

ORDINANCE 2009- 76

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
CITY OF MYRTLE BEACH

AN ORDINANCE OF SIX PARTS AMENDING APPENDIX A,
ZONING OF THE CODE OF ORDINANCE OF THE CITY OF
MYRTLE BEACH:

PART ONE TO AMEND SECTION 902.3 TO INCLUDE A
DEFINITION FOR CHANGEABLE ELECTRONIC VARIABLE
MESSAGE SIGNAGE (CEVMS);

PART TWO TO ENACT SECTION 902.10. TO ALLOW CEVMS
IN ENTERTAINMENT/AMUSEMENT CONCENTRATION
OVERLAY DISTRICTS AND AS BILLBOARD COVERSIONS;

PART THREE TO AMEND 902.6.7, SIGNS ALLOWED IN AC-3
TO ENACT SUBSECTION (c) TO ALLOW CEVMS SIGNS IN
AC-3 AS SET FORTH;

PART FOUR TO ENACT 902.6.17 TO ESTABLISH AN
OVERLAY AND PERMIT CEVMS IN THE
ENTERTAINMENT/AMUSEMENT CONCENTRATION
OVERLAY DISTRICT, AND ESTABLISH THE BOUNDARIES

PART FIVE TO AMEND 902.9.1 TO ALLOW FOR THE
ISSUANCE OF PERMITS FOR BILLBOARD SIGNS UNDER
THE DIGITAL BILLBOARD EXCHANGE PROGRAM

PART SIX: TO ENACT 902.9.3.2 TO CREATE THE DIGITAL
BILLBOARD EXCHANGE PROGRAM AND PROVIDING FOR
THE REMOVAL OF TRADITIONAL BILLBOARD SIGNS IN
EXCHANGE FOR THE RIGHT TO CONSTRUCT A DIGITAL
BILLBOARD SIGN IN CURRENT LOCATION IN
CONFORMANCE WITH STATE AND LOCAL LAW.

**PART ONE: TO AMEND SECTION 902.3 TO INCLUDE A DEFINITION FOR
CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNAGE (CEVMS)**

**IT IS HEREBY ORDAINED that Section 902.3. Definitions, is hereby amended to include
the following definition of CEVMS.**

1 902.3. *Changeable electronic variable message sign (CEVMS)* shall mean a sign on
2 which light is turned on or off intermittently by any means, including any illuminated
3 sign on which such illumination is not kept stationary or constant in intensity and color at
4 all times when such sign is in use; including alternative sign displays of a digital or
5 controlled light emitting variety, including digital signs that may be scrolling message
6 boards, liquid crystal display (LCD), or plasma display panels, electronic billboards,
7 projection screens, or other emerging display types like living surfaces like organic light-
8 emitting diode (OLEDs), light emitting diode (LED), light emitting polymer (LEP) and
9 organic electro-luminescence (OEL), that can be controlled electronically using a
10 computer or other devices, allowing direct or remote access and control of graphic, text
11 or content, and which may vary in intensity or color. A CEVMS sign does not include a
12 sign located within the right of way that functions as a traffic control device and that is
13 described and identified in the Manual on Uniform Traffic Control Devices (MUTCD)
14 approved by the Federal Highway Administrator as the National Standard.

15
16 **PART TWO: TO ENACT SECTION 902.10. TO ALLOW CEVMS IN**
17 **ENTERTAINMENT/AMUSEMENT CONCENTRATION OVERLAY DISTRICTS AND**
18 **AS BILLBOARD COVERSIONS**

19
20 **IT IS HEREBY ORDAINED that Section 902.10 is enacted:**

21
22 *902.10 CEVMS signs are permitted only as provided herein:*

23
24 902.10.1 CEVMS are permitted in Entertainment/Amusement Concentration
25 Overlay Districts.

26
27 902.10.2 CEVMS are permitted as billboard conversions of existing non-
28 CEVMS billboards to CEVMS, pursuant to 902.9.3. The structures to be
29 removed must be within the City limits, provided that the conversion shall
30 conform to current building code regulations.

31
32 902.10.3 CEVMS shall conform to following:

- a. 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;
- b. 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;
- c. 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;
- d. 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.

PART THREE: TO AMEND 902.6.7, SIGNS ALLOWED IN AC-3 TO ENACT SUBSECTION (c) TO ALLOW CEVMS SIGNS IN AC-3 AS SET FORTH

IT IS HEREBY ORDAINED that Section 902.6.7 is hereby amended:

902.6.7 Signs permitted in the AC-3 district.

- a. All signs listed in section 902.5.2, "Signs exempt from permit procedures," subject to the limitations and requirements thereof.
- b. On parcels of less than 45,000 square feet the total signage allowance is 600 square feet. For parcels in excess of 45,000 square feet, where the principle use is amusement service, an additional 300 square feet of signage is permitted for each additional 45,000 square feet of parcel. This sign allowance includes the sum of all sign areas, whether freestanding, wall mounted, or projecting. The area of any freestanding sign shall not exceed 600 square feet.
- c. CEVMS subject to the conditions of 902.10.1 and 902.6.17 (Overlay)
- d. For amusement parks greater than five acres in area:
 1. Beacon, spot, search or stroboscopic light or reflector, provided the source of such light is not visible from any public right-of-way or adjacent property, the maximum number of such lights

- permitted on any amusement park site is six and no such light shall be directed at an angle of less than 45 degrees above a horizontal plane passing through the light source.
- e. The height limitation on signs in the AC-3 district is 80 feet, the same as the maximum permitted height in the district.
- f. Notice bulletin boards. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institutions.
- g. Piers. Buildings located on piers shall be permitted a maximum of two signs parallel to the pier, and one sign perpendicular to the pier, provided, however, that
1. Singly or via combination the signs permitted under this section shall not exceed a total aggregate sign area of 150 square feet.

PART FOUR: TO ENACT 902.6.17 TO ESTABLISH AN OVERLAY AND PERMIT CEVMS IN THE ENTERTAINMENT/AMUSEMENT CONCENTRATION OVERLAY DISTRICT, AND ESTABLISH THE BOUNDARIES

IT IS HEREBY ORDAINED that Section 902.6.17. is hereby enacted:

902.6.17.Signs permitted in Entertainment/Amusement Concentration overlay districts.

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

902.6.16.1 *Entertainment/amusement concentration overlay districts.*

TABLE INSET:

Ocean Boulevard	8 th Avenue North to 12 th Avenue North		
	3 rd Avenue South to 6 th Avenue South		

PART FIVE: TO AMEND SECTION 902.9.1 TO ALLOW FOR THE ISSUANCE OF PERMITS FOR BILLBOARD SIGNS UNDER THE DIGITAL BILLBOARD EXCHANGE PROGRAM

IT IS HEREBY ORDAINED that Section 902.9.1 is amended:

902.9 Construction of outdoor advertising signs or billboards prohibited.

902.9.1 Prohibition. Notwithstanding any contradictory provision in section 902.7, no outdoor advertising sign or billboard, as defined in sections 902.3.3 and 902.3.19, 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 nonconforming 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.

PART SIX: TO CREATE THE DIGITAL BILLBOARD EXCHANGE PROGRAM AND PROVIDING FOR THE REMOVAL OF TRADITIONAL BILLBOARD SIGNS IN EXCHANGE FOR THE RIGHT TO CONSTRUCT A DIGITAL BILLBOARD SIGN IN CURRENT LOCATION IN CONFORMANCE WITH STATE AND LOCAL LAW

1 **IT IS HEREBY ORDAINED** that Section 902.9.3 is enacted , “**Digital Billboard Exchange**
2 **Program,”** as follows:

3
4 **Sec. 902.9.3 Off-Premise Digital Billboard Signs**

5
6 **902.9.3.1 Purpose.** The purpose of this Section is to provide standards and restrictions for the
7 exchange of traditional billboard signs for Off-Premise Digital Billboard Signs that are pursuant
8 to the interest of the citizens of the City in the visual aesthetics of the City and the safety of
9 vehicular travel. These standards and restrictions maintain, support and protect the aesthetic
10 character of the City by providing for the removal of certain traditional billboard signs, as well as
11 protect the safety of the motoring public, by limiting the locations of, and specifications for, off-
12 premise digital billboard signs and generally further the public interest of the citizens.

13
14 **902.9.3.2 Definitions for the purposes of the Digital Billboard Exchange Program:**

15
16 1. **Billboard.** A sign identifying/advertising and/or directing the public to a business
17 or merchandise or service or institution or residential area or entertainment which is
18 located, sold, rented, leased, produced, manufactured and/or furnished at a place other
19 than the real property on which said sign is located. Such signs are also known as off-
20 premises or outdoor advertising display signs. A billboard may also be known as a
21 freestanding sign.

22
23 2. **Designated corridors.** U.S. Highways 17 Business (commonly known as Kings
24 Highway, U. S. Highway 17 Bypass and U. S. Highway 501.

25
26 3. **Off-premises sign.** A sign identifying/advertising and/or directing the public to a
27 business or merchandise or service or institution or residential area or entertainment
28 which is located, sold, rented, leased, produced, manufactured and/or furnished at a place
29 other than the real property on which said sign is located that identifies or communicates
30 a message related to an activity conducted, a service rendered, or a commodity sold,
31 which is not the primary activity, service or commodity provided on the premises where
32 the sign is located.

1 4. On-premises sign A sign identifying/advertising and/or directing the public to a
2 business or merchandise or service or institution or residential area or entertainment
3 which is located, sold, rented, leased, produced, manufactured and/or furnished on the
4 real property on which said sign is located.

5
6 5. Off-premise digital billboard sign: a billboard sign that changes the “static”
7 message or copy on the sign by electronic means, or a CEVMS.

8
9 6. Premises means the integrated land area on which the sign is located including all
10 contiguous land areas under ownership of, or lease arrangement with the sign owner, or
11 the business owner.

12
13 7. Structure or Supporting Structure: anything built, constructed or erected or any
14 piece or work artificially built-upon composed of parts joined together in some definite
15 manner including, but not limited to, buildings of any kind, utility poles, fences, fire-
16 hydrants, street light standards-, traffic light standards, traffic directional sign standards
17 or any other thing to which a sign, may be placed, affixed, erected, painted, posted,
18 maintained or displayed.

19
20 8. Traditional Billboard: a billboard sign that does not display messages by
21 electronic means but instead utilizes materials such as painted, vinyl and paper substrates.
22 Traditional billboard signs include tri-vision, or multi-vision signs that do not display
23 messages electronically and utilize the same or similar materials.

24
25 **902.9.3.3 Process**

26 1. No off-premise digital billboard signs shall be allowed in the City except as provided
27 in this Section. An application may be submitted for a Zoning Administrator’s
28 determination of compliance with law for an off-premise digital billboard sign exchange
29 under this program, either for removal and banking of the two removals for a later
30 conversion, or for simultaneous removal and conversion. There is no time limit to the
31 banking of removed structures. The Administrator shall review the ordinance and
32 application for compliance and shall issue his opinion on compliance not later than seven
33 (7) days after application, with an adverse determination subject to appeal as provided by

1 law. Not later than thirty (30) days after the Administrator's determination of compliance,
2 the sign owner must apply for building permits for either removal of two structures with
3 banking to convert at a later date, or for permits to simultaneously remove and convert
4 the off premise digital billboard sign on the identified premises. Not later than seven (7)
5 days from the date of permit application, the permit must be processed for the
6 construction of the off premise digital billboard sign, and all related demolition permits if
7 any. Not later than six (6) months after permit award, the demolition and banking, or the
8 demolition and conversion must be completed, as evidenced by the Administrator's
9 issuance of a determination of completion.

10
11 2. Application and permit fees shall be in accordance with applicable law. City may
12 inspect off-premise digital billboard signs at any time to ensure compliance with the
13 permit and City Code.

14
15 3. Conversion regulations and formulas:

16 a. All conversion alternatives are limited to 400 square feet of sign face per
17 side, depending on the current sign face configuration (single or double faced), and no
18 more than one sign face per side. No roof top traditional billboard may be converted into
19 CEMVS. Except for the special circumstances as provided for herein; no conversion site
20 may be located on a site on which a traditional billboard existed and was removed for any
21 reason. When the proposed conversion site is eligible to have installed a double face
22 CEMVS sign, upon removal of the traditional billboard structure and supporting
23 structure, the owner of that sign may elect to install only one CEMVS sign face, and
24 delay installation of both sides of the conversion without the loss of the right to install the
25 second CEMVS sign face at a later date.

26 b. After removing two sign structures and supporting sign structures from any of
27 the three designated corridors, the owner of existing traditional, billboard signs shall be
28 eligible to receive a building permit to convert one (1) other current sign location on any
29 designated corridor in conformance with state law into a double face or single face
30 CEMVS, depending on the sign faces on the board to be converted.. *Example: remove*
31 *one billboard from Highway 501, and one from King's Highway, and convert an existing*
32 *billboard on either 501, Kings or 17 Bypass into a CEMVS. If the proposed conversion is*
33 *double faced, with 400 square feet on each side, then the conversion CEMVS can be*

1 *double faced, with 400 square feet on each side, but no conversion can have more than*
2 *one face per side or be on a rooftop.*

3 c. After removing any two sign structures and supporting sign structures
4 within three hundred twenty five (325) feet of each other on the same tax map number
5 lot, which displays not less than eight (8) faces from a designated corridor, the owner of
6 existing traditional billboard signs shall be eligible to receive a building permit to
7 construct on that same tax map number lot one (1) double face or single face CEVMS
8 billboard. *Example: remove two stacked double faced billboards from either Highway*
9 *501, Kings or 17 Bypass and convert an existing billboard on that same site into a*
10 *CEMVS. The conversion can be double faced, up to 400 square feet, but no conversion*
11 *can have more than one face per side or be on a rooftop.*

12 d. After removing three sign structures and supporting sign structures from a
13 non-designated corridor, the owner of an existing traditional billboard sign shall be
14 eligible to receive a building permit to convert one (1) other current sign location on a
15 designated corridor in conformance with state law into a double face or single face
16 CEVMS, depending on the sign faces on the board to be converted.. *Example: remove*
17 *three billboard structures from any other location other than Highway 501, Kings or 17*
18 *Bypass, and convert an existing billboard on either 501, Kings or 17 Bypass into a*
19 *CEMVS. If the proposed conversion is double faced, with 400 square feet on each side,*
20 *then the conversion CEMVS can be double faced, with 400 square feet on each side, but*
21 *no conversion can have more than one face per side or be on a rooftop.*

22 e. After removing any single roof top traditional billboard, the owner of an
23 existing traditional billboard sign shall be eligible to receive a building permit to convert
24 one (1) other current sign location on a designated corridor in conformance with state law
25 into a double face or single face CEVMS, depending on the sign faces on the board to be
26 converted.. *Example: remove any rooftop billboards anywhere in the City, and convert*
27 *an existing billboard on 501, Kings or 17 Bypass into a CEMVS. If the proposed*
28 *conversion is double faced, with 400 square feet on each side, then the conversion*
29 *CEMVS can be double faced, with 400 square feet on each side, but no conversion can*
30 *have more than one face per side or be on a rooftop.*

31 4. All off-premise digital billboard signs shall be subject to this Section and all other
32 relevant provisions of City Code and applicable state and federal law.

5. 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.

902.9.3.4 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.

This ordinance shall take effect upon adoption.

s/JOHN RHODES

JOHN RHODES, MAYOR

ATTEST:

S/JOAN GROVE

JOAN GROVE, City Clerk

1st Reading: 2/23/10

2nd Reading: 10/12/10