

## SECTION 13-1 SIGNS

### General provisions.

- (a) The regulations set forth in this article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.
- (b) A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the department of planning and development.
- (c) All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
- (d) The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
- (e) The purpose of this section is to provide comprehensive regulations for signs within the town that will eliminate confusing, distracting and unsafe signs, ensure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest and also is related to the following goals:
  - (1) To protect property values within the town;
  - (2) To protect the general public from damage or injury caused by, or partially attributable to the distractions and obstructions which result from improperly designed or situated signs;
  - (3) To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of the town;
  - (4) To improve the legibility and effectiveness of commercial and governmental signs;
  - (5) To allow signs appropriate to the planned character of each zoning district; and
  - (6) To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the town.
- (f) Any signs, display or device allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.
- (g) All signs shall comply with existing state and federal laws.

## SECTION 13-2

### Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandoned sign** means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 60 days or more, or a sign the content of which pertains to a time, event or purpose which no longer applies.

**Animated sign** means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Banner** means any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Beacon** means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Building sign** means any sign attached to any part of a building, as contrasted to a freestanding sign.

**Canopy sign** means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

**Commercial message** means any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Flag** means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. Each lot is permitted to have one pole either attached or freestanding containing such flag.

**Freestanding sign** means any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure. Portable signs which fit these criteria are classified as a freestanding sign.

**Incidental sign** means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Nonconforming sign** means any sign lawfully existing at the adoption or amendment of this chapter may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity of all the requirements of this chapter.

**Pennant** means any lightweight plastic, fabric or other material, whether or not containing a message of any kind suspended from a rope, wire or string, usually in series, designed to move in the wind.

**Person** means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

**Portable sign** means any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

**Prohibited signs** shall be defined by example as follows:

- (1) No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted nor shall any sign use the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.

Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags (other than those of government origin and not used for commercial purposes), pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages.

(NOTE) In order to allow for existing moving and windblown signs and attraction devices to be used for a reasonable period based on the life expectancy and economic value of such signs and devices, this prohibition shall become effective July 1, 2010;

- (2) Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.

Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign

Signs copying or imitating official government signs or which purport to have official government status;

- (3) Signs painted on or attached to trees, fences and telephone or other utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.

Roof Signs. Any sign or sign structure, other than freestanding, any portion of which extends above the parapet, building roofline or canopy against which the sign is located

- (4) Signs which display intermittent or flashing lights or lights of varying degrees of intensity or moving parts, except barber's poles, time/temperature signs and signs erected by a public agency.
- (5) Portable or mobile signs utilizing any type of illumination or electrical connections.
- (6) Signs that identify or advertise a product or business not located at the premises.
- (7) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (8) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (9) Abandoned or dilapidated signs.
- (10) Searchlights and beacons.
- (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. The parking of any vehicle which is not in operating condition or lacking current registration bearing a commercial message in the public view. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business).
- (12) Inflatable signs and tethered balloons.
- (13) Strings of lights not permanently mounted to rigid background, except those exempt under section 13
- (14) Signs on street furniture (benches, trash cans, etc) except for one sign of less than 64 square inches showing the donor of the item, provided that the item is accepted by the town.
- (15) Portable signs, except those permitted by Section 13
- (16) Signs referencing businesses which have been out of business for more than 30 days.
- (17) Sign structures no longer containing signs;
- (18) Signs which emit audible sound, odor or visible matter;
- (19) Signs violating any provision of any law of the state relative to outdoor advertising;
- (20) Signs made structurally sound by unsightly bracing;
- (21) Snipe signs; any form of leaflets, handbills, posters, flyers, announcements, or any other advertising and informational materials that are tacked, nailed, posted, pasted, glued, stuck in the ground via wire frames or otherwise attached to trees, poles, stakes, fences, buildings, the ground or other objects.
- (22) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;
- (23) Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one personal identification sign not exceeding two square feet and one non-illuminated "for sale" or "for rent" sign not exceeding six square feet.
- (24) Any sign mounted to the roof of any structure.

**Projecting sign** means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Roof sign** means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

**Roof sign, integral**, means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Sandwich board and pedestal sign** means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

**Sign** means any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.

**Sign area** means the area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, the sign area shall be computed by measuring one face only.

**Temporary sign** means any sign that is used only temporarily and is not permanently mounted.

**Wall sign** means any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Window sign** means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

### **SECTION 13-3**

#### **Signs for which a permit is not required.**

A permit is not required for the following types of signs in any zoning district:

- (1) Traffic, directional, warning or information signs authorized by any public agency.
- (2) Official notices issued by any court, public agency or officer.
- (3) One unlit "for sale," "for rent," or "for lease" sign contained entirely upon the property being advertised not exceeding six square feet in area in residential districts and 32 square feet in other districts.
- (4) One permitted home occupation sign, provided that it is unlit, no larger than one square foot, and mounted against a wall of the principal building.
- (5) Political campaign posters, placards and special event notices, provided such signs do not exceed 320 square inches. Political campaign posters shall not be displayed more than 30 days before an election/primary and all signs are to be removed within seven days after their reason for existence.
- (6) Holiday decorations: Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays. Containing no commercial message
- (7) Directional signs: Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four square feet in gross surface area for each exposed face, parking lot directional signs shall not project higher than three feet in height, as measured from the established grade of the parking area.

### **SECTION 13-4**

#### **Regulations applying to specific types of signs.**

The following regulations apply to the following specific types of signs:

- (1) Roof sign: No sign shall extend above the highest point of the exterior walls, or into the roof line.
- (2) Wall signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

- a. Signs on the front surface of a building: The total area of signs on the exterior front surface of a building shall not exceed eight percent of the front surface of the building.
  - b. Signs on the side and rear surface of a building: The total area of signs on a side or rear surface of a building shall not exceed three percent of the exterior side or rear surface of the building, respectively.
- (3) Portable or mobile signs: Where permitted these signs shall not exceed 32 square feet in an area, must be located on the property to which they refer and meet all code and safety requirements.
  - (4) Sign illumination: Illumination devices shall be so placed and so shielded that rays there from or from the sign itself will not be directly cast into any residential district, sleeping room in any district or the eyes of an automobile or vehicular driver.
  - (5) Height limitations: Signs located in R-1, R-2, R-3, R-5, PUD and C-1 districts shall be limited to ten feet in height except as otherwise provided in this article. Signs located in C-2 districts shall not exceed the building height limit of the district in which it is located except as otherwise provided in this article. Signs located in PUD districts shall be limited to the specific requirements in height based on the approved plans for the PUD district except as otherwise provided in this article. Signs located in C-2, M-1 and M-2 districts shall follow the regulations specified in section entitled *Signs permitted in C-2, M-1 and M-2 districts*, except as otherwise provided in this article.
  - (6) Temporary event signs: The height of temporary event signs in all districts shall follow the section entitled Temporary event signs.
  - (7) One unlit "work under construction" sign, not exceeding 32 square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and development agencies is permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed from the site immediately upon completion of the project. In projects requiring building inspection, the final inspection or certificate of occupancy will be withheld until such sign is removed.
  - (8) Temporary subdivision signs, not exceeding 32 square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. Such signs shall be spaced not less than 300 feet apart. They shall be removed when 75 percent of the lots are conveyed or when a permanent subdivision sign is permitted and constructed.

**Signs permitted in R-1, R-2, R-3, C-1, and PD districts.**

Signs permitted in R-1, R-2, R-3, C-1, and PD districts are as follows:

- (1) Signs requiring no permit as defined in section 12-3
- (2) One illuminated sign at each entrance identifying the name only of a residential subdivision, provided that such sign is no more than 15 square feet in area, and is set back ten (10) feet of the street right-of-way.
- (3) One illuminated sign at each entrance identifying the name only of mobile home parks and subdivisions, provided that such sign is no more than 15 square feet in area and is set back at least ten feet from any street right-of-way.
- (4) One illuminated sign identifying multiple-family group dwellings, provided that such sign is no more than 20 square feet in area, and is set back at least ten feet from any street right-of-way.
- (5) Signs identifying permitted commercial and business uses, provided that such sign is no more than ten square feet in area and illuminated only during hours of operation.
- (6) Signs not exceeding one square foot in area and bearing only property numbers, mailbox numbers or name of occupants on the premises.

**Signs permitted in C-2 and M-2 districts.**

Signs permitted in C-2 and M-2 districts are as follows:

- (1) All signs which are also permitted in R-1, R-2, R-3, C-1, and PD districts.

- (2) Flat wall signs attached to the surface of any building may not extend more than 12 inches from the wall.
- (3) Projecting signs may extend outward from the wall of a building not more than four feet and no part of any projecting sign shall extend above the roof line of a building or into a public right-of-way.
- (4) One freestanding, two if site is a corner lot, provided that signs are constructed on different sides of the lot that face separate paved public thoroughfares that provide vehicular access, provided that such signs meet the following requirements:
  - a. Front setback: Ten feet for signs from the street right-of-way and in no case be installed within the street right-of-way or project into the vertical plane of the street right-of-way.
  - b. Side and back setbacks: Ten feet or minimum buffer zone, whichever is greater.
  - c. Height: Fifteen feet or maximum height in permitted zone, whichever is less.
  - d. Square footage: Maximum of 50 square feet per sign face
- (5) Any sign which is designed to occupy a space between three and ten feet above ground level shall be located so as not to create a safety hazard by obstructing the vision of pedestrians and motorists entering and exiting the business.
- (6) **Amended October 15, 2013, Ordinance No. 2013-15 (Attached)**

The following exceptions to the foregoing height and square footage requirements apply when these conditions are met:

- a. Commercial/industrial/office developments which contain more than four businesses shall be permitted one freestanding sign per entrance but no more than two such signs for the development. Such signs shall not have more than 400 square feet of sign faces. No single sign face shall exceed 150 square feet for developments with one access or 200 square feet for developments with more than one access; provided, however, that should there be more than two entrances to the development, each additional entrance shall be entitled to a sign of up to 200 total square feet of sign faces if each such entrance is 185 feet from a signed entrance. If only one sign is used, it may not exceed 20 feet in height. If such sign is set back 100 feet, then the sign may exceed the 20-foot height maximum one foot for every one foot of setback beyond 100 feet or more, not to exceed 50 feet. If more than one sign is used, each shall not exceed 15 feet in height with a minimum setback of ten feet from the street right-of-way.
- b. An additional temporary freestanding sign shall be allowed once, and only for 30 days, to advertise the establishment of a new business. This sign can be in addition to any other permitted freestanding sign.
- c. Signs on awnings and canopies, provided that they are part of the awning or canopy and do not project above, below or beyond the dimensions of the awning or canopy.

### **Temporary event signs.**

Temporary event signs announcing a campaign drive, activity or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes are permitted subject to the following:

- (1) Number, area, height and location: The permitted number, area, height, location and construction of temporary event signs shall be determined by the Zoning Administrator with consideration given to the public safety and the sign reasonably necessary and appropriate for the intended purpose.
- (2) Any temporary event sign which is permitted by the zoning officer to extend over or on to a public right-of-way shall be erected and maintained in such a manner as to not interfere or obstruct access, activity or vision along any such public right-of-way.

### **Informational signs on public property.**

The Zoning Administrator is authorized to permit informational/directional signs on public property under the following conditions:

- (1) The signs direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts, or general business or industrial districts or a subdivision. The Zoning Administrator is authorized to develop written and publicly posted guidelines for these types of signs.
- (2) The signs are erected by the town.
- (3) The entire cost of the signs is borne by the entity requesting the sign.
- (4) The signs are installed at locations where they would not constitute a traffic hazard.

**Sandwich boards and pedestal signs.**

Sandwich boards and pedestal signs are allowed in the, subject to the following provisions:

- (1) Only one sandwich board or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a sandwich board or pedestal sign.
- (2) A minimum separation of 20 feet shall be maintained between sandwich boards or pedestal signs.
- (3) Sandwich boards or pedestal signs shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained.
- (4) No sign shall be placed in a manner which obstructs the clearance vision at a street intersection.
- (5) Sandwich boards or pedestal signs located within a public right-of-way shall be placed within that portion of the public right-of-way which abuts the building containing the business or use, provided that an encroachment permit has been secured from the zoning officer.
- (6) Sandwich boards or pedestal signs placed in the internal area of a shopping center walkway meeting the general criteria in subsections (1)--(5) of this section are permitted without a permit, provided that permission is given by the property owner. Such signs shall not be placed in a manner in which they may be construed to be another freestanding sign advertising to highway traffic.

1. **Outdoor Displays.** Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way.
  - a. In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten (10) feet back from the right-of-way and be no more than ten (10) feet in height. Multiple displays may be used provided that they conform to the required setbacks and height limitations subject to approval of the Zoning Administrator.
  - b. Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
  - c. Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six (6) foot stockade fence.
  - d. Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right-of-way. The vegetative strip must consist of one tree for every twenty (20) feet of road frontage. Shrubs at a ratio of 3:1 may replace required trees.
  - e. No off-premise displays are allowed
  - f. Permanent and temporary outdoor displays shall meet all other requirements of free standing signs.

**Temporary Signs.** During any one year period, a business may obtain a permit for a temporary sign structure.

- a. Temporary signs shall be freestanding banners, flags (other than national, state, or local), pennants, fluttering ribbons or other fluttering devices. Mobile signs shall not be classified as a temporary sign.
- b. The permitted copy area of a temporary sign is thirty two (32) square feet. Such temporary sign shall be set back no less than ten (10) feet from any street right-of-way line. The maximum height is ten (10) feet.
- c. A temporary sign may be displayed at various times, but the permit must state the start and end dates of the temporary signage, and not exceed 30 cumulative days in a year.

Other signs forfeited.

Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the town shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of such signs.

Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum \$200.00 fine, and/or a maximum of 30 days imprisonment. In addition, each sign displayed or erected in violation of this article represents a separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

**SECTION 13-5**

**Administrative variances.**

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for the number, height, setback, square footage or placement of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council. Examples of cases where a variance might be granted would be as follows:

- (1) In areas of the town which have unusually large right-of-way areas the setback requirement may be granted a variance as the sign would be a sufficient distance from the pavement without any setback.
- (2) On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, a variance may be granted to treat each building as a separate lot.

The Zoning Administrator, at his discretion, may refer any request for a variance to the BZA, and the applicant may appeal any decision of the Zoning Administrator to the BZAs.

**SECTION 13-6**

**Temporary Uses.**

It is hereby recognized that certain uses and activities, which might not otherwise be prohibited or identified by this Ordinance, can nevertheless be such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this Ordinance, such uses are declared to be temporary uses that may be permitted in certain districts upon application to and approval by the Zoning Administrator subject to the following:

- A. The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.
- B. The proposed use will contribute to the general welfare and needs of the Town of Moncks Corner and the general public.

C. The duration of the proposed use shall not exceed three 30 day periods per year. Periods of temporary use cannot run concurrent and must be separated by at least 30 days of nonuse.

D. The Temporary Use complies with the requirements of the Code of Ordinances of the Town of Moncks Corner and all other government entities.

\*\*Any use that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause may be curtailed immediately by the Building Official or the Zoning Administrator.\*\*

**LEGAL STATUS**

**INTERPRETATION AND VALIDITY.**

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

**REPEAL OF PREVIOUS ZONING ORDINANCE.**

This Zoning Ordinance of the Town of Moncks Corner, South Carolina does hereby repeal any previous zoning ordinances.

**EFFECTIVE DATE.**

The ordinance shall be in full force and effect from and after October 16, 2012.

Adopted and Approved this the 16<sup>th</sup> day of October, 2012

\_\_\_\_\_  
William W. Peagler, III, Mayor

Town Council:

Attest:

\_\_\_\_\_  
Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

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John S. West, Town Attorney

First Reading By Title Only:

April 19, 2011

Second Reading and Public Hearing:

October 16<sup>th</sup>, 2012

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