

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) ORDINANCE 2019-11
TOWN OF SOUTH CONGAREE)

AN ORDINANCE AMENDING THE SOUTH CONGAREE CODE OF ORDINANCES CHAPTER 158, SIGNS; SO AS TO UPDATE THE SIGN ORDINANCE.

WHEREAS, the Mayor and Town Council is authorized to establish Zoning ordinances for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare and;

NOW THEREFORE, BE IT ORDERED by the town of South Congaree, South Carolina, in Council duly assembled and by the authority thereof, that:

SIGNS

PURPOSE.

The purposes of this chapter are to:

- A. Enhance the health, safety, economy, visual communication and environment of the community;
- B. Promote traffic safety by providing that signs do not distract or confuse motorists nor impair the ability of the motorists to see pedestrians, other vehicles, obstacles or traffic signs;
- C. Promote the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, decay or abandonment;
- D. Promote the efficient transfer of general public and commercial information through the use of signs;
- E. Safeguard the public health and comfort;
- F. Prevent the visual overcrowding of land, streets and highways;
- G. Prevent adverse community appearance; and
- H. Protect the character of the area.

AUTHORITY AND JURISDICTION

158.160 AUTHORITY.

Pursuant to the authority conferred by the 1994 South Carolina Local Government Comprehensive Planning. Enabling Act, S.C. Code §§ 6-29-310 through 6-29-1200, the Town of South Congaree does ordain and enact into law the following subchapter.

158.161 JURISDICTION.

This chapter shall apply to all land within the incorporated limits of the Town of South Congaree.

158.162 TITLE.

This chapter shall be known and may be cited as the "Sign Ordinance of the Town of South Congaree."

158.162.01 SUBSTITUTION CLAUSE.

Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over another noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted according to all other provisions of this chapter and Code of Ordinances.

DEFINITIONS

158.164.01 WORDS TO HAVE CUSTOMARY MEANINGS.

Except as specifically defined herein, the words and phrases used in this chapter shall have their customary meanings, as defined in a standard dictionary.

158.164.02 INTERPRETATION OF CERTAIN WORDS AND PHRASES.

- A. Tense. The present tense includes the future tense.
- B. Number. The singular number includes the plural number and the plural number includes the singular number.
- C. Person. The word "person" includes a firm, association, partnership, trust, company, corporation or any other entity usually defined in legal usage as a person.
- D. Shall and may. The word "shall" be mandatory, the word "may" is permissive.
- E. Lot. The word "lot" includes the words "plat or parcel."
- F. On the premises. The phrase "on the premises" as applied to signs shall be interpreted to mean "on the same lot."

158.164.03 DEFINITIONS.

- A. "ABANDONED SIGN" means any sign and its structure that has ceased to be used when the business activity or firm which such sign advertises is no longer in operation, or when the sign no longer displays copy.
- B. "Advertising sign" means any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or

entertainment conducted, sold, offered, manufactured, existing or provided at a location other than on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "off-premise signs," "non-point-of-sale signs," and include, but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

- C. "Animated sign" means any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights, lighting device or devices which changes color, flash, alternate, blink, fluctuate, scintillate, show movement, motion, whirl, or change the appearance of said or any part thereof automatically. This includes moving message boards.
- D. "Banner/pennant" means any sign applied to or constructed of paper, plastic or fabric of any kind with or without frame, and with or without design or lettering, used to decorate or attract attention to a location, object, institution, product service or business. Flags of nations, states or political subdivisions, shall not be considered banners.
- E. "Billboard" means a sign identifying/advertising and/or directing the public to a business or merchandise or service or institution or residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. Such signs are also known as off-premises or outdoor advertising display signs, non-point-of-sale signs, or freestanding signs. Enforcement of provisions related to billboards, including, but not limited to, amortization and treatment of nonconformity, is pursuant to appropriate provisions of Chapter 158 of the Town of South Congaree Code of Ordinances.
- F. "Business signs" means any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "on-premises signs" or "point-of-sale signs."
- G. "Changeable copy sign" means a sign on which a message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.
- H. "Commercial center" means a commercial complex consisting of more than one retail, business or office establishment grouped together, usually developed under one or multiple owners or management, and generally sharing parking areas and vehicular entrances and exits. Commercial centers include strip malls and indoor shopping malls; these generally may be described as areas where multiple businesses are attached to one another in a row or rows and generally share entranceways, parking and landscaping, as well as possible other amenities.
- I. "Copy extension" means part of the copy of an advertising sign which extends beyond the edge or border of the sign, sometimes called a "cut-out" or "drop-out."
- J. "Dilapidated" means reduced to or fallen into partial ruin or decay, as from age, wear, or neglect.
- K. "Directory sign" means any sign listing only the names, uses or locations of more than one business, activity, firm, professional office or tenant within a building, group of buildings or commercial center.
- L. "Display area" means that area of a sign including the entire area within a regular geometric shape (square, rectangle, triangle, circle or semicircle) or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information or meaning. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display area. For double-faced signs that are parallel and supported by the same structure, the display areas of the

sign equal one-half ($\frac{1}{2}$) of the total display area of both faces. The display area of other multiple-faced signs equals the total display area of all faces.

- M. "Earth Tone" Color scheme that reflects a palette of natural colors found in rocks, soil, and vegetation. These colors are usually represented by muted shades of brown, tan, gray, green, and red.
- N. "Flashing lights" means any sign used for identification, direction, advertising, or promotional purposes, that includes lighting fixtures which flash, blink, cut on and off intermittently, and which is used as an exterior sign; or any sign that contains an intermittent or sequential flashing light source or flashing illumination or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
- O. "Freestanding sign" means a sign which is permanently secured on the ground and which is not attached to, supported by, or erected on a building or other structure having a principal function other than support of such signs. Temporary signs may not be transformed into permanent signs. No open space shall be allowed between the display area and the base of the sign unless it is landscaped. The landscaping must be approved by the Architectural Review Board.
- P. "Individual business" means a single retail, commercial or office business or activity on a separate zone lot not sharing parking areas and vehicular entrances and exits with another activity.
- Q. "Inflatable" means a sign that requires air or other compressed gas, whether contained or blown, to keep and maintain its shape or which causes it to inflate.
- R. "Information sign" means any sign containing no message, copy, announcement or decoration other than instructions, or directions to the public. Such signs include, but are not limited to, identifying the following: rest rooms, public telephones, walkways, entrance and exit drives, freight entrances and traffic directions.
- S. "Marquee sign" means any sign erected, stenciled, engraved on, attached to, or suspended from a marquee. A marquee is defined as any hood, awning or roof-like structure of permanent construction, without pillars or posts, which is supported from a wall of a building and projected beyond the building wall and is generally designed and constructed to provide protection against the weather.
- T. "Moving message board" means an automated electrical sign which uses a pattern of lights to form various words which move or change throughout the civil day and which may also be animated.
- U. "Permanent sign" means any sign intended to be erected or displayed for a period, generally more than thirty (30) days.
- V. "Portable sign" means any sign which is not permanently fixed to the ground, a structure, frame, building or other surface; such signs include, but are not limited to, the following: trailer signs, sandwich board signs, sidewalk or curb signs, and inflatable signs. A portable sign cannot be changed into a permanent sign.
- W. "Product sign" means any sign which directs attention to products sold, offered or dispensed on the premises where the sign is located.
- X. "Projecting sign" means any sign which is erected on a building wall or structure and extends beyond the building wall more than twelve inches (12").
- Y. "Roof line" means the intersection of the roof a building or structure and the perimeter wall of that building or structure.
- Z. "Sign" means any device which informs or attracts the attention of persons not on the premises on which the sign is located.
- AA. "Temporary sign" means any sign intended to be erected or displayed for a limited period of time, usually less than thirty (30) days.
- BB. "Wall sign" means any sign attached to the exterior wall of a building or structure, which does not extend beyond the building wall more than twelve inches (12").

- CC. "Windblown sign" means any banner, pennant, flag, spinner, streamer or other sign designed to be moved by the wind.

GENERAL PROVISIONS

158.165.01 REGULATIONS REGARDED AS A MINIMUM.

The provisions of these regulations, in their interpretation and application, shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of these regulations differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

158.165.02 EXEMPT SIGNS.

The following signs shall be exempt from the application of this chapter:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Hiring signs as long as the total area does not exceed six (6) square feet and is posted for not more than thirty (30) days;
- C. Legal notices, identification, informational or directional signs erected as required by governmental bodies;
- D. Integral decorations or architectural features of buildings except letters, trademarks, moving parts, moving lights, or any prohibited signs under 158.
- E. Signs not exceeding four (4) square feet in area directing and guiding traffic on private property, but bearing no commercial matter;
- F. Wall identification signs and commemorative plaques not more than four (4) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event;
- G. Flags in compliance with 158.168.05.
- H. Banners erected or authorized by the Town of South Congaree;
- I. Temporary governmental signs such as zoning, traffic, etc.;
- J. Civic club, religious, public and eleemosynary signs not exceeding six (6) square feet whether on or off the premises, provided these signs are not located in the public right-of-way;
- K. One sign not exceeding six (6) square feet each of craftsman, artisans, house painters, contractors or subcontractors during the period that such persons are performing repair, remodeling, repainting or improvement work on the premises on which such signs are erected;
- L. Political campaign signs announcing candidates seeking public office or relating to any election or public referendum. Such signs shall be confined to placement on private property. Such signs shall be removed within seven (7) days after the election or referendum has been decided.
- M. Weekend Directional Signs (WEDS) that convey directions to a specific in-Town place or event, provided that the signs meet the following conditions:
 - 1. WEDS shall be allowed from 6:00 p.m. on Friday until 11:59 p.m. on Sunday. It is the owner's responsibility to remove all WEDS prior to 11:59 p.m. on Sunday.

2. Each WEDS shall be legibly marked with the owner's name and written in weatherproof ink or paint on at least one face of the WEDS.
3. WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height. WEDS may be double-faced.
4. WEDS must be stand-alone signs and shall not be affixed to any object. WEDS must be firmly secured in the ground so that they will not be blown into traffic.
5. WEDS shall be made of plastic, metal, laminated cardboard or some other durable or waterproof material. WEDS shall not be made of paper and shall not violate the Article on Prohibited Signs. WEDS shall contain only direction information. Advertising information is not allowed.
6. WEDS shall not be placed more than two (2) miles from the specified property. WEDS shall not be closer than one foot (1') from the road right-of-way. WEDS shall only be placed where the direction changes.

158.165.03 CONSTRUCTION STANDARDS.

- A. Compliance with building codes. All signs shall be designed and constructed to comply with the provisions of the Town of South Congaree's building code for use of materials, loads and stresses.
- B. Wiring of electric signs. All electric signs with internal wiring or lighting equipment, and all external lighting equipment used to direct light on signs, shall be installed in accordance with the National Electric Code and have permanently installed underground electrical service. Such equipment shall be UL approved and shall be installed by a UL approved contractor.
- C. Clearance from high voltage power lines. All signs shall maintain horizontal and vertical clearance from all overhead electrical conductors provided that no sign shall be installed closer than ten feet (10') horizontally or vertically from any conductor or public utility guy wire.
- D. Wind speed. All signs shall be designed to withstand a wind of ninety-five (95) miles per hour.
- E. If building, structure, fence, wall, canopy, and sign construction shall use earth tone colors. The use of other colors may be considered, provided they are consistent with existing residential structures in the general area. The use of bright, neon, and/or fluorescent colors is prohibited.

158.165.04 UNSAFE OR HAZARDOUS SIGNS.

No sign shall be erected or allowed to remain erected that is structurally unsafe, hazardous or, in the opinion of the Building Inspector, constitutes a danger to the public safety. If, in the opinion of the Building Inspector, any sign should become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the sign shall, upon notice from the Building Inspector, immediately remove the sign or secure it in a manner to be approved by the Building Inspector in conformity with the provisions of these regulations and the applicable building codes or the Building Inspector shall have such sign removed at the expense of the owner.

158.165.05 MAINTENANCE.

To ensure that signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply to all signs:

- A. No sign shall be allowed to have more than twenty percent (20%) of its display area covered with disfigured, chipped, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.
- B. No sign shall be allowed to remain with a bent or broken display area, broken supports, loose appendages or struts, or stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.
- C. No sign shall be allowed to have weeds, trees, vines or other wild vegetation growing upon it for a period of more than thirty (30) successive days.
- D. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than thirty (30) successive days.

158.165.06 VISIBILITY.

- A. The area within five feet (5') of a freestanding sign shall be kept clear of all debris. Weeds and grass shall be no higher than twelve inches (12"). The area around a sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.
- B. At least one sign on each individual business premises or commercial center shall bear the street address of the business or center.

158.165.07 FINISH OF REVERSE SIDES.

Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be of one color. The reverse sides of signs shall be maintained so that no more than twenty percent (20%) of the reverse side shall be covered with disfigured, chipped, cracked, ripped or peeling paint for more than thirty (30) successive days.

158.165.08 SIGN ILLUMINATION.

Illuminated signs shall comply with the following requirements:

- A. Sign illumination shall be placed so as not to cast rays of light directly into nearby residences, sleeping accommodations, or into the eyes of vehicle drivers.
- B. Floodlights, gooseneck reflectors or other external sources of illumination shall be contained within a protective casing or shielded by landscaping.
- C. Temporary signs as regulated in §§ 158 SIGNS: Contractors Signs shall not be illuminated.

158.165.09 VISIBILITY AT INTERSECTIONS.

- A. Sight areas maintained. Except in the intense development district, no sign, or portion thereof, shall be placed within the sight areas of any intersection of public streets, private streets or driveways. In the intense development district, no sign placed in the horizontal sight area may encroach upon the vertical sight area.
- B. Sight area defined. The vertical dimension of a sight area is defined as the vertical space between thirty inches (30") and ten feet (10') in height above the nearest edge of the right-of-way of a public street or edge of a driveway. The horizontal dimensions of sight areas are defined as:

1. At the intersection of two (2) streets, a triangle formed by the street rights-of-way and a straight line connecting them at points twenty-five feet (25') from the right-of-way intersection;
 2. At the intersection of a street and a driveway, a triangle formed by the street right-of-way, the driveway's edge, and a straight line connecting them at points fifteen feet (15') from the intersection of the right-of-way and the edge of the driveway;
 3. The sight triangle may have to be modified to meet the speed limit requirement. Each ten (10) miles per hour of speed limit requires one hundred feet (100') of visibility. For example, a thirty-five (35) miles per hour speed limit requires three hundred fifty feet (350') of visibility.
- C. Variances. If the property is such that the required visibility cannot be achieved, a variance request will be made at no cost to the property owner/applicant.

158.165.10 CONTENT NEUTRALITY AS TO SIGN MESSAGE.

The Town of South Congaree Code of Ordinances is to be considered content neutral. Notwithstanding anything in this article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

PROHIBITED SIGNS

158.167.01 SIGNS IMITATING TRAFFIC OR EMERGENCY SIGNALS.

No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the colors, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as part of a permitted private or public traffic control sign.

158.167.02 SIGNS CONFUSING, DISTRACTING OR DIVERTING MOTORISTS.

No sign shall be permitted which in any manner may unduly confuse, distract or divert the attention of drivers of vehicles.

158.167.03 OBSTRUCTING SIGNS.

No sign shall be permitted which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening providing light or air or intended as a means of ingress or egress. No sign shall obstruct the view of roads from a pedestrian walkway.

158.167.04 AUDIBLE SIGNS.

No sign shall be permitted which emits or utilizes in any manner any sound capable of being detected on a public road or adjoining property by a person of normal hearing.

158.167.05 FLASHING SIGNS.

No sign shall be permitted which utilizes strobe-type lights, flashing or blinking lights, or any type of pulsating or moving light.

158.167.06 MOVING SIGNS.

No sign shall be permitted which moves or presents the illusion of movement in any manner, except windblown signs in accordance with the provisions of 158.167.16 and mechanical signs in accordance with the provisions of 158.169.12

No sign shall be permitted that requires air or other compressed gas, whether contained or blown, to keep and maintain its shape or which causes it to inflate or move.

158.167.07 SIGNS ATTACHED TO OR PAINTED ON SELECTED FEATURES.

No sign shall be permitted which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks or other natural objects.

158.167.08 PORTABLE SIGNS.

No portable sign shall be permitted, except in accordance with the provisions of §158.

158.167.09 DISCONTINUED SIGNS

Signs which advertise a discontinued product, place, activity, person, institution or business shall be removed by the owner within thirty (30) days from the date of termination.

158.167.10 HOME OCCUPATION SIGNS.

Home occupations are not permitted to display any sign pertaining to the commercial activity in the dwelling.

158.167.11 NEON FILLED TUBES.

Exposed neon filled tubes or other tube having the appearance of exposed neon tubes are prohibited on signs or trim on the exterior of a business. Any material used to cover such tubes must not have the appearance of exposed neon filled tubes.

158.167.12 ROOF SIGNS.

Roof signs and signs that project above the roofline are prohibited.

158.167.13 PUBLIC RIGHT-OF-WAY.

Any sign placed on or in any public right-of-way is prohibited.

158.167.14 VEHICLE SIGNS.

Signs on vehicles, either attached to or painted on vehicles, or any type which are conspicuously parked in close proximity to the right-of-way and are obviously parked in such a way as to advertise any business to the passing motorist or pedestrian are prohibited.

158.167.15 FLUORESCENT SIGNS.

Signs containing fluorescent colored letters and/or background are prohibited.

158.167.16 WINDBLOWN SIGNS.

All windblown signs are prohibited with the exception of banners permitted in and banners exempted in § 158.165.02.(H).

158.167.17 BENCH SIGNS.

Bench signs are prohibited.

158.167.18 BALLOONS AND GAS FILLED FIGURES.

Balloons and gas filled figures used to draw attention to a business or event are prohibited.
Exceptions:

- A. Balloons used to announce a birth and displayed on the residential property.
- B. Helium filled balloons to be sold or given to patrons at special events approved by Council or special sales events.
- C. A temporary sign made of helium filled balloons used for special events. The sign cannot be used for more than three (3) days and a sign permit must be obtained.
- D. Gas filled figures used as a display for similar items for sale by the establishment or for seasonal decorations. The figure must be located near the establishment's store front, cannot interfere with traffic, and not used as a sign on the road. The figure must be properly secured.

158.167.19 SEARCHLIGHTS.

Searchlights are prohibited.

158.167.20 FLASHING AND PULSATING SIGNS.

Signs which contain a high intensity illuminating device causing it to blink, flash, pulsate, fluctuate or animate are prohibited.

158.167.21 ANIMATED SIGNS.

"Animated sign" means any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights, lighting device or devices which changes color, flash, alternate, blink, fluctuate, scintillate, show movement, motion, whirl, or change the appearance of said or any part thereof automatically. This includes moving message boards.

158.167.23 ABANDONED OR DILAPIDATED SIGNS.

All abandoned and dilapidated signs are prohibited.

TEMPORARY SIGNS

158.168.01 CONTRACTOR'S SIGNS.

One sign displaying the names of the builders, contractors, architects, engineers, craftsmen, artisans, and similar information may be erected upon the premises of any work, construction, major repairs or improvements. The display area of such signs shall not exceed sixteen (16) square feet in the protected residential and restricted development districts and fifty (50) square feet in the intense development district. Such signs shall be removed within seven (7) days of the completion of the work. No permit is required for such signs.

158.168.02 REAL ESTATE SIGNS.

Signs offering real estate for sale, rent or lease are permitted. The display area of such signs shall not exceed six (6) square feet for individual residential lots and thirty-two (32) square feet for residential property greater than ten (10) acres in size and for commercial and industrial property. Only one sign shall be permitted per individual lot and not more than one sign per road frontage for residential property greater than ten (10) acres, commercial or industrial sites. Such signs shall be removed within seven (7) days of the conveyance or lease of the property. No permit is required for such signs.

158.168.02 GARAGE OR YARD SALE SIGNS.

On-site garage or yard sale signs are permitted, provided that the total display area shall not exceed six (6) square feet. Such signs may be erected twenty-four (24) hours before and shall be removed upon completion of the garage or yard sale. These signs are permitted no more than twice a year for any lot.

158.168.03 TEMPORARY SUBDIVISION SIGNS.

Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision. Such signs shall not exceed thirty-two (32) square feet in area, shall be set back at least twenty (20) feet from all property lines external to the subdivision, and shall be spaced at least five hundred feet (500') apart. Such signs shall be removed within thirty (30) days from such time as seventy-five percent (75%) of the lots are conveyed. No permit is required for such signs.

158.168.04 SPECIAL EVENTS SIGNS.

One portable sign or banner shall be permitted on private property in conjunction with special events in accordance with the following provisions:

- A. For the opening or closing of a business, such signs are permitted for a period not to exceed thirty (30) days.
- B. For a special sale, promotional event, or change of ownership or management, such signs are permitted for a period not to exceed twenty (20) days. Three (3) twenty-day periods are allowed per calendar year.
- C. For civic, public, charitable, educational or religious events, such signs are permitted for a period not to exceed twenty (20) days. Three (3) twenty-day periods are allowed per calendar year.
- D. The area of the portable sign shall not exceed thirty-two (32) square feet with the largest dimension being in the horizontal position. A black matte background with white nonreflective letters is acceptable. The sign must be on private property and positioned so that it will not cause a traffic sight problem.

158.168.05 FLAGS.

No more than three (3) flags may be displayed in restricted and intense development districts under the following conditions:

- A. No duplicate flags are allowed:
- B. The pole from which such flags are flown shall not exceed either thirty-five feet (35') or fifty feet (50') in height, as determined by the zoning ordinance.
- C. The maximum size of the flag flown from the flagpoles mentioned above shall not exceed six feet (6') by ten feet (10') for thirty-five-foot flag poles or eight feet (8') by twelve feet (12') for fifty-foot flag poles;
- D. All flags shall be maintained and kept in good condition.
- E. Except for corporate flags, the flags shall not contain any commercial material. Flags that contain commercial material are temporary signs subject to the regulation contained herein. The square footage will count toward the total allowed.
- F. These conditions shall not apply to the noncommercial display of flags in residential districts or any war memorials on sites donated by any government.

SIGNS PERMITTED IN ALL ZONING DISTRICTS

EXEMPT AND TEMPORARY SIGNS.

Signs exempt from these regulations as listed in § 158.165.02., shall be permitted in all zoning districts. Temporary signs, listed in §§ 158.168.01 through 158.168.05, shall be permitted in all zoning districts.

RESIDENTIAL SUBDIVISION AND GROUP DEVELOPMENT SIGNS.

Permanent signs displaying no information other than the name of a residential subdivision, group housing development, or apartment complex shall be permitted. Mobile home park signs shall comply with the mobile home park ordinance. Such signs shall not exceed fifty (50) square feet in display area. No more than one sign shall be permitted along each street frontage. Such signs shall not exceed a height of four feet (4'), if located within a required setback or six feet (6') if

located elsewhere. The height restriction does not apply to gate way structures to residential development exceeding ten (10) acres in total size.

PUBLIC AND INSTITUTIONAL SIGNS.

Signs relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional or governmental nature shall be permitted as follows:

- A. In C-1 district, as per business signs in §§ 158.169.01 through 158.168.10.
- B. In C-1, signs shall not exceed fifty (50) square feet in display area. Such signs shall not exceed a height of four feet (4'), if located within a required setback, or six feet (6'), if located elsewhere.

BUSINESS SIGNS

158.169.01 LOCATION.

Business signs shall be permitted in the restricted development and intense development districts. Setbacks shall be five feet (5') from all property lines in the C-1, and ten feet (10') from all property lines in the C-1

158.168.02 INDIVIDUAL BUSINESSES.

- A. Wall signs. No portion of a wall sign shall be permitted to project over the roofline or parapet of the building to which it is attached. The display area of a wall sign shall not exceed ten percent (10%) of the area of the wall of the first story of the building to which it is attached.
- B. Freestanding signs A. The maximum display area for a freestanding sign is eighty-four (84) square feet if a changeable copy sign is included or sixty-four (64) square feet without changeable copy.
- C. Maximum number of signs. Except as otherwise specifically stated in these regulations, no more than two (2) business signs, of any type shall be permitted for each street frontage on a lot on which an individual business is located.

Exceptions:

- 1. Each five hundred feet (500') of frontage or fraction thereof on the same road shall be counted as separate frontage.
- 2. Wall signs, consisting of pre-cast building identification letters, which are an integral part of the structure, shall not be counted against the total number of signs allowed. The sign shall be counted against the total square footage allowed.
- D. Freestanding signs B. Freestanding business signs shall not be more than ten feet (10') above the grade to which it is attached or the adjacent street level whichever is higher. A twenty percent (20%) increase to the maximum height may be allowed for copy extensions.
- E.

158.169.04 SIGNS FOR ESTABLISHMENTS SELLING GASOLINE.

In addition to other signs allowed under §§ 158.169.01 through 158.169.10, establishments which sell gasoline may have the following signs:

- A. Signs identifying gasoline prices and/or the location of self-service areas may be located at and secured to each pump island, provided that each sign does not exceed a surface area of nine (9) square feet per side. Exception: the surface area can be increased to eighteen (18) square feet on the street side pump island if no freestanding gas sign, as described in §158.164.03 (B), is utilized.
- B. With the exception of a site located within a shopping center, one additional ground sign identifying gasoline prices and/or the location of self-service areas may be located at a place other than the pump island, provided that
 - 1. The sign is no longer than twelve feet (12');
 - 2. The sign is permanently affixed to the ground;
 - 3. The sign meets all other requirements of §§158.169.01 through 158.169.10.
- C. Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.

158.169.05 MARQUEE AND PROJECTING SIGNS.

- A. Maximum height. No portion of a marquee or projecting sign shall be permitted to project over the roofline of the building to which it is attached
- B. Minimum height. No portion of a marquee or projecting sign shall be permitted to be lower than twelve feet (12') above ground level.
- C. Narrow front yards. Where front yards of less than five feet (5') in depth are provided, projecting sign may extend over a public right-of-way, but in no case shall they exceed the

158.169.06 WALL SIGNS.

No portion of a wall sign shall be permitted to project over the roofline or parapet of the building to which it is attached.

158.169.07 CHANGEABLE COPY SIGNS.

Any business permitted to erect a sign may devote up to seventy-five percent (75%) of the erected sign area to one manual changeable copy sign or to one moving message board.

158.169.08 AWNING SIGNS.

Signage on awnings shall be allowed with the following conditions:

- A. Awning signage shall not be allowed in conjunction with any other form of attached signage on the building wall to which the awning is attached. Exception: site identification if less than six (6) square feet.
- B. The maximum area of the sign shall not exceed ten percent (10%) of the square footage of the awning. The square footage of an awning is equivalent to the area of the awning, which is visible when viewing an awning as it is attached to a building wall.
- C. The sign message shall not be duplicated on the building wall to which the awning is attached.

158.169.09 PRODUCTS SIGNS.

Product signs shall be permitted as business signs, provided no such sign shall exceed sixteen (16) square feet in display area. The display area of product signs shall count toward the maximum display area of signs allowable. Product signs are temporary signs and shall comply with the restriction in §§ 158.169.01 through 158.169.05.

158.169.10 INFORMATION SIGNS.

Information signs shall be permitted on business lots provided that no such sign shall exceed six (6) square feet in display area. Information signs shall not count toward the maximum number of signs allowable or the maximum display area of signs allowable. Information signs are limited to four feet (4') in height.

158.169.11 KIOSK SIGNS.

Kiosk signs are permitted if they meet the following conditions:

- A. Only one sign is allowed per wall.
- B. Each sign is limited to twelve (12) square feet.
- C. Signs cannot project over the roof or project outward from the wall side.
- D. Signs may be lit but must not flash, move or give the appearance of being neon signs.

158.169.12 MECHANICALLY MOVABLE SIGNS.

A monument sign may have a single portion of its face dedicated to the use of automated changeable copy. The portion of a sign dedicated to this type of signage may not exceed eighteen (18) square feet. Automation used to change copy must be completed by the use of a mechanical device that utilizes interchangeable panels with letters, numbers or common symbols to convey a message. The use of any type of lighting including, but not limited to, digital displays or displays using LED or LCD lighting to convey a message is prohibited. No photographs, depictions or animation of any kind may be used to convey a message. Any type of lighting within the automated changeable copy portion of the sign is prohibited except backlighting. No panel within an automated changeable copy portion of a sign can change more frequently than one time in a twelve-hour period.

158.169.13 ADVERTISING SIGNS

All Off-Premise Signs are prohibited except those authorized by section 158.165.02 (M). Existing Advertising Signs currently in the Town limits or those that are annexed into Town shall be allowed to continue as nonconforming signs. Those nonconforming signs shall not be allowed to enlarge, extend or convert to electric billboards. Change of copy and regular/ordinary maintenance shall be allowed.

NONCONFORMING SIGNS

158.170 .01 NONCONFORMING SIGNS.

Permanent signs which become nonconforming upon the adoption or amendment of this chapter and those signs which were grandfathered are declared to be inconsistent with the purposes of this chapter. Such signs will be brought into conformity by twelve (12:00) midnight, December 1, 2020.

EXCEPTION: Signs in newly annexed areas that become nonconforming upon annexation after December 1, 2020, shall be removed, changed, altered or otherwise brought into conformity within two (2) years of the date of annexation into the Town.

158.170 .02 GENERAL PROVISIONS.

(A)

- A. Reconstruction. A nonconforming sign shall not be extended or enlarged except in accordance with §§ **158.170.01** through **158.170.05**
- B. Extension or enlargement. A nonconforming sign shall not be extended or enlarged except in accordance with §§ **158.170.01** through **158.170.05** Reconstruction after damage. A nonconforming sign shall not be rebuilt, altered or repaired except in conformity with these regulations after sustaining damage exceeding twenty percent (20%) of the replacement cost of the sign at the time of the damage.
- C. Ordinary maintenance. Nothing in §§ **158.170.01** through **158.170.05** shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.
- D. Change of copy. No nonconforming sign may be altered by changing copy, other than reader board signs. Nothing in §§ **158.170.01** through **158.170.05** shall be deemed to prevent the ordinary change of copy on an advertising sign or a business changeable copy sign. Changing the copy (face of the sign) does require a sign permit.
- E. Abandonment of nonconforming signs. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of ninety (90) days, the nonconforming sign shall be removed.

158.170 .03 TEMPORARY SIGNS.

All temporary signs not meeting the requirements of this chapter must be removed or changed to comply within thirty (30) days of the date of the adoption of this chapter.

158.170 .04 CHANGE IN BUSINESS.

Whenever any nonconforming sign, or part thereof, is altered, replaced, converted or changed due to a change in business, attraction, service, ownership or management, the entire sign shall be brought into compliance with these regulations. Exception: commercial centers. Nothing in this section should be construed to require a shopping center sign to be brought into compliance because of changes in tenants in the ordinary course of business.

158.170 .05 SUBSTANTIAL REPAIRS, REMODELING, OR EXPANSION.

Whenever a business is repaired, altered, remodeled or expanded to an extent exceeding thirty-three percent (33%) of the current replacement cost of the building within any period of twelve (12) consecutive months, all signs, other than freestanding signs, shall be brought into compliance with these regulations.

158.170 .06 ILLEGAL SIGNS.

Signs, which were erected without a sign permit, are declared illegal and are not grandfathered under **158.170.01.** All illegal signs must be removed within thirty (30) days after the adoption of this chapter.

ADMINISTRATION AND ENFORCEMENT

158.205.01 ADMINISTRATION.

The Zoning Official, assisted by Public Safety, will be responsible for the enforcement of this chapter.

- A. Town of South Congaree permits. Except as otherwise specifically stated in this chapter, no sign shall be erected, placed, replaced or altered without the owner or agent of the owner having obtained a sign permit.
- B. State of South Carolina permits. Businesses and advertising signs on federal highways require permits from the State of South Carolina. A copy of this permit must be furnished to the Town's Building Department before the sign can be erected.
- C. Application for permit. All applications for sign permits shall be made to the Zoning Official or his designated representative. The following information shall be submitted with the application:
 - 1. Documentation of ownership of property on which the sign is to be erected or written authorization by the owner of the property;
 - 2. Name and address of the owner of the sign;
 - 3. Site plan showing the precise location of the sign in respect of property and right-of-way lines and any buildings or other improvements on the property;
 - 4. Exact size, nature and type of sign to be erected;
 - 5. Any other information, specifications or the like deemed necessary by the Building Official.
- D. Expiration of approval. If a building permit is not obtained within one year of the sign plans being approved, the approval will expire.
- E. Expiration of permit. Any permit issued for the erection of a sign shall become invalid unless the work authorized by it shall have been started within six (6) months of its issuance and completed within twelve (12) months of its issuance.

158.205.02 FEES.

In order to defray some of the administrative costs associated with processing permit applications and inspecting signs, the following fees shall apply:

- A. Regular fees. Calculated as prescribed by the building codes ordinance of the Town of South Congaree.
- B. Temporary sign. Twenty dollars (\$20.00) per sign per use period.
- C. Reinspection fee. Twenty-five dollars (\$25.00).
- D. Failure to obtain permit. If a sign is erected without a permit, and a permit is subsequently obtained, the fee for the permit and business license shall be doubled.

158.205.03 IMPOUNDMENT OF SIGNS.

- A. If any sign requiring a permit is erected without a permit, or if any sign is erected in violation of these regulations, the Town Administrator shall have the authority to give the owner thereof written notice of such violation. The notice shall include a brief statement of the particulars in which the violation is to be remedied. If the sign has been permitted, notice to the person receiving the permit shall be sufficient. If a sign has not been permitted, and the owner is not known, a highly visible sticker reading "VIOLATION" shall be attached to the sign for a period of ten (10) days. If the sign owner cannot be found, the duty to perform corrections or removal of the sign will be upon the property owner on whose property the sign is located.
- B. If within ten (10) days the owner of the sign fails to contact the Zoning Official, bring the sign into conformance with these regulations, and obtain a sign permit, the Building Official shall have the authority to have the sign removed and impounded without further notice and the cost of removal shall constitute a lien against the property on which the sign is located. The Town shall not be liable for any damage to the sign or property as a result of such removal.
- C. The Zoning Official shall have the authority to remove and impound, without notice to the owners thereof, any signs placed within any street right-of-way, signs attached to trees, rocks or other natural features, and signs attached to telephone and utility poles.

158.205.04 VIOLATIONS AND PENALTIES.

- A. Any person violating, by act or omission, any provision of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00), thirty (30) days in jail, or both, at the discretion of the court.
- B. Where such an act or omission is continued in violation of the provisions of this chapter after notice of such violation by the Zoning Official, each and every day during which such act or omission continues shall be deemed a separate violation.
- C. The owner or tenant of any building, structure, premises, or part thereof, and any sign company, contractor, architect, surveyor, builder, engineer, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

APPEALS.

158.225.01 APPEALS

Any person who feels the Zoning Official has erred in the interpretation or enforcement of these regulations may appeal such decision to the Zoning Board of Appeals as provided in the zoning ordinance, Chapter 158.

158.225.02 VARIANCES.

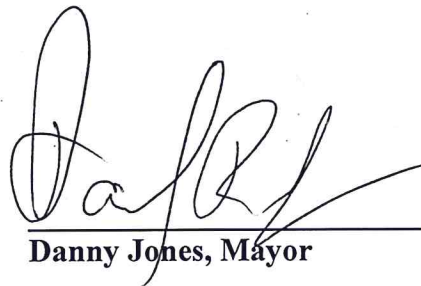
A variance may be granted from the provisions of these regulations by the Zoning Board of Appeals as provided in the zoning ordinance, Chapter 158.

AMENDMENTS.

158.240 AMENDMENTS.

This chapter may be amended by the Town Council of the Town of South Congaree in accordance with the procedures established by the Code of Laws of 1976, of the South Carolina General Assembly.

1st Reading 11/19/2019
Public Hearing 12/10/2019
2nd Hearing 12/10/2019



Danny Jones, Mayor

Attest:



Patt Shull, Town Clerk