



PLANNING COMMISSION MEETING AGENDA

Tuesday, December 3, 2019 – 5:00 P.M.

Morning Workshop 9:15 A.M.

1018 Second Avenue South - North Myrtle Beach, SC

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS
4. APPROVAL OF MEETING MINUTES: October 22 & November 19
5. OLD BUSINESS
6. NEW BUSINESS – “Consent Items”
7. NEW BUSINESS
 - A. **ZONING ORDINANCE TEXT AMENDMENT ZTX-19-02:** City staff has initiated an amendment to the zoning ordinance regarding animated and off-premises signs.
8. ADJOURNMENT

Respectfully submitted,

Aaron C. Rucker, AICP
Principal Planner

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION OR PARTICIPATION SHOULD CONTACT 843-280-5555 AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.

Notice to the Public of Rights under Title VI

- The City of North Myrtle Beach operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of North Myrtle Beach. Complaints must be filed within 180 days of the alleged discriminatory act.
- For more information on the City of North Myrtle Beach's Title VI Policy and the procedures to file a complaint, contact the Title VI Program Coordinator, Kristine Stokes at krstokes@nmb.us or (843)280-5555, or in writing to the City of North Myrtle Beach, 1018 2nd Ave. South, North Myrtle Beach SC 29582. For more information, visit the Title VI section of our website at www.nmb.us.
- If information is needed in another language, contact (843)280-5555.
- ~Si se necesita *información en otro idioma llame al (843)280-5555.*

7.A. ZONING ORDINANCE TEXT AMENDMENT ZTX-19-02: City staff has initiated an amendment to the zoning ordinance regarding animated and off-premises signs.

Background:

The current City zoning ordinance prohibits animated signs, except in Planned Development Districts. Animation is defined as copy that does not change more than once every 60 seconds. This definition effectively defines the minimum message duration (also known as *dwelt time* or *hold time*) for any digital display within the city not in a Planned Development District as 60 seconds. There is currently no national standard governing message duration, however, there are multiple standards governing digital sign content change frequency used by regulatory agencies:

- The South Carolina Department of Transportation (SCDOT) mandates a minimum 6-second message duration.
- A 2012 study by the Federal Highway Administration (FHWA) refers to an 8-10 second message duration as common practice. This study found no negative effect on driver gaze between electronic messages using this 8-10 second message duration when compared to static billboard-type messages. “In the driving environment, gaze allocation is principally controlled by the requirements of the task... Average fixations were similar to CEVMS [commercial electronic variable message signs] and standard billboards with no long single fixations evident for either condition.”
- A model sign ordinance from the Montgomery County Planning Commission in Pennsylvania recommends a formula to calculate message duration based on viewing distance and driving speed when viewing the sign. Using this formula, the City of North Myrtle Beach’s new events sign at the corner of US Highway 17 South and the Robert Edge Parkway would require a minimum message duration of 10 seconds.

The importance of establishing a minimum message duration is twofold.

1. Most importantly, establishing a minimum message duration prevents unnecessarily distracting a driver’s attention from the road.
2. It is in the interests of those using digital displays to ensure that drivers are able to read the entire message before it changes. Any message not displayed for a long enough period to read and comprehend will be ineffective.

Proposed Changes:

Staff is proposing a text amendment to the Zoning Ordinance to shorten the animation time definition to provide a safe driving experience while better matching the message duration best practices in use around the country. This change would allow the City and private sign owners to make better use of electronic message boards. Staff is proposing that the duration used to define animation be changed to copy that changes not more than once every 15 seconds. For reference, the City of North Myrtle Beach new events sign currently makes use of this 15-second message duration.

The advertisement for these changes also referenced changes to off-premise signs, but it has been determined by staff that those changes were unnecessary. Additionally, the ordinance change proposes to correct the numbering and small grammatical errors within the sign regulation definitions.

The proposed amendment addresses a section in *Chapter 23, Zoning, Article III. – Sign Regulations* and would appear in the Ordinance as follows (new matter underlined, deleted matter struck-through):

Sec. 23-33. – Sign regulations; be amended as follows (*new matter underlined, deleted matter struck-through*).

(3) *Definitions.* Except as specifically defined herein, all words used in article III have their customary dictionary definitions. For the purpose of the sign ordinance, certain words or terms used are herein defined as follows:

(a) *Administrator:* That person designated by the city manager to administer and enforce the provisions of this article.

(b) *Animation:* The movement, or optical illusion of movement of any part of the sign. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion. Automatic changeable copy boards are permitted provided that there is no running action to copy and provided that the copy does not change more than once every ~~one (1) minute~~ fifteen (15) seconds.

(c) *Banner:* A sign or outside advertising display having the letters, illustrations or visual representation applied to cloth, paper, vinyl, fabric or similar material with or without frame. The term banner shall include flags, pennants, rafts, T-shirts, floats, balloons, spinners, streamers and kites.

(d) *Building frontage:* The linear length of a building facing the principal street right-of-way.

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

(f) *Building inspector:* The person designated by the city manager to enforce the provisions of the Standard Building Code.

(g) *Business identification sign:* A sign bearing the name, trademark, or symbol of the business located on the premises. A business identification sign contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

(h) *Changeable copy sign:* A sign on which message copy is changed manually as events change through the utilization of attachable letters, numbers, or symbols.

(i) *Commercial center:* Two (2) or more retail stores or service establishments, professional offices or any other businesses servicing a community or neighborhood, not necessarily owned by one (1) party nor by a single land ownership, which occupy a common and adjacent building(s) on premise and utilize common parking area(s). A commercial center shall have at least fifteen thousand (15,000) square feet with the secondary unit(s) containing at least four thousand (4,000) square feet.

(j) *Decorative lighting:* A string of outdoor lights suspended between two (2) points.

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

(l) *Double-faced sign:* A sign with two (2) faces ~~which~~ that are usually parallel, but may be V-shaped.

(m) *Electronic message sign:* A sign that provides a changeable message in electronic script.

(n) *Freestanding sign:* A sign supported by a sign structure placed in the ground and which is wholly independent of any building, fence, vehicle or object (other than the sign structure) for support. A freestanding sign may contain a sign or signs on one (1) side only, or it may be a V-shaped structure or one containing signs back-to-back. A freestanding sign structure is one (1) sign.

(o) *Frontage:* The length of the property line of any one (1) premise serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall be the same as that to which the building is oriented. Should the owner wish to direct the sign solely to a frontage other than

the principal frontage, the linear length of this frontage will be used to calculate the allowable area of the sign. Should the owner wish to direct the sign to both frontages, the frontage having the highest vehicular traffic volume shall be used to calculate the allowable area.

(p) *Group development*: Multifamily development having multifamily units grouped within more than one (1) structure. Does not include townhouse development.

(q) *Height of sign*: The vertical distance measured from the ground to the top of the sign face or sign structure, whichever is greater.

(r) *Historical sign*: An existing free standing sign that is erected and maintained on the same property for thirty (30) years or longer and has obtained historical status by resolution of city council.

~~(r.5)~~(s) *Monument sign*: A freestanding sign with a supporting base and a secondary architectural element designed to contain and frame or enclose sign copy, whose width falls within a range of sixty-five (65) percent to eighty-five (85) percent of the width of the base.

~~(s)~~(t) *Off-premises sign*: A sign 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. Signage owned and maintained by a government or agency that displays information regarding public activities available for the general public as further defined in this chapter shall be exempted from this definition.

~~(t)~~(u) *On-premises sign*: A sign that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold, on the premises upon which the sign is located.

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

(w) *Public agency*: An agency of the local, state, or federal government.

~~(v)~~(x) *Public informational signage*: Signage owned and maintained by a municipal, county, state, or Federal government agency, located on property owned or controlled by said agency, that displays information regarding activities, products and/or services offered by said agency, whether or not a fee is charged for that activity, product or service; and any other information of general public interest, including but not limited to neighborhood identification markers, historical markers, information related to public safety and wayfinding, or similar information.

~~(x)~~(y) *Sign*: Any device, fixture, painting (excluding artistic murals with no commercial message), or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention, including structures whose purpose can be reasonably construed to communicate a message or attract attention. Customary graphics found on soft drink and newspaper dispensers and similar machines shall not be considered as signs.

~~(y)~~(z) *Sign, projecting*: Any sign other than a parallel sign, which projects from a wall or other vertical surface to which it is attached more than six (6) inches.

~~(z)~~(aa) *Sign structure*: A supporting structure erected or intended for identifying/advertising purposes, with or without a sign thereon, situated upon or attached to real property, upon which any sign is fastened, affixed, displayed, applied or a part of, provided however, said definition shall not include a building, fence, flagpole, illumination standards or sailboat masts.

~~(aa)~~(bb) *Sign, wall*: Any sign attached flat to the exterior surface wall or any other vertical surface of a building. Such sign may also be painted directly onto a vertical surface; does not include inside temporary window signs.

~~(bb)~~(cc) *Theater*: A building or portion of a building used for the presentation of plays, motion pictures, cultural or other dramatic performances.

~~(cc)~~(dd) *Window sign, permanent*: Any sign which is painted on, or attached to the interior side of a window or glass door, or which is mounted inside a window so as to be visible through the window. The total of all signs displayed in any one (1) window shall not cover more than twenty-five (25) percent of the window. Such window sign aggregate area shall be included in the allowable area for wall signs. In no case shall the combined total area of permanent and temporary window signs cover more than twenty-five percent of the window.

~~(dd)~~(ee) *Window sign, temporary*: A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going-out-of-business, grand openings, etc. In no case shall the combined total area of permanent and temporary window signs cover more than twenty-five (25) percent of the window. Apparel with any type of printed advertisement shall be considered as a temporary sign.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for December 16, 2019.

Planning Commission Action

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions, or recommend denial of the proposal as submitted.

Alternative Motions

- 1) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-19-02] to the Mayor and City Council with a recommendation of approval.

OR
- 2) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-19-02] to the Mayor and City Council with a recommendation of denial.

OR
- 3) I move (an alternate motion).