

Code Adopted 4/26/94

ISLE OF PALMS CITY CODE  
TITLE 5

Planning and Development

- Chapter 1 Building Regulations and Code Enforcement
- Chapter 2 Repealed 4/27/99
- Chapter 3 Repealed 4/27/99
- Chapter 4 Zoning
- Chapter 5 Land Development Regulation

CHAPTER 1

Building Regulations and Code Enforcement

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ARTICLE A

General Provisions

Sec. 5-1-1 Building official.

The building official shall be charged with the responsibility for the enforcement of the provisions of this chapter and shall perform other duties as may from time to time be requested by council or the city administrator.

Sec. 5-1-2 Administration of technical codes.

In the administration of any technical code adopted in this chapter the following shall apply:

(1) The code board of adjustments and appeals shall exercise the powers and perform the duties of such boards as set out in all the technical codes adopted in this chapter.

(2) The building official is designated to administer and enforce the provisions of all technical codes unless otherwise provided by ordinance. (Code 1985, Sec. 5-1-2, as amended by Ord. No. 1988-3, 3/9/88)

Sec. 5-1-3 Code board of adjustments and appeals.

The code board of adjustments and appeals shall be established for the express purpose of providing for the final interpretation of provisions of the technical construction and related codes adopted by the city.

(1) Membership. The Board shall consist of seven persons who are residents of the City, none of whom are employees of the City. All appointments to the Board shall be made by City Council. Whenever possible, the Board shall be composed of one licensed engineer, one licensed architect, and five members at large from the building industry.

(2) Term of Office; Vacancies. Commencing in January, 2000, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, two members for a term of three years, and two members for a term of four years, and thereafter expired terms shall be appointed for terms of four years. A vacancy shall be filled for the unexpired term of the member. Continued absence of any member from board meetings shall, at the discretion of City Council, render such member subject to immediate removal from office. All terms shall begin on the date of the special City Council meeting held in January and members shall serve until their successors are elected and qualified.

(3) Quorum; Voting. A majority of the board shall constitute a quorum at any meeting. In varying any provision of this Chapter, the affirmative vote of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Building Official, not less than four affirmative votes shall be required. A board member shall not act in a case in which the member has a personal or financial interest.

(4) Applications to the code board of adjustments and appeals. An application for a variance from any of the city's construction and related codes, as set forth in sections 5-1-1 et seq. of the city's code of ordinances, shall be made to the building official, shall state the grounds upon which relief is sought, and shall be considered as a request for a hearing before the board. The board shall send the applicant written notice of the time and place of the hearing at least 10 days prior to the hearing.

(5) Records. The Building Official shall serve as secretary of the board and shall make a detailed record of all board proceedings. The record shall set forth the reasons for the Board's decision, the vote of each member, the absence of a member, and the failure of a member to vote.

(6) Procedures. The board shall establish rules and regulations for its own procedures, not inconsistent with the provisions set forth in titles 1 and 5 of the city code. A chairperson shall be elected at the first meeting of each year. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within 30 days after notice of an appeal has been received.

(7) Appeals from decisions of the code board of adjustments and appeals. Appeals from the code board of adjustments and appeals are to the appropriate circuit court. (Ord. No. 1988-3, 3/9/88)

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Amendment Note: Ord. No. 1988-3 rewrote Subsec. (1) of the above section in its entirety, removing jurisdiction from the mayor and city council and placing it in the code board of adjustments and appeals. Ord. No. 2000-1, adopted 2/22/00, revised subparagraphs (1), (2), (3), and (5).

Secs. 5-1-4 through 5-1-10 reserved.

## ARTICLE B

### Building

Sec. 5-1-11 Building code adopted.

The International Building Code, 2000 edition, and appendix D thereof, as published by the International Code Council, Inc., are hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended. (Ord. No. 1995-5, 3/28/95, revised Ord. No. 1998-15, 7/28/98, revised Ord. No. 2001-10, 6/26/01)

Sec. 5-1-12 Fire districts established.

(a) There is hereby created a fire district for the city. The same shall be known as the first fire district and shall embrace all of the territory and be co-extensive with all of the area included within the city.

(b) After the ratification date of this section, only those types of construction permitted in Appendix D of the International Building Code, 2000 edition, as amended, shall be authorized within the fire district. (Code 1970, Sec. 7-3, as amended by Ord. No. 1988-14, 7/13/88, as amended by Ord. No. 1995-2, revised by Ord. No. 2002-10, 6/26/01.)

Amendment Note: Ord. No. 1988-14 created a second fire district.

Sec. 5-1-13 One- and two-family dwelling code adopted.

The 2000 edition of the International Residential Code for One- and Two-Family Dwellings, as published by the International Code Council, Inc., as amended by South Carolina Building Codes Council IRC Amendment Numbers 2000-01, 2000-02, 2000-03, 2000-04, 2000-05, 2000-06, 2000-07, 2000-08, 2000-09, 2000-10, 2000-11, 2000-12, 2000-13, 2000-14, 2000-15, 2000-16, 2000-17, and 2000-18, is hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended. (Ord. No. 1995-2, 3/28/94, Ord. 1997-5, 6/24/97, Ord. No. 1998-15, 7/28/98, amended by Ord. No. 2001-10, 6/26/01, amended by Ord. No. 2002-5, 6/25/02.)

Secs. 5-1-14 through 5-1-20 reserved.

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ARTICLE C

Plumbing

Sec. 5-1-21 Plumbing code adopted.

The International Plumbing Code, 2001 edition, as published by the International Code Council, Inc., is hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended. (Ord. No. 1995-2, 3/28/95, revised Ord. No. 1998-15, 7/28/98, revised by Ord. No. 2001-10, 6/26/01.)

Sec. 5-1-22 Contractors.

Plumbing contractors shall be currently licensed by either the County of Charleston or the State of South Carolina as a plumbing contractor before obtaining a city business license or permit. (Ord. No. 2001-10, 6/26/01.)

Secs. 5-1-23 through 5-1-30 reserved.

ARTICLE D

Electrical

Sec. 5-1-31 Electrical code adopted.

The International Electric Code, 2002 edition, is hereby adopted by reference and incorporated herein pursuant to South Carolina Code Section 6-9-60, 1976, as amended. In the event of any conflict between the provisions of the International Electrical Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations, as applicable, shall prevail and be controlling. (Ord. No. 1995-2, 3/28/95, Ord. No. 1997-5, 6/24/97, revised by Ord. No. 2001-10, 6/26/01, Ord. No. 2003-9, 6/24/03.)

Sec. 5-1-32 Applicability of provisions to homeowners.

Nothing contained within this article shall prevent any homeowner from installing or maintaining electrical wiring within his own property boundaries; provided the electrical work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any other provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected nor from paying the required fees therefor.

Sec. 5-1-33 Permits.

Before any electrical wiring, devices or equipment are installed, repaired or altered in any building or structure within the city, the person making the installation, repair or alteration shall obtain a permit therefor from the building official.

Sec. 5-1-34 Permit fees.

Before any permit for electrical work shall be issued under the provisions of this article, the applicant therefor shall pay the permit fees as shall be determined by the city council from time to time.

Sec. 5-1-35 Inspections.

(a) It shall be unlawful for any person controlling any electrical wiring in or of houses or buildings within the city for which electrical inspections are required as set out below to allow any electrical current to be turned on or consumed in any building without having first had an inspection thereof made by the Isle of Palms building department and a certificate of approval therefore being issued.

(b) Electrical inspections by the Isle of Palms building department shall be required for:

(1) all premises at which new electric service is to be established for the first time, excluding temporary service for construction;

(2) all premises at which existing electric facilities have been replaced by new or modified facilities;

(3) all premises at which the service point or meter for electric service has been moved to a new location of such premises;

(4) all premises at which electric service has been discontinued for one (1) year or more; and

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(5) all premises at which existing service has been discontinued by the electric utility because of unsafe facilities at the premises.

(c) The issuance of an inspection certificate by the Isle of Palms building department shall not limit the ability of the electric utility to refuse electric service pursuant to other regulatory or statutory authority. (Code 1985, Sec. 5-1-35, as amended by Ord. No. 1987-1, 4/8/87)

Amendment Note: Ord. No. 1987-1 added Subsecs. (b) and (c) to the above section.

Sec. 5-1-36 Contractors.

Electrical contractors shall be currently licensed by either the County of Charleston or the State of South Carolina as a electrical contractor before obtaining a city business license or permit. (Ord. No. 2001-10, 6/26/01.)

Secs. 5-1-37 through 5-1-40 reserved.

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ARTICLE E

Gas

Sec. 5-1-41 Gas code adopted.

The International Gas Code, 2001 edition, as published by the International Code Council, Inc., is hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended. (Ord. No. 1995-2, 3/28/95, revised Ord. No. 1998-15, 7/28/98, revised by Ord. No. 2001-10, 6/25/01.)

Sec. 5-1-42 Contractors.

Gas contractors shall be currently licensed by either the County of Charleston or the State of South Carolina as a plumbing contractor before obtaining a city business license or permit. (Ord. No. 2001-10, 6/26/01.)

Secs. 5-1-43 through 5-1-50 reserved.

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ARTICLE F

Mechanical Code

Sec. 5-1-51 Adoption of mechanical code.

The International Mechanical Code, 2000 edition, as published by the International Code Council, Inc., is hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended. (Ord. No. 1995-2, 3/28/95, revised Ord. No. 1998-15, 7/28/98, revised by Ord. No. 2001-10.)

Sec. 5-1-52 Contractors.

Mechanical contractors shall be currently licensed by either the County of Charleston or the State of South Carolina as a plumbing contractor before obtaining a city business license or permit. (Ord. No. 2001-10, 6/26/01.)

Sec. 5-1-53 through 5-1-60 reserved.

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ARTICLE G

Energy Conservation

Sec. 5-1-61 Adoption of energy code.

The International Energy Conservation Code, 2000 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted by reference pursuant to South Carolina Code Section 6-9-60, 1976, as amended.

Secs. 5-1-62 through 5-1-70 reserved.

Note: Article G, Housing, was repealed and replaced by Article G, Energy Conservation, by Ordinance 2001-10, adopted 6/26/01.

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ARTICLE H

Property Maintenance

Sec. 5-1-71 Property maintenance code adopted.

The International Property Maintenance Code, 2001 edition, as published by the International Code Council, Inc., is hereby adopted by reference pursuant to S.C. Code Section 6-9-60, 1976, as amended.

Secs. 5-1-72 through 5-1-80 reserved.

Note: Article H, Swimming Pools, was repealed and replaced by Article H, Property Maintenance, by Ordinance 2001-10, adopted 6/26/01.

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ARTICLE I

Unsafe Building

Sec. 5-1-81 Code adopted.

The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Code Congress International, Inc., is hereby adopted by reference pursuant to S.C. Code Ann. §6-9-60 (1976). In the event of any conflict between the provisions of the Standard Code and the provisions of this City Code, state law, ordinances, rules or regulations, the provisions of this City Code, state law, ordinances, rules or regulations shall prevail and be controlling. (Ord. No. 1994-4, 4/26/94)

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## CHAPTER 2

### Flood Damage Prevention

Historical Note: This section was repealed in its entirety by Ord. 1999-1, 4/27/99, pursuant to the State of South Carolina Local Government Comprehensive Planning Enabling Act of 1994, and flood damage prevention sections were moved to Title 5, Chapter 4, Article 8.

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## CHAPTER 3

### Beach Regulations

Historical Note: This section was repealed in its entirety by Ord. 1999-1, 4/27/99, pursuant to the State of South Carolina Local Government Comprehensive Planning Enabling Act of 1994, and flood damage prevention sections were moved to Title 5, Chapter 4, Article 8.

CHAPTER 4

Zoning

Historical Note: The provisions of this chapter, unless otherwise indicated, are derived from Ord. No. 1999-1, adopted 4/27/99, pursuant to the State of South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

CHAPTER 4

ZONING

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## ARTICLE 1

### General Provisions

#### Sec. 5-4-1 Effect of this chapter.

(a) The provisions of this chapter are adopted and are to be construed pursuant to Title 6, Chapter 29, §6-29-310, et seq., Code of Laws of South Carolina (1976), as amended. Whenever there is a conflict herein with the provisions of any other city ordinance, regulation or resolution, the more restrictive provision shall apply.

(b) This chapter shall not interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, that where this chapter imposes greater restrictions or limitations upon the property than are imposed or required by such easements, covenants, or agreements, the provisions of this chapter shall control.

#### Sec. 5-4-2 Definitions.

For purposes of this chapter, the following words and terms are defined as follows:

(1) Accessory building or use. A use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.

(2) Adjoining Property. Any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, water courses, drainage easements or other rights-of-way from other real property.

(3) Adult uses. Sexually oriented businesses which are characterized by the exposure, depiction, or description of "specified anatomical areas", or "specified sexual activities", as defined herein, by any method, manner, or device, including but not limited to the following:

(a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;

(b) Distribution of any one or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities", as defined herein; or

(c) Escort services, massages, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

(d) "Specified anatomical areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

(e) "Specified sexual activities" means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated,

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including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

(4) Antenna. A device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

(5) Building line (or "setback"). A line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

(6) Charter boat. Watercraft for hire where captain or crew is provided. (Ord. 1999-14, adopted 6/22/99)

(7) Communication tower. A structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

(8) Conditional Use. A use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

(9) Diameter breast height (DBH). The diameter of a Tree trunk or trunks, measured in inches, at four and one-half (4½') feet above the existing grade of the property. If Tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the Tree measured in inches, at four and one-half (4½') feet above the existing grade of the property. (Ord. 2002-13, 10/22/020)

(10) Drinking place. A business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(11) Dwelling. A building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

a. Dwelling, single-family. A detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one kitchen.

b. Dwelling, two-family. A detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.

c. Dwelling, group. A building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes rooming houses, fraternity houses and sorority houses, but excludes a hotel, motel or tourist home.

d. Dwelling, multi-family (also apartment house or residential condominium). A dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(12) Eating place, fast food. A business primarily engaged in the sale of ready-to-consume food or beverages for on or off premises consumption. An eating place or restaurant shall be deemed a fast food eating place if: (1) it has a seating capacity of less than twenty (20) persons for service of meals; (2) most food items are already prepared or packaged before the customer places an order; and (3) food and beverages are served primarily with disposable containers and tableware. This definition excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off premises preparation and consumption.

(13) Eating place, restaurant. A business primarily engaged in the preparation and sale of food to customers for on premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a Drinking Place. Any carry-out service must be clearly subordinate to the principal business of serving prepared foods for on-premise consumption.

(14) Family Unit. One person; or two (2) or more persons related by blood or marriage living together; or a group of not more than four (4) persons, not related by blood or marriage but living together.

(15) Fence. Any man-made barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(16) Floor Area Ration (FAR). A percentage calculated by dividing the total livable floor area of a structure on a Lot by the total area of contiguous high land of such Lot.

(17) Front yard. An open area between the front of the building and the front lot line..

(18) Frontage. All of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(19) Height of a structure. The vertical distance from either a) the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or b) the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this Chapter, the zoning district height limitations contained in this Chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.

(20) Historic Tree. Any live oak Tree (*Quercus virginiana*) having a diameter at breast height (DBH) of 16 inches or greater or any Tree of any other species having a diameter at breast height (DBH) of 24 inches or greater. (Ord. 2002-13, 1-/22/02)

(21) Home occupation. A use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(22) Hotel (also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court). A building or buildings, or portions thereof, which contain multiple units intended to provide sleeping accommodations for transient guests. The following criteria shall be used to distinguish between a Hotel and a multi-family dwelling:

a. If any units have individual kitchen facilities, the building is deemed to be a multi-family dwelling. (Amended by Ord. No. 2002-6, 06/25/02)

b. Temporary habitation by transient guests normally involves durations of less than 90 days. If a majority of the facility's occupants reside for more than 90 consecutive days, the facility is deemed to be a multi-family dwelling.

(23) Impervious Material. Any material through which water cannot penetrate. Such material includes but is not limited to principal or accessory structures, porches and decks - either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

(24) Junk yards or salvage yards. The use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(25) Lot. A parcel of land described by metes and bounds at the Charleston County R.M.C. Office, and having a Charleston County Tax Map System (T.M.S.) number assigned to it.

(26) Lot Coverage. The percentage of contiguous high land on a Lot that can be covered with Impervious Material.

(27) Lot, double frontage. A lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(28) Mobile home. A manufactured home as defined by South Carolina state law.

(29) Natural grade. The elevation of the undisturbed natural surface of the property.

(30) Non-conforming lot, structure, or use. A lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(31) O.C.R.M. The State of South Carolina Office of Ocean and Coastal Resource Management, or its successor.

(32) Rear yard. An open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(33) Removal of a tree. Any intentional or negligent act which:

a. cuts down or otherwise destroys or removes a tree; or

b. causes a tree to decline and die, including but not limited to:

1. damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk;

2. damage from injury or fire which results in pest infestation;

3. damage resulting from the attachment or use of ropes, wires or other similar devices;  
or

4. damage resulting from improper pruning or trimming.

c. subdivides property in such a manner that a tree is at or near the center of a lot or in a location on the lot that requires the removal of the tree for construction of a dwelling unit or other structure.

(34) Side yard. An open area between the building and the side lot line. Any lot line which is not a rear lot line or a front lot line shall be deemed to be a side lot line.

(35) Street line. A line separating the street or other right-of-way from a lot.

(36) Structure. Anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. "Structure" shall be construed to include any part thereof.

(37) Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to: (i) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation; (ii) serve as a carrier of new or used goods, products or equipment; or (iii) be used as a selling, advertising or display device.

(38) Travel trailer. A portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(39) Tree. Any woody plant which has a diameter breast height (DBH) of at least eight (8") inches, excluding pine trees. (Ord. 2002-13, 10/22/02; Ord. 2002-19, 02/28/03)

Sec. 5-4-3 Districts designated; zone map; compliance with chapter.

For the purposes of regulating and restricting the location of trades, industries, apartment houses and other uses of property, the number of square feet of lot per family housed, the location and size of yards and height of buildings in the developed portion of the city, the city is hereby divided into zones or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and incorporated as a part of this chapter. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 5-4-3 of the Zoning Ordinance of the City of Isle of Palms, S.C. adopted on (date of adoption)." If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by city council, with an entry on the official zoning map as follows: "On (date), by official action of the city council, the following changes were made (change was made) in the official zoning map; (brief description of change)" which entry shall be signed by the mayor and shall be attested by the city clerk. No such change shall become effective until such entry shall have been made on the official zoning map, and signed and attested. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be in the custody of the city administrator and shall be the final authority as to the current zoning status of lands, buildings, and other structures in the city. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the city council may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting and other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original official zoning map as amended. The new official zoning map shall be marked "This is the official zoning map, adopted (date), of the City of Isle of Palms, S.C." which statement shall be signed by the mayor, attested by the city clerk, and bear the seal of the city. Unless the prior official zoning map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction shall be preserved, together with all records of the city regarding its adoption and amendment. No structure or premises shall be erected or used except in conformity with the regulations prescribed in this chapter for use, height and area districts in which such structure or premises is located.

Sec. 5-4-4 Interpretation of district boundaries.

When exact distances are not shown on the official zoning map, a district boundary on the map shall be interpreted to run along the center line of an existing street or alley abutting the district and if the exact location of

such boundary is still uncertain, it shall be determined by the zoning administrator, with due consideration given to the location as indicated by the scale of the map. Where the streets or alleys on the ground differ from the streets or alleys as shown on the map, the zoning administrator may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this chapter.

Sec. 5-4-5 Appeals, variances and special exceptions.

(a) Appeals. Pursuant to S.C. Code Section 6-29-780, The City Board of Zoning Appeals is hereby established. Provisions relating to organization, composition and functions of the board are set forth in Section 1-9-21, et. seq. of this Code. Appeals to the Board of Zoning Appeals may be taken from any order or decision of the Zoning Administrator by any person aggrieved or by any officer, department, or board of the City. Unless otherwise provided by rules of the board, an appeal must be made by written application setting forth the grounds of appeal and filed with the Zoning Administrator within thirty (30) days from the date of the order or decision appealed from. The Zoning Administrator shall promptly forward to the board all documents constituting the record upon which the action appealed from was taken. The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen (15) days' public notice thereof in a newspaper of general circulation in the community and also due notice to the parties in interest, and decide the same within a reasonable period of time. At the hearing, any party may appear in person or by agent or attorney. The board shall adopt rules of procedure for the conduct of hearings. All final decisions and orders of the board shall be in writing and permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties in interest by certified mail.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings may not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(b) Variances. Pursuant to Section 6-29-800, Code of Laws of South Carolina (1976), as amended, upon written application filed with the Zoning Administrator, the Board may authorize in specific cases a variance from the terms of the ordinances contained in this chapter when strict application of the provisions of the ordinance would result in unnecessary hardship. Filing fees set by resolution of City Council from time to time must be paid by the applicant at the time of filing of an application for a variance. Such application shall contain information addressing each of the statutory requirements for variances stated in S.C. Code Section 6-29-800, as amended, all of which must be met. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings;

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) Such conditions do not generally apply to other property in the vicinity;
- (3) Because with these conditions, the application of the ordinance or resolution of the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- (4) The authorization of a variance will not be of substantial detriment to an adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance

The board may not grant a variance which has the effect of allowing the establishment of a use not otherwise permitted in a zoning district, to physically extend a nonconforming use, or to change the zoning district

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boundaries shown on the official zoning map. The fact that property may be utilized more profitably if a variance were granted shall not be considered as a ground for a variance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

(c) Special Exceptions. Upon written application filed with the Zoning Administrator, the board may grant as a special exception any use specified as a special exception in the zoning district regulations. In addition to the conditions generally required by the applicable zoning district regulations, the board shall apply the following standards in deciding special exception applications:

(1) Adequate provision shall be made for setbacks, fences, buffer or planting strips to protect adjacent properties from adverse impact of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.

(2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered.

(3) Off-street parking and loading areas and the entrances and exits for the use must be adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties.

(4) The proposed use must not adversely affect the property values, the general character or the general welfare of the surrounding vicinity.

In granting a special exception, the board may attach to it such conditions regarding the location, size, character, or other features of the proposed use as the board may consider advisable in order to promote public health, safety, or general welfare. No special exception use may be altered or enlarged without the prior approval of the board.

Sec. 5-4-6 Zoning administrator.

The provisions of this Chapter shall be administered and enforced by the City Zoning Administrator. The Zoning Administrator shall be appointed by, and serve at the pleasure of, City Council. The Zoning Administrator shall have the right to enter upon any premises necessary to fully administer the duties of such office. The Zoning Administrator may issue emergency orders in critical areas pursuant to S.C. Code Section 48-39-130, as amended.

Sec. 5-4-7 Violations and penalties.

(a) It is unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter are complied with. It is unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the zoning administrator. If a building, structure or land is or is proposed to be used in violation of any provision of this chapter, the zoning administrator or other appropriate administrative officer, city attorney, or other appropriate authority of the city, or an adjacent or neighboring property owner who would be specially damaged by the violation, may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

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(b) The zoning administrator and the building official shall withhold building or zoning permits, or both, and shall issue stop orders against any work undertaken by any person not having a proper building or zoning permit, or both.

(c) In case a structure or land is or is proposed to be used in violation of this chapter, the zoning administrator may, in addition to other remedies, issue and serve upon a person pursuing such activity or activities a stop order requiring that such person immediately cease all activities in violation of this chapter.

(d) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall for each violation upon conviction thereof be punished as provided in Section 1-3-66 of this code. Each day that a violation continues shall constitute a separate offense.

Sec. 5-4-8 Reserved.

Sec. 5-4-9 Severability.

If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this chapter.

Sec. 5-4-10 Effective date of chapter.

This chapter shall, except as otherwise provided, be in force and take effect upon its adoption by City Council.

Sec. 5-4-11 Authority and procedure for amending chapter.

(a) City council may, from time to time, on its own motion or on petition, after public notice and hearing, amend any provision of this chapter. Whenever fifty (50%) percent or more of the landowners in any zoning district shall present a petition to City Council duly signed and acknowledged, requesting an amendment of the regulations prescribed for such district, city council shall vote upon such amendment within 90 days of the filing of the same by the petitioners with the city clerk. Petitioners shall pay such filing fee as is established from time to time by resolution of City Council. Zoning amendments may also be initiated by the Planning Commission.

(b) Notice of a public hearing on proposed changes to any provisions of the Chapter shall be given by publication of a display advertisement in the Charleston Post & Courier newspaper, or its successor, not less than 15 days prior to the date of the hearing. The notice shall summarize the proposed change and state the date, time and place of the public hearing. In addition, similar notice of such hearing shall be given by publication of a display advertisement in the Moultrie News or other community weekly newspaper not less than 15 days prior to the date of the hearing. Other notice as required by law shall also be given. When a proposed zoning amendment affects the district classification of property, such notice shall include a general description of the property or properties to be rezoned. In cases involving rezoning, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The notice shall state that a petition to rezone has been received and the date, time and place of the public hearing to consider the request. The public hearing shall be conducted by City Council.

(c) Prior to adoption, all proposed zoning amendments shall be referred to the Planning Commission for review and recommendation. The Planning Commission shall make its written report and recommendation thereon to City Council within thirty (30) days from the date of referral. Failure of the Planning Commission to so report shall be deemed to be its recommendation of approval of the amendment, unless such time period is extended by City Council..

Sec. 5-4-12 Additional regulations.

The following additional regulations shall apply to all zoning districts.

(a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless done in compliance with all applicable provisions of this chapter. Any use of land or buildings which is not allowed as a permitted use, conditional use, or special exception in the applicable zoning district is strictly prohibited.

(b) The height of a building or structure shall not exceed 40 feet, unless otherwise provided in this chapter.

(c) No lot shall be reduced to a size which does not meet the minimum lot area, lot width, yard areas, or other requirements of the applicable zoning district.

(d) Except as provided in sections 5-4-45 and 5-4-46, no buildings shall be erected, altered or moved to create smaller front yards, side yards, rear yards or other open spaces than are required by the applicable zoning district.

(e) All new construction or substantial improvements, as those terms are defined in Section 5-4-155 of this Chapter, shall: be connected to a public sewer system, where a gravity operated sewer line is accessible from a right-of-way or easement abutting the lot; or where a gravity operated sewer line is not accessible from a right-of-way or easement abutting the lot, have the onsite wastewater treatment system constructed or brought into compliance with current South Carolina Department of Health and Environment Control (S.C.D.H.E.C.) standards. Provided, however, that this subsection shall not apply where a building is located on a lot which does not have a gravity operated sewer line accessible from a right-of-way or easement abutting the lot and which lot cannot meet current South Carolina Department of Health and Environment Control onsite wastewater treatment system standards, so long as the building on such lot is not increased in size and the improvements do not increase the number of bedrooms or bathrooms. (Revised by Ord 2003-8, adopted 6/24/03)

(f) Sills, beltcourse, window air conditioning units, chimneys and cornices may project into a required yard by not more than two (2) feet. Steps may project into a required front yard or rear yard by not more than five (5) feet.

(g) The zoning district front yard setback requirements for dwellings shall not apply to any lot where the average setback of existing buildings located within 100 feet of each side of the dwelling within the same block and fronting on the same street is less than the required front yard setback. In such case the average setback on such lot shall not be less than the average setback of the existing buildings.

(h) Where a lot abuts on two (2) streets (either a corner lot or a double frontage lot), the lot's front yard setback requirements must be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot. (Ord. 2002-12, 10/22/02)

(i) Where a lot abuts on two (2) streets or rights-of-way (either a corner lot or a double frontage lot), no accessory building shall be located closer to a street than the lot's front yard setback requirement. (Ord. 2002-12, 10/22/02)

(j) No fence, wall, shrubbery, or other structure shall obstruct road traffic vision.

(k) Every building hereinafter erected or moved shall be on a lot abutting a public street, or having legal access to an approved private street. All structures shall be located to allow for safe and convenient access for servicing, fire protection, and off-street parking.

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(l) All lots shall be located on a street having a minimum right-of-way of 50 feet. The required 50 feet shall not include any critical area as defined in section 5-4-15 of this chapter.

(m) Except as allowed in Section 5-4-37(10), no access drive shall be permitted which would require a reduction in existing on-street public parking or loading areas. (Amended by Ord. 2001-5, 5/22/01)

(n) Except in residential and GC-2 zoning districts, access drives shall conform to the requirements set forth in the following table and Figure 5-4-12-A: (Amended by Ord. 2001-5, 5/22/01)

Street speed limit	Max. one-way/two-way drive width	Min. spacing Minimum between all access drives*		Min. spacing between all drives and intersections
#20 mph	12/24 ft.	15 ft.	30 ft.	50 ft.
25	15/30	15	40	50
30	15/30	20	50	50
35	18/36	20	50	50
40	20/40	25	50	50

\* The distance between abutting one-way access drives, with the inbound drive located upstream of the traffic flow from the outbound drive, can be one-half of the distance listed above.

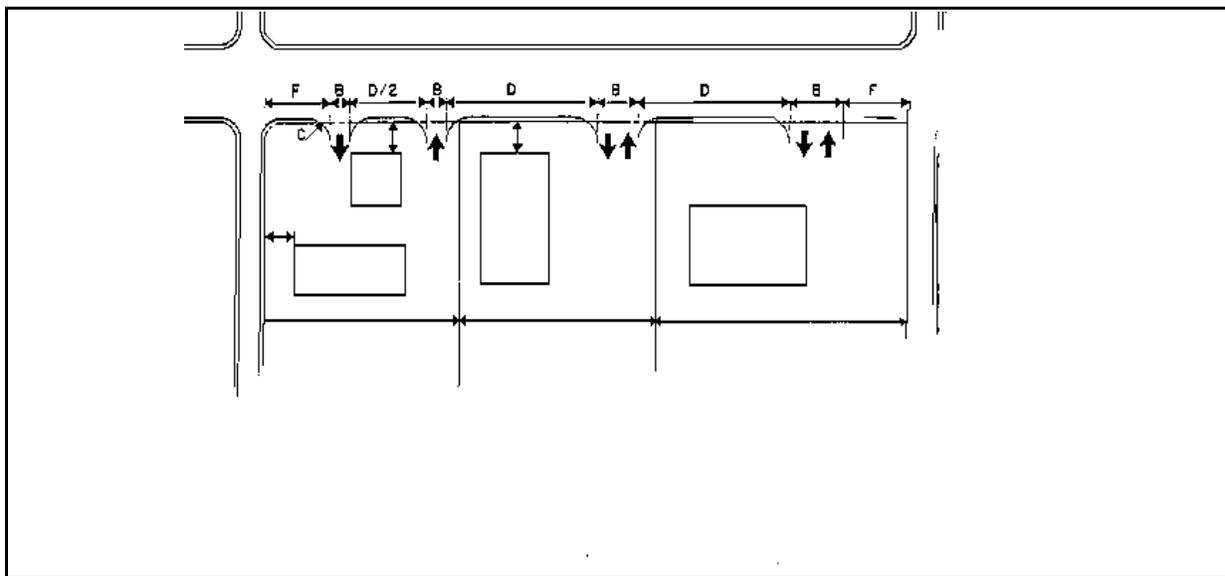


Figure 5-4-12-A

B = Access Drive Width

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C = Curb Radius  
D = Access Drive Separation  
E = 50 Foot Minimum Spacing From Right-of-Way

(o) Access drives in the GC-2 zoning district authorized pursuant to Section 5-4-37(10) must comply with the following requirements:

1. There shall be only one access drive per lot.
2. An access drive shall not exceed twenty-four (24') feet in width.
3. Prior to constructing an access drive from a state right-of-way, the owner of the property first must obtain an encroachment permit from the South Carolina Department of Transportation ("SCDOT"). All fees, costs and expenses for obtaining the permit and for construction of the access drive, arrangement for the sight distance requirement, and any other requirements of SCDOT shall be borne by the owner of the property.
4. Prior to constructing an access drive from a City or County right-of-way, the owner of the property first must obtain an encroachment permit from the City of Isle of Palms Building Department, per guidelines and requirements prepared by the Building Inspector and adopted by City Council. All fees, costs and expenses for obtaining the permit and for construction of the access drive, arrangement for the sight distance requirement, and any other requirements of the City shall be borne by the owner of the property. (Paragraph (o) added by Ord. 2001-5, 5/22/01)

Sec. 5-4-13 Maximum Lot Coverage; Floor Area Ration Requirements; Additional Setback Requirements.

The following regulations shall apply to the SR-1 and SR-2 zoning districts.

(a) Not more than forty (40%) percent of the area of a Lot shall be covered by impervious material, provided that this requirement shall not limit Lot Coverage to less than 3,200 square feet nor allow Lot Coverage to exceed 7,000 square feet.

(b) The Floor Area Ratio of a Lot shall not be greater than forty (40%) percent of the area of a Lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than 3,200 square feet nor allow such enclosed space to exceed 7,000 square feet.

(c) For Lots larger than 8,000 square feet, with a Lot width at the front building line of seventy (70) feet or greater, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to Section 5-4-2(18) shall be thirty (30) feet, with no side yard less than ten (10) feet.

(d) For Lots larger than 8,000 square feet, with a Lot width at the front building line of at least sixty (60) feet but less than seventy (70) feet, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to Section 5-4-2(18) shall be twenty-five (25) feet, with no one side yard less than ten (10) feet.

This section added by Ordinance 2002-17, adopted 11/26/02.

(e) Provided, however, that this section does not prohibit a structure on any City-owned lot which is used for municipal purposes from exceeding 7,000 square feet so long as the other requirements of this Section which are not inconsistent with this subsection are met. (Paragraph added by Ord. 2003-6, adopted 6/24/03)

Sec. 5-4-14 Accessory uses.

(A) Accessory uses, as defined by in Section 5-4-2, include but are not limited to the following:

(1) Residential:

- a. private garage;
- b. shed or tool room for the storage of equipment used on grounds or building maintenance. However, shipping containers, tractor trailer containers, and similar structures are prohibited;
- c. children's playhouse;
- d. private swimming pool, deck, bathhouse, cabana, private recreating area, and tennis courts;
- e. greenhouse;
- f. parking.

(2) Commercial:

- a. completely enclosed building for storage of supplies. However, shipping containers, tractor trailer containers, and similar structures are prohibited;
- b. Parking.

(3) Except for parking, permitted accessory uses or buildings shall not be located in the front or the side yard, and such uses or buildings shall not be located within six (6) feet of any side lot line, provided, however, that accessory buildings on corner lots may be located in the side yard in compliance with Section 5-4-12(i). Accessory buildings which are not separated from the principal building by at least three (3) feet must meet the minimum yard requirements of the zoning district in which the property is located. A single one or two car garage may be located in the front yard or side yard if the minimum yard requirements are met. (Ord. 2002-12, 10/22/02)

(B) The maximum height of an accessory structure shall not exceed 30 feet.

Sec. 5-4-15 Beach Regulations.

(A) No land or building situated in whole or in part in a critical area as defined in S.C. Code Section 48-39-10, as amended, shall be used, occupied, constructed, altered or moved without compliance with the State of South Carolina Beachfront Management Act (S.C. Code Sections 48-39-10, et seq., as amended). (Paragraph (7) added by Ord. 1997-10, adopted 8/26/97)

(B) No land, building or other man-made structure situated in whole or in part landward of the critical area as defined in S.C. Code Section 48-39-10, as amended, but within a 250 foot radius of the mean high water mark of the Atlantic Ocean, Breach Inlet, or Dewees Inlet, shall be used, occupied, constructed, erected, altered or moved except in compliance with the requirements set forth in this section and all other requirements set forth in the Chapter or any other City ordinance.

(1) Sea walls, revetments, bulkheads, groins, rip-rap or any other hard erosion control structures or devices are strictly prohibited. Hard erosion control structures or devices shall not include bags containing beach-compatible sand with a capacity of five (5) gallons or less per bag but shall include bags with a capacity greater than five (5) gallons per bag. Only beach-compatible sand may be used for any erosion control or beach renourishment activities.

(2) Walkways over sand dunes which meet all of the requirements of S.C. Code Section 48-39-130(D), as amended, and all regulations promulgated thereunder, shall be allowed.

(3) Other than walkways over dunes, no alteration of primary oceanfront sand dunes shall be allowed.

(C) No person shall obstruct any beach or beach access within the City. Violation of this section shall be a misdemeanor, and punished in accordance with the provisions of Section 1-3-66.

(1) For purposes of this section, "Beach access" is defined as any public route of ingress to and egress from the beach.

(2) For purposes of this section, "Obstruct or obstruction is defined as any act or occurrence that inhibits pedestrian use of the beach access, including but not limited to the placement of vegetation or fencing within the beach access, the erection of any barrier within the beach access, any change in topography in the beach access, or the placement of any material in, on, over, under or touching the beach access that impedes or adversely affects pedestrian use.

(3) The City shall have the right to remove all obstructions to the beach or beach accesses. In removing such obstructions, the City, its employees, contractors and agents, may enter onto private property in order to remove the obstruction.

(4) All costs of removal, including costs of personnel and equipment and any reimbursement for damage, shall be borne by the person(s) placing or creating the obstruction.

(5) The following activities are deemed to be obstructions to beach access, and are punishable in accordance with Section 1-3-66 of the City Code:

(a) It shall be unlawful to drive a vehicle on any public beach or beach access, as defined in this Section, except as follows:

(1) Use of the beach or beach accesses approved by City Council

(2) Emergency use of the beach and beach accesses by emergency vehicles

(b) It shall be unlawful to park a vehicle in the public right-of-way in such a manner as to block or obstruct use of a beach or beach access.

Sec. 5-4-16 Temporary uses.

(a) The Zoning Administrator may issue temporary permits for the following uses:

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(1) religious meetings in a temporary structure in GC zoning districts for a period not to exceed seven (7) consecutive days;

(2) open lot sale of Christmas trees in the GC and LC zoning districts for a period not to exceed 45 consecutive days;

(3) contractor's office and trailer office for use during construction in any district, except in fully or substantially fully developed residential districts, for a period of 12 consecutive months, provided that such office is placed on the property under construction.

(4) all temporary uses may be renewed at the discretion of the zoning administrator.

Sec. 5-4-17 Sea Turtle Protection Outdoor Lighting Regulations

(a) Definitions. For the purpose of this section, the following terms shall have the meaning set forth in this section:

(1) Artificial light. Any source of light emanating from a man-made device, including but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.

(2) Floodlight. Reflector type light fixture which is attached directly to a building and which is unshielded.

(3) Low profile luminary. Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

(4) Development. Any existing structure for which a building permit has been duly issued and any new construction or remodeling of existing structures when such remodeling includes alteration of exterior lighting.

(5) Person. Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit, or federal, state county or municipal government.

(6) Pole lighting. Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.

(b) Development. No artificial light shall illuminate any area of the beach other than in compliance with this section. Building and electrical plans for construction of single-family or multi-family dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting for real property if lighting associated with such construction or development can be seen from the beach, shall be in compliance with the following:

(1) Floodlights shall be prohibited. Wall mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.

(2) Pole lighting shall be shielded in such a way that the point sources of light will not be visible from the beach. Outdoor lighting shall be held to the minimum necessary for security and convenience.

(3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach.

(4) Dune crosswalks shall utilize low profile shielded luminaries which shall be turned off from sunset to sunrise during the period of May 1 to October 31 of each year.

(5) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.

(c) Use of lighting. It is the policy of the City of Isle of Palms for both new and existing development to minimize artificial light illuminating any area of the beach. To adhere to this policy, lighting of structures which can be seen from the beach shall be in compliance with the following:

(1) Lights illuminating buildings or associate grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off from sunset to sunrise during the period of May 1 to October 31 of each year.

(2) Lights illuminating dune crosswalks of any area oceanward of the primary dune line shall be turned off from sunset to sunrise during the period of May 1 to October 31 of each year.

(3) Security lights shall be permitted throughout the night so long as low profile luminaries are used and screened in such a way that those lights do not illuminate the beach.

(d) Publicly owned lighting. Street lights and lighting at parks and other publicly owned beach areas shall be subject to the following:

(1) Street lights shall be located so that most of their illumination will be directed away from the beach. These lights shall be equipped with low pressure sodium bulbs and shades or shields that will prevent backlighting and render them not visible from the beach.

(2) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period of May 1 to October 31 of each year.

(e) Enforcement and penalty. Violation of any provision is hereby declared to be a misdemeanor, punishable and enforceable pursuant to the provisions of section 1-3-66 of the City Code.

Sec. 5-4-18 Required marsh setbacks.

(1) The minimum setback for a structure on a lot abutting the marsh shall be ten (10) feet from the OCRM critical line or lot line, whichever is greater.

(2) In addition, no impervious driveway, parking pad or other paved surface associated with vehicular use shall be located closer than twenty (20) feet to the critical line..

(3) The minimum marsh setback requirements established in this section shall apply to all marsh front lots within the city. If the zoning district in which the property is located imposes a greater setback requirement, the greater setback requirement shall apply.

(4) For purposes of this section, the location of the critical line shall be identified by a South Carolina registered land surveyor and drawn on a site plan of the lot and approved by OCRM. If the OCRM approval is dated more than eighteen (18) months prior to the date of submission of a building permit application, or if the zoning administrator has reason to believe that the location of the critical area has materially changed since OCRM approval was issued, the location of the critical line must be re-established. The location of the critical line shall be marked

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on the property in accordance with current OCRM requirements; such markers shall remain in place during the entire time of construction.

Sec. 5-4-19 Fence Regulations.

(a) Construction regulations for fences in special flood zones. Construction or replacement of a fence in a special flood zone requires a permit from the Isle of Palms Building Official, upon the following conditions:

(1) Within the V-zone. Within a flood V- zone as determined by the latest FEMA maps, fences shall not be constructed which impede the free flow of water. Furthermore, no part of a fence shall be constructed with masonry material or heavy lumber. For the purposes of this Section heavy lumber is defined as any piece of wood with a nominal cross section dimension greater than four inches by four inches (4" X 4").

(2) Within the A-zone. Within the flood A-zone as determined by the latest FEMA maps, fences shall not be constructed which impede the free flow of water.

Fences constructed with masonry and/or heavy lumber must incorporate hydrostatic openings below the flood elevation to allow for the unimpeded flow of flood waters. Flood elevations shall be determined using current FEMA regulations. Hydrostatic openings shall be a minimum of one square foot in area each with the bottom edge of the opening no more than one foot above grade, and shall not be spaced more than 20 feet apart. Total required area of hydrostatic openings shall equal one square foot for every 50 square feet of fence area (fence area shall be determined by measuring one side of the fence).

(3) Height Limits. No fence in a special flood zone which is also located in a residential zoning district shall have a height greater than six (6) feet except for a fence which faces a non-residential zoning district.

(4) Outside V or A flood zones. None of the aforementioned construction regulations of this Section shall apply to fences outside of special flood zones as determined using the latest FEMA regulations.

(b) Exceptions.

(1) Nonconforming fences. Any fence lawfully erected as of the adoption of this ordinance shall be considered a legal, non-conforming structure. Upon any non-conforming fence being physically damaged or destroyed by 50 percent or more, replacement or repair shall fully comply with all of the terms and conditions of subsection (b) of this section.

Sec. 5-4-20 Communication tower and antennae regulations.

Construction or alteration of a communication tower or antenna may be approved by the zoning administrator as a conditional use subject to a finding that the tower or antenna satisfies the zoning administrator approval conditions listed below. Towers or antennae not meeting the zoning administrator approval conditions may be approved by the Zoning Board of Adjustment as a special exception subject to a finding that the tower or antenna satisfies the special exception requirements listed below. Towers or antennae which cease to be used for signal communication purposes must be dismantled and removed within 120 days of the date the tower or antennae ceases such use.

(a) Zoning administrator approval conditions. The zoning administrator may approve construction or alteration of a communication tower or antenna upon a finding that each of the following conditions are met:

(1) The communication tower and/or antenna is located within the LC (Limited Commercial), GC-1 (General Commercial) or GC-2 use districts; and

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(2) The height of the communication tower and/or antenna must not exceed one hundred (100') feet (see definition of height of building or structure in Sec. 5-4-2) or 20 feet above the highest part of a structure existing at the time that this ordinance was adopted. However, existing towers and antennae may not be extended above 100'; and

(3) The communication tower must be located no closer to non-commercially zoned lots than a distance equal to the height of the tower; and

(4) The communication tower and/or antenna must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining lots (the fall zone shall be determined by an engineer certified in the State of South Carolina in a letter which includes the engineer's signature and seal); and

(5) The communication tower and associated improvements meet applicable landscaping and tree protection requirements; and

(6) The applicant has unsuccessfully attempted in good faith to collocate on existing communication towers, buildings, or other structures and the applicant agrees to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure, frequency considerations, and adequate compensation from the additional user; and

(7) The communication tower and/or antenna is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. Night time strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration, or other governmental regulatory agency; When lighting is permitted under this paragraph it shall be oriented inward so as not to project onto surrounding residential property, subject to such regulatory requirements; and

(8) The color of the communication tower and/or antenna is appropriate to blend in with its surroundings; and

(9) The communication tower and/or antenna, and associated structures, are appropriately secured by means of walls, fences or other devices; and

(10) The communication tower and/or antenna does not include signage of any nature on any portion of the tower and/or antenna.

(b) Board of Zoning Appeals approval standards. The Board of Zoning Appeals may approve construction or alteration of a communication tower and/or antenna as a special exception subject to the requirements of Section 5-4-5(c) and upon a finding that each of the following additional standards are met:

(1) The communication tower and/or antenna is located within the LC (Limited Commercial), GC-1 (General Commercial) or GC-2 use districts; and

(2) The height of the communication tower and/or antenna shall not exceed one hundred sixty (160') feet (see definition of height of building or structure in Sec. 5-4-2) or 30 feet above the highest part of a structure existing at the time that this ordinance was adopted. However, existing towers and antennae may not be extended above 160'; and

(3) In addition to satisfying the zoning administrator approval criteria listed above as (a) (4), (5), (6), (7), (8), (9) and (10), the board must find that the design, location and height of the communication tower and/or antenna will not substantially adversely impact the appearance of adjacent non-commercially zoned

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areas. The board may request a line of site analysis showing the potential visual and aesthetic impacts of the tower and/or antenna on adjacent non-commercially zoned areas.

(c) Application requirements. Applications for zoning administrator or board approval shall include the following information:

(1) A scaled site plan showing the location of the tower and/or antenna, guy anchors (if any), buildings and other structures or improvements, parking, driveways, fences, and trees affected by the proposed improvements.

(2) The height and typical design of the tower and/or antenna, typical materials to be used, color, and lighting shall be shown on elevation drawings.

(3) Documentation indicating that efforts to collocate on existing towers or structures in the vicinity of the proposed tower were made by the applicant but were unsuccessful, with reasons noted.

(4) Other information as requested by zoning administrator or the board to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact.

(5) Any new or modified towers or antennae must be certified by an engineer certified in the State of South Carolina according to the structural standards for towers and antennae." developed by the Telecommunications Industry Association."

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ARTICLE 2

District Regulations

Sec. 5-4-31 Use districts.

(a) In order to implement the policies and objectives stated in the city's comprehensive plan, and to provide for the planned and orderly use and development of land within the city, all land within the city is hereby classified within one of the following use districts:

- (1) SR-1            single family residential district;
- (2) SR-2            single family residential district;
- (3) LC              limited commercial district;
- (4) GC-1            general commercial district;
- (5) GC-2            general commercial district;
- (6) MF              multi-family residential district;
- (7) PDD            planned development district; and
- (8) CO              conservation district.

(b) Unless otherwise stated in this Chapter, within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure, land or use.

Sec. 5-4-32 SR-1 - Single family residential district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the SR-1 district are as follows:

(1) Purpose.

- a. To provide for quiet, low-density residential neighborhoods on comparatively large lots.
- b. To discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single family use.
- c. To encourage the cessation of non-conforming uses.
- d. To discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.
- e. To maintain the integrity of established residential neighborhoods, and to minimize the disruption of existing residential patterns by the scattered development of comparatively large residential lots.

(2) Permitted uses.

- a. Detached, single family dwelling.
- b. Residential accessory uses.
- c. Municipal buildings and other municipal facilities, limited to parks, playgrounds, and recreational facilities. (Ord. No. 2002-1, 4/26/02)

(3) Permitted special exceptions.

- a. Elementary and secondary schools offering general education courses.
- b. Church, synagogue, or other place of worship.
- c. Group dwelling.
- d. Golf courses.
- e. Home occupations meeting the requirements of Section 5-4-44.

(4) Conditional Uses. None.

(5) Minimum lot requirements.

- a. Lot area: 17,500 square feet of contiguous highland.
- b. Lot width: 70 feet measured at building line.
- c. Lot depth: 110 feet.
- d. Lot frontage 60 feet on a public or private street;  
30 feet on a public or private cul-de-sac.

Vehicle access to the lot from a public or private street shall be provided within the required lot frontage.

(6) Minimum yard requirements.

- a. Frontyard: 30 feet.
- b. Sideyard: 10 feet.
- c. Rearyard: 30 feet.

Exception: Legal Non-conforming lot minimum yard requirements.

- a. Frontyard: 24 feet.

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b. Sideyard: 10 feet.

c. Rearyard: 24 feet.

(7) Maximum height: 40 feet.

(8) Double frontage lots are prohibited.

Sec. 5-4-33 SR-2 - Single family residential district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the SR-2 district are as follows:

(1) Purpose.

a. To provide quiet, low-density residential neighborhoods on lots having an area of 8,000 square feet or more.

b. To discourage unwarranted encroachments by prohibiting commercial uses and prohibiting uses which would interfere with the development or continuation of single family use.

c. To encourage the cessation of non-conforming uses.

d. To discourage uses which would generate traffic on minor streets other than required to serve residences on those streets.

(2) Permitted uses. All uses permitted in the SR-1 district.

(3) Permitted special exceptions. All special exceptions allowed in the SR-1 District

(4) Conditional Uses. None.

(5) Minimum lot requirements.

a. Lot area: 8,000 square feet of contiguous highland.

b. Lot width: 60 feet measured at building line.

c. Lot depth: 90 feet.

d. Lot frontage: 50 feet on a public or private street;  
30 feet on a public or private cul-de-sac.

Vehicle access to the lot from a public or private street shall be provided within the required lot frontage.

(6) Minimum yard requirements.

a. Frontyard: 25 feet.

b. Sideyard: 10 feet.

- c. Rearyard: 25 feet.

Exception: Legal Non-conforming lot minimum yard requirements.

- a. Frontyard: 20 feet.
- b. Sideyard: 10 feet.
- c. Rearyard: 20 feet.

- (7) Maximum height: 40 feet.
- (8) Double frontage lots are prohibited.

Sec. 5-4-34 LC - Limited commercial district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the LC district are as follows:

(1) Purpose.

- a. To provide for residential uses or commercial uses which operate during normal business hours and are compatible with residential neighborhoods by limiting square footage, lot coverage and hours of operation.
- b. To prevent unwarranted encroachments of retail uses.

(2) Permitted uses. See Section 5-4-37.

(3) Minimum yard requirements.

- a. Frontyard: 20 feet.
- b. Sideyard: 10 feet.
- c. Rearyard: 20 feet.
- d. Lot frontage: 20 feet on a public or private street.

Vehicle access to the lot from a public or private street shall be provided within the required lot frontage.

(4) Minimum lot size. 6,000 square feet of contiguous highland.

(5) Maximum building size. 2,500 square feet per each 6,000 square feet of lot.

(6) Maximum height: 40 feet.

(7) Additional requirements. Refuse containers shall be screened from public view with materials compatible with principal structure or landscaping.

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Sec. 5-4-35 GC-1 - General commercial district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the GC-1 district are as follows:

(1) Purpose.

a. To encourage the development of a less densely constructed, economically healthy business environment with family-oriented businesses directed primarily to island residents in buildings designed and sited to accommodate automobile and pedestrian traffic.

b. To discourage uses which generate noise, vibration, glare, dust and odor or are offensive to the health, safety and morals of a residential, family-oriented community.

(2) Permitted uses. See Section 5-4-37.

(3) Minimum yard requirements.

a. Frontyard: 25 feet.

b. Sideyard: 10 feet.

c. Rearyard: 15 feet.

d. Lot frontage: 20 feet on a public or private street.

Vehicle access to the lot from a public or private street shall be provided within the required lot frontage.

(4) Maximum height. 40 feet.

(5) Additional development requirements. Refuse containers shall be screened from public view with materials compatible with principal structure or landscaping.

Sec. 5-4-36 GC-2 - General commercial district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the GC-2 district are as follows:

(1) Purpose.

a. To encourage the development of a densely constructed, economically healthy business environment with family-oriented businesses directed primarily to island residents and beach goers in buildings designed and sited to primarily accommodate the pedestrian traffic of the front beach commercial area.

b. To discourage uses which are inherent generators of noise, vibration, glare, dust and odor or are offensive to the health, safety and morals of a residential, family-oriented community.

(2) Permitted uses. See Section 5-4-37.

(3) Minimum yard requirements.

a. No part of a Structure, with the exception of permitted dune walk-overs, shall be located seaward more than two hundred (200) feet from the right-of-way of Ocean Boulevard. Except for Multi-family Dwellings and Hotels, no other setbacks are required, provided that the structures comply with the requirements established for the City's fire district. Multi-family Dwellings shall have building set backs as set forth in Section 5-4-37 (11). Hotels shall have minimum front yard building setbacks of 35 feet, and minimum combined side yard building setbacks of 35 feet, with no side yard being less than 15 feet. (Ord. 2002-16, 10/22/02)

b. Lot frontage: 15 feet on a public or private street. Vehicle access to the lot from a public or private street, if provided, shall be located within the required lot frontage.

(4) Maximum height: 40 feet.

(5) Additional development requirements. Refuse containers shall be screened from public view with materials compatible with principal structure or landscaping.

(6) Parking requirements. Other than Hotels, as defined in Section 5-4-2(20), and Multi-family Dwellings, as defined in Section 5-4-2(11), there are no parking requirements. Hotels and Multi-family Dwellings must comply with the parking requirements set forth in Section 5-4-112 of this Chapter. (Ord. 2002-9, 08/27/02)

Sec. 5-4-37 Table of permitted uses in commercial districts.

(1) General application. Uses permitted in the LC, GC-1, and GC-2 districts shall be only as set forth in Table B-1, and as modified, limited or restricted by special provisions, exceptions and conditions contained in this section and chapter.

(a) Symbols used in Table B-1 are as follows:

"x" means the indicated use is permitted.

"e" means the indicated use is permitted as a special exception if granted by the Board of Zoning Appeals pursuant to Section 5-4-5.

"c" means the indicated use is permitted as a conditional use.

(b) Any use not specifically allowed in Table B-1 is expressly prohibited.

(c) A code section reference following the use category in Table B-1 means that the use is allowed if it meets the requirements of such section.

(d) The Zoning Administrator may use the Standard Industrial Classification Manual (SIC) or similar reference to make interpretations regarding uses allowed in Table B-1.

(2) Adult uses. Adult uses, as defined in Section 5-4-2, are expressly prohibited within the City, except as a special exception in the GC-2 district subject to Section 5-4-5, and the following conditions: The property on which the adult use is located must be at least one thousand (1,000) feet from property on which a school, church, or park is located, or from any property which is zoned residential.

(3) Drive-through service windows. Drive-through service windows are permitted only in GC-1 as a special exception subject to Sections 5-4-5 upon a finding by the Board of Zoning Appeals that the facility provides adequate space for the stacking of vehicles based upon the number of drive-through vehicles projected during the peak 15-minute period, the service time involved in processing customers' orders, and the window time necessary to complete the transaction. Drive-through service window facilities, or uses thereof, existing on June 22, 1993, and located in the GC-1 district, shall not be altered or enlarged without approval of a special exception subject to Section 5-4-5 and the criteria stated in this paragraph.

(4) Hours of operation. Within the LC district, any use which conducts regular business operations between the hours of 8:00 p.m. and 7:00 a.m. is permitted only as a special exception pursuant to Section 5-4-5.

(5) Outdoor sale or rental of personal property, including food and beverage; Public events.

(a) Outdoor sale of food or beverage, in whole or in part, in the GC-2 District more than two hundred (200) feet seaward of the right-of-way of Ocean Boulevard is strictly prohibited. Outdoor sale of food or beverage, in whole or in part, in the GC-2 District within two hundred (200) feet seaward of the right-of-way of Ocean Boulevard is permitted only by special exception pursuant to Section 5-4-5. Outdoor sale or rental of other tangible personal property, in whole or in part, in the GC-2 District is strictly prohibited.

(b) Outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 Districts is permitted only by special exception pursuant to Section 5-4-5; provided, however, that outdoor sale or rental of any tangible personal property, including food and beverage, in whole or in part in the LC or GC-1 Districts within one hundred sixty (160') feet of the O.C.R.M. Baseline established along the beach of the Atlantic Ocean is strictly prohibited. (Ord. 2001-18, 12/04/01)

(c) No sale or rental of property, in whole or in part, or any public event shall be conducted on beaches, public streets or public property without a permit for use of public property issued by City Council. (Ord. 2000-15, 11/28/00)

(d) Notwithstanding any other provision contained in this Chapter to the contrary, outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 Districts by vendors approved in advance by City Council shall be temporarily permitted during City hosted, sponsored or sanctioned special events. Such vendors shall submit a written application for a Special Events Permit on a form prescribed and dispensed by the Zoning Administrator upon such terms as indicated on the temporary permit. (Paragraph added by Ord. 2003-5, adopted 6/24/03)

(6) Telephone communication, electric, gas, sanitary or other utility service facilities. Utility service facilities, except for communication towers and antennae which may be permitted pursuant to Section 5-4-20, may be permitted as special exceptions subject to Section 5-4-5 upon a finding by the Board of Zoning Appeals that the facilities will be adequately screened from public rights-of-way and adjacent properties by landscaping, plants, walls, screens, or fencing, or combination thereof.

(7) Eating places, fast food. Fast food eating establishments may be permitted subject to Section 5-4-5 in zoning districts indicated in Table B-1 as special exceptions.

(8) Tourist homes. Tourist homes providing no more than six (6) bedrooms for guests may be permitted within the GC-1 district as special exceptions subject to Section 5-4-5.

(9) Rooming and boarding houses. Rooming and boarding houses providing no more than six (6) bedrooms for guests may be permitted within the GC-1 district as special exceptions subject to Section 5-4-5.

(10) Parking lots. Notwithstanding any other provision of this Chapter to the contrary, Automobile parking as an accessory use is permitted within the GC-2 district:

(a) on any lot which contains at least 120 feet of frontage on a public street; or

(b) on any lot which contains a Multi-family Dwelling or a Hotel. (Amended by Ord. 2000-14, adopted 9/26/00)

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(c) any automobile parking pursuant to this Section shall comply with the provisions of Section 5-4-12(o) of this Chapter. (Amended by Ord. 2001-5, adopted 5/22/01)

(11) Multi-family dwellings. Multi-family developments must also meet the requirements of Section 5-4-38(4), (5)(a), (b) and (c), (8) and (10). (Ord. 1999-22, 7/27/99)

(12) Rental of tangible personal property. Unless otherwise specifically permitted in Table B-1, rental of tangible personal property, in whole or in part, is allowed only when such rental is customarily conducted in connection with a permitted use listed in Table B-1. (Ord. 2000-15, 11/28/00)

(13) Hotels. Hotels, as defined in Section 5-4-2(20), shall have a maximum density of twenty-four (24) rooms per acre of highland. (Ord. 2002-7, 08/27/020)

TABLE B-1

TABLE OF PERMITTED USES IN COMMERCIAL DISTRICTS

Legend: x = permitted use in the district

e = only as special exception granted by Board of Zoning Appeals

c = only as conditional use granted by zoning administrator

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USE	LC	GC-1	GC-2
74. Veterinary services		e	
781. Landscape planning	x	x	x
782. Lawn & garden services		x	
783. Ornamental shrub & tree services		x	
151. Building construction - general contractors & operative builders - Office only		x	
171. Construction - special trade contractors - Office only		x	
41. Local & suburban transit, inter-urban highway passenger transportation, & related service facilities		x	
4227. Storage in an enclosed building utilized by only one business which maintains an office in the City.		x	
43. U.S. Postal Service		x	
4493. Marinas, wet-slip sections		e	
472. Arrangement of passenger transportation		x	x
481. Telephone communications (except comm. tower & antenna)	e	e	e
482. Communication towers and antennae [Sec. 5-4-20]	c/e	c/e	c/e
491. Electric substations (sec. 5-4-37(6))	e	e	e
492. Gas production & distribution	e	e	e
493. Combination utilities	e	e	e
494. Water supply	e	e	e
523. Paint, glass, wallpaper (sec. 5-4-37(5))		x	x
525. Hardware stores		x	x
531. General Merchandise Department stores		x	x
USE	LC	GC-1	GC-2
533. Variety stores		x	x
539. Miscellaneous general merchandise stores		x	x
541. Grocery stores		x	x
542. Meat and fish (seafood) markets, including Freezer provisions		x	x

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543. Fruit & vegetable markets		x	x
546. Retail bakeries		x	x
549. Miscellaneous food stores		x	x
553. Automobile & home supply stores		e	
554. Gasoline service stations & boat fuel docks		e	
555. Boat dealers		x	
56. Apparel & Accessory Stores		x	x
57. Home Furniture, Furnishings & Equipment Stores		x	x
5812. Eating place, restaurant (sec. 5-4-37(2))		x	x
5813 Drinking place			x
5814 Eating place, fast food [§5-4-37(3) & (7)]		e	e
592. Liquor stores		x	x
593. Used merchandise stores		x	x
594 Miscellaneous shopping goods stores		x	x
5961 Mail order houses		x	x
5962 Automatic merchandising machine operators		x	x
598 Fuel & ice dealers		x	
5992 Florists		x	x
5993 Tobacco stores & stands		x	x
5994 News dealers & stands		x	x
5995 Optical goods stores		x	x
5996 Bait & tackle stores		x	x

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USE	LC	GC-1	GC-2
5999 Miscellaneous retail stores [§5-4-37(2)]		x	x
60. Banking, financial and investment services		x	x
62. Security and commodity brokers, dealers, exchanges and services	x	x	x
63 Insurance carriers		x	x
64 Insurance agents, brokers, and service	x	x	x
65 Real estate sales , rental or development	x	x	x
67 Holding and other investment offices		x	x
701. Hotels & motels (except tourist homes)		x	x
7011 Tourist homes [§5-4-37(8)]		e	e
702 Rooming & boarding homes [See §5-4-37(9)]		e	x
704 Organization hotel & lodging house, membership			x
7211 Power laundries		x	x
7212 Garment pressing & agents		x	x
7215 Coin operated laundries		x	x
7216 Dry cleaning plants, except rug cleaning		x	x
722 Photographic studios		x	x
723 Beauty shops		x	x
724 Barber shops		x	x
725 Shoe repair shops		x	x
729. Miscellaneous personal services, except spas & Massage parlors [§5-4-37(2)]	x	x	x
7291 Tax return preparation services	x	x	x
7311 Advertising agencies		x	x
732 Consumer credit reporting	x	x	x
7334 Photocopying & duplicating		x	x
7335 Commercial photography		x	x
7336 Commercial art & graphics		x	x
USE	LC	GC-1	GC-2

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7342	Disinfecting & pest control		e	
7349	Building cleaning/maintenance		x	
737	Computer & data processing		x	x
7389	Office work for business services not elsewhere classified	e	e	e
751	Automotive rental, without driver		x	
752	Vehicular parking as principal use, surface lot only		e	
7522.	Parking as an accessory use surface lot only (5-4-37(10))	x	x	x
753.	Automotive repair shops		e	
7542	Car washes		e	
7549	Automotive services, except repair		e	
762	Electrical repair shops		x	
763	Watch, clock & jewelry repair		x	x
781	Motion picture production [§5-4-37(2)]		x	x
7832	Motion picture theaters, except drive-ins		x	x
784	Video tape rental		x	x
791	Dance studios [§5-4-37(2)]		x	x
792	Theatrical producers, bands, orchestras & entertainers		x	x
7991	Physical fitness facilities		x	x
7992	Public golf course	e	x	x
7993	Coin-operated amusements		x	x
7998	Charter Boat Operations		x	
7999	Carnivals or circuses	e	e	e
801	Physician offices & clinics	x	x	x
802	Dentist offices & clinics	x	x	x
804	Offices & clinics of other health practitioners	x	x	x
805	Nursing & personal care		x	
	USE	LC	GC-1	GC-2

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81	Legal Services.	x	x	x
82	Elementary & secondary schools	e	x	
822	Colleges & professional schools		x	
823	Libraries		x	x
835	Child day care services		x	
841	Museums & art galleries		x	x
861	Business associations		x	x
862	Professional membership associations		x	x
863	Labor unions & organizations		x	x
864	Civic, social & fraternal organizations		x	x
865	Political organizations		x	x
866	Religious organizations		x	x
871	Engineering, architectural & surveying services	x	x	x
872	Accounting, auditing & bookkeeping services	x	x	x
874	Management & public relations	x	x	x
8811	Dwellings, detached single family only	x	x	x
8812	Multi-family dwellings (Sec. 5-4-37(11))		c	c
911	Municipal administrative offices	x	x	x
912	Municipal facilities	x	x	x
919	County or state agencies & facilities	e	e	e
921	County or state courts	e	e	e
922	Municipal court, police or fire facilities	x	x	x
923	Public parks & recreation facilities	e	e	e

Sec. 5-4-38 MF - Multi-family residential district.

In addition to all other applicable requirements of this chapter and other city ordinances, the requirements for the MF district are as follows:

(1) Purpose.

- a. To provide for quality medium density and high density residential development on lots having a minimum area of 6,000 square feet.
- b. To discourage commercial uses capable of affecting the residential character of the district.
- c. To discourage any use that would generate traffic on minor streets other than as required to serve residences on those streets.

(2) Permitted uses. Within the MF residential district, a building or land shall only be used for the following:

- a. All permitted uses in the SR-2 residential district.
- b. Multi-family dwellings.
- c. Rooming, boarding, tourist or lodging house, or other group dwelling.
- d. Residential Accessory uses.

(3) Conditional uses. None.

(4) Height requirements. 40 feet

(5) Minimum yard requirements.

- a. Frontyard: 35 feet.
- b. Sideyard (combined width): 35 feet.
- c. Sideyard (width on one (1) side): 15 feet.
- d. Rearyard: 25 feet.

(6) Lot frontage: 40 feet on a public or private street. Vehicle access to the lot from a public or private street shall be provided within the required frontage.

(7) Minimum lot size.

- a. Minimum lot size shall be 6,000 square feet.
- b. The minimum lot area per dwelling unit shall be 2,500 square feet.

(8) Maximum density. Eight (8) units per acre of highland.

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(9) Minimum lot width for multi-family projects. No multi-family unit may be erected on a lot which has a width at the building line of less than 100 feet.

(10) Additional development requirements.

a. Placement of drives and parking areas: No drive or parking area shall be located closer than 10 feet from any lot line unless there is adequate buffering as determined by the Zoning Administrator.

b. Spacing of buildings: Detached principal or accessory buildings shall not be placed closer than 10 feet to any other building.

c. Recreation area required: No less than eight percent (8%) of net development acreage shall be designated for recreational usage. Said eight percent (8%) of land area shall not include land used to provide minimum yard requirements, parking areas or streets.

Sec. 5-4-39 PDD - Planned Development District.

(1) Purpose of district. The purpose of the PDD district is to permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

(2) District Regulations. The following regulations shall apply to all uses in PDD districts, other provisions in this chapter to the contrary notwithstanding:

Minimum site area:	ten (10) acres
Minimum lot area for structure:	Set in approved plan.
Minimum lot width, yards, setbacks:	Set in approved plan.
Maximum structure height:	Forty (40) feet
Off street parking and loading requirements:	Set in approved plan.
Screening:	Set in approved plan, but not less than landscaping required by this chapter
Signs:	Set in approved plan, but not greater than signs allowed by this chapter
Subdivision regulations:	Applicable regulations must be met.
Additional development regulations	See Sec. 5-4-12 and Sec. 5-4-15

(3) PDD Application and Review Procedures. The following procedures shall apply to establishment of a PDD district, other provisions in this ordinance to the contrary notwithstanding:

a. Zoning amendment required:	PDD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
b. District regulations:	The applicable regulations in this Section and those in the approved plan and descriptive statement shall constitute the PDD district regulations for the site.
c. Pre-application conference optional:	An applicant for PDD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
d. Amendment application required:	Initiation of a PDD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e. Development plans required:	A site development plan is a required attachment to application for PDD amendment. The site development plan shall indicate the proposed uses of all land areas and such other information as the Zoning Administrator deems reasonably necessary for review.
f. Descriptive statement required :	<p>A descriptive statement is a required attachment to the application for PDD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items:</p> <ol style="list-style-type: none"> <li>1. legal description of site boundaries, and total area of the site;</li> <li>2. area and location of each type of use;</li> <li>3. number and density of dwelling units by type;</li> <li>4. description of open space locations, uses and proposed dedication for public use;</li> <li>5. ownership and maintenance of streets, and proposed dedication to public;</li> <li>6. methods for dealing with parking and the impact of projected traffic on the uses on the site and adjacent districts and streets;</li> <li>7. steps proposed to comply with sediment control and storm drainage regulations;</li> <li>8. steps proposed to comply with landscaping regulations;</li> <li>9. details of association or organization involved in ownership and maintenance, including procedures and methods of operation;</li> <li>10. outline for development phasing with anticipated time frames;</li> <li>11. design standards, procedures and methods demonstrating that development will result in an integrated use district, functional and compatible with the area;</li> <li>12. proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and</li> <li>13. such other information as may be appropriate for planning commission review.</li> </ol>
g. Planning Commission review:	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to City Council as required for zoning amendments.
h. City Council action:	Upon receipt of the Planning Commission recommendation, City Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant, or disapprove the proposed amendment.

<p>i. Zoning and building permits:</p>	<p>Zoning and building permits shall not be issued until the zoning is approved by City Council, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the City Clerk and the Charleston County R.M.C. Office, and all required bonds are posted with the City Clerk.</p>
<p>j. District map:</p>	<p>The site development plan approved by City Council shall be the zoning district map for the PDD and shall be the basis for issuance of zoning and building permits.</p>
<p>k. Changes to plan:</p>	<p>1. <u>Minor changes</u>. Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PDD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures.</p> <p>2. <u>Major changes</u>. Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PDD shall be submitted under normal zoning amendment procedures applicable to establishment of the PDD.</p> <p>3. <u>Permits</u>. No zoning or building permits involving a minor or major change of the PDD descriptive statement or map shall be issued until the written change is filed with the City Clerk and recorded in the Charleston County R.M.C. Office.</p>
<p>l. Failure to begin; failure to progress; failure to complete</p>	<p>If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, City Council may charge the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.</p>

(4) Wild Dunes PRD. The existing Wild Dunes PRD development is hereby recognized as a legal non-conforming PDD district under this ordinance. Any future modification to the Wild Dunes PRD agreement shall be subject to the requirements of this Section.

Sec. 5-4-40 CO - Conservation district.

(1) Purpose.

- a. To provide for an appropriate valuation that reflects the conservation use of land.
- b. To ensure the preservation of significant and vital natural resources.

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- c. To lessen the hazards of loss of property, life, and the reduction of health and public safety due to periodic flooding by restricting uses in such areas.
- d. To provide for improved public recreation activities.
- e. To provide for scenic easements to preserve the community heritage.

(2) District boundary. The CO District consists of all area within the corporate limits of the City of Isle of Palms designated as Critical Area by OCRM and contained within a line having a point of beginning at the center line of Breach Inlet between the City of Isle of Palms and the Town of Sullivan's Island at Highway 703 and running in a southerly direction along the center line of Breach Inlet to the mean low water mark of the Atlantic Ocean, thence turning and running in an easterly direction along the mean low water mark of the Atlantic Ocean along the ocean front of the Isle of Palms to the center line of Dewees Inlet, thence turning and running in a northerly direction along the center line of Dewees Inlet to the center line of the Intracoastal Waterway, thence turning and running in a westerly direction along the center line of the Intracoastal Waterway to the center line of Hamlin Creek, and thence turning and running in a southerly direction along the center line of Hamlin Creek to the center line of Breach Inlet, thence turning and running along the center line of Breach Inlet to the point of beginning. (Ord. 2002-13, 10/22/02)

(3) Permitted uses. The following uses are permitted within the CO District so long as the use does not materially and adversely affect water quality or the natural resources of the district, and such use has received all applicable governmental regulatory approval:

- a. Outdoor recreational uses including swimming, fishing, beach-going, boat ramps, docks, piers, lifeguard stations, and natural preserves.
- b. Public utility lines.
- c. A use conducted pursuant to a franchise granted by City Council.
- d. A use conducted pursuant to a City-sponsored activity or event. (Ord. 2002-13, 10/22/02)

Sec. 5-4-41 Additional SR-1 and SR-2 Residential district regulations.

(a) In a SR-1 or SR-2 district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for MF, GC-1, GC-2, or LC district use. No building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for other than a SR-1 or SR-2 use.

(b) Any dwelling must have a minimum enclosed floor area of 1,000 square feet.

(c) Mobile homes are strictly prohibited.

Sec. 5-4-42 Reserved.

Sec. 5-4-43 Accessory uses residential districts.

An accessory use customarily incident to an SR-1, SR-2 or MF district use shall be permitted in, respectively, an SR-1, SR-2 or MF district. In a residential district, a private garage permitted as an accessory use shall not provide storage for more than one (1) motor vehicle for each 2,000 square feet of the lot area. In a multi-family residential district, a private garage permitted as an accessory use shall not provide storage for more than one (1) motor vehicle for each 500 square feet of the lot area. No billboard, sign board or advertising shall be permitted

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as an accessory use, except "for sale" or "for rent" signs which comply with all applicable provisions of this Chapter.

A store, trade or business shall not be permitted as an accessory use; except for a licensed home occupation. A garage apartment is permitted as an accessory use only in an MF District.

Sec. 5-4-44 Home Occupation

(A) A home occupation as defined in Section 5-4-2 may be permitted in a dwelling unit in any residential zoning district as a special exception granted by the Board of Zoning Appeals after consideration of the criteria contained in Section 5-4-5 and upon a finding by the board that all requirements and conditions set forth in this section are satisfied. In granting approval of a home occupation, the board may impose reasonable restrictions on the conduct and use of the home occupation, including a limit on the number of home occupation-related visitors per day and the frequency of product or material deliveries. There shall be no fee charged for a home occupation application. The requirements and conditions are as follows:

(1) The occupation, profession or trade is a use allowed under Section 5-4-37, Table B-1, and is conducted wholly within the principal building of the lot.

(2) Not more than 25 percent of the floor area of the principal building, or 750 square feet, whichever is less, shall be used for any part of the home occupation.

(3) No accessory building or outside storage shall be used in connection with the home occupation.

(4) No signs, merchandise or other articles shall be displayed for advertising purposes, or be visible from outside of the dwelling.

(5) There shall be no alteration of the residential character of the building or premises.

(6) The home occupation shall not generate greater vehicular or pedestrian traffic volume than that which normally occurs in the neighborhood. All parking generated by the home occupation shall be located solely within the boundaries of the property upon which the home occupation is conducted and shall not be located in the required front yard.

(7) Only one home occupation shall be allowed per dwelling unit.

(8) No electrical, mechanical, chemical or other equipment that is not a normal domestic or household equipment shall be allowed in connection with the home occupation and such occupation shall not generate noise, vibration, electrical interference, heat, glare, dust, smoke, odors, fumes, or unsafe conditions which are detectable to the normal human senses off of the lot or which adversely affect the health, safety or welfare of the neighborhood.

(9) No home occupation shall be conducted using assistants or associates working in whole or in part within the home, except for family members living on the premises.

(10) Only passenger vehicles shall be allowed in connection with the home occupation. For purposes of this section, passenger vehicles are limited to motorcycles, mopeds, automobiles, pickup trucks and vans.

B) Inspections. Home Occupation permittees shall allow reasonable, periodic inspections of the premises by any zoning or building official to determine compliance with the home occupation permit.

C) Any home occupation lawfully operating on October 27, 1998, and which is in violation of subsection (A) or (B) of this section shall be deemed a nonconforming use. The nonconforming use may continue for a period

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not to exceed three (3) years from October 27, 1998, unless sooner terminated for any reason or voluntarily discontinued for a period of one year or more. Such nonconforming uses shall not be increased, enlarged, extended or altered other than to a conforming use.

Sec. 5-4-45 Non-conforming lots, structures and uses, generally.

(a) The City recognizes that as a result of this chapter, some existing lots and structures will not comply with applicable zoning requirements. In addition, some existing uses will be made non-conforming by this Chapter; and some long-standing non-conforming uses will continue to be non-conforming.

(b) As a general policy, non-conformities in the use and development of land and buildings are discouraged; and should be brought into compliance with the applicable zoning requirements over time as the uses of land and structures change. However, with the limitations and exceptions set forth in this Chapter, it is the intent of The City that the lawful use of land and structures existing at the effective date of this chapter may continue, although such use does not conform to the provisions of this chapter.

(c) Any use, building or structure lawfully existing at the time of this chapter which does not conform with the provisions of said Chapter shall be deemed to be legal non-conforming uses, buildings or structures.

Sec. 5-4-46 Non-conforming lots.

(a) Subject to the limitations set forth in this Chapter, a non-conforming lot may continue to be used without change in boundaries.

(b) Any lot which is made conforming by combining with other lots shall be recognized as a conforming lot and shall fully comply with this chapter.

Sec. 5-4-47 Non-conforming structures.

(a) Except as allowed in this section, no structural alterations shall be made to a non-conforming structure other than those necessary to assure the safety of the building or structure.

(b) Subject to other applicable provisions of this Chapter and other City Ordinances, an existing structure, excluding stairs, which fails to meet the zoning district setback requirements of this chapter may be altered or enlarged so long as the encroachment of such structure, excluding stairs, into the required setback(s) is not increased. For purposes of illustration, if an existing structure has an actual five (5) foot sideyard setback including stairs and an eight (8) foot sideyard setback excluding stairs, and is located in a zoning district which requires a ten (10) foot sideyard setback, an alteration or addition to such structure is allowed if such alteration or addition is no closer than eight (8) feet to the side lot line, excluding stairs. Provided, however, that in connection with any such alteration or addition, no stair encroachment into the required setback(s) shall be increased.

(c) Subject to all other applicable provisions of this Chapter and other City Ordinances, the following alterations are considered to be non-structural, and may be made to a non-conforming structure, provided that the extent of the non-conformity is not increased:

- (1) Non-structural facade alterations;
- (2) Modification or removal of interior walls;
- (3) Modification of existing windows and exterior doors;

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(4) Construction or modification of decks, porches and patios, provided that there is no increase in any encroachment into required setbacks.

(d) Repairs or maintenance may be made to a non-conforming structure as required to keep it in safe condition.

(e) Any non-conforming structure damaged 50 percent or more of its appraised value at the time of such damage shall not be repaired, rebuilt or altered in such a manner as to increase the extent of its pre-damage non-conformity; provided that a destroyed or removed structure may be rebuilt in its original footprint. Reconstruction or repair must be conducted pursuant to the city's building codes, and must be commenced within six (6) months from the date of such damage or removal.

(f) Where existing vehicular parking is insufficient to meet the standards set forth in this chapter, no structure may be enlarged unless the requirements for off-street parking are met for the entire structure(s) and uses.

Sec. 5-4-48 Non-conforming uses.

(a) A non-conforming use of a structure or lot shall not be changed to another non-conforming use.

(b) Whenever a non-conforming use is changed to a conforming use, such use shall not thereafter revert to a non-conforming use.

(c) Whenever a non-conforming use is discontinued, for a period of 365 days, such use shall not be re-established and all subsequent use shall conform to the provisions of this chapter.

(d) A non-conforming use may not be enlarged or extended.

Sec. 5-4-49 Cessation of certain non-conformities required.

(a) Non-conforming signs.

(1) A non-conforming sign shall be made to conform, or be replaced with a sign that conforms with this chapter, when a non-conforming sign is removed, or whenever a substantial renovation, change or repair to a non-conforming sign becomes necessary, or when a building or improvement on a lot on which a non-conforming sign is located undergoes substantial repair, improvement or redevelopment.

Substantial renovation, change or repair of a sign shall occur when the cost of renovation, change or repair equals or exceeds fifty (50) percent of the sign's appraised value. Substantial repair, improvement or redevelopment of buildings or improvements on a lot shall occur when the cost of the repair, improvement or redevelopment equals or exceeds fifty (50) percent of the total appraised value of the improvements thereon at the time of said repair, improvement or redevelopment.

(b) Non-conforming fences, hedges, shrubbery and signs which impede vision at street intersections shall be brought into compliance by removal, relocation or alteration within 90 days from the effective date of this chapter.

Sec. 5-4-50 (P) Preservation Overlay Zone.

(1) Purposes.

a. To preserve natural barriers against the natural forces from the Ocean.

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- b. To preserve adequate light, air and open space.
- c. To protect and preserve scenic, historic and ecologically sensitive areas.

(2) Permitted Uses. This is an overlay zone. Permitted uses are determined by the underlying or primary zoning district applicable to each lot located within the Preservation Overlay Zone.

(3) Additional Regulations. Within the Preservation Overlay Zone, the following additional regulations shall apply:

a. Except as expressly allowed in this Section, no structure shall extend seaward more than one hundred thirty (130') feet from the right-of-way of Palm Boulevard.

b. Only one dune walkover per lot shall be allowed, if it is permitted by the applicable provisions of this Code and O.C.R.M. regulations.

c. Only one open-air gazebo per lot shall be allowed, if it is permitted by the applicable provisions of this Code and O.C.R.M. regulations, not to exceed one hundred (100) square feet in floor area or sixteen (16') feet in height.

d. The minimum rear yard requirement is that no structure, including stairs but excluding permitted underground onsite waste disposal systems, shall be located more than one hundred thirty (130') feet from the right-of-way of Palm Boulevard.

This entire section established by Ord. No. 2000-3, adopted 6/27/00.

Sec. 5- 4-51 through 5-4-60 reserved

ARTICLE 3

Landscaping and Tree Removal Regulations

Sec. 5-4-61 Permit required for cutting or removing Trees. (Amended in its entirety by Ord. 2002-19, 02/28/03)

- (a) No person shall cut or remove any Tree except in strict compliance with this Article 3.
- (b) No person shall cut or remove any Tree without first obtaining a Tree permit from the Zoning Administrator.
- (c) For new construction, an application for a Tree permit shall accompany the application for a zoning permit pursuant to Article E (section 5-4-81 et seq.) of this Chapter, and shall be considered part of such application. No Tree shall be cut or removed prior to the issuance of a Tree permit. Compliance with all conditions set forth in the Tree permit shall be required before a certificate of occupancy will be issued by the City.
- (d) For subdivisions or property line adjustments which would require removal of a Tree as defined in Section 5-4-2, a Tree permit must be obtained prior to an application for subdivision approval. No site work shall begin and no Tree shall be removed prior to the issuance of a Tree permit and the approval of a subdivision plat.
- (e) Any person desiring a permit to cut or remove a Tree shall submit a written application to the Zoning Administrator which shall contain the following information:
  - (1) name and address of applicant;
  - (2) status of applicant with respect to the Lot;
  - (3) written consent of the owner of the Lot if applicant is not the owner;
  - (4) address of the Lot;
  - (5) an accurate plat of the Lot, including a statement of the acreage of the Lot from which Tree(s) will be removed; and
  - (6) a Tree survey overlay on the same scale as the plat of the Lot, which locates all Trees by diameter breast height and species and identifies Trees to be cut or removed and all Trees to be preserved. Dead or diseased Trees shall be identified. Groups of Trees in close proximity, (i.e., within five feet of each other) may be designated as a clump of Trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall be prepared by a licensed landscape architect, surveyor or engineer registered in South Carolina, at the applicant's expense, and shall have an accuracy of plus or minus three feet ( $\pm 3'$ ). The applicant shall wrap the Trees proposed to be cut or removed with blaze orange tape prior to submitting an application for a Tree permit.
- (f) Trees may be cut or removed only under the following conditions:
  - (1) upon the owner proving to the Zoning Administrator that cutting or removing a Tree is necessary to make reasonable use of the property, including the siting of primary or accessory buildings. Such proof must demonstrate that there is no reasonable alternative that would preserve the Tree, and such proof must be made for each Tree proposed to be cut or removed.
  - (2) for improvements, expansion or new construction of infrastructure services, including systems for wastewater disposal, water distribution and streets, but only if no reasonable alternatives are available;

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(3) Upon proof by the owner to the Zoning Administrator that the Tree is dead or diseased as determined in Section 5-4-63.

(4) Each Tree that is removed shall be replaced according to the requirements set forth in Section 5-4-66, Standards for Tree planting and replacement.

(g) Any Tree may be pruned without a Tree Permit so long as such pruning is done in accordance with ANSI Publication A300 (Part 1) 2001 Pruning. Any pruning not done in accordance with ANSI Publication A300 (Part 1) 2001 Pruning shall be deemed to be the cutting of a Tree for all purposes of this Article 3.

(h) Notwithstanding the procedures contained in this Article for altering or removing Trees, it is the intent of the City to encourage whenever feasible the preservation of all trees, including those which are not protected by this Article. Therefore, all provisions of this Article shall be strictly construed.

Sec. 5-4-62 Reserved. This section was deleted in its entirety by Ord. 2002-19, 02/28/03.

Sec. 5-4-63 Removal of dead or diseased trees. (Amended in its entirety by Ord. 2002-19, 02/28/01)

(a) As limited by sections 5-4-61 and 5-4-64, dead or diseased trees may be removed by the landowner pursuant to a tree removal permit.

(b) When a dead or diseased Tree constitutes a hazard to life and/or property, or harbors insects or disease which constitute a substantial threat to other trees within the city, a permit for its removal may be issued by the Zoning Administrator even though its removal decreases the density of trees on a lot or parcel below the minimum density standards. Replacement of Trees removed pursuant to this section is encouraged but not required.

(c) An owner seeking to remove a Tree pursuant to this section shall submit written proof to the Zoning Administrator that the tree(s) to be removed meets the requirements of this section. If the Zoning Administrator reasonably determines that there is a question as to the viability or health of a tree for which a removal permit is requested pursuant to this section, the Zoning Administrator may require that the applicant consult with, and provide documentation from, a forestry professional (urban forester) as a part of the permit process.

(d) The City shall have the right to cause the removal of dead or diseased Trees when such Trees constitute a hazard to life and/or property, or harbor insects or disease which constitute a substantial threat to other trees within the City. To require removal of dead or diseased Trees pursuant to this section, the Zoning Administrator or his designee shall notify in writing the owner of any such tree, and shall require removal at the owner's expense within 60 days from the date of giving notification (by either personal delivery or certified mail to the owner's address listed on the Charleston County Auditor's records). In the event the owner fails to comply with such provisions, the City shall have the authority to remove any such Tree and assess the cost of removal to the owner.

Sec. 5-4-64 Additional requirements for cutting or removing Historic Trees. (Amended by Ord. 2002-13, 10/22/02; Ord. 2002-19, 02/28/03)

(a) Cutting or removing Historic Trees shall be subject to the additional requirements contained in this Section.

(b) Historic Trees may be cut or removed only under the following conditions:

(1) for improvements, expansion or new construction of infrastructure services, including systems for wastewater disposal, water distribution and streets, but only if no reasonable alternatives are available;

(2) upon the owner proving to the Zoning Administrator that the Tree is dead or diseased as determined in Section 5-4-63;

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(3) for the siting of one (1) single-family dwelling on a lot, provided that the applicant can demonstrate that there is no feasible alternative design or siting that would preserve the Tree; or

(4) for the siting of a multi-family or commercial structure that meets one of the exceptions set forth in Subsections (1) through (3) above, or that has been previously approved in a conceptual site plan; provided that there is no feasible alternative that would preserve the Tree, and provided further that removal of Historic Trees pursuant to this subsection shall be limited to either the fewest number of Trees or the least total DBH necessary for siting of the building footprint(s) and the least destructive configuration of driveways and parking as determined by the Zoning Administrator.

(c) Prior to the issuance of a permit for the cutting or removal of a Historic Tree, the Zoning Administrator shall verify in writing that one or more of the circumstances enumerated in subsection (b) exists.

(d) Any permit for cutting or removing a Historic Tree shall require the owner to comply with the requirements set forth in section 5-4-66 and the following additional requirements:

(1) each removed Historic Tree shall be replaced by the fewest number of the same type (species) of Trees to replace the removed Tree with the same DBH or greater; and

(2) such other reasonable conditions which are in furtherance of the provisions of this Article as may be imposed by the Zoning Administrator.

Sec. 5-4-65 Reserved.

Sec. 5-4-66 Standards for tree planting and replacement. (Amended by Ord. 2002-13, 10/22/02)

(a) Pursuant to permit. Each tree planted or replaced pursuant to a Tree Permit in accordance with the requirements of this article shall have a minimum size of four inches (4") caliper or twelve feet (12') in height at the time of planting and be the same species or a similar species to the tree being replaced. Palm trees shall not be permitted as replacements for canopy trees. The sum of the replacement trees will be equal to or greater than ½ DBH of the tree they are designated to replace.

(b) Pursuant to citation of violation. If commercially available within the State of South Carolina, replacement trees planted pursuant to a citation of violation of this article shall be of the same type (species) and size (height and DBH) as the Tree(s) being replaced. If not so available, the type and size of such replacement Trees shall be as close to that of the Tree(s) being replaced as is commercially available within the state. Replacement trees shall have a cumulative DBH equal to or greater than the Tree or Trees they replace; provided, however, that replacement Historic Trees shall have a cumulative DBH equal to or greater than three times the DBH of the Tree or Trees they replace. (Amended by Ord. 2002-19, 02/28/03)

(c) All replacement trees shall be vigorous, well shaped, branched and foliated. The owner of the property shall be responsible for maintaining all remaining and replacement trees. The zoning administrator shall have the right to inspect any replacement tree one for (1) year after planting to insure that it is surviving in healthy condition. A replacement tree found to be dead or in a declining condition shall be replaced by the owner within thirty (30) days of notification from the zoning administrator, who shall then have the right to reinspect such tree one for (1) year thereafter.

(d) In situations where Tree replacement on the same property is impossible or undesirable as determined by the Zoning Administrator, an owner shall donate such Tree or Trees as would otherwise be required by this Article to the City to be planted on such public property as City Council shall direct. (Amended by Ord. 2002-19, 02/28/03)

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Sec. 5-4-67 Penalties for unlawful removal of trees.

Any person who violates any provision of this Article shall be subject to the following fines and restrictions:

(1) Violation of this article shall be deemed as a misdemeanor, and shall be punished as provided in Section 1-3-66 of this code. Each day any violation of this article continues shall constitute a separate and distinctive offense.

(2) In addition to the penalties imposed in Subsection (1), the person or persons found to be in violation of this Article shall be required to plant or replace Trees, pursuant to the requirements of section 5-4-66(b). The requirements of this Subsection are mandatory, and shall apply regardless of any other fines or penalties imposed for violations of this Article. (Amended by Ord. 2002-19, 02/28/03)

(3) Where a violation of this article is associated with construction pursuant to a city zoning permit or building permit, a certificate of occupancy pursuant to section 5-4-101 of this Code shall not be issued until such violation has been remedied and trees are planted or replaced, pursuant to the requirements of Section 5-4-66, as necessary to meet the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other fines or penalties imposed for a violation of this article.

Sec. 5-4-68 Tree protection during development.

(a) On each lot or tract on which construction is ongoing pursuant to a validly issued building permit, protective barricades shall be placed around all trees which are to be retained, and shall remain in place until all development activities are complete. Barricades shall be constructed using 2 X 4 wooden boards and crossbars, or materials which provide similar protection as approved by the zoning administrator. The areas lying within the protective barricades shall remain free of all building materials, dirt or other construction debris, vehicles and construction activities. Barricades shall be erected in accordance with requirements determined by the zoning administrator. Where practical, the zoning administrator shall require barricades be located according to the following standards:

(1) For each tree ten inches (10") or less DBH, protective barricades shall be placed a minimum distance of ten feet (10') from the base of each tree; and

(2) For trees greater than ten inches (10") DBH, protective barricades shall be placed a minimum distance from the base of each tree equal to ten feet (10') plus an additional one foot (1') for each additional one inch (1") DBH greater than ten inches (10") DBH.

(b) Construction within the protective barricade. Changes in grade or construction of impervious surfaces or utilities within a required protective barricade shall be permitted subject to the following guidelines:

(1) Changes in grade or construction within a protective barricade must be approved by the zoning administrator prior to beginning construction. Plans must be submitted which illustrate in detail protective measures to be used as described in Section 2.10 of Erosion and Sediment Control Practices for Developing Areas, by the South Carolina Land Resources Conservation Commission, Erosion and Sediment Control Division; and

(2) All tree roots outside the protective barricade to be removed during construction shall be severed clean and a two inch (2") layer of mulch shall be applied over the surface of exposed roots during development.

Sec. 5-4-69 Appeals of tree permit actions.

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Appeals of decisions and actions of the zoning administrator, or his designee pursuant to this article shall be made to the city's board of zoning appeals, pursuant to section 5-4-5 of the city code.

Sec. 5-4-70 Exceptions.

This article shall not apply to commercial timber operations or utility companies maintaining safe clearance around utility lines.

Sec. 5-4-71 Buffer yards.

(a) Any commercial, municipal or other non-residential use shall be separated and buffered from adjoining properties as follows:

(1) Abutting to residential property:

- a. fifteen (15) foot landscaped buffer yard set back
- b. eight (8) foot painted, wooden stockade fence; and
- c. three (3) canopy trees and six (6) understory trees per 100 feet of frontage.

(2) Abutting to commercial property or abutting street with residentially zoned property across said street:

- a. five (5) foot landscaped buffer yard set back
- b. two (2) canopy trees and two (2) understory trees per 100 feet of frontage.

(b) Canopy trees shall be a minimum of two and one-half (2½) inches in caliper. Understory trees shall be a minimum of six (6) feet in height.

(c) Existing plant materials which satisfy the requirements of this section may be counted toward satisfying the requirements of this section.

(d) All buffer yards shall be seeded with lawn grass or other suitable ground cover.

(e) Structures may be substituted with approval of the planning commission.

(f) Landscaping shall be required on all new developments and any old building with renovation or remodeling equal to or greater than 25 percent of the building's appraised value.

(g) All required landscaping shall be completed prior to the issuance of a certificate of occupancy.

Sec. 5-4-72 through Sec. 5-4-80 reserved.

ARTICLE 4

Zoning Permit

Sec. 5-4-81 Zoning permit required.

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Except as provided in section 5-4-85, a zoning permit issued by the zoning administrator is required in advance of:

- (1) the issuance of a building permit;
- (2) excavation prior to the construction of a structure for which a building permit is required;
- (3) improving any property by grading, filling, excavating, or surfacing or by constructing driveways or by constructing or enlarging parking areas containing more than six (6) parking spaces in preparation for a new or changed use of the lot;
- (4) changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or zoning lot; and/or
- (5) installation of a sign requiring a sign permit.

Sec. 5-4-82 Application for zoning permit.

Each application for a zoning permit shall be filed with the building official on a form furnished by him which form may contain an application for a certificate of occupancy and may be combined with the application for the building permit required under the building code. The application shall be signed by the owner or his duly authorized agent.

Sec. 5-4-83 Information required for zoning permit.

(a) In addition to such information as may be required in an application for a building permit under the building code, each application for a zoning permit shall be accompanied by a plan in duplicate, drawn to scale, superimposed on a plat or scaled plat of the lot/parcel or tract as approved by the building official showing:

- (1) the shape and dimensions of the lot;
- (2) the size and location of all existing structures;
- (3) the lines within which any proposed structures shall be erected, altered, or moved; the locations of any officially approved building setback lines;
- (4) the height of each proposed structure or any part thereof;
- (5) the existing and proposed use of each structure and part thereof;
- (6) the use of adjoining properties;
- (7) the number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate;
- (8) the size and location of all proposed driveways, off-street loading areas, and off-street parking areas containing more than six (6) parking spaces, if the zoning lot is in or contiguous to a residential district; and
- (9) such other reasonable and pertinent information with regard to the zoning lot or neighboring lots as the building official may find necessary for the enforcement of this chapter.

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(b) Each application for a zoning permit for a new structure, an addition to an existing structure, and/or the moving of a structure onto or within a zoning lot shall be accompanied by a plat of the lot in duplicate, drawn to scale, showing the lot's exact location, shape, and dimensions; if the lot does not consist solely of one (1) or more entire lots in an approved recorded plat, the application plat shall be based on a new, approved survey of the lot.

(c) All plats and plans shall bear the signature of the owner or his duly authorized agent and shall reference, directly or separately, the date and application number for plat approval in addition to the recorded book, page and date in the Charleston County R.M.C., Office. One (1) copy of each plat and plan shall be retained by the building official as a public record.

Sec. 5-4-84 Action on application for zoning permit.

(a) When the zoning administrator receives an application for a zoning permit whose proposed improvement and use described and illustrated conforms to all requirements of this chapter, he shall issue a zoning permit and return a signed copy of the application, including plan, to the applicant within 10 days of receipt of the application.

(b) When the zoning administrator receives an application for a zoning permit whose proposed improvement and use described and illustrated does not conform to this chapter, he shall not issue a zoning permit, but shall within 10 days of receipt of the application return the application, including plan, to the applicant with his denial of the permit. The denial shall state the reasons therefor, and shall cite the particular sections of this chapter with which the application does not comply.

(c) When the application for zoning permit includes a request for a variance or is an appeal from an administrative decision, the zoning administrator shall within 10 days of receipt, deliver such application together with all supporting information to the Board of Zoning Appeals for hearing. Upon receipt of a written order from the board after hearing, the zoning administrator shall comply with any ordered action within five (5) days of receipt of the order.

Sec. 5-4-85 Conditions of the zoning permit.

(a) After a zoning permit is issued for construction requiring a building permit, the building official shall issue a building permit when the requirements of the building code have been met.

(b) After a zoning permit is issued for a use or construction not requiring a building permit, the applicant may proceed to carry out the improvement described in the zoning permit and approved.

(c) Any zoning permit issued for construction requiring a building permit shall become invalid if a building permit is not issued within six (6) months after the issuance of the zoning permit. Any zoning permit

issued for a use or construction not requiring a building permit shall become invalid if the development authorized by it is not commenced within six (6) months of its issuance or if the work or development authorized by such permit is suspended or abandoned for a period of one (1) year after the work or development is commenced; provided that extensions of time for successive periods of 90 days each shall be allowed in writing by the building official if timely applied for. No more than six (6) such 90 day extensions shall be allowed.

Sec. 5-4-86 through 5-4-100 reserved.

ARTICLE 5

Certificate of Occupancy

Sec. 5-4-101 Certificate of occupancy required.

(a) No structure or zoning lot or part thereof for which a zoning permit has been issued shall be used or occupied until the building official has, after final inspection, issued a certificate of occupancy indicating that compliance has been made with all the requirements of this chapter's zoning permit, and subdivision regulations when applicable. Such certificates may be combined with or made a part of the certificate of occupancy required under the building code.

(b) Except for temporary electrical and water service utilized during construction on a lot, no electrical, gas, telephone, or cable television or other utility service shall be provided to the property until the Building Official has issued a certificate of occupancy.

Sec. 5-4-102 through 5-4-110 reserved.

ARTICLE 6

Parking and Loading

Sec. 5-4-111 Purpose of requirements.

Unless otherwise stated in this chapter, areas suitable for parking or storing automobiles in off-street locations shall be required in all zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building results in an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or which changes the use so as to require more parking to serve such use, or when a change in use occurs. Such off-street parking area shall have direct access to a street or alley, and shall be landscaped in accordance with a plan as approved by the zoning administrator.

Sec. 5-4-112 Required parking spaces.

The number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to requirements indicated in columns 2 and 3:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADDITIONAL REQUIREMENTS
<u>Residential Uses:</u>		
One-family dwelling	1 space (does not have to be paved)	
Two-family dwelling	2 spaces (same as above)	
Multi-family dwelling		
townhouse/condominium	2 spaces per dwelling unit	
Boarding rooming house	1 space per each sleeping room	Plus 1 space per employee
Group dwelling	space per each 2 bedrooms	
<u>Public and Semi-Public Uses:</u>		
Medical and dental office office and out-patient clinic	1 space per each 200 square feet of gross floor space (minimum of 4 spaces)	

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<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADDITIONAL REQUIREMENTS
Church or other places of worship	1 space per 5 fixed seats in main assembly hall	Or 5 spaces per classroom whichever is greater
Places of public assembly or recreation containing main assembly room	1 space per each 100 square feet of gross floor area in the main assembly room	
Country club or golf club	1 space per each 5 members	Plus 1 space / 2 employees
Library, museum, art gallery or similar building	10 spaces	Plus 1 space per ea. 500 sq. ft. of floor area
Club, fraternity, sorority or lodge	1 space per sleeping room or suite	Or 1 space/5 members whichever is greater, 1 space per ea. 3 employees
<u>Commercial Uses:</u>		
Office buildings	1 space per 300 ft. of gross floor area (4 spaces minimum)	
Bank, savings & loan or similar lending establishment	1 space per ea. 200 sq. ft. of gross floor space	
Service or repair establishments	1 space per ea. 250 sq. ft. of gross floor area not used for storage	
Retail business not otherwise specifically mentioned	1 space per ea. 250 sq. ft. of gross gross retail floor space not used for storage (3 spaces minimum)	Plus 1 space per employee
Theater, night club, bar and similar places of assembly	2 spaces per each 4 seating accommodations	Plus 1 space per each 3 employees on shift of greatest employment.
Automobile service station	1 space per employee but in all cases, a minimum of 5 spaces	Plus 1 space per ea. grease rack or wash rack
Motel, hotel and tourist court	1 space per sleeping room or suite	Plus 1 space per ea. 3 employees
Furniture, home furnishings, appliance, machinery, equipment, automotive farm & boat sales & service	1 space per 300 sq. ft. of retail floor area (3 spaces minimum)	Except that automobile sales & service must have 10 spaces min.

Column 1

Column 2

Column 3

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USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADDITIONAL REQUIREMENTS
Shopping center	5.5 spaces per 1,000 sq. ft. of gross leaseable area	
Restaurant	1 space per ea. 4 seats	Plus 1 space per ea. 3 employees on shift of greatest employment
Drive-in restaurant	1 space per ea. 35 sq. ft. of gross building area	Plus 1 space per ea. 3 employees on shift of greatest employment
Take-out restaurant	1 space per ea. 100 sq. ft. of gross building area	Plus 1 space per ea. 3 employees on shift of greatest employment

Sec. 5-4-113 Application of parking requirements.

(a) Location of off-street parking areas. Except as provided in section 5-4-115, all parking spaces required herein shall be located on the same lot with the principal building or use or uses served.

(b) Mixed uses. Where more than one principal or accessory use or uses, whether with the same or different parking requirements, occupy the same building or premises or in the case of joint use of a building or premises, by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(c) Change in use, alteration of use, or extension of use. Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise.

(d) Requirements for uses not specifically listed. The parking space requirements for a use not specifically listed in section 5-4-112 shall be the same as for a listed use of similar characteristics of parking demand, as determined by the zoning administrator.

(e) Compilation of total employment. Except as otherwise provided, the number of employees shall be determined based on the maximum number of employees at the premises at any one time on an average day or average night, whichever number is greater. Seasonal variations in employment may be considered in determining an average day.

(f) Fractional computation. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.

Sec. 5-4-114 Area and paving required for parking spaces.

Excluding aisles, maneuvering space, turn-around space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of 180 square feet, nine (9) feet in width and 20 feet in length for each automobile to be accommodated. No parking or maneuvering area shall be located in any public right-of-way. Off-street parking spaces are not required to be paved. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, drives, lighting diagram and landscaped areas and the type of surface material used in the parking and drive areas shall be submitted to the zoning administrator for his approval.

Sec. 5-4-115 Joint use of off-street parking areas.

Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual parking spaces available in such common area is not less than the sum of the parking spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that where such space is not located on the same lot as the principal use or uses, the owner of such space relinquishes through a covenant agreement with the city his development rights over the property until such time as parking space is provided elsewhere or on the same premises as the principal use or uses.

Sec. 5-4-116 Off-street loading area required.

Areas suitable for loading and unloading motor vehicles in off-street locations and specifically designated for such purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used or arranged to be used for commercial, industrial, governmental, or multi-family residential purposes. Such off-street areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

Sec. 5-4-117 Number of off-street loading spaces required.

The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this section.

TYPE OF USE	SQ. FT. IN TOTAL FLOOR AREA	SPACES REQUIRED
Retail and personal service establishments	0-1,999	None
	2,000-24,999	1
	For each add'l 25,000	1 additional
Wholesale, manufacturing, governmental & institutional (incl. places of public assembly), educational institution, recreation, business, service, terminal & similar business uses	0-24,000	None
	25,000-49,999	1
	50,000-99,000	2
	100,000-249,000	3
	250,000-999,000	4
Offices or office buildings	1,000,000 or more	5
	0-4,999	None
	5,000-9,999	1
	10,000-20,000	2
	For each additional 50,000	1 additional

TYPE OF USE	SQ. FT. IN TOTAL FLOOR AREA	SPACES REQUIRED
Multi-family dwelling project, mobile home development, hotel motel, tourist home, or similar establishment	0-9 units	None
	10-20 units	1
	For each additional 10 units	1 additional

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Sec. 5-4-118 Amount of area required for each loading space.

Each off-street loading and unloading space required by the provisions of this chapter shall be at least 12 feet wide, 40 feet long and 14 feet high. Such space shall be clear and free of obstruction at all times.

Sec. 5-4-119 Location of off-street loading areas.

Required off-street loading and unloading areas must be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to comply with off-street parking requirements as stated herein.

Sec. 5-4-120 Loading area.

All uses, whether or not specified in this chapter, shall provide off-street loading areas. Loading areas shall be located so that no vehicle being loaded or unloaded in connection with normal operations shall obstruct or project into a public street, walk, alley or way.

Sec 5-4-121 through 130 reserved

ARTICLE 7

Signs

Sec. 5-4-131 Intent.

The intent of this Article is to establish limitations on signs to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose. Any display of off-premises, outdoor advertising (billboards) is considered inappropriate to the character and proper development of the city, and it is intended by this Article that such display shall not be permitted within the city.

(a) Compliance with the Zoning Ordinance. It is intended that all signs, temporary or permanent, erected, placed or used within the corporate limits of the City of Isle of Palms and visible from any land, thoroughfare, beach or waterway shall comply with the regulations set forth in this Article. All existing signs which comply with this Article shall hereinafter be subject to the provisions of this Article. Signs existing on the effective date of this ordinance which have a valid permit or would have been entitled to one, but do not comply with this Article, shall hereinafter be designated as legal non-conforming signs and shall be subject to the provisions of Section 5-4-49. Signs existing on the effective date of this ordinance which do not have a valid permit or would not have been entitled to one, shall be considered illegal non-conforming signs and shall be subject to removal by the City of Isle of Palms as prescribed in Section 5-4-140.

Sec. 5-4-132 Permits.

(a) Required. No sign, except for those signs described in subsection (b) of this Section, shall be erected, placed, altered, painted or repaired within the corporate limits of the city unless a permit is secured from the city in accordance with the provisions of this Article.

(b) Exceptions. The following signs, or alterations or repairs to such signs, shall be exempt from the permit requirement.

- (1) An official sign or notice issued by any court, public agency or office.
- (2) Directional, warning or information signs authorized by the City of Isle of Palms or any agency of the State of South Carolina.
- (3) "No Trespassing", "No Hunting", "No Loitering" and like signs not exceeding one (1) square foot in sign area.
- (4) Window signs which comply with this Article.
- (5) Real estate signs and construction signs which comply with this Article.
- (6) Political signs which comply with this Article.
- (7) The changing of copy on a permitted changeable copy sign.
- (8) The painting of the surface of a sign face or sign structure of a permitted sign which conforms to this Article so as to maintain the appearance of such sign as it was permitted.

Section 5-4-133 Definitions.

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(a) Sign. A structure or device designed or intended to attract attention to, or convey information to, or convey information about the subject thereof, to the public, and which is visible from a public right-of-way, public access, or public beach

(b) Types of Signs.

(1) Awning or canopy sign. A sign that is mounted, painted, or attached to an awning or canopy. See Figure H-1.

(2) Banner sign. A sign made of fabric or any nonrigid material with no enclosing framework.

(3) Building-mounted sign. A sign attached to, painted on, inscribed, or deriving its major support from any part of a building, including a canopy sign, projecting sign and wall sign.

(4) Directional Sign. A sign authorized by the City of Isle of Palms or any agency of the State of South Carolina that provides information about, or directions to areas and activities within or outside the City of Isle of Palms.

(5) Free-standing Sign. A sign supported by one or more columns, uprights or braces, in or upon the ground and wholly independent of any building or vehicle. A sign attached to a flat surface such as a fence or wall not a part of the building shall be considered a free-standing sign. See figure H-1.

(6) Off-premises Sign. An outdoor advertising sign or billboard which directs attention to an activity, commodity, service or event that is conducted, sold or offered at a location other than the premises on which the sign is located.

(7) On-premises Sign. A sign which (a) directs attention to a business, commodity, service or event that is conducted, sold or offered on the premises on which the sign is located.

(8) Projecting Sign. A building-mounted sign attached to and projecting from the wall or face of a building. See figure H-1.

(9) Temporary Sign. Any sign or information transmitting structure intended to be erected or displayed for a limited period.

(10) Wall Sign. A building-mounted sign attached to, painted on, inscribed, or deriving its major support from a wall, and which projects less than twelve (12) inches from the wall. See figure H-1.

(11) Window Sign. A sign painted, stenciled, or affixed on or inside a window, which is visible from a public right-of-way or public beach access. See figure H-1.

(12) Permanent Real Estate Rental Signs. A sign that advertises real estate for rent for a term of less than one year and which is not removed from view at the time of each rental.

(c) Business Establishment. A business duly licensed with a current City of Isle of Palms Business License.

(d) Frontage. The length of the property line of a lot which abuts a public right-of-way.

(e) Height of 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.

(f) Non-Conforming 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 this Article or any subsequent amendments thereto, or the sign restrictions which preceded this Article. Non-conforming signs shall be regulated by Section 5-4-39.

Section 5-4-134 Calculation of sign area.

Sign area shall be calculated as the entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The area of signs composed of individual letters, numerals or other devices shall equal the area of the smallest rectangle or other geometric figure encompassing said letter or devices. The calculation for a double-faced sign shall be one face only. Double faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Section 5-4-135 Standards applicable to all signs.

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(a) Content. Any signs, display or device allowed under this ordinance may contain, in lieu of any other copy, an otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, construction, lighting, and location requirements of this ordinance.

(b) Location.

(1) No sign shall be erected or displayed in a public right-of-way, public beach or public beach access, salt marsh area or on land subject to periodic inundation by tidal salt water, in any critical area as defined by the regulations promulgated by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, or its successor, or in wetlands as defined by the Federal Clean Water Act and/or as defined by the regulations promulgated by the South Carolina Coastal Council, unless authorized by the City of Isle of Palms and any other agency having jurisdiction over the subject area.

(2) Setback from right-of-way. All free-standing signs must be set back at least five (5) feet from the street right-of-way. Awning, canopy or projecting signs shall not project over a public right-of-way. No signs shall be located so as to obstruct or impair driver vision at driveways or street intersections.

(c) Construction. The design, selection of materials, supports, installation, and electrical wiring for all permanent signs shall conform to the Standard Building Code and the national Electrical Code.

(d) Illumination. Signs may be illuminated only by steady, stationary lights of reasonable intensity. Externally spotlighted signs shall utilize only white lights which are shielded from all adjacent residential buildings, beach areas and streets, directed solely at the signs, and not of such brightness so as to glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent residential area. Illuminated signs within residential zoning districts must be shielded to prevent illumination from being cast into residences within 100 feet thereof. Neon signs are considered excessive and are prohibited, except that one neon "Open" and one neon "Closed" sign shall be allowed for each business.

Section 5-4-136 Sign regulations for SR-1, SR-2 and PDD districts.

(a) Residential uses. One sign, not exceeding three (3) square feet in sign area, attached to the building or on a rod or post not more than five (5) feet high and stating only the street number, cottage name or name of the occupants of the lot or both. Those numbers or letters attached to the owner's home shall not be counted in calculating sign area.

(b) Permanent Real Estate Rental Signs. One sign with surface dimensions not exceeding eighteen and one-half (18.5") inches in width and twelve and ½ (12.5") inches in height, with an maximum sign height of forty (40") inches, and attached to the building or mounted on a post or rod. Such signs shall not be located closer than five (5') feet to the boundary of the right-of-way of any abutting street, road or alley.

(c) Churches or other institutional uses. One sign, bulletin, or announcement board, or entrance marker for each lot or parcel not exceeding twenty (20) square feet in sign area, except that if the street frontage of such lot or parcel exceeds one hundred (100) feet, one such sign for each one hundred (100) feet of frontage computed to the nearest one hundred (100), but in no event more than two (2) such signs for each such lot or parcel. No such sign shall exceed a height of seven (7) feet.

(d) Commercial and recreational uses within the PDD. Buildings used for commercial or recreational uses within the PDD may have canopy or awning signs with a maximum sign area on each awning or canopy of three (3) square feet. (Ord. No. 1994-13, 8/30/94)

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(e) Non-conforming uses. One free-standing or building sign advertising legal non-conforming, non-residential uses on the lot not to exceed five (5) square feet of sign area. A free-standing sign, if used, shall not exceed six (6) feet in height.

(f) Subdivision entrance signs. Residential subdivisions may have one sign at the entrance identifying only the subdivision, not exceeding twenty-eight (28) square feet in sign area and not more than seven (7) feet high.

Section 5-4-137 Sign regulations for LC, GC-1, GC-2 and MF districts.

(a) Free-standing signs for non-residential uses:

(1) A lot containing a structure with more than 30,000 square feet of heated floor space shall be permitted one free-standing sign. Such sign shall not exceed a height of twenty-five (25) feet and shall not have more than one hundred eighty (180) square feet of sign area.

(2) A lot containing a structure with 30,000 square feet or less of heated floor space shall be permitted one free-standing sign. Said sign shall not exceed a height of twenty (20) feet or a sign area of fifty (50) square feet. For lots containing more than one business establishment, the sign area of a free-standing sign for that lot may be increased five (5) square feet for each additional business establishment to allow a free-standing sign of up to eighty-five (85) square feet.

(Example: A lot which contains four business establishments as defined by this ordinance, within 10,000 square feet of heated floor space, is permitted to have one free-standing sign with a sign area not exceeding sixty-five (65) square feet.)

(b) Free-standing signs for residential uses:

Multi-family development signs. Multi-family developments may have one sign per driveway, but no more than two signs, identifying only the multi-family development, not exceeding twenty-eight (28) square feet in area and seven (7) feet in height.

(c) Building mounted signs:

Any combination of wall signs, projecting signs, awning or canopy signs with a total sign area shown below is permitted except that the maximum sign area permitted on each awning or canopy is three (3) square feet. Projecting signs shall not project more than five (5) feet from the building facade nor have a bottom less than ten (10) feet from grade and top no higher than the eaves of the facade on which the sign is mounted.

Distance from street (property line bound- ary to building front)	Total sign area allowed on bldg(s) for lot with 50 or less of frontage	Total sign area allowed on bldg(s) for lot with more than 50' frontage; sq. ft. per frontage ft.
0-99 feet	50 sq. feet	1 sq. foot
100 feet or more	100 sq. feet	2 sq. feet

(Example: A building set back forty-five (45) feet from the front property line and located on a lot with sixty-five (65) feet of frontage, is allowed a total sign area of sixty-five (65) square feet for any combination of wall and projecting signs.)

(d) Window signs, which otherwise comply with this Article, may be displayed without a permit provided no more than twenty-five (25) percent of the area of a window is occupied by said signs.

Section 5-4-138 Temporary signs.

The following types of signs are classified as "temporary signs", and are allowed as follows:

(a) Building-mounted "Grand Opening" and "Going Out of Business" signs, not exceeding thirty-two (32) square feet in sign area, may be erected for businesses and services in non-residential districts for one period only not to exceed thirty (30) days.

(b) Construction signs. For any construction, remodeling, or landscaping activity, signs which identify the designer, contractor, developer, finance organization, subcontractor or materials vendor involved with the activity may be erected on the construction site upon the issuance of a building permit, or when work begins if no building permit is required, and shall be removed within thirty (30) days following the issuance of a certificate of occupancy (CO), or completion of work if no CO is required. Construction signs shall not exceed a maximum sign area of twenty (20) square feet in residential districts or thirty-two (32) square feet in non-residential districts and shall not require the issuance of a sign permit.

(c) Signs advertising real estate for sale or for rent for a term of one year or more shall comply with the following requirements:

1) No more than one sign advertising real estate for sale and one sign advertising real estate for rent shall be allowed per parcel of land. Provided, however that no temporary for rent sign is allowed on a property which has a Permanent Real Estate Sign displayed. No off-premises signs advertising real estate for sale or for rent are allowed except that one "open house" sign may be placed on the shoulder of a street right-of-way between the hours of 1:00 p.m. to 5:00 p.m. on Saturdays, Sundays, and City legal holidays.

2) No sign shall exceed a maximum surface area of five (5) square feet in any zoning district.

3) No on-premises sign shall be located closer than five (5) feet to the boundary of the right-of-way of any abutting street, road or alley.

4) No sign located in any zoning district shall have a height greater than five (5) feet.

5) Any such signs shall be removed from view within fourteen (14) days from the date of the closing of the sale or the renting of the property, as applicable.

6) The Zoning Administrator shall give one written warning to the owner of any sign placed in violation of this subsection (c).

7) Any person violating any provision of this subsection (c) at any property after written warning from the Zoning Administrator shall be guilty of a misdemeanor and punished as follows:

a) For a first offense, by a fine of Twenty (\$20.00) Dollars.

b) For a second and each subsequent offense, by a fine of Fifty (\$50.00) Dollars.

c) Each day of such violation shall constitute a separate offense.

d) Any violation hereunder, with or without warning, shall result in the immediate confiscation of all signs placed in violation hereof.

8) No City business license shall be issued or renewed until all fines outstanding against the applicant are paid in full.

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(d) Political campaign signs may be erected not more than thirty (30) days prior to the occurrence of the event to which they pertain and must be removed within two (2) days after said event. Political signs shall not exceed a maximum sign area of eight (8) square feet and shall not require the issuance of a permit.

(e) Signs announcing civic, recreational, philanthropic, educational, or religious events and not exceeding thirty-two (32) square feet of sign area, may be erected no more than fourteen (14) days prior to the announced event and shall be removed within two (2) days following the event.

(f) Height. The maximum height of free-standing temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height.

Section 5-4-139 Application requirements.

The Building Department of the City of Isle of Palms is authorized to grant permits for repair, alteration, erection or placement of signs upon demonstration by the applicant that the sign or signs comply with the regulations of this Article. Applicants for permits shall be accompanied by information necessary to adequately review the application for compliance, including but not limited to the following:

- (1) Scaled drawings showing the dimensions of the sign, method of construction and illumination, and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
- (2) The dimensions of the sign's supporting members;
- (3) The maximum and minimum height of the sign;
- (4) The proposed location of the sign in relation to the face of the building, in front or on which it is to be erected;
- (5) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;
- (6) The building frontage as it exists (or is to be constructed) on the lot, and the setback of the building from the front property line; and
- (7) For temporary signs, the length of time the sign will be displayed.

Section 5-4-140 Enforcement.

(a) The zoning administrator and duly authorized staff shall be empowered to enter upon the premises on any person subject to this Article for the purpose of enforcing the provisions herein. Any person violating provisions of this Article shall be subject to penalties as specified in Section 5-4-7, Penalties.

(b) For signs within any public right-of-way, public beach, public beach access or other public lands: Where the zoning administrator determines that a sign is illegal, abandoned, not being maintained, or no longer being used for the purposes under which the original permit was issued, the zoning administrator is authorized to remove the sign without notice to the owner thereof.

(c) For signs on private property: Where it is determined by the zoning administrator that a sign is illegal, abandoned, not being maintained, or is no longer being used for the purposes under which the original permit was issued, the zoning administrator shall notify the owner of the violation. If the violation is not corrected within two (2) business days following notification, the zoning administrator may have the sign removed, and the land owner will be charged for the costs incurred by the city. The city may place a lien upon such owner's property and foreclose the same to collect the charges.

Section 5-4-141 Prohibited signs.

Except as may be specifically permitted, it shall be unlawful after the effective date of this ordinance, for any person to erect, place or use within the city, when visible from any public way or beach, any of the following signs:

- (1) Off-premises signs, outdoor advertising signs and billboards.
- (2) Any signs within the Conservation (CO) district unless authorized by the City of Isle of Palms or any agency of the State of South Carolina.
- (3) Signs which contain any moving, flashing, or animated lights, visible moving or movable parts, or give the appearance of animation.
- (4) Neon signs, except for "Open" and "Closed" signs.
- (5) Inflatable signs.
- (6) Roof signs. Signs erected upon, against, or directly above a roof or roof eaves, or on top of above the parapet.
- (7) Vehicle signs. A permanent or temporary sign affixed to, 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 circumstances which indicate that the primary purpose of said 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 said vehicle.
- (8) Any sign which emits a sound, odor or visible matter.
- (9) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- (10) Any sign or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic sign.
- (11) Signs using the words "stop", "danger" or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
- (12) Electronic message boards. An electrical sign which utilizes lights or other electronic devices to form a message or messages capable of being electronically programmed or modified by electric processes.
- (13) Moving message boards.
- (14) Signs within a public right-of-way, public beach or public beach access, unless authorized by the City of Isle of Palms and any other governmental agency having jurisdiction over the subject area.
- (15) Signs painted on or attached to trees, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
- (16) Abandoned or dilapidated signs.
- (17) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.

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(18) Portable signs. A sign not permanently affixed to the ground.

(19) Banner signs.

Sections 5-4-142 through 5-4-150 reserved.

ARTICLE 8

Flood Damage Prevention

- § 5-4-151 Statutory authorization.
- § 5-4-153 Findings of fact.
- § 5-4-153 Statement of purpose.
- § 5-4-154 Objectives.
- § 5-4-155 Definitions.
- § 5-4-156 Areas in which this chapter applies.
- § 5-4-157 Basis for establishing the areas of special flood hazard.
- § 5-4-158 Establishment of building and/or zoning permit.
- § 5-4-159 Compliance.
- § 5-4-160 Abrogation and greater restrictions.
- § 5-4-161 Interpretation.
- § 5-4-162 Warning and disclaimer of liability.
- § 5-4-163 Penalties for violation.
- § 5-4-164 Administration; designation of building official.
- § 5-4-165 Permit procedures.
- § 5-4-166 Duties and responsibilities of the building official.
- § 5-4-167 Variance procedures.
- § 5-4-168 Provisions for flood hazard reduction; general standards.
- § 5-4-169 Same; specific standards.

Sec. 5-4-151 Statutory authorization.

Pursuant to section 6-29-710, Code of Laws of South Carolina (1976), as amended, the Legislature of the State of South Carolina has delegated the authority to local governments to adopt regulations designed to protect against and secure safety from floods. Therefore, the City Council hereby adopts the following provisions.

Sec. 5-4-152 Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Sec. 5-4-153 Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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(3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and

(4) regulate developments which may increase erosion or flood damage; and, regulate the construction of structures which will unnaturally divert flood waters which may increase flood hazards to other lands.

Sec. 5--4-154 Objectives.

The objectives of this article are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas;
- (7) to encourage notification to potential real property buyers that a property is located in a special flood hazard area..

Sec. 5-4-155 Definitions.

For purposes of this Article, the following words and terms are defined as follows:

- (1) Appeal: a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.
- (2) Area of special flood hazard: the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
- (3) Base flood: the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (4) Base flood elevation: the water surface elevations of the base flood as determined by the Federal Insurance Administrator of the national Flood Insurance Program.
- (5) Basement: any area of the building having its floor subgrade (below ground level) on all sides.
- (6) Building: any structure built for support, shelter, or enclosure for any occupancy or storage.

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(7) Coastal high hazard area: an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

(8) Development: any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(9) Expansion to an existing manufactured home park or manufactured home subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Any expansion is considered "new construction".

(10) Fair market value of a structure: (i) the appraised value of the structure prior to the start of the initial repair or improvement, or (ii) in the case of damage, the appraised value of the structure prior to the damage occurring.

(11) Flood or flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters;
- b. the unusual and rapid accumulation of runoff of surface waters from any source.

(12) Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

(13) Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

(14) Flood Insurance Study: the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

(15) Floor: the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(16) Functionally dependent use: a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(17) Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(18) Mean sea level: the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD).

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(19) Manufactured home: a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(20) National Geodetic Vertical Datum (NGVD) (as corrected in 1929): a vertical control used as reference for establishing varying elevations within the flood plain.

(21) New construction: structures for which the "start of construction" commenced on or after the effective date of this chapter.

(22) New manufactured home park or manufactured home subdivision: a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.

(23) Sand dunes: naturally occurring or man-made accumulations of sand in ridges or mounds landward of the active beach.

(24) Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act): includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

(25) Structure: a walled and roofed building that is principally above ground, a manufactured home or a gas or liquid storage tank.

(26) Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition equals or exceeds 50 percent of the fair market value of the structure before the damage occurred.

(27) Substantial improvement: any combination of repairs, reconstruction, alteration, additions or improvements to a structure occurring within a continuous period of five (5) years, measured from the date of the start of construction of improvement in which the cumulative cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term does not, however, include either (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Building Official which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the structure's continued designation a "historic structure".

(28) Variance: a grant of relief to a property owner from the requirements of this article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship to the owner.

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Sec. 5-4-156 Areas in which this chapter applies.

This article applies to all property in the City designated as areas of special flood hazard by the National Flood Insurance Program, as amended.

Sec. 5-4-157 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its latest FIRM, with accompanying maps and other supporting data, which are adopted herein by reference thereto and declared to be a part of this chapter.

Sec. 5-4-158 Establishment of building and/or zoning permit.

A building/zoning permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

Sec. 5-4-159 Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

Sec. 5-4-160 Abrogation and greater restrictions.

Where this article and any other provision of the City Code conflict or overlap, whichever provision imposes the more stringent restrictions shall prevail. If two (2) or more flood zones transect a structure, the structure shall conform to the most stringent zone.

Sec. 5-4-161 Interpretation.

(a) In the interpretation and application of this article all provisions shall be:

- (1) considered a minimum requirement;
- (2) liberally construed in favor of the governing body; and
- (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(b) In the event any section, subsection, sentence, clause or phrase contained in this chapter shall be declared or adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, all the remaining provisions of this chapter shall be and remain in full force and effect.

Sec. 5-4-162 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damage that results from reliance on or compliance with this chapter or any administrative decision made hereunder.

Sec. 5-4-163 Penalties for violation.

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Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Section 1-3-66 of this code, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent, enjoin or remedy any violation.

Sec. 5-4-164 Administration; designation of building official.

The building official is hereby appointed to administer and implement the provisions of this article.

Sec. 5-4-165 Permit procedures.

Application for a building/zoning permit shall be made to the building official on forms provided by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
- (3) A certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in section 5-2-19(2).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (5) A floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within 21 calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21 calendar period and prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey date submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby may result in the issuance of a stop-work order for the project from the Building Official.

Sec. 5-4-166 Duties and responsibilities of the building official.

Duties of the building official shall include, but not be limited to, the following:

- (1) Review all building and zoning permits to assure compliance with this chapter.

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(2) Advise permittees that additional federal or state or city permits may be required, and, if specific federal or state or city permits are known to the Building Official, require that copies of such be provided and maintained on file with the building/zoning permit.

(3) Notify adjacent communities and the State Coordinator, Flood Mitigation Program, S.C. Land, Water and Conservation Division of the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-4-165 (5).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with section 5-2-15(5).

(7) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave-wash.

(8) In coastal high hazard areas, the building official shall review plans for adequacy of breakaway walls in accordance with section 5-2-19(4)h.

(9) When flood-proofing is utilized for a particular structure, the building official shall require certification from a registered professional engineer or architect.

(10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building official shall make the necessary interpretation.

(11) When a base flood elevation data has not been provided in accordance with section 5-2-157, then the building official shall obtain, review, and utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of sections 5-4-168 through 5-4-170.

(12) Before a certificate of occupancy is issued for a structure, the building official shall inspect the premises to assure that the requirements of this chapter have been met.

(13) All records pertaining to the provisions of this chapter shall be maintained in the office of the city clerk and shall be made available for public inspection.

Sec. 5-4-167 Variance procedures.

(a) The City's Board of Zoning Appeals shall hear and decide appeals and requests for variances hereunder.

(b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decisions, or determinations made by the building official in the enforcement or administration of this Article.

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(c) Any person aggrieved by the decision of the board may appeal such decision to a court of competent jurisdiction as provided by law.

(d) Notwithstanding any other provision in this article to the contrary, variances may be issued for repair or rehabilitation of historic structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a finding by the board that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(e) In considering appeals or request for variances, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article and:

- (1) the danger that materials may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) the importance to the community of the services provided by the proposed facility;
- (5) the necessity to the facility of a waterfront location, where applicable;
- (6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) the compatibility of the proposed use with existing and anticipated development;
- (8) the relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
- (9) the safety of access to the property during floods for emergency and non-emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) The board may attach such conditions to the granting of a variance hereunder as it deems necessary to further the purposes of this Article.

(g) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(h) Requirements for variances.

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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(2) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice by the board that the issuance of a variance to construct a structure below the base flood level will result in substantially increased premium rates for the flood insurance as specified by the federal law.

(4) The city clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency as required by law.

Sec. 5-4-168 General standards.

In all areas of special flood hazard the following provisions are required:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(g) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(h) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

Sec. 5-4-169 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 5-4-157, or section 5-4-166 (11), the following provisions are required:

(a) Residential construction. New construction, substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwater shall be provided.

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(b) Non-residential construction. New construction, substantial improvement or the repair of substantial damage of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 5-4-169(c) below.

(c) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. a minimum of two openings having a total net area of not less than one square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included;
2. the bottom of all opening shall be no higher than one (1) foot above grade;
3. openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters
4. the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Temporary structure. No temporary structures shall be placed in a floodway or coastal high hazard area, or in any area of special flood hazard within the corporate limits of the city unless a permit is obtained from the zoning administrator. No such permit shall be issued unless the latest FEMA guidelines regarding such structures are met.

(e) Coastal high hazard areas (V zones). Located within the areas of special flood hazard established in section 5-4-157 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave-wash, therefore, the following provisions shall apply:

1. All new construction and substantial improvement shall be located landward of the reach of the mean high tide.
2. All new construction and substantial improvement shall be elevated so that the lowest support horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with section 5-4-169(e) 8.
3. All new construction and substantial improvement shall be securely anchored on pilings or columns.
4. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall equal or

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exceed the base flood. Wind loading values shall be in accordance with the latest edition of the Standard Building Code..

5. Compliance with provisions contained in this section 5-4-169 (e) 2 and 4. shall be certified by a licensed professional engineer or architect.

6. There shall be no fill used as structural support.

7. There shall be no alteration of sand dunes, which would increase potential flood damage.

8. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

a. no solid walls are allowed; and

b. materials shall consist of open wooden lattice or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

9. If aesthetic lattice works or screening are utilized, such enclosed space shall not be used for human habitation.

10. Prior to construction, plans for any structure that will have lattice work or decorative screening must be submitted to the building official for approval.

11. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided for in section 5-4-169(5) 8. and 9.

CHAPTER 5

Land Development Regulation

- § 5-5-1 Subdivision approval required.
- § 5-5-2 Stages in the subdivision approval process.
- § 5-5-3 Conceptual plan.
- § 5-5-4 Preliminary plat.
- § 5-5-5 Conditional plat.
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- § 5-5-12 Fees.
- § 5-5-13 Penalties.

Sec. 5-5-1 Subdivision Approval Required.

Approval of any subdivision of property within the City of Isle of Palms shall be required as set forth herein below. These requirements shall be referred to as the "Land Development Regulations" of the City of Isle of Palms.

(a) Scope: Regarding real property in the City of Isle of Palms, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all requirements of these regulations.

(b) Subdivision Defined: Subdivision means any division of a lot, tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record; However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

(1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;

(2) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and

(3) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(c) Compliance with Zoning Requirements: All applications for subdivision must also meet all of the applicable requirements of Title 5, Chapter 4, Zoning.

(d) Plats Required to Be Stamped: All plats for the subdivision of property within the City of Isle of Palms shall bear the stamp of the City of Isle of Palms Planning Commission and an authorized signature as a condition precedent to recording at the Charleston County R.M.C. Office, or its successor office.

Sec. 5-5-2 Subdivision approval process.

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The procedure for obtaining subdivision approved by the City of Isle of Palms is as follows:

- (a) CONCEPTUAL PLAN: Submission and review are OPTIONAL.
- (b) PRELIMINARY PLAT: Submission, review and approval are REQUIRED.
- (c) CONDITIONAL PLAT: Submission, review and approval are OPTIONAL.
- (d) FINAL PLAT: Submission, review, approval and recording are REQUIRED.

Item (a) is optional, at the discretion of the owner. Item (b) shall be completed prior to land clearing, grading or making any street or other improvements, including utilities. Either Item (c) or Item (d) shall be completed prior to commencement of building construction and/or sale of any lots within the proposed subdivision. Item (d) shall be completed prior to the occupancy of any structure.

Sec. 5-5-3 Conceptual plan.

(a) Purpose. Conceptual plans are encouraged but are not required. The purpose of conceptual plan review is to assist the owner in demonstrating compliance with this Chapter prior to extensive site planning and expenditures.

(b) No Rights granted by conceptual plan review. Conceptual plan review is solely advisory in nature. Conceptual plan review does not involve any interpretation or approval and it creates no vested right or right of reliance on the part of the owner.

(c) Information required for review. Conceptual plans shall contain at least the date, be legibly drawn to scale, but not necessarily showing exact dimensions, and include the following:

(1) North arrow, written and graphic scales, and a location map showing the relationship between the proposed subdivision and the surrounding area.

(2) Tract boundaries and total acreage.

(3) Significant topographical and physical features including the location of all critical areas, wetlands, water courses within and abutting the tract, flood hazard areas and designation of flood hazard zone.

(4) The location, names and rights-of-way widths of existing streets.

(5) Tentative street and lot arrangement showing acreage, proposed minimum lot size and the number of lots.

(6) Existing and proposed land uses throughout the subdivision.

(7) Zoning classification(s) and T.M.S. numbers.

(8) Existing and proposed drainage and utility easements.

(9) Statement for proposed method of sanitary sewerage disposal.

(10) The location of the critical area as defined by O.C.R.M., and delineation of the marsh setback required by code section 5-4-18. All wetland areas under the jurisdiction of the O.C.R.M. or the US Army Corps of Engineers shall be shown.

(11) Flood hazard zone(s), the O.C.R.M. critical line, baseline and construction setback line and the city's zoning beachfront jurisdictional setback line shall be shown; if applicable.

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(12) The tree survey required in city code section 5-4-61.

(13) Owner's name, address and telephone number.

(d) Review process. The applicant may submit a proposed conceptual Plan to the zoning administrator, who shall forward the Plan to the city building official and the planning commission for advisory review. The planning commission shall provide the applicant with the advisory and non-binding results of its review within 45 days following submission of the Plan. City council hereby delegates to the Planning Commission the review of any Conceptual Plan pursuant to any PDD zoning district requirement.

Sec. 5-5-4 Preliminary plat.

(a) Preliminary plat required. Submission and approval of a preliminary plat is the first formal stage of a subdivision application review.. Preliminary plat approval is required before site improvements may commence.

(b) Rights afforded by preliminary plat approval. Issuance of a preliminary plat authorizes the owner to proceed with the installation of site improvements and with the preparation of final plats. Preliminary plat approval does not authorize the sale or transfer of lots, or the commencement of construction of improvements.

(c) Information required for review. Preliminary plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on one or more sheets not to exceed twenty-two (22) inches by thirty-four (34) inches in size. For small areas being platted, a scale of 1" = 100' shall be used, provided the drawing does not exceed twenty-two (22) inches by thirty-four (34) inches in size.

In addition to the information required for Conceptual Plan in Section 5-4-73(c), the following information shall be required:

(1) the courses and distances of the perimeter of the subject property shall be shown.

(2) References to a known point or points such as street intersections and railroad crossings.

(3) Zoning classifications, total acreage and total number of lots.

(4) The Charleston County Tax Map System (T.M.S.) identification numbers of adjacent properties , and street names where known or available, and all intersecting boundaries or property lines shall be shown.

(5) Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, easement widths, and names of streets; the location of proposed utility installations, lot lines; sites reserved or deeded for public uses.

(6) The title, scale (including graphic scale), north arrow (magnetic, grid or true), date, name of the subdivider and the name of the licensed professional who prepared the plat, together with his/her South Carolina Registration Number and seal shall be shown on each sheet.

(7) Drainage features shall be shown.

(8) When required by the city building official or other requirements, a drainage plan showing profiles, plans and drainage specifications for existing and/or proposed on-site storm water drainage facilities and off-site facilities to be used to carry storm water from the site.

(9) Accompanying data as listed below:

(a) The preliminary plat shall be accompanied by either: a statement from the City of Isle of Palms Water and Sewer Commission stating that a sewer line is located on a right-of-way or easement abutting the

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proposed lots and that public sewer capacity is available to serve the proposed lots; or where a sewer line does not abut the property or public sewer capacity is not available, proof that the proposed lots meet the current S.C.D.H.E.C. minimum standards for an on-site wastewater treatment system. (Revised by Ord 2003-8, 6/24/03)

(d) Criteria for review. The application for preliminary plat approval must contain all required information. Incomplete applications will be rejected and returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason(s) for rejection.

(e) Review process.

(1) The owner shall submit a proposed preliminary plat to the zoning administrator, who shall forward the application to the planning commission, the city building official and all other applicable city departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the planning commission will be placed on the commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled commission meeting shall be placed on the agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.

(2) Fees set by City Council pursuant to Sec. 5-5-12 must be paid by the applicant at the time of submission of a proposed preliminary plat.

(3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the preliminary plat within the sixty (60) days after receipt of a complete application and all required information. Failure to act within the sixty (60) day period, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand. The owner shall be notified in writing of the actions taken.

(4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record.

(f) Duration. Approval of a preliminary plat is valid for one year from the date of approval. Where a subdivision is being developed in sections, the one year shall be measured from the date of the most recent final approval granted to a portion of the subdivision. Prior to the expiration of a preliminary plat, the developer may apply for a one year extension of time by the Planning Commission; There is no right to receive an extension, and the Planning Commission has the discretion to require the subdivider to apply for a new preliminary plat; the Planning Commission shall consider the applicant's progress or lack thereof in proceeding with the development and any changed circumstances and restrictions in deciding whether to grant an extension.

#### Sec. 5-5-5 Conditional plat.

(a) Conditional plat submittal. Submission and approval of the conditional plat is an optional second formal stage of the subdivision regulation process. Approval authorizes the sale of lots and the construction of structures before site improvements are made, provided that adequate financial guarantees are provided to the City to ensure that all required improvements will be completed.

(b) Rights afforded by conditional plat approval. Issuance of a conditional plat authorizes the subdivider to proceed with the sale or transfer of lots and with the preparation of final plats. Further, structures may be approved and constructed, pursuant to the requirements of this Title, on lots covered by a conditional plat. However, no certificate of occupancy shall be issued for any structures until approval and recording of a final plat is obtained by the owner.

(c) Information required for review of conditional plats. In addition to the information required for review of a preliminary plat submission, the following information is required:

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(1) The applicant shall submit a bond or other financial guarantees meeting the criteria set forth in section 5-5-9.

(2) The following conditions shall be conspicuously noted on the plat:

a. This is conditional plat. No final approval from the City of Isle of Palms has been obtained. Final plat approval is contingent upon completion and approval of all required improvements. No property shown on the preliminary plat may be occupied in any manner until a final plat is approved by the City of Isle of Palms. No building permits will be issued until the road base and water system are installed.

b. It shall be the duty of any attorney, real estate agent or broker involved in the subdivision process to give notice of these conditions of approval to all prospective purchasers of any parcels shown thereon.

(d) Criteria for review. The application for conditional plat approval must contain all required elements. Incomplete applications shall be returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason(s) for the rejection.

(e) Review process. The application for conditional plat shall follow the same process set forth for the approval of a preliminary plat pursuant to section 5-5-4.

(f) Duration. In the event required improvements are not completed within one (1) year from the date of approval of a conditional plat, the city shall have the right to invoke the applicable financial guarantees and complete construction of the required improvements. The developer may apply for an extension of time of up to one (1) year by the Planning Commission to complete the required improvements, provided that adequate financial guarantees are so extended; however, no more than two (2) such extensions may be granted, and the Commission has the right to invoke the applicable financial guarantees rather than grant an extension.

Sec. 5-5-6 Final plat.

(a) Final plat required. Submission and approval of the final plat is the final stage of the subdivision approval process. Such approval is required before a certificate of occupancy will be issued.

(b) Rights afforded by approval of a final plat. Approval of a final plat authorizes the owner to sell or transfer lots, and to commence construction of structures provided all necessary permits have been obtained therefor, and further authorizes issuance of a certificate of occupancy upon compliance with all requirements of section 5-4-101.

(c) Information required for review. The final plat must be recordable at the Charleston County R.M.C. Office, drawn on sheets not exceeding twenty-two (22) inches by thirty-four (34) inches, with a scale of 1" = 100' or larger, and not less than eight and one-half (8½) inches by eleven (11) inches. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

In addition to the information required for review of the preliminary plat in section 5-5-4, the following information shall be required:

(1) All information required on the preliminary plat, with the exception of topographic data.

(2) All property lines with distances, accurate bearings or deflection angles. If a control traverse is run between any two points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length and radius shall be shown.

(3) Curve data for all curves shall consist of the following:

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The Delta angle, the degree of the curve, the tangent distance, the length of curve by arc method, and the radius. This information should be calculated along the centerline or other defined traverse line for the entire curve, beginning to end as one set of data.

- (4) The location of all points of curvature and tangency.
- (5) The location of points of intersection where circular curves are not used.
- (6) Lot and block numbers suitably arranged by an easily understood system.

(7) Certificate of Accuracy: A Certificate of Accuracy shall be lettered or printed on the face of the final plat. The signature, seal and certification of a State of South Carolina registered professional land surveyor to the effect that the final plat accurately reflects a "Class A" survey, that all monuments shown thereon actually exist and their position is accurately showing, and that all dimensional details are correct.

(8) In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, the applicant shall submit a letter of operation and maintenance agreement for the system and certifications of inspection from the SC Department of Health & Environmental Control.

(9) A statement as follows: "This plat is subject to all applicable easements, reservations and restrictive covenants of record".

(10) Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as "future".

(11) Certificates, as follows:

a. A surveyor's certificate as to accuracy of survey and plat. "I, [name of surveyor], a registered surveyor of the State of South Carolina, do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: \_\_\_\_\_" [state actual precision]. The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the SC Board of Engineering Examiners.

b. A statement of dedication by the property owner of any streets, rights-of-way, easements, or other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement or dedication shall be amended accordingly.

c. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.

d. The date of the field survey upon which final plat is based.

(d) Criteria for review. The application for final plat approval must contain all required elements. Incomplete applications shall be rejected and returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason(s) for rejection.

(e) Review process.

(1) The applicant shall submit a proposed final plat to the zoning administrator, who shall forward the application to the planning commission, the city building official and all other applicable city departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the planning commission will be placed on the commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled commission meeting shall be placed on the

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agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.

(2) The Planning Commission may request additional information or documentation to make an application complete and eligible for review.

(3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the final plat within sixty (60) days after receipt of a complete application and all required information. Failure to act within sixty (60) days, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand.

(4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record. In addition, the owner must be notified in writing of the actions taken.

(5) When the Planning Commission approves a final plat after all requirements of these regulations are met, it shall cause its action, including any conditions, to be noted on the face of the original final plat.

(6) The city reserves the right to require that the following statement be placed upon the plat:

"The approval of this plat does not obligate the City of Isle of Palms in any way to accept the maintenance any of the streets, roads, accesses or easements shown hereon."

(7) No property may be sold or transferred prior to the approval and recording of the final plat, except pursuant to a conditional plat issued under section 5-5-5.

(8) No certificate or occupancy pursuant to section 5-4-101 shall be issued prior to the approval and recording of a final plat.

(9) Fees as set forth in city code section 5-5-12 will be levied to defray expenditures associated with processing of applications. These fees are due upon submission of an application.

Sec. 5-5-7 Development standards.

(a) Location. Critical area, land subject to flooding by normal tides, freshwater wetlands and other areas subject to periodic inundation shall not be subdivided for residential use, unless provisions are made for satisfactory drainage in accordance with the requirements of O.C.R.M. , US Army Corps of Engineers and other applicable State and Federal regulatory agencies. All drainage system shall be designed and constructed in accordance with the requirements of the O.C.R.M. and the latest edition of the Charleston County Road Code.

(b) Easements and Dedications.

(1) Easements for drainage, water or sewer, may be required along rear and side property lines where necessary. Redesign of the lot may be required to address drainage conditions.

(2) Drainage easements shall be provided and dedicated in accordance with the requirements of the O.C.R.M. and the latest edition of the Charleston County Road Code.

(3) Easements shall center along or be adjacent to a common property line where practical.

(4) No subdivision shall block or obstruct the natural drainage of the adjacent area.

(5) Existing natural drainage shall be retained or adequately relocated.

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(6) Dedication of streets, school sites, or recreational areas may be required.

(c) Lots. Lot requirements are contained in sections 5-4-32 through 5-4-40, with special requirements and exceptions contained in additional sections of this Title.

(d) Flood Prevention.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than 50 lots or five (5) acres.

(e) Other requirements.

(1) All land subdivisions in the City of Isle of Palms shall be in accordance with (Class A) Urban Land Surveys as promulgated by Title 40, Chapter 22, Code of Laws of South Carolina (1976), as amended, and as described in the Minimum Standards Manual For the Practice of Land Surveying in South Carolina.

(2) Beachfront Property. All plats for beachfront property shall contain the following Note:

"The Isle of Palms City Council, at the time of the approval of this plat, strongly opposes the issuance of any permits for any kind of beach hard erosion control structures or devices (i.e., sea walls, rip-rap, bulkheads, large sandbags, etc.) for any property in the City."

(3) The planning Commission shall approve and authorize the name of a street or road laid out within property over which it has jurisdiction. Also, it may, after fifteen (15) days notice published in a newspaper having general circulation in the City, change the name of a street or road within the City pursuant to section 6-29-1200, Code of Laws of South Carolina (1976), as amended.

(4) No land development plan, including subdivision plats, shall be approved unless all land intended for use as building sites can be used safely for building purposes without danger from flood or other inundation or from other menaces to health, safety or public welfare.

Sec. 5-5-8 Required improvements.

(a) Markers.

(1) Markers shall be placed as specified below:

a. A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on rights-of-way (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.

b. Markers shall be one of the following:

1. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of three (3) feet long and have a minimum cross

sectional area of nine (9) square inches. They shall protrude above the ground not less than two (2) inches and not more than six (6) inches.

2. An iron pipe having a minimum diameter of three-fourths (3/4) inches hollow or one-half (1/2) inches solid steel. Such iron pins will be a minimum of two (2) feet in length and shall extend above the ground at least one (1) inch.

(2) Markers shall be installed prior to the submission of and approval of the final plat.

(3) The location and type of all markers used shall be indicated on the final plat.

(b) Utility, drainage and street improvements.

(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the Charleston County Road Code.

(2) The owner shall install public water lines where public water service is available within five hundred (500) feet of the property.

(3) The owner shall install public sewer lines where public sanitary sewer service is available within five hundred (500) feet of the property.

(4) Street name signs in accordance with the requirements of the current edition of the Charleston County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.

(5) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the Charleston County Road Code.

(6) All lots not exceeding two hundred (200) feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70% to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in O.C.R.M. storm water guidelines and approved by the city building official and public works department as consistent with the drainage patterns for surrounding properties.

Sec. 5-5-9 Financial guarantees.

(a) In lieu of completing the required improvements listed herein above, a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a bank cashier's check, all in favor of the City, to ensure that in the event of default by the developer funds will be available to install the required improvement at the expense of the owner, may be accepted by the Planning Commission; provided that the city attorney has in each instance reviewed each letter of credit or bonding agreement and has given an opinion in favor of the city that the interests of the city are fully protected. Where a cashier's check for the full cost of the improvements is utilized, opinion of counsel may be waived.

The amount of the bond shall be set by the Planning Commission, and shall be not less than 125% of the projected cost of the improvements, with a minimum of \$2,000.00, if completed two (2) years after the date of the bond.

(b) Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will within thirty (30) days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond

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holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, city council will assess the individual subdivider the cost of the improvements over and above the surety amount.

(c) In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.

(d) Pro-rata refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit. The Planning Commission, may at its discretion, refund no more than 90% of the original estimated completion cost of that portion of the project requested by the developer.

(e) The Planning Commission shall review, approve, or reject each acceptance of surety in lieu of completion of improvements. In making its determination it shall give due consideration to the commitments made by the subdivider to individual purchases.

#### Sec. 5-5-10 Exceptions.

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the zoning administrator:

- (1) The information required for review of a Conceptual Plan, as set forth in section 5-5-4.
- (2) County Health Department approval for lots that will utilize on-site sanitary sewerage disposal systems.
- (3) A letter confirming the availability of water and/or sewer service from the applicable utility.

Review shall follow the procedures set forth for final plats in section 5-5-6; provided that if the building official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.

#### Sec. 5-5-11 Variances.

Where extraordinary hardship may result from strict interpretation of these regulations, the applicant may apply to the Planning Commission for a variance. Such variance may be granted to alleviate such hardship, provided that such variation does not have the effect of nullifying the intent and purpose of these regulations.

The application for a variance shall clearly and definitely state the reason(s) why a variance is needed. Consideration must be given to the following factors:

- (1) Special conditions affecting the property.
- (2) Undue hardships that will result from adherence to the requirements.
- (3) Grants of variance shall not be detrimental to adjacent property or to the public interest.

Conditions may be imposed on any such variance.

#### Sec. 5-5-12 Fees.

Fees charged to defray the costs of plat review shall be set forth in a Schedule of Fees, to be developed by the building official and approved by resolution of city council. Such Schedule of Fees may be amended from time to time by resolution of city council.

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Sec. 5-5-13 Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor, punishable pursuant to section 1-3-66 of this Code; and in addition, any city official is hereby authorized and empowered to enforce these regulations pursuant to the remedies set forth in section 5-4-7 of the City Code.