

ORDINANCE NO.: 2009-038

ORIGINAL
STAMPED IN RED

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 12, Signs, Sec. 17-401 Definitions,, Sec. 17-402 Vision clearance for signs in front yard setback, Sec.17-403 Maintenance Sec. 17-404 Prohibited signs, Sec. 17-405 Temporary signs permitted in any district, Sec. 17-407 Signs on public property

BE IT ORDAINED by the Mayor and Council this 3rd day of June, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 12, Signs, Sec. 17-401 Definitions, Sec. 17-402 Vision clearance for signs in front yard setback, Sec. 17-403 Maintenance, Sec. 17-404 Prohibited signs, Sec. 17-405 Temporary signs permitted in any district, Sec. 17-407 Signs on public property, are amended to read as follows:

Sec. 17-401. Definitions.

In addition to the definitions set forth in section 17-55, the following definitions relate to signs:

Changeable copy means sign copy that generally changes more often than once every 24 hours, either by hand or by an automated process.

Display surface area means that area of a sign including the entire area within a regular geometric shape 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. Sign support structures not bearing informational or representational matter shall not be included in computation of display surface area. Only one side of a double-faced sign shall be included in calculating the display surface area.

Festoon means a string of ribbons, tinsel, flags, pennants, or pinwheels.

Marquee means a permanent roofed structure attached to and supported by a building.

Sandwich board means any A-frame sign consisting of two boards hinged at the top hanging back to back. Such signs are generally oriented to pedestrians.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the device is located, including mobile signs and portable signs; provided, however, that the following shall not be included in the application of the regulations in this division:

- (1) 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.
- (2) Flags, insignia of any government, and holiday/seasonal decorations, except when displayed in connection with commercial promotion.
- (3) Legal notices, identification, information or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (5) Signs directing and guiding traffic on private property, but bearing no advertising matter.
- (6) Non-illuminated "No Trespassing" or like other signs serving as notice from an owner or tenant to persons not on the premises that entry to the premises is prohibited or restricted, provided no sign exceeds three (3) sq.ft. and no property zoned single- or two-family residential contains more than four (4) such signs.

Sign, advertising means any sign, except sandwich boards, which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which the sign is located. Mobile signs and portable signs may be advertising signs, and advertising signs include but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

Sign, business means any sign which relates in its subject matter to the premises on which it is located, or to products, accommodations, services or activities offered, sold or engaged in on the premises. Mobile signs and portable signs may be business signs, but billboards or advertising signs are not business signs.

Sign copy means all words, letters, numbers, figures, characters, artwork, symbols or insignia that are used on a display surface area.

Sign, freestanding means a sign which is permanently affixed to the ground and which is not a part of a building or other structure.

Sign, inflatable means a sign that holds its shape by receiving a one-time or continuous supply of air or other gas, including balloons.

Sign, mobile means a sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a portable sign in that it may

be equipped for transporting by motor vehicle or other mechanical means, and includes signs referred to as trailer signs. These signs may be considered as either business signs or advertising signs according to their utilization. Any mobile sign used on the same lot for more than 45 days per year will be considered a freestanding sign.

Sign, portable means a sign which is movable by a person without aid of a motor vehicle or other mechanical equipment. Those signs may be considered as either business signs or advertising signs, according to their utilization.

Sign, projecting means any sign, other than a wall sign, which projects from and is supported by a building.

Sign support structure means any base, foundation, pedestal, pole, post, upright, brace, bracket, bar, rod, strut, cross-piece, frame, scaffold, girder, or other similar item designed to support the load and/or force of a sign's display surface area, regardless of whether or not such items are permanently attached to the ground.

Sign, wall means any sign attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than 12 inches from that wall or surface.

Sec. 17-402. Vision clearance for signs in front yard setback.

A sign may be located within a required front yard setback, provided that, prior to the issuance of a permit, the zoning administrator field verifies that the sign will not materially impede visibility of vehicles, visibility from vehicles on or off the premises, or visibility of pedestrians on or off the premises.

Sec. 17-403 Maintenance

(a) All signs and/or sign support structures shall be maintained in sound structural condition.
(b) No sign and/or sign support structure shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 75 percent of its current replacement cost. For the purpose of this subsection, the phrase "unsightly in appearance" shall include but not be limited to the following conditions:

(1) Sign copy or sign support structures that are cracked, bent, broken, tattered, torn, rotted, peeling, chipping, fading, rusting, or otherwise deteriorating, especially such that the sign copy is no longer legible;

(2) Vegetation that is growing upon or clinging to sign copy or sign support structures, except where such vegetation, especially upon sign support structures, is part of planned and maintained landscaping;

ORIGINAL
STAMPED IN RED

(3) Exposed lighting or other electrical systems often associated with internally illuminated signs.

(c) Signs and/or sign support structures which deteriorate to conditions described within subsections (a) or (b) above are deemed to be in violation of this article, and as such must be either removed or improved, or the person responsible for maintaining the sign shall be subject to the penalties provided for the violation of this article, except that the following items shall not be improved, instead such items shall be removed upon the effective date of this amendment to the Zoning Ordinance regardless of condition and of the provisions within Division 7 of this Article:

(1) Sign copy that originally but no longer relates in its subject matter to products, accommodations, services, or activities sold on site;

(2) A display surface area that has not contained sign copy for any period of 12 consecutive months, and the associated sign support structure shall be removed as well; or

(3) A sign support structure that has not supported a display surface area for any period of 12 consecutive months.

Sec. 17-404. Prohibited signs.

(a) *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 color, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except as a part of a permitted private or public traffic control sign.

(b) *Signs employing confusing, distracting or intense illumination.* No sign shall be permitted which utilizes intense flashing (strobe type) lights, flashing or blinking lights, or any type of pulsating or moving light which may impair the vision of or confuse, distract or unduly divert the attention of drivers of vehicles. The use of chaser lights utilizing individual lightbulbs rated at 15 watts or less, or the use of neon tubing having pulsating or flashing characteristics, is permitted, provided that the sign is not less than ten feet above the finished ground level and not less than 25 feet from any property line, measured at ground level nearest the sign. Signs that contain changeable copy, when the copy changes at a rate greater than or equal to that rate established within § 17-407, shall not be considered flashing or blinking for the purposes of this section.

(c) *Signs employing motion.* No sign shall be permitted which moves or presents the illusion of movement in any manner which may confuse, distract or unduly divert the attention of drivers of vehicles. Changeable copy shall not include animated, continuous,

moving, rolling, scrolling, or fluctuating messages or video displays, except where the sign is not less than ten feet above the finished ground level and not less than 25 feet from any property line, measured at ground level nearest the sign.

(d) *Lighting.* No sign shall be illuminated in such a way that it casts illumination onto any residential premises located in any residential district in a manner which by intensity, duration, location or other characteristic is incompatible with the residential character of the district into which the illumination is cast. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low-voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions and ensure that the sign is visible but not necessarily radiant.

(e) *Advertising signs.*

(1) No sign shall be permitted which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which the sign is located except as allowed in the -CS Collector Street (Minor Thoroughfare) Sign Overlay District, the -AS Arterial Street (Major Thoroughfare) Sign Overlay District, and the -FS Freeway Sign Overlay District (See sections 17-255--17-257 and sections 17-313--17-315). Mobile signs and portable signs may be advertising signs, and advertising signs include but are not limited to those signs commonly referred to as outdoor advertising signs, billboards or poster boards. The total number of outdoor advertising signs within the City of Columbia shall not exceed the total number of outdoor advertising signs existing on February 1, 2000 except, in the event that unincorporated areas are annexed into the City of Columbia, the total number of allowable outdoor advertising signs shall be increased by the number of outdoor advertising signs existing in the territories annexed on the effective date of annexation. The ratio of replacement shall be:

- a. One square foot of new display surface area for each two square feet of existing non-conforming display surface area removed, where signage is removed for replacement anywhere except within a -FS freeway sign overlay district; or
- b. Two square feet of new display surface area for each one square foot of existing non-conforming display surface area removed, where signage is removed for replacement within a -FS freeway sign overlay district; or
- c. Three square feet of new display surface area for each one square foot of existing non-conforming display surface area removed from any location violating the spacing requirements of subsection. 17-313.(c)(6)b. Spacing from residential zoning districts, sub-section 17-313(c)(6)c. Spacing from rivers, and

subsection 17-313(c)(6)d. Spacing from historic districts or structures, where signage is removed for replacement within a -FS freeway sign overlay district.

- (2) Outdoor advertising sign structures removed shall be dismantled and removed in their entirety. Outdoor advertising signs removed under the provisions of this section shall not be eligible for permits without first executing a waiver of claims to compensation from the City of Columbia for such removal.
- (3) Advertising signs are prohibited in C-1, C-2, C-4, C-5, C-6, PUD-R, PUD-C, PUD-LS and historic districts.
- (4) Notwithstanding the provisions of Division 7 of this article, the fixed display surface area of a legal nonconforming outdoor advertising sign may be replaced in whole or in part by display surface area with changeable copy, except under no circumstance is changeable copy permitted upon an outdoor advertising sign when that sign is within 300 feet of any residential district, including property zoned PUD-R. Generally, this permissibility does not include the replacement of, or some other substantial alteration to, the sign support structure, except where existing metal sign support structures would be replaced with new metal sign support structures.
- (5) Festoons. Festoons are prohibited. Notwithstanding the provisions within Division 7 of this Article, all festoons and inflatable signs existing upon the effective date of this amendment to the Zoning Ordinance shall be removed within 12 months of the date of adoption of this amendment to the Zoning Ordinance. *(NOTE: this ordinance was adopted on June 3, 2009).*

Sec. 17-405. Temporary signs.

- (1) Temporary signs may be erected in any district in addition to signs permitted otherwise, provided such signs:
 - a. Are placed only upon the property where the event is located,
 - b. Are non-illuminated and constructed from materials that do not degrade over the life of the sign,
 - c. Are safely and securely fastened, mounted, and/or affixed to prevent damage to the sign, surrounding structures, and people, especially considering potentially adverse weather conditions,
 - d. Are not located within, or otherwise restrict access to, any parking spaces necessary to fulfill the requirements of Section 17-258.

Specific types of temporary signs are also subject to the following provisions:

ORIGINAL
STAMPED IN RED

(2) *Temporary subdivision signs.* Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision, provided that those signs do not exceed 50 square feet in area, are set back at least 20 feet from any property line, are spaced at least 500 feet apart, and are removed not more than 30 days from such time as 75 percent of the lots are conveyed.

(3) *Craftsmen's signs.* Signs of craftsmen, artisans, house painters, contractors or subcontractors may be erected and maintained during the period that those persons are performing repair, remodeling, repainting or improvement work on the premises on which those signs are erected, provided that the size of the signs is not in excess of 12 square feet and that the signs are removed immediately upon completion of the work.

(4) *Contractor's signs on building under construction.* One sign displaying the names of the building, contractors, architects, engineers and similar information is permitted upon the premises of any work under construction or any work of major repair or improvement, provided that the sign does not exceed 60 square feet in area and the sign is removed within seven days after completion of the work.

(5) *Real estate signs.* One sign per street frontage offering real estate for sale, rent or lease is permitted, provided that the display surface area of each sign does not exceed ten square feet for residential property and 48 square feet for multifamily, commercial and industrial property. The sign must be located on the same property that is advertised for sale, rent or lease.

(6) *Sales/Special Events signs.* Temporary signs announcing sales and special events may be located on the premises of the establishment the signs are intended to promote. Each establishment may apply for eight (8) permits, no more than two (2) of which may be for inflatable signs, totaling a maximum of no more than one hundred twenty (120) days within the calendar year. Also:

- a. Only one (1) sign shall be granted per permit, and each permit shall be valid for no more than thirty (30) days. No premises shall contain more than four (4) temporary signs at any one time.
- b. The size of any sales/special events sign shall not exceed forty-eight (48) square feet, except inflatable signs, the tallest point of which shall not exceed the height requirement of the respective zoning district.

- c. A sales/special events sign shall not be located in or above a right-of-way or in any other manner to obstruct any pedestrian passage, and such signs shall comply with Sec. 17-280 "Visibility at intersections".
- d. Inflatable signs may be permitted, except within any residential or –DP district, provided they are stationary, producing no movement. Such signs shall be installed according to manufacturer's specifications and, absent such specifications, the Building Official reserves the right to require any and all devices deemed necessary to safely secure the sign.
- e. After 90 days from the effective date of this amendment to the Zoning Ordinance, where an owner or tenant has been found to have established a sales/special event sign without a permit, the owner or tenant may apply for a permit to retain that sign; however, that permit shall be valid for no more than 15 days from the date of written notice. In such cases, and even if the owner or tenant elects to remove the sign, the premises shall be assessed as having had one (1) sales/special event sign for 30 days.

Sec. 17-407. Signs on public property.

No sign shall be permitted within the public right-of-way, except as may be exempted by State statute or as may be set forth in this section. Any unlawful sign found located within a public right-of-way shall be removed and discarded without notice, regardless of Section 17-201 et seq.

Sandwich board signs. An owner/operator of a commercial establishment whose building façade that includes the primary entrance is less than three (3) feet from the right-of-way may place one (1) sandwich board sign within the right-of-way, subject to the following provisions:

- a. The owner/operator shall obtain a zoning permit, which shall only be valid for one (1) year.
- b. The sign shall be outdoors only when the establishment is open.
- c. Prior to the issuance of a permit, the owner/operator shall place on file with the City Clerk a certificate of insurance which evidences general liability insurance with at least the minimum amount of \$600,000 for personal injury and property damage and names the City.
- d. The sign shall not be taller than three (3) feet and/or wider than two (2) feet, with a maximum of two (2) sign faces.

ORIGINAL
STAMPED IN RED

- e. The sign does not reduce passable space on sidewalks to less than thirty-six (36) inches or otherwise reduce or impede pedestrian movement or create a conflict with any provision of the Americans with Disabilities Act.
- f. The sign shall not be affixed to any object, structure, or the ground, but shall be constructed of a material and weight to ensure general stability.
- g. The City reserves the right to remove any sign which causes interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation, or that interferes with any work that is to be preformed upon the public sidewalk and/or right-of-way by or on behalf of the City.
- h. The sign shall be no more than 15 feet from the primary entrance to the commercial establishment.
- i. Notwithstanding Section 17-201 et seq., any existing sandwich board which does not meet the provisions of this section shall either be removed, replaced, or modified within 180 days of the effective date of this amendment to the Zoning Ordinance.

Requested by:

Development Services _____



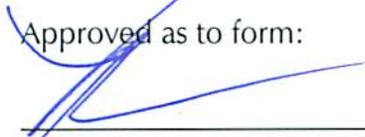
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

Introduced: 5/20/2009
Final Reading: 6/3/2009

ATTEST:


City Clerk