1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

4. MINUTES APPROVAL - February 15, 2018

5. PUBLIC HEARING ON BUSINESS ITEMS (Open to Public Comments)

6. DEPARTMENT REPORT

7. BUSINESS ITEM
   Design Overlay District

8. DISCUSSION ITEM
   Any other matters of concern or information to be discussed by Planning Commission

9. PUBLIC COMMENTS - GENERAL

10. COMMISSION COMMENTS

11. ADJOURNMENT
SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
FEBRUARY 15, 2018 • 6:00 P.M.

1. CALL TO ORDER. In the absence of both the chairman and vice chairman, Member Johnson called
the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Members
Gambino, Johnson, Lauer, Mastosante and McKeen. A quorum was present. Two seats are vacant. Others present:
Town Clerk Herrmann and Department Director Morris.

2. PLEDGE OF ALLEGIANCE. Member Johnson led the Pledge of Allegiance.

3. OFFICER ELECTION

i. Chairman. Ms. Gambino moved to elect Ms. Johnson chairman. Mr. Lauer second. All voted in favor.
   MOTION CARRIED.

ii. Vice Chairman. Ms. Gambino moved to elect Mr. Lauer vice chairman. Ms. Mastosante second. All
    voted in favor. MOTION CARRIED.

4. AGENDA APPROVAL. Mr. Lauer moved to approve the agenda as presented. Ms. Gambino second.
All voted in favor. MOTION CARRIED.

5. MINUTES APPROVAL. Mr. Lauer moved to approve the December 5, 2017 public hearing minutes
and the December 5th regular meeting minutes as submitted. Ms. Gambino second. All voted in favor. MOTION
CARRIED.

6. PUBLIC COMMENTS- Agenda Items. (3 minutes)

Mr. Nathan Cook, Beach Realty Group, said in regards to the subdivision request at 316 13th Avenue North
he represented Mr. and Ms. Chakides. The Chakides built their home on 13th Avenue in 1987. Subsequently, the
neighboring lot was purchased to build the pool and pool house. Now their kids have moved on, and in 2007 they
decided to retire to McClellanville, South Carolina. They have unsuccessfully marketed this property for over 11
years, and now desire to split the property so the lot with the pool could be marketed and sold separately from the
main house. The subdivision would actually put the lots back as originally situated. The exception is that the pool
creates an accessory use on the lot. Since the commission approved lot subdivisions similar to this on 11th Avenue
North and 12th Avenue North, he hoped the commission would approve this request which allow the original intend
use of the lot for a single family home, not just a pool and pool house.

7. DEPARTMENT REPORT. Mr. Morris apologized and said she did not have a department report as she
had not been back long enough to know what happened during the last few months. There was an opinion letter from
Master Tree Care, a copy of which is on file, regarding the trees that were topped on Sparrow Drive. According to
the town code, if the limbs are less than 8 inches they can be cut. The recommendation is that the commission revisit
that ordinance to avoid any further confusion about tree topping to which she agreed.

8. BUSINESS.

Design Overlay District. Chairman Johnson referred to the drafts passed out by Ms. Morris, a copy of
which is on file, and proceeded with a page-by-page review.

- No changes to pages 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, and 14.
- Page 2 included Sections 17-902 and 17-903 that defined that the district standards are minimums, and that
  a permit/ certificate of occupancy would not be issued until all requirements of the overlay district were
  met, respectively.
- Page 4 added (3) Color Scheme to clearly identify the intent to manage paint colors and schemes.
- Page 8 added identification of Article VII Landscape and Tree Protection as an easy reference.
• Page 15 added Section 17-913 Sign Design Standards to prohibit homemade signs on Highway 17, and Section 17-914 Appeals/Variances to state that appeals are made to the Board of Zoning Appeals.

• Page 16 added Section 17-915 to declare that violations of the ordinance are a misdemeanor and remedies, and also to reserve Sections 17-916 to 17-920.

Ms. Morris referred to page 7, (3) Change in Use, paragraph a, and asked if the commission intended to require a traffic study when there is a change in the use of the property, because it would create a hardship. After discussion, the commission CONCURRED to strike this paragraph.

The commission CONCURRED to accept the design overlay district ordinance with the changes noted, and to hold a public hearing on the overlay ordinance at the March planning commission meeting.

Subdivision of 316 13th Avenue North. Mr. Lauer asked why this was not submitted as a variance request. Ms. Morris explained that the planning commission has authority over land development regulations, and this falls under the commission purview as a lot subdivision. The board of zoning appeals hears requests regarding setback requirements or other zoning matters. Mr. McKeen asked if a house could be constructed on the lot with the pool without exceeding the impervious surface allowed. Ms. Morris said it could. Mr. Cook reiterated the position of Mr. and Mrs. Chakides and expressed confidence that a nice home could be built with the pool and pool house in place. It would be a shame to destroy the pool and pool house, if the new owner would benefit from it. If the subdivision is approved, the wooden pool deck will be cut back to meet the 5-foot setback requirements on the side lot lines.

Chairman Johnson asked how large the lot was and if there were smaller lots in the area. Ms. Morris said the lot is almost 21,000 square feet; only 9,000 square feet is required per lot and there are lots of that size. Mr. Cook reiterated the common sense plea to preserve the structures of value and allow time to construct a primary residence. Many potential buyers love the idea of having the pool and pool house already in place. We understand there may be some limitations to the pool deck size. Even though this is a unique large property, appraisals are coming in at $150 per square foot just as other homes are that do not have the extra lot square footage and accessory structures, because it doesn’t match the surrounding area homes with smaller lots. Ms. Gambino said she personally would not want a structure too close to the road; the house should be placed comparably to the other houses next door to the property. Mr. Cook said the location for the house on the pool lot would be almost exactly in line with the newer homes in the area. Ms. Mastrocante said the survey was prepared in 2007 and asked if any changes to either lot since then. Mr. Cook said no. Ms. Mastrocante asked if the subdivided lot would have to comply with current building codes. Ms. Morris said yes, and they would have to meet all setbacks. Mr. Cook said that he understands those requirements. There was a discussion about how the property line would be affected by the wooden deck, if the lot was subdivided. Mr. Cook assured the commission that setback lines would be met. Chairman Johnson pointed out that the pool was built up. The property is in a flood zone, and asked if fill dirt was allowed. Ms. Morris said yes, but there are required steps. Mr. Lauer asked if the fence would remain in place. Mr. Cook said yes, fencing is required by the insurance company because of the pool. Ms. Morris requested that the commission add a time-line stipulation if approval is granted. After a lengthy discussion, about the time necessary to market and build, Mr. McKeen moved to allow the lot subdivision with a stipulation that construction completion be within 18 months. Mr. Lauer second. Chairman Johnson and Members Lauer and McKeen voted in favor. Members Gambino and Mastrocante voted against. MOTION APPROVED.

9. DISCUSSION ITEMS. Any other matters of concern or information to be discussed by Planning Commission. There was no other discussion.

10. PUBLIC COMMENTS - General.

Ms. Sandra Elliott, 5th Avenue North, said I don't know if all of you went past the property that you just voted on, but if you look at the pool it's about two feet above the ground and will need fill dirt. Ms. Morris said there are regulations for fill dirt. Ms. Elliott said the house will probably have to be built on a raised foundation, because it's in a flood zone. The neighboring new construction causes all the stormwater to flow into the middle property, even though they did a very good job on the one side where the stormwater goes into the storm sewer and into Dogwood Lake. Sometimes maybe we need to go look at what we're talking about before we make our decision. Thank you.
Mr. Boyd Sadler, 8th Avenue South, said I have difficulty finding ordinance, and I’ve noticed that several things have been slipped passed people that count. I’ve noticed a couple of lots that have been pretty much clear-cut, but we’re required to have a certain number of trees on the south side, particularly the lot at 9th Avenue South and Myrtle Drive that has two trees left on it. I thought you had to keep existing trees and add to those to make up what is required. I know people have been busy, and I’m not sure who is supposed to follow up. I think we’ll have it a lot better here as things go now. There are a couple of other lots in town that are the same way. There’s no consistency. Trees are a touchy subject in town. I know we had to have a lot of pine trees removed after Hurricane Matthew, but we still have more than we’re supposed to have. I’m not trying to pick on a particular lot, but things have not been followed through and it’s really time to get more eyes out there from planning and zoning. Because I’ve attended many council and committee meetings, I’ve noticed that a lot of committees don’t communicate with each other. I think many of them need to at least have a liaison with other committees so that things are coordinated and smoother operation. Everyone has a lot going on and sometimes you need input from other parts. I’d like to see that take place.

11. COMMISSION COMMENTS.

Ms. Mastroseante thanked everyone for attending and said I am very excited about the design overlay. It will be really good for Surfside Beach. I’m concerned about the property subdivision. I don’t have enough facts. There is too much uncertainty for me to give a ‘yes’ at this time, which is why I made my decision. Thank you.

Ms. Gambino thanked everyone for attending and participating. I agree with Ms. Mastroseante. I wish the property owners the best, but I didn’t have enough facts. I had ridden by, and to be honest, I just thought it was not enough for me to give a ‘yes’ to it, but best of luck.

Mr. Lauer said I’m leaving it to the stormwater folks to take care of that property, because I think they will. I wasn’t as concerned about that as some people. Thank you all for being here.

Mr. John Chakides said when he bought that property [at 13th Avenue North] there was woods in the surrounding four or five blocks. The next door construction was elevated and that caused the natural water flow to go into my lot and completely flood it. The town installed a French drain between the two lots so it drains properly. I don’t expect drainage to be a problem, but if it is, we’ll certainly rectify it.

Mr. McKeen said some very good points were made and I agree with them. I’ve walked all the streets in town. I am really surprised at how much wood cutting is done on many of the lots being cleared or under construction. I share your concern about that, also. I think having a liaison between the committees is a great idea. When we discussed the E entertainment district, I suggested that the parking committee be invited to share its opinions instead of getting them second hand.

Chairman Johnson said I agree, as well, on that. Hopefully, now that we have Ms. Morris back she will keep an eye on that a little bit better. My suggestion on the lot subdivision is to get everything organized and make sure you’re going to be able to bring enough fill dirt and have proper drainage before you [start construction]. Thank you all for coming. We do appreciate your comments.

12. ADJOURNMENT. Ms. Mastroseante moved to adjourn at 6:44 p.m. Mr. Lauer second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: March 6, 2018

Carrie Johnson, Chairman

Clerk’s Note: This document constitutes minutes of the meeting that was digitally recorded, and is 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 new, unopened flash drive. In accordance with FOIA §30-4-80(F), 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, Building & Zoning Department
January 2018
Monthly Council Report

Permits/Inspections/Code Enforcement Information

Staff issued:

- 161 permits in January
- Performed 128 inspections
- Investigated 171 complaints/alleged violations

Five (6) new contractors have started or will be starting new homes within the town. (DAWOL, Bill Clark Homes, Colby Rowe, Beverly Construction, Fred Richardson and Jeffery Fullmore Construction). We're happy to have the opportunity to welcome them to Surfside Beach.

Update on commercial projects:

- Ollie's (located next to Harbor Freights) has been permitted and is scheduled to open in April
- Pickled Cucumber (Surfside Drive location) – staff meet with the engineer on site to examine the damage and discuss the project. The engineer and architect are drafting the plans and will be submitted soon.
- The building on the corner of 6th Avenue South and Hwy.17 South is being currently being restored to the original size with updates to meet the design overlay district guidelines. This building is proposed to be used as an office.
- Holiday Inn has obtained a permit for renovations both on the interior and exterior of the building. Most of the exterior renovations will be in the pool area.
- Staff has had conversations with the engineers of the proposed Urgent Care to be located at the corner of 10th Ave. South and Hwy. 17 S. They should be submitted plans shortly.
- We've been getting countless calls regarding the Sarku restaurant on the corner of Hwy. 17 North and 10th Ave. North as to when the anticipated opening will be. The renovations were completed in November and a certificate of completion was issued at that time. The opening has not been announced by the owner.
- Staff has been notified that the mobile home in disrepair on Glenn's Bay Road will be removed from town limits. We will follow up on this to ensure this happens in a timely manner.
- The owner of the small brick building located at 1615 Hwy.17 North has obtained a demolition permit the building is scheduled to be razed within the next few months.
- 823 Surfside Drive – The Building Official sent a new letter giving the owner until the end of February to have a general contractor obtain a new permit and complete the work that has been abandoned.

The department's full report is attached for your review.
Planning Commission
Decision Paper

Written By: Sabrina Morris March 6, 2018

1. **SUBJECT:** Design Overlay Public Hearing and Commission Recommendations to Town Council.

2. **PURPOSE:** To receive input from the public regarding the changes to the town’s Design Overlay District and after receiving input from the public, make recommendations to town council.

3. **FACTS:**
   
   a. At the April 27, 2017 Budget meeting the council gave consensus to develop a town design overlay that incorporates the county overlay (1:49:33 on Budget Workshop Recording).
   
   b. Since that time the Planning Commission has reviewed all sections of the county overlay adjacent to the town and has modified the ordinance to better fit the town’s visions.
   
   c. At the last meeting Section 17-908 was removed from the ordinance. The commission felt requiring a traffic study for a change in use would put an undue burden on the applicant and property owner.
   
   d. **Section 17-913 Sign Design Standards** was added to the proposed ordinance. This ensures signs are made by professional sign companies having a business license within the town. It does not address content of the sign. The amendment also addresses placement of the sign(s) so to not interfere or be placed within the architectural features of the buildings. Colors and materials were also addressed in the section.
   
   e. **Section 17-914 Appeals / Variances** was added to ensure property owners/applicants know the avenue of appeals and or variance for the design overlay district.
   
   f. **Section 17-915 Violations Declared a Misdemeanor; Remedies** was added to make the public aware of the severity of violations of the ordinance.
   
   g. The public hearing was advertised in the local newspaper as required by law.
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-900. PURPOSE AND INTENT

(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 requirement 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.

SECTION 17-901. BOUNDARIES/APPLICABILITY

The boundaries of the Design Overlay District are as follows:

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.

(1) 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 in this ordinance.

Levels of Modification

<table>
<thead>
<tr>
<th>Level of Modification</th>
<th>Percent of value (cost of modification divided by existing bldg. value, times 100)</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 percent – including existing structure – no modification</td>
<td>All new or existing structures must adhere to building paint color and must comply within 12 months of the effective date of this ordinance</td>
</tr>
<tr>
<td>Minor</td>
<td>10 percent to 39 percent</td>
<td>Above plus all new or existing exterior walls must adhere, foundation landscaping requirements must be met plus signage.</td>
</tr>
<tr>
<td>Significant</td>
<td>40 percent to 74 percent</td>
<td>Above plus all existing exterior walls must adhere to requirements/materials.</td>
</tr>
<tr>
<td>Major</td>
<td>75 percent or more</td>
<td>All sections of the overlay must be adhered to</td>
</tr>
<tr>
<td>Change of Ownership</td>
<td>---------------------------</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>
ARTICLE IX. DESIGN OVERLAY DISTRICT

(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.

SECTION 17-902. DESIGN OVERLAY DISTRICT STANDARDS ARE MINIMUM STANDARDS

(a) Everything within the Design Overlay District shall also meet all underlying zoning district requirements set forth in Chapter 17.

(b) Provisions of this ordinance shall be held to be the minimum requirements adopted.

(c) If requirements set forth herein are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive, or that imposing the higher standard shall govern.

SECTION 17-903. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

(a) Planning, Building & Director shall review each application for a zoning or building permit to determine if it adheres to these criteria.

(b) No zoning or building permit will be issued unless these requirements have been addressed to the satisfaction of the Development Director.

(c) No Certificate of Occupancy or Certificate of Compliance will be issued until the requirements of this Article have been met.

SECTION 17-904. NON-CONFORMING PROPERTIES/BUILDINGS

Non-conforming properties/buildings shall be brought into compliance with landscaping and building paint color(s) within one (1) year of approval of this ordinance regardless if any work has been performed on the building(s).

SECTION 17-905. 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. Facades
      1. Building facades 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
ARTICLE IX. DESIGN OVERLAY DISTRICT

(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 undorned or plain concrete block, tilt-up concrete panels or prefabricated steel panels for exterior walls or surfaces of the building 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 facades shall be prohibited.

c. Entrances

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 at least two (2) of the features listed below.

1. Canopy/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
ARTICLE IX. DESIGN OVERLAY DISTRICT

(3) Color Scheme
   a. Paint colors for exterior finishes shall be selected from the color range chart as approved by town council and maintained at the Planning, Building & Zoning Department. These colors are the only colors allowed.
   b. Color combinations of paints and stains shall be complimentary. In general no more than three (3) different colors per building shall be permitted. One for base color, one for trim color and one accent color. Primary colors, fluorescent, psychedelic, etc. are not permitted in the design overlay district. Color combinations shall apply not only to new construction, additions, and/or renovations, but also when repainting the building at any time.

(4) 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 requirements 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.

SECTION 17-906. 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 any 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 commercial 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.

(3) Menu stands, order boxes, pick-up windows, service/teller windows, required queuing associated with drive thru services shall be located to the side or rear of the building. For the purpose of this section, the side and rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property line.

(4) Pedestrian access shall be maintained and prioritized across any intersecting drive through land through provision of a concrete walkway or other similar treatment that emphasizes the pedestrian routes between parking areas and buildings in order to provide a safe and comfortable pedestrian crossing.

(5) 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.
ARTICLE IX. DESIGN OVERLAY DISTRICT

(6) Retail Garden Center:
   a. The outdoor storage and 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.

(7) Ancillary Outdoor Storage: The following are requirements for ancillary outdoor storage in non-residential districts located within the Overlay. All uses with ancillary outdoor storage and display of any goods, materials, merchandise, equipment, parts, 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 seven (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.

(8) 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.

(9) Businesses engaged in the sale and/or rental of autos, boats, 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.

(10) 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 seven (7) foot high opaque enclosure or equal to the height of the stored material not to be higher than seven (7) feet located to the rear of the
ARTICLE IX. DESIGN OVERLAY DISTRICT

primary structure on the site.

b. Fencing shall consist of wood, stone, or brick materials. Chain link, plastic or concrete materials are prohibited.

c. 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 structure as defined herein.

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

SECTION 17-907. 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 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.

(2) Utility services shall be located underground when possible.

(3) Dumpsters shall be placed in the rear yard. In the case of a double frontage lot the front shall be considered the primary corridor.

a. Dumpsters shall be surrounded on at least three (3) sides with solid walls. Solid walls shall be constructed of materials used in construction of the principal building, brick, stucco or split-face block and be at least six (7) feet in height. The dumpster gate shall be solid metal or wood fabrication.

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

SECTIONS 17-908 ACCESS MANAGEMENT

(1) 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 (3) Change of Use, below.)
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  d. Nothing in this Ordinance shall prohibit the repair, improvement, or modification of lawful nonconforming driveways.

(2) 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.

  c. Driveways shall be designed with adequate on-site storage for entering and exiting vehicles. 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 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 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 of trees meet the above requirements are listed below vehicles to reduce unsafe conflicts with through traffic and 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 ½) inch caliper canopy tree 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.

(3) 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.
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(4) 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, exist.

SECTION 17-909. PARKING AREA STANDARDS

To reduce the visual mass and enhance the appearance of parking areas from the corridor, the following standards shall be met:

(1) To soften the transition between active commercial areas and the street, all parking facilities shall be buffered from the corridor. Such screening shall be provided for utilizing the area provided for in the perimeter buffer and setback areas.

(2) Parking areas shall be designed so that parking within modules shall be designed such that a 10’ x 18’ island is provided every (10) continuous parking spaces in a row, for a maximum of twenty (20) spaces per bay between islands. At the end of each parking bay within a module a 10’ x 38’ planted island will be provided. Parking islands shall be surrounded by curbing to prevent vehicular intrusion and limit vehicle overhand.

(3) Parking Islands shall be improved with at least one, two and one-half (2 1/2) inch caliper. 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, Building and Zoning Department to provide visibility to signage and or architectural features. The remaining area of the parking island shall be planted with vegetation that complements the structure or a suitable groundcover. Acceptable landscaping shall meet the requirements of Article VII Landscape and Tree Protection.

![Figure 11](image)

(4) Parking of any vehicle for anyone other than persons engaging in commerce at the business located on the property is prohibited. Overnight parking of commercial motor vehicles, tractor trailers, boats, vessels, recreational vehicles, campers, motor homes or similar means of conveyance or places of abode is prohibited, except in conjunction with a special event where a permit has been issued by the Town.

The Planning, Building and Zoning Director is provided the flexibility to work with businesses with tight parking situations to have them enhance appearance by other means than landscape buffers.
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SECTION 17-910. PEDESTRIAN WALKWAYS

(1) Pedestrian pathways shall connect building entrances, site amenities and connections to the public sidewalk system, including through landscaped areas in parking lots when necessary to provide a reasonable direct path for entrance/exit. If no public sidewalk system exists adjacent to the property then the pedestrian access shall be constructed up to the right of way.

(2) For parking uses of over five hundred (250) spaces a pedestrian network shall be provided to connect parking areas to the building areas. In the case of office and institutional uses, a pedestrian path leading to the building entrance shall be provided within one hundred eighty (180) feet of all parking spaces. In cases of retail or other commercial uses a pedestrian path shall be provided within one hundred eighty (180) feet of all parking spaces.

(3) Internal pedestrian access shall be provided to connect off-street surface parking areas with primary building entrances and the public sidewalk system.

(4) Pedestrian pathways shall be constructed with asphalt, cement or other comparable material.

(5) At least one internal pedestrian walkway with a minimum width of five (5) feet shall be provided from the primary building entrance to the public sidewalk system. In the case of the corner lots, a connection shall be made to the sidewalk of both streets.
(6) The pathways shall be of contrasting color or materials when crossing drive aisles (painted or striped crosswalks do not satisfy this requirement). Speed table or textured surfaces creating a rumble effect shall be required at high volume crossings.

(7) All internal pedestrian walkways shall be distinguished from driving surface materials through the use of durable, low maintenance surface materials such as pavers, bricks, or scored/stamped concrete/asphalt to enhance pedestrian safety, as well as the attractiveness of the walkways.

(8) Pedestrian Zones in front of Commercial Buildings, Retail and Linear Multi-entrance Office. A pedestrian zone including sidewalks, landscape planters and amenities such as benches, special paving areas or insets, trash receptacles, fountains or public art shall be provided adjacent to the entrances of every retail or linear multi entrance office building in scale with the size of building. The width shall be no less than ten (5) feet.
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-911. LIGHTING

A lighting plan shall be required with submittal of all commercial development plans within the overlay in order to reduce unnecessary dispersal of light and glare to surrounding lands and/or right of way. Emergency lighting for public safety and hazard warning, holiday decorations, residential lighting, and pubic streetlights are exempt from the provisions of this ordinance.

(1) **Detailed Lighting Plan**
The lighting plan shall show the location of all site lighting including lights mounted on buildings that are intended to illuminate spaces adjacent to the building. The lighting plan shall include specifications and details of all fixtures, and a photometric plan. The photometric plan may be waived for small or infill sites where code compliance and compatibility can be determined through other data.

(2) **Oriantation and Shielding.**
Light fixtures in excess of one hundred (100) watts or two hundred (200) lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project onto adjacent lands or right of way. Standard decorative street lights are exempt. No illumination across any residentially zoned lot line is allowed. The orientation of all lighting shall be downward.

(3) **Height**
a. Luminary heights shall not exceed eighteen (18) feet except in areas where the total number of parking spaces exceeds one hundred (100); in such instances the luminaries shall be no higher than twenty-five (25) feet provided they are limited to the central areas of the parking lot and lower fixtures not exceeding eighteen (18) feet in height are utilized along the primary vehicular/pedestrian corridors.
b. If a luminary is within fifty (50) feet of a residentially zoned parcel, the height of the luminary shall be no greater than eighteen (18) feet with the fixture located along the edge of the parking area and light directed back into the site.
c. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four (4) feet in height.

(4) **Type**
Each outdoor luminary shall be a recessed or a full cutoff luminary, and the use of decorative luminaries with full cutoff optics is desired.

(5) **Location**
All exterior lighting fixtures shall be located a minimum of five (5) feet from a property line or right-of-way line and shall not be located within a required buffer area unless they are located at the interior edge.

(6) **Hue**
Lighting sources shall be color neutral types such as led, halogen or metal halide. Light types of limited spectral emission such as low-pressure sodium or mercury vapor lights are prohibited.

(7) **Floodlights and Spotlights**
Floodlights or other type of lighting attached to light poles that illuminate the site and/or buildings are prohibited.

(8) **Prohibited Lighting**
The following lighting fixtures are prohibited: searchlights, laser source lights, or any
similar high-intensity light, except in emergencies by police and fire personnel.

(9) **Canopy Lighting**
Lighting installed on canopies are permitted at 8w/per square foot under any area that is illuminated and drive-thru facilities are permitted maximum 400w per drive-thru. Lighting shall use diffusers and be shielded. No light source or lens in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling, unless the fixture is of a full cut-off design.

(10) **Building Lighting**
   a. Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using wall mounted lights as described below or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property or from adjacent roadways or the corridor. Building walls may be illuminated.
   b. **Wall Mounted Lights**
Wall mounted lights shall be fully shielded luminaries to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures. The number of fixtures are calculated at .15w per square foot of illuminated wall surface or 3.75w per linear foot for each illuminated wall or surface length.

**SECTION 17-912. LANDSCAPING**

(1) **Foundation Landscaping.**
Landscaping shall be provided adjacent to buildings to enhance architectural features, provide a visual transition from building to the side and define and enhance building entrances. Material shall be generally massed at corners, entrances and other features. The majority of flowerbed/groundcover areas shall be oriented toward pedestrian paths and other high visibility areas.
   a. A minimum 5 foot foundation landscape strip shall be required along the façade and exposed sides of all buildings within a development at 1 shrub per 5 foot. The landscaping shall be composed of mixtures of planting materials. If the building is taller than 25 foot the foundation landscaping shall incorporate two (2) canopy trees per building.
   b. The measurement of public area building perimeter does not include loading and service areas, building facades adjacent to permanent natural or wooded areas, or other areas not normally visible 1) to the public visiting the site, 2) from other buildings on the site; or 3) from public areas off-site.
(2) Perimeter landscaping

a. A landscaped buffer shall be provided around all perimeters for parcels that abut the corridor. The buffer width shall be ten (10) feet. In addition, the buffer widths may be reduced to five (5) feet if land is restricted in size. Landscaping within the buffer shall be provided in accordance with these designs and is dependent on the type of commercial or residential use on the property. These buffer provisions affect no setback dimensions.

b. Perimeter adjacent to public right-of-way: A visual clearance area between the height of two and one-half (2 1/2) feet and ten (10) feet shall be maintained on the corners of all property adjacent to the intersection of two (2) streets or a driveway providing access to a public or private street within thirty (30) feet of the intersection of the right-of-way of streets or of streets and driveways (See diagram below).

c. When any commercial property being developed abuts a single family residential property, a buffer as shown below shall be utilized to mitigate the transition from all levels of commercial development to residential development.

### Diagrams

- Required Street Screen
- Furnishing zone
- Sidewalk zone
- Cones, vertical, decorative, fences, and ornamental, displaced to all, before and during landscaping height = 30 inches
- Driveway access
- Signage, pole, and pole signs are allowed within the storm pipe area with a minimum vertical clearance of 18 inches
- Parking
- Commercial
- Residential
- Typical Opalescent
- Small trees planted 30" on center
- 6' high evergreen screen, 3' spaced, planted 2' O.C.
- Large trees planted 30" on center
- 6' high masonry wall
- Tall evergreen trees staggered planted, with branches touching ground.
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d. No fence, berm, or landscape material shall be designed or located in a manner that obstructs the vision of vehicular traffic at street and/or driveway intersections. When a new residential development is created adjacent to or abutting to an existing non-residential zoned property within the corridor, it is the responsibility of that new residential development to meet the buffer requirements and improvement standards.

c. Permitted uses within the required buffer include driveway access; transit oriented uses including bus stops and shelters; pedestrian and bike paths; and lighting fixtures, signs, benches, and other streetscape furniture.

(3) **Irrigation**

All required planting areas shall be mechanically irrigated. Bubbler or drip irrigation systems are encouraged in order to reduce water consumption and overspray onto pedestrian and vehicle use area. This shall include all tree islands, medians and all areas of required frontage landscaping between the parking lot and public streets. Required planting areas associated with parking lots containing less than thirty (30) parking spaces are not required to be irrigated. However, an exterior water source (such as a hose bib) shall be located within one hundred (100) feet of all required planting areas. If the project area is required to be irrigated, the following statement on the Site and Landscaping Plan must be provided “All planting areas shall be mechanically irrigated.” and/or, an irrigation plan must be provided.

(4) **Maintenance**

Maintenance shall consist of mowing, removal of litter and dead plant materials, necessary pruning, and maintenance of screens in conformance with the surrounding area. Natural watercourses within a buffer shall be maintained as free flowing and free of debris. Stream channels shall be maintained to improve floodplain areas. It shall be unlawful to deviate from approved landscape plan unless otherwise permitted by the Zoning Administrator or designee.

(5) **Berm construction requirements**

When a berm is utilized to provide separation between non-similarly zoned properties or for the purpose of modifying other standards elsewhere required by these regulations, it shall adhere to the following:

a. Have side slopes no greater than 3:1. Any alternative designs shall be noted on all plans; and

b. Be vegetated with the plant materials that are suitable to high well drained soils.

c. Plants used for landscaping shall be indigenous to the local climate and properly maintained in a healthy, controlled manner by the property owner.

d. Non-vegetated areas on the berm shall be covered with a groundcover, mulch, or grass suitable to stabilize the side slopes of the berm (used when modifying parking lot location); and

e. Breaks in the berm may be allowed every six (6) to eight (8) feet or as needed for drainage.
(6) **Drainage and utility encroachment into the perimeter buffer**
   
a. Stormwater facilities and conveyances encroaching into the perimeter buffer- New stormwater facilities including conveyances shall not be located on the exterior of any required landscape buffer. If an existing conveyance or stormwater facility exists along the property line or in the area which would normally constitute the buffer location, then the buffer width must be met internal to said facility or conveyance. Any encroachment into the buffer area may not encroach more than ten (10) percent into the total required width of the buffer. An encroachment includes any required easement width necessary to access and/or maintain the facility or conveyance to meet the requirements of Stormwater Ordinance.

b. Utility encroachment into the perimeter landscaping – Water, gas and electric utilities shall not encroach into the landscaped areas of the perimeter buffer, but may encroach into the streetscape buffer.

(7) **Alternate designs allowed**
   
The Planning, Building and Zoning Director may, at their discretion, approve an alternate buffer design incorporating visually appealing fencing or earthen berms. The Planning, Building and Zoning Director may, at its discretion, approve alternate species not included on the approved plant list if the property owner submits a letter from a certified landscape architect, horticulturist, botanist, or plant nursery operator stating that the growing conditions in the Town favor the healthy growth and maintenance of that species. The Planning, Building and Zoning Director may also require landscaping to be installed in locations left empty from the parking layout, such as corner islands associated with angled parking layouts, at its discretion.

(8) **Tree preservation**
   
The following standards apply to all properties within overlay.

   The Planning Department can grant up to a five (5) percent reduction in the number of off-street parking spaces required on the site if the reduction in pavement will preserve the root zones of existing healthy trees of eight (8) inches or greater.

**SECTION 17-913. SIGN DESIGN STANDARDS**

In addition to all signs having to meet the requirements of Article VI of this ordinance the following shall apply to any new signage, additional signage or any sign changes within the Design Overlay District.

a. Signage shall be designed, constructed and installed by a town licensed sign company.

b. All proposed signage shall be indicated on the architectural elevation plan and include location and dimensions to scale.

c. Freestanding signs and wall signs shall compliment the architectural style of the building and shall be designed as an architectural element of the building.

d. Materials, colors, and lighting of signs shall be compatible with the materials used in the construction of the building.

e. Wall signs shall be proportionately sized with other architectural features of the building and fit within the confines of the architectural details of the building as to not obscure or detract from those details. Business signs erected upon or above a roof or parapet of a building shall not be permitted within the Design Overlay District.
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SECTION 17-914 APPEALS/VARIANCES

Any person aggrieved by the Development Directors action or decision, or seeking relief from a requirement of the design overlay district shall make a formal request to the Board of Zoning Appeals.

SECTION 17-915 VIOLATIONS DECLARED MISDEMEANOR; REMEDIES

A violation of this ordinance is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender shall be punished by a fine not exceeding five hundred dollars ($500.00), plus fees and assessments, or by imprisonment for a period not exceeding thirty (30) days. Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION 17-916 – SECTION 17-920 RESERVED