PLANNING COMMISSION
TOWN COUNCIL CHAMBERS
Tuesday, June 6, 2017 6:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALEGIENCE

3. PUBLIC HEARING

   Proposed amendment to the Zoning Ordinance, Chapter 17, Section 17-418 to regulate the sale of personal property in yard areas of residential zoning areas.

4. AGENDA APPROVAL

5. MINUTES APPROVAL – May 2, 2017

6. PUBLIC COMMENTS – AGENDA ITEMS

7. DIRECTOR’S REPORT

8. BUSINESS

   Item #3

9. DISCUSSION ITEMS

   Design Overlay Revisions

10. PUBLIC COMMENTS – GENERAL

11. COMMISSION COMMENTS

12. ADJOURNMENT
Public Hearing
Item # 3

SECTION 17-418  SALE OF PERSONAL PROPERTY IN YARD AREAS OF RESIDENTIAL ZONING AREAS

Only used personal property owned by the resident of the location of the sale, family members or neighbors shall be offered for sale. The sale of merchandise by a business entity, new merchandise or merchandise in bulk is prohibited. “Bulk” is defined as more than 4 identical items.”

1. No more than 3 large pieces of furniture for sale at a time may be placed outside the residence. “Large” is defined as bigger than a typical dining chair.

2. Only one motor vehicle or boat/trailer per residence may display indications that it is “for sale.”

3. Hours – merchandise and any tables, shelving or racks used to display merchandise must be removed from the yard space by sundown.
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, Gambino, Johnson, Lauer, and Lowery. A quorum was present. Others present: Town
Clerk Hemann and Planning Director Morris.

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

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

4. MINUTES APPROVAL. Ms. Gambino said Ms. Elliott were at the last meeting. Line 116
'councilmember' was printed. I don't think that we are councilmembers. I think we're commissioners.
Chairman Abrams said she is quoting something that a councilmember said, I believe. Line 116, Ms.
Morris was talking about what councilmember had to say. Ms. Gambino said excuse me, so that would
also be the same I guess on Line 122, as well. Chairman Abrams said yes. Ms. Lowery said Line 173
should be 'Please, I beg', not 'be.' Ms. Johnson said she did not attend the April 4th meeting, either.
Chairman Abrams said Elliott and Johnson will be shown as absent for the April 4th meeting, and Line 173
will be "Please, I beg." Ms. Lowery moved to approve the minutes as corrected. Ms. Gambino second. All
voted in favor. MOTION CARRIED.

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

6. DIRECTOR'S REPORT. Ms. Morris said the department issued 207 permits in April,
including five new homes. Staff also approved one new subdivision last month. The property is located on
the corner of Melody Lane and Ocean Boulevard. There was a home on that property that was moved
away. They have two lots and will build two homes. As many of you know, and were at the last Town
Council workshop on April 18, council reviewed the planning commission's recommendations for the
landscape and tree ordinance. Council will hold the first reading of the ordinance on May 9th. Council said
they would bring back the changes that they feel would be necessary for the ordinance at that time.

7. PLANNING COMMISSION DISCUSSION

1. Proposed amendment to the Zoning Ordinance specifically to Chapter 17 to include
Section 17-418 to regulate the "Sale of Personal Property in Yard Areas of Residential
Zoning Areas."

Chairman Abrams said a draft of the last meeting's discussion was in the packages. Ms. Johnson
said I agree that we shouldn't have to have a permit, but I think at one time it seems to me that you
didn't have to have a permit, but you had call up and let town hall know that you are having a yard sale.
Ms. Morris said that was proposed at one time, but it was never adopted. Ms. Johnson said well, I think
that would be good idea, then there can be a list of who have them that day. With that being said, we
could limit them to three or four a year, so people don't hold them every other weekend. I cannot image
that anyone has enough 'stuff' to get rid of that they would need a yard sale more than three or four
times a year.

Ms. Lowery said it was pretty much covered basically [in the draft.] [My question is] what is the
definition of large; bigger than a typical dining chair. Chairman Abrams said that was a 'throw of the
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54 dart.’ Ms. Lowery thought that was good idea, but I don’t know that we need to give physical
55 measurements. The motor vehicle or boat trailers per residents; when I started thinking about motorized
56 vehicles being for sale, we also need to think about lawn tractors, golf carts, and kids have some toys
57 that are battery-operated. I don’t know whether we would need to make some sort of an exception of
58 the motor vehicle section. Older children moped or motorized vehicles. I would be very happy eliminating
59 cars, motorcycles, and lawn tractors as being something not sold at a yard sale. Chairman Abrams said
60 we have a town ordinance definition of motor vehicle. I would think it wouldn’t have toys in it. That
61 needs to be checked. Ms. Lowery said someone will always find a way around something or complain
62 that you didn’t include this. Staff checking on things; if we don’t have permits and staff just rides up and
63 down the streets on Saturdays to see who does and does not have yard sales, I think it was mentioned at
64 one time that they could do that and perhaps give them a day off during the week. Ms. Morris said yes.
65 Ms. Lowery said we need to find some way of educating people as to what’s going on. If we don’t have
66 permits, and we don’t have any kind of penalty or tracking system, if I’m having a yard sale and I’m not
67 doing things the way I am supposed to, somebody can come by and fuss at me. Ms. Morris said
68 remember anything in the zoning ordinance, besides a tree ordinance which has its own penalties, that’s
69 a violation is a misdemeanor, which is a South Carolina State Law. Ms. Lowery said that has come up
70 before. Parking at the yard sales would be under the police department? Ms. Morris said yes. Chairman
71 Abrams said parking is not our worry as it is not in the zoning ordinance. Ms. Lowery said there was
72 something in there that yard sales, tag sales and sales all that had to be on private property. Can there
73 be an exception for a private or charitable yard sale at a business? Ms. Morris said they can do that but
74 the business must get an open display permit. Chairman Abrams said this ordinance only addresses
75 residential zones. Ms. Morris said that individuals are not allowed to hold a yard sale at a commercial
76 location. Ms. Lowery said I really liked what that gentleman had said about personal belongings to
77 circumvent people bringing in large items and bulk items picked up from one place and selling in another.
78
79 Mr. Seibold said I liked what you wrote here and I think those comments have been included in
80 here from that gentleman at the last meeting. I was leaning toward a permit, but I will back off on that
81 after hearing the public comments at the last meeting. My question still remains is how do we track the
82 yard sales. I don’t see don’t see a town employee coming in to ride up and down streets on the weekend.
83 Ms. Morris said they actually do that now. The code enforcement officer comes in on the weekend
84 occasionally because so many people do repair and construction work on the weekends. Ms. Seibold said
85 if he is working that’s fine, but I didn’t want him to come in just to check for yard sales. I like the draft
86 the way it’s written. I like the public comments being incorporated. Chairman Abrams said we had some
87 very good ones. Mr. Seibold said the personal property is not only a yard sale, as I read this it also
88 pertains to having a car in a residential area. Ms. Morris said that’s correct.
89
90 Ms. Lowery said she saw where there were complaints were made about yard sales. Some
91 thought three or four calls were not that many. I understand councilmembers were also getting calls. Ms.
92 Morris said when this was presented at the last planning commission meeting, we were literally getting
93 12 to 14 phone calls every other day about this one area, but they have now moved. But the problem will
94 come up again, so we really need to address now. Council and planning staff were getting the same
95 phone calls about the same property.
96
97 Mr. Lauer said one of the biggest issues really is whether we have permits or not. The most
98 effective ordinances usually have very clear restrictions and clear penalties. They have somebody who’s
99 going to enforce them. Enforcing them seven days a week is optimum, but we really can’t do that. I’m
100 worried about getting tough on yard sales and then if we back off, as Ms. Holt said last week that the
101 complaints are what’s triggering this process. We need to move forward with an ordinance or let it slide
102 and just respond to the complaints. Or, we can go ahead and ask for permits and then you can have a
103 real compendium of information and we’ll know who’s been violating.
104
105 Ms. Johnson said I have lived here for 30 years and I remember the day that we had to go to
106 town hall; we paid five dollars for permit for yard sale, and they gave you a yard sale sign. You were
allowed three a year.

Chairman Abrams thought there was a discussion at the last meeting that we would try to give you language you needed to enforce the problem areas without building a bureaucracy around it, and if that didn't work, then we could always go back and build a permit bureaucracy. We're also concerned about staff having to track all this. I think half the problems is that they don't get a permit in the first place.

Mr. Seibold said at the last meeting I was leaning toward a permit, but there was an awful lot of objection to that. The more I thought about it over the last couple of weeks, I wonder if we really want to get into getting permits for yard sales. Once this goes into the ordinance then it's a misdemeanor. We have something to enforce. If we have complaints, we can send somebody out without additional work on you and the town, and the residents getting upset, because now we're asking them for permits. I'm kind of against it.

Ms. Johnson said I never had a problem with getting a permit back in the day. Pay five dollars to get the permit; they give you a sign. You get a permit saying you allowed to have yard sale. If we're gonna have these rules about what you can and cannot sell, that would be the time for them to be given the rules so they'll know what they can and cannot put out. Otherwise, how will they know, until they are in violation?

Ms. Lowery said they have to know that a permit is required, and at the same time we just educate the residents. These are things you can do the newsletter. Some of us get the newsletter letter on the computer. Some of us don't get the newsletter. Some people get it, but you can't force somebody to read the hard copy or read the computer; it is just a difficult thing. Maybe something on the news saying Surfside Beach has decided this. Maybe more people would see it then. A lot of it is education. These are things that are okay; these are things that are not okay. At one point, I thought a permit would have been the perfect way of educating people; they come in to get the permit and the office give them the information. But your office is already swamped. I hate the idea of adding one more thing to the work load. Ms. Morris said we will not go out and the first time we see someone in violation and write a summons. The public may or may not see the information in the media, so we always give them a few warnings; a summons is the last action. Ms. Lowery asked if the warnings are tracked. Ms. Morris said yes. Even if residents were required to call the office to let us know that would be a nice tracking device.

Chairman Abrams said that a public hearing would be held.

Mr. Seibold asked if we are going to stop at yard sales only if there are complaints or if they see they are violating the rules for some reason. Ms. Morris said if the code enforcement officer drives by a yard sale and there is no violation, there is no need to bother them at all. Mr. Seibold said that's my question. Ms. Morris said if the draft is adopted, if code enforcement drives by and there are three large vehicles, then he would stop and educate them. Mr. Seibold said okay, he did not want to hassle residents.

Ms. Lowery agreed with Mr. Seibold and said that we want the best results with the least amount of hassle for everyone. Mr. Seibold said exactly.

Ms. Gambino said I agree with Mr. Seibold. I think the least that we can trouble the residents; I'm certainly not for a permit. I think a lot of residents would be totally against that.

Chairman Abrams asked if everyone agreed on defining bulk items as more than four identical items. COMMISSION CONCURRED.

Chairman Abrams asked if anyone had a better definition of large pieces of furniture other than 'a
Chairman Abrams asked how the commission felt about ‘merchandise must be removed from the yard space by sundown.’ COMMISSION CONCURRED.

Ms. Johnson said some people have yard sales that begin on Friday and end on Saturday and like to cover it and leave everything outside overnight.

Mr. Lauer thought that the proposal was to bring it inside overnight.

Ms. Lowery said time limits were discussed previously that they had to bring the items in and put back out, if it was for more than 2 days. Ms. Morris said the previous ordinance draft limited yard sales to two consecutive days. The proposed ordinance would not regulate that. Chairman Abrams said the previous ordinance draft was much more complex.

Chairman Abrams said people need this ordinance sooner than later. I would like this as a business item and have the public hearing at our next meeting with this going to council in early June.

Tonight we have to agree on what it says.

Chairman Abrams asked if there was consensus to bring this draft ordinance without a permitting process for business at the June meeting. COMMISSION CONCURRED. Chairman Abrams asked Ms. Morris and Ms. Hermann if there was any reason why this could not be done. Ms. Morris said no, I will go ahead and advertise it. Chairman Abrams said the draft is pretty clear what it’s to say.


Chairman Abrams said I would like to apologize, Mr. Truett, for the late notice of this meeting. I don’t know how we dropped the ball on that. Thank you for being here.

Ms. Morris give a PowerPoint of the design overlay guidelines. At the budget retreat last week several councilmembers, one in particular, asked that we look at the design overlay and make it more stringent. Right now, typically a municipality’s overlay is a lot more stringent than a county overlay. In our case, we have two separate county overlay districts on either side of Surfside Beach. Both of those are much more stringent than the town’s overlay. We showed a three slide presentation to the Council. They voted to send it to the planning commission and for the planning commission to review the County’s overlay and adopt it as much as possible. The county is getting a lot of new commercial businesses. It’s not just on the bypass, but getting them here on Highway 17 as well, and they are skipping our town. The two county districts are just to the north and south of the town limits. They are exactly the same except for the development requirements. I think the one that would fit best, and of course, the decision is absolutely up to the planning commission, is the South Kings Highway overlay as the design and development guidelines fits more within Surfside Beach, because it includes smaller buildings. One of the biggest differences in the county’s overlays and the town overlay is that the county’s overlay applies to existing buildings, not just new construction. Adopting a more stringent overlay would make a more harmonious design within the town; give tourist a sense of welcome, and a reason to come back; enhance the town’s appearance to residents; support and stimulate business, and promote desirability of investment in the town. Chairman Abrams noted how the county overlay applies to existing businesses, and asked what kind of timeframe is given for them to come into compliance. This is critical. Ms. Morris said yes, if they do anything between zero and 9-percent of the building value, all new exterior walls must adhere to the foundation and landscaping requirements. If they come into their building and they want to put a canopy on their building and the building is not worth a lot of value, then they will have to adjust their foundation. Chairman Abrams said it is more or less permit driven. Ms. Morris said it is based
on the percentage of the work they're doing. Any work done in the overlay district requires a permit. Chairman Abrams was to state how critical that was before further discussion. Ms. Morris said the overlay would go into effect with these percentages:

- 0-9% is the foundation and landscaping
- 10% - 39% must adhere to 0-9% rule, plus their signage must be brought into compliance. The town already has a sign ordinance. The signage in our case would be the landscaping around the signage.
- 40% to 74% everything already stated and all existing exterior walls must adhere to as well as complete the landscaping. They have to cover the metal between
- 75% and above everything in the overlay has to be met.

Ms. Morris said the overlay also states in the development and the design sections, the façades have to meet three elements: color change, texture change and material model change. Basically, what they want is the façade to be broken up. They want to look like several businesses instead of one large box store that give the building a more attractive look. They are required to have at least one pilaster column offset reveal within every 30 linear feet. I think it's better than the other. The other overlay says over hundred linear feet. We asked Publix to determine how many prototypes they had, and were told that they have as many as needed. So in these examples, there are three different prototypes for Publix. Someone complained about the Arby’s building, because it still looks like an Arby's building even though it's now nail salon. We also got in touch with McDonald’s, who told us they have several prototypes to meet any overlay design. If they're going to be in town, they will try to incorporate their design changes around the town.

Ms. Morris showed a picture of a gas station that was previously a used car lot. It was just a flat roofed building in the middle of the lot with cars parked all around and no landscaping at all. A developer wanted to put a service station on the lot. The town said landscaping was required to meet the overlay district. Of course, the developer did not want to do it at first, but he complied. There is another service station on the other side of the street that does not have overlay requirements. The town said the station that meets the overlay gets much more business, because landscape softens the area, and it makes it more welcoming. Other photographs were show that included examples of Dollar General, Lowe's Grocery, Ross and Kohl's. Pervious pavers could be required that would enhance the town's stormwater system. We would ask that the planning commission consider the South Kings Highway overlay zoning district for the most part for the town. We have to go through and obviously do some changes to meet the town's needs. I think if we should have requirements for the new development, and we have requirements for the existing development. We've got to protect our investment, but protecting our investment means looking at what's beside us, as well. So you have to consider all of it. We are getting a new Highway 17 with paviors and landscape that is going to look really good. Now is the time to incorporate the new overlay requirements.

Mr. Seibold says that everything you showed us is in effect right now in Horry County. My concern is driving businesses away, but there is no place for them to go. I don't want to sound like a broken record, but I don't want to burden residents or burden businesses coming in here either. I'd like to see more businesses in town. I've gone through it; the overlay cost them a few thousand dollars, but it turned out great. I was on both sides of the fence, but it came out nice and I liked the foundation. I like the shrubbery. I like the way things look, so I'm in favor of strengthening ours. I just don't want to drive business away, but if they have no place to go, I am in line with it. This is in effect right now. Ms. Morris said this is in effect in Horry County right now. There are overlay districts on Highways 544, and 707. Mr. Seibold says I know they opened the new Publix on Highway 707. Ms. Morris said I would recommend you go see the new Publix on Highway 707. It's unbelievable. I actually live in that area so I was curious myself as to why Lowe's on one side of 707 has a large pylon sign and Publix has a little tiny monument sign. I called Horry County Planning and was told it is because Publix is a special planned development that only allows monument signs. Lowe's on the other side is in the special overlay district. The two
stores are right across the street from each other, but have different requirements. Every major corridor
in Horry County has overlay requirements and they are booming. Garden City is starting to boom,
Chicago Pizza and Mellow Mushroom are two new restaurants opening soon.

Mr. Lauer says the proof is in what you see. You drive around Surfside, we look like the orphans.

Ms. Gambino said several people commented to her that they have property in Surfside, but they
don’t live here. Just being honest, they asked me what’s going on. We really are rundown. I said yes; just
like Mr. Lauer said, just ride around and look.

Mr. Seibold said it is true, I agree. But it is an expense on the businesses. You think the major
corporations; but you get a small owner coming in to open a business and you throw a $5,000 or
$10,000 bill on them.

Mr. Lauer said the traffic is here. People are coming down 17. It is heavily traveled and if they
don’t see something they want to pull into, they won’t. My wife says if it is not an attractive building,
she’s not going there.

Ms. Johnson said like Ms. Morris said when you are comparing the two that were across the
street and one had the really nice overlay and the other one did not. The one that did got a lot more
business. So maybe you do spend a little more, but then it is going to pay you back.

Mr. Lauer says that over time, but you have to be here for the long run. Ms. Morris said if you
remember when we first proposed the design overlay many years ago, it was very stringent. What the
planning commission recommended to council was a very stringent ordinance; it applied to everything. It
gave triggers as to what could and would happen once you’ve met those triggers. But the council ordered
it down. During that entire time the community came out and they spoke during public hearings, and
during council meetings saying this is what we want. We live here; we want to shop here, but most of
them said they don’t, but they would if it was attractive.

Chairman Abrams said she would like to give our business committee the opportunity to speak.
This is supposed to be a discussion between us and them. Mr. Truett said we actually got a copy when
the overlay was first presented to council that was brought back to the business committee. One of the
concerns we had is when you ride down Highway 17 you’ll see a lot of new construction that are actually
Butler buildings. They’re metal buildings with brick facades on the front. Part of that overlay was going to
require siding go on the outside of the metal building, which would have voided the 30-year warranty on
those buildings. There’s probably 15 or 20 of those buildings in town. If you have to put siding on a 200
foot building on two sides, your warranty goes away. I wish we had more time to have discussed the
proposal in a committee forum, but unfortunately, I just found out about this Saturday. All these look
great. I guess the concern I would have, if you do nothing to your business, does this overlay force you
to comply as far as landscaping. Because that to me is the real issue; prompting these businesses that
don’t look good to improving their appearance. We can make it tougher for people coming in, the new
construction; people wanting to do 50-percent more; change of venue or change of business. But we still
have some businesses that are eyesores. How do we prompt these people to invest in the properties? A
lot of these businesses rent these properties. So it’s not necessarily the business owner, it’s the landlord
that doesn’t live here. I think as long as he’s collecting his rent every month, he is probably not gonna
spend $15,000 on new awnings, new siding, or new paint.

Chairman Abrams said we need to turn up the heat on them. These landlords are the guys that
never would’ve applied for one of the facade grants, either because he doesn’t care. Mr. Truett said we
thought the facade grants were a great idea. There was money in the budget for $50,000. The way it
worked, you do a permit. The town would pay up to 50-percent, a maximum of $5,000. You could paint;
put up awnings, or even do landscaping. The businesses weren’t educated. They did not know that these
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grants were available. I just sat there and sat there; nothing happened. I talked to businesses that made
improvements and told them they should have used the grant money from the town, and they didn't
know anything about it. From the town's perspective, we need to invest back in the community and that
was a way to do so. The business community generates 88-percent of the tax revenue in town. The
amount of $50,000, in my opinion, is a small investment over the millions of dollars that the businesses
pay. I think to generating business in town, it's not just one thing. At our last business committee
meeting, we talked about declining tax rates. What that is, if you've got a business with $4-$5 million
gross revenue in Horry County, you get a 40-percent tax break. We don't have that. I think that holds us
back from being in competition with the county. I think there's a lot of little things that we should be
looking at to help promote businesses coming into town, not just one thing. Obviously, anybody who has
a business in town would love it to look like the examples Ms. Morris showed. Some of the business do,
but for the most part, we've got some eyesores. Chairman Abrams said we do, thank you.

Mr. Lauer said I have to admit I am not used to hearing businessmen saying let's be harder on
the businesses. I kind a like that.

Chairman Abrams said in my personal preparation for this I think we did ourselves a lot of harm
when we took 'change of tenant' out of the code. That's not enforcing a lot of the changes right there,
but I think personally we need to turn the heat on some of the eyesores and some of the absentee
landlords. I'd like to figure out what gets us the highest impact for the lowest cost on the business, and
what comes to mind to me is we make them paint, pave, and plant landscaping. Give them a deadline.
That stuff just can't be all that expensive. We wouldn't have to make them change rooflines and build
parapets for maybe some period of time.

Mr. Truett said and I agree. I go back to the façade grant, I think that's a good way to possibly
promote [improvements.] If you look, $50,000 is going to get you $100,000 worth of improvements. Five
years from now that's a half million dollars worth of improvements on this one corridor. So, does Council
want to put that back in? I would love to see them do it. I would really love to see them make sure every
absentee owner gets a letter saying we would like for you to do this, this and this, and here's a way for
you to recoup part of your expenditures. Chairman Abrams said and you have some provision they
cannot ignore; you have to do this one way or another, but we will help you. Mr. Truett said I mean the
façade grant wasn't just giving out a check. The business comes in, makes an application, and they had
90 days to complete the work. There was an inspection done after it was completed; all the invoices were
verified; all expenditures were verified, and then a check was sent for reimbursement. Chairman Abrams
said my impression was it was the business owners who gave [cared about their businesses] who would
apply for it in the first place. Mr. Truett said I don't think we had anybody apply. We, the business
committee, are here to help anyway we can. I am sorry it just me and Mr. Fitzmaurice here tonight.
Chairman Abrams said this is only a discussion. We're not even in a business meeting on this and I don't
know what the other commission members think. I think we've still got a lot of chewing on this to do.

Mr. Seibold said this still wouldn't attack existing businesses; it would not do anything for the
eyesores.

Chairman Abrams said I want the overlay to do something with the eyesores now. Is that a
consensus that we hit the eyesores now? COMMISSION CONCURRED.

Ms. Lowery asked if there was a legal way to do this. Ms. Morris said she would have to speak
with the town attorney. Attorneys have told us several times in the past that we do not regulate ugly.
Chairman Abrams said about that you must come into compliance with the paint color codes or
something like that. Ms. Morris said if you do that, you will have to do it for everyone, even businesses
that just painted a neon color that looks really nice. Those businesses will have to bring it up to this code,
too. So just keep that in mind.
Chairman Abrams said how long has it been that these people are going to keep ignoring us, and when are we going to dean it up. (***) Ms. Morris said I want to make sure it is legally done. Chairman Abrams said as you can see, we have a lot more discussing to do. I think the business committee has plenty of time to discuss it.

Mr. Truett said I think our next meeting is on the 23rd. I will make sure that it is on our agenda to discuss. I will make sure everybody gets a copy of the overlays, south and north and the town’s. Chairman Abrams asked Ms. Morris if the Horry County overlay ordinances are online. Ms. Morris said they are. Mr. Truett said I will make sure I get all these and get them to the committee members. Maybe we can brainstorm a little bit, and see if we can come up with something.

Mr. Lauer said I would love to see those facade grants come back, but I don’t think it is a good time to be hustling council for money. Mr. Truett said it doesn’t hurt to ask.

Chairman Abrams said I heard a consensus that we want to find out from the lawyer if we can somehow twist the arms of the eyesores. Yes, it would impact everybody, but it’s that or do nothing. How does everybody feel about sticking ‘change of tenant’ back into the requirements? That was taken out by council. COMMISSION CONCURRED.

Mr. Seibold said that gives us some help where we need it to bring some eyesores back. I’ve gone through it, to change it forces that new owner, whether it’s the owner or the new tenant. Chairman Abrams said I’ll force the absentee landlord to do something. Mr. Seibold said no, actually it doesn’t. Chairman Abrams said I will trickle down. Mr. Seibold said I don’t know how it works, but I know the business I was working paid bills to landscape and bring up; the owner did not. I don’t know how that’s written or how that works with the town, but I know the company paid the bill. Ms. Morris said we don’t regulate who does it, we just tell them it has to be done.

Ms. Johnson said ultimately that would be the owner’s responsibility. Ms. Morris that is who we would contact. Chairman Abrams said we can’t stop the absentee landlord from letting it trickle down to the expense of his tenant. There’s not a thing we can do about that, but we can make the absentee landlord clean it up. Mr. Seibold said what I guess that’s probably what happened eventually, so you want to run the business you pay this bill. Ms. Johnson said then the building sits there empty for six more months waiting or another tenant.

Mr. Truett said you also have the situation in strip malls with individual owners of each unit. Trying to get everybody on board; might not have a tenant turnover for five or six years. That’s another problem. Chairman Abrams said now there are some sticky wickets in there. Mr. Seibold said I noticed there is a lot of construction going on around 16th North. It was a gas station. Ms. Morris said it is going to be a coffee shop and it will meet our overlay. Mr. Truett asked what the landscaping requirement is for a 75 foot lot. Ms. Morris said landscaping is based on the size of the lot: 10 foot of landscaping in the front; landscaping on the end of each island; no more than 10 parking spaces without an island, and then landscaping is required all the way around the parking. That is pretty much matches the county’s requirement, but the county’s overlay is a little more stringent.

Mr. Seibold asked Mr. Truett if he saw any problem for the business community if the overlay was more stringent and it complied with the county. I’m kind of leaning to make it more stringent, but again, I don’t want to drive business away either. Mr. Truett said I think with adding back ‘change of tenant’ it is going to be a slow process, but that is part of the puzzle. If you got an ugly piece of property, and he just wants it to stay ugly, I’m not sure government can do anything. Mr. Seibold said no, I don’t think so. Mr. Truett said you need to probably entice, encourage, or possibly partner with the property owner; but as far as legislating it, I don’t think you can. If we get the ball rolling and the guy next door, sees the guy putting in landscaping and the competition down the road sees it, maybe he will start spending some money.
Ms. Johnson asked if Charleston legislated dilapidated buildings. They make them fix them up.

So, there is some way to legislate that. Ms. Morris said we have a property maintenance code, which we can use if there's violations. That may be what Charleston is using. There is also an existing building code to address the older buildings, but the town did not adopt that. The commission may want to consider that code at a future meeting. We can regulate shutters and gutters falling down now. But as far as paint peeling, or is faded, we just can't regulate.

Mr. Truett asked Ms. Morris to provide the business committee with copies of the current and proposed overlay codes, along with a list of items that were removed from the original presentation to council.

Ms. Morris said at the budget meeting last week council [conurred] to consider adopting the overlay for the County, of course, that was subject to adjustments necessary to meet the town’s requirements. Chairman Abrams said as far as I am concerned that was the consensus of the discussion of the budget. It wasn't any business item. Ms. Johnson said well back to Charleston, yeah they don't allow peeling paint, they legislate that. Ms. Morris said that may be the existing building code. I'll call them for clarification, because yes, you are right they do.

Chairman Abrams stated for review:

Turn up the heat on the eyesores now if we can along the lines of paint, paving and plants. Ms. Morris is to discuss that with the town attorney. **COMMISSION CONCURRED**

Business committee meeting on the 16th; will hold an in-depth full discussion on the overlay. Mr. Truett and the committee will be welcome to come back and participate in our next meeting.

Add back 'change of tenant' as a trigger. **COMMISSION CONCURRED**

Chairman Abrams asked Ms. Morris to work with the attorney to determine what the town can legally do to make these owners improve their property. I get the sense right now that as a commission we want these people cleanup at least as far as paint, landscaping, and paving. I agree that it pinches a bit. I'm sorry, you know it hasn't happened and how many years? Maybe we just need to encourage people a little bit.

Ms. Johnson said that maybe if we adopted a new ordinance and give these eyesores 12 months to comply, but maybe give them a little tax break or something for one year to comply. Chairman Abrams a deadline to comply on the less expensive cosmetic stuff, and asked Ms. Morris to please include the business committee as participating members of the discussion on the overlay on the next agenda.

Mr. Lauer said thank you to whoever compiled the charts for us. That took a lot of work and gave me a good starting off point.

Ms. Johnson said she noticed at Hardees they did some overlay and put some trees and pavers around the trees. There's a lot of trash that ends up in those areas. Who is responsible for cleaning that?

Ms. Morris said they are; the code enforcement officer will be sent to deal with it.

10. **PUBLIC COMMENTS - General.** There were no public comments.

11. **COMMISSION COMMENTS.**

    Mr. Lauer: I don't really have any comments. It was a productive meeting.
Ms. Gambino: Thank y'all for coming out, and we're just beginning, I hope.

Ms. Johnson: Have a good evening. God bless you.

Ms. Lowery: I don't have anything to say. That's a rare moment. Thank you guys for coming out.

Mr. Selbold: It's been a good meeting tonight. I would like to say I think this is very important for the town, and for our residents. I want to see businesses come to Surfside; not leave Surfside. I think it is an important part of our job, and we should really pay close attention and do whatever we can to improve on it. Thank you.

Chairman Abrams: I agree. I feel like we got some sense of where we want to go with this tonight. I look forward to more input from the business committee and input from the attorney and Ms. Morris and any of us who had a chance to think about this a little more.

12. ADJOURNMENT. Ms. Johnson moved to adjourn at 7:08 p.m. Ms. Gambino second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: June 6, 2017.

Mary Ellen Abrams, Vice 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 new, unopened 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
Decision Paper

Written By: Sabrina Morris, Director of Planning, Building & Zoning       June 6, 2017

1. **SUBJECT:** Proposed ordinance to regulate the sale of personal property in yard areas of residential zoning areas.

2. **PURPOSE:** To prevent the inclusion of commercial sales in residentially zoned areas of town.

3. **ASSUMPTIONS:** By requesting Town Council approve the proposed amendment to the currently ordinance, staff will have the legal authority to ensure commercial sales will not encroach into residentially zoned areas.

4. **FACTS:**
   a. You can’t drive across town on the weekend without seeing items for sale in residential yards. These are generally residential sales where the owners wish to sale items they no longer want or need.
   b. However, there are some that bring in items and set up what many consider commercial sales on residential properties on a regular basis.
   c. Not only household items are for sale, but some have two or more vehicles for sale at the same time. This encourages more and more commercial traffic in residential areas.

5. **IMPACT OF SUCCESS OR FAILURE:** By recommending the proposed amendment staff hopes to prevent commercial impacts on residential districts.

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**SECTION 17-418   SALE OF PERSONAL PROPERTY IN YARD AREAS OF RESIDENTIAL ZONING AREAS**

Only used personal property owned by the resident of the location of the sale, family members or neighbors shall be offered for sale. The sale of merchandise by a business entity, new merchandise or merchandise in bulk is prohibited. “Bulk” is defined as more than 4 identical items.”

1. No more than 3 large pieces of furniture for sale at a time may be placed outside the residence. “Large” is defined as bigger than a typical dining chair.

2. Only one motor vehicle or boat/trailer per residence may display indications that it is “for sale.”

3. Hours – merchandise and any tables, shelving or racks used to display merchandise must be removed from the yard space by sundown.
Planning Commission
Decision Paper

Written By: Sabrina Morris, Director of Planning, Building & Zoning       June 6, 2017

1. **SUBJECT:** Design Overlay Changes

2. **PURPOSE:** To encourage commercial growth on the town’s main corridor.

3. **ASSUMPTIONS:** Making changes to the current design overlay would encourage the restoration of the older buildings within the town as well as existing buildings that may not conform to the proposed ordinance.

4. **FACTS:**
   
a. Horry County has a stringent design overlay (one on each side of the town limits).
b. Both county overlays require not only new construction but existing buildings to meet overlay standards.
c. The county is growing at a fast pace with the overlays in place. Overlays are not intended to be a deterrent, but a benefit for not only new businesses to flourish, but existing businesses to improve their structures and encourage and promote new patrons.
d. Design overlays establish a unique and memorable identification for the town
e. Promotes economic development
f. Enhance the visual character of commercially zoned areas through landscaping, signage, color scheme, etc.
g. Encourage harmonious/cohesive development and redevelopment.
h. Improve property values
i. 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).
HELLO MARY ANN

AFTER REVIEWING THE TOWNS OVERLAY

WE COULD FIND NOTHING TO PUT BACK IN THAT WAS TAKEN OUT OF THE ORIGINAL ORDINANCE

EXCEPT:

CHANGE OF TENANT SHOULD BE ADDED BACK AS WE DISCUSSED

AND POSSIBLY MAINTENANCE ON THE CORNER LOTS... BUT THAT'S IT

SORRY WE COULD NOT BE MORE HELP!

THANKS

SAMMY

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This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-900. PURPOSE AND INTENT

(a) The purpose of Article IX is to create a Design Overlay District containing standards that supplement the basic zoning requirements of the town's commercial districts.

(b) Design Overlay standards are intended to benefit the entire community by promoting attractive, harmonious, well-designed commercial areas. These standards govern landscaping, signage, color schemes and architectural details within the overlay area. Application of these standards to future development or redevelopment is expected to result in multiple benefits:

- Protection of property values by positive impact on the town's appearance.
- Encouragement of economic development by providing a more visually inviting atmosphere to attract commerce for existing and potential businesses.
- Establishment of unique character to the town's commercial areas while respecting surrounding uses.

SECTION 17-901. DESIGN OVERLAY DISTRICT ESTABLISHED

This District shall include:

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

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. APPLICABILITY

The requirements of this ordinance shall apply in any of the following circumstances:

(a) New Construction

(b) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls.

(c) Change of use, or change of ownership.

(d) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.

(e) When dwellings are converting into a commercial business property.

(f) When renovations to an existing building exceed twenty percent (20%) of the appraised value of the building as indicated in the Horry County tax records the entire property shall be brought into compliance.

(g) When a single building or 50% of a strip center has been vacant (not open to public) for over 180 days, or for one year in the case of seasonal uses.
ARTICLE IX. DESIGN OVERLAY DISTRICT

(h) The requirements of Section 17-908 shall not apply to existing metal buildings (as built). Existing metal buildings shall be maintained in good condition and free of damage and/or visible defects. Existing facades shall be maintained or improved.

(i) Accessory structures used in conjunction with businesses shall also meet these requirements.

SECTION 17-904. DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory and the word "may" is permissive. Words or phrases not specifically defined herein shall have their customary dictionary meanings.

Change of Ownership - a transfer from one person or entity to another at a point of sale. This definition is not intended for ownership that has been inherited or handed down from generation to generation within the same family.

Development Director - The Director of the Town of Surfside Beach Planning, Building and Zoning Department, and/or his designee, shall serve as development administrator.

Gable roof - A two-sided sloped roof

Hipped roof - a type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope.

Mansard roof - A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Parapet - A low protective wall along the roof edge of a structure

Resurfacing of Parking lot – Grinding or milling off selected areas of old asphalt; patching or resealing, repairing any pot holes or badly deteriorated areas.

Unadorned - not painted or covered by some acceptable material to increase its beauty or distinction.

TOWN OF SURFSIDE BEACH ZONING ORDINANCE
DESIGN OVERLAY DISTRICT
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-905. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

(a) Development 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 will be issued until the requirements of this Article have been met.
(d) The requirements of Article IX are not intended to prevent a business from being open before it is in full compliance with the Design Overlay. Therefore, existing buildings having a change of use, change of ownership and/or parking areas requiring improvements shall have 60 days from the date of approval from the Development Director to comply with the requirements of this Article that were triggered by change of use, change of ownership and/or parking area improvements. A Certificate of Compliance shall not be issued until the requirements of this Article have been met.

SECTION 17-906. DESIGN STANDARDS

In addition to meeting the underlying zoning district requirements, any projects in the Design Overlay District which are approved by the Development Director shall meet the following design standards:

(a) Site Design Standards
(b) Architectural Design Standards
(c) Sign Design Standards
(d) Color Scheme Standards
(e) Landscaping Design Standards
   1. Landscaping requirements for perimeter parking areas
   2. Perimeters adjacent to public rights of way
   3. Perimeters not adjacent to public rights of way
   4. Interior Parking area requirements
   5. Landscape requirements for signs
   6. Landscape buffer requirements
(f) Parking Area

SECTION 17-907. SITE DESIGN STANDARDS

- Plant materials for required landscaping shall be selected and placed with regards to the estimated mature height and width of such materials.
- Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicle traffic. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not impede on surrounding properties.
- Lighting shall enhance the overall aesthetics of the site.
- Lighting source (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not onto the street or neighboring property.
- Lighting fixtures shall be limited to 21 feet in height.
- All lighting sources shall be white or off-white in color.
- New construction of utility or service lines must be underground. Exposed wires, pipes or conduits are not acceptable.
- Chain link fencing shall not be placed in the front yard of property. If chain link fencing will be utilized, it shall be black plastic coated galvanized chain link fencing with landscaping on the side and rear of property. Fencing of any kind proposed within the Design Overlay District must be approved prior to installation. Wood palisade or lattice is preferred fencing materials.
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTIONS 17-908 ARCHITECTURAL DESIGN STANDARDS

The intent of the Architectural Design Standards is to assure respect for the character, integrity, and quality of the built and natural environments of the Town; it is not intended to stifle innovative architecture.

- All buildings shall be oriented towards the street, and each building shall have a clearly defined primary entrance that shall front the street.

- The architectural detail, design and finishes (signage, canopies, railings etc.) shall be architecturally appropriate and compatible with one another.

- The scale of buildings and accessory structures (including canopies) shall be small in scale and utilize traditional building forms of wood siding and contrasting trim; Canopies designed as domineering or overpowering architectural features shall not be permitted.

- Porticos with vertical post or columns of traditional design shall be incorporated into designs where practical.

- All structures within a commercial proposed development in the district shall utilize a uniform traditional architectural theme. (including gasoline canopies and accessory buildings).

- Building designs shall not utilize long monotonous façade design, including but not limited to those characterized by unrelieved repetition of shape or form, or by unbroken extension of line. All sides of any newly constructed building or addition shall have the same attention to detail and appearance. Windows, shutters and other details should be added to siding to break up façade.

- The side and rear elevations of a newly constructed building or addition shall be visibly attractive if the sides and/or rear elevations are visible from a street or right of way. Rooflines and architectural details shall present a consistency in quality design.

- Siding materials for newly constructed buildings and additions shall be wood clapboard, concrete fiberglass composition (hardi-plank) or other synthetic products which show a wood grain closely resembling wood siding, or board and batten, wood shingles or shakes, brick, stucco, tabby, or synthetic stucco with light texture. Only materials listed shall be specified in design submissions. No other materials will be accepted.

- No portion of any newly constructed building or addition shall be constructed of unadorned concrete masonry units or corrugated metal, corrugated fiberglass, sheet metal, exposed metal, and/or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, from existing right of way, or from adjoining properties which are eligible for future development.

- All roofs on newly constructed buildings shall be hipped or gabled and have a minimum of 6/12 pitch. Mansard roofs shall not be permitted.

- The use of a parapet or a flat roof is acceptable with approval of the Development Director for existing buildings, if a hipped or gabled roof is not feasible.
ARTICLE IX. DESIGN OVERLAY DISTRICT

- Roofing material shall be wood shingles or shakes, slate shingles, copper, architectural grade asphalt or fiber-glass shingles, galvanized standing seam or v-crimp metal, painted corrugated metal, concrete composition shingles, other standard roofing material applications like built up tar and gravel if not exposed to view from Hwy. 17 or adjoining streets. Only materials listed shall be specified in design submissions. No other materials will be accepted.

- Decorative wall-mounted lighting along the sides and front of a building is encouraged to provide a sense of security for pedestrians. This lighting shall compliment the architectural style of the building.

- Mechanical equipment whether ground level, raised or on rooftop if visible from any street or right of way shall be shielded and screened from public view through the use of a parapet wall or other decorative feature. The public view includes front facades, and side and rear facades visible from public right(s) of way and adjacent properties.

- Awnings, when utilized, may project a maximum of 6 feet out from the main façade into the public right of way or private property, with a minimum clearance height of 7 1/2 to 8 feet.

- Shutters, when utilized, shall be either louvered, paneled, or board and batten. They shall be hung or hinged from window sides or jambs, or from window top or heads (Bermuda shutters).

- All order boxes, menu stands, pick-up windows, service/teller windows, and required vehicle queuing associated with drive thru services shall be located to the side or rear of the buildings. For the purpose of this section, the side or 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. This concept is depicted in the graphic below:

![Diagram of a building with drive-thru and service windows]

- Highly tinted or mirrored glass shall not be permitted.

- Large expanses of glass shall be avoided, or divided into smaller lights through the use of mullions or muntins. Undivided glass panes shall not exceed nine (9) square feet in size. This size format may be used in multiple, tandem panes to create larger glass proportions for storefront systems. The larger the glass pane, the larger the mullions or muntins used shall be.
ARTICLE IX. DESIGN OVERLAY DISTRICT

- True divided light or simulated divided light windows of wood, vinyl clad wood, metal, or metal-clad, painted to contrast with building color shall be used.

- Service, loading and solid waste receptacles or dumpster locations shall be designed to minimize the impacts on the pedestrian areas and customer parking areas and shall be located in the rear or side yard. No such facility shall be located in the front yard. Dumpsters shall be surrounded on at least 3 sides by a wall or solid fence. Such enclosures shall be designed compatible with the primary structure onsite by using compatible materials with the primary structure. This requirement does not apply to moby roll carts.

SECTION 17-909. SIGN DESIGN STANDARDS

The intent of the Sign Design Standards is to assure each is compatible with materials and the architectural style of the business which it advertises. The following applies to any new signage, additional signage or any sign changes within the design overlay district.

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

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

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

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

- 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.

SECTION 17-910. COLOR SCHEME STANDARDS

The intent of the Color Scheme Design Standards is to assure respect for the character, integrity, quality of design and unite designs within the Town.

TOWN OF SURFSIDE BEACH ZONING ORDINANCE
DESIGN OVERLAY DISTRICT
ARTICLE IX. DESIGN OVERLAY DISTRICT

- Required Color Palette: Paint colors for exterior finishes shall be selected from the color range chart as approved by the Town Council and maintained at the Planning, Building and Zoning Department. These are the only colors allowed.
- Color Palette: The color palette is typical of coastal environment colors which generally include earth tones. Colors such as black, dark blue, grays and other dark colors can be used to accent only.
- Windows and doors shall be finished in white or earth tone colors. Trim, shutters and awnings shall be white, or a contrasting value of the cladding color as shown on the approved color chart.
- Color combinations of paints and stains shall be complimentary. In general no more than three different colors per building shall be permitted. One for base color, one trim color, and one accent color. Primary colors, fluorescent, psychedelic, and phosphorescent 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.
- Roofing colors shall be black, dark blue, grays or other dark value colors.

SECTION 17-911. LANDSCAPING DESIGN STANDARDS

The purpose of the Landscape design standards is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between properties.

Each newly developed commercial property shall allocate a minimum of twenty percent (20%) of its total area to landscaping which may include existing or transplanted trees, shrubs, and groundcover. Paved areas, gravel areas and landscaping rocks shall not be calculated as part of the minimum twenty (20%) percent. Retention/detention ponds may be included up to five percent (5%) of the required landscaping depending on the size as shown on the stormwater plan. Retention/detention ponds shall be maintained to be aesthetically pleasing and promote the overall landscaping design.

Landscape requirements shall supersede parking requirements for the commercial districts.

New Projects: All new buildings, structures and parking areas shall comply with the minimum landscape requirements set forth herein.

Existing Properties: Under the following circumstances, existing properties will be required to meet the landscaping requirements of the Design Overlay District as closely as possible:

(a) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls
(b) Change of use, or change of ownership.
(c) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.
(d) When dwellings are converting into a commercial business property.
(e) When renovations to an existing building exceed twenty percent (20%) of the appraised value of the building as indicated in the Horry County tax records the entire property shall be brought into compliance.
(f) When a single building or 50% of a strip center has been vacant (not open to public) for over 130 days, or for one year in the case of seasonal uses.

Accessory structures used in conjunction with businesses shall also meet these requirements.

Existing properties having pavement and/or concrete where landscape buffers are required shall be required to remove the existing pavement/concrete in order to meet the buffer requirements herein.

**Landscaping buffer requirements for perimeter parking areas** Arrangement of trees and shrubs in groupings is encouraged to ensure visibility and to allow for creativity. Equal spacing of plant materials shall not be required.

**Perimeters adjacent to Public Right of Way**

Parking areas that do not exceed 5,000 sq. ft. in area shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.

Parking areas that exceed 5000 sq. ft. but do not exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 10 feet in width and shall contain and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.

Parking areas that exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 15 feet in width and shall contain and shall contain a minimum of 2 shade or ornamental trees and 15 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.
Perimeters buffers not adjacent to public right of way shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of perimeter.

Interior Parking buffer area requirements
Landscaping provided around the perimeter of the building and interior parking areas enhance the appearance and customer attraction of commercial businesses.

A three foot (3') landscaping buffer with 6 shrubs for every 30 linear feet of building or fraction thereof shall be required between buildings and parking lots as well as end caps and landscape islands. Trees and shrubs located within the interior areas of the parking lot provide shade and heat abatement, and help break up the visual impact of the large areas of pavement.

End caps and landscape islands shall not be less than 9x18 feet and shall include at least 1 shade or ornamental tree and 5 shrubs.

- End caps—parking aisle end caps shall be required and utilized as landscape islands.
- A maximum of 12 consecutive parking spaces in a row shall be permitted without a landscape island.
ARTICLE IX. DESIGN OVERLAY DISTRICT

Landscape requirements for signs
A landscape border a minimum of 5 feet in depth and a minimum width equal to the greatest width of the sign shall be required for all freestanding signs. The landscape border shall contain 5 shrubs for every 10 linear feet with appropriate ground cover. No portion of the sign shall project beyond the landscape border.

Landscape buffer requirements
Existing trees, regardless of size may be counted towards requirements for shade trees or ornamental trees provided such trees are in good health, and located in the approximate area as required.

Shade trees: Must be indigenous to the area and reach a mature height in excess of 40 feet and shall be a minimum of 3 inches in caliper dbh and 10 to 12 feet in height at the time of installation.

Ornamental trees: trees that have a particular ornamental characteristic and tend to have a mature height of less than that of a shade tree. Ornamental trees shall be a minimum of 1.5 inches in caliper dbh and six to eight feet in height at the time of installation.

Shrubs: Shall be a minimum of 3 gallon in size and 1.5 feet in height at the time of installation.

Groundcover: Shall consist of grass, sod, ivy, bedding plants, wood chips, bark, mulch, straw and similar materials. In no case shall stone, pebbles, sand or rocks be used for groundcover.

No structures (except public utilities) shall be permitted within the required landscape buffer. Ingress and egress shall be permitted.

The owner, occupant, tenant or agent shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in good condition as to present a healthy, neat and orderly appearance. Proper maintenance shall include watering, weeding, mowing, mulching, fertilizing, and pruning. Any dead, dying or damaged landscaping material shall be promptly replaced with materials of an approved size and type.

SECTION 17-912. PARKING AREA DESIGN STANDARDS

Parking areas shall be paved with materials which are appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas will be subject. Pervious concrete is encourage to allow water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site and allowing groundwater recharge.
ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-913   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 17-914   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 17-915 – SECTION 17-920   RESERVED

TOWN OF SURFSIDE BEACH ZONING ORDINANCE
DESIGN OVERLAY DISTRICT
723.14 S. Kings Hwy Overlay Zone

(A) **Purpose**

(1) The Overlay Zone is established to provide standards relative to accessibility, appearance and safety in the development of commercial, industrial, multi-family residential 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 County 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 Department/Commission 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, 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>Zero to 9 percent</td>
<td>All new exterior walls must adhere to foundation landscaping requirements</td>
</tr>
<tr>
<td>Minor</td>
<td>10 percent to 39 percent</td>
<td>Above plus signage</td>
</tr>
<tr>
<td>Significant</td>
<td>40 percent to 74 percent</td>
<td>Above plus all existing exterior walls must adhere as well as complete foundation landscaping</td>
</tr>
<tr>
<td>Major</td>
<td>75 percent or more</td>
<td>All sections of the overlay must be adhered to</td>
</tr>
</tbody>
</table>

(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.

(C) **Boundaries**

1. Corridor and overlay are used interchangeably throughout these regulations. When referenced, it shall mean the area generally two hundred and fifty (250) feet to the east and west of the right-of-way lines between the established beginning and ending points specified in this section of the Zoning Ordinance.

2. The Overlay zone shall follow along S. Kings Highway from the City of Myrtle Beach municipal limits south to the Town of Surfside municipal limits. Attachment 1 provides the location of the boundaries of this overlay.

(D) **Development and design requirements.** Development of specific uses in the S. Kings Hwy Overlay Zone 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
      (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 or ground-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. 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

1. 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 earthy 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 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.

(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 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 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.

(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 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.

(5) 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, 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 six (6) foot high opaque enclosure or equal to the height of the stored material. 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 that 200 square feet
   b. Recreational Vehicles shall be no larger that 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) foot high opaque enclosure or equal to the height of the stored material not to be higher than twenty (20) 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 structure as defined herein.
c. A minimum six (6) foot solid or opaque fence shall be required around any storage of recreational vehicles and mini-storage units.

(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.
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.
3. **Elements such as HVAC units, telephone boxes, or electrical transformers** shall be placed as close to the building as feasible.
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.
   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) 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.

(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
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 SCDOT. 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 1/2) 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 ½) 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.

(H) **Parking**
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 no one parking module contains more than one hundred twenty five (125) spaces. Parking within modules shall be designed such that a 9' 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 9' 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 canopy tree to reduce parking lot heat and glare. 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 parking island 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.

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 County.

5. **Parking Plan**

   a. **Maximum Parking Spaces Allowed**
      The maximum allowed number of parking spaces is one hundred ten percent (110%) of the required number of off-street parking spaces by land use per the current County off-street parking regulations. The Planning Department can approve an alternative-parking plan that exceeds the maximum number of allowed spaces and the alternative parking plan shall comply with the following requirements:

      1. **Parking Demand Statement**
         Requests for exceeding the number of required off-street parking spaces shall be accompanied by a statement indicating why additional spaces are needed. The statement shall be accompanied by supporting documentation.

      2. **All parking spaces provided in excess of one hundred ten (110) percent of the required parking spaces shall consist of alternative pervious paving materials unless**
this creates a requirement where the number of pervious spaces is five (5) or less. In such cases all parking may be impervious.

3. The pervious paving materials can include but are not limited to brick pavers, grass pavers, porous asphalt and porous concrete.

4. If the applicant does not wish to provide pervious paving materials for those additional numbers of spaces in excess of the maximum number allowed as required above, they may submit an alternative plan or method that meets the then current County, State and Federal water quality requirements.

b. Shared Parking

Requests for shared parking shall comply with all of the following standards:

1. Shared parking spaces shall be located within five hundred (500) linear feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector road. In addition, adequate and safe pedestrian access shall be provided from and to the shared parking areas.

2. Same or More Intensive Use. A shared parking area shall be located on a site with the same or more intensive zone district than the required primary uses served.

3. In order to use the shared parking as a means of satisfying the off-street parking standards, the feasibility of the shared parking must be justified. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
   a. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be fifty (50) percent;
   b. Directional signage shall be added to direct the public to the shared parking spaces.

4. A shared parking plan shall be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be recorded prior to issuance of zoning compliance.

5. A shared parking agreement shall only be revoked if all required off-street parking spaces are provided on site.

(1) 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 (500) 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 case 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 (10) feet.

(1) **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 public 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) Orientation 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 and spotlights shall be selected, located, aimed, and shielded so that the direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or right of way. Such lighting shall be installed in a fixture that is shielded so that no portion of the light extends below the bottom edge or above the top edge of the shield and the main beam from the light source is not visible from adjacent lands or the adjacent right of way. 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 or drive-thru facilities are permitted an average foot candle reading of twenty (20) foot candles under any area that is illuminated. 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 with wattage equal to or less than one hundred fifty (150) watts.
(K) **Landscaping**

(1) A minimum five (5) foot foundation landscape strip shall be required along the façade and exposed sides of all buildings within a development. The landscaping shall be composed of mixtures of planting materials. If the building is taller than 25 ft the foundation landscaping shall incorporate trees.

(2) Exemptions from this requirement may be granted when the following circumstances exist or when any of the following conditions are proposed on the site:
   a. Building entrances and exits.
   b. Areas used for pedestrian activities (sidewalks, plazas, etc), in which instances the landscaping must be installed between the building foundation and the back of curb separating the pedestrian area from the vehicle use area. In no case shall the length of the planted area be less than 50% of the length of the building façade, minus the width of entrances and exits. A variety of planting beds, street trees and elevated planters may be used.
   c. For those portions of buildings which have drive up services along the side of the building (i.e. pharmacies, banks, fast-food, dry-cleaners, photo shops, etc)
   d. Adjacent to truck loading or service areas not open to public parking or on the rear side of a building when less than 10% of the total required parking is located in the rear of the building and the rear is not adjacent to any public right-of-way.

(3) **Perimeter landscaping**
   a. A landscaped buffer shall be provided around all perimeters for parcels that abut the corridor. The buffer width shall be equal to that of the setback required for the underlying zoning district except that the Type D (Streetscape) width shall be ten (10) feet. In addition, Type C (Spatial) buffer widths may be reduced to five (5) feet. Landscaping within the buffer shall be provided in accordance with design standards described in Table 3: Buffer Design Guidelines and is dependent on the type of commercial or residential use on the property. These buffer provisions affect no setback dimensions.
   b. When any commercial property being developed abuts a single family residential property, a Type A buffer described in Table 3: Buffer Design Guidelines below shall be utilized to mitigate the transition from all levels of commercial development to residential development.
   c. No fence, berms, 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 listed below.
   d. 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.

(4) **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.

(5) 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.

(6) 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.

(7) 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 Horry County 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.

(8) Alternate designs allowed
The Zoning Administrator may, at their discretion, approve an alternate buffer design incorporating visually appealing fencing or earthen berms. The Planning and Zoning Department may, at its discretion, approve alternate species not included on the approved plant list if the property owner submits a letter from a registered landscape architect, horticulturist, botanist, or plant nursery operator stating that the growing conditions in the County favor the healthy growth and maintenance of that species. The Planning and
Zoning Department 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.
Tree preservation

The following standards apply to all properties within overlay.

a. 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 with a DBH of eight (8) inches or greater.

### TABLE 1: PERIMETER BUFFER

<table>
<thead>
<tr>
<th>Proposed Land Use Classification</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5a</th>
<th>5b</th>
<th>6a</th>
<th>6b</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td>N/A</td>
<td>C</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>Class 2</td>
<td>B</td>
<td>C</td>
<td>B</td>
<td>B</td>
<td>C</td>
<td>C</td>
<td>B</td>
<td>C</td>
<td>C</td>
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<tr>
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<td>N/A</td>
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<tr>
<td>Class 5</td>
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<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Class 6a</td>
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<td>B</td>
<td>B</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Class 6b</td>
<td>A</td>
<td>A</td>
<td>B</td>
<td>C</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Class 7a</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Class 7b</td>
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<td>B</td>
<td>C</td>
<td>C</td>
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<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Class 8</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Notes:
To use Table 1 to determine perimeter buffers between uses:
1) Identify land use class (See Table 2) of subject property in the Land Use Classification column.
2) Identify the land use classification for adjacent parcel
3) Required buffer type is provided at the intersection of the subject row and adjacent property column. The letter indicates buffer type.
4) For buffer type descriptions and design standards see Table 3 Buffer Design Guidelines. Buffer width is equal to the width of the setback unless otherwise specified.
### TABLE 2: LAND USE CLASSIFICATIONS

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>2</td>
<td>Multi Family Residential</td>
</tr>
<tr>
<td>3</td>
<td>Warehouse/ Industrial</td>
</tr>
<tr>
<td>4</td>
<td>Amusement</td>
</tr>
<tr>
<td>5a</td>
<td>Retail, Restaurant, Sales and Service (&lt;10,000 sf)</td>
</tr>
<tr>
<td>5b</td>
<td>Retail, Restaurant, Sales and Service (&gt;10,000 sf)</td>
</tr>
<tr>
<td>6a</td>
<td>Office/ Institutional/ Medical (&lt;20,000 sf)</td>
</tr>
<tr>
<td>6b</td>
<td>Office/ Institutional/ Medical (&gt;20,000 sf)</td>
</tr>
<tr>
<td>7</td>
<td>Transient Accommodations</td>
</tr>
</tbody>
</table>

### TABLE 3: BUFFER DESIGN GUIDELINES

<table>
<thead>
<tr>
<th>Buffer Type</th>
<th>Description</th>
<th>Performance Standards (per 100 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type A Opaque</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Option (1)</strong></td>
<td>This buffer functions as an opaque screen from the ground to a minimum height of eight (8) feet.</td>
<td>Canopy Trees: 2.5 trees Understory Trees: 5 trees Shrub: 100% Evergreen. A minimum of (28) inches in height. Shall meet the spacing requirements as shown in Horry County Landscaping Species Booklet and used to fill spaces in between trees.</td>
</tr>
<tr>
<td><strong>Option (2)</strong></td>
<td>This buffer/screen functions as an opaque screen from the ground to a minimum height of eight (8) feet.</td>
<td></td>
</tr>
<tr>
<td><strong>Type B Semi-Opaque</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>This buffer functions as a semi-opaque screen at a minimum height of eight (8) feet with openings no greater than ten (10) feet.</td>
<td>Canopy Trees: 2.5 trees Understory Trees: 5 trees Shrub: 100% Evergreen. A minimum of (18) inches in height. Shall meet the spacing requirements as shown in Horry County Landscaping Species Booklet and used to fill spaces in between trees.</td>
</tr>
</tbody>
</table>

One hundred (100) percent of the vegetation required shall be evergreen species, no more than (25) percent may be pine species.

Screen shall consist of a double row offset evergreen trees. Trees should be spaced every ten (10) feet on center minimum.

Minimum of eight (8) feet in height. Tree species should be of a variety which provides screening from near the ground to the canopy.

Minimum of eight (8) feet in height. Canopy or Understory varieties.

At least fifty (50) percent of the required trees and one hundred (100) percent the required shrubs shall be evergreen species.
<table>
<thead>
<tr>
<th>Buffer Type</th>
<th>Description</th>
<th>Performance Standards (per 100 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type C Spatial</strong></td>
<td>This buffer provides a sense of separation between properties without screening the view. These buffers are generally oriented towards aesthetic enhancement of site perimeters and separation of multiple uses on the same site. Spatial buffers should include a combination of trees and shrubs that provide visual obstruction from the ground to a height of at least twenty (20) feet.</td>
<td>2.5 trees</td>
</tr>
<tr>
<td><strong>Type D Street -scape</strong></td>
<td>This buffer is intended to soften the transition from the street side to the remainder of the property as well as provide a sense of separation between the street and property use. Streetscape buffers are required for all uses adjacent to referenced street corridors. All uses that require site plan approval shall preserve, maintain or install a vegetated/planted buffer that abuts the perimeter of the property.</td>
<td>(2.5” inch caliper and ten (10) feet in height at the time of planting)</td>
</tr>
</tbody>
</table>
(1) **Sign Regulations**

(1) **On-Premise Freestanding Signs**

a. The table below indicates the number, maximum sign area and the height of freestanding signs per linear feet of road frontage for an individual parcel along the corridor. The freestanding road frontage signs area shown in the table below is in addition to sign area allowed for building signage.

b. **Multi-tenant sign panels**

   1. Maximum Number of Tenant sign panels incorporated into the freestanding sign
      a. Parcel(s) less three (3) acres may have up to six (6) tenant panels.
      b. Parcel(s) greater than or equal to three (3) acres may have up to eight (8) tenant panels

   2. The area of each sign panel will be counted towards the overall sign area of the freestanding sign.

c. Parcels with multiple road frontage: The below “Freestanding Sign Table” applies to each road frontage separately.

<table>
<thead>
<tr>
<th>Measure (Linear feet of frontage) LF</th>
<th>Number of Freestanding Signs</th>
<th>Maximum Sign Area (sf)</th>
<th>Maximum Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤150 LF</td>
<td>One (1) sign</td>
<td>50sf</td>
<td>8ft</td>
</tr>
<tr>
<td>150 to 499 LF</td>
<td>One (1) sign</td>
<td>One half (.5) sf per one (1) linear foot of frontage up to a maximum of 200 sf</td>
<td>25 ft</td>
</tr>
<tr>
<td>≥500 LF</td>
<td>Two (2) sign</td>
<td></td>
<td>25 ft</td>
</tr>
</tbody>
</table>

d. **On-Premise Sign Design Standards** Signs shall be designed to reflect the architectural character of the structure for which they are advertising and utilize a color scheme that complements the structure. Sign color shall not create a visual distraction to the traveling public;
1. All signs for properties with less than or equal to 150 linear feet of frontage must be constructed as a monument style sign.

2. **Changeable Manual Sign**
   Manual Changeable message signs may be illuminated however the signs can not include any flashing, intermittent, or moving light or lights.

3. **Electronic Message Boards**
   a. Only one (1) electronic message board is allowed per road frontage.
   b. The electronic message board center can not exceed 50% of the allowable sign area.
   c. Animation and full motion video is strictly prohibited.
   d. The transition between messages may be accomplished through fading in and out or dissolving. Scrolling, animation and motion are prohibited.
      i. Each message or copy must remain static or fixed for at least eight (8) seconds.
      ii. The transition between messages and/or copy shall be accomplished within two (2) seconds.
   e. Limits on Maximum Brightness (Permit application must include details from the manufacturer of sign indicating that the sign will automatically dim at night)
      i. 1,000 nits at night
      ii. If sign is within 200 ft of residential (zone or use) the sign must be directed away from the residential (zone or use) or it may be reduced to 250 nits brightness at night.

4. **Size Measurement**
   a. The area of the sign shall include all lettering, wording and accompanying designs and symbols together with any decorative trim or frame which forms an integral part of the display, but excludes the base of any necessary supports or uprights on which the sign may be placed.
   b. Where the signs consists of individual letters or symbols the area shall be considered as the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols and
   c. In computing the square footage only one side of a double faced sign shall be considered.

5. **Sign Location**
   a. All freestanding signs or displays shall be erected at least ten (10) feet from any property line or right-of-way, and shall be located outside all clear site triangles or a minimum of ten (10) feet from the edge of the travel way, whichever is the greater distance. All signs must be on their own property.
   b. The minimum separation for all signs on a parcel shall be at least two hundred (200) linear feet.

6. **Landscaping** A landscaped island containing shrubs or flowers with a minimum of thirty two (32) square feet in area and a minimum of one (1) foot in height is
required around all on-premises signs. The island shall be formed from materials such as, but not limited to, stone, brick or landscape timbers. The area of the island shall be maintained to keep it free of weeds, debris and brush. A sketch of the sign and island shall be submitted with the permit application for review and approval.

(2) **Building Façade Signs** (building, wall, awning, marquee, canopy)

Building signs are permitted with the following provisions:

a. Types of Signs - Building Signs shall be limited to wall, canopy, awning, marquee, and projecting signs. Building signs shall only advertise one (1) person, firm, company, corporation or major enterprise occupying the premises. The sign shall be clearly integrated with the architecture of the building and shall be consistent in design and materials with the architecture of the proposed building.

b. **Single Tenant Development**

1. Maximum number of signs: One (1) building sign is permitted. Said sign shall be located along the front façade, defined as that which incorporates the main customer entrance area.

2. Maximum Size:
   a. 1.0 square foot for every linear foot of building frontage.
   b. 0.5 additional square feet for every linear foot of building frontage for buildings located beyond one-hundred (100) feet from the right-of-way.
   c. The size of an individual sign shall not exceed one-hundred fifty (150) square feet.

c. **Multi Tenant Development**

1. Maximum number of signs: One (1) building sign is permitted per tenant frontage.

2. Maximum Size:
   a. 2.0 square feet for every linear foot of store frontage.
   b. The size of an individual sign shall not exceed one-hundred fifty (150) square feet.
   c. Placement - The building signs permitted may be placed on the wall, awnings, or be a projecting sign.
   d. Wall signs shall display only one (1) surface and shall not be mounted more than six (6) inches from any wall.
   e. The length of the sign may occupy up to seventy five (75) percent of the linear feet of the storefront the business occupies.

d. **Projecting Signs** shall be limited to occupants that have a minimum of twenty (20) feet of occupied building frontage provided that:

1. All projecting signs shall not exceed fourteen (14) feet in height and shall have a minimum clearance of eight (8) feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six (6) feet from the ground when it is located
above a landscaped area or other area that does not permit pedestrian traffic beneath said sign;
2. The projecting sign shall be placed on the building so that said signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way;
3. The projecting sign shall not extend more than four (4) feet from the wall of the building on which it is erected and shall not extend above the roofline or the parapet of the wall of the building on which it is erected; and
4. The maximum allowable copy area for projecting signs shall be six (6) square feet.

e. **Window Signs:** Total area of all window signs shall not exceed twenty (20) percent of the total glass area of the window in which they are placed. Window signs shall not count against total allowable copy area if they are not permanently attached.

(3) **Commercial Subdivision Signage**

a. Sign for a commercial subdivision can be of a pylon or monument design and shall not exceed twenty five (25) square feet for every lot up to two hundred square feet (200sf) of sign area. Such identification sign shall specify only the name of the development or project. Alternatively, such sign may display the names of tenants as well as the name of the development if:
   1. The portion of the sign on which tenant names are displayed does not exceed eighty five (85%) of the total sign area; and
   2. The portion of a sign cabinet on which tenant sign panels are displayed is of a uniform design background color.

b. **Outparcels:** One (1) monument sign with a maximum copy area of fifty (50) square feet shall be permitted per out parcel with right-of-way frontages shall be permitted one (1) sign on each frontage.

c. **Branded Architectural elements:** shall not count towards the maximum allowable copy area. Branded elements shall not exceed thirty (30) percent of the allowed copy area. Area shall be measured as the smallest box capable of containing all design elements.

d. A landscaped island containing shrubs or flowers with a minimum of thirty two (32) square feet in area and a minimum of one (1) foot in height is required around signs.

e. **Additional Signage Allowance**
   1. Developments with one-thousand (1,000) feet of frontage or more on a single public right-of-way with more than one (1) ingress/egress shall be permitted one (1) additional sign, which shall not exceed one hundred fifty (150) square feet in total copy area.
   2. If a Development is located on a corner lot with two (2) public right-of-way frontages, one (1) sign may be located on each side and the copy area of total combined signage increased to four hundred (400) square feet. Under no circumstances shall one (1) individual copy area exceed two hundred (200) square feet.
   3. Out parcels having two (2) right-of-way frontages shall be permitted one (1) sign on each frontage. The copy area of total combined signage shall not exceed one-hundred (100) square feet. Under no circumstances shall one (1) individual copy area exceed fifty (50) square feet.
4. Iconic signage. An iconic sign is a sign whose form suggests its meaning. Such a sign is unique and creates an image and/or defines a place. An iconic sign may be sculptural in style and demonstrate extraordinary aesthetic quality, creativity or innovation. Branding, for purposes herein, shall not qualify alone as iconic.

f. Location- Sign(s) shall be located no closer than ten (10) feet from a public right-of-way, side or rear property lines, and outside all sight triangles.

g. Height- Sign(s) for outparcels with public right-of-way frontage shall be a maximum of eight (8) feet in height measured from the finished grade to the top of the sign face. Center identification signs shall be permitted a maximum height of twenty-five (25) feet.

h. The maximum size of the background structure of a sign shall not exceed one-hundred ten (110) percent of the total square footage of copy area. Branded architectural elements shall not count as background structure.

i. Support Base - The monument sign base shall be encased or provide external support and meet the following standards:

1. An enclosed base possessing a minimum width of two-thirds (2/3) the width of the sign.

2. If any support, upright, bracing or framework is utilized or proposed to support a monument sign, said support, upright, bracing or framework shall be enclosed within the sign base area which shall be made out of the principal building material of the building facade.

(4) Collocated Signage
Adjacent parcels and/or business can collocate signage on the same sign as long as the allowable height is not exceeded and the total square footage of signage for the combined developments is not exceeded.

(5) Street Address
Both single tenant and multi-tenant freestanding signs must contain the street address number (the address will not count towards the copy area) of the business or shopping center and:

a. Be displayed in a contrasting color on any business identification sign; and

b. The minimum height of the address shall be six (6) inches and the maximum height of the address shall be twelve (12) inches.

(6) Temporary and Other
a. Flags include any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Standards for flags are as follows:

1. Only two (2) flags shall be permitted.

2. The flags shall not be flown higher than a 35-foot pole, measured from grade.

3. Only one flag per pole up to six (6) feet by ten (10) feet, or two (2) flags per pole up to four (4) feet by six (6) feet, may be flown.

4. The flag shall extend no closer than ten (10) feet from the edge of any adjacent public right-of-way.

b. No temporary signs are permitted except for the following:
1. Grand Opening/New Management. One (1) on-site temporary sign announcing the opening of a newly licensed business that does not exceed sixteen (16) square feet in copy area and that is not displayed for longer than thirty (30) days after the issuance of a Certificate of Compliance by the Zoning Administrator or designee.

2. Going Out of Business Sign. One (1) on-site temporary sign that does not exceed sixteen (16) square feet in copy area announcing the closing of a business that is not displayed for longer than thirty (30) days.

3. Real Estate Signs:
   i. Individual Residential Lots - Six (6) square feet maximum, three (3) feet high, located outside the buffer area.
   ii. Temporary Nonresidential Lease or Sale Signs - Sixteen (16) square feet maximum, six (6) feet high, one (1) per lot for a maximum of one (1) year, located outside the buffer area.

4. Temporary signs, no more than twelve (12) square feet, announcing a campaign drive or an event of a civic, philanthropic, educational or religious organization; provided that the sponsoring organization shall ensure proper and prompt removal of such sign within five (5) days after the drive or event.

5. Contractors sign – One (1) sign per job site, no more than twelve (12) square feet in area, located on the property on which the work is being done. All contractors on a job site shall place their signs on the same contractor sign.

6. Temporary Produce Stands – Are allowed one temporary freestanding sign up to a maximum of eight (8) ft in height and up to 32 square feet in size.

7. Gasoline Station Signs – Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises.

8. Directional Signs - Eight (8) square feet maximum, four (4) feet high, one (1) per entrance and one (1) per drive-through window, located outside the required landscape buffer area and at least 10ft from the right of way.

(7) **Illumination**
   a. Externally illuminated signs shall meet the following standards:
      1. The lighting of signs must be from the bottom and directed upward;
      2. The signs must have a height less than ten (10) feet
      3. Light sources shall be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
      4. No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed or beamed upon a public road, highway, sidewalk or adjacent premises so as to cause a traffic hazard or nuisance.
   b. Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent or moving light or lights.

(8) **Off-premise signage.**
No new or additional off-premise signs shall be allowed or permitted in the defined area of this corridor Overlay Zone unless it meets the following:
a. Off-premise signs are allowed only along the S. Kings Hwy Corridor.
b. Off-premise signs must be 1200 feet apart except for digital billboards which must meet a separation of 2400 feet from other digital billboards
c. Tri-vision or multi-vision signs must contain a default design that will freeze the device in one position if a malfunction occurs.
d. Digital Billboards must not contain animation, flashing, intermittent or moving light or lights.
   1. Full motion video is strictly prohibited.
   2. Each message or copy must remain static or fixed for at least eight (8) seconds.
   3. The transition between messages and/or copy shall be accomplished within two (2) seconds.
   4. The transition between messages can not be animated but may be accomplished through fading in and out or dissolving.
   5. Digital billboards can not be located within 500ft of a residential zone or used property.
   6. Limits on Maximum Brightness (Permit application must include details from manufacturer of sign and dimmer control)
      a. 7,000 nits daytime
      b. 1,000 nits at night
   7. All off-premise signs must meet the size and height requirements of Section 1000 of the Horry County Zoning Ordinance.

(9) Exempted Signs.
Subject to the following provisions, properties within the overlay upon which signs are located that were legally in existence and lawfully conforming with the Ordinance prior to the effective date of this Ordinance and which, after adoption of this Ordinance, do not conform with this Division are exempted subject to the following:

a. Termination By Damage or Destruction. Any exempted sign damaged or destroyed, by any means, to the extent of fifty percent (50%) or more of its replacement cost at the time of such damage or destruction, shall not be restored and shall be removed.

b. Termination By Neglect. Any sign exhibiting conditions of neglect and left in a state of disrepair for a continuous period exceeding six (6) months shall be removed. Replacement of said sign is not required, however if replaced the new sign shall conform to the requirements established herein.

c. Termination By Redevelopment. Whenever a parcel or building undergoes New Development or Substantial Modification, the exemption provided for herein shall terminate.

d. Maintenance of Exempted Signs. No exempted sign shall be expanded, moved, modified or altered in any manner that would increase the degree of its nonconformity. Ordinary maintenance of the exempted sign shall be continued in order to ensure such signs are maintained in a structurally sound condition, with a neat appearance and in a generally good state of repair.

(10) Maintenance
a. Maintenance- All signs shall be maintained in good condition and working order, and be free of graffiti, peeling paint, faded colors, and/or broken and damaged materials.
b. Signs on Closed Business - The owner of any sign or any business which has a
discontinued sign for a period of ninety (90) or more consecutive days shall remove the
signage, not including the background structure, by painting over the copy area, or
replacing the copy area with a blank insert.

c. Ordinary maintenance may include replacements of supports with different materials or
design than the previous supports provided the replaced supports are not enlarged.
Nothing in this Division shall prevent the strengthening or restoring to a safe condition of
any portion of an exempted sign declared unsafe by a code enforcement officer or
building inspector provided that any such improvement does not exceed fifty percent
(50%) of the replacement cost of the sign. For purposes of this subsection, the
replacement of individual tenant name panels on a multi-tenant center sign shall not
constitute an alteration or modification.

(11) **Prohibited Signs** The following signs shall be prohibited in the Corridor:

![Figure 24: Prohibited signage examples](image)

a. No sign, permanent or temporary, shall be erected or placed so that it interferes with a
clear sight triangle distance design standards.

b. Portable signs
c. A-frame
d. Signs on trailer: frames with or without mounted wheels
e. Signs on or attached to vehicles which meet the following:
   1. Have a total copy area in excess of ten square feet; and
   2. The vehicle is used primarily for advertising in a stationary manner; and
   3. Vehicles that are used on a regular basis for transportation may have professional
      installed vehicle wrap
   4. The vehicle must display a valid license plate

f. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving
or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants,
ribs, streamers, spinners, and other similar types of attention-getting devices such as
fishing boats and buoys.

g. Signage used on bus transit shelters within the right of way.
h. Signs attached to trees or utility poles or canopy support structures.
i. Bench signs
j. Roof sign
k. Traffic sign replica
l. No temporary signs unless meeting the standards listed above.