

Mr. Danny Woodward, Mayor Pro Tem  
Ms. Sarai Melendez, Councilwoman  
Mr. Keith Pace, Councilman  
Mrs. Gwen Owens, Councilwoman

Mr. Danny Edwards, Mayor

Mr. Josh Roberts, Councilman  
Mr. David Underwood, Councilman  
Mr. Julian Stoudemire, City Attorney  
Mr. Timothy B. Burton, City Administrator

**AGENDA  
WALHALLA CITY COUNCIL  
August 17, 2021  
5:30 PM  
206 N. Church Street, Walhalla, SC**

**CALL TO ORDER & WELCOME**

**Mayor Edwards**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT (Public Comment is limited to 5 minutes and must be directed to Council, per ordinance 2020-17)**

**APPROVAL OF MINUTES**

**July 20, 2021**

**ADMINISTRATOR COMMENTS**

**Brandon Burton**

**READING OF ORDINANCES AND RESOLUTIONS**

**First and Final Reading of Resolutions**

**RESOLUTION 2021-9 A RESOLUTION APPROVING THE PROPOSED BUDGET FOR MAIN STREET WALHALLA, INC - MR. PACE**

**Second, Final Reading and Public Review of Ordinances: (Public Comment is limited to 5 minutes and must be directed to Council, per ordinance 2020-17)**

**ORDINANCE 2021-16 AN ORDINANCE TO RESCIND ORDINANCE 2019-1/2019-9/2021-13 REGULATIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE 2021-16 AN ORDINANCE TO ESTABLISH REGULATIONS FOR MOBILE FOOD VEHICLES. – MS. MELENDEZ**

**ORDINANCE 2021-18 AN ORDINANCE TO AMEND ORDINANCE 2021-1 TO AMEND THE MORATORIUM AND TO RE-ESTABLISH ITS BOUNDARIES. - MS. MELENDEZ**

**First Reading of Ordinances:**

Mr. Danny Edwards, Mayor

Mr. Danny Woodward, Mayor Pro Tem  
Ms. Sarai Melendez, Councilwoman  
Mr. Keith Pace, Councilman  
Mrs. Gwen Owens, Councilwoman

Mr. Josh Roberts, Councilman  
Mr. David Underwood, Councilman  
Mr. Julian Stoudemire, City Attorney  
Mr. Timothy B. Burton, City Administrator

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**ORDINANCE 2021-17 AN ORDINANCE TO AMEND ORDINANCE 1994-8/2004-11/2017-11/2018-15/2021-5 TO ESTABLISH DEFINITIONS AND REQUIREMENTS IN ALL DISTRICTS- MS. MELENDEZ**

**ORDINANCE 2021-19 AN ORDINANCE TO REGUALTE, RESTRICT, AND LIMIT IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY THE DISCHARGE OR DEPOSIT OF CERTIAN SUBSTANCES INTO ANY SANITARY SEWER NOW MAINTAINED AND/OR OWNED BY OR WHICH MAY BECOME PROPERTY OF THE CITY OF WALHALLA AND PROVIDING PENALTIES FOR VIOLATION THEREOF. THIS ORDINANCE RESCINDS ALL PREVIOUS ORDINANCES AND ORDINANACE OR PARTS THEREOF IN CONFLICT WITH ARE HEREBY REPEALED. -MRS. OWENS**

**ORDINANCE 2021-20 AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE USE AND OPERATION OF THE WATER WORKS SYSTEM MAINTAINED AND OWNED BY OR WHICH MAY BECOME THE PROPERTY OF THE CITY OF WALHALLA AND PROVIDING PENALTIES FOR VIOLATION THEREOF. – MRS. OWENS**

**ORDINANCE 2021-21 AN ORDINANCE TO PROVIDE FOR THE CREATION OF THE COMMUNITY DEVELOPMENT DEPEARTMENT FOR THE CITY OF WALHALLA, SOUTH CAROLINA AND TO ASSIGN DUTIES AND OTHER MATTERS OF THE DEPARTMENT THERETO. -- MR. PACE**

**DISCUSSION AND/OR ACTION ITEMS**

- 1. Changes in State of South Carolina Open Carry Law- Chief Sean Brinson**

**Committee Reports**

**Fire/Ms. Melendez  
General Gov't-Finance/Mr. Pace  
Public Works/Mr. Roberts  
Recreation/Mr. Woodward  
Police/ Mr. Underwood  
Utilities/Ms. Owens**

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# CITY OF WALHALLA

*"MAIN STREET to the MOUNTAINS"*

Mr. Danny Woodward, Mayor Pro Tem  
Ms. Sarai Melendez, Councilwoman  
Mr. Keith Pace, Councilman  
Mrs. Gwen Owens, Councilwoman

Mr. Danny Edwards, Mayor

Mr. Josh Roberts, Councilman  
Mr. David Underwood, Councilman  
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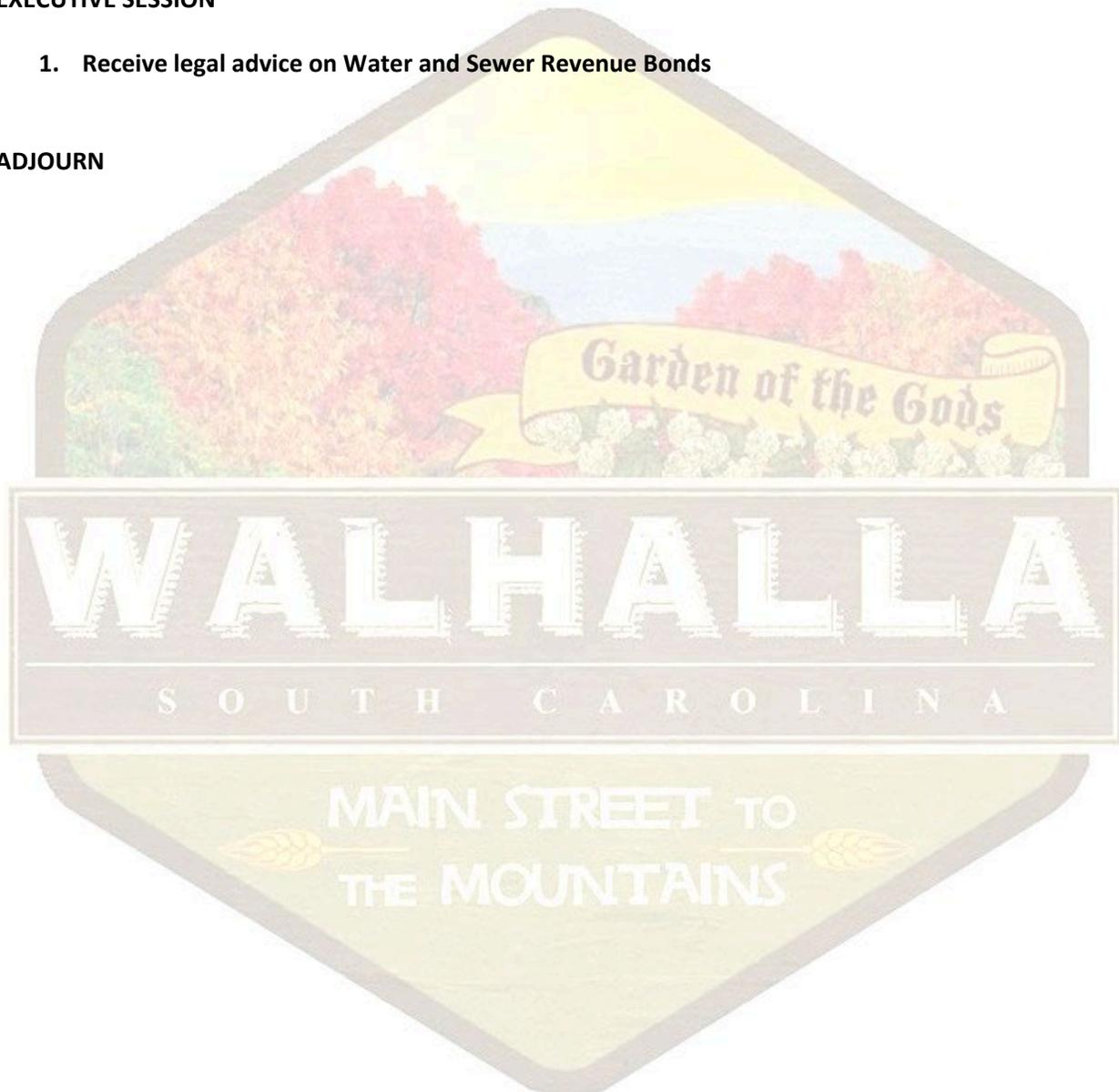
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## MAYOR COMMENTS

## EXECUTIVE SESSION

1. Receive legal advice on Water and Sewer Revenue Bonds

## ADJOURN



MINUTES OF THE REGULAR MEETING  
OF THE WALHALLA CITY COUNCIL  
JULY 20, 2021 530 PM

**Present-** Mayor Danny Edwards, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, City Administrator.

**Absent:** Councilwoman Sarai Melendez

**Guests:** Media and members of the public.

Mayor Edwards called the meeting to order at 5:30 PM.

Mayor Edwards led the moment of silence.

Mr. Roberts led the Pledge of Allegiance.

Mayor Edwards called for public comment. Shirley Seiter, owner and operator of Earths Elements commented that she was concerned the food truck ordinance would unduly hurt her small business and that she would not be able to operate in front of her store.

Mayor Edwards made a motion to amend the agenda to discuss the moratorium. Councilman Underwood provided a second. All present voted in favor to amend the agenda.

Mayor Edwards called for the approval of the last council meeting minutes. Councilman Pace made the motion and Councilwoman Owens seconded. There were no changes or discussion. All present voted in favor.

Administrator Burton informed council that now all meetings are on Youtube. Sound quality is still being worked on. It will be linked on the city website.

Councilman Pace gave second reading of Ordinance 2021-14 to enter into an agreement with the 10<sup>th</sup> Judicial Circuit Public Defenders Office. Councilman Pace made motion to bring off the table, Councilwoman Owens seconded. All voted to bring off table. Mr. Pace made motion to enter into contract, Mrs. Owens seconded. There was no discussion, all present voted in favor. Press asked how much it was, Mr. Pace read the ordinance. Mr. Burton stated it was \$3600. There was no public comment.

Councilman Roberts gave first reading of Ordinance 2021-16 regarding food trucks. Mr. Burton gave commentary on the edits council wished to see. Mr. Roberts made motion Mr. Pace seconded. Councilman Underwood made statement that city should only allow food trucks to stay a certain amount of time. Mr. Hayes clarified that there is a limit on hours, they cannot stay overnight. Mr. Pace wasn't interested because we sell an annual pass, and they have to leave every day. Mr. Underwood was concerned that they could stay too long. Mr. Pace stated that if it's passed they will be restricted to only one spot. Mr. Pace made an amendment motion that in the downtown overlay you had to be more than 200 ft from establish restaurant. Discussion ensued between several regarding this. Mayor Edwards did state that this can be amended in the future. Discussion ensued that private caterers can park on private. They can only operate form 8am to 10pm. Mr. Pace made motion to amend allows

food truck to park on private property if they are more than 200 ft from established restaurant, Mrs. Owens seconded. Mayor called for vote on amendment. All present voted in favor. Mayor asked for further amendments. Mr. Pace reiterated this is first reading. Mr. Pace answered Mr. Underwood's question to make sure the 200 ft was in the overlay. Outside the overlay its 250 ft. The corner lot (across from bounty land) is the only permitted space. Mayor called for vote on 5 voted in favor with Mr. Roberts voting nay. Motion as amended passed first reading.

Councilman Roberts gave first reading of Ordinance 2021-17 to amend Ordinance 1994-8/2004-11/2017-11/2018-15/2021-5 to establish definitions and requirements in all districts. Mr. Roberts made in form of a motion and Mrs. Owens seconded. Mayor called for discussion. Mr. Burton explained that comments from the Planning Commission that defines major retailers (anything over 8000 sf). And the conditions for certain districts. The overlay was shown. Cliff Powell spoke that his concern that it would create larger parking lots and big retailers would just buy more land. Recommends that zoning creates walkable and sustainable downtown. Mr. Pace discussed that we needed to quit discussing how to keep them out and how we can bring them in on our terms. Mayor stated that parking could be put in the rear and make them brought up to the sidewalk. Mayor made motion for this. Mr. Underwood seconded that. Mr. Pace wasn't comfortable with the language. He wanted it tabled. Mr. Underwood, withdrew the second to amend. Mr. Pace made motion to table, Mr. Roberts seconded. All present voted to table Ordinance 2021-17.

Mr. Burton presented Ordinance 2021-18 an ordinance to amend 2021-1. It would remove the moratorium from city wide to an area from Maple to John and N Broad to S Broad. It would extend the time frame for the area of Maple to John and N Broad to S Broad until Dec 31, 2021. Mr. Burton recommended it go to Johnson. Mr. Roberts made motion on 2021- 18 and Mr. Woodward made second. Mayor called for discussion. Mr. Pace made motion to amend to go to Johnson and Mr Roberts seconded. All present vote in favor of amendment. Mayor called for vote, all present voted in favor of amended motion.

Mayor called for committee reports.

**MINUTES OF THE COMMITTEE MEETING  
OF THE WALHALLA CITY COUNCIL  
JULY 13, 2021, 5:30 PM**

**Present:** Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, Interim City Administrator.

**Absent:** None

Mayor Edwards Opened the committee meeting at 5:30PM

A moment of silence was observed

The Pledge of Allegiance was led by Mr. Pace

Public Comment was held.

Citizen Randy Campbell spoke about his displeasure with the PD regarding barking dogs. Discussion ensued from council. Mr. Roberts and Mr. Underwood stated they would look into further.

Lorlei Swanson and Melissa Mueller spoke on behalf of the Diversity & Inclusion Committee to recap their pool block party, the community service day at Chicopee, and the upcoming Chicopee Block Party.

Committee Reports were given by respective department heads.

**Parks and Recreation- Mr. Woodward, Chair**

Director Galbreath reported:

Walhalla 8 & under Allstars will play in the State tournament on Saturday in Clemson.

Currently have 370 participants for fall sports

Need a chlorinator for the pool, committee approved the purchase from hospitality funds in the amount of \$3820.00.

Discussion took place regarding the improvements taking place at Chicopee field.

**Public Works- Mr. Roberts, Chair**

Director Price reported:

From May:

247 tons residential

91 tons commercial

64 tons recyclables

3 tons C&D

Delivered 27 roll carts

Picked up 9 roll carts

During the month of March our department continued picking up leaves, brush, cleaning storm drains, trimming trees and other routine maintenance tasks. Oil recycling station is installed and old one removed. Front load Mack truck is being worked on.

Mr. Underwood asked about cardboard, businesses are needing a place to deposit. Mr. Roberts also commented that he has heard the same thing. Mr. Price said that we would look at putting up more dumpsters. Mr. Roberts, Mr. Price, and Mr. Burton will revisit the program.

**Police- Mr. Underwood, Chair**

Chief Brinson reported:

1013 Calls for service

333 traffic stops

13 collisions

57 incident reports

504 citations issued

44 arrests

283 extra patrols

30 hours of training

Participated in the D&I block party at the pool

Had a pizza party at Walhalla Middle for caught being good

Participated in the June Child Safe gun lock program

Had CPR/AED training at St Luke's

Chief Brinson discussed that PD has been doing extra patrols in relation to Mr. Campbell's complaint. Mr. Underwood asked about changing some ordinances.

### **Utilities- Ms. Owens, Chair**

Director Parris gave report:

- LINE BREAK & REPAIR UPDATE
  - 20' OF 10" PVC ON S HWY 11, 7/3-7/4/21
  - REPAIR ON NIX RD. 7/4/21
  - 190' OF 6" PVC IN AVONDALE DR 7/5/-7/6/21 (CLEANUP ON THIS TOOK SEVERAL DAYS)
  - SERVICE BLOW-OUT ON ASBESTOS 10" MAIN, OLD WALHALLA HWY 7/6/21
  - COUPLING BLOW-OUT ON ASBESTOS 10" MAIN, SC HWY 28 MEDIAN 7/8/21
  - BOIL WATER ADVISORY ISSUED DUE TO LOSS OF SERVICE TO DICKARD RD AREA FOR APPROXIMATELY 18 HOURS
  
- SCDOT PERMIT GRANTED FOR WESTMINSTER HWY CROSSING, NEXT IS DHEC PERMIT
  
- CANE CREEK REHAB PROJECT IS COMPLETE, WILL APPLY FOR NEXT PHASE IN SEPTMEBER. FUNDS AVAILABLE IN THE CURRENT CONTRACT WILL BE USED FOR VIDEO INSPECTION OF FLAT ROCK LINE, AND SIMMS CIRCLE LINE. Committee agreed to commit the using the remaining funds continue the video inspections.
  
- Mr. Parris gave a list of the current OJRSA BOARD APPOINTMENTS. Mayor confirmed that action didn't need to be taken now.
  
- MATERIAL PRICES CONTINUE TO INCREASE, AND AVAILABILITY IS DECREASING

Mr. Pace commented that the sewer money was now appropriately allocated in the FY 22 budget.

### **Main Street (General Gov't)- Mr. Pace-Chair**

Director Imbody gave report.

Volunteers are working on compiling data for hours and work being done

Applied for AARP grant for shades

Artists are working on bench projects. Once benches are sold, \$20,000 will be available to use for grants to businesses.

The official location for the Farmers Market is 101 Maple Street.

July 3 event and carnival was a big hit. Carnival was open for 4 days. There were no incidents.

**Fire and Codes- Ms. Melendez-Chair**

Chief Burton gave June report:

111 calls for service

38 Fire, 73 medical/rescue

15 mutual aid

53 inside city, 58 outside

185 hours spent on incidents

216 hours of training completed

13 inspections completed

5 code enforcement issues addressed

8 verifications/permits issued

21 business licenses were processed.

Brush 5 that was wrecked is being sent to the body shop.

Engine 52 that was out of service has been repaired.

Working with new businesses for fire code compliance.

Mr. Roberts read a note from Ms. Melendez. Stated she wanted to explore the option of expanding the planning commission from 5 to 7 members.

**General Government- Mr. Pace, Chair**

Chief Burton gave the administrators report

Provided support to the D&I committee and to zoning

New Water treatment plant ribbon cutting date is needed.

Oconee County donated equipment to the city

Main Street provided an employee appreciation luncheon

Votga LLC has been paid for the roof project

Budget for FY 22 has been implemented

SC 7 expedition kicked off in Walhalla

Working on iron rangers at Stumphouse due to theft

This concluded committee reports.

Darlene Green spoke about the possibility of honoring state and county park passes at Stumphouse Mountain Park.

Mr. Burton discussed the need to upgrade the waterline to the restroom facility at the 911 Memorial Site. Currently there is not enough flow to operate the restrooms. Committee voted to use hospitality funds to install the new line and tap.

Ms. Melendez discussed the need to study public transportation. Mr. Burton will reach out to Catbus for more information and a presentation.

Mr. Hayes presented the recommendations from the planning commission on zoning for large retailers. Committee agreed to move this to full council.

Mr. Hayes presented proposed changes to the food truck ordinance. After discussion committee agreed to move this to full council.

Mayor Edwards discussed items for executive session. Mr. Roberts made motion to go into executive session. Mr. Woodward seconded. All in favor.

Council returned from executive session. Voted to extend contract offer to Mr. Burton as fulltime administrator.

Mayor Edwards adjourned the meeting.

This concluded committee reports.

Mayor Edwards read a statement that he is organizing an effort to help restore the Chicopee Field. Aug 5 at 6pm at the depot will be the first planning meeting.

Motion was made to adjourn by Mr. Underwood and seconded by Mr. Woodward. Adjourned at 643pm.

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Timothy B. Burton, City Administrator

COUNTY OF OCONEE)

STATE OF SOUTH CAROLINA)

RESOLUTION 2021-9

CITY OF WALHALLA)

A RESOLUTION APPROVING THE PROPOSED BUDGET FOR FY 2022 FOR MAIN STREET WALHALLA, INC.

WHEREAS, the City of Walhalla desires to partner with Main Street Walhalla, Inc a 501c3 entity in the State of South Carolina; and

WHEREAS, the City of Walhalla recognizes the mutual benefits of such partnership; and

WHEREAS, the City of Walhalla appropriated Hospitality funds to Main Street Walhalla, Inc for FY 22; and

WHEREAS, in accordance with Ordinance 2021-9 Main Street Walhalla, Inc presents a budget to the City of Walhalla for approval; and

NOW, THEREFORE, Walhalla City Council hereby approves the proposed budget as presented by Main Street Walhalla, Inc and is made part hereof as if incorporated herein and a copy thereof is hereto attached.

AND IT IS SO RESOLVED this 17th day of August, 2021

\_\_\_\_\_  
Mayor Danny Edwards

Attest:

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Main Street Walhalla Hospitality Fund FY22

	Budget	Actual	Projected 2023
Office Supplies	\$2,100.00		
Postage	\$350.00		
Materials and Supplies	\$1,200.00		
Janitorial Services & Supplies	\$300.00		
Dues & Licenses	\$2,570.00		
Travel	\$2,446.00		
Training	\$1,450.00		
Advertising/Marketing	\$7,840.00		
Printing	\$3,000.00		
Miscellaneous Expenses	\$0.00		
Main St Membership	\$7,500.00		
Business Support & Promotions	\$1,900.00		
Decorations & Beautification	\$1,759.56		
Events	\$22,000.00		
Organization Committee	\$500.00		
Design Committee	\$500.00		
Promotion Committee	\$500.00		
Economic Vitality Committee	\$500.00		
<b>TOTAL EXPENSES</b>	<b>\$56,415.56</b>		

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

**ORDINANCE 2021-16**

**AN ORDINANCE TO RESCIND ORDINANCE 2019-1/2019-9/2021-13, REGULATIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE 2021-16**

**WHEREAS**, the City of Walhalla desires to regulate mobile food vehicles.

**WHEREAS**, the City of Walhalla desires to provide a clear process for the permitting of mobile food vehicles.

**Then, Let It Therefore Be Resolved**, by the City Council of the City of Walhalla, South Carolina rescind ordinance 2019-01/2019-9/2021-13 and replace in its entirety with ordinance 2021-16, Regulations for Mobile Food Vehicles, to read as follows;

**SECTION 1- Title and Purpose**

The provisions embraced within the following sections shall constitute and be known and may be cited as “The Mobile Food Vending Ordinance”. The purpose of this ordinance is to promote health, safety, convenience, prosperity and general welfare of the citizens of Walhalla by establishing reasonable guidelines and regulations for mobile food vehicles.

**SECTION 2- Definitions**

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

“Catering Truck” is defined as a truck, van or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged to a private audience.

“Food trailer” is defined as an enclosed attached or detached trailer equipped with facilities for preparing, cooking and selling various types of food products.

“Food truck” is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking selling various types of food products.

“Ice cream truck” is defined as a motor vehicle containing a commercial freezer and from which a vender sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar products.

“Mobile food vendor” is defined as any person selling food from a mobile vehicle ~~but does not include a food trailer.~~

“Mobile food vehicle” is defined as a self-contained non-motorized unit (push cart), motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either preparation or the sale of food products or for both.

“Mobile market food truck” is defined as an ~~enclosed~~ motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce is sold in its original form and has not been altered or cooked in any other way consistent with coming fresh from the fields or gardens in which it was grown.

“Restaurant” a brick-and-mortar establishment where meals are generally served and eaten on premises or prepares and serves food and/or drink to customers for consumption on the premises in return for money, either paid before the meal, after the meal or with running a tab. A restaurant does not include a food service that is delivery only.

### **SECTION 3 Required**

**A) It shall be unlawful for any person to engage in business as a mobile food vendor within the City without first obtaining a city business license and a mobile food permit to do so.**

~~B) To obtain and display approvals from the South Carolina Department of Health and Environmental Control and any other agency documentation necessary to provide food service.~~

**If a SCDHEC permit is required under the DHEC 61-25 regulations you must provide a copy of said permit with the application.**

C) To obtain a State of South Carolina Retail License.

~~D) At time of application for a business license, the mobile food vendor must provide proof of general liability insurance for operation of the vehicle as a motor vehicle and the conduct of business and if conducted on public streets or city owned property amounts reasonably determined by the City Administrator. Failure to maintain this insurance can result in immediate revocation of the license.~~

**, the minimum amount is 1,000,000.00**

E) Each licensed mobile food vendor must maintain for patrons' use, a litter receptacle of sufficient size to accept litter being generated by the sales from

the vendor's vehicle at the point of sale. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. Each vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendors' mobile food vehicle prior to departing a sales location. Recycling is encouraged.

- F) Mobile food vendors shall be limited to edibles hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall be limited to merchandise displaying mobile food vendor company and logo and branding.
- G) To display decal and picture of the unit.
- H) To collect and remit Hospitality Taxes in the same manner as other food services.
- I) All power shall be self-contained.
- J) Provide proof of ownership or lease of the property from the owner for such purposes.
- K) Must provide to the City a lease or the written expressed consent from the owner to use the business property on which they propose to operate.
- L) Provide a site plan including photo of site and detailed layout noting truck orientation and service plan for each site.
- M) Must submit to an inspection by the Fire Marshall and the Code Enforcement official.
- N) Color Copy of the drivers licenses of both the owner(s) and operators and two color photographs of the owner(s) taken within 30 days of the filing of a permit application.

#### **SECTION 4 Temporary permits**

- ~~A) A mobile food vendor may apply for a temporary permit limited the business to operate five days within the calendar year. The permit shall indicate the days of intended operations. If it isn't known which days of operation, the permittee must communicate such operation to Codes Enforcement officer 72 hours prior to the days of operation. Failure to communicate such notice shall be a violation of this ordinance which may result in revocation of the permit.~~

~~B) Temporary permit will not be required for vendors that have officially registered with the host of permitted special event prior to the start of said event. Special Event host are required to supply the city with a list of all registered food vendors at least 5 days prior to the event. Any food vendor not registered with the event will be required to obtain the necessary permits to operate.~~

Temporary permits a will be issued by the day, fees are referenced in Appendix A of the current budget document.

## **SECTION 5 Fees**

Upon approval of an application the annual permit fee shall be reflected in appendix A in the current budget document.

## **SECTION 6 Operation**

All mobile food vendors shall be subject to the following regulations in their operation on private property:

~~A) No mobile food vendor shall operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.~~

A) No mobile food vendor shall operate in any city parking lots or parking spaces within the downtown overlay except within the city leased lot located at the corner of East Main Street and North Spring Street. TMS#: 500-16-10-005. A mobile food vendor may operate on private property within the downtown overlay provided they are located 200 feet away from an operating food establishment. Alternate locations may be approved by the City Administrator for bona fide city approved events within the downtown overlay.

B) When a mobile food vendor is operating outside of the downtown overlay, they must be located 250 feet away from the door of a lawfully established eating establishment, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.

C) When a Catering truck, or a mobile food vendor operating as a catering truck, is operating within the downtown design overlay for a private event, they may be located on private property as long as food and beverage items are not sold to the public and only provided to the private audience. The code official must be notified of the situation 3 days beforehand.

- D) No mobile food vendor shall operate outside the hours of 8:00 a.m. to 10:00 p.m. However, a mobile food vendor may apply for additional authorization to operate after 10:00 p.m., but under no conditions operate later than 1:00 a.m. the following day.
- E) No mobile food vendor shall use any public address system or sound device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
- F) Mobile food vendors must keep all areas within five feet of the truck and any associated seating clean of grease, trash, paper cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto sidewalks, streets or other public spaces. Under no circumstances can grease be released or disposed of in a sanitary sewer system.
- G) All exterior body work and mechanical equipment of any mobile food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer, and/or other type of damage or possible public hazard deemed appropriate by the Codes enforcement officer.
- H) Food vendors shall not obstruct the use of any street intersection, pedestrian crosswalk or space. Shall not impede ingress or egress of any driveway. ~~The use of existing on-street parking is not permitted for food truck operation from Tugaloo St to Ann St.~~ **—covered in the new section A**

## **SECTION 7 Denial, Revocation, Suspension of Permit**

- A) A permit may be revoked, suspended, modified, or not renewed by the City for failure to comply with provisions of this ordinance, or any provisions of this Code or other ordinance of the city.
- B) A permit may also be revoked for the following reasons:
  - i. whenever in the judgement of the City Council deems it necessary for the protection of the public good or for prevention of disorders; provided, however, that the City Council shall first give reasonable

notice to the permittee of a public hearing on the matter of such revocation.

- ii. The permittee or any of its principals fails to satisfy any qualifications or requirement imposed by this ordinance or other local, state, or federal laws or regulations that pertain to the particular license or
- iii. The permittee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required.
- iv. The permittee or any of its principals has been convicted of any crime as a result of having perpetrated deceptive practices upon the public within the last ten years.
- v. The permittee or any of its principals had been convicted of any crime that involves any local, state, federal law or regulation arising out of the operation of similar business.
- vi. The motor food vehicle on which the business is conducted does not satisfy all local state or federal laws or regulations which relate to the activity that is to be licensed after a notice of opportunity to cure.
- vii. The permittee or any of its agents is in default of any payments owed to the city.
- viii. The application contains material omissions or false, fraudulent, or deceptive statements.
- ix. The motor food vehicle is operated in such a manner as constituting a public nuisance.
- x. The SCDHEC denies, revokes or suspends the license of the mobile food vehicle.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this Ordinance or local state and federal laws and regulations.

### **SECTION 8 Ice Cream Trucks**

All ice cream trucks are subject to requirements as stated above. Ice cream trucks must remain mobile, except for short periods of time in order to make a sale, or except by contract or authorization from the City for a special event or contracted through the parks and recreation department. Ice Cream trucks shall not operate

before 9:00 a.m. and must cease operations one half hour before sunset as stated by the National Weather Service.

Ice cream trucks may not use any public address system on the vehicle to announce or advertise its products. A bell or musical recording may be sounded for a period of time to announce the arrival of the vehicle at each location as deemed appropriate by the Code Enforcement Officer.

### **SECTION 9 Farmers Market**

Produce, pre-made food items and mobile market food trucks at city sponsored "Farmers Markets" are exempt from these regulations.

### **SECTION 10 Term**

Every permit issued under the provisions of this division shall ~~expire December 31 of each year.~~ **be valid from July 1<sup>st</sup> to June 30<sup>th</sup>. Permits issued prior to this ordinance will be allowed to continue operating until the new expiration date provided, they adhere to this ordinance in its entirety.**

### **SECTION 11 Severability**

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

**DONE AND RATIFIED** in Council Duly Assembled this \_\_\_\_\_ Day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Danny Edwards, Mayor

**ATTEST:**

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Public Hearing,  
Second Reading  
And Adoption: \_\_\_\_\_

COUNTY OF OCONEE  
STATE OF SOUTH CAROLINA  
CITY OF WALHALLA

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**ORDINANCE 2021-18**

**AN ORDINANCE TO AMEND ORDINANCE 2021-1 TO AMEND THE MORATORIUM AND TO RE-ESTABLISH ITS BOUNDARIES.**

**WHEREAS**, the City is considering amendments to its zoning ordinance that will regulate discount stores; and

**WHEREAS**, to provide for adequate time for study, analysis, public review and finalization of ordinances adopted in accordance herewith, the City desires to enact a temporary moratorium and suspension upon new development of discount stores; and

**WHEREAS**, the City further determines and finds that a longer period of time is needed that the original 6 months,

**WHEREAS**, the City deems it in the best interest of the citizens and residents of Walhalla to place a moratorium and temporary suspend the acceptance and/or issue of any permits, business license, or land development applications for new development of discount stores within a certain boundary; and.

**NOW, THEREFORE BE RESOLVED**, by the City Council of the City of Walhalla, South Carolina, ordinance 2021-1 shall be amended to read as follows

Section 1. The City Council hereby places a moratorium lasting until December 31, 2021. Temporarily suspending the acceptance and/or issuance of any permits, business licenses, land development applications for new development of discount stores. This moratorium will apply to all land within the following boundaries, from Johnson St to Maple St and from N Broad St to S Broad St; it also rescinds the moratorium for all other areas within the city limits.

Section 2. During the moratorium, Council shall take the following actions:

- a) Undertake a process that will identify any needed adjustments to City Codes and regulations.
- b) Provide for sufficient public hearing(s) to allow for public input.

Section 3. The Council further intends and declares that the pending ordinance doctrine shall apply so as to suspend the issuance of any such permits, business licenses or land development applications for new development of discount stores that are made or attempted to be made, within the boundaries stated, on after the date of advertisement to the public of Council's intention to give first reading to this Ordinance on after the date of first reading of this Ordinance.

Section 4. The Council, by subsequent ordinance, may extend the temporary suspension and temporary moratorium for a further time period upon appropriate findings.

Section 5. All ordinances or parts of ordinances inconsistent with this moratorium ordinance are hereby suspended to the extent of such inconsistency.

Section 6. The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

**DONE AND RATIFIED** in Council duly assembled this \_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Danny Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading  
and adoption: \_\_\_\_\_

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

CITY OF WALHALLA )

ORDINANCE 2021-17

**AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15/2021-5 TO ADD A DEFFINITION FOR MAJOR RETAILERS, AND TO AMEND SECTION 405.3, 406.3, 407.3, AND 408.3.**

**WHEREAS**, the City of Walhalla Zoning Ordinance requires amending in order to establish regulations to address future growth in the city,

**WHEREAS**, the City of Walhalla would like to introduce language in order to provide areas for major retail development and also promote the growth of small business,

**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:

**Major retailers:** Any retailer or wholesale market that has or is projected to have over 8000 square feet of floor space.

#### **SECTION 405.3: CONDITIONAL USES FOR OFFICE COMMERCIAL**

NOW, THEREFORE, Section 405.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

#### **SECTION 406.3 CONDITIONAL: USES FOR HIGHWAY COMMERCIAL**

NOW, THEREFORE, Section 406.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

**SECTION 407.3 PARAGRAPH A: CONDITIONAL USES FOR CORE COMMERCIAL**

NOW, THEREFORE, Section 407.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to read as follows:

The Following uses shall be permitted on a conditional basis in any CC Zoning District:

- A. Any use permitted on a conditional basis in any OC Zoning District subject to the conditions of Subsection 404.3, Except Major Retailers.

**SECTION 408.3 CONDITIONAL USES FOR LIGHT INDUSTRIAL**

NOW, THEREFORE, Section 408.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

**NOW, THEREFOR, BE IT RESOLVED** that the City of Walhalla, South Carolina adopts the Zoning changes to be affixed to the Zoning Ordinance.

**DONE, ORDERED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2021

**ATTEST:** ‘

\_\_\_\_\_  
Timothy B. Burton, City Administrator

\_\_\_\_\_  
Danny Edwards, Mayor

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading & Adoption: \_\_\_\_\_

**ZONING ORDINANCE  
2021  
CITY OF WALHALLA, SOUTH CAROLINA**

**CITY COUNCIL**

**Danny Edwards – Mayor**

**Sarai Melendez  
Robbie Burrell  
Gwen Owens**

**Keith Pace  
Danny Woodward  
David Underwood**

**Timothy Burton, City Administrator**

**PLANNING COMMISSION**

**Chris Grant  
Regina Orr  
Juanita Jhons**

**Rosemary Bailes  
Kelvin Bryant**

**Effective Date  
2/20/2018**

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**CITY OF WALHALLA  
OCONEE COUNTY, SOUTH CAROLINA  
ORDINANCE 1994-8**

An ordinance of the City of Walhalla, South Carolina regulating the location and use of buildings, structures, and land, the size of building and other structures, the size of yards, and the density and distribution of population; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; setting forth general provisions; providing for the method of administration and amendment; and providing of the imposition of penalties for the violation of the provisions of this Ordinance.

**WHEREAS**, the City Council of the City of Walhalla deems it necessary in order to protect and encourage the most appropriate use of land in accordance with its Comprehensive Plan; to secure safety from fire and other dangers; to insure the provision of adequate light, air, and amenity; to prevent undue concentration of population s and the crowding of land; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to encourage the most appropriate use of land and buildings; to conserve the value of property; to facilitate the provision of public and private development in harmony with these purposes; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to secure economy in governmental expenditures; to protect scenic areas; and to promote the health, safety, general welfare, morality, and convenience of the community; and,

**WHEREAS**, all matters and things required to be done by the laws of the State of South Carolina, in order that the Council of the City of Walhalla may avail itself of the powers conferred by said laws, have been complied with;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of Walhalla, Oconee County, South Carolina; and that it is hereby ordained and enacted by the authority of the same, that:

**ARTICLE I  
AUTHORITY AND ENACTMENT CLAUSE**

**Section 100    Purposes**

The purposes of this ordinance are to guide development in accordance with existing and future needs and to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the City of Walhalla. The regulations set forth herein are designed to protect and encourage the most appropriate use of land in accordance with its Comprehensive Plan; to secure safety from fire and other dangers; to insure the provision of adequate light, air, and amenities; to prevent undue concentration of populations and the crowding of land; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to encourage the most appropriate use of land and buildings; to conserve the value of property; to facilitate the provision of public and private development in harmony with these purposes; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to secure economy in governmental expenditures; to protect scenic areas; and to promote the health, safety, general welfare, morality, and convenience of the community.

**Section 101    Scope**

This ordinance shall govern the use of land and structures in the City of Walhalla existing on its effective date, and the use of all land and structures or portions thereof constructed, placed, assembled, altered or repaired after its effective date.

**Section 102    Authority**

The provisions of this Ordinance are adopted under the authority conferred by Title 6, Chapter 7, South Carolina Code of Laws, 1976, as amended, including the amendments in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, except where specific reference is made to the authority granted by other provisions of said Code.

**Section 103    Short Title**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of the City of Walhalla, South Carolina.”

**ARTICLE II  
RULES OF INTERPRETATION AND DEFINITION**

**Section 200    Interpretation**

The provisions of this Ordinance are minimum requirements, and where conflicts with other laws, ordinances, contracts, or deeds occur, the stricter shall apply.

**Section 201    Rules of Interpretation**

When not inconsistent with the context:

- A. Words used in the present tense include the past and future tenses.

- B. Words in the plural number include the singular number, and words in the singular number include the plural.
- C. The word “shall” is always mandatory and not merely directory.

**Section 202    Definitions**

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions.

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning 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 (12)-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, and health. Adult Day Care Center facilities located in residential districts are limited to providing care for up to sixteen (16) adults. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, and health.

**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 (5) 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 (3) and not more than twelve (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.

**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.

**Alcoholic Beverage Sales Store:** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use. (LBCS F2155)

**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 twenty-five (25) years ago and is used as a collector’s item.

**Apartment:** A part of a building used as a dwelling unit.

**Apartment, Efficiency:** A dwelling unit consisting of one all-purpose room and a separate bath.

**Apartment, Garage:** A part of a private garage used as a dwelling unit.

**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 tires and tube shops. (LBCS F2115)

**Bar/ Tavern/ Nightclub:** A business where alcoholic beverages are sold for on-site consumption, which are 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 subordinated and incidental to the use of the main building. Accessory buildings include, but are not limited to the following:

- a. Garage, Private: (See below)
- b. Shed or tool house: A building for the storage of tools and equipment used in maintenance of grounds or buildings.
- c. Private Kennel: A structure housing cats and dogs.
- d. Private Swimming Pool: Private swimming pools, hot tubs, and/or spas, containing water twenty-four (24) inches, or more, in depth of water.
- e. Bath house or cabana
- f. Buildings used for purposes of shelter in the event of man-made or natural catastrophes.
- g. 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.

**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 center, 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 less than six (6)

children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

**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 (6) or more children at a time; not an accessory to residential use.

**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 rent, that is made out of a shipping container or the like.

**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 non-commercial basis is developable land.

**Development:**

- a. Construction of a building;
- b. Placement of a mobile home;
- c. Assembly of a modular home;
- d. Division of an existing lot into three or more new lots;
- e. Establishment of "flag lots" or access easements;
- f. Renovation, rehabilitation or remodeling of a building;
- g. Reconstruction of a building;
- h. Adding to or altering the size of a building;
- i. 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;
- j. Alteration of the shore or bank of a stream, lake or pond;
- k. Drilling (except to obtain soil samples) and excavating;
- l. Demolition of a building;
- m. Clearing land in preparation for any development;
- n. Deposit of solid or liquid waste or fill material on a lot.

**Dwelling Unit:** A building, or portion thereof, used on a permanent basis which provides complete living facilities for one (1) household. A dwelling unit is comprised of the following minimum spaces:

- a. enclosed area for a toilet and a tub or shower (bath);
- b. kitchen or area for preparing, cooking and serving food;
- c. living quarters; and
- d. sleeping quarters.

**Dwelling, Single-Family:** Dwelling unit arranged or designed to be occupied by one (1) household.

**Dwelling, Duplex:** A building or portion thereof arranged or designed to contain two (2) dwelling units.

**Dwelling, Multi-Family:** A building or portion thereof arranged or designed to contain three (3) or more dwelling units.

**Family:** One (1) 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:** 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.

**Grandfather:** Land and/or structure existing prior to and at the time of passage of this Ordinance, “recognized” as existing prior to, shall not be affected by passage of this Ordinance. This does not include health and safety hazards.

**Group Home, Type 1:** A home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four (24)-hour basis and is approved or licensed by a state agency or department for that purpose (South Carolina Code of Laws - Title 6, Chapter 29, Section 770).

**Group Home, Type 2 or 3:** Any group home not meeting the definition of a Type 1 group home.

**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.

**Home Occupation:** Any occupation carried out within a dwelling unit pursuant to Section 704.

**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, boarding houses, rooming homes, tourist homes, and bed and breakfast residences.

**Household:** One (1) 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 (5) on or before the first day of November of the school year when 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.

**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.

**Major retailers:** Any retailer or wholesale market that has or is projected to have over 8000 feet of floor space

**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 MH, 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 it as being built to the HUD code.

**Map, 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 (1) 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 (8) body feet or more in width, or forty (40) body feet or more in length, or, when set up on site, is three hundred twenty (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 prior to 1976 (no mandatory building code for mobile homes prior to then.)

**Mobile Home Park:** A camp, court, camp site, lot, parcel or tract of land, used, designed, maintained or intended for the purpose of supplying a location of accommodation for three (3) or more mobile homes and upon which three (3) or more mobile homes or trailers are set up, and including all accessory buildings, and 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.

**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 Ordinance, 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.

**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.

**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.

**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 South Carolina Code Annotated Regulation 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.

**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 Ordinance. All setbacks referred to in this Ordinance are minimum required setbacks.

**Setback, Front:** An area across the full width of a lot, between a front line which is either;

- a. the front street right-of-way line, or
- b. the proposed front street right-of-way line, or
- c. 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.

**Set up:** The installation operations performed at the occupancy site which renders 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.

**Sign:** Any structure, part thereof, or device attached thereto or lettered on pictorial matter, or any material or thing, illuminated or otherwise with displays or which includes and 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 (6) 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.

**Arterial** – accommodates a large traffic volume and provides for through trips between cities or for long trips within the City of Walhalla.

**Collector** – used to collect or distribute large or medium traffic volumes between local streets and arterial streets.

**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 antennae 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.

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

**Travel Trailer:** A vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight 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 thirty-five 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:** Defined as a fraction of the visible spectrum of sunlight (380 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.

### **ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES, AND APPLICATION OF DISTRICT REGULATIONS**

#### **Section 300    Establishment of Districts**

For the purpose of this Ordinance, the City of Walhalla is hereby divided into the following zoning districts:

- R-25 Single Family Residential District
- R-15 Single Family Residential District
- GR General Residential District
- MFR Multi-Family Residential District
- OC Office Commercial District
- HC Highway Commercial District
- CC Core Commercial District
- LI Light Industrial District
- PUD Planned Unit Development

#### **Section 301    Official Zoning Map and District Boundaries**

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the City of Walhalla, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall include by reference the FIA Flood Hazard Boundary Maps designating flood hazard areas within the City of Walhalla having an effective date as prepared by the Department of Housing and Urban Development and the Federal Insurance Administration, copies of which are on file in the office of the Zoning Administrator in Walhalla City Hall.

If, in accordance with the provisions of this Ordinance and the S.C. Code of Law, Title 6, Chapter 29, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No change of any nature shall be made on the Official Zoning Map, except in conformity with the procedures set forth by this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Administrator, and bearing the seal of the City under the following words: This is to certify that this is the Official Zoning Map referred to in Article III of this Zoning Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

### **Section 301.1 Downtown Development Overlay District**

The Downtown Development Overlay District is defined by the map contained within the Downtown Walhalla Design Guidelines and the City of Walhalla Zoning Ordinance. The Overlay does not constitute a separate zoning district. The underlying zoning districts determine permitted uses. The Downtown Walhalla Design Guidelines are adopted as an element of the City of Walhalla Zoning Ordinance. The Design Guidelines are enforced under Article VIII of the Zoning Ordinance, which also includes the means of appeal by an applicant. Article X, Legal Status Provisions, of the Zoning Ordinance also applies with respect to the Downtown Walhalla Design Guidelines.

#### **A. Requirements Specific to the Downtown Development Overlay District**

- (1) No building in the Downtown Development Overlay District shall be used primarily for storage of equipment or materials. Any vacant commercial or office building in the Downtown Development Overlay District being used primarily for storage shall have 120 days following adoption of this Zoning Ordinance to come into compliance with the aforementioned standard by removing all stored materials and equipment.

A property owner or authorized representative who closes an established business on a temporary basis due to family illness, financial hardship or other reasonable cause may petition City Council for a 120 day extension of the initial deadline by filing a formal request with the Zoning Administrator. The applicant must provide sufficient documentation to demonstrate that the aforementioned criteria have been met. The same process shall be followed for any subsequent extension requests.

- (2) Dumpsters or similar trash containers in the Downtown Overlay district must be located in the rear of commercial or office buildings when possible and must be fully screened from public rights-of-way. Screening must be accomplished with

an opaque structure or landscaping. A wall, fence or similar enclosure may be composed of treated wood, vinyl or related material. Chain link fencing is permitted as a screening structure only when lined with an opaque material approved by the Zoning Administrator.

- (3) Business vehicles and equipment stored or maintained in the rear of a commercial or office building in the Downtown Overlay District which are visible from a main traveled way must be blocked from public view. Screening may be achieved by enclosing the storage area with a continuous visual screen provided and maintained by the owner or tenant of such property. The required screen may be composed of a wall, fence, and/or landscaping which achieves a height of at least six feet above grade. Nonseasonal coniferous trees or shrubs may also be planted and maintained, if at maturity the materials will form a barrier which would be defined as static. Chain link fencing can be used to enclose storage areas, provided that such installations in existence at the time of passage of this Ordinance must be lined within 120 days following adoption of the Ordinance with an appropriate material to serve as a continuous visual screen.

(4) Murals

a) Goal

The City of Walhalla would like to promote its history and culture through the display of public art, including murals.

b) Definitions

Mural. An image, such as a painting or enlarged photograph, applied directly to a wall or external ceiling.

Mural Sign. A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

(c) Regulations

1. Murals are allowed with a mural permit in the Downtown Development Overlay District.
2. Murals are purely artistic forms of expression. While basic content is free from evaluation, obscenity and other language deemed questionable may require approval.
3. Depending on content, murals will be evaluated for signage calculation and the remaining area can be deemed a mural. If the following content are incorporated within a mural, those items shall be classified as signage and comply with the standards for attached wall signs:

- (a) advertising message for contemporary establishments and/or contemporary merchandise/services;
- (b) advertisement for products, services, or businesses;
- (c) commercial text;
- (d) logos;
- (e) registered trademarks; and
- (f) containing graphics (other than logos or registered trademarks) related to goods and services provided on site.

4. Murals are highly visible in the public realm and may express city history and community character. In the absence of a recognized group tasked to review and consider these qualities, and the artistic intent of the design, evaluation will be regulated on a content-neutral basis.

5. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a mural permit. The following design criteria shall apply to any mural artwork commissioned.

(a) The proposed wall mural shall be well integrated with the building and neighboring structures and is harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use, and will contribute to Walhalla's character and quality of life.

(b) The proposed wall mural shall exhibit exceptional design quality that enhances the overall development and appearance of Walhalla. The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.

6. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. While natural aging is acceptable, murals that are not maintained sufficiently may be considered a public nuisance.

7. A mural permit application shall be completed by the building owner or their applicants' agent submitted to the Zoning Administrator. The application shall include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation shall also be included in the

application. City Council shall review and act to approve, deny, or require revisions in all submittals.

- (5) Street level windows in Non-residential and mixed use structures in the Downtown Development Overlay District may employ tinted glass with a minimum visual transmittance factor of 35. Mirrored or reflective glass is not permitted in the Overlay District. Tinting of windows in buildings outside the Downtown Development Overlay District is not regulated by this Ordinance.

**Section 302 Rules of Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately parallel but not contiguous to street right-of-way lines shall be construed to follow a line equivalent to one lot in depth from the right-of-way line or three hundred 300 feet in depth from the right-of-way line, whichever is the least. Boundaries exempted from the provision are designated on the Official Zoning Map of Walhalla.
- C. Boundaries indicated as approximately following city limits shall be construed as the following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the centerline of the main track.
- E. Boundaries indicated as approximately following the center lines of streams, lakes or bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as extensions of features indicated in subsections “A” through “E” above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections one (1) through six (6) above, the Walhalla Planning Commission shall interpret the district boundaries upon approval of Walhalla City Council.

**Section 303 Minimum Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or use of land, and particularly, except as hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, set up,

installed or structurally altered, except grandfathered, except in conformity with all of the regulations herein specified for the district in which it is located.

- B. No building or other structure shall hereafter be erected, constructed, altered, set up or installed:
  - 1. to exceed the maximum allowed dimensional requirements;
  - 2. to accommodate or house a greater number of households;
  - 3. to occupy a greater percentage of lot areas;
  - 4. to have narrower or smaller rear yards, front yards, side yards, or any other open spaces herein required, or;
  - 5. In any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about, or in connection with, any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. Fences, walls, and hedges or other vegetation, used as borders on front, rear and side lot lines, shall be constructed, planted and maintained so they will not obstruct vehicles on streets, and will not obstruct the view of drivers at intersections.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension below the minimum requirements set forth herein. Yards of lots created by subdividing after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Right-of-way easements for streets and roads shall not be considered part of a lot or open space or front, rear, or side yard for the purpose of meeting yard requirements.

**Section 304    Annexation**

On property to be annexed into the corporate limits by petition, as prescribed in the South Carolina Code of Laws, the zoning may be determined at the time of annexation subject to the following procedures:

- A. A petition for zoning may be submitted at the same time the petition for annexation is filed with the City.
- B. The Planning Commission and the City Council shall hold a joint public hearing on the proposed zoning classification of the property to be annexed and the Planning Commission shall forward to the City Council a recommendation.
- C. The City Council shall, by ordinance, act upon the annexation petition and zoning petition concurrently. Council may act to:
  - 1. Approve annexation and zoning as requested by the petitioner(s) and recommended by the Planning Commission, or
  - 2. Approve annexation and zoning as requested by the petitioner(s). If the Planning Commission recommends denial of the petitioner's request, a majority vote of all of the Council members shall be required to override the Planning Commission's recommendation.
  - 3. Deny Annexation

- D. Unless a zoning classification is specifically requested by the petitioner(s), all territory which may hereafter be annexed to the City shall be considered to be in the R-25 – Single Family Residence District and will not require action by the Planning Commission at the time of the petition for annexation.

## **ARTICLE IV REQUIREMENTS BY DISTRICTS**

### **Section 400 R-25 Single Family Residential District**

#### **Section 400.1 Intent of District**

It is the intent of this section that the R-25 Zoning District be developed and reserved for low density single family residential purposes. No use or activity shall be permitted that would disturb or impair the natural character of the district. Areas impaired during construction shall be corrected, so as not to disturb the character of the district. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy environment with single family dwelling units situated on lots of twenty-five thousand (25,000) square feet or more, and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

#### **Section 400.2 Permitted Uses**

The following buildings and uses shall be permitted in any R-25 Zoning District:

- A. Single family dwellings, detached (other than mobile homes, tiny homes, or container homes);
- B. Cultivation of land and general gardening, horticulture or growing agricultural crops, and plant nursery and sales;
- C. Accessory buildings and structures in conjunction with permitted uses as prescribed in Section 707.

#### **Section 400.3 Conditional Uses**

The following uses shall be permitted in any R-25 Zoning district subject to the conditions of this ordinance:

- A. Temporary use in compliance with the provisions of Section 706.
- B. Lots containing one (1) acre or more which is suitable for agriculture purposes, and which are in the R-25 Zoning District, may have horses and cattle at one (1) animal per acre of pasturage, unless the County Extension Services officer certifies that the land uses will support additional animals – grandfathered for one (1) year and ceases to exist. This section is not to exclude Section 400.2.C or uses therein.
- C. A single parcel or lot which is two acres or greater may have one (1) horse or head of cattle for each two (2) acres unless the County Extension Service officer certifies that the land uses will support additional animals. Such certificate shall be presented to the Zoning Administrator. Any such conditional use is subject to an annual review. This section is not to exclude Section 400.2.C or uses therein.

- D. Home Occupations pursuant to Section 704.
- E. Bed and Breakfast facilities shall be allowed but must meet the following requirements:
  1. The building shall be occupied by an owner or tenant at any time that a room is leased.
  2. One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long.
  3. A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
  4. All occupants shall sleep in bedrooms only.
  5. Parking shall conform to Article VI of this Ordinance.
  6. Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days.
  7. Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills.

**Section 400.4 Special Exception Uses**

Certain uses within an R-25 Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 400.5 Other Requirements**

Uses permitted or conditionally permitted in R-25 Zoning Districts shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply.

- A. Minimum Lot Requirements – 25,000 square feet
- B. Minimum Width in Feet – 100 feet measured at the front setback line, but in no case, is the lot to be less than 25 feet at the right-of-way line
- C. Minimum Setback Requirements –
  - Front – 30 feet
  - Side – 10 feet
  - Rear – 15 feet
- D. Maximum Height of Building – 2.5 stories
- E. Maximum Structure Surface Coverage of Lot – 35%

**Section 401 R-15 Single Family Residential District**

**Section 401.1 Intent of District**

It is the intent of this section that the R-15 Zoning District be developed and reserved for medium density single family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy

environment with single family dwelling units situated on lots of fifteen-thousand (15,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

**Section 401.2 Permitted Uses**

The following uses shall be permitted in any R-15 Zoning District:

- A. All uses permitted in the R-25 Single Family Residential District, as shown in Section 400.2.

**Section 401.3 Conditional Uses**

The following uses shall be permitted in any R-15 Zoning District on a conditional basis:

- A. All conditional uses permitted in the R-25 Single Family Residential District.

**Section 401.4 Special Exception Uses**

Certain uses within any R-15 Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 401.5 Other Requirements**

Uses permitted or conditioned in R-15 Zoning Districts shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply.

- A. Minimum Lot Requirements – 15,000 square feet
- B. Minimum Width in Feet – 70 feet measured to the front setback line, but in no case, is the lot to be less than 25 feet at the right-of-way line
- C. Minimum Setback Requirements –
  - Front – 30 feet
  - Side – 10 feet
  - Rear – 10 feet
- D. Maximum Height of Building – 2.5 stories
- E. Maximum structure Surface Coverage of Lot – 50%

**Section 402 R-10 Single Family Residential District**

**Section 402.1 Intent of District**

It is the intent of this section that the R-10 Zoning District be developed and reserved for medium density single family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy

environment with single family dwelling units situated on lots of fifteen-thousand (10,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

**Section 402.2 Permitted Uses**

The following uses shall be permitted in any R-15 Zoning District:

- A. All uses permitted in the R-15 Single Family Residential District, as shown in Section 401.2.

**Section 402.3 Conditional Uses**

The following uses shall be permitted in any R-15 Zoning District on a conditional basis:

- A. All conditional uses permitted in the R-25 Single Family Residential District.

**Section 402.4 Special Exception Uses**

Certain uses within any R-10 Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 402.5 Other Requirements**

Uses permitted or conditioned in R-15 Zoning Districts shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply.

- F. Minimum Lot Requirements – 10,000 square feet
- G. Minimum Width in Feet – 70 feet measured to the front setback line, but in no case, is the lot to be less than 25 feet at the right-of-way line
- H. Minimum Setback Requirements –
  - Front – 30 feet
  - Side – 10 feet
  - Rear – 10 feet
- I. Maximum Height of Building – 2.5 stories
- J. Maximum structure Surface Coverage of Lot – 50%

**Section 403 GR General Residential District**

**Section 403.1 Intent of District**

It is the intent of this section that the GR Zoning District be developed and reserved for medium density residential purposes on lots not less than five thousand (5,000) square feet in size. The regulations which apply within this district are designed to discourage any land use

unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

**Section 403.2 Permitted Uses**

The following uses shall be permitted in any GR Zoning Districts

- A. All permitted uses in the R-15 Single Family Residential District, as shown in Section 401.2.
- B. Duplex dwellings and dwellings with garage apartments, with no more than two (2) dwelling units per building.

**Section 403.3 Conditional Uses**

The following uses shall be permitted on a conditional basis in any GR Zoning District:

- A. All conditional uses permitted in the R-25 and R-15 Zoning Districts, as shown in Sections 400.3 and 401.3;
- B. Public or private care homes, provided such uses meet the following requirements:
  - Minimum lot area: 1 acre
  - Minimum lot width: 100 feet, measured at front setback line
  - Minimum front yard setback: 35 feet
  - Minimum side yard setback: 15 feet
  - Minimum rear yard setback: 20 feet
  - Maximum building height: 2.5 stories

Vegetative screening: The owner of any public or private care home in this district which adjoins a lot restricted to residential use shall provide and maintain a suitable vegetative screen at least six (6) feet in height above finished grade, between it and any lot restricted to residential use.

Additional Requirements: Any public or private care home in this district shall meet all standards set forth in County, State, Federal, and Local Law.

**Section 403.4 Special Exception Uses**

Certain uses within any GR Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
- B. Mobile homes. Mobile homes and Mobile home parks are special exceptions in any GR districts subject to the requirements and procedures of Section 708, all subsections, and all conditions stipulated herein.
- C. Tiny homes or other non-traditional homes styles similar to container homes.

**Section 403.4.1 Mobile Home Parks**

- A. Each mobile home park shall be no less than one (1) acre in size and be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant

- B. Each mobile home park shall not contain more than eight (8) mobile home units per gross acre.
- C. Mobile home spaces shall be provided consisting of an average of not less than five thousand (5,000) square feet in area, each space to be at least forty (40) feet wide and one hundred (100) feet in depth.
- D. All mobile home spaces shall abut upon an all-weather surface driveway not less than twenty (20) feet in width, which shall have unobstructed access to a street. The driveway surface may be of concrete, brick, asphalt, gravel or similar material but not grass or dirt.
- E. Each mobile home park must be serviced by an approved community or public water and sewer system, and safe and adequate provisions for the centralized collection of waste and garbage must be provided by the Owner or Operator of the mobile home park, all of which shall comply fully with all laws, ordinances or regulations described by the *County Board of Health* and the *South Carolina Department of Health and Environmental Control (SCDHEC)*.
- F. Mobile home parks shall have a minimum of twenty-five (25%) percent common open space for active or passive recreation which shall be easily accessible from all mobile home lots or spaces.
- G. All mobile homes, within or outside of mobile home parks, shall adhere to the standards and conditions set forth in Section 402.5, below.

**Section 403.5 Manufactured Home Standard**

No Building Permit shall be issued for any manufactured home originally brought into the City of Walhalla or relocated within the city subsequent to the adoption of this Ordinance unless a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, to certify that the manufactured home is in full compliance with this Ordinance.

All manufactured homes brought into the City of Walhalla, or relocated within the City of Walhalla after the adoption of this Ordinance, shall be required to be in compliance with each of the following requirements:

All manufactured homes are subject to this Ordinance, and shall meet or exceed the most current construction standards promulgated by the *U. S. Department of Housing and Urban Development*, as well as the *South Carolina Manufactured Housing Board*, including:

- A. Have a gable roof having a pitch with a minimum vertical rise of four and one-half (4.5) feet for each twelve (12) feet of horizontal run.
- B. Have a roof finished with shingles, with a fire rating of Class C or better, and that are commonly used in standard residential construction.
- C. Have a minimum width of twenty-four (24) feet and a minimum length of forty feet (40).

- D. Have a roof structure that provides an eave projection of no less than twelve (12) inches which may include a gutter.
- E. Have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential constructions, consisting of one or more of the following:
  - 1. Vinyl siding whose reflectivity does not exceed that of flat white paint.
  - 2. Cedar or other wood siding.
  - 3. Wood grain.
  - 4. Stucco siding, or
  - 5. Brick or stone siding.
- F. 1. For new manufactured homes -Skirting must be installed and maintained so that it encloses the area under the manufactured multi section homes and modular porches, decks, or other additions to ground level. The foundation skirting or curtain wall may be of brick, masonry, or stone materials designed for permanent outdoor installation.  
  
2. For existing mobile homes – All mobile homes shall have continuous permanent and durable skirting or other material around the base of the mobile home to prevent entry of children or animals under the mobile home. Skirting or curtain wall may be of aluminum, fiber glass, brick, masonry, stone or other material designed for permanent outdoor installation approved by the city code or building official.
- G. A permanent landing and steps with handrails are required for each outside doorway excluding the front door. The structure must include steps which lead to ground level. The landing, handrails, and steps must meet the following requirements:
  - 1. A minimum 4x4 landing shall be required outside each exit door.
  - 2. The landing shall not be more than 8.5 inches below the threshold.
  - 3. Steps shall be 8 ¼ inches maximum in height. Treads shall be a minimum of nine (9) inches wide.
  - 4. All wood components in contact with the ground must be treated and approved for ground contact.
  - 5. If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.
- H. A front porch shall be erected and be at least 8' x 10'.
- I. Units shall be placed on permanent foundation supports of concrete or other suitable material adequate for the load.
- J. All visible mobile features shall be removed.
- K. If the proposed unit will be replacing another dwelling unit (Mobile Home, Manufactured Home, stick built) or be built within an existing neighborhood, the home must be constructed to blend into the street and/or neighborhood. It should have the aesthetic qualities of other dwelling units in the area.

- L. Decorated windows, bay windows, columns, and fancier exterior trim are encouraged.
- M. Each manufactured home shall be anchored according to the *HUD* regulations of the *National Manufactured Housing Construction and Safety Standards Act* or the Manufacturer's installation manual.

**Section 403.5.1 Requirements for Manufactured Home**

- A. As per the Walhalla Zoning Ordinance, manufactured home placement will be allowed in the General Residential Zoning District, but will require a Special Exception approval by the Board of Zoning Appeals.
- B. The applicant shall submit a site plan for the placement of the manufactured home on the lot. This plan shall include measurements, distances, access points, and property lines. May include pictures of the proposed home to be placed on the property.
- C. A Zoning application must be completed with a request for a Special Exception hearing as outlined in the Zoning Ordinance.
- D. The Board of Zoning Appeals must both hear, and approve this Special Exception prior to the placement of a manufactured home in the City of Walhalla.

**Section 403.5.2 Structural and use Standards**

- A. Each manufactured home shall be used as a permanent single-family residence only.
- B. The manufactured home shall have permanent utility hookups, metered at the mobile home, which, except for electrical connections, shall be concealed from view.
- C. No more than one manufactured home shall occupy one lot except in a mobile home park.
- D. No manufactured home shall be placed or parked upon any premises within the corporate limits for use for sleeping or dwelling purposes within twenty-five (25) feet of the nearest mobile home or permanent building except for carports.
- E. All manufactured homes shall be served by an all-weather parking area with a surface of sufficient dimensions to accommodate the parking for at least 2 vehicles and connected to a street or driveway. The surface may be of concrete, brick, asphalt, gravel, or similar material, but not grass or dirt.
- F. All manufactured homes hereafter set up within the City of Walhalla shall bear a label or seal of compliance with *Federal Mobile Home Construction and Safety Standards* promulgated by the *Department of Housing and Urban Development*.
- G. All manufactured homes shall be registered with Oconee County and bear the required seal of the County.

**Section 403.5.3 Nonconforming Mobile Homes**

To avoid undue hardship, the lawful use of any mobile home or manufactured home, at the time of the enactment of this Ordinance may be continued, except that such mobile home shall not be changed, replaced, or altered in any way which does not conform to the provisions of this Ordinance.

**Section 403.5.4 Abandoned Mobile Homes**

Any mobile home which has been abandoned and is declared to be a nuisance under the terms of this Ordinance, shall be removed by the owner of the land within 90 days of notification.

A mobile home shall be considered abandoned if any one of the following applies;

1. If it has been unoccupied with utilities disconnected for a period of one year or greater; or
2. If it has been deemed UNSAFE, UNFIT or CONDEMNED by the building inspector, code official or a Health Authority and no attempt has been made to remedy or repair to current code requirements within 60 days of being declared uninhabitable; or
3. If the needed repairs exceed 75% of its replacement value

The city may recover from the owner of the land upon which such abandoned mobile home is located, the expense of removal and disposal of the mobile home and any administrative fees.

**Section 403.5.5 Enforcement**

It shall be unlawful for any person to place or park any mobile home or manufactured home upon any premises within the corporate limits, except as provided by this Ordinance and any amendments thereto; and, in the event of any violation of these provisions, such shall be sufficient grounds for the City of Walhalla to discontinue all municipal services to such mobile home.

Any person or persons violating any portion of this ordinance shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) per violation or thirty (30) days in jail. Each twenty-four (24) hour period of noncompliance shall constitute a separate offense

**Section 403.6 Other Requirements**

Uses permitted or conditional uses in GR Zoning Districts shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply.

- A. Minimum Lot Requirements – 5,000 square feet
- B. Minimum Width in Feet – 60 feet measured at the front setback line, but in no case, is the lot to be less than 25 feet at the right-of-way line
- C. Minimum Setback Requirements –
  - Front – 25 feet
  - Side – 10 feet
  - Rear – 10 feet

- D. Maximum Height of Building – 2.5 stories
- E. Maximum Structure Surface Coverage of Lot – 60%

**Section 404 MFR Multi-Family Residential District**

**Section 404.1 Intent of District**

It is the intent of this section that the MFR Zoning District be developed and reserved for medium and high density residential purposes on lots or parcels not less than fifteen thousand (15,000) square feet. The regulations which apply within this district are designed to encourage the formation and continuation of a stable, healthy environment and to discourage unwarranted uses capable of adversely affecting the residential character of the district.

If a property contained within the MFR District is also included in the Downtown Development Overlay District, the requirements of Section 301.1 of this Ordinance will also apply to said property. See Section 501 for sign standards for properties within the Overlay District.

**Section 404.2 Permitted Uses**

The following uses shall be permitted in any MFR Zoning District:

- A. All permitted uses in the R-15 Single Family Residential District, as shown in Section 401.2;
- B. Multi-family dwellings;
- C. Duplex dwellings

**Section 404.3 Conditional Uses**

The following uses shall be permitted in any MFR Zoning District on a conditional basis:

- A. All conditional uses permitted in the R-15 Zoning District.

**Section 404.4 Special Exception Uses**

Certain uses within any MFR Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 404.5 Other Requirements**

Uses permitted or conditioned in MFR Zoning District shall be required to conform to the specific dimension requirements unless otherwise specified. All other relevant portions of this Ordinance shall apply. ,

- A. Minimum Lot Requirements – 15,000 square feet except that the minimum area per dwelling unit on a lot for multi-family dwellings shall not be less than indicated by dwelling unit type in the following table:

<b>Table 1</b>				
<b>Lot Area Square Footage Required for Multi-Family Dwelling</b>				
<u>Unit Type</u>	<u>Stories</u>			
	1	2	3	4
Efficiency	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438
2 Bedroom	2,650	2,475	2,125	1,825
3 Bedroom	3,525	3,175	2,653	2,200
4 or more Bedrooms	4,373	3,975	3,492	2,725

B. Maximum Dwelling Units Per Acre: The maximum dwelling units per acre shall not exceed the number indicated by dwelling unit type in Table 2. In instances where the permitted figure is determined to include a fraction, the less round number shall apply.

<b>Table 2</b>				
<b>Permitted Multiple Dwelling Units Per Acre by Unit Type</b>				
<u>Unit Type</u>	<u>Stories</u>			
	1	2	3	4
Efficiency Units	21	30	30	35
1 Bedroom	21	24	26	30
2 Bedroom	16	17	20	23
3 Bedroom	12	13	16	19
4 or more Bedrooms	9	10	12	15

C. Minimum Width in Feet – 75 feet measured at the front setback line, but in no case, is the lot to be less than 25 feet at the right-of-way line.

D. Minimum Setback Requirements –

- Front – 35 feet
- Side – 10 feet
- Rear – 20 feet

E. Maximum Height

- Multi-Family Building – 4 stories
- Single Family Building – 2.5 stories

F. Maximum Impervious Surface Coverage of Lot – 60%

G. Open Space Requirement – Not less than thirty (30) % of lot.

H. Parking as required by Article VI. Rear yard setbacks may be used for parking. Refer to page 52 of this document, Section 600.

**Section 405    OC Office Commercial District**

**Section 405.1 Purposes**

It is the intent of this section that the OC Zoning District be developed and reserved for local or neighborhood-oriented business and compatible residential uses purposes. The regulations which apply within this district are designed to encourage the formation and continuation of a

stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of “strip” business districts; promote residential uses compatible with commercial activities; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

If a property contained within the OC District is also included in the Downtown Development Overlay District, the requirements of Section 301.1 of this Ordinance will also apply to said property. See Section 501 for sign standards for properties within the Overlay District.

#### **Section 405.2 Permitted Uses**

The following uses shall be permitted in the OC Zoning District:

- A. Retail business involving the sale or rental of merchandise on the premises specifically including, but not limited to:
  - 1. Gift Shop
  - 2. Candy Store
  - 3. Office Equipment and Supplies Shop
  - 4. Drug Store or Pharmacy, Health and Beauty Aids
  - 5. Grocery Store
  - 6. Hardware Store, Household Goods, Wallpaper
  - 7. Package Liquor Store
  - 8. Video and Record Store
  - 9. Flower Shop
  - 10. Catalogue Sale Store
- B. Business involving the rendering of a personal service or the servicing of small equipment specifically including, but not limited to:
  - 1. Bank, savings and loan association, personal loan agency
  - 2. Barbershop, beauty shop, or combination thereof
  - 3. Self-service dry cleaning or laundromat
  - 4. Medical, dental, or chiropractic office
  - 5. Real estate agency
  - 6. School offering instruction, art, music, dancing, drama or similar cultural activities
  - 7. Shoe repair shop
  - 8. Club, lodge, union hall, or social center
  - 9. Legal office
  - 10. Insurance sales office
  - 11. Custom embroidery production and sales
- C. Accessory use in compliance with the provisions of Section 708
- D. All residential activities as described in the MFR Zoning District.

#### **Section 405.3 Conditional Uses**

The following uses shall be permitted on a conditional basis in any OC Zoning District:

- A. Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvage auto parts on the premises.

- B. Automobile service station (not gasoline stations) provided operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers of any type or boats are not conducted on the premises. No junk or salvage vehicles shall be stored on site.
- C. Bakery, provided that goods baked on the premises are sold only at retail on the premises.
- D. Delicatessen, restaurant, soda fountain or other eating and drinking establishments (other than drive-in establishments) provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties.
- E. Dry cleaning or laundry pickup agency provided that any laundering, cleaning, or pressing done on the premises involved only articles delivered to the premises by individual customers.
- F. Temporary use in compliance with the provisions of Section 706.
- G. Funeral Homes provided that the minimum lot size is one (1) acre.
- H. Single family and multi-family residential uses as set forth in the MFR District.
- I. Any commercial establishment selling or serving alcoholic beverages whether consumed on the premises or not.
- J. Accessory Uses as provided for in Section 707.
- K. Major retailers provided they adhere to the following conditions:
  - They must have off street parking consistent with the current zoning ordinance.
  - They must comply with the downtown design guidelines.

**Section 405.4 Special Exception Uses**

Certain uses within any OC Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 709 and all subsections and all conditions stipulated herein.

- A. Gasoline filling stations. In addition to all conditions of the special exception use permit, at a minimum all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.
- B. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
- C. Communications towers

**Section 405.5 Other Requirements**

Uses in Office Commercial Zoning Districts shall be required to conform to the standards set

forth below. All other relevant portions of this Ordinance shall apply.

- A. Minimum Lot Requirements – 8,000 square feet
- B. Minimum Width in Feet – 60 feet measured at the front setback line
- C. Minimum Setback Requirements
  - (1) Front – 30 feet
  - (2) Side – 10 feet on either side, but the total shall not be less than 25 feet
  - (3) Rear - 10
- D. Maximum Height of Building – 4 stories
- E. Maximum Structure Surface Coverage of Lot – 60%
- F. There shall be no more than two (2) access points on an arterial street for every one lot of record provided, however, that these accesses:
  - (1) If a primary access to a lot of record is available on an intersecting street, then access on the arterial street shall be limited to one (1) access per lot of record.
  - (2) Such access on an arterial street is granted only provided that there is a minimum of eighty (80) feet from such access to the right-of-way of an intersecting street.
  - (3) There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage

**Section 406    HC Highway Commercial District**

**Section 406.1 Purpose**

It is the intent of this section that the HC Zoning District be developed and reserved for general business purposes and compatible residential activities with, particular consideration for the automobile-oriented commercial development existing or proposed along arterial streets. The regulations which apply within this district are designed to encourage the formation and continuation of compatible and economic uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, or other uses considered capable of adversely affecting the basic mixed-use character of the district.

If a property contained within the HC District is also included in the Downtown Development Overlay District, the requirements of Section 301.1 of this Ordinance will also apply to said property. See Section 501 for sign standards for properties within the Overlay District.

**Section 406.2 Permitted Uses**

The following uses shall be permitted in any HC Zoning District.

- A. Any retail or wholesale business involving the sale or rental of merchandise on the premises, as set forth for OC Zoning District, Section 404.2 A.
- B. Business involving the rendering of personal service as set forth for OC Zoning District, Section 404.2 B.
- C. Residential Activities as described in MFR Zoning District.
- D. Off-street commercial parking lot or public garage.
- E. Hotel, tourist home, boarding house, rooming house, bed and breakfast, or motel.
- F. Commercial recreation facility, specifically including, but not limited to:
  - 1. Billiard parlor, pool parlor, and game room,
  - 2. Theater,
  - 3. Bowling alley,
  - 4. Golf course (including driving range or par 3 operation); including such activities customarily considered to be auxiliary to golf course.
  - 5.
- G. Eating or drinking establishment including drive-in or curbside service.
- H. Horticultural activities, or Plant nursery and sales.
- I. Automobile sales, new or used, as provided by one of the following:
  - 1. Parking and service areas are separated from adjoining residential properties by a suitable screen, fence with no more than twenty (20) percent voids, or wall at least six (6) feet in height above finished grade.

- B. Any commercial establishment selling or serving alcoholic beverages whether consumed on the premises or not.

**Section 406.3 Conditional Uses**

The following uses as set forth for HC Zoning Districts and subject to the conditions:

- A. Automobile, laundry, or car wash, provided an off-street paved parking area is provided and no standing water, safety hazard, or impediment to traffic movement is created by the operation of such an establishment, and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premise.
- B. Animal hospital or boarding facility provided all boarding arrangements are maintained within a building except for exercise facilities.
- C. Meat, fish, or poultry shop, provided that no slaughtering is permitted. Any cleaning of fish or poultry necessary for such use may be permitted, provided that cleaning activities are within the main building on the premises, and waste is removed daily.
- D. Open yard uses for the sale, rental, or storage of materials or equipment, excluding junk or other salvage, provided that such uses are separated from adjoining residential properties by a suitable planted screen, and fence or wall at least six (6) feet in height above finished grade.
- E. All conditional uses set forth in OC Zoning District.
- F. Major retailers provided they adhere to the following conditions:
  - They must have off street parking consistent with the current zoning ordinance.
  - They must comply with the downtown design guidelines.

**Section 406.4 Special Exception Uses**

Certain uses within any HC Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Gasoline filling stations. In addition to all conditions of the special exception use permit, at a minimum all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.

- B. Automobile service station (not gasoline stations) involving major repairs, body and fender work, painting, or the sale or rental of new or used cars, trucks, trailers of any type, or boats. No junk or salvage vehicles shall be stored on site. All provisions of section 710, Performance Standards, must be met.
- C. Communications towers.

**Section 406.5 Other Requirements**

Unless otherwise specified elsewhere in this Ordinance, uses permitted in HC Zoning Districts shall be required to conform to the standards set forth in all other relevant portions of this Ordinance.

- A. In addition: to minimize congestion at business access points, the following limitation shall apply to all arterial streets in the HC Zoning District. There shall be no more than two (2) access points on an arterial street for every one (1) lot of record provided, however, that:
  - 1. If a primary access to a lot of record is available on an intersecting street, then access on the arterial street shall be limited to one (1) access per lot of record; and,
  - 2. Such access on an arterial street is granted only provided that there is a minimum of eight (80) feet from such access to the right-of-way of any intersecting street. This shall be limited to one (1) access per lot of record; and,
  - 3. There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage.
- B. Minimum Lot Size – 20,000 square feet
- C. Minimum Setback Requirements
  - Front – 40 feet
  - Side – 10 feet on either side, but the total shall not be less than 25 feet
  - Rear – 20 feet
- D. Maximum Height of Building – 4 stories
- E. Maximum Structure Surface Coverage of Lot – 60%
- F. Rear yard setback areas may be used for parking
- G. Parking shall be located in the rear or side yard of the use. Parking areas existing when this ordinance provision became effective may be used to meet parking needs for reuse of existing buildings in the HC District.

**Section 407 CC Core Commercial District**

**Section 407.1 Purpose**

The intent of the CC Zoning District is to encourage the maintenance or enhancement of a centrally located trade, commercial, residential activities, and community service area, and to provide for the orderly expansion of such uses. All property contained within the CC District is also included in the Downtown Development Overlay District. Therefore, the requirements contained in Section 301.1 of this Ordinance will apply to said property, in

addition to all other requirements contained in Section 406 of this Ordinance. The sign requirements of Section 501 pertaining to properties within the Downtown Overlay District also apply to all parcels within the CC District.

**Section 407.2 Permitted Uses**

The following uses shall be permitted in any CC Zoning District.

- A. Any use permitted in any OC Zoning District.

**Section 407.3 Conditional Uses**

The following uses shall be permitted on a conditional basis in any CC Zoning District

- A. Any use permitted on a conditional basis in any OC Zoning District subject to the conditions of Subsection 404.3, **Except Major Retailers.**
- B. Single family and multi-family residential uses as set forth in the MFR Zoning District provided such use is not on the ground floor of the building.
- C. Hotel use as set forth in the HC Zoning District provided no rooming units are on the ground floor of the building.

**Section 407.4 Special Exception Uses**

Certain uses within any Core Commercial District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Gasoline filling stations. In addition to all conditions of the special exception use permit, at a minimum all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.
- B. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 407.5 Other Requirements**

Uses permitted in CC Zoning Districts shall be required to conform to the standards set forth below. All other relevant portions of this Ordinance shall apply.

- A. Maximum Height of Building – 5.5 stories
- B. Setbacks from sidewalk shall not be required.
- C. No vacant building in the CC District shall be used for storage of equipment or materials. Any vacant commercial or office building in the CC District shall have 120 days following adoption of this Zoning Ordinance to come into compliance with the aforementioned standard by removing all stored materials and equipment. The requirements and appeal process provided for in Section 301.1.A (1) and (2) shall also apply.
- D. Where provided, off-street parking for non-residential uses shall be located in the rear or side yard of the use. Parking areas existing when this ordinance provision became

effective may be used to meet parking needs for reuse of existing buildings in the CC District.

## **Section 408    LI Light Industrial District**

### **Section 408.1 Purpose**

The intent of the LI Zoning District is to provide areas on lots or parcels not less than 40,000 square feet in area for light industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuation of a compatible environment for uses generally classified to be limited in nature; to reserve undeveloped areas in the City of Walhalla which are suitable for such industries; and to discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

### **Section 408.2 Permitted Uses**

The following uses shall be permitted in any LI Zoning District.

- A. Research or experimental laboratory
- B. Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles.

### **Section 408.3 Conditional Uses**

The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions:

- A. Any industrial use which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
- B. Warehouse or other storage facility, provided that there is no open storage of junk or salvage material of any type in conjunction with the operation.
- C. Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- D. Any industrial use which may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other objectionable conditions provided:
  - 1. such objectionable conditions do not constitute a nuisance to adjoining properties; and,
  - 2. that such use is located at least two-hundred (200) feet from any abutting property line; and,
  - 3. that such use is located on a site at least five (5) acres in size.
- E. Open yard use for the sale, rental or storage of new, used or salvaged materials, or equipment, provided:

1. that such use is conducted in a manner that it will be located on a site no less than one (1) acre in size, and
  2. that no burning of materials or products is conducted on the premises; and
  3. in the case of open storage of used or salvaged materials or equipment, provided a suitable screen of at least six (6) feet in height above finished grade will be required along all property lines. Screen can include one or more of the following elements:
    - a. Opaque solid wall composed of wood, vinyl or related material. Chain link fencing is not an acceptable screen.
    - b. Evergreen shrubs or trees. If a solid fence is not also utilized, plant materials must be six feet in height at planting and form a continuous, solid screen along property lines.
- F. Bulk storage of petroleum products
- G. Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage incidental to such an operation conform to the provisions of Section 710; and provided no sound, vibration, heat, glare, or electrical disturbance is created which creates a nuisance beyond the premises.
- H. Temporary use in compliance with the provisions of Section 706.
- I. Land grading, contractor, construction. In the case of open storage of used or salvage materials or equipment, a suitable screen of at least six (6) feet in height above finished grade will be required along all property lines.
- J. Sexually Oriented Businesses, subject to Article VII, Section 717.
- K. Gasoline filling stations. At a minimum, all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.
- L. Major retailers provided they adhere to the following conditions:
- They must have off street parking consistent with the current zoning ordinance.
  - They must comply with the downtown design guidelines.

**Section 408.4 Special Exception Uses**

Certain uses within any Light Industrial Zoning District are to be Special Exception Uses pursuant to the requirements and procedures of Section 708 and all subsections and all conditions stipulated herein.

- A. Communications towers

**Section 408.5 Other Requirements**

Unless otherwise specified elsewhere in this Ordinance, uses permitted in LI Zoning Districts shall be required to conform to the following standards:

- A. To minimize congestion at access points, the following limitations shall apply to all arterial streets. There shall be no more than two (2) access points on an arterial street

for every one (1) lot of record provided, however, that:

1. If a primary access to a lot of record is available on an intersecting street, then access on the arterial street shall be limited to one (1) access per lot of record; and,
2. Such access on an arterial street is granted only provided that there is a minimum of eighty (80) feet from such access to the right-of-way of an intersecting street. This shall be limited to one (1) access per lot of record; and,
3. There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage.

B. Minimum Lot Size – 40,000 square feet

C. Minimum Setback Requirements

Front – 50 feet

Side – 10 feet on either side, but the total shall not be less than 25 feet

Rear – 20 feet

D. Maximum Height of Building – 5.5 stories

E. Maximum Structure Surface Coverage of Lot – 60%

F. Minimum Feet in Width – 100 feet

## **Section 409    Planned Unit Development**

### **Section 409.1 Purpose of Planned Unit Development**

The purpose of a Planned Unit Development is the unified development of a large site. It combines the benefits of efficiency, economy, and flexibility with the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, increased open space amenities, and better functioning vehicular access and traffic circulation.

It is the intent of this section to allow development on large sites subject to specific regulations concerning uses, lot area, building coverage, building height, and yard spaces, but only insofar as the Planning Commission and City Council shall deem appropriate to fulfill the intent of this section, upon presentation of certification from the owners, developers, or other parties at interest in the development of such sites that they will adhere to development policies which will fulfill the intent of this section.

### **Section 409.2 Design Provisions**

It is the intent of this section that the public interest will be served, not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the Planned Unit Development upon the community at large. At a minimum, Planned Unit Developments will be designed in accordance with the following provisions.

- A. Permitted and Conditional Uses. All uses permitted or conditional in any zoning classification may be permitted in a PUD.
- B. Permitted accessory uses and structures. Accessory uses and structures shall be permitted in a PUD.
- C. Special exceptions. No special exception actions are required to establish any specific use.
- D. Uses, buildings and structures within a PUD as permitted, conditional, or special exception uses in any district are permitted outright, provided however, that the Planning Commission and City Council shall ascertain that the effect and benefits usually derived from safeguards and conditions normally imposed upon conditional and special exception uses will substantially be met by the site plan and development controls of the proposed Planned Unit Development.
- E. Height and area regulations. Minimum setbacks, minimum lot widths, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within a PUD district, provided however, that the Planning Commission and City Council shall ascertain that the characteristics of building settings as shown on the development plan shall be appropriate as related to buildings or structures within the Planned Unit Development and otherwise fulfill the intent of this Ordinance.

- F. Off-street parking, loading, and unloading. Off-street parking and loading and unloading requirements as set forth in Article VI shall be met for each use within the Planned Unit Development.
- G. Access. Any Planned Unit Development district shall meet the following:
1. The Planned Unit Development district shall have direct frontage on an arterial or a collector street; and
  2. Any lots which are subdivided within a Planned Unit Development shall abut a public street which meets the requirements of and is properly deeded to the City of Walhalla; and
  3. All streets within the Planned Unit Development shall be no less than twenty (20) feet in width with extruded curbs and gutters and six (6) inches of rock base with three (3) inches of hot laid asphaltic binder covered by one and one-half (1 ½) inches of hot laid asphalt. A fifty (50) foot right-of-way shall be provided and all City of Walhalla regulations shall be met for all streets conveyed to the City.
  4. All buildings and structures shall have access as provided for in Section 711.
- H. Open space. The Common Open Space required in any Planned Unit Development containing any residential component shall meet or exceed the following:
1. At least five (5) percent of the area covered by a final development plan shall be useable, common open space owned and operated by the owner or developer, or dedicated to a homeowner's association or similar group; and,
  2. In establishing the residential density per gross acre, the City Council may increase the percentage of common open space. Multi-family portions of the planned unit development shall require twenty-five (25) percent of the site area for beautification and open space use and buffers; and,
  3. At least five (5) percent of the site area shall be devoted to active recreation facilities such as swimming pool, playing fields, tennis courts, racquetball courts, etc., for the use of all occupants of the entire site area; provided, however, that upon written request made at the time the zoning application is submitted, the City Council may waive or modify recreational requirements.
- I. Density or Intensity Increases. The number of dwelling units approved and the types of nonresidential uses allowed in PUD districts will be determined upon consideration of functional inter-relationships, buffer treatments separating uses with potentially incompatible characteristics of use, design of access pattern, and relationships of uses within such planned developments with uses in adjacent districts.
- J. Buffer Area. A buffer strip of natural or landscaped vegetation, with a width of not less than twenty-five (25) feet shall be maintained along all external lot lines of any Planned Unit Development district, with the exception that when any external lot line of a planned development abuts any residential zoning district, a buffer strip shall have a width of not less than forty (40) feet. No buildings or structure shall be allowed within this buffer strip. Passive recreation facilities such as walking trails, bicycle paths, and picnic areas may be placed in the buffer strip.

- K. Minimum Lot Size. The minimum lot size for any Planned Unit Development shall be two (2) acres, unless a site of less than two (2) acres is endorsed by two-thirds (2/3) of the total members of the Planning Commission.

**Section 409.3 Administrative Application and Review Procedures**

The establishment of a PUD district shall be by amendment to the Zoning Map accompanied by a certification as required by Section 408.1 that the development will be in harmony with the intent of this ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be protected.

**Section 409.3.1 Application for Amendment**

Application for amendment to establish a PUD district shall be subject to the provisions of Article IX, Amendments, and in addition, the procedures described below shall apply. It is the intent of this chapter that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the Planned Unit Development upon the community at large. Persons making application therefor shall agree to furnish information about the proposed development, and later to abide by any conditions and safeguards that may be imposed by the City Council in establishing such developments. To that end, the regulations set forth herein are minimum requirements, and it is the intent of this Ordinance that the City Council may impose conditions and safeguards in excess of, or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

**Section 409.3.2 Preapplication Conference**

Every applicant is encouraged to communicate the intention to establish a Planned Unit Development and the proposed characteristics thereof, to the Zoning Administrator prior to making an application for amendment in order to avoid undue delay in the review process and order to facilitate the review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form.

**Section 409.3.3 Application for Amendments**

This applicant shall make application for an amendment to PUD classification as specified in Article IX, Amendments.

**Section 409.4 Site Development Plans to be Submitted to Planning Commission for Review**

The applicant shall submit site development plans to the Planning Commission for review, which shall include

- A. Total number of acres in the development area;
- B. Number of acres devoted to residential, and to commercial, industrial and other nonresidential uses;
- C. Number of dwelling and commercial units of various types and overall density thereof;
- D. Number of off-street parking spaces and loading/unloading spaces needed to satisfy the requirements of individual buildings required by Article VI;
- E. A proposed traffic, parking, and circulation plan;
- F. Legal description of proposed development boundaries;
- G. A proposed potable water and sanitary sewer plan;
- H. A topographical survey;
- I. Description of open spaces;
- J. Existing buildings, if any, on the site;
- K. Drawing approximately to scale; and
- L. Plan showing surface water management for the entire site.
- M. Other information as may be deemed reasonably appropriate for Planning Commission review.

**Section 409.4.1 Descriptive Statement to be Submitted to the Planning Commission for Review**

The applicant shall also submit a descriptive statement indicating the characteristics and standards to be followed in developing the proposed Planned Unit Development. The descriptive statement shall generally include but not be limited to the following:

- A. If commercial development is proposed, indication of economic feasibility and justification for sizes of facilities;
- B. Description of open space uses and areas proposed, adequacy thereof to serve anticipated demand, and if dedication of open space is proposed, detail procedures and conditions thereof;
- C. If a homeowners' association or other group maintenance or group ownership features are to be included, a detailed description of the proposed procedures and operation thereof;
- D. An outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to nonresidential facilities in relation to residential facilities;

- E. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned whole;
- F. Description of relationship of the proposed project to the Goals, Objectives, Policies, and the intent of the Comprehensive Plan of the City of Walhalla; and,
- G. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

**Section 409.5 City Council Hearing**

A public hearing shall be held in accordance with procedures set forth in Article IX, Amendments.

**Section 409.5.1 Planning Commission Recommendation**

The Planning Commission shall make a recommendation upon the proposal which shall be advisory to the City Council. Requirements of Article IX, Amendments, are applicable if the Planning Commission should fail to report within the time limits established by Article IX. The Planning Commission may recommend to the City Council specific times for completion or stipulate recommendations, restrictions, and other conditions in its report to the Council.

**Section 409.5.2 City Council Approval**

The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article IX, act either to approve or disapprove the application for amendment. In acting to approve the amendment the City Council may impose certain conditions or limitations on the development plan in order to ensure compatibility with surrounding uses and protection of public welfare. At the same time, if the application for amendment is approved, the City Council shall approve the descriptive statement prescribed by Section 408.35.

**Section 409.6 Issuance of Zoning Permit**

The Zoning Administrator shall not issue any zoning permit for work to commence within any PUD district until the applicant for an amendment has:

- A. filed with the Zoning Administrator and recorded with the Clerk of Court of Oconee County, plats showing all proposed features of the Planned Unit Development as approved by the City Council, which approval shall be certified by the Zoning Administrator; and,
- B. completed any necessary agreements with the City so that the City may become a party to deed restrictions and other restrictive covenants related to the Planned Unit Development and recorded such agreements with the Zoning Administrator and with the Clerk of Court of Oconee County; and,
- C. recorded with the Clerk of Court of Oconee County, all required deed restrictions or other restrictive covenants required by the City Council in approving the amendment establishing the Planned Unit Development district; and,
- D. recorded with the Zoning Administrator and with the Clerk of Court of Oconee County, the descriptive statement as approved by City Council setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters; and,

- E. completed the posting of any bond required by Section 408.5.

**Section 409.6.1 Basis for Permits**

The site development plan as approved by the City Council in establishing the PUD district shall be the zoning district map for the PUD and this shall be the basis for issuance of zoning permits and building permits for construction of buildings in the PUD.

**Section 409.7 Changes of Plans for PUD's**

Changes which do not require changes to the boundaries of an established PUD district or establishment of a new PUD district are not considered amendments of the Zoning Ordinance. Any change in boundary of such PUD district shall be accomplished only by following procedures as set forth in Article IX, Amendments herein. Changes in the approved characteristics or agreements relating to a PUD district, but not involving change in the boundary thereof shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:

- A. Minor changes. Revision of minor characteristics of the Planned Unit Development, such as relocation or driveways or revision of floor plans of specific structures may be authorized by the Planning Commission by approving and recording a descriptive statement concerning development of the Planned Unit district. If the Planning Commission fails to approve a request for a minor change, the developer or other party at interest may then seek a change by the regular amendment process as outlined below for major changes.
- B. Major changes. Major changes which materially affect the characteristics of the Planned Unit Development shall follow the same procedural requirements as those for the amendment originally establishing the Planned Unit district, including Planning Commission review, public hearing, and City Council determination, as set forth in Article IX, Amendments.
- C. It shall be the duty of the Zoning Administrator to determine whether any specific request shall be considered a major change or a minor change, provided, however, that the applicant for change shall have the right to have any request for change processed as a major change.
- D. The Zoning Administrator shall not issue a zoning permit until such changes have been recorded in the same manner as the original documents as set forth in Section 408.39.

**Section 409.8 Failure to Begin, Failure to Complete, or Failure to Make Progress**

The descriptive statement as approved by City Council and duly recorded shall set forth the development for the project including phasing of development of nonresidential uses in relationship to residential use. The City Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development such as failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement. The City Council may enforce and collect upon such bond, or may change the district classification of the Planned Unit Development in accordance with provisions of Article IX, Amendments, and thus terminate the right of the applicant to continue development, or may initiate action to charge the owners or developers with specific violation

of the Zoning Ordinance subject to the penalties set forth in Article X or any appropriate combination of the above remedies. If construction of the Planned Unit Development has not begun within one (1) year of its final approval, the land shall revert automatically to the prior zoning district classification.

**Section 409.9 Terms of the Section to Prevail**

In case of any conflict of the terms of this section with the terms of other sections of this ordinance, the terms of this section shall govern.

**ARTICLE V  
SIGN REGULATIONS**

**Section 500 Purpose and Applicability**

The purpose of this City of Walhalla Sign Ordinance is to protect public safety and welfare and to ensure the maintenance of an orderly community sign environment, while satisfying the needs of the sign owners for adequate identification, communication, and advertising. This Ordinance regulates the number, size, placement, physical characteristics of signs, exempts certain signs, and requires permits for certain signs. From, and after adoption of this ordinance, no sign may be erected within the City of Walhalla, unless it conforms to the requirements of this Ordinance.

**Section 501 General Regulations**

**Section 501.1 Definitions**

**Abandoned Sign:** A sign structure that has ceased to be used and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

**Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

- A. **Electrically activated:** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted in Items 1 and 2 as follows:
  - 1. **Flashing:** Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
  - 2. **Patterned illusionary movement:** Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- B. **Environmentally activated:** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant

strings, and/or other devices or displays that respond to naturally occurring external motivation.

- C. **Mechanically activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning;” “Backlit awning;” and “*Canopy, Attached and Free-standing.*”

**Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

**Backlit Awning:** An awning with a translucent covering material and a source of illumination contained within its framework.

**Banner:** A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this code section, a banner is defined only as a temporary sign when used outdoors.

**Banner Sign:** A sign utilizing a banner as its display surface.

**Billboard:** See “Off-premise sign” and “Outdoor advertising sign.”

**Building Elevation:** The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**Canopy (Attached):** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also “Marquee.”

**Canopy (Free-standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.

**Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*.

**Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs which are:

**Electrically activated:** Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may

be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”

**Combination Sign:** A sign that is supported partly by a pole and partly by a building structure.

**Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**Development Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord

**Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Double-Faced Sign:** A sign with two faces, back to back.

**Electric Sign:** Any sign activated or illuminated by means of electrical energy.

**Electronic Message Sign or Center:** An electrically activated changeable sign where the variable message capability can be electronically programmed.

**Exterior Sign:** Any sign placed outside a building.

**Fascia Sign:** See “Wall or fascia sign.”

**Flashing Sign:** See “Animated sign, electrically activated.”

**Free-Standing Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

**Frontage (Building):** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

**Frontage (Property):** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

**Ground Sign:** See “Free-standing sign.”

**Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**Interior Sign:** Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

**Mansard:** An inclined decorative roof-like projection that is attached to an exterior building facade.

**Marquee:** See “*Canopy (attached).*”

**Marquee Sign:** See “*Canopy sign.*”

**Menu Board:** A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than twenty (20) percent of the total area for such a sign utilized for business identification.

**Monument Sign:** A ground mounted sign in which the area between the bottom edge of the sign and the ground is substantially filled with a solid architectural material. Solid architectural materials include wood, brick, stone, masonry, or hard-coat stucco but do not include aluminum or similar materials.

**Multiple-Faced Sign:** A sign containing three (3) or more faces.

**Off-Premise Sign:** See “*Outdoor advertising sign.*”

**On-Premise Sign:** A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Parapet:** The extension of a building facade above the line of the structural roof.

**Pole Sign:** See “*Free-standing sign.*”

**Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

**Portable Sign:** Any *sign* not permanently attached to the ground or to a building or building surface.

**Projection Sign:** A *sign* other than a wall sign that is attached to or projects more than eighteen (18) inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign.

**Real Estate Sign:** A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.

**Revolving Sign:** A *sign* that revolves 360 degrees (6.28 rad) about an axis. See also “*Animated sign, mechanically activated.*”

**Roof Line:** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign:** A *sign* mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially

supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**Sandwich Board Signs:** A sandwich board is a freestanding temporary sign, with no moving parts or lights, no larger than nine (9) square feet in size which is displayed outside a business during business hours to advertise the business, hours of operation, an event, or a promotion. It is not intended as a permanent business sign. One (1) sandwich board sign is permitted per street frontage.

**Sign:** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

**Sign Area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the *sign*.

**Sign Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a *sign*, exclusive of numerals identifying a street address only.

**Sign Face:** The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- A. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
- D. In the case of *sign* copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**Sign Structure:** Any structure supporting a sign.

**Temporary Sign:** A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not intended to be permanently affixed to a building or *sign* structure that is permanently embedded in the ground, are considered temporary signs.

A. Types of Temporary Signs:

1. **Grand Opening Sign** – A sign that displays the words “Grand Opening” to announce the opening of a new business.
2. **Interim Sign** – A sign intended to provide signage while the permanent sign is being fabricated, repaired, or prepared for installation.
3. **Temporary Promotional Sign** – A sign intended to attract attention to a use or activity for a limited number of events.
4. **Temporary Special Event Sign** – A sign for special community activities or seasonal events.

**Under Canopy Sign or Under Marquee Sign:** A sign attached to the underside of a *canopy* or marquee.

**V Sign:** Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than ninety (90) (1.57 rad) degrees with the distance between the sign faces not exceeding five (5) feet (1524 mm) at their closest point.

**Wall or Fascia Sign:** A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

**Window Sign:** A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

**Section 501.2 Exempt Signs**

The following signs are exempt from the provisions of this ordinance and require no permit:

- A. Traffic, directional, warning, or information signs authorized by any public agency.
- B. Official notices authorized by any court, public agency, or official.
- C. Institutional signs, not to exceed twenty (20) square feet for any public, charitable, educational, medical, or religious institution.
- D. Building nameplates with related inscription, memorial plaques, and cornerstones, when made an integral part of a building or structure.
- E. Flags and flagpoles.
- F. On-site directional signs, not to exceed six (6) square feet in area.
- G. One-time auction signs, not to exceed six (6) square feet in area.
- H. Private property postings related to trespassing or public safety.

- I. Religious symbols and seasonal decorations within the appropriate public holiday season.
- J. Open house signs not to exceed four (4) square feet in area.
- K. Political signs subject to the following limitations:
  - 1. Such signs shall not exceed a height of eight (8) feet or a total area of thirty-two (32) square feet.
  - 2. Such signs for election candidates or ballot propositions shall be displayed on public rights-of-way only for a period of sixty (15) days preceding the election and shall be removed within ten (10) days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election or unopposed primary candidates and certified petition candidates may remain displayed until not more than ten (10) days after the general election.
  - 3. The maximum number of political signs per street frontage will be one (1) every twenty-five (25) feet.

**Section 501.3 Prohibited Signs**

The following signs are prohibited:

- A. Strobe or Neon lights, and signs containing strobe, LED or flashing lights which are visible beyond the property line. This does not include a storefront stationary lit, open/closed sign.
- B. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - 1. The primary purpose of such a vehicle or trailer is not the display of signs.
  - 2. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - 3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- C. Abandoned signs
- D. Rooftop signs
- E. Off premises signs
- F. Contractors signs
- G. Sign or sign structure which obstructs free and clear vision at intersections, or by its position, shape or color may interfere with, or obstruct the view of or be confused with any authorized traffic sign, signal or device.

**Section 501.4 Permitted Signs**

The following signs are allowed, subject to the permitting requirements of **Section 502, Permitting Process** and the applicable development regulations of this ordinance.

- A. Permanent Freestanding Business Identification Signs:

1. **Allowable area:** Not to exceed thirty-six (36) square feet in area for single business, or one hundred and twenty (120) square feet for multiple businesses on the same panel.
  2. **Number:** One freestanding sign is allowed for each developed site, lot, or parcel on which a nonresidential use is constructed. Where a site or parcel fronts on more than one street, one freestanding sign is permitted for each street. Where two or more businesses or buildings occupy the same site or parcel controlled by a single owner or landlord, (shopping center or industrial park) only one freestanding sign for the aggregate businesses shall be permitted per street frontage.
  3. **Location:**  
No freestanding sign shall:
    - a. Be located nearer than five (5) feet to any property line, nor shall such sign face, overhang or extend beyond the property line or in any way impair visual clearance at driveway or street intersections.
    - b. Be set back less than ten (10) feet from any street right-of-way line.
    - c. Be permitted in the Downtown Development Overlay District.
  4. **Height:** Not higher than eight (8) feet above finished grade of the ground at the sign base, except a maximum height of thirty (30) feet from the ground (pavement) is permitted in Highway Commercial or Light Industrial Districts ONLY.
  5. In Office Commercial district, sign may be of berm or solid base design. Application for berm design must be accompanied by a landscape maintenance plan.
  6. Where average elevation of a lot is lower than the finished grade of the abutting edge of the sidewalk, a pole or support may be permitted to raise the sign to the level allowed by height regulations.
  7. Sign must be permanently affixed. A solid base sign shall be ground mounted, solid all the way to the ground, and constructed of wood, brick, masonry, or similar durable materials.
  8. Temporary unlighted real estate (for sale, rent, lease) signs for residential, not to exceed four (4) square feet in area, or for commercial, not to exceed thirty-two (32) square feet in area, per property, and not to exceed eight (8) feet in height, are allowed provided the proper permit or business license has been obtained. The signs shall be removed not later than five (5) days after the execution of a lease agreement or closing of the sale.
- B. Permanent Signs Attached to Buildings
1. **Allowable area:**
    - a. The total area of signs on the exterior front surface of a building shall not exceed twenty (25) percent of the front surface area of the building, so long as the total area does not exceed thirty-six (36) square feet.
  2. **Window coverage:**
    - a. In the Downtown Development Overlay District, window or door signs may occupy up to 25% of the store front glass, and are only allowed on the first floor of the building. All window and door signage in excess of the allowable 25% of the store front glass should be counted against the overall allowed sign area for that side of the building.
    - b. Outside of the Downtown Development Overlay District, signage in or on windows, inside or outside, shall not exceed fifty (50) percent of any front facing window.

3. No part of any sign attached to a building, in any manner, shall extend above the uppermost point of each building.
4. Signs shall be limited to the use, business, or profession conducted on the premises. Except that a sign from a previous business, within that structure, that is otherwise significant or of historical value may be displayed, provided it is properly maintained by the present owner.
5. Letters, decorations and facings of signs shall be constructed of durable materials approved by the building official.
6. Restaurants shall be permitted to display one (1) menu (in an enclosed case) or menu board provided that such shall not exceed nine (9) square feet.

C. Awnings/Canopies

1. Awnings/Canopies shall be no closer than eighteen (18) inches to a vertical plane at the street curb line, and have a minimum height of eight and one-half (8.5) feet.
2. Awning/Canopy signs shall consist of the name of the business and numerical address only, with copy area not to exceed an area equal to twenty-five (25) percent of the background area of the awning/canopy.

D. Temporary Signs

1. Temporary Signs are permitted to be erected no more than thirty (30) days prior to such sale or grand opening; provided such exhibits are removed within seven (7) day after the event; and further provided that not more than one (1) extension of thirty (30) days may be granted upon request, and no exhibit shall be re-permitted within six (6) months of the time it, or a similar display, is removed from the premises. In the Downtown Development Overlay District, a maximum of two (2) temporary signs are permitted per property. Maximum sign area is 18 square feet per sign.

E. Sandwich Board Signs

1. Sandwich Board Signs will be limited to a maximum area of nine (9) square feet in area per side and cannot exceed forty-two (42) inches in height. They shall not be placed more than five (5) feet from the front of the primary entrance of the business and be displayed only during business hours of the business utilizing the sandwich board. Only one (1) sandwich board sign per business is allowed and they shall not be allowed within a roadway or public right of way, except in cases where the Zoning Administrator may approve a permit for it to be located within a public sidewalk directly adjacent to a business. In such cases it shall not be placed so as to cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall it prevent free ingress or egress from any door, or window or fire escape.
2. Signs must be stored inside when the business is closed.

**Section 502    Permitting Process**

**Section 502.1 Permits**

- A. **Permits required:** Unless specifically exempted, a permit must be obtained from, and approved by, the Zoning Administrator for the erection, alteration, construction,

reconstruction, attachment to the exterior of any building, temporary, and maintenance of all signs erected or maintained within the City of Walhalla and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all other provisions of this ordinance.

- B. **Construction documents:** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials, and required details of construction, including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.
- C. **Changes to signs:** No sign shall be structurally altered, enlarged, or relocated, except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- D. **Permit Fees:** Permit fees to erect, alter, or relocate a sign shall be in accordance with the fee schedule adopted within the City of Walhalla.

#### **Section 502.2 Development Standards**

All signs allowed by this Ordinance must comply with the following development standards:

- A. **Clearance:** Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.
  - 1. **Visual Clearance:**
    - a. No sign may be located within a vision clearance area as defined in 1.b below and no support structure for a sign may be located in a vision clearance area unless the diameter is twelve (12) inches or less.
    - b. **Location of visual clearance areas:** Vision clearance areas are triangular shaped areas located in the intersection of any combination of streets, private roads, alleys, or driveways. The sides of the triangle extend fifteen (15) feet from the intersection of the vehicle travel areas. The height of the vision clearance area is from forty-two (42) inches above grade to ten (10) feet above grade.
  - 2. **Vehicle Area Clearance:** When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen (14) feet above grade. Vehicle areas include driveways, alleys, parking lots, loading zones, and maneuvering areas.
  - 3. **Pedestrian Area Clearance:** When a sign extends over private sidewalks or walkways, the bottom of the sign structure shall be at least eight and one-half (8.5) feet above the grade.

4. **Required Yards and Setbacks:** The sign face of a sign structure may be erected in required yards and setbacks, but no closer than five (5) feet to any property line.

**B. Sign Measurement**

**1. Sign Face Area**

- a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped freestanding sign is counted.
- b. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign related display or decoration.
- c. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.
- d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
- e. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine sign face area.

**C. Sign Design, Construction and Maintenance**

1. All signs, except those protected by transparent cover, shall be constructed of materials which will not rapidly deteriorate, fade, fall apart, or otherwise become a hazard to public safety and the general welfare. The sign shall be securely fastened and placed to withstand adverse weather.
2. All signs allowed under this ordinance must comply with applicable requirements of the *International Building Code*, *National Electrical Code*, and other applicable federal, state or local codes.
3. All signs shall be kept free from defective or missing parts or peeling paint. The Zoning Administrator shall possess the authority to order painting, repair, or alteration of a sign which constitutes a hazard to the public health, safety, general welfare, or has lost its visual integrity by reason of inadequate maintenance, dilapidation, or obsolescence. Notice of such repair shall be given to the owner by personal service, or registered mail, return receipt requested.
4. The immediate premises around a sign shall be kept free from litter and debris.

**D. Removal of Non-Conforming Signs**

1. Any sign now, or hereafter existing, which no longer advertises a bona fide business conducted, or product sold, shall be taken down and removed by the owner of the property, or agent thereof, where on the sign may be found. Such removal is to take place within a period of thirty (30) days following cessation of effective use of the sign or closing of the business.
2. All signs and sign structures, with the exception of free-standing signs, billboards, and monument signs, which are non-conforming to the standards of this section, but, which were lawfully erected under the requirement of previously existing regulations shall be removed by the owner of the sign or owner of the property upon which the sign is erected, within 120 days from the effective date of this ordinance. The lawful use of a non-conforming free-standing sign, billboard, or monument sign may be continued – indefinitely. However, should the cost of any proposed replacement, based on damage or

upgrading, exceed 50% of the existing sign value, said sign must be brought into compliance with the requirements of this Ordinance. Such replacements are not permitted in the Downtown Overlay District. Any sign owner or property owner who believes this schedule does not minimize their loss, recoup initial investment, or is generally unreasonable, given the specific conditions of that sign or sign structure, may petition for relief. Such requests shall contain sufficient documentation upon which a determination can be made, and shall include a copy of the building permit to determine age of the sign, and construction contract to determine initial cost of the sign.

**Section 503 Appeals**

All questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator. The Zoning Administrator shall issue a written decision to all such questions and shall send it to the person filing the question. Appeal may be made to the Board of Zoning Appeals by written notice given to it within ten (10) days after receipt of written decision.

**Section 504 Validity**

Should any section or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared invalid.

**Section 505 Impoundment**

The Zoning Administrator, or designated officials, shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, attached to trees, telephone and utility poles, or other natural features, or otherwise prohibited by this Ordinance.

**Section 506 Enforcement**

The Zoning Administrator, or designated officials, shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE VI  
OFF-STREET PARKING, LOADING, OR UNLOADING**

**Section 600 Minimum Required Parking Spaces**

Off-street automobile storage or parking shall be provided on every lot on which any of the following uses are hereafter established, except in the Core Commercial Zoning Districts. The number of parking spaces provided shall be at least as great as the number specified below the various use(s). When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

**Off-street Parking Requirement Guide**

Uses	Spaces Required
Any residential use	Two (2) spaces for each dwelling unit

Tourist homes, bed and breakfast, hotels, motels, boarding houses, rooming houses	One and one-tenth (1.1) spaces for each accommodation, plus requirement for any use associated with the business
Mobile home parks	Two (2) for each space, plus one (1) for each two (2) employees
Hospitals and clinics	One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees, including nurses
Funeral parlors	Five (5) spaces minimum and one (1) space for each four (4) seats in the principal assembly room
Churches, spiritual institutions and places of public assembly	One (1) space for each four (4) seats in the principal assembly room
Places of assembly or recreation without fixed seats	One (1) space for each four (4) seats based on maximum capacity
Bowling alley	Five (5) spaces for each bowling lane
Outdoor recreation (parks, recreational areas, etc.)	One (1) space for each five thousand (5,000) square feet of land
Golf course	Four (4) spaces for each hole, plus requirements for any other associated use
Swimming pool (except associated with residence)	One (1) space for one hundred (100) square feet of water area or one (1) seat whichever is greater
Softball, baseball, or football fields	One (1) space per three thousand (3,000) square feet of field area or one (1) space per six (6) spectator seats, whichever is greater
Tennis courts (except when an accessory)	Four (4) spaces per court or one (1) space per four (4) spectator seat, whichever is greater
Schools	One (1) space for each classroom and administrative office plus one (1) space for each twenty (20) seats or one (1) space for each four hundred (400) square feet of area used for public assembly
Public buildings, general	One (1) space for each two hundred (200) square feet of gross floor area.
Public buildings, utility	One (1) space for each three hundred (300) square feet of gross floor area.
Child care centers	One (1) space for each four (4) children maximum capacity.
Clubs (no alcohol)	One (1) space for each three hundred (300) square feet of gross floor area.
Taverns, discos, night clubs, and/or public or private clubs dispensing alcohol	Parking spaces equal to thirty (30) percent of the capacity in persons as determined by the fire chief.
Doctors' and dentists' offices	Five (5) spaces per Doctor or Dentist
Professional and businesses offices	One (1) space for each three hundred (300)

	square feet of gross floor space
Grocery, convenience	One (1) space for each one hundred (100) square feet of gross floor area
Grocery or supermarket	One (1) space for each one hundred fifty (150) square feet of gross floor area
Retail stores and shops of all kinds including barber and shoe and similar service outlet	One (1) space for each two hundred (200) square feet of gross floor space
Car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries	Four (4) spaces for each sales person plus one (1) space for each two (2) other employees
Banks	One (1) space for each one hundred fifty (150) square feet of gross floor space
Nursing homes	One and one-tenth (1.1) space for each patient bed
Restaurants (fast food types including drive-in)	One (1) space for each fifty (50) square feet of gross floor area
Restaurants	One (1) space for each one hundred (100) square feet of gross floor area
Service station, vehicular repair shops	Five (5) spaces for each grease rack, and five (5) spaces for each wash rack; plus, two (2) spaces for each fuel pump
Wholesaling and industrial uses	One (1) space for each six hundred (600) square feet of gross floor area

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

Except for shopping centers, mixed uses, 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 shall equal the sum of the requirement of the various uses computed separately.

Whenever a building or use, constructed or established after the effective date of this Ordinance, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

**Section 601    Location on Other Property**

If the required automobile parking spaces cannot reasonably be provided on the same lot on which the main use is conducted, such spaces may be provided on other off-street property provided

- A. Such lies within four hundred (400) feet of the main entrance to such main use; and,
- B. Such automobile parking space shall be associated with the main use and shall not thereafter be reduced or encroached upon in any manner; and,
- C. Such property is under the same ownership except as provided in Section (D) below.

- D. Joint use of off-street parking is permitted in the City of Walhalla, provided that
1. Up to fifty (50) percent of the parking spaces required for:
    - a. theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided for and used jointly by,
    - b. financial institutions, offices, retail stores, repair open, used, or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.
  2. 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, a written agreement thereby assuring their retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and content by the City Attorney, and shall be filed with the application for building permit.

**Section 602 Extension of Parking Space into Residential District**

Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that:

- A. the parking space adjoins a commercial or industrial zoning district; and,
- B. has its only access to, or fronts upon, the same street as the property in the commercial or industrial district for which it provides the required parking space; and,
- C. is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

**Section 603 Parking Space for the Physically Handicapped**

When off-street parking is required for any building or use, with the exception of single-family dwelling units and rental apartment complexes of less than twenty (20) units, physically handicapped parking shall be included when calculating the overall parking requirements for a building or use.

- A. The following table shall be used to determine the number of parking spaces required for the physically handicapped:

<b>Number of Required Spaces</b>	<b>Number of Spaces Reserved for Handicapped Persons</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total required

Over 1000	20 plus one (1) space for each 100 over 1000
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- B. Parking spaces for the physically handicapped shall measure twelve (12) feet by twenty (20) feet
- C. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, and entrances.
- D. Parking spaces shall be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to each entrance, ramp, and walkway.
- E. The standards and criteria of the *American National Standards Institute, Inc.* and the *Americans with Disabilities Act* shall be utilized.

**Section 604 Design Standards**

- A. **Minimum area:** An off-street parking space is an area not in a street or alley, permanently reserved for the temporary parking or storage of one automobile.
- B. **Surface:** Off-street parking spaces in R-25, R-15 and GR Residential Districts, and the driveways connecting them to the street or alley, must be surfaced with all-weather material. All other off-street parking spaces and the driveways connecting them to streets or alleys must be paved with impervious material.
- C. **Drainage and Maintenance:** Off-street parking facilities shall be properly graded for drainage so as to prevent damage to abutting property and public streets and alleys. They shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or tenant. They shall not be used for the display, sale, repair, dismantling or service of any vehicles, equipment, or supplies.
- D. **Separation from Walkways and Streets:** Off-street parking in MFR, OC, HC, CC, LI, and PUD zoning districts shall be separated from walkways, sidewalks, streets or alleys, and from required setbacks, by walls, fences, curbing, or other approved protective material, except at street, sidewalk, and walkway access points. Where required off-street parking is permitted within setback areas, the parking area shall not intrude into required buffer areas. Where no buffer area is required, parking shall not occur within three (3) feet of a property line.

The minimum separation between off-street parking areas and principal buildings shall be five (5) feet so as to allow for pedestrian use of appropriate walkways.

- E. **Entrances and Exits:** In MFR, OC, HC, CC, LI, and PUD zoning districts, landscaping, curbing, or other approved barriers shall delimit places where vehicles have access to streets, and where pedestrians have access to sidewalks. All off-street parking facilities in those zoning districts shall be designed so that all vehicles exit into public streets in a forward motion. Entrance and exit driveways to public streets and alleys, in the vicinity of street intersections, may be denied if use of the entrance or exit will create an accident hazard for normal traffic.

- F. **Marking:** Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to insure efficient traffic circulation.
- G. **Lighting:** In MFR, OC, HC, CC, LI, and PUD zoning districts, adequate lighting shall be provided in off-street parking lots of more than ten (10) spaces, which are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- H. **Landscaping:** Where off-street parking, developed in conjunction with a permitted use or as a separate use occupying individual lot or lots, comprises twenty (20) or more off-street parking spaces, at least ten (10) percent of the surface area shall be open and landscaped in such a manner as to divide and break up the expanse of paving with islands or barriers.

The natural landscape shall be preserved in all possible instances. Wherever healthy native plant material exists on a site, the minimum planting standards may be increased to accommodate for such plant material, if in the opinion of the Planning Commission such adjustment is in the best interest of the City and promotes the intention of this Ordinance. See provisions of Section 605.

- I. **Dimensions:** Parking spaces shall not be less than nine (9) feet by nineteen (19) feet, except that a maximum of ten (10) percent of the total number of stalls may be eight and one-half (8.5) feet by nineteen (19) feet.

The dimensions of all parallel parking spaces shall not be less than nine (9) feet by twenty-four (24) feet.

Dimensions for handicapped parking shall meet the requirements provided herein.

All off-street parking spaces shall be laid out so as to provide adequate maneuvering space.

- J. **Fire Lanes:** Off-street parking areas in MFR, OC, HC, CC, LI, and PUD zoning districts shall be marked with appropriate "Fire Lanes" to afford access for emergency vehicles, and shall be marked as shown on site plans approved by the Fire Chief.

## **Section 605     Reduction of Off-Street Parking Spaces**

- A. Off-street parking facilities at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or new use.
- B. Off-street parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this Ordinance, except as provided below:
  1. upon approval of the Board of Zoning Appeals, and then only after proof that by reason of reduced floor area or capacity or change in requirements that the proposed reduction is reasonable and consistent with the public welfare. In no instance shall a permitted reduction in parking spaces include a reduction in required handicapped parking.
  2. upon approval by the Board of Zoning Appeals to preserve existing native trees, no more than twenty (20) percent of the required off-street parking spaces can be reduced. In no

instance shall a permitted reduction in parking spaces include a reduction in required handicapped parking.

**Section 606 Off-Street Loading or Unloading Space**

Every lot which a business, trade, or industry use is hereafter established shall provide space as indicated herein for the loading and unloading of vehicles off the street.

- A. Such space shall have access to an alley, or if there is no alley, to a street.
- B. For the purpose of this section, an off-street space shall have minimum dimensions of twelve (12) feet by forty (40) feet. The loading space must be paved.
- C. There shall be the following number of off-street loading spaced provided by land use:
  - 1. Retail, restaurant, wholesale, warehouse, general service, manufacturing, or industrial establishment:

<b><u>Floor area in square feet</u></b>	<b><u>Spaces required</u></b>
Up to 25,000	1
25,001 to 40,000	2
40,001 to 100,000	3
100,001 to 160,000	4
Each 90,000 over 160,000	1 additional

- 2. Hotel, motel, (but not tourist home, boarding house, bed and breakfast, or rooming house), office building, hospital, or similar institution, or places of public assembly:

<b><u>Floor area in square feet</u></b>	<b><u>Spaces required</u></b>
Up to 10,000	1
10,001 to 100,000	2
100,001 to 200,000	3
Each 100,000 over 200,000	1 additional

- 3. Truck terminals; sufficient space to accommodate the maximum number of trucks to be stored, or to be unloaded at the terminal at any one time.

**Section 607 Parking, Storage, and Use of Certain Vehicles**

- A. No more than two (2) antique vehicles without current license tags shall be stored on a single lot except for those within an enclosed building.
- B. Major recreational vehicles, travel trailers, camping vehicles, and recreation vehicles excluding boats:

Not more than two (2) recreation vehicles, travel trailer or camping trailer per family living on the premises shall be permitted on a lot inside the city limits; and the vehicle shall not be occupied temporarily or permanently while it is parked or stored.

## **ARTICLE VII GENERAL PROVISIONS**

### **Section 700 Continuation of Nonconforming Uses**

Nonconforming uses are declared to be incompatible with the uses in the districts in which they are located. It is the purpose of this ordinance to provide for the lawful continuation and to permit the improvement to property value through the repair or replacement of all nonconforming uses in the City of Walhalla. A nonconforming use may be modified without expanding the nonconformity of the use or structure.

### **Section 700.1 Rules Applying to all Nonconforming Uses**

- A. If a use which is a nonconforming use is discontinued for a period of three-hundred sixty-five (365) days, the nonconforming uses exception shall expire, and the nonconforming use may not thereafter be resumed.
- B. 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 on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.
- C. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with the public safety, upon order of such official.
- D. Nothing in this section shall prevent the owner from maintaining a nonconforming building or structure in good repair.

### **Section 700.2 Replacement or Modification to Nonconforming Buildings, Structures and Uses Permitted**

In order to improve property value, an owner of a nonconforming building or structure may replace, modify, alter, or add to the nonconforming building, structure, or use only if the replacement, modification, addition or alteration meets all specific performance standards of the district in which is located and that use described within this Ordinance.

### **Section 701 Nonconforming Lots of Record**

Where the owner of a lot of record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site provided that said lot requirements are not reduced below the minimum specified in this Ordinance by more than twenty (20) percent. Use of any lot requiring dimensional waivers below the twenty (20) percent minimum set forth in this section shall be approved by the Board of Zoning Appeals, provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

**Section 702    Visibility at Intersections**

No fence, wall, shrubbery, or other obstruction to vehicular traffic and to safe visibility at the intersection of streets shall be permitted. Site clearance standards set by the *South Carolina Department of Highways and Public Transportation* shall apply to city streets.

**Section 703    Lot of Record**

There shall be only one (1) single family dwelling per lot of record, except as permitted in Mobile Home Parks and Multi-Family Residential Districts.

**Section 704    Home Occupation**

A home occupation shall be permitted in any residential district provided that such occupation:

- A. Is conducted only by a person residing in the same dwelling unit; and,
- B. Is conducted within the main building; and,
- C. Utilizes not more than twenty-five (25) percent of the total floor area of the principal building; and,
- D. Produces no alteration or change in the character or exterior appearance of the main building from that of a dwelling; and,
- E. No display of products shall be visible from the street; and,
- F. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy, or unsightly condition; and,
- G. Is not visibly evident from the outside of a dwelling except for a permitted sign mounted against a wall of the principal building; and,
- H. Off-street parking shall be in accord with Article VI.

**Section 705    Zoning Permits for New or Altered Uses**

**Section 705.1 Zoning Permit Required**

No structure shall be constructed, erected, moved, assembled, set up, or added to without building and zoning permits which comply with this Ordinance. These permits shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Zoning Appeals in the form of an interpretation involving error, variance, or special exception. If the permit is denied, reasons shall be stated for the denial.

**Section 705.2 Application for Building Permit**

An application for a building permit shall be in writing and shall be accompanied by two sets of duplicate plans drawn to scale.

**Section 705.2.1 Application Requirements**

The application shall set forth:

- A. The existing or proposed uses of any structures and of the lot;

- B. If the use is to be for residential purposes, the number of families to be accommodated, and the number of dwelling units involved;
- C. A statement of the physical features of the lot that will be modified;
- D. A statement of any unusual effects to adjoining lots; and
- E. Whether occupancy or use will commence before construction is complete; and,
- F. Any other matters that may be necessary or desirable to determine conformance of the proposed use with this ordinance, and to facilitate enforcement of it.

**Section 705.2.2 Site Plan Requirements**

The plans shall show:

- A. The actual dimensions and shape of the lot involved; and,
- B. The exact sizes and locations on the lot of existing buildings and the sizes and locations of any proposed structure or alteration;
- C. The exact sizes and locations of any changes that are proposed to be made in the physical features of the lot;
- D. Information required in the application may be set forth in marginal notes on the plans, if convenient;
- E. In addition to all other requirements, a site development plan shall be prepared by a certified engineer or architect, and shall be submitted to the Zoning Administrator for the following uses:
  1. All proposed Commercial, Multi-family Residential, Duplex Residential, Institutional, Planned Unit Development, Industrial developments and Churches.
  2. All publicly owned facilities
  3. Any proposed conversion from an existing residential use to a commercial, industrial, or higher density residential use.
  4. When a change is proposed in a previously approved site development plan for any of the above-referenced uses or developments.

**Section 705.3 Zoning Permit Provisions**

- A. The Zoning Administrator shall note on each copy of the plan whether the same is approved or disapproved, and shall sign each. One copy shall be returned to the applicant and one copy shall be filed by the Zoning Administrator.
- B. The permit shall incorporate by reference the application and the approved plan.
- C. The permit may allow occupancy during repairs or alterations, or partial occupancy of a building or other use pending completion, on such terms and conditions and for such period of time as may be specified by the Zoning Administrator in the permit.

- D. Constructions, other alteration and subsequent use of the lot shall be in conformity with the permit.

**Section 705.4 Expiration of Building Permit**

A building permit shall expire and shall be canceled by the Zoning Administrator if:

- A. The work or use described in the permit has not begun within six (6) months from the date it was issued; or
- B. The work described in the permit has not been substantially completed within the same time stated in the permit.

Written notice of the expiration and cancellation of a zoning permit shall be given to the persons affected. The notice shall state that further work or further use as described in the canceled permit shall not take place, unless a special zoning permit is applied for and granted.

**Section 705.5 Failure to Obtain a Building Permit for a New, Altered, or Temporary Use**

Failure to obtain a Building Permit for a new, altered, or temporary use shall be a violation of this Ordinance, and punishable under Article X of this ordinance.

**Section 705.6 Record of All Permits**

The Zoning Administrator shall maintain a record of all Building Permits.

**Section 706 Temporary Use Zoning Permits**

The Building Official is authorized to issue temporary zoning permits.

- A. The uses for which temporary zoning permits are necessary, are:
  - 1. Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of City Council.
  - 2. Religious meeting in a tent or other temporary structure in HC and LI Zoning Districts, for a period not to exceed sixty (60) days.
  - 3. Open lot sale of Christmas Trees, in the OC, CC, HC, and LI Zoning Districts for a period not to extend forty-five (45) days.
  - 4. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure or building.
  - 5. Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such buildings be placed on the being serviced by such office or on which the stored equipment is being used.
  - 6. Those other uses which the Zoning Administrator finds compatible with the main use and adjoining uses.
- B. A temporary zoning permit may not exceed sixty (60) days.
- C. All temporary zoning permits may be renewed one time by the Zoning Administrator provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses. Temporary zoning permits for additional periods of renewal may be issued upon review and consideration of the Planning Commission.
- D. The Zoning Administrator shall maintain a record of all Temporary Use Zoning Permits.

**Section 707    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, an accessory building to the main residential activity other than those permitted or conditional, shall
  1. Not be erected in any required front or side yard setback; and,
  2. No separate accessory building shall be erected within five (5) feet of any other building or three (3) 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 seventeen (17) feet above the top of the highest peak of the roof line require a Special Exception Use Permit.
  2. Satellite receiving dishes shall be limited to only one (1) per lot
  
- E. **Kennels, Private:** for dogs and cats provided that no more than three (3) dogs or three (3) cats may be older than four (4) months of age.

**Section 708    Special Exception Uses**

For the purpose of this Ordinance, permitted and conditional uses are listed by the various districts. Unless it is clear from the context of the lists or other regulations of this Ordinance, uses not specifically permitted are prohibited.

Due to the unique nature of certain land uses, permits for them as special exception uses may be issued subject to the terms and conditions for such use as set forth in this Ordinance.

**Section 708.1 District Locations for Special Exception Uses**

- A. Any District. Certain uses need to be located in areas of the City regardless of prevailing district regulations, provided that the same may be permitted in accordance with requirements for conditional uses in each specific zoning district, the following list of uses may be established in any zoning district in the City of Walhalla, provided such uses meet all dimensional requirements of the district, except height, within which they will be located.
  1. Police Station, Fire Station, Post Office, and other public or government structure
  2. Public Recreation Facility

3. Public and private schools, including kindergartens, engaged in teaching general curriculum for educational advancement, provided that the structures are placed not less than fifty (50) feet from any residential property line, and the lot is not less than four (4) acres in size.
4. Child Care, Nursery, and Day Care facilities
5. Church, synagogue, and temple provided that:
  - a) such use is housed in a permanent structure;
  - b) such use is located on lot not less than 25,000 square feet in area, and
  - c) no structure on the lot is closer than 50 feet to any property line of property located in a residential zoning district.
6. Public utility substation or sub-installation including water towers, provided that:
  - a) such use is enclosed by a painted or chain-link fence or wall and a suitable screen at least six (6) feet in height above finished grade,
  - b) there is neither office nor 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.
7. Cemetery, provided that the tract of land is fenced with a permanent fence and screened along any abutting property zoned for or used as residential use.
8. Temporary mobile office (not a mobile home) used at construction site.

**B. Specific Zoning Districts**

1. **General Residential District (GR):** Mobile homes, antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
2. **Office Commercial District (OC):** Gasoline filling station, antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
3. **Highway Commercial District (HC):**
4. **Core Commercial District (CC):** Gasoline filling stations, antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
5. **Light Industrial District (LI):**
6. **R-25 District:** Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
7. **R-15 District:** antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.
8. **MFR District:** antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line.

**Section 708.2 Procedures for Consideration of Special Exception Applications**

Prior to the granting of a zoning permit for any special exception uses,

- A. A written application for a special exception, and processing fee in accordance with a fee schedule established by City Council, shall be submitted to the Zoning Administrator indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
- B. Each application for a special exception that involves the construction or addition of building area, land area, or parking area shall be accompanied by a site plan as set forth in Section 705.2.2.B.

- C. Upon receipt of an application, the Zoning Administrator shall examine it for completeness, and shall, within ten days, either return the application for additional information or schedule it for review and action by the Board.
- D. Notice of a public hearing shall be published at the expense of the applicant at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Walhalla and all procedures established by the bylaws of the Walhalla Board of Zoning Appeals pertaining to public hearing shall be followed.
- E. A notice of the public hearing shall be conspicuously posted on or adjacent to the subject property at least fifteen (15) days prior to the public hearing. At least one (1) posted notice must be visible from each street that abuts the property
- F. The public hearing shall be held. Any party may appear in person, or by agent, or attorney.
- G. The Board of Zoning Appeals shall make a finding as empowered herein to grant or not grant as governed by the criteria of Section 803.5.
- H. The regulations of this chapter setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the Board of Zoning Appeals.
- I. The Board of Zoning Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. If no time is prescribed, then the Planning Act of 1994 will take effect.
- J. An appeal of the decision of the Board of Zoning Appeals by any person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court in and for the county by filing with the Clerk of the Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

**Section 708.3 Criteria for Special Exceptions**

In addition to definitive standards in this Ordinance, the Board of Zoning Appeals shall consider the following:

- A. Traffic impact; and,
- B. Vehicle and pedestrian safety; and,
- C. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; and,
- D. Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view; and,
- E. Orientation and spacing of improvements or buildings; and,

- F. Compatibility with other land uses; and,
- G. Provisions of Section 700.1 Nonconforming Uses; and,
- H. Best interest of the public and community at large.

**Section 708.4 Effect of Failure to Meet Conditions**

- A. Violation of conditions and safeguards prescribed in conformity with this chapter, when made a part of the terms under which the special exception permit is granted shall be deemed a violation of this chapter, punishable under the penalties established herein.
- B. Failure to begin or failure to complete an action for which a special exception permit has been issued within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall need to apply for an extension within ten (10) days of the expiration date.

**Section 709 Communication Tower**

**Section 709.1 Purpose and Intent**

The purpose of this ordinance provision is to protect the health, safety, welfare, and property values of the citizens of Walhalla from potential adverse effects caused by the proliferation of telecommunication towers. The intent is to minimize hazards from tower failure and falling ice, as well as hazards to low-flying aircraft, and personal injury to unauthorized persons scaling these towers. By maximizing the use of existing telecommunication towers and other suitable structures, the natural beauty of the City of Walhalla can be preserved.

**Section 709.2 Location**

Communication towers may be located in the following zoned areas in the City of Walhalla:

- A. Communication towers are permitted as a Use Permitted by Special Exception by the Board of Zoning Appeals in the HC, LI, and OC Zoning Districts, and are subject to the applicable setback requirements of the district in which they are located.
- B. Communication towers are not permitted in the CC, MFR, GR, R-15 and R-25 Zoning Districts unless they comply with the ancillary use requirements as defined in subsection (C) below.
- C. Communication towers are permitted as an ancillary or secondary Use Permitted by Special Exception by the Board of Appeals on residentially or non-residentially zoned sites where another use (other than single-family or duplex use) is already established as the principal use of the property, such as a school, church, multifamily residential complex, shopping center, office building, public utility

site, or other similar use provided the principal use complies with applicable zoning and subdivision regulations. On sites zoned OC, HC or LI adjacent to a residential district, or sites located within a residential district, the minimum setback of the zoning district in which it is located is increased by one (1) foot for each one (1) foot of tower height in excess of forty (40) feet from all residential property lines. The maximum required setback is two hundred (200) feet.

- D. In the PUD Zoning Districts, communication towers are permitted as a Use Permitted by Special Exception by the Board of Zoning Appeals and are subject to the requirements of the PUD in which they are located.
- E. A proposed freestanding tower shall not be constructed within two hundred (200) feet of the right-of-way of any designated scenic highway, nor within two hundred (200) feet of a property listed on the National Register of Historic Places except upon approval by the Board of Zoning Appeals as a Use Permitted by Special Exception.

### **Section 709.3 Application Procedure**

- A. All applications for construction of communication towers or placement of telecommunications antenna in the City of Walhalla shall be made to the Office of the Zoning Administrator of the City of Walhalla as per the procedures stated in Section 709.2.
- B. In addition, each application for a Use Permitted by Special Exception by the Board of Zoning Appeals for a communication tower shall include the following information in addition to the general information required by this Ordinance.

Site Plan, which shall include the following information:

- 1. The location and height of the proposed tower(s), guy anchors (if any), and required setbacks;
  - a. Transmission building and other accessory uses;
  - b. Parking;
  - c. Access;
  - d. Landscaped areas;
  - e. Fences;
  - f. Adjacent land uses and zoning;
  - g. Statements and documentation as required in Subsection 710.9.
- C. Prior to approving a Site Plan, the Board of Zoning Appeals must make the following findings:
  - 1. The proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure;
  - 2. The proposed structure will not impair the use of or prove detrimental to neighboring properties;
  - 3. The proposed structure is necessary to provide a service that is beneficial to the surrounding community;
  - 4. The permitted use meets the setback requirements of the underlying zoning district in which it is located;

5. The proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character;
6. The proposed use is consistent with potential land uses recommended in the Comprehensive Plan for the City of Walhalla, and
7. Within residentially zoned areas, communication towers shall not be located within one-thousand (1,000) feet of another communication tower unless such towers are located on the same property.

**Section 709.4 Height**

Freestanding communication towers shall have a maximum height of two-hundred (200) feet. Additional height, up to three-hundred (300) feet, may be approved as a Use Permitted by Special Exception by the Board of Appeals. For communication towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or less in height, and forty (40) feet above the roofline of buildings fifty (50) feet in height or greater.

**Section 709.5 Landscaping**

Landscaping shall be required as follows:

- A. Around the base of the communication tower, outside of the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided, with individual plantings spaced not more than five (5) feet apart. In addition, at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1<sup>3</sup>/<sub>4</sub>) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifty (50) feet of the perimeter security fence.
- B. The landscaping requirements may be waived in whole or in part by the Zoning Administrator if it is determined that existing natural vegetation provides adequate screening or if the Zoning Administrator determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located. Where the physical constraints or characteristics of the site are such that the landscaping cannot be located as prescribed above, the Zoning Administrator may require that plant material be placed in another, feasible location on site, which would serve to meet the intent of the landscaping requirements.
- C. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- D. A Certificate of Occupancy shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator or the Zoning Administrator's designee, unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the city a form of surety satisfactory to the City Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator or the Zoning Administrator's designee and the owner or developer.

- E. All required landscaping must be installed and approved by the first planting season following issuance of the temporary Certificate of Occupancy or the surety bond will be forfeited to the City.
- F. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.
- G. Eight-foot-high fencing shall be provided around the communication tower and any associated building.

**Section 709.6 Illumination**

Communication towers shall only be illuminated as required by the *Federal Communications Commission* and/or *Federal Aviation Administration*.

**Section 709.7 Signage**

A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two (2) square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

**Section 709.8 Access to Site**

Each parcel on which a communication tower is located must have access to a public road twenty (20) feet in width.

**Section 709.9 General Requirements**

Communication towers, in addition to the requirements set forth above, must also comply with the following requirements:

- A. A statement shall be submitted from a registered engineer that the NIER (Non-ionizing Electromagnetic Radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the *United States Government* or the *American National Standards Institute*. For roof mounted communication towers, the statement regarding the NIER shall address spaces which are capable of being occupied within the structure on which the communication tower is mounted.
- B. Communication towers and their foundations shall meet the requirements of the *International Building Code* for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina Registered Professional Engineer and shall be submitted with the building permit application.
- C. All communications towers and supporting facilities shall be subject to periodic reinspection(s) by the Building Codes Department. If any additions, changes, or modifications are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the Building Codes Department. Prototypical drawings indicating various types of antenna(s) to be located on the communication tower may be submitted at the time

of the appropriate permit application. Additional antennas may be added to the communication tower without additional permits or inspections so long as electrical wiring is not required.

- D. Unless otherwise required by the *F.C.C.* or the *F.A.A.*, communication towers shall be light grey in color.
- E. Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from AM towers.
- F. A communication tower must be removed within one hundred twenty (120) days of the date such tower ceases to be used for communication purposes.

**Section 710 Performance Standards**

All land uses in the City of Walhalla shall comply with the standards set forth in this section regulating the emission or existence of dangerous, detrimental, and objectionable elements.

- A. **Fire and Explosion Hazards:** All activities using and all storage of flammable and explosive material shall be accompanied by adequate safety devices against the hazards of fire and explosion including adequate firefighting and fire suppression equipment.
- B. **Radioactive Emissions:** There shall be no radiation emitted exceeding the *Nuclear Regulatory Commission* guidelines.
- C. **Smoke, Dust, Dirt, and Odor:** There shall be no emission of disturbing or offensive smoke, dust, dirt, fly ash, or particulate matter from any pipes, vents, or other openings, or from any other source, into the air exceeding the *SC DHEC* air quality regulations. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation of emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
- D. **Fumes, Vapors, and Gases:** There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to humans, animals, vegetation, or to any form of property.
- E. **Vibration and Noise:** There shall be no perceptible earth vibrations measured at the property line exceeding the *SC Fire Marshall Regulations*. The permitted level of noise or sound emission at the property line of the lot on which the main use is located shall not exceed the values given in the following table in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Meter or an Octave Band Analyzer that conforms to specifications published by the *American Standards Association*.

<b>Maximum Sound Pressure Level in Decibels</b>
<b>(1 Decibel = 0.0002 Dynes per Square Centimeter)</b>

<u>Cycles per Second</u>	<u>Zoning District</u>	
	<u>Industrial</u>	<u>All Others</u>
0 -75	79	70
75-150	74	65
150 – 300	66	57
300 – 600	59	50
600 – 1,200	53	44
1,200 – 2,400	47	38
2,400 – 4,800	41	32
4,800 and over	39	30

**Section 711 Structures to Have Access**

Every structure or single mobile home hereafter constructed, assembled, erected, set up, or moved shall be on a lot or parcel with direct access to a public street except as provide in Section 402.4, or with access to a private street within an approved Planned Unit Development only, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

- A. SCHD standards regarding public safety and specific traffic conditions shall be incorporated in the determination of the number and location of accesses to a site.
- B. For a single site, a maximum of two (2) driveway approaches may be permitted if the minimum distance between the two (2) proposed driveways equals or exceeds thirty (30) feet.
- C. The minimum width of a driveway approach shall be ten (10) feet at the right-of-way line. The maximum width of a driveway approach shall be twenty-four (24) feet at the right-of-way line.
- D. Where a provision of off-street truck loading is necessary, the minimum driveway width shall be fourteen (14) feet and the maximum shall be forty-two (42) feet at the right-of-way line.

**Section 712 Exceptions to Height Limitations**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water stacks, conveyors, flag poles, and approved antennas.

**Section 713 Front Yard Setback for Dwelling Units**

The front yard setback requirements of this Ordinance for dwelling units shall not apply on any lot where the average setback of existing buildings, located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setback of the aforementioned existing buildings.

**Section 714 Swimming Pools**

A swimming pool may be constructed when:

- A. It is not located in any front yard setback area; and,
- B. A wall or fence, not less than five (5) feet in height, with self-latching gates at all entrances which completely encloses either the pool area or surrounding yard area is provided; and,
- C. It meets the requirements of the swimming pool code book; and,
- D. A building permit is obtained from the City of Walhalla.

**Section 715 Canopies in Core Commercial Zoning District**

In Core Commercial Zoning Districts, where there is no front yard requirement, canopies may be erected over the adjoining sidewalk provided they do not extend beyond the curb line, and have a free clearance underneath of not less than eight (8) feet.

**Section 716 Care of Premises**

It shall be unlawful for the owner or occupant of a building, structure, or property to use the premises for open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, junk, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises clear, and to remove from the premises all items such as those listed above, and also to keep the premises clear of weeds, dead trees, limbs, trash, garbage, and maintain it in a neat and orderly condition.

**Section 717 Sexually Oriented Businesses**

**Section 717.1 Definitions**

**Sexually Oriented Business:** an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, nude model studio, escorts, or escort agencies.

**Adult Arcade:** any place to which the public is permitted or invited where in coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**Adult Bookstore, Adult Novelty Shop, or Adult Video Store:** a commercial establishment which has a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- B. Instruments, devices, or paraphernalia which are designed for use in

connection with "specified sexual activities" or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;

An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as adult bookstore, adult novelty store, or adult video stores along as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

**Adult Cabaret:** a night club, bar, restaurant "bottle club" or similar commercial establishment, without regard to whether or not alcoholic beverages, beer, or wine are served or consumed therein, which regularly features:

- a) persons who appear nude *or* nearly nude;
- b) live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities", or
- c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**Adult Motel:** a motel, hotel or similar commercial establishment which:

- a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexual oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- b) offers a sleeping room for rent for a period of time less than ten hours; or
- c) allows a tenant or occupant to sub-rent the sleeping room for a period of time less than ten hours.

**Adult Motion Picture Theater:** a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

**Adult Theater:** a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

**Employee:** a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

**Escort:** a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

**Escort Agency:** A person or business association, who furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip, or other consideration.

**Establishment:** includes any of the following:

- A. The opening or commencement of any such business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or
- D. The relocation of any such sexually oriented business.

**Nearly Nude:** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting belts, straps, strips of cloth, or like devices, or a state of dress which leave sex posed a substantial portion of the buttocks so that the effect achieved by such appearance is approximately the same as viewing nudity.

**Nude, Nudity, or State of Nudity:** defined as:

- a) the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- b) a state of dress which fails to opaquely and fully cover a humans' buttocks, anus, male or female genitals, pubic region, areola or nipple of the female breast.

**Nude Model Studio:** any place where a person who appears nude or nearly nude or displays "specified anatomical areas" is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by others who pay money or any form of consideration.

**Operator:** the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

**Permitted or Licensed Premises:** Any premise that requires a license and/or permit and that is classified as a sexually oriented business.

**Permittee and/or Licensee:** a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

**Person:** an individual, proprietorship, partnership, corporation, association, or other legal entity.

**Public Building:** any building owned, leased, or held by the United States, the state, the county, the city, any special purpose district, school district, or any other agency or political subdivision of the state or United States, which building is used for governmental or other public purposes.

**Public Park or Recreation Area:** any public premises which have been designated for park or recreational activities within the city which are under control, operation, or management of the city park and recreation authorities, or the equivalent state, county, or recreation district authorities.

**Religious Institution:** any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

**Residential District:** a geographical area recognized under the City's Zoning Ordinance as Residential 25, Residential 15, General Residential, or Multi-Family Residential. It does not include the Office Commercial, Highway Commercial, Core Commercial, or Light Industrial Districts.

**Residential Use:** the lawful utilization of any structure as a dwelling unit for single-family or multi-family occupation.

**School:** any public or private educational facility including but not limited to child day care center or facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, high schools, or vocational schools. School includes the school ground.

**Sexual Encounter Center:** a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex or;
2. Other activities between persons of the opposite sex or persons of the same sex, or both, when one or more of the persons are likely to be touching, fondling, or caressing other persons on the genitals, pubic area, buttocks, or female breast in a manner that would simulate sexual arousal.

**Specified Anatomical Areas:** means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or

2. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breast, regardless of whether such areas of the body are covered or not;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated, or;
4. Human genitals in a state of sexual stimulation, arousal, or tumescence;
5. Excretory functions as part of or in connection with any activities set forth in subdivisions (1) through (4) of this subsection.

**Substantial Enlargement of a Sexually Oriented Business:** the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the effective date of this Ordinance.

**Transfer of Ownership or Control of a Sexually Oriented Business:** means and includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means;
3. The establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control

**Youth Activity Center:** a boys' club, girls' club, or any other facility which is not a school but provides entertainment, recreation, crafts, tutorials, or other quality of life enhancements for minors, whether a non-profit facility or otherwise.

#### **Section 717.2 Classification**

Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult book stores or adult video stores;
3. Adult novelty shop;
4. Adult cabarets;
5. Adult motels;
6. Adult motion picture theaters;
7. Adult theaters;
8. Escort(s) or escort agencies;
9. Nude model studios; and
10. Sexual encounter centers.

#### **Section 717.3 Permit and/or License Required**

- A. A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license, issued by the City for the particular type of business.

- B. The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Fire Department, Building Official, and Chief of Police.
- C. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having the ten (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.
- D. The fact that a person possesses other types of state, county or city permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.

**Section 717.4 Issuance of Permit**

The city Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one (1) or more of the following to be true:

- 1. The applicant is under eighteen (18) years of age.
- 2. An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines or penalties assessed or imposed in relation to a sexually oriented business.
- 3. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form.
- 4. An applicant is residing with a person who has been denied a permit and/or license to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose permit and/or license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
- 5. The premises to be used for the sexually oriented business have not been approved by the Fire Department, Police Department, Building Official, or Zoning Administrator as being in compliance with applicable laws and ordinances.
- 6. The establishment's city business license fee has not been paid.
- 7. An applicant of the proposed establishment is in violation of, or is not in compliance with any provisions of this ordinance. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business

The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

**Section 717.5 Inspection**

- A. An applicant or permittee and/or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Codes Administration, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- B. A person who operates a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit lawful inspection of the premises at any time it is occupied or open for business.

**Section 717.6 Expiration of Permit**

- A. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in Sections 718.3 and 718.4. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.
- B. When the Zoning Administrator denies renewal of a permit and/or license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

**Section 717.7 Suspension of Permit**

The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- 1. Violated or not in compliance with any section of this Ordinance, or
- 2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises, or
- 3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter, or
- 4. Knowingly permitted gambling or any other unlawful activity by any person on the sexually oriented business premises.

**Section 717.8 Revocation of Permit**

- A. The Zoning Administrator shall revoke a permit and/or license if a cause for suspension as listed in section 718.7 occurs and the permit has been suspended within the preceding twelve (12) months.
- B. The Zoning Administrator shall revoke a permit if he or she determines that:
  - 1. A permittee and/or licensee knowingly gave false or misleading information in the application submitted to the Zoning Department, or
  - 2. A permittee and/or licensee or an employee has knowingly allowed

- possession, sale or use of controlled substances on the premises, or
3. A permittee and/or licensee has knowingly allowed prostitution on the premises, or
  4. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permit was suspended, or
  5. A permittee and/or licensee or an employee had knowingly allowed any act or sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises, or
  6. A permittee and/or licensee is delinquent in payments to the city, county, or state for any taxes or fees past due related to the sexually oriented business.

- C. When the Zoning Administrator revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented permit for one (1) year from the date revocation became effective.

#### **Section 717.9 Transfer of Permit**

A permittee and/or licensee shall not transfer his or her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

#### **Section 717.10 Location of Sexually Oriented Businesses**

- A. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated Light Industrial (LI) zoning district. All sexually oriented businesses shall be located within an LI district.
- B. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within four hundred (400) feet of the property line of a religious institution, a school, a lot devoted to residential use, a public park or recreation area, or youth activity center. The distance shall be measured in a straight line without regard to intervening structures or objects.
- C. Sexually oriented businesses shall not display a sign or signs visible from public streets or sidewalks or outside the premises which are pictorial, illustrative of or depicting of sexually oriented entertainment, services, or merchandise offered on the premises.

#### **Section 717.11 Validity**

Should any section or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, or other than the part so declared invalid.

**ARTICLE VIII  
ADMINISTRATION, ENFORCEMENT, APPEAL COMPLAINTS, AND REMEDIES**

**Section 800 Administration and Enforcement**

It shall be the duty of the City of Zoning Administrator to administer and enforce the provisions of this Ordinance. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall

- A. Notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Order discontinuance of illegal buildings, structures, uses, or of illegal additions, alterations, or structural changes, and discontinuance of any illegal activity; and,
- C. Shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions.

**Section 801 Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such a complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take appropriate action thereon.

**Section 802 Appeal from the Decision of the Zoning Administrator**

All questions arising in connection with the enforcements of this Ordinance shall be presented first to the Zoning Administrator. The Zoning Administrator shall issue a written decision to all such questions and shall send it to the person filing the complaint. Appeal may be made to the Board of Zoning Appeals by written notice given to it within ten (10) days after the date of receipt of the decision.

**Section 803 Board of Zoning Appeals**

**Section 803.1 Establishment of Board of Zoning Appeals**

A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members who shall be citizens of the City of Walhalla and shall be appointed by the Walhalla City Council. The members shall serve for overlapping terms of not less than three (3) years nor more than five (5) years or thereafter until their successors are appointed. Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board. None of the members shall hold any other public office or position in the municipality or county.

**Section 803.2 Proceedings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall elect a chairperson and a vice-chairperson from its members who shall serve for one (1) year, or until re-elected, or until their successors are

elected. The Board shall adopt rules and bylaws in accordance with this Ordinance and Title 6, Chapter 29 of the Code of Laws of South Carolina. Meetings of the Board shall be held at the call of the Chairperson and at such times as the Board may determine. All meetings of the Board shall be open to the public as provided for in the bylaws and rules of the Board.

**Section 803.3 Decisions of the Board of Zoning Appeals**

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public record. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the board shall inform in writing all the parties involved of its decisions and the reasons thereof.

**Section 803.4 Appeals, Hearings, and Notice**

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals, notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application of notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

**Section 803.5 Powers of Board of Zoning Appeals**

The Board of Zoning Appeals has the follow powers:

- A. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.
- B. To hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provision of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
  - 1. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - 2. these conditions do not generally apply to other property in the vicinity;
  - 3. 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;

4. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;
  5. the Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of the land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;
  6. in granting a variance, the board may attach conditions regarding the location, character, or other features of the proposed building, structure or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.
- C. To permit uses by Special Exception subject to the terms and conditions set for such uses in this Zoning Ordinance.
- D. In exercising the above power, the Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the duties specified in this chapter may subpoena witnesses and in the case of contempt may certify this fact to the circuit judge having jurisdiction.
- E. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail.

**Section 803.6 Appeals from the Decisions of the Board of Zoning Appeals**

A person who may have substantial interest in any decision of the Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in and for the City by filing with the Clerk of Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the Board is mailed.

**ARTICLE IX  
AMENDMENTS**

**Section 900 Amendments**

This Zoning Ordinance, including the Zoning Map, may be amended from time to time by the City Council, provided

- A. No amendment shall become effective unless it shall have been proposed by, or shall have first been submitted to, the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If said board fails to submit a report within thirty (30) days, it shall be deemed to have approved the requested amendment.

- B. In no instance shall a property owner or owners initiate action for a Zoning Amendment affecting the same parcel of property, or any part thereof, more often than once every six (6) months.

**Section 901    Initiation of Amendment**

- A. Proposed changes or amendments to the Ordinance may be initiated by:
1. City Council of Walhalla, or
  2. Walhalla Planning Commission, or
  3. Walhalla Board of Zoning Appeals, or
  4. Property Owners of the property in question, or
  5. Citizens' petition;
    - a. **Official Zoning Map:** a petition containing the signatures of all the owners of at least ten (10) lots, each one of which is owned by a separate person. At least five (5) of the lots whose owners sign the petition shall be within 250 feet of the area to be affected by the proposed amendment.
    - b. **Text of Ordinance:** a petition containing the signatures of all the owners of at least ten (10) lots, each one of which is owned by a separate person.
- B. Any application for a Zoning Map amendment shall be on a form supplied by the Zoning Administrator and shall contain or be accompanied by:
1. A written description of the present and proposed future use of the affected lot;
  2. A written description of the present zoning district and its boundaries, and the proposed zoning classification and district boundaries;
  3. A plan drawn to scale showing the area involved;
  4. A statement of the names and addresses of the owners of the affected lots;
  5. A statement of the names and addresses of the owners of all lots within one hundred fifty (150) feet of the lots which will be affected by the proposed amendment.
- C. Changes to the text of the Zoning Ordinance shall be in the form of a written proposal stating the section to be amended, the existing and proposed changes, and a brief rationale.
- D. Seven (7) copies of the amendment application and any attachments shall be filed with the Zoning Administrator. Before any action shall be taken as provided in this Article, person requesting the amendment shall pay all fees set by the City Council of Walhalla. Neither the City of Walhalla nor any office or department of the city shall be required to pay a fee.

**+Section 902    Public Hearing**

Upon receipt of an application for an amendment, the Planning Commission shall hold a public hearing thereon. The Planning Commission may consolidate applications and hold one hearing for any number of pending applications. At least fifteen (15) days public notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Walhalla.

**Section 903    Planning Commission Report**

After the public hearing, the Planning Commission shall prepare a report and make recommendations to the City Council on each proposed amendment, stating its findings and its evaluation of the request. In making its report, the Planning Commission shall consider the following factors:

- A. The relationship of the request to the Comprehensive Plan; and,
- B. Whether the request violates or supports the Comprehensive Plan; and,
- C. Whether adequate public school facilities, roads, and other public services exist, or can be provided to serve the needs of the development likely to take place as a result of such amendment, and the consequence of the amendment; and,
- D. Whether the uses permitted by the proposed amendment would be appropriate in the area concerned; and,
- E. Whether the proposed amendment is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area.

**Section 904    Declaration of Policy**

As a matter of policy, no request to amend the Ordinance or the map shall be acted upon favorably except:

- A. Where necessary to implement the Comprehensive Plan, or
- B. To correct any original mistake, a manifest error in the regulations, or map, or
- C. To recognize substantial change or changing conditions or circumstances in a particular locality, including changes in technology, the style of living, the manner of doing business, or to promote imaginative and innovative changes which will benefit the City of Walhalla.

**Section 905    Changes in the Zoning Map**

Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Zoning Administrator. Until such change is made, no action by the City Council on map amendments to the Zoning Ordinance shall be considered official, unless the Zoning Administrator fails to make the change within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of action even if the Zoning Administrator has failed to make the appropriate changes

**ARTICLE X  
LEGAL STATUS PROVISIONS**

**Section 1000    Conflict with Other Laws**

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

**Section 1001 Penalties for Violation**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred (\$500) dollars or imprisoned for not to exceed thirty (30) days, or both. In the case of continuing violations, each day of violation shall constitute a separate offense.

**Section 1002 Separability**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof which is not specifically declared to be invalid or unconstitutional.

**Section 1003 Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

**Section 1004 Effective Date**

This Ordinance shall take effect after the date of its adoption by the City Council of the City of Walhalla, and be in force from \_\_\_\_\_

DONE AND RATIFIED in Council duly assembled this

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

ORDINANCE 1992-3

CITY OF WALHALLA )

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT  
OF A PLANNING COMMISSION AND THE RESCISSION OF  
ORDINANCE 1991-3

ARTICLE I

Section 1.1      Function and Powers of the Planning Commission

The Planning Commission shall have, in general, such powers as may be necessary to enable it to fulfill its functions, promote municipal planning or carry out the purposes of this ordinance. Nothing herein contained shall be construed to give or permit any such Planning Commission to exercise any authority and power beyond the corporate limits of the City of Walhalla, except in the matter of planning and laying out new streets in new subdivision, it being the express intent hereof that in all other matters and things referred to it, the Walhalla Planning Commission shall have only advisory powers. It shall have the power to:

A. Prepare and revise periodically a comprehensive plan and program for the development of the City of Walhalla. Such plan may include any areas outside of the City limits which, in the Commission's judgement, bear relation to the planning of the City of Walhalla. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for:

1. The development and redevelopment of such territory, including the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location of public buildings and other public property and the general location and extent of public utilities and terminals;
2. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public ways, grounds, open spaces, buildings, property, utilities or terminals;
3. Land development regulations for the control of the height, area, bulk, location, use and intensity of use of buildings, structures and premises and population density;
4. The general location, character, layout and extent of community centers and neighborhood units; and

5. The general character, extent and layout of the replanning of blighted districts and slum areas.
- B. Prepare and recommend for adoption to the City Council means for implementing the plan and program:
1. Land development regulations, maps and appropriate revisions pursuant to §6-7-710, S.C. Code of Laws, 1976, as amended;
  2. Regulations for the subdivision of land and appropriate revisions, and to administer the regulations that may be adopted;
  3. An official map and appropriate revision thereof showing the exact location of existing or proposed public street, highway and utility rights-of-way and public building sites or open spaces;
  4. A capital program based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the cost of proposed projects and the means of financing them. The Commission shall submit the capital program, including the capital budget, to the City Council as directed.

Section 1.2 Additional Powers of the Planning Commission

The Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plan and programs and the development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work.

The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon, provided, however, that the Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of the City of Walhalla.

Section 1.3 Appointment; compensation; terms.

The Planning Commission shall consist of ~~five~~ or seven members and, with the exception of the mayor, shall be appointed by the City Council of Walhalla. All members of the Planning Commission shall served as such without compensation. The members may not hold an elected office in either the City or Oconee County. The terms of

office of the members of the Planning Commission shall be staggered and for four years and until their successors are appointed and qualify. The City Council may remove any member of the commission for cause after written notice and public hearing. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

Section 1.4 Offices, meetings, rules and records.

The Planning Commission shall elect its chairman and vice-chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of office of the chairman shall be one year, and the chairman shall be eligible for re-election. The Planning Commission shall hold at least one regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations. Such record shall be a public record.

*shall meet at the chairman's discretion*

Section 1.5 Employees, consultants, expenditures.

The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as all other civil employees of the City of Walhalla. The Planning Commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Walhalla City Council which shall provide funds, equipment and accommodations which it may deem necessary for the Planning Commission's work. The Planning Commission may accept and use gifts for the exercise of its functions.

Section 1.6 Studies for plan, general purpose of plan

In the preparation of such comprehensive or master plan, the Planning Commission shall make or cause to be made careful and comprehensive surveys and studies of present conditions and trends of future growth of the City of Walhalla and shall also give due regard to the relation of the City to any neighboring territory. The plan shall be made and used for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development or redevelopment of the City and its environs which will, in accordance with present and future needs, best promote the public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development or redevelopment, including adequate provision for traffic, the promotion of safety from fire or other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion

of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

Section 1.7 Public hearing on the plan; Requirements for adoption of plan or amendments.

Before the adoption of the plan or any such part, amendment, extension or addition the Planning Commission shall hold at least one public hearing thereon, after not less than fifteen days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper having general circulation in the City.

The Planning Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt parts of the plan, such parts corresponding with the major geographical sections or division of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The resolution shall be carried by the affirmative votes of at least a majority of the entire membership and shall expressly refer to maps and other descriptive matter intended by the Planning Commission to form the whole or part of the plan and the action taken shall be recorded in its official minutes of the Planning Commission by the identifying signature of the chairman and secretary of the commission. A copy of the plan or part thereof as adopted shall be certified to the appropriate governing authorities and to all other legislative and administrative agencies affected by the plan.

The City Council may formally approve the comprehensive plan by appropriate official action either as a whole or as parts are completed and adopted by the Planning Commission.

Whenever the Planning Commission shall have adopted a comprehensive plan, no new street, square, park or other public way, grounds, or open space or public building, structure or public utility, whether publicly or privately owned, shall be constructed or authorized in the political jurisdiction of the City Council of Walhalla until the location, character, and extent thereof shall have been approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the City Council of Walhalla which shall have the power to overrule such disapproval by the recorded vote of not less than two-thirds of its entire membership. But if authorization or financing of the proposed public way, ground, space, building, structure, or utility within the City of Walhalla does not, under the law, fall within the province of the City Council of Walhalla, the governmental entity having such jurisdiction shall request approval by the Walhalla Planning Commission. In case of the disapproval by the Planning Commission, it shall communicate its reasons to the City Council of Walhalla with recommended actions to be taken. Failure of the

Planning Commission to act within sixty days from and after the date of official submission to it shall be deemed approval.

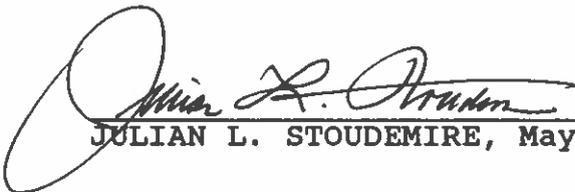
The Planning Commission appointed under this article shall have all the powers granted by law to any planning and land use development control commission of the City of Walhalla, and from and after the creation of a Planning Commission created herein in the City of Walhalla all powers and records of the Planning Commission shall be transferred to this Planning Commission, which may then be referred to as the Planning Commission of the City of Walhalla and which shall be subject to the laws and ordinances relating to both land use development and planning.

Section 1.8 Recommendations for land use development amendments.  
The Planning Commission may, from time to time, recommend to the Walhalla City Council amendments of the land use development ordinance or map or additions thereto.

Section 1.9 Economic Analysis  
The Planning Commission shall submit to the City Council an economic impact statement with each and every proposal. The statement shall include the estimated cost as well as the source of revenues that would be associated with the implementation of the proposal.

Section 1.10 Rescission of ordinance 1991-3.  
Ordinance 1991-3 is hereby repealed.

DONE AND RATIFIED in Council Assembled.

  
JULIAN L. STOUDEMIRE, Mayor

ATTEST:

  
Clerk/Treasurer

Introduced By: Bill Frady

First Reading: March 17, 1992

Final Reading: 4/21/92

# CITY OF WALHALLA

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE NO. 2021-19

CITY OF WALHALLA)

## SEWER USE ORDINANCE

**An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the discharge or deposit of certain substances into any sanitary sewer now maintained and/or owned by or which may become the property of the City of Walhalla and providing penalties for violation thereof. This ordinance rescinds all previous ordinances and ordinances or parts thereof in conflict with are hereby repealed.**

**BE IT ORDAINED** by the Mayor and Council of the City of Walhalla as follows:

### ARTICLE I

#### (DEFINITIONS)

Section 101            “Apartment” - shall mean any building containing two (2) or more Single Family Dwelling Units and having one (1) sewer connection for all Dwelling Units.

Section 102            “Approving Authority” – shall mean the City of Walhalla Utilities Department.

Section 103            “B.O.D.” – Biochemical Oxygen Demand is a measure of the pollutant strength of wastes of any nature. B.O.D. expressed in parts per million by weight shall mean the calculated pounds of oxygen required to satisfy the 5 day oxygen demand of a million pounds of domestic sewage or industrial wastes or a combination of both when tested in accordance with the procedures given in the latest edition of “Standard Methods for the Examination of Water and Sewage” published by the American Public Health Association.

Section 104            “Building” - shall mean any improved property containing a structure which meets any one of the classifications in Article 1.

Section 105            “Business” - shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under “Commercial” and “Institution.”

Section 106            “Camper/Travel Trailer” - shall mean a vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight 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 thirty-five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

Section 107            “City - shall mean the City of Walhalla, its elected officials and appointed authorized representatives.

Section 108            “Color” – shall mean the True Color due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in wave lengths of light

Section 109            “Combined Sewage” - shall mean a sewer receiving both surface water runoff and sewage

Section 110            “Commercial” - shall mean any hotel, motel, lodge, tourist home, efficiency apartments, houses or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a Rental Unit.

Section 111            “Condominium” – shall mean one or more buildings containing two or more single family units owned individually and not provided with access by public streets or roads and having one sewer connection for each unit.

Section 112            “Customer” - shall mean any responsible person who makes application to the City for water service.

Section 113            “Customer in good standing” - shall mean a customer who has an active account(s) and has not violated the water or sewer use ordinances at any time, and has not been cut off for nonpayment for any monthly bill within one year, at time of application for a new service.

Section 114            “Development” – shall mean any residential subdivision, commercial, industrial, or institutional complex.

Section 115            “Equivalent Unit” - shall mean equal to the number of Single Family dwelling unit for the purpose of establishing tap fee and billing cost; the following equivalents shall be used:

- |                                |      |
|--------------------------------|------|
| A) Single Family Dwelling Unit | 1.0  |
| B) Condominium Dwelling Unit   | 1.0  |
| C) Townhouse Dwelling Unit     | 1.0  |
| D) Apartment                   | 1.0  |
| E) Hotel or Motel per room     | 0.60 |
| F) Mobile Home                 | 1.0  |
| G) Restaurant, per seat        | 0.25 |

H) Business or Institution per 6000/gals per month usage	1.0
I) Camper/travel Trailer	0.60

Section 116            “Farm Users” - shall mean class of user that uses the water exclusively for lawn, garden, and crop use and there is no connection inside or outside of a building which is directly or indirectly tied to a sewer.

Section 117            “Institution” - shall mean any building used as a hospital, church, school or similar public facility.

Section 118            “Multiple Family Dwelling Unit” - shall mean any building containing two (2) or more Single Family Dwelling Units and having individual water connections to each Dwelling Unit.

Section 119            “Oconee Joint Regional Sewer Authority (OJRSA)” – Shall mean the sewer treatment entity in Oconee County.

Section 120            “Person” - shall mean any individual, firm, company association, corporation, institution or group.

Section 121            “Rental Property” – shall mean any and all real property that is rented or leased by one group or person from any other group or person for the purpose of living space, commercial, or industrial use. ALL rental properties inside the City Limits MUST be inspected by the Fire Department prior to obtaining services.

Section 122            “Services” - shall mean the delivery of potable water through an authorized and approved Water Connection, account record keeping, billing, and all work associated therewith.

Section 123            “Single Family Dwelling Unit” - shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year.

Section 124            “Townhouse” - shall mean one or more buildings containing two (2) or more Single Family Units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.

Section 125            “Water Connection” - shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient property line of the customer.

Section 126            “Waterworks System” - shall mean all property, well equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the

## Article II

### **Prohibited Use of Public Sewers**

Section 201 No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

Section 202 Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the Approving Authority, be discharged to storm sewers or storm drains.

Section 203 Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewer.

- (A) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., except fibers, scraps, etc., which will pass through a 1/4 inch mesh screen or its equivalent in screening ability.
- (B) Any liquid or vapor having a temperature higher than 160 degrees.
- (C) Any water or waste containing more than 100 parts per million by weight or fats, oils or grease.
- (D) Any liquids, solids, or gases which by reason of their nature or quality may cause fire or explosion, or be in any way injurious to persons, the sewerage system, the sewage treatment works or the operation of the sewage treatment works.
- (E) Any liquid waste in which the suspended solids exceed 250 parts per million by weight except as hereinafter provided for.
- (F) Any liquid wastes in which the suspended solids exceed 250 parts per million by weight except as hereinafter provided for.
- (G) Any water or wastes having a stabilized pH lower than 6.0 or higher than 8.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (H) Any waters or waste containing a poisonous or toxic substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.

- (I) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- (J) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (K) Any garbage that has not been properly shredded.
- (L) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (M) Any materials which form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation..
- (N) Any waters or wastes containing dyes or other color which cannot be removed t biological processes and which require special chemical treatment.
- (O) Any waters or waste containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.

Section 204 The Approving Authority, without limitation by other sections of this ordinance, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the City under approved conditions or pretreatment. The Approving Authority may prohibit entry of particular industrial waste into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

### **ARTICLE III**

#### **Permissive Use of Public Sewers**

Section 301 The City shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be specified in Article V.

Section 302 Any sewage discharged by any person, which has an average working day flow greater than:

- (A) 5,000 gallons if tributary to the sewage pumping stations, or

- (B) 5,000 gallons if tributary to the main gravity system may be admitted into the sanitary sewers provided such sewage is discharged at rates which will not overload the sewerage system.

Section 303 Where necessary in the opinion of the Approving Authority and whenever the total volume of sewage discharged by any person in any one day shall exceed the limits set forth above, such person may be required, at no expense to the City, to construct holding or storage tanks in order to equalize the discharge over a 24 hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the Approving Authority. Notice shall be given the Approving Authority when normal operations of the Person will be interrupted for 24 hours or longer and wastes will not be available for discharge.

Section 304 Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of Section 203 or where necessary in the opinion of the Approving Authority, the person discharging sewage shall construct or cause to be constructed at no expense to the County Or City such preliminary handling or treatment as may be required to:

- (A) Reduce the B.O.D. to 400 parts per million by weight, and the suspended solids to 400 parts per million by weight
- (B) Or charge the objectionable characteristics or constituents to come within the maximum limits provided for Section 203.

Section 305 Where the volume of any sewage discharged by any Person exceeds the limits set forth under Section 302, the entire volume of such wastes shall be understood to come within the requirements set forth under Section 303.

Section 306 Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Approving Authority and no construction of such facilities shall be commenced until such approval is obtained in writing.

Section 307 Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at , no cost to the City.

Section 308 Any person who is now discharging any sewage into the City's public sewer may be required to make written application to the Approving Authority giving complete information as to the nature and characteristic sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

Section 309 Any person having been granted authority by the Approving Authority to discharge sewage into the City's public sewers and who shall change or cause to be changed the nature or quantity of such sewage, shall before making such change, receive the approval of the Approving Authority of such change and may be required to furnish the Approving Authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

Section 310 An person who should wish to make such connection and discharge such sewage as described above, shall make written application to the Approving Authority a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other articles of this Ordinance.

Section 311 Grease, oil and sand separators or traps shall be provided when in the opinion of the Approving Authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units, but may be required for certain industrial or commercial establishments, public eating place, hospitals, hotels, schools or other institutions. Such separators shall be readily accessible for inspection by the person at no expense to the City and in continuously efficient operation at all times.

Section 312 Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pre-treatment, storage or other approved works, or if pre-treatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the Approving Authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the waste discharged.

Section 313 In all cases, sewage discharge will meet the pre-treatment limits, as set forth in the Oconee County Sewer Commission sewer ordinance, Article VI.

## **ARTICLE IV**

### **Operations and Control**

Section 401 The Approving Authority and duly authorized representatives of the City, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The City shall notify, if available, the person or a representative of the person prior to entering the premises.

Section 402 In the interest of the public health and safety, the Approving Authority and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to

the right to close down any portion of the sewerage system for the purpose of making connections, alterations or repairs.

Section 403 All tests and analyses of the characteristics of sewage to which reference is made in this ordinance shall be made in accordance with the procedures given in the latest edition of 'Standard Methods for Examination of Water and Sewage', revised, published by the American Public Health Association. Such tests and analyses shall be determined at the control manhole provided for in Section 312, or at the point of discharge of any sewage at the site of their origin on the premises of any person discharging such sewage into sewers.

Section 404 The volume of flow used in computing sewer user charges and surcharges shall be based upon metered water, or by flow meter installed at no expense to the City. Consumption records of meter reading will be maintained by the City water department.

Section 405 In the event that a person discharging waste into the sanitary system produces evidence that more than twenty percent of his water use does not enter the sewer system, the user may apply for a reduction in the flow used to calculate his sewer use charge.

Section 406 Every building which is located within 300 feet of any sewer main operated and maintained by the City shall be connected thereto and shall utilize the same for waste water disposal. Said connection shall be made prior to occupancy of new building.

Section 407 Existing buildings which are provided with access as described in Section 406 shall connect to the sewer main within a period of two years from date of completion of the sewer main; or at such time of failure or malfunction of existing waste disposal means; or at such time as directed by the City upon notice that the existing means of waste disposal is a community health hazard and violation of federal, state or county law.

Section 408 Where no public sewer exists within the limitation of Section 406 or where connection is technically impractical, the owner of such property may apply for a permit to construct and operate a septic tank system as approved by the County Department Health, and further provided that the septic tank system is properly maintained so as to eliminate any hazard to the public health.

Section 409 Any person desiring connection to be made with the sewage system shall make: application on an appropriate form at the Department of Water and shall be accompanied by the appropriate connection fee.

Section 410 All sewer service lines shall conform to the requirements of the Approving Authority on location, size, type, materials and methods used shall be inspected and approved by the City.

Section 411 The size and connection fee of all services shall be governed by the number of individual units to be served by the same connection.

- (A) Single Family Dwelling Units and Apartments or Duplexes containing less than four single family dwelling units shall have a four inch connection minimum.
- (B) Multi-Family units contain more than four single family dwelling units shall have a connection sized upon the ,equivalent number of bedrooms and flow as specified by the South Carolina Department of Health and Environmental Control Criteria or Equivalent Residential Users, whichever is greater.

Section 412 It shall be unlawful for any person to make, or undertake to make or cause to be made any connection to the sewerage system without first having made application and received approval.

Section 413 When Application has been made under the terms of this ordinance, the City shall provide the necessary service at the most convenient location on the customer property line.

## **Article V**

### **User Charges and Surcharges**

Section 501 The City shall at least annually adopt an adequate schedule of sewer service charges to defray the cost of operating and maintaining the sanitary sewerage system. The cost to be used as a basis of determining charges shall include, but is not necessarily limited to; direct operation and maintenance, administration, collection and billing charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The sewer service charges adopted shall be such that each user pays at least their proportionate share of all cost herein noted.

Section 502 The sewer service charges shall be published in a form for public distribution by mail to each customer's billing address and notice shall become a part of this ordinance upon adoption and public notification and shall be based on the cost of treatment per thousand gallons of sewage.

Section 503 The Approving Authority shall levy monthly sewer service charges based on actual water consumption, as obtained from water meter readings or other means as provided under Section 404 and 405. If the bill is not paid in its entirety by the 20th, the bill shall be delinquent and water service shall be discontinued as provided for in Section 701.

Section 504 The Approving Authority may, at its discretion, allow industrial waste which exceeds the limitation of Article II Section 203, to be discharged into the sanitary sewerage system, provided that the person discharging such waste shall agree to the payment of a surcharge for all BOD or Suspended Solids in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service.

Section 505 The surcharge covering the cost of treatment of said industrial wastes shall be determined by the Oconee County Sewer Commission.

Section 506 Connection fees to the sewer system shall be based upon size as determined under Article IV, Section 411 and the following for those inside the City limits. Connection fees for outside City limit customers shall be one half times the inside fees.

(A) Single Building Connection.

<u>Size</u>	<u>Tap Fees</u>
	<u>Inside City</u>
4" Connection	\$1200
	Premade \$ 800
	<u>Outside City</u>
	\$1600
	Premade \$ 800
6" or over in size	Cost plus 30%

- (B) Apartments and duplexes on one connection shall be charged tap outlined in Section (A) for the first single family dwelling unit plus \$100.00 additional unit served by the same connection.
- (C) Condominiums and townhouses on one connection shall be charged as in Section (A) for the first single family dwelling unit plus \$150.00 for each additional unit served by the same connection.
- (D) Motels on one connection shall be charge as outlined in Section (A) plus \$35.00 per bedroom unit served by the same connection.
- (E) Mobile Home Parks on one connection shall be charged as outlined in Section (A) plus \$100.00 per each additional mobile home space provided.
- (F) Business or industrial users on one connection shall be charged a connection fee in accordance with the connection size plus \$100.00 for each equivalent unit of flow to be discharged by the user.
- (G) No individual may tap the City's sewer system without prior written approval, and payment of the proper fees, listed above. All premade taps must be coordinated with the City prior to installation.
- (H) To obtain a new sewer tap, the tap application and sewer service accessibility form must be filled out completely. Once the applicable sewer impact fees have been paid in full to the Oconee Joint Regional Sewer Authority (OJRSA), the sewer tap fee may be paid to the City.

- (I) All new customers applying for commercial service within the City's sewer system must complete a Sewer Accessibility Form. This information will be transmitted to the OJRSA for approval. No service will be granted until receipt of equivalency, or notice of payment of impact fees due.

Section 508 The sewer service charge shall be based upon the monthly use of water as given under Article V, Section 503 in accordance with the following rates: **As shown in Appendix A of the current approved budget document.**

Section 509 The surcharge for excess BOD or suspended solids shall be based upon the rate charge given to the City by the Oconee Joint Regional Sewer Authority.

Section 510 For customers, the City will allow for a Summer Sewer Bill for June, July, August, and September billings based upon 9 months usage, and excluding the usage from the months of June July, August. The charge for the special sewer rate will be \$25.00. As an alternative, the City will install an irrigation only water tap for a one-time fee of \$500. The tap may only be used for outdoor irrigation, filling of pools, car washing, etc., and may not be connected to any structure. If the City declares mandatory use restrictions due to drought, the service will be discontinued, and the summer sewer rate will be cancelled.

## **Article VI**

### **Sanitary Sewer Extensions**

Section 601 Construction of Sanitary Sewerage System in any new development shall be the responsibility of any person performing such development.

Section 602 Sanitary sewers constructed within new developments may be conveyed to the City provided all such sewers are located within public right-of-way or easements of adequate widths to provide maintenance vehicle access.

Section 603 Any new development proposing to build sanitary sewers or extensions to existing sanitary sewers which will connect directly or indirectly into the City's sanitary sewerage system shall conform its plans and specifications to the requirements of the Approving Authority. The plans and specifications shall be prepared by a Registered Engineer who is authorized by laws of the State of South Carolina and approved or approvable by any and all local, county, and state authorities having jurisdiction.

Section 604 Approval of systems shall be accomplished in accordance with the following procedure:

- (A) Submit preliminary construction plans to the Approving Authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the City's system or other disposal system.
- (B) Receive preliminary approval from City and other jurisdictional agencies.
- (C) Prepare construction drawings and documents for City's approval.
- (D) Secure all other agency approvals of construction drawings and contract documents.
- (E) Upon receipt of all approvals, proceed with construction, notifying the Approving Authority of construction schedules.
- (F) Provide the Approving Authority and its authorized representatives with permission for on-site inspection during construction.
- (G) Upon completion of construction, the Engineer employed by the development shall inspect and furnish to the Approving Authority, at no cost to the City, his certificate of completion indicating that the subject sewerage system has been constructed in accordance with the approved plans and specifications and shall provide four (4) copies of "as constructed" drawings.

Section 605 Sewerage Systems to be conveyed to the City will be done by the owner preparing and submitting to the City an Instrument of Conveyance, conveying the constructed system to the City at no cost to the City and the system shall thereafter be owned, operated and maintained by the City as provided for in this ordinance. The Instrument of Conveyance shall also include permanent easements--and rights-of-way fully described and duly recorded at the appropriate authority.

Section 606 The owner of his authorized agent shall submit a Warranty which is legal instrument in which the Owner warrants the materials, equipment and construction of the system for twelve (12) months. The owner shall further warrant to the Approving Authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the City harmless in each instance.

Section 607 All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "As Constructed" drawings.

Section 608 All sewerage system extensions must be compatible with present and future plans and need of the City.

**Article VII**

**Penalties**

Section 701 The Approving Authority may discontinue sewer service without notice to any person who is delinquent in payment of charges, cost recovery, and/or surcharges as stipulated in Section 503. Sewer service may be discontinued by complete severance of the sewer connection, or by discontinuing water service through the Customer's water meter. Service shall remain discontinued until said Customer has paid his past due account and reconnection fee.

Section 702 Failure to comply with this ordinance shall subject the person to a penalty of not less than \$100.00 per day and payment of all damages incurred to the sewerage system as a result of non-compliance.

**Article VIII**

**Validity**

**ARTICLE IX**

**EFFECTIVE DATE**

Section 901. This ordinance shall be in full force and effect from and after its passage.

**DONE AND RATIFIED** in Council duly assembled this 19th day of June, 2012.

\_\_\_\_\_  
Danny Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading  
and adoption: \_\_\_\_\_

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE NO. 2021-20

CITY OF WALHALLA)

## WATER USE ORDINANCE

**An Ordinance to Regulate, Restrict and Limit, in the interest of the Public Health and Safety, the use and operation of the Water Works System maintained and owned by or which may become the property of the City of Walhalla and providing penalties for violation thereof. This ordinance rescinds all previous ordinances and ordinances or parts thereof in conflict with are hereby repealed.**

**BE IT ORDAINED** by the Mayor and Council of the City of Walhalla as follows:

### ARTICLE I

#### DEFINITIONS

Section 101. Apartment - shall mean any building containing two ( 2 ) or more Single Family Dwelling Units and having one ( 1 ) water connection for all Dwelling Units.

Section 102. Building - shall mean any improved property containing a structure which meets any one of the classifications in Article 1, Sections 101 through 108.

Section 103. Business - shall mean any building used by the occupant for amusement, entertainment, service, professional, retail trade or any other similar purposes except as defined under “Commercial” and “Institution.”

Section 104. Camper/Travel Trailer - shall mean a vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight 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 thirty-five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

Section 105. City - shall mean the City of Walhalla, its elected officials and appointed authorized representatives.

Section 106. Commercial - shall mean any hotel, motel, lodge, tourist home, efficiency apartments, or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis. For determination of rates, each room or series of rooms made available to the general public as a separate entity for

overnight accommodation shall be classified as a Rental Unit.

Section 107. Customer - shall mean any responsible person who makes application to the City for water service.

Section 108. Customer in good standing - shall mean a customer who has an active account(s) and has not violated the water use ordinance at any time, and whose account is not currently delinquent.

Section 109. Equivalent Unit - shall mean equal to the number of Single Family dwelling unit for the purpose of establishing tap fee and billing cost; the following equivalents shall be used:

A) Single Family Dwelling Unit	1.0
B) Condominium Dwelling Unit	1.0
C) Townhouse Dwelling Unit	1.0
D) Apartment	1.0
E) Hotel or Motel per room	0.50
F) Mobile Home	1.0
G) Camper/travel Trailer	0.50

Section 110. Farm Users - shall mean class of user that uses the water exclusively for lawn, garden, and crop use and there is no connection inside or outside of a building which is directly or indirectly tied to a sewer.

Section 111. Institution - shall mean any building used as a hospital, church, school or similar public facility.

Section 112. Master Meter – A water meter serving more than one unit.

Section 113. Multiple Family Dwelling Unit - shall mean any building containing two (2) or more Single Family Dwelling Units and having individual water connections to each Dwelling Unit.

Section 114. Non-Payment Fee – shall mean the fee charged to all customers on the disconnect list. This fee can only be waived one time for the lifetime of the account, and applies, regardless of connection status.

Section 115. Person - shall mean any individual, firm, company association, corporation, institution or group.

Section 116. Photo ID- A governmental issued identification card including a South Carolina Driver's license or photo ID or a current real photo ID from another state or a valid passport or a United States military identification card.

Section 117. Rental Property – shall mean any and all real property that is rented or leased by one group or person from any other group or person for the purpose of living space, commercial, or industrial use. ALL rental properties inside the City Limits MUST be inspected by the Fire Department prior to obtaining services.

Section 118. Residence – Any dwelling unit, home, mobile home, apartment, camper, etc. used as living space, whether permanent or temporary.

Section 119. Services - shall mean the delivery of potable water through an authorized and approved Water Connection, account record keeping, billing, and all work associated therewith.

Section 120. Single Family Dwelling Unit - shall mean any building, house or apartment unit, occupied for living purposes by a single family and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year. Only one unit per meter allowed.

Section 121. Townhouse - shall mean one or more buildings containing two (2) or more Single Family Units owned individually and provided with, or adjacent to, public streets or roads and having one (1) water connection for each unit.

Section 122. Water Connection - shall mean all materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient property line of the customer.

Section 123. Waterworks System - shall mean all property, well equipment, pumps, piping, water storage tanks, water connections, records, structures, and any other associated appurtenances necessary to provide water service owned and operated by the City of Walhalla.

## **Article II**

### **GENERAL**

Section 201.

- A. Each water customer shall make application to the City for service by completing the standard contract of the City. In addition, proof of ownership (deed), or a copy of a rental agreement, and a photo ID will be required to establish service. Contracts may be completed in person, by email, or through the City's website. Contracts for new service taken after 3:00 PM will be processed the next business day. Requests for same day service made after 3:00 PM will be charged an additional \$25 fee. Rental units inside City limits must pass an inspection prior to establishing service. Connection fees and

service charges are as follows:

As shown in Appendix A of the current approved budget document.

- B. To perform a home inspection that requires water service, water will be furnished for a one-time inspection at a cost of \$25 for up to 100 gallons usage. The customer will be required to fill out a contract at City Hall prior to a work order being processed. The meter will be unlocked and turned on by 3:30 PM, and will remain on until 3:30 PM the following day. This service may only be requested Monday through Thursday. The individual requesting water service will be responsible for coordinating with their inspector.

Section 202. It shall be unlawful and a violation of this Ordinance for any person, or persons to damage, deface, alter, change, or tamper with any part of the Waterworks System in any way. This includes damage to the water meter or curb stop owned by the City. Upon conviction, said person or persons shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor. The minimum tampering/damage charge shall be \$250.

Section 203. The City reserves the right to discontinue Service immediately, and the Water Connection removed or severed, if it is found that any provision of this Ordinance has been violated.

Section 204. It shall be unlawful and a violation to this Ordinance for any person to make any connection to the Waterworks System or to reconnect service when it has been discontinued for violation of this Ordinance, or any other reason except where specifically approved in writing by the City with said approval being contingent upon satisfaction of all Articles of this Ordinance; and upon conviction, said person or persons shall be found guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor.

Section 205. When Service has been discontinued for violation of this Ordinance, including non-payment of bill, all charges for services to date become immediately due and payable. Service will not be reinstated until payment in full of all charges including: bills, cost of repairs, service charges, non-payment fees, and penalties.

Section 206. All metered accounts will be read monthly and billed monthly to the customer from the date service is established, regardless of the number of days of service. If a bill is not paid by the 10<sup>th</sup> of the month of billing, a 10% penalty will be added. A bill with a balance due of \$75.00 or greater on the 20<sup>th</sup> of the month shall put the customer in non-payment status and will result in the customer being put on the cut-off list. If the bill is not paid in its entirety by the 20<sup>th</sup>, a \$35.00 non-payment fee will be added to the account when the cut-off list is generated. The non-payment fee must be paid before the service will be restored. For customers in good standing, the first non-payment fee will be waived.

Section 207. For each new Water Connection and in addition to conformance with Article II, Section 201, the person applying for water service shall pay a tap fee for new meter

installation according to the schedule of Article V, Section 503. Payment is to be made before the water connection is provided by the City.

Section 208. No water service shall be furnished to any residence or property from an existing service at another residence. Unauthorized connection will result in termination of water service at the residence with the active account.

Section 209. No claims or demand that the customer may have against the City shall be considered as an offset against the payments for service as provided under this Ordinance.

Section 210. Water service, as provided by this Ordinance, is rendered to the customer for the use of the customer in the operation of his residence, rentals, services, business, commercial, or institution. Said service shall not be subleased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

Section 211. Each water connection shall require the connection fee as required by Section 201. All accounts will be billed monthly, regardless of usage or days of service. The applicant shall be responsible to all Articles of this Ordinance regardless of ownership of the property being served by that water connection.

Section 212. No water service shall be furnished or rendered free of charge to any person.

Section 213. To discontinue service with the City, the customer must make a request, in writing, to have the service discontinued. The City has forms available at City Hall, which can be completed in person, by mail, or online. Service will not be discontinued until the completed form is received.

Section 214. Customers with a critical medical need for water service shall provide a letter stating the medical necessity for water service on their physician's letterhead. If the customer's account is unpaid after the 20th, a written disconnect notice will be given, and service discontinued 48 hours later if balance remains unpaid. All penalties, late fees, and non-payment fees will apply.

### **ARTICLE III**

#### **SERVICE**

Section 301. The City shall provide personnel to operate the system in number and of skill as required by the rules and regulations of the South Carolina State Department of Health and Environmental Control. The City agrees to use reasonable diligence in providing a regular and uninterrupted supply of water service. In case the supply of water shall be interrupted, or fail by accident, or any cause whatsoever, except negligence on the part of the City, the City shall not be liable for any damages sustained by the customer by reason thereof.

##### **(A) WATER METER OWNERSHIP**

The City of Walhalla shall exclusively own all water meters as a part of its water system. The user of utility service shall pay for the tap to the City of Walhalla Water System to provide such service to connect water to the ultimate user. Customer is liable for ANY damages or tampering to the meter, box, valve, connections, etc. The City is NOT responsible for any portion of a service line beyond the discharge meter coupling.

**(B) WATER METER REMOVAL FOR NONPAYMENT, TAMPERING, OR DAMAGE**

If an individual, corporation, partnership, or other entity does not pay a bill for utility service prior to the 20<sup>th</sup> of the month, and service shall be disconnected, and the water meter shall be locked. The lock shall be removed only when the bill is paid, including delinquent charges. If the lock is removed, cut, bypassed and/or tampered with, or the meter is tampered with or damaged, the following will occur:

The water meter shall be removed, and service discontinued. The minimum charge for removal and reinstallation shall be \$250.00, or the cost of actual repairs, whichever is greatest, plus payment of any delinquent bill.

Section 302. All services will be metered. Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year. When at the request of the customer, water meters have been tested by the City or any other party approved by the City and found to be more than 3% fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed three months prior billing. If a meter is tested at the customer's request more than once in any six-month period, the customer shall pay a service charge of **\$25.00** for such service but in the event the meter is found to be more than 3% fast, then the customer will have his bill adjusted as stated above and no service charge will be applied. For remote read meters, the reading on the meter register shall be the reading used for billing purposes in the event of a transmitter failure.

Section 303. The City shall have the right to enter the Customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters. The City shall further have the right to enter the Customer's premises for inspection and any other reason for administering reasonable service provided that the customer is notified in advance.

Section 304. All commercial businesses inside the City, whether owner occupied or rental property, must pass a fire inspection before water service can be established.

Section 305. All applications for water service are also subject to the Oconee Joint Regional Sewer Authority policies in effect at the time of application.

Section 306. All water connections installed for sprinkler systems or similar business or commercial fire protection devices must be equipped with at least a testable double check valve or a reduced pressure backflow preventer on the customer's side of the line, at the customer's expense. These must be certified once per year by a certified backflow tester at the customer's expense, and all tests must be submitted in the iBackflow system. Testing notices will be sent by iBackflow several weeks before the test is due. If a customer fails

to have the device tested, the City will have the device tested by a contract tester, and bill the customer \$75 on their water bill.

Section 307. The City will allow each customer two free convenience cutoffs and cut-ons each year; thereafter, a fee of \$25.00 will be billed for this service. Convenience cut-offs, as a protective device during periods of absence from the premises, do not relieve the customer of any obligation to pay the minimum charges as set forth in the rate schedule of Article VI.

Section 308. All building plumbing shall conform to the National Plumbing Code, latest revision, and shall be accomplished only by a regular, licensed plumber authorized by the City. It shall become the responsibility of each person requesting a water connection to notify the City and arrange for final inspection of the plumbing while visible and accessible to the inspecting agent of the City before permission to connect is granted.

Section 309. The City shall make inspections of existing building plumbing and if any condition is found which, in the opinion of the City, constitutes a health hazard or a potential health hazard to the water supply or operation of the Waterworks System. The City shall require immediate action to be taken by that customer or sever the water connection until remedial measures are instituted, and the hazard eliminated to the complete satisfaction of the City.

Section 310. Under no circumstance shall any part of the Waterworks System be connected in any way with any other water source. Any hazardous connection between the Waterworks System and any source of contamination is expressly prohibited.

Section 311. During any and all improvements, expansions, extensions, repairs, or fire calls, the City shall exercise all reasonable precautions to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.

Section 312. In the interest of the public health and safety, the City shall be permitted to take such emergency action as may be deemed necessary in the operation of the Waterworks System. These rights, include but are not limited to, the right to close down any water line or portion of the System for the purpose of making connections, alterations, or repairs. The City shall not be liable for any damages to any portion of the customer's service line, plumbing, etc.

Section 313. The City shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the customer. These tests are to be in accordance with the rules and regulations of the SCDHEC.

Section 314. During times of drought, the City reserves the right to discontinue water service for failure to abide by the water restrictions imposed. All irrigation equipment must be removed prior to re-installation of the meter.

Section 315. For new business or commercial water service, where renovations will be taking place, and water service will be needed, all permits must be obtained (Zoning, OJRSA if

applicable, Building Permit) prior to application. After permits have been obtained, the Fire Marshall can be contacted for an inspection. After passing inspection, the Fire Marshall will clear the property for water service, and the occupant may then apply for water service. If the Fire Marshall, at any time during the renovation process, determines that the occupant is working outside of the permitted use or activities, or not following the permitted actions, the Marshall may request that water service be discontinued.

## **ARTICLE IV**

### **RECORDS AND BILLING**

Section 401. All metered accounts shall be billed and payable monthly.

Section 402. While the City will make every reasonable effort to see that each customer received his bill, no responsibility will be assumed for non-delivery when same has been mailed at the Post office.

Section 403. All charges for water services are due and payable at the collecting office in the City Hall building of Walhalla.

Section 404. All bills paid after 5:00 PM shall be credited on the following business day.

Section 405. In no event will refunds for overcharges be made for a period covering more than three (3) months immediately preceding.

Section 406. Each account for water service shall be classified for billing purposes at the discretion of the City according to the definitions contained herein. The customer shall have the right to redress to the City for purpose of reclassification through presentation of sufficient evidence to the City Council.

Section 407. Billing will be based upon minimum rates for each meter size as given under Article VI. Any service discontinued for convenience under Section 305 shall be subject to payment of the minimum monthly rate for the period of absence.

Section 408. Services discontinued for non-payment shall only be re-instated after all past due charges, penalties, non-payment fees, and tampering fees have been paid in full. If the balance remains unpaid for 2 months and exceeds the connection fee amount, or, is unpaid for 3 months, the account will be closed and the connection fee applied to the balance. Outstanding balances on old accounts may be transferred to a customer's active account for payment.

Section 409. The City shall keep separate from other business the records of the Water System.

Section 410. All records of business transactions, billings, and receipt of funds shall be maintained by the City clerk and treasured in accordance with the Bond Ordinances governing the system.

Section 411. The City Council shall prepare an annual budget for the Water System based upon the audit and establish such changes as may be necessary to fund said budget in accordance with the Water Use Ordinance.

Section 412. The City of Walhalla has the right, pursuant to the South Carolina Setoff Collection Act, to collect any sum due and owed by the applicant through offset of the applicant's state income tax refund. If the City of Walhalla chooses to pursue debts owed by the applicant through the Setoff Debt Collection Act, the applicant agrees to pay all fees and costs incurred through the setoff process, including fees charged by the Department of Revenue, the Municipal Association of South Carolina, and/or the City of Walhalla. If the City of Walhalla chooses to pursue debts in a manner other than setoff, the applicant agrees to pay the costs associated with the selected manor as well.

## ARTICLE V

### TAPS

Section 501. No water connection shall be made until the tap fee as set forth below has been paid, and all necessary encroachment permits have been obtained.

Section 502. All taps and related water connections shall be accomplished by the City using standard equipment and materials.

Section 503. Tap fees for new connections shall be determined by the following based upon the number of equivalent units served:

**As shown in Appendix A of the current approved budget document.**

All tap fees for taps larger than one (1) inch in size, or requiring additional work beyond the normal tap, shall be the base one (1) inch tap cost, plus all materials, and appurtenances required for a complete installation. Each tap application will be reviewed, and a cost estimate provided to the customer, based upon actual site conditions. For new water taps that require additional materials (Additional pipe, concrete or asphalt work, special conditions, etc.), above and beyond that included in the tap fee listed, a quote for the additional cost will be prepared for the customer. The City reserves the right to postpone the installation of a service tap until all required permits are obtained, and all materials for the job have been delivered.

All taps requiring flow for fire protection shall be required to have a detector check valve assembly for backflow prevention and to monitor usage. The fire line charge is for the tap fee and inspection only. For fire line taps outside City limits, or as part of a new construction project, all work, including tap, must be performed by a licensed contractor, and coordinated with City of Walhalla personnel. For retrofit fire sprinkler projects, within City limits, the City will perform the fire line tap.

Section 504 Master Meters are allowed only by special permission of the City Council. Each billing/dwelling unit is required to have a separate meter. If any unit is removed from a master meter connection, the unit must have a separate meter installed before service can be restored. If the unit is re-connected to the master meter, the master meter is subject to disconnection for violation of this ordinance.

## ARTICLE VI

### WATER USE RATES

Consumer rates are shown in Appendix A of the current approved budget document.

Section 601. Sprinkler service provided to commercial, business or industries which are not metered shall be charged a monthly rate of \$0.10 in town and \$0.20 out of town per one hundred (100) square feet.

Section 602. Discontinued or services, cut off for non-payment of bills may be reconnected only after payment of all charges, penalties, non-payment fees, and tampering fees.

Section 603. Discontinued water service cut on after normal hours of operation shall only be done with proof of payment of bill in full. Only a paid receipt or a cancelled check for the amount due will be accepted as proof.

Section 604. Each customer will be entitled to one adjustment every four years due to water leaks, upon showing proof of repair of the plumbing system. The customer will pay an estimated bill based upon the last six months of billing. The customer must have a minimum of six month's usage history to be eligible for an adjustment, and apply for the adjustment in person. If a customer has a leak, and is not eligible for a leak adjustment, the customer may be eligible for a payment plan. To qualify, there must be proof of the leak repair, and the customer's bill must be at least double their 6-month average usage. If qualified, the customer must request the payment plan prior to the 10<sup>th</sup> to avoid that month's penalties. The request must be made in person, by the account holder. The customer's high bill will be divided into 3 monthly payments that must be paid in addition to the normal monthly billing. If the payment is not made by the 10<sup>th</sup>, penalties will apply to the entire balance. If payment is not made by the 20<sup>th</sup>, the account will be subject to disconnection. If the customer's bill is greater than \$1,000, the payment period will be extended to 6 months, and all other conditions above will apply. For inactive accounts with an outstanding balance, customers may apply for the payment plan and for new service at the same time. They must agree to the appropriate plan terms (3 or 6 months) and conditions and agree to pay the plan payment and monthly bill or be subject to penalties and disconnection. The first payment of the plan will be due when the first bill is due.

## ARTICLE VII

### WATER SYSTEM EXTENSIONS INSIDE CITY LIMITS

Section 701. New developments proposed to be constructed within the City Limits of Walhalla shall be provided access to adequate water service along public road rights of way which border the property to be developed. All proposed water main extensions within the development will be at the developer's cost, and built to meet the City's specifications. The developer's engineer will develop a preliminary plan to serve the development to include:

- Proposed use (residential, commercial, etc.)
- Number of units
- Anticipated water demand
- Preliminary layout of lots, water mains and sizes, proposed connection point(s) to public water system, etc.
- Proposed timeline of project

Information provided during the initial design phase of the project will be used to determine the City's current ability to serve the project, and/or the need for existing system upgrades.

All required extensions of existing water mains, exceeding \$10,000, must be approved by City Council.

After the final development of plans, the project will follow the same process listed in Sections 703 – 711.

Section 702. Cost of design and construction of water lines in any new development, or line extension, shall be the responsibility of the person responsible for such development.

Section 703. Water lines constructed within new developments may be conveyed to the City provided all lines are located within public rights of way or upon approval easements of adequate unobstructed widths to provide maintenance vehicle access.

Section 704. Any new development proposing to construct water distribution line or extensions to existing transmission mains to connect directly into the City's water system shall conform it's plans and specs, shall be prepared by a registered engineer who is authorized by the laws of the state of South Carolina and approved or approval by any and all local, county and state authorities having jurisdiction.

Section 705. The following administrative procedures shall be followed:

- A. Submit preliminary construction plans to the approving authority in sufficient detail to indicate location, system layout, line sizes, service connections, flows, pressures and point of connection to the City's system.
- B. Receive preliminary approval from City and other jurisdictional agencies.

- C. Prepare construction drawings and documents for City approval.
- D. Secure all other agency approvals of construction drawings and contract documents.
- E. Upon receipt of all approvals, proceed with construction, notifying the approving authority of construction schedules.
- F. Provide the approving authority and its authorized representatives with permission for on-site inspection during construction.
- G. Furnish to the approving authority a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required.

Section 706. Construction of the proposed water system shall be accomplished by a registered licensed contractor under the laws of the State of South Carolina who shall have paid all business licenses required by the City.

Section 707. Upon completion of construction, the engineer employed by the development shall inspect and furnish to the approving authority at no cost to the City, his certificate of completion indicating that the subject water system has been constructed in accordance with the approved plans and specs, and shall provide four copies of “As Built” drawings.

Section 708. The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment, and construction of the system for twelve months. The owner shall further warrant to the approving authority that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the City harmless in each instance.

Section 709. All water taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the “AS Built” drawings.

Section 710. All water line extensions must be compatible with present and future plans and needs of the City.

Section 711. When all other requirements of this ordinance have been met and approved, the owner shall prepare and submit to the approving authority an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City and the system shall thereafter be owned, operated and maintained by the City as provided for in this ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

Section 712. Water system extensions (Single Family Dwelling). Construction of water lines to service a single family shall be made as follows:

1. All line extensions of over 1,000 ft. will require approval of the Water Committee.
2. All water lines shall be conveyed to the City of Walhalla at the time the service to dwelling is completed.

## **Article VIII**

### **VALIDITY**

Section 801. All ordinance or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

Section 802. This ordinance shall be forthwith codified in the Code of City Ordinances as required by Section 47-61.3 Code of Laws of South Carolina, 1962, and same shall be indexed under the general heading “Waterworks System of City of Walhalla”.

Section 803. The City of Walhalla, through its duly qualified officers, reserves the right to take such immediate action for emergencies not specifically covered herein, as they may deem necessary in the interest of public health and safety and further reserves the right to amend this ordinance, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to , Public Notice prior to final action.

Section 804. The invalidity of any section, clause, sentence or provision in this ordinance shall not affect the validity of any other section clause, sentence or provision of this ordinance which can be given effect without such invalid part of part.

**ARTICLE IX**

**EFFECTIVE DATE**

Section 901. This ordinance shall be in full force and effect from and after its passage.

**DONE AND RATIFIED** in Council duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Danny Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Brandon Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading  
and adoption: \_\_\_\_\_

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

ORDINANCE 2021-21

CITY OF WALHALLA )

AN ORDINANCE TO PROVIDE FOR THE CREATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT FOR THE CITY OF WALHALLA, SOUTH CAROLINA AND TO ASSIGN DUTIES AND OTHER MATTERS OF THE DEPARTMENT THERETO.

WHEREAS, the City of Walhalla acknowledges that development, growth, and promotion must be managed in a structured manner and;

WHEREAS, the City of Walhalla desires to continue to provide development and promotional services to its citizens and;

WHEREAS, the City of Walhalla sees benefit in having an organization assigned to manage its development, growth, promotion, and provide for the enforcement of codes and ordinances and;

WHEREAS, the City of Walhalla acknowledges this is the first steps to accomplish the aforementioned and;

BE IT ORDAINED by the City Council of the City of Walhalla, South Carolina, in council assembled in order to guide and accomplish a more effective city governmental structure, that a department known as the Community Development Department is hereby created and established to assist the council in their offices and shall be established and governed by the following provisions:

#### SECTION 1. ESTABLISHMENT

Pursuant to SC Code Section 5-11-40 provides council form of government the authority to create such departments. The department shall be named "Community Development Department". The officer in charge of such department shall be known as the Community Development Director, shall be appointed by the city administrator and shall have such duties, powers and authorities as prescribed in this division, or may as hereafter be prescribed by the city administrator. The city administrator shall serve as the de facto department head until such time a permanent department director is budgeted and appointed.

#### SECTION 2. FUNCTIONS

The department shall be generally responsible for codes enforcement, zoning administration, preservation, marketing and promotion, land use planning, other duties as prescribed.

The department's function shall include overseeing and implementing the following:

- a. Development, enforcement, and administration of programs and codes that relate to the health, safety, and welfare of the city.
- b. Planning, engagement, and implementation of the Comprehensive Plan.
- c. Planning and implementation of promotional and marketing strategies
- d. Development, enforcement, and administration of land use and zoning
- e. Development and implementation grants and other programs to encourage small business
- f. Planning and preparation of grants beneficial to the betterment of the city and its citizens

SECTION 3. PERSONNEL

The director of community development shall appoint such subordinates as may be required to carry out the duties and functions of the department as established by ordinance, for whom appropriation of funds may be made by the city council from time to time.

SECTION 4. COMMITTEE ESTABLISHMENT

The Council shall appoint the chairs of the following committees to initially serve as the Community Development Committee: Fire, General Government, and Utilities. Upon completion of the first year, the selection of the committee shall be governed by established procedure as described in Ordinance 2020-16 Section 5.

SECTION 5. SEVERABILITY

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

SECTION 6. REPEAL OF CONFLICTING

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

DONE AND RATIFIED in Council duly assembled this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Danny Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading  
And adoption: \_\_\_\_\_

**MINUTES OF THE COMMITTEE MEETING  
OF THE WALHALLA CITY COUNCIL  
AUGUST 3, 2021, 5:30 PM**

**Present:** Mayor Danny Edwards, Councilwoman Sarai Melendez, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, City Administrator.

**Absent:** Councilman David Underwood

Mayor Edwards Opened the committee meeting at 5:30PM

A moment of silence was observed

The Pledge of Allegiance was led by Mayor Edwards

Public Comment was held. None present

Committee Reports were given by respective department heads.

**Parks and Recreation- Mr. Woodward, Chair**

Director Galbreath reported:

381 participants for fall sports.

Total of 28 teams

Needed the public's help on Sertoma. Adults are playing soccer and hurting grass. Please use the field on N. Church.

**Public Works- Mr. Roberts, Chair**

Director Price reported:

June 1 thru 30, 2021 the City of Walhalla picked up:

258 -ton of residential garbage

101 -ton of commercial garbage

85 -ton of recyclable brush

2 -Ton Mattresses

July 1 thru 31, 2021 the City of Walhalla picked up:

243 -ton of residential garbage

117 -ton of commercial garbage

3 -ton cross ties(Memorial Stadium)

1 -Ton Mattresses

87 -ton of recyclable brush

Roll Carts for July

Delivered 44

Picked up 7

During the month of July our department continued picking up leaves, brush, trash, cleaning storm drains, trimming trees, cutting grass and other routine maintenance tasks. Set up and break down for Independence Eve Celebration. I would like to thank Stacy Jackson for helping with the power.

**Police- Mr. Underwood, Chair**

Chief Brinson reported:

Events and completed training update:

Independence Fest – 7/1 – 7/4

Race to Valhalla: Southeast Gravel – 7/ 10

D&I Block Party – 7/23

Graduation from SCCJA – 7/30

Ofc. M. Boatman

Ofc. D. Matthews

New Hire

Ofc. H. McCall

962 Total Calls for service

252 traffic stops

10 traffic collisions

53 reports filed

467 citations/warnings issued

42 arrests made

288 extra patrols

**Utilities- Ms. Owens, Chair**

Director Parris reported:

JUNE 2021

New Water Taps - 7

New Sewer Taps - 0

New water contracts - 67

Emergency Locates – 4

Sanitation delivery work orders - 36

Sanitation pick up work orders - 12

Meter box changes - 3

Meter change outs – 23

Work Orders – 82

Sewer Work Orders - 3

New development service inquiries – 3

## JULY 2021

New Water Taps - 16

New Sewer Taps - 1

New water contracts - 75

Emergency Locates - 3

Sanitation delivery work orders - 43

Sanitation pick up work orders - 12

Meter box changeouts - 10

Meter change outs – 10

Work orders- 89

Sewer work orders - 3

New development service inquiries - 2

-

1. FUNDS AVAILABLE IN THE CURRENT CONTRACT WILL BE USED FOR VIDEO INSPECTION OF FLAT ROCK LINE, BEGINNING ON OR AROUND AUGUST 9
2. EASEMENTS PLATS FOR FIRELINES ARE NEARLY COMPLETE
3. ADDITIONAL REQUESTS FOR FIRELINES ON MAIN ST. ARE COMING IN

### **Main Street (General Gov't)- Mr. Pace-Chair**

Director Imbody gave report:

Volunteers provided 168 hours of time in July

Received \$2500 grant for shade structures

Applying for more grants in the coming months

Attended multiple training sessions

Increasing number of social media hits

Studying ways of managed growth in historic areas

Updated on several new businesses

Gave overview of upcoming events and meetings

Presented MSW committee priorities and budget

### **Fire and Codes- Ms. Melendez-Chair**

Lieutenant Bates gave July report:

Fire responded to 122 calls for service 52 fire, 70 medical/rescue

22 mutual aid calls

54 calls inside city, 68 outside

337 hours of training

Fully staffed minus a fire chief

Brush 5 is out of service all other apparatus is in service

Assisted with numerous city events

23 fire inspections completed

20 permits/licenses issued

9 code enforcement contacts made

### **General Government- Mr. Pace, Chair**

Administrator Burton gave the administrators report

Met with SC State Parks Grants Director and Sen. Alexander regarding funding avenues for various tourism related projects.

Met with Gravel Race planners to begin prep for next year's race in Walhalla.

Met with Issaqueena's Last Ride board president. They are interested in partnering with Walhalla.

Met with several IT vendors to look at potential security gaps and measures to increase Walhalla's IT system. Working on a RFP.

Met with several potential developers for projects inside the city and within our water system.

Website has been updated will continue to be made more informative and user friendly.

S. Catherine Street one lane has been approved by SCDOT. Walhalla is in process of preparing construction documents for the striping and sidewalk work.

Fire Chief position is being advertised.

YouTube Channel is up and running; 11 subscribers and 116 views

On boarded several new hires across the city.

Audit documents are being sent to the auditor for FY 21.

Stumphouse Collections are back up to normal.

This concluded committee reports.

Councilwoman Melendez discussed the possibility of expanding the Planning Commission from 5 to 7 members. She decided she was not going to peruse this at this time.

Councilwoman Owens discussed the need to amend the water ordinance to allow for inactive accounts to have a payment plan. Committee agreed to move to full council.

Mr. Burton discussed the need to amend the sewer ordinance to reflect the current charges listed in the current budget document. Committee agreed to move to full council.

Mr. Hayes presented an in-depth view of the BZA and planning commission duties.

Mr. Hayes discussed the zoning amendments more in depth that have been proposed for restricting major retailers. Design guidelines were also discussed for both the CC and other districts. The discussion also talked about the merits of extending the moratorium.

Mr. Hayes then discussed the food truck ordinance in detail. He reviewed the DHEC requirements for food trucks and festivals. He entertained questions from the committees.

Councilman Woodward made motion for executive session, seconded by Councilman Roberts.

Executive Session exited and returned to regular session.

Committee voted to move Codes/Zoning from Fire Chief to City Administrator. Council voted to same. All in favor with Councilwoman Melendez voting nay.

Mayor Edwards adjourned the meeting.