

ORDINANCE 4348

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF HARTSVILLE PERTAINING TO SIGN REGULATIONS; AND OTHER MATTERS RELATED THERETO.

The City Council of the City of Hartsville (the “*City Council*”), the governing body of the City of Hartsville, South Carolina (the “*City*”), makes the following findings of fact in connection with the enactment of this ordinance (this “*Ordinance*”):

(A) The City was created as a municipal corporation under the laws of the State of South Carolina (the “*State*”) and is authorized, pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act, Chapter 29 of Title 6 of the Code of Laws of South Carolina 1976, as amended (the “*Act*”) to adopt a zoning ordinance regulating land use within the City to include regulations pertaining to signage; and

(B) The City Council did, on February 10, 1987, adopt the Comprehensive Zoning Ordinance of the City, codified at Appendix A of the City’s Code of Ordinances (the “*Zoning Ordinance*”), including regulations on signage within the City contained in Article VII of the Zoning Ordinance (the “*Sign Regulations*”); and

(C) In response to the decision by the Supreme Court of the United States in *Reed v. Town of Gilbert*, and subsequent jurisprudence in conformance with this opinion, the Planning Staff of the City (the “*Staff*”) has recommended that the City Council enact certain changes to the Sign Regulations; and

(D) In compliance with Section 6-29-760 of the Act, the requested changes to the Sign Regulations were brought before the City of Hartsville Planning Commission (the “*Planning Commission*”) on August 27, 2018, which conducted a public hearing on the matter where both proponents and opponents of the proposed changes were permitted to speak, and, after due consideration, the Planning Commission recommended that the City Council adopt the proposed changes.

NOW, THEREFORE, BEING DULY ASSEMBLED, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HARTSVILLE AS FOLLOWS:

Section 1. By and through the enactment of this Ordinance, the applicable sections of the Sign Regulations shall be amended as follows:

The definition of “Sign” contained in Article III of the Zoning Ordinance shall be amended and restated to read, in its entirety, as follows:

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, or direct attention to an object, person, institution,

organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

(a) *Freestanding sign.* A freestanding sign may contain a sign or signs on one side only, or it may be a V-shaped structure or one containing signs back-to-back. A freestanding sign structure is one sign.

(b) *Sign area.* The area of a sign is the area of the surface of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign structure located above a separate and distinct landscaped base. The total area of a freestanding sign structure is equal to the area of one side only.

(c) Reserved.

(d) Reserved.

(e) Reserved.

(f) Reserved.

(g) *Window sign.* A sign that is visible through or attached to the interior of a window such that the content of the sign is intended to be visible from the exterior of the building.

Section 1 of Article VIII of the Zoning Ordinance shall be amended and restated to read, in its entirety, as follows:

Sec. 1. Intent.

The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.

Section 3 of Article VIII of the Zoning Ordinance, entitled, "Signs allowed without a permit," shall be amended and restated to read in its entirety as follows:

Sec. 3. Signs allowed without a permit.

a. Sign permits shall not be required for the following signs:

1. Changeable copy signs, including bulletin boards and signs for theatres and gas stations.

2. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
 3. Signs on trucks, buses, trailers, or other vehicles, while such vehicles are in use in the normal course of business.
 4. Commemorative plaques and historical markers erected by a recognized non-profit historical organization or a governmental body; provided, however, that no such plaque or marker shall exceed three square feet in area.
 5. Flags; provided, however, that no single flag shall exceed a maximum size of 54 square feet and no more than three flags may be displayed on any property.
 6. Handicap parking signs.
 7. Plaques or markers that are integrated into the construction of a building when made or carved into stone, concrete, bronze, aluminum, or some other permanent construction material, such as, by way of example only, names of buildings, dates of erection, or commemorative plaques.
 8. Signs erected by any public entity.
 9. Danger, warning, or private property signs.
 10. Traffic direction signs within a campus or premises.
- b. Sign permits shall not be required for one temporary sign on each roadway frontage of a property during such time that the property on which the sign is located, or a portion thereof, is being actively marketed for sale or rent, or a structure on such property is actively under construction. Any such sign may not exceed a height of 8 feet and may not exceed an area of 8 square feet in residential zoning districts or 32 square feet in all other zoning districts.
- c. Other than those signs permitted under subsection (b) of this section, temporary signs shall not require a permit, but shall be subject to the following:
1. For the purposes of this subsection, a “Temporary Sign” is defined as any sign constructed of cloth, canvas, light fabric, cardboard or any other paper-based material, corrugated plastic, unfinished or untreated wood, wallboard or other light materials, with or without frames.
 2. Temporary Signs shall not exceed 8 feet in height, and shall not exceed 4 square feet in residential districts or 32 square feet in all other zoning districts;
 3. Temporary Signs shall be removed within 45 days of its placement;

4. Temporary signs are prohibited in the public right-of-way or on any public property, utility poles, or street signs;
 5. Temporary signs shall be limited to one per street frontage;
- d. All banners shall not require a permit, but shall subject to the following:
1. Subject to the additional conditions of this subsection (d), a banner is permitted in any commercial or industrial zoning district except the Central Business (B-1) District; except that in the Central Business (B-1) District (i) a non-profit or religious organizations may display a banner on property owned or occupied by such organization; and (ii) a business may display a banner exclusively during the period of seven days prior to and for thirty days after the date the business initially commences operation.
 2. A banner must be hung flush against and securely attached to the building upon which it is; except in the case of any property owned or occupied by a non-profit or religious organization, the entity may securely hang a free-standing banner one week in advance of an event held by such organization, to be removed upon completion of such event.
 3. Except where otherwise provided for herein, a business or organization may display a banner for a period of 30 days.
 4. No banner shall exceed a maximum size of 48 square feet.

The following subsections of Section 4 of Article VIII of the Zoning Ordinance, entitled, "Prohibited Signs" shall be amended and restated to read in their entirety as follows:

- d. Signs which contain or consist of pennants, banners, ribbons, streamers, spinners, strings of lightbulbs, strobes, or other similar moving or flashing devices.
- l. Signs that obstruct ingress or egress from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any room or building as required by law.

Section 5 of Article VIII of the Zoning Ordinance, entitled, "Residential and Agricultural Zoning Districts; Permitted Signs" shall be amended and restated to read in its entirety as follows:

Sec. 5. Residential and Agricultural Zoning Districts; Permitted Signs

- a. Reserved.
- b. Residential developments may erect permanent subdivision or development identification signs at any entrance to such development; provided, however, such signs must be ground mounted, and nonilluminated except by floodlights which are mounted in the ground in front of

the sign and that do not shine into roadways, and may not exceed a maximum size of 15 square feet in area or six feet in height.

c. Off-premises signs for any noncommercial use within the residential district, provided that such sign shall not exceed two square feet in area, shall be within one mile of the use, shall not exceed eight feet in height, and shall not be illuminated.

d. Signs advertising private nursery schools, day care centers, or kindergartens may have on-premises one unlighted sign that may not exceed a maximum size of 6 square feet or a maximum height of 4 feet.

e. Agricultural operations may have one sign that may not exceed a maximum size of 15 square feet or a maximum height of 8 feet. Such sign may be lit from the ground but not internally illuminated.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Nothing in this Ordinance hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the Council.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this ___th day of _____, 2018.

CITY OF HARTSVILLE, SOUTH
CAROLINA

(SEAL)

By:

Carl M. (Mel) Pennington IV, Mayor

Attest:

By: _____
Sherron Skipper, City Clerk
City of Hartsville, South Carolina

First Reading: September 11, 2018
Public Hearing:
Final Reading: