

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
CITY OF WALHALLA )

ORDINANCE 2021-5

**AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15 TO ADD A SUBDIVISION DESIGN GUIDELINES APPENDIX, KNOWN AS APPENDIX 2021-A, AND TO AMEND SECTION 202, 303E, 400.2, AND 403.4.**

**WHEREAS**, the City of Walhalla Zoning Ordinance requires re-adoption with existing amendments and appendices by active ordinances, and

**WHEREAS**, the City of Walhalla Planning Commission has recommended changes in the ordinance as a result of review by that body,

**Then, Let It Therefore Be Resolved**, by the City Council of the City of Walhalla, South Carolina amend the following sections of the Zoning Ordinance as follows:

#### **SECTION 202: DEFINITIONS**

NOW, THEREFORE, Section 202 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following definitions:

**Container Home:** A residential building, either for living or renting, that is made out of a shipping container or the like.

**Tiny Home:** A residential building, for either living or renting, that is 500 square feet or less.

#### **ADOPTION OF APPENDIX 2021-A**

NOW, THEREFORE, Appendix 2021-A is hereby adopted into the zoning ordinance to establish order in the realm of growth and to encourage the economically sound and stable development of the City of Walhalla. The appendix is as follows:

**AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF WALHALLA, PRESCRIBING THE PROCEDURE FOR PREPARING AND APPROVING PLATS, DESIGN STANDARDS, IMPROVEMENTS REQUIRED, BOND AND SURETY, VARIATIONS AND EXCEPTIONS, AND PROVIDING FOR AMENDMENTS, ENFORCEMENT AND PENALTIES.**

BE IT ORDAINED by the Mayor and Council of the City of Walhalla, South Carolina, in Council assembled:

AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF WALHALLA, PRESCRIBING THE PROCEDURE FOR PREPARING AND APPROVING PLATS, DESIGN STANDARDS, IMPROVEMENTS REQUIRED, BOND AND SURETY, VARIATIONS AND EXCEPTIONS, AND PROVIDING FOR AMENDMENTS,

ENFORCEMENT AND PENALTIES.

#### ARTICLE 1. - TITLE AND AUTHORITY

##### Section 1-1. - Title.

This ordinance shall be known as the Subdivision Regulations, City of Walhalla, South Carolina.

##### Section 1-2. - Authority.

This ordinance was prepared in accordance with the provisions of General Statutes of South Carolina, Act No. 487 of 1967 and the requirements of said Act supplement this ordinance.

#### ARTICLE 2. - PURPOSE

##### [Section 2-1. - Purpose.]

The purpose of this ordinance is for the promotion, protection and improvement of the public health, safety, economy, good order, appearance, convenience, morals and general welfare by providing for the harmonious, orderly and progressive development of land within Walhalla, South Carolina. In furtherance of this general intent, the regulation of land subdivision is authorized for the following purposes, among others:

- a. To encourage the economically sound and stable development of Walhalla;
- b. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- c. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- d. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes; and

e. To assure, in general, the wise and timely development of new areas in harmony with the comprehensive plan of Walhalla.

### ARTICLE 3. - JURISDICTION

[Section 3-1. - Territorial jurisdiction.]

From and after the date of adoption, these regulations shall govern all subdivision of land within the corporate limits of Walhalla as now and hereafter established.

### ARTICLE 4. - DEFINITIONS

[Section 4-1. - Definitions and rules of construction.]

When used in this ordinance, certain words and terms shall have the meaning as herein defined. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

1. *Block*: A parcel of land entirely surrounded by streets or highways or by a combination of streets, highways, parks or railroad rights-of-way.
2. *Comprehensive plan*: The official city plan or any part thereof for the City of Walhalla adopted and approved in accordance with the provisions of Act No. 487, South Carolina Acts of 1967.
3. *Easement*: A grant by the property owner of the use, for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons.
4. *Engineer*: A registered professional engineer in good standing with the South Carolina Board of Registration.
- [4.1.] *Land development*: A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease or any combination of owner and rental characteristics.
5. *Lot*: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building purposes.
6. *Planning commission*: The planning commission of Walhalla, South Carolina.
7. *Plat*: A map, or drawing upon which the subdivider's plan of the subdivision is presented for approval.
8. *Street*: A way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, alley, or other way; and for the purposes of this ordinance, streets are divided into the following categories:

- a. *Thoroughfare*: Those streets designated as freeways, arterials or collectors on the preliminary thoroughfare plan of the City of Walhalla.
  - b. *Minor collector*: A street within a subdivision used to carry traffic from minor streets to thoroughfares including principal entrance and circulation streets of a subdivision.
  - c. *Minor or local street*: A street used primarily for access to the abutting properties.
  - d. *Alley*: A minor way used for service access to the back or side of properties otherwise abutting on a street.
  - e. *Cul-de-sac*: A minor street having one end open to traffic and one end terminating in a vehicular turnaround.
  - f. *Marginal access street*: A minor street parallel and adjacent to major streets and which provides access to abutting properties with protection from through traffic.
9. *Subdivider*: An individual, firm, association, syndicate, co-partnership, trust or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.
10. *Subdivisions*: A division of [a] tract or parcel of land into two or more lots, building sites, or other divisions. The land is divided for sale, lease or building development, whether immediately or in the future. The definition includes all divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new streets within any previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:
- a. Combining or recombining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
  - b. Dividing land into parcels of five acres or more where no new street is involved. The planning commission must receive plats of these exceptions as information and indicate that fact on the plats.
  - c. Combining or recombining entire lots of record where no new street or change in existing streets is involved.
11. *Surveyor*: A registered land surveyor in good standing with the South Carolina board of registration.

12. *Zoning ordinance*: The officially adopted zoning ordinance, City of Walhalla, South Carolina.

#### ARTICLE 5. - GENERAL PROVISIONS

[Section 5-1. - Prerequisites for filing of plats; minimum standards; dedication of public use sites.]

1. No plat of the subdivision of any land within the jurisdiction of the planning commission shall be filed with the Oconee County, until:
  - a. A preliminary plat shall have been prepared and shall have been approved by the planning commission as specified herein.
  - b. The required improvements shall have been satisfactorily installed and completed by the subdivider or a bond has been posted to secure the same.
  - c. A final plat shall have been prepared and approved by the planning commission as specified herein.
  - d. A resolution shall have been passed by the city council accepting the dedication of all public ways or lands, or a statement included on the final plat that the public ways or lands have not been accepted by the city council.
  - e. Statement by the planning commission as having received as information, plats identified as exceptions by state law under the definition of a subdivision.
2. All proposed subdivision of land shall conform to the applicable portions of the comprehensive plan for Walhalla.
3. Whenever regulations contained in this ordinance are different from regulations contained in other city ordinances, the most restrictive regulation shall prevail.
4. Where the area being subdivided includes lands to be used for parks, schools or other public uses under the officially adopted comprehensive plan of Walhalla, the subdivider shall indicate the location of such areas on the subdivision plat and shall dedicate said area or grant a two-year option for the purchase of such lands by a public agency at the appraised raw land value prior to subdividing, plus one-half the cost of grading and surfacing of the portions of any streets that are contiguous to the site. In case of a disagreement over the value of [the] land, said value shall be established by three qualified appraisers, one of whom shall be appointed by the city council, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two previously appointed appraisers. The subdivider shall bear the cost of any appraisal. Should the park, school, or public use sites not be purchased within the two-year period, the subdivider may then sell or cancel them for an alternate purpose as shown on the approved subdivision plat.

## ARTICLE 6. - PROCEDURE

[Section 6-1. - Administrative procedure for subdivision approval.]

The following is an outline of procedure for obtaining approval of a subdivision of land within the City of Walhalla:

1. Prior to preparing a preliminary plat and filing an application for approval thereof, the subdivider should consult Zoning Official regarding the proposal, the requirements of this ordinance and the provisions of the comprehensive plan.
2. An application requesting approval of the preliminary plat, together with supporting material, shall be filed with the zoning administrator 15 days prior to the regularly scheduled meeting of the planning commission at which the plat is to be considered.
3. The planning commission shall act on the preliminary plat within 60 days after filing of the application. Otherwise said plat shall be deemed to have been approved. The applicant may waive this requirement and consent to an extension of such period. Approval of the preliminary plat will not constitute approval of the final plat. Approval serves as authorization for the subdivider to proceed with site improvements.
4. The subdivider may install required improvements or post a bond securing the improvements in the area covered by the approved preliminary plat, or any portion thereof, which he proposes to record and develop at the time.
5. Upon installation of required improvements or the posting of a bond securing the same, a final plat may be submitted. Said final plat shall conform substantially to the preliminary plat, or portion thereof, as approved.
6. Application for approval of the final plat shall be submitted to the zoning administrator at least 15 days prior to the meeting at which it is to be considered. Said application shall be submitted within 12 months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the planning commission.
7. Action of the planning commission on the final plat shall consist of approval or disapproval. Disapproval shall be accompanied by reasons for such action.
8. After approval by the planning commission, the final plat shall be forwarded to city council for acceptance of the dedication of rights-of-way or other land.
9. After acceptance of dedication by city council, the planning commission shall file the plat for record with Oconee County. The zoning administrator shall act as recording agent for the subdivider.
10. Where a proposed subdivision contains no more than four lots and does not require dedication of any land to the public or installation of any public improvements, the planning commission may waive the hearing on the final plat and consider and act upon the preliminary plat as the final plat.

## ARTICLE 7. - PRELIMINARY PLAT

### Section 7-1. - Submittal.

Six copies of the preliminary plat shall be submitted to the zoning administrator with the application for approval. One copy of any supporting documents shall be submitted.

### Section 7-2. - Distribution.

Copies of the preliminary plat shall be distributed by the zoning administrator to various departments within the city for review and recommendation. Recommendations shall be returned to the planning commission prior to the initial hearing on said plat.

### Section 7-3. - Fees.

To defray the cost of investigation, processing the plat and notifying interested parties, the subdivider shall pay the following fees to the office of the zoning administrator at the time of filing:

- (1) \$50.00 minimum; or
- (2) \$5.00 for each residential lot or \$8 for each acre in a nonresidential subdivision.

No charge shall be made where the subdivision consists solely of the establishment or vacation of a new street.

### Section 7-4. - Hearing notice.

Notice of hearing shall be sent by registered or certified mail to the subdivider not less than five days before the date set for the hearing.

### Section 7-5. - Planning commission action.

Planning commission action shall consist of approval as submitted, conditional approval or disapproval. If the plat is conditionally approved or disapproved, the conditions or reasons for such action shall be noted. The action of the planning commission shall be noted on two copies of the plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the planning commission.

### Section 7-6. - Effect of preliminary plat approval.

Approval of the preliminary plat by the planning commission shall be authorization for the subdivider to proceed with preparation of construction drawings, layout of streets, installation of improvements and staking of lots.

### Section 7-7. - Scale.

The preliminary plat shall be clearly and legibly drawn to a scale of not less than 100 feet to the inch nor larger than 20 feet to the inch and marked "Preliminary Plat."

Section 7-8. - Content.

The preliminary plat shall show:

- a. Title, north point, graphic scale and date.
- b. Names and addresses of the owners of the property, any existing mortgages, the subdivider and the person or firm preparing the plat.
- c. Boundaries of the proposed subdivision. Location of city limits line if within or adjacent to the area to be subdivided.
- d. A vicinity sketch at a scale of not more than 500 feet to the inch showing the relation of the proposed subdivision to surrounding development. Also, the boundaries of adjoining parcels of unsubdivided land with the names and addresses of owners.
- e. Location, width of right-of-way, width of roadway, and names of all existing or prior platted streets, roads or highways that pass through or adjoin the area to be subdivided.
- f. Location and extent of watercourses and all land subject to flooding.
- g. Location and size of sanitary and storm sewers and water mains within or adjacent to the area to be subdivided.
- h. Location and pertinent data for existing railroads, easements, structures, public land and other features affecting the plat.
- i. Topography at a contour interval of not greater than five feet; provided, however, the city may require one-foot contour intervals and intermediate spot elevations.
- j. Indication of existing zoning district classification applying to, and proposed use of, all land within the subdivision.
- k. Written and signed statements of the appropriate officials verifying the availability of gas, electricity and water to the proposed subdivision.
- l. The proposed location and width of all streets (right-of-way's and roadways), alleys and easements together with proposed street names.
- m. Typical street cross sections and proposed grades.
- n. Layout, numbers and approximate dimension of lots.
- o. Building setback lines with dimensions.
- p. Sketch plans indicating the proposed method of accomplishing drainage, water supply, sewage disposal and storm drainage.
- q. Location and size of all parcels of land intended to be dedicated or reserved for public use.



r. Draft of any restrictions including protective covenants proposed to be included in the owner's declaration of plat.

## ARTICLE 8. - FINAL PLAT

### Section 8-1. - Submittal.

The original drawing and two copies of the final plat shall be submitted to the zoning administrator with the application for approval. The final plat shall include certification from the city engineer that required site improvements have been installed to the city's satisfaction or a bond posted securing to the city the actual construction and installation of required site improvements.

### Section 8-2. - Fees.

To defray the cost of investigation and processing the plat the subdivider shall pay an additional fee in the amount of:

- (1) \$3 for each residential lot.
- (2) \$5 for each acre in a nonresidential subdivision.

No charge shall be made where the subdivision consists solely of the establishment or vacation of a new street.

- (3) The actual cost of recording the final plat.

### Section 8-3. - Recording of plat.

The zoning administrator, acting for the planning commission and as recording agent for the subdivider, shall file the final plat for record with Oconee County. Such filing shall take place after approval by the planning commission and acceptance of dedicated land by city council. The final plat shall show the plat book and page where recorded.

### Section 8-4. - Final plat distribution.

Subsequent to recording, the original of the final plat shall be returned to the subdivider. Copies of the final plat shall be distributed to various departments within the City.

### Section 8-5. - Scale; sheet size; material.

The final plat prepared by a surveyor or civil engineer licensed by the state shall be drawn in ink on linen or plastic film type material at a scale of 200 feet to the inch unless otherwise approved by the planning commission. The plat shall be identified as the final plat.

### Section 8-6. - Content.

The final plat shall show:

- a. Title, north point, graphic scale, date.

- b. The name of the owner or owners, any existing mortgages and the subdivider. Notarized acknowledgement of the owner or owners and mortgagee, if any, to the plat, and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements included on the plat.
- c. The name and registration number of the surveyor or engineer. A notarized certificate attesting to the accuracy of the survey and the correct location of all monuments shown.
- d. The township, boundary line bearings and distances, and boundary ties with the nearest intersection of existing streets or roads.
- e. Right-of-way lines and widths of streets, alleys, easements and other rights-of-way, with accurate dimensions and bearings, or deflection angles and the radii and central angles of all curves.
- f. Names of all streets together with a letter from the post office department stating that proposed street names do not duplicate existing street names within the urban area of Walhalla.
- g. All lot lines, lot dimensions, building setback lines and an identification system for lots and blocks.
- h. Location and description of monuments. Monuments shall be designated by a small open circle at points of installation.
- i. The lines of streets and alleys that adjoin the subdivision with their width and names. Reference to recorded subdivision plats of adjoining platted land by plat book and page number or deed book and page number.
- j. Purpose for which lots or tracts other than residential are to be dedicated or reserved.
- k. Statement that all easements shown on the plat may be used for the installation of sanitary sewers, storm sewers, public utilities and open storm drains unless otherwise noted.
- l. Space for the approval of the city planning commission.
- m. Statement of, or reference to, private restrictions, trusteeships or protective covenants.
- n. Space for city council acceptance of public ways and lands included on the plat.
- o. Space for number of plat book, volume and page where recorded.
- p. The final plat shall be accompanied by certification:
  - (1) That all legally due taxes have been paid.

(2) That all required improvements have been installed and approved by the proper officials or agencies, or that a bond ensuring their installation has been accepted by the city.

(3) [For property located in a flood hazard area, a statement reading substantially as follows:]

Lot number(s) \_\_\_\_\_ are located wholly or partially within a flood hazard area as defined by the Federal Emergency Management Agency, and are subject to all codes and ordinances as they relate to floodplains. Special development permits are required for these areas.

#### ARTICLE 9. - DESIGN STANDARDS

[Section 9-0. - Minimum requirements.]

The design standards herein presented are minimum requirements. All roadways, alleys, sidewalks, street lighting, and thoroughfares are to be constructed to the standards of the SCDOT Roadway Design Manual (2017). IF ANY PART OF THIS ORDINANCE CONFLICTS WITH SCDOT ROADWAY DESIGN MANUAL (2017), THE MORE STRINGENT LANGUAGE SHALL PREVAIL.

Section 9-1. - Streets and alleys.

a. *Street right-of-way width.*

- (1) Thoroughfares: Width shall conform to specifications of the preliminary thoroughfare plan.
- (2) Minor collector: Width shall not be less than 50 feet.
- (3) Minor street: Width shall not be less than 40 feet.
- (4) Cul-de-sac: Width shall not be less than 50 feet except that the terminal turnaround shall have a diameter of not less than 90 feet.
- (5) Marginal access street: Width shall not be less than 40 feet.
- (6) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum standards contained herein.
- (7) When the subdivision abuts a major street, any land necessary for widening the major street shall be dedicated.
- (8) Subdivisions with unusual topographic conditions shall provide greater street right-of-way than herein required and/or provide slope easements for the sloping of banks or fill material.

b. *Alleys.*

(1) Alleys will not be permitted in residential districts except as a continuation of a dead-end alley.

(2) Alleys, not less than 20 feet in width, shall be required in commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking consistent with and adequate for the uses proposed.

c. *Street alignment.*

(1) All street alignments must provide for the continuation of existing streets abutting the subdivision.

(2) Arrangement of major streets in the subdivision shall conform as closely as possible with the thoroughfare plan.

(3) The arrangement of streets shall be such as will not cause hardship to owners of adjoining property in providing convenient access.

(4) Minor collector streets may be required where necessary to facilitate traffic flow in the subdivision.

(5) Radii of not less than 100 feet shall be provided on all curves unless local conditions warrant a shorter radius.

d. *Street grades.*

(1) Street grades shall comply with good engineering practice and shall not exceed ten percent or be less than 0.5 percent. Wherever possible, grades of thoroughfares shall not exceed 5.0 percent.

(2) Grades approaching intersections shall not exceed 5.0 percent for a distance of not less than 50 feet from the right-of-way line of said intersection.

(3) All changes in street grade shall be connected by vertical curves of at least 100 feet or the equivalent of 15 times the algebraic difference in the rate of grade, whichever is greater.

e. *Street intersections.*

(1) Not more than two streets shall intersect at a point.

(2) Street right-of-way lines at intersections shall be rounded by a minimum radius of 25 feet. The roadway edge at intersections shall be rounded by a minimum radius of 25 feet.

(3) Streets shall intersect as nearly at right angles as possible, and in no case at an angle of less than 60 degrees. Intersections involving a thoroughfare shall not be less than 80 degrees.

- (4) Street intersections shall be located at least 150 feet apart.
- (5) Street intersections shall be located at least 150 feet from any railroad right-of-way.
- (6) Streets generally parallel to railroad rights-of-way shall not be closer than 150 feet to the railroad right-of-way.

[f. Reserved.]

g. *Cul-de-sac*.

- (1) The length of a cul-de-sac, measured from the intersecting street to the center of the turnaround, shall not be longer than 750 feet.

#### Section 9-2. - Easements and special rights-of-way.

a. An adequate right-of-way shall be dedicated along each side of surface drainage courses for purposes of constructing, widening, deepening, relocating, improving or maintaining the drainage course. The location of any surface drainage course shall not be changed without the approval of the city engineer.

b. Easements of at least 7½ feet in width shall be provided on each side of rear and side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water or other utilities. Easements of greater width may be required along rear lot lines or across lots where necessary for the extension of major utility lines, or where more than one utility is located in the same easement. A three-foot easement shall be required on one side of an alley to accommodate pole lines.

#### Section 9-3. - Lots.

a. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

b. Where easements for public utilities and sewers are contemplated, the lot lines shall be located in such manner as to facilitate the construction and maintenance of such improvements.

c. Lot areas shall not be less than minimum zoning requirements in the area in which the property is located.

d. All side lines of lots shall be at right angles or radial to street lines, except where a variation will provide a better street and lot layout.

e. Double frontage lots shall be avoided wherever possible.

f. Corner lots for residential use shall have additional width sufficient to provide equal setback from front and side streets.

g. Every lot shall abut on a street. In no case shall an alley serve as the only access to a lot.

h. The depth of a lot shall not be less than 100 feet, and excessive depth in relation to width shall be avoided.

Section 9-4. - Blocks.

a. No block shall be more than 1,500 feet in length, and preferably not less than 800 feet in length.

b. The greater dimension of a block adjoining a major street shall abut the major street.

c. Where blocks are over 1,000 feet in length, a crosswalk easement not less than 20 feet wide may be required if necessary, to provide proper access to schools, playgrounds or other public facilities.

Section 9-5. - Sanitary sewers and storm drainage.

Except in cases determined to be impractical by the Water Department, sanitary sewer mains shall not be less than eight inches in diameter. Tap connections shall be provided from mains to each lot line and marked at the lot line by a permanent iron pin. Storm drainage shall be provided to the degree deemed necessary by the city engineer to prevent property damage.

Section 9-6. - Public sites and open spaces.

Where the subdivision contains a park, school or other public area which is shown on the comprehensive plan, the size and exact location shall be determined by the planning commission based on criteria and requirements specified in the comprehensive plan. Where other public agencies are involved, current criteria and specifications of said agency shall prevail unless waived.

Section 9-7. - Land subject to flooding.

Land subject to flooding or inadequately served by drainage facilities will not be acceptable for subdivision unless the subdivider agrees to make such improvements as will in the opinion of the city engineer render the land fit for occupancy.

Section 9-8. - Character of development.

The subdivider should confer with the planning commission regarding the type and character of development that will be permitted in the subdivision. The planning commission may require that certain minimum requirements be incorporated in restrictive covenants to apply to all lots in the subdivision for the purpose of protecting the character and value of the proposed subdivision and of adjoining property.

ARTICLE 10. - MINIMUM IMPROVEMENTS REQUIRED

The satisfactory installation of the improvements required herein or the posting of a bond securing the improvements shall be a prerequisite to approval of a final plat by the planning commission. Prior to starting construction of any proposed improvements for a subdivision, construction plans and specifications shall be prepared by an engineer.

**Section 10-1. - Street improvements.**

- a. All streets shall be graded to their full width, including side slopes.
- b. A standard curb and gutter, with not less than a six-inch face, shall be constructed on both sides of the street.
- c. Streets shall be surfaced to a width stated herein and with a type of pavement conforming to paving standards SCDOT.
  - (1) Marginal access streets: Minimum 24-foot width between curb faces.
  - (2) Minor collector streets: 40-foot width between curb faces.
  - (3) Minor streets: 28-foot width between curb faces.
- d. Alleys, wherever platted, shall be surfaced to their full width with a pavement conforming to paving standards of SCDOT.
- e. Except as hereinafter provided those portions of thoroughfares included within the subdivision shall be paved by the subdivider to widths and in accordance with paving standards SCDOT. Whenever the property abutting both sides of a major street is zoned for residential purposes, the subdivider shall be responsible for only that portion of the cost equal to the installation of minor street improvements.

**Section 10-2. - Underground utilities.**

Storm drainage and sanitary sewers shall be provided by the subdivider. All underground utilities, including water, gas, electrical and telephone service, shall be installed prior to the installation of paving. Sufficient taps shall extend to lot lines to insure against subsequent cutting of pavement. When sanitary sewers are not reasonably accessible to the subdivision, septic tanks conforming to the standards and requirements of the county health department shall be installed. Fire hydrants shall be installed in accordance with specifications of Fire Underwriters.

**Section 10-3. - Sidewalks.**

Sidewalks shall be constructed along both sides of a thoroughfare and in such other locations where they are deemed necessary for public safety by the planning commission. Such sidewalks shall conform to the width requirements and specifications of SCDOT.

**Section 10-4. - Street name signs.**

Street name signs shall be installed for a payment of \$25.00 per sign made to the City of Walhalla.

#### Section 10-5. - Monuments.

Permanent monuments shall be placed at the tangent points of curves and at all corners in the exterior boundary of the subdivision (except at such corners that are inaccessible due to topography) and at such other points as may be designated by the city engineer. All monuments shall be set flush with the surface of the ground or finished grade. Monuments shall be of reinforced concrete, 30 inches or more in length and six inches or more in diameter with a metal pin at the point of intersection, or an iron rod (five-eighths inch or more in diameter and 30 or more inches long) completely embedded in concrete.

### ARTICLE 11. - BOND AND SURETY

#### Section 11-1. - Construction bond.

In the event the subdivider elects to defer construction of the improvements required under article 10 until after approval of the final plat, a bond shall be required of the subdivider, the amount and specifications of which shall be approved by zoning administrator, securing to the city the actual construction and installation of such improvements within a period of two years from the date of recording the plat and in accordance with standard specifications of the City of Walhalla. Such bond shall be in cash or be made by a surety company authorized to do business in the State of South Carolina, and shall be made payable to and enforceable by the City of Walhalla, South Carolina. Such bond must equal at least 125 percent of the cost of the required improvements. The surety shall not be released from said bond except by written release from the city council.

(Ord. No. 99-05, 4-26-1999)

#### Section 11-2. - Maintenance bond.

a. In any case in which the zoning administrator may have reasonable doubt concerning the stability or proper construction of any improvement required herein, upon his recommendation the city council may require a maintenance bond for a period of two years for maintenance of said improvement. This bond shall be in cash or be made by a surety company authorized to do business in the State of South Carolina.

b. The subdivider, by agreement with the zoning administrator, shall maintain for a period of nine months the fill and improvements in and over the ditches that were cut for the installation of utilities including storm and sanitary sewers, water, gas and laterals.

### ARTICLE 12. - VARIATIONS AND EXCEPTIONS

[Section 12-1. - Modifications, variations and waivers.]



a. Whenever strict compliance with these regulations would result in extraordinary hardship or injustice to the subdivider because of unusual topography, unusual size or shape of the property, or unusual conditions in surrounding property or development, the planning commission, acting with the concurrence of the city engineer, may modify, vary or waive such regulations in order that the subdivider may subdivide his property in a reasonable manner provided that such modification, variation or waiver will not nullify the intent or purpose of these subdivision regulations and that the public welfare, interest of the city and the surrounding area shall be protected. Any such variance, together with reasons therefor shall be entered upon the minutes of the planning commission.

b. In granting modifications, variations or waivers, the planning commission may impose such other reasonable conditions as will, in its judgment, justify such modification, variation or waiver and still maintain the objectives of these regulations.

c. Each modification, variation or waiver of these regulations sought by a subdivider shall be applied for specifically on forms supplied by the planning commission, a copy of which shall be forwarded to the zoning administrator.

#### ARTICLE 13. - CHANGES AND AMENDMENTS

[Section 13-1. - Amendment procedure.]

The city council may amend the regulations or provisions of this ordinance after study and report by the planning commission and the holding of a public hearing as required by law.

#### ARTICLE 14. - ENFORCEMENT

[Section 14-1. - Plat approval required; unlawful sale of lots.]

a. No plat of any subdivision shall be entitled to record with Oconee County, or shall have any validity until it has been approved in the manner prescribed herein.

b. It shall be unlawful for the owner, or the agent of an owner to transfer or sell any land by reference to or by other use of a plat unless such plat has been approved as prescribed herein. The city may enjoin such transfer, sale, or agreement by appropriate action.

#### ARTICLE 15. - PENALTY

[Section 15-1. - Penalty.]

Any violation of these regulations will be a misdemeanor and upon conviction is punishable with a fine of up to \$500 and or 30 days in jail.

#### ARTICLE 16. - SEPARABILITY AND SEVERABILITY

[Section 16-1. - Severability.]

Should any article, section or provision of these regulations be for any reason held to be void or invalid, it shall not affect the validity of any other article, section or provision hereof which is not itself void or invalid.

#### ARTICLE 17. - EFFECTIVE DATE

This ordinance shall be in full force and effect 30 days following its passage as provided by law