



## MEMORANDUM

**TO:** Mayor Gregg and Members of Town Council  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Text Amendment for Electronic Variable Message Signs  
**MEETING DATE:** September 22, 2020

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Town Council is asked to review and approve a proposed text amendment to Article 16 (Signs) and Subsection 16.10.40 (Arterial Streets).

In the fall of 2019, the town received a sign permit application from the Seabrook Island Property Owners Association (SIPOA) to install two electronic signs: one each on the incoming and outgoing lanes at the SIPOA Gatehouse. At that time, the Zoning Administrator notified SIPOA, the Planning Commission and Town Council that the signs could not be approved as submitted because these types of signs were prohibited by the following provisions of the town's Development Standards Ordinance (DSO):

**Sec. 12.50.** Prohibited Signs. Except as specifically allowed by Section 12.60.110, no flashing, rotating or animated signs or devices shall be erected, constructed or maintained nor shall any such signs or devices be installed on, within or behind any window, door, building, façade or store front so as to be visible to the general public. This requirement shall apply to all existing as well as new uses. No neon, day glow or similar hue will be permitted to be installed on, within or behind any window, door, building façade or store front so as to be visible from outside the establishment.

**Sec 12.110.10.20.** Materials. All permanent signs shall be constructed of treated wood, cedar or redwood, either sandblasted or routed or aluminum painted to resemble the appearance of the approved woods. Any other material having the appearance of wood that satisfies the terms of the article may also be used with the written consent of the Zoning Administrator.

During its regular meeting on December 4, 2019, members of the Planning Commission discussed the SIPOA's request and the pros and cons of amending the DSO to allow electronic signs. An excerpt from the meeting minutes is included below for reference:

Town Administrator Cronin noted that the Planning Commission had previously requested additional information from SIPOA regarding their request to amend the Development Standards Ordinance (DSO) to allow LED signs within the town limits. Town Administrator Cronin stated that he had received a letter from SIPOA in response to this request and a copy of the letter was included in the agenda packet. Chairman Driscoll recognized Ms. Heather Paton, the Executive Director of SIPOA, who was in the audience. Ms. Paton provided

additional information regarding this request. Prior to drafting a text amendment, Town Administrator Cronin stated that he wanted to get some guidance from the Planning Commission regarding 1) whether they believe the DSO should be amended to allow LED signs; and 2) if so, what types of restrictions (if any) should be put in place to govern their use. A detailed discussion took place regarding types and potential locations of LED signs, general restrictions, pros and cons, and legal considerations. The general consensus of the Planning Commission was that the DSO should be amended to allow LED signs, but only in very limited circumstances. Town Administrator Cronin stated that he would work with the SIPOA and the Town Attorney to prepare a draft text amendment that achieves these objectives.

At its meeting on July 14, 2020, the town's Ways and Means Committee, which is made up of the Mayor and all members of Town Council, further discussed this matter. An excerpt from the meeting minutes is included below for reference:

Councilman Crane stated that SIPOA's application for a message board came before Council in August or September 2019 and it had been referred to the Planning Commission. The Town Administrator stated that the Town has not allowed an LED sign or internally illuminated sign so this would be a major change and would require a policy decision by Council. The Town Administrator stated that the Planning Commission did not object to the sign but the concern was, once the signs were allowed and they were permitted, they would have to be allowed, inside or outside the security gate. He added that he and Mayor Gregg had met with the Town Attorney and discussed possible ways to allow the signs with a narrow application so that there is not a proliferation of that type of sign. The meeting with the Town Attorney was the week before Town Hall shut down for COVID-19 and the Planning Commission has not met since that time. The Town Administrator added that the makeup of Council has changed since Council indicated they approved of the message board; and, since it is a significant change to the sign ordinance, he would like to have it on record that this Council would like to make such a change. Mayor Gregg stated that even though the previous Council indicated they would like to allow the message board signs, a text amendment to the Ordinance has not been written. He also thought that this Council should indicate if they are in favor of allowing the internally illuminated message boards. The consensus of Council was that they were in favor of approving the message board signs if there was some type of approval process so there was not a proliferation of the signs...

Based on the guidance received from the Planning Commission and Town Council, a draft ordinance has been prepared with three primary objectives:

- To amend the town's sign requirements to allow electronic message board signs;
- To limit the proliferation of electronic message board signs by allowing them only in locations that meet specific, objective criteria; and
- To ensure that any signs so permitted remain consistent with the general character and quality of existing signs within the town.

The primary changes included in the proposed text amendment are as follows:

- **Sec. 12.10 (Definitions)** would be amended to include a new definition for “Electronic Variable Message Displays.” These types of displays would be defined as “a sign or portion thereof containing a screen, panel or other area upon which alphanumeric characters, graphics or symbols are projected by illuminating devices including, but not limited to, light emitting diodes (LEDs), backlit liquid crystal display (LCDs), plasma display panels (PDPs), fiber optics or light bulbs.”
- **Sec. 12.30 (Exempt Signs)** would be amended to clarify the definition of “Government Signs,” which are exempt from the requirements of Article 12.
- **Sec 12.60.70 (Community Signs)** would be amended to allow two types of Community Signs: Community Identification Signs, which display only the name of the community or development upon which they are located, and Community Message Board Signs, which may convey messages of a non-commercial nature at the primary entry and exit points to any approved Planned Unit Development.
- **Under Sec. 12.60.70.20**, Community Message Board Signs would be permitted to contain an electronic variable message board only if the sign meets the following conditions:
  - To ensure that signs containing an electronic display do not encroach into residential areas and to protect the safety of the traveling public, signs containing an electronic display must be located on or adjacent to an arterial street with a maximum posted speed limit of 15 miles per hour;
  - The community message board sign upon which the electronic display is affixed would need to be constructed of the same materials required for all other signs, and the electronic display would need to be enclosed by or encased within the community message board so that only the screen or panel containing the message is visible from the street;
  - The area of the electronic display may not exceed 50% of the overall sign area;
  - The electronic display must remain static all times, except for instantaneous transitions between messages at intervals of no less than 8 seconds apart;
  - The electronic display must exhibit low intensity, night dimming lighting, and all text, graphics and symbols must be red, white, yellow or amber in color on a plain black background; and
  - The electronic display must be oriented so as to minimize its visibility from neighboring residences, or additional landscaping, screening or buffering may be required.
- **Sec. 12.80 (Permit Applications)** would be amended to require a site plan for all new freestanding signs.

- **Sec. 12.120.10 (Requirements for Ground Signs)** would be amended to allow more design flexibility in materials, ground clearance and illumination for signs which include an electronic display.
- **Sec. 16.10.40 (Arterial Streets)** would be amended to extend the designation of Seabrook Island Road as an “arterial street” from the roundabout at Freshfields to Long Bend Drive (behind the SIPOA gate), rather than stopping at Landfall Way (outside the SIPOA security gate).

A copy of the proposed ordinance is included for review.

Town Council gave first reading approval to the ordinance on August 25, 2020. Second reading and a public hearing are scheduled for the September 22, 2020 Town Council meeting.

### **Staff Recommendation**

This request is a policy decision of Town Council. Staff makes no recommendation as to whether the ordinance *should or should not* be amended to allow electronic displays. We do believe, however, that *if* Town Council wishes to amend the ordinance to allow electronic displays, then the proposed ordinance *would* serve to limit the number of locations at which such signs would be permissible. Therefore, we believe that the proposed ordinance would provide reasonable assurance that there would not be a proliferation of electronic displays elsewhere in the town limits.

### **Planning Commission Recommendation**

The Planning Commission considered the draft ordinance during its regularly scheduled meeting on August 12, 2020. By a vote of 5-0, the Planning Commission recommended in favor of adopting the draft ordinance as presented.

Respectfully submitted,

  
Joseph M. Cronin  
Town Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-07**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 12, SIGNS; SO AS TO CREATE NEW CLASSIFICATIONS OF SIGNS TO BE CALLED “COMMUNITY MESSAGE BOARD SIGNS” AND “ELECTRONIC VARIABLE MESSAGE DISPLAYS”; TO PERMIT ELECTRONIC VARIABLE MESSAGE DISPLAYS TO BE AFFIXED TO COMMUNITY MESSAGE BOARD SIGNS UNDER CERTAIN CONDITIONS; AND OTHER MATTERS RELATED THERETO; AND ARTICLE 16; DESIGN AND IMPROVEMENT STANDARDS; SECTION 16.10, SUBDIVISION DESIGN STANDARDS; SUBSECTION 16.10.40, ARTERIAL STREETS; SO AS TO MODIFY THE DESIGNATION OF ARTERIAL STREETS WITHIN THE TOWN; AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, Article 12 of the Development Standards Ordinance of the Town of Seabrook Island (the “DSO”) outlines the general requirements for all signs within the Town of Seabrook Island; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to amend the town’s sign requirements so as to create new classifications of signs to be called “Community Message Board Signs” and “Electronic Variable Message Displays,” and to permit Electronic Variable Message Displays to be affixed to Community Message Board signs under certain conditions; and

**WHEREAS**, Subsection 16.10.40.10 of the DSO currently designates only “[t]hat portion of Seabrook Island Road (Road S-1875) lying between the end of Town maintenance at Landfall Way and Kiawah Island Parkway” as an “arterial street”; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to extend the designation of an “arterial street” so as to include those portions of Seabrook Island Road lying between Landfall Way and Long Bend Drive; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the proposed amendments during a duly called meeting on August 12, 2020, at which time the Planning Commission made a recommendation to the Mayor and Council in favor of approving the proposed amendments; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on September 22, 2020; and

**WHEREAS**, the Mayor and Council believe it is fitting and proper to amend the Development Standards Ordinance to achieve the objectives referenced above;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Article 12 of the Development Standards Ordinance.**

The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 12, Signs; is hereby amended to read as follows:

## ARTICLE 12. - SIGNS

### Sec. 12.10. - Definitions.

Unless otherwise expressly stated, the following terms, for the purpose of this Article, shall have the meanings herein indicated:

- (a) *Approved Combustible Material.* Wood or material less combustible than wood and located at a safe distance from electrical equipment. The term "noncombustible material" means any material which will not ignite or actively support combustion in a surrounding temperature of twelve hundred degrees (1,200) Fahrenheit during an exposure of five (5) minutes.
- (b) *Business Sign.* Any sign which directs attention to a business, industry, profession, entertainment or service that is conducted, maintained, sold or offered on the premises where the sign is located.
- (c) *Decorative Trim.* The molding, battens, capping, nailing strips or representations in cutout or irregular form which are attached to the sign.
- ~~(c)~~(d) *Electronic Variable Message Display.* A sign or portion thereof containing a screen, panel or other area upon which alphanumeric characters, graphics or symbols are projected by illuminating devices including, but not limited to, light emitting diodes (LEDs), backlighted liquid crystal display (LCDs), plasma display panels (PDPs), fiber optics or light bulbs.
- ~~(d)~~(e) *Erect.* To build, construct, attach, hand, place, suspend or affix, and shall also include the painting of wall signs. It shall not mean or include repairs.
- ~~(e)~~(f) *Illuminated Sign.* Any sign which has characters, letters, figures, designs or outlines illuminated or motivated by electricity.
- ~~(f)~~(g) *Location.* Any lot, premises, building wall or any structure whatsoever upon which a sign is erected, constructed, painted or maintained. Two (2) street fronts shall be deemed two (2) locations.
- ~~(g)~~(h) *Person.* Any agent, lessee, individual, person, firm, partnership, association, corporation, company or organization of any kind.
- ~~(h)~~(i) *Sign.* Every sign, ground, pole, wall or roof sign, electronic variable message display, illuminated sign, projecting sign, temporary sign, portable sign, marquee sign, awning, canopy, exterior clock or thermometer, and shall include any announcement, declaration, demonstration, display, illustration, device, insignia or symbol used to identify and promote the interest of any person, business, corporation or group, when the same is placed in view of the general public.

(+)(j) Sign Area. The total area made available by a sign for the purpose of displaying the advertising message, excluding decorative trim.

**Sec. 12.20. - General Provisions.**

No sign shall be erected or maintained in the Town of Seabrook Island except in conformity with the provisions of this Article.

**Sec. 12.30. - Exempt Signs.**

§ 12.30.10. *Street Signs*. Street signs for traffic, direction and names in all areas of the Town shall be exempt from the provisions of this article.

§ 12.30.20. ~~*Municipal-Government Signs*~~. ~~Municipal-Any signs, or legal notices and temporary emergency or non-advertising signs which are installed by the Town or any duly authorized agency or department of the State of South Carolina or United States government~~ are exempt from ~~these-the~~ provisions of this article.

**Sec. 12.40. - Applicability of Other Ordinances.**

The erection of all signs shall be subject to all applicable Town ordinances. Whenever a conflict exists, the most restrictive requirement shall control.

**Sec. 12.50. - Prohibited Signs.**

Except as specifically allowed by ~~Section-sections~~ 12.60.110 and 12.60.70.20, no flashing, rotating or animated signs or devices shall be erected, constructed or maintained nor shall any such signs or devices be installed on, within or behind any window, door, building, façade or store front so as to be visible to the general public. This requirement shall apply to all existing as well as new uses. No neon, day glow or similar hue will be permitted to be installed on, within or behind any window, door, building façade or store front so as to be visible from outside the establishment.

**Sec. 12.60. - Allowable Signs.**

§ 12.60.10. *Real estate signs*. Real estate signs, not exceeding five (5) square feet in area, which advertise the sale, rental or lease of only the premises upon which the signs are located and where allowed by subdivision covenants.

§ 12.60.20. *Identification Signs*.

§ 12.60.20.10. Identification signs not over twenty (20) square feet in area each for public, charitable or religious institutions when such signs are located on the premises of the institutions.

§ 12.60.20.20. All new single-family construction projects shall have a sign that, at a minimum, names the general contractor performing such work. Signs denoting the

owner of the project, architect, and general contractor, when placed upon work under construction, shall be limited to one (1) sign each per location.

- (a) Such signs shall not exceed sixteen (16) square feet in area per sign.
- (b) Placement of the sign is to be on the street frontage only and is to be located not less than one (1) foot nor more than ten (10) feet from the property line.
- (c) The sign shall be fabricated to the specifications on file with the Zoning Administrator, and shall be comprised of two (2) - four (4) inch by four (4) inch treated wood posts, with eased edges at the top, on each end of the sign.
- (d) The display area of the sign will be comprised of a plywood sheet measuring forty-eight (48) inches by thirty (30) inches by three-quarters ( $\frac{3}{4}$ ) inches, treated with acrylic paint.
- (e) All building permits and other approvals shall be placed on the rear of the sign, and shall not be discernable from an area used by the general public.
- (f) The job site sign shall be removed from the premises prior to requesting final review and inspection of the premises.

§ 12.60.30. *[Reserved.]*

§ 12.60.40. *Memorial Signs.* Memorial signs or tablets, names of buildings, and dates of erection, cut into masonry or noncombustible material not to exceed two (2) square feet in area.

§ 12.60.50. *Directional Signs.* Directions, phone, public conveniences, areas of public interest, and similar public facility signs not exceeding six (6) square feet in area for a ground sign or two (2) square feet in area for any other type of public sign.

§ 12.60.60. *Political Signs.* Political signs not to exceed five (5) square feet are allowed subject to the following:

- (a) Such signs may only be erected on private property with the consent of the owner(s); and
- (b) Such signs shall not block or impede the site lines of anyone utilizing any roadway or path within the Town or impact public health and safety; and
- (c) No political signs shall be allowed on any property or right of way owned, operated, maintained or under the jurisdictional control of the Town; and
- (d) No such sign shall be placed in a location which is otherwise prohibited by any Town law, ordinance or regulation.

§ 12.60.70. *Community Signs.*



§ 12.60.70.10. Community Identification Signs Community identification signs which display the name of the community or development upon which they are placed are allowed establish a theme for the entire community and which are located at strategic, highly visible locations along the primary access routes to or through the Town. Community identification signs shall not advertise anything more than the areas or communities upon which they are associated/located with, and each shall be in keeping consistent with the general character and appearance of other community identification signs found in the Town. All community identification signs shall meet the requirements for Ground Signs, as outlined in section 12.120.10

§ 12.60.70.20. Community Message Board Signs. Community message board signs which are intended to convey messages of a non-commercial nature may be located at the primary entry and exit points to any approved Planned Development District, as set forth in Article 6 of this ordinance. Community message board signs shall be subject to the following conditions:

(a) The maximum number of community message board signs permitted at the primary entry and exit points shall be:

(1) one (1) if the community message board sign is double sided; or

(2) two (2) if both community message board signs are single sided.

(b) Community message board signs are permitted in addition to all other permitted sign types and shall not be counted toward the maximum number of signs allowed on the premises.

(c) All community message board signs shall meet the requirements for ground signs, as outlined in section 12.120.10, unless expressly modified herein.

(d) A community message board sign may contain an electronic variable message display, subject to the following conditions:

(1) The community message board sign to which the electronic variable message display is affixed must be located on property immediately adjacent to an arterial street, as that term is defined in section 16.10.40.10 of this ordinance, and the posted speed limit of the arterial street shall not exceed fifteen (15) miles per hour in the vicinity of the sign. The community message board sign shall be located at least six (6) feet from the arterial street right-of-way; provided, however, if the right-of-way for the arterial street (or portion thereof) is privately owned, the community message board sign may be located within the street right-of-way as long as the location of the sign will not block visibility or create a safety hazard to motorists, bicyclists or pedestrians.

- (2) The community message board sign upon which the electronic variable message display is affixed shall be constructed of the same materials required by section 12.110.10.20. The electronic variable message display shall be fully enclosed by, or encased within, the community message board sign so that only the screen, panel or other area upon which a message may be projected shall be visible from the street.
- (3) The total area of the electronic variable message display shall not exceed fifty percent (50%) of the overall sign area of the community message board sign to which it is affixed.
- (4) The electronic variable message display must remain static at all times, except when transitioning between messages. Messages shall not transition at intervals of less than eight (8) seconds. All message transitions shall be instantaneous; scrolling, blinking, flashing, rotation, animation and/or movement of any kind shall be prohibited. The requirements of this paragraph shall not apply to time, temperature or radar speed displays of less than five (5) square feet in area. The Zoning Administrator shall have the authority to modify or suspend the requirements of this paragraph during any state of emergency which has been declared pursuant to section 2-27 of the Town Code when he or she determines that the transition of messages at intervals of less than eight (8) seconds is in the interest of public health and safety.
- (5) The electronic variable message display shall exhibit low intensity, night dimming lighting. All alphanumeric text, graphics and symbols shall be red, white, yellow or amber in color on a plain black background.
- (6) The electronic variable message display shall be oriented so as to minimize its visibility from neighboring residences. The Zoning Administrator shall have the authority to require additional landscaping, screening or buffering when deemed necessary to prohibit light spill onto neighboring residential properties.

§ 12.60.80. *Commercial Area Signs.* Each commercial area of the Town may erect signs which identify and direct customers to the businesses, goods and services available in that area. The signs shall be of approved size and color as allowed by this chapter.

§ 12.60.90. *Layout/Map Signs.* Each commercial area of the Town may erect a layout or map of the area which identifies and directs customers to the businesses, goods and services available within that area.

§ 12.60.100. *Vending Machine Signs.* Vending machine signs are to be only those signs that are incorporated in their manufacture. Internally illuminated signs or signs that contain a visible light source are prohibited.

§ 12.60.110. *Door Entry Signs.* Each place of business within the Town may utilize a door entry for sign for each public entry door. Door signs shall not contain any information other than the name of the business, its address, hours of operation, and marketing information of the business. Entry signs may not exceed twenty-five (25) percent in area of the door or adjacent window. Illuminated (~~LED~~) signs may be permitted as "open" signs, but shall not be visible to residential areas.

Each place of business may have one hanging sign over each door entry above the walkway listing the name of the business only. The size may not exceed four (4) feet long by eight (8) inches wide.

§ 12.60.120. *Food Service Establishment Signs.* A food service establishment may place one (1) sign not exceeded twelve (12) square feet on or near each entry door to the establishment. Such sign must comply with the requirements of section 12.110 of this ordinance. *EXHIBIT 1.* Such sign may only contain the name, address, hours, operations, menus (food and wine), and pertinent marketing information of the business.

§ 12.60.130. *Temporary Signs.* Temporary signs may be permitted by the Zoning Administrator for a period of three (3) months or less when the application indicates the proposed life of the sign. Temporary signs must be maintained in as new condition during the entire period of display.

§ 12.60.140. *Boat Sales/Charter/Rental Signs.*

*Boat Sales Signs:* "FOR SALE" signs may be affixed to the boats for sale in the marina. The sign may not exceed three (3) square feet and must be of professional quality material as approved by the Zoning Administrator. The sign shall be positioned at the dockside location on the boat. (*EXHIBIT 2 & 3*)

*Boat Sales/Charter Burgee (Flag):* "For Sale," "Charter" burgee (flag) may be affixed to the boats for sale in the marina. The sign shall be positioned at the dockside location on the boat. The sign may not exceed six (6) square feet and must be of professional quality material as approved by the Zoning Administrator. (*EXHIBIT 2 & 3*)

*Boat Rental Signs:* Boat Rental Signs may be placed in the front console of the boats for rent. The signs may not exceed 12 inches by 24 inches and must be of professional quality with background and lettering that complies with the requirements of this ordinance. Such signs are limited to one (1) sign per boat. (*EXHIBIT 10*)

§ 12.60.150. *Take Away Flier Boxes.*

*Charter Sales/Boat Rental Fliers:* "Take Away" boxes for charter and boat rental information may be affixed to the post at the entrance of A-Dock. The boxes may not exceed 8.5 x 11" and must be made of clear plexiglass with hinged covers. (*EXHIBIT 4*)

*Service Establishment Fliers:* "Take Away" boxes may be affixed next to the entrance door of service establishments. The boxes may not exceed 8.5 inches by 11 inches and must be made of clear Plexiglas with hinged covers. (EXHIBIT 5)

§ 12.60.160. *Real Estate Display sign at Real Estate Office.*

*Real Estate Property For Sale Signs:* Signs depicting homes/property for sale may be positioned in the inside of the primary two (2) windows adjacent to the entrance door. The signs may not exceed six (6) square feet each and must be of professional quality as approved by the Zoning Administrator. (EXHIBIT 6)

§ 12.60.170. *[Reserved.]*

§ 12.60.180. *Promotional/Marketing Signs.*

Promotional/Marketing Signs may be located in the main breezeway of the marina. All merchants may submit one sign to be displayed in one of the three (3) sign frames. These sign frames, not to exceed twelve (12) square feet each, represent the three (3) categories of merchants (i.e. restaurants, shopping, and services).

Each place of business is also permitted the use of one A/sandwich board marketing sign to display promotional information pertinent to their business. This sign/board may not exceed 2 × 3 feet, cannot impede regular foot traffic near entrances or through walkways, and must be stored at the close of business hours at an interior location.

§ 12.60.190. *Reserved Parking.*

Reserved Parking Signs for specific merchants may be placed in no more than two (2) parking spaces per merchant during times of over capacity and special events. The sign shall be no higher than 31 inches above the grade of the sidewalk and in the form of an 18-inch by 12-inch sign attached to 4-inch by 4-inch treated wood timber and supported by same material. The sign and the mounting post shall be painted to match the color of the building in front of which it is placed. Lettering of the sign shall be white and the sign material shall meet the requirements of this ordinance. (EXHIBIT 9)

§ 12.60.200. *Awning Signs.*

A sign may be placed on awnings in areas zoned for commercial use only as set forth in this section. All lettering may not be greater than ten (10) inches in height and may only be printed on the vertical, non-sloping area of the awning.

**Sec. 12.70. - Permits Required.**

It is unlawful for any person to erect, repair, alter, relocate or display within the Town of Seabrook Island, any sign or other advertising device as defined in this article without first obtaining a sign permit from the Zoning Administrator and paying all fees as required by this chapter. Permits shall

not be required for ordinary repair and maintenance of a sign. Such ordinary repair and maintenance includes changing of light bulbs, painting (provided the sign's legend is not changed), and other minor work which does not involve structural or color changes.

**Sec. 12.80. - Permit Applications.**

Applications for sign permits shall be filed with the Zoning Administrator. Applications shall include the following, in addition to information required by the Town:

- (a) A working drawing of the proposed sign, showing all colors to be used, shall be submitted at the time of application, and no work shall proceed until ~~the a sign is permit has been~~ approved.
- (b) A plan drawing showing fonts and sizes of letters; and specifications for the sign, including material to be used and details of construction; and methods of attachment of the sign applied for to the building or to the ground. Similar information, as appropriate, is to be submitted with awning permit applications.
- (c) ~~If the applicant is not~~ Written consent of the owner of the building, structure or land ~~to upon~~ which or on which the sign is to be erected, written consent from the owner shall be filed with the application.
- ~~(d)~~ (e) An illustration of the proposed sign and a color photograph(s) of the area and, if applicable, the building facade upon which the proposed sign is to be erected shall be submitted with each sign application, showing in detail the physical conditions within the sign area, as well as the facades of any adjoining buildings.
- ~~(d)~~ (e) In instances when the proposed sign will be freestanding (ie. not attached to any existing building or structure) a site plan showing the proposed location of the sign; setback measurements from the proposed sign to all property lines, street rights-of-way and edges of pavement; location and description of all existing structures, easements and utilities; and any other proposed improvements or modifications, including, but not limited to, landscaping, buffering and screening; shall be filed with the application.

**Sec. 12.90. - Permit Fees.**

Every applicant, before being granted a permit hereunder, shall pay to the Town a fee as required by the Town's adopted fee schedule for each sign.

**Sec. 12.100. - Approval.**

All signs must be approved by the Zoning Administrator before a permit may be issued. The following procedures shall apply to all applications for the placement of signs within the Town:

§ 12.100.10. An applicant shall file all information and specifications required by this article along with the applicable fee with the Zoning Administrator. The Zoning

Administrator shall review the application to determine its technical compliance with this article.

§ 12.100.20. At all times, the Zoning Administrator shall determine the appropriateness of a proposed sign by utilizing the following criteria:

- (a) Whether the sign is appropriate in size, shape and scale for its location;
- (b) Whether the sign detracts from or otherwise affects the harmonious appearance and development of the Town and/or the commercial area;
- (c) Whether the sign in any manner affects public health or safety; and
- (d) Whether the sign properly reflects the aesthetic theme of the community as a whole.

§ 12.100.30. Upon compliance by an applicant with the terms of this chapter and the requirements of the Zoning Administrator, the Zoning Administrator shall issue all necessary permits.

§ 12.100.40. Identification. The Zoning Administrator is granted the discretion to make as a condition of the issuance of a sign permit, the requirement that each sign erected, constructed or maintained shall be plainly and permanently marked with the name of the person erecting, constructing or maintaining such sign.

§ 12.100.50. Any person aggrieved by the decision of the Zoning Administrator may file an appeal in accord with the provisions of [§-section 19.40](#) of this Ordinance.

#### **Sec. 12.110. - General Requirements.**

§ 12.110.10. *Construction.*

§ 12.110.10.10. *Wind loads.* All signs exposed to wind pressure must be so constructed as to withstand a minimum wind pressure of not less than thirty (30) pounds per square foot area or the minimum wind load requirements of the Standard Building Code whichever is greater.

§ 12.110.10.20. *Materials.* All permanent signs shall be constructed of treated wood, cedar or redwood, either sandblasted or routed or aluminum painted to resemble the appearance of the approved woods. Any other material having the appearance of wood that satisfies the terms of the article may also be used with the written consent of the Zoning Administrator. [Electronic variable message displays may be permitted only on community message board signs, subject to the requirements of section 12.60.70.20. Where an electronic variable message display is included, glass, plexiglass or similar materials of a transparent nature may be used to encase the electronic display.](#)

§ 12.110.20. *Design.*

§ 12.110.20.10. *Lettering.* All lettering shall be proportioned in size to the size of the sign erected, except in the case of window and entry door signs, whose letters shall not, under any circumstances, exceed five (5) inches in height.

§ 12.110.20.20. *Tinting.* No neon, day glow or similar tint will be permitted on any sign, nor shall a sign be permitted to display colors which may be confusing to emergency equipment operators. Company logos may be used provided the Zoning Administrator determines their use is in accordance with the provisions of [§-section 12.100.20](#) of this ordinance.

§ 12.110.30. *Placement.* No sign shall be erected, maintained or constructed so as to obstruct any fire passage, egress window, door or other required opening.

§ 12.110.40. *Maintenance.* The owner of any sign as defined and regulated by this chapter shall properly maintain such sign. All signs, together with their framing, supports, braces, guys and anchors shall be kept in repair and proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times, free from paint scaling or breaks, tears and defacing.

#### **Sec. 12.120. - Requirements for Specific Sign Types.**

§ 12.120.10. *Ground Signs.*

- (a) Ground signs shall include any sign supported by one (1) or more uprights upon the ground with or without braces and not attached to any building or structure.
- (b) Ground signs may be erected to a height not to exceed eight (8) feet above the average grade of the ground level at the base of the uprights.
- (c) Every ground sign having an area in excess of twelve (12) square feet shall have an open space of not less than two (2) feet between the lower edge of such sign and the average grade of the ground level at the base of the uprights and shall be landscaped. [The Zoning Administrator may waive the two \(2\) foot open space requirement for any community message board sign which contains an electronic variable message display if the applicant can demonstrate to the satisfaction of the Zoning Administrator that a solid base is necessary to sustain the additional weight of the electronic variable message display.](#)
- (d) Ground signs in excess of twelve (12) square feet may only be lighted by landscaped up lighting with a proper reflective shield. [This requirement shall not apply to any electronic variable message display which is duly permitted pursuant to the requirements of section 12.60.70.20.](#)
- (e) No ground sign shall be permitted closer than six (6) feet to the property line adjacent to the sign. In case of a natural obstruction, the Zoning Administrator may permit a change in the location of the sign.

- (f) Ground signs shall be securely built, constructed, and erected upon two (2) posts or standards which shall be adequately anchored to the ground.
- (g) Only one (1) ground sign shall be permitted for each building location or premises, per public street frontage. Community message board signs which are duly permitted pursuant to section 12.60.70.20 shall not be counted toward the maximum number of ground signs allowed on the premises.
- (h) A ground sign shall not exceed forty-eight (48) square feet in area on any one (1) side, and shall not exceed twelve (12) feet in one (1) dimension.

§ 12.120.20. *Wall Signs.*

- (a) Any outdoor sign recessed or affixed in any manner to any wall of a building or to any structure, except roofs, shall be considered a wall sign. Signs shall not be painted directly onto the outside face of any building, part of a building or wall without the permission of the property owner.
- (b) No sign or supporting framing shall project above the eave or above the roofline of the building.
- (c) In shopping complexes with individual stores that exceed one hundred (100) lineal feet or front façade, a wall sign may be erected, but shall not exceed fifty (50) square feet in size and may be painted on the roof.

**Sec. 12.130. - Existing Signs and Compliance.**

§ 12.130.10. All existing signs erected prior to the date when this ordinance becomes effective shall comply with and be subject to all of the provisions of this article with respect to annual inspections, maintenance and safety, and all replacements or reconstructions of such existing signs shall comply with this chapter.

§ 12.130.20. All nonconforming signs currently displayed shall be authorized to remain in place until such time as it shall require maintenance, repair, or replacement, or for a period of one (1) year, whichever occurs sooner.

**Sec. 12.140. - Unlawful Signs.**

§ 12.140.10. Any outdoor sign erected, constructed or maintained subsequent to the adoption of this ordinance or date, not in compliance with the provisions of this chapter shall be considered an unlawful sign.

§ 12.140.20. ~~In addition to the provisions of § 12.170, t~~The Zoning Administrator shall notify by mail, the person who maintains any such unlawful sign, to correct specified violations or omissions so as to comply with this chapter or remove such sign within ten (10) days from the date of such notice, in default of which the Zoning Administrator may remove such sign or make the sign comply with this chapter at the expense of such person.



**Sec. 12.150. - Unsafe Outdoor Signs.**

§ 12.150.10. Should, in the opinion of the Zoning Administrator, any outdoor sign be or become insecure or in danger of falling or otherwise become dangerous or unsafe, the person owning or maintaining the same shall, upon written notice from the Zoning Administrator, forthwith secure the same in a manner approved by the Zoning Administrator in conformity with the provisions of this chapter or cause the same to be removed.

§ 12.150.20. Should the sign owner fail to remove an unsafe sign as ordered or, whenever in the opinion of the Zoning Administrator, a violation of this chapter exists which requires immediate action to abate a direct hazard or immediate danger to the health and safety of the occupants of a building or of the public, the Zoning Administrator may, without prior notice, take such direct action as is necessary to abate the hazard or danger.

**Sec. 12.160. - Recovery of Expenses.**

Expenses incurred pursuant to ~~§-section~~ 12.150 of this article shall be paid by the owner of the sign or by the owner of the property should the sign owner refuse to pay. Town Council may institute a suit in the name of the Town to recover such expenses against any person liable for such expenses or may cause such expenses to be charged and assessed against the property as a lien.

**SECTION 2. Amending Subsection 16.10.40 of the Development Standards Ordinance.**

The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 16, Design and Improvement Standards; Section 16.10, Subdivision Design Standards; Subsection 16.10.40, Arterial Streets; is hereby amended to read as follows:

§ 16.10.40. Arterial Streets.

§ 16.10.40.10. Designation. That portion of Seabrook Island Road (Road S-1875), lying between ~~the end of Town maintenance at Land Fall Way~~ its intersection with Long Bend Drive and ~~the roundabout located at its intersection with Betsy Kerrison Parkway, Kiawah Island Parkway and Village Green Lane,~~ is hereby designated as an arterial street.

§ 16.10.40.20. Design. For arterial streets, the use of divided highways, with turning lanes, is preferred. Pursuant to ~~§-section~~ 16.10.40.30, the use of divided highways may warrant additional points of access provided that the safe and uncongested flow of vehicles is maintained.

§ 16.10.40.30. Limited Accessibility. It shall be the policy of the Town to minimize the number of new points of access to arterial streets. The Town encourages the use of feeder streets and neighborhood road networks in order to minimize the number of roads and driveways intersecting with arterial streets.

- (a) For purposes of this section, points of vehicular access shall be defined to include streets intersecting with (i.e., providing ingress to and egress from) an arterial street, driveways, and any other curb cut
- (b) To the extent feasible, properties abutting arterial streets shall not have direct access to such arterial streets, but shall be provided with street frontage on interior, collector roads.
- (c) To the extent feasible, tract property abutting an arterial street shall be provided with one (1) point of vehicular access to the tract. Subdivision of property subsequent to the effective date of this section shall not entitle the owner(s) of subdivided property to direct access to arterial streets if alternative access through interior roads is either available or feasible.
- (d) To the extent feasible, vehicular access to arterial streets shall be limited to no more than one (1) point of access per every half mile when the proposed access point is located within or adjacent to a public right-of-way.

§ 16.10.40.40. Alternatives. In determining feasibility of alternative points of access to any given property, the criteria set forth Article 20 for consideration of a PD in this Ordinance shall apply.

§ 16.10.40.50. Studies and improvements required. For every new or modified road which intersects an arterial street ~~within the Town~~that is located within or adjacent to a public right-of-way, the Town may require the owner or developer to take any or all of the following actions before an encroachment permit is issued pursuant to Article 13:

- (a) Conduct and submit to the Town a traffic flow and volume study, to the Town's specifications;
- (b) Conduct and submit to the Town a drainage study, to the Town's specifications, to identify any drainage modifications, structures or improvements needed in the arterial street drainage system to accommodate flows from the new road/development;
- (c) If warranted by the traffic study, widen the arterial street to construct turning lane(s) to/from the new or modified road, to the Town's specifications; or alternatively, make payment to the Town to defray the entire cost of the Town's construction of such improvements;
- (d) Place signs and/or signals on the arterial street right-of-way, as determined by the Town and to the Town's specifications, to facilitate the safe and unimpeded flow of traffic; or alternatively, make payment to the Town to defray the entire cost of placing such signs and/or signals as deemed necessary by the Town;
- (e) If warranted by the drainage study, place or modify drainage control structures or improvements in the arterial street right-of-way, as determined by the Town

and to the Town's specifications, to handle any increased demand on the roadway drainage system that may be caused by the new road; or alternatively, make payment to the Town to defray the entire cost of such drainage improvements as deemed necessary by the Town.

**SECTION 3. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 4. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading: August 25, 2020  
Public Hearing: September 22, 2020  
Second Reading: September 22, 2020

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Faye Allbritton, Town Clerk