PLANNING COMMISSION
TOWN COUNCIL CHAMBERS
Tuesday, September 5, 2017 at 6:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

4. MINUTES APPROVAL - August 1, 2017

5. PUBLIC COMMENTS – Agenda Items Only

6. DIRECTOR’S REPORT - Town Administrator Fellner and Deputy Town Administrator Harrah

7. BUSINESS ITEM. Request from Mr. Ronald Crouch to subdivide his lot for the purpose of converting an existing barn into a residential structure. (Review of requested legal opinion.)

8. DISCUSSION ITEMS
   a. Customer walk-in businesses in residential districts (TC 8-22-17)
   b. Continued review of Design Overlay Ordinance (beginning at Section G)

9. PUBLIC COMMENTS – General

10. COMMISSION COMMENTS

11. ADJOURNMENT
1. CALL TO ORDER. Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Abrams, Vice Chairman Seibold, and members Elliott, and Gambino. Members Johnson, Lauer, and Lowery were absent. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

2. PLEDGE OF ALLEGIANCE. Chairman Abrams led the Pledge of Allegiance.

3. AGENDA APPROVAL. Ms. Elliott moved to approve the agenda with an amendment to consider subdivision of a lot on 11th Avenue South. Ms. Gambino second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Mr. Seibold moved to approve the July 3, 2017 meeting minutes as submitted. Ms. Gambino second. All voted in favor. MOTION CARRIED.

5. PUBLIC COMMENTS- Agenda Items. There were no comments on agenda items.

6. DIRECTOR’S REPORT. Ms. Morris said the department issued 137 permits last month. One survey was approved to combine two lots on Highway 17 North for Plantation Resort. The subcommittee appointed to review the tree ordinance met on Tuesday, July 25th to discuss any changes and amendments to the proposed tree ordinance. The subcommittee will request at the next council meeting that the ordinance once again go the planning commission for review before second reading by council.

Chairman Abrams asked if Ms. Morris had any information about Horry County relaxing its overlay ordinance. Ms. Morris said she heard from county staff that first of all the town’s ordinance should be more stringent than the county’s overlay. The county is still going to propose a change to at least the Highway 501 overlay to relax the requirements. Carolina Forest residents and residents from another subdivision in that area oppose relaxing the overlay ordinances, because it is the main corridor to Myrtle Beach.

7. DISCUSSION ITEMS.

Lot Subdivision at 11th Avenue North. Ms. Morris explained that the planning commission generally does not consider a minor subdivision, and presented a request for Mr. Ronald Crouch to subdivide his property located on 11th Avenue North so that an existing barn could be converted into a residential structure. The property has sufficient square footage to allow the division, but the barn is considered an accessory structure and would violate the code that prohibits accessory structures on a property unless there is principal use in place. After much discussion, the commission generally agreed that the request should be granted, and CONCURRED to ask Ms. Morris to consult with the attorney to determine in writing whether several specific stipulations could be placed upon any PC approval to subdivide and if they would be enforceable.

Review and amendment recommendations to Design Overlay District. At the request of the commission at the last meeting, Ms. Morris gave a slide presentation of the types of the traditional style architecture described in the overlay ordinance. In response to the question of whether metal buildings would have warranties violated if they are required to cover the exterior, nine different metal building companies sent copies of their warranties to us. Each company said that if the façade is done correctly, it will not void the warranty.

As a review, Ms. Morris referred to the slide show and said:

- Building façades and entrances. Other areas and Horry County now allow parapets, because it’s the new design
- The metal building is covered with the different materials.
The commission has approved having three of the elements listed that include having a color change; a texture change; a material model change. Canopies or overhangs above the entrances or portico at the entrances. Roof overhangs above the entrance. Entry recesses and projections to make the building appear that it is different buildings.

Ms. Morris said the commission has not addressed order boxes, menu stands, pickup windows, teller windows or queuing associated with drive-through services. Currently our ordinance states that a menu board or anything similar has to be either on the side or on the rear of the building. She recommended the commission address this in the new ordinance.

The proposed ordinance does not address mechanical equipment that is placed on the ground. It addresses the mechanical equipment on the roof and states it must have coverage so that it cannot be seen from any right-of-way. The current ordinance states that mechanical equipment must be enclosed or covered so it is not visible from any right-of-way even on the ground.

The color scheme is part of the design and development review. The current approved colors were shown to the commission. Ms. Morris explained that similar colors would be approved, as the town was not promoting one paint company over another. Chairman Abrams believed that landscaping was necessary along with painting. During a lengthy discussion of painting costs and the positive impact that a new paint job and some landscaping have, Ms. Gambino asked if the façade grant was available. Ms. Morris said not this year, but it would be requested again next year. Ms. Gambino suggested that the planning commission request the façade grant be instituted, if compliance by every business when the new ordinance is adopted. Ms. Elliott believed that landscaping was vital to improve Highway 17’s appearance, which in her opinion, would draw customers to the town’s business. Mr. Seibold expressed hesitation although in concept he agreed the town’s businesses need improvements. He believed Town Council would hear many requests from the business owners. The commission CONCURRED to use the paint colors currently approved, with a maximum of three (3) colors on any building and that every building should be in compliance with painting and landscaping. Ms. Elliott moved that existing business should comply with the painting and landscaping sections of the overlay ordinance within 12 months of adoption of the overlay ordinance. Ms. Gambino second. Chairman Abrams and Members Elliott and Gambino voted in favor. Member Seibold voted against.

MOTION CARRIED.

Vertical column size that is appropriate for the design was discussed. The commission CONCURRED that should be included in the new ordinance.

Traditional architectural design theme is currently required in our code. Examples of that design were display. The commission CONCURRED to use the same design; architectural details, design, and finishes, signage, canopies and railings have to be architecturally appropriate and compatible with one another.

Signage is addressed in another code section. However, signage must be placed within the architectural features, and are not allowed to be placed over a window.

Various design styles were shown from renovations to an old bank that was converted into a doctor’s office, and two superstores that were renovated to create government offices; a library; and several retail companies. The properties were now filled with thriving businesses. The overlay designs areas were obvious, because the parking areas included islands and trees.

One particular building was simply repainted and a previously unseen to architectural detail was highlighted with a different color, which was minimal cost. The argument that it cost too much is moot; sometimes it doesn’t cost much at all. Major companies actually have multiple designs to meet any municipality’s overlay requirement, i.e. Cook Out, Dollar General, and Zaxby’s. Contractors can put a façade on the building front that will change the entire appearance. All of the examples shown were metal buildings.
Access Management in Horry County is handled by having one point of ingress/egress for two or more stores with a common parking away from the street. The City of Conway has done this for years. A single new building design is required to allow another structure to add to the common parking area. This type design limits traffic on the main road, and allows access to multiple stores through the common parking areas. This design may not fit exactly into Surfside Beach, but this is being promoted in certain areas. The overlay states if you have an existing business that would produce more traffic, then you're gonna have to include that connection to the next-door neighbor or put a stop. The town's buildings are currently on the back of the property with parking in the front; however, many places in the upstate require the opposite. In town the easement would be through the front parking. We have to be careful to avoid having a clear way where vehicles can travel at a high rate of speed like they do behind the Piggly Wiggly. The overlay recommends traffic calming devices on the interconnected lots, and Ms. Morris agreed.

Chairman Abrams said I like everything you just said. In her opinion, the commission should ‘go for broke’ in this ordinance, because council is asking the commission to strengthen it. Mr. Seibold agreed with strengthening the overlay ordinance, but also wanted to be reasonable. Chairman Abrams said people have whined about the cost of some bushes and some paint. We tried to be gentle about that and nothing happened. I think some ‘arms need to be twisted’ on at least that kind of thing. Mr. Seibold and Ms. Morris agreed. Ms. Elliott asked how this could be enforced, because the town is already built up. She described the parking at Twins, Tomlinson’s, the post office, and Owl O’ Rest and further down to Glens Bay Road. Tomlinson’s had to put islands when their parking lot was repaved, which stopped traffic from passing through. She asked what would make these owners change. Ms. Morris said the ordinance could require compliance, but it would have to be enforced. We actually have the access from Twins to Owl O’ Rest without getting on the road. The post office put a strip with enough room to have a cargo in and out. We wanted landscaping all the way up with room for two cars, which is what they did. When they put that landscaping in, it slowed down the traffic. For an existing business that meets the criteria set out on page 1, we would not interrupt their egress; it’s already been approved. We would look at their access to neighboring properties without having to get on the road. If there is access, then they would be required to allow the access. This would occur when “major change” is made to the property. Mr. Seibold hated cutting through parking lots, because cars came from all directions. This code encourages that, but the entryways are not necessarily on the same place. Ms. Morris said the ordinance states it has to be in the same place. Members shared experiences at the post office and 5th Avenue North. A suggestion was made that the post office mark lanes for entry and exit. Chairman Abrams said plants and paint are low cost, instant improvements; perhaps the more expensive requirements could be on a reasonable schedule. The current ordinance has not produced any improvements by many property owners.

Ms. Morris asked for clarification about the approvals on page 2. Number 4 is any change of use that requires additional parking shall bring the entire parking lot into compliance with the overlay. Properties with access connections that do not meet the requirements shall be brought into compliance, etc. Ms. Morris said this was addressed on the front page by requiring the property to comply with a change in tenant or use. After discussion, the commission CONCURRED to omit number 4.

Mr. Seibold asked who decided and how the formula for level of modification was established. Ms. Morris said Horry County. She did not know the reasoning, but would find out to report at the next meeting.

Ms. Morris referred to page 1, level of modification, and asked if every agreed that change of ownership; change of tenant, and change of use would require compliance with all of the overlay ordinance requirements. After discussion, the commission CONCURRED.

Ms. Morris asked if the commission wanted to include guidelines for porticos, architectural designs, order boxes, menu stands, pickup windows, and mechanical on the ground. The current ordinance requires that pickup windows, order boxes and menu stands must be placed on the side or rear of the building. After discussion, the Commission CONCURRED that should stay in the ordinance. Ms. Gambino suggested that the glass windows and boxes should stay in good working order, and that it be maintained properly. Ms. Morris would check the current sign ordinance to determine whether that would fall under that
Ms. Morris said the current code states that mechanical equipment on the ground should be shielded from any street or right-of-way, and shall be shielded from the public view through the use of a parapet wall or other decorative features. This is not in the proposed ordinance. The commission **CONCURRED** that this should be included in the proposed ordinance.

Ms. Morris explained the chart classifications on page one:

"Very minor 0% - 9%" requires painting and foundation landscaping within 12 months of adoption of the overlay ordinance;

"Minor 10% - 39%" all exterior walls must adhere to foundation landscaping requirements, and signage;

"Significant 40% - 74%" requires foundation landscaping; exterior walls, and signage;

"Major 75% or more" requires compliance will all sections of the overlay ordinance; and

"Change of Ownership, change of tenant, or change of use" requires compliance with all sections of the overlay ordinance.

Ms. Gambino believed the town should control colors used when multiple businesses are connected in a strip mall to ensure the colors blend. Ms. Morris said the ordinance stipulates that a color change is required so that side-by-side buildings do not have the same color.

Ms. Elliot said the goal was to draw business not only to Highway 17 but also to Ocean Boulevard. If businesses don’t comply they should be fined, but nothing outrageous. Ms. Morris said violations of Chapter 17 are a misdemeanor. Chairman Abrams reiterated that asking did not work; it is time to require.

Ms. Linda O’Brien, South Ocean Boulevard: I just want to say that all these ideas are beautiful. They’re great. The thing that I’m seeing as a real estate professional is that a lot of these buildings there’s tenants, but there’s separate building owners a lot of times. So you have two people or two different parties in the scenario. Excuse my ignorance, it’s my first time here. Have you had meetings in the past when you invited the tenants and the owners of the buildings to come? Chairman Abrams said yes, we’ve been all around that. We sympathize, as I recall what we do we sympathize with the tenants who have an owners to deal with. What we trying to do is make the owner improve his property. We have absentee owners. Ms. O’Brien: Many of my friends, they have, they are like, hey, I wish our owner would do that, and it’s very frustrating for you, too. Yes, I would like some kind of credit. You’ve tried that before and it didn’t work out.

Ms. Morris said I don’t think the façade grant was advertised very well to the business community. In our case, we did ask for it this time, and of course, with all the projects that the town has going on they really can’t afford the grant this year. But we are going to ask again next year and it will be 50-50 grant. Ms. O’Brien: Absolutely, you know, I think that would be something that’s well received. If you have to do this, then there’s a certain timeframe. It is a lot of money, like for somebody that might own a building like that Piggly Wiggly, it could cost $20,000, 40,000 to paint a building. Not just $2,000; you split a $1,000. It could be a really big expense. Chairman Abrams said I think what you’re hearing since you’re relatively new here is we have tried the please, and the nice, and the gentle. We had some cooperation, and some that are never going to cooperate; most of them are absentee owners. They don’t care what it looks like in this town. I think the general feeling on the planning commission and probably council is we need to twist some arms a little bit to get this town cleaned up, and that’s what we’re trying to do now is tighten up so there is a little less choice about it. Because obviously, there are some owners who aren’t going to do anything, unless they’re forced to. Ms. O’Brien: So just paint and planting landscaping, this would be ... Chairman Abrams said we’re still in the discussion stages, but were not discussing making them remodel their buildings within a year. We would just like some cosmetic gratification now. Ms. O’Brien: Right, okay. Thank you. Chairman Abrams explained to Ms. O’Brien that the commission wrote an overlay ordinance 2012 and it was really kind of tight and might’ve gotten us a lot farther than we are, but Town Council at the time with a lot of flak from the business owners backed off and weakened it. So we haven’t had as much progress as we might’ve liked. Now Town Council with different members is saying we need to step it up, because Horry County is growing. If you look at both ends of our town, at Garden City, and above us at Highway 544, it is getting real pretty,
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and we're lagging behind. Now the pendulum has shifted and council is saying tighten it up. We pretty much intend to do that now, but what will happen when it gets to Town Council, we don't know. Ms. O'Brien:

(**speaking from the audience)** Is there any way that, since you know that you want it to look a certain way, and you don't want it to look like hodgepodge, even though you have all those colors, it could look really bad if you put certain colors next to each other. Is there any way you could have somebody already go and rate the colors so when they're ready to paint those like that would be their color? I think it would be better than you can pick out a color from here. Chairman Abrams said I think to do that Town Council would have to establish an appearance board, and unlike Charleston, we don't have one. Ms. Morris said she was correct. Chairman Abrams said we're not trying to go that far in legislating it. It is my understanding with that color palette that it's really almost impossible to clash. Ms. Morris said it is. Ms. O'Brien: Awesome.

Chairman Abrams said during the last meeting somebody asked why C3 was taken out of the overlay. Ms. Mary Mabry said it was because of the homes in the C3 district that are businesses. Chairman Abrams said we have homes in C3 and that makes sense. Thank you so much. I remember now.

Chairman Abrams opened discussion on (F) Shipping/receiving areas, utility locations and dumpsters. Ms. Morris said the proposed section (F) was much better than the current code, and that staff does not want to have any discretion so application of the code can be consistent. The commission

**CONCURRED to:**

Paragraph (1) no changes; and
Paragraph (2) Utility Services should be located underground. (Delete: “when possible. Exceptions may be made when the Zoning Administrator determines that public safety is at risk if underground utilities are employed.”); and
Paragraph (3) is deleted in its entirety. (Delete: “Elements such as HVAC units, telephone boxes, or electrical transformers shall be placed as close to the building as feasible.”); and
Paragraph (4) no changes; and
Paragraph (4) a. remains the same except the cover shall be at least seven (7') feet in height (instead of six (6') feet; subject to the public works director's recommendation).

The commission discussed Glens Bay Road as the third entrance to the town and possible solutions to improve the appearance of the backsides of the shopping center buildings. Ms. Morris explained that under the current code there is no way businesses can be required to enclose their dumpsters. The commission **CONCURRED** that all dumpster shall be enclosed within one year of adoption of the ordinance.

Ms. Elliott asked why students had never painted the electrical boxes. Ms. Morris did not know. Ms. Gambino knew an art teacher that could coordinate the students, if this project was possible. Mr. Seibold said permission would have to be given to paint the utility boxes. Ms. Morris said yes; the electric company would have to be contacted. When I travel for conferences, all of the electrical boxes are painted, so the utilities do allow it. The painting is allowed under Crime Prevention through Environmental Design (CPTED). Augusta had graffiti on every one of the boxes. After they were painted six years ago, there has not been a single incident of graffiti. Ms. Elliott asked Ms. Morris to request a consensus of Town Council at the next meeting to allow painting the utility boxes, subject to the utility companies giving approval. Then, Ms. Gambino could get Ms. Morris in touch with the teacher. Ms. Morris said absolutely. Chairman Abrams was not sure this project should be in the design overlay. (**several speaking at once.) Ms. Elliott said no, this is a separate issue. Ms. Gambino said students would also paint the dumpsters.

Chairman Abrams said the discussion through Paragraph (F) was concluded.

10. PUBLIC COMMENTS - General.

Ms. Mary Mabry, 15th Avenue North: Thank you for letting me come up and speak. Needless to say I am here because mainly of overlay. I was so proud when we got it to council before and so disappointed when we ended up with it. So I'm very happy that you're taken this challenge on again. One thing I like to bring up is in the landscaping. It might be nice to add the crime prevention landscaping and have our
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director go out. Greenville and other towns have that in their ordinance for businesses so that they have a plan and what to plant so that they are less likely to be drug dealing, and they have a low to the ground; they have 'em kind of thorny so you don't want to climb in the window. But I got a schooling from [Ms. Morris] years ago on it, and I always wondered why we didn't put it in our business landscape ordinance. We got the talent. We've paid for the certification. Let's use it. Not to put any more on you, [Ms. Morris]. But it's a good thing to have, you know, and I really did come up here with just the intention of talking about the overlay. But I'm gonna say something that I hope you're not offended at. I want you to take back your committee. It breaks my heart to see you do not get a second bite of the apple first. We don't have a good ordinance for planning and zoning. If you look at Georgetown, or if you look at North Myrtle Beach, if you look at Conway it's in their ordinance that council cannot butcher, shred your recommendation. They have to send it back to you. We have always done that as policy. That's been our policy as long as I can remember. Well now that policy is not there anymore. Now there's amendment after amendment. Now I can understand that you might as a council change some minor things. That, that's not a big deal. I mean, okay, you don't want palm trees. They do. Eh, we can live with that. However, what I have a problem with is that the intent, the spirit of your recommendations are so butchered that they don't even resemble anything that you sent. You don't have a second chance at the apple. That's the way it's supposed to be. I'm gonna ask you to consider getting you an attorney. The town must pay for it. You don't have to use one; the town one. Have him come and discuss that with you and present that ordinance to council. You're not a ghost committee. You're a state requirement. We're supposed to take your recommendations. When I say way [sic], I'm talking about the town. You study every angle. You sit up here for months and do that. Council gets it and reads your recommendation. They don't know, they don't need to know how the sausage is made. They're supposed to get it. I never once came to planning and zoning when I was on council, because I had an attorney tell me not to. The reason he told me not to is he just convicted a councilman for influencing that planning and zoning. And you know, at that time I thought I'd heed his advice, because I didn't want to be up here shaking my head, which I know my instincts would be to go yeah, yeah, yeah or no, no, no. So, I never came. I just didn't do it. I think it's wrong. You cannot be a private citizen, stand up here and tell somebody what you like when you go and vote the next Tuesday. You're not a private citizen. Once you have the power of a vote, you've lost that. I really want you to remember that you have the right to executive session, if you want to talk about a personnel issue, or any other issue that council can speak on. You can do it in executive session. You can have an attorney guide you at any time he has to come to this meeting, you can have that. You can sit down with him at any time. I want this ordinance changed that gives you the power that you rightfully deserve and should have. Marrow [sic] to the other municipalities' and take back your committee. It breaks my heart to see sometimes what happens to your recommendations. They can have a bite at the apple, but they've got to send it back to you ten times. You are the ones that look after the entire community. You are the ones that are apolitical. You're not; you don't care what she wants, he wants, they want up on this dais. You care what's best for the community as a whole, politics are out of the picture. So when it comes to the council, it comes to council clean, it's free of politics. It's free of oh, okay, it's not off to council I go, i-o, i-o, i-o [sic]; it's okay. It's okay, here's a clean bill. It's for everybody, and then we're going to look at it that way. I want that again. I don't want members of this committee coming up before council and saying I feel like a ghost committee. I feel like we're not being heard. I don't think you respect the work that we put into this. So I really, really hope that if my heart is breaking that you know that there are other people in the community that feel the same way I do. That we feel like your work is valuable. It's important. It's state law, and I want to be respected again. So thank you for letting me speak.

Mr. Ron Ott, 7th Avenue North: I'm a taxpayer. I'm a citizen of this town, and I can come to this meeting. I've never sat out there and influenced any one of you. I've never influenced you outside of here. But, I did stop the rape of that tree ordinance, because there was something that was being done wrong. But that's why there are seven council people, and that's what we do. We are a democracy, and if one person can do things well, it was stopped and it never got to the second reading. You do get your second bite of your apple, because I asked at that meeting to immediately bring tree ordinance back to the planning commission, and it was again a democracy where four council members said no, we're gonna have a subcommittee. I don't want to bring politics in here. Politics were just brought in here and that's why I'm standing up. That was total political speech. We don't need to do that and I've never done that here, and I won't do it ever again. Thank you for your time, and your passion for what you do.
11. COMMISSION COMMENTS.

Ms. Gambino: I'm just so glad everyone comes out and speaks. That's why we have a wonderful America, and a wonderful little town here that we can make better, no doubt. Thank you.

Ms. Elliott: I thank you all for coming this evening. I really have no other comments to add, but I'm glad they were back on the overlay plan, again, and I'm glad to see that our council is with us for this overlay.

Mr. Seibold: Well, I thank everybody for coming, I certainly appreciate all comments, and we'll continue to work together, and get this done.

Chairman Abrams: I think I've made all the comments I need to make. I think we need to clean this town up and we may have to do it the hard way.

12. ADJOURNMENT. Ms. Gambino moved to adjourn at 7:46 p.m. Mr. Seibold second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: September 5, 2017.

Mary Ellen Abrams, Chairman

Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the marquee.
PLANNING COMMISSION DISCUSSION PAPER

Written by: Mary Ellen Abrams, Chair September 5, 2017

1. SUBJECT: Request from Mr. Ronald Crouch to subdivide his lot for the purpose of converting an existing barn into a residential structure.

2. PLANNING COMMISSION BUSINESS ACTION: To consider any legal opinion obtained and move/vote to approve or disapprove Mr. Crouch’s request with stipulated conditions.

3. BACKGROUND: (extracted from draft Minutes of 8/1/17 PC meeting)

"3. AGENDA APPROVAL. Ms. Elliott moved to approve the agenda with an amendment to consider subdivision of a lot on 11th Avenue South. Ms. Gambino second. All voted in favor. MOTION CARRIED."

"7. DISCUSSION ITEMS.

Lot Subdivision at 11th Avenue North. Ms. Morris explained that the planning commission generally does not consider a minor subdivision, and presented a request for Mr. Ronald Crouch to subdivide his property located on 11th Avenue North so that an existing barn could be converted into a residential structure. The property has sufficient square footage to allow the division, but the barn is considered an accessory structure and would violate the code that prohibits accessory structures on a property unless there is principal use in place. After much discussion, the commission generally agreed that the request should be granted, and CONCURRED to ask Ms. Morris to consult with the attorney to determine in writing whether several specific stipulations could be placed upon any PC approval to subdivide and if they would be enforceable."

4. Note: from the audio recording, the specific stipulations discussed by Planning Commission were:

- Construction of new residence must begin within 6 months of permit. (Ms. Morris stated previously that she would not allow subdivision until permit is issued, so staff must ensure that there is no significant delay in approving subdivision.)

- Construction of new residence must be completed within 1 year of permit.

- If for any reason Mr. Crouch does not follow through on his stated intention to convert the barn into a residence within the stipulated timeframe, then he must either demolish the accessory structure (barn) or recombine the two properties into one parcel.
Chapter 17, HOME OCCUPATIONS

By Town Council consensus on 8/22/17, Planning Commission is asked to review Home Occupations permitted in residential districts as it relates to types of businesses that may attract a relatively high volume of walk-in customers, causing traffic, parking and neighborhood nuisance issues. Recent issues coming to the attention of council have been in connection with a home beauty shop.

Council requests a recommendation from Planning Commission as to how the town could correct, improve and refine this section of the ordinance to avoid future problems with home businesses in residential districts.

17-007 Definitions

Home occupation shall mean any occupation within a dwelling and clearly incidental thereto, carried on by a member of the family residing on the premises, provided that no person not a resident of the premises is employed, no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication other than a sign permitted by the district regulations, that the building is being used for any purpose other than a dwelling. When within the above requirements, a home occupation includes but is not limited to the following: art studio; dressmaking; beautician; professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; teaching, with musical instruction limited to one (1) or two (2) pupils at a time; and child care, [which] means an occupied residence in which child day care is provided for no more than six (6) children, unattended by parent or legal guardian, including those children living in the home and those related to the resident caretaker.

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No Special standard or parking code is indicated for Home Occupations
PLANNING COMMISSION DISCUSSION PAPER for 9-5-17

DESIGN OVERLAY ORDINANCE (Chapter 17, Article IX)

DRAFT DESIGN OVERLAY ORDINANCE – WORKING COPY TO BE USED AT Planning Commission meeting of September 5, 2017.

Explanation about the attached working document:

There is currently in effect a town ordinance on Design Overlay (Ch. 17, Article IX.) However, the attached working draft is an edited copy of the Horry County Design Overlay Ordinance. Planning Commission has been working from the County ordinance because direction by council was to “mirror” it. The intent is to “repeal and replace” the town ordinance. The County’s Section J (Signs) was left out because the town has a separate sign ordinance.

Attached is the working draft used at the 8/1/17 Planning Commission meeting. (Red is Ms. Morris’ comments/questions for the 8/1/17 meeting. Yellow highlights are Ms. Morris’ indication of previously deleted parts.)

Since no updated or editable copy of this working draft has been located, the Chair has re-typed (verbatim) the first 6 pages and inserted additional comments and edits from the 8/1/17 Planning Commission minutes in turquoise.

Planning Commission has completed review through (F) Shipping/receiving areas, utility locations and dumpsters. (first 6 pages retyped).

This evening we will continue our review beginning at Section (G) Access Management. (scanned pages from the County ordinance.)
(A) Purpose

(1) The Overlay Zone is established to provide standards relative to accessibility, appearance and safety in the development of commercial and office projects. Therefore, single-family lots of record are excluded from the overlay requirements. Furthermore, the overlay is established to provide unified development that promotes a sense of place and provides opportunities to develop projects to be compatible with the carrying capacity of an urban corridor.

(2) When any existing town ordinance is amended, the more restrictive provisions of such revised ordinance shall apply even if these Overlay Zone standards are less restrictive.

(3) The following standards provide the minimum requirements that must be met in order to receive Planning, Building and Zoning Department authorization to develop or redevelop property within the Overlay Zone as established by the Zoning Ordinance.

(4) The standards established herein address only site plan or design-related issues encountered in the development or redevelopment of property within the Overlay Zone. Specific zoning-related standards are established in the Zoning Ordinance and must also be met prior to beginning development or redevelopment activities in the Overlay Zone.

(B) Applicability

(1) The boundaries of the Overlay Zone are established herein. The standards that follow shall be applicable to any development as established in the table below which is located partially or completely within the boundaries established within the Boundaries section of this ordinance.

<table>
<thead>
<tr>
<th>Level of Modification</th>
<th>Percent of Value (cost of modification divided by existing bldg. value, X100)</th>
<th>Applicable Sections of This Overlay District That Must Be Adhered To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Minor</td>
<td>Any percentage up to 9%</td>
<td>All new exterior walls must adhere to foundation landscaping requirements.</td>
</tr>
<tr>
<td>Minor</td>
<td>10% up to 39%</td>
<td>Above plus signage.</td>
</tr>
<tr>
<td>Significant</td>
<td>40% up to 74%</td>
<td>Above plus all existing exterior walls must adhere as well as complete foundation landscaping.</td>
</tr>
<tr>
<td>Major Change of Ownership</td>
<td>75% or more</td>
<td>All sections of the overlay must be adhered to.</td>
</tr>
<tr>
<td>Change of Tenant</td>
<td>————————————————————————————————————</td>
<td>All sections of the overlay must be adhered to.</td>
</tr>
<tr>
<td>Change of Use</td>
<td>————————————————————————————————————</td>
<td>All sections of the overlay must be adhered to.</td>
</tr>
</tbody>
</table>

*8/1 minutes, line 84 must comply with painting and landscaping sections of the ordinance within 12 months of adoption. Line 254 must also enclose all dumpsters within one year of adoption.*
(2) General maintenance and repair of any water, sewer, or electrical expenditures incurred in updating an existing structure where no new expansion will occur are exempt from the standards established below.

(3) Any building that is partially located within the boundaries shall comply with these regulations. If an existing business is damaged or destroyed due to an act of nature (flood, hurricane, tornado, etc.), or catastrophic event and the building permit is acquired within twelve (12) months and is reconstructed within twenty-four (24) months of the date such damage or destruction occurred as evidenced by insurance claim or other documentation, the standards contained herein shall not apply. This exemption, however, shall not relieve the property owner of having to meet applicable building or zoning regulations that may be in place at the time of reconstruction.

(4) Any change of use that requires additional parking shall bring the entire parking lot into compliance with the parking lot standards of this overlay. Properties with access connections that do not meet the requirements of the Overlay District shall be brought into compliance when modifications to the roadway are made or when there is a significant change in use of the property, including land, structures or facilities, resulting in an increase in the trip generation of the property exceeding twenty-five (25) percent (either peak hour or daily) and exceeding one hundred (100) vehicles per day. Question: Since we have stated under B(1) that change of uses/tenant and ownership require the property to be brought into compliance, can't we remove this? Or are we going to require a traffic study when a change in use occurs? 8/1 minutes, line 147 concurred to remove (4).

(C) Boundaries

1. All parcels either partially or completely within the C1 and C2 zoned area of the town, excluding parcels that front on Sandy Lane.
2. Parcels located on Sandy Lane but combined with parcels fronting on Hwy 17 or frontage Road must comply.
3. Properties that are rezoned to C1 or C2 after adoption of this ordinance.

(D) Development and design requirements. Development of specific uses in the Design Overlay District shall be consistent with the underlying zoning district. In addition to the requirements of the applicable underlying zoning district the following supplemental development regulations shall apply:

1. Building Exterior
   a. Façade
1. Building facade facing the corridor must include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
   (a) Color change.
   (b) Texture change
   (c) Material module change.

2. No length of any front façade facing the corridor shall exceed thirty (30) linear feet without including at least one (1) of the following: pilasters, columns, offsets, reveals, projecting ribs canopies/porticos, colonnades, windows, trellis with vines, or an equivalent element that subdivides the wall into human scale proportions.

3. Shutters, if used, shall be sized so that they would fully cover the window opening if they were operable. Operable shutters are preferred, but not required.

4. Where parapets are not used, all rooftop mechanical equipment shall be screened. False parapets shall be limited to 20% of the total height of the façade. The measurement shall be the average height of the parapet wall at each section of the façade as a ratio to width.

5. Where sloping roofs are used on the front or sides of a building facing the corridor, the cornices shall be a minimum of one (1) foot deep.

b. Materials

1. No portion of a building shall be treated with unadorned or plain concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of a suitable finish material. Materials suitable for treating visible facades may include, but are not limited to brick, glass, synthetic clapboard siding (vinyl, metal or wood), split-face decorative block, stone, hardiplank siding or cementitious siding, or stucco.

2. Except as provided in this section, the rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for side or rear façade shall be prohibited.

c. Entrance

A minimum one (1) entrance shall front the primary corridor. A commercial or institutional building shall feature one (1) or more prominent entries on the primary façade highlighted by at least three (3) of the details listed below. Secondary entrances to smaller tenants in multi-tenant buildings shall also have a least two (2) of the features listed below:

1. Canopies/porticos above the entrance; 
2. Roof overhangs above the entrance;
3. Entry recesses/projections;
4. Arcades that are physically integrated with the entrance;
5. Raised corniced parapets above the entrance;
6. Architectural details, such as tile work and moldings, that are integrated into the building structure and design; or
7. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

d. Glazing: Reflective or heavily tinted glass shall not be used on the primary or secondary façade.

(2) Building Roof.

a. Shingles, metal standing seam, tile or other roofing materials with similar appropriate texture and of earthen appearance shall be utilized on roofs visible from the corridor.

b. Flat roofs are allowed however they must be surrounded by parapet walls which enclose and screen all rooftop mounted mechanical equipment.

c. Roof mounted mechanical equipment visible from the corridor shall be enclosed or screened to ensure that such features are not visible. Enclosures and screens shall be compatible to the architectural style of the proposed building.

(3) Accessory structures/uses:

a. Accessory structures such as garbage dumpster enclosures shall be the same in style, color, and materials with the principal building structure(s).

b. The requirements of the underlying zoning district shall govern the distance separation requirement from the principal structure and other accessory structures.

c. Accessory structures shall be limited in size to twenty-five (25) percent of the primary structure or one thousand (1000) square feet, whichever is less.

(E) Special Design Standards

(1) Gas stations and commercial convenience stores shall utilize either sloping roof (gable or hip roof design) or parapet walls which properly screen any rooftop mounted mechanical equipment. The canopies over the gas pumps are encouraged to be attached to the main building and integrated into the architectural roof design. The canopy portion of the structure shall be subject to a twenty-five (25) foot setback from any property line. The canopy shall not encroach upon an required buffer area. The principal structure/building shall still be subject to all setback requirements as set forth within the zoning ordinance. If the canopy is placed forward of the primary building structure, then the support columns of the canopy shall be clad in brick, brick veneer, decorative split-face block or stucco covered block.

(2) Chain-link security fence enclosures may only be utilized within industrial areas if there is no reasonable alternative and only when screened by landscape material to create a six (6) foot tall opaque screen. If permitted, chain link fences, including posts and rails, shall be black, brown or green and vinyl coated. Allow in industrial only (Sandy Lane)

(3) Outdoor freestanding propane stations and storage facilities shall be opaquely screened from public view with landscaping or a solid fence of wood, stone or brick material. Fences exceeding six (6) feet in height shall have landscape plantings on any side facing the main corridor or residentially zoned property. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one (1) foot below the top of required screening device.
(4) Retail Garden Center
a. The outdoor storage or display of living plant material (i.e., garden center) and its associated materials may use a combination wrought iron and masonry screen.
b. Any merchandise typically associated with a retail garden center such as mulch, lawn equipment, propane items, barbeque grills, paving stones, landscaping timbers, bird baths, garden chemicals, etc. may be stored within this area provided that these items are not prominently displayed or featured from the public right of way through the wrought iron portion of the screen. This may be accomplished by placing living plant materials such that these plants serve as a semi-opaque screen for the non-living plant material.

(5) Ancillary Outdoor Storage: The following are requirements for ancillary outdoor storage in nonresidential districts located within the Overlay. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, junk or vehicles (overnight parking) shall not be permitted unless in conformance with the following regulations.

a. All proposed areas used for ancillary outdoor storage and the associated method of screening shall be indicated on an approved site plan along with scaled elevation drawings indicating the type of screening and materials proposed to be used.
b. Outdoor storage shall be screened from the corridor by a seven (7) foot high opaque enclosure or equal to the height of the stored material (not to exceed seen (7) feet in height). No portion of the screening device shall be used for advertising and display of signage. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited. Materials stored outdoors, excluding vehicles, trailers, or mobile machinery or equipment shall be stacked no higher than one (1) foot below the top of required screening device.
c. Outdoor storage shall observe the same setback requirements as that of the principal building.
d. Outdoor storage areas cannot be located forward of the principal building and when possible shall be located to the side of the building not facing a public street.
e. The following activities are excluded from the requirements:
   1. General construction activities.
   2. Operations with primary outside storage.

(6) Structures (not parcels) exceeding twenty-five thousand (25,000) Square Feet of Building must be separated from lands designated, zoned or used for a residential purpose by at least fifty (50) feet.

(7) Businesses engaged in the sale and/or rental of autos, boats, mobile homes, or recreation-related vehicles that have frontage within the overlay shall adhere to the following: Each business shall be permitted one display pad for merchandise sold at such establishment. The display pad shall be permitted as follows:
a. Automobiles and boats shall be no larger than 200 square feet
b. Recreational Vehicles shall be no larger than 400 square feet
c. An additional display pad of the same size shall be permitted for each 200 feet of corridor frontage.
d. The display pad shall be located behind the required perimeter buffer.
e. The display pad may be elevated a maximum of 18 inches above finished grade.

(8) Businesses engaged in salvage operations, repair of automobiles or storage of possessions in individually enclosed units/garages that have frontage along the Corridor shall adhere to the following:
a. Storage areas for salvaged materials or vehicles waiting for repair shall be screened from the corridor by a six (6) **seven (7)** foot high opaque enclosure or equal to the height of the stored material not to be higher than twenty (20) **seven (7)** feet located to the rear of the primary structure on the site. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited. **unless screened.**

b. An eight (8) foot wide landscaped buffer shall be provided around the base of the enclosure to “soften” its appearance. Landscaping utilized shall be consistent with the foundation landscaping requirements of the principle (sic) structure as defined herein.

c. A minimum six (6) **seven (7)** foot solid or opaque fence shall be required around any storage of recreational vehicles and mini-storage units.

**Begin With (f) at next Planning Commission Meeting (editor: meaning the 8/1/17 meeting)**

(F) **Shipping/receiving areas, utility locations and dumpsters:**

(1) Shipping/receiving areas

a. Proposed structures, requiring shipping docks for the receipt or shipping of merchandise shall locate such docks in the rear of the structure or within a service courtyard shared by different businesses. Shared courtyards may be accessed from the front of the structure provided the entrance to such area is designed to blend into the architectural style of the structure and no docks are visible from the corridor or adjacent parking areas. If no courtyard is present then landscaping or a solid screen made of durable architectural materials used in the buildings primary façade shall be provided to ultimately create an opaque screen at least eight (8) feet in height. The screening shall be designed to obscure views from on and offsite public areas, except for necessary penetrations.

b. Loading and unloading of commercial vehicles or of any other vehicles used for commercial purposes is only permitted between the hours of 6:00 a.m. and 11:00 p.m. when a residential structure is within one hundred (100) feet of the loading area. **(8/1 minutes, line 241, PC concurred in no changes.)**

(2) Utility services shall be located underground when possible—Exceptions may be made when the Zoning Administrator determines that public safety is at risk if underground utilities are employed. **(8/1 minutes, line 242, PC concurred to delete all after “possible.”)**

(3) Elements such as HVAC units, telephone boxes, or electrical transformers shall be placed as close to the building as feasible. **(8/1 minutes, line 245, PC concurred to delete (3) in its entirety.)**

(4) Dumpsters shall be placed in the rear yard. In the case of a double frontage lot the front shall be considered the primary corridor. **(8/1 minutes, line 247 PC concurred in no change.)**

a. Screening walls made of the principal building materials shall enclose all dumpsters and shall consist of three (3) solid walls of brick, stucco or split-face block construction, at least six (6) **seven (7)** feet in height. The dumpster gate shall be solid metal or wood fabrication. **(8/1 minutes, line 248)**

b. An opaque wooden fence may be used in lieu of architectural materials for locations not visible from off-site public areas.

(End of 8/1/17 discussion) End of re-typing effort. PC will continue work on (G) from pages of the County document
G) **Access Management**

To ensure that development within the overlay does not impact the carrying capacity or future improvement of the corridor, the following access management strategies shall be employed.

(1) Consolidation of access points. Reduction of access points to the corridor are encouraged due to the increases in operational efficiency that result. When any of the following strategies are used, participating businesses shall be entitled to the variations listed below.

(2) Number of Driveways per Parcel

   a. Any parcel or lot having frontage along an arterial and in existence prior to the adoption of the ordinance, shall be permitted one (1) direct access to that arterial, unless an access plan is submitted to, and approved by the Planning Department for more than one (1) access.

   b. At the time of plan submission and approval, if two (2) or more parcels in existence prior to the adoption of this ordinance are placed under one (1) ownership, control and/or

*Continued on page 204*
maintenance, such assembly shall be permitted one (1) direct access to the arterial, unless an access plan is submitted to, and approved by, the county for more than one (1) access.

c. Direct access to arterial roads shall be provided by one (1) or more of the following means for lots or parcels not permitted direct access to the arterial:
   1. Access to the site may be provided by an existing or planned public street; and/or
   2. Access to the site may be provided via the internal circulation of a shopping center, an office complex, or similar group of buildings having access in accordance with an approved access plan; and no additional direct access shall be provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, office complex or similar group of buildings. Access through side or rear setbacks is encouraged, provided that the access is internal and generally perpendicular to the setback; and/or
   3. Access to the site may be provided by a service drive and/or shared access, which provides controlled access to the site.

d. Parcels located at an intersection of the corridor and another improved public roadway shall obtain access from the adjacent public roadway. Direct access to the corridor may be permitted when the parcel has two hundred (200) or more feet of corridor frontage, the access is no closer than three hundred twenty-five (325) feet to another access, and the access is approved by SC DOT. The use of Shared Access to serve adjacent parcels abutting the Corridor is required for new lots where there is less than two hundred (200) feet of frontage on the Corridor or less than three hundred twenty-five (325) feet to another access.

e. Shared or joint access. Use of shared or joint access between two (2) or more properties is encouraged even for parcels that may meet the spacing and frontage requirement. Where a parcel uses such access the parking requirements for those adjacent uses may be reduced up to ten (10) percent for each business. To receive this reduction the property owner(s) shall file a written agreement at the Registry of Deeds. The parties may revoke the agreement only if parking is provided in accordance with this Zoning Ordinance, and the Planning Commission, or its designee approves a revised plan.

f. When applicable, access to a parcel shall be aligned directly with existing median crossovers.

g. Accesses that do not align directly shall be located a minimum of one hundred (100) feet (edge to edge) from the nearest crossover.

h. One (1) additional access along a continuous site frontage may be allowed if there is a demonstrated need based on trip generation and road traffic data.

i. One (1) pair of one-way driveways may be used per two hundred fifty (250) feet of frontage. Only one (1) pair of one-way drives may be used per street frontage.

(3) Cross access required

a. General
   All commercial development and multifamily development shall be designed to allow for cross-access to adjacent compatible sites in accordance with the following standards. When subdividing property for commercial or multifamily development cross-access must be provided.

b. Future stubs required
A stub for future access shall be provided to all adjacent vacant land zoned for commercial or multifamily uses.
c. Proper Placement
To the maximum extent practicable a minimum distance of one hundred (100) feet shall be required between a cross access way and an intersection or driveway entrance.
d. Minimum width
Cross access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of twenty two (22) feet of one-way aisles each with a minimum width of eleven (11) feet.
e. Waiver
The cross access standard shall be waived by the Planning Department if the applicant demonstrates it is impracticable to provide access due to;
1. Topography and natural features.
2. Size and configuration of the site.
3. Vehicular safety factors.
4. Existing development patterns on adjacent developed sites that make cross access impossible.
5. When cross access is waived in accordance with this section, bicycle and pedestrian connections shall be provided between adjacent developments to the maximum extent possible.

(4) Nonconforming Driveways
a. Driveways that do not conform to the regulations in this Ordinance and constructed before the adoption of this Ordinance shall be considered legal nonconforming driveways. Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
b. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on an approved site plan for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Ordinance.
c. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded. If it is changed then it must follow. (See section (7) Change of Use, below.)
d. Nothing in this Ordinance shall prohibit the repair, improvement, or modification of lawful nonconforming driveways.

(5) Driveway Location and Design
a. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
b. Driveways with more than one (1) entry and one (1) exit lane shall incorporate above grade channelization features to separate the entry and exit sides of the driveway. Where above grade channelization impairs truck off tracking, said mechanism shall be setback from the right-of-way so as not to impede the necessary turning radius for safe truck off tracking. Driveway medians shall be improved with at least one (1), two and one-half (2 ½) inch caliper canopy tree to reduce parking lot heat and glare for every fifty (50) feet of median length. Five (5) shrubs must be provided per tree. Two (2) understory trees may
be substituted for each required canopy tree in areas constrained by overhead utility line or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the driveway median shall be planted with vegetation that complements the structure or a suitable groundcover. All landscaping shall be located so as to not impede any required sight triangles. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed below.

c. Driveways shall be designed with adequate on-site storage for entering and exiting vehicles to reduce unsafe conflicts with through traffic or on-site traffic and to avoid congestion at the entrance.

d. On site storage for entering and exiting vehicles shall be buffered from the parking area. Said buffer shall consist of an above grade landscaping strip no less than three (3) feet in width and vegetated with at least one (1) two and one-half (2 1/2) inch caliper canopy trees to reduce parking lot heat and glare for every twenty five (25) feet of median length. Five (5) shrubs shall be provided per tree. Two (2) understory trees may be substituted for each required canopy tree in areas constrained by overhead utility lines or in limited cases at the discretion of the Planning Department to provide visibility to signage and or architectural features. The remaining area of the buffer shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable plant species, maintenance standards, and sizes to meet the above requirements are listed in Horry County Landscaping Species Booklet.

(6) Transit accommodations shall be provided for developments containing structures totaling eighty thousand (80,000) gross square feet or greater. This can be waived by the Zoning Administrator if adequate sites already exist within the area.

(7) Change in Use
a. Properties with access connections that do not meet the requirements of the Overlay District shall be brought into compliance when modifications to the roadway are made or when there is a significant change in use of the property, including land, structures or facilities, resulting in an increase in the trip generation of the property exceeding twenty five (25) percent (either peak hour or daily) and exceeding one hundred (100) vehicles per day, as determined by one (1) of the following methods:
   1. An estimation based on the latest edition of “Trip Generation” by the Institute of Transportation Engineers for typical land uses, or;
   2. Traffic counts made at similar traffic generators located in the area, or;
   3. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property
b. If the principal activity on a parcel with access connections that do not meet the regulations herein is discontinued or out of service for a period of one (1) year or more, then that parcel must comply with all applicable access requirements of this overlay district.

(8) Parking lot access. Parking lots that directly access the corridor or a frontage roadway shall:

a. Be designed to ensure that entering vehicles maintain a travel speed of fifteen (15) miles per hour (mph) to assist in reducing interference with through street traffic movements.

b. Setback required landscaping or optional berming to ensure that a sight triangle, conforming to SCDOT standards, exists.