



Town of Surfside Beach
115 US Hwy. 17 North, Surfside Beach, SC 29575
(843)913-6111

**PLANNING COMMISSION REGULAR MEETING
TOWN COUNCIL CHAMBERS
Tuesday, October 4, 2016 at 6:00PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. BOARD MEMBERS OATH OF OFFICE
4. AGENDA APPROVAL
5. MINUTES APPROVAL – August 2, 2016
6. DISCUSSION ITEMS:
 - a. Proposed amendments to the sign ordinance (by Business Committee)
 - b. Annual Rentals in R1 & R2 zoning districts – (Defining long term rentals)
 - c. Relaxing of 35 ft. height limits on properties located in the Special Flood Hazard Areas that are located in R1 and R2 to allow the structure to extend no more than 3 ft. above the maximum height requirement.
 - d. Removal of Landmark Trees
 - e. Any topic the board wishes to discuss
7. PUBLIC COMMENTS – General Comments.
8. BOARD COMMENTS
9. ADJOURNMENT



**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
AUGUST 2, 2016 ♦ 6:00 P.M.**

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7
8 **1. CALL TO ORDER.** Chairman Pruitt called the Planning & Zoning Commission meeting to
9 order at 6:00 p.m. Commission members present: Chairman Pruitt, Vice Chairman Abrams and
10 members Elliott, Johnson, and Lauer. Member Lowery was absent. One seat is vacant. A quorum was
11 present. Others present: Town Clerk Herrmann and Planning Director Morris.

12
13 **2. PLEDGE OF ALLEGIANCE.** Chairman Pruitt led the Pledge of Allegiance.

14
15 **3. AGENDA APPROVAL.** Ms. Abrams moved to approve the agenda with an amendment to
16 add public comments on agenda items prior to item number 5, Business. Ms. Johnson second. All voted
17 in favor. **MOTION CARRIED.**

18
19 **4. MINUTES APPROVAL.** Ms. Abrams moved to approve the June 7, 2016 meeting minutes as
20 submitted. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

21
22 **PUBLIC COMMENTS ON AGENDA ITEMS** – Added by approved motion, see #3 above. There
23 were no public comments on agenda items.

24
25 **5. BUSINESS. Amend the Town's Zoning Ordinance to allow for the creation of the**
26 **Limited Light Industrial Zoning District (LLI) and all supplements thereto.**

27
28 Chairman Pruitt said the commission had discussed creating a LLI on Sandy Lane for a few
29 months. Ms. Morris said during the May meeting, the commission went through the LLI proposed
30 ordinance page by page. There were several amendments requested by the planning commission, and
31 the LLI language was added where necessary. Except for a correction Ms. Abrams found, the ordinance
32 is ready.

33
34 Ms. Abrams said there is a correction to Chart 17-622C, under the height limit in the Wall Sign
35 portion there should not be any comments, as the commission decided that roof signs will not be
36 allowed. The verbiage was left in as an oversight. Another correction was needed in 17-301, the
37 description cites nine (9) districts. With the addition of the LLI, the description should state there are ten
38 (10) districts.

39
40 Ms. Morris said that the Comprehensive Plan calls for Sandy Lane to be rezoned to LLI. The
41 business committee supports the zoning change.

42
43 Chairman Pruitt said that the proposed ordinance is ready for recommendation to Town Council.
44 Ms. Johnson moved to recommend the LLI ordinance to Town Council with the two corrections
45 mentioned by Ms. Abrams. Ms. Gambino second. All voted in favor. **MOTION CARRIED.**

46
47 Chairman Pruitt said that HTC has set up high-speed internet with 1,000 MB/second on Sandy
48 Lane, which should make the Sandy Lane LLI more desirable for high tech industry. HTC was very
49 cooperative. There are several key people looking for businesses that could take advantage of the higher
50 speed internet.

53 **6. DISCUSSION. Parking Issues (Harry Kohlmann – Parking Committee Chair to**
54 **attend.)**
55

56 Chairman Pruitt said that Mr. Kohlmann was unable to attend. Chairman Pruitt was concerned
57 about parking and traffic in town. He hoped the commission could have a discussion about future plans
58 and the current state of affairs.
59

60 Ms. Gambino said people do not abide by stop signs. Her neighbors park adjacent to Hollywood
61 Drive and you cannot see around the cars to enter the road. It is a safety issue. Chairman Pruitt had
62 heard that same concern. Ms. Morris said people were parking in the rights-of-way. A brief discussion
63 ensued about the situation with Ms. Gambino's neighbors.
64

65 Chairman Pruitt had heard concerns about the new parking spaces on Surfside Drive blocking
66 views, which was probably not anticipated when the parking was created. To mitigate that would be
67 difficult at this point. A vacationing neighbor of his was parked with wheels on the road and against the
68 flow of traffic, which is a "big no-no." The code enforcer actually gave the man the opportunity to
69 maneuver the car differently so a ticket did not have to be written. He thought that was appropriate.
70 Chairman Pruitt would like to see more parking and a better system. The current system deters visitors,
71 in his opinion. Much is said about day-trippers, but they will continue to visit. The town needs a 10 or
72 20 year plan to make parking available for those people, and probably not charge for it. He believed if
73 the budget was reviewed carefully, the parking would probably net zero. There might be some profit,
74 but he did not think the net gain was worth making everybody mad.
75

76 Ms. Elliott said the three lots were purchased with parking revenue. The parking function pays
77 for itself and it is not a net zero. There was quite a bit of parking removed, but that was to benefit the
78 owners on Ocean Boulevard, because they could not see to get out. Hollywood Drive has always been a
79 bad street. There is over one-quarter mile stretch between the four stop signs. There are many
80 accidents at 5th Avenue North and Hollywood where she lives. Ms. Gambino, who also lives on Hollywood
81 Drive, said an accident occurred at the house a few nights ago. Ms. Elliott thought parking money also
82 supported the beach renourishment. Ms. Herrmann said that the parking ordinance states that net
83 parking revenue will be reserved for land purchases.
84

85 Chairman Pruitt asked if the lots on 3rd Avenue South could be used for parking. Ms. Johnson
86 believed the property would be better used as a park. Chairman Pruitt reiterated that he believed there
87 should be more parking and a better attitude towards visitors.
88

89 Ms. Johnson said from what she had heard that not many people have a problem with paying to
90 park. They just want a place to park, and that the town has taken away so many parking places on
91 Ocean Boulevard. Trees were placed on Ocean Boulevard where the surfers using 13th Avenue North
92 parked. There is nowhere for those surfers to park.
93

94 Chairman Pruitt said there isn't much vacant land, and he expects there will be more people here
95 soon. Where are their cars going?
96

97 Ms. Abrams said we are talking about long range planning. The town is only so big and there will
98 be a point of diminishing return, if we keep providing more and more parking as they keep building in the
99 county to the point where our beach becomes unattractive to the weekly renters, because they are so
100 crowded with day trippers. We are going to have to watch very carefully to keep a balance so that the
101 beaches are not over loaded. The big money comes from the weekly renters; day trippers do not usually
102 buy much. The commission needs to consider this carefully.
103

104 Chairman Pruitt said parking is a difficult issue. He hoped that Mr. Kohlmann could share what
105 the parking committee had seen and its future plans.

Planning Commission
August 2, 2016

106
107 Ms. Gambino knows that the town receives revenue, but we don't want to be Myrtle Beach. We
108 want to keep parking where people can afford parking. Some of the plantings being done will overgrow
109 if they are not maintained, and also shed. Maybe the town doesn't need all the plants. Surfside Drive is
110 beautiful with the hanging plants. When you are at the beach the aesthetics do not look as nice. She,
111 too, believes parking should be evaluated carefully.

112
113 Mr. Lauer did not know what the problem was with parking at this point. You really don't want
114 to increase parking too much more. When he drives around town, he sees all the parking places filled.
115 How many more people can we put on the beach? We do not have enough shops to entertain everyone
116 that comes. I think during the season the shops do quite well. I never see any place without folks going
117 in and out. We really have very limited space.

118
119 Chairman Pruitt said that brought attention to the bigger question: what do we want the town to
120 be in 20 years? This is his last meeting and for the past six years serving on this commission that has
121 been his thought. He thought a discussion around parking, a mixed use district on Surfside Drive is really
122 going to be important, along with the design overlay district, for the town's future. I can attest to the
123 fact that there will be more people here in 10 years; 20 years, and at some point the people here now
124 will be doubled. There has to be something done to adequately preserve the feeling of the town while
125 accommodating the visitors. What would be the best situation for Surfside in the long range? He was
126 trying to spark that discussion before he left the commission.

127
128 Ms. Gambino asked how the parking situation was during the Guy Daniels Surf off Event.
129 Chairman Pruitt said it was terrible. However, he went to Wrightsville Beach two weeks ago to attend a
130 competition, and the parking there was worse. The town is not doing too badly. Ms. Johnson said
131 Wrightsville Beach allows you to park wherever a spot was open, and their beaches are not too crowded.
132 Chairman Pruitt said Wrightsville Beach has higher density housing, and the town blocked off a portion of
133 the main street, which did not make any sense because of the extra visitors for the competition. He was
134 grateful that the town worked with the Guy Daniels Foundation.

135
136 Mr. Lauer believed that was one reason the town does not have an event every weekend. We
137 can't house that kind of activity. But to have a couple during the season, fine. We are a small town. I
138 like the fact that I can drive down the roads and it's not like Myrtle Beach. You can get around here.
139 Now, I wonder whether that many more people will come. When people come and cannot find a parking
140 space, they stop coming. The question is do we need those people, and their influx of dollars when we
141 have our rentals all filled. He did not know and thought perhaps a study should be done. Ms. Abrams
142 agreed absolutely. Mr. Pruitt said the crowds had not stopped during the past 30 years, but at some
143 point it might stop. Mr. Lauer said he was from the Jersey Shore area, and he saw what happened as it
144 filled up. Those that couldn't find parking would go elsewhere, and they may not come back when they
145 see the crowds. We are going to be more crowded, but he didn't want the town's beach to be like the
146 Jersey Shore.

147
148 Chairman Pruitt said that was his point; let him rewind time to 30 years ago. Those are
149 important issues that the commission will need to tackle. He was glad of the members that were serving
150 and thought they would do a great job.

151
152 Ms. Morris heard from business committee chairman Truett after the agenda for this meeting was
153 published. He did not think any recommended changes to the sign ordinance from the business
154 committee were brought to the commission, which we was under discussion in June. Copies of those
155 minutes were sent to the business committee members with highlighted sections that she believed were
156 very important and the section that said the commission would like to consider the sign ordinances as a
157 whole instead of piecemeal review. Mr. Truett asked in an email message if the commission would not
158 consider what was already proposed and then address temporary signs later. Ms. Morris said that was

159 exactly her understanding, but she would ask the commission again. Several members confirmed that
160 they preferred to review the sign ordinances in the entirety.
161

162 Mr. Cabell Young, a business committee member, said it had become more encumbered since
163 *Reed vs. Gilbert*, which redefines sign code. There were ten points discussed by the commission at the
164 June 7th meeting. The business committee was trying to help the business community. We are reaching
165 the end of the season. We started talking about grandfathering and things like that during the middle of
166 the season and that created some issues. The commission members are welcome to attend the business
167 committee meetings. Things work as a result of cooperation between committees. The business
168 committee is waiting for information from the town attorney. Ms. Morris said that had been received and
169 sent to the committee. Mr. Young said he would try to attend more planning commission meetings,
170 because he didn't know the commission saw the sign ordinances on June 17th until Ms. Morris sent the
171 minutes to him.
172

173 Ms. Abrams said there were questions from the planning commission in those minutes. Ms.
174 Morris said Mr. Stevens was present at the meeting and answered a lot of the questions. Ms. Abrams
175 said Mr. Stevens did not say to which districts the ordinances would apply; there were several questions
176 for the business committee. Mr. Young said the commission's minutes would be reviewed by the
177 committee.
178

179 **6. PUBLIC COMMENTS- Agenda Items.**

180
181 Mr. Ron Ott, 7th Avenue North. I've seen where the business committee needs to take little bites
182 of this, if you could accept that and take little pieces of it and do it a small chunk at a time. I know
183 you're used to taking the whole ordinance and putting it together, but maybe if you took a little one they
184 could see how it works, because the whole ordinance ... Ms. Herrmann interrupted Mr. Ott and explained
185 as a councilmember he should be cautioned about directing the commission. It was illegal for a
186 councilmember to influence the commission on a matter that would be presented to Town Council for
187 action. Chairman Pruitt said that the clerk had point; if Mr. Ott wanted to make some general comments,
188 the commission was happy to hear them. Ms. Morris said as long as Mr. Ott did not direct. Mr. Ott
189 continued saying that the commission, I believe, should to try to give council an idea of what the town
190 really is; who they are, and who they want to be in the future. I don't think anybody has collected that.
191 Where we are; what we want to be; what makes us different from Garden City and Murrells Inlet,
192 Surfside Beach, and North Myrtle Beach.
193

194 Chairman Pruitt said Mr. Ott's comments about what we want to be is a question hanging in the
195 air.
196

197 Ms. Julie Samples, North Hollywood Drive. Mikey Pruitt, you have been a gift to this town. I
198 want to thank you, but I know the town really appreciates you for your time, your attention and service.
199 You have been a real gift, and so, thank you for all your hard work and your input. We hope that we see
200 you often. *(Applause)* Chairman Pruitt said thank you. I'm not gonna cry! *(Laughter)*
201

202 Ms. Terri Lauer, Harbor Lights Drive. On the corners we do have a very big issue of shrubs being
203 grown, and taking away our view. There is also an ordinance in the town that says how many feet that
204 the shrubs should not grow. Maybe we need to address that and go around and finding those houses
205 that have that before there is an accident. Just a heads up. I have just an idea, I think maybe with the
206 signs for the parking spaces that we just talked about on Surfside Drive, if you block off the first two
207 parking spaces on each corner with yellow lines that might help visibility. Just a suggestion or a thought
208 before there is another accident. Parking, well, I think the town all knows about the parking. There is an
209 issue and we have to plan for the future. But, we don't want to make it that we're not looking ahead.
210 We want to make it everything in town not to waste money, and we have wasted money before with the
211 parking meters that we paid for and they went away. So, we have an idea that I think Town Council

212 approves something and then two years later the money's gone, and that's very wasteful. So, I'm hoping
213 that Town Council when they make some of their decisions that they think about that very carefully
214 without making a decision and then taking it back. I know it's very hard, because council comes and
215 goes and you have different people. But, we need to look more for the town for our financial security;
216 not just how we spend it and waste it. Thank you.

217
218 **7. COMMISSION COMMENTS.**

219
220 Ms. Abrams: I'd just like to take the opportunity to echo Ms. Samples' comments. Thank you for
221 your six years of service. Especially the time when you've so effectively chaired this commission. We're
222 really going to miss you.

223
224 Ms. Johnson: I ditto that as well. You've been a real asset to this board, and we're gonna miss
225 you. I've enjoyed serving with you. As far as the parking issue goes, I think it's been beat to death.

226
227 Ms. Elliott: Mikey, I have to agree with my members here. You have been a great asset. We're
228 gonna miss you, and I know Ms. Abrams is really going to miss you, because she's gonna have to sit
229 there in the hot seat. You did a wonderful job, and best of luck.

230
231 Ms. Gambino: Thank you, too, Mikey, my one meeting. *(Laughter)* Chairman Pruitt: This is the
232 best it's gonna get! *(Laughter)*

233
234 Mr. Lauer: Yes, I certainly want to thank you also, Mikey. I don't think people appreciate how
235 difficult it is to chair a meeting like this until you try and get somebody to take your place and nobody
236 wants it. Then you really appreciate how tough a job that is. Thank you very much.

237
238 Chairman Pruitt: Thank you guys, and I guess I just want to say I've had a great time being on
239 this commission and chairing it for a few years. I think the future is bright for Surfside. I look forward to
240 reading about it in the paper from Murrells Inlet. Seriously, Surfside has always been my home, and it
241 always will be my home. I'll probably be back one day.

242
243 **12. ADJOURNMENT.** Mr. Lauer moved to adjourn at 6:35 p.m. Ms. Johnson second. All
244 voted in favor. **MOTION CARRIED.**

245
246 Prepared and submitted by,

247
248 _____
249 Debra E. Herrmann, CMC, Town Clerk

250 Approved: September 6, 2016

251
252 _____
253 Mary Ellen Abrams, Vice Chairman

254
255 Clerk's Note: This document constitutes action minutes of the meeting that was digitally recorded, and
256 not intended to be a complete transcript. Appointments to hear recordings may be made with the town
257 clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with
258 FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and interested parties
259 via the town's email subscription list. The agenda was posted on the entry door at Town Council
260 Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the
261 marquee.

Discussion Item: A

Proposed amendments to the sign ordinance – (By Business Committee)

Please note: Town Attorney had not approved this recommendation as of yet.

ARTICLE VI. SIGNS

DIVISION 1. INTRODUCTORY SIGN PROVISIONS

SECTION 17-600. LEGISLATIVE INTENT

The purpose of this article is to promote and protect the public health, safety, and welfare by regulating signs of all types. Signs constitute a separate and distinct use of the premises upon which they are placed and also affect the use of adjacent roads, streets, walkways, and other properties. The provisions of this article are made to establish reasonable and objective regulations for all signs in this municipality for the following purposes:

- (1) To maintain and enhance the visual quality and aesthetics of the community;
- (2) To improve and foster pedestrian and motorist safety by minimizing distractions and obstructions that contribute to vehicular and other accidents;
- (3) To avoid personal injury and property damage from structurally unsafe signs;
- (4) To protect property values and private and public investment in property;
- (5) To preserve the natural beauty and character of the community; and
- (6) To establish a process for the review and approval of sign permit applications.

SECTION 17-601. APPLICABILITY

The provisions of this article shall apply and govern in all zoning districts. No sign shall be placed, erected, altered, or maintained unless it is in compliance with the regulations of this article.

SECTION 17-602. DISPLAY OF NONCOMMERCIAL MESSAGES

~~Any sign allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this article.~~

The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular noncommercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or allow the substitution of an off-site commercial message in place of an on-site commercial message.

SECTION 17-603. DEFINITIONS **REMOVE AND ADD TO DEFINITONS AT FRONT OF ZONING ORDINANCE**

~~In addition to the definitions set forth in section 17-007, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section. All other words, terms, and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.~~

ARTICLE VI. SIGNS

Abandoned sign shall mean any sign which: (1) advertises or pertains to a business, product, service, event, activity, or purpose which is no longer conducted or publicly available, 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 (2) any sign structure that fails to display any sign copy for six months, or (3) any sign which, for a period of six consecutive months, remains in a state of disrepair. The passage of time alone under the above delineated circumstances establishes abandonment or obsolescence and such determination does not require any element of personal or business intent. For the purposes of the definition, state of disrepair shall mean a sign that has vegetation growing upon it, clinging to it, touching it or obscuring the sign face or sign parts or sign structure, 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 from rusting, rotting, breaking, or other deterioration of the sign parts.

Animated sign shall mean any sign, or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

Balloon, inflated or tethered shall mean an inflatable object or device, that may or may not display commercial logos, that uses gases or air as a means of support and which is designed to draw attention to a product, service, or commercial activity.

Beacon/spotlight sign shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate.

Billboard shall mean a permanent freestanding off site sign which is generally used to rent or lease advertising space but which may also include noncommercial copy; also referred to interchangeably as "outdoor advertising sign" and "outdoor advertising billboard sign" and "billboard sign".

Changeable copy sign (manual) shall mean a sign where message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other characters or changeable panels.

Construction sign shall mean a sign displayed on the site of a construction development project.

Copy shall mean all words, letters, numbers, figures, characters, artwork, symbols, or insignia that are displayed on a sign face.

Decorative artwork shall mean exterior works of art, such as statues, murals, and other graphics that do not advertise a product, service, or business. Decorative artwork shall not be considered a sign and is not regulated by this article.

Dilapidated sign shall mean a sign which the code enforcement official has determined is structurally unsound, has defective parts, or is in need of painting or maintenance.

Display time interval shall mean the length of time in seconds a message, graphic, or illustration is held constant, without oscillation or other change, on an electronic message board.

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Directional sign shall mean any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way drives, handicapped access, pickup and delivery areas and the like.

Electronic message board shall mean an electrical or electronic sign using digital technology or a pattern of lights to form various words or graphics which is capable of changing copy continuously.

Flashing sign shall mean any illuminated sign whose motion or visual impression changes through electronic means. Said signs include visual simulations of motion characteristic of chasing, running, blinking, oscillating, twinkling, or expanding or contracting light patterns.

Freestanding sign shall mean a sign which is permanently affixed to the ground and which is not a part of a building or other structure.

General advertising shall mean the business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. As to signs, the sign owner makes display space available to other parties in exchange for a fee or other consideration.

Governmental sign shall mean a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or ordinance or governmental regulation.

Home occupation sign shall mean a sign used in association with a home-based business that is allowed to be conducted in the dwelling occupied by the operator of the business.

House of worship shall mean any structure in which any recognized religion that has a tax-exempt status meets to practice its religion.

Illuminated sign shall mean any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface or which reflects lights from a source intentionally directed upon it.

Interior sign shall mean a sign which is completely enclosed within a building or structure, not visible from a public street or public way, which is designed to provide information to occupants or patrons within a structure **and is not intended to entice customers into the business.**

Mural shall mean a picture or design painted on the exterior of a structure. A mural is a sign if it contains any language or logos which advertise any product or service or if the mural identifies any business. In such instances, the mural shall be classified as an "off-site sign", a "wall sign", or other sign as defined herein and shall be subject to the limitations imposed by this article for such signs. See "Decorative Artwork".

Occupied shall mean built or developed; not vacant.

Off-site sign shall mean a sign that advertises goods, products, services or facilities which are located on premises other than those where the sign is located.

Political sign shall mean a temporary sign announcing or supporting political candidates or issues connected with any national, state, or local election.

ARTICLE VI. SIGNS

Portable sign shall mean a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Principal entrance shall mean the entrance primarily used by customers/guests to enter a premises or building.

Projecting sign shall mean a sign attached to and projecting from the wall of a building and not in the same plane as the wall.

Real estate sign shall mean a sign which is used to offer for sale, lease, or rent the premises upon which the sign is placed.

Roof sign shall mean a sign that is erected, constructed, or maintained above the roof of any building.

Sign structure shall mean any structure which supports, has supported or is capable of supporting a sign, including the decorative cover.

Special event sign shall mean fluttering ribbons, pennants, banners, streamers, inflated or tethered balloons, and wall signs designed for temporary use whether attached, tethered, or otherwise affixed to the ground, a permanent sign, a building or other structure, or a parked vehicle. This definition does not include the advertising of vehicles for sale at a bona fide automobile dealership.

Wall sign shall mean a sign painted on or attached to a wall of a building and in the same plane as the wall.

Warning sign shall mean a sign intended to warn the public of the existence of danger.

Window sign (see wall sign above).

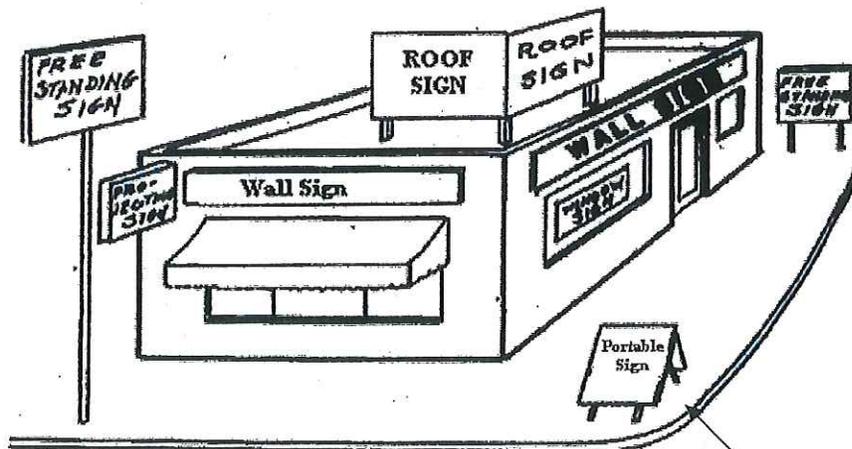


Illustration of Various Sign Types

See also public service and information signs

ARTICLE VI. SIGNS

SECTION 17-604. APPLICATION OF DIMENSIONAL STANDARDS

- (a) **Determining Sign Area.** In administering the sign area requirements of this article, the following standards apply:
- (1) The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
 - (2) For signs on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base materials are to be used in the measurement of sign unless it is clear that part of the base contains no sign related display or decoration.
 - (3) For signs constructed of individual pieces attached to a building wall, the sign area is determined by a perimeter drawn around all the pieces.
 - (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as the sign area.
 - (5) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
 - (6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign area unless it is clear that part of the panel contains no sign related display or decoration.
- (b) **Determining the number of signs.** For the purpose of determining the number of signs, a single sign shall be considered to be a display surface or device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without an organized relationship of elements, each element shall be considered to be a sign. The two (2) components of back-to-back, double faced, or V-shaped signs shall be considered one sign.
- (c) **Determining the height of signs.** For the purpose of determining the height of a sign erected within thirty (30) feet of a street right-of-way, the height shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. In instances where there is no curb, the road shoulder shall be used for the calculation. The height of all signs farther than thirty (30) feet from a street right-of-way, assuming no artificial berm, shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

SECTIONS 17-605 through 17-619. [RESERVED]

DIVISION 2. PERMITS

SECTION 17-620. SIGN PERMITS AND ADMINISTRATION

- (a) **Permit Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, replace, or convert any sign without first obtaining a sign permit for each such sign issued by the town in accordance with this article.

ARTICLE VI. SIGNS

(b) *Application process.*

- (1) Any person seeking a permit for a sign, for which a permit is required under this article, shall submit to the code enforcement official a written sign application for such sign permit.
- (2) The code enforcement official shall prepare a sign permit application form and make those forms available upon request to any person. The sign permit application must include the following information:
 - a. Name, address, and telephone number of the applicant;
 - b. Name, address, and telephone number of the sign contractor, if any;
 - c. Address of property where the sign is proposed to be erected;
 - d. Name, address, and telephone number of the owner of property where the sign is proposed to be erected;
 - e. The written consent of the owner of property where sign is proposed to be erected;
 - f. The overall dimensions of the proposed sign, including height, width, square footage, shape, and number of faces;
 - g. A site plan showing the location of property lines, buildings, parking areas, driveways, landscaped areas, utility poles and wires, and existing and proposed signs on the site;
 - h. Plans, specifications, details, and drawings showing the design, dimensions, materials, and illumination of the proposed sign; and
 - i. If the sign is to be illuminated, an electrical and lighting plan.
- (3) At the time of submittal of the sign application, the applicant shall pay the required application/review fee in an amount as set by resolution by town council. A sign permit application is not deemed complete until the required application/review fee is paid in full. The applicant shall be issued a dated receipt for the application/review fee. The date contained on that receipt shall be considered the date the application is received by the code enforcement official.
- (4) If the code enforcement official finds that any sign permit application is incomplete, the applicant shall be notified not more than thirty (30) calendar days after the application is received. The notice in the form of a certified letter shall state with specificity the information that is missing or lacking. The applicant may resubmit the application in complete form without repayment of the application/review fee one time within thirty (30) calendar days of when notice of incompleteness is mailed or otherwise provided. If the code enforcement official fails to provide notice of incompleteness within thirty (30) calendar days after the application is received, then the application will be deemed complete.

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(c) *Review and appeal process.*

- (1) All matters of enforcement, interpretation, and application of this article, including decisions on sign permits and all other sign-related decisions, shall be made initially by the code enforcement official as an administrative matter.
- (2) The code enforcement official shall approve all sign permit applications which fully comply with the requirements of this article and all other applicable ordinances and laws. For any sign permit application which does not comply with this article and all other applicable ordinances and laws, the code enforcement official shall deny the application and provide notice by certified letter of such decision including an explanation of each reason for the denial. The review of an application deemed complete and notification of either approval or denial shall in no case exceed a period of thirty (30) calendar days after the completed application is received. If such notice is not timely given, and the applicant does not waive the time limitations stated herein, the application shall be deemed denied, and the applicant will be entitled to appeal the decision without payment of the appeal fee.
- (3) Any person whose sign permit application has been denied or who is aggrieved by any sign-related decision by the code enforcement official may appeal that decision to the board of zoning appeals within fifteen (15) calendar days of notification of the denial or other sign-related decision. Appeals to the board are to follow the procedure as provided in Article II of this chapter.

SECTION 17-621. SIGNS EXEMPT FROM PERMITTING – AUTHORIZED SIGNS

The following signs and activities are allowed in all zoning districts and shall not require the issuance of a sign permit; however, all signs shall comply with the dimensional, location, construction, maintenance, and use requirements or restrictions as may be imposed by this chapter:

- (1) ~~Non illuminated real estate signs, political signs, residential yard sale signs, signs indicating the address and/or name of residential occupants of the premises, and other similar noncommercial signs.~~
- (1) **Governmental Signs: Governmental signs for the control of traffic and other regulatory purposes, street signs, warning signs, and signs of public service companies indicating danger and aids to service or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such public signs may be of any type, number, area, height, location, or illumination as provided by law or by applicable building, fire, traffic, or similar codes. While these signs are content specific they serve an extraordinary important public function.**
- (2) **Public Service and Information Signs: Public service signs may be displayed that identify public services or conveniences, such as restrooms, telephone, state vehicle inspection, credit cards accepted, hours of operation, vacancies, trading stamps given, trade associations or affiliations, octane ratings, self service, type of fuel, agent on duty, menu boards, and similar signs. The total area of all such signs displayed shall not exceed four (4) square feet per occupancy. Further, such signs shall be designed and erected inside the perimeter of a permitted sign or mounted flush against a building or structure. Public service and informational signs may, subject to the square footage restriction imposed by this subsection, include one (1) non illuminated freestanding sign. The**

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freestanding sign shall not exceed five (5) feet in height and shall be arranged in a manner so that it can be readily removed from its stand or fixture at the close of business.

- (2) **Public Signs.** Signs required by governmental bodies or specifically authorized for a public purpose by any federal, state, or local law or code. Such public signs may be of any type, number, area, height, location, or illumination as provided by law or code. Such signs include handicapped parking signs, warning signs such as “flammable”, “high-voltage”, and “emergency exit”, and other similar signs. **While these signs are content specific they serve an extraordinary important public function.**
- (3) **Flags:** Flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations provided that such flags, emblems, and insignia shall not be displayed for commercial purposes nor in such a manner as to act as an attention seizing device.
- (3) **Interior signs** which are completely enclosed within a building or structure, which are designed to provide information to occupants or patrons within a structure and are not intended to entice customers into the business.
- (4) **Governmental Signs:** Governmental signs for the control of traffic and other regulatory purposes, street signs, warning signs, and signs of public service companies indicating danger and aids to service or safety which are erected by, or at the order of a public officer or employee in the performance of the officer’s or employee’s duties. Such public signs may be of any type, number, area, height, location, or illumination as provided by law or by applicable building, fire, traffic, or similar codes.
- (4) **No trespassing, no dumping, no parking, towing, and other similar signs** not exceeding two (2) square feet in sign area per lot for residential uses and not exceeding four (4) square feet in sign area per lot for nonresidential uses. **While these signs are content specific they serve an extraordinary important public function.**
- (5) **Routine Maintenance:** A sign permit is not required for the repainting, cleaning, and normal maintenance and repair of a sign or structure for which a permit has been previously issued under this article, so long as the sign or sign structure is not modified.
- (5) **Holiday Decorations:** Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays provided that the height of such displays shall not exceed the building height limitation of the zoning district.
- (6) **No Trespassing, No Dumping, No Parking, Towing, and other similar signs:** No trespassing, no dumping, no parking, towing, and other similar signs not exceeding two (2) square feet in sign area per lot for residential uses and not exceeding four (4) square feet in sign area per lot for nonresidential uses.
- (7) **Public Signs.** Signs required by governmental bodies or specifically authorized for a public purpose by any federal, state, or local law or code. Such public signs may be of any type, number, area, height, location, or illumination as provided by law or code. Such signs include handicapped parking signs, warning signs such as “flammable”, “high voltage”, and “emergency exit”, and other similar signs.

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(8) **Vending Machine Signs.** Permanent, non-flashing signs of vending machines, gasoline pumps, ice containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information not exceeding four (4) square feet in area for each exposed face of such structure or device not exceeding an aggregate gross area of eight (8) square feet.

(9) **Interior Signs:** Signs interior to an enclosed building or structure provide such signs are not visible from a public street or public way.

(10) **Changeable Copy and Routine Maintenance:** Changing the copy of any sign, provided no structural components of the original sign are altered or replaced. Additionally, a sign permit is not required for the repainting, cleaning, and normal maintenance and repair of a sign or structure for which a permit has been previously issued under this article, so long as the sign or sign structure is not modified.

SECTION 17-622. SUMMARY OF SIGN STANDARDS CHART(S)

Charts 17-622(A), 17-622(B), and 17-622(C) below provide a summary of the signs permitted within the town's various districts. Where the text of this article provides more restrictive standards than those summarized below, the more restrictive standard shall apply:

Chart 17-622A: Signs Allowed in All Districts

Chart 17-622A Summary of Signs Allowed in All Districts							
✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) S = Possible w/Special Exception*							
SIGNS PERMITTED IN ALL DISTRICTS							
Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards
Construction Signs (Temporary)	☑	NO	Twelve square feet (R-1, R-2, R-3, MH, or MU) or Twenty square feet (all other districts)	Five (5) feet	One (1)	Ten (10) feet. There is no setback for the C-2 District.	§17-640(e) §17-641(6) §17-643(e)
Flags/Flagpoles	☑	YES	Hoist side of flag not to exceed 40% of Length of Flagpole	Thirty (30) feet for Residential Uses/ Nonresidential Uses not to Exceed the Maximum Height Permitted in District	Two (2)	Ten (10) feet. There is no setback for the C-2 District.	§17-640(2) §17-641(5) §17-643(4)

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Governmental Signs	✓	No Restriction	No Restriction	No Restriction	No Restriction	No Restriction	§17-621(1)
Holiday Decorations	✓	No Restriction	No Restriction	Maximum Height Permitted in District	No Restriction	Ten (10) feet. There is no setback for the C-2 District.	§17-621(5)
Interior Signs	✓	No Restriction	No Restriction	No Restriction	No Restriction	No Restriction	§17-621(3)
No Trespassing, No Dumping, No Parking, Towing, and similar signs	✓	NO	Two (2) square feet (residential uses) and Four square feet (nonresidential uses)	Ten (10) feet (freestanding)	No Restriction	Ten (10) feet (freestanding) There is no setback for the C-2 District.	§17-621(4)
Public Signs	✓	No Restriction	No Restriction	No Restriction	No Restriction	No Restriction	§17-621(2)
Public Service and Informational Signs	✓	YES	Four (4) square feet per occupancy	Not Applicable when affixed; Five (5) feet (freestanding)	No Restriction when affixed; One (1) for freestanding	No restriction when affixed; Ten (10) feet for freestanding	§17-621(2)

Chart 17-622A (Continued)

Summary of Signs Allowed in All Districts

✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) S = Possible w/Special Exception*

SIGNS PERMITTED IN ALL DISTRICTS (continued)

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards
Vending Machine and Similar Signs	✓	YES	Four (4) square feet per exposed face not to exceed eight (8) square feet total	Not Applicable (attached to machine or device)	No Restriction	Ten (10) feet (freestanding) There is no setback for the C-2 District.	§17-621(8)

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Chart 17-622B: Residentially Occupied Properties Standards

Chart 17-622B Summary of Residentially Occupied Properties Sign Standards							
✓ = Allowed (No Permit Required) ☑ = Allowed (Permit Required) S = Possible w/Special Exception*							
Signs Permitted in Residential Districts (R-1, R-2, R-3, & MH Districts) on Residential Occupied Properties							
Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards
ONE, TWO FAMILY, & MANUFACTURED HOME USES							
Freestanding signs (including noncommercial messages, political signs, real estate signs, and yard sale signs)	☑	NO	Four (4) square feet per sign	Five (5) Three (3) feet	Three (3) Four (4) per dwelling	Ten (10) feet	§17-640(a)(1)
Home Occupation Sign (wall-mounted only)	☑	NO	One (1) square foot	Not applicable (wall sign only)	One (1) per dwelling	Not applicable	§17-640(a)
MULTI-FAMILY USES							
Freestanding sign (including noncommercial messages, political signs, real estate signs, and yard sale signs)	✓	NO	Four (4) square feet	Five (5) feet	Six (6) per lot	Ten (10) feet	§17-621(1) §17-640(b)
Home Occupation Sign (wall-mounted only)	☑	NO	One (1) square foot	Not applicable (Wall sign only)	One (1) per dwelling	Not applicable	§17-640(b)
Freestanding (Unit or Complex Identification Sign)	☑	NO	Thirty-two (32) square feet	Five (5) feet	One (1) per entrance	Ten (10) feet	§17-640(b)
PERMITTED NONRESIDENTIAL USES							
Freestanding Sign	☑ or S (see note)	YES	One square foot per lineal foot of	Thirty-five (35) feet	One (1)	Ten (10) feet	§17-640(c)

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			frontage (200 square feet maximum)				
Wall or Roof Sign	<input checked="" type="checkbox"/> or S (see note)	YES	1.25 square foot per lineal foot of frontage (150 square feet maximum)	No more than six (6) feet above height of roof line (roof sign)	Two (2) (only one may be a roof sign)	Not applicable	§17-640(e) §17-651 §17-652
Directional Signs (Freestanding)	<input checked="" type="checkbox"/> or S (see note)	NO	Four (4) square feet per sign	Ten (10) feet	Four (4)	Ten (10) feet	§17-640(e)
ALL RESIDENTIAL USES							
Freestanding Sign (for Subdivision Identification)	<input checked="" type="checkbox"/>	NO	Thirty-two (32) square feet	Ten (10) feet	One (1)	Ten (10) feet	§17-640(d)
Note: *The Board of Zoning Appeals may restrict signage for uses requiring a special exception permit.							

Chart 17-622C: Commercial Occupied Properties and Mixed Use District Standards

Chart 17-622C Summary of Commercial and Mixed Use District Sign Standards							
✓ = Allowed (No Permit Required) <input checked="" type="checkbox"/> = Allowed (Permit Required) S = Possible w/Special Exception*							
Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards
SIGNS PERMITTED IN COMMERCIAL DISTRICTS (C-1, C-2, & C-3) ON COMMERCIAL OCCUPIED PROPERTIES							
Freestanding Sign	<input checked="" type="checkbox"/>	YES	One (1) square foot of sign area per every one lineal foot of lot frontage (200 square feet maximum)	Thirty-five (35) feet	One (1)	Ten (10) feet for C-1 and C-3. There is no setback for the C-2 District.	§17-641(a)(1)
Wall Sign	<input checked="" type="checkbox"/>	YES	1.25 square feet per lineal foot of frontage (150 square feet maximum)	Shall not extend over roofline	Two (2)	Not applicable	§17-640(c) §17-641(a)(2) §17-651 §17-650

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Electronic Messages Boards	<input checked="" type="checkbox"/>	YES	Same as Permitted Wall or Free-standing	Same as Permitted Wall or Free-standing	Same as Permitted Wall or Free-standing	Same as Permitted Wall or Free-standing	§17-653 §17-651
Wall Sign (Three or more businesses in common structure)	<input checked="" type="checkbox"/>	YES	Ten (10) square feet	Not Applicable	One per business with principal entrance	Not applicable	§17-641(a)(3) §17-652
(Temporary – Special-Event Signs)	<input checked="" type="checkbox"/>	YES	See §17-652	See §17-652	See §17-652	See §17-652	See §17-652
Directional Signs (Freestanding)	<input checked="" type="checkbox"/>	NO	Four (4) square feet per sign	Ten (10) feet	Four (4)	Ten (10) feet	§17-641(4)
Signs for Residential Uses in Commercial Districts	<input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>	Same as standards for residential districts. See restrictions by use type per section 17-640(a) or (b).					

Chart 17-622C (Continued)

Summary of Commercial and Mixed Use District Sign Standards

✓ = Allowed (No Permit Required) = Allowed (Permit Required) S = Possible w/Special Exception*

Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards	
SPECIAL SIGN TYPES PERMITTED IN SELECT COMMERCIAL DISTRICTS								
Portable Signs (C-1 District only)	<input checked="" type="checkbox"/>	YES	Thirty-two square feet	Six (6) feet	See §17-654	Ten (10) feet	§17-654	
Billboards (C-1 District only)	<input checked="" type="checkbox"/>	Restricted/Prohibited Use – See the Special Requirements of §17-650						§17-650
SIGNS PERMITTED IN THE MIXED USE DISTRICT (MU)								
Sign Type	Allowed	Illumination	Size Limit	Height Limit	Display Limit	Front Setback	Special Standards	
Signs for Residential Uses in MU District	<input checked="" type="checkbox"/>	Same as standards for residential districts. See restrictions by use type per section 17-640(a) or (b).						
Freestanding Sign (Non-residential)	<input checked="" type="checkbox"/>	YES	One square foot of sign area per every one	Five (5) feet	One	Ten (10) feet	§17-643(b)	

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			lineal foot of lot frontage (50 square feet maximum)				
Wall Sign (non-residential)	<input checked="" type="checkbox"/>	YES	1.25 square foot per lineal foot of frontage (100 square feet maximum)	Not applicable	Two (2)	Not applicable	§17-643(b)
Directional Signs (Freestanding) (nonresidential)	<input checked="" type="checkbox"/>	NO	Four (4) square feet per sign	Ten (10) feet	Four (4)	Ten (10) feet	§17-641(4)
Note: *The Board of Zoning Appeals may restrict signage for uses requiring a special exception permit.							

SECTIONS 17-623 through 17-629. [RESERVED]

DIVISION 3. GENERAL REQUIREMENTS APPLICABLE TO ALL SIGNS

SECTION 17-630. DIMENSIONAL AND ILLUMINATION STANDARDS

(a) All signs, including signs not requiring a permit under section 17-621, shall observe the dimensional standards applicable to the type of sign and/or applicable to the district in which the sign is located as specified by this article. Where sign type, number, or dimensional standards are not otherwise provided, the following shall apply:

- (1) Setback. Except in the C-2 district, signs shall observe a setback of ten (10) feet from any street or public right-of way.
- (2) Sign Height. Freestanding signs shall not exceed ten feet in height, including framing and supports.
- (3) Area Limit. Signs shall not exceed ten square feet in area.

(b) Except where specifically permitted by this article, signs shall be non-illuminated.

(c) Subsections (a) and (b) above shall not apply to interior signs, governmental signs, and public signs, or any other sign specifically exempted from the terms of this article.

SECTION 17-631. PROHIBITED SIGNS

The following signs are prohibited in all zoning districts:

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- (1) Any sign which by color, location or design resembles, imitates, or conflicts with an official traffic-control sign or signal.
- (2) Privately-owned signs located within any street, road, or public right-of-way, including a public beach access.
- (3) Portable signs **and special event signs** including fluttering ribbons, pennants, streamers, inflated or tethered balloons, inflatable signs, spinners, or other attention seizing devices are prohibited in all zoning districts.
- (4) Signs painted on or attached to trees, rocks or other natural features, fence posts, or telephone or other utility poles.
- (5) Flashing signs and/or signs involving rotation, animation, or other forms of movement or moving illumination, excluding electronic message boards when complying with the requirements of the article.
- (7) All billboards are prohibited, except for those billboards that legally exist within town limits and for which a valid sign permit has been issued and has not expired as of the date on which this provision, or when a prior version of this article containing the same provision, was adopted. This prohibition is not applicable to any existing billboard that is relocated or rebuilt in accordance with section 17-650 of this article.
- (8) Abandoned, obsolete, or dilapidated signs.
- (9) Beacons/spotlights.
- (10) **'Spin' Advertising: persons standing on street corners or on private property with a sign to advertise a business, they toss, twirl and maneuver the cardboard and or any other type material used for signage like a baton to entertain and catch the eye of people who walk or drive by their performance.**
- (11) **All off premises signs are prohibited and no permit shall be granted for construction of any off premises sign on or after the effective date of this ordinance.**
- (12) **Any sign which exhibits obscene, lude, immoral, or otherwise violates any laws of the State of South Carolina.**
- (13) **Roof signs and fixed projection signs where any portion of the sign extends above the roof line of the building where the sign is located.**
- (14) **Any vehicle sign where the sign projects beyond the manufacturer's profile of the vehicle and is displayed in public view under such circumstances as to indicate that the primary purpose of such display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for such vehicle. Floats in parades shall not be included in this prohibition.**

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SECTION 17-632. CONSTRUCTION AND MAINTENANCE REQUIREMENTS

(a) All signs shall comply with the following standards for construction and maintenance. Signs which do not meet the requirements of these provisions shall be repaired, corrected, or removed within thirty (30) days after receipt of notification from the code enforcement official:

- (1) All signs shall be constructed of durable, weather-resistant materials. All signs shall be maintained in good repair and in a safe, clean, and attractive condition.
- (2) To the extent applicable, all signs shall conform to the latest edition of the applicable building and electrical codes.
- (3) The area around a sign shall be properly maintained, clear of brush, trees, and other obstacles so as to make the sign readily visible.
- (4) Any burned-out bulbs or damaged sign face shall be replaced or repainted.
- (5) Sign copy shall be maintained securely on the sign face and all missing copy must be replaced.
- (6) All sign structures, framework, and poles shall be structurally sound.
- (7) 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 such sign was originally designed.

(b) Any sign, after thirty (30) days' notice, that remains in noncompliance with this section shall thereafter be declared to be dilapidated.

SECTION 17-633. ILLUMINATION

To the extent illumination of a sign is allowed under this article, the following requirements are applicable:

(a) Signs shall be illuminated only by constant stationary lights. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private property or create a nuisance for adjacent properties. The light source, whether internal to the sign or external, shall be shielded from view.

(b) Externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

(c) Light intensity or brightness for all sign types shall not exceed five-tenths (0.5) foot-candle at the property line upon any adjoining property located in a residential or mixed use district (as measured no more than six inches above ground level).

(d) No flashing, non-constant, or moving light sources shall be permitted or shall constitute a part of any sign, with the exception of traffic-control and other traffic signs owned by the town, county, or the South

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Carolina Department of Transportation, and located in the public right-of-way or other adjacent property. This provision does not include electronic message boards when in full compliance with the requirements of this article.

- (e) Mixed Use District Standards. In addition to the requirements of subsections (a) through (d) of this section, sign illumination within the mixed use district is subject to the following standards:
- (1) Illumination shall be by an externally located steady stationary light source, shielded and directed solely at the sign.
 - (2) Spot-lighting of signs shall be restricted to not more than one shielded light fixture per side for sign faces up to forty (40) square feet and not more than two (2) shielded light fixtures per side for sign faces over forty (40) square feet.
 - (3) The intensity of the light shall not exceed twenty (20) foot candles at any point on the sign face.
 - (4) Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.
 - (5) Colored lamps are not permitted.

SECTIONS 17-634 Existing Signs/Non-Conforming Signs

~~Signs which existed prior to the effective date of this chapter and which were constructed in compliance with the previous regulations but became non-conforming as a result of this the current regulations will be regulated as follows:~~

- ~~a. A non-conforming sign may be altered, converted or changed as long as such alteration, conversion or change does not increase the extent of non-conformity. No such sign shall be moved in whole or in part to any other location where it would remain non-conforming.~~
- ~~b. In cases where signs exist as non-conforming due to the number of signs on the business exceed the total signs allowed per business; no additional signs shall be permitted for the establishment. If the size, configuration, or use of a parcel (or building) is changed, signs shall be required to conform to the sign regulations.~~
- ~~c. Any non-conforming sign, which meets the requirements of Section 17-603 (Abandoned Sign), shall not thereafter be reestablished except in full compliance with this ordinance.~~
- ~~d. Routine maintenance or repair of a sign and sign structure is permitted, provided the cumulative repair or maintenance does not exceed 50 percent of the replacement cost of the sign.~~

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Nonconforming signs are declared by this Ordinance to be incompatible with permitted signage in the districts where signage is permitted. Therefore signs not conforming to this ordinance shall have 90 days from the date of adoption to remove or have removed the non-conforming signage.

SECTIONS 17-635 through 17-639. [RESERVED]

DIVISION 4. DISTRICT SIGN REQUIREMENTS

SECTION 17-640. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS AND MANUFACTURED HOME PARK DISTRICT SIGNS PERMITTED ON RESIDENTIALLY OCCUPIED LOTS

The following types of signs are permitted on residentially occupied lots zoning districts (R-1, R-2, and R-3) and the manufactured home park district (MP):

(a) For a lot containing a single-family, two-family dwelling use, multi-family or manufactured home use:

- (1) Each dwelling shall be allowed no more than ~~three (3)~~ **four (4)** freestanding signs not to exceed four (4) square feet for each sign. The signs must be non-illuminated. The signs cannot exceed ~~five (5)~~ **three (3)** feet in height above ground level. ~~The signs must be set back no less than ten (10) feet from any street or public right of way. The signs must be solely on private property. The signs may display any of the following subjects: noncommercial messages, real estate signs, garage or yard sale signs, and political signs. General advertising and off site commercial messages are prohibited. (See section 17-621(1)).~~
- (2) In addition to the signs allowed under part (1) immediately above, each dwelling shall be allowed no more than two (2) flags/flagpoles. The flagpole shall not exceed thirty (30) feet in height above ground level. Each flagpole must be set back no less than ten (10) feet from any street or public right-of-way. Flag dimensions shall be proportional to the flagpole such that the hoist side of the flag is not greater than forty (40) percent of the length of the flagpole. Flag displays may be illuminated. ~~See section 17-621(3).~~
- (3) ~~In addition to the signs allowed under part (1) and (2) immediately above, each dwelling shall be allowed one (1) home occupation sign, provided it is non illuminated, does not exceed one (1) square foot in size, and is mounted on a wall of the dwelling.~~

(b) For each multifamily residential property:

- (1) ~~Each multifamily residential property shall be allowed no more than six (6) freestanding signs not to exceed four (4) square feet for each sign. The signs must be non-illuminated. The signs must be set back no less than ten (10) feet from any street or public right of way. The signs cannot exceed five (5) feet in height above ground level. The signs may display any of the following subjects: noncommercial messages, real estate signs, garage or yard sale signs, and political signs. General advertising and off site commercial messages are prohibited. (See section 17-621(1)).~~
- (2) ~~In addition to the signs allowed under part (1) immediately above, each multifamily residential property shall be allowed no more than two (2) flags/flagpoles. Each flagpole shall not exceed thirty~~

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(30) feet in height above ground level. Each flagpole must be set back no less than ten (10) feet from any street or public right of way. Flag dimensions shall be proportional to the flagpole such that the hoist side of the flag is not greater than forty (40) percent of the length of the flagpole. Flag displays may be illuminated. See section 17-621(3).

(3) In addition to the signs allowed under parts (1) and (2) immediately above, each unit of the multifamily residential property shall be allowed one (1) home occupation sign, provided it is non-illuminated, does not exceed one (1) square foot in size, and is mounted on a wall of the dwelling.

(4) In addition to the signs allowed under (a)(1) and (a)(2) and (3) immediately above, each multifamily residential property shall be allowed one (1) non-illuminated sign for each entrance from a street or public right-of way. Each such sign may not exceed thirty-two (32) square feet in area and must be set back no less than ten (10) feet from any street or public right-of way.

(e) For any nonresidential use permitted in the residential zoning districts including, but not limited to, hotels and motels, churches and other houses of worship, schools and hospitals:

(1) Each nonresidential property shall be allowed one (1) freestanding sign, which may be illuminated. The allowable sign area will be calculated as one (1) square foot of sign area per lineal foot of lot frontage on a public street (lot frontage is determined based upon the location of the principal entrance to the premises), with a maximum sign area of two hundred (200) square feet. The freestanding sign shall not exceed thirty five (35) feet in height above ground level. The freestanding sign must be set back no less than ten (10) feet from any street or public right of way.

(2) In addition to the sign allowed under part (1) immediately above, each nonresidential property shall be allowed no more than two (2) wall or roof signs which may be mounted on a building. The allowable aggregate sign area will be calculated as 1.25 square foot of sign area per lineal foot of building frontage, with a maximum aggregate sign area of one hundred fifty (150) square feet. The wall signs must comply with the requirements set forth in section 17-652. One (1) of the two (2) allowable signs may be a roof sign, provided that the roof sign complies with section 17-651.

(3) In addition to the signs allowed under part (1) and (2) immediately above, each nonresidential property shall be allowed four (4) parking area directional signs. Each such sign may not exceed four (4) square feet in area. Each sign must be set back no less than ten (10) feet from any street or public right of way.

(4) In addition to the signs allowed under part (1), (2), and (3) immediately above, each non-residential property shall be allowed no more than two (2) flags/flagpoles. Each flagpole shall not exceed the maximum building height permitted in the zoning district. Each flagpole must be set back no less than ten (10) feet from any street or public right of way. Flag dimensions shall be proportional to the flagpole such that the hoist side of the flag is not greater than forty (40) percent of the length of the flagpole. Flags may be illuminated. See section 17-621(3).

(d) Any residential subdivision shall be allowed one (1) non-illuminated sign for each entrance from a street or public right of way into that subdivision. Each such sign may not exceed thirty two (32) square feet in area and must be set back no less than ten (10) feet from any street or public right-of way.

ARTICLE VI. SIGNS

(e) In all residential zoning districts and the manufactured home park district, one (1) additional sign shall be allowed during construction. The construction sign shall not exceed twelve (12) square feet in area and shall not exceed five (5) feet in height above ground level. The construction sign must be set back no less than ten (10) feet from any street or public right of way. The construction sign is temporary and shall be removed within five (5) days of the issuance of a certificate of occupancy.

(f) All residentially occupied properties zoning districts and the manufactured home park district, signs exempt from permitting allow authorized signs under section 17-621 are allowed subject to the limitations imposed by this section, section 17-621, section 17-622, chart 17-622A, and sections 17-630 through 17-633.

SECTION 17-641. SIGNS PERMITTED IN COMMERCIAL DISTRICTS ON NON-RESIDENTIAL OCCUPIED PROPERTIES

(a) The following types of signs are permitted for nonresidential uses in the commercial zoning districts (C-1, C-2, and C-3) on commercially non-residential occupied lots:

- (1) Each occupied lot shall be allowed one (1) freestanding sign, which may be illuminated. The allowable sign area will be calculated as one (1) square foot of sign area per lineal foot of lot frontage on a public street (lot frontage is determined based upon the location of the principal entrance to the premises), with a maximum sign area of two hundred (200) square feet. The freestanding sign shall not exceed thirty-five (35) feet in height above ground level. In the C-1 and C-3 districts, the freestanding sign must be set back no less than ten (10) feet from any street or public right-of-way.
- (2) In addition to the sign allowed under subsection (a) immediately above, each occupied lot shall be allowed no more than two (2) wall signs which may be mounted on a building. The allowable aggregate sign area will be calculated as 1.25-square foot of sign area per lineal foot of building frontage, with a maximum aggregate sign area of one hundred fifty (150) square feet. The wall signs must comply with the requirements set forth in section 17-650.
- (3) Notwithstanding the limitations imposed by part (2), in structures containing three (3) or more businesses, where each business has a separate principal entrance, one (1) additional wall sign may be permitted for each business, with a separate principal entrance. In such cases, the wall sign(s) permitted by this subsection may be illuminated and shall not exceed ten (10) square feet in area.
- (4) In addition to the signs allowed under parts (1), (2), and (3) immediately above, each occupied lot shall be allowed four (4) parking area directional signs. Each such sign may not exceed four (4) square feet in area.
- (5) In addition to the signs allowed under parts (1), (2), and (3) immediately above, each occupied lot shall be allowed no more than two (2) flags/flagpoles. Each flagpole shall not exceed the maximum building height permitted in the zoning district. Flag dimensions shall be proportional to the flagpole such that the hoist side of the flag is not greater than forty (40) percent of the length of the flagpole. Flag displays may be illuminated. See section 17-621(3).

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(6) One (1) additional sign shall be allowed during construction. The construction sign shall not exceed twenty (20) square feet in area and shall not exceed five (5) feet in height above ground level. The construction sign is temporary and shall be removed within five (5) days of the issuance of a certificate of occupancy.

(b) Signs on residential property within the C-1, C-2, and C-3 districts are subject to the standards applicable to residential uses as provided in section 17-640, subsections (a) and (b), of this article.

(c) All commercially non-residential occupied properties zoning districts, allow authorized signs under section 17-621. exempt from permitting by section 17-621 are allowed subject to the limitations imposed by this section, section 17-621, section 17-622, chart 17-622A, and sections 17-630 through 17-633.

SECTION 17-642. SIGNS PERMITTED IN PLANNED DEVELOPMENT DISTRICTS

For specific uses approved within a planned development zoning district, it is the intent of this article that signs related to such uses be appropriate for the locations in which the signs are displayed, and that regulations governing the sign face, number, location and height of signs otherwise provided in this article should be followed. As a result, for single-family, two-family, manufactured homes, and multifamily residential uses and for hotels and motels, churches and other places of worship, schools and hospitals, the corresponding provisions set forth in section 17-640 are applicable. For commercial uses, and for hotels and motels, churches and other places of worship, schools and hospitals, the provisions set forth in section 17-641 are applicable.

SECTION 17-643. SIGNS PERMITTED IN THE MIXED USE (MU) DISTRICT

(a) Signs on residential property within the mixed use district are subject to the standards applicable to residential uses as provided in section 17-640, subsections (a) and (b), of this article.

(b) For any nonresidential property permitted in the mixed use zoning district, the following standards apply:

(1) Each nonresidential property shall be allowed one (1) freestanding sign, which may be illuminated. The allowable sign area will be calculated as one (1) square foot of sign area per lineal foot of lot frontage on a public street (lot frontage is determined based upon the location of the principal entrance to the premises), with a maximum sign area of fifty (50) square feet. The freestanding sign shall not exceed five (5) feet in height above ground level. The freestanding sign must be set back no less than ten (10) feet from any street or public right-of-way.

(2) In addition to the sign allowed under section (1) immediately above, each nonresidential property shall be allowed no more than two (2) wall signs. The allowable aggregate sign area will be calculated as 1.25-square foot of sign area per lineal foot of building frontage, with a maximum aggregate sign area of one hundred (100) square feet. The wall signs must comply with the requirements set forth in section 17-652. Roof signs are not permitted within this district.

(3) In addition to the signs allowed under parts (1) and (2) immediately above, each nonresidential property shall be allowed four (4) parking area directional signs. Each such sign may not exceed

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four (4) square feet in area. Each sign must be set back no less than ten (10) feet from any street or public right of way.

- (4) In addition to the signs allowed under parts (1), and (2) immediately above, each non-residential property shall be allowed no more than two (2) flags/flagpoles. Each flagpole shall not exceed the maximum building height permitted in MU District. Each flagpole must be set back no less than ten (10) feet from any street or public right-of-way. Flag dimensions shall be proportional to the flagpole such that the hoist side of the flag is not greater than forty (40) percent of the length of the flagpole. Flag displays may be illuminated. See section 17-621 (3).

~~(c) One (1) additional sign shall be allowed during construction. The construction sign shall not exceed twelve (12) square feet in area and shall not exceed five (5) feet in height above ground level. The construction sign is temporary and shall be removed within five (5) days of the issuance of a certificate of occupancy.~~

(d) In the mixed use district, **authorized** signs exempt from permitting by section 17-621 are allowed.

SECTIONS 17-644 through 17-659 [RESERVED]

DIVISION 5. REQUIREMENTS BY SIGN TYPE

SECTION 17-650—BILLBOARDS

~~(a) Outdoor advertising billboard signs make a distinct use of public thoroughfares and generally represent a business entity in and of themselves. Therefore, outdoor advertising billboard signs are permitted only in the C-1 highway commercial district, provided the lot on which the billboard sign is to be placed is vacant, the lot does not contain other signs, all other provisions of this article are met, and the billboard signs comply with the following provisions:~~

- ~~(1) A maximum of twelve (12) billboard signs is not exceeded within the town limits;~~
- ~~(2) Contain no more than three hundred seventy eight (378) square feet and no less than three hundred (300) square feet with no projections;~~
- ~~(3) Do not exceed a maximum height of fifty (50) feet and the bottom coping of each billboard sign is at least twenty five (25) feet above ground or street level;~~
- ~~(4) Are freestanding, single pole with the closest outer edge of the sign a minimum of fifty (50) feet from the highway right of way;~~
- ~~(5) Are separated by a minimum of six hundred (600) feet radius from the next closest billboard sign;~~
- ~~(6) Plans must be submitted to the building and zoning department for review and approval as meeting all building code and zoning requirements prior to issuance of a building permit for construction;~~
- ~~(7) All signs are to be constructed to meet requirements contained in the latest edition of the international building code and all structural components shall be of steel construction with the~~

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exception of the face and designed to withstand wind load pressures of thirty five (35) PSF at any height;

(8) A permit for construction of any billboard sign shall not be issued until proof of ownership, lease, or written permission from property owner is filed with the code enforcement official and the permit shall be issued for a period of ninety (90) days, with one (1) extension allowed, not to exceed ninety (90) days; and

(9) All signs shall be erected in compliance with the tree protection ordinances as required by Article VII of this chapter.

(b) An owner of an outdoor advertising billboard sign may apply for a new sign permit to relocate an existing billboard sign to another location or rebuild in compliance with all required regulations due to any of the following events or reasons:

(1) Cancellation of lease or sale of property.

(2) To bring a nonconforming billboard sign into compliance with new regulations.

(3) The billboard sign was destroyed or damaged beyond fifty (50) percent of its previous permit valuation due to a natural disaster or damages beyond the control of the permit holder.

If the owner of the outdoor advertising billboard sign fails to obtain a new sign permit within ninety (90) days from the date of the event, the existing sign permit shall be deemed to have been abandoned.

SECTION 17-651. ROOF SIGNS

To the extent permitted by section 17-641, not more than one (1) sign may be erected on the roof of any one (1) building or use not to exceed the area permitted on the wall over which it is located and not to exceed six (6) feet above the roof line.

SECTION 17-650. WALL SIGNS

To the extent permitted by section 17-641, signs on the walls of a building, including signs attached flat against the wall, painted wall signs, projecting signs, and signs painted on windows or glass both inside and outside, shall meet the following requirements:

(1) The total area of signs on the exterior front surface of a building shall not exceed twenty (20) percent of the front surface of a building, so long as the figure does not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.

(2) The total area of signs on a side or rear surface of a building shall not exceed twenty-five (25) percent of the exterior side or rear surface of a building respectively, so long as this figure does not exceed the total sign area permitted within the zoning district where it is located.

(3) The combined sign area of the front, side, and rear surface of a building must not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.

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- (4) Walls signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than five (5) feet. A projecting sign may not extend above the roofline a distance greater than six (6) feet.
- (5) **In addition to the wall signs allowed, window signs shall be permitted not to exceed twenty-five (25%) percent of total window space.**
- (6) In no case shall signs project beyond property lines provided signs projecting over the public right-of-way are permissible only in the C-2 central business district. Projecting signs in the C-2 central business district shall have a minimum height above grade or sidewalk level of no less than ten (10) feet and shall not extend over a public right-of-way a distance greater than three (3) feet. Any projection over or upon a public right-of-way shall require the written authorization and consent of the right-of-way's maintaining authority (town, county, or state) prior to the issuance of a permit.

SECTION 17-651 ELECTRONIC MESSAGE BOARDS

Electronic message boards are permitted in the C-1, C-2, and C-3 districts subject to the following standards:

- (1) Electronic message boards are permitted as a wall or freestanding sign (or portion thereof) and are subject to the height and square footage requirements applicable to wall or freestanding signs. Electronic message boards shall not be used, in whole or in part, as a component of or in conjunction with a roof sign or billboard.
- (2) All electronic copy shall have a minimum display time interval of ten (10) seconds or greater.
- (3) Time, temperature, and/or date displays shall have a minimum display time interval of three (3) seconds or greater.
- (4) Letters, numbers, or other graphics shall remain illuminated at a constant intensity through the duration of the required display time interval. Simulations of motion characteristic of chasing, running, blinking, oscillating, twinkling, or expanding or contrasting light patterns are prohibited.

SECTION 17-652 PORTABLE AND TEMPORARY (SPECIAL EVENT) SIGNS

Temporary signs shall require the issuance of a certificate of zoning compliance as provided in section 17-620 of this chapter. Temporary signs shall be firmly secured to the lot and shall not extend over any property line, sidewalk, right of way, or be placed in a manner as to block or impede vehicular or pedestrian ingress or egress to a site, obstruct the view of motor vehicle operators entering a public roadway from any other public roadway, driveway, or alley or any parking space required by this chapter.

In addition to the general requirements of this chapter affecting all signs, temporary signs are permitted in all zoning districts subject to the requirements of this section. For the purposes of this section, temporary signs shall include wall signs (including banners) and freestanding signs designed for temporary use.

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(1) **Residentially occupied lots:** Each dwelling shall be allowed no more than ~~three (3)~~ **four (4)** freestanding signs not to exceed four (4) square feet for each sign. The signs must be non-illuminated. The signs cannot exceed ~~five (5)~~ **three (3)** feet in height above ground level. ~~The signs must be set back no less than ten (10) feet from any street or public right-of-way. The signs must be solely on private property.~~ The signs may display any of the following subjects: noncommercial messages, real estate signs, garage or yard sale signs, and political signs. ~~General advertising and off site commercial messages are prohibited. (See section 17-621(1)).~~

(2) **Non-residential occupied lots:**

(a) **Temporary Wall Signs:** Temporary wall signs (including banners) shall not exceed twenty square feet in area and shall be firmly attached to a building or other structure on the lot. Wall signs (including banners) shall be allowed for no more than ten consecutive days. No more than six certificates authorizing such signs shall be issued per lot within a calendar year (sixty day maximum). Each business shall be limited to one wall sign or banner being displayed at a time.

(b) **Temporary Freestanding Signs:** Temporary freestanding signs shall not exceed four square feet in area. Each business shall be limited to three temporary freestanding signs being displayed at a time. No more than six certificates authorizing such signs shall be issued per lot within a calendar year (sixty day maximum).

(a) ~~In addition to the general requirements of this chapter affecting all signs, portable and temporary special event signs are permitted subject to the requirements of this section. For the purposes of this section, special events signs shall include fluttering ribbons, pennants, banners, streamers, inflated or tethered balloons, and wall signs designed for temporary use.~~

(b) ~~Portable and temporary special events signs may be permitted for the following purposes:~~

~~(1) Religious meetings;~~

~~(2) Fund raising events for local nonprofit organizations, only in nonresidential districts; and~~

~~(3) Special sales promotion events for local businesses licensed in the town.~~

(c) ~~Portable signs. Portable signs are permitted in the C-1 district only, subject to the following requirements:~~

~~(1) The area of the portable sign shall not exceed thirty two square feet. The height of any portable sign shall not exceed six feet. Portable signs may be internally illuminated with a non-flashing stationary light subject to the illumination standards of section 17-633.~~

~~(2) Portable signs shall be located no closer than ten feet from any street right of way and shall be located no closer than five feet from any side or rear property line. No portable sign shall extend over any sidewalk, be placed in a manner as to block or impede vehicular or pedestrian ingress or egress to a site, or obstruct any parking space required by this chapter. The placement of the portable sign shall comply with requirements of section 17-400 of this chapter.~~

ARTICLE VI. SIGNS

- (3) Portable signs shall require the issuance of a temporary certificate of zoning compliance as provided in section 17-208 of this chapter. Each certificate of zoning compliance shall permit a portable sign for no more than ten consecutive days. No more than six certificates authorizing a portable sign shall be issued per lot within a calendar year (sixty day maximum).
- (4) Notwithstanding the limitations imposed by subsection (c)(3), on lots containing three or more businesses, where each business has a separate entrance, two additional temporary certificates of zoning compliance may be issued per business within a calendar year. Each certificate shall authorize no more than ten consecutive days of sign placement.
- (d) Temporary special event signs. Temporary special event signs are permitted in the C-1, C-2, and C-3 districts and on property containing a church or other religious use, subject to the following requirements:
- (1) Temporary wall signs. Temporary wall signs shall not exceed twenty square feet in area and shall be firmly attached to a building or other structure on the lot. Temporary wall signs may be illuminated subject to the illumination standards of section 17-633.
 - (2) Fluttering ribbons, pennants, streamers, inflated or tethered balloons shall not extend within ten feet of any right of way or five feet from any rear or side property line. Special event signs shall be firmly secured to the lot and shall not extend over any sidewalk, be placed in a manner as to block or impede vehicular or pedestrian ingress or egress to a site, or obstruct any parking space required by this chapter. The placement of these features shall comply with requirements of section 17-400 of this chapter.
 - (3) Where tethered balloons are used, no single display (balloon) shall exceed a volume of two cubic feet nor be tethered in manner to exceed a height in excess of fifteen feet. Tethered balloons shall be properly secured in a manner to prevent their flight or escape.
 - (4) Special event signs shall require the issuance of a temporary certificate of zoning compliance as provided in section 17-208 of this chapter. Each certificate of zoning compliance shall permit a special events sign no more than ten consecutive days. No more than six certificates authorizing such signs shall be issued per lot within a calendar year (sixty day maximum).
 - (5) Notwithstanding the limitations imposed by subsection (d)(4), on lots containing three or more businesses, where each business has a separate entrance, two additional temporary certificates of zoning compliance may be issued per business within a calendar year. Each certificate shall authorize no more than ten consecutive days of sign placement.

SECTIONS 17-655 through 17-699 [RESERVED]

Discussion Item: B

**Annual Rentals in the R1 and R2 Zoning
Districts**

ARTICLE III. DISTRICT AND USE REGULATIONS

SECTION 17-395. USE TABLE

Uses are allowed by right, may be allowed as a conditional use or special exception, or are prohibited within the zoning districts of this chapter in accordance with Table 17-395 "Use Chart".

Table 17-395 USE CHART										
USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
Residential Uses										
Single Family, detached	P	P	P	C		C	P		§17-396.32	E
Single Family, semi-attached		C	C	C		C	C		§17-396.32 §17-396.37	E
Single Family, attached			C	C		C	C		§17-396.32 §17-396.36	E
Two-Family (duplex), accessory dwellings, efficiency units		P	P	C		C	P		§17-396.32	D, E
Multi-family			P	C		C	C		§17-396.32 §17-367(2)	E
Dwelling Group			C			S			§17-396.20 §17-201(c)	D, E
Manufactured Home								C	§17-391	P
Manufactured Home Park								P		P
Mobile Homes									PROHIBITED	N/A
Residential Related Uses										
Annual Rentals (No short term rentals)	P	P								
Agriculture and Horticulture (noncommercial), excluding the keeping of poultry and livestock	P	P	P	P		P	P			N/A
Home Occupations	P	P	P	P		P	P	P		

ARTICLE III. DISTRICT AND USE REGULATIONS

Table 17-395 (Continued)										
USE CHART										
USE CLASSIFICATIONS	Districts								SPECIAL STANDARDS	PARKING CODE
	R-1	R-2	R-3	C-1	C-2	C-3	MU	MP		
Accommodation Uses										
Hotels, motels, tourist courts			C	P		P			§17-396.23	H
Resort accommodations, 25 or more units			C	C		C			§17-396.33	H
Transient short term rental units and boarding houses			P	P		P				D, E
Civic, Governmental, and Institutional Uses										
Assembly halls, gymnasiums, and similar uses				P						B
Churches and other religious uses	S	C	C	P	P		P		§17-396.12	B
Hospitals	S	S	S	P					§17-396.22	G
Libraries	S	C	C	P	P		P		§17-396.24	B
Lodges, fraternal organizations				P	P					C
Museums and similar cultural activities	S	C	C	P	P		P		§17-396.24	B
Parks, neighborhood and community (public)	S	P	P	P	P		P			B
Public Buildings and uses	S	S	C	P	P		P		§17-396.26	B
Public Safety including Police and Fire Station				P	P		P			B
Public buildings and uses including courts of law, correctional institutions or jails, parole or probation offices, rehabilitation centers				S					§17-396.1	R
Public, private, trade, and vocational schools	S	C		P	C				§17-396.30	O
Entertainment, Recreation, and Dining Uses										
Amusement Parks									PD ONLY	L
Arcades						P				S
Bakery				P	P	P				L
Billiard parlors					P	P				R S (C3)
Bowling alleys, skating rinks, water slides, and similar forms of indoor recreation				C		P			§17-396.1	L
Café and Coffee Shop				P	P	P	P			L
Golf driving range, par-3, tennis courts and similar outdoor recreation				P						L

Discussion Item: C

Relaxing the 35 ft. height limits on properties located in the Special Flood Hazard Areas (SFHA) that are located in the R1 and R2 zoning districts to allow structures to extend no more than 3 ft. above the maximum height requirement.

SECTION 17-201. EXCEPTIONS AND MODIFICATIONS

(a) *Nonconforming lot.* Where the owner of a lot consisting of one (1) or more adjacent lots of record at the time of adoption of this chapter does not own sufficient land to enable him to conform to the lot size, lot width, or frontage requirements of this chapter, such lot may nonetheless be used as a building site and the code enforcement official is authorized to issue a permit for the use of the property which conforms to the requirements for the district in which the lot is located as set forth in this chapter. In administering this provision, the code enforcement official may authorize the reduction of required yards or setbacks provided that such requirements are not reduced below the minimum specified in this chapter by more than twenty (20) percent. In the event that the code enforcement official fails to authorize such reduction or in cases where a reduction of more than twenty (20) percent is required, the board of zoning appeals may authorize the reduction of required yards or setbacks consistent with variance standards as imposed by this chapter.

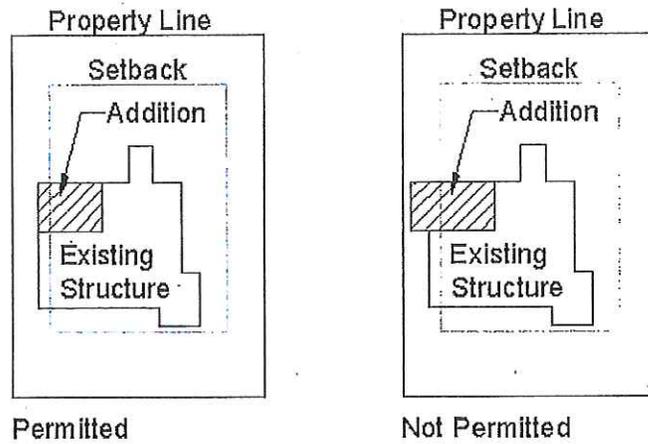
(b) *Front yards.* The front yard requirements of this chapter for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

(c) *Multiple buildings.* In the case of a parcel of land consisting of at least one (1) acre, not located in the R-1 low density residential district or the R-2 medium density residential district, not subdivided into the customary streets and lots, and which will not be subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of section 17-404, a special exception to the terms of section 17-404 may be approved by the board of zoning appeals to allow more than one (1) principal building to be placed on the parcel or lot of land.

(d) *Exceptions of height limits.* Except as provided in this subsection, the height limitations as established by the individual zoning districts shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, aerials, amusement devices/structures, and elevator shafts. Where a height limitation for a specific structure or use is provided by this chapter, such height limitation shall supersede the height limitations imposed by any district requirement. In cases where a specific use or structure requirement is not provided by this chapter, the structures enumerated by this subsection may be constructed to a height not to exceed one and one-half times the building height permitted by the zoning district.

(e) *Nonconforming building enlargement.* Where the principal building on a lot contains a conforming use and is nonconforming solely as a result of a setback encroachment, additions to the principal building can be allowed provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already has been encroached upon, the addition can be allowed, provided that it projects no further into the setback than the existing building and in no way extends past the wall line of the existing building. This provision does not apply to a nonresidential use that adjoins a residential district on the side of the lot having the setback nonconformity. Neither shall this provision be applied to allow a building to be extended closer than five (5) feet from any property line nor allow a building to be extended closer than fifteen (15) feet from any publicly maintained right-of-way.

Section 17-201(e) Illustration



(f) Yards and other open spaces. Eaves may protrude into the required yard setback a maximum of eighteen (18) inches.

(g) Structures elevated no less than 3 feet above base flood elevation in the R1 and R2 Zoning Districts: For structures located in the Special Flood Hazard Area (SFHA) which are elevated no less than three (3) feet above the base flood elevation, and having a zoning designation of R1 or R2, the maximum building height requirement of 35 ft. for the principal structure shall be relaxed so that the principal structure may extend no more than three (3) feet above the maximum requirement. Such permission shall be within the authority of Development Director and shall not require the property owner to request a variance from the Board of Zoning Appeals.

Discussion Item: D

Removal of Landmark Trees

Discussion Paper

September 27, 2016

Written by: Councilmember David Pellegrino, Debra Herrmann, and Sabrina Morris

1. **SUBJECT:** Guidelines for removal of landmark trees
2. **PURPOSE:** To create some more flexible language so the building official can request that the builder takes advantage of setbacks to save landmark trees.
3. **ASSUMPTIONS:**
 - (a) Town Council wishes to have a more effective ordinance
 - (b) Builders set the construction footprint so they can cut down all of the trees
4. **PROS AND CONS: Variances for Landmark Trees**

Pros	Cons
<p>Studies show that a mature tree catches about 1,390 gallons of rainwater per year. Trees can reduce the potential negative impacts of surface water runoff by intercepting and holding large volumes of precipitation on surface areas (i.e. leaves, branches and trunks) while reducing soil erosion by slowing the speed of runoff on the ground. Trees extensive roots systems increase the infiltration and storage of stormwater in the soil. (source: Stormwater Alliance)</p>	<p>Staff is prohibited from granting variances from the Town Code.</p> <p>Only Town Council has legislative power.</p> <p>State Code §5-7-30, §5-7-160. Municipal Councils are local, deliberative legislative assemblies empowered to enact regulations, resolutions, and ordinances consistent with the constitutions and general laws of the state and nation.</p>
<p>Can add between 7 and 15 percent to a home's value. (source: The Gallup Organization)</p>	<p>Variance request from the Zoning Board of Appeals must be advertised a minimum of 15 days in a local newspaper prior to hearing a variance request. This would delay construction, but not prevent construction. Special meetings of the BZA can be called anytime with 15 days advertising.</p>
<p>A mature live oak tree can often have an appraised value of between \$1,000 and \$10,000. (source: Council of Tree and Landscape Appraisers)</p>	<p>May interfere with stormwater management plans for smaller lots, especially in the R3 District. Granting a side yard setback could allow stormwater to encroach onto the neighboring lots.</p>
<p>Landmark Trees are trees that have been in place for years, sometimes 100s of years old (over 24" in diameter). To allow removal of these trees, when a variance is acceptable could be considered a travesty.</p>	<p>Granting setback variances, especially on side yards, since requirements are currently limited may pose a safety issue. (i.e. fire, building codes)</p>

Currently under **Section 17-201** of the Zoning Ordinance the code enforcement official **may authorize the reduction of required yards or setbacks for non-conforming lots** provided that such requirements are not reduced below the minimum specified in this chapter by more than twenty (20) percent. In the event that the code enforcement official fails to authorize such reduction or in cases where a reduction of more than twenty (20) percent is required, the board of zoning appeals may authorize the reduction of required yards or setbacks consistent with variance standards as imposed by this chapter.

If this same concept was approved for the protection of Landmark Trees the following would apply:

R1 (Low Density Residential)		R2 (Medium Density Residential)	
<u>Required</u>	<u>20% Reduction</u>	<u>Required</u>	<u>20%</u>
Front: 25'	Front: 20'	Front: 25'	Front: 20'
Sides: 10'	Sides: 8'	Sides: 10'	Sides: 8'
Rear: 20'	Rear: 16'	Rear: 20'	Rear: 16'
 R3 (High Density/Accommodations)			
<u>Required</u>	<u>20% Reduction</u>		
Front: 20'	Front: 16'		
Sides: 5'	Sides: 4'		
Rear: 15	Rear: 12'		

5. RECOMMENDATION: Direct staff to bring an ordinance to allow the code enforcement officer to have authority to grant a twenty (20%) percent variance to save Landmark Trees (see proposed amendment in #6 below.)

6. RATIONALE FOR RECOMMENDATION:

(a) The Town is a TREE CITY, USA, and has been proud to have been so for the past seven or eight years.

(b) The Town is easily identified as a 'green' city, because of efforts to protect its trees.

Town Code Section Sec. 17-727. - Guidelines for removal of landmark trees.

Landmark trees shall not be removed unless a licensed ISA certified arborist, landscape architect or professional engineer certifies:

(1) The tree poses a hazard (i.e. roots visibly extending under habitable structure).

(2) Trees located within ten (10) feet of the foundation of a structure causing visible foundation damage.

(3) The tree poses a safety hazard to pedestrian or vehicular traffic.

(4) The tree poses a hazard to existing habitable buildings or utilities.

(5) The tree is diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

Tree removal for a landmark tree may be allowed by the code enforcement official for only those trees whose removal is essential for development (trees located within the footprint of the building). In these cases a building permit for the construction must be issued prior to the removal of the tree(s.) ~~The board of zoning appeals may grant a variance to minimum yard setbacks to save specimen trees when feasible.~~

(6) the code enforcement official **may authorize the reduction of required yards or setbacks for Landmark trees** provided that such requirements are not reduced below the minimum specified in this chapter by more than twenty (20) percent. In the event that the code enforcement official fails to authorize such reduction or in cases where a reduction of more than twenty (20) percent is required, the board of zoning appeals may authorize the reduction of required yards or setbacks consistent with variance standards as imposed by this chapter. Said allowable setback variances are:

R1 (Low Density Residential)		R2 (Medium Density Residential)	
Required	20% Reduction	Required	20% Reduction
Front: 25'	Front: 20'	Front: 25'	Front: 20'
Sides: 10'	Sides: 8'	Sides: 10'	Sides: 8'
Rear: 20'	Rear: 16'	Rear: 20'	Rear: 16'
R3 (High Density/Accommodations)			
Required	20% Reduction		
Front: 20'	Front: 16'		
Sides: 5'	Sides: 4'		
Rear: 15	Rear: 12'		