

# The Code of Ordinances

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## City of Myrtle Beach, SC



# Appendix A, Zoning

January 22, 2019

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# Article 1. General Provisions

## Article 1. General Provisions

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### **Section 101. Authority**

This Zoning Ordinance is adopted pursuant to the authority conferred by the Code of Laws of South Carolina and specifically Title 5 and Chapter 29 of Title 6 (1976), as amended.

### **Section 102. Ordaining Clause**

An ordinance to regulate the location, bulk, number of stories, and size of buildings and other structures, the percentage of lots which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of populations, and the uses of buildings, structures and land for trade, industry, residence, recreation, conservation, protection against floods, public activities, and other purposes; to create districts for said purposes; to provide for the method of administration, amendment, and appeal; to define the duties of the planning commission with respect to those regulations; to provide for the imposition of penalties for violations of these regulations; to establish a means by which conflicting regulations can be repealed; and for other purposes.

### **Section 103. Title and Citations**

BE IT ORDAINED by the Mayor and Council of the City of Myrtle Beach, South Carolina:

This ordinance shall be known and may be cited as the Zoning Ordinance of the City of Myrtle Beach, South Carolina, and will also be referred to in this document as the "Ordinance." The map referred to herein shall be known and may be cited as the Zoning Map of the City of Myrtle Beach, and will also be referred to in this document as the "Zoning Map".

### **Section 104. Purpose and Intent**

The purpose of the Ordinance is to guide development in accordance with the City's Comprehensive Plan and existing and future needs of the City.

These provisions shall be held to be the minimum requirements adopted for promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the City. They have been designed:

- 104.A. To provide for adequate light, air, and open space;
- 104.B. To prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- 104.C. To facilitate the creation of a convenient, attractive, and harmonious community;
- 104.D. To protect and preserve scenic, historic, or ecologically sensitive areas;
- 104.E. To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- 104.F. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
- 104.G. To secure safety from fire, flood and other dangers; and



104.H. To further the public welfare in any other regard specified by City Council.

**Section 105. Jurisdiction**

This Ordinance shall govern all development within the incorporated area of the City of Myrtle Beach, together with such adjacent incorporated areas of Horry County that the City Council and the Horry County Council may jointly agree to become governed by this Ordinance.

**Section 106. Use of Land or Buildings**

No land or building shall be used or occupied, and no building or part thereof shall be constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is or will be located. Also, in the case of developments, whether involving structures or not, which are part of a present or future project, development, or complex, a unity of design and character will be maintained.

**Section 107. Parking Installation**

All required parking and loading/unloading areas shall be fully installed prior to the release of a certificate of occupancy for any principal building or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, vehicular service needs requiring loading or unloading space or whenever a use is changed so as to require more parking or loading space to serve that use, or when a conversion in use occurs. Such off-street parking and loading area shall have direct access to a street or alley, and shall be developed and maintained in accordance with the landscaping provisions provided in Article 9 of this Ordinance.

**Section 108. Joining of Lots for Development**

Contiguous lots that are to be joined for development or redevelopment must be combined. A combination plat meeting the requirements of Section 20 Subdivision Regulations of the Code of Ordinances for the City of Myrtle Beach must be recorded in the office of the Register of Mesne Conveyance for Horry County.

Lots separated by a public street, alley, railroad or other public land or water body are not considered contiguous for the purpose of joining lots for development or redevelopment.

**Section 109. Required establishment of legal entity to care for Common areas before Certificate of Occupancy can be issued.**

109.A. Every commercial development, or residential development that contains any element of a common area, or a limited common area, as defined by state law in Title 27 must be subject to a lawfully formed legal entity that can maintain, repair or replace said common areas, or limited common areas.

109.B. The legal entity shall be formed in accordance with the laws of the State of South Carolina in Title 27, as shown by appropriate documents that shall be recorded with the Horry County Register of Deeds Office;

109.C. The filed documents shall contain a perpetual right of access over all common areas and private streets for the benefit of governmental agencies for installing, removing and reading water meters; maintaining and replacing water and sewer facilities, fire lines and

acting for other purposes consistent with public safety and welfare including without limitation, law enforcement, fire protection, emergency services, garbage collection and the delivery of mail.

109.D. Proof of recording of the required legal documents must be presented to the Director of Construction Services before a Certificate of Occupancy can be issued.

### **Section 110. Penalty**

It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building or other structure without first obtaining the appropriate permit from the zoning administrator. A violation of any ordinance adopted pursuant to the provisions of this ordinance is hereby declared to be a misdemeanor under the laws of the state and, upon conviction thereof, an offender shall be liable to a penalty as set forth in City Code section 1-9. In the event any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is, or is proposed to be, in violation of this ordinance, the zoning administrator or any adjacent or neighboring property owner who would be especially damaged by such violation, may in addition to other remedies institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction or reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

### **Section 111. Validity**

Should any section, subsection, paragraph, subdivision, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

### **Section 112. Repeal of Conflicting Ordinances**

All zoning ordinances and parts of zoning ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

## **Article 2. Definitions**

### **Article 2. Definitions**

Section 201. Terms and Words Used

Section 202. Defined Terms

Section 203. Definitions (listed alphabetically)

### Section 201. Terms and Words Used

Where uncertainty exists, the following rules of interpretation shall apply:

- 201.A. Words used in the present tense include the future tense and words used in the future tense include the present.
- 201.B. Words used in the singular include the plural, and words used in the plural include the singular.
- 201.C. The words “shall” and “will” are always mandatory.
- 201.D. The words “may” and “should” are permissive.
- 201.E. The word “lot” includes the word plot, parcel, or property
- 201.F. The word “structure” includes the word “building”
- 201.G. The words “used” or “occupied”, as applied to any land or buildings, include the words “intended, arranged”, or “designed to be used or occupied”.
- 201.H. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

### Section 202. Defined Terms

Except as specifically noted herein, the definition of words or terms related specifically to planning, land use or zoning shall be found in the most current edition of *The Latest Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom. The definition of legal words or terms except those specifically noted herein shall be found in the most current edition of the *Black's Law Dictionary*. Definitions for other words or terms except those specifically defined herein shall be found in a standard dictionary. For purposes of this Ordinance, specific words or terms used herein are defined in Section 203 - *Definitions* and shall have the meanings ascribed to them as follows in that Section.

### Section 203. Definitions

**Accessory Structure or Use:** A use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land, building or structure. An accessory structure or use is:

1. Subordinate to and serves a principal building or principal uses;
2. Subordinate in area, extent, or purpose to the principal use served;
3. Designed for the comfort, convenience, or necessity of occupants of the principal use served; and
4. Located on the same lot as the principal use served, with the single exception of such required parking facilities permitted to locate elsewhere than on the same lot with the permitted use.

## Article 2. DEFINITIONS

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**Accessory Use, Private Garage:** An accessory building not exceeding 900 square feet in floor area designed or used for the storage of not more than four motor driven vehicles, owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle and that one of not more than one ton capacity.

**Addition:** Any improvement to a structure that results in an increase in the floor area of the structure. Any walled and roofed expansion to the perimeter of a building in which the expansion is connected by a common load-bearing wall other than a fire wall is an addition; however, any walled and roofed expansion which is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be considered new construction.

**AE Zone:** A flood insurance zone that corresponds to areas in the 100-year flood plain.

**Affordable Housing:** In the case of dwelling units for sale, housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 28% of the annual household income for a household earning no more than 80% of the area median income, by household size, for the metropolitan statistical area within which Myrtle Beach is located, as published from time to time by the U.S. Department of Housing and Community Development (HUD). In the case of dwelling units for rent, housing for which the rent and utilities constitute no more than 30% of the annual household income for a household earning no more than 80% of the area median income, by household size, for the metropolitan statistical area within which Myrtle Beach is located, as published from time to time by the U.S. Department of Housing and Community Development (HUD).

**Airport Elevation:** The highest point of an airport's usable landing area measured in feet from mean sea level (NGVD).

**Airport Hazard:** Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

**Alcoholic Beverages:** Any spirituous, malt, vinous, fermented, brewed (whether Lager or rice beer) or other Liquors, or any compound or mixture thereof, by whatever name it is known, which contains alcohol and is used as a beverage. It shall not apply to wine when manufactured or made for home consumption and which is not sold by the manufacturer thereof or by any other person or to any beverage declared by state Law to be nonalcoholic or non-intoxicating.

**Alley:** A public or private way at the rear or side of property permanently reserved as a means of providing secondary or service vehicular access to abutting property, less in width than 30', and which is not designed for general vehicular traffic.

**Alternative Nicotine Product:** A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. **Alternative Nicotine Product** does not include cigarette, smokeless tobacco, other tobacco products, or any other product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

## Article 2. DEFINITIONS

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**Amusement:** Any equipment or piece of equipment, appliance, device, or ride that carries passengers along, around or over a fixed or restricted course, or combination thereof, designed or intended to entertain or amuse.

**ANSI A300 (Current Edition):** Pruning standards set forth in the *Standard Practices for Trees, Shrubs, and Other Woody Plant Maintenance*.

**Apartment:** A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

**Apartment Building:** A residential building accommodating several households.

**Apartment, Garage:** A part of a garage consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

**Art, Publicly Accessible:** Art or artwork to which the public has approachable access on public or private property, with said art or artwork unrelated by language, logo or depiction to the advertisement of a product, service, place, person, or identification of a business or activity which is in the stream of commerce.

**Assisted Living Facility:** An assisted living facility is a residential facility for senior housing and care, licensed by the State of South Carolina, with a residential character and home like setting that provides an array of coordinated support of personnel and health care services, available 24-hours per day, to residents who have been assessed under the applicable state or federal guidelines to need any of these services. Assisted living facilities are for people needing assistance with Activities of Daily Living (ADLs) but wishing to live as independently as possible for as long as possible. As a distinct zoning use, assisted living development exists to bridge the gap between elderly or retired independent living communities, elderly congregate care and nursing homes. Assisted living facilities offer help with ADLs such as eating, bathing, dressing, laundry, housekeeping, and assistance with medications. An assisted living facility may have a limited component of medical care; however, the care offered may not be as intensive or available to residents as the care offered at a nursing home. Each resident shall have a service plan based on the assessment, which may include:

1. Specified services of intermediate nursing care;
2. Administration of medication; and
3. Support services promoting residence independence and self sufficiency.

Such a facility may be further defined by the State of South Carolina and may include an adult day care center provided in conjunction with a congregate care facility as defined elsewhere in the Code.

**Auto Detailing:** The thorough cleaning of the exterior and interior surfaces of a vehicle. This activity may also include the application of waxes, compounds, sealants, pinstriping (non-painted/vinyl only) or protectants to maintain, protect, or enhance the value and appearance of a vehicle.

**Automotive Junk Yard:** An area outside of a building where motor vehicles not in operable condition or used parts of motor vehicles are stored.

## Article 2. DEFINITIONS

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**Awning:** A roof-like shelter extending over a doorway, window, porch, etc., which provides protection from the sun or rain.

**Balcony:** Open platform structures that project from a wall of a building and are wholly supported by the building and are surrounded by a railing, balustrade or parapet.

**Banquet or Event Hall:** A facility, as a stand-alone structure or as an accessory part of an accommodations complex, which is primarily engaged in providing banqueting rooms, and meals, and entertainment events for persons and entities reserving the space for special occasions including, but not limited to: formal dinners, receptions, reunions, benefits, and club meetings, and may include the onsite consumption of alcohol as an accessory component of food and beverage service.

**Bar, lounges, pub, tavern, or similar drinking place:** AS DEFINED BY SIC 5813 OR NAISC 722410, and defined as a place of social gathering and entertainment primarily engaged in the preparation and service of alcoholic beverages onsite and with an open dance floor of less than 150 square feet.

**Basal Area, Tree:** Basal Area for a Tree = caliper<sup>2</sup> X 0.7855

**Bedroom:** A private room within a dwelling that is designed and intended to be used for sleeping purposes.

**Bed and Breakfast:** A building or a portion thereof where, for compensation, rooms are rented for overnight stay for less than 30 consecutive nights together with meals to boarders who generally do not directly utilize kitchen facilities.

**Beer, Ale, Porter and Wine:** As stated in Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time.

**Berm:** A mound of earth or the act of pushing earth into mound.

**Billboard:** A sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. Such signs are also known as off-premises or outdoor advertising display signs. A billboard may also be known as a freestanding sign.

**Body Piercing:** Any method of piercing of the human skin of one person by another person with the intention of inserting any object including but not limited to jewelry. For the purposes of the Ordinance the term body piercing shall also include any process of marking or disfiguring the skin or other tissue of any person by branding or scarification but shall not include the piercing of the fatty lobe of the ear by an ear-piercing gun designed solely for that purpose, or physician authorized surgical procedures. This definition of body piercing includes that process commonly referred to as implantation.

**Breakaway Walls:** Any type of walls which are not part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

## Article 2. DEFINITIONS

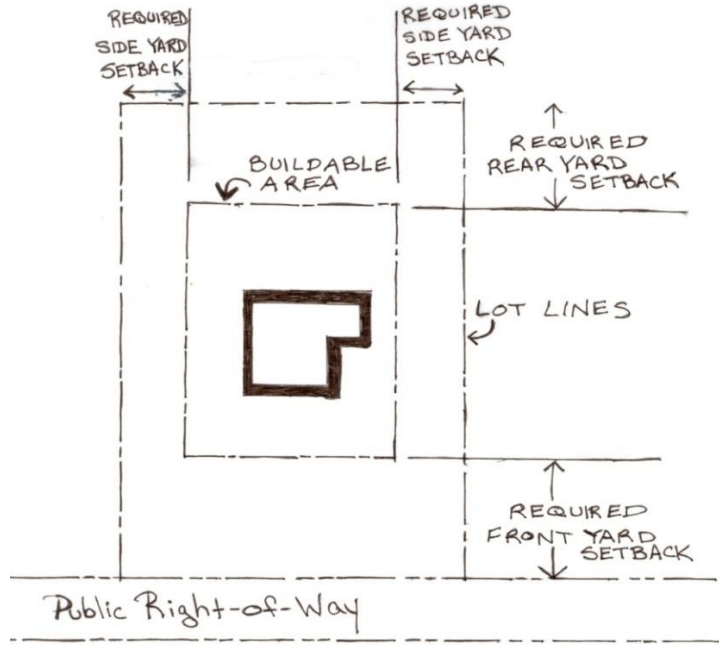
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**Brewpub:** a facility with on-site food service (not more than 50% of total sales), tap room and retail operations that brews or produces alcoholic and non-alcoholic beverages for sale and consumption on-site as well as wholesale or off-site sales, consistent with state law (including operations, and separation from school, church, and playground uses). For zoning purposes, a brewpub may be licensed under state law as a brewpub or brewery.

**Buildable Area of a Lot:** The portion of a lot bounded by the required rear, front and side yards (see Figure 2-1 – *Buildable Area*).

Figure 2-1. Buildable Area



Derived from: Moskowitz, Harvey S. and Carl G. Lindbloom. The Latest Illustrated Book of Development Definitions, New Brunswick, N.J.: Center of Urban Policy Research, Rutgers University, 2004

**Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind which has a roof and enclosed walls for 50 percent of its perimeter. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**Building Front:** That side of a building or structure that includes the front door and that faces and is parallel to the required front yard.

**Building Frontage:** The linear length of a building facing the street right-of-way.

**Building Line:** A line which represents the distance that a building or structure must be set back from a lot boundary line or a street right-of-way line according to the terms of this ordinance. In all cases, the building lines of a lot shall be determined to run parallel to right-of-way lines and lot boundary lines.

**Building/Structure, Maximum Coverage:** The maximum extent (percent) to which a lot may be covered by principal and accessory buildings established by the zoning district in which the lot is situated.



## Article 2. DEFINITIONS

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**Business Operator:** Any person who owns, Leases, operates or manages or is employed by a business establishment.

**Caliper; Single-stem (Tree):** The thickness of trees measured in inches. A caliper measurement for trees shall be measured 12 inches above the soil line, or across the stump if the tree has been severed at less than 12 inches above the soil line.

**Caliper; Multi-stem (Tree):** The equivalent area of the multi-stem shall be made by use of a circumference to diameter conversion tape and is calculated as follows:

1. Square the diameters of each stem;
2. Multiply each of the numbers from Step 1 by 0.7854;
3. Add all the products determined by Step 2 and multiply total by 1.2732;
4. Take the square root of the product from Step 3.

**Campground:** A parcel of land upon which two or more tents, campers, recreational vehicles, travel trailers, or camping sites are located, established or maintained for temporary occupancy (less than 30 days) for recreation, vacation, or travel purposes.

**Candlepower:** The amount of light that will illuminate a surface one foot distant from a light source to a intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

**Cannabis Product:** A product originating from the species Cannabis Sativa L., excluding marijuana as defined by South Carolina Law in 44-53-110 (27(a), and shall include all forms of Cannabis or low-THC Cannabis products (CBD) to be consumed or applied.

**Cannabis Dispensing Business:** A business offering for sale CBD, Cannabis or Derivative Cannabis Products.

**Canopy (marquee):** A shelter structure attached to or cantilevered from a building and wholly or partially supported by a building and/or supported by columns, braces or poles extending to ground. Materials are rigid and durable such as metal, wood, concrete, plastic, glass, canvas and other awning type fabrics over rigid frames, etc.

**CBD:** Cannabidiol, a chemical compound from the species Cannabis Sativa L., of the family Cannabaceae.

**Cell Tower:** A radio mast or tower upon which antennas and electronic communications equipment are placed to create a cell in a cellular network.

**Cemetery:** A place used for the burial or interment of human or animal remains or cremated remains, including a burial park for interment, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Certified Arborist:** A person certified as an arborist by the International Society of Arboriculture.

**Child Care Center (CCC):** A facility with an operating capacity of 13 or more children, where children are received for custodial care, apart from their parents or guardians, whether for compensation, reward or otherwise.

**Child Care Home, Family (FCCH):** A facility with an operating capacity of no more than 6 children, where children are received for custodial care, apart from their parents or guardians, whether for compensation, reward or otherwise. Registration or licensure is required if a person provides care to more than one unrelated family of children on a regular basis (more than two days a week and more than four hours a day).

**Child Care Home, Group (GCCH):** A facility with an operating capacity of 7 to 12 children, where children are received for custodial care, apart from their parents or guardians, whether for compensation, reward or otherwise.

**Clearing:** The removal of all vegetation.

**Clinic:** A facility operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the examination, care and treatment of outpatients. The term does not include a place for the treatment of animals.

**Club:** Building or facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

**Cluster Housing Development:** A development design wherein conventional zoning and subdivision standards are relaxed to permit modifications in lot size and shape by concentrating single-family dwellings in specific areas of an overall tract. Cluster housing may include detached or attached dwelling units on individual lots within an overall tract with the remaining area in common open space.

**Coin-operated Amusement Device:** A coin-operated machine or device which, whether mechanical, electrical, or electronic, is ready for play by the insertion of a coin or any form of legal tender, and may be operated by the public for use as a game, entertainment or amusement. The object of which is to achieve a score which demonstrates relative skill or competence, or in any way indicates a competitive advantage regardless of skill or competence. Included are devices such as pinball machines or any device which utilizes video tubes to reproduce figures, lines and images intended to be representative of actual games or activities.

**Columbarium:** a sepulchral vault or other structure with recesses in the walls to receive the ashes of the dead or any of these recesses.

**Commercial Center:** Two or more retail stores, or service establishments, professional offices or any other businesses serving a community or neighborhood, not necessarily owned by one party nor by a single land ownership, which occupy a common and/or adjacent building(s) on premises and utilize common parking area(s).

**Commercial group residential:** shared living quarters, rented, leased or occupied by two or more persons not living together as a family or single housekeeping unit ("Single housekeeping unit"), that is based on financial, fraternal or shared interests, goals or social purposes. Includes, without limitation, boarding or rooming houses (see "Boarding or rooming house"), dormitories, fraternities, sororities and private residential clubs. Excludes licensed or unlicensed residential care facilities (see "Residential care facilities of nine or less persons with mental or physical handicaps").

**Condominium:** An apartment house, office building, or other multiple-unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc., that unit, and sharing in joint ownership of any common grounds, passageways, etc.

**Condominium Owners Association (COA):** The community association that administers and maintains the common property and common elements of a condominium. The COA differs from other forms of community associations in that the COA does not have title to the common property and facilities. These are owned by the condominium owner on a proportional, undivided basis.

**Congregate Housing, Older Adult:** Residential housing form providing efficiency or one bedroom dwelling units designed for the needs of older adults, with access to common dining and recreation facilities, and as further defined by the State of South Carolina.

**Continuing Care Retirement Community:** A congregate care retirement community contains elements of elderly independent living residential development, adult day care, elderly congregate housing, assisted living facilities and nursing homes. The combination is known as a continuing care retirement community, and may be further defined by the State of South Carolina. The resident can take advantage of the full range of services available and the ease of transfer to a different type of facility as his or her condition and needs change without needing to look for a new facility, relocate, or adapt to a new setting. The resident may begin in the independent living residences, move to assisted living as he or she needs help with activities of daily living, and eventually move to the nursing home as ongoing care becomes necessary.

**Copy Shop:** A business engaging in the reproduction of written or graphic materials on a custom order basis. Typical processes include, but are not limited to, impressions through mimeographic, electrostatic, or thermal copy process, whether wet or dry; photocopying; and offset printing.

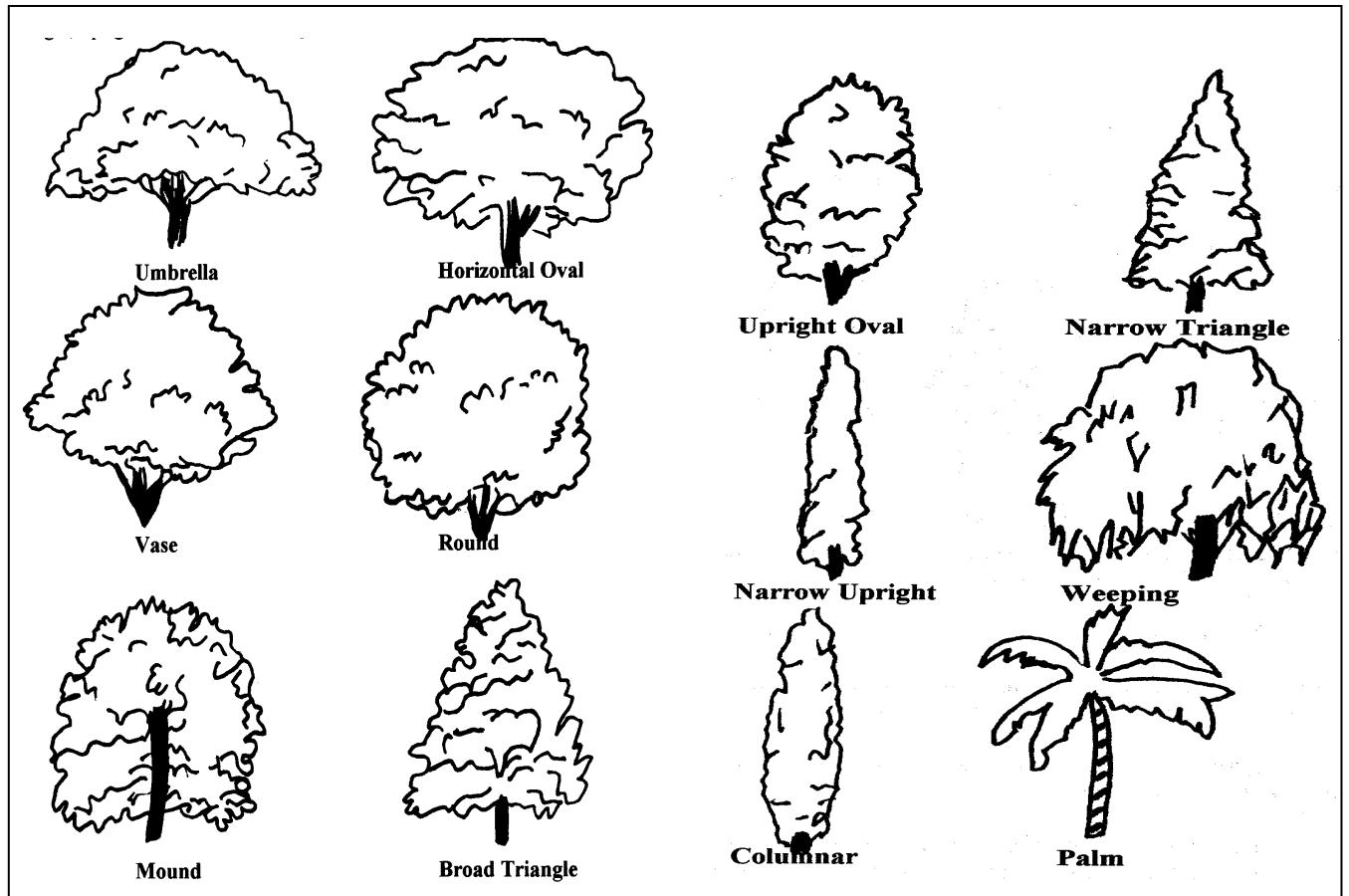
**Correctional Facility:** A facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons, penal institutions, local detention facilities, and juvenile detention centers.

**Court:** An open space which may or may not have direct street access and around which is arranged a single building or group of related buildings.

**Crematorium:** A furnace for the incineration of corpses or a building containing such a furnace.

**Crown, Tree:** The above-ground parts of the tree that gives the tree its normal shape at maturity. The basic tree shapes are: umbrella, horizontal oval, vase, round, mound, broad triangle, upright oval, narrow triangle, narrow upright, weeping, columnar, and palm (see Figure 2-2 – *Tree Crown Basic Shapes*).

Figure 2-2. Tree Crown Basic Shapes



**Cupola:** A structure on a dome or roof, serving as a belfry, lantern or belvedere.

**Cutoff:** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

**Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cutout:** An extension of the perimeter of an outdoor advertising sign face, which is commonly irregular in shape, and which is added for the purpose of accomplishing a creative design.

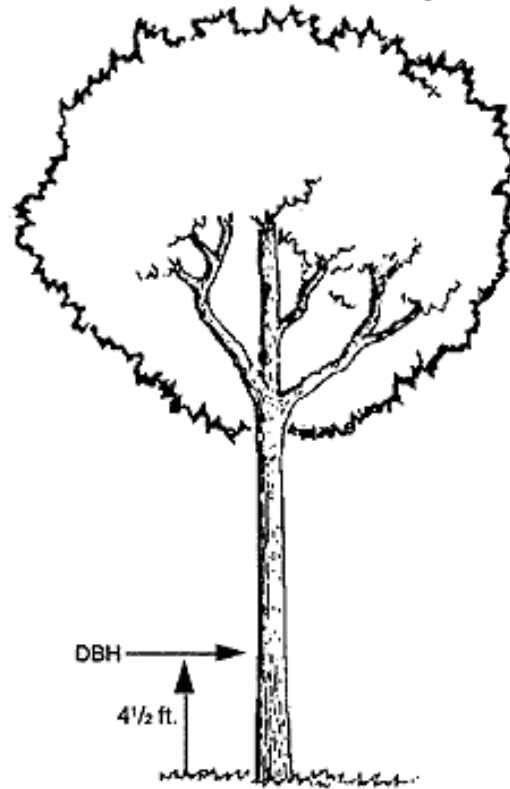
**Deciduous:** A woody perennial plant, either tree or shrub form, which at a certain stage of development in its life cycle sheds or dislodges its foliage or leaves (usually seasonal).

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials.

**Diameter-At-Breast-Height (DBH), Tree:** The tree trunk diameter measured in inches at a height 4.5 feet above the ground (see Figure 2-3 – *Tree Diameter at Breast Height Measurement*). If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its

most narrow point beneath the forks. Measurements shall be made by use of a circumference to diameter conversion tape.

Figure 2-3. Tree Diameter at Breast Height Measurement

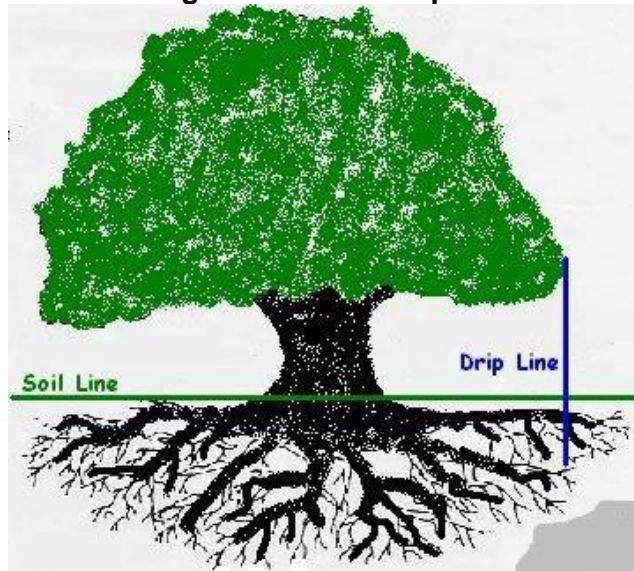


**Diffuse:** To spread, scatter or soften light to the point of having no discernable beam or recognizable source.

**Drinking Place:** Generally any place under permitting by the DOR and licensed as a business in the city to engage in the sale or service of alcohol as defined by SIC 5813 or NAISC 722410. This industry comprises establishments known as bars, taverns, nightclubs, performance venues or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. Not included are establishments primarily engaged food service, or civic and social organizations or package stores. Included are bars, lounges, taverns, nightclubs, pubs and similarly named and licensed entities as identified herein.

**Dripline, Tree:** The vertical line extending from the outermost edge of the tree canopy to the ground (see Figure 2-4 – *Tree Dripline*).

Figure 2-4. Tree Dripline



**Driveway:** A surface, as approved by the city engineer, used to provide vehicular access to privately owned property.

**Dwelling:** Any building or portion thereof that is used exclusively for human habitation, but not including hotel, motel, rooming house, hospital or other accommodation used more or less for visitor occupancy.

**Dwelling, Single-family:** A dwelling arranged or designed to be occupied by one family and containing no more than one kitchen.

**Dwelling, Two-family (duplex):** A dwelling arranged or designed to be occupied by two families living independently of each other.

**Dwelling, Multi-family:** A dwelling, or portion thereof, used or designed as residence for three or more families living independently of each other with separate kitchen facilities.

**Dwelling Unit:** A dwelling, or portion thereof, providing complete and permanent living facilities for one family.

**E-Cigarette:** Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a Liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

**Elevated Building:** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), sheer walls, or breakaway walls.

**Erosion:** The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

**Evergreen:** A woody perennial plant, either tree or shrub form, on which foliage remains green and functional through more than one growing season.

**Façade:** The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof surfaces, of one complete elevation.

**Family:** Any individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

**Fence:** A structure of metal, wood, masonry, etc., that serves as a boundary or divides an area.

**Festoon Lighting:** A string of outdoor lights suspended between two or more points.

**Flag:** A rectangular display with a length to width ratio of between 1.4 to 1.9, having characters, letters, illustrations, ornamentation, symbol, color, or visual representation applied to cloth, vinyl, fabric, plastic, or like material. Furthermore, grommets or a rope spline must be provided for mounting and hemming must finish all four edges.

**Floating Zone:** A flexible zoning technique in which a zone is described in the text of the Ordinance but is unmapped.

**Flood or Flooding:**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusual high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in the overflow of inland or tidal waters.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area Ratio (FAR):** The gross floor area of all buildings and structures on a lot divided by the total lot area.

**Footcandle (fc).** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**Frontage:** The length of the property line of any one premises serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall generally be that which abuts the street having the highest vehicular traffic volumes; but if the frontages have

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equal traffic exposure, the property owner shall be permitted to designate his principal street frontage. For the purpose of determining allowable sign area, the frontage may be measured (at the option of the property owner) at the required front building setback line instead of along the public street right-of-way line.

**Funeral Home (Mortuary):** An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

**Game Arcade:** Any business location in which there are more than five coin-operated amusements, as defined herein, available for use by members of the public and/or business invitees.

**Glare:** The brightness of a light source that causes eye discomfort to a person of normal ocular sensitivity.

**Goods, Durable:** Manufactured products of long utility (longer than 1 year) that aren't consumed or quickly disposed of, and can be used repeatedly or continuously. Examples include furniture and household appliances.

**Goods, Heavy Durable:** Large bulky commodities such as automobiles, trucks, manufactured homes, recreational vehicles, boats, trailers, motorcycles, golf carts, mopeds, and similar items stored and used outdoors.

**Goods, Non-durable:** Goods that are quickly consumed and that generally have a normal life expectancy of less than one year. Examples include food, fuel and clothing.

**Grade:** The natural elevation of the ground. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be established at the level of the nearest public street curb. With reference to determining a building height, grade is defined as the average of the average grades of the land adjacent to all structural walls of the building. In extreme cases of varied elevations within the same site, the zoning administrator shall establish grade.

**Gross Floor Area:** For purposes of this Ordinance, the gross floor area of a building is the sum of the areas of all floors of the building, including basements, mezzanine and intermediate floored tiers and penthouses of head room height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. The gross floor area also includes the sum of the areas of covered walkways, open roofed-over areas that are paved, porches and similar spaces. Gross floor space does not include such features as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, parking and vehicular circulation space in parking garages.

**Ground Cover:** Grass, low growing shrubs which at maturity shall not exceed a height of 12 inches, organic mulch, and crushed stone that cover the ground or exposed earth.

**Grubbing:** The removal of tree stumps, roots, and the like.

**Guest Room:** A separate living unit offered for compensation to visitors in a hotel, motel, boarding, lodging or tourist home.



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**Handbill (Circular):** A sign that is distributed to the public or placed on vehicles, buildings, structures, objects or surfaces as part of said distribution.

**Hazardous Tree:** A tree that is unsafe due to a structural defect and constitutes a threat of injury to persons or damage to property.

**Head shop:** Any business that engages in the retail merchandising of tobacco paraphernalia coupled with the retail offering of synthetic marijuana, cannabis product, cannabis dispensing business, CBD product, or vapor product of alternative consumable matter other than tobacco meant to be smoked, vaped or ingested orally in any fashion.

**Health Club:** A commercial establishment with on site use of equipment and facilities designed to help customers or members lose weight or improve their physical fitness.

**Hedge:** The close planting of shrubs that forms a compact, dense, visually opaque, living barrier when mature.

**Height, Building:** For a building, the vertical distance from grade at the building to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roofs having a pitch of more than 4½ :12. Height of a building does not include basements and cellars. Church spires, chimneys, tanks and supports, aerial supports, parapet walls not over 10 feet high, non-habitable architectural features (cupolas, for example), bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts, or ventilation or air conditioning apparatus, need not be considered in determining the highest point of the building, provided that the highest point shall be taken to be the highest point of the roof of the highest penthouse when the aggregate area of all penthouses and other roof structures exceeds ⅓ of the area of the roof upon which they stand.

**Height, Light Source:** The measured vertical distance between the light source and the grade.

**Height, Sign:** The vertical distance measured from the adjacent street crown grade to the top of the sign face or sign structure, whichever is greater.

**Height, Structure:** For other than a building, the vertical distance from average grade to the top of a structure.

**High Intensity Discharge (HID) Lamp:** An electric discharge lamp in which the light-producing arc is stabilized by wall temperature, and the arc tube has a bulb wall loading in excess of three watts per square centimeter. HID lamps include groups of lamps known as mercury, metal halide, and high pressure sodium.

**Historic Structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the state inventory of historic places; or
4. Individually listed on a local inventory of historic places in a historic preservation

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program that has been certified by the state historic preservation office.

**Home Occupation:** Any permitted occupation within a dwelling.

**Horizontal Property Regime (HPR):** As set forth in the South Carolina Code of Laws, Title 27, Chapter 31, Article 1, Section 27-31-10, or as recodified, known as the Horizontal Property Act.

**Hotel:** A building in which lodging or boarding and lodging are provided and offered to the traveling public or visitor for compensation, but not including a boarding house. (See also definition of "*Motel*")

**Household:** A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**Illuminance:** The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

**Illumination, Direct:** Illumination that emits light either by means of an artificial light source on a surface, or by means of an artificial light source transmitted through a surface.

**Illumination, Indirect:** Illumination that reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

**Impervious Surface:** Any material that prevents, impedes, or slows infiltration or absorption of storm and surface water directly into the ground at the rate of absorption of vegetations-bearing soils.

**Impervious Surface Coverage:** The percentage of net land area of the lot covered by impervious surface. For the purpose of computing impervious lot coverage, the following items and like installations are considered impervious: building coverage, parking lots, parking structures, driveways, side-walks, patios, pool decks, wooden decks, grouted cut stone or tile walkways, and stone, shell or gravel surfacing.

**Incandescent Filament Lamp:** A lamp in which light is produced by a filament heated to incandescence by an electric current.

**Incidental Or Ancillary Sale:** where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, "ancillary sale" shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage used, is subject to the restrictions of this chapter and shall not constitute incidental or ancillary sale under any circumstances.

**Independent Living, Older Adult:** Older adult independent living is a residential development of detached single-family dwelling units or townhouse-style dwelling units restricted to

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individuals or families in which all residents are older adults, with the exception of spouses or caregivers. Such developments may contain compatible commercial elements, but are not in the continuum of older adult congregate care facilities, assisted living and nursing homes, and are to be distinguished from the multifamily elements of an older adult congregate care facility.

**Indigenous:** Having originated in and being produced, growing, living or occurring naturally within a particular region or environment.

**Indoor Passive Recreation:** A recreational use internal to a structure(s) that includes games of strategy, collector card games, tabletop games, miniature gaming, "escape room" and similar games of deduction, and games not otherwise regulated by state law. Indoor Passive Recreation specifically does not include games of chance, uses already provided for in the zoning ordinance (pool halls/billiard parlors, game arcades), and amusements as defined in Section 203.

**Indoor Storage Facility:** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals for variable-term storage of their household goods or property. These rented spaces shall not be used as a residence or a place of business.

**Irrigation:** The watering of plant material through the use of underground pipe (artificial means).

**Kennel:** As defined in Sec. 4-1 Definitions of Chapter 4 of the City of Myrtle Beach Code of Ordinances.

**Landscaped Open Space:** Landscaped open space consists of lawns, shrubs, trees or other vegetation and permeable ground cover capable of absorbing runoff water.

**Landscaping:** Any combination of living plants and natural material purposely maintained for functional and/or aesthetic reasons. Landscaping includes trees, shrubs, vines, ground cover, flowers and grass; natural features, such as rock, stone, bark chips/shavings and pine straw; and manmade features, including but not limited to fountains, reflecting pools, outdoor art work and benches.

**Licensed group residential (caregiving):** shared living quarters in a residence, or dwelling unit or part thereof, owned, rented or leased by a any legal entity licensed or under contract with the State of South Carolina or the United States Government for provision of care, which is occupied by two or more persons not living together as a family or as a single housekeeping unit, wherein a room or rooms are made available to persons under written or oral behavioral agreements, or wherein counseling, therapy or behavior modification is imposed as a condition of rent, occupancy or use, and whether or not the owner, agent or rental manager resides within the residence. Includes parolee-probationer homes (see "Parolee-probationer home")

**Light Source.** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

**Light Spillage.** Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum permitted illumination as specified in Article 12 – *Lighting and Glare*.

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**Lot:** A single tract or parcel of land located within a single block, occupied or intended for occupancy by a use or uses permitted in these regulations, and held under single ownership or control (see Figure 2-5 – *Lot Types*). Where two or more lots are joined for development, but not replatted as a single lot, they shall nonetheless be treated as a single tract or parcel of land observing all applicable requirements of this Ordinance.

**Lot, Abutting:** Lots that share a common boundary line or segment thereof.

**Lot Area:** The total horizontal area within the lot lines of the lot.

**Lot, Contiguous:** Lots that are abutting or lots that except for platted rights-of-way would be abutted lots.

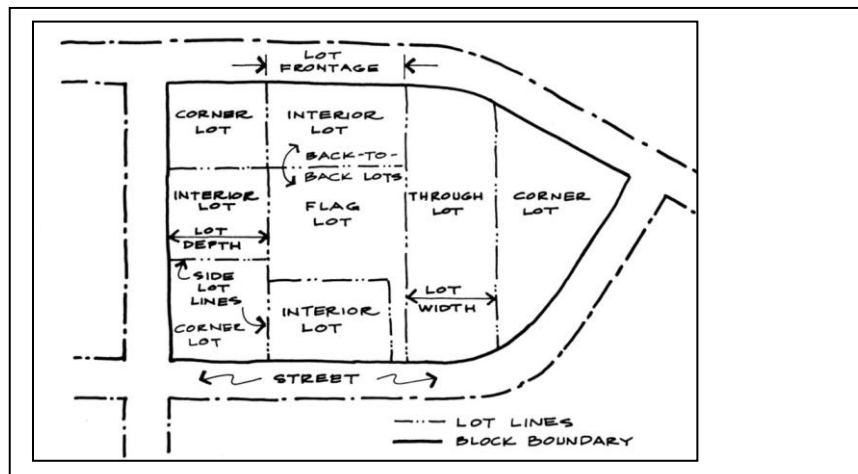
**Lot, Corner:** A lot abutting on two or more streets at their intersections (see Figure 2-5 – *Lot Types*). On corner lots the front yard depth of the lot shall be deemed to be in the direction of the longer axis of the lot.

**Lot Depth:** The mean horizontal distance between the front and rear lot lines (see Figure 2-5 – *Lot Types*).

**Lot, Double Street Frontage:** Any lot with one or more street frontages that are between 0° to 45° or 135° to 180° relationship to another street frontage (see Figure 2-5 – *Lot Types* – “through lot”). Front yards in double street frontage lots must be provided along each such street.

**Lot Frontage (width):** The horizontal distance between the side lot lines measured at the required front yard line parallel to the front street line (see Figure 2-5 – *Lot Types*).

Figure 2-5. Lot Types



Source: Moskowitz, Harvey S. and Carl G. Lindbloom. *The Latest Illustrated Book of Development Definitions*, New Brunswick, N.J.: Center of Urban Policy Research, Rutgers University, 2004.

**Lot Line:** The boundary line of a lot.

**Lot, Non-conforming:** Any lot which does not meet the minimum dimensions or area requirements of the district in which it is located, or which fails to conform to the present requirements of the Ordinance.

**Lot, Ocean Front:** Any lot that is contiguous to the ocean or to public property that is contiguous to the ocean.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Lumen:** Unit of luminous flux; used to measure the amount of light emitted by lamps.

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

**Luminaire, Cutoff-type:** A luminaire with elements, such as shields, reflectors or refractor panels, which direct and cut off the light at a cutoff angle that is less than 90 degrees.

**Mezzanine:** One or more intermediate levels between the floor and ceiling of a story.

**Manufactured Home:** A detached single-family dwelling unit built after June 15, 1976 that meets Department of Housing and Urban Development standards pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 for single-family manufactured homes.

**Manufactured Home Lot:** A single parcel or site located in either a rental manufactured home park or in a subdivision and intended for occupancy by only one manufactured home.

**Manufactured Homes, Multifamily:** Any area, tract, site or plot of land containing spaces, with required improvements and utilities, that are leased for the long-term placement and maintenance of manufactured homes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof, as well as services and facilities for the residents. Sometimes referred to as a "Manufactured Home Park".

**Marina:** A harbor, boat basin, or other facility, which provides storage or docking facilities, supplies, or other services for water craft, including facilities for storing water craft in or out of the water, but excluding storage of water craft at a private dock associated with a residential unit or on private property where no fee is charged.

**Mean Sea Level:** The average height of the sea for all stages of the tide/National Geodetic Vertical Datum of 1929 (NGVD).

**Medical Marijuana Dispensary:** A legal entity that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provide medical marijuana to qualifying patients.

**Merchandise:** All goods that merchants usually buy and sell, whether at wholesale or retail; wares and commodities such as are ordinarily the objects of trade and commerce. But the term is not used for provisions such as are purchased day by day for immediate consumption such as food.

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**Mixed-Use Building:** The combination of both commercial and residential uses within a single building.

**Mixed-Use Development:** A development where two or more use categories (commercial, residential, industrial, etc.) are incorporated on a single development site.

**Mobile Home:** A transportable, factory built, detached single-family dwelling unit that was manufactured prior to June 15, 1976.

**Model:** A three-dimensional representation of an object or product, whether in miniature, actual or exaggerated scale.

**Modular Home:** A single-family dwelling constructed off-site according to the standards set forth in the local or state building codes, transported to the point of use and assembled as a permanent structure.

**Moped:** As defined by state law.

**Motel:** A building in which lodging or boarding and lodging are provided and offered to the traveling public or visitor for compensation, but not including a boarding house. (see also definition of "Hotel")

**Multiple Building Site:** A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking and service areas.

**Mural:** A graphic or representation and/or copy composed of any media affixed by any means to the exterior surface of a permanent structure, with the graphic unrelated by language, logo or depiction to the advertisement of any product, service, place, person or identification of a business.

**Museum:** An institution devoted to the procurement, care, and display of objects of lasting interest or value.

**NGVD:** National Geodetic Vertical Datum as established by the National Geodetic Survey.

**Night Club:** An alcohol-free teen or adult club of general admission, membership admission or under a cover charge, which is a place of social gathering and nightclub entertainment activities or opportunities emphasizing live or recorded amplified music in an largely unstructured dance club atmosphere in a interior or outside deck space that is rated for greater than 150 person occupancy, with a open dance floor greater than 150 square feet and where the nightclub entertainment activities are primarily orchestrated by a nightclub entertainment promoter or house disc jockey, typically open after 10:00 p. m. and if alcohol is served, where the primary business purpose is the admission cost and sales of alcoholic beverages, and where the admission cost and alcohol sales are greater than the gross sales of food, or when alcohol is not provided, the sale of food is incidental to the primary business purpose of providing a venue for live or recorded music and dance in the manner described. See also Sec. 1312

**Nonconforming:** A term applied to lots, structures, objects of natural growth, uses of land or structures, and characteristics or use of land or structures which were lawful prior to the

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effective date of the adoption, revision or amendment of this Ordinance, but that fails by reason of adoptions, revision or amendment to conform to the present requirements of the Ordinance.

**Nursing Home Facility:** A facility licensed by the State of South Carolina for the purpose of providing organized nursing staff to maintain and operate facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing nursing care for persons who are not in need of hospital care. This definition shall incorporate and reflect the requirements of SCDHEC R61 -17 and/or other state requirements which may preempt local definition or regulation of such uses.

**Occupancy:** Each separate use of property conducted on a lot or within a building or any portion thereof. Specifically, any dwelling unit, one business, activity or office.

**Odor Threshold:** The minimum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.

**Older Adult:** A person 55 years of age or older.

**Open Space:** Private property, owned by or adjacent public property financially sponsored by a developer that serves as an amenity that is accessible to the public. Open space is predominantly open to the sky, that can be:

1. Natural areas, with minimal
2. Wildlife and native plant habitat
3. Fountain features
4. Water courses
5. Paths and trails
6. Landscaping required for setbacks, buffers, and parking areas
7. Active or passive public parks

The amenity achieves a natural, scenic, ecological, cultural, public art, hydrological, geological, or aesthetic purpose.

**Open Space Ratio:** Total area of open space divided by the total site area in which the open space is located (see Figure 2-6 – *Open Space Ratio*).

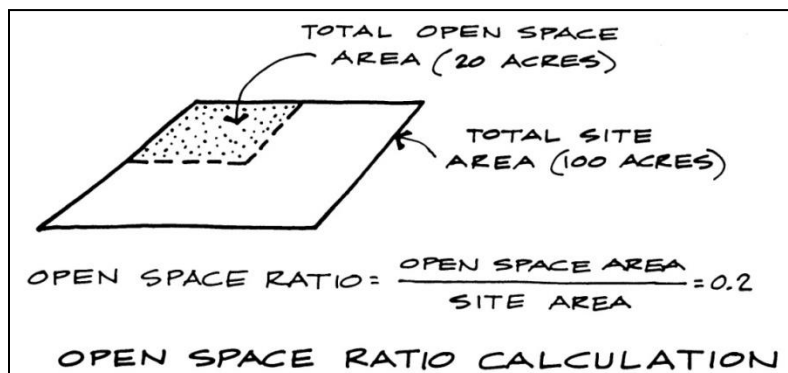


Figure 2-6. Open Space Ratio

Source: Moskowitz, Harvey S. and Carl G. Lindbloom. *The Latest Illustrated Book of Development Definitions*, New Brunswick, N.J.: Center of Urban Policy Research, Rutgers University, 2004

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**Open Space, Usable:** An area of outdoor, unobstructed (to the sky) space, of sufficient dimension, size and scale to accommodate an identifiable activity or sport. Parking lots, driveways and sidewalks are not included in this definition.

**Outdoor Advertising Signs:** Refer to the definition for “billboard.”

**Outdoor Living Space, Usable:** Areas for active or passive outdoor recreation such as lawns, ponds, pools and pool decks, tennis courts, shuffleboard decks, volleyball courts, beaches, patios, gazebos, and similar uses. It does not include parking areas, driveways, loading zones or sidewalks.

**Outparcel:** A parcel divided from the original development tract, defined by metes and bounds or by a subdivision plat depicting it as an undivided tract, intended for conveyance to a party subsequent to the original developer, or withheld by the developer for development separately from the majority of the original tract.

**Overlay Zone:** An overlay zone places a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries.

**Panel:** The primary surface of a sign that carries the identifying/advertising message.

**Panel Extension:** Any additional structure or device extending beyond the panel of any sign, within the allowable sign area, but projecting into the third dimension more than 12 inches from any panel of any sign will be considered as an additional sign face.

**Parapet:** A false front or wall extension above the roof line.

**Parking Space, Handicapped:** A space in a parking area with stall dimensions, access, and signage conforming to the International Building Code standards for handicapped parking.

**Parking, Off-site:** Parking provided for a specific use but located on a site other than the one on which the specific use is located.

**Parking, Off-street:** A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**Parking, Shared:** A public or private parking area or facility used jointly by two or more uses.

**Parolee-Probationer:** a parolee-probationer includes: (a) any individual who has been convicted of a Federal crime, sentenced to a United States prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer; (b) any individual who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, and is under the jurisdiction of the South Carolina Department of Pardons, Probation and Parole, or Department of Corrections; (c) an adult or juvenile sentenced to a term in the South Carolina Family Court system, and who has received conditional and revocable release in the community under the supervision of a state officer; or (d) any individual who has been convicted of a felony, sentenced to any correctional facility, including County correctional facilities, and is under the jurisdiction of any Federal, State, or County parole or probation officer. For the purposes of this definition, “felony” means a felony as defined by any South Carolina or United States statute.



**Parolee-probationer home:** any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses two or more parolees-probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer.

**Pedestrian Oriented Development:** Any development type that accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes.

**Performance Standards:** Zoning regulations established to limit the impacts generated by, or inherent in, uses of land or structures. Uses are regulated based on a particular set of standards of operation rather than solely on a particular type of use.

**Person:** An individual, firm, partnership, corporation, company, association, society, joint stock company, joint stock association, or governmental entity or agency or instrumentality thereof. It includes a trustee, receiver, assignee, or similar representative of any of them.

**Perimeter, Sign:** The contour of the face of the sign.

**Permitted Use Site:** The lot upon which the permitted use is conducted.

**Pervious Surface:** Any material that permits full or partial absorption of stormwater or surface water directly into the ground.

**Pier:** A platform that is supported by piles or pillars and that extends over the Atlantic Ocean.

**Plaza:** An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. A plaza may be used for occasional parking in front of a civic or public building.

**Premises:** A lot as defined herein, together with the buildings and structures thereon. In the case of business establishments consisting of lots located in two or more contiguous blocks (separated by a dedicated public street or dedicated public walkway), the contiguous lots in each block shall be considered a separate premises. In the case of wall signage for properties containing more than one business establishment, each business shall be considered a separate premise in determining wall signage.

**Primarily or primary:** gross income from all Licensed activities on site which is 60 percent or greater, or the greater degree of frequency of conduct, as the context provides.

**Principal Use:** The primary or predominant use of any building, structure, lot or parcel.

**Property Owners Association (POA):** A community association, other than a condominium owners association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

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**Pruning, Tree:** Cutting or removing any part of the branching structure of a tree in either the crown, trunk or root areas. Proper tree pruning is as defined by the ANSI A300 (Current Edition) standards.

**Public Agency:** An agency of the local, state, or federal government.

**Public Service:** Service relating to the health, safety, and welfare of the population and conducted by the local, state, or federal government or an agency thereof.

**Public Use:** Use that serves the health, safety and welfare of the community conducted on a property or in a facility in ownership or in possession of the local, state, or federal government or an agency thereof.

**Public Utility:** A business or service which is engaged in regularly supplying the public with some commodity or service and which is a government agency, a City franchisee, or an entity regulated by a state or federal commission. For the purposes of this ordinance, a public utility shall include providers of the following services: electricity, gas, water, sewer, transportation, telephone and cable TV, but shall not include cell towers.

**Reconstruction:** Any improvement which is the rebuilding of an existing structure which has been partially or completely destroyed by any cause without increasing the floor area of the structure.

**Recreational Vehicle:** A vehicular type unit containing temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, motor home, and boats (over 16 feet in length).

**Recreational Vehicle, Dependent:** A recreational vehicle that is dependent upon a service building for toilet and lavatory facilities.

**Recreational Vehicle, Independent:** A recreational vehicle containing toilet and lavatory facilities.

**Recreational Vehicle Site or Campsite:** A campsite plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**Rehabilitation:** Any improvement which is made to the interior or exterior of a structure and which does not result in an increase in the floor area of the structure.

**Residence, Permanent:** The place where one permanently resides for a period of 30 days or more, as distinguished from a place of temporary or visitor residency.

**Residential care facilities of nine or less persons with mental or physical handicaps:** a home, place, site or building, or groups of places, sites or buildings, licensed by the State or under contract with the State as set forth in South Carolina Code 6-29-770, in which nine or fewer individuals with mentally or physically handicapped persons reside, and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual who is mentally or physically handicapped. Does not include "Commercial Group residential."

**Restaurant:** A place where the primary business purpose is food sales, but may also have both a DOR and a business license as a drinking place. A restaurant is operated as a bona fide eating place that maintains appropriately sized kitchen facilities in relationship to the proposed dining seating areas, and in which, during all business hours, food and beverages are prepared for and served to the customer, for consumption on or off the premises.

**Restaurant, Take-Out:** A restaurant that has no more than 1,200 square feet of gross floor area.

**Retail, Big Box:** A single-use retail sales establishment in a one-story building with a floor area of 20,000 square feet or more in the first story.

**Retail, High Bulk:** Retail establishment selling primarily one-stop items usually in high bulk compared to those found in general retail establishments. For example: stores selling major household appliances, floor coverings and furniture.

**Right-of-Way:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, telecommunications, oil or gas pipeline, water line, sewer line, storm sewer, and other similar uses.

**Rooming or Boarding House:** A purely commercially available residence or dwelling unit, or part thereof, wherein a room or rooms are rented to one or more persons under separate written or oral rental agreements, leases or subleases or combination thereof, without any attempt at counseling, therapy or behavior modification as a condition of rent, occupancy or use, and whether or not the owner, agent or rental manager resides within the residence. (See commercial group residential.)

**Rooming Unit:** Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating.

**Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Runway, Nonprecision Instrument:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document.

**Runway, Precision Instrument:** A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan or any other FAA planning document.

**Sand Dunes:** Accumulations of sand in ridges or mounds landward of the beach, usually formed by natural means.

**Satellite Dish Antenna:** A combination of:

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1. A circular or polygonal shaped disc intended for reception of signals from orbiting satellites;
2. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and intended for magnification and transfer of signals; and
3. A coaxial cable intended for the transmission of signals to an interior receiver.
4. Other similar devices.

**School:** Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**Scour:** Removal of riverbed or embankment by waves or moving water.

**Scrim:** A durable, loosely woven fabric attached to a fence, used to contain dust and debris and to screen an area from public view.

**Setback:** The linear distance that establishes buildable and non-buildable area measured inward from the road right-of-way or adjoining property lines. The minimum distance from the property line to a wall or support, provided that a roof overhang is not more than twenty-four inches beyond the wall or support. If the roof overhang exceeds twenty-four inches the setback shall be measured to a point twenty-four inches behind the edge of the roof overhang (drip-line).

**Shrub:** A low, several-stemmed woody plant.

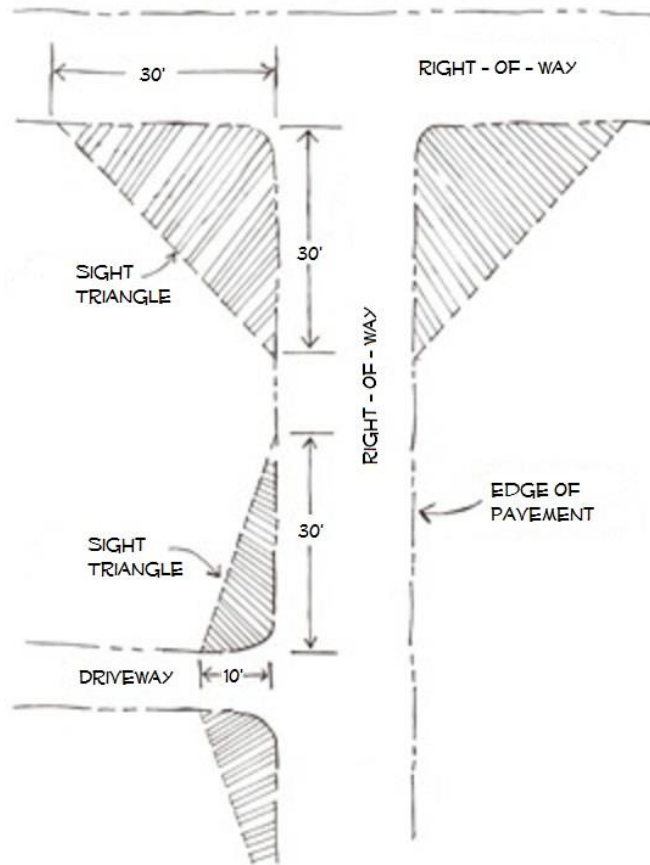
**Sidewalk:** A paved, surfaced or leveled area, usually separated from the roadway, used as a pedestrian walkway.

**Sight Line:** At a driveway, roadway or alley intersection from a stopped position, every driver of a vehicle must be able to sight along an unobstructed line thirty feet from a clearly marked stop line but, if none, before entering the crosswalk if any on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.

**Sight Triangle:** A sight corridor, between 30 inches and 72 inches in height, for motorists as they enter streets from driveways or side streets (see Figure 2-7 *Sight Triangle*). Specific sight triangles are determined as defined below:

1. **Driveway Intersection Sight Triangle:** At intersections of driveways with streets, the sight triangle shall be formed by measuring at least 10 feet from the right-of-way edge of pavement along the driveway edge and at least 30 feet from the driveway edge along the right-of-way pavement and connecting these points.
2. **Street Intersection Sight Triangle:** At street intersections, the sight triangle shall be formed by measuring at least 30 feet along existing rights-of-way edges of pavement and connecting these points.

Figure 2-7. Sight Triangle



Derived from: Moskowitz, Harvey S. and Carl G. Lindbloom. *The Latest Illustrated Book of Development Definitions*, New Brunswick, N.J.: Center of Urban Policy Research, Rutgers University, 2004.

**Sign:** Any device designed to impart information to the public or attract the attention of the public, which is attached, painted or otherwise affixed to, or a part of, a building, structure, material, surface, vehicle, or object, integral decorative or architectural features of buildings except letters or trademarks, fences, walls and works of art which are noncommercial in nature are not to be construed as being a sign. Sign shall include any artificial light source, and any device which animates or projects a visual representation which attracts the attention of the public. The definitional provisions of this section act as an aid in identification and classification of the different types of signs, and shall not be interpreted or applied so to regulate the content of a sign or to impair the right of free speech.

**Sign, Animated:** The movement, or the optical illusion of movement, of any part of the sign structure, design or pictorial segment including the movement of any illumination of the blinking, flashing, scintillating or varying of light intensity. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion. Animation also includes CEVMS display that are running or depicting action, as in a video display, but does not include the fading, scrolling or rolling of one static display to the next, which is defined as static

electronic display.

**Sign, Banner:** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, symbols, colors, visual representations or ornamentations applied to plastic, vinyl, cloth or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

**Sign, Building Identification:** A sign bearing only the name, number(s), letter(s) and/or symbol(s) which identifies a particular building.

**Sign, Business Identification:** A sign bearing the name, trademark, or symbol of the business located on the premises. A business identification sign may contain the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

**Sign, Campaign or Election:** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**Sign, Canopy (Marquee):** A sign that is suspended from, attached to, supported from, applied to, or forms part of a canopy.

**Sign, Changeable Copy:** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels, or automatically or electronically on site as a CEVMS sign with animation or static display as permitted by zone.

**Sign, Changeable Electronic Variable Message (CEVMS):** A sign on which light is turned on or off intermittently by any means, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use; including alternative sign displays of a digital or controlled light emitting variety, including digital signs that may be scrolling message boards, liquid crystal display (LCD), or plasma display panels, electronic billboards, projection screens, or other emerging display types like living surfaces like organic light-emitting diode (OLEDs), light emitting diode (LED), light emitting polymer (LEP) and organic electro-luminescence (OEL), that can be controlled electronically using a computer or other devices, allowing direct or remote access and control of graphic, text or content, and which may vary in intensity or color. A CEVMS sign does not include a sign located within the right of way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

**Sign, Construction:** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

**Sign, Directional:** An off-premises sign whose content is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

**Sign, Directory:** A sign listing the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings

or commercial center.

**Sign, Double-faced:** A sign with two faces that are parallel or within 20° of parallel.

**Sign, Fence:** A sign erected parallel to and/or extending not more than 12 inches from the face of any fence to which it is attached or applied, and supported throughout its entire length by the fence and not extending above the fence.

**Sign, Fixed Projecting:** A sign, other than a parallel sign, which extends outward for more than six inches from the facade of any building and is rigidly affixed thereto.

**Sign, Flashing:** A sign that uses an intermittent or flashing light source to attract attention.

**Sign, Flat:** A sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.

**Sign, Freestanding:** A sign supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure, for support. A freestanding sign may contain a sign or signs on one side only or it may be a V-shaped structure or one containing signs back-to-back. A freestanding sign structure is one sign. The setback of a freestanding sign or billboard is measured from its extremity, not its support.

**Sign, Identification:** A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

**Sign, Illuminated:** When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an illuminated sign.

**Sign, Monument:** A freestanding sign whose support structure is integral with the sign faces; that is, the blank support portion of the sign abuts the sign face(s), is essentially in the same planes as the sign face(s) and is essentially of the same width as the sign face(s).

**Sign, Multiunit Identification:** A sign bearing only the name of the principal occupant and the number(s) and/or letter(s) of units in a multiple family residence, other than a duplex. Includes hotel and motel rooms.

**Sign, Occupant/Street Number:** A sign bearing only the name of the principal occupant and/or the street number of a private residence or duplex.

**Sign, Off-premises:** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.

**Sign, On-premises:** A sign that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold, on the premises upon

which the sign is located.

**Sign, Outdoor Advertising Display:** Pennants, life rafts, T-shirts, floats, towels, ribbons, spinners, streamers, kites, balloons (but not dirigibles) and/or similar types of lighter than air objects, or any other material or outside advertising display fastened in such manner as to move upon being subjected to movement of the atmosphere or any mechanical device.

**Sign, Painted Wall:** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas.

**Sign, Pole:** Refer to the definition of “sign, freestanding.”

**Sign, Portable:** Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. The term includes signs on wheels or on portable structures, tent signs, A-frame signs and similar devices and any sign not secured or securely affixed to the ground or a permanent structure.

**Sign, Swinging Projecting:** A sign projecting from the outside wall or walls of any building which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.

**Sign, Permanent Window:** Any sign which is applied to or near the glass area, located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information, can be read from off-premise. This includes signs within a building where the clear intent is for the sign to be read through the glass from the exterior of the building. The area of the sign shall be included as a part of the allowable sign area. Merchandise that is free of advertising is not considered to be window signage.

**Sign, Temporary Window:** Any sign of a temporary nature which is applied to or near the glass area, located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information, can be read from off-premise. This includes signs within a building where the clear intent is for the sign to be read through the glass from the exterior of the building. Merchandise that is free of advertising is not considered to be window signage.

**Sign Area:** The smallest possible square foot area that can be enclosed within three rectangles. For signs with more than one surface, the area per sign face is the maximum area of all display surfaces which are visible from any ground position at one time, within the above described three rectangles. See Section 803.A - *Calculation Of Sign Area* for additional requirements related to sign area.

**Sign Face:** The part of the sign that is or can be used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop surface or object upon which or against which it is placed. See section 803.2 for additional requirements related to sign face.

**Sign Structure:** The supporting structure erected or intended for identifying/advertising



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purposes, with or without a sign thereon, situated upon or attached to real property, upon which any sign is fastened, affixed, displayed, applied or a part of; provided, however, said definition shall not include a building, fence, flag pole, illumination standards or sailboat masts.

**Single housekeeping unit:** the functional equivalent of a traditional family, whose members are an interactive group of not more than five persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

**Smoke Or Smoking:** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted tobacco product in any manner or in any form and shall also include the inhaling, exhaling, burning or carrying any alternative nicotine product or vapor product as defined in this chapter.

**Smoke Shop, Tobacco Store:** Any premises with more than an incidental or ancillary display, sale, distribution, delivery, offering, furnishing, or marketing of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, single cigarette tobacco, tobacco products, or tobacco paraphernalia.

**Solar Farm:** an installation or area of land in which a large number of solar panels are set up in order to generate electricity as the primary use on the property; transformers with substation capabilities may be part of the design.

**Special Needs Populations:** Persons, or families with such persons, who are older adults, mentally or physically disabled, homeless or mentally ill.

**Statue:** A likeness (as of a person or animal) sculptured or modeled in a solid substance.

**Storage Yard:** The keeping, in an unenclosed area, of any goods, materials, or merchandise for more than 24 consecutive hours.

**Storage Yard, Vehicular:** The keeping, in an unenclosed area, of any vehicles for more than 24 consecutive hours.

**Street:** A right-of-way for vehicular travel with a width of 30 feet or more.

**Structure:** That which is built, constructed, erected or installed six inches above grade.

**Structure, Temporary:** See "Temporary Structure".

**Swimming Pool:** A pool constructed, either in-ground or aboveground, for the purpose of swimming or wading.

**Swimming Pool Enclosure:** A structure that surrounds a pool on all sides, so as to prevent common use or protect from other elements, an enclosed swimming pool.

**Synthetic Marijuana:** All chemical compounds intended to replicate, mimic or cause a similar reaction to the effects of marijuana or cannabis. Such compounds are known or marketed under such names as THC, HU-210 Cannabicyclohexanol, JWH-018, JWH-073, K2, Spice, herbal incense, herbal smoking blends, and other names, however named.

**Tobacco And Tobacco Related Products:** Items, including but not limited to cigarettes and any product containing, made, or derived from nicotine or tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

**Tobacco Paraphernalia:** Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in South Carolina Code of Laws 44-53-110 (33). et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia. It further includes items designed or manufactured and which may be used in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines, tobacco or tobacco related products into the human body, such as:

1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. water pipes;
3. carburetion tubes and devices;
4. smoking and carburetion masks;
5. roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
6. miniature spoons with level capacities of one-tenth cubic centimeter or less;
7. chamber pipes;
8. carburetor pipes;
9. electric pipes;
10. air-driven pipes;
11. chillums;
12. bongs;
13. ice pipes or chillers;
14. wired cigarette papers;
15. cocaine freebase kits; or
16. rolling papers.

**Tattoo:** To place any design, letter, scroll, figure, symbol or any other mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

**Tattoo Parlor:** Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or other instrument designed to touch or puncture the skin.

**Tavern:** see “Bar”.

**Temporary Structure:** A structure that is erected without any foundation or footings and is removed when the designated time period, activity or use for which the temporary structure was erected has ceased. A temporary structure may be a manufactured home or a manufactured unit (factory fabricated, transportable building unit) not used for residential purposes.

**Timber Harvest:** The removal of trees from a lot for the commercial purpose of converting them into lumber, wood pulp or other wood products.

**Timeshare:** The use of any unit under which the exclusive right of use or occupancy of the unit for a period of less than three months circulates among various occupants in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule. Timesharing includes, but is not limited to, fee (interval) ownership and right-of-use ownership. Timesharing is a form of visitor accommodation when the occupancy period is less than 30 days and it is then considered a commercial use.

**Topping, Tree:** Also known as stubbing, dehorning, or lopping refers to cutting back of the leader stem or limbs into stubs larger than three inches in diameter within the tree's crown so as to remove the normal canopy and disfigure the tree (see Figure 2-8 – *Topping Of Trees*).

Figure 2-8. Topping of Trees



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**Transitional Use:** A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

**Tree:** Any self-supporting woody plant growing upon the earth that provides single or multiple trunks with a potential diameter at breast height (DBH) of 2 inches or more and produces a more or less distinct and elevated head with many branches including Sabal Palmettos; but excluding Wax Myrtle and Crepe Myrtle that have not been defined as tree forms on an approved landscaping plan.

**Tree Protection Zone:** Generally 18 to 24 inches deep and extending a distance from the trunk to the dripline or equal to one-half the height of the tree, whichever is greater.

**Tree Removal:** The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damaging, poisoning or other direct or indirect action.

**Tree, Shade:** As indicated in Table 3.2 of the Community Tree Planting Plan for Myrtle Beach, South Carolina.

**Tree, Upper Story:** A tree that attains a mature height of greater than 30 feet.

**Tree, Under Story:** A tree that attains a mature height of 30 feet or less.

**Tungsten-Halogen Lamp:** A gas-filled tungsten incandescent lamp containing a certain proportion of halogens in an inert gas whose pressure exceeds three atmospheres (the quartz-iodine lamp belongs to this category).

**Unlicensed group residential (caregiving):** shared living quarters in a residence, or dwelling unit or part thereof, owned, rented or leased by a any legal entity not under contract with the State of South Carolina or the United States Government for provision of care, which is occupied by two or more persons not living together as a family or as a single housekeeping unit, wherein a room or rooms are made available to persons under written or oral behavioral agreements, or wherein counseling, therapy or behavior modification is imposed as a condition of rent, occupancy or use, and whether or not the owner, agent or rental manager resides within the residence.

**Unnatural Pruning Techniques, Trees:** Any pruning that prohibits the tree's natural growth process.

**Use:** The use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Commercial:** Use of land or structure(s) thereon, or portion thereof, for the purpose of conducting business including the provision of goods and/or services, not otherwise identified under the general definition of other generic uses to the general public or segments thereof. For the purposes of this definition, motel and/or hotel uses and occupancy of residential properties (including timesharing properties) for periods of less than one month shall be considered commercial uses.

**Use, Conditional:** The use allowed in a particular zoning district provided all the conditions, restrictions or limitations set forth in the text of the Ordinance are met.

**Use, Permitted:** The use allowed by right in a particular zoning district.

**Use, Residential:** Use of land or structure(s) thereon, or portion thereof, for residential occupancy of a permanent or semi-permanent nature with an intended continuous occupancy period, by any one individual or family, of not less than one month; and, except that this definition does not include occupancy of a visitor nature such as in hotel, motel or time-sharing uses involving periods of continuous occupancy of less than one month.

**Use, Special Exception:** The use allowed in a particular zoning district, after review by the Board of Zoning Appeals, for conformance with the conditions, restrictions or limitations set forth in the text of the zoning district as well as those set forth in Article 15 – *Conditional And Accessory Uses And Special Exceptions*.

**Vapor Product:** Any non-combustible product, which may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size that can be used to produce vapor from a solution or any other form. **Vapor Product** includes any electronic cigarette, hookah, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe or similar product or device, as well as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. **Vapor Product** does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

**Variance:** Permission, granted by the Board of Zoning Appeals, to depart from the literal requirements of the Ordinance.

**Vehicular Use Area:** Any area used for circulation, parking, and/or display of any and all types of vehicles, whether self-propelled or not, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, mobile home parks, and sales service areas. Driveways are considered to be vehicular use areas wherever they are adjacent to public streets or other vehicular use elements described previously in this paragraph (intervening curbs, sidewalks, yards, landscape, strips, etc., do not eliminate an adjacency).

**VE Zone:** A flood insurance zone that corresponds to areas in the 100-year flood plain including the potential for wave action associated with the potential flood hazard. The VE Zone is the coastal high hazard area subject to high velocity waters, including but not limited to hurricane wave wash. The area is designated on the flood insurance rate map as Zone VE.

**Vine:** A plant whose natural growth characteristic produces climbing, meandering stems.

**Visitor Accommodation:** A visitor accommodation or transient accommodation, aka "short term rental" means a living unit or other accommodation used as a place of human habitation with sleeping accommodations (hereinafter collectively referred to as "an accommodation"), regardless of the manner of ownership or structure, which is exchanged, furnished to another, used, rented, leased or sub-leased for any time period less than ninety (90) continuous days or which is subject to time sharing, fractional ownership, tenancy in common (TIC), shared appreciation mortgages, or investment partnership pursuant to general law which is exchanged, furnished to another, used, rented, leased or sub-leased for any time period less than ninety (90) continuous days. A visitor accommodation shall be considered a commercial use.

## Article 2. DEFINITIONS

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**Warehouse:** A warehouse is a commercial building for storage of goods, equipment, or materials.

**Wearing Apparel:** Inner and outer clothing and wearing accessories including dresses, suits, shirts, pants, blouses, hats, socks, shoes, jewelry, gloves, and ties.

**Wireless Internetworking:** A wireless extension of a wired Local Area Network (LAN) that provides all the capabilities normally associated with a wired LAN such as network management, data security, user authentication and authorization, traffic and congestion control, quality of service guarantee, real-time and constant/variable bit-rate support for voice and video.

**Wireless Internetworking Node:** A combination of antennas and radio components encased in a compact environmentally hardened outdoor package designed to be deployed outdoors to provide wireless internetworking and Wi-Fi coverage in nearby buildings or over large outdoor areas.

**Wireless Internetworking Node, Support Structure:** Any building, pole, or other permanently placed object used to mount the wireless internetworking node in the desired location for permanent operation.

**Yard:** Open space on a lot which is unoccupied and unobstructed from its lowest level upward for drives, landscaping, retaining and sea walls, fences, open patios, entrance steps, open parking space, transformers, gas meters, air conditioning units and solid waste containers. The area between the property line and the building line.

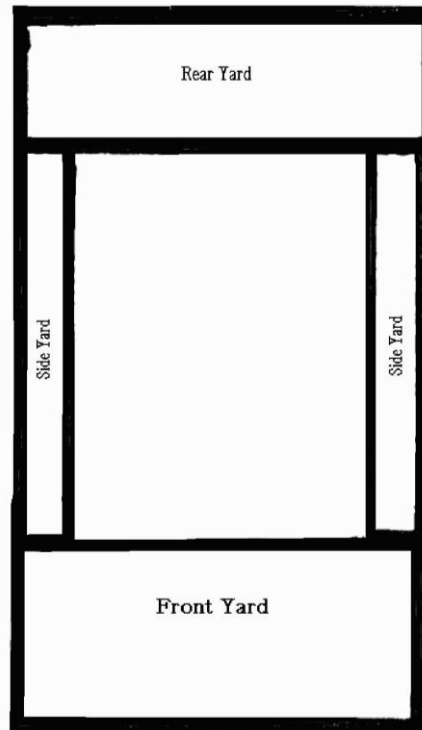
**Yard, Front:** A yard, contiguous to an adjacent right-of-way, extending across the full width of the lot, the depth (front yard setback) of which is the minimum horizontal distance between the front lot line and the building line parallel thereto (see Figure 2-9 – *Setback Yards*). An ocean yard shall not be considered a front yard. See the definition for “Yard, Ocean.”

**Yard, Ocean:** Any yard contiguous to the ocean shall constitute an ocean yard, and shall meet the minimum ocean yard requirements of the district within which it is located.

**Yard, Rear:** A yard extending across the full width of the lot, the depth (rear yard setback) of which is the minimum horizontal distance between the rear lot line and the building line parallel thereto (see Figure 2-9 – *Setback Yards*).

**Yard, Side:** A yard extending along a side lot line and back to the building line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard (side yard setback), but excluding any area encompassed within a front yard or rear yard (see Figure 2-9 – *Setback Yards*). Unless otherwise stated, dimensions of minimum side yards specified in the district regulations of this ordinance refer to the required width of each side yard rather than to the total width of both side yards.

Figure 2-9 Setback Yards



**Zero Lot Line, Development:** A development within which buildings are sited on individual lots in such a manner that one or more of the building's sides rest directly on a lot line.

**Zoning District:** Any areas of the City within which the zoning regulations and requirements are uniform.

## **Article 3. Administration and Enforcement**

### **Article 3. Administration and Enforcement**

- Section 301. Administration and Enforcement
- Section 302. Buildings, Sign and Vehicular Use Area Permits Required
- Section 303. Stop Work Order
- Section 304. Vehicular Use Area Particulars
- Section 305. Application for Building Permit
- Section 306. Expiration of Building Permit
- Section 307. Complaints Regarding Violations
- Section 308. Staff Review



**Section 301. Administration and Enforcement**

The zoning administrator has authority to administer and enforce the provisions of the Zoning Ordinance.

301.A. The duties of the zoning administrator are to:

1. Interpret the provisions of the Zoning Ordinance and district boundaries;
2. Approve all building and land improvement permits for zoning compliance;
3. Approve conditional uses provided all the required zoning standards are met;
4. Process applications for zoning variances and special exceptions;
5. Process appeals to the Board of Zoning Appeals and preparing the record for appeal to circuit court;
6. Maintain the current Zoning Map including zoning overlays;
7. Maintain public records related to zoning;
8. Investigate and resolve zoning violation complaints;
9. Enforce the Zoning Ordinance; and
10. Perform other duties assigned by ordinance or the city manager.

301.B. If the zoning administrator or other appropriate code enforcement officer determines that any of the provisions of this ordinance are being violated, he shall enforce the requirements of the ordinance by:

1. Notifying in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; or
2. Ordering in writing the person responsible to discontinue the illegal use, addition, alteration or structural change; or
3. Ordering in writing the person responsible to immediately discontinue the illegal work being done; or
4. Issuing an ordinance summons; or by taking any other action authorized by law to ensure compliance with or to prevent violation of the ordinance.

The zoning administrator or other appropriate code enforcement officer is not required to warn before the issuance of an ordinance summons. In addition to the institution of criminal process for the misdemeanor violation of the Zoning Ordinance, the ordinance summons shall also serve as official notice of the zoning administrator's interpretation of the Zoning Ordinance and determination of the applicability of the ordinance to the land use. The zoning administrator or other appropriate code enforcement officer may invoke a single course of enforcement or parallel courses of enforcement in his discretion as the exigencies of the

circumstances demand. Delivery of the written notice of violation and order to correct or discontinue is deemed accomplished by deposit in regular mail with sufficient postage affixed to the last known address; or by hand delivery to a person of suitable age and responsibility at the address; or by affixing the notice of violation to the structure or on a sign at the address. A system of fines and penalties for violation of the requirements of the Zoning Ordinance will be levied and applied by the City according to its adopted annual fee schedule.

**Section 302. Building, Sign and Vehicular Use Area Permits Required**

No building, structure, or sign shall be erected, moved, added to, or structurally altered, nor shall any vehicular use area be created or expanded without a permit. No building, sign, or vehicular use area permit shall be issued, except in conformity with the provisions of this ordinance, unless a written order is issued by the Board of Zoning Appeals in the form of an administrative review or variance.

**Section 303. Stop Work Order**

The zoning administrator may post a Stop Work Order on a property for any work in violation of the Zoning Ordinance. A Stop Work Order requires all activities violating the Zoning Ordinance to cease immediately upon issuance. Failure to comply with a Stop Work Order or removal of a posted Stop Work Order is a violation of this ordinance.

**Section 304. Vehicular Use Area Particulars**

It shall be unlawful to initially occupy, use or cause to be occupied or used any vehicular use area unless all improvements required by city codes have been installed and approval has been obtained for the use of such vehicular use area. Approval for use of vehicular use areas shall be by certificate of use for such areas, such certificate to be issued by the zoning administrator. The use of a vehicular use area prior to issuance of a certificate of use as herein provided for shall be cause for the zoning administrator to require immediate evacuation and cessation of use. Upon receiving notice that the vehicular use area is being used without first having obtained a certificate of use, the zoning administrator shall immediately notify the owner or occupier of the land, in writing, said notice to require immediate cessation of the use. If corrective action is not taken by the owner or occupier of the land within twenty-four hours after receipt of such notice the vehicular use area may be barricaded and such area must remain unoccupied until the required improvements have been completed and a certificate of use is issued. Re-striping of an existing vehicular use area that does not change the layout of the approved parking spaces may be done without a permit or re-approval from the zoning administrator. The provisions herein which authorize barricading of vehicular use areas shall only apply to those vehicular use areas constructed after the effective date of this Ordinance.

**Section 305. Application for Building Permit**

All applications for building permits shall be in accordance with the requirements of the building code as adopted by ordinance by the City. The application shall include such other information as lawfully may be required by the zoning administrator including, but not limited to:

- 305.A. The number of dwelling units the building is designed to accommodate;
- 305.B. Conditions existing on the lot;
- 305.C. Area to be cleared or graded;

### **Article 3. ADMINISTRATION AND ENFORCEMENT**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

- 305.D. Location of solid waste containers;
- 305.E. Location of any proposed hazardous materials;
- 305.F. Size, height, location and orientation of proposed signs;
- 305.G. Elevation above mean sea level of the finished first floor or lowest horizontal support if in a special flood hazard zone;
- 305.H. A copy of a duly recorded plat; and
- 305.I. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

Changes made subsequent to the issuance of a permit shall be reviewed and approved by the zoning administrator prior to the building official's approval of the change.

#### **Section 306. Expiration of Building Permit**

If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire, unless an extension has been granted by the building official in accordance with the provisions of the building code. All requests for permit extensions shall have the zoning administrator's approval prior to being granted by the building official. If no work described in a building permit has been initiated prior to its expiration date the permit shall be canceled by the Building Official who shall give written notice to the person affected.

#### **Section 307. Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the zoning administrator.

#### **Section 308. Staff Review**

In the planning and zoning context in which applications for approval are required to be reviewed by an appointed body after preliminary staff review, applications that are incapable of review due to incompleteness, failure to address required statutory standards, or illegibility shall be returned to the applicant for completion and correction prior to staff's submittal of the application to the reviewing body.

## **Article 4. Amendments**

### **Article 4. Amendments**

- Section 401. Amendment Procedure
- Section 402. Required Information
- Section 403. Findings of Fact Required
- Section 404. Fees
- Section 405. Limitations on Reapplication

**Section 401. Amendment Procedure**

- 401.A. Any amendment, change or supplement to the Zoning Map or Ordinance must be submitted through the planning department, to the Myrtle Beach Planning Commission for public hearing, review and recommendation.
- 401.B. A signed and completed application form, together with the application fee for a zoning amendment, change, or supplement shall be filed with the city planning director. The city planning director or his assignee shall review the application as to proper form, then shall transmit same to the Planning Commission for public hearing, review and recommendation to City Council. Changes or amendments initiated by Myrtle Beach City Council do not require an application filed through the city planning director or his agent.
- 401.C. A public hearing shall be scheduled by the Planning Commission to be held not more than forty-five days after the filing of the rezoning application.
- 401.D. Notice of the time and location of the public hearing shall be published in a newspaper of general circulation in the City at least ten days prior to the public hearing.
- 401.E. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice visible from each public thoroughfare that abuts the property. The notice(s) shall be posted not less than ten days before the public hearing.
- 401.F. Any groups that have expressed in writing, to the Planning Department, an interest of being informed of zoning proceedings shall be mailed notice of such meetings not less than ten days before the public hearing.
- 401.G. In a case where an individual application for rezoning of property is proposed, the City shall notify by mail all property owners within 300 feet of the proposed rezoning not less than ten days before the public hearing.
- 401.H. The Planning Commission shall have thirty days from the public hearing within which to submit its recommendation to the City Council. The report submitted to the City Council shall contain a summary of all significant issues or concerns presented at the public hearing. If the Commission fails to submit a recommendation within the thirty-day period, it shall be deemed to have recommended approval of the requested amendment.
- 401.I. All amendments, changes or supplements to the Zoning Map or Ordinance must be adopted by ordinance by City Council in accordance with S.C. Code §5-7-270.

**Section 402. Required Information**

The applicant shall set forth a detailed description of the amendment on an application provided by the city planning director or his agent. When the amendment involves a change in the zoning district map, the applicant shall submit the following information:

- 402.A. A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the City map.
- 402.B. Name, address, and phone number of applicant.
- 402.C. Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title.
- 402.D. Filing date of application.
- 402.E. Applicant's and owner's signature.
- 402.F. A copy of the subject property deed most recently filed in the Horry County Office of the Register of Mesne Conveyances.
- 402.G. Any other information required by the Planning Commission

**Section 403. Findings of Fact Required**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council. Factors shall include, but shall not be limited to, the following:

- 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan or is justified by an error in the original ordinance.
- 403.B. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.
- 403.C. The capability of the City or other government agencies to provide any services, facilities, or programs that might be required if the petition were approved.
- 403.D. Effect of approval of the petition on the condition or value of property in the City.
- 403.E. Effect of approval of the petition on adopted development plans and policies of the City.

**Section 404. Fees**

- 404.A. A petition of any property owner to amend, supplement, or change the regulations, district boundaries or classification of property shall be accompanied by a fee as prescribed in the fee schedule as established by the City Council.
- 404.B. Fixed fees shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees based on actual processing costs shall be paid in full prior to second reading of the ordinance by City Council.
- 404.C. Fees shall not be required for amendments proposed or requested by any governmental agency or body.

**Section 405. Limitations on Reapplication**

A property owner or owners shall not initiate action for a zoning text or zoning map amendment within 12 months of City Council denial of the same request.

## **Article 5. Board of Zoning Appeals**

### **Article 5. Board of Zoning Appeals**

Section 501. Purpose and Intent

Section 502. Organization

Section 503. Duties and Powers

Section 504. Criteria and Standards

Section 505. Procedures

Section 506. Appeals From Decisions of the Board of Zoning Appeals



### Section 501. Purpose and Intent

The Board of Zoning Appeals is a part of the mechanism designed to enforce the Zoning Ordinance. The Board has the authority to make final administrative decisions concerning the Zoning Ordinance, subject to appeal to circuit court, provided that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

### Section 502. Organization

A Board of Zoning Appeals is hereby established.

- 502.A. **Membership.** The Board shall consist of nine members, the majority of whom shall be residents of the City. Members shall be appointed by the Myrtle Beach City Council for overlapping terms of three years.

Members shall continue to serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. The City Council may remove any member of the Board for cause. None of the members of the Board shall hold any other public office or position in the City.

- 502.B. **Educational Requirements.** Board members are subject to the mandatory orientation and continuing education required by statute.

- 502.C. **Officers.** The Board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The Board may elect one of its members vice-chairman who shall serve for one year or until he is re-elected or his successor is elected or qualified. The Board shall appoint a secretary who may be an officer of the City or a member of the Board. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses by subpoena.

- 502.D. **Rules.** The Board shall adopt rules of procedure.

- 502.E. **Meetings and Notices.** Meetings of the Board must be held at the call of the chairman and at such other times as the Board may determine.

The Board shall conduct its meetings in public, except when an executive session is authorized by the Freedom of Information Act. Written notice of dates, times and locations of regular meetings shall be given at the beginning of each calendar year. The agenda for regular, called, special or rescheduled meetings shall be posted at the meeting place 24 hours prior to each meeting. The Board shall provide requesting persons, organizations, and news media with requested meeting notifications.

The Board shall conduct its meetings in public, except when an executive session is authorized by the Freedom of Information Act. Written notice of dates, times and locations of regular meetings shall be given at the beginning of each calendar year. The agenda for regular, called, special or rescheduled meetings shall be posted at the meeting place 24 hours prior to each meeting. The Board shall provide

requesting persons, organizations, and news media with requested meeting notifications.

Public notice of all meetings of the Board, stating the subject matter of the hearing and including notice of the time and place of the meeting, shall be provided by publication in a newspaper of general circulation in the City at least 15 days prior to the date of the meeting. In cases involving variances or special exceptions conspicuous notice, stating the variance or special exception requested and including notice of the time and place of the meeting, shall be posted on or adjacent to the property affected at least 15 days prior to the date of the meeting; with at least one such notice being visible from each public thoroughfare that abuts the property. In cases involving special exceptions the city shall notify by mail all property owners within 300 feet of the proposed special exception not less than 10 days before the public hearing.

502.F. **Minutes and Records.** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board and must be a public record.

502.G. **Quorum.** A quorum consists of a majority of the membership.

### Section 503. Duties and Powers

The Board of Zoning Appeals shall have the following duties and powers:

503.A. **Zoning Appeals.** The Board shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. In such cases the Board may reverse or affirm, wholly or in part, or may modify, the order, requirements, decision or determination of said administrative official. The Board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

503.B. **Variances.** The Board shall have the power to hear and decide requests for variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. In the consideration of variances, the Board shall be governed by the following:

1. The Board shall have the power to grant a variance in the requirements of the Zoning Ordinance so as to relieve particular hardships in cases when and where the strict application of such regulation or restriction would result in unnecessary hardship. All variances granted shall comply as nearly as possible in every respect with the spirit, intent and purpose of the Zoning Ordinance. It is the purpose of this provision to authorize variances based on a showing of demonstrable and exceptional hardship as distinguished from variances sought by applicants for purposes or reasons of convenience, profit, caprice or self-imposed hardship.
2. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - b. These conditions do not generally apply to other property in the vicinity;
  - c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.
3. In granting a variance the Board may attach conditions to it. These conditions may address the location, character, or other features of the proposed building, structure or use. The Board may set these conditions to protect established property values in the surrounding area or to promote the public health, safety or general welfare.
  4. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change zoning district boundaries shown on the official Zoning Map.
  5. The fact that a property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance.
  6. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after enactment of a zoning regulation complain that the nonconforming use would work as a hardship upon him.
  7. The procedure for the amendment of a variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application. However, where the zoning administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application and filing fee be submitted. In any event, compliance with all required notice provisions of Article 5 – *Board Of Zoning Appeals* shall be followed for each and every hearing held.
  8. Landscaping. In the event that strict compliance with the standards of Article 9 - *Landscaping and Tree Protection* conflict with existing federal or state statutory or regulatory requirements, the developer may submit to the Construction Services Department a Request for a zoning variance including a specific alternate planting plan. This plan must meet the purposes and standards of Article 9 - *Landscaping and Tree Protection*, but may suggest measures other than those specified within Article 9 - *Landscaping and Tree Protection*. In addition, if the developer seeks a modification of planting requirements based upon a contention that the planting required by Article 9 - *Landscaping and Tree Protection* would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification will only be considered upon receipt of a written explanation of the alleged conflict created

by the planting requirement and a copy of the statute or regulation that creates the conflict.

9. Flood Plain Management. Refer to section 1114.B - *Variance Procedures Associated With Flood Plain Management Regulations*.
10. Airport Hazard Zone. Refer to section 1803.I - *Permits* regarding FAA determination regarding impact to air navigation.

503.C. **Special Exceptions**. A special exception is a use presumed to have certain characteristics of operation that could, under certain instances, be detrimental to the neighborhood and to abutting property. Review by the Board of Zoning Appeals of the merits of such use is required prior to such use being permitted.

1. The Board shall have the power to permit uses by special exception, subject to the standards and conditions for the uses set forth for such uses in Article 15 – *Conditional And Accessory Uses And Special Exceptions*. Compliance with all required notice provisions of Article 5 – *Board Of Zoning Appeals* shall be followed for each and every hearing held.
  - a. If, after public hearing, it is determined that such proposed public use cannot be located in a manner compatible with the surrounding neighborhood, the Board of Zoning Appeals shall have the right to deny the request.
  - b. The Board of Zoning Appeals may impose such reasonable restrictions and conditions as in its opinion will accomplish the intent of this Ordinance.
  - c. A use listed as a special exception is eligible for location within a district in which it is indicated in Article 14 – *Zoning Districts*, provided it can demonstrate the following conditions exist:
    - i. The proposed use will not adversely affect the level of property values or general character or general welfare of the nearby area.
    - ii. Adequate provision is made for such items as setbacks, fences, buffer or landscaping strips, to protect adjacent properties from possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.
    - iii. Vehicular traffic and pedestrian movement on adjacent roads will not be hindered or endangered.
    - iv. Off-street parking and loading areas and the entrance and exits of those areas will be adequate in terms of location, amount, design and construction to serve the proposed use.
    - v. All additional requirements of section 1503 – *Special Exceptions* are met.
2. The procedure for the amendment of a special exception, or a request for a change of conditions attached to an approval, shall be the same as for a new application. However, minor changes may be decided and approved by the Zoning Administrator if the change(s):
  - a. Do not alter the concept of the Special Exception;
  - b. Do not change the permitted land uses;
  - c. Do not reduce the minimum building setback for principal structures;
  - d. Do not decrease the number of off-street parking spaces; or
  - e. Do not otherwise violate the restrictions applicable within the Special

Exception.

The Zoning Administrator shall submit all minor changes to a Special Exception to the Board of Zoning Appeals for its information. An applicant may appeal the adverse decision of the Zoning Administrator to the Board of Zoning Appeals.

## Section 504. Criteria and Standards

- 504.A. **Zoning Appeals.** Appeals to the Board may be filed by anyone aggrieved by a decision of the zoning administrator in the administration or enforcement of this ordinance. All appeals must be taken within 30 days from the date the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. Notice of Appeals shall be filed with the zoning administrator, and shall specify the grounds of the appeal. The zoning administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In that case, proceedings may not be stayed otherwise than by a restraining order granted by the Board or by a court of record.
- 504.B. **Variances and Special Exceptions.** Application, including accompanying maps, plans, or other supporting information, shall be made to the zoning administrator for processing in accordance with rules adopted by the Board.
- 504.C. An application by any property owner to appear before the Board shall be accompanied by a fee as prescribed in the fee schedule as established by the City Council. Fees shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner.
- 504.D. Fees shall not be required for appearances before the Board of Zoning Appeals by any governmental agency or body.

## Section 505. Procedures

- 505.A. **Hearings.** The Board shall set a time for the hearing of an appeal or other matter referred to it. At the hearing any party may appear in person or by agent or by attorney. All testimony taken at a hearing shall be given under oath. The chairman of the Board, or in his absence, the acting chairman, shall administer oaths to all witnesses. The Board may subpoena witnesses and in case of contempt may certify this fact to the Circuit Court in and for the County of Horry. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. A majority of the members present and voting shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or effect any variance from the Zoning Ordinance.

- 505.B. **Decisions.** The Board must make a decision regarding each appeal or matter within forty-five days following the hearing. Absentee ballots are not authorized; a member must be present to vote. All final decisions and orders of the Board must be in writing and be filed in the office of the Board. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail.

### **Section 506. Appeals From Decisions of the Board of Zoning Appeals**

- 506.A. **Litigation.** A person who may have a substantial interest in any decision of the Board of Appeals, or the City, may appeal from a decision of the Board to the Circuit Court by filing with the clerk of the court. The appeal shall be filed within 30 days after the decision of the Board is postmarked. Within thirty days from the time of notice from the clerk of the appeal, the Board shall file with the clerk a certified copy of the proceedings held before the Board of Zoning Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusions of law.
- 506.B. **Mediation.** As an alternative to litigation, a property owner whose land is subject to a Board of Zoning Appeals decision may file a notice of appeal accompanied by a request for pre-litigation mediation. A notice of appeal and request for pre-litigation mediation shall be filed within 30 days after the decision of the Board is postmarked. The mediation shall be conducted in accord with the South Carolina Circuit Court Alternative Dispute Resolution Rules and section 6-29-825. A person who is not the owner of the property at issue may petition to intervene as a party in the mediation, and this motion shall be granted if the person has a substantial interest in the Board's decision. All property owners or representatives and interveners shall be notified and have opportunity to attend the mediation. The mediation may result in either an impasse or a mediation settlement agreement. No settlement agreement shall be effective until approved by City Council in public session and by the circuit court judge. If the mediation results in an impasse or if a settlement is not approved, the property owner has the option to pursue an appeal as described in 506.A - *Litigation*. Such petition for appeal must be filed with the Circuit Court within 30 days of either the report of impasse filed by the mediator or the council or judges failure to approve.

## **Article 6. Community Appearance Board**

### **Article 6. Community Appearance Board**

Section 601. Purpose, Intent, Scope and Objectives

Section 602. Organization

Section 603. Duties and Powers

Section 604. Criteria and Standards

Section 605. Procedures

Section 606. Appeals from Decisions of the Community Appearance Board

**Section 601. Purpose, Intent, Scope and Objectives**

- 601.A. Purpose, Intent and Scope. City Council finds that the City of Myrtle Beach is a premier national tourist destination and as such all commercial and multifamily zoning districts are frequented and inhabited by either short term or long term visitors. Therefore, all ocean front properties and all properties in all commercial and multifamily zoning districts are designated as areas and corridors requiring protection for the preservation of scenic vistas and architectural compatibility. Moreover, the City Council also finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development and expansion of the City, severely limits commercial growth, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use and value of land and improvements, adversely affects the stability and value of the property, produces deterioration of property in such areas with attendant worsening of conditions affecting the peace, health and welfare of the City, and destroys a suitable relationship between the taxable value of property and the cost of municipal services therefore.
- 601.B. Objectives. The Council declares that the objectives of site development requirements and the site design review procedures are to:
1. Encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping, and graphic design of said development;
  2. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
  3. Conserve the City's natural beauty and visual character and charm by insuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures with due regard to the aesthetic qualities of the ocean front, beaches, sand dunes, swashes, lakes, and vegetation and that proper attention is given to the exterior appearance of structures, signs, and other improvements;
  4. Protect and enhance the City's appeal to residents, tourists, and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties;
  5. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
  6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
  7. Foster civic pride and community spirit so as to improve the quality and quantity of government and in growth, change, and improvement;



**Article 6. COMMUNITY APPEARANCE BOARD**

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8. Sustain the comfort, health, tranquility, and contentment of residents and attract new residents by reason of the City's favorable environment; and thus, to promote and protect the peace, health and welfare of the City.

**Section 602. Organization**

There is hereby established a Board of Architectural Review, to be known as the Community Appearance Board, whose members, term, officers, and manner of transacting business shall be as follows:

- 602.A. Membership and Qualifications. The Board shall consist of nine members appointed by the City Council. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board. At all times, a minimum of five of the nine appointed members shall be residents of the City and shall be drawn from the community at large. Two seats shall be specified for the architectural profession and 1 seat shall be specified for the arborist profession. None of the members of the Board shall hold any other public office or position in the City. The members of the Community Appearance Board shall be appointed by the City Council for terms of four years.

The terms shall expire on the last day of the calendar year; however, members shall continue to serve until their replacements are appointed by the City Council. Any vacancy of the Community Appearance Board shall be filled by the City Council by appointment as herein provided for original appointments to fill the unexpired term. The City Council may remove any member of the Board.

The terms shall expire on the last day of the calendar year; however, members shall continue to serve until their replacements are appointed by the City Council. Any vacancy of the Community Appearance Board shall be filled by the City Council by appointment as herein provided for original appointments to fill the unexpired term. The City Council may remove any member of the Board.

- 602.B. Educational Requirements. Board members are subject to the mandatory orientation and continuing education required by statute.

- 602.C. Officers. The Community Appearance Board shall elect a chairman and a vice-chairman from its membership. The chairman and vice-chairman shall serve one year terms and shall not serve more than four consecutive one year terms. The vice-chairman shall exercise and perform all of the duties of the chairman during any absence, disability or disqualification of the chairman. In the absence of both the chairman and vice-chairman, the remaining Board members shall select an acting chairman. The zoning administrator shall act as advisor to the Board. The city manager shall appoint a member of city staff to attend all board meetings who shall be responsible for coordination and preparation of the meeting agenda for the Board, electronically recording all Board proceedings and preparing minutes. The Board shall appoint a secretary who may be a city staff member or an appointed member of the Community Appearance Board.

- 602.D. Rules. The Board shall adopt rules of procedure.

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602.E. Meetings and Notices. The Board shall meet twice monthly and at the call of the chairman. Meetings shall be held only after public notice has been given, and no action shall be taken except at a meeting duly assembled and open to the public. The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.

The Board shall conduct its meetings in public, except when an executive session is authorized by the Freedom of Information Act. Written notice of dates, times and locations of regular meetings shall be given at the beginning of each calendar year. The agenda for regular, called, special or rescheduled meetings shall be posted at the meeting place 24 hours prior to each meeting. The Board shall provide requesting persons, organizations, and news media with requested meeting notifications.

602.F. Minutes and Records. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent indicating that fact, and shall keep records of its examinations and other official actions, all of which immediately shall be filed in the office of the Board and shall be a public record.

602.G. Quorum and Voting. A quorum shall consist of a majority of the members of the Board. A quorum present and voting shall be necessary to determine any question before the Board.

602.H. Attendance By Applicant. The applicant shall be given at least three days prior notice by the Secretary of the Community Appearance Board of the date and time his application will be considered by the Board. The applicant may attend or may be represented by an agent or attorney at the meeting. If the applicant or his representative attends the meeting, he should be prepared to make a brief presentation that should include the reason(s) for the application and the specifics of his request, and provide any additional information necessary to describe the situation. If the applicant does not attend and is not represented at the meeting the Board may consider the application based on the available information and shall continue, approve, disapprove or approve with conditions the same as if the applicant were present or represented.

### Section 603. Duties and Powers

603.A. With the exception of single-family residences on non-oceanfront properties in all zoning districts, no building permit shall be issued for a new building or exterior changes to an existing building, or for the erection or construction of a sign, or for physical changes affecting exterior appearances of any premises, to include premises not previously reviewed by the Board, including fences, walls, landscaping, or signs, until the plans, drawings, sketches, and other documents required under section 605 have been reviewed and approved by the Board in conformity with the criteria specified in section 604. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a change in the color, finishes or appearance from that approved by the Board.

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603.B. Other duties of the Board:

1. Formulate and refine supplementary design guidelines for new development.
2. Review plan applications for publicly accessible art on public or private property according to the public art standards of section 1304 - *Public Art Standards*.

603.C. In addition, the Board may engage in the following activities as requested by the City Council:

1. Conduct special appearance studies that would result in special design guidelines for specific areas.
2. Conduct an annual design award program;
3. Identify problem areas in need of improvement and work with property owners and staff on a voluntary basis to suggest and implement needed improvements;
4. Recommend beautification-type capital improvement projects to City Council; and
5. Designate buildings of outstanding architectural merit and seek adaptive reuse or special incentives for maintaining their original appearance through ordinance modifications.

### Section 604. Criteria and Standards

604.A. In their review of site and building plans, including all accessory buildings, structures, exterior signs and other site features, the Board shall be guided by the objectives of section 601.B - *Objectives*, utilizing the following standards. These standards shall not be regarded as inflexible requirements, nor are they intended to discourage creativity, invention, or innovation. The specification of one or more particular architectural styles is not included in these standards.

1. Preservation of Landscape. The landscape shall be preserved in its natural state. In so far as practicable by minimizing tree and soil removal, any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of Proposed Buildings To Environment. Proposed structures shall relate harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to line of sight, avenues of approach, terrain features, existing urban forest, or other buildings.
3. Drives, Parking And Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of

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parking areas that are safe and convenient and, in so far as practicable, that do not detract from the design of proposed buildings and structures and the neighboring properties.

4. Utility Service. Whenever feasible, onsite electric, telephone, and other utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
5. Advertising Features. The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall be harmonious with and not detract from the design of existing or proposed buildings and structures, existing environment, and the surrounding properties.
6. Special Features. Outdoor storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall reasonably be required to prevent them from being incongruous with the existing or contemplated environment and the surrounding properties.
7. Aboveground Structured Parking Standards.  
The purpose of these standards is to require mixed-use development, enhance the physical appearance of the community, create pedestrian-friendly environments and to assist developers to achieve maximum aesthetic value. The standards create positive, pedestrian-oriented environments while still providing needed parking. This is most effectively accomplished by masking parking garages so that they integrate into the surrounding built-environment, rather than creating a lifeless mass, as well as, by creating inviting, mixed-use environments that foster pedestrian activity. [See Figure 1]



FIGURE 1

Parking garage colors, textures and materials should be as consistent and as harmonious as possible with surrounding buildings. Parking garages shall be visually enhanced with design treatments that improve their appearance and minimize their size. Building materials and design features shall promote a sense of permanence and diversity of style and detail.

- a. Use Regulations.
 

On garages located in the Mixed Use (MU) or Entertainment (E) districts, a minimum linear footage equal to 25% of the garage's longest building face shall be designed for and contain any use permitted in the zoning district EXCEPT parking. These uses shall face and have a primary entrance off any public right-of-way.
- b. Architectural Design Regulations.
  - i. Parking garages within the C7 and C8 zoning districts shall adhere to the Downtown Myrtle Beach Design Guidelines (see Appendix A.1) and parking garages within Market Common shall adhere to the Market Common, Myrtle Beach Master Plan.
  - ii. Parking structures shall differentiate ground floor facades from upper stories. Articulated facades at the ground floor street frontage, shall include any combination of the following:
    - (A) a minimum of 5 inch indentation or projection in plane,
    - (B) different materials,

- (C) contrasting doorways, windows or other openings,
- (D) projecting elements such as awnings and canopies to provide shade and shelter.

[See Figures 2, 4, 6 and 7]

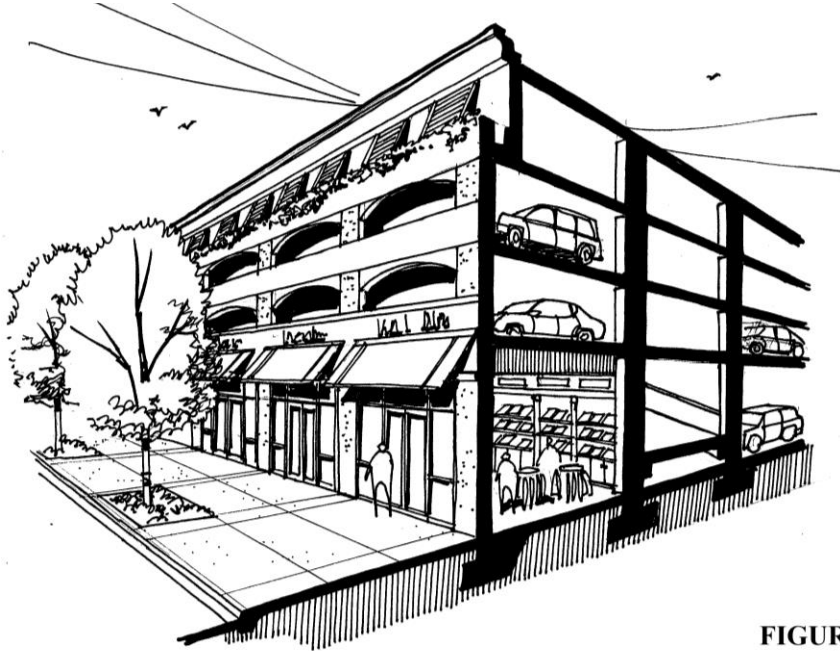


FIGURE 2

- iii. Parking on the first 3 levels shall be completely screened from view by any combination of shutters, landscaping, storefronts, or screen wall.
  - iv. No more than 1 vehicular ingress and 1 vehicular egress shall be permitted per street front. A maximum of 2 ingress and 2 egress points are permitted per parking garage. When a parking garage fronts on more than one public right-of-way, no vehicular ingress or egress shall be permitted from/to the primary street. Primary Streets are classified as those adjacent to the site with the highest ADT (average daily trips) count.
- [See Figure 3]

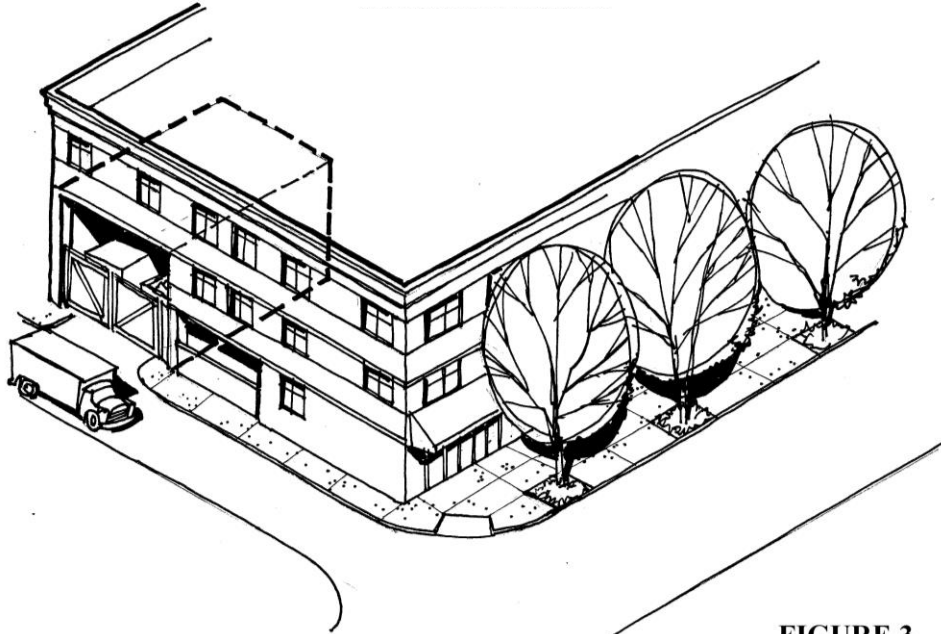


FIGURE 3

MASKING TECHNIQUES FOR PARKING GARAGE OPENINGS

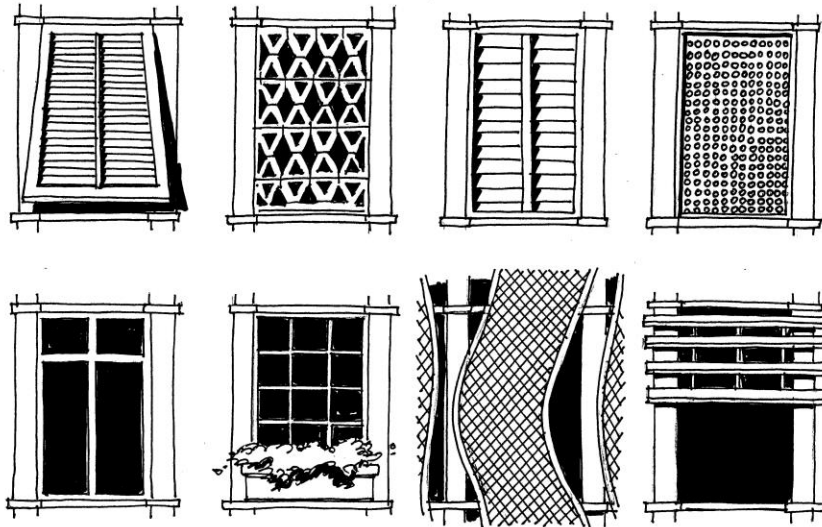


FIGURE 4

- v. Stairwells and elevator shafts shall be integrated into the garage design as focal points or areas of interest. [See Figure 5 – *Stairwell And Elevator Shaft As A Focal Point*]



Stairwell and/or elevator shaft as focal point.

FIGURE 5



FIGURE 6



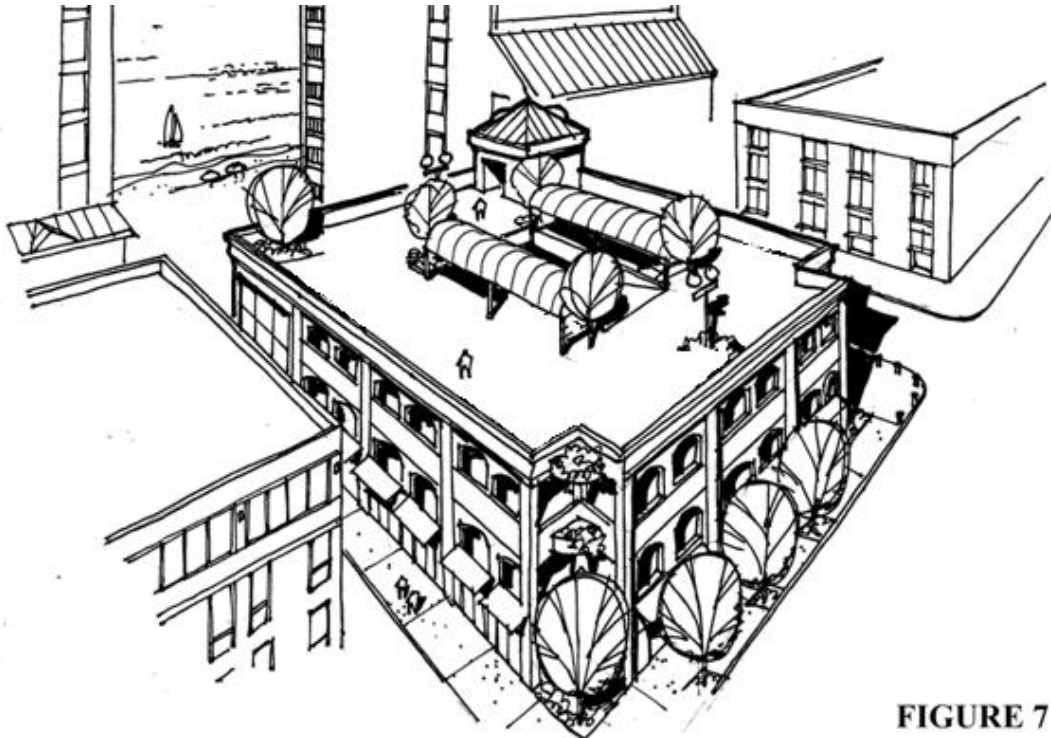
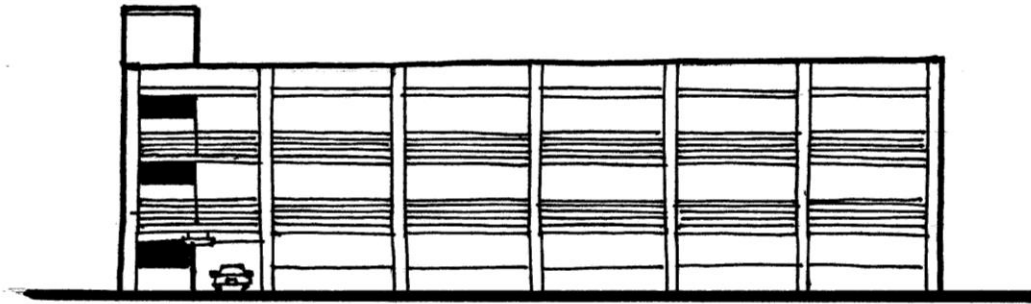


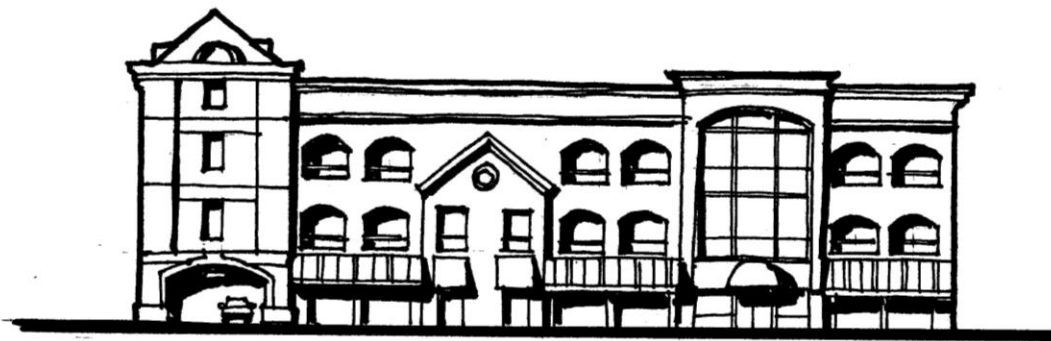
FIGURE 7

- c. Acceptable Design.
  - i. The excessive use of blank facades, repetitive building patterns or excessive openings is not permitted. For every 20 feet of street frontage, the horizontal plane of the structure shall be broken by any combination of the following:
    - (A) Awnings or canopies
    - (B) Shutters
    - (C) Doorways
    - (D) Windows
    - (E) Openings
    - (F) Wall fenestration of 5 inches or more
    - (G) Change in material
    - (H) Change in color
    - (I) Architectural molding
    - (J) Public art as regulated in Article 14
    - (K) Any architectural element approved by the Community Appearance Board

[See Figure 8 – *Desired Parking Garage Design*]



UNDESIRABLE DESIGN



DESIRED PARKING GARAGE DESIGN

FIGURE 8

- 
- ii. Ramps or sloped floor parking shall not be seen from the exterior. [See Figure 9 – *Undesirable Elements*]
  - iii. Excluding automobile ingress and egress points, continuous horizontal openings shall not exceed 10 feet in length.
  - iv. Cars on all floors of a parking garage shall be screened in such a way that headlight beams spilling beyond the exterior walls of the garage shall be diffused.
  - v. The top floor of the garage shall be capped with a decorative parapet. [See Figure 8 – *Desired Parking Garage Design*]

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### UNDESIRABLE ELEMENTS:

- SLOPING LEVELS;
- EXPOSED SLABS WITH WIRE FENCING;
- EXPOSED INTERNAL LIGHTING;
- PARKING ON GROUND LEVEL;
- NARROW SIDEWALKS;
- MINIMAL LANDSCAPING;
- ENTRANCE ALONG PRIMARY STREET;
- REPETITIVE BUILDING PATTERN.

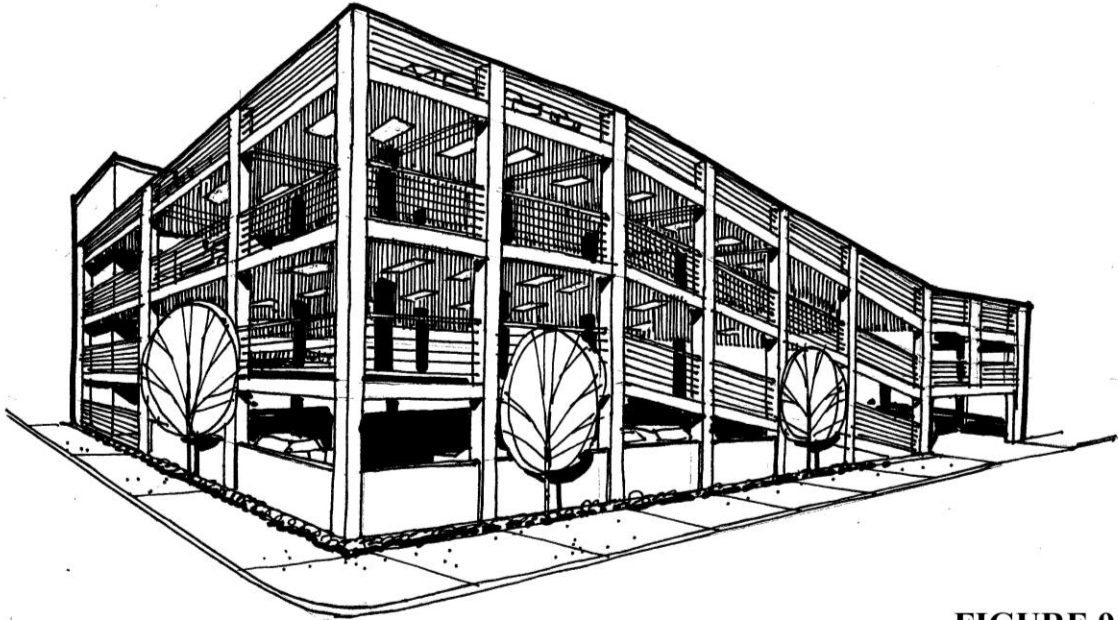
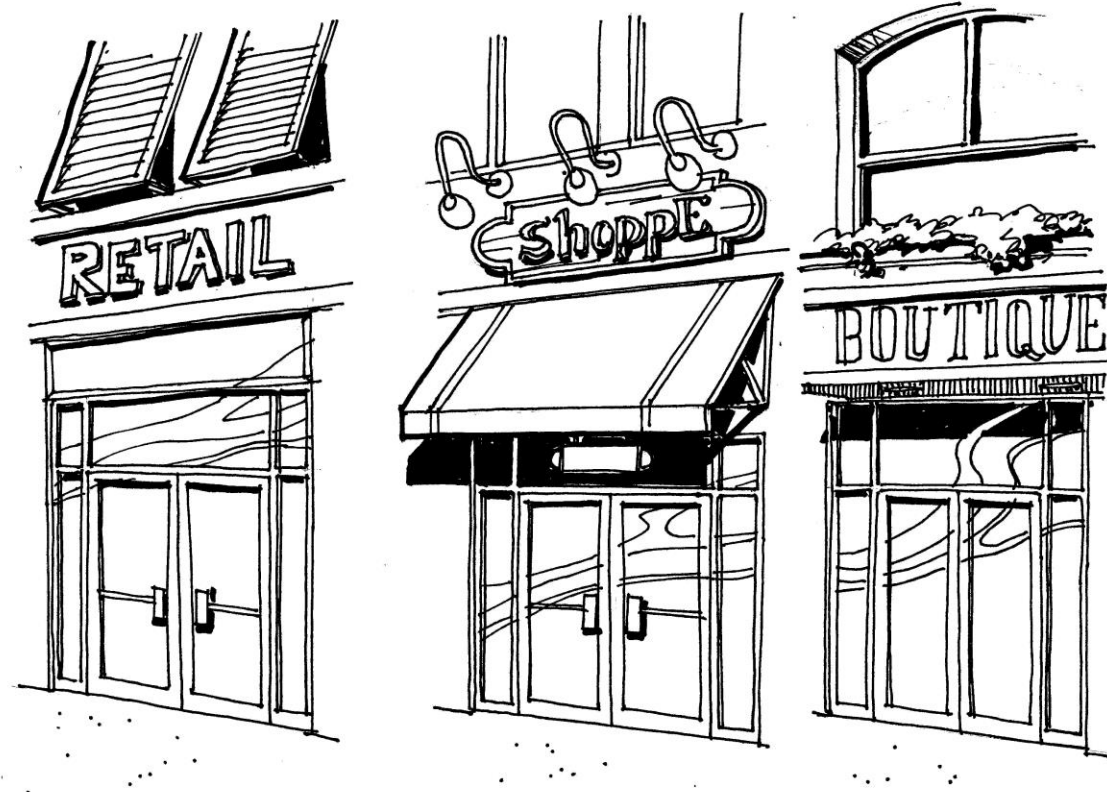


FIGURE 9

- d. Orientation of mixed-uses. Commercial uses in parking garages shall face public rights-of-way.
  - i. A minimum of 50% of the storefront façade to a height of 8 feet shall be visually transparent into the building or provide a minimum depth of 3 feet for window merchandise display. It shall have no more than 20 feet of continuous linear street-level frontage that is opaque. No merchandise storage shall be allowed in the storefront windows that blocks the view of the interior of the building.
  - ii. Commercial uses located within parking garages shall have no minimum parking space requirement.
- e. Lighting.
  - i. No light source from within a garage shall be visible from off-site.
  - ii. Exposed fluorescent tubes are prohibited.
- f. Signage. Freestanding signs are not permitted. The permissible amount of building mounted signage is regulated in Article 8 - *Sign Regulations*. [See Figure 10 – *Parking Garage Signage And Entrances* for examples]



PARKING GARAGE SIGNAGE AND ENTRANCES

FIGURE 10

g. Other Regulations.

- i. Security grates/grills that recess into pockets or into overhead cylinders that are completely concealed when retracted, are permitted only when located inside exterior windows. Chain link fencing shall not be used.
- ii. Trash receptacles, HVAC and other ventilation structures/facilities and shall not be located abutting a residential zone.

604.B. Unless otherwise authorized under this ordinance, the Board shall not have the authority to waive or modify the site development requirements of this Ordinance, or the requirements of any other applicable city ordinance.

## Section 605. Procedures

### 605.A. Submission of Documents.

1. *Conceptual Plan Review.* An applicant may receive a conceptual plan review by the Board. Submission of plans for conceptual review must be made at least ten workdays (excluding city holidays) before a scheduled Board meeting. Conceptual review will be scheduled for the first scheduled Board meeting after submission that meets the ten day requirement. The applicant shall provide the construction services department the following materials:
  - a. A completed application form.
  - b. Six stamped and recorded surveyed plat plans, including elevations of all property corners and one near the center of the lot, prepared within six months of the application filing date.
  - c. Six sets of site plans, drawn to scale, including:
    - i. Location insert;
    - ii. All existing features on the parcel which are to be retained;
    - iii. Proposed footprint of building(s);
    - iv. Proposed parking area(s);
    - v. Proposed outdoor living and buffer areas (buffering and landscaping all vehicular use areas and incompatible land uses); and
    - vi. Parcel boundaries (all property lines shown).
  - d. Existing tree/plant material survey of the site indicating protected trees to be removed and to be saved.
  - e. Elevation(s) of proposed building.
  - f. Samples of proposed material finishes and colors.
  - g. Photographs of site and adjoining properties including any existing buildings, signs, landscape features, or unusual topographic features.

The zoning administrator shall examine these materials to ensure that they satisfy submission requirements and arrange for their presentation before the Board. This review shall be completed within five working days (excluding city holidays) of receipt to ensure that projects that go before the Board are compliant with zoning standards. The Board, at its discretion, may put the conceptual plan to a vote or it may only offer comments to the applicant. A copy of all materials presented for conceptual review, together with minutes of that review, shall accompany the final plans at the time of plan review.

2. *Accelerated Review Option (Conceptual/Final Review).* Applicants who opt to present the material required in section 605.1.3, final plan review, at the time of conceptual review may require only one review if the Board gives final approval at concept plan review and if the exterior of the project is not subsequently changed in any way. If, subsequent to Board approval, any changes are made or required which would affect the exterior appearance of the project, the changes must be submitted to the Board for approval prior to issuance of a building permit.
3. *Final Plan Review.* Applicants for structural or site plan permits must receive a final plan review by the Board. The zoning administrator shall arrange and schedule final plan review. Submission of plans for final plan review must be made at least ten workdays (excluding city holidays) before a scheduled Board meeting. Materials required in an amount established by the Board:

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- a. A site plan drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walkways, landscaped areas, fences, and railroad tracks. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and loading space and areas for turning and maneuvering vehicles. The site plan shall indicate the proposed location of solid waste containers, any free standing signs, utility service locations, and the method of providing storm water management.
  - b. A landscape plan, drawn to scale, showing the location of existing trees to be retained on the site, the locations, varieties and sizes of trees and plant materials (graphically indicated) to be planted on the site, other pertinent landscape features, and indicating the type of irrigation system to be installed.
  - c. Architectural drawings or sketches drawn to scale, including floor plans of sufficient detail to permit computation of area and dimension requirements and showing all elevations of the proposed structures and other improvements as they will appear upon completion of construction.
  - d. Specifications and samples as to the type, color and texture of exterior surfaces of proposed structures.
4. *Sign Submission Requirements.* The materials listed below shall be submitted with all sign permit applications in a quantity and by the deadline established by the Board:
- a. Site plan drawn to scale, indicating sign locations and all existing improvements on property. For freestanding signs and billboards a landscape plan showing exact location and plant types shall be included on the site plan.
  - b. Drawings of the proposed sign, lettering and graphics, drawn to scale of at least one-quarter inch to the foot including any support structure and illumination techniques. Colors of the proposed sign shall be indicated on the drawing, and actual color samples shall also be furnished.
  - c. Color photographs of the existing site and adjoining properties, including the area of the sign location and the building elevations.
  - d. Property owner's or their authorized agent's written authorization to install the sign.
- 605.B. Action By Board. Within thirty days from the date of final plan review submission, the Board shall approve, approve with conditions, or reject the plans of the applicant. Failure of the Board to so act shall constitute approval, unless the applicant consents to an extension of deliberation time.
- 605.C. Effective Date Of Decisions. A decision of the Board shall become effective immediately upon action by the Board.
- 605.D. Time Limit Of Approval. If a building permit has not been applied for and issued within six months of the Community Appearance Board approval, then such approval shall be null and void and no permit shall be issued thereunder.

**Section 606. Appeals from Decisions of the Community Appearance Board**

- 606.A. Litigation. Any person who may have a substantial interest in any decision of the Board may appeal to the Circuit Court by filing with the clerk of the court. The appeal shall be filed within 30 days after the decision of the Board is postmarked. Within thirty days from the time of notice from the clerk of the appeal, the Board shall file with the clerk a certified copy of the proceedings held before the Community Appearance Board, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusions of law.
- 606.B. Mediation. As an alternative to litigation, a property owner whose land is subject to a Community Appearance Board decision may file a notice of appeal accompanied by a request for pre-litigation mediation. A notice of appeal and request for pre-litigation mediation shall be filed within 30 days after the decision of the Board is postmarked. The mediation shall be conducted in accord with the South Carolina Circuit Court Alternative Dispute Resolution Rules and section 6-29-825. A person who is not the owner of the property at issue may petition to intervene as a party in the mediation, and this motion shall be granted if the person has a substantial interest in the Board's decision. All property owners or representatives and interveners shall be notified and have opportunity to attend the mediation. The mediation may result in either an impasse or a mediation settlement agreement. No settlement agreement shall be effective until approved by City Council in public session and by the circuit court judge. If the mediation results in an impasse or if a settlement is not approved, the property owner has the option to pursue an appeal as described in 606.A - *Litigation*. Such petition for appeal must be filed with the Circuit Court within 30 days of either the report of impasse filed by the mediator or the council or judges failure to approve.

## **Article 7. Nonconformities**

### **Article 7. Nonconformities**

- Section 701. Purpose and Intent
- Section 702. Applicability
- Section 703. Burden of Proof
- Section 704. Nonconforming Lots
- Section 705. Nonconforming Uses and Structures
- Section 706. Nonconforming Signs
- Section 707. Nonconforming Landscaping
- Section 708. Nonconforming Sexually Oriented Businesses
- Section 709. Nonconforming Mobile or Manufactured Homes



**Section 701. Purpose and Intent**

Nonconformities in the use and development of land and buildings are to be avoided, or eliminated where they are now existing, wherever and whenever possible, except when necessary to preserve property rights established prior to the date these regulations became effective as to the property in question, and when necessary to promote the general welfare and to protect the character of surrounding property.

**Section 702. Applicability**

This Article shall apply to circumstances that became nonconforming by initial adoption of this Ordinance, amendment to this ordinance including changes to district boundaries, or expansion of territory subject to the jurisdiction of the City. It shall also apply to nonconformities that were legal nonconformities under a similar provision of a previously applicable ordinance or resolution and that remain nonconforming with one or more provisions of this Ordinance, even if the type or extent of nonconformity is different.

**Section 703. Burden of Proof**

The burden of establishing that any nonconformity is a legal nonconformity as defined by this Ordinance shall, in all cases, be upon the owner of such nonconformity and not upon the City of Myrtle Beach or any other person or jurisdiction.

**Section 704. Nonconforming Lots.**

Except as provided below, no lot shall be reduced in size which will not maintain the total lot area, lot width, necessary yards, courts, open space, lot area per dwelling unit, or other requirements of this ordinance.

- 704.A. Continuation of nonconforming lots. Subject to all limitations herein set forth, any nonconforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized by the regulations provided in this Ordinance. No new structure shall be placed thereon except in conformity with section 705 and the applicable controls of the zoning district in which the lot is located.
- 704.B. Discontinuance of nonconforming lots. Any lot which is made conforming by combining with other lots for purpose of sale or development, or by subdividing or re-subdividing, thereafter shall be recognized as a conforming lot and shall comply in full with the provisions of this Ordinance or any amendment thereto.
- 704.C. Combination of nonconforming lots. Where two or more lots of record are nonconforming with regard to minimum lot sizes or dimensional requirements, said lots may be combined in whole or part, even if the newly formed lot does not meet the current area/dimensional requirements, provided:
1. The resultant lot reduces the degree of nonconformity of the initial lots; and
  2. The resultant lot does not create any new lot that is more nonconforming than the initial lot or lots.
- However, all yard setback requirements of this Ordinance shall control any new construction or building addition on these lots.
- 704.D. Whenever a premises comes into conformity, or degree of conformity, regardless of the circumstances that created its conformity, or degree thereof, no subsequent

change shall be made that would result in the premises becoming non-conforming or less conforming.

### **Section 705. Nonconforming Uses and Structures**

Where structures or uses legally existing on the effective date of this Ordinance are not in conformity with the provisions of this Ordinance, it is the intent and purpose of this section to declare such structures and uses within the City to be nonconforming and detrimental to the orderly development of the City and to eliminate such nonconforming uses and structures as quickly as possible consistent with the rights of the owners and users thereof, for the purpose of protecting the public health, safety and general welfare.

#### 705.A. General Provisions.

1. Continuation of existing uses and structures. Any use or structure, existing at the time of the enactment of this Ordinance, which does not conform to the provisions of this Ordinance for the zoning district in which it is located shall be deemed to be a nonconforming use and/or a nonconforming structure and may be continued only as hereinafter specified.
2. Existing uses with non-conforming parking. Where automobile parking facilities are insufficient to meet the parking standards set forth in this Ordinance for a use or uses, the associated structures may not be structurally altered nor any additional facilities be provided within such structures until after the requirements for off-street parking have been satisfied for those facilities.
3. Restoration of damaged structures. Any nonconforming building damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity, or act of God, can be built as it existed immediately before destruction and the nonconforming use (if existing before destruction) can be reestablished provided the building permit is obtained within 12 months after destruction and maintained without lapsing. However, replacement of destroyed buildings in a floodplain must be elevated in accordance with the provisions of Article 11- *Floodplain Management Regulations*.
4. Extension. A nonconforming use of land or structure shall not be enlarged, intensified, or extended except as is permitted in section 705.C.2 – *Existing Buildings With Nonconforming Setbacks*.
5. Construction approved prior to a change in the Ordinance. Nothing herein shall require any change in plans, construction, or designated use of a structure for which a building permit has been issued prior the effective date of the Ordinance change that affects the permitted project, provided that construction is begun and diligently pursued in accordance with the provisions of the city building code. After construction such structure or use shall be deemed nonconforming and shall thereafter be subject to the regulations of Article 7 - *Nonconformities*.

#### 705.B. Nonconforming Uses

1. *Change of use*. Once changed to a conforming use, no building or use of land shall be permitted to revert to a nonconforming use.

2. *Abandonment of use.*
  - a. *Definition.* As used herein a use shall be deemed to have been abandoned when it has been discontinued, whether temporarily or permanently, whether with the intent to abandon said use or not.
  - b. *Abandoned use.* A nonconforming use of a building or land that has been abandoned for a period of 12 consecutive months shall not thereafter be reestablished except in conformity with the provisions of this Ordinance.
3. *Cessation of nonconforming uses.* All nonconforming uses below shall be discontinued and brought into conformity with the provisions of this Ordinance within the following periods of time after said Ordinance is enacted:
  - a. Nonconforming storage yards, including but not limited to auto wrecking; salvage and junk yards; automotive storage and sales yards; storage yards for lumber, building materials, and contractor's equipment; and major recreational and mobile home equipment sales areas shall be brought into compliance one year from the effective date of this Ordinance. When such nonconformities exist on properties which have been annexed, the nonconformity must be brought into compliance within one year following the effective date of the annexation.
  - b. Nonconforming coin-operated amusement devices must be removed within two years from the effective date of annexation into the City.
  - c. Existing therapeutic massage establishments made nonconforming by rezoning or by annexation into the City may remain as a nonconforming use provided that the conditional requirements of 1501.X are met immediately upon the effective date of the rezoning or annexation.
  - d. Visitor accommodations made nonconforming by rezoning requested by the property owner: immediately upon the effective date of the rezoning.

#### 705.C. Nonconforming Structures

1. *Alterations.* Structural alterations to a nonconforming structure shall not be permitted except as permitted in section 705.C.2 – *Existing Buildings With Nonconforming Setbacks* or as required by law or ordinance. Nothing in this Ordinance, with the exception of signs regulated by Article 8 – *Sign Regulations* shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe as determined by the zoning administrator.
2. *Existing buildings with nonconforming setbacks.* Additions may be made to buildings with nonconforming setbacks or yards, provided such buildings do not house nonconforming uses, were originally constructed under a valid permit and that any such addition meets current setback or yard requirements as provided in this Ordinance. This section shall also be applicable to the construction of separate buildings on a lot containing a building with nonconforming setbacks or yards.
3. *Cessation of nonconformities impeding vision at intersections.* All nonconforming structures, fences, hedges, shrubbery and signs located within the sight line or sight triangle as defined in section 203 shall immediately be brought into compliance by removal, relocation or alteration.

4. Special requirements for the Mixed-Use High Density (MU-H) district. The intent of the section is to allow existing nonconforming buildings within the Mixed-Use High Density (MU-H) district to be replaced or re-built if the following conditions are met:
  - a. Reconstruction (including replacement) of existing buildings and swimming pools shall be allowed as long as the structures are not enlarged or expanded to the extent that the structure or structures exceed the gross square footage, excluding existing parking garages, which existed on the lot before the enactment of this Ordinance.
  - b. Although such reconstruction is exempt from maximum building coverage and maximum height restrictions of the zone, the reconstruction or replacement of structures is allowed only if such new structures conform to all parking requirements and drainage regulations applicable at the time of reconstruction, redevelopment or replacement.
  - c. When structures which are to be replaced contain nonconforming uses, the nonconforming uses are not permitted to be continued when the new structure is built.

**Section 706. Nonconforming Signs.** See Article 8 - *Sign Regulations*.

**Section 707. Nonconforming Landscaping.** See Article 9 - *Landscaping and Tree Protection*.

**Section 708. Nonconforming Sexually Oriented Businesses.** See Section 1501.T - *Regulated Sexually Oriented Adult Business*.

**Section 709. Nonconforming Mobile or Manufactured Homes.**

All manufactured or mobile homes located within the City prior to the effective date of Section 1501.N - *Manufactured Homes* shall be nonconforming and shall be allowed to remain provided that:

- 709.A. The home is not moved from its location as of the effective date of Section 1501.N - *Manufactured Homes* of this Ordinance; and
- 709.B. The home continues to meet the minimum standards of S.C. Reg. 79-43 *Used Manufactured Homes Minimum Habitability Requirements*.

## **Article 8. Sign Regulations**

### **Article 8. Sign Regulations**

Section 801. Purpose and Intent

Section 802. Scope

Section 803. General Provisions

Section 804. Permit Procedures

Section 805. On-Premises Sign Regulations by Zoning District

Section 806. Outdoor Advertising Signs or Billboards and Off-Premises  
Directional Signs

Section 807. Construction of Outdoor Advertising Signs or Billboards Prohibited

Section 808. Changeable Electronic Variable Message Sign (CEVMS)

Section 809. Nonconforming Signs

Section 810. Designated Pedestrian Corridors and Districts

Section 811. Temporary Grand Opening Signs

**Section 801. Purpose and Intent**

The purpose of this section of the Ordinance is to provide fair and comprehensive regulations that will eliminate confusing, distracting, and unsafe signs, assure the efficient transfer of information, and foster a good visual environment for the City, enhancing it as a place in which to live, to visit, and to conduct business. It is declared that the regulation of signs within the City is necessary and in the public interest:

- 801.A. To protect property values within the City;
- 801.B. To promote and aid in the tourist industry which is declared to be of importance to the economy of the City;
- 801.C. To protect the general public from damage or injury caused, or partially attributable to, the distractions and obstructions which are hereby declared to be caused by improperly designed or situated signs;
- 801.D. To provide a pleasing overall environmental setting and good community appearance which is deemed vital to tourism and to the continued economic attractiveness of the City;
- 801.E. To improve the legibility and effectiveness of commercial and governmental signs;
- 801.F. To allow signs appropriate to the planned character of each zoning district; and
- 801.G. To promote the public safety, welfare, convenience and enjoyment of the unique ocean front resort character of Myrtle Beach.

**Section 802. Scope**

The provisions of this Ordinance shall apply to the construction, erection, alteration, use, location, size and height of and the maintaining of all signs, regardless of their cost of construction. No reference in this article referring to sign copy or sign purpose shall be interpreted or applied to improperly regulate content or impair the right of free speech. The provisions of this Ordinance shall not apply to:

- 802.A. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare, right-of-way or beach;
- 802.B. Any commercial communication intended to be solely viewed while stopped in location or primarily viewed by pedestrian or other non-motorized travelers; provided, however, that the restrictions of 803.P - *Prohibited Signs* shall apply to such commercial communications;
- 802.C. Traffic signs, and all other signs, erected or maintained by a municipal or governmental body or agency, including danger signs, and signs of noncommercial nature required by public laws, ordinance or statutes. However, signs of businesses on governmental property, convention center signs and related signs of a commercial nature shall not be exempt;
- 802.D. Pavement markings of a traffic directional nature;

- 802.E. Temporary signs at festival sites customarily associated with the Sun Fun and Can Am Festivals and other festivals or occasions recognized by City Council during the duration of these festivals.

### Section 803. General Provisions

It shall be illegal for a sign to be placed or maintained in the City except as provided in this Ordinance. Only signs specifically permitted in sections 804.B – *Signs Exempt From Permit Procedure*, 805 - *On-Premises Sign Regulations By Zoning District* and 806 - *Outdoor Advertising Signs Or Billboards And Off-Premises Directional Signs* are allowed in the City. All signs shall comply with the provisions of this section. Any sign authorized in this Ordinance is allowed to contain non-commercial copy in lieu of commercial or other copy.

- 803.A. Calculation of Sign Area. Sign area is defined as the smallest possible square foot area that can be enclosed within three rectangles.
1. Frames or structural members not bearing information or representational matter shall not be included in computation of display surface area.
  2. For signs with more than one surface, the area per sign face is the maximum area of all display surfaces which are visible from any ground position at one time, within the above described three rectangles. The aggregate sign area is the summation of the area of all sign faces combined.
  3. In all of the Multifamily Residential (RM) districts, sign area shall mean the exact area of each sign panel, irrespective of the three rectangle method described herein.
- 803.B. Determination of Sign Face. The sign face is the part of a sign that is or can be used for visual representation which attracts the attention of the public for any purpose. The sign face includes any background material, panel, trim color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop surface or object upon which or against which it is placed.
1. The sign structure shall not be included as a portion of the sign face provide that no identifying/advertising message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.
  2. In the case of signs designed with integral sign face and sign structure, the blank (support) area equivalent to a maximum of 50 percent of the allowable sign area shall be exempt from computations of sign area.
- 803.C. Sign Height in Relation to Grade. Grade in relation to sign height is considered to be the uppermost surface below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest city or state street curb.
- 803.D. Determination of Setback for Freestanding Signs. The setback of a free standing sign or billboard is measured from its extremity, not its support. For example, the measurement should be taken from the vertical intersection point on the ground

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below the leading edge to the property line.

- 803.E. Merchandise in Windows. Merchandise that is displayed in or that is visible from the window of an establishment, but is free of advertising, is not considered to be window signage.
- 803.F. Flashing signs. Flashing signs resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles or for navigation are prohibited.
- 803.G. Awning Signage. Awning signage is permitted on awnings as a building mounted flat sign (and considered as such within all calculations for sign area) subject to the following regulations:
1. All signage on an awning shall be on the vertical plane of the awning and the area of the signage shall be included in the allowable area for a building mounted flat sign.
  2. The area of an awning sign shall be limited to one square foot per linear foot of awning width or the allowable square feet of flat mounted building signage, whichever is less.
- 803.H. Traffic Hazards and Sign Illumination.
1. No flood lights shall be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right-of-way or adjacent property nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.
  2. No sign illumination system shall contain or utilize any beacon, spot, search or stroboscopic light or reflector, which is visible from any public right-of-way or adjacent property, nor shall such lights be operated outside, under any circumstances, except by authorized public agencies or as permitted in section 805.E.4 – *Amusement Parks Greater Than Five Acres*.
  3. No sign shall display lights resembling by color and design or other technique characteristics customarily associated with those used by police, fire, ambulance and other emergency vehicles or for navigation. Automotive warning or flashing signs shall not be utilized as commercial attention-seizing devices.
  4. No sign is permitted which, due to its position, shape, color, format, or illumination, obstructs the view of, or may be confused with an official traffic sign, signal, or device or any other official sign or which uses the words "stop," "warning," "danger," or similar words implying the existence of danger or the need for stopping or maneuvering by the motoring public.
  5. No sign shall rotate or otherwise move unless it is located in the Amusement (A) district.
  6. No sign shall obstruct the view of motor vehicle operators entering a public



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roadway from any driveway, street or alley. There shall be no sign or obstruction to vision between the height of two feet and nine feet within the sight distance triangles established in Article 2 - *Definitions* and Article 17 - *Design and Performance Standards* of the Ordinance.

7. Except as permitted in section 808 - *Changeable Electronic Variable Message Sign (CEVMS)* and signs permitted in sections 805.E.9 - *Clock*, no sign shall be animated or contain any animation. For the purposes of this section, any person or persons wearing any costume, character dress, or other distinctive attire for the purpose of attracting attention to any business or commercial activity shall be regulated as an animated sign.
- 803.I. Signs for Sexually Oriented Businesses. Refer to section 1501.T - *Regulated Sexually Oriented Adult Business*.
- 803.J. Signs for Approved Temporary Events. Signage shall be allowed one per street frontage not to exceed 32 square feet per sign. Additional signage shall be allowed as long as it is not visible from any public right-of-way.
1. Maximum height of sign shall not be greater than seven feet.
  2. External illumination shall be allowed; however, no flashing lights or other lighting that would be distracting and/or dangerous to motorists shall be allowed.
  3. No changeable copy shall be allowed.
  4. May be erected up to seven days in advance and must be removed within 24 hours of the end of the temporary event.
- 803.K. Design Standards.
1. All signs shall be constructed of durable materials and designed to meet all applicable requirements of the International Building Code.
  2. No sign, sign structure or attention seizing device shall be shaped in the form of a statue of a human or animal figure nor in the form of a three dimensional model (e.g. dinner bucket, paint cans, Christmas trees, etc.). The following are allowable exceptions:
    - a. Signs in the A districts;
    - b. Miniature golf courses as a principal use;
    - c. Fixed projecting signs as regulated in section 805.G.2.b - *One Fixed Projecting Sign Per Premises*;
    - d. Wooden sculpture sign less than six square feet in area, measured in the plane projecting the greatest area. This calculation shall be made in accordance with the eight-line method in the plane of the sculpture presenting the greatest area.
  3. Landscaping requirements:
    - a. Freestanding business identification signs. A landscape strip at least five feet in width and the same length as the greatest horizontal dimension of the sign shall be provided.

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- i. One shrub, at least 18 inches tall immediately after planting, per three feet of landscaped strip shall be planted within the length of the landscaped strip.
      - ii. The remainder of the landscaped strip shall be maintained in approved ground cover.
      - iii. The sign shall not extend beyond the landscaped area.
      - iv. Curbing, railroad ties, fencing or other types of vehicular barriers acceptable to the zoning administrator shall be placed around the landscaped strip for protection.
    - b. Outdoor advertising display signs (billboards). The following landscaping requirements shall apply:
      - i. A landscape strip ten feet in depth shall be located immediately adjoining the supporting structure of the billboards and extending five feet beyond each end. The five feet extension is measured beyond each end of the extremities of the support or supports.
      - ii. A hedge or other durable planting of at least two feet in height, attaining within four years after planting a minimum of six feet, is to extend the entire length and breadth of the required landscaped strip.
      - iii. Two flowering trees with a minimum of eight feet overall height shall be placed within the required landscape strip at a location adjacent to the principal street frontage.
      - iv. Single-faced billboards with the rear viewable from a public right-of-way or other public property shall have three equally spaced eight-foot tall evergreen trees planted in the rear of the billboard and the reverse side of the sign shall be of one color.
    - c. Existing or natural landscaping materials may be utilized to meet the requirements of this subsection provided that they meet or exceed the minimum standards specified hereinabove.
    - d. Exceptions to the location and height of the landscaped strip may be made by the Board of Zoning Appeals where strict application of these requirements would seriously damage the proper functioning of the overall development or where a sight distance hazard would result.
    - e. Maintenance and installation of landscaping around signs shall be in accordance with the provisions of section 902 – *Landscaping Regulations* of the Ordinance. The zoning administrator shall maintain a list of plant materials approved for meeting these landscaping requirements.
  - 4. Primary street address. In order to provide efficient emergency vehicle operations as well as to aid in the location of homes and businesses, each primary freestanding sign on commercial and multifamily properties are required to display the street address on the sign in a prominent location so as to allow said number to be clearly readable from the street. The numbers and letters of the address must be at least 6 inches in height and can be placed on both sides of a freestanding sign if the sign is perpendicular to the street.
- 803.L. Cessation of Business. Signs referencing "Going Out of Business" or any act associated with cessation shall only be used with a lawfully issued "Going Out of Business License" from the City.
- 803.M. Occupation of, or Projection into, Public Right-of-Way. No private sign shall occupy

public property in any manner nor shall any sign extend across a property line where such property line borders a public right-of-way or any public property except as follows: within the Amusement (A) and Mixed Use-Medium Density (MU-M) zoning districts, and on existing buildings in Mixed Use-High Density (MU-H) districts which are closer than 4 feet to the principal street right-of-way, if projecting into or over a public right-of-way, the sign must be at least 9 feet above the right-of-way so as not to interfere with pedestrian traffic nor extend beyond the back edge of the curb line nor more than 4 feet inside the right-of-way line.

803.N. Signs in Disrepair and Unsafe Signs.

1. All signs and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished and repaired from time to time, as necessary, and perpetually maintained in safe condition, free from deterioration, defective or missing parts, or peeling or faded paint, and able to withstand the wind pressure for which it was originally designed. Any sign not in compliance with this provision is hereby declared to be a public nuisance.
2. The zoning administrator may order the repair or removal of any such signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this subsection. If the zoning administrator shall find that any sign is in violation of this subsection, then he, among other remedies permitted by state or local law, shall give notice to the property owner specifying the location of the hazard or deteriorated sign, what needs to be done to render the sign safe and in good repair, and that in the event the same is not done by the owner that the City will either do the same or remove the sign at the expense of the owner of the property upon which it is located.
3. In the event that any structural support of a sign is damaged to the extent that it has failed either by fracture or by exceeding its yield point, such sign may be restored, reconstructed, altered or repaired only to conform with all of the provisions of this Ordinance.

803.O. Obsolete and Abandoned Signs.

1. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or publicly available for a period of 6 months, or which has not been in use or publicly available for six months, or which is no longer imminent within a period of six months, or any sign structure that fails to display any sign copy for six months, or any sign which, for a period of six months, has vegetation growing upon it, clinging to it, touching it or obscuring the sign face or sign parts or structure or any sign, for a period of six months, which has not been maintained to be free of peeling, chipping, rusting, wearing and fading so as to be legible at all times or to be free of rusting, rotting, breaking or other deterioration of the sign parts shall be deemed to be an obsolete or abandoned sign. The passage of time alone under the above-delineated circumstances establishes abandonment or obsolescence. Abandonment does not require any element of personal or business intent to relinquish the rights one might have in sign placement as the term is used or defined in this Ordinance.

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2. Obsolete or abandoned signs, sign copy or sign structures are declared to be a public nuisance, are prohibited and shall be removed by the owner of the property or his agent after written notification from the zoning administrator.
3. When any sign is relocated, made inoperative, or removed for any reason, except for maintenance, all structural components, including the sign face and sign structure, shall be removed or relocated with the sign. All structural components of freestanding signs shall be removed to ground level. Painted wall signs, and the structural components of all other signs, shall be removed back to the original building configuration and the building restored to its original condition.

803.P. Prohibited Signs. The following signs are prohibited in the City:

1. Any signs on benches and refuse containers.
2. Illuminated signs in Single-family (R) and Cabana Section (CS) districts except for signs associated with religious and public recreational uses.
3. Signs attached or painted to piers or seawalls, except for one on-premises building identification sign not to exceed nine square feet per establishment. Signs on buildings located on piers shall not be prohibited, but shall conform to the other provisions of this Ordinance.
4. Signs of any kind, except building mounted signs and signs conforming to section 804.B.5 – *Construction Signs* of this Ordinance, erected or displayed in any first row sand dune or within a distance of 50 feet landward from the dry sand beach, whichever is more restrictive.
5. Signs of any material including, but not limited to, paper, paint, cardboard, plastic, wood and metal which are painted on or attached to trees, lamp posts, parking meter posts, hydrants, traffic signs, stairways, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thorough-fare.
6. Circulars, placards throwaways, and handbills.
7. Banners (Except as allowed in section 811 - *Temporary Grand Opening Signs*), balloons, streamers, spinners, pennants and similar wind activated devices; however, these devices are permitted in amusement parks of five acres or greater in size, provided no commercial messages or logos are incorporated thereon.
8. Except in the Amusement (A) district, the following are prohibited:
  - a. Any sign or sign structure other than freestanding, any portion of which extends above the top of the wall parapet, building roof line or canopy against which said sign is located.
  - b. Signs on roof surfaces unless the sign does not extend above the highest part of the building roof-line on which it is mounted.
9. Portable signs, except temporary signs as permitted.

10. Any sign, except those for a driveway, loading zone and the like authorized by a public agency which restricts or appears to reserve any portion of public right-of-way or any public property for the exclusive use of private use or any individual, tenant, client, guests or business. This prohibition extends to all such signs, whether on public property or private property.
  11. Any sign located or designed so as to intentionally or effectively deny an adjoining property owner reasonable visual access to an existing sign.
  12. Temporary window signs, except for an eight square feet area in closest proximity to the main door. Also allowed are temporary window signs as allowed with lawfully issued "Going Out of Business" license issued by the City. Establishments with existing window signs not in compliance with the definition of "*Sign, Permanent Window*" as provided in Article 2 - Definitions shall be brought into compliance within 90 days of becoming non-conforming.
  13. More than one freestanding sign per lot except as otherwise permitted in the code.
  14. Any new sign proposed for a lot upon which a non-conforming sign is in place.
  15. Any sign that encroaches into a required sight triangle.
  16. Any other type or kind of sign which does not comply with the terms, conditions, and provisions contained in this Ordinance.
- 803.Q. Proposed Changes to Existing Sign. An applicant may change the copy on a sign if all other characteristics of the sign remain exactly the same as previously permitted (font, size, color, etc.) as verified by the zoning administrator.

## Section 804. Permit Procedures

- 804.A. Sign Permits Required.** Unless otherwise provided for in this Ordinance, no sign or sign structure, regardless of its cost of construction, shall be erected, replaced, relocated, constructed, changed or altered until after a permit for the same has been issued by the zoning administrator.
- 804.B. Signs Exempt from Permit Procedures.** A permit is not required for the following, and such signs shall not be considered in determining the allowable number or size of signs on a premises, provided, however, that they must comply with all other applicable sections of this ordinance and the following conditions:













1. Changing copy on a legal bulletin board, outdoor advertising sign, or marquee; or maintenance where no structural changes are made; or the changing of the interchangeable letters on signs designed for them.
2. Real estate signs, advertising the sale, rental or lease of all or a portion of the premises on which it is displayed during the sale, rental or lease period, subject to the following restrictions:
  - a. Permitted sign types are non-illuminated wall, window or freestanding.
  - b. Maximum area: Nonresidential land uses, 16 square feet, residential land uses, six square feet for the first dwelling unit plus one square foot for each additional unit, with a 16 square feet maximum.
  - c. Maximum height: Eight feet for nonresidential and multifamily residential uses and four feet for other residential uses.
  - d. Number: One per street upon which the premises abut.
  - e. In addition, "open house" signs provided there is not more than one such sign per house, on the same premises, the maximum area is three square feet, and the maximum height is four feet. Such signs are permitted on no other public or private property, and are prohibited in the Cabana Section (CS).
3. Single-family residential signs not exceeding 4 square feet in area with a maximum height of 4 feet.
4. "No trespassing", "No dumping", "No loitering" and like signs not exceeding one square foot in area.
5. Construction signs, identifying the firms involved with, the character of, and the future occupants of a construction site, during the period of active construction and 14 days thereafter. Only one sign, not to exceed 32 square feet and no more than eight feet above the ground shall be allowed on a construction site.
6. "Garage sale" signs provided there is not more than one such sign per house, on the same premises, the maximum area is 3 square feet, and the maximum height is 4 feet. Such signs are permitted on no other public or private property, and are prohibited in the Cabana Section (CS).
7. Holiday season or festival decorations only, from November 1st to March 1st of the following year, or until conclusion of the Canadian-American Days festival whichever is later.
8. Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that all such symbols, plaques and identification emblems shall be placed flat against a building.
9. One window sign per premises indicating the operational status of the business (e.g. opened or closed). The area of the sign shall not exceed six square feet and it may be electrically illuminated.

10. Signs on a truck, bus, car or other motorized vehicle and equipment used in the normal course of business, provided all the following conditions are adhered to:
  - a. Primary purpose of such vehicle or equipment is not the display of signs. Vehicles and equipment are not used primarily as static displays advertising a product or services, not utilized as storage, shelter, or distribution points for commercial products or services for the general public.
  - b. Signs are painted upon or applied directly to an integral part of the vehicle or equipment. The sign is not allowed to alter the shape of the vehicle body nor project beyond the limits of the vehicle body.
  - c. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate. Provided however, a taxicab's signage shall be in accordance with the provisions of Article II (Taxicabs) of Chapter 23 of the City Code. Further provided, a vehicle used by a company franchised by the City to provide public transportation on fixed routes shall be permitted to display signs not related to its primary business purpose.
  - d. During period of inactivity exceeding 5 working days such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease (such as rental trucks and cars) are exempt from this prohibition.
11. Public service signs provided that the total area of all such signs displayed to any one street does not exceed six square feet per occupancy, and further provided that such signs shall be designed and erected inside the perimeter of a permitted sign or mounted flush against a building or structure.
12. Subdivision sale signs; provided the signs do not exceed 40 square feet in area and ten feet in height, are used exclusively to announce the subdivision development, are spaced not less than 300 feet apart, and shall be removed when building permits have been issued for 100% of the lots.
13. Flat-mounted building identification signs, occupancy/street number signs and multiunit identification signs, provided such signs are smaller than nine square feet per building. Such signs may be mounted on the building, canopy, or awning.
14. Pump sign. Signs shall be allowed on gasoline pumps so as to provide required information to the public such as "gallon," "Octane rating," "self-service," "price," and "type of fuel".
15. Flags in accordance with the following:
  - a. In all Single-family (R) and Multifamily (RM) Districts, residential Planned Unit Developments (PUDs), and Amusement (A) districts, no number or size limitations.
  - b. In the Airport (AP), Entertainment (E), Mixed Use (MU), Light

Manufacturing (LM), Medical/Professional (MP), Highway Commercial (HC1 AND HC2), Warehouse/Manufacturing (WM), Parks, Recreation and Conservation (PRC), Cabana Section (CS) and commercial or industrial Planned Unit Development (PUD) districts two flags for up to 119' of frontage plus an additional 2 flags per 60' of frontage over 119'. The maximum size of each flag shall be 5' X 8'.

- c. No flag shall be tattered or torn, nor faded to the extent the pattern or colors become indiscernible.
16. "Cafe" style umbrellas subject to the restrictions of section 803.Q - *Proposed Changes to Existing Sign* and not exceeding ten feet in diameter; provided however:
    - a. The total area of the copy, trademark or logo may not be greater than 20 percent of the total exterior surface of the umbrella; and
    - b. Placement of umbrellas shall not be allowed in absence of seating for use in connection thereof, within public right-of-way without permit or within parking or landscaping or buffer area required by law.
  17. Temporary signage identifying a business of construction or remodeling, landscaping services, catering services, or party or event planning or decoration services properly licensed to do business in the City and performing a specific service of limited duration at a single and specific location, provided that only one sign not exceed four square feet in area and three feet in height shall be displayed during the time that the work or event is actually taking place.
  18. Temporary political signs erected in connection with elections or political campaigns provided that: Such signs are prohibited on any public land, publicly owned land, right-of-way or utility poles, and further such sign may not partially or fully obstruct any driver's vision clearances at an intersection. Such signs shall not be posted earlier than 45 days prior to a primary, general or special election and are to be removed within five days after the election by the owner of the property or the candidate. Such signs shall not exceed 4 square feet per sign and not exceed 4 feet in height.
  19. Government-owned wayfinding and directional signs on or near a public right-of-way. By City Council, acting in legislative discretion on land in which the public has a property interest, a temporary or permanent signage package for wayfinding or directional signs on or near a public right-of-way, as determined to be needed for the safety and convenience of the traveling public and visitors. The signs shall identify the direction of travel for specific areas of commercial or hospitality activity within defined commercial or hospitality districts as approved by City Council (Planning Commission should recommend criteria for determining a district), and/or specific areas of public parking, and/or areas of public infrastructure investments made pursuant to Tax Increment Financing Districts and/or Municipal and Improvement Districts and/or Multi-County Business Parks. The design is to be approved by the Community Appearance Board upon application of the City Council.

20. *Reserved*
  21. Temporary replacement signs: When any sign is being remanufactured or replaced 31 due to a new business or business change, the existing sign may be temporarily 32 covered by a vinyl or similar weatherproof material type of sign that announces the 33 current business for forty five (45) days.
  22. Interior signs: Interior signage which is three (3) feet or more from the exterior glass.
  23. Interior window display signs, such as banners, pennants or portable signage, which are less than three (3) feet from the exterior glass and not permanently affixed to the storefront display structure or exterior glass are allowed when the signage does not exceed:
    - a. Two (2) signs with a total of thirty two (32) square feet for building with eighty (80) linear feet or less of frontage; or
    - b. Three (3) signs with a total of forty eight (48) square feet for a building with between eighty (80) and two hundred (200) linear feet of frontage; or
    - c. Four (4) signs with a total of sixty four (64) square feet for a building with over two hundred (200) linear feet of frontage.
- 804.C. Application for Permit. All applications for sign permits shall be made with the City Construction Services Department. The following information shall be submitted with an application for sign permit:
1. Identification of ownership property on which sign is to be erected or written authorization by the owner of the property.
  2. Name and address of the owner of the sign.
  3. Site plan sketch showing the location of the sign with respect to the property and right-of-way lines and any buildings, parking areas, and other improvements to the property and also including a landscape plan as necessary to meet the requirements of section 803, "General provisions".
  4. Exact size, shape, configuration, design, sign area (as defined in Article 2 - *Definitions*), height, nature, number and type of sign to be erected.
  5. The value of the sign or sign structure.
  6. Any other information, specifications, photographs, or the like deemed necessary by the zoning administrator in order to assure compliance with the City Ordinance.
- 804.D. Fees. Before issuing a permit, the zoning administrator shall collect the fees as established.
- 804.E. Double Penalty. Any person, firm or corporation actually begin any work for

which a permit is required by this Ordinance without taking out a permit shall pay, in addition to the fees above described and provided, an additional amount equal to 100 percent of the fees above prescribed and shall be subject to all the penalty provisions of this Ordinance.

- 804.F. Action on Application. The administrator shall act upon permit applications within 30 days of receipt, excluding holidays and weekends. However, given the vagaries of information or fact gathering, a failure to act does not constitute approval of the permit or a waiver of the City's ability to regulate. The administrator's action, failure to act or failure to timely act can be appealed under Article 5 – *Board of Zoning Appeals*.

### **Section 805. On-Premises Sign Regulations by Zoning District**

- 805.A. Signs Permitted in the Cabana Section (CS) and all Single-family Residential (R) Districts.
1. All signs listed in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof, provided however, that signs listed under 804.B.13 - *Flat-Mounted Building Identification Signs, Occupancy/Street Number Signs And Multiunit Identification Signs* and 804.B.14 – *Pump Sign* are prohibited in these districts.
  2. Two subdivision entrance signs per entrance are allowed in the Single-family (R) districts. Such signs may designate the subdivision by name or symbol only and may be either freestanding or placed on the face of an entrance wall to said subdivision or residential district, but under all circumstances they shall be rigidly and securely anchored against movement. Such signs shall not exceed an area of 20 square feet per sign face and an aggregate area of 40 square feet if signs are multiple faced, nor shall they exceed a height of seven feet if freestanding. They may be illuminated.
  3. Identification sign for each principal use allowed provided it shall not exceed 50 square feet in area per sign face and a maximum height of ten feet if freestanding. The sign may be illuminated. Changeable copy is permitted provided the changeable copy portion of the sign shall be an integral part of the freestanding sign cabinet and shall not exceed 18 square feet.
  4. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institutions.
  5. Piers. Buildings located on piers shall be permitted a maximum of 2 signs parallel to the pier, and one sign perpendicular to the pier, provided, however, that singly or via combination the signs under this section shall not exceed a total aggregate sign area of 300 square feet.

6. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.

805.B. Signs Permitted in all Multifamily Residential (RM) Districts.

1. All signs permitted in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof, provided however, that signs listed under 804.B.13 - *Flat-Mounted Building Identification Signs, Occupancy/Street Number Signs And Multiunit Identification Signs* and 804.B.14 – *Pump Sign* are prohibited in these districts.
2. Multi-family residential building identification sign, not to exceed 32 square feet in size per sign face. The maximum height shall be ten feet if freestanding.
3. Identification sign for each principal use allowed provided it shall not exceed 50 square feet in area per sign face and a maximum height of ten feet if freestanding. The sign may be illuminated. Changeable copy is permitted provided the changeable copy portion of the sign shall be an integral part of the freestanding sign cabinet and shall not exceed 18 square feet.
4. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institutions.
5. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.

805.C. Signs permitted in the Campground (CG) district.

1. All signs listed in subsection 804.B - *Signs exempt from permit procedures*, subject to the limitations and requirements thereof.



2. Identification sign; provided the total sign area does not exceed 50 square feet in area per sign face, and if projecting does not interfere with pedestrian or vehicular traffic. The maximum height of the sign shall be ten feet if freestanding.

805.D. Signs Permitted in the Medical/Professional (MP) and Institutional (IN) Districts.

1. All signs listed in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof.
2. Freestanding business identification sign that does not exceed 50 square feet in area nor 15 feet in height. If pylon mounted, a clearance of eight feet must be maintained between the bottom of the sign face and grade.
3. Financial institutions may have incorporated in their freestanding sign a time and temperature unit.
4. Wall mounted business identification signs may be placed upon the principal structure, the aggregate sign area allowed shall be one square foot of sign area for every two linear feet of the wall length measured along the wall upon which the sign is placed, but shall not exceed 50 square feet in area.
5. Notice bulletin board not to exceed 24 square feet in aggregate area per premises for medical, public, charitable or religious institutions located on the premises of such institutions; maximum height six feet if freestanding.
6. If a commercial office park/subdivision exceeds five acres, two single-faced signs, if attached to entry feature, per principal entrance are allowed in the Medical/Professional (MP) district. The signs shall be placed on the face of an entrance wall/feature to said park. Signs shall be rigidly and securely anchored against movement. Such signs shall not exceed an area of 20 square feet per sign face. The entrance features and sign shall not exceed a height of seven feet.
7. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.
8. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional

offices provided it does not exceed 20 feet in height nor 36 square feet in display area.

805.E. Signs Permitted in the Amusement (A) District.

1. All signs listed in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof.
2. On parcels of less than 45,000 square feet the total signage allowance is 600 square feet. For parcels in excess of 45,000 square feet, where the principle use is amusement service, an additional 300 square feet of signage is permitted for each additional 45,000 square feet of parcel. This sign allowance includes the sum of all sign areas, whether freestanding, wall mounted, or projecting. The area of any freestanding sign shall not exceed 600 square feet for each individual parcel of land.
3. CEVMS subject to the conditions of sections 808 - Changeable Electronic Variable Message Sign (CEVMS) and 805.N - Signs Permitted in Entertainment/Amusement Concentration Overlay Districts.
4. For amusement parks greater than five acres in area: beacon, spot, search or stroboscopic light or reflector, provided the source of such light is not visible from any public right-of-way or adjacent property, the maximum number of such lights permitted on any amusement park site is six and no such light shall be directed at an angle of less than 45 degrees above a horizontal plane passing through the light source.
5. The height limitation on signs in the Amusement (A) district is 80 feet.
6. Notice bulletin boards. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institutions.
7. Buildings located on piers shall be permitted a maximum of two signs parallel to the pier, and one sign perpendicular to the pier, provided, however, that singly or via combination the signs permitted under this section shall not exceed a total aggregate sign area of 300 square feet.
8. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.
9. Clock. One freestanding clock or time and temperature unit shall be

permitted in conjunction with financial institutions and professional offices provided it does not exceed 20 feet in height nor 36 square feet in display area.

805.F. Signs permitted in the BP district.

1. All signs permitted in section 804.B - *Signs exempt from permit procedures*, subject to the limitations and requirements thereof; provided, however, that signs listed under (c), (h), (m), (n), (p), and (q) are prohibited in this district.
2. One freestanding sign per premises, subject to the following conditions:  
*Sign area.* The sign area shall not exceed an area of 100 square feet aggregate.  
*Sign height.* The maximum permitted height of a freestanding sign shall not exceed six feet as measured from finished grade at the sign location.  
*Sign location.* No freestanding sign or sign structure shall be located closer than ten feet to any public right-of-way line, nor be located closer than 20 feet to the curb or edge of pavement of any street.  
*Sign design and materials.* Freestanding signs shall be monument signs with fully enclosed bases, and shall be constructed of one or a combination of the following materials: Masonry (brick, stone, stucco, split-face and textured concrete block); wood; concrete; and anodized or enameled aluminum. Direct sign illumination is prohibited.  
*Sign copy.* Freestanding signs may contain only the following copy: Company name (for subsidiary industries, this shall include the parent and subsidiary company names); facility name if applicable; street address; and a corporate logo. No changeable copy elements are permitted on freestanding signs.
3. One parallel wall sign per premises, subject to the following conditions:  
*Sign area.* The sign area shall not exceed an area of 100 square feet aggregate.  
*Sign placement.* No parallel wall sign shall be displayed above the top of the parapet, building roof line, or canopy against which the sign be located, nor shall such sign extend below the lowest architectural feature defining a porch, arcade or roof nor extend beyond any supporting columns.  
*Sign design and materials.* Parallel wall signs shall be constructed of one or a combination of the following materials: Masonry (brick, stone, stucco, split-face and textured concrete block); wood; concrete; and anodized or enameled aluminum. Direct sign illumination is prohibited.  
*Sign copy.* Parallel wall signs may contain only the following copy: Company name (for subsidiary industries, this may include the parent and subsidiary company names); facility name if applicable; and a corporate logo. No changeable copy elements are permitted.
4. *Directory signs.* No directory sign shall be located within 50 feet of any public right-of-way, have an aggregate sign face area which exceeds 20 square feet, nor exceed six feet in height if a freestanding directory sign.

5. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional offices provided it does not exceed 20 feet in height nor 36 square feet in display area.
- 805.G. Signs Permitted in the Mixed Use-High Density (MU-H), Highway Commercial (HC1 and HC2), Airport (AP), Wholesale/Manufacturing (WM) Districts.
1. All signs listed in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof, and CEVMS on premise subject to the limitations and requirements set forth in section 808 – *Changeable Electronic Variable Message Sign (CEVMS)*; provided however, CEVMS is permitted only in AP Airport District.
  2. *Perpendicular signs.* For those signs whose sign faces are generally perpendicular to the principal street frontage (including a sign whose sign face is between 90 degrees and, to include, 45 degrees to a frontage), signs described in only one of the following categories are permitted (choose one category below):
    - a. One freestanding sign per premises, subject to the following restrictions:

*Sign area.* Except for an Airport (AP) overlay as set forth herein, the sign area shall not exceed a square foot area equal to 50 percent of the principal street frontage, with a maximum allowable sign area of 150 square feet per sign face (300 square feet in aggregate). If the principal street frontage is less than 120 feet, then a maximum area of 60 square feet per sign face (120 square feet in aggregate) is allowed, provided however, that if the principal street frontage is less than 40 feet, then no freestanding sign shall be permitted. In the Airport (AP) overlay that directly abuts U.S. Highway 17 Business and U.S. Highway 17 Bypass, commonly known as Kings Highway and 17 Bypass, that sign shall not exceed a square foot area equal to 75% of the principal street frontage with a maximum allowable sign area of 300 square feet per sign face (600 square feet in aggregate).

*Number of signs.* Single frontage and corner locations are permitted only one such freestanding sign and the maximum allowable size of such sign shall be governed by the length of its respective frontage. The principal street frontage of lots in contiguous blocks on one or both sides of the principal street which are an integral part of the same business establishment may be added together to determine the total principal street frontage. A maximum of two such freestanding will be allowed per premises with parallel or opposite frontages, provided that such freestanding signs shall be spaced to a minimum of 100 feet from each other. Business establishments consisting of two or more premises in contiguous blocks shall also be limited to a maximum of two freestanding signs, spaced at least 100 feet apart. Except as provided hereinabove, a commercial center containing two or more businesses shall be permitted only one free-standing sign.

*Sign height.* The maximum permitted height of a freestanding sign shall not exceed 25 feet.

*Sign location.* No freestanding sign or sign structure shall be located closer than five feet to any property line, nor be located closer than ten feet to the curb or edge of pavement of any street or highway. In no case shall any freestanding sign be closer than 20 feet from any other freestanding sign on adjacent property.

*Sign projection.* No freestanding sign shall project over any building or structure or over any property line; nor project over a driveway or parking lot unless the lowest point of the sign is not less than 13 feet above grade, nor shall such sign project into a pedestrian walkway unless the lowest point of the sign is not less than nine feet above grade.

- b. One fixed projecting sign per premises, subject to the following restrictions:

*Sign area.* The sign area shall not exceed 32 square feet per sign face (64 square feet in aggregate).

*Sign height.* The maximum height of a projecting sign shall not exceed 25 feet but in no event shall such sign extend higher than the lowest point of the roof or parapet, whichever is highest.

*Sign projection.* The extreme limits of the projecting sign face and the sign support shall not exceed four feet beyond the wall face of the building. Such signs shall not project into a pedestrian walkway, unless the lowest point of the sign is not less than nine feet above grade.

*Sign copy.* The limitations set on sign copy in section 805.G.2.a - *One Freestanding Sign Per Premises* hereinabove also apply to fixed projecting signs.

*Support structures.* All fixed projecting signs shall be installed or erected in such a manner that there shall be no visible support structures such as angle irons, guy wires or braces.

- c. Two flat signs or painted wall signs per premises:

*Sign area and location.* Such signs may be located on opposite sides of the building or combined on one side, and singly or via a combination shall not exceed a total aggregate sign area of 100 square feet per premises.

*Sign height.* No such sign shall be displayed above the top of the parapet, building roofline, or canopy against which said sign is located.

*Sign copy.* The limitations set on sign copy in section 805.G.2.a - *One Freestanding Sign Per Premises* hereinabove shall also apply to flat signs or painted wall signs.

- 3. Parallel signs. For those signs whose sign faces are generally parallel to the principal frontage (including a sign whose sign face is between zero degrees and 45 degrees to a frontage), signs described in only one of the following categories are permitted (choose one category below):
  - a. One freestanding sign per premises. As set forth in section 805.G.2.a - *One Freestanding Sign Per Premises*.
  - b. One fixed projecting sign per premises. As set forth in section 805.G.2.b - *One Fixed Projecting Sign Per Premises*.

- c. One contiguous building-mounted flat sign or painted wall sign per premises, subject to the following restrictions:
  - Sign area.* For buildings less than 60 feet in height, the aggregate area of such sign shall not exceed an area equal to one and one-half square feet of sign area on the building frontage which is generally parallel to the principal street frontage. No such sign, however, shall exceed a maximum aggregate area of 150 square feet. Additional signage equal to two square feet for every one foot of building height above 60 feet is permitted, provided this additional signage is more than 60 feet above grade. Signs on buildings housing more than one tenant shall not exceed a total area of one and one-half times the horizontal linear building frontage occupied by each tenant; with a maximum area of 150 square feet for any individual tenant.
  - Number of signs.* Due to the nature of building-mounted flat signs or painted wall signs, the limiting factor on such signs is not the number of individual sign displays, but the aggregate area of all such sign displays that can be contained within the area as defined in Article 2 - Definitions (3 rectangle method). Single road frontage and corner road frontage locations are permitted one such sign area per occupancy, however, occupancies with a corner road frontage may use a portion of their allowable area from their principal frontage to also place a building mounted flat sign parallel to the secondary road frontage. Premises with parallel (opposite) road frontages are permitted one such sign per occupancy per parallel road frontage.
  - Sign placement.* No such sign shall be displayed above the top of the parapet, building roof line, or canopy against which sign be located, nor shall such sign extend below the lowest architectural feature defining a porch, arcade or roof nor extend beyond any supporting columns.
  - Sign copy.* The limitation set on sign copy in section 805.5(B)(1) shall also apply to building mounted flat signs or painted wall signs.

- 4. A commercial center shall also be permitted one fixed canopy sign or swinging projecting sign per occupancy, not to exceed six feet in length and 18 inches in height, placed entirely under a canopy (marquee) directly in front of an entrance door to said location. The sign must be perpendicular to the building wall face and provide at least nine feet of pedestrian walkway vertical clearance.
- 5. A directory sign in a commercial center for on-site directional purposes shall also be permitted on premises; provided however, that such sign conforms to the following:
  - a. The sign shall not be located within 50 feet of any public right-of-way line.
  - b. An individual business or activity is limited to three square feet of sign area per individual sign face and an aggregate area of six square feet and one sign per directory sign.
  - c. The directory sign, even when composed of individual signs, shall not exceed a total area of 50 square feet per sign face and an

- aggregate area of 100 square feet.
  - d. Freestanding signs shall not exceed ten feet in height.
  - e. The bottom of the sign must maintain a clearance of at least nine feet above a pedestrian walkway.
6. Changeable copy sign.
- a. A changeable copy sign is permitted on a business identification freestanding sign in the Mixed Use-High Density (MU-H) and Highway Commercial (HC1 and HC2) districts provided the changeable copy sign conforms to the following:
    - i. The changeable copy portion of the sign shall be an integral part of the freestanding sign cabinet.
    - ii. The changeable portion of the sign shall be included in the allowable area of the sign and shall not exceed 18 square feet or 20 percent of the allowable sign area, whichever is greater.
    - iii. Changeable copy sign letters shall be at least six inches, but not greater than 12 inches in height.
  - b. A changeable copy sign is permitted on a business identification fixed projecting sign in the H district provided the changeable copy sign conforms to the following:
    - i. The changeable copy portion of the sign shall be an integral part of the projecting sign cabinet.
    - ii. The changeable portion of the sign shall be included in the allowable area of the sign and shall not exceed ten square feet.
    - iii. Changeable copy sign letters shall be at least four inches, but not greater than six inches in height.
  - c. Theaters and convention centers in the Mixed Use-High Density (MU-H)-and Highway Commercial (HC1 and HC2) districts are permitted changeable copy signs; provided the changeable copy signs conform to the following:
    - i. On a building facade that is within 150 feet of a right-of-way the sign shall not exceed an area of 60 square feet for the first theater screen or auditorium and 30 square feet for each additional theater screen or auditorium up to a maximum area of 210 square feet. The name or logotype, which identifies the business or facility, shall be included within the allowable area of the changeable copy sign. Such sign shall be the only sign on the facade that identifies the building or business. For a building facade greater than 150 feet from a right-of-way an increase in sign area of ten percent for each ten feet beyond 150 feet, up to a maximum increase of 200 percent, is permitted.
    - ii. As a freestanding sign the sign shall not exceed an area of 15 square feet per sign face for each theater screen or auditorium up to a maximum area of 105 square feet of sign face. Such changeable copy sign shall be integral with any freestanding sign permitted in sections 805.G.2 - *Perpendicular Signs* and 805.E.3 - *Parallel Signs* hereinabove; however no other changeable copy sign area shall be included with such freestanding sign.
    - iii. Changeable copy sign letters shall be at least six, but not

- greater than 12 inches in height.
- d. A changeable copy sign is permitted on a freestanding sign for religious, educational, and public recreational uses in the Highway Commercial (HC1 and HC2) district provided the changeable copy sign conforms to the following:
    - i. The changeable copy portion of the sign shall be an integral part of the freestanding sign cabinet.
    - ii. The changeable portion of the sign shall be included in the allowable area of the sign and shall not exceed 18 square feet or 20 percent of the allowable sign area, whichever is greater.
    - iii. Changeable copy sign letters shall be at least three inches, but not greater than eight inches in height.
7. Private traffic direction signs.
    - a. One freestanding sign is permitted at a one-way driveway entrance to or exit from a parking area, provided that the one-way driveway is no wider than 19 feet at the intersection of the property boundary with the right-of-way. The permitted sign copy shall be an arrow indicating the direction of traffic flow, or the words "enter" or "exit".
    - b. Except for businesses situated on corner or double frontage lots, one freestanding sign is permitted at a driveway entrance or exit providing access to or egress from a business establishment if all of the parking which serves the business is located behind the business establishment and is on the same premises.
    - c. The maximum size of the sign face of any sign permitted pursuant to this subsection shall be 14 inches in the horizontal direction and eight inches in the vertical direction. The maximum height of the sign shall be 30 inches. The permitted signs may be internally lighted.
    - d. Notwithstanding any conflicting provisions of Article 7 - *Nonconformities* or Article 8 – *Sign Regulations*, any sign that becomes nonconforming because of the provisions in this section shall be removed or made conforming no later than six months after it becomes nonconforming.
  8. Permanent window signs which are painted on, or attached to, the interior side of a window or glass door, or which are inside a window and mounted so as to be visible through the window may be displayed, provided that the total area of all signs displayed in any one window does not cover more than 25 percent of the window. Such window sign aggregate area shall be included in the flat sign allowable area for the particular business or activity utilizing such sign.
  9. City civic directory and welcome signs. City Council may erect or approve and permit to be erected composite civic directory and welcome signs, for the benefit of visitors, on which may be listed institutional names, churches and points of interest. Civic organizations and churches may be permitted to place their insignias thereon.
  10. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional



offices provided it does not exceed 20 feet in height nor 36 square feet in display area.

11. Logo/trademark identification emblem. Buildings taller than 60 feet may also have two building mounted business identification or logo trademark emblems on the principal building. Such signs shall be located at least 40 feet above grade, and shall not exceed a total of 100 square feet per sign face. Such sign emblems may coexist with signs permitted in sections 805.G.2 - *Perpendicular Signs* and 805.G.3 - *Parallel Signs* hereinabove herein.
12. Pricing sign. A sign advertising the price of gasoline, in addition to pump signs, shall be permitted at facilities retailing gasoline; but shall not exceed six square feet per sign face (12 square feet in aggregate). A maximum of two such signs per premises shall be allowed.
13. Home occupation sign. One non-illuminated home occupation sign not to exceed six square feet in area and mounted flat against the wall of the principal building.
14. Notice bulletin boards. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institutions.
15. Pier Signs. Buildings located on piers shall be permitted a maximum of two signs parallel to the pier, and one sign perpendicular to the pier, provided, however, that singly or via combination the signs permitted under this section shall not exceed a total aggregate sign area of 300 square feet.
16. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.
17. Visitor Accommodations providers that abut the Myrtle Beach Boardwalk. that offer an accessory retail component which is open to the public, may have an additional parallel pedestrian oriented sign identifying the retail use. The sign shall be affixed to the seaward facing building wall of the provider, shall contain no changeable copy or CEVMS, and may not exceed 32 square feet. The height of the sign, as measured to the top of the sign, shall be no greater than 20' from the elevation of the adjacent boardwalk.

805.H. Signs Permitted in the Mixed Use-Medium Density (MU-M) and Downtown

Commercial (C7) (C8) Districts.

1. All signs permitted in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof, provided, however, that signs listed under 804.B.3 - *Single Family Residential Signs* are prohibited in these districts.
2. The maximum total aggregate sign area for all signs on a lot, except temporary signs and other signs not requiring a permit, shall not exceed one square foot for each front foot of a lot whereon such use is located; provided, however, that in no case shall the total sign display area per lot exceed 300 square feet nor be required to be less than 30 square feet.
3. Parallel wall (flat) signs, subject to the following conditions:
  - a. Sign purpose. To identify uses on the first floor of the building.
  - b. Sign area. The sign area shall not exceed one square foot of sign area for every two linear feet of the wall length measured along the wall upon which the sign is placed, but shall not exceed 50 square feet aggregate in area.
  - c. Sign placement. No parallel wall sign shall be displayed above the floor which the use occupies for its principal activities. Signs on awnings on the first floor of a building may be used instead of parallel wall signs.
4. One freestanding sign per lot of at least 100 feet in width, subject to the following conditions:
  - a. Sign purpose. To identify the use(s) of the lot.
  - b. Sign area. The sign area shall not exceed 50 square feet in area per sign face.
  - c. Sign height. The maximum height shall not exceed ten feet as measured from finished grade at the sign location.
  - d. Sign placement. The freestanding sign shall be placed not closer than five feet to a property line.
  - e. Sign design and materials. Freestanding signs shall be monument signs with fully enclosed bases, and shall be constructed of one, or a combination, of the following materials: Masonry (brick, stone, stucco, split-face and textured concrete block), wood, concrete and anodized or enameled aluminum.
  - f. Sign copy. Changeable copy elements are prohibited on freestanding signs except as allowed in section 808 *Changeable Electronic Variable Message Sign (CEVMS)*.
5. One fixed projecting sign per lot, instead of a freestanding sign, subject to the following conditions:
  - a. Sign purpose. To identify the use(s) of the lot.
  - b. Sign area. The sign area shall not exceed 32 square feet per sign face (64 square feet in aggregate).
  - c. Sign height. The maximum height of a projecting sign shall not exceed 25 feet but in no event shall such sign extend higher than the lowest point of the roof or parapet, whichever is higher.
  - d. Sign projection. The extreme limits of the projecting sign face and

- the sign support shall not exceed four feet beyond the wall face of the building. Such signs shall not project into a pedestrian walkway, unless the lowest point of the sign is not less than nine feet above grade.
- e. Sign copy. The sign copy of each face of a projecting sign may include only the identification of the business and the principal service or commodity offered or sold on the premises.
  - f. Support structures. All projecting signs shall be installed or erected in such a manner that there are no visible support structures such as angle irons, guy wires or braces.
6. One directory sign per building, subject to the following conditions:
    - a. Sign purpose. To identify the occupants of the building.
    - b. Sign area. The sign area shall not exceed four square feet.
    - c. Sign placement. The directory sign shall be placed flush with the wall of the building at the entrance to the building. The size and shape of the directory sign shall be such that it appears to be an integral architectural feature for the facade of the building.
  7. Window signs, subject to the following conditions:
    - a. Sign purpose. To identify the uses occupying the portion of the building that is lighted by a particular window.
    - b. Sign area. The sign area of each window sign shall not exceed four square feet, or one-third of the window in which it is displayed, whichever is less.
    - c. Sign placement. The window signs shall be painted, applied or etched onto the window. No window signs shall be permitted on door windows.
  8. One multi-family residential sign subject to the following conditions:
    - a. Sign purpose. Identification of a residential building.
    - b. Sign area. The sign area shall not exceed 32 square feet in size per sign face.
    - c. Sign height and placement. The sign must be on the property of the residential use and may be freestanding or parallel wall mounted subject to the requirements for those types of signs.
  9. No changeable copy signs are permitted in the Mixed Use-Medium Density (MU-M) district.
  10. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.

**Article 8. SIGN REGULATIONS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

11. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional offices provided it does not exceed 20 feet in height nor 36 square feet in display area.
  
- 805.I. Signs permitted in the Light Manufacturing (LM) and Parks, Recreation and Conservation (PRC) districts.
  1. All signs permitted in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof, provided, however, that signs listed under 804.B.3 - *Single Family Residential Signs* and 804.B.8 - *Religious Symbols, Commemorative Plaques Of Recognized Historical Agencies Or Identification Emblems Of Religious Orders Or Historical Agencies* are prohibited in these districts.
  2. The maximum total aggregate sign area for all signs on a lot, except temporary signs and other signs not requiring a permit, shall not exceed one square foot for each front foot of a lot whereon such use is located; provided, however; that in no case shall the total sign display area per lot exceed 300 square feet nor be required to be less than 30 square feet.
  3. Parallel wall (flat) signs, subject to the following conditions:
    - a. Sign purpose. To identify uses on the first floor of the building.
    - b. Sign area. The sign area shall not exceed one square foot of sign area for every two linear feet of the wall length measured along the wall upon which the sign is placed, but shall not exceed 50 square feet aggregate in area.
    - c. Sign placement. No parallel wall sign shall be displayed above the floor which the use occupies for its principal activities. Signs on awnings on the first floor of a building may be used instead of parallel wall signs.
  4. One freestanding sign per lot of at least 100 feet in width, subject to the following conditions:
    - a. Sign purpose. To identify the use(s) of the premises or lot.
    - b. Sign area. The sign area shall not exceed 50 square feet in area per sign face.
    - c. Sign height. The maximum height shall not exceed ten feet, as measured from finished grade at the sign location.
    - d. Sign placement. The freestanding sign shall be placed not closer than five feet to a property line.
    - e. Sign design and materials. Freestanding signs shall be monument signs with fully enclosed bases, and shall be constructed of one, or a combination, of the following materials: Masonry (brick, stone, stucco, split-face and textured concrete block), wood, concrete and anodized or enameled aluminum.
    - f. Sign copy. Freestanding signs may contain only the following copy: Company name (for subsidiary firms this shall include the parent and subsidiary company names), facility name if applicable, street address and a business logo. Changeable copy elements are

prohibited.

5. One fixed projecting sign per lot, instead of a freestanding sign, subject to the following conditions:
  - a. Sign purpose. To identify the use(s) of the premises or lot.
  - b. Sign area. The sign area shall not exceed 32 square feet per sign face (64 square feet in aggregate).
  - c. Sign height. The maximum height of a projecting sign shall not exceed 25 feet but in no event shall such sign extend higher than the lowest point of the roof or parapet, whichever is higher.
  - d. Sign projection. The extreme limits of the projecting sign face and the sign support shall not exceed four feet beyond the wall face of the building. Such signs shall not project into a pedestrian walkway, unless the lowest point of the sign is not less than nine feet above grade.
  - e. Sign copy. The sign copy of each face of a projecting sign may include only the identification of the business and the principal service or commodity offered or sold on the premises.
  - f. Support structures. All projecting signs shall be installed or erected in such a manner that there are no visible support structures such as angle irons, guy wires or braces.
6. One directory sign per building, subject to the following conditions:
  - a. Sign purpose. To identify the occupants of the building.
  - b. Sign area. The sign area shall not exceed four square feet.
  - c. Sign placement. The directory sign shall be placed flush with the wall of the building at the entrance to the building. The size and shape of the directory sign shall be such that it appears to be an integral architectural feature for the facade of the building.
7. Window signs, subject to the following conditions:
  - a. Sign purpose. To identify the uses occupying the portion of the building that is lighted by a particular window.
  - b. Sign area. The sign area of each window sign shall not exceed four square feet, or one-third of the window, whichever is less.
  - c. Sign placement. The window signs shall be painted, applied or etched onto the window. No window signs shall be permitted on door windows.
8. No changeable copy signs are permitted in the Light Manufacturing (LM) district.
9. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future

occupants of the construction site.

10. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional offices provided it does not exceed 20 feet in height nor 36 square feet in display area.

805.J. Signs permitted in the Entertainment (E) District.

1. All signs permitted in section 804.B - *Signs Exempt from Permit Procedures*, subject to the limitations and requirements thereof.
2. Perpendicular freestanding signs subject to the following restrictions:  
Sign area. The sign shall not exceed a square foot area equal to 75 percent of the principal street frontage with a maximum allowable sign area of 300 square feet per sign face (600 square feet in aggregate).  
Number of signs. Single frontage and corner premises are permitted one freestanding sign per premise. Parallel or opposite frontage locations are permitted one perpendicular freestanding sign on each frontage. Premises with ten acres or more of total contiguous land area may have two freestanding signs, provided that such freestanding signs shall be spaced at least 1,000 feet from each other.  
Sign location. A freestanding sign shall be located no closer than ten feet from any property line or right-of-way, nor closer than 100 feet from any other freestanding sign.  
Sign height. The maximum permitted height of a freestanding sign shall not exceed 25 feet.  
Sign projection. No freestanding sign shall project over any building or structure or over any property line, nor project over any driveway unless the lowest part of the sign is not less than 13 feet above the grade of the driveway nor project over any pedestrian walkway unless the lowest part of the sign is not less than nine feet above the grade of the walkway.  
Sign design. Freestanding signs may be either monument (completely enclosed base) or pylon (pole) signs. To encourage design ingenuity, the blank support area of a monument sign shall not be included in the computation of the sign area.  
Sign copy. The sign copy may include only the identification of the business located on the premises(s). No more than 40 percent of the sign area may be used for changeable copy messages. For major entertainment, cultural, expositions, or sporting events the names of the events sponsors and vendors are permitted. Changeable copy messages may be animated (eg. electronic message boards).
3. Parallel building mounted flat signs, subject to the following restrictions:  
Sign area. For buildings less than 60 feet in height the total sign area may not exceed one square foot of sign area for each linear foot of building facade upon which it is mounted; no such sign shall exceed 150 square feet in area. However, a building facade which is setback 100 feet or more from a right-of-way may have one additional square foot of sign area for each additional foot of facade setback; no such sign shall exceed 300 square feet in area. Buildings over 60 feet in height may

also have a business logo or trademark sign mounted on the facade; such sign shall be at least 40 feet above grade and shall not exceed 75 square feet in area.

For buildings located on an outparcel that are less than 10,000 square feet of building and setback less than 100 feet one sign per street frontage shall be allowed. The aggregate sign area shall not exceed 300 square feet and any single sign shall not exceed 150 square feet.

For buildings located on an outparcel that are more than 10,000 square feet of building and setback at least 100 feet one sign per street frontage shall be allowed. The aggregate sign area shall not exceed 600 square feet and any single sign shall not exceed 400 square feet.

Number of signs. Due to the nature of building mounted or painted signs, the limiting factor of such signs is not the number of individual signs but the aggregate area of all such sign displays that can be contained within the area of a sign as defined in Article 2 - *Definitions*. Single frontage and corner locations are permitted one building mounted sign per occupancy. Parallel or opposite frontage locations are permitted one building mounted sign per occupancy on each frontage. In the case of more than one building per premises only the principal building may display a sign.

Sign location. No sign shall be displayed above the top of the parapet, roof line, or canopy against which it is located.

Sign design. Sign design of parallel building mounted flat signs may be in the form of individual letters, sign face in a cabinet, or painted on the building facade.

Sign copy. The sign copy may include only the identification of the business located on the premises. No more than 40 percent of the sign area may be used for changeable copy messages. For major entertainment, cultural expositions, or sporting events the names of the events, sponsors and vendors are permitted. Changeable copy messages may be animated (eg. electronic message boards).

4. Signs prohibited in the Entertainment (E) district are as follows:
  - a. Fixed projecting signs;
  - b. Off-premise directional signs;
  - c. Billboards;
  - d. Portable signs;
  - e. Animation except as permitted elsewhere in section 805.9; and
  - f. Circulars, handbills, and throwaways.
  
5. Other signage considerations are as follows:
  - a. Inflatable or wind activated devices without any commercial messages are permitted. For the purposes of only this subsection a registered trademark or logo is not considered to be a commercial message.
  - b. Pyrotechnics and laser light shows are permitted provided approval is obtained from the fire chief.
  - c. Outlining of buildings with lights is permitted as an architectural amenity.
  - d. Persons in costume are permitted provided they are no closer to a right-of-way than 35 feet.

- e. Banner signs that are mounted upon an existing structure are permitted.
6. Temporary Construction Fence Scrim. An active construction site shall be permitted a construction fence scrim to screen the construction area and to control debris and dust. The scrim shall not exceed the height and length of the construction fence, and shall be removed with the construction fence. The scrim may contain graphics designed to inform the public as to the nature of the construction project. The scrim may also, in lieu of the construction sign permitted in 804.B.5 – *Construction Signs*, contain a maximum of 32 square feet of text per construction site identifying the firms involved with, the character of, and the future occupants of the construction site.
  7. Clock. One freestanding clock or time and temperature unit shall be permitted in conjunction with financial institutions and professional offices provided it does not exceed 20 feet in height nor 36 square feet in display area.
- 805.K. Signs permitted in the Urban Village (C6) district.  
When a development/redevelopment master plan has been approved by city council and is in effect for the parcel to be developed, the signage regulations provided for in the master plan shall precede any signage regulations under this section. If such a plan is not in effect the following shall apply:
1. All signs permitted in section 804.B *Signs Exempt From Permit Procedures*, subject to the limitations and requirements thereof, and CEVMS identified in the C-6 Urban Village District Signage Masterplan, as adopted, and subject to the limitations and requirements set forth in section 808 *Changeable Electronic Variable Message Sign (CEVMS)*.
  2. The maximum total aggregate sign area for all signs on a lot, except temporary signs and other signs not requiring a permit, shall not exceed one square foot for each front foot of a lot whereon such use is located; provided, however, that in no case shall the total sign display area per lot exceed 300 square feet nor be required to be less than 30 square feet.
  3. Parallel wall (flat) signs, subject to the following conditions:
    - a. *Sign purpose.* To identify uses on the first floor of the building.
    - b. *Sign area.* The sign area shall not exceed one square foot of sign area for every two linear feet of the wall length measured along the wall upon which the sign is placed, but shall not exceed 50 square feet aggregate in area.
    - c. *Sign placement.* No parallel wall sign shall be displayed above the floor which the use occupies for its principal activities. Signs on awnings on the first floor of a building may be used instead of parallel wall signs.

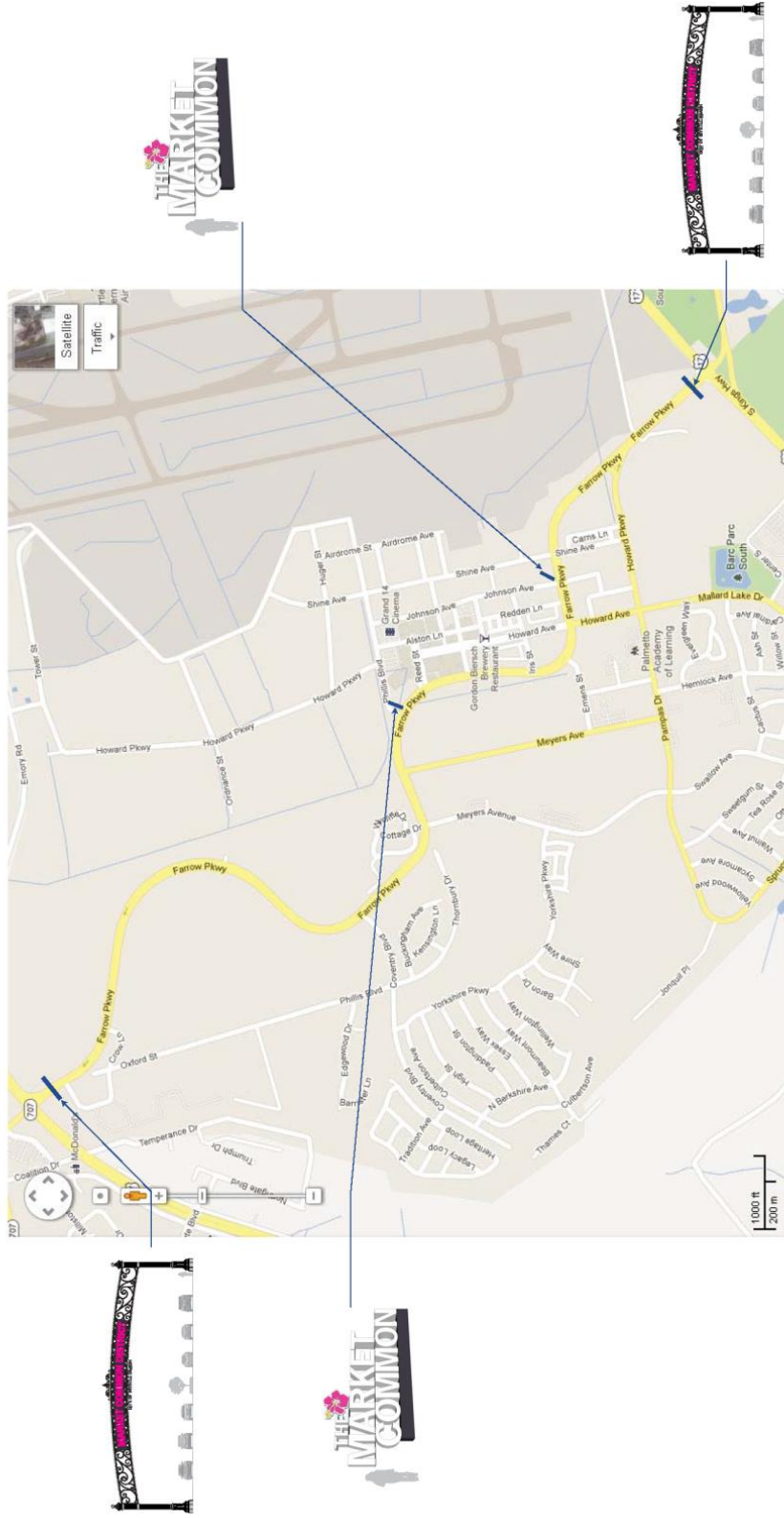


4. One freestanding sign per lot of at least 100 feet in width, subject to the following conditions:
  - a. *Sign purpose.* To identify the use(s) of the lot.
  - b. *Sign area.* The sign area shall not exceed 50 square feet in area per sign face.
  - c. *Sign height.* The maximum height shall not exceed ten feet as measured from finished grade at the sign location.
  - d. *Sign placement.* The freestanding sign shall be placed not closer than five feet to a property line.
  - e. *Sign design and materials.* Freestanding signs shall be monument signs with fully enclosed bases, and shall be constructed of one, or a combination, of the following materials: Masonry (brick, stone, stucco, split-face and textured concrete block), wood, concrete and anodized or enameled aluminum.
  - f. *Sign copy.* Changeable copy elements are prohibited on freestanding signs.
5. One fixed projecting sign per lot, instead of a freestanding sign, subject to the following conditions:
  - a. *Sign purpose.* To identify the use(s) of the lot.
  - b. *Sign area.* The sign area shall not exceed 32 square feet per sign face (64 square feet in aggregate).
  - c. *Sign height.* The maximum height of a projecting sign shall not exceed 25 feet but in no event shall such sign extend higher than the lowest point of the roof or parapet, whichever is higher.
  - d. *Sign projection.* The extreme limits of the projecting sign face and the sign support shall not exceed four feet beyond the wall face of the building. Such signs shall not project into a pedestrian walkway, unless the lowest point of the sign is not less than nine feet above grade.
  - e. *Sign copy.* The sign copy of each face of a projecting sign may include only the identification of the business and the principal service or commodity offered or sold on the premises.
  - f. *Support structures.* All projecting signs shall be installed or erected in such a manner that there are no visible support structures such as angle irons, guy wires or braces.
6. One directory sign per building, subject to the following conditions:
  - a. *Sign purpose.* To identify the occupants of the building.
  - b. *Sign area.* The sign area shall not exceed four square feet.
  - c. *Sign placement.* The directory sign shall be placed flush with the wall of the building at the entrance to the building. The size and shape of the directory sign shall be such that it appears to be an integral architectural feature for the facade of the building.
7. Window signs, subject to the following conditions:
  - a. *Sign purpose.* To identify the uses occupying the portion of the building that is lighted by a particular window.

**Article 8. SIGN REGULATIONS**

- b. *Sign area.* The sign area of each window sign shall not exceed four square feet, or one-third of the window in which it is displayed, whichever is less.
  - c. *Sign placement.* The window signs shall be painted, applied or etched onto the window. No window signs shall be permitted on door windows.
8. One multifamily residential sign subject to the following conditions:
- a. *Sign purpose.* Identification of a residential building.
  - b. *Sign area.* The sign area shall not exceed 32 square feet in size per sign face.
  - c. *Sign height and placement.* The sign must be on the property of the residential use and may be freestanding or parallel wall mounted subject to the requirements for those types of signs.
9. No changeable copy signs are permitted in the C-6 district.
10. In addition to the signage permitted above, Appendix A Market Common Signage Masterplan, as shown as attached, is incorporated herein as permitted signage.

INDEX			
G.1	Index	G.11	Tile at Crosswalk
G.2	Marquee Site Plan	G.12	LED Directory
G.3	Market Common District Arch	G.12.1	LED Directory Location Map
G.3.1	Market Common District Arch—Night time	G.13	Banner Concepts
G.5	Individual Letters at Entrance	G.13.1	Banner Concepts
G.6	Project Site Plan	G.14	Parking Garage Signage
G.7	Vehicular Directionals	G.14.1	Parking Garage Pedestian Signage
G.7.1	Vehicular Directional Location Map	G.15	Theatre Marquee
G.8	Deville Street Arch	G.16	Deville Parking Blade Sign
G.8.1	Deville Street Arch Location Map	G.16.1	Grand Deville Parking Blade Sign
G.9	Pedestrian Directional	G.17	Deville Pocket Park Area
G.9.1	Pedestrian Directional—Copy Layout	G.18	Proposed LED on Existing Signage
G.9.2	Pedestrian Directional Location Map	G.19	Free Standing Stanchion Signage
G.10	Blade Sign Brackets		
			G.1



1 | MARQUEE LOCATIONS BETWEEN HWY 17 BUSINESS & BYPASS

G.2

EXTERIOR SIGNAGE CONCERNS

B-1-L11	1-1-12
B-1-L12	2-1-12
B-1-L13	2-24-12
B-1-L14	3-22-12

REVISIONS

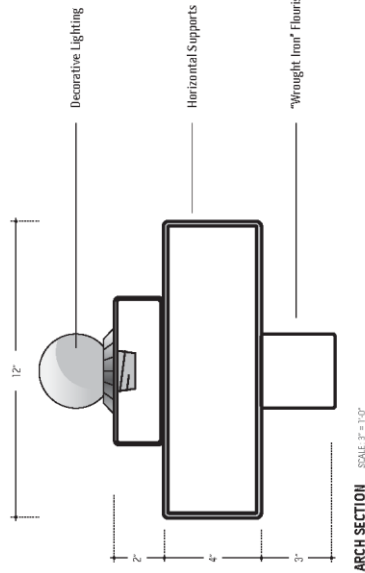
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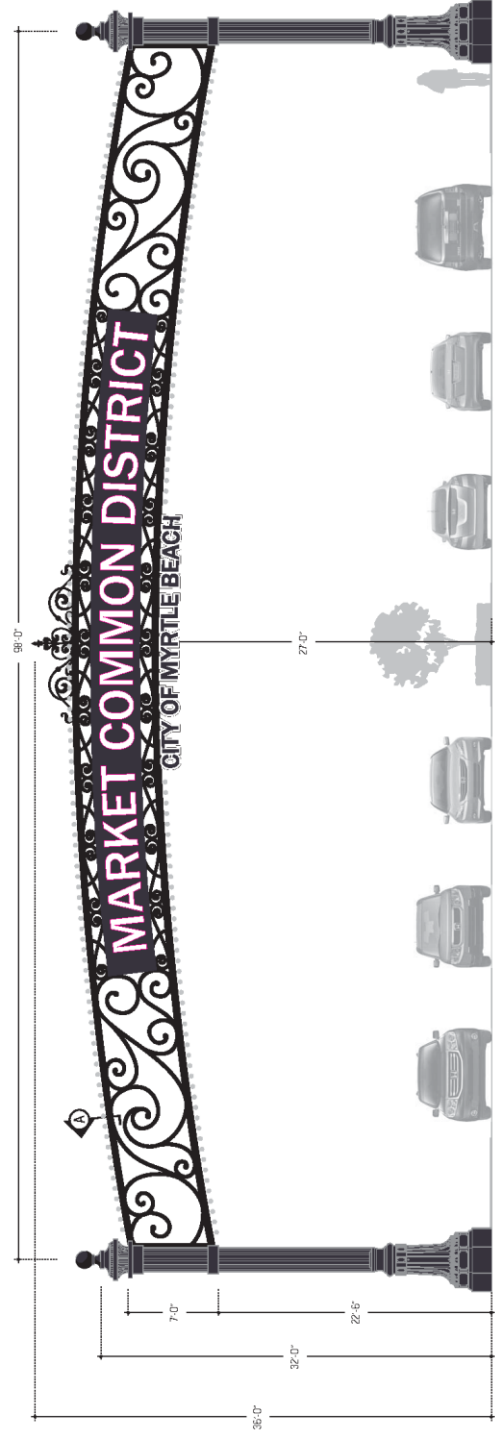
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NOTES

- 32'-0" x 98'-0" Arch over Farrow Parkway at the "Front gate" and "back gate".
- 3'-0" height "Market Common District" letters with front and halo illumination.
- "City of Myrtle Beach" letters with halo illumination.
- Decorative lighting on top and bottom of the arch.
- Structure to be engineered to withstand 55 psf wind loads as per ASCE 7-05 Building Code.
- Clearance height to allow Emergency Vehicle Access.



ARCH SECTION III SCALE 3/8" = 1'-0"



1 ARCH ELEVATION SCALE 1/8" = 1'-0"

NOTES

Nighttime Illumination



1 ARCH ELEVATION: NIGHT SCALE: 1/8" = 1'-0"

G.3.1

0-14-11  
2-13-12  
2-24-12  
3-22-12

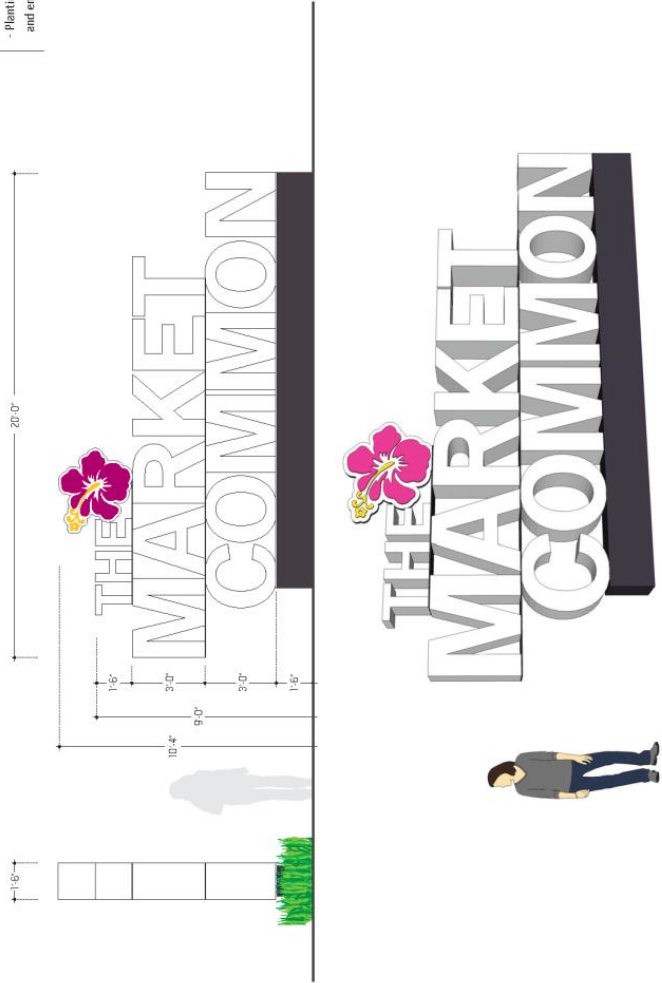
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MARKET COMMON DISTRICT  
JOB NUMBER: 11-1000-04-0

**NOTES**

- Fabricated aluminum letters internally illuminated with white, L.E.D., white plex faces and returns painted white.
- Internally illuminated Hibiscus with flat cut applied plex face.
- 3/4" x 6" flat bar stock support between rows of letters, typical.
- Planting around sign will include wax myrtles or similar in back of sign, and enclose azaleas in front of sign.



1 ENTRANCE INDIVIDUAL LETTERS SCALE: 1/8" = 1'-0"

G.5

0-4-11  
10-17-11  
2-13-12  
3-27-12  
5-22-12

10/03/2007

6/01/12 By: Sara Johns/Wolcott, A. K. CHWIK  
This architectural drawing is a design concept and shall be subject to change. The City of Myrtle Beach, South Carolina, is not responsible for the accuracy of the information contained herein. It is the responsibility of the client to verify all information and to obtain all necessary permits and approvals from the appropriate authorities.

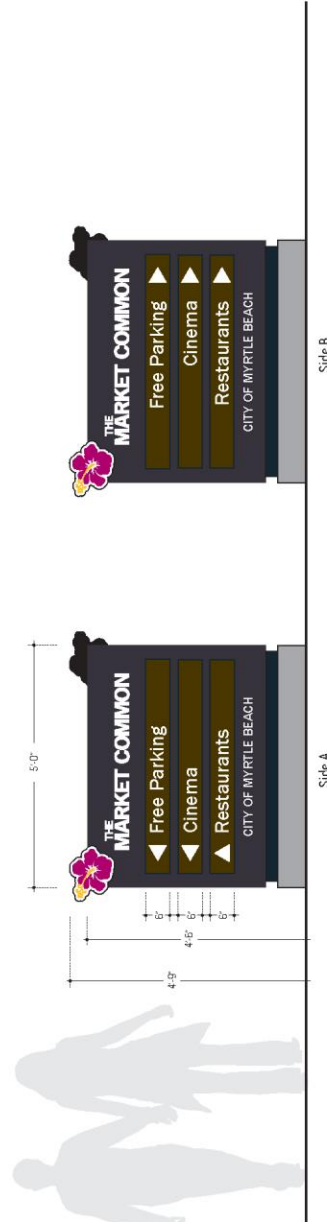
**MARKET COMMON DISTRICT**  
ZONING DISTRICT

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**NOTES**

- Vehicular directionals with illuminated push-thru letters.
- Logo to be internally illuminated.
- Arrow direction per location. See photos.



1 VEHICULAR DIRECTIONAL SCALE 1/2" = 1'-0"

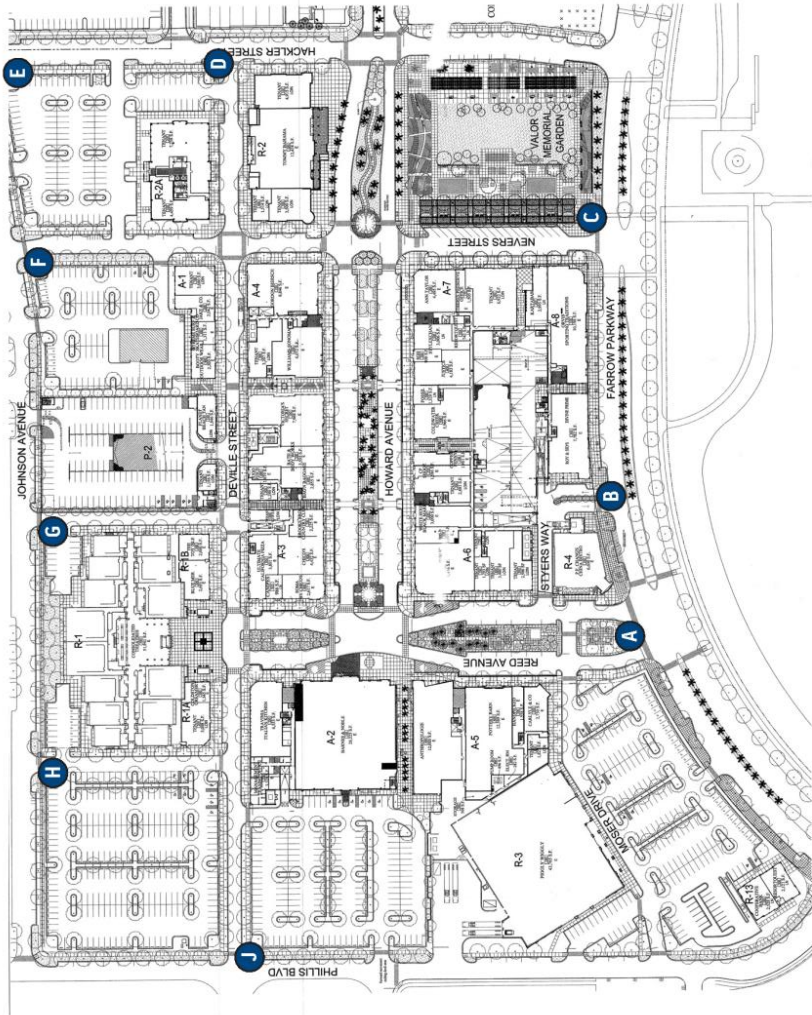
DATE	EXTENSIVE SIGNAGE CONCEPTS
9/15/11	10/17/11
2/13/12	2/24/12
3/22/12	

REVISED

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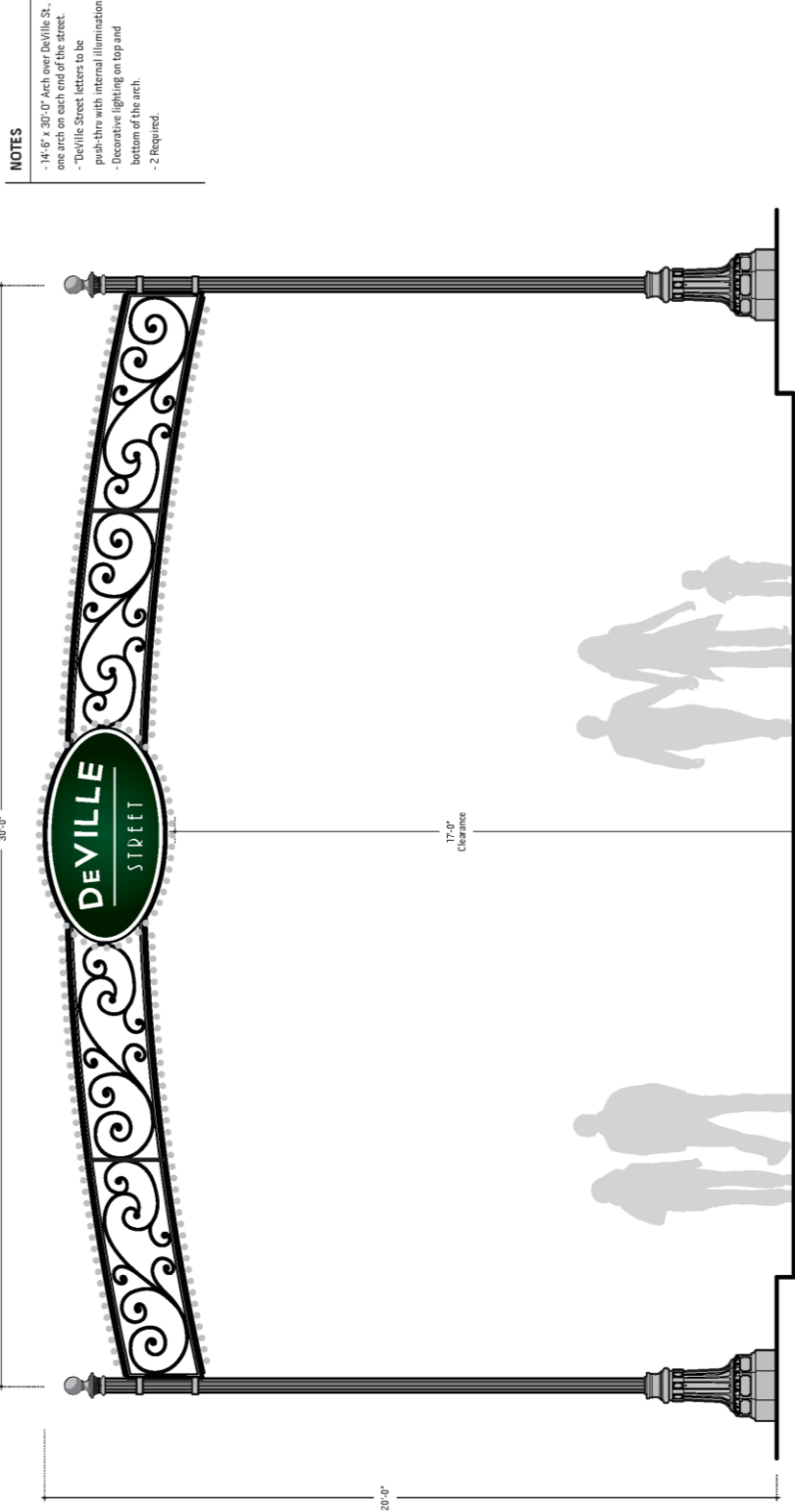


VEHICLE DIRECTIONAL SIGNAGE (QTY: 9)



1 VEHICLE DIRECTIONAL SIGNAGE LOCATION MAP





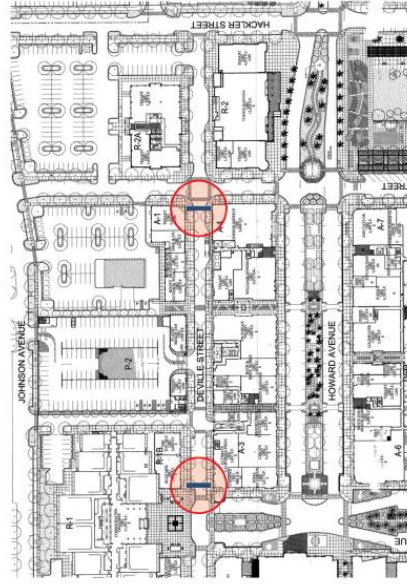
**NOTES**

- 14'-6" x 30'-0" Arch over Deville St., one arch on each end of the street.
- "Deville Street" letters to be push-titro with internal illumination.
- Decorative lighting on top and bottom of the arch.
- 2 Required.

1 | DEVILLE STREET ARCH ELEVATION SCALE: 3/8" = 1'-0"



1 DEVILLE STREET ARCH RENDERING



2 ARCH LOCATION MAP

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MARKET COMMON DISTRICT  
 JOB NO. 2019-07-11-1000-24-G

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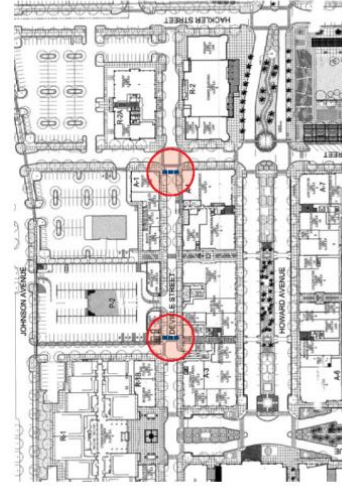
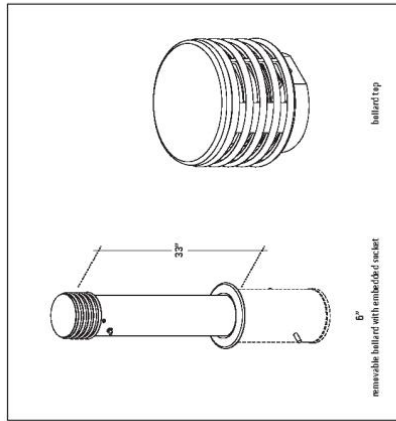
01-14-11	EXTERIOR SIGNAGE CONCEPTS
02-15-11	
2-23-12	
2-28-12	
3-22-12	

**G.8.1**

NOTES

- Annapolis Solar-powered Removable Bollard  
Landscape Forms: 800.521.2546

SIZE: 6" x 33" Annapolis Solar-powered Removable Bollard  
BOLLARD TUBE: Structural steel pipe  
BOLLARD TOP: Aluminum Casting  
METAL FINISH: Black  
MOUNTING: Removable with embedded socket

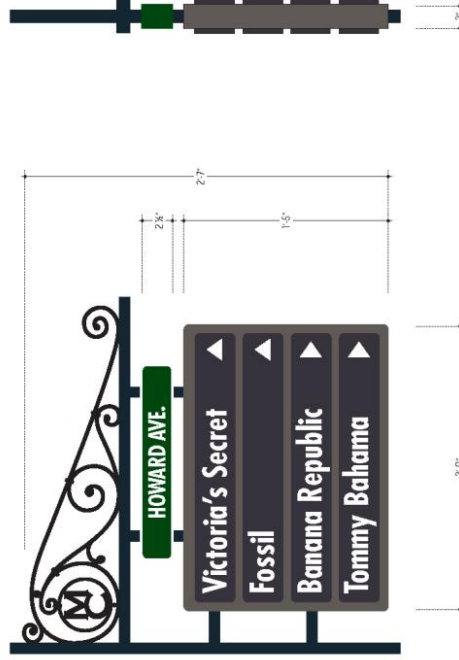
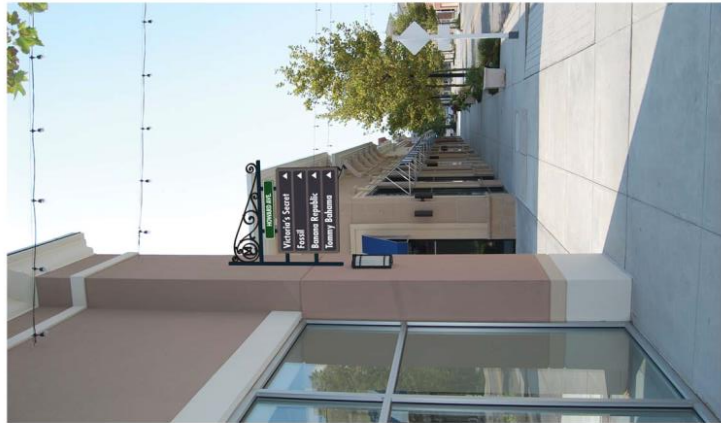


1 DEVILLE STREET REMOVABLE BOLLARDS

2 BOLLARDS LOCATION MAP

NOTES

(Qty: 12) Wall mounted pedestrian directionals with street names and changeable panels.



1 PEDESTRIAN DIRECTIONAL // NOT TO SCALE

2 PEDESTRIAN DIRECTIONAL // FRONT 1/8" = 1'-0"

3 PEDESTRIAN DIRECTIONAL // END 1/8" = 1'-0"

MARKET COMMON DISTRICT

JOB NUMBER: 11-1820-14-8

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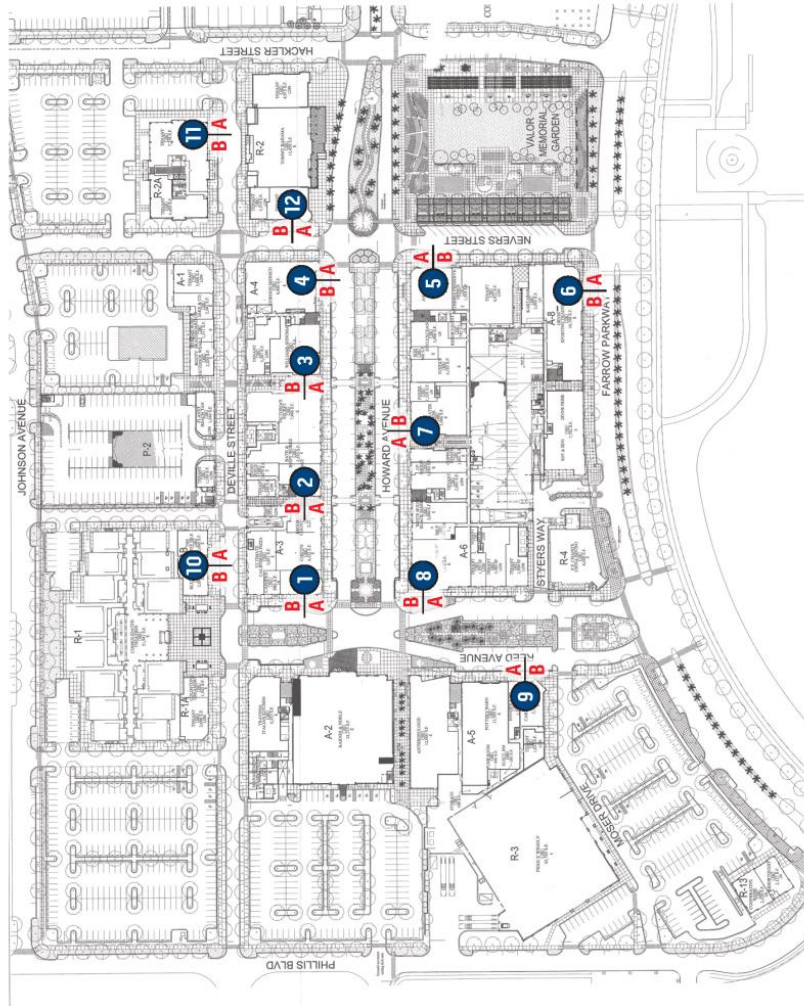
3855 Credit Avenue, Culver City, CA 90232 | 310.204.3290



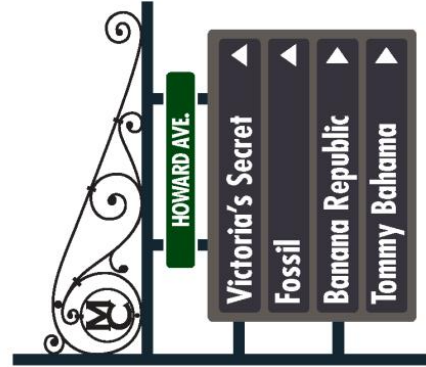
G.9

EXTERIOR SIGNAGE CONCEPTS  
G.9.1.1  
G.9.1.2  
G.9.1.3  
G.9.1.4  
G.9.1.5

REVISIONS



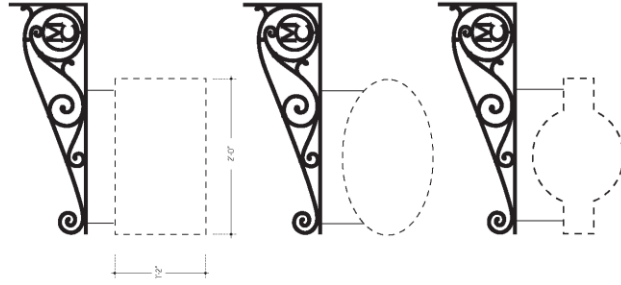
VEHICLE DIRECTIONAL SIGNAGE (QTY. 12)



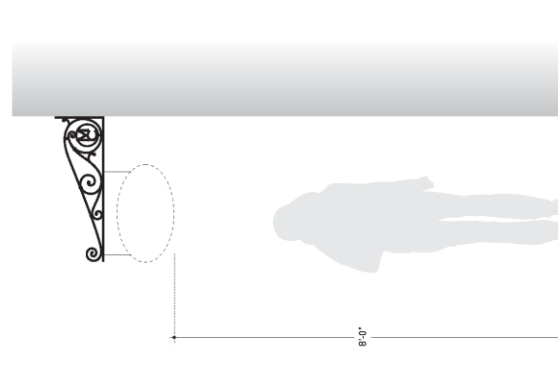
1 PEDESTRIAN DIRECTIONAL SIGNAGE LOCATION MAP

NOTES

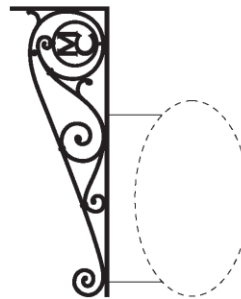
- Blade Sign Panel to Fit Within 1'-2" x 2'-0"
- Sign to conform to Market Common District Signage Regulations.
- Minimum height from bottom of blade sign to 8'-0"



3 | OPTIONAL BLADE SIGN PANELS



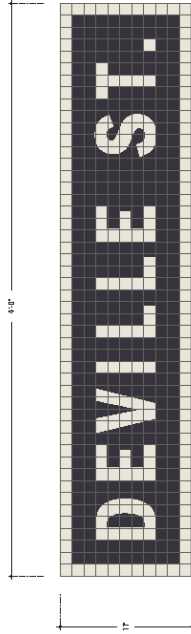
2 | MINIMUM MOUNTING HEIGHT



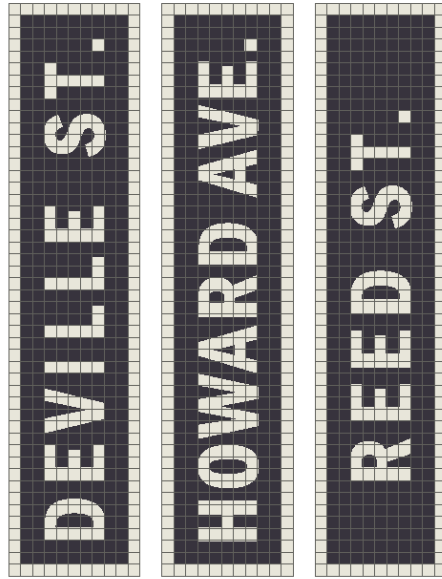
1 | BLADE SIGN BRACKETS SCALE: 1" = 1'-0"

**MARKET COMMON DISTRICT**  
 JOB NUMBER: 17-11-000-04-G  
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 See the drawing for DESIGN NOTATION and REVISIONS.  
 www.skingraphicsdesign.com | 3859 Cardiff Avenue, Culver City, CA 90232 | 310.204.2290





1 STREET NAMES IN TILE SCALE: 1/4"=1'-0"



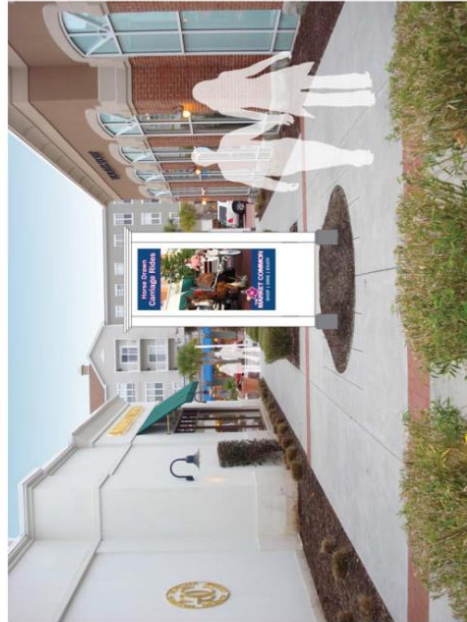
2 STREET NAMES IN TILE SCALE: 1/4"=1'-0"



3 STREET NAMES IN TILE RENDERING

NOTES

New LED Directories with frame similar to existing.



1 | LED DIRECTORY





NOTES

- Typical banner concepts for events, & holidays located within the Market Common District to be changed seasonally.
- Number & Location of banners to be determined based on visibility.
- Wind load surface area & spring loaded bracket approved by Santee Cooper & City of Myrtle Beach.



1 BANNER CONCEPTS SCALE 1" = 1'0"

DATE	DESCRIPTION
01/11/21	EXTENSION MARKET CONCEPTS
10/17/21	
2/13/22	
5/27/22	

NOTES

Typical banner concepts for Market Common District & outside of Market Common District along Farrow Parkway.



1 | BANNER CONCEPTS SCALE: 8" = 1'-0"

G.13.1

EXTERIOR SIGNAGE CONCEPTS

- 8-14-11
- 10-17-11
- 1-22-12
- 2-28-12
- 3-22-12

REVISIONS

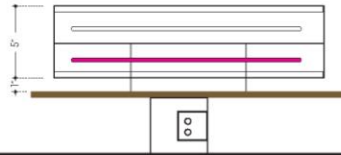
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MARKET COMMON DISTRICT  
 JOHN W. MURPHY, III, CDDO, A/E/C/OTM

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**NOTES**

- Front and halo illuminated letters mounted to background plate.
- Face to be white plus with white LED.
- Halo to be flamingo neon.
- Returns painted magenta.
- Background paint painted bronze.



1 ILLUMINATED SIGNAGE ON GARAGE

2 SECTION WITH RACEWAY

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**MARKET COMMON DISTRICT**  
 JUNE 15, 2017 AT 11:13:00 AM  
 www.dfringraphics.com | 859 Cardiff Avenue, Culver City, CA 90232 | 310.264.2260



**G.14**

DATE	REVISIONS
01-14-11	EXTERNAL SIGNAGE CONCEPTS
02-13-12	
02-24-12	
03-22-12	

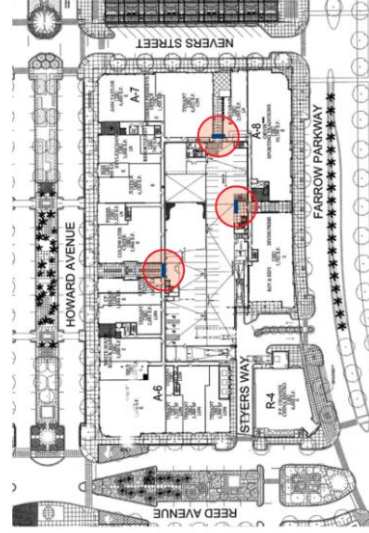
REVISIONS

**NOTES**

- Illuminated letters and flower mounted to garage wall.
- 3 Required.



1 ILLUMINATED SIGNAGE AT PEDESTRIAN GARAGE ENTRANCES



2 ILLUMINATED SIGNAGE LOCATION MAP



Movie Theater Marquee Concept



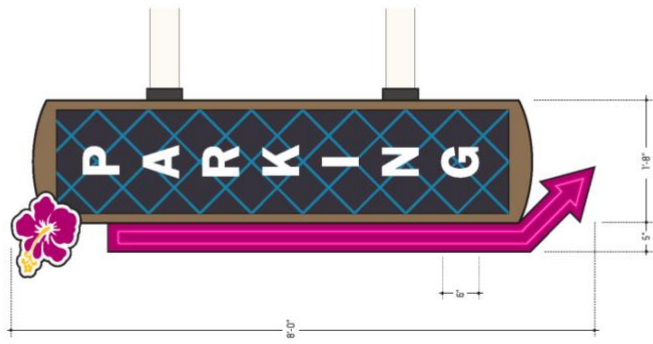
NOTES

- Illuminated channel letters with plex faces.
- Illuminated panels with changeable digital print faces.
- Static lights on top & bottom of marquee.
- Lighting will be dimmed at 10 pm EST.

1 THEATER CONCEPTS

NOTES

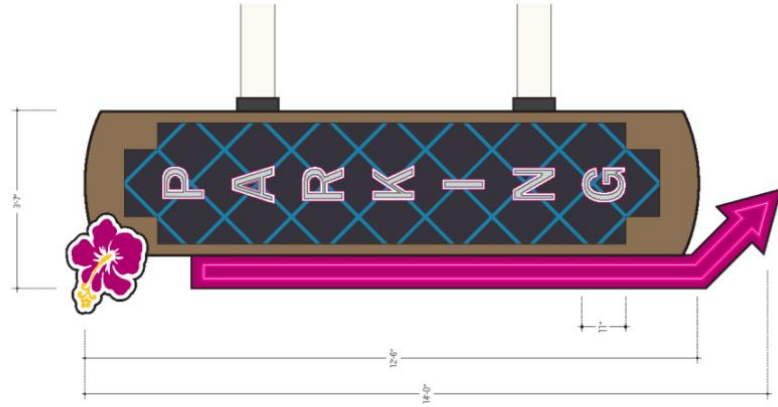
(QTY: 1) Double-faced blade sign with push-thru lettering & exposed flamingo resin arrow



1 BLADE SIGNAGE AT PARKING STRUCTURE SCALE: 1/4"=1'-0"



2 BLADE SIGNAGE RENDERING SCALE: 1/8"



1 BLADE SIGIAGE AT PARKING STRUCTURE SCALE: 3/4"=1'-0"

NOTES

- (CITY: 1) Double-faced blade sign with push-thru lettering & exposed flammings neon arrow
- Illuminate hibiscus sign between DeVille and parking



2 BLADE SIGIAGE RENDERING SCALE: NTS



**NOTES**

-Additional public restrooms included in public park design concept.



1 PROPOSED POCKET PARK SCALE: N.T.S.



2 EXISTING GARAGE ENTRANCE SCALE: N.T.S.

NOTES

- Installation of LED panel per original design & engineering of sign.



2 | PROPOSED LED ON EXISTING ENTRANCE ID SIGN



1 | EXISTING ENTRANCE ID SIGN

G.18

9/14/11  
10/17/11  
2/24/12  
3/22/12

REVISIONS

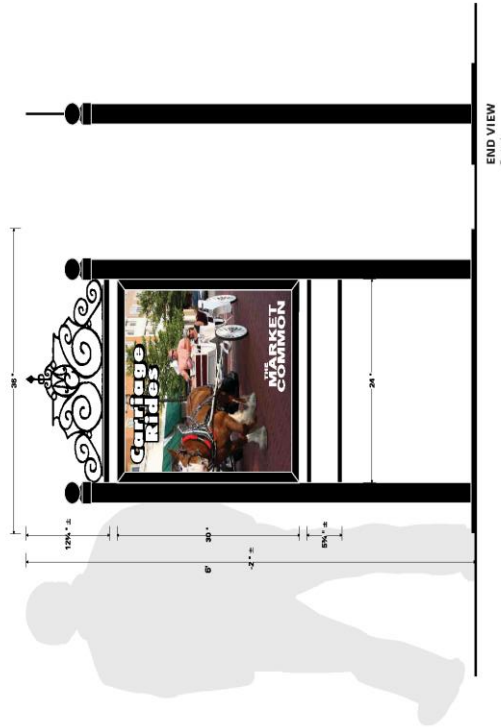
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MARKET COMMON DISTRICT  
JOB NUMBER: 11-100104-6

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**NOTES**

- Qty: (2) 2" round aluminum posts welded to aluminum base plate (as required)
- Posts to have ball (cap) finish (typical shown) and cut-out 1/4" plate aluminum scroll decor as shown between posts.
- Ends of aluminum snap-frame displays (see detail above) on back, sides of stanchion (mounted to aluminum base), to receive printed graphic inserts (by others / typical shown).
- As already in place & being used per special event permit.



1 | D/F FREE STANDING STANCHION SIGN(S) SCALE 1/4"=1'-0"



1 | SNAP FRAME DETAIL TYPICAL UNITS

REVISIONS

DATE	DESCRIPTION
0-14-11	EXTERIOR SIGNAGE CONCEPTS
2-13-12	
2-28-12	
3-27-11	

**Article 8. SIGN REGULATIONS**

805.L. Signs Permitted in Special Sign Districts. In order to allow greater flexibility yet careful review of the signage of large comprehensively designed projects, City Council may establish by ordinance special sign districts for major development proposals encompassing a contiguous tract of land at least five acres in size, which is under the control of a single owner, partnership or corporation. Such ordinance shall specify the sign restrictions pertaining to that special sign district and shall supersede the restrictions of section 805 - *On-Premises Sign Regulations by Zoning District.*

805.M. Signs Permitted in Monument Sign Overlay Districts.

1. Purpose. Overlay zones are applicable where there is a special public interest in a particular geographic area that does not coincide with the primary zoning district boundaries. The purpose of the monument sign overlay districts is to allow on-premise freestanding signs appropriate to the aesthetic character of the specific corridor in a controlled manner so as to promote highway safety, the uniform identification of establishments, the welfare and comfort of travelers and to provide a good community appearance which is deemed vital to tourism and to the continued economic attractiveness of the City.

2. Application. The monument sign overlay district provides supplemental sign regulations. The monument sign overlay districts extend 40 feet from the specified corridor right-of-way and regulations are applicable to on-premise freestanding signs directed to the specified corridor. All signs shall be of a monument style and are limited in their entirety by the height and size restriction listed below for each specific corridor overlay sign district.

3. Monument Sign Overlay Districts and Requirements.

<b>Street Corridor</b>	<b>Overlay District Boundaries</b>	<b>Maximum Sign Area</b>	<b>Maximum Height</b>
Harrelson Blvd.	Seaboard Street to Airport Terminal	72 square feet	12 feet
Mr. Joe White Ave	Kings Highway to Ocala Street	65 square feet	7 feet
	Ocala Street to Highway 17 Bypass	100 square feet	10 feet
21st Ave. N.	Kings Highway to John Q. Hammonds St.	65 square feet	7 feet
29th Ave. N	Kings Highway to Oak Street	40 square feet	5 feet
	Oak Street to Grissom Parkway	65 square feet	7 feet
38th Ave. N	Kings Highway to Highway 17 Bypass	40 square feet	5 feet

**Article 8. SIGN REGULATIONS**

Grissom Parkway	Harrelson Blvd. to 21st Ave. N	72 square feet	12 feet
	29th Ave. N. to 48th Ave. N	72 square feet	12 feet
Oak Street	9th Ave. N. to 21st Ave. N	65 square feet	7 feet
	21st Ave. N. to 27th Ave. N	72 square feet	12 feet
	27th Ave. N. to 30th Ave. N	65 square feet	7 feet

4. Number of signs permitted. One monument sign allowed per lot provided the sign shall be located no closer than ten feet to any property line, except for 29th Ave. N. between Kings Highway and Oak Street where they shall be no closer than five feet. Signs shall be no closer than 100 feet from any other monument sign on adjacent property, except where existing platted property lines would prevent such spacing.

805.N. Signs Permitted in Entertainment/Amusement Concentration Overlay Districts.

1. Purpose. Overlay zones are applicable where there is a special public interest in a particular geographic area that does not coincide with the primary zoning district boundaries. The purpose of the Entertainment/Amusement Concentration overlay districts is to allow on-premise *Changeable electronic variable message sign (CEVMS)* signs appropriate to the aesthetic character of the specific corridor in a controlled manner so as to promote the entertainment and amusement character of the area, provide for the uniform identification of establishments with the goods and services offered for entertainment and amusement, the welfare and comfort of travelers and to provide a good community appearance which is deemed vital to tourism and to the continued economic attractiveness of the city.
2. Application. The entertainment/amusement concentration sign overlay district provides supplemental sign regulations. The sign overlay districts applies to the lots abutting on public streets and alleys in the identified corridor, and only as on-premise signage. All signs are limited by the height and size restriction listed below for each specific corridor overlay sign district. No new off-premises signage, as defined in Appendix A, is permitted in the overlay.

3. Entertainment/Amusement Concentration Overlay Districts.

Ocean Boulevard	8 <sup>th</sup> Avenue North to 12 <sup>th</sup> Avenue North 3 <sup>rd</sup> Avenue South to 6 <sup>th</sup> Avenue South
-----------------	---

805.O. Signs Permitted in the Broadway Entertainment District.

1. Purpose: This special sign district is established to accommodate the signage needs of the large entertainment district known as Broadway Entertainment District whose diverse land uses are of such magnitude

that existing sign codes cannot accommodate them. The boundaries of the sign district are shown on the attached Exhibit "A".

2. Methods Of Dimensional Calculation, Definitions, Procedures, And Regulations:
  - a. Sign Area - The smallest possible square footage area which can be enclosed within two (2) rectangles per sign.
  - b. Other Sign Regulations - Unless otherwise stated in this Special Sign District, all applicable portions of Section 805.J shall apply and be enforced.
  - c. Building - Building shall mean each free standing structure. In the event of multi-tenant buildings, building shall refer the each individual tenant space as a separate building for calculation purposes.
  - d. Building Structure - Building Structure shall mean each freestanding structure. In the event of a multi-tenant building, Building Structure shall mean the overall building structure for freestanding business identification sign purposes.
  - e. Main Corridor Streets - Highway 17 By-Pass, 21<sup>st</sup> Ave North, 29<sup>th</sup> Ave North, Robert Grissom Parkway, Oleander Drive, Oak Street, and Burroughs & Chapin Blvd.
  - f. Main Attractions - A building or complex meeting one of the following criteria:
    - i. Hotel and Convention Center with more than 100,000 SF of convention space
    - ii. Sports Complex or Stadium with more than 5,000 Seats or larger than 75,000 SF
    - iii. Retail and Entertainment Complex with more than 400,000 SF
    - iv. Concert Venue with a capacity of 7,500
3. Signs Facing Main Corridor Streets
  - a. Primary Identification Signs for Main Attractions on Highway 17 By-Pass- Signs may be freestanding, single or double faced, back to back or "V", illuminated as desired with an allowable height up to 55 feet. These signs shall be subject to a minimum separation of 750 feet and the same side of the corridor and must be setback at least 10 feet from the right-of-way. CEVM Display with animation shall be allowed.
  - b. Primary Identification Signs for Main Attractions Located on Main Corridor Streets other than Highway 17 By-Pass - One (1) sign per main attraction per Main Corridor. Signs may be freestanding, single or double faced, back to back or "V", illuminated as desired with an allowable height up to 30 feet and a maximum square footage up to 300 square feet. Sign shall be setback at least 10 feet from the right-of-way. CEVM Display with animation shall be allowed.
  - c. Secondary Identification Signs for Main Attractions Located along 21<sup>st</sup> Ave North, 29<sup>th</sup> Ave North, and Robert Grissom Parkway - Signs may be freestanding, single or double faced, back to back or "V", illuminated as desired with an allowable height up to 12 feet and a maximum square footage up to 120 square feet. Sign shall be setback at least 10 feet from the right-of-way. CEVM Display with animation shall be allowed

- d. Entrance Identification Signs for Main Attractions - One (1) Sign per vehicular entrance with a minimum setback of 10 feet from the public right-of-way. Each sign shall be limited to a maximum height up to 15 feet and a size up to 100 square feet. Each sign may be freestanding, single or double faced, back to back or "V" and illuminated as desired. CEVM Display with animation shall be allowed as long as the CEVM area is limited to 75% of the total approved sign area.
  - e. Freestanding Signs for Businesses other than Main Attractions - Each business with a minimum of 100 feet of frontage on any of the roads other than Celebrity Circle shall be allowed one (1) freestanding sign per Building Structure. Each sign shall be setback a minimum of 10 feet from the public right-of-way. Each sign shall be limited to a maximum height up to 25 feet and a size up to 250 square feet. Each sign may be freestanding, single or double faced, back to back or "V" and illuminated as desired. CEVM Display with animation shall be allowed as long as the CEVM area is limited to 75% of the total approved sign area.
  - f. Freestanding Signs for Businesses Within Main Attractions - Signs shall be setback at least 300 feet from a Main Corridor Street. Each sign shall be limited to a maximum height up to 40 feet. CEVM Display with animation shall be allowed as long as the CEVM area is limited to 75% of the total approved sign area.
  - g. Wall Mounted Signs-
    - i. Buildings within 300 feet of a Main Corridor Street – Each Building shall be permitted a maximum sign area of up to twenty percent (20%) of wall area for the side of the building on which the signs are Located. There shall be no Limit to the number of signs.
    - ii. Building more than 300 feet from a Main Corridor Street - To allow for maximum design flexibility and enhancement of the entertainment experience within the Main Attractions there shall be no limit on the number or size of the wall signage. Signage may be located above the roof line or on the roof top as long as it is located adjacent to an interior facing wall. CEVM displays with animation are allowed.
  - h. Directional Signage - Directional signage shall be allowed within the right-of-way as long as it is setback 5 feet from the back of curb. Each sign shall be Limited to ten feet in height with a maximum area of forty (40) square feet. Any Directional Signage more than 75 feet from a Main Corridor Street shall not be subject to Article 6 *Community Appearance Board*.
  - i. Icon Sign - This shall include a sign attached to an iconic feature or a freestanding sign located within the common areas of the Main Attractions. These signs shall be allowed in the cross-hatched areas shown on the attached Exhibit "A-1". These signs shall not be subject to Article 6 *Community Appearance Board* if they are Less than 35 feet in height. CEVM display with animation is allowed. These signs shall only be allowed in the cross-hatched areas shown on the attached Exhibit "A-1".
4. Signs Prohibited In The Special Sign District: Off-premise directional signs to businesses outside of the district boundaries.

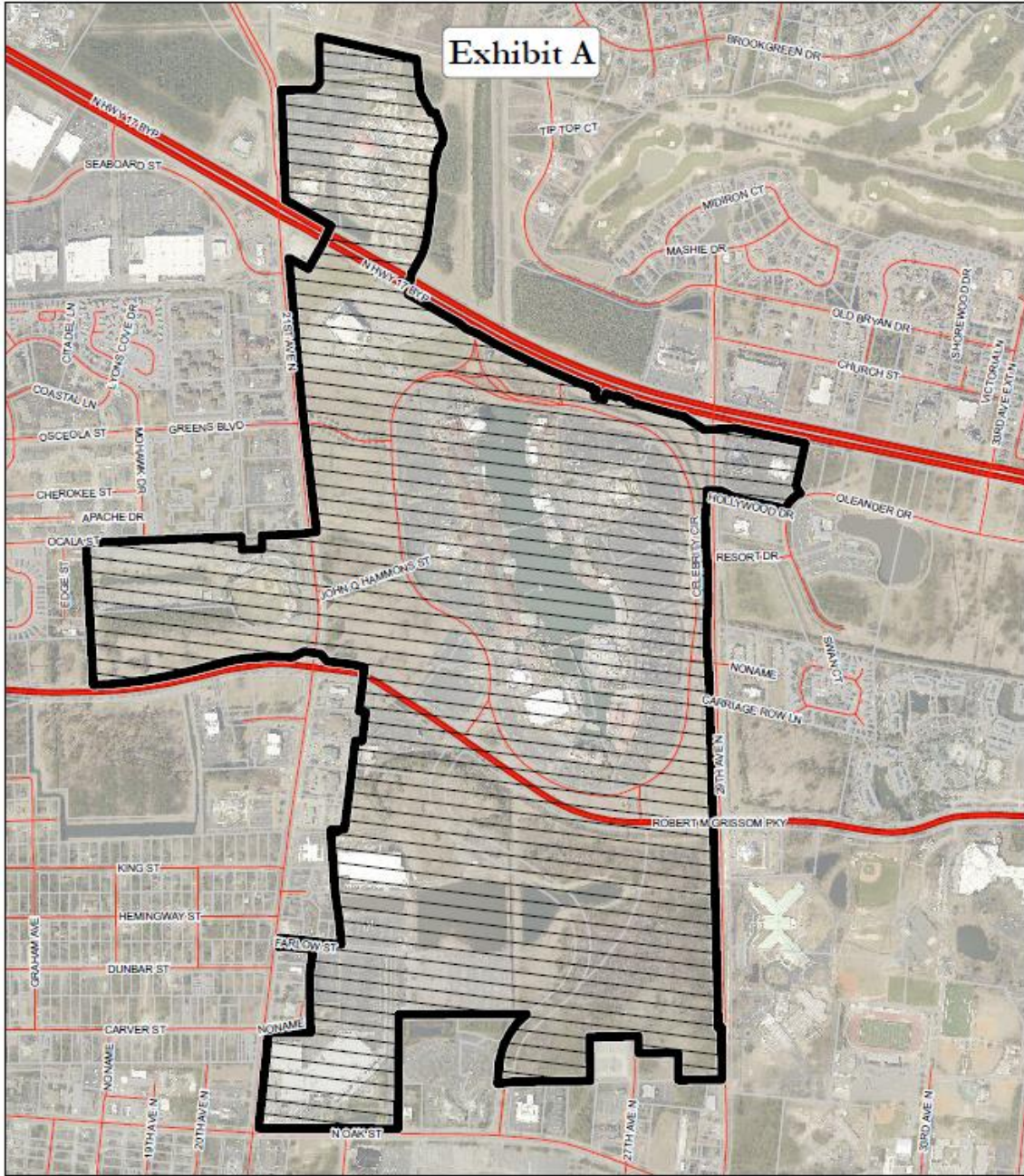
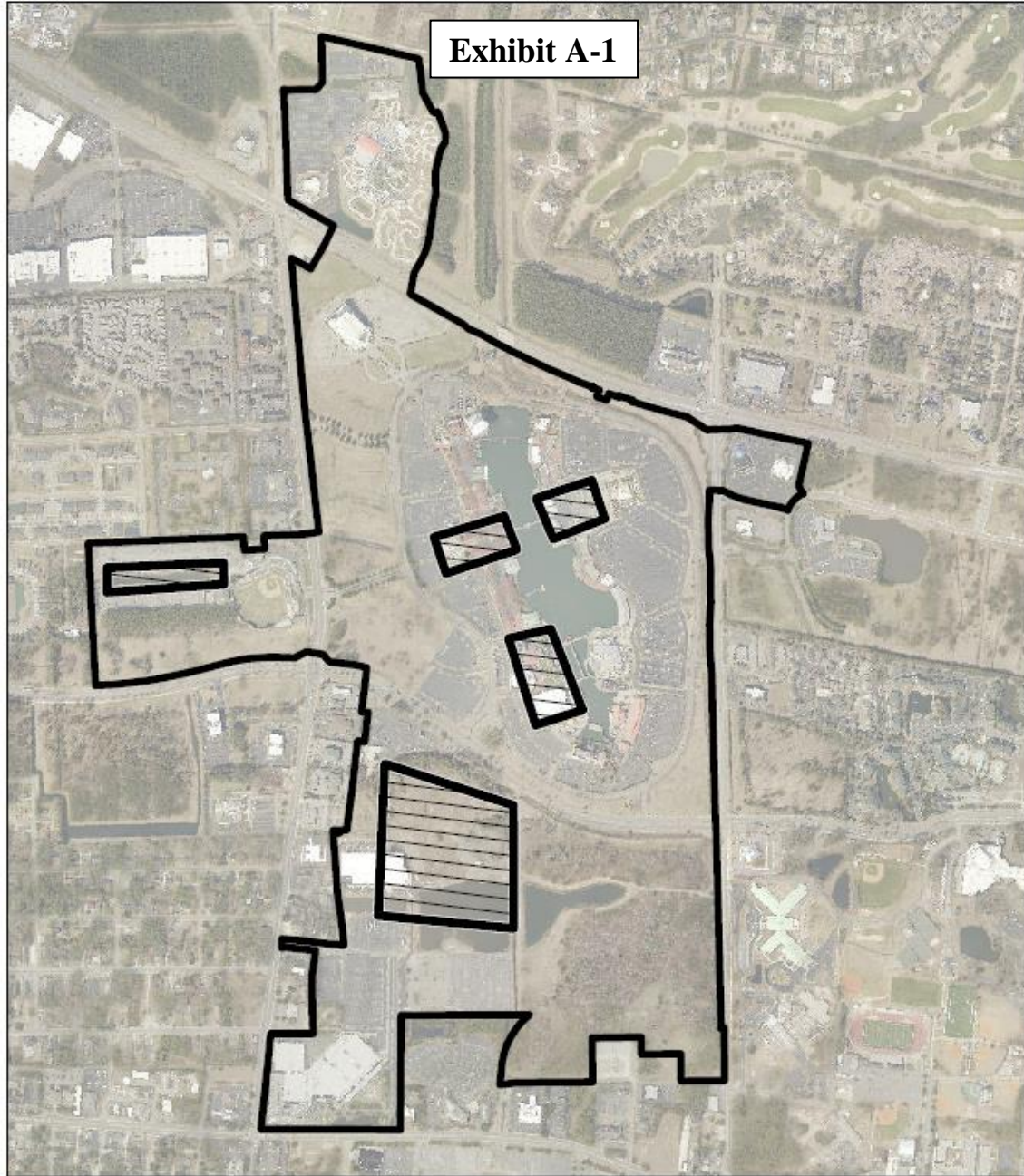





Exhibit A

<p><b>Entertainment District Sign Overlay Exhibit</b></p>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Sign District Boundary</li> <li> Major Roads</li> <li> Road Data</li> <li> Parcel Data</li> </ul>		<p>The information provided on this map is compiled from various sources. Parcel and Centimeter Data are courtesy of Local County's GIS Department. This data has not been verified for accuracy and is not guaranteed. The information provided should be used at the user's discretion and for general information purposes only.</p>
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File Path: X:\GIS\_Data\Project\_Files\DATA\Special Sign District Boundaries.aprx





<p><b>Entertainment District Sign Overlay Exhibit</b></p>	<p><b>Legend</b></p> <ul style="list-style-type: none"><li> District Boundary</li><li> Icon Sign Area</li></ul>	 <p>0 475 950 Ft.</p>	
<p><small>The information provided on this map is compiled from various sources. Parcel and Centroid Data are courtesy of Local County's GIS Department. This data has not been verified for accuracy and is not guaranteed. The information provided should be used at the user's discretion and for general information purposes only.</small></p>			

File Path: X:\GIS\_Data\Project\_Files\BATH\Special Sign District Boundary Icon Exhibit.mxd

## Section 806. Outdoor Advertising Signs or Billboards and Off-Premises Directional Signs

- 806.A. Outdoor advertising signs constitute a separate use. Outdoor advertising signs, also commonly referred to as billboards or poster panels, which advertise products or businesses not connected with the site or building on which they are located, are deemed by this appendix to constitute a separate use. Although they are subject to all of the applicable provisions of sections 801 - *Purpose and Intent*, 802 - *Scope*, 803 - *General Provisions*, 804 - *Permit Procedures*, 807 - *Construction of Outdoor Advertising Signs or Billboards Prohibited*, 809 - *Nonconforming Signs*, and Article 2 - *Definitions* of this appendix, they are further restricted by this section.
- 806.B. Location. The locations of such advertising displays are limited to those areas and sites which are consistent with the desired overall character of the City and with the information needs of tourists, businessmen and residents. Such signs shall be allowed only as follows:
1. Outdoor advertising signs shall be located only in Mixed Use-Medium Density (MU-M), Highway Commercial (HC1 and HC2), and Wholesale/Manufacturing (WM) districts.
  2. Outdoor advertising signs shall be located only on lots abutting and oriented so as to be primarily visible from U.S. 501, U.S. 17, King's Highway (U.S. 17 Business), Third Avenue South, or the portion of Seaboard Street that is within the Wholesale/Manufacturing (WM) zoning district, and shall not be located along or primarily visible from any other street or highway. Signs located along Seaboard Street shall be at least 500 feet from the right-of-way for U.S. 501 and at least 350 feet from the right-of-way for Mr. Joe White Avenue.
  3. No portion of any outdoor advertising signs shall be located any nearer than:
    - a. Two hundred feet measured radially from any church or religious institution, cemetery, public park, public school or Single--family (R) district.
    - b. Seven hundred fifty feet, measured radially, from another outdoor advertising sign (exclusive of off-premises directional signs).
- 806.C. Area. No outdoor advertising sign shall exceed 400 square feet in area. Additionally, cutouts, in the plane of the sign face, may be added to the allowed sign face area provided they are in total no larger than 15 percent of the area of the primary sign face and do not violate any other provision of this Code.
- 806.D. Number. No outdoor advertising sign structure shall contain more than one sign per facing, or more than three facings per location.
- 806.E. Height. The height of any outdoor advertising sign erected on or after October 10, 1995, shall not exceed 45 feet and must maintain a minimum

clearance of 25 feet above ground level, with the exception that cutouts, which are in total no more than 15 percent of the area of the actual sign face and in the plane of the sign face are permitted provided they do not project more than five feet above, to the side, or beneath the actual sign face and provided they do not violate any other provision of this Code. As an exception however, the minimum clearance of an outdoor advertising sign may be reduced to eight feet above ground level, including cutouts, if the sign is not within 200 feet of any structure on the same side of the street provided, that the sign shall be made to comply with the minimum clearance of 25 feet above ground level within 90 days of notification by the zoning administrator of issuance of a certificate of occupancy for any structure on the same side of the highway within 200 feet of the outdoor advertising sign.

- 806.F. Setback. All outdoor advertising signs shall be required to set back from the street right-of-way line a distance of at least ten feet. Such signs shall be erected so as not to obstruct or impair driver vision at ingress-egress points and intersections. No such sign, or any portion thereof, shall be located in any required front yard.

### **Section 807. Construction of Outdoor Advertising Signs or Billboards Prohibited**

- 807.A. Prohibition. Notwithstanding any contradictory provision in section 807 - *Construction of Outdoor Advertising Signs or Billboards Prohibited*, no outdoor advertising sign or billboard, as defined in section 203 - *Definitions*, shall be permitted to be constructed at any location within the City; provided however, permits may be issued under the Digital Billboard Exchange Program as set forth herein. The implementation of any agreement arising from litigation regarding the removal, repair or acceptance of federal and/or state protection of certain billboards shall in no way affect the prohibition contained herein regarding construction of new billboards or the amortization of non-conforming billboards as they are annexed into the City. Should an agreement containing terms and conditions regarding certain identified billboards be authorized by Council as a resolution of a disputed claim, that agreement shall have the force of law in regards only to those identified billboards, and the agreement shall be entered into the public record maintained by the City Clerk.
- 807.B. Effect on Existing Signs: *Section ineffective to modify amortization, restriction or limitation on existing billboards.* Any outdoor advertising sign or billboard legally existing in the City on February 10, 1998, or for which a valid permit for construction has been issued by the City prior to such date, shall continue to be regulated by the provisions of this Article 8 – *Sign Regulations* which regulates the location, maintenance, repair, and removal of such signs. Nothing in this 807 - *Construction of Outdoor Advertising Signs or Billboards Prohibited* shall modify any established amortization schedule, restriction, or limitation which would have applied to existing advertising signs or billboards in the absence of this section.
- 807.C. Digital Billboard Exchange Program: Off-Premise Digital Billboard Signs.

1. Purpose. The purpose of this Section is to provide standards and restrictions for the exchange of traditional billboard signs for Off-Premise Digital Billboard Signs that are pursuant to the interest of the citizens of the City in the visual aesthetics of the City and the safety of vehicular travel. These standards and restrictions maintain, support and protect the aesthetic character of the City by providing for the removal of certain traditional billboard signs, as well as protect the safety of the motoring public, by limiting the locations of, and specifications for, off-premise digital billboard signs and generally further the public interest of the citizens.
2. Definitions for the purposes of the Digital Billboard Exchange Program:
  - a. Billboard. A sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. Such signs are also known as off-premises or outdoor advertising display signs. A billboard may also be known as a freestanding sign.
  - b. Designated corridors. U.S. Highways 17 Business (commonly known as Kings Highway, U. S. Highway 17 Bypass and U. S. Highway 501.
  - c. Off-premises sign. A sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold, which is not the primary activity, service or commodity provided on the premises where the sign is located.
  - d. On-premises sign A sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished on the real property on which said sign is located.
  - e. Off-premise digital billboard sign: a billboard sign that changes the "static" message or copy on the sign by electronic means, or a CEVMS.
  - f. Premises means the integrated land area on which the sign is located including all contiguous land areas under ownership of, or lease arrangement with the sign owner, or the business owner.
  - g. Structure or Supporting Structure: anything built, constructed or erected or any piece or work artificially built-upon composed of parts joined together in some definite manner including, but not limited to, buildings of any kind, utility poles, fences, fire-hydrants, street light standards, traffic light standards, traffic directional sign standards or any other thing to which a sign, may be placed, affixed, erected, painted, posted, maintained or displayed.
  - h. Traditional Billboard: a billboard sign that does not display messages by electronic means but instead utilizes materials such as painted,

vinyl and paper substrates. Traditional billboard signs include tri-vision, or multi-vision signs that do not display messages electronically and utilize the same or similar materials.

3. Process.

- a. No off-premise digital billboard signs shall be allowed in the City except as provided in this Section. An application may be submitted for a Zoning Administrator's determination of compliance with law for an off-premise digital billboard sign exchange under this program, either for removal and banking of the two removals for a later conversion, or for simultaneous removal and conversion. There is no time limit to the banking of removed structures. The Administrator shall review the ordinance and application for compliance and shall issue his opinion on compliance not later than seven (7) days after application, with an adverse determination subject to appeal as provided by law. Not later than thirty (30) days after the Administrator's determination of compliance, the sign owner must apply for building permits for either removal of two structures with banking to convert at a later date, or for permits to simultaneously remove and convert the off premise digital billboard sign on the identified premises. Not later than seven (7) days from the date of permit application, the permit must be processed for the construction of the off premise digital billboard sign, and all related demolition permits if any. Not later than six (6) months after permit award, the demolition and banking, or the demolition and conversion must be completed, as evidenced by the Administrator's issuance of a determination of completion.
- b. Application and permit fees shall be in accordance with applicable law. City may inspect off-premise digital billboard signs at any time to ensure compliance with the permit and City Code.
- c. Conversion regulations and formulas:
  - i. All conversion alternatives are limited to 400 square feet of sign face per side, depending on the current sign face configuration (single or double faced), and no more than one sign face per side. No roof top traditional billboard may be converted into CEMVS. Except for the special circumstances as provided for herein; no conversion site may be located on a site on which a traditional billboard existed and was removed for any reason. When the proposed conversion site is eligible to have installed a double face CEMVS sign, upon removal of the traditional billboard structure and supporting structure, the owner of that sign may elect to install only one CEMVS sign face, and delay installation of both sides of the conversion without the loss of the right to install the second CEVMS sign face at a later date.
  - ii. (OPTION 1) After removing two sign structures and supporting sign structures from the same designated corridor, the owner of existing traditional billboard signs shall be eligible to receive a building permit to convert one (1) other current sign location on that designated corridor in conformance with law into a double face or single face CEVMS, depending on the sign faces on the board to be converted. *Example: remove two billboards from*

*Highway 501, and convert an existing billboard on 501 into a CEMVS. If the proposed conversion is double faced, with 400 square feet on each side, then the conversion CEMVS can be double faced, with 400 square feet on each side, but no conversion can have more than one face per side or be on a rooftop.*

- iii. (OPTION 2) After removing two sign structures and supporting sign structures from any of the three designated corridors, the owner of existing traditional, billboard signs shall be eligible to receive a building permit to convert one (1) other current sign location on any designated corridor in conformance with state law into a double face or single face CEVMS, depending on the sign faces on the board to be converted.. *Example: remove one billboard from Highway 501, and one from King’s Highway, and convert an existing billboard on either 501, Kings or 17 Bypass into a CEMVS. If the proposed conversion is double faced, with 400 square feet on each side, then the conversion CEMVS can be double faced, with 400 square feet on each side, but no conversion can have more than one face per side or be on a rooftop.*
- iv. After removing any two sign structures and supporting sign structures within three hundred twenty five (325) feet of each other on the same tax map number lot, which displays not less than eight (8) faces from a designated corridor, the owner of existing traditional billboard signs shall be eligible to receive a building permit to construct on that same tax map number lot one (1) double face or single face CEVMS billboard. *Example: remove two stacked double faced billboards from either Highway 501, Kings or 17 Bypass and convert an existing billboard on that same site into a CEMVS. The conversion can be double faced, up to 400 square feet, but no conversion can have more than one face per side or be on a rooftop.*
- v. After removing three sign structures and supporting sign structures from a non-designated corridor, the owner of an existing traditional billboard sign shall be eligible to receive a building permit to convert one (1) other current sign location on a designated corridor in conformance with state law into a double face or single face CEVMS, depending on the sign faces on the board to be converted.. *Example: remove three billboard structures from any other location other than Highway 501, Kings or 17 Bypass, and convert an existing billboard on either 501, Kings or 17 Bypass into a CEMVS. If the proposed conversion is double faced, with 400 square feet on each side, then the conversion CEMVS can be double faced, with 400 square feet on each side, but no conversion can have more than one face per side or be on a rooftop.*
- vi. After removing any single roof top traditional billboard, the owner of an existing traditional billboard sign shall be eligible to receive a building permit to convert one (1) other current sign location on a designated corridor in conformance with state law into a double face or single face CEVMS, depending on the sign faces on the

board to be converted.. *Example: remove any rooftop billboards anywhere in the City, and convert an existing billboard on 501, Kings or 17 Bypass into a CEMVS. If the proposed conversion is double faced, with 400 square feet on each side, then the conversion CEMVS can be double faced, with 400 square feet on each side, but no conversion can have more than one face per side or be on a rooftop.*

- d. All off-premise digital billboard signs shall be subject to this Section and all other relevant provisions of City Code and applicable state and federal law.
  - e. Any off-premise digital billboard sign permitted under this Section, whether new or converted, must be located on a monopole structure, with no more than one sign face per side.
4. Off-premise digital billboard signs shall comply with the following requirements:
- a. The message shall not advertise a principal or accessory use located on the premises of the sign and shall not advertise any merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on said premises.
  - b. No display of flashing or rotating lighting or the varying of light intensity during the static display.
  - c. Displays to be static, and no display less than six (6) seconds in duration.
  - d. Display changes will occur in one (1) second or less.
5. Owner may return a digital billboard to a static billboard.

### **Section 808. Changeable Electronic Variable Message Sign (CEVMS).**

- 808.A. CEVMS are permitted in Amusement (A) district, Entertainment/Amusement Concentration Overlay District, Entertainment (E) district, Downtown Commercial (C7 and C8) districts, Highway Commercial (HC1 and HC2) district, Urban Village (C6) district, Wholesale/Manufacturing (WM) district, Light Manufacturing (LM) district, and Mixed Use (MU-M and MU-H) districts (changeable copy substitution permissive zones).
- 808.B. CEVMS are permitted as billboard conversions of existing non-CEVMS billboards to CEVMS, pursuant to section 807.C - *Digital Billboard Exchange Program*. The structures to be removed must be within the City limits, provided that the conversion shall conform to current building code regulations.
- 808.C. CEVMS shall conform to following:
- 1. The sign may not have an intensity or brilliance not as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle, or to interfere with the effectiveness of an official traffic sign, device, or signal;

2. The sign may not exceed the maximum brightness standards: Dawn to dusk: not more than 7500 nits (candelas per square meter); Dusk to dawn: no greater than 750 nits, as measured from the sign's face at maximum brightness;
  3. The sign shall have an automatic dimmer control incorporating a photo cell mechanism to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise;
  4. The sign shall have a default mechanism that will either stop the sign in one position, or turn the sign off should a malfunction occur.
- 808.D. Types of display, animated or static display: Notwithstanding any other provision of law, CEVMS animation displays which depict running video or action are allowed only in the Amusement (A) district, Entertainment/Amusement Conservation Overlay District, Entertainment (E) district and on certain governmental directional, informational or promotional signs approved by City Council as civic signs.

### Section 809. Nonconforming Signs.

- 809.A. Intent. Signs that were in existence prior to August 7, 1979, which do not conform to the provisions of this Ordinance are declared nonconforming. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.
- 809.B. General non-conforming sign provisions. Subject to the exceptions and amortization schedule hereinafter set forth, any nonconforming sign which was erected prior to August 7, 1979, may be continued in operation and maintenance after the effective date of this Ordinance, provided that nonconforming signs shall not be:
1. Changed with another nonconforming sign.
  2. Structurally altered so as to extend their useful life.
  3. Expanded.
  4. Relocated.
  5. Reestablished after damage or destruction as set forth in section 803.N.3 - *Structural Support Of A Sign Damaged To The Extent That It Has Failed.*
  6. Modified in any way that would increase the degree of nonconformity of



such sign.

Except in the case of item 5 - *Reestablished After Damage Or Destruction* hereinabove, this shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure or performing normal maintenance operations on a sign or sign structure.

- 809.C. Amortization of nonconforming signs.
1. Amortization for all sign types commences on the effective date of this Ordinance or the date that the sign becomes non-conforming by annexation or zoning, whichever is later.
  2. On-premises Signs. Nonconforming on-premises signs or aggregate on-premises sign conditions shall be removed, changed, altered or otherwise made to conform according to the following schedule:
    - a. Signs made nonconforming by rezoning initiated by the City: 6 years.
    - b. Signs made nonconforming by rezoning requested by the property owner: 2 years.
    - c. Signs made nonconforming by annexation into the City: 2 years. However, an owner, or lessee having been authorized by the owner to act as agent, may be granted, for one time only, an extension for non-conforming sign(s) to exist beyond the statutory amortization period provided the extension period shall not exceed one quarter (25 percent) of the statutory period and further provided that all of the following conditions are met:
      - i. The lease was entered into prior to the effective date of this Ordinance;
      - ii. The lease is duly executed and includes a date and time stamp indicating that it has been recorded in the office of the Register of Mesne Conveyance for Horry County.
      - iii. Lease expiration, without renewal or extension consideration, shall occur within the following time periods: 12 months after the statutory amortization time for changeable copy signs; 15 months after statutory amortization time for building mounted signs; or 21 months after the statutory amortization time for freestanding signs.
      - iv. The extension is granted personally to the petitioner only, with no assignment right of any kind.
      - v. The extension has an expiration date equal to one quarter (25 percent) of the statutory period or the expiration date of the subject lease, whichever occurs first.
    - d. All non-conforming signs on premises (excluding off-premises directional signs and billboards) must be brought into conformance with the provisions of Article 8 – *Sign Regulations* within 30 days if any of the following circumstances occur:
      - i. The principal use of the premises is changed.
      - ii. Any foundation addition to any of the existing buildings on the property is to be undertaken or if any modification/alteration costing more than 25 percent of the total county assessed tax

value of all existing buildings for the entire property within the confines of set property lines is to be undertaken.

iii. A permit is issued for the installation of any new sign on the premises. (This condition does not apply to a request for only a sign face change that does not require any sign cabinet or support modifications.)

3. Billboards and Outdoor Advertising Signs. Nonconforming billboards or outdoor advertising signs or aggregate billboards or outdoor advertising sign conditions shall be removed, changed, altered or otherwise made to conform according to the following schedule:
  - a. Signs made nonconforming by rezoning initiated by the City: 6 years.
  - b. Signs made nonconforming by rezoning requested by the property owner: 2 years.
  - c. Signs made nonconforming by annexation into the City: 2 years.
  - d. Any sign that is or becomes nonconforming only because the zoning district within which it is located does not allow billboards shall be nonconforming, but exempt from the amortization provisions contained herein.
  - e. In any case where inadequate spacing between signs is the reason two or more billboards or outdoor advertising signs are nonconforming, the billboard or outdoor advertising sign that was constructed first shall be removed. In the event it is not possible to determine the age of these nonconforming billboards or outdoor advertising signs, the billboard or outdoor advertising sign with the greatest degree of nonconformity shall be removed.
  - f. Amortized billboards on certain highways. Notwithstanding any amortization provision to the contrary, the City may not remove or cause to be removed by means of amortization any lawfully erected billboards that were erected with the purpose of their message being read from the main-traveled way of an Interstate, the National Highway System or a federal aid primary road as defined Section 131, Title 23, United States Code or the South Carolina Highway Advertising Control Act, without paying just compensation unless such removal by amortization is authorized or ceases to be affected by Section 131, Title 23, United States Code or the South Carolina Highway Advertising Control Act.
  
4. Abandonment or obsolescence as set forth in section 803.O - *Obsolete And Abandoned Signs* of a nonconforming sign shall terminate immediately the right to maintain such a sign.
  
5. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign structure is destroyed, or is damaged as described in section 803.N.3 - *Structural Support Of A Sign Damaged To The Extent That It Has Failed*, or becomes unsafe as set forth in section 803.N.1 - *In Good Repair* through 803.N.2 - *Repair Or Removal*.
  
6. Signs made nonconforming as a result of a change of zoning district designation or annexation into the City after the effective date of this

Ordinance shall be removed or modified so as to conform according to the amortization schedules established herein, but the initiation date of the schedules shall be the effective date of the change of zoning district designation or the annexation ordinance which brought the affected property into the City rather than that of the comprehensive sign ordinance. In addition to the amortization schedules defined in section 809.C - *Amortization Of Nonconforming Signs*, the following schedules shall apply to annexed properties:

- a. All existing signs not conforming to the restrictions of subsections 4 – *Signs On The Beach*, 6 - *Circulars, Placards Throwaways, And Handbills*, and 8 – *Signs On Or Above The Roofline* of section 803.P - *Prohibited Signs*, shall be removed within 90 days of the effective date of this Ordinance.
- b. All existing signs not conforming to the traffic hazards and sign illumination provisions of Article 8 – *Sign Regulations* shall be removed or have their electrical systems modified so as to come into conformance with Article 8 – *Sign Regulations* within six months of the effective date of annexation, provided however, that existing electronic message center displays shall be amortized according to the schedule established in section 809.C - *Amortization Of Nonconforming Signs*.
- c. All existing signs not conforming to the provisions of section 803.M - *Occupation Of, Or Projection Into, Public Right-Of-Way*, and obsolete and abandoned signs, shall be removed or modified to come into conformance with these subsections in accordance with the notification and other procedural requirements and time limitations specified herein. If not otherwise specified, a minimum of 30 days' notice shall be given after which time the sign shall have either been made conforming or else the penalty and corrective provisions of this Ordinance shall be invoked.

### **Section 810. Designated Pedestrian Corridors and Districts.**

Businesses within designated pedestrian corridors and districts, as set forth herein, are permitted to temporarily display a portable a-frame or sandwich board type sign during business hours without a sign permit or further administrative review.

- 810.A. The Market Common District streets including and bounded by Farrow Blvd., Phyllis and Johnson Avenue.
- 810.B. Main Street beginning at the junction of Alder Street and ending at the junction of Kings Highway.
- 810.C. Broadway Street beginning at the Junction of 9<sup>th</sup> Avenue North and ending at Withers Swash.
- 810.D. 8<sup>th</sup> Ave. North from Terminal Street/9<sup>th</sup> Avenue North to Kings Highway.

- 810.E. The south side of 9th Avenue North beginning at the junction with 8<sup>th</sup> Avenue North and ending at the junction of Kings Highway.
- 810.F. Oak Street beginning at the junction with 7<sup>th</sup> Avenue North and ending at the junction of Broadway Street.
- 810.G. The west side of Kings Highway beginning at the junction with 7<sup>th</sup> Avenue North and ending at the junction of 9<sup>th</sup> Avenue North.
- 810.H. 7<sup>th</sup> Avenue North beginning at the junction with Oak Street and ending at the junction of Kings Highway

**Section 811. Temporary Grand Opening Signs.**

- 811.A. A grand opening means a new business with a new business license, with an application to be made within ninety days of beginning business, except as provided herein. Discretionary administrative review and approval shall be governed by the standards of district compatibility in the matters of color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public.
- 811.B. The permit shall be limited as set forth herein.
- 811.C. Notwithstanding other regulations governing signs in this Appendix, for temporary uses as grand opening events only, the zoning administrator may approve no more than one temporary freestanding sign per the Business's street frontage not to exceed 32 square feet in size, which may or may not be an "A" frame sign. In addition to a freestanding sign, approval may be given for additional and temporary wall signage per establishment frontage(s) not to exceed two square feet for each linear foot of establishment frontage on which the sign is displayed up to a maximum sign area of thirty two (32) square feet. These temporary signs may be displayed only during the period approved for the grand opening, which shall not exceed thirty (30) days.
- 811.D. Any new business that obtained a new business license within one hundred and twenty days prior to the passage of this ordinance shall be permitted to utilize the provisions herein, if application is made within thirty days (30) of passage.
811. E. No signs associated with the temporary use or activity shall:
1. Be permitted in the public right-of-way.
  2. Contain any changeable copy of any kind.
  3. Be located so as to obstruct any sight triangle or sight line, or pedestrian walkway.
811. F. All approved temporary signs associated with the temporary use shall be removed when the activity ends. Structures and features associated with the temporary use shall be dismantled and the site shall be returned within 48 hours to its condition prior to the establishment of the temporary use.

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811.G. Failure to comply with these requirements may cause suspension or revocation of the business license.

## **Article 9. Landscaping and Tree Protection**

### **Article 9. Landscaping and Tree Protection**

Section 901. Purpose and Intent

Section 902. Landscaping Regulations

Section 903. Tree Protection

**Section 901. Purpose and Intent**

- 901.A. To provide landscape amenities, setbacks, and screening which promote a positive city image reflecting order, harmony and pride.
- 901.B. To ensure that excessive tree cutting does not reduce property values.
- 901.C. To contribute to a strong sense of neighborhood and community.
- 901.D. To promote public health, safety and general welfare.
- 901.E. To reduce noise, heat and glare.
- 901.F. To reduce air pollution.
- 901.G. To prevent soil erosion.
- 901.H. To improve surface drainage and minimize flooding.
- 901.I. To provide a protective physical and psychological barrier between pedestrians and traffic.
- 901.J. To create special places that are inviting.
- 901.K. To counteract the heat island effect.
- 901.L. To encourage energy and water conservation.
- 901.M. To protect the wildlife habitat and sensitive ecosystems.
- 901.N. To minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters.
- 901.O. To encourage the proliferation and replacement of trees on public and private property.
- 901.P. To allow trees to attain their natural shape and size while growing to maturity
- 901.Q. To not prohibit or unduly inhibit development of private property.
- 901.R. To create civic identity.
- 901.S. To beautify and enhance improved and undeveloped land.

**Section 902. Landscaping Regulations**

- 902.A. Sites Affected.
  - 1. New development. All new development, buildings, structures and vehicle use areas shall comply with the minimum landscaping required by the provisions of this section, except driveways and parking spaces serving detached one- and two-family residential dwellings.

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2. Existing sites. Existing sites upon which the following actions are to be undertaken:
  - a. A foundation addition to any of the existing buildings on the property;
  - b. Modification/alteration costing more than 25 percent of the total county assessed tax value of all existing buildings for the entire property within the confines of set property lines;
  - c. An existing building, structure or land use is to be reused for a different principal use; or
  - d. Excavation or movement of soil that requires a permit from the public works department.
  
3. Vehicular use areas. All vehicle use areas on the property or on associated properties which directly support the parking needs of these buildings shall meet one of the following requirements:
  - a. If any building footprint on site is being increased or change of principal use occurs, then all landscape requirements within this ordinance will apply.
  - b. If construction does not include increasing any building footprint and the zoning administrator determines that there is sufficient land available to accommodate existing parking and landscaping, then all landscape requirements within this ordinance will apply.
  - c. If construction does not include increasing any building footprint, or if an existing property does not meet the provisions of this Code, and the zoning administrator determines that there is not sufficient land available to accommodate existing parking and landscaping, then the following requirements shall apply:
    - i. Sites having vehicle use areas to directly support specific uses that have adequate land to provide landscape buffers, interior landscaping islands, and parking shall comply with the current landscape code regarding installation of plant material and irrigation. Prior to installation of plant material, a landscape plan for the specific property must be submitted to and approved by the Community Appearance Board.
    - ii. All sites having vehicle use areas to directly support specific uses that do not have adequate land for landscape buffers, interior landscape islands and parking shall add landscaping to the property as outlined below.
      - A. Five percent of all impervious material in the front yard and side street set backs will be dedicated to landscaping, with a maximum loss of ten percent of parking spaces.
      - B. The areas for landscaping must be at least 64 square feet with at least four-foot minimum dimension between all trees and pavement at time of planting. All newly landscaped areas shall have in-ground irrigation. At the owner's option, "gator" type tree watering bags or other landscape industry accepted irrigation devices may be used if there is no required plant material other than trees planted in the landscape area.
      - C. There will be at least one 2.5 inch caliper tree per 150 square feet of required landscaping
      - D. Prior to installation of plant material, a landscape plan for the specific property must be submitted and approved by the Community Appearance Board.
    - iii. Temporary special event sites. Parts or all of the requirements of the



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landscaping regulations may be waived by the zoning administrator if the vehicle use area is of such nature that more than 50 percent of its loading only occurs periodically over a span of several days for special events of a nonrecurring nature (such as churches, festivals, etc.) and the lot is maintained in grass, or a combination of grass and grass pavers which present a landscaped appearance.

902.B. Where Landscape Materials are Required: Whenever a site falls under two or more of the categories listed below, the category with the most stringent requirements shall be enforced.

1. Buffers relating to uncomplimentary land uses and zones.
  - a. Any Amusement (A), Highway Commercial (HC1 and HC2), or Light Manufacturing (LM) district that adjoins any Single-family (R) or Multifamily (RM) residential district shall contain a minimum landscape buffer of at least ten feet in width contiguous to all residential district boundaries, which must contain one of the following:
    - i. A continuous masonry wall that is 72 inches in height and eight inches in width, meeting all criteria of the International Building Code, and approved by the Community Appearance Board. The wall is to be placed two feet from the residentially zoned property line and continue parallel to the property line to the front yard setback line of the residential property. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
    - ii. A planted berm, with a maximum slope of 3:1 that is at least 48 inches in height. Landscape materials will consist of at least one ten foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
    - iii. A combination of a planted berm and masonry wall that meets the criteria of the above two paragraphs; or
    - iv. A natural landscape buffer area at least 20 feet in width for lots up to 150 feet in depth, which must remain in a natural state, provided, however, that if no trees are naturally present at least one 10' tree shall be placed at 20' intervals. The natural landscape area must increase one-foot for every 7.5 feet of depth over 150', up to a maximum buffer of 60 feet in width. The Community Appearance Board must approve this natural area.
  - b. Any utility substation that adjoins any other property boundary or any street right-of-way, except adjoining properties in the Wholesale/Manufacturing (WM) district (regulated in section 902.B.1.c - *Any Wholesale/Manufacturing (WM) District Property Boundary* below), shall contain a 72-inch high maintained fence surrounded on the exterior by a minimum ten feet wide landscape buffer. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
  - c. Any Wholesale/Manufacturing (WM) district property boundary that adjoins any other district property boundary, excluding rights-of-way of 60 feet or wider, shall have a minimum ten feet wide landscape buffer. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
  - d. Any manufactured home park or campground that adjoins any other property

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boundary shall have a minimum landscape strip of at least 10 feet in width adjacent to all common boundaries, including rights-of-way. Landscape material will consist of at least one 10-foot tree placed at 20-foot intervals and one 3-gallon shrub placed at 3-foot intervals.

2. Landscaping associated with vehicular use areas.
  - a. There shall be sufficient trees within and around the designated parking and maneuvering areas, outside of the front and side street setbacks, to ensure that any vehicle at any time shall always be within 75 feet from a tree trunk with two or more trees or 50 feet from a single tree trunk in a planting area. A planting area shall consist of a maximum of 200 square feet of pervious material per tree or no more than 50 feet between trees within in the same planting area. Trees planted must be at least three inches in caliper for single stemmed trees or 12 to 14 feet in height for multi-stemmed trees. Except for Japanese Black Pine trees, no more than 15% of the total required planting may consist of any species of pine trees.
  - b. Those properties which are located in Light Manufacturing (LM) or Wholesale/Manufacturing (WM) zoning districts which utilize vehicle use areas without designated parking shall have one 3 inch caliper tree for every 50 linear feet of buffer. Tree placement shall provide for easements, utility encroachments and sign placement. Adequate landscaping area required to sustain each tree shall be installed and maintained.
  - c. Any tree placed to meet coverage requirements shall be on the same property as the designated parking spaces it covers.
  - d. Vehicular use area perimeter requirement. A vehicle use area is considered to be adjoined by any property or right-of-way unless the vehicular use area is entirely visually screened by an intervening building or structure. In such cases, walls and fences are not considered structures.
    - i. When a vehicle use area is more than 30 feet from a property line, the area not covered by the vehicular use area or buildings must be covered by grass or other ground cover as approved by the Community Appearance Board. Landscape requirements are specified in section 902.C - *Landscape Material Required*.
    - ii. Unless regulated in other sections of this article, any vehicular use area that is within 30 feet of any property line shall require a minimum perimeter landscape buffer of a square footage amount equal to the linear perimeter footage times 5', with the following requirements:
      - (A) There shall be a minimum 5' wide buffer along any abutting residential property line.
      - (B) There shall be a minimum 5' buffer along the front street property line. In the front street buffer, one canopy tree shall be planted for every 50 linear feet of buffer, provided, however, there shall be a minimum of 1 canopy tree per property. Tree placement shall provide for easements, utility encroachments and sign placement. Adequate landscaping area required to sustain each tree shall be installed and maintained.
    - iii. Within the Mixed Use-Medium Density (MU-M) districts, vehicular use areas in which each individual parking space is accessed directly from a public alley shall not be required to establish landscaping within those vehicular use areas.
    - iv. A wheel stop or a 4" curb shall be installed at the buffer-end of each

- parking space abutting a landscaped area. A maximum of 2-1/2' of the length of an angled (not parallel) parking space may contain grass kept low enough so as not to be damaged by an overhanging automobile bumper.
- v. Those properties with loading zones and service areas, outside the front and side street setback, that are within 50 feet of a property line shall have at least a 10' landscape buffer abutting the property line planted with materials as specified in section 902.C - *Landscape Material Required*.
  - vi. All shrubs, except those located in sight lines or sight triangles and those abutting public rights-of-way, must be of a type that naturally attains a mature height of at least 30 inches. Shrubs located in sight lines or sight triangles and those abutting public rights-of-way shall meet the regulations of sec. 902.J. *Landscaping within Sight Lines and Sight Triangles*. The amount of shrubs must be at least equal to one three-gallon shrub for every three linear feet of required buffer or one seven-gallon shrub for every six linear feet of required buffer. Shrubs may be grouped or clustered, but they must be planted in the same buffer for which they were calculated. Low growing plants shall be used at a ratio of 1:3 when using one-gallon containers in lieu of three-gallon containers.
  - vii. Within the front and side street setbacks there shall be sufficient trees within and around the vehicular use area to ensure any vehicle within these setback areas is always within 50 feet of a planted or retained tree located within the front or side setbacks. Trees planted within the front and side street set back must be at least 2.5 inches in caliper at the time of planting and shall be of upper story species.
- e. Vehicular use interior requirements. Any open vehicular use area (excluding loading, unloading, and storage areas in the Light Manufacturing (LM), Airport (AP) or Wholesale/Manufacturing (WM) districts) containing more than 4,000 square feet of area shall provide interior landscaping in addition to the required perimeter landscaping. Such landscape areas shall be located in such a manner as to divide and break the expanse of paving and be located at strategic points to guide travel flow and direction. Interior landscaping may be peninsular or island types. Standards for landscape areas are as follows:
- i. All shrubs must be of a type that naturally attains a mature height no greater than 24 inches unless the interior landscape area adjoins the perimeter buffer, then the shrubs may be of the type that reach a mature height of at least 30 inches. The amount of shrubs must be at least equal to eight three-gallon shrub or four seven-gallon shrubs for every 150 square feet of required interior vehicle use landscaped area. Shrubs must be located within the interior landscaped area for which they were calculated. Low growing plants shall be used at a ratio of 1:3 when using one-gallon containers in lieu of three-gallon containers.
  - ii. Lots 70 feet in width or greater. An area equal to five percent of the vehicle use area shall be dedicated to interior landscape areas. The minimum landscape area permitted shall be 100 square feet, with 7 feet minimum distance between all trees and paving at the time of planting, measured at the base of the trunk of the newly planted tree. For vehicular use areas of less than 30,000 square feet, the required landscape area will be no larger than 375 square feet. For vehicular use areas of 30,000 sq. ft or larger, the required landscape area shall be no larger than 1500 square feet. Landscape materials shall be as specified

in section 902.C - *Landscape Material Required*.

- iii. Lots less than 70 feet in width. Lots with up to 100 feet of depth shall provide 2 interior landscaped islands. One additional interior landscaped island shall be required for every 50 feet of lot depth over 100 feet. Each island shall contain one 2.5" caliper upper story tree. The minimum dimensions of these landscaped areas shall be 14 feet wide and 16.5 feet deep.
3. Multi-family dwellings. In addition to other landscaping requirements, one upper story tree of at least three inches in caliper is required to be planted for every two dwelling units, and shall be planted within the required open space on the property. If under story trees are desired, then a mix of 50 percent of under story trees to 50 percent of upper story trees may be substituted, provided that the under story trees be substituted for upper story trees at a ratio of 2:1 and the under story trees be at least 12 to 14 feet in height at time of planting. The under story trees may be placed anywhere within the required open space outside of the front and side street setback areas.
4. *Parking structure landscape requirements.*
    - a. 15-foot landscape buffer in Multifamily (RM) districts and VE zones. Parking garages located in a Multifamily (RM) district or in the (VE) zone require a 15-foot landscape buffer between the parking garage and any adjacent street. The following landscaping is required within that buffer:
      - i. One upper story hybrid tree engineered to grow straight and tall (minimum three-inch caliper at time of planting) and ten seven- to ten-gallon shrubs (five feet tall at time of planting) per 300 square feet of buffer area (including the five-foot perimeter landscape strip).
      - ii. Lower story trees (two-inch caliper at time of planting) may be substituted for 50 percent of the upper story trees at a ratio of 1.5 lower story trees per each upper story tree.
      - iii. Three-gallon shrubs (two and one-half feet tall at time of planting) may be substituted for 50 percent of the seven- to ten-gallon shrubs at a ratio of two three-gallon shrubs per each seven- to ten-gallon shrub.
    - b. Side and rear yard requirements in the Mixed Use-High Density (MU-H) district abutting a Single-family (R) or Multifamily (RM) zoning district or residential Planned Unit Development (PUD).
      - i. Requirements for structures of no more than 25 feet in height. One under story tree (two-inch caliper at time of planting) per 15 feet of lineal boundary and one seven- to ten-gallon evergreen shrub (five feet tall at time of planting) per five feet of lineal boundary (no clumping or grouping permitted). If palmetto trees are used, their ratio shall be 1.5 palmettos per each under story tree. Palmettos may be grouped in pairs.
      - ii. Requirements for structures of more than 25 feet in height. One upper story tree (minimum three-inch caliper at time of planting) per 30 feet of lineal boundary and one seven- to ten-gallon evergreen shrub (five feet tall at time of planting) per five feet of lineal boundary. Lower story trees (two-inch caliper at time of planting) may be substituted for 50 percent of the upper story trees at a ratio of two lower story trees per each upper story tree. All trees and shrubs shall be located at least six feet from the property line, with a minimum grass (sod) strip of four feet adjoining the

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adjacent property.

5. Manufactured home park landscape requirements. Refer to section 1501.O - *Manufactured Homes, Multifamily* for additional landscaping requirements within multifamily manufactured home developments.
6. Campground landscape requirements. Refer to section 1501.BB - *Campgrounds* for additional landscaping requirements within campgrounds.

902.C. What Landscaping Materials are Required. All landscape material shall be of the variety and species that is known to grow and thrive in the Myrtle Beach area. Artificial plants are not included in this calculation for code compliance. Any material that is proposed which is not customarily used in the Myrtle Beach area will not be approved unless the owner and designer present documentation regarding the care and survivability of the questioned material to the zoning administrator, who will forward the documentation to the Community Appearance Board for approval. Unless specified elsewhere within the Ordinance, landscape material requirements are as follows:

1. Trees. Any tree listed as a composite of the forest theme designated for the planting area in the *Community Tree Planting Plan for Myrtle Beach, South Carolina*, current edition.
2. Wax Myrtle/Myrica cerifera and Crape Myrtle/Lagerstromia indica shrubs. Wax Myrtle/Myrica cerifera and Crape Myrtle/Lagerstromia Indica shrubs may be used at a ratio of 1:2 for up to 50 percent of the required perimeter or interior shrubs.
3. Sabal Palmetto substitution allowed. In all planted areas where trees are required or allowed, Sabal Palmettos are considered lower story trees but may be substituted at a ratio of 3:1 for upper story trees.
4. Ground cover. Some form of ground cover must cover all portions of landscape area not occupied by required landscape materials. Ground cover may consist of the following: grass, shrubs that do not exceed 12 inches in height at maturity, organic mulch, crushed stone or other landscape amenity that is approved by the Community Appearance Board.
5. Planting beds. No more than 20 percent of the area in a landscape buffer that abuts a street frontage may be composed of planting beds that contain annual and perennial flowers. These beds shall be weed free, with alive and healthy flowers in the beds at all times and shall have a maximum length of eight feet and be separated by at least 15 linear feet within the same buffer area. These beds shall be indicated on the landscape plan submitted for the Community Appearance Board approval.

902.D. Special Landscape Requirements for the Business Park (BP) District. The following site perimeter and vehicular use area landscape requirements are established for properties within the Business Park (BP) district. All regulations contained within Article 9 – *Landscaping And Tree Protection* that are not altered by the following special requirements are still applicable.

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1. Perimeter natural area. Existing forested areas on the periphery of sites shall be preserved to maintain the natural character of the area. A minimum 15-foot area adjacent to all adjacent properties (excluding rights-of-way) shall remain in a natural state, except for maintenance and limited clearing of vegetation two inches or less in caliper after written request has been received and approved by the zoning administrator. Where areas between site development and Single-family (R), Multifamily (RM), residential Planned Unit Developments (PUD) or Parks, Recreation and Conservation (PRC) districts are not forested, a planted berm (as defined in Article 2 - *Definitions*) shall be provided.
2. Perimeter parking lot landscaping. When areas between parking lots and adjacent properties and rights-of-way are forested with existing trees, these trees shall be preserved to buffer parking lots from adjacent properties and rights-of-way. Where these areas are not forested, a planted berm shall be established around all edges of the parking lot which do not face the principal use building.
3. Interior parking lot landscaping requirements. A minimum of eight percent of the total area of parking lots that exceed 1,500 square feet shall be provided for landscape areas, of which 75 percent of the interior landscape area shall be surrounded by vehicular use area. Interior landscape areas shall be a minimum of 180 square feet, have a maximum creditable size of 1,500 square feet, have a minimum linear dimension of nine feet, and have no less than four feet of clearance from the edge of any tree (planted or existing) to any curbing or paved area. Interior landscape areas shall be located to preserve specimen trees and tree stands where applicable. One upper story tree of at least four inches caliper shall be required per each 150 square feet of required interior landscape area and shall be located so as to maximize shade throughout the vehicular use area.
4. Landscaping requirements for all other vehicular use areas. In order to preserve a natural environment and mitigate the loss of trees, a minimum of 8 percent of the total vehicular use area not considered in 902.D.3 - *Interior Parking Lot Landscaping Requirements* will be used as the basis for determining reforestation requirements. One tree for every 100 square feet of this area shall be planted in a way that furthers the purpose as stated above, except that none of these trees shall be planted in designated wetlands or the required perimeter buffer. (e.g. 10,000 sq. ft. of driveway  $\times$  8% = 800  $\div$  100 = 8 trees)
5. Planted berm specifications. The earthen portion of planted berms shall have a minimum height of three feet, and have a maximum side slope of 3:1. The following plant materials shall be installed, in an informally grouped fashion, per each 100 linear feet:
  - a. Three upper story trees, with a minimum caliper measurement of 3.5 inches at installation.
  - b. Six under story trees, with a minimum caliper measurement of two inches at installation.
  - c. Nine evergreen shrubs, with a minimum container size of ten gallons at installation.

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6. Credit for undisturbed areas. Any area that remains undisturbed that brings the total undisturbed area to over the 20 percent minimum requirement will receive credit for saved trees, provided these areas are forested. The credit will be twice the number of trees required for reforestation (per section 902.D.4 - *Landscaping Requirements For All Other Vehicular Use Areas*) times the percentage of undisturbed area exceeding the required minimum of 20 percent. (e.g. 50,000 sq. ft. of private roads  $\times$  8%  $\div$  100 sq. ft. = 40 trees required for reforestation; 30 percent undisturbed area 20% = 10% in excess of minimum required; therefore  $2 \times 40$  trees  $\times$  10% = 8 trees credit)
  7. Plant material. Trees used for reforestation may be a mix of the following:
    - a. Upper story trees with at least a four-inch caliper at the time of planting shall comprise at least 75 percent of the required trees.
    - b. Under story trees with at least a two-inch caliper at the time of planting may comprise the balance of the required trees.
    - c. With the exception of undisturbed natural areas, ground cover shall cover all portions of landscape areas.
- 902.E. Special Landscape Requirements for the Entertainment (E) District. These requirements are intended to soften the impact of high use roadways, large expansive parking areas and to promote green areas within this zoning district.
1. Boundaries along streets that extend beyond the boundaries of the district will have one large upper story tree (four-inch caliper, rated at time of planting) planted for every 1,000 square feet of buffer. If desired, two lower story trees (two-inch caliper rated at time of planting) may be substituted for one upper story tree, for no more than 30 percent total of the required upper story trees. The buffer area shall be calculated by using 30 feet as the width of the buffer multiplied by the linear feet of abutting streets. The actual buffer area will be seeded or sodded with a high-grade turf that will withstand the local climatic conditions. Shrubs may be used as a replacement for turf as desired, however, the shrub beds shall not extend farther than four feet from the base of any shrub nor shall the spacing of shrubs in any bed exceed four feet. In-ground irrigation shall be installed and proper operation maintained to support and sustain all the landscape material.
  2. There shall be a minimum five-foot landscape buffer between the public rights-of-way and all parking areas. The buffers will have at least one tree planted for every 30 linear feet of buffer. At least 50 percent of the required trees must be upper story trees. The remainder of the actual buffer areas will be seeded or sodded with a high grade turf that will withstand the local conditions. Shrubs may be used as a replacement for turf as desired. However shrub beds will not extend farther than four feet from the base of any shrub nor may the spacing of shrubs in any bed exceed four feet. Viable in-ground irrigation shall be installed and proper operation maintained to support and sustain the landscape material.
- 902.F. Credit for Existing Trees Saved. It will be the responsibility of the zoning administrator to determine the amount of credit given towards the number of required trees based upon the number of trees saved during development.
1. When requirements dictate the quantity of trees on the property, the amount

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credited shall be based upon the formula used in section 903.I - *Mitigation Policy*.

2. When requirements dictate spacing of trees in vehicular use areas, the distance from existing trees to vehicles will be measured from the drip line of the existing tree provided the existing tree is at least four inches in caliper with a 15-foot canopy. The dripline of the trees proposed to be saved shall be indicated on the landscape and site plan.

902.G. Installation and Maintenance.

1. Installation. All landscaping materials shall be living and installed in a sound workmanship-like manner in accordance with ANSI standards. All landscaping materials shall be installed in accordance with the approved landscape plan prior to issue of any certificate of occupancy. In all cases, all required landscaped areas shall be maintained by an in-ground irrigation system that provides coverage to all plant material.
2. Maintenance. The owner, tenant and their agent, if any, shall be jointly responsible for the continued proper maintenance of all landscaping materials according to ANSI standards. Landscaping shall be reviewed periodically by the City to insure proper maintenance. The owner, tenant, or their agent shall, upon notice, restore the landscape to a healthy condition according to ANSI standards.

902.H. Landscape Plans Required. Whenever any property is required to have landscaping in accordance with these regulations the property owner or developer shall prepare a landscape plan for submittal and approval. As a minimum, the plan shall be constructed and contain the following:

1. Scaled drawings of the property in a form or format required by the Construction Services Department .
2. Project owner's name, addresses, and telephone number.
3. Project name and address.
4. Designer's name, address, and telephone number.
5. Date of drawing and revised dates as applicable.
6. A notation stating, "This landscape plan has been reviewed and approved by the owner/responsible agent who understands that any changes, substitutions, or deletions may require review and approval by the responsible reviewing authority."
7. Property lines and dimensions.
8. Existing Landscape Materials.
9. Existing and proposed buildings and accessory structures to include existing and proposed signs.



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10. Parking spaces showing all required wheel stops, curbs, driveways, and sidewalks.
  11. All sight lines and sight triangles.
  12. Location of solid waste containers.
  13. Height, type, and location of existing and proposed walls and fences.
  14. Location and description, to include dbh (diameter at breast height), canopy and species name, of each existing tree to be retained.
  15. Location and appropriate symbol that corresponds to each proposed tree and shrub. Any special height or shape requests for trees or shrubs must be clearly indicated for each request.
  16. Plant materials list that includes: Common and botanical names of all species being planted, a key that denotes the appropriate symbol, minimum installation size, quantity and appropriate remarks.
  17. Additional remarks required: The amount, depth and type of mulch required; statement regarding the type of irrigation system to be installed; any other remarks deemed appropriate by the designer.
  18. All sign locations.
  19. All site lighting.
  20. All easements and their designation.
- 902.I. Landscape Bonding. Where landscaping is required, no building permit shall be issued until the required landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved landscape plan. In instances where conditions do not permit immediate planting of materials and if the City is furnished with a bond equal to 250 percent of the cost of the total required planting and irrigation (including labor), then a temporary certificate of occupancy may be issued. The required bond must be in the form of cash or a certified check made payable to the City of Myrtle Beach. Conditions for bonding are:
1. The cost estimate is to be prepared by a landscape architect, landscape contractor or nurseryman using prevailing material and labor costs. All cost estimates must receive approval of the zoning administrator.
  2. The area on site must be set aside and reserved for landscaping and irrigation shall be in conformance with the approved landscape plan.
  3. Landscaping must be installed and approved within 121 days of the date the temporary certificate of occupancy is issued or bond will be forfeited to the City. The City then has the option of utilizing the bond to landscape the property according to the approved landscape plan. If the City installs the landscaping,

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any bond money in excess of what was expended will be returned to the building permit applicant within 45 days of completion of landscaping.

- 902.J. Landscaping within sight lines and sight triangles. Sight lines and sight triangles as defined in Article 2 shall be maintained at all street intersections or intersections of driveways with streets. Only plants that cannot attain a mature height of more than 12 inches are permitted within the sight line or sight triangle.
- 902.K. Prohibited Plants. The following plants are specifically prohibited from use to meet the City landscaping requirements:
1. Yucca, Spanish Bayonet, Adams Needle, cactus and any other plant harmful to touch or any plants that are poisonous to touch.
  2. Any plant identified by the United States Department of Agriculture to be a nuisance.
- 902.L. Removal of Topsoil. No person, firm or corporation shall strip, excavate, or otherwise remove topsoil from property in any residential district except as permitted.
- 902.M. Nonconforming Landscaping. This section is intended to set standards for bringing existing nonconforming sites to certain standards within a specific time frame as directed below. Properties nonconforming to the landscaping regulations provided in section 902 – *Landscaping Regulations* prior to the effective date of this Ordinance shall be made compliant immediately upon enactment of this Ordinance. Properties made nonconforming to the landscaping regulations provided in section 902 – *Landscaping Regulations* as a result of the enactment of this Ordinance shall be made compliant as indicated in the sections below. The time frame for compliance of annexed properties shall be computed from the date of annexation. Existing nonconforming sites are designated into certain categories (listed below) that will dictate the standards and time frame.
1. *Sites with landscape buffers and interior landscape islands that are not code compliant because of insufficient landscape material.* These sites will have nine months from the effective date of this Ordinance to comply with the landscape code that was in effect when the landscaping was originally installed. Prior to installation of plant material, the Community Appearance Board must approve a landscape plan for the specific property unless there is an approved plan available for review by staff.
  2. *Sites having vehicle use areas to directly support specific uses that have adequate land to provide landscape buffers, interior landscaping islands, and parking.* All sites except those located in a Multifamily (RM) district will have 24 months from the effective date of this Ordinance to comply with the landscaping regulations provided in section 902 – *Landscaping Regulations* regarding the installation of plant material and irrigation. Those sites in Multifamily (RM) districts will have 48 months from the effective date of this Ordinance to comply with the current landscape code regarding installation of plant material and irrigation. Prior to installation of plant material, the Community Appearance Board must approve a landscape plan for the specific property.

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3. *Sites having vehicle use areas to directly support specific uses that do not have adequate land for landscape buffers, interior landscape islands and parking as identified by the zoning administrator.* All sites, except those located in a Multifamily (RM) district, will have 24 months from the effective date of this Ordinance to add landscaping to the property as outlined below. Those sites in a Multifamily (RM) district will have 48 months from the effective date of this Ordinance to add landscaping to property as outlined below.
  - a. Five percent (5%) of all impervious material in the front yard and side street set backs will be dedicated to landscaping, with a maximum loss of ten percent of parking spaces.
  - b. The areas for landscaping must be at least 64 square feet with at least four-foot minimum dimension between all trees and pavement at time of planting. All newly landscaped areas shall have in-ground irrigation. At the owner's option, "gator" type tree watering bags or other landscape industry accepted irrigation devices may be used if there is no required plant material other than trees planted in the landscape area.
  - c. There shall be at least one three-inch caliper tree per 150 square feet of required landscaping or one four inch caliper tree in lieu of two three- inch caliper trees provided the planting area is between 150 and 300 square feet.
  - d. Prior to installation of plant material, a landscape plan for the specific property must be approved by the Community Appearance Board.

**Section 903. Tree Protection**

- 903.A. Applicability. These regulations apply to protected and landmark trees located on public and private property, except on lots containing one single-family residence in any Single-family (R) or Multifamily (RM) district, or residential Planned Unit Development (PUD). On lots containing only one single-family residence and its accessory uses in any Single-family (R) or Multifamily (RM) district, or residential Planned Unit Development (PUD) these regulations apply to only those trees defined as significant trees or landmark trees.
- 903.B. Licensing. It shall be unlawful for any person who is being paid a fee for the business of planting, cutting, trimming, pruning, removing, or otherwise modifying trees within the City to conduct such business in violation of the Tree Protection Ordinance and ANSI A300 (Current Edition) Standards.
- 903.C. Significant Trees. The City hereby declares that the following are significant trees: Live Oak (*Quercus virginiana*), White Oak (*Quercus alba*), (Eastern Red Cedar (*Juniperus virginiana*), Southern Magnolia (*Magnolia grandiflora*), and Bald Cypress (*Taxodium distichum*) trees with a 4" DBH or more.
- 903.D. Protected Trees. The City hereby declares that the following are protected trees:
1. Significant trees, as defined in section 903.C - *Significant Trees*;
  2. Trees planted or retained to meet the requirements of section 902 - *Landscape Regulations*;
  3. Wax Myrtles (*Myrica cerifera*) and Crepe Myrtles (*Lagerstromia indica*) designated as "tree forms" on an approved landscape plan;
  4. Any tree over three inches DBH located on City-owned property including any public right-of-way;
  5. Any Sycamore (*Plantanus occidentalis*) and Sweet-Gum (*Liquidambar styraciflua*) with a 12-inch DBH or greater;
  6. Any Pine (*Pinus*) with a 18-inch DBH or greater (except Japanese Black Pine with a caliper of two inches or more);
  7. All other species of trees that are five inches DBH or more.
- 903.E. Landmark Trees. The City hereby declares the following trees, which equal or exceed the stated diameter at breast height (DBH), to be landmark trees:

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**Landmark Trees**

<b>Species</b>	<b>Common Name</b>	<b>Diameter at Breast Height (DBH)</b>
Juniperus virginiana	Eastern Red Cedar	30"
Magnolia grandiflora	Southern Magnolia	30"
Quercus virginiana	Live Oak	25"
Quercus laurifolia	Laurel Oak	30"
Quercus alba	White Oak	25"
Quercus phellos	Willow Oak	30"
Acer rubrum	Red Maple	36"
Taxodium distichum	Bald Cypress	30"
Ilex opaca	American Holly	20"
Cornus florida	Flowering Dogwood	15"
Carya	Hickory (except Pecan)	36"

903.F. Preservation of Protected Trees/Landmark Trees. Unless specifically authorized by the zoning administrator, no person shall intentionally damage, cut, carve, transplant, or remove any protected or landmark tree; attach any signs with rope, wire, nails, or other contrivance to any protected or landmark tree; allow any substance which is harmful to such trees to come in contact with them or be placed within their dripline over pervious areas; intentionally set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree or landmark tree.

903.G. Tree Removal Permits. It shall be unlawful to remove or otherwise destroy a protected tree or landmark tree without first obtaining a protected tree or landmark tree removal permit. For purposes of this requirement, a landscape plan approved by the zoning administrator constitutes a permit. Within five days after tree removal, notice of completion shall be given to the zoning administrator.

1. No tree removal permits shall be approved until a building, roadway or utility permit has been issued, except:
  - a. When application is made on the basis of the criteria listed in 903.G.2 - *Criteria For Issuance Of Protected Tree Removal Permits (A through F)*; or
  - b. For trees located on lots containing only one single-family residence and its accessory uses in any Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD).
  - c. For tree removal as specified in a Forestry Management Plan as approved under Section 903.G.4 *Forestry Management Plan*.
  
2. *Criteria for issuance of protected or significant tree removal permits.* Permits for the removal of a protected or significant tree may be issued for only the following reasons:
  - a. Trees that are hazardous or cause safety-related problems;
  - b. Diseased or infectious trees or trees in decline as characterized by progressive dieback of branches as certified by a certified arborist.

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- c. Trees or their root systems causing visible damage to structures, and/or areas used for pedestrian and vehicular traffic;
  - d. Trees or their root systems causing damage to structures, as certified by a structural engineer;
  - e. Trees or their root systems causing damage to areas used for pedestrians, vehicular movement, or underground utility lines, as certified by a structural engineer;
  - f. Trees within power lines easements that cannot be properly pruned by the local utility company;
  - g. Trees to be removed, pruned, or disturbed within the footprint or within ten feet of the footprint of buildings in Single-family residential (R) districts.
  - h. Trees to be removed, pruned, or disturbed on plans approved by the Community Appearance Board or the Planning Commission whichever has final review responsibility and after all other applicable permits for construction have been issued;
3. *Criteria for issuance of landmark tree removal permits.* Landmark trees may only be removed if they are hazardous, diseased or infectious, or are in decline as characterized by progressive dieback of branches as verified and approved by a certified arborist; or by Special Exception as determined by the Board of Zoning Adjustments.
4. *Forestry Management Plan.* The owner of a land parcel of five (5) acres or more may submit, for approval by the zoning administrator, a Forestry Management Plan drafted and signed by a state registered forester. The intent of the Forestry Management Plan shall be the long-term maintenance of the forest. The practices set forth therein shall be designed to meet that intent, and shall include a 50' wide buffer along all property lines. Upon approval of the Forestry Management Plan, the zoning administrator may issue an annual forestry management permit based upon the specifications contained in the approved Forestry Management Plan. Violations of the forestry management permit are subject to the penalties delineated in section 903.N - *Penalty*. Lapses in the annual forestry management permit result in the property being regulated by all of section 903.G. - *Tree Removal Permits*.
- 903.H. *Tree Survey.* All applications for clearing, grubbing, grading, building, or demolition permits, or for any development or redevelopment of property shall include a tree survey sealed by a registered surveyor. The survey must be at the same scale as the submitted landscape plan or site plan and shall accurately indicate location, diameter at breast height and species of trees as indicated below:
1. For all lots containing only one single-family residence in any Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), the survey shall identify significant and landmark trees as requested by the Construction Services Department.
    - a. If there is a tree located within the area to be constructed upon then location, type and DBH of the tree must be stated on the site plan.
    - b. If there are no trees to be disturbed in the construction area then a signed statement must be provided stating that there are no trees to be disturbed.

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- 2. For all lots except those described in 903.H.1 – *Lots Containing Only One Single-Family Home*, the survey shall identify all protected and landmark trees.
- 3. If there are no trees on the property, then a signed statement stating that there are no trees on the property may be submitted in lieu of a tree survey.

903.I. Mitigation Policy.

- 1. All protected trees removed in accordance with subsections 903.G.2.c through 903.G.2.f - *Criteria For Issuance Of Protected Tree Removal Permits* shall be replaced in accordance with the following criteria: Replacement trees shall be of species designated by the Myrtle Beach Community Tree Planting Plan with potential for comparable or greater size and comparable or better quality at maturity as the trees permitted to be removed. Trees shall be replaced as follows:

Tree Removed	Replacement Tree
Up to 4" DBH	One 2.5" caliper tree
Over 4" DBH up to 8" DBH	Three 2.5" caliper trees
Over 8" DBH up to 14" DBH	Four 2.5" caliper trees
Over 14" DBH	Five 2.5" caliper trees

Timing of the planting of replacement trees shall be determined by the zoning administrator.

- 2. *Mitigation Fund.* When mitigation is required but there is not sufficient room on the property to plant the required trees the following shall apply:
  - a. The amount of \$400 per tree unable to be replanted will be placed in the Tree Preservation Account as outlined in Section 903.M - *Tree Preservation Account.*
  - b. Payment must be received by the city prior to issuance of a tree removal permit.

903.J. Tree and Sign Conflicts. This section is intended to provide a landowner that has conforming landscaping a means to mitigate tree removal to protect the visibility of signs that were erected prior to the year 2000. This subsection does not affect landscaping and signs that are approved after the year 2000.

- 1. The zoning administrator may approve minor adjustments to approved landscaping plans in order to remedy tree/sign conflicts.
- 2. The zoning administrator may approve a reduction of up to ten percent of available parking (fractions are rounded down) to accomplish this mitigation only after the Community Appearance Board approves a revised landscape plan for this purpose. Trees removed must be relocated in the setback from where they were removed and replaced with trees in accordance with 903.I.1 - *All Protected Trees Removed.* The following must be submitted at least ten days prior to a scheduled Community Appearance Board session.
  - a. A current plat or survey of the property showing the location of the sign and all parking, buildings, and trees in question.

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- b. A proposed landscape and parking plan drawn to scale depicting current and new landscaping, irrigation, and the type of ground cover to be used around the new material.
  - c. Photographs showing the tree hindering the visibility or potential visibility problem of the sign.
  - d. Photographs showing the landscape area that surrounds the sign and trees.
  - e. The landowner must certify that the loss of parking will not create a hardship.
- 903.K. Pruning. Pruning shall not interfere with the design intent at the original installation.
1. Tree pruning shall be accomplished in accordance with the procedures set forth in the ANSI A300 (Current Edition) standards.
  2. The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height. Examples of unnatural pruning are topping, stubbing, dehorning, or lopping. See diagram in Article 2 – Definitions, Figure 2-2 - *Tree Crown Basic Shapes* for natural tree shapes.
- 903.L. Tree Protection During Clearing, Grubbing, and Development. Prior to the commencement of any site clearing or vegetation alteration, other than mowing, a clearing/grubbing permit shall be obtained from the Construction Services Department. All applications for clearing, grubbing, grading, building, or demolition shall include a Tree Protection Zone Plan (TPZ). The TPZ shall be designed to protect the trees and their roots on site as well as those on neighboring properties. Grading, filling, ditching and storage in the tree protection zone are prohibited. For all lots containing only one single-family residence and its accessory uses in Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), a TPZ shall be designed to protect any and all significant and landmark trees. For all other properties a TPZ shall be designed to protect any and all protected and landmark trees. The TPZ shall include the following:
1. Details for avoiding or protecting tree roots in trenching plans for underground construction, including utility placement and foundation construction.
  2. A detailed grading plan.
  3. Assurances that soil disturbance under the canopy of each tree will be limited to ANSI A300 (current edition) standards. Any soil added under the canopy of the tree must be a loamy soil mix to ensure compaction is minimized.
  4. Detailed plans for temporary wooden barricades or orange fencing that must be erected before the commencement of any site clearing and grading. The fence is to be a minimum of four feet high above grade with a rigid frame of 4" X 4" posts and 22" X 4" rails at 2' and 4' above grade and across the top. The posts shall be set deep enough in the ground to be stable without additional support. The barricades or fencing for protected and landmark trees shall be placed outside the critical tree root zone of the tree. Nothing shall be placed inside of the chain link fencing. When paving, excavating or hardscaping has been



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permitted within the boundaries of the barricades or fencing, the barricades or fencing shall be moved back to a secondary location at the edge of the work. When the secondary location is within the critical tree root zone as defined by ANSI A300 (current edition) and approved as such by a certified arborist, the barricades or fencing shall not include subterranean supports and shall be securely supported entirely above the ground. "Tree Protection Zone - Caution Do Not Enter" signs shall be posted visibly on all sides of the fenced area.

5. Detailed utility location plans. Utilities shall not be installed in the tree protection zone. All roots outside the protective barricade to be removed during development shall be severed clean and a two-inch layer of mulch shall be applied over the surface of exposed roots during development.
    - a. Trenching shall be no closer than six times the diameter at breast height (DBH) to the effected tree nor disrupt more than 30 percent of the drip line root area.
    - b. No other types of disturbance or construction shall be allowed under the drip line of any tree without prior approval by the zoning administrator.
  6. One corridor designated for site access, preferably where the driveway or parking area will be located. Limit construction equipment access, material storage, fuel tanks, chemical or cement rinsing, vehicle parking and site office locations to non-tree areas.
  7. A water and fertilizer plan as required to maintain tree health during construction work.
  8. Plans to repair trees wounded or stressed during construction. Any wounds to the bark shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound. Do not apply a wound dressing.
- 903.M. Tree Preservation Account. All money collected pursuant to section 903 – *Tree Protection* shall be recorded and maintained in a special account to be known as the City of Myrtle Beach Tree Preservation Account. Funds may be used to obtain, install, relocate, maintain and preserve trees, landscaping associated with tree plantings, and restoration of tree ecosystems. Funds may also be used to educate the public regarding tree care and the significance of tree ecosystems to our community.
- 903.N. *Penalty.* The property owner and the tree cutter shall be responsible for compliance with this ordinance. Any person found to be in violation of this ordinance shall recompense any tree that is removed or destroyed in violation of Article 9 by the methods listed below:
1. Recompense for Protected or Significant Trees in the form of in-kind replacements on site shall be in an amount totaling the basal area of the removed tree or trees, plus \$200 per tree. On site replacement trees shall be in addition to the minimum required tree coverage established in Section 902 – *Landscaping Regulations* and in addition to any pre-approved tree replacement plan. In-kind replacements shall be minimum two and one half (2.5) caliper inch trees of species with potential for comparable or greater size and comparable or better quality at maturity as the trees illegally removed or destroyed, as

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determined by the zoning administrator. This method of recompense shall not be utilized for violations related to Landmark Trees.

2. Recompense for Landmark Trees shall be payment into the mitigation fund of \$10,000 per tree.

903.O. *Trees on Public Property.* The proper installation, preservation, maintenance, relocation and restoration of all trees on city-owned property and public rights-of-way are the responsibility of the City.

903.P *Exemption.* The Manager may administratively exempt one or more of the requirements of this Article when in conflict with the underground placement of overhead wiring and/or installation or expansion of sidewalks.

## **Article 10. Parking and Loading Requirements**

### **Article 10. Parking and Loading Requirements**

- Section 1001. Purpose and Intent
- Section 1002. Location
- Section 1003. Vehicular Use Areas
- Section 1004. Interior Circulation and Movement
- Section 1005. Aisles
- Section 1006. Spaces and Loading/Unloading Areas
- Section 1007. Standards for Off-Site Parking Facilities
- Section 1008. Shared Parking Facilities

**Section 1001. Purpose and Intent**

To have safe, well designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings.

**Section 1002. Location.**

1002.A. All parking spaces required herein shall be located on the same lot with the principal building or use or uses served except under standards as addressed in section 1007 - Standards for Off-Site Parking Facilities of this Ordinance.

1002.B No parking spaces shall be located such that parked vehicles will block sight lines or sight triangles as defined in Article 2 Definitions.

**Section 1003. Vehicular Use Areas**

A scale drawing or layout of all required parking areas showing the location, size and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the zoning administrator for approval. All parking areas shall be surfaced with concrete, asphalt, grass paver blocks, or other pervious material approved by the city engineer except the following:

1003.A. One- and two-family dwelling units

1003.B. Those instances where residential dwelling units are being converted to commercial uses which require less than 5 parking spaces in order to meet the terms of this ordinance.

**Section 1004. Interior Circulation and Movement.**

All parking shall be served by interior circulation drives with adequate space for turning maneuvers on the lot or within a shared access easement. No individual off-street parking space shall access directly from a public street except for single-family and two-family dwellings. All parking spaces shall be located so that the occupant of any parking space can enter and leave independently, except for single family residences where tandem parking is permitted.

**Section 1005. Aisles**

1005.A. Shared Drive Aisles Permitted; Easement. A cross easement is required for properties for which a shared driveway aisle has been authorized along with plats of affected properties showing the boundaries of the easement area. Plats will require stamped approval of the city planning director or his agent and all documents shall be properly filed with the Register of Mesne Conveyance for Horry County, and may be released only by the written consent of the City. Consent shall be given by the City at such time as subject properties have received final inspection and approval for plans that no longer use-shared access for site modifications in compliance with current codes and ordinances. Receipt of recorded copy of easement agreement and plats shall be required prior to the issuance of a certificate of occupancy and/or final inspection.

**Article 10. PARKING AND LOADING REQUIREMENTS**

1005.B. Aisle Width. The minimum width of all aisles providing direct access to individual parking stalls shall be as follows:

**Required Widths for Driveway Aisles**

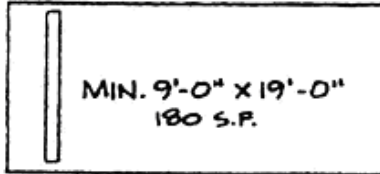
Parking Angle (degree)	Minimum Aisle Width (in feet)	
	One-way	Two-way
31-45	11	Not permitted
46-60	13	Not permitted
61-70	18	Not permitted
71-80	19	Not permitted
81-90	22	22

**Section 1006. Spaces and Loading/Unloading Areas**

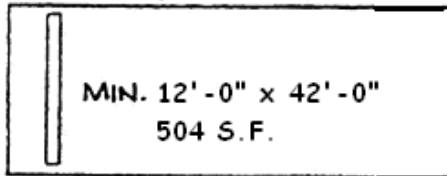
1006.A. Size. Except for single- and two-family residences where unmarked tandem parking is permitted, parking stalls shall be clearly marked and shall not be less than nine feet by nineteen feet. A maximum of 20% of the total number of stalls may be eight and one-half feet by sixteen feet provided such spaces are clearly designated "for compact cars only." Parallel parking stalls shall not be less than nine feet by twenty-four feet. All parking spaces shall be located so that the occupant of any parking space can enter and leave independently. Handicapped parking spaces will conform to size standards found in ANSI A117.1-2009 (Accessible and Usable Buildings and Facilities) Section 502, or the most current adopted edition the Accessible and Usable Buildings and Facilities standards.

ANGLE PARKING

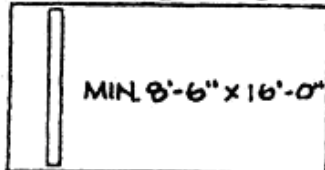
STANDARD



Bus

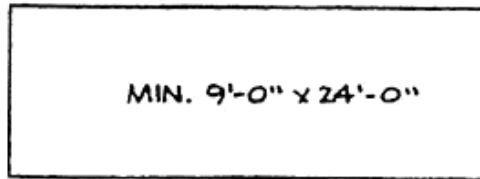


COMPACT CARS ONLY

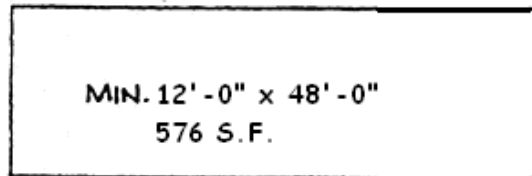


PARALLEL PARKING

STANDARD



Bus



**Article 10. PARKING AND LOADING REQUIREMENTS**

- 1006.B. Use of Right-of-Way Restricted. No required parking or maneuvering area shall be located in any public right-of-way.
  
- 1006.C. Curbs and Wheel Stops Required.
  - 1. Except on single-family residential lots, raised curbs with a minimum width of one foot six inches or approved barriers will be installed on the perimeter of the parking lot to control the entrance and exit of vehicles or pedestrians. This requirement may be waived by the city engineer to permit sheet flow drainage into pervious areas designed as part of an approved alternative engineered stormwater retention system.
  
  - 2. Landscaped areas and pedestrian walkways shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
  
  - 3. If full size parking spaces are utilized, then wheel stops must be located to ensure a minimum clearance of two and one-half feet from the landscape areas describe in 1006.C.2 - *Landscaped Areas And Pedestrian Walkways* above.
  
  - 4. If a raised curb is used, then the parking spaces may be reduced two and one-half feet in length provided required landscape material is not located in the vehicle overhang area or any vehicle overhang does not encroach into required pedestrian walkways.
  
- 1006.D. Minimum Off-street Parking Requirements for Permitted Uses

<b>Permitted Uses</b>	<b>Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up)</b>
All office uses	1 space per 300 SF of gross building area. See sec. 1006.G.3 - <i>Office Uses</i> for exceptions.
All single-family residential uses	2 spaces per DU
All two-family and multi-family residential uses	1 space per 600 SF of gross floor space excluding yards, not to exceed 3 spaces per DU.
Amusement and theme parks	Designed capacity of the park divided by 2 ½
Motor vehicle repair and maintenance	1 space per 150 SF of gross floor area Service bays shall not count as spaces Parking spaces shall not block vehicular access to garage entrances
Bars and nightclubs	1 space per 100 SF of gross floor area
Brewpub	1 space per 350 SF of gross serving area
Campground	2 spaces recreational vehicle or tent site

**Article 10. PARKING AND LOADING REQUIREMENTS**

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<b>Permitted Uses</b>	<b>Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up)</b>
Child care home, family (FCCH); child care home, group (GCCH); continuing care retirement community; residential care facilities of nine or less persons with mental or physical handicaps; licensed group residence parolee-probationer home; independent living, older adult; unlicensed group residential (caregiving)	1 space per 500 SF of gross building area
Congregate housing, older adult	0.33 spaces per dwelling unit. Refer to 1006.9.4 for Mixed Use (MU) district regulations.
Day care facilities, adult or child	1 space per 500 square feet of gross floor space
Golf courses	6 spaces per golf hole
Hospitals and outpatient clinics	1 space for each 2 patient beds/examining rooms
Customer service/reception centers for interval ownership operations	1 space per 100 SF of gross floor area
Kindergartens Elementary schools Intermediate and middle schools	2 spaces per classroom and administrative office
Marina	1 space per 3 boat slips
Miniature golf courses	2 ½ spaces per playable hole
Nursing home facilities	0.33 spaces per dwelling unit
Transportation terminals and establishments providing for the interchange of passengers	1 space per 600 SF of gross floor area
Places of assembly or recreation with fixed seats	1 space per 75 SF of gross floor area, or 1 space for every 3.5 seats, or 1 space per 40 SF of auditorium space
Religious facilities	1 space per 30 SF of gross floor area in the primary assembly hall (place of worship)
Restaurant, dine in	1 space per 100 SF of gross floor area
Restaurant, take-out	1 space per 350 SF of gross floor area
Retail	Commercial centers with over 25,000 square feet of gross floor space, 1 space per 500 square feet of gross floor space. Otherwise, 1 space per 350 SF of gross floor area
Retail, big box	1 space per 500 SF of gross floor area
Sexually oriented businesses	1 space per 100 SF of gross floor area within the building
Tennis facilities	2 spaces per tennis court
Visitor Accommodations	1 space per 1 bedroom DU 1 ½ spaces per 2 bedroom DU 2 spaces per 3 bedroom DU 2 ½ spaces per 4 bedroom DU Each additional bedroom – 0.5 spaces

**Article 10. PARKING AND LOADING REQUIREMENTS**

<b>Permitted Uses</b>	<b>Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up)</b>
	1 space per 350 SF for accessory uses
Warehouse	1 space per 4,000 SF of net leasable square footage of warehouse space, or fraction thereof, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles to park and maneuver.
All other uses	1 space per 250 SF of gross floor area

1006.E. Exceptions to Minimum Parking Requirements.

1. Excessive Parking: If the developer can demonstrate to the satisfaction of the zoning administrator that the required parking as stated above is in excess of what is needed for his proposed use, the administrator may allow the construction of an amount of parking less than the minimum requirement. Any application indicating diminished parking shall clearly state in writing what the parking demand will be. However, the plan for the site must be designed to accommodate all required parking, and all areas set aside to accommodate unconstructed parking shall be maintained as landscaped areas or preserved as undisturbed natural areas. Should the zoning administrator determine that the originally constructed parking or loading is insufficient, he shall order that the unconstructed parking and/or loading be provided and a certificate of occupancy for such obtained within 12 months of such order.
2. Bus Parking: Required automobile parking spaces may be substituted with bus parking at a ratio of one bus parking space per 15 automobile parking spaces.
3. Office Uses: In office developments located within a single land parcel with gross building areas in excess of 20,000 square feet, square footage located within the following common building areas, outside of designated office suites, shall be excluded from minimum parking calculations:
  - a. Lobbies
  - b. Elevator shafts
  - c. Staircases
  - d. Electrical and mechanical rooms
  - e. Restrooms
4. Mixed Use (MU) Districts: Because of its pedestrian-oriented design standards, minimum parking requirements for all uses except residential and visitor accommodations within any Mixed Use (MU) district shall be ½ those delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses*.
5. Amusement (A) District: Minimum parking requirements for all residential and visitor accommodations shall be as delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses*. Otherwise, there shall be no minimum parking requirements.



**Article 10. PARKING AND LOADING REQUIREMENTS**

6. Cabana Section (CS) District: No parking, vehicular use areas, driveways or curb cuts are permitted in the Cabana Section (CS).
  7. Downtown Commercial (C-7 and C08) Districts: Minimum off-street parking and loading requirements for structures taller than 36 feet in height are those of section 1006.E.4 *Mixed Use (MU) Districts*. There are no minimum off-street parking requirements for structures 36' in height or less.
  8. Institutional (IN) District: Minimum parking requirements for all uses shall be as delineated in section 1006.D - *Minimum Off-street Parking Requirements For Permitted Uses* except as follows:
    - a. For independent living, older adults: One parking space per unit.
    - b. For nursing home: 0.4 spaces per bed.
    - c. For assisted living: 0.33 spaces per bed.
    - d. For congregate housing: 1 space per unit.
    - e. For nonresidential accessory uses: One space for each 250 square feet of gross floor area.
  9. C6 (Urban Village) District: Minimum parking requirements for all uses shall be as delineated in section 1006.F - *Minimum Off-street Parking Requirements For Permitted Uses* except as follows:
    - a. For professional and business offices, one parking space for each 275 square feet of gross floor space.
    - b. For retail commercial establishments, one parking space for each 250 square feet of gross floor space.
    - c. For places of assembly or recreation without fixed seats, except churches, places of worship and passenger stations, one space for each 150 square feet of gross floor space. For bowling alleys exclude the lane and pin areas from the calculation or provide three spaces per lane whichever is greater.
    - d. For places of assembly or recreation with fixed seats, except churches, places of worship and passenger stations, one space for each 75 square feet of gross floor space.
    - e. For all visitor accommodations:
      - Unit = 1.1 spaces
      - 1 bedroom = 1.15
      - 2 bedroom = 1.75
      - 3 bedroom = 2.0
      - 4 bedroom = 2.5Each additional bedroom requires .5 parking spaces in addition to the requirements above.  
In addition accessory uses, for visitor accommodations, shall provide one space per 350 square feet of gross floor space.
    - f. For all residential single-family dwellings, townhouses, multifamily dwellings and apartment houses, one parking space for each 600 square feet of gross floor space, excluding yards, not to exceed three parking spaces per dwelling unit.
    - g. For medical establishments, one parking space for each 150 square feet of gross floor space.
- 1006.F. Parking, storage, or use of recreational vehicles. No recreational vehicle shall be parked or stored in any front yard, except for 24 hours for loading and unloading, on

**Article 10. PARKING AND LOADING REQUIREMENTS**

any lot in any residential district. No such equipment shall be used for living, sleeping, or housekeeping purposes in any location not specifically permitting such use.

1006.G. Minimum Loading Requirements:

1. *Off-street loading area required.* All uses, whether specified in this ordinance or not, shall provide off-street loading areas sufficient for their requirements. Loading areas shall be located on the same lot or parcel of land as the structure they are intended to serve, and shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or way and shall not restrict traffic flow. Except in Single-family (R) and Multifamily (RM) residential districts and on lots located within the Mixed Use-High Density (MU-H) or Amusement (A) districts that are no more than sixty feet in width and are bounded on both sides by a public alley, off-street loading areas shall have access to a public alley or street.
2. *In the C6 (Urban Village) District:* For each nonresidential use off-street loading space requirements shall be governed as follows:
  - a. *Off-street loading area required.* Areas suitable for loading and unloading motor vehicles in off-street locations and specifically designated for this purpose shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used or arranged to be used for commercial, industrial, governmental or multifamily residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.
  - b. *Number of off-street loading spaces required.* The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this section

Type of Use	Sq. Ft. In Total Floor Area	Spaces Required
Retail and personal service establishment	0 —8,499	None
	8,500 and up	1
Governmental and institutional (including places of public assembly), educational institution, recreation, business service, terminal and similar business uses	0—24,999	None
	25,000—49,999	1
	50,000—99,999	2
	100,000—249,999	3
	250,000—999,999	4
	1,000,000 or	5

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	more	
Funeral home or mortuary	0—2,499	None
	2,500-3,999	1
	4,000-5,999	2
	For each add'l 10,000	1 add'l
Offices or office building	Any size	None
Hotel, motel, tourist home or similar establishment	0—110,000	None
	110,001— 210,000	1
	210,001 and up	2

- c. *Amount of area required for each loading space.* Each off-street loading and unloading space required by the provisions of this ordinance shall be at least 12 feet wide, 40 feet long and 14 feet high. Such space shall be clear and free of obstruction at all times.
- d. *Location of off-street loading areas.* Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed hereinabove.
- e. *Adequacy of loading area.* All uses, whether specified in this ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or way.

**Section 1007. Standards for Off-Site Parking Facilities**

If a lot on which a permitted use is conducted (permitted use site) is not large enough to provide for all the required automobile parking spaces, such required spaces may be provided on other off-street property only if the following conditions are satisfied:

- 1007.A. Parking facilities are a permitted use within the zoning district where the off-site parking facility is to be located.
- 1007.B. The location of the parking facility complies with the following criteria:
  - 1. The off-site parking facility is contiguous to the permitted principal use site; or
  - 2. The off-site parking facility is no more than three hundred feet, airline measurement, from the nearest property line of the principal permitted use site; or
  - 3. The off-site parking facility is no more than three hundred feet, airline measurement, from any associated parking lot contiguous to the principal permitted use site.

1007.C. Required off-site parking spaces shall be authorized solely for use by the principal permitted use supported. The parking spaces shall not be increased, decreased, or encroached upon in any manner unless first authorized by written consent of the City. This requirement shall in no way discourage or prevent the use of shared parking facilities as allowed by this ordinance. The owner or authorized agent for the land upon which such remote parking is to be located shall provide a one-dollar (\$1.00) mortgage, accompanied by a plat showing the boundaries of the proposed off-site parking lot. Both documents shall be properly filed with the Register of Mesne Conveyance for Horry County, and may be released only by the written consent of the City at such time as the restricted parking is no longer required to comply with zoning regulations. Receipt of a recorded copy of this document and plat shall be required prior to issuance of a certificate of occupancy for the principal permitted use for which the off-site parking is to be utilized.

### **Section 1008. Shared Parking Facilities**

Shared parking facilities are permitted as long as dedicated spaces are maintained or it can be demonstrated to the satisfaction of the zoning administrator that the patterns of use between the uses are so different as to permit the same spaces to count for more than one use. Any proposed shared parking arrangements shall be accompanied by notarized statements from all users and the owner that such arrangements are satisfactory and shall clearly indicate the total users of the parking area by demand and time of day and day of week for each user. At such time that the zoning administrator determines that the amount of parking is not adequate, adequate parking shall be installed in a time frame and in number as determined by the zoning administrator (but not to exceed the minimum parking requirements in section 1006.D. - *Minimum Off-street Parking Requirements For Permitted Uses*), provided that all other provisions of the code are met.

# Article 11. Floodplain Management Regulations

## Article 11. Floodplain Management Regulations

- Section 1101. Purpose and Intent
- Section 1102. Definitions Specific to Floodplain Management
- Section 1103. Adoption of Flood Insurance Study and Flood Insurance Rate Maps
- Section 1104. Floodplain Management Regulations Established as Supplementary
- Section 1105. General Requirements
- Section 1106. Requirements for Manufactured Homes
- Section 1107. Requirements for Recreational Vehicles
- Section 1108. Requirements for Pool Equipment Enclosures
- Section 1109. Requirements for Subdivisions
- Section 1110. Development of AE Zones
- Section 1111. Development of VE Zones
- Section 1112. Development of 500-year Floodplains
- Section 1113. Information and Certifications to be Included with the Building Permit Application and at Specified Stages of Construction
- Section 1114. Administration, Enforcement, and Appeal

### **Section 1101. Purpose and Intent**

Certain areas within the City of Myrtle Beach are subject to periodic inundation by flood waters which results or may reasonably be foreseen to result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These hazards are caused by the occupancy of flood hazard areas by uses which are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damage. Therefore, it is the intent of this ordinance to lessen such hazards and losses by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood; by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction; and by controlling filling, grading, alteration of natural protective barriers, placing of obstructions or other activities, uses, or characteristics of use which may increase flood damage.

- 1101.A. Objectives. The objectives of this ordinance are to protect human life and health; to minimize the expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electrical, telephone and sewer lines, streets and bridges located in the floodplains; to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and, to insure that potential buyers are notified that a property is in a floodplain.
- 1101.B. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted with such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Myrtle Beach or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 1101.C. Interpretation. In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this ordinance and other conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## Section 1102. Definitions Specific to Floodplain Management

The definitions in this part supplement those given in Article 2 - *Definitions* of the Ordinance, but are intended to apply only to the floodplain management regulations.

**Accessory structure:** Structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common accessory structures.

**Appeal:** A request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

**Area of special flood hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Building:** Any structure built for support, shelter, or enclosure for any occupancy or storage.

**Coastal high hazard area (VE Zone):** The area subject to high velocity waters, including but not limited to hurricane wave wash. The area is designated on the flood insurance rate map as Zone VE.

**Existing construction:** Any structure for which the "start of construction" commenced before July 5, 1977.

**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood, Base or 100 Year Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Flood, 500 year:** The flood having a ~~two-tenths~~ one fifth percent chance of being equaled or exceeded in any given year.

**Flood Insurance Rate Map (FIRM).** An official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the City.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

## Article 11. FLOODPLAIN MANAGEMENT REGULATIONS

City of Myrtle Beach, SC

ZONING ORDINANCE

**Manufactured home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include recreational vehicles.

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured home park or subdivision, existing:** A manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 11, 1990.

**Manufactured home park or subdivision, new:** A manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 11, 1990.

**New construction:** Any structure for which the "start of construction" commenced after July 5, 1977.

**Recreational vehicle:** A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projections;
- c) Designed to be self-propelled or permanently towable by a vehicle no larger than a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of construction:** The first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. The "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

**Structure:** Anything constructed, erected or established on and at least six inches (6") above the ground, including but not without limiting the generality of the following: buildings, signs, sea walls, trailers, fences, and patio walls.

**Substantial damage:** Damage of any origin sustained by a structure whereby the cost of reconstructing the structure to its condition immediately before damage would equal or exceed 50 percent of the market value of the structure immediately before the damage occurred.

**Substantial improvement:** Any improvement of a structure, whether it is an addition, rehabilitation, or reconstruction, the cost of which equals or exceeds 50 percent of the market



## **Article 11. FLOODPLAIN MANAGEMENT REGULATIONS**

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value of the structure immediately before the improvement is started. In the case where more than one improvement is made over time, the percentage value (that is, the value of the improvement expressed as a percentage of the value of the structure immediately before the improvement) of the most recent improvement shall be added to the percentage value of all other improvements made within the previous 10 years; and if that cumulative percentage equals or exceeds a total of 50 percent, then it shall be classified as a substantial improvement.

**Note:** For example, if an owner of a house valued at \$100,000.00 makes a \$20,000.00 improvement, that is, a 20 percent improvement, then five years from now, when the house is valued at \$150,000.00, the owner may make an improvement of just under \$45,000.00 in value-that is, an improvement that cost slightly less than the equivalent of 30 percent of the then current market value of the house-without exceeding the 50 percent maximum that defines the cumulative improvements as being a substantial improvement: 20 percent improvements now + 30 percent improvement five years from now. Similarly, if the value of the house five years from now has fallen to \$90,000.00, the owner could make an improvement of just under \$27,000.00, which is 30 percent of the value of the house when the new improvement is to be made.

For the purposes of these floodplain regulations, the market value shall be the assessed value as determined by a licensed real estate appraiser or by the Horry County Tax Assessor; at the discretion of the property owner.

For the purposes of these floodplain management regulations, any improvement of any wall, ceiling, floor, or other structural member of a structure, whether or not that improvement affects the external dimensions of the structure, shall be included when determining a substantial improvement has been made. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure shall not be included in determining if a substantial improvement has been made.

**Violation:** The failure of a structure or other development to be fully compliant with these regulations.

### **Section 1103. Adoption of Flood Insurance Study and Flood Insurance Rate Maps**

1103.A. Federal Insurance Administration. The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for Horry County, South Carolina, and Incorporated Areas," effective September 17, 2003, with accompanying flood insurance rate maps and flood hazard boundary maps and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. These maps divide the City of Myrtle Beach into zones, each having specific flood potential or hazard. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Horry County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

- 1103.B. Use of Best Available Data. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved models. If an appeal is pending on the study in accordance with 44 CFR Chapter 1, Part 67.5 and 67.6, the data does not have to be used.

#### **Section 1104. Floodplain Management Regulations Established as Supplementary**

The flood insurance zone designations established by this ordinance are not intended to be utilized as separate zoning district classifications, but as designations which identify areas subject to regulations which are supplementary to the regulations of the zoning district to which such designations are attached, appended, or "overlaid." Regulations which apply to areas designated on the flood insurance rate map as being within such appended or overlaid designations must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

#### **Section 1105. General Requirements**

Within those areas of the municipality designated as special flood hazard areas by the flood insurance rate map, the following general requirements must be met:

- 1105.A. Notwithstanding any other provisions of the Ordinance concerning the reconstruction of any non-conforming structure which is located in a special flood hazard area and which is located in a special flood hazard area and which sustains substantial damage, regardless of the value of the reconstruction, shall comply with all requirements for substantial improvement in these floodplain regulations.
- 1105.B. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 1105.C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 1105.D. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- 1105.E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 1105.F. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 1105.G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 1105.H. A building permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

- 1105.I. For any structure which is elevated no less than three feet above base flood elevation, the maximum building height requirement of the district where the structure is located, as found elsewhere in this ordinance, shall be relaxed so that a structure may extend no more than three feet above the maximum requirement. Such permission shall be within the authority of the zoning administrator and shall not require the property owner to request a variance from the Board of Zoning Appeals. However, the relaxation of the height requirement of this subsection shall not apply to properties governed by section 1803 - *Airport Hazard Zone For Myrtle Beach International Airport* of this Ordinance (the airport hazard zoning regulations of the Myrtle Beach International Airport) to the extent that such relaxation does not comply with the provisions of section 1803 - *Airport Hazard Zone For Myrtle Beach International Airport*.
- 1105.J. A non-conversion agreement will be required of all new residential construction and substantial improvements with fully enclosed areas below the base flood elevation. The non-conversion agreement must be registered with the Horry County Register of Deeds office, and a clocked copy must be returned to the City to be filed with the construction services department.
- 1105.K. All fences crossing floodplain boundaries are subject to flood review. The most restrictive zone crossed by the fence will prevail. All fencing material shall be flood-resistant materials.
1. For fences under 100-Year Flood (AE) zone regulation with exposed foundations, vents will be required every 48 linear inches. The vent size shall be the equivalent of one structural block (masonry, brick, etc). The vent shall not be more than twelve inches (12") above the adjacent grade.
  2. For fences under Coastal High Hazard (VE) zone regulation, exposed foundation designs and walls are prohibited. All fencing must allow for full flow of water in any direction.
- 1105.L. Swimming Pools in Floodplain.
1. Swimming pools must be sited as far away from the regulatory flood boundary as feasible.
  2. No above grade pools are allowed in the Coastal High Hazard (VE) zones unless the entire pool form is elevated completely out of the regulatory floodplain in, or on, an approved structure. Furthermore, no portion of the pool structure in the Coastal High Hazard (VE) zone will be allowed more than six inches (6") above the adjacent grade.
  3. Any fill used for pool construction in the 100-Year Flood (AE) zone must be compatible with the existing soils. Fill for pool construction is not allowed in the Coastal High Hazard (VE) zone.
  4. Swimming pools under elevated buildings:
    - a. Within areas designated as VE Zones, when the area beneath the building is enclosed such enclosures shall be constructed of nonsupporting breakaway

walls and in compliance with 44CFR Chapter 1, Part 60, Subpart 60.3, Chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), Section 1325 as applicable. In areas designated as AE zone on a flood insurance rate map, the enclosure must meet opening requirements. An annual permit will be required before the erecting of any temporary pool enclosures.

- b. When the area beneath the building is not enclosed and the pool or related potential obstruction is flush with the natural grade, it may be allowed under the following conditions:
  - i. The design engineer is required to certify that the pool or other potential obstruction will not be subject to breaking up or flooding out of the ground and affecting the piles or columns of the building; and
  - ii. The pool must meet the same anchoring requirements as the support system of the building.

### **Section 1106. Requirements for Manufactured Homes**

Within those special flood areas where the placement and replacement of manufactured homes and substantial improvements to existing manufactured homes are allowed, the following regulations shall apply:

- 1106.A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
  2. Frame ties be provided at each corner of the home, with five additional ties per side and intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
  3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
  4. Any additions to the manufactured home be similarly anchored.
- 1106.B. Manufactured homes that are placed or substantially improved within 100-Year Flood (AE) zones on the City's flood insurance rate map on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood:
  1. Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no less than three feet above the base flood elevation;
  2. Shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

3. Where the home is not elevated on pilings, shall be elevated on compacted fill;
  4. Where the home is elevated on pilings, shall be on lots large enough to permit steps, shall have piling foundations placed in stable soil no more than ten feet apart, and shall have pilings with reinforcements placed above the base flood elevation; and
  5. Shall be provided with adequate drainage and access for a hauler.
- 1106.C. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision within 100-Year Flood (AE) zones on the City's flood insurance rate map and that are not subject to the provisions of subsection A above:
1. Shall be elevated so that either:
    - a. The lowest floor of the manufactured home is no less than three feet above the base flood elevation, or
    - b. Its chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  2. And:
    - a. Where the home is not elevated on pilings, the home shall be elevated on compacted fill;
    - b. Where the home is elevated on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; and
    - c. Adequate surface drainage and access for a hauler shall be provided.

### **Section 1107. Requirements for Recreational Vehicles**

Recreational vehicles placed on sites within 100-Year Flood (AE) or Coastal High Hazard (VE) zones on the City's flood insurance rate map shall be on the site for fewer than 180 consecutive days, be fully licensed, and be ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **Section 1108. Requirements for Pool Equipment Enclosures**

Pool equipment enclosures may be constructed below the height requirements of sections 1110.B – *All Nonresidential Structures* or 1111.B - *All Buildings or Structures Shall Be Elevated*, provided the following regulations are complied with:

- 1108.A. The applicant shall prove to the satisfaction of the zoning administrator that:
1. Placing the enclosure above the base flood elevation level as required by sections 1110 – *Development of 100-Year Flood (AE) Zones* and 1111 – *Development of Coastal High Hazard (VE) Zones* will impair the operation of the equipment;

2. All alternative locations where the enclosure would comply with the height requirements of sections 1110. B – *All Nonresidential Structures* and 1111. B - *All Buildings or Structures Shall Be Elevated* have been considered and rejected;
  3. The enclosure has been designed and located so that the exception to the height requirements of sections 1110. B – *All Nonresidential Structures* and 1111. B - *All Buildings or Structures Shall Be Elevated* are the minimum necessary to afford relief, and
  4. All due consideration has been given to the flood risk, adjacent structures, and the potential in increased waterborne debris.
- 1108.B. The size of the enclosure shall be the smallest necessary to meet state health requirements but shall not exceed 100 square feet.
- 1108.C. The enclosure shall not be located within the zoning setback lines nor any closer than ten feet to any principal building. Pool equipment enclosures shall be placed in an area which least impacts neighboring property.
- 1108.D. The height of the enclosure shall not exceed 8' above its floor.
- 1108.E. The floor level of any enclosure in a 100-Year Flood (AE) zone shall be elevated to at least two feet above the grade of the pool.
- 1108.F. An enclosure in the Coastal High Hazard (VE) zone may be built at grade level, provided the walls of the enclosure shall be breakaway walls.
- 1108.G. Enclosures shall be constructed of flood resistant materials and securely anchored to be in accordance with the current Standard Building Code.
- 1108.H. Enclosures in the 100-Year Flood (AE) zone shall incorporate a minimum of two openings, which will allow the entry and exit of floodwaters. The openings shall begin at floor level and be sized to allow one square inch of opening for one square foot of area enclosed within the structure.
- 1108.I. All electrical connections shall be elevated to the level of the base flood elevation or as high as possible.

### **Section 1109. Requirements for Subdivisions**

- 1109.A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 1109.B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 1109.C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

- 1109.D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

**Section 1110. Development of 100-Year Flood (AE) Zones**

Within those areas designated as 100-Year Flood (AE) zones on the applicable FIRM, the following additional regulations shall apply to all new construction and substantial improvements:

- 1110.A. All residential structures, including prefabricated and manufactured homes, shall have the lowest floor of such structure, including basement, elevated no less than three feet above the base flood elevation. Notwithstanding this requirement, all manufactured homes shall also be subject to any applicable provisions of section 1106 - *Requirements for Manufactured Homes*.
- 1110.B. All nonresidential structures shall have the lowest floor, including basement, elevated no less than three feet above the base flood elevation, or together with attendant utility and sanitary facilities, shall be designed so that the structure is watertight to a height not less than three feet above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 1110.C. For all elevated residential and nonresidential structures with fully enclosed areas that are below the lowest floor and subject to flooding, including ingress and egress, such enclosed areas shall be designed to preclude finished living space and to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; openings may be equipped with screens, louvers, or other coverings or devices intended to collapse under wind and water loads without causing collapse displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
  2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or a maximum of 299 square feet for storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). Ventilation per section 1110.C.1 - *Designs* is still required.
  3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- 1110.D. Structures not meeting the requirements of section 1110.C - *For All Elevated Residential And Nonresidential Structures* shall either be constructed on properly designed and compacted fill that extends at least three feet beyond the building wall

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before dropping below the base flood elevation and has appropriate protection against erosion and scour, such design to be approved by a registered engineer, or be constructed on pilings which meet the engineered support requirements of section 1111 – *Development of Coastal High Hazard (VE) Zones*.

- 1110.E. Requirements for floodways. Located within areas of special flood hazard established in section 1103 are areas designated as floodways (see Article 2 - Definitions). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and which have erosion potential, the following provisions shall apply:
1. Prohibited in floodways are encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  2. If section 1110.E.1 - *Prohibited In Floodways* is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 11 – *Floodplain Management Regulations*.
  3. The placement and replacement of manufactured homes and substantial improvements to existing manufactured homes shall be prohibited in floodways.

**Section 1111. Development of Coastal High Hazard (VE) Zones**

Within those areas designated as Coastal High Hazard (VE) areas on the applicable FIRM, the following additional regulations shall apply to all new construction and substantial improvements:

- 1111.A. All buildings or structures shall be located landward of the reach of the mean high tide.
- 1111.B. All buildings or structures shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated no less than three feet above the base flood level; and the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specification and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of 1111.E – *Breakaway Wall*. In addition, the space below the lowest floor shall be free of obstructions or be constructed with breakaway walls.
- 1111.C. If breakaway walls are utilized, such enclosed space shall not be used for human habitation and shall be utilized only for building access, parking, or limited storage.



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- 1111.D. No improvements to a structure shall enclose the space below the lowest floor unless breakaway walls are used.
- 1111.E. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
  2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- Such enclosed space shall be usable solely for parking of vehicles, building access, or limited storage.
- 1111.F. There shall be no fill used as structural support. Limited non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating loading forces, ramping effects or wave deflection. Only beach compatible sand may be used. The local administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist which demonstrates that the following factors have been fully considered:
1. Particle composition of fill material does not have a tendency for excessive natural compaction;
  2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
  3. Slope of fill will not cause wave run-up or ramping.
- 1111.G. There shall be no alteration of sand dunes which would increase potential flood damage.
- 1111.H. The placement and replacement of manufactured homes and substantial improvements to existing manufactured homes shall be prohibited in Coastal High Hazard (VE) zones.

### **Section 1112. Development of 500-year Floodplains**

Within those areas designated as "X" (shaded) on the applicable FIRM, as well as within all special flood hazard areas, new critical facilities, such as fire stations, major police stations, hospitals, residential health care facilities, electrical transmission switching stations and

distribution substations, main telephone switching offices, and hazardous materials storage sites, are prohibited. Sanitary sewer pump stations are not considered a critical facility for the purposes of this paragraph.

**Section 1113. Information and Certifications to be Included with the Building Permit Application and at Specified Stages of Construction**

- 1113.A. Within those areas of the City of Myrtle Beach designated as special flood hazard areas by the FIRM, all building permit applications for new construction or substantial improvement of residential and nonresidential structures, including prefabricated and manufactured homes, shall have indicated:
1. The elevation in relation to National Geodetic Vertical Datum 1929 (NGVD 1929) of the bottom of the lowest structural member of the lowest floor (including basement) of all structures in the Coastal High Hazard (VE) zones;
  2. The elevation in relation to NGVD 1929 of the lowest floor level (including basement) of all structures in 100-Year Flood (AE) zones; and
  3. The elevation in relation to NGVD 1929 to which any nonresidential structure (including basement) has been flood-proofed.
  4. Submission of "V-Zone" design certification pertaining to foundation and anchoring design.
  5. Submission of breakaway wall certification if applicable.
  6. Site plan references and indication of floodplain boundaries, flood zones and base flood elevations.
- 1113.B. For 1113.A.1 - *Lowest Structural Member Of The Lowest Floor* and 1113.A.2 - *The Lowest Floor Level* above, an elevation certificate (FEMA Form 81-31) certifying such elevations, completed by a South Carolina registered land surveyor or engineer, shall be provided no later than seven days from the completion of construction of the lowest structural member or the lowest floor level. The director of construction services may issue a stop construction order if the certificate is not provided to him within the seven-day period. In addition, an elevation certificate (FEMA Form 81-31) certifying such elevations, completed by a South Carolina registered land surveyor or engineer, shall be provided upon the completion of the project, prior to the issuance of any certificate of occupancy.
- 1113.C. For 1113.A.3 - *Any Nonresidential Structure* a floodproofing certificate (FEMA Form 81-65) certifying such elevation, completed by a South Carolina registered land surveyor or engineer, shall be provided upon completion of the project, prior to the issuance of any certificate of occupancy.
- 1113.D. In addition certification from a South Carolina registered professional engineer or architect that a nonresidential floodproofed structure meets the floodproofing requirements of sections 1110. B – *All Nonresidential Structures* and 1110.D - *Structures Not Meeting The Requirements Of section 1110.C* or that all structures in

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Coastal High Hazard (VE) zones meet the requirements of section 1111 - *Development of Coastal High Hazard (VE) Zones* shall be submitted. Applications for building permits shall also include evidence that all necessary permits have been obtained from federal, state, or local government agencies from which prior approval is required.

### **Section 1114. Administration, Enforcement, and Appeal**

In addition to the procedures for the administration, enforcement and appeal of the provisions of this Ordinance as defined in Articles 3 – *Administration And Enforcement* and 5 – *Board Of Zoning Appeals*, the following additional regulations shall apply:

- 1114.A. Duties and responsibilities of the zoning administrator related to flood plain management shall include, but not be limited to:
1. Review all development permits to ensure that the permit requirements of this ordinance have been satisfied.
  2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334, and require that copies of such permits be provided and maintained on file with the building permit.
  3. Notify adjacent communities and the appropriate state agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  4. Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  5. Verify and record the actual elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (including basement) of all new or substantially improved buildings in Coastal High Hazard (VE) zones. Said elevation shall be certified by the professional engineer or architect of the permittee.
  6. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings in 100-Year Flood (AE) zones. Said elevation shall be certified by the professional engineer or architect of the permittee.
  7. Verify and record certification from the permittee's registered professional engineer or architect when flood-proofing is utilized for a particular building.
  8. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved nonresidential buildings have been floodproofed. Said elevation shall be certified by the professional engineer or architect of the permittee.
  9. Verify and record certification from a registered professional engineer or

**Article 11. FLOODPLAIN MANAGEMENT REGULATIONS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

architect that the building in Coastal High Hazard (VE) zones is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

10. Review plans of structures in Coastal High Hazard (VE) zones for adequacy of breakaway walls in accordance with section 1111 - *Development of Coastal High Hazard (VE) Zones*.
11. Interpret the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 1114 - *Administration, Enforcement, and Appeal*.
12. Maintain and make available for public inspection all records pertaining to the provisions of this ordinance.

1114.B. Variance procedures associated with flood plain management regulations.

1. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure. Such variance may be administratively granted without regard to the procedures set forth in the remainder of this section.
2. In passing upon applications for variances, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations not subject to flooding or erosion damage, for the proposed use;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water systems, streets, and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the above items have been fully considered. As the lot size increases beyond the one-half acre, the technical justification require for issuing the variance increases.

3. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  4. Conditions of variances.
    - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    - b. Variances shall only be issued upon:
      - i. A showing of good and sufficient cause;
      - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      - iii. A determination that the granting of a variance will not result in additional threats to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
    - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation at a specified number of feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 1114.C. Procedures for requesting amendments to the flood insurance rate maps: Requests for amending the flood insurance rate maps (FIRM) may be submitted by affected individuals directly to the Federal Emergency Management Agency. The City of Myrtle Beach has no authority to amend or grant variances to the flood insurance rate maps without prior approval of the Federal Insurance Administration.
- 1114.D. Free of obstruction or Break away walls with areas used only for vehicle parking, facility access or storage: All properties in within Zones V130, Coastal High Hazard (VE), and V on the City's Flood Insurance Rate Map must comply with 44 CFR Chapter 1, Part 60, Subpart 60.3, as applicable, and have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds 1 per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Any nonconforming or noncompliant enclosure or use is prohibited and must be removed, and not reinstalled. Any such nonconforming or noncompliant enclosure or use, without regard to permitting, time of existence, custom or practice is expressly not subject to grandfathering, and may not in any way continue. The removal of the nonconforming or noncompliant enclosure or use shall be accomplished by September 1, 2010, and may not be erected or placed again under any circumstances. Failure to remove the nonconforming or noncompliant enclosure or use may result in additional enforcement action, including but not limited to the City's Declaration in implementation of Title 44, CFR, Chapter 1, Part 73, Section 73.3, as the procedure for the denial of flood insurance for that property, as provided for in federal law. The required removal of the nonconforming or noncompliant enclosure or use or the continuing prohibition of installation of a nonconforming or noncompliant enclosure may not be the subject of an appeal or request for variance from the Board of Zoning Adjustments.

## **Article 12. Lighting and Glare**

### **Article 12. Lighting and Glare**

- Section 1201. Purpose and Intent
- Section 1202. Applicability
- Section 1203. General Regulations
- Section 1204. Glare Regulations
- Section 1205. Residential Standards (R Lighting Zone)
- Section 1206. Recreational Lighting
- Section 1207. Lighting for Manufactured Homes, Multifamily
- Section 1208. Campground Lighting
- Section 1209. Measurement
- Section 1210. Sea Turtles

### **Section 1201. Purpose and Intent**

It is the purpose and intent of this article to prevent the creation of nuisances, caused by unnecessary intensity of artificial illumination of property, signs, and buildings, to promote the safety and general welfare of the public by the regulation of glare-producing sources of light, to assure the required minimum illumination to facilitate enforcement of law and to protect the threatened or endangered sea turtles which nest on the beach of the City by safeguarding nesting females and hatchlings from artificial light.

### **Section 1202. Applicability**

The provisions of this section shall apply to any and all exterior artificial light sources not having specific special regulations.

### **Section 1203. General Regulations**

1203.A. Permits. All commercial and residential uses not exempted in section 1203.C - *Permit Exemptions* and section 1206 - *Recreational Lighting* shall be required to get a permit. Any permits or exemptions given under the regulations for lighting and glare do not exempt applicants from any other permits required by the City Code. There are two levels of permits:

1. *Level one permits.* Except in Residential (R) and Residential/Commercial (RC) lighting zones, any new or additional incandescent filament lamp sources that do not exceed 300 watts per light source and 1,500 total combined watts per parcel; or High Intensity Discharge (HID) light sources that do not exceed 175 watts per light source and 700 total combined watts per parcel must get a level one permit. A permit shall be issued by the City Construction Services Department upon signature of the applicant on a statement stating that the applicant understands that the lighting must meet the provisions of the lighting and glare regulations and the provision by the applicant of a recorded plat showing the location of proposed luminaries.
2. *Level two permits.* All commercial lighting that exceeds the level one permit requirements must apply for a level two permit. Prior to the erection, installation or placement of exterior artificial light source(s), an application for a permit shall be filed with the City Construction Services Department. The application shall include an application form (available at the Construction Services Department); three copies of a lighting plan; and full payment of the application fee.
  - a. The lighting plan shall include a site plan showing the proposed number, specific location, intensity, height of luminaries, projected lighting patterns, style of fixtures, type of illumination of all light sources, and all electrical connections whether above or below grade.
  - b. All luminaries must also meet the requirements of any other applicable city code(s).
  - c. All plans submitted to meet the requirements of this chapter shall be certified by a registered engineer, state-licensed electrical contractor, registered architect or a designated certified representative from a state-owned electric utility. This representative is to be designated and certified by a letter to, and kept on file by, the zoning administrator from the state-owned electric utility. Any time there is a change in the designated representative a new letter must be sent to the zoning administrator.



**Article 12. LIGHTING AND GLARE**

1203.B. Lighting Zones. Designated zoning districts included within each lighting zone are provided in the following table.

**Lighting Zones**

<b>Lighting Zone</b>	<b>Zoning Districts</b>
<b>Residential (R)</b>	R5, R7, R8, R10, R15, RMM, CG, Residential PUD
<b>Residential/Commercial (RC)</b>	MP, MU-M, RMV, RMH, RMH-MH, BP, IN, HC2
<b>Commercial/ Hotel (CH)</b>	MU-H, HC1, C6, C7, C8
<b>Wholesale/Industrial (WI)</b>	LM, IR, WM, AP
<b>Amusement (A)</b>	A
<b>Entertainment (E)</b>	E
<b>Cabana Section (CS)</b>	CS

1203.C. Permit Exemptions. Though no permits are required for the following exemptions, all exterior light sources installed, erected or maintained in the City shall be subject to sections 1204 - *Glare Regulations*, 1205 - *Residential Lighting* and 129.B - *Light Spillover Standards*.

1. No permit shall be required for warning lights to be erected in conjunction with construction, excavation, maintenance, repair or hazard, as required by law.
2. No permit shall be required of the city or state or any public utility corporation when performing contractual arrangements for the City or South Carolina Department of Transportation for the installation of any light source.
3. Holiday season or festival lighting of a temporary nature erected after November 1st and removed before March 1<sup>st</sup> of the following year.

Though no lighting permit may be required, a building and electrical permit may be required. Applicants must contact the City Construction Services Department for these permits.

1203.D. Measurement of the Height of a Light Source. The height of a light source is the measured vertical distance between the light source and the grade. In extreme cases of varied elevations within the same site, grade shall be established by the zoning administrator.

**Section 1204. Glare Regulations**

1204.A. Safety Hazard. Any artificial light source which creates glare observable within the normal range of vision from any public walk or thoroughfare under normal weather conditions is prohibited. Any such light source shall be considered a safety hazard and will be turned off and/or removed upon notification by the City Police Department or the zoning administrator.

- 1204.B. Nuisance. Any artificial light source which creates glare observable within the normal range of vision, under normal weather conditions, from any property other than the property where the light source is located is prohibited. Any such light source shall be considered a nuisance.

### **Section 1205. Residential Lighting**

No application or permit shall be required for the installation of exterior light sources permitted in the Residential (R) lighting zones, which are compliant with section 1209.B - *Light Spillover Standards*.

### **Section 1206. Recreational Lighting**

Because of the unique requirements for night-time visibility, ball diamonds, playing fields and tennis courts are exempted from the exterior lighting standards of section 1209.B - *Light Spillover Standards*. These outdoor recreational uses must meet all other requirements of the Ordinance.

- 1206.A. Post Height. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of 100 feet above grade.
- 1206.B. Cutoff Angle. The outdoor recreational uses specified above may exceed a total cutoff angle of 90 degrees, provided the luminaire is shielded to prevent light and glare spillover to adjacent residential property.
- 1206.C. Maximum Spillage. Within the Entertainment District (E), the maximum permitted illumination at the property line shall not exceed five footcandles. Within all other districts and lighting zones, the maximum permitted illumination at the property line shall not exceed two foot-candles.

### **Section 1207. Manufactured Homes, Multifamily Lighting.**

Refer to section 1501.O - *Manufactured Homes, Multifamily* for additional regulations regarding lighting in manufactured home parks.

### **Section 1208. Campground Lighting.**

Refer to section 1501.BB - *Campgrounds* for additional regulations regarding lighting in campgrounds.

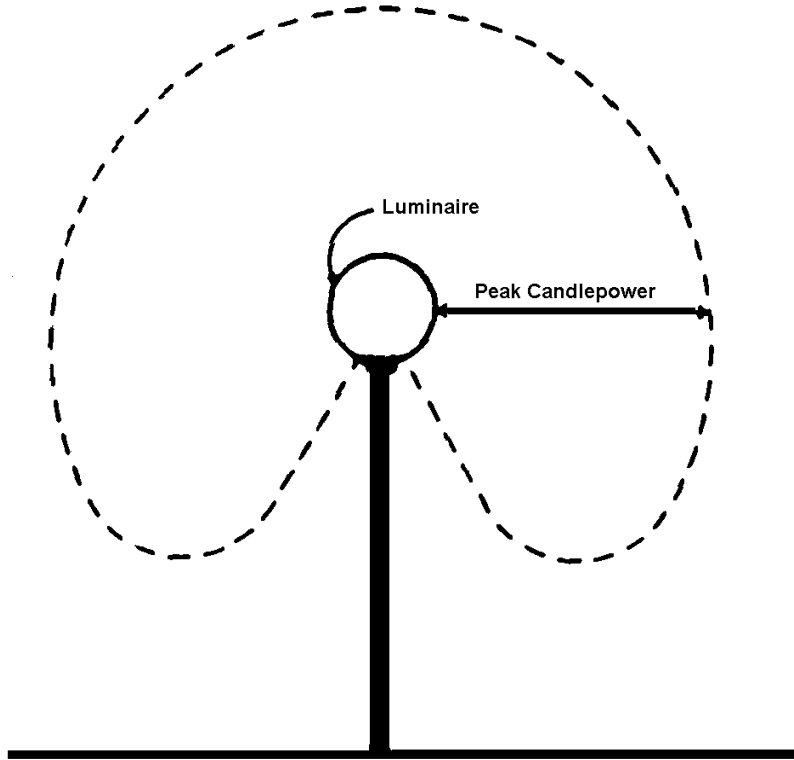
### **Section 1209. Measurement**

- 1209.A. Method of Measurement.
1. The meter sensor shall be mounted not more than six inches above ground level in horizontal position. Personnel shall take readings only after the cell has been exposed long enough to provide a constant reading.
  2. Measurements shall be made after dark with light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level in section 1209.B - *Light Spillover Standards*.

**Article 12. LIGHTING AND GLARE**

1209.B. Light Spillover Standards. Lighting spillage or spillover is any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum permitted illumination. Exterior lighting shall meet the following standards at the property line at ground level. If lighting is of a mixed type, the most restrictive standard will apply.

1. When a light source or luminaire has no cut-off or a cut-off angle greater than 115 degrees:



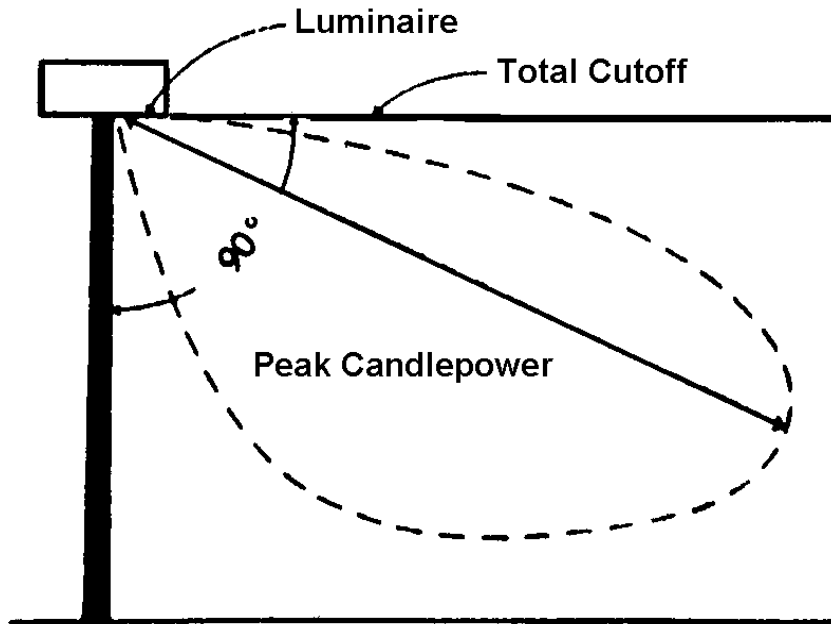
**No Cutoff Luminaire**

Lighting Zones	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire (feet)
R	0.20 foot-candles	14 ft.
RC	0.20 foot-candles	15 ft.
CH	5.0 foot-candles	20 ft.
WI	5.0 foot-candles	20 ft.
A	75.0 foot-candles	20 ft.
E	2.0 foot-candles	50 ft.

**Article 12. LIGHTING AND GLARE**

CS	One shielded incandescent light not to exceed 75 watts (or the equivalent), provided that the light is attached to a building or in a bollard illuminating a public walkway and further provided that no spotlights, floodlights, or glaring lights of any kind shall be permitted.
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2. When a luminaire has a total cut-off angle of 115 to 90 degrees, the maximum illumination and the maximum permitted height shall be:



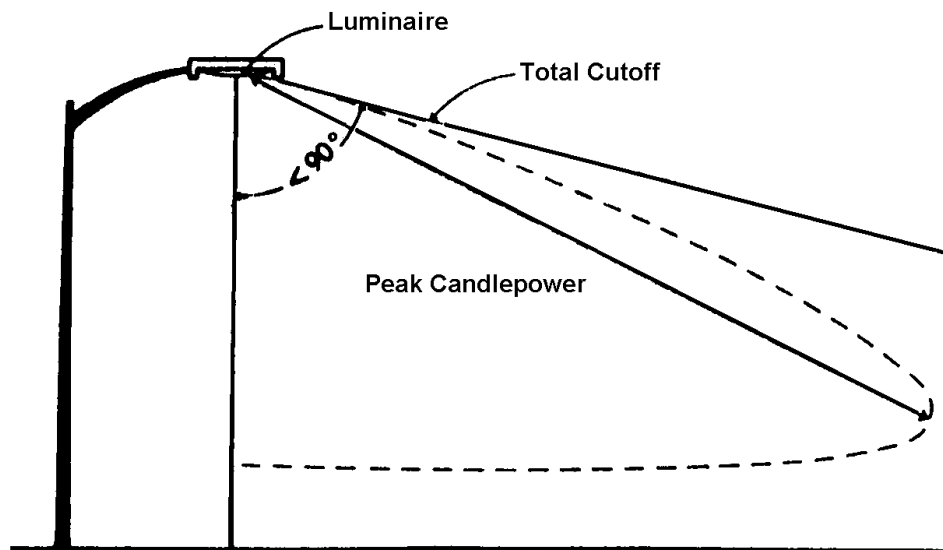
## 90° Cutoff Luminaire

Lighting Zones	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire (feet)
R	0.30 foot-candles	25 ft.
RC	0.50 foot-candles	25 ft.
CH	5.0 foot-candles	30 ft.
WI	5.0 foot-candles	50 ft.
A	75.0 foot-candles	75 ft.
E	2.0 foot-candles	50 ft.

**Article 12. LIGHTING AND GLARE**

CS	One shielded incandescent light not to exceed 75 watts (or the equivalent), provided that the light is attached to a building or in a bollard illuminating a public walkway and further provided that no spotlights, floodlights, or glaring lights of any kind shall be permitted.
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- When a luminaire has a total cut-off angle less than 90 degrees and is so located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cut-off angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:



**Luminaire With Less Than 90° Cutoff**

Lighting Zones	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire (feet)
R	0.50 foot-candles	25 ft.
RC	1.0 foot-candles	25 ft.
CH	5.0 foot-candles	30 ft.
WI	5.0 foot-candles	50 ft.
A	75.0 foot-candles	60 ft.
E	2.0 foot-candles	50 ft.
CS	One shielded incandescent light not to exceed 75 watts (or the equivalent), provided that the light is attached to a building or in a bollard illuminating a public walkway and further provided that no spotlights, floodlights, or glaring lights of any kind shall be permitted.	

**Section 1210. Sea Turtles**

In order to prevent and minimize hazards to nesting female sea turtles and their hatchlings, the following regulations shall apply to the beach and property near the beach:

Between 31st Avenue North and 52nd Avenue North, and  
Between Highland Avenue and Canepatch Swash, and  
Between 77th Avenue North and the northern boundary of the City:

- 1210.A The point source of light or any reflective surface of the light fixture shall not be directly visible from any point seaward of the landward toe of the landward-most sand dune.
- 1210.B Areas seaward of the landward toe of the landward-most sand dune shall not be directly, indirectly, or cumulatively illuminated.
- 1210.C For beach access points, dune walkovers, beach walkways, or any other structure designed for pedestrian traffic on or seaward of the primary dune, only low-intensity recessed or louvered lighting or other appropriate low-intensity lighting shall be used. From May 1st to October 31st each year, such lighting shall be turned off after 10:00 p.m. each day and not turned on again before 7:00 a.m. the next day.

## Article 13. Supplemental Provisions

### Article 13. Supplemental Provisions

- Section 1301. Purpose and Intent
- Section 1302. Wireless Internetworking Node Standards
- Section 1303. Standards for State Homes for the Handicapped or Disabled
- Section 1304. Public Art Standards
- Section 1305. Awning and Canopy Standards
- Section 1306. Standards for Temporary Uses and Structures
- Section 1307. *Reserved*
- Section 1308. Standards for Extended Stay Recreational Parks with Rental Periods  
in Excess of 30 Days
- Section 1309. Standards for Regulated Adult Business
- Section 1310. Standards for Regulated Sexually Oriented Business
- Section 1311. Standards for Wireless Communications Facilities
- Section 1312. Special Conditions of Drinking Places and Nightclubs

### **Section 1301. Purpose and Intent**

The regulations provided in Article 13 – *Supplemental Provisions* shall apply in all districts.

### **Section 1302. Wireless Internetworking Node Standards**

- 1302.A. Intent. The intent of these standards is to provide for a safe, attractive, orderly and functional placement of wireless internetworking nodes within the City.
- 1302.B. Application. These standards shall apply to the installation and/or placement of any wireless internetworking node, within the City of Myrtle Beach.
- 1302.C. Size. The device shall not exceed 20 inches in height, 14 inches in depth and 14 inches in width, exclusive of any mounting structure that blends with the surroundings.
- 1302.D. Installation.
1. Wireless internetworking nodes shall be installed and maintained in compliance with the International Building Code, National Electric Code and Federal Communications Commission guidelines and regulations and all local regulations, directives and codes.
  2. Installation of any wireless internetworking node shall require the issuance of any applicable permits such as building and/or electrical. A permit shall not be issued without Community Appearance Board approval.
- 1302.E. Landscaping. Any landscaping that is disturbed or altered to facilitate the installation of a support structure for a wireless internetworking node will be returned as near as possible to the original state before the installation.

### **Section 1303. Standards for State Homes for the Handicapped or Disabled**

Refer to the South Carolina Code of Laws for standards for state homes for the handicapped or disabled.

### **Section 1304. Public Art Standards**

- 1304.A. Purpose. It is the intent of the City to provide opportunities for artists and sponsors of art and artists to create noncommercial, publicly accessible exhibits of a social, cultural or historical significance that beautify and appeal to all segments of the community.
- 1304.B. Publicly Accessible Art on Private Property shall be exterior to any structures and visible from public property. Art or Artwork encompasses all forms of original creations of visual art, or permanent, including, but not limited to:
1. Paintings of all media, including both portable and permanently affixed works;
  2. Sculpture of any form and in any material or combination of materials, to include statues, monuments, fountains, arches, or other structures intended for



### Article 13. SUPPLEMENTAL PROVISIONS

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ornamentation or commemoration. Also included are reliefs, mobiles, kinetic, electronic and neon, sculptures;

3. Wagons, old boats and other ornamental objects that are integrated into the theme of an approved landscape plan.
4. Visual art such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints. Also included are crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials; and
5. Artist-designed streetscapes, landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

1304.C. Approval Required. Approval of the Community Appearance Board and a permit from the zoning administrator are required.

1304.D. Review, Administrative Procedure.

1. An application and plan shall be submitted to the City. The zoning administrator shall not design or redesign the artwork, and shall determine, within 30 days of receipt, if the application is for a sign based on section 1304.E - *Art Exhibits as Signage*.
  - a. The plan must address the artist's qualifications, training and/or experience, the artistic conception, the site selection, surface preparation, media proposed, the resistance of vandalism or weather, the time frame for completion, durability, maintenance, public access, appropriateness, safety, security, and the legal responsibility of maintenance. If a copyrighted image is used, the artist must provide signed releases concerning copyright infringement.
  - b. The plan must address the appropriateness of the proposed design in terms of its scale, form, artistic content and design with respect to and in the context of its immediate and general architectural, geographical, historical, social, and cultural environment.
  - c. The plan must include the building owner's signed permission, and building owners signed agreement for maintenance to run concurrent with the lease, in the event of vandalism or deterioration.
  - d. If on public property, the plan must include the City Council's consent by way of encroachment permit and appropriate insurance by the artist/sponsor for the installation of the artwork. Upon completion, all art placed on public property becomes the property of the City.
2. Once the zoning administrator has determined that the application is not for a sign and is in compliance with the requirements set forth herein, the application shall be forwarded to the Community Appearance Board and the Cultural Arts Advisory Committee. The application and plan shall be the subject of a public hearing by the Community Appearance Board and the Cultural Arts Committee no earlier than 45 days from the date of submission, and that hearing shall provide public notice of the subject matter to adjacent property owners as in other matters affecting public land use actions. At that hearing after taking evidence and testimony, the

Community Appearance Board may approve or deny the application based upon the standards contained herein and the guidelines of 604.A.5 - *Advertising Features*. No reviewing party may design or redesign the publicly accessible art as submitted.

For plan review, the reviewers shall determine compliance with the following provisions:

- a. In furtherance of the City's goal of a wholesome and welcoming public atmosphere, and in exercise of its reasonable restrictions in time, place and manner of public expression, publicly accessible art may display themes associated with viewpoint, history, culture or belief, provided however no publicly accessible art shall display or make reference to specified anatomical areas or specified sexual activities as defined in state law or city ordinances; or display or reference to any overt or implied sexual themes, scatological message or violently graphic image or text inappropriate for viewing by a minor child.
- b. Gang affiliation symbols, defamatory or denunciatory art shall not be permitted.
- c. Publicly accessible art shall be within the bounds of basic decency and respect for all persons, regardless of race, creed, color, gender or national origin.

1304.E. Art Exhibits as Signage. All artwork containing an advertising message, announcement, declaration, insignia, surface or space erected or maintained in view of the public thereof with the purpose of commercial identification, advertisement or promotion of the commercial person, business entity, product or service shall be considered a sign to be governed by Article 8 – *Sign Regulations* of the Ordinance.

1304.F. Mural Standards.

1. Site Selection. Sound brick, plaster, concrete walls or wood and aluminum covered by sealed marine grade plywood can be used as the surface for a mural. Murals can either be painted directly on the final surface, or on panels, which are fixed to the wall either before or after painting. Unless the surface is plaster, the mural surface shall be smoothed to accept appropriate primer and paint. The site must be secured so that there is no water seepage from roof or ground level.
2. Wall Preparation. Where applicable, the surface must be pressure washed to remove any dirt and existing paint, and the surface must be completely dry before proceeding to scrape the wall to remove any additional loose material and ensure a smooth, solid surface. Appropriate spackle or another type of filler shall be used to fill cracks and to level uneven surfaces. The surface shall be lightly sanded to even out the filled areas and to ensure the primer will adhere. The surface shall be entirely primed before application of paint.
3. Paint. The paint materials and methods should be included in the plan and should be appropriate for the purpose. Where applicable, an anti-graffiti topcoat shall be rolled on top of the mural after it has been completed to prevent fading of colors due to sun exposure.

4. Maintenance. The property owner is responsible for maintenance and shall annually inspect the mural for deterioration. The zoning administrator shall inform the property owner of the need for repair or maintenance.

**Section 1305. Awning and Canopy Standards.**

Awnings and canopies are allowed in all districts subject to the following regulations:

- 1305.A. Except in the Amusement (A) zoning district, translucent or any other type of material that allows internal light to illuminate any part of the awning or canopy is prohibited.
- 1305.B. Awnings and canopies are permitted to extend over public rights-of-way in the Amusement (A) and Mixed Use (MU) districts; provided they do not extend beyond the back edge of the curb line or more than a distance of eight feet inside the right-of-way line, further provided that these structures do not rely on public property for structural support nor interfere with pedestrian or vehicular traffic. Any architectural element that protrudes or encroaches in a permitted fashion must maintain a minimum 9-foot clearance from grade.

**Section 1306. Standards for Temporary Uses and Structures.**

All temporary manufactured structures shall be erected in compliance with all building codes and standards adopted by the City. The zoning administrator is authorized to approve the issuance of a permit of temporary use as follows:

- 1306.A. Open lots for Christmas trees, in the Highway Commercial (HC1 and HC2) districts for the period from November 1<sup>st</sup> to January 2<sup>nd</sup> of each year. Permitted Christmas tree lots may have one permitted sign, no larger than 4' X 4', for each public right-of-way on which the permitted Christmas Tree Lot fronts.
- 1306.B. Sales, social, cultural or charitable non-profit events:
  1. Except for the month of May as provided herein, any licensed non-restaurant business is eligible to erect a tent or other temporary structure for hosting or sponsoring a charitable fundraising event, merchandise sales, customer appreciation event, social activities and food and beverage sales or distribution on site; provided however, no business location may host more than 2 such events in a calendar year, and the events are separated by not less than 30 days.
  2. Any licensed restaurant business is eligible to erect a tent or other temporary structure for hosting or sponsoring a charitable fundraising event, merchandise sales, customer appreciation event, social activities and food and beverage sales or distribution on site; provided however, the business location may not host more than 2 such events in a calendar year and may only vend food and beverages during the month of May, and the events are separated by not less than 30 days.
  3. Charitable organizations registered with the South Carolina Secretary of State are eligible to engage upon their property or a host property in a fundraising event, including merchandise, food and beverage sales, with or without a tent or temporary structure; provided however, the charitable organization may not hold

more than 2 such events in a calendar year at any location, and may only vend food and beverages during the month of May, and the events are separated by not less than 30 days.

4. Restrictions:
    - a. Applications and permit fee must be submitted 48 hours in advance. The application can be obtained from the Department of Construction Services.
    - b. The event may not exceed 72 hours.
    - c. The event should not require the deployment of public resources or affect traffic unduly due to temporary use impact, scope or purpose.
    - d. Event signage or banners are permitted, of not more than 32 square feet and shall only be displayed during the event, and taken down at the end of the event.
    - e. The event may have the outside sale or display of merchandise and costumed employees, provided however, no person on public or private property may actively solicit attendance or attention from the driving public.
    - f. No more than 25% of the parking area can be used for non-parking uses; provided however, there is no parking area restriction on the charitable temporary use if the sponsoring or hosting business is closed and the event does not cause off-site parking problems.
    - g. The permit does not address the sale, service or consumption of alcoholic beverages, and may not be interpreted to have any bearing on the subject. The applicant is solely responsible for compliance with state and local alcohol laws.
    - h. Charitable events may be required to provide verification of status. The hosting property owner or business license holder must submit an authorization from a responsible party of the charitable organization when applying for a permit on their behalf.
    - i. In consideration of current demands on public resources made during the month of May and except as limited herein, no temporary zoning use permit may be issued from May 1<sup>st</sup> through midnight of May 31<sup>st</sup> every year, if such permit overlaps or coincides with an unpermitted rally that is held forth as occurring on specified days and is reasonably perceived by the administration as being held in furtherance of or to take advantage of an unpermitted rally, to include either 5 days before or 5 days after the time of the rally as set forth.
- 1306.C. Yard sales in Single-family (R) districts shall last no more than 12 hours and shall be permitted no more than 4 times in a calendar year.
- 1306.D. Religious meetings in tents or other temporary structures in the Amusement (A) district, for a period not to exceed 7 days, and not more than 3 times in a calendar year.
- 1306.E. Temporary structures may be permitted as a temporary office during construction of buildings and projects, provided that such structure be removed prior to issuance of final certificate of occupancy.
- 1306.F. Temporary manufactured structures may be used for commercial uses during active construction of a permanent structure on the same site. The temporary manufactured structure shall be removed upon completion of the permanent

- structure or upon the lapse or expiration of the building permit for the permanent structure.
- 1306.G. A hospital or medical facility may have one mobile imaging or other similar type of diagnostic unit for every two acres on site, so long as the following conditions are met:
1. Said unit is not present on site for more than three (3) consecutive and not to exceed a total of two hundred twenty (220) days in a given twelve (12) month period.
  2. The primary facility shall submit a site plan for CAB review and approval that shall use landscaping screening as set forth in this Code of Ordinances for structures.
  3. Any site that abuts a residential use shall set the mobile unit no closer than 50 feet from the shared property line with the residential use.
  4. Operating hours will be limited to no earlier than 7:00 a.m. and no later than 7:00p.m.
  5. Except in times of disaster response and recovery, any medical facility that abuts a residential property will be limited to mobile imaging and/ or diagnostic units that do not use gasoline, diesel, or other liquid-fuel-powered generators for operation of the facility.
- 1306.H. Trucks, wagons, tractor-trailers or similar vehicle or appurtenance may be utilized for the purpose of conducting on-premises storage and/or sale in the Wholesale/Manufacturing Wholesale/Manufacturing (WM), Entertainment (E) and Airport (AP) districts only. This shall not restrict the loading and unloading operations normally associated with such vehicles, provided that such operations are concluded within 48 hours of initiation. This subsection shall not apply to uses permitted in subsection 1306.A – *Open Lots For Christmas Trees*, 1306.B - *Social, Cultural Or Charitable Non-Profit Events* and 1306.C – *Yard Sales* herein or to truck-based produce sales that are exempt from city licensing requirements.
- 1306.I. Under a Governor-declared State of Emergency, temporary single-family housing, including but not limited to FEMA Trailers, may be erected in any zoning district. Such housing shall meet the regulations of the International Building Code or the National Manufactured Housing Construction and Safety Standards Act of 1974. Such housing shall be removed within 6 months unless an extension is granted by City Council.

### **Section 1307. Reserved**

### **Section 1308. Standards for Extended Stay Recreational Parks with Rental Periods in Excess of 30 days.**

Extended stay recreational vehicle parks shall be designed for, and limited to, use by self-contained (nondependent) recreational vehicles.

- 1308.A. Recreational vehicles shall not be permanently attached to the site and the wheels may not be removed. Units must be capable of moving with permit on highways.
- 1308.B. Recreational vehicles shall meet all American National Standards Institute standards for park trailer recreational vehicles.

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- 1308.C. A maximum of 45 percent of any Campground (CG) park may be used as an extended stay recreational vehicle park.
- 1308.D. A minimum area for an individual RV (recreational vehicle) site shall be 2,250 square feet.
- 1308.E. Minimum Setbacks, measured to the border of any individual site:
1. Minimum setback of 25 feet from any street, except when abutting Ocean Boulevard, Kings Highway, or U.S. 17 the minimum shall be 50 feet.
  2. Minimum setback from any adjacent property 25 feet, except when abutting any property zoned Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD) the minimum shall be 50 feet.
- 1308.F. Temporary hookups must be provided. Permanent utility hookups are prohibited.
- 1308.G. The recreational vehicle park shall provide emergency sanitary facilities as follows: For each 100 extended stay recreational sites (or fraction thereof), two flush toilets, two showers and two lavatories for each gender.
- 1308.H. Minimum Landscaping:
1. Along interior streets one tree is required per 15 linear feet of street. Trees may be clustered, but no more than three per cluster.
  2. In the required setback from any external boundary, berming three feet in height, plus two trees (ten--12 feet in height) are required per 15 feet of external boundary and one shrub (deciduous or evergreen), minimum of five feet in height is required per five feet of any linear boundary. If existing trees and other vegetation are retained in sufficient quantities to accomplish the buffering the zoning administrator may allow the existing vegetation to be substituted therefore.
- 1308.I. The following structures may be allowed on each recreational vehicle site provided the accessory structures do not block the removal of the recreational vehicle from the site, are not permanently attached to the recreational vehicle
1. One covered porch (may be screened) or wooden open deck with maximum dimensions of ten feet wide by thirty feet long.
  2. One storage shed to be provided by the park. All sheds shall be the same size and constructed of the same material for each site in the recreational vehicle park. Maximum size six feet by eight feet by ten feet high.
- 1308.J. Only breakaway lattice skirting shall be used at the base of a recreational vehicle.
- 1308.K. All other regulations of Article 16 – *Area, Height and Dimensional Requirements* and all other conditions set forth in section 1501.BB - *Campgrounds* shall be followed.

**1309. Standards For Regulated Adult Business:****1309.A. Purpose; definition.**

1. It is the purpose of this ordinance to regulate through zoning adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access to the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
2. A regulated adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

**1309.B. Location Provisions.**

Regulated adult businesses are prohibited from being located on any lot or parcel within five hundred feet (500 ft) of Mr. Joe White Avenue, Grissom Pkwy, or Highway 501, but shall be permitted only in the following zones: WM. This prohibition and the requirements of 1309.B.1 through 5 cannot be the subject of an administrative appeal, or request for special exception, conditional use, or variance.

1. It shall be unlawful to establish, operate or cause to be operated a regulated adult business in this City within five hundred feet (500) feet of any zoning district within which residential uses are permitted by a local government. Measurements for this subparagraph (1) shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the regulated adult business to the closest point on the boundary line of the residential zoning district.
2. It shall be unlawful to establish, operate, or cause to be operated a regulated adult business in this City within five hundred (500) feet of any residential structure on a lot under the jurisdiction of a local government. For the purpose of this subparagraph, a residential structure is hereby defined as a single-family house or mobile home, a townhouse, a duplex or a multifamily structure. Measurements for this subparagraph (2) shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the regulated adult business to the closest point on the property line of the parcel containing the residential structure.
3. It shall be unlawful to establish, operate, or cause to be operated a regulated adult business within five hundred (500) feet of any house of worship, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or any motion picture establishment which regularly shows G or PG rated movies to the general public on a lot under the jurisdiction of a local government. Measurements for this subparagraph (3) shall be made in a straight line without regard to intervening

structures or objects, from the closest part of the structure containing the regulated adult business to the closest point on the property line of the parcel containing the house of worship, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or any motion picture establishment.

4. It shall be unlawful to establish, operate, or cause to be operated a regulated adult business within five hundred (500) feet of any other adult entertainment establishment or regulated sexually oriented business on a lot under the jurisdiction of a local government. Measurements for this subparagraph (4) shall be made in a straight line without regard to intervening structures or objects, from the closest parts of the structures containing the the two regulated adult business.
5. A regulated adult business lawfully operating in a lawful location is not rendered unlawful by the subsequent location of any use or zoning district listed in subparagraphs (1) – (4) that would otherwise render its location unlawful for a regulated adult business. This provision applies only to the regulated adult business that was operating in a particular lawful location when the subsequent disqualifying use or zoning district arrived, and only for so long as that particular regulated adult business continues to lawfully operate in that location.

1309.C. Definition of anatomical areas. For the purposes of this Section, specified anatomical areas are defined in Section 1309.D. *Regulated Sexually Oriented Adult Business*.

1309.D. Parking requirements. Regardless of the zoning district within which it is located, a regulated adult business shall be required to provide one on-premises parking space for each 100 square feet of gross floor space within its building.

1309.E. Signs and other visible messages. All regulated uses shall be permitted signs and or visible messages based on the allowable sign area of the zoning district in which they are located; provided:

1. Signs.
  - a. Sign copy shall be limited to verbal description of material or services available on the premises; and
  - b. Sign copy may not include any graphic or pictorial depiction of material or services available on the premises.
2. Other visible messages. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

1309.F. Prohibited conduct. Nothing contained in this section 1309 shall be construed to permit any activity or conduct with is prohibited or regulated in Chapter 14 of the Code of Ordinances of the City of Myrtle Beach.

**1310. Standards for Regulated Sexually Oriented Adult Business:**

1310.A Purpose; definitions



1. It is the purpose of this ordinance to regulate through zoning sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access to the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
2. A regulated sexually oriented business shall be defined as any business activity, club or other establishment, within which is permitted the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities. Regulated sexually oriented businesses shall include, but are not limited to those uses as defined hereinafter.
3. Definitions.  
“Adult Bookstore or Adult Video Store” means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact disks, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.” A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:
  - a. At least 25% of the establishment’s display merchandise consists of said items, or
  - b. At least 25% of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items, or
  - c. At least 25% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or
  - d. The establishment maintains at least 25% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or
  - e. The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space” maintained for the display, sale, or rental of said items); or
  - f. The establishment regularly offers for sale or rental at least one thousand (1,000) of said items; or
  - g. The establishment maintains and “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-

operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons, per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or “specified anatomical areas.”

“Adult Cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

“Adult Motion Picture Theater” means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five persons for any form of consideration.

“Characterized by” means describing the essential character or quality of an item. As applied in this article, no business shall be classified as an adult entertainment establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

“Floor Space” means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

“Nudity” means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

“Regional Shopping Mall (Enclosed)” means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

“Regularly” means the consistent and repeated doing of an act on an ongoing basis.

“Regulated sexually oriented business” means an “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” or a “sex paraphernalia store.”

“Semi-Nude or Semi-Nudity” means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks, including the gluteal cleft. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the

human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

“Semi-Nude Model Studio” means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

- a. By a college, junior college, or university supported entirely or partly by taxation;
- b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. In a structure:
  - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - ii. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

“Sexual Device” means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted disease or for preventing pregnancy.

“Sex Paraphernalia Store” means a commercial establishment that regularly features sexual devices and regularly advertises or holds itself out in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include any:

- a. pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
- b. any establishment located within an enclosed regional shopping mall.

“Specified Anatomical Areas” means and includes:

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock including the gluteal cleft; and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activity” means any of the following:

- a. intercourse, oral copulation, masturbation or sodomy; or
- b. excretory functions as part of or in connection with any of the activities described in (a) above.

Regulated sexually oriented businesses are prohibited from being located on any lot or parcel within five hundred feet (500 ft) of Mr. Joe White Avenue, Grissom Pkwy, or Highway 501, but shall be permitted only in the following zones: WM. This prohibition and the requirements of 1310.B.1 through 5 cannot be the subject of an administrative appeal, or request for special exception, conditional use, or variance.

1. It shall be unlawful to establish, operate, or cause to be operated a regulated sexually oriented business in this City within five hundred feet (500) feet of any zoning district within which residential uses are permitted by a local government. Measurements for this subparagraph (1) shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the adult entertainment establishment to the closest point on the boundary line of the residential zoning district.
2. It shall be unlawful to establish, operate, or cause to be operated a regulated sexually oriented business in this City within five hundred (500) feet of any residential structure on a lot under the jurisdiction of a local government. For the purpose of this subparagraph, a residential structure is hereby defined as a single-family house or mobile home, a townhouse, a duplex or a multifamily structure. Measurements for this subparagraph (2) shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the adult entertainment establishment to the closest point on the property line of the parcel containing the residential structure.
3. It shall be unlawful to establish, operate, or cause to be operated a regulated sexually oriented business within five hundred (500) feet of any house of worship, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or any motion picture establishment which regularly shows G or PG rated movies to the general public on a lot under the jurisdiction of a local government. Measurements for this subparagraph (3) shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the regulated sexually oriented business to the closest point on the property line of the parcel containing the house of worship, day care center, school, park, library, cemetery, or motion picture establishment.
4. It shall be unlawful to establish, operate, or cause to be operated an adult entertainment establishment in this City within five hundred fifty (500) feet of any other regulated sexually oriented business or regulated adult businesses on a lot under the jurisdiction of a local government. Measurements for this subparagraph (4) shall be made in a straight line without regard to intervening structures or objects, from the closest parts of the structures containing the two adult businesses.
5. An regulated sexually oriented business lawfully operating in a lawful location is not rendered unlawful by the subsequent location of any use or zoning district listed in subparagraphs (1)-(4) that would otherwise render its location unlawful for an adult entertainment establishment. This provision applies only to the particular regulated sexually oriented business that was operating in a particular lawful location when the subsequent disqualifying use or zoning district arrived, and only for so long as that particular regulated sexually oriented business continues to lawfully operate in that location.

1310.C. Parking requirements. Regardless of the zoning district within which it is located, a regulated sexually oriented business shall be required to provide one on-premises parking space for each 100 square feet of gross floor space within its building.

- 1310.D. Signs and other visible messages. All regulated uses shall be permitted signs and or visible messages based on the allowable sign area of the zoning district in which they are located; provided:
1. Signs.
    - a. Sign copy shall be limited to alphanumeric description of material or services available on the premises; and
    - b. Sign copy shall not include any graphic or pictorial depiction of material or services available on the premises.
  2. Other visible messages. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.
- 1310.E Nonconforming sexually oriented businesses. Notwithstanding any conflicting provisions of Article 7 - *Nonconformities* of this Zoning Ordinance, any regulated sexually oriented business which was lawfully operating in the City immediately prior to the effective date of this ordinance that is thereafter found to be in violation of Section 310 - *Regulated Sexually Oriented Adult Business* shall be deemed a nonconforming use. Any sexually oriented business which is lawfully operating within Horry County immediately prior to the date it is annexed into the City that is thereafter found in violation of Section 310 - *Regulated Sexually Oriented Adult Business* shall also be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section at the time of annexation shall be permitted to continue for a period not to exceed two years from the initial date of nonconformity. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of ninety days or more it may not be re-established. If two or more sexually oriented businesses are within 500 feet of one another and are otherwise in a permitted location, the sexually oriented business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business shall be considered nonconforming. A sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 500 feet of the sexually oriented business.

## **Section 1311. WIRELESS COMMUNICATIONS FACILITIES**

1311.A. *Intent.* The purpose of this Wireless Communications Facilities Ordinance is to provide for public health, safety and welfare by ensuring that tourists, residents, businesses and public safety operations have reliable access to wireless communications networks and state of the art mobile broadband communications services while also ensuring that this objective is accomplished according to the City of Myrtle Beach's zoning, planning and design standards. To accomplish the above stated objectives and to ensure that the placement, construction, or modification of wireless facilities complies with all applicable local, state and federal laws, the City of Myrtle Beach adopts this single, comprehensive ordinance. By enacting this ordinance it is the City of Myrtle Beach's intent to ensure that there is sufficient wireless infrastructure to support public safety communications, to ensure access to reliable wireless communications

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services and to provide standards relative to the construction and location of wireless facilities necessary to support the needs of the wireless communication industry and the various wireless users within the City.

This Ordinance is further established to:

1. Provide for the appropriate location and development of wireless facilities to serve the tourists, residents and businesses of the City;
2. Minimize adverse visual effects of wireless facilities through careful design, siting and vegetative screening;
3. Avoid potential damage to adjacent properties from structure failure through engineering and careful siting of wireless support structures; and

Maximize use of any new or existing wireless support structure by encouraging collocation of multiple antennas on a single wireless support structure.

1311.B. *Applicability.* The standards established herein shall apply to all wireless facilities not excluded in 1311.C below. Except for landscaping and screening review, including the security fence, the scope of Community Appearance Board review as to location, appearance and placement are preempted by this ordinance.

1311.C. *Exemptions and Uniform Conditions.*

1. Exemptions. The following categories of wireless facilities are exempt from all City of Myrtle Beach zoning approval processes and requirements:
  - a. Any wireless support structure and/or antenna below 65 feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.
  - b. Any device designed for end-user over-the-air reception, not transmission, of television broadcast signals, multi-channel multi-point distribution service, or direct broadcast satellite service; or for end user reception of signals from an Internet service provider and end user transmission of signals to an Internet service provider, so long as:
    - i. If a "dish" antenna, the dish is one meter (39.37") or less in diameter
    - ii. For other antennas, the antenna is one meter or less in diameter or diagonal measurement.
    - iii. The antenna is mounted on a mast no higher than necessary to maintain line of sight contact with a transmitter.
  - c. Any wireless facilities located on property owned, leased or otherwise controlled by the City of Myrtle Beach, provided a license or lease authorizing the wireless facility has been approved by the governing body.
  - d. Removal or replacement of equipment on an existing wireless support structure or base station that does not change the physical dimensions of the wireless support structure or base station, or make the wireless support structure or base station more visible to the ordinary observer.
  - e. Ordinary maintenance of existing wireless facilities and wireless support structures, as defined in this ordinance.
  - f. In all zoning districts except those zoned Residential, wireless facilities placed on existing utility poles that do not extend more than fifteen (15') feet above the pole or three (3') feet from the sides of the pole. This section does not exempt placement of wireless facilities that require installation of a new utility pole, but permits replacement of an existing pole. Compliance with this section is determined based

- on the dimensions of the pole that is replaced, or if a pole is not replaced, based on the dimensions of the pole without wireless facilities (including extensions to accommodate wireless facilities).
- g. A COW, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City of Myrtle Beach designees; except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency.

2. *Uniform Conditions.*

- a. Nothing in this Ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this Ordinance do not permit placement of wireless facilities in the rights of way without a franchise or license authorizing such placement issued by the City of Myrtle Beach, or permit placement of wireless facilities on private property without the permission of the property owner.
- b. From and after adoption of this provision, any application for approval of a wireless facility or modification of a wireless facility (other than a modification pursuant to 1311.F.2 *Eligible Facilities Requests*) and any approval shall include concealment elements designed to minimize the visual impact of the facility. Where practicable and consistent with the surrounding area the wireless facility shall be a concealed wireless facility.

1311.D. *Administrative Review and Special Exceptions*

1. *Administrative Review and Approval.* The following types of applications are subject to the review process as provided in Section 1311.F *Application and Review*. Except for the requirements in section 1311.D.1 *Administrative Review and Approval*, no other type of zoning or site plan review is necessary. The decision of the Zoning Administrator on administrative review shall be subject to appeal to the Board of Zoning Appeals.
- a. Monopoles in any Industrial District. Industrial Districts shall include the following zoning districts: AP, LI, and WM.
- b. Replacement Towers in any zoning district that maintain or decrease the footprint and physical dimensions of the tower being replaced, and do not defeat any concealment elements associated with the tower.
- c. Monopoles within a utility easement or right-of-way, in any zoning district, subject to the following additional requirements:
- The utility easement or right-of-way shall be a minimum of seventy-five (75') feet in width.
  - The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are at least seventy (70') feet or greater in height.
  - The height of the monopole may not exceed by more than twenty (20') feet the height of existing utility transmission and/or support structures. If those structures are no longer occupied or are removed, the monopole must also be removed.
  - Monopoles and the base station equipment shall be set back a minimum of twenty-five (25') feet from all boundaries of the easement or right-of-way or match the setback of the existing utility structures, whichever is greater.
  - Notwithstanding the requirements of section 1311.3, single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed.
- d. Standalone concealed wireless facilities in all MUH, MUM, HC, C (except those listed in 1311.D.1.a *Monopoles in any Industrial District*), MP, CG, and BP zones, and in commercial portions of a PUD.

- e. COWs in any zoning district, but only permitted in the case of equipment failure, equipment testing, equipment maintenance and/or replacement; or in the case of emergency or extraordinary service demand situations, upon good cause shown to the Zoning Administrator, or where the placement is permitted, and complies with, applicable FCC regulations for temporary placement of wireless facilities. Except as FCC regulations may require, placement of COWs shall be limited to ninety (90) days unless extended in writing by the Zoning Administrator. COWs are also allowed during events in which Special Event permits have been issued and shall be limited to the duration of the Special Event Permit.
- f. Eligible Facilities Requests, as defined in the Federal Communications regulation 47 C.F.R. §1.40001 (b) (3), implementing federal law, 47 U.S.C. §1455.
- g. Wireless facilities placed on electrical transmission towers, including the right to extend and/or replace existing electrical transmission towers not suitable to accommodate wireless facilities by a height not ten (10') feet greater than the height of the existing electrical transmission tower.
- h. For applications other than an eligible facilities request the Zoning Administrator may approve an application if it finds:
  - i. the application has the necessary certifications;
  - ii. the new facility is needed to fill a substantial gap in service;
  - iii. the design proposed and the location are the least intrusive means of filling that gap; and
  - iv. the placement and design comply with the requirements of the City Code.

2. *Special Exceptions.* Any application for wireless facilities and/or wireless support structures not subject to administrative review and approval pursuant to this Ordinance, and which are not exempt from this ordinance, shall be permitted in any zoning district upon the granting of a special exception from the Board of Zoning Appeals. Regardless of the provisions of section 502. E. *Meetings and Notices*, in cases involving a special exception for permitting of a wireless telecommunications facility, the applicant shall publish, in a newspaper of local and general circulation, a legal notice of the application for the special exception that shall appear not less than three (3) times, and shall be published not less than seven (7) days before the application is scheduled to appear on the Board of Zoning Appeals' agenda, identifying the applicant, specifying the proposed location of the facility and the location, date and time of the zoning hearing, and the City shall notify by mail all property owners within 500 feet of the boundaries of the property on which the wireless facility is proposed. Financial cost of the published notice and the mailing notification are to be paid by the applicant prior to the Board of Zoning Appeals meeting at which the request is to be heard. Advertising and conspicuous notice requirements of 502.E. *Meetings and Notices* shall also apply.

1311.E. *Prohibited Uses.* The following uses shall not be permitted:

1. Advertising messages or signs shall not be affixed to any wireless support structure.
2. No speculative wireless facilities or wireless support structures shall be permitted.
3. Standalone facilities that are not concealed facilities in any R, RM, MH, CS, or IR zones except as allowed in 1311.D.1.c *Monopoles within a utility easement or right-of-way.*
4. Standalone facilities in areas where utilities are underground except concealed wireless facilities where the concealed wireless facility would be of a design and can be placed consistent with existing permitted structures, or can be placed within existing permitted structures.

1311.F. *Application and Review.*



1. *Content of Application Package.* Except as specified herein, and with respect to applications that are not submitted pursuant to 1311.F.2 *Eligible Facilities Requests*, all application packages must contain the following:
  - a. Administrative review application form signed by applicant;
  - b. A copy of the lease or letter of authorization from the property owner evidencing the applicant's authority to pursue the zoning application. Such submissions need not disclose financial lease terms.
  - c. A description of the project, including and identifying:
    - i. All facility related support and protection equipment; and
    - ii. The type of facility, number of antennas, height of top of antenna(s), radio frequency range, wattage output of equipment, and a statement of compliance with current FCC requirements related to RF emissions for the project, which takes into account as may be required by FCC regulations existing facilities at the site.
    - iii. A showing that the new site or proposed modification is needed to close a substantial gap in service.
  - d. For new sites only, documentation from a licensed professional engineer of calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this Ordinance.
  - e. For modifications to wireless support structures or other structures, written verification from a licensed professional engineer certifying that the host wireless support structure or structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas and other equipment, extensions and appurtenances associated with the modification, and that the modification will not cause the facility to violate existing fall zone requirements.
  - f. *Owner(s).* Identification of the owner(s) of the wireless support structure and all antennas and equipment to be located on the site.
  - g. *Licensing.* Copy of all pertinent licensing and/or certification required by federal or state licensing authorities, which are required for said operators of said wireless support structure or facility. To the extent any such applications are still pending, to the extent the applicant meets all other requirements of this Ordinance, the application may be approved subject to the condition that such approvals are provided prior to the issuance of a building permit.
  - h. *Location Map.* A current map showing the locations of all existing wireless support structures, proposed wireless support structures and any other existing wireless support structures within one (1) mile of the proposed location (measured from the base of the proposed wireless support structure).
  - i. *Site Plan Requirement.* Site plans at a scale no less than one (1) inch = one hundred (100') feet, and include at least the following:
    - i. For facilities that will not be located in a public right of way in whole or in part, a boundary survey of the proposed wireless support structure location site. The site of the wireless support structure shall meet all survey requirements of the City of Myrtle Beach Regulations for Final Plats; for facilities that will be located within the rights of way, a drawing showing the precise location of the proposed facility and its relationship to other utility structures.
    - ii. Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, existing improvements, elevation sketch, and dimensions of all elements of the wireless facility and base station (including any associated accessory equipment, fencing and parking), and landscape plan. For a modification, the drawings should include drawings of the

- wireless support structure and base station as approved by the City (or as the facility existed on February 1, 2012, if approved prior to that date); and detailed drawing of the modifications proposed to the wireless support structure or base station).
- iii. For new facilities only, the location of any existing structure within fifty (50') feet of the proposed wireless support structure or those existing structures that may be within the fall zone of the proposed wireless support structure;
  - iv. For new facilities only, an identification of the setbacks/fall zone for the wireless support structure; and
  - v. Screening and Landscaping, subject to approval by the Community Appearance Board.
- j. *Elevation Drawings.* Elevation drawings and/or photographs of all proposed communication structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.
  - k. *Specifications.* Specifications for the proposed wireless support structure and antennas, including description of design characteristics and materials.
  - l. *Visual Impact Analysis.* A line of site analysis, photo simulations, photo-montage, story, poles, elevations and/or other visual or graphic illustrations which shows the potential visual and aesthetic impacts of the proposed project. Visual impact demonstrations shall include accurate scale and coloration of the proposed facility. The visual simulation shall show the proposed structure as it would be seen from surrounding properties from perspective points to be determined in consultation with the community development department prior to preparation. The City may also require the simulation analyzing stealth designs, and/or on-site demonstration mock-ups before the public hearing.
  - m. *No Collocation Possible.* Where the application would involve installation of a new wireless support structure, evidence that no existing wireless support structure or other structure can be used to accommodate the applicant's proposed use and also meet its coverage and capacity objectives in the stated geographical area; or a showing that because of the technology utilized, the installation of the wireless support structure will be less intrusive than collocation or location on another structure.
  - n. *Residential and Conservation Districts:* If a stand-alone facility is to be located within an R, RM, RMH-MH, PRC, or IR district, or a residential portion of a PUD, the application shall include evidence that facilities located within a commercial zone cannot be used to accommodate the applicant's proposed use and also meet its coverage and capacity objectives in the stated geographical area. In the case of a monopole request the application shall also include evidence that concealed poles cannot be used to accommodate the applicant's proposed use and also meet its coverage and capacity objectives in the stated geographical area.
  - o. *Collocation.* A statement that any proposed wireless support structure will be made available for collocation to other service providers at commercially reasonable rates, provided space is available; or alternatively, a showing that given the nature of the wireless support structure proposed, collocation is not practical.
  - p. Special Exception applications must also meet the requirements set forth in section 503.c *Special Exceptions.*
  - q. For any application seeking approval of COW, pursuant to subsection 1311.C.1.g. A COW, the other documentation required are those items set forth in subsection 1311.F.1. *Content of Application Package* subsections g, h, l, L, m, and p.

## 2. Eligible Facilities Requests

- a. *Application.* An application shall be submitted for approval of eligible facilities requests containing at least the following:
- i. A completed application form signed by applicant, and identifying a person who may be contacted regarding the application, and that person's mail and email addresses and telephone number.
  - ii. A clear statement that the request is being made as an eligible facilities request pursuant to this ordinance and complies with all requirements set forth therein.
  - iii. A clear description of the work proposed, including but not limited to, a description of the excavation that may be associated with the work, and a description of the base station elements or wireless support structure elements that may be modified, and the modifications that will be made; and the date(s) and time(s) during which the work will take place.
  - iv. Photographs and scale drawings showing the dimensions and location of the base station, wireless support structure and accessory facilities prior to performance of the work proposed, and photo simulations and scale drawings showing the dimensions and locations of the same after the work is performed.
  - v. A statement certifying that, before commencing, during performance of and upon completion of, the work proposed, the permitted wireless facility will comply with all applicable laws, regulation, practices or other requirements under federal, state or local law, including but not limited to, building and electrical codes.
  - vi. The certification required by 1311.F.1.e *For modifications.*
- b. *Action Upon Receipt.*
- i. *Review.* Upon receipt of an application for approval of an eligible facilities request, the Zoning Administrator or its designee shall review such application to determine whether the application qualifies as an eligible facilities request and is complete, and shall promptly notify applicant if the application is incomplete or is not an eligible facilities request within the time frames specified in 47 C.F.R. §1.40001. An application is incomplete if it omits or withholds any required information, or fails to provide information in sufficient detail to determine whether the application is for an eligible facilities request, or to determine whether the work will be performed in accordance with, and will result in a wireless facility that complies with applicable safety codes.
  - ii. *Approval.* If the application is an eligible facilities request and the application is complete, the Zoning Administrator shall approve the application subject to this section. This section shall be operative, and any permit issued pursuant to this section shall remain in effect only so long as federal law, 47 U.S.C. § 1455, and implementing Federal Communications Commission regulations, 47 C. F. R. §1.40001 regulations require approval of an eligible facilities request as defined herein. By approval, the City solely intends to comply with a requirement of federal law and not to grant any property rights or interests except as compelled by federal law.
  - iii. *Denial.* If the application does not satisfy requirements for an eligible facilities request, or if applicant fails to submit a complete application after being notified that the application is incomplete by a time specified by the Administrator; or the application would otherwise result in a wireless facility that does not comply with applicable federal state or local laws, the application shall be denied within sixty (60) days of receipt unless the Zoning Administrator and applicant agree to a different date for action on the application.
  - iv. *Exceptions; Effect of Approval.* City may except particular applications from approval, or may condition approval as appropriate consistent with federal law.

Without limitation, approval does not exempt applicant from, or prevent City from opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Protection Act.

- c. *Powers of Zoning Administrator.* The Zoning Administrator or appropriate designee:
  - i. Shall develop the forms required for an application for an eligible facilities request;
  - ii. Shall issue notices required under 47 U.S.C. § 1455, or Federal Communications Commission regulations implementing the statute;
  - iii. May waive any requirements of the City Code, including procedural and notice requirements that are inconsistent with the procedural or substantive requirements of 47 U.S.C. §1455 or Federal Communications Commission regulations implementing the statute;
  - iv. May request additional materials during review as needed to determine compliance with this state, federal and local laws and regulations; and
  - v. May agree to dates for action on an eligible facilities request.
- d. *Limitation on Permit.* Because an eligible facilities request application is for modification of a base station or tower previously approved by the City, a permit issued pursuant to this section is subordinate to, and shall be of no force and effect if the approval of the underlying wireless facility is revoked or expires.

1311.G. *Use Discontinuance and Removal.* If a wireless support structure fails to be utilized for its intended and permitted purpose for a period of twelve (12) consecutive months, except in the event of damage to the structure and with notice of such damage to the Zoning Administrator, the special use permit or administrative zoning approval issued in association with such structure may be revoked by the Zoning Administrator only after first providing written notice to the owner of the wireless support structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within sixty (60) days of receipt of said written notice. In the event the owner of the wireless support structure fails to reclaim the wireless support structure within the sixty (60) day period, the owner of the wireless support structure shall be required to remove the same within six (6) months thereafter. If the owner fails to remove said structure within such period, the structure is declared a public nuisance, and the City shall abate the nuisance according to law, and the cost of abatement shall be assessed against the owner who was responsible for such removal.

1311.H. *Administration.* Prior to the issuance of a building permit for a wireless support structure or a wireless facility, the Zoning Administrator or designee shall review the building permit application to ensure compliance with applicable zoning requirements.

1311.I. *Specific Design Requirements.* All wireless support structures permitted for construction, including those allowed by Special Exception, shall adhere to the following:

- 1. *Height.* Freestanding wireless support structures, including concealed wireless facilities, shall be exempt from the height restrictions contained elsewhere in the Ordinance, and instead shall adhere to the requirements of section 1311.
- 2. *Maximum Height.* All new stand-alone wireless support structures shall be limited to one hundred ninety nine (179') feet or less in height. Height is the distance from the base of the wireless support structure, at grade level, to the top of the wireless support structure.
- 3. *Stand-Alone Facility Types:* The following types of stand-alone wireless facilities are allowed in the following zoning districts:
  - a. WM, AP, LM, MU-H, MU-M, MP, A, HC-1, HC-2, C-6, C-7, C-8, CG, BP, IN, and commercial portions of a PUD: Monopoles, concealed wireless facilities.

- b. R, RM, RMH-MH, PRC, and residential portions of a PUD:
  - i. Concealed wireless facilities only if satisfactory evidence is provided that facilities located within a commercial zone cannot be used to accommodate the applicant's proposed use and also meet its coverage and capacity objectives in the stated geographical area; and
  - ii. Monopoles only if satisfactory evidence is provided that concealed wireless facilities cannot be used to accommodate the applicant's proposed use and also meet its coverage and capacity objectives in the stated geographical area.
4. *Illumination.* Wireless support structures and base stations shall be illuminated as required by the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA). If allowed under FAA and other governmental regulations, alternatives to strobe lighting shall be used at night and lighting shall be shielded to ensure that lighting is focused toward the top of the wireless support structure or base station.
5. *Color.* Excluding concealed wireless facilities, and unless otherwise required by the FCC or FAA, monopoles and towers shall have a galvanized finish or be painted with a silver or gray finish. All monopoles and towers over one hundred fifty (150') feet in height shall have a thirty-six (36") inch minimum stripe of either reflective tape and/or paint centered on the one hundred fifty (150') foot mark of the monopole or tower.
6. *Signs.*
  - a. Commercial messages shall not be displayed on any non-concealed wireless facility.
  - b. The only signage that is permitted upon a non-concealed wireless facility, shall be informational, and for the purpose of identifying the wireless support structure (such as ASR registration number), as well as the parties responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs that may be required by the City or under applicable law, and property manager signs (if applicable).
  - c. Where signs are otherwise permitted, a concealed wireless facility may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed wireless facility are met.
7. *Security.* Wireless support structures and any associated base station other than wireless support structures in the rights of way or on rooftops, or concealed wireless facilities, shall be secured by a fence or wall measuring at least eight (8') feet in height. Unless otherwise established by the Community Appearance Board, the fence shall be chain link coated in black or green vinyl.
8. *Equipment Compound.*
  - a. Equipment compounds shall not be used for the storage of any excess equipment or hazardous waste (e. g. discarded batteries). No outdoor storage yards shall be allowed in an equipment compound.
  - b. Equipment compounds shall not be used as habitable space.
  - c. A site plan proposal shall be provided to demonstrate how potential colocation equipment cabinets, pads and/or buildings will be accommodated within the equipment compound.
9. *Setbacks/Fall Zone.*
  - a. Setbacks shall be equal to one (1') foot for every one (1') foot of wireless support structure height or one hundred (100%) percent of the wireless support structure's fall zone, plus a safety factor of ten (10%) percent; whichever is less. Fall zones shall be certified in the form of a letter from a licensed engineer that includes the engineer's original signature and seal.

- b. The fall zone shall not encroach onto adjacent properties unless the owner of the adjacent property signs a waiver. The waiver shall be a recordable waiver document and shall require the owner of the wireless support structure to indemnify and hold the City of Myrtle Beach harmless. In no case shall the fall zone encroach into a public right-of-way.

10. *Screening and Landscaping.*

- a. The equipment compound shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all accessory structures, equipment and other improvements at ground level. The buffer shall consist of evergreens no less than twenty-four (24) inches in height at the time of planting and spaced two and one-half (2 1/2) feet on center along the fenced enclosure. Such plants shall be capable of reaching a height of no less than eight (8') feet within two (2) years of planting. Buffer plantings may be modified at the discretion of the Zoning Administrator to avoid conflicts with site triangles and site lines.
- b. In locations where the visual impact of the wireless support structure would be minimal, or where the requirements of this section are otherwise impracticable, the landscaping and screening requirements of this section may be reduced or waived by the appropriate approving body. The appropriate reviewing body may establish shielding requirements for base stations that are not part of an equipment compound appropriate to the location of the wireless facility and any prior zoning approvals. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible, or replaced to present a natural, undisturbed appearance in keeping with the intent of this section. For example, if the equipment compound is in a wooded area the applicant may choose to retain a natural vegetated buffer strip of undisturbed trees that is at least twenty-five (25') feet in depth, and at least six (6') feet in height, around the perimeter of the equipment compound. The appropriate approving body could waive the landscaping requirements provided the area should remain undisturbed in appearance, except where minimally necessary to allow for an access drive.

1311.J. *Collocation on Existing Wireless Support Structures.* To reduce the need for additional wireless support structures throughout the City of Myrtle Beach, new structures shall be engineered and constructed to accommodate a minimum number of collocations based upon their height except where these appropriate approving body finds that collocation at the site is not essential to the public interest, or that community compatibility requirements will be promoted by waiving the requirements:

1. Support structures sixty (60') feet to one hundred (100') feet shall support at least two (2) telecommunications providers.
2. Support structures greater than one hundred (100') feet but less than one hundred-fifty feet (150') shall support at least three (3) telecommunications providers.
3. Support structures greater than one hundred-fifty (150') feet in height shall support at least four (4) telecommunications providers.

1311.K. *Additional Requirements for Wireless Facilities Mounted On Structures Other Than Wireless Support Structures.* Building mounted wireless facilities shall meet the following additional requirements:

1. *Height.*
  - a. The structure upon which the wireless facility is located is greater than twenty (20') feet in height.

- b. As a concealment element, the height of the wireless facility shall not extend more than fifteen (15') feet above the roofline or perimeter wall (whichever is higher) of the existing structure to which it is to be mounted.
- 2. *Setbacks.* A wireless facility and its accessory equipment shall be subject to the setbacks of the underlying zoning district. When a wireless facility is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- 3. *Visibility.*
  - a. If base station equipment described at 1311.M.5 *Base Station* subsections a-b or accessory equipment is installed on a structure other than a wireless support structure, then base station and accessory equipment visible from the street level must be of a color that is identical to, or closely compatible with, the color of the structure so as to make the base station and accessory equipment as visually unobtrusive as possible. Roof mounted wireless facilities may be made visually unobtrusive by screening or painting to match existing air conditioning units, stairs, elevator towers or other background.
  - b. Building-mounted equipment cabinets and structures housing electronic equipment associated with a base station shall not be visible from street level when standing ten (10') feet from the base of a building.
  - c. Wireless facilities shall not alter or change the intent of the structure or building design. Where feasible, wireless facilities shall be placed directly above, below or incorporated with vertical design elements of a structure or building to help in concealment.
- 4. *Standards.* All wireless facilities shall be designed to meet current building standards and wind load requirements.

1311.L. *Wireless Facilities and Wireless Support Structures in Existence on the Date of Adoption of this Ordinance.*

- 1. *Continued Lawful Use.* Wireless facilities and wireless support structures that were legally permitted on or before the date this Ordinance was enacted shall be permitted and lawful use.
- 2. *Activities at Non-Conforming Wireless Support Structures.* Notwithstanding any provision of this Ordinance:
  - a. Ordinary maintenance may be performed on a nonconforming wireless support structure or wireless facility.
  - b. Collocation or modification of wireless facilities on an existing non-conforming wireless support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section 1311.D.2 *Special Exceptions*; provided that the collocation constitutes an eligible facilities request.
  - c. Other collocations or modifications may be made to non-conforming wireless support structures utilizing the special exception process defined in Section 1311.D *Administrative Review and Special Exceptions* of this Ordinance.

1311.M. *Definitions.* In addition to and not in contravention of any definitions contained in other sections of the Zoning Ordinance for Myrtle Beach, the following definitions shall apply to this Ordinance:

- 1. *Accessory Equipment.* Any equipment installed and owned by a third party used to deliver a service to a wireless facility, such as an electric meter.

2. *Administrative Approval.* Approval that the Zoning Administrator or designee is authorized to grant after administrative review.
3. *Administrative Review.* Evaluation of an application by the Zoning Administrator or designee. This process is not subject to a public hearing, but is subject to appeal.
4. *Antenna.* A device, dish, array or similar device used for the sending and/or receiving electromagnetic waves for FCC licensed or authorized wireless communications.
5. *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless support structure as defined in this subpart or any equipment associated with a wireless support structure.
  - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
  - c. The term includes any structure other than a wireless support structure that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs 5.a-b of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. However, for structures other than wireless support structures that support equipment described in paragraphs 5.a-b, including but not limited to the sides of buildings, water towers, or utility poles, the term includes only that portion of a structure specifically approved to support the wireless equipment described in paragraphs 5.a-b, and only relates to activities necessary to permit the installation, maintenance, replacement or collocation of wireless equipment described in the preceding paragraph. The exemption of a structure from review is not an approval.
  - d. The term does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in paragraphs 5.a-b.
6. *Carrier on Wheels or Cell on Wheels or Carrier on Light Truck (COW).* A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom or lattice type tower as the antenna support structure, and be supported with temporary guy wires.
7. *Collocation.* The mounting or installation of transmission equipment on a wireless support structure or structure as described in subsection 5.c for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
8. *Concealed Wireless Facility.* Any wireless facility that is integrated as an architectural feature of a structure or that is designed to camouflage or conceal the presence of the wireless facility so that the purpose of the wireless facility is not readily apparent to a casual observer.
9. *Concealment Element.* Any design feature, including but not limited to painting, shielding requirements and restrictions on location or height in relation to the surrounding area that are intended to make a wireless facility less visible to the



- casual observer. The design elements of a concealed wireless facility are concealment elements.
10. *Electrical Transmission Tower.* An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.
  11. *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.
  12. *Equipment Compound.* An area surrounding or near the base of a wireless support structure within which are located wireless facilities.
  13. *Fall Zone.* The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
  14. *Monopole.* A single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennas. For the purposes of this Ordinance, a utility pole is not a monopole.
  15. *Ordinary Maintenance.* Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing wireless support structure upon which they are currently located. Ordinary maintenance does not include substantial changes in a wireless facility.
  16. *Replacement Tower.* A wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.
  17. *Speculative Wireless facilities.* A wireless facility built by any entity not providing FCC licensed or FCC authorized wireless services without the ability to demonstrate a binding commitment from a provider of such services to utilize the wireless facility of support structure at the time of application.
  18. *Substantial Change.* Substantial change has the same meaning the term "substantial change" as defined by Federal Communications Commission regulations, 47 C.F.R. §1.40001 (b)(7).
  19. *Tower.* A lattice-type structure, guyed or freestanding, that supports one or more antennas.
  20. *Tree Survey.* A survey by a registered surveyor indicating the location and height of all trees within a thirty (30') foot radius of the proposed wireless support structure, as well as, on the basis of the previous findings, the calculated average height of the tree canopy within the aforementioned radius.
  21. *Utility Pole.* A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.
  22. *Water Tower.* A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
  23. *Wireless Facility or Wireless Facilities.* A facility consisting of a base station and accessory equipment, and the wireless support structure, if any, associated with the facility.

24. *Wireless Support Structure.* Wireless support structure has the same meaning the term "tower" as defined by Federal Communications Commission regulations, 47 C.F.R. §1.40001 (b)(9). A freestanding structure, such as a monopole or tower, built for the sole or primary purpose described above is a wireless support structure. This definition does not include utility poles.

1311.N. *Wireless Facilities In Rights of Way.* Without limiting other applicable provisions of the Code:

1. No portion of a wireless facility may be placed in the right of way a manner that:
  - a. obstructs pedestrians or vehicular access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference;
  - b. results in ground-mounted, aboveground equipment cabinets in the right of way associated with the support structure that are 10% larger in height or overall volume than other equipment cabinets in the same zoning area; or
  - c. involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than 8 feet above ground level.
2. Equipment cabinets, whether pole-mounted or ground-mounted must provide an "enclosed" look free of protrusions and colored to "blend" into the existing area for all components of the facility. Each cabinet must have identifying marks to identify the owner and a unique number to identify the unit. These must be as non-intrusive as possible, while still being able to be easily read from the ground.
3. Damaged or deteriorated components must be corrected within 48 hours of notification. If a wireless facility or portions of a wireless facility are taken out of service, the components must be removed within 5 business days of being taken out of service, and affected facilities restored to their prior condition.

1311.O. *Compliance Proof; Revocation.*

1. No person may construct or modify a wireless facility or any portion thereof without all necessary state and federal authorizations required for such construction or modification, and without providing proof of the same to the Zoning Administrator.
2. No person may maintain a wireless facility in place unless required state or federal authorizations remain in force.
3. The Zoning Administrator may stop work that is performed without obtaining or providing proof of such authorizations; may revoke authorizations issued by City; and may require removal or alteration of any wireless facility that is constructed without such authorizations, fails to maintain necessary authorizations, or that does not comply with conditions on the authorizations that the City may enforce.

## 1312. Special Conditions of Drinking Places and Nightclubs

1312.A Definitions applicable to Section to be used as guidance in interpretation.

*Alcoholic beverages* shall be construed to mean any spirituous, malt, vinous, fermented, brewed (whether Lager or rice beer) or other Liquors, or any compound or mixture thereof, by whatever name it is known, which contains alcohol and is used as a beverage. It shall not apply to wine when manufactured or made for home consumption and which is not sold by the manufacturer thereof or by any other

person or to any beverage declared by state Law to be nonalcoholic or non-intoxicating.

*Banquet or event hall* means a facility, as a stand-alone structure or as an accessory part of an accommodations complex, which is primarily engaged in providing banqueting rooms, and meals, and entertainment events for persons and entities reserving the space for special occasions including, but not limited to: formal dinners, receptions, reunions, benefits, and club meetings, and may include the onsite consumption of alcohol as an accessory component of food and beverage service.

*Bars, lounges, pubs, taverns or similar drinking places* are as defined by SIC 5813 or NAISC 722410, and are defined as a place of social gathering and entertainment primarily engaged in the preparation and service of alcoholic beverages onsite or with an open dance floor of Less than 150 square feet.

*Beer, ale, porter and wine* shall be defined for purposes of this section as stated in Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time.

*Comedy club, dinner theatre or performing theatre* or similar performance venues are characterized by an visually emphasized performance stage or area that offers patrons paying the ticket or admission fee a fixed seating/table arrangement from which one may view the performance art, such as musical groups, improvisational offering, stand-up comedy, plays, skits, ventriloquism, magic and other staged performance art to patrons, with no floor area of greater than 150 square feet for patron dance, and where food and beverage service is provided, while the business purpose is primarily performance viewing, with an accessory purpose of the service of alcoholic beverages, and or food.

*Drinking place* generally means any place under permitting by the DOR and licensed as a business in the city to engage in the sale or service of alcohol as defined by SIC 5813 or NAISC 722410. This industry comprises establishments known as bars, taverns, nightclubs, performance venues or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. Not included are establishments primarily engaged food service, or civic and social organizations or package stores. Included are bars, lounges, taverns, nightclubs, pubs and similarly named and licensed entities as identified herein.

*Entertainment activities or opportunities* means all other activities in drinking places and nightclubs that do not involve the manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages or food or beverage service during permitted hours of operation, pursuant to state law. Entertainment activities may include, but are not limited to:

1. The presentation or allowance of live or recorded musical presentations or performances of any sort, including both live amplified performances and amplified recorded presentations or broadcasting,
2. Live action of performance art or prerecorded video of performance art,
3. The provision of dedicated space or areas for individual, group, customer or patron dance,
4. Consumer or product promotions,

5. Table or electronic games, light shows,
6. The use of foam or other substances in contact with patrons, independent contractors or employees as an entertainment element, or
7. The use of objects by patrons, independent contractors and employees as an entertainment element.

*Nightclub* means an alcohol-free teen club or adult club permitted to serve alcohol, of general admission, membership admission or under a cover charge, which is a place of social gathering and nightclub entertainment activities or opportunities emphasizing live or recorded amplified music in an largely unstructured dance club atmosphere in a interior or outside deck space that is rated for greater than 150 person occupancy, with an open dance floor greater than 150 square feet and where the nightclub entertainment activities are primarily orchestrated by a nightclub entertainment promoter or house disc jockey, typically open after 10:00 p.m. and if alcohol is served, where the primary business purpose is the admission cost and sales of alcoholic beverages, and where the admission cost and alcohol sales are greater than the gross sales of food, or when alcohol is not provided, the sale of food is incidental to the primary business purpose of providing a venue for Live or recorded music and dance in the manner described.

*Primarily or primary* means gross income from all Licensed activities on site which is 60 percent or greater, or the greater degree of frequency of conduct, as the context provides.

*Restaurant* means a place where the primary business purpose is food sales, but which also have both DOR and a business license as a drinking place. A restaurant is operated as a bona fide eating place that maintains appropriately sized kitchen facilities in relationship to the proposed dining seating areas, and in which, during all business hours, food and beverages are prepared for and served to the customer, for consumption on or off the premises.

1312.B Conditions

1. Notwithstanding any other provision in Appendix A, nightclub uses and drinking places that primarily engage in the sale and service of alcohol are prohibited in the area commonly known as the Super Block, the site of Nance Plaza bounded by 9th Avenue North, Broadway Street and Highway 501 and Main Street.
2. Notwithstanding any other provision in Appendix A, drinking places are prohibited in any zoning district or overlay district in which is contained the area commonly known as the Super Block, the site of Nance Plaza bounded by 9th Avenue North, Broadway Street and Highway 501 and Main Street; provided however restaurants and other uses in which alcohol sales and service are an accessory use are conditionally permitted.
3. Notwithstanding any other provision in Appendix A, no business selling alcoholic beverages may be located in the described area within four hundred feet of any church, school, or playground. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:

- a. "church", an establishment, other than a private dwelling, where religious services are usually conducted;
  - b. "school", an establishment, other than a private dwelling where the usual processes of education are usually conducted, whether public or private; and
  - c. "playground", a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.
4. Notwithstanding any other provision in Appendix A, and in HC and MU zones where nightclubs and similar drinking places are permitted, they are only as a conditional use, with the conditions being
- a. adequate parking and
  - b. not being within four hundred feet of any church, school, playground or private residence. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, playground or residence, which, as used herein, shall be defined as follows:
    - i. "church", an establishment, other than a private dwelling, where religious services are usually conducted;
    - ii. "school", an establishment, other than a private dwelling where the usual processes of education are usually conducted, whether public or private; and
    - iii. "playground", a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.
    - iv. Private residence means any owned or long term rental of a house, duplex, apartment, townhouse or other structure.

### **1313. ZONING AND LAND USE STANDARDS FOR SMOKE SHOPS AND TOBACCO STORES.**

- 1313.A Notwithstanding any other provision of this title to the contrary, medical marijuana dispensaries, head shops, smoke shops and tobacco stores can only be conditionally permitted use only in designated zones, subject to the regulations enacted.
- 1313.B All dispensaries, smoke shops and tobacco stores wishing to operate within the above zones after the effective date of the ordinance codified in this chapter must obtain a conditional use permit, to be determined in final enactment.
- 1313.C Additional zoning and land use standards for dispensaries, smoke shops and tobacco stores shall be as follows:
1. Smoke shops, dispensaries and tobacco stores, or businesses offering paraphernalia shall not be located within 1500 feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.

**Article 13. SUPPLEMENTAL PROVISIONS**

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2. Smoke shops, dispensaries and tobacco stores or business offering paraphernalia shall not be located within 1500 feet, measured property line to property line, from another smoke shop and tobacco store.
  3. It is unlawful for a dispensary, smoke shop and tobacco store or business offering paraphernalia to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
  4. Smoke shops, dispensaries and tobacco stores or business offering paraphernalia shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store or business offering paraphernalia to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- 1313.D. Standard conditions of approval for any conditional use permit shall, at minimum, include the following:
1. No smoking, inhaling or ingestion shall be permitted on the premises at any time.
  2. No sales may be offered, made, solicited or conducted on the premises by minors.
  3. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
  4. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia or synthetic substances as would be defined, as well as coupons for said items, shall be permitted.
- 1313.E Smoke shops, dispensaries and tobacco stores or business that retail paraphernalia that are legally existing on the effective date of the ordinance codified in this chapter shall be amortized and cease operation in a time period not to exceed one (1) year from the date of enactment (January 22, 2019) establishing new regulations.

## **Article 14. Zoning Districts and Map**

### **Article 14. Zoning Districts**

- Section 1401. Establishment of Zoning Districts
- Section 1402. Zoning Districts Named
- Section 1403. Establishment of Zoning Map
- Section 1404. Change of City Boundaries
- Section 1405. Determination of Principal Use
- Section 1406. Determination of Use Category
- Section 1407. Table of Uses

**Section 1401. Establishment of Zoning Districts**

All areas within the zoning jurisdiction of the City of Myrtle Beach are hereby divided into zoning districts. Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be layered with an overlay district, which is a special type of general use district. Within each district the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. The purpose of the use districts established herein is:

- 1401.A. To group together into several zones those uses that are reasonably compatible with one another according to their normal characteristics of operation;
- 1401.B. To permit in connection with these uses those customary and necessary accessory activities which are incidental to the permitted use; and
- 1401.C. To permit certain other uses that may be established in some situations and subject to specific conditions so that such special uses will also be compatible with the uses allowed as a matter of right.

**Section 1402. Zoning Districts Named.**

In order to accomplish the purposes set forth in section 104 – *Purpose and Intent*, the following districts are hereby established:

<b>District</b>	<b>District Name</b>	<b>Classification</b>
R5	Single-family Detached Residential Districts	Residential
R7		
R8		
R10		
R15		
RMM	Multi-family Residential District - Medium Density	Residential
RMH	Multi-family Residential District - High Density	Residential
RMH-MH	Multi-family Residential District - High Density with Manufactured Homes	Residential
RMV	Multi-family Residential District - High Density with Visitor Accommodations	Residential
A	Amusement District	Commercial
AP	Airport District	Industrial
BP	Business Park	Industrial
C7	Downtown Commercial	Mixed-use
C8		
CG	Campground District	Commercial
CS	Cabana Section	Conservation



**Article 14. ZONING DISTRICTS AND MAP**

<b>District</b>	<b>District Name</b>	<b>Classification</b>
E	Entertainment District	Commercial
HC1	Highway Commercial District	Commercial
HC2	Highway Commercial District	Mixed-use
IN	Institutional District	Institutional
IR	Interim Redevelopment District	Conservation
LM	Light Manufacturing District	Industrial
C-6	Urban Village District	Mixed-use
MP	Medical/Professional District	Commercial
MU-M	Mixed Use, Medium Density	Mixed-use
MU-H	Mixed Use, High Density	Mixed-use
PUD	Planned Unit Development	Other
PRC	Parks, Recreation and Conservation District	Conservation
RDZ	Redevelopment District Zone	Floating
WM	Wholesale/Manufacturing District	Industrial

1402.A C-6 Urban Village District. The establishment of a C-6 district shall require 50 acres or more.

**Section 1403. Establishment of Zoning Map**

The boundaries of the zoning districts listed in section 1402 – *Zoning Districts Named* are hereby established as shown on the official Zoning Map of the City of Myrtle Beach which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. Said official Zoning Map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the City under the words "Official Zoning Map, City of Myrtle Beach, South Carolina", along with the date of adoption.

Each individual map amendment adopted by City Council shall be interpreted as authorizing the preparation and printing of a revised Zoning Map to reflect this change and shall also amend the date of adoption of the official Zoning Map.

The official Zoning Map shall be located in the office of the zoning administrator and shall be interpreted as including all map amendments approved by the City Council since the adoption of the most recent official Zoning Map, whether or not they are actually portrayed on the printed copy. The official Zoning Map shall be the final authority as to the current zoning designation of the land, water areas, buildings, structures and other uses in the City, notwithstanding any other official Zoning Map purported to be a copy of the official Zoning Map.

**Section 1404. Change of City Boundaries**

All territory which may hereafter be annexed to the City of Myrtle Beach shall automatically be zoned Single-family (R15) district unless otherwise specified by ordinance. The entire abutting right-of-way shall be included with property annexed to the City and shall automatically be zoned the same as the annexed property.

**Section 1405. Determination of Principal Use**

Principal use types are assigned by the zoning administrator to the use type that most closely describes the nature of the principal use. When the principal uses of a development are different, each principal use is classified separately and is subject to all applicable regulations for that use. Developments with multiple principal uses, such as commercial centers, shall incorporate only those uses allowed in the underlying zoning district.

**Section 1406. Determination of Use Category**

The zoning administrator shall determine the appropriate use type for all land uses and shall determine the appropriate category for a use not specifically listed in Section 1407 - *Table of Uses* and whether the activities are to be considered principal or accessory uses using, but not limited to, the following considerations:

- 1406.A. The actual or projected characteristics of the proposed activity or activities;
- 1406.B. The relative amount of site area or floor space and equipment devoted to the proposed activity or activities;
- 1406.C. Relative projected of sales volume from each proposed activity;
- 1406.D. The customer type for each proposed activity;
- 1406.E. The relative number of employees in each activity;
- 1406.F. Hours of operation; and
- 1406.G. Building and site arrangement.

**Section 1407. Table of Uses**

- 1407.A. Principle uses shall be allowed within the base zoning districts of this Ordinance in accordance with section 1407.C - *Table of Permitted Uses*. Refer to Article 18 – *Overlay Zone Regulations* for additional permitted-use regulations.
- 1407.B. The following rules apply to the Tables of Uses in section 1407.C - *Table of Permitted Uses*:
  - 1. Permitted Uses. A “P” indicates a use that is permitted by right in the respective zoning district. Permitted uses are also subject to other applicable regulations in this Ordinance.
  - 2. Conditional Uses. A “C” indicates a use that is allowed conditionally, provided that it meets the additional listed standards contained in Article 16. Conditional uses are also subject to other applicable regulations in this Zoning Ordinance.
  - 3. Accessory Uses. This article does not regulate accessory uses. For uses customarily accessory to particular uses refer to section 1502 - *Accessory Uses*.
  - 4. Special Exceptions. An “S” indicates a use that is allowed only by the Board of Zoning Appeals as a Special Exception, in accordance with the provisions of

## **Article 14. ZONING DISTRICTS AND MAP**

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*Article 5 – Board of Zoning Appeals* and upon compliance with general conditions in the regulations. Special Exception uses are also subject to other applicable regulations in this Ordinance.

5. Uses Not Allowed. A blank cell in the Table of Uses indicates that a use is not allowed.
6. Building Permits. This article does not regulate structure or building permits. For structure and building permit information refer to section 302 - *Building, Sign and Vehicular Use Area Permits Required.*



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City of Myrtle Beach, SC

**ZONING ORDINANCE**

P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential																									Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC
Permanent residence, multi-family dwellings						P	P	P	P	P	P	P	P	P			P		P	P	P						S	1503.A	
Residential care facilities of nine or less persons with mental or physical handicaps	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P				P	P						P		
Travel trailers or recreational vehicles																C												1308 1501.BB	
<b>Commercial and Office Uses</b>																													
Accounting office										P	P	P	P	P				P	P	P							S	1503.A	
Adult day care						C	C	C	C	C	C	C	C					C	C	C									1501.A
Advertising agency										P	P	P	P	P				P	P	P							S	1503.A	
Administrative service establishments of a business character which supply general needs of an intangible nature to the public including establishments performing management duties in the conduct of government, business, utilities, or industry										P	P	P	P	P				P	P	P							S	1503.A	

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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																														
Use Category and Type	Residential									Blank Cell-use type not allowed															Additional Regulations					
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM		WM	CS	IR	PRC	
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.										P	P	P	P	P	P			P	P	P							S		1503.A	
Airport, freight																						P								
Airport, passenger																						P								
Amusements, open or unenclosed over 80' in height.															C		P													1501.B 1603.C.(B) 1603.C.(V)
Amusements, open or unenclosed under 80' in height.															P		P													
Aquariums															P		P	P	P											
Architects office										P	P	P	P	P	P			P	P	P					P		S		1503.A	
Arts and crafts studio										P	P		P	P	P		P	P	P						P					
Assembly of electronic instruments and devices such as computer hardware and software, audio and video equipment, business																							P	P	P	P				

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City of Myrtle Beach, SC

**ZONING ORDINANCE**

P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential																										Additional Regulations		
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS		IR	PRC
machines, and small appliances.																													
Assisted living facilities						C	C	C	C	C	C							C	C	C	P								1501.EE
Auction houses														P															
Automated teller machines, free standing										P	P	P			P	P	P	P	P	P		P	P	P	P				
Automobile rental															P		P	P	P			P			P				
Bakeries, retail										P	P		P	P	P			P	P	P					P				
Bakeries, wholesale																								P	P				
Banks										P	P	P	P	P	P			P	P	P							S		1503.A
Bar										P	P	P		P	P			P	P	P			P		P				1312
Barbershops, beauty salons, and cosmetologists										P	P	P	P	P	P			P	P	P				P			S		1503.A

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**ZONING ORDINANCE**

P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential																									Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC
Bed & breakfast establishments									P		P	P			P		P	P	P									S	1503.A
Bingo parlors														P	P		P	P	P										
Blueprinting services										P	P	P	P	P				P	P					P	P				
Boating (non-motorized) and water-related activities										P	P				P	P	P											P	
Body piercing establishment																									C				1501.C
Booksellers / book stores										P	P		P	P	P			P	P	P									
Bowling alleys										P			P	P	P			P	P	P									
Brewpub																								P	P				
Broadcast studios, radio and television															P		P	P	P				S		P	P			





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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																														
Use Category and Type	Residential																										Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS		IR	PRC	
Chiropractic care establishments										P	P	P	P	P				P	P	P					P		S		1503.A	
Clothing stores										P	P		P	P	P		P	P	P											
Comedy Clubs										P	P		P	P	P		P													
Commercial center										P	P				P		P	P	P											
Commercial group residential									S	S	S							S	S	S									1501.E	
Communication establishments carrying or conveying written, oral or visual information to the general public													P	P									P	P			S		1503.A	
Confectionaries										P	P				P		P	P	P											
Congregate housing, older adult						C	C	C	C	C	C	P						C	C	C	P								1501.F	
Construction establishments																								P	P					

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**ZONING ORDINANCE**

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed																												
Use Category and Type	Residential																									Additional Regulations		
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR
Construction vehicle and heavy machinery sales, repair, leasing maintenance, and storage																								P	P			
Continuing care retirement community						C	C	C	C	C	C							C	C		P							1501.F
Convention services										P	P					P	P											
Copy shops and business service centers										P	P	P	P	P				P	P					P	P			
Cosmetology establishments										P	P		P	P	P		P	P	P	P								
Credit office										P	P	P	P	P				P	P	P								
Crematorium																												1502.F
Customer service/reception centers for interval ownership operations											C						C	C	C									1501.G
Dance Halls										P	P		P	P	P		P	P	P									
Drapery shops, custom										P	P							P	P						P			





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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																												
Use Category and Type	Residential									Blank Cell-use type not allowed															Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM		WM	CS	IR
Golf driving ranges																P		P	P	P								
Grocery and food stores										P	P							P	P						P			
Hardware stores										P	P							P	P					P	P			
Health care establishments engaged in the science and art of preventing, curing, recovering from, or alleviating injury or disease, and associated offices, including medical, surgical, psychiatric, osteopathic, and dental, including medical, surgical, psychiatric, osteopathic, and dental, but not primarily for recovery from substance abuse										P	P	P	P	P				P	P	P				P	P		S	1503.A
Health clubs, gymnasiums, exercise and workout areas										P	P	P	P	P	P		P	P	P					P	P			
Heavy durable goods sales not otherwise listed																		P	P					P	P			1710.C 1715.C
Heavy machinery sales, repair, leasing, maintenance or storage sales																								P	P			









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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																												
Use Category and Type	Residential									Commercial/Industrial																Additional Regulations		
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR
Motor vehicle detailing																		P	P					P	P			
Motor vehicle paint or body shop																		P	P					P	P			
Motor vehicle parts store																		P	P					P	P			
Motor vehicle repair and maintenance													C	C				C	C					P	P			1501.P
Motor vehicle sales																	P	P	P					P	P			
Motor vehicle rental and leasing																	P	P	P			P		P	P			
Museums										P	P		P	P	P		P	P	P			P						
Music sales										P	P		P	P	P		P	P	P						P			
News and magazine stands										P	P		P	P	P		P	P	P						P			
Newspaper offices and plants																								P	P			

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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential																								Additional Regulations				
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM		WM	CS	IR	PRC
Nightclubs												P	P	P			P	P	P						P				1312
Nursing home facilities						S	S	S	S	C	C							C	C	P	P								1501.F
Outdoor display and merchandise area										C	C				C		C	C	C						C				1501.R
Outdoor vending and concession stands																	C												1501.M
Outpatient clinic treating substance abuse																									C				1501.MM
Parking facilities										P	P	S	P	P	P		P	P	P	P		P		P	P		S		1503.A
Parking lots, accessory							C																						1501.LL
Parolee-probationer home																		S	S	S				S	S				1503.G
Pharmacies										P	P	P						P	P										
Photography developing establishments										P	P	P	P	P	P		P	P	P						P				

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P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential									Commercial/Industrial																	Additional Regulations		
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS		IR	PRC
Photography studios										P	P	P	P	P	P		P	P	P	P					P				
Pool halls/billiard parlors										P	P	P	P	P	P		P	P	P										
Professional organizations, offices of										P	P	P	P	P	P			P	P	P					P		S		1503.A
Prosthetic facilities										P	P							P	P	P					P				
Radio or television station and related transmitting tower												S						P	P			P		P	P				
Real estate offices										P	P	P	P	P	P			P	P	P					P		S		1503.A
Religious establishments providing for religious service and development	S	S	S	S	S	S	S	S	S	P	P	P					P	P	P								S		1503.A 1503.D
Restaurant, with drive-through service										C				P	P		P	P	P			P		P			S		1312 1501.RR 1503.A
Restaurant, without drive-through service										P	P	P	C	P	P		P	P	P			P		P			S		1312 1501.HH 1503.A

**Article 14. ZONING DISTRICTS AND MAP**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed																														
Use Category and Type	Residential									Blank Cell-use type not allowed																Additional Regulations				
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC	
Restaurant with outdoor dining										C	C	C	C	C	C			C	C	C			C			C				1312 1501.Q
Retail, big box													P					P	P	P						P				
Retail establishments providing convenience items and services										P	P		P	P	P			P	P	P					P	P		S	1503.A	
Rock climbing walls															P		P	P	P											
Rooftop gardens							P	P	P	P	P		P	P	P		P	P	P	P		P	P	P	P					
Ropes course										P					P		P													
Schools, elementary and secondary, including school stadiums	C	C	C	C	C	C	C	C	C	P	P	P						P	P										1501.S	
Schools, colleges or universities										P	P	P					P	P	P	P		P		P						
Schools, trade or vocational										P	P	P					P	P	P			P		P						
Schools, artistic training										P	P	P					P	P	P					P						



**Article 14. ZONING DISTRICTS AND MAP**

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**ZONING ORDINANCE**

P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential																									Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC
Sport facilities not otherwise listed										P	P				P		P	P	P										
Storage tanks for liquid substances, above ground																							S		S				1503.E
Storage yards, vehicles																								C	C				1501.CC
Storage yards not otherwise listed																									S				1501.CC
Studios (art, dance, or music)										P	P	P	P	P	P		P	P	P						S				
Studios (martial arts, athletic)										P	P				P		P	P	P						S				
Swimming pools, indoor or outdoor	C	C	C	C	C	C	C	C	C	P	P				P		P	P	P										1501.I
Tattoo parlor																									C				1501.C
Tavern										P	P	P			P		P	P	P				P			P			1312
Taxi business												S													P				

**Article 14. ZONING DISTRICTS AND MAP**

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**ZONING ORDINANCE**

P-permitted use   C-conditional use   S-special exception   Blank Cell-use type not allowed																													
Use Category and Type	Residential									Blank Cell-use type not allowed																Additional Regulations			
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC
Telephone switching facilities																								P	P				
Tennis facilities, indoor or outdoor	C	C	C	C	C	C	C	C	C	P	P				P		P	P	P										1501.I
Theater, indoor										P	P	P	P	P	P		P	P	P										
Theater, outdoor										P	P	P	P	P	P		P	P	P										
Tire sales and service																		P	P					P	P				
Transmission or distribution lines for petroleum, gasoline, natural gas or liquefied petroleum gas																							S		S	S			
Transmitting towers other than cell towers																							S		P	P			
Transportation terminals and establishments providing for the interchange of passengers										C	C	S	P	P	P		P	P	P	P		P		P	P				1501.W
Transportation terminals and establishments providing for the interchange of freight													P	P				P	P				P		P	P			



**Article 14. ZONING DISTRICTS AND MAP**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed																															
Use Category and Type	Residential																									Additional Regulations					
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM		CS	IR	PRC		
Travel agencies										P	P					P			P	P	P										
Truck terminals																							P		P	P					
Unlicensed group residential (caregiving)										S	S								S	S	S									1501.E	
Veterinary offices, clinics, and hospitals																			P	P	C						C			1501.GG	
Video and other media productions															P		P								P	P					
Visitor accommodations not otherwise listed									P		P	P			P		P	P	P	P								S	1503.A		
Visitor information reception center											P				P		P	P	P												
Warehouse storage																										P	P				
Welding shops																										P	P				
Wholesale business establishments for selling bulk goods or																										P	P				



**Article 14. ZONING DISTRICTS AND MAP**

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**ZONING ORDINANCE**

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Use Category and Type	Residential																										Additional Regulations		
	R5	R7	R8	R10	R15	RMM	RMH	RMH-MH	RMV	MU-M	MU-H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS		IR	PRC
Post office										P	P		P	P				P	P	P			P	P	P	P			
Public parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P
Public regional stormwater facilities	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P		P	P	
Public safety stations including fire, police and rescue services	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P		P		
Public utilities installations and substations	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P		P	P	P	P		P		
Public works facility/public utilities										P	P	S	P	P	P	P	P	P	P	P		P	P	P	P		P	P	
Social welfare offices										P	P	P							P	P	P			P					
Water tanks, public	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	P	S		S	S	S	S		S	S	

## **Article 15. Conditional and Accessory Uses and Special Exceptions**

### **Article 15. Conditional and Accessory Uses and Special Exceptions**

Section 1501. Conditional Use

Section 1502. Accessory Uses

Section 1503. Special Exceptions

**Section 1501. Conditional Use:**

A use allowed in a particular zoning district provided all the conditions, restrictions or limitations set forth in the text of the Ordinance are met. The conditions imposed are in addition to the restrictions applied to all land in the zoning district.

The conditions provided in this section apply to uses permitted conditionally (C) in the appropriate zoning districts as provided in section 1407 - *Table of Uses*.

- 1501.A. Adult Day Care Facilities. The facility and its operator shall hold all licenses required by the State of South Carolina.
- 1501.B. Amusement rides, open or unenclosed over 80' in height.
1. Proof of ownership or control of the minimum site area shall be provided. For the purpose of this requirement minimum site area shall be defined as the land area occupied by a ride or amusement device when fully extended plus the land necessary to accommodate required setbacks and separations.
  2. Increased setbacks from all property lines shall be required at a rate of one foot for every two feet of height above 80 feet, not to exceed a total setback of 10 feet. Setbacks shall be measured from the limits of the ride at full extension. All moving parts must be at least five feet from any property line.
  3. 15 feet of clearance shall be maintained from any surrounding rides or structures on the same parcel. Clearance shall be measured from the limits of the ride through full extension.
  4. No portion of the ride, at maximum extension, shall be closer than ten feet, measured horizontally, to any right-of-way line.
  5. Foundations for an amusement ride require a building permit and the design must satisfy all applicable criteria of the Standard Building Code.
  6. Before issuance of a building permit, proof of SC Department of Labor approval of the ride design shall be proved.
  7. Before issuance of the certificate of occupancy or certificate of compliance, proof of approval of the ride from SC Department of Labor.
- 1501.C. Body Piercing Establishments and Tattoo Parlors provided they shall not be located on properties abutting Mr. Joe White Avenue or Robert Grissom Parkway.
- 1501.D. Child Care Centers (CCC); Child Care Homes, Family (FCCH); and Child Care Homes, Group (GCCH) provided the facility and its operator holds all licenses required by the State of South Carolina and that in all zoning districts except C6 (Urban Village) the center is located only on the ground floor of the structure.
- 1501.E. Correctional Placement Residences; Independent Living, Older Adult; Unlicensed group residential (caregiving), Commercial group residential:

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1. The facility and its operator shall hold all licenses required by the State of South Carolina.
  2. No facility listed in this section shall be located on any lot or parcel within 1200 feet of any other facility listed in this section.
  3. *Recreation areas/open space:* In all permitted zoning districts except multifamily (RM) districts, there shall be provided 200 square feet of usable open space for each resident, within which required landscaping may be included. All open space area shall be suitably landscaped with at least one shade tree for each 1,000 square feet of yard area or part thereof.
- 1501.F. Congregate Housing, Older Adult; Continuing Care Retirement Community; Nursing Home Facilities:
1. The facility and its operator shall hold all licenses required by the State of South Carolina.
  2. Except in the Medical/Professional (MP) district which has no maximum, the number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located and shall not exceed the maximum number of residential units allowed within the zoning district. For the purposes of density calculations, a rooming unit shall be counted as ½ a dwelling unit.
  3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.
  4. *Recreation areas/open space:* There shall be provided 200 square feet of usable open space for each resident, within which required landscaping may be included. All open space area shall be suitably landscaped with at least one shade tree for each 1,000 square feet of yard area or part thereof.
- 1501.G. Customer Service/Reception Centers for Interval Ownership Operations. Interval ownership real estate marketing and sales transactions provided the lot upon which the facility is located is a minimum of 3 acres in size.
- 1501.H. Dry Cleaning Establishments:
1. Only non-combustible dry cleaning solvents (such as perchlorethlene) shall be used in the dry cleaning process.
  2. The dry cleaning machines must be closed systems.
- 1501.I. Facilities for Active or Passive Recreation, including playgrounds, parks, tennis courts, ball fields, swimming pools and golf courses:
1. No recreational facility may be lit for night play or uses unless located upon the same parcel or tract as a K-12 school and meets lighting requirements as provided in Article 12 – *Lighting and Glare*.

**Article 15. CONDITIONAL/ACCESSORY USES AND SPECIAL EXCEPTIONS**

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2. Required yards shall not be used for parking or accessory buildings.

1501.J. Game Arcades:

1. An arcade shall not contain any machines prohibited by state law.
2. With the exception of game arcades located in the Amusement (A) District, the maximum number of machines in any arcade shall not exceed one machine for every 40 square feet of gross floor area of the area allocated to the arcade operations.

1501.K. Golf Courses, Miniature:

1. *Lighting.* No lighting shall be permitted to shine on any adjacent property or street. A lighting plan prepared by a lighting engineer must be submitted for review and approval by the zoning administrator.
2. *Buffer.* A landscape buffer shall be provided on any side adjacent to any residential district. Such buffer shall be as follows:
  - a. The buffer strip shall have a minimum width of eight feet.
  - b. Trees shall be planted the entire length of the buffer with a minimum spacing of 12 feet. Each tree shall be at least eight feet tall and 1 and 1/2 inches caliper.
  - c. Chain link fencing shall be:
    - i. Coated in black or green vinyl; and
    - ii. Screened by providing three-foot tall shrubs every three feet on the exterior of the fence for the entire length of the fence.
3. *Loudspeakers.* If located within 100 feet of a residential district, loudspeakers must be turned off after 10:00 p.m. Refer to sec. 14-62 - *Noise* of the code of ordinances for additional noise regulations.

1501.L. Home Occupations:

1. Such occupation is conducted by no other persons than members of the family residing on the premises.
2. Such occupation is conducted within the dwelling, is clearly incidental and secondary to the use of the structure for dwelling purposes, and does not detract from the residential character of the immediate area.
3. No stock in trade is kept or commodities sold or leased on the premises.
4. No mechanical equipment is used except such that is normally used for family, domestic, or household purposes.
5. Such occupation(s) utilizes no more than 25 percent of the total floor area of the principal building.

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6. Such occupation creates no offensive noise, vibrations, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
  7. Such occupation is not evident from outside the dwelling and there is no exterior indication that the building is being used for any purpose other than a dwelling.
  8. Musical instruction is limited to a maximum of two (2) pupils at a time.
  9. Child care is limited to a maximum of six (6) children.
  10. Under no circumstances shall any of the following be considered a home occupation: adult oriented businesses, aerobic exercise studio, ambulance service, auto repair service, barber shop, beauty parlor, body piercing establishment, child care center, chiropractor, dentist, doctor, drug/alcohol counseling services, escort services, firearms manufacturing, group day care home, gym, health salon, kennel, mortuary, musical or dancing instruction involving more than two pupils at one time, nightclub, nursing home, psychiatrist or psychologist office, restaurant, substance abuse clinics, swimming pool companies, tattoo parlor, trucking company, welding service, wig styling clinic, veterinarian's clinic.
- 1501.M. Outdoor Vending and Concession Stands. When associated with a specific temporary event, not otherwise regulated by any specific law of general application, outdoor vending and concession stands are permitted if the following conditions are met. This permissive use does not exempt the owner from compliance with the regulations of any law dealing specifically with the subject of special events in general application.
1. Tents, tractor trailers and other temporary structures. Tents, tractor-trailers and other temporary structures may be erected or established provided they are in compliance with the International Building Code and the International Fire Code.
  2. City Council reserves the right to set vendor fees at its discretion.
  3. Merchandise shall be displayed in a manner that it will not be visible from any public right-of-way, with the exception of Celebrity Circle.
  4. A clear walkway of not less than 20 feet shall be maintained along the front of temporary structures.
  5. Temporary event structures shall be placed no less than ten feet from a public right-of-way provided that the activity area of the structure is facing away from the right-of-way.
- In the event a temporary event structure is to face the right-of-way it shall be no closer than 50 feet from the right-of-way, screened by other structures so that it is not visible from the right-of-way or screened by a six foot high opaque fence.



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6. The temporary structure must be removed within 24 hours of the end of the temporary event and cleaning of the premises must be completed once vacated.

1501.N. Manufactured Homes.

1. The home shall:
  - a. be built after June 15, 1976;
  - b. meet Department of Housing and Urban Development standards pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (commonly referred to as "HUD Code") for single family manufactured homes; and
  - c. be inspected and "sealed" in accordance with HUD regulations.
2. All homes relocated within the City shall meet the minimum standards of S.C. Reg. 79-43 Used Manufactured Home Minimum Habitability Requirements.
3. All homes brought into the City or relocated within the City shall meet the minimum specifications for South Carolina Wind Zone 2 (model year starting July 1, 1995) and be labeled as such.
4. The home shall be designed for long-term occupancy, containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
5. The home shall be designed to be transported in one or more sections after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.
6. The home shall arrive at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor incidental unpacking and assembly operation, location on foundation supports, connections to utilities and the like.
7. The home shall be placed by an installer licensed to do so by SCLLR according to manufacturer instructions on a site-built concrete or masonry foundation capable of transferring design dead loads and live loads and other design loads unique to the site due to wind, seismic and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure.
8. All tie-down devices shall be in accordance with the manufacturer's recommendations or an engineered design approved by the City Construction Services Department.
9. The home must be approved for and permanently connected to all required utilities.
10. Parking standards shall be determined by the zoning district in which the manufactured home is placed.

11. In addition to the regulations listed in 1-10 above, single-family manufactured homes on individual lots shall adhere to the following:
  - a. The home shall have a minimum floor area on the main floor (exclusive of garage) of 1,000 square feet.
  - b. The home shall be placed so that the main entrance or front of the home faces or parallels the principle street frontage.
  - c. All axle and hitch assemblies shall be removed at the time of placement on the foundation.
  - d. The space beneath the home shall be enclosed at the perimeter of the home in accordance with the manufacturer's recommendations, shall have ventilation as required by the City, and shall be constructed of materials consisting of wood, brick, concrete, stucco stone, vinyl, or fiber cement siding, and shall be pest and weather resistant.
  - e. The roof shall have a surface of asphalt or composition shingles, or fiberglass, clay or slate tiles, or standing-seam metal roofing.
  - f. Homes shall have exterior siding materials consisting of wood, hardy board, brick, concrete, stucco, glass, vinyl, tile or stone.
  - g. Additions and modifications to the home shall be manufacturer produced specifically for the manufactured home model and shall be attached or modified by an installer licensed to do so by SCLLR.
  
12. In addition to the regulations listed in 1-11 above, manufactured homes in the R5 and R8 districts shall adhere to the following:
  - a. The roof shall have a pitch of not less than five (5) feet of rise for each 12 feet of horizontal run, with interior attic access.
  - b. There shall be a roof overhang at the eaves and gable ends of not less than twelve (12) inches, excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages that together do not exceed 25% of the length of the dwelling.
  - c. Homes shall have a covered porch extending from the main entrance. The porch shall be a minimum of 8' deep and 8' long.
  - d. In order to add architectural interest and variety, and to relieve the visual affect of a plain long wall, front facades shall include wall offsets, including projections and recesses, a minimum of six inches in depth. These may include the porch required in section 1501.N.12.c. - *Homes Shall Have A Covered Porch*. No uninterrupted length of the face shall exceed 30 horizontal feet.
  
- 1501.O. Manufactured Homes, Multifamily. The following regulations are for developments in which there is more than one manufactured home per lot. Individual homes within the development shall meet the standards set forth in section 1501.N – *Manufactured Homes*.
  1. Density. No more than seven home-sites per acre shall be allowed.
  2. Minimum area required for the development. A lot of three acres or more shall be necessary to establish a multifamily manufactured home development. A minimum street frontage of 50 feet shall be required to provide access from any public street right-of-way.

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3. Minimum development setbacks.  
*Front yard.* 15 feet minimum  
*Side yard.* 10 feet minimum  
*Rear yard.* 12 feet minimum
4. Minimum home-site requirements. The minimum site size for a manufactured home shall be 5,000 square feet.
5. Minimum home-site setbacks.  
*Front yard.* 15 feet minimum  
*Side yard.* 10 feet minimum  
*Rear yard.* 12 feet minimum
6. Solid waste collection. One 6 or 8 cubic yard solid waste container per 12 home-sites (or part thereof) shall be installed by the developer for solid waste collection. Any other method that is mutually acceptable to the developer and the public works director may be approved.
7. Streets. Streets within the multifamily manufactured home development shall have a minimum pavement width of 24 feet. All streets and other vehicular use areas including parking pads for cars shall meet or exceed the minimum requirements for subgrade, roadway base and surfacing in the Myrtle Beach subdivision regulations. All streets shall be named in accordance with the procedures found in the Myrtle Beach subdivision regulations.
8. Street lighting. All areas of the development shall be lighted sufficiently to safely provide for vehicular and pedestrian traffic. A minimum of 0.3 foot candles shall be required at grade, in the horizontal plane, along the pavement edge of any street within the development.
9. Landscaping. The following minimum landscape requirements apply to multifamily manufactured home developments:
  - a. Along streets: One tree is required per 15 linear feet of street. Trees may be clustered, but no more than three per cluster.
  - b. Along all side and rear lot lines: One tree is required per 30 feet per lot. Trees May be clustered, but no more than three per cluster.
  - c. Around home: One shrub every 15 feet.
  - d. If the property has security fencing, a shrub shall be planted every three feet along the exterior of the fence.
  - e. Plant material:
    - i. Evergreen trees; 1 1/2 inch caliper at least five feet in height.
    - ii. Deciduous trees; 1 1/2 inch caliper at least eight feet in height.
    - iii. Shrubs; three gallon size.
  - f. Also see other requirements in Article 9 – *Landscaping and Tree Protection*.
10. Utilities. All utilities shall be underground, including cable television. Water and sewer facilities shall be provided in accordance with the standard procedures of the City of Myrtle Beach and South Carolina Department of Health and Environmental Control (D.H.E.C) and shall be approved by the city engineer. Suitable fire hydrants shall be installed as specified by the city engineer.

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11. Access. All lots shall be accessible only from an interior street.

1501.P. Motor Vehicle Repair and Maintenance:

1. In the Highway Commercial (HC1 and HC2) districts such use shall provide a minimum 50 feet front and a minimum 50 feet side street setback.
2. In the Downtown Commercial (C7 and C8) districts no outdoor storage is allowed, including but not limited to motor vehicles, recreational vehicles, parts, supplies, salvaged materials and mobile homes.

1501.Q. Outdoor Dining: When the outdoor dining area is adjacent to the property line, a buffer shall be installed that provides a clear delineation between the properties, including any public right-of way.

1501.R. Outside Display and Merchandise Areas. Only the following merchandise shall be displayed or stored outside of a building (in this case only, building is defined as any structure having completely enclosed walls and a roof):

1. Heavy durable goods at establishments where the sale of same is the permitted principal use,
2. Live nursery products,
3. Fresh produce,
4. Cut flowers,
5. Prepackaged firewood,
6. Newspaper and magazine racks,
7. Christmas trees from November 1<sup>st</sup> to January 2<sup>nd</sup> of the next year, and
8. Vending machines where not otherwise prohibited, provided that the vending machines are screened from public view from off the property upon which they are located.
9. In addition to the above listed exceptions, the following items may be displayed in Highway Commercial (HC1 and HC2) and Wholesale/Manufacturing (WM) zoning districts provided the items are at least 150 feet from any property line:
  - a. Lawn mowers and gardening equipment.
  - b. Outdoor cooking grills.
  - c. Playground equipment.
  - d. Wheelbarrows.
  - e. Building material samples.
  - f. Lawn furniture.

1501.S. Schools, Elementary and Secondary, including school stadiums:

1. The lot or lots for the school is at least 5 acres in size.

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2. No structure or parking area shall be placed within 50 feet of any property line.
- 1501.T. *Reserved.*
- 1501.U. *Reserved.*
- 1501.V. *Reserved*
- 1501.W. Transportation Facility for Urban Passengers of Conveyances Including Bus, Passenger Rail, Taxicab provided that such facility is designed to accommodate no more than one vehicle at a time.
- 1501.X. Therapeutic Massage Establishments:
1. All massage therapists shall be licensed by the State of South Carolina.
  2. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.
- 1501.Y. Gasoline Stations provided that gas pump islands shall be set back a minimum of 17' from any property line.
- 1501.Z. Cabanas:
1. The cabana shall not to exceed a 200 square feet (covered or uncovered) area
  2. The cabana shall not to exceed a height of 15 feet measured above the existing base flood elevation.
  3. Cabanas shall be used as bathing quarters, for temporary storage of swimming and beach paraphernalia, and for protection from sun and weather.
  4. Cabanas shall not be equipped with kitchen facilities and accommodations for overnight lodging; provided, however, that a toilet and shower are permitted.
- 1501.AA. Marinas:
1. No net loss of protected wetlands and/or other unique wildlife habitat shall be permitted.
  2. Fueling facilities (including underground storage, pipelines and pumps) shall be permitted only at commercial marinas, not at communal or individual docks.
- 1501.BB. Campgrounds:
1. Minimum lot size. A site of five acres shall be required for development of a campground.
  2. Density. A maximum of 18 camp sites per acre shall be allowed.
  3. Sites.
    - a. The minimum area of a campsite shall be 1,600 square feet.

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- b. Recreational vehicles, cabins, or tents shall be placed a minimum of five feet from any site boundary and at least ten feet from any other recreational vehicle, cabin, or tent.
    - c. Cabins shall be a maximum of 800 square feet.
  4. Minimum campground setbacks.
    - a. *Minimum front setback.* 25 feet, except when campground use fronts on Ocean Boulevard, Kings Highway, or U.S. 17; then the minimum shall be 50 feet.
    - b. *Minimum side setbacks.* When abutting a Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), the side setback shall be 50 feet; when abutting a public right-of-way, the side setback shall be 25 feet on the side street; when abutting any other zone, the setback side shall be 15 feet.
    - c. *Minimum rear setback.* When abutting a Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), the rear setback shall be 50 feet; when abutting a public right-of-way the rear setback shall be 25 feet; when abutting any other zone, the rear setback shall be 15 feet.
5. Streets. Streets within the campground shall conform to the requirements of the Myrtle Beach subdivision regulations with regard to their construction and drainage requirements. Pavement width shall be at least 20 feet. However, in the case of a one way street that is immediately adjacent to a campsite, the pavement requirement shall be ten feet with the right-of-way to remain the same at 20 feet; and further provided, that the ten feet paved streets are not dead end streets
6. Street lights. All areas of the campground shall be lighted sufficiently to safely provide for vehicular and pedestrian traffic. A minimum of 0.3 foot candles shall be required at grade, in the horizontal plane, along the pavement edge of any street within the park.
7. Utilities. All utilities shall be underground, including cable television. Water and sewer facilities shall be provided in accordance with the standard procedures of the City of Myrtle Beach and South Carolina Department of Health and Environmental Control and shall be approved by the city engineer. Suitable fire hydrants shall be installed as specified by the city engineer. Electricity shall be provided to each recreational vehicle or campsite, supplying at least 20 amps and 115 volts.
8. Solid waste collection. Each campsite shall be provided with at least one fly tight, watertight, rodent proof container of a capacity of not less than four gallons and not more than 30 gallons. However, this may be waived when the campsites are within 200 feet of a solid waste container. In addition, there shall be provided one six or eight yard solid waste container for every 24 camp or recreational vehicle sites (or part thereof). All individual site containers shall be emptied by the park management into the solid waste containers for collection. Any other method that is mutually acceptable by the developer, Department of Health and Environmental Control and the public works director may be allowed.
9. Sanitary facilities. Appropriate separate sanitary facilities shall be provided as follows:

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Campsites	Toilets		Urinals	Lavatories		Showers	
	Men	Women	Men	Men	Women	Men	Women
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	3	4	2	4	4	3	3

- a. For dependent recreational vehicles and campers for any park having more than 100 camp sites, there shall be provided: one additional toilet and lavatory for each sex per each additional 30 camp sites (or part thereof); one additional shower for each sex per each additional 40 camp sites (or part thereof); and one additional men's urinal per each additional 100 camp sites (or part thereof).
  - b. Where a park is designed for and exclusively limited to use by self-contained (nondependent) recreational vehicles, the following minimum emergency sanitary facilities shall be required: For each 100 camp sites (or part thereof), two flush toilets and two lavatories for each sex.
  - c. All such facilities shall conform to city building code.
10. Minimum landscape and buffer requirements:
- a. *Along interior streets.* One tree is required per 15 linear feet of street. Trees may be clustered, but not more than trees per cluster.
  - b. *In the required setback area for park.* One tree and one shrub is required per 15 feet of boundary, per side.
  - c. *Plant material:*
    - i. Evergreen trees; 1 1/2 inch caliper at least five feet in height.
    - ii. Deciduous trees; 1 1/2 inch caliper at least eight feet in height.
    - iii. Shrubs; three gallon size.
11. Insect and rodent control. Insect and rodent control measures to safeguard the public health and comfort shall be used in the park as required by the S. C. Department of Health and Environmental Control.
12. Site plan. Site plans shall be provided for review showing the following items:
- a. Title, scale, north point, date, and the name of site planner.
  - b. Buildings and structures.
  - c. Streets.
  - d. Reserved.
  - e. Recreational vehicle sites, numbered consecutively.
  - f. Driveways and parking spaces for automobiles and camping units.
  - g. Recreational facilities.
  - h. Drainage system plans and documents meeting all regulations of the Myrtle Beach stormwater management ordinance.
  - i. Sanitary sewer system including sizes of lines.
  - j. Water distribution system and fire hydrants.
  - k. Street lighting system.

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- i. Landscaped areas.
- m. Location of all electrical installations.
- n. Location of all solid waste containers.
- o. Existing tree survey.

1501.CC. Storage Yards:

1. Storage yards are a minimum of 20 feet from the front and side street and a minimum of 10 feet from the side and rear property line.
2. Material incapable of being reused in some form shall not be placed in the storage yard.
3. Material shall not be placed in any storage yard in such a manner that it is capable of being transferred out of the storage yard by wind, water or other natural causes.
4. All storage yard materials and activities not within fully enclosed buildings shall be enclosed by a mesh fence of sufficient gage and weave to screen the view or a wall of at least six feet in height, but not greater than eight feet in height; along any and all street frontages. It must be mesh of sufficient gage, weave and consistency as to completely hide the use of the storage yard from public view.
5. The storage yard shall have a minimum 5-foot wide landscape buffer. Landscape materials in the buffer along any front or side street will consist of at last one 10-foot tree placed at 25-foot intervals and one 3-gallon shrub placed at 5-foot intervals.

1501.DD. Horse farms subject to the following:

1. Horse farms shall have a minimum contiguous area of 6 acres.
2. There shall be no other livestock kept except horses. For the purpose of this ordinance, "horse" does not include donkey, burro or mule.
3. Barns and stables shall set back a minimum of 50' from the rear or side property line and a minim of 300' from the nearest adjacent primary residence, and a minimum of 50' from any swimming pool. The size of the barn or stable shall be determined by the size regulations for accessory structures in the zoning district in which it is located.
4. Manure piles shall be located a minimum of 200' from any dwelling, pool, patio, water body or property line and shall meet all SCDHEC requirements.
5. There shall be no more than 1 residential unit per acre.
6. There shall be no more than 1 horse per 1 acre.
7. Fencing shall be sufficient to restrain horses. No wire fencing shall be visible from any public right-of-way.



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8. No barbed-wire fencing shall be allowed. If electric fencing is used it shall be installed so as not to be visible from off premise and shall include a warning sign that meets the provisions of Article 8 - *Sign Regulations*.

1501.EE. Assisted living facilities subject to the following:

1. The facility must be licensed as such by the State of South Carolina.
2. The number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located. For the purposes of density calculations, a rooming unit (see definition in Article 2) shall be counted as  $\frac{1}{2}$  a dwelling unit. In no instance shall the number of dwelling units exceed the maximum number of residential units allowed within the zoning district.
3. The facility shall have 24-hour on-site management.

1501.FF. Moped rental and sales establishments subject to the following:

1. Moped leasing, maintenance and all related functions shall be conducted within a building on site or offsite that meets all building code regulations as well as the area dimension regulations of the district.
2. Display of units available for rental shall be permitted outside the building so long as parking or pedestrian passage is not diminished as required.
3. The operators of such establishments shall provide one motorcycle safety helmet per moped offered for lease or use while the moped is being rented.
4. Any signage shall be within the allowable signage for the property.
5. Amortization of non-conformities. As to this specific zoning amendment pertaining to moped rental uses, those uses made non-conforming which were in existence legally as of May 1, 2010, that are also current with all taxes, fees and assessments with the City, shall have a period of one year from the date of May 1, 2010 for legal operation. On May 1, 2011, the non-conforming uses must end completely.

1501.GG. Veterinary offices, clinics, and hospitals provided there are no outdoor kennels and the facility is licensed by appropriate state boards.

1501.HH. Restaurants provided that hours of operation are limited to 6:00 a.m. to 2:00 a.m.

1501.II. *Reserved.*

1501.JJ. One-family and two-family dwellings provided they are attached to nonresidential uses. One-family detached dwellings may be allowed when included in an approved master plan.

1501.KK. *Reserved*

1501.LL. Accessory parking lots are allowed in the RMH under the following conditions:

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1. The accessory parking lot serves a commercial use in an abutting or adjacent MU-M district. No parking lots in the RMH may be standalone commercial ventures or be separated from the MU-M use they serve by a major corridor.
2. No portion of the accessory parking used to serve the MU-M use shall be more than 300 feet from a major commercial corridor.
3. The accessory parking lot located in the RMH district will follow landscape buffering requirements of parking lots in the adjacent MU-M district or RMH district, whichever is greater.

1501.MM. Outpatient substance abuse treatment programs must meet all State of South Carolina licensing requirements.

1501. NN. Farm Stands or shelter for the retail sales of seasonal agricultural produce, plants, seed, garden supplies, honey, prepared foods and beverages, dairy and dairy products, poultry, eggs, fish, shrimp and ice provided that:

1. All stands and shelters must meet applicable South Carolina DHEC and Department of Agriculture regulations and be appropriately licensed by all appropriate licensing organizations;
2. All stands and shelters must be on or adjacent to land occupied by a compliant farm use. For real property tax assessment purposes, where the farm is classified as agricultural, the adjacent land upon which such sales are conducted shall also be classified agricultural;
3. All stands and shelters must be on private property, limited to one such venue per parcel, and must meet the setbacks of the zoning district in which they are located;
4. No preparation of food on premises in conjunction with the farm stand operation;
5. Parking spaces equaling one space per 250 square feet of stand must be provided, at a minimum graded with gravel and suitably maintained;
6. The size of stands or shelters shall not exceed six hundred (600) square feet;
7. Ingress and egress of vehicular traffic shall not create a hazard for traffic on an adjacent street, as determined by city code enforcement and public works staff; and
8. Allowed signage meets the following criteria:
  - a. For fixed stands: one primary sign, affixed to the stand or shelter, either projected or parallel to the wall (flat).
    - i. If sign is projected, it shall not exceed 32 sq ft (64 sq ft aggregate).
    - ii. If sign is parallel (flat), it shall not exceed 32 sq ft.
  - b. For all uses: one menu board sign, listing the prices and varieties of products, not to exceed eight sq ft (16 sq ft aggregate).
  - c. For all uses: No signage will be allowed to encroach into the adjacent rights-of-way.

1501.OO. Indoor Storage Facility: The following conditions are required to ensure that the design and use of an indoor storage facility occur in a manner that is compatible with the appropriate zoning characteristics:

1. Indoor storage facilities are allowed in buildings of 40,000 sq ft or more.
2. Each unit will be within a single building and must have a private entrance that is accessible from inside the facility. Direct exterior access to any individual unit is prohibited.

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3. No unit within an indoor storage facility shall be utilized as a place of business. No business license, other than that of the indoor self-storage operator, shall be approved for a business operation in the facility.
4. Lighting and temperature control may be provided to units. No utilities, namely, electricity, water, hvac, telephone, cable TV, or gas, will be provided on an individual basis to the individual units. The use of generators of any kind is prohibited except for emergency backup for the general operations of the indoor storage facility.
5. No outside storage of commercial vehicles, heavy equipment, boats, RVs and the like shall be permitted.
6. The use or storage of hazardous materials is prohibited.
7. No individual storage unit shall be visible from exterior.
8. Facility must maintain a working surveillance camera system capable of clearly showing the flow of traffic in and out of the building, and capable of interconnection with the City's surveillance camera system.

1501.PP. Food Vending. The purpose of this ordinance is to provide standards for mobile food vendors while balancing the interests of public health, safety, and overall community wellbeing. This ordinance shall begin a pilot program, which will enable staff to examine impacts of food trucks on the City and report any negative issues back to City Council. If necessary, one year after 2<sup>nd</sup> reading of this ordinance, City Council may extend the pilot program, or remove it from pilot status. Council may also review this ordinance at any time it deems necessary.

1. Definitions: The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile Food Vendor: means any person selling food from a mobile unit.

Mobile food unit (MFU): means a self-contained, vehicle-mounted food service unit as approved by DHEC which is used for either the preparation or the sale of food products, or both. This does not include mopeds. For the purpose of this ordinance, the following types of units are considered Mobile Food Units:

- a. Food trailer: An enclosed attached or detached trailer that is equipped with facilities for preparing, cooking, and/ or selling various types of food products.
- b. Food truck: An enclosed motor vehicle equipped with facilities for preparing, cooking, and/ or selling various types of food products.

Permanent Food Unit (PFU): means one of the above which is stationary and permanently located on a parcel as part of the onsite restaurant business in association with a City approved commercial site plan.

Prepackaged food truck: means an enclosed motor vehicle equipped to sell various types of prepackaged food products.

Catering Truck: a vehicle mounted food product establishment designed to be readily movable from which food and/or drink is distributed or served to attendees of an event in which service is not targeting sale to the general public.

2. General Requirements

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- a. Mobile food units (with the exception of ice cream trucks) may be allowed as a conditional use in the following zones: HC1 & HC2, and as indicated in paragraph a.xiv provided they meet the following requirements:
  - i. Mobile food units must be affiliated with an existing permanent commercial kitchen to meet the requirements of SC DHEC regulations. This may be in the form of a brick and mortar restaurant with which they are associated. In this case, the mobile food unit is not a replacement for a restaurant, but an addition. Multiple food units may be permitted on a single parcel, but cannot exceed four per acre subject to site plan review requirements. These permanent food units (PFUs) shall not count towards the six (6) allotted permits to be issued in the pilot program, nor is a restaurant with a permanent set-up subject to the requirements of the mobile food units as set forth in the pilot program, with the exception of fire safety regulations listed in a.xv. Such a business is subject to review by the Community Appearance Board and must adhere to that level of review scrutiny.
  - ii. A mobile food unit may be permitted to operate on multiple parcels within the City of Myrtle Beach with one being the property on which the affiliated restaurant is located.
  - iii. The mobile food unit meets a 15' front setback from the property line, a ten foot clearance between units, and a ten foot emergency access setback between the units and any buildings on site. If adjacent to a residential area, then the mobile food unit must meet the side and rear property setback requirements of its underlying zoning district (this does not include catering trucks). The mobile food unit must also be at Least ten feet from any fire hydrant;
  - iv. The mobile food units are Located on a parcel with no less than an improved dust free surface thirty (30) feet driveway throat length; ingress, egress, and internal circulation of vehicular traffic shall not create a hazard for traffic on an adjacent street or on the subject parcel; and, the mobile food unit is not within ten (10) feet of an entranceway to any business open to the public;
  - v. The maximum number of Mobile Food Units per parcel (not associated with an onsite restaurant):
    - a. For parcels up to 10,000 sq ft, up to two MFUs may be permitted at a time;
    - b. For parcels more than 10,000 sq ft and less than 20,000sq ft, up to three MFUs may be permitted at a time; and,
    - c. For parcels greater than 20,000 sq ft in size, a maximum of 4 MFUs is permitted at the same time (with the exception of city sponsored events).
  - vi. A minimum of two (2) parking spaces must be provided per mobile food unit and maintained in addition to the minimum parking required for the principal business;
  - vii. No portion of the mobile food unit shall be allowed to occupy or obstruct access to any parking stall, or parking aisle required by the Zoning Ordinance;
  - viii. The mobile food unit is not Located within five hundred (500) feet of the principal public entrance to any food service business not owned by the vendor or property owner, which sells merchandise approved for sale in this ordinance (unless the adjacent food service business owner provides a legal affidavit agreeing to a lesser distance). If a restaurant opens within the five-hundred-foot zone after the mobile food vendor has continuously

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- operated his business in the location for at least six (6) months, the mobile food vendor may remain in that location;
- ix. The mobile food unit is not Located within two hundred (200) feet of the principal public entrance to any PreK-12 educational facility, unless approval from the school exists in writing and is provided upon request;
  - x. A maximum of six (6) permits will be issued during this pilot program. Each mobile food unit may submit multiple sites for locating, subject to staff approval.
  - xi. A list of all requested sites, including the property owners and physical addresses. The applicant must submit site plans, to scale, showing all proposed locations of the vending operation on the plans. The Zoning Administrator must find that the proposed operation complies with all applicable provisions of this Section, and that the proposed operation will not adversely affect the traffic accessibility, or health and public safety.
  - xii. The mobile food unit must obtain an annual zoning compliance and business license. A mobile food unit permit decal issued by the City of Myrtle Beach must be affixed in a prominent location.
  - xiii. Mobile food vendors shall not provide furniture, umbrellas, objects, or structures outside of the vehicle with the exception of a trash receptacle unless such items are part of the affiliated on-site restaurant or business. Trash must be removed with the mobile food unit each business day.
  - xiv. Mobile food units may locate on public City-owned property subject to vendor permits (such as Myrtle's Market or the Historic Train Depot) and must meet the same standards as set forth for operating on private property.
  - xv. Mobile Food Units must meet the requirements of the following safety codes: the International Fire Code (IFC); National Fire Protection Association's NFPA 58 (*Liquefied Petroleum Gas Code*), NFPA 70 (*National Electric Code*), and NFPA 96 (*Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*); and the Code of Federal Regulations 49 CFR 180.205(d) (*General requirements for requalification of specification cylinders*) and 49 CFR 180.209 (*Requirements for requalification of specification cylinders*). The Fire Marshal's office will be responsible for inspections.
- b. Applicants for all mobile food units must submit the following to receive a City of Myrtle Beach Mobile Food Permit:
- i. The applicant's permanent street address and mailing address;
  - ii. A brief description of the nature of the business and goods to be sold;
  - iii. SCDHEC Certification, or a letter from SCDHEC stating that certification is not required;
  - iv. Proof of current license plate and vehicle(s) registration;
  - v. Color photographs of the vehicle(s) exterior in sufficient number to provide permitting officials to be familiar with all the exterior views of the mobile food unit;
  - vi. A site plan (or plans) for the properties on which they propose to operate; and,
  - vii. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel and a copy of the property owner's business license must be provided. If applicable, the vendor must provide a copy of

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the approved county hospitality tax application and a State sales tax number to the Zoning Administrator before a vending permit is issued.

3. Duration and Fees (for all mobile food units):
  - a. The fee levied by this ordinance is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue through a privilege tax. The mobile food permits issued under this ordinance will be valid beginning on date of this ordinance's enactment until March 31 of the ensuing year. In the following years, a permit shall be from April 1 until March 31 of the ensuing year;
  - b. The permitting fee for each mobile food unit is \$150.00, which includes review of two vending locations. For any additional location reviews made in conjunction with an initial application, there will be a fee of \$100.00 per location.
4. Permitted Merchandise: Mobile food vendors shall be limited to selling food items. The selling of non-food or non-drink items shall be limited to merchandise displaying the mobile food vendor company logo and/or branding. No items may be displayed outside of the vehicle.
5. Signage:
  - a. No advertising shall be permitted on any mobile food unit except to identify the name of the product or the name of the vendor, and the posting of prices;
  - b. Electronic or illuminated signs shall not be utilized;
  - c. Temporary off-site signs for the mobile food units shall be prohibited;
  - d. One on-site sandwich style sign shall be permitted per mobile food unit, maximum two (2) feet by three (3) feet in size, located within ten (10) feet of the mobile food unit, and must be located outside of all buffers and rights-of-way.
6. Prohibited conduct (for all mobile food units): No vendor shall:
  - a. Vend on any street or sidewalk where vending is otherwise prohibited;
  - b. Sell alcohol. Permanent food units operating in association with an onsite restaurant may sell alcohol in coordination of the affiliated restaurant;
  - c. Leave any mobile food unit unattended;
  - d. Store, park, or leave any mobile food unit overnight at any vending location unless the mobile food vendor has written consent from the property owner;
  - e. Sell food or beverages for immediate consumption unless there is a litter receptacle and recycling bins available for the patrons' use;
  - f. Leave any location without first removing and disposing of all trash or refuse remaining from sales made by the vendor;
  - g. Allow any items relating to the operation of the vending business to be placed anywhere other than within, on, or under, the mobile food unit;
  - h. Set up, maintain or permit the use of any crate, carton, rack, or any other device to increase the selling or display capacity of the mobile food unit with the exception of one table 3' x 5' in size (subject to site plan approval), and no taller than 4' in height is allowed;
  - i. Sell anything other than permitted merchandise as detailed in this ordinance;
  - j. All mobile food units shall abide by the existing noise ordinance;

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k. Allow the mobile food unit or any other item relating to the permitted vending operation to lean against or hang from any building, utility pole, or other structure.

7. Exemptions (for all mobile food units): The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by City Council or as an approved Special Event. This section shall not apply to activities conducted pursuant to a franchise agreement or other contract with the City of Myrtle Beach. The vendor, property owner/ lessee and assigns shall be responsible for any violation of this section or any other sections of the City of Myrtle Beach Code of Ordinances. Such violations may result in the revocation or denial of a Certificate of Zoning Compliance and vending permit, and may also result in the revocation and denial of a Certificate of Zoning Compliance and for any future vending permits. If the mobile food unit receives more than 3 violations, the permit will be revoked for one year.

**1501.QQ Solar Farms:**

1. Intent. The intent of these standards is to provide for safe, attractive, orderly and functional sustainable energy options in furtherance of the goals of the comprehensive plan.

2. Application. These standards shall apply to the installation and/or placement of any solar farm within the City of Myrtle Beach.

3. Installation.

a. Solar farms shall be installed and maintained in compliance with the International Building Code, National Electric Code and all local regulations, directives and codes.

b. Installation of any solar farm shall require the issuance of any applicable permits such as building and/or electrical.

c. Solar farms may have transformers with substation capabilities in the design and installation.

d. A building permit shall not be issued without Community Appearance Board approval.

4. Setbacks and buffers.

a. Front street setbacks. Any solar farm installation will set back from the front street 30 feet or the front street setback of the underlying zoning, whichever is greater.

b. Side/Rear setbacks. 10 feet.

c. 15-foot minimum landscape buffers as required by CAB.

5. Structural Height Limit. 35 feet.

**1501.RR Restaurant with Drive-Through Service in MU-M:** Restaurants with drive-through service are prohibited in the MU-M district except for those structures that abut Kings Hwy, structures are less than 5,000 square feet in area, and had drive-through facilities in place prior to the adoption of Ordinance 2014-34 (June 10, 2014).

## **Section 1502. Accessory Uses**

1502.A. An accessory use is defined as a use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use thereof. Any use may be established as an accessory use to any permitted use in any district provided that:

1. The use is customarily incidental to (as provided in this section) and is maintained and operated as a part of the permitted use;
2. The use does not create levels of hazard, noise, odor, vibration, lighting, traffic congestion, dust or other pollutants, or impair the use or enjoyment of nearby property in a greater amount than that customarily created by the principal use;
3. In the case of commercial or business uses, the use does not produce gross proceeds which exceed 40 percent of the combined gross proceeds produced by the accessory use and the permitted principal use; and does not occupy in excess of 40 percent of the available floor space in the business.

The accessory uses provided in this section apply to uses permitted in the appropriate zoning districts as provided in section 1407 - *Table of Uses*.

1502.B. Uses Customarily Accessory to Single-family Dwellings.

1. Private garage, open storage space or parking area for motor vehicles, provided that such is designed and/or used for the storage of motor driven vehicles, owned and used by the occupants of the dwelling to which it is accessory. An accessory garage, open space or parking area shall not be used for:
  - a. More than one commercial vehicle licensed as such by the State of South Carolina per dwelling unit
  - b. Any vehicle more than one ton in capacity.
2. Shed or tool room for the storage of equipment used in grounds or building maintenance.
3. Children's playhouse and play equipment.
4. Private, noncommercial recreational facilities including swimming pool and bathhouse or cabana, tennis courts, etc., owned, used and maintained by the owner and/or tenants of the dwelling units.
5. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
6. Noncommercial flower, ornamental shrub or vegetable garden or greenhouse.

1502.C. Uses Customarily Accessory to Multi-family Complexes. The customary incidental accessory uses of multi-family complexes including but not limited to:



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1. Parking provided that such is designed and/or used for the storage of motor driven vehicles, owned and used by the occupants of the dwelling to which it is accessory. Accessory parking shall not be used for:
  - a. More than one commercial vehicle licensed as such by the State of South Carolina per dwelling unit
  - b. Any vehicle more than one ton in capacity.
2. Mailbox clusters
3. Swimming pools and equipment
4. Tennis courts
5. Laundry facilities

Such accessory uses shall be on the same lot as the permitted use they support.

1502.D. Uses Customarily Accessory to Congregate Housing, Elderly.

1. Nursing home facility.
2. Professional and medical offices.
3. Convenience retail.
4. Kitchen and dining facilities.
5. Facilities for recreation and physical therapy.
6. Educational, social, and occupational training facilities.
7. Beauty or barber shop within the permitted use building.
8. Storage building.

1502.E. Uses Customarily Accessory to Religious Establishments.

1. Religious education buildings.
2. Child day care centers confined to religious educational buildings.
3. Parsonage, pastorium or parish house, together with any use accessory to those dwellings.
4. Off-street parking area or garage for use without charge and only as an accessory use to a permitted use on the same parcel or tract.
5. Completely enclosed building for storage of supplies or equipment.
6. Cemetery, mausoleum, or memorial garden, provided that:

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- a. The tract of land is screened with a permanent fence installed along any abutting property zoned Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD);
  - b. The burial area does not exceed 0.25 acres in size; and
  - c. Burial plots are set back a minimum of 20' from the property line.
- 1502.F. Use Customarily Accessory to Funeral Homes: Crematorium shall only be permitted as an accessory to a funeral home. In no case shall a crematorium be permitted as a primary use.
- 1502.G. Uses Customarily Accessory to Golf Courses, Tennis Facilities and Other Recreational Facilities.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise, provided the building is either:
    - a. Screened from public view; or
    - b. Architecturally compatible with the primary structure or the surrounding neighborhood.
  3. Clubhouse facilities in more than one building; provided the building(s) shall be setback from the parcel property lines no less than 200 feet. The facilities may include restaurants, bars, pro shops, gift shops, clothing stores, and limited visitor accommodations (not more than one unit per 2 1/2 acres in the golf course tract). These facilities may be open to the public.
- 1502.H. Uses Customarily Accessory to Marinas.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Restaurants.
  4. Boat service facilities.
  5. Stores for the sale of incidental supplies.
  6. Berthing and dry storage of boats.
  7. Fueling facilities.
- 1502.I. Uses Customarily Accessory to Tennis Facilities.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Tennis shops.

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4. Locker rooms.
  5. Maintenance facilities.
  6. Rest rooms.
  7. Snack bars.
- 1502.J. Uses Customarily Accessory to Active Recreation Facilities.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Locker rooms.
  4. Rest rooms.
  5. Maintenance facilities.
  6. Snack bars.
- 1502.K. Uses Customarily Accessory to Nature Preserves and Passive Recreation Facilities.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Buildings and structures for observation, research, and educational purposes.
  4. Maintenance facilities.
  5. Rest rooms.
- 1502.L. Uses Customarily Accessory to Visitor Accommodations.
1. Structures or facilities under the same operation and control as the permitted use and on the same or contiguous property (which in this case shall not exclude properties on opposite sides of public rights-of-way):
    - a. Recreational facilities.
    - b. Laundry facilities.
    - c. Convention facilities.
    - d. Meeting rooms.
    - e. Spas and exercise facilities.
    - f. Parking facilities.
    - g. Offices.
  2. Restaurant within a permitted use building.
  3. Game rooms and arcades provided that they are located within the permitted accommodations building and that no identifying signs or machines are visible

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from the outside of the building. The facilities may be used by registered guests of the accommodations and shall be accessible only through the lobby or interior corridor of the permitted use building.

4. Facilities with 100 accommodation units or more may establish the following provided they are located within a permitted use building of 50 units or more and are accessible through the lobby, interior corridor or exterior doorway located 20 feet or more from a public street, alleyway or walkway. No signs or merchandise shall be visible from the outside of the building except that one public service sign as set forth in Article 8 – *Sign Regulations* may be located immediately over or within 2 feet adjacent to the door:
  - a. News stands.
  - b. Snack bars.
  - c. Florists.
  - d. Gift shops.
  - e. Confectionary stores.
  - f. Automobile rental agencies.
  - g. Drug and sundry shops.
  - h. Bars.
  - i. Hair salons.

1502.M. Uses Customarily Accessory to Campgrounds.  
Provided that such uses are intended to serve the occupants of the park; such establishments and their parking areas shall not occupy more than five percent of the gross area of the park; such establishments shall present no visible evidence, from any street outside the park, of their commercial character which would attract customers other than occupants of the park; and the structures housing such facilities shall be situated at least 75 feet from any public street and shall not be directly accessible from other than a street within the park.

1. Management headquarters
2. Recreational facilities
3. Toilets and showers
4. Dumping stations
5. Coin-operated laundries
6. Trailer storage
7. Convenience store
8. Snack bar
9. Fuel sales
10. Recreational vehicle sales

1502.N. Uses Customarily Accessory to Retail Operations.

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1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Coin operated amusement devices subject to the following restrictions:
    - a. Maximum number of machines per use is five.
    - b. Only allowed as an accessory use to retail facilities of at least 2,000 sq. ft. of gross floor space.
- 1502.O. Uses Customarily Accessory to Office Uses, Financial and Advisory Establishments, Health Care Establishments, and Manufacturing Establishments.
1. Off-street parking areas.
  2. Completely enclosed building for the storage of supplies, stock or merchandise.
  3. Restaurants not to exceed ten percent (10%) of the total square footage of the building within which the restaurant is contained, provided that drive-up or drive-through windows are not allowed, and further provided that signage is limited to the characteristics of signage allowed for other tenants in the building. A seating area may be provided outdoors as an amenity.
- 1502.P. Uses Customarily Accessory to Hospitals.
1. Pharmacies
  2. Gift shops
  3. Restaurants
- 1502.Q. Uses Customarily Accessory to Bakeries, Bars and Restaurants.
1. Off-street parking areas
  2. Completely enclosed building for the storage of supplies, stock or merchandise
  3. Wholesale prepared foods
  4. Catering services
  5. Rooftop seating
- 1502.R. Uses Customarily Accessory to Commercial Trade or Commercial Light Industry Facilities.
1. Manufacturing and repair facilities incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located.
  2. Fuel and oil pump and storage tanks.

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- 1502.S. Additional Permitted Uses Accessory to Full Service Administrative Offices of Public Utilities within the Medical/Professional (MP) District. Limited retail sales, provided that no indication of the accessory use or products for sale shall be visible more than 20 feet from the perimeter of the building in which the accessory use is located. All accessory use functions must be located within the same building as the permitted use.
- 1502.T. Additional Permitted Uses Accessory to Facilities within the Airport (AP) District.
1. Retail or wholesale commercial activities are permissible if conducted within, or as a part of, a transportation terminal.
  2. Vehicle storage yards are permissible if they have a minimum of ten feet wide landscape buffer from the front property line and side street property lines. Landscape materials will consist of at least one 10' tree placed at 20' intervals and one 3 gallon shrub placed at 3' intervals.
- 1502.U. Additional Permitted Uses Accessory within the Entertainment (E) District. The following uses allowed as accessory uses in the Entertainment (E) District do not exempt the owner from compliance with the regulations of any law dealing specifically with the subject of special events in general application. City Council reserves the right to set vendor fees at its discretion.
1. Concession services (indoor/outdoor).
  2. Amusement concessions.
  3. Indoor/outdoor concessionaires both static and mobile.
  4. Event associated exhibits.
  5. Outdoor display of exhibitions and sponsors equipment.
  6. Arts and crafts shows.
  7. Animal attractions and exhibitions (including the display and temporary housing of animals).
  8. Onsite containment of circus/performing troupes.
  9. Financial and administrative services.
  10. Interconnecting means of conveyance (boats, carts, trains) between theme park/amusement parks and adjacent venues.
- 1502.V. Additional Permitted Use Accessory within the Light Manufacturing (LM) District: Dwelling or lodging units for occupancy by owners, guards or caretakers, provided that such dwelling or lodging units be located above or behind principal uses in such a way that they do not interrupt commercial or industrial frontage.

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- 1502.W. Uses Customarily Accessory to Go Carts, Electric, Indoor or Outdoor: Amusements, open or unenclosed, limited to the following restrictions:
1. proof of ownership or control of the minimum site area shall be provided (minimum site area is the land area occupied by a ride or amusement device when fully extended plus the land necessary to accommodate required setbacks and separations);
  2. fifteen feet (15') of clearance shall be maintained from any surrounding rides or structures on the same parcel (measured from the limits of the ride through full extension);
  3. no portion of the ride, at maximum extension, shall be closer than ten feet (10'), measured horizontally, to any right-of-way line;
  4. before issuance of a building permit and before issuance of the certificate of occupancy or certificate of compliance, proof of approval of the ride from SC Department of Labor;
  5. maximum 20 feet in height; and
  6. may only be powered by electricity; gasoline-powered amusements are not permitted.

**Section 1503. Special Exceptions.**

In addition to the regulations of Article 5 – *Board of Zoning Appeals*, the following provisions apply to uses permitted as Special Exceptions (S) in the appropriate zoning districts as provided in section 1407 - *Table of Uses*.

- 1503.A. Interim Use of Properties in the Interim Redevelopment (IR) District.
1. The use will be located within an existing structure or facility located on the subject property.
  2. A specific maximum period of time for operation of this use shall be established, not to exceed two years; but such use may be extended for a period not to exceed one additional year upon application for such extension to the Board of Zoning Appeals. If the property subject to the interim conditional use is rezoned prior to the expiration of that maximum time, the interim conditional use, if not permitted in the new zone shall be discontinued within 90 days of the rezoning.
- 1503.B. *Reserved.*
- 1503.C. *Reserved.*
- 1503.D. Religious Establishments providing for religious service and development, including churches, temples, synagogues, educational buildings, and rectories subject to the following:
1. The parcels constituting the religious establishment total at least 2 acres in size and are no further apart than 300 feet, airline measurement, as measured from any property line to any property line.
  2. Required yards shall not be used for parking or accessory buildings.

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- 1503.E. Storage Tanks, above ground (liquid substances) subject to appropriate state and/or federal agency permits.
- 1503.F. Correctional Facilities provided they are in a totally enclosed building and meet all state regulations.
- 1503.G. Parolee-probationer Home:
1. The facility and its operator must hold all licenses required by the State of South Carolina.
  2. Except in the Medical/Professional (MP) district, the number of dwelling units must be included in the computation of allowable density for the zoning district in which the facility is located and shall not exceed the maximum number of residential units allowed within the zoning district. For the purposes of density calculations, a rooming unit shall be counted as  $\frac{1}{2}$  a dwelling unit. There is no maximum number of dwelling units in the Medical/Professional (MP) district.
  3. *Bathroom facilities:* A minimum of one full bathroom with toilet, sink and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.
  4. *Recreation areas/open space:* There shall be provided 200 square feet of usable open space for each resident, within which required landscaping may be included. All open space area shall be suitably landscaped with at least one shade tree for each 1,000 square feet of yard area or part thereof.



## **Article 16. Area, Height and Dimensional Requirements**

### **Article 16. Area, Height and Dimensional Requirements**

Section 1601. Purpose and Intent

Section 1602. Requirements

Section 1603. Dimensional Standards

**Section 1601. Purpose and Intent**

The purpose of this Article is to provide the area, height, density, intensity and dimensional requirements for all permitted, conditional and accessory uses allowed in this Ordinance.

**Section 1602. Requirements**

- 1602.A. Requirements Superseded. All applicable area, height and dimensional requirements provided by this Article are superseded by such requirements as provided in section 1802 – *Coastal Protection Overlay District* and section 1803 – *Airport Hazard Zone*.
- 1602.B. Modification of Requirements by Design and Performance Standards. The requirements of this Article may be further modified by other applicable sections of this Ordinance, including those provided in Article 17 – *Design and Performance Standards*.

**Section 1603. Dimensional Standards**

- 1603.A. All permitted, conditional and accessory uses shall conform to the area and dimensional requirements as provided in sections 1603.B – *Requirements for Residential Zoning Districts* and 1603.C – *Requirements for Commercial and Other Zoning Districts*, for the district in which the use is located.
  - 1. A cell with only dashes (---) in the tables indicates that there are no requirements of that type in the respective zoning district. However, such requirements may be provided in other applicable sections of this Ordinance.
  - 2. Lettered footnote references in the tables correspond to footnotes provided below each table.
  - 3. Exceptions:
    - a. A roof overhang, cornice, fascia, and wall-applied ornamentation may extend into a required setback yard up to 24” provided they are a minimum of 10’ above the finished floor.
    - b. The zoning administrator may allow up to a 20% variation, not to exceed 4 feet, in setback requirements in order to save a protected or landmark tree.

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1603.B. Requirements for Residential Zoning Districts

District	Dwelling Unit*	Min. Lot Area (sq. ft.)	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Horizontal Dimensions	Max. Building Coverage	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Lot Setback	Min. Per-vious Surface	Min, District Land Area
R-5	SF	5,000	60' L	---	35'	---	40%	D J	10' J	20' J	50%	---
R-7	SF	7,500	60' L	90'	35'	---	40%	30'	E F J	H J	50%	---
R-8	SF	8,000	60' L	---	35'	---	40%	D J	10' J	20' J	50%	---
R-10	SF	10,000	75' L	100'	35' A	---	40%	40'	E F J	30'	50%	---
R-15	SF	15,000	80' L	120'	35' A	---	35%	40'	F G J	30'	50%	---
RMM	SF, 2F	5,000	50' L	---	35' A	200'	42%	25' B J	10' J	15' C J	25%	---
	MF, TH	14,520	80' L	---	35' A	200'	42%	25' B J	10' J	15' C J	25%	---
RMH, and RMH-MH	SF, 2F	5,000	50' L	50'	35' A	200'	42%	25' B J	10' J	15' C J	25%	4 acres
	MF, TH	14,520	80' L	50'	35' A	200'	42%	25' B J	10' J	15' C J	25%	4 acres
RMV	SF, 2F	5,000	50' L	---	55'	200'	50%	Q	N	N	25%	---
	MF	10,000 K	100' M	---	120'	200'	50%	Q	N	N	25%	---
	TH	10,000 K	100' M	---	55'	200'	50%	Q	N	N	25%	---
IR	SF	30,000	160' I	120'	35' A	---	35%	40'	F G J	30'	---	4.5 acres P

\* (SF) Single-family, (MF) Multi-family, (2F) Two-family, (TH) Townhouse

(A) 1' of additional building height is permitted for each 1-1/2' of additional side yard setback per side if the setback is increased in excess of the minimum. All portions of the structure not exceeding 35' in height are permitted between the height bonus setback and the minimum side yard setback line in the Multifamily (RM) districts. However, in no instance is the maximum height to exceed 50'.

(B) Provided, however, that accessory buildings shall be set back a minimum of 40'.

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- (C) Provided, however, that hot tubs, swimming pools or enclosures shall be set back a minimum of 10'.
- (D) 10' for residential uses, 30' for other uses.
- (E) Minimum side yard combined: 20' for residential uses, 50' for other uses.
- (F) Minimum width on one side: 10' for residential uses, 20' for other uses.
- (G) Minimum side yard combined: 22.5' for residential uses, 50' for other uses.
- (H) 20' for residential uses, 30' for other uses.
- (I) *Unused to avoid confusion with the number one.*
- (J) Provided, however, that all lots contiguous to or fronting on the King's Highway shall observe a 30-foot minimum building line setback from King's Highway.
- (K) Except that lots bound on all 4 sides by dedicated public rights-of-way or on 3 sides by dedicated public rights-of-way and 1 side by public beach shall have a minimum lot area of 6,000 square feet.
- (L) Provided, however, that the minimum lot width along Kings Highway is 100'.
- (M) Except that lots bound on all 4 sides by dedicated public rights-of-way or on 3 sides by dedicated public rights-of-way and 1 side by public beach shall have a minimum lot width of 60'.
- (N) Structures of 20 feet in height or less shall require a minimum of five feet setback. Structures greater than 20 feet in height, setback shall be five feet plus one foot for each 20 feet of total structure height. However, for lots of 60 feet in width or less and bordered on both sides by a street right-of-way or public alley of at least 20 feet, the minimum side structure setback requirement shall not exceed five feet in width. Exceptions (in no instance shall these exceptions supersede the minimum setback required in the Coastal Protection Zone):
  - 1. If 20 percent or more of the minimum off-street parking requirement is met by parking provided within the permitted structure, the side and rear setback requirements of the structure shall each be reduced by ten percent. This exception does not apply when the side yard is determined to be no more than five feet for lots of 60 feet or less in width and that are adjacent to an alley, according to section 1603.B.(M)

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2. If the property abuts either on the side or rear with permanent public open space (excluding streets and public alleys) which has a minimum uniform width of at least 40 feet then the property side or rear building setback requirement abutting the permanent open space shall be reduced by 50 percent.
3. No structure that abuts any Single-family (R), Multifamily – Medium Density (RMM), Multifamily – High Density (RMH), or residential Planned Unit Development (PUD) shall be erected any closer than 12 feet from an abutting Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD) property line. For structures over 20 feet in height the setback shall be 12 feet plus two feet for every 20 feet of structure height.

(O) *Unused to avoid confusion with the number zero.*

(P) Provided, however, that publicly owned properties have no minimum district land area.

(Q) 20 feet from front street property line and ten feet from side street property line. In addition, structures which exceed 80 feet in height shall set back from a front and side street 20 feet plus one additional foot for each four feet of total structure height or part thereof over the initial 80 feet of structure height.

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1603.C. Requirements for Commercial and Other Zoning Districts

District	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Building Coverage	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Ocean Yard Setback	Min. Railroad R-O-W Setback	Min. District Land Area	Min. Open Space	Max. Gross FAR
MU-M	---	--- R	---	C	---	B	B	B	B	20' A	---	---	L	---
MU-H	6,000 sq.ft.	60' R	---	240'	U	B	M	S	S	20' A	---	---	T	---
A	6,000 sq.ft.	50' R	90'	240'	---	B	B	B	B	20' A	---	---	L	---
C6	---	---	---	66'	ee	---	---	---	---	---	---	50 acres		ff
C7	---	---	---	80'	---	B	B	B	B	Per CPZ	---	---	---	---
C8	---	---	---	80'	---	B	B	B	B	Per CPZ	---	---	---	---
E	21,780 sq.ft.	50' R	---	180' V	40% gg	D	D	aa	aa	Per CPZ	---	10 acres	25%	---
HC1	10,000 sq.ft.	--- R	---	60'	50%	30'	30'	B	B	Per CPZ	---	---	0% hh	---
HC2	10,000 sq.ft.	--- R	---	60'	50%	30'	30'	B	B	Per CPZ	---	---	0% hh	---
MP	10,000 sq.ft.	--- R	---	120'	50%	B	B	B	B	20' A	---	---	15%	---
IN	2.5 acres dd	200' dd	---	65' dd	42% dd	40' dd	40' dd	20' dd	25' dd	Per CPZ	---	5 acres	30% cc dd	---
AP	21,780 sq.ft.	--- R	---	--- X	---	40' E N	40' E N	F G N	F K N	20' A	---	---	L	---
BP	5 acres	300'	---	45'	25%	100' Y	100' Y	75' Y	50' Y	20' A	---	---	40% Z	---
LM	10,000 sq.ft.	--- R	---	--- X	50%	40' A	40' A	F H J	F H J	Per CPZ	---	---	---	---
WM	10,000 sq.ft.	--- R	---	---	50%	40'	25'	F G	F K	20' A	---	---	---	---
CS	---	40'	---	bb	---	40' A	40' A	P	30' A	40' A	---	---	L	---
PRC	1 acre	--- R	---	35'	---	B	B	B	B	20' A	---	---	---	---
CG	Q	Q R	Q	Q	Q	Q	Q	Q	Q	20' A	---	Q	Q	---

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- (A) Or per the Coastal Protection Zone (CPZ), whichever is greater.
- (B) Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 – *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of the Code of Ordinances apply. However, sight triangles and sight lines shall be maintained, requirements in section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use (MU) districts, the sidewalk and buffer requirements of section 1705.1 – *When A Property Is Developed* shall be met.
- (C) Equal to the width of the widest right-of-way upon which it fronts.
- (D) For all structures and open or unenclosed amusements from roads that extend beyond the boundaries of the district (external streets): buildings: 100', surface parking facilities along Grissom Parkway between 21<sup>st</sup> Avenue North and 29<sup>th</sup> Avenue North: 24'; other surface parking facilities 30'; otherwise 15' from any public right-of-way.
- Minimum setback from internal streets: all structures and open or unenclosed amusements: 30'; surface parking facilities: 5'.
- (E) Exception: Subdivisions of property containing buildings existing on 8/9/94 are allowed lesser setback requirements (up to zero feet) for those existing buildings along no more than two street frontages.
- (F) 50' when adjacent to a residential district.
- (G) When adjacent to a non-residential district: 20' of setback on each side; or 30' setback on the side of a building with a vehicular access door; or if designed as zero lot line, the side yard opposite the zero lot line shall be a minimum of 50'.
- (H) When adjacent to nonresidential districts, 20' except that no less than 30' shall be provided at the side or rear of the building with a vehicular access door.
- (I) *Unused to avoid confusion with the number one.*
- (J) For subdivisions only of property containing buildings existing on 3/26/96 lesser setback requirements (up to zero feet) are allowed for those buildings side and rear lot lines adjacent to nonresidential districts where the building does not have a vehicular access door.
- (K) When adjacent to a non-residential district: 15' if no vehicular use area is provided to the rear of the structure; or 25' if vehicular use area is provided in the rear yard; or 30' if a vehicular access door is provided on the rear of a building.

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- (L) Per the landscaping regulations.
- (M) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120'; except that in the DRC Area (16<sup>th</sup> Ave. N – 6<sup>th</sup> Ave. S. between Kings Hwy and the Atlantic Ocean, up to 35' in height refer to subsection (B) above, 20' between 35' and 120' in height, 30' for structures taller than 120'.
- (N) No structure setback is required adjacent to a railroad right-of-way where property lines abut a railroad right-of-way.
- (O) *Unused to avoid confusion with the number zero.*
- (P) 20% of lot width on each side
- (Q) Refer to sections 1308 - *Standards for Extended Stay Recreational Parks with Rental Periods in Excess of 30 days* and 1501.BB - *Campgrounds* for campground requirements.
- (R) Provided, however, that the minimum lot width along Kings Highway is 100'.
- (S) 10' up to 20' in height, 20' between 20' and 120' in height, 30' for structure taller than 120'; except that in the DRC Area (16<sup>th</sup> Ave. N – 6<sup>th</sup> Ave. S. between Kings Hwy and the Atlantic Ocean:
  - 1. Minimum side yard setback up to 35' in height refer to subsection (B) above, 10' for structures taller than 35'.
  - 2. Minimum rear yard setback is 10' up to 35' in height, 20' between 35' and 120' in height, 30' for structure taller than 120'
- (T) 20% if all structures are 20' or less in height, 25% if any structure exceeds 20' in height.
- (U) 50% if the site contains structures taller than 120'.
- (V) Provided, however, that open or unenclosed amusements shall have a maximum height of 240' if located at least 700 feet from the district boundary, and 180' if otherwise located; and that the maximum height for subdivided out parcels is 100'.
- (W) *Reserved*
- (X) Provided, however, that the height restricts within section 1803 - *Airport Hazard Overlay Zone* shall be met.
- (Y) Vehicular use area setback: 30' from the front or side street, 20' from the side or rear.



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- (Z) 50% of the open space shall remain as undisturbed natural area measuring at least 4,000 square feet. Upon written approval of the zoning administrator, the undisturbed natural areas may be cleared of underbrush to make a more presentable appearance; however, no protected trees or any other vegetation greater than 2" in caliper shall be removed.
- (aa) Minimum setback for all structures and open or unenclosed amusements from the bounding exterior property lines of an identified development: 30'. Except as stated in (A) above, Minimum setback for all other internal property lines of an identified development are zero except that the provisions of Chapter 6 – *Buildings and Building Regulations*, Chapter 9 – *Fire Prevention & Protection* of the Code of Ordinances apply, sight triangles and sight lines shall be maintained, and requirements in section 902 – *Landscaping Regulations* shall be met.
- (bb) Refer to section 1501.Z.2. – *Cabanas*.
- (cc) Minimum common areas for congregate care and nursing home facilities shall comply with South Carolina law.
- (dd) Except as regulated by section 1711 *Design Standards for the Institutional (IN) district*.
- (ee) Excepting Phase 1 of the approved Market Common Master Plan, the total coverage of all buildings and other structures on a lot shall not exceed 97 percent. A minimum accessible open space shall be provided at grade, equal to three percent of the total lot area, or as much as necessary to provide adequate space for the following: Refuse containers, service and utility fixtures such as: pad-mounted electric transformers, gas and light meters, gas and fuel oil tanks, air conditioners and heat pump units, and all other such items. When included in Phase 1 of the approved Market Common Master Plan, and consideration has been made and approved for such items discussed above, the total coverage of all buildings and other structures may be up to 100 percent.
- (ff) *Gross floor area ratio (FAR) requirements*. FAR = Floor area of buildings and other structures divided by lot area.
1. *Minimum FAR*: 0.35 with surface parking.
  2. *Maximum FAR*: 0.60 with surface parking.
  3. *Minimum FAR*: 0.50 with a parking structure.
  4. *Maximum FAR*: 5.00 with a parking structure.
- (gg) This calculation shall consider the entire development as defined on a site plan filed with the zoning administrator.
- (hh) 20% minimum open space on properties of 3 acres or more.

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1603.D. Minimum Lot Area Per Dwelling Unit:

District	1 <sup>st</sup> Unit (sq.ft.)	2 <sup>nd</sup> Unit (sq.ft.)	3 <sup>rd</sup> Unit (sq.ft.)	4 <sup>th</sup> or Greater Units
R-5	5,000			
R-7	7,500			
R-8	8,000			
R-10	10,000			
R-15	15,000			
RMM	4,500	2,000	2,000	A
RMH and RMH-MH	4,500	2,000	2,000	B
RMV	---	---	---	---
MU-M	C	C	C	C
MU-H	---	---	---	---
HC-2	4,500	2,000	2,000	B
A, MP, C7, C8	---	---	---	---
IN	D	D	D	D
LM	B	B	B	B
IR	30,000			

(A) For lots or parcels larger than 8,500 square feet use the formula below to compute allowable density. In the formula, N equals maximum number of units permitted.

$$(\text{Total Square Feet in Parcel} / 43,560 \text{ sq. ft.}) \times 12 = N$$

When N is computed to be less than three, it shall be rounded up to three. When N is computed to be greater than three, it is always rounded down to a whole number.

(B) For lots or parcels larger than 8,500 square feet use the formula below to compute allowable density. In the formula, N equals maximum number of units permitted.

$$(\text{Total Square Feet in Parcel} / 43,560 \text{ sq. ft.}) \times 20 = N$$

When N is computed to be less than three, it shall be rounded up to three. When N is computed to be greater than three, it is always rounded down to a whole number.

(C) There shall be no minimum lot area per dwelling unit for mixed-use developments. Use the formula below to compute allowable density for residential developments. In the formula, N equals maximum number of units permitted.

$$(\text{Total Square Feet in Parcel} / 43,560 \text{ sq. ft.} \times 20) + 1 \text{ unit per acre for each } 2.5\% \text{ of usable open space} = N$$

When N is computed to be less than three, it shall be rounded up to three. When N is computed to be greater than three, it is always rounded down to a whole number.

**Article 16. AREA, HEIGHT AND DIMENSIONAL REQUIREMENTS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

(D) Maximum density of multifamily use is limited to 16 units per acre. Maximum density for congregate care, elderly; assisted living; independent living, elderly; continuing care retirement community; and nursing home is limited to 28 units per acre. For the purposes of determining maximum density, permitted units are regulated by following conversion factors:

One Congregate unit, elderly = one multifamily unit = three nursing home beds = one assisted living unit.

## Article 17. Design and Performance Standards

### Article 17. Design and Performance Standards

- Section 1701. Purpose, Intent and Applicability
- Section 1702. Design Standards for all Zoning Districts
- Section 1703. Design Standards for all Single-family Residential (R) Districts
- Section 1704. Design Standards for all Multi-family (RM) Districts
- Section 1705. Design Standards for all Mixed Use (MU) Districts
- Section 1706. Design Standards for the Urban Village (C-6) District
- Section 1707. Design Standards for the Downtown Commercial (C-7 and C-8) Districts
- Section 1708. Design Standards for the Amusement (A) District
- Section 1709. Design Standards for the Entertainment (E) District
- Section 1710. Design Standards for the Highway Commercial (HC1) District
- Section 1711. Design Standards for the Institutional (IN) District
- Section 1712. Design Standards for the Airport (AP), Business Park (BP), Light Manufacturing (LM), and Wholesale/Manufacturing (WM) Districts
- Section 1713. Additional Design Standards for Commercial, Industrial and Mixed-Use Properties Contiguous to Residential (R, RM and residential PUD) Districts
- Section 1714. Additional Design Standards for Residential Properties Throughout the City
- Section 1715. Design Standards for the Highway Commercial (HC2) District

**Section 1701. Purpose, Intent and Applicability**

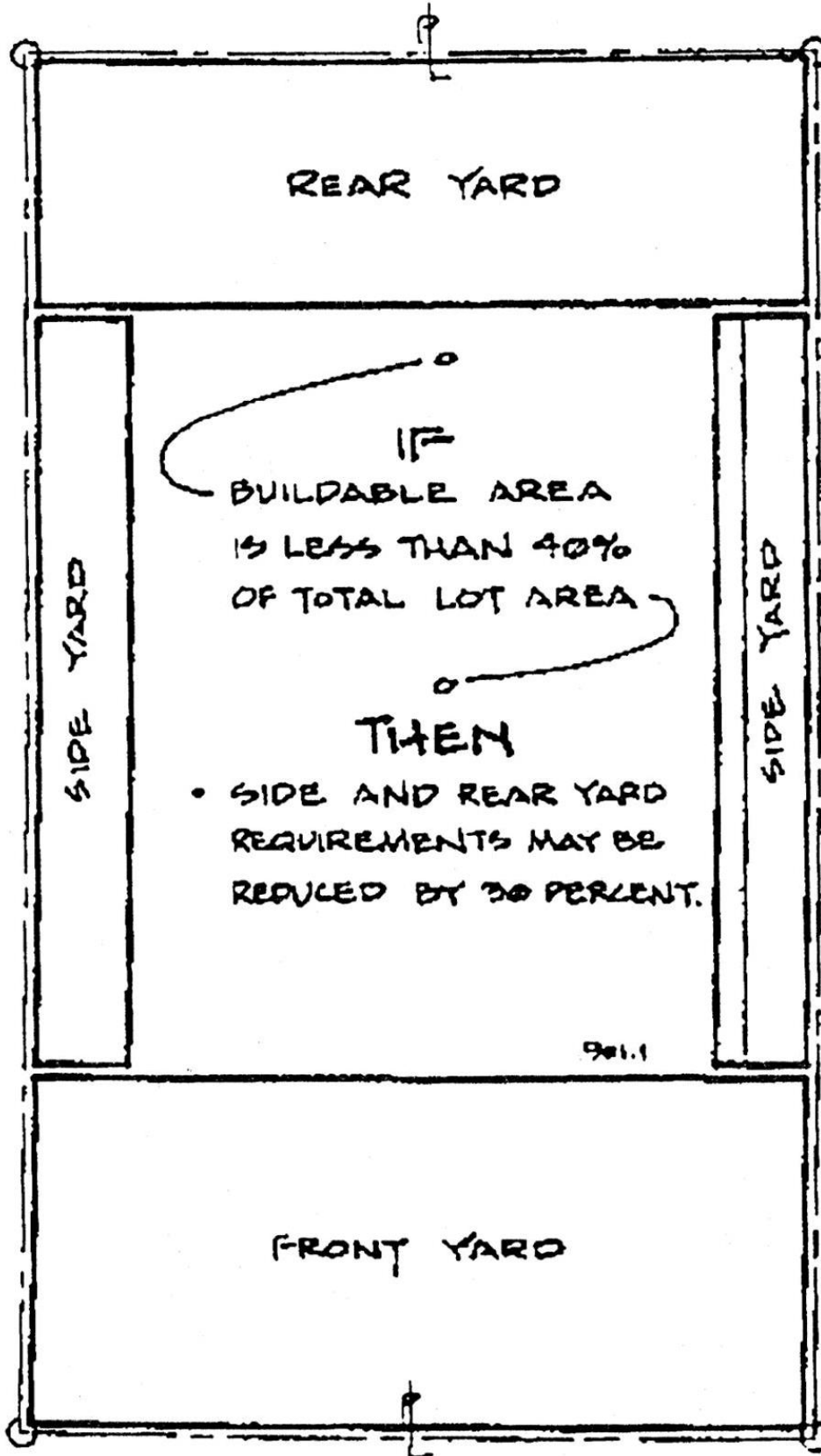
In order to insure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the City in general; and to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; and to provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well planned parks and open spaces; the following standards are hereby adopted.

**Section 1702. Design Standards for all Zoning Districts**

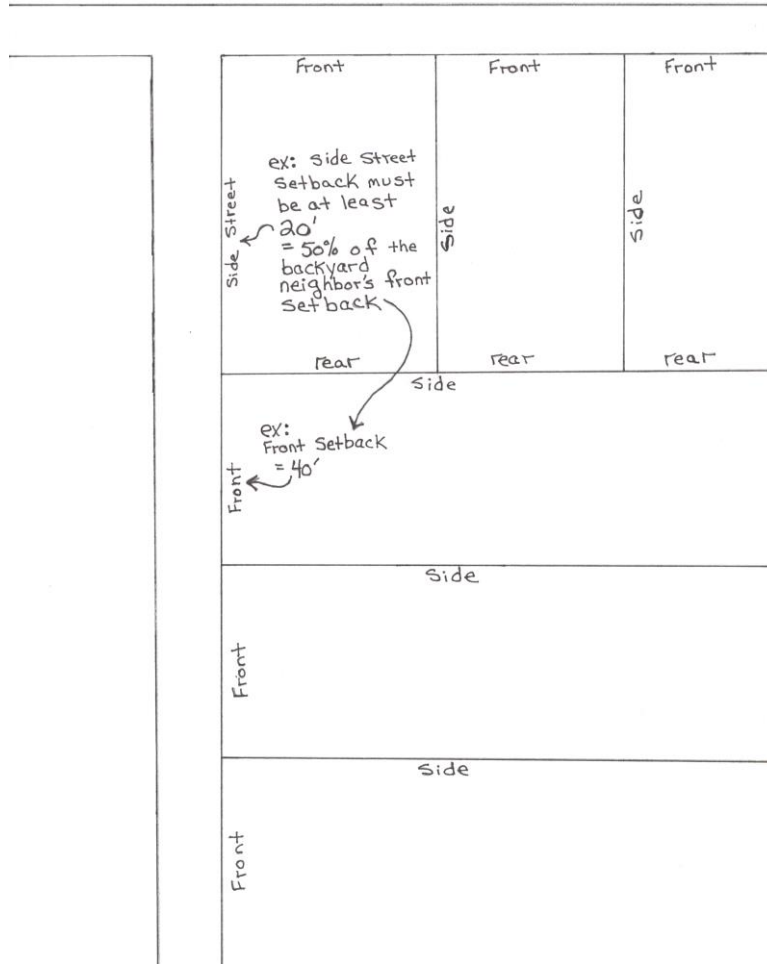
The following shall apply to all development in all zoning districts unless otherwise noted.

## 1702.A. Buildings.

1. *Minimum Finished Floor Elevation.*
  - a. All structures, except for garages or residential accessory structures less than six hundred square feet in size, that are not located in a special flood hazard area, shall have the lowest floor and all mechanical or electrical equipment, such as compressors, air conditioning units, etc., elevated no less than eighteen inches above the highest crown of any abutting street or catch basin, or at the owners option, twenty-four inches above the average grade of the lot, except when designed by a civil engineer to prevent flooding and sewer backup. Final site grading shall insure that ponding of stormwater will not occur beneath the building nor nearer than three feet from the building's perimeter or any mechanical or electrical equipment.
  - b. All existing structures that are not in a special flood hazard area will be permitted to expand at the existing finished floor elevation.
2. *Setback Exceptions.*
  - a. Nonconforming Lots. The owner of an existing lot which does not conform to the minimum dimensional requirements of the zoning district in which the lot is located, and which does not contain sufficient land to meet side and rear yard requirements without reducing the building area below 40 percent of the total lot area, may nonetheless build upon the lot provided that:
    - i. Minimum side and rear yard requirements shall be reduced by no more than 30 percent.
    - ii. The percentage reduction may be no greater than that required to bring the buildable area up to 40% of the total lot area.
    - iii. This exception shall not apply to the rear or side lot setback requirements of commercial properties abutting residential uses in any Residential (R, RM and residential PUD) or Mixed Use (MU) district.



- b. Corner Lots. Where the rear of a corner lot (with both front and side street frontage) abuts the side of an interior lot (with frontage on only one street), the side-street setback for the corner lot shall never be less than 50% of the front street setback of the interior lot to which it abuts.



- c. Double Frontage. On lots having frontage on more than one street but not located on a corner, the minimum front yard requirements for the district within which the lot is located shall be applicable for each street on which the lot fronts, except where otherwise specified.
- d. Orientation Change. When it is decided to change the orientation of a building to face the side street rather than the originally planned facing of the corner lot, then the front yard requirement shall apply to both streets. The facing of the main entrance door determines the building front (i.e. the street to which the door is parallel). When oriented to the side street the newly required front yard does not change the location of the other side yard or the rear year. They are determined by the zoning orientation of the lot (see Article 2 – Definitions for definition of “lot, corner”).

- e. No Minimum Setbacks. Where side and rear yard setbacks are not required but are provided, the building setback shall be a minimum distance of five feet from the property line.
- f. Fences, walls or hedges. A solid fence, wall or hedge may project into or enclose required yards in all zones provided that maximum height, excluding posts and other structural components and excluding hedges in single family districts, as measured from grade at the fence, wall or hedge averaged across the length of the fence, wall or hedge does not exceed the following:
  - i. Required front yards--4 feet; fences may exceed 4 feet provided that of any such excess height of the fence, the visibility through it shall not be less than 50 percent and shall be equally apportioned in the entire length of any such fence. The maximum height of any such fence shall not exceed 5 feet.
  - ii. Required side yards--6 feet
  - iii. Required rear yards--8 feet
  - iv. All yards for oceanfront lots -- 4 feet. Fences on oceanfront lots may exceed 4 feet on the sides and front, provided that of any such excess height of the fence, the visibility through it shall not be less than 50 percent and shall be equally apportioned in the entire length of any such fence. The maximum height of any such fence shall not exceed 5 feet.
  - v. Posts and other structural components may extend an additional 12" above the height limits of i-iv above.

All fences are to be of similar appearance on both sides of the fence. All structural support features of a fence or wall which make a side dissimilar from the other side must be placed on the interior side of such wall or fence.

- g. Swimming pools or pool enclosure setbacks (except in the Institutional (IN) district. See 1710 *Design Standards for the Institutional District*):
 

Front or side street:	15 feet
Side or rear yard:	10 feet
- h. Swimming pool enclosures. Swimming pools located in required yards may be enclosed annually between November 30 and June 1 of any year, in an area designated as Zone VE on the flood insurance rate map provided the enclosure is constructed of non supporting breakaway walls. In areas designated as AE zone on a flood insurance rate map, the enclosure must meet opening requirements. An annual permit will be required before the erecting of any temporary pool enclosures.

1702.B. Lots.

- 1. *Lot Size and Configuration.* If an existing building is expanded or enlarged, and additional side yard setbacks are required as a result, said additional setback requirements may be aggregated on either side of the building, provided that existing conditions would otherwise prohibit development. Further provided, that in no case shall either side yard be less than the minimum established for the zoning district in which the proposed use is located.
- 2. *Access.* To promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists, the following standards shall apply to all uses, unless otherwise noted:



- a. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with deeded access to an approved and platted private street, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- b. All vehicular access to a development containing multiple destinations (e.g. malls, strip centers, multiple building developments, etc.) shall be provided by means of a shared driveway, side street, or frontage road.
- c. No new driveway on any development site, which accesses a public right-of-way with a posted speed limit in excess of 30 mph and an average daily traffic volume greater than five thousand vehicles per day, shall be created less than 80' from an existing driveway or street intersection except where such prohibition would deny access to the property or where compliance with sight triangle regulations cannot be met.
- d. Intersection setback. Driveways shall not intersect a railroad, street or alley corner radius, nor be located nearer than 20 feet from the property line at the intersection of the rights-of-way.
- e. No driveway shall be nearer than 5' from any property line, except the one it transverses, nor nearer than 20' from any other driveway, except where such prohibition would deny access to the property, where a safe sight distance cannot be achieved otherwise, or where an approved shared driveway has been or is being established.
- f. Number of Road Access Points:
  - i. *For all districts except Single-family Residential (R) districts.* Road access points, including dedicated public walkways and alleys, shall be allowed on the basis of two per lot and one additional access for each 100 feet of frontage in excess of 150 feet.
  - ii. *For Single-family Residential (R) districts.* Road access points, including dedicated public walkways and alleys, shall be allowed on the basis of two per lot and one additional access for each additional frontage.
- g. Driveways serving residential areas shall not exceed 20' in width at their intersection with the property boundary along any frontage. Driveways serving non-residential uses shall not exceed 30' in width at their intersection with the property boundary along any frontage except:
  - i. 40' in the Airport (AP), Light Manufacturing (LM) and Wholesale/Manufacturing (WM) districts when approved by the city engineer.
  - ii. 40' in the case of a facility dispensing motor fuel.
  - iii. 40' in the case of a one driveway at a fire station. Any additional driveway(s) may not exceed 30 feet in width.
- h. Driveways that extend into a public right-of-way shall meet the regulations of section 19-23 of the Code of Ordinances – Plans And Specifications and may require an Encroachment Permit.

**1702.C. Services and Utilities.**

1. *Mechanical equipment.* Except for single family residential uses, mechanical equipment shall be screened from off-site views at ground level.
2. *Utility lines.* All on-site utility lines serving new development or subdivisions shall be placed underground.

3. *Trash, garbage, and recycling.*
  - a. All trash and recycling receptacles on commercial properties (excluding plastic mobile rollout containers of substantial construction having a capacity of 90 gallons, having a hinged lid with a positive animal lock, and designed so that they can be emptied mechanically by specially designed lift devices attached to the city sanitation trucks) and storage areas shall be located within five feet of the primary structure or at a site furthest away from any adjacent residential area.
  - b. All trash and recycling receptacles on multifamily properties (excluding plastic mobile rollout containers of substantial construction having a capacity of 90 gallons, having a hinged lid with a positive animal lock, and designed so that they can be emptied mechanically by specially designed lift devices attached to the city sanitation trucks) and storage areas shall be located a minimum of 50 feet from all adjacent residential property lines.
  - c. The provisions of section 902 - *Landscaping Regulations* regarding screening of garbage containers and the parking requirements for no more than two required parking spaces may be waived by the zoning administrator in locating recycling containers provided, however, that the containers shall not be visible from any public street nor from any adjacent residential property.

1702.D. *Visibility at intersections.* See definitions and regulations pertaining to sight lines and sight triangles in Article 2 - *Definitions*.

### **Section 1703. Design Standards for All Single-family Residential (R) Districts.**

1703.A. Accessory structures may be located in required side and rear yards provided said structures:

1. shall be no closer than 5' to the property line; and
2. shall not exceed one story or 15 feet in height, whichever is greater; and
3. shall be located no closer than 10' from any permitted or accessory structure, provided, however, that the structures may be connected with an unenclosed covered walkway; and
4. are no larger in square footage than 600 square feet or 35% of the area of the affected required side or rear yards, whichever is greater.

1703.B. Swimming pools and hot tubs have the following requirements:

1. Outdoor Swimming pools and hot tubs are allowed in rear and side yards and in front yards along Ocean Boulevard, provided that:
  - a. Pools and hot tubs are set back at least ten feet from all rear and side lot lines.
  - b. Pools and hot tubs and their related structural or foundation improvements shall be subject to the CP, coastal protection (overlay) zone.
2. When a swimming pool or hot tub is partially or wholly enclosed by the permitted building, the pool or hot tub enclosure must meet all side and rear yard setback

requirements of the district.

3. Swimming pools or hot tubs must meet the minimum standards of the state and have a deck around them of at least two feet in width or a deck of at least four feet in width around at least 50 percent of the facility.

**Section 1704. Design Standards for all Multi-family Residential (RM) Districts.**

1704.A. In no case shall the distance between the buildings within a single development project be less than 20'. The minimum distance between wings of a structure or between structures shall not be less than the height of the abutting structures and shall be maintained as usable open space. In the case of varying heights of the buildings abutting the open space, the distance shall be the average of the heights.

1704.B. Open balconies, bay windows, uncovered porches and the like may project into required open space not more than 10% of the required distance between structural wings or between structures.

1704.C. Swimming pools and hot tubs have the following requirements:

1. Outdoor Swimming pools and hot tubs are allowed in rear and side yards where they are conditionally permitted as follows:
  - a. Pools and hot tubs are set back at least 10' from all rear and side lot lines and from all buildings.
  - b. Pools and hot tubs and their related structural or foundation improvements shall be subject to the Coastal Protection (CP) overlay zone.
2. When a swimming pool or hot tub is partially or wholly enclosed by the permitted building, the pool or hot tub enclosure must meet all side and rear yard setback requirements of the district.
3. Swimming pools and hot tubs must meet the minimum standards of the state and have a deck around them of at least 2' in width or a deck of at least 4' in width around at least 50% of the facility.

**Section 1705. Design Standards for all Mixed Use (MU) Zoning Districts**

1705.A. Shared driveways and driveways across property lines are permitted. The property owners for which a shared driveway aisle has been authorized shall reflect the cross easement agreement within a written agreement and on revised plats of affected properties showing the boundaries of the easement area. Plats will require stamped approval of the planning director and all documents shall be properly filed with the Register of Mesne Conveyance for Horry County, and may be released only by the written consent of the city. (Consent will be given by the city at such time as subject properties have submitted proposed plans no longer utilizing shared access for site modifications in compliance with current codes and ordinances.) Receipt of recorded copy of easement agreement and plats shall be required prior to the issuance of a building permit.

**Article 17. DESIGN AND PERFORMANCE STANDARDS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

- 1705.B. All development sites shall front public streets.
- 1705.C. Except for the limited function of access, no loading area, storage area, or maintenance area shall be visible from the primary public right-of-way, provided, however, that corner lot access shall only be located on the right-of-way with the lowest traffic count.
- Screening requirements for refuse/solid waste collection areas: all dumpsters, trash compactors, roll-outs, trash cans, or other refuse or recycling collection areas shall be screened from all abutting rights of way, and abutting properties, provided however,
1. A collection area completely screened from abutting rights-of-way and properties by intervening buildings shall not be required to have an additional enclosure, and
  2. A collection area on a corner lot access shall only be located on the right-of-way with the lowest traffic count. Enclosures shall be closed on 3 sides with an operable gate on the 4<sup>th</sup> side as access, and shall be designed and installed to completely screen the collection area, and constructed of durable material. The enclosure detail shall be approved by the Community Appearance Board.
- 1705.D. Primary buildings shall have direct pedestrian access from at least one public sidewalk.
- 1705.E. Buildings shall have no more than 50' of wall space between windows and/or doors.
- 1705.F. Wall articulations, including any combination of the following, shall be designed into all buildings not less than every 100' or more than every 25' along the building façade.
1. A minimum of 5 inch indentation or projection in plane,
  2. Different materials,
  3. Contrasting doorways, windows or other openings, including those required in section 1705.E above,
  4. Projecting elements such as awnings and canopies to provide shade and shelter.
- 1705.G. Windows on the first level shall not contain mirrored glass or shading film such to make the window opaque.
- 1705.H. On-site surface parking shall be accessed from the front, side, or rear of the property. No on-site parking or drive aisles, except as regulated in 1705.K *A Drop-off Entry Canopy*, shall be located between the principle building and the front street. No on-site parking between the principle building and any side street shall be located forward of the building front facade. Drive aisles and vehicular accesses shall not disallow the continuation of the sidewalk required in section 1705.M – *When A Property Is Developed*.
- 1705.I. When a property is redeveloped to such an extent that the current taxable value as determined by public record is increased by more than 50%, or when parking is decreased to meet the new parking requirements set forth in this ordinance, sidewalks and buffers shall be installed to city standards along all abutting public

rights-of-way, excluding alleys, as follows. The sidewalk/buffer may contain landscaping outside the minimum required pavement width and shall include street trees at intervals allowing for the placement and shine of streetlights. The maximum tree spacing shall be the minimal spread of the specific tree species as described in the current *Supplement To The Community Tree Planting Plan For Myrtle Beach, South Carolina*. Street trees placed within a paved sidewalk shall be placed in tree grates. All or part of the required sidewalk and buffer may, upon agreement between the city and the property owner, be located within the public right-of-way.

1. On roadways having 2 vehicular lanes or less: minimum 7 foot wide sidewalk and buffer with a minimum 6' being a continuous paved sidewalk.
2. On roadways having more than 2 vehicular lanes: minimum 14 foot sidewalk and buffer with a minimum 10' being a continuous paved sidewalk.

1705.J. When a property abuts more than one public right-of-way greater than 20' wide, vehicular access shall be from the right-of-way with the lowest traffic count, provided, however, that if the property frontage along the right-of-way with the highest traffic count exceeds 350' then one vehicular access may be from the right-of-way with the highest traffic count.

1705.K. A drop-off entry canopy and drive aisle thereto, hot tub, swimming pool, or pool enclosure which does not exceed 20' in height may be constructed no closer than 10' from the rear, side or front property line subject to the provisions of the Coastal Protection Overlay Zone; provided, however, that they do not disallow the continuation of the sidewalk required in section 1705.M – *When A Property Is Developed*.

### **Section 1706. Design Standards for the Urban Village (C-6) District.**

The purpose of the C-6, urban village redevelopment district is to provide for the revitalization and development of the district based upon an adopted redevelopment plan that will create an urban village of mixed retail, service, institutional, office, financial, personal service, transportation, amusement, recreational and residential uses. It is the further purpose of this district to promote both the rehabilitation and revitalization of existing structures and appropriately designed new buildings and removal of obsolete facilities which will implement the recommendations for the mixed uses area of the comprehensive plan. The creation of an attractive urban pedestrian environment through the strategic placement of existing and new buildings among carefully planned public spaces is the central design concept. The subdivision of land and the design, permitting and construction of buildings shall be keyed to a redevelopment plan approved by the city's recognized redevelopment organization, planning commission and council. The establishment of a C-6 district shall require 50 acres or more.

1706.A *Preexisting uses*. Interim conditional uses under section 1241.3 IR Interim redevelopment district, may continue to exist for a maximum period not to exceed four years from the date of issuance of a certificate of occupancy or final inspection approval.

- 1706.B *Subdivision and site plan approval required.* The design, permitting and construction of buildings within the C6 (Urban Village District) shall be subject to review and approval as indicated below.
1. *Prior to the adoption of a redevelopment master plan.* In the event that a complete application for approval of development or construction permits is submitted to the city prior to the creation, and approval by city council of a master plan specific to the parcel proposed for development, the board of zoning appeals shall review and approve the site plan. The planning commission in accordance with chapter 20 of the City Code must approve any subdivision of property. The board of zoning appeals review shall supersede and take the place of that of the board of architectural review.
  2. *After adoption of the redevelopment master plan.* At such time as a C6 (Urban Village District) master development/redevelopment plan is approved by city council for a parcel or parcels, subdivision, building and related plans submitted for approval must be consistent with the master plan. The Market Common Redevelopment Master Plan dated October 27, 2004, recommended by resolution by the planning commission on November 16, 2004, and approved by city resolution by the planning commission on November 16, 2004, and approved by city council by Ordinance No. 2004-99 on January 11, 2005, as amended is a master plan in effect for the C-6 Urban Village District.
- 1706.C The following design standards shall be followed by all applicants in preparing their subdivision and site plans and by city staff and boards and commissions in their respective reviews of such plans:
1. All plans shall be consistent with the plan for the air base planning area and the master development/redevelopment plan;
  2. Buildings and other structures (including fences, walls and signs) shall provide a harmonious design relative to adjacent buildings or buildings that are contemplated by the master development/redevelopment plan. Aspects of design to be considered include location on the site, materials, color, massing, size, shape, roof-line and window/door bay size and placement;
  3. The site shall be laid out to maximize pedestrian accessibility. In general buildings shall be located near streets and no parking areas shall be located between the building and abutting streets. Habitable buildings shall be located between parking structures and abutting streets wherever possible. Facades of the parking structures, seen from public streets and not covered by buildings shall be designed according to the criteria listed above;
  4. Pedestrian access to and on the site shall be a primary design consideration. Harmonious design and functionality shall be provided relative to uses on the site and on adjacent rights-of-way and private properties. Aspects of design to be considered include handicapped access; pavement material, color and location; in

addition to amenities such as landscaping, lighting and seating. Attention shall also be given to providing facilities for bicyclists, especially parking, so as to encourage the use of bicycles;

5. Vehicular access to and on sites shall be designed to minimize interference with pedestrian access and with traffic flow on abutting streets. Drive-up windows shall be discouraged. The number of access points shall be kept to the minimum necessary to prevent undue congestion on-site. Consideration shall be given to shared driveways and driveways across property lines to adjacent properties;
6. Vehicular use areas shall be designed to maximize pedestrian circulation and handicapped accessibility; located so as not to detract from the streetscape created by buildings, open spaces, and landscaping within the street rights-of-way; lighted so as to provide safety but not detract from the design of the site or adjacent sites; landscaped so as to reduce heat, accentuate pedestrian routes, and buffer the view of vehicles from adjacent street rights-of-way and private properties. Loading areas shall be designed so as not to interfere with pedestrian circulation or vehicular circulation on abutting streets;
7. Open space and landscaping shall be designed to complement the buildings on the site and the streetscape. Design considerations shall include location, size, shape, convenience and intended use of any open space, as well as material, size, species and intended function of landscape material.

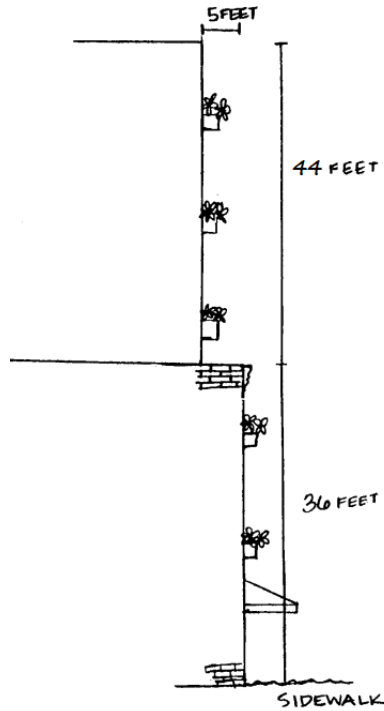
**Section 1707. Design Standards for the Downtown Commercial (C-7 and C-8) Districts.**

1707.A Lot:

1. An accessible space shall be provided on the ground level, equal to three percent of the total lot area, or more if necessary, to provide adequate space for the following: eight cubic yard solid waste containers or compactors; service and utility equipment such as: pad-mounted electric transformers, gas and electric meters, gas and fuel oil tanks, air conditioners and heat pump units and all other such items.
2. No solid waste, maintenance equipment (i.e., brooms, mops, buckets, etc.) or similar items shall be located in the front yard.

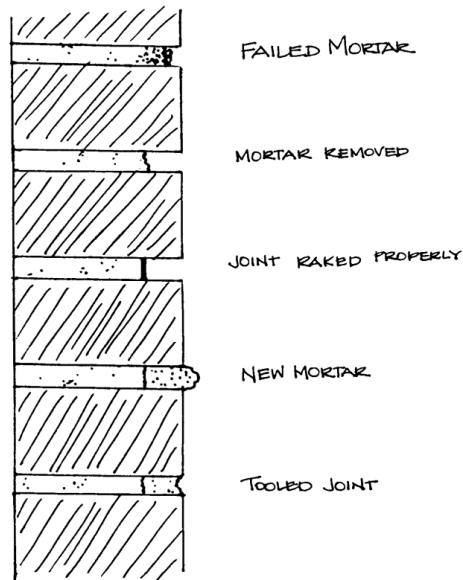
1707.B. Buildings:

1. The vertical plane of a façade shall not exceed 36 feet in height. Above that, the upper stories shall set back a minimum of 5 feet from the lower façade. See illustration:



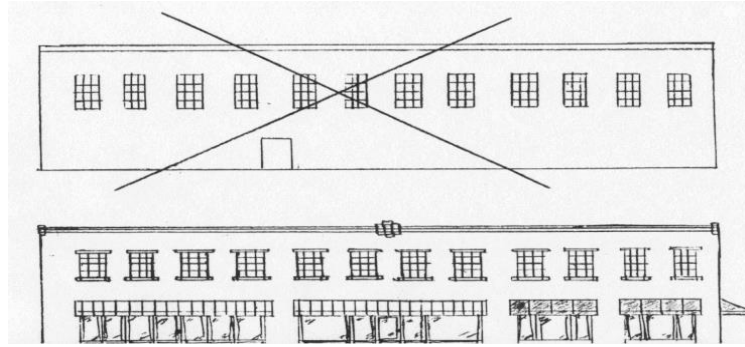
2. When repointing existing masonry the original mortar shall be duplicated in profile, width, strength, composition, color and texture. The joint shall be raked to an even face and uniform depth.

REPOINTING PROCESS

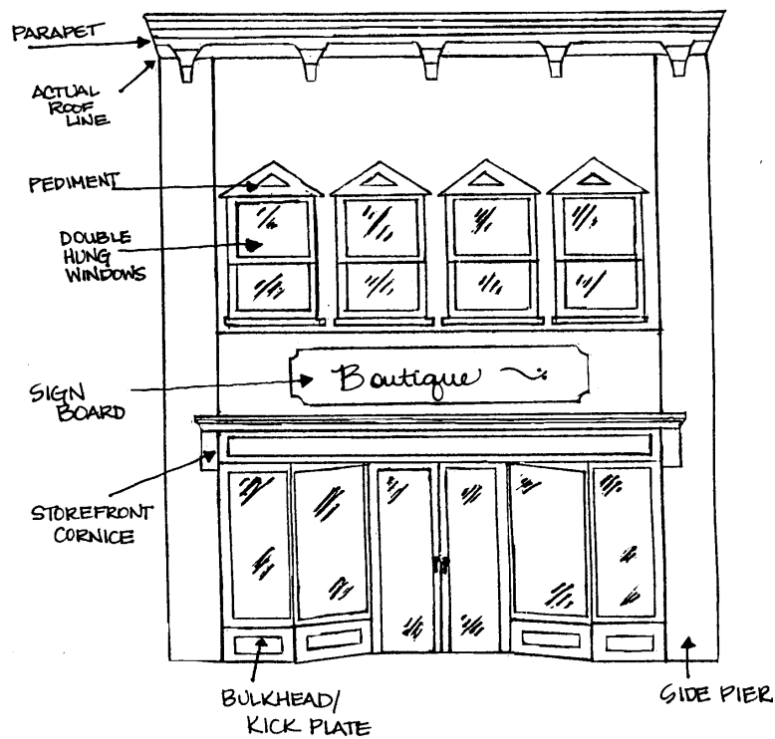


3. Buildings shall have no more than 50' of wall space between windows and/or doors. In the case of theaters or bowling alleys, architectural relief may be substituted for windows and/or doors.





4. Wall articulations (or breaks in the façade or roofline) shall be designed into all buildings not less than every 100' or more than every 25' along the building façade.



1707.C. First Floor Storefront Design.

1. There shall be a greater proportion of glass, in the form of windows or doors, than wall or solid door.
2. Windows shall not contain mirrored glass or shading film such to make the window opaque.

1707.D. Upper Story Design.

1. There shall be a greater proportion of wall than glass.

**2. Balconies.**

- a. Balconies shall have no property line setback, and may extend over a public sidewalk but not over a public curb or roadway, roadway subject to Chapter 19 requirements for encroachment permit and adequate insurance; and
- b. Balconies shall be erected so that the lowest point is a minimum of nine feet above grade; and
- c. Balconies constructed under this provision shall be open platform structures that project from a wall of a building and are attached to or cantilevered from the building and are wholly supported by the building and are surrounded by a railing, balustrade or parapet.

**1707.E. Vehicular Access and Parking.**

1. No on-site parking or drive aisles shall be located between the principle building and the front street. No on-site parking shall be located between the principle building and any side street. Drive aisles and vehicular accesses shall not disallow the continuation of the public sidewalk.
2. When a property abuts more than one public right-of-way greater than 20' wide, access shall be from the right-of-way with the lowest traffic count.
3. Shared driveways and driveways across property lines are permitted. The property owners for which a shared driveway aisle has been authorized shall reflect the cross easement agreement within a written agreement and on revised plats of affected properties showing the boundaries of the easement area. Plats will require stamped approval of the planning director and all documents shall be properly filed with the Register of Mesne Conveyance for Horry County, and may be released only by the written consent of the city. (Consent will be given by the city at such time as subject properties have submitted proposed plans no longer utilizing shared access for site modifications in compliance with current codes and ordinances.) Receipt of recorded copy of easement agreement and plats shall be required prior to the issuance of a building permit.
4. No more than 10 angled parking spaces shall be contained in a parking aisle uninterrupted by shade trees and landscaping.
5. Travel lanes shall be a minimum of 22 feet in width if serving two-way traffic and a minimum of 11 feet in width if serving one-way traffic.

**Section 1708. Design Standards for the Amusement (A) District.**

When a property is redeveloped to such an extent that the appraised value is increased more than 50%, or when parking is decreased to meet the new parking requirements set forth in this ordinance sidewalks and buffers shall be installed to city standards along all abutting public rights-of-way, excluding alleys, as follows. The buffer shall be either landscaped or shall be paved and include street trees placed in grates at intervals allowing for the placement and shine of streetlights. The maximum tree spacing shall be the minimal spread of the specific tree species as described in the current *Supplement To The Community Tree Planting Plan For Myrtle Beach, South Carolina*. All or part of the required sidewalk and buffer may, upon agreement between the city and the property owner, be located within the public right-of-way.

- 1708.A. On roadways having 2 vehicular lanes or less: minimum 7 foot wide sidewalk and buffer with a minimum 6' being a continuous paved sidewalk.
- 1708.B. On roadways having more than 2 vehicular lanes: minimum 14 foot wide sidewalk and buffer with a minimum 10' being a continuous paved sidewalk.

**Section 1709. Design Standards for the Entertainment (E) District.**

- 1709.A. Driveways shall not exceed 35 feet in width at their intersection with the property boundary along any street, except driveways with a median divider at least ten feet in width shall not exceed 75 feet in width, exclusive of the median, at their intersection with the property boundary along any street, unless otherwise required by the SC Department of Transportation. Return radii for all driveways shall not be less than five feet.
- 1709.B. Driveways shall not be closer than 75 feet to the intersection of extended street curb lines.
- 1709.C. Driveways shall not be closer than 50 feet to another driveway.
- 1709.D. The following uses shall not be allowed.
  - 1. Construction establishments engaged in the construction, repair, or demolition of buildings, streets, water and sewer systems, bridges, and similar construction but not limited to building, electrical, heating and air-conditioning.
  - 2. Miscellaneous establishments which supply other businesses, industries or individuals, including but not limited to laundry and dry cleaning plants, linen supply plants, warehouse storage, cabinet and metal shops, welding shops.

**Section 1710. Design Standards for the Highway Commercial (HC1) District.**

- 1710.A. Loading and storage areas: No loading or storage area shall be visible from any public right-of-way, unless that lot is a corner lot or fronts two (2) streets, in which case the loading or storage area may be visible from the street with the lowest traffic count so long as it is buffered in accordance with landscaping provisions found elsewhere in the zoning ordinance.
- 1710.B. Large developments: Development parcels larger than one acre in size and development subdivisions with one or more parcels greater than one acre in size located in Highway Commercial (HC) zoning districts must follow the street and parking design standards defined below:
  - 1. *Street design standards.*
    - a. Streets and alleys shall, whenever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs shall not exceed 150 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by vehicular turnarounds of various configurations adequate for emergency access.
    - b. The average perimeter of all blocks within the development should not exceed

- 2,000 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access. An exception to this requirement may occur where limited access rights-of-way abut the development and the abutting premises are served by a parallel internal street.
- c. A continuous network of rear alleys is recommended for all lots; rear alleys shall provide vehicular access to lots less than 60 feet in width.
  - d. Utilities shall be underground, and run along alleys whenever possible.
  - e. Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted plan. Each street type shall be separately detailed. Alternative methods of assembling the required street elements will be considered to allow neighborhood streets designs that are appropriate to siting and use.
  - f. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets shall be avoided. Methods shall include one or more of the following:
    - i. A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic and terminate at vistas with a significant feature (building, park, natural feature).
    - ii. A street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space.
    - iii. Perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical element that hugs the curve to deflect the view.
    - iv. Other traffic calming configurations are acceptable so long as emergency access is adequately provided.
2. *Pedestrian walkways.* Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall provide direct connections from building entrances to sidewalks along streets and to existing or planned transit stops. Pedestrian walkways shall be provided when the pedestrian access point or any parking space is more than 75 feet from the building entrance or principal on-site destination as follows:
- a. All developments which contain more than one building shall provide walkways between the principal entrances of the buildings; and
  - b. All nonresidential buildings set back 100 feet or more from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots.
3. *Outparcels.* When an approved site plan includes outparcels, construction upon which are included in a later phase, the future outparcel sites shall be planted with grass prior to issuance of a certificate of occupancy for any use on site.
- 1710.C. Outdoor display of Heavy Durable Goods is not allowed on lots less than two (2) acres.

**Section 1711. Design Standards for the Institutional (IN) District.**

- 1711.A. Except for single family residential uses, for each acre of tract size (rounded down), 4,000 square feet of nonresidential accessory uses shall be permitted. Convenience retail shall consist of a maximum of 25 percent of the total permitted nonresidential square footage.
- 1711.B. One large tree 12 to 14 feet in height shall be installed on site for each two of the maximum congregate housing units permitted.
- 1711.C. All vehicle loading and unloading shall be designed for and provided on-site: A drive through entry canopy not greater than 20 feet in height with space for two passenger shuttle or delivery vans shall be provided at the entrance of nursing home facilities and congregate housing units, unless both buildings share a common entryway, in which case only one canopy need be provided.
- 1711.D. Swimming pools or pool enclosure setbacks:
  - Front: 25 feet
  - Side: 10 feet
  - Rear: 10 feet
- 1711.E. Building separation: The minimum distance between unconnected wings on a structure or between structures (including courtyards) shall not be less than the height of the abutting structures. In the case of varying heights of buildings abutting each other, the distance shall be the average of the heights. In no case shall the distance between unconnected buildings be less than 20 feet.
- 1711.F. Height:
  - 1. Commercial and Nursing Uses:
    - a. Height shall be limited to 50 feet at the minimum setback line along any perimeter that abuts all residential zones except RMH. One foot of additional height is permitted for each one foot of additional setback provided, up to the maximum height of 65 feet.
    - b. Within 100 feet of any property line which abuts a residential district other than RMH, the total linear dimension of building facades over 35 feet high (within 45 degrees of parallel to that property line) shall not exceed 20 percent of the length of that property line. Residential districts other than RMH which are across public rights-of-way shall be considered as abutting.
    - c. Height Bonus: Height may be extended to 140 feet provided the height shall be limited to 60 feet at the minimum setback of 40 feet, except only stairs to roofs or elevator equipment rooms. Two feet of additional height is permitted for each one foot of additional step-back up to the maximum height of 140 feet. Of total maximum building coverage not more than 15 percent shall be 140 feet high, not more than 30 percent shall be 120 feet high, not more than 45 percent shall be 100 feet high, and not more than 60 percent shall be 80 feet high. In return for the building height bonus, the following shall be required:
      - i. Minimum usable open space area shall be 50% of which not less than one-half must be landscaped in accordance with section 902 *Landscaping*

*Regulations.* All landscaping shall be within 10' of grade.

- ii. Maximum building coverage area including individual enclosed garages shall be 25%.
- iii. A maximum floor area ratio (FAR), including individual enclosed garages, shall not exceed one and one-thirteen hundredths.
- iv. Not more than 25% of existing trees on site shall be removed as a result of construction hereunder.
- v. Off-street parking, including individual enclosed garages, shall be provided on the basis of 1.15 cars per one bedroom units plus 1.75 cars per two bedroom units plus 2.0 cars per three bedroom units plus 2.5 cars per four bedroom units.
- vi. A fence may be constructed to surround the site on all four street sides and shall be constructed within the site. Such fence shall be allowed to have solid columns of not more than seven feet in height with solid walls not more than six feet in height. Open railing portions of the total fencing shall be not less than 50% of the total fencing.
- vii. Permanent signage visible beyond property boundaries shall be permitted on solid fencing walls at the property corners and at the gated driveway entry to the site on Porcher Drive and at the gated walking entry to the site on North Ocean Boulevard. In all such cases, the signage allowed shall be the property logo of not more than 15 square feet. A 180 square foot logo shall be permitted on the Porcher side of the building at a height of 115 feet (center). Two project name signs, not more than 20 square feet each in size, shall be permitted at the gated driveway entry on Porcher.

2. Height - Single Family Uses: 50 feet

1711.G Dimensional Requirements for Single Family Residential Uses:

1. Minimum lot area per dwelling: 2,500 sq ft
2. Minimum lot width: 35 ft
3. Maximum building coverage: 75%
4. Minimum front setback: 3 ft
5. Minimum side street setback: 3 ft
6. Minimum side yard setback: 5 ft
7. Minimum rear yard setback: 3 ft
8. Minimum pervious space: 20%

1711.H Additional Design Standards for Single Family Residential Uses:

1. Steps, eaves, flower boxes, mailboxes, and benches may encroach into required setbacks.
2. Vehicular access to structures will be off internal roads.
3. Fencing shall be regulated by Section 1701.A.2.f. *Fences, walls or hedges.*
4. Parking shall be regulated by Section 1006.D. *Minimum Off-street Parking Requirements for Permitted Uses.*

**Section 1712. Design Standards for the Airport (AP), Business Park (BP), Light Manufacturing (LM), and Wholesale/Manufacturing (WM) Districts.**

**Article 17. DESIGN AND PERFORMANCE STANDARDS**

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**ZONING ORDINANCE**

- 1712.A. *Odor.* No use may generate any odor that reaches the odor threshold, measured at either
1. the outside boundary of the immediate space occupied by the enterprise generating the odor, or
  2. the property line if the enterprise generating the odor is the only enterprise located on the property.
  3. No use within the Business Park (BP) district shall generate any odor that reaches the odor threshold at or beyond any property line.
- 1712.B. *Air and water pollution.* No certificate of occupancy shall be issued for any land use which entails the use of a potential source of air contaminant (e.g. boilers, incinerators and furnaces) or which entails the discharge of industrial wastewater or industrial stormwater until the appropriate government agency has certified to the zoning administrator that:
1. the appropriate permits have been received by the developer, or
  2. the proposed use does not require such permits.
- 1712.C. *Electrical disturbance or interference.*
1. No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
  2. No use shall otherwise cause, create or contribute to the interference with electrical signals (including television and radio broadcasting transmissions or wireless internet signals) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- 1712.D. *Noise.*
1. No use may generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the use.
  2. The maximum permissible noise level shall be as follows. These standards are expressed in terms of the Equivalent Sound Level (Leq), and measurements shall be taken which compute the Leq.
    - a. In the Airport (AP), Light Manufacturing (LM) and Wholesale/Manufacturing (WM) districts: 60 dB(A) between the hours of 7:00 a.m. and 7:00 p.m. and 55 dB(A) between 7:00 p.m. and 7:00 a.m. (re: 0.0002 Microbar). Measurements shall be taken at the boundary line of any Residential (R, RM, or residential PUD) or Mixed Use (MU) districts.
    - b. In the Business Park (BP) district: 50 dB(A) (re: 0.0002 Microbar). Measurements shall be taken at any property line.
  3. An A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section.

4. Impact noises, generated by sources that do not operate more than one minute in any one-hour period, are permissible up to a level of 10 dB(A) in excess of the figures listed in paragraph 2 above except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential (R, RM, or residential PUD). The impact noise shall be measured using the fast response of the sound level meter.
5. The following noise sources are exempt from the above requirements:
  - a. Temporary construction activity that occurs between 6:00 a.m. and 11:00 p.m.
  - b. Transportation vehicles not under the control of the industrial use.
  - c. Occasionally used safety signals, warning devices and emergency pressure relief valves.

1712.E. *Vibration.*

1. No use may generate any ground transmitted vibration that is perceptible to the human sense of touch outside the immediate space occupied by the use.
2. No use may generate any ground transmitted vibration (particle velocity) in excess of 0.10 inches per second. Within the Business Park (BP) district, or wherever the adjacent lot is in a Residential (R, RM, or residential PUD) or Mixed Use (MU) district, the maximum vibration shall be 0.02 inches per second. Measurements shall be taken at the property line. These values may be multiplied by 2 for impact vibrations, i.e. discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses. These maximums are stated in terms of particle velocity, which may be measured either:
  - a. directly with suitable instrumentation, or
  - b. computed on the basis of displacement and frequency using the following formula:

$$PV=6.28 F \times D$$

Where:

PV = particle velocity, inches per second.

F = vibration frequency, cycles per second.

D = single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the 3 components recorded.

3. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in 3 mutually perpendicular directions.
4. Vibrations resulting from temporary construction activity that occurs between 6:00 a.m. and 11:00 p.m. are exempt from the requirements of this section.

1712.F. *Howard Parkway.* All buildings, vehicular use areas, and other structures shall be located no closer than 30' to the edge of the right-of-way of Howard Parkway. This 30' area shall remain in a vegetated state, with new plantings added to existing vegetation where needed to ensure that uses do not visually infringe on the parkway.



- 1712.G. In the Business Park (BP) district, exterior building materials shall consist of masonry (brick, stone, stucco, split-face and textured concrete block), glass, double-sided metal panel systems, or concrete. Pre-engineered building systems are permissible as long as they conform to the list of exterior materials above. Prefabricated metal buildings are specifically prohibited.
- 1712.H. Cooling towers and mechanical units in the Business Park (BP) district shall be screened to prevent view from any public right-of-way.
- 1712.I. There shall be no outdoor storage in the Business Park (BP) district.

**Section 1713. Additional Design Standards for Commercial, Industrial and Mixed-Use Properties Contiguous to Residential (R, RM and residential PUD) Districts**

- 1713.A. When a property abuts a residential (R, RM and residential PUD) district, the maximum height for the first 100' of that property (as measured from the district boundary) shall be either those of the district in which the property is located or the same as those in the abutting residential district, whichever is more restrictive. The minimum setback from the residential boundary line shall be 30'.
- 1713.B. When a property is directly across a public right-of-way from a residential (R, RM and residential PUD) district, the maximum height in the first one hundred feet of that property (as measured from the public right-of-way) shall be equal to that of the residential district or equal to the width of the right-of-way, whichever is greater, but in no case shall exceed that of the district in which the property is located.

**Section 1714. Additional Standards for Residential Properties Throughout the City**

- 1714.A. Front yard setbacks for dwellings. Where lots comprising 25 percent or more of the frontage of the same street, within the same block are developed with buildings having an average front yard with a variation in depth of not more than six feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established.
- 1714.B. Rental Periods. Within any Single-family (R) or Multifamily (RM) district, no property or structure shall be leased for less than a 30-day period.

**Section 1715. Design Standards for the Highway Commercial (HC2) District.**

- 1715.A. Loading and storage areas: No loading or storage area shall be visible from any public right-of-way, unless that lot is a corner lot or fronts two (2) streets. in which case the loading or storage area may be visible from the street with the lowest traffic count so long as it is buffered in accordance with landscaping provisions found elsewhere in the zoning ordinance.
- 1715.B. Large developments: Development parcels larger than one acre in size and development subdivisions with one or more parcels greater than one acre in size

located in Highway Commercial (HC) zoning districts must follow the street and parking design standards defined below:

1. *Street design standards.*

- a. Streets and alleys shall, whenever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sacs shall not exceed 150 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by vehicular turnarounds of various configurations adequate for emergency access.
- b. The average perimeter of all blocks within the development should not exceed 2,000 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access. An exception to this requirement may occur where limited access rights-of-way abut the development and the abutting premises are served by a parallel internal street.
- c. A continuous network of rear alleys is recommended for all lots; rear alleys shall provide vehicular access to lots less than 60 feet in width.
- d. Utilities shall be underground, and run along alleys whenever possible.
- e. Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted plan. Each street type shall be separately detailed. Alternative methods of assembling the required street elements will be considered to allow neighborhood streets designs that are appropriate to siting and use.
- f. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets shall be avoided. Methods shall include one or more of the following:
  - i. A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic and terminate at vistas with a significant feature (building, park, natural feature).
  - ii. A street can be terminated with a public monument, specifically designed building façade, or a gateway to the ensuing space.
  - iii. Perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical element that hugs the curve to deflect the view.
  - iv. Other traffic calming configurations are acceptable so long as emergency access is adequately provided.

2. *Pedestrian walkways.* Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall provide direct connections from building entrances to sidewalks along streets and to existing or planned transit stops. Pedestrian walkways shall be provided when the pedestrian access point or any parking space is more than 75 feet from the building entrance or principal on-site destination as follows:
- a. All developments which contain more than one building shall provide walkways between the principal entrances of the buildings; and
  - b. All nonresidential buildings set back 100 feet or more from the public right-of-way shall provide for direct pedestrian access from the building to buildings on adjacent lots.

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3. *Outparcels*. When an approved site plan includes outparcels, construction upon which are included in a later phase, the future outparcel sites shall be planted with grass prior to issuance of a certificate of occupancy for any use on site.
- 1715.C. Outdoor display of Heavy Durable Goods is not allowed on lots less than five (5) acres.

## Article 18. Overlay Zone Regulations

### Article 18. Overlay Zones

Section 1801. Purpose and Intent

Section 1802. CP Coastal Protection Overlay Zone

Section 1803. Airport Hazard Zone for Myrtle Beach International Airport

Section 1804. Priority Investment Zone

Section 1805. Booker T. Washington Neighborhood Overlay Zone

Section 1806. Seahawk District Overlay Zone

Section 1807. Ocean Boulevard Entertainment Overlay District (OBEOD)

**Section 1801. Purpose and Intent**

A base zoning classification, as described in Article 14 – *Zoning Districts and Map*, regulates all lands in the City. Properties within the City may also be subject to additional regulations provided by one of the overlay zones included in this Article. Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Where an overlay zone regulates land, the regulations governing development in the overlay district shall apply in addition to those required in the base zoning district. Where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the regulations of the overlay district shall prevail. A Zoning Map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other Zoning Map change.

- 1801.A. Branding Overlay Zones. Overlay districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. The effect is to have both the overlay district and the underlying zoning controlling the use and development of a lot. Overlay districts are applicable on an area wide basis to support specific public policy objectives and should be consistent with the Comprehensive Plan. Overlay districts may be applied to all districts and across district lines. An overlay district may be initiated as an amendment by the City Council, City Manager, Planning Commission, Planning Department or not less than 50% of the property owners in a defined area for the purposes of branding.

The City Council herein establishes a process by ordinance by which one (1) or more overlay districts pursuant to this section may be created to provide additional regulations for design standards and development within any area of the city determined to be an area that has a unique commercial, historical, architectural, natural, or cultural significance that is suitable for enhancement, branding, preservation or conservation.

Application Requirements: In consideration of a complete application, the Planning Director and the Planning Commission may require any or all of the following information and any other materials as may be deemed necessary for its review:

- Statement, photographs and maps relating to existing zoning and proposed overlay, and its relationship to the surrounding property and/or the corridor on which it is located.
- Site plan drawings and other exhibits showing the location of the existing or proposed building and site improvements, including:
  - existing property boundaries, building placement and site configuration,
  - location of existing parking, pedestrian access, signage, exterior lighting, fencing and other site improvements,
  - relationship to adjacent land uses,
  - proposed site improvements, including location of parking, pedestrian access, signage, exterior lighting, fencing, buildings and structures and other appurtenant elements, proposed building color and materials,
  - relationship of building and site elements to existing and planned corridor development and

## Article 18. OVERLAY ZONE REGULATIONS

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- relationship of parking, pedestrian facilities, and vehicular access ways to existing and planned corridor development.
- other site plans and subdivision plats as may be required by Planning Director and Planning Commission for its recommendation.
- A landscaping and buffer plan.
- A signage plan addressing designs for exterior signing, lighting and graphics, to include description of materials, colors placement and means of physical support, lettering style and message to be placed on signs.

Upon the establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and all overlay district regulations.

An ordinance establishing an overlay district shall, at a minimum, include the following provisions:

1. An accurate description of the boundaries of the district;
2. A description of the commercial, historical, architectural, cultural, aesthetic, natural, or other distinctive characteristics of the district that are to be preserved or conserved;
3. The standards, guidelines, or criteria that shall govern development within the district to preserve, conserve, or protect the historical, architectural, cultural, aesthetic, commercial or other distinctive characteristics of the district. These standards, guidelines, or criteria may be set out descriptively in the ordinance or by illustration, and may incorporate by reference established architectural standards or guidelines.

### Section 1802. CP Coastal Protection Overlay Zone

1802.A. Purpose of District. The purpose of the CP coastal protection zone is to provide supplementary regulations for oceanfront property seaward of the projected 50 year erosion control line to control erosion, preserve and maintain a recreational beach, safeguard property and promote public safety, while acknowledging the public benefit and historic location of pier structures on deeded pier lots located approximately at 14<sup>th</sup> Avenue North, 2<sup>nd</sup> Avenue North and 54<sup>th</sup> Avenue North. Further, it is the intent of this section to promote the retreat of buildings, structures and other improvements located on non-pier lots from the CP district or as far landward in the district as possible. Except for the piers on pier lots, if retreat is not possible, it is intended that existing buildings may be replaced without exceeding the gross square footage of the existing building and without any portion of the footprint of the building located in the CP district being exceeded.

1802.B. Location.

1. All property lying seaward of the building control line and extending eastward to the corporate limit of the City of Myrtle Beach are hereby designated as the coastal protection district (overlay zone). A building control line is established at the projected 50-year shoreline (50-year future dune crest).
2. The building control line shall be located 34 feet land-ward and parallel to the baseline defined by the most recent Baseline Coordinates as provided by the

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South Carolina office of Ocean and Coastal Resource Management (OCRM).

- 1802.C. Permitted Uses. Only the following uses are permitted within the CP coastal protection zone:
1. Open space
  2. Passive recreation (to include such improvements as walkways for beach access and decks)
  3. Portable lifeguard stations (to include such improvements as chairs and equipment storage bins.
  4. Pier lots may be the situs of new pier structures and permanent improvements directly related to pier structures under appropriate state and local permitting.
- 1802.D. Prohibited Structures and Improvements.
1. *Erosion control structures.* In keeping with the City's and the state's policy of retreat of structures threatened by erosion the following are prohibited. This prohibition extends to erosion control structures or devices intended to protect public highways.
    - a. temporary or permanent sea-walls
    - b. bulkheads
    - c. revetments
    - d. other erosion control structures or devices.
  2. *Incompatible fill.* Gumbo or other incompatible fill.
  3. *Drains.* Storm drains or pool drains that empty onto the beach.
- 1802.E. Swimming Pools. Swimming pools shall be permitted on the following conditions:
1. No pool shall be constructed seaward of the building control line unless the pool is built landward of an erosion control structure or device which was in existence, or permitted on June 25, 1990, and is built as far landward as practical;
  2. When built landward of a structure referenced in section 1802.D.1 – *Erosion Control Structures* no pool shall be constructed nearer than 20 feet to the baseline established by this Ordinance, measured from any vertical portion of the pool, above or below grade, which is five or more inches in total vertical measurement;
  3. No pool-related structures, except decks and safety fences, shall be allowed;
  4. Landscaping and stormwater management shall comply with primary zoning district requirements.
- 1802.F. Parking. Parking is not permitted in the CP overlay zone.
- 1802.G. Coastal Protection (CP) Special Requirements.

**Article 18. OVERLAY ZONE REGULATIONS**

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1. *South Carolina office of Ocean and Coastal Resource Management (OCRM) permit.* No land use, including the reconstruction of nonconforming structures, proposed in the coastal protection district shall be permitted by the City until a permit for such land use has been granted by OCRM if such land use is subject to the permitting requirements of the South Carolina Coastal Management Act.
2. *Design standards.*
  - a. All walkways over dunes for access to the beach shall comply with OCRM standards:
    - i. Except for single family dwellings, one walkway per lot shall be required (unless a public walkway structure exists adjacent to the lot and is connected to the principal building beach entrance by an appropriate path or walk); the walkway shall be constructed prior to the issuance of a final certificate of occupancy.
    - ii. No walkway shall be located within 50 feet of another walkway on the same lot or property.
    - iii. Walkways shall be located and designed to facilitate safe and convenient access from the principal building or parking area to the beach as well as to protect existing or reconstructed sand dunes.
    - iv. The walkway shall be located according to the OCRM base line, shall originate on private property and shall terminate at the beach storm profile (typical winter profile) or typical profile existing;
    - v. The walkway shall be constructed of wood, shall follow existing land contours and shall be no wider than six feet.
    - vi. The bottom of the stringer under the decking shall provide a minimum clearance of 36 inches above the primary dune, 24 inches above secondary and tertiary dunes, and 24 inches above any back dune areas under public ownership.
    - vii. All materials shall meet the standards of ASCE 24 (American Society of Civil Engineers) and FEMA regulations for flood resistant materials.
    - viii. All connections to posts shall be by means of bolts.
    - ix. No concrete footing shall be permitted.
    - x. All construction shall meet or exceed minimum standards of "Design Standards for Permitting Process for Construction of Dune Walkovers Serving Oceanfront Properties," a copy of which may be obtained from the department of construction services.
    - xi. Walkways in nonresidential areas shall include installation of a double sand fence as a pedestrian barrier or as otherwise permitted by OCRM
    - xii. The walkway shall not displace sand and shall be constructed with as little environmental damage as possible.
  - b. Decks, except pool decks as required by federal or state regulations, shall be made of wood, shall be less than six inches above grade and shall be no larger than 144 square feet. No decks shall be constructed seaward of the baseline or otherwise alter or affect sand dunes, dune vegetation or the beach.

1802.H Nonconformities in the Coastal Protection (CP) Overlay Zone.

1. *Uses.* The regulations of section 710 regarding nonconforming uses shall apply to existing uses which are made non-conforming by the application of the coastal



protection district designation.

2. Structures and other improvements. The regulations in this subsection shall apply to the Coastal Protection District in addition to the other applicable provisions of section 1802 – *Coastal Protection Overlay Zone* for those structures and other improvements made nonconforming by the application of the coastal protection district regulations. The regulations in this section shall apply in cases of conflict between them and the provisions of section 1802 – *Coastal Protection Overlay Zone*. The absence, in this subsection, of a provision found in section 1802 – *Coastal Protection Overlay Zone* shall not be considered to be a conflict, and therefore the provision of section 1802 – *Coastal Protection Overlay Zone* shall apply. All permanent structures or other permanent improvements which are in violation of section 1802 – *Coastal Protection Overlay Zone* are nonconforming. These nonconforming structures or improvements may continue in their present locations, but will be subject to the following regulations:

- a. Reconstruction (including replacement) of nonconforming buildings destroyed by man-made or natural causes shall be allowed provided that the following provisions are met:
  - i. The buildings do not exceed the gross square footage;
  - ii. The buildings do not have a foot print with larger dimensions than that of the buildings which existed before the enactment of this Ordinance;
  - iii. The cost of reconstruction and repairs does not exceed 50% of the value of the buildings which existed before the enactment of this Ordinance;
  - iv. No reconstruction is allowed which requires erosion control structures;
  - v. No reconstructed building shall be placed seaward of the footprint of the building to be replaced;
  - vi. New buildings conform to all landscaping requirements, parking requirements and stormwater management regulations applicable at the time of reconstruction or replacement.
- b. Reconstruction (including replacement) of a nonconforming pool, for which a building permit was issued prior to July 1, 1988, but which was destroyed by less than 50% of size due to man-made or natural causes, shall be allowed as long as the rebuilt pool is no larger than the pool being replaced, has a footprint with no larger dimensions than the destroyed pool, is located no farther seaward than the destroyed pool, and is not reinforced in a manner so as to act as an erosion control structure or device. *(Added text clarifies the 50% rule) 3/22/11*
- c. Bulkheads, seawalls, revetments or other permanent erosion control structures or devices which existed on June 25, 1990, shall not be repaired or replaced if, as measured by OCRM, they are destroyed more than 50 percent above grade after June 30, 2005.
  - i. Before the repair or replacement of any erosion control structure is permitted, the applicant must demonstrate to OCRM and the City that all reasonable soft erosion control measures such as sand scraping, sandbagging and renourishment from an approved external sand source have been attempted and will not protect existing permanent improvements which are imminently threatened by erosion. Every effort must be made to renourish the beach and sand dune system from an external sand source approved by OCRM and the City.
  - ii. All applications for the repair or replacement of an erosion control structure shall be prepared and stamped by a registered engineer in the

field of civil, structural or coastal engineering licensed to practice in the State of South Carolina.

- iii. No beach sand shall be used for backfill material during the repair or replacement of any erosion control structure.
- iv. The property owner must provide stairs to the beach when an erosion control structure is repaired or replaced.
- d. In the event that a man-made or natural disaster shall damage any parking lot or portion of a parking lot seaward of the building control line so that the repair cost of the parking lot exceeds 50 percent of its replacement cost, reconstruction will only be allowed if parking lot design standards, landscaping requirements and stormwater management regulations are met subject to the primary zoning requirements.
- e. Reconstruction (including replacement) of nonconforming decks, patios or other permanent improvements destroyed less than 50% of size due to man-made or natural causes shall be allowed as long as the rebuilt improvement is no larger than the improvement being replaced, has a footprint with no larger dimensions than the destroyed improvement and is located no farther seaward than the destroyed improvement.

### **Section 1803. Airport Hazard Zone for Myrtle Beach International Airport**

The purpose of these provisions is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Myrtle Beach International Airport by creating the appropriate zones and establishing the boundaries thereof; provide for changes in the restrictions and boundaries of such zones; define certain terms used herein; and provide for enforcement in accordance with the most up-to-date provisions of Federal Aviation Regulation (FAR) Part 77. Accordingly, it is declared that:

- 1803.A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Myrtle Beach International Airport;
- 1803.B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented.
- 1803.C. The prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- 1803.D. Both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- 1803.E. Myrtle Beach International Airport Zones and Imaginary Surfaces.
  1. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation or 180 feet above mean sea level (NGVD), the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
  2. Conical Surface. A surface extending outward and upward from the periphery of

the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet, to a height of 350 feet above the established airport elevation or 380 feet above mean sea level (NGVD).

3. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The elevation of the primary surface for the Myrtle Beach International Airport is 30 feet above mean sea level (NGVD)
  4. **Precision Instrument Runway Approach Surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway. The inner edge of this approach surface is the same width as the primary surface. The approach surface expands outward uniformly to a width of 16,000 feet. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 50 to 1 to a height of 200 feet above the established airport elevation or 230 feet above mean sea level (NGVD); with an additional 40,000 feet at a slope of 40 to 1 to a height of 1200 feet above the established airport elevation or 1230 feet above mean sea level (NGVD).
  5. **Transitional Surfaces.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface to the horizontal surface and from the sides of the approach surfaces to the conical surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway surface.
- 1803.F. **Height Limitations.** In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the horizontal surfaces, conical surfaces, primary surfaces, precision instrument approach surfaces and transitional surfaces as they apply to the Myrtle Beach International Airport. No structure or tree shall be erected, altered, allowed to grow, or be maintained to or at a height in excess of the height of any of the following zones. Nothing in this section shall be construed as prohibiting the growth, construction, or maintenance of any vegetation or structure to a height up to 50 feet above the surface of the land. For the purpose of determining the height limits in all zones set forth in this ordinance the datum shall be mean sea level (NGVD) elevation unless otherwise specified. In any zone covered by more than one height restriction, the more restrictive limitation shall prevail. Airport elevation is 30 feet above mean sea level:
1. **Precision Instrument Runway Approach Zone.**  
The inner edge of this approach zone coincides with the width of the primary surface and is two thousand (2,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal

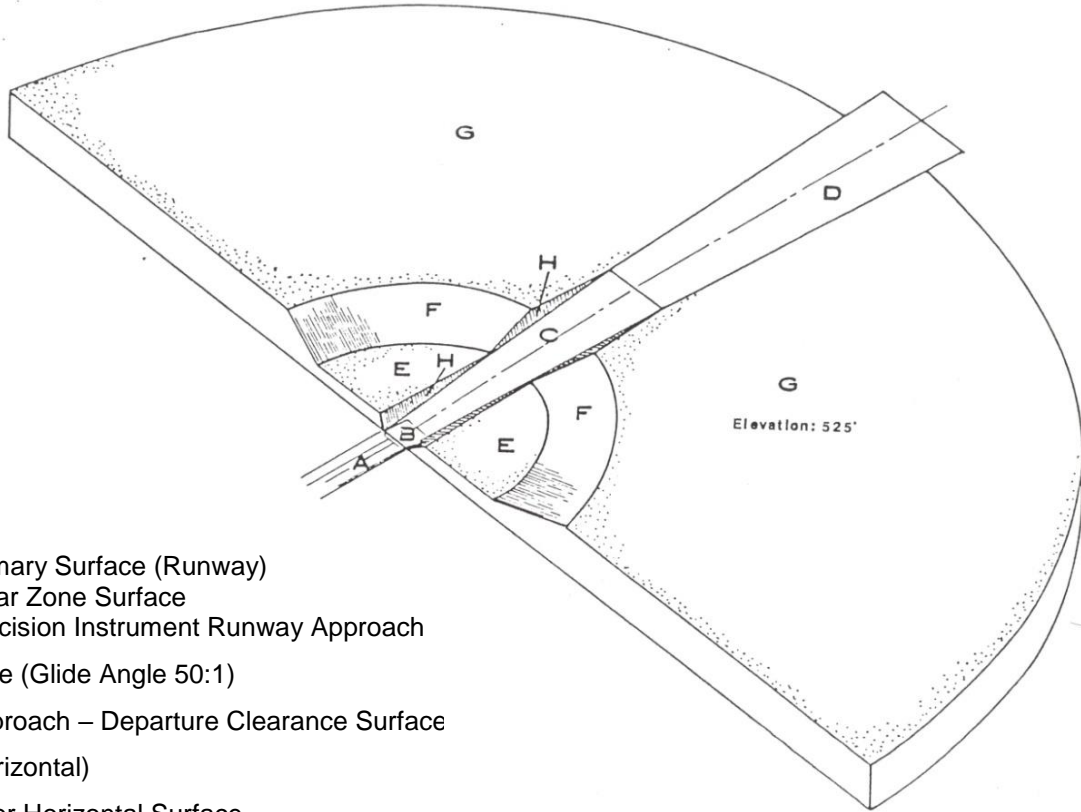
distance of fifty thousand (50,000) feet from the primary surface and extends at a slope upward one (1) foot vertically for each fifty (50) feet horizontally beginning at the end of and at the same elevation of the primary surface. The centerline of the zone is the continuation of the centerline of the runway. (Note: the approach ratio of horizontal to vertical 50:1 exists in the immediate vicinity closest to the ends of the runway surfaces. From the conical zone outward, the approach ratio is then 40:1.)

Height limitation: (50:1) Slopes upward one (1) foot vertically for each fifty (50) feet horizontally beginning at the end of an at the same elevation of the primary surface and extending to a horizontal distance of twenty-five thousand (25,000) feet, and thereafter extending at the same height for an additional distance of twenty-five thousand (25,000) feet. Structures shall not exceed fifty (50) feet in elevation above ground level or eighty (80) feet above mean sea level, whichever is less, within the area from the ends of the primary surface runways to the limit of the horizontal surface zone. Structures shall not exceed one hundred (100) feet in elevation above ground level or one hundred thirty (130) feet above mean sea level, whichever is less, within the area beginning at the horizontal surface zone (extended from the primary surface centerline of Runway 18) to the limit of the approach surface a distance of forty thousand (40,000) feet inland.

2. Transition Zones. (7:1) Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zone, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zone, and extending to where they intersect the conical surface. Structures shall not exceed fifty (50) feet elevation above ground level or eighty (80) feet elevation above mean sea level.
3. Inner Horizontal Zone. One hundred and fifty (150) feet above the airport elevation. Unless determined not to be an airport obstruction or hazard by the FAA and the Horry County Director of Airports, structures shall not exceed one hundred forty-nine (149) feet in elevation above ground level or one hundred seventy-nine (179) feet above mean sea level, whichever is less. In the event a determination is made that a structure may exceed this height limitation, required documentation must accompany any permit application for construction.
4. Conical Zone. (20:1) Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the inner horizontal zone and at 150 (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation. Unless determined not to be an airport obstruction or hazard by the FAA and the Horry County Director of Airports, structures shall not exceed one hundred forty-nine (149) feet in elevation above ground level (airport elevation) or one hundred seventy-nine (179) feet above mean sea level, whichever is less. In the event a determination is made that a structure may exceed this height limitation, required documentation must accompany any permit application for construction.
5. Outer Horizontal Zone. Five hundred (500) feet above the airport elevation.

Illustration 1803.F-1

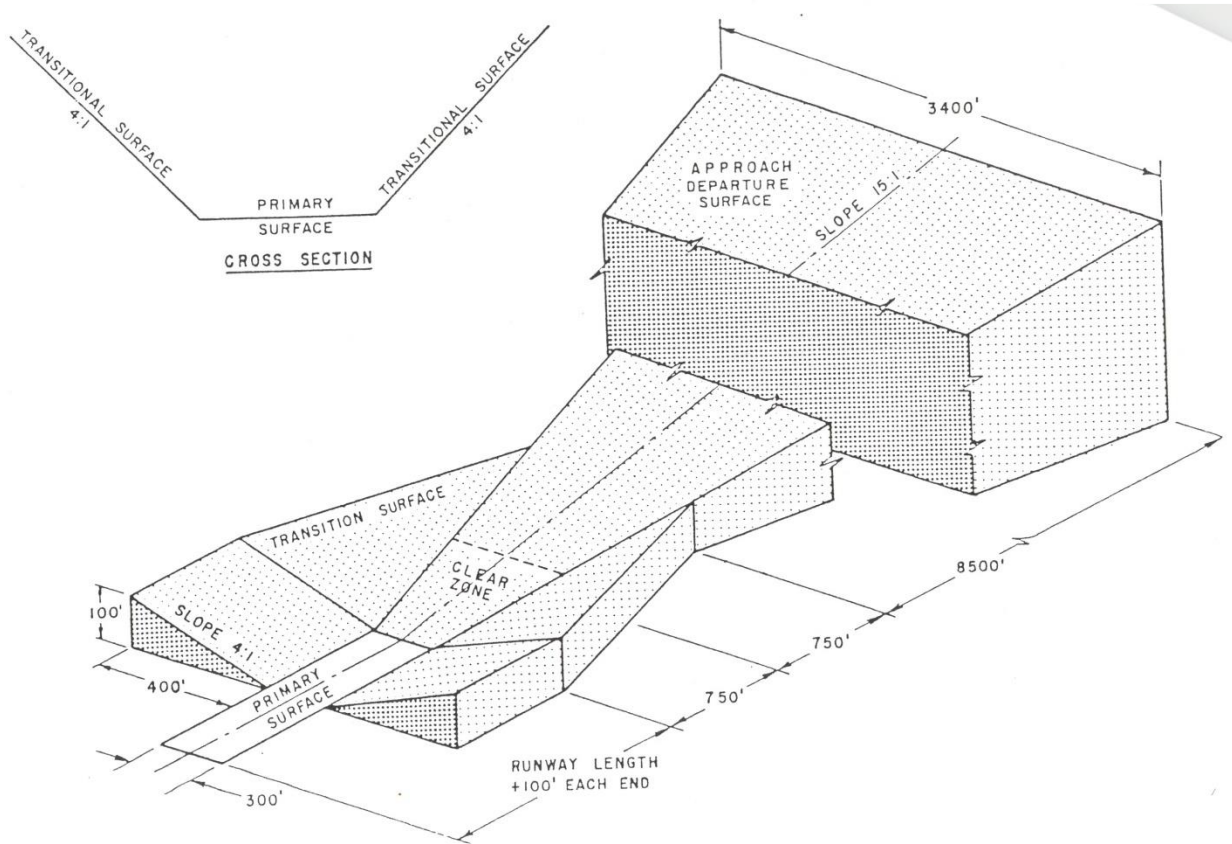
For Illustrative Purposes Only



- A Primary Surface (Runway)
- B Clear Zone Surface
- C Precision Instrument Runway Approach  
Zone (Glide Angle 50:1)
- D Approach – Departure Clearance Surface  
(Horizontal)
- E Inner Horizontal Surface
- F Conical Zone

Illustration 1803.F-2

For Illustrative Purposes Only



1803.G. Use Restrictions. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zones established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1803.H. Nonconforming Uses.

1. Regulations not Retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering or other changes or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to January 8, 1985, and is diligently prosecuted.

2. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city zoning administrator to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City.
- 1803.I. **Permits.** FAA determination regarding the impact to air navigation shall be considered during the review of any permit, variance, special exception or rezoning application.
1. **Future Uses.** No material change shall be made in the use of land and no structure or vegetation shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.
    - a. However, a permit for vegetation or a structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transition zones beyond a horizontal distance of 4,200 feet from each end of the runway except where such vegetation or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
    - b. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or vegetation would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
  2. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or vegetation to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
  3. **Use Restriction.** Notwithstanding any provisions of this ordinance, no use may be made of areas, land or water within any zone established by this ordinance in such a manner as to:
    - a. Create electrical interference with navigational signals or radio communications between the airport, aircraft, and/or any Air Traffic Control Facility, whether such facility is operated by the (FAA (or its successor) or operated by a non-FAA entity; or
    - b. Make it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport or otherwise in any way creating a hazard or endangering the landing, takeoff, or maneuvering of aircraft intending to use the airport.
  4. **Nonconforming Uses Abandoned or Destroyed.** Whenever the City zoning administrator determines that a nonconforming vegetation or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or vegetation

to exceed the applicable height limit or otherwise deviate from the zoning regulations.

5. Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or vegetation in question to permit the City, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.
6. Zoning Variances. In granting variances to zoning requirements, and in recommending Planned Unit Developments (PUD) the Board of Zoning Appeals and the Planning Commission shall give consideration to ensure that development can be accommodated in navigable airspace without adverse impact to Myrtle Beach International Airport's aviation operations. In addition to the considerations set forth in Article 5 – *Board of Zoning Appeals*, consideration is also given to:
  - a. The character of flying operations and planned development of Myrtle Beach International Airport.
  - b. Whether construction or development would cause an increase in the minimum descent altitude or the decision height at Myrtle Beach International Airport.
  - c. The safe and efficient use of navigable airspace.
  - d. The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Myrtle Beach and Horry County Comprehensive Plans, and all other known proposed structures in the area.
  - e. Federal Aviation Administration (FAA) determinations and results of aeronautical studies conducted by or for the FAA.
  - f. Federal Department of Transportation (FDOT) comments and recommendations, including FDOT findings relating to flight standards and guidelines.
  - g. Comments and recommendations from the Horry County Department of Airports.

#### **Section 1804. Priority Investment Zone**

- 1804.A Purpose of district. To encourage private development in areas identified by the City as being in need of revitalization.
- 1804.B Procedure. The City may adopt market-based incentives or relax or eliminate nonessential housing requirements to encourage private development in a priority investment zone.
- 1804.C Applicability. The City may, by ordinance, create a priority investment zone, defining its boundaries in such a way as to encompass a geographic area in which private redevelopment is essential to the well being of the area.



**Section 1805. Booker T. Washington Neighborhood Overlay Zone**

- 1805.A Purpose: The purpose of the Booker T. Washington Overlay Zone is to allow the re-establishment of residential development consistent with the history of the neighborhood and to increase the protection of the residential quality of life by regulating certain land uses that present a threat to the quality of life in the neighborhood.
- 1805.B. Notwithstanding any other provision of law and within a lot wholly within the overlay, a nonconforming existing unoccupied structure that had previously engaged in multifamily land use may be renovated within its current footprint to the current building code, if,
1. within a timeframe ending February 13, 2014, the structure is closed, maintained and secured from the elements, and from trespass in accordance with the ordinances pertaining thereto in Chapters 6, 9, and 10 of the Code of Ordinances of the City of Myrtle Beach; and
  2. on or before June 1, 2018, renovation is commenced as shown by the letting of a building permit.
  3. Failure to close, maintain and secure the unoccupied property by February 13, 2014, and in accordance with the ordinances pertaining thereto in Chapters 6, 9, and 10 of the Code of Ordinances of the City of Myrtle Beach, constitutes a waiver by the property owner to claim applicability of this law allowing renovation to the property, and the multifamily land use is thereafter deemed abandoned, and the ordinances in Chapters 6, 9, and 10 of the Code of Ordinances shall apply regarding buildings.
  4. Failure to obtain a building permit on or before the date of June 1, 2018 after appropriate closure and securing as set forth above in Section 1806.B.1 constitutes a waiver by the property owner to claim applicability of this law to the property, and the multifamily use is thereafter deemed abandoned, and the ordinances in Chapters 6, 9, and 10 of the Code of Ordinances shall apply regarding buildings.
- 1805.C. Specific Land Uses in the MP and MU-M zones restricted. Nightclubs, bars, or other business that permit the on-site consumption of alcoholic beverages are prohibited within the boundaries of the overlay zone.

**Section 1806. Seahawk District Overlay Zone**

- 1806.A. Purpose: The Seahawk District is intended to showcase the collective campuses of the Myrtle Beach schools and their shared association with the Seahawk mascot.

Description of the commercial, historical, architectural, cultural aesthetic, natural and/or other distinctive characteristics of the Seahawk District:

The Seahawk District is made up of the parcels from 29<sup>th</sup> Avenue North to 38<sup>th</sup> Avenue North, and from North Oak Street to the Robert M. Grissom Parkway, inclusive of all parcels owned by the Horry County Board of Education, the City of

Myrtle Beach, or any combination thereof as well as the South Atlantic Bank branch. The intent of the district is to showcase the area associated with the Myrtle Beach schools. Meetings were held with stakeholders, including school staff, school district staff, and members of the Myrtle Beach Cluster K-5 School Improvement Council. There was a strong desire on the part of all stakeholders to support the creation of a district to recognize the significance of the Seahawks in the community.

The Seahawk District is unique in that it contains Myrtle Beach's Primary, Elementary, Intermediate, Middle, and High Schools on a shared urban campus. They all use the Seahawk as their mascot, so there is a collective pride in the area tied to the schools as well as the athletic facilities which serve a host of athletic and special events outside of those sponsored by the schools. The City of Myrtle Beach's Pepper Geddings Recreational facility is there, as well as the Grand Strand Miracle League's James C. Benton Field.

The desires expressed by many of the stakeholders is that the ideas enumerated in this ordinance can be designed and implemented to be consistent with various school designs, while creating a contiguous unifying theme. Safety is also an overarching theme, with all consideration being made to maintain the safety of the children attending the schools.

- 1806.B. The standards, guidelines, or criteria governing development within the Seahawk District to preserve, conserve, protect, and/or enhance the commercial, historical, architectural, cultural aesthetic, natural and/or other distinctive characteristics of that Seahawk District. These standards, guidelines, or criteria collectively are collectively designated as the Seahawk District Overlay Zone.
1. Signs Permitted in the Seahawk District:
    - a. Signs allowed in Section BOS.A (Single Family Residential Districts).
    - b. Primary entrance identification signs, in a monument style sign, with digital message boards that conform to Section 808 of the zoning ordinance and are not larger than eight feet (8') high and six feet (6') wide, subject to the following condition: Digital sign face shall be no more than 24 square feet of the sign face.
    - c. Primary entrance features with columns and arches at a minimum clearance of 14 feet and that provides clearance enough for public safety, public works, and school bus clearance, in the following locations:
      - i. 33rd Ave N, west of N Oak St, and
      - ii. Seahawk Way, east of Grissom Pkwy.
    - d. Uniform building identification signage of the size allowed under Section 805 of the zoning ordinance.
    - e. All traffic entrances clearly marked for pick up/drop off; signage for the entrances shall not be more than six ( 6) square feet, no part higher than four feet (4') higher than the closest adjacent sidewalk, and shall not interfere with sight triangles.
    - f. Banners for uniform style street lights and posts.
    - g. Murals on buildings that tie in with the Seahawk theme.
    - h. Areas for recognition of current and past school achievements that are fully located out of the public rights-of-way.

2. Pedestrian features associated with the Seahawk District:
  - a. Specially designed themed pedestrian crosswalks that provide safe walking areas across public rights-of-way and internally in the district.
  - b. Sidewalk and street art to celebrate the contributions of the Seahawks to the district.
  - c. Speed bumps or other traffic calming devices to slow traffic.
    - i. If traffic islands are used, landscaping is encouraged as part of the design.
    - ii. No traffic calming devices shall slow down emergency vehicle response times.
3. Amenities associated with the Seahawk District
  - a. Pedestrian walking and cycling areas that connect the schools
  - b. Uniform style street lights and posts
  - c. Wayfinding signage for building and amenity locations
  - d. Create a campus-wide park/playground area with landscaping and grass
  - e. Emergency call boxes near Pepper Geddings Center and Doug Shaw Stadium

### **Section 1807. OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD)**

1807.A Purpose and intent. The City of Myrtle Beach finds that:

1. Without debate, the City's economic engine is tourism.
2. Sustaining tourism is essential to maintain our standard of living, the funding of our amenities for our citizens and for the preservation of property values.
3. Tourism is threatened by perceived unseemliness or unsafety in any particular area.
4. The perception of unseemliness or unsafety is, to large degree, a product of atmosphere.
5. The atmosphere of a location is comprised of many factors, one of which is whether a location is suitable and safe for children, and families.
6. One component of atmosphere for a location is the proliferation of retail offerings of businesses in that area, that are not family attractive.
7. Certain retail offerings create an atmosphere that is repulsive to mothers and fathers in the care of their children, in that retail outlets are promoting crudity and sexually explicit apparel, drug paraphernalia, and consumables that mimic and promote drug and substance consumption.
8. The purpose of the Ocean Boulevard Entertainment Overlay District (OBEOD) is to establish a family friendly entertainment and retail land use, and encourage compatible land uses, ensure higher quality development and business uses and function in order to protect property values and provide safe and efficient pedestrian and automobile access.
9. These retail restrictions and criteria can encourage quality development and economic growth while continuing to provide for a wide range of economic development opportunities throughout the City for those uses which are incompatible with the OBEOD.
10. The displacement of CBD consumables, smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of



**Article 18. OVERLAY ZONE REGULATIONS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

*ALTERNATIVE NICOTINE PRODUCT.* A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

*ALTERNATIVE NICOTINE PRODUCT* does not include cigarette, smokeless tobacco, other tobacco products, or any other product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

*BARKER.* A person who stands in front of a business, theater, sideshow, etc., and calls out to passersby to attract customers.

*BUSINESS OPERATOR.* Any person who owns, leases, operates or manages or is employed by a business establishment.

*CANNABIS PRODUCT.* A product originating from the species *Cannabis Sativa L.*, excluding marijuana as defined by South Carolina law in 44-53-110 (27)(a), and shall include all forms of Cannabis or low-THC Cannabis products (CBD) to be consumed or applied.

*CANNABIS DISPENSING BUSINESS.* A business offering for sale CBD, Cannabis or Derivative Cannabis Products.

*CBD.* Cannabidiol, a chemical compound from the species *Cannabis Sativa L.*, of the family Cannabaceae.

*E-CIGARETTE.* Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

*SMOKE OR SMOKING.* The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted tobacco product in any manner or in any form and shall also include the inhaling, exhaling, burning or carrying any alternative nicotine product or vapor product as defined in this chapter.

*SMOKE SHOP AND TOBACCO STORE.* Any premises with more than an incidental display, sale, distribution, delivery, offering, furnishing, or marketing of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, single cigarette tobacco, tobacco products, or tobacco paraphernalia; provided however the incidental retail of commonly available packaged packs, cartons or boxes of cigarettes and cigars are not regulated herein. Incidental retail means accounting for Less than ten (10) % of the retail offerings.

*TOBACCO AND TOBACCO RELATED PRODUCTS.* Items, including but not limited to cigarettes and any product containing, made, or derived from nicotine or tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including by vaping, or any component, part, or accessory of a tobacco product; cigars; pipe tobacco, cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug

**Article 18. OVERLAY ZONE REGULATIONS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; dipping tobaccos; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

*TOBACCO PARAPHERNALIA.* Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in South Carolina Code of Laws 44-53-110 (33). et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia. It further includes items designed or manufactured and which may be used in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines, tobacco or tobacco related products into the human body, such as-

1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. water pipes;
3. carburetion tubes and devices;
4. smoking and carburetion masks;
5. roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
6. miniature spoons with level capacities of one-tenth cubic centimeter or less;
7. chamber pipes;
8. carburetor pipes;
9. electric pipes;
10. air-driven pipes;
11. chillums;
12. bongs;
13. ice pipes or chillers;
14. wired cigarette papers; or
15. cocaine freebase kits.
16. rolling papers

*VAPOR PRODUCT.* Any non-combustible product, which may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size that can be used to produce vapor from a solution or any other form. *VAPOR PRODUCT* includes any electronic cigarette, hookah, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe or similar product or device, as well as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. *VAPOR PRODUCT* does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

*MERCHANDISE.* Without limitation, any article, object, substance, compound, elixir, preparation, banner, button, clothing (including hats), figurine, game, greeting card, magnet, photograph, postcard, novelty item, poster, sculpture, souvenir, sticker, towel, apparel or similar item, whether or not the item is offered for sale.

*SEXUALLY ORIENTED MERCHANDISE.* Any merchandise which graphically or by symbol or symbols depicts, describes, portrays, pictures by way of realistic, naturalistic or cartoonish representation human or animal sexual activities or specified anatomical parts. This shall include any depiction or description, by pictorial representation or language, of any sexual intercourse; masturbation; sadomasochistic abuse; sexual penetration with an inanimate object; sodomy; bestiality; uncovered genitals, buttocks, or female breast; defecation or urination; covered genitals in an obvious state of sexual stimulation or arousal; or the fondling or other erotic touching of genitals, the pubic region, buttocks or female breasts, or merchandise of that subject.

1807.D The following retail business uses are prohibited in the OBEOD:

1. Smoke shops and tobacco stores.
2. Retail merchandising or of alternative nicotine, alternative nicotine delivery product, vapor product, e-cigarette, tobacco paraphernalia or cannabis products.
3. Retail merchandising of tobacco or tobacco products of more than an incidental nature.
4. Retail merchandising or display of sexually oriented merchandise, as defined herein. Any display of sexually oriented merchandise qualifies the retail operation as a sexually oriented business, which must be located in a permitted zone.
5. Providing space for a "barker" for a business not located at the premises.

1807.E Amortization.

Retail stores offering space for the prohibited retail business uses that are operating on the effective date of the ordinance codified in this overlay are hereby declared immediately nonconforming as of the date of second reading, and shall be amortized as to the nonconformity, and must cease the nonconforming portion of their retail offerings no later than December 31, 2018.

1807.F Business License impacts.

1. Only businesses that discontinue the incompatible retail uses are subject to business license renewal.
2. After the date of amortization, continued nonconforming shall result in business license suspension until conformity is achieved, or revocation of the business license.

1807.G Severability

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining words, phrases clauses, sentences, paragraphs and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section, and the remainder shall not be affected thereby and shall remain in full force and effect.

## **Article 19. Development Options**

### **Article 19. Development Options**

Section 1901. Purpose and Intent

Section 1902. Sustainability & Conservation Development

Section 1903. PUD Planned Unit Development

Section 1904. Kings Highway Mixed-Use Option

Section 1905. Redevelopment District Zone (RDZ) (Floating Zone)



**Section 1901. Purpose and Intent**

Development options are provided to allow flexibility and creativity in design and to achieve development that utilizes unique aspects of a development site and that enhance the City. Regulations of the underlying zoning district prevail unless otherwise described in the sections below.

**Section 1902. Sustainability & Conservation Development**

The Sustainability & Conservation Development Option promotes a flexible, innovative and sustainable site design pattern which requires higher standards for master planning, as well as architectural, building and landscaping standards compared to existing requirements of most zoning districts.

1902.A. Intent. It is the intent of this section that Sustainability & Conservation Developments are:

1. To preserve and protect important natural resources such as groundwater, floodplains, wetlands, streams, and woodlands for natural flood control, filtration of pollutants, habitat for wildlife, and natural beauty; and
2. To promote a sustainable development tool that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land; and
3. To permit clustering of structures in a compact development pattern, which will reduce the amount of necessary infrastructure, including paved surfaces and utility connections; and
4. To reduce erosion and sedimentation of nearby streams and other bodies of water by minimizing land disturbance and removal of existing vegetation in close proximity thereof; and
5. To promote the creation of an interconnected parks and open space system within developed and undeveloped areas of Myrtle Beach and Horry County for citizens to enjoy and for wildlife to survive; and
6. To promote the interconnectivity of developments within and amongst neighboring communities, businesses and facilities through walking trails and bike paths to reduce the reliance on automobiles; and
7. To encourage social interaction in the community by clustering buildings and orienting them closer to the street, providing public gathering places, encouraging use of traffic calming features, and creating parks and community facilities that serve as focal points; and
8. To encourage complete street designs to better foster more human-scale environments including energy-efficient and healthy travel choices such as cycling and walking; and
9. To protect scenic views and reduce perceived density in popular viewsheds by clustering the dwelling units in neighborhoods with direct access to and view of the open spaces; and respectfully

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- 10. To preserve important historic and archeological sites such as cemeteries.
  
- 1902.B. Applicability. The Sustainability & Conservation Development Option is allowed in any new subdivision in any district that allows residential uses, provided the provisions of this section are followed.
  
- 1902.C. Ownership of Development Site. The tract of land to be developed may be held in single or multiple ownership. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.
  
- 1902.D. Lot Density Determination. Lots within Sustainability & Conservation Developments are not subject to minimum lot width, lot frontage, or lot area, but the subdivision, nonetheless, must be approved by the Planning Commission. The maximum number of lots is based on a conventional subdivision design plan in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations. The following shall not be included in the net buildable acreage of the involved land parcel:
  - 1. Floodways, identified with "AF" on the latest FEMA floodplain maps for Myrtle Beach;
  - 2. Perennial and intermittent watercourses as well as bodies of open water over five thousand (5,000) square feet contiguous area;
  - 3. Jurisdictional Wetlands that meet the definition of the U.S. Army Corps of Engineers (USACE) pursuant to the Federal Clean Water Act;
  - 4. Existing and proposed rights-of-way for roads, utilities and other basic infrastructure needs.
  
- 1902.E. Basic Development Standards. The Sustainability & Conservation Development concept is intended to encourage green building and master planning that incorporates conservation of a substantial percentage of existing natural resource areas into the overall development site to the benefits of the natural environment, residents, and overall quality of life. In order to attain the maximum density ratio in accordance to underlying zoning as established through the density calculation set forth in section 1902.D – *Lot Density Determination*, the Sustainability & Conservation Development is based on the idea of accommodating its development into sustainable neighborhoods. Nonetheless, the increased density in these developments shall not visibly intrude into the character of the surrounding area nor shall the overall development negatively impair any wetlands or floodplains.
  - 1. Unless otherwise stated below, or incentivized in section 1902.F - *Incentives*, dimensional and parking requirements are as specified in the zoning district in which the development is located.

Minimum Access Easement to Open Space	15'
Minimum Open Space Required	As required in the zoning district in which the

**Article 19. DEVELOPMENT OPTIONS**

	development is located, or 40% of gross land area, whichever is greater.
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2. Specific Open Space Requirements:

- a. Definition – Open Space within a Sustainability & Conservation Development is the portion of land that is to be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved Open Space Management Plan and/or any instrument of permanent protection as approved under section 1902.G. – *Application Process Step IV*.
- b. Minimum Open Space Area – The Minimum Open Space Required in section 1902.E.1 - *Dimensional and Parking Requirements* shall be left undeveloped and shall be used for both conservation of the natural environment and human recreation. Protected features within the mandatory Open Space Area may include:
  - i. The regulatory 100-year floodplain;
  - ii. Significant or sensitive wetlands considered not under the jurisdiction of the U.S. Army Corps of Engineers (USACE);
  - iii. Intermittent and perennial watercourses and other bodies of water;
  - iv. Habitats of rare, threatened and endangered species as listed by the S.C. Department of Natural Resources (SCDNR);
  - v. Archeological and other State or locally listed historic preservation sites;
  - vi. Undisturbed forests and of an area of at least 3 acres of contiguous area, provided, however, that the owner and the city shall work together with the S.C. Forestry Commission under its *Fire Wise* program to take necessary measures to prevent large-scale and uncontrollable wildfires;
  - vii. Protected and landmark trees;
  - viii. Tree clusters;
  - ix. Other significant features of the local environment (e.g. Carolina Bays, old dune systems);
  - x. Scenic viewsheds, particularly those that can be seen from a public road, river, beach or other publically accessible area;
  - xi. Agricultural lands and soils of statewide importance (as indicated by the USDA).

1902.F. Incentives. The following incentives may be applied for and pursued by the sustainability & conservation developer. However, in no case shall the overall development density exceed a factor of 1.2 of the by-right development density as determined by the zoning district in which the S&C Development is located.

- 1. *Water Ways and Wetland Protection Buffers*: Vegetated (native vegetation only) buffer zones with a width of at least 50', measured from the top of bank, shall be preserved around all existing wetland and riparian areas (as indicated on the Site Analysis Map) to protect water quality, reduce flood hazards by providing natural floodwater retention areas, and to conserve sensitive fauna and flora habitat. Land development and removal of vegetation shall be prohibited within protection buffers, except:
  - a. Roadway, driveway, and utility crossings that are the minimum necessary to allow for the development;

- b. Recreational pathways, greenways, and other passive recreational access that shall incorporate design features to minimize impervious cover.
- c. Temporary erosion and sediment control practices should be located outside the buffer unless absolutely necessary;
- d. Selective thinning of low-hanging limbs and underbrush to allow scenic views, but tree destruction is prohibited and at least 50% of the tree canopy and understory shall be maintained at all times; and
- e. Stream and wetland restoration projects.

It is permissible for the land developer to utilize the instrument of buffer averaging to adjust the overall required buffer width of 50' while at the same time allowing design flexibility. If the development property includes both sides of a river, stream or linear watercourse the required buffer is intended to be provided on both sides.

Incentive: One (1) additional multifamily dwelling unit per 3,000 sq.ft. of provided buffer area, provided, however, that no incentive shall be provided for any wetland buffers required as compensatory mitigation pursuant to a Clean Water Act, Section 404 permit issued by the U.S. Army Corps of Engineers for wetland impacts.

- 2. *Trails and Open Space Connectivity:* The provision of open space and multi-use trail interconnectivity between the proposed development and adjacent communities and existing open spaces, parks and/or trails shall be provided to an overall benefit to the health of citizens and wildlife alike.

Incentive: Reduction in required side yard setback to zero (0) feet to allow for zero-lot developments, provided, however, that consent by the adjacent property owner to the zero setback and any necessary maintenance easements is obtained and recorded with the office of the Register of Mesne Conveyance for Horry County, and that the overall stormwater plan shall comply with the stormwater management ordinance and construction general permit.

- 3. *Additional Provision of Open Space:* The provision of any additional acreage of natural open space area above the minimum required in section 1902.E.1 - *Dimensional and Parking Requirements.*

Incentive: One (1) additional multifamily dwelling unit for every (0.5) acre of additionally provided open space.

4. *Low-Impact-Development (Nonstructural Stormwater Management Practices):* Low- Impact-Development (L.I.D.) is a common expression for nonstructural stormwater measures that can be easily incorporated into any development site design to optimize the land’s ability to locally absorb stormwater, thus capturing pollutants on-site and preventing major environmental impacts downstream. Low-Impact-Development practices, such as bioretention swales, raingardens, porous pavers, vegetated buffers, green roofs, etc., mimic the natural hydrologic absorption functions by utilizing absorptive soils and local plant communities that increase localized retention and transpiration of excess precipitation. L.I.D. may result in cost benefits for the developer, such as less required stormwater infrastructure, irrigation water savings, better aesthetics, and better insulation through green roofs. Although L.I.D. practices are encouraged for their additional water quality benefits, the overall stormwater plan shall comply with the stormwater management ordinance and construction general permit. All proposed L.I.D. features shall be illustrated on the applicant’s or developer’s plat.
  - Incentive: One (1) additional multifamily dwelling unit per 1 acre of impervious area of locally treated stormwater runoff from added L.I.D. features.
  
5. *Native Landscaping/Xeriscaping:* Landscaping by the use of either indigenous plants or trees recommended in the *Community Tree Planting Plan for Myrtle Beach, South Carolina* that are suitable to the local soil, topographic, climatic and hydrological conditions of Myrtle Beach and which greatly reduce irrigation demands. All regulations of Article 9 - *Landscaping and Tree Protection* shall be adhered to.
  - Incentive: One (1) additional multifamily dwelling unit per 0.5 acre of natively landscaped area, including the utilization of rain harvesting and/or water recycling for irrigation.
  
6. *Affordable Housing:* Provision of a certain percentage of dwelling units that meet the definition of “Affordable Housing” in Article 2 - *Definitions*. All affordable dwelling units shall be interspersed with the market-sold dwelling units and shall be similarly equipped to avoid any negative stigmatization and geographic segregation of eligible residents.
  - Incentive: One (1) additional fair-market value multifamily dwelling unit per every one (1) affordable dwelling unit. In single-family Sustainability & Conservation Developments of 10 new single-family units or more, One (1) additional fair-market value single-family dwelling unit per every one (1) affordable dwelling unit.
  
7. *Energy and Water Efficiency/Sustainable Construction Certification:* There are many regional, national and international environmental ratings and certifications that have established sustainability and efficiency standards for buildings, site design and products. The South Carolina Energy Office has prepared a guide to provide better understanding of the most prominent green building programs in South Carolina. The main goal of this incentive is to reward implementation of the latest energy and water efficiency as well as sustainable building standards that will reduce the overall need for heating and cooling and water use. This can be achieved actively by installing innovative heating and cooling systems (e.g.

geothermal, photovoltaic, solar panels), by improving insulation to a point where heating or cooling losses can be reduced to a minimum (zero), by the installation of efficient plumbing fixtures and appliances, etc.

□ Incentive: Builder/Developer is eligible for a 10' increase in maximum allowed height of multifamily structures if all proposed structures can prove implementation of the latest energy and water efficiency standards in compliance with BOTH the latest energy efficient construction programs as part of The South Carolina Energy Office's Energy Efficient Construction Program (Green Home Program) AND the national energy and water efficiency standards as outlined in the USEPA Energy Star and Water Sense Programs. The builder/developer must provide copies of certification letters stating the implementation of the latest energy and water efficiency standards within the development through a State or Federal Energy Office or any other accredited non-governmental organization.

#### 1902.G. Application Process.

Step I. Pre-application conference –The applicant/developer shall schedule a pre-application conference. This conference shall include, at a minimum, the applicant/developer and representatives of the Planning, Construction Services and Public Works Departments. The conference serves the purpose of discussing development options, clarifying procedures and requirements, including but not limited to submittal requirements, design standards, development incentives, open space management, and reviewing the intended proposal, development pattern, number of achievable development incentives, and open space management features. The applicant shall provide site-specific topographical maps, including wetlands, floodplains, and other natural resource features that occur, as well as basic maps depicting the location, pre-development site features, such as trees, and a sketch plan indicating the proposed development, including site ingress/egress, open space, and internal connectivity.

Step II. Preliminary Plan Submittal Requirements – The applicant/developer shall prepare 7 copies of a preliminary development plan, which shall include at a minimum the following:

- a. A preliminary subdivision application meeting the requirements of Chapter 20 – *Subdivision Regulations* of the City Code of Ordinances for review and approval by the Planning Commission;
- b. A *General Location Map* of suitable scale, but no less than one (1) inch = 1,000 feet, which shows the location of the property within the community and adjacent parcels including a general drawing illustrating the location of any public streets, railroads, bodies of water, as well as existing structures and utility easements, including acreage references, general geographic bearings and property boundaries;
- c. A *Site Analysis Map* identifying existing natural resource assets to be protected and all development constraints on site, including all protected and landmark trees, and all hydrologic features, such as wetlands, Carolina Bays, streams, ponds, etc. as well as applicable flood zones, such as "A" and *100-Year Flood (AE)* in accordance to the most recent FEMA Floodplain maps for Myrtle Beach. The Site Analysis Map shall include prominent topographic features, general vegetation characteristics, soil types, as well as the

proposed location of active and passive open space areas, such as parks and trails and landscaping specifications;

- d. A Landscaping and Open Space Management Plan;
- e. Engineering plans;
- f. Stormwater plan, stormwater calculations and notice of intent; and
- g. Notice of how many development incentives are being pursued and an analysis of how many density credits are achievable.

Step III. Department Review – After receipt and review of the Preliminary Plan, staff will provide review comments within thirty (30) business days. Thereafter, the Final Plans, as outlined below, shall be submitted.

Step IV. Final Plan Submittal – The final plan shall include:

- a. A final subdivision plat meeting the requirements of Chapter 20 – *Subdivision Regulations* of the City Code of Ordinances for review and approval by the Planning Commission; and
- b. An *Open Space Management Plan* showing all proposed and required vegetative buffer and open space areas, including such applicable natural features as streams and other protected bodies of water; wetlands; floodplains; endangered and/or threatened species and their habitat; archeological sites; as well as protected and landmark trees, protected forests, and other outstanding features of the natural environment to be protected as open space.
  - i. The Open Space Management Plan shall allocate responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
  - ii. The Open Space Management Plan shall include cost estimates for staffing, maintenance and operation, and insurance of the community open space network, including source identification of funding thereof.
  - iii. Unmaintained or abandoned trails, open space or other areas detailed in the Open Space Management Plan may be entered upon and maintained by the City. The costs of such abatement may be recovered by the City by whatever legal means necessary.
- c. An *Instrument of Permanent Protection* regarding the common open space and conservation areas, including their public access points, as through a Conservation Easement or Permanent Restrictive Covenant. The instrument of permanent protection shall provide for perpetual protection of all common space areas within the Sustainability & Conservation Development, including clear covenants, and restrictions on the use and maintenance thereof and for any recreational facilities contained therein.
- d. *Other requirements*: The applicant shall adhere to all other applicable requirements of the underlying zoning districts.

**Section 1903. Planned Unit Development (PUD)**

Planned Unit Developments (PUD) are districts or development projects comprised of housing of different types and densities and of compatible commercial uses, or commercial centers, office parks, and mixed-use developments. A Planned Unit Development (PUD) is established by rezoning prior to development and is characterized by a unified site design for a mixed use development.

1903.A. Purpose of district.

1. This section is intended to provide the method by which tracts of land may be developed as a unit rather than on a lot-by-lot basis as provided in the Ordinance. It is intended to provide a maximum of design freedom by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, yards, height and bulk restrictions and the planned mixing of uses. Through the requirement of the development plan, it is the intention that property under the Planned Unit Development (PUD) title will be developed through a unified design providing continuity among the various elements causing a better environment.
2. To establish standards and procedures for Planned Unit Development (PUD) in accordance with the following objectives:
  - a. To allow variety and flexibility in land development necessary to meet changes in technology and demand.
  - b. To allocate, maintain, and preserve common open space, recreation areas and facilities; to offer neighborhood recreational opportunities; to enhance the appearance of neighborhoods through the conservation of natural resources.
  - c. To provide a maximum choice in the type of environment available by permitting a development that would not be allowed by other zoning districts.

1903.B. Planned Unit Development (PUD) Minimum Standards. At a minimum, a Planned Unit Development (PUD) shall meet the following standards.

1. The Planned Unit Development (PUD) shall be in conformity with the Comprehensive Development Plan of the City of Myrtle Beach.
2. The entire site of the Planned Unit Development (PUD) shall be under single ownership or unified control.
3. Minimum contiguous acreage for a Planned Unit Development (PUD) is as follows:

Residential PUD:	3 acres
Industrial PUD:	20 acres
Commercial/Mixed Use:	4.5 acres except for the areas bound to the west by Kings Hwy, to the east by the Atlantic Ocean, to the north by 29 <sup>th</sup> Ave N. and to the south by 29th Ave S. where the minimum acreage for a commercial or mixed-use PUD is 2 acres, and property primarily used for parking lots and/or structures is considered contiguous if it meets the regulations of Section 1007.A <i>Parking facilities are a permitted use</i> and 1007.B <i>The location of the parking facility.</i>
4. All uses within the Planned Unit Development (PUD) shall be compatible each with one another.
5. Agreements, provisions or covenants shall govern the use, maintenance and protection of the Planned Unit Development (PUD) and any of its common open



space, recreation areas and facilities. An association of all property owners shall be established with the provisions of section 109 – *Required establishment of legal entity.*

6. All plans shall be designed so that the public health, welfare and safety shall be protected.
7. The proposed development shall be such that it does not cause substantial injury to the value of other property in the immediate area.
8. All plans shall provide for protection of both the aesthetics and function of the natural environment; shall include but not be limited to flood plains, soil and geological characteristics, air quality and preservation of vegetation. Site design shall be consistent with the provisions of the City's landscape and tree protection requirements. Reasonable efforts shall be made to save and design around existing healthy trees and to maintain the character of existing tree coverage on the property based on the number, type, size and distribution of trees.
9. All plans shall provide for and insure the preservation of adequate recreational facilities and common open space.
10. Residential use areas are encouraged to have a variety of housing types and densities necessary to achieve a balanced neighborhood.
11. The Planned Unit Development (PUD) shall include land area necessary to accommodate recreational and other activities necessary to serve the needs of the residents thereof.
12. The Planned Unit Development (PUD) shall provide for the orderly and creative arrangement of all land uses with respect to each other and to the entire City.
13. Access for pedestrians and cyclists shall be arranged to provide safe and convenient routes and need not be limited to the vehicular access points. When pedestrian access points do not occur at street intersections, they shall be marked and controlled and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings except at designated points. Bicycle or bridle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
14. Building setbacks or yards in a Planned Unit Development (PUD) must be complementary, but not necessarily identical, to the building setbacks or yards in adjacent zoning districts. The streetscape that will result from the Planned Unit Development (PUD) shall be in keeping with the neighborhood/City design principles and goals listed in the City's comprehensive plan. Planned Unit Developments (PUD) contiguous to residential districts shall comply with the regulations set forth in Section 1713 - *Additional Design Standards for Commercial, Industrial and Mixed-Use Properties Contiguous to Residential (R, RM and residential PUD) Districts.*

15. In a residential Planned Unit Development (PUD), the minimum distance between the walls of any two separate multifamily buildings shall be as follows:
  - a. When the front wall of a building faces the front wall or rear wall of another building, the distance between the two buildings shall be not less than 20 feet.
  - b. When the rear wall of a building faces the rear wall of another building, the distance between the two buildings shall not be less than 15 feet.
  - c. When the side wall of a building faces the front wall of another building, the distance between the two buildings shall be not less than 20 feet.
  - d. When the side wall of a building faces the rear wall of another building, the distance between the buildings shall not be less than 10' feet.
  - e. When the side wall of a building, which contains no windows, faces the side wall of another building, the distance between the two buildings shall be not less than ten feet.
  - f. When the side wall of a building, which contains windows, faces the side wall of another building, which contains windows, the distance between the two buildings shall be not less than 15 feet.
  - g. Walls forming courtyards of the same building shall be separated by at least 15 feet.
16. Article 8 – *Sign Regulations* governs signs unless otherwise specified within the Planned Unit Development (PUD) document.
17. An Industrial Planned Unit Development (PUD) shall include open space equivalent to at least 10% of the total PUD area. All other PUDs shall include open space equivalent to at least 25% of the total Planned Unit Development (PUD) area. The Planning Commission may consider whether land is suitable for designation as open space based upon the following criteria.
  - a. For the purpose of this section, “open space” must adhere to all of the following:
    - i. Open space shall be obviously and easily accessible.
    - ii. Open space may include:
      - Recreation areas
      - Plazas and courtyards
      - Lawns
      - Boardwalk/ wooden deck space
      - Greenspace
      - Ground level outdoor pools and pool decks
      - Landscaped areas over the minimum required by the landscape ordinance
      - Pedestrian circulation areas and bike paths
      - Utility easements, but no actual utility areas
  - b. The following shall not be included in the calculation of “open space”:
    - i. Dedicated public streets, alleyways or public rights-of-way (except for easements granted to create streetscapes or other public amenity areas.)

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- ii. Vehicular driveways, parking areas, loading areas, service or storage areas.
  - iii. Pool and pool deck areas that are enclosed or pool and pool deck areas that are above 6' above grade.
  - iv. Utility areas where actual elements are in place (junction boxes, transformers, etc.)
  - v. Areas in which trash receptacles with a capacity greater than 95 gallons are stored or screened.
  - vi. Land areas traded to the City as a result of an alleyway swap.
  - vii. Any area within the Coastal Protection Overlay Zone (section 1802).
19. A Planned Unit Development (PUD) shall include public facilities and improvements on public property or within public rights-of-way, including but not limited to:
- a. Underground utilities.
  - b. Streetscape (wider sidewalks and enhanced amenities such as street furniture)
  - c. Decorative lighting
  - d. Enhanced landscaping
  - e. Enhanced crosswalks
  - f. Bike racks
  - g. Bus shelters
  - h. Street infrastructure enhancement or correction in alignment
  - i. Added or improved public parking
  - j. Enhanced public beach accesses
  - k. Publicly accessible art as approved per section 1304 – *Public Art Standards*.
  - l. Dedication of land for public use.
  - m. Communications infrastructure.
  - n. Removal of zoning nonconformities.
  - o. Removal of hard encroachments on public land.

1903.C. Application procedures.

1. *Pre-Application Conferences*. The petitioner shall request a staff conference and a pre-application conference with the Planning Commission by submitting to the Planning Director a completed Planned Unit Development (PUD) Pre-application Form and all of its required attachments. Additional supporting materials may be submitted for review to assist the petitioner in determining:
  - a. Whether the proposed Planned Unit Development (PUD) appears, in general, to be in compliance with the provisions of the zoning and other applicable Ordinances.
  - b. Whether it appears that any zoning amendment or variance is required.
  - c. Whether the proposed Planned Unit Development (PUD) meets the minimum Planned Unit Development (PUD) standards of Section 1903.B – Planned Unit Development (*PUD*) *Minimum Standards*.
2. *Planned Unit Development (PUD) Application Requirements*. A Planned Unit Development (PUD) shall be designed utilizing the standards addressed in Section 1903.B – Planned Unit Development (*PUD*) *Minimum Standards*. The application and all of its requisite attachments and copies shall be filed with the Planning Director no later than the last deadline prior to the application's

presentation to the Planning Commission. The application for a Planned Unit Development (PUD) shall contain all documentation necessary for the Planning Commission to form a recommendation, including evidence that the minimum standards of Section 1903.B - Planned Unit Development (*PUD*) *Minimum Standards* have been met, and that infrastructure and ecological issues have been considered. At a minimum the application shall contain the following, although the Planning Commission may request additional information as may be deemed appropriate for Planning Commission review:

- a. Completion of the required pre-application conference with the Planning Department staff and Planning Commission.
- b. The Planned Unit Development (PUD) Application Fee as established by City Council, in a form established on the Request For Planned Unit Development (PUD) Zoning Application. Additional continuance fees as established by City Council are due upon continuance request by the applicant.
- c. A completed Request For Planned Unit Development (PUD) District Zoning Application, signed by the property owner(s) or agent(s) authorized to request the amendment. Please attach a copy of letter or other document giving the agent authority to act on behalf of the current property owner.
- d. Paper and digital copies of the proposed Planned Unit Development (PUD) ordinance, in an amount and by the deadline established on the Request For Planned Unit Development (PUD) Zoning Application. The proposed Planned Unit Development (PUD) ordinance must meet the Planned Unit Development (PUD) Ordinance Format Requirements (available from the Planning Department upon request) and must contain the following:
  - i. General description of the character and area covered by the Planned Unit Development (PUD).
  - ii. Time schedule for construction of the proposed Planned Unit Development (PUD).
  - iii. Statement of responsibility for the streets, common and recreational areas, and maintenance of various entities within the proposed Planned Unit Development (PUD).
  - iv. Proposed dimensional standards for construction within the Planned Unit Development (PUD) (building setbacks, building height, building separation, width of buffers, etc.).
  - v. Calculations indicating the size of landscape, common and recreational areas, and density of residential areas - including the number of buildings and dwelling units by type.
  - vi. Any covenants or deed restrictions proposed.
  - vii. Establishment of a property owners association (where appropriate).
- e. Paper and digital copies, in number and format and by the deadline established on the Request For Planned Unit Development (PUD) Zoning Application. Attachments must contain the following:
  - i. Recent boundary survey of property and legal description of all properties within the proposed Planned Unit Development (PUD).
  - ii. Topographical survey at 2' contour intervals of all properties within the proposed Planned Unit Development (PUD).
  - iii. Map of existing zoning and land uses on and within 300 feet of the proposed Planned Unit Development (PUD) site.
  - iv. Site plans showing:
    - (A) building locations
    - (B) common open space

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- (C) recreational areas and facilities
  - (D) roadways
  - (E) driveway openings
  - (F) parking and service areas
  - (G) easements
  - (H) lighting of public areas and streets.
  - v. Architectural renderings showing the general character of the proposed buildings within the Planned Unit Development (PUD). Planned Unit Development (PUD).
  - vi. A landscape plan showing the size, location, and general planting scheme for landscaped areas and location of all proposed signs.
  - vii. A schematic plan of existing and proposed water, sewer and stormwater management systems. All plans must be to a scale of not less than 50 feet per inch.
  - viii. Completed public benefits spreadsheet (form to be provided by staff)
- 1903.D. Technical Review Committee. Representation at the Staff Technical Review Committee Meeting is mandatory. The Tech Review Meeting is normally one week after the deadline. Please check the meeting schedule to verify date and time.
- 1903.E. Planning Commission Public Meeting. The Planning Commission shall hold the public hearing on the application and proposed Ordinance for a Planned Unit Development (PUD) in accordance with the notification requirements and procedures set forth in section 401 - *Amendment Procedure* of this Ordinance.
- 1903.F. Planning Commission Action. The Planning Commission shall give a written opinion to City Council recommending approval, modification or disapproval of a proposed Ordinance creating the Planned Unit Development (PUD).
- 1903.G. City Council Action. City Council, after the receipt of the proposed Ordinance that would create the Planned Unit Development (PUD), shall approve, modify or disapprove such Ordinance. City Council may require special conditions to insure conformity with the intent and purpose of all City ordinances, including the Comprehensive Plan.
- 1903.H. Legal Status of Plans and Ordinances. A Planned Unit Development (PUD) shall be developed in strict compliance with the adopted Ordinance and the approved final plans. It shall be a contractual undertaking and shall be binding upon the applicant and the owners of the land covered by such Planned Unit Development (PUD), their successors and assigns, and shall limit and control the construction, location, use and operation of all land and all improvements to be located within the Planned Unit Development (PUD).
- 1903.I. Plan Changes.
1. Changes may be decided and approved by the Zoning Administrator as a minor amendment if the change(s):
    - a. Do not alter the concept of the Planned Unit Development (PUD);
    - b. Do not change the permitted land uses;
    - c. Do not reduce the minimum building setback for principal structures;
    - d. Do not decrease the number of off-street parking spaces; or

- e. Do not otherwise violate the restrictions applicable within the Planned Unit Development (PUD).

The zoning administrator shall submit all minor amendments to a Planned Unit Development (PUD) to the Planning Commission for its information. An applicant may appeal the adverse decision of the zoning administrator to the board of zoning appeals.

2. Changes that alter the concept of the Planned Unit Development (PUD) including but not limited to, changes in density, type and location, height of buildings, proposed open space, development schedule, road standards or any changes in final governing agreements, or provisions or covenants must be approved by Ordinance through the submission of a Planned Unit Development (PUD) amendment application.
  3. No variances shall be granted within, or for, a Planned Unit Development (PUD).
- 1903.J. Denial of a Planned Unit Development (PUD). No application for a Planned Unit Development (PUD) that has been denied wholly or in part by City Council shall be resubmitted for a period of one year from the date of said order of denial except on the grounds of new evidence or proof of change of conditions.
- 1903.K. Revocation. In any case where a Planned Unit Development (PUD) has not been substantially commenced within one year from the date of granting thereof, or if construction falls more than two years behind the schedule filed with the plans and the Planned Unit Development (PUD) Ordinance, the Planning Commission may recommend that City Council, after notice and public hearing thereon, repeal the Ordinance authorizing any such Planned Unit Development (PUD). The developer shall be notified at least 90 days prior to any revocation hearing.
- 1903.L. Public Facilities, Surety, Costs, Fees and Charges. All public facilities and improvements made necessary as a result of the Planned Unit Development (PUD) shall be either constructed in advance of the approval of the final plat; or at the discretion of the city manager. Escrow deposits, irrevocable letters of credit (in a form approved by the city manager) or performance bonds shall be delivered to the City to guarantee construction of the required improvements. Any such guarantee shall be 125 percent of the estimated installed cost as determined by the city manager.
- 1903.M. Performance Guarantee. In addition to the guarantee provided for in section 1903.L - *Public Facilities, Surety, Costs, Fees and Charges*, a deposit shall be made to the City in cashiers check, or at the discretion of the city manager, irrevocable letters of credit (in a form approved by the city manager) or maintenance bond equal to ten percent of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the Planned Unit Development (PUD) and shall be held by the City for a period of 12 months after acceptance of such facilities by the City. After such 12 months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit, if any, shall be refunded after reimbursement for amounts expended by the City in correcting any defective facilities.

**Section 1904. Kings Highway Mixed-Use Option**

Properties fronting on Kings Highway (Highway 17 Business) that are zoned Highway Commercial (HC1 or HC2) may, at the discretion of the property owner, be developed in accordance with all of the rules and regulations of the Mixed Use – Medium Density District (MU-M). The regulations of the Highway Commercial Districts (HC1 or HC2) may not be combined with the regulations of the Mixed Use – Medium Density District (MU-M), the development in its entirety must utilize the regulations of one zone or the other.

**Section 1905. Redevelopment District Zone (RDZ) (Floating Zone)**

1905.A. Purpose and Intent.

1. The purpose of the redevelopment district (RDV) is to promote appropriate investment and development in areas that are underperforming economically, or that are in need of new development or are underdeveloped. New development would enhance and support the entire community by providing residences, accommodations, visitor amenities, amusements, retail and service industry job opportunities as well as convenient access to necessary goods and services to residents and visitors alike.
2. The RDV is intended to upgrade and improve the physical, social, and economic character of the area and to promote mixed-use developments. The RDV is intended to encourage innovative land planning and site design concepts that conform to community quality-of-life benchmarks and that achieve a high level of aesthetics, high-quality development, environmental sensitivity, energy efficiency, and other community goals by:
  - a. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
  - b. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
  - c. Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, retail, start-up businesses, technological enterprises, lot sizes and densities;
  - d. Promoting quality urban and traditional neighborhood design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
  - e. Encouraging quality urban and traditional neighborhood design and environmentally sensitive development by allowing increases in base densities or floor area ratios when such increases can be justified by superior design or the provision of additional amenities such as public open space.

1905.B. Location and applicability. The establishment of RDV district(s) shall constitute an amendment to the official zoning district map and text. Each RDV district

shall be controlled by a RDV development plan and RDV agreement that are approved as part of the RDV district designation.

#### 1905.C Definitions Applicable to RDZ.

*Public improvements* include, but are not limited to, streets, streetscapes, sidewalks, utilities, parks, open and green spaces and public art.

*Redevelopment plan or project* means any approved and permitted work or undertaking by any individual or legal entity to prepare and execute to finality a redevelopment plan, including the planning, survey and other preparatory work incident to a redevelopment project, as well as the presentment and production costs of all plans to appropriate reviewing bodies, and the subsequent construction of new mixed use developments, or construction of new commercial buildings or structures, and concurrently enhancement of public improvements complementary or essential to the commercial redevelopment, in accordance with a redevelopment plan.

*Redevelopment Area* means a distinct contiguous area in which a combination of any combination of four (4) or more of redevelopment factors act, in the judgment of City Council, to suppress or stagnate economic and social development of commercial, residential or mixed uses.

#### 1905.D Redevelopment Factors Which May Justify a RDZ include:

1. Aging of accommodations, but without historical designation;
2. Structure dilapidation;
3. Structure or land use obsolescence;
4. Structure deterioration;
5. Land uses incompatible with existing redevelopment or Comprehensive Plan;
6. Structure uses that have been declared a public nuisance, or have been subject to review as an unfit dwelling;
7. Concentrated density without adequate parking, or public transportation;
8. Illegal use of individual structures;
9. Derelict, vacant or boarded up structures;
10. Foreclosures;
11. Structures and land uses below minimum code standards;
12. Concentration of short or long term rental residential property in single family residential neighborhoods;
13. Overcrowding of structures and community facilities;
14. Excessive land coverage incompatible with open space needs;
15. Deleterious land use or layout in light of the City's Comprehensive Plan;
16. Depreciation of physical maintenance;
17. Assessment and tax delinquencies.

#### 1905.E General Eligibility Criteria For RDZ.



1. Must be compatible with the underlying district and/or relate to an approved plan for the area, such as the Comprehensive Plan or other special area plans;
2. Must be located within a specifically identified and designated area as determined by the City Council;
3. Must have a minimum threshold investment of \$1,000,000.00, for mixed use or commercial purposes, which may be comprised of a combination of physical improvements and acquisition costs; provided however, City Council may approve a lesser amount;
4. Such threshold investment may be comprised of a single real property holding investment or property assemblage.
5. Must be for one or more of the following:
  - a. Retail uses
  - b. Tourism related business or activity
  - c. Cultural arts activities and associated businesses
  - d. Corporate headquarters
  - e. Research and development
  - f. High technology growth business
  - g. Residential uses
  - h. Other uses as may be determined the City Council which meet the intent of the ordinance and as are identified more specifically according to the adopted master plans and/ or redevelopment plans.

**1905.F Design considerations.**

1. In return for flexibility in site design and development, the RDV is expected to include exceptional design that preserves critical environmental resources; provides above- average open space and recreational amenities; incorporates creative design in the layout of buildings, open space, and circulation; assures compatibility with surrounding land uses and neighborhood character; and provides greater efficiency in the layout and provision of roads, utilities, and other infrastructure.
2. General development parameters. The RDV shall:
  - a. Provide for a mix of uses, including but not limited to those set forth herein and without regard to the definition of "mixed use" in Article 2 of the zoning code;
  - b. Utilize cluster or traditional neighborhood development to the greatest extent possible, when applicable, that is interrelated and linked by pedestrian-ways, bike-ways, and transportation systems;
  - c. Result in land use patterns that promote and expand opportunities for public transportation, both vehicular and pedestrian, and an efficient and compact network of streets, sidewalks, bike paths, and similar public ways; and
  - d. Enhance the value of surrounding properties.
3. Minimum dimensional requirements. Minimum lot area, minimum lot width, minimum setback, maximum lot coverage, and maximum height are unique to each RDV district. During the rezoning process, the planning commission

and city council shall determine that the characteristics of building situated on the property shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of the district, except that oceanfront setbacks will conform to the standards of the Coastal Protection (CP) overlay zone.

4. Off street parking. Off street parking and loading may comply with the standards of the underlying zoning district, or may offer variations from these standards if a comprehensive parking and loading plan for the RDV is submitted at the time of rezoning that is determined to be suitable for the uses of the RDV and generally consistent with the intent and purpose of the off street parking and loading standards of the underlying district.
5. Landscaping, buffering, and screening. Landscaping, buffering, and screening may comply with the standards of the underlying district, or may offer variations from these standards may be permitted if a comprehensive landscaping plan for the RDV is submitted at the time of rezoning that is determined to be suitable for the RDV and generally consistent with the intent and purpose of the landscaping standards of the underlying district, landscaping, buffering, and screening.
6. Signs. Signage may be consistent with the underlying district, provided however, a comprehensive sign plan for the RDV may be submitted and approved as part of the rezoning. The comprehensive sign plan shall propose a visually integrated system of signage for the entire RDV that is consistent with the intent and purpose of the sign standards of the underlying district's sign regulations.

1905.G Uses. The plan will allow permitted uses that are in keeping with the existing list of permitted uses found in Appendix A, Zoning, Section 1407.C.

1905.H. Plan and information requirements. The approval process, and documentation requirements for the formal approval shall be consistent with Section 1903, Planned Unit Development.

1. Plans shall be submitted reflecting details sufficient for the planning commission and city council to determine that the proposal complies with the requirements of this subsection.
2. The planning staff shall advise the applicant of the type and extent of information to be supplied, which shall be similar to a PUD development, and that will adequately reflect the capacity of the site(s) to accommodate the proposed uses(s) and any public improvements consistent with the redevelopment project.
3. In addition, the applicant shall provide architectural information (including building elevations) reflecting the mass, scale, and form of buildings and structures sufficient to ensure that future final development plans will be consistent with the plans approved by the planning commission and city council as part of the RDV district designation.

**Article 19. DEVELOPMENT OPTIONS**

City of Myrtle Beach, SC

**ZONING ORDINANCE**

4. The plan will have input from appropriate city staff, boards and commissions with the responsibility to oversee developments in the designated area. After receiving input, the Planning Commission will hold the public hearing and make recommendation to the City Council regarding the proposed plan.
5. The plan and agreement will remain valid unless a sunset clause or other expiration date is agreed upon by the developer and City Council, and is reflected in the ordinance.

Appendix A

# Downtown Myrtle Beach Design Guidelines



Adopted by the Myrtle  
Beach City Council  
September 21, 1999

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# Downtown Myrtle Beach Design Guidelines

## *Broadway, Entry and Civic Districts*

### *Introduction*

The image of a downtown is perceived through the design of its buildings and streetscape. Good design as a component of downtown redevelopment creates a working, growing and aesthetically pleasing business center. The economic vitality and values for which the downtown stands are reinforced and rekindled, and the image of downtown as the commercial and social heart of the city is solidified.

Improving the visual appearance of Downtown Myrtle Beach helps to make the area a fun place to visit, shop and dine. Appearance is as critical to the success of the area as economic performance, public participation, new businesses and parking.



Each individual building façade plays an important role in the makeup of Downtown. Storefronts, window displays, signs, color, awnings and architectural details all play an integral part in the successful design of individual buildings. Rehabilitating your personal segment of Downtown Myrtle Beach can be mind-boggling:

- What materials should I use?
- What colors are best?
- Is an awning appropriate?
- What kind of sign would look best?

Property owners or tenants who wish to improve their buildings should begin by assessing the current visual condition of the entire façade:

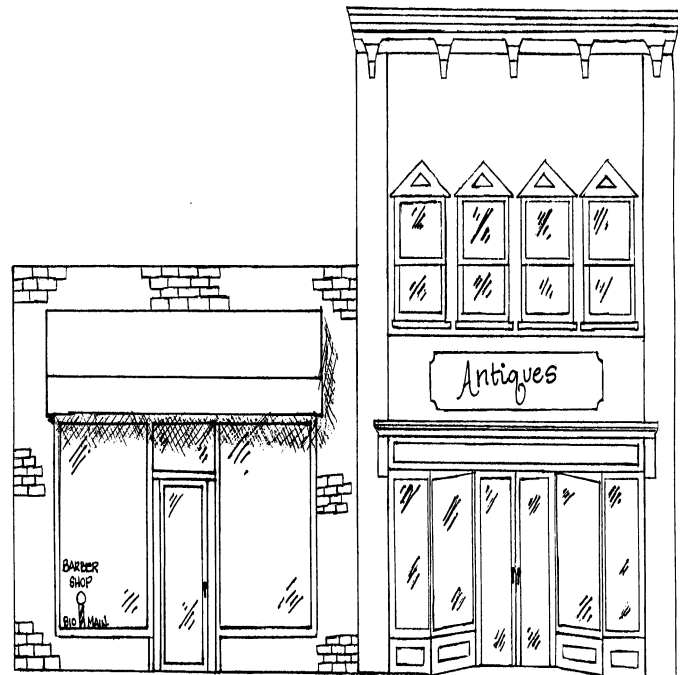
- How could storefront improvements relate to the entire visual impact of the building?
- How does the building relate to neighboring buildings?
- How will a storefront improvement relate to the upper portion of the building?
- What changes are needed to improve the appearance and integrity of the upper portion of the building?

So many questions, and each one leads to more! Fortunately, many of these questions can easily be answered within the contents of these design guidelines. While local building codes must be complied with, these guidelines can help take the guesswork out of your rehab or new construction project by providing you with examples of challenging areas and possible solutions. Paint, awnings, signs, windows and doors are just some of the areas where information is offered to assist you in your project.

Remember, City Code requires approval by the Community Appearance Board before issuance of all commercial building permits, sign permits and awning permits. Although the Community Appearance Board will be referring to these guidelines when making their decisions, adherence to these guidelines does not guarantee approval by the Board.

The following pages offer ideas and requirements for renovation and new construction in our revitalizing downtown. Detailed guidelines are included for storefronts, entryways, signs, awnings, sidewalks, upper stories, rear façades, color schemes, building placement & dimensions, roof forms, parking areas and landscaping.

The goal of all building improvements should be to make each building the best possible expression of itself that it can be. These design guidelines will steer property owners, developers, tenants and design professionals through various improvement projects while keeping in mind that each building is unique. The guidelines are intended to suggest ways in which property and business owners can take advantage of the unique charm and history of Downtown Myrtle Beach.

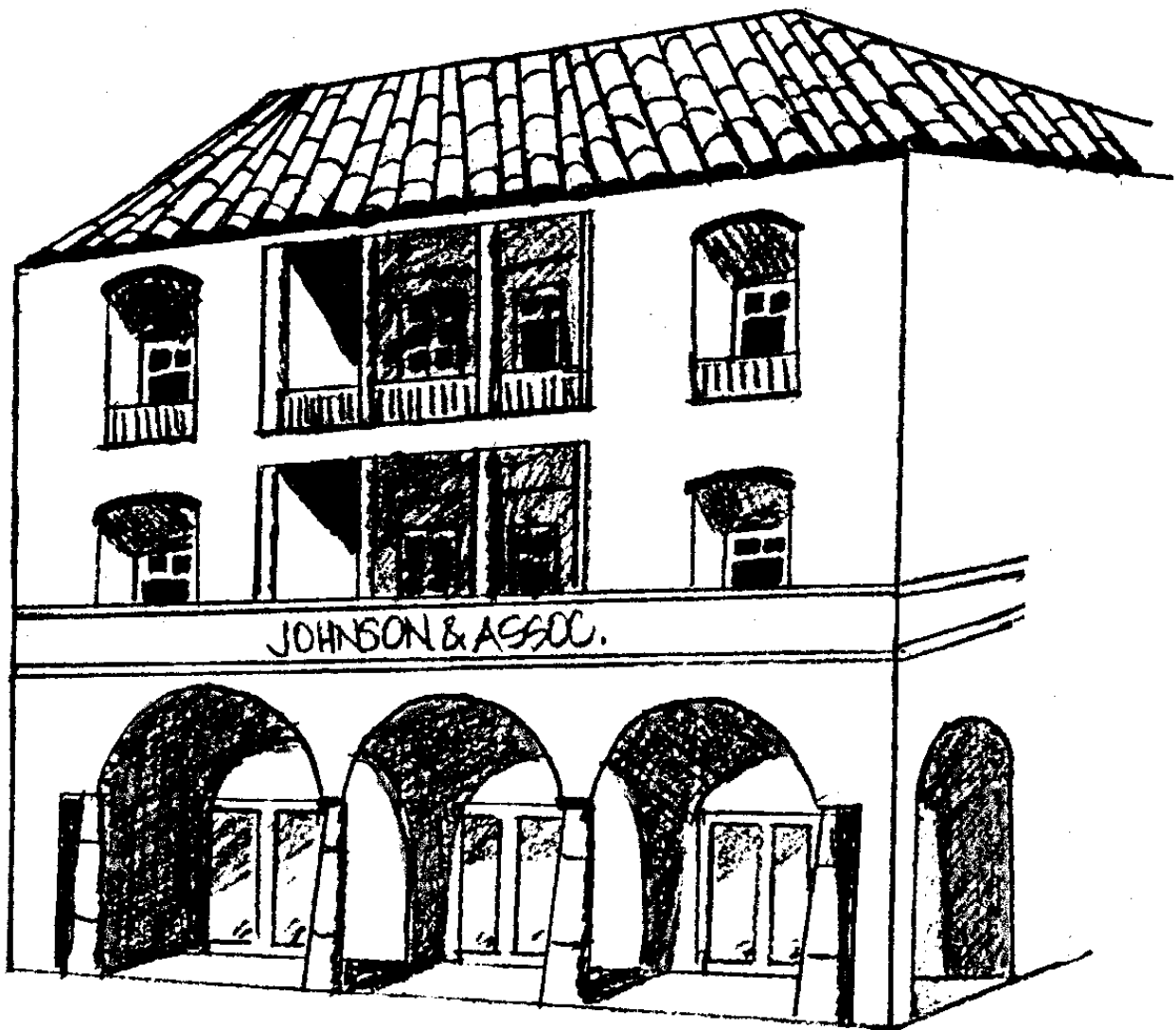


## *Architectural Style*

The core of Downtown Myrtle Beach was built primarily in the first two decades of the 20<sup>th</sup> Century. Architects generally utilized two different architectural styles that blend together nicely in our coastal town. All renovations, improvements and new construction should visually blend with the architectural style of the surrounding buildings.

### **Mediterranean**

The Mediterranean style is a unique adaptation of Spanish and Moorish architecture. The splendor of this architecture can still be enjoyed in the façade of the Chapin Building on Main Street. Elements include prominent main entries, courtyards, balconies, cross ventilation, loggias and towers. Materials include masonry, stucco and terra cotta. Colors are muted pastels and naturals.

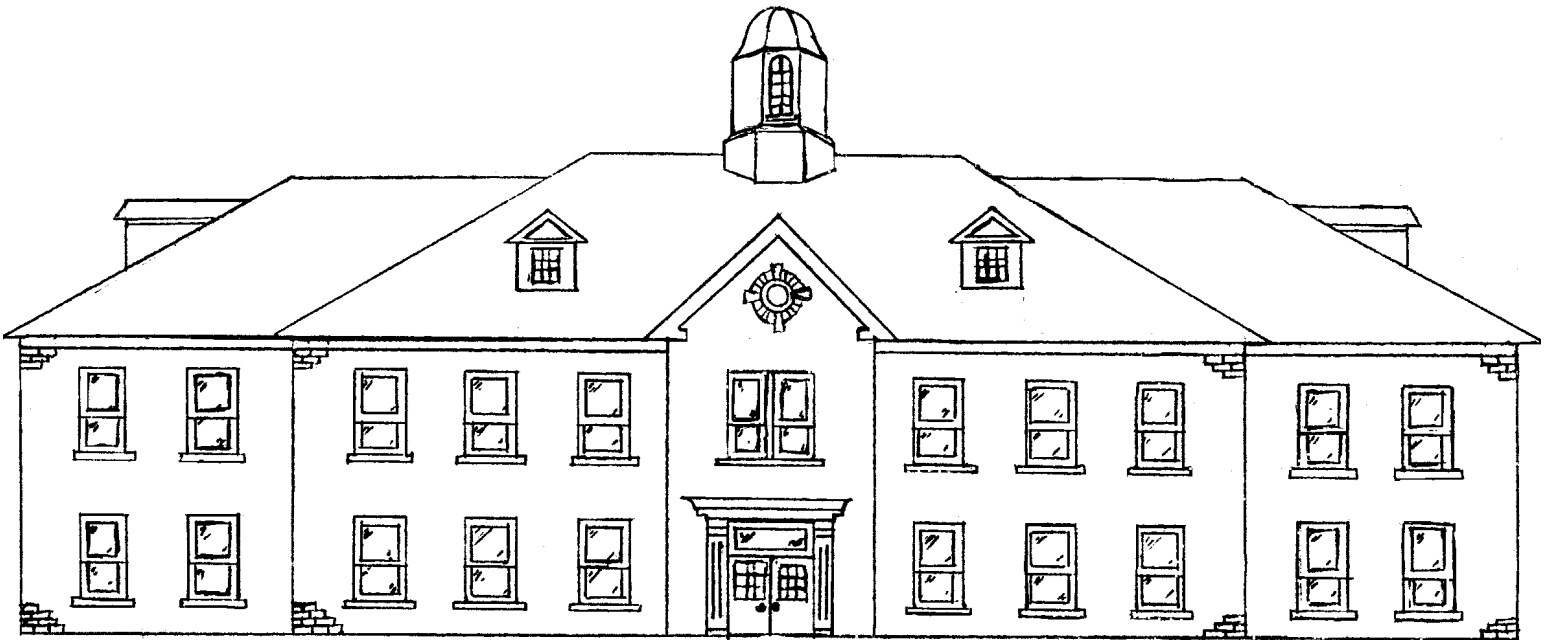




## Georgian

Typical Georgian structures are symmetrical with gabled roofs, often including dormers, although pyramidal and other roof forms were used. City Hall is a classic example of this formal and dignified style. Materials varied widely from wood to brick and stone.

Entrances were emphasized and ornately decorated, with transoms or fanlights over the door and columns or pilasters (piers made to look like columns) frequently taking the form of one or two story porticoes (porches). Elements include a projecting façade, band course, pediment, cornice, modillion course, brick or stone quoin, and dormers. Classical details surround the windows and doors and cornices, columns, pilasters, and quoins (outside corners). Window elements include a double hung sash, muntin, keystone, splayed lintel and louvered shutters. Materials include brick stone, plaster and wood.



## *Renovation*

Consistency in design and proportion is important in conveying how our downtown is perceived by the customer seeking goods and services. The integrity of a building as an individual structure, as part of a series of buildings, and as a part of a neighborhood should be respected. Take care to insure that your design blends well with surrounding buildings, sidewalks and other public improvements. A visually unified downtown is a powerful tool for attracting people to our downtown and to the individual shops and businesses located there.

Step back and look at your property from across the street... from the corner... from nearby intersections. What does the community see? Some things, like air conditioning units and satellite dishes, are more noticeable from a distance.

## Traditional Façade

The storefront is a distinct entity that demands a complete design statement, not just the remodeling of a doorway or the addition of a new wall surface. Changes have occurred to our buildings during the years in response to various merchandising trends and changing tenants. In most cases, the changes affected the storefront area while leaving the upper façade intact. In some cases, the original storefronts may still be in place but covered over or in need of maintenance or repair.

The traditional commercial storefront can be the most important element that gives historical significance and character to the downtown. The traditional commercial façade consists of three parts:

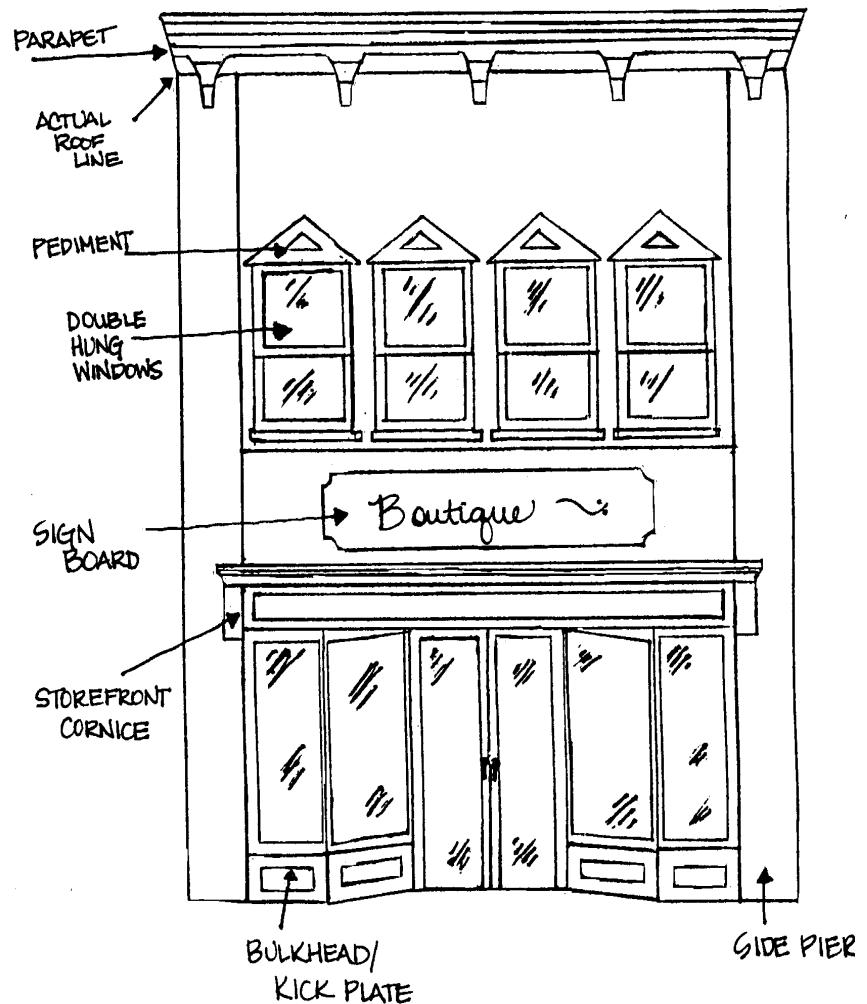
- the storefront with an entrance and large display windows;
- the upper masonry façade with regularly spaced windows; and
- the decorative cornice that caps the building.

These components may appear in various shapes, sizes and styles, but the result is essentially consistent with the traditional façade.

### *1<sup>st</sup> Floor Storefront Design*

The traditional downtown building façade has a well-defined opening that was filled by the original storefront. The opening is bounded on each side by piers, which were usually constructed of masonry. It is bounded on top by the band course or the storefront cornice (the structural element supporting the upper façade) and bounded below by the sidewalk.

The storefront was composed almost entirely of windows. The large glass opening served to display goods the store or business had to sell. It also allowed natural light deep into the store, thus minimizing the need for an artificial light source.



The visual transparency of the storefront is also important because it is part of the overall proportion system of the façade. The proportion of window - to - wall areas in the traditional façade calls for more glass and less wall at the storefront level, balanced by more wall and less glass on the upper façade. It is important that these proportions be maintained so that Downtown Myrtle Beach will be unified by consistent design, thus making it an attractive place for customers to do business.

### *Improvements*

In considering improvements to the storefront, it is very important that the original opening be recognized and maintained. The remodeled storefront should be designed to fit inside the original opening and not extend beyond or in front of it.

#### *Key Points to Consider:*

- The storefront should be composed primarily of glass. If transparency is not appropriate, consider the use of window treatments, such as blinds or drapes.
- Effort should be made to create an inviting entry. The entry should be maintained and restored in its original location and configuration. If the original entry is gone, the new entry should be designed and placed with consideration to traditional design themes and their relationship to the overall building façade and symmetry. Where appropriate, recessed entries are encouraged.
- Transom windows that are covered or blocked should be reopened and restored.
- Storefront bulkheads should be restored or renovated.
- Original elements, such as keystones, cornices, entry doors, and lighting fixtures should be restored.
- Signs should be integrated into the storefront design.
- Lighting should be integrated into the storefront design.
- Awnings, if appropriate, should be integrated into the storefront design.

The storefront design should be true to the time period in which the building was constructed. For example, renovating early 20<sup>th</sup> century buildings with colonial motifs and mansard roofs would be inappropriate. When planning the storefront renovation, it could be very helpful to contact the Horry County Historic Society for information regarding your building. Old photographs can be valuable tools in determining original design, materials and signs used on your building.

### *Storefront Materials*

Build storefronts out of the best materials; after all, their appearance will denote the quality of products and services the customer can expect to find inside. When designing a new storefront or renovating an existing one, remember the goal should be a transparent façade. Keeping the materials simple and unobtrusive will help you achieve this goal. There is no need to introduce additional types of building materials to those that originally existed. Whether building new or renovating existing storefronts, use materials that perform their intended function well, and use them consistently throughout the design. Utilizing this approach will enable you to achieve simplicity in the design and uniformity in the overall storefront appearance.

Utilize existing materials whenever possible, repairing rather than replacing. Typical examples of materials and their location on the storefront include:

- Storefront Frame: wood, cast iron, anodized aluminum, steel.
- Display Windows: clear glass.
- Transom Windows: clear, tinted, stained or etched glass.
- Entrance: wood, cast iron or aluminum with a large glass panel.
- Bulkheads: recessed wood paneling, polished stone, glass, tile, metal-clad plywood panels, granite, marble, sandstone, pressed metal.
- Storefront Cornice: wood, cast iron, pressed metal.
- Side Piers: should be the same material as the upper façade, typically brick or stone.

When applied thoughtfully and tastefully, ornately cast metal columns and trim of intricately molded terra cotta, wood or ironwork all contribute to appealing, dignified storefronts.

Certain materials should never be used on the traditional commercial building. Such inappropriate materials may include imitation brick, rough textured wood siding, wooden shingles on mansard roofs, gravel aggregate and vinyl siding. These materials have no relationship to the original design themes and, therefore violate the consistency of the building's appearance and the downtown area.

### *What to Do?*

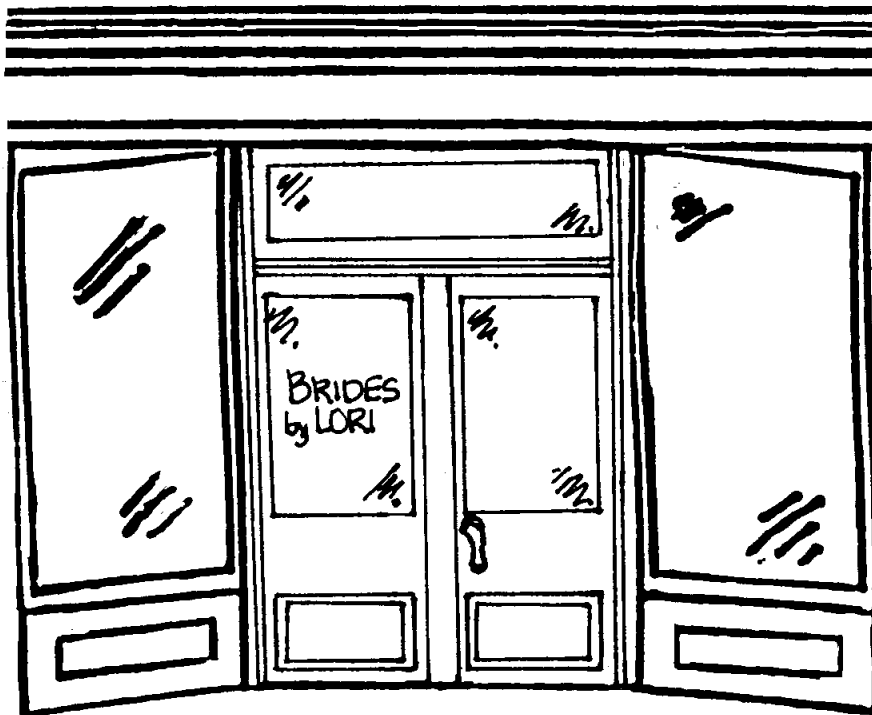
Depending on the building's condition and the amount of money you have budgeted, there are three basic approaches you may want to consider:

- Minimal Rehabilitation: This preservation approach to rehabilitation requires basic maintenance, necessary replacement, removal of extraneous materials and simple design improvements. Cosmetic treatments like covering a timeworn storefront with an awning or painting a contemporary storefront a dark receding color to minimize its effect, can help to unify the building.
- Major Renovation: This approach retains the façade's existing original elements while using contemporary and traditional design and materials for replacement of inappropriate elements. Technology has led to many advancements in construction materials in the years since our downtown was originally built. Longer lasting synthetic materials are available to replace the more traditional materials of days gone by. When selecting your renovation materials, whether technologically advanced or traditionally sound, choose only those materials high in visual and structural quality. In all major renovations, care must be taken to insure that the design of improvements is understated so as not to compete with the overall character of the façade. For instance, when installing a new storefront, any of these alternatives would be appropriate:
  - ◇ A contemporary design in wood or anodized aluminum.
  - ◇ A simplified version of a traditional storefront in wood or aluminum.
  - ◇ A traditional period storefront constructed in wood.

- Restoration: This approach restores the façade to its original condition. It involves the exact duplication of the original storefront, including its architectural detail, color scheme and design placement. If a building has undergone only minor alterations, restoration may be relatively inexpensive and would be most desirable.

## Doors

The entry to a storefront often can be the focus of a building's façade. Maintaining a traditional entry door or pair of doors can contribute to the overall character of the façade. Traditionally, the entrance door was made of wood with a large glass panel. Every effort should be made to maintain and repair an original door.



Although recessed entries are encouraged, take care to make the recessed space feel safe, both day and night. Bright lights and ornamental gates can be effective in this regard.

If a door is to be replaced, consideration should be given to one of the following options:

- Have a new door built with the same design and proportions as the original.
- Find a manufactured wood or steel door that resembles the traditional storefront door.
- Use a standard aluminum, commercial door with wide stiles and a dark anodized or baked enamel finish.

The transparency of the storefront should be carried through the design of the door. Avoid doors that are residential in character or decorated with moldings, crossbucks, or window grills.

## Signs

Signs are a vital part of any downtown area, providing businesses with identity and providing customers with direction. Signs also contribute to the overall image of Downtown Myrtle Beach. Because they are such a visible storefront element, signs must be designed, selected and utilized appropriately so as not to detract from the façade or from surrounding buildings. With a little forethought and careful planning, signs can fulfill the business owner's needs and enhance the image of Downtown Myrtle Beach.

### *Placement and Number*

Each storefront should be limited to two signs: one primary and one secondary. The primary sign should be located on the building façade above storefront display windows, but below the sills of second floor windows. Turn-of-the-century buildings often used a continuous brick ledge, or corbelling, to separate the storefront from the upper stories. This space is ideal for sign placement, as it often was created for this purpose.

The secondary sign can be a small hanging sign that identifies the business for the pedestrian, or a sign painted on a door or display window. This sign is generally oriented toward pedestrians. A sign in a window should not obscure the display area and shall not occupy more than 25 percent of any vision window.



The goal is to create a pedestrian oriented downtown, where shoppers feel comfortable strolling along the sidewalks and traffic flows at a neighborhood pace. Therefore, it doesn't make a lot of sense to place your signs too high for the pedestrian to easily see. By placing the signs at a more human level, communication effectiveness will be improved. As an added bonus the signs will also be beneath the canopy of shade trees.

### *Size*

Big does not necessarily mean powerful. Signs should be visually integrated with the storefront to produce a consistent and unified statement about the business within. A sign that overpowers the storefront does not communicate a positive image to the customer. Signs should always be in scale with their surroundings. Actual size may vary, but in general, a wall mounted sign or signboard should be no more than 2-1/2 feet high or span more than 1/2 of the building width. Lettering should be 8 to 18 inches high and occupy between 50 and 65 percent of the signboard.

### *Lettering and Graphics*

There are hundreds of lettering types available from sign contractors and designers. The building owner should select a style that expresses the business message and is compatible with the building and Downtown Myrtle Beach. Decorative, serif and sans serif styles can all be used in the downtown area, but should be selected for compatibility with the type of business and type of building.

In most cases, signs should be limited to a maximum of three colors, two materials and one lettering style. Use available information about the colors, materials, lettering style and placement of the original signs on the building when designing new ones. Sign colors should compliment the building colors.

Wooden signs with raised letters, metal signs, painted signs and gold leaf are all appropriate downtown, though not for every building.

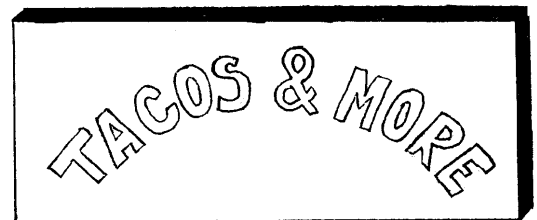
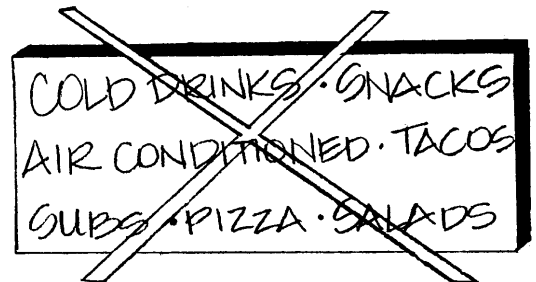
Nationally distributed or mass produced signs should be avoided; they typically do not express the character of Downtown Myrtle Beach or its unique businesses.

### *Content*

Signs should express an easy-to-read, direct message. Keep it simple! Wording should be minimal, limited to the name of the business and, if necessary, a word or two that expresses its character. Simple wording is easily read by pedestrians and motorists without creating distraction and clutter.

A sign that presents more than 10 “items of information” is lost on its observer. Count one item of information for each

- Syllable
- Symbol, graphic or logo
- Abbreviation
- Broken plane, such as two lines rather than one
- Discontinuous odd shape.



Signs should be used primarily for identifying the business, not for subjecting viewers to myriad advertisements.

### *Lighting*

Illuminated signs may be appropriate downtown if they respect the proportions of the storefront and the other sign design guidelines. Use lighting that provides a true color rendition. The light source should be designed as part of the sign or hidden from view. Exterior lighting is preferred, but be cautious of exposed lights that produce glare and are unpleasant for customers and neighbors. Unattractive electrical fixtures, conduits and wires should be concealed. Exposed neon letters can be effective, adding color and vitality to the street, only if it is appropriate to the architecture of the building. Plastic, backlit signs should be avoided.

### *Tree / Sign Conflicts*

Signs are the lifeblood of most businesses. But so is a friendly, inviting shopping environment. Trees can provide a softened touch to an otherwise harsh downtown area and reduce even the most imposing buildings to human scale. And they can do so without interfering with signs.

Trees can be an important way to provide an interesting, attractive business environment. They do this by giving the area a unified appearance in a place where stores may vary widely in architectural design. They also “soften” hard building materials, sidewalks and streets, and add color, character and seasonal variety. And, of course, they provide cool shade during our hot summers.

When choosing the design and location of your signs, be sure to consider their relation to the sidewalk trees. Make sure your signs are readable between the trees and below their canopy. And remember, trees grow, so plan for the future.

### *Design and Construction Services*

Choose a professional sign maker carefully. Quality of workmanship and construction is as vital as quality of design. Ask your neighbors for references, and ask the contractor where you can see examples of previous work.

### *City Ordinance Requirements*

In addition to these design guidelines, the City of Myrtle Beach has ordinances that control the size, height and placement of signs. Before investing money in a sign, determine whether it will comply with the applicable requirements and restrictions. A permit, including approval of the Community Appearance Board, is required prior to installation of most types of signs. Please contact the Myrtle Beach Construction Services Department for sign and awning regulations specific to your zoning district.

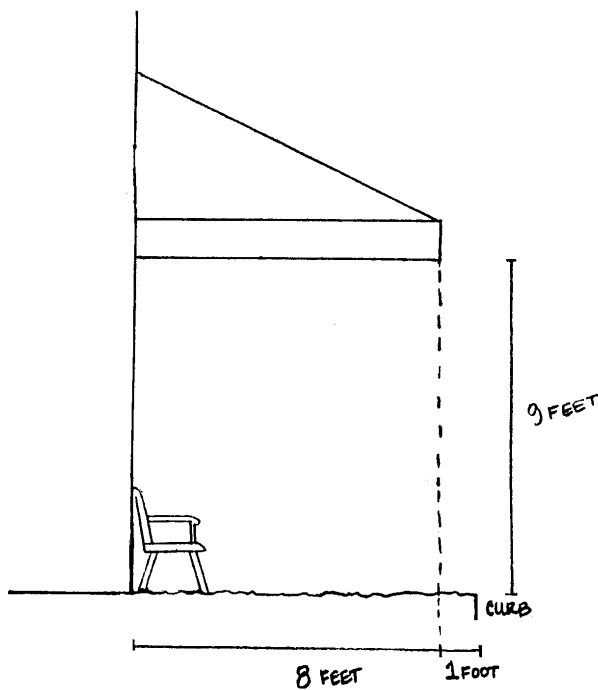


## Awnings & Canopies

The canvas awning was an important design element in the traditional storefront. It provides shelter, added color and serves as a transition between the storefront and the upper façade. An awning should reinforce the frame of the storefront window, but should not cover the piers on either side. It should be attached below the sign panel (the space between the second story window sills and the first story façade.) In some cases, the awning may be mounted between the transom and the display windows, thus allowing light to enter through the transom while shading pedestrians and merchandise. An awning should not be backlit.

Where possible, retain and repair awning fixtures and canopies that originate from the building's earlier historical periods. When necessary, new awnings should be complementary in placement, proportion and color to the building's original fixtures and to existing awnings and canopies of adjacent buildings. New awnings should be constructed of cloth material. Vinyl, plastic and metal are inappropriate to traditional façades and generally detract from the historic character of the area. Consideration should be given to replacing inappropriate awnings and canopies with traditional canvas fixtures.

Awnings should be regularly maintained. Rips or tears must be repaired so that the repair is not noticeable from the sidewalk or road. If a tear cannot be inconspicuously repaired, or if the original awning color changes significantly, the awning must be replaced.



A standard street level awning should be mounted so that the lowest point, including any valance, is a minimum of nine (9) feet above grade and projects no further than eight (8) feet into the right-of-way and no closer than twelve (12) inches from the curb.

Remember that our area is prone to high winds (100 miles per hour is not unusual). Awning materials should be chosen carefully and should be strong enough to withstand extreme weather conditions. Metal frames are recommended.

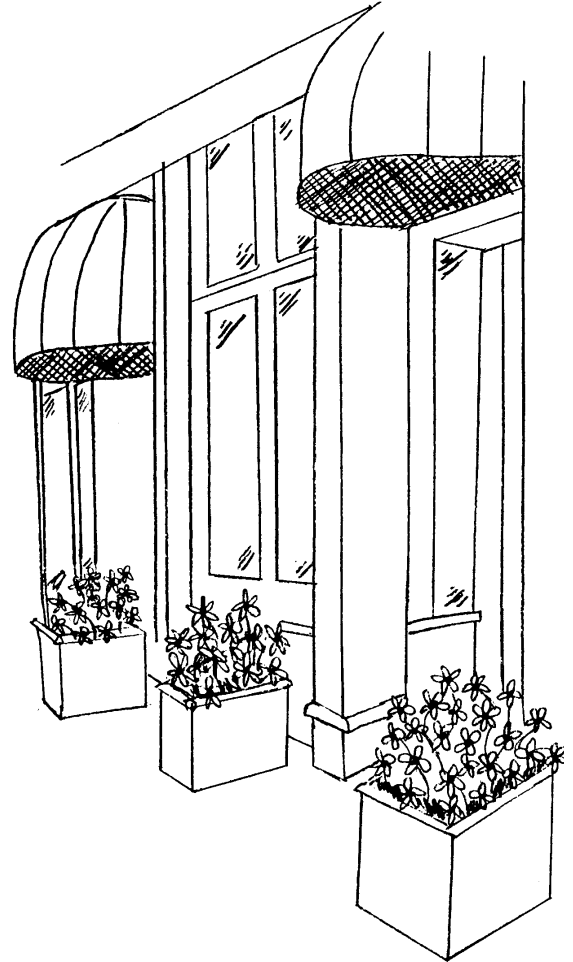
Inappropriate storefront alterations can be effectively disguised by mounting an awning over the alterations while maintaining the proportions of the original storefront.

## Sidewalks

Downtown Myrtle Beach has in place a Sidewalk Café / Décor ordinance that allows tables, chairs and plants to be placed on the sidewalk in front of some downtown storefronts. When tastefully designed and cared for, the following elements can add to the friendly, pedestrian image of Downtown Myrtle Beach:

- Tables and chairs where restaurant patrons can enjoy our beautiful weather with their meal.
- Colorful window boxes hanging from storefront windows.
- Terra cotta pots with small tree and flower arrangements.
- Old fashioned Southern rocking chairs where shoppers can sit and relax.
- Park benches where friends can stop for a chat.

A Sidewalk Café / Décor Permit is required for all items placed in the right-of-way, so be sure to apply at the Myrtle Beach Construction Services Department before investing any money.

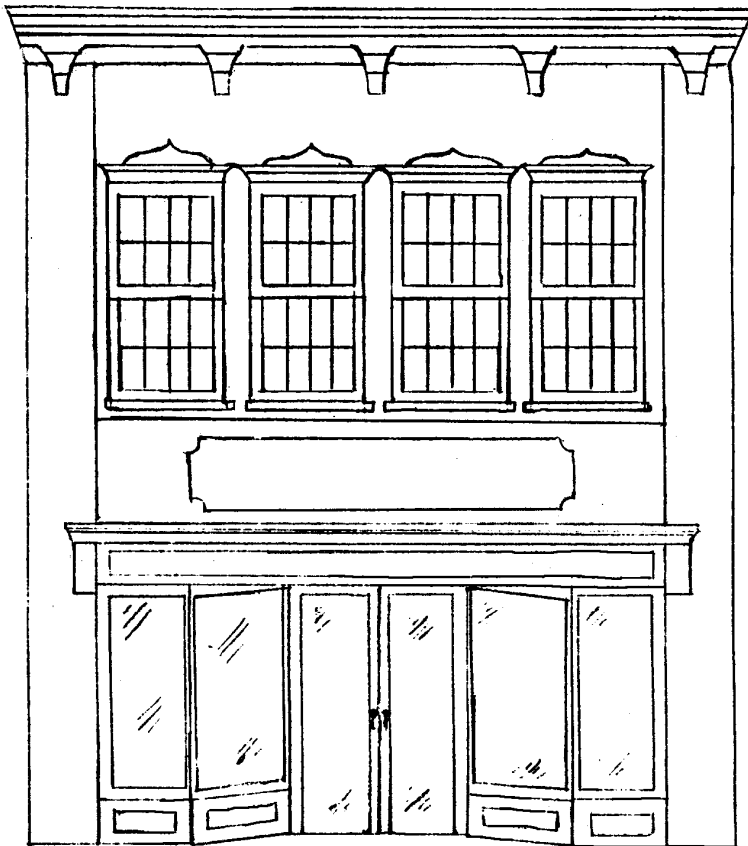


## Upper Stories

While storefront design conveys the image of the business occupying the building, upper story design conveys the image of the town. Design elements of upper stories are often ignored, leaving the top floors plain and bland. Dimension should be added to otherwise flat, hard surfaces through the use of some simple design techniques:

- Place window hoods over the upper level windows.
- Place individual awnings over the windows. This is particularly effective with arched awnings over arched windows.
- Carry the side pier design from the storefront on upward to the roof. This will frame your upper façade the same way it does the lower.
- Place a decorative cornice or parapet along the top edge of the building. After all your hard work below, your façade should not come to an end with a blank wall meeting a flat roof.

## Windows



Windows are an important component of the façade; they open the building with light and offer a proportional continuity between the upper floors and the storefront.

Deteriorated windows have often been covered over, inappropriately replaced or simply neglected, thereby diminishing the overall character of the building. Every effort should be made to retain and preserve each original window, its function and any decorative details still remaining.

Remove any covering that has been installed over the original windows. Protect and maintain the wood and metal of the windows and their surroundings with appropriate surface treatments, such as cleaning or rust removal. All bare wood should be primed with a high quality, oil-based primer and painted with one or two coats of latex or oil-based paint. A qualified glazier can fix loose or broken windowpanes easily. Make windows weather tight by re-caulking and replacing or installing weather stripping.

Check the overall condition of window materials and window features to determine if repairs are required. Check all wood parts of the window for decay, cracks or splitting. Pay particular attention to the sills and window sash bottoms where water may collect. Repair window frames and sashes by patching, splicing or reinforcing. Replace all parts that are deteriorating or missing. Cracks should be filled with caulk, wood putty or epoxy reinforcement and the surface sanded. Do not replace the entire window when limited replacement of parts is appropriate.

If an original window is missing or deteriorating beyond repair, replace the window with one that matches the original. Use the overall form and any detailing still evident as a guide. Use the same type of material as the original or a compatible substitute. Always fill the entire original window opening, even if part of the original opening had been previously filled in.

All window air conditioning units that are visible from the street or sidewalk should be removed. Air conditioners that drip on the public sidewalk are greatly discouraged.

## Rear Façade

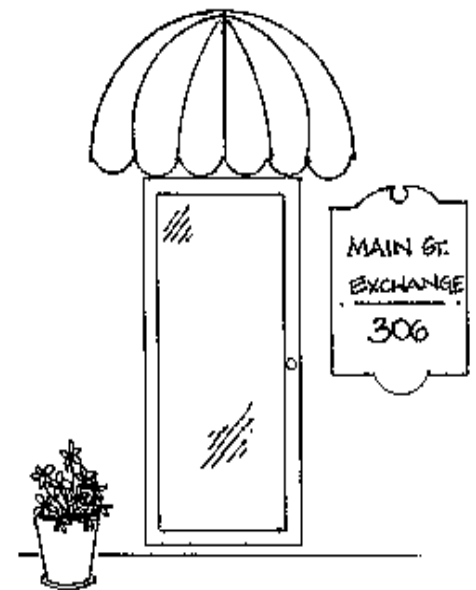
Areas behind buildings often are forgotten or neglected. Customers tend to avoid rear entrances because these areas can be unkempt and unattractive. The rears of most buildings are commonly thought of as service areas where deliveries are made or the garbage is picked up. However, a large percentage of existing and developing parking lots are located adjacent to or abutting these entrance. Available parking in Downtown Myrtle Beach, particularly for Superblock businesses, is so often located behind buildings that rear or side entrances are warranted. The rears of the buildings are coming into full and open view.

A combination of front entrances with side or rear entrances is called “double frontage.” There are certain advantages to double fronting, including:

- Enhanced circulation patterns.
- Better access to off-street parking.
- Store identity created on more than one side of the building.

If you don't have an attractive, customer friendly rear entrance, but are considering improvements, ask yourself these questions:

- Where do my customers typically park?
- Would a rear entrance be an added convenience for my customers?
- What changes would I have to make to my store for an attractive rear entry?
- How would added walk-through traffic help my business?



Like the storefront, the rear entry should respect its neighbors. An attempt to make your entrance compatible with surrounding businesses should be a priority. Look at the back entrances next to yours before you make any changes. Work with your neighbors to create unity in this all-too-often ignored area.

The rear entry should not compete with the storefront in importance, but like the front, the back entry requires identification. A rear door window panel is one way to identify and open your store to customers. A small sign on or near the door is another identifier. Be sure to keep it small and do not clutter the area with too many signs. An awning is a pleasant addition and a convenience to shoppers during inclement weather.

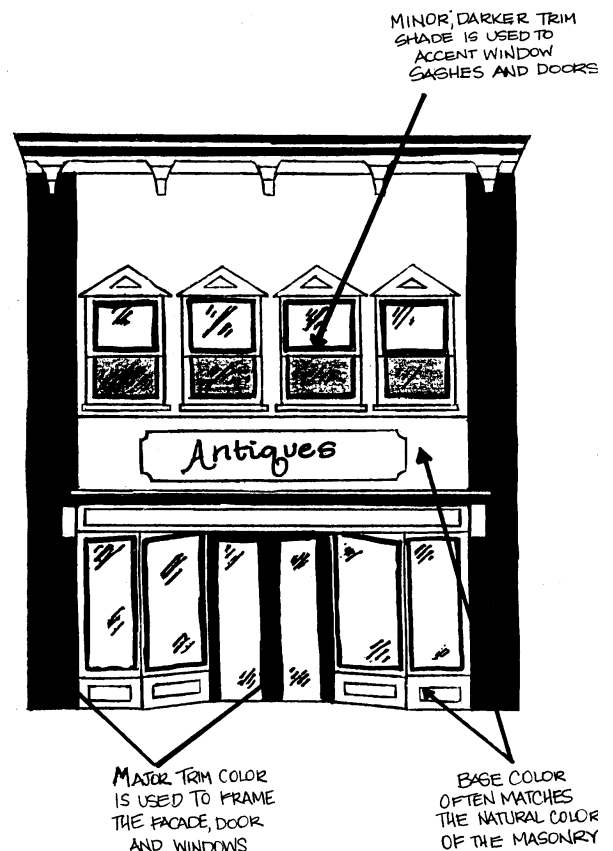
Normal service activities, such as trash collection and loading, also must occur with ease. It is possible to accommodate these functions and make the rear spaces enjoyable “people places” at the same time. Pick a central location for trash collection that will serve several stores efficiently. Simple enclosures can be constructed to hide trash receptacles and to prevent clutter. Before construction, be sure you consult the trash collection agency to ensure that your design will not disrupt pick-up services.

Plantings either can add or detract from a rear building area. If there is enough sun, planter boxes should be utilized as an attractive buffering element. Remember that plants require care, so commit to caring for them properly. Weeds are a detracting and visually negative element in unattended areas. Planting ground cover in exposed soil areas can help choke out weeds. For a positive image, keep all plantings under control and consistently well maintained.

With good design and proper maintenance, rear entrances can become attractive and convenient for shoppers and highly beneficial to Downtown Myrtle Beach.

## Colors & Paint

The placement of colors - rather than the number of colors - best accentuates the architectural details. Colors are distributed into three categories: base, trim (major and minor) and accent. The base often matches the natural color of building materials, such as brick or stone. The major trim color is used to frame the façade, doors and windows. The major trim color is also the primary color of the cornice and major architectural elements. If a minor trim color is used, it is often a darker shade placed on doors and window sashes. An accent color is used in limited doses to highlight small details. Colors should tie the architectural elements together. The color scheme should be consistent throughout the façade’s upper and lower portions. The colors chosen should be harmonious, not only with the colors on your building, but also with the colors on neighboring buildings.



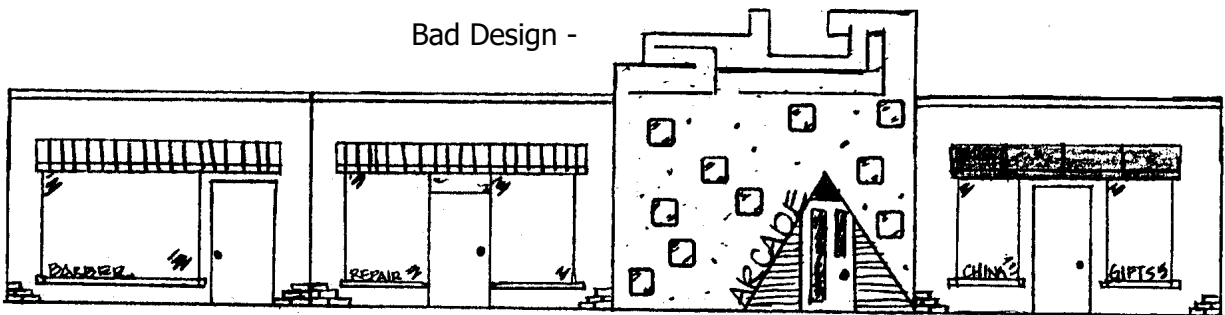
### *Historical Color Scheme*

This color scheme uses body, trim and accent colors from a particular time period. Historical color schemes are appropriate for the style and character of landmark buildings or buildings located in historic areas. The colors should compliment the color schemes on adjacent buildings. Colors may be chosen based on paint chip analysis of a building's original color or based on colors used on other buildings of the period. Color guides of documented historical hues from selected paint manufacturers are an aid in historical color selection. Old photos of the building or a similar one can establish light verses dark color placement.

### *Boutique Color Scheme*

This non-historical color scheme uses bright trim and accent colors in dramatic contrast to the base color of a building. A building must have an extremely ornate architecture to pick out details successfully with multiple accent colors, so use this color scheme cautiously. Too many colors on the wrong elements will detract from the building's character and that of its neighbors. Taken to an extreme, boutique color schemes can create a building that looks as though a carnival is taking place inside.

Playful, exaggerated color schemes and architectural themes can work well in an urban downtown, only if carried through an area as large as one block or more. A wild, Art Deco design may look great in an entire district, but would look silly on a single building sandwiched between two Mediterranean façades.



### *Surface Preparation*

Proper surface preparation of wood, metal and masonry prior to repainting will maximize the longevity of the topcoat. The following steps will help prevent premature paint failure:

- Thoroughly remove dirt, mildew and paint chalk with a mild detergent.
- Remove failing paint on wood with electric heat, scraping or sanding.
- Remove failing paint on metal or masonry with an approved chemical application

Never sandblast! Sandblasting, high pressure washes or other abrasive paint removal methods should never be undertaken. Well-documented evidence shows that these

methods do irreversible damage to wood and masonry surfaces. Sandblasting removes the hard glazed surface from kiln fired masonry and exposes thinner, more porous material to water infiltration and accelerates deterioration. Sandblasting also severely pits the surfaces of masonry and wood, and opens wood grain to moisture, dirt and mildew infiltration.

Significant architectural elements should be retained, repaired or preserved whenever possible. As a last resort, damaged material should be replaced with similar, matching material only. Weathered and cracked wood should be treated with consolidates, preservatives and / or filters, then sanded prior to sealing.

### *Painting*

The purpose of paint is to seal the building surface against the elements and to prevent deterioration of materials from temperature and humidity extremes. Generally, wall surfaces that have not been painted, such as brick, terra cotta, stone and cast concrete should remain unpainted. Soft, porous brick that was originally painted should remain painted. Always select paint that is formulated for the particular surface application planned. A primer coat seals the surface and enhances the bond with the comparable topcoats. On unsealed wood and metal surfaces, use oil or alkyd primers. Unsealed masonry requires a specialized primer / sealer. When repainting over an existing topcoat, continue to use the same paint formulation - oil or latex. If a formula change is necessary, or if the original paint type cannot be determined, then prime with a first coat specifically made for the topcoat planned. Finally, apply two topcoats to provide the most durable finish.

## Masonry

Many buildings in Downtown Myrtle Beach consist of brick masonry. Some structures also consist of stone, concrete block and marble. Masonry is a strong, durable building material and, when well maintained, can last for centuries. *Masonry cleaning* and *repointing* are two very common methods of masonry repair. While both may improve the appearance of a building, care must be taken to determine the proper techniques used so that no harm is done to the masonry.

### *Masonry Cleaning*

First of all, it should not be assumed that all masonry needs cleaning. Surface stains generally cause few problems and can even enhance the charm of an older building. However, evidence may indicate that heavy dirt and other pollutants are actually harming the masonry. It is reasonable to clean masonry where it is necessary to halt deterioration or to remove unsightly and heavy soiling, but take care not to destroy the natural characteristics that come with age.

Some questions to consider:

- How clean does the surface need to be?
- What is the nature of the soil and how tightly is it adhering to the surface?
- What is the masonry type and what are its characteristics?
- How is the surface constructed? Are there any metal attachments that could rust?
- How can the environment, as well as peoples' health, best be protected during the cleaning?

Select the gentlest cleaning method possible to achieve an acceptable level of cleanliness. Work with a professional to help ensure that the method chosen is right for your building.

## 2 Acceptable Cleaning Methods:

- Water: This method ranges from hand scrubbing to pressure washing to steam cleaning. It softens and rinses dirt deposits from the surface. Water cleaning generally is the simplest, gentlest, safest and least expensive method of masonry cleaning.
- Chemical: Chemical cleaners include acidic, alkaline or organic compounds in either liquid or vapor forms. The chemical reacts with the dirt and / or the masonry to hasten the dirt removal process. Be careful! When used improperly, chemical run-off can cause serious damage to the environment, including plants, animals and waterways.

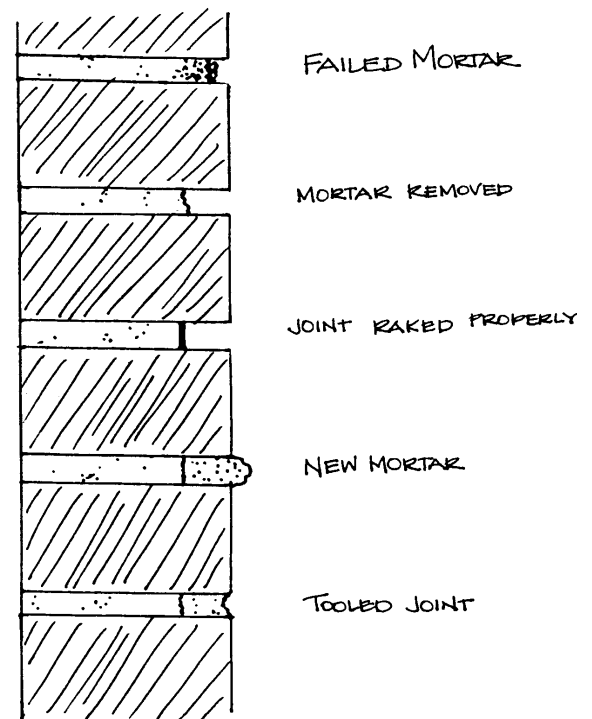
Generally, it is better to clean the masonry with the gentlest method possible. Check with the SC Department of Health and Environmental Control (DHEC) before using any chemical cleansers. To select the best cleaning technique perform a patch test. Observe the results for a sufficient time period (all four seasons, if possible) to determine the immediate and long-range effects of the cleaning method. Abrasives, including grit blasting, grinders or sanding disks, can cause great damage to masonry surfaces, and are inappropriate ways to clean old masonry.

## Repointing

Repointing is the removal of deteriorating or failing mortar from masonry joints and replacing it with new mortar. Repointing can restore the visual and physical integrity of the masonry. Generally, it is better to clean the masonry before resorting to repointing, unless the mortar is badly eroded. Some obvious signs of deterioration may include:

- Disintegration of mortar.
- Cracks in mortar joints.
- Loose bricks, cornice sections or decorative elements.

## REPOINTING PROCESS





As a general rule, only repoint where there is deterioration. Repointing should only be done by an experienced professional.

If you decide to repoint, consider the following:

- Duplicate the original mortar in strength, composition, color and texture.
- Rake the joint carefully to an even face and uniform depth, preferably with the use of hand tools.
- Duplicate old mortar joints in width and profile.

## Professional Assistance

Wow, there sure is a lot to think about! And each design element, be it the entry door or a second story window, is as important as the others. The renovations you make are not just improvements to your building – they are also improvements to your business and to your neighborhood. Creating a thorough design plan can seem overwhelming, especially if you've never done one before. Remember, this is an investment in your future and in your community. Never under estimate the value of hiring a design professional.

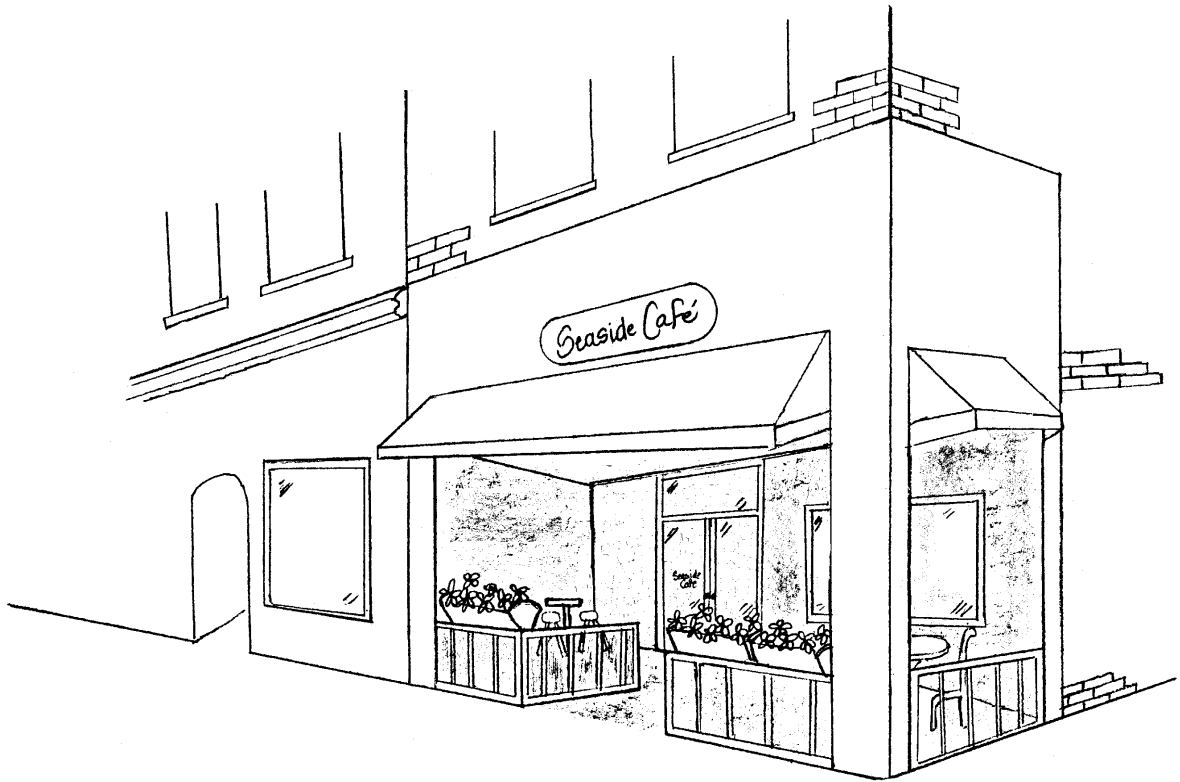
## *New Construction*

The construction of new buildings on vacant lots is encouraged. The design of a new downtown building is a special challenge. Its front façade should be designed to be compatible with the surrounding buildings.

The appearance of a new building must always be sensitive to the character of its neighbors, without mimicking them. There are several factors that will govern the visual relationship between a new building and its neighbors:

### **Building Placement**

Buildings in Downtown Myrtle Beach should be constructed parallel to streets and in close relationship to the street frontage. The new façade should be flush to its neighbors' façades, unless a restaurant use is planned. In the case of restaurant construction, it is encouraged that the façade be set back so as to provide an outdoor eating area that extends to the front lot line.



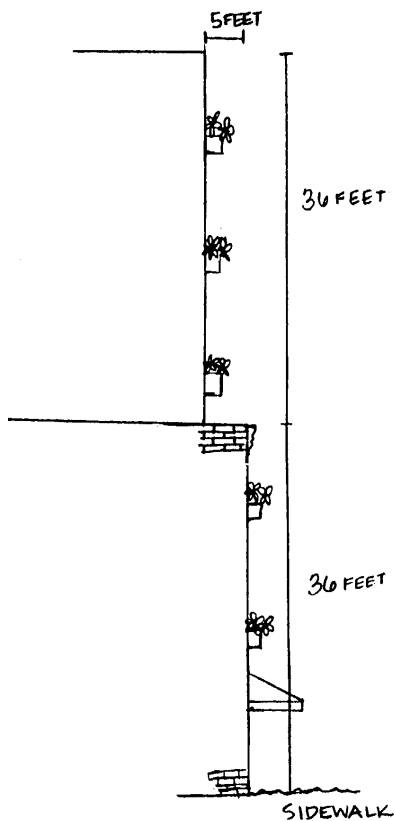
Mixed-use retail and office buildings should abut the sidewalks on at least one side and orient the primary entrance, or entrances, toward the street.

Pedestrian access to and on the site is a primary issue. Harmonious design and functionality should be provided relative to uses on the site and on adjacent rights-of-way and private properties. Aspects of design to be considered include:

- Handicapped Access
- Pavement Material
- Landscaping
- Lighting
- Seating

## Dimensions

When Downtown Myrtle Beach was first constructed, Main Street and Kings Highway were dirt roads! Back then, the roads were narrower and the surrounding building heights provided a comfortable, “human” scale. Over the years, these roads have been widened while the building heights remained the same. As a result, the current downtown views have a “hard” feeling more appropriate for a highway than a downtown. For this reason, new buildings taller than one story are encouraged.



However, very tall building façades can create a “canyon” effect on the sidewalk below. To avoid this, the vertical plane of a façade should not exceed 36 feet in height. Above that, the upper stories should be set back a minimum of five feet from the lower façade. The first three floors should be distinguished from the remainder of the building with an emphasis on design elements that will enhance the pedestrian environment. Elements that add special interest include:

- Cornices
- Belt Courses
- Corbelling
- Molding
- Stringcourses
- Ornamentation
- Changes in Material or Color

Special attention should be given to the design of windows on the first three floors. Recessed windows that are distinguished from the shaft of the building are encouraged. This can be achieved through the use of:

- Arches
- Pediments
- Mullions

The width of the surrounding buildings determines the general width for a new structure. The new building should occupy the entire space and reflect the characteristic rhythm of façades along the street. If the site is large, the mass of the façade should be broken into a number of small bays to maintain a rhythm with the surrounding buildings. The original downtown lot widths provide a natural guide for the width of each bay. *See sketch below.*

### Special Provisions for Buildings in Focal Point Locations

Focal points include corner locations and lots located at the termination of a street or where a street changes direction. Particular care should be given to the design of all façades of buildings in these prominent locations. Garage doors, service entrances, and un-ornamented walls should not be placed in highly visible locations. In general, buildings at focal point locations should also be taller than surrounding structures, and focal point locations at the center of a continuous façade should be taller than adjacent portions of the rest of the building. When planned with good design and taste, corner buildings that are taller and have larger features can break up the monotony of a long, straight sidewalk and give the streetscape a more human scale.



## Composition

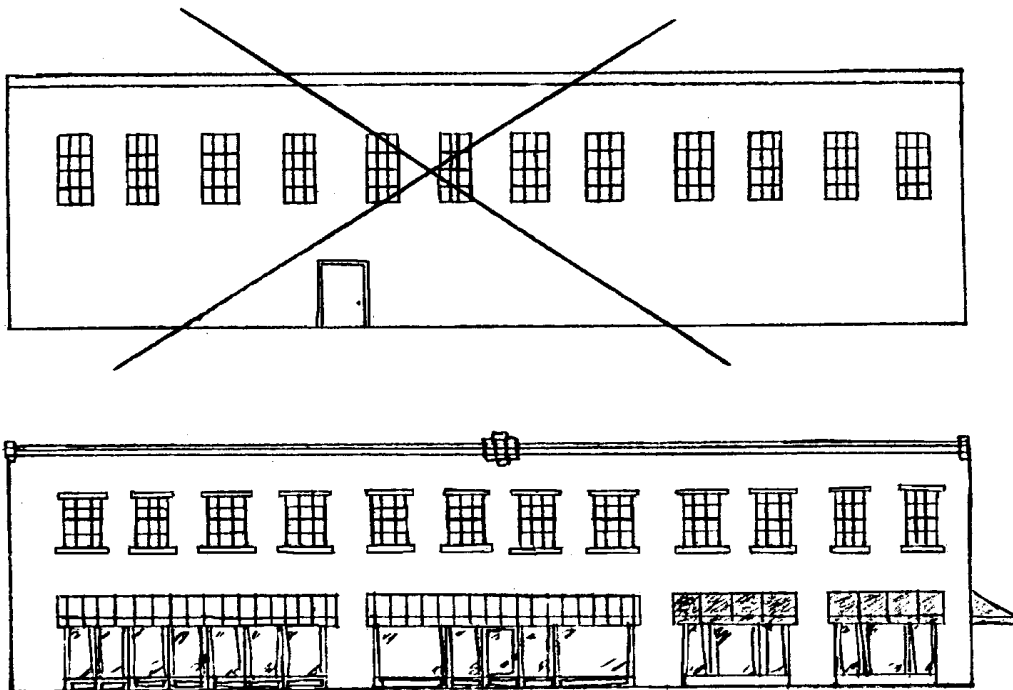
The composition of the new façade - that is, the organization of its parts - should be similar to that of surrounding façades. Rhythms that carry through the block, such as window spacing, should be incorporated into the new façade.

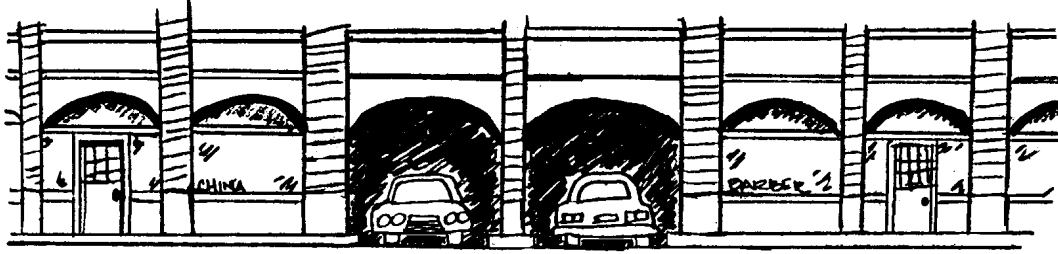
## Proportions of the Openings

The size and proportion of window or door openings of a new building should be similar to those on surrounding façades. The same applies to the ratio of window area to solid wall for the façade as a whole. Rhythms that carry throughout the block (such as window spacing) should be incorporated into the new façade.

Doorways should be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. The entryway should be 1 square foot for each 1,000 square feet of floor area, with a minimum of 15 square feet.

Pedestrian movement is very important to the success of Downtown Myrtle Beach. Although people love to window shop on a beautiful day, most are unwilling to walk long distances between stores. In fact, various studies have shown that shoppers will stop in their tracks and turn around if they cannot easily see the next storefront. For that reason, long, blank walls are greatly discouraged in Downtown Myrtle Beach. Where expanses of solid wall are necessary, they should not exceed 20 feet in length. The use of transparent windows and doors at the street level helps create interest. Detailing of street walls with awnings and a variation of building materials adds to this interest. Multiple entrances from the public sidewalk or open spaces are encouraged.





Structured parking facilities should be designed so that the only garage openings at the street level are those to accommodate vehicle entrances and pedestrian access. The remainder of the street level frontage should be occupied retail or office space. If neither of those options is conducive to your location, then an architecturally articulated façade should be designed to screen the parking area of the structure and to encourage pedestrian activity.

## Detailing

New architecture should reflect the elements and detailing of surrounding buildings. Emphasize the quality of detail and special form in:

- Window Shapes
- Cornice Lines
- Brick Work
- Window Treatments
- Columns
- Eaves

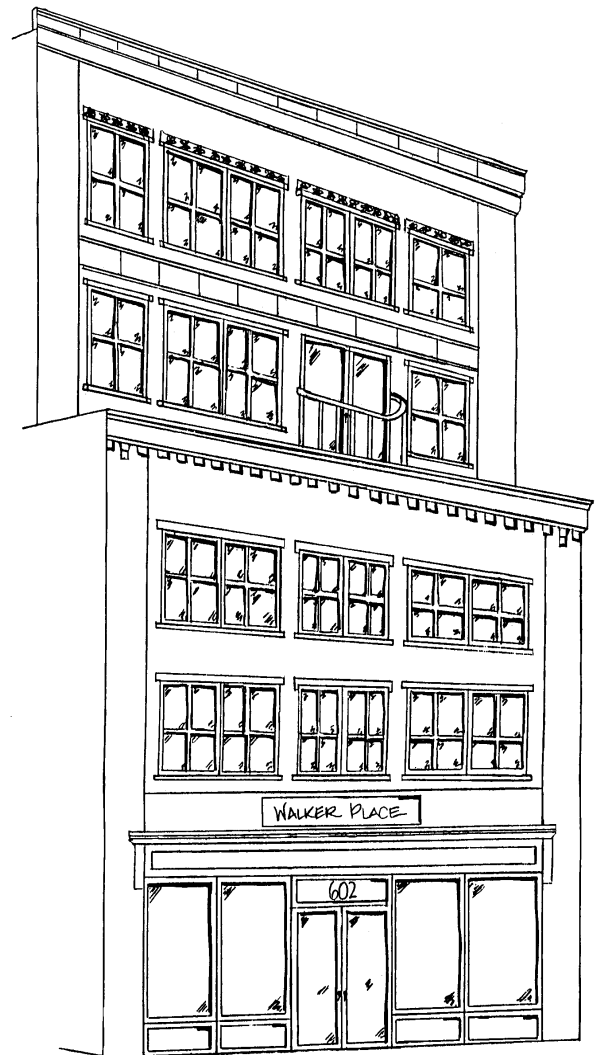
In the upper stories of structures over four stories, a variety of shapes, angles and reliefs are encouraged.

## Materials

A new façade should be composed of materials similar to those in adjacent façades. The new building should not stand in opposition to the others. Buildings should be constructed of materials that minimize light reflection and glare.

Appropriate materials include:

- Brick
- Stucco
- Smooth Finished Concrete
- Architectural Metals

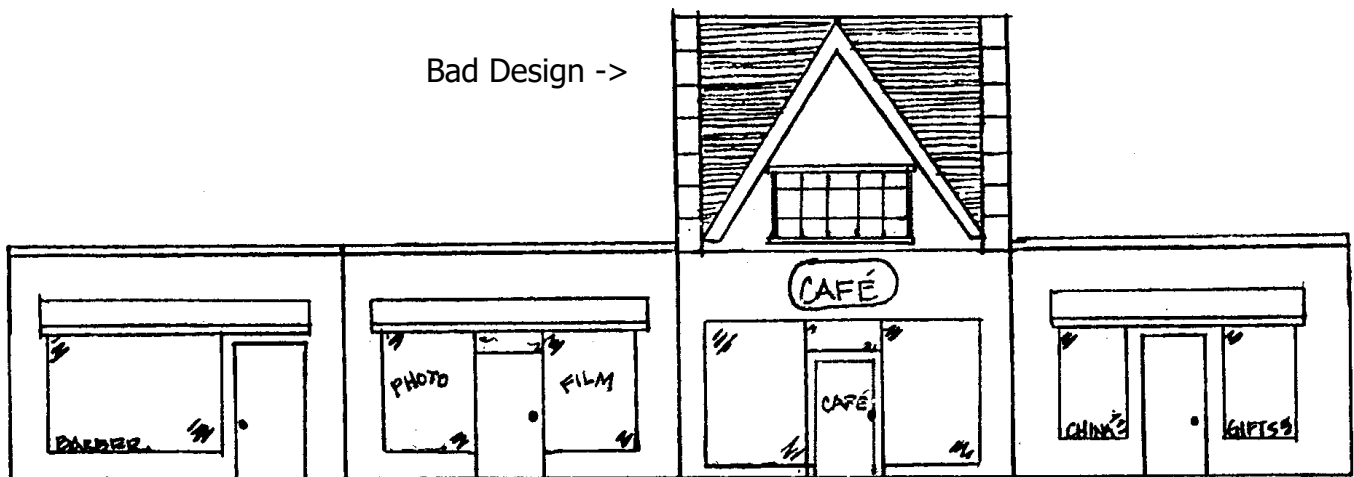


## Color

The colors chosen for a new façade should relate to those on neighboring buildings. Care should be taken to avoid clashing colors on individual buildings and between adjacent buildings.

## Roof Forms

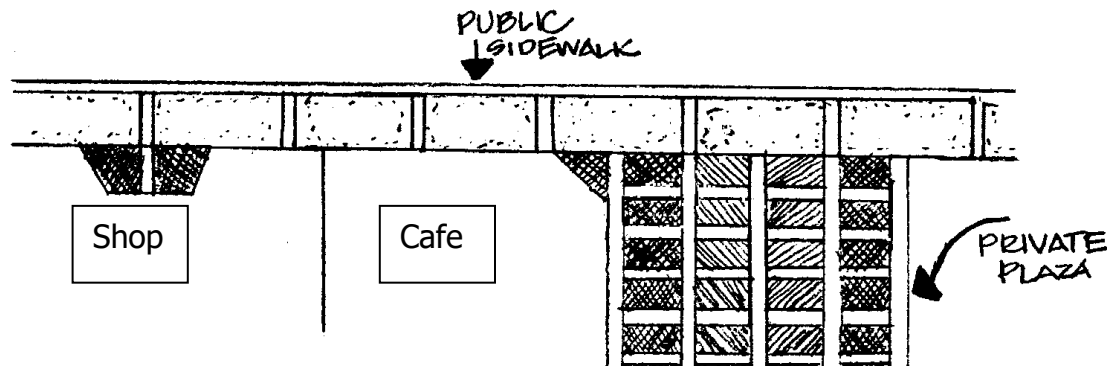
The type of roof used should be similar to those found on adjacent buildings. The roofline of buildings should be modulated to avoid large areas of flat roof, and should include interesting architectural features. Preferably, the upper cornice will cover the visibility of a flat roof from the front façade.



Consideration should be given to the appearance from taller buildings nearby. Rooftop mechanical equipment and satellite dish antennas should be screened in a manner that enhances the overall architectural design. Rooftops should be of a color that reduces glare. Rooftop terraces and gardens are encouraged – what a wonderful amenity to a residential apartment or downtown restaurant! *Refer to sketch on page 23.*

## Paving

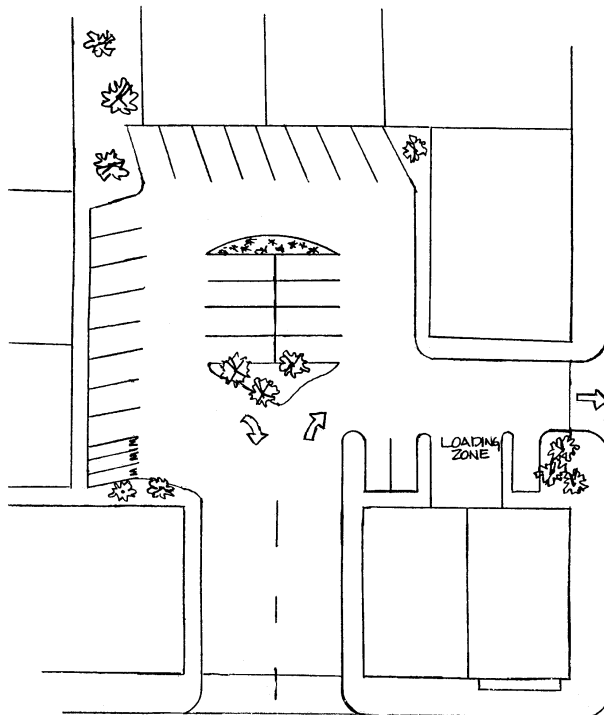
A paving element in the public space can be repeated in the private space in order to give continuity and transition. However, the paving systems used in private plazas and walkways may be different in color, material and texture from those in the public right-of-way. A contrasting pattern with more detail (such as brick, granite or similar material) offers a unifying element for the plaza or walkway. The contrasting pattern establishes the private boundaries and gives the space an overall pedestrian scale.



The transition between public and private spaces offers a tremendous opportunity to establish a sense of arrival, establish a particular development's unique character and add an overall liveliness and variety to the pedestrian environment.

## Vehicular Areas

Vehicular access to and on sites should be designated to minimize interference with pedestrian access and with traffic flow on abutting streets. Drive-up windows are discouraged. The number of access points should be kept to the minimum necessary to prevent undue congestion.



Vehicular use areas should be designed to maximize pedestrian circulation and handicapped accessibility. These areas should be located so as not to detract from the streetscape created by buildings, open spaces and landscaping. Take care to provide safe lighting that blends with the design of the site and adjacent sites. Landscape vehicular areas so as to reduce heat, accentuate pedestrian routes, and buffer the view of vehicles from adjacent street rights-of-way and private properties.



Locate surface parking lots behind the building and away from areas of high public visibility. Parking areas should be designed to minimize long, straight, monotonous rows. The size and location of parking areas should be minimized and related to the group of buildings served. Parking areas should include a clear circulation network to guide pedestrians to the building entrances.

Loading areas should be designed so as not to interfere with pedestrian circulation or vehicular circulation on abutting streets.

Consideration should be given to providing facilities for bicyclists, especially parking, so as to encourage the use of bicycles.

## Landscaping

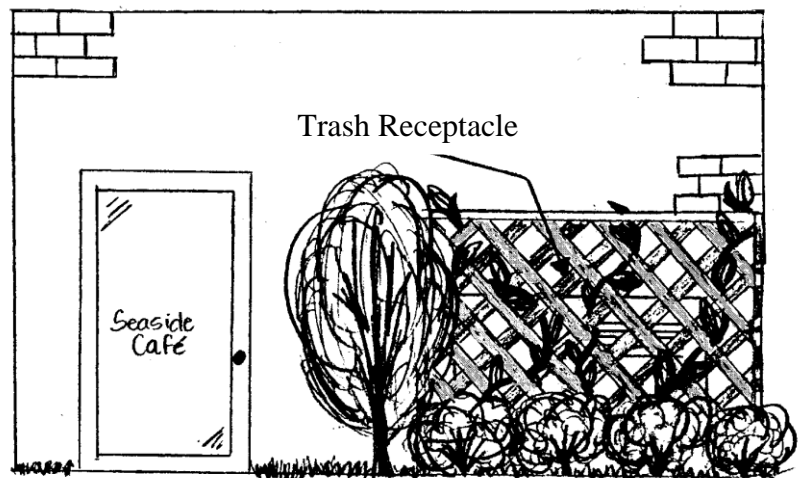
Open space and landscaping should be designed to complement the buildings on the site and the streetscape in general. Aspects of landscape design include:

- Location
- Size
- Shape
- Amenities
- Material
- Plant Species
- Intended Use of any Open Space
- Intended Function of the Landscaping

When choosing the type and location of your trees, be sure to consider their relation to all signs. Make sure your signs, your neighbor's signs, and all public signs are readable between the trees and below their canopy. And remember, trees grow, so plan for the future. Appropriate trees should be selected from the Myrtle Beach Community Tree Planting Plan (see Appendix E).

## Screening

All structures and facilities for trash, storage, loading, and outdoor equipment should be screened so as not to be visible from the street and pedestrian areas. The most desirable solution is to locate those uses on areas of the site that are not visible from public rights-of-way. A grade separation, when applicable to the site, designed in combination with landscaping, can also be used.



Grade level parking lots should be screened by shrubs and trees in accordance with the Myrtle Beach Landscape Ordinance. It is necessary to accommodate the vehicle overhang when designing landscaped areas in parking lots. Plants are often damaged if a landscape strip is not wide enough to provide for both the plants and the vehicle overhang.

# *APPENDICES*

## A. Acknowledgments

The Downtown Design Committee developed these Downtown Myrtle Beach Design Guidelines:

Arnold Beachum  
Charlie Belissary  
Larry Bragg  
Sally Howard  
Derrick Mozingo  
Rick Seagroves  
Steve Sadler  
Rita Siegal

Through the guidance of the Downtown Revitalization Advisory Board:

Allen Deaton, Chairman  
John Reyelt, Vice Chairman  
Anne Beckham  
Charles Belissary  
Roddy Brown  
Egerton Burroughs  
Michael Hussey  
Rita Siegal  
Joe Watson

And the experience of the Community Appearance Board:

Larry Bragg, Chairman  
Dennis Springs, Vice Chairman  
Tom Conn  
Birgit Darby  
Sally Howard  
Naomi Maguire  
Fred Rourk  
Robert Strauber  
Sharlene Zwing

Sketches by Amanda Johnson

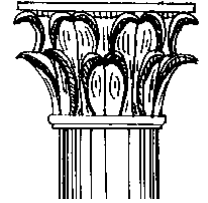
The following references were invaluable in the production of these Guidelines:

- *America's Forgotten Architecture* by Tony P. Wrenn and Elizabeth D. Mulloy, The National Trust for Historic Preservation, 1976.
- *Downtown St. Charles Design Guidelines*, Downtown St. Charles Partnership Incorporated, St. Charles, IL, 1996
- *Glossary of Medieval Art and Architecture*, [www.pitt.edu/~medart/menuglossary](http://www.pitt.edu/~medart/menuglossary).
- *History of Commercial Architecture*, Main Street Certification Institute in Professional Downtown Management, National Main Street Center.
- *Illustrated Dictionary of Architecture* by Ernest Burden, McGraw-Hill, 1998.
- *Keeping Up Appearances*, from the *Design* section of *Revitalizing Main Street*, October 8-9, 1998, Roanoke, Virginia. National Main Street Center of the National Trust for Historic Preservation.
- *Making Towns More Efficient and Beautiful* by Andres Duany, The South Carolina Policy Forum, Fall 1996.
- *Check It Out* Preservation Network #15, Spring 1999, SC Department of Archives and History.
- *Redmond Town Center Master Plan & Design Guidelines*, LMN Architects for Winmar Co., Seattle, WA, July 1995.
- *The Relationship Between Site Design and Travel Behavior* by Rebecca L. Ocken, Council of Planning Librarians, 1994.
- *Traditional Neighborhood Design Series*, volume III, Homestyles Publishing and Marketing, Inc., 1998.
- *Tree City USA Bulletin How to Prevent Tree / Sign Conflicts*, The National Arbor Day Foundation, No. 11.
- *Uptown Mixed Use District Ordinance and Urban Design Guidelines*, Charlotte-Mecklenburg Planning Commission, April 1987.
- *Urban Village Development Regulations and Guidelines*, prepared for the Myrtle Beach Air Base Redevelopment Authority and the City of Myrtle Beach by Design Works L.C., Charleston, SC, 1998.
- *The Visual Dictionary of American Domestic Architecture* by Rachel Carley, Henry Holt and Company, New York, 1994.
- *Webster's Ninth New Collegiate Dictionary* Merriam-Webster Inc., Springfield, MA, 1984.

## B. Definitions

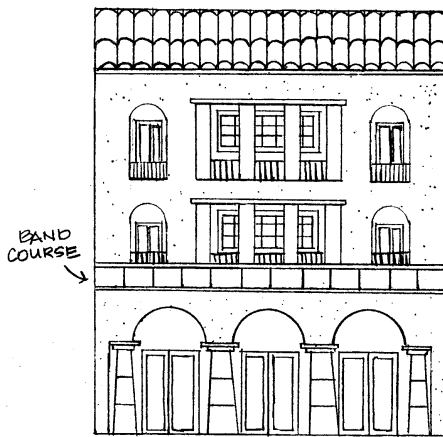
**Alkyd:** Any of numerous thermoplastic or thermosetting synthetic resins made by heating polyhydroxy alcohols with polybasic acids or their anhydrides and used especially for protective coatings.

**Acanthus:** A common plant of the Mediterranean whose stylized leaves form the characteristic decoration of capitals of the Corinthian and Composite orders. In scroll form it appears on friezes and panels.



**Architectural Element:** A permanently affixed or integral part of the building structure, which may be decorative and contributes to the composition of the façade.

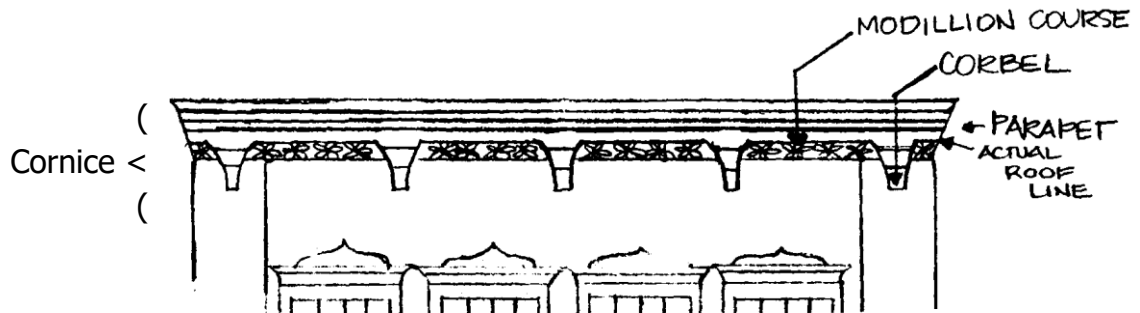
**Awning / Canopy:** A framework covered with fabric or metal, located on a storefront or individual window openings, projecting from the façade of a building. Its primary purpose is to shade the interior of the building and provide protection to pedestrians.



**Band Course:** A continuous member, deviation in masonry pattern, deviation in color, or series of moldings encircling a building or along a wall that makes a visual division in the wall.

**Bulkhead / Kick Plate:** The wood or metal panel located beneath the display window in a typical storefront.

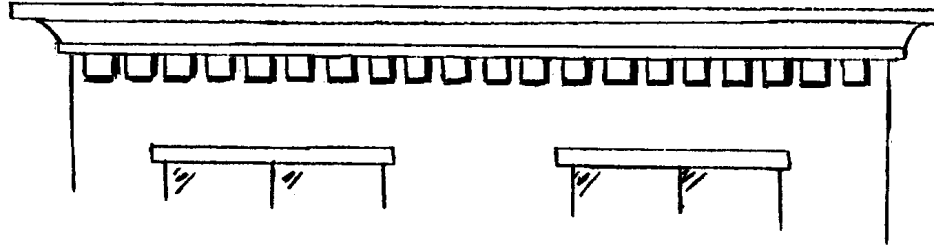
**Corbel:** A series of projections, each stepped progressively outward from the vertical surface of a wall to support a cornice or overhanging member; a projecting ornamental stone, which supports a superincumbent weight.



**Cornice:** A projecting horizontal molding that crowns a storefront or façade.

**Courtyard:** An open area within the confines of other structures, sometimes as a semipublic space.

**Dentil:** A small block used in rows, resembling a row of teeth.

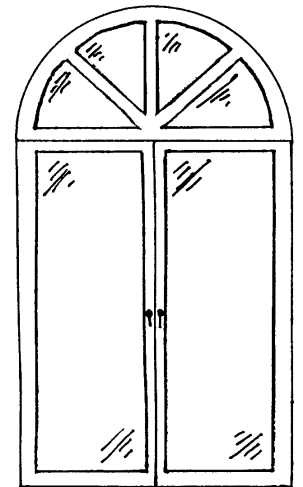


**Dormer:** A structure projecting from a sloping roof usually housing a vertical window that is placed in a small gable, or containing a ventilating louver.

**Double Hung Windows:** A window with two sashes that slide up and down.

**Façade:** The face or principal front of a building.

**Fanlight:** A semicircular window, usually over a door with radiating bars suggesting an open fan.

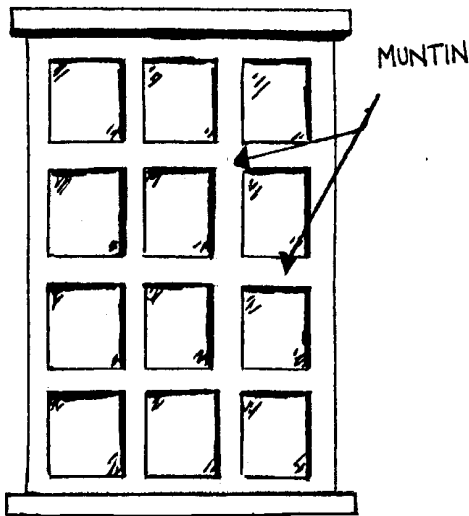


**Lintel:** A horizontal structural element over a window or door opening that supports the wall above.

**Loggia:** An arcaded or colonnaded structure open on one or more sides, sometimes with an upper story; an arcaded or colonnaded porch or gallery attached to a larger structure.



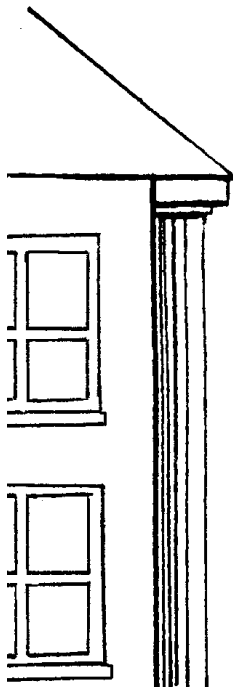
**Modillion Course:** A horizontal bracket or console, usually in the form of a scroll with acanthus, helping to support the cornice. See *Cornice*.



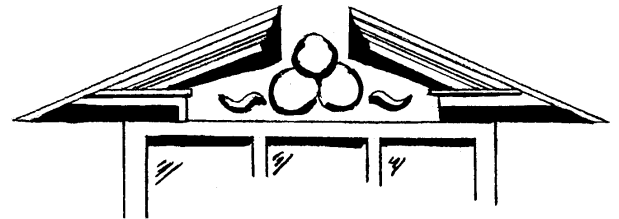
**Muntin:** A secondary framing member to hold panes in a window or glazed door.

**Parapet:** The portion of the wall of a façade that extends above the roofline. See *Cornice*.

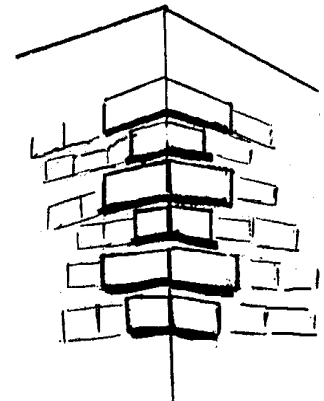
**Pediment:** A low-pitched triangular gable above a façade, or a smaller version over porticos above the doorway or above a window; a triangular gable end of the roof above the horizontal cornice, often with sculpture.



**Pilaster:** A flat column against the face of a wall.



**Quoin:** One of a series of stones or bricks used to mark or visually reinforce the exterior corners of a building; often through a contrast of size, shape, color or material, which may be imitated in non-load-bearing material.



**Sash:** A frame designed to hold the glass in a window.

**Setback:** Distance at which the building is placed from the street curb or property line.

**Sheathing:** Any durable material covering the original façade of the building.

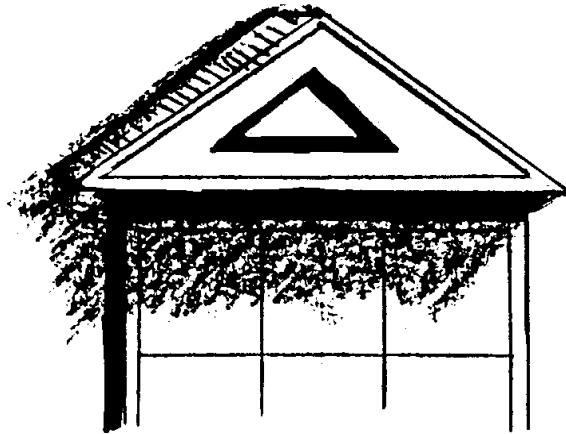
**Sign Board / Fascia:** A horizontal panel, either of wood or an inset in a brick wall, located immediately below the cornice. It is usually an ideal location to place a sign.

**Sill:** A horizontal piece that forms one of the lowest members of a framework or supporting structure, like at the base of a window.

**Storefront:** The first story of a façade, usually having display windows.

**Transom Window:** A small horizontal window located above a door or display window.

**Window Hood:** An exterior projecting molding on the top of an upper story window.





## C. The Secretary of the Interior's Standards for Rehabilitation

When rehabilitating a historic structure, the following Standards are recommended to be applied in a reasonable manner, while taking into consideration economic and technical feasibility:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired, rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

To learn more about the Secretary of Interior's Standards for Rehabilitation and how to apply them, visit [www2.cr.nps.gov/e-rehab/](http://www2.cr.nps.gov/e-rehab/) on the internet.

## D. Suggestions for Further Reading

### *Architecture:*

- Identifying American Architecture: A Pictorial Guide to Styles and Terms, 1600-1945 by John J.G. Blumenson. American Association for State and Local History (AASLH) Press, 1981 (2<sup>nd</sup> Revised Edition).
- Old & New Architecture: Design Relationship The National Trust for Historic Preservation, 1980.

### *General Preservation:*

- *Historic Preservation: The Magazine of the National Trust for Historic Preservation.* Washington, D.C.: National Trust for Historic Preservation.
- Historic Preservation in Small Towns: A Manual of Practice. American Association for State and Local History (AASLH) Press, 1980.
- Landmark Yellow Pages: All the Names, Addresses, Facts and Figures You Need in Preservation edited by Pamela Dwight. National Trust for Historic Preservation, 1993 (2<sup>nd</sup> Edition.)

### *Restoration, Rehabilitation and Repair:*

- The Old House Journal Guide to Restoration. Dutton, 1992.
- The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings. United States Department of the Interior, National Park Service, Preservation Assistance Division, 1992.
- This Old House by Bob Vila. Dutton 1981.
- This Old House Guide to Building and Remodeling Materials by Bob Vila. Warner Books, 1986.
- Traditional Details for Building Restoration, Renovation and Rehabilitation: from the 1932-1951 editions of "Architectural Graphic Standards" by Charles Ramsey and Harold Sleeper. Wiley, 1991.

### *Exterior Restoration:*

- Century of Color: Exterior Decoration for American Buildings, 1820-1920 by Roger W. Moss. American Life Foundation, 1981.
- Masonry: How to Care for Old and Historic Brick and Stone by Mark London. The Preservation Press, 1988.
- Repairing Old and Historic Windows. The Preservation Press, 1992.

### *Landscaping:*

- Community Tree Planting Plan for Myrtle Beach, SC Constance P. Head, July 1998.
- Supplement to the Community Tree Planting Plan for Myrtle Beach, SC Constance P. Head, July 1998.

## Zoning Code Recorded Amendments

Ordinance 2014-34 06/10/14

AN ORDINANCE TO REPEAL APPENDIX A, ZONING AS ENACTED APRIL 13, 1999 IN ORDINANCE 990413-15, AND ENACT A NEW APPENDIX A, ZONING AS SHOWN IN THE ATTACHED DOCUMENT, AND TO REZONE ALL PROPERTIES LOCATED WITHIN THE CITY LIMITS OF THE CITY OF MYRTLE BEACH FROM DISTRICTS SHOWN ON THE OFFICIAL ZONING MAP TO DISTRICTS AS INDICATED ON THE NEW ZONING MAP, WITH THE REPEAL, ENACTMENT AND REZONING TO BE EFFECTIVE NINETY (90) DAYS FROM DATE OF ADOPTION.

ORDINANCE 2014-42 06/24/14

AN ORDINANCE AMENDING SECTION 503.3 APPENDIX A ZONING TO REQUIRE NOTIFICATION BY MAIL FOR SPECIAL EXCEPTIONS CONSIDERED BY THE BOARD OF ZONING APPEALS.

ORDINANCE 2014-43 07/08/14

AN ORDINANCE ENACTING SECTION 919 APPENDIX A ZONING TO REGULATE WIRELESS TELECOMMUNICATIONS FACILITIES

Ordinance 2014-45 07/22/14

AN ORDINANCE TO AMEND APPENDIX A, SECTION 1222.7 OF THE CODE OF ORDINANCES OF THE CITY OF MYRTLE BEACH TO UPDATE REFERENCE TO THE MARKET COMMON MASTER PLAN.

ORDINANCE 2014-52 08/26/14

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD HARDWARE AND VEHICLE RELATED USES TO THE LM DISTRICT AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-53 08/26/14

ORDINANCE TO AMEND ARTICLE 15, SECTION 1501 CONDITIONAL USES OF THE ZONING CODE REWRITE 2014 TO AMEND OUTDOOR VENDING AND CONCESSION STANDS REGULATIONS AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-54 08/26/14

ORDINANCE TO AMEND ARTICLE 16 AREA DIMENSIONAL REQUIREMENTS, SECTION 1603.C OF THE ZONING CODE REWRITE TO AMEND OPEN SPACE AND MAXIMUM BUILDING COVERAGE REQUIREMENTS IN THE E DISTRICT AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-55 08/26/14

ORDINANCE TO AMEND ARTICLE 16 AREA DIMENSIONAL REQUIREMENTS, SECTION 1603.C OF THE ZONING CODE REWRITE TO AMEND OPEN SPACE REQUIREMENTS IN THE HC DISTRICT AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-57 08/26/14

ORDINANCE TO AMEND ARTICLE 17, SECTION 1705.1 (DESIGN STANDARDS FOR MU ZONES) AND 1708 (DESIGN STANDARDS FOR THE AMUSEMENT DISTRICT) OF THE ZONING CODE REWRITE TO EXEMPT ALLEYS FROM REQUIRED SIDEWALK INSTALLATION ALONG PUBLIC RIGHTS-OF-WAY AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-58 08/26/14

ORDINANCE TO AMEND ARTICLE 2 DEFINITIONS, SECTION 203 OF THE ZONING CODE REWRITE TO AMEND THE DEFINITION OF "PREMISES" AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-59 08/26/14

ORDINANCE TO AMEND ARTICLE 8 SIGN REGULATIONS, GENERAL PROVISIONS, PROHIBITED SIGNS, SECTION 803.P.13 OF THE ZONING CODE REWRITE TO CLARIFY FREESTANDING SIGN LIMITATIONS AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-60 08/26/14

ORDINANCE TO AMEND ARTICLE 8 SIGNS PERMITTED IN MONUMENT SIGN OVERLAY DISTRICTS, SECTION 805.M OF THE ZONING CODE REWRITE TO REDUCE 21 ST AVE N MONUMENT SIGN OVERLAY DISTRICT AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-61 08/26/14

ORDINANCE TO AMEND ARTICLE 9 LANDSCAPING REGULATIONS, SECTION 902.A.2.D OF THE ZONING CODE REWRITE TO CLARIFY EXCAVATION OR MOVEMENT OF SOIL REQUIRING A PERMIT FROM PUBLIC WORKS AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-62 08/26/14

ORDINANCE TO AMEND ARTICLE 9 TREE PROTECTION, SECTION 903.F OF THE ZONING CODE REWRITE TO REMOVE RESTRICTION OF IMPERVIOUS SURFACES WITHIN THE DRIPLINE OF PROTECTED AND/OR LANDMARK TREES AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-63 08/26/14

ORDINANCE TO AMEND ARTICLE 14 / USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD LIQUOR PACKAGE STORES AS A PERMITTED USE IN THE E DISTRICT AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-56 09/09/14

ORDINANCE TO AMEND ARTICLE 16 AREA DIMENSIONAL REQUIREMENTS, SECTION 1603.C OF THE ZONING CODE REWRITE TO AMEND NOTE (v) REGARDING MAXIMUM HEIGHT OF UNENCLOSED AMUSEMENTS AS ADOPTED BY ORDINANCE 2014-34 ON JUNE 10, 2014

ORDINANCE 2014-66 09/23/14

AN ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLE HC, TO ALLOW OUTDOOR DISPLAY OF HEAVY DURABLE GOODS ON LOTS OF FIVE (5) ACRES OR MORE.

ORDINANCE 2014-85 12/09/14

ORDINANCE TO AMEND APPENDIX A, ZONING SECTION LM.7.6.4 MINIMUM OFF-STREET PARKING REQUIREMENTS FOR PERMITTED USES TO AMEND THE PARKING REQUIRED FOR WAREHOUSE USES TO BE A RELATIONSHIP BETWEEN THE GROSS FLOOR SPACE AND PARKING AREAS

ORDINANCE 2014-100 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLE A TO AMEND SIDEWALK AND BUFFER WIDTH REQUIREMENTS

ORDINANCE 2014-101 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLES A, AP, BP, C6, C7, C8, CG, E, HC, IN, IR, LM, MP, MU-H, MU-M, PRC, R5, R7, R8, R10, R15, RMH, RMH-MH, RMM, RMV AND WM TO AMEND REQUIREMENTS FOR CURBS AND WHEEL STOPS IN PARKING AREAS

ORDINANCE 2014-102 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLES A, C7, C8, CG, E, IN, IR, MP, MU-H, MU-M, R5, R7, R8, R10, R15, RMH, RMH-MH, RMM, AND RMV TO REMOVE PROVISIONS FOR TEMPORARY MODELS

ORDINANCE 2014-103 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLES R5, R7, RB, R10, AND R15 TO AMEND REQUIREMENTS FOR HABITABLE HEIGHT OF ACCESSORY STRUCTURES

ORDINANCE 2014-104 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLES A, AP, BP, C6, C7, C8, CG, E, HC, IN, IR, LM, MP, MU-H, MU-M, PRC, R5, R7, R8, R10, R15, RMH, RMH-MH, RMM, RMV AND WM TO REFERENCE HANDICAPPED PARKING STALL STANDARDS IN THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES CODE

ORDINANCE 2014-105 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLE MP TO INCREASE HEIGHT LIMITS FOR NON-HOSPITAL BUILDINGS TO 120 FEET

ORDINANCE 2014-106 01/13/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLES MU-H AND MU-M TO CHANGE MINIMUM OFF-STREET PARKING REQUIREMENTS FOR PERMITTED USES.

ORDINANCE 2015-8 02/24/15

ORDINANCE TO AMEND APPENDIX A, ZONING ARTICLE 17 DESIGN AND PERFORMANCE STANDARDS, SECTION 1702.C TO AMEND REQUIREMENTS FOR MECHANICAL EQUIPMENT SCREENING IN SINGLE FAMILY RESIDENTIAL DEVELOPMENTS

ORDINANCE 2015-18 03/24/15

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD USES TO THE A (AMUSEMENT) DISTRICT

ORDINANCE 2015-28 04/14/15

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD MOTOR-VEHICLE RELATED USES TO THE LM (LIGHT MANUFACTURING) DISTRICT

ORDINANCE 2015-21 04/28/15

ORDINANCE TO AMEND APPENDIX A, ZONING, ARTICLE 8, SIGN REGULATIONS, SECTION 805, ON PREMISE SIGN REGULATIONS BY ZONING DISTRICT, SUBSECTION 805(g) SIGNS PERMITTED IN MIXED USE-HIGH DENSITY (MU-H) HIGHWAY COMMERCIAL (HC), AIRPORT (AP), WHOLESALE/MANUFACTURING (WM) DISTRICT BY ENACTING A NEW SUBSECTION (17) TO ALLOW MU-H ACCOMMODATIONS PROVIDERS ABUTTING THE MYRTLE BEACH BOARDWALK THAT OFFER AN ACCESSORY RETAIL COMPONENT OPEN TO THE PUBLIC MAY HAVE A PEDESTRIAN ORIENTED STATIC SIGN IDENTIFYING THE RETAIL USE, WHICH SHALL BE AFFIXED TO THE SEAWARD FACING WALL, AND PROVIDING THE SIGN MAY NOT EXCEED 32 SQUARE FEET.

ORDINANCE 2015-30 05/12/15

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO CLARIFY THAT MASSAGE USES ARE CONDITIONAL AND THAT AMUSEMENT UNDER 80 FEET ARE PERMITTED IN THE A (AMUSEMENT) AND E (ENTERTAINMENT DISTRICTS) AND STRIKING THE ADDITIONAL REGULATIONS CITATION

ORDINANCE 2015-46 06/23/15

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD USES TO THE C-6 (URBAN VILLAGE) DISTRICT

ORDINANCE 2015-34 06/23/15

ORDINANCE TO AMEND APPENDIX A, ZONING, IN ARTICLE 14. ZONING DISTRICTS AND MAP TABLE, IN SECTION 1402 TO ADD: DISTRICT: RDV; DISTRICT NAME: REDEVELOPMENT DISTRICT; CLASSIFICATION: FLOATING ZONE AND TO ENACT A NEW FOOTNOTE SECTION 1402.B ENTITLED REDEVELOPMENT DISTRICT ZONE (RDZ). *New Section 1402.B moved to new Section 1905 per the City Attorney 7/10/15.*

ORDINANCE 2015-42 06/23/15

ORDINANCE TO AMEND THE ZONING CODE TO ADD NEW USES TO THE HIGHWAY COMMERCIAL (HC) ZONE; TO RENAME THE HIGHWAY COMMERCIAL (HC) ZONE TO HIGHWAY COMMERCIAL (HC-1); TO ADD A NEW ZONING DISTRICT, TO BE NAMED HIGHWAY COMMERCIAL (HC-2); AND TO AMEND APPROPRIATE SECTIONS OF CODE THAT REFER TO THE HIGHWAY COMMERCIAL (HC) ZONES TO REFLECT THE NEW DISTRICT NAME, AND TO AMEND THE ZONING MAP TO REFLECT THE SAME.

ORDINANCE 2015-43 06/23/15

AN ORDINANCE TO AMEND APPENDIX A, ZONING, ARTICLE 8, SIGN REGULATIONS, TO ENACT 811, TEMPORARY GRAND OPENING SIGNS AND TO AMEND SECTION 803.P, PROHIBITED SIGNS, ACCORDINGLY.

ORDINANCE 2015-46 06/23/15

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD USES TO THE C-6 (URBAN VILLAGE) DISTRICT

ORDINANCE 2015-56 07/28/15

AN ORDINANCE TO AMEND APPENDIX A ZONING, SECTION 1603.C TO REDUCE SETBACK REQUIREMENTS IN THE MIXED USE-HIGH DENSITY (MU-H) ZONE AS IT EXISTS IN THE DOWNTOWN REDEVELOPMENT CORPORATION (DRC) AREA

ORDINANCE 2015-57 07/28/15

ORDINANCE TO AMEND THE TABLE OF USES, SECTION 1407 OF THE ZONING CODE TO ADD PARKING USES AS CONDITIONAL USES IN RMH ZONES, WHEN RMH IS ABUTTING OR ADJACENT TO MUM ZONES, AND TO ADD NEW SECTION 1501.MM IN ARTICLE 15, SECTION 1501 TO PROVIDE FOR CONDITIONS.

Course correction per the following email exchange:

**From:** Kenneth May

**Sent:** Tuesday, July 21, 2015 11:36 AM

**To:** Tom Ellenburg; Kelly Mezzapelle

**Cc:** Fox Simons; Allison Hardin; Diane Moskow-McKenzie  
**Subject:** RE: Cell Towers

Agree whole heartedly. Any questions regarding cell towers I automatically refer directly to Section 1311.

**From:** Tom Ellenburg  
**Sent:** Tuesday, July 21, 2015 9:44 AM  
**To:** Kelly Mezzapelle; Kenneth May  
**Cc:** Fox Simons; Allison Hardin; Diane Moskow-McKenzie  
**Subject:** RE: Cell Towers

Under the circumstances of timing that are involved, I believe that you may delete Cell Tower from the permitted use table in 1407.C, leaving them regulated by 1311.

Do you disagree, Mr. Zoning Administrator?

**From:** Kelly Mezzapelle  
**Sent:** Wednesday, July 15, 2015 2:54 PM  
**To:** Tom Ellenburg  
**Cc:** Fox Simons; Allison Hardin; Diane Moskow-McKenzie  
**Subject:** Cell Towers

Hi Tom,

Several months ago we passed regulations pertaining to cell towers, where they could be installed and under what circumstances (section 1311). What we didn't do was amend the Permitted Use table (section 1407.C), which lists Cell Towers as only allowed by Special Exception and only in the MU-M, MU-H, A, CG, E, HC (now HC1), MP, AP, BP, LM, and WM zones. In Ordinance 2015-42 passed last month we added it as an outright permitted use in the new HC2.

Since 1407.C preceded 1311, and since the sections contradict each other, may I simply delete the Cell Tower line from the permitted use table in 1407.C, leaving them regulated only by 1311, or will that require an act of Council?

Kelly Mezzapelle, AICP  
Planner  
City of Myrtle Beach  
(843) 918-1073

ORDINANCE 2015-61 08/11/2015  
ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE TO ADD "OUTPATIENT SUBSTANCE ABUSE CLINICS" AS A CONDITIONAL USE IN THE WM (WAREHOUSE MANUFACTURING) DISTRICT, AND TO ADD NEW SECTION 1501.LL IN ARTICLE 15, SECTION 1501 TO PROVIDE FOR CONDITIONS.

Reference Number Correction 12/21/2015  
In Section 1501.N.12.d. regarding covered porches.

End Of Year Cleanup 12/23/15  
"Site Triangles" changed to "Site Triangles" throughout.  
Tables of Contents updated.

ORDINANCE 2016-4

ORDINANCE TO AMEND SECTIONS 1407.C AND 1501.BB OF THE ZONING CODE TO ADD CABINS TO THE TABLE OF USES AND TO AMEND THE CONDITIONAL USES OF CAMPGROUNDS TO INCLUDE CABINS

ORDINANCE 2016-6 02/23/16

ORDINANCE TO AMEND ARTICLE 14 USES, SECTION 1407.C OF THE ZONING CODE REWRITE TO ADD USES TO THE C-6 (URBAN VILLAGE) DISTRICT

ORDINANCE 2016-3 03/22/16

AN ORDINANCE TO AMEND APPENDIX A, ZONING, ARTICLE 19, DEVELOPMENT OPTIONS, SECTION 1903 PLANNED UNIT DEVELOPMENT, IN SECTION 1903 B PLANNED UNIT DEVELOPMENT (PUD) MINIMUM STANDARDS. IN SUBSECTION 3, TO AMEND MINIMUM PUD ACREAGE STANDARDS IN SPECIFIC AREAS OF THE CITY

ORDINANCE 2016-9 03/22/16

ORDINANCE TO AMEND APPENDIX A ZONING, SECTION 1702.A.2.F (FENCES) TO BRING THE CODE INTO COMPLIANCE WITH STANDARDS ESTABLISHED PRIOR TO THE ZONING REWRITE.

ORDINANCE 2016-11 04/12/16

ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING CODE TO ADD FARM STANDS TO THE TABLE OF USES AS A CONDITIONAL USE AND TO AMEND THE CONDITIONAL USES TO INCLUDE NEW SECTION 1501. NN, CONDITIONAL REGULATIONS FOR FARM STANDS

ORDINANCE 2016-13 04/12/16

AN ORDINANCE TO AMEND APPENDIX A, ZONING BY CHAPTER 19 BY ENACTING AN AMENDED ARTICLE 1311 TO BE NEWLY ENTITLED WIRELESS COMMUNICATIONS FACILITIES TO BE IN CONFORMANCE WITH CURRENT FEDERAL REGULATIONS

ORDINANCE 2016-16 04/22/16 *(added to section 1801)*

AN ORDINANCE TO ESTABLISH A PROCESS FOR CREATION OF AN OVERLAY DISTRICT WITHIN ANY AREA OF THE CITY DETERMINED TO BE AN AREA THAT HAS A UNIQUE COMMERCIAL, HISTORICAL, ARCHITECTURAL, NATURAL, OR CULTURAL SIGNIFICANCE THAT IS SUITABLE FOR ENHANCEMENT, BRANDING, PRESERVATION OR CONSERVATION.

Ordinance 2016-15 05/17/16 *(added to section 805.O)*

ORDINANCE TO ESTABLISH SPECIAL SIGNAGE REGULATION FOR SOME 433 ACRES OF LAND ON US 17 BYPASS BETWEEN AND ADJACENT TO 21<sup>ST</sup> AVE N, 29<sup>TH</sup> AVE NORTH AND OAK STREET KNOWN AS THE BROADWAY ENTERTAINMENT DISTRICT.

ORDINANCE 2016-40 06/14/16

ORDINANCE TO ADD NEW SECTION 1502.W USES CUSTOMARILY ACCESSORY TO GO CARTS, ELECTRIC, INDOOR OR OUTDOOR TO APPENDIX A, ZONING, ARTICLE 15, CONDITIONAL/ACCESSORY USES AND SPECIAL EXCEPTIONS

ORDINANCE 2016-53 07/12/16

ORDINANCE TO AMEND SECTIONS 1309.B AND 1310.B (LOCATION PROVISIONS) TO RESTRICT REGULATED ADULT BUSINESSES AND REGULATED SEXUALLY ORIENTED ADULT BUSINESSES FROM LOCATING WITHIN 500 FEET OF MR JOE WHITE AVE, ROBERT M GRISSOM PKWY, AND US HWY 501

ORDINANCE 2016-57 07/26/16



ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ALLOW SINGLE FAMILY RESIDENTIAL UNITS AS A PERMITTED USE IN THE INSTITUTIONAL (IN) DISTRICT, AND TO PROVIDE FOR SETBACKS IN SECTIONS 1603 AND 1711

ORDINANCE 2016-60 08/09/16

ORDINANCE AMENDING ARTICLE 18 (OVERLAY ZONE REGULATIONS) SECTION 1805.C (SPECIFIC LAND USES IN THE AC-1 AND AC-2 ZONES RESTRICTED) TO CORRECT THE ZONES REFERENCED FROM AC-1 (TO MP (MEDICAL PROFESSIONAL) AND AC-2 TO MU-M (MIXED USE MEDIUM DENSITY)

ORDINANCE 2016-67 08/23/16

ORDINANCE TO AMEND APPENDIX A, ZONING SECTION 1311 .D WIRELESS COMMUNICATIONS FACILITIES ADMINISTRATIVE REVIEW AND SPECIAL EXCEPTIONS TO CORRECT THE ZONING CLASSIFICATIONS LISTED FROM TA (TRANSIENT ACCOMMODATIONS), AC (ACCOMMODATIONS/COMMERCIAL), M (MEDICAL), AND MTA (MOBILE TRANSIENT ACCOMMODATIONS) TO MU-H (MIXED USE HIGH DENSITY), MU-M (MIXED USE MEDIUM DENSITY), MP (MEDICAL PROFESSIONAL), AND CG (CAMPGROUND).

ORDINANCE 2016-85 01/10/17

AN ORDINANCE TO AMEND THE ZONING CODE TO DEFINE VISITOR ACCOMMODATIONS, SHORT TERM RENTAL OR TRANSIENT ACCOMMODATIONS AS A PERIOD OF LESS THAN NINETY (90) DAYS TO THE SAME PERSON WHO IS NOT THE LEGAL OWNER OF THE PROPERTY.

ORDINANCE 2017-3 01/24/17

ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ADD BARBERSHOPS, BEAUTY SALONS, AND COSMETOLOGISTS IN THE LM (LIMITED MANUFACTURING) ZONE

ORDINANCE 2017-09 03/14/17

ORDINANCE TO AMEND THE ZONING ORDINANCE SECTION 203 DEFINITIONS TO DEFINE "PASSIVE INDOOR RECREATION" USES AND TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ADD "PASSIVE INDOOR RECREATION" USES TO THE HC-2, A, E, C7, C8,

ORDINANCE 2017-26 05/23/17

ORDINANCE TO AMEND THE ZONING ORDINANCE SECTION 203 DEFINITIONS TO DEFINE "INDOOR STORAGE FACILITY" AND "WAREHOUSE" USES

ORDINANCE 2017-27 05/23/17

ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ADD "INDOOR STORAGE FACILITY" AS A CONDITIONAL USE TO THE HC-2 ZONES, AND TO ADD A NEW ENTRY IN SECTION 1501 TO LAY OUT THE CONDITIONS FOR "INDOOR STORAGE FACILITY"

ORDINANCE 2017-28 *AMENDED* 06/13/17

ORDINANCE TO AMEND THE ZONING ORDINANCE SECTION 1407.C AND 1501.KK TO AMEND THE SECTIONS RELATING TO HEAVY DURABLE GOODS AND MOTOR VEHICLE SALES AND LEASING

ORDINANCE 2017-41 09/26/17

AN ORDINANCE AMEND THE ZONING ORDINANCE, ARTICLE 18, TO ADD RECOGNIZE THE UNIQUE COMMERCIAL, HISTORICAL, ARCHITECTURAL, NATURAL, CULTURAL AND/OR

OTHER DISTINCTIVE CHARACTERISTICS OF THE MYRTLE BEACH SCHOOLS COMPLEX AND TO CREATE AN OVERLAY DISTRICT TO BE KNOWN AS THE SEAHAWK DISTRICT OVERLAY ZONE TO PRESERVE, CONSERVE, PROTECT, AND/OR ENHANCE THE COMMERCIAL, HISTORICAL, ARCHITECTURAL, NATURAL, CULTURAL OR OTHER DISTINCTIVE CHARACTERISTICS OF THAT SEAHAWK DISTRICT

ORDINANCE 2017-44 09/26/17 (*changed section number to 1501.PP. because 1501.OO. already regulates indoor storage facilities.*)

ORDINANCE TO AMEND APPENDIX A ZONING OF THE CODE OF ORDINANCES TO ALLOW FOOD TRUCKS AS A CONDITIONAL USE IN THE ZONING CODE

ORDINANCE 2018-2 02/13/18

ORDINANCE TO AMEND SECTION 1306.G OF APPENDIX A, ZONING TO REMOVE LOCATION-BASED RESTRICTIONS ON MOBILE DIAGNOSTIC UNITS

ORDINANCE 2018-30 04/24/18

ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ADD HEALTH USES IN THE LM (LIMITED MANUFACTURING) ZONE

ORDINANCE 2018-37 06/12/18

AN ORDINANCE TO ENACT IN APPENDIX A, ZONING, IN ARTICLE 9, LANDSCAPING AND TREE PROTECTION, SECTION 903.P EXEMPTION TO PROVIDE FOR MANAGERIAL ADMINISTRATIVE WAIVER OF ONE OR MORE REQUIREMENTS WHEN IN CONFLICT WITH THE UNDERGROUND PLACEMENT OF OVERHEAD WIRING.

ORDINANCE 2018-46 07/24/18

ORDINANCE TO AMEND SECTION 1407.C OF THE ZONING ORDINANCE TO ALLOW INDOOR KENNELS AS A PERMITTED USE IN THE MP (MEDICAUPROFESSIONAL) DISTRICT.

ORDINANCE 2017-23 08/14/18

ORDINANCE TO AMEND APPENDIX A, ZONING, BY ENACTING ARTICLE 18, SECTION 1806 TO ENACT AND ESTABLISH THE OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD), TO ESTABLISH A FAMILY FRIENDLY ENTERTAINMENT AND RETAIL LAND USE.

Ordinance 2018-59 10/09/18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF MYRTLE BEACH BY ADDING A SOLAR FARM DEFINITION, AND ADDING SOLAR FARMS AS A CONDITIONAL USE IN ALL NON-RESIDENTIAL ZONES EXCEPT IN (INSTITUTIONAL), CS (CABANA SECTION) & C-6 (URBAN VILLAGE).

ORDINANCE 2015-77 12/08/15 (*Section # changed to 1312 since 1311 is Wireless Communications*)

AN ORDINANCE TO INVOKE THE PENDING ORDINANCE DOCTRINE SO THAT NO PERMIT SHALL BE ISSUED THAT WOULD BE IN CONFLICT WITH THE PROPOSED ZONING CHANGES AS SET FORTH HEREIN AND TO AMEND THE ZONING MAP AND ZONING CODE AS IT IMPACTS USES SO AS TO LIMIT THE NIGHTCLUBS, BARS, OTHER DRINKING PLACES THAT PREDOMINANTLY SELL AND PERMIT THE CONSUMPTION OF ALCOHOL, OR THAT HAVE AN OCCUPANCY OF GREATER THAN 150 PERSONS, TO ORDER THE PLANNING COMMISSION TO STUDY APPROPRIATE CONDITIONAL USES IN THE AREA COMMONLY KNOWN AS THE SUPER BLOCK, THE SITE OF NANCE PLAZA

BOUNDED BY 9TH AVENUE NORTH, BROADWAY STREET AND HIGHWAY 501 AND MAIN STREET.

Ordinance 2018-62 11/13/18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF MYRTLE BEACH TO ALLOW BREWPUBS AS A USE IN THE LM (LIGHT MANUFACTURING) AND WM (WAREHOUSE MANUFACTURING) ZONES

ORDINANCE 2018-68 01/08/19

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF MYRTLE BEACH TO ALLOW STRUCTURES WITH DRIVE THROUGH FACILITIES EXISTING AS OF JUNE 10, 2014 AS A CONDITIONAL USE IN THE MU-M (MIXED USE MEDIUM DENSITY) ZONE

ORDINANCE 2019-02 01/22/19

ORDINANCE TO AMEND ORDINANCE 2017- 23, WHICH ENACTED APPENDIX A, ZONING, BY AMENDING ARTICLE 18, SECTION 1806, THAT ESTABLISHED THE OCEAN BOULEVARD ENTERTAINMENT OVERLAY DISTRICT (OBEOD), TO CORRECT A SCRIVENOR'S ERROR IN NOMENCLATURE, AND TO PROVIDE SEVERABILITY.

ORDINANCE 2019-03 01/22/19

AN ORDINANCE TO INVOKE THE PENDING ORDINANCE DOCTRINE SO THAT NO PERMIT SHALL BE ISSUED THAT WOULD BE IN CONFLICT WITH THE PROPOSED ZONING CHANGES AS SET FORTH HEREIN AND TO AMEND THE ZONING MAP AND ZONING CODE AS IT IMPACTS USES SO AS TO REGULATE THE DEFINED USES HEREIN, TO ORDER THE PLANNING COMMISSION TO STUDY APPROPRIATE CONDITIONAL USES FOR THESE USES, AND MAKE RECOMMENDATIONS PERTAINING THERETO, AMENDED AT SECOND READING TO INCLUDE MEDICAL MARIJUANA DISPENSARIES.

*Note: ordinance is unnumbered, so codified in Articles 2 and 13.*

*Done Through 01/22/19*