

2023-21 (2ND READING): TO CREATE A PLANNED UNIT DEVELOPMENT KNOWN AS NANCE STREET INTERNATIONAL RESIDENCE HALL PLANNED UNIT DEVELOPMENT AND TO REZONE ~7.62 ACRES AT THE CORNER OF ROBERT GRISSOM PKWY & MR. JOE WHITE AVE (PIN 425-13-01-0080) FROM HC2 (HIGHWAY COMMERCIAL) TO PUD (NANCE STREET INTERNATIONAL RESIDENCE HALL PLANNED UNIT DEVELOPMENT) TO PROVIDE SAFE HOUSING FOR SEASONAL INTERNATIONAL WORKERS.

Applicant: General Engineering Company (applicant) / to create a PUD & rezone 7.62 acres at the corner of RGP and Mr. Joe White to provide safe housing for seasonal international workers

Brief:

- The project is an international residence hall to house temporary seasonal workers from other countries
- In the event the use of the dormitory style residential buildings are modified to house long term or permanent residents, parking shall be provided in accordance with the requirements under the MU-M Zoning District.
- The PUD follows the landscaping, lighting, and signage requirements from the MU-M zoning district.
- Planning Commission: (4.4.23 – 5-0) recommends approval with the further recommendation that City Council and the developer consider ways in which the project can cohesively blend into the neighborhood, and that the public improvements are properly financed and executed.
- No changes since 1st reading.

Issues:

- The City of Myrtle Beach relies on J1 students and other international groups to sustain our seasonal workforce.
- International workers are in need of adequate housing during their stay.
- Public Improvements:
 - Installing storm drainage improvements the capacity of which shall include a portion of the existing storm water within the boundary of Canal Street, Nance Street, Mr. Joe White Avenue and Robert M. Grissom Parkway.
 - Installation of a 10-foot multi-purpose path outside the perimeter fencing, providing safe access from the Project along Mr. Joe White to RG Parkway.
 - Developer shall install improvements within the right-of-way of Nance Street, to accommodate shuttle bus drop off, bus shelter and pick up for residents returning to and leaving from the Project, in accordance with the requirements of SCDOT
 - Developer shall install improvements within the right-of-way of Mr. Joe White Avenue to accommodate turning movements in accordance with the requirements of the City Engineering Department and SCDOT

Public Notification: Ad in newspaper, agenda posted and published, 68 letters were sent to properties owners within 300 feet of the property, and 3 signs were posted.

- 11 citizens were present to oppose the project and 1 phone call/email was received that was in opposition of the project.

Alternatives: Amend or deny the proposed request.

Financial Impact: Property taxes, business license fees, building permits. These will be offset by normal costs of providing public service (i.e., police, fire, etc...)

Manager's Recommendation:

- I recommend 1st reading (4.25.23).
- I recommend approval (5.9.23).

Attachment(s): Ordinance, site plan, zoning map, additional information.

CITY OF MYRTLE BEACH
STATE OF SOUTH CAROLINA
COUNTY OF HORRY

TO CREATE A PLANNED UNIT DEVELOPMENT
KNOWN AS NANCE STREET INTERNATIONAL
RESIDENCE HALL PLANNED UNIT
DEVELOPMENT AND TO REZONE ~7.62
ACRES AT THE CORNER OF ROBERT
GRISSOM PKWY & MR. JOE WHITE AVE (PIN
425-13-01-0080) FROM HC2 (HIGHWAY
COMMERCIAL) TO PUD (NANCE STREET
INTERNATIONAL RESIDENCE HALL PLANNED
UNIT DEVELOPMENT) TO PROVIDE SAFE
HOUSING FOR SEASONAL INTERNATIONAL
WORKERS.

It is hereby ordained that the Nance Street International Residence Hall Planned Unit Development (hereinafter the "Subject Property") is created pursuant to the terms and conditions of this ordinance. The development authorized and approved by this ordinance shall be located on that parcel of land identified with Horry County PIN as 425-13-01-0080 as shown on the Boundary Survey prepared by Development Resource Group dated June 22, 2022, attached hereto and incorporated herein by referenced as APPENDIX "A".

The development authorized by this ordinance shall be generally as represented by that Proposed PUD Site Plan drawn by General Engineering Company, dated February, 2023 attached hereto and incorporated herein by referenced as APPENDIX "B". These appendices to this Ordinance shall generally represent the development authorized by this Ordinance, with the understanding that the Zoning Administrator or the Community Appearance Board may amend the plans to some degree. Pursuant to the Code of Ordinances of the City of Myrtle Beach, Appendix A, Zoning, Section 19.03.H, the plans referenced in this Ordinance are representative of the manner in which the Subject Property shall be developed and any such development shall be in strict compliance with the approved final plans for development and revisions thereto approved by City Staff.

Section 1 – Purpose of Planned Unit Development

The Nance Street International Residence Hall PUD fits within the context of the existing surrounding development. The site is currently vacant with some tree cover. The approximately 7.62 acre Subject Property is currently zoned HC-2 and will be developed as a Multi-Unit Residential Hall, primarily for occupancy by temporary seasonal workers visiting the Grand Strand from many different countries as both emissaries from their native countries and future ambassadors for the Myrtle Beach area, together with amenities, open spaces and other conveniences for self-contained living within the project, the elements of which are indicated on the Site Plan. The project includes restricted access to insure the safety and well-being of the residents, together with both vehicular, bicycle and pedestrian connections to Robert Grissom Parkway, shuttle bus and public transportation drop off and pick up along Nance Street, as well as improvements to City stormwater drainage network, landscaping, decorative fencing, and internal security cameras. The developer has proposed using funds generated by the public benefit of the project to install storm water improvements for the benefit of the neighboring community, to install multi-purpose paths safely connecting residents of the Project to Robert Grissom Parkway together with off-site improvements to the surrounding roadways. Maintenance for all improvements within the project, including the Open Spaces and drainage, will be the

responsibility of owner, its successors, and assigns, as will the exterior landscaping on private property and both safety and decorative fencing.

Section 2 – Location of the Planned Unit Development

The Subject Property is bounded by developed properties along and accessed primarily via Nance Street to the East, and the Subject Property is bounded by Mr. Joe White Avenue to the North. The Subject Property is bounded to the South by single family homes, adjoining the City's Canal Street Recreational Complex. The Subject Property is bounded to the West by Robert M. Grissom Parkway and to the East by single family homes and the Community Kitchen along Mr. Joe White Avenue. Across Mr. Joe White Avenue are several multi-family apartment buildings. A Map of Existing Zoning for the surrounding properties is attached hereto and incorporated herein by reference as APPENDIX "C".

Section 3 – Permitted Uses

Permitted uses to include dormitory style multi-family residential units, for short term lease.

Section 4 – Accessory Uses

Accessory Uses allowed are uses customarily accessory to dormitory style multi-family dwelling complexes. The customary accessory uses of dormitory style multi-family dwelling complexes include, but are not limited to the following:

- 4.1 Parking, provided such parking 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, together with employee parking and guest parking. Accessory parking shall not be used for (i) a commercial vehicle licensed as a commercial vehicle by the State of South Carolina; or (ii) any vehicle of more than one ton in capacity.
- 4.2 Bicycle parking and storage.
- 4.3 Mailbox clusters.
- 4.4 Outdoor recreation fields and leisure spaces which may include any combination of game lawns, basketball courts, volleyball courts, badminton courts, pickle ball courts, fire pits, picnic areas and picnic shelters, outdoor grills, and exercise equipment.
- 4.5 Cafeterias within the multi-family residential buildings, and temporary food facilities, including mobile food trucks and vending machines.
- 4.6 Laundry facilities.
- 4.7 Movie theaters, game centers and fitness equipment.
- 4.8 Laundry facilities.
- 4.9 Management/maintenance/custodial offices and storage.
- 4.10 Security and guest monitoring desks.

All such accessory uses shall be located on the same parcel as the permitted use that such accessory uses support.

Section 6 – Dimensional Requirements

- 6.1 Minimum lot area: 5,000 square feet
- 6.2 Minimum lot width: None
- 6.3 Minimum lot depth: None

- 6.4 Maximum height: 60 feet
- 6.5 Minimum front yard setback: 30 feet
- 6.6 Minimum rear yard setback: 20 feet
- 6.7 Minimum side yard setback: 20 feet
- 6.8 Minimum pervious surface: 25%
- 6.9 Minimum Building Separation: 15 feet.

Section 7 – Parking Standards

The property will be developed as a multi-unit dormitory style residence hall, primarily housing temporary international workers visiting the United States under a work visa program, with limited or no access to vehicles. Motor vehicles are anticipated to be sparsely available given the international residence of the majority of the residents within the Project. Twenty (20) resident parking spaces shall be provided for each residence hall building constructed, together with Four (4) guest parking spaces provided for each residence hall building constructed. Ten (10) parking spaces shall be provided for staff and employee parking. In the event the use of the dormitory style residential buildings are modified to house long term or permanent residents, parking shall be provided in accordance with the requirements under the MU-M Zoning District attached hereto as APPENDIX D, except to the extent such parking requirements may be modified by variance or special exception.

Section 8 – Landscaping/Buffering/Open Space Requirements

Landscaping will meet or exceed all landscape/buffering/open space requirements as described in Article 9 Landscaping and Tree Protection of the 2014 City of Myrtle Beach Zoning Ordinance attached hereto as APPENDIX E and as consistent with the requirements of the MU-M Zoning District for the property, provided, however that the required number of trees and shrubs shall be reduced by One-Half, except along the boundary of the Project with Mr. Joe White Avenue, where such plantings shall comply with the MU-M Zoning District. Care will be taken to provide appropriate plant material to provide both visual interest and environmental sensitivity. Decorative fencing Six (6) feet in height will be provided along the perimeter of the Project abutting Mr. Joe White Avenue, Nance Street, and Robert M. Grissom Parkway. The remaining perimeter of the Project shall be enclosed with a black chain link fence, Six (6) feet in height. A minimum of 25% of the PUD will be devoted to active and passive open space, which may consist of lakes, parks, amenities, and buffers.

Section 9 – Lighting Standards

The development will meet or exceed the lighting standards for the MU-M Zoning District by the City of Myrtle Beach as shown in the zoning ordinance, Article 12, Lighting and Glare attached hereto as APPENDIX F.

Section 10 – Signage Requirements

The development will meet or exceed the signage requirements for the MU-M Zoning District by the City of Myrtle Beach as found in the zoning ordinance, Article 8 Sign Regulations attached hereto as APPENDIX G.

Section 11 – Special Requirements

1 In order to assist the City of Myrtle Beach with its ongoing beautification efforts, the developer will
2 install a Ten (10) foot wide multi-purpose path along the abutting the Mr. Joe White Avenue right-
3 of-way, outside the perimeter fencing of the Project, to provide safe access for pedestrians and
4 bicycles to Robert M. Grissom Parkway to be six inches in depth; Install coated chain-link fencing
5 along the perimeter of the Project, with decorative fencing along the property lines abutting Mr.
6 Joe White Avenue, Nance Street and Robert M. Grissom Parkway; plant street trees and shrubs
7 along Mr. Joe White Avenue, Nance Street and Robert M. Grissom Parkway, consisting of existing
8 varieties approved by City staff in accordance with the requirements of the MU-M Zoning District;
9 and the developer shall plant and landscaping along the perimeter fencing of the property lines
10 abutting Mr. Joe White Avenue, Nance Street and Robert M. Grissom Parkway.

11 12 Section 12 – Technical Design Criteria

13
14 The developer's technical design for new construction, grading, excavation, backfilling,
15 surcharging, and all site improvements will follow the Code of Laws for the City of Myrtle Beach.

- 16
17 12.1 For new construction, soil erosion control measures for each Phase will be designed and
18 installed per the requirements of the City and of DHEC.
19 12.2 All development shall comply with the requirements of the City's Stormwater Management
20 Ordinance (Chapter 18, Stormwater Management attached hereto as APPENDIX H)
21 within the confines of the site plan referenced herein.
22 12.3 Water and sanitary sewer systems connected to the City lines will include design, sizing,
23 and calculations for domestic water and wastewater pipes, water meters, manholes, and
24 other water/sewer appurtenances required to serve and accommodate the development's
25 needs. Any easements needed for either or both systems will be deeded to the City as
26 required during the development of each Phase. All design sizing, and calculations will
27 be subject to review and approval by the City Engineering Department.
28 12.4 For new construction, in order to maintain proper surface drainage, curb and gutter or
29 rolled asphalt will be installed for all entrances, paved asphalt areas, and public or private
30 street areas in the PUD per Public Works guidance.
31 12.5 All utilities shall be provided underground except for necessary boxes, transformers, tight
32 fixtures and other appurtenances. All utility plans and construction methods shall comply
33 with City requirements.
34 12.6 All Phases shall be constructed in general adherence with the Plans that are a part of this
35 Ordinance.
36 12.7 Internal driveways will be paved with a minimum of 20 feet of asphalt pavement.

37 38 Section 13 – Public Improvements

39
40 Public improvements will consist of:

- 41
42 13.1 Installing storm drainage improvements the capacity of which shall include a portion of the
43 existing storm water within the boundary of Canal Street, Nance Street, Mr. Joe White
44 Avenue and Robert M. Grissom Parkway.
45 13.2 Installation of a multi-purpose path Ten (10) feet in width, outside the perimeter fencing of
46 the Project, providing safe access from the Project along Mr. Joe White Avenue to Robert
47 M. Grissom Parkway.
48 13.3 Developer shall install improvements within the right-of-way of Nance Street, to
49 accommodate shuttle bus drop off, bus shelter and pick up for residents returning to and
50 leaving form the Project, in accordance with the requirements of the South Carolina
51 Department of Transportation.

1 13.4 Developer shall install improvements within the right-of-way of Mr. Joe White Avenue to
2 accommodate turning movements in accordance with the requirements of the City
3 Engineering Department and South Carolina Department of Transportation.
4

5 Payments for public improvements are due upon issuance of building permits, except for public
6 improvements to be installed by the developer, which public improvements shall be complete or
7 bonded for completion (in accordance with the bonding requirements of the City) on or before the
8 date on which the certificate of occupancy is issued for the Third (3rd) residence hall building.
9

10 Section 14 – Phasing Plan and Construction Schedule 11

12 The property will be developed in five phases. Each phase shall consist of a single residential
13 hall building, provided that such buildings may be constructed in any order, and more than one
14 phase of the Project may be constructed at the same time. Phase 1 of the construction is
15 anticipated to be completed by the second anniversary of the approval of this PUD. The final
16 phase is expected to be completed by the sixth anniversary of the approval of this PUD. Any
17 extension of this proposed development schedule must be approved by City Council, and must
18 be supported by facts and circumstances warranting an extension. If at any time, construction
19 falls more than 2 years behind the schedule filed with the plans and this Ordinance, the Planning
20 Commission may recommend that the City Council, after notice and public hearing thereon, repeal
21 this Ordinance. The developer shall be notified at least 90 days prior to any revocation hearing.
22 Upon repeal of this ordinance, the HC-2 Zoning District would be restored.
23

24 Section 15 – Summary of variations between existing zoning districts and PUD provisions 25

26 The primary differences between the requirements of the PUD and MU-M zoning districts are
27 setbacks, dimensional requirements, and the elimination of the majority of the allowed uses within
28 the MU-M Zoning District.
29

30 For comparison, except as stated in Section 1603.C(A) ("Or per the Coastal Protection Zone
31 (CPZ), whichever is greater."), current MU-M setbacks are zero except that the provisions of
32 Chapter 6 – *Buildings and Building Regulations* and Chapter 9 – *Fire Prevention & Protection* of
33 the Code of Ordinances apply. However, sight triangles and sight lines shall be maintained,
34 requirements in section 902 – *Landscaping Regulations* shall be met; and in the Mixed Use (MU)
35 districts, the sidewalk and buffer requirements of section 1705.1 – *When A Property is Developed*
36 shall be met.
37

38 Section 16 – Enactment Provision and Signature Lines 39

40 This ordinance shall become effective upon adoption.
41
42
43

44 ATTEST:

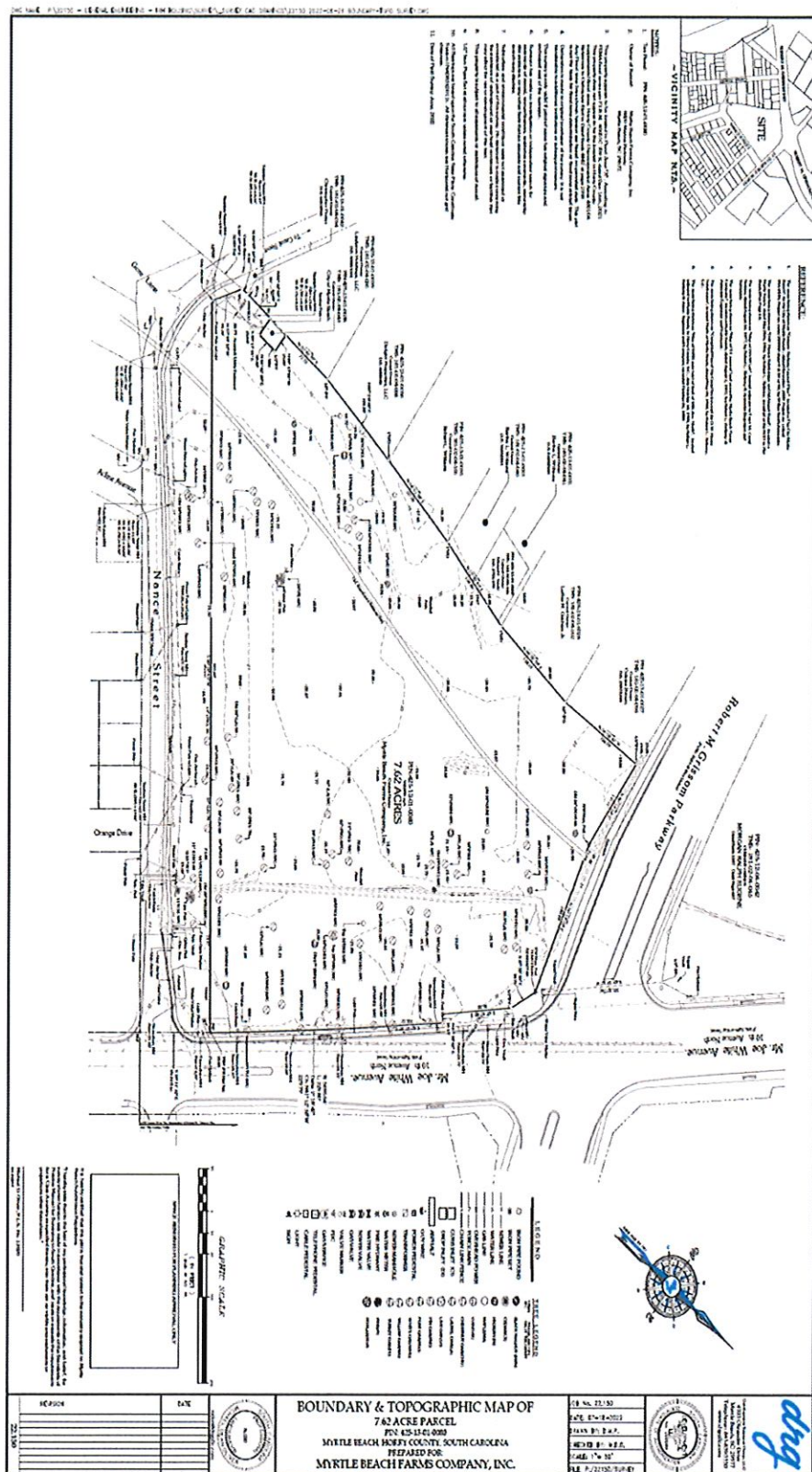
BRENDA BETHUNE, MAYOR

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JENNIFER ADKINS, CITY CLERK
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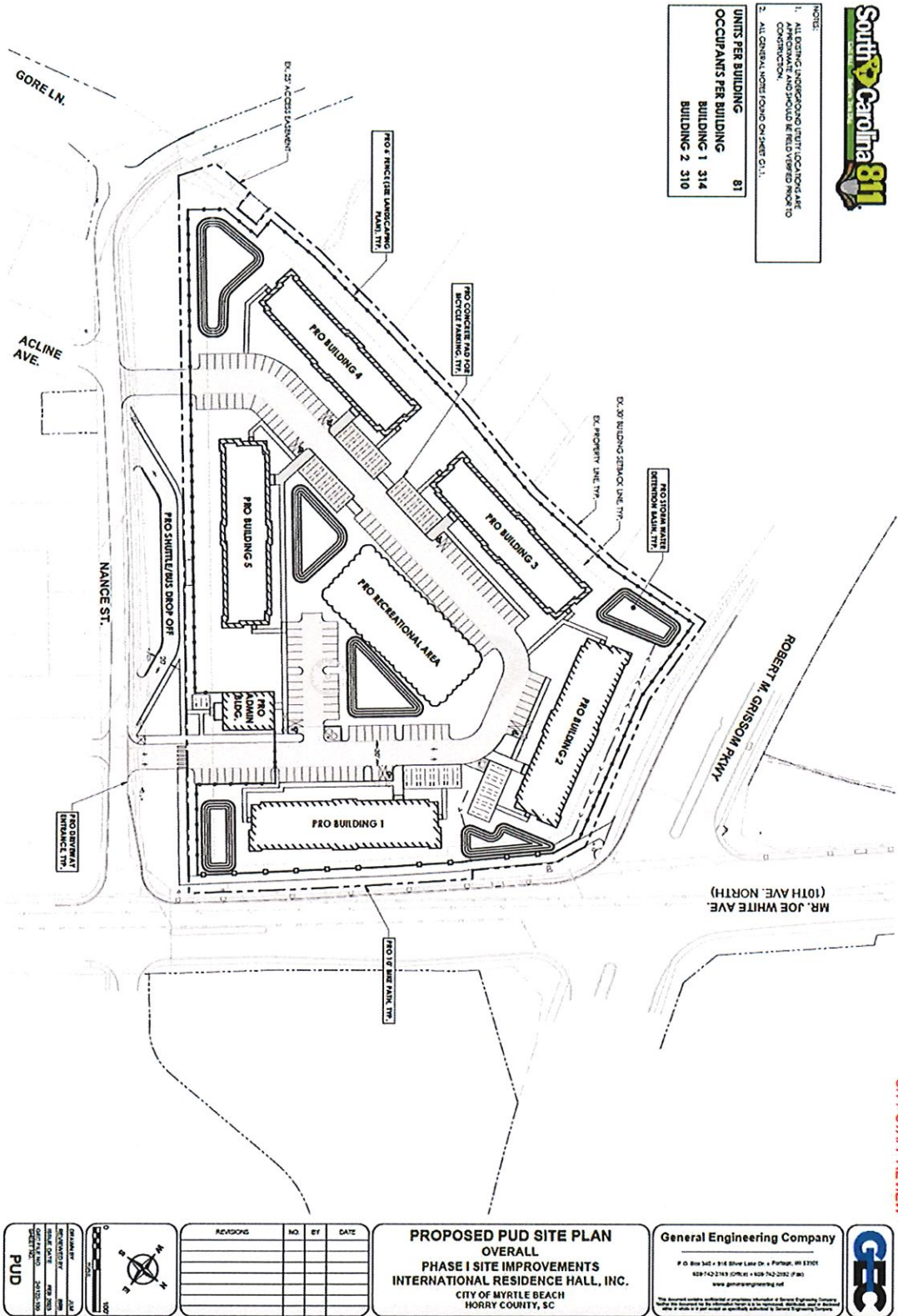
50 1st Reading: 4-25-23

51 2nd Reading: 5-9-23

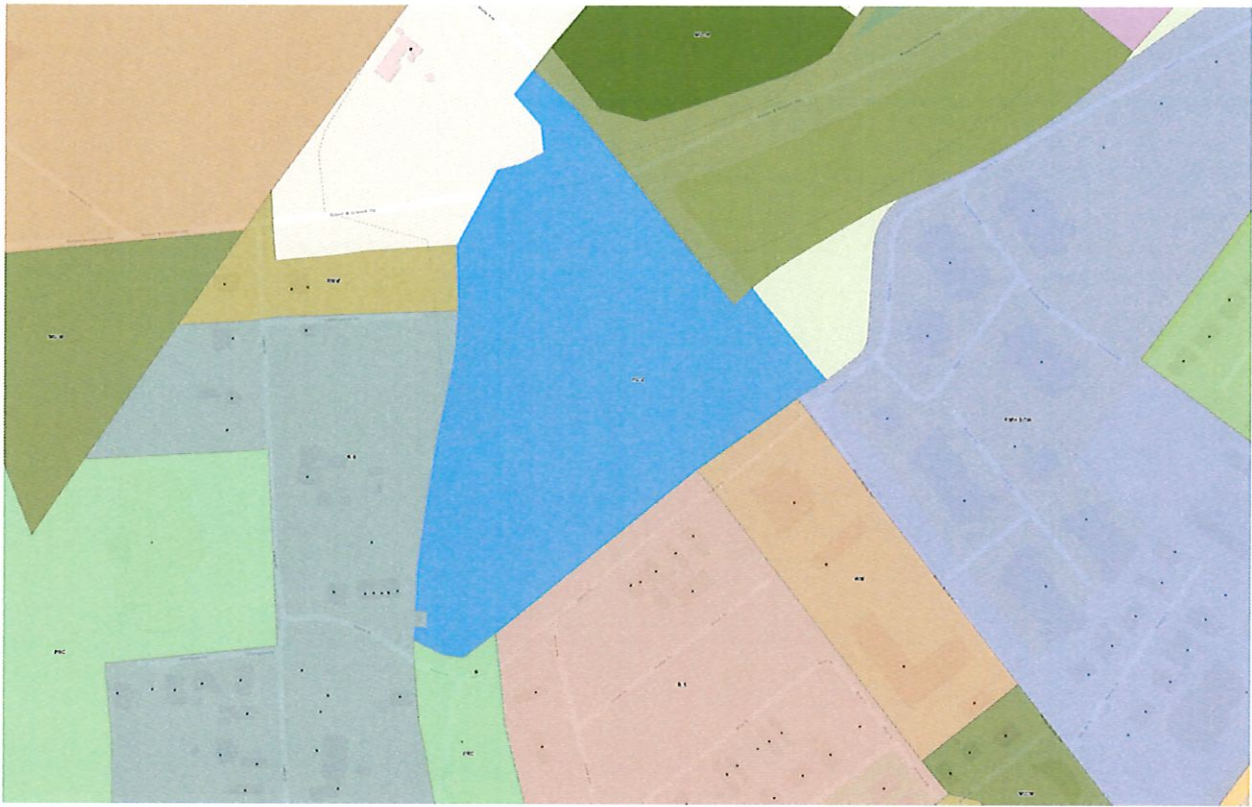
APPENDIX A: Boundary Survey



APPENDIX B: Site Plan



APPENDIX C: Zoning Map of Surrounding Properties



APPENDIX D

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 1009. Bicycle Parking

Section 1001. Purpose and Intent

To have safe, well designed parking areas that successfully accommodate automobiles, bicycles, and pedestrians, 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.

1002.C Bicycle parking shall be installed in accordance with Section 1009 and located as approved by the zoning administrator so as to be accessible from the nearest bike lane, path or trail, in a travel way of minimal conflict with the automobile.

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.
- 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 |

- 1005.C. Stacking Lanes. Where parking lot or parking structure access is to or from a street, channelization or storage space shall be provided sufficient to prevent queues into the public street, in accordance with the minimum requirements specified below:

| <i>Traffic Generator (type)</i> | <i>Minimum On-Site Storage* Required (# of vehicles)</i> |
|---------------------------------|--|
|---------------------------------|--|

| | |
|-------------------------------------|--------------------|
| Car Wash (Automatic) | 8 per aisle |
| Drive-Up (Retail/Service) | 4 per aisle |
| Drive-Up (Financial) | 6 per aisle |
| Drive-Up (Food Service) | 8 per aisle |
| Parking Facilities (Lot or Garage): | |
| 1-30 Spaces | 1 per access point |
| 30-50 Spaces | 2 per access point |
| 51-100 Spaces | 3 per access point |
| 101-200 Spaces | 4 per access point |
| Over 200 Spaces | 5 per access point |

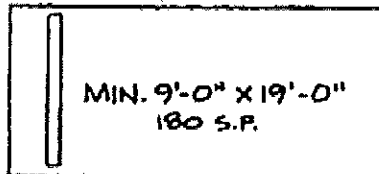
*Minimum required storage of vehicles is to be accommodated between the edge of the driveway entry into the street right-of-way and the first contact point for sales (e.g. menu boards, etc.)

Section 1006. Spaces and Loading/Unloading Areas

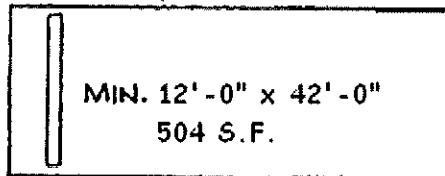
1006.A. Size. Except for single- and two-family residences where unmarked tandem parking is permitted, parking stalls shall be clearly marked and shall not be less than nine feet by nineteen feet. A maximum of 20% of the total number of stalls may be eight and one-half feet by sixteen feet provided such 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

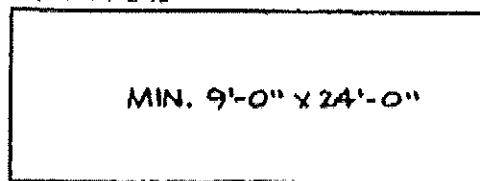


Bus

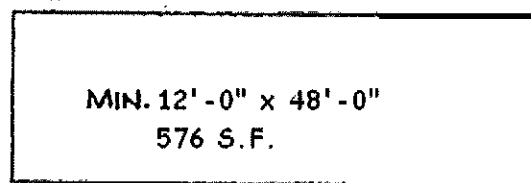


PARALLEL PARKING

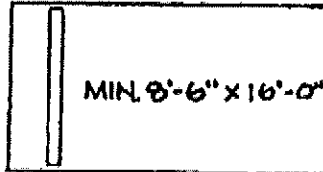
STANDARD



Bus



COMPACT CARS ONLY



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

| Permitted Uses | Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up) |
|--|---|
| 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 |

| Permitted Uses | Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up) |
|---|--|
| 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. |
| Data Center | 1 space per 4,000 square feet of net leasable space |

| Permitted Uses | Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up) |
|---|---|
| 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 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 $\frac{1}{2}$ 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.
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 C-8) 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 = 2.5
- Each 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.
10. Arts & Innovation (ART) District: The intent of the Arts and Innovation District is to create and sustain a walkable mixed-use urban environment that will serve as the hub of artistic, cultural and civic life in the traditional core of downtown Myrtle Beach. In such an environment, parking needs are best determined by market forces. Therefore, there are no minimum parking requirements. New surface parking lots shall be located to the rear of buildings, and at a minimum shall be buffered in accordance with section 902, although the use of a narrow-depth liner building, active public space, or similar feature to screen the parking from the street may be considered.

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 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 more | 5 |
| 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

1 parking facilities as allowed by this ordinance. The owner or authorized agent for the
2 land upon which such remote parking is to be located shall provide a deed
3 restriction, or other legal instrument, accompanied by a plat showing the boundaries
4 of the proposed off-site parking lot. Both documents shall be properly filed with the
5 Register of Mesne Conveyance for Horry County, and may be released only by the
6 written consent of the City at such time as the restricted parking is no longer required
7 to comply with zoning regulations. Receipt of a recorded copy of this document and
8 plat shall be required prior to issuance of a building permit for the principal permitted
9 use for which the off-site parking is to be utilized.

11 **Section 1008. Shared Parking Facilities**

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

24 **Section 1009. Bicycle Parking**

25 All commercial, civic, and major subdivision construction projects shall include a bicycle rack
26 installed on-site in accordance with the Association of Pedestrian and Bicycle Professionals
27 (APBP) Essentials of Bike Parking (Appendix B).

29 1009.A. Racks shall be designed and installed to hold a minimum of two bicycles.

31 1009.B. Racks shall be constructed of stainless steel or powder-coated galvanized steel.

33 1009.C. In districts where the proposed use requires no on-site parking, a fee of \$600 may be
34 paid in lieu of installing a bike rack, monies to be used by the city to install public bicycle
35 parking.

37 1009.D. Racks shall be maintained so as to be continually safe, secure, and structurally sound.

39 1009.E. Racks in major subdivisions will be located at amenities and designated common
40 areas.

1 APPENDIX E

2
3 **Article 9. Landscaping and Tree Protection**

4 Section 901. Purpose and Intent

5 Section 902. Landscaping Regulations

6 Section 903. Tree Protection

7
8 **Section 901. Purpose and Intent**

9
10 901.A. To provide landscape amenities, setbacks, and screening which promote a positive city
11 image reflecting order, harmony and pride.

12
13 901.B. To ensure that excessive tree cutting does not reduce property values.

14
15 901.C. To contribute to a strong sense of neighborhood and community.

16
17 901.D. To promote public health, safety and general welfare.

18
19 901.E. To reduce noise, heat and glare.

20
21 901.F. To reduce air pollution.

22
23 901.G. To prevent soil erosion.

24
25 901.H. To improve surface drainage and minimize flooding.

26
27 901.I. To provide a protective physical and psychological barrier between pedestrians and
28 traffic.

29
30 901.J. To create special places that are inviting.

31
32 901.K. To counteract the heat island effect.

33
34 901.L. To encourage energy and water conservation.

35
36 901.M. To protect the wildlife habitat and sensitive ecosystems.

37
38 901.N. To minimize the cost of construction and maintenance of drainage systems necessitated
39 by the increased flow and diversion of surface waters.

40
41 901.O. To encourage the proliferation and replacement of trees on public and private property.

42
43 901.P. To allow trees to attain their natural shape and size while growing to maturity

44
45 901.Q. To not prohibit or unduly inhibit development of private property.

46
47 901.R. To create civic identity.

48
49 901.S. To beautify and enhance improved and undeveloped land.

50

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.
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.

- 1 C. There will be at least one 2.5 inch caliper tree per 150 square feet of
2 required landscaping
3 D. Prior to installation of plant material, a landscape plan for the specific
4 property must be submitted and approved by the Community
5 Appearance Board.
6

- 7 iii. Temporary special event sites. Parts or all of the requirements of the
8 landscaping regulations may be waived by the zoning administrator if the
9 vehicle use area is of such nature that more than 50 percent of its loading
10 only occurs periodically over a span of several days for special events of
11 a nonrecurring nature (such as churches, festivals, etc.) and the lot is
12 maintained in grass, or a combination of grass and grass pavers which
13 present a landscaped appearance.
14

15 902.B. Where Landscape Materials are Required: Whenever a site falls under two or more of
16 the categories listed below, the category with the most stringent requirements shall be
17 enforced.
18

19 1. Buffers relating to uncomplimentary land uses and zones.
20

- 21 a. Any Amusement (A), Highway Commercial (HC1 and HC2), or Light
22 Manufacturing (LM) district that adjoins any Single-family (R) or Multifamily
23 (RM) residential district shall contain a minimum landscape buffer of at least
24 ten feet in width contiguous to all residential district boundaries, which must
25 contain one of the following:
26 i. A continuous masonry wall that is 72 inches in height and eight inches in
27 width, meeting all criteria of the International Building Code, and
28 approved by the Community Appearance Board. The wall is to be placed
29 two feet from the residentially zoned property line and continue parallel to
30 the property line to the front yard setback line of the residential property.
31 Landscape materials will consist of at least one ten-foot tree placed at 20-
32 foot intervals and one three-gallon shrub placed at three-foot intervals.
33 ii. A planted berm, with a maximum slope of 3:1 that is at least 48 inches in
34 height. Landscape materials will consist of at least one ten foot tree
35 placed at 20-foot intervals and one three-gallon shrub placed at three-foot
36 intervals.
37 iii. A combination of a planted berm and masonry wall that meets the criteria
38 of the above two paragraphs; or
39 iv. A natural landscape buffer area at least 20 feet in width for lots up to 150
40 feet in depth, which must remain in a natural state, provided, however,
41 that if no trees are naturally present at least one 10' tree shall be placed
42 at 20' intervals. The natural landscape area must increase one-foot for
43 every 7.5 feet of depth over 150', up to a maximum buffer of 60 feet in
44 width. The Community Appearance Board must approve this natural
45 area.
46 b. Any utility substation that adjoins any other property boundary or any street
47 right-of-way, except adjoining properties in the Wholesale/Manufacturing (WM)
48 district (regulated in section 902.B.1.c - *Any Wholesale/Manufacturing (WM)*
49 *District Property Boundary* below), shall contain a 72-inch high maintained
50 fence surrounded on the exterior by a minimum ten feet wide landscape buffer.
51 Landscape materials will consist of at least one ten-foot tree placed at 20-foot

- 1 intervals and one three-gallon shrub placed at three-foot intervals.
- 2 c. Any Wholesale/Manufacturing (WM) district property boundary that adjoins any
- 3 other district property boundary, excluding rights-of-way of 60 feet or wider,
- 4 shall have a minimum ten feet wide landscape buffer. Landscape materials will
- 5 consist of at least one ten-foot tree placed at 20-foot intervals and one three-
- 6 gallon shrub placed at three-foot intervals.
- 7 d. Any manufactured home park or campground that adjoins any other property
- 8 boundary shall have a minimum landscape strip of at least 10 feet in width
- 9 adjacent to all common boundaries, including rights-of-way. Landscape
- 10 material will consist of at least one 10-foot tree placed at 20-foot intervals and
- 11 one 3-gallon shrub placed at 3-foot intervals.
- 12

13 2. Landscaping associated with vehicular use areas.

- 14 a. There shall be sufficient trees within and around the designated parking and
- 15 maneuvering areas, outside of the front and side street setbacks, to ensure that
- 16 any vehicle at any time shall always be within 75 feet from a tree trunk with two
- 17 or more trees or 50 feet from a single tree trunk in a planting area. A planting
- 18 area shall consist of a maximum of 200 square feet of pervious material per
- 19 tree or no more than 50 feet between trees within in the same planting area.
- 20 Trees planted must be at least three inches in caliper for single stemmed trees
- 21 or 12 to 14 feet in height for multi-stemmed trees. Except for Japanese Black
- 22 Pine trees, no more than 15% of the total required planting may consist of any
- 23 species of pine trees.
- 24 b. Those properties which are located in Light Manufacturing (LM) or
- 25 Wholesale/Manufacturing (WM) zoning districts which utilize vehicle use areas
- 26 without designated parking shall have one 3 inch caliper tree for every 50 linear
- 27 feet of buffer. Tree placement shall provide for easements, utility
- 28 encroachments and sign placement. Adequate landscaping area required to
- 29 sustain each tree shall be installed and maintained.
- 30 c. Any tree placed to meet coverage requirements shall be on the same property
- 31 as the designated parking spaces it covers.
- 32 d. Vehicular use area perimeter requirement. A vehicle use area is considered to
- 33 be adjoined by any property or right-of-way unless the vehicular use area is
- 34 entirely visually screened by an intervening building or structure. In such
- 35 cases, walls and fences are not considered structures.
- 36 i. When a vehicle use area is more than 30 feet from a property line, the
- 37 area not covered by the vehicular use area or buildings must be covered
- 38 by grass or other ground cover as approved by the Community
- 39 Appearance Board. Landscape requirements are specified in section
- 40 902.C - *Landscape Material Required*.
- 41 ii. Unless regulated in other sections of this article, any vehicular use area
- 42 that is within 30 feet of any property line shall require a minimum
- 43 perimeter landscape buffer of a square footage amount equal to the linear
- 44 perimeter footage times 5', with the following requirements:
- 45 (A) There shall be a minimum 5' wide buffer along any abutting
- 46 residential property line.
- 47 (B) There shall be a minimum 5' buffer along the front street property
- 48 line. In the front street buffer, one canopy tree shall be planted for
- 49 every 50 linear feet of buffer, provided, however, there shall be a
- 50 minimum of 1 canopy tree per property. Tree placement shall
- 51 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

1 minimum landscape area permitted shall be 100 square feet, with 7 feet
2 minimum distance between all trees and paving at the time of planting,
3 measured at the base of the trunk of the newly planted tree. For
4 vehicular use areas of less than 30,000 square feet, the required
5 landscape area will be no larger than 375 square feet. For vehicular use
6 areas of 30,000 sq. ft or larger, the required landscape area shall be no
7 larger than 1500 square feet. Landscape materials shall be as specified
8 in section 902.C - *Landscape Material Required*.

- 9 iii. Lots less than 70 feet in width. Lots with up to 100 feet of depth shall
10 provide 2 interior landscaped islands. One additional interior landscaped
11 island shall be required for every 50 feet of lot depth over 100 feet. Each
12 island shall contain one 2.5" caliper upper story tree. The minimum
13 dimensions of these landscaped areas shall be 14 feet wide and 16.5 feet
14 deep.

- 15
16 3. Multi-family dwellings. In addition to other landscaping requirements, one upper
17 story tree of at least three inches in caliper is required to be planted for every two
18 dwelling units, and shall be planted within the required open space on the property.
19 If under story trees are desired, then a mix of 50 percent of under story trees to 50
20 percent of upper story trees may be substituted, provided that the under story trees
21 be substituted for upper story trees at a ratio of 2:1 and the under story trees be at
22 least 12 to 14 feet in height at time of planting. The under story trees may be
23 placed anywhere within the required open space outside of the front and side
24 street setback areas.

25
26 4. *Parking structure landscape requirements.*

- 27 a. 15-foot landscape buffer in Multifamily (RM) districts and VE zones. Parking
28 garages located in a Multifamily (RM) district or in the (VE) zone require a 15-
29 foot landscape buffer between the parking garage and any adjacent street.
30 The following landscaping is required within that buffer:
31 i. One upper story hybrid tree engineered to grow straight and tall
32 (minimum three-inch caliper at time of planting) and ten seven- to ten-
33 gallon shrubs (five feet tall at time of planting) per 300 square feet of
34 buffer area (including the five-foot perimeter landscape strip).
35 ii. Lower story trees (two-inch caliper at time of planting) may be substituted
36 for 50 percent of the upper story trees at a ratio of 1.5 lower story trees
37 per each upper story tree.
38 iii. Three-gallon shrubs (two and one-half feet tall at time of planting) may be
39 substituted for 50 percent of the seven- to ten-gallon shrubs at a ratio of
40 two three-gallon shrubs per each seven- to ten-gallon shrub.
41 b. Side and rear yard requirements in the Mixed Use-High Density (MU-H) district
42 abutting a Single-family (R) or Multifamily (RM) zoning district or residential
43 Planned Unit Development (PUD).
44 i. Requirements for structures of no more than 25 feet in height. One under
45 story tree (two-inch caliper at time of planting) per 15 feet of lineal
46 boundary and one seven- to ten-gallon evergreen shrub (five feet tall at
47 time of planting) per five feet of lineal boundary (no clumping or grouping
48 permitted). If palmetto trees are used, their ratio shall be 1.5 palmettos
49 per each under story tree. Palmettos may be grouped in pairs.
50 ii. Requirements for structures of more than 25 feet in height. One upper
51 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 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.

1
2 902.D. Special Landscape Requirements for the Business Park (BP) District. The following
3 site perimeter and vehicular use area landscape requirements are established for
4 properties within the Business Park (BP) district. All regulations contained within
5 Article 9 – *Landscaping And Tree Protection* that are not altered by the following
6 special requirements are still applicable.
7

- 8 1. Perimeter natural area. Existing forested areas on the periphery of sites shall
9 be preserved to maintain the natural character of the area. A minimum 15-foot
10 area adjacent to all adjacent properties (excluding rights-of-way) shall remain in
11 a natural state, except for maintenance and limited clearing of vegetation two
12 inches or less in caliper after written request has been received and approved
13 by the zoning administrator. Where areas between site development and
14 Single-family (R), Multifamily (RM), residential Planned Unit Developments
15 (PUD) or Parks, Recreation and Conservation (PRC) districts are not forested, a
16 planted berm (as defined in Article 2 - *Definitions*) shall be provided.
17
- 18 2. Perimeter parking lot landscaping. When areas between parking lots and
19 adjacent properties and rights-of-way are forested with existing trees, these
20 trees shall be preserved to buffer parking lots from adjacent properties and
21 rights-of-way. Where these areas are not forested, a planted berm shall be
22 established around all edges of the parking lot which do not face the principal
23 use building.
24
- 25 3. Interior parking lot landscaping requirements. A minimum of eight percent of the
26 total area of parking lots that exceed 1,500 square feet shall be provided for
27 landscape areas, of which 75 percent of the interior landscape area shall be
28 surrounded by vehicular use area. Interior landscape areas shall be a minimum
29 of 180 square feet, have a maximum creditable size of 1,500 square feet, have
30 a minimum linear dimension of nine feet, and have no less than four feet of
31 clearance from the edge of any tree (planted or existing) to any curbing or paved
32 area. Interior landscape areas shall be located to preserve specimen trees and
33 tree stands where applicable. One upper story tree of at least four inches
34 caliper shall be required per each 150 square feet of required interior landscape
35 area and shall be located so as to maximize shade throughout the vehicular use
36 area.
37
- 38 4. Landscaping requirements for all other vehicular use areas. In order to preserve
39 a natural environment and mitigate the loss of trees, a minimum of 8 percent of
40 the total vehicular use area not considered in 902.D.3 - *Interior Parking Lot*
41 *Landscaping Requirements* will be used as the basis for determining
42 reforestation requirements. One tree for every 100 square feet of this area shall
43 be planted in a way that furthers the purpose as stated above, except that none
44 of these trees shall be planted in designated wetlands or the required perimeter
45 buffer. (e.g. 10,000 sq. ft. of driveway \times 8% = 800 \div 100 = 8 trees)
46
- 47 5. Planted berm specifications. The earthen portion of planted berms shall have a
48 minimum height of three feet, and have a maximum side slope of 3:1. The
49 following plant materials shall be installed, in an informally grouped fashion, per
50 each 100 linear feet:
51 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.
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 2×40 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.

1
2 902.F. Credit for Existing Trees Saved. It will be the responsibility of the zoning
3 administrator to determine the amount of credit given towards the number of required
4 trees based upon the number of trees saved during development.

- 5
6 1. When requirements dictate the quantity of trees on the property, the amount
7 credited shall be based upon the formula used in section 903.I - *Mitigation Policy*.
8
9 2. When requirements dictate spacing of trees in vehicular use areas, the distance
10 from existing trees to vehicles will be measured from the drip line of the existing
11 tree provided the existing tree is at least four inches in caliper with a 15-foot
12 canopy. The dripline of the trees proposed to be saved shall be indicated on the
13 landscape and site plan.
14

15 902.G. Installation and Maintenance.

- 16
17 1. Installation. All landscaping materials shall be living and installed in a sound
18 workmanship-like manner in according to ANSI standards. All landscaping
19 materials shall be installed in accordance with the approved landscape plan prior
20 to issue of any certificate of occupancy. In all cases, all required landscaped
21 areas shall be maintained by an in-ground irrigation system that provides
22 coverage to all plant material.
23
24 2. Maintenance. The owner, tenant and their agent, if any, shall be jointly
25 responsible for the continued proper maintenance of all landscaping materials
26 according to ANSI standards. Landscaping shall be reviewed periodically by the
27 City to insure proper maintenance. The owner, tenant, or their agent shall, upon
28 notice, restore the landscape to a healthy condition according to ANSI standards.
29

30 902.H. Landscape Plans Required. Whenever any property is required to have landscaping
31 in accordance with these regulations the property owner or developer shall prepare a
32 landscape plan for submittal and approval. As a minimum, the plan shall be
33 constructed and contain the following:
34

- 35 1. Scaled drawings of the property in a form or format required by the Construction
36 Services Department.
37
38 2. Project owner's name, addresses, and telephone number.
39
40 3. Project name and address.
41
42 4. Designer's name, address, and telephone number.
43
44 5. Date of drawing and revised dates as applicable.
45
46 6. A notation stating, "This landscape plan has been reviewed and approved by the
47 owner/responsible agent who understands that any changes, substitutions, or
48 deletions may require review and approval by the responsible reviewing
49 authority."
50
51 7. Property lines and dimensions.

8. Existing Landscape Materials.
9. Existing and proposed buildings and accessory structures to include existing and proposed signs.
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, 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

1 installation of plant material and irrigation. Those sites in Multifamily (RM)
2 districts will have 48 months from the effective date of this Ordinance to comply
3 with the current landscape code regarding installation of plant material and
4 irrigation. Prior to installation of plant material, the Community Appearance
5 Board must approve a landscape plan for the specific property.
6

- 7 3. *Sites having vehicle use areas to directly support specific uses that do not have*
8 *adequate land for landscape buffers, interior landscape islands and parking as*
9 *identified by the zoning administrator. All sites, except those located in a*
10 *Multifamily (RM) district, will have 24 months from the effective date of this*
11 *Ordinance to add landscaping to the property as outlined below. Those sites in a*
12 *Multifamily (RM) district will have 48 months from the effective date of this*
13 *Ordinance to add landscaping to property as outlined below.*
14 a. Five percent (5%) of all impervious material in the front yard and side street
15 setbacks will be dedicated to landscaping, with a maximum loss of ten
16 percent of parking spaces.
17 b. The areas for landscaping must be at least 64 square feet with at least four-
18 foot minimum dimension between all trees and pavement at time of planting.
19 All newly landscaped areas shall have in-ground irrigation. At the owner's
20 option, "gator" type tree watering bags or other landscape industry accepted
21 irrigation devices may be used if there is no required plant material other than
22 trees planted in the landscape area.
23 c. There shall be at least one three-inch caliper tree per 150 square feet of
24 required landscaping or one four inch caliper tree in lieu of two three- inch
25 caliper trees provided the planting area is between 150 and 300 square feet.
26 d. Prior to installation of plant material, a landscape plan for the specific
27 property must be approved by the Community Appearance Board.
28

29 **Section 903. Tree Protection**

30

31 903.A. Applicability. These regulations apply to protected and landmark trees located on
32 public and private property, except on lots containing one single-family residence in
33 any Single-family (R) or Multifamily (RM) district, or residential Planned Unit
34 Development (PUD). On lots containing only one single-family residence and its
35 accessory uses in any Single-family (R) or Multifamily (RM) district, or residential
36 Planned Unit Development (PUD) these regulations apply to only those trees defined
37 as significant trees or landmark trees.
38

39 903.B. Licensing. It shall be unlawful for any person who is being paid a fee for the
40 business of planting, cutting, trimming, pruning, removing, or otherwise modifying
41 trees within the City to conduct such business in violation of the Tree Protection
42 Ordinance and ANSI A300 (Current Edition) Standards.
43

44 903.C. Significant Trees. The City hereby declares that the following are significant
45 trees: Live Oak (*Quercus virginiana*), White Oak (*Quercus alba*), (Eastern Red
46 Cedar (*Juniperus virginiana*), Southern Magnolia (*Magnolia grandiflora*), and Bald
47 Cypress (*Taxodium distichum*) trees with a 4" DBH or more.
48

49 903.D. Protected Trees. The City hereby declares that the following are protected trees:
50

- 51 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:

Landmark Trees

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

1 903.G. Tree Removal Permits. It shall be unlawful to remove or otherwise destroy a
2 protected tree or landmark tree without first obtaining a protected tree or landmark
3 tree removal permit. For purposes of this requirement, a landscape plan approved
4 by the zoning administrator constitutes a permit. Within five days after tree removal,
5 notice of completion shall be given to the zoning administrator.
6

- 7 1. No tree removal permits shall be approved until a building, roadway or utility
8 permit has been issued, except:
 - 9 a. When application is made on the basis of the criteria listed in 903.G.2 -
10 *Criteria For Issuance Of Protected Tree Removal Permits* (A through F); or
 - 11 b. For trees located on lots containing only one single-family residence and its
12 accessory uses in any Single-family (R), Multifamily (RM), or residential
13 Planned Unit Development (PUD).
 - 14 c. For tree removal as specified in a Forestry Management Plan as approved
15 under Section 903.G.4 *Forestry Management Plan*.
16
- 17 2. *Criteria for issuance of protected or significant tree removal permits.* Permits for
18 the removal of a protected or significant tree may be issued for only the following
19 reasons:
 - 20 a. Trees that are hazardous or cause safety-related problems;
 - 21 b. Diseased or infectious trees or trees in decline as characterized by
22 progressive dieback of branches as certified by a certified arborist.
 - 23 c. Trees or their root systems causing visible damage to structures, and/or
24 areas used for pedestrian and vehicular traffic;
 - 25 d. Trees or their root systems causing damage to structures, as certified by a
26 structural engineer;
 - 27 e. Trees or their root systems causing damage to areas used for pedestrians,
28 vehicular movement, or underground utility lines, as certified by a structural
29 engineer;
 - 30 f. Trees within power lines easements that cannot be properly pruned by the
31 local utility company;
 - 32 g. Trees to be removed, pruned, or disturbed within the footprint or within ten
33 feet of the footprint of buildings in Single-family residential (R) districts.
 - 34 h. Trees to be removed, pruned, or disturbed on plans approved by the
35 Community Appearance Board or the Planning Commission whichever has
36 final review responsibility and after all other applicable permits for
37 construction have been issued.
38
- 39 3. *Criteria for issuance of landmark tree removal permits.* Landmark trees may only
40 be removed if they are hazardous, diseased or infectious, or are in decline as
41 characterized by progressive dieback of branches as verified and approved by a
42 certified arborist; or by Special Exception as determined by the Board of Zoning
43 Adjustments.
44
- 45 4. *Forestry Management Plan.* The owner of a land parcel of five (5) acres or more
46 may submit, for approval by the zoning administrator, a Forestry Management
47 Plan drafted and signed by a state registered forester. The intent of the Forestry
48 Management Plan shall be the long-term maintenance of the forest. The
49 practices set forth therein shall be designed to meet that intent, and shall include
50 a 50' wide buffer along all property lines. Upon approval of the Forestry
51 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.
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:

1 a. The amount of \$400 per tree unable to be replanted will be placed in the Tree
2 Preservation Account as outlined in Section 903.M - *Tree Preservation*
3 *Account*.

4 b. Payment must be received by the city prior to issuance of a tree removal
5 permit.
6

7 903.J. Tree and Sign Conflicts. This section is intended to provide a landowner that has
8 conforming landscaping a means to mitigate tree removal to protect the visibility of
9 signs that were erected prior to the year 2000. This subsection does not affect
10 landscaping and signs that are approved after the year 2000.
11

12 1. The zoning administrator may approve minor adjustments to approved
13 landscaping plans in order to remedy tree/sign conflicts.
14

15 2. The zoning administrator may approve a reduction of up to ten percent of
16 available parking (fractions are rounded down) to accomplish this mitigation
17 only after the Community Appearance Board approves a revised landscape
18 plan for this purpose. Trees removed must be relocated in the setback from
19 where they were removed and replaced with trees in accordance with 903.I.1 -
20 *All Protected Trees Removed*. The following must be submitted at least ten
21 days prior to a scheduled Community Appearance Board session.

22 a. A current plat or survey of the property showing the location of the sign
23 and all parking, buildings, and trees in question.

24 b. A proposed landscape and parking plan drawn to scale depicting current
25 and new landscaping, irrigation, and the type of ground cover to be used
26 around the new material.

27 c. Photographs showing the tree hindering the visibility or potential visibility
28 problem of the sign.

29 d. Photographs showing the landscape area that surrounds the sign and
30 trees.

31 e. The landowner must certify that the loss of parking will not create a
32 hardship.

33 903.K. Pruning. Pruning shall not interfere with the design intent at the original installation.
34

35 1. Tree pruning shall be accomplished in accordance with the procedures set forth
36 in the ANSI A300 (Current Edition) standards.
37

38 2. The use of unnatural pruning techniques will be considered an unauthorized
39 removal of a tree unless the tree is designated on approved landscape plan to
40 be shaped or formed in an unnatural pattern or to be maintained at a certain
41 height. Examples of unnatural pruning are topping, stubbing, dehorning, or
42 lopping. See diagram in Article 2 – Definitions, Figure 2-2 - *Tree Crown Basic*
43 *Shapes* for natural tree shapes.
44

45 903.L. Tree Protection During Clearing, Grubbing, and Development. Prior to the
46 commencement of any site clearing or vegetation alteration, other than mowing, a
47 clearing/grubbing permit shall be obtained from the Construction Services
48 Department. All applications for clearing, grubbing, grading, building, or demolition
49 shall include a Tree Protection Zone Plan (TPZ). The TPZ shall be designed to
50 protect the trees and their roots on site as well as those on neighboring properties.
51 Grading, filling, ditching and storage in the tree protection zone are prohibited. For

1 all lots containing only one single-family residence and its accessory uses in Single-
2 family (R), Multifamily (RM), or residential Planned Unit Development (PUD), a TPZ
3 shall be designed to protect any and all significant and landmark trees. For all other
4 properties a TPZ shall be designed to protect any and all protected and landmark
5 trees. The TPZ shall include the following:
6

- 7 1. Details for avoiding or protecting tree roots in trenching plans for underground
8 construction, including utility placement and foundation construction.
9
- 10 2. A detailed grading plan.
11
- 12 3. Assurances that soil disturbance under the canopy of each tree will be limited
13 to ANSI A300 (current edition) standards. Any soil added under the canopy of
14 the tree must be a loamy soil mix to ensure compaction is minimized.
15
- 16 4. Detailed plans for temporary wooden barricades or orange fencing that must be
17 erected before the commencement of any site clearing and grading. The fence
18 is to be a minimum of four feet high above grade with a rigid frame of 4" X 4"
19 posts and 22" X 4" rails at 2' and 4' above grade and across the top. The posts
20 shall be set deep enough in the ground to be stable without additional support.
21 The barricades or fencing for protected and landmark trees shall be placed
22 outside the critical tree root zone of the tree. Nothing shall be placed inside of
23 the chain link fencing. When paving, excavating or hardscaping has been
24 permitted within the boundaries of the barricades or fencing, the barricades or
25 fencing shall be moved back to a secondary location at the edge of the work.
26 When the secondary location is within the critical tree root zone as defined by
27 ANSI A300 (current edition) and approved as such by a certified arborist, the
28 barricades or fencing shall not include subterranean supports and shall be
29 securely supported entirely above the ground. "Tree Protection Zone - Caution
30 Do Not Enter" signs shall be posted visibly on all sides of the fenced area.
31
- 32 5. Detailed utility location plans. Utilities shall not be installed in the tree protection
33 zone. All roots outside the protective barricade to be removed during
34 development shall be severed clean and a two-inch layer of mulch shall be
35 applied over the surface of exposed roots during development.
 - 36 a. Trenching shall be no closer than six times the diameter at breast height
37 (DBH) to the effected tree nor disrupt more than 30 percent of the drip line
38 root area.
 - 39 b. No other types of disturbance or construction shall be allowed under the
40 drip line of any tree without prior approval by the zoning administrator.
41
- 42 6. One corridor designated for site access, preferably where the driveway or
43 parking area will be located. Limit construction equipment access, material
44 storage, fuel tanks, chemical or cement rinsing, vehicle parking and site office
45 locations to non-tree areas.
46
- 47 7. A water and fertilizer plan as required to maintain tree health during
48 construction work.
49

- 1 8. Plans to repair trees wounded or stressed during construction. Any wounds to
2 the bark shall be cleaned to sound wood by removing loose bark and wood,
3 leaving a smooth edge around the wound. Do not apply a wound dressing.
4

5 903.M. Tree Preservation Account. All money collected pursuant to section 903 – *Tree*
6 *Protection* shall be recorded and maintained in a special account to be known as the
7 City of Myrtle Beach Tree Preservation Account. Funds may be used to obtain,
8 install, relocate, maintain and preserve trees, landscaping associated with tree
9 plantings, and restoration of tree ecosystems. Funds may also be used to educate
10 the public regarding tree care and the significance of tree ecosystems to our
11 community.
12

13 903.N. *Penalty.* The property owner and the tree cutter shall be responsible for compliance
14 with this ordinance. Any person found to be in violation of this ordinance shall
15 recompense any tree that is removed or destroyed in violation of Article 9 by the
16 methods listed below:
17

- 18 1. Recompense for Protected or Significant Trees in the form of in-kind
19 replacements on site shall be in an amount totaling the basal area of the
20 removed tree or trees, plus \$200 per tree. On site replacement trees shall be in
21 addition to the minimum required tree coverage established in Section 902 –
22 *Landscaping Regulations* and in addition to any pre-approved tree replacement
23 plan. In-kind replacements shall be minimum two and one half (2.5) caliper inch
24 trees of species with potential for comparable or greater size and comparable or
25 better quality at maturity as the trees illegally removed or destroyed, as
26 determined by the zoning administrator. This method of recompense shall not
27 be utilized for violations related to Landmark Trees.
28
29 2. Recompense for Landmark Trees shall be payment into the mitigation fund of
30 \$10,000 per tree.
31

32 903.O. *Trees on Public Property.* The proper installation, preservation, maintenance,
33 relocation and restoration of all trees on city-owned property and public rights-of-
34 way are the responsibility of the City.
35

36 903.P *Exemption.* The Manager may administratively exempt one or more of the
37 requirements of this Article when in conflict with the underground placement of
38 overhead wiring and/or installation or expansion of sidewalks.
39

APPENDIX F

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.

1203.B. Lighting Zones. Designated zoning districts included within each lighting zone are provided in the following table.

Lighting Zones

| Lighting Zone | Zoning Districts |
|------------------------------------|--|
| Residential (R) | R5, R7, R8, R10, R15, RMM, CG, Residential PUD |
| Residential/Commercial (RC) | MP, MU-M, RMV, RMH, RMH-MH, BP, IN, HC2, ART |
| Commercial/ Hotel (CH) | MU-H, HC1, C6, C7, C8 |
| Wholesale/Industrial (WI) | LM, IR, WM, AP |
| Amusement (A) | A |
| Entertainment (E) | E |
| Cabana Section (CS) | 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 1st 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.

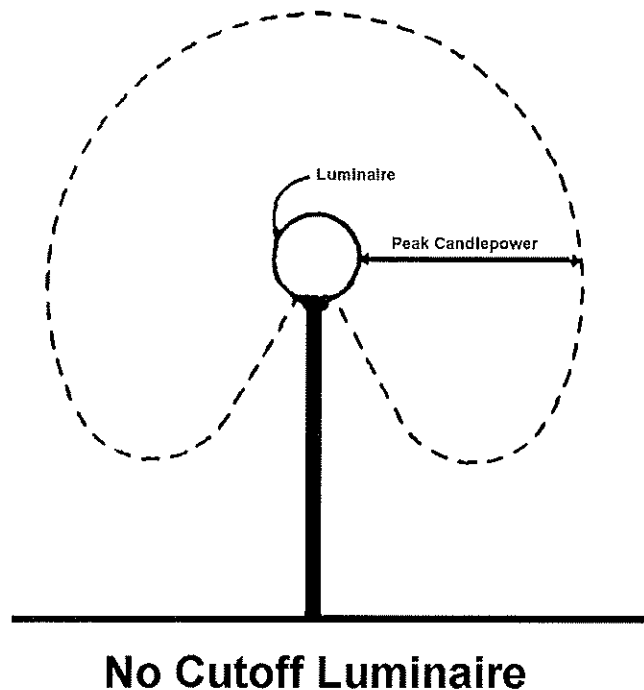
Section 1209. Measurement

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*.

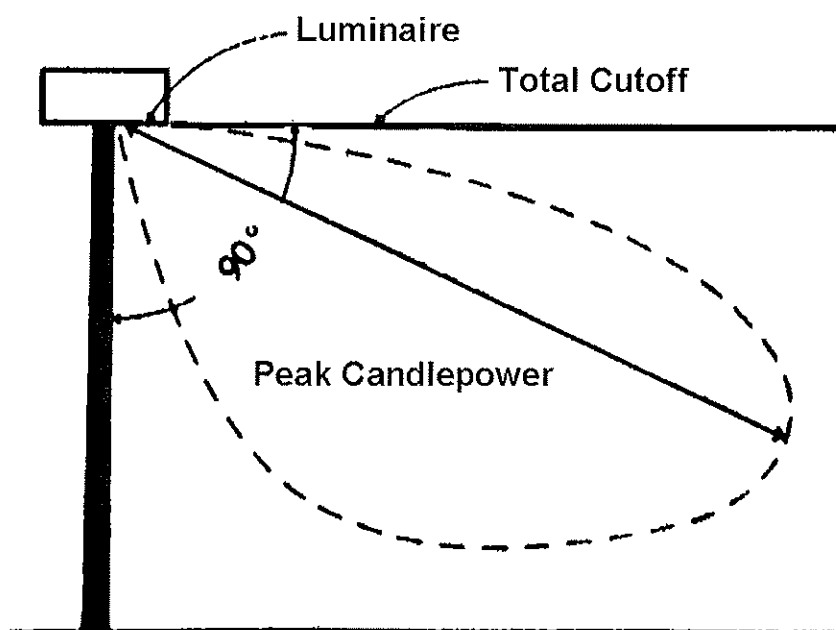
1209.B. Light Spillover Standards. Lighting spillage or spillover is any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum permitted illumination. Exterior lighting shall meet the following standards at the property line at ground 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:



| 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. |
| 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. | |

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:

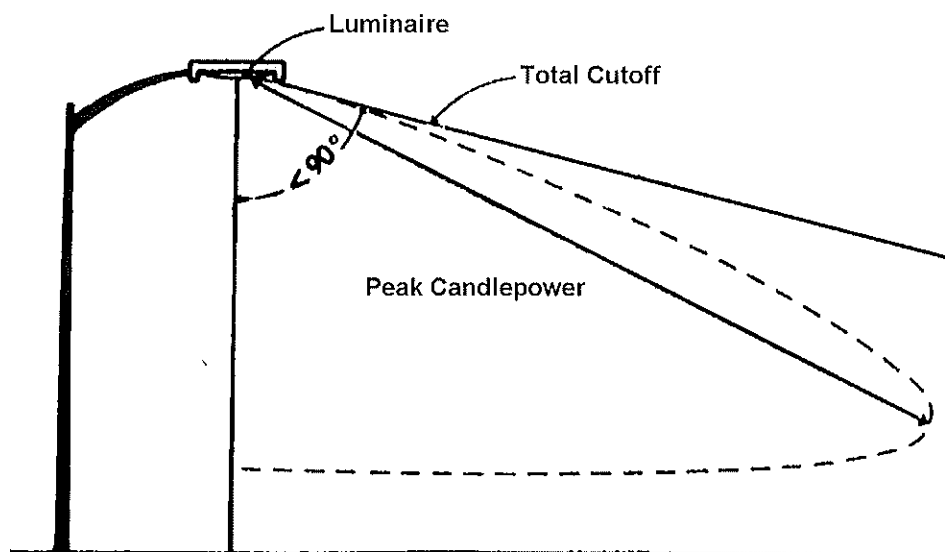


90° Cutoff Luminaire

| 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. |
| 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. | |

3. 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.

APPENDIX G

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 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 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 and ART 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.
 - 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 Art & Innovation (ART), 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.
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:

[illegible]

[illegible]

| | | | |
|--|--------|---|---|
| Sign Type | A | X | X |
| | AP | X | X |
| Refer to 804.B.21 <u>Interior signs.</u> | BP | X | X |
| | CG | X | X |
| Refer to 804.B.22 <u>Interior window display signs.</u> | CS | X | X |
| | E | X | X |
| Refer to 804.B.23 | MU-H | X | X |
| | HC1 | X | X |
| | HC2 | X | X |
| | LM | X | X |
| | IN | X | X |
| | IR | X | X |
| | MP | X | X |
| | MU-M | X | X |
| | C6 | X | X |
| | C7 | X | X |
| | C8 | X | X |
| | PRC | X | X |
| | R5 | X | X |
| | R7 | X | X |
| | R8 | X | X |
| | R10 | X | X |
| | R15 | X | X |
| | RMH | X | X |
| | RMH-MH | X | X |
| | RMH-V | X | X |
| | RMM | X | X |
| | WM | X | X |

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 due to a new business or business change, the existing sign may be temporarily covered by a vinyl or similar weatherproof material type of sign that announces the 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.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.
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.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.

| Street Corridor | Overlay District Boundaries | Maximum Sign Area | Maximum Height |
|-------------------|---------------------------------------|-------------------|----------------|
| 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 |
| 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 |

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|------------|-----------------------------|----------------|---------|
| | | | |
| 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.

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 CEMVS 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 CEMVS, 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) districts, 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.

810.A 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.

1. The terms 'A-Frame Sign,' and 'Sandwich Board Sign' shall mean a professionally manufactured sign of two sides that are hinged or strapped together that, when folded out, are capable of standing without additional support or attachment, and has a temporary use during business hours.
2. One (1) professionally manufactured sign not exceeding two (2) feet in width and four (4) feet in height may be permitted within the sidewalk/grass strip of a public right of way or on private property in designated pedestrian corridors, as defined herein, provided the following requirements are met:
 - a. The sign is located not more than 12 feet of the main entrance to the establishment it advertises, and may not infringe upon an abutting storefront;
 - b. Placement of the sign allows a minimum of forty eight (48) inches of unobstructed sidewalk clearance between it and any building or other obstruction;
 - c. The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure;
 - d. The sign must be internally weighted so that it is stable and reasonably windproof;
 - e. The sign is placed within the public right of way only during the hours of the establishment's operation, and removed when the business is closed;
 - f. No sign shall be placed outdoors when winds make it unsafe to do so, or for the duration of a declared severe storm watch or warning, or a declared weather emergency;
 - g. The design of the sign (which includes the color, lettering style, symbols and material) shall complement and be compatible with the design of the establishment's primary sign(s), abutting properties, and the general streetscape in the immediate vicinity of the establishment, and the sign shall not be manufactured with exposed sharp metal edges;
 - h. Signs on the public right of way are considered an encroachment under Chapter 19, and when placed in the designated pedestrian ways shall be deemed granted without further board or commission review upon receipt of a hold harmless agreement and liability insurance naming the city as an additional insured, protecting the public from loss or liability are provided to the City Clerk and remains in effect.
 - i. Vandalized, damaged or incomplete signs must not be displayed, as determined by a code enforcement officer.

810.B Designated Pedestrian Corridors and Districts.

1. The Market Common District streets including and bounded by Farrow Blvd., Phyllis and Johnson Avenue.
2. Main Street beginning at the junction of Alder Street and ending at the junction of Kings Highway.

3. Broadway Street beginning at the Junction of 9th Avenue North and ending at Withers Swash.
4. 8th Ave. North from Terminal Street/9th Avenue North to Kings Highway.
5. The south side of 9th Avenue North beginning at the junction with 8th Avenue North and ending at the junction of Kings Highway.
6. Oak Street beginning at the junction with 7th Avenue North and ending at the junction of Broadway Street.
7. The west side of Kings Highway beginning at the junction with 7th Avenue North and ending at the junction of 9th Avenue North.
8. 7th 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.

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

APPENDIX H

Chapter 18 STORMWATER MANAGEMENT¹

ARTICLE I. IN GENERAL

Sec. 18-1. Objectives.

The objectives of this chapter are to protect, maintain and enhance the health, safety and general welfare of the citizens of the city; to decrease the degradation of the beaches; to prevent damage to property from improper drainage and flooding; and to protect drinking water supplies.

The following regulatory documents govern the criteria set forth in this chapter:

- (1) Standards of Stormwater Management and Sediment Reduction SCDHEC Regulation 72-305 "Permit Application and Approval Process" and 72-307 "Specific Design Criteria, Minimum Standards, and Specifications".
- (2) NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [Permit No.: SCR100000].
- (3) NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].
- (4) South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management's (SCDHEC-OCRM's) Coastal Zone Management Plan [Coastal Zone Management Act, South Carolina State Law, Title 48, Chapter 39] Stormwater Management Guidelines.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-2. Short title.

This chapter shall be known and cited as the Myrtle Beach Stormwater Management Ordinance

(Ord. No. 2007-51, 8-14-07)

Sec. 18-3. Definitions.

- (a) Unless the context specifically indicates otherwise, the meanings of words and terms used in this chapter shall be as set forth in S.C. Code § 48-14-20 and 26, and South Carolina Land Resources Conservation Commission Regulation 72-301, *mutatis mutandis*.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adverse impact is any modifications, alterations or effects on a feature or characteristics of community lands, water, beaches or wetlands, including their quality, quantity, hydrodynamics, surface area, species or natural uses,

¹Editor's note(s)—Ord. No. 2007-51, adopted August 14, 2007, amended chapter 18 in its entirety to read as herein set out. Former chapter 18, §§ 18-1—18-4, 18-21—18-28, 18-41—18-47, 18-60—18-64, pertained to similar subject matter, and derived from Code 1980, §§ 5-7-1—5-7-3, 5-7-11—5-7-14, 5-7-16, 5-7-17, 5-7-31—5-7-35, 5-7-36; Ord. No. 98-28, §§ 1—6, adopted June 9, 1998; Ord. No. 990126-05, adopted Jan. 26, 1999; Ord. No. 20000111-3, adopted Jan. 11, 2000.

Cross reference(s)—Buildings and building regulations, ch. 6; planning and development, ch. 15; subdivision regulations, ch. 20.

which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Apartment building means a structure with three or more dwelling units on a single parcel of land where the land and units are under the same ownership.

Applicant is the record owner, or authorized representative, of a tract of land that is the site of development or development activity within the scope of this chapter.

City engineer means the duly designated staff person of the department of public works designated to perform the duties as specified in this chapter, or his duly authorized agent.

Commercial property means any site not exclusively residential as defined herein, including, but not limited to, hotels, motels, and apartment buildings or other rental properties.

Condominium means a structure with multiple dwelling units, each of which is under separate ownership, on a single parcel of land, where the owners share in common ownership of the common areas in the development. Condominiums can be owner occupied or non-owner occupied rental units.

Construction project means the building or assembly of any structure on a site or sites.

Demolition means the tearing-down of buildings and other structures.

Detention is the collection and storage of stormwater runoff in a surface or subsurface facility for subsequent controlled discharge to a watercourse or waterbody.

Developer means any person who engages in development either in his own behalf or as the agency of an owner of property.

Development or development activity is any activity that meets the applicability criteria of section 18-21 and includes the following:

- (1) The construction, installation, demolition or removal of a structure, impervious surface or drainage facility;
- (2) Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site;
- (3) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

Director of public works means the duly designated director of the department of public works of the City of Myrtle Beach.

Drainage facility means any component of the drainage system.

Drainage system is the system through which water flows from the land. It includes all closed piped structures, watercourses, waterbodies and wetlands.

Duplex means two dwelling units that are attached either vertically or horizontally.

Easement means a grant or reservation by the owner of land for the use of such land by others for a specific purpose, and which will run with the land and be binding on all successors, heirs, and assigns.

Equivalent residential unit (ERU) means the average impervious area of a representative sample of all developed residential properties in the single family residential category. The equivalent residential unit is 5,000 square feet of impervious surface area.

Erosion is the wearing or washing away of soil by the action of wind or water.

Final stabilization means a uniform perennial vegetative cover with a density of 70 percent of native background vegetative cover established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures such as riprap or geotextiles have been employed.

Flood is a temporary rise in the level of any waterbody, watercourse or wetland that results in the inundation of areas not ordinarily covered by water.

Hydrograph means a graph or discharge versus time for a selected outfall point.

Illicit discharge means any discharge to a municipal separate storm sewer or surface water that is not composed entirely of storm water except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Key outfall means any outfall to the Atlantic Intercoastal Waterway from the jurisdictional city limit, any accessible major outfalls to the Atlantic Ocean, or any additional outfall determined to be significant by city personnel due to a waterbody or watercourse being placed on the 303(d) Impaired Water list.

Land disturbing activity means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

Letter of acceptance means a written contract made by city personnel to accept the dedication of a stormwater drainage system for operation and maintenance purposes, and provides confirmed city ownership of fee simple titles or drainage easement access where appropriate.

Letter of agreement means a written notification of the willingness of the city to accept the operation and maintenance of a stormwater drainage system and a pledge by the property owner to grant drainage easements and/or fee simple titles of ownership to the city where appropriate.

Major municipal separate storm sewer outfall (or major outfall) means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or its equivalent (discharge from other than a circular pipe associated with a drainage area of two acres or more).

Mobile home means a dwelling unit built on axles that can be transported.

Mobile home park means a single parcel of land in which spaces are leased to mobile home owners; the owner of the land may also own and lease mobile homes on the parcel of land.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (1) Owned by the City of Myrtle Beach;
- (2) Designed or used for the collecting or conveying of stormwater; and
- (3) Which is not a combined sewer.

Natural systems means systems which predominantly consist of or use those communities of plants, animals, bacteria and other flora and fauna which naturally occur on the land, in the soil or in the water.

Non-compliance means a violation that meets one or more of the following criteria:

- (1) Failure to act in accordance with the parameters set forth in the written notice of violation, which states the nature of the violation and provides a reasonable time limit for the satisfactory correction thereof.
- (2) Unless a particular land disturbing activity is exempt by Standards of Stormwater Management and Sediment Reduction Regulation 72-302 "Exemptions, Waivers and Variances from Law", undertaking a

land disturbing activity without an approved stormwater management and sediment control plan that meets or exceeds standards identified in Standards of Stormwater Management and Sediment Reduction Regulation 72-305 "Permit Application and Approval Process" and 72-307 "Specific Design Criteria, Minimum Standards, and Specifications".

- (3) Failure to be in compliance with the NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [Permit No.: SCR100000].
- (4) Failure to be in compliance with the NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].
- (5) Failure to be consistent with the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management's (SCDHEC-OCRM's) Coastal Zone Management Plan [Coastal Zone Management Act, South Carolina State Law, Title 48, Chapter 39] Stormwater Management Guidelines.

NPDES means the national pollutant discharge elimination system as defined in section 402 of the Federal Water Pollution Act and any subsequent amendment thereto; amendments of 1972 (Public Law 92-500).

Outfall is a point at which the drainage terminates and water is released into another conveyance.

Owner is the person in who is vested the fee ownership, dominion or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner of tenant including a developer.

Person responsible for land disturbing activity means:

- (1) The person who has or represents having financial or operational control over the land disturbing activity; and/or
- (2) The owner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or who has benefited from it or who has failed to comply with any provision of this chapter.

Predevelopment conditions are those natural conditions that existed prior to any development as defined above.

Post construction conditions are those conditions that exist after any development or redevelopment takes place and the site or sites achieve final stabilization.

Receiving bodies of water shall mean any waterbodies, watercourses or wetlands into which surface waters flow.

Release rate is the volume of water passing off a site in a given period of time.

Residential property means any site developed exclusively for residential purposes, including single family homes, mobile homes, duplexes, townhouses, and owner occupied condominiums.

Retention refers to the collection and storage of runoff without subsequent discharge to surface waters except as may be added through overflow.

Sediment is solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by air, water or gravity.

Site means any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership where development is to be performed as part of a unit, subdivision or project or in the case of multiple lot or area stormwater plans all of the individual properties contributing stormwater to the area system.

Stormwater means any flow occurring during or immediately following any form or natural precipitation and resulting therefrom.

Stormwater management facilities mean those structures or facilities that are designed for the collection, conveyance, storage, detention, treatment, and disposal of stormwater runoff into and through the drainage system.

Stormwater management fee means the monthly monetary amount charged to an owner of real property for the services provided by the stormwater management program.

Stormwater management and sediment control plan refers to the detailed analysis required by article II for activities described in section 18-21. The plan includes quantity and quality components.

Stormwater management program means the program established for the purposes of planning, designing, maintaining and financing stormwater management, sediment control, and flood control programs and projects.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land.

Subdivision is the use of land defined in the subdivision regulations of the city.

Swale is an open drainage conveyance with side slopes not greater than 17 percent and maximum depth not to exceed 12 inches.

Townhouse means a dwelling unit where the owner has interest in the land beneath the dwelling unit and may share in common ownership of the common areas in the development.

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Water quality means those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of stormwater runoff to downstream areas resulting from land disturbing activities.

Waterbody means any natural or artificial pond, lake, reservoir, ocean, swash or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

Watercourse means any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any adjacent area which is subject to flooding.

Watershed means the drainage area contributing stormwater runoff to a single point.

Watershed master plan means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed and includes strategies to reduce nonpoint source pollution, to manage stormwater runoff and control flooding.

Wetlands means those areas where:

- (1) The soil is ordinarily saturated with water or flooded seasonally or having a water table within six inches of the ground surface at least three months of the year.
- (2) Wetlands vegetation is the dominant plant community.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-4. Interpretation.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be minimum requirements necessary to uphold the purpose of this chapter. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this chapter imposes greater restriction on the subdivision and/or use of buildings or land, or requires more open

space or more stringent development standards than required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this chapter, the provisions of such statute shall govern.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-5. Prohibition of non-stormwater discharges into stormwater management facilities or waters of the state.

- (a) *Prohibitions.* No person shall discharge or cause to be discharged into the city stormwater management facilities or waters of the state any of the following:
- (1) *Oils and grease.*
 - (2) *Explosive mixtures.* Pollutants that create a fire or explosion hazard. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - (3) *Noxious material.* Noxious or malodorous solids, liquids or gases which, either singly or by interaction with other chemicals, are capable of creating a public nuisance or hazard to life, or may prevent entry into a storm sewer for its maintenance and repair.
 - (4) *Garbage.* Garbage is any commercial or household debris not natural to the stormwater system, which will or may cause obstruction to the flow in a storm sewer, or other interference with the proper operation of the stormwater management facilities. Prohibited materials include, but are not limited to, appliances, shopping carts, bags of household garbage and/or yard waste, tires, bicycles, construction materials, and similar materials.
 - (5) *Solid or floatable waste.* Solid or floatable discharges which will or may cause interference with the proper operation of the stormwater management facilities. Prohibited materials include, but are not limited to, grease, garbage, animal feces, ashes, cinders, sand, spent limestone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.
 - (6) *Excessive discharge rate.* Stormwater discharged at a flow rate, which is excessive relative to the capacity of the approved stormwater discharge rate for a site.
 - (7) *Heavy metals and toxic substances materials.* No heavy metals or toxic materials shall be discharged into storm sewers.
 - (8) *Discolored materials.* Discharges with objectionable color not native to the stormwater management facility.
 - (9) *Odorous materials.* Discharges with objectionable odor not native to the stormwater management facility.
 - (10) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the stormwater management facilities. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
 - (11) *Heat.* No person shall discharge heated waste of any nature that may interfere with the proper operation of the stormwater management facilities.
 - (12) *Swimming pool discharges.* Swimming pool discharges containing harmful levels of chlorine or other chemicals that exceeds SCDHEC approved standards, filter backwash, algae or harmful bacteria, or any debris/vegetation are prohibited.

(b) *Non-stormwater discharges that are deemed to be exempt include:*

- (1) Water line flushing;
- (2) Diverted stream flows;
- (3) Rising ground waters;
- (4) Uncontaminated groundwater infiltration;
- (5) Uncontaminated pumped groundwater;
- (6) Discharges from potable water sources;
- (7) Foundation drains;
- (8) Air conditioning condensate;
- (9) Irrigation water;
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Individual residential car washing;
- (13) Natural flows from riparian habitats and wetlands;
- (14) Swimming pool discharges containing no harmful levels of chlorine or other chemicals that exceed SCDHEC approved standards and discharges must be under controlled release as to not cause erosion;
- (15) Street wash water;
- (16) Discharges or flows from fire fighting and emergency management activities; and
- (17) Approved occasional incidental non-stormwater discharges, including, but not limited to, charity vehicle and watercraft wash events.
 - a. Attempt to prevent wash water from entering local closed drainage system if the charity wash event occurs on a paved surface;
 - b. Suggest use of biodegradable, phosphate-free environmentally friendly detergents for washing; and
 - c. Use hoses with nozzles that automatically turn off when left unattended.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-6. Illicit discharge detection and elimination program.

The NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) requires that MS4s develop, implement and enforce a program to detect and eliminate illicit discharges as defined in South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(2).

The illicit discharge detection and elimination program will be administered by the director of public works or his duly authorized agent. The effective date of implementation of the illicit discharge detection and elimination program will be immediate upon adoption of this chapter.

- (1) *Priority areas:* The city will evaluate all key outfalls located within the city. Key outfalls refer to any outfall to the Atlantic Intercoastal Waterway from the jurisdictional city limit, any accessible major outfall to the Atlantic Ocean, or any additional outfall determined to be significant by city personnel due to a waterbody or watercourse being placed on the 303(d) Impaired water list. Key outfalls will be inspected semi-annually for evidence of potential illicit discharge activities.

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- (2) *Field inspections:* Illicit discharge field inspections will be scheduled and unscheduled. The Illicit Discharge Detection and Elimination Manual will serve as guidance when city personnel perform the illicit discharge inspections.

Because of public health duties and under general police power to address public health concerns arising from illicit discharge, city personnel may enter and inspect. Upon request, property owners shall disarm security systems and remove obstructions for safe and easy access to the property.

- (3) *Removal or correcting an illicit discharge:* Once the source of the discharge is identified the discharge must be removed from the system, or terminated. The city will determine who is responsible for repairs (physical and environmental) to the drainage system. If the responsible party is the city, then a work order will be issued and completed within a timely manner. If the responsible party is a private property owner, then a written notice of correction will be distributed. Non-compliance with the notice of correction will prompt enforcement measures and penalties in accordance with the city stormwater ordinance, section 18-44 "Enforcement" and section 18-45 "Penalties".
- (4) *Emergency spill response:* Emergency spill responses will be coordinated with the city public works, police, and fire departments. The Standard Operating Guidelines (EMER-7) from the fire department will be the governing procedural document for emergency spills.

(Ord. No. 2007-51, 8-14-07)

Secs. 18-7—18-20. Reserved.

ARTICLE II. CONSTRUCTION PLAN REQUIREMENTS AND STANDARDS AND POST CONSTRUCTION STORMWATER RUNOFF CONTROL REQUIREMENTS

Sec. 18-21. Applicability.

Any person, unless otherwise exempted in section 18-22, shall have an approved stormwater management and sediment control plan when applying to the city for approval for any construction or reconstruction of the site or any structures on the site (excluding signs); to change the use of land; to construct a new structure; to subdivide land; to alter any shoreline; or to perform any activity which will alter or disrupt the drainage characteristics of a site.

Further:

No person may build any structures or modify the property in any manner such that it backs up stormwater on another property or changes the flow of water onto or off of another property.

No person may discharge stormwater off their property in a different location, different volumes, or at different rates of flow such that other property, developed or undeveloped, is negatively impacted.

No person may remove stormwater management and sediment control measures until a demolition site or construction site achieves final stabilization.

An approved stormwater management and sediment control plan must be in compliance with the following, except as modified by more stringent requirements of this chapter:

- (1) Standards of Stormwater Management and Sediment Reduction Regulation 72-305 "Permit Application and Approval Process" and 72-307 "Specific Design Criteria, Minimum Standards, and Specifications".
- (2) NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [Permit No.: SCR100000].
- (3) NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].

- (4) Coastal Zone Management Plan [Coastal Zone Management Act, South Carolina State Law, Title 48, Chapter 39] Stormwater Management Guidelines.

Those construction plans, construction activities, and post-construction activities found to be non-compliant with the criteria set forth in this chapter are subjected to enforcement and penalties described in sections 18-44 and 18-45, respectively.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-22. Exemptions.

The following activities may be exempt from the requirements of this chapter when it is determined by the public works director or his designee that no adverse impact is created:

- (1) Maintenance, alteration, renewal, use or improvements to an existing drainage structure.
- (2) The construction or renovation of single family dwellings and duplexes and accessory structures in the single family residential zoning districts upon determination by the engineering division that such construction meets each of the following conditions:
 - a. The development does not exceed two dwelling units.
 - b. The development is considered within a master stormwater management and sediment control plan.
 - c. All approved erosion and sediment control structures will be installed and remain in place during the construction phase of the single family dwelling, duplex, or accessory structures.
 - d. Provisions of section 18-24(h) shall be met.
- (3) Agricultural and forestry pursuits.
- (4) Where discharge is to a preapproved stormwater management system operated by the city in which case only a drainage plan and a soil erosion plan will be required.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-23. Responsibility of applicant.

- (a) It is the responsibility of the applicant to include sufficient information in the stormwater management and sediment control plan to enable evaluation of the environmental qualities of the affected area, the potential and predicted impacts of the proposed activity of affected waters, and the effectiveness and acceptability of the measures proposed by the applicant for preventing or reducing adverse impacts. The plan shall contain as appropriate, maps, charts, graphs, tables, photographs, narrative descriptions, explanations and citations to supporting references. All maps and photos shall be at a scale appropriate to assess the projects.
- (b) The stormwater management and sediment control plan shall be prepared and certified by a professional engineer registered in the state, a registered landscape architect, or Tier B Land Surveyor, where appropriate, for all development activities subject to this chapter. The preparer shall certify that all approved land disturbing activities will be accomplished pursuant to the approved stormwater management and sediment control plan and that responsible personnel will be assigned to the project. Five copies of the stormwater management and sediment control plan shall be filed with the construction services department.
- (c) The stormwater management and sediment control plan shall contain acknowledgement by the person responsible for the land disturbing activity of the right of regulatory agencies to perform on-site inspections.
- (d) The applicant acknowledges that approved stormwater management and sediment control plans remain valid throughout the duration of the project under the following conditions:

Minor plan amendments are permitted on the project site with the requirement that notations of the amended action(s) be written, signed, and dated by all parties involved on the onsite copy of the plans. City inspectors must be notified of the minor plan amendment(s) upon their next site visit.

Major design modifications to the plans are not permitted without the approval of the stormwater management and sediment control plans preparer, and city staff must perform a formal review of the design modifications.

- (e) It is the responsibility of the applicant to comply with all construction general permit regulatory obligations stated within NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [Permit No.: SCR100000] and NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR300000].
- (f) The applicant must submit a \$5,000.00 minimum bond for sites up to one-half acre. For sites greater than one-half acre, an additional \$1,000.00 per tenth of an acre bond will be required prior to issuance of a demolition to ensure final stabilization is achieved on the site prior to project termination.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-24. Required information, standards.

- (a) *Legal and institutional.* The following legal and institutional information shall be required for a stormwater management and sediment control plan:
 - (1) The name, address and telephone number of applicant and the owner, if different from the applicant.
 - (2) Name and address of the professional engineer, landscape architect, or Tier B land surveyor.
 - (3) Identify entity responsible for operation and maintenance of the system, including those areas to be dedicated or deeded as public.
 - (4) If the operation and maintenance of the system is to be the responsibility of the City of Myrtle Beach a willingness to accept letter of agreement from the public works director or his designee is required prior to construction.

Once construction of the system is complete, all site inspections are satisfactory, and as-built drawings are submitted and approved by city personnel, a final letter of acceptance from the public works director or his designee and a deed of conveyance are required prior to the issuance of the certificate of occupancy.
- (b) *Existing environmental and hydrologic conditions.* The existing environmental and hydrologic conditions of the predeveloped site along the receiving waters and wetlands shall be described in detail and mapped, including the following:
 - (1) Detailed location sketch showing the parcel, roads, waterbodies and existing drainage patterns showing the direction of flow.
 - (2) Topographic map of the site with contour intervals at a scale adequate to assess drainage patterns in detail. Generally, one-foot contours on sites of less than two acres are required.
 - (3) Location and identification of all areas on the site where surface water collects.
 - (4) Identification of soils characteristics of the site indicating seasonal water table elevations and general soils suitability particularly where ponding or infiltration will occur.
 - (5) Location and identification of vegetation cover, soils characteristics, dunes and wetlands at a scale of 1" = 200' or less if necessary to describe critical areas.

- (6) A description of all watercourses, waterbodies, wetlands or dunes on or adjacent to the site or into which surface waters flow or which might be adversely affected by the proposed development with names and addresses of owners of these facilities.
 - (7) Location of 100-year floodplain.
 - (8) Federal Emergency Management Agency flood map and Federal and State wetland maps, where appropriate.
 - (9) Existing lowest floor elevations where applicable.
 - (10) Any above and below grade structures.
- (c) *Proposed environmental and hydrologic conditions.* The environmental and hydrologic conditions of the site after development shall be described in adequate detail and mapped, including the following:
- (1) Paving, grading and drainage plans along with locations and sizes of roads and buildings (including all above and below grade structures) and their proposed elevations including special delineation of areas where impervious surfaces will be located and where percolation, infiltration, detention or retention is expected to occur.
 - (2) A description of those management practices to be used on the site to control stormwater runoff and erosion.
 - (3) Rights-of-way and easement locations for the drainage system, including any areas to be dedicated for public stormwater management purposes.
 - (4) Drainage basin boundaries on a map at a scale of 1" = 200' showing direction of flow and showing offsite runoff through or around the site and general land uses or designations of property in the basin.
 - (5) How future land uses in the land use plan could affect the project.
 - (6) Plans for maintenance requirements for the drainage system to maintain its proper design function and to prevent the area from creating a mosquito or odor nuisance.
- (d) *Calculations.*
- (1) Predevelopment and proposed hydrographs, flow rates and volumes of design storm runoffs at the point where the stormwater leaves the site for the design storm.
 - (2) Acreage and percentage of property proposed as: impervious surfaces; pervious surfaces (natural); pervious surfaces (porous materials); lakes, canals, channels, detention areas, retention areas; total acreage of projects; and other.
- (e) *Impact analysis.* A description and analysis of the predicted impacts of the development including the impact of the stormwater management and sediment control plan on:
- (1) Surface water quality on the runoff.
 - (2) Upstream and downstream stormwater facilities.
 - (3) Erosion, aesthetics and water quality of oceanfront beach areas.
 - (4) Water quality of the Intracoastal Waterway as a drinking water source.
 - (5) The existing stormwater conveyance system, including any necessary improvements to the system to accommodate the proposed flows without creating adverse impacts.
 - (6) Onsite water elevations for the 100-year, 24-hour storm.
- (f) *Soil erosion and sediment control plan.* Proper erosion control measures are required on each construction site such that soil or sand will not be transported off the property by stormwater runoff. A soil erosion and sediment control plan shall be prepared and submitted as part of the stormwater management and sediment control plan. This plan will be included in and be a part of the final approved project drawings and

will be kept on the construction site. The purpose of the soil erosion and sediment control plan is to provide measures to control erosion and sedimentation generated by removal of ground surface cover.

(1) *Soil erosion and sediment control plan guidelines.*

- a. Slopes should be protected from erosion by quick establishment of vegetative cover, benches or terraces, slope protection structures, mulches, or a combination of these practices as required. It is hereby recommended that Pensacola Bahia or other rapid root development grasses be utilized as a permanent vegetative cover.
- b. Drainage channels should be designed to avoid erosion problems. Wide channels with flat side slopes lined with grass or other vegetation shall be utilized where feasible. Where channel gradients are steep, concrete linings or grade control structures, such as stone check dams, may be required. Every effort should be made to preserve natural channels.
- c. Sediment basins shall be constructed to discharge stormwater runoff while trapping sediment loads. Sediment basins may either be temporary or permanent, as required by the city engineer, and be designed with 80 percent total suspended solids removal efficiency.
- d. Detention basins may also be used to trap sediment during and after development. Where used for this purpose, the basin shall continue to detain stormwater in accordance with the hydraulic design criteria, but allow for the settlement and containment of sediment in the basin. Sediment shall be removed periodically to ensure the intended performance of the detention basin.
- e. Existing vegetation, adequate to control erosion, shall be preserved. Regeneration of wood plants shall be encouraged.
- f. Silt fences or other measures may be placed around storm sewer inlets and at the boundaries of disturbed areas to trap sediment on site.
- g. Other measures specifically approved by the city engineer or engineering division personnel.

(2) *Contents of soil erosion and sediment control plan.*

- a. Location, scope and manner of performing temporary and permanent erosion control measures;
- b. Procedures shall provide that all sediment and erosion controls are inspected at least once every 7-calendar days or at least once every 14-calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater;
- c. Proposed construction sequence and time schedule for all earth-disturbing activities and installation of provisions for erosion and sediment control and stormwater management; and
- d. Design computations and applicable assumptions for all structural measures for erosion and sediment control. Volume and velocity must be given for all surface water conveyance measures and pipe discharges.

(g) *Permanent flow control design standards.*

- (1) The peak rate of discharge from a site after the proposed development or redevelopment shall approximate the peak rate of discharge from the site prior to development or redevelopment and shall not exceed the latter for 25-year-frequency, 24-hour duration storms. In addition, the cumulative impact of the outflow hydrograph on downstream flows shall be considered. Runoff rates in excess of predevelopment rates shall be accommodated in an approved manner on site.
- (2) The volume of runoff from a site after development or redevelopment shall approximate the volume of runoff from the site prior to development or redevelopment and shall not exceed the latter volume for a 25-year-frequency storm unless the intent of this provision will be met through detention of the difference between said volumes, in which case said volume differences may be released over not less than a 24-hour period of time nor more than 72 hours.

- (3) As a minimum the first inch of rainfall from each storm over the developed portion of the site shall be retained on site. For soil conditions or groundwater table conditions, which do not permit the percolation of this volume within the five days following a storm event, the city engineer may approve detention with filtration systems in lieu of retention.
- (4) Channeling runoff directly on the beach shall be prohibited.
- (5) Runoff from higher adjacent or upstream offsite lands shall be considered and provision for such runoff shall be included.
- (6) Water shall be released into watercourses and wetlands at a rate and in a manner approximating the natural flow that would have occurred before development and outflows shall be designed to minimize erosion.
- (7) Vegetated buffer strips shall be created and/or preferably retained in their natural state along the banks of all watercourses, waterbodies or wetlands. The buffer shall be wide enough to allow for periodic flooding, provide access to the waterbody and act as a filter to trap sediment in runoff.
- (8) The use of drainage facilities and vegetated buffer strips as open space, recreation and conservation areas shall be encouraged.
- (9) No direct connections shall be permitted between roof drains and the offsite storm sewer system. Water should be routed through stormwater management facilities.
- (10) The city engineer may require such data as he determines necessary from the applicant to prove the adequacy of the design of the stormwater system.
- (11) The hydrologic requirements for sites over two acres in size, mandated by this chapter, shall be developed in accordance with the latest releases and revisions of the U.S. Department of Agriculture, Soil Conservation Services' Technical Release No. 55, entitled "Urban Hydrology for Small Watersheds," and SCS National Engineering Handbook, Section 4, entitled "Hydrology." Sites two acres or less may be assessed by the Rational Method.
- (12) If an identified storm drainage basin is master planned for discharging storm water to the Atlantic Ocean or Atlantic Intracoastal Waterway, conditions may be met to waive the requirement for retention and/or detention as follows: During a 25-year, 24-hour rainfall event, if the discharge structure and the internal collection system can transport the total amount of run-off from impervious surface areas that do not exceed 90 percent of the total surface area for the run-off basin, then the city may waive the quantity requirements of this section provided that the quality standards set for the basin are met through the use of Best Management Practices (BMP) accepted by OOCR and the city. The city's waiver of the quantity requirements must be approved by the OOCR. If the basin discharges to the Atlantic Ocean, direct discharge over the tidal beach will not be allowed. For the purpose of this section, BMP is a structural or nonstructural device designed specifically to improve the quality of stormwater runoff. OOCR means the Office of Ocean and Coastal Resource Management and is a division of the South Carolina Department of Health and Environmental Control with regulatory authority over receiving bodies of water.
- (13) All parcels undergoing development/redevelopment in the area bounded on the east by Kings Highway, on the south by 21st Avenue North, on the west by Oak Street, and on the north by 30th Avenue North, will be exempt from the retention/detention requirements of the city stormwater ordinance provided that the runoff from said property is routed to the stormwater pumping station at the corner of Kings Highway and Myrtle Place.

Parcels ten acres or larger undergoing development/redevelopment in this area shall provide on-site percolation prior to discharge from the site by the use of perforated pipe for the on-site collection system where suitable soil conditions prevail. While these parcels larger than ten acres are exempt from the on-site retention/detention requirement, the use of perforated pipe on-site will enhance the performance of the existing storm water system. If at such time an offshore ocean outfall is

constructed within the 24th N. drainage basin that has the capabilities to replace the pumping station, then the on-site percolation requirement for parcels greater than ten acres in this area shall be waived.

While all parcels undergoing development or redevelopment that route runoff to the stormwater pumping station at the corner of Kings Highway and Myrtle Place will not be required to provide retention/detention systems, they must provide best management practices (BMPs) to achieve higher water quality standards on a case-by-case basis as approved by the city.

This section is dependent upon one or both of the following actions:

- a. The city shall maintain a master planned stormwater detention facility adjacent to the Myrtle Beach Convention Center that will be the receiving waters for the pumping station at Kings Highway and Myrtle Street, or
- b. The city shall construct and place in operation an offshore ocean outfall capable of transporting the runoff from this area.

(h) *Single family and duplex residences.*

- (1) A permit application for a single family house or duplex shall include a site development drawing containing the following features:
 - a. Tax map number, subdivision name and lot and block number.
 - b. A site development map to scale (1 inch = 20 feet or larger). Survey data should be on this map or on a separate attached map.
 - c. Elevation of the center of the road, all property corners, at 25-foot intervals along and 5-feet beyond each property line, and at any distinguishing feature on or off site that could in any way impact stormwater flow from the property.
 - d. Any existing and proposed watercourse, wetland, ditches, swales, pipes, culverts, catch basins, etc.
 - e. Proposed house foot print and finished floor elevation, including proposed ground elevations at house corners.
 - f. Footprints and elevations of any swimming pools, spas, decks, driveways, etc.
 - g. Any fence location and type of construction.
 - h. Include drainage flow direction arrows.
 - i. Roof downspouts and associated piping.
 - j. Adjacent roads, ditches, pipelines and culverts.
- (2) The public works director or his designee may waive any of the above requirements at its sole discretion.
- (3) The public works department reserves the right to perform an on site visit to all construction sites of single-family homes and duplexes prior to plan review and approval.

(Ord. No. 2007-51, 8-14-07; Ord. No. 2016-72 , 9-27-16)

Sec. 18-25. Responsibility for maintenance.

- (a) The applicant engaged in or conducting the development activity shall be responsible for maintaining all temporary stormwater runoff control measures and facilities during the development of a site.
- (b) The responsibility for maintaining all permanent runoff control measures and facilities after site development is completed shall lie with the landowner unless a facility is officially accepted by the city for

city maintenance. That will be allowed only when the system is part of a subdivision, a multiple lot or area plan, or when the improvements are completely contained in a dedicated right-of-way.

- (c) Sufficient inspection shall be made to ensure compliance with the specifications set forth in this chapter. A registered engineer, employed by the developer, shall certify in writing to the city that he has inspected each phase of the construction of the storm drainage improvements required in this chapter. The city, however, shall make a final inspection of said improvements before accepting any such improvements for dedication to the city for permanent maintenance.
- (c) Once installed and inspected, the stormwater control facilities shall be maintained in one of the following ways and approved as part of the stormwater management and sediment control plan:
 - (1) *Facilities maintained by owner.* The system(s) to be maintained by the owner shall provide adequate access to permit the city to inspect and, if necessary, to take corrective action. Should the owner fail to properly maintain the system(s) under his responsibility, the city shall give such owner written notice of the nature of the corrective action necessary. Should the owner fail, within 30 days from the date of the notice, to take, or commence taking, corrective action to the satisfaction of the city, the city may enter upon lands, take corrective action and place a lien on the property of the owner for the costs thereof or enter into condemnation proceedings. For purposes of this section, the term "owner" shall also mean "homeowner association" or other collective member organizations.
 - (2) *Facilities maintained by the city.* All areas and/or structures to be maintained by the city must be designed and constructed consistent with the requirements of this chapter and dedicated to the city by deed with attached record drawings and a one-year warranty for defects in materials and workmanship.

A letter of credit or a maintenance bond shall be provided to the city in an amount equivalent to ten percent of the cost of the improvements dedicated to the city. Such letter of credit or maintenance bond shall be held by the city for a one-year period following dedication of said improvements to the city.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-26. Drainage easements and public stormwater facility ownership.

Drainage easements for those systems or portions of systems dedicated to the city for maintenance shall be provided in accordance with the following criteria:

- (1) *Underground storm sewer easement.* Where development is traversed by a drainage facility, adequate areas for storm drainage, including ponding, shall be allocated, conforming substantially with the lines of such drainage facility, and be of sufficient width to carry off storm drainage. Adequate access for maintenance and equipment will be required. For underground storm drain pipe the minimum width of the easement shall not be less than 20 feet or shall be the outside diameter of the pipe(s) plus eight feet on each side, whichever is the greater.
- (2) *Open channel easement.* For minor ditches which drain into a collector or main ditch or into a piped drainage system, the width of the drainage easement shall be equal to the maximum top width plus an additional 20 feet. In all cases, those ditches in excess of three feet in depth shall be piped.
- (3) *Open swale easements.* For minor swale ditches along lot lines draining a small area where street drainage is not involved and where the depth of a swale does not exceed one foot, a drainage easement not less than 15 feet in width shall be provided.
- (4) *Submittal.* All storm drainage easements shall be submitted in deed form to the city for acceptance and recording.
- (5) *Clearing.* The full width of all drainage easements shall be cleared as required by the city.

Systems or portions of systems dedicated to the city for maintenance that serve as a regional stormwater retention/detention facility shall be provided for in accordance with the following criteria:

- (1) *Detention or retention ponds fee simple ownership.* The pond footprint and an adjacent 15-foot top of bank maintenance area shall be deeded to the city under a fee simple title.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-27. Fee schedule.

A schedule of fees shall be applied toward each application. This schedule may be changed by resolution of city council and is on file in the city clerk's office.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-28. Multiple lot area plans.

The city may, at its option, allow multiple lot or area stormwater management and sediment control plans. Where approved these plans will plan for all water contributory to the area but may allow for pass through for water originating outside of the area.

Permanent provisions for maintenance shall be provided and approved by the city. The city may agree to accept systems for city maintenance where suitable easements and fee simple deeds are provided. Where city maintenance is not provided each benefited lot will individually have full access to the stormwater facilities and will individually have full responsibility to provide all necessary maintenance. The city will approve suitable legal documents granting access and requiring maintenance.

Nothing in this article will preclude the city from providing multiple lot or area stormwater management systems.

All minimum design standards and required information required for individual site stormwater management and sediment control plans will apply to multiple lot or area plans.

Soil erosion measures as set forth in this article will be required for each individual lot within a multiple lot or area stormwater plan.

(Ord. No. 2007-51, 8-14-07)

Secs. 18-29—18-40. Reserved.

ARTICLE III. ADMINISTRATION

Sec. 18-41. Plan adherence.

- (a) The owner/applicant shall be required to adhere strictly to the stormwater management and sediment control plan as approved on construction and permanent basis for the project. Any changes or amendments to the plan must be approved by the city in accordance with the procedures set forth hereafter for obtaining stormwater management and sediment control plan approval. As permitted by state law, code enforcement officers are vested with the powers and duties conferred by law upon constables and shall exercise their powers on all private and public property within the municipality.
- (b) The applicant, property owner, or public entity, is required to maintain on-site stormwater systems in adequate working order and properties of all land uses are subject to random site stormwater inspections by city personnel. Any public or private stormwater systems found to be non-compliant are subjected to enforcement and penalties described in sections 18-44 and 18-45, respectively.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-42. Appeal.

Determinations of the city regarding the enforcement or provisions of this chapter may be appealed, in writing, to the zoning board of adjustment within ten days of receipt of notification of action by the city.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-43. Variance.

The zoning board of adjustment may modify or waive certain requirements of this chapter in response to a written request from the applicant specifying the modifications or waiver requested. Modifications or waivers to the requirements may be granted, in writing, if:

- (1) There are special circumstances applicable to the property or its intended use that do not apply to other properties or uses in the same class of activity; and specifically in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application would result in unnecessary hardship which would deprive an owner of the reasonable use of his land. Economic considerations are not valid grounds for the issuance of a variance.
- (2) The applicant demonstrates that the modification or waiver will not nullify the intent or purpose of this chapter and that the public welfare, interest of the city and the surrounding area shall be protected.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-44. Enforcement.

If the city determines that a construction project is not being carried out in accordance with the approved plan, any project subject to this chapter is being carried out without approval, an illicit discharge is not terminated, or public or private stormwater system is failing to meet the approved performance measures, the director of construction services or the director of public works or their designee is authorized to issue any of the following:

- (1) *Written notice.* Issue written notice to the owner specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time.
- (2) *Stop-work order.* Issue a stop-work order directing the applicant, or owner, to cease and desist all or any portion of the work, which violates the provisions of the chapter.
- (3) *Emergency cease and desist order.* Issue emergency cease and desist order directing a property owner by requiring immediate compliance with the stormwater ordinance by halting operations/terminating discharge. The emergency cease and desist order may be written or verbal.
- (4) *Cost of abatement of the violation/property lien.* Applies when the city is obligated, under nuisance law, to initiate corrective action associated with the abatement of a stormwater system that is in non-compliance. The property owner is required to immediately repay the city the actual cost of the abatement activities, or the city will place a lien on the property.
- (5) *Revocation of approval.* Should the applicant, or owner, not bring the project into compliance with the written notice and stop-work order, he shall then be subject to immediate revocation of the building permit and to the penalties described in section 18-45.
- (6) *Citation.* Issuance of an ordinance summons, or other appropriate charging document, as an initiation of criminal process by code enforcement officers designated by the manager.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-45. Penalties.

- (a) It shall be unlawful for any person to violate any provision of this chapter, and any such violation shall be punished as prescribed in section 1-9 of this Code. Each day a violation continues constitutes a separate offense.
- (b) In addition to any other penalties provided in this chapter, a civil penalty not to exceed \$1,000.00 may be assessed by the city against any person violating any provision of this chapter. In setting the amount of the civil penalty; the type, duration, and severity of the violation and the responsiveness of the person against whom the penalty is assessed in remedying the violation shall be considered. Each day a violation continues constitutes a separate violation that may be the subject of such a penalty. Written demand for payment of the civil penalty upon the person shall be made, including an explanation of the basis of the violation and penalty. If full payment of the penalty is not made within 30 days after such demand is mailed or delivered to the person, the city attorney may commence a civil action in the appropriate court to recover the penalty.
- (c) In addition to any other penalties or remedies provided in this chapter, the city manager has the authority upon the recommendation of the city attorney to institute a civil action in the appropriate court to obtain compliance with the provisions of this chapter or remedy or prevent the violation or threatened violation of any provision of this chapter.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-46. Municipal liability.

Nothing in this chapter and no action or failure to act under this chapter shall or may be construed to:

- (1) Impose any liability on the city or its departments, agencies, officers or employees for the recovery of damages; or
- (2) Relieve any person responsible for land disturbing activity of duties, obligations, responsibilities or liabilities arising from or incident to operations associated with such activity.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-47. Severability.

It is declared the intent of city council that the sections, sub sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and if any such provision shall be declared unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity or enforceability of any remaining provisions of this chapter, and it is the intent of council that such provisions continue in full force and effect.

(Ord. No. 2007-51, 8-14-07)

Secs. 18-48—18-59. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT FEE

Sec. 18-60. Title of article; statutory authority.

This article may be cited as the stormwater management fee ordinance of the city and is adopted pursuant to S.C. Code § 48-14-10 et seq., S.C. Code § 5-7-30, and South Carolina Land Resources Conservation Commission Regulations 72-300 through 72-316.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-61. Stormwater management fee.

- (a) The stormwater management fee shall be charged to all developed sites located within the corporate limits of the city, as they may exist from time to time.
- (b) City council shall establish a fee schedule under this article, which sets forth the amounts and classifications of fees to be implemented to recover the costs of maintaining and operating the stormwater system. Fees may be changed by resolution of city council from time to time and are on file in the city clerk's office. City council shall consider, among other things, the following criteria in establishing fees:
 - (1) The fee system shall be apportioned on a reasonable basis with due regard for the benefits conferred. City council recognizes that these benefits, while substantial, in many cases cannot be measured directly;
 - (2) Design, construction, maintenance, and the overall operation of the stormwater management program shall be borne proportionately by all classifications of property owners in the city in that all will enjoy the direct and indirect benefits of an improved and well-maintained system;
 - (3) In establishing the fee, the following costs may be considered:
 - a. Stormwater management and sediment control planning and preparation of comprehensive watershed master plans for stormwater management;
 - b. Regular inspections of public and private stormwater management facilities during construction and operation;
 - c. Maintenance and improvement of stormwater management facilities that have been accepted by the city for that purpose;
 - d. Plan review and inspection of sediment control and stormwater management and sediment control plans, measures, and practices;
 - e. Retrofitting designated watersheds to reduce existing flooding problems or to improve water quality;
 - f. Acquisition of interests in land, including easements;
 - g. General administration, enforcement, billing and collection; and
 - h. Water quantity and water quality management, including monitoring and surveillance.
 - (4) Practical difficulties and limitations shall be considered in establishing, calculating, and administering such fees; and
- (c) The rate for one ERU is the standard for calculating the fee for each developed site.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-62. Calculation of fee and methods of assessment.

- (a) The fee is a function of the number of ERUs multiplied by the rate for one ERU.
- (b) The minimum fee imposed for any developed site shall be the rate for one ERU.
- (c) The fee for single family homes, mobile homes, mobile home parks, duplexes and townhouses shall be determined as follows:
 - (1) The fee imposed for individually metered single family homes, mobile homes, as well as duplexes and townhouses that have an individual meter for each unit shall be the rate for one ERU.
 - (2) The fee imposed for duplexes, townhouses, and mobile home parks served by a master meter shall be the rate for one ERU multiplied by the number of units served by the meter.
- (d) The fee for apartment buildings with three or more units, and condominiums shall be determined as follows:
 - (1) The fee imposed for apartment buildings with three or more units, and condominiums shall be the rate for one ERU multiplied by the number of calculated ERUs. For apartment building sites with three or more units, and condominium sites, an average impervious surface area factor of 80 percent of the total area of the site has been determined for calculating the fee. The calculation of the number of ERUs shall be based on the area of the site multiplied by 0.8, and then divided by the ERU factor of 5,000 square feet.
 - (2) The fee imposed for individual units in apartment buildings with three or more units, and condominiums that have an individual meter for each unit shall be the rate for one ERU multiplied by the number of ERUs, divided by the number of units.
- (e) The fee imposed for schools and churches shall be the rate for one ERU multiplied by the number of ERUs as calculated by measuring the actual impervious surface area of the site and dividing it by the ERU factor of 5,000 square feet.
- (f) The fee for commercial sites shall be determined as follows:
 - (1) The fee imposed for commercial properties shall be the rate for one ERU multiplied by the number of calculated ERUs. For commercial sites, an average impervious surface area factor of 80 percent of the total area of the site has been determined for calculating the fee. The calculation of the number of ERUs shall be based on the area of the site multiplied by 0.8, and then divided by the ERU factor of 5,000 square feet.
 - (2) The fee imposed for individual tenants of a commercial site with multiple tenants, each of whom is served by an individual meter shall be prorated by the percentage of the total square footage of the structure occupied by the tenant.
 - (3) The fee imposed for an individual building on a commercial site containing multiple buildings each of which is served by an individual meter shall be prorated by the percentage of the total area of the site occupied by the building.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-63. Billing of stormwater management fee.

The stormwater management fee shall be billed monthly to users. Payment schedule and discontinuance of utilities service will be governed by the relevant provisions of the current water and sewer customer service policies and procedures, a copy of which is available in the offices of the utility billing and collections division. Where a user does not have a utility account, the occupant will be billed separately on a regular cycle. Owners of vacant improved real estate will likewise be billed on a regular cycle. Where an owner does not have a utility account, any bill remaining unpaid for 30 days after mailing shall constitute a lien upon the property collectible in the same manner as taxes assessed against such property.

(Ord. No. 2007-51, 8-14-07)

Sec. 18-64. Requests for adjustment.

- (a) An owner or lawful occupant obligated for payment of the stormwater management fee may request an adjustment of the fee calculated by the city engineer. Such request will most often involve the determination of the amount of impervious area on the property, but can question any element of the calculation. The request must be in writing and be filed with the director of public works.
- (b) The director of public works will review the request and provide a written decision to the requestor within 30 days after receipt of the request.
- (c) The request shall be made upon such forms and be accompanied by such information as the city, by written policy, shall require. The owner or occupant requesting the adjustment may be required, at his own cost, to provide supplemental information to the director of public works, including but not limited to, survey data and engineering reports approved by either a registered professional land surveyor or professional engineer. Failure to provide such information may result in denial of the adjustment request.
- (d) Requests for adjustment of the impervious surface area used in calculating the fee will only be accepted from owners or occupants of nonresidential sites and must be accompanied by a site survey approved by a registered professional land surveyor.
- (e) If the requestor disagrees with the decision of the director of public works, he or she may appeal that decision to the city manager in writing within 15 days of receipt of the decision. The decision of the city manager to affirm or modify the decision of the director of public works will be provided in writing within 15 days after receipt of the appeal and will be final.
- (f) Any adjustment to the fee approved by the director of public works or the city manager will be applied prospectively only.
- (g) No provision of this article allowing for a request for adjustment shall be deemed to suspend the due date of the fee with payment in full. Any adjustment in the fee for the person pursuing a request shall be made by refund of the amount due.

(Ord. No. 2007-51, 8-14-07)