2015 Ordinances, Resolutions, and Proclamations

ORDINANCE 2015-01

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF ISLE OF PALMS AND MARINA OUTPOST, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE, IN ORDER TO EXTEND THE TERM OF THE LEASE FOR THIRTY (30) YEARS, TO CLARIFY THE MAINTENANCE RESPONSIBILITIES BETWEEN THE PARTIES, AND TO PROVIDE FOR OTHER AMENDMENTS TO THE TERMS OF THE LEASE CONCERNING ALTERATIONS AND IMPROVEMENTS, ADDITIONAL RENT, AND SUBLEASING.

WHEREAS, the City of Isle of Palms ("City") and Marina Outpost, LLC ("Tenant") have entered into that certain Commercial Lease Agreement with an effective date of January 4, 2008 for the lease of certain real property located at the Isle of Palms Marina, 41st Avenue, Isle of Palms, SC, as more fully described in said lease and commonly known as the "Marina Store," as amended by that certain First Amendment to Commercial Lease Agreement, dated April 25, 2012 (the "First Amendment"), and as further amended by that certain Second Amendment to Commercial Lease Agreement, dated July 24, 2012 (the "Second Amendment") (the Commercial Lease Agreement, the First Amendment and the Second Amendment are collectively referred to herein as the "Lease"); and

WHEREAS, City and Tenant desire to further amend the Lease in order to extend the term of the Lease for thirty (30) years, clarify maintenance responsibilities between the parties, provide new procedures for alterations and improvements, provide new requirements for subleasing, and amend the terms related to the amount of additional rent due, as more fully set forth in the Third Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Marina Store property under such amended terms to Marina Outpost, LLC will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

NOW, THEREFORE, 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. City Council authorizes the City Administrator to execute the Third Amendment to Commercial Lease Agreement between the City of Isle of Palms and

Marina Outpost, LLC, which is attached hereto as Exhibit I and incorporated herein by reference.

SECTION 2. 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 3. 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 4. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 24th DAY OF FEBRUARY, 2015.

Richard F. Cronin, Mayor

(Seal)

Attest:

Marie Copeland, City Clerk

First Reading: January 27, 2015
Second Reading: February 24, 2015
Ratification: February 24, 2015

EXHIBIT I

(ATTACH THIRD AMENDMENT TO MARINA OUTPOST, LLC LEASE)

FILE COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT

This **THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT** (the "Third Amendment"), dated as of February 26, 2015, is made by and between the City of Isle of Palms, a South Carolina municipal corporation ("Landlord"), and **MARINA OUTPOST, LLC** a South Carolina limited liability company ("Tenant") (Landlord and Tenant are each a "Party" and are collectively the "Parties").

W I T N E S S E T H:

WHEREAS, the Parties have entered into that certain Commercial Lease Agreement with an effective date of January 4, 2008 (the "Lease") for the lease of certain real property located at the Isle of Palms Marina, 41st Avenue, Isle of Palms, SC, as more fully described in said Lease and commonly known as the "Marina Store," as amended by that certain First Amendment to Commercial Lease Agreement, dated April 25, 2012 (the "First Amendment"), and as further amended by that certain Second Amendment to Commercial Lease Agreement, dated July 24, 2012 (the "Second Amendment") (the Lease, the First Amendment and the Second Amendment are collectively referred to herein as the "Lease"); and

WHEREAS, the Parties desire to further amend the Lease, as set forth herein, and to document their agreement by entering into this Third Amendment;

NOW, THEREFORE, in consideration of the Lease and this Third Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Incorporation of Recitals; Definitions. The foregoing recitals are true and correct and incorporated as if fully set forth herein. Unless otherwise defined herein, capitalized terms used in this Third Amendment shall have the meaning ascribed to such terms in the Lease.

2. Initial Term of Lease; Options to Renew. Section 2 of the Lease is hereby deleted in its entirety and replaced with the following:

The term of this Lease (the "Lease Term") shall commence on February 1, 2008 and shall terminate at midnight on January 31, 2045 (the "Termination Date"), unless sooner terminated as provided herein. The Lease Term shall not be renewable.

3. Additional Rent. Section 4(C) of the Lease is hereby deleted in its entirety and replaced with the following:

In addition to the Base Rent, plus any increases as set forth in this Section, Tenant agrees to pay additional annual rent to Landlord equal to two (2%) percent of the amount of Tenant's gross

FILE COPY

profit derived from the Leased Premises per Lease Year which is in excess of Seven Hundred Fifty Thousand and No/100 ($750,000.00) Dollars. Such amounts shall be due and payable in full within sixty (60) days after the end of each Lease Year. Tenant agrees to keep true, accurate and complete financial records regarding all income collected at the Leased Premises and to provide Landlord with a statement, certified by Tenant's chief financial officer to be true and correct, showing the calculations of the monthly gross profit for each month of the applicable Lease Year along with the payment, if any, of the additional annual rent due hereunder. Landlord and its agents and representatives shall have the right to inspect and copy all books and records of Tenant relating to the Tenant's gross profit derived from the Leased Premises at such reasonable times as Landlord may determine. To the extent allowed by the South Carolina Freedom of Information Act, Landlord agrees to keep all such information confidential. For purposes of this Lease, "gross profit" is calculated as total annual gross receipts from all sources less all costs of goods and services sold and less any applicable State of South Carolina sales taxes paid.

4. Alterations; Improvements. Section 8 of the Lease is hereby deleted in its entirety and replaced with the following:

All improvements, alterations or additions to the Leased Premises desired by Tenant shall be made only at Tenant's expense and in a good and workmanlike manner. Improvements, alterations or additions to the Leased Premises in an amount greater than Twenty-Five Thousand and No/100 ($25,000.00) Dollars, but less than One Hundred Thousand and No/100 ($100,000.00) Dollars shall require advance written notice to Landlord pursuant to the requirements set forth in Section 24 of this Lease; provided, however, that Tenant's presentation of the proposed improvement or alteration at a committee meeting of City Council that is recorded in the meeting minutes shall suffice as advance written notice to Landlord. Improvements, alterations or additions to the Leased Premises that are in excess of One Hundred Thousand and No/100 ($100,000.00) Dollars shall be made in accordance with plans and specifications which have been previously approved in writing by the Landlord. Landlord's approval of the plans, specifications and working drawings for Tenant's alterations or Landlord's approval of Tenant's plans for Landlord's work shall create no responsibility or liability on the part of Landlord for their completeness, design sufficiency, or compliance with any laws, rules and regulations of governmental agencies or authorities. For those improvements, alterations or additions in excess of One Hundred Thousand and No/100 ($100,000.00) Dollars, Landlord reserves the right to approve Tenant's contractors, which approval shall not be unreasonably withheld, and to require adequate lien waivers, payment and performance bonds, permits, licenses, and insurance. All improvements, alterations and additions made by or for the Tenant and permanently attached to the Premises, including without limitation all partitions, carpets, lighting fixtures, doors, hardware, shelves, cabinets and ceilings, shall remain in the Premises and shall be surrendered to Landlord at the expiration or earlier termination of this Lease, unless the Landlord, by notice given to the Tenant no later than thirty (30) days prior to the end of the term, elects to have the Tenant remove such improvements, alterations or additions, and Tenant shall thereupon accomplish such removal at its sole cost and repair any damage to the Premises caused by such removal. Prior to commencement of any work, Tenant agrees to give all notices

to Landlord required by Section 32 of this Lease. Tenant's initial alterations and improvements which are shown on Exhibit III, attached hereto and made a part hereof, are approved.

5. Condition and Maintenance of the Premises. Section 10 of the Lease is hereby deleted and replaced in its entirety with the following:

Tenant agrees to accept the Premises in its present condition. Landlord makes no representations or warranties, either express or implied, regarding the condition of the Premises or its fitness for any particular purpose. Except as otherwise expressly stated in this Lease, Tenant agrees that at all times during the term of this Lease and any renewal thereof, Tenant shall be responsible for any and all repairs, maintenance and replacements, both ordinary and extraordinary, at the Premises and all of its appurtenant systems, including the Landlord's personal property listed in Exhibit II, except to the extent of any damage covered and paid by Landlord's casualty insurance carried pursuant to this Lease. Tenant agrees to keep the Leased Premises in a good, clean and safe order and repair and in good operating condition. All repairs, replacements and renovations shall be of good quality, material and workmanship. Tenant's maintenance shall include, but is not limited to, responsibility for garbage, trash or rubbish disposal in compliance with all applicable laws, rules and regulations prescribed from time to time. Tenant agrees to be responsible for litter control at the Leased Premises and to maintain the property free from trash, debris or other litter. Tenant agrees to keep the grounds of the Premises in good condition and properly landscaped. Notwithstanding the forgoing, Landlord agrees to be responsible for any and all repairs, maintenance and replacements, both ordinary and extraordinary, which are necessary for the underground fuel storage tanks, underground transfer lines and fuel pumps, and the marina's bulkheads and retaining walls adjacent to the Leased Premises, and Tenant shall have no responsibility to maintain, repair, or replace said underground fuel storage tanks, underground transfer lines and fuel pumps, and bulkheads and retaining walls, except for any damage caused by the Tenant or Tenant's employees, invitees or licensees which is not covered and paid by Landlord's insurance carried hereunder. Tenant is responsible for the maintenance of the leak detection system for the underground storage tanks and for the keeping of all necessary fuel dispensing records required by state laws and regulations.

6. Assignment or Sublease by Tenant. A new Section 44 is hereby added to the Lease to state as follows:

Tenant agrees not to sublease or assign Tenant's interest in the Leased Premises or any part thereof, or to encumber same in any manner, without the prior written consent of the Landlord, which shall not be unreasonably withheld or delayed. Landlord acknowledges the Tenant's existing sublease of the marina deli to Saltworks Catering Co., LLC, and agrees that no additional approval of the same shall be required. Notwithstanding any such consent by Landlord, Tenant agrees to remain personally liable for the full performance of all terms and conditions contained in this Lease to be performed by the Tenant. Tenant agrees to hold harmless and indemnify Landlord against any loss or damage, including attorney's fees and expenses, incurred as a result of any and all claims, demands, causes of action, suits, judgments, fines or penalties (including but not limited to all fees and expenses incurred as a result of death or injury

to persons or for loss of or damage to property) arising out of or in connection with Tenant's sublease or assignment of the Leased Premises and any activities performed thereunder, including negligent or willfull acts or omissions, by Tenant, Tenant's sublessee or assignee, and their respective members, officers, agents, employees, subcontractors, customers, licensees, and invitees. For purposes of Landlord's rights under this Section, a change in control of the voting interests of Tenant, other than by devise and descent, shall constitute an assignment by Tenant. All insurance coverage required to be maintained by Tenant and its sublessees under any City-approved subleases pursuant to this Section shall meet the requirements under Section 13(B) of the Lease and Tenant shall be responsible for providing Landlord with proof of such insurance for Tenant and its sublessees.

7. No Other Amendment. Except as amended and modified herein, all terms and conditions of the Lease shall remain in full force and effect, and are acknowledged by the Parties hereto.

8. Counterparts. This Third Amendment may be executed in more than one counterpart, each such counterpart shall be deemed an original, and all such counterparts shall constitute one and the same Amendment. This Third Amendment shall be effective when executed by all Parties, but all Parties need not execute the original or the same counterpart.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the date above written.

WITNESSES:

Witness #1

Witness #2

LANDLORD:

CITY OF ISLE OF PALMS,
A South Carolina municipal corporation

By: Linda L. Tucker
Its: City Administrator

TENANT:

MARINA OUTPOST, LLC,
A South Carolina limited liability company

Witness #1

Witness #2

By: Brian Berrigan
Its: Authorized Member

ORDINANCE 2015-02

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN FOURTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF ISLE OF PALMS AND MARINA JOINT VENTURES, INC., ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE, IN ORDER TO EXTEND THE TERM OF THE LEASE FOR THIRTY (30) YEARS, TO CLARIFY THE MAINTENANCE RESPONSIBILITIES BETWEEN THE PARTIES, AND TO PROVIDE FOR OTHER AMENDMENTS TO THE TERMS OF THE LEASE CONCERNING IMPROVEMENTS AND ALTERATIONS, ADDITIONAL RENT, AND SUBLEASING.

WHEREAS, the City of Isle of Palms ("City") and Marina Joint Ventures, Inc. ("Tenant") have entered into that certain Commercial Lease Agreement with an effective date of September 10, 2009 for the lease of certain real property located at Isle of Palms Marina, 41st Avenue, Isle of Palms, SC, as more fully described in said lease and commonly known as "Isle of Palms Marina," as amended by that certain Amendment to Commercial Lease Agreement, dated June 2, 2010 (the "First Amendment"), as further amended by that certain Second Amendment to Commercial Lease Agreement, dated April 25, 2012 (the "Second Amendment"), and as further amended by that certain Third Amendment to Commercial Lease Agreement, dated July 24, 2012 (the "Third Amendment") (the Commercial Lease Agreement, the First Amendment, the Second Amendment and the Third Amendment are collectively referred to herein as the "Lease"); and

WHEREAS, City and Tenant desire to further amend the Lease in order to extend the term of the Lease for thirty (30) years, clarify maintenance responsibilities between the parties, provide new procedures for improvements and alterations, amend the requirements for subleasing, and amend the terms related to the amount of additional rent due, as more fully set forth in the Fourth Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Isle of Palms Marina property under such amended terms to Marina Joint Ventures, Inc. will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

NOW, THEREFORE, 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. City Council authorizes the City Administrator to execute the Fourth Amendment to Commercial Lease Agreement between the City of Isle of Palms and Marina Joint Ventures, Inc., which is attached hereto as Exhibit I and incorporated herein by reference.

SECTION 2. 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 3. 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 4. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 24TH DAY OF FEBRUARY, 2015.

Richard F. Cronin, Mayor

Attest:

Marie Copeland, City Clerk

First Reading: January 27, 2015
Second Reading: February 24, 2015
Ratification: February 24, 2015

EXHIBIT I

(ATTACH FOURTH AMENDMENT TO MARINA JOINT VENTURES, INC. LEASE)

FILE COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

FOURTH AMENDMENT TO
COMMERCIAL LEASE AGREEMENT

THIS FOURTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT (the "Fourth Amendment"), dated as of February 26, 2015, is made by and between the City of Isle of Palms, a South Carolina municipal corporation ("Landlord"), and **MARINA JOINT VENTURES, INC.** a South Carolina corporation ("Tenant") (Landlord and Tenant are each a "Party" and are collectively the "Parties").

W I T N E S S E T H:

WHEREAS, the Parties have entered into that certain Commercial Lease with an effective date of September 10, 2009 (the "Lease") for the lease of certain real property located at Isle of Palms Marina, 41st Avenue, Isle of Palms, SC, as more fully described in said Lease and commonly known as "Isle of Palms Marina," as amended by that certain Amendment to Commercial Lease Agreement, dated June 2, 2010 (the "First Amendment"), as further amended by that certain Second Amendment to Commercial Lease Agreement, dated April 25, 2012 (the "Second Amendment"), and as further amendment by that certain Third Amendment to Commercial Lease Agreement, dated July 24, 2012 (the "Third Amendment") (the Lease, the First Amendment, the Second Amendment and the Third Amendment are collectively referred to herein as the "Lease"); and

WHEREAS, the Parties desire to further amend the Lease, as set forth herein, and to document their agreement by entering into this Fourth Amendment;

NOW, THEREFORE, in consideration of the Lease and this Fourth Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Incorporation of Recitals; Definitions. The foregoing recitals are true and correct and incorporated as if fully set forth herein. Unless otherwise defined herein, capitalized terms used in this Fourth Amendment shall have the meaning ascribed to such terms in the Lease.

2. Initial Term; Renewal Options. Section 2 of the Lease is hereby deleted in its entirety and replaced with the following:

The term of this Lease (the "Lease Term") shall commence on October 1, 2009 and shall terminate at midnight on January 31, 2045 (the "Termination Date"), unless sooner terminated as provided herein. The Lease Term shall not be renewable.

3. Additional Rent. Section 3(B) of the Lease is hereby deleted in its entirety and replaced with the following:

In addition to the Base Rent, plus any increases as set forth in this Section, Tenant agrees to pay additional annual rent to Landlord equal to fifteen (15%) percent of the amount of Tenant's gross profit (as calculated pursuant to Exhibit III) derived from the Leased Premises per Lease Year which is in excess of One Million and No/100 ($1,000,000.00) Dollars. Such amounts shall be due and payable in full within sixty (60) days after the end of each Lease Year. Tenant agrees to keep true, accurate and complete financial records regarding all income collected at the Leased Premises and to provide Landlord with a statement, certified by Tenant's chief financial officer to be true and correct, showing the calculations of the monthly gross profit for each month of the applicable Lease Year along with the payment, if any, of the additional annual rent due hereunder. Landlord and its agents and representatives shall have the right to inspect and copy all books and records of Tenant relating to the Tenant's gross profit derived from the Leased Premises at such reasonable times as Landlord may determine. To the extent allowed by the South Carolina Freedom of Information Act, Landlord agrees to keep all such information confidential.

4. Condition and Maintenance of the Premises. Section 6(A) of the Lease is hereby deleted and replaced in its entirety with the following:

Tenant agrees to accept the Leased Premises in its present condition. Landlord makes no representations or warranties, either express or implied, regarding the condition of the Leased Premises or its fitness for any particular purpose. Except as otherwise expressly stated in this Lease, Tenant agrees that at all times during the term of this Lease and any renewals thereof, Tenant shall be responsible for any and all repairs, maintenance and replacements, both ordinary and extraordinary, at the Leased Premises and all of its appurtenant systems, including the Landlord's personal property listed in Exhibit II, except to the extent of any damage covered and paid by Landlord's casualty insurance coverage carried pursuant to this Lease. Tenant agrees to keep the Leased Premises in a good, clean and safe order and repair and in good operating condition. All repairs, replacements and renovations shall be of good quality material and workmanship and made as promptly as possible. Tenant's maintenance shall include, but is not limited to, responsibility for garbage, trash or rubbish disposal in compliance with all applicable

laws, rules and regulations prescribed from time to time. Tenant agrees to be responsible for litter control at the Leased Premises and to maintain the property free from trash, debris or other litter. Tenant agrees to keep the grounds of the Leased Premises in good condition and properly landscaped.

5. Assignment or Sublease by Tenant. Section 9(C) of the Lease is hereby deleted in its entirety and replaced with the following:

Tenant may enter into subleases or license agreements with charter fishing, charter cruising, kayaking, boat rental, low speed vehicle rental, paddleboard rental, and eco-tour operations which are for terms not exceeding Tenant's right to possession of the Lease Premises. Tenant agrees to use its best efforts to secure and maintain subtenants or licensees operating these types of businesses in a manner similar to those which historically have been operated at the Marina during City's period of ownership.

6. Improvements and Alterations. Section 13 of the Lease is hereby deleted in its entirety and replaced with the following:

No alterations or improvements to the Leased Premises in excess of One Hundred Thousand and No/100 ($100,000.00) Dollars shall be made by Tenant without the prior written consent of Landlord. Any alterations or improvements to the Leased Premises in an amount greater than Twenty-Five Thousand and No/100 ($25,000.00) Dollars, but less than One Hundred Thousand and No/100 ($100,000.00) Dollars shall require advance written notice to Landlord pursuant to the requirements set forth in Section 29 of this Lease; provided, however, that Tenant's presentation of the proposed alteration or improvement at a committee meeting of City Council that is recorded in the meeting minutes shall suffice as advance written notice to Landlord. Unless otherwise agreed to in writing by Landlord, all alterations, additions or improvements made by the Tenant and all fixtures, including trade fixtures, installed by Tenant shall be performed or installed in a good and workmanlike manner and shall at the Landlord's option become the property of the Landlord at the expiration or other sooner termination of this Lease; provided, however, that Landlord has the right to require Tenant to remove all such modifications upon the termination of this Lease, at Tenant's expense. Tenant acknowledges that all property listed on Exhibit II, whether fixtures or movable personal property, is owned by Landlord.

7. Default. Section 22(B) of the Lease is hereby amended by deleting all references to "Section 23" of the Lease and substituting in its place "Section 29" of the Lease.

8. Exhibit V. Exhibit V of the Lease is hereby deleted in its entirety and replaced with Revised Exhibit V attached hereto.

9. No Other Amendment. Except as amended and modified herein, all terms and conditions of the Lease shall remain in full force and effect, and are acknowledged by the Parties hereto.

10. Counterparts. This Fourth Amendment may be executed in more than one counterpart, each such counterpart shall be deemed an original, and all such counterparts shall constitute one and the same Amendment. This Fourth Amendment shall be effective when executed by all Parties, but all Parties need not execute the original or the same counterpart.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the date above written.

WITNESSES:

Witness #1

Witness #2

LANDLORD:

CITY OF ISLE OF PALMS,
A South Carolina municipal corporation

By: Linda L. Tucker
Its: City Administrator

TENANT:

MARINA JOINT VENTURES, INC.,
A South Carolina corporation

By: Brian Berrigan
Its: President

Witness #1

Witness #2

REVISED EXHIBIT V

List of Marina Assets Subject to Repair or Replacement by the City:

1. The Tenant agrees to be responsible for all normal and routine maintenance to the following property. City agrees to be responsible for extraordinary repairs or replacements to the following assets, except for damage caused by Tenant's negligent or willful acts, in which case the repair or replacement shall be the responsibility of Tenant:

Marina Dock Fuel Dispensers (as shown in the Photos attached hereto as Exhibit VI and incorporated herein by reference);
Marina Dock Transfer Fuel Lines (as shown in the Photo attached hereto as Exhibit VII and incorporated herein by reference); and
Utility and Safety Pedestals, including all associated Electrical Systems.

2. City agrees to be responsible for all ordinary and extraordinary repairs or replacements to the following property, except for damage caused by Tenant's negligent or willful acts, in which case the repair or replacement shall be the responsibility of Tenant:

Bulkheads;
Pilings;
Dock Replacements, including the Floating Docks and Fixed Piers;
Underground transfer lines and underground fuel pumps; and
Underground fuel storage tanks.

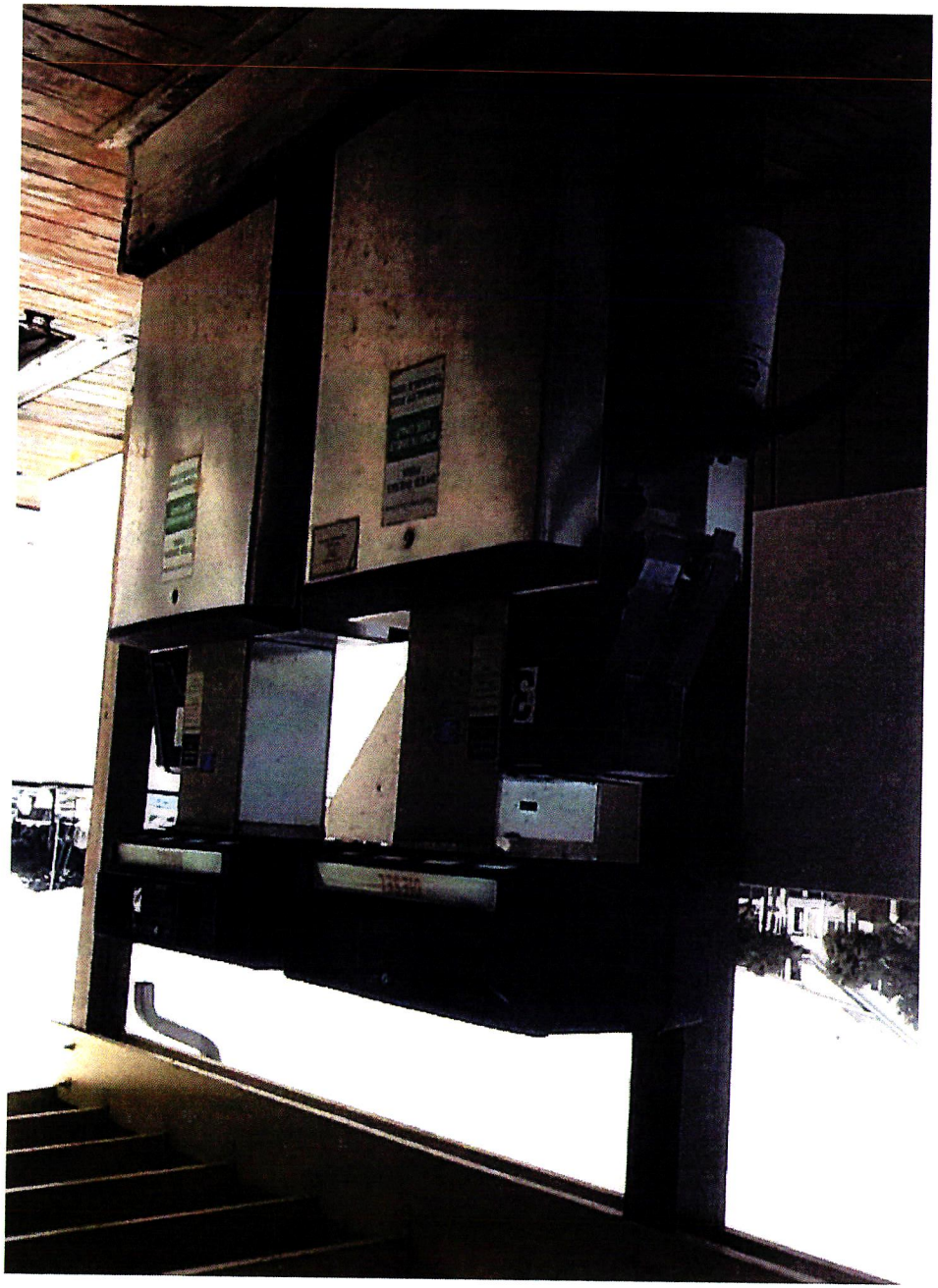
EXHIBIT VI

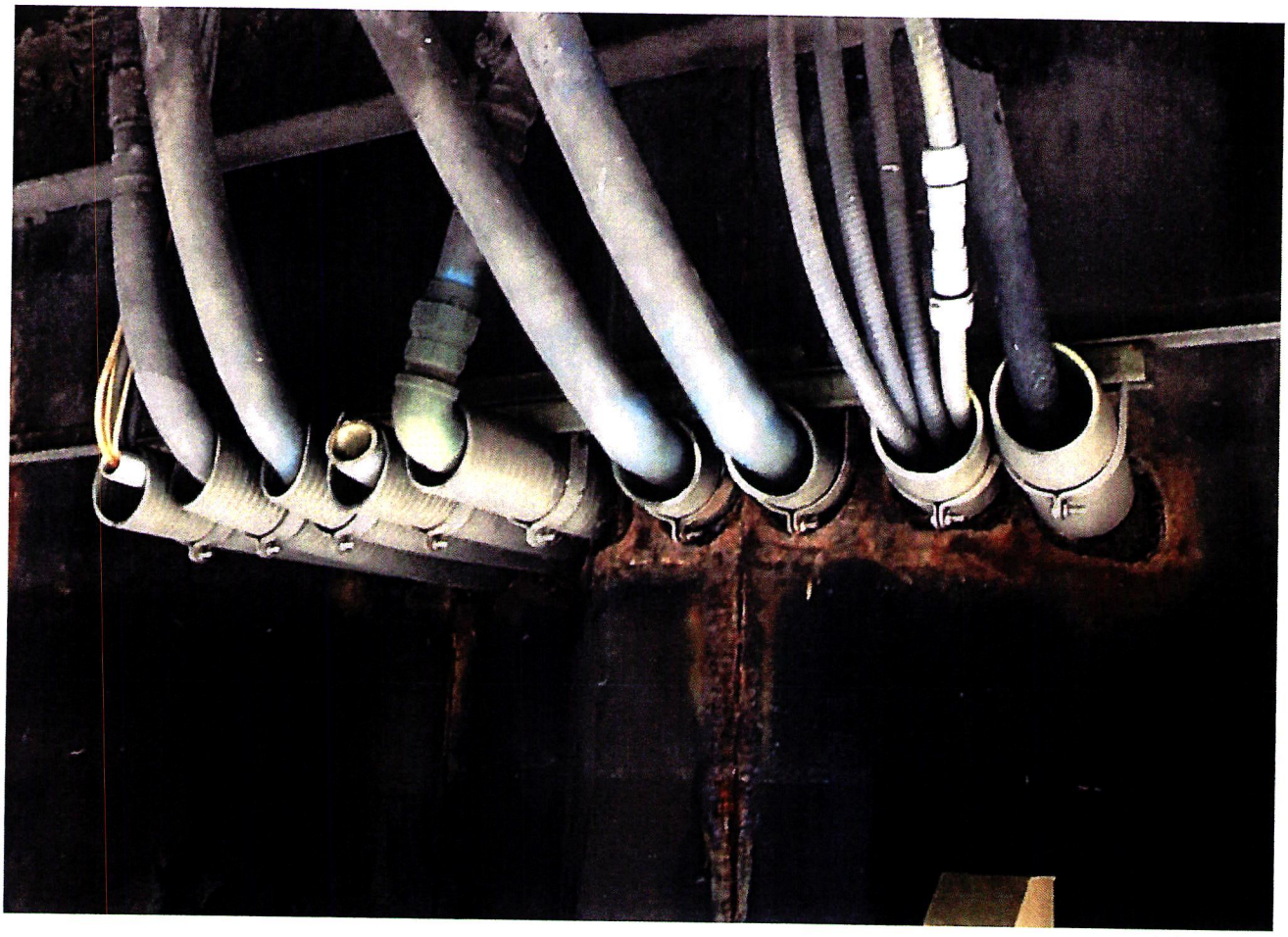
(ATTACH PHOTO #1 AND #2 OF MARINA DOCK FUEL DISPENSERS)

EXHIBIT VII

(ATTACH PHOTO OF MARINA DOCK TRANSFER FUEL LINES)

UNLEADED





ORDINANCE 2015-03

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 6, HOSPITALITY TAX, SECTION 7-6-5, VIOLATIONS AND PENALTIES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR SUSPENSION AND/OR REVOCATION OF BUSINESS LICENSE FOR FAILURE TO COLLECT OR TIMELY REMIT HOSPITALITY TAXES TO THE CITY.

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 7-6-5, "Violations and penalties," is hereby amended by adding a new subparagraph (c) to state as follows:

> "(c) In addition to the foregoing penalties, the failure to collect or timely remit to the City the taxes imposed by this section shall result in the suspension and/or revocation of the business license of the offending person or establishment, as may be determined, after a hearing by City Council pursuant to the procedures provided in sections 7-1-15 and 7-1-16."

SECTION 2. 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 3. 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 4. 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 24th DAY OF FEBRUARY, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: January 27, 2015
Second Reading: February 24, 2015
Ratification: February 24, 2015

ORDINANCE 2015-04

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016.

WHEREAS, Subsection 3 of Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that a municipal council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms, South Carolina, in council duly assembled, that the following provisions are hereby adopted and enacted:

Section 1. The prepared budget and estimated revenue for the payment of the same is hereby adopted and made a part hereof as if fully incorporated herein and a copy thereof dated May 26, 2015, is attached hereto.

Section 2. The City Administrator shall administer the budget and may authorize the transfer of appropriated funds within departments as necessary to achieve the goals of the budget as established by City Council.

Section 3. If, for any reason, any sentence, clause or provision of this ordinance shall be declared invalid, such shall not affect the remaining portions thereof.

Section 4. This ordinance shall become effective immediately upon its ratification by City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS ON THIS 26th DAY OF MAY, 2015.

Richard F Cronin, Mayor

Marie Copeland, City Clerk

First Reading: April 28, 2015
Public Hearing: May 26, 2015
Second Reading: May 26, 2015
Ratification: May 26, 2015

ORDINANCE 2015-05

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF ISLE OF PALMS, S.C. PURSUANT TO THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994.

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. Findings.

It is hereby found and declared by the City Council of the City of Isle of Palms ("Council"), the governing body of the City of Isle of Palms (the "City") as follows:

a. The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310, et seq., of the South Carolina Code of Laws (1976), as amended, (the "Act") requires the development, adoption, review and update of a local comprehensive plan designed to promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as the efficiency and economy of the City, and the plan must be comprised of certain defined elements.

b. In December, 1997, Council adopted a comprehensive plan dated June 11, 1997, and amended the plan in March, 1998, per plan document dated March 11, 1998.

c. On August 24, 2004, Council adopted a new comprehensive plan (the "Plan").

d. On September 22, 2009, Council amended the Plan.

e. After extensive re-evaluation of the Plan and the review of the Act, a positive majority of the members of the Planning Commission has recommended the amendment of the Plan to City Council, said amended Plan being entitled "Amended Comprehensive Plan for the City of Isle of Palms, South Carolina, Prepared by the Isle of Palms Planning Commission, Revised February 7, 2014," (the "2014 Amended Plan") a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

f. It appears to Council that the 2014 Amended Plan is comprised of all required elements, is proper in all other material respects, and the adoption of the 2014 Amended Plan is in the best interests of the City.

g. On May 26, 2015, upon 30 days' prior public notice effected pursuant to the Act, Council duly held the public hearing required prior to adoption of the 2014 Amended Plan.

SECTION 2. Adoption of the 2014 Amended Plan.

Pursuant to Section 6-29-530, South Carolina Code of Laws (1976), as amended, Council does hereby adopt, approve and ratify the 2014 Amended Plan as set forth in Exhibit A.

SECTION 3. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 4. 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 5. 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 26th DAY OF MAY, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: April 28, 2015
Public Hearing: May 26, 2015
Second Reading: May 26, 2015
Ratification: May 26, 2015

ORDINANCE 2015-06

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, AND ARTICLE 3, LANDSCAPING AND TREE REMOVAL REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO AMEND THE DEFINITION OF HAZARDOUS TREE AND TO PERMIT REMOVAL OF HAZARDOUS TREES CAUSING STRUCTURAL DAMAGE OR POSING A CLEAR AND IMMINENT THREAT OF STRUCTURAL DAMAGE TO SEPTIC TANK 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 Subsection (18B) of Section 5-4-2, "Definitions," of Article 1 is hereby amended to state as follows:

> "(18B) *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."

SECTION 2. That Section 5-4-63, "Removal of dead, diseased or hazardous trees," of Article 2 is hereby amended by adding a new subsection (e) and a new subsection (f), and by renumbering former subsection (e) as subsection (g), to state as follows:

> "(e) When a tree is causing structural damage to a septic tank system, and the damage cannot be remedied without removing the tree, the Zoning Administrator may determine that the tree is hazardous and issue a permit for its removal. Replacement of trees removed pursuant to this section is encouraged but not required, except in situations where the repairs to the septic tank system are not completed within 60 days of the issuance of the tree removal permit.
>
> (f) When a certified arborist determines in writing that a tree poses a clear and imminent threat of structural damage to a septic tank system, and the threat of damage cannot be remedied without removing the tree, the

Zoning Administrator may determine that the tree is hazardous and issue a permit for its removal. Replacement of trees removed pursuant to this section is encouraged but not required.

(g) An owner seeking to remove a tree pursuant to this section shall submit written proof to the Zoning Administrator that the tree to be removed meets the requirements of this section. If the Zoning Administrator reasonably determines that there is a question as to the viability or health of a tree for which a removal permit is requested pursuant to paragraph (b) of this section, the Zoning Administrator may require that the applicant consult with, and provide documentation from, a certified arborist as a part of the permit process. If the Zoning Administrator reasonably determines that there is a question as to the structural damage being caused by a tree for which a removal permit is requested pursuant to paragraph (c) of this section, the Zoning Administrator may require that the applicant consult with, and provide documentation from, an engineer as part of the permit process."

SECTION 3. 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 4. 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 5. 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 23th DAY OF JUNE, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland

Marie B. Copeland, City Clerk

First Reading: May 26, 2015
Public Hearing: June 23, 2015
Second Reading: June 23, 2015
Ratification: June 23, 2015

ORDINANCE 2015-07

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 9, SHORT-TERM RENTALS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE SHORT-TERM RENTAL OWNERS TO POST WRITTEN NOTICES WITH INFORMATION ABOUT THE CITY'S NOISE ORDINANCE ON EXTERIOR DECKS, PORCHES, PATIOS, POOLS, OR OTHER GATHERING AREAS OF A SHORT-TERM RENTAL RESIDENCE.

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 5-4-205 of Article 9 is hereby amended, including its title, to state as follows:

> "**Sec. 5-4-205. - Written notices to be conspicuously posted inside and outside residence; Penalties for removing notices.**
>
> A written notice provided by the City which contains information about certain ordinances generally impacting tenants of Short-term Rentals shall be affixed to a conspicuous location inside the residence located within fifteen (15) feet from the main entrance to the residence and maintained at such location by the owner and displayed at all times. A written notice provided by the City which contains information about the City's noise ordinance shall be weatherproofed and affixed to a conspicuous location on any exterior deck, porch, patio, pool or other gathering area of the residence and maintained at such location by the owner and displayed at all times. It shall be unlawful for any person to destroy, hide, obstruct, conceal or remove the notices required by this section."

SECTION 2. 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 3. 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 4. 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 28th DAY OF JULY, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: May 26, 2015
Public Hearing: June 23, 2015
Second Reading: July 28, 2015
Ratification: July 28, 2015

ORDINANCE 2015-08

AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES BY ADDING A NEW CHAPTER 4 TITLED "SINGLE-USE PLASTIC BAGS," TO PROHIBIT USE OF SINGLE-USE PLASTIC BAGS BY BUSINESS ESTABLISHMENTS.

WHEREAS, distribution of plastic bags by retailers to consumers for use in carrying, transporting, or storing purchased goods has a detrimental effect on the environment of the City and State; and

WHEREAS, most single-use plastic bags are not accepted in the comingled curbside recycling and can often hinder the recycling process if they are included in the bins; and

WHEREAS, discarded plastic bags contribute to overburdened landfills, threaten wildlife and marine life, degrade and litter the beaches and other natural landscapes of South Carolina's coast, and in many cases, require consumption of oil and natural gas during the manufacturing process; and

WHEREAS, plastic bags are photo-degradable and break down into smaller pieces, which can make their way into the food chain via such animals as jellyfish and turtles; and

WHEREAS, environmental degradation is especially burdensome for barrier islands like the Isle of Palms where ocean and waterway pollution are more significant, where removing refuse from such isolated places is more difficult and expensive, and where such refuse deters tourism; and

WHEREAS, barrier islands like the Isle of Palms are where endangered sea turtles come to nest. Plastic bag debris can be harmful to sea turtles and other land and marine life. The waters adjacent to barrier islands, because they serve as habitat for the turtles, are particularly sensitive to waterborne debris pollution; and

WHEREAS, the City of Isle of Palms is visited by a high volume of tourists and therefore experiences a high consumption of bags relative to its permanent population due to large numbers of purchases from restaurants, groceries, beach shops, and other retailers by the itinerant tourist population; and

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the environment, marine life, and residents of the City to reduce the use of single-use plastic bags by business establishments and to encourage the use of reusable carryout bags.

NOW, THEREFORE, 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 Title 3, Public Works, is hereby amended by adopting a new Chapter 4 titled "Single-Use Plastic Bags" to state as follows:

"CHAPTER 4. – SINGLE-USE PLASTIC BAGS

Sec. 3-4-1. – Purpose.

This chapter is adopted to improve the environment of the City of Isle of Palms by encouraging the use of reusable checkout bags and banning the use of single-use plastic bags for retail checkout of purchased goods. Business establishments are encouraged to make reusable bags available for sale.

Sec. 3-4-2. – 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) *Business establishment* means any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit.

(2) *Carryout bag* means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

(3) *Reusable carryout bag* means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

(a) displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;

(b) has a handle, except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches; and

(c) is constructed out of any of the following materials:

(i) Cloth, other washable fabric, or other durable materials whether woven or non-woven;

(ii) Recyclable plastic, with a minimum thickness of 2.25 mils; or

(iii) Recyclable paper.

(4) *Single-use carryout bag* means a carryout bag that is not a reusable carryout bag.

(5) *Customer* means a person who purchases merchandise from a business establishment.

Sec. 3-4-3. – Regulations.

(1) No person may provide single-use carryout bags at any City facility, City-sponsored event, or any event held on City property.

(2) No business establishment within the City limits may provide single-use carryout bags to its customers.

(3) Business establishments within the City limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags by customers.

(4) A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. Subject to hours of operation and applicable regulations regarding the use of public property, including those pertaining to solicitation and commercial activities on public property, a person may provide or sell reusable carryout bags at any City facility, City-sponsored event, or any event held on City property. □

Sec. 3-4-4. – Exemptions.

This chapter shall not apply to: □

(1) □ Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste; □

(2) □ Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities; □

(3) □ Bags used by restaurants to take away prepared food; □

(4) Bags used by a customer inside a business establishment to:

(a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;

(c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or

(d) Contain unwrapped prepared foods or bakery goods;

(5) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items; and

(6) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

Sec. 3-4-5. – Enforcement and penalties.

(1) The Police Department has primary responsibility for enforcement of this chapter. The designated Livability Officer is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.

(2) If the Livability Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.

(3) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor and shall for each violation, upon conviction thereof, be punished as provided in section 1-3-66. The penalty shall not exceed One Hundred ($100.00) Dollars for a first violation; Two Hundred ($200.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred ($500.00) Dollars for each additional violation within any twelve (12)

month period. Each day that a violation continues will constitute a separate offense.

(4) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No City business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

(5) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

Sec. 3-4-6. – Effective date and waivers.

All of the requirements set forth in this chapter shall take effect January 1, 2016. In the event that compliance with the effective date of this chapter is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, City Council may grant a waiver of not more than twelve (12) months upon application of the business owner or owner's representative."

SECTION 2. 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 3. 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 4. 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 23th DAY OF JUNE, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: May 26, 2015
Second Reading: June 23, 2015
Ratification: June 23, 2015

ORDINANCE 2015-09

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 1, TRAFFIC REGULATIONS, ARTICLE C, STOPPING, STANDING, AND PARKING OF VEHICLES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO INCREASE THE NUMBER OF DAYS IN THE GRACE PERIOD FOR PAYMENT OF PARKING FINES FROM TWENTY (20) DAYS TO THIRTY (30) DAYS IN ACCORDANCE WITH STATE STATUTE AND TO INCREASE THE FINES FOR PARKING FROM $15.00 TO $25.00 FOR PARKING IN EXCESS OF THE TIME ALLOWED IN ANY PARKING ZONE OR PARKING SPACE AND FROM $25.00 TO $50.00 FOR PARKING IN VIOLATION OF ANY OTHER PARKING REGULATION.

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 8-1-42, "Notice of parking violations," is hereby amended in Subparagraph (b)(5) to state as follows:

> "(5) Information advising the owner of the vehicle that he must admit the violation and pay the penalty set forth in section 8-1-44, or deny the violation and request a hearing in Municipal Court within thirty (30) days from the date of the citation, and advising that failure to do so may result in impoundment or immobilization of the vehicle."

SECTION 2. That Section 8-1-43, "Response to the citation," is hereby amended to state as follows:

> "A person to whom a notice of violation has been issued under this article shall have thirty (30) days from the date of the citation to respond to the Municipal Court as follows:
>
> (a) Admit the violation by payment of the scheduled penalty as established in section 8-1-44
>
> (b) Deny the violation and promise to appear in Municipal Court for an adjudicatory hearing on the date set by the Court."

SECTION 3. That Section 8-1-44, "Penalties," is hereby amended in Subparagraphs (a) and (b) to state as follows:

> "(a) If the owner of a vehicle in violation of this article admits the violation and pays the penalty or appears before the Municipal Court pursuant to section 8-1-43 and is found guilty, the penalty shall be as follows:

(1) Parking in excess of the time allowed in any parking zone or parking space: $25.00.

(2) Parking in violation of any other parking regulation: $50.00.

(b) If a person violates any parking regulation and fails either to request a hearing before the Municipal Court or to pay the penalty as provided above within thirty (30) days of the date the notice is issued, the penalty for the violation shall double."

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 23rd DAY OF JUNE, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: May 26, 2015
Public Hearing: June 23, 2015
Second Reading: June 23, 2015
Ratification: June 23, 2015

ORDINANCE 2015-11

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, ARTICLE 2, DISTRICT REGULATIONS, AND ARTICLE 6, PARKING AND LOADING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO AMEND THE OFF-STREET PARKING REQUIREMENTS FOR THE GC-2 AND GC-3 GENERAL COMMERCIAL DISTRICTS.

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 5-4-12, "Additional regulations," of Article 1 is hereby amended in Subparagraphs (m) and (o) to delete reference to Section 5-4-37(10) and replace it with reference to new Section 5-4-113(g) to state as follows:

"(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.

(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."

SECTION 2. That Section 5-4-37, "Table of permitted uses in commercial districts," of Article 2 is hereby amended by deleting Subparagraph (10), "Parking lots," in its entirety and by amending Use Number 7522 in Table B-1 to state as follows:

"

7522	Parking as an accessory use, surface lot only (5-4-113(g))	x	x	c	x

"

SECTION 3. That Section 5-4-113, "Application of parking requirements," of Article 6 is hereby amended by amending Subparagraph (a) and by adding new Subparagraphs (g) and (h) to state as follows:

"(a) *Location of off-street parking areas.* Except as provided in section 5-4-113(h) and section 5-4-115, all parking spaces required herein shall be located on the same lot with the principal building or use or uses served.

(g) *Requirements for GC-2 district.* Notwithstanding any other provision of this chapter to the contrary, off-street parking is permitted within the GC-2 district on any lot which contains at least one hundred twenty feet (120') of frontage on a public street. Any automobile parking pursuant to this section shall comply with the provisions of section 5-4-12(n) and (o). There shall be no off-street parking permitted for any lot within the GC-2 district which contains less than one hundred twenty feet (120') of frontage on a public street.

(h) *Parking spaces in public right-of-way in commercial districts.* Notwithstanding any other provision of this chapter to the contrary, the calculation of the number of parking spaces required in the commercial districts pursuant to section 5-4-112 may include any parking spaces in the public right-of-way that are located on the same side of the street and contiguous to the lot with the principal building or use or uses served."

SECTION 4. That Section 5-4-114, "Area and paving required for parking spaces," of Article 6 is hereby amended to state as follows:

"Excluding aisles, maneuvering space, turnaround space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of one hundred eighty (180) square feet, nine feet (9') in width and twenty feet (20') in length for each automobile to be accommodated. Off-street parking spaces are not required to be paved. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, drives, lighting diagram and landscaped areas and the type of surface material used in the parking and drive areas shall be submitted to the Zoning Administrator for his approval."

SECTION 5. 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 6. 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 7. 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 29th DAY OF SEPTEMBER , 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: July 28, 2015
Public Hearing: September 29, 2015
Second Reading: September 29, 2015
Ratification: September 29, 2015

ORDINANCE 2015-12

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 8, FLOOD DAMAGE PREVENTION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO UPDATE THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES FLOOD MITIGATION PROGRAM.

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 the provisions contained in Article 8, "Flood Damage Prevention," of Chapter 4, Title 5, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. 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 3. 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 4. 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 27th DAY OF OCTOBER, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: September 29, 2015
Public Hearing: October 27, 2015
Second Reading: October 27, 2015
Ratification: October 27, 2015

EXHIBIT A

TITLE 5 – PLANNING & DEVELOPMENT
CHAPTER 4 - ZONING
ARTICLE 8. - FLOOD DAMAGE PREVENTION

Sec. 5-4-151. - Statutory authorization.

Pursuant to S.C. Code 1976, § 6-29-710, as amended, the Legislature of the State has delegated the authority to local governments to adopt regulations designed to protect against and secure safety from floods. Therefore, the City Council hereby adopts the provisions set forth in this article.

Sec. 5-4-152. - Findings of fact.

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

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

Sec. 5-4-153. - Statement of purpose.

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

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

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

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and

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

Sec. 5-4-154. - Objectives.

The objectives of this article are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;

(7) To encourage notification to potential real property buyers that a property is located in a special flood hazard area.

Sec. 5-4-155. - Definitions.

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

Appeal means a request for a review of the Building Official's interpretation of any provisions of this chapter or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation means the water surface elevations of the base flood as determined by the Federal Insurance Administrator of the National Flood Insurance Program.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

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

Development means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

Existing Construction means, for the purposes of determining rates, structures for which the start of construction commenced before January 1, 1975.

Fair market value of a structure means:

(i) The appraised value of the structure prior to the start of the initial repair or improvement; or

(ii) In the case of damage, the appraised value of the structure prior to the damage occurring.

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

a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories ***MAY NOT*** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the ***potential*** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has ***individually determined*** that the structure or district meets DOI historic structure criteria.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means a vertical control used as reference for establishing varying elevations within the floodplain.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

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

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and

overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Sand dunes means naturally occurring or manmade accumulations of sand in ridges or mounds landward of the active beach.

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

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

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

Substantial improvement means any combination of repairs, reconstruction, alteration, additions or improvements to a structure occurring within a continuous period of five (5) years, measured from the date of the start of construction of improvement in which the cumulative cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term "substantial improvement" does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Building Official which are the minimum necessary to ensure safe living conditions; or

(ii) Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

Violation means the failure of a structure or other development to be fully compliant with this article.

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

This article applies to all property in the City identified as areas of special flood hazard by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study dated November 17, 2004 with accompanying maps and other supporting data.

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

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated November 17, 2004, with all attachments thereto, are hereby adopted by reference and made a part of this article as fully and completely as if set forth herein verbatim.

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

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

Sec. 5-4-159. - Compliance.

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

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

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

Sec. 5-4-161. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

(1) Considered a minimum requirement;

(2) Liberally construed in favor of the City Council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-4-162. – Partial Invalidity and Severability.

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

Sec. 5-4-163. - Warning and disclaimer of liability.

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

Sec. 5-4-164. - Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special

exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-3-66, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, enjoin or remedy any violation.

Sec. 5-4-165. - Administration; designation of Building Official.

The Building Official is hereby appointed to administer and implement the provisions of this article.

Sec. 5-4-166. – Adoption of Letter of Map Revision (LOMR).

All LOMRs that are issued in the areas identified in section 5-4-156 are hereby adopted.

Sec. 5-4-167. - Permit procedures and certification requirements.

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

(1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 5-4-171(b).

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b) Certifications:

(1) During Construction - A floor elevation or floodproofing certification is required after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the floor elevation survey date submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby may result in the issuance of a stop work order for the project from the Building Official.

(2) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the

requirements section that the development is built in accordance with the submitted plans and previous pre-development certifications.

Sec. 5-4-168. - Duties and responsibilities of the Building Official.

Duties of the Building Official shall include, but not be limited to, the following:

(1) Review all building and zoning permits to ensure compliance with this article.

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

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

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

(5) Verify and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-4-167(b).

(6) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with section 5-4-171(b).

(7) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand the effects of wind and water loads acting simultaneously on the building.

(8) In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls in accordance with section 5-4-171(e)8.

(9) When floodproofing is utilized for a particular structure, require certification from a registered professional engineer or architect.

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

(11) When base flood elevation data has not been provided in accordance with section 5-4-157, then the Building Official shall either:

  (a) Obtain, review, and utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of sections 5-4-170 and 5-4-171; or

  (b) Require the applicant to obtain and reasonably utilize any base flood elevation data available from a federal, state or other source, and to determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices.

(12) Before a certificate of occupancy is issued for a structure, inspect the premises to ensure that the requirements of this article have been met.

(13) All records pertaining to the provisions of this article shall be maintained in the Office of the City Clerk and shall be made available for public inspection.

Sec. 5-4-169. - Variance procedures.

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

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

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

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

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

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance to the community of the services provided by the proposed facility;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and flood plan management program for that area;

(9) The safety of access to the property during floods for emergency and nonemergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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

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

(h) Requirements for variances.

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

(2) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

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

Sec. 5-4-170. - General standards.

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

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

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

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

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

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

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

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

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

(i) Public utilities and facilities are constructed so as to minimize flood damage and provide adequate drainage.

Sec. 5-4-171. - Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 5-4-157, or section 5-4-168(11), the following provisions are required:

(a) Residential construction. New construction, substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).

(b) Nonresidential construction. New construction, substantial improvement or the repair of substantial damage of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic

and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).

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

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included.
2. The bottom of all opening shall be no higher than one foot (1') above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters.
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
5. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
6. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

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

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

1. All new construction and substantial improvement shall be located landward of the reach of the mean high tide, first line of stable natural vegetation, and comply with all applicable Department of Heath and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
2. All new construction and substantial improvement shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)8 of this section.
3. All new construction and substantial improvement shall be securely anchored on pilings or columns.
4. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the latest edition of the building code or One- and Two-Family Dwelling Code adopted by the City.

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

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

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

8. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under base flood or lesser conditions, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system and provided the following design specifications are met:

   a. No solid walls are allowed; and

   b. Materials shall consist of open wooden lattice or insect screening.

9. Space enclosed by lattice or screening shall not be used for human habitation.

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

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

(f) Recreational vehicles. Recreational vehicles placed on lots shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

ORDINANCE 2015-13

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR NEW RESIDENT PARKING DISTRICT REGULATIONS AND NEW BEACH PARKING REGULATIONS, AND TO PROVIDE FOR "HOUSEKEEPING" CHANGES INCLUDING PROHIBITING PARKING WITHIN FOUR FEET OF THE PAVEMENT ON BOTH SIDES OF PALM BOULEVARD, REDUCING THE SPEED LIMIT FROM FORTY (40) MILES PER HOUR TO THIRTY-FIVE (35) MILES PER HOUR, REPLACING THE TERM "PARKING METER" WITH "PAY PARKING" AND "PAY STATIONS," PROHIBITING PARKING WITHIN THIRTY (30') FEET OF A STOP SIGN, PROVIDING EXEMPTIONS TO PAY PARKING FOR DISABLED VETERANS AND PURPLE HEART RECIPIENTS, AND PROVIDING FOR ADDITIONAL VEHICLE IMMOBILIZATION PROCEDURES.

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 8-1-11(b), "Speed restrictions," of Chapter 1, "Traffic Regulations," Article B, "Operation of Vehicle," is hereby amended to change the speed limit from forty (40) miles per hour to thirty-five (35) miles per hour.

SECTION 2. That Chapter 1, "Traffic Regulations," is hereby amended by deleting Article C, "Stopping, Standing, and Parking of Vehicles," in its entirety, by renumbering Article D, "Bicycles and Motorcycles," as Article C, and by renumbering Section 8-1-51, "Parking bicycles," as Section 8-1-31.

SECTION 3. That Title 8 is hereby amended by adding a new Chapter 2, "Stopping, Standing, and Parking of Vehicles," to state as follows:

"CHAPTER 2. – STOPPING, STANDING, AND PARKING OF VEHICLES

Article A. - General Provisions

Sec. 8-2-1. - Findings and intent.

(a) The City finds that parking in the public rights-of-way and public parking lots should be regulated to promote traffic safety, enhance the smooth flow of traffic, and, in certain areas of high demand for parking spaces, fairly allocate parking spaces among the public by limiting parking time.

(b) Limiting and pay parking in business districts helps facilitate commerce by promoting frequent turnover for shopping rather than allowing long-term parking, and generates revenue from the use of the parking rights-of-way and public parking lots and by enforcement and maintenance of parking regulations.

(c) Effective enforcement of parking regulations is required to meet the objectives of this article, and to protect the health, safety, and welfare of both drivers and pedestrians using public rights-of-way and public parking lots.

Sec. 8-2-2. - General prohibitions.

(1) No person shall stop, stand, or park a vehicle in any of the following public places or manners except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, parking control officer, other authorized person, or traffic control device:

(a) On a sidewalk;

(b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;

(c) Within an intersection or within twenty-five feet (25') of the center of an intersection;

(d) Within thirty feet (30') of a stop sign;

(e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;

(f) Along any street curb painted yellow;

(g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;

(h) More than eighteen inches (18") from the street curb;

(i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;

(j) In the opposite direction of the movement of traffic;

(k) Along side or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;

(l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";

(m) In front of a place of business for longer than two (2) hours between the hours of 9:00 a.m. and 5:00 p.m., except for Sundays and State and Federally sanctioned holidays, unless a different regulation is provided by sign or a pay station;

(n) In any area of a public parking lot not marked as a single parking space;

(o) In any parking space where payment is required, unless the proper payment has been deposited so that the occupancy of the space does not exceed the time indicated on the pay station receipt;

(p) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under State law;

(q) On the approaches to or upon any bridge;

(r) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;

(s) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;

(t) Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;

(u) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access. Any vehicle parked in violation of this subsection may be moved from its location upon order of any police officer.

(2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials.

Sec. 8-2-3. - Authority to restrict parking.

City Council shall from time to time adopt resolutions regulating the stopping, standing, or parking of vehicles in public lots or public rights-of-way and shall cause proper signs to be posted on such public streets and parking lots accordingly. In adopting such regulations, City Council shall consider:

(a) The nature of the land use within the block;

(b) The volume of traffic;

(c) The volume of parking;

(d) The surface width of the street;

(e) The relationship between the need for parking space for the land use of the block and the need for parking space for the general public;

(f) Patrons and prospective patrons of places within the block or area to be served by the parking restrictions; and

(g) The hours of the day or night when use of the parking zone is necessary or most convenient.

Sec. 8-2-4. - Bus stops.

(a) No bus shall park or stand in any place other than temporarily at a bus stop, except that this provision shall not prevent the driver of a bus from temporarily stopping in accordance with other stopping or parking regulations at any place designated for the purpose of, and while actually engaged in, the loading or unloading of passengers.

(b) No person shall stop, stand, or park a vehicle other than a bus at a bus stop when such stop has been officially designated and appropriately signed.

Sec. 8-2-5. - Passenger and loading zones.

(a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone, by signage or a white painted curb, during the hours when the regulations applicable to such passenger zones are effective, and then only for a period not to exceed five (5) minutes.

(b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during the hours from 8:00 a.m. to 8:00 p.m. Use of a loading zone during such hours shall be limited to vehicles with commercial license plates from any state.

Sec. 8-2-6. - Parking for prohibited purposes.

No person shall stop, stand, or park a vehicle upon any public right-of-way or public lot for the purpose of:

(a) Displaying the vehicle for sale;

(b) Greasing or repairing the vehicle, except for repairs necessitated by an emergency;

(c) Storage;

(d) Selling merchandise from the vehicle, except when authorized by permit; or

(e) Advertising.

Sec. 8-2-7. - Designation of paid parking spaces.

City Council shall designate as paid parking such parking spaces as it deems proper along the public streets or parking lots. City Council shall consider the following in determining whether to install parking pay stations on a particular block or in a particular area:

(a) The amount of area presently under parking control signs;

(b) Adjacent property owner and property tenant demand and interest in having paid parking control;

(c) The need for turnover of parking spaces and public rights-of-way management;

(d) The mitigation of traffic and parking impact on adjacent areas; and

(e) The impact on paid parking enforcement.

Sec. 8-2-8. - Installation and maintenance of parking pay stations or kiosks.

The Chief of Police shall cause to be placed, installed, and removed parking pay stations or kiosks upon the curbside of parking spaces as designated by City Council. The upkeep and repair of parking pay stations or kiosks shall be under the supervision of the Chief of Police. Revenues generated from the parking pay stations or kiosks shall be collected under the direction of the Chief of Police and deposited with the City Treasurer.

Sec. 8-2-9. - Tampering with pay stations or kiosks.

It shall be unlawful for any person to:

(a) Deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking pay station or kiosk installed under this article; or

(b) Deposit in any parking pay station or kiosk any slug, device, metallic substance or any substitute for a coin of the United States.

Sec. 8-2-10. - Separate offenses.

Each maximum period of time applying to the location in which a vehicle is parked in violation of this article is a separate and distinct offense. If no period of time applies to the parking violation, then each two (2) hour period during which the violation continues shall constitute a separate and distinct offense. It shall be the duty of the police or other persons authorized by the Chief of Police to place a notice of violation on such vehicle for each separate offense.

Sec.8-2-11. - Vicarious responsibility.

(a) Except as provided in subsection (b) of this section, the person in whose name a vehicle is registered or leased shall be absolutely responsible for any violation of this article. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner unless it is shown that at the time of the violation the vehicle was stolen.

(b) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines and penalties imposed under this article on a rented or leased vehicle if within fifteen (15) days after receiving written notice of the parking violation, the lessor provides to the Chief of Police the true name, address and driver's license number of the person who was leasing the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner for purposes of subsection (a) of this section.

Sec. 8-2-12. - Notice of parking violations.

(a) A notice of violation of this article may be issued in the form of a citation by any police officer or other person authorized by the Chief of Police. A copy of the citation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon. In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, this fact shall be noted on the citation and shall constitute prima facie evidence that the citation was issued and that an attempt was made to notify the owner of the vehicle of the violation in accordance with this section.

(b) The citation shall contain the following information:

(1) The date and time when the citation was issued;

(2) The nature of the parking violation observed;

(3) The state and license number and the make of the vehicle in violation of this article;

(4) The name or the badge number of the person issuing the citation; and

(5) Information advising the owner of the vehicle that he must admit the violation and pay the penalty set forth in section 8-2-14, or deny the violation and request a hearing in Municipal Court within thirty (30) days from the date of the citation, and advising that failure to do so may result in impoundment or immobilization of the vehicle.

(c) The original citation must be filed with the Municipal Court and may be disposed of only by official action of the Court or by payment of a fine to the Court. It

shall be unlawful for any person to alter or destroy any notice of violation issued under this article except in a manner consistent with this article and State law.

Sec. 8-2-13. - Response to the citation.

A person to whom a notice of violation has been issued under this article shall have thirty (30) days from the date of the citation to respond to the Municipal Court as follows:

(a) Admit the violation by payment of the scheduled penalty as established in section 8-2-14.

(b) Deny the violation and promise to appear in Municipal Court for an adjudicatory hearing on the date set by the Court.

Sec. 8-2-14. - Penalties.

(a) If the owner of a vehicle in violation of this article admits the violation and pays the penalty or appears before the Municipal Court pursuant to section 8-2-13 and is found guilty, the penalty shall be as follows:

(1) Parking in excess of the time allowed in any parking zone or parking space: $25.00.

(2) Parking in violation of any other parking regulation: $50.00

(b) If a person violates any parking regulation and fails either to request a hearing before the Municipal Court or to pay the penalty as provided above within thirty (30) days of the date the notice is issued, the penalty for the violation shall double.

(c) If a person accumulates three (3) or more parking citations and fails to either appear before the Municipal Court or pay the proscribed penalty, the City, through its appropriate agencies, is authorized to administer the following penalties until such fines are collected:

(1) Install an immobilization device pursuant to section 8-2-15;

(2) Impound the vehicle pursuant to section 8-2-15(c); and

(3) Provide information to the Department of Motor Vehicles in the State in which the vehicle is registered that would prevent the re-registering of such vehicle under that state's law until such time that fines are paid.

(d) Monies collected pursuant to this section shall be forwarded to the City Treasurer who shall deposit the same to the credit of the City.

Sec. 8-2-15. - Immobilization and impoundment of vehicles.

(a) A police officer or any other person designated by the Chief of Police may immobilize by the use of vehicle immobilization equipment any vehicle which is illegally parked, and for which there are three (3) or more outstanding, unpaid, and overdue parking tickets for a period of ninety (90) days.

(b) When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be ready visible. The notice shall:

(1) Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;

(2) State the total amount of fines due for parking tickets which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fine; and

(3) List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed.

(c) The owner of an immobilized vehicle shall be subject to an immobilization fine of $100.00 for the immobilization, which fee shall be exclusive of any bonds posted or fines imposed.

(d) If the parking fines and the immobilization fine are not paid, or satisfactory arrangements in lieu of payment are not made, within the time proscribed by State statutes concerning abandoned vehicles, the vehicle may be towed and impounded pursuant to S.C. Code 1976, § 56-5-5810, as amended.

(e) The owner of the vehicle immobilized, towed or impounded shall have the right to contest the validity of the action taken by the Police Department by requesting a hearing by the City Administrator or his/her designee. The request for a hearing must be in writing and delivered to the City Clerk's office within ten (10) days of immobilization, towing or impoundment. Any person dissatisfied with the decision of the City Administrator or his/her designee may appeal the decision to a court of competent jurisdiction within ten (10) days after notice of the decision from which the appeal is taken.

(f) Upon payment of all fines, overdue and unpaid parking tickets, and the immobilization fine, the vehicle immobilization equipment shall be removed and the vehicle shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle.

(g) It shall be unlawful for anyone to remove vehicle immobilization equipment placed on a vehicle pursuant to this section without all fines having first been paid or an approved payment having been made. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.

Sec. 8-2-16. - Handicapped parking; parking for disabled veterans and Purple Heart recipients.

Notwithstanding any other provision contained in this article to the contrary:

(a) Handicapped parking shall be governed by S.C. Code 1976, title 56, ch. 3, art. 18, as amended; and

(b) Disabled veterans and recipients of the Purple Heart are exempt from the pay parking requirements when their vehicles bear a disabled veteran's or Purple Heart license plate issued by the Department of Motor Vehicles.

Sec.8 -2-17. - Golf carts.

Notwithstanding any other provision contained in this article to the contrary, golf carts are allowed to park along public beach accesses within areas designated by the City for such parking.

Article B. – Resident Parking Districts

Sec. 8-2-21. - Definitions.

The following words and terms are defined for the purpose of this article only:

Long-term resident shall mean a tenant or resident of a residential unit, other than the owner, who occupies the residential unit for a period of more than three (3) months.

Non-resident property owners shall include owners of residential property or units located within the residential parking district that are assessed for property tax purposes at the six (6%) percent rate pursuant to S.C. Code 1976, §12-43-220(e), as amended.

Owned vehicles shall mean automobiles and/or golf carts registered to or operated on a regular basis by homeowners or long-term residents of residential units within a resident parking district.

Resident homeowners shall include owners of residential units located within the residential parking district that are assessed for property tax purposes at the four (4%) percent rate pursuant to S.C. Code 1976, §12-43-220(c), as amended.

Resident parking district shall mean a residential zoning district in which parking along the right-of-way of the street is limited during specified dates and times to vehicles displaying a resident parking permit or special permit as provided in this article.

Resident parking permit shall mean a decal issued annually by the Police Department to vehicles that are registered pursuant to section 8-2-24. Such decal shall be displayed in a manner prescribed by the Police Department.

Resident parking registration shall mean the annual registration by every homeowner or long-term resident within a resident parking district of an owned vehicle with the Police Department by presenting proof of vehicle registration, residency and/or payment of property taxes.

Resident visitors shall include only social guests of homeowners and long-term residents of residential units and shall not include persons who are guests of short-term rental properties, hotels, motels, guest homes, or who otherwise pay for accommodations.

Short-term rental shall mean the use of any dwelling, including the lot upon which the dwelling is located, anywhere within the City whereby the dwelling is leased or otherwise made available by the owner to another person for a term of three (3) months or less.

Special permit shall mean a temporary permit issued by the Police Department under certain conditions pursuant to section 8-2-25. Such permit shall be displayed in a manner prescribed by the Police Department.

Unauthorized resident parking permit or special permit shall mean a resident parking permit or special permit issued by the Police Department which is displayed on a vehicle other than the one registered for a resident parking permit or special permit. An expired resident parking permit or special permit shall also be considered unauthorized.

Sec. 8-2-22. – Findings and Purpose.

(a) Findings. City Council has determined, after a traffic survey of the residential areas of the City and after a public hearing, that such areas are severely impacted by nonresident parking along the rights-of-way of the streets by reason of adjacent beach and commercial uses.

(b) Purpose. The purpose of this article is to reduce hazardous traffic conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons visiting the adjacent beach or commercial uses; to ensure safe access for police, fire and other emergency response vehicles responding to emergencies in residential areas; to protect such areas from polluted air, excessive noise, litter and refuse caused by the entry of such vehicles; to protect the residents of such areas from unreasonable burdens in gaining access to their residences; to preserve the character of such areas as residential districts; to promote efficiency in the maintenance of residential streets in a clean and safe condition; to preserve the value of the property in such areas; and to preserve the safety of children, other pedestrians and traffic, as well as the peace, good order, comfort, convenience and welfare of the inhabitants of the City.

Sec. 8-2-23. – Dates and times of enforcement.

The provisions in this article will be in effect from May 15 through September 15 between the hours of 9 a.m. and 6 p.m.

Sec. 8-2-24. – Issuance of resident parking permits; annual renewal.

Every homeowner or long-term resident within a resident parking district shall register an owned vehicle with the Police Department by presenting proof of vehicle registration, residency and/or payment of property taxes. Upon registration, a homeowner or long-term resident shall be issued a resident parking permit for each registered owned vehicle; provided, however, that non-resident property owners shall be issued a maximum of two (2) resident parking permits. Registration shall be required annually. Resident parking permits shall not be renewed until all unpaid parking fines have been paid or otherwise satisfied.

Sec. 8-2-25. – Issuance of special permits.

(a) *Health care permits.* On application accompanied by a doctor's statement, the Police Department is authorized to issue temporary permits for health care to resident homeowners or long-term residents where no off-street parking is

available, and when constant health care at the resident homeowner's or long-term resident's residence is required by a licensed physician. Only one (1) such permit shall be issued for any residence at any one (1) time and shall be valid for a specified duration of time. Such permits shall be without cost.

(b) *One-day resident visitor parking permit.* Each homeowner or long-term resident may, upon application and approval by the Police Department, be entitled to purchase up to two (2) books of thirty (30) permits per calendar year for fifteen dollars ($15.00) per book. Said permits may be used at any time additional parking is required at the homeowner's or long-term resident's residence. Each permit shall be valid for one (1) day only and must be dated by the permit holder on the date of use.

(c) *Short-term rental parking permits.* Owners of short-term rental properties may, upon application and approval by the Police Department, be entitled to purchase up to four (4) portable parking permits per calendar year for fifteen dollars ($15.00) each for short-term rental tenants to use where no adequate off-street parking is available on the property. Prior to issuance of a permit, the Police Department may require an exterior inspection of the short-term rental property to determine the maximum number of vehicles permitted pursuant to section 5-4-204, the availability of off-street parking spaces on the property, and the space available on the right-of-way along the street adjacent to the property.

(d) Any truck or vehicle providing repairs, deliveries or other services to a homeowner or long-term resident in a resident parking district shall be exempted from the provisions of this section.

(e) Special permits will only be valid if the vehicle is parked along the right-of-way of the street in front of the residence for which it was issued, all information is correctly provided on the permit in ink, the permit is displayed in a manner prescribed by the Police Department, is free from alteration and is clearly visible.

Sec. 8-2-26. – Permits property of City.

All resident parking permits and special permits issued under this article shall remain the property of the City.

Sec. 8-2-27. – Fees.

There shall be no fees for resident parking permits. Fees for special permits are set forth in section 8-2-25.

Sec. 8-2-28. - Denial or cancellation of resident parking permit or special permit.

The Chief of Police or the Chief's designee shall have the power to deny the issuance of a resident parking permit or special permit or to cancel an existing resident parking permit or special permit if the vehicle is not an owned vehicle, if the resident visitor is not a bona fide visitor, if the permit holder is abusing the rights and privileges granted under this article, or if the vehicle does not otherwise meet the criteria of this article. Upon

cancellation of a permit, it shall be unlawful to use it, and the holder shall surrender the permit to the Chief of Police or the Chief's designee immediately upon request.

Sec. 8-2-29. - Appeal from a denial or cancellation of resident parking permit or special permit.

Any person aggrieved by the denial or cancellation of a resident parking permit or special permit shall have the right to appeal such denial or cancellation to the Public Safety Committee upon written notice to the Clerk of Council within ten (10) days of such denial or cancellation.

Sec. 8-2-30. - Parking limitations in resident parking districts.

Upon designation by City Council of a resident parking district, appropriate signs giving notice of the designation of the district as a resident parking district will be posted restricting all parking during the dates and times specified on such signs, except parking by the holders of valid resident parking permits and special permits as provided in this article.

Sec. 8-2-31. - Obedience to parking regulations.

Vehicles with resident parking permits or special permits parking within a resident parking district shall observe and obey the parking regulations posted within the district. No such resident parking permit or special permit shall entitle a vehicle to park in violation of any of the provisions set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, nor shall such vehicle be exempt from regulations governing the use of paid parking spaces.

Sec. 8-2-32. - Resident parking districts; boundary descriptions.

The designated resident parking district shall include all public rights-of-way along streets within residentially zoned districts, with the exception of the following areas:

(a) Any area specifically designated as beach visitor parking;

(b) The parking lots at Breach Inlet, the Marina, and the Recreation Center;

(c) Any areas within residentially zoned districts that are posted as "no parking" zones.

Such designated resident parking district areas are more fully depicted on the Managed Beach Parking Signage Plan dated November 13, 2015, as may be amended by City Council from time to time, which is attached hereto as Exhibit A and incorporated herein by reference.

Sec. 8-2-33. - Violations; citations; penalty.

(a) Except as otherwise provided in this article, it shall be unlawful for any person to park a vehicle in a resident parking district without a valid resident parking permit or special permit during any posted dates and times of enforcement.

(b) Any person convicted of parking a vehicle in violation of the provisions of this article shall be punishable as set forth in sections 8-2-10 through 8-2-15 of this chapter.

(c) It shall be unlawful for any person to:

(1) Provide false information to the Police Department when registering for a resident parking permit or special permit;

(2) Reproduce a resident parking permit or special permit;

(3) Transfer a resident parking permit or special permit to any vehicle other than the one(s) registered with the Police Department unless an amendment to the registration has been submitted to the Police Department; or

(4) Display an unauthorized resident parking permit or special permit.

Any person who violates the provisions of this subsection (c) shall be subject to a penalty of one hundred dollars ($100.00).

Sec. 8-2-34. - Disposition of fees and fines.

The funds derived from special permits and fines as provided in this article are hereby levied and assessed to provide for the proper regulation and control of traffic upon the public streets, and to cover the cost of the supervision, inspection, installation, operation, maintenance, control, enforcement and regulation of the parking of vehicles in the resident parking district created by this article.

Sec. 8-2-35. - Exemptions for handicapped parking and parking for disabled veterans and Purple Heart recipients.

(a) Resident parking permits shall not be required for vehicles parking in designated handicapped parking spaces within residential parking districts when such vehicles are lawfully parked pursuant to the requirements in S.C. Code 1976, title 56, ch. 3, art. 18, as amended; and

(b) Disabled veterans and recipients of the Purple Heart are exempt from the resident parking permit requirements of this article when their vehicles bear a disabled veteran's or Purple Heart license plate issued by the Department of Motor Vehicles.

Article C. – Beach Parking

Sec. 8-2-41. - Definitions.

Beach parking area shall mean a designated area located within 1,000 feet or less of a public beach access in which parking is free and open to all vehicles at all times throughout the year.

Sec. 8-2-42. - Purpose.

The purpose of this article is to ensure safe, convenient public access to the City's beaches

for residents and non-residents.

Sec. 8-2-43. – Parking in beach parking areas.

Upon designation by City Council of a beach parking area, appropriate signs giving notice of the designation as a beach parking area will be posted. Any vehicle shall be allowed to park in designated beach parking areas at all times throughout the year provided space is available.

Sec. 8-2-44. – Permits; fees.

No permit or parking fee shall be required to park in the designated beach parking areas.

Sec. 8-2-45. – Obedience to parking regulations.

All vehicles parking within the designated beach parking areas shall observe and obey the parking regulations posted within such areas and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter.

Sec. 8-2-46. – Beach parking districts; boundary descriptions.

Beach parking areas shall include the designated areas along the public rights-of-way of the following streets, except where posted as "no parking" zones:

(a) 3rd Avenue between Ocean Boulevard and Charleston Boulevard;
(b) the east side of 4th Avenue between Ocean Boulevard and Charleston Boulevard;
(c) 5th Avenue, between Ocean Boulevard and Carolina Boulevard;
(d) 6th Avenue, between Ocean Boulevard and Carolina Boulevard;
(e) 7th Avenue, between Ocean Boulevard and Carolina Boulevard;
(f) the east side of 8th Avenue, between Ocean Boulevard and Carolina Boulevard;
(g) the east side of 9th Avenue between Ocean Boulevard and Carolina Boulevard;
(h) Palm Boulevard between 21st Avenue and 57th Avenue.

Such designated beach parking areas are more fully depicted on the Managed Beach Parking Signage Plan dated November 13, 2015, as may be amended by City Council from time to time, which is attached hereto as Exhibit A and incorporated herein by reference."

SECTION 4. That Section 8-1-19, "Vehicular operation on the beach or beach accesses," of Chapter 1, "Traffic Regulations," Article B, "Operation of Vehicle," is hereby amended to reference a renumbered section in the new Chapter 2 as follows:

"No person shall operate, or allow or cause to be operated, a vehicle on the beach or beach accesses except as provided in section 5-4-15(C)(5)(a) or section 8-2-17."

SECTION 5. 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 6. 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 7. 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 17th DAY OF NOVEMBER, 2015.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: October 27, 2015
Public Hearing: October 2, 2014
Second Reading: November 17, 2015
Ratification: November 17, 2015

ORDINANCE 2015-15

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR A NEW SR-3 RESIDENTIAL ZONING DISTRICT AND A NEW P-3 PRESERVATION OVERLAY ZONE, TO ADD "BEACH RENOURISHMENT" AS A PERMITTED USE TO THE P-1 AND P-2 PRESERVATION OVERLAY ZONES, AND TO AMEND CERTAIN REGULATIONS TO INCLUDE REFERENCE TO THE NEW SR-3 RESIDENTIAL ZONING DISTRICT.

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 Chapter 4, "Zoning," is hereby amended by deleting Article 2, "District Regulations," in its entirety and replacing it with a new Article 2, "District Regulations" to state as follows:

"ARTICLE 2. - DISTRICT REGULATIONS

Sec. 5-4-31. - Use districts.

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

(1) SR-1 single-family residential district;

(2) SR-2 single-family residential district;

(3) SR-3 single-family residential district;

(4) LC limited commercial district;

(5) GC-1 general commercial district;

(6) GC-2 general commercial district;

(7) GC-3 general commercial district;

(8) PDD planned development district; and

(9) CO conservation district.

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

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

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

(1) Purpose. The purpose of the SR-1 single-family residential district is:

a. To provide for quiet, low-density residential neighborhoods on comparatively large lots.

b. To discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single-family use.

c. To encourage the cessation of nonconforming uses.

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

e. To maintain the integrity of established residential neighborhoods, and to minimize the disruption of existing residential patterns by the scattered development of comparatively large residential lots.

(2) Permitted uses. Permitted uses in the SR-1 single-family residential district shall be:

a. Detached, single-family dwelling.

b. Residential accessory uses.

(3) Permitted special exceptions. Permitted special exceptions in the SR-1 single-family residential district shall be:

a. Elementary and secondary schools offering general education courses.

b. Church, synagogue, or other place of worship.

c. Group dwellings.

d. Golf courses.

e. Home occupations meeting the requirements of section 5-4-44.

f. Public utility and municipal uses satisfying the special exception requirements set forth in subsection (9) of this section.

(4) Conditional uses. Public utility and municipal uses satisfying the conditional use requirements set forth in subsection (9) of this section shall be conditional uses in the SR-1 single-family residential district.

(5) Minimum lot requirements. Minimum lot requirements in the SR-1 single-family residential district are as follows:

a. Lot area: seventeen thousand five hundred (17,500) square feet of contiguous highland.

b. Lot width: seventy feet (70') measured at building line.

c. Lot depth: one hundred ten feet (110').

d. Lot frontage: sixty feet (60') on a public or private street; thirty (30) feet on a public or private cul-de-sac.

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

(6) Minimum yard requirements. Minimum yard requirements in the SR-1 single-family residential district are as follows:

a. Front yard: thirty feet (30').

b. Side yard: ten feet (10').

c. Rear yard: thirty feet (30').

Exception: legal nonconforming lot minimum yard requirements.

a. Front yard: twenty-four feet (24').

b. Side yard: ten feet (10').

c. Rear yard: twenty-four feet (24').

(7) Maximum height. Maximum height in the SR-1 single-family residential district shall be forty feet (40').

(8) Double frontage lots. Double frontage lots are prohibited in the SR-1 single-family residential district.

(9) Public utilities and municipal uses.

a. Public utility facilities and uses. This subsection (9)a applies to wastewater treatment facilities, public works maintenance and storage facilities, and all other public utility facilities or uses.

(i) Construction or alteration of a public utility facility may be approved in a residential zoning district as a conditional use subject to a finding by the Zoning Administrator that the facility satisfies all of the following conditions:

1. The facility is located on a lot that is at least one (1) acre in size;

2. The overall lot coverage of the facility is less than fifty percent (50%);

3. The minimum setback for any structure is thirty feet (30') from all property lines;

4. The maximum overall height of any structure is thirty feet (30');

5. The minimum buffer along all property lines is twenty feet (20') wide with at least six (6) canopy trees, twelve (12) understory trees, and one-hundred (100) three-gallon shrubs per one-hundred (100) linear feet of property line; with each species approved by the Zoning Administrator based on its ability to provide screening and drought tolerance;

(ii) The Board of Zoning Appeals may approve construction or alteration of a public utility facility in a residential zoning district as a special exception subject to the requirements of section 5-4-5(c) and upon a finding that the following additional conditions are met:

1. The facility is located on a lot that is at least one-half (½) acre in size;

2. The overall lot coverage of the facility is less than fifty percent (50%);

3. The minimum setback for any structure is twenty feet (20') from all property lines;

4. The maximum overall height of any structure is forty feet (40');

5. The minimum buffer along all property lines is ten feet (10') wide with at least six (6) canopy trees, twelve (12) understory trees, and one-hundred (100) three-gallon shrubs per one-hundred (100) linear feet of property line; with each species approved by the Zoning Administrator based on its ability to provide screening and drought tolerance.

b. Municipal facilities and uses. This subsection (9)b applies to all municipal facilities, including but not limited to City halls, fire stations, police stations, public safety facilities, and recreation centers, parks, playgrounds, and any other municipal use, but excludes public utility facilities or uses.

(i) Construction or alteration of a municipal facility may be approved in a residential zoning district as a conditional use subject to a finding by the Zoning Administrator that the facility satisfies all of the following conditions:

1. The facility is located on a lot that conforms in size to the applicable zoning district requirement;
2. The overall lot coverage is less than forty percent (40%);
3. The minimum building setback from the front or rear lot line is thirty feet (30');
4. The minimum building setback from any side lot line is ten feet (10');
5. The maximum overall height of any structure is forty feet (40');
6. A buffer is installed that complies with section 5-4-71.

(ii) The Board of Zoning Appeals may approve construction or alteration of a municipal facility in a residential zoning district as a special exception subject to the requirements of section 5-4-5(c) and upon a finding that the following additional conditions are met:

1. The facility is located on a lot that conforms in size to the applicable zoning district requirement;
2. The overall lot coverage is less than fifty percent (50%);
3. The minimum building setback from the front or rear lot line is twenty feet (20');
4. The minimum building setback from any side lot line is ten feet (10');
5. The maximum overall height of any structure is forty feet (40');
6. A buffer is installed that complies with section 5-4-71.

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

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

(1) Purpose. The purpose of the SR-2 single-family residential district is:

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

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

c. To encourage the cessation of nonconforming uses.

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

(2) Permitted uses. Permitted uses in the SR-2 single-family residential district shall be all uses permitted in the SR-1 district.

(3) Permitted special exceptions. Permitted special exceptions in the SR-2 single-family residential district shall be all special exceptions allowed in the SR-1 single-family residential district.

(4) Conditional uses. Conditional uses in the SR-2 single-family residential district shall be all conditional uses allowed in the SR-1 single-family residential district.

(5) Minimum lot requirements. Minimum lot requirements in the SR-2 single-family residential district shall be as follows:

a. Lot area: eight thousand (8,000) square feet of contiguous highland.

b. Lot width: sixty feet (60') measured at building line.

c. Lot depth: ninety feet (90').

d. Lot frontage: fifty feet (50') on a public or private street; thirty feet (30') on a public or private cul-de-sac.

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

(6) Minimum yard requirements. Minimum yard requirements in the SR-2 single-family residential district shall be as follows:

a. Front yard: twenty-five feet (25').

b. Side yard: ten feet (10').

c. Rear yard: twenty-five feet (25').

Exception: legal nonconforming lot minimum yard requirements.

a. Front yard: twenty feet (20').

b. Side yard: ten feet (10').

c. Rear yard: twenty feet (20').

(7) Maximum height. Maximum height in the SR-2 single-family residential district shall be forty feet (40').

(8) Double frontage lots. Double frontage lots are prohibited in the SR-2 single-family residential district.

Sec. 5-4-34. – SR-3 single-family residential district.

In addition to all other applicable requirements of this chapter and other City ordinances, the requirements for the SR-3 district are as follows:

(1) Purpose. The purpose of the SR-3 single-family residential district is:

a. To provide for quiet, low-density residential neighborhoods on comparatively large lots.

b. To discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single-family use.

c. To encourage the cessation of nonconforming uses.

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

e. To maintain the integrity of established residential neighborhoods, and to minimize the disruption of existing residential patterns by the scattered development of comparatively large residential lots.

(2) Permitted uses. Permitted uses in the SR-3 single-family residential district shall be:

a. Detached, single-family dwelling.

b. Residential accessory uses.

(3) Permitted special exceptions. Permitted special exceptions in the SR-3 single-family residential district shall be:

a. Home occupations meeting the requirements of section 5-4-44.

(4) Minimum lot requirements. Minimum lot requirements in the SR-3 single-family residential district are as follows:

a. Lot area: ten thousand (10,000) square feet of contiguous highland.

b. Lot width: seventy feet (70') measured at building line.

c. Lot depth: one hundred ten feet (110').

d. Lot frontage: sixty feet (60') on a public or private street; thirty (30') feet on a public or private cul-de-sac.

(5) Minimum yard requirements. Minimum yard requirements in the SR-3 single-family residential district are as follows:

a. Front yard: twenty feet (20').

b. Side yard: ten feet (10').

c. Rear yard: thirty feet (30').

(6) Maximum height. Maximum height in the SR-3 single-family residential district shall be forty feet (40').

(7) Double frontage lots. Double frontage lots are prohibited in the SR-3 single-family residential district.

Sec. 5-4-35. - LC limited commercial district.

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

(1) Purpose. The purpose of the LC limited commercial district is:

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

b. To prevent unwarranted encroachments of retail uses.

(2) Permitted uses. See section 5-4-38 for uses permitted in the LC limited commercial district.

(3) Minimum yard requirements. Minimum yard requirements in the LC limited commercial district are as follows:

a. Front yard: twenty feet (20').

b. Side yard: ten feet (10').

c. Rear yard: twenty feet (20').

d. Lot frontage: twenty feet (20') on a public or private street.

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

(4) Minimum lot size. The minimum lot size in the LC limited commercial district shall be eight thousand (8,000) square feet of contiguous highland.

(5) Maximum building size. The maximum building size in the LC limited commercial district shall be two thousand five hundred (2,500) square feet per each six thousand (6,000) square feet of lot.

(6) Maximum height. The maximum height in the LC limited commercial district shall be forty feet (40').

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

Sec. 5-4-36. - GC-1 and GC-3 general commercial districts.

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

(1) Purpose. The purpose of the GC-1 general commercial district is:

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

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

(2) Permitted uses. See section 5-4-38 for uses permitted in the GC-1 general commercial district.

(3) Minimum yard requirements. Minimum yard requirements in the GC-1 general commercial district are as follows:

a. Front yard: zero feet (0').

b. Side yard: ten feet (10').

c. Rear yard: fifteen feet (15').

d. Lot frontage: twenty feet (20') on a public or private street.

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

(4) Maximum height. The maximum height in the GC-1 general commercial district shall be forty feet (40').

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

(b) In addition to all other applicable requirements of this chapter and other City ordinances, the requirements for the GC-3 district are as follows:

(1) Purpose. The purpose of the GC-3 general commercial district is:

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

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

(2) Permitted uses. See section 5-4-38 for uses permitted in the GC-3 general commercial district.

(3) Minimum yard requirements. Minimum yard requirements in the GC-3 general commercial district are as follows:

a. Front yard: twenty-five feet (25').

b. Side yard: ten feet (10').

c. Rear yard: fifteen feet (15').

d. Lot frontage: twenty feet (20') on a public or private street.

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

(4) Maximum height. The maximum height in the GC-3 general commercial district shall be forty feet (40').

(5) Additional development requirements. Additional development requirements in the GC-3 general commercial district are as follows:

a. Refuse containers shall be screened from public view with materials compatible with principal structure or landscaping.

b. See section 5-4-38(12) for additional regulations regarding single-family dwellings.

Sec. 5-4-37. - GC-2 General commercial district.

(1) Purpose.

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

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

(2) Permitted uses. See section 5-4-38.

(3) Minimum yard requirements.

a. No part of a structure, with the exception of permitted dune walkovers, shall be located seaward more than two hundred (200) feet from the right-of-way of Ocean Boulevard. No other setbacks are required, provided that the structures comply with the requirements established for the City's fire district.

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

(4) Maximum height: 40 feet.

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

Sec. 5-4-38. - Table of permitted uses in commercial districts.

(1) General application. Uses permitted in the LC, GC-1, GC-2 and GC-3 districts shall be only as set forth in Table B-1, and as modified, limited or restricted by special provisions, exceptions and conditions contained in this section and chapter.

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

"x" means the indicated use is permitted.

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

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

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

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

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

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

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

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

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

(a) Outdoor sale of food or beverage, in whole or in part, in the GC-2 district more than two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is strictly prohibited. Outdoor sale of food or beverage, in whole or in part, in the GC-2 district within two hundred feet (200') seaward of the right-of- way of Ocean Boulevard is permitted only by special exception pursuant to section 5-4-5. Outdoor sale of food or beverage, in whole or in part, in the GC-3 district is permitted only by special exception pursuant to section 5-4-5. Outdoor sale or rental of other tangible personal property, in whole or in part, in the GC-2 and GC-3 districts is strictly prohibited.

(b) Outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 district is permitted only by special exception pursuant to section 5-4-5; provided, however, that outdoor sale or rental of any tangible personal property, including food and beverage, in whole or in part in the LC or GC-1 district within one hundred sixty feet (160') of the OCRM baseline established along the beach of the Atlantic Ocean is strictly prohibited.

(c) No sale or rental of property, in whole or in part, or any public event shall be conducted on beaches, public streets or public property without a permit for use of public property issued by the City Council.

(d) Notwithstanding any other provision contained in this chapter to the contrary, outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 district by vendors

approved in advance by City Council shall be temporarily permitted during City-hosted, -sponsored or -sanctioned special events. Such vendors shall submit a written application for a special events permit on a form prescribed and dispensed by the Zoning Administrator upon such terms as indicated on the temporary permit.

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

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

(8) Reserved.

(9) Reserved.

(10) Reserved.

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

(12) Dwellings, detached single family. One detached, single-family dwelling per lot is allowed, subject to the following requirements:

Minimum lot size:	4,000 square feet
Front yard setback:	25 feet
Side yard setbacks:	10 feet
Rear yard setback:	15 feet
FAR	55%, but at least 2,400 square feet enclosed living space is allowed, but not more than 5,250 square foot enclosed living space
Lot coverage max.	55%, but at least 2,400 square feet of lot coverage is allowed, but not more than 5,250 square feet of lot coverage

TABLE B-1					
USE		LC	GC-1	GC-2	GC-3
74	Veterinary services		e		e
781	Landscape planning	x	x	x	x
782	Lawn and garden services		x		x
783	Ornamental shrub and tree services		x		x
171	Construction - special trade contractors - Office only		x		x
41	Local and suburban transit, interurban highway passenger transportation and related service facilities		x		x
4227	Storage in an enclosed building utilized by only one business which maintains an office in the city		x		x
43	U.S. Postal Service		x		x
4493	Marinas, wet-slip sections		e		e
472	Arrangement of passenger transportation		x	x	x
481	Telephone communications (except communication tower and antenna)	e	e	e	e
482	Communication towers and antennae (section 5-4-20	c/e	c/e	c/e	c/e
491	Electric substations (section 5-4-37(6))	e	e	e	e
492	Gas production and distribution	e	e	e	e
493	Combination utilities	e	e	e	e
494	Water supply	e	e	e	e
523	Paint, glass, wallpaper		x	x	x

525	Hardware stores		x	x	x
531	General merchandise department stores		x	x	x
533	Variety stores		x	x	x
539	Miscellaneous general merchandise stores		x	x	x
541	Grocery stores		x	x	x
542	Meat and fish (seafood) markets, including freezer provisions		x	x	x
543	Fruit and vegetable markets		x	x	x
546	Retail bakeries		x	x	x
549	Miscellaneous food stores		x	x	x
553	Automobile and home supply stores		e		e
554	Gasoline service stations and boat fuel docks		e		e
555	Boat dealers		x		x
56	Apparel and accessory stores		x	x	x
57	Home furniture, furnishings and equipment stores		x	x	x
5812	Eating place, restaurant (section 5-4-37(2))		x	x	x
5813	Drinking place (section 5-4-37(2))			x	
5814	Eating place, fast food (section 5-4-37(3) and (7))		e	e	e
592	Liquor stores		x	x	x
593	Used merchandise stores		x	x	x
594	Miscellaneous shopping goods stores		x	x	x

5961	Mail order houses		x	x	x
5962	Automatic merchandising machine operators		x	x	x
598	Fuel and ice dealers		x		x
5992	Florists		x	x	x
5993	Tobacco stores and stands		x	x	x
5994	News dealers and stands		x	x	x
5995	Optical goods stores		x	x	x
5996	Bait and tackle stores		x		x
5999	Miscellaneous retail stores (section 5-4-37(2))		x	x	x
60	Banking, financial and investment services		x	x	x
62	Security and commodity brokers, dealers, exchanges and services	x	x	x	x
63	Insurance carriers	x	x	x	
64	Insurance agents, brokers and service	x	x	x	x
65	Real estate sales, rental or development		x	x	x
67	Holding and other investment offices		x	x	x
7211	Power laundries		x	x	x
7212	Garment pressing and agents		x	x	x
7215	Coin-operated laundries		x	x	x
7216	Dry cleaning plants, except rug cleaning		x	x	x
722	Photographic studios (section 5-4-37(2))		x	x	x

723	Beauty shops		x	x	x
724	Barbershops		x	x	x
725	Shoe repair shops		x	x	x
729	Miscellaneous personal services, except spas and massage parlors (section 5-4-37(2))	x	x	x	x
7291	Tax return preparation services	x	x	x	x
7311	Advertising agencies		x	x	x
732	Consumer credit reporting	x	x	x	x
7334	Photocopying and duplicating		x	x	x
7335	Commercial photography		x	x	x
7336	Commercial art and graphics		x	x	x
7342	Disinfecting and pest control		e		e
7349	Building cleaning/maintenance		x		x
737	Computer and data processing		x	x	x
7389	Office work for business services not elsewhere classified	e	e	e	e
751	Automotive rental, without driver		x		x
752	Vehicular parking as principal use, surface lot only		e		e
7522	Parking as an accessory use, surface lot only (5-4-37(10))	x	x	c	x
753	Automotive repair shops		e		e
7542	Car washes		e		e
7549	Automotive services, except repair		e		e

762	Electrical repair shops		x		x
763	Watch, clock and jewelry repair		x	x	x
781	Motion picture production (section 5-4-37(2))		x	x	x
7832	Motion picture theaters, except drive-ins (section 5-4-37(2))		x	x	x
784	Videotape rental (section 5-4-37(2))		x	x	x
791	Dance studios (section 5-4-37(2))		x	x	x
792	Theatrical producers, bands, orchestras and entertainers		x	x	x
7991	Physical fitness facilities		x	x	x
7992	Public golf course	e	x	x	x
7993	Coin-operated amusements		x	x	x
7998	Charter boat operations		x		x
7999	Carnivals or circuses	e	e	e	e
801	Physician offices and clinics	x	x	x	x
802	Dentist offices and clinics	x	x	x	x
804	Offices and clinics of other health practitioners	x	x	x	x
805	Nursing and personal care		x		x
81	Legal services	x	x	x	x
82	Elementary and secondary schools	e	x	x	x
822	Colleges and professional schools		x	x	x
823	Libraries		x	x	x

835	Child day care services		x		x
841	Museums and art galleries		x	x	x
861	Business associations		x	x	x
862	Professional membership associations		x	x	x
863	Labor unions and organizations		x	x	x
864	Civic, social and fraternal organizations		x	x	x
865	Political organizations		x	x	x
866	Religious organizations		x	x	x
871	Engineering, architectural and surveying services	x	x	x	x
872	Accounting, auditing and bookkeeping services	x	x	x	x
874	Management and public relations	x	x	x	x
8811	Dwellings, detached single-family only (section 5-4-37(12))	x			c
911	Municipal administrative offices	x	x	x	x
912	Municipal facilities	x	x	x	x
919	County or state agencies and facilities	e	e	e	e
921	County or state courts	e	e	e	e
922	Municipal court, police or fire facilities	x	x	x	x
923	Public parks and recreation facilities	e	e	e	e

Sec. 5-4-39. - PDD planned development district.

(1) Purpose of district. The purpose of the PDD planned development district is to permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks and other

mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

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

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

(3) PDD application and review procedures. The following procedures shall apply to establishment of a PDD district, other provisions in this chapter to the contrary notwithstanding:

a.	Zoning amendment required:	PDD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
b.	District regulations:	The applicable regulations in this section and those in the approved plan and descriptive statement shall constitute the PDD district regulations for the site.

c.	Pre-application conference optional:	An applicant for PDD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
d.	Amendment application required:	Initiation of a PDD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e.	Development plans required:	A site development plan is a required attachment to application for PDD amendment. The site development plan shall indicate the proposed uses of all land areas and such other information as the Zoning Administrator deems reasonably necessary for review.
f.	Descriptive statement required:	A descriptive statement is a required attachment to the application for PDD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items: 1. Legal description of site boundaries, and total area of the site; 2. Area and location of each type of use; 3. Number and density of dwelling units by type; 4. Description of open space locations, uses and proposed dedication for public use; 5. Ownership and maintenance of streets, and proposed dedication to public; 6. Methods for dealing with parking and the impact of projected traffic on the uses on the site and adjacent districts and streets; 7. Steps proposed to comply with sediment control and storm drainage regulations; 8. Steps proposed to comply with landscaping regulations; 9. Details of association or organization involved in ownership and maintenance, including procedures and methods of operation; 10. Outline for development phasing with anticipated timeframes; 11. Design standards, procedures and methods demonstrating that development will result in an integrated use district, functional and compatible with the area; 12. Proposed restrictive covenants to be recorded to ensure future compliance with the standards in the plan; and 13. Such other information as may be appropriate for Planning Commission review.
g.	Planning Commission review:	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to City Council as required for zoning amendments.

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

		Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.

(4) Wild Dunes PRD. The existing Wild Dunes PRD development is hereby recognized as a legal nonconforming PDD district under this chapter. Any future modification to the Wild Dunes PRD agreement shall be subject to the requirements of this section.

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

(1) Purpose. The purpose of the CO conservation district is:

a. To provide for an appropriate valuation that reflects the conservation use of land.

b. To ensure the preservation of significant and vital natural resources.

c. To lessen the hazards of loss of property, life, and the reduction of health and public safety due to periodic flooding by restricting uses in such areas.

d. To provide for improved public recreation activities.

e. To provide for scenic easements to preserve the community heritage.

(2) District boundary. The CO conservation district consists of a strip or band of water, beaches, marshlands, and pieces of natural and manmade highland areas in the marshlands which contain less than two (2) acres, up to the mean high-water mark or abutting the primary highland, which surrounds the entire perimeter of the City, as generally shown on the Official Zoning Map.

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

a. Outdoor recreational uses including swimming, fishing, beach-going, boat ramps, docks, piers, lifeguard stations, and natural preserves.

b. Public utility lines.

c. A use conducted pursuant to a franchise granted by the City Council.

d. A use conducted pursuant to a City-sponsored activity or event.

e. Beach renourishment.

Sec. 5-4-41. - Additional SR-1, SR-2 and SR-3 residential district regulations.

(a) In an SR-1, SR-2, or SR-3 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 GC-1, GC-2, or LC district use. No building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for other than an SR-1, SR-2, or SR-3 use.

(b) Any dwelling in an SR-1 or SR-2 residential district must have a minimum enclosed floor area of one thousand (1,000) square feet. Any dwelling in the SR-3 residential district must have a minimum enclosed floor area of one thousand six hundred (1,600) square feet or one thousand (1,000) square feet if the dwelling is more than one story.

(c) Mobile homes are strictly prohibited in an SR-1, SR-2, or SR-3 residential district.

Sec. 5-4-42. - Reserved.

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

An accessory use customarily incident to an SR-1, SR-2, or SR-3 district use shall be permitted in an SR-1, SR-2 or SR-3 district, respectively. 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 two thousand (2,000) square feet of the lot area. In a multifamily residential district, a private garage permitted as an accessory use shall not provide storage for more than one (1) motor vehicle for each five hundred (500) square feet of the lot area. No billboard, sign board or advertising shall be permitted as an accessory use, except "for sale" or "for rent" signs which comply with all applicable provisions of this chapter. A store, trade or business shall not be permitted as an accessory use, except for a licensed home occupation.

Sec. 5-4-44. - Home business occupation.

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

(1) The occupation, profession or trade is a use allowed under section 5-4-38, Table B-1, and is conducted wholly within the principal building of the lot.

(2) Not more than twenty-five percent (25%) of the floor area of the principal building, or seven hundred fifty (750) square feet, whichever is less, shall be used for any part of the home business occupation.

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

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

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

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

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

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

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

(B) Inspections. Home business occupation permittees shall allow reasonable, periodic inspections of the premises by any Zoning or Building Official to determine compliance with the home business occupation permit.

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

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

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

(c) Any use, building or structure lawfully existing at the time of adoption of the ordinance from which this chapter is derived which does not conform with the provisions of said chapter shall be deemed to be legal nonconforming uses, buildings or structures.

Sec. 5-4-46. - Continuation of nonconforming lots; lots made conforming.

(a) Subject to the limitations set forth in this chapter, a nonconforming lot may continue to be used without change in boundaries.

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

Sec. 5-4-47. - Alterations, modifications and repairs to nonconforming structures.

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

(b) Subject to all other applicable provisions of this chapter and other City ordinances, an existing structure, including stairs, which does not comply with the zoning district setback requirements of this chapter may be altered or renovated so long as no part of the structure extends beyond the original footprint of the encroachment.

(c) Subject to all other applicable provisions of this chapter and other City ordinances, the following alterations are considered to be nonstructural, and may be made to a nonconforming structure, provided that the extent of the nonconformity is not increased:

(1) Nonstructural facade alterations;

(2) Modification or removal of interior walls;

(3) Modification of existing windows and exterior doors;

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

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

(e) Any nonconforming structure damaged fifty percent (50%) or more of its appraised value at the time of such damage may be rebuilt in its original footprint but shall not be repaired, rebuilt or altered in such a manner as to increase the extent of its pre-damage nonconformity. Reconstruction or repair must be commenced within six (6) months from the date of such damage or removal; provided that a structure destroyed or removed by a voluntary or willful act of the owner or agent of the owner must comply with all applicable provisions of this chapter.

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

Sec. 5-4-48. - Nonconforming uses.

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

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

(c) Whenever a nonconforming use is discontinued, for a period of three hundred sixty-five (365) days, such use shall not be reestablished and all subsequent use shall conform to the provisions of this chapter.

(d) A nonconforming use may not be enlarged or extended.

Sec. 5-4-49. - Cessation of certain nonconformities required.

(a) Nonconforming signs. Cessation of nonconformity is required under the following conditions:

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

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

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

Sec. 5-4-50. - P-1 preservation overlay zone.

(1) Purposes. The purposes of the P-1 preservation overlay zone are:

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

b. To preserve adequate light, air and open space.

c. To protect and preserve scenic, historic and ecologically sensitive areas.

(2) Permitted uses.

a. This is an overlay zone. Permitted uses are determined by the underlying or primary zoning district applicable to each lot located within the P-1 preservation overlay zone.

b. Beach renourishment.

(3) Additional regulations. Within the P-1 preservation overlay zone, the following additional regulations shall apply:

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

b. Only one (1) dune walk-over per lot shall be allowed, if it is permitted by the applicable provisions of this Code and OCRM regulations.

c. Only one (1) open-air gazebo per lot shall be allowed, if it is permitted by the applicable provisions of this Code and OCRM regulations, not to exceed one hundred (100) square feet in floor area or sixteen feet (16') in height.

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

Sec. 5-4-51. - P-2 preservation overlay zone.

(1) Purposes. The purposes of the P-2 preservation overlay zone are:

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

b. To preserve adequate light, air and open space.

c. To protect and preserve scenic, historic and ecologically sensitive areas.

(2) Permitted uses.

a. This is an overlay zone. Permitted uses are determined by the underlying or primary zoning district applicable to each lot located within the P-2 preservation overlay zone.

b. Beach renourishment.

(3) Additional regulations. Within the P-2 preservation overlay zone, the following additional regulations shall apply:

a. Except as expressly allowed in subsection (3)b and c of this section, no structure shall extend seaward of the maximum building line shown and labeled as such on that certain plat prepared by E.M. Seabrook, Jr., C.E. and L.S., dated January 8, 1988, and entitled "FINAL PLAT, CITY OF ISLE OF PALMS, CHARLESTON COUNTY, S.C." and duly recorded at the County RMC Office on February 16, 1988, in Plat Book BQ, at Page 11; said plat is incorporated herein and made a part hereof by reference thereto.

b. One dune walkover per lot shall be allowed, so long as it complies with all applicable provisions of this Code and OCRM regulations.

c. One swimming pool per lot shall be allowed, so long as it complies with the applicable provisions of this Code and OCRM regulations.

Sec. 5-4-52. - P-3 preservation overlay zone.

(1) Purposes. The purposes of the P-3 preservation overlay zone are:

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

b. To preserve adequate light, air and open space.

c. To protect and preserve scenic, historic and ecologically sensitive areas.

(2) Permitted uses.

a. This is an overlay zone. Permitted uses are determined by the underlying or primary zoning district applicable to each lot located within the P-3 preservation overlay zone.

b. Beach renourishment; provided, however, that any renourishment activities which include the removal of sand shall be prohibited within four hundred feet (400') of a principal structure.

(3) Additional regulations. Within the P-3 preservation overlay zone, the following additional regulations shall apply:

a. Except as expressly allowed in subsections (3)c and d of this section, no structure shall extend seaward more than one hundred ten feet (110') from the right-of-way of 54th, 55th or 56th Avenues.

b. Except as expressly allowed in subsections (3)c and d of this section, no structure shall be erected on any portion of land labeled as "Open Space Beach Conservation" or "Open Space Pedestrian Beach Access" as shown on a plat prepared by Davis & Floyd Engineers, Inc. dated January 1976, and duly recorded at the Charleston County RMC Office on February 17, 1976, in Plat Book AF, at Page 136 and a plat prepared by Wilbur Smith and Associates, Inc. dated November 21, 1977, revised December 29, 1977 and duly recorded at the Charleston County RMC Office on January 5, 1978 in Plat Book AK, at Page 45; said plats are incorporated herein and made a part hereof by reference thereto.

c. One dune walkover per lot shall be allowed, so long as it complies with all applicable provisions of this Code and OCRM regulations.

d. One swimming pool per lot shall be allowed, so long as it complies with the applicable provisions of this Code and OCRM regulations."

SECTION 2. That Section 5-4-13, "Maximum lot coverage; floor area ratio requirements; additional setback requirements" in Article 1, "General Provisions," is 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.

(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 not allow such enclosed space to exceed seven thousand (7,000) 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."

SECTION 3. That Section 5-4-14, "Accessory uses" in Article 1, "General Provisions," is hereby amended to state as follows:

"(A) Accessory uses include but are not limited to the following:

(1) Residential:

a. Private garage;

b. Shed or toolroom for the storage of equipment used on grounds or building maintenance. However, shipping containers, tractor trailer containers, and similar structures are prohibited;

c. Children's playhouse;

d. Private swimming pool, deck, bathhouse, cabana, private recreating area, and tennis courts;

e. Greenhouse;

f. Parking of personal passenger automobiles, vans and trucks; provided that as otherwise stated below, the open storage or parking of heavy commercial vehicles (defined as vehicles with three (3) or more axles, including, but not limited to, straight truck, straight truck with trailer or portable tanker, straight tanker or tractor semi-trailer tanker, tractor-semi trailer including single and multiple trailers), or any components thereof, or passenger buses, as defined by the State Department of Public Safety, upon any lot, land, street, right-of-way or shoulder thereof in the SR-1, SR-2 or SR-3 districts is prohibited unless such vehicle, trailer or bus is attended and in the process of being loaded or unloaded. Overnight parking or storage of heavy commercial vehicles (including both cab and trailer) or passenger buses in the SR-1, SR-2 or SR-3 districts is prohibited. Notwithstanding the foregoing, the parking of passenger buses is allowed in the SR-1, SR-2 and SR-3 districts on property containing at least one-half (½) acre of land and which is owned and operated by a governmental agency or charitable organization.

g. In SR-3 only, a guest suite or similar facility without a kitchen; provided that such accessory building may not be rented or leased except as part of the entire premises including the principle building, nor may the principle building be rented or leased except as part of the entire premises including the accessory building.

(2) Commercial:

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

b. Parking.

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

(C) The maximum height of an accessory structure shall not exceed thirty feet (30')."

SECTION 4. That the title of Section 5-4-136 in Article 7, "Signs," is hereby amended to state as follows:

"Sec. 5-4-136. - Sign regulations for SR-1, SR-2, SR-3 and PDD districts."

SECTION 5. 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 6. 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 7. 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 23rd DAY OF FEBRUARY, 2016.

Richard F. Cronin, Mayor

Attest:

Marie B. Copeland, City Clerk

First Reading: October 27, 2015
Public Hearing: November 17, 2015
Second Reading: February 23, 2016
Ratification: February 23, 2016

STEM PROCLAMATION

WHEREAS, the Third Annual Charleston STEM (science, technology, engineering, and mathematics) Festival will be held at Brittlebank Park, Charleston on Saturday, February 6, 2016; and

WHEREAS, the goal of the Charleston STEM Festival is to increase public awareness, interest, and understanding about STEM by offering more than 50 fun, family-friendly, hands-on activities and shows; and

WHEREAS, through the various activities and shows, the Charleston STEM Festival will increase engagement and participation in STEM learning opportunities among students and the public, showcasing the diversity of STEM occupations and offering a direct connection to our vibrant community of STEM professionals; and

WHEREAS, it is important to recognize that STEM is essential for modern society. Every day, each of us benefit from STEM knowledge through the food we eat, the air we breathe, and the water we drink. STEM powers our world, protects us from natural disasters, improves our health, and entertains us; and

WHEREAS, the citizens of the Lowcountry will have the opportunity to see how STEM is an economic engine for not only Charleston, Dorchester, and Berkeley counties, but also the State of South Carolina; and

WHEREAS, the citizens of our greater community will have the opportunity to celebrate STEM, much like we celebrate sports, food, art and music, integrated into our culture as a community tradition;

NOW THEREFORE, as Representatives of the Lowcountry, do hereby proclaim February 6, 2016 as

Charleston STEM Festival Day

in the Lowcountry and ask all citizens to join us in celebrating STEM and participating in the Charleston STEM Festival.

Richard F. Cronin
Mayor of the Isle of Palms

Isle of Palms, SC

Mayoral Proclamation

WHEREAS, People Against Rape (PAR) was established in the City of Charleston in 1974 to provide advocacy services to adult victims of sexual assault, and was the first rape crisis center created in the State of South Carolina; and

WHEREAS, PAR celebrates more than 40 years of serving survivors and their families in the tri-county area and commits to continually improving services; and

WHEREAS, PAR volunteers strive to provide high-quality advocacy and support services to all survivors of sexual violence, and to empower them during their healing process; and

WHEREAS, PAR's volunteers provide confidential advocacy services to survivors of sexual violence and abuse, responding to calls 24/7 through its Crisis Hotline, accompanying victims through the evidentiary medical exam, and providing them emotional support and factual information about the protocol and procedures associated with the aftermath of a sexual assault; and

WHEREAS, PAR advocates make a critical difference in the lives of victims at a most stressful time, and victims have confirmed that having a PAR advocate was key to their recovery; and

WHEREAS, PAR will provide a forum for education and awareness of sexual assault and related issues, and encourages survivors and friends to speak out against sexual assault through its "Take Back the Night" Rally on April 26, 2015;

NOW THEREFORE, I, The Honorable Richard F. Cronin, Mayor of Isle of Palms, do proclaim April 26th, 2015, as

Shatter the Silence, Stop the Violence Day

throughout the city and encourage all citizens to recognize the important role that People Against Rape plays in supporting victims and educating the public about sexual assaults.

Dick Cronin

A PROCLAMATION FOR WOMEN'S LUNG HEALTH WEEK

The Second Full Week in May is Women's Lung Health Week

A PROCLAMATION

Designating the second full week of May as "Women's Lung Health Week

WHEREAS, every five minutes, a woman in the U.S. is told she has lung cancer; and

WHEREAS, lung cancer is the #1 cancer killer of women in the U.S.; and

WHEREAS, the lung cancer death rate in women has almost doubled over the past 37 years; and

WHEREAS, advocacy and increased awareness will result in more and better treatment for women with lung cancer and other lung diseases and will ultimately save lives; and

WHEREAS, LUNG FORCE is the national movement led by the American Lung Association, with the mission of making lung cancer history – uniting women to stand together with a collective strength and determination to lead the fight against lung cancer and for lung health.

BE IT RESOLVED, that Isle of Palms, South Carolina hereby designates the second full week of May as Women's Lung Health Week throughout the City, and encourages all residents of Isle of Palms, South Carolina to learn more about the detection and treatment of lung cancer.

Richard F. Cronin, Mayor

Marie Copeland, City Clerk

A PROCLAMATION IN SUPPORT OF NATIONAL SAFE BOATING WEEK

May 16 – 22, 2015

WHEREAS, recreational boating is fun and enjoyable and the citizens and visitors of the Isle of Palms are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands; and,

WHEREAS, at times our waterways can become crowded and boating, to the unprepared, can be a risky activity; and,

WHEREAS, not knowing or obeying the Navigation Rules or the nautical "Rules of the Road" or drinking alcohol or taking drugs while operating a boat or choosing not to wear life jackets are examples of human error or a lack of proper judgment; and,

WHEREAS, on average, seven hundred (700) people die each year in boating-related accidents in the U.S.; approximately seventy percent (70%) of these are fatalities caused by drowning; and,

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and,

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and,

WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public,

So, THEREFORE BE IT PROCLAIMED on this day, April 28, 2015, that the Mayor and City Council of the Isle of Palms, on behalf of the City, do urge all those who boat to wear a life jacket and practice safe boating habits.

Dick Cronin

Dick Cronin, Mayor

Proclamation

WHEREAS; the beautiful coastal and inland beaches of Charleston represent a world of renowned recreational resources; and

WHEREAS; Charlestonians and visitors alike are drawn to these beaches by the millions each year for water and beach activities; and

WHEREAS; the aquatic environment has dangers that can be effectively managed through public awareness and the vigilance of professional lifeguards; and

WHEREAS; for reasons of public safety, an annual reminder of the joys and hazards associated with the aquatic environment are appropriate at the commencement of the busy summer beach season; and

WHEREAS; Charlestonians and visitors alike must remember to **Never Swim Alone, Never Drink Alcohol Before Swimming, Respect the Power of the Surf, and Learn to Swim**;

THEREFORE, I Dick Cronin, by virtue of the authority vested in me as Mayor of the City of Isle of Palms, hereby proclaim June 7-13, 2015 as:

National Beach Safety Week

The City of Isle of Palms urges all residents using our beaches to enjoy themselves at the beach this year while taking appropriate measures to protect themselves and their children and furthermore expresses support for community swim teams in their missions to foster a love and respect for our water resources through swimming skills.

A RESOLUTION

TO EXPRESS THE CITY OF ISLE OF PALMS, SC'S OPPOSITION TO SEISMIC TESTING AND OFFSHORE DRILLING ACTIVITIES.

WHEREAS, the U.S. Bureau of Ocean Energy Management (BOEM) is currently in the process of trying to open the mid-Atlantic Ocean to exploration and development of offshore oil and gas including risky methods, such as seismic blasting; and,

WHEREAS, seismic air-guns fire intense blasts of compressed air, one of the loudest human-made sounds in the ocean. These dynamite-like blasts can occur as frequently as every ten seconds, for days to weeks at a time and are loud enough to harm marine and aquatic life; and,

WHEREAS, the full impacts of seismic testing and offshore drilling in the Atlantic Ocean are not yet fully understood by scientists, the oil and gas industry, the Bureau of Ocean Energy Management or the Federal Government, and lower-impact alternative technologies may be available for exploration in the near future; and,

WHEREAS, exploratory and commercial drilling, extraction, and transportation of offshore oil and gas resources pose a significant risk of spill; and,

WHEREAS, eventual offshore drilling may require significant onshore infrastructure, such as pipelines or refineries, which may harm the character of our coast, and

WHEREAS, offshore drilling activities post threats for coastal wetland areas of the Isle of Palms, which are of intrinsic ecological value for numerous migratory bird species, serve as essential nursery habitats for recreational and commercially important fisheries, and act as natural buffers from storm surge and hurricanes; and,

WHEREAS, the City of Isle of Palms is a South Carolina municipality where a major economic force is tourism related to the appreciation of our natural coastal and historical environment, which are also the primary factors contributing to the high quality of life the City's residents enjoy, enabling business recruitment and attracting new residents; and,

WHEREAS, the City of Isle of Palms endeavors to be a good steward of its coastal environment and its resources; and,

WHEREAS, the City of Isle of Palms believes that more research should be done to fully understand and to better address the impacts of seismic testing and the options for mitigating those impacts before exploration begins, including incorporation of the National Marine Fisheries Service's soon-to-be-released acoustic guidance document; and,

WHEREAS, the exploration and development of oil and natural gas off the mid-Atlantic coast will not effectively or fully address the long-term energy needs of our country; and,

WHEREAS, the City feels it would be more economically and ecologically responsible to pursue non-polluting sources of renewable energy through solar, wind, and biomass energy production projects that pose less risk to our coastal environment and economic health before using uncertain methods of seismic blasting for offshore oil and gas exploration.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ISLE OF PALMS, IN COUNCIL, ASSEMBLED, THAT THE CITY IS OPPOSED TO SEISMIC TESTING AND OFFSHORE OIL AND GAS DEVELOPMENT OFF THE SOUTH CAROLINA COAST.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 17TH DAY OF FEBRUARY, 2015.

Richard F. Cronin, Mayor

A PROCLAMATION FOR JOHN EVERETT MOORE, M.D.

WHEREAS, Dr. John Everett Moore, a board-certified surgeon working at Atlanta Cardiac and Thoracic Surgical Associates, has maintained a residence on the Isle of Palms since the 1980s; and,

WHEREAS, the Citadel is a landmark institution in the Lowcountry of South Carolina, and Dr. Moore attended the school from 1967-1971, during which time he played football and threw the discus for the track team; and,

WHEREAS, Dr. Moore served as president of The Citadel's Alumni Football Association (AFA), leading the Association to provide support for an upgrade to the Citadel's weight room needed to keep the team competitive in the conference; and,

WHEREAS, Dr. Moore is being enshrined as an honorary member of Citadel Sports Hall of Fame, Class of 2015, for his continued support of the Citadel's athletic department through financial donations and volunteer efforts; and,

WHEREAS, the City of Isle of Palms highly values its many citizens, specifically Dr. John E. Moore, who make significant contributions to the community and the region;

So, THEREFORE BE IT PROCLAIMED ON THIS DAY, September 22, 2015, that Dr. John Everett Moore is an exemplary citizen of the Isle of Palms, bringing respect and progress to the community. The City is proud to count Dr. Moore as one of its own.

Dick Cronin

Dick Cronin, Mayor