

**Town of Sullivan’s Island, South Carolina**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**

Wednesday, August 12, 2020

A regular meeting was held at 4:00 PM, this date, VIA Zoom, all requirements of the Freedom of Information Act satisfied. Present: Commissioners Gary Visser (Chair), Sydney Cook (Vice-Chair), Charlie Cole, Carl Hubbard, David Peterseim and Manda Poletti.

Staff members: Joe Henderson, Director of Planning and Pamela Otto, Planning Commission Secretary.

**Call to Order.** Chair Visser called the meeting to order, stated press and public were duly notified pursuant to Freedom of Information Act Requirements and all Commissioners were present except Hal Currey (excused absence). No public or media present.

**A. APPROVAL OF AGENDA – approved as presented**

**B. APPROVAL OF MINUTES – May 13, 2020**

**MOTION:** Motion was made by Mr. Peterseim, seconded by Ms. Poletti, to approve the Planning Commission Minutes dated May 13, 2020. This motion passed unanimously.

**C. PUBLIC INPUT – no written correspondence received**

**D. ITEMS FOR CONSIDERATION**

**Signs Regulations, Article 16 Zoning Ordinance:** Consideration of implications of U.S. Supreme Court ruling in *Reed et al. v. Town of Gilbert, 576 U.S. 155(2015)* and potential text adjustments to include content neutral sign regulations.

Henderson presented the staff report to the Commission summarizing the various sections of the Town’s zoning regulations for signage. He explained that Article 14 contains seven sections outlining requirements for prohibited signs, signs in the commercial district and signs permitted in other districts. He explained that the current format of the Town’s regulation contains inconsistencies in the way it regulates permanent and temporary signs. Under the Supreme Court decision for *Reed et al. v. Town of Gilbert, 576 U.S. 155(2015)*, local jurisdictions may regulate signage but it must be content neutral, meaning a locality cannot restrict political, ideological, or religious signs differently or with more restriction than commercial signs.

Staff had some recommended objectives for adjustment of the Town’s sign regulations:

- Make the Town’s regulations as content neutral as possible.
- Include a “purpose and intent” at the beginning of the section with a statement of upholding a citizens first amendment rights, and that signs will be content neutral.

- Include a replacement clause for commercial signs.
- Do a general update of signage regulations. There is no language that allows temporary signage on commercial properties.

**Commission Discussion:**

Chair Visser asked if there is a distinction between signs allowed within the commercial district and signs in other district designations. Henderson stated there is an area that refers to signs permitted in the commercial district but no mention of how signs are allowed in residential or conservation districts. He recommended separate sections be created for each district on the island, not just commercial properties.

Henderson recommended creating separate sections of the Zoning Ordinance for each zoning district but to also a separate section that addresses temporary signs. Temporary sign should be separated into commercial and noncommercial sign types to be consistent with *Reed et al. v. Town of Gilbert, 576 U.S. 155*. Henderson cited the example that political signs on residential properties currently contain a time limiting provision which is more restrictive than real estate signs, which may be construed as a content-based regulation.

One way to ensure commercial messages are not afforded more flexibility under the ordinance than noncommercial signs is to limit all temporary real-estate signs in the residential zone to 6 square feet, one per property, non-illuminated, located completely on the property and with a maximum height of 3 feet. Noncommercial messages would be limited to 6 square feet, no limit on number, non-illuminated, located completely on the property and with a maximum height of 3 feet.

Henderson suggested the Commission proceed to drafting language for future consideration, and following approval, send a draft to the LUNR Committee for consideration prior to Town Council review. Council would then send it back to the Planning Commission for a public hearing if they concur with the Commission's recommendations.

There was some discussion of the wording for the noncommercial signage, particularly no limitations in number per lot for political signs. Henderson stated that case law recommended no limitations on the number of political signs because there are often multiple candidates within multiple elections at different levels of government. Also, creating separate categories of signs has been defined as content-based regulations and deemed as unconstitutional by the *Reed* case. Commercial signs can be limited in a slightly more restrictive manner than noncommercial signs. These steps would be needed to make the Town's ordinance legally defensible and enable better enforcement. Henderson explained he would work with the Town's Planning and Zoning attorney when crafting draft ordinance language.

Staff recommends the best path forward to avoid any challenges, would be to only enforce the size and location limitations and right of way encroachment of signs until these amendments can

be made. The commission concurred with the recommendation and directed staff to draft conceptual sign ordinance language for further review during a subsequent meeting.

Next meeting scheduled for Wednesday, September 9, 2020 at 6 p.m.

**E. ADJOURN**

A motion was made by Mr. Cole, seconded by Mr. Hubbard, to adjourn at 4:59 p.m. This motion passed unanimously.

  
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Gary Visser, Chair

  
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Date

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Sydney Cook, Vice Chair

\_\_\_\_\_  
Date

Respectfully submitted,

Pamela Otto