

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF IVA, SOUTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF LAWS OF SOUTH CAROLINA, ACT NUMBER 487 OF 1967, AND ACT NUMBER 283 OF 1975, ARTICLE 3, SECTION 47-32.

ARTICLE 1 - TITLE AND AUTHORITY

Section 1.1 Title

This document shall be known as the ZONING ORDINANCE of the Town of Iva, South Carolina.

Section 1.2 Authority

This document was prepared in accordance with the Laws of South Carolina, Act number 487 of 1967, and Act Number 283 of 1975, Article 3, Section 47-32.

ARTICLE 2 - PURPOSE

This document contains regulations to insure orderly, controlled development for the town and to provide protection of the environment and quality of living for its inhabitants. The regulations contained herein are for the benefit of the citizens, as a whole, while providing recourse for individuals who take exception to said regulations.

ARTICLE 3 - ZONES AND ZONING MAP

Section 3.1 Establishment of Zones

In order to administer this Ordinance the Town of Iva is divided into the following zones:

1. RS- Single Family Residential Zone
2. RM- Multiple Family Residential Zone
3. BC- Business and Commercial Zone
4. GI- General Industrial Zone

Section 3.2 Zoning Map

The zones are established as indicated on the Official Zoning Map of Iva which is hereby declared to be a part of this Ordinance. The Zoning Map shall be signed by the mayor and properly attested. No changes will be made on the Official Zoning Map except as provided by the procedures contained in this Ordinance and punishable as provided by law. A reproducible copy of the Official Zoning Map will be kept on file by the Town Clerk and copies will be available, during normal working hours, to the general public.

Section 3.3 Explanation of Zone Boundaries

Regarding the boundaries of the Zones shown on the Zoning Map, the following rules will apply:

1. Where zone boundaries are shown as following a street or highway, the centerline of that street or highway constitutes the boundary.
2. Where lines follow lot lines, that lot line constitutes the boundary.
3. Where geographic features are used for zone boundaries, the geographic features will be of a highly prominent nature so as to dispel any doubt as to the intent of that boundary.

Section 3-4 Classification of Annexed Areas

Any areas annexed into the Town of Iva shall automatically be classified as RS, Single Family Residential, until those areas

are reclassified by town council upon recommendations by the Zoning Committee/Commission.

ARTICLE 4 - APPLICATION OF REGULATIONS

The regulations set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

Section 4.1 Use of Land or Structures

1. No land or structure shall be used or occupied, and no structure or parts shall hereafter be constructed, erected altered or moved, unless such change conforms with all the regulations herein specified.
2. No structure shall be erected or altered:
 - a. With greater height, size, bulk or other dimensions;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;
 - d. To have smaller yards or other open spaces than required herein; or in any other manner contrary to this ordinance.
3. No part of a yard or other open space, off-street parking or loading required about, or in, connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space or off street parking or loading space similarly required for any other building.

4. Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

Section 4.2 Lot Reduction Prohibited

No yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created shall meet at least the minimum requirements of this ordinance.

Section 4.3 Use of Substandard Lots of Record

Where the owner of a lot, at the time of the adoption of this Ordinance, does not own sufficient land to enable him/her to conform to the dimensional requirements of this ordinance, such lot may nonetheless be used as a building site and a permit is authorized for the use of the property, provided the use conforms to the requirements of the district in which the lot is located.

ARTICLE 5 - ZONE REGULATIONS

Section 5.1 RS- Single Family Residential Zone

The purpose for this Zone is to provide a homogenous and aesthetically harmonious development of single-family dwellings on lots having an area of 10,000 square feet or more. Churches, schools, recreational facilities and accessory uses normally necessary, compatible and desirable are included. Horticultural

and agricultural uses are provided for in such areas. The keeping of poultry or livestock is strictly prohibited.

Permitted Uses:

1. Detached single-family dwellings, excluding mobile homes.
2. Houses of worship; provided such structures built after the passage of this ordinance shall have their principle means of access from a thoroughfare and shall be located on a lot of at least one acre in area. Conversion of a residential or commercial structure into a house of worship is not permitted.
3. Public and private schools and usual accessory buildings.
4. Publicity owned or operated parks, playgrounds and recreational facilities, provided that no structure shall be located within thirty (30) feet of a property line. There shall be provided a continuous screen with a maximum height of six (6) feet between all structures are located within on hundred (100) feet of the property boundaries. This screen may consist of a compact evergreen hedge, foliage or a louvered wall or fence.
5. Recreational uses, such as tennis courts, swimming pools, and similar activities, operated for the use of private membership, and not for commercial purposes, provided that no such use, structure or accessory use is located closer than thirty (30) feet to any property line, and provided all facilities are located on a contagious site of at least two (2) acres. There will be a continuous screen with a minimum height of six (6) feet between all structures and adjoining residential properties, when such structures are located within one hundred (100) feet of these properties.

This screen may consist of a compact evergreen hedge, foliage or louvered wall or fence.

6. Medical facilities
7. Accessory structures and uses customarily incidental to the stated uses, but not involving the conduct of a business.

Conditional Uses:

1. Private kindergarten or pre-school nursery, PROVIDED:
 - a. Such uses meet the minimum standards set forth for such facilities by the State Board of Health.
 - b. Such use is located on a lot not less than 20,000 square feet in area; and
 - c. No structure(s) on the lot is closer than twenty-five (25) feet to any abutting residential property lines.
2. Public utility substation, or sub-installation, including water tower, PROVIDED:
 - a. Such use is enclosed by a painted/stained or chain link fence or wall at least six (6) feet in height above the finished grade;
 - b. There is neither office or commercial operation nor storage of vehicles or equipment on the premises; and
 - c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.
3. Cemetery, provided that such use:
 - a. Consist of a site of at least five (5) acres;
 - b. Includes no crematorium or dwelling unit.
 - c. Has a yard setback of at least twenty (20) feet from the right-of-way line of all adjoining streets or highways.

4. Stores and shops that provide goods or services to local residences provided these establishments do not exceed 2,500 square feet of floor area.

Minimum Standards

Uses permitted in RS Zones shall conform to the following standards, with the exception provided in section 4.3 of this Ordinance.

1. Minimum Lot Area: 10,000 square feet.
2. Minimum Land Area per Dwelling Unit: 10,000 square feet.
3. Minimum Lot Width at the Building Line: 70 feet.
4. Minimum Front Yard Depth from the Nearest Right-of-Way Line: 25 feet.
5. Minimum Side Yard: 10 feet for any one side.
6. Minimum Rear Side: 30 feet.
7. Exceptions to these minimum standards pertaining to corner or double lots are covered in Article 10.

Section 5.2 RM- Multiple Family Residential Zone

The purpose of this Zone is to provide for higher density residential development. Uses normally necessary and compatible with residential uses are provided for in this Zone.

Permitted Uses:

1. Any use permitted in the RS Zone.
2. Two-family or duplex dwellings.
3. Town houses and multiple-family dwellings.

4. Mobile homes, provided no more than one (1) unit is established per lot. A mobile home in this Zone will have its front (main entry door) facing the street and will rest on permanent underpinning.

Conditional Uses

All conditional uses permitted in RS Zones are permitted in RM Zones, except cemeteries.

Minimum Standards

Minimum standards in the RM Zone are identical to the RS Zone with the following exceptions:

1. Two dwelling units- 5,000 feet per unit.
2. Three or more dwelling units- 4,000 feet per unit.

Section 5.3 BC- Business and Commercial Zone

The purpose of this zone is to provide and encourage development and redevelopment of business and commercial enterprises to serve the citizens of Iva and the surrounding communities.

Permitted Uses:

1. Professional and business offices.
2. Medical clinics, doctor's offices, convalescent and nursing homes.
3. Any permanent retail and service endeavors in enclosed buildings.

4. Restaurants, motels, hotels so long as parking spaces are provided off the street and parking lots have a direct access to a major thoroughfare.
5. General auto repair in enclosed buildings.
6. Financial institutions.
7. Government buildings.
8. Lodge and fraternal organizations.
9. Schools, parks and playgrounds.
10. Public transportation facilities.
11. Entertainment facilities, excluding games of chance.
12. Churches.

Conditional uses

1. Farmers markets and flea markets provided these endeavors are in compliance with other City Ordinances.
2. Auto service stations provided no gas pump is nearer than twenty five feet from any street right-of-way and no vehicle (except service vehicles) is parked outside a building longer than twenty-four (24) hours.
3. Repair garage, providing all operations are conducted in a fully enclosed building and there is no open storage of disabled vehicles, or any parts thereof, visible from beyond the premises.
4. Residential structures, provided requirements set forth in Sections 5.1 and 5.2 are satisfied.
5. Open yards used for the sale, rental or storage of material or serviceable equipment, excluding junk or salvage yards provided that such uses are separated from adjoining property by a wall or screen of at least six (6) feet in height above the mean lot elevation.

6. Truck or freight terminals provided paved entry and departure lanes are at least ten (10) feet wide and one hundred (100) feet in length in either direction (total of 200 feet) are constructed and maintained where trucks enter and leave the terminal site.

7. Animal hospital and/or boarding facility, providing that all boarding arrangements are maintained within a building (or shed type structure for larger animals) and no noise connected with the operation of the facility is noticeable beyond the confines of the premises.

Minimum Standards

1. Minimum lot size: 6,000 square feet.
2. Minimum width at the building line: 50 feet.
3. Minimum front yard from street right-of-way: 10 feet.
4. No minimum side or rear yard except where lot abuts an RS or RM Zone. In that case the yard requirements on the abutting side become the same as that Zone. Where BC Zone abuts a residential property in the RS or RM Zone and is not separated by a street right-of-way, a screen, fence or wall, at least six feet high, will be provided by the owner of the BC Zone property.
5. Maximum building height, without city council approval, is sixty (60) feet.

Section 5.4 GI- General Industrial Zone

This Zone provides a hospitable environment for the future development of the present and potential industrial base for the Town of Iva, thereby providing jobs for our citizens and additional revenues for the town.

Permitted Uses

1. Any use permitted in the BC Zone.
2. Any facility used in the manufacture or production of goods or services and in compliance with the ordinances of the Town of Iva, the laws and regulations of the State of South Carolina and the United States Government, except the following:
 - a. Acid production
 - b. Asphalt or asphalt products
 - c. Automobile wrecking or junkyards of any type
 - d. Cement, lime, or gypsum manufacture
 - e. Fertilizer manufacture
 - f. Garbage, stockyard, or slaughter of animals
 - g. Nuclear materials processing

Conditional Uses

Mobile Home Park, provided:

1. The park will be no less than two (2) acres in size and graded so as to insure rapid drainage and allow no accumulation of surface water.
2. There are no more than eight (8) trailers per acre.
3. Each space will adjoin an all-weather access road, at least twenty (20) feet in length.
4. Each space will be at least 3,600 square feet and be clearly defined.
5. Each trailer will have a minimum front yard of twenty (20) feet and side and back yards of a minimum of ten (10) feet.

6. Each space will provide vehicular parking space of at least (200) square feet excluding all other area requirements.
7. A greenery boundary of at least seven (7) feet in height will be established on all boundaries except those adjoining a street.
8. The parks comply with all applicable state and county health regulations.

Minimum Standards

The same as for the BC Zone except for special standards for trailer parks as stated above.

ARTICLE 6 OFF-STREET PARKING

In accordance with the standards set forth below, adequate parking shall be provided with the erection or enlargement of any principle building or increase in the capacity by the addition of dwelling units, guest rooms, seats or floor areas. Also, if there is conversion from one use to another requiring additional parking or increased loading and docking space, changes must conform to the below standards.

If parking cannot be provided on the premises, adequate off-street facilities must be provided no further than four hundred (400) feet from the main interest of the principle use.

All off-street automobile parking and storage shall be so arranged that it is not necessary to back into a public street, road or highway when leaving the premises. This applies to all parking except in residential areas.

Both external and internal movement in and about parking areas shall be so arranged as to provide free and safe movement of vehicles and pedestrians using the facilities.

Section 6.1 Off-Street Parking Requirements

To conform with this Ordinance, off-street Parking shall contain at least two hundred (200) square feet each to accommodate one (1) vehicle.

The number of parking spaces shall conform at least to the minimum requirements shown in table 6.1.

TABLE 6.1 OFF-STREET PARKING REQUIRMENTS

Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
One and Two family dwellings	1 per dwelling unit	
Multiple-family dwelling	1.5 per dwelling unit	Plus 1 for each residential owner, manager and maintenance personnel
Church or temple	1 per 5 seats in main auditorium	or 5 per classroom, whichever is greater
Trade, business or high school	1 per 5 seats in the main assembly room	or 5 per classroom, whichever is greater, plus 1 per 3 employees
Elementary, junior high or nursery school	1 per 10 seats in main assembly room	or 1 per classroom, whichever is greater, plus 1 per 3 employees
Country club or golf club	1 per 5 members	Plus 1 for resident manager and maintenance personnel
Public library, museum, art gallery or community center	10	Plus 1 additional space for each 300 sq. ft. of floor area in excess of 1,000 sq. ft.
Private clubs and lodges	2 per 3 sleeping rooms or suites	Or 1 per 5 active members, whichever is greater, plus 1 per 3 employees
Sanitarium, convalescent home, home for the aged or similar institution	1 per 5 patient beds	Plus 1 per 3 employees
Tourist court, motel, motor hotel, motor lodge or hotel	1 per sleeping room	Plus 1 per 3 employees
Rooming, boarding or lodging house	1 per 2 sleeping rooms	
Hospital	1 per 2 patient beds	Plus 1 per 4 employees
Office or office building, post office, studio or clinic	1 per 400 square feet of floor area	3 spaces minimum; 10 spaces minimum for a clinic
General home	1 per 50 square feet of floor area excluding storage and work area	30 spaces minimum
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 100 square feet of floor area	3 spaces minimum, plus 1 per 3 employees
Retail store or personal service establishment or bank	1 per 200 square feet of floor area	3 spaces minimum; retail food stores over 4,000 square feet: 1 per 100 square feet of floor area

Furniture or appliance store, machinery, equipment, automobile or boat sales service	1 per 300 square feet of floor area	3 spaces minimum; automobile sales and service 10 minimum
Auditorium, theater, gymnasium, stadium, arena or convention mall	1 per 4 seats or seating spaces	
Bowling alley	5 per alley	
Amusement place, dance hall, skating rink, swimming pool, natatorium, or exhibition hall, without fixed seats	1 per 100 square feet of floor area	Does not apply when these uses are accessory uses
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 3 employees on premises or 1 per 1,500 square feet of floor area, whichever is greater	
Animal hospital	1 per 400 square feet of floor area	3 spaces minimum, plus 1 per 3 employees
Manufacturing or industrial establishment, research or testing laboratory creamer, bottling plant, wholesale, warehouse or similar establishment	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with the business or industry
Bus or railroad station	1 per 100 square feet of waiting room area	

Section 6.2 Interpretation of the table in section 6.1

The parking requirements in the chart are in addition to space for storage of trucks or other vehicles used in connection with any use. Floor area as used in the chart shall be as defined in Article II. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

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

The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

In the case of mixed uses, or uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

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

Section 6.3 Joint Use and Off-Site Facilities

1. All parking spaces required in this Ordinance shall be located on the same lot with the building or use served,

except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed three hundred (300) feet from an institutional building or other nonresidential building served.

2. Up to fifty percent (50%) of the parking spaces required for

(a) theaters, public auditoriums, bowling alleys and similar uses, and up to one hundred percent (100%) of the parking spaces required for a church auditorium, may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a), and up to one hundred percent (100%) of parking spaces provided for schools may be provided and used jointly by a church auditorium provided, however, that written agreement thereto is properly executed and recorded as specified below.

3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principle use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be valid for the total period the use or uses for which the parking is needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the Administrator.

Section 6.4 Parking in Yards

Off-street parking spaces may be located in half of the required minimum front yard measured from the building line. Driveway space for access to the parking areas or drive-in service facilities may be located in a required front yard.

Section 6.5 Special Requirements

1. Separation from Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence, curbing or other approved protective device, or by assistance of four (4) feet so that vehicles cannot protrude over publicly owned areas.

2. Entrances and Exits

Location and design of entrances and exits shall be in accordance with applicable requirements of the Town of Iva and State Highway Department "Driveway Entrances" standards. Landscaping, Curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

3. Screening

When off-street parking areas for ten or more automobiles are located closer than fifty (50) feet to a lot in a residential district, or to any lot upon which there is a dwelling as permitted use under these regulations, and where such parking

areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided a continuous, visual screen with a maximum height of six (6) feet. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.

4. Interference with Traffic

Off-street parking spaces shall be connected to a street or alley by a drive. No space shall be designed such that maneuvering into and out of the space will interfere with traffic flow on a street or alley.

ARTICLE 7 - OFF-STREET LOADING REQUIREMENTS

Section 7.1 Off-Street Loading Requirements

Any structure or building constructed after the enactment of this Ordinance shall provide docking space as specified in this article. The use of such space shall not in any way hinder the free movement of either vehicular or pedestrian traffic when in use. This space shall have the minimum dimensions of twelve feet by thirty five feet (12'x 35') with fourteen (14') overhead clearance. Utilizing vehicles shall not be required to back onto a major public thoroughfare when leaving the premises. Docking facilities shall be required to conform to the following requirements:

Use or Use Category	Floor Area as Defined In Article 10 In Square Feet	Loading Spaces Required
Retail, store, department store, restaurant, wholesale house, general service, manufacturing or industrial establishment	2,000-10,000 10,000-20,000 20,000-40,000 40,000-60,000 Each 50,000 Over 60,000	One Two Three Four One additional One additional
Apartment building, motel, hotel, office building, hospital or similar institutions, or places of public assembly	5,000-10,000 10,000-100,000 100,000-200,000 Each 100,000 Over 200,000	One Two or Three One additional One additional
Funeral home or mortuary	2,500-4,000 4,000-6,000 Each 10,000 Over 6,000	One Two One additional One additional

Section 7.2 Interpretation of the Chart in Section 7.1

The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.

Section 7.3 Special Requirements

1. Loading space for mortuaries: Loading spaces for a mortuary may be reduced to ten feet by twenty five feet (10'x 25') and vertical clearance reduced to eight (8) feet.

2. Entrances and Exits: Location and design of entrances and exits shall be in accordance with applicable requirements of the Town of Iva and South Carolina Highway Department "Driveway Entrances" standards. Where the entrance or exit of a building is designed for truck loading and unloading, that entrance or exit shall provide at least one off-street loading space.

ARTICLE 8 SIGN REGULATIONS

The regulations herein will apply to all zones. No sign shall be erected or maintained unless it is in compliance with the regulations of this article, except a nonconforming sign which shall comply with the provisions of the nonconforming article.

General Provisions

1. All signs will be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated or unsightly. Condition of signs will be determined by the Zoning Commission.
2. No signs, except State Highway or temporary warning signs, will be erected or maintained within twelve (12) feet of a street, or highway, right-of-way.
3. No billboard type signs are permitted.
4. No signs, with rented or leased space for advertisements, are permitted.
5. No signs will be higher than the primary building of the sponsoring unit.
6. Source lights for lighted signs in the vicinity of thoroughfares will not interfere with the vision of vehicle operators.
7. No sign will interfere with sidewalk traffic.
8. No temporary signs will be attached to trees, fence posts, or utility poles.

ARTICLE 9 NONCONFORMITIES

If a usage changes is required in order to put a structure in compliance, that changes will be effected at 12:01 AM on the day following the physical vacating of that structure. Absence of human habitation in a non-residential structure for a continuous period of thirty (30) calendar days will constitute a vacating.

Section 9.1 Nonconforming Use of Land and Structure

The lawful use of land or buildings existing on the effective date of this Zoning Ordinance may be continued but will be considered as Nonconforming uses with the following restrictions:

a. If a usage change is required in order to put a structure in compliance, that change will be effected at 12:01 AM on the day following the physical vacating of that structure.

b. Absence of human habitation in a non-conforming structure for a continuous period of thirty (30) calendar days constitutes a vacating.

c. It shall not be changed to another non-conforming use.

d. No alterations, such as additions or enlargements, shall be permitted except in accordance with this Ordinance.

e. It shall not be rebuilt as a non-conforming use if existing facilities are razed or destroyed.

f. It shall not be rebuilt, repaired or altered after damage resulting from fire, explosion, act of God or Criminal act, exceeding fifty percent (50%) of its replacement cost at the time of destruction.

g. Repairs or alterations may be made on any structure in order to conform to current town, county, state or federal safety regulations.

9.2 Destruction of Nonconforming Buildings

No building which has been damaged by any cause whatsoever, to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to the damage, shall be restored except in conformity with the requirements of this ordinance, and all rights as a nonconforming use shall be terminated. If a building is damaged by less than fifty percent (50%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction are begun within three (3) months and completed within six (6) months of the date the damage occurred.

9.3 Intermittent Use

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use of a lot or a tract shall not be construed to establish a nonconforming use on the entire lot or tract.

9.4 Enlargement of a Nonconforming Use

No nonconforming building or premises, except when required to do so by law or ordinance, shall be enlarged, reconstructed or structurally altered unless such use is changed to one

permitted in the district in which such building or premises is located.

ARTICLE 10 GENERAL PROVISIONS

Section 10.1 Lot Requirements

1. Lot Area Reduction: No lot or yard shall be reduced to a size below minimum standards upon enactment of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

2. Corner lots: On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance. If the streets are of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case shall the setback be reduced to less than fifteen (15) feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this Ordinance for the district in which the lot is located.

3. Location of Building Lots and Residential Limitations: Every building or use hereafter erected or established shall be located on a Lot of Record; and every one and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principle building on a lot shall be located within the area formed by the building lines at outer boundaries and in no case shall such buildings infringe beyond the building lines

into the respective front, side or rear yards or other setbacks required for the district in which the lot is located.

4. Double Frontage Lots: On lots having frontage on two (2) streets but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the three street frontages. The minimum front yard on the frontage or frontages may be reduced along the other streets in accordance with the provisions of Section 9.1 (2)

5. Front Yard Requirements: The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built-upon lots located wholly or in part within one hundred (100) feet on each such lot and within the block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of existing setbacks on the developed lots. However, in no case shall the setbacks be less than fifteen (15) feet.

6. Measurement of Front, Side and Rear Yards: Determination of Buildable Area: The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not

included in any required front, side or rear yard shall be known as the "buildable area."

Section 10.2 Accessory Uses

In addition to the principle uses, each of the following uses is considered to be customary accessory use and, as such, may be situated on the same lot with the principle use or uses to which it serves as an accessory.

1. Uses Customarily Accessory to Dwellings:

a. Private garage not to exceed the following storage capacities: one or two-family dwelling- four automobiles; multiple-family dwellings- two automobiles per dwelling unit; group dwellings- 1.5 automobiles per sleeping room.

b. Open storage space or parking area for motor vehicles, provided that such space does not exceed the maximum respective storage capacities listed under Subsection 10.2 (1) (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.

c. Shed or tool room for the storage of equipment used in grounds or building maintenance.

d. Private kennel for no more than three (3) dogs or three (3) cats, four (4) months of age or older.

e. Private swimming pool and bath house or cabana.

f. Structure designed and used for the purpose of shelter in the event of manmade or natural catastrophes.

g. Non-commercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

2. Uses Customarily Accessory to Church Buildings:

a. Religious education Buildings.

b. Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed under Subsection 1.

c. Off-street parking area for the use without charge of members and visitors to the church.

3. Uses Customarily Accessory to Retail Businesses, Office Uses and Commercial Recreational Facilities:

a. Off-street parking or storage area for customers, clients or employee-owned vehicles.

b. Completely enclosed building for the storage of supplies, stock or merchandise.

c. Light manufacturing and/or repair facility incidental to the principal use, provided that dust, smoke, noise, vibration, heat or glare produced as a result of manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

Section 10.3 Setback and Other Yard Requirements for Accessory Uses

In any zone, all accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the zone within which they are located.

Section 10.4 Corner Visibility

In any residential area on any corner lot, no fence, wall, shrubbery or other obstruction shall be permitted to rise more than three and one half (3-1/2) feet above established street

grade or to a height that obstructs vision from an automobile proceeding into or through the intersection.

Section 10.5 Street Access

Every building either constructed on or moves onto its prospective lot shall have safe and convenient access to a public thoroughfare after the enactment of this Ordinance.

Section 10.6 Exceptions to Height Limits

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smoke stacks, conveyers, roof signs, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building structure will not interfere with any airport approach zones or flight patterns.

Section 10.7 External Antennas

No external antennas (those not permanently attached to the residence) will be erected in a "front yard" as defined in this Ordinance.

ARTICLE 11 DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as follows:

1. Accessory Building - a subordinate building, attached to or detached from the main building, whose use is incidental to that of the main building and not used as a dwelling.

2. Accessory Use - a subordinate which is incidental and customary in connection with the main building or use, and which is located on the same lot with such main building or use.
3. Administrator - the Zoning Administrator for the Town of Iva.
4. Aggregate Area or Width - the sum of two or more designated areas or widths to be measured, limited or determined under these regulations.
5. Alley - a public or private thoroughfare, providing only secondary access to abutting properties, and not intended for general traffic circulation.
6. Apartment - a room or suite of rooms in a multiple dwelling unit containing cooking and housekeeping facilities designed and used as a residence by an individual or single family.
7. Apartment House - a building consisting of three or more separate dwelling units under one roof.
8. Building - a structure completely enclosed which is designed for shelter, support or enclosure of persons, animals or property of any kind. The structure shall be permanently affixed to a lot.
9. Bulk - a word used in this Ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.
10. Canopy - a detachable roof-like cover, supported from the ground or from the deck, floor or walls of a building for protection from sun or weather.
11. Cellar or Basement - a story all or partly underground, but having at least half of its height below the average level of the adjoining ground. A cellar is not counted as a story for the purpose of height regulations.

12. Clinic - a building or portion thereof designed for use by two (2) or more physicians, surgeons, dentists, psychiatrists, or practitioners in related specialties, or a combination of persons in these professions but not including lodging of patients overnight.

13. Club, Lodge, Civic or Fraternal Organization - an incorporated or unincorporated association for civic, cultural, religious, literary, political, recreational or similar activity, operated for the benefit for its members and not open to the general public. This does not include clubs organized primarily for profit or to render a service which is customarily carried on as a business.

14. Commission - the Planning and Zoning Commission of Iva.

15. Convalescent or Nursing Home - a building where regular nursing care is provided for more than more than one person, not a member of the family which resides on the premises.

16. Court - an open space, other than a yard, which may or may not have direct street access, and is bounded by a building or a group of related buildings.

17. Density - a unit of measurement; the number of dwelling units per acre of land.

18. District - a section of the Town of Iva, as designated on the Official Zoning Map.

19. Driveway and Access Drive - a prepared or surfaced area providing entry and exit for vehicles from private property and public right-of-way.

20. Dwelling - a building or portion thereof arranged and designed to provide permanent living quarters for one more families, but not to include a trailer, mobile home, hotel, motel, motor lodge, boarding and lodging house, tourist home, or tents.

21. Dwelling, Single-family, Detached - a detached building designed for occupancy by one family, being one unit from ground to roof, and having outside access.
22. Dwelling, two Family - a building designed for or occupied exclusively by two families living independently of each other.
23. Dwelling, Multi-family - a detached building containing three or more independent dwelling units under one roof, or a building designed for or occupied exclusively by three or more families living independently of each other.
24. Family - an individual, or two or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with cooking facilities; or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit on a non-profit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.
25. Floor area -
- a. commercial, business and industrial building, or buildings containing mixed uses - the sum of the gross horizontal areas of several floors of a building, measured from the exterior walls or from the center line of walls separating two buildings but not including attic space providing head room of less than seven feet, basement space not used for retailing, uncovered steps or fire escapes, accessory water towers or cooling towers, accessory off-street parking spaces and accessory off-street loading spaces.
 - b. residential buildings - the sum of the gross horizontal areas of the several floors of a dwelling (excluding garages, basements, attics and open

porches) measured from the exterior faces of the exterior walls.

26. Floor Area Ratio - the floor area of the building or buildings on any lot divided by the area of the lot.

27. Frontage -

- a. street frontage - the distance along a street line from one intersecting street to another, or from one intersecting street to the end of a dead end street.
- b. lot frontage - the distance for which the front boundary line of the lot and the street are coincident.

28. Garage, Private - a garage used for storage purposes only and having a capacity of not more than four automobiles, or not more than two automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space in the garage may be used for not more than one commercial vehicle, and space may be rented for not more than two vehicles to persons other than occupants of the building for which such garage is accessory.

29. Guest House - living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the main building. These guest quarters shall have no kitchen facilities or separate utility meters and are not rented or otherwise uses as a separate dwelling.

30. Height of Building - the vertical distance from the mean finished grade to the highest point of the coping of a flat roof, or to the deck line or highest point of the coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gabled, hip, shed and gambrel roofs. When the highest wall of a building with a shed roof is within

thirty feet of a street, the height of that building shall be measured to the highest point of the coping or parapet.

31. Home Occupation - an occupation, profession or trade practiced by the dwelling occupants, which is secondary to the residential purpose of the structure and does not alter the exterior appearance of the structure. The following constraints apply to a home occupation:

a. the activity is carried on inside the principle building
b. not more than twenty percent of the total floor area of the principal building is used for home occupation.

c. no person outside the resident family shall be engaged in the home occupation.

d. no merchandise or articles are displayed for advertising purposes or so that they are visible from outside the dwelling unit.

Within the above limits, a home occupation includes, but is not limited to, the following: art studios, dressmaking, professional office of a physician, dentist, lawyer, engineer, architect, accounting, salesman, real estate agent or similar occupations; teaching, with musical instruction limited to one or two pupils at a time.

A home occupation shall not be interpreted to include barber shops, beauty parlors, tourist homes, animal hospitals, child care centers, tearooms or restaurants.

32. Hospital - a building or group of buildings having room facilities for overnight patients, used for providing services for in-patient medical or surgical care of the sick and injured, and which may include related facilities, central service facilities and staff offices; however, such related

facilities must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

33. Junkyard - any land or area used for sale or storage of dilapidated automobiles, trucks, tractors, wagons, boats, trailers and other kind of vehicles and their component parts; scrap building materials, scrap metal, bottles, glass, old iron, machinery, rags, paper, mattresses, beds, bedding or any other kind of scrap or waste material.

34. Laundromat - a business that provides washing, drying and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

35. Lot - a parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings and the yard areas and parking spaces required by this ordinance, and having its principal frontage upon a street officially approved right-of-way.

a. lot area - the total horizontal area within the lot lines of the parcel land.

b. lot, corner - a lot abutting upon two or more streets in that intersection.

c. lot, depth of - the average horizontal difference between the front and rear lot lines.

d. lot, interior - a lot other than a corner lot.

e. lot line - the boundary line of a lot.

f. lot, through(or double frontage) - a lot having a frontage on two approximately parallel streets.

g. lot width - the horizontal distance between the side lot lines measured at the required building setback line.

36. Motel - a building or buildings in which lodging or food and lodging are provided and offered to the public for compensation; same as a hotel except that the buildings are

usually designed to serve persons traveling by automobile; entrance and exit to rooms need not be through a lobby or office, and parking is usually adjacent to the rooms.

37. Mobile Home - a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for a minor unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to the utilities and the like. A travel trailer is not considered to be a mobile home.

38. Nonconformity - a building, parcel of land or use which does not conform with the height, area or use regulations of the district in which it is located. This includes nonconforming uses of land, nonconforming uses of structures and premises, nonconforming characteristics of use, nonconforming lots and nonconforming structures.

39. Nursing Home - a facility designed and intended to provide nursing service on a continuing basis to persons who require such service under trained professional nurses or physicians and for whom medical records are maintained.

40. Open Space - that part of a lot not covered by building or structure.

41. Parking Lot - a parcel of land devoted to unenclosed parking spaces.

a. parking space - the storage for one automobile, not less than ten feet by twenty feet plus the necessary access space. A parking space shall always be located outside the dedicated street right-of-way.

42. Planned Unit Development - a group of residential buildings on a parcel of land which has not been subdivided

into customary streets, lots and blocks, which includes one or more common areas owned by a non-profit corporation and in which all owners of the property within the development have rights and maintenance obligations.

43. Planned Shopping Center - a group of commercial establishments planned, developed, owned and managed as a unit, related in location, size and type of shops to the trade area that the unit serves. It provides on-site parking in definite relationship to the types and sizes of stores.

44. Private Recreation Area - a recreation area owned and maintained by members and operated as a non-profit organization.

45. Regulations - the entire body of regulations text, charts, tables, diagrams, maps, notations, references and symbols contained or referred to in this Zoning Ordinance.

46. Rooming House - a building containing not more than five guest rooms or rental units where, for compensation and by prearrangement for definite time periods, lodging, meals, or lodging and meals are provided for three or more persons.

47. Service Station - an establishment used for the servicing of automobiles, including the sale of gasoline, oil, lubricants and minor accessories, and washing and polishing; but excluding the sale of automobiles, body repairing, major motor repairing and painting.

48. Story - the portion of a building included between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between a floor and the ceiling above it.

49. Street - a dedicated public thoroughfare for vehicular traffic which affords access to abutting property.

50. Structural Alterations - any change in the supporting members of a building, such as footings, bearing walls or

partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair as is necessary to maintain the building in a safe condition.

51. Structure - anything constructed or erected whose use required a more less permanent location on the ground, or is attached to something having a permanent location on the ground, or is attached to something having a permanent location on the ground. This includes trailers or mobile homes, signs, swimming pools, fences, backstops for tennis courts and similar structures.

52. Yard - an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward except by trees or shrubbery

a. yard, front - an open unoccupied space for the full width of the lot extending from the front line of the principal building to the front property line.

b. yard, rear - an open unoccupied space for the full width of the lot extending from the rear line of the building to the rear property line.

c. yard, side - an open unoccupied space between the principal building and a side lot line extending from the front yard to the rear yard.

ARTICLE 12 - CITY ZONING COMMISSION

Section 12.1 Establishment of a City Zoning Commission

The Iva Town Council will establish a Town Zoning Commission to hear any matter coming before it within the powers and duties set forth in this Ordinance. The Commission will also have such other duties as may be assigned by the Council.

Section 12.2 Membership

The Commission will initially consist of the members of the Zoning Committee who will serve for one year after adoption of this Ordinance. The permanent Commission will be appointed by the Town council for overlapping three (3) year terms, and will consist of five (5) members plus the Zoning Administrator as a non-voting member.

Section 12.3 Meetings, Procedures and Records

Meetings will be held at such times as may be determined by the Commission, or upon call of the Chairman. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Commission will be open to the public.

The Commission will elect a chairman, vice-chairman and secretary. The Officers will serve one-year terms and may succeed themselves. The secretary will keep minutes of the proceedings and record the vote of each members and keep record of its deliberations and all other official actions, all of which will be filed with the City Clerk and will be a public record. No final action will be taken unless a majority is present.

Section 12.4 Appeals and Hearings

Appeals to the Zoning Commission concerning interpretation or administration of this Ordinance may be filed by any person aggrieved or by any officer, department, board or bureau of the City. An appeal for consideration by the Commission will be filed through the appropriate City Council Member in the case of a private citizen or commercial endeavor, and directly to a member of the Commission, in the case of any officer, department, board or bureau of the City. In either case, the

matter will be referred to the Commission Chairman. Action will commence on all matters within fourteen (14) working days and determinations will be rendered as expeditiously as possible. Pertinent papers and other cognizant materials will be submitted with the appeal. All actions, proceedings or furtherance will normally be stayed until released by the Commission. The committee will fix a time for hearing the appeal and give due notice to the parties involved. Any party may appear at the hearing in person, or be represented by an agent or attorney. The Commission may reverse, or reaffirm, wholly or in part, or may modify the order, requirement, decision or determination, appealed from, and shall make such decisions known to the aggrieved party at that hearing, and reaffirmed in writing, with a copy to the Town Clerk as a public document. An aggrieved party may further appeal the Commission's decisions to the Town Council for final determination.

Section 12.5 Powers and Duties

The zoning commission will have the following powers and duties:

1. Hear and decide appeals which allege error in any order, requirement, decision or determination made in the enforcement of this Ordinance.
2. Authorize, upon written appeal in specific cases, a variance from the terms of this Ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship upon a finding by the Commission that:
 - a. These are special conditions pertaining to the particular piece of property that were existing at the time of enactment of this Ordinance peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district;

- b. Application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
- c. The special conditions and circumstances do not result from the actions of the applicant;
- d. Granting the variance will not confer on the applicant any special privilege that is defined by this Ordinance to other lands, structures or buildings in the same district;
- e. The variance will be in harmony with the general purposes and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

No nonconforming use of neighboring lands, structures or buildings in the same zone and no permitted or nonconforming uses of lands, structures or buildings in other zones will be considered grounds for the issuance of variance. Under no circumstances shall the commission grant a variance to allow a use not permissible under the terms of this Ordinance in the zone involved.

The concurring vote of four (4) members of the Commission will be necessary to reverse any order, requirement, decision or determination made in the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of this Ordinance.

To cover administration cost, no appeal or application for variance will be heard by or ruled upon by the commission until a twenty-five dollar (\$25) fee is paid to the Town Clerk.

Section 12.6 Conditions Attached to Approvals

In those regulations where the commission is authorized to decide appeals and approve variance, such approval, authorization or decision will be limited by such conditions as the case may require including the imposition of requirements for signs, outdoor lighting, paving, landscaping and similar requirements.

Section 12.7 Appeals from Actions of the Board

Every decision of the Commission will be subject to review by a court of record, in the manner provided for by the laws of the State of South Carolina.

ARTICLE 13 - ZONING ADMINISTRATOR

Section 13.1 Zoning Administrator

A Zoning Administrator will be appointed by the Town Council for an indefinite period of time at the discretion of the council. The Zoning Administrator job may be collateral duty of a Town officer or official. The Zoning Administrator is hereby given the authority to administer and enforce all provisions of this Ordinance.

The Zoning Administrator will accept and examine all applications for construction, land use or reuse, and will issue building permits where such applications are in accordance with the provisions of this Ordinance and applicable building regulations.

If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, he/she will notify, in writing, the person responsible for such violation and order the action necessary to correct it. He/she will order discontinuances of illegal use of land, buildings or structures;

removal of illegal buildings or structures; or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and will take any authorized action to ensure compliance with its provisions.

Section 13.2 Building and Sign Permits

Unless elsewhere exempted by this Ordinance, no building, sign or other structure will be erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. No building or sign permit will be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he/she receives a written order from the Zoning Commission in the form of administrative review, or variance as provided by this Ordinance. The permit, if issued, will be posted on the property in full view from the front street.

Section 13.3 Application for Building Permit

All applications for building permits will be accompanied by the appropriate fee, as established by the Town Council, and by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot involved; exact sizes and location and dimensions of the proposed building or alteration. The application will include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed use of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans will be returned to the applicant by the Zoning Administrator after he/she has marked the copy either "Approved" or "Disapproved" and attested by signature as such

copy. The original plan, similarly marked, will be retained by the Zoning Administrator.

Section 13.4 Property Corner Pins

Property corner pins will be established by a registered engineer or surveyor prior to the erection of a new building or whenever there is a possibility of encroachment in the case of alteration or erection of any structures such pins will be in place during construction and accurately replaced is disturbed, until the structure is occupied.

Section 13.5 Expiration of Building Permit

If the work described by any building permit has not begun within six (6) months from the date of issue, said permit will expire. It will be cancelled by the Zoning Administrator and written notice will be given to the person affected.

If the work described by any building permit has not been substantially complete within one (1) year of the date of issue, the permit will expire and be cancelled by the Zoning Administrator and written notice will be given to the persons affected, together with notice that further work as described in the cancelled permit will not proceed unless and until a new building permit is obtained.

Section 13.5 Appeals

Any decision by the Zoning Administrator may be appealed to the Zoning Commission.

ARTICLE 14 - CONDITIONAL AND TEMPORARY USES

Section 14.1 Conditional Uses

a. Conditional uses, as set forth in article 5 of this Ordinance, possesses characteristics which require some measure of control to insure compatibility with intended uses of that particular zone.

b. Conditional uses are permitted subject to the approval of the Commission. Request for a conditional use will be submitted to the Commission at least sixty (60) calendar days prior to the anticipated date of start or construction or operation. Permission for a conditional use will be delivered, in writing, to the Zoning Administrator to be attached to the building permit, when appropriate.

Section 14.2 Temporary uses

a. Temporary uses may be made of structures and property in all Zones, for the pleasure and enrichment for the citizens of Iva. Examples of temporary use are:

- (1) Carnivals and circuses
- (2) Religious and cultural meetings
- (3) Civic activities, sponsored by Town, County, State or Federal agencies
- (4) Christmas tree sales
- (5) Real estate sales offices
- (6) Contractors offices and construction sheds

b. These, and other temporary uses, are permitted with the approval of the Commission. Requests for a temporary use will be submitted to the Commission at least thirty (30) calendar days prior to commencement of temporary activity. The Commission will establish time limits for temporary uses.

ARTICLE 15 - ADMENDMENT AND CHANGE OF ZONING ORDINANCE

Section 15.1 Initiation of Change

After a public hearing and a report from the Zoning Commission, Town Council may amend, supplement, or change the boundaries of a Zone, or any other regulation herein contained. Any such amendment, supplement or change may be initialed by:

- a. Resolution of the Town Council
- b. Motion of the Zoning Commission

c. Application by any property owner

Section 15.2 Action by the Zoning Commission

The Commission will consider, and make written recommendations (reports) to Town Council concerning each zoning change. The commission may hold a separate bearing or may sit concurrently with the hearing held by Council.

Section 15.3 Action by City Council

City Council will consider changes and amendments at hearings set at Council's discretion, allowing the Zoning Committee thirty (30) days to prepare recommendations.

Section 15.4 Application

An application for any change or amendment will contain a description and/or statement of the purposed change and the names and addresses of the owners of abutting properties. The application shall be filed with the Town Clerk who, after administratively processing, will forward the original to the Town Council. Before taking any action on any proposes amendment, supplement or changes, the council will submit the same to the Zoning Committee for its recommendations and report. Failure of the Commission to report within thirty (30) days following the public hearing will be considered approval. The Council may grant a thirty (30) day approval if requested.

Section 15.5 Notice of Hearing

A notice of public hearing before the Town Council and/or the Commission will be at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the hearing in a newspaper having a general circulation in the Town of Iva.

Section 15.6 Fee

Before any action is taken, as provided in this article, the party or parties requesting a change or amendment will pay a fee of one hundred dollars (\$100.00) to off-set the costs and expenses of handling the application.

Section 15.7 Reconsideration

When an application for a change, or amendment, has been denied by Town Council, that application or one substantially similar will not be reconsidered before one (1) year from the date of the denial

ARTICLE 16 - INTERPRETATION

Section 16.1 Provisions of Ordinance Declared to be Minimum Requirements

In interpreting and applying this Ordinance, the provisions will be held to minimum requirements necessary to uphold the purpose of this Ordinance.

Section 16.2 Variance with Other Requirements

Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, easements, deed restrictions or covenants, the most restrictive or that imposing the higher standards will govern.

Section 16.3 Separability

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held unconstitutional, or invalid, that decision will not affect, impair or invalidate the remaining portion of this Ordinance.

ARTICLE 17 - VIOLATION AND PENALTY

Section 17.1 Violation

If any building, or structure is erected, constructed, reconstructed, altered, repaired or converted, or any building, land, or structure is used in violation of this Ordinance, the Administrator is authorized and directed to institute any appropriate action to stop such violation.

Section 17.2 Penalty

It will be unlawful to construct, reconstruct, alter, or change the use of, or occupy land, building or any other structure without first obtaining the appropriate permit from the Administrator. The Administrator will not issue any permits unless the requirements of this Ordinance or any other ordinance, act or resolution adopted pursuant to it, are complied with.

A violation of any Ordinance, act or resolution adopted pursuant to the provisions of this Ordinance is hereby declared to be a misdemeanor under the laws of the state, and upon conviction thereof, an offender will be liable to a fine of not more than five hundred dollars (\$500.00).

If any building or structure is, or is proposed, to be erected, constructed, altered, converted or maintained, or any building, structure or land is, or is proposed, to be used in violation of this Ordinance, the Administrator, or any adjacent, or neighboring property owner who would be damaged by such violation may, in addition to other remedies, institute injunction, or other appropriate action.

Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues, will be deemed a separate offence.

ARTICLE 18 CONFLICTING ORDINANCES

All previous ordinances in conflict with the provisions of the Zoning Ordinance are hereby repealed.

ARTICLE 19 EFFECTIVE DATE

This ordinance will take effect and be enforced from the date of passage and adoption. On the 23rd day of June 1986.

