



CITY OF WALHALLA BOARD OF ZONING APPEALS

Teara Barnwell, Chair
Dustin Raines

Frank Guldner, Vice-Chair
Amy Welch

Monday, April 15, 2024
Regularly Scheduled Board of Zoning Appeals Meeting
5:30 PM
206 North Church Street
Walhalla, South Carolina 29691

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes – February 8, 2024
4. Public Hearings
 - a. Variance: Request for variance to allow two containers to remain on lot under 330-1.46 and 330-1.7 for TMS 500-20-03-005
5. Old Business
6. Public Comments, non-agenda items
7. Other Business
8. Adjournment

City of Walhalla Board of Zoning Appeals
Thursday, February 8, 2024 • 5:30 PM
Council Chambers • City Hall
Walhalla, South Carolina
Minutes

In accordance with the South Carolina Freedom of Information Act, Section 30-4-10 et seq., South Carolina Code, 1976, the media was duly notified of the date, time, and place of the meeting.

Members Present: Teara Barnwell, Dustin Raines and Amy Welch

Members Absent: Frank Guldner

Staff Present: Mark Bloomer

Call to Order: Chairwoman Barnwell called the meeting to order at 5:30PM, with a quorum present to conduct the meeting and welcomed all present to the meeting.

Approval of Agenda: Ms. Welch moved to approve the Agenda, seconded by Mr. Raines. The Agenda was unanimously approved.

Election of Officers:

Chair and Vice Chair: Chairwoman Barnwell made a motion for her to be Chair and Ms. Welch to be Vice Chair, seconded by Mr. Raines. All were in favor.

Approval of Minutes - December 4, 2023: Ms. Welch moved to approve the December 4, 2023 Minutes, seconded by Mr. Raines. The minutes were unanimously approved.

Meeting Dates for 2024: After some discussion Mr. Raines made a motion to keep the meeting dates in 2024 as the third Monday of the month at 5:30 PM. If the third Monday of a month happens to be a holiday, the meeting will automatically be held on the fourth Monday of the month. The motion was seconded by Ms. Welch. All were in favor.

Public Hearings

Special Exception: Request for special exception to allow a double wide manufactured home on a lot that is zoned General Residential (TMS 500-06-02-018) Chairwoman Barnwell introduced this item. Mr. Bloomer explained that the applicants want to put a double wide manufactured home on their vacant lot. The lot is zoned General Residential so under Section 199-3(A) of the City of Walhalla's Municipal Code the Board of Zoning Appeals would have to approve a Special Exception in order to allow a double wide manufactured home to be placed on the lot. The lot is set back from North Laurel Street, and the lot is wooded. The tract is family land, and it's in the middle of sixteen acres. Mr. Revis provided more information on his application. Chairwoman Barnwell made a motion to approve the Special Exception to allow the double wide manufactured home to be placed on Tax Map Number 500-06-02-018, seconded by Mr. Raines. All were in favor.

Variance: Request for variance from roof pitch required under Section 199-2(C)(1) for TMS 500-06-02-18 Chairwoman Barnwell introduced this item. Mr. Bloomer explained that the applicants' double wide manufactured home has a 3/12 roof pitch and Section 199-2(C)(1) of the City of Walhalla's Municipal Code requires a 4.5/12 roof pitch so the applicants are

requesting a variance from the 4.5/12 roof pitch required in Section 199-2(C)(1). Barry Garrett provided more details on the home. Ms. Welch made a motion to approve the request for a variance which was seconded by Mr. Raines. All were in favor.

Variance: Request for variance from front porch size requirements under Section 199-2(C)(8) for TMS 500-06-02-018 Chairwoman Barnwell introduced this item. Mr. Bloomer explained that the applicants have requested a variance from Section 199-2(C)(8) of the City of Walhalla's Municipal Code which requires an eight foot by 10 foot front porch. The applicants want to do a six foot by eight foot front porch. Chairwoman Barnwell made a motion to approve the variance, seconded by Mr. Raines. Chairwoman Barnwell and Mr. Raines voted in favor of the motion. Ms. Welch voted against the motion. The motion carried two to one.

Old Business: None

Public Comments, non-Agenda items: None

Other Business: None

Hearing no further business, Chairwoman Barnwell adjourned the meeting at 5:46 pm.

Respectfully Submitted by Planning and Zoning Administrator Mark Bloomer.



CITY OF WALHALLA
Community Development

206 N Church St. • P.O. Box 1099 • Walhalla, SC 29691 • (864) 638-4343 • Fax (864) 638-4357 • www.CityofWalhalla.com

Board of Zoning Appeals Application

Date Filed: 3/13/24 Permit Application No. 2024-068 Appeal No.

INSTRUCTIONS

This application and its corresponding form must be completed for a hearing on appeal (corresponding form on page 2) from action of a zoning official, application for a variance (corresponding form on page 3), or application for special exception (corresponding form on page 4). This application shall be accompanied by a \$ 100.00 check made payable to the CITY OF WALHALLA, to help defray the cost of processing. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS: [] for action of zoning official [x] for a variance [] for a special exception

Applicant(s)

Name: BE NICE AMERICA LLC GRADY + ELIZABETH GLOVER
Address: 102 SOUTH JOHNSON STREET, WALHALLA SC 29691
Telephone: (843) 214-0717 Mobile: Email:

Owner(s) (If other than the applicant)

Name:
Address:
Telephone: Mobile: Email:

Designation of Agent (Complete, if the owner is not applicant)

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Owner's Signature: Date:

Interest

Applicant holds the following interest: [x] Owner [] Adjacent Owner [] Other, please explain

Property Description

Property Address: 102 S. Johnson St, Walhalla SC 29691
TMS #: 500 - 20 - 03 - 005 Zoning District: Acreage: .55
Lot: Block: Subdivision: Lot Dimensions:
Plat Book: B39 Page #: 1

I (we) certify that the information in this application and the attached is correct.

Applicant's Signature: Grady E Glover Date: 3-13-24

Request for Variance Application

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described on page 1 of this application of the following provisions of Zoning Ordinance: § 330-1.44, § 330-1.46 (A), § 330-1.7 (B) - STRUCTURE so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: CONTAINERS ALLOWED FOR STORAGE AND COMMERCIAL USE

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

NOTE: All of the standards set forth in a, b, c and d below must be met before the Board of Appeals can grant a variance.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: CONTAINERS MAXIMIZE COMMUNITY BENEFIT, AS WELL AS NEIGHBORHOOD AESTHETIC
- b. These conditions do not generally apply to the property in the vicinity as shown by: OTHER CONTAINERS AROUND CITY
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: WITHOUT CONTAINERS, CANNOT MAKE USE OF COMMERCIAL PORTION OF PROPERTY'S ZONING
- d. The authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting the variance for the following reasons: OTHER CONTAINERS IN NEIGHBORHOOD

3. The following documents are submitted in support of this application: *(A plot plan must be submitted.)* PLOT PLAN

Applicant's Signature: Grady E. Shover Date: 3-13-24

For Official Use	
Date of Hearing: <u>April 15, 2024</u>	Board of Zoning Appeals' Decision: _____
Reason: _____	_____
Board of Zoning Appeals Chair: _____	Date: _____

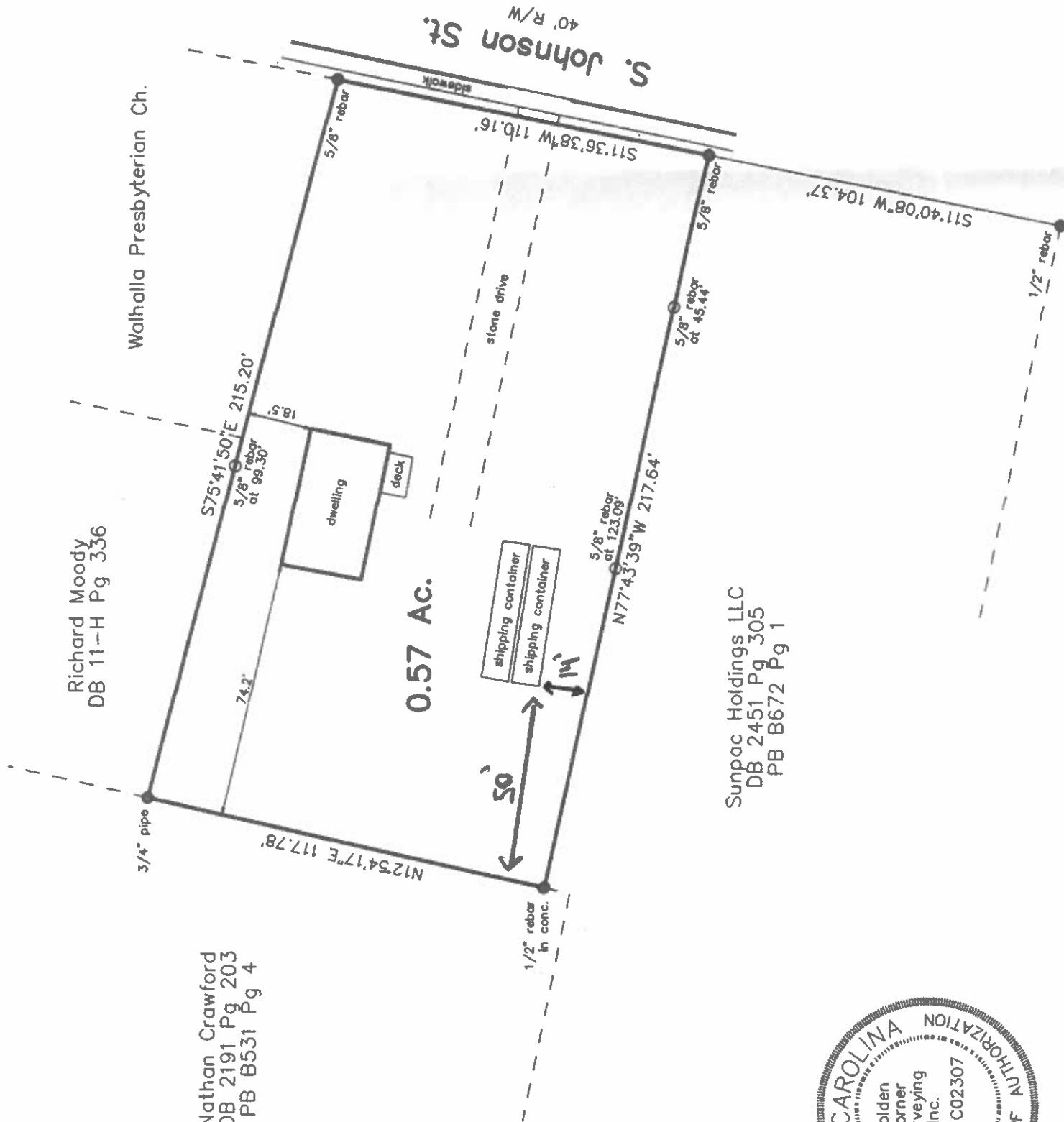


Bearing Base, See Ref. Plat

Nathan Crawford
DB 2191 Pg 203
PB B531 Pg 4

Richard Moody
DB 11-H Pg 336

Walhalla Presbyterian Ch.



Sunpac Holdings LLC
DB 2451 Pg 305
PB B672 Pg 1

E. South Broad St.

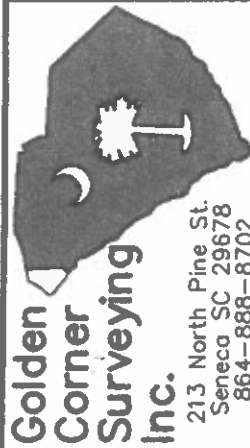
EXEMPTION FROM REVIEW PROCESS
This plat is a RESURVEY of an existing lot of
Record with no changes to existing lot lines.



"I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."

Gary L. Eades PLS#19013

- NOTES:
- 1) TMS# 500-20-03-005
 - 2) DB 2820 Pg 71
 - 3) PB B39 Pg 1
 - 4) Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject property: flood zones; easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.



Golden
Corner
Surveying
Inc.
213 North Pine St.
Seneca SC 29678
864-888-8702

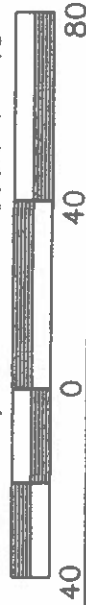
Legend

- (Old) (New)
- (Old)
 - (New)
 - Iron Pin
 - Nail
 - △ Computed Pt.

Survey for

Be Nice America, LLC

Oconee County South Carolina
Date: Jul 18, 2022 Scale 1" = 40'



PLAT # 5340



April 2, 2024

To Whom It May Concern,

We are writing in protest of the two shipping containers that were placed at 108 South Johnson St, just one block South of Main St. We live in near proximity and feel that the city should adhere to the ordinance that we're told is already enacted. It's an eyesore and depreciates all of our property values. It seems if one person gets special treatment then what is to stop others from getting the same and the city will then become a city of rusting metal.

These shipping containers are VERY visible from E. South Broad St and that is where the Wanderweg Trail, when finished will be installed. Certainly not a good look for the many tourists we hope to attract.

When the owners placed those shipping containers there, did they ask the City?

Did they want to know if there was an ordinance in place or do any research to find out?

Did they bother to get permits?

No, they did it without caring what the rules were and hoped that no one would pay any attention to them.

Were they under the "don't ask permission, just ask for forgiveness" theory? I think we all know the answer to that!!

Please Do Not allow this home owner to break the rules already in effect, we don't want our property values to depreciate and don't want the City to have the appearance of an abandoned junk yard.

Thank you.

Proximity Property Owners

City of Walhalla, SC
Thursday, April 11, 2024

Chapter 330. Zoning and Subdivision

Part 1. Zoning

Article VII. General Provisions

§ 330-1.46. Accessory structures and uses.

An accessory use must meet the setback requirements and development conditions of the district in which is it located unless specifically provided herein.

- A. Accessory structures, swimming pools, tennis courts and other structures. In all residential districts:
 - (1) An accessory building to the main residential activity other than those permitted or conditional shall not be erected in any required front or side yard setback; and
 - (2) No separate accessory building shall be erected within five feet of any other building or within three feet of rear lot lines.
- B. Required off-street parking. In the MFR, OC, HC, CC and LI Zoning Districts, other than required handicapped parking, off-street parking shall not be located in the required front yard setback and shall meet the provisions of Article VI.
- C. Covered porches, enclosed or open, shall be considered a part of the main dwelling unit for purposes of meeting minimum setback requirements.
- D. Transmittal-receiving antenna, tower, mast and satellite dish.
 - (1) Antennas, towers, masts and similar structures measuring over 17 feet above the top of the highest peak of the roofline require a special exception use permit.
 - (2) Satellite receiving dishes shall be limited to only one per lot.
- E. Kennels, private, for dogs and cats are permitted accessory uses, provided that no more than three dogs or three cats may be older than four months of age.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

City of Walhalla, SC
Thursday, April 11, 2024

Chapter 330. Zoning and Subdivision

Part 1. Zoning

Article II. Rules of Interpretation and Definitions

§ 330-1.7. Definitions.

- A. Except as specifically defined herein, all words used in this Part 1 have their customary dictionary definitions.
- B. For purposes of this Part 1, the following terms, phrases, words and their derivations shall have the meanings given herein:

ACCESSORY USE

A subordinate use incident to and located on the same lot with the main use. Accessory uses include, but are not limited to, home occupations, signs, walls, fences, gardens, swimming pools and tennis courts.

ADULT DAY-CARE CENTER

A nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions, but who are not in need of regular medical attention, and where the adults are receiving said care on a regular and recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three hours and not more than 12 hours. Adult day-care center facilities located in residential districts are limited to providing care for up to 16 adults. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire and health.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

ADULT DAY-CARE HOME

A home occupation (accessory use) consisting of a private family home in which custodial care is provided for not more than five adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, and where the adults are receiving said care on a regular and recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three hours and not more than 12 hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire and health.

AGGRIEVED PARTY

One whose legal right is invaded by an act complained of, or whose pecuniary interest is directly affected by a decree or judgment; one whose property right may be disestablished or divested.

ALCOHOLIC BEVERAGE SALES STORE

The retail sales of beer wine, and/or other alcoholic beverages for off-premises consumption as a primary use. (LBCS F2155)

ALLEY

A public or private way at the rear or side of a lot providing secondary or service vehicular access to adjacent property. An alley is narrower than a street and is not designed for general vehicular traffic.

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts or in the access facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANTIQUE VEHICLE

In South Carolina, an antique vehicle is defined as any motor vehicle that was manufactured at least 25 years ago and is used as a collector's item.

APARTMENT

A part of a building used as a dwelling unit.

(1) APARTMENT, EFFICIENCY

A dwelling unit consisting of one all-purpose room and a separate bath.

(2) APARTMENT, GARAGE

A part of a private garage used as a dwelling unit.

(3) APARTMENT, HOUSE

A building or portion thereof, other than a hotel, containing two or more separate dwelling units.

AUTO PARTS SALES

Establishments selling new, used or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores and tire and tube shops. (LBCS F2115)

BAR; TAVERN; NIGHTCLUB

A business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music and/or dancing, comedy, etc. may also be included.

BUILDING

A structure permanently affixed to a lot, covered by a roof, used as a shelter or enclosure for a dwelling unit, or for business, mercantile, storage, commercial, industrial, agricultural, institutional, assembly, educational or recreational purposes. The connection of two buildings by an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILDING, ACCESSORY

A detached structure located on the same lot as a main building customarily used for a purpose subordinate and incidental to the use of the main building. Accessory buildings include, but are not limited to, the following:

- (1) **Garage, private.** (See below.)
- (2) **Shed or tool house:** a building for the storage of tools and equipment used in the maintenance of grounds or buildings.
- (3) **Private kennel:** a structure housing cats and dogs.
- (4) **Private swimming pool:** private swimming pools, hot tubs and/or spas, containing water 24 inches or more in depth of water.

(5) Bath house or cabana.

(6) Buildings used for purposes of shelter in the event of man-made or natural catastrophes.

(7) Private greenhouse or slathouse for growing of flowers, ornamental shrubs or vegetables.

BUILDING, MAIN

A building in which the main use of a lot takes place.

CARE HOME

Any adult day-care home or child day-care home as defined in this section.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CHILD DAY-CARE CENTER

An individual, agency or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; designed and approved to accommodate six or more children at a time; not an accessory to residential use.

CHILD DAY-CARE FACILITY

Any facility which provides care, supervision or guidance for any minor child who is not related by blood, marriage or adoption to the owner or operator of such facility, whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to, day nurseries, nursery schools, day-care centers, group day care homes and family day-care homes.

CHILD DAY-CARE HOME

Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for fewer than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

CONDITIONAL USE

A use not otherwise permitted in a district and which would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, relation to the neighborhood, and subject to specified conditions, would promote the public health, safety, welfare, order, comfort, convenience, appearance and property of the City.

CONDOMINIUM

A unit designed for individual ownership in a multi-unit building, or if not in a building in a separately delineated place, whether open or enclosed.

CONTAINER HOME

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

[Added 5-18-2021 by Ord. No. 2021-5]

DEVELOPABLE LAND

Land which is suitable for development. It includes all land within the boundaries of a lot, whether such land is used for buildings or for accessory uses such as parking, drives, roads, drainage and utility easements, sign easements, entrance easements, setback areas, buffer zones and land designated for private recreation. Land occupied by golf courses which are available for use by the general public on a noncommercial basis is developable land.

DEVELOPMENT

(1) Construction of a building;

- (2) Placement of a mobile home;
- (3) Assembly of a modular home;
- (4) Division of an existing lot into three or more new lots;
- (5) Establishment of "flag lots" or access easements;
- (6) Renovation, rehabilitation or remodeling of a building;
- (7) Reconstruction of a building;
- (8) Adding to or altering the size of a building;
- (9) A change in the intensity of use of a lot or building, such as an increase in the number of dwelling units in a building, or an increase in the number of businesses, manufacturing establishments or offices in a building;
- (10) Alteration of the shore or bank of a stream, lake or pond;
- (11) Drilling (except to obtain soil samples) and excavating;
- (12) Demolition of a building;
- (13) Clearing land in preparation for any development;
- (14) Deposit of solid or liquid waste or fill material on a lot.

DWELLING

(1) DWELLING UNIT

A building, or portion thereof, used on a permanent basis which provides complete living facilities for one household.

(a) A dwelling unit is comprised of the following minimum spaces:

- [1] Enclosed area for a toilet and a tub or shower (bath);
- [2] Kitchen or area for preparing, cooking and serving food;
- [3] Living quarters; and
- [4] Sleeping quarters.

(b) An efficiency apartment shall be considered a dwelling unit even though it does not meet the above criteria. The term does not include travel trailers, housing mounted on self-propelled or drawn vehicles, tents, temporary housing or portable housing.

(2) DWELLING, SINGLE-FAMILY

A dwelling unit arranged or designed to be occupied by one household.

(3) DWELLING, DUPLEX

A building or portion thereof arranged or designed to contain two dwelling units.

(4) DWELLING, MULTIFAMILY

A building or portion thereof arranged or designed to contain three or more dwelling units.

FAMILY

One or more persons living together as a single housekeeping unit. See also "household."

FLOOD HAZARD AREA

Any area in the City of Walhalla subject to flooding and so designated by the Department of Housing and Urban Development and the Federal Flood Insurance Agency and delineated on

applicable Flood Hazard Boundary Maps. The terms "flood hazard area" or "flood zone" are interchangeable.

GARAGE, PRIVATE

A building or space accessory to a dwelling unit, used for storage of motor vehicles, and in which no occupation or business for profit is carried on.

GARAGE, PUBLIC OR STORAGE

A building or space, other than a private garage, used for the storage of motor vehicles, and in which automobile servicing, repairs or maintenance may be carried on.

GAS STATION

An establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included.

GRANDFATHERED

Land and/or a structure existing prior to and at the time of passage of this Part 1, "recognized" as existing prior to, shall not be affected by passage of this Part 1. This does not include health and safety hazards.

GROSS LEASABLE AREA

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

GROUP HOME, TYPE 1

A home serving nine or fewer mentally or physically handicapped persons, provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department for that purpose. (S.C. Code Ann. § 6-29-770)

GROUP HOME, TYPE 2 OR 3

Any group home not meeting the definition of a Type 1 group home.

HOME OCCUPATION

Any occupation carried out within a dwelling unit pursuant to § 330-1.43.

HOTEL

A building containing rooms used, rented or leased for sleeping purposes by guests. Unless a different meaning is required by context, the term "hotel" shall include motels, boardinghouses, rooming homes, tourist homes and bed-and-breakfast residences.

HOUSEHOLD

One or more persons living together as a single housekeeping unit in a dwelling unit.

IMPERVIOUS SURFACE

Those surfaces that do not absorb rain; all buildings and all areas which have an artificial surface which sheds water.

KINDERGARTEN

Any school which provides either education, instruction or supervision below the first grade to children who will attain the age of five on or before the first day of November of the school year during which they begin school.

LOT

A parcel of land occupied, or capable of being occupied, by a building or group of buildings, together with the customary accessory buildings and open spaces belonging to the same,

having its principal frontage either on a public street or on a private street of record.

LOT OF RECORD

A parcel of land clearly defined by plat or by a deed containing a metes and bounds description, which is recorded in the office of the Oconee County Clerk of Court.

MAJOR RETAILER

Any retailer or wholesale market that has or is projected to have over 8,000 square feet of floor space.

[Added 9-21-2021 by Ord. No. 2021-17]

MAIN USE

The principal purpose for which the lot, building or structure is used, occupied or maintained, or for which it is designed, arranged or intended.

MANUFACTURED HOME

A home built to the Federal Manufactured Home Construction and Safety Standards Act, also called the "HUD Code." The HUD Code is a mandatory federal building code for manufactured homes, whereas site-built and modular homes are built to a code adopted by the state. All manufactured homes bear a small red metal tag called the "HUD tag" that identifies them as being built to the HUD Code.

MAP or ZONING MAP

The Official Zoning Map of the City of Walhalla, South Carolina.

MOBILE HOME

A trailer, a double-wide trailer, manufactured home, or any alteration thereof, whether on wheels or a foundation, designed to serve as a single-family dwelling unit, providing complete and permanent living facilities for one household. A mobile home is a dwelling unit constructed to the standards and codes as promulgated by the United States Department of Housing and Urban Development. A building or structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when set up on site, is 320 or more square feet, and which is built on a permanent chassis, and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. The term "mobile home" is generally used to refer to factory-built home built prior to 1976 (no mandatory building code for mobile homes prior to that time).

MOBILE HOME PARK

A camp, court, campsite, lot, parcel or tract of land used, designed, maintained or intended for the purpose of supplying a location of accommodation for three or more mobile homes and upon which three or more mobile homes or trailers are set up, and including all accessory buildings, whether or not a charge is made for the use of the park and its facilities. Mobile home parks shall not include sales lots.

MODULAR BUILDING UNIT

Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. Modular homes in SC bear a modular label issued by the SC Building Codes Council. Under state law, modular homes are to be treated exactly the same as a site-built structure.

NATIVE PLANTS

Plants indigenous to a given area in geologic time. This includes plants that have developed naturally or existed for many years in an area (trees, flowers, grasses and other plants).

NONCONFORMING USE

A building or use of land lawfully existing at the time of the enactment of this Part 1, or any amendment hereto, which thereafter does not conform to any permitted or conditional use in the zoning district in which it is situated.

OCCUPIED

Used, or intended, arranged or designed to be used, for a stated purpose.

PERSON

An individual, partnership, corporation, association, firm or organization.

PERVIOUS PAVEMENT

Paving material that permits full or partial absorption of stormwater into the ground.

RECREATION FACILITY, ACTIVE

A facility designed for basketball, tennis, baseball, football, swimming, golf and other indoor or outdoor physical activities.

RECREATION FACILITY, PASSIVE

Facilities such as park benches, picnic areas, landscaped and scenic areas, walkways and bikeways, and open spaces not designed for organized sports.

RECREATIONAL EQUIPMENT, MAJOR

Boats, and boat trailers, pickup campers or coaches (designed to be mounted on motor vehicles), recreation vehicles, motorized dwellings, tent trailers, travel trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RESIDENTIAL ASSISTED-LIVING FACILITY or RESIDENTIAL CARE FACILITY

A facility which offers room (regardless of whether leased or owned by the occupant or any other person), board and a limited degree of personal assistance on a long-term basis for two or more persons, 18 years old or older, unrelated to the operator, but excluding any facility which offers or represents to the public that it offers such services primarily to or specifically for the mentally ill, mentally disabled or drug or alcohol addicted or provides or purports to provide specific procedures or processes for those diseases or conditions. "Personal assistance" as used herein shall be interpreted and applied using the applicable provisions in S.C. Code of Regulations R. 61-84, or any successor provisions thereto, as guidelines.

RESTAURANT

A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption.

SET UP

The installation operations performed at the occupancy site which render a mobile home fit for habitation. Such operations include, but are not limited to, positioning, blocking, leveling, supporting, tying down, connecting utilities and assembling multiple or expandable units.

SETBACK

The minimum distance from the street right-of-way line or property line that must intervene between such lines and a building. The open space area within which no building may be located except as otherwise provided in this Part 1. All setbacks referred to in this Part 1 are minimum required setbacks.

SETBACK, FRONT

An area across the full width of a lot, between a front line which is either the front street right-of-way line, or the proposed front street right-of-way line, or the front property line, whichever provides the greatest setback, extending the prescribed minimum horizontal distance (required depth) to a rear line on the lot parallel to the front line.

SETBACK, REAR

A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

SETBACK, SIDE

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

SIGN

Any structure, part thereof or device attached thereto or lettered or pictorial matter, or any material or thing, illuminated or otherwise with displays or which includes any numeral, letter, word, model, emblem, insignia, device, trademark, ribbon, banner, illustration or other representation used as, or in the nature of, an announcement, declaration, demonstration or display, used to advertise or promote the interests of any person when the same is placed in view of the general public travelling along a public street right-of-way. The term "sign" shall mean and include every sign, illuminated sign and sign painted on a wall, window, marquee, awning or canopy. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable or religious group shall not be included in this definition.

STORY

That portion of a building between the surface of any floor and the ceiling next above. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjacent to the exterior walls of the front entrance (or side street) of the building.

STREET

A public right-of-way for vehicular traffic which affords the principal means of access to adjacent properties.

(1) ARTERIAL

Accommodates a large traffic volume and provides for through trips between cities or for long trips within the City of Walhalla.

(2) COLLECTOR

Used to collect or distribute large or medium traffic volumes between local streets and arterial streets.

(3) LOCAL

Service street between residences, businesses or industries located on that particular street and a collector street.

STRUCTURE

Anything constructed or erected, the use of which requires more or less permanent or temporary location on or in the ground, or which is attached to something having a permanent location on the ground. The term includes, but is not limited to, buildings, gazebos, solar panels, billboards, tennis courts, backstops for tennis courts, radio and television antennas and satellite dishes, including supporting towers, swimming pools, decks, patios, light standards, walls and fences, parking areas, signs and septic tanks. This definition shall not include play equipment, benches, birdbaths, mailboxes or any other insignificant objects as determined by the Zoning Administrator.

SUBDIVISION

All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots

within a subdivision previously made and approved or recorded according to law; however, 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:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- (2) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

TINY HOME

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

[Added 5-18-2021 by Ord. No. 2021-5]

TRAVEL TRAILER

A vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight as not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping and travel use, and designed not to require permanent on-site utilities, including, but not limited to, tent campers, park models, park trailers, motor homes and fifth wheels. This term may include any vehicle whose body width is less than eight feet, and whose length is not more than 35 feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

USED

Made use of or occupied, or intended, arranged or designed to be used or occupied.

VISIBLE TRANSMITTANCE (VT) FACTOR

A fraction of the visible spectrum of sunlight (380 nanometers to 720 nanometers), weighted by the sensitivity of the human eye, that is transmitted through the glazing of a window, door or skylight. A product with a higher VT transmits more visible light. VT is expressed as a number between 0 and 1.

YARD

A space on the same lot with a main building, open, unoccupied and unobstructed from the ground upward except where encroachment and accessory buildings are expressly permitted.

ZONING ADMINISTRATOR

Anyone designated by the Walhalla City Council to administer the terms and conditions of the Zoning Ordinance.

ZONING PERMIT

A permit issued by the Zoning Administrator permitting a use, structure or activity authorized by the Zoning Ordinance or order of the Board of Zoning Appeals. A zoning permit and a building permit may be issued on a combined form.