

7.2 Sign Regulations

A. Purpose

The regulations herein shall apply and govern in all zoning districts. The purpose of this section is to regulate the time, place and manner in which signs shall be permitted. In furtherance of these purposes, standards are hereinafter provided which are designed to protect and promote the public health, safety and welfare, and to enhance the physical appearance, natural beauty and historical significance of the City. It is also in the manifest best interest of the City to reduce the proliferation of signs, reduce distractions and obstructions to motor vehicle operators and pedestrians that might lead to accidents or traffic congestion, beautify the community by removing obstructions to light, air and open space, and to reduce the accumulation of clutter.

B. General Provisions

The following regulations shall apply to all permitted signs in the City:

1. A permit shall be required for the erection, placement, alteration or reconstruction of any sign unless otherwise noted, and shall be issued by the Building Official in accordance with this Article.
2. Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.
3. Signs erected in the Beaufort Historic District are subject to the conditions and procedures for erection and change of structures required in the Sign Guidelines Beaufort Historic District.
4. No illuminated sign, other than signs permitted on church property, shall be permitted within 100 feet of any residential district. No sign located within 300 feet of a residential district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
5. Signs with internal electrical wiring or lighting equipment, and all external lighting equipment should be inspected and approved by the City in accordance with existing and prevailing electrical codes. All wiring to electrical signs or to lighting equipment directed to ground signs shall be underground and GFCI protected.
6. Whenever the use of a building or premises by a business or occupation is discontinued for at least 30 days, then the signs pertaining to that business or occupations shall be removed.
7. Temporary signs, including, but not limited to political campaign signs shall not be posted in the public right-of-way. This restriction includes the posting of temporary signs on trees, utility poles, and other structures with the public rights-of-way.
8. Unless otherwise expressly prohibited, signs may be illuminated providing that lighting directed toward a sign shall be shielded so as to illuminate only the surface area of a sign.

C. Prohibited Signs

The following signs are prohibited:

1. Signs not located on the site for which they are referencing;
2. Signs located in public rights-of-way, except government signs;

3. Signs located in any manner or place so as to constitute a hazard to pedestrian or vehicular traffic;
4. 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;
5. Flashing signs or devices displaying flashing or intermittent lights or lights of changing degrees of intensity, except for time and temperature signs;
6. Portable signs, except those permitted by Section 7.2E including any signs painted on or displayed on vehicles or trailers, or so constructed as to permit its being used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display;
7. Signs copying or imitating official government signs or which purport to have official government status;
8. Signs referencing businesses which have been out of business for more than 30 days.
9. Signs erected on the roof of any building;
10. Sign structures no longer containing signs;
11. Signs which emit audible sound, odor or visible matter;
12. Signs containing statements, words or pictures of obscene, pornographic or immoral character;
13. Signs violating any provision of any law of the state relative to outdoor advertising;
14. Signs made structurally sound by unsightly bracing;
15. Signs painted or drawn upon rocks or other natural features;
16. Signs extending above the height of the building roofline features;
17. Snipe signs;
18. Vehicle signs;
19. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway;
20. 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;
21. Any sign or sign structure, other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roofline or canopy against which the sign is located;
22. Signs using the words "stop," "danger" or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;
23. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency within any street right-of-way;

24. Signs painted on or attached to trees, fenceposts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare;
25. No sign of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal saltwater;
26. Abandoned or dilapidated sign;
27. Any sign on or towed behind a boat, raft, aircraft helicopter.
28. 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; and
29. Inflatable signs.
30. The parking in public view of any vehicle bearing a commercial message which is not in operating condition or lacking current registration.

D. Exempted Signs (No Sign Permit Required)

No Sign Permit is required for the following signs:

1. Government signs required by any law, order or governmental regulation.
2. Signs or plates on residential structures or premises bearing the name and/or address of the occupant, and similar uses customarily associated with residential structures.
 - a. Single-family, Two-family and Multifamily dwellings shall have address numbers a minimum of four inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.
 - b. Nonresidential structures shall have address numbers a minimum of six inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.
3. Historical markers, monuments or signs as recognized by local, state or federal authorities.
4. Signs denoting the location of underground utilities.
5. One on-site sign per street frontage relating to public or private school or recreational, church or civic club-sponsored entities indicating schedules of events. The sign shall have a maximum of fifteen square feet in surface area per side, a total aggregate of 30 square feet and be a maximum of three and one-half (3.5) feet high. The signs shall be permitted fourteen days prior to a function and shall be removed within three days after the function.
6. One on-site sign per street frontage pertaining to the sale or lease of the premises. The sign shall have a maximum of six square feet in surface area per side, a total aggregate of twelve square feet and be a maximum of three and one-half (3.5) feet high. The signs shall be removed once the property is occupied by the new tenant or when the property is sold by transfer of title to the same, whichever time period is less. Real estate "For Sale" signs shall be limited to one sign per street frontage for lots less than 5 acres. The maximum size of the sign shall be 6 square feet per side and the maximum height shall be 3.5 feet. For lots 5 acres or larger, one sign

per 1,000 feet of street frontage is permitted. Maximum size of these signs shall be 24 square feet and the maximum height shall be 10 feet.

7. Flags bearing the official design of a government, educational institution, church, fraternal organization or ornamental/decorative in design shall be allowed. A commercial establishment or residence may have two flags depicting these official designs, plus one additional ornamental or decorative flag. Ornamental or decorative flags shall not contain any commercial message such as the name or logo of a business, however generic words or terms such as "Open" or "Gallery" are permitted. A maximum of three flags shall be allowed per residence or commercial establishment. Any ornamental/decorative flag shall not exceed a maximum of fifteen square feet of design area per side and a total aggregate of 30 square feet of design area for both sides. In displaying national, state, and organizational flags, no individual flag may exceed 60 square feet in area per side. Spotlighting of flags at nonresidential uses may be permitted by the Administrator.
8. Holiday decorations.
9. Signs on interior window glass shall not exceed a maximum of 25 percent of the gross glass area on any one side of the building.

E. Temporary Signs

1. Grand Opening Signs

Grand opening signs, or displays calling attention to a new business shall be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way. The signs may be displayed for grand openings for a maximum of 30 days. Additional signage for grand openings may be permitted by the Technical Review Committee.

2. Banners

Promotional banners shall have a maximum of 30 square feet in surface area, a maximum height of three feet, and be secured to the business along all four side at all times. Promotional banners shall be displayed for a maximum of 30 consecutive days. Application for a permit for promotional banners may be made only four times during any calendar year with no permits being approved consecutively. A minimum of 30 days shall expire before an application for a permit for a promotional banner can be accepted.

3. Special Event Signs

The Technical Review Committee may approve on-site or off-site temporary signs for special events held by nonprofit, governmental, and church organizations. The Technical Review Committee shall review and approve the number, size, location, and design of the signs. All signs permitted by the Technical Review Committee shall be removed within three days of the event.

4. Sandwich Signs for New Businesses

Signs shall have a maximum surface area of eight square feet (per side), be a maximum of 3.5 feet in height, be made of wood or material closely resembling wood, and shall be placed on private property. Only one sandwich board sign is permitted per new business. The sign permit shall be valid for six months from the date of issuance of the business license for the new business. No renewal of temporary business signs is permitted.

5. Signs for Professionals

One sign per street frontage denoting or advertising architects, engineers, landscape architects, contractors, developers, owners or real estate agents connected with the construction, lease or sale of lots or structures within a new development. The sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way. The sign permit shall be valid for six months with a renewable option for an additional six months.

F. Residential District Signs

1. A uniform sign plan shall be required for all residential developments as a condition of preliminary plat approval and shall be submitted in accordance with the standards and regulations established in Section 3.5.
2. One subdivision and one multifamily development monument sign shall be permitted per development per major entrance. Each sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of 10 feet high and shall be located a minimum of 10 feet from the street right-of-way. Each ground sign shall have a minimum of 50 square feet of landscape area at the base of the sign.
3. The following types of signs are permitted in the MHP zoning district:
 - a. One Manufactured Home Park monument sign shall be permitted per development per major entrance, per street. Each sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of 10 feet high and shall be located a minimum of 10 feet from the street right-of-way. Each ground sign shall have a minimum of 50 square feet of landscaped area at the base of the sign.
4. One freestanding church monument sign per street frontage. The sign shall have a maximum of 32 square feet in surface area per side, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way.
5. One freestanding school monument sign per street frontage. The sign shall have a maximum of 32 square feet in surface area per side, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way.

G. Nonresidential District Signs

The requirements of this section apply to all nonresidential districts except those located in the Historic District.

1. Freestanding Signs

- a. One freestanding sign is permitted per lot unless otherwise noted in this section. This sign may be comprised of several sign faces attached to one sign structure.
- b. The size of the freestanding sign permitted shall be directly related to the frontage of the lot on which the sign is located.
- c. The maximum size and heights of freestanding signs shall be as follows:

Design District		Frontage		
		Less than 150 ft.	150 – 500 ft.	Over 500 ft.
SC 170 US 21 SC 280 Design District	Max. Area	48 square feet per side	60 square feet per side	80 square feet per side
	Max. Height	10 feet	10 feet	10 feet
	Number of Signs	1	1	2
	Distance from R.O.W	10 feet	10 feet	10 feet
Ribaut Road, Area wide	Max. Area	24 square feet per side	32 square feet per side	60 square feet per side
	Max. Height	10 feet	10 feet	10 feet
	Number of Signs	1	1	2
	Distance from R.O.W	10 feet	10 feet	10 feet
Boundary St. Lady's Island Village Center Ribaut Road (between Bay St. and Boundary St.)	Max. Area	5 square feet per side	10 square feet per side	18 square feet per side
	Max. Height	8 feet	8 feet	10 feet
	Number of Signs	1	1	1
	Distance from R.O.W.	3 feet	3 feet	5 feet

- d. Lots serving five or more tenant spaces may be permitted up to 25% increase in the area of freestanding sign as permitted in paragraph (c), above subject to the approval of the appropriate design review authority.
- e. Height shall be measured either from the edge of the adjoining street or from the base of the sign if the sign is located on the natural grade, to the highest point on the sign. Architectural elements related to the support structure may extend up to one foot over the permitted height.
- f. Signs greater than 24 square feet are required to be monument signs or ground signs.
- g. Reader boards shall be permitted in areas zoned Highway Commercial (HC) subject to the requirements of Section 7.2.G.12. Reader boards shall count toward the maximum permitted freestanding signage set out in paragraph (3) and shall be no larger than 25 percent of the maximum freestanding signage allowed in paragraph (c). Reader boards for theaters where the overall freestanding sign meets the size requirements of subsection (f)(3), but where the reader board does not meet the size, line limit and letter size requirements of subsection (f)(6).
- h. The size of the support structure for any monument sign should be a maximum of 50% of the size of the sign face. For example, the monument of a 32 square feet sign should be no more than 16 square feet.

- i. For lots with frontage on two arterial streets (ex. U.S. 21, S.C. 170, or Ribaut Road) one freestanding sign shall be permitted per street frontage if these signs can be located at least 200 feet apart as measured to the leading edge of the sign. For lots with frontage on two streets but where both streets are not arterial streets, or for lots with frontage on two streets but where the freestanding signs cannot be spaced at least 200 feet apart measured to the edge, a primary entrance and a secondary entrance should be established. At the secondary entrance, a freestanding sign up to one-half (0.5) the area of that permitted at the primary entrance will be permitted provided that the two signs are at least 75 feet apart.
- j. The street address number of the property shall be displayed on the sign in letters at least three inches high; or if the address numbers are placed on the support structure, the letters shall be a minimum of three inches high and a maximum of six inches high. Street numbers placed on the support structure shall not be included toward the maximum allotted signage. Street numbers shall be made from reflective letters.
- k. Landscaping, not including grass, shall be required for all freestanding signs. Such landscaping shall equal the total surface area of the sign face.

2. Attached Signs

- a. All of the following are considered attached signs:
 - (1) Suspended signs;
 - (2) Projecting signs;
 - (3) Wall signs; and
 - (4) Window signs.
- b. The total of all attached signs for a business shall be no more than one and one-half times the linear frontage of the building, or, in the case of multi-tenant buildings, individual tenant space.
- c. The total square footage of all wall signs shall be no more than one square foot per linear frontage of the building, or in the case of multi-tenant buildings, linear frontage of individual tenant space. Wall signs shall only be permitted on facades of a building that face a public or private street unless the Historic District Review Board, the Design Review Board, or Administrator, as appropriate, specifically approves signage on other facades as part of approval of a master signage plan. The size of any wall sign should be based on the proposed use of the building and be in proportion to the proposed use, placement, and visibility of the sign. For lots with frontage on two streets, see paragraph (4)
- d. For lots with frontage on two arterial streets (U.S. 21, S.C. 170, or Ribaut Road) attached signs meeting the requirements of this section shall be permitted on each street frontage. For lots with frontage on two streets but where both streets are not arterial streets, a primary entrance and a secondary entrance shall be established. At the secondary entrance, attached signs up to one-half the size of that permitted at the primary entrance will be permitted.

- e. Suspended signs shall not count toward the total signage permitted in paragraph b. above if screened from the street by architectural features. Suspended signs shall be placed so that the bottom edge of the sign is at least eight feet above grade.
- f. Projecting signs shall be placed so that the bottom edge of the sign is at least eight feet above grade. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line. Size restrictions for projecting signs are as follows:
 - (1) U.S. 21, S.C. 170, and S.C. 280 Districts: 10 square feet per side.
 - (2) All other districts: seven and one-half (7.5) square feet per side.

3. Canopy Signs

- a. The valance area of the awning or canopy may be used as a message area and shall not count towards the allowed sign allotment. The remaining area of the awning or canopy sign shall not be used as a sign message area. For those awnings or canopies (except canopies at gasoline stations) that do not have a specific valance area, only the bottom one foot of the awning or canopy shall be used for the message area. The valance shall be made of the same material and shall be the same color as the awning. Only the business name, address, logo and/or motto may be placed on the valance area.
- b. Awning signs may be placed no lower than eight feet above ground. Canopy signs may be placed no lower than nine feet above grade but may have one foot valance of flexible material hanging below the structure. Awning and canopy signs may extend no closer than 18 inches back from the curb. Awning and canopy signs may be placed no higher than the bottom of the second flood sill or no higher than the cornice whichever is lower.
- c. Only height-warning signs shall be permitted on gasoline canopies.

4. Service Station Signs

Gasoline service stations and other establishments selling gasoline shall be permitted additional signs as follows:

- a. One gasoline and/or self-service/full-service sign per pump island. The sign shall have a maximum of 10 square feet in surface area per side, a total aggregate of 20 square feet and shall be secured to each pump island.
- b. Each gasoline pump shall be permitted to display only the brand name or logo of the gasoline and shall not exceed the face of the pump.

5. Tenant Directory Signs

- a. Tenant directory signs shall be permitted in multi-building, multi-tenant professional, office, and/or business centers.
- b. One tenant directory sign up to 32 square feet in surface area per side shall be permitted per street frontage. Lots with greater than 1,000 feet frontage and with more than one Department of Transportation-approved driveway or street entrance shall be permitted an additional

directory sign on the condition that such driveways are spaced at least 1,000 feet apart.

- c. Tenant directory signs shall not count toward the total maximum signage permitted in this section.
- d. Tenant directory signs shall be located within the buildable area and outside of any required buffer.
- e. The base of the tenant directory sign shall be landscaped.
- f. Only the name of the business and the address shall be permitted on tenant directory signs. Logos are not permitted.
- g. The tenant directory sign must be located at least 25 feet from any adjacent right-of-way.

6. Outdoor Drive-Through Menu Boards

- a. Outdoor drive-through menu boards are signs associated with drive-through restaurants which list the type and price of food items offered for sale at the establishment.
- b. Outdoor drive-through menu boards shall not count toward the total maximum signage permitted in this section, if they are not visible from any street right-of-way. If a menu board is visible from a street right-of-way, it shall count toward the maximum attached signage.
- c. New outdoor drive-through menu boards shall be no more than 32 square feet per side in size and shall be designed, located, and landscaped so that to the degree feasible, they are not to be visible from any street right-of-way. The base of the menu board shall be landscaped and/or incorporated into the landscaping plan.

7. Sandwich Boards & Easel Signs

- a. Restaurants may have one easel sign displaying the menu. The easel sign structure shall not exceed 6 feet in height. The sign or message board on an easel sign shall not exceed 3.5 square feet.
- b. Sandwich boards are permitted in the Boundary Street Design district. Sandwich boards shall have a maximum surface area of eight (8) square feet per side and be a maximum of 3.5 feet in height. Only one sandwich board per side tenant space.
- c. Sandwich board and easel signs shall not be located in a public or private street right-of-way.
- d. Establishments shall only display sandwich board and easel signs when the establishment is open for business.

8. Directional Signs

- a. One sign per direction per entrance pertaining to private, unofficial traffic signs, private parking or warning the public against trespassing shall be permitted.

- (3) The sign is at least 25 years old and has been at its present location for at least 25 years.
- (4) The sign is an appurtenant graphic to the property, i.e., an on-premises sign that relates to the use of the property, as opposed to an off-premises billboard.
- (5) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- (6) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint directly applied to buildings) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restorable and must be restored to its historic function and appearance.
- (7) The sign is of extraordinary significance to the City.

c. Historic signs are exempt from the requirements of Section 9.5.

14. Master Sign Plan

- a. Master sign plans are required for new development and existing multi-tenant development when the primary tenant proposes signage changes. The owner/manager of the multi-tenant center shall be responsible for preparing the master sign plan. For existing multi-tenant centers where there is no clear primary tenant, for example, when there are several tenant spaces of equal size, a master sign plan shall not be required but is highly encouraged. No permit shall be issued for development which requires a master sign plan until such plan has been reviewed and approved by the appropriate review authority.
- b. No permit shall be issued for an individual sign requiring a permit unless and until a master sign plan for the lot has been reviewed and approved by the Historic District Review Board, the Design Review Board, or the Administrator, as appropriate. The submittal requirements for a master sign plan are as follows:
 - (8) A plan of the parcel indicating the size of the parcel and showing the proposed location of each present and future sign whether requiring a permit or not.
 - (9) A description of the existing and proposed signs including area, height, materials, coloring, and lighting.
- c. If the owners of two or more contiguous parcels (disregarding intervening streets and alleys) file for a master sign plan and the master sign plan shows the parcels sharing one freestanding sign, a 25 percent increase in the area of the freestanding sign as permitted in subsection G.1.
- d. The Master Sign Plan may contain such other restrictions as the owners of the parcels may reasonably determine. A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of the ordinance then in effect.

- e. After approval of a master sign plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this UDO.
- f. The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development.
- g. Master sign plans for new development located in the Historic District shall be reviewed and approved by the Historic District Review Board. Master Sign plans for new development located outside the Historic District shall be reviewed and approved by the Design Review Board. Master sign plans for existing development shall be reviewed and approved by the Administrator. Individual sign permits that meet the requirements of this paragraph and the approved master sign plan shall be approved by the Building Official.

H. Beaufort Historic District Sign Guidelines

The requirements for this section apply to all non-residential districts located in the Historic District except for lots located in the Boundary Street Design District which are regulated by Section 7.2.G of this UDO.

1. Design Recommendations

- a. Style of sign will not be restricted as long as in conformance with guidelines appropriate for each separate zone;
- b. Signs which are designed to be historically appropriate shall not predate the facade to which they are applied. (For example, an early 1900's sign should not have a reproduction of a colonial or 1700's sign);
- c. Numbers of colors shall not be restricted; however, color selection should compliment, but not necessarily match, the building in question as well as other buildings within the block;
- d. Lettering styles and combinations shall not be restricted; and
- e. Illuminated signs are permitted. Backlit signs are not allowed. Only shielded, incandescent external lights or concealed incandescent lighting will be allowed.

2. Placement of Signs

a. General Guidelines

- (1) Signs should not obscure architectural details;
- (2) Space on the building facade specifically designed to contain signage shall be the most appropriate location for signs; and
- (3) Signs should be placed so as to be sensitive to signage of adjacent businesses; and
- (4) The scale and proportions of the sign should take into account the scale and proportions of the building on which it is mounted; and
- (5) Size of individual signs should be limited to the extent necessary to prevent them from obscuring or competing with other elements of the building.

b. Wall Signs

- (1) Wall signs shall be confined to the flat, unadorned surface of facades that face a street, alley (i.e., a platted right-of-way), and/or the Henry C. Chambers Waterfront park. Wall signs shall only be permitted on facades of a building that face a public or private street unless the Historic District Review Board specifically approves signage on other facades. The size of any wall sign should be based on the proposed use of the building and be in proportion to the proposed use of the building; and be in proportion to the proposed use, placement, and visibility of the sign.
- (2) Signs painted or applied directly to building surfaces shall be acceptable;
- (3) Wall signs should be placed where they best complement the building. (For example, on blank expanses of wall or building areas clearly designed as potential sign locations, covered transoms, or broad plain fascias in the cornices). Such areas vary depending on the building's architectural style and/or date of construction;
- (4) Wall signs mounted above or incorporated in the storefront cornice shall be acceptable;
- (5) Wall signs mounted on building piers shall be acceptable but are required to be above flood zone; and
- (6) Wall signs may extend not more than six inches from the building surface.

c. Window Signs

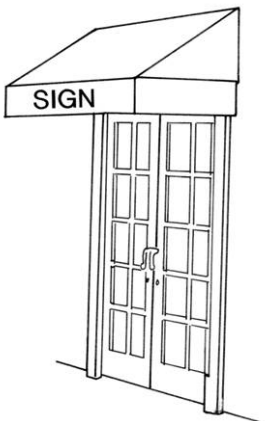
- (1) Window signs should be located within 18 inches from the top or bottom frame of the display window; or
- (2) Another acceptable location shall be where the centerline of the sign is five feet, six inches above the sidewalk.

d. Projecting Signs

- (1) Projecting signs shall be located no closer than 18 inches to a vertical plane at the street curb line;
- (2) Projecting signs may extend not more than four feet from the surface of the building;
- (3) Projecting signs shall maintain a minimum clearance of eight feet from the pavement of the sidewalk to the lowest point on the bottom of the sign;
- (4) For multistory commercial architecture, sign brackets shall be mounted no higher than the sill of the second floor window; and
- (5) For single-story buildings, signs shall be mounted so that the bottom of the sign is level with the top of the storefront opening; and

e. Awning and Canopy Signs

Awning and canopy signs shall be allowed on the valance area only. Signs which are painted or applied to the valance of awnings of canopies as shown in the illustration to the left.



- f. **Neon Signs**
 Neon signs displaying business name or logo only shall be allowed only within the interior of the building and shall not exceed 10 percent of window area or three square feet whichever is less per business. A sign may also display the word "open" provided it does not exceed two square feet in size. Product advertising signs located on the interior of the structure shall not be prominently visible from the street.
- g. **Easel Signs**
 - a. Restaurants may have one easel sign displaying the menu. The easel sign structure shall not exceed 6 feet in height. The sign or message board on an easel sign shall not exceed 3.5 feet.
 - b. Easel signs shall not be located in a public or private street right-of-way.
 - c. Establishments shall only display easel signs when the establishment is open for business.
- h. **Special Considerations**
 In the Residential/Commercial zone the following sign locations shall be acceptable:
 - (1) Suspended between the porch posts;
 - (2) Mounted on or within the fascia board;
 - (3) Projecting from the porch post. Signs hanging from a residence shall be mounted no higher than twelve feet above ground; and

3. Size of Signs

- a. **Freestanding Signs**
 Freestanding Signs shall be subject to the following dimensional requirements:

Height, Max.	8 Feet
Sign Area per Side, Max.	5 Sq. Ft.
Distance from R.O.W.	18 Inches

For lots with more than one business, a directory sign that references all the businesses on the lot may be permitted. In general, the directory sign should not be higher than eight feet and should not exceed eight square feet per side. The Historic District Review Board may approve directory signs slightly higher and larger than those described herein based on unique site or building conditions.

- b. **Wall Signs**

Area of Wall Sign per Building, Max.	1-1/2 Times Linear Frontage of Building
Height, Max.	24 Inches
Lettering Height, Max.	18 Inches
Sign Area, Max.	80 Sq. Ft.

c. Window Signs

- (1) The ratio of sign to glass shall not exceed 25 percent of the total display window per fascia;
- (2) Average lettering height shall not exceed six inches;
- (3) Temporary promotional window signs are acceptable within the interior. These signs will not require review by the Historic District Review Board but the total ratio of all window signs to glass shall not exceed 25 percent of the display window; and
- (4) Fluttering ribbons and banners and similar devices are prohibited.

d. Projecting Signs

- (1) In the area bounded by Bay, Charles, Port Republic, and Carteret Streets, projecting signs shall not exceed five and one-quarter (5.25) square feet per side.
- (2) On all other lots, the maximum area of projecting signs shall not exceed seven and one-half (7.5) square feet per side.

e. Awning and Canopy Signs

Lettering for awning and canopy signs shall not exceed nine inches in height and shall allow one and one-half (1.5) inches minimum space between edge of letter and top and bottom of valance.

f. Neon Signs

Neon signs shall not exceed 20 percent of the area of the display window.

4. Sign Materials

- a. Inappropriate materials and finishes generally include: interior-grade wood, unfaced plywood, plastic substrates and unfinished wood;
- b. Sign materials shall complement but not necessarily match the building's materials. (For example, hi-gloss plastic lettering would be acceptable for an enameled metal gas station, but not appropriate for a clapboard frame structure);
- c. Sign brackets shall be constructed of painted wood or prefinished, prepainted metal. Guywires, if needed, shall be as inconspicuous as possible; and
- d. Signs shall be mounted in such a way so as to minimize damage to historic materials. On masonry buildings bolts should extend through mortar joints and not through masonry units. On frame buildings mounting brackets and bolts should be the minimal amount necessary to assure adherence to the surface and prevent excessive wood penetration.

5. Number of Signs

- a. Each lot shall be allowed one freestanding sign per street frontage if such sign can be set back from the edge of the street right-of-way (ROW) a minimum of eighteen inches, provided further that the sight clearance requirements of Section 7.5 are met.

Article Article 7: General Development Standards
Section 7.2: Sign Regulations

- b. Each tenant space shall be allowed two different fixed signs (i.e., freestanding, wall, projecting) per street frontage subject to the provisions in Section 7.2H.5.a above. If a freestanding sign is present on a street frontage, only one additional fixed sign per business shall be permitted on that street frontage. A third sign will be allowed if it is a window sign and in keeping Section 7.2H.3.c.
- c. A building with more than one storefront shall have similar sign and mounting treatments so as to provide balance and unity to the building.

consideration of the City's issuance of a permit for such construction, the landowner shall agree to restrict such lots in the following manner:

1. The property shall be considered as one parcel of land, and no portion of that parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one parcel of land. Any further subdivision of the parcel of land shall comply with this code. This condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect and be binding upon any landowner, and heirs and assigns.
2. A unity of agreement shall be recorded in the public records of Beaufort County acknowledging the above requirements and placing the required covenant upon the land. Release of any recorded unity of title agreement must be approved by Beaufort County.

9.5 Nonconforming Signs

A. Nonconforming Signs

1. Any sign constructed after the adoption date of this article and which is found to exist in violation of this article shall be declared to be illegally nonconforming and shall be removed after 30 days' notice. If the owner or lessee fails to remove the sign during the permitted time, then the City or independent contractor secured by the City shall remove the sign and the ensuing charges shall be assessed to the owner or lessee.
2. A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face, except for changeable copy signs.
3. An existing nonconforming sign cannot be modified in any way aside from routine maintenance without bringing the sign into conformity with this section subject to the exemptions outlined in paragraphs (4) and (5).
4. Signs not in conformance with the requirements of this section shall be altered, removed, or otherwise made to conform with this section by May 22, 2007. Signs permitted between February 19, 1998 and the date of adoption of this UDO, which meet the requirements of Ordinance O-18-98, shall be exempt from the provisions of this paragraph.
5. Any existing sign not meeting the requirements of this UDO shall be brought into compliance with this UDO before a business license will be issued for a new resident business. Any existing sign not meeting the requirements of this UDO shall be brought into compliance with this section before a business name can be changed.
6. Temporary nonconforming signs having obtained a sign permit before the adoption date of this UDO, shall be permitted to remain for the life of the permit.
7. Signs on awnings or canopies shall be removed when the tenant vacates the building.
8. Nonconforming supports and brackets and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched.

Article 10. Enforcement

10.1 Enforcement by Building Official

A. Enforcement

1. The City Manager shall appoint the Building Official and, as such, will be assigned the duty and authority to administer and enforce the provisions of this UDO.
2. If the Building Official shall find that any of the provisions of this UDO are being violated, he shall notify, in writing, the owner, occupant, contractor, and/or person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

B. Complaints Regarding Violations; Remedies

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Official. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with this ordinance.

C. Remedies

In case any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be or is used in violation of this UDO, the Building Official, the City Council, the City attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

D. Sign Maintenance and Enforcement Generally

In order to ensure that signs are erected and maintained in a safe and aesthetic manner, the following maintenance requirements shall be observed for all signs visible from any public street, and any deficiency shall be corrected within 30 working days of being detected:

1. No sign shall have more than 10 percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper;
2. No sign shall stand with bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than fifteen degrees away from the perpendicular;
3. No sign shall have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed; and
4. No internally illuminated sign shall stand with only partial illumination.

E. Violation Notice

The Building Official and duly authorized staff shall have the authority to issue a violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

F. Impoundment of Signs

1. The Building Official shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, signs attached to trees, fenceposts, telephone and utility poles, other natural features or signs otherwise prohibited by this article, and to impound them for a period of 10 days.
2. The owner of a sign impounded may recover same upon the payment of \$150.00 for each sign, prior to the expiration of the 10-day impoundment period. In the event it is not claimed within 10 days, the Building Official shall have authority to dispose of such sign.
3. If the owner or lessee fails to remove the sign during the permitted time, then the City or an independent contractor secured by the City shall remove the sign and ensuring charges shall be assessed to the owner or lessee.

G. Beaufort Historic District and Design District Enforcement

When a Certificate of Appropriateness or Design District approval and a Building Permit have been issued, the Building Official or other designated staff member shall conduct timely inspections of the alteration or construction approved by such certificate. The property owner shall be required to have copies of the approved plans and the building permit on the premises for inspection. If alterations and/or construction are noted which are not in accordance with such approved plans, this information shall be immediately transmitted to the Codes Enforcement Office. If the Building Official finds that the alteration or construction is not in accordance with or is in violation of the approved plans, he shall issue a "stop work order" and notify in writing the recipient of the building permit and the Department of Planning and Development Services indicating the nature of the violation and ordering the action necessary to correct it.

10.2 Penalties for Violation

A. Penalties for Violation

1. Any person violating any provision of this UDO shall be guilty of a misdemeanor, shall be prosecuted according to procedures established under Section 1-3048(a), (b) and (c) for misdemeanors, and, upon conviction, shall be fined as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.
2. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

- B.** Any person who violates the provisions of this article, upon conviction, shall be guilty of a misdemeanor and shall forfeit and pay the maximum penalty allowed by state law and/or 30 days imprisonment, or both, at the discretion of the court for each violation. Each day shall constitute a separate offense.

11.1 General

Except as specifically defined herein, all words used in this UDO have their customary dictionary definitions. For the purpose of this UDO, certain words or terms used herein are defined as follows:

- A. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- B. The word "shall" is always mandatory.
- C. The word "may" is permissive.
- D. The word "lot" includes the word "plot" or "parcel."
- E. The word "structure" includes the word "building."
- F. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
- H. The terms "map," "Zoning Map" or "Official Zoning Map," shall mean the Official Zoning Map of the City and refer to all maps so titled and bearing the seal of the City, together with the signature of the Administrator, as well as the date of adoption of this UDO.
- I. The terms "Council" or "City Council" refer to the City Council of the City of Beaufort.
- J. The term "Planning Commission" refers to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission.
- K. The term "Zoning Board of Appeals" refers to the duly appointed Board authorized by City Council to hear and act upon appeal of a decision of the Building Official or any request for a Variance from any provision of this UDO.
- L. The term "Building Official" refers to the person subsequently and specifically designated by the City Manager and so employed and empowered as the Building Official for the City.
- M. The term "Administrator" refers to the person designated by the City Manager to administer and enforce the provisions of this UDO.

11.2 Defined Terms

Abandoned Vehicle. Any vehicle found or left on a public street, parking lot, or wrecker lot, for which the owner cannot be identified and/or located within a period of seven days.

Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot herewith.

Accessory Dwelling Unit. A second dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the

accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling is accessory and subordinate to the primary dwelling

Adjusted Caliper Inches (ACI). The number of inches of diameter of a tree trunk resulting from the multiplication of the diameter at breast height (DBH) of the tree trunk times the tree species factor (TSF) times the new tree factor (NTF).

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas";
- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others; or
- (3) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

An establishment will not be considered an adult bookstore or adult video store if the establishment demonstrates that the items of adult material offered for sale or rental comprise less than 10 percent of the inventory of stock used in trade and/or publicly displayed in the establishment and which are not accessible to minors.

Adult Cabaret. A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- (1) Persons who appear in a state of nudity or seminudity;
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Car Wash. A car wash where some or all of the employees are seminude or nude and/or where "specified anatomical areas" are exhibited.

Adult Health Club or Adult Bath House. A health club or bath house where some or all of the employees are nude or seminude, or in which "specified anatomical areas" are exhibited.

Adult Motel. A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Adverse Effect. An undertaking is considered to have an adverse effect when the effect on an historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Alley. A secondary way which affords access to the side or rear or abutting property.

Antenna. A device, dish, or array used to transmit or receive telecommunications signals.

Archeological Resources. As defined in the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm) Section (1): The term "archeological resource" means any material remains of past human life which are of archeological interest. Such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall be considered archeological resources, under the regulations under this paragraph, unless found in the archeological context. No item shall be treated as an archeological resource under regulations under this paragraph unless such item is at least 50 years of age.

Archeological Site. For the purposes of this Ordinance, an archeological site is the area of the development identified as being listed in, or having the potential for listing in the National Register of Historic Places.

Awning. A structure made of wood, cloth, vinyl or other flexible material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

Banners, Pennants and Balloons. Any animated rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

- Bed and Breakfast.** A lodging establishment having one to five guest rooms providing overnight accommodations to transient guests.
- Berm.** A linear earthen mound designed as a landscape element or to screen undesirable views.
- Body Piercing.** The creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of a lip, tongue, nose or eyebrow. "Body piercing" for the purpose of this UDO does not include piercing an ear lobe.
- Body Piercing Facilities.** Any room, space, location, area, structure, or business, or any part of these places, where body piercing is practiced or where the business of body piercing is conducted.
- Bona fide Silviculture or Agricultural Operation.** An operation where the product is harvested or cultivated periodically for sale or consumption followed by timely reforestation, replanting, self-seeding or recultivation providing for the ongoing production of the resource.
- Buffer.** Portion of land usually in the form of linear strips maintained with natural or installed landscaping used to soften the impact of development. Depending upon the purpose of the buffer, there may be no screening where only grass is planted, partial screening where some shrubbery or trees are planted, or total screening where a hedge or fence is installed. Buffers generally, but not necessarily, are located along property boundaries.
- Build-to-line.** An alignment established a certain distance from the property line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to-line requirements, but must occur behind the property line.
- Buildable Area.** That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area. For instructions related to the determination of buildable area, see Section 6.4.
- Building.** A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals or property of any kind.
- Building, Principal.** A building in which is conducted the principal use of the lot on which the building is situated.
- Building Line.** The line which represents the distance a building or structure must be set back from a lot boundary. The building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from lot boundary lines.
- Caliper.** Standard measure of tree size for trees to be newly planted. The measurement is taken six inches above the ground for trees four inches in diameter or less and twelve inches above the ground for trees over four inches in diameter. (See Diameter at Breast Height.)
- Camper.** A Manufactured Home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more

wheels and either self-propelled or rigged for towing, provided such vehicle is less than 30 feet in length and is not used for residential purposes within the City.

Canopy. A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.

Carnival. A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators or both, and where activities include such things as rides, exhibitions, food service, sales, small-scale games, or animal displays.

Clinic. n establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Commercial or Industrial Center. Two or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

Condominium. See "Dwelling, Condominium."

Conifer or Cone Bearing Tree. Tree with needle leaves and woody cone fruit, usually evergreen though a few species are deciduous.

Critical Area. All saline waters and related lands which are subject to the ebb and flood of the tide including coastal waters, tidelands, coastal wetlands, mudflats, marshes and shallows. The critical area is seaward of the critical line, as delineated by the Department of Ocean and Coastal Resources Management of the South Carolina Division of Health and Environmental Control, which represents the landward-most point at which vegetation is influenced by saline water.

Cul-de-sac. A minor street with only one outlet and culminated by a turnaround.

Day Care, Family. An occupied residence providing or designed to provide day care for not more than six children.

Density. The number of dwelling units per gross acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this UDO are expressed in dwelling units per gross acre.

Development. Any change or improvement to land or structures requiring a building permit. Development includes, but is not limited to, paving, establishment of vehicular use areas, or redevelopment of any site.

Diameter at Breast Height (DBH). Standard measure of tree size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then each trunk is considered as a separate tree. (See Caliper.)

District. The term applied to various geographical areas of the City for purposes of interpreting the provisions of this UDO. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City are set forth in Section 5.5B.7.e. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

Double Frontage Lot. A lot having frontage and access on two or more streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.

Drive-in. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores or car washes.

Dwelling. A building or portion of a building arranged or designed to provide living quarters for one or more families. The terms "dwelling" and "residence" shall be interchangeable.

Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership, with joint ownership of common open spaces.

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, fraternity house, or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or Bed and Breakfast shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multifamily (or Multiple-Family). A building or series of buildings on the same lot or portions thereof used or designed and rented as dwellings for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family. A detached dwelling other than a Manufactured Home designed for or occupied exclusively by one family on a single lot.

Dwelling, Two-family. A dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.

Dwelling, Townhouse. One of a series of three or more attached one-family dwelling units on separate lots which:

- (1) May or may not have a common roof;
- (2) Shall not have a common exterior wall; and
- (3) Are separated from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provision for cooking, eating, and sleeping and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant to the general public, a corporation, or a certain person of a strip off a parcel of land for use for a specific purpose.

Effect. An undertaking has an effect on a historic resource when the undertaking may alter the characteristic of the resource that may qualify the resource for inclusion in the National Register of Historic Places.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency. A person or business association who furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment. For the purposes of any requirements regarding sexually-oriented businesses, an establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

Existing Sign. Any sign that was erected, mounted or displayed prior to the adoption of this Unified Development Ordinance (UDO).

Exterior Architectural Appearance. Exterior architectural appearance shall include architectural character, general composition and general arrangement of the exterior of the structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from the street or public thoroughfare.

Façade. The entire building wall, including main street wall face, and parapet, fascia, windows, doors, canopy and roof on any complete elevation.

Flag Lot. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building with the frontage street.

Full Cut-Off Fixture or Luminaire. A luminaire that allows no direct light from the luminaire above a horizontal plane through the luminaire's lowest light-emitting part, in its mounted form.

Fall Zone. The determined area within which the structure can be predicted to collapse in the event of failure.

Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises.

Frontage. The length of the property line of any one premises parcel serving as a public right-of-way line.

Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use. A garage may contain non-habitable space used exclusively for storage. Garages or other storage buildings that contain habitable space shall be considered accessory dwelling units for purposes of review and permitting.

Grand Tree. Any existing broad-leaved overstory tree with a DBH of 24 inches or greater; any existing understory tree with a DBH of twelve inches or greater; and any Palmetto tree having a clear trunk height of at least two feet.

Ground Cover. Vegetation growing close to the ground including grass, ivy and some species of juniper.

Ground disturbance. Any activity which would result in any tangible modification to the surface of the ground including, but not limited to, building new structures or additions, paving, grading, excavating or tree removal.

Hardscape. Any nonliving material such as berms, mulch, walls and fences commonly used in landscaping designs.

Height of Freestanding Sign. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

Historic Resources. According to the National Historic Preservation Act of 1966, as amended through 1992, (16 U.S.C. 470 et seq.) Section 101(a)(1)(A):

The secretary of the Interior is authorized to expend and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least 50 years of age, is significant in American history, architecture, archeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Home Occupation. An occupation conducted from a residence in accordance with the provisions of this ordinance.

Hotel/Motel. A lodging establishment of 26 or more guest rooms providing overnight accommodations to transient guests.

Housing, Short Term Rental. A single-family or individual two-family or multifamily dwelling that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 days.

Impervious Surface. Any area of land that cannot be landscaped or planted and which does not allow for the natural passage of water through it, including paved areas, all buildings, and asphalt or concrete parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt and/or any water bodies, and roof surfaces.

Infill. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

Inn. A building used as a lodging establishment having six to 25 guest rooms providing overnight accommodations and breakfast to transient guests.

Intensive Level Survey. An Intensive Level Survey will be based on a systematic approach to the entire tract, to differentiate between having high or low potential for containing archeological resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, sub-surface activity, such as shovel tests are done (unless surface exposure is evident) and the materials are sifted. All of the findings, as well as a determination of eligible sites will be compiled into a final report.

Landscaping. Any vegetation or organic material including grass, ground covers, vines, shrubs, trees, mulch, and earth; landscaping may include hardscape, as well.

Limbing. The severe cutting back of limbs to stubs larger than three inches in diameter to such a degree that the natural configuration is removed and the tree is disfigured.

Live-aboard Boat. A boat or vessel designed primarily for, and capable of, navigation on navigable waters and occupied in the City limits for more than 90 out of 365 days.

Loading Space, Off-street. Space logically and conveniently located for pickups and deliveries off public rights-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required Off-street parking spaces are filled.

Lot. A single parcel or tract of land (in individual ownership.) An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of the county. The terms "lot," "plot," "lot of record," "parcel," "property," "site" or "tract" whenever used in this ordinance, are interchangeable.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Double Frontage. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless the corner lot has frontage on three or more streets.

Lot Depth. The mean horizontal distance between front and rear lot lines.

Lot of Record. See "lot."

Lot Width. The distance between side lot lines measured at the front building line.

Manufactured Home. Any vehicular or similar portable structure in excess of 30 feet in length having wheels, jacks, or skirtings and so designed or constructed as to permit single-family occupancy for dwelling or sleeping purposes. The term "Manufactured Home" includes the term "house trailer."

Manufactured Home Park. Premises where two or more Manufactured Homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for Manufactured Homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of Manufactured Homes on such premises.

Manufactured Home Space. A plot of ground within a Manufactured Home Park designed for the accommodation of one Manufactured Home.

Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program.

Memorandum of Agreement. An agreement between the City of Beaufort and the applicant to avoid, reduce, or mitigate adverse effects on archeological and historic properties, or to accept each effect in the public interest.

Mobile Home. A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and that is designed to be used as a single dwelling unit.

Motel. See "Hotel"

Moving message board. Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

New Tree Factor. The value attributed respectively to preserved and planted trees in determining adjusted caliper inches, as follows: (1) Preserved (existing) trees have a value of 1. (2) Planted (new) trees have a value of 3.

Nonconforming Property. Lawful development which was permitted prior to the adoption of this UDO and which does not meet the requirements of this UDO.

Nonconforming Sign. Any sign which has a valid permit, was erected or displayed prior to the effective date of this article or any subsequent amendment hereto and does not conform with any provision of this article.

Nonconforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this ordinance.

Notable Properties. These shall include those individual structures, sites, and properties located within the BCN deemed to embody a particularly high degree of significance which are subject to Beaufort Historic District standards, guidelines, and procedures rather than BCN standards, guidelines, and procedures.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or State of Nudity. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Occupancy. Any use of or activity upon the premises.

Open Space. Outdoor or unenclosed area on the ground accessible for outdoor living, recreation, pedestrian access, or landscaping. Open space shall not include parking areas, driveways, deck or terrace areas, utility or service areas, or any space with a dimension of less than 6 feet in any direction.

Operator. The owner, permit holder, custodian, manager, operator or person in charge of any permitted premises.

Overstory Tree (or Canopy Tree). A tree with an expected mature height of at least 40 feet. Overstory trees compose the top layer or canopy of vegetation. Broad-leaved overstory trees develop a large, spreading crown.

Panel. The primary surface of a sign upon which the message of the sign is carried.

Parapet. A vertical false front or wall extension above the roof line.

Parcel. See "lot."

Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Parking lots

may be the principal use on a given lot or an Accessory Use to the principal use on a given lot.

- Parking Space.** A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.
- Permitted Premises.** Any premises that requires a permit and that is classified as a sexually oriented business.
- Permittee.** A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- Person.** An individual, proprietorship, partnership, corporation, association, or other legal entity.
- Plot.** See "lot."
- Pennant.** See definition of banners, pennants and balloons.
- Permitted sign.** A sign for which a valid permit has been issued.
- Premises.** A lot or other tract of land including the buildings or structures thereon.
- Private Street.** Any newly treated street is a private street unless (1) its right-of-way has been dedicated to the State of South Carolina, Beaufort County, or to the City of Beaufort; and (2) the appropriate public body has accepted the street for the purpose of maintaining it.
- Property.** See "lot."
- Protected Width of Buffer, Median or Bed.** That portion of a landscaped buffer, median or bed located adjacent to parking spaces in which shrubbery would be protected from overhanging car bumpers. The protected width is that portion beyond the line located two feet inward from the face of the wheelstop or curb facing the tire of a parked vehicle.
- Public Building.** Any building owned, leased, or held by the United States, the state, the county, the City, any special district, the school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
- Public Park or Recreation Area.** Public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation or management of the City or County park and recreation authorities.
- Public Right-of-Way.** The entire area between property boundaries which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use, and includes without limitations the street, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip, and any public way.
- Public Right-of-Way Line.** The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.
- Public Way.** Any street, highway, road, path or right-of-way, whether privately or publicly owned, which is designed, or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two or more common owners.

Qualified Personnel. Professional consultants meeting the criteria set forth by the Secretary of the Interior as well as the South Carolina Historical Preservation Office and published in their *Guidelines and Standards for Archeological Excavation*.

Reader Board. A sign or portion thereof with character, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered a moving message board and not a reader board for purposes of this UDO.

Redevelopment. The substantial modification of the developed portions of a site, including footprints, arrangement, or exterior design of buildings, paved areas or vehicular use areas.

Redevelopment Corridor. The Boundary Street Design District and the U.S. 21 Design District.

Religious Institution. Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Removal of Trees. The cutting of a tree or any intentional or negligent act which causes or will likely cause a tree to die including damaging the root system, changing the natural grade by excavation or filling over the root system or severe pruning.

Residence. A building or portion of a building arranged or designed to provide living quarters for one or more families. The terms "Dwelling" and "Residence" shall be interchangeable. See "Dwelling."

Residential District or Use. A single-family, duplex, townhouse, multifamily, Manufactured Home Park, or subdivision located in within the incorporated limits of the City of Beaufort, South Carolina.

Restaurant, drive-in. A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal building, typically in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for patrons. Services are effected principally while patrons remain in their vehicles.

Roof. The exterior upper covering of the top of a building.

School. Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Screening. Use of wood, masonry, or plants to block or partially block the view of an adjacent use. Screening is measured by degree of opacity (e.g. 50 percent opacity) in the vertical plane.

Seminude. A state of dress in which in which clothing covers no more than the genitals, pubic regions, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Service Station. See "Automobile Service Station."

Setback Line. That line which represents the distance a building or structure must be back from a lot boundary according to the terms of this UDO. In all cases, the setback lines of

a lot shall be determined to run parallel to and set back the appropriate distance required within the zoning district in which the lot is located from lot boundary lines.

Sexual Encounter Establishment. A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio or sexual encounter center.

Shrub. Woody plant, usually multi-stemmed or well branched from the base.

Shrub Coverage. A rough calculation within a buffer, median, or bed, in the horizontal plane, of the percent of ground covered by the crowns of shrubs. This is based upon reasonable projections of shrub size and shape at maturity when those shrubs are maintained and pruned in an appropriate manner. Ground cover plants such as creeping juniper are not included in the calculation.

Sign. The term "Sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

- (1) **Abandoned Sign.** A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
- (2) **Canopy Sign.** A sign which is suspended from, attached to, supported from or forms a part of a canopy.
- (3) **Changeable Copy Sign.** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.
- (4) **Dilapidated Sign.** Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.
- (5) **Directional Sign.** A sign used to guide vehicular and/or pedestrian traffic by using symbols and/or such words as 'entrance', "exit", "parking", "one-way", or similar directional instructions.
- (6) **Easel Sign.** A sign or message board displayed on a portable open frame, the outline of which (the frame) is roughly pyramidal in shape.
- (7) **Flashing Sign.** Any lighted or electrical sign which emits light in sudden transitory bursts.
- (8) **Freestanding Sign.** 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.

- (9) **Ground Sign.** A sign suspended or supported by two uprights or braces anchored in the ground with no more than 18 inches of clearance from the bottom of the sign to the ground below.
- (10) **Illuminated Sign, External.** Any sign which is directly lighted by an external source.
- (11) **Illuminated Sign, Internal.** Any sign which transmits light through its face or any part thereof.
- (12) **Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the parcel on which it is located, such as "no parking", "loading zone", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- (13) **Inflatable Sign.** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.
- (14) **Monument Sign.** A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade.
- (15) **Off-premise Sign.** Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of this UDO, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.
- (16) **On-premises Sign.** Any sign located or proposed to be located at any place, if otherwise permitted by this article, within the plat of record for the business or other activity identified on such sign.
- (17) **Painted Wall Sign.** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.
- (18) **Political Sign.** A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.
- (19) **Project Sign.** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.
- (20) **Projecting Sign.** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure more than 18 feet.
- (21) **Real Estate Sign.** A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.
- (22) **Roof Sign.** A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

- (23) **Rotating Sign.** Any sign which revolves around one or more fixed areas.
- (24) **Sandwich Board Sign.** A portable sign shaped like an A-frame with a sign panel on one or both sides where the sign panel is integral to the structure of the sign.
- (25) **Snipe Sign.** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects.
- (26) **Special Event Sign.** A sign which carries message regarding a special event or function which is of general interest to the community.
- (27) **Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (28) **Temporary Sign.** Any sign or information transmitting structure intended to be erected or displayed for a limited period.
- (29) **Tenant Directory Sign.** A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center. This sign is located on the interior of the lot.
- (30) **Time and Temperature Sign.** An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.
- (31) **Vehicle Sign.** A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.
- (32) **Wall Sign.** A sign mounted parallel to or painted on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches from the wall surface.
- (33) **Window Sign.** Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.
- (34) **Window Sign, Temporary.** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying

designs and symbols together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions; but shall not include any supporting structure or bracing.

Sign Face. The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign Structure. A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided however, this definition shall not include a building, fence, wall or earthen berm. A freestanding sign structure 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.

Significant Resources. Historic resources eligible for listing in the National Register of Historic Places.

Sight Triangle. Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this ordinance.

Significant Species. A species of tree deemed to be of particularly high value and worthy of preservation.

Site. See "lot."

Special Exception. A use so specifically designated in this chapter that would not be appropriate for location generally or without restriction throughout a given zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Zoning Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare.

Specified Anatomical Areas. Specified anatomical areas as used in this ordinance means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- (3) Masturbation, actual or simulated;
- (4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (5) Excretory functions as part of or in connection with any of the activities set forth above.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

Street. A dedicated and accepted public right-of-way or approved private right-of-way for vehicular traffic which affords the principal means of access to abutting properties. A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, or any other public or private way.

Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between the parallel to the general direction of the outside right-of-way lines of such streets.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building," as defined in this section, is a "structure." The structure shall include walls, fences, signs, light fixtures, steps or appurtenant elements thereof. Structures may not encroach into the sidewalk or right-of-way without the approval of the City Manager.

Subdivider. Any person, firm, or corporation who divides or develops any land deemed to be a subdivision as herein defined.

Subdivision. The division of land into two or more parcels.

- (1) **Minor Subdivision.** The division of land into five (5) or fewer parcels where no new streets are created.
- (2) **Major Subdivision.** Any subdivision that is not a Minor Subdivision.

Substantial Enlargement of a Sexually Oriented Business. The increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date of adoption of this UDO.

Tattoo or Tattooing. To indelibly mark or color the skin by subcutaneous introduction or nontoxic dyes or pigments.

Tattoo Facility. Any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Telecommunications. Defined in the Federal Telecommunications Act of 1996 as the transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received.

Telecommunications Tower. A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home use television reception antennae and satellite dishes, or communications towers for amateur radio operation licensed by the Federal Communications Commission (FCC).

Tidal Area Buffer. A buffer established adjacent to the critical area on all property located alongside the critical area.

Topping. The severe cutting back of limbs within the tree's crown to stubs larger than three inches in diameter to such a degree that the normal canopy is removed and the tree is disfigured. Other common terms for this injurious practice include stubbing, heading, lopping, and hatracking.

Town House. See "dwelling, townhouse."

Tract. See "lot."

Trailer or Mobile Commercial Structure. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- (1) Provide temporary or permanent quarters for the conduct of business, profession, trade or occupation; or
- (2) Serve as a carrier of people, new or used goods, products or equipment.

Transfer of Ownership or Control. Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Tree. Any self supporting woody plant usually having a single trunk and a likely DBH of two inches or greater.

Tree Protection Zone. An area surrounding the base of a tree, generally circular in shape, within which neither construction activity nor physical development is permitted.

Tree Save Area. An area composed of closely grouped trees designated for preservation.

Tree Species Factor--TSF. The numerical value assigned by this ordinance to each tree category for the purpose of determining required tree coverage.

Understory Tree. Tree under 40 feet at maturity capable of thriving in the lower light intensities found under the canopy of overstory trees.

Use, Accessory. See "accessory."

Use, Principal. The primary purpose for which a lot is occupied and/or used.

Valance. The permanent decorative area suspended from the lower horizontal supports of an awning.

Variance. A modification of the strict terms of this UDO granted by the Zoning Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this chapter would result in unnecessary and undue hardship, and where such modification will not authorize a

Principal or Accessory Use of the property which is not permitted within the zoning district in which the property is located.

Vehicular Service Station. Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered and none other:

- (1) Sale and servicing of spark plugs, batteries and distributors;
- (2) Tire repair and servicing, but no recapping;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;
- (4) Washing and polishing;
- (5) Greasing and lubrication;
- (6) Exchanging fuel oil pumps and installing fuel lines;
- (7) Minor servicing and replacing of carburetors;
- (8) Emergency wiring repairs;
- (9) Adjusting and repair of brakes;
- (10) Minor adjustment of engines not involving removal of the head and/or crank case, or racing the motor; and
- (11) Sale of cold drinks and packaged foods, as accessory only to principal operation.

Vehicular Use Area. Any area, whether paved or unpaved, designed for use by motor vehicles including driveways, parking areas, parking aisles, and loading areas.

Wrecked or Disabled Vehicle. Any vehicle in a state of disrepair or which is incapable of moving under its own power.

Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

- (1) **Yard, Front.** A yard situated between the front building line and the front lot line extending the full width of the lot.
- (2) **Yard, Rear.** A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
- (3) **Yard, Side.** A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning District. See "district."

E. Sign Permit Requirements

Applications for sign permits shall be made to the Building Official and shall include:

1. A complete application form as approved by the Building Official and appropriate fee;
2. A site plan showing data relating to the number of signs to be placed on the lot, locations, design, materials, colors, height, width, depth, square footages;
3. For facade signs, a scaled drawing showing the entire facade or tenant space facade, the proposed sign location, and any existing facade signs;
4. The name, address and telephone number of the sign owner and of the sign erector; and
5. Any other pertinent data as may be required to ensure compliance with this section.



CITY OF BEAUFORT SIGN APPLICATION

Please TYPE or PRINT legibly



Date Submitted: _____

Application No: _____

Total Cost of Project: _____

Application Fee: _____

Business Name: _____

Physical Address: _____

Applicant Name: _____

Address: _____

Phone/Fax Number: _____

Shopping Center or
Office Complex Name: _____
(if applicable)

Property Owner: _____

Mailing Address: _____

Sign Contractor Name: _____ City Business License No.: _____

Phone/Fax: _____

Address: _____

E-mail Address: _____

Property Owner's Signature (for sign approval)

Date

Applicant's Signature

Date

Department of Planning and Development Services

701 Craven Street
P.O. Drawer 1167 (29901)
Beaufort, SC 29902
Phone: (843) 525-7011 (Codes) (843) 525-7040
Fax: (843) 525-7034 (Codes) (843) 986-5606
E-mail: mmcteer@cityofbeaufort.org

APPROVED BY:

CATEGORY: (Please indicate all signs to be located on property)

MASTER SIGN PLAN: (Please list sign information below)

FREESTANDING SIGNS: **1st Sign / 2nd Sign**

- Qty. Linear Frontage of Property: _____
- () Pole/post..... Height: _____/_____
- Total square footage per side of each sign face: _____/_____
- () Monument..... Height: _____/_____
- Total square footage per side of base: _____/_____
- () Reader Board..... Total square footage of reader board per side: _____/_____
- Total number of lines: _____/_____
- Height of letters (in inches): _____/_____
- Illuminated () Yes () No If yes, Internally Externally
- Background color: _____ (opaque background is MANDATORY)
- Distance from right-of-way (ROW/Property Line) _____ ft.
- Landscaping requirement: *One sq. ft. of landscaping per square footage of sign is required at base of all freestanding signs.*

ATTACHED SIGNS: **1st Sign / 2nd Sign**

- Qty. Wall..... Linear Frontage of building or tenant space: _____
- Provide list noting size of each wall sign: _____/_____
- () Projecting..... Total square footage per side: _____/_____
- Height: _____/_____
- () Suspended..... Total square footage per side: _____/_____
- Height: _____/_____
- () Awning Provide diagram showing location of message on awning
- () Permanent Window Sign Provide diagram showing location (list square footage)
- Illuminated () Yes () No If yes, Internally Externally Neon
- Background color: _____ (opaque background is MANDATORY)

CONTINUED

- SPECIAL SIGNS:** **1st Sign / 2nd Sign**
- Qty: () Directional Sign..... Size: _____ Height: _____/_____ (Max. size = 2.5 ft. high and 2 sq. ft. per side)
- () Directory Sign..... Size: _____ Height: _____/_____
- () Menu Board..... Size: _____ Height: _____/_____
- () A-Frame Sign/..... Size: _____ Height: _____/_____ Sandwich Board (Max. size = 3.5 ft. high and 8 sq. ft. per side - cannot be placed in right-of-way)
- () Easel..... Size: _____ Height: _____/_____ (Max. size =6 ft. high and sign board 3.5 sq. ft. - cannot be placed in right-of-way)
- Illuminated () Yes () No If yes, Internally Externally
- Background color: _____ (opaque background is MANDATORY)
- Distance from right-of-way (ROW/Property Line) _____ ft.

- OTHER SIGNS:** **1st Sign / 2nd Sign**
- Qty: () Temporary..... Size: _____ Height: _____/_____

APPLICATION REQUIREMENTS:

- Two (2) copies of the **complete** sign application packet including drawing of sign (be sure to show all dimensions, including lettering size and pole or arm to be mounted on, if applicable). Specify materials. (One set will be returned to applicant w/permit)
- Color chips of all colors to be used on sign.
- Building elevations or color photograph showing building and location where sign is to be placed (for attached signs)
- Site plan (to scale) with location of all signs in relation to building, existing signs, and property lines.
- It is suggested that the sign is properly designed for dead load and wind pressure in any direction as required by the International Code **if the sign is over 15 square feet in area.**
- A Signed Electrician's Affidavit is required if sign is to be illuminated. On **ALL** illuminated signs the background is required to be **opaque.**

NOTE: All contractors are required to possess a City of Beaufort Business License (This includes Sign Contractor and Electrician).