CHAPTER 4

Zoning

Historical Note: The provisions of this chapter, unless otherwise indicated, are derived from Ord. No. 1981-3, adopted 6/10/81.

Cross Reference: Zoning board of adjustment, Sec. 1-9-21 et seq.

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ARTICLE A

General Provisions

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

(a) Whenever there is, or appears to be, a conflict between any provisions of this chapter with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive 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 a greater

restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by such existing provisions of law or by such rules or regulations or by such easements, covenants, or agreements, the provisions of this chapter shall control.

Sec. 5-4-2 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) Accessory use or building. A use or building customarily incident to and located on the same lot with another use or building.

(2) Adjoining lot. Land immediately adjacent to the lost in question, including lots located immediately across streets, water courses, drainage easements and other rights-of-way.

(3) Dwellings.

a. Dwelling unit. One (1) or more rooms connected together and constituting a separate independent housekeeping establishment for use of a basis involving owner occupancy or rental or lease on a periodic basis, with provision for cooking, eating and sleeping, and physically set apart from any other room or dwelling units in the same structure.

b. One (1) family detached dwelling. A separate detached building designed for and occupied exclusively as a residence by one (1) family.

c. One (1) family attached dwelling. A building designed for and occupied exclusively as a residence by one (1) family, being attached by means of a common dividing side wall or walls to one (1) or more buldings likewise designed for and occupied exclusively as a residence for one (1) family. Such attached one (1) family dwelling being commonly known and referred to as town, row or patio houses.

d. Two (2) family dwelling. A separate detached building designed for or occupied exclusively as a residence by two (2) families.

e. Multipal dwelling. A dwelling designed or occupied otherwise than as a one (1) family dwelling or a two (2) family dwelling. The term "multiple dwelling" shall be understood to include apartment houses, tenement houses, residential condominiums and all other family dwellings of similar character, except row and patio houses, where apartments or suites are occupied and used as separate complete housekeeping units, but not to include hotels or apartment hotels.

(i) Condominium. A unit in a series or in a multi-unit type structure which may be owned or leased by an individual, firm or corporation which may have common use of all related activities associated with the structure.

(ii) Patio house. A single family dwelling designed to be located on its lot nearer to the front, rear and/or side property lines (s) than is allowed in other lower-density residential zoning districts.

(iii) Row or townhouse. A single family dwelling unit, attached to similar dwelling units by party wall, together forming a row of single family dwellings.

(4) Established grade. The elevation of the street curb as fixed by the city.

(5) Family. An individual; or two (2) or more persons related by blood or marriage living together; or a group of individuals, of not more than four (4) persons, not related by blood or marriage but living together as a single housekeeping unit.

(6) Front yard. An open unoccupied space, on the same lot with a building, between the front line of the building and the front line of the lot.

(7) Height of a building. The vertical distance measured from the lowest point of the foundation of the building to the level of the highest point in the coping of flat roofs or to the deck line of a mansard roof or to the mean height of the highest gable of a pitched roof or to the mean height of the roof. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building.

(8) Hotel. Includes motel, tourist courts, motor lodges, and auto courts. A building or buildings containing multiple rooms intended or designed to be used or whih are used, rented, or hired out to be occupied for sleeping purposes by transient or permanent guests, and where only a general kitchen and dining room are provided within the principal building or in an accessory building. "Efficiencies" are considered to be dwelling units.

(9) Least dimensions of a yard. The least of the horizontal dimensions of such yard. If two (2) oposite sides of the yard are not parallel, such least dimensions shall be deemed to be the mean distance between them.

(10) Lot. A parcel of land occupied by one (1) building and the accessory buildings or uses customarily incident to it including such open spaces as are required by this chapter and such open spaces as are arranged and designed to be used in connection with the buildings. "Lot" includes a plot.

(11) Natural grade. The elevation of the undisturbed natural surface of the ground adjoining the buildinig.

(12) Nonconforming use. A use that does not comply with the regulations of the use district in which it is situated.

(13) Rear yard. An open unoccupied space, area of accessory building excepted, on the same lot with the bulding, between the rear line of the building and the rear line of the lot.

(14) Side yard. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear lot line or a front lot line shall be deemed a side line.

(15) Street line. The dividing line between the street right of way and the lot.

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

For the purpose 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 declared to be a part of this chapter. The official zoning map shall be identified by the signature of the mayor, attested by the clerk-treasurer 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 clerk-treasurer. 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 be resolution 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 clerk-treasurer, 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 building 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 buildings or premises are located.

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

When definite distances in feet are not shown on the zone map, the district boundaries on the zone map are intended to be along existing street, alley, lot or property lines or extensions of the same and if the exact location of such line is not clear it shall be determined by city council, due consideration being given to the location as indicated by the scale of the zone map. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zone map, city council may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the initent and purpose of this chapter. Land or premises, within a street, alley, park, cemetery, or other undesignated area on the zone map shall be governed by the regulations of the use, height and area district adjoining such land or premises and if adjoined by more than one (1) class of use, height or area district, each portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

Sec. 5-4-5 Variances.

(a) Variances authorized. The board of adjustment may authorize, upon application in specific cases, subject to subsections (b) an (c) and particularly (d) of this section, such variance from the terms of this chapter as will not be contrary to the public interest, when, owning to the special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.

(b) Application for variance. An application for a variance, together with an application for a zoning permit, shall be filed with the building official, who shall forward without delay a copy of each to the secretary of the board. The

application shall contain the following information, as well as such additional information as may be prescribed by rule of the board:

(1) the particular requirements of this chapter which prevent the proposed use of construction;

(2) the characteristics of the subject property which prevent compliance with the said requirements of this chapter;

(3) the minimum reduction of the requirements of this chapter which would be necessary to permit the proposed use of construction; and

(4) the particular hardship which would result if the particular requirements of this chapter were applied to the subject property subject to subsecion (d) herein.

(c) Hearing on variance. A hearing on the application for a variance shall be held and notice thereof given as specified in section 1-9-21.

(d) Requirements for grant of variance.

(1) The board of adjustment may grant a variance only under exceptional circumstances, where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the board shall find that:

a. The particular property, because of the size, shape, topography, or other physical conditions, suffers singular disadvantage through the operation of this chapter, which disadvantage does not apply to other properties in the vicinity.

b. Because of this disadvantage, the owner is unable to make reasonable use of the affected property.

c. Grant of the variance: (i) will not be contrary to the public or neighborhood interest; (ii) will not adversely affect other property in the vicinity; and (iii) will be in harmony with the spirit, intent and purpose of this chapter.

d. In granting a variance, the board of adjustment may impose such reasonable and additional stipulations, conditions or safeguards that may or may not be elsewhere prescribed in this chapter or any ordinances that, in its judgment, will better fulfill the purposes of this chapter.

Sec. 5-4-6 Inspection.

The duty for inspection for violations of the provisions of this chapter is hereby conferred upon the building official who

shall inspect all construction or alterations in progress or otherwise which is in violation of the terms of this chapter and shall report to the city administrator.

Sec. 5-4-7 Penalties.

(a) In case any building or structure is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is proposed to be used in violation of this chapter or of any regulations or amendment thereof enacted or adopted by the council, then the city administrator, city council, the city attorney (or any owner of real estate within the city) in which said building, structure or land is situated, may, in addition to other remedies provided by law, institute an injunction, abatement or any appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, alteration, maintenance or use.

(b) 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 by a fine of not more than $200 or be imprisoned for not more than 30 days in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 5-4-8 Plat recordation.

No plat of a subdivision of land within the city shall be filed or recorded in the County Register of Mesne Conveyance Office until it shall have been approved by the city council and the approval entered in writing on the plat by the clerk-treasurer.

Sec. 5-4-9 Separability.

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 the chapter.

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

Thisd chapter shall, except as otherwise provided, be in force and take effect upon its ratification [6/10/81].

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 the districts and regulations established in this chapter. Whenever the owners of 50 percent of the land in any area shall present a petition duly signed and acknowledged to city council requesting an amendment of the regulations prescribed for such area, city council shall vote upon such amendment within 90 days of the filing of the same by the petitioners with the clerk-treasurer.

Petitioners shall pay such fee as is established from time to time.

(b) Notice of the public hearing on proposed changes in zoning districts and or regulations shall be accomplished by one (1) publication of not less than 30 days and one (1) publication of not less than 15 days prior thereto in a newspaper in popular circulation within the city. 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. Such notice shall be blocked in and have an appropriate description title.

Sec. 5-4-12 through 5-4-20 reserved.

ARTICLE B

Use Regulations

Sec. 5-4-21 Classification of uses.

For the purpose of this chapter, the various uses of buildings and premises are divided into use classes and subdivisions as set forth in the following classification of uses:

(1) Class U-1 uses, residential.

a. One (1) family detached dwellings.

b. Church, school, public library, public museum.

c. All municipal uses, open land.

d. Greenhouse or gardening for home use only.

(2) Class U-2 uses, multi-family, residential district.

a. One (1) family attached dwelling.

b. Two (2) family dwelling.

c. Multiple dwelling.

d. Club or fraternal house.

e.. U-1 uses.

(3) Class U-3 uses, business district.

a. Motor court or motel.

b. Gift shop, novelty shop.

c. Hotel.

d. Facilities or accommodations made available pursuant to a "vacation time sharing plan" as defined in section 27-32-10 of the Code of Laws of South Carolina, 1976, as amended, and required to be registered with the South Carolina Real Estate Commission, pursuant to section 27-32-190 of the Code of Laws of South Carolina, 1976, as amended.

e. Day nursery and plant nursery.

f. Cafe or restaurant.

g. Service station.

h. Pool room.

i. Bank, office, studio, telephone exhange, wholesale sales office or sample room.

j. Retail trade or shop for custom work or the making of to be sold at retail on the premises, restaurants, or theater, provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

k. Billboard of advertising sign.

l. Garage or repair shop for motor vehicles, laundry, electric substation.

m. Storage of inventory consistent with above uses.

n. No U-1 or U-2 uses shall be allowed in U-3 districts with the exception of that U-2 uses shall be allowed in U-3 districts as to the undeveloped land south of Ocean Boulevard, west of 14th Street known as Parcels 10 and 50 (extend to mean high water) on Tax Map 568-12-00.

(4) Class U-4 uses, airport and special permit district.

a. Airports.

b. Special permit, by approval and issuance of the city council.

c. No U-1, U-2 or U-3 uses shall be allowed in U-4 districts, except by special permit as provided in paragraph b. above. (Ord. No. 1981-3, 6/10/81, as amended by Ord. No. 1985-9, 12/11/85)

Amendment Note: Paragraph (3)d. was added to the above section by Ord. No. 1985-9.

Sec. 5-4-22 Residential district regulations.

(a) In a class U-1 or residential district, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for a class U-2, U-3 or U-4 use. In a dwelling house district, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, except for class U-1 uses.

(1) A dwelling erected in a residential district must have a minimum enclosed floor area of 1000 square feet.

(2) House trailers will not be permitted in a residential district.

(b) In a residential district, no building shall be erected nor a facility created which is intended or designed for a use

enumerated in subdivision (1)c. of section 5-4-21, unless such building is located:

(1) on a lot already devoted to a use enumerated in such subdivision;

(2) on a lot fronting on a portion of a street between two (2) intersecting streets in which portion there exists a building of a kind enumerated in such subdivision;

(3) on a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

(4) on a lot determined by city council after public notice and hearing to be so located that such building will, in the judgment of the council, substantially serve the public convenience and welfare, and will not substantially and permanently injure the apropriate use of neighboring property.

(c) In a class U-1 district or planned residential development (PRD), facilities or accommodations made available pursuant to a "vacation time sharing plan" as defined in section 27-32-10, and required to be registered with the South Carolina Real Estate Commission by section 27-32-190 of the South Carolina Code of Laws, 1976, as amended, are hereby prohibited. (Ord. No. 1981-3, 6/10/81, as amended by Ord. No. 1985-9, 12/11/85)

Amendment Note: Subsection (c) was added to the above section by Ord. No. 1985-9.

Sec. 5-4-23 Multi-family residential regulations.

(a) In a class U-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 a class U-3 or U-4 use. In an apartment district, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, except for class U-1 or U-2 use.

(b) In a class U-2 district, no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (1)c. of class U-1 uses, unless such building is located:

(1) on a lot already devoted to a use enumerated in such subdivision;

(2) on a lot fronting on a portion of a street between two (2) intersecting sections in which portion there exists a building of a kind enumerated in such subdivision;

(3) on a lot immediately adjoining or immediately opposite on the other side of a street from a business or industrial district; or

(4) on a lot determined by city council, after public notice and hearing to be so located that such building will in the judgment of the city council substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property.

Sec. 5-4-24 Accessory uses in multi-family residential district.

An accessory use customarily incident to a class U-1 or U-2 use shall be permitted in, respectively, a class U-1 or U-2 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. A billboard, sign board or advertising shall in no case be permitted as an accessory use. The placing of a "for sale" or "for rent" sign shall, however, be permitted as an accessory use. A store, trade or business shall not be permitted, as an accessory use; except a customary home occupation located in the dwelling or apartment used by such resident. A garage apartment is permitted as an accessory use in a class U-2 district only.

Sec. 5-4-25 Nonconforming uses.

(a) The lawful use of land existing at the time of the adoption of this chapter, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued but if such nonconforming use is discontinued, as evidenced by lack of use for a period of at least one (1) year, or by substitution of a conforming use, any future use of the land shall be in conformity with the provisions of this chapter.

(b) The lawful use of a building or structure, existing at the time of the adoption of this chapter, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the buildings; provided no structural alterations are made, other than those necessary to assure the safety of the building or structure; and provided, further, that such extension does not displace a conforming use in a district established by this chapter.

(c) A nonconforming use of a building may be changed to another conforming use of the same or of a more restrictive classification, provided no structural alterations are made, other than those necessary to assure the safety of the building or structure.

(d) Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(e) Whenever a nonconforming use of a building, or a portion thereof, has been discontinued, as evidenced by the lack of use, or vacancy for a period of at least one (1) year, or by substituting a conforming use, such nonconforming use shall not thereafterbe re-established and the future use shall be in conformity with the provisons of this article.

(f) In the event of an abandonment of a non-conforming use as provided herein, upon written request to the city council, the council may allow continuance of a nonconforming use upon a proper showing by the applicant/owner or owner's agent that the abandonment was occasioned by excusable negligence, which imposes an undue hardship on the premises which would not create an adverse impact upon the neighborhood by continuing the non-conforming use.

Secs. 5-4-26 through 5-4-30 reserved.

ARTICLE C

Height, Area and Yard Regulations

Sec. 5-4-31 Height limitation established.

No building shall be erected to a height in excess of 40 feet in a U-1, U-2, U-3 or a U-4 classification.

Sec. 5-4-32 Exceptions to height limitation.

(a) The provisions of section 5-4-31 shall not apply to restrict the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator, bulkhead or storage tower or scenery loft.

(b) City council may, after public notice and hearing, and subject to such conditions and safeguards as council may prescribe to protect the appropriate use of neighboring property, permit the erection of a building or portion of a building to a height in excess of the limits prescribed in section 5-4-31.

(c) City council may, after publication notice and hearing, permit the erection of an addition to an existing building to the same height as the existing building where the addition is essential to the completion of the existing building as planned.

Sec. 5-4-33 Lot area for class U-1 district.

In a class U-1 district, no building shall be erected or altered to accommodate or make provision for more than one (1) family for each 8,500 square feet of the area of the lot if an interior lot or for each 7,000 square feet if a corner lot; provided, that one (1) single-family dwelling may be erected on any lot separately owned or on any numbered lot in a recorded subdivision or plat that was on record in the office of the Register of Mesne Conveyance on December 11, 1985. (Ord. No. 1981-3, 6/10/81, as amended by Ord. No. 1985-8, 12/11/85)

Amendment Note: Ord. No. 1985-8 increased the dimensional requirements in the above section from 6,500 to 8,500 feet for interior lots and from 5,000 to 7,000 feet for corner lots.

Sec. 5-4-34 Side yards generally.

In a class U-1 or U-2 district, for every building erected, there shall be a side yard along each lot line other than a street line or rear line. Each dwelling shall be deemed a separate building and shall have side yards as above prescribed; except, that in a U-2 district any number of dwellings may be built as a continuous structure and may be considered a single building for the purposes of this section. If the building does not exceed two and one-half (2 1/2) stories in height, the least dimension of the side yard shall not be less than five (5) feet and at least 30 percent of the width of each interior lot shall

be devoted to side yards, but not more than 25 feet need b so devoted. If the building exceeds two and one-half (2 1/2) stories in height,the least dimension of the side yard shall not be less than one-fifth (1/5) of the height of the building.

are back from the street line, either for such entire frontage or any part thereof, shall be the minimum setback.

(2) On a street frontage between two (2) intersecting streets, but excluding the frontage along the side line of a corner lot where not more than 20 percent of such frontage is improved with buildings that are built at the street line and where the provisions of subdivision (1) of this subsection do not create a minimum setback line, the distance of the minimum setback line from the street line shall be 20 percent of the average normal depth of the lots having their front lines along such street frontage; such distance back from the street line need not be more than 40 feet. Where in any portion of such street frontage there are lots of markedly less depth than the normal, city council may, in defining and applying this minimum setback line regulation when in its opinion the general purpose and intent of this subsection will be better served thereby, divide such street frontage into sections for the application of the above 20 percent minimum setback line requirement.

(3) Along the side line of a corner lot, the distance of the minimum setback line from the street line shall be 10 percent of the width of such lot, but such distance back from the street line shall be a minimum of 15 feet. No minimum setback line shall be required along the side line of a corner lot where the rear of such lot adjoins a street frontage along which no minimum setback line is required by this chapter.

(b) Appeals. Whenever any parcel of land now separately owned and which was so owned prior to October 25, 1956 is of such restricted area that it cannot be appropriately improved without bulding beyond the building line established by this section, city council may, on application in a specific case after public notice and hearing, authorize the construction of a building beyond the building line of an extent necessary to seure an appropriate improvement of the parcel of land. Whenever the distance of the bulding line back from the street line as established by the alignment of the existing building is provided in subsection (1) of subsection (1) of this section is more than 40 feet or more than 20 percent of the average of normal depth of the lots having their front lines along such street frontage, city councl may, on application after public notice and hearing, permit the erection of the buildings nearer to the street line but not nearer than would be allowed under the rule provided in subdivision (2) of subsection (1) of this secion.

Secs. 5-4-38 through 5-4-70 reserved.

Sec. 5-4-35 Rear yards generally.

In a class U-1 and U-2 district every dwelling erected shall have a rear yard. In a class U-1 district, the least dimensions of a rear yard shall be at least 15 percent of the depth of the lot, but such least dimensions need not be more than 30 feet. In a class U-2 district, the least dimension of the rear yard shall not be less than one-half (1/2) of the height of the building and in no case less than 20 feet. Forty percent (40%) of the area of the rear yard may be occupied by a one (1) story accessory building not more than 15 feet in height.

Sec. 5-4-36 Side and year yard exceptions.

(a) The area required in a side or rear yard shall be open from the established or from the natural grade if higher than the established grade to the sky unobstructed except for the ordinary ppojections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four (4) inches; except, that within five (5) feet of the street wall, a cornice may project not over three (3) feet into such yard; and provided, that if the building is not over two and one-half (2 1/2) stories in height, the cornice may project not more than two and one-half (2 1/2) feet into such yard.-

(b) The side and rear yard requirements of sections 5-4-34 and 5-4-35 do not aply to an accessory building. However, an accessory building may not be erected closer than three (3) feet to the property line.

(c) Where a rear yard or a side yard in a class U-1 or U-2 district abuts an alley, the yard shall be deemed to extend to the center of such alley.

Sec. 5-4-37 Front yards.

(a) Setback and street line. Between a minimum setback line as herein established and a street line, no building or portion of a building extending above the established grade may be erected. In class U-1 and U-2 district, setback lines are hereby established as follows:

(1) On a street frontage where 50 percent or more of such frontage between two (2) intersecting streets is improved with buildings that are set back from the street line or where all the buildings, though occupying less than 50 percent but more than 20 percent of such frontage, are set back from the street line, the alignment of the existing buildings shall be the minimum setback line. For the purpose of this chapter, the frontage along the side line of a corner lot is excluded. Minor irregularities in such alignment of existing buildings may be disregarded by city council in defining and applying this minimum setback line regulation, or the city council may, when in its opinion the general purpose and intent of this subsection will be better served thereby, determine that the average distance the buildings

ARTICLE D

Subdivision Approval and Subdivision Regulations

Sec. 5-4-71 Subdivision approval.

Approval of any subdivision of property shall be required as set forth in the subdivision regulations of the city.

Sec. 5-4-72 Subdivision regulations.

The city administrator, city engineer and city building official shall be responsible for the administration and enforcement of the subdivision regulations as shall be set forth and determined from time to time by the city council. A copy of the subdivision regulations shall be kept at city hall in the office of the city administrator and copies furnished to the public upon request.

Secs. 5-4-73 through 5-4-80 reserved.

ARTICLE E

Zoning Permit

Sec. 5-4-81 Zoning permit required.

Except as provided in section 5-4-86, a zoning permit issued by the building official is required in advance of:

(1) the issuing of a building permit under the Standard Building Code;

(2) excavation preparatory to the construction of a structure for which a building permit is required;

(3) improving any zoning lot 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 zoning lot, including any increase in the number of families or dwelling units occupying a building or zoning lot; and/or

(5) installation of any accessory (on premises) or advertising (off premises) sign.

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 authorized agent or attorney.

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 zoning 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 heights of all proposed structures and parts 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.

(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 zoning lot in duplicate, drawn to scale, showing the zoning lot's precise location,shape, and dimensions; if the zoning 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 zoning lot.

(c) All plats and plans shall bear the signature of the owner, his lawful agent or attorney 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 RMC 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 building inspector 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 building official 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 therefore, 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 building official shall transmit such application together with all supporting information, within 10 days of receipt of the application to the board of adjustment for their review. Upon receipt of a written order from the board of adjustment after their review, to either issue or deny a zoning permit, the building official shall complete the 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.

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

ARTICLE F

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 certificate may be combined with or made a part of the certificate of occupancy required under the building code.

(b) Electric or gas utility companies and/or cooperatives shall not provide their respective utility until an approved (by building official) occupancy permit has been received.

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

ARTICLE G

Parking and Loading

Sec. 5-4-111 Purpose of requirements.

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts at the time of the intial construction of any principal building; or when a structural alteration or other change in a principal building produces 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 that use, or when a conversion 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 city.

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:

Column 1	Column 2	Column 3
USE OR USE CATEGORY	PARKING SPACES REQUIRED	ADD'L REQUIREMENTS
Residential Uses:		
One-family dwelling	1 space (do not have to be paved)	
Two-family dwelling	3 spaces (same as above)	
Multi-family dwelling Townhouse/condominium	2 spaces per dwelling unit	
Boarding and/or Rooming house	1 space per each sleeping room	Plus 1 space per employee
Group dwelling	1 space per each 2 bedrooms	
Public and Semi-Public Uses:		
Medical and dental office and out-patient clinic	1 space per each 200 square feet of gross floor space (minimum of 4 spaces)	
Church or other places of worship	1 space per 5 fixed seats in main assembly hall	Or 5 spaces per class room, whichever is greater

USE OR USE	PARKING SPACES	ADD'L REQMTS.
Places of public assembly or recreation not 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 ea. 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 per 5 active member, whichever is greater, plus 1 space per ea. 3 empl.
<u>Commercial Uses:</u>		
Office buildings	1 space per 300 ft. of gross floor area (4 spaces minimum)	
Bank, savings & loan assoc., and 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 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 space per each 4 seating accommodations	Plus 1 space per ea. 3 employees on shift of greatest employment
Automobile service stations	1 space per employee but in all cases, a minimum of 5 spaces	Plus 1 space per ea. grease rack or wash rack

Boat, marina 3-space per 4 wet-slips

USE OR USE	PARKING SPACES	ADD'L REQMTS
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.
Shopping center	5.5 spaces per 1,000 sq. ft. of gross leasable area	
Restaurant	1 space per ea. 4 seats	Plus 1 space each 3 empl. 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 empl. on shift of greatest emplmt
Take-out restaurant	1 space per ea. 100 sq. ft. of gross building area	Plus 1 space per ea 3 empl. on shift of greatest emplmt

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

(a) Location of off-street parking areas. 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 requiremtns, 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 generation, as determined by the city administrator.

(e) Compilation of total employment. Except as otherwise provided, the number of employees shall be compiled on the basis of the number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

(f) Fractional computation. Where fractional spaces result, the parking spaces required shall be construed to be the next highest 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. All off-street parking spaces shall be paved except the following: (i) one and two-family dwelling units; (ii) those instances where residential dwelling units are being converted to commercial uses which require less than five (5) spaces, the paving of said spaces may be delayed until a new occupant or use requires five (5) parking and loading spaces or more in order to meet the terms of this chapter. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, lighting diagram and landscaped areas shall be submitted to the city administrator for his approval.

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

Two (2) 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 spaces available in such common area is not less than individual spaces available in such common area is not less than the sum of the 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 said lot 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. The total parking spaces required may be reduced below that otherwise required by this chapter for common parking facilities when it can be demonstrated that such reduction in parking requrements is warranted by the particular grouping of uses, subject to approval of a use permit by the city administrator.

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 this 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 loading 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 add'l
Wholesale, manufacturing, governmental & institutional (incl. places of public assembly), educational institution, recreation, business, service, terminal & similar bs. 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
	1,000,000 or more	5
Offices or office buildings	0-4,999	None
	5,000-9,999	1
	10,000-20,000	2
	For each add'l 50,000	1 add'l
Multi-family dwelling project, mobile home development, hotel, motel, tourist home or similar establishment	0-9 units	None
	10-20 units	1
	For each add'l 10 units	1 add'l

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 shall in all cases by 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 satisfy off-street parking requirements as listed herein.

Sec. 5-4-120 Adequacy of loading area.

All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

ARTICLE H

Signs

Cross Reference: Damaging or unauthorized removal of signs, Sec. 9-1-9, signs constituting nuisance, Sec. 6-1-14 (1, 2).

Sec. 5-4-121 Definitions.

(a) Sign. A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property.

(b) On-premise sign. A sign that advertises activities, goods, products, etc. that are available within the building or on the lot where the sign is located.

(c) Permanent signs. Signs which are permanently attached to a building, the grounds, or other structures and which meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electric Code.

(1) Awning sign. A sign on or attached to a retractable shelter that is supported entirely from the exterior wall of a building.

(2) Canopy sign. A sign on or attached to a permanent overhanging shelter which projects from the face of a building or is supported only partially by said building.

(3) Combination wall-roof mount sign. A double faced, projecting wall sign which projects above the roof-line of a building and which is wholly or partially supported by the building.

(4) Facia. A sign which is in any manner affixed to any exterior wall of a building and which projects not more than 18 inches and does not extend more than six (6) inches above the parapet eaves or building facade.

(5) Free-standing sign. A sign which is supported by one or more columns, uprights, or braces in the ground.

(6) Marquee sign. A sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

(7) Painted wall sign. A sign which has been painted on a building which advertises a product or service.

(8) Projecting wall sign. A double faced sign, and mounted to the wall of a building and which projects out from that building for more than 18 inches.

(9) Roof mount sign. A sign which is erected on or above the roofline of a building and which is wholly or partially supported by the building.

(d) Temporary signs. Signs which are not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or electrical standards of the National Electrical Code.

(1) Banners and pennants. Signs which are usually made of cloth or paper and suspended across streets or building fronts.

(2) Bench sign. Signs painted or attached to the backrest of benches.

(3) Portable signs. Signs which usually rest on the ground on wheels or metal legs, and may be temporarily anchored by weights and/or cables attached to stakes driven into the ground.

(4) Sandwich signs. Signs which are "A" shaped structures and utilize a copy on both sides, resting on the ground with no permanent attachment.

(e) Area of a sign. The area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from this background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, and display identical writing or other representation, the sign area shall be computed by measuring one face only. (Ord. No. 1985-3, 9/18/85)

Sec. 5-4-122 General provisions.

All signs within the city shall comply with the following regulations:

(1) Traffic. No illumination simulating traffic control devices or emergency vehicles shall be used. No advertising sign shall interfere with vision or vehicles operated along any highway, street, or road; or at any intersection of any street, highway or road.

(2) Hazard and directional signs. Warning and directional signs less than three (3) square feet in area, consisting solely of arrows, or such words as "steps," "fire escape," "exit," "entrance," "parking lot," "danger," or similar symbols and displaying neither the name of a product nor any advertising matter shall not be included in computing maximum allowable sign area.

(3) Illumination.

a. No sign shall be illuminated by lights which are intermittently cut on and off, change in intensity and/or color, or otherwise create the illusion of flashing or movement.

b. Illumination from all bare light bulbs shall be directed toward the face of the sign except where power rating of individual bulbs does not exceed 15 watts.

c. An illuminated sign within 500 feet of a residential district shall be shielded in a manner preventing light being cast into such districts.

d. An illuminated sign within a residential district shall be shielded in such a manner as to prevent illumination from being cast into residences within 100 feet thereof.

(4) Height, setback and location.

a. A projecting wall sign:

1. shall not project more than five (5) feet from building;

2. shall have bottom at least 10 feet from grade and top no higher than whichever is lowest: 25 feet above grade, or the height of the building at building line;

3. shall have no exposed guy wires or turnbuckles.

b. Free standing signs, awning signs, canopy signs, marquee signs and temporary signs must have a minimum setback of 10 feet from the curb of the street and in no case be installed within the street right-of-way or project into the vertical plane of the street right-of-way.

c. Facia signs shall not project more than 18 inches from wall of building and shall not extend more than six (6) inches above the parapet, eaves, or building facade.

d. Roof mount signs may not project more than 10 feet above the highest point of the roof or parapet.

e. Combination roof/wall mount - See a. and d. of this section.

f. No sign shall obstruct any fire escape, or any window, door, or opening used as a means of ingress or egress for fire fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any manner to a fire escape or be so placed as to interfere with any opening required for legal ventilation.

g. Temporary signs shall have a maximum total area of 32 square feet. Temporary signs shall conform to all other general regulations regarding illumination, setback, etc. included in this section.

h. Street furniture placed along the street to aid pedestrians shall not be used for advertising purposes. Examples of such items include benches, waste receptacles, bike racks, drinking fountains, and public telephones.

(5) Construction of signs. The design, selection of materials, supports, installation, and electrical wiring for all permanent signs erected in the city shall conform to the Standard Building Code and the National Electrical Code.

(6) Signs prohibited. No sign shall be erected or displayed in salt marsh areas or on land subject to periodic inundation by tidal salt water. (Ord. No. 1985-3, 9/18/85)

Sec. 5-4-123 Administration and enforcement.

(a) Sign permit required.

(1) Except for signs described in subsection (a)(4) of this section it shall be unlawful, after enactment of this article, for any person to erect or place a sign within the corporate limits of the city unless a permit is secured.

(2) In the event that the owner wishes to alter an existing sign for which a permit has been issued, a new petition must be submitted.

(3) The existence of a permanent sign at the time of passage of this article, which does not conform with the standards of this article or other ordinances of the city shall constitute a vested right. When any such is removed, or whenever any renovation, change or repair becomes necessary, other than routine maintenance or routine painting up to 50 percent of the sign replacement cost, such sign shall not be replaced or renovated except in conformity with the regulations of this and other ordinances of the city.

(4) A temporary sign shall be allowed only once and only for a period of 30 days (or less) to accommodate the establishment of a new business or political campaign.

(b) Petition for sign permit.

(1) A petition for a permit required by this article shall be filed with the clerk and treasurer, or his designee, who shall mark such petitions as received and filed as of the date of such receipt and filing. The petition shall be in the following form:

_____
Name of Applicant or Establishment

PETITION

To the City Council of the City of Isle of Palms:

The undersigned, this _____ day of _____, 19____, hereby applies for permission to _____* a sign on the lot of land owned by _____ _____ in the City of Isle of Palms, located as shown in the attached plans.

_____
Signature of Applicant

*Insert either "erect" or "alter."

(2) The plans, drawn to scale, to be attached to the petition for erection or alternation of a sign, shall include:

a. the dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;

b. the dimensions of the sign's supporting members;

c. the maximum and minimum height of the sign;

d. the proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;

e. the proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;

f. where the sign is to be attached to an existing building to which the sign is to be attached; and

g. the building frontage as it exists (or is to be built) on the lot, and the setback of the building from the front property line.

(c) Action on sign permit petition. The clerk and/or treasurer shall promptly deliver the petition to the building inspector who shall investigate the matter and shall then deliver the petition and his report to the city administrator. Said official shall reply to such petition in writing within 14 calen-

dar days of its original submission. Time limit may be extended through mutual agreement between applicant and city.

(d) Sign permit issuance, refusal, or appeal.

(1) If the city administrator shall authorize the erection or alternation of a sign pursuant to the petition filed under this article, he shall issue to the petitioner a permit. If the city administrator does not authorize the erection or alteration of the sign as applied for in the petition, he shall write a letter to the petitioner, advising that the request in his petition is refused. A copy of the letter shall be attached to the petition.

(2) Appeals of refused petitions shall be made to the city council which has authority to waive technical specifications in this article, and shall instruct the city administrator in writing as to the disposition of the matter within 30 calendar days after receipt of the appeal.

(e) Sign permit form. A permit issued under this section shall be in the following form, and a duplicate of such permit shall be attached to the petition and committee report in the files:

PETITION

To _____

The City Administrator having considered your petition filed the _____ day of _____, 19____, with respect to the _____* of a sign as referred to therein, has granted your request and issues this permit.

_____
City Administrator
Isle of Palms, S.C.

_____ day of _____, 19____

*Insert either "erection" or "alteration"

(f) Enforcement.

(1) Any person violating provisions of these sign regulations shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars ($5.00) nor more than $200 for each offense. Each day the violation continues, it constitutes a separate offense and will be treated as such. In case any sign is used, erected, altered, or maintained in violation of these sign regulations, the city administrator, or any other appropriate authority, or any city resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of said sign.

(2) If it is determined by the city administrator that a sign is abandoned, is not being maintained, or no longer being used for purposes under which the original permit was issued, the lot owner will be notified and he shall remove the sign within 30 days. If the sign is not removed by the land owner within 30 days, the city will have the sign removed, and the land owner will be charged for costs incurred by the city. Appeal of a decision by the city administrator that a sign has been abandoned shall be made to the city council which shall make final determination as to whether the sign has been abandoned. The commission shall instruct the city administrator in writing as to the disposition of the matter within 14 calendar days after receipt of the appeal.

(g) Sign inspection and maintenance.

(1) Every sign and all parts, portions, units and materials comprising the same, together with the frame, backgrounds, supports, or anchorage thereof shall be maintained in proper repair and a proper state of preservation. The display surface of all signs shall be kept neatly painted.

(2) All signs for which a permit is required shall be subject to inspection by the building inspector and/or city administrator. The building inspector/city administrator will be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. In the event that maintenance is deemed necessary, the sign owner will be notified by letter. The sign owner will then have 30 days in which to have the maintenance completed. The building inspector/city administrator may grant an extension beyond 30 days for causes shown. Lot owners may appeal by letter to the city council which must answer by letter within 14 calendar days. (Ord. No. 1985-3, 9/18/85)

Sec. 5-4-124 Sign regulations by zoning district.

(a) Residential. In any residential district, there shall not be any sign except as follows:

(1) One sign, not exceeding three (3) square feet in total 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.

(2) One sign, bulletin, or announcement board, or entrance marker for each church or institution not exceeding 20 square feet in area, except that if the street frontage of such church or institution exceeds 100 feet, one such sign for each 100 feet computed to the nearest 100 but in no event more than three (3) such signs for each church or institution.

(3) One "For Sale," "Sold" or "For Rent" sign, not exceeding eight (8) square feet in area, advertising the property on which the sign is located for each licensed realtor listing the property and/or property owner. Said signs shall be removed from the site within 30 days after the property has been sold, leased or rented. "For Rent" signs may not be displayed for a total of more than 90 days/year in the given location.

(4) One building contractor's or developer's sign, not exceeding 32 square feet in total area on a lot where a building is actually under construction. Subcontractors may present signs not exceeding eight (8) square feet each. Said signs shall be removed from the site within 30 days after the completion of the project.

(b) Business. In any business district there shall not be an on-premise sign except as follows:

(1) Signs allowed in subsection (a)(4) above.

(2) One free-standing sign with area no greater than 50 square feet and overall height above grade no greater than 20 feet.

(3) In addition to signs allowed in subsection (a)(4), any combination projecting wall and roof mounted, painted wall, or marquee signs with total sign area as shown below:

Distance from Street (Property Line Boundary to Building Front)	Total Area Allowed For Building with Less Than 50 Feet Frontage	Total Sign Area Allowed for Buildings with More than 50 Foot frontage, Sq. Ft. Per Frontage Foot
0-99 feet	50 sq. feet	1
100-399 feet	100 sq. feet	2
400 or more	150 sq. feet	3

(4) A shopping center may erect a maximum of two (2) free-standing signs with a maximum total area of one (1) square foot per frontage foot, but not to exceed 100 square feet per sign.

(c) Off-premise signs. In all zoning districts in the city, there shall be no off-premise signs except as follows:

(1) Permanent off-premise signs may be erected only in business districts.

(2) Separation of off-premise signs over 50 square feet in area shall be at least 1,000 feet, measured along any street or thoroughfare.

(3) Setback of off-premise signs shall be at least 20 feet, measured from the pavement edge of the nearest road surface. (Ord. No. 1985-3, 9/18/85)