

Sumter City-County Planning Commission

April 25, 2001

OA-01-12, Planning Staff (County)

I. THE REQUEST

Applicant: Planning Staff

Status of Applicant: Sumter City-County Planning Commission

Request: A request to amend the Sumter County Zoning and Development Standards Ordinance page 191, Section 8.i.7.e; page 195, Exhibit 19; and page 193, Section 8.i.10 for clarification of permanent signs and flags.

II. BACKGROUND

This Ordinance Amendment is requested by the Planning Staff to clarify the Sumter County Zoning and Development Standards Ordinance page 191, Section 8.i.7.e; page 195, Exhibit 19; and page 193, Section 8.i.10 for clarification of permanent signs and flags.

The Planning Staff is requesting the following text changes:

1. Page 191, Section 8.i.7.e – delete the word “flags”
2. Page 195, Exhibit 19 – delete all of “Note” at the bottom of the chart
3. Page 193, change 8.i.10 to Flags and renumber General Sign Development Standards to 8.i.11.

III. TEXT OF ORDINANCE

Make the following changes to the Sumter County Zoning and Development Standards Ordinance to page 191, Section 8.i.7.e:

- a. Pennants, ~~flags~~, and fluttering devices;

Make the following changes to the Sumter County Zoning and Development Standards Ordinance to page 195, Exhibit 19:

~~Note: Flags, including flags of the United States, the State of South Carolina, or any other flag sanctioned by these regulations are allowed provided that such flags not exceed 24 square feet in area and shall not be flown from a pole more than 45 feet in height. American flags must be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulations as such.~~

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Make the following changes to the Sumter County Zoning and Development Standards Ordinance to page 193, Section 8.i.10:

8.i.10. *Flag poles and Flags:*

- a. *The term flag in this subsection shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States. References to flag pole height in this subsection refer to vertical flagpoles and shall be measured from ground level. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (for example, staffs extending at an angle from a building).*
- b. *Except as otherwise provided herein, flags shall be displayed on flagpoles. Such poles in all zoning districts shall not exceed the allowed building height of the zoning district. Flagpoles may not be placed on top of buildings unless they are located in the CBD Zoning District. Variations from this ordinance regarding the height of poles may be granted by the Board of Appeals as a special exception but shall not exceed 150% of the normally allowed height. No permits or fees are required for flags.*
- c. *The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:*

Pole Height/ Length (Ft.)	Maximum Flag Size (Total Square Ft.)
Up to 25 ft.	24 sq. ft.
25 to 39 ft.	40 sq. ft.
40 to 49 ft.	60 sq. ft.
50 to 59 ft.	96 sq. ft.
60 ft. and taller	150 sq. ft.

- d. *Mast arm flagpoles shall not exceed 10 feet in length and the hoist side of the flag shall not exceed 40 percent of the length of the pole. Mast Arm poles are from 10 degrees from vertical to horizontal.*
- e. *Each property shall be allowed a maximum of 3 flagpoles unless a special exception is granted by the Board of Appeals.*
- f. *A maximum of 3 flags shall be allowed per flagpole.*
- g. *A maximum of 6 flags shall be allowed for each property.*
- h. *A vertical flagpole must be setback from all property boundaries a distance which is at least equal to the height of the pole.*
- i. *The flags and flagpoles shall be maintained in good repair. Flagpoles with broken halyards shall not be used and flags, which are torn or frayed, shall not be displayed. The flagpoles shall be made of durable, structurally sound materials.*

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- j. *On United States and South Carolina holidays there shall be no maximum flag size, or number, or other limitations on manner of display.*
- k. *All are highly encouraged to use the appropriate protocols for the flags being flown (See Appendix C for United States of America flag protocol).*

Appendix C – Displaying the U.S. Flag

According to Title 36, United States Code, Chapter 10, the following laws and regulations pertain to our National flag:

1. *Hoist the flag briskly and lower it ceremoniously.*
2. *It is universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.*
3. *The flag should be displayed on all days, especially on: New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States and on State holidays.*
4. *The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right (the flag's own right) and its staff should be in front of the staff of the other flag.*
5. *When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the U.S. flag should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No flag or pennant may be placed above the flag of the United States or to the United States flag's right.*
6. *When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right (the observer's left). When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street. Here's a simple rule of thumb for keeping it straight: We always speak of the flag as the Stars and Stripes, never the stripes and stars. Therefore, when we look at the flag it should read, "Stars and Stripes", that is, the stars (in the blue field) should come first.*
7. *When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.*
8. *When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of*

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honor at the clergyman's speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

- 9. When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west, or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.*
- 10. By convention, the United States flag (and all other flags) are draped on the staff from upper left to lower right (from the observer's point of view).*
- 11. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way preferably by burning.*
- 12. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all people present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention.*
- 13. When the national anthem is played and the flag is displayed outdoors, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Personnel in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there. The same respect is shown to the national anthem of any friendly country when played upon official occasions.*
- 14. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.*
- 15. When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is t half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.*
- 16. When the flag is displayed in a manner other than by being flown from a staff, it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window it should be displayed in the same way, that is, with the union or blue field to the left of the observer in the street. When festoons, rosettes or draping are desired, bunting of blue, white and red should be used, but never the flag.*
- 17. When carried in a procession with another flag or flags, the U.S. should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line. Crepe*

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streamers may be affixed to spear heads of the flagstaff in a parade only by order of the President of the United States.

- 18. When painted or displayed on an aircraft or vehicle, the union is toward the front and the stripes trail.*
- 19. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.*
- 20. The flag should not be displayed on a float in a parade except from a staff.*
- 21. The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat.*
- 22. The flag should never be displayed with the union down, except as a single of dire distress in instances of extreme danger to life or property.*
- 23. The flag should never touch anything beneath it, such as the ground, floor, water, or merchandise.*
- 24. The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white and red, always arranged with the blue above the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.*
- 25. The flag should never be carried flat or horizontally, but always aloft and free.*
- 26. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.*
- 27. The flag should never be used as a covering for a ceiling.*
- 28. The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.*
- 29. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.*
- 30. The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.*
- 31. No part of the flag should ever be used as a custom or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policeman, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin, being a replica, should be worn on the left lapel near the heart.*
- 32. The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.*

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Flying the U.S. Flag at Half-Staff

When flown at half-staff, the flag should be first hoisted to the peak for an instant and then lowered to the half-staff position. The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

8.i.11. General Sign Development Standards

- a. The visual clearance at intersections shall be governed by the requirements as set forth in 4.h.1. of this Ordinance;
 - b. The vehicle area clearance of a sign where vehicles travel or are parked, shall have the bottom of a sign at least fourteen (14 ft) feet above the ground. Vehicle areas include driveways, alleys, parking lots, loading and maneuvering areas;
 - c. The pedestrian area clearance of a sign where it extends over a sidewalk, walkway or other space accessible to pedestrians, shall be not less than nine (9 ft.) feet above the ground;
 - d. Sign material shall be constructed of durable materials, maintained in good condition and not permitted to fall into disrepair;
 - e. Sign illumination shall be achieved by direct lighting only when such lighting is shielded so as to not directly shine on abutting property, or in the line of vision of the public using the streets or sidewalks, and meet UL Standards and shall be inspected by the City-County Inspection Department.
- d. Permanent Signs ~~Sign material~~ shall be made of metal, rigid plastic, vinyl, or wood treated to be long lasting and other ~~constructed of durable materials, maintained in good condition and not permitted to fall into disrepair;~~ approved by the Zoning Administrator. Canvas and non-treated wood shall not be used for permanent signs;*
- e. Florescent colors may not be used. All normal colors used in a skillfully designed sign are permitted.*
- e.f. Sign illumination shall be achieved by direct lighting only when such lighting is shielded so as to not directly shine on abutting property, or in the line of vision of the public using the streets or sidewalks, and meet UL Standards and shall be inspected by the City-County Inspection Department.*

IV. PLANNING COMMISSION – APRIL 25, 2001

A motion to defer the request for 30 days pending that the Commission meet to discuss the Sign Ordinance was made by Mr. Tisdale. The motion was seconded by Mr. Atkinson and carried unanimously.

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V. PLANNING COMMISSION RECOMMENDATION – MAY 23, 2001

A motion to recommend approval of the request with the Sumter County's recommendations was made by Rev. Baxter. The motion was seconded by Ms. Detrich and carried unanimously.

VI. COUNTY COUNCIL – JUNE 12, 2001

The Sumter County Council at its meeting on June 12, 2001 gave First Reading approval of the request.

VII. COUNTY COUNCIL – JUNE 26, 2001

The Sumter County Council at its meeting on June 26, 2001 gave Second Reading approval of the request.

VIII. COUNTY COUNCIL – JULY 10, 2001