by topography or property accessibility and approved by the Planning Commission. Measurement shall be from the point where the centerline of the dead-end street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

10.3.5 Reserve Strips, Half Streets and Private Streets

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

10.3.6 Intersections

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of two-hundred (200) feet shall be maintained.

10.3.7 Blocks

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

10.3.8 Lots and Building Sites

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

Such building area shall lie at or be elevated to at least two (2) feet above the one-hundred (100) year flood elevation as provided for in the Flood Damage Prevention Ordinance (Title 5, Chapter 2 of the City of Conway Code of Ordinances). Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the development. Storm drains carrying water from street rights-of-way shall be placed along lot lines where practical. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that
can be built upon only by altering such drainage ways. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. Side lines of lots should be at or near right angles or radial to street lines.

Public street access and frontage shall meet the requirements set forth in the UDO. Parcels created through the development process which are not intended for building purposes shall be designated and perpetually bound as “not-buildable”, unless subsequently released through the development process. Double frontage lots shall be avoided except where required to restrict access as set forth in Section 10.3.9. Otherwise, where double frontage lots are used, the frontage not providing principal access shall be treated with a landscaped berm or equivalent landscaped area.

10.3.9 Park and Open Space Dedication

A. Park and Open Space.

The applicant of any residential development or Planned Development District shall reserve land for park, recreation and/or open space designed to serve the residents of the development and residents of the immediate neighborhood of the development. This land may be designated for ownership and maintenance by a property owners association.

1. Passive Use Parks

A park or area within a park is designated as passive use for activities that are engaged in by individuals or groups of nine (9) or fewer, not dependent on a delineated area designed for specific activities. Passive parks have no designated sports fields. Team sports activities are limited to areas specifically designated, such as volleyball, basketball and handball courts.

2. Active Use Parks.

Active parks or park areas are characterized by formal designated fields, outdoor courts (e.g. basketball, volleyball, and tennis), trails and/or outdoor amenities (e.g. skateboard park, Frisbee golf).

B. Residential Subdivision Development and Planned District Development.

1. Each development shall provide a minimum open space area to be calculated as the number of lots in the development multiplied by the average household size according the latest US Census multiplied by .008, considered the amount of open space required by each individual (# of lots X average household size X .008 = Required Open Space). This shall apply only to major subdivisions (five or more lots). Developers shall provide all open space during the initial phase of development, even if the subdivision is divided into future phases. Open Space improvements shall be installed prior to the recording of a final plat.

2. If more passive open space is provided than active open space, then more total open space will be required.

3. The usable open space shall be preserved as such in perpetuity.

4. If less than one acre of open space is required for any major subdivision, the developer shall submit a fee in lieu of providing the open space as described in subsection D, herein.
5. Water surfaces can only be counted as 25% of required open space and may only be considered as usable open space if:
   a. A size appropriate fountain is installed in the pond or lake, maintained and operated at the expense of the developer and/or HOA; or
   b. The pond or lake is made an active amenity, by installing a dock or pier with suitability for fishing or boating.

6. Where major recreational facilities are to be installed by the developer, such as those containing community swimming pools or similar amenities, a letter of credit may be approved by City Council to allow the facility to be constructed after approval of the Final Plat, but no later than 50% of approved lots have been issued building permits. Should the 50% threshold be reached prior to the installation of the amenity facility, no further building permits shall be issued until the facility is constructed.

C. Park and Open Space Suitability.

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

1. Unity: The preferred land should be one parcel with a width not significantly greater than the depth. The minimum size of any individual open space parcel shall be one (1) acre, which is sufficient size for a mini-park according to the National Park and Recreation Association’s standards for parks. If the open space area is less than one (1) acre, then all required open space shall be provided in one (1) parcel with a width not significantly greater than the depth.

2. Location: The preferred land should be centrally located relative to the development and neighborhood.

3. Accessibility: The preferred land should have easy, direct access to the public street system and be accessible by both vehicular and pedestrian traffic.

4. Usability: The preferred land should be usable for active recreation facilities and/or passive open space.

5. Connectivity: Open space should be located, if possible, to take advantage of other existing or planned open space, trails, sidewalks, recreational amenities, or bike paths within the immediate area.

6. Conformity: The open space should complement and meet the objectives of the City of Conway Greenway Plan and the Recreation & Open Space Element goals of the Comprehensive Plan.

7. The Planning Commission may accept as suitable any land which meets an entirely different set of criteria when in its opinion such land meets the purpose of this section in providing for the particular circumstances and needs of the development and neighborhood.

D. Fee in Lieu of Open Space Dedication

1. As part of the review of a subdivision or residential development plan, the Planning Commission may recommend to City Council that the applicant make a
payment in lieu of all or part of the required open space dedication whereby the City may acquire or improve recreational park and open space area(s) to serve the development or developments in the City or upon finding that the recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the City or County.

2. As part of an application for review of a subdivision or residential development plan, the subdivider or may request to pay the fee in lieu of open space dedication. If the Planning Commission supports the request to pay the fee in lieu of open space dedication, that request to pay the fee in lieu of open space dedication shall be forwarded to City Council for review and a final decision. If the Planning Commission does not support the request to pay the fee in lieu of open space dedication, the subdivider or applicant shall include the actual area of required open space in the development.

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

E. Appraisal Requirements

1. Any subdivider or applicant wishing to make a payment in lieu of open space dedication shall attach to the application for preliminary plat approval, preliminary plan approval, or the rezoning application for a planned development district, a letter requesting the payment of fees in lieu of open space dedication.

2. Where payment of the fee in lieu of dedication of open space is proposed as permitted by this ordinance, the subdivider or applicant shall provide to the City, at the subdivider or applicant’s expense, a satisfactory current written appraisal of the market value of the land to be annexed, zoned, platted, or developed, as if the subdivision, residential development, rezoning or Planned Development district has been completed according to the plans submitted. The value determined will be divided by the total area in the subdivision or development and multiplied by the open space area required to determine the necessary fee.

3. Each appraisal shall be performed by a South Carolina licensed real estate appraiser.

4. The Planning Commission may, at its discretion, accept other documentation evidencing the market value of the proposed subdivision or development which in the opinion of the Planning Commission, reasonably estimates the land values as outlined above.

5. Even if not required by the Planning Commission, City Council may require an appraisal performed by a South Carolina licensed real estate appraiser in order to accept a fee in lieu of open space. City Council also reserves the right to, at the City’s expense, obtain an additional appraisal of the property to assist in determining the market value of the proposed subdivision or development.
6. The appraisals and/or documentation of the land’s market value, along with other evidence that, in City Council’s opinion, aids in the determination of market value, may be used in the determination of the amount of payment in lieu of open space dedication permitted by this section.

7. The fee in lieu of open space dedication shall be paid prior to recording any lot(s) in the subdivision, granting any permits for development or any permits for a Planned Development district to which the fees relate. The fee in lieu of open space compensation for the entire development, regardless of the number of proposed phases shall be made prior to the recording of lots or the issuance of permits for first phase of development.

F. Exemptions from Park and Open Space Dedication

1. Minor subdivisions or minor developments as defined in this Section are exempt from the open space requirements. If a parent tract has undergone five (5) or more parcel splits, meeting the definition of a major subdivision, any additional splits from the tract are considered major development and subject to the requirements of a major development, including open space dedication. A parent tract is defined as the original lot, parcel, or tract of land, as established in the Horry County Assessor’s records, from which the proposed subdivided lot(s) will be split from. For the purposes of determining minor or major development status, a parent tract is reviewed to determine the total number of parcel splits within a 10-year period.[amended 4/4/16]

10.3.10 Restriction of Access

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

10.3.11 Construction in Public Right-of-Way and Easements

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

10.3.12 Subdivision Street Design

See Article 7 for detailed design standards for residential streets.

10.3.13 Storm Drainage in Streets

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

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

10.3.15 Development Entrance Markers and Landscaped Medians

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

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

10.3.16 Water and Sewer

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

10.3.17 Wastewater Pump Facilities

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

A. Site Design Requirements
   1. A minimum twenty five (25) feet square area shall be provided for a wastewater pump / lift station.
   2. A wastewater lift station shall be sited in an open space/buffer area or community greenspace, to the rear of residential properties.
   3. The wastewater lift station shall not be designed in line of the sight of residential homes.
   4. A fifty (50) feet buffer shall be provided between the exterior property line and the wastewater pump facility.
   5. A dedicated thirty (30) feet paved or gravel driveway shall be provided to allow access for service vehicles to the wastewater pump site. Access easements on residential properties shall not be allowed.
B. Perimeter Fence and Gates

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

C. Landscaping

1. All wastewater station sites shall be screened as appropriate for the surrounding subdivision development.
2. Landscape design and materials shall meet the same requirements for landscaping as required by the conditions of approval for the project.
3. Flowering plants shall be used for landscaping along exterior perimeter of the facility.
4. Landscaping shall not be done within the site but shall surround the perimeter of the site or as required by the Conway Planning Department.
5. Variations to the minimum requirements may be allowed with the approval of the Planning Director.

10.3.18 Subdivision Naming

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

10.3.19 Street Names

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

10.3.20 Street Addresses

A. All buildings, residences, and other structures located within the city shall be assigned a number in accordance with the following provisions:

1. On streets running north and south, all street address numbers shall be even on the east side and odd on the west side.
2. On streets running east and west, all street address numbers shall be even on the north side and odd on the south side.
3. Street address numbers shall be assigned by the building inspector or his agent. No Certificate of Occupancy shall be issued without addresses being placed on the structure where appropriate.

B. No building shall be assigned more than one number. A building with more than one entrance serving separate occupants shall be assigned only one number, and in addition
to such number a letter designation such as A, B, C, shall be assigned to each principal entrance serving an occupant.

C. When multiple buildings on a single lot have a limited amount of frontage and sufficient numbers are not available, then all such buildings at that location will be assigned the same number and each such building will carry a letter designation as A, B, C, in addition to the assigned number.

D. The cost of the numbers shall be paid for by the property owner. Residential numbers used shall not be less than three (3) inches in height and business numbers shall not be less than four (4) inches in height. These numbers shall be made of a durable and clearly visible material and shall be in a contrasting color from the background.

E. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, the number must be placed near the walk, driveway or common entrance to such building and upon a mailbox, gatepost, fence, post, or other appropriate place so as to be easily discernible from the street line.

F. For the purpose of facilitating correct numbering, a map book of all streets, avenues, and public ways within the City of Conway showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file by the Planning Department. The map book shall be open to inspection of all persons during the normal office hours of the Planning Department.
Section 10.4 – Conservation Subdivisions

10.4.1 General Requirements for Conservation Subdivisions

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

The purpose of conservation subdivisions are below.

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

A. Applicability.

In order to achieve these purposes, Conservation Subdivisions are permitted by-right in the CP, RR, RA, and R-1 zoning districts. Applicants utilizing the Conservation Subdivision design regulations shall comply with all other provisions of the Conway Unified Development Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. General Requirements.

1. Ownership of Development Site.

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

2. Housing Density Calculation.

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

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


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

4. Basic Development Standards.

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

C. Development Incentives

1. Riparian Corridor Buffers.

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

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

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

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

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

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

3. Additional Provision of Open Space

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

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

Development credit shall not be allowed under this incentive in cases where the provision of additional river and wetland protection buffer area up to 100 ft. may exceed the mandatory 30% Open Space Area.

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

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

5. Native Landscaping / Xeriscaping

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

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

6. Energy and Water Efficiency/Sustainable Construction Certification

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

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

OVERVIEW OF AVAILABLE INCENTIVES FOR CONSERVATION SUBDIVISIONS

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

D. Use Regulations

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

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

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

1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and building related to the same.
2. Woodlots, woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
3. Municipal or public uses; public park or recreation area owned and operated by a public or private non-profit agency; governmental or public utility building or
use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

4. Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

E. Conservation Subdivision Dimensional Requirements

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

a. All new dwellings shall meet the following building setback requirements from roads or other uses:

   a. From all external roads right of way: 100 feet

   b. From all other tract boundaries: 75 feet

   c. From all cropland or pasture land: 100 feet

   d. From buildings or barnyards housing livestock: per Horry County Health Department requirements.

   e. From active recreation areas, such as courts or ball fields (not including playgrounds, tot lots or open multi-purpose fields): 150 feet.

      i. Views of house lots from exterior road and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets landscaping requirements of the UDO.

      ii. House lots shall generally be accessed from interior streets rather than from roads bordering the tract.

      iii. At least three quarters (3/4 or 75%) of the lots should directly face, abut or be across the street from conservation land.

F. Design Options

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

ii. Multiple Neighborhood Design. The subject property is divided into multiple neighborhoods connected by the open space areas. Adequate open space access shall be provided for. In addition to a one-hundred-foot (100ft.) undisturbed vegetative buffer along all exterior streets as well as a fifty-foot (50ft.) undisturbed vegetative buffer along the entire perimeter of the property, a twenty (20) feet undisturbed vegetative buffer shall be provided and protected in between neighborhoods, where a multiple neighborhood design is utilized.

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

G. Open Space

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

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

H. Primary Conservation Areas.

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

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

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

I. Secondary Conservation Areas.

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

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

1. Important historic sites subject to approval indicating that these structures are compatible with the UDO.
2. Existing healthy, native forests of at least one acre contiguous area.
3. Individual existing healthy trees greater than fourteen (14) inches d.b.h.
4. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
5. Prime agricultural lands of at least five acres contiguous area.
6. Existing trails that connect the tract to neighboring areas.
7. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 30% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.

J. General Recommendations for Conservation Areas

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

K. Permitted Uses of Open Space.

Open Space may include the following:
1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of permeable materials;
4. Passive recreation areas, such as open fields;
5. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
6. Easements for drainage, access, and underground utility lines.
7. Other conservation-oriented uses compatible with the purposes of this ordinance.

L. Prohibited Uses of Open Space.

Uses of open space may not include the following activities or uses.
1. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.
2. Agricultural and forestry activities not conducted according to accepted Best Management Practices.
3. Golf Courses.
4. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
M. Ownership and Management of Open Space.

1. **Ownership of Open Space.** Open space may be owned by the Homeowners Association or dedicated to the City of Conway.

2. **Management Plan.** An applicant shall submit an Open Space Management Plan that includes the following:
   a. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
   b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
   c. Provides that any changes to the Open Space Management Plan be approved by the Planning Commission; and
   d. Provides for enforcement of the Open Space Management Plan.

3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Conway may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowners Association or to the individual property owners that make up the Homeowners Association, and may include administrative costs and penalties to be determined by the HOA. Such costs shall become a lien on all subdivision properties.

N. Application Requirements

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

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

2. **Open Space Management Plan Required.**
   An open space management plan, as described in this Article, shall be prepared and submitted prior to the issuance of a land disturbance permit.

3. **Instrument of Permanent Protection Required.**
   An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
4. Final Recorded Plat.

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

5. Other Requirements.

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

O. Legal Instrument for Permanent Protection.

1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed, and submitted to Horry County.

   a. The instrument shall be a permanent conservation easement:

   i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions, or;

   ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not in the City of Conway, then a third right of enforcement favoring the City of Conway shall be included in the easement.

   b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

   c. An equivalent legal tool that provides permanent protection, if approved by the City of Conway.

2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

3. Once a legal instrument for permanent protection has been placed upon the Open Space, the Horry County Tax Assessor’s office shall be directed to reassess the Open Space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment should be at a value of zero.
Section 10.5 – Required Improvements

10.5.1 General

A. All required improvements set forth in this section shall be installed or constructed by the applicant at no cost to the City of Conway except as may otherwise be specifically provided. Required improvements under this section shall not be installed or constructed until required construction plans have been approved by the Planning Director and an order to proceed has been issued. The City of Conway may, in order to serve future development, require the applicant to install sidewalks beyond the property line to connect to existing sidewalks, certain oversized improvements, and to increase such improvements to a size and/or extent beyond that necessary for the needs created by the applicant. In such cases, the City of Conway shall enter into an agreement to reimburse the applicant for the over sizing and/or extension based upon rates as agreed to by the City of Conway.

B. Development may be designated to be constructed and platted in phases. Provided, however, the Planning Director may not approve a phasing plan when in his opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases the Planning Director may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase(s) independent of any future development.

C. In cases where there is no dedicated construction access and city streets will serve as the construction access, the Planning Director is authorized to require an applicant to have a financial surety for existing roadways and other required improvements (e.g. stormwater detention, sidewalks) for the duration of the construction. The bonding amount and procedure will follow the process outlined in Section 10.5.2, Guarantee of Required Improvements.

10.5.2 Street Improvements

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

A. Any existing street segment that has not been accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation. No development shall be permitted on any street that is an “island” not connected directly to the public street system.

B. Where a development fronts on any existing street segment maintained by either the City, Horry County or the South Carolina Department of Transportation and the street does not meet the minimum standards of these regulations for the classification of such street, the
applicant shall dedicate additional right-of-way to meet the minimum street width standard for that street classification including bicycle and pedestrian facilities. The entire right-of-way shall be provided where any part of the development is on both sides of the existing street. When the development adjoins only one side of an existing street, one-half of the minimum right-of-way shall be provided, measured from the centerline of the street.

C. Where a development fronts on any existing street segment maintained by either the City, Horry County or the South Carolina Department of Transportation and a sidewalk does not exist in the right-of-way, the applicant shall construct a sidewalk to meet the minimum standards for that street classification.

D. The Planning Commission may require pavement and widening or pavement and widening and curb and gutter and storm drainage for turning lanes along any existing or proposed street that forms a significant entrance to a proposed development where in the opinion of the Planning Commission such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed development.

E. Where a street is stubbed into adjoining property for future extension and such streets serves as the frontage for one or more lots which are not corner lots, the Planning Commission may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in the Planning Commission’s opinion such turn-around is necessary for the public convenience, safety and service.

10.5.3 Public Water

The public water system shall be extended throughout the development and to each lot located therein. All required water line extensions shall include appropriate valves, hydrant taps and service to the property line of each lot as required by City standards.

10.5.4 Public Sewer

The public sewer system shall be extended throughout the development and to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations, pumps, clean outs, taps and service to the property line of each lot as required by City standards.

10.5.5 Sidewalks

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

10.5.6 Street Name Signs

Standard street name signs shall be installed prior to the recording of a Final Plat. Street name signs shall be installed at all intersections in accordance with City Standards. The applicant may, however, with the approval of the Planning Director, install a different street name sign type at no cost to the City. The Planning Director shall approve the design and material of such signs. In such case, the applicant or his successors or assignees shall be responsible for replacing such signs in instances of loss, damage or deterioration; otherwise, the City will replace such signs with its standard sign.
10.5.7 Traffic Control Signs, Signals, and Markings

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

10.5.8 Street Lights

The applicant shall install street lights at appropriate locations in accordance to City standards and specifications. All wiring shall be underground.

10.5.9 Storm Drainage Not in Public Streets

The applicant shall install such storm drainage facilities to handle storm drainage not in public streets as are required by the Storm Drainage Facilities Ordinance and as shown on the approved Construction Plan.

10.5.10 Monuments and Markers

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

10.5.11 Other Utilities and Services

The installation of utilities or services must be installed to appear neat and orderly. Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the development and which are required to be shown on construction plans are not “Required Improvements” within the context of this Article. Since the installation of such improvements are by agreement between the development and the appropriate utility company, the execution of such agreements between the applicant and the utility companies are deemed to satisfy the construction and installation requirements of these regulations as long as they are installed in the public right-of-way or easement in accordance with City standards for such installations, including underground installation.
Section 10.6 – Guarantee of Required Improvements

10.6.1 Financial Guarantee in Lieu of Immediate Installation for Approval

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

A. Cash or Equivalent Security:

1. The applicant shall deposit cash, a cashier’s check or an irrevocable letter of credit, either with the City or in escrow with a financial institution. No other surety forms shall be acceptable. The amount of deposit shall be equal to one hundred and twenty-five percent (125%) of the estimated cost as approved by the Technical Review Committee, of installing all required improvements. The initial cost estimate shall be the responsibility of the applicant and certified by the TRC, but the approval of the final cost estimate shall be made by the Technical Review Committee.

2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the applicant shall file with the City an agreement between the financial institution and himself guaranteeing the following:

   a. The escrow account shall be held in trust until released by the City and may not be used or pledged by the applicant in any other matter during the term of the escrow; and

   b. In the case of a failure on the part of the applicant to complete said improvements within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments, readily convertible to cash, fully endorsed or otherwise made payable in full to the City.

B. Governmental Guarantee:

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

A. The initial duration of a financial guarantee shall be a maximum of twelve (12) months, approved by City Council. The TRC will review and may renew financial guarantees for an additional twelve (12) months. The Planning Commission will review and may renew financial guarantees for the first time after two (2) years.

B. All developments requiring public improvements that are not completed and accepted at least thirty days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Technical Review Committee to a future date not to exceed a 12 month period. Any extension beyond 12 months must be reviewed and approved by the Planning Commission. The Planning Commission may issue a time extension up to three times, or total of five (5) years for a letter of credit. If the developer or property owner can demonstrate extraordinary conditions or an economic hardship, he/she may make a request to the Planning Commission to extend the letter of credit for more than a total of five (5) years.

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

10.6.3 Default

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

10.6.4 Release of Guarantee Security

The Planning Director may release a portion or all of any security posted as the improvements are completed and approved by the Technical Review Committee. Prior to such release the applicant shall provide the Planning Director with a set of ‘as built’ drawings certified by the Technical Review Committee.

10.6.5 Warranty Against Defects

Prior to the acceptance of any improvements in any development, the applicant shall submit a dedication package (e.g. roadways) with the final plat for consideration by City Council. In addition, the applicant shall submit to the City of Conway a written warranty against defects which shall guarantee the material and workmanship for a period of not less than three (3) years from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to $15 per linear foot of two-lane roadway. Roads with additional lanes shall have additional surety equal to $5 per linear foot for each lane of roadway. Such financial guarantee shall be in a form of financial guarantee as provided for in this Article.

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

Should the applicant fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Planning Director shall find the applicant in default and proceed in the same manner as provided for in this Article for default.
Section 10.7 – Legal Provisions

10.7.1 Interpretation, Purpose, Conflict

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

10.7.2 Repeal and Re-enactment of Existing Subdivision Regulations

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

10.7.3 Effect Upon Outstanding Preliminary Plats

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

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

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

A. Any development for which a final plat has been recorded in the Horry County Register of Deeds pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of development improvements, shall remain under the development control of such local government until such time as such applicant shall have been prosecuted to completion. Provided, however, the City may not accept the dedication of any street or street improvements unless such street and street improvements meet the standards of these regulations and the City’s Policy for Acceptance of Streets for use and maintenance by the City.

B. All other developments shall meet all of the requirements of these regulations and it shall be the responsibility of the applicant of any proposed development or developments in progress to receive approval as provided for in these regulations before proceeding with any development. The applicant shall arrange a conference with the Planning Director who shall determine the level and type of approval required and provide the applicant with an approval track for the particular case.

10.7.5 Modifications

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

10.7.6 Amendment

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

10.7.7 Violations and Penalties

A. After the effective date of these regulations, no subdivision plat or other land development plan may be filed or recorded in the Horry County the Register of Deeds, and no building permit may be issued until the plat bears the stamp of approval and is properly signed by the Planning Director. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by these regulations is declared a misdemeanor and, upon conviction, is punishable as provided by law.

B. The Horry County Register of Deeds shall not accept, file, or record a land development plan or subdivision plat involving a land area subject to these regulations unless the development plan or subdivision plat has been properly approved. If a public official
violates the provisions of this section, he is, in each instance, subject to the penalty provided in this Section and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided, and may enjoin any violations of them.

C. The owner or agent of the owner of any property being developed within the City may not transfer title to any lots or parts of the development unless the land development plan or subdivision has been approved as provided for herein and an approved plan or plat recorded in the Office of the Register of Deeds. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The City may enjoin the transfer by appropriate action.

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

10.7.8 Validity

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

10.7.9 Effective Date

This ordinance shall become effective upon its adoption by the City Council of the City of Conway, South Carolina.
Section 10.8 – Vested Rights

10.8.1 Definitions as Used in This Section

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

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

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

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

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

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

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

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

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

10.8.2 Vested Rights Duration and Conditions

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

A vested right in a site-specific development plan shall not attach until all plans have been received, approved and all fees paid in accordance with the UDO. All administrative appeals must be resolved in favor of the applicant before a vested right attaches.
The following plans must be approved by the TRC, as well as the Planning Commission (when applicable) prior to receiving a vested right to the property.

A. Commercial and Residential:

1. A scaled site plan showing all proposed improvements to the site including but not limited to:
   a. Structures
   b. Parking spaces, handicapped spaces and access ramps, wheelstops, and curbing
   c. Dumpster or compactor location and screening
   d. Proposed fences or walls
   e. Perimeter and interior landscaped areas

2. A current survey of the property signed and sealed by a licensed surveyor.

3. Landscape Plan showing:
   a. Perimeter landscaping
   b. Interior landscaping areas within parking lots and percentage ratio
   c. Irrigation system
   d. Proposed planting plan showing location, size and type of proposed trees and shrubs per Landscape Ordinance requirements

4. Drainage Plan including: (Requires Drainage Plan and Calculations signed and sealed by a State licensed Engineer)
   a. Direction of surface flow
   b. Subsurface piping and structure
   c. Elevations of outfall and location
   d. Storm Water retention calculation
   e. Proof of Approval of OCRM (Office of Ocean and Coastal Resource Management)

5. Utilities Plan including:
   a. Location of the tie-in location
   b. Proposed on-site utilities and or possible extensions
   c. Proposed water line layout
   d. Proposed sewer line layout
   e. Location of all fire hydrants within 1,000 feet radius of project

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

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

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

A Vested site specific development plan may be amended if approved by the local governing body, including the Planning Director, Technical Review Committee and Planning Commission (when applicable), pursuant to the provisions of the UDO.
Upon the expiration of a vested right, a building permit may be issued for the development only in accordance with applicable land development ordinances or regulations.

10.8.3 Vested Rights and Zoning Requirements

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

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

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

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

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

10.8.5 Annexation and Vested Right Developments

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

10.8.6 Failure to Meet Terms of the Conditional Approval

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

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

10.8.7 Vested Rights and Development Agreements

A vested right is not a personal right, but attached to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right as required by the UDO may reply upon and exercise the vested right for its duration subject to applicable federal, state and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structures.
and uses regulations which do not provide for the grandfathering of the vested right. This Vested Rights section does not affect the provisions of a development agreement executed by the City of Conway.
Section 10.9 – Road and Street Dedication Requirements

10.9.1 The Road Dedication Process

1. **Submit Plans** – construction plans are submitted to the Planning Department for review and approval by the Technical Review Committee as part of the subdivision review process.

2. **Submit Initial Dedication Documents** – including Developer Easement, Roadway Deed, Drainage Easements, Warranty Agreement, Joinder and Consent to Dedicate prior to the start of construction. Final Plat or Bonded Final Plat shall not be approved by the Planning Director or Technical Review Committee until those documents are received.

3. **Start Construction** – upon plan approval and receipt and approval by the Technical Review Committee of all the above items, all other regulatory permits, and following a pre-construction conference attended by the project design engineer, the project contractor and the city construction inspector, construction may commence.

4. **Inspection of Road and Drainage Construction** – periodic inspections by the Technical Review Committee and/or their designee(s) are required as listed under Inspection section.

5. **Submit “as-Built” Plans and Certification of Non-Litigation** – Upon completion of construction and final inspection approval, the “As-Built” Plans and Certification of Non-Litigation shall be submitted to the Technical Review Committee.

6. **Submit “Warranty Agreement”** – the developer shall be notified of the upcoming dedication presentation to City Council and the developer shall provide the necessary Warranty Agreement and required surety to the Technical Review Committee prior to said meeting.

7. **City Council** – once all necessary documentation has been received and approved by the Technical Review Committee the road dedication resolution shall be presented by the Technical Review Committee to City Council for acceptance. Following approval by City Council, the final plat will be approved for recording by the Technical Review Committee and Planning Director assuming all other requirements of the UDO have been met.

8. **Warranty Period** – the Warranty Period shall run for a minimum of three years from date of acceptance by City Council. Thirty-four months after acceptance, or at any time that deficiencies are discovered, a warranty inspection shall be performed by the Technical Review Committee or his designee, the developer shall then be notified in writing of the results. Deficient items must be repaired or replaced within thirty (30) days of said written notice or the City may require payment from the surety to provide funds to make the necessary repairs. All repairs are expected to be good quality workmanship meeting City of Conway construction standards and shall be subject to an additional one-year warranty.
10.9.2 General Requirements

1. **Eligibility for Acceptance** – A road or street will be eligible for acceptance into the City of Conway maintenance system only after meeting all the requirements listed herein.

2. **Public Benefit and Access** – The road being dedicated must serve a public benefit by providing access to two or more parcels of land or as a connection between existing roads and must connect to an existing public road.

3. **Plan Submittal and Review** – Construction plans must be submitted to the City of Conway through the Planning Department for review and approval by the City Staff prior to the start of any construction. Plans must be prepared by a licensed Civil Engineer in the State of South Carolina. No inspections will be performed without approved plans. In addition to the construction plans, a preliminary plat showing the roadways and drainage easements to be dedicated is to be prepared by a licensed Land Surveyor in the State of South Carolina and submitted to the City Planner along with the initial dedication documents.

4. **Warranty Period** – Roadways accepted for dedication by the City shall be conditionally accepted, subject to a minimum three-year warranty for workmanship and materials. During this period the City shall only perform the minimum maintenance necessary to correct unsafe situations. Repair of all other defects or deficiencies shall be the responsibility of the developer. Damage caused by construction activities of the developer’s contractors or contractors working for purchasers of lots shall be the responsibility of the developer.

5. **Warranty Agreement** – The Warranty Agreement form shall be executed by the developer(s) and forms the basis for the warranty by the developer to the City of Conway.

6. **Warranty Surety** – Warranty surety in the form of an irrevocable standby letter of credit issued by a bank doing business in South Carolina or cashiers check or cash shall be provided prior to presentation of the dedication to City Council. The time period of the letter of credit must be sufficient so as to be in effect sufficient to allow time for City staff and City Council acceptance. Typically, a 38-month period will be sufficient to allow for City staff and City Council to finalize the acceptance process. The letter of credit shall contain the following items: a.) the beneficiary shall be The City of Conway; and b) drafts may be drawn by written notification on official City letterhead, signed by an authorized representative of the City of Conway stating the failure of the developer to meet the requirements of the conditional roadway dedication to the City. The letter of credit cannot require sight drafts only. In lieu of a letter of credit, a cashier’s check or cash can be posted in the appropriate amount. No other surety forms shall be acceptable.

7. **Warranty Surety Amount** – The amount of surety shall be equal to $15 per linear foot of 2-lane roadway. Roads with additional lanes shall have additional surety equal to $5 per in linear foot for each lane of roadway.

8. **Utility Easements** – The City of Conway Developer Easement shall be provided to the City prior to the start of any construction. This easement is intended to protect the City’s rights. The City cannot accept title to roadways or drainage easements which are encumbered by previous easements granted to other parties. If easement are granted to utility companies or other parties in areas that are intended to be dedicated to the City of Conway prior to the above mentioned
10 easement being granted to the City then the Utility Joinder and Consent Form must be signed by the easement grantee (i.e. utility company).

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

### 10.9.3 Basic Design Requirements

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

1. Road right-of-way shall be a minimum of fifty (50) feet wide for residential access and subcollector roads, greater width required for other road classifications in accordance with Article 7. Additional right-of-way width may be required in areas of excessive cut and fill or to encompass wider drainage ditches.

2. Roadside drainage system and culverts shall be required to convey runoff from the 25 year storm event. Culverts under arterial roads shall be designed to convey runoff from the 50 year storm event.

3. Roadside ditches, if allowed, shall be a minimum of twelve (12) inches below finished crown elevation unless a curb and gutter system is utilized or required. Roadside shoulders shall be a minimum of 4 feet wide. Side slopes of roadside ditches shall be a maximum of 3:1 to allow ease of maintenance. Additional right-of-way width shall be required to accommodate any ditches greater than 2 feet deep.

4. Roadway alignment and grade should be designed to allow for adequate drainage and safety to the public and shall be approved by TRC before construction begins.

5. Road shall be crowned with a slope of one-quarter (1/4) inch per foot. Longitudinal slope shall be a minimum of 0.50%.

6. Stormwater shall not be designed to flow across streets or through intersections unless existing site conditions make it impossible or highly impractical to do otherwise. Final determination of feasibility in this case is at the sole judgment of the City staff. Typically catch basins and culverts shall be provided to convey stormwater from one side of the road or intersection to another.

7. All piping located within the public right-of-way or within a drainage easement dedicated or proposed for dedication to the City shall be RCP Class III as a minimum.

8. Unsuitable sub-grade material will require undercutting as determined by the developer’s engineer with the approval of the Technical Review Committee and replaced with suitable granular material. Alternate sub-grade improvements such as soil-cement, lime stabilization, calcium chloride, or stabilization fabric or geogrid may be substituted if recommended by a geotechnical engineer and approved by TRC. Upon completion of the work, the geotechnical engineer shall certify that the improvements were constructed in conformance with the approved recommendations.

9. Underdrains shall be required beneath all curb and gutters unless a geotechnical investigation shows that the soils are highly permeable and the seasonal high water table, as certified by a geotechnical engineer, is more than 2 feet below
10. Prime coats shall be applied to all base material and allowed to properly cure prior to paving. Prime will not be required when more than 2 inches of compacted asphalt is to be used.

11. Shoulder and ditch grassing will be required. A good stand of permanent grass shall be present 90 days after the final inspection or the area shall be re-seeded or sodded. If a good stand of permanent grass has not become established within 180 days, sodding may be required by TRC.

12. Traffic control signs and pavement markings shall comply with the South Carolina Manual of Uniform Traffic Control Devices and SCDOT specifications for highway signs and pavement markings.

13. Entrance features, signs, street lighting, sidewalks, trees, landscaping and irrigation systems may be permitted within right-of-ways subject to review and approval and issuance of an encroachment permit from the Technical Review Committee following approval of all other required City Boards and staff. The developer or a HOA will be responsible for maintenance of said items.

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

10.9.4 Construction Standards

1. General

In addition to all standards previously listed, the following construction standards are required:

   a. Clearing and grubbing: All work will be required to conform to requirements and standards as set forth by the SCDOT Specifications, most recent edition.

   b. Subgrade: As specified in Section 208, SCDOT Specifications, or sound, undisturbed natural subsoils compacted to 95% Modified Proctor. The subgrade shall be proof-rolled with a 20 ton load on a tandem axle truck. Independent compaction testing shall also be required.

2. Base Courses: To be one of the following types and shall be proof-rolled with a 20 ton tandem axle truck and independent compaction tests will be required. The minimum acceptable compaction shall be 100% modified proctor for all base materials.

   a. Soil aggregate, (coquina) as specified in Section 304, SCDOT Specifications.

   b. Stabilized Aggregate as specified in Section 305, SCDOT Specifications.

   c. Cement Stabilized Aggregate as specified in Section 308, SCDOT Specifications

   d. Hot Laid Asphalt Aggregate Base specified in Section 311, SCDOT Specifications.

3. Surface Course: Hot Laid Asphalt Concrete Surface Course: Type I and Type III as specified in Section 403, SCDOT Specifications.
4. Paving Tolerances: The **average** of the core samples shall be at least the minimum required paving depth. No individual core depth shall be less than 90% of the minimum require depth. Where areas of inadequate depth are found, additional cores shall be taken to define the deficient area. The deficient area shall be removed and replaced in a curb and gutter situation, or overlaid if no curbing is present. Overlay shall be a 1” minimum depth. Paving “birdbaths” shall be no larger than 20 s.f. and no greater than 3/16” deep when measure with an 8 ft. straightedge.

5. Traffic Control Signs shall be in accordance with the South Carolina Manual of Uniform Traffic Control Devices as required by State law. Speed limit signs shall be posted at the entrances to developments and at appropriate intervals within the development. All traffic control sign surfaces shall be Type III High Intensity Sheeting. Signs in residential subdivisions may be mounted on treated wood 4 x 4 posts or steel u-channels. Signs in other areas shall be mounted on steel u-channels.

6. Street Name Signs shall be the standard City of Conway, size and color and shall be mounted on treated wood or steel posts with appropriate brackets.

7. Pavements striping of collector roads and arterials will be required, this shall include centerlines, edge lines (unless curb and gutter is used) land dividers, turn arrows, stop bars, and pedestrian crossings. All lane striping shall be latex-based. All striping shall be thermoplastic.

### 10.9.5 Base and Pavement Requirements

**Base and Pavement Materials and Minimum Thickness**

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>BASE</th>
<th>BINDER</th>
<th>SURFACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Access</td>
<td>9” Coquina or 6” SABC</td>
<td>None required</td>
<td>2” Type I</td>
</tr>
<tr>
<td>Sub-collector</td>
<td>9” Coquina or 6” SABC</td>
<td>None required</td>
<td>2.5” Type I</td>
</tr>
<tr>
<td>Collector</td>
<td>12” Coquina or 8” SABC</td>
<td>1.5”</td>
<td>1.5” Type I or 3” Type I if Binder not used</td>
</tr>
<tr>
<td>Arterial</td>
<td>15” Coquina or 10” SABC</td>
<td>2”</td>
<td>2” Type I</td>
</tr>
</tbody>
</table>

The values shown are the minimum required for good soil conditions. TRC may require that a geotechnical report and pavement design be provided if the native soils conditions are considered unsatisfactory or of questionable suitability.

“Type of Facility” is defined in Section 7.1.

### 10.9.6 City of Conway Inspections

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

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

10.9.7 City of Conway As-Built Requirements

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

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

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

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

WARRANTY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS THAT ____________________________, hereinafter referred to as “Developer”, as principal is held and firmly bound unto the City of Conway existing under the laws of the State of South Carolina, as oblige in full and just sum of $ __________, lawful money of the United States of America, to the payment of which sum, well and truly made the Developer binds themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

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

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

SIGNED, SEALED, AND DATED this __________ day of __________.

WITNESS: DEVELOPER:

____________________________  ______________________________
Witness Print Name Developer Print Name

STATE OF SOUTH CAROLINA   )
COUNTY OF HORRY     )

The foregoing was acknowledged before me
this ________________ day of __________________________
by _____________________________

________________________________________
Notary Public
My commission expires: _________________
CITY OF CONWAY

CERTIFICATION OF NON-LITIGATION

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

Project and Road Name(s): ____________________________________________

Witness Print Name ____________________________________________
Witness Signature _____________________________________________________________________________
Witness Print Name ____________________________________________
Witness Signature _____________________________________________________________________________
Witness Print Name ____________________________________________
Witness Signature _____________________________________________________________________________

Developer Print Name ____________________________________________
Developer Signature _____________________________________________________________________________
General Contractor Print Name ____________________________________________
General Contractor Signature _____________________________________________________________________________
Engineer Print Name ____________________________________________
Engineer Signature _____________________________________________________________________________

STATE OF SOUTH CAROLINA         )
COUNTY OF HORRY        )

The foregoing was acknowledged before me

this _____________ day of ____________________________
by __________________________________________

Notary Public
My commission expires: ________________
CITY OF CONWAY

GENERAL JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that it is the holder of a mortgage, lien, easement, right-of-way, or encumbrance on certain lands properly known as ________________ mortage, lien, easement, right-of-way or other encumbrance which is recorded in Official Records Book ________________ at Page __________, of the Public Records of Horry County, South Carolina, shall be subordinated to the above dedication.

Witness Print Name

Signatory Print Name

Witness Signature

Signature

STATE OF SOUTH CAROLINA    )
COUNTY OF HORRY           )
The foregoing was acknowledged before me

This __________ day of ______________________

By: ____________________________________________________________________________

Notary Public __________________________
My commission expires: __________________

10-50
Adopted December 12, 2011
Last Amended August 1, 2016
CITY OF CONWAY

UTILITY JOINDER AND CONSENT TO DEDICATION

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

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

Witness Print Name ____________________________ (Signatory Print Name) ____________________________

Witness Signature ____________________________ Signature ____________________________

STATE OF SOUTH CAROLINA )
COUNTY OF HORRY )

The foregoing was acknowledged before me

This __________ day of ______________________

By __________________________________________

________________________
Notary Public

My commission expires:________________________
STATE OF SOUTH CAROLINA )  RIGHT-OF-WAY DEED
COUNTY OF HORRY )

KNOW ALL MEN BY THESE PRESENTS, THAT I (or we)_________________________ in consideration of the sum of One Dollar, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the City of Conway, its successors and assigns, a right-of-way deed for the following road(s) named

_________________________________ titled ___________________________ and dated ___________________________ said plat being recorded in the Horry County Register of Deeds at ___________________________.

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

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

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

Signed, sealed and delivered in the presence of:

_________________________________  OWNER

_________________________________  OWNER

Witness #2

STATE OF SOUTH CAROLINA )  PROBATE
COUNTY OF HORRY )

Personally appeared before me ___________________________ and made oath that he/she was present and saw the within named owner(s), ___________________________ sign, seal and as their act and deed deliver the within deed for right-of-way; and that ___________________________ with ___________________________

Sworn to before me this ____________ day of ________________ , 20______.

_________________________________

Witness Signature

_________________________________

Notary Public

My commission expires: ___________
STATE OF SOUTH CAROLINA     )
COUNTY OF HORRY          )

DRAINAGE EASEMENT

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

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

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

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

Signed, sealed and delivered in the presence of:

______________________________          OWNER
Witness #1

______________________________          OWNER
Witness #2

STATE OF SOUTH CAROLINA     )
COUNTY OF HORRY          )

PROBATE

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

Sworn to before me this __________ day of ________________ , 20__.

Witness Signature

______________________________
Notary Public

My commission expires: __________
CITY OF CONWAY PUBLIC WORKS

WARRANTY BOND

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

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

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

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

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

WITNESSES:

__________________________________________

__________________________________________

__________________________________________

Surety
Article 11. Signage

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Section 11.1 – General Provisions

11.1.1 Intent

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Conway without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this Article to establish regulations governing the display of signs which will adhere to the following:

A. Promote and protect the public health, safety, comfort, morals, convenience and aesthetics.
B. Enhance the economy, business, and industry of the City of Conway by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
C. Restrict signs and lights which overload the public’s capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
D. Reduce conflict among signs and lights and between public and private environmental information systems.
E. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

11.1.2 Interpretation

In their interpretation and application, the provisions of the Unified Development Ordinance shall be held to be minimum requirements necessary for the promotion and protection of the public health, safety, comfort, morals, convenience and aesthetics.

11.1.3 Removal of Signs Erected on Public Property or Rights-of-Way

It shall be unlawful to erect, use or maintain a sign or sign structure on public property or public right-of-way without the approval of the City of Conway. The City of Conway shall be authorized to remove such signs.

11.1.4 Signs in Disrepair and Unsafe Signs

A. All signs and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished and repaired from time to time, as necessary, and perpetually maintained in safe condition, free from deterioration, defective or missing parts, or peeling or faded paint, and able to withstand the wind pressure for which such sign was originally designed. Any sign not in compliance with this provision is hereby declared to be a nuisance and a prohibited sign.

B. In the event that any sign is damaged exceeding fifty percent (50%) of the reproduction value, according to the Planning Director, such sign may be restored, reconstructed, altered or repaired only to conform with all of the provisions of this Article. Parties aggrieved by such determination may appeal the same to the Board of Zoning Appeals (see Section 14.2).
11.1.5 Obsolete and Abandoned Signs

A. Any sign which advertises or pertains to a business, product, service, activity, or purpose which is no longer conducted or that has not been in use for sixty (60) days or which is no longer imminent, or any sign structure that no longer displays any sign copy shall be deemed to be an obsolete or abandoned sign.

B. When any sign is relocated, made inoperative, or removed for any reason, except for maintenance, all structural components including the sign face and sign structure, shall be removed or relocated with the sign. All structural components of freestanding signs shall be removed to ground level. The structural components of all other signs, including painted wall signs, shall be removed back to the original building configuration.

11.1.6 Area and Height Measurement

The sign area is calculated by determining the number of square feet of the smallest rectangle(s) within which a sign face can be enclosed. In determining the area of an individual sign that has more than one face (e.g., a monument or projecting sign), the single sign face with the greatest area shall be used. The total sign area is the sum of all individual sign areas. See Table 11.1 for sign regulations by zoning district.

The height of a sign shall be measured from the ground, adjacent to the sign, to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.
11.1.7 Setbacks

Except as provided in Article 11 Signage, sign location shall conform with setbacks established in the Zoning Regulations.

A. With the Planning Director’s approval, traffic directional signs may be placed in the required setback, providing they do not interfere with visibility required for safe vehicular and pedestrian circulation, especially at street corners.

B. With the Planning Director’s approval, monument signs may be located in the required setback area, provided they are outside of the visibility triangle, provide adequate site distance for driveways and meet applicable height and area limits established for the zoning district.

C. The Planning Director may approve reduced setbacks for signs, provided the sign does not interfere with visibility required for safe vehicular and pedestrian circulation and provided that the sign is architecturally compatible with the proposed location.

11.1.8 Illumination

A. Where illumination of signs are permitted, the following standards shall apply:

1. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
2. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.
3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
4. Each sign shall be designed so that illumination does not exceed 100 luxes (10 foot-candles) measured at a distance of 10 feet from the sign.
5. In the Professional Zoning District, illumination of the sign face shall not exceed 10 luxes (1 foot-candle) measured at a distance of 10 feet from the sign.
6. Signs located in residential zones may not be illuminated, except directory signs, which shall not exceed 10 luxes (1 foot-candle) measured at a distance of 10 feet from the sign.
7. These maximum illumination levels are not guaranteed and may need to be reduced to insure compliance with standards 1, 2 and 3 of this section.
8. Internally illuminated cabinet signs are prohibited in the Central Business District (CBD).
9. All internally illuminated cabinet signs, including monument signs, walls signs, and projecting signs shall have dark backgrounds with light lettering, subject to compliance with standards 5, 6, and 7 of this section.
Section 11.2 – Exempt and Prohibited Signs

11.2.1 Signs Exempt from Permit Procedures

The following signs and sign alterations are hereby exempt from the standard permit procedures provided such signs comply with all other applicable sections of this Article. Signs exempt from permit procedure shall not be included in determining the allowable number or size of signs per premises.

A. **Accessory Signs on Vehicles and Trailers**: Signs affixed to vehicles and trailers where the sign is incidental and accessory to the primary use of the vehicle or trailer.

B. **Public Services and Information Signs**: Public service signs may be displayed that identify public services or conveniences, such as restrooms, telephones, state vehicle inspection, credit cards accepted, hours of operation, vacancies, trading stamps given, trade association affiliations, octane ratings, self-service, and type of fuel provided that the total area of all such signs displayed shall not exceed four (4) square feet per occupancy, and further provided that such signs shall be designed and erected inside the perimeter of a permitted sign or mounted flush against a building or structure.

C. **Flags**: Flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations providing that such flags, emblems, and insignia shall not be displayed for commercial purposes nor in such a manner as to act as attention-seizing devices.

D. **Governmental Signs**: Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by, or at the order of a public officer or employee in the performance of the officer’s or employee’s duties.

E. **Grandfathered Signs**: Shall be granted an exception to requirements found in Article 11. The CAB shall determine if a sign is of a historic nature and should be considered as “grandfathered” using Technical Preservation Brief #25 “The Preservation of Historic Signs” (established by the National Park Service, U.S. Department of the Interior) and / or the “Conway Historic Design Review Districts: Community Appearance Design Guidelines.”

F. **Historic Identification Signs**: Shall be granted an exception to requirements found in Article 11. These should be approved for size, placement and method of attachment by the CAB.

G. **Holiday Decorations**: Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays.

H. **Memorial Signs**: Memorial plaques or tablets, grave markers, names of buildings, statutory, or other remembrances of persons or events that are non-commercial in nature.

I. **Name and Address Plates**: Signs, not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.

J. **No Trespassing, No Dumping, No Parking, Towing, and Other Similar Sign**: No trespassing, no dumping, no parking, towing, and other similar signs not exceeding two (2) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface
area of four (4) square feet and not exceeding two (2) in number per zoning lot in residential areas, not exceeding four (4) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of eight (8) square feet and not exceeding four (4) in number per zoning lot in non-residential areas. However, under proven special circumstances, the Planning Director may authorize additional such signs if determined to be warranted.

K. **Symbols or Insignia:** Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.

L. **Vending Machines Signs:** Permanent, non-flashing signs on vending machines, gasoline pumps, ice containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information not exceeding four (4) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight (8) square feet.

M. **Changeable Copy Signs and Marquees:** The changing of letters or numbers on signs designed for changeable lettering or numbering provided the signs were legally erected and maintained for such purposes.

### 11.2.2 Prohibited Signs

A. The following signs are hereby expressly prohibited from erection, construction, repair, alteration, or use within the City of Conway, except as otherwise permitted in this Article:

1. Roof signs or signs where any portion of the sign extends above the roofline of the building where the sign is located.
2. Pole Signs.
3. Any vehicle sign where the sign projects beyond the manufacturer's profile of the vehicle and is displayed in public view under such circumstances as to indicate that the primary purpose of such display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for such vehicle.
4. Any sign which emit a sound, odor, or visible matter such as smoke or vapor.
5. Any sign towed behind a vehicle, watercraft, or aircraft (airplane, helicopter, etc.).
6. Any sign which is portable or not securely attached to a building or to the ground.
7. Any sign which obstructs free ingress to or egress from a required door, window, for escape or other required exit way, nor shall any sign or advertising display be attached to a fire escape.
8. Any sign or sign structure other than free-standing, any portion of which extends above the parapet, building roofline, or canopy against which the sign is located.
9. Any sign erected in a street or highway right-of-way except for signs of a governmental body used to convey legal notices, identify public property, convey public information, and direct or regulate pedestrian and vehicular traffic.
10. Abandoned or dilapidated signs.
11. Any sign which exhibits statements, words or pictures of obscene, pornographic or immoral subjects.
12. Signs of any material including, but not limited to paper, paint, cardboard, plastic, wood, and metal which are painted on or attached to trees, lamp posts, parking meter posts, hydrants, traffic signs, stairways, benches, refuse containers, rocks or other natural features, telephone or utility poles.
13. No sign shall obstruct the view of motor vehicle operators entering a public roadway from any driveway, street or alley. There shall be no sign or obstruction
to vision between the height of two feet and ten feet within the sight triangles established in Section 7.1.8.

14. Circulars, handbills, banners, inflatable signs, dirigibles, balloons, flags, streamers, spinners, placards, pennants or similar attention seizing, wind activated devices except as provided for in Section 11.2.1 “Signs Exempt from Permit Procedures” and Section 11.5. “Temporary Signs”.

15. Swinging projecting signs.

16. No sign, sign structure or attention seizing device shall be shaped in the form of a statue of a human or animal figure nor in the form of a three-dimensional model (e.g., dinner bucket, paint cans, Christmas trees).

17. Any sign which involves motion or rotation of any part of the sign structure or sign face using intermittent flashing lights, animation, or automatically changed copy or design, except EMCs in Institutional zoned districts as provided for in Section 11.4.10.

18. No sign illumination system shall contain or utilize any beacon, spot, search or stroboscopic light, glaring light or reflector, which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized public agencies.

19. Signs using the words “stop”, “danger” or any other word, phrase, symbol, or character in a manner that is misleading, confusing, or distracts a vehicle driver.

20. No sign shall display lights resembling by color and design or other characteristics customarily associated with danger or those used by police, fire, ambulance and other emergency vehicles or for navigation. Automotive warning or flashing signs shall not be utilized as commercial attention-seizing devices.

21. Any sign erected, altered, displayed, or changed without approval from the Planning Department, and a sign permit from the Building Department.

22. Any other type or kind of sign which does not comply with the terms, conditions, and provisions contained in this Article.
Section 11.3 – Sign Standards by Zoning Districts

11.3.1 Sign Regulations by Zoning District

A. The following standards shall be applied in each of the City’s zoning districts, notwithstanding the standards for each sign type established in Section 11.4.

Table 11.1: Sign Standards by District

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Allowable Sign Types</th>
<th>Total Number of Signs Allowed</th>
<th>Maximum Cumulative Sign Area per Tenant Space</th>
<th>Special Illumination Restrictions</th>
<th>Special Size Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional (P)</td>
<td>All sign types except EMCs.</td>
<td>2 per tenant space.</td>
<td>50 ft²</td>
<td>See Section 11.1.8 for lighting restrictions</td>
<td></td>
</tr>
<tr>
<td>Neighborhood Commercial (NC)</td>
<td>All sign types except EMCs</td>
<td>2 per tenant space.</td>
<td>50 ft²</td>
<td>Maximum size per wall sign is limited to 25 ft². See Section 11.4.6 for monument sign size limits.</td>
<td></td>
</tr>
<tr>
<td>Central Business District (CBD)</td>
<td>All sign types except EMCs</td>
<td>4 per tenant space.</td>
<td>100 ft²</td>
<td>Internally illuminated cabinet signs prohibited. See Section 11.4.6 for monument sign size limits.</td>
<td></td>
</tr>
<tr>
<td>Core Commercial (CC)</td>
<td>All sign types except EMCs</td>
<td>4 per tenant space.</td>
<td>100 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waccamaw Riverfront (WRD) and Mixed Use (MU)</td>
<td>All sign types except EMCs</td>
<td>2 per tenant space.</td>
<td>100 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional (IN)</td>
<td>All sign types</td>
<td>2 per tenant space.</td>
<td>200 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Commercial (HC)</td>
<td>All sign types except EMCs</td>
<td>4 per tenant space.</td>
<td>200 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light and Heavy Industrial (LI,HI)</td>
<td>All sign types except EMCs</td>
<td>2 per tenant space.</td>
<td>200 ft²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Preserve (CP) and Forest Agriculture (FA)</td>
<td>Wall, freestanding post, hanging and suspended, monument, and awning only.</td>
<td>2 per tenant space.</td>
<td>100 ft²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11.3.2 Signs in Residential Zoning Districts

A. **Signs Permitted in Residential Zoning Districts:** See Section 11.4 for specific requirements. Additionally, some Conditional Uses in Article 5 include specific requirements for signage.

B. **Residential Subdivision and Multifamily Unit Signs:** See Section 11.4.11.

C. **Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:** Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative sign surface area of fifty (50) square feet. The freestanding sign shall be a monument or freestanding post type and shall not exceed six (6) feet in height.

Religious institutions and educational facilities shall have the option of internally illumination or ground lighting; all other permitted signs shall not be internally illuminated. Such signs shall be located a minimum of ten (10) feet from any adjoining property boundary.

11.3.3 Signs in Non-Residential Zoning Districts

A. **Signs Permitted in Non-Residential Zoning Districts:** See Table 11.1, Section 11.4 for specific requirements. Some Conditional Uses in Article 5 also include specific requirements for signage. Additionally, some Conditional Uses in Article 5 include specific requirements for signage.

B. **Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:** See Table 11.1 and Section 11.4 for specific dimensions of signs permitted in non-residential districts.
Section 11.4 – Sign Standards by Sign Type

11.4.1 Wall Signs

Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters made out of wood, metal or plastic. Wall signs may be painted on a wall, or on a board that is attached to a wall.

Wall signs should be oriented to achieve balanced composition and harmony with other architectural elements of a building façade. Wall signs should be placed on a flat building surface and should not be placed over or otherwise obscure architectural building features. Changeable copy signs are not permitted as a wall sign, except for cinemas, theaters, and auditoriums.

A. Location and Number Permitted

Wall signs must be located on a building face that has a public entrance. Only one wall sign per side of a façade per tenant will be allowed. A second wall sign will be allowed on another façade if the building is located on a corner lot or if there is a second public entrance. The maximum number of wall signs permitted is two (2) per tenant space.

B. Size

Wall signs may be a maximum of one-hundred (100) square feet or 15% of the building face where the sign is attached, whichever is less. The changeable copy if included in wall signs shall be limited to six (6) square feet.

C. Illumination

Wall signs may be illuminated by any means consistent with Section 11.1.8.

D. Zoning

Wall signs are allowed in all zoning districts.

11.4.2 Window Signs

Window signs should be scaled to the pedestrian and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. Window signs should be limited to small graphics and text that serve to frame a window or to provide information. A window sign should not obscure the view into a store or place of business.

A. Location and Number Permitted

There is no specific location requirement or limit to the number of window signs allowed. A window sign is a sign that is painted on or attached to a window and located within 12-inches of the face of a window. Window signs do not include business hours of operation or open/closed signs. Window displays, including merchandise displays, graphics and text, that are located more than two (2) feet from the face of a window are not considered signs. Window signs shall not count towards the cumulative number of signs permitted.
B. **Size**

Window signs are limited to a maximum of twenty four (24) square feet. Window signs shall not exceed 25% of any individual window and 50% of glass panes of any door.

C. **Illumination**

Window signs may be illuminated by any means consistent with Section 11.1.8 of this article.

D. **Zoning**

Window signs are allowed in all non-residential zoning districts.

### 11.4.3 Awning Signs

Signs on awnings are appropriate if there are no good alternatives for wall signs, projecting signs or hanging and suspended signs. Signage should be limited to the skirt of the awning and should not be on the awning face. Signs should only be considered for the awning face if there is no other alternative location for signage on a given storefront or property.

**A. Location and Number**

Signs may be located on awnings subject to size criteria. One awning sign is permitted per tenant space and must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area.

**B. Size**

Signs on awnings shall not cover more than twenty-five (25) percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.

**C. Illumination**

Awning signs may be externally illuminated consistent with Section 11.1.8. **Back-lit**, translucent awning signs are prohibited.

**D. Zoning**

Awning signs shall be allowed in all non-residential zoning districts.

### 11.4.4 Projecting Signs

Projecting signs are attached to a building face and project out perpendicular to the building wall. Projecting signs are very effective when oriented to pedestrians on the sidewalk level. Appropriate materials include wood and metal with carved or applied lettering, or any other material that is architecturally compatible with the building that the sign is attached to. Multiple projecting signs should not be installed
within ten (10) feet of each other if on the same property and should be separated from projecting signs on adjacent properties by ten (10) feet to insure proper visibility.

A. Location and Number

Projecting signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above the public right-of-way or private sidewalk area. One projecting sign is allowed per tenant space. The sign copy of each sign face of a fixed projecting sign shall include the identification of the business(es) and the principal service or commodity offered or sold on the premises.

B. Size

Projecting signs may have a maximum area of six (6) square feet in the P (Professional) district. Projecting signs shall be twelve (12) square feet in the NC (Neighborhood Commercial), CBD (Central Business District), CC (Core Commercial), and WRD (Waccamaw Riverfront) districts. The maximum sign area shall be 24 square feet in the HC (Highway Commercial) zoning districts.

C. Illumination

Projecting signs may be illuminated by any means consistent with Section 11.1.8.

D. Zoning

Projecting signs are allowed in the P, NC, CBD, CC, WR, and HC zoning districts only.

11.4.5 Hanging and Suspended Signs

Hanging signs and suspended signs, sometimes called “blade signs”, are used to help define entries and identify business names to pedestrians. They are small and can hangover a building entry if the appropriate clearance is provided. Hanging signs can be particularly useful for storefronts that have multiple tenants.

A. Location and Number

Hanging or suspended signs must be attached to building façades that have a public entrance and must maintain a minimum clearance of 8 feet above any public right-of-way or private sidewalk area. One hanging or suspended sign is allowed per tenant space.

B. Size

Hanging signs may have a maximum area of eight (8) square feet. The Community Appearance Guidelines should be referenced for specific design criteria in the CC, CBD, and WRD districts.

C. Illumination

Hanging signs and suspended signs may be externally illuminated, although ambient light is usually sufficient to light these small signs.
D. **Zoning**

Hanging and suspended signs are allowed in all zoning districts.

11.4.6 **Monument Signs**

Monument signs have a solid base that the sign face is installed upon. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site. They are typically oriented perpendicular to the adjacent street and sidewalk and have a maximum of two parallel sign faces. Monument signs provide opportunities for landscaping to enhance their appearance.

A. **Location and Number Permitted**

Monument signs may be located in required street yards for any given zoning district, subject to the approval of the Planning Director. Only one monument sign is permitted per lot unless the lot has more than one street frontage. If there are multiple street frontages, one (1) additional freestanding post sign can be approved by the Planning Director.

B. **Size**

1. **P, NC, CC, CBD, and WRD Zoning Districts:** The maximum height shall be eight (8) feet, and the maximum area shall be twenty-four (24) square feet for a single tenant. Where there are more than three (3) tenants, the maximum height shall be eight (8) feet, and the maximum area shall be forty (40) square feet.

2. **IN, CP, and FA Zoning Districts:** The maximum height shall be eight (8) feet, and the maximum area shall be forty (40) square feet, unless located in the GCO District. If located in the GCO, the sign standards in 6.5.2.L shall apply.

3. **HC, LI, and HI Zoning Districts:** The maximum height shall be ten (10) feet, and the maximum area shall be sixty (60) square feet for a single tenant. Where there are more than three (3) tenants, the maximum height shall be ten (10) feet, and the maximum area shall be eight (80) square feet.

C. **Illumination**

If illumination of monument signs is desired, then external illumination or halo lighting is preferred. Internally-illuminated cabinet signs must have a dark background with light lettering, per requirements set forth in Section 11.1.8.

D. **Zoning**

Monument signs are permitted in all zoning districts throughout the City of Conway.
E. Design

Monument signs shall conform to the following standards:

1. All support structures, poles, and wiring related to a monument sign shall be enclosed within the base or sign face of said monument sign so that they are not visible.
2. The color of the base and the materials enclosing the base of a monument sign shall be consistent with the exterior color and materials of the building(s) on the property.
3. Monument signs having a base greater than 18-inches in height shall have a base that is constructed of the same materials and incorporates the same colors as the principle structure(s) on the property. Monument sign bases that are 18-inches or less in height may have a base constructed of the same material as the exterior of the sign cabinet.
4. Landscaping shall be installed around the base of the monument sign.
5. For any monument sign request in the HC, LI, or HI Zoning Districts, the TRC can consider reducing the street yard and sign landscaping requirements.

11.4.7 Freestanding Post Signs

Freestanding post signs are similar to monument signs, except they do not have a base other than the support posts. The colors and materials used for the sign must be compatible with the associated building design. Lettering should be carved, routed or applied as opposed to painted on a flat board.

A. Location and Number

Freestanding post signs may be located in required street yards for any given zone, subject to the approval of the Planning Director. Only one freestanding post sign is permitted per lot unless the lot has more than one street frontage. If there are multiple street frontages, one (1) additional monument sign can be approved by the Planning Director.

B. Size

1. P, NC, CC, CBD, and WRD Zoning Districts: The maximum height shall be eight (8) feet, and the maximum area shall be twenty-four (24) square feet for a single tenant. Where there are more than three (3) tenants, the maximum height shall be eight (8) feet, and the maximum area shall be forty (40) square feet.

2. IN, CP, and FA Zoning Districts: The maximum height shall be eight (8) feet, and the maximum area shall be forty (40) square feet, unless located in the GCO District. If located in the GCO, the sign standards in 6.5.2.L shall apply.

3. HC, LI, and HI Zoning Districts: The maximum height shall be sixteen (16) feet, and the maximum area shall be sixty (60) square feet for a single tenant. Where there are more than three (3) tenants, the maximum height shall be twenty (20) feet, and the maximum area shall be eight (80) square feet.
C. **Illumination**

Freestanding post signs may be externally illuminated consistent with Section 11.1.8.

D. **Zoning**

Freestanding post signs are allowed in all zoning districts.

### 11.4.8 Directory Signs

Directory signs are used for multi-tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property. Directory signs are small scale and are oriented to pedestrians.

A. **Location and Number**

Directory signs may be free standing, or may be fixed on an exterior wall if the building has no setback. One directory sign may be permitted per premises.

B. **Size**

Directory signs may be no larger than twelve (12) square feet in area, and individual letters may not exceed six (6) inches in height. The height of a directory sign shall be no higher than eight (8) feet maximum.

C. **Illumination**

Directory signs may be illuminated by any means consistent with Section 11.1.8 of these Sign Regulations.

D. **Zoning**

Directory signs are allowed in all zoning districts.

### 11.4.9 Electronic Message Centers

Electronic message centers (EMCs) come in different shapes and sizes and typically have informational messages. Any messages shall consist of text and numerical digits only, which may change but shall not flash, scroll, blink, pulsate, fluctuate, or animate across the screen.

A. **Location and Number**

One (1) EMC is permitted per premises.

B. **Size**

The size of the EMC shall be no greater than thirty (30) square feet and shall be no greater than fifty percent (50%) of the total sign area.

C. **Illumination**

1. The color of the text and numerical digits of the EMC shall only be amber, white or clear.
2. The EMC shall only use light emitting diodes (LEDs).
3. The EMC shall only be displayed on a dark solid background.
4. The EMC shall not exceed 5,000 nits from sunrise to sunset, and it shall not exceed 500 nits from sunset to sunrise.
5. All EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to the requirements in this section.
6. Before issuing a Zoning Permit, a sign company shall certify the illumination specifications for the proposed EMC.

D. Zoning

EMCs shall be permitted only in the IN and IC Zoning Districts and on properties zoned HC that are located inside the GCO District along US Highway 501 Bypass.

E. Additional Conditions

1. EMCs shall only be incorporated into monument signs only. EMCs are not permitted on buildings as wall signs.
2. The EMC shall have a mechanism to turn it off if a malfunction occurs.
3. The displaying of videos shall be prohibited.
4. No audio speakers or any form of pyrotechnics shall be permitted.
5. EMCs shall display static images for not less than three (3) seconds before transitioning to another static image. Transitions may utilize frame effects, but flashing signs are prohibited.

Amended 11-5-12, #ZA2012-11-05 (A)

11.4.10 Changeable Copy

A sign element in which a message is changed manually in the field, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels.

A. Location and Number

Only one (1) sign per premise can include changeable copy.

B. Size

A maximum of twenty-five percent (25%) of the total sign area may be utilized for changeable copy.

Cinemas, theaters, and auditoriums shall be permitted an additional sixty (60) square feet of signage per sign face incorporated into the permitted freestanding sign or the permitted wall sign specifically for changeable copy signage. The gross surface area of the entire sign shall not exceed the requirements of the zoning district.

C. Illumination

Signs that include changeable copy may be illuminated using amber lighting and shall be consistent with Section 11.1.8.

D. Zoning

Signs with changeable copy are allowed in all non-residential zoning districts. Sign types permitted include hanging signs, freestanding post signs, monument signs, and gasoline price signs.
11.4.11 Residential Subdivision and Multi-Family Unit Signs

The purpose of residential subdivision and multi-family unit signs is to identify the name of a subdivision, provided the subdivision is not an in-fill project within an established neighborhood. They are usually monument signs or wall signs placed on a wall feature in a landscaped open space area at the entry of the development.

A. Location and Number

Two residential subdivision signs are allowed on each side or road of a subdivision entrance. They must be located within a landscaped area that is maintained by the HOA or the City of Conway with the city charging the HOA for maintenance.

B. Size

Residential subdivision signs shall be no larger than twenty (20) square feet and have a maximum height of six (6) feet.

C. Illumination

Residential subdivision signs may only be externally illuminated.

D. Zoning

Residential subdivision signs are allowed in all residential zoning districts.

11.4.12 Time and Temperature Signs

A. Location and Number.

Financial institutions and professional offices shall be permitted one time and temperature unit incorporated into the permitted freestanding sign. These type of signs shall only display the name of the business, the current time, and the current temperature only. The display of advertising messages shall be prohibited.

B. Size

Time and temperature signs shall only be incorporated into monument signs.

The allowable size of a time and temperature sign is determined by the underlying zoning district. The size of the time and temperature shall constitute no more than 20% of the overall sign area.

C. Illumination

Time and temperature signs may be illuminated, consistent with Section 11.1.8.

D. Zoning

Time and temperature signs are permitted in the P, NC, CC, HC, and IN Zoning Districts.
11.4.13 Gasoline Pricing Signs

A. Location and Number.

Gasoline Pricing Signs that utilize EMCs to display the prices of fuel only shall be incorporated into the overall design of the sign.

B. Size

The total area of gasoline pricing signs shall not exceed eighteen (18) square feet.

Numerical digits on the electronic message center shall not exceed twelve (12) inches in height.

C. Illumination

Gasoline pricing signs may be illuminated, consistent with Section 11.1.8. Fuel prices on the electronic message center shall remain static.

D. Zoning

Gasoline pricing signs are permitted in the CC, HC, NC, and LI zoning districts.

11.4.14 Billboards and Off-Premises Signs

A. All billboards and off-premises signs are prohibited, and no permit shall be granted for construction of any billboard or off-premises sign.

B. Existing billboards and off-premises signs shall be nonconforming.

C. The requirements for this section do not apply to Temporary Signage identified in Section 11.5.

11.4.15 Sandwich Board Signs

Sandwich board signs can be effective for certain types of uses, such as markets, restaurants or bakeries that have changing specials and menus. These signs may have re-writable surfaces, such as chalkboards or dry-erase boards.

A. Location and Number

Sandwich board signs are prohibited in the public right-of-way, except in the CC and CBD Zoning Districts. They must be placed on private property and shall not be located in parking areas or in roads. Only one (1) sandwich board sign is permitted per tenant space and shall be moved inside when the business is closed. Sandwich board signs shall be located in front of the building entrance only with location to be approved by the Planning Director.
There must be a minimum four (4) feet distance to pass between the sign and building or any immobile street amenity such as benches, bike racks, trees, post boxes, stairs, etc., as the sign can become a hazard to the public right-of-way.

B. **Size**

Sandwich-board signs may have a maximum area of six (6) square feet and a maximum height of four (4) feet, measured from the ground to the top of the sign structure.

C. **Illumination**

Sandwich board signs shall not be illuminated.

D. **Zoning**

Sandwich board signs are permitted in the P, NC, HC, CC, CBD, WRD, and IN Zoning Districts.

**11.4.16 Menu Signs**

Menu signs shall be allowed only with a restaurant having a drive-through window. The color of such signs shall be similar to the main building or other signage for the development.

A. **Location and Number**

Menu signs may be free standing, or may be fixed on an exterior wall if the building has no setback.

B. **Size**

Menu signs on posts may be no larger than fifteen (15) square feet in area and six (6) feet in height. If located on a wall, the maximum size is ten (10) square feet. This does not count on overall required signage.

C. **Illumination**

Directory signs may be illuminated by any means consistent with Section 11.1.8 of this Article.

D. **Zoning**

Menu boards are allowed in all zoning districts where drive-thru restaurants are permitted. Restaurants with no drive-thrus shall be allowed wall menu signs for pedestrians in the HC, NC, CC, WRD, and IN zoning districts.
Section 11.5 – Temporary Signs

Temporary signs may be erected and maintained in the City of Conway only in accordance with the following provisions in this Article. Temporary business signs and temporary event signs shall require a temporary sign permit from the Planning Director. Temporary political, real estate, subdivision and construction signs shall be exempt from temporary sign permit procedures provided all applicable requirements set forth here in are met.

The Planning Director shall impose as a condition of approval such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, aesthetics, and convenience of the public.

11.5.1 Temporary Business Signs

Temporary business signs are signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

A. Number

There shall not be more than four (4) permits for temporary business signs issued for the same business location within one (1) calendar year.

B. Type of Sign

Temporary business signs may include wall signs, freestanding signs, and banners.

C. Sign Area

Temporary business signs shall not exceed twenty-four (24) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of forty-eight (48) square feet.

D. Location

Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any yard or required yard, but shall not extend over any lot line. Such signs shall not be located in a required sight distance triangle as set forth in Section 7.1.8.

For multi-tenant structures, temporary business signs must be placed between the street frontage and the tenant’s principal entrance.

E. Height

Temporary business signs shall not project higher than fifteen (15) feet.

F. Special Conditions

Temporary business signs shall be erected and maintained for a period not to exceed ten (10) consecutive days, and shall be removed within three (3) days of the termination of the activity, service, project, or sale. The determination as to whether such special, unique, or limited activity, service, product, or sale of limited duration qualifies for a temporary business sign permit shall be at the discretion of the Planning Director.
11.5.2 Temporary Construction Signs

Temporary construction signs are signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed.

A. Number

One (1) temporary construction sign for each project or development shall be permitted.

B. Sign Area

1. In non-residential zoning districts temporary construction signs shall not exceed twenty-four (24) square feet in gross surface area.
2. In residential districts temporary construction signs shall not exceed twelve (12) square feet.

C. Location

Temporary construction signs shall be located only upon the premises which construction either is about to occur or is occurring. Such signs may be located in any yard or required yard but shall not extend over any lot line. Such signs shall not be located in any required sight distance triangle as set forth in Section 7.1.8.

D. Height

Temporary construction signs shall not exceed ten (10) feet in height, as measured from average grade of lot.

E. Special Conditions

Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not to exceed thirty (30) days prior to the commencement of construction and shall be removed within seven (7) days of the termination of construction of the project or development.

11.5.3 Temporary Event Signs

Temporary event signs may announce a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes. Temporary event signs may include wall signs, freestanding signs, banners, pennant and streamers. Temporary event signs may be erected and maintained for a period not to exceed fifteen (15) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.

A. Number

The permitted number and construction of temporary event signs shall be approved by the Planning Director with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose. Temporary event signs may be reviewed and approved as a part of Special Event Permits.

B. Sign Area

The permitted sign area of temporary event signs shall not exceed twenty-four (24) square feet in gross surface area.
City of Conway Unified Development Ordinance

Article 11 – Signage

C. Location

The permitted location of temporary event signs shall be approved by the Planning Director with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose.

D. Height

Temporary event signs shall not exceed six (6) feet in height, as measured from average grade of lot.

11.5.4 Temporary Real Estate Signs

Temporary real estate signs are signs advertising the sale, lease or rent of the premises upon which such sign is located.

A. Number

One (1) freestanding temporary real estate sign per lot shall be permitted. One additional sign for each tenant on a window or wall shall be permitted.

B. Sign Area

1. In non-residential districts, freestanding temporary signs shall not exceed twenty-four (24) square feet in gross surface area.
2. If located on a wall in a non-residential district, the sign shall be ten (10) percent of the area or maximum of fifty (50) square feet, whichever is greater.
3. In residential districts, temporary signs shall not exceed four (4) square feet.

C. Location

Temporary real estate signs shall be located only upon the premises for sale, lease or rent. Such signs may be located in any yard or required yard but shall not extend over any lot line. Such signs shall not be located in any required sight distance triangle as set forth in Section 7.1.8.

D. Height

Temporary real estate signs shall not project higher than eight (8) feet in non-residential districts, as measured from average grade of lot. Temporary real estate signs shall not project higher than four (4) feet in residential districts, as measured from average grade of lot.

E. Special Conditions

Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located. Temporary real estate signs shall be removed along the right-of-way after fifty percent (50%) occupied. A window sign is still permitted for each tenant even after the freestanding sign is removed.
11.5.5 Temporary Subdivision Signs

Temporary Subdivision Signs announcing a new subdivision development shall be subject to the following requirements:

A. Number

One (1) temporary subdivision sign shall be permitted per principal entrance to the subdivision.

B. Sign Area

The sign area shall not exceed thirty-two (32) square feet in gross surface area for each exposed face.

C. Location

1. Temporary subdivision signs shall be located on the premises of the land subdivision.
2. One (1) additional temporary off-premises subdivision sign may be reviewed and permitted by the Planning Commission if the subdivision is located in such a way that it does not receive direct access from a collector or arterial street. Such off-premises sign shall be located at the nearest intersection of the subdivision access road and the collector or arterial street. The sign shall be located on property owned by the developer or on private property with written consent of the property owner. Such sign shall not be located in the right of way. Such signs shall not be located in any required sight distance triangle as set forth in Section 7.1.8.

D. Height

Temporary subdivision signs shall not exceed ten (10) feet in height as measured from average grade of lot.

E. Special Conditions

Temporary subdivision signs shall be removed from the premises once fifty (50%) percent of the lots are sold. Temporary off-site subdivision signs shall be removed after two (2) years or eighty-five percent (85%) of the lots are sold. If, after two (2) years, eighty-five (85%) of the lots have not been sold, this permit is renewable by approval from the Planning Commission.

11.5.6 Temporary Political Signs

Temporary political signs are signs announcing political candidates seeking public office, political parties, and/or political and public issues contained on a ballot. Temporary political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable is scheduled to occur and shall be removed within seven (7) days following such election.

A. Number

The number of temporary political signs per lot in any zoning district shall be one (1) sign per candidate or issue.

B. Sign Area
Such signs shall not exceed four (4) square feet in surface area and may be double-sided.

C. Location

Temporary political signs may be located in any yard or required yard, but shall not be located in any public right-of-ways. Such signs shall not be located in any required sight distance triangle as set forth in Section 7.1.8.

D. Height

Freestanding temporary political signs shall not project higher than ten (10) feet as measured from average grade of lot. Signs posted in the interior of a building window are not subject to the height requirements.

11.5.7 “Grand Opening” and “Going Out of Business” Signs

Permits for “grand opening” signs shall only be issued upon the initial opening of a business for a period no later than sixty (60) days after issuance of the first business license.

Permits for “going out of business” signs shall be issued only upon the initial closing of a business for a period that shall end no later than sixty (60) days.

The provisions below apply for new business signs including “coming soon” signs.

A. Number

Two (2) “grand opening” or “going out of business” signs shall be permitted per business.

B. Sign Area

The total permitted sign area of all “grand opening” or “going out of business” signs shall not exceed thirty-six (36) square feet in gross surface area.

C. Location

The permitted location of “grand opening” or “going out of business” signs shall be determined by the Planning Director with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose.

D. Height

“Grand opening” or “going out of business” signs shall not exceed six (6) feet in height.
Section 11.6 – Sign Permits

11.6.1 Sign Permit Requirements

A. **Sign Permits Required**: Unless otherwise provided for in this Article, no sign or sign structure, shall be erected, replaced, relocated, constructed, changed, or altered until such sign has been approved by the Planning Director and a permit has been issued by the Building Department.

B. **Permit Applications**: Application for a permit to erect, alter, or relocate a sign shall be made to the Planning Director upon a form provided by the Planning Director and shall include the following information:

1. Name, address, telephone number, and signature of the owner of premises (and occupant if different) granting permission for the construction, maintenance of, or display of the proposed signage.
2. Name, address, telephone number, and signature of sign contractor, if any.
3. The approximate value of the sign to be installed, including the installation cost.
4. Two copies of a sketch or blue print of the proposed signage drawn to scale, showing elevations of the sign as proposed on the building facade, awning, or canopy. In the case of a freestanding sign, a sketch plan of the property drawn to scale illustrating the proposed location of the sign.
5. Specifications and scaled drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
6. Any other information, specifications, photographs, or the like deemed necessary by the Planning Director in order to assure compliance with requirements set forth herein.

C. **Community Appearance Board (CAB)**: CAB review and approval is required if property located in a Historic Design Review District.

D. Upon compliance with the requirements set forth herein, the Planning Director shall approve the application for a sign and forward the necessary information to the Building Department where a permit may be issued.

E. Failure to obtain a final satisfactory inspection within the permit period shall render the permit invalid and the applicant shall be required to reapply for a permit or remove the sign and sign structure.

F. The Building Department may make or require any inspections of any construction work to ascertain compliance with the provisions of this Ordinance and other laws which are in force and to ascertain that the sign is erected or displayed as indicated on the approved sign permit application.
Article 12. Nonconformities

Article 12 Contents

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Section 12.1 – Nonconforming Uses

12.1.1 Intent

After the effective date of this Unified Development Ordinance, existing structures, or uses of land or structures, which would be prohibited under the regulations for the district in which they are located (if they existed on the adoption or re-adoption date of this Article) shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions of this section.

When land comes under the jurisdiction of this article, existing structures or uses of land or structures which would be prohibited under the regulations of the district in which they are located (if they existed on the date jurisdiction was acquired) shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions of this section.

12.1.2 General Provisions

A. Change to another nonconforming use. A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use.

B. Reconstruction. A nonconforming structure or portion thereof shall not be demolished and rebuilt as a nonconforming structure.

C. Extension or enlargement. A nonconforming use, structure or site shall not be extended, enlarged, or intensified except in conformity with provisions as set forth in this section, provided however, that any nonconforming use may be extended throughout any part of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside that building.

D. Re-establishment. A nonconforming use shall not be re-established after vacancy, abandonment, or discontinuance of use for a period exceeding one hundred eighty (180) days except under specific conditions provided in this Article.
   1. When a nonconforming use has been replaced by a conforming use, the nonconforming use shall not be re-established at any time.
   2. Vacancy and non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this article.
   3. If a business registration is required for a nonconforming use and the business registration pertaining to said use has lapsed in excess of one hundred eighty (180) days, said lapse of business registration shall constitute discontinuance.
   4. The Planning Director may use utility information and other means necessary to determine if use has been discontinued for over one hundred eighty (180) days.

E. Reconstruction after damage. A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with the Unified Development Ordinance after sustaining damage exceeding fifty (50%) percent of the appraised value as shown in the Horry County Tax Records and/or a Certified South Carolina Appraiser and approved by the City of Conway Building Department.

F. Reconstruction after damage not exceeding 50%. A nonconforming structure shall be permitted to be rebuilt, or be repaired after sustaining damage less than fifty (50%) percent of the appraised value as shown in the Horry County Tax records and/or a Certified South Carolina Appraiser and approved by the City of Conway Building Department.
G. **Annexation.** Lots, structures, uses of land and structures that were legally in existence prior to annexation to the City of Conway, but that do not conform to the requirements of the zone in which they are located following the date of annexation, shall become a legal nonconformity subject to the requirements of this Section.

12.1.3 **Nonconforming Structures**

A. **Nonconformity with residential development regulations.** Any residential structure that is nonconforming in regard to minimum side or rear yard width may be expanded provided such expansion does not increase the degree of nonconformity along a particular lot line or violates any other provision of this Unified Development Ordinance. The Planning Director shall determine that the expansion is necessary to avoid hardship on the owner or occupant, to promote property values in the neighborhood, or to avoid blighting influences in the neighborhood.

12.1.4 **Nonconforming Sites**

A nonconforming site shall not be modified, expanded or altered in any manner which increases the degree of its nonconformity unless brought fully in conformance with all the provisions of this Unified Development Ordinance except as otherwise specified in this section.

A. **Nonconforming buffer yard.** In the event that the nonconformity is a result of non-compliance with the buffer yards required by this Unified Development Ordinance, and when the land area of the subject property and location of existing structures precludes provision of the required buffer yards, the nonconformity shall, as a pre-condition to issuance of a permit, be required to comply fully with conditions determined by the Planning Director that will accomplish substantially the same effect as would be accomplished if the nonconforming site did comply to the buffering standards found in Article 9.

B. **Nonconforming landscaping and screening.** In the event that a site or structure is nonconforming as a result of the landscaping and screening requirements of this Unified Development Ordinance, the following standards shall be met:

1. All required vehicular use area perimeter screening and screening for service and storage areas shall be provided for all new or additional parking, service, or storage areas being added to the structure or site.
2. Landscaping and screening that obstructs the sight triangle of intersections is nonconforming with the Unified Development Ordinance. Notice shall be sent by the Zoning Administrator stating wherein they do not conform to the Unified Development Ordinance and stating the date by which they must either comply or cease to exist.
3. When the land area of the subject property and location of existing structures precludes provision of the required landscaping and screening, the nonconformity shall, as a pre-condition to the issuance of a permit, be required to comply fully with conditions determined by the Zoning Administrator. This will accomplish substantially the same effect as would be accomplished if the nonconforming use did comply with the landscaping and screening standards of Article 9.

C. **Nonconforming parking.** Where an existing structure or site is nonconforming with regard to off-street parking and loading, a new permitted use may be substituted or an existing permitted use may be expanded if the following conditions are met:

1. The requirements for off-street parking and loading shall be met for the existing structure, as well as for any expansion.
2. If the Zoning Administrator finds that the constraints of physical features or size of the site preclude meeting the requirements above, then, where the new or
expanded use is required to have a greater number of spaces than the existing use, then the number of new parking and loading spaces required to be provided shall be the difference between those required for the new or expanded use and those that would be required for the existing use.

D. Nonconforming Street Access. Where an existing nonconforming structure or site is nonconforming in regard to street access, the site shall be brought into conformity with the provisions of this UDO for street access or shall be brought as close to conformity as the physical circumstances made possibly allow, but are not limited to the following devices:
   1. Elimination of multiple curb cuts on individual street frontages of the site;
   2. Elimination of access from non-residential uses to residential streets;
   3. Combination of access points with those of adjoining sites;
   4. Realignment of access points to meet standards set forth elsewhere in this Unified Development Ordinance.
   5. All ADA requirements are met.

E. Nonconforming Street Features.
   1. Permitted access connections in place as of the date of the adoption of the UDO that do not conform with the standards herein shall be designated as nonconforming features (see Article 12). Nonconforming access features shall be brought into compliance with applicable standards under the following conditions:
      a. When new encroachment permits are requested;
      b. Renovation or improvements exceeding 50% of the appraised value of the development, as set by the Horry County Tax Assessor (set forth in legal document recorded at the County);
      c. As roadway improvements allow;
      d. Significant change in trip generation.
   2. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the City of Conway Planning Commission.
      a. If a building or shopping center are vacant by more than 50% of the gross floor area, then a condition of reoccupying and/or changing the use would trigger the property owner to bring the nonconforming access features into compliance.
      b. The beginning date of nonconforming access shall start when a business license or utility account has been discontinued or expired for more than 180 days. For uses that are vacant or discontinued upon the effective date of this UDO, the 180-day period begins on the effective date of this UDO.

F. A non-conforming vehicular use area, including any off-street parking and driveway for a single family use, shall not be modified in any manner which increases the surface area unless the surface pavement is brought fully into compliance with all the provisions of this Article.

G. Vehicular use areas, non-conforming due to curbing, shall be brought in accordance with the provisions of this UDO upon the following:
   1. Whenever a non-conforming vehicular use area is expanded, the edge of the expanded pavement area shall be separated from adjoining, non-paved surfaces with curbing in accordance with the provisions of this ordinance.
   2. Compliance with all applicable ADA standards shall be met if required by TRC.
12.1.5 Nonconforming Lots of Record

Any lot created prior to the adoption of this Unified Development Ordinance that does not comply with the minimum lot area and lot width requirements as set forth in Section 6.2 shall nonetheless be approved for use provided all other applicable requirements of the City of Conway Unified Development Ordinance are met. If the owner of such nonconforming lot owns one or more adjacent lots, the combination of the nonconforming lot and the adjacent lot(s) shall be required in order to create lot(s) that comply with the minimum requirements set forth in Section 6.2.

12.1.6 Nonconforming Signs

A. In cases where signs exist as nonconforming uses on property and/or exceed the total allowable sign area, no additional signs shall be permitted for an establishment. If the size, configuration, or use of a parcel (or building) is changed, signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels at the time such change becomes effective.

B. All nonconforming signs shall be maintained and repainted and shall not be maintained in such a manner as to increase the degree of nonconformity. In cases where a “cabinet” nonconforming sign exists with Plexiglas faces, these faces may be changed if damaged or if sign message is desired to be changed. Wooden pole signs with single wooden surfaces may only be changed by painting the surface and the face.

C. Nonconforming advertising signs shall be allowed to continue as provided as follows:

1. No structural changes to the support structure or changes to the sign face itself except message changes, which do not renew or extend the life of said sign shall be allowed.

2. Maintenance of nonconforming advertising signs shall be limited to painting and repair of the existing sign.

3. Once a nonconforming advertising sign is removed, taken down, or destroyed (i.e., receiving damage to an extent of more than fifty percent (50%) of the replacement cost at the time of destruction), such sign shall not be replaced with another sign unless such sign is in conformance with this Unified Development Ordinance. Such damaged sign shall not be expanded or relocated. Such sign shall not be reconstructed or moved without complying in all respects with the provisions of this Article.

D. Nonconforming business or identification signs shall be allowed to continue provided as follows:

1. Signs which are nonconforming with respect to size or illumination requirements may be repaired and/or repainted or re-lettered provided the nonconformance (e.g., area) is not increased.

2. Signs which are nonconforming with respect to location or number permitted shall not be altered in any way except to make such sign comply with the provisions of this Article.

E. Signs for Nonconforming Uses. Signs associated with a legal nonconforming use of a structure or land shall be allowed to continue provided as follows:

1. Nonconforming signs associated with a nonconforming use of a structure or land shall not be changed except to make such signs comply with the applicable sign regulations for the district in which said use or land is located. Nonconforming
signs shall be brought into compliance if a use change occurs or if a building is vacant for over 180 days.

2. Replacement signs for a legal nonconforming use of a structure or land shall be permitted in accordance with the applicable sign regulations for the district in which said use or land is located. The signage shall be brought into conformance in respect to sign type, size area, location, and height.

12.1.7 Nonconforming Mobile Homes and Mobile Home Parks

A. Mobile Home Parks

1. **Continuation of Mobile Home Parks:** Mobile home parks that become nonconforming uses shall be permitted to continue operation, and existing spaces within the mobile home park may continue to be occupied by mobile homes even after a space has been vacated; however,
   a. Mobile home parks shall not be expanded nor increased in size, and no additional space designed for occupancy by a mobile home shall be added to the site after the adoption of this ordinance.
   b. Mobile home parks shall be discontinued when fifty percent (50%) or more of the homes in the park become uninhabitable as determined by the City of Conway or remain vacant for a period six (6) months or longer.

2. **Re-establishment:** A nonconforming mobile home park shall not be re-established after vacancy, abandonment, or discontinuance of use for a period exceeding one hundred eighty (180) days.

3. **Replacement:** A nonconforming mobile home may be replaced with another mobile home as long as the following conditions are met:
   a. The new mobile home does not contain more additional square feet than the previous model sited on the lot;
   b. The new mobile home shall not be more than five (5) years old; and
   c. Any lot upon which a mobile home has been situated but is vacant for more than one hundred (180) days shall be deemed to have been abandoned and its nonconforming status lost.

4. **Replacement After Damage:** A nonconforming structure may be replaced in conformity with this Article and the Unified Development Ordinance after sustaining damage exceeding fifty (50%) percent of the appraised value as shown in the Horry County Tax Records and/or a Certified South Carolina Appraiser and approved by the City of Conway Building Department, provided:
   a. The new mobile home does not contain more additional square feet than the previous model sited on the lot;
   b. The new mobile home shall not be more than five (5) years old; and
   c. The lot shall not remain vacant for more than one hundred (180) days; any lot upon which a mobile home has been situated shall be deemed to have been abandoned and its nonconforming status lost.

B. Mobile Homes on Individual Lots

1. **Continuation of mobile homes on individual lots:** Mobile homes located on individual lots which become nonconforming uses may be continued indefinitely, except as provided herein.

2. **Re-establishment:** Any lot upon which a mobile home has been situated but is vacant for more than one hundred (180) days shall be deemed to have been abandoned and its nonconforming status lost.
3. **Replacement**: A nonconforming mobile home may be replaced with another mobile home as long as the following conditions are met
   a. The new mobile home does not contain more additional square feet than the previous model sited on the lot; and
   b. The new mobile home shall not be more than five (5) years old.

4. **Replacement After Damage**: A nonconforming mobile home may be replaced in conformity with this Article and the UDO after sustaining damage exceeding fifty percent (50%) of the appraised value as shown in the Horry County Tax Records and/or a Certified South Carolina Appraiser and approved by the City of Conway Building Department, provided:
   a. The new mobile home does not contain more additional square feet than the previous model sited on the lot;
   b. The new mobile home shall not be more than five (5) years old; and
   c. The lot shall not remain vacant for more than one hundred (180) days; any lot upon which a mobile home has been situated shall be deemed to have been abandoned and its nonconforming status lost.

C. Before the replacement of any mobile home, the owner of the lot shall provide the City with information regarding the size and the model year of the mobile home, location of the lot upon which the mobile home is to be placed, and the approximate time that the lot has been vacant.

D. All other provisions pertaining to nonconforming uses and structures, not in conflict herewith, shall apply.

Added 9-14-12, #ZA2012-09-04 (A)
Article 13. Administrative Agencies and Functions

Article 13 Contents

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- 13.1.2, Duties of the Zoning Administrator
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Section 13.1 – Administrative Functions

13.1.1 Duties of the Planning Director

On behalf of the Planning Commission, the Board of Zoning Appeals, and the Community Appearance Board, the Planning Director shall:

A. Perform the administrative duties as the department head of the Planning Department, including the supervision of Planning Department personnel and the preparation of Planning Department budgets;

B. Assist the Planning Commission in the preparation and amendment of the Comprehensive Plan by compiling data on land use and development in the City of Conway, researching planning methods and techniques, conducting forums on local planning issues, and rendering written recommendations to the Planning Commission;

C. Administration of the provisions of the UDO relating to applications for site plan approval;

D. Administration of the provisions of the UDO relating to applications for sign approval;

E. Administration of provisions of this section relating to applications for zoning amendments and giving notice of hearings on such amendments requests as specified herein.

F. The Planning Director may give authority to his or her staff to perform his or her required duties.

13.1.2 Duties of the Zoning Administrator

The Zoning Administrator is designated and duly charged with the authority to administer and enforce the provisions of this Unified Development Ordinance. In accordance with South Carolina Code §6-29-905, the duties of the Zoning Administrator shall include the following:

A. Interpretation of the terms and provisions of the UDO;

B. Issues permits and certificates, including fee collection;

C. Administration of the provisions of the UDO relating to applications for variances, appeals from an administrative decision, and other actions before the Board of Zoning Appeals;

D. The receipt of complaints from persons who allege that violations of the UDO have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations;

E. The maintenance of the official copy of the zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement, or administration or the UDO; and

F. Other such duties as may properly relate to the accomplishment of the spirit and intent of the UDO.

13.1.3 Zoning Permits

A. Zoning Permits Required: A zoning permit shall be required for the construction, erection, alteration, or relocation of any building or structure. A zoning permit shall also be required for any site improvements involving the alteration, addition, or removal of parking or landscaping except detached single-family residential development.

B. Applications for a Zoning Permit: All applications for a zoning permit shall be submitted to the Planning Director accompanied by any and all information required to determine the minimum standards set forth herein are satisfied. Such applications that require review and approval by the City of Conway Community Appearance Board shall be submitted a minimum of ten (10) days prior to the date of any regularly scheduled meeting if the applicant intends to be placed on the agenda for that particular meeting. Applications
for zoning permits shall include any and all of the following information as may be required by the Planning Director:

1. Survey prepared by a State of South Carolina licensed surveyor illustrating the exact size and dimensions of the property;
2. Site plan drawn to scale illustrating the location of all existing and proposed structures, and all existing and proposed parking;
3. Landscape plan containing all the information set forth in Section 9.3;
4. Drainage plan drawn to scale illustrating the existing elevations and proposed elevations, size and location of existing and proposed piping, the direction of surface run-off, and on-site retention / detention;
5. All information required by the Community Appearance Board as set forth in Section 14.1;
6. Location of existing and proposed utilities;
7. Other information deemed necessary by the Planning Director, including but not limited to: number of dwelling units, proposed use of structures, copies of restrictive covenants, and copies of private parking agreements.

C. Approval Process: The Planning Director shall review applications for a zoning permit to verify all requirements of the UDO are met. The Planning Director shall approve only those applications for a zoning permit that conform to all requirements set forth in the UDO. If standards set forth herein require such applications for a zoning permit to be reviewed and approved by the City of Conway Community Appearance Board and/or City of Conway Planning Commission, such application shall be submitted to the Board(s) for review and approval in accordance with requirements set forth herein. One (1) copy of the plans shall be returned to the applicant by the Planning Director, after the Planning Director shall have marked the copy either as approved or disapproved and attested the same by signature. If plans are disapproved and require revisions in order to comply with zoning standards, the applicant shall submit a revised set of plans. If revisions are minor in detail, the Planning Director may note such required revisions on the submitted plans and issue a conditional zoning permit with the conditions being the revisions noted on the one (1) set of plans returned to the applicant.

D. Expiration of Zoning Permit: If the work described in a zoning permit has not commenced within six (6) months from the date of issuance thereof, the zoning permit shall expire and be canceled by the Planning Director. The Planning Director shall notify the person(s) affected in writing that the zoning permit has expired. If the work described in a zoning permit has not been substantially completed within one (1) year of the date of the issuance thereof, said permit shall expire and be canceled by the Planning Director and written notice thereof shall be given to the person(s) affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new application for a zoning permit has been reviewed and approved.

13.1.4 Certificates of Zoning Compliance

A. Certificates of Zoning Compliance: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Planning Director stating that the building or proposed use of the building or land conforms to the requirements of the UDO.

B. Certificates of Zoning Compliance for Non-conforming Uses. Upon enactment or amendment of the UDO, owners or occupants of uses made non-conforming shall apply for certificates of zoning compliance for the purpose of establishment of vested interest in those non-conforming uses, and the zoning administrator may issue those certificates upon acceptance of reasonable proof that the non-conformity was in existence at the time of
such enactment or amendment and certificates of zoning compliance issued upon such applications shall state specifically wherein the non-conforming use differs from the requirements of the UDO.

13.1.5 Construction and Use to be as Approved

Certificates of Zoning Compliance and Zoning Permits issued based on plans and information submitted to the Planning Director shall authorize only the use, arrangement, location, and construction set forth in such plans and information. Deviation from such plans and information without approval from the Planning Director shall constitute a violation of the UDO.

13.1.6 Schedule of Fees and Charges

A. The City Council shall establish a schedule of fees and charges, and a collection procedure for certificates of zoning compliance, appeals, variances, amendments, and other matters pertaining to the UDO. Such schedule of fees and charges shall be posted in the office of the Planning Director, and may be altered or amended only by the City Council. Such fees and charges shall not be levied against the City Council, the Planning Commission, the Planning Director, or any department or agency of the City of Conway.

B. No certificate of zoning compliance, variance, appeal, or other item for which fees or charges are levied shall be issued or granted unless and until such fees and charges have been paid in full, nor shall any action be taken on proposed amendments until all applicable fees and charges have been paid in full.

13.1.7 Amendments

A. UDO and Official Zoning Map.

1. The regulations, restrictions, and boundaries set forth in the UDO may be amended, supplemented, changed, or repealed in accordance with S.C. Code §6-29-760. Text amendments shall be initiated only by the members of City Council, the Planning Commission, or the Planning Director.

2. 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. A request for such an amendment, supplement, or change shall first be submitted to the Planning Commission for study and evaluation. The Planning Commission shall then send to the City Council its recommendation as to the request, together with the basis for said recommendation. No action may be taken by the City Council upon the recommendation until after a public hearing in relation thereto, at which time parties and interested citizens shall have an opportunity to be heard.

B. Historic Design Review.

1. The regulations, restrictions, and boundaries set forth in the "Historic Design Review Districts: Community Appearance Guidelines" may be amended, supplemented, changed, or repealed. Text amendments shall be initiated only by the members of the City Council, the CAB, or the Planning Director.

2. Amendments to the boundaries of the local Historic Design Review Districts shall be initiated only by the members of the City Council, the CAB, the Planning Director, or owner(s) of the subject property. Final approval of the amendments to the boundaries shall be made by City Council.

3. If approved by City Council, the CAB shall maintain a local register of individual

Adopted December 12, 2011
Last Amended August 1, 2016
City of Conway Unified Development Ordinance  

Article 13 – Administrative Agencies

13.5 Historic Properties. The process for the placement of any property on a local register of historic properties shall be initiated only by the request of the property owner(s) of the subject property.

4. Historic design review amendments shall initially be reviewed by the CAB, and their recommendation shall be forwarded to the City Council. No action may be taken by the City Council upon the recommendation until after a public hearing in relation thereto, at which time parties and interested citizens shall have an opportunity to be heard.

C. Notification Requirements for UDO and Historic Design Review.

1. One (1) notice of the time and place of such hearing shall be published in a newspaper of local or general circulation in the City. The notice shall be published at least fifteen (15) days prior to the hearing. Following the public hearing, if City Council disagrees with the recommendation of the Planning Commission or CAB, whichever is applicable, a written report of its decision shall be sent to the Planning Commission or CAB.

2. The City of Conway shall require the Planning Director to notify by letter each property owner within two hundred (200) linear feet of said property in question. The letter shall inform the property owners of the intention to rezone the area for which the application is submitted and when and where the public hearing will be held before the City Council. The names and addresses of such property owners shall be confirmed by the Horry County Tax Records. The Planning Director shall forward the letters to the property owners in question at least ten (10) days prior to the public hearing. Further, the City shall erect a sign upon the property in question at least fifteen (15) days prior to the public hearing. One (1) such sign shall be visible from each thoroughfare which abuts the property. Such signs shall be of such size and color as would facilitate visibility, and such signs shall indicate that a change is being requested and where additional information can be obtained concerning the same.

D. Whenever a request for an amendment, supplement, or change has been denied by the City Council, such request or one (1) substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

13.1.8 Provisions Declared to be Minimum Requirements

In their interpretation and application, the provision of the UDO shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, moral, aesthetic appeal, and general welfare of the City of Conway.
Article 14. Boards and Procedures

Article 14 Boards and Procedures

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Section 14.1 – Community Appearance Board

14.1.1 Community Appearance Board

The City of Conway Community Appearance Board (CAB), hereinafter referred as the “CAB”, is composed of seven (7) members appointed by the Conway City Council. The Board is created to serve as an architectural review board as authorized by SC § 6-29-870. It is the declared policy of the City Council that it will consider and approve only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and ability to prepare for and attend meetings.

Membership of the Board shall at all times include not less than one (1) nor more than two (2) members who are serving in professionally designated seats as AIA-certified architects. The person serving in the designated licensed architect or landscape professional seat is permitted to serve beyond the maximum term limit until a replacement member meeting the professional designation qualifications is found. All other members of the CAB shall have a demonstrated interest in, and/or competence and knowledge of, architecture, landscape architecture, and urban design.

14.1.2 Duties and Powers

A. Historic Design Review Districts (HDRDs).

1. The CAB will have specific duties pertaining to Conway’s local, Historic Design Review Districts (authorized by SC § 6-29-870) in which it is the CAB’s duty to:

a. To protect and promote the appearance, character, and economic value of all development located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District. This shall be accomplished through the issuance of Certificates of Appropriateness (COAs) for the building or property owner to commence work or apply for a zoning permit with the City, and/or if the proposed work requires a building permit.

b. To oversee the survey and inventory of historic properties, and assure the survey is conducted in accordance with the professional standards which are complementary to the standards of the State Historic Preservation Office.

c. To recommend the designation and nomination of buildings, structures, sites, objects, districts, or individual property to the State Historic Preservation Office for inclusion in the National Register.

d. To recommend to City Council the inclusion of additional historic districts and the expansion of the size of existing historic districts.

e. To review, and approve or deny, all applications for proposed new commercial developments to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

f. To review, and approve or deny, all applications for alterations and/or additions to existing commercial developments to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

g. To review and approve or deny, all applications for permits to build, alter, or demolish any building or structure located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.
h. To review, approve or deny, landscape plans for all developments within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

i. To review, approve or deny, landscape plans proposed by the City of Conway or any other state or federal agency for public rights-of-way or for publicly owned property located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

j. To review, and approve or deny, architectural plans for facilities proposed by the City of Conway or any other state or federal agency to be located within the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, and Waccamaw Riverfront Historic Design Review District.

k. The CAB will act as the official “reviewing authority” for the City of Conway to review, and approve or deny, all applications for a 15-year Local Property Tax Abatement incentive offered through Conway’s adoption of state authorizing legislation (Sections 4-9-195 and 5-21-140, SC Code of Laws, 1976, as amended). The process will require full CAB review procedures for any owner-occupied residence or income-producing building located within any locally designated Historic Design Review District, National Register Historic District, those properties listed individually to the National Register of Historic Places, or any other building 50-years old, or older, within the City limits, that an owner voluntarily submits their planned work through said review. Official approval must be stated by the CAB in writing to the Conway Planning Department that the proposed and completed rehabilitation work is appropriate for the (historic) building in question and/or the historic district in which it is located, and verify that individual expenditures for rehabilitation have exceeded the locally designated minimum expenditure of 25% of the fair market value of the building.

2. The purpose of establishing each Historic Design Review District is to protect and enhance the aesthetic and visual character of each individual district and all development in the traditional, established portions of the City of Conway. This will provide for economic growth and stability through the preservation of property values. The design review process is not intended to stifle innovative architecture but to assure respect for surrounding uses and reduce incompatible and adverse impacts on the visual experience and irreplaceable building resources. To accomplish this, the CAB has produced the “Historic Design Review Districts: Community Appearance Guidelines” to aid in reviewing proposed work to existing structures, site improvements, signs, and landscaping, in addition to those standards pertaining to the particular base zoning district in which the development occurs.

a. The boundaries of the Historic Design Review Districts shall include all parcels located in the Main Street Corridor Historic Design Review District, Downtown Commercial Historic Design Review District, Waccamaw Riverfront Historic Design Review District.

b. Once the CAB determines that an application for a material change in appearance and/or new construction within a designated local Historic Design Review District (or on property voluntarily put up for CAB review) will not adversely affect the Historic Design Review District or the architectural significance of an individual historic resource, a Certificate of Appropriateness (COA) is given to the building owner to commence work or apply for a zoning permit with the City, and/or if the proposed work requires a building permit. Such required Historic Design Review process shall be in accordance with the Requirements set forth in Section

c. No zoning permit shall be issued for the alteration of the existing conditions of the lands, uses, or structures within the Historic Design Review District except in accordance with the requirements stated herein. This includes construction of new structures, renovations to existing structures, installation of new or replacement signage, and removal of trees and/or natural vegetation. The CAB will review changes being proposed to the form or appearance of an existing resource that can be seen from the public right-of-way in the Main Street Corridor Historic Design Review District and on proposed changes (or new construction) of all sides of structures in the Downtown and Waccamaw Riverfront Historic Design Review Districts. The CAB may waive the design review requirements if a portion of the project will not be visible from a public right-of-way once the project is completed.

d. Prior to the issuance of a Certificate of Appropriateness to obtain a City zoning permit, applicants shall submit two copies of all relevant information deemed necessary by the CAB and/or the Planning Director in order for the Board to approve or deny the application. Relevant information may include but shall not be limited to site plans illustrating the location of existing structures and proposed new structures and/or additions; landscape plans illustrating the location of existing landscaping and proposed new landscaping; building designs and facade drawings of the front, sides, and rear of all proposed new structures and/or facades proposed to be renovated; plans for existing signage and proposed new signage; color samples of paint, brick, shingles, siding; topographic surveys; tree surveys; and lighting plans. Such required plans shall be submitted in accordance with the requirements set forth in Section 14.1.4.

B. Local Historic Register of Individual Properties.

Based on the criteria below, individual properties that have been requested by the property owner(s) to be added to the City of Conway Historic Property Register shall be reviewed by the CAB and a recommendation forwarded to the Conway City Council for the consideration of approval. These records shall be held in the City of Conway Planning Department and made available to the public. The process of review shall include property owner notification and a public hearing. See Section 13.1.7.

1. Designation.

If the owner(s) of the property initiate the request, the CAB shall make recommendations for historic properties for local historic designation to the Conway City Council based on one (1) or more of the following criteria:

a. Has significant inherent character, interest, history, or value as part of the community or heritage of the community, state, or nation; or
b. Is the site of an event significant in history; or
c. Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
d. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
e. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering; or
f. Is the work of a designer whose work has influenced significantly the development of the community, state, or nation; or
g. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
h. Is part of or related to a square or other distinctive element of community
i. Represents an established and familiar visual feature of the neighborhood or community; or
j. Has yielded, or may be likely to yield, information important in pre-history or history.

14.1.3 Historic Design Review and Community Appearance Requirements

A. Purpose.

1. This section establishes requirements for the comprehensive review of development to implement the goals and policies of the City of Conway’s Comprehensive Plan and the “Historic Design Review Districts: Community Appearance Guidelines”, which shall also be referred to the Community Appearance Guidelines in this Article.

B. Applicability of Historic Design Review.

1. All projects that require a land use or building permit or will affect the exterior appearance and/or new construction of any building or property within Conway’s local Historic Design Review Districts shall be subject to Historic Design Review in compliance with Article 14.1.2(A) and this Article. Property owners located in the Conway Residential National Register Historic District, only, are recommended to follow the Community Appearance Guidelines, on a voluntary basis.
2. In addition, public projects such as sidewalk installation and other streetscape and pedestrian / bicycle improvement projects within the historic districts shall be subject to CAB review.
3. In addition, projects that require a land use or building permit or will affect the exterior appearance and/or new construction of any building or property that meet the requirement for “Voluntary Historic Property Review” shall be subject to Historic Design Review in compliance with this Article and may gain additional local tax benefits offered by the City (see Article 14.1.3(G) below).

C. Building permits.

1. No City Zoning Permit, and/or if the project requires a City building permit, shall be issued for any project until the project has been evaluated through the CAB Review process and a Certificate of Appropriateness with appropriate permits has been issued.

D. Requirement for a Certificate of Appropriateness.

1. Any articles of this Unified Development Ordinance (UDO) related to historic preservation shall pertain to the exterior material appearance of a building, structure, work of art, and site as a whole, or a combination thereof. Upon designation and inclusion of a district or individual landmark within the Historic Design Review Districts, a Certificate of Appropriateness shall be issued by the CAB for work on projects prior to the issuance of a zoning and/or building permit for any material change in the exterior appearance of a structure or site, and or new construction.
2. A property owner may voluntarily submit their property to the CAB for a full historic design review (see Article 14.1.3(G) below). More information may be found in the Community Appearance Guidelines, Section A (Chapter 2.2), "Certificate of Appropriateness Approval Matrix".

E. Amendments to the Historic Design Review Districts.

Adopted December 12, 2011
Last Amended August 1, 2016
1. Local designations for historic districts or individual landmarks may be proposed to be established or proposed to be rescinded by the City Council, the CAB, the Planning Staff, and the property owner(s). Local designations shall be considered as amendments to the Historic Design Review Districts. The City Council is the authoritative body that approves and adopts the historic design review district additions and boundary changes.

2. The Historic Design Review Districts and Historic Design Review Maps may be amended from time to time to include new or separate, noncontiguous designated historic districts, to modify existing local historic districts, to designate historic landmarks, or for other reasons, provided such an amendment conforms to the provisions of this Article.

F. Affirmation of Building Regulations and Community Appearance Guidelines.

1. Nothing in this section shall be construed so as to exempt property owners or occupants from complying with applicable building codes, nor prevent any property owners or occupants from making use of the property not prohibited by other statutes, ordinances, or regulations.

2. The City of Conway “Historic Design Review Districts: Community Appearance Guidelines” are standards for evaluating proposed material changes to structures located within Historic Design Review Districts. These guidelines are intended to offer guidance to owners and occupants, architects, developers, and other individuals contemplating restoration, remodeling, or new construction on how to maintain the architectural integrity of the structure and district as a whole.

3. The CAB shall review and make recommendations to City Council to amend the Community Appearance Guidelines. The Community Appearance Guidelines shall be approved and adopted by City Council. Nothing in this section shall be construed so as to exempt property owners and occupants from complying with applicable design and construction guidelines.

G. Voluntary Historic Property Review Requirement.

1. A property owner may choose to follow the standards of the Community Appearance Guidelines and comply with the full requirements and procedures of Historic Design Review for additional local tax benefits (inquire with Conway Planning Department for more information) or other purposes, if the following items are applicable:
   a. The structure being reviewed is fifty (50) years or older;
   b. The structure is a current contributing structure to one of Conway’s National Historic Register Districts as recorded in the National Register of Historic Places with the National Park Service of the United States;
   c. The structure is currently individually listed on the National Register of Historic Places with the National Park Service of the United States.

H. Criteria for Relocations.

1. A decision by the CAB approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
   a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting.
   b. Whether there are definite plans (provided by the project applicant) for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
   c. Whether the building, structure, or object can be moved without the significant damage to its physical integrity.
   d. Whether the proposed relocation is compatible with the historic and architectural character of the building, structure, site, or object.
I. Criteria for Demolition.

1. A decision by the CAB approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees, or objects (judged to be fifty (50) years old or older) shall be guided by:

   a. The historic, scenic, or architectural significance of the building, structure, or object.
   b. The importance of the building, structure, site, or object to the ambiance and/or recorded history of a district.
   c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its unique design, texture, material, detail, craftsmanship or location.
   d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, city, county or nation.
   e. Whether there are definite plans for use of the property (provided by the project applicant) if the proposed demolition is carried out and what the effect of those plans on the character of the surrounding area will be.
   f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.
   g. Whether the building, structure, site, trees, or objects is capable of earning reasonable economic return on its value (existing or potential rehabilitated condition).
   h. The protection of historic trees shall meet the City of Conway Tree Preservation Ordinance.

J. Variances for Undue Hardship.

1. Where, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the CAB shall have the power to vary strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided that such variances or interpretations do not compromise the architectural or historical integrity of the property. In granting variances, the CAB may impose reasonable and additional conditions as deemed necessary. Any undue hardship shall not be a situation of the person's own making.

2. Within sixty (60) days after receiving written notification from the CAB of the denial of a Certificate of Appropriateness for a proposed alteration or construction, an applicant may seek relief on the ground of hardship pursuant to this section. In order to prove the existence of hardship, the applicant shall establish that the property, without the owner's proposed alteration, is incapable or earning a reasonable return, regardless of whether that return represents the most profitable return possible. The applicant shall have an opportunity to demonstrate undue hardship if the CAB approves a request with additional conditions and additional work to be provided.

3. An application for a Certificate of Appropriateness on the grounds of hardship shall include:

   a. A verifiable estimate of the cost of the proposed construction or alteration and an estimate of any additional cost that would be incurred to comply with the recommendations of the CAB for changes necessary for the issuance of a Certificate of Appropriateness.
   b. An estimate of the market value of the property in its current condition; and after completion of the proposed construction or alteration and after renovation of the existing property for continued use.
   c. Any listing(s) of the property for sale or rent, price asked and offers received, if any, within the previous two years.
d. The assessed value of the property according to the two most recent Horry County assessments; and

e. An indication of the form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

f. Any other information the CAB needs in order to make its hardship decision.

4. The CAB shall act on the hardship application at a public meeting of the CAB, at which time an opportunity will be provided for proponents and opponents of the application to present their views.

5. The applicant shall consult in good faith with the CAB, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

6. All decisions of the CAB should be within forty-five (45) days of the submission to the CAB of the completed application and shall be in writing. A copy of any CAB decision shall be sent to the applicant by mail, with a copy forwarded to the Planning Director. The CAB’s decision shall state the reasons for granting or denying the hardship application. If the CAB does not act on the application within forty-five (45) days, the hardship application shall be deemed denied.

7. No exterior building permit or demolition permit shall be issued while the hardship application is pending. The CAB shall make a determination on whether a hardship exists. Building and demolition permits shall be issued in accordance with that determination but for only such work as is necessary to alleviate the hardship.

8. A person who may have substantial interest in any decision of the CAB or any officer or agent thereof may appeal to the circuit court in Horry County, SC (filed within 30 days after the decision of the CAB), which is referenced in SC Code 6-29-900.

K. Maintenance of Historic Properties.

1. Ordinary maintenance and repair is any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, and which does not result in a change in the existing appearance and materials of a property. The Conway CAB has the authority to determine whether or not the definition of ordinary maintenance and repair applies to any given project or application for design review. Ordinary maintenance and repair does not require the approval of a Certificate of Appropriateness. Some ordinary maintenance and repair may still require a City building permit application. Examples of this type of work can be found in the Community Appearance Guidelines, Section A (Chapter 2.2), “Certificate of Appropriateness Approval Matrix”.

2. Property owners of individual properties within a designated historic district or of designated historic landmarks shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The CAB shall be charged with the responsibilities regarding “deterioration by neglect” (the willful lack of maintenance, usually preventable, leading to the demise of a historic building) without known Variance for Undue Hardship, in the following cases below.

a. Notice to owner to remedy. If the CAB determines a property owner has failed to provide ordinary maintenance or repair (including but not limited to damaged windows, doors, siding, foundation, or roof structure), the CAB shall deem [by majority vote] that Planning Department staff notify the property owner and set forth the steps which need to be taken to remedy the situation. The property owner shall have 180 days in which to resolve the situation.

b. Failure by owner to remedy. If the condition is not remedied within 180 days, the owner shall be subject to the enforcement provisions as specified in Article 15 or upon authorization and at the direction of the City Council. The CAB shall make the determination of what means are
necessary to remedy this situation and prevent deterioration by neglect. The property owner shall be liable for the cost of such maintenance or repair. The cost of such maintenance or repair shall be a lien against the real property. The lien shall attach to the real property at the time of payment of all costs of maintenance or repair by the City of Conway.

L. Design Guidelines for Local Historic Register of Individual Properties.

1. **Intent:** It is the intent to ensure that properties designated in the Local Historic Register of Individual Properties shall remain in harmony with the architectural and historical character of Conway, South Carolina. In granting a Certificate of Appropriateness, the CAB shall take into account the following:
   a) The architectural and historic significance of the structure.
   b) The exterior form and appearance of any proposed additions or modifications.
   c) The effect of such change or additions upon other structures in the vicinity.

2. **General Design Review Guidelines:** When considering an application for a Certificate of Appropriateness, the CAB shall use the Secretary of Interior Standards for Rehabilitation as guidelines in making decisions. When appropriate, the CAB can also refer to the “Historic Design Review Districts: Community Appearance Guidelines” when making decisions.

### 14.1.4 Site Design and Architectural Plan Submittals

A. Site plans shall meet all applicable zoning requirements including but not limited to setbacks, parking, and landscaping. In addition, the CAB shall review site plans in order to insure compliance with the following standards.

1. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.
2. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of surrounding parcels.
3. Where it is reasonable and practical, proposed structures shall not impede scenic views from the main road, from existing structures, or from natural settings.
   a. Although maximum site densities and special site requirements defined for particular zoning categories in the Unified Development Ordinance shall be preserved, proposed structures shall not dominate an adjacent building or surrounding development in an incompatible manner.
   b. The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape. Extreme care shall be given to the preservation of existing natural vegetation on the site and shall be incorporated into proposed landscape plans.
   c. Plant materials shall be selected and placed with regards to the estimated mature height and width of such materials.
B. Architectural Design Standards.

Structures shall meet all applicable Building Code requirements. In addition the CAB shall review building design and materials in order to insure compliance with the City of Conway’s visual character.

14.1.5 Design Review Procedures for Applicants and Application Process

A. Appearances.

The applicant of any party in interest may appear in person or by agent. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of any applicant.

B. Calendar.

Applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Applications shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

C. Submittal of Information.

Applicants shall submit all information deemed necessary by the CAB in order for the board to approve or deny the application. The deadline for applicant’s submittals will be ten (10) days prior to the CAB meeting in order to be placed on that meeting’s agenda.


1. Design Review Procedures for Historic Design Review Districts and for Local Historic Register Properties that require Certificates of Appropriateness.

Depending on the level of work proposed based on the matrix found in Section A of the “Historic Design Review Districts: Community Appearance Guidelines”, the CAB will allow the Planning Department staff to suggest a non-public, Administrative Approval with the CAB knowledge and signed agreement for a quicker issuance of a Certificate of Appropriateness for a Zoning Permit.

a. Conceptual Review. Applicants are encouraged to meet with the Planning Director prior to the preparation of working drawings and specifications. The purpose of the meeting shall be to familiarize applicants with the City of Conway CAB and the “Historic Review District: Community Appearance Guidelines”. Applicants may meet with the CAB to review a general design concept of a proposed project.

b. Preliminary Review. The CAB shall review each application to determine if it adheres to the design review criteria. If the design and materials are consistent with the design guidelines, the Board may grant final approval. If revisions are required, the applicant shall make the necessary revisions and submit them for a final review.

c. Final Review. Once the CAB has determined that an application satisfies all design guidelines, the Board may approve the issuance of a Certificate of Appropriateness.
14.1.6 Terms of Office

The term of office for all seats on the Board shall be four years except that at the Board’s creation, two members shall be appointed for one three-year term to be eligible for appointment to additional four-year terms, and two members shall be appointed for one two-year term to be eligible for appointment to additional four-year terms. The determination of which members shall be initially appointed for one three-year term shall follow assigned seat numbers with seats one and two being initially appointed for one, three-year term each and seats three and four being initially appointed for one two-year term. All terms hereunder shall, however, continue until a successor is appointed by the City Council. City Council shall act promptly after the expiration of a term to make appointments as soon as may reasonably be accomplished. Board members may be appointed to succeed themselves for a maximum of two successive terms. None of the members shall hold any other public office or position in the municipality while serving on this Board.

14.1.7 Vacancy and Removal

A vacancy in a term of office shall occur whenever it is found that a member has resigned or is unable to serve for whatever reason or is removed by the City Council. Inefficiency, neglect of duty, three consecutive unexcused absences, malfeasance or misconduct in office shall constitute reasons for removal of office. Any vacancy in the membership shall be filled for the unexpired term as soon as may reasonably be accomplished by the City Council in the same manner as the initial appointment. Service pursuant to an appointment in this regard shall not preclude subsequent appointment to two full terms.

14.1.8 Organization

The Board shall elect by majority vote a Chairperson and Vice-chairperson from among its members at the January meeting of each year. The term of office of the Chairperson and Vice-chairperson shall be one year. If a vacancy occurs in an office prior to the expiration of the full term, another election to fill the remainder of the term of office shall be conducted at the first meeting thereafter. The election procedures stated hereinabove shall be followed in filling an unexpired term of office. The Chairperson and Vice-chairperson may be re-elected only one time after serving a full term in office, for a maximum total of two successive full terms. Passage of a one year period without holding a particular office, however shall make a member eligible again for that office. The Board shall appoint a Secretary who may be an officer or employee of the City of Conway. The Board shall adopt rules for the transaction of business.

A. Officers.

The officers of the Board shall be a chairman and vice-chairman elected for one (1) year terms at the first meeting of the Board in each calendar year. Vacancies in offices shall be filled immediately for unexpired terms by regular election procedures. The Board shall appoint a member of the staff of the City of Conway as secretary of the Board.

B. Chairman.

The chairman shall be a voting member of the Board and shall:
1. Call meetings of the Board;
2. Preside at meetings and hearings;
3. Act as spokesperson for the Board;
4. Sign documents for the Board;
5. Perform other duties approved by the Board.
C. **Vice-Chairman.**

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. **Secretary.**

E. **The secretary shall:**

1. Provide and publish notice of meetings;
2. Assist the chairman in preparation of agenda;
3. Keep recordings and minutes of meetings;
4. Maintain Board records as public records;
5. Attend to Board correspondence; and
6. Perform other duties normally carried out by a secretary.

### 14.1.9 Meetings and Quorum

Four members of the Board shall constitute a quorum for conducting business. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses by subpoena. Decisions shall be made by a majority vote. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board, or if there is no such office, in an appointed office of the city. Said minutes and records shall be a public record. All meetings of the Board shall be open to the public. Members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties. Absences by members shall be declared excused or unexcused at each meeting by the Chairperson or, in his or her absence, the acting Chairperson.

A. **Time and Place.**

An annual schedule of regular meetings shall be adopted published and posted in the City of Conway Planning Department in December of each year. Special meetings may be called by the chairperson upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public. The CAB shall meet twice a month.

B. **Agenda.**

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

C. **Quorum.**

A majority of the members – four (4) members of the board - shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by any member does not affect the quorum, which is determined by the membership present at the start of the meeting.
D. **Rule of Order.**

Robert’s Rules of Order, Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

### 14.1.10 Conflict of Interest

Any member of the Board who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of said Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith. A member disqualified from voting shall be counted as present for purposes of a quorum.

### 14.1.11 Liability of Members

Any member of the Board acting within the powers set forth herein is relieved from all personal liability for any damage and shall be held harmless by the City of Conway. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the City of Conway until the termination of the procedure.

### 14.1.12 Annual Report

The board shall make an annual report to the City Council at the end of the city fiscal year citing applications brought before the Commission and the approvals, denials or other resolutions issued by the Commission.

### 14.1.13 Records

**A. Minutes.**

The secretary shall record all meetings and hearings of the Board on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

**B. Orders and Documents.**

The secretary shall assist in the preparation and service of all order of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public record.

### 14.1.14 Appeal to Community Appearance Board

In accordance with S.C. Code §6-29-890, appeals to the CAB may be taken by any person aggrieved by a decision of the Planning Director relating to design standards from Article 6 of the UDO or from "Historic Design Review Districts: Community Appearance Guidelines".

**A.** The appeal must be taken within thirty (30) days from the date of the decision by the Planning Director, by filing with the officer from whom the appeal is taken and with the CAB notice of appeal specifying the grounds of it. The officer from whom the appeal is taken shall immediately transmit to the Board all the documents constituting the records for the appealed action.

**B.** An appeal shall stay all legal proceedings in furtherance of the action appealed from,
unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record of Horry County, South Carolina on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

C. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time.

D. At the hearing any party may appear in person or be represented by an agent or by attorney.

E. The board, either in response to a party’s motion or on its own motion, may remand a matter to an administrative official if the board determines the record is insufficient for review. The board must set a rehearing on the remanded matter without further public notice within sixty (60) days unless otherwise agreed to by the parties. However, those persons who expressed an interest in being informed of the rehearing date must be mailed a notice of the rehearing in advance.

F. The board must decide the appeal within a reasonable time frame.

14.1.15 Appeal from Community Appearance Board to Circuit Court

A person who may have substantial interest in any decision of the CAB or any officer, or agent of the appropriate governing authority may appeal from any decision of the Board to the Circuit Court in and for Horry County, South Carolina by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the CAB. (S.C. Code, §6-29-600(A).
Section 14.2 – Board of Zoning Appeals

14.2.1 Duties and Powers

Duties and powers of the Board of Zoning Appeals are derived from Section 6-29-800 of the South Carolina Code of Laws.

A. To hear and decide appeals where it is alleged the City Planner erred in an order, requirement, decision, or determination. In such cases, the Board may reverse or affirm, wholly or in part, the City Planner’s action. The Board shall have all the powers of the City Planner in such cases and may direct the issuance of a permit.

B. To hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attached conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings:

1. Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.
3. Utilization: Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. Detriment: The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

C. An affirmative vote of two-thirds (2/3) of the Board members present and voting shall be required before a variance may be granted for a use of land, a building or a structure that is prohibited in a given district, provided however that City Council may overrule the decision of the Board within thirty (30) days following the decision of the Board. In order to grant a use variance, the following finding must be determined and made part of the record: the use requested can be documented to have been a past use of the property; however, historic use alone may not be sufficient to grant a use variance. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for any variance.

14.2.2 Procedure for Appeals and Variances

A. Application: Any person aggrieved by an administrative action or decision, or seeking relief from a requirement in the Zoning Ordinance, shall make a formal request on an application supplied by the City Planner. Such application shall be completed in full and returned to the office of the City Planner.

B. Stay of proceedings: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would, in the opinion of the officer, cause imminent peril to life or property. In that
case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

C. Notice of hearing: Notice of regularly scheduled meetings of the Board of Zoning Appeals shall be published in a general circulation newspaper fifteen (15) days prior to the date of the meeting.

D. Posting of lot: In cases involving variance requests, a notice of a variance request shall be posted on or adjacent to the affected property in a conspicuous place fifteen (15) days prior to the date of the scheduled meeting. One such notice shall be visible from each public right-of-way that abuts the property.

E. Decisions of the Board: All final decisions and orders of the Board of Zoning Appeals shall be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Zoning Appeals, which must be addressed to parties or interest by certified mail.

14.2.3 Appeal of Board of Zoning Appeals Decision to Court

Appeal of the Board of Zoning Appeals is derived from Section 6-29-820 of the South Carolina Code of Laws.

A. Any person or persons jointly or severally aggrieved by a final decision of the Board of Zoning Appeals may present to a court of record a petition duly verified setting forth that the decision of the Board of Zoning Appeals is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of such decision of the Board.

B. Upon the filing of the appeal, the clerk of court shall give immediate notice of such appeal to the secretary of the Board of Zoning Appeals, and within thirty (30) days from the time of the notice, the Board of Zoning Appeals shall file with the clerk a certified copy of the proceedings held before the Board of Zoning Appeals, including transcript of the evidence heard before it, if any, and the decision to the Board including its findings of fact and conclusions.

C. The filing of an appeal from a decision of the Board of Zoning Appeals shall not ipso facto act as a superseded, but the judge of the court may in his discretion grant a supersedes upon such terms and conditions as may seem reasonable and proper.

14.2.4 Organization

The rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the City of Conway Board of Zoning Appeals which consists of members appointed by the City Council.

A. Officers.

The officers of the Board shall be a chairman and vice-chairman elected for one (1) year terms at the first meeting of the Board in each calendar year. Such officers shall be eligible to succeed themselves. Vacancies in office shall be filled immediately for unexpired terms by regular election procedures. The Board shall appoint a member of the staff of the City of Conway as secretary of the Board.

B. Chairman.

1. The chairman shall be a voting member of the Board and shall:
2. Call meetings of the Board;
3. Preside at meetings and hearings; and swear in witnesses;
4. Act as spokesperson for the Board;
5. Sign documents for the Board;
6. Have orders of the Board served on parties; and
7. Perform other duties approved by the Board.

C. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. Secretary.

The secretary shall:
1. Provide and publish notice of appeals and meetings;
2. Assist the chairman in preparation of agenda;
3. See that property involved in appeals for variances is properly posted;
4. Keep recordings and minutes of meetings and hearings;
5. Maintain Board records as public records;
6. Serve Board decisions on parties;
7. Attend to Board correspondence; and
8. Perform other duties normally carried out by a secretary.

14.2.2 Meetings

A. Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted in the City of Conway Planning Department in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

B. Agenda.

A written agenda shall be furnished by the secretary to each member of the Board and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

C. Quorum.

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by a member does not affect the quorum, which is determined by the membership present.

D. Rule of Order.

Robert’s Rules of Order, Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

14.2.3 Appeals Procedure

A. Form of Appeal.
Appeals from administrative decisions and applications for variances shall be filed on forms approved by the Board and provided to applicants by the secretary.

B. Time for Appeal.

An appeal from an administrative decision must be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the secretary of the Board who shall notify the official appealed from.

C. Calendar.

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the Board for good cause shown.

D. Withdrawal of Appeal.

Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the Board. An appeal from an administrative decision which is withdrawn may not be re-filed after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances may be refiled after six (6) months and shall be placed on the calendar according to the date re-filed.

E. Continuances.

The hearing of an appeal or application may be continued one time by the Board for good cause shown.

F. Notice.

Public notice of hearing of the Board shall be published in a local newspaper and posted on or adjacent to the property affected at least fifteen (15) days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

14.2.4 Hearing Procedure

A. Appearances.

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

B. Witnesses.

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the chairman. The Board may call its own witness when deemed appropriate.

C. Cross Examination.

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

D. Evidence.
Relevant documents, photographs, maps, plans, and drawings will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with or without an objection noted.

14.2.5 Conduct of Hearing

A. Conduct of Hearing.

The normal order of hearing, subject to modification by the chairman, shall be:
1. Statement of matter to be heard (chairman or secretary);
2. Presentation by applicant;
3. Presentation by official appealed; or
4. Presentation by opponents;
5. Rebuttal by applicant;
6. Unsworn public comment when appropriate;
7. The Board may question participants at any point during the hearing;
8. Matter in which additional time is granted may be moved to the end of the agenda.

B. Disposition.

The Board may deliberate and make a final disposition of a matter by a majority vote of the members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations and voting shall be conducted in public.

C. Form of Order.

An order shall be issued disposing of a matter by granting or denying relief with such conditions may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

D. Service of Order.

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

E. Rehearing.

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.
14.2.6 Records

A. Minutes.

The secretary shall record all meetings and hearings of the Board which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as public records.

B. Orders and Documents.

The secretary shall assist in the preparation and service of all orders of the Board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.
Section 14.3 – City of Conway Planning Commission

14.3.1 Rules and Procedures

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the City of Conway Planning Commission which consists of nine (9) members appointed by Council.

A. Officers.

The officers of the Commission shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Commission in each calendar year. Such Officers shall be eligible to succeed themselves. Vacancies in offices shall be filled immediately for unexpired terms by regular election procedures. The Commission shall appoint a member of the staff as secretary of the Commission.

B. Chairman.

1. The chairman shall be a voting member of the Commission and shall:
2. Call meetings of the Commission;
3. Preside at meetings and hearings;
4. Acts as spokesperson for the Commission;
5. Sign documents for the Commission;
6. Transmit reports and recommendations to Council; and
7. Perform other duties approve by the Commission.

C. Vice-Chairman.

The Vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

D. Secretary.

The secretary shall:
1. Provide notice of meetings;
2. Assist the chairman in preparation of agenda;
3. Keep minutes of meetings and hearings;
4. Maintain Commission records as public records;
5. Attend to Commission correspondence; and
6. Perform other duties normally carried out by a secretary.

14.3.2 Meetings

A. Time and Place.

An annual schedule of regular meetings shall be adopted, published, and posted in the Planning Department at 206 Laurel Street each year in December. Special meetings may be called by the chairman upon 24 hours notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.
B.  **Agenda.**

A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

C.  **Quorum.**

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. A recusal by any member does not affect the quorum which is determined by the membership present at the start of the meeting.

D.  **Rules of Order.**

The most recent edition of Robert’s Rules of Order Newly Revised, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

E.  **Voting.**

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

F.  **Conduct.**

Except as provided for in Section 14.3 of these Rules and Procedures, no person shall speak at a Commission meeting unless invited to do so by the Commission. Time may be reserved at the end of the meeting agenda for public input on matters other than zoning map amendments.

G.  **Notice.**

The secretary shall give the notice required by statute or ordinance for all meetings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the meeting.

H.  **Procedure.**

In zoning map or text amendment matters brought before the Commission for consideration where an applicant requests to make a presentation to the Commission, the applicant, their agent or attorney shall be heard first, members of the public next, and the staff next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a Planning Commission meeting shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.
14.3.3 Records

A. Minutes.

The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

B. Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

C. Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

D. Reconsideration.

The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review.

14.3.4 Finances

A. Budget.

The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

B. Expenditures.

Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Planning Commission may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

C. Personnel.

The Commission shall employ such staff and consultants as may be authorized and by budget or make recommendations for staff members to be employed by the City of Conway. Consultants shall be engaged by majority vote of the Commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the Commission, or a committee of Commission members and staff.
Section 14.4 – City Council

14.4.1 Duties of City Council.

It is the intent of the City of Conway Unified Development Ordinance that the function of the City Council under this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The City Council has the powers to:

A. Act on proposals for amendment or repeal of provisions set forth in the City of Conway Unified Development Code.

B. Establish a schedule of fees and charges for plan submittals.

C. Initiate a text amendment and zoning map amendment.
Section 14.5 – City of Conway Technical Review Committee (TRC)

14.5.1 Purpose.

The purpose of the Technical Review Committee (TRC) shall be to determine whether or not proposed developments meet the standards established in the City of Conway Unified Development Ordinance and to provide guidance as how to provide for the betterment of public’s health, safety, and welfare.

The TRC will include key staff from each department involved in the permitting process to promote efficiency and carry out the City of Conway’s mission, goals, and objectives. The TRC works to improve productivity and standardization in the permitting process, resulting in quality customer service.

TRC meetings are open to applicants to attend to discuss development plans or applications.

14.5.2 Members of the TRC.

The TRC shall include key personnel from the following departments that are involved in the permitting process: Planning, Building, Parks, Recreation, and Tourism, Public Works, Public Utilities, Police, and Fire. Any governmental or quasi-governmental agency representative may join the TRC or attend meetings when needed.

14.5.3 Duties & Procedures.

The duties of the Technical Review Committee shall include:

A. Review plans submitted for permits (where applicable).
B. Meet and discuss status of pending plan reviews.
C. Meet on a regular basis to discuss and resolve problems relating to the permitting process.
D. Systematically review policies and procedures relating to the permitting process and make recommendations for changes.
E. Assist in standardizing policies, procedures, review approvals, and time frames for reviews.
Article 15. Enforcement

Article 15 Contents

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Section 15.1 – Enforcement

15.1.1 Violations

If the Planning Director shall find that any of the provisions of the City of Conway Unified Development Ordinance are being violated, he or she 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. He or she 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 insure 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 a verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the Planning Director. The Planning Director 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. A violation of any section of the UDO shall constitute a misdemeanor. 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. Violation of the UDO or failure to comply with any requirements stated herein shall be a misdemeanor. 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.

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.