

ORDINANCE 2017-09

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS SHALL BE CONNECTED TO A PUBLIC SEWER SYSTEM WHERE A PUBLIC SEWER LINE IS LOCATED WITHIN ONE HUNDRED FIFTY (150') FEET AND TO REDUCE THE LOT COVERAGE REQUIREMENTS AND FLOOR AREA RATIO REQUIREMENTS FOR LOTS WITH SEPTIC SYSTEMS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 5-4-2, "Definitions," is hereby amended to state as follows:

"Sec. 5-4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Accessory building or use* means 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* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.

(3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities 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 (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, 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, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

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.

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, 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* means 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* means 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* means watercraft for hire where captain or crew is provided.

(7) *Communication tower* means 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* means 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 at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a 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 feet (4½') above the existing grade of the property.

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

(11) *Dwelling* means 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*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.

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

c. *Dwelling, group*, means 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 roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.

d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(12) *Eating place, fast food*, means 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.

The term "fast food eating place" 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*, means 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 carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(15) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(16) *Fence* means any manmade 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.

(17) *Floor area ratio (FAR)* means 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.

(18) *Front yard* means an open area between the front of the building and the front lot line.

(19) *Frontage* means 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.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(21) *Hazardous tree* means any tree that is causing structural damage or poses a clear and imminent threat of structural damage, as determined in writing by a certified arborist, to an enclosed area of a primary building, including porches, or any other permanent accessory structure that would require a building permit, or a septic tank system. The term does not include trees causing structural damage or threatening structural damage to accessory structures that would not require a building permit or to any unenclosed areas of primary buildings.

(22) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or 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.

(23) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(24) *Home occupation* means 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.

(25) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.

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

(26) *Impervious material* means 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.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(28) *Junkyards* or *salvage yards* means 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.

(29) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(30) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

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

(32) *Mobile home* means a manufactured home as defined by State law.

(33) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(34) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(35) *OCRM* means the State Office of Ocean and Coastal Resource Management, or its successor.

(36) *On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(37) *Public sewer line* means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

(38) *Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) *Rear yard* means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(40) *Removal of a tree* means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- 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; or
- 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.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(41) *Septic tank system* means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

(42) *Significant tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(43) *Side yard* means 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.

(44) *Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(45) *Street line* means a line separating the street or other right-of-way from a lot.

(46) *Structure* means 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. The term "structure" shall be construed to include any part thereof.

(47) *Trailer* means 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.

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

(49) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(50) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present."

SECTION 2. That Paragraph (e) of Section 5-4-12, "Additional regulations," is hereby amended to state as follows:

"(e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to the public sewer system if a public sewer line abuts a property or could abut a property with an extension of the sewer line of one hundred fifty (150') feet or less, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated public sewer line does not abut a property or would require an extension of the sewer line of more than one hundred fifty (150') feet to reach a property, all new construction or substantial improvements must have an on-site wastewater disposal system or grinder pump system constructed or brought into compliance with current South Carolina

Department of Health and Environmental Control (SCDHEC) standards; provided, however, that if the property cannot meet current SCDHEC on-site wastewater disposal system or grinder pump system standards, the building on such property shall not be increased in size and the improvements shall not increase the number of bedrooms or bathrooms.”

SECTION 3. That Paragraphs (1)(a) and (1)(b) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” are hereby amended to state as follows:

“1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:

(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.”

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

*Passed First Reading on 10/24/17
Revised 1/18/18 for Second Reading*

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

Planning Commission Action Items:

Require owners building within 150 feet of a gravity sewer line to tie into the sewer system
Reduce floor to area ratio (FAR) from 40% to 30% for new houses tying into a septic system
Reduce lot coverage from 40% to 30% for new houses tying into a septic system

TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 4. - ZONING

Sec. 5-4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Accessory building or use* means 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* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.
- (3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities 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 (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, 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, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

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.

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

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~~(5)~~ (5) *Building line or setback* means 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)~~ (6) *Charter boat* means watercraft for hire where captain or crew is provided.

~~(7)~~ (7) *Communication tower* means 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)~~ (8) *Conditional use* means 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.

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(99) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a 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 feet (4½') above the existing grade of the property.

(4910) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(4411) *Dwelling* means 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*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.
- b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.
- c. *Dwelling, group*, means 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 roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.
- d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(4212) *Eating place, fast food*, means 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.

The term "fast food eating place" 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.

(4313) *Eating place, restaurant*, means 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 carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(4415) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(4516) *Fence* means any manmade 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.

(4617) *Floor area ratio (FAR)* means 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.

(4819A) *Frontage* means 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.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(1922) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or 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.

(2023) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(2124) *Home occupation* means 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.

(2225) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

- a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.
- b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(2326) *Impervious material* means 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.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. *Isle of Palms Water and Sewer Commission* is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(2428) *Junkyards* or *salvage yards* means 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.

(2529) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(2630) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

(2731) *Lot, double frontage*, means a lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(2832) *Mobile home* means a manufactured home as defined by State law.

(2933) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(3034) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(3435) OCRM means the State Office of Ocean and Coastal Resource Management, or its

(36) *On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(3237) *Public sewer line* means a gravity operated sewer line operated and maintained by the Isle Palms Water and Sewer Commission.

(38) *Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) *Rear yard* means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(33A40) *Removal of a tree* means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- 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; or
- 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.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(33B)(41) *Septic tank system* means an on-site wastewater treatment system consisting of an tank, distribution box and drain field.

(42) *Significant tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(3443) *Side yard* means an open area between the building and the side lot line. Any lot line which a rear lot line or a front lot line shall be deemed to be a side lot line.

(44) *Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(3545) *Street line* means a line separating the street or other right-of-way from a lot.

(3646) *Structure* means 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. The term "structure" shall be construed to include any part thereof.

(3747) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets 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.

(3848) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(3949) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(4050) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

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 forty feet (40'), 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, shall be connected to a the public sewer system, if a public sewer line abuts a property or could abut a property with an extension of the sewer line of comes within one hundred fifty (150') feet determined by the Isle of Palms Water and Sewer Commission. Where a gravity-operated gravity sewer line is not accessible from a right-of-way or easement abutting the lot does not abut a one hundred fifty (150') feet to reach of a property, all new construction or substantial must have the an on-site wastewater treatmentwastewater disposal system or grinder pump into compliance with current South Carolina Department of Health and Environmental Control (SCDHEC) standards. Provided, provided, however, that if that this subsection shall not apply site wastewater treatmentwastewater disposal system or grinder pump system standards, so long is shall not be increased in size and the improvements de shall not increase the number of or bathrooms.
where a gravity operated sewer line is accessible from a right-of-way or easement abutting the lot; or
- (f) Sills, belt course, window air conditioning units, chimneys and cornices may project into a required yard by not more than two feet (2'). Steps may project into a required front yard or rear yard by not more than five feet (5').
- (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 one hundred feet (100') of each side of

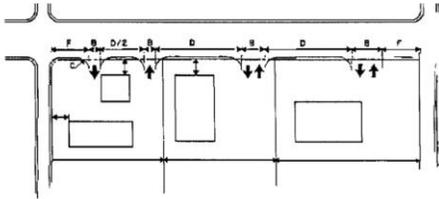
the dwelling within the same block and fronting on the same street is less than the required front yard setback. In such case the average setback on such lot shall not be less than the average setback of the existing buildings.

- (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.
- (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 requirements.
- (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.
- (l) All lots shall be located on a street having a minimum right-of-way of fifty feet (50'). The required fifty feet (50') shall not include any critical area as defined in section 5-4-15(A).
- (m) Except as allowed in section 5-4-113(g), no access drive shall be permitted which would require a reduction in existing on-street public parking or loading areas.
- (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:

Street Speed Limit (mph)	Maximum One-Way/Two-Way Drive Width (in feet)	Minimum Radius (in feet)	Minimum Spacing Between All Access Drives* (in feet)	Minimum Spacing Between All Drives and Intersections (in feet)
≤20	12/24	15	30	50
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

C = Curb Radius

D = Access Drive Separation

E = Fifty (50) Foot Minimum Spacing From Right-of-Way

- (o) Access drives in the GC-2 zoning district authorized pursuant to section 5-4-113(g) must comply with the following requirements:
1. There shall be only one (1) access drive per lot.
 2. An access drive shall not exceed twenty-four feet (24') 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 as set forth in title 3, chapter 1, article E. All fees, costs and expenses for construction of the access drive, compliance with the sight distance requirement, and any other requirements shall be borne by the owner of the property.
- (p) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way.

Sec. 5-4-13. - Maximum lot coverage; floor area ratio requirements; additional setback requirements.

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
 - (a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. **For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.**

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.

■

(c) For lots larger than eight thousand (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 eight thousand (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.

2. This section does not prohibit a structure on any City-owned lot which is used for municipal purposes from exceeding seven thousand (7,000) square feet so long as the other requirements of this section which are not inconsistent with this subsection are met.