



CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET, CONWAY, SC 29526
MONDAY, JUNE 16, 2025 - 4:00 PM

PLEASE SILENCE ALL ELECTRONIC DEVICES

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

III. CONSENT AGENDA

- A. Final Reading of Ordinance #ZA2025-06-16 (A), to annex approximately 0.38 acres of property located at 286 Wedding Lane (PIN 367-13-01-0030), and rezone from the Horry County Residential, including mobile homes (MSF10) district to the City of Conway Low/Medium Residential (R-1) district.
- B. Final Reading of Ordinance #2025-06-16 (B), an Ordinance updating Title 4 and Title 9 of the City of Conway Code of Ordinances, in its entirety.
- C. Approval of a Resolution honoring Conway Middle School Students and their teacher, Maurice Sheffield, for their Achievement at the South Carolina National History Day Contest
- D. Approval of Purchase of Picnic Shelters for Collins Park (Budgeted)
- E. Approval of a Resolution honoring Patrick Howle, Conway High School Girls Tennis Coach
- F. Approval of a Resolution honoring Brian Rogers, Conway High School Boys Golf Coach
- G. Approval of a Resolution honoring Andre White, Conway High School Boys Soccer Coach
- H. Approval of a Resolution honoring Michael Hopkins, Conway High School Boys Basketball Coach
- I. Approval of June 2, 2025 Council Meeting Minutes

IV. SPECIAL PRESENTATION

- A. Presentation of a Resolution honoring Conway Middle School Students and their teacher, Maurice Sheffield, for their Achievement at the South Carolina National History Day Contest

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

- B. Presentation of a Resolution honoring Patrick Howle, Conway High School Girls Tennis Coach
- C. Presentation of a Resolution honoring Brian Rogers, Conway High School Boys Golf Coach
- D. Presentation of a Resolution honoring Andre White, Conway High School Boys Soccer Coach
- E. Presentation of a Resolution honoring Michael Hopkins, Conway High School Boys Basketball Coach
- F. Presentation of a Proclamation recognizing Beckwith Wiedemann Syndrome and Omphalocele
- G. Presentation of a Proclamation recognizing Amateur Radio Week
- H. Presentation of Employee of the Month for June 2025 – Public Safety
- I. Discussion of a request to annex approximately 224+/- acres of property located on E. Highway 501, New Road, Ashpond Road, Marina Drive, Elm Street and Laurel Street (PIN's 368-00-00-0008 and 368-00-00-0015), and rezone from the Horry County Heavy Industrial (HI) district and the City of Conway Light Industrial (LI) and High-Density Residential (R-3) district to the City of Conway Waccamaw Riverfront Districts (1) and (2). (Hucks)
- J. Discussion of a request to annex approximately 1.4+/- acres of property located at the corner of Highway 544 and Todd Blvd (720, 730 and 748 Hwy 544) (PIN 382-05-04-0046), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. (Hucks)

V. FIRST READING

- A. First Reading of Ordinance #ZA2025-07-21 (A), to annex approximately 2.22+/- acres of property located at 1091 E Highway 501 (PIN's 367-14-04-0001, -0002, & -0003), and rezone from Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. (Hucks)
- B. First Reading of Ordinance #ZA2025-07-21 (B), to annex approximately 0.79 acres of property located at 150 Amber Lane (PIN 367-14-04-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district. (Hucks)
- C. First Reading of Ordinance #ZA2025-07-21 (C), to rezone approximately 0.33+/- acres of property located at 1307 Grainger Road (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low-Medium Density Residential (R-1) district. (Hucks)
- D. First Reading of Ordinance #ZA2025-07-21 (D), to amend the existing Carsen's Ferry Planned Development (PD) district (f.n.a. Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+/- acres of property located on Riverport Drive (PIN 337-05-02-0004). (Hucks)

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

- E. First Reading of Ordinance #ZA2025-07-21 (E), to amend Article 5 – Special Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding requirements for mobile vending. (Hucks)
- F. First Reading of Ordinance #ZA2025-07-21 (F), to amend Article 15 – Enforcement, of the City of Conway Unified Development Ordinance (UDO), regarding penalties for violations of the UDO. (Hucks)
- G. First Reading of Ordinance #ZA2025-07-21 (G), to amend Article 4 – Use Tables and Article 6 – Design Standards, of the City of Conway Unified Development Ordinance (UDO), regarding standards for single-family in-common development. (Hucks)
- H. First reading of Ordinance #ZA2025-07-21 (H), to annex approximately 22.88 acres of property located on Gardner Lacy Rd (PIN's 399-01-02-0001 and 399-00-00-0001), and request to rezone from the Horry County Office/ Professional/Institutional (OPI) district to the City of Conway Low-Density Residential (R) district. (Hucks)

VI. CONSIDERATION

- A. Consideration of a Request for a Waiver of Sidewalk Requirements for the EME Apartments located at 1911 Ninth Avenue (PIN 368-02-04-0015) (Hucks)
- B. Consideration of Awards of 2025-26 Economic Development Grants (Rogers)

VII. PUBLIC INPUT

VIII. CITY ADMINISTRATOR'S REPORT

IX. COUNCIL INPUT

X. WORKSHOP

XI. EXECUTIVE SESSION

- A. Discussion of City Administrator's Contract [pursuant to SC Code §30-4-70 (A) (1)].
- B. Discussion relative to Legal Services regarding a Multi-County Business Park [pursuant to SC Code §30-4-70 (A) (2)].
- C. Discussion of an Economic Development Opportunity at the Riverfront [pursuant to SC Code §30-4-70 (A) (5)].

XII. RECONVENE FROM EXECUTIVE SESSION

XIII. POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

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

XIV. ADJOURNMENT

Any City of Conway resident or owner of a business within the City that holds a valid city business license may make an appearance before City Council concerning any municipal matter with the exception of personnel matters. Persons desiring to speak must notify the City Clerk no later than 5 p.m. on the last business day prior to the day of the City Council meeting. However, if you are speaking regarding a public hearing item, then you would do so during that time on the agenda. Address Council from the podium stating your name, address, and the subject you would like to discuss. The public may also access the meeting at <https://www.conwaysc.gov/>.

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

DATE: JUNE 16, 2025

ITEM: III.A.

ISSUE:

Final Reading of Ordinance #ZA2025-06-16 (A), to annex approximately 0.38 acres located at 286 Wedding Lane (PIN 367-13-01-0030), and rezone from the Horry County Residential, including mobile homes (MSF10) district to the City of Conway Low/Medium Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by the property owner David Stanley on May 14, 2025, as a requirement for a name change to the city utility services account. According to Horry County Register of Deeds, the property was transferred into the applicant's name on December 19, 1979. The property is within the Red Hill subdivision, located between Highway 501 Business and Claridy Rd. There is an existing mobile home on the property. Restrictive covenants were recorded for this property at the time annexation was applied for, on May 14, 2025.

There are four other properties along Wedding Lane that have been annexed into the city limits: one in 2017, 2020, 2023, and the most recent one in 2024.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1). The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

CITY COUNCIL:

City Council approved First Reading of the ordinance at their June 2nd meeting.

STAFF RECOMMENDATION:

Staff recommends approval of Final reading of **Ordinance #ZA2025-06-16 (A)**.

ORDINANCE #ZA2025-06-16 (A).

AN ORDINANCE TO ANNEX APPROXIMATELY 0.38 ACRES OF PROPERTY LOCATED AT 286 WEDDING LANE (PIN 367-13-01-0030), AND REQUEST TO REZONE FROM THE HORRY COUNTY RESIDENTIAL, INCLUDING MOBILE HOMES (MSF10) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM-DENSITY RESIDENTIAL (R-1) DISTRICT.

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

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.38 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

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

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.38 acres of property located at 286 Wedding Lane (PIN 367-13-01-0030), and request to rezone from the Horry County Residential, including mobile homes (MSF10) district, to the City of Conway Low/Medium Residential (R-1) district.

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

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

SECTION 2. APPLICATION OF ZONING ORDINANCE:

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

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this 16 day of June, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: June 2, 2025

Final Reading: June 16, 2025

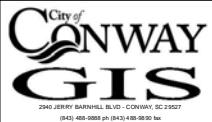
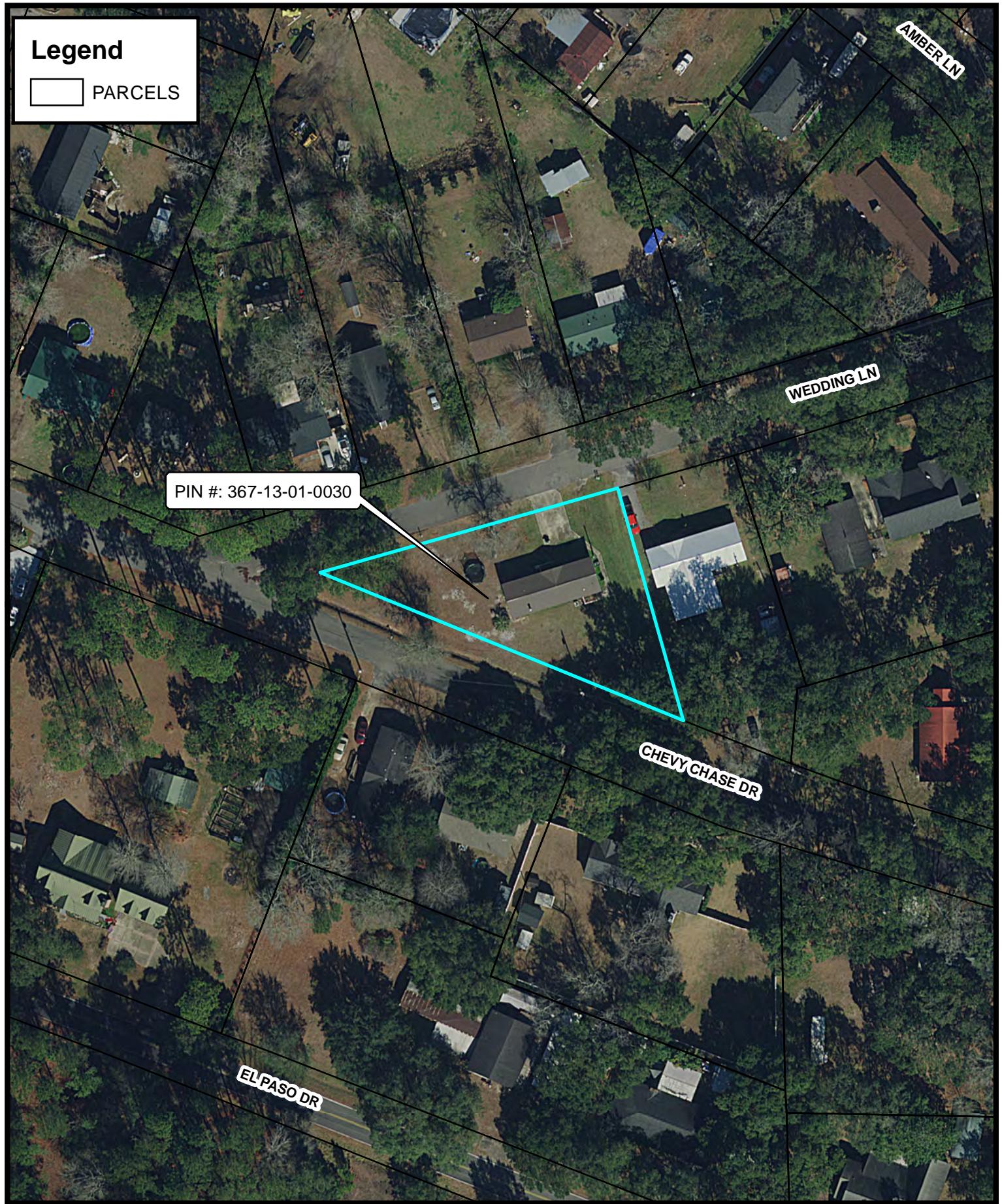
William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

Legend



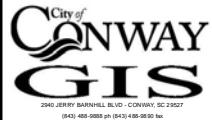
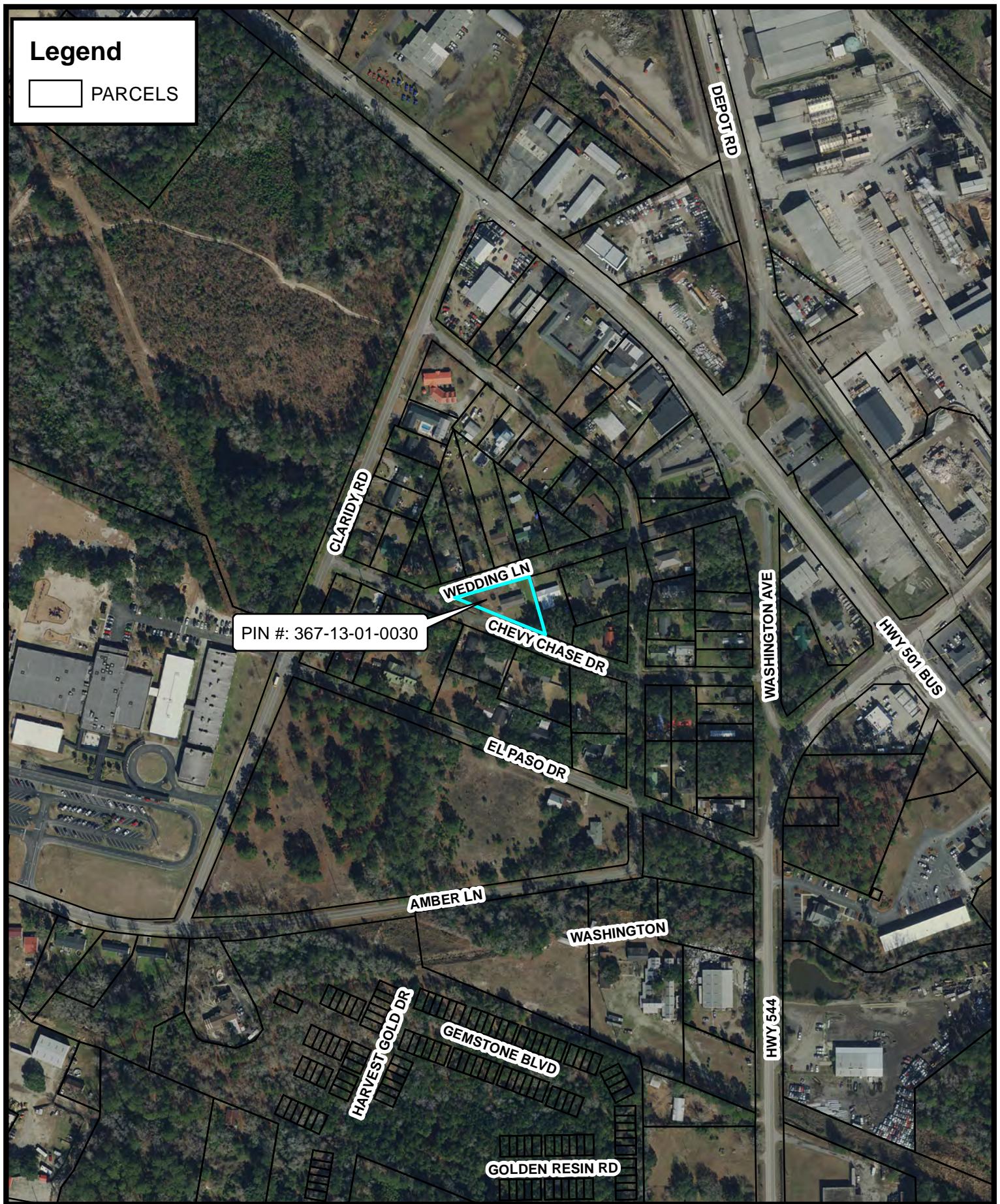
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 367-13-01-0030
TMS #: 137-16-02-020
286 WEDDING LN
(P25-0188)



Legend



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



PIN #: 367-13-01-0030
TMS #: 137-16-02-020
286 WEDDING LN
(P25-0188)



CONWAY ZONING

A legend containing eight entries, each with a colored square followed by a code and a label. The entries are:

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

PIN #: 367-13-01-0030

CFA

CFA

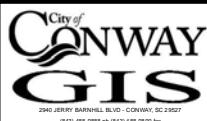
GR

HC

MRD3

HC

PIN #: 367-13-01-0030
TMS #: 137-16-02-020
286 WEDDING LN
(P25-0188)

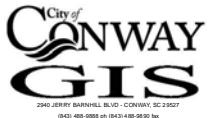
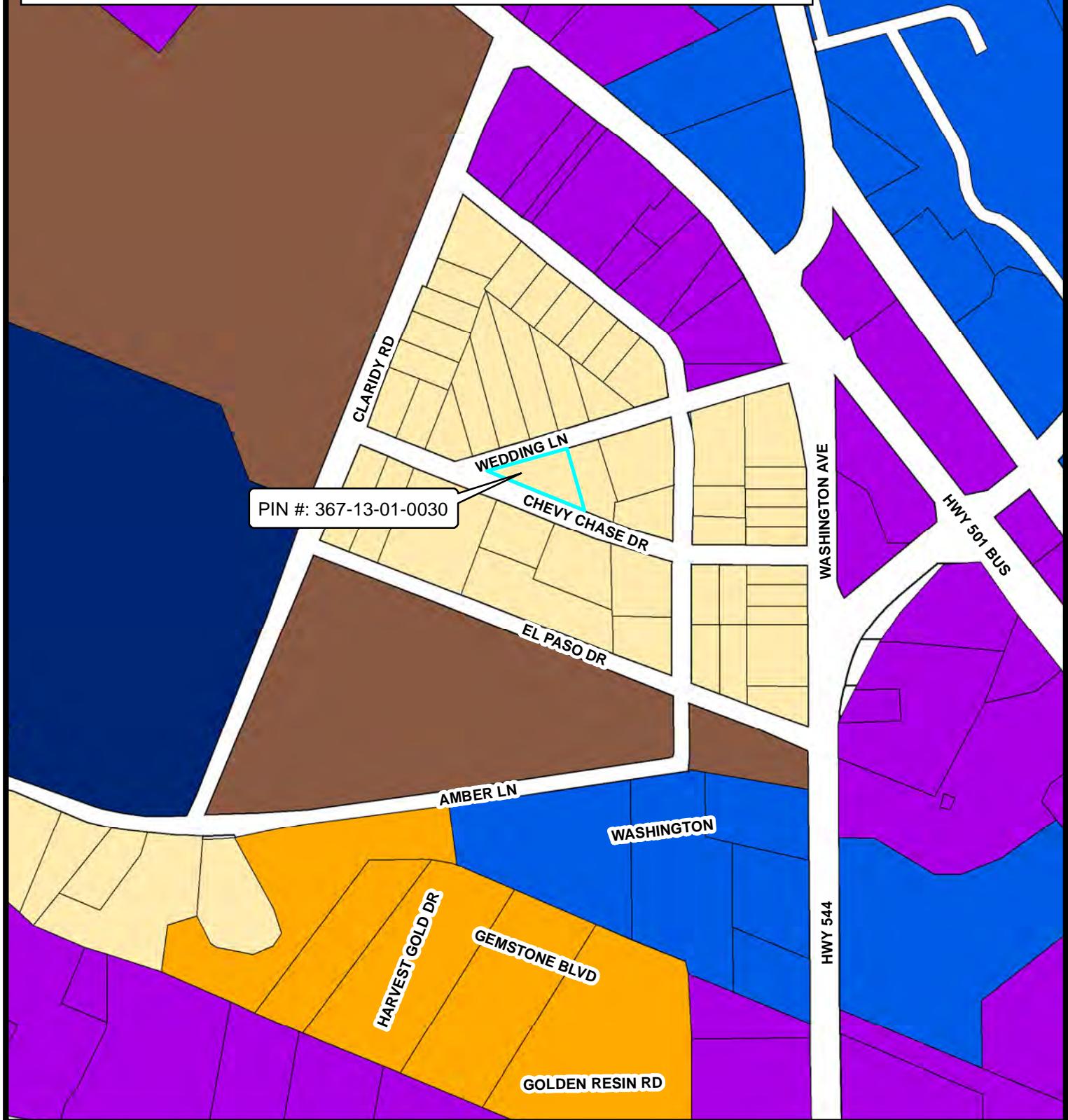


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FUTURE LAND USE

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



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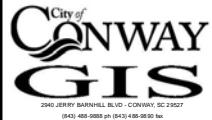
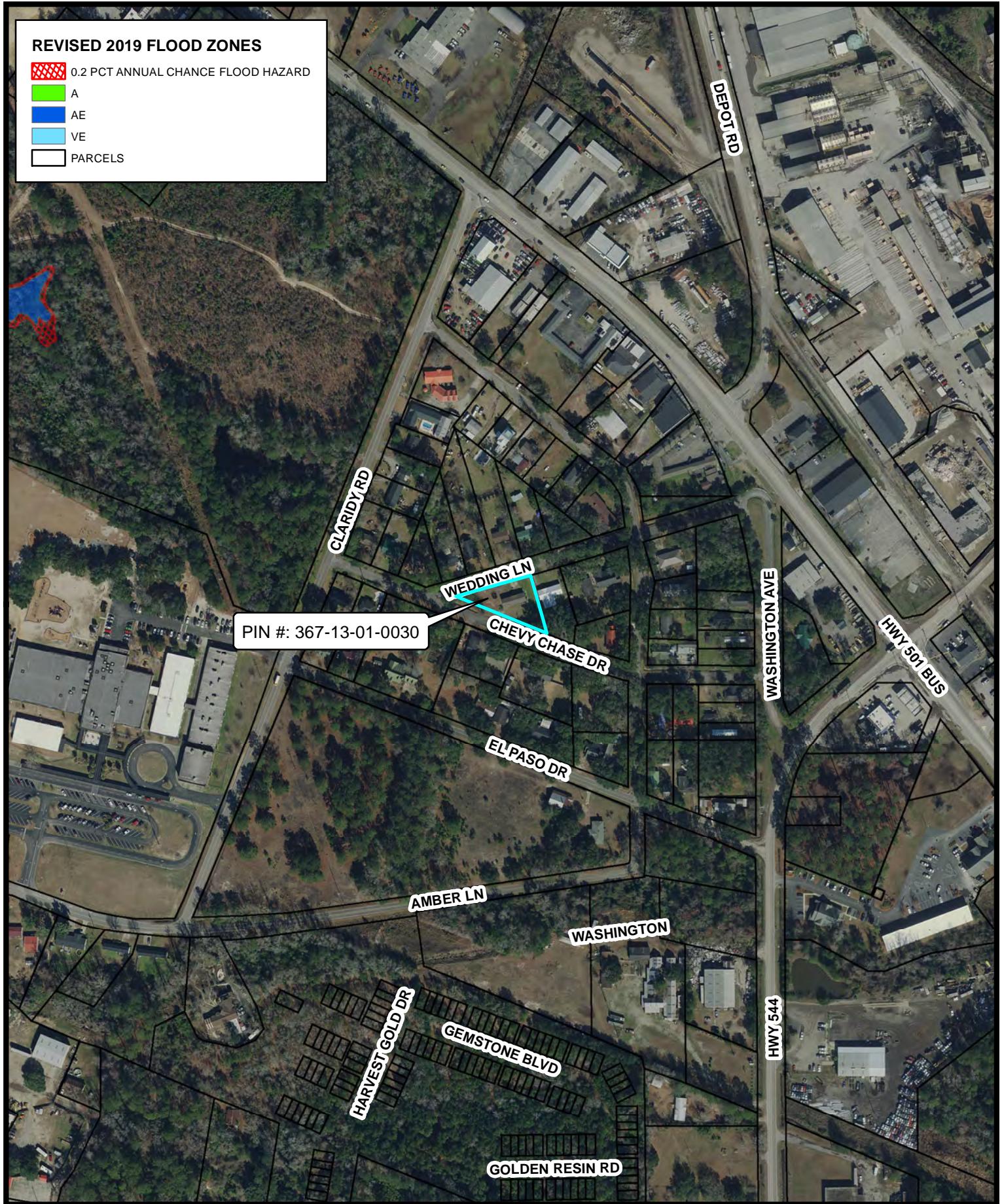


PIN #: 367-13-01-0030
TMS #: 137-16-02-020
286 WEDDING LN
(P25-0188)



REVISED 2019 FLOOD ZONES

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



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PIN #: 367-13-01-0030
TMS #: 137-16-02-020
286 WEDDING LN
(P25-0188)





PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

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

www.cityofconway.com

Instructions:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

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

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

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

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

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

PROPERTY LOCATION/SUBDIVISION: RED HILL SD; LT 39
PIN: 36713010030 ACREAGE: 0.38

PROPERTY ADDRESS: 286 Wedding Lane

PROPERTY OWNER MAILING ADDRESS: 1054 Savannah Bluff Conway, SC 29526

PROPERTY OWNER TELEPHONE NUMBER: 843-347-9453

PROPERTY OWNER EMAIL: stalveyrentals@yahoo.com

APPLICANT: David Stalvey

APPLICANT'S EMAIL: stalveyrentals@yahoo.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES NO

**IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDINGNING
RESPONSIBILITY TO THE APPLICANT.
PROPERTY OWNERS (Attach additional sheets if necessary)**

David Stalvey
(Print)

(Signature)

(Print)

(Signature)

DATE: 05/08/2025

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

Is there a structure on the lot: Yes Structure Type: Mobile Home

Current Use: Rental

Are there any wetlands on the property?

CIRCLE: YES NO

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

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

CIRCLE: YES NO

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

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

CIRCLE: YES NO

If yes, please describe.

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

CIRCLE: YES NO

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

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

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Notice

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

PHYSICAL ADDRESS OF PROPERTY:	286 Wedding Lane	FEE PAID () YES () NO
AREA OF SUBJECT PROPERTY (ACREAGE):	0.8	PIN: 36713010030
CURRENT ZONING CLASSIFICATION:	MSF 10	
COMPREHENSIVE PLAN 2035 FUTURE LAND USE:	Low Density Residential	
REQUESTED ZONING CLASSIFICATION:	R1	

NAME OF PROPERTY OWNER(S):

David Stalvey

PHONE # 843-347-9453

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

1054 Savannah Bluff Conway, SC 29526

1054 Savannah Bluff Conway, SC 29526

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

05/08/2025

PROPERTY OWNER'S SIGNATURE(S)

DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

May 13, 2025

David L Stalvey
145 Amber Lane
Conway, SC 29526

To Whom it May concern,

Daron K Stalevy is the property manager at 286 Wedding lane Conway, SC 29526. The lease automatically renews every year the property is used exclusively for rental. If you have any questions please let me know.

Landlord - Daivd Stalvey

5 | 13 | 2025

Date

Tenant Daron Stalvey

5) 13 | 2025

Date

DATE: JUNE 16, 2025
ITEM: III.B.

ISSUE:

Recodification of Titles 4 and 9 of the City of Conway Code of Ordinances

BACKGROUND:

Local governments that establish codes of ordinances are required by state law to recodify those ordinances from time to time, generally once per decade. This requires the review of all parts of the code to assure that all ordinances are accurate, correctly reference state and federal laws, and to assure that all ordinances have been updated pursuant to judicial review. This also provides an opportunity for City Council to make updates as necessary in a more streamlined process.

Staff have reviewed Title 4 – Public Utilities and Title 9 – Offenses. Many of the updates are minor and correct spelling mistakes, modernize language, or correct scrivener’s errors. Some sections, while still referencing valid offenses or regulations, are removed to avoid redundancy with state law. Other sections are new and address issues that are not currently codified in city ordinance.

A summary of major changes:

Title 4 – Public Utilities

- Section 4-1-5 – This section is updated to require that if a customer has two payments returned in a six-month period, that customer must pay with guaranteed funds (cash, cashier’s check, money order) for one year.
- Sec 4-1-13 – This section establishes a restricted fund that has not been funded in many years. Therefore, it is repealed in this update.
- Sec 4-1-14 – Definitions are added to clarify other sections of the code.
- Section 4-3-6 is added to codify a requirement that property owners maintain clear access any public utilities infrastructure on their property so that city staff may easily service such infrastructure.

Title 9 – Offenses

- Section 9-1-21 deals with noise violations. This section is updated to remove references to phonographs and add digital audio equipment.

-Section 9-2 – In this section, the acts of swindling and shoplifting are removed, as they are enforced through state law. This will not affect the ability of the police to enforce violations against either offense.

-Section 9-3-1 – This section is repealed, as contributing to the delinquency of a minor is a state offense and is redundant in the city code.

-Chapter 6 is added to address prohibitions on public property and rights-of-way. This item was reviewed by council at budget retreat.

-Chapter 7 is added to clarify regulations against loitering. This item was reviewed by council at budget retreat.

-Chapter 8 is added to apply penalties for violations of Title 9.

City Council approved first reading of Ordinance #2025-06-16 (B) at their June 2, 2025 meeting and added an amendment to Section 4-3-5 referencing Ordinance No. 9-03-25 (B) that should be 91-03-25 (B).

RECOMMENDATION:

Approve Final Reading of Ordinance #2025-06-16 (B), an Ordinance updating Titles 4 and 9 of the City of Conway Code of Ordinances.

TITLE 4 Public Utilities¹

CHAPTER 1 General Provisions

Sec. 4-1-1 Combined water and sewer system.

The existing waterworks system and the existing sewer system of the city shall be and are hereby combined into a single system to be known as waterworks and sewer system of the City of Conway, South Carolina, which shall remain under the control and direction of the city council.

Application for service. The customer of a new water account shall be required to pay a service charge as shown below. This service charge is intended to represent the cost associated with setting up a new account and thus is not refundable when the account is closed out. We guarantee service within 48 hours of receipt of application.

An applicant or transferor shall provide proof of ownership, leasehold interest, occupancy, residency, authority, identity or existence, if a legal entity, upon request and shall not receive or continue to receive water and/or sewer service until the requested proof has been provided and/or verified by the city.

Service shall not be provided at a new location to any consumer delinquent at a prior location. All members of any family occupying the same household may be deemed consumers for the purpose of this section, regardless of the name in which service is registered. If the service deposit, or any part thereof, has been utilized for payment on an account, a new service deposit shall be made by the consumer in accordance with the provisions set forth in this chapter.

For purposes of this section, the term "family" shall be defined as one (1) or more people, plus their household employees, who live together in a dwelling unit as a single housekeeping unit. This definition shall include unrelated individuals defined as handicapped by Title VIII of the Civil Rights Act of 1968, amended by the Fair Housing Amendments Act of 1988. It also expressly includes the residents of those homes housing nine (9) or fewer mentally or physically handicapped individuals on a 24-hour basis as provided by S.C. Code 1976, § 6-7-830.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-2 Charges for services; billing; and delinquency.

- (a) There are hereby established water and sewer monthly rates, deposits, tap fees, capital recovery charges, service connection charges, penalties, reconnection charges, and other user-related service charges associated with the provision of water and sewer service. The council may, by ordinance, modify rates and/or charges or adopt any other rates or service requirements.

¹Editor's note(s)—Ord. No. 2022-06-20(I), adopted June 20, 2022, repealed former tit. 4 in its entirety, and enacted new provisions to read as herein set out. Former Tit. 4, §§ 4-1-1—4-1-15, 4-2-1—4-2-5, 4-2-11—4-2-21, 4-2-31—4-2-37, 4-3-1—4-3-5, 4-4-1—4-4-11, pertained to similar subject matter. See the Code Comparative Table for a complete derivation.

-
- (b) The water and sewer monthly rates, deposits, tap fees, capital recovery charges, service connection charges, penalties, reconnection charges, and other user-related service charges as are established by council shall be on file in the city clerk's office and are incorporated herein by reference.
 - (c) Upon service activation, the customer will be billed and is obligated to pay minimum **base charge** monthly fees for service availability, whether or not consumption has occurred. All customers shall be billed once a month and each monthly statement shall become due and payable in its entirety within 15 calendar days of the date of billing. These bills shall include the water, sewer, stormwater and sanitation service charges when applicable. The water and sewer charges are based on water consumption.
 - (d) The monthly service charges for water, sewer, stormwater and sanitation service shall be shown separately on the bill rendered monthly to each customer. However, the separate rate structure components for the water and sewer services will not be separately listed on the bill. If the combined charges for these four (4) services are not paid by the consumer when due, penalties will apply as incorporated herein by reference, and the finance director shall give the consumer notice of the default.
 - (e) If the monthly bill is not paid within 15 calendar days of the date of billing, a penalty of five (5) percent shall be added. If any bill shall remain unpaid after the 10th calendar day of the succeeding month, all services to that consumer shall be discontinued and remain discontinued until the consumer has paid all outstanding balances billed plus penalties and a service reconnection charge.
 - (f) All water service shall be rendered upon a metered basis, and a separate meter shall be installed for each dwelling, business establishment or property served with water. The meters shall be read every month. In a case where a meter fails to register, the charge will be determined by an average of the most recent consumptions and/or a data profile on the meter shall be performed when able. The city can back bill for usage **and/or base charges** not billed for up to three (3) years.
 - (g) In the event a customer believes that there has been an error in the billing of the account, such customer must notify the utility finance division at least two (2) working days before the disconnection date stated on the delinquent notice. **If** an error **is** made, a correction shall be made to ensure that said customer services are not disconnected.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-3 Utility deposits.

- (a) In addition to all other charges, fees or penalties provided for in this chapter, prior to commencement of water or sewer service, a consumer shall make a deposit with the city as provided in section 4-1-2.
 - (1) Separate deposits are required for business locations, even though a resident may have a deposit already established for their residence location.
- (b) Upon termination of water or sewer service, the deposit shall be refunded to the customer or consumer subject to the following limitations:
 - (1) Deposits are refundable only after service has been disconnected and all water bills, sewage bills, city taxes, and other debts which are due the city are paid.
- (c) Deposits may be transferred from one (1) location to another provided all bills owing on the former location have been paid by the consumer.
- (d) Deposits may not be transferred from one (1) consumer to another except with written permission of the consumer who made the deposit. In the event a deposit is transferred from one (1) consumer to another, the transferee shall assume any unpaid bills incurred by the transferor.

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- (e) Deposits in the amounts set out in subsection (a) herein shall remain on deposit with the city during continuation of service, and in the event service is discontinued for any reason, the deposit may be applied to any indebtedness incurred by the consumer to the city. Service shall not be restored to the consumer until the deposits are made current.
 - (f) Upon termination of service, the tenant shall provide a forwarding address as well as the name of the property owner. Property owners of vacant rental property are responsible for all fees associated with the service address during periods of vacancy including customer account fees and base facility fees until the property is sold, rented, or permanently disconnected. Owner/tenant agreements do not excuse the property owner from paying base facility fees, customer account fees, and commodity fees when the tenant vacates the property before the lease expiration date. After 60 days, when there has been no usage and the service has been disconnected, the service will be put back into the property owner's name for payment of base facility fees.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-4 Differential in rates for in-town and out-of-town customers.

A differential in water and sewer rates for in-town customers and out-of-town customers is expressly recognized due to problems of maintenance and supply.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-5 Penalties for non-payment of water and sewer bills.

If any water and/or sewer bills, fees, or other charges are not paid by the 15th day following the date of mailing of the bill, a five (5) percent penalty shall be added to the bill. If the bill is not paid by the 10th day following of mailing of the second-month bill, an additional \$25 penalty shall be added. While the city will make reasonable effort to see that each customer receives such customer's bill, no responsibility will be assumed for non-delivery when same has been mailed at the post office, nor entitle the customer to any delay in paying the amount due.

Dishonored checks, credit card payments and electronic payments. A charge in the maximum amount permitted by South Carolina law shall be added to a water account for each returned or bad check given on the account. If payment was made by electronic funds transfer or credit card and a chargeback is ordered, the same administrative fee applicable for returned checks shall be added to the water account for each chargeback. Water service shall be terminated immediately upon dishonor of a check, credit card payment or electronic payment chargeback on an account which is in arrears. Payment must be made with guaranteed funds. **If two or more payments have been returned within a six-month period, the customer must pay with guaranteed funds for one year following the date of the last returned payment.**

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-6 Responsibility of owner when units are vacant.

It shall be the responsibility of the owner of any units to make payment of all water and sewer rates, fees, and penalties if service is used when the units are vacant.

- Voluntary discontinuance of service. Consumers wishing to discontinue the use of any utility service shall give notice thereof to a utility billing specialist at the utility department. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-7 Discontinuance of service for violation.

In the event that any customer fails to pay in full water or sewer charges required by this chapter, or to conform in any other respects to this chapter, the finance director shall give 10 days' notice of the action or default on the part of the customer and at the expiration of the 10 days if the account has not been paid or the default corrected the water and/or sewer service to that customer shall be cut off. If a consumer or customer has water service at two (2) or more locations, and for any reason service is discontinued at any location, and at the time of the termination of service water and/or sewer bills or other related charges remain unpaid, water and/or sewer service may be discontinued at any other location of the consumer or customer as provided in this section.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-8 Restoration of service after discontinuance.

If for any cause the water and/or sewer service of any consumer shall be cut off, the service shall not be renewed until the consumer shall pay in advance all charges due and owing, correct any default existing, pay for any damages incurred, and pay a reconnection fee as provided in section 4-1-2. In addition, if at any time a lock is broken by a consumer on a water meter and it is necessary for the city to remove the meter, the water consumer shall pay a charge, as provided in section 4-1-2, for removal and reinstallation of the meter, before service is renewed. The aforementioned requirement is in addition to all other charges, fees or penalties provided for in this chapter.

Liability of owner for broken meters. The owner of the property or occupant contracting for water service shall be responsible for the negligent or willful damage to meters, meter boxes, valves, locking devices or other fixtures appertaining to water service; and the actual cost of labor and materials used in replacement or repair of such damaged fixtures shall be added to the water bill.

Right of city to shut off water in mains. The city reserves the right at any time without notice to shut the water off in its mains for the purpose of making repairs or extensions or for other purposes. No claims shall be made against the city by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. When service interruptions occur, service will be re-established within the shortest time practicable, consistent with safety. The city shall not be liable for any loss or damages of any kind whatever for any interruption of service.

Liability for damage from pressure fluctuations. The city shall not be liable for any damages to a customer's plumbing or property caused by high pressure, by low pressure, or by fluctuation in pressure in the city's water mains.

Tampering with water meter, operating cut-off or curb cocks located in water meter box; charges. It shall be unlawful for any person, except authorized representatives of the city utilities division or persons with appropriate authorization therefrom, to (i) tamper with any water meter; (ii) cut or remove any lock therefrom; or (iii) operate a cut-off or curb cock located in a water meter box which has been turned off by the city for nonpayment of billings or other reasons. The city manager or his designee may assess a charge based upon the actual current costs of the water meter or other apparatus and the installation thereof against any person or persons committing those acts or against the customer account designated for such water meter or apparatus in addition to any other charges assessed by the city therefor or any sentence judicially imposed therefor. The charges authorized by this section may be assessed whether or not the water meter or other apparatus is replaced.

Duty of contractors as to water mains, lines, valves, valve boxes, hydrants, etc. It shall be unlawful for any person who may perform work in the city's jurisdiction to destroy, remove or obliterate by burying, covering up or

hitting any of the water mains, water lines, valves, valve boxes, hydrants, curb stop valves, meter boxes or any other similar property, belonging to or owned by the city. It shall be the duty of any such contractors, before any work is done in, to obtain from the public utilities department the exact location of water mains, all valves, valve boxes, hydrants, curb stop boxes and meter boxes in order to carry out the provisions of this section.

Right of access. The city shall have the right to enter the customer's property without notice for the purpose of making emergency repairs, inspections, disconnection or reconnection of service, necessary installations, or reading of meters.

Medical necessity.

- (1) Certain medical conditions make it favorable to have continual access to the City of Conway Water and Sewer system. The utility billing division has adopted a medical life support policy, which offers eligible customers with certain medical qualifications to have additional notification prior to disconnection of their utility services in cases of nonpayment and delinquency.
- (2) Upon receipt of the three (3) items listed below, utility billing staff will review your case to determine eligibility. Several aspects may affect eligibility such as payment history, credit within the utility billing system, and medical condition.
- (3) To apply for medical life support eligibility, provide the following:
 - a. Completed medical life support application;
 - b. Completed and signed medical life support terms and conditions;
 - c. Supporting documentation from your medical provider.

If eligibility is determined, you will be notified by a utility billing customer service staff member. Your account will be updated to reflect medical life support; and in the event of potential disconnection of your utility services for nonpayment, you will be provided additional prior notification.

If your services are interrupted due to nonpayment, the account balance will need to be paid in full prior to reconnection of services, and the medical life support qualification will be removed from your account.

In order to maintain medical life support eligibility each year, customers must submit a new signed medical life support terms and conditions form, a new completed medical life support application, and updated supporting documentation from your medical provider annually.

NOTE: The medical life support policy does not prevent disconnection of past due accounts.

Deceased account holder.

- Death certificate or obituary.
- Personal representative papers or executer of the estate papers (if applicable).
 - Spouse taking ownership of current account.
 - Need a new service application.
 - ID.
 - A deposit if there is not one (1) on file or of a sufficient amount.
 - The estate of the deceased.
 - Can keep the current account open and change the name to the estate of (name).
 - Must add the personal representative or the executor of the estate as the contact for the account.

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- A deposit will need to be paid if there is not one (1) on file or of a sufficient amount.
 - ⑨ Family member other than a spouse taking over residence.
 - A new service application.
 - ID.
 - Proof of ownership/rights to the property.
 - New deposit will need to be paid and the old deposit will be applied to the deceased's account.
 - If an account of a deceased person goes delinquent the account should be closed immediately.
 - ⑨ After the closure to open an account at this address we will need:
 - A new service application.
 - ID.
 - Proof of ownership/rights to the property.
 - Deposit.
 - Service charge.
 - After the customer has passed away and probate has been settled, the rightful owner will have 30 days to open an account in their name to prevent a disconnection of service.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-9 Special rate contracts.

The city may modify any water rates establishes by it by special contract based on flat rates per month, or on other basis as may be approved by the council, but all such contracts shall be in writing.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-10 Adoption of further regulations by ordinance.

The council may, by ordinance, adopt any other or further rates or requirements as may in its discretion be considered advisable in the sale or servicing of water and/or sewer.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-11 Applicability of chapter to persons living beyond city limits.

Persons living outside the corporate limits of the city, using the city's water and/or sewer service, shall be subject to the provisions of this chapter.

Responsibility of city as it relates to water service. The city's responsibility shall end at the meter. Everything from the meter to the building receiving service, including the connection to the meter shall be the responsibility of the property owner.

The customer is responsible to connect his plumbing to the meter at his own cost.

Responsibility of city as it relates to sewer service. It is each property owner's responsibility to maintain their sewer lateral from the building to their property line or to the connection with the public sewer main if the public sewer main is on their property. All costs and expenses incident to the installation, connection, repair, and maintenance of the building sewer shall be the responsibility of the property owner. For such purposes, the property owner is granted permission to excavate in the public right-of-way subject to the City of Conway's regulations and under the direction of the utilities director.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-12 Extension of water and sewer system; responsibilities and expenses; specifications; ownership of extensions.

- (a) Requests for extensions of the water and/or sewer lines of the city's water and sewer system to property located either within or without the corporate limits of the city shall be subject to approval of the city council.
- (b) Responsibility for construction and cost of extensions of either water and/or sewer lines, either within or without the corporate limits of the city shall be as follows:
 - (1) Extensions of water and/or sewer lines. Any person, firm, or corporation requesting such extensions to property shall employ a licensed contractor, approved by the city, to install such extensions and shall be responsible for all costs of such extensions; provided however that for extensions of water and/or sewer lines of less than 1,000 feet, the city may, in its discretion, install the extensions and the person, firm or corporation requesting such service shall be required to pay for all costs, including labor, materials and equipment.
 - (2) Extensions of water and/or sewer lines; alternate procedure. Any person, firm, or corporation located within a densely populated area may, as an alternate procedure, petition the city council to install and pay for an extension of water and/or sewer lines to serve said area. Such petitions shall be considered by city council when developing capital improvement plans for the water and sewer system during preparation of the city's annual budget on the basis of the following factors:
 - a. City's overall plan of extension;
 - b. City's projected growth area plans;
 - c. Number of potential customers;
 - d. Cost effectiveness;
 - e. Engineering feasibility;
 - f. Available funding.
- (c) Subdividers of land, as defined in the subdivision regulations of the city, when extending water and/or sewer lines within a subdivision, shall be required to have all such extensions installed by a licensed contractor, approved by the city, and shall be responsible for all costs of such extensions.
- (d) The design, plans, and specifications of all proposed extensions of water and/or sewer lines, and all proposed water and/or sewer lines to be installed within subdivisions shall first be submitted for approval by the city and any other governmental agency having jurisdiction thereof, and shall be in compliance with the current editions of the following which may be amended from time to time:
 - (1) The City of Conway Land Development regulations.
 - (2) The City of Conway Water and Sewer Extension Guidelines, Policies, and Specifications.

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- (3) State Primary Drinking Water Regulation: R.61-58 (South Carolina Department of Health and Environmental Control).
 - (4) International Fire Code/Building Code.
 - (5) Guide for Determination of Needed Fire Flow (Insurance Services Office).
- (e) Any person, firm, corporation or subdivider requesting an extension of water and/or sewer lines or water and/or sewer connection for land outside the corporate limits of the city as a condition of service of water and/or sewer shall be required to annex said land and all property of the owner contiguous to said land into the city. If the city does not desire to then annex the property, a subsequent petition for annexation shall be required at such time or times as the city may desire to annex the property. Further, a deed restriction as to this requirement shall be required to be filed in the office of the clerk of court for Horry County, South Carolina, prior to service. The city may require an annexation petition to be executed at the time service is requested.
 - (f) Upon completion of the subdivision water and/or sewer system, or installation of water and/or sewer lines, the owner or subdivider shall convey the system to the city together with all necessary easements for access thereto for purposes of operation and maintenance. The city shall then accept the system or lines into the city system and thereafter operate and maintain the system at no further expense to the owner or developer.
 - (g) Any person, firm, or corporation violating any provision of this title shall be subject to such penalties as provided in section 1-3-48; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

(Ord. No. 2022-06-20(l), 6/20/22)

Sec. 4-1-13 Water and sewer extension and improvement fund.

- (a) There is hereby established the water and sewer extension and improvement fund.
- (b) This fund is established to provide funding for major improvements and extensions of the water and sewer systems of the city from time to time as the same shall become necessary.
- (c) A fixed amount of \$75,000 of the annual gross revenues derived from water and sewer collections shall be deposited into the fund at the close of each fiscal year for the financing of the improvements and extensions. In addition to the above stated amount, city council shall have authority to withdraw surplus monies from the water and sewer system funds from time to time and in those amounts as it, in its sole discretion, shall determine to be required for the financing of the improvements and extensions.

(Ord. No. 2022-06-20(l), 6/20/22)

Sec. 4-1-14 Definitions.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as follows:
 - (1) BOD, denoting biochemical oxygen demand, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 30 degrees C., expressed in milligrams per liter and as further defined in standard methods.
 - (2) Building drain shall mean that part of lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

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- (3) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
 - (4) City shall mean the City of Conway, South Carolina.
 - (5) Cooking establishments shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces hot, non-drinkable food product in or on a receptacle that requires washing. Such definition normally includes any establishment that has a food service license.
 - (6) Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
 - (7) Garbage shall mean solid wastes from the domestic and commercial preparation of cooking and dispensing of food from the handling, storage and sale of produce.
 - (8) Gender, a word importing masculine gender only, shall extend and be applied to females and firms, partnerships, and corporations as well as to males.
 - (9) Grease trap or interceptor shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".
 - (10) Industrial wastes shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.
 - (11) Minimum design capacity shall mean the design features of a grease interceptor and its ability or volume required to effectively arrest and retain greases from grease-laden wastewaters discharged to the sanitary sewer system.
 - (12) Natural outlet shall mean any outlet into watercourse, pond, ditch, lake or other body of surface or ground water.
 - (13) Non-cooking establishments shall mean those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy frozen foodstuffs preparation and serving establishments. Such normally includes any establishment that has a food service license.
 - (14) Person shall mean any individual, firm, company, association, society, corporation or group.
 - (15) pH shall mean the logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution.
 - (16) Properly shredded garbage shall mean the waste from the preparation of cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.
 - (17) Public utilities director or his/her representative shall mean the City of Conway employee responsible for the enforcement of all provisions and regulations pertaining to the FOG (fats, oils, and grease) control ordinance.
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- (18) Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
 - (19) Sanitary sewer shall mean a sewer which carries sewage to which storm, surface and ground waters are not intentionally admitted.
 - (20) Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.
 - (21) Sewage treatment plant shall mean any arrangement of the devices and structures used for treating sewage.
 - (22) Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage or industrial wastewaters.
 - (23) Sewer shall mean a pipe or conduit for carrying sewage.
 - (24) Sewer surcharge shall mean a charge for sewer service and treatment service for wastes having characteristics different from sanitary wastes and for which additional charges must be assessed in order for the discharges to make compensation for additional expenses incurred in handling these different wastewaters.
 - (25) Reserved.
 - (26) Slug shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five (5) times the average 24-hour concentration occurring during normal operation.
 - (27) Standard methods shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
 - (28) Storm drain sometimes termed storm sewer shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes.
 - (29) Street. The word "street" shall be construed to embrace streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts, and all other public highways in the sanitary area.
 - (30) Suspended solids shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids which are removable by laboratory filtering and is further defined in standard methods.
 - (31) Total solids shall mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile and as further defined in standard methods.
 - (32) Treatment works shall mean all facilities for collecting, pumping, treating and disposing of sewage or industrial wastewaters.
 - (33) User shall mean any person, including those located outside the jurisdictional limits of the city, who contributes causes or permits the contribution of discharge of wastewater into the publicly owned treatment works (POTW), including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
 - (34) Watercourse shall mean a channel in which flow of water occurs, either continuously or intermittently.
 - (35) EPA shall mean the United States Environmental Protection Agency.

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- (36) Public Utilities Infrastructure refers to any equipment, facilities, or structures used for the provision of public utilities services, including but not limited to meters, hydrants, valves, manholes, and pump stations.
- (37) Clear Access refers to the unobstructed pathway or space required for authorized personnel to approach, inspect, maintain, and repair public utilities infrastructure.
- (b) All other words shall be construed as having the meaning defined in Glossary of Water and Sewage Control Engineering, published by the Water Pollution Control Federation, Washington, D.C., or by their general usage, if undefined.
- (Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-1-15 Capital recovery fund/capital recovery charges.

- (a) There is hereby established the capital recovery fund for the waterworks and sewer system of the city.
- (b) Capital recovery charges were initially established by resolution of the city council dated June 25, 1984, and are hereby incorporated herein, merged with and made a part and parcel of this section by reference. Subsequent changes, additions, or revisions in capital recovery charges are likewise made a part and parcel of this section.
- (c) The purpose of said charges and the fund is to provide capital for the payment of expenses reasonably incurred for the major restoration, extension, improvement, betterment, and updating of the waterworks system of the city.
- (d) All capital recovery charges collected by the city including all associated interest earnings, shall be deposited by the finance office in the fund created hereby.
- (e) All expenditures from the fund created hereby shall be approved by city council.
- (f) Capital recovery charges, both water and sewer, are not transferable from the property for which they were originally paid.
- (g) In no case shall a cash refund of capital recovery charges be given unless the property is not developed, the capital recovery charges have already been paid prior to the decision not to develop the property, and service has not been provided. Also, capital recovery charges will not be refunded if they are overestimated when service is provided or if a customer is moving into an existing location requiring a lower level of residential equivalent units (R.E.U.) than the previous occupant(s) at that location.
- (h) Capital recovery charges are applicable to either a new customer or an existing customer who requests service at a new or existing location. The capital recovery charges for either a new or existing customer will be computed based on the quantity of R.E.U. associated with the customer's specific service requirements. The R.E.U. will be based on the schedule of R.E.U. factors adopted by the city and in effect at that time.
 - (1) If the location has had service within the past five (5) years, a credit shall be given based on the previous occupants R.E.U. associated with the prior service.
 - (2) If the new location has not previously had service or if the property has been vacant for more than five (5) years, capital recovery charges will apply at this location on the same basis as if service had never been established.
- (i) Capital recovery charges are also applicable if an existing customer expands his service requirements at an existing location by either adding equipment or taking such other action which places a greater demand on the water and/or sewer service provided by the city. Thus additional capital recovery charges are applicable for the quantity of R.E.U. generated by the increased demands for water and/or sewer service.

CHAPTER 2 Sewer

ARTICLE A ***General Provisions***

Applicability of charges for sewer service. Residential water meters other than irrigation meters are subject to water and sewer charges in the city's sewer service area where sewer is available and provided to the property unless it is illustrated and proven to the city engineer and/or the public utilities director that under no circumstance can the water provided through the meter discharge into the sanitary sewer system.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-1 Required facilities.

No surface toilet or privy shall be permitted to exist within the city. All toilets shall be connected with the sewer system of the city or shall be served by a septic tank of a type and design approved by the state department of health and environmental control.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-2 Inspection and approval of septic tanks, etc.

Any septic tank or similar sewage disposal system located within the city shall be of a type and character approved by the state department of health and environmental control and shall be subject to inspection at any time by the health authorities of the city or state.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-3 Placement of private sewers to connect with public sewer.

Where there is no sewer in the street, and it is necessary to construct a private sewer to connect with a sewer in an adjacent street or avenue, it shall be laid outside of the curb, under the roadway of the street on which the house fronts, and not, when otherwise practicable, through the yards or under the houses.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-4 Unlawful discharge of pollutants.

- (a) It shall be unlawful for any person, firm or corporation to discharge into any of the storm drains, storm sewers, ditches, or other drainage facilities within the city limits sewage, industrial waste, pollutants or other wastes, as defined in Pollution Control Act of the State of South Carolina, and further specifically including, but without limiting the generality, oil, gasoline, petroleum, wastes, pesticides and detergents, whether this matter is discharged directly into the drainage systems, or whether it be discharged onto the street or on private premises in a manner that it ultimately flows into any part of the drainage system.

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- (b) Violation of this section is punishable by fine not exceeding \$200 or imprisonment for not exceeding 30 days. Each discharge of such materials shall be considered as a separate offense, and each day that a continuing discharge is made, after notice from the city engineer to discontinue the discharge, shall further be considered as a separate offense. These criminal provisions are non-exclusive, but the right of the municipality to injunctive relief or abatement of or penalty for a nuisance shall not be affected.
 - (c) This section is supplemental to the South Carolina Pollution Control Act, is not in conflict therewith, and does not limit any right of the municipality under the terms of that state legislation.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-5 Requirements relating to sewer service connection, and denial or discontinuance of sewer service.

- (a) Requirements relating to sewer connections. The city reserves the right, at its option, where and when, in its discretion, the conditions may or might require it, at any time to require any owner to install on his service connection a tank, check valve or valves, cock or gate valve, pressure regulator or other appliances, apparatus or equipment of such type and design as is approved by the city and thereafter to require any change, alteration, substitution or addition of and to any such tank, etc., as aforesaid, and failure upon the part of the owner to comply with such requirements of the city within 10 days after written notice to the owner, or within some agreed extension beyond such 10 days also in writing, shall authorize the city at its option, and without further notice, to cancel the contract for such service and discontinue the same. The city further reserves the right, at its option, and without notice if the conditions in its discretion warrant and justify such action for the good of the system, to discontinue its service to any premise or premises where and when the continuance of the service to such premise or premises will reduce or in any manner affect the efficiency of any of the rest of the city's system.
- (b) Denial or discontinuance of service by city. Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.
 - (1) Without notice in the event of a condition determined by the city to be hazardous or dangerous;
 - (2) Without notice in the event of customer use of equipment in such a manner as to affect adversely the city's service to others;
 - (3) Without notice in the event of unauthorized use of the city's service;
 - (4) For customer tampering with equipment furnished and owned by the city (the customer shall make every reasonable effort to prevent tampering, and shall notify the city immediately of any tampering with, damage to, or removal of any equipment);
 - (5) For violation of and/or non-compliance with these rules and regulations;
 - (6) For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the city;
 - (7) For failure of the customer to allow the city reasonable and safe access to its equipment;
 - (8) For failure of the customer to provide the city with a deposit, upon demand by the city;
 - (9) For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtain service, or in the event such permissions are withdrawn or terminated;
 - (10) For illegal willful misuse of city's services by the customer;

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- (11) For molesting or tampering with any service or sewerage pipe, or for illegally making connection into any sewerage line for the disposal of drainage surface waters;
 - (12) The city shall not be required to furnish its sewerage service to any applicant, who at the time of such application, is indebted under an undisputed bill to the city for water or sewerage service, or any other service, previously furnished for such applicant or furnished any other member of the applicant's household;
 - (13) The customer's use of the city's service conflicts with, or violates, any order, ordinances, or laws of the state, or any subdivision thereof or the United States Government.

Before any sewerage service is disconnected, the city will give 10 days' written notice to the customer, with copies forwarded to the Horry County Health Department. At the expiration of the 10-day period, or at the expiration of some agreed extension beyond 10 days, the customer's service may be discontinued by the city at any time without further notice. After the physical discontinuance of any sewerage service, the Division of Sanitary Engineering of the South Carolina Department of Health and Environmental Control shall immediately be notified of the action and the name and address of the customer.

(Ord. No. 2022-06-20(I), 6/20/22)

Secs. 4-2-6—4-2-10 Reserved.

ARTICLE B
Sewer Connections

Sec. 4-2-11 Sewer connection required; application and permit; fee.

- (a) Every building in which plumbing fixtures are installed shall have a connection with a public or private sewer where it is available, provided that said public sewer is within 250 feet of the property line, and the owner of the property, or the tenant, as the case may be, shall, on being notified by the public utilities director that the public sewer is available to his premises, promptly take all necessary action to connect with the sewer system, including:
 - (1) Making application for sewer service at the city treasurer's office and making payment along with the application of a tap in or connection fee, as provided in section 4-1-2; and
 - (2) Obtaining a permit to make the connection from the property line to the dwelling.
- (b) Permission to connect with a sewer in the city, may, in the discretion of the public utilities director, be confined to the character and kind of water and other deposits as in his judgment are necessary and proper, considering the locality and size of the sewer.
- (c) The application must set forth fully the size and character of the sewer which is to be put down, the point or points at which connections are to be made, with the city's sewer, and the purpose for which the sewer is to be used.
- (d) The applicant shall take all other steps which may be necessary to make the connection in accordance with the plumbing code of the city and in accordance with the regulations of the water and sewer departments, or any subsequent regulations which may hereafter by council be passed either in the form of ordinance or resolution.
- (e) All connections to the city sewer shall be constructed and maintained by the applicant so as to prevent the entrance of infiltration and/or inflow into the city system.

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- (f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all of the requirements of this chapter.
 - (g) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the appropriate specifications of the ASTM or WPCF Manual of Practice No. 9, all installations to be subject to the express written approval of the city and in no case shall size of pipe installed be less than four (4) inches in nominal diameters.
 - (h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be made parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobile, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to such point as directed by the city.
 - (i) No person shall maintain or make a connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
 - (j) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
 - (k) All pertinent OSHA requirements must be met during the construction of any portion of the treatment works.
 - (l) Materials for construction and construction procedures for building sewers shall be in accordance with the city's building code.

(Ord. No. 2022-06-20(l), 6/20/22)

Sec. 4-2-12 Same; within 90 days after notice.

When there is an imminent health hazard, as determined by the public utilities director or the department of health and environmental control, a sewer connection, as required by section 4-2-11, shall be made within 90 days after the furnishing of notice of the availability of the sewer system, which notice may be sent by regular United States mail, addressed to the owner or tenant of the property.

(Ord. No. 2022-06-20(l), 6/20/22)

Sec. 4-2-13 Discontinuance of water supply for failure to make connection within prescribed time.

- (a) In addition to the penalties provided by this code for violation thereof, if at the expiration of the 90-day interval provided for in section 4-2-12, the connection has not been made in accordance with the requirements of this code, the water supply shall be discontinued. In the notice given to the owner or tenant in accordance with the provisions of this article, it shall be expressly stated that if the sewer connection is not made within the specified 90 days, then the water services to the premises will be discontinued.
- (b) The public utilities director and treasurer acting together may, in exceptional circumstances in which there has been a failure to establish the connection within the required 90 days, withhold action in discontinuing the water supply upon the condition, however, that the owner or tenant of the property in question shall have made application for the necessary permit, made payment of the fee, and also established to the

satisfaction of the city engineer and treasurer that a bona fide contract has been made with an authorized plumber to do all work necessary to complete the connection within not less than 30 days thereafter.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-14 Restoration of water supply after discontinuance.

- (a) If water services should be discontinued and the owner or tenant thereafter shall make application for the restoration of water services, it shall be furnished only subject to the penalties and requirements as now exist for the resumption of water supply and the connection with the sewer line in accordance with the terms of this code. If no application has been made for permit to connect with the sewer line within the original 90 days, then the tap-in fee shall be increased by 20 percent as a penalty.
- (b) The tap-in or connection fees established in sections 4-2-11 and 4-2-12, as well as the penalties provided, may be changed at any time by ordinance of the council.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-15 Occupant responsible for maintenance of connection.

The occupant of premises from which any sewer connection is made shall be bound, at his own expense, to keep the connection in good order.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-16 Supervision of tapping; liability for damage; replacement of street or sidewalk.

- (a) It shall not be lawful for any person to tap or make connection with any sewer in the city for any purpose whatsoever, except by permission of the public utilities director, and upon complying with the terms and conditions contained herein.
- (b) Whenever a connection is made with any sewer, it must be done under the supervision of the public utilities director, and the person at whose instance the connections may be made shall be liable for any damage resulting there from, and shall replace the street and sidewalk along and through which the connection is made, in as good condition as it was before the work was connected.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-17 Permission to empty sewer into manhole.

No sewer shall empty into a manhole or be tapped into a sewer except on the written permit from the public utilities director furnished to the plumbing inspector.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-18 Connection when "Y" for one premise mistakenly used by adjoining premises.

Where a "Y" belonging to any premises has been taken by mistake or otherwise, a "Y" may be inserted into the line at the main sewer "Y" giving the property owner the straight end, and the other shall be connected into the "Y" branch.

(Ord. No. 2022-06-20(I), 6/20/22)

(Supp. No. 63, 8-24)

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Sec. 4-2-19 Requiring separate connections after joint connection previously allowed.

When from any cause a permit has been given to use one (1) line of sewer for two (2) or more lots or houses by the public utilities director, and, for any reason, it afterwards becomes necessary to have each of the houses or premises separately connected, the permit allowed or issued will have no effect, and the public utilities director may, at any time, order separate connections when, in his judgment, it is necessary to be done.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-20 Sewer ditching generally; approval of sewer ditch.

The individual in charge of the sewer ditch must be present when the work is inspected and have all permits, if necessary, with him. He must have a good level and line and must give all information that the plumbing inspector may require. Notice will be given this individual whether the work is satisfactory, and if passed, also if improperly put in and not passed, and he should so inform his employer immediately.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-21 Charges prior to connection.

The monthly rental or sewer charge as provided for in this chapter shall go into effect on the first day of the month following the giving of notice that the public sewer is available even though the sewer connection may not have been completed.

(Ord. No. 2022-06-20(I), 6/20/22)

Secs. 4-2-22—4-2-30 Reserved.

ARTICLE C
U.S. Environmental Protection Agency Requirements

Sec. 4-2-31 Sewer service surcharges.

Establishments, both commercial and industrial, discharging a wastewater of high strength or unusual character, shall be charged a surcharge, for transportation and treatment of such wastes, in addition to the city's normal sewer service charge. Surcharges shall be as provided in section 4-1-2.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-32 Request for pretreatment of industrial wastewaters.

Industrial users of the city's sewer system which are covered by U.S. Environmental Protection Agency pretreatment regulations promulgated subsequent to the requirements of sections 307(b) and (c) of the Federal Water Pollution Control Act, and as more specifically defined in 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution), shall pretreat wastewaters in accordance with the applicable U.S. Environmental Protection Agency regulations prior to discharge to the city sewer system.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-33 Sewer user charge system.

The city has adopted a sewer user charge system meeting the requirements and approval of the environmental protection agency. Sewer user charges shall be as provided in section 4-1-2.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-34 Use of the public sewer.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage, to any public sewer.
- (b) Pollutants introduced into the city's sewer system by any source of a non-domestic discharge shall not inhibit or interfere with the operation or performance of the wastewater collection or treatment system. These general prohibitions apply to all such users of the city system, whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.
- (c) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers.
 - (1) Pollutants which create a fire or explosion hazard in the city system;
 - (2) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters in the sewage treatment plant;
 - (3) Pollutants which will cause corrosive structural damage to the city system, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
 - (4) Solids or viscous substances in such quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair and fleshing, or entrails, either whole or ground by garbage grinders;
 - (5) Heat in amounts which will inhibit biological activity in the city system resulting in interference but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40 degrees C (104 degrees F).
- (d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the city, that such wastes can harm either the sewers, sewage treatment process, or equipment having adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows, and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
 - (1) Any liquid or vapor having a temperature higher than 150 degrees F. or 65 degrees C. See section 4-2-35 for more detailed information.
 - (2) Any water or waste containing fats, wax, grease or oils whether emulsified or not in excess of 100 mg/l or containing substances which may solidify or have excessive viscosity at temperatures between 32 or 150 degrees F. or 0 and 65 degrees C. See section 4-2-35 for more detailed information.

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- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) h.p. or greater shall be subject to the review and approval of the city.
 - (4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution whether neutralized or not.
 - (5) Any waters or wastes containing metals or other toxics as established by the city in consideration of stream quality standards, wastewater treatment plant inhibitory levels and other factors required by SCDHEC or EPA.
 - (6) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the city as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge of the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state and federal regulations.
 - (8) Materials which exert or cause:
 - a. Unusual concentration of inert suspended solids; such as, but not limited to, earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
 - b. Excessive discoloration; such as, but not limited to, dye wastes and vegetable tanning solutions;
 - c. BOD and suspended solids exceeding 275 mg/l or unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentrations of wastes constituting slugs as defined herein.
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant cannot meet the requirements of other state or federal agencies having jurisdiction over discharge to the receiving waters.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in section 4-2-34(d), which in the judgement of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the city after implementing a pretreatment program as required by 40 CFR Part 128, may:
- (1) Reject the wastes;
 - (2) Require pretreatment to reduce the waste to an acceptable condition in accordance with federal regulation 40 CFR Part 128 prior to discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of section 4-2-34(i).

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city subject to the requirements of all applicable codes, ordinances, and laws.

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- (f) Interceptors shall be provided to prevent rags, plastic materials, grease, oil, and sand from entering the city sewer system when, in the opinion of the city they are necessary for the proper handling of liquid wastes containing such materials in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense.
 - (g) Where preliminary treatment or flow equalizing facilities are provided for any waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 - (h) It shall be required by the city that the owner of any property serviced by a building sewer carrying industrial wastes, install a suitable control manhole. When deemed necessary, the city may require additional waste metering devices and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole shall be readily accessible for representatives of the city and safely located and shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
 - (i) (1) All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest amendments to 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Clean Water Act" and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
(2) In order for the city to properly evaluate the effect of the waste on the system, an industry must submit, an industrial waste questionnaire summary describing maximum, minimum and average wastewater characteristics.
 - (j) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
 - (k) The city has no industrial users as defined in 40 CFR Part 35, Subpart E (Federal Register Vol. 43, No. 188, Wednesday, September 27, 1978). Should any industrial user connect onto the city sewer system, a pretreatment program/industrial cost recovery system that meets current EPA regulations will be developed and the industry will be required to agree to comply prior to tapping onto the city sewers. All fees shall be as directed by ordinances of city council.
 - (l) Uncontaminated cooling water may be discharged into the storm sewer upon approval by the city.
 - (m) The discharge of wastewaters to storm sewers is, without exception, prohibited.
 - (n) Any person causing malicious damage to the treatment works or appurtenances shall be subject to any local, state or federal laws which may apply to the nature of the damage.

(Ord. No. 2022-06-20(l), 6/20/22)

Sec. 4-2-35 Fats, oils, and grease control.

The purpose of this section is to aid in the prevention of sanitary sewer blockages and obstructions from the contributions and accumulation of fats, oils, and greases into the City of Conway sewer system from industrial, commercial, and institutional establishments, particularly food preparation and serving facilities.

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- (a) Grease interceptor maintenance, record keeping, and grease removal.
 - (1) Grease interceptors shall be installed by users as required by the City of Conway Sewer Use Ordinance, section 4-2-34(f). Grease interceptors shall be installed at the user's expense, when such user operates a cooking establishment. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial, commercial, or institutional establishments when they are deemed necessary by the City of Conway Public Utilities Director or his/her representative for the proper handling of liquid wastes containing grease.
 - (2) No user shall allow wastewater discharge concentration from subject grease interceptor to exceed 250 milligrams per liter, as identified by EPA analytical method 1664.
 - (3) All grease interceptors/traps shall be designed, installed, and located in accordance with the City of Conway Standard Details and Specifications and will allow for complete access to inspection, cleaning, maintenance, etc. No grease interceptor shall be less than 1,000 gallons or greater than 1,500 gallons. When required capacity exceeds 1,500 gallons then smaller grease interceptors installed in series shall be required. There shall be one (1) exception: a new or existing facility limited by space and cannot feasibly install a 1,000-gallon grease interceptor; an under the counter grease trap with a minimum rating of 15 gallons per minute with a grease retention capacity of 30 pounds may be installed, upon approval from the public utilities director or his/her representative.
 - (4) All grease interceptors shall be subject to review, evaluation, and inspection by the public utilities director or his/her representative during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator. The public utilities director or his/her representative may make recommendations for correction and improvement.
 - (5) All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capacity or elective volume of the grease interceptor, but not to exceed every 90 days. In floor and under the counter grease traps shall be cleaned not less than every 30 days.
 - (b) Users who are required to pass water through a grease interceptor shall:
 - (1) Provide a minimum hydraulic retention time of 24 minutes at actual peak flow of 12 minutes at the calculated theoretical peak flow rate as predicted by the uniform plumbing code. Fixture criteria, between the influent and effluent baffles with 20 percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate identified hereafter as "sludge pocket."
 - (2) Remove any accumulated grease cap and sludge pocket as required, but at intervals not to exceed 90 days for all outdoor grease interceptors and 30 days for all indoor units at the user's expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, sand, gravel, eating utensils, shells, cigarettes, towels, rags, etc., which could settle into the sludge pocket and thereby reduce the effective volume of the grease interceptor.
 - (3) Accept the following conditions: If any skimmed or pumped wastes removed from the grease interceptor are treated in any fashion on site and reintroduced back into the grease interceptor as an activity of and their said onsite treatment. The user shall be responsible for the attainment of established grease numerical limit consistent with and contained in subsection (c)(2) on all discharges of wastewater from said grease interceptor into the City of Conway sanitary sewer collection and treatment system.
 - (4) Operate the grease interceptor in a manner so as to maintain the device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken

from said grease interceptor shall be subject to terms of numerical limit attainment described in section 4-2-34. If an establishment desires to use an alternative to an out-of-building grease interceptor, because of documented space restraints, the request for an alternative location shall contain the following information:

- (i) Location of city sewer main and easement in relation to available exterior space outside building.
- (ii) Existing plumbing at or in a site that uses common plumbing for all services at that site.
- (5) Understand and agree that: The use of chemicals, grease solvents, emulsifiers, or thermal sources to temporarily dissolve fats, oils, and grease in lieu of physical cleaning is not considered acceptable grease trap maintenance practice and is prohibited.
- (6) Understand and agree that: The use of enzymes and special bacteria formulations to reduce grease trap accumulations may be allowed in certain cases. A temporary approval may be given for a maximum of six (6) months to prove their effectiveness. Pump out frequency may be reduced at the discretion of the public utilities director or his/her representative if products used prove to be effective. The burden of documenting these findings is the responsibility of the discharger and will require monthly service reports detailing the service provided and products used. If inspection by the pretreatment staff determines this treatment to be unsatisfactory, normal pumping frequency shall be resumed as provided for elsewhere in this document.
- (7) Understand and agree that: Garbage grinders shall not be discharged into grease removal device. Special approval of garbage grinders by the public utilities director will be determined on a ~~case~~-
~~by-case~~ basis and must discharge directly into the sewer system. (It is not recommended that garbage grinders/disposals be used in commercial food establishments due to the amount of solid waste that is discharged into the sewer collection system. The debris creates sewer blockages and increased maintenance and repair of wastewater equipment.)
- (8) Dishwashers shall not discharge into "under-the-counter" grease traps or underground interceptors less than 1,500-gallon capacity. If the trap is sized to provide the manufacturers recommended detention time and the trap is located far enough away from the dishwasher to allow cooling of the water to less than 150 degrees F. The public utilities director or his/her representative may grant an exception. A request shall be made to the public utilities director, and only after approval has been given can the dishwasher be installed accordingly. All wastewater from the dishwasher's pre-rinse station must be discharged into the grease removal system.
- (9) Understand and agree that: The public utilities director or his/her representative reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, modifications, or replacement of such traps.
- (10) Understand and agree that: The public utilities director or his/her representative will conduct facility inspections at a minimum of once every quarter or otherwise at his/her discretion. Every effort will be made to schedule inspections at a time that will be convenient to the management staff of said facility. The pretreatment staff will coordinate with the user during regular quarterly pumping to inspect the condition of the grease interceptor walls, bottom, top, cover, inlet and outlet pipes, and baffles.
- (11) Understand and agree that: Disposal of fryer oil into the city sewer system or storm water system is specifically prohibited. The City of Conway strongly encourages the recycling of used cooking oil.

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- (12) The user shall submit a grease interceptor maintenance log form provided by the city to the public utilities director or his/her representative at the time of each inspection. The user shall maintain a written record of grease interceptor maintenance for a period of three (3) years. All such records shall be made available for inspection by public utilities director or his/her representative upon request. The following information must be maintained: receipt for job performed signed by contractor, clean out date, owner or manager of the facility, name and license number of firm performing the clean out, disposal method and final destination of material removed.
 - (13) No non-grease laden sources are allowed to be connected to sewer lines intended for grease interceptor service.
 - (14) Except as provided herein, for a period of three (3) months following adoption of this section, although installation and maintenance of grease interceptors will be required, no enforcement actions will be pursued under this section for failure to achieve limits on grease discharges from said grease interceptors. If, during this three-month period an obstruction of a city sewer main(s) occurs or a sewer lift station problem occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease from an establishment in the city's sewer main(s) or lift station. The City of Conway will take appropriate enforcement actions and may hold responsible the user liable for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, fines, etc. including all labor, materials, and equipment. Failure to pay all **service-related** charges may also be grounds for utility service discontinuance.
 - (15) Grease interceptor access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- (c) Existing facilities.
- (1) All existing cooking establishments (or renovated or expanded establishments) shall have grease interceptors approved by the City of Conway Public Utilities Director or his/her representative. Cooking establishments without grease interceptors will be given a deadline not to exceed one (1) year from the date of ratification of this section.
 - (2) Failure to comply will be considered a violation of the City of Conway Fats, Oils, and Grease Ordinance and such facilities may be subject to penalties and corrective actions. Said installations shall meet the same requirements for design as new facilities.
 - (3) In the event a cooking establishment's grease interceptor is either under-designed or substandard in accordance with this policy the owner(s) will be notified in writing of the deficiencies and **improvements** and given a compliance deadline not to exceed six (6) months to conform to the requirements of this policy.
- (d) New facilities.
- (1) All new cooking establishments shall be required to install a minimum 1,000-gallon outdoor grease interceptor.
 - (2) No new food service establishments will be allowed to initiate operations until an adequate grease interceptor is installed and approved by the City of Conway.

(3) Site plans must be submitted for all new food service establishments. Site plans must be signed and sealed by a South Carolina licensed professional engineer to certify the plan meets all requirements of this section.

(e) Variances.

(1) Variances to the design and maintenance requirements contained herein may be requested. The user must submit sufficient documentation as required by the public utilities director that explains the need to vary from design or maintenance requirements. The city will notify in writing of acceptance or denial of variance request. The city reserves the right to revoke the variance when deemed necessary.

(f) Violations and penalties.

(1) Any user who does not install grease handling equipment or does not have the equipment inspected and approved by the public utilities director or his/her representative shall be in violation of this section. The responsibility for enforcement of these regulations shall be vested in the public utilities director and is authorized to issue notices of violations, compliance schedules, impose fines and penalties as provided elsewhere in this document for violations of these regulations.

(2) It shall be a violation of this section for any user to allow fats, oils, or greases to enter the City of Conway wastewater collection system, in excess of the limits outlined in section 4-2-34(d)(2), because of grease interceptors or other grease handling facilities being inadequately serviced or maintained.

(3) Grease interceptors shall be inspected at the city's discretion. Users shall allow the public utilities director or his/her representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination. The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, and compliance monitoring operations. Denial of the city's access to the user's property shall be deemed a violation of this section.

(4) Users receiving unsatisfactory evaluations during inspections shall be sampled at the grease interceptor discharge by the public utilities director or his/her representative and said sample shall be analyzed by a certified laboratory for oil and grease. Users shall be charged a fee to cover the cost of sample analysis. Any user found to be in violation shall be notified in writing of any noncompliance and will be required to provide a schedule whereby corrections will be accomplished. In addition, a re-sample fee may be charged to the user for each additional sample collected and analyzed until the user has re-established compliance with this section.

(5) Users whose operations cause or allow excessive grease to discharge or accumulate in the City of Conway wastewater collection system may be liable to the city for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges might also be grounds for utility service discontinuance.

(g) Fees.

(1) Any user that is subject to sampling by pretreatment personnel will be assessed the cost for any analytical testing fees.

(2) Fee schedule.

(3) Users have the right to appeal fees by contacting the City of Conway Utility Director.

(i) Minor violation.

1st Offense:

Inspection hindrance (equipment related)	N/A	Notice of violation
Failure to maintain on-site records	N/A	Notice of non-compliance
Failure to pump grease and maintain records	N/A	Notice of non-compliance

2nd Offense:

Inspection hindrance (equipment related)	\$50.00	Notice of violation
Failure to maintain on-site records	\$50.00	Notice of violation
Failure to pump grease and maintain records	\$100.00	Notice of violation

3rd Offense:

Inspection hindrance (equipment related)	\$200.00	Notice of violation
Failure to maintain on-site records	\$200.00	Notice of violation
Failure to pump grease and maintain records	\$500.00	Notice of violation

4th Offense:

Inspection hindrance (equipment related)	N/A	Utility service disconnected
Failure to maintain on-site records	N/A	Utility service disconnected
Failure to pump grease and maintain records	N/A	Utility service disconnected

(ii) Intermediate violation, failure to maintain necessary equipment.

1st Offense	\$100.00	Notice of violation
2nd Offense	\$200.00	Notice of violation
3rd Offense	\$500.00	Notice of violation
4th Offense	N/A	Utility service disconnected

(iii) Major violation.

1st Offense

Source of sewer blockage	Cost of repair	Notice of violation
Source of sanitary sewer overflow	Cost of repair, clean up and fines	Notice of violation
Falsification of records	\$500.00	Notice of violation

2nd Offense

Source of sewer blockage	\$1,000.00	Notice of violation
Source of sanitary sewer overflow	\$1,000.00	Notice of violation
Falsification of records	\$1,500.00	Notice of violation

3rd Offense

Source of sewer blockage	\$1,500.00	Notice of violation
Source of sanitary sewer overflow	\$1,500.00	Notice of violation
Falsification of records	\$2,000.00	Notice of violation

4th Offense

Source of sewer blockage	N/A	Utility service discontinued
Source of sanitary sewer overflow	N/A	Utility service discontinued
Falsification of records	N/A	Utility service discontinued

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-36 Powers and authority of inspectors.

- (a) The city or duly authorized representatives of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The city or its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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- (b) While performing the necessary work on private properties referred to in section 4-2-35(a) above, the city or duly authorized representatives of the city, shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city's representative. The city shall indemnify the company against loss or damage to its property by the city's representative and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging, sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 4-2-34(h).
 - (c) The city or duly authorized representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the treatment works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-2-37 Penalties.

Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, may be fined or imprisoned in accordance with the provisions of section 1-3-48 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city to reconsider the fine within 10 days of being notified of the fine.

(Ord. No. 2022-06-20(I), 6/20/22)

CHAPTER 3 Water

ARTICLE A

General Provisions

Sec. 4-3-1 Location of certain drains.

No terra cotta or earthenware drain shall run near a cistern or well, the water from which is liable to be used for drinking or cooking purposes.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-3-2 Application for service; tapping permit.

Water service is a prerequisite for receiving sewer service, i.e., sewer service will not be provided without continued city water service. (See section 4-2-11 of the Code for regulations concerning requirements for sewer connections).

Application for water service shall be made to the city treasurer and on approval of the application a permit to tap the main at a designated point shall be issued for the use of the applicant to a licensed plumber of the city or to other competent persons. The applicant shall be charged a tap fee by the city, as provided in section 4-1-2,

which shall be for service and not for the purchase of the water meter, the meter remaining the property of the city and part of the city water system. It shall be unlawful for any unauthorized person to tamper with any water meter or any other part of the city water system, and any unauthorized person tampering with any city water meter or other part of the water system shall be prosecuted to the full extent of the law in addition to paying for any damages incurred.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-3-3 Service piping and meter installation to be at cost of consumer.

Service pipes and water meters for every consumer shall be placed from the supply main to the property line of the customer, at the cost of the consumer. All piping on the property of the customer shall be at the expense of the customer and shall be of a quality and standard as may be approved by the public utilities director or the person having active supervision of the water and sewer department of the city. In the event the city should provide an extension of the city water system for any consumer at the expense of the consumer, and the consumer shall not have made payment for the connection when due, water service for that consumer may be discontinued after 10 days from the due date.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-3-4 Separate connections required; exceptions.

- (a) It shall be unlawful for any person, business or corporation to connect onto the city's water system more than one (1) dwelling or business building to one (1) water meter except as provided below.
 - (1) Two (2) or more residences/businesses or combination thereof (i.e. one (1) business and one (1) residence) can be connected to one (1) water meter provided the property is owned by the same persons or businesses, the owner of the property accepts responsibility and/or pays the bill and any other related fees such as capital recovery charges; the owner accepts responsibility for paying to have the appropriate size water meter and tap necessary to properly serve the multi-units; and the owner receives permission from the city's public utilities director for the multi-unit connection.
 - (2) Master meters can be used to serve large apartment or business complexes, educational institutions, trailer parks, and in certain other situations with the approval of the city's public utilities director. The property served by the master meter must be owned by the same person, business or entity; the owner must accept responsibility and/or pays the bill and any other related charges such as capital recovery charges; and the owner must accept responsibility for paying to have the appropriate size water meter and tap necessary to properly serve the multi-units.
- (b) The owner is responsible for any bills which occur while the premises is vacant. Furthermore, if a portion of the property is transferred/sold to another owner, the new owner of the purchased property will immediately connect his residence and/or business to a separate meter and pay the appropriate fees. Water charges for multi-units operating from one (1) meter shall be made for each unit.
- (c) If the regulations stated in this section are not adhered to, water service will be disconnected to the premises.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-3-5 Cross-connection control program.

Ordinance No. 91-03-25(B) establishing a cross-connection control program is hereby adopted and referenced, with the official copy to be retained in the office of the city clerk.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-3-6 Clear access and 3 feet radius requirement.

All property owners, tenants, or occupants shall maintain clear access and a minimum 3 – feet radius around public utilities infrastructure located on their property.

- No obstructions, including but not limited to vegetation, landscaping features, fences, structures, or storage items, shall be placed within the designated clear access area or the 3 – feet radius around public utilities infrastructure.

Property owners, tenants, or occupants shall not perform any activities that may damage, hinder access to, or compromise the integrity of public utilities infrastructure

Secs. 4-3-7 through 4-3-10 reserved.

CHAPTER 4 Drought Management Plan and Drought Response

ARTICLE A

Drought Management Plan

Sec. 4-4-1 Declaration of purpose and intent.

The City of Conway understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (Code of Laws of South Carolina, 1976, Section 49-23-10 et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the City of Conway has adopted this drought management plan and drought response plan that provide the policies and the authority to fulfill this obligation. The drought management plan outlines the framework by which the City of Conway will internally prepare for water shortages. This chapter provides the regulations by which the City of Conway will manage and control its customer water usage during various levels of a drought.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-2 Definition of terms.

For the purposes of this plan, the following definitions will apply:

- (1) Aesthetic water use. Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

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- (2) **Commercial and industrial use.** Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.
 - (3) **Conservation.** Reduction in water use to prevent depletion or waste of the resource.
 - (4) **Customer.** Any person, company or organization using finished water owned or supplied by the City of Conway.
 - (5) **Domestic water use.** Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.
 - (6) **Drought alert phases.** There are four (4) drought alert phases to be determined by the drought response committee for the State of South Carolina. The four (4) phases are:
 - (a) Incipient drought;
 - (b) Moderate drought;
 - (c) Severe drought; and
 - (d) Extreme drought.
 - (7) **Drought response management areas.** There are four (4) drought management areas corresponding to the major river basins in South Carolina. The four (4) areas are:
 - (a) West or Savannah;
 - (b) Central or Santee;
 - (c) Northeast or Pee Dee; and
 - (d) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

- (8) **Drought response committee.** A committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.
- (9) **Essential water use.** Water used specifically for **firefighting**, maintaining in-stream flow requirements and to satisfy federal, state or local public health and safety requirements.
- (10) **Finished water.** Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.
- (11) **Institutional water use.** Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.
- (12) **Irrigation water use.** Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

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- (13) Non-essential water use. Categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.
 - (14) Residential equivalent unit (REU). An equivalency unit defined to be equal to one (1) single-family residence. The City of Conway's allocated water capacity equals 200 gallons per day per REU.
 - (15) S.C. Department of Natural Resources. The state agency with primacy to implement the provisions of the Drought Response Act.
 - (16) Water supply shortage. Lack of adequate, available water caused by drought to meet normal demands.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-3 Drought management plan.

- (a) Introduction. To ensure that the City of Conway adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will complement the City of Conway's ability to respond to drought conditions and to enforce this chapter.
- (b) Designation of water system drought response representative. Administrating a drought plan requires the skills needed to undertake a comprehensive public information program and the judgement required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's drought response representative. The drought response representative for the City of Conway is:

City Administrator
City of Conway
P.O. Box 1075
Conway, S.C. 29528
843-248-1760

- (c) Description of water system layout, water sources, capacities and yields.
 - (1) The City of Conway is located in the Pee Dee Drought Response Management Area of South Carolina. The system serves roughly 10,000 customers with an average daily flow of approximately 3.0 mgd. The City of Conway is a charter participant in the Bull Creek system operated by the Grand Strand Water and Sewer Authority (GSWSA). Of the 45 mgd treatment capacity of the Bull Creek system, the City of Conway owns eight (8) mgd. From the Bull Creek transmission system, which is also operated by the GSWSA, there are currently five (5) metering points which feed into the City of Conway system. The Bull Creek system has transmission capacity of 45 mgd of which the City of Conway owns eight (8) mgd. Elevated storage tank capacity in the City of Conway system consists of seven (7) 200,000-gallon tanks for a total of 1.4 million gallons of elevated storage. In addition to the Bull Creek system, the City of Conway owns eight (8) wells which are completed in the Black Creek aquifer that serve as a back-up source of water in case of emergency. The permitted capacity of these wells is 4.7 mgd.
 - (2) The City of Conway system is generally divided into two (2) separate systems, Conway and Conway Rural. The Conway rural system is located in the City of Conway service area which lies east of the Waccamaw River. It serves areas which include: Red Hill, Coastal Carolina University, Horry-Georgetown Technical College, the Atlantic Center Industrial Park and several large residential subdivisions just off Highway 501 eastward to the Carolina Forest area. The Conway system serves

areas west of the Waccamaw River and includes: downtown Conway, Highways 905, 701 N., 701 S., 378, 319, 65, Long Avenue Extension, and Dunn Shortcut Road.

- (d) Identification of water system specific drought or water shortage indicators. Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The City of Conway has developed triggers for use during drought or demand water shortages that describe when specific phases of the drought response plan are implemented. The system triggers are as follows:
 - (1) Moderate drought phase. The City of Conway recognition of a moderate drought will coincide with a similar declaration by its wholesale water supplier, the GSWSA.
 - (2) Severe drought phase. The City of Conway recognition of a severe drought will coincide with a similar declaration by its wholesale water supplier, the GSWSA.
 - (3) Extreme drought phase. The City of Conway recognition of an extreme drought will coincide with a similar declaration by its wholesale water supplier, the GSWSA.
- (e) Cooperative agreements and alternative water supply sources. The City of Conway identifies the following agreements that are in place to facilitate the implementation of this plan: The Grand Strand Water and Sewer Authority/Bull Creek.
- (f) Description of pre-drought planning efforts. In **regard** to the conservation measures listed below, the City of Conway has taken the following actions:
 - (1) Identification of all major water users of the system which are served by two-inch meters are on file at the City of Conway water department. These customers account for approximately 20 percent of City of Conway water usage.
 - (2) Identification of those users with whom there are conservation agreements: none.
 - (3) The City of Conway has several alternatives available to inform and educate the public regarding water conservation measures in the case of drought conditions. The various alternatives include publication of advertisements and notices in local newspapers, inserts into customers monthly water bills, and the City of Conway cable television public access channel.
- (g) Description of capital planning and investment for system reliability and demand forecasting.
 - (1) The City of Conway has an annual budget process which includes evaluating existing operations and setting goals and objectives for coming years. In addition to an evaluation of capital assets and needed capital improvements, utility user and availability fees are evaluated to determine whether increases are needed to fund operations and to allow for needed capital improvements. In addition to yearly revenues generated by usage and the addition of new customers, the City of Conway public utilities department has a fund balance which allows for unforeseen situations which may arise.
 - (2) In addition to the annual budget process, the City of Conway is a charter member of the Bull Creek regional water system. While the Bull Creek system is operated by the GSWSA, the City of Conway is involved in the monitoring of the system via participation on the oversight and technical review committees. Conway's initial capacity in the Bull Creek system was 4.0 mgd and its current capacity is 8.0 mgd. Current average daily usage is approximately 3.0 mgd with a peak day demand of approximately 4.5 mgd.

(Ord. No. 2022-06-20(I), 6/20/22)

ARTICLE B

Drought Response

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(Supp. No. 63, 8-24)

Sec. 4-4-4 Declaration of policy and authority.

- (a) The objective of this drought response plan is to establish authority, policy and procedure by which the City of Conway will take the proper actions to manage water demand during a drought-related shortage. The plan satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.
- (b) This chapter outlines the actions to be taken for the conservation of water supplied by the City of Conway. These actions are directed both towards an overall reduction in water usage and the optimization of supply.
- (c) To satisfy these goals, the City of Conway hereby adopts the following regulations and restrictions on the delivery and consumption of water. This chapter is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the City of Conway.
- (d) If it becomes necessary to conserve water in its service area due to drought, the City of Conway is authorized to issue a notification (a "notification") that existing conditions prevent fulfillment of the usual water-use demands. The notification is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.
- (e) Immediately upon issuance of such a notification, regulations and restrictions set forth under this chapter shall become effective and remain in effect until the water supply shortage has ended and the notification rescinded.
- (f) Water uses that are regulated or prohibited under this chapter **are considered non-essential** and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.
- (g) The drought management plan as outlined in sections 4-4-1 through 4-4-3 is hereby approved.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-5 Moderate drought phase.

Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and/or upon determination by the City of Conway that a moderate water supply shortage exists based on trigger levels, the City of Conway will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20 percent in residential water use and 15 percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15 percent. To accomplish this, the City of Conway will take the following actions:

- (1) Issue a notification to be released to local media, the City of Conway's customers, and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
 - a. Reduce residential water use to 65 gallons per person per day and a maximum of 160 gallons per REU per day or 4900 gallons per REU per month;

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- b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - d. Eliminate the flushing of gutters;
 - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
 - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours;
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than **firefighting** or flushing necessary to maintain water quality; and
 - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - 1. Stop serving water in addition to another beverage routinely in restaurants;
 - 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life; and
 - 3. Cease water service to customers who have been given a 10-day notice to repair one (1) or more leaks and have failed to do so.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Cease to install new irrigation taps on the water system.
- (5) Continue to encourage and educate customers to comply with voluntary water conservation.
- (6) Increase volumetric usage for rates for water and sewer by 20 percent of the prevailing rate during the time that a moderate drought has been declared.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-6 Severe drought phase.

Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or upon determination by the City of Conway that a severe water supply shortage exists, the City of Conway will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25 percent in residential water use, 20 percent in all other water use categories, and a reduction in overall water use of 20 percent. To accomplish these goals, the City of Conway will take the following actions:

- (1) Issue a notification to be released to the local media, the City of Conway's customers, and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

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- a. Voluntary reduction of residential water use by the utility's customers to 60 gallons per person per day and a maximum of 150 gallons per REU per day or 4600 gallons per REU per month.
 - b. Control landscape irrigation by the utility's customers by staggering watering times.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 - 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - 3. Eliminate the flushing of gutters;
 - 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 - 5. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - 6. Eliminate filling or maintaining public or private swimming pools;
 - 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - d. Limit use of water by commercial and individual customers including, but not limited to, the following:
 - 1. Stop serving water in addition to another beverage routinely in restaurants;
 - 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - 3. Limit irrigating golf courses and any portion of its grounds;
 - 4. Cease water service to customers who have been given a 10-day notice to repair one (1) or more leaks and have failed to do so; and
 - 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.
- (8) Increase volumetric usage for rates for water and sewer by 25 percent of the prevailing rate during the time that a severe drought has been declared.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-7 Extreme drought phase.

Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the City of Conway that an extreme water supply shortage exists based on the trigger levels, the City of Conway will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30 percent in residential water use, 25 percent in all other categories of water uses and a reduction in overall water use of 25 percent. To accomplish these goals, the City of Conway will take the following actions:

- (1) Issue a notification to be released to the local media, the City of Conway's customers, and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Limiting residential water use to 55 gallons per person per day and a maximum of 140 gallons per REU per day or 4300 gallons per REU per month;
 - b. Eliminate landscape irrigation by the utility's customers;
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. No domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Eliminate filling or maintaining public or private swimming pools;
 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
 - d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 3. Limit irrigating golf courses and any portion of their grounds;
 4. Cease water service to customers who have been given a 10-day notice to repair one (1) or more leaks and have failed to do so; and
 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

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- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 - (4) Continue to cease installation of new irrigation taps on the water system.
 - (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
 - (6) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
 - (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.
 - (8) Increase volumetric usage for rates for water and sewer by 30 percent of the prevailing rate during the time that an extreme drought has been declared.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-8 Rationing.

If a drought threatens the protection of public health and safety, the City of Conway is hereby authorized to ration water.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-9 Enforcement of restrictions.

- (a) If any customer of the City of Conway fails to comply with the water use restrictions of this chapter, the customer shall be given a written notice of such failure to comply, which cites the date of the violation, and shall be assessed surcharges in accordance with the following schedule:
 - (1) First violation. \$10 per REU surcharge shall be added to the customer's water bill;
 - (2) Second violation. An additional \$25 per REU surcharge shall be added to the customer's water bill;
 - (3) Third violation. The customer's water service shall be terminated and restored only after payment of a surcharge of \$50 per REU in addition to all previously assessed surcharges.
- (b) Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the City of Conway shall diligently enforce the provisions of the drought response plan.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-10 Variances.

- (a) Customers, who in their belief are unable to comply with the mandatory water use restrictions of this drought response plan, may petition for a variance from restrictions by filing a petition with the City of Conway within 10 working days after the issuance of the notification requiring water use restrictions.
 - (1) All petitions for variance shall contain the following information:
 - a. Name and address of the petitioner;
 - b. Purpose of water usage;
 - c. Special provision from which the petitioner is requesting relief;

(Supp. No. 63, 8-24)

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- d. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
 - e. Description of the relief desired;
 - f. Period of time for which the variance is sought;
 - g. Economic value of the water use;
 - h. Damage or harm to the petitioner or others if petitioner complies with this chapter;
 - i. Restrictions with which the petitioner is expected to comply and the compliance date;
 - j. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
 - k. Other information as needed.
- (b) In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with this chapter cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The City of Conway is authorized to grant the request for variance.
 - (c) In addition, the City of Conway is authorized to grant temporary variances for existing water uses otherwise prohibited under this chapter if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to the issuance of the variance. Variances granted by the City of Conway shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Ord. No. 2022-06-20(I), 6/20/22)

Sec. 4-4-11 Status of the chapter.

- (a) If any portion of this chapter is held to be unconstitutional for any reason, the remaining portions of the chapter shall not be affected.
- (b) The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and other rules and regulations of the City of Conway.
- (c) Nothing in this chapter shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

(Ord. No. 2022-06-20(I), 6/20/22)

CHAPTER 5 Enforcement and Penalties

Sec. 5-1-1 Enforcement

Upon determination of a violation of any provision of this title, unless otherwise noted herein, the City of Conway may issue notice to the property owner, tenant, or occupant, specifying the violation and providing a reasonable time frame for compliance. This timeframe shall not exceed sixty days unless authorized by the Public Utilities Director.

Sec 5-1-2 Penalties.

Unless otherwise noted herein or in a duplicate state or federal statute, anyone found guilty of violating a provision of this title shall be guilty of a misdemeanor and shall be fined not more than five hundred (500) dollars or imprisoned not more than thirty (30) days.

TITLE 9 Offenses

CHAPTER 1 Offenses Against the Public Peace

ARTICLE A *General Provisions*

Sec. 9-1-1 Disturbances generally; interfering with public assemblage generally.

It shall be unlawful for any person to create any public disturbance within the city and, without limiting the generality of this prohibition, it shall be unlawful to interfere with or disturb in any way the conduct and order of any schools, colleges, churches, Sunday schools, theaters, lodges or any other places or events of lawful public assemblage.

(Code 1978, Sec. 9-1002)

State Law Reference: Disturbing schools, S.C. Code, Sec. 16-17-420; disturbing religious worship, S.C. Code, Sec. 16-17-520.

Sec. 9-1-2 Discharge of firearms; air rifles; explosives.

- (a) It shall be unlawful for any person to discharge any gun, pistol, other firearm, explosive or any other device within the city except in case of urgent necessity.
- (b) It shall be unlawful for any person to discharge any firearm, air rifle, BB gun, dart gun, or like devices calculated to disturb or endanger anyone. This section shall not be construed to prohibit firing of firearms in a licensed, established firing range. Special dispensation may be granted when determined viable and safe by the city administrator. Such a determination will only be made following the completion of a physical on-site inspection by the ~~city administrator~~ police chief.
- (c) Nothing contained in this section shall be construed to in any way repeal, modify, or otherwise alter any other provision of this code concerning the discharge of firearms of any kind or the setting off of explosives of any kind within the city.

(Code 1978, Secs. 9-1003, 9-1005, as amended by Ord. of 3/25/85; Ord. No. 88-08-22(E), 8/22/88; Ord. No. 99-07-12(L), 7/12/99; Ord. No. 2006-01-09(C), 1/23/06; Ord. No. 2009-05-11(A), 5/11/09)

Editor's note(s)—Provisions regarding hunting within Conway city limits can be found in § 5.1.15 of the Conway Unified Development Ordinance, adopted December, 2011.

State Law Reference: Public disorderly conduct, S.C. Code, Sec. 16-17-530; offenses involving weapons, Sec. 16-23-10 et seq.

Amendment Note: The second sentence was added to subsection (b) by the Ord. of 3/25/85. Ord. No. 88-08-22(E) rewrote the above section in its entirety.

Sec. 9-1-2.1 Carrying concealed weapons.

- (a) Any person carrying a dirk, slingshot, metal knuckles, razor or other deadly weapons usually used for the infliction of personal injury, and concealed about his person, is guilty of a misdemeanor, and shall forfeit to the city the weapon so carried concealed, with the penalty for violating this section as stated in section 1-3-48 of this code.
- (b) Nothing herein contained may be construed to apply to person(s) carrying concealed weapons upon their own premises or to peace officers in the actual discharge of their duties. The provisions of this section do not apply to rifles or shotguns unless they are used with the intent to commit a crime or in furtherance of a crime.
- (c) Penalty. The carrying of concealed weapons is punishable by a fine of not more than \$200, or by imprisonment of not more than 30 days. Court costs/state assessments will be collected in addition to each fine. Each day any violation continues shall constitute a separate offense.

(Ord. No. 91-01-28, 1/28/91)

Sec. 9-1-3 Drunk in public; boisterous conduct.

It shall be unlawful for any person to be on any street or at any public place or gathering within the city in a grossly intoxicated condition or otherwise conducting himself in a disorderly or boisterous manner.

(Code 1978, Sec. 9-1004)

Sec. 9-1-4 Reserved.

Sec. 9-1-5 "Peeping Tom."

- (a) It shall be unlawful for any person to be an eavesdropper or a "Peeping Tom" on or about the premises of another or to go about or upon the premises of another for the purpose of becoming an eavesdropper or a "Peeping Tom." The term "Peeping Tom" is defined to be one who peeps through windows or doors or other like places, on or about the premises of another, for the purpose of spying upon or invading the privacy of the persons spied upon and the doing of any other acts of a similar nature, tending to invade the privacy of the persons.
- (b) Nothing contained in this section shall prevent any duly constituted officer of the law, or other properly authorized person, from performing their official duties in undertaking to prevent violation of the laws of this city or of the state or for the purpose of apprehending any violator, and the officers or other authorized persons shall continue to enjoy the powers as they had prior to the enactment of this section.

(Code 1978, Sec. 9-1020)

State Law Reference: Similar state law, S.C. Code, Sec. 16-17-470.

Sec. 9-1-6 Resisting arrest.

- (a) It shall be unlawful for any person, when arrested by a police officer, or other authorized person, in the performance of his duties, to resist arrest, or otherwise to interfere with, molest or hinder such officer or other authorized person in the performance of duty.

(Supp. No. 64, 11-24)

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- (b) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to make arrests or to direct, control or regulate traffic, when the officer is engaged in the performance of his duties.

(Code 1978, Sec. 9-1021)

State Law Reference: Hindering officers, S.C. Code, Sec. 16-5-50.

Sec. 9-1-7 Peddling and soliciting prohibited when uninvited.

The practice of going in and upon private residences in the city, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or occupant of the private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking them is declared to be a nuisance and punishable as a nuisance as a misdemeanor.

(Code 1978, Sec. 9-1017)

Cross Reference: Solicitations generally, Sec. 7-4-51 et seq.

Sec. 9-1-8 Same; applicability to farm products.

The provisions of section 9-1-7 shall not apply to the sale, or soliciting of order for the sale, of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named herein is now authorized by law.

(Code 1978, Sec. 9-1018)

Sec. 9-1-9 Same; applicability to insurance agents and bill collectors.

The provisions of section 9-1-7 shall not apply to the sale, soliciting or collection for insurance by any licensed insurance agent, nor shall the provisions thereof apply to bill collectors.

(Code 1978, Sec. 9-1019)

Secs. 9-1-10 through 9-1-20 reserved.

ARTICLE B

Noise

Sec. 9-1-21 Noise.

- (a) Generally. It is found and declared that:

- (1) The making and creation of excessive, unnecessary, or unusually loud noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises can increase with continued commercial and residential development;
- (2) The making, creating, or maintenance of such excessive and unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place, use, affect, and are a detriment

to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the city; and

- (3) The necessity in the public interest for the provisions and the prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity of the city and its inhabitants.
- (b) Excessive noise unlawful. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the city.
- (c) Noises prohibited, unnecessary noise standard. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:
 - (1) Horns, signaling devices, etc. The sounds of any horn or signaling device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a warning or danger signal, the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time. The use of any signaling device except tone operated by hand or electricity, the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
 - (2) Audio equipment The noncommercial use, operation, or permitting to be played, used, or operated any radio receiving set, musical instrument, **wired or wireless speaker**, or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible and distinctive to such a degree that when the sound or vibration is detected, specific attention can be directed to the source of the sound by the hearer. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard by unimpaired auditory senses based on a direct line of sight; however, words or phrases need not be discernible and said sound shall include bass reverberation. Further, for the purpose of this section "distinctive" shall mean sound that is distinguishable from the ambient sound without regard to time or location. When the noise is identified as originating from a vehicle, the operator of the vehicle when moving or the person responsible for the vehicle when stationary, shall be deemed the responsible party for the creation or maintenance of the unusually loud or excessive noise.
 - (3) Audio equipment for public attention. The use, operation, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
 - (4) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 9:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons of reasonable sensitivity in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (5) Animals, birds, etc. The keeping of any animal or bird on residential or commercial premises that causes frequent or long continued noise which disturbs the comfort or repose of any persons in the vicinity.
 - (6) Non-electronic sound devices. The blowing of any-locomotive steam whistle, air driven whistle, horn, or **other non-electronic sound making device** attached to any stationary **vehicle, equipment**, device or

building except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

- (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
- (9) Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (10) Construction or repairing of buildings. The erection (including excavation), demolition, alteration, or repair of any building at any time on Sundays and at any time other than between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturdays, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the city administrator or his/her designee. Said permit may be granted for a period not to exceed three (3) days while the emergency continues and may be renewed for period of three (3) days or less while the emergency continues.
This subsection shall apply to licensed contractors and commercial construction only. Normal residential repair and construction by homeowners shall be subject only to the remainder of this section.
- (11) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the ~~same~~ is presence of a school, hospital, or court.
- (12) Hawkers, peddlers. The shouting and crying of peddlers, hawkers, and vendors that disturbs the peace and quiet in residential neighborhoods.
- (13) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale when creating sound levels in excess of the allowable limits of this section.
- (14) Transportation of metal rails, pillars, and columns. The transportation of rails, pillars, or columns of iron, steel, or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) Pile drivers, hammers, etc. The operation between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (16) Blowers, mowers and powered yard equipment. The operation of any noise creating fixed or portable blower, chainsaw, or power fan or any internal combustion engine, or ~~artificial noise makers on non-gasoline powered equipment~~, in residential areas between the hours of 9:00 p.m. and 7:00 a.m. The operation of such devices which cause noise due to the explosion of operating gases or fluids, unless the noises from such blower, fan, or device is equipped with a muffler device sufficient to deaden such noise is prohibited at all times. Use of such equipment in commercial areas shall be subject to the noise limits of this section for those areas. Use of such equipment on golf courses located in residential areas shall be subject to a noise level limit of 65 DBA.

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- (17) Motorized vehicles operated in unnecessary, deliberate or intentional way so as to create noise.
- a. No person shall operate within the city limits a motorcycle that exceeds 99 dB, measured in accordance with SAE Stationary Test Method J1287 or similar departmental approved method.
 - b. No person shall operate any vehicle within the city limits that uses a muffler cut-out or bypass or other device designed or so installed so that it can be used continually or intermittently to bypass or otherwise reduce or eliminate the effectiveness of a muffler or muffler system.
 - c. No person shall operate a motor vehicle within the city limits that is equipped:
 1. With a muffler from which the baffle plates, screens, or other original internal parts have been removed and not replaced; or
 2. With an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the exhaust.
 - d. No person shall operate any motor vehicle within the city limits so as to make any loud or unnecessary noise that results from any one (1) or more of the following actions by the operator to create a per se loud and unnecessary noise:
 1. Misuse of acceleration or braking power that exceeds tire traction limits, ~~sometime known as "burn outs," "burning rubber," "laying down rubber," or "peeling rubber."~~
 2. Excessive acceleration or deceleration while in motion where there is no emergent need.
 3. Rapid acceleration by means of quick up shifting of transmission gears with either a clutch or manual transmission or automatic transmission.
 4. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
 5. Racing or revving of engines by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary whether the vehicle is either in motion or standing still.
 6. Operation of the vehicle by intentionally applying unnecessarily excessive acceleration from a stationary position, or unnecessary, deliberate, or intentional burst of acceleration while moving in a non-emergency situation.
- (d) Enforcement factors. In the enforcement of standards established in this section, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would unreasonably disturb other persons in the vicinity. If the noises are the result of a legally operating business engaged in their normal operations, the enforcing agency might consider the objective noise level limits listed in this section. However, this does not eliminate the ability and responsibility of the police department or other enforcing agency to make a subjective determination of excessive noise at the time of the complaint or enforcement. When making such determinations, the enforcement officer shall consider the following factors:
- (1) The intensity (sound pressure level) of the noise.
 - (2) Whether the nature of the noise is usual or unusual.
 - (3) Whether the origin of the noise is natural or man-made.
 - (4) The volume and intensity of the background noise, if any.
 - (5) The proximity of the noise to residential sleeping facilities during the sleeping hours of 9:00 p.m. to 7:00 a.m.

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- (6) The nature and zoning of the area within which the noise emanates.
 - (7) The time of the day or night along with day of the week and time of the year the noise occurs.
 - (8) The duration of the noise.
 - (9) Whether the noise is recurrent, intermittent or constant.
- (e) **Definitions.** All technical language used in this section not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this article, the following words and phrases are defined and shall be construed as defined below unless it shall be apparent from the context that a different meaning is intended.
- (1) **Sound.** An oscillation in pressure, particle displacement, particle velocity or physical parameter, in a medium with internal forces that cause compression, and rarefaction of that medium resulting in air pressure variations perceptible by the human ear. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.
 - (2) **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
 - (3) **Decibel (dB).** A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microneutons per square meter.
 - (4) **Sound pressure level.** Twenty times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 microneutons per square meter.
 - (5) **Sound level.** The unweighted ("flat") or weighted sound pressure level obtained by the use of sound level meter and frequency weighting network, such A, B or C as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4). If the frequency weighting employed is not indicated, and the A-weighting employed is not indicated, the A-weighting shall apply.
 - (6) **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated dBA.
 - (7) **Sound level meter.** An ANSI standard S1.4 Type 0, I or II class instrument which a microphone, amplifier, RMS detector, integrator or time average (LEQ as defined below), output meter and weighting network used to measure sound pressure levels.
 - (8) **Slow response.** Metering function to be used in measurement of sound for determination of enforcement of the objective noise level limits stated within this section.
 - (9) **Person.** Any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of the United States, the State of South Carolina, or any political subdivisions thereof.
 - (10) **Sound source.** The location or property boundary from which a sound emanates.
 - (11) **Sound receptor.** The location or boundary receiving noise from a sound source.
 - (12) **Emergency work.** Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. The city as outlined above may also declare emergency work.
 - (13) **Outdoor amplified sound.** Any sound using sound equipment, whose sources are inside and the sound propagates to the outside of the building or structure housing the source.
 - (14) **Muffler.** An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

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- (f) Classification of use occupancies. Use occupancies shall be as follows:
- (1) Residential use. All premises containing habitually-occupied sleeping quarters. Hospitals, nursing homes, schools, libraries, fraternity, and sorority houses and churches are considered residential uses.
 - (2) Public space. Any area owned, utilized or occupied by a municipal, county, state or federal agency, including but not to, park or recreation areas, streets and sidewalks.
 - (3) Commercial. All premises where sales, professional or other commercial activity is legally permitted. Residentially zoned properties with legal home occupations are considered residential.
 - (4) Industrial. All premises where goods or wares are made, warehoused or stored or where manufacturing is legally permitted.
 - (5) Amusement/outdoor activity. All premises which are designated for indoor and outdoor entertainment and/or recreational activities.
- (g) Measurement methodology. This section describes acceptable methods and techniques for the measurement and reporting of noise for the purpose of determining compliance with the allowable noise levels listed above.
- (1) Measurement location. Measurement of sound must be made at the property line or on the property of the noise source if source and receptor properties share a common property line. In the event that a public roadway, park, body of water, etc., is between the noise source and the receptor properties, the noise shall be measured on the far side of the public space from the noise source property.
 - (2) Calibration. All sound level measuring devices must be calibrated by a certified agency, at a minimum once each year.
 - (3) Sound level meter. Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response.
 - (4) Persons using sound level meters. Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI S1.4-1983 requirements). Persons using the sound levels shall be trained in sound level measurement and the operation of sound level measurement equipment.
 - (5) Measurement procedures. The following procedures must be followed to obtain representative sound level measurements:
 - a. Measurement location must be at least three (3) feet above the ground and not more than 10 feet above ground.
 - b. Measurement shall be taken in location at source property boundary line or boundary of public buffer adjacent to source, with line of sight to the noise source if possible.
 - c. Measurements must be made with the sound level meter set for "A" weighting and "slow" response.
 - (6) Data documentation. A record of all sound level measurements must be completed and signed by the person making the measurements. The record sheet should include:
 - a. Date;
 - b. Time of measurement;
 - c. Location (street address if possible);
 - d. Noise source;
 - e. Make, model and serial number of sound level meter, date of last certification/calibration;

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- f. Field calibration results;
 - g. Name of complainant (if available).
- (7) Decibel standards. In addition to the subjective standards established above, it shall be presumed that the allowable noise level limits have been violated whenever any noise or sound is projected from one (1) property in the city onto another if such sound, measured at the boundary of or on the property receiving the sound, exceeds the following decibel standards.
- a. In any RR, R-1, R-2, R-3, R-4 and CP or any Residential PD zoning district:
 - 1. 7:00 a.m. to 9:00 p.m. - 55 dBA.
 - 2. 9:00 p.m. to 7:00 a.m. - 50 dBA.
 - b. In the P, IN, NC, CBD, WRD, FA and MU districts:
 - 1. 7:00 a.m. to 10:00 p.m. - 65 dBA.
 - 2. 10:00 p.m. to 7:00 a.m. - 60 dBA.
 - c. In HC, CC PSI districts:
 - 1. 7:00 a.m. to 10:00 p.m. - 70 dBA.
 - 2. 10:00 p.m. to 7:00 a.m. - 65 dBA.
- (h) Exceptions. The following are exempt from the provisions above:
- (1) Sound emanating from scheduled outdoor athletic events or festivals, concerts, or activities operating under permit from the city.
 - (2) Noise of safety signals, warning devices, emergency pressure relief valves.
 - (3) All church bells, church chimes, either actual or electronic, or artificial sound reproduction system intended to sound like church bells or chimes operated between the hours of 7:00 a.m. and 9:00 p.m.
 - (4) Noise resulting from any authorized emergency vehicle.
 - (5) Noise resulting from parades, lawful picketing, or other public demonstrations protected by the U.S. Constitution or federal law, for which a local permit has been granted by the city, provided such activity is of temporary duration lasting no longer than two (2) hours during any 24 hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this section and according to any additional conditions stated on permit.
 - (6) Un-amplified and amplified sound at public affairs conducted, sponsored, or sanctioned by the city.
 - (7) All noises coming from the normal and legal operations of properly equipped aircraft (not including scale model aircraft).
 - (8) Reserved.
 - (9) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
 - (10) Emergency work, as defined above.
 - (11) Special event permits. When approved by city council, the city administrator or his designated representative may issue special event permits for events such as (but not limited to) concerts, festivals, parades, and athletic events to permit reasonable and limited exceptions to the provisions of this section. Any special event permit issued shall contain specific provisions as to the activities that will be conducted and dates and times during which the provisions of this section are to be suspended. Specific sources of the noise that may exceed the established sound limits shall be identified; with

projected or estimated noise levels and special conditions may be established in the permit that will minimize the noise impact of the special event on the community.

- (12) Annexed or rezoned property. Annexed property that has been granted a nonresidential zoning or is currently operating as a commercial or amusement use shall have 12 months to comply with the allowable noise level limits listed above.

In the event that When a transient lodging or residential zoning is being requested adjacent to or within 1,000 feet of an existing non-residential zone, applicant or owner shall demonstrate either through field testing or by use of the Shell Isolation Rating system that planned or existing housing provides 35 dBA of attenuation from outside to inside the building.

- (13) The city administrator or his designated representative may temporarily waive the requirements of this section to permit work of an emergency nature necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger or work by public or private utilities when restoring utility service.
- (14) Solid waste collection and street sweeping at all times in commercial and industrial zoning districts and from 7:00 a.m. to 9:00 p.m. in residential zoning districts.
- (15) Seasonal spraying of insecticide for mosquito control.
- (16) Reserved.

(Ord. No. 2006-09-25(D), 1/8/07; Ord. No. 2009-05-11(A), 5/11/09; Ord. No. 2017-09-18(A), 9/18/17; Ord. No. 2017-10-16(D), 12/4/17)

Secs. 9-1-22 through 9-1-27 reserved.

CHAPTER 2 Offenses Against Property

Sec. 9-2-1 Malicious injury to real or personal property.

It shall be unlawful for any person knowingly, willfully or maliciously to maim, cut, shoot, deface, mutilate or otherwise injure or take from the person or premises of another any real or personal property of any kind or nature.

(Code 1978, Sec. 9-1026)

State Law Reference: Malicious injury to property, S.C. Code, Secs. 16-11-510, 16-11-520.

Sec. 9-2-2 Nuisances generally; prohibited.

It shall be unlawful for any person to maintain within the city, any residence, building, place, condition or thing which is offensive to the public health, safety or morals and which amounts in law to a public nuisance.

(Code 1978, Sec. 9-1013)

Sec. 9-2-3 Same; abatement.

The city may abate any public nuisance by any method or proceeding authorized or sanctioned by law.

(Code 1978, Sec. 9-1014)

(Supp. No. 64, 11-24)

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Sec. 9-2-4 Swindling.

~~Any person who performs any of the acts constituting swindling as defined in S.C. Code, section 16-13-320, shall be guilty of swindling, all of which acts are hereby forbidden as being contrary to the laws of the municipality.~~

(Code 1978, Sec. 9-1029)

Sec. 9-2-5 Mutilation of monuments.

No person shall deface, disturb, remove, mutilate or desecrate any public or private marker, monument, plaque, sign, street marker, traffic signal or any fence, barrier, glass or other article protecting or encasing them.

(Code 1978, Sec. 9-1028)

Sec. 9-2-6 Shoplifting.

~~No person shall willfully take possession of any goods, wares or merchandise offered for sale by any store or other mercantile establishment within the city with the intention of converting them to his own use without paying the purchase price thereof.~~

(Code 1978, Sec. 9-1022)

~~State Law Reference: Shoplifting, S.C. Code, Sec. 16-13-110.~~

Sec. 9-2-7 Same; evidence.

Any person willfully concealing unpurchased goods or merchandise of any store or other mercantile establishment either on the premises or outside the premises of the store shall be *prima facie* presumed to have so concealed the article with the intention of converting it to his own use without paying the purchase price thereof within the meaning of section 9-2-6. The finding of the unpurchased goods or merchandise concealed upon the person or among the belongings of the person shall be *prima facie* evidence of willful concealment. If the person conceals, or causes to be concealed, the unpurchased goods or merchandise upon the person or among the belongings of another, the finding of them shall also be *prima facie* evidence of willful concealment on the part of the person so concealing the goods.

(Code 1978, Sec. 9-1023)

Sec. 9-2-8 Trespass generally.

It shall be unlawful for any person to remain on the premises of another over the protest or objection of the owner, tenant or other person entitled to the possession of the premises. Should the person persist in remaining on the premises of another, whether passively or violently, the police may, upon request of the owner, agent, manager, or persons having the premises in charge, demand that the person leave the premises and upon his failure so to do promptly and peaceably, the person shall be deemed a trespasser and may forthwith be arrested and escorted from the premises, and held subject to the penalties provided in section 1-3-48.

(Code 1978, Sec. 9-1025)

Sec. 9-2-9 Dishonored checks.

- (a) It shall be unlawful for any person, firm, or corporation to issue, draw, make, or deliver to the city any check, draft, or other written order on any bank or depository, for the payment of any goods, fees, services, taxes, assessments, penalties, or fines, which check, draft, or written order shall be returned to the city, after presentment to the drawee, by reason of the dishonor of same by the drawee.
- (b) For every dishonored check, draft, or written order, there shall be a penalty of \$10, the said penalty constituting and becoming a part and parcel of the original debt for such goods, fees, services, taxes, assessments, penalties, or fines, and shall be collectible by the city in the same manner as provided by law for the collection of the original debt.
- (c) Notice of the penalty for dishonored checks shall be posted in the office of the city clerk.

(Ord. of 12/21/81)

Sec. 9-2-10 Abandoned and derelict vehicles subject to removal and disposal.

- (a) It shall be unlawful for any person to accumulate, place or deposit or cause to be placed or deposited on any street, alleyway, sidewalk, right-of-way, or any other public or private property within the corporate limits of the city other than within a completely enclosed building any abandoned vehicle or derelict vehicle. All abandoned and derelict motor vehicles shall be subject to removal from public or private property and disposed of in accordance with the provisions of this section.
- (b) Definitions.
 - (1) "Vehicle" means every device by which a person or property may be transported or drawn upon a highway by mechanical means. Also included in this definition are boats and trailers.
 - (2) "Abandoned vehicle" means a vehicle that is inoperable or is left unattended on public property for more than 72 hours, or a vehicle that has remained on private or public property for a period of more than seven (7) days without the consent of the owner in control of the property.
 - (3) "Derelict vehicle" means a vehicle:
 - a. Whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the South Carolina Department of Transportation; or
 - b. Whose major parts have been removed so as to render the vehicle inoperable; or
 - c. Manufacturer's serial plates, motor vehicle identification numbers, license number plate and other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or
 - d. Whose registered and legal owner of record disclaims ownership or releases his rights thereto; or
 - e. Which is more than seven (7) years old and does not bear a current license as required by the South Carolina Department of Transportation.
 - (4) "Colored tag" means any type of notice affixed to an abandoned or derelict vehicle advising the owner or the person in possession that it has been declared an abandoned or derelict vehicle and will be treated as such. The tag shall be of sufficient size to be easily discernable and shall contain such information as the city deems necessary to carry out the provisions of this section.

(Ord. No. 97-10-13(G), 10/13/97; Ord. No. 2009-05-11(A), 5/11/09)

(Supp. No. 64, 11-24)

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Sec. 9-2-11 Colored tags shall be attached to vehicles; notice to owners and lienholders; sale of vehicles.

- (a) When any vehicle is derelict or abandoned, the city shall cause a colored tag or sticker to be placed on the vehicle which shall be notice to the owner, the person in possession of the vehicle or any lien holder that it is considered to be derelict or abandoned and is subject to forfeiture.
- (b) If the value of the vehicle is determined to be more than \$100, the colored tag shall so state and serve as the only legal notice that if the vehicle is not removed within seven (7) days from the date of the tag that it will be removed to a designated place to be sold. After the vehicle is removed, the city shall notify in writing by registered or certified mail, return receipt requested the person in whose name the vehicle was last registered at the last address reflected in the South Carolina Department of Transportation records and to any lienholder of record, by registered or certified mail, return receipt requested, that the vehicle is being held, designating the place where it is being held and that if it is not redeemed within 30 days from the date of the notice by paying all cost of removal and storage, it shall be sold.
- (c) If the value of the vehicle is determined to be more than \$100 and if the identity of the last registered owner cannot be determined or if the registration contains no address for the owner, or if it is not reasonably possible to determine with reasonable certainty the identification and addresses of any lienholders, notice by one publication in a newspaper of general circulation in the area where the vehicle was located shall be sufficient to meet all requirements of notice pursuant to this section. The notice of publication may contain multiple listings of vehicles. Twenty days after date of publication, the advertised vehicle may be sold.
- (d) Any notice sent by mail or any newspaper notice shall contain the following if it is obtainable: the year, make, model, and serial number of the vehicle.

(Ord. No. 97-10-13(G), 10/13/97)

Sec. 9-2-12 City may contract for collection and storage of vehicles and related services.

The city may contract with a private company or business for the collection, storage, transportation, or other services related to the removal of abandoned or derelict vehicles from public or private property.

(Ord. No. 97-10-13(G), 10/13/97)

Sec. 9-2-13 Unlawful to tamper with, remove, or destroy colored tags.

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed on any vehicle in compliance with this section and any person found guilty of this provision shall upon conviction, be subject to a fine not exceeding \$500.

(Ord. No. 97-10-13(G), 10/13/97)

Sec. 9-2-14 Vandalism prohibited.

- (a) It shall be unlawful for any person to destroy, damage, mutilate, or remove the property of another without permission.
- (b) The following acts, among others, are declared to be in violation of this section; this enumeration shall not be deemed to be exclusive:

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- (1) Personal property. No person shall willfully, unlawfully, and/or maliciously cut, shoot, maim, wound, or otherwise injure any personal property of another person.
 - (2) Fixtures and real property. No person within the municipality shall willfully, unlawfully, and/or maliciously cut, mutilate, deface, mark, etch, scratch, or otherwise injure, or commit any other trespass on real property belonging to another.
 - (3) Municipal property. No person within the municipality, unless authorized by municipal officials, shall remove, interfere with, otherwise injure, or destroy any municipal property.
 - (4) Grassplots and flowers. No person shall drive any animal or vehicle along, on or across any grassplot in any public street, or sidewalk; or trample, pluck, mutilate, or injure the grass, shrubs, or flowers planted or growing in such place.
 - (5) Trees and shrubs. No person shall cut, scar, mutilate, dig up, or otherwise injure or destroy any trees or shrubs on public streets or in parks or any city property.

(c) Penalties.

- (1) Fines and imprisonment. Any person violating this article shall be punished by a fine up to \$1,100.00, and/or by imprisonment for a term not to exceed 30 days, or by both fine and imprisonment at the discretion of the court.
- (2) Restitution. In addition to any punishment specified in this section, the court may order any violator to make restitution to the victim for damages or loss directly or indirectly incurred as a result of the violator's offense in the amount or manner determined by the court.
- (3) Community service. In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:
 - a. The minor or adult shall perform at least 30 hours of community service.
 - b. At least one (1) parent or guardian of the minor shall be in attendance a minimum of 50 percent of the period of assigned community service.
 - c. The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police.
 - d. Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.
 - e. Any minor determined to be a ward of the court under 17 years of age [state law] as a result of committing an offense in the city shall be required, at the city's option, to perform community service, including graffiti removal service of not less than 30 hours nor more than 80 hours.

(d) Reward for information.

- (1) The city may offer a reward in an amount to be established by resolution of city council for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property. In the event of multiple contributions of information, the reward amount shall be divided by the city in the manner it shall deem appropriate at its discretion.
- (2) Claims for rewards under this section shall be filed with the city in the manner specified by city council.
- (3) No claim for a reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. (Ord. No. 2008-10-27(A), 10-27-08)

Sec. 9-2-15 Graffiti prohibited.

- (a) [Prohibited.] It shall be unlawful for any person to apply, attempt to apply, conspire to apply, solicit or command other person to apply; or aid or abet another person in planning or applying graffiti to any public or private property, real or personal.
- (b) Definitions. For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the content clearly indicates a different meaning:

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, glued or engraved on or otherwise affixed to any surface of public or private property by any means whatsoever to the extent that the graffiti was not authorized in advance by the owner or occupant of the property; or, despite advance authorization, is otherwise deemed a public nuisance by council.

Person means any individual, partnership, corporative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.

- (c) Penalties.
 - (1) Fines and imprisonment. Any person violating this article shall be punished by a fine up to \$1,100.00, and/or imprisonment for a term not to exceed 30 days, or both by fine and imprisonment at the discretion of the court.
 - (2) Restitution. In addition to any punishment specified in this section, the court may order any violator to make restitution to the victim for damages or loss directly or indirectly caused by the violator's offense in the amount or manner determined by the court.
 - (3) Community service. In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:
 - a. The minor or adult shall perform at least 30 hours of community service.
 - b. At least one (1) parent or guardian of the minor shall be in attendance a minimum of 50 percent of the period of assigned community service.
 - c. The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police.
 - d. Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.
 - e. Any minor determined to be a ward of the court under 17 years of age [state law] as a result of committing an offense in the city shall be required, at the city's option, to perform community service, including graffiti removal service of not less than 30 hours nor more than 80 hours. (Ord. No. 2008-10-27(B), 10/27/08)

Sec. 9-2-16 Graffiti as nuisance.

- (a) The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article.

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- (b) It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti. (Ord. No. 2008-10-27(B), 10/27/08)

Sec. 9-2-17 Removal of graffiti by perpetrator.

Any person found applying graffiti on public or private property shall be responsible for the removal, or payment for the removal of the graffiti within 24 hours after notice by the city or private owner of the property involved. Such removal shall be done in a manner prescribed by the building official, or any additional city department head, as authorized by **the** city administrator. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article. (Ord. No. 2008-10-27(B), 10/27/08)

Sec. 9-2-18 Same—By property owner or city.

If graffiti is not removed by the perpetrator according to Section 9-2-17, graffiti shall be removed pursuant to the following provisions:

- (1) **Property owner responsibility.** It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten days after service by certified mail of notice of the defacement. The notice shall contain the following information:
 - a. The street address and legal description of the property sufficient for identification of the property.
 - b. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding.
 - c. A statement that the graffiti must be removed within ten days after receipt of the notice and that if the graffiti is not abated within that time the city will declare the property to be a public nuisance.
 - d. An information sheet identifying any graffiti removal assistance programs available through the city and private graffiti removal contractors.
- (2) **Exceptions to property owner responsibility.** The removal requirements of subsection (a) above shall not apply if the property owner or responsible party can demonstrate that:
 - a. The property owner or responsible party lacks the financial ability to remove the defacing graffiti or is actively engaged in actions to remove the graffiti; or
 - b. The property owner or responsible party has an active program for the removal of the graffiti and has scheduled the removal of the graffiti as part of that program; in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of 15 days after service by certified mail of notice of the defacement.
- (3) **Right of city to remove.**
 - a. **Use of public funds.** Whenever the city becomes aware or is notified and determined that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of a more extended area than where the graffiti is located, unless the city administrator or designee of the city administrator determined in writing that a more extensive area is required to be repainted or repaired in order to avoid a disfigurement to the neighborhood or community, or

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- unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extended area.
- b. Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal, the city shall attempt to secure the consent of the property owner or responsible party and acquire a release of the city for liability for property damage or personal injury.
 - c. City reimbursement by property owner. Unless the property owner has demonstrated an inability to pay for graffiti abatement, the owner of property improved by the removal of graffiti may be required to reimburse the city, in full, for all related expenses. (Ord. No. 2008-10-27(B), 10/27/08)

CHAPTER 3 Offenses Against Morality

ARTICLE C ***Hate Intimidation and Hate Crimes***

ARTICLE A ***General Provisions***

Sec. 9-3-1 Contributing to delinquency of minor.

~~It shall be unlawful for any person to do or perform any act involving abandonment, moral turpitude, solicitation, obscenity, lewdness, conspiracy, oppression or instruction in any way calculated to contribute to the delinquency of any minor child within the city.~~

(Code 1978, Sec. 9-1001)

State Law Reference: Similar state law, S.C. Code, Sec. 16-17-490.

Sec. 9-3-2 Bribery.

It shall be unlawful for any person, directly or indirectly, to offer to give or exchange any money, or other valuable consideration, or to receive it, for the purpose of influencing the outcome of any trial, election, proclamation, athletic contest, competition, award, or any other activity, whether of a public or private nature, or for the purpose of inducing any action contrary to the laws of the municipality.

(Code 1978, Sec. 9-1027)

Sec. 9-3-3 Obscenity generally; communicating obscene messages to other persons without consent.

- (a) It is unlawful for a person to write, print, telephone, transmit a digital electronic file, or by other manner or means communicate, send, or deliver to another person within this city, without that person's consent, any obscene, profane, indecent, vulgar, suggestive, or immoral message.

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- (b) For the purposes of the offense referred to in this section, the receipt of the message within the city shall constitute the offense, irrespective of whether the message has its origin inside or outside the city limits.
 - (c) The penalty for violation of this section is as stated in Section 1-3-48 General penalty; continuous violations of this Code.

(Code 1978, Sec. 9-1015; Ord. No. 2019-11-04(B), 11/4/19)

State Law Reference: Similar state law, S.C. Code, Sec. 16-15-250.

Editor's note(s)—Ord. No. 2019-11-04(B), adopted Nov. 4, 2019, changed the title of § 9-3-3 from "Obscenity generally; communications to women and children" to read as herein set out.

Sec. 9-3-4 Same; in public.

It shall be unlawful for any person to use obscene or profane language on any street, or at any public place or gathering.

(Code 1978, Sec. 9-1016)

Secs. 9-3-5 through 9-3-20 reserved.

ARTICLE B

Gambling

State Law Reference: Gambling and lotteries, S.C. Code, Sec. 16-19-40 et seq.

Sec. 9-3-21 Gambling prohibited.

- (a) It shall be unlawful for any person, firm, or corporation to open, keep, or maintain any gaming house in any building within the corporate limits of the city, or suffer or permit any description of gaming or playing any game of chance or skill for money, goods, chattels, or other things whatsoever.
- (b) It shall be unlawful for any person, firm, or corporation to keep, participate, or engage in any device of gaming whatsoever in any building, street, lane, alley, court, park, lot, or public way within the city, and any such device shall be confiscated by any member of the police department.

(Ord. of 5/14/82)

Sec. 9-3-22 Gaming tables.

It shall be unlawful for any person, firm, or corporation to play for money or other stakes in any house, barn, kitchen, stable, or other outhouse, or in any street, highway, open wood, race field, or open place, at any game with cards or dice, or at any gaming table commonly called ABC or EO, or at any gaming table known or distinguished by any other letters, or by any figures or roly poly table, or at rouge et noir, or any faro bank, or at any other table or bank of the same or like kind, under any denomination whatsoever, except the game of billiards, bowls, backgammon, chess, draughts, or whist, when there is not betting on such game or no bet on the sides of players.

(Ord. of 5/14/82)

(Supp. No. 64, 11-24)

Created: 2025-02-19 16:08:19 [EST]

Sec. 9-3-23 Gambling pools prohibited.

It shall be unlawful for any person, firm, or corporation to bet in or sell a pool within the limits of the city upon any horse race, boat race, foot race, baseball, football, basketball, or other game.

(Ord. of 5/14/82)

Sec. 9-3-24 Lotteries and games of chance.

It shall be unlawful for any person, firm, or corporation to publicly or privately erect, set up, or expose, to be played, drawn, or thrown at, or shall cause to be erected, set up, or exposed to be played, drawn, or thrown at, any lottery or anything whatsoever in the nature of a lottery or game of chance for money or other stakes whatsoever, either by dice, cards, balls, lots, numbers, figures, or tickets, or who shall make, write, print, or publish, or shall cause to be made, written, printed, or published, or have in their possession any lottery tickets or paraphernalia pertaining to lottery, except for the purpose of procuring or furnishing evidence of the violation of this section, any scheme or proposal for any such purposes, or to sell, or offer to sale, any ticket, whether written, printed, or otherwise or plan by which a game of chance may be engaged in for money or any other goods whatsoever. All lottery wheels, wheels of fortune, and all things whatsoever used or employed in the conduct of any such lottery or games of chance, are hereby declared forfeited and shall be confiscated by any member of the police department.

(Ord. of 5/14/82)

Sec. 9-3-25 Forfeiture of wagered money or property.

All and every sum or sums of money, or any other goods, property, or stakes whatsoever, wagered, staked, or pending on the event of any wager or act of gambling are hereby declared to be forfeited to the city.

(Ord. of 5/14/82)

Sec. 9-3-26 Reserved.

Editor's note(s)—Ord. No. 2009-05-11(A), adopted May 11, 2009, deleted the former § 9-3-26 which pertained to bingo games and derived from Ord. of 5/14/82.

Sec. 9-3-27 Penalties.

Violation of any of the terms and provisions of this article herein shall be subject to the penalties provided in section 1-3-48 of this code, and a separate offense shall be deemed committed on each day or days the violation occurs or continues to occur.

(Ord. of 5/14/82)

ARTICLE C

Hate Intimidation and Hate Crimes

Sec. 9-3-28 Hate intimidation and hate crimes prohibited.

A person who commits a crime in violation of title 9 of the City of Conway Code of Ordinances or any other city ordinance, with the intent to intimidate or harass a person or persons, or to cause harm, injury, or damage to the person or property of the victims, or to deny the liberty rights of any person or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, gender identity, physical or mental ability or disability, or national origin of the victim or victims, shall be punished as provided in section 9-3-29.

(Ord. No. 2024-09-16(D), 9/16/24)

Sec. 9-3-29 Penalties.

- (a) A violation of this section shall be a misdemeanor and punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days. The sentence imposed shall be consecutive to the sentence for the underlying criminal offense unless the court articulates on the record why the sentences should run concurrently.
- (b) Separate fines and/or sentences shall be imposed for contemporaneous and/or concurrent violations.
- (c) The court may impose community service or participation in an educational or counseling program for violation of this section.
- (d) The court may suspend the sentence and/or fine in whole or in part, and require completion of an educational program, a course of counseling, or appropriate community service. This provision does not constitute creation of a diversion program, nor does it provide for dismissal of any conviction or guilty plea, but instead allows the court flexibility in selecting effective penalties in appropriate cases.

(Ord. No. 2024-09-16(D), 9/16/24)

Sec. 9-3-30 Restitution authorized.

In addition to the penalties provided for above, the court may order restitution up to the limits of the court's jurisdiction for damages sustained by the victim of the offense directly related to the commission of the crime, which may include compensation for medical bills, counseling or therapy, or damage to property sustained by the victim as a result of the underlying criminal offense.

(Ord. No. 2024-09-16(D), 9/16/24)

CHAPTER 4 Offenses Against Public Welfare

ARTICLE A ***General Provisions***

Secs. 9-4-1 through 9-4-20 reserved.

ARTICLE B
Drug-Related Paraphernalia

State Law Reference: Controlled substances, S.C. Code, Title 44, Ch. 53; sale, manufacture of paraphernalia, S.C. Code, Sec. 44-53-391.

Sec. 9-4-21 Definitions.

- (a) The term drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this article. It includes, but is not limited to:
- (1) kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - (2) kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
 - (3) isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - (4) testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
 - (5) scales or balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 - (6) dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 - (7) separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - (8) blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
 - (9) capsules, balloons, envelopes and other containers used, intended for use, or designed for use in compounding controlled substances;
 - (10) containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
 - (11) hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
 - (12) objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

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- a. metal, wooden, acrylic, glass, stone, plastic ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. water pipes;
 - c. carburetion tubes and devices;
 - d. smoking and carburetion masks;
 - e. roach clips: meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - f. miniature cocaine spoons, and cocaine vials;
 - g. chamber pipes;
 - h. carburetor pipes;
 - i. electric pipes;
 - j. air-driven pipes;
 - k. chillums;
 - l. bongs; and/or
 - m. ice pipes or chillers.
- (b) In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (1) statements by an owner or by anyone in control of the object concerning its use;
 - (2) prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
 - (3) the proximity of the object, in time and space, to a direct violation of this article;
 - (4) the proximity of the object to controlled substances;
 - (5) the existence of any residue of controlled substances on the object;
 - (6) direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows or should reasonably know, intend to use the object to facilitate a violation of this article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - (7) instructions, oral or written, provided with the object concerning its use;
 - (8) descriptive materials accompanying the object which explain or depict its use;
 - (9) national and local advertising concerning its use;
 - (10) the manner in which the object is displayed for sale;
 - (11) whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - (12) direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - (13) the existence and scope of legitimate uses for the object in the community; and

(14) expert testimony concerning its use,
(Ord. of 9/28/81)

Sec. 9-4-22 Possession of drug paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this article. Any person who violates this section is guilty of a crime and upon conviction shall be punished as provided in section 1-3-48,

(Ord. of 9/28/81)

Sec. 9-4-23 Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article. Any person who violates this section is guilty of a crime and upon conviction shall be punished as provided in section 1-3-48.

(Ord. of 9/28/81)

Sec. 9-4-24 Delivery of drug paraphernalia to a minor.

Any person 18 years of age or over who violates section 9-4-23 by delivering drug paraphernalia to a person under 18 years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction shall be punished as provided in section 1-3-48.

(Ord. of 9/28/81)

Sec. 9-4-25 Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of this advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a crime and upon conviction shall be punished as provided in section 1-3-48.

(Ord. of 9/28/81)

Sec. 9-4-26 Civil forfeiture.

- (a) Any of the items of personal property listed in section 9-4-21 hereof and which is legally confiscated by the city will be forfeited. Any such property will be secured by the city police department for a period of 10 days and thereafter the city will either destroy the property or advertise notice of public sale of such property and sell such thereof as may be used for legitimate purposes.

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- (b) Property subject to be forfeited under this article may be seized by the city police department upon process issued by the municipal judge. Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant.

(Ord. of 9/28/81)

Sec. 9-4-27 Severability.

If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

(Ord. of 9/28/81)

ARTICLE C
Drugs

Sec. 9-4-28 Narcotics—Being under the influence of.

It shall be unlawful for any person, while under the influence of narcotic drugs, to appear upon any of the streets or alleys of the city so as to be offensive to others. It shall be unlawful for any person, while in such condition, to appear or be in or upon the grounds of any church, school, library, museum, theater, public auditorium, public conveyance station, public conveyance vehicle, or such other place or thing frequented or used generally by the public. It shall likewise be unlawful for a person, while in such condition, to enter or be in any dwelling or the business establishment of another except at the special invitation of the person lawfully in charge or control of such dwelling or business establishment.

(Ord. No. 94-11-28(E), 12/12/94)

State Law Reference: Driving under influence of narcotics, S.C. Code 1976, Sec. 56-5-2930; narcotics and controlled substances, Sec. 44-53-110 et seq.

Sec. 9-4-29 Loitering for the purpose of engaging in drug-related activity.

- (a) For the purpose of this section, "public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, parking lot or transportation facility or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the city.
- (b) For the purpose of this section, a "known unlawful drug user, possessor, or seller" is a person who has within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the South Carolina Controlled Substances Act, Code of Laws of South Carolina, Section 44-53-110, et seq., as amended 1976, or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or federal law.
- (c) It shall be unlawful for a person to remain or wander around in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the South Carolina Controlled Substances Act, Code of Laws of South Carolina, Section 44-53-110, et seq. as amended 1976, such circumstances shall include:

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- (1) Repeatedly backing to, stopping, or attempting to stop passers-by or repeatedly attempting to engage passers-by in conversation;
 - (2) Repeatedly stopping or attempting to stop motor vehicles;
 - (3) Repeatedly interfering with the free passage of other persons;
 - (4) Such person behaves in such a manner as to raise probable cause that he or she is about to engage in an unlawful drug-related activity;
 - (5) Such person repeatedly passes to or receives from passers-by whether on foot or in a vehicle, money or objects;
 - (6) Such person is at a location frequented by persons who use, possesses, or sells drugs; or
- (d) **Violation.** Any person loitering in any public place as defined above may be ordered by any police officer to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this article, and may be penalized under section 1-3-48. Nothing in this section shall be construed or enforced in such a manner as to restrict freedom or speech, religion, or association.
 - (e) If any provision of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 94-11-28(E), 12/12/94; Ord. No. 2006-08-28(E), 8/28/06)

ARTICLE D

Careless Driving

Sec. 9-4-30 Careless driving of a vehicle.

It shall be unlawful for any person to operate any vehicle without care and caution and due regard for the safety of persons or property. Any person failing to operate a vehicle with care and caution and due regard for the safety of persons and property shall be guilty of the offense: "careless driving of a vehicle." The operation of any vehicle when the same or any of its components is not in proper or safe condition shall be *prima facie* evidence of careless driving of a vehicle.

(Ord. No. 91-11-25(D), 11/25/91)

CHAPTER 5 Comprehensive Juvenile Protection Regulations

Sec. 9-5-1 Curfew for minors.

The purpose of this section is to: (i) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City; (ii) promote the safety and well-being of the city's youngest citizens, persons age 16 years and under, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and (iii) foster and strengthen parental responsibility for children.

- (a) Definitions.

The following words and phrases shall have the meanings ascribed to them below:

"Curfew hours" means the hours of 12:01 a.m. through 6:00 a.m. Sunday through Saturday.

"Emergency" means unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

"Establishment" means any privately-owned place of business within the city operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such establishment, the term "operator" means any person, any firm, association, partnership (and the members or partners thereof) and/or any corporations (and the officers thereof) conducting or managing that establishment.

"Officer" means a police or other law enforcement officer charged with the duty of enforcing the laws of the state of South Carolina and/or the ordinances of the City of Conway.

"Parent" means:

- (1) a person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
- (2) a person who is the biological or adoptive parent with whom a minor regularly resides;
- (3) a person judicially appointed as a legal guardian of the minor; and/or
- (4) a person 18 years of age or older standing in loco parentis (as indicated by the authorization of an individual listed in part(s) (1), (2) or (3) of this definition, above, for the person to assume the care or physical custody of the child, or as indicated by any other circumstances).

"Person" means an individual, not any association, corporation, or any other legal entity.

"Public place" means any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

"Remain" means the following actions:

- (1) to linger or stay at or upon a place; and/or
- (2) to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

"Temporary care facility" means a non-locked, non-restrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

- (b) It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the city, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the city, unless:
- (1) the minor is accompanied by a parent; or
 - (2) the minor is involved in an emergency; or
 - (3) the minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop; or
 - (4) the minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
 - (5) the minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is

-
- supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or carele
- (6) the minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or
- (7) the minor is involved in interstate travel through, or beginning or terminating in, the City of Conway, South Carolina; or
- (8) the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- (c) It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate Section 9-5-1.
- (d) It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of Section 9-5-1.
- (e) It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the police department that a minor was present at the establishment after curfew hours and refused to leave.
- (f) It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any officer investigating a possible violation of Section 9-5-1.
- (g) Enforcement.
- (1) Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the city during curfew hours is in violation of Section 9-5-1(b).
- a. If such investigation reveals that the presence of such minor is in violation of Section 9-5-1(b), then
- b. As soon as practicable, the officer shall:
1. release the minor to his or her parent(s); or
 2. place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor; or
 3. if a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.
- (h) Each violation of Section 9-5-1 shall constitute a separate offense.

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- (i) Any parent or legal guardian whose child receives protective intervention service may be assessed a fine of \$50.00 on the first occasion, \$250.00 on the second occasion, and \$500.00 upon all subsequent occasions.

(Ord. 2000-01-10(A), 1-10-2000)

CHAPTER 6 Prohibitions on Rights-of-Way and Public Property

ARTICLE A General Prohibitions of Rights-of-way and restricted public places

Sec. 9-6-1 Prohibited actions

In the interest of fair use, public peace, and public welfare, certain actions are hereby prohibited on public rights-of-way and public places in the City of Conway, unless otherwise designated through signage, franchise agreement, or special event permit.

- (a) Defacing or removing authorized property
- (b) Installing or storing unauthorized items (e.g., memorials, structures).
- (c) Altering public spaces (e.g., digging, removing natural elements).
- (d) Erecting structures without authorization.
- (e) Using railings, fences, or retaining walls improperly (e.g., climbing, skating).
- (f) Interfering with utility structures.
- (g) Littering.
- (h) Operating mobile billboard advertising.
- (i) Obstructing passage.
- (j) Storing personal property or camping (except in authorized areas).
- (k) Possessing open alcohol containers.
- (l) Starting fires or igniting combustibles.
- (m) Engaging in inappropriate bodily conduct (e.g., expectorating, urinating).
- (n) Undressing in vehicles inappropriately.
- (o) Sleeping in vehicles overnight.
- (p) Engaging in aggressive solicitation or panhandling.
- (q) Door to door peddling and soliciting without having been invited.
- (r) Panhandling or begging within city limits.
- (s) Trespassing on the lands or premises of another, public or private, without consent of the owner or the person in charge

Sec. 9-6-2 Obstruction of public sidewalks

It shall be unlawful for any person to lie or sit on public sidewalks, including with use of objects such as chairs or blankets. Exceptions shall exist for medical emergency, disability, permitted encroachment, and participation in permitted events.

Sec. 9-6-3 Charitable solicitation

- (a) Charitable solicitation shall be illegal in the City of Conway from 8:00 PM through 9:00 AM, unless a special event permit is issued by the city.

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- (b) Any person engaged in charitable solicitation must represent an organization authorized to solicit charitable donations by the State of South Carolina.
 - (c) Charitable solicitation is illegal on public rights-of-way.
 - (d) No person engaged in charitable solicitation shall approach vehicles to solicit drivers or passengers nor leave flyers or advertising on vehicles.

Sec. 9-6-4 Camping

- (a) Camping on public property, including, but not limited to, streets, parks, waterways, and conservation lands, is illegal unless authorized by the City.
- (b) If the city or an authorized contractor intends to clean up a campsite, notice shall be posted at the site at least 24 hours in advance of such activity.

Sec. 9-6-5 Rummaging or scattering of solid waste

- (a) It shall be illegal to rummage through, remove, or tamper with any solid waste container or any solid waste within such container, whether located at the curbside or at collection points, temporary or permanent
- (b) It shall be illegal to scatter solid waste, whether or not such waste was placed in a container.

Sec. 9-6-6 Penalties

Any person found to be in violation of this chapter shall be guilty of a misdemeanor pursuant to Conway municipal code Sec. 1-3-48 and subject to the penalties authorized thereby.

CHAPTER 7 Loitering

Sec 9-7-1 Loitering defined

As used in this chapter, "loiter" means to, without just cause, linger, remain in or on private or public property, or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof, or where "No Loitering" signs are posted.

Sec 9-7-2 Loitering prohibited

- (a) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals nor under circumstances that warrant alarm for the safety of persons or property in the vicinity.
- (b) No person shall hide, wait, or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze, or look upon the occupants therein in a clandestine manner.

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- (c) No person shall loiter in or about any public restroom for the purpose of engaging in any lewd or lascivious act.
 - (d) No person shall loiter in a restaurant, tavern, or building open to the public.
 - (e) No person shall loiter in or upon any private or public parking lot or parking garage, either on foot or in or upon any conveyance being driven or parked thereon.
 - (f) No person shall loiter within or upon any public or private residential property, including properties owned by homeowner's associations.

Sec. 9-7-3 Requirement to identify

A person being asked for identification under suspicion of violation of this section shall provide the police officer with his name and address either verbally or by providing the officer with written evidence of the person's name and address, including but not limited to a driver's license or picture identification.

Sec. 9-7-4 Court order on jurisdictional limit

In addition to the penalty that may be imposed listed herein, any person who is arrested for and/or convicted of violating any provision of this section may be subject to an order of the court which shall impose a jurisdictional limit on said person prohibiting his presence in a specific geographic area of the City of Conway. Failure to comply with the court order shall constitute a violation of the court order and be dealt with at the court's discretion to revoke bond and subject held until court appearance or impose any part of suspended sentence.

Sec. 9-7-5 Penalties

Any person found to be in violation of this chapter shall be guilty of a misdemeanor pursuant to Conway municipal code Sec. 1-3-48 and subject to the penalties authorized thereby.

CHAPTER 8 Penalties

Sec 9-8-1 Penalties applicable

Unless otherwise noted herein or in a duplicate state or federal statute, anyone found guilty of violating a provision of this title shall be guilty of a misdemeanor and shall be fined not more than five hundred (500) dollars or imprisoned not more than thirty (30) days.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF CONWAY)

R E S O L U T I O N

HONORING

THE SOUTH CAROLINA NATIONAL HISTORY DAY CONTEST WINNERS

**CONWAY MIDDLE SCHOOL STUDENTS
AND THEIR TEACHER, MAURICE SHEFFIELD**

- WHEREAS,** the National History Day Competition is a prestigious academic event that encourages students across the United States to engage in historical research, critical thinking, and presentation skills; and,
- WHEREAS,** students from Conway Middle School, under the guidance and mentorship of teacher Maurice Sheffield, demonstrated outstanding dedication, scholarship, and creativity in preparing their historical projects; and,
- WHEREAS,** these students achieved significant recognition by winning the National History Day Regional Competition, held at Coastal Carolina University on March 14th, 2025, competing against many other talented teams from across the region; and,
- WHEREAS,** several student groups from Conway Middle School advanced even further by winning at the National History Day State Competition, held at Coastal Carolina University on May 3, 2025, earning the distinct honor of representing their school and state at the National History Day National Competition in June; and,
- WHEREAS,** the leadership of Maurice Sheffield has been instrumental in inspiring students to explore history with passion and rigor, cultivating skills that will benefit them academically and personally throughout their lives; and,

NOW, THEREFORE BE IT RESOLVED, that Conway City Council formally recognizes and congratulates

THE STUDENTS OF CONWAY MIDDLE SCHOOL AND MAURICE SHEFFIELD

For their exceptional achievements in historical scholarship

IN WITNESS WHEREOF, this Resolution is hereby adopted and made a part of the City Records this 16th day of June 2025.

Barbara Jo Blain, Mayor

William M. Goldfinch, IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

DATE: JUNE 16, 2025
ITEM: III.D.

ISSUE

Purchase of Picnic Shelters for Collins Park (Budgeted).

BACKGROUND

Due to the popularity of Collins Park, City staff recommends adding a shelter to the basketball/pickleball area. Also, staff recommends the replacement of one existing shelter that is deteriorating and structurally unsound. One existing shelter is in good shape and will remain, however, the roof needs replacement. This roof will be replaced with a green metal roof to match the two new shelters. After installation, brick wrap will be added to the columns of all three shelters.

The total price from Bliss, which is under state contract, for the 2 new shelters and the roof for the existing shelter is \$72,726.71 and is within the set budget in Hospitality of \$150,000.

RECOMMENDATION:

Approve the purchase in the amount of \$72,726.71



Bliss Products and Services, Inc
6831 S. Sweetwater Rd.
Lithia Springs, GA 30122
(800) 248-2547
(770) 920-1915 Fax

Quote # **76573**

Sales Rep: Gordon Hamilton
gordon@blissproducts.com
O: (803) 799-4478
F: (803) 799-4479
C: (803) 261-0397

City of Conway

Date 06-03-
2025

Project Conway Park
Shelters Wood

Bill To
City of Conway
PO Drawer 1075
Conway, South Carolina 29528
T: (843) 248-1740
F: (843) 248-1749

Ship To
City of Conway
16th Avenue
Conway, South Carolina 29527

Contact
David Crotts
Procurement & Warehouse
Director
Phone: (843) 397-2506
Fax: (843) 248-1718

Approximate Ship Date

Ship Via

Terms
50% Down, Balance Due after
Delivery

Vendor	Part #	Description	Qty	Unit Price	Extended Price
CFS	LB 1824	Low Pitch Beam Shelter 18' x 24' with 8' Eave	2	\$17,964.71	\$35,929.42
CFS	Engineering	Engineering	1	\$882.35	\$882.35
INS	Install	Install Wooden Shelter NOTE: Does not include permitting, concrete pad, site preparation, or site restoration.	2	\$15,000.00	\$30,000.00

		Sub Total	\$66,811.77
		Freight	2,750.00
	Taxable Subtotal	Tax	3,164.94

Financing as low as **\$1,687.26** / month may be
available pending credit approval.

Grand Total

\$72,726.71

- Due to volatility in raw material pricing, this quote is only valid for 30 days unless otherwise noted.
- Due to instability in material procurement and manufacturing, verbal or written lead times are subject to change.

Sales tax exempt certificate will be required for exemption. All orders are subject to approval and acceptance by the manufacturer. Deposits may be required. Add 3% to total for charge card transactions. Manufacturing lead times will not begin without an actual shipping address, color and mount selection, approved purchase order or fully executed contract. Customer will need to coordinate with freight carrier if unloading or inside delivery is required. Damaged or missing parts must be noted on the bill of lading at the time of delivery. A finance charge of 1.5% per month will be added to all invoices past due. Return items are subject to manufacturer's policies and may result in freight and restocking fees.

Signed quote will not be accepted for orders over \$500.

Install Conditions - Unless otherwise noted:

- Site should be clear, level and allow continuous access for delivery, materials and equipment. A space must be provided for the staging and secure storage of equipment within a reasonable distance to the jobsite.
- Installation price based on a single mobilization and unrestricted work hours. We can accommodate special requests but they may result in additional labor costs.
- Installation requiring footers are based on normal soil conditions. Rock, coral, asphalt, foundations, pipes, underground utilities, poor soil conditions, and poor drainage may incur additional charges.

- Bliss will call for public locates but the customer is responsible for locating and identifying all private utilities. We are not responsible for damage to unmarked lines.
- If permitting is required, customer is responsible for providing site survey. Equipment delivery and installation times will not begin until permitting is approved. Permitting fees and engineering drawings not included.
- Bliss will smooth jobsite but full site restoration (such as sod) is not included. Bliss will take every care with trees, curbs, sidewalks, fences and other site obstructions but will not be responsible for damage caused by normal installation processes.
- Removal of trash and spoils is not included. Customer responsible for providing dumpster for debris and/or an area within reasonable distance to spread spoils.
- Bliss will not be held responsible for delays due to weather.
- Customer accepts all responsibility for requests that are not in compliance with ASTM, CPSC or local building codes.

Complete Terms and Conditions can be found at <https://blissproducts.com/terms-conditions/>

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF CONWAY)

R E S O L U T I O N

HONORING

CONWAY HIGH SCHOOL GIRLS TENNIS COACH

PATRICK HOWLE

- WHEREAS,** Coach Patrick Howle has demonstrated exemplary leadership and dedication as Head Coach of the Conway High School Girls Tennis Team; and
- WHEREAS,** under his guidance, the Lady Tigers achieved an outstanding record of 20 wins and only 2 losses during the season; and
- WHEREAS,** Coach Howle led Conway High School to victory in the Region Championship and advanced to the third round of the state playoffs, showcasing athletic excellence throughout South Carolina; and
- WHEREAS,** his commitment to student-athletes, both academically and athletically, has set a standard of sportsmanship and achievement for Conway High School and the entire Conway, South Carolina community;

NOW, THEREFORE BE IT RESOLVED, that Conway City Council formally recognizes and congratulates

Coach Patrick Howle for being named Regional Coach of the Year and extends its deepest appreciation for his contributions to youth athletics and community pride.

IN WITNESS WHEREOF, this Resolution is hereby adopted and made a part of the City Records this 16th day of June 2025.

Barbara Jo Blain, Mayor

Willlliam M. Goldfinch, IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF CONWAY)

R E S O L U T I O N

HONORING

CONWAY HIGH SCHOOL BOYS GOLF COACH

BRIAN ROGERS

WHEREAS, Coach Brian Rogers has demonstrated remarkable coaching expertise and leadership as Head Coach of the Conway High School Boys Golf Team; and

WHEREAS, under his leadership, the Tigers captured both the Region Championship and the Lower State Championship, marking a historic season for Conway High School; and

WHEREAS, the team also earned a place among the top 10 in the South Carolina State Golf Tournament, reflecting Coach Rogers' ability to guide athletes to success at the highest levels; and

WHEREAS, his mentorship and development of young talent has brought pride and honor to Conway High School and the City of Conway, South Carolina;

NOW, THEREFORE BE IT RESOLVED, that Conway City Council formally recognizes and congratulates

Coach Brian Rogers on being named Regional Coach of the Year and gratefully acknowledges his contributions to athletic excellence in our community.

IN WITNESS WHEREOF, this Resolution is hereby adopted and made a part of the City Records this 16th day of June 2025.

Barbara Jo Blain, Mayor

Willliam M. Goldfinch, IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF CONWAY)

R E S O L U T I O N

HONORING

CONWAY HIGH SCHOOL BOYS SOCCER COACH

ANDRE WHITE

WHEREAS, Coach Andre White has made significant contributions to Conway High School and the city of Conway, South Carolina through his leadership of the Boys Soccer Team; and

WHEREAS, under his direction, the Tigers made back-to-back playoff appearances for the first time in school history—an unprecedented accomplishment; and

WHEREAS, Coach White's leadership has elevated the boys soccer program at Conway High School, fostering growth, resilience, and success; and

WHEREAS, his selection as Regional Coach of the Year is a testament to his impact on student-athletes and the broader Conway community;

NOW, THEREFORE BE IT RESOLVED, that Conway City Council formally recognizes and honors

Coach Andre White for his historic achievements, applauds his dedication, and extends heartfelt congratulations on this well-earned recognition.

IN WITNESS WHEREOF, this Resolution is hereby adopted and made a part of the City Records this 16th day of June 2025.

Barbara Jo Blain, Mayor

Willlliam M. Goldfinch, IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF CONWAY)

R E S O L U T I O N

HONORING

CONWAY HIGH SCHOOL BOYS BASKETBALL COACH

MICHAEL HOPKINS

- WHEREAS,** Coach Michael Hopkins has shown exceptional leadership and coaching acumen as Head Coach of the Conway High School Boys Basketball Team; and
- WHEREAS,** the team, under his guidance, earned the Region Championship title and advanced to the second round of the state playoffs, finishing in the top 10 in South Carolina; and
- WHEREAS,** Coach Hopkins' influence on his players extends beyond the court, promoting hard work, unity, and personal growth; and
- WHEREAS,** his recognition as Regional Coach of the Year reflects his dedication to excellence and his positive influence on Conway High School and the entire Conway, South Carolina community;

NOW, THEREFORE BE IT RESOLVED, that Conway City Council formally recognizes and congratulates

Coach Michael Hopkins for his remarkable achievements and conveys its sincere congratulations and appreciation.

IN WITNESS WHEREOF, this Resolution is hereby adopted and made a part of the City Records this 16th day of June 2025.

Barbara Jo Blain, Mayor

William M. Goldfinch, IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

June 2, 2025

**CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, JUNE 2, 2025**

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

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

OTHERS: There were approximately 30 others in attendance.

CALL TO ORDER: Mayor Blain called the meeting to order. Mayor Blain gave the invocation and led the Pledge of Allegiance.

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

Hyman introduced the interns, Natalia Simmons and Sydney Livingston who were in attendance and Peyton Richardson who was not present.

CONSENT AGENDA:

- A. Final reading on the Fiscal Year 2025-26 Budget - Ordinance #2025-06-02 (A) An Ordinance to levy taxes and establish a Municipal Budget for the City of Conway, South Carolina.**
- B. Final Reading of Ordinance #2025-06-02 (C), an agreement to lease City-owned property located at 214 Magrath Avenue (PIN 339-08-04-0027).**
- C. Approval of a Special Event – 2025 Conway Riverfest – June 28, 2025**
- D. Approval of Reappointment of Municipal Judge**
- E. Final Reading of Ordinance #2025-06-02 (D), amending a Franchise Agreement with the South Carolina Public Service Authority (SCPSA)**
- F. Approval of May 19, 2025 Council Meeting Minutes**

APPROVAL OF CONSENT AGENDA: Motion: White made a motion, seconded by Butler to approve June 2, 2025 consent agenda. Vote: Unanimous. Motion carried.

SPECIAL PRESENTATION:

- A. Presentation of Longevity Awards – May 2025 – 5 Years: Johnathan Finch, Police; 10 Years: Becky Graham, Human Resources; 10 Years: Ricky Steele Jr, Solid Waste; 10 Years: Russell Dozier, Recreation (absent); 20 Years: Bradley Todd, Planning & Development; 20 Years: Jimmy Stover, Hospitality & Beautification; 20 Years: Larry Elleby, Solid Waste; 25 Years: Robert Cooper II, Construction Services; 25 Years: Bobby Wallace, Fleet Maintenance** – Emrick and Jordan presented the longevity awards.
- B. Presentation of a Proclamation recognizing National Gun Violence Awareness Day** – Blain presented the National Gun Violence Awareness Day Proclamation to Long and others in attendance.
- C. Presentation of the Tree City USA Award – Ann Huyler, South Carolina Forestry Commission** - Ann Huyler of the South Carolina Forestry Commission presented Dennis and Blain with the Tree City USA designation for the 40th consecutive year.
- D. Discussion of a request to annex approximately 2.22+- acres of property located at 1091 E Hwy 501 (PIN's 367-14-04-0001, -0002, & -0003), and rezone from Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.** Hucks stated that this annexation request is being considered because of a requirement by Public Utilities. The property at 1091 E. Highway 501, known as South Atlantic Monument Company is currently on the same water meter as the residence located on Amber Lane, which has the same property owner, and as a result of the requirement for the property to have a separate water meter installed, annexation must be requested by the property owner, also requiring that all surrounding property owned by the applicant be subject to annexation. The property on Amber Lane will be considered for first reading in conjunction with these properties at the June 16 Council meeting. The requested zoning for these 3 properties upon annexation is Highway Commercial, which is consistent with the city's future land use map. Hucks said that Planning Commission will hold the required public hearing on the request at their June 5 meeting and staff will forward their recommendation with first reading of the request.
- E. Discussion of a request to rezone approximately 0.33+- acres of property located at 1307 Grainger Road (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low-Medium Density Residential (R-1) district.** Hucks stated that the applicants are requesting to rezone the property from the Highway Commercial district to the Low/Medium-Density Residential District (R-1) to construct a single-family residence. The property has an older commercial structure which was previously used as an auto garage and is currently classified as storage/warehousing, and the legal nonconforming residence that once existed on the property has since been removed. Per the legal description on county land records, the property is identified as lot 21 of a plat from 1941;

however, it also includes a portion of lot 20, which was never recorded through a platting action, so the legal lot lines differ from what the city's GIS maps show. Should the rezoning request be approved, the applicants would need to provide a new plat correcting the issue with the legal lot lines as well as demo the commercial structure that currently exists on the property. The current zoning map and the future land use map identify this property, as well as several other properties with frontage on Grainger Road as Highway Commercial; however, some of these properties contain a residential structure and some are currently vacant. Hucks said that Planning Commission is scheduled to hold a public hearing on this rezoning request at their June 5 meeting and staff will forward their recommendation with first reading of the request.

Blain said that since the owner has not been maintaining the property it has become an eyesore, and she said that she is happy that the city is looking for another use for the property.

White asked if letters were sent to residents in the area. Hucks said letters were sent to properties within 200' usually 15 days prior to the hearing. White then asked the date of the hearing. Hucks said June 5 at 5:30 p.m. in the Planning and Development building.

Butler asked how it was zoned Highway Commercial when it is surrounded by residential. Hucks said that it was probably done a long time ago when the land use map or zoning came into play and the property was being used for commercial at that time.

Blain said that recently another similar property was discussed that was Highway adjacent to residential lots. Blain asked staff to consider looking at other commercial parcels that are adjacent to residential neighborhoods.

F. Discussion of a request to rezone approximately 10.97+/- acres of property located at 1808 Rhue St. (PIN 368-00-00-0002) from the Low Density Residential (R-1) district to the Institutional (IN) district. Hucks stated that the Horry County School District is requesting to rezone this property to Institutional to utilize the property as the school district's Rivertown complex, which will house the Conway areas adult education program, as well as a limited childcare function, a therapeutic learning center for students, the districts JROTC program and other staff. The request is consistent with the city's future land use map, which also identifies the property as Institutional. Hucks said that Planning Commission will hold a public hearing on this request at their June 5 meeting and staff will forward their recommendation with first reading of the request.

Blain said given the use of the building that she was surprised that the parcel was zoned R1. Hucks said schools are allowed in R1.

Goldfinch said he had concerns with this parcel becoming Institutional because if the school district ever decided to sell this property, then everything that falls under that zoning could although have an impact on the adjacent residential neighborhood. Hucks said that educational facilities are allowed in R1, but the new uses go beyond the scope such as childcare, which is not allowed in R1.

There was some discussion regarding the Professional district.

Hucks said that staff would reach out the school district prior to Planning Commission for a list of uses to choose the most appropriate zoning district.

Blain said that when developers or owners meet with staff, she hopes that staff would lean to the most restrictive zoning that would allow their use on the property to avoid encumbrances on the residential neighborhoods. Hucks said that staff do and that the land use map did identify it as Institutional so that is the zoning district that staff would recommend, and staff also makes sure that it is not causing any spot zoning issues.

Hardwick said that she agrees with Goldfinch but is glad that the school district is planning uses for the property and not leaving it vacant.

G. Discussion of an amendment to Article 5 – Special Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding requirements for mobile vending. Hucks stated that this proposed amendment was discussed at the budget retreat earlier this year. Since the city adopted standards for mobile food vending back in 2018, the number of requests that staff receive for mobile vending units nearly doubles year after year. In 2018, staff received 6 applications for mobile vending. This number didn't increase until 2022/2023, when more than 20 applications were received. Last year, staff processed more than 50 applications for mobile food vending within the city limits. For comparison, the City of Myrtle Beach offers only 20 mobile food vending permits each year and Horry County has a cap of 50 each year for the entire county. The mobile vending permit application process is very time-consuming for both staff and the applicant, and due to state regulations for licensing, requirements for approvals by property owners, coordination with other city departments, the inspections that must take place, and the business license approval process, which is a different process from the mobile vending application, in addition to those that request a franchise agreement with the city, and the enforcement issues that staff encounters with non-permitted food vending units, it has become almost a fulltime job for one staff member a large part of the year. Staff proposes a cap of 40 mobile food vending permits each year, which would be on a first-come, first serve basis. Businesses Licenses, in addition to the mobile vending permits, must be renewed each year; however, many of them do not renew their permit or license but continue to operate, which then becomes an enforcement issue for staff. This cap of 40 would include the 3 different types of mobile food vending outlined in the Unified Development Ordinance, which includes transient mobile vending (such as ice cream trucks), where vendors are limited to a max stationary period of 30 minutes per stop, franchise mobile vending (those having an approved franchise agreement to operate on city-owned property), and mobile vending on private property, which would be those set up on commercially zoned private property for periods longer than 30 minutes at a time. This would not pertain to those mobile vending units operating under an approved special event permit for specific dates. It would also not include other types of franchise agreements that the city enters into, such as Peel Scooters or H2O excursions, which do not have the same requirements as mobile food vending units. Having a cap on the number of vending units permitted each year would

not only be good for the brick-and-mortar establishments that sell food within the city, but it would also incentivize those who have been previously licensed to have a mobile food vending permit to renew their license and permit each year so that they do not lose their ability to operate in the city limits if the cap is reached before they have submitted their renewal application. Hucks said that Planning Commission is scheduled to hold a public hearing on this proposed amendment at their June 5 meeting and staff will forward their recommendation with first reading of the proposed ordinance.

White asked if there are decals with the date available. Hucks said yes, that the mobile vending unit is required to have a placard on bright colored card stock paper located on the unit.

Goldfinch asked if the city gives any deference to existing establishments that want to have a mobile operation. Hucks said no. Goldfinch thinks that it is worth a discussion. Emrick said that one option is to change the ordinance so that the cap could not apply to any existing brick and mortar.

Blain asked how many food vending permits the city does have now. Hucks said 52 and that the cap of 40 was what was discussed at the budget retreat. Blain said that as businesses do not renew then we would fall to 40 and stay. Hucks said yes, and that staff could put the clause that says that the cap would not apply to existing restaurants in the City of Conway.

Hardwick asked if staff would need to revisit the number of mobile food vendors since 52 was a full-time job. Hucks said that she thinks staff can manage with 40.

H. Discussion of a request to amend the existing Carsen's Ferry Planned Development (PD) district (f.n.a. Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+- acres of property located on Riverport Drive (PIN 337-05-02-0004). Hucks stated that this item was previously discussed at the March 17 council meeting. Since then, it has gone to Planning Commission – both in April and in May, and due to concerns of the Carsen's Ferry community with the proposed amendments that were initially proposed for Tract A of this Planned Development, the applicant is revising the proposed amendment to allow for only single-family residential as the permitted use on this tract. The initial amendment for Tract A, which is currently one of the 2 remaining commercial tracts within the PD, was to create a "mixed-use" tract, with additional commercial uses on the ground floor and residential uses on the upper floor. Currently, the only uses permitted on Tract A are a baked goods store, café or restaurant, candy or confectionary store, and an ice cream store. Carsen's Ferry, also known as the Rivertown Landing PD, was adopted in 2007, with the intent of developing a mixed-use development on 28.5 acres of land, consisting of multi-family, office and retail space, and civic use space. Since that time, it has been amended 4 other times – in 2010, 2017, 2018, and in 2022. The 2017 amendment was to permit 50 single-family detached homes in lieu of the multifamily initially proposed on 11.4 acres of the PD, with narrow lots, reduced setbacks, and some portions having rear loaded garages that access an alley. The 2017 amendment also removed approximately 5 acres from the overall

PD, which was one of the Commercial tracts, and that 5 acres was rezoned to R-2, or medium density residential, and is now part of the Rivertown Row subdivision. In 2018, Commercial Tract B was amended to reduce the commercial acreage and add to the residential tract in order to permit additional single-family residential, which is now phase 5 of Carsen's Ferry. The applicant held a community meeting with the residents of Carsen's Ferry in late April, and the residents were concerned with the proposed uses at that time, which was the mixed-use component of having commercial uses that would lead to increased traffic in the neighborhood and the residential on upper floors in relation to the community amenities for the Carsen's Ferry residents. The current version of the proposed amendment would continue the same style of homes as in previous phases of Carsen's Ferry and would eliminate any commercial uses on the property. There could be up to 6 additional homes in the PD if the amendment were approved. Hucks said that Planning Commission will consider the amendment at their June 5 meeting, and staff will forward their recommendation with first reading.

Goldfinch asked for clarification. Hucks said if this amendment passed there would be no commercial on Tract A and a very limited amount of commercial on Tract B, which is about 2 acres.

Emrick said it is not zoned Highway Commercial and has a very limited number of commercial applications, a bakery, ice cream shop, flower shop, candy store, and a restaurant.

Hucks said that with inception of the planned development, this was a mixed use planned development, and it has gone from being a mixed-use development to being a single use with the exception of the limited commercial that remains. Hucks said that staff are concerned that the PD is moving closer to creating a situation where there is a planned development that has a single use and that property was meant to be a mixed-use community. Hucks is not saying that would not be a good amendment for Planning Commission to recommend but staff want to be sure that the state requirement for a planned development is being met.

Blain asked how much the city can do to make it remain a mixed-use development. Hucks said that council could choose not to approve the amendment and what the uses are now would remain.

There was more discussion regarding the HOA and that the residents in Carsens Ferry said that they were only in support of residential.

FIRST READING:

- A. **First Reading of Ordinance #ZA2025-06-16 (A), to annex approximately 0.38 acres located at 286 Wedding Lane (PIN 367-13-01-0030), and rezone from the Horry County Residential, including mobile homes (MSF10) district to the City of Conway Low/Medium Residential (R-1) district.** Hucks stated that this annexation request is being submitted as a result of the requirement to connect to city utilities. It appears to be a

rental property and while the property has been owned by the same property owner since 1979, restrictive covenants were not filed until May of 2025. Due to a name change on the account, the owner was required to request annexation due to the property now being contiguous to other property in the city limits. There have been 4 other properties on Wedding Lane to be annexed since 2017, with the most recent one in 2024. The property currently contains a manufactured home. The requested zoning upon annexation is R-1, or low/medium-density residential, which is consistent with the zoning assigned to the other 4 properties that were previously annexed. It is also consistent with the city's future land use map. Hucks said that staff recommends approval of the request.

Motion: Blain made a motion, seconded by White, to approve first reading of Ordinance #ZA2025-06-16 (A). **Vote:** Unanimous. Motion carried.

- B. First Reading of Ordinance #2025-06-16 (B), an Ordinance updating Title 4 and Title 9 of the City of Conway Code of Ordinances, in its entirety.** Rogers stated that state law requires local governments that establish codes of ordinances to recodify from time to time. Staff reviewed Title 4- Public Utilities and Title 9-Offenses. Many of the updates are minor and correct spelling mistakes, modernizing language, or correct scrivener's errors. Some sections, while still referring to valid offenses or regulations, are removed to avoid redundancy with state law. Other sections are new and address issues that are not currently codified in city ordinance. Rogers gave a summary of the major changes which included:

Title 4 – Public Utilities

- Section 4-1-5 – This section is updated to require that if a customer has two payments returned in a six-month period, that customer must pay with guaranteed funds (cash, cashier's check, money order) for one year.
- Sec 4-1-13 – This section establishes a restricted fund that has not been funded in many years. Therefore, it is repealed in this update.
- Sec 4-1-14 – Definitions are added to clarify other sections of the code.

-Section 4-3-6 is added to codify a requirement that property owners maintain clear access to any public utilities infrastructure on their property so that city staff may easily service such infrastructure.

Title 9 – Offenses

- Section 9-1-21 deals with noise violations. This section is updated to remove references to phonographs and add digital audio equipment.
- Section 9-2 – In this section, the acts of swindling and shoplifting are removed, as they are enforced through state law. This will not affect the ability of the police to enforce violations against either offense.
- Section 9-3-1 – This section is repealed, as contributing to the delinquency of a minor is a state offense and is redundant in the city code.
- Chapter 6 is added to address prohibitions on public property and rights-of-way.

- Chapter 7 is added to clarify regulations against loitering.
- Chapter 8 is added to apply penalties for violations of Title 9.

White asked if an individual had two payments returned and could not afford it due to loss of a job, how could the city help get the water bill paid. Williams said that staff always work with the residents. Rogers said that there is always the discretion of staff but ideally if in that situation to call in advance.

Rogers added an amendment and said that Section 4-3-5 references Ordinance No. 9-03-25 (B) and it should be 91-03-25 (B).

Motion: Blain made a motion, seconded by White, to approve first reading of Ordinance #2025-06-16 (B) with the correction of Ordinance No. 91-03-25 (B) added in Section 4-3-5. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

A. Consideration of a Special Event - Palmetto Taps Food Truck Friday – June 13, 2025

– Rogers stated that this request is from Palmetto Taps to have Food Truck Friday on June 13, 2025 from 3 p.m. to 10 p.m. Palmetto Taps previously sponsored this same type of event with Smashburger back in April. There will be a live band, tents, 3 vendors and anticipate approximately 250 participants in the parking lot adjacent to Palmetto Taps. Rogers said that if council approves the special event as presented that Palmetto Taps would like to also do the same in July and August and those events could be approved at staff level.

Helms requested that Palmetto Taps not set up before 12.

Hardwick asked if there had been any complaints. Staff said no.

Motion: Blain made a motion, seconded by Butler, to approve the Food Truck Friday special event application for Palmetto Taps and authorized staff to approve the same type of event in July and August. **Vote:** Unanimous. Motion carried.

B. Consideration of a Special Event – Woodland Lakes Food Truck Friday, June – October – Rogers said that Woodland Lakes POA is requesting to have Food Truck Friday on Shovelers Court, a Cul de sac type street, on June 13 and 27, July 11, August 1, September 5, and October 3 from 5 p.m. to 7:30 p.m. There will be a 10x10 tent and they are expecting 2 vendors each date with approximately 50 participants.

Motion: Goldfinch made a motion, seconded by Helms, to approve the Food Truck Friday special event application for Woodland Lakes. **Vote:** Unanimous. Motion carried.

C. Consideration of Acceptance of a Bid for Kingston Lake Stormwater Outfall Upgrades (Beaty Street) Construction Contract – Harrelson stated that the city

received grant funding to improve the Kingston Lake Stormwater Outfall through the South Carolina Infrastructure Investment Program which is administered by the South Carolina Rural Infrastructure Authority(RIA) and funded by Federal, State and Local Fiscal Recovery Funds through the American Rescue Plan. The City of Conway advertised publicly, and 3 firms submitted proposals. Staff recommended the low bid of Green Wave Contracting Inc. Harrelson said that if City Council approves the hiring of Green Wave, and RIA approves the choice, the City Administrator would enter into negotiations for a contract with Green Wave for services immediately.

Motion: Jordan made a motion, seconded by Hardwick, to accept the bid for Kingston Lake Stormwater Outfall for Beaty Street from Green Wave Contracting Inc. **Vote:** Unanimous. Motion carried.

D. Consideration of a Request for Temporary Closure of an Alley – Emrick stated that this request was from Sean Kabos, owner of Crafty Rooster and Chanti's for temporary closure of the alley behind the former Chan's Restaurant for repairs to the rear of the building for 2 to 3 days.

Motion: Blain made a motion, seconded by Goldfinch, to allow the temporary closure of the alley behind the former Chan's as requested and give staff approval if amendable for additional days if the contractor is acting in good faith. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT: None

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- Emrick said that he was wearing his teal jacket, even though it is not Teal Tuesday because he spent a fantastic weekend with over 18,000 friends at Springs-Brooks Stadium watching the Chanticleers sweep the field and win the Conway Regionals NCAA Tournament. Emrick said that Coastal is headed to Auburn on Friday for Super Regionals and is 2 wins away from the College World Series.
- Emrick said that at the last meeting he mentioned that the city's Strategic Plan is completed. The City's consultants will be at the next meeting to present it to Council. The Plan is broken down into four primary sections: Economic Development; Workforce Development; Infrastructure Development; and Community Development and Quality of Life. It also includes a Grocery Store Retail Study.
- Staff are meeting later in the week with the County to discuss coordination on some of the upcoming Ride IV projects.
- The first Downtown Get Down is this Friday night at 7 p.m. on the Town Green.
- Conway High School's Graduation is this Friday.
- Skate Day is the 14th at the Billy Gardner Recreation Complex.
- Emrick said that those in the know are predicting a hot summer and it seems like a safe prediction. The city is taking precautions with our staff to keep them cool and hydrated. The Police are also patrolling with coolers loaded with cold bottles of water and other cold treats to help cool off our residents.

- Staff have received a number of great applications for next year's Mayor's Youth Advisory Council. However, there's still time to get an application in. It's open to rising 9th through 12th graders who will be based at Conway High School during the next academic year.
- Emrick said that Council approved of the Chamber of Commerce Riverfest annual event tonight. This year it will be on June 28th. The headline band is Night Ranger.
- The mayor sent us a snapshot of a report that was very flattering to the city. Staff tracked down that full report. A survey of 3,011 vacation travelers found that Conway, our Conway, ranks 2nd nationwide as a city where the locals are most likely to greet a stranger. This survey has also been dubbed the Nicest Cities, with Conway second in America.
- Emrick said that there is no Workshop tonight, but several Executive Session items.

COUNCIL INPUT:

Hardwick said that it is an honor to be a Tree City. Hardwick said that CCU Baseball was on fire this past weekend. Hardwick said that there was much excitement in the community with the Savannah Bananas post and the line dancing events scheduled. Hardwick told staff well done.

Goldfinch said that he spoke to former Council member Jean Timbes, and she is doing well.

White thanked SCDOT for paving 378 and now is requesting that 701 be mowed.

Butler added that great things are happening with the Chanticleers. Butler commended the Conway High School Boys Basketball Coach Michael Hopkins, Boys Golf Coach Brian Rogers, Boys Soccer Coach Andre White, and Girls Tennis Coach Patrick Howle for all being named Coaches of the Year.

Blain stated that she would like to present those Conway High Coaches with a Resolution.

WORKSHOP: None

EXECUTIVE SESSION: **Motion:** Goldfinch made a motion, seconded by Butler, to enter into Executive Session for the following: **(A) Consideration of Appointments to Boards, Commissions and Committees [pursuant to SC Code §30-4-70(A) (1)]; (B) Discussion of an Economic Development Opportunity [pursuant to SC Code §30-4-70 (A) (5)]; and (C) Discussion regarding Potential Acquisition of Property in the Jamestown Area [pursuant to SC Code §30-4-70 (A) (2)].**

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

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion: Blain made a motion, seconded by Butler to appoint the Boards and Commissioners to the ATAX Committee as follows:

June 2, 2025

- Rein Mungo – 3 years
- Adam Miller – 3 years
- Denise Blackburn-Gay – 3 years
- Russell Fowler – 3 years
- Sachin Patel – 3 years

Vote: Unanimous. Motion carried.

Motion: Helms made a motion, seconded by Hardwick, to authorize the Administrator to continue discussions regarding the Economic Development opportunity. **Vote:** Unanimous. Motion carried.

ADJOURNMENT: **Motion:** Blain made a motion, seconded by Helms, to adjourn the meeting.

Vote: Unanimous. Motion carried.

APPROVAL OF MINUTES: Minutes approved by City Council this 16 day of
 June , 2025.

Alicia Shelley, City Clerk

DATE: JUNE 16, 2025
ITEM: IV.A.

Presentation of a Resolution recognizing Conway Middle School Students
and their teacher, Maurice Sheffield, for their Achievement at the
South Carolina National History Day Contest

DATE: JUNE 16, 2025
ITEM: IV.B.

Presentation of a Resolution honoring Patrick Howle, Conway High School Girls Tennis Coach

DATE: JUNE 16, 2025
ITEM: IV.C.

Presentation of a Resolution honoring Brian Rogers, Conway High School Boys Golf Coach

DATE: JUNE 16, 2025
ITEM: IV.D.

Presentation of a Resolution honoring Andre White, Conway High School Boys Soccer Coach

DATE: JUNE 16, 2025
ITEM: IV.E.

Presentation of a Resolution honoring Michael Hopkins, Conway High School Boys Basketball Coach

DATE: JUNE 16, 2025
ITEM: IV.F.

Presentation of a Proclamation recognizing
Beckwith Wiedemann Syndrome and Omphalocele

DATE: JUNE 16, 2025
ITEM: IV.G.

Presentation of a Proclamation recognizing Amateur Radio Week

DATE: JUNE 16, 2025
ITEM: IV.H.

Presentation of Employee of the Month for June 2025 – Public Safety

DATE: JUNE 16, 2025
ITEM: IV. I.

ISSUE:

Discussion of a request to annex approximately 224+/- acres of property located on E. Hwy 501, New Road, Ash Pond Road, Marina Drive, Elm Street, and Laurel Street (PIN's 368-00-00-0008 and -0015), and rezone from the Horry County Heavy Industrial (HI) district, City of Conway Light Industrial (LI) district and City of Conway High-density Residential (R-3) district to the City of Conway Waccamaw Riverfront District (WRD) (1) (2).

BACKGROUND:

The City is seeking to annex and rezone these properties that were recently acquired to the Waccamaw Riverfront District (WRD). The WRD districts, 1 & 2, are considered a special use district; similar to that of a Planned Development (PD) district or the Mixed Use (MU) Flexible Zone district. *Section 3.3.1* of the Unified Development Ordinance (UDO) defines the WRD as the following:

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.

The Waccamaw Riverfront District (WRD) is broken down into two (2) sub-districts for zoning purposes: WRD-1 and WRD-2. The only difference between the two is that WRD-1 has specific requirements for certain uses in new buildings, and limitations on multifamily residential – in that it may only occupy second (upper) floors of buildings, not ground floors.

Surrounding Zoning / Uses:

While most of these properties are vacant, or containing ponds, there are still a couple of buildings on one of the properties, where the smoke stacks were once located, which is zoned Horry County Heavy Industrial (HI). Property across Hwy 501 on New Rd zoned Low/Medium-Density Residential (R-1), Conservation Preservation (CP), Light Industrial (LI) and Horry County Commercial Forest Agriculture (CFA)

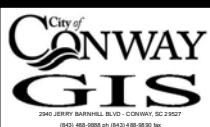
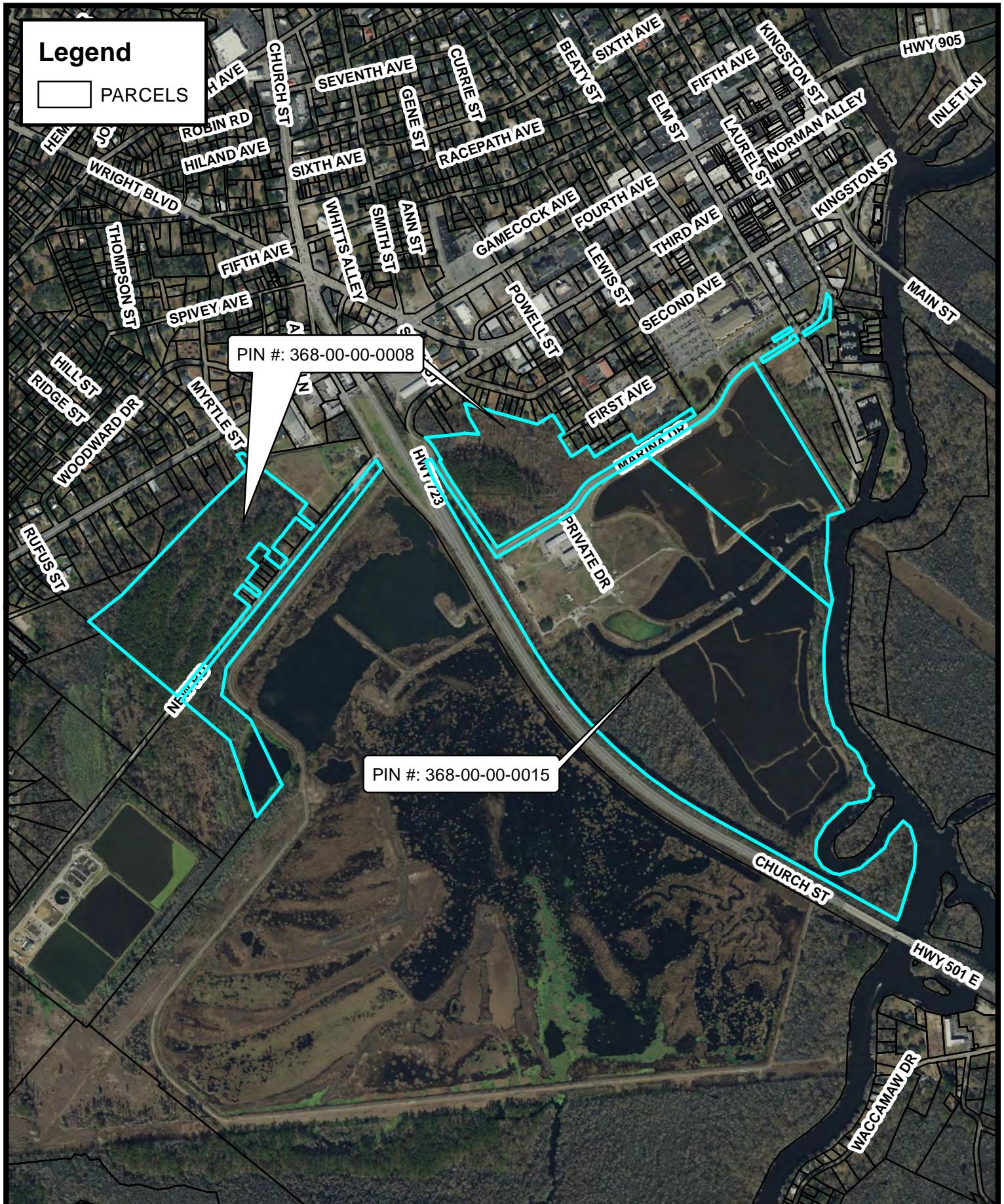
CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan identifies a majority of the property as Conservation Preservation (CP) and a small portion, where the smoke stacks and other structures were once located, as Light Industrial (LI).

PLANNING COMMISSION:

Planning Commission will hold the required public hearing on this request at their July 10th meeting. Their recommendation will be forwarded with first reading of the request.

Legend



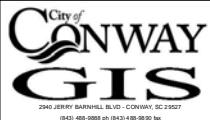
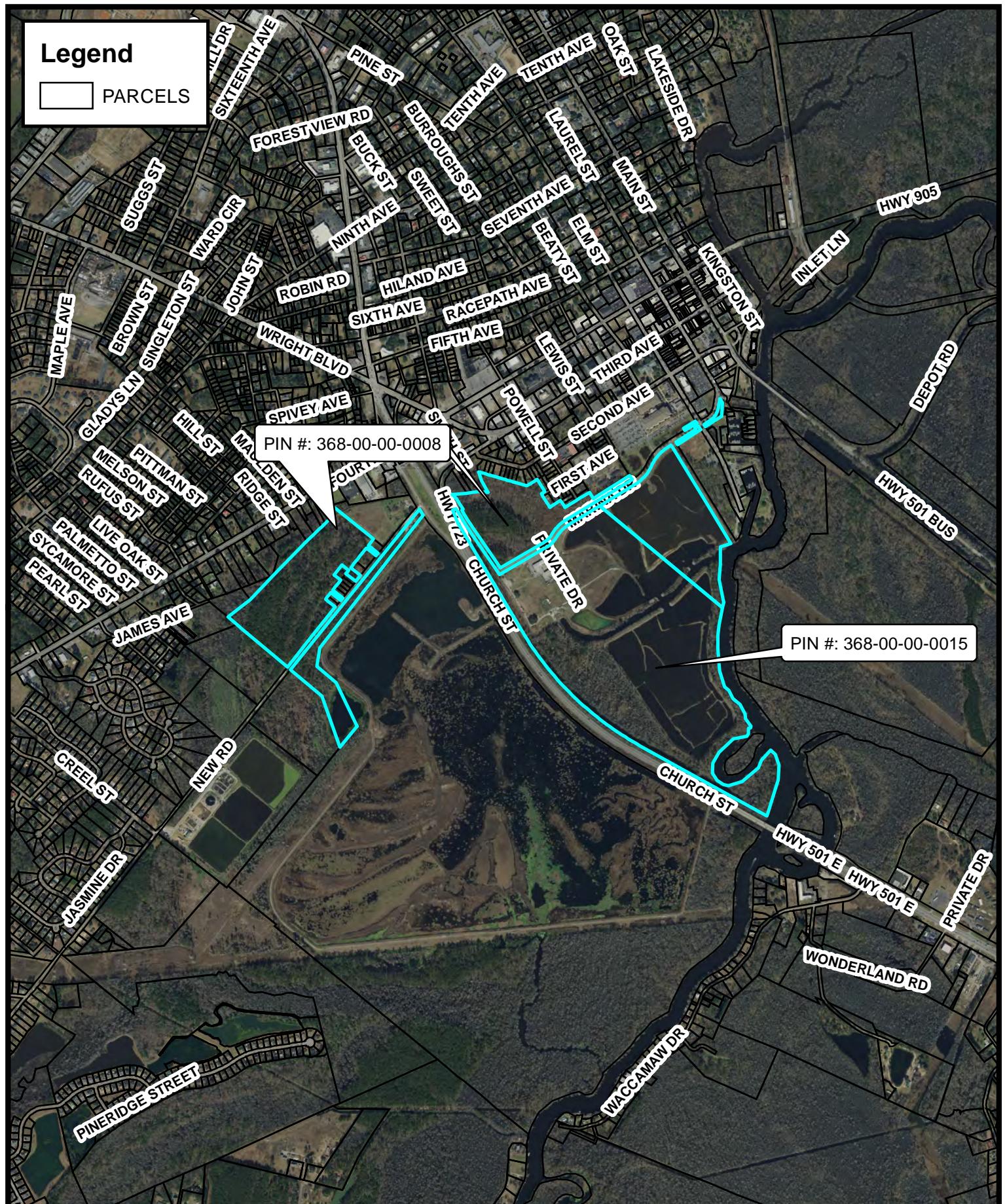
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 368-00-00-0015
PIN #: 368-00-00-0008
SANTEE COOPER SITE



Legend



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

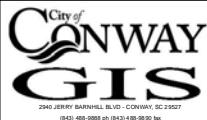
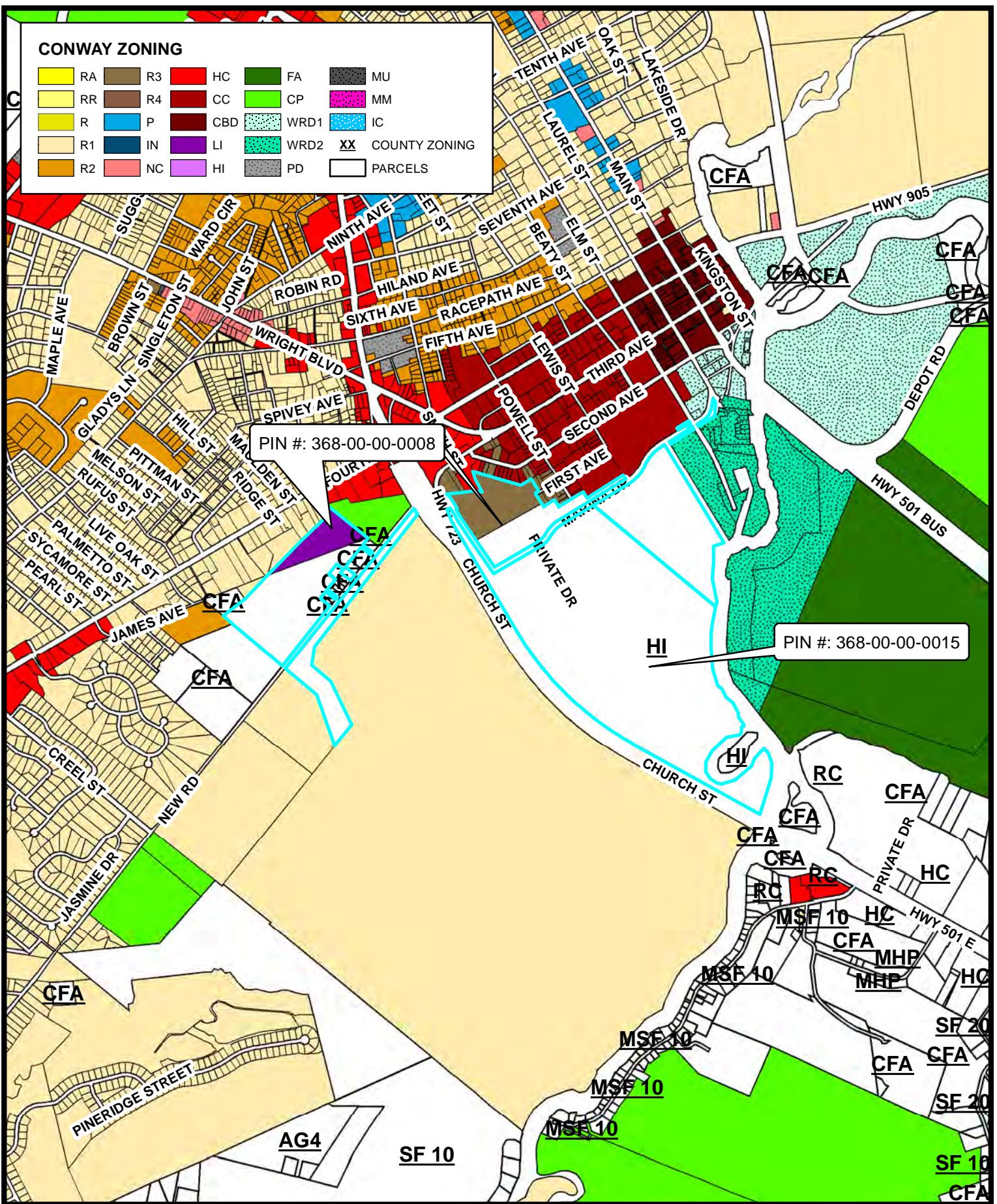


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PIN #: 368-00-00-0015
PIN #: 368-00-00-0008
SANTEE COOPER SITE



CONWAY ZONING

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



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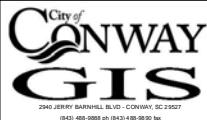
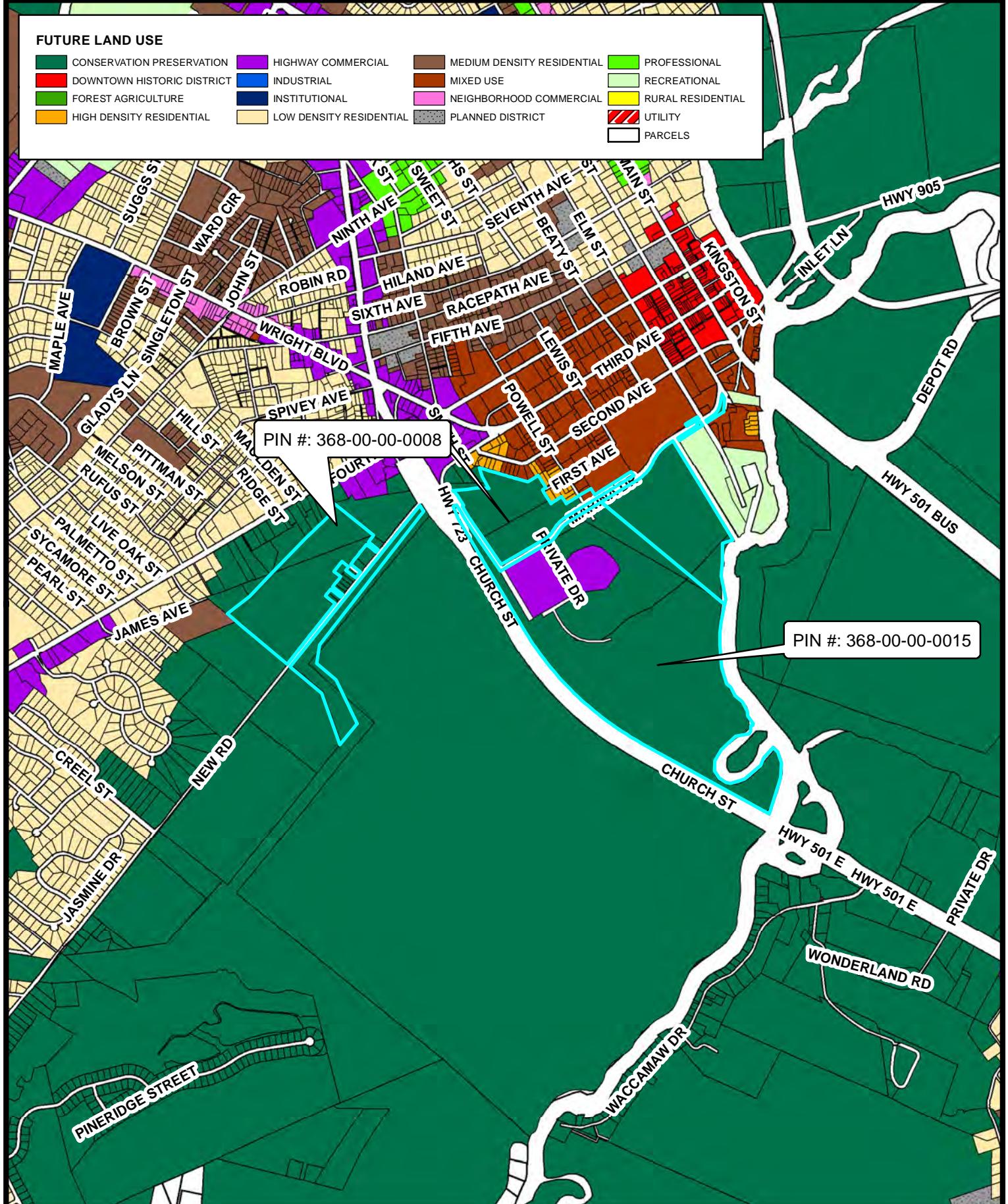


PIN #: 368-00-00-0015
PIN #: 368-00-00-0008
SANTEE COOPER SITE



FUTURE LAND USE

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



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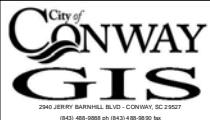
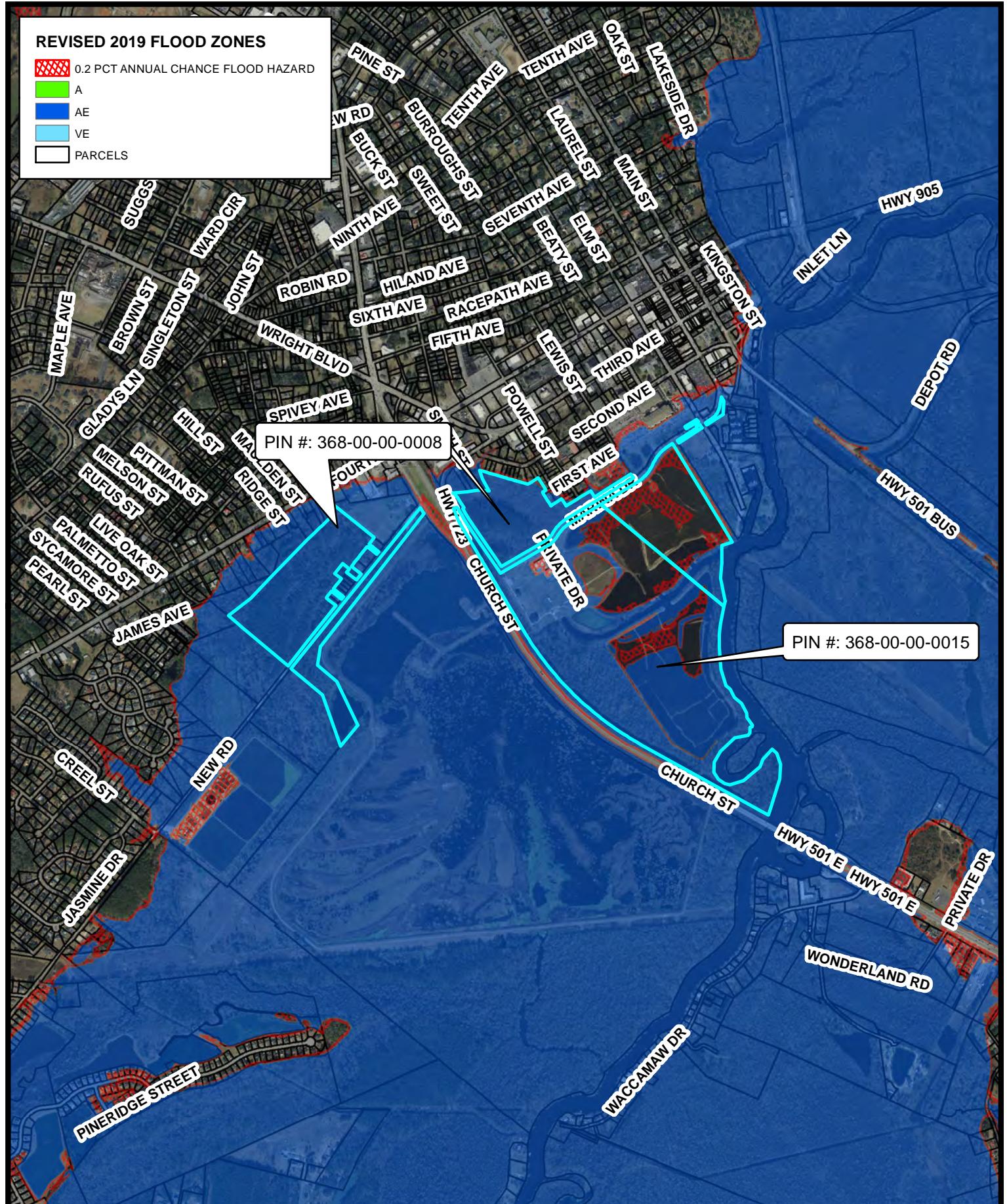


PIN #: 368-00-00-0015
PIN #: 368-00-00-0008
SANTEE COOPER SITE



REVISED 2019 FLOOD ZONES

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



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PIN #: 368-00-00-0015
PIN #: 368-00-00-0008
SANTEE COOPER SITE



DATE: JUNE 16, 2025

ITEM: IV.J.

ISSUE:

Discussion of a request to annex approximately 1.4+/- acres of property at the corner of Hwy 544 and Todd Blvd (720, 730 and 748 Hwy 544) (PIN 382-05-04-0046), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

BACKGROUND:

The applicants submitted annexation and rezoning applications on June 6th for the subject property. The applicant is seeking to redevelop the property and construct a Scooters Coffee on the site. Currently, the property contains a produce stand, a State Farm office and a cell tower. The requested zoning upon annexation is the Highway Commercial (HC) district. The property is currently zoned Highway Commercial (HC) in Horry County.

The intent of the HC District is to provide compatible locations to serve the automobile oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the city.

Surrounding Zoning / Uses:

Surrounding properties are a mix of commercial, institutional and residential. Abutting property is Mixed-Use (MU) and Institutional (IN). Property across Todd Blvd is Horry County Residential, no mobile homes allowed (SF6) and currently contains a single-family residence. Property located across Hwy 544 is zoned Institutional and is owned by the University.

CITY OF CONWAY COMPREHENSIVE PLAN:

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

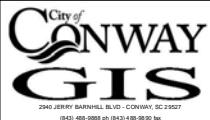
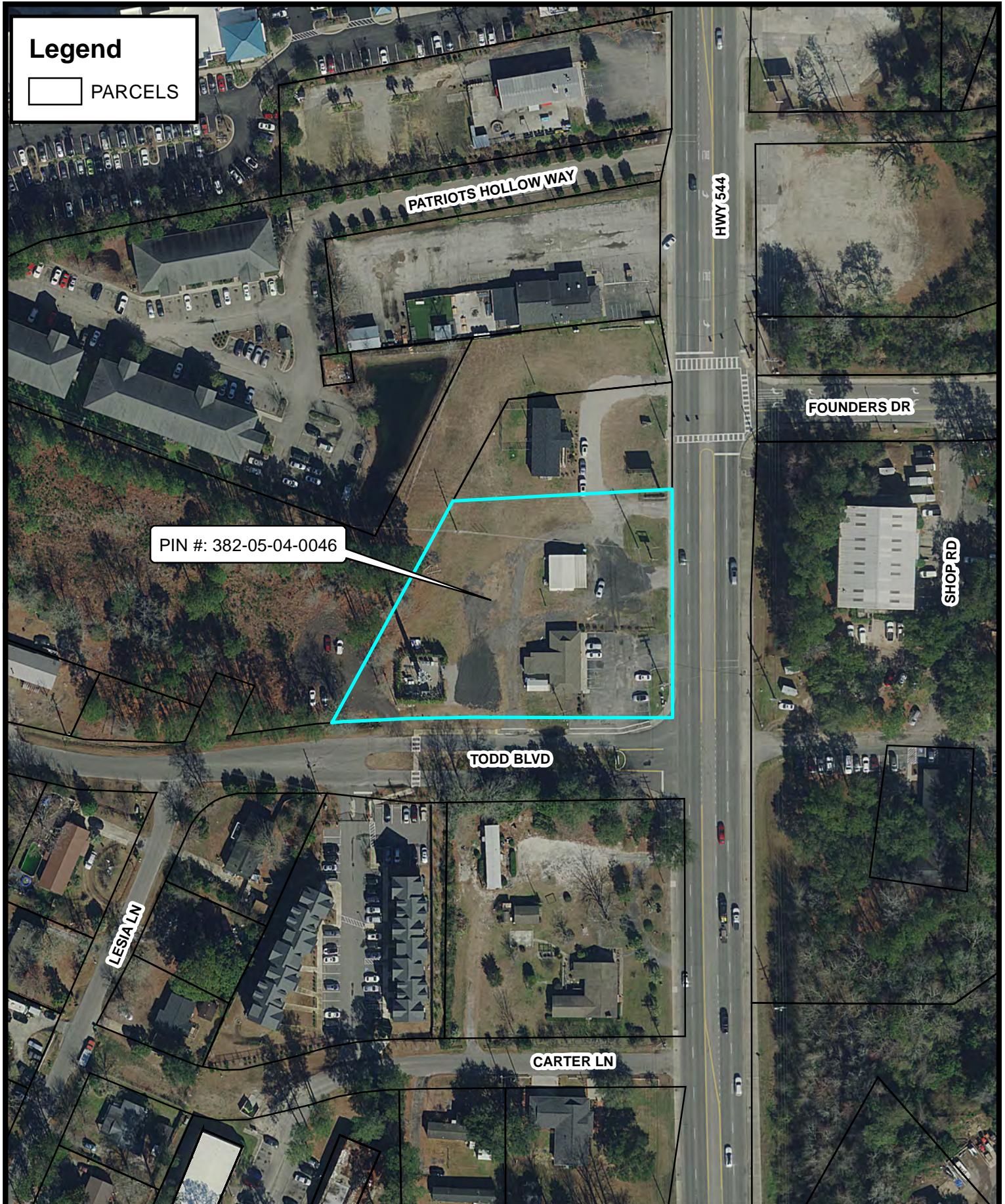
PLANNING COMMISSION:

Planning Commission is scheduled to hold the required public hearing on this request at their July 10th meeting. Their recommendation will be forwarded with first reading of the request.

ATTACHMENTS:

GIS Maps;
Application

Legend



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



PIN #: 382-05-04-0046
TMS #: 150-00-06-033
748 HWY 544
(P25-0222)



Legend

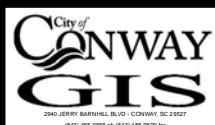
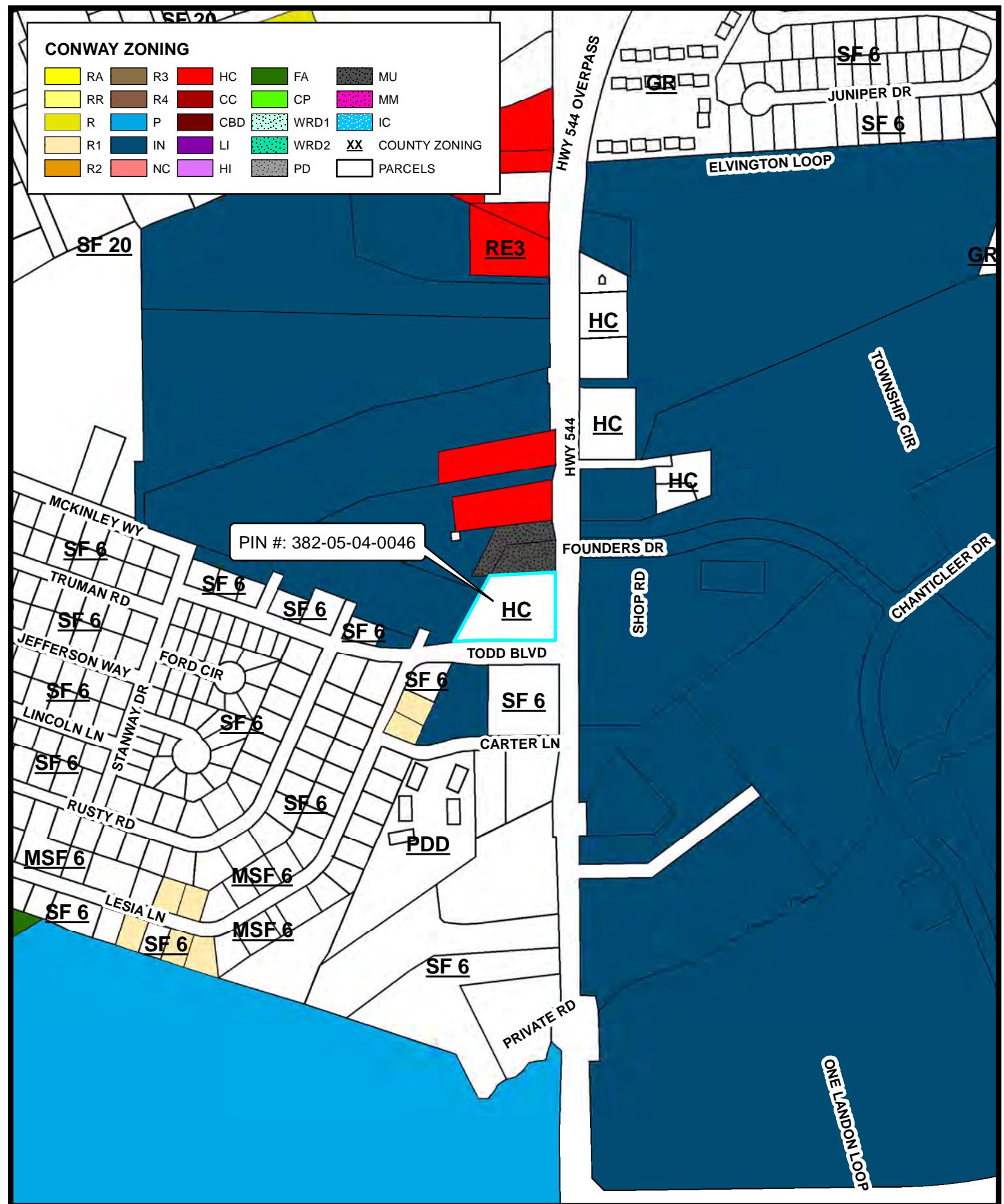


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TMS #: 150-00-06-033
748 HWY 544
(P25-0222)





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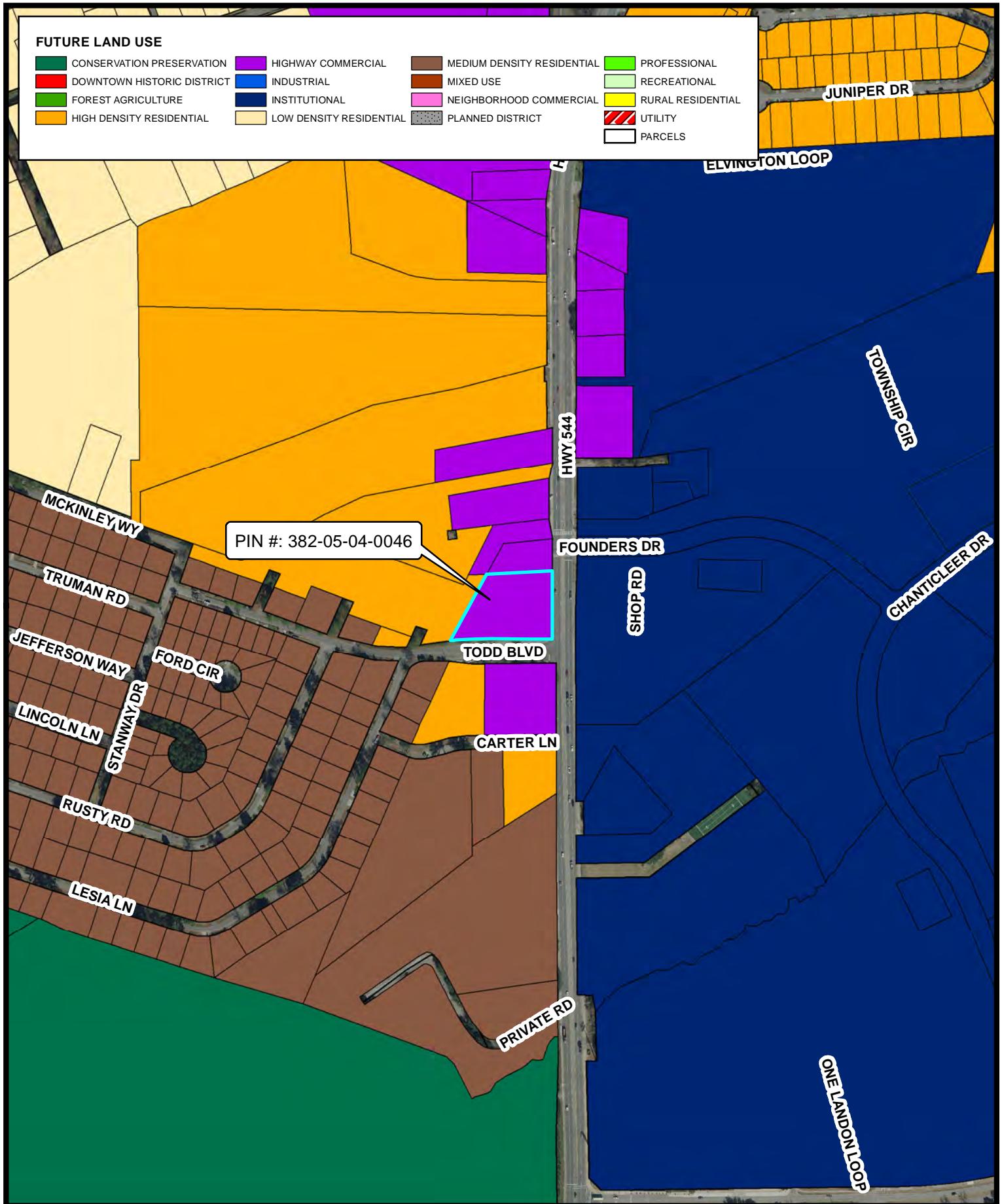


PIN #: 382-05-04-0046
TMS #: 150-00-06-033
748 HWY 544
(P25-0222)



FUTURE LAND USE

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



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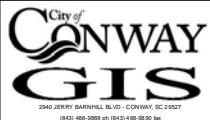
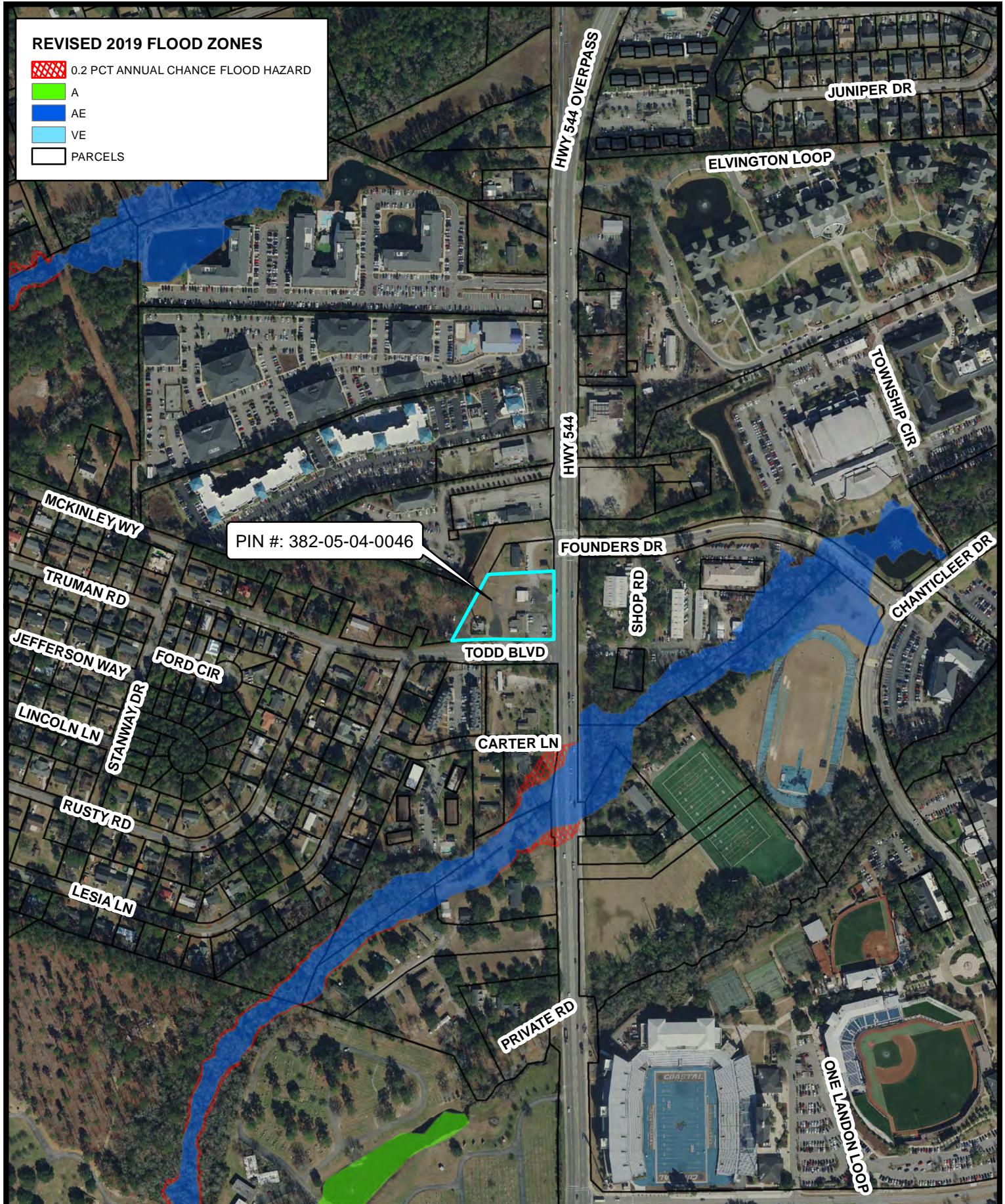


PIN #: 382-05-04-0046
TMS #: 150-00-06-033
748 HWY 544
(P25-0222)



REVISED 2019 FLOOD ZONES

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



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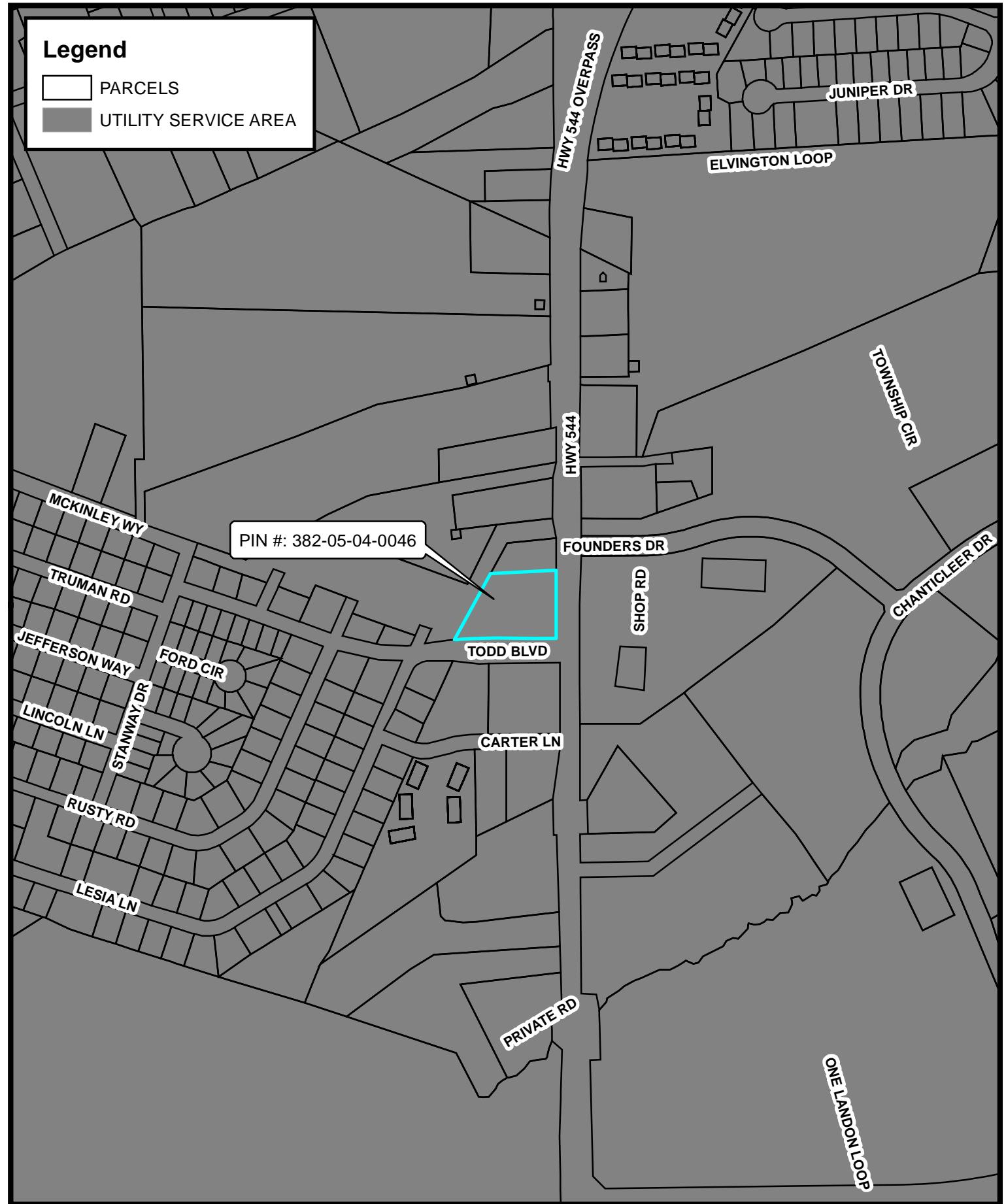


N
PIN #: 382-05-04-0046
TMS #: 150-00-06-033
748 HWY 544
(P25-0222)



Legend

- PARCELS
- UTILITY SERVICE AREA



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PIN #: 382-05-04-0046
TMS #: 150-00-06-033
748 HWY 544
(P25-0222)





PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: Vacant _____

Are there any wetlands on the property?

CIRCLE: YES NO

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

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

CIRCLE: YES NO

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

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

CIRCLE: YES NO

If yes, please describe.

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

CIRCLE: YES NO

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

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

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Notice

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

PHYSICAL ADDRESS OF PROPERTY: 720 SC-544 FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 1.4 PIN: 38205040046

CURRENT ZONING CLASSIFICATION: HC

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: HC

NAME OF PROPERTY OWNER(S):

SANTI JIMONGKONKUL PHONE # _____

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

311 RAINWOOD RD CONWAY SC 29526-6506

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

Santi Jimongkul 6/3/25
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

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



PLANNING DEPARTMENT

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

DESIGNATION OF AGENT

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

Agents Name: William McGill

Address: PO Box 4387 Pawleys Island, SC 29585

Telephone: 843-241-3059 Email: mcgillwc@gmail.com

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

SANTI JIMONGKONKUL

PROPERTY OWNER(S) NAME (PRINT)

PROPERTY OWNER SIGNATURE

06/03/2025

DATE

DATE: JUNE 16, 2025

ITEM: V.A.

ISSUE:

First reading of Ordinance #ZA2025-07-21 (A) to annex approximately 2.22+/- acres of property at and adjacent to 1091 E Hwy 501 (PIN's 367-14-04-0001, -0002, and -0003),and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

BACKGROUND:

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

The intent of the HC District is to provide compatible locations to serve the automobile oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the city.

Surrounding Zoning / Uses:

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

CITY OF CONWAY COMPREHENSIVE PLAN:

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

PLANNING COMMISSION:

Planning Commission held the public hearing on this request at their June 5th mtg. The applicant was present and expressed that he does *NOT* wish to be annexed. He was also under the assumption that GSWSA serviced the property fronting Hwy 501, not the City of Conway. Although staff explained that because the adjoining property on Amber Ln receives City water, and the applicant owns the surrounding properties with frontage on Hwy 501, all properties owned by the same person /entity become subject to annexation per City ordinance. Additionally, the properties are identified as being within an area plan

that staff will be drafting in the near future. Staff was not able to verify if in fact the Hwy 501 properties were within the City's utility service area at the time of the meeting, and while staff was confident that they were, the applicant stated that GSWSA is who visited his property asking where he would like the water meter installed. Ultimately, Planning Commission recommended disapproval of the request.

STAFF RECOMMENDATION:

Staff followed up with staff in utility services about whether the properties with frontage on Hwy 501 were in fact within the city's utility service area. It was verified that they are; the water meter install ticket was created on April 17th. However, it's staffs understanding that GSWSA is who will bore underneath the road to make the utility connection to City services possible.

Again, the applicant has expressed to both staff and Planning Commission that they have no desire to be annexed into the City. However, because the subject properties are located within the city's utility service area and will receive City services and are part of an area plan that will begin being drafted later this year, staff ***recommends approval of First Reading of Ordinance #ZA2025-07-21 (A)***, to annex and rezone the subject properties.

ATTACHMENTS:

GIS Maps;

Application

ORDINANCE #ZA2025-07-21 (A)

AN ORDINANCE TO ANNEX APPROXIMATELY 2.22 ACRES OF PROPERTY LOCATED AT/ADJACENT TO 1091 E. HWY 501 (PIN's 367-14-04-0001, -0002, and -0003), AND REQUEST TO REZONE FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) DISTRICT.

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

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 2.22 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

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

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 2.22 acres of property located at/adjacent to 1091 E. Hwy 501 (PIN's 367-14-04-0001, -0002, and -0003), and request to rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

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

SECTION 2. APPLICATION OF ZONING ORDINANCE:

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

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

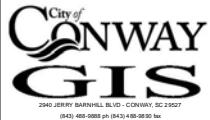
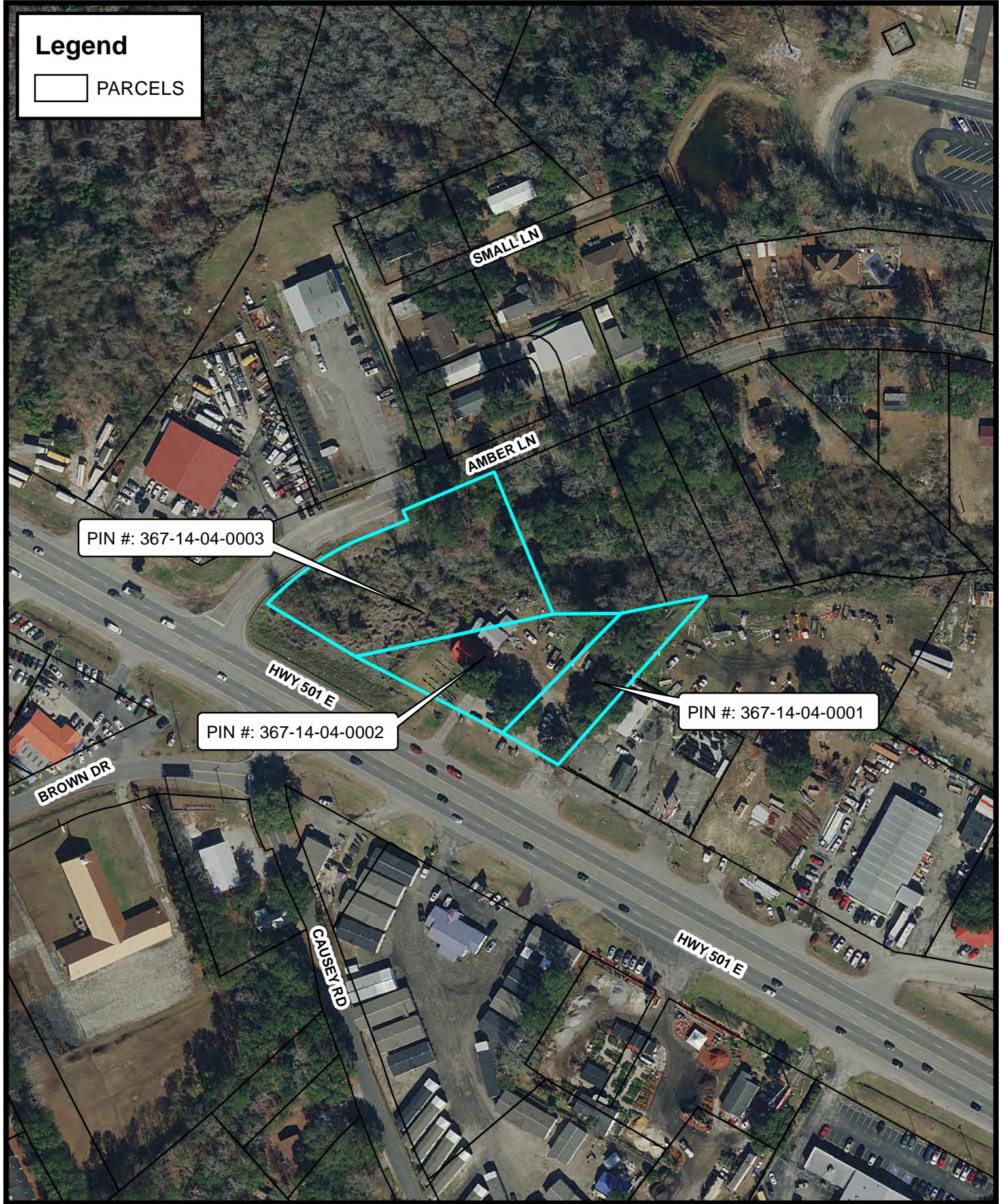
Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

Legend

 PARCELS



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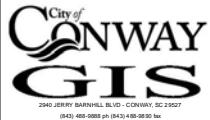
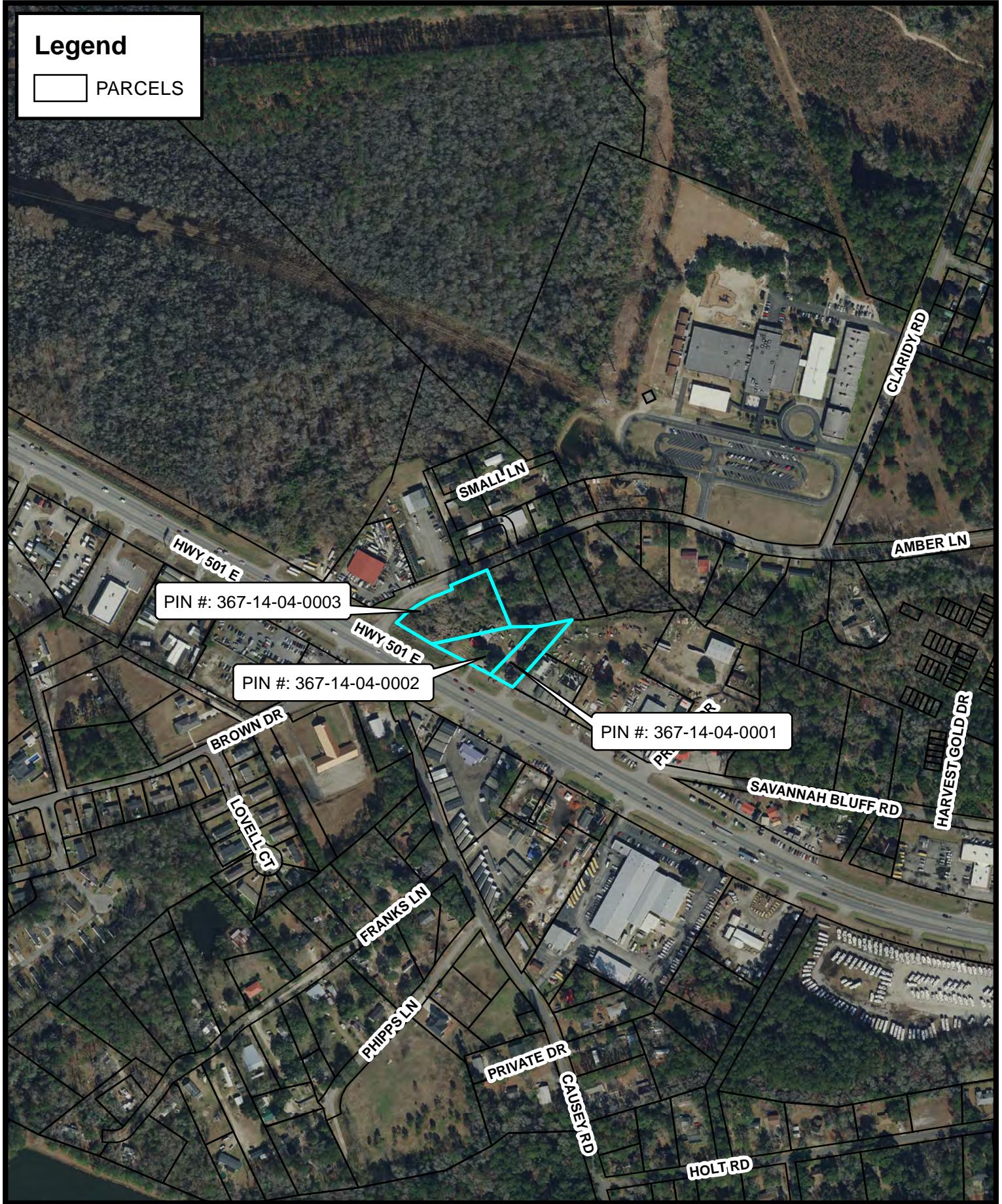


N
PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



Legend

 PARCELS



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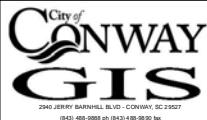
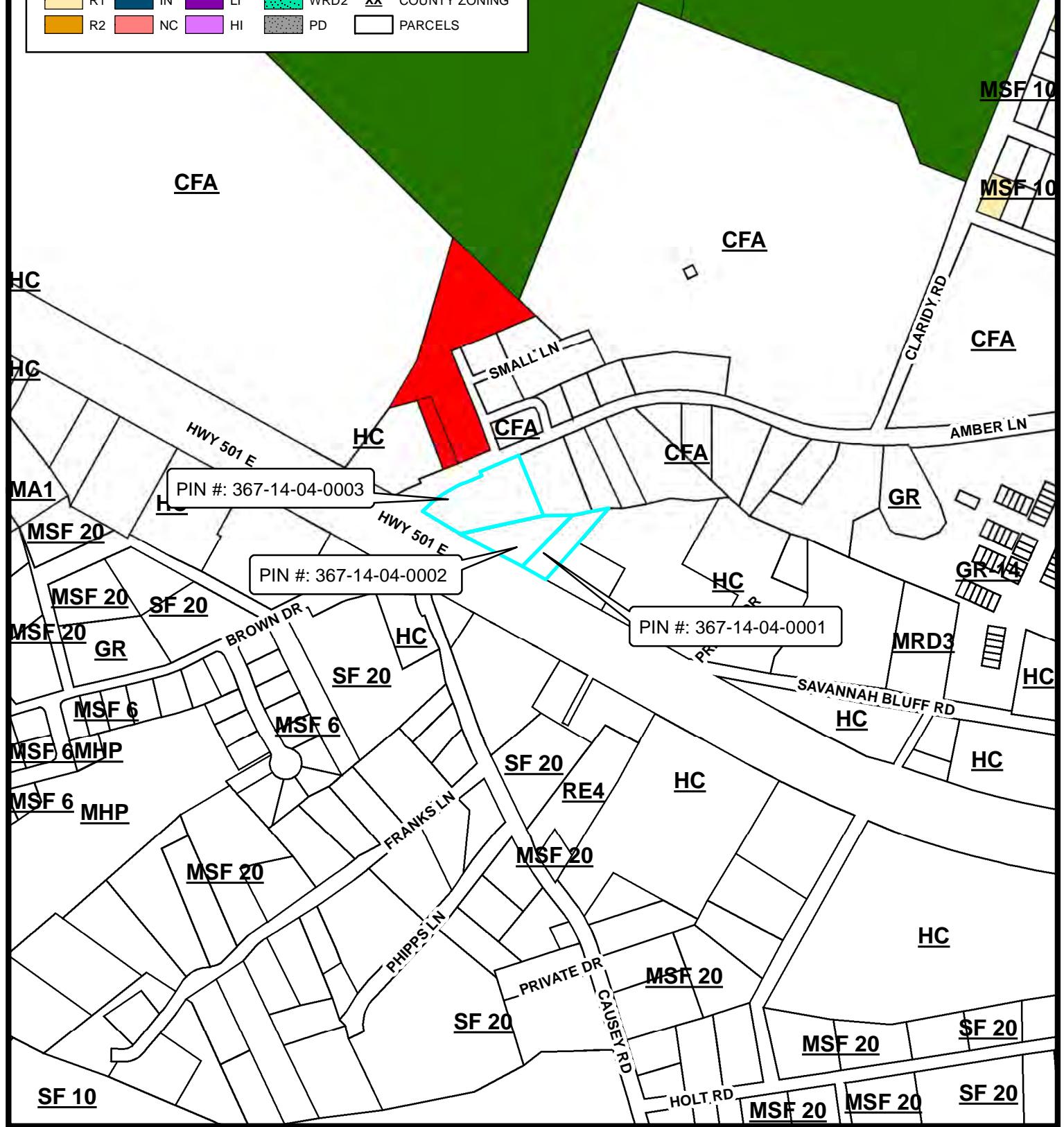


N
PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



CONWAY ZONING

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



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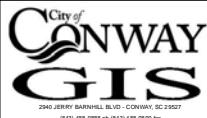
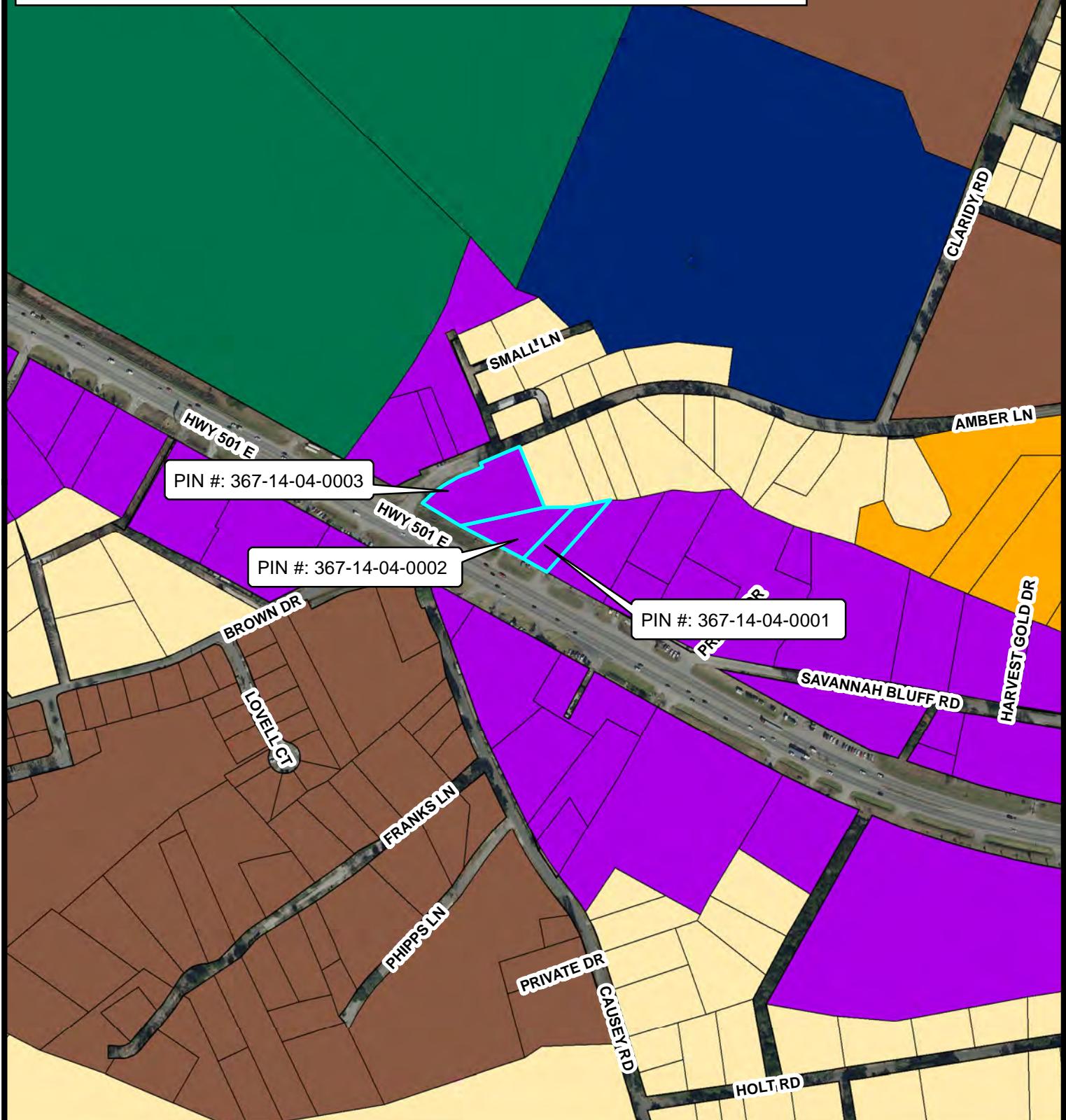


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PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



FUTURE LAND USE

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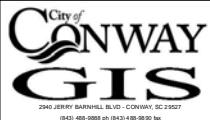
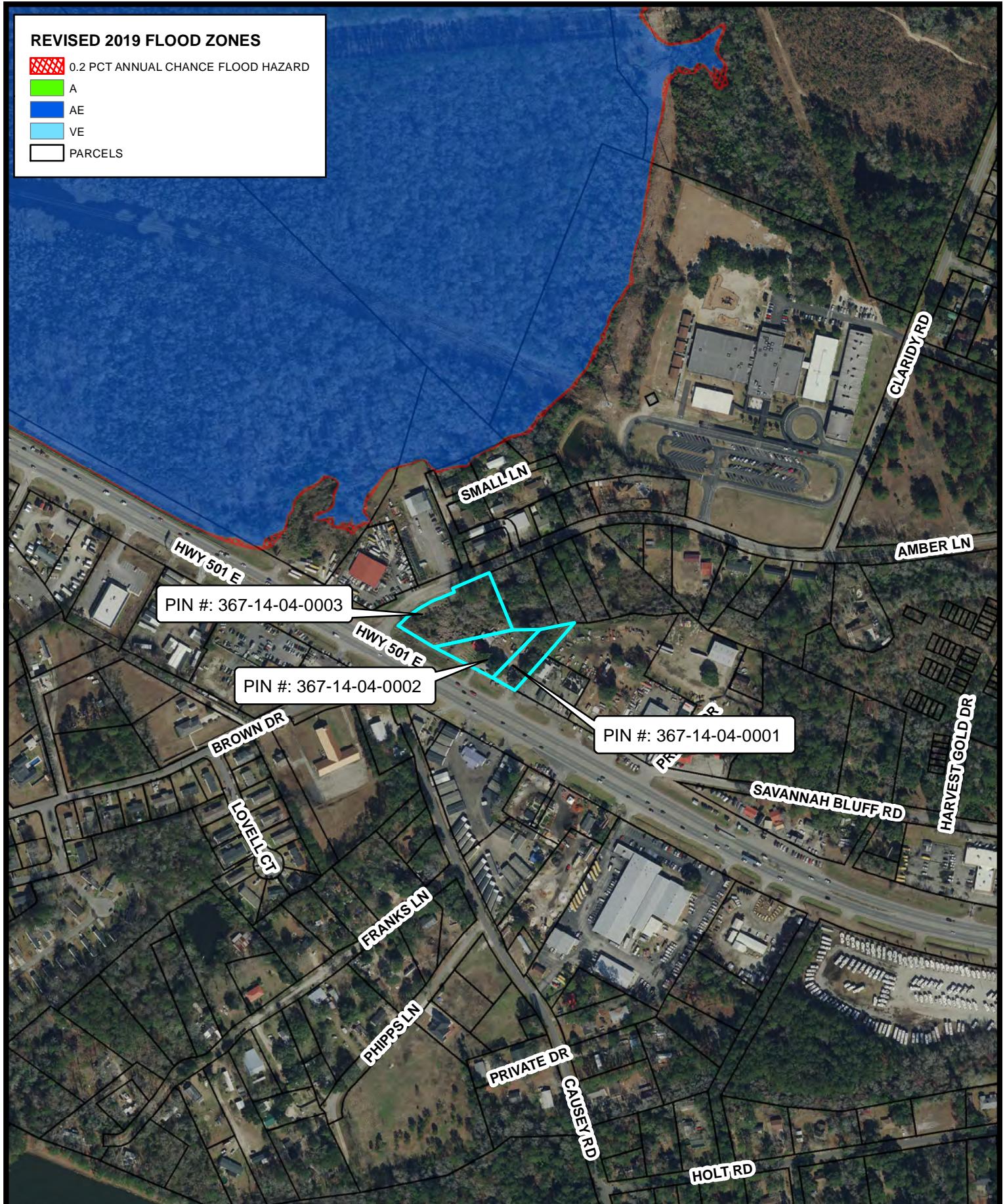


N
PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



REVISED 2019 FLOOD ZONES

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



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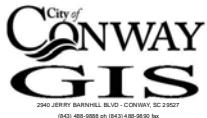
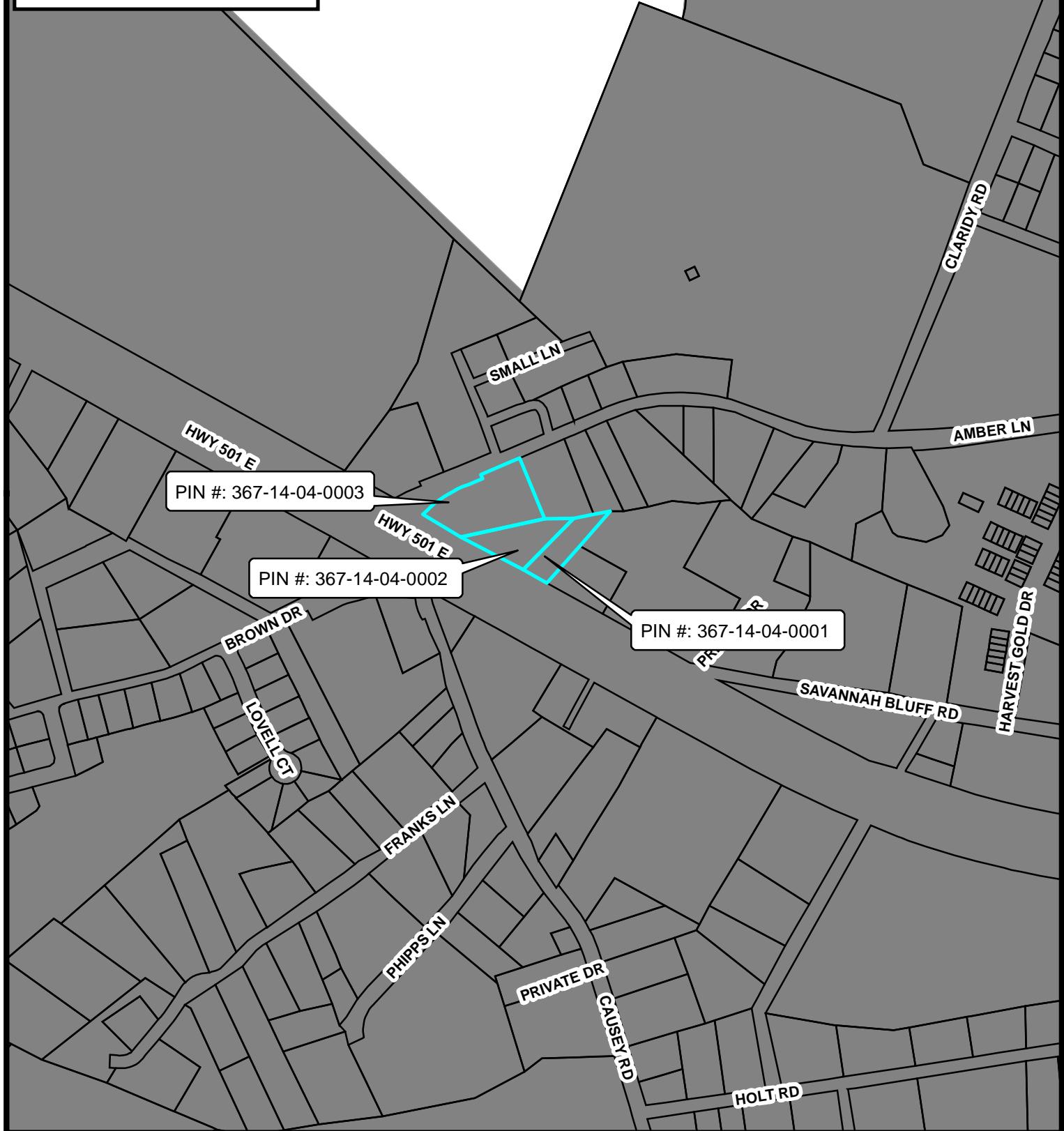
N
PIN #'S: 367-14-04-0003, 367-14-04-0002
& 367-14-04-0001
1091 E HWY 501 PROPERTIES
(P25-0128)



Legend

PARCELS

UTILITY SERVICE AREA



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



City of Conway
ORDER TO INSTALL SERVICE CONNECTION

Nº 16930

Name	South Atlantic Monument LLC		Date	4-17-25
Address	1091 Hwy 501 East		Location	
Subdivision			Water Tap	
Phone #	843-347-1812 or 843-450-1106		Meter Size	3/4
TMS # / PIN #	367-14-04-0002		Serial #	
Inside City Limits	no - Annexation applied		Register #	
Stormwater Code			Sewer Tap Size	
Impervious Sq Ft			Date Installed	
Building Permit #			Account #	
Water Tap	\$	2400.00	Book #	
Water Recovery	\$	1600.00	Walk #	
Sewer Tap	\$		Sewer Basin #	
Sewer Capital Recovery	\$		Mailing Address	
Deposit	\$	300.00	1091 Hwy 501 East	
Other	\$		Conway SC 29526	
Code			Installed By	
TOTAL \$	4300.00		<i>pde</i>	



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

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

www.cityofconway.com

Instructions:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

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

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

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

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

PROPERTY LOCATION/SUBDIVISION:

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

PROPERTY ADDRESS: 1091 E Hwy 501

PROPERTY OWNER MAILING ADDRESS: 5346 Alligator Ct., Conway SC 29526

PROPERTY OWNER TELEPHONE NUMBER: (843) 241-3418 & (843) 450-1106

PROPERTY OWNER EMAIL: annand.mack.hutson@yahoo.com

APPLICANT: William M. & Karen Ann Hutson

APPLICANT'S EMAIL: Same as Above

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES NO

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

PROPERTY OWNERS (Attach additional sheets if necessary)

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

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



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: OFFICE

Are there any wetlands on the property?

CIRCLE: YES NO

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

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

CIRCLE: YES NO

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

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

CIRCLE: YES NO

If yes, please describe.

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

CIRCLE: YES NO

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

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

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Notice

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PHYSICAL ADDRESS OF PROPERTY: 1091 E Hwy 501 FEE PAID YES NO
1.11 367 14 04 0003
AREA OF SUBJECT PROPERTY (ACREAGE): 0.6 0.45 PIN: 367 14 04 0002
367 14 04 0001
CURRENT ZONING CLASSIFICATION: HL
COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC
REQUESTED ZONING CLASSIFICATION: HC
NAME OF PROPERTY OWNER(S):
William M. Hutson PHONE # (843) 450-1106
Karen Ann Hutson PHONE # (843) 241-3410
MAILING ADDRESS OF PROPERTY OWNER(S):
5246 Alligators Ct.
Conway SC 29526

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

Karen Ann Hutson
PROPERTY OWNER'S SIGNATURE(S)

4-16-25

DATE

William M. Hutson
PROPERTY OWNER'S SIGNATURE(S)

4-16-25

DATE

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

DATE: JUNE 16, 2025

ITEM: V.B.

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (B), to annex approximately 0.79 acres located at 150 Amber Lane (PIN 367-14-04-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by the property owners, as a requirement for connection to city services. According to Horry County Land Records, the property was transferred into the owner's names on July 24, 2024. The property contains an existing brick single-family home as well as a mobile home. A restrictive covenant was recorded on April 17, 2025.

As part of the required review by the Technical Review Committee (TRC), all were asked to comment on the request for annexation. Below are their comments:

Building: *recommends disapproval* – This is not an area we normal patrol with property maintenance and the building inspectors are too busy as it is.

Flood: Approved

Fire: Approved

GIS: NA

Police: *recommends disapproval* – We currently have few properties nearby and creates a reverse donut hole where we generally do not patrol the area. It also brings us closer to another school, and we are at capacity for our SRO program. If all contiguous properties associated with this owner come in, we will have Hwy 501 corner and frontage access, which takes us away from the school and into a more commercial area.

Public Utilities: Approved

Public Works: Approved

Sanitation:

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the *Comprehensive Plan* identifies this property as Low/Medium-Density Residential (R-1). *The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.*

STAFF RECOMMENDATION:

Staff recommends approval of **First reading of Ordinance #ZA2025-07-21 (B)**.

ORDINANCE #ZA2025-07-21 (B)

AN ORDINANCE TO ANNEX APPROXIMATELY 0.79 ACRES OF PROPERTY LOCATED AT 150 AMBER LANE (PIN 367-14-04-0004), AND REQUEST TO REZONE FROM THE HORRY COUNTY COMMERCIAL FOREST AGRICULTURE (CFA) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL (R-1) DISTRICT.

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

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.79 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

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

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.79 acres of property located at 150 Amber Lane (PIN 367-14-04-0004), and request to rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district.

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

SECTION 2. APPLICATION OF ZONING ORDINANCE:

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

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

Legend

 PARCELS



Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.
2240 JERRY BARNHILL BLVD - CONWAY, SC 29527
403-468-5000 ext. 5454/468-8222 ext.

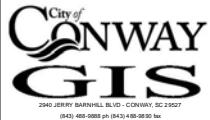
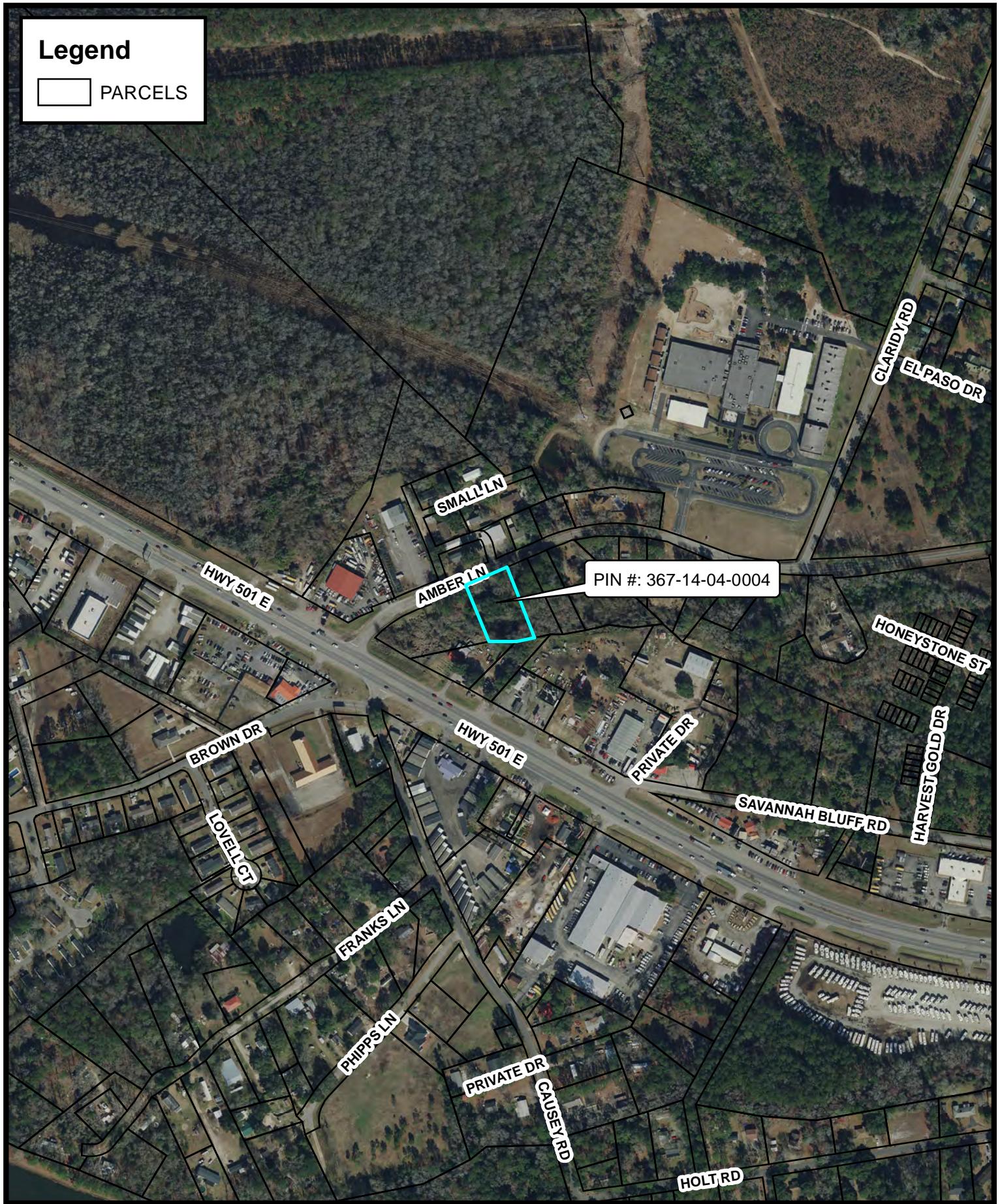


PIN #: 367-14-04-0004
TMS #: 137-00-02-024
150 AMBER LN
(P25-0129)



Legend

PARCELS



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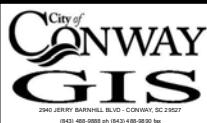
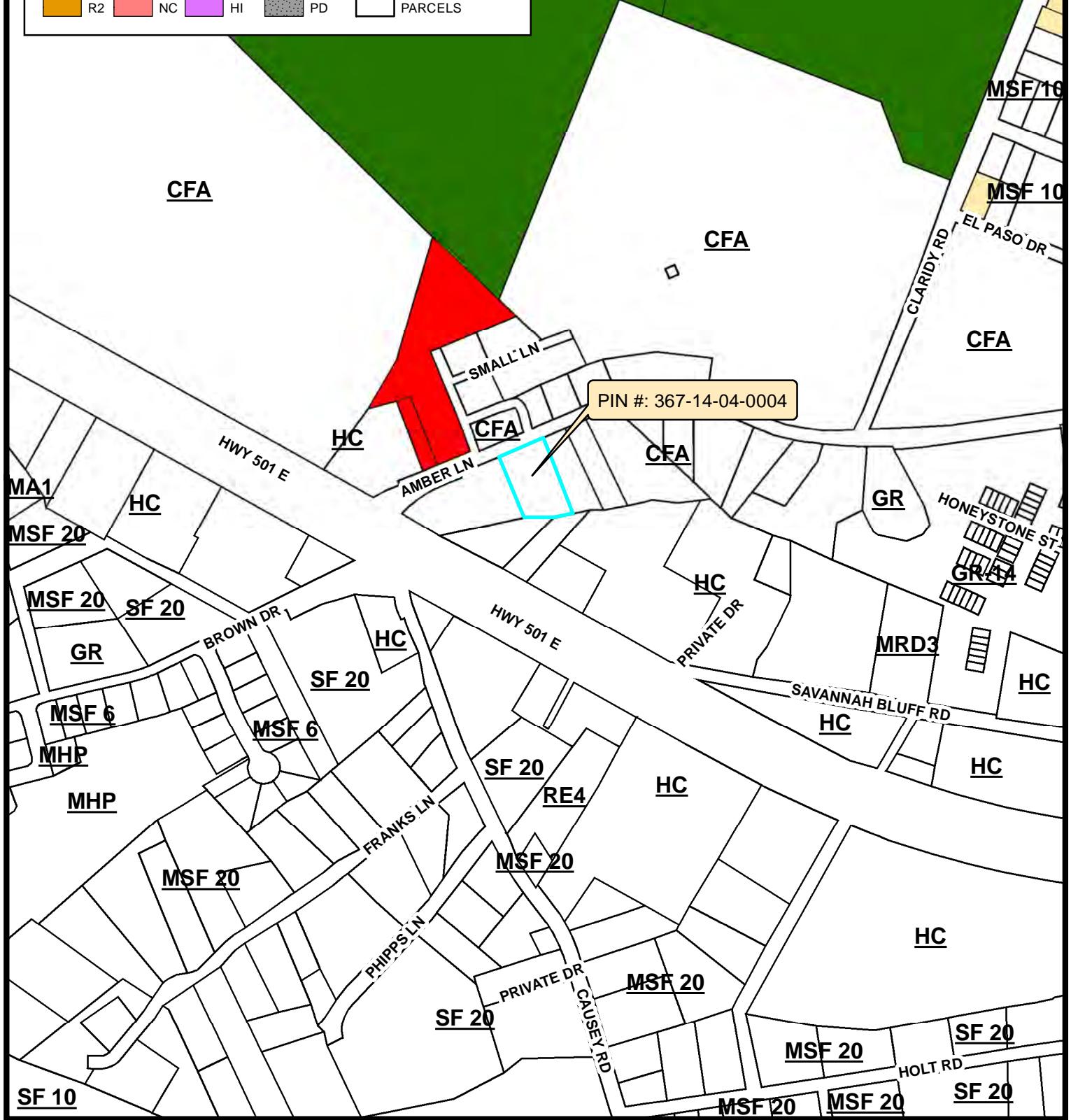


PIN #: 367-14-04-0004
TMS #: 137-00-02-024
150 AMBER LN
(P25-0129)



CONWAY ZONING

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



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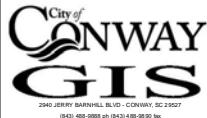
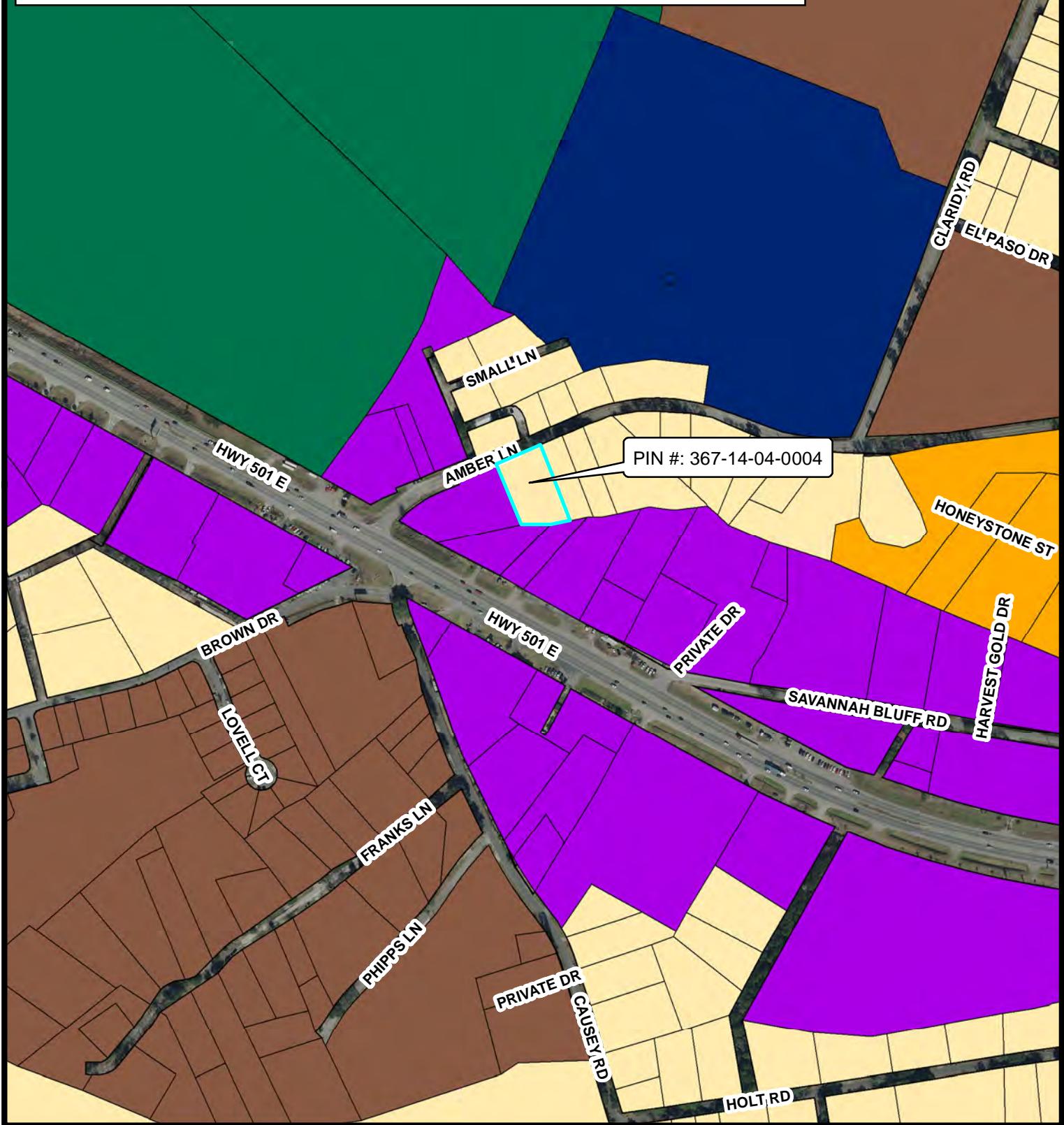


PIN #: 367-14-04-0004
TMS #: 137-00-02-024
150 AMBER LN
(P25-0129)



FUTURE LAND USE

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



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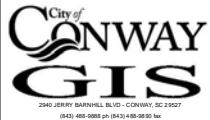
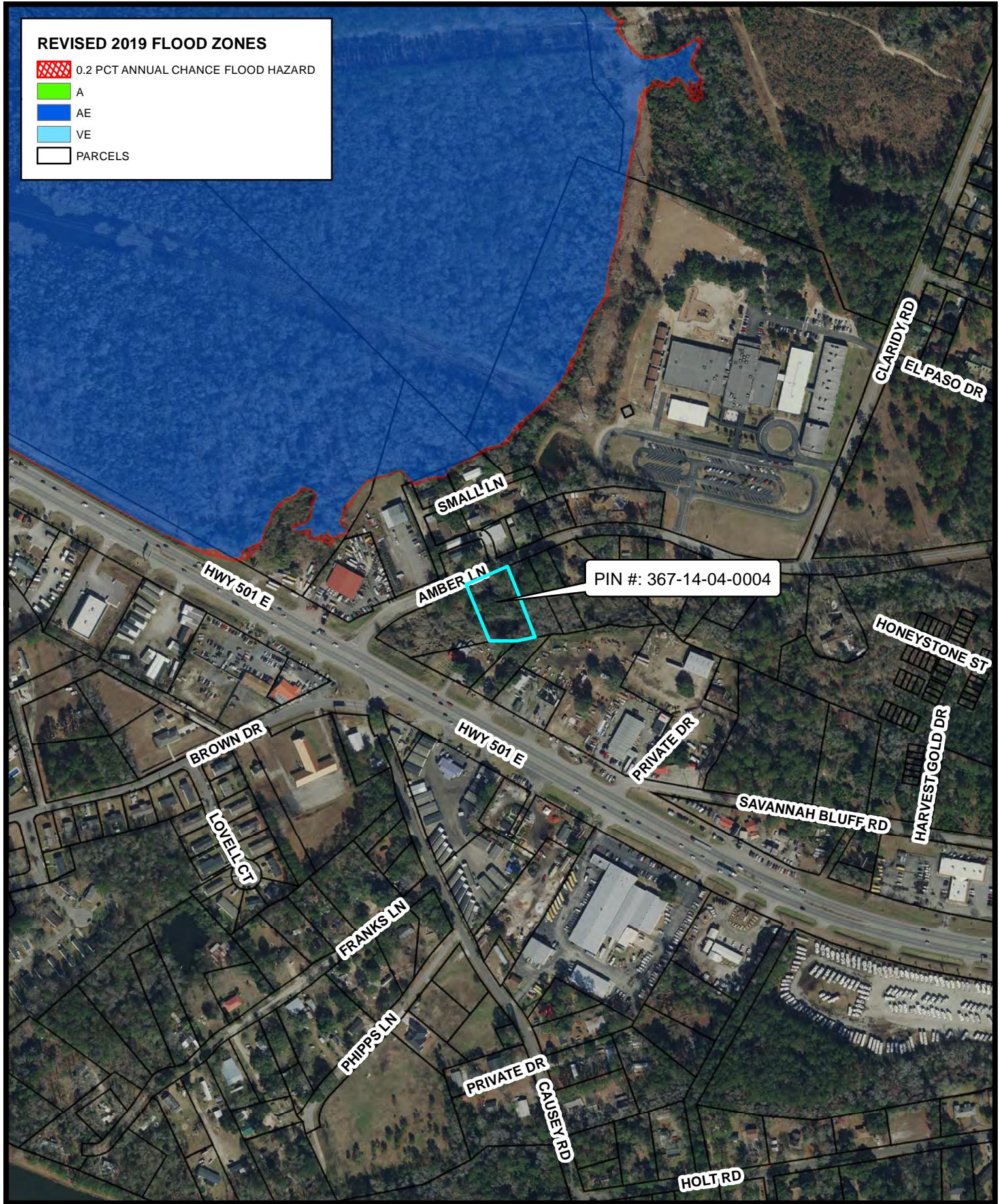


N
PIN #: 367-14-04-0004
TMS #: 137-00-02-024
150 AMBER LN
(P25-0129)



REVISED 2019 FLOOD ZONES

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



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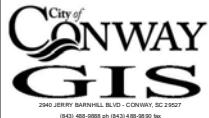


PIN #: 367-14-04-0004
TMS #: 137-00-02-024
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(P25-0129)



Legend

- PARCELS
- UTILITY SERVICE AREA



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PIN #: 367-14-04-0004
TMS #: 137-00-02-024
150 AMBER LN
(P25-0129)





KNOW ALL ME BY THESE PRESENTS, that, (I, we) • Karen Ann Hutson
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway.
The property/parcel is situated outside the corporate limits of the City Of Conway. The
property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification
Number (PIN) 367 14 04 0004 and is physically located at
150 Amber Lane Conway SC 29526

The above referenced property was conveyed by deed to the Grahtor and recorded in the Office of the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4836 at Page 105.

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

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

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

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

Deed BK: 4933 PG: 1269 DocType: 082
04/17/2025 at 10:24:29 AM, 1 OF 2

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



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

____ day of 4-16-25.

SIGNED, SEALED AND DELIVERED by:

Grantor in the presence of:

Vicki Stov
Witness
ABgant
Witness or Notary

Karen Donat Hiltz
Grantor Name

STATE OF SOUTH CAROLINA)

) PROBATE

COUNTY OF HORRY)

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

Vicki Stov

Witness

SWORN TO BEFORE ME THIS 16
DAY OF April, 2025

ABgant

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Anne Bessant

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 4/8/32

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



PETITION FOR ANNEXATION

Staff Use Only

Received:

BS&A #:

City of Conway Planning
Department 196 Laurel Street, 29526

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

www.cityofconway.com

Instructions:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

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

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

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

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

PROPERTY LOCATION/SUBDIVISION:

PIN: 367 14 04 0004 ACREAGE: 0.79

PROPERTY ADDRESS: 150 Amber Lane

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

PROPERTY OWNER TELEPHONE NUMBER: (843) 241-3410

PROPERTY OWNER EMAIL: annandmackhutson@yahoo.com

APPLICANT: Karen Ann Hutson & Beverly Lou Marlowe

APPLICANT'S EMAIL: Same as above

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES NO

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

PROPERTY OWNERS (Attach additional sheets if necessary)

Karen Ann Hutson Beverly Lou Marlowe

(Print)

(Signature)

4-16-25

Beverly Lou Marlowe

(Print)

(Signature)

4/14/25



PETITION FOR ANNEXATION

Staff Use Only

Received:

BS&A #:

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

Current Use: Home

Are there any wetlands on the property?

CIRCLE: YES NO

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

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

CIRCLE: YES NO

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

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

CIRCLE: YES NO

If yes, please describe.

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

CIRCLE: YES NO

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

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

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
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PHYSICAL ADDRESS OF PROPERTY: 150 Amber Lane FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.79 PIN: 367 1404 0004

CURRENT ZONING CLASSIFICATION: _____

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R1

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

Karen Ann Hutson PHONE # 843-241-3410
PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

Karen Ann Hutson
5246 Alligator Ct., Conway SC 29526

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

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

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

DATE: JUNE 16, 2025

ITEM: V.C.

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (C), to rezone approximately 0.33+- acres of property at 1307 Grainger Rd (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district.

BACKGROUND:

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

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

Surrounding Zoning / Uses:

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

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan also identifies the property as Highway Commercial (HC). The intent of the HC district is to provide compatible locations to serve the automobile oriented commercial activities in harmony with major highway developments, reduce traffic congestions, and to enhance the aesthetic atmosphere of the city.

PLANNING COMMISSION:

Planning Commission held the required public hearing on the request at their June 5th meeting and recommended approval of the request to rezone the property to Low/Medium-Density Residential (R-1).

STAFF RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance#ZA2025-07-21 (C)**.

ORDINANCE #ZA2025-07-21 (C)

**AN ORDINANCE TO REZONE APPROXIMATELY 0.33+/- ACRES OF PROPERTY
LOCATED AT 1307 GRAINGER RD (PIN 368-01-02-0007) FROM THE HIGHWAY
COMMERCIAL (HC) DISTRICT TO THE LOW/MEDIUM-DENSITY RESIDENTIAL
(R-1) DISTRICT.**

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

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

WHEREAS, a petition has been submitted to rezone approximately 0.33+/- (total) acres located at 1307 Grainger Rd (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district; and

WHEREAS, the Planning Commission of the City of Conway, on June 5, 2025, held the required public hearing to discuss the request to rezone from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district, and made their recommendation; and

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

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

Rezone approximately 0.33+/- (total) acres located at 1307 Grainger Rd (PIN 368-01-02-0007) from the Highway Commercial (HC) district to the Low/Medium-Density Residential (R-1) district; and be it further

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this ____ day of _____ 2025.

Barbara Jo Blain, Mayor

William M. Goldfinch IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

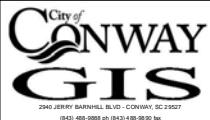
Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

Legend



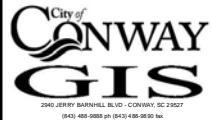
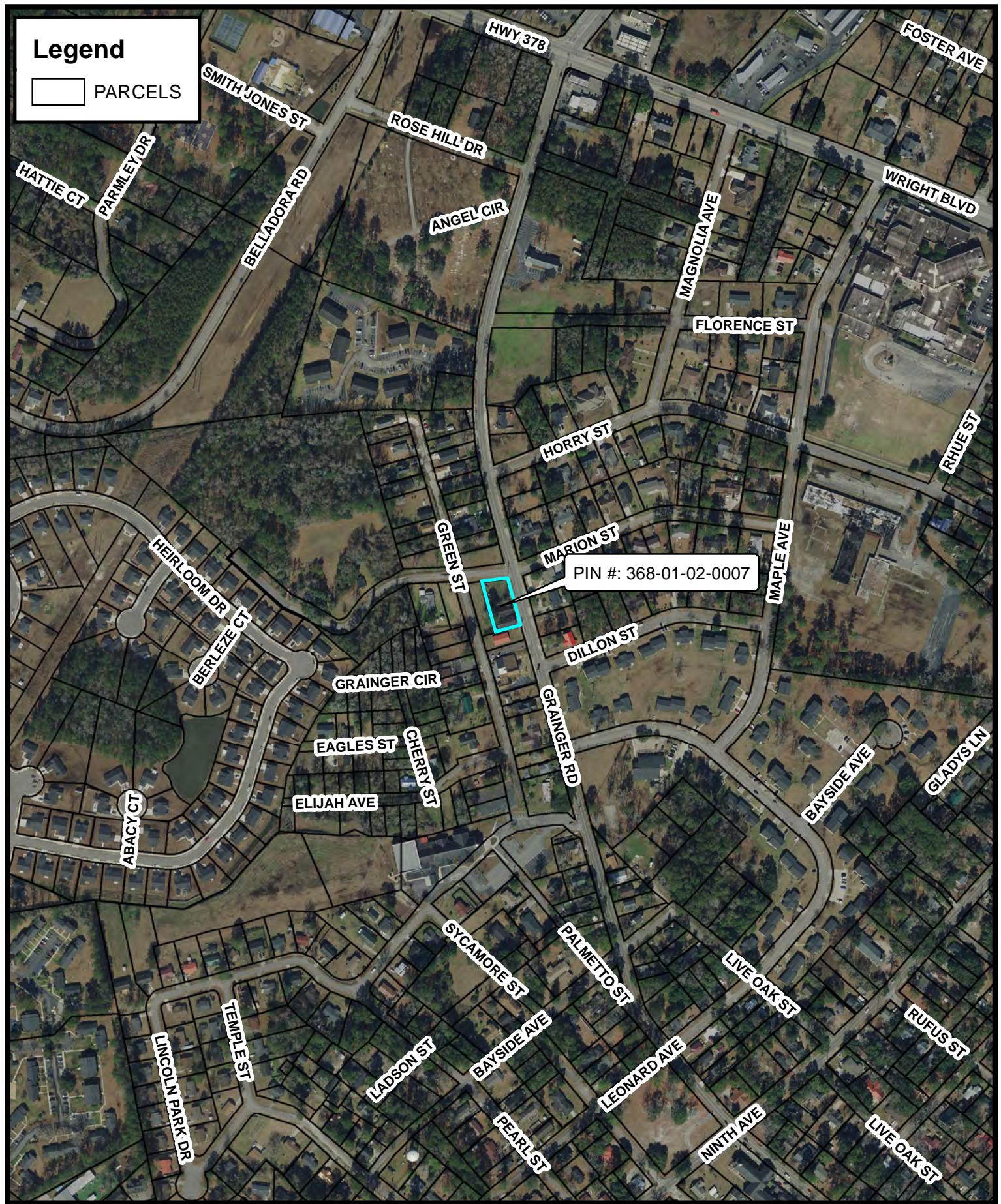
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PIN #: 368-01-02-0007
TMS #: 136-08-31-002
1307 GRAINGER RD
(P25-0166)



Legend



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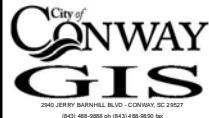
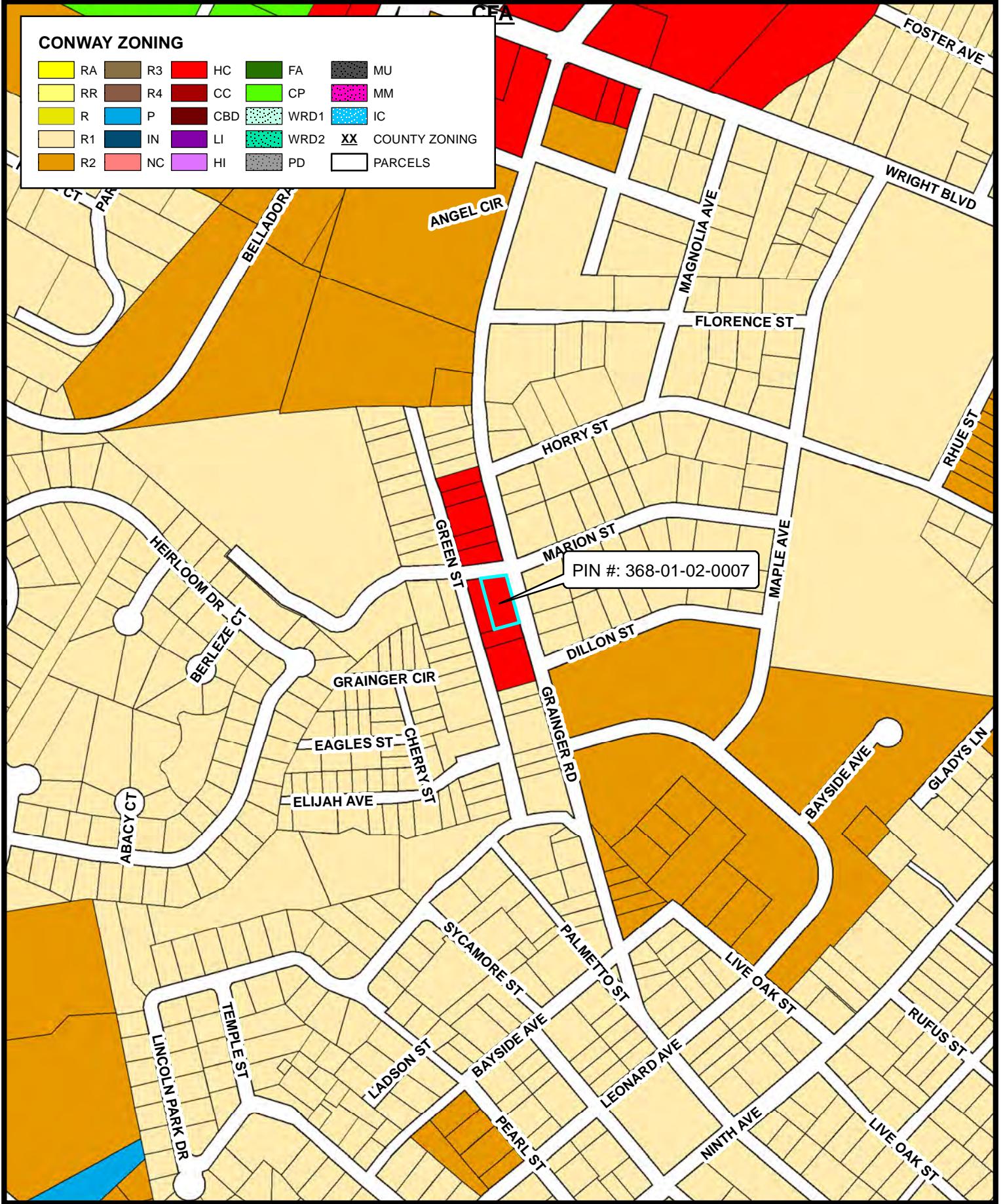
PIN #: 368-01-02-0007
TMS #: 136-08-31-002
1307 GRAINGER RD
(P25-0166)



CONWAY ZONING

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

CFA



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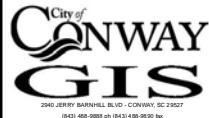
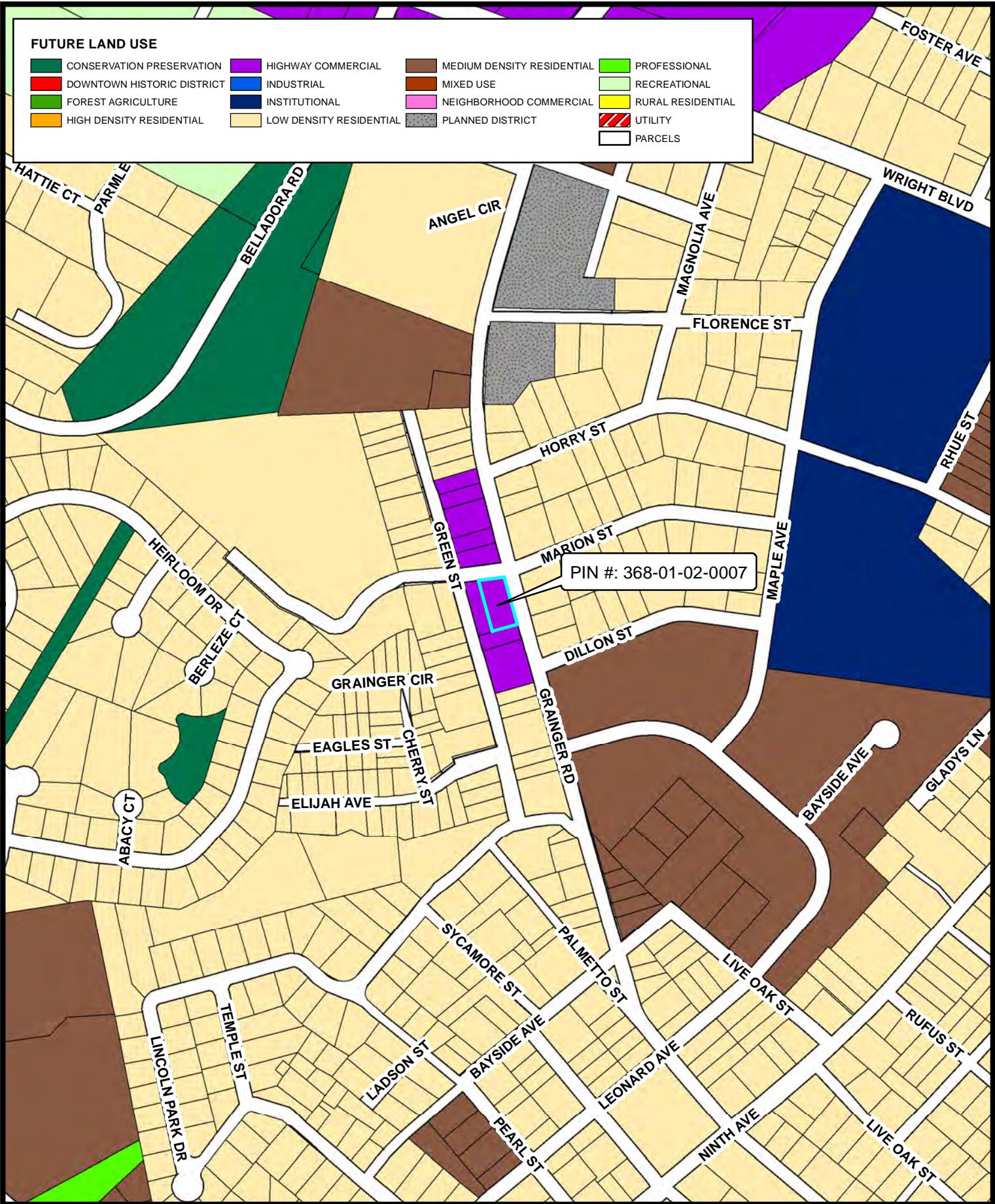


N
PIN #: 368-01-02-0007
TMS #: 136-08-31-002
1307 GRAINGER RD
(P25-0166)



FUTURE LAND USE

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



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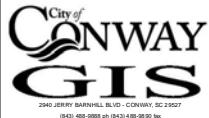
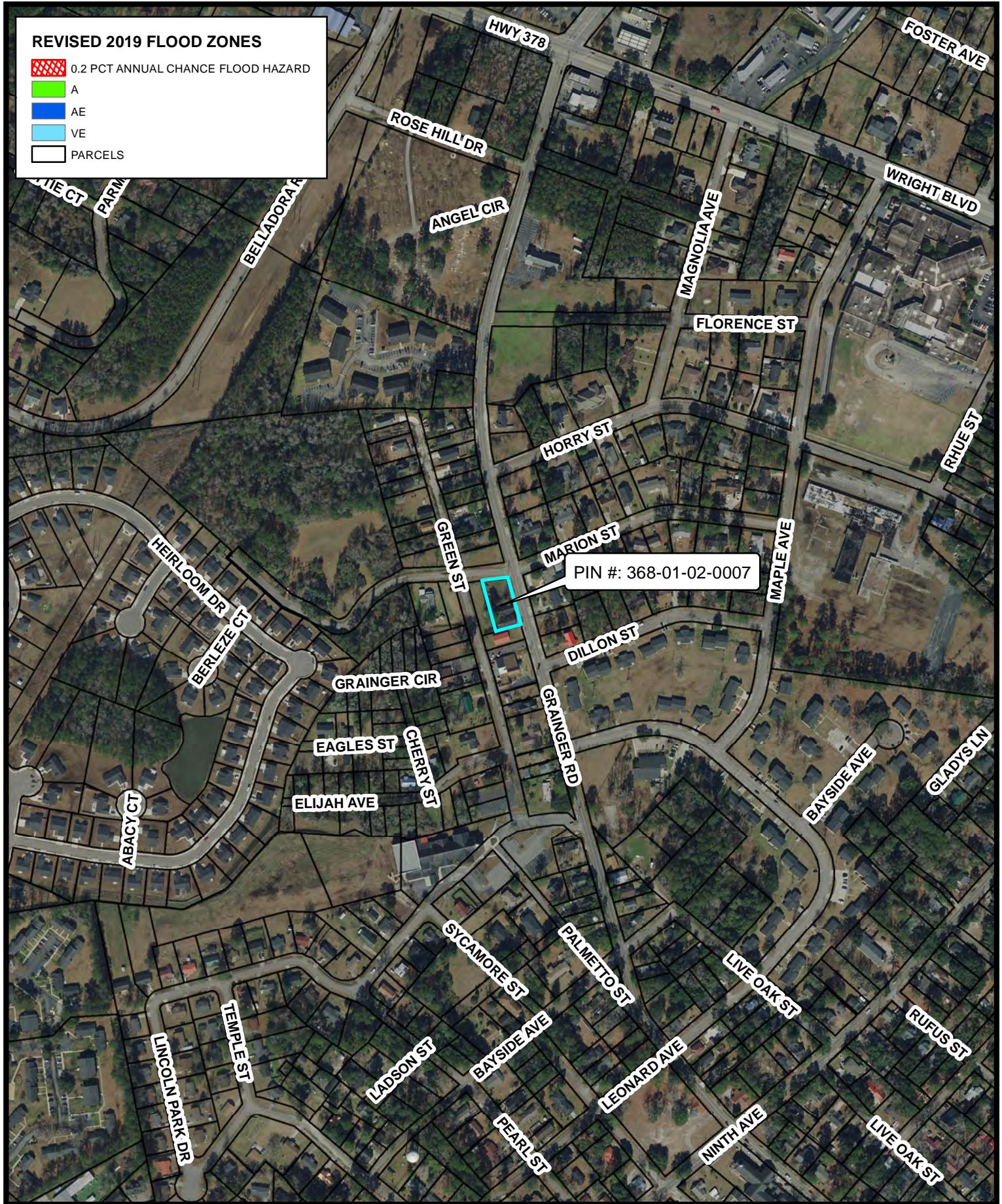


N
PIN #: 368-01-02-0007
TMS #: 136-08-31-002
1307 GRAINGER RD
(P25-0166)



REVISED 2019 FLOOD ZONES

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



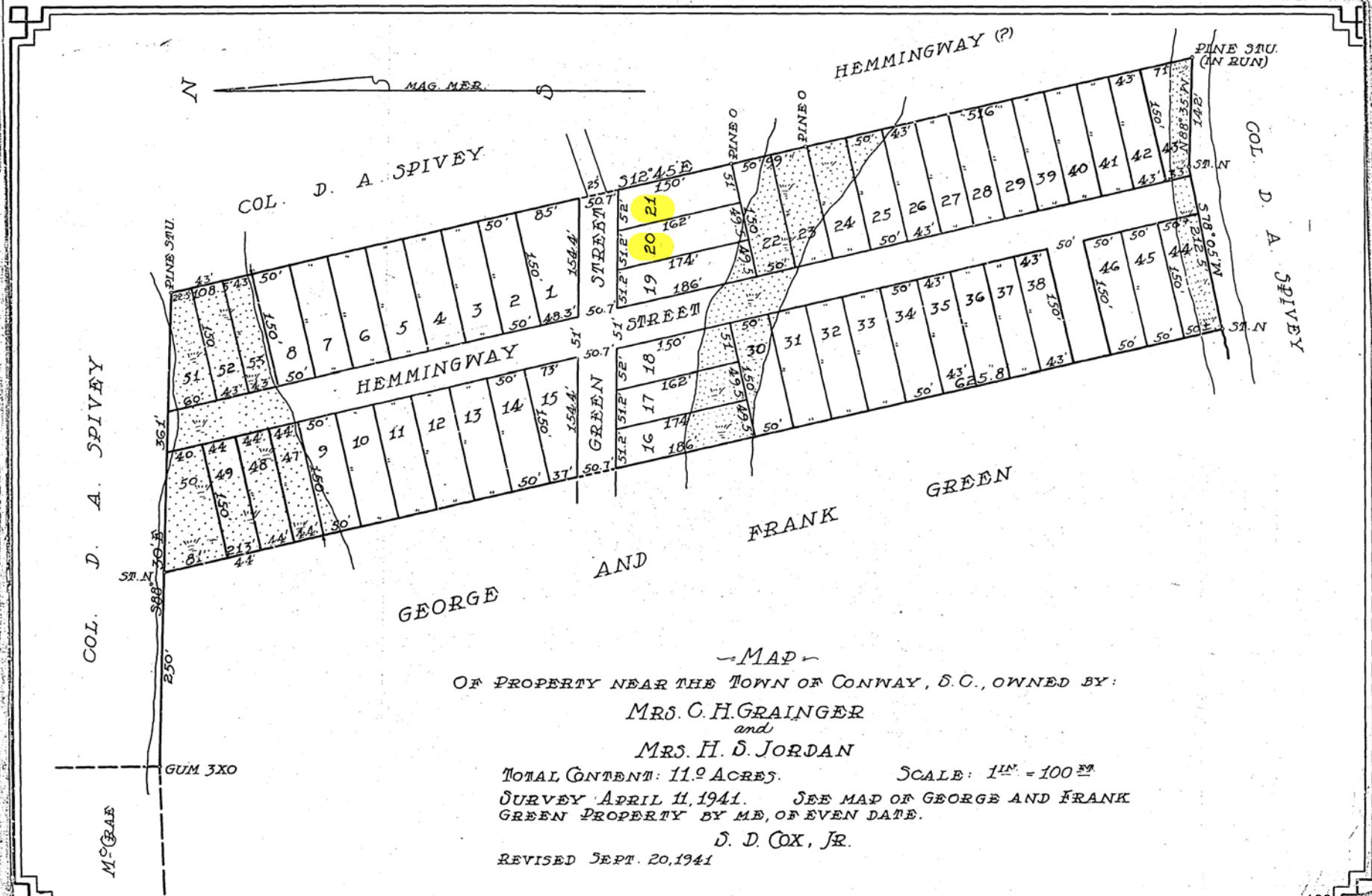
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1307 GRAINGER RD
(P25-0166)



SEP 30 1941

U.S. POST OFFICE
GLENVILLE, S.C.



Zoning Map Amendment Application

Incomplete applications will not be accepted.

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

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

PIN # 368-01-02-0007

Notice

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

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

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

CURRENT ZONING CLASSIFICATION: Highway Commercial (HC)

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: R-1

NAME OF PROPERTY OWNER(S):

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

MAILING ADDRESS OF PROPERTY OWNER(S):

3595 Hwy 701 South
Conway, S.C. 29527

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

Celia A. Sands
PROPERTY OWNER'S SIGNATURE(S)

5-2-25 -

DATE

Valerie Gordon
PROPERTY OWNER'S SIGNATURE(S)

5/2/25

DATE

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

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (D) to amend the Carsen's Ferry Planned Development (PD) district (a.n.a. Rivertown Landing PD), to amend the list of permitted uses on Commercial Tract "A", consisting of approximately 4.24+/- acres of property located on Riverport Drive (PIN 337-05-02-0004).

BACKGROUND:

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

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

2017 amendment: removed all commercial and multifamily from the rear most parcels and replaced them with single-family homes on 50 small individual lots to create a traditional neighborhood layout / development.

2018 amendment: 3.5 acres designated as commercial was amended to allow additional single-family residential, which is now phase 5 of Carsen's Ferry, containing 18 single-family dwellings with the same requirements as the previous 4 phases, leaving approx. 1.5 acres of Commercial acreage in this PD.

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

(UPDATED) Proposed 2025 amendment: amend the permitted uses on Commercial Tract "A", which includes approx. 4.24+/- acres, to allow **up to six (6) single-family dwellings to be constructed**, leaving the remainder as open space and a master-planned stormwater system.

Current Zoning:

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

COMPREHENSIVE PLAN:

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

PLANNING COMMISSION:

At the April and May Planning Commission meetings, residents of Carsen's Ferry expressed their concerns with the request, which included increased traffic, the possibility of commercial with residential on upper floor units that would overlook the pool amenity area, use of the pool by residents staying in the proposed mixed-use buildings, and commercial uses encroaching closer to residential areas. The applicant held a community meeting in late April with residents of Carsen's Ferry. As a result of that meeting, in which the residents were adamant that they would only be supportive of single-family units on that parcel, the applicants have since revised their request to propose up to six (6) single-family detached dwellings to be constructed on Tract A of the PD, similar to what was constructed in the Carsen's Ferry development, even though the *current* PD allows some commercial uses, including a restaurant.

Planning Commission (PC) considered this request again at their June 5th mtg. now that the revisions had been provided that were previously discussed at the May PC mtg. There was no additional public input. **PC recommended approval of the revised amendment** to the Carsen's Ferry (Rivertown Landing) PD.

STAFF RECOMMENDATION:

Initially, staff had concerns with amending this Planned Development to the degree that it would remove additional commercial acreage and convert to allow more single-family detached dwellings on property meant to be commercial uses that would serve the residents of Carsen's Ferry. However, there are a few things staff considered when making their recommendation:

1. The current permitted uses for this tract are very limited; currently allowing *only* a baked goods store, a candy store, an ice cream store, or a restaurant/café. This tract of the PD (Tract A) has not been amended since the PD was created in 2007. All other tracts of the PD have been amended but this one, and after 18 years since adoption, there have been no plans reviewed for commercial development on Tract A; and it seems unlikely that the uses currently permitted under the PD would ever come to fruition.
2. This PD already does not contain different residential types, and should this amendment not be approved, it would still not contain different residential types. Further, there is no state or city law specifying how much of a PD must be commercial; only that there be a commercial / mixed-use component. Tract B, while no plans have ever been reviewed for any commercial development on the remaining 1.5-acre tract, this acreage will remain part of the PD, on which any use permitted in the Highway Commercial district may be developed.
3. The residents of Carsen's Ferry have more concerns with commercial development on this tract and are in support of single-family development now proposed by the applicant instead of the mixed-use previously proposed. Additionally, Planning Commission recommended approval of the revised amendment to allow up to six (6) single-family dwellings on Tract A.

For these reasons, **staff recommends approval of First Reading of Ordinance #ZA2025-07-21 (D)**, to amend the PD, as revised and attached hereto.

ATTACHMENTS: Revised PD amendment (narrative & site plan); application; GIS maps

ORDINANCE #ZA2025-07-21 (D)

**AN ORDINANCE TO AMEND THE CARSEN'S FERRY (*a.k.a.* RIVERTOWN LANDING)
PLANNED DEVELOPMENT (PD) DISTRICT TO AMEND THE PERMITTED USES FOR
COMMERCIAL TRACT A, CONSISTING OF APPROXIMATELY 4.24+/- ACRES,
LOCATED ON RIVERPORT DR (PIN 337-05-02-0004)**

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

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

WHEREAS, Planned Developments (PD) are an extension of the UDO; and

WHEREAS, the Carsen’s Ferry (*a.k.a.* Rivertown Landing) Planned Development located on Riverport Drive is regulated by a City of Conway Planned Development (PD) District zoning document (ordinance); and

WHEREAS, the property owner of Commercial Tract A (PIN 337-05-02-0004) has requested to amend the permitted uses of Tract A to a Residential Tract that would permit up to six (6) single-family detached dwellings with requirements for these lots as described in the PD amendment narrative, as attached hereto, and remove current permitted commercial uses that on Tract; and

WHEREAS, Planning Commission held the required public hearing to consider the request to amend the Carsen’s Ferry (*a.k.a.* Rivertown Landing) PD, as described above and attached hereto, and made their recommendation. Therefore, be it

ORDAINED by the City Council of the City of Conway, in Council duly assembled, that the text of the Carsen’s Ferry (*a.k.a.* Rivertown Landing) Planned Development be amended to remove the commercial uses currently listed on Tract A of the PD, consisting of approx. 4.24+/- acres located on Riverport Drive (PIN 337-05-02-0004), and permit a maximum of six (6) single-family detached dwellings in accordance with the amended PD as attached hereto; and be it further

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this ____ day of _____ 2025.

Barbara Jo Blain, Mayor

William M. Goldfinch IV, Mayor Pro Tem

Amanda Butler, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

Larry A. White, Council Member

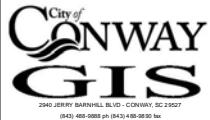
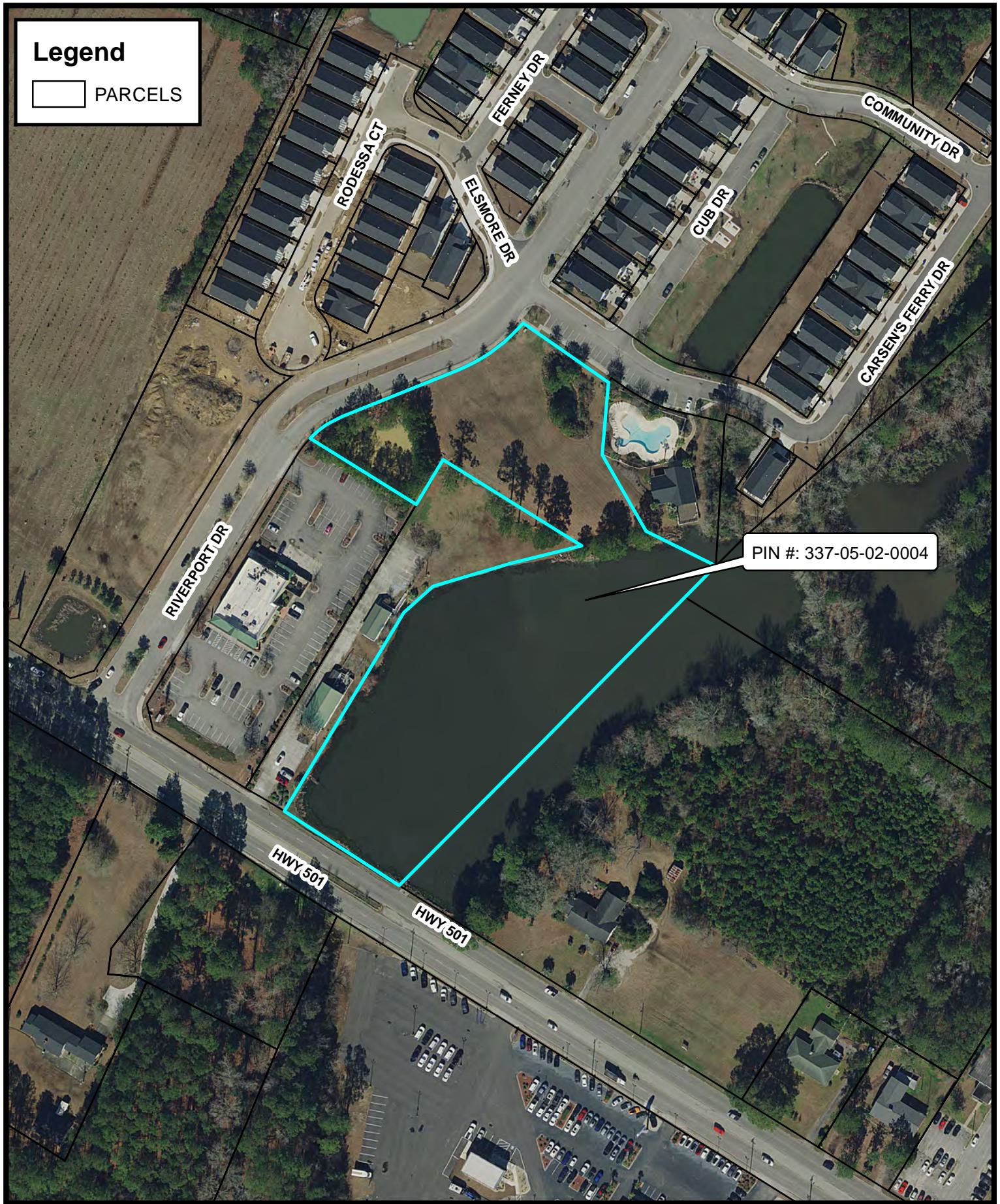
ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

Legend

PARCELS



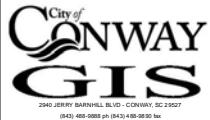
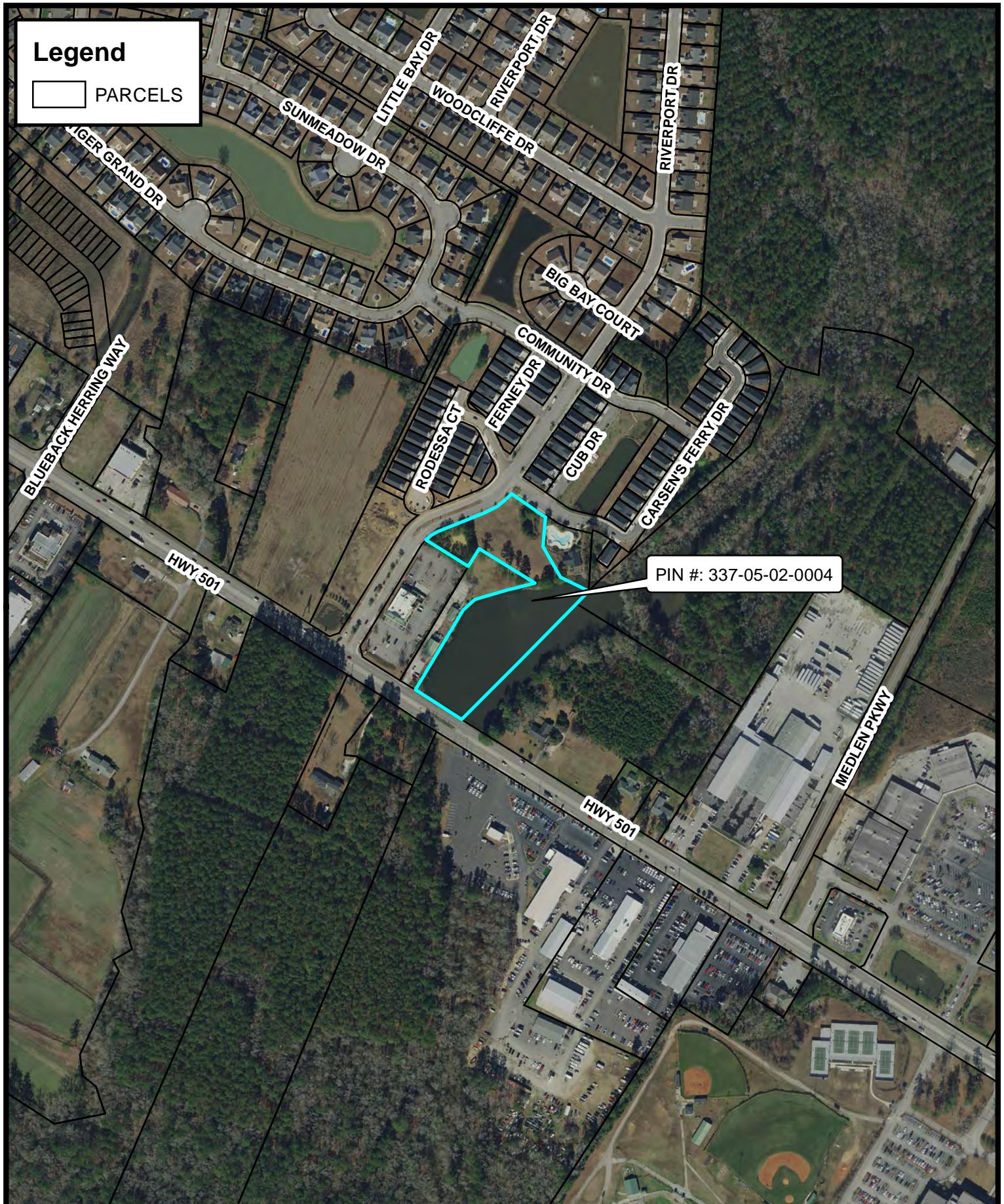
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N
PIN #: 337-05-02-0004
TMS #: 122-00-04-076
CARSENS FERRY AKA RIVERTOWN LANDING
(P25-0044)



Legend



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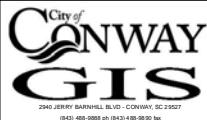
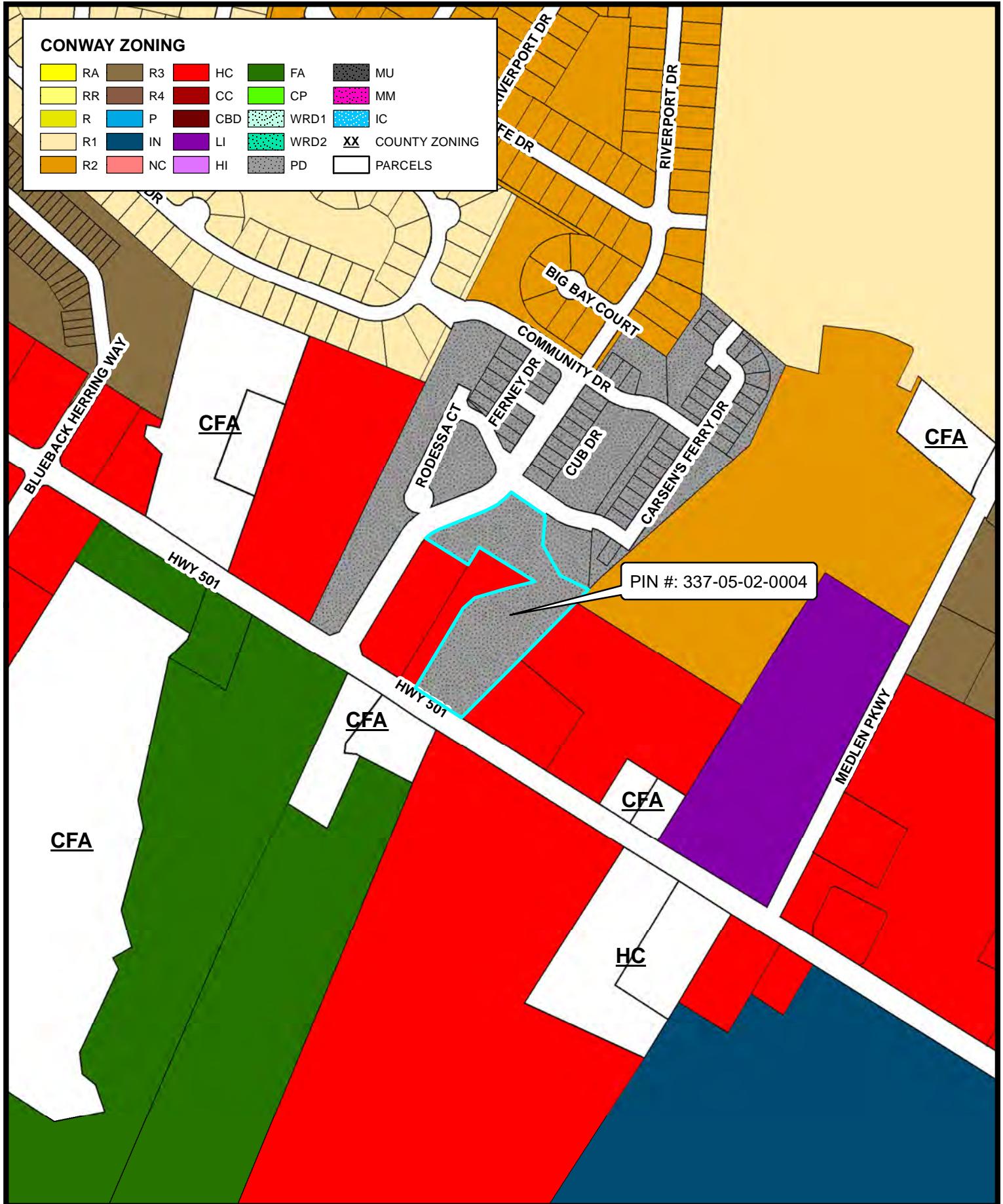


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PIN #: 337-05-02-0004
TMS #: 122-00-04-076
CARSENS FERRY AKA RIVERTOWN LANDING
(P25-0044)



CONWAY ZONING

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



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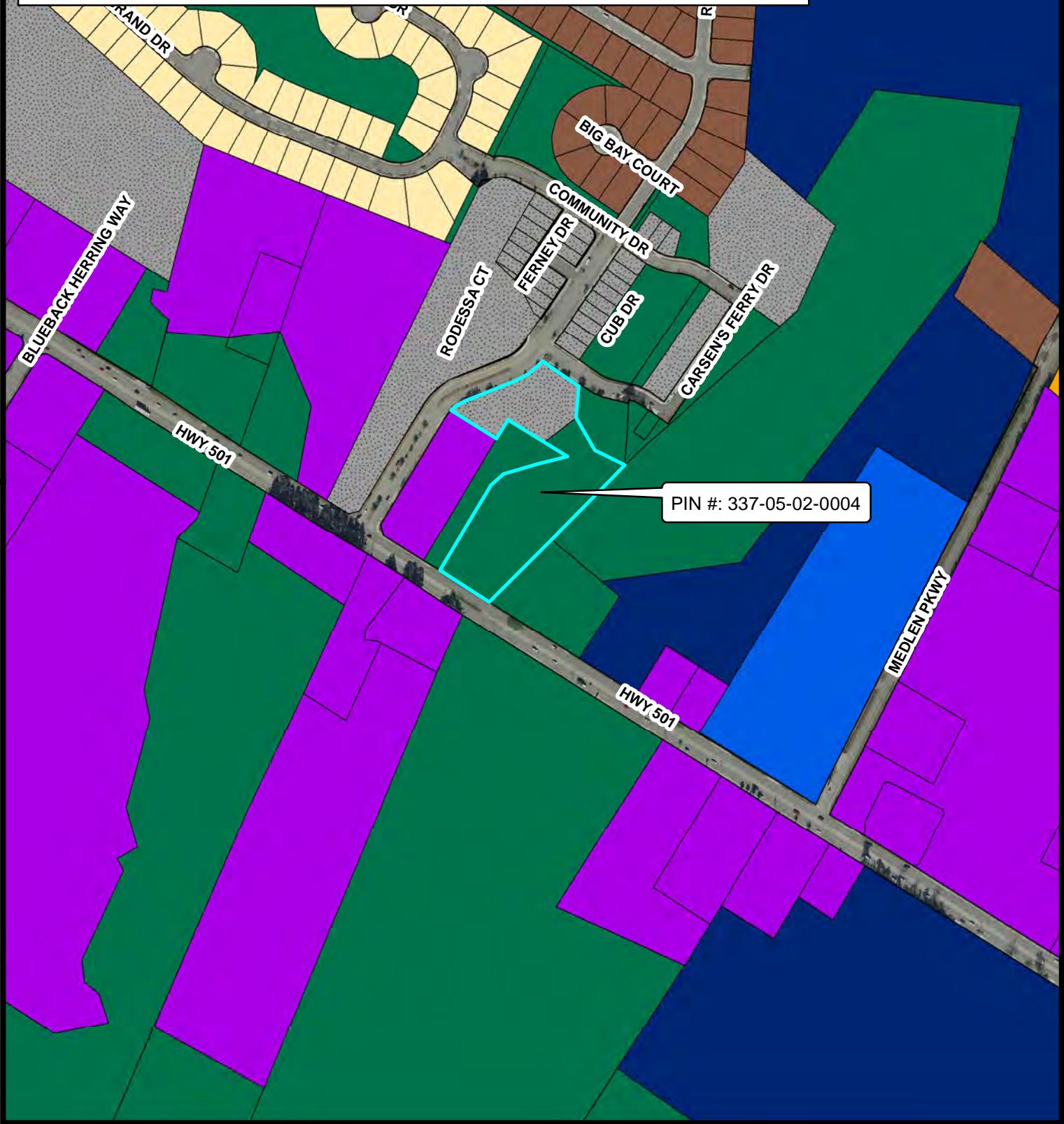


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TMS #: 122-00-04-076
CARSENS FERRY AKA RIVERTOWN LANDING
(P25-0044)



FUTURE LAND USE

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



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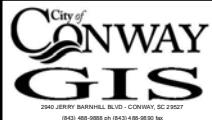
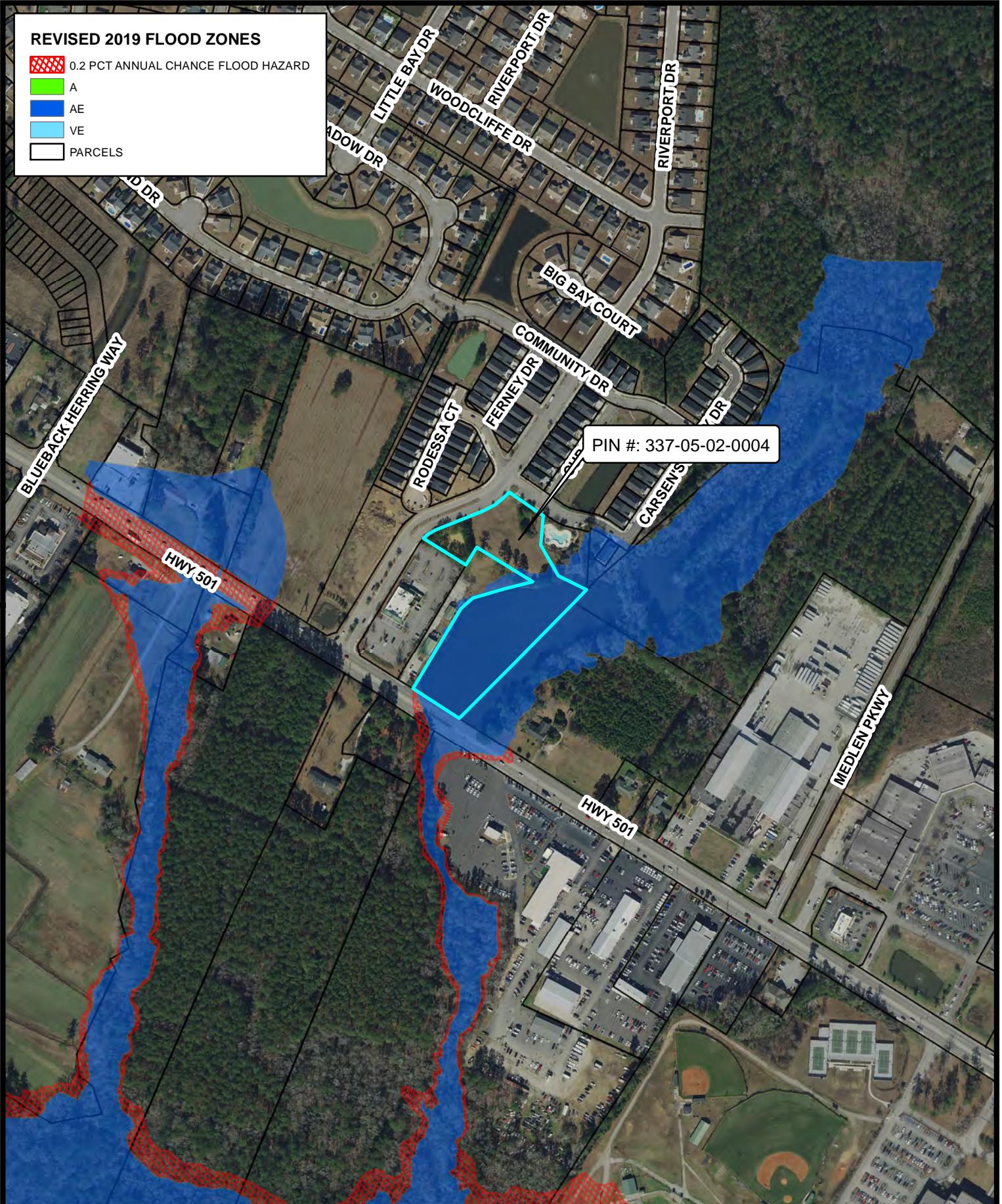


N
PIN #: 337-05-02-0004
TMS #: 122-00-04-076
CARSENS FERRY AKA RIVERTOWN LANDING
(P25-0044)



REVISED 2019 FLOOD ZONES

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



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CARSENS FERRY AKA RIVERTOWN LANDING
(P25-0044)



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

Revision May 2025

NARRATIVE

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

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

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

HISTORY

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

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

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

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

PREVIOUS AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Open Space amounts remained unchanged.

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

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

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

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

CURRENT CONDITIONS

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

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

EXISTING PD REQUIREMENTS FOR COMMERCIAL TRACT ‘A’

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

Proposed amendments to Commercial Tract ‘A’ are as follows:

- Rename Commercial Tract ‘A’ to Residential Tract B
- There are no wetlands on Commercial Lot ‘A’/Residential Tract B
- There are two ponds. The revision includes a site plan to move or remove one pond. Removal or movement of the pond will be determined during the Engineering phase. Stormwater system is master planned and maintained by the POA
- The maximum allowable number of residential units in the Residential Tract B is eight (8). six (6)
- Setbacks: (*same as Residential Tract*)
 - Front = 5'
 - Rear = 5'
 - Side = 5'
 - Minimum Building Separation = 10', Eaves may encroach up to one (1) foot.
- Maximum Building Height: 30'
- Minimum Lot Size: Not Applicable
- Maximum Lot Coverage: In order to preserve the open space, wetlands, and native wildlife within this area, the maximum impervious ratio allowed within the “Rivertown Landing” Planned District is 50% of the total area within the Planned District.
- Permitted Uses: Tract shall be developed as detached single-family homes.
- Parking:
 - Two spaces per unit, one may be located within a garage

Carsen's Ferry Planned Development (*aka* Rivertown Landing PD~~D~~)
(Proposed Revisions May 2025)

4.2505 INTENT

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

4.2506 PERMITTED USES

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

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

1. Primary Uses:

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

B. Commercial Lot 'B':

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

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

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

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

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

1. Primary Uses:

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

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

2. Accessory Uses

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

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

MINIMUM DEVELOPMENT STANDARDS

(All previous amendments included below)

A. Minimum Lot Size:

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

B. Maximum Lot Coverage

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

C. Maximum Height:

1. **Commercial Tract ‘A’ Residential Tract B:**

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

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

2. Commercial Tract ‘B’:

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

3. Residential Tract:

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

D. Maximum Density:

1. ~~Commercial Tract ‘A’:~~

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

1. Residential Tract B:

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

2. Commercial Tract ‘B’:

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

3. Residential Tract:

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

E. Street Width:

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

F. Setbacks:

1. ~~Commercial Tract ‘A’:~~

a. Front = 30'

b. Rear = 0'

e. Side = 10'

1. Residential Tract B:

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

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

2. Commercial Tract 'B':

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

3. Residential Tract:

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

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

G. Parking

1. Commercial Tract 'A'

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

1. Residential Tract B

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

2. Commercial Tract 'B'

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

3. Residential Tract

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

4.2520—

H. Common Open Space Requirements

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

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

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

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

4.2525 UTILITIES, SERVICES, AND EASEMENTS

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

4.2530 ACCESS AND CIRCULATION

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

4.2540 DESIGN REVIEW

(Removed in 2017 amendment)

4.2545 PLAT APPROVAL

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

4.2550 PROCEDURE FOR PHASED DEVELOPMENT

(Removed in 2017 amendment)

4.2555 AMENDMENT PROCEDURES

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



NOTES:

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

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

Diamond Shores Surveying, LLC
BUILDING THE CAROLINAS

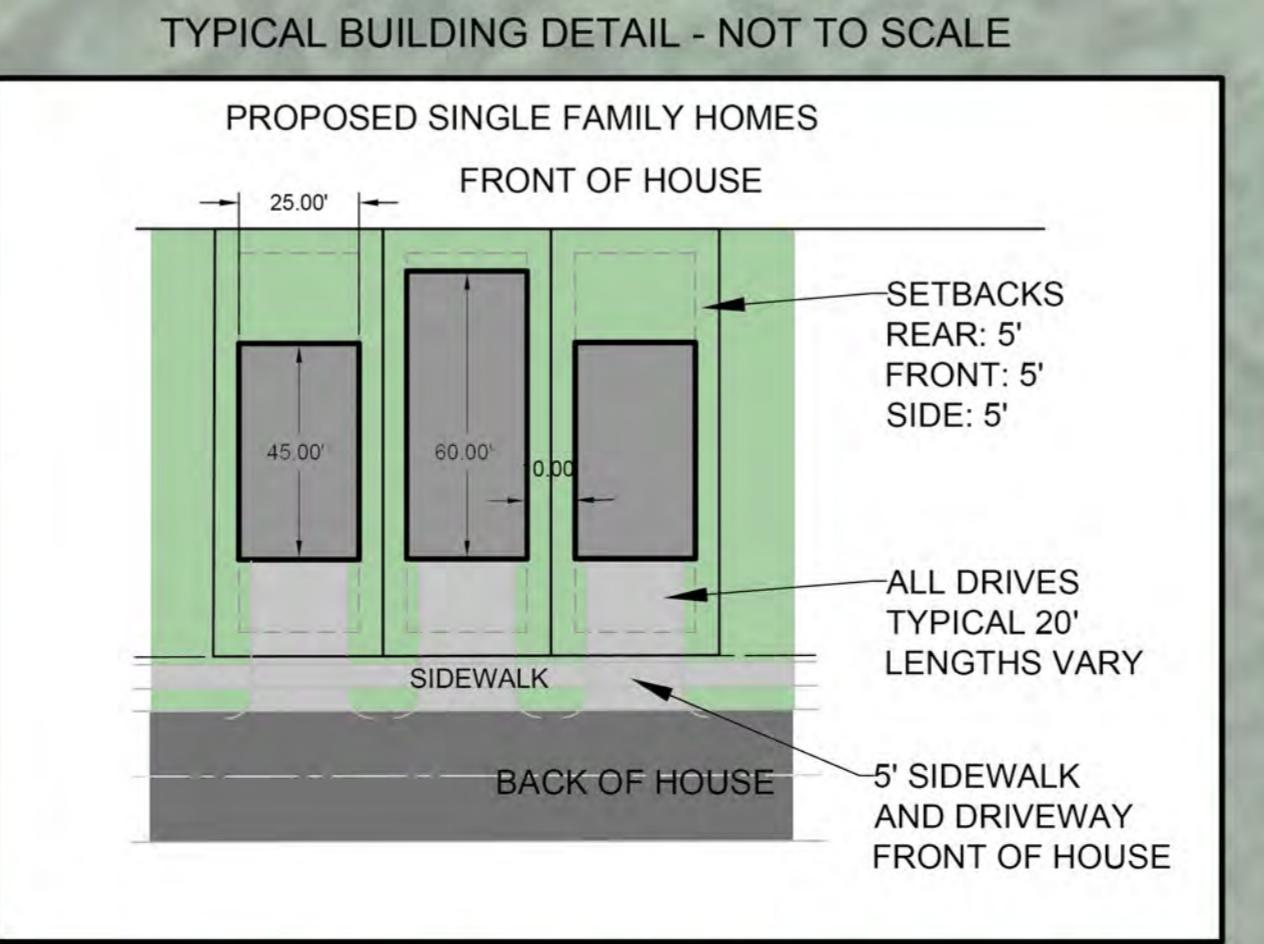
315 MAIN STREET, SUITE II
CONWAY, SC 29526
843.488.2900
DIAMONDSHORES.NET

**PD
AMENDMENT-
MIXED USE
TRACT**

PROJECT: 24213
DRAWN BY: APC
REVIEWED BY:
2 - 2

GRAPHIC SCALE
1" = 40'

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



40 20 0 40 80
GRAPHIC SCALE
1" = 40'



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Notice

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

PHYSICAL ADDRESS OF PROPERTY: Riverport Drive, Conway SC FEE PAID YES NO

AREA OF SUBJECT PROPERTY (ACREAGE): 4.24 AC PIN: 337-05-02-0004

CURRENT ZONING CLASSIFICATION: PD

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Planned District and Conservation Preservation

REQUESTED ZONING CLASSIFICATION: Planned District- Amendment

NAME OF PROPERTY OWNER(S):

Michelle S. Christenson + Andy Christenson PHONE # 843-957-5649

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

3550 HWY 472, Conway SC 29526

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

Andy Christenson
PROPERTY OWNER'S SIGNATURE(S)

11-20-24

DATE

SIGN HERE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

DATE: JUNE 16, 2025

ITEM: V.E.

ISSUE:

First reading of Ordinance #ZA2025-07-21 (E), to amend Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding requirements for mobile vending.

BACKGROUND:

This item was initially discussed by Council at the budget retreat earlier this year. Mobile Vending (*i.e.* mobile food trucks) have become extremely popular as a way of generating income. The number of Mobile Food Vending Permits issued has more than doubled from this time last year. Staff spends a great deal of time assisting Mobile Vendors with their submittals for review to ensure that all required documentation is accounted for. This is year-round. A Mobile Food Vending Permit may be issued in February only to expire on April 30th and the whole process starts over again.

Staff also oversees renewals of Mobile Food Vending Permits. Most vendors receive their initial permit but then never renew and continue operating in the City limits. Between Franchise Agreements and Private Property vendors, keeping up with vendors is a very tedious and time-consuming process. This is time that could be spent completing all other reviews including but not limited to commercials, residential, signs, plats, etc. as well as focusing on zoning violations within the City, mainly due to the expectations from applicants that staff will do a lot of the work on their behalf that is required of themselves (advertisements, calling property owners and coordinating approvals, etc.).

The City of Myrtle Beach only offers 20 Mobile Food Vending Permits each year. Horry County has a cap of 50 Mobile Food Vendors each year. Mobile Food Vending Permits expire each year on April 30 when the City of Conway Business License expires. Prior to renewing their Business License, the Mobile Food Vendor must resubmit all necessary documents to Planning for review as well as schedule an inspection with the Fire Marshal.

Staff initially proposed a cap of 40 Mobile Food Vending permits to be granted each year, which would be a more reasonable number for current staff to oversee and enforce each year. Any more than forty (40) will require limited time in other areas of review and enforcement by staff. This cap would not include any franchise agreements for other types of businesses handled through our department, such as Peel Scooters or H2O Excursions, which must follow the same process for franchise mobile vending. With the continued growth in the City, limiting the number of applications for Mobile Food Vendors will allow staff to focus on other duties and responsibilities that require our attention.

JUNE 2, 2025 COUNCIL MEETING:

This amendment was discussed at the June 2nd Council meeting. Council asked that an exception be carved out for food establishments (brick and mortar) that were properly licensed to operate within the City limits.

PLANNING COMMISSION:

Planning Commission held the required public hearing on the amendment, with the revisions made by staff as a result of the discussion held at the June 2nd Council meeting. Planning Commission recommended approval of the amendment but **recommended that the number be limited to 20 each year, excluding food establishments licensed and operating in the city limits.**

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment, as recommended by Planning Commission, to limit the number of mobile vending permits to a maximum of 20 each year, and as amended for food establishments in the City limits, to exclude such establishments from the maximum number permitted each year. However, if the cap is approved at 20 each year, Council may want to consider providing another exclusion for mobile food vendors that request a franchise agreement with the City.

ORDINANCE #ZA2025-07-21 (E)

**AMENDING ARTICLE 5 – *SPECIFIC USE REGULATIONS*, OF THE
CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO)
REGARDING REQUIREMENTS FOR MOBILE FOOD VENDING**

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

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

WHEREAS, City Council adopted standards for mobile food vending in 2018 for vending on private property due to the growing popularity with mobile food trucks; and

WHEREAS, the City has seen the number of mobile food vending applications double year after year since the ordinance allowing mobile food vending was adopted;

WHEREAS, the City would like to continue permitting mobile vending while also balancing the interests of public health, safety, and overall community well-being; and,

WHEREAS, placing a cap on the number of mobile food vending permits to a maximum of **twenty (20)** each year will ensure that the public’s interest and community well-being is maintained; and

WHEREAS, this cap will *exclude* dining establishments located in the City limits, as well as mobile food vending units operating in conjunction with a special event permit; and

WHEREAS, following a review and the required public hearing held by Planning Commission, it has been determined that the *UDO* should be amended regarding the requirements for mobile food vending, as attached hereto. Therefore, be it

ORDAINED, that the City Council of the City of Conway, following the required public hearing, has determined *Article 5 – Specific Use Regulations*, of the Conway Unified Development Ordinance (UDO) shall be amended as attached hereto; and be it further

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

EFFECTIVE DATE: This ordinance shall become effective upon adoption.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

5.1.16 Mobile Vending

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

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

1. The vendor shall obtain and carry at all times any SCDHEC (South Carolina Department of Health and Environmental Control) food handler and / or other applicable health safety licenses.
2. If the vendor wants to operate on public property or on private property under a special event permit, he or she shall obtain notarized written permission from the owner to conduct business.
3. The vendor shall obtain and carry at all times a valid City of Conway Business License. Vendors must obtain an annual zoning compliance. Food truck permits issued under this ordinance will be valid beginning on date of this Ordinance's enactment until June 30 of the ensuing year. In the following year, a permit shall be from May 1 until April 30 of the ensuing year. [Amended 4-16-18 ZA# 2018-04-16 (B)]
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.

21. ***Excluding*** properly licensed dining establishments located within the City limits of Conway, as well as mobile food vending units operating in conjunction with a special event permit, the number of mobile food vending permits issued shall be limited to a maximum of ~~forty (40)~~ twenty (20) each year, from May 1st – April 30th, and shall be done on a first-come, first-serve basis.
- a. Applications for a mobile food vending permit shall be complete at the time of submittal. Partial or incomplete applications will NOT be accepted.
 - b. Applications for renewal of a previously issued permit does not guarantee that such permit will be approved or reserved.

B. **Transient Mobile Vending.**

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

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

C. **Franchise Mobile Vending.**

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

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

D. Vending on Private Property.

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

1. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel must be obtained.
2. No vendor shall operate within 150 feet from the principal public entrance to any food service business, unless the adjacent food service business owner provides a notarized letter agreeing to the lesser distance. If a food services business opens within the zone after the vending unit has continuously operated the business in the location for at least 6 months, the vending unit may remain in that location.
3. The vending unit shall meet a 15' front setback from the property line, a 10' clearance between units, 10' from any fire hydrant, and a 10' emergency access setback between the unit and any buildings. If adjacent to a residential area, then the vending unit must meet the side and rear property setback requirements of its underlying zoning district.
4. A list of all requested vending sites, including property owners and physical addresses, must be provided to the City. The applicant must submit a site plan, to scale, for all proposed locations of the vending operation(s) for Commercial Plan Review by the Technical Review Committee (TRC).
5. A minimum of two (2) parking spaces must be provided per vending unit and maintained in addition to the minimum parking required for the principal business (except in the CBD, CC, and WRD Zoning Districts).
6. The vending units are to be located only on parcels with no less than a paved 30 feet driveway (except in the CBD, CC, and WRD Districts).
7. The maximum number of vending units per parcel:
 - a. For parcels up to 10,000 sq. ft., up to two vending units may be permitted at a time;
 - b. For parcels more than 10,000 sq. ft. and less than 20,000 sq. ft., up to three vending units may be permitted at a time;
 - c. For parcels greater than 20,000 sq. ft. in size, a maximum of 4 vending units is permitted at the same time (with the exception of city-sponsored or special events).
8. Each vending unit may submit multiple location sites, subject to staff approval. Commercial plan review fees will apply to each location. [ZA#2018-04-16 (B); ZA2019-03-18(B)]

E. Appearance.

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

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

Mobile Vending Process (*including franchise agreements for non-food related businesses*)

Applicant must submit:

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

For **non-franchise agreement mobile vending requests**, staff enters the application information into our BS&A system to schedule a review by Zoning and Fire. Staff spends a significant amount of time following up with applicants, trying to obtain necessary information that was not provided as part of the application, ensuring all info is correct, slowing down the review process. Some mobile vending units request approval for multiple locations, requiring staff to review each application individually. Many applicants have the expectation that staff will complete the applications for them or obtain information on their behalf, causing even further delay of the review process. If zoning review is approvable but reviews from other departments are still pending, such as Fire, zoning must wait or contact the applicant or Fire for further action. Once all approvals are in place, and all review fees have been collected, Zoning issues the Mobile Vending Permit and informs the Business License department, allowing them to proceed with the business license application for approval.

Franchise agreement applications include a more detailed process. As part of the requirements, commercial general liability insurance is necessary to ensure coverage for the city. Staff must verify that the insurance documentation complies with the standards outlined in the Unified Development Ordinance (UDO). If the provided information does not meet these requirements, staff will request revisions from the applicant. Most franchise agreements, whether it involves mobile vending or not, are handled through our department.

Franchise agreements also require that three (3) separate public advertisements are published in a newspaper of general circulation **before the first reading** of the proposed franchise agreement, with the third and final advertisement published no later than seven (7) days before first reading. Staff is responsible for verifying and obtaining these advertisements to ensure compliance.

When a mobile food vending permit nears expiration or has expired, the application process must be restarted from the beginning, with our department acting as the middle man between the applicant and all other departments; much like with plan reviews.

APPLICATION FOR A MOBILE FOOD VENDING PERMIT

All mobile food vending permit requests shall be submitted through the Online portal.

VENDOR INFORMATION:

BUSINESS NAME

NAME OF VENDOR OWNER(S)

VENDOR MAILING ADDRESS

VENDOR OWNER TELEPHONE NUMBER

VENDOR OWNER EMAIL

TYPE OF MOBILE FOOD UNIT (TRUCK, CART, ETC.)
& NATURE OF BUSINESS & GOODS TO BE SOLD

SITE INFORMATION* (NOT APPLICABLE FOR ICE CREAM TRUCKS):

SITE #1:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

SITE #2:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

*The initial permitting fee for each vendor is \$150, which includes review of two vending locations. Any additional location reviews will be \$100 (use attached page for additional site info).

ADDITIONAL SITE INFORMATION (NOT APPLICABLE FOR ICE CREAM TRUCKS):

ADDITIONAL SITE:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

ADDITIONAL SITE:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

ADDITIONAL SITE:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

ADDITIONAL SITE:

ADDRESS OF VENDING LOCATION

DAYS OF THE WEEK AT THIS LOCATION

PIN NUMBER

ZONING DISTRICT

NAME OF PROPERTY OWNER

ADDRESS OF PROPERTY OWNER

VENDOR MUST READ AND INITIAL EACH NUMBERED STATEMENT BELOW.

- 1. Provided evidence of SCDHEC certification, or a letter from SCDHEC stating that Certification is not required.
- 2. Provided proof of current license plate, vehicle registration, and photos of exterior.
- 3. The applicant has submitted site plan(s) showing each proposed location of the vending operation. The Zoning Administrator will find that the proposed operation complies with all applicable provisions of this Section, and that the proposed operation will not adversely affect the traffic accessibility, or health and public safety before a permit is issued. **(Not applicable for ice cream trucks)**
- 4. The mobile food unit meets a 25' front setback. If adjacent to residential, that it meets the side and rear setback requirements of its underlying zoning district. **(Not applicable for ice cream trucks)**
- 5. There is a principal structure and/or business on site. The mobile food unit is located on a parcel with no less than an improved dust-free surface thirty feet (30 ft.) driveway throat length. **(Not applicable for ice cream trucks)**
- 6. A minimum of two (2) parking spaces are provided in addition to the minimum parking required for the principal business. **(Not applicable for ice cream trucks)**
- 7. The mobile food unit is not located within three-hundred (300) feet of the principal public entrance to any food service business not owned by the vendor or property owner, (unless the adjacent food service business owner has provided a legal affidavit agreeing to a lesser distance). **(Not applicable for ice cream trucks)**
- 8. The mobile food unit is not located within two-hundred (200) feet of the principal public entrance to any PreK-12 educational facility, unless approval from the school exists in writing and is provided upon request. **(Not applicable for ice cream trucks)**
- 9. One on-site sandwich style sign shall be permitted per mobile food unit, maximum two (2) feet by three (3) feet in size, located within ten (10) feet of the mobile food unit, and must be located outside of all buffers and right-of-ways, unless prohibited by Overlay requirements. See other signage requirements of section 521.5 of the Horry County Zoning Ordinance. **(Applicable to all mobile food units, including ice cream trucks)**
- 10. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel and a copy of the property owner's business license are provided. **(Not applicable for ice cream trucks)**
- 11. I have read and understood the permitted merchandise, prohibited conduct requirements, and violations sections as provided.
- 12. The applicant has submitted a zoning compliance application.

I hereby acknowledge by signature below, that the proposed **Food Vending** business satisfies the definition of a **Mobile Food Unit** and meets the requirements as listed above and fully explained in **Section 521** of the Horry County Zoning Ordinance, which is provided attached to this application. I understand that the County may revoke zoning compliance for this **Food Vending** permit if the business is found to be in violation of these requirements. I also acknowledge disclaimer that pursuant to Sec. 1403 of the Zoning Ordinance all determinations by staff are subject to appeal to the Zoning Board of Appeals by any person aggrieved.

SIGNATURE OF VENDING OWNER

DATE

Authorization Letter

PIN# _____

Property Address: _____

Property Owner: _____

In connection with the referenced property, I hereby give my permission for the business listed below to operate a food truck.

Food Truck Name: _____

Food Truck Owner: _____

Telephone Number: _____

Notary

Property Owner (Please Print Full Name)

Property Owner Signature

Date

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (F), to amend *Article 15 – Enforcement*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding penalties for violations of the UDO.

BACKGROUND:

Recently, a case being heard in Municipal Court involved violations of both the Unified Development Ordinance (UDO) and Building Code, which led to discussions regarding the authority to issue judgements for those found guilty of misdemeanor offenses in violations of the UDO.

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

Section 15.1.3 Remedies

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

Section 15.1.4 Penalties for Violation

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

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

The Unified Development Ordinance (UDO) is not contained within the city’s general code; however, it is referenced in Title 5 of the general code. *Title 5 – Planning & Development*, only includes Building Regulations, which also includes a subsection (*Sec. 5-1-7 – Violations and penalties*) that specifies the penalties for violations of building codes, citing the following:

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

“Any person, firm, corporation or agent who shall violate a provision of these codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed

*statement or drawing submitted and permitted thereunder, and in like manner, any condition which is permitted to exist after notice to abate, discontinue, or remove such condition, **duly given by the Building Official shall constitute a misdemeanor**. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes is committed or continued, and upon any conviction of any such violation such person shall be punished within the limits as provided by the ordinances of the City of Conway or the laws of the State of South Carolina.”*

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

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

PLANNING COMMISSION:

Planning Commission held the required public hearing on the proposed amendment at their June 5th meeting and recommended approval.

STAFF RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance #ZA2025-07-21 (F)** amending Article 15 of the UDO.

ORDINANCE #ZA2025-07-21 (F)

AMENDMENT TO ARTICLE 15 – ENFORCEMENT, OF THE CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) REGARDING PENALTIES FOR VIOLATIONS.

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

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

WHEREAS, The rights of Planning/Zoning Officials comes from the Comprehensive Planning Enabling Act; and

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

WHEREAS, currently, there is no language specifying penalties for violations of the UDO other than being a misdemeanor or a civil infraction; and

WHEREAS, staff proposes amending *Article 15 – Enforcement*, of the *UDO*, to include language specifying that violations of the *UDO* are a misdemeanor offense that is subject to the penalties specified in the City of Conway Code of Ordinances.

WHEREAS, Planning Commission held the required public hearing on the proposed amendments to the *UDO* and made a recommendation in favor of such amendment(s). Therefore, be it

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

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

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

RATIFIED BY CITY COUNCIL, duly assembled this _____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

Article 15. Enforcement

Article 15 Contents

Section 15.1 – Enforcement

- 15.1.1, Violations
- 15.1.2, Complaints Regarding Violations
- 15.1.3, Remedies
- 15.1.4, Penalties for Violation
- 15.1.5, Legal Status Provisions



Section 15.1 – Enforcement

15.1.1 Violations

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

15.1.2 Complaints Regarding Violations

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

15.1.3 Remedies

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

15.1.4 Penalties for Violation

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



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

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

15.1.5 Legal Status Provisions

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



DATE: JUNE 16, 2024
ITEM: V.G.

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (G) to amend *Article 6 – Design Standards*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding standards for single-family in-common development.

BACKGROUND:

At a Council workshop last year, staff discussed a proposed amendment to the Unified Development Ordinance (UDO) that would allow single-family detached dwellings to be constructed on one property, in common, meaning the homes would be owned by the individual property owners, but the actual property would be owned in common by all participating property owners; much like condominium ownership, or an HPR (horizontal property regime). The structures would still be single-family detached structures; only there will be no common egress or common walls, with the only difference between this type of development and a traditional subdivision being that there are no lot lines.

Since the workshop, there has been an increased interest in this type of development. More recently, staff received a sketch plan submittal for a type of single-family in common development, which is included for your reference. The sketch plan has been circulated to members of the Technical Review Committee (TRC) for comments. While TRC comments are still pending and staff is still in the process of drafting a final ordinance for consideration, some of the issues that have been discussed regarding this type of development include the following:

- Minimum separation between structures
- Zoning districts in which the proposed use will be permitted
- Dimensional standards
- Perimeter property boundary setbacks
- Parking requirements
- Ingress/egress
- Emergency apparatus turnaround

PLANNING COMMISSION:

Planning Commission held the required public hearing at their June 5th meeting, and recommended approval of the proposed amendments to *Article 6 – Design Standards*.

STAFF RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance #ZA2025-07-21 (G)** to amend *Article 6* of the UDO.

ORDINANCE #ZA2025-07-21 (G)

AMENDING ARTICLE 6 – DESIGN STANDARDS, OF THE *CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO)*, REGARDING STANDARDS FOR IN-COMMON SINGLE-FAMILY DEVELOPMENTS.

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

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

WHEREAS, over the last few years, the City has seen unprecedented growth with increased interest in developing property for single-family detached developments in the City limits, as well as in surrounding areas outside the city that may be subject to annexation in the future; and

WHEREAS, the City has received several inquiries regarding City standards for single-family “in-common” style developments in recent years and currently, design standards for residential development do not contain requirements for this development type, and;

WHEREAS, the proposed amendments, as attached hereto, will provide standards for single-family developments proposed to be developed “in-common”, including project density, dimensional standards, zoning requirement, parking requirements, building separation and setbacks from perimeter property boundaries, etc., and;

WHEREAS, following a review by the Planning Commission and the required public hearing, it has been determined that the *UDO* should be amended regarding requirements for single-family in-common developments. Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled that *Article 6 – Design Standards* of the *UDO* be shall be amended as attached hereto; and be it further

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

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

Table 6.1: Dimensional Requirements for Residential Zoning Districts

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

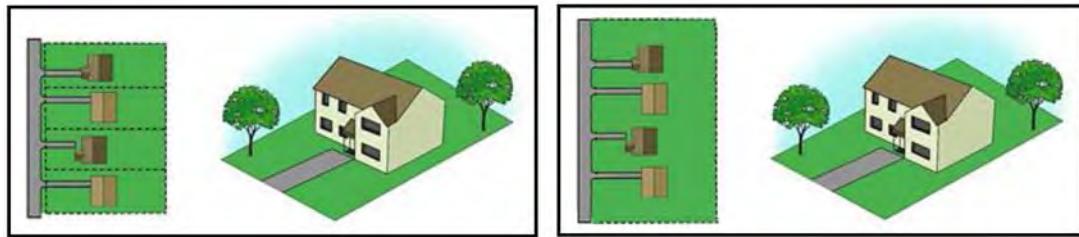
6.2.1 Dimensional Requirements

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

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

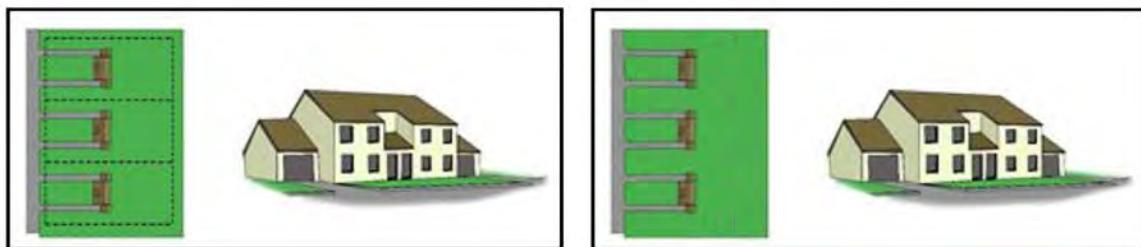
6.2.2 Residential Dwelling Types

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



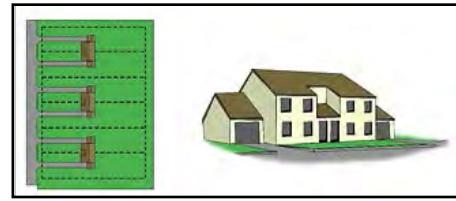
1. **Dimensional Requirements:**
 - a. Building Separation: In addition to adhering to setback requirements set forth in Table 6.1, each structure in an in-common development shall be a minimum of fifteen (15) feet from any other structure situated on the same parcel.

- B. **Duplex**: A building on a single lot containing two (2) single family dwelling units that are connected by an unpierced solid common wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. **Duplexes may be subdivided into simple lots or, remain in common in applicable zoning districts specified in Table 6.1.**



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

- C. **Duplex Semi-Attached:** A one (1) family dwelling attached to one (1) other one (1) family dwelling by a common fire-resistant vertical wall extending from ground to roof, with each dwelling located on a separate lot.



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



1. Dimensional Requirements:

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

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

1. Dimensional Requirements:

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

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

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

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



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



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

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



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

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

DATE: JUNE 16, 2025

ITEM: V.H.

ISSUE:

First Reading of Ordinance #ZA2025-07-21 (H), to annex approximately 22.88+/- (total) acres of property located on Gardner Lacy Rd (PIN's 399-01-02-0001 & 399-00-00-0001), and request to rezone from the Horry County Office/Professional/Institutional (OPI) district to the Low-Density Residential (R) district.

BACKGROUND:

The applicants are requesting to annex the subject properties located on Gardner Lacy Rd, and rezone the properties to the Low-Density Residential (R) district. The properties are currently vacant.

Per *Section 3.2.17* of the Unified Development Ordinance (UDO), the intent of the R 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.

Surrounding Zoning / Uses:

One of the properties abuts a Santee Cooper distribution facility. Both properties are adjacent to the railroad right-of-way. The other side is property owned by Myrtle Beach National Property Owner's Association (POA), as well as the Southcreek development. Southcreek, in Horry County's jurisdiction, is zoned SF10, which is single-family residential, no mobile homes allowed, with minimum lot sizes of 10,000 sq. ft. The proposed zoning upon annexation is the city's default zoning of R, which also requires a minimum lot size of 10,000 sq. ft.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan identifies the property as Professional (P). Per *Section 3.2.7* of the UDO, 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, the P district serves as a transitional zone between more intensive commercial uses and residential areas. The P district is not intended for businesses that engage in retail sales.

STAFF RECOMMENDATION:

Staff recommends approval of **First Reading of Ordinance #ZA2025-07-21 (H).**

ORDINANCE #ZA2025-07-21 (H)

AN ORDINANCE TO ANNEX APPROXIMATELY 22.88+/- (TOTAL) ACRES OF PROPERTY LOCATED GARDNER LACY RD (PIN'S 399-00-00-0001 AND 399-01-02-0001), AND REZONE FROM THE HORRY COUNTY OFFICE/PROFESSIONAL/INSTITUTIONAL (OPI) DISTRICT TO THE CITY OF CONWAY LOW-DENSITY RESIDENTIAL (R) DISTRICT.

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

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 22.88 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

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

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 22.88+/- (total) acres of property located on Gardner Lacy Rd (PIN's 399-00-00-0001 and 399-01-02-0001), and rezone from the Horry County Office/Professional/Institutional (OPI) district to the City of Conway Low-Density Residential (R) district.

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

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

SECTION 2. APPLICATION OF ZONING ORDINANCE:

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

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this ____ day of _____, 2025.

Barbara Jo Blain, Mayor

Amanda Butler, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

First Reading: _____

Final Reading: _____

William M. Goldfinch IV, Mayor Pro Tem

Julie Ann Hardwick, Council Member

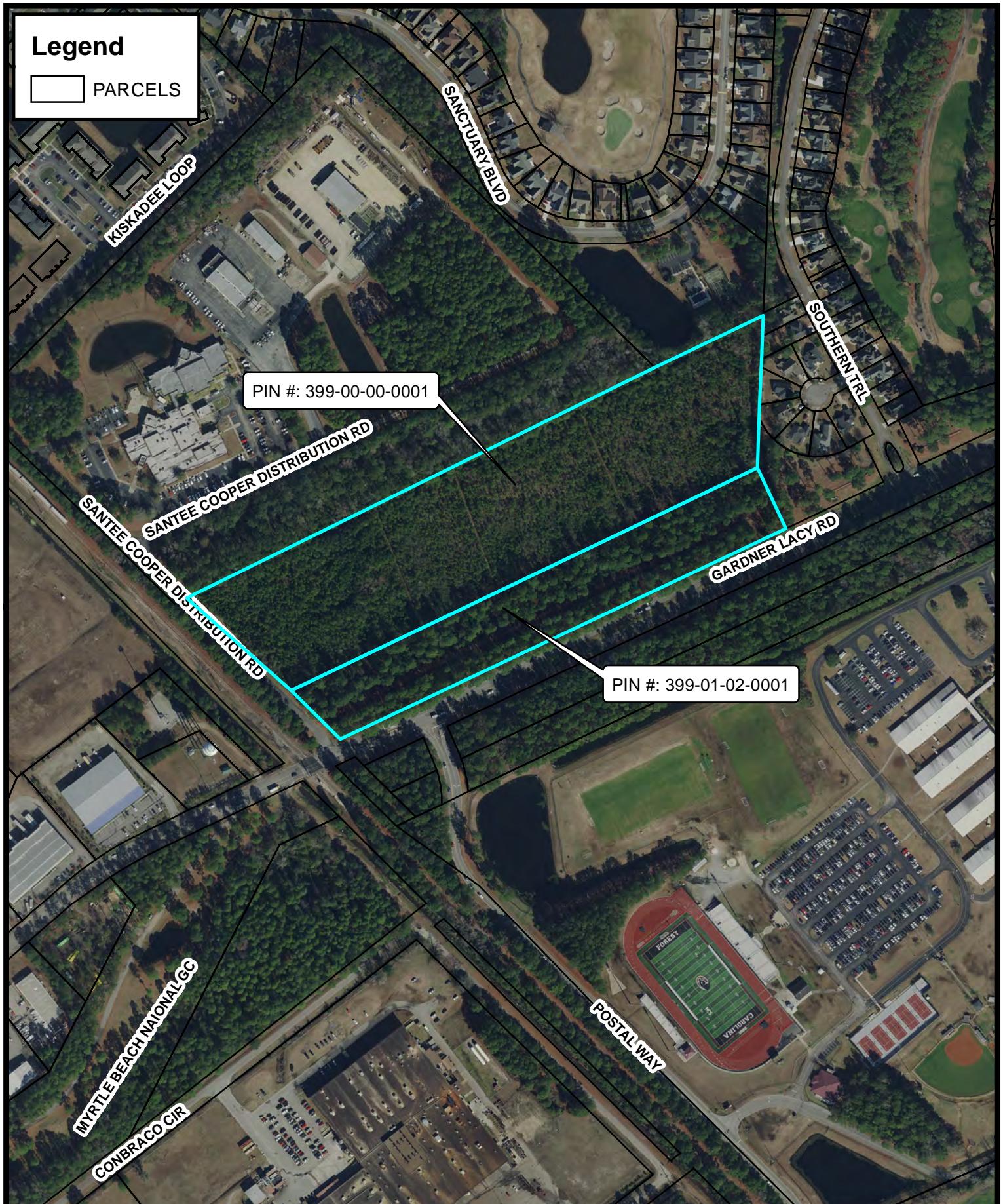
Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

Legend



PARCELS



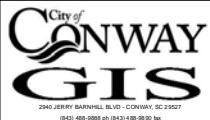
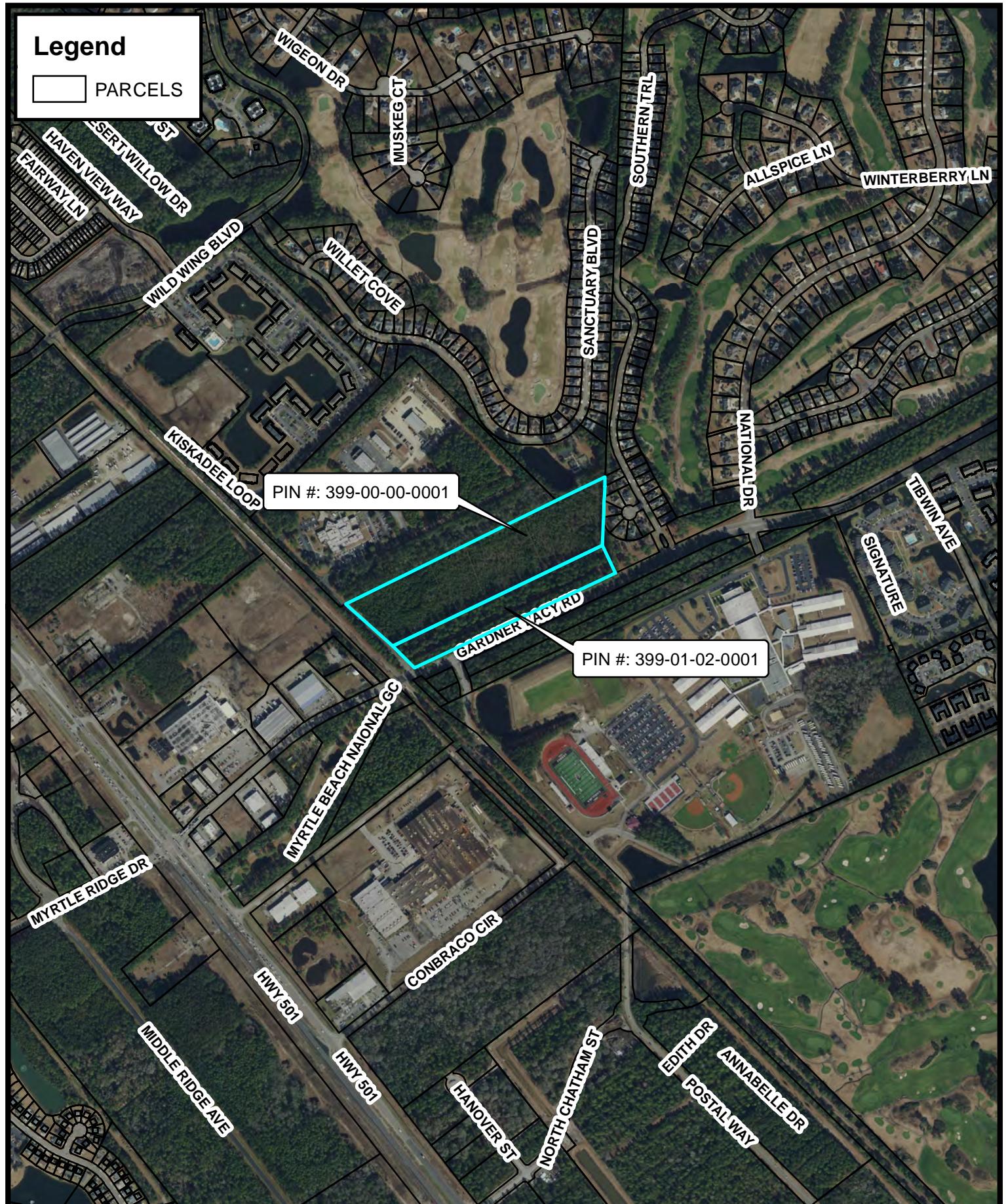
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



N
PIN #: 399-01-02-0001
PIN #: 399-00-00-0001
GARDNER LACY RD



Legend



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

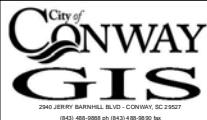
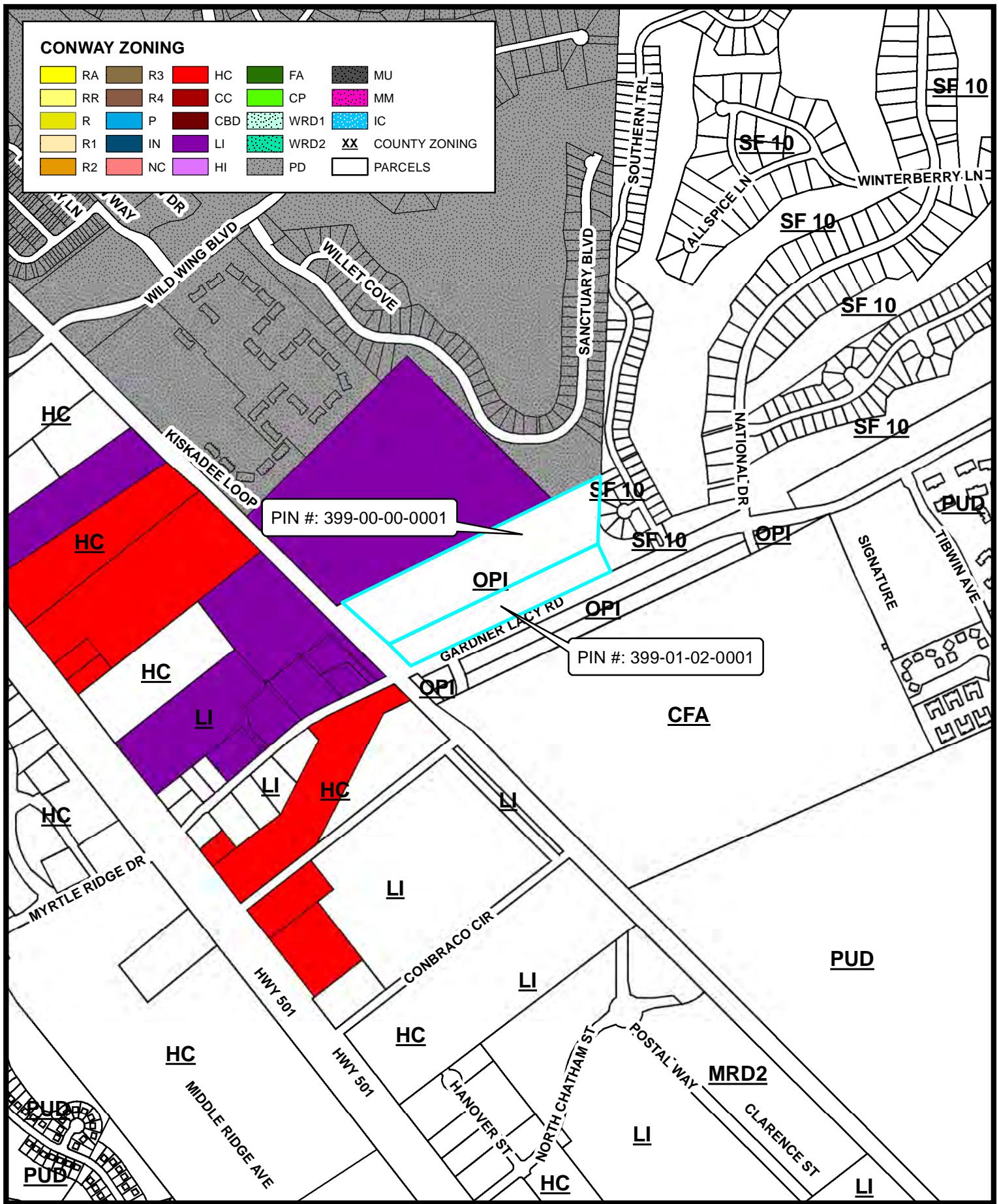


PIN #: 399-01-02-0001
PIN #: 399-00-00-0001
GARDNER LACY RD



CONWAY ZONING

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



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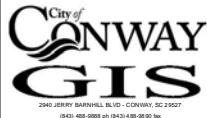
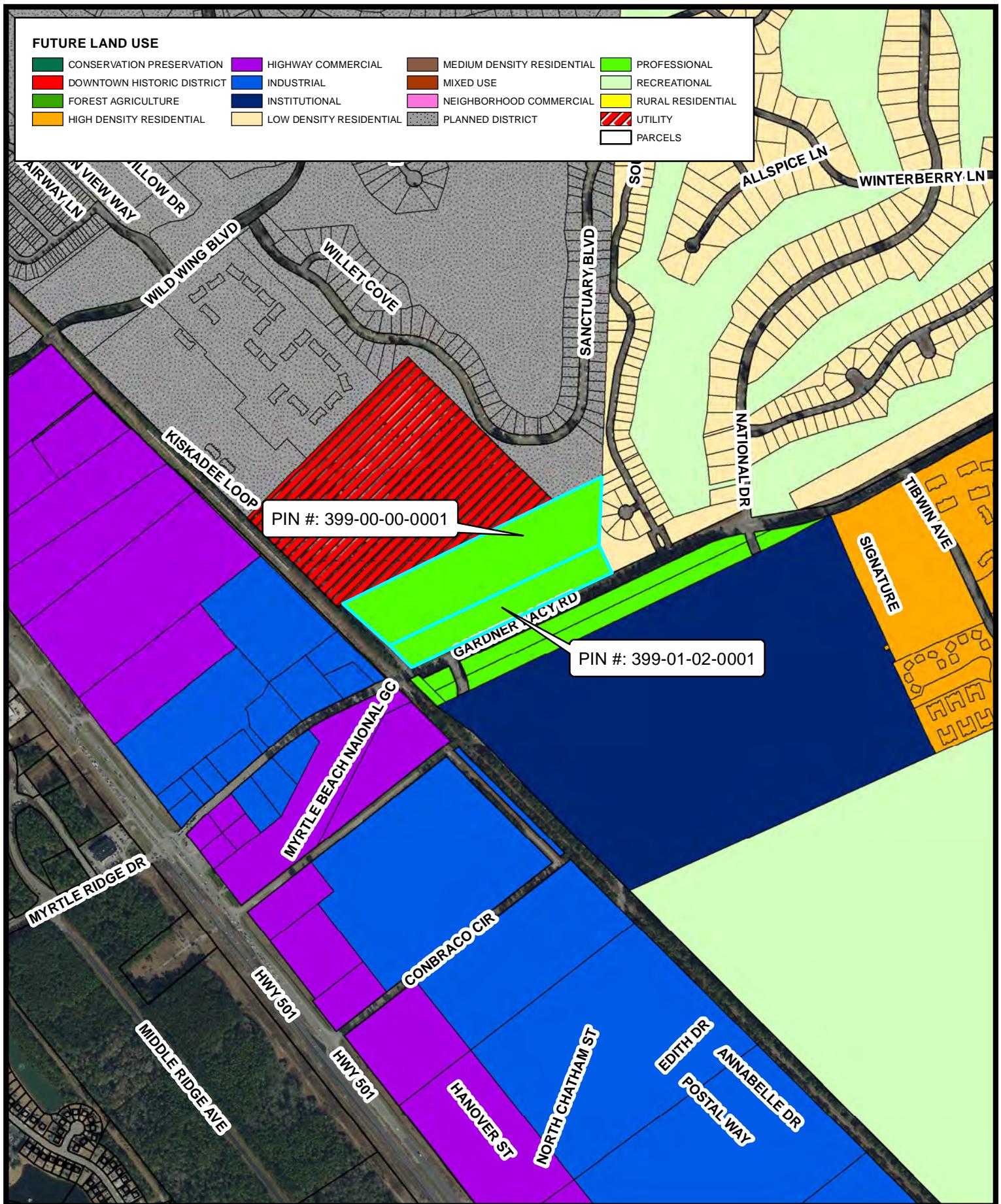


PIN #: 399-01-02-0001
PIN #: 399-00-00-0001
GARDNER LACY RD



FUTURE LAND USE

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



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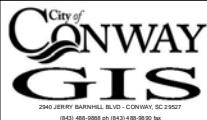
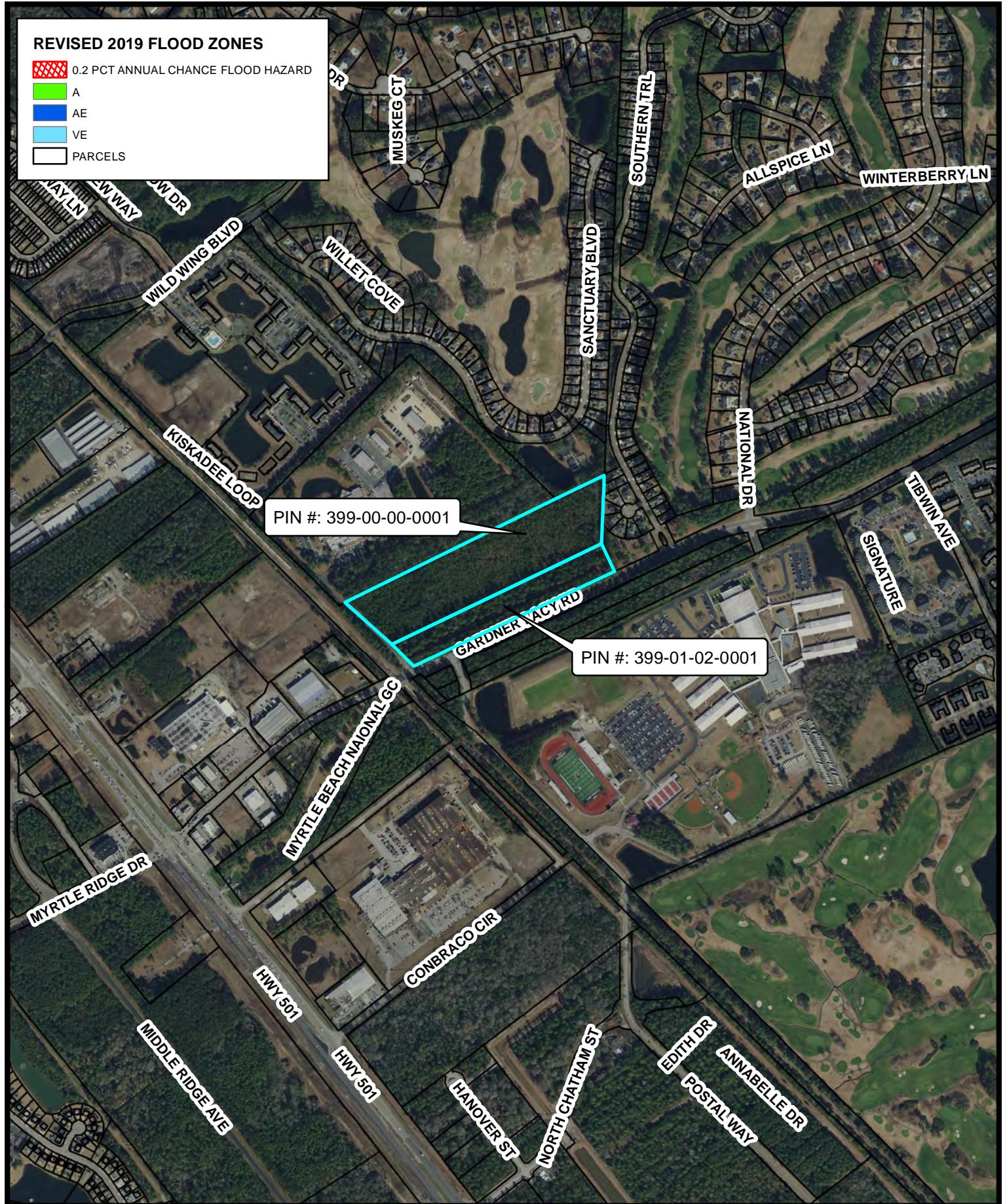


PIN #: 399-01-02-0001
PIN #: 399-00-00-0001
GARDNER LACY RD



REVISED 2019 FLOOD ZONES

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



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PIN #: 399-01-02-0001
PIN #: 399-00-00-0001
GARDNER LACY RD





PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning
Department 196 Laurel Street, 29526

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

www.cityofconway.com

Instructions:

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

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF Horry)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

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

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

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

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

PROPERTY LOCATION/SUBDIVISION: Gardner Lacy Rd

PIN: 399-00-00-0001 & 399-01-02-0001 ACREAGE: 6.82a & 16.06a

PROPERTY ADDRESS: NA

PROPERTY OWNER MAILING ADDRESS: 125 HWY 501 W

PROPERTY OWNER TELEPHONE NUMBER: 843 - 907 - 2804

PROPERTY OWNER EMAIL:

APPLICANT: MBNC LLC et al

APPLICANT'S EMAIL: johnnyskipper@holidayassociates.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES NO

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

PROPERTY OWNERS (Attach additional sheets if necessary)

Johny Skipper
(Print)
Jane D. Joy

Pat Oleg
(Signature)
David Douglass
(Signature)

DATE: 6/12/2025
DATE: 6/12/2025

X _____

Print

Signature

Date



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

Is there a structure on the lot: no Structure Type: NA

Current Use: vacant

Are there any wetlands on the property?

CIRCLE: YES NO

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

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

CIRCLE: YES NO

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

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

CIRCLE: YES NO
Powerline easement on 1 of the properties

If yes, please describe.

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

CIRCLE: YES NO

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

*R or R-1 ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

*R-1 zoning: no fee if annexation is required as a result of requirement to connect to City utilities. Any property requesting R-1 in which a major subdivision could be developed must receive a recommendation from Planning Commission and pay the \$250 fee



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Notice

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

PHYSICAL ADDRESS OF PROPERTY: NA FEE PAID () YES (x) NO

AREA OF SUBJECT PROPERTY (ACREAGE): Gardner Lacy Rd PIN: 399-01-02-0001 & 399-00-00-0001

CURRENT ZONING CLASSIFICATION: Horry County OPI 16.06a & 6.82a

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Professional (P)

REQUESTED ZONING CLASSIFICATION: Low-Density Residential (R)

NAME OF PROPERTY OWNER(S):
MBNC LLC et al PHONE # _____

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

125 HWY 501 W, Galivants Ferry, SC 29544-7601

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

John Kipp Gog Manager
PROPERTY OWNER'S SIGNATURE(S)
Dawn D. Dray
PROPERTY OWNER'S SIGNATURE(S)

6/12/2025
DATE

6/12/2025
DATE

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

Signature

Date

DATE: JUNE 16, 2025

ITEM: VI.A.

ISSUE:

Request for a waiver of sidewalk requirements for the EME Apartments located at 1911 Ninth Avenue, a multi-family development that is proposing a new sixteen (16) unit building on the backside of the existing site. (PIN 368-02-04-0015).

BACKGROUND:

The applicant is requesting waiver of sidewalk requirements for the existing “*Nonconforming*” site, located at 1911 Ninth Avenue and surrounded by Ridge Street and Pittman Street. This was considered at a Council meeting in August of 2024; however, Council deferred the request so that the applicant could receive feedback from SCDOT regarding the installation of sidewalks. The applicant has recently amended their request to only include Pittman Street in the request for waiver of sidewalk installation. The developer will install sidewalks on Ridge Street. While Pittman Street is a state road, Ridge Street is classified as being a city road, Per City of Conway GIS.

Section 7.1.2 Complete Streets, of the Unified Development Ordinance (UDO), requires that sidewalks be constructed along the frontage of all properties abutting arterial or local non-residential streets. These sidewalks are required to be a minimum of five (5) feet in width, and a minimum of four (4) inches in thickness. Under the current regulations, ~~618 linear feet (LF)~~ of sidewalk would be required along the frontage at Ridge Street and **809 linear feet (LF)** of sidewalk would be required along the frontage of Pittman Street totaling ~~1,427 linear feet (LF)~~. There are existing sidewalks on the Ninth Ave side of the property.

If a property owner or developer requests a waiver of the requirement to construct a sidewalk because there is no foreseeable connectivity, the waiver is presented to City Council for consideration. In accordance with this section of the UDO, the exemption of sidewalk requirements can be granted only by City Council. Should the waiver be granted, the property owner and/or developer is required to contribute, in lieu of the sidewalk, an amount equal to the construction cost of the required sidewalk, including any required infrastructure improvements for the sidewalk. The payment is to be used by the City to build or complete pedestrian, bikeway, and/or pathway systems, which could be used in other areas of the City as well.

Section 7.1.2 Complete Streets, of the Unified Development Ordinance (UDO), also states that in cases where a property is a *Nonconforming Site* as specified in *Section 12.1.4*, with or without existing structures, Council may choose to grant a waiver of sidewalk installation and reduce or eliminate the fee-in-lieu amount(s), if recommended by TRC.

The applicant has submitted information from SCDOT via an email received from the applicant forwarded to staff stating SCDOT does not require the installation of sidewalks at the subject location (Pittman Street), as the existing road has sidewalk on-grade with a grass separation on the other side of

the street. The response from SCDOT further stated that sidewalk installation could be allowed but they would need to comply with ADA and SCDOT requirements, and that it didn't appear there was enough room for sidewalk installation to meet these requirements without moving an existing fence.

RECOMMENDATION:

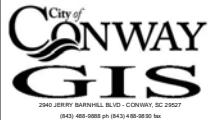
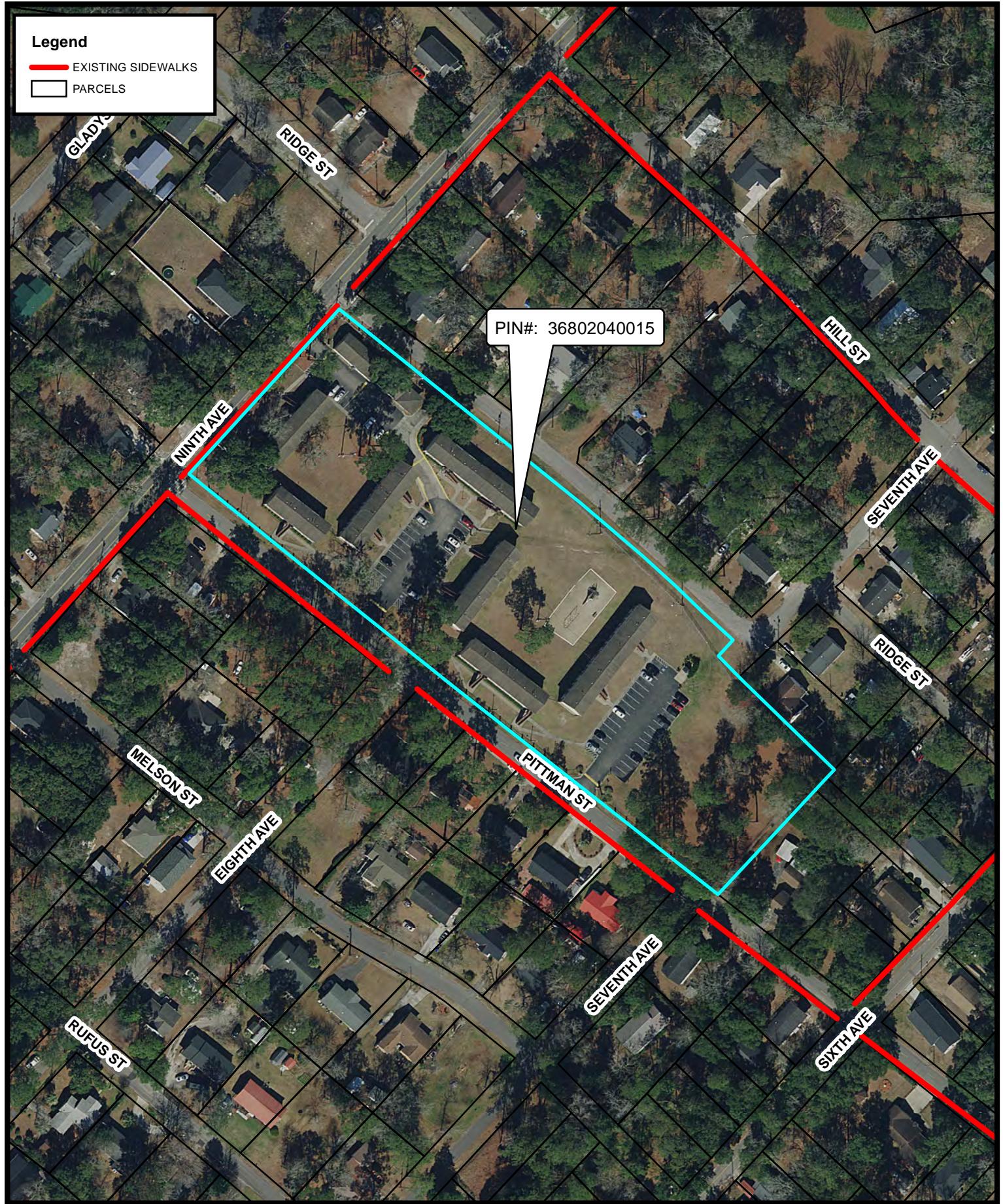
This is a proposed multifamily development, and if the property was currently vacant and the applicants were only constructing the one building, proposed to contain 16 one-bedroom units, sidewalks would be required to be installed around the property perimeter, which is also surrounded by a street on three sides (of parcel). Sidewalks currently exist on the Ninth Ave side of the property, but not the other (two) 2 streets that front the property.

Staff continues to support the installation of sidewalks where the City's Unified Development Ordinance (UDO) requires them; however, this property is considered a nonconforming site, in that several standards for landscaping and sidewalk installation was not completed and/or required at the time it was developed and does not meet the current requirements of the UDO. If SCDOT is concerned that there may not be sufficient room to install sidewalks without the removal of an existing fence, the fence could be removed or relocated in compliance with the UDO and the sidewalks could be placed on the subject property, adjacent to the right-of-way. The fence along Ridge street is a chain link fence and there appears to be sufficient room for sidewalk installation within the right-of-way. Pittman Street has less room between the asphalt and fence, which would make it difficult for an ADA compliant fence to be installed without the fence being removed.

Because there is a sidewalk on one side of Pittman Street, staff would recommend granting a waiver of the sidewalk requirements on the Pittman Street side of the property. The fee-in-lieu of sidewalk installation, without a reduction or elimination of the fee-in-lieu requirements, the fee-in-lieu amount for the portion of sidewalks required on Pittman Street would be: **\$24,270** (809 LF x \$30/per LF).

Legend

- EXISTING SIDEWALKS
- PARCELS



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SIDEWALKS AROUND
PIN#: 36802040015



DATE: JUNE 16, 2025
ITEM: VI.B.

ISSUE:

Award of 2025-26 Economic Development Grants

BACKGROUND:

On April 8th, the City launched its sixth annual Economic Development Grant program, seeking innovative programs, events, and vendors to boost local growth. The original application deadline of May 8th was extended to May 12th, with \$150,000 in available funding.

Eleven applications were received from nine organizations. The applications and staff recommendations are as follows:

Conway Chamber of Commerce:

2026 Riverfest	Staff recommendation: \$75,000
2025 Conway Christmas Parade	Staff recommendation: \$2,000
2025 Graveyard Grand Prix Coffin Races	Staff recommendation: \$10,000

Horry County First Steps:

Early Childhood Community Day	Staff recommendation: \$10,000
-------------------------------	--------------------------------

SOS Care / Oak Tree Farm:

Vending Machine Business	Staff recommendation: \$10,530
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Conway Architectural Salvage & Heritage Project:

Conway Artisans Festival	Staff recommendation: \$0
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Stella's Girls:

WEAVER's Web	Staff recommendation: \$0
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Grand Strand Down Syndrome Society:

Inclusive Arts Hub	Staff recommendation: \$0
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Shepherd's Table:

Gala and Garden Funding	Staff recommendation: \$0
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Carolina Grace Foundation:

Camp Rockstar – Summer 2025	Staff recommendation: \$0
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Bellamy Community Care:

The Brilliance Collection Cohort	Staff recommendation: \$0
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RECOMMENDATION:

Approve staff funding recommendations totaling \$107,530.

FY2025-2026 City of Conway Economic Development Grant Program Notice of Funding Opportunity

Release date: April 8, 2025

Applications due by 5:00 PM EST on ~~May 8, 2025~~ **May 12, 2025**

Available funding: \$150,000

Maximum grant award: \$150,000

Program Period: 07/01/25 – 06/30/26

Overview

Economic Development seeks to support projects and activities that will make a positive impact on the city's quality of life by stimulating economic activity in Conway. The City of Conway Economic Development Grant Program provides funding for qualified entities to engage in innovative economic development activities. Successful applicants will establish goals with quantitative benchmarks for their programs.

Eligible Applicants

Eligible applicants include any corporation operating as a charity, nonprofit organization, community chest, chamber of commerce, or similarly structured organization operating in the greater Conway, South Carolina area. Events/projects must take place within Conway city limits.

Permissible use of funds

Economic Development Grants may be used for a variety of related activities, including:

- ✓ Economic development programs (small business incubators, activities to expand or recruit new businesses, etc.)
- ✓ Economic development staff, including all salaries and benefits
- ✓ Special events in the City of Conway including festivals, parades, conferences, conventions, sporting events, arts/cultural events, etc.
- ✓ Travel for the purpose of recruiting business

Exclusions

Economic Development Grants may not be used for the following purposes:

- ⊗ Travel for training purposes
- ⊗ Development of industrial parks
- ⊗ Incentives to private industry
- ⊗ Religious programs
- ⊗ Public infrastructure
- ⊗ Political campaigns or activities to support political campaigns, or to lobby for or against a particular piece of legislation

Application Process

May 12

Applicants must apply by email no later than Monday, ~~May 8, 2025~~ at 5:00 PM EST.

Applications are provided at www.conwaysc.gov or by emailing mleber@conwaysc.gov.

Applications must be complete and include all required attachments to be considered for funding.

Applications and all required documentation must be submitted electronically to:
Megan Leber, Grants Specialist at mleber@conwaysc.gov

Reporting requirements

At the conclusion of each quarter and at the end of the program, grantees will be required to provide a full accounting of how funds were used and progress made during the period.

Awards

Grants will be awarded at the discretion of Conway City Council, using guidelines established by that body. It is expected that award notices will be mailed by June 20, 2025.

Support

Technical and programmatic questions should be directed to:

John Rogers, Deputy City Administrator
843-248-1760
jrogers@conwaysc.gov

Questions about the application process should be directed to:

Rosanne Dates, Grants & Special Projects Division Chief
843-248-1760
rdates@conwaysc.gov