

County Council Briefing Memorandum
Horry County, South Carolina

Date: 3/7/2023
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Charles Suggs, Deputy Director
Cleared By: David Jordan, Director
Regarding: Design Standards- Major Single-Family Residential Subdivisions.

ISSUE:

Should the Horry County Code of Ordinances be amended to establish design standards associated with major, single-family residential subdivisions?

BACKGROUND:

Currently, the Horry County Code of Ordinances do not contain regulatory provisions regarding architectural design standards of major, single-family residential subdivisions. Staff has received direction to research the associated topic to initiate general discussion. Items of particular interest for further regulatory discussion include; limiting the amount of vinyl siding, establishing a minimum overhang, requiring additional landscaping for each individual lot, increasing front and/or side setbacks, and increasing the finished floor height above finished grade within major residential subdivisions.

ANALYSIS:

Local municipalities, including the City of Conway, currently enforce established design standards. Specifically, façade materials in major residential subdivisions are limited to brick, fiber cement, hardi-plank, stone, or vinyl. If vinyl is utilized, it must be in combination with an additional material. The City of Conway also establishes a minimum overhang/eave of 12 inches, requires architectural shingles, and requires a five-foot sidewalk connecting the front door to the driveway. These standards were implemented in October of 2022. In addition to the design standards referenced above, an increase in front and rear setbacks, the inclusion of a single, front yard tree, alternating façade elevations within specific distances, a mixture of color tones or a combination of façade elements to enhance esthetics could be additional design standards.

Horry County requires minimum front setbacks of 25' and side setbacks of 10' in SF7 zoning districts and larger. MRD allows front setbacks to be reduced to 15' and side setbacks to be reduced to 5'. Even though MRD1 has single family lots at 10,000 square feet the reduced setbacks can create parking issues and creates the appearance of increased density.

These options could be implemented as stand-alone regulatory design standards for all major residential subdivisions, subdivisions of a specific size, as an overlay to enhance specific areas of the county, or as sustainable development criteria within the MRD zoning district.

County Council Briefing Memorandum
Horry County, South Carolina

Date: March 7, 2023
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Desiree Jackson, Senior Planner
Cleared By: David P. Jordan, Director
Regarding: Nonconforming Manufactured Homes

ISSUE:

Horry County currently allows existing nonconforming manufactured homes to be replaced within 12 months of being removed or destroyed. Unlike other nonconforming structures we do not limit the expansion of the nonconforming use, we allow single wide manufactured homes to be replaced with a double wide.

BACKGROUND:

The zoning ordinance was adopted in October of 1987, the original section regarding nonconforming buildings or uses did not specify a time limit for the replacement of a non-conforming structure.

The ordinance did give 12 months for developments in progress, which was any development project which either had plans under review by a public regulatory agency, or which could substantiate that significant development planning was in progress when the ordinance became effective. Additionally, the ordinance provided 12 months from the adoption of the ordinance for projects to apply for “Grandfather” status. Staff utilized these areas of the ordinance to determine the amount of time someone had to replace a nonconforming use, it is believed that this in-house policy dates back to 1988.

On November 8, 1989, Ordinance 108-89 established that “Single-wide manufactured homes may be replaced with double-wide units in any zoning district, provided all applicable district regulations can be met.” On November 20, 2001 Ordinance 168-01 established that an existing business destroyed due to act of nature or catastrophic event was exempt from landscape and buffer requirements if reconstructed within 12 months.

On October 12, 2009 the Zoning Board of Appeals heard a case regarding the replacement of a nonconforming manufactured home. The applicant appealed the zoning administrator’s decision regarding the abandonment and replacement of a nonconforming use. The zoning board did allow the replacement of the mobile home because they determined that the applicant “had provided sufficient evidence that she had not abandoned the nonconforming use on the property for a period longer than a year”. This is the first document instance where staff laid out the policy regarding the replacement of a nonconforming use.

On August 17, 2021, Ordinance 71-2021 formally established the language “A nonconforming structure must obtain a building permit within twelve months of being removed or destroyed.”

COUNTY OF HORRY)
) **ORDINANCE NO.**
STATE OF SOUTH CAROLINA)

AN ORDINANCE TO AMEND APPENDIX B OF THE HORRY COUNTY CODE OF ORDINANCES TO PERTAINING TO TREE PRESERVATION STANDARDS

WHEREAS, Horry County first established specific preservation standards for Live Oak Trees in 2007 under Ordinance 173-06; and,

WHEREAS, the removal of a specimen live oak requires a variance from the Zoning Board of Appeals; and,

WHEREAS, the proposed change allows the Zoning Administrator to authorize the removal of a diseased or dying tree; and

WHEREAS, the fee in lieu has not been updated since 2015, Ordinance 118-14, when a \$150 fee per replacement tree was established; and,

WHEREAS, staff has compared our current fees to other local municipalities and found that doubling the current fee will be more aligned with neighboring jurisdictions; and,

WHEREAS, it is the desire of County Council to revise our fees to be more consistent with the current value of a replacement tree.

NOW THEREFORE the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State ordain it ordained that:

1) Amendment to Appendix B, Article V, Section 505 – Tree Preservation, Subsections B – Live Oak Standards and E - Mitigation Standards: Appendix B of the Horry County Code of Ordinances is hereby amended as follows: (All text in ~~striketrough~~ shall be deleted and all text shown **underlined and bolded** shall be added)

SECTION 505– TREE PRESERVATION

B. LIVE OAK STANDARDS

It is unlawful to injure, participate in, authorize, or cause the removal of any Specimen Live Oak (DBH of twenty-four (24) inches or greater). Authorization to do so shall come from:

1. *A variance granted by the Zoning Board of Appeals finding that the tree:*
 - a) Presented a safety hazard to pedestrian or vehicular traffic, buildings, structures or utility structures;

- b) Removal presented the only reasonable means to comply with appropriate agency requirements including parking, ingress or egress, or other required infrastructure such as stormwater;
 - c) Justification according to good urban forestry practices (i.e., to reduce competition among trees or to remove an invasive species) or presence of dead, dying, or diseased trees;
 - d) A planned grade cut placing the tree protection zone four (4) feet above final grade or introduction of fill twelve (12) inches or greater elevating the parcel above the required flood protection elevation; or
 - e) Reasonable use of the property will be significantly impaired.
2. For all areas within the Garden City Overlay, the Zoning Administrator shall allow the tree to be removed upon a finding that the tree will be located within the footprint of a proposed structure and the structure cannot be reasonably adjusted to preserve the tree. **This provision does not exempt the tree from the mitigation standards in §505 E.**
3. **The Zoning Administrator may authorize the removal a Specimen Live Oak tree without a variance under the following conditions:**
- a) **The tree is diseased or dying as certified by a certified arborist and cannot be properly treated or pruned to alleviate such condition;**
 - b) **Such assessment must be provided to the county in writing, and the diseased or dying state of the tree may be assessed by the County;**
 - c) **Should the County confirm the tree is diseased or dying and cannot be treated for such condition, a zoning compliance may be issued for removal of the tree;**
 - d) **Mitigation Standards in §505 E will not apply.**

D. TREE PROTECTION

Preserved trees must be protected from damages during development. Most trees can tolerate only a small percentage of root zone disturbance or loss.

- a) *Root Protection Zone*: the total area beneath the tree canopy, or dripline.
- b) If encroachment into the root protection zone is anticipated, preventative methods shall be employed to include:
 - i. Flagging of Protected or Specimen Trees prior to land disturbance activity;
 - ii. Mulching the Root Protection Zone during soil compaction;
 - iii. Vertical root pruning techniques to cut rather than tear or damage root systems during site clearing; and
 - iv. Installation of Protective Devices.
- c) Protective Devices shall be installed surrounding the dripline of the preserved tree and must be kept free of construction materials, vehicles or debris. Areas surrounding the preserved tree must be identified with “tree protection area” signage. Protective Devices shall be one of the following:
 - i. Fencing a minimum of four (4) feet in height constructed in a post and rail configuration. Two (2) inch by four (4) inch and double one (1) inch by two (2) inch railing is recommended.

- ii. Four (4) foot high polyethylene laminar safety fencing provided it is maintained to persist until occupancy.
- iii. Continuous rope, flagging (heavy mill, minimum four (4) inches in width) or silt fencing is allowable only in areas that will not be directly impacted by land disturbance activities.

E. MITIGATION STANDARDS

1. *Mitigation*: Mitigation for removal of Protected or Specimen Trees is required. Requirements may be met by either:

- a) *Replacement Trees*

- i. Total caliper of replacement trees must equal the total DBH of Protected or Specimen Trees removed.
- ii. All replacement trees must be a species listed in *Table 5: Protected and Specimen Trees*.
- iii. Newly planted replacement trees will follow the following formula:

$$D/2.5^A = RT^B$$
, where:
 D = total DBH of the largest fifteen (15) removed trees per acre (inches)
 2.5 = minimum caliper of each replacement tree (inches)
 RT = minimum number of replacement trees
 A. If the caliper of replacement trees is greater than two and a half (2.5) inches, the total number of replacement trees can be reduced.
 B. A multiplier of one and a half (1.5) is applied when trees removed are Specimen Trees
- iv. Trees preserved on site that do not meet the size requirements of *Table 5: Protected and Specimen Trees* may count as replacement trees provided each tree has a DBH of four (4) inches or greater.

- b) *Fee in lieu*

- i. A fee in lieu of replacement trees collected will be equal to:

$$RT * 150 = F$$
, where:
 RT = minimum number of replacement trees
 150 = fee per replacement tree (dollars)
 F = total fee paid to Horry County.
- ii. Fees collected are deposited into a special fund designated for costs associated with the installation of landscaping, associated materials and irrigation systems or the purchase of additional park or open space lands.
- iii. **“F” shall be increased at 2 times the standard rate (dollars) for Protected and Specimen live oaks.**

County Council Decision Memorandum
Horry County, South Carolina

Date: 3/7/2023
From: Planning and Zoning
Division: Infrastructure and Regulation
Prepared By: Desiree Jackson, Senior Planner
Cleared By: Pam Thompkins, Zoning Administrator
Regarding: Tree Preservation Amendment

ISSUE:

Should Horry County amend Appendix B of Horry County Code of Ordinances pertaining to Tree Preservation Standards?

PROPOSED ACTION:

Approve the proposed amendment.

RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Horry County established specific preservation standards for Live Oak Trees in 2007. Currently, the removal of a specimen Live Oak tree, except those in the Garden City Overlay, require a variance from the Zoning Board of Appeals. The proposed change would allow the Zoning Administrator to authorize the removal of a diseased or dying tree.

The fee per replacement tree has not been updated since 2015, when the county established a fee of \$150 per replacement tree. Staff has done an analysis against other local municipalities and found that an increase of double the current rate would be more aligned with neighboring jurisdictions.

ANALYSIS:

SECTION 505– TREE PRESERVATION

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 - d) A planned grade cut placing the tree protection zone four (4) feet above final grade or introduction of fill twelve (12) inches or greater elevating the parcel above the required flood protection elevation; or
 - e) Reasonable use of the property will be significantly impaired.
2. For all areas within the Garden City Overlay, the Zoning Administrator shall allow the tree to be removed upon a finding that the tree will be located within the footprint of a proposed structure and the structure cannot be reasonably adjusted to preserve the tree. **This provision does not exempt the tree from the mitigation standards in §505 E.**
3. **The Zoning Administrator may authorize the removal a Specimen Live Oak tree without a variance under the following conditions:**
 - a) **The tree is diseased or dying as certified by a certified arborist and cannot be properly treated or pruned to alleviate such condition;**

- b) Such assessment must be provided to the county in writing, and the diseased or dying state of the tree may be assessed by the County;
- c) Should the County confirm the tree is diseased or dying and cannot be treated for such condition, a zoning compliance may be issued for removal of the tree;
- d) Mitigation Standards in §505 E will not apply.

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F = total fee paid to Horry County.
- ii. Fees collected are deposited into a special fund designated for costs associated with the installation of landscaping, associated materials and irrigation systems or the purchase of additional park or open space lands.
- iii. **“F” shall be increased at 2 times the standard rate (dollars) for Protected and Specimen live oaks.**