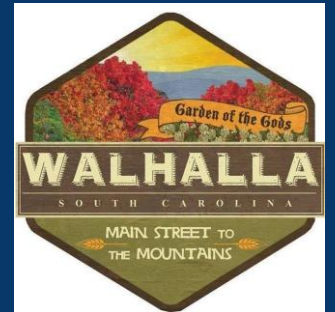


CITY OF WALHALLA ZONING ORDINANCE

City of
Walhalla

Draft June 2026



Effective XXXX
XX, 2026

**CITY OF WALHALLA, SOUTH CAROLINA ZONING ORDINANCE
TABLE OF CONTENTS**

Article I	Authority and Enactment Clause	
Section 330-1.1	Short Title	1
Section 330-1.2	Authority	1
Section 330-1.3	Ordaining Clause	1
Section 330-1.4	Interpretation and Purposes	1
Article II	Rules of Interpretation and Definitions	
Section 330-1.5	Interpretation	2
Section 330-1.6	Rules of Interpretation	2
Section 330-1.7	Definitions	2
Article III	Establishment of Districts and District Rules	
Section 330-1.8	Use of Land or Structures	10
Section 330-1.9	Reduction of Lot Size	10
Section 330-1.10	Use of Substandard Lots of Record	10
Section 330-1.11	District Establishment and Official Zoning Map	11
Section 330-1.12	District Purposes	11
Section 330-1.13	District Boundaries	12
Section 330-1.14	Annexation and Zoning	12
Section 330-1.15	Zoning District Change	13
Section 330-1.16	R-A Residential Agricultural Zoning District	14
Section 330-1.17	R-25 Single Family Residential Zoning District	17
Section 330-1.18	R-15 Single Family Residential Zoning District	20
Section 330-1.19	R-10 Single Family Residential Zoning District	23
Section 330-1.20	GR General Residential Zoning District	26
Section 330-1.21	MFR-10 Multi-Family Residential Zoning District	29
Section 330-1.22	MFR-18 Multi-Family Residential Zoning District	32
Section 330-1.23	OC Official Commercial Zoning District	35
Section 330-1.24	HC Highway Commercial Zoning District	39
Section 330-1.25	CC Core Commercial Zoning District	43
Section 330-1.26	LI Light Industrial Zoning District	46
Section 330-1.27	PDD Planned Development District	49
Section 330-1.28	FRD Flexible Review District	54
Section 330-1.29	Downtown Development Overlay District	59
Article IV	Sign Regulations	
Section 330-1.30	Purpose and Applicability	62
Section 330-1.31	Definitions	62
Section 330-1.32	Exempt Signs	66
Section 330-1.33	Prohibited Signs	67
Section 330-1.34	Permitted Signs	67
Section 330-1.35	Permits	69
Section 330-1.36	Development Standards	69
Section 330-1.37	Appeals	71
Section 330-1.38	Validity	71
Section 330-1.39	Impoundment	71
Section 330-1.40	Enforcement	71

Article V	Off-Street Parking, Loading, or Unloading	
Section 330-1.41	Minimum Required Parking Spaces	72
Section 330-1.42	Location on Other Property	74
Section 330-1.43	Extension of Parking into Residential Districts	74
Section 330-1.44	Handicapped Parking Spaces	74
Section 330-1.45	Design Standards	75
Section 330-1.46	Reduction of Off-Street Parking Spaces	77
Section 330-1.47	Off-Street Loading or Unloading Space	77
Section 330-1.48	Parking, Storage, and Use of Certain Vehicles	78
Article VI	Landscaping	
Section 330-1.49	Purpose	79
Section 330-1.50	Landscaping and/or Screening Required Before Occupancy or Use	79
Section 330-1.51	Design Standards	79
Section 330-1.52	Plant Materials	87
Section 330-1.53	Installation and Maintenance	87
Section 330-1.54	Landscaping on Corner Lots	87
Section 330-1.55	Landscape Plans	87
Section 330-1.56	Street Trees	88
Section 330-1.57	Landscaping Requirements	88
Article VII	General Provisions	
Section 330-1.58	Continuance of Nonconforming Uses	89
Section 330-1.59	Nonconforming Lots of Record	89
Section 330-1.60	Visibility at Intersections	90
Section 330-1.61	Lots of Record	90
Section 330-1.62	Home Occupations	90
Section 330-1.63	Zoning Permits for New or Altered Uses	90
Section 330-1.64	Temporary Zoning Permits	92
Section 330-1.65	Accessory Structures and Uses	92
Section 330-1.66	Special Exception Uses	93
Section 330-1.67	Communication Towers	94
Section 330-1.68	Performance Standards	97
Section 330-1.69	Structures to Have Access	98
Section 330-1.70	Exceptions to Height Limitations	98
Section 330-1.71	Front Yard Setback for Dwelling Units	98
Section 330-1.72	Swimming Pools	98
Section 330-1.73	Canopies in Core Commercial Zoning District	99
Section 330-1.74	Care of Premises	99
Section 330-1.75	Sexually Oriented Businesses	99
Section 330-1.76	Manufactured Housing Standards	104
Article XIII	Administration, Enforcement, Appeals, and Remedies	
Section 330-1.77	Administration and Enforcement	106
Section 330-1.78	Violation Complaints	106
Section 330-1.79	Appeal from Decision of the Zoning Administrator	106
Section 330-1.80	Board of Zoning Appeals	106
Article IX	Amendments	
Section 330-1.81	Amendment Conditions	109
Section 330-1.82	Initiation of Amendment	109

Section 330-1.83	Public Hearing	110
Section 330-1.84	Planning Commission Report	110
Section 330-1.85	Declaration of Policy	110
Section 330-1.86	Changes in Zoning Map	110
Article X	Legal Status Provisions; Penalties	
Section 330-1.87	Conflict with Other Laws	111
Section 330-1.88	Violations and Penalties	111
Section 330-1.89	Severability	111
Section 330-1.90	Repeal of Conflicting Ordinances	111
Section 330-1.91	When Effective	111
Article XI	Historic Preservation	
Section 330-1.92	Title	112
Section 330-1.93	Purpose	112
Section 330-1.94	Definitions	112
Section 330-1.95	Planning Commission to Oversee Program; Powers of Commission	114
Section 330-1.96	Recommendation and Designation of Historic Districts and Properties	115
Section 330-1.97	Application for Certificate of Appropriateness (COA)	116
Section 330-1.98	Property Maintenance; Building and Zoning Code Provisions	118
Section 330-1.99	Violations and Penalties	118
Section 330-1.100	Severability	118

ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE

Sections:

Section 330-1.1 Short Title
Section 330-1.2 Authority
Section 330-1.3 Ordaining Clause
Section 330-1.4 Interpretation and Purposes

Section 330-1.1 **Short Title**

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

Section 330-1.2 **Authority**

The provisions of this Ordinance are adopted under the authority conferred by the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Section 710.

Section 330-1.3 **Ordaining Clause**

It is hereby ordained by the City Council of the City of Walhalla, in **Ordinance number XXXX, enacted on XXXX XX, 2026, that:**

The purpose of this ordinance is to regulate the location, bulk, number of stories, and size of buildings and other structures, the percentage of lots which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, conservation, protection against floods, public activities, and other purposes; to create districts for said purposes; to provide for the method of administration, amendment, and appeal; to create and define the duties of the Planning Commission with respect to those regulations; to provide for the imposition of penalties for violations of these regulations; to establish a means by which conflicting regulations can be repealed; and for other purposes.

And to that end, the regulations and provisions set forth below are duly enacted.

Section 330-1.4 **Interpretation and Purposes**

In their interpretation and application, the provisions of these regulations shall be deemed the minimum requirements adopted to promote public health, safety, and welfare. The Zoning Regulations and districts herein established have been made in accordance with the Walhalla Comprehensive Plan, for the purpose of promoting health, safety, and the general welfare of the City. They may have been designed, among other things:

1. To lessen congestion on the streets;
2. To secure safety from fire, panic, and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To prevent the overcrowding of land;
6. To avoid undue concentration of population;
7. To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and
8. To conserve the value of property and encourage the most appropriate use of land throughout the community.

ARTICLE II
RULES OF INTERPRETATION AND DEFINITIONS

Sections:

Section 330-1.5 Interpretation

Section 330-1.6 Rules of Interpretation

Section 330-1.7 Definitions

Section 330-1.5 **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 330-1.6 **Rules of Interpretation**

When not inconsistent with the context:

1. Words used in the present tense include the past and future tenses.
2. Words in the plural number include the singular number, and words in the singular number include the plural.
3. The word "shall" is always mandatory and not merely directory.

Section 330-1.7 **Definitions**

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

For the 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-hour period between 7:00 a.m. and 7:00 p.m., for not less than three hours and not more than 12 hours. Adult day-care center facilities located in residential districts are limited to providing care for up to 16 adults. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire and health. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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

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

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

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

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

ANIMAL BOARDING FACILITY: A commercial premises used for the temporary, short-term, or long-term care of domesticated animals (usually dogs and cats) for a fee or profit.

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

APARTMENT: A part of a building used as a dwelling unit.

1. **APARTMENT, EFFICIENCY:** A dwelling unit consisting of one all-purpose room and a separate bath.
2. **APARTMENT, GARAGE:** A part of a private garage used as a dwelling unit.
3. **APARTMENT, HOUSE:** A building or portion thereof, other than a hotel, containing two or more separate dwelling units.

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

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

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

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

1. Garage, private. (See below.)
2. Shed or tool house: a building for the storage of tools and equipment used in the maintenance of grounds or buildings.
3. Private kennel: a structure housing cats and dogs.
4. Private swimming pool: private swimming pools, hot tubs and/or spas, containing water 24 inches or more in depth of water.
5. Bath house or cabana.
6. Buildings used for purposes of shelter in the event of man-made or natural catastrophes.
7. Private greenhouse or slathouse for growing of flowers, ornamental shrubs or vegetables.

BUILDING, MAIN: A building in which the main use of a lot takes place.

CARE HOME: Any adult day-care home or child day-care home as defined in this section.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CHILD DAY-CARE CENTER: An individual, agency or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of,

the supervising adults; designed and approved to accommodate six or more children at a time; not an accessory to residential use.

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

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

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

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

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

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

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

DEVELOPMENT

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

DWELLING

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

- a. A dwelling unit is comprised of the following minimum spaces:
 - 1. Enclosed area for a toilet and a tub or shower (bath);
 - 2. Kitchen or area for preparing, cooking and serving food;
 - 3. Living quarters; and
 - 4. Sleeping quarters.
 - b. An efficiency apartment shall be considered a dwelling unit even though it does not meet the above criteria. The term does not include travel trailers, housing mounted on self-propelled or drawn vehicles, tents, temporary housing or portable housing.
- 2. **DWELLING, SINGLE-FAMILY:** A dwelling unit arranged or designed to be occupied by one household.
 - 3. **DWELLING, DUPLEX:** A building or portion thereof arranged or designed to contain two dwelling units.
 - 4. **DWELLING, MULTIFAMILY:** A building or portion thereof arranged or designed to contain three or more dwelling units.

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

FLOOD HAZARD AREA: Any area in the City of Walhalla subject to flooding and so designated by the Department of Housing and Urban Development and the Federal Flood Insurance Agency and delineated on applicable Flood Hazard Boundary Maps. The terms "flood hazard area" or "flood zone" are interchangeable.

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

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

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

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

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

GROUP HOME, TYPE 1: A home serving nine or fewer mentally or physically handicapped persons, provided the home provides care on a twenty-four-hour basis and is approved or licensed by a state agency or department for that purpose. (S.C. Code Ann. § 6-29-770)

GROUP HOME, TYPE 2 OR 3: Any group home not meeting the definition of a Type 1 group home.

HOME OCCUPATION: Any occupation carried out within a dwelling unit pursuant to Section 330-1.62.

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

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

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

KENNEL, PRIVATE: A structure on a residentially zoned property and used by the occupant for outdoor storage of animals, not operated commercially. No more than three dogs or three cats may be older than four months of age.

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

LOT: A parcel of land occupied, or capable of being occupied, by a building or group of buildings, together with the customary accessory buildings and open spaces belonging to the same, having its principal frontage either on a public street or on a private street of record.

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

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

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

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

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

MAP or ZONING MAP: The Official Zoning Map of the City of Walhalla, South Carolina.

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

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

MODULAR BUILDING UNIT: Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. Modular homes in SC bear a modular label issued by the

SC Building Codes Council. Under state law, modular homes are to be treated exactly the same as a site-built structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

rear lot line.

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

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

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

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

1. **ARTERIAL:** Accommodates a large traffic volume and provides for through trips between cities or for long trips within the City of Walhalla.
2. **COLLECTOR:** Used to collect or distribute large or medium traffic volumes between local streets and arterial streets.
3. **LOCAL:** Service street between residences, businesses or industries located on that particular street and a collector street.

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

SUBDIVISION: All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

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

TINY HOME: A residential building, for either living or renting, that is 500 square feet or less.
[Added 5-18-2021 by Ord. No. 2021-5]

TRAVEL TRAILER: A vehicle without motor power designed to be towed by a motor vehicle, and of such size and weight as not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping and travel use, and designed not to require permanent on-site utilities, including, but not limited to, tent campers, park models, park trailers, motor homes and fifth wheels. This term may include any vehicle whose

body width is less than eight feet, and whose length is not more than 35 feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

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

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

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

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

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

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

Sections:

Section 330-1.8	Use of Land or Structures
Section 330-1.9	Reduction of Lot Size
Section 330-1.10	Use of Substandard Lots of Record
Section 330-1.11	District Establishment and Official Zoning Map
Section 330-1.12	District Purposes
Section 330-1.13	District Boundaries
Section 330-1.14	Annexation and Zoning
Section 330-1.15	Zoning District Change
Section 330-1.16	R-A Residential Agricultural Zoning District
Section 330-1.17	R-25 Single Family Residential Zoning District
Section 330-1.18	R-15 Single Family Residential Zoning District
Section 330-1.19	R-10 Single Family Residential Zoning District
Section 330-1.20	GR General Residential Zoning District
Section 330-1.21	MFR-10 Multi-Family Residential Zoning District
Section 330-1.22	MFR-18 Multi-Family Residential Zoning District
Section 330-1.23	OC Official Commercial Zoning District
Section 330-1.24	HC Highway Commercial Zoning District
Section 330-1.25	CC Core Commercial Zoning District
Section 330-1.26	LI Light Industrial Zoning District
Section 330-1.27	PDD Planned Development District
Section 330-1.28	FRD Flexible Review District
Section 330-1.29	Downtown Development Overlay District

Section 330-1.8 **Use of Land or Structures**

No land or structure shall hereafter be used or occupied, and no structure or parts thereof shall be constructed, erected, altered, or moved, unless in conformity with all the regulations herein specified for the zoning district in which the structure or land is located.

No structure shall hereafter be erected or altered:

1. With greater height, size, bulk, or other dimensions;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of the lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein allowed; or in any other manner contrary to the provisions of this Ordinance.

No part of a yard, open space, off-street parking, or loading space required 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.

Section 330-1.9 **Reduction of Lot Size**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 330-1.10 **Use of Substandard Lots of Record**

Recorded lots, which at the time of the adoption of this Ordinance do not conform to the dimensional requirements of

this Ordinance, may nonetheless be utilized as building sites, and the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance for the use of the property. The Zoning Administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of the zoning district in which the non-conforming lot is located, but not to prohibit a reasonable use of the parcel. If any two (2) or more adjoining lots under the same ownership do not conform to the dimensional requirements of this Ordinance, then the lots must be combined to meet more closely, if not completely, the dimensional requirements of this Ordinance prior to the issuance of a Certificate of Zoning Compliance.

Section 330-1.11 District Establishment and Official Zoning Map

In order to accomplish the purposes set forth in Article 1, Purpose and Authority, the City is hereby divided into zoning districts described hereafter. The districts and their boundaries shall be as shown upon the map attached hereto and made a part of these regulations, said map being designated “Official Zoning Map”, and said map and all notations, references, and other information shown thereon shall be a part of these regulations the same as if all such matters and information were fully described herein. The original of said map shall bear the date of passing of these regulations; shall be signed by the Mayor and attested by the City Clerk in the City Hall; a replica thereof shall be reproduced at such scale as will permit its being attached to these regulations.

For the purpose of these regulations, the City of Walhalla is hereby divided into districts designated as follows:

District	Name
RA	Residential Agricultural Zoning District
R-25	Single Family Residential Zoning District
R-15	Single Family Residential Zoning District
R-10	Single Family Residential Zoning District
GR	General Residential Zoning District
MFR-10	Multi-Family Residential Zoning District
MFR-18	Multi-Family Residential Zoning District
OC	Office Commercial Zoning District
HC	Highway Commercial Zoning District
CC	Core Commercial Zoning District
LI	Light Industrial Zoning District
PDD	Planned Development District
FRD	Flexible Review District
DO	Downtown Overlay Development District

Section 330-1.12 District Purposes

1. RA Residential Agricultural Zoning District. Primarily a district to provide for a full range of agricultural activities. This district also provides for spacious residential development for those who would choose this environment and prevents untimely scattering of more dense urban uses that should be confined to areas planned for the efficient extension of public services.
2. R-25 Single Family Residential Zoning District. Primarily a district for low-density one-family dwellings situated on lots of at least twenty-five thousand (25,000) square feet, and including customary secondary uses.
3. R-15 Single Family Residential Zoning District. Primarily a district for low-to-medium density one-family dwellings situated on lots of at least fifteen thousand (15,000) square feet, and including customary secondary uses.
4. R-10 Single Family Residential Zoning District. Primarily a district for medium-density one-family dwellings situated on lots of at least ten thousand (10,000) square feet, and including customary secondary uses.
5. GR General Residential Zoning District. Primarily a district for medium-density one and two-family dwellings situated on lots of at least five thousand (5,000) square feet, and including customary secondary uses.
6. MFR-10 Multi-Family Residential Zoning District. Primarily a district for medium and high-density residential

- development situated on lots of at least five thousand (5,000) square feet, and customary secondary uses.
7. MFR-18 Multi-Family Residential Zoning District. Primarily a district for medium and high-density residential development situated on lots of at least five thousand (5,000) square feet, and customary secondary uses.
 8. OC Office Commercial Zoning District. Primarily a district for local or neighborhood-oriented businesses and compatible residential uses.
 9. HC Highway Commercial Zoning District. Primarily a district for general business purposes and compatible residential uses.
 10. CC Core Commercial Zoning District. Primarily a district to encourage a centrally located trade, commercial, residential, and community service area.
 11. LI Light Industrial Zoning District. Primarily a district for light industrial and compatible commercial and other uses on lots of at least 40,000 square feet
 12. PDD Planned Development District. Primarily a district to provide for the flexible development of mixed-use projects such as residential, commercial, office, and public uses.
 13. FRD Flexible Review District. Primarily a district to provide for the flexible development of single-use projects, without requiring a mix of uses on the property.
 14. DO Downtown Overlay Development District. Primarily a district to provide for the regulation of project design in the underlying zoning districts, subject to the Downtown Walhalla Design Guidelines.

Section 330-1.13 District Boundaries

The official copy of the Zoning Map, as amended, shall remain on file in the office of the Zoning Administrator. Where uncertainly exists concerning the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines shall be constructed to be such boundaries.
2. Where district boundaries are indicated as approximately following incorporated area lines, such incorporated area lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
4. Where district boundaries are so indicated that they are parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways and alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the said Zoning Map.
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Walhalla unless otherwise indicated.
6. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
7. Whereas the overlay zones' boundaries define the areas under the jurisdiction of the Planning Commission or Zoning Administrator, maps accompanying or referenced by the overlay district regulations shall be consulted to determine the exact limit of such jurisdiction. Where uncertainty exists with respect to the boundaries of overlay districts shown on maps accompanying or referenced by the overlay district regulations, the same rules as provided earlier in this Section for the Zoning Map shall be used for these maps.

Section 330-1.14 Annexation and Zoning

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:

1. A petition for zoning may be submitted at the same time the petition for annexation is filed with the City.
2. 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.
3. The City Council shall, by ordinance, act upon the annexation petition and zoning petition concurrently. Council

may act to:

- a. Approve annexation and zoning as requested by the petitioner(s) and recommended by the Planning Commission, or
 - b. 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.
 - c. Deny Annexation
4. 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.

Section 330-1.15 **Zoning District Change**

Whenever the boundaries of a zoning district are changed to another zoning district, the foregoing provisions shall apply.

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Section 330-1.16

RA Residential Agricultural Zoning District

A. Purpose

It is the intent and purpose of the RA Residential Agricultural Zoning District to provide for a full range of agricultural activities. This district also provides for spacious residential development for those who choose this environment, and prevents untimely scattering of more dense urban uses that should be confined to areas planned for the efficient extension of public services.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Agricultural crops, including pens and structures for the raising of farm animals (Per Chapter 111 of the Walhalla City Code)
- Barns
- Community recreational area
- Customary home occupation established under the provisions of Section 330-1.62
- Dwelling, single-family detached
- Dwelling, single-family detached – Manufactured single-section home
- Dwelling, single-family detached – Manufactured multi-section home
- Nursery/greenhouse
- Publicly owned building, facility, or land
- Riding academy
- Riding stables
- Roadside stand for the sale of crops, produce, fruit, etc., produced on the property
- Temporary building, incidental to construction and used primarily for storage of equipment, tools, building materials, and other items located on the same site, and which shall be completely removed from the site upon completion of such construction
- Tree farm

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per lot. The accessory dwelling unit must be site built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies

- The building shall be occupied by an owner or tenant at any time that a room is leased
- One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
- A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
- All occupants shall sleep in bedrooms only
- Parking shall conform to Article V of this Ordinance
- Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
- Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
- Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

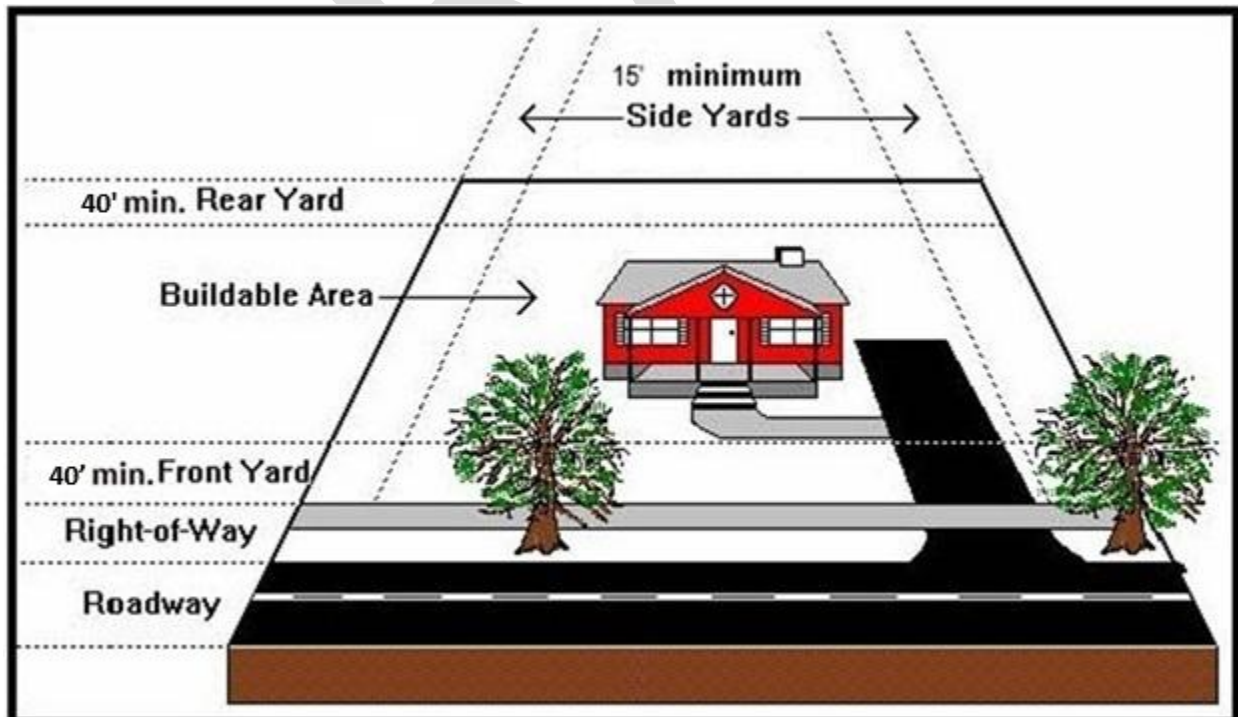
D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the RA Residential Agricultural Zoning District:

- Commercial communication and cellular towers
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, and business activities, except those listed above

E. Lot Specifications

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area per dwelling unit • Lot width 	2 acres 100 feet at the front setback line and no less than 25 feet at the right-of-way line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	40 feet 40 feet 15 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	3 stories
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.17

R-25 Single Family Residential Zoning District

A. Purpose

It is the intent and purpose of the R-25 Single Family Zoning District to provide for the harmonious development of low-density single-family residential development, and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots having an area of at least 25,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Customary home occupation established under the provisions of Section 330-1.62
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per lot. The accessory dwelling unit must be site-built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night

- Ground illumination only for signs
- No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41.
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the R-25 Single Family Residential Zoning District:

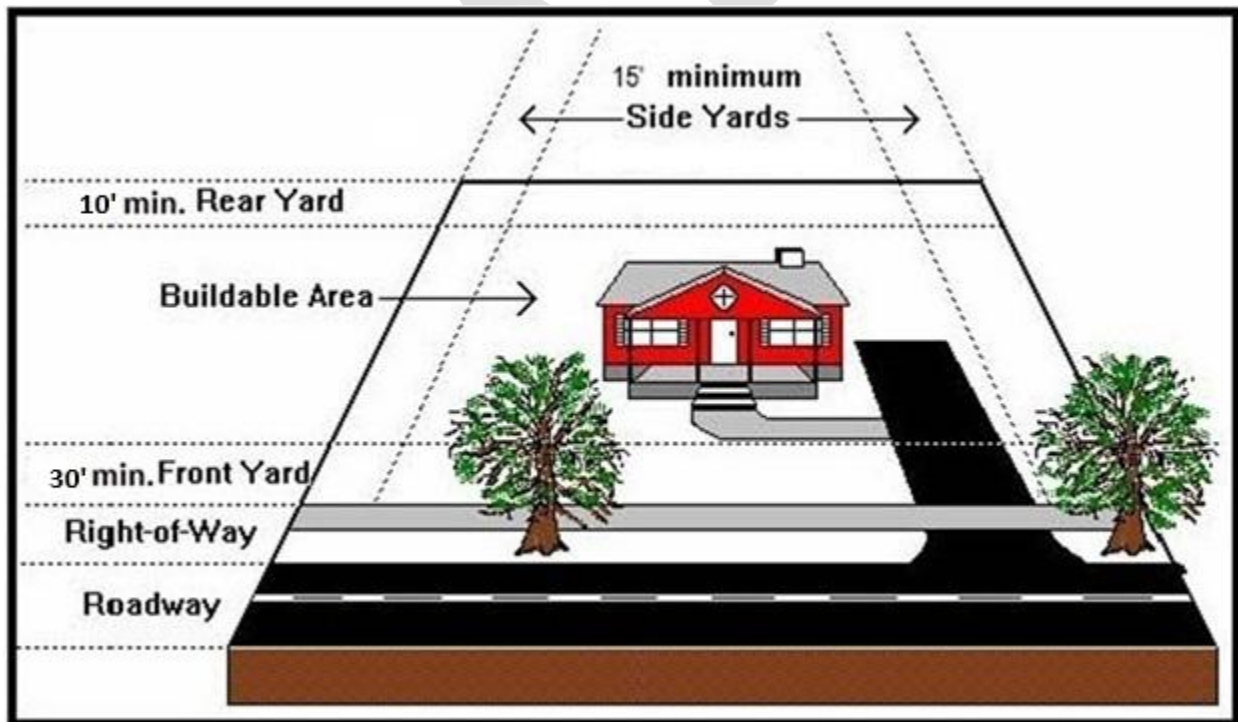
All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the R-25 Zoning District:

- Commercial communication and cellular towers
- Manufactured housing

- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area per dwelling unit • Lot width 	25,000 square feet 100 feet at the front setback line and no less than 25 feet at the right-of-way line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	30 feet 10 feet 15 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	2.5 stories
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.18

R-15 Single Family Residential Zoning District

A. Purpose

It is the intent and purpose of the R-15 Single Family Zoning District to provide for the harmonious development of low-to-medium density single-family residential development and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots having an area of at least 15,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Customary home occupation established under the provisions of Section 330-1.62
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per lot. The accessory dwelling unit must be site built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, not withstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night

- Ground illumination only for signs
 - No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

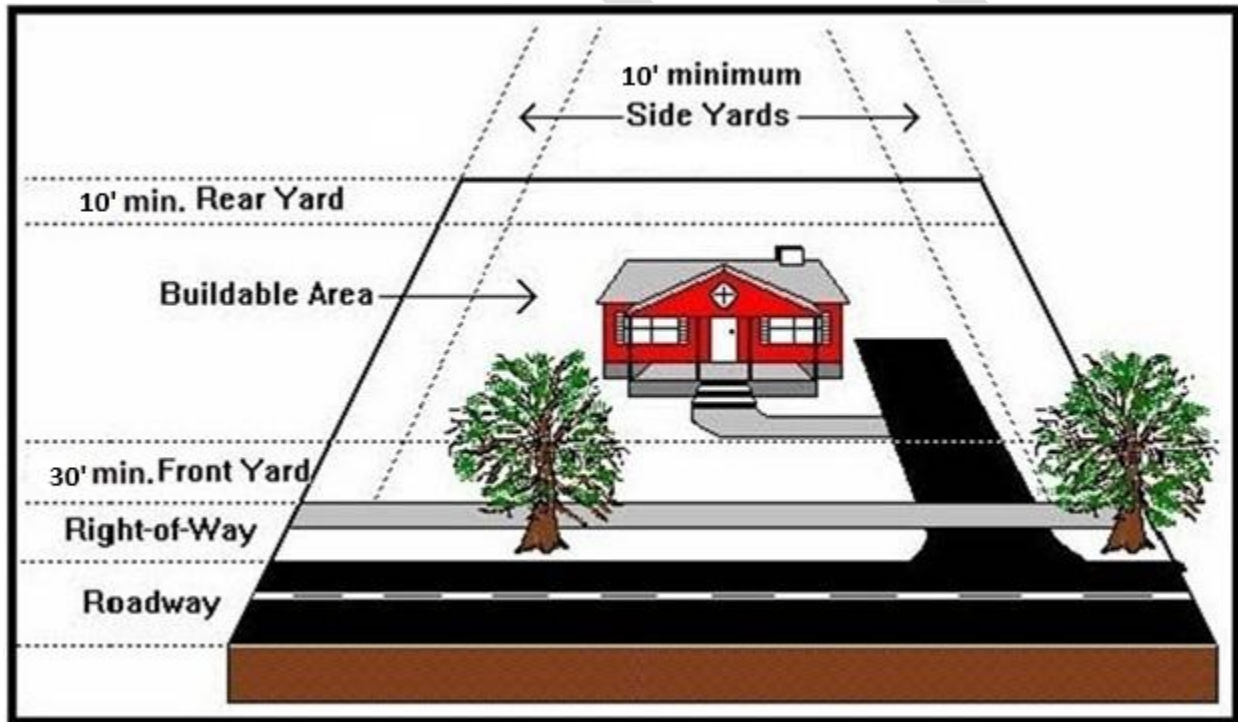
D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the R-15 Zoning District:

- Commercial communication and cellular towers
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area per dwelling unit • Lot width 	15,000 square feet 70 feet at the front setback line and no less than 25 feet at the right-of-way line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	30 feet 10 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	2.5 stories
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.19

R-10 Single Family Residential Zoning District

A. Purpose

It is the intent and purpose of the R-10 Single Family Zoning District to provide for the harmonious development of medium-density single-family residential development and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots having an area of at least 10,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Customary home occupation established under the provisions of Section 330-1.62
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per lot. The accessory dwelling unit must be site-built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night

- Ground illumination only for signs
 - No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

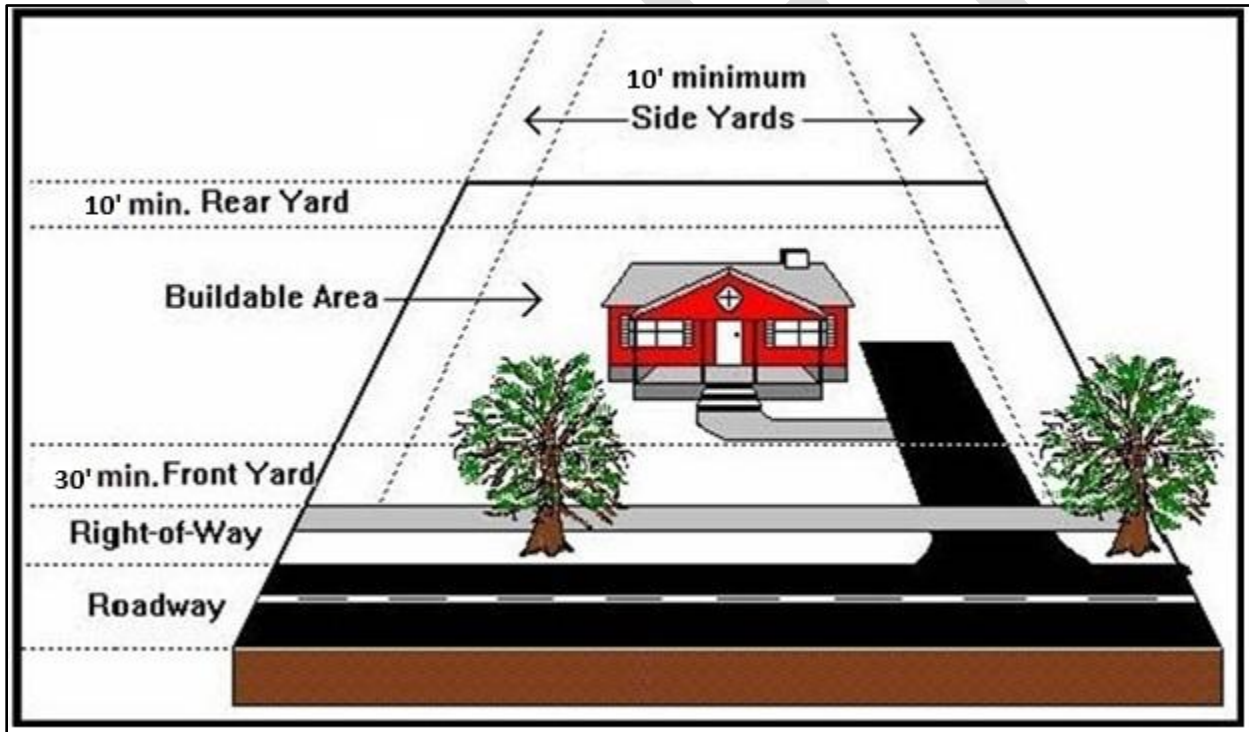
D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the R-10 Zoning District:

- Commercial communication and cellular towers
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area per dwelling unit • Lot width 	10,000 square feet 70 feet at the front setback line and no less than 25 feet at the right-of-way line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	30 feet 10 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	2.5 stories
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.20

GR General Residential Zoning District

A. Purpose

It is the intent and purpose of the GR General Residential Zoning District to provide for the harmonious development of medium-density one and two-family residential development, and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one and two-family dwellings situated on lots having an area of at least 5,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Customary home occupation established under the provisions of Section 330-1.62
- Duplex dwelling
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per single-family lot. The accessory dwelling unit must be site-built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden

- Minimum lot size of 5 acres
- No illumination at night
- Ground illumination only for signs
- No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Manufactured Housing, Multi-Section
 - Must meet all requirements of Section 330-1.76
 - Must be reviewed by the BZA for compatibility with the surrounding area
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

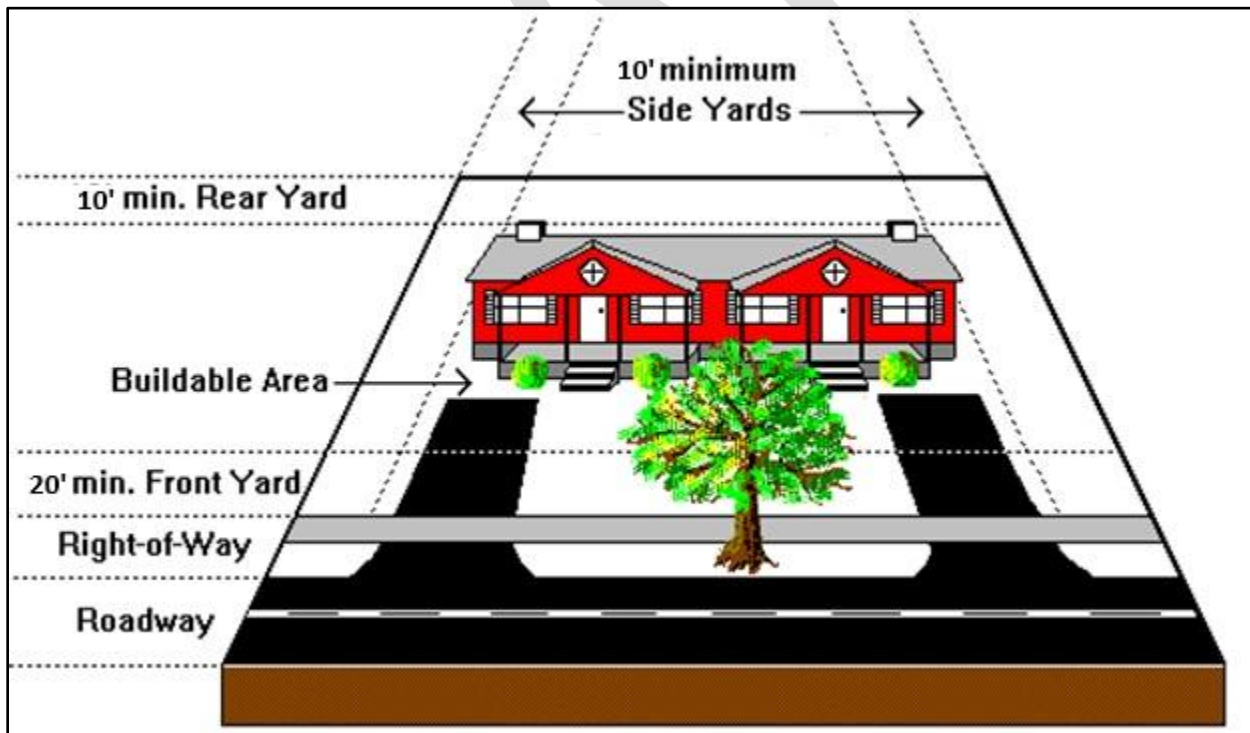
D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the GR Zoning District:

- Commercial communication and cellular towers
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area per dwelling unit • Lot width 	5,000 square feet 70 feet at the front setback line and no less than 25 feet at the right-of-way line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	20 feet 10 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	2.5 stories
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.21

MFR-10 Multi-Family Residential Zoning District

A. Purpose

It is the intent and purpose of the MFR-10 Multi-Family Residential Zoning District to provide for the harmonious development of medium to high-density residential development, and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for a variety of residential dwelling types situated on lots having an area of at least 5,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Apartment dwelling
- Customary home occupation established under the provisions of Section 330-1.62
- Duplex dwelling
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached
- Townhouse dwelling

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per single-family lot. The accessory dwelling unit must be site-built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills

- Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the MFR-10 Zoning District:

- Commercial communication and cellular towers

- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Apartment	Town House	Duplex	Single Family
Maximum Density	10 units/acre	8 units/acre	8 units/acre (4 struct./acre)	8 units/acre
Min. Lot Requirements				
Minimum Lot Area	21,780 s.f.	21,780 s.f.	10,000 s.f.	5,000 s.f.
Minimum Lot Width (at building line)	N/A	N/A*	65'	50'
Min. Lot Area per Unit		5,000 s.f.	5,000 s.f.	5,000 s.f.
One (1) Bedroom	4,350 s.f.	N/A	N/A	N/A
Two (2) Bedroom	4,850 s.f.	N/A	N/A	N/A
Three (3) + Bedroom	5,450 s.f.	N/A	N/A	N/A
Min. Heated Floor Area Per Unit				
One (1) Bedroom	550 s.f.	550 s.f.	550 s.f.	550 s.f.
Two (2) Bedroom	700 s.f.	700 s.f.	700 s.f.	700 s.f.
Three (3) + Bedroom	900 s.f.	900 s.f.	900 s.f.	900 s.f.
Min. Yard Requirements				
Front Yard	25 ft.	25'	15'	15'
Side Yard	15'	15**	8'	8'
Rear Yard	20'	20'	10'	10'
Maximum Building Height				
Stories	3 Stories	3 Stories	2 ½ Stories	2 ½ Stories
Maximum Impervious Surface Area	65% of total lot area	65% of total lot area	65% of total lot area	65% of total lot area
Signage	See Article IV			
Off-Street Parking	See Article V			
Landscaping	See Article VI			

*The minimum lot width for townhouse lots shall be 20' for interior lots and 35' for corner lots.

** The distance between buildings shall be a minimum of 15'. No side yard setbacks shall exist for units within a building that share a wall as a common property line.

A. Purpose

It is the intent and purpose of the MFR-18 Multi-Family Residential Zoning District to provide for the harmonious development of high-density residential development, and accessory uses normally necessary and compatible with such use. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for a variety of residential dwelling types situated on lots having an area of at least 5,000 square feet, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

B. Permitted Uses

- Accessory uses for residential dwellings in compliance with the provisions of Section 330-1.65
- Apartment dwelling
- Customary home occupation established under the provisions of Section 330-1.62
- Duplex dwelling
- Garden or other non-commercial horticultural or agricultural activity (Keeping of animals subject to Chapter 111 of the Walhalla City Code)
- Publicly owned building, facility, or land
- Single-family dwelling, detached
- Townhouse dwelling

C. Conditional Uses

- Accessory dwelling unit
 - Only one accessory dwelling unit is permitted per single-family lot. The accessory dwelling unit must be site-built.
 - Separate detached garages and separate accessory dwelling units are not permitted on the same lot. Accessory dwelling units may be created as a second story within detached garages if the height of the accessory dwelling unit on top of the garage does not exceed 28 feet.
 - The gross floor area of an accessory dwelling unit must not exceed 50% of the principal building's floor area.
 - One off-street parking space must be provided for each bedroom within an accessory dwelling unit.
 - The maximum permitted height for an accessory dwelling unit is one story, notwithstanding garage apartments as permitted above.
 - All required permits must be obtained prior to construction of the accessory dwelling unit. The accessory dwelling unit must comply with applicable requirements of the International Building Code and other applicable federal, state, or local codes.
 - The accessory dwelling unit must be completely detached from the principal structure.
 - The accessory dwelling unit must be placed on the rear of the property. It must be located at least 10 feet from the rear and side property lines.
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills

- Meals may only be served to guests staying on the premises
- Cemetery or Memorial Garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Church, Synagogue, Temple, or Other Place of Worship
 - Minimum lot size of 2 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Family Child Care Home
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - No sign is allowed
 - Must meet State requirements for a Family Child Care Home; Must be the operator's primary residence
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must be part of a platted, residential neighborhood
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Park or Playground
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
- Public Utility Substation, Installation, Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Sports or Community Recreation Facility
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the MF-18 Zoning District:

- Commercial communication and cellular towers

- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Retail, office, service, business activities, except customary home occupations

E. Lot Specifications

Requirement	Apartment	Town House	Duplex	Single Family
Maximum Density	18 units/acre	7 units/acre	14 units/acre (7 struct./acre)	8 units/acre
Min. Lot Requirements				
Minimum Lot Area	43,560 s.f.	43,560 s.f.	6,000 s.f.	5,000 s.f.
Minimum Lot Width (at building line)	N/A	N/A*	65'	50'
Min. Lot Area per Unit		2,500 s.f.	3,000 s.f.	5,000 s.f.
One (1) Bedroom	2,450 s.f.	N/A	N/A	N/A
Two (2) Bedroom	2,750 s.f.	N/A	N/A	N/A
Three (3) + Bedroom	3,150 s.f.	N/A	N/A	N/A
Min. Heated Floor Area Per Unit				
One (1) Bedroom	550 s.f.	550 s.f.	550 s.f.	550 s.f.
Two (2) Bedroom	700 s.f.	700 s.f.	700 s.f.	700 s.f.
Three (3) + Bedroom	900 s.f.	900 s.f.	900 s.f.	900 s.f.
Min. Yard Requirements				
Front Yard	25 ft.	25'	15'	15'
Side Yard	15'	15'**	8'	8'
Rear Yard	20'	20'	10'	10'
Maximum Building Height				
Stories	3 Stories	3 Stories	2 ½ Stories	2 ½ Stories
Maximum Impervious Surface Area	65% of total lot area	65% of total lot area	65% of total lot area	65% of total lot area
Signage	See Article IV			
Off-Street Parking	See Article V			
Landscaping	See Article VI			

*The minimum lot width for townhouse lots shall be 20' for interior lots and 35' for corner lots.

** The distance between buildings shall be a minimum of 15'. No side yard setbacks shall exist for units within a building that share a wall as a common property line.

A. 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 330-1.29 of this Ordinance will also apply to said property. See the City of Walhalla Downtown Design Guidelines for sign standards for properties within the Overlay District.

B. Permitted Uses

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

- Accessory use in compliance with Section 330-1.65
- Catering or food preparation business
- Church, synagogue, temple, or other place of worship
- Cultural or community centers, including, but not limited to, libraries, theaters, and museums
- Day care center, kindergarten, or pre-school nursery
- Financial or insurance institution
- Government offices or facilities
- Medical, dental, or chiropractic office
- Nursing home, assisted living, or congregate care facility
- Park, playground, community recreation, or sports facility
- Personal services including - but not limited to barber shop, beauty parlor, florist, photo or artist studio, framing shop, travel agency, laundromat/dry cleaner
- Pharmacy, drug store, or medical supply store
- Professional or business office
- Publicly owned building, facility, or land
- Residential development, subject to the MFR-10 guidelines
- Retail businesses. Retail businesses with over 8,000 square feet of gross floor area must meet the requirements of the Downtown Design Guidelines
- School offering instruction in art, music, dancing, drama, or similar cultural activities
- Temporary uses, subject to the requirements of Section 330-1.64

C. Conditional Uses

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

- Antennas, towers, masts, and similar structures
 - Maximum height of 17 feet above the top of the highest point of the roof line

- Automobile service station
 - No 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.
 - No sale or rental of new or used automotive vehicles or boats
 - Fuel pumps must be set back a minimum of 25 feet from all property lines
 - Canopy must be set back a minimum of 15 feet from all property lines
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or memorial garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Communication towers
 - See Section 330-1.67
- Drive-throughs, provided they adhere to the following conditions
 - Maintain ingress and egress on a roadway classified as urban local or submit a traffic impact study for a roadway classified as a collector or arterial
 - Must be placed so that pedestrians entering and exiting the building are not required to cross the driving lane. When it is necessary for individuals to cross drive-through lanes, crosswalks must be clearly marked, indicating the pedestrian pathway to the building entrance.
 - Lanes must be situated so that other vehicles entering or exiting the parking lot won't be hindered by others using the drive-through.
 - Buildings of businesses that use drive-throughs to serve food primarily for off-site consumption may not be located within 500 feet of another such business.
 - Entrances and exits to drive-throughs must be placed so that they do not come within 150 feet of the centerline of the intersecting streets.
- Funeral Home
 - Minimum lot size of 1 acre
- Golf Course (Excluding miniature golf)
 - Clubhouse and parking must comply with office requirements set forth in Section 330-1.41
 - No nighttime illumination of fairways or greens
 - Ground illumination only for signs
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Public Utility Substation, Installation, or Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

- Restaurant
 - Exterior lights may not reflect onto neighboring residentially zoned property
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the OC Zoning District:

- Adult entertainment establishments
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Parking lots or decks not required by a permitted or conditional use
- Storage facility or warehouse

E. 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.

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area • Lot width 	8,000 square feet 60 feet measured at the front setback line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	30 feet 10 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	2.5 stories
Maximum Impervious Surface Area	60% of the lot area
Access Restrictions	There shall be no more than two (2) access points on an arterial street for every one lot of record provided; however, 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.

	<p>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.</p> <p>3. There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage</p>
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI



Section 330-1.24

HC Highway Commercial Zoning District

A. Purposes

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 330-1.29 of this Ordinance will also apply to said property. See the City of Walhalla Downtown Design Guidelines for sign standards for properties within the Overlay District.

B. Permitted Uses

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

- Accessory use in compliance with Section 330-1.65
- Boarding house
- Catering or food preparation business
- Commercial establishment selling or serving alcoholic beverages
- Church, synagogue, temple, or other place of worship
- Commercial recreation facility, specifically including, but not limited to:
 - Billiard parlor, pool parlor, and game room
 - Movie theater
 - Bowling alley
 - Golf course, including driving range or Par 3 operation
- Cultural or community centers, including, but not limited to, libraries, theaters, and museums
- Day care center, kindergarten, or pre-school nursery
- Financial or insurance institution
- Government offices or facilities
- Garden shop, plant nursery, or greenhouse facility
- Hospital or health clinic
- Hotel or motel
- Medical, dental, or chiropractic office
- Nursing home, assisted living, or congregate care facility
- Park, playground, community recreation, or sports facility
- Parking lot or deck
- Personal services including - but not limited to barber shop, beauty parlor, florist, photo or artist studio, framing shop, travel agency, ticket office, laundromat/dry cleaner, messenger service, or newsstand
- Pharmacy, drug store, or medical supply store
- Professional or business office
- Publicly owned building, facility, or land
- Residential development, subject to the MFR-18 guidelines
- Restaurant, including drive-thru and curbside service establishments
- Retail businesses. All retail businesses must meet the requirements of the Downtown Design

Guidelines

- School offering instruction in art, music, dancing, drama, or similar cultural activities
- Service or repair business (including but not limited to a plumber, electrician, heating/air conditioning, etc.)
- Temporary uses, subject to the requirements of Section 330-1.64

C. Conditional Uses

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

- Animal Hospital or Boarding facility
 - Treatment rooms, cages, kennels, etc. must be maintained within a completely enclosed, soundproof building
 - No objectionable noise or odors outside its walls
- Antennas, towers, masts, and similar structures
 - Maximum height of 17 feet above the top of the highest point of the roof line
- Automobile, truck, or trailer rental
 - Parking and service areas must be separated from neighboring residential properties by a sight impervious screen, fence, or wall, a minimum of 6 feet above finished grade
- Automobile service station
 - No operations involving major repairs, body and fender work, or painting
 - Fuel pumps must be set back a minimum of 25 feet from all property lines
 - Canopy must be set back a minimum of 15 feet from all property lines
- Automotive or boat sales, used or new
 - Parking and service areas must be separated from neighboring residential properties by a sight impervious screen, fence, or wall a minimum of 6 feet above finished grade
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or memorial garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Communication towers
 - See Section 330-1.67
- Funeral Home
 - Minimum lot size of 1 acre
- Meat, fish, or poultry shop
 - No slaughtering is permitted on site
 - Cleaning of fish or poultry must be done completely inside the building, and waste must be removed daily

- Open yard use for the sale, rental, or storage of materials, or equipment
 - Must be separated from adjoining residential properties by a sight impervious screen, fence, or wall, a minimum of six feet above finished grade
- Public Utility Substation, Installation, or Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%
 - No sign is allowed
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the HC Zoning District:

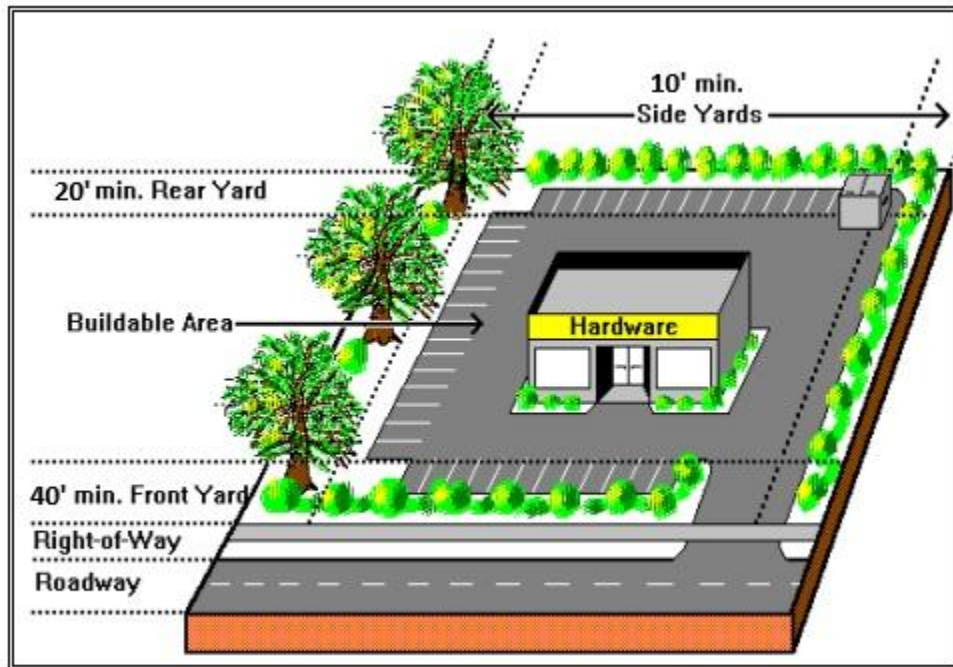
- Adult entertainment establishments
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Storage facility or warehouse

E. Other Requirements

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

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area • Lot width 	20,000 square feet 60 feet measured at the front setback line
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	40 feet 20 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	4 stories
Maximum Impervious Surface Area	60% of the lot area
Access Restrictions	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:

	<p>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.</p> <p>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.</p> <p>3. There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage</p>
Signage	See Article IV
Off-Street Parking	See Article V Parking shall be located in the rear or side yard of the use. Parking areas existing at the time of adoption of this ordinance may be used to meet parking requirements for the reuse of existing buildings in the HC district.
Landscaping	See Article VI



A. Purposes

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 330-1.29 of this Ordinance will apply to said property. The sign requirements of the City of Walhalla Downtown Design Guidelines also apply to all parcels within the CC District.

B. Permitted Uses

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

- Accessory use in compliance with Section 330-1.65
- Catering or food preparation business
- Commercial establishment selling or serving alcoholic beverages
- Church, synagogue, temple, or other place of worship
- Commercial recreation facility, specifically including, but not limited to:
 - Billiard parlor, pool parlor, and game room
 - Movie theater
 - Bowling alley
 - Golf course, including driving range or Par 3 operation
- Cultural or community centers, including, but not limited to, libraries, theaters, and museums
- Day care center, kindergarten, or pre-school nursery
- Financial or insurance institution
- Government offices or facilities
- Medical, dental, or chiropractic office
- Park, playground, community recreation, or sports facility
- Parking lot or deck
- Personal services including - but not limited to barber shop, beauty parlor, florist, photo or artist studio, framing shop, travel agency, ticket office, laundromat/dry cleaner, messenger service, or newsstand
- Pharmacy, drug store, or medical supply store
- Professional or business office
- Publicly owned building, facility, or land
- Restaurant, including sidewalk cafe
- Retail businesses
- Temporary uses, subject to the requirements of Section 330-1.64

C. Conditional Uses

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

- Antennas, towers, masts, and similar structures
 - Maximum height of 17 feet above the top of the highest point of the roof line
- Automobile, truck, or trailer rental

- Parking and service areas must be separated from neighboring residential properties by a sight impervious screen, fence, or wall a minimum of 6 feet above finished grade
- Automobile service station
 - No 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.
 - Fuel pumps must be set back a minimum of 25 feet from all property lines
 - Canopy must be set back a minimum of 15 feet from all property lines
- Bed and Breakfast Inn
 - District minimum lot size applies
 - The building shall be occupied by an owner or tenant at any time that a room is leased
 - One sign shall be allowed on the property no larger than six (6) feet tall and eight (8) feet long
 - A maximum of six (6) bedrooms shall be allowed with no more than two (2) adults in each room
 - All occupants shall sleep in bedrooms only
 - Parking shall conform to Article V of this Ordinance
 - Rooms shall be rented to tenants for a maximum of fourteen (14) consecutive days
 - Cooking shall be allowed in the kitchen area only, with the exception of outdoor grills
 - Meals may only be served to guests staying on the premises
- Cemetery or memorial garden
 - Minimum lot size of 5 acres
 - No illumination at night
 - Ground illumination only for signs
 - No on-site crematorium
- Communication towers
 - See Section 330-1.67
- Drive-throughs, provided they adhere to the following conditions
 - Maintain ingress and egress on a roadway classified as urban local or submit a traffic impact study for a roadway classified as a collector or arterial
 - Must be placed so that pedestrians entering and exiting the building are not required to cross the driving lane. When it is necessary for individuals to cross drive-through lanes, crosswalks must be clearly marked, indicating the pedestrian pathway to the building entrance.
 - Lanes must be situated so that other vehicles entering or exiting the parking lot won't be hindered by others using the drive-through.
 - Buildings of businesses that use drive-throughs to serve food primarily for off-site consumption may not be located within 500 feet of another such business.
 - Entrances and exits to drive-throughs must be placed so that they do not come within 150 feet of the centerline of the intersecting streets.
- Funeral Home
 - Minimum lot size of 1 acre
- Hotel or motel
 - No rooming units on the first floor
- Meat, fish, or poultry shop
 - No slaughtering is permitted on site
 - Cleaning of fish or poultry must be done completely inside the building, and waste must be removed daily
- Open yard use for the sale, rental, or storage of materials, or equipment
 - Must be separated from adjoining residential properties by a sight impervious screen, fence, or wall, a minimum of six feet above finished grade
- Public Utility Substation, Installation, or Water Tower
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 65%

- No sign is allowed
- Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- School (Elementary, Middle, or High)
 - Minimum lot size of 3 acres
 - Exterior lights may not reflect onto neighboring residentially zoned property
 - Maximum impervious surface area of 60%
 - Ground illumination only for signs
 - A traffic study must be completed prior to the issuance of permits
 - Must not adversely affect the character, traffic patterns, and peaceful nature of the community
- Single-family and multi-family residential
 - Must follow the MFR-18 requirements
 - No residential uses are allowed on the first floor of buildings

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the CC Zoning District:

- Adult entertainment establishments
- Manufactured housing
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Storage facility or warehouse

E. Other Requirements

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

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> ● Lot area ● Lot width 	N/A N/A
Minimum Yard Sizes <ul style="list-style-type: none"> ● Front Yard ● Rear Yard ● Side Yard 	N/A N/A N/A
Maximum Building Height <ul style="list-style-type: none"> ● Stories 	5.5 stories
Maximum Impervious Surface Area	N/A
Signage	See Article IV
Off-Street Parking	Where provided, off-street parking for non-residential uses shall be located in the rear or side yard of the use. Parking areas existing at the time of adoption of this ordinance may be used to meet parking requirements for the reuse of existing buildings in the CC district.
Landscaping	See Downtown Design Guidelines

A. Purposes

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.

B. Permitted Uses

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

- Accessory use in compliance with Section 330-1.65
- Animal hospital
- Communication towers
- Day care center
- Fairgrounds and associated facilities
- Light manufacturing or production facility
- Park, playground, community recreation, or sports facility
- Parking lot or deck
- Professional or business office
- Public utility substation, installation, water tower, or telecommunications tower
- Publicly owned building, facility, or land
- Research or experimental laboratory
- Restaurant
- Retail businesses. Retail businesses with over 8,000 square feet of gross floor area must meet the requirements of the Downtown Design Guidelines
- Storage facility
- Temporary uses, subject to the requirements of Section 330-1.64
- Warehouse
- Wholesale facility

C. Conditional Uses

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

- Automobile service station
 - Fuel pumps must be set back a minimum of 25 feet from all property lines
 - Canopy must be set back a minimum of 15 feet from all property lines
- Garage or shop for the repair and servicing of motor vehicles, equipment, or machine parts
 - Any open storage shall be screened by an L4 High Wall, or F1 or F2 Fence (See Section 330-1.51)
 - No sound, vibration, heat, glare, or electrical disturbance that creates a nuisance beyond

the premises

- Land grading, contractor, construction
 - In case of open storage, a sight impervious screen, fence, or wall, a minimum of 6 feet in height from finished grade
- Open yard for the sale, rental, or storage of new, used, or salvaged materials or equipment
 - Minimum lot size of 1 acre
 - No burning of materials or products is conducted on the premises
 - A sight impervious screen, fence, or wall, a minimum of six feet in height from finished grade, shall be required along all property lines
- Sexually oriented business
 - Use subject to the conditions of Section 330-1.75
- Tattoo parlor
 - Must not be placed closer than 1,000 feet to any school, place of worship, institution, park, or recreation facility
 - Must not adversely affect the character, traffic patterns, or nature of the district

D. Prohibited Uses

All uses not listed above are prohibited in this district. For additional emphasis, the following uses are expressly prohibited in the LI Zoning District:

- Auto salvage, wrecking, or junk yards
- Manufacture of: acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, fireworks, explosives, fish meal, nitrogenous tankage, paints, varnish, shellac, phosphates, turpentine, or vinegar
- Offensive or obnoxious operation which though properly and safely operated with ordinary care according to industry standards causes noxious or offensive dust, fumes, gas, noise, odor, smoke, or vibration which substantially interferes with other lawful uses
- Oil refinery or petroleum distillation facility (excluding oil recycling facility)
- Open landfill or dump
- Outdoor storage of junk, equipment, supplies, building materials, parts, and/or unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles.
- Slaughterhouse or tanyard

E. Other Requirements

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

Requirement	Specification
Minimum Lot Size <ul style="list-style-type: none"> • Lot area • Lot width 	40,000 square feet 100 feet
Minimum Yard Sizes <ul style="list-style-type: none"> • Front Yard • Rear Yard • Side Yard 	50 feet 20 feet 10 feet
Maximum Building Height <ul style="list-style-type: none"> • Stories 	5.5 stories

Maximum Impervious Surface Area	60%
Access Restrictions	<p>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:</p> <ol style="list-style-type: none"> 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
Signage	See Article IV
Off-Street Parking	See Article V
Landscaping	See Article VI

A. Purpose

The purpose of this district is to permit areas that encourage the mixing of land uses such as retail/commercial, office, parks, multi-family, and attached single-family. These uses are developed in a manner that allows interaction between them and enables each use to support the others. The success of these mixed-use areas is directly related to the sensitive master planning of the site layout.

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.

B. 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.

1. Permitted and Conditional Uses. All uses permitted or conditional in any zoning classification may be permitted in a PUD.
2. Permitted accessory uses and structures. Accessory uses and structures shall be permitted in a PUD.
3. Special exceptions. No special exception actions are required to establish any specific use.
4. Uses, buildings and structures within a PUD. Permitted, conditional, and special exception uses in any district are permitted outright in a PUD, 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.
5. 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.
6. Off-street parking, loading, and unloading. Off-street parking and loading and unloading requirements as set forth in Article V shall be met for each use in the Planned Unit Development.
7. Access. Any Planned Unit Development district shall meet the following:
 8. The Planned Unit Development district shall have direct frontage on a public street; and
 9. 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
10. All streets within the Planned Unit Development shall be no less than twenty (24) 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.
11. All buildings and structures shall have access as provided for in Section 330-1.69.
12. Open space. The Common Open Space required in any Planned Unit Development containing any residential component shall meet or exceed the following:
 13. 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,

14. 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,
15. 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.
16. 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.
17. 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.
18. 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.

C. 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 Article IX 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.

D. 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.

E. 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 in 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.

F. Site Development Plan Submission

The applicant shall submit site development plans to the Planning Commission for review. This submission shall

contain the following items, if applicable to the specific project:

1. Total number of acres in the development area;
2. Number of acres devoted to residential, commercial, industrial, and other nonresidential uses;
3. Number of dwelling and commercial units of various types and overall density thereof;
4. Number of off-street parking spaces and loading/unloading spaces needed to satisfy the requirements of individual buildings required by Article V;
5. A proposed traffic, parking, and circulation plan;
6. Legal description of proposed development boundaries;
7. A proposed potable water and sanitary sewer plan;
8. A topographical survey;
9. Description of open spaces;
10. Existing buildings, if any, on the site;
11. Drawing approximately to scale;
12. Plan showing surface water management for the entire site; and
13. Any other information as may be deemed reasonably appropriate for Planning Commission review.

G. Descriptive Statement to be Submitted to 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:

1. An economic development study justifying the feasibility and size of proposed commercial facilities;
2. A description of the size, type, and location of proposed open space uses, and their ability to serve the anticipated demand. The developer will also provide details on a property proposed to be dedicated to the public, including dedication procedure, property condition, and proposed use.
3. A copy of the proposed restrictive covenants for the site, including details on the responsibilities of any homeowner's or other property owner's association to be set up to manage the property;
4. 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;
5. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned whole;
6. Description of the relationship of the proposed project to the Goals, Objectives, Policies, and the intent of the Comprehensive Plan of the City of Walhalla; and,
7. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

H. Public Hearing

A public hearing shall be held by the Planning Commission in accordance with Section 330-1.83.

I. 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.

J. City Council Approval of Concept Plan

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 the 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 330-1.27G.

K. Final Development Plan Approval

Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Site Development Plans in the PD district shall adhere to the guidelines and standards approved by City Council in the submitted PDD document for the development.

L. 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:

1. 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
2. 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
3. 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
4. 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
5. Completed the posting of any bond required by Article XI of the City of Walhalla Land Development Regulations.

M. 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 shall be the basis for the issuance of zoning permits and building permits for the construction of buildings in the PUD.

N. Changes to Concept Plan

Changes that 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 the boundary of such PUD district shall be accomplished only by following the procedures as set forth in Article IX, Amendments herein. Changes in the approved characteristics or agreements relating to a PUD district, but not involving a change in the boundary thereof, shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:

1. Minor changes. Revision of minor characteristics of the Planned Unit Development, such as relocation of 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 Development 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.

Examples may include, but are not limited to:

- a. Reductions in density, signage, or square footage
 - b. Increases in landscaping, open space, or setbacks
 - c. Minor changes to landscaping, lighting, parking, or signage
 - d. Minor changes may allow for reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of the PUD to another
2. 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 Development district, including Planning Commission review, public hearing, and City Council determination, as set forth in Article IX, Amendments.

Examples of major changes may include, but are not limited to the following:

- a. Boundary changes
 - b. Decrease in open space
 - c. Increase or decrease in the number of ingress and egress points
 - d. Changes to less restrictive land uses, e.g. residential to commercial
 - e. Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the PUD district
3. 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.
4. 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 330-1.63.

O. 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 relation 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 Section 330-1.88 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.

P. 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.

Section 330-1.28

FRD Flexible Review District

A. Purpose

The purpose of this district is to permit areas that encourage the flexible development of creative single-use projects. Examples include cluster housing, patio homes, etc. These uses are developed in a manner that allows for superior design details that may not be allowed under standard zoning districts. The success of these areas is directly related to the sensitive master planning of the site layout.

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.

B. 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 Flexible Review District upon the community at large. At a minimum, Flexible Review Districts will be designed in accordance with the following provisions.

1. Permitted and Conditional Uses. All uses permitted or conditional in any zoning classification may be permitted in a FRD.
2. Permitted accessory uses and structures. Accessory uses and structures shall be permitted in a FRD.
3. Special exceptions. No special exception actions are required to establish any specific use.
4. Uses, buildings and structures within a FRD. Permitted, conditional, and special exception uses in any district are permitted outright in a FRD, 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 Flexible Review District.
5. Height and area regulations. Minimum setbacks, minimum lot widths, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within a FRD 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 Flexible Review District and otherwise fulfill the intent of this Ordinance.
6. Off-street parking, loading, and unloading. Off-street parking and loading and unloading requirements as set forth in Article V shall be met for each use within the Flexible Review District.
7. Access. Any Flexible Review District project shall meet the following:
 8. The Flexible Review District project shall have direct frontage on a public street; and
 9. Any lots which are subdivided within a Flexible Review District shall abut a public street which meets the requirements of and is properly deeded to the City of Walhalla; and
10. All streets within the Flexible Review District shall be no less than twenty (24) 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.
11. All buildings and structures shall have access as provided for in Section 330-1.69.
12. Open space. The Common Open Space required in any Flexible Review District containing any residential component shall meet or exceed the following:
 13. 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,

14. In establishing the residential density per gross acre, the City Council may increase the percentage of common open space. Multi-family portions of the development shall require twenty-five (25) percent of the site area for beautification and open space use and buffers; and,
15. 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.
16. Density or Intensity Increases. The number of dwelling units approved and the types of nonresidential uses allowed in FRD 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 developments with uses in adjacent districts.
17. 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 Flexible Review District project, with the exception that when any external lot line of any development other than single-family 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.
18. Minimum Lot Size. The minimum lot size for any Flexible Review District 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.

C. Administrative Application and Review Procedures

The establishment of a FRD district shall be by amendment to the Zoning Map accompanied by a certification as required by Article IX 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.

D. Application for Amendment

Application for amendment to establish a FRD 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 Flexible Review District 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.

E. Preapplication Conference

Every applicant is encouraged to communicate the intention to establish a Flexible Review District 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 in 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.

F. Site Development Plan Submission

The applicant shall submit site development plans to the Planning Commission for review. This submission shall contain the following items, if applicable to the specific project:

1. Total number of acres in the development area;
2. Number of acres devoted to residential, commercial, industrial, and other nonresidential uses;
3. Number of dwelling and commercial units of various types and overall density thereof;
4. Number of off-street parking spaces and loading/unloading spaces needed to satisfy the requirements of individual buildings required by Article V;
5. A proposed traffic, parking, and circulation plan;
6. Legal description of proposed development boundaries;
7. A proposed potable water and sanitary sewer plan;
8. A topographical survey;
9. Description of open spaces;
10. Existing buildings, if any, on the site;
11. Drawing approximately to scale;
12. Plan showing surface water management for the entire site; and
13. Any other information as may be deemed reasonably appropriate for Planning Commission review.

G. Descriptive Statement to be Submitted to Planning Commission for Review

The applicant shall also submit a descriptive statement indicating the characteristics and standards to be followed in developing the proposed Flexible Review District. The descriptive statement shall generally include, but not be limited to, the following:

1. An economic development study justifying the feasibility and size of proposed commercial facilities;
2. A description of the size, type, and location of proposed open space uses, and their ability to serve the anticipated demand. The developer will also provide details on a property proposed to be dedicated to the public, including dedication procedure, property condition, and proposed use.
3. A copy of the proposed restrictive covenants for the site, including details on the responsibilities of any homeowner’s or other property owner’s association to be set up to manage the property;
4. 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;
5. Design standards, administrative procedures, and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well planned whole;
6. Description of the relationship of the proposed project to the Goals, Objectives, Policies, and the intent of the Comprehensive Plan of the City of Walhalla; and,
7. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

H. Public Hearing

A public hearing shall be held by the Planning Commission in accordance with Section 330-1.83.

I. 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.

J. City Council Approval of Concept Plan

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 the 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 330-1.28G.

K. Final Development Plan Approval

Approval of a Concept Plan shall constitute authority for the applicant to prepare a Final Development Plan. All Final Site Development Plans in the FRD district shall adhere to the guidelines and standards approved by City Council in the submitted FRD document for the development.

L. Issuance of Zoning Permit

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

1. Filed with the Zoning Administrator and recorded with the Clerk of Court of Oconee County, plats showing all proposed features of the Flexible Review District as approved by the City Council, which approval shall be certified by the Zoning Administrator; and
2. 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 Flexible Review District and recorded such agreements with the Zoning Administrator and with the Clerk of Court of Oconee County; and
3. 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 Flexible Review District; and
4. 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
6. Completed the posting of any bond required by Article XI of the City of Walhalla Land Development Regulations.

M. Basis for Permits

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

N. Changes to Concept Plan

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

1. Minor changes. Revision of minor characteristics of the Flexible Review District, such as relocation of 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 Flexible Review District. If the Planning Commission fails to approve a request for a minor change, the developer or other

party of interest may then seek a change by the regular amendment process as outlined below for major changes.

Examples may include, but are not limited to:

- a. Reductions in density, signage, or square footage
 - b. Increases in landscaping, open space, or setbacks
 - c. Minor changes to landscaping, lighting, parking, or signage
 - d. Minor changes may allow for reorientation of structures, realignment of approved ingress and egress, changes to more restrictive land uses, or shifts in approved density from one area of the FRD to another
2. Major changes. Major changes which materially affect the characteristics of the Flexible Review District shall follow the same procedural requirements as those for the amendment originally establishing the Flexible Review District, including Planning Commission review, public hearing, and City Council determination, as set forth in Article IX, Amendments.

Examples of major changes may include, but are not limited to the following:

- a. Boundary changes
 - b. Decrease in open space
 - c. Increase or decrease in the number of ingress and egress points
 - d. Changes to less restrictive land uses, e.g. residential to commercial
 - e. Any change which the Zoning Administrator determines would significantly alter the basic concept and general characteristics of the FRD district
3. 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.
4. 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 330-1.63.

O. 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 relation 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 Flexible Review District 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 Section 330-1.88 or any appropriate combination of the above remedies. If construction of the Flexible Review District has not begun within one (1) year of its final approval, the land shall revert automatically to the prior zoning district classification.

P. 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.

Section 330-1.29

DO Downtown Overlay Development 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; Penalties, 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 Development 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 Development 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 the Zoning Ordinance must be lined within 120 days following adoption of the Zoning Ordinance with an appropriate material to serve as a continuous visual screen.

4. Murals.

[Amended 3-19-2024 by Ord. No. 2024-04]

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

b. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

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 is 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 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 and 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. The Zoning Administrator shall prepare a staff recommendation and present to Planning Commission. The Planning Commission shall review and act to approve, deny or require revisions in all submittals.
8. Decisions made by the Planning Commission regarding murals may be appealed to the City Council. Appeals shall be filed within 30 days.

5. Street-level windows in nonresidential 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 section.

B. Determining district boundaries.

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. 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 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.

3. Boundaries indicated as approximately following City limits shall be construed as the following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be the center line of the main track.
5. Boundaries indicated as approximately following the center lines of streams, lakes or bodies of water shall be construed to follow such center lines.
6. 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.
7. 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 **A** through **F** above, the Walhalla Planning Commission shall interpret the district boundaries upon approval of Walhalla City Council.

C. Minimum regulations.

The regulations set by this Part **1** 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.

1. 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.
2. No building or other structure shall hereafter be erected, constructed, altered, set up or installed:
 - a. To exceed the maximum allowed dimensional requirements;
 - b. To accommodate or house a greater number of households;
 - c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller rear yards, front yards, side yards or any other open spaces than herein required; or
 - e. In any other manner contrary to the provisions of this Part **1**.
3. 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 Part **1** shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
4. 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.
5. No yard or lot existing at the time of passage of this Part **1** shall be reduced in dimension below the minimum requirements set forth herein. Yards of lots created by subdividing after the effective date of this Part **1** shall meet at least the minimum requirements established by this Part **1**.
6. 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.

awning"; and "canopy, attached and freestanding."

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 article, 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-premises 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 (FREESTANDING): A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a freestanding 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 freestanding canopy.

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

1. 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.¹¹

DEVELOPMENT COMPLEX SIGN: A freestanding 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."

FREESTANDING 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 premises orientated to the public way or other properties that it faces.

FRONTAGE (PROPERTY): The length of the property line(s) of any single premises along either a public way or other properties on which it borders.

GROUND SIGN: See "freestanding 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 article. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD: An inclined decorative rooflike projection that is attached to an exterior building facade.

MARQUEE: See "canopy (attached)."

MARQUEE SIGN: See "canopy sign."

MENU BOARD: A freestanding 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 20% 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 or more faces.

OFF-PREMISES SIGN: See "outdoor advertising sign."

ON-PREMISES 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 "freestanding 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 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° (6.28 rad) about an axis. See also "animated sign, mechanically activated."

ROOFLINE: 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 SIGN: A freestanding temporary sign, with no moving parts or lights, 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.

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

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 comprises the sign face. 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 50% of the sum of the area of all faces of the sign.

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

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.

1. 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.

2. 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.
3. 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.
4. 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.

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: A sign 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 90° (1.57 rad), with the distance between the sign faces not exceeding five 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 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 facade 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.

[1] *Editor's Note: The definition of "copy," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Section 330-1.32

Exempt Signs

Exempt signs. The following signs are exempt from the provisions of this article and require no permit:

1. Traffic, directional, warning, or information signs authorized by any public agency.
2. Official notices authorized by any court, public agency, or official.
3. Institutional signs, not to exceed 20 square feet, for any public, charitable, educational, medical or religious institution.

4. Building nameplates with related inscription, memorial plaques, and cornerstones, when made an integral part of a building or structure.
5. Flags and flagpoles.
6. On-site directional signs, not to exceed six square feet in area.
7. One-time auction signs, not to exceed six square feet in area.
8. Private property postings related to trespassing or public safety.
9. Religious symbols and seasonal decorations within the appropriate public holiday season.
10. "Open house" signs, not to exceed four square feet in area.
11. Temporary unlighted real estate (for sale, rent, lease) signs for residential, not to exceed four square feet in area, or for commercial, not to exceed 32 square feet in area, per property, and not to exceed eight feet in height, are allowed, provided the proper permit or business license has been obtained. The signs shall be removed not later than five days after the execution of a lease agreement or the closing of the sale. Banner-type signs are not permitted.
12. Political signs on private property. Political signs are not allowed in the public right-of-way or on City-owned property.

Section 330-1.33

Prohibited Signs

Prohibited signs. The following signs are prohibited:

1. 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.
2. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - (a) The primary purpose of such a vehicle or trailer is not the display of signs.
 - (b) 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.
 - (c) 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.
 - (d) The vehicle must be parked in a legal parking space on the property of the business it is advertising
3. Abandoned signs.
4. Rooftop signs.
5. Off-premises signs, outdoor advertising signs, and billboards
6. A 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 330-1.34

Permitted Signs

The following signs are allowed, subject to the permitting requirements of Section 330-1.35, Permitting process, and the applicable development regulations of this Part 1.

1. Permanent freestanding business identification signs.
[Amended 3-19-2024 by Ord. No. 2024-04]
 - (a) Allowable area: not to exceed 36 square feet in area for a single business, or 120 square feet for multiple businesses on the same panel.
 - (b) 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.
 - (c) Location. No freestanding sign shall:

[1] Be located nearer than five 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.

[2] Be set back less than 10 feet from any street right-of-way line.

[3] Be permitted in the Downtown Development Overlay District unless it meets all Downtown Design Guidelines, is aesthetically appropriate, and is approved by the Zoning Administrator.

(d) Height: not higher than eight feet above finished grade of the ground at the sign base, except a maximum height of 30 feet from the ground (pavement) is permitted in Highway Commercial or Light Industrial Districts only.

(e) In Office Commercial Districts, a sign may be of berm or solid base design. Application for berm design must be accompanied by a landscape maintenance plan.

(f) 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.

(g) 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.

2. Permanent signs attached to buildings.

(a) Allowable area. The total area of signs on the exterior front surface of a building shall not exceed 25% of the front surface area of the building. The same will be required of signage on the sides and rear surfaces of the buildings.

(b) Window coverage.

[1] In the Downtown Development Overlay District, window or door signs may occupy up to 25% of the storefront 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 storefront glass should be counted against the overall allowed sign area for that side of the building. Windows are not permitted to be covered on the interior or exterior by plastic, tarps, paper or similar materials unless undergoing active renovations or repairs. Coverage is limited to 90 days. Extension may be permitted where required with written request to the Zoning Administrator.

[2] Outside of the Downtown Development Overlay District, signage in or on windows, inside or outside, shall not exceed 50% of any front-facing window.

(c) No part of any sign attached to a building, in any manner, shall extend above the uppermost point of each building.

(d) 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.

(e) Letters, decorations, and facings of signs shall be constructed of durable materials approved by the Building Official.

(f) Restaurants shall be permitted to display one menu (in an enclosed case) or menu board, provided that such shall not exceed nine square feet.

3. Awnings/Canopies.

(a) Awnings/Canopies shall be no closer than 18 inches to a vertical plane at the street curbline and have a minimum height of 8.5 feet above the sidewalk.

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

(b) Awning/Canopy signs shall consist of the name of the business, logo, and numerical address only, with the copy area not to exceed an area equal to 25% of the background area of the awning/canopy.

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

Maximum sign area is 18 square feet per sign.

5. Sandwich board signs.

(a) Sandwich board signs will be limited to a maximum area of nine square feet in area per side and cannot exceed 42 inches in height. They shall not be placed more than five 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 sandwich board sign per business is allowed; and sandwich board signs 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 feet in width, nor shall it prevent free ingress to or egress from any door, or window or fire escape.

(b) Signs must be stored inside when the business is closed.

Section 330-1.35

Permits

1. 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, 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 Part 1.

2. Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such a permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials, and required construction details, 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.

3. 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.

4. 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 330-1.36

Development Standards

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

1. Clearance. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

(a) Visual clearance. No sign may be located within a vision clearance area as defined by Section 330-1.60 of this Part 1, and no support structure for a sign may be located in a vision clearance area unless the diameter is 12 inches or less.

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

(b) 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 14 feet above grade. Vehicle areas include driveways, alleys, parking lots, loading zones and maneuvering areas.

(c) Pedestrian area clearance. When a sign extends over private sidewalks or walkways, the bottom of the sign structure shall be at least 8.5 feet above the grade.

(d) Required yards and setbacks. The sign face of a sign structure may be erected in required yards and setbacks, but no closer than five feet to any property line, measured from the closest point of the sign.

2. Sign measurement.

(a) Sign face area.

[1] 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, the largest single face, of a double-faced or V-shaped freestanding sign is counted.

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

[2] 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.

[3] When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.

[4] For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.

[5] For a round or three-dimensional sign, the maximum surface area visible at one time is counted to determine sign face area.

3. Sign design, construction and maintenance.

(a) 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.

(b) All signs allowed under this article must comply with applicable requirements of the International Building Code, National Electrical Code and other applicable federal, state or local codes.

(c) 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.

(d) The immediate premises around a sign shall be kept free from litter and debris.

4. Removal of nonconforming signs.

(a) 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, whereon the sign may be found, unless the sign falls within the exception granted by Section 330-1.34(2)(D) of this article. Such removal is to take place within a period of 30 days following cessation of effective use of the sign or closing of the business.

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

(b) All signs and sign structures, with the exception of freestanding signs, billboards and monument signs, which are nonconforming to the standards of this article, 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 article. The lawful use of a nonconforming freestanding sign, billboard or monument sign may be continued indefinitely. However, should the cost of any proposed replacement, based on damage or upgrading, exceed 75% of the existing sign value, said sign must be brought into compliance with the requirements of this article. Any improvement or change to signage must meet Downtown Design Guidelines within the Downtown Development 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 330-1.37

Appeals

All questions arising in connection with the enforcement of this article 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 10 days after receipt of written decision.

Section 330-1.38

Validity

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

Section 330-1.39

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 article.

Section 330-1.40

Enforcement

The Zoning Administrator, or designated officials, shall have the power to administer and enforce the provisions of this article 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 V
OFF-STREET PARKING, LOADING, OR UNLOADING**

Sections:

- Section 330-1.41 Minimum Required Parking Spaces
- Section 330-1.42 Location on Other Property
- Section 330-1.43 Extension of Parking into Residential Districts
- Section 330-1.44 Handicapped Parking Spaces
- Section 330-1.45 Design Standards
- Section 330-1.46 Reduction of Off-Street Parking Spaces
- Section 330-1.47 Off-Street Loading or Unloading Space
- Section 330-1.48 Parking, Storage, and Use of Certain Vehicles

Section 330-1.41 Minimum Required Parking Spaces

1. 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 for the various use(s). When the application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

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

Off-Street Parking Requirement Guide	
Uses	Spaces Required
Any residential use	2 spaces for each dwelling unit
Tourist homes, bed-and-breakfasts, hotels, motels, boardinghouses, rooming houses	1.1 spaces for each accommodation, plus requirement for any use associated with the business
Mobile home parks	2 for each space, plus 1 for each 2 employees
Hospitals and clinics	1 space for each 2 beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees on the largest shift, including nurses
Funeral parlors	5 spaces minimum, and 1 space for each 4 seats in the principal assembly room
Churches, spiritual institutions and places of public assembly	1 space for each 4 seats in the principal assembly room
Places of assembly or recreation without fixed seats	1 space for each 4 seats based on maximum capacity
Bowling alleys	5 spaces for each bowling lane
Outdoor recreation (parks, recreational areas, etc.)	1 space for each 5,000 square feet of land
Golf courses	4 spaces for each hole, plus requirements for any other associated use
Swimming pools (except associated with residence)	1 space for each 100 square feet of water area or 1 seat, whichever is greater
Softball, baseball or football fields	1 space per 3,000 square feet of field area or 1 space per 6 spectator seats, whichever is greater
Tennis courts (except when an accessory)	4 spaces per court or 1 space per 4 spectator seats, whichever is greater

Off-Street Parking Requirement Guide	
Uses	Spaces Required
Schools	1 space for each classroom and administrative office, plus 1 space for each 20 seats or 1 space for each 400 square feet of area used for public assembly
Public buildings, general	1 space for each 200 square feet of gross floor area
Public buildings, utility	1 space for each 300 square feet of gross floor area
Child-care centers	1 space for each 4 children at maximum capacity
Clubs (no alcohol)	1 space for each 300 square feet of gross floor area
Taverns, discos, nightclubs, and/or public or private clubs dispensing alcohol	Parking spaces equal to 30% of the capacity in persons as determined by the Fire Chief
Doctors' and dentists' offices	5 spaces per doctor or dentist
Professional and business offices	1 space for each 300 square feet of gross floor area
Groceries, convenience	1 space for each 100 square feet of gross floor area
Groceries or supermarkets	1 space for each 150 square feet of gross floor area
Retail stores and shops of all kinds, including barber and shoe and similar service outlets	1 space for each 200 square feet of gross floor area
Car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries	4 spaces for each salesperson, plus 1 space for each 2 other employees
Banks	1 space for each 150 square feet of gross floor area plus a minimum of three storage spaces for each drive-in window or ATM operable from a vehicle
Nursing homes	1.1 spaces for each patient bed
Restaurants (fast-food types including drive-in)	1 space for each 50 square feet of gross floor area, plus 11 storage spaces per drive-in window, with a minimum of 5 of the storage spaces designated for the ordering station
Restaurants	1 space for each 100 square feet of gross floor area
Service stations, vehicular repair shops	5 spaces for each grease rack, and 5 spaces for each wash rack; plus 2 spaces for each fuel pump
Wholesaling and industrial uses	1 space for each 600 square feet of gross floor area

2. 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.
3. 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.
4. Whenever a building or use, constructed or established after the effective date of this Part 1, 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 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 330-1.42

Location on Other Property

1. 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 property lies within 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 Subsection 2 below.
2. Joint use of off-street parking is permitted in the City of Walhalla, provided that:
 - (a) Up to 50% of the parking spaces required for: (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided for and used jointly by (2) financial institutions, offices, retail stores, repair, open, used, or operated during the same hours as those listed in (1); provided, however, that written agreement therefor is properly executed and filed as specified below.
 - (b) 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 330-1.43

Extension of Parking into Residential Districts

Required parking space may extend up to 120 feet into a residential zoning district, provided that the parking space:

1. Adjoins a commercial or industrial zoning district; and
2. 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
3. Is separated from abutting properties in the residential district by a ten-foot-wide evergreen buffer strip.

Section 330-1.44

Handicapped Parking Spaces

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

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

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
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 1,000	2% of total required

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Over 1,000	20, plus 1 space for each 100 over 1,000

2. At least one handicapped space shall be a van accessible space
3. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, and entrances.
4. 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.
5. The standards and criteria of the American National Standards Institute, Inc., and the Americans with Disabilities Act shall be utilized.

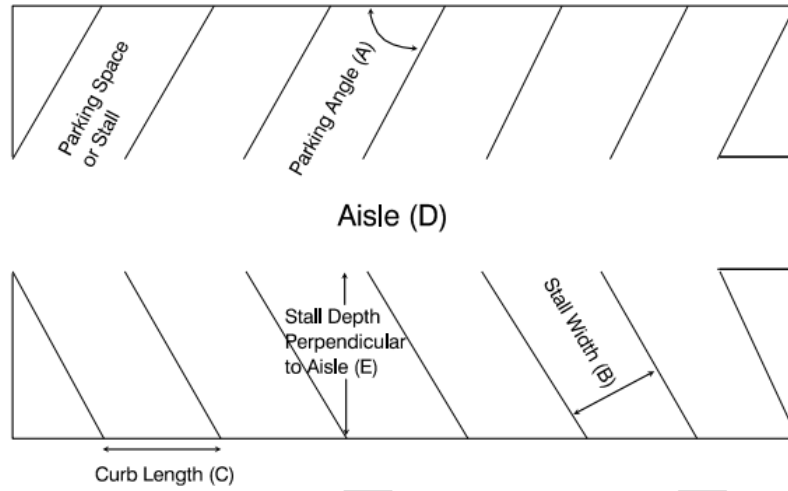
Section 330-1.45

Design Standards

1. 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.
2. Surface. Off-street parking spaces in R-25, R-15, R-10 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
3. 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.
4. 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 feet of a property line. The minimum separation between off-street parking areas and principal buildings shall be five feet so as to allow for pedestrian use of appropriate walkways.
5. 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.
6. Marking. Parking spaces in lots of more than 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 ensure efficient traffic circulation.
7. Lighting. In MFR, OC, HC, CC, LI and PUD Zoning Districts, adequate lighting shall be provided in off-street parking lots of more than 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.
8. Landscaping.
 - (a) Where off-street parking, developed in conjunction with a permitted use or as a separate use occupying an individual lot or lots, comprises 20 or more off-street parking spaces, at least 10% 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.
 - (b) 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 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 Part 1. See the provisions of Section 330-1.46.

9. Dimensions.

(a) See the chart below for standard and handicapped accessible parking space and drive aisle size requirements.



MINIMUM PARKING SPACE AND AISLE DIMENSIONS						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)*	2 Way Aisle Width (D)*	Stall Depth (E)
0 Degrees (parallel)	Standard	9'	22' 6"	12'	24'	N/A
	Disabled	13'	22' 6"	12'	24'	N/A
30 Degrees	Standard	9'	18'	12'	24'	17'
	Disabled	13'	18'	12'	24'	17'
45 Degrees	Standard	9'	12' 6"	12'	24'	19'
	Disabled	13'	12' 6"	12'	24'	19'
60 Degrees	Standard	9'	10' 6"	18'	24'	20'
	Disabled	13'	10' 6"	18'	24'	20'
90 Degrees	Standard	9'	9'	24'	24'	19'
	Disabled	13'	9'	24'	24'	19'

10. Fire lanes. Off-street parking areas in MFR, OC, HC, CC, LI, PUD, and FRD Zoning Districts shall be

Section 330-1.48

Parking, Storage, and Use of Certain Vehicles

1. No more than two antique vehicles without current license tags shall be stored on a single lot, except for those within an enclosed building.
2. Major recreational vehicles, travel trailers, camping vehicles and recreation vehicles, excluding boats. Not more than two recreation vehicles, travel trailers or camping trailers 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.

DRAFT

**ARTICLE VI
LANDSCAPING**

Sections:

Section 330-1.49	Purpose
Section 330-1.50	Landscaping and/or Screening Required Before Occupancy or Use
Section 330-1.51	Design Standards
Section 330-1.52	Plant Materials
Section 330-1.53	Installation and Maintenance
Section 330-1.54	Landscaping on Corner Lots
Section 330-1.55	Landscape Plans
Section 330-1.56	Street Trees
Section 330-1.57	Landscaping Requirements

Section 330-1.49 **Purpose**

1. The City of Walhalla recognizes the aesthetic and economic value of landscaping and screening, and therefore requires its uses to:

- (a) Promote the re-establishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons,
- (b) Establish and enhance a pleasant visual character which recognized aesthetics and safety issues,
- (c) Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting users,
- (d) Unify development, and enhance and define public and private spaces
- (e) Promote the retention of existing vegetation, and
- (f) Aid in energy conservation by providing shade from the sun and shelter from the wind

Section 330-1.50 **Landscaping and/or Screening Required Before Occupancy or Use**

No land or building, or any part thereof, shall be occupied or used in any manner, nor shall any building permit be issued for the construction, alteration, or conversion of any building or structure, nor shall any certificate of zoning compliance or occupancy be issued, unless and until appropriate and legally sufficient landscaping and/or screening has been identified, set apart, and provided on each lot or tract of land in an amount equal to at least the minimum requirements set forth in Section 330-1.57 with the following exception:

The installation of any required landscaping may be deferred during periods of extreme weather in the summer and winter months, to the next planting season, but in no case, for more than 6 months. In the instance that landscaping is deferred, a temporary certificate of occupancy may be issued prior to the installation of all required landscaping. In all instances, all required landscaping must be installed prior to the issuance of a final certificate of occupancy.

Section 330-1.51 **Design Standards**

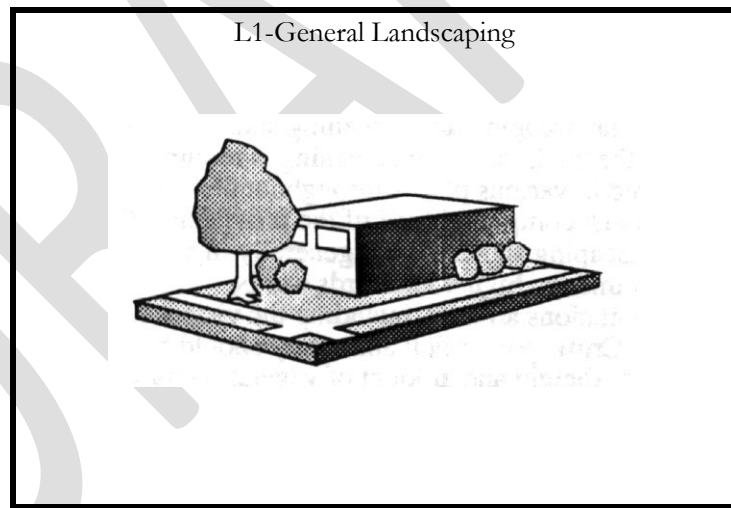
The following subsections (A through G), describe the different levels of landscaping and screening design standards to be applied as appropriate throughout the town.

1. L1 - General Landscaping

(a) Intent: The L1 requirements are designed as a minimal landscape treatment to be used along public rights-of-way and to soften the urban image. It is intended to be applied in situations where distance is used as the principal means of separating uses or development. This type of landscaping will enhance the area in between. While primarily consisting of ground cover plants, it also includes a mixture of trees and low shrubs.

(b) Required Materials:

Requirement
◆ 1 low shrub per 12 linear feet of landscaped area.
◆ 1 tree per 30 linear feet of landscaped area.
◆ Enough ground cover plants to fully cover the remainder of the landscaped area.

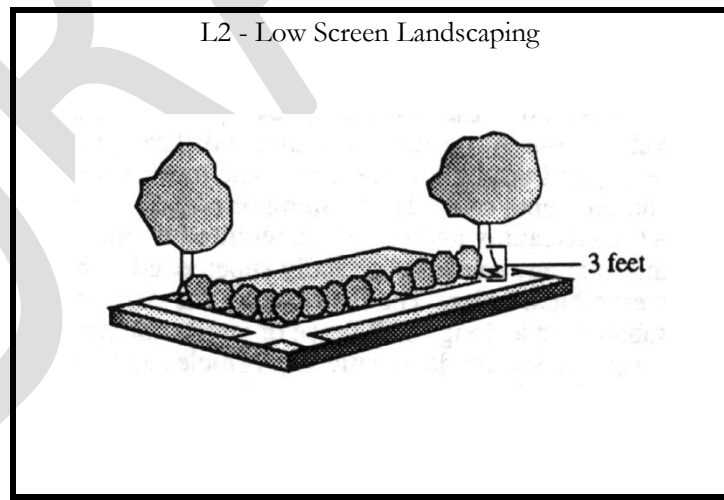


2. L2 - Low Screen

(a) Intent: The L2 requirements are designed to separate uses or development by using a landscaping treatment that uses a combination of distance and low-level screening. The standard applies where a low level of screening is adequate to soften the impact of use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street-side property lines.

(b) Required Materials:

Requirement
<ul style="list-style-type: none">◆ 1 low shrub per 5 linear feet of landscaped area to form a semi-continuous screen 3 feet high and 95% opaque year round.◆ 1 tree per 30 linear feet of landscaped area.◆ Enough ground cover plants to fully cover the remainder of the landscaped area.◆ A 3 foot high masonry wall or berm may be substituted for the shrubs, but the trees and ground cover plants are still required.◆ When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

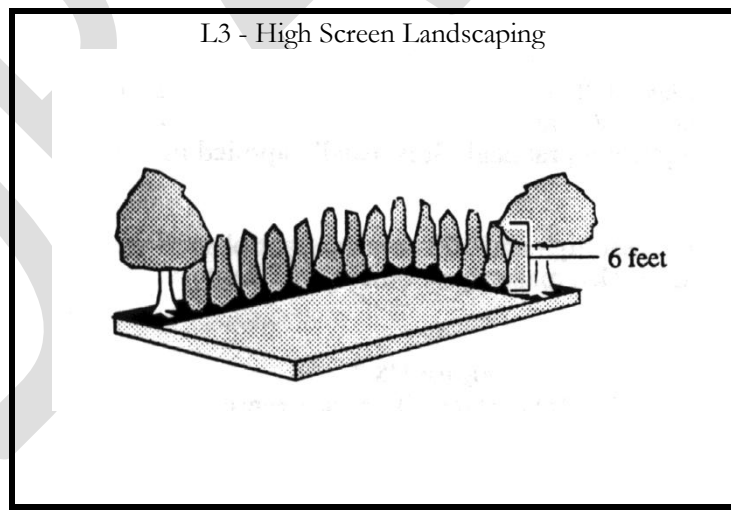


3. L3 - High Screen

(a) Intent: The L3 standard is a landscape treatment that uses screening to provide the physical and visual separation between uses or development. It is used when visual separation is required.

(b) Required Materials:

Requirement
<ul style="list-style-type: none">◆ Enough high shrubs to form a screen 6 feet high and 95 percent opaque year round.◆ 1 tree per 30 linear feet of landscaped area◆ Enough ground cover plants to fully cover the remainder of the landscaped area.◆ A 6 foot high masonry wall, or F2 Fence may be substituted for the shrubs, but the trees and ground cover plants are still required◆ When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area

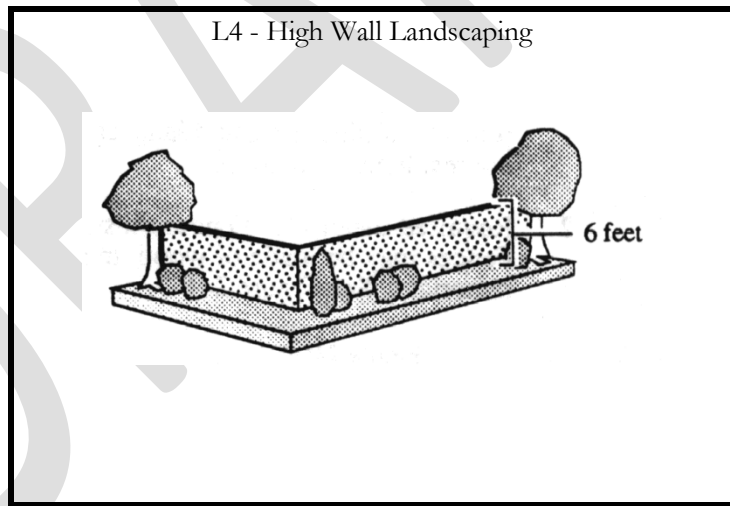


4. L4 - High Wall

(a) Intent: The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive areas and where there is little space for separation.

(b) Required Materials:

Requirement
◆ 6 foot high masonry wall along the interior side of the landscaped area
◆ 1 tree per 30 linear feet of wall
◆ 4 high shrubs per 30 linear feet of wall
◆ Enough ground cover plants to fully cover the remainder of the landscaped area

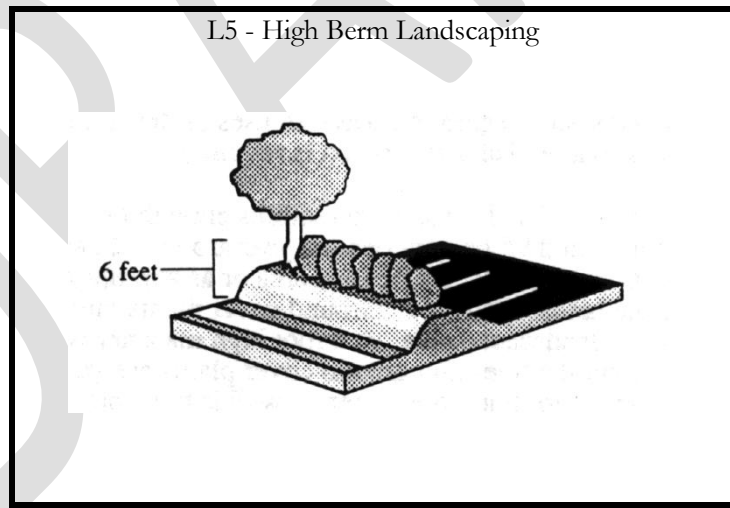


5. L5 - High Berm

(a) Intent: The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials

(b) Required Materials:

Requirement
◆ 4 to 6 foot high earthen berm
◆ If berm is less than 6 feet high, low shrubs that are 95 percent opaque year round, and bring the overall height of the screen to at least 6 feet
◆ 1 tree per 30 linear feet of berm
◆ Enough ground cover plants to fully cover the remainder of the landscaped area.

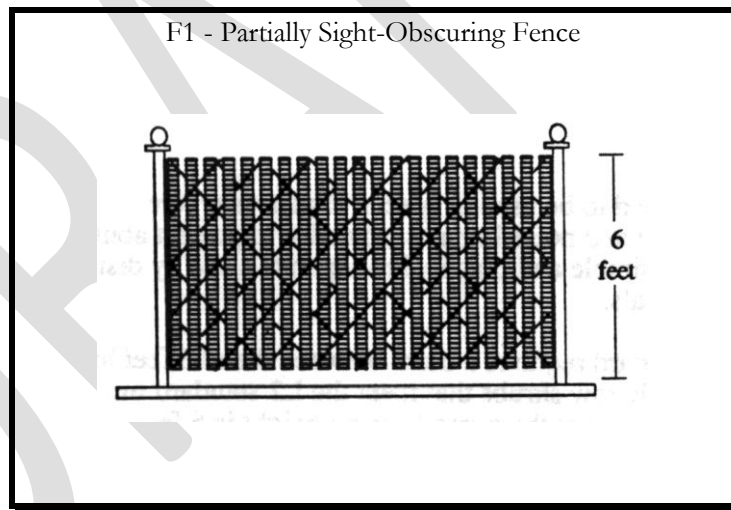


6. F1 - Partially Sight-Obscuring Fence

(a) Intent: The F1 fence standard provides a tall but not totally blocked visual separation. The standard applies where a low level of screening is adequate to soften the impact of use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where non-residential uses are involved.

(b) Required Materials:

Requirement
<ul style="list-style-type: none">◆ 6 foot high fence that is at least 50 percent sight-obscuring◆ Fences may be made of wood, metal, bricks, masonry or other permanent materials

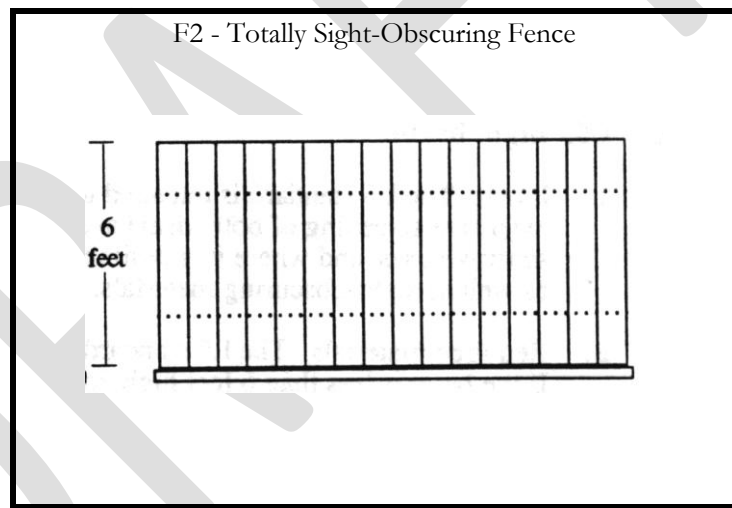


7. F2 - Fully Sight Obscuring Fence

(a) Intent: The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical and where non-residential uses are involved.

(b) Required Materials:

Requirement
<ul style="list-style-type: none">◆ 6 foot high fence which is 100 percent sight-obscuring◆ Fences may be made of wood, metal, bricks, masonry or other permanent materials



Section 330-1.52 **Plant Materials**

1. Shrubs and Ground Cover

All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. Grass may be used to fulfill ground cover requirements. All shrubs that are used as a screening shall be of a variety that retains foliage year-round.

2. Trees

Required trees may be deciduous or evergreen. Each deciduous tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Trees at planting shall be a minimum of ten (10) feet in height with a trunk diameter of at least two (2) inches measured at a height of two (2) feet above ground. Evergreen trees at the time of planting must be fully branched and have a minimum height of 6 feet.

3. Plant Material Choices

- (a) Existing Vegetation. Existing landscaping or natural vegetation may be used to meet the standards if protected and maintained during the construction phase of development.
- (b) Selection of Materials. Landscape materials should be selected and sited to create a hardy, drought-resistant landscape. Selection should consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the site's slope and contours, and compatibility with existing native vegetation preserved on the site.

4. Exceeding Standards

These requirements are minimum requirements, and landscaping may be designed to exceed the required standards as long as all fence, wall, berm, and/or vegetation height and visual obscurity requirements are met.

5. Compliance

It is the applicant's responsibility to show that the landscaping materials proposed will comply with the minimum requirements set forth in this Article.

Section 330-1.53 **Installation and Maintenance**

1. Installation

Plant materials must be installed in accordance with current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

2. Maintenance

Maintenance of landscaped areas is the property owner's ongoing responsibility. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping is not maintained in accordance with the minimum requirements of this Article.

Section 330-1.54 **Landscaping on Corner Lots**

All landscaped areas on corner lots must meet the vision clearance set forth by the South Carolina Department of Transportation. If this Article requires high shrubs or other sight-obscuring screening, low screening must be substituted within vision clearance areas.

Section 330-1.55 **Landscape Plans**

Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of all landscaping and/or screening materials. Plant materials must be identified with both

their scientific and common names.

Section 330-1.56 Street Trees

Street trees are not subject to the regulations set forth in this Article and are not counted toward any landscaping required by this chapter.

Section 330-1.57 Landscaping Requirements

All uses permitted in this Ordinance (except single-family residential) are required to provide on-site landscaped areas which shall occupy not less than one-half (1/2) of the required yards in conformance with the following standards:

PROPOSED LAND USE	EXISTING LAND USE						
	<i>Single-Family Residential</i>	<i>Multi-Family Residential</i>	<i>Office</i>	<i>Commercial</i>	<i>Institutional</i>	<i>Industrial</i>	<i>Public Right-of-Way</i>
Single-Family Residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Multi-Family Residential	L3	L1	L2	L3	L1	L3	L1
Office < 7,500 s.f.	L3	L2	L1	L1	L1	L1	L1
Office > 7,500 s.f.	L3	L3	L1	L1	L2	L1	L2
Commercial < 7,500 s.f.	L3	L3	L2	L1	L2	L1	L1
Commercial > 7,500 s.f.	L4 L5*	L4 L5*	L2	L1	L3	L1	L2
Institutional	L3	L3	L2	L2	L1	L3	L1
Light Industrial	L4 L5*	L4 L5*	L4 L5*	L3	L3	L1	L2
Heavy Industrial	L4 L5*	L4 L5*	L4 L5*	L4 L5*	L4 L5*	L1	L2
Public Utility Substation	L4	L4	L4	L4	L4	L1	L4

- 1.* More than one landscaping specification indicates that the property owner or developer may choose between the two options. (example: L4 or L5)
- 2.** If a proposed use is to be located next to residentially zoned property that is vacant, the landscaping requirements shall be the same as if it were developed. (see matrix above)
3. If a proposed commercial, office, institutional, or multi-family use is to be located next to non-residentially zoned property that is vacant, L1 landscaping is required, unless otherwise noted.
4. If the proposed use is to be located next to a non-conforming existing use, L1 landscaping is required, unless otherwise noted.

provided that said lot requirements are not reduced below the minimum specified in this Part 1 by more than 20%. Use of any lot requiring dimensional waivers below the 20% 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 330-1.60 **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 Transportation shall apply to City streets.

Section 330-1.61 **Lots of Record**

There shall be only one single-family dwelling per lot of record, except as permitted in mobile home parks, multifamily residential districts, or in single-family districts allowing accessory dwelling units..

Section 330-1.62 **Home Occupations**

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

1. Is conducted only by a person residing in the same dwelling unit; and
2. Is conducted within the main building; and
3. Utilizes not more than 25% of the total floor area of the principal building; and
4. Produces no alteration or change in the character or exterior appearance of the main building from that of a dwelling; and
5. Has no display of products visible from the street; and
6. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition; and
7. Is not visibly evident from the outside of a dwelling, except for a permitted sign mounted against a wall of the principal building; and
8. Has off-street parking in accordance with Section 330-1.41.

Section 330-1.63 **Zoning Permits for New or Altered Uses**

1. Zoning permit required.
[Amended 8-16-2022 by Ord. No. 2022-5]
 - (a) No structure shall be constructed, erected, moved, assembled, set up or added to without building and zoning permits which comply with this Part 1. These permits shall not be issued by the Zoning Administrator except in conformity with the provisions of this Part 1, 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.
 - (b) All zoning permits have a time limitation of one year; if a project has failed to be completed or a business has failed to open the zoning permit will expire. After expiration, an applicant must reapply for approval.
 - (c) Zoning permits that are attached to a building permit may continue to operate on a permit that is past one year if building codes has extended their building permit without said building permit lapsing.
 - (d) Extensions may be granted on a case-by-case basis. Extensions must be requested in writing 30 days prior to expiration.
 - (e) All permits approved one year or more after the adoption of Ord. No. 2022-5 have 30 days after the aforementioned amendment's adoption to file an extension; if no extension is approved or requested those permits will be considered expired.
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.

(a) Application requirements. The application shall set forth:

- (1) The existing or proposed uses of any structures and of the lot;
- (2) If the use is to be for residential purposes, the number of families to be accommodated, and the number of dwelling units involved;
- (3) A statement of the physical features of the lot that will be modified;
- (4) A statement of any unusual effects to adjoining lots;
- (5) Whether occupancy or use will commence before construction is complete; and
- (6) Any other matters that may be necessary or desirable to determine conformance of the proposed use with this Part 1, and to facilitate enforcement of it.

(b) Site plan requirements.

(1) The plans shall show:

- (a) The actual dimensions and shape of the lot involved;
- (b) The exact sizes and locations on the lot of existing buildings and the sizes and locations of any proposed structure or alteration; and
- (c) The exact sizes and locations of any changes that are proposed to be made in the physical features of the lot.

(2) Information required in the application may be set forth in marginal notes on the plans, if convenient;

(3) 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:

- (a) All proposed commercial, multifamily residential, duplex residential, institutional, planned unit development, industrial developments and churches.
- (b) All publicly owned facilities.
- (c) Any proposed conversion from an existing residential use to a commercial, industrial or higher density residential use.
- (d) When a change is proposed in a previously approved site development plan for any of the above-referenced uses or developments.
- (e) Placement of a manufactured home on a lot.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (f) Application for a special exception that involves the construction or addition of building area, land area or parking area.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (g) Communication towers.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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.

4. Expiration of building permit.

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

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

- (b) 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.
- 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 Part 1 and punishable under Article X of this Part 1.
- 6. Record of all permits. The Zoning Administrator shall maintain a record of all building permits.

Section 330-1.64

Temporary Zoning Permits

The Building Official is authorized to issue temporary zoning permits.

- 1. The uses for which temporary zoning permits are necessary are:
 - (a) Carnival or circus for a period not to exceed 21 days, subject to the approval of City Council.
 - (b) Religious meeting in a tent or other temporary structure in HC and LI Zoning Districts, for a period not to exceed 60 days.
 - (c) Open lot sale of Christmas trees, in the OC, CC, HC and LI Zoning Districts, for a period not to extend 45 days.
 - (d) Real estate sales office, in any district, for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure or building.
 - (e) Contractor's office and equipment sheds, in any district, for a period of one year, provided that such buildings are placed on the property serviced by such office or on which the stored equipment is being used.
 - (f) Those other uses which the Zoning Administrator finds compatible with the main use and adjoining uses.
- 2. Unless otherwise indicated, a temporary zoning permit may not exceed 60 days.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 3. 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.
- 4. The Zoning Administrator shall maintain a record of all temporary use zoning permits.

Section 330-1.65

Accessory Structures and Uses

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

- 1. Accessory structures, swimming pools, tennis courts and other structures. In all residential districts:
 - (a) An accessory building to the main residential activity other than those permitted or conditional shall not be erected in any required front or side yard setback; and
 - (b) No separate accessory building shall be erected within five feet of any other building or within three feet of rear lot lines.
- 2. 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 V.
- 3. Covered porches, enclosed or open, shall be considered a part of the main dwelling unit for purposes of meeting minimum setback requirements.
- 4. Transmittal-receiving antenna, tower, mast and satellite dish.
 - (a) Antennas, towers, masts and similar structures measuring over 17 feet above the top of the highest peak of the roofline require a special exception use permit.
 - (b) Satellite receiving dishes shall be limited to only one per lot.
- 5. Kennels, private, for dogs and cats are permitted accessory uses, provided that no more than three dogs or three cats may be older than four months of age.

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

Section 330-1.66

Special Exception Uses

For the purpose of this Part 1, 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 Part 1, 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 Part 1.

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 50 feet from any residential property line, and the lot is not less than four acres in size.
- (4) Child care, nursery, and day-care facilities.
- (5) Church, synagogue, temple, or other place of worship, 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 subinstallation, 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 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 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 a construction site.

(b) Special exception uses for specific zoning districts are set forth in the district regulations in Article III of this Part 1.

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

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 Part 1 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 330-1.54(2)(b).
- (c) Upon receipt of an application, the Zoning Administrator shall examine it for completeness, and shall, within 10 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 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 hearings shall be followed.

(e) A notice of the public hearing shall be conspicuously posted on or adjacent to the subject property at least 15 days prior to the public hearing. At least one 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 330-1.80(5).

(h) The regulations of this Part 1 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 (S.C. Code Ann. § 6-29-310 et seq.) 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 be taken 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 30 days after the decision of the Board is mailed.

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

3. Criteria for special exceptions. In addition to definitive standards in this Part 1, 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 330-1.49 Nonconforming uses; and
- (h) Best interest of the public and community at large.

4. Effect of failure to meet conditions.

(a) Violation of conditions and safeguards prescribed in conformity with this Part 1, when made a part of the terms under which the special exception permit is granted, shall be deemed a violation of this Part 1, 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 require a permit holder to apply for an extension within 10 days of the expiration date.

Section 330-1.67

Communication Towers

1. Purpose and intent. The purpose of this section 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.

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-10, MFR-18, GR, R-10, R-15, R-25 and RA Zoning Districts unless they comply with the ancillary use requirements as defined in Subsection 2(c) below.

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

(c) Communication towers are permitted as an ancillary or secondary use permitted by special exception by the Board of Appeals on residentially or nonresidentially 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 foot for each one foot of tower height in excess of 40 feet from all residential property lines. The maximum required setback is 200 feet.

(d) In the PUD and FRD 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 or FRD in which they are located.

(e) A proposed freestanding tower shall not be constructed within 200 feet of the right-of-way of any designated scenic highway, nor within 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.

3. Application procedure.

(a) All applications for construction of communication towers or placement of a 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 Subsection 2 above.

(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 Part 1: a 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;
- (2) Transmission building and other accessory uses;
- (3) Parking;
- (4) Access;
- (5) Landscaped areas;
- (6) Fences;
- (7) Adjacent land uses and zoning;
- (8) Statements and documentation as required in Subsection 9 below.

(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 1,000 feet of another communication tower unless such towers are located on the same property.

4. Height. Freestanding communication towers shall have a maximum height of 200 feet. Additional height, up to 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 20 feet above the roofline of buildings 40 feet or less in height, and 40 feet above the roofline of buildings greater than 40 feet in height. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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 feet in height shall be provided, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum caliper of 1 3/4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 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 Subsection E(2), 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 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.

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

7. Signage. A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two 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.

8. Access to site. Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

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 (nonionizing 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 communication 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 FCC or the FAA, 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 120 days of the date such tower ceases to be used for communication purposes.

Section 330-1.68

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.

1. 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.
2. Radioactive emissions. There shall be no radiation emitted exceeding Nuclear Regulatory Commission guidelines.
3. 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 SCDHEC 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 or 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.
3. Fumes, vapors, and gases. There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature that can cause any damage or irritation to humans, animals, vegetation, or any form of property.
4. Vibration and noise. There shall be no perceptible earth vibrations measured at the property line exceeding the SC Fire Marshal 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 the specifications published by the American National Standards Institute. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Maximum Sound Pressure Level in Decibels (1 Decibel = 0.0002 Dyne per Square Centimeter)		
Cycles per Second	Zoning District	
	Industrial	All Others
0 to 75	79	70

Maximum Sound Pressure Level in Decibels (1 Decibel = 0.0002 Dyne per Square Centimeter)		
Cycles per Second	Zoning District	
	Industrial	All Others
75 to 150	74	65
150 to 300	66	57
300 to 600	59	50
600 to 1,200	53	44
1,200 to 2,400	47	38
2,400 to 4,800	41	32
4,800 and over	39	30

Section 330-1.69 **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 provided in Section 330-1.76, 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.

1. South Carolina Department of Transportation standards regarding public safety and specific traffic conditions shall be incorporated in the determination of the number and location of accesses to a site. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
2. For a single site, a maximum of two driveway approaches may be permitted if the minimum distance between the two proposed driveways equals or exceeds 30 feet.
3. The minimum width of a driveway approach shall be 10 feet at the right-of-way line. The maximum width of a driveway approach shall be 24 feet at the right-of-way line.
4. Where provision of off-street truck loading is necessary, the minimum driveway width shall be 14 feet, and the maximum width shall be 42 feet at the right-of-way line.

Section 330-1.70 **Exceptions to Height Limitations**

The height limitations of this Part 1 shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water stacks, conveyors, flagpoles and approved antennas.

Section 330-1.71 **Front Yard Setback for Dwelling Units**

The front yard setback requirements of this Part 1 for dwelling units shall not apply on any lot where the average setback of existing buildings, located wholly or in part within 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 setbacks of the aforementioned existing buildings.

Section 330-1.72 **Swimming Pools**

A swimming pool may be constructed when:

1. It is not located in any front yard or side yard setback area; and
2. A wall or fence, not less than five feet in height, with self-latching gates at all entrances which completely encloses either the pool area or surrounding yard area is provided; and

sexual activities; or

(c) Films, motion pictures, videocassettes, 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 provide patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, 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 sexually 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 10 hours; or
- (c) Allows a tenant or occupant to subrent the sleeping room for a period of time less than 10 hours.

ADULT MOTION-PICTURE THEATER: A commercial establishment where films, motion pictures, videocassettes, 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 or which 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 section;
- (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 leaves exposed a substantial portion of the buttocks so that the effect achieved by such appearance is approximately the same as viewing nudity.

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.

NUDE, NUDITY or STATE OF NUDITY

- (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 human's buttocks, anus, male or female genitals,

pubic region, areola or nipple of the female breast.

OPERATOR: The owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

PERMITTED OR LICENSED PREMISES: Any premises 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, Residential 10, General Residential or Multifamily Residential. It does not include the Office Commercial, Highway Commercial, Core Commercial or Light Industrial Districts.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

RESIDENTIAL USE: The lawful utilization of any structure as a dwelling unit for single-family or multifamily 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 grounds.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) 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.

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, escort or escort agency.

SPECIFIED ANATOMICAL AREAS: Includes any of the following:

- (a) 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
- (b) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

- (a) 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;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (e) Excretory functions as part of or in connection with any activities set forth in Subsections (a) through (d) of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on the effective date of this Part 1.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Includes any of the following:

- (a) The sale, lease or sublease of the business;
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
- (c) 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 nonprofit facility or otherwise.

2. Classification. Sexually oriented businesses are classified as follows:

- (a) Adult arcades;
- (b) Adult bookstores or adult video stores;
- (c) Adult novelty shops;
- (d) Adult cabarets;
- (e) Adult motels;
- (f) Adult motion-picture theaters;
- (g) Adult theaters;
- (h) Escort(s) or escort agencies;
- (i) Nude model studios; and
- (j) Sexual encounter centers.

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 Part 1 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 10% 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 10% 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.

4. Issuance of permit and/or license.

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

- (1) The applicant is under 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 12 months, or residing with a person whose permit and/or license to operate a sexually oriented business has been revoked within the preceding 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 Part 1. 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.

(b) 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.

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.

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 Subsections **C** and **D**. Application for renewal should be made at least 30 days before the expiration date; and when made less than 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 90 days have elapsed since the date denial became final.

7. Suspension of permit. The Zoning Administrator shall suspend a permit and/or license for a period not to exceed 30 days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- (a) Violated or is not in compliance with any section of this Part **1**; or
- (b) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises; or
- (c) Refused to allow an inspection of the sexually oriented business premises as authorized by this Part **1**; or
- (d) Knowingly permitted gambling or any other unlawful activity by any person on the sexually oriented business premises.

8. Revocation of permit.

- (a) The Zoning Administrator shall revoke a permit and/or license if a cause for suspension as listed in Subsection 7 occurs and the permit has been suspended within the preceding 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 year, and the permittee shall not be issued a sexually oriented permit for one year from the date revocation became effective.

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.

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 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 a 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 sexually oriented entertainment, services or merchandise offered on the premises.

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

Section 330-1.76

Manufactured Housing Standards

1. Mobile home parks.

- (a) Each mobile home park shall be no less than one acre in size and be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (b) Each mobile home park shall not contain more than eight mobile home units per gross acre.
- (c) Mobile home spaces shall be provided consisting of an average of not less than 5,000 square feet in area, each space to be at least 50 feet wide and 100 feet in depth.
- (d) All mobile home spaces shall abut upon an all-weather surface driveway not less than 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 prescribed 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 25% 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 Subsection 2, below.

2. Manufactured home standards.

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

(a) Manufactured homes are permitted by special exception in the GR General Residential District and must comply with the requirements of Chapter 199, Manufactured Homes, of the City Code.

(b) Abandoned mobile homes.

(1) Any mobile home which has been abandoned and is declared to be a nuisance under the terms of this Part 1 or Chapter 199 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:

(a) If it has been unoccupied with utilities disconnected for a period of one year or greater;
or

(b) 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

(c) If the needed repairs exceed 75% of its replacement value.

(2) 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.

(c) 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 Part 1, Chapter 199 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.

3. Other requirements. Uses permitted or conditional uses in GR Zoning Districts shall be required to conform to the specific dimensional requirements unless otherwise specified. All other relevant portions of this Part 1 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:

(1) Front: 25 feet.

(2) Side: 10 feet.

(3) Rear: 10 feet.

(4) Maximum height of building: 2.5 stories or 35 feet.

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

(5) Maximum structure surface coverage of lot: 60%.

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 therefor.

4. Appeals, hearings and notice.

(a) 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.

(b) 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.

5. Powers of Board of Zoning Appeals.

(a) The Board of Zoning Appeals has the following powers:

(1) 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.

(2) To hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.

(a) 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.

(b) 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.

(c) 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.

(3) To permit uses by special exception subject to the terms and conditions set for such uses in this Zoning Ordinance.

(b) In exercising the above power, the Board of Appeals may, in conformity with the provisions of this Part 1, 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 Part 1, may subpoena witnesses and in the case of contempt may certify this fact to the Circuit Judge having jurisdiction.

(c) 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.

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 30 days after the decision of the Board is mailed.

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ARTICLE IX AMENDMENTS

Sections:

Section 330-1.81	Amendment Conditions
Section 330-1.82	Initiation of Amendment
Section 330-1.83	Public Hearing
Section 330-1.84	Planning Commission Report
Section 330-1.85	Declaration of Policy
Section 330-1.86	Changes in Zoning Map

Section 330-1.81 **Amendment Conditions**

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

1. 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 30 days within which to submit its report. If said Commission fails to submit a report within 30 days, it shall be deemed to have approved the requested amendment.
2. 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 months.

Section 330-1.82 **Initiation of Amendment**

1. Proposed changes or amendments to this Part 1 may be initiated by:
 - (a) The City Council of Walhalla; or
 - (b) The Walhalla Planning Commission; or
 - (c) The Walhalla Board of Zoning Appeals; or
 - (d) Property owners of the property in question; or
 - (e) Citizens' petition:
 - (1) Official Zoning Map. A petition containing the signatures of all the owners of at least 10 lots, each one of which is owned by a separate person. At least five of the lots whose owners sign the petition shall be within 250 feet of the area to be affected by the proposed amendment.
 - (2) Text of ordinance. A petition containing the signatures of all the owners of at least 10 lots, each one of which is owned by a separate person.
2. Any application for a Zoning Map amendment shall be on a form supplied by the Zoning Administrator and shall contain or be accompanied by:
 - (a) A written description of the present and proposed future use of the affected lot;
 - (b) A written description of the present zoning district and its boundaries, and the proposed zoning classification and district boundaries;
 - (c) A plan drawn to scale showing the area involved;
3. 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.
4. One copy 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, the 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 330-1.83

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 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 330-1.84

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:

1. The relationship of the request to the Comprehensive Plan; and
2. Whether the request violates or supports the Comprehensive Plan; and
3. 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
4. Whether the uses permitted by the proposed amendment would be appropriate in the area concerned; and
5. 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 330-1.85

Declaration of Policy

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

1. Where necessary to implement the Comprehensive Plan; or
2. To correct any original mistake, a manifest error in the regulations or map; or
3. 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 330-1.86

Changes in 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 days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven days after the date of action even if the Zoning Administrator has failed to make the appropriate changes.

**ARTICLE X
LEGAL STATUS PROVISIONS; PENALTIES**

Sections:

Section 330-1.87	Conflict with Other Laws
Section 330-1.88	Violations and Penalties
Section 330-1.89	Severability
Section 330-1.90	Repeal of Conflicting Ordinances
Section 330-1.91	When Effective

Section 330-1.87 **Conflict with Other Laws**

Whenever the regulations of this Part 1 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 Part 1 shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Part 1, the provisions of such statute shall govern.

Section 330-1.88 **Violations and Penalties**

Any person who violates any provision of this Part 1 shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed \$500 or imprisoned for not to exceed 30 days, or both. In the case of continuing violations, each day of violation shall constitute a separate offense.

Section 330-1.89 **Severability**

Should any section or provision of this Part 1 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 330-1.90 **Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Part 1 full force and effect.

Section 330-1.91 **When Effective**

This Part 1 shall take effect after the date of its adoption by the City Council of the City of Walhalla.

**ARTICLE XI
HISTORIC PRESERVATION**

Sections:

Section 330-1.92	Title
Section 330-1.93	Purpose
Section 330-1.94	Definitions
Section 330-1.95	Planning Commission to Oversee Program; Powers of Commission
Section 330-1.96	Recommendation and Designation of Historic Districts and Properties
Section 330-1.97	Application for Certificate of Appropriateness (COA)
Section 330-1.98	Property Maintenance; Building and Zoning Code Provisions
Section 330-1.99	Violations and Penalties
Section 330-1.100	Severability

Section 330-1.92 **Title**

The title of this article shall be the "City of Walhalla Historic Preservation Ordinance."

Section 330-1.93 **Purpose**

1. The purpose of this article is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the City of Walhalla that reflect special elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, social and other heritage to achieve the following objectives:

- (a) Safeguard the heritage of the City by encouraging the voluntary protection of historic resources representing significant elements of its history;
- (b) Enhance the visual character of the City by encouraging and providing for the voluntary preservation of those buildings that reflect unique and established architectural traditions that contribute to the established neighborhoods of the City;
- (c) Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;
- (d) Strengthen the economy and improve property values of the City by protecting and enhancing the City's attraction to residents and visitors;
- (e) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people;
- (f) Stabilize and improve property values within the City; and
- (g) Achieve historic preservation through the encouragement and promotion of voluntary additions to the City's Historic Register.

2. This article is part of the Zoning Ordinance of the City of Walhalla and is enacted pursuant to S.C. Code Ann. §§ 6-29-710 and 6-29-870 et seq.

Section 330-1.94 **Definitions**

As used in this article, the following terms shall have the meanings indicated:

ADDITIONS: An expansion of a building that increases the original size or footprint of the structure by constructing additional space.

ALTERATION: A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

CERTIFICATE OF APPROPRIATENESS: Document issued by the Planning Commission, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

CHARACTER-DEFINING FEATURES: Overall shape of the building, its materials, craftsmanship, decorative details and features, as well as the various aspects of its site and environment; features that capture the historic character of the building.

CULTURAL LANDSCAPE: Geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values.

DEPARTMENT: The City of Walhalla Community Development Department.

DIRECTOR: The City's Community Development Director or designee.

EXTERIOR ARCHITECTURAL FEATURES: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

HISTORIC DISTRICT: An area, designated by the City Council, upon the recommendation of the Planning Commission and pursuant to the provisions of this article.

HISTORIC INTEGRITY: The ability of a property to convey its significance. Historic properties either retain integrity (convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling and association.

HISTORIC PROPERTY: Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by City Council or designated as a contributing property within an historic district.

HISTORIC REGISTER (REGISTER): The City's list of properties formally designated as historic resources after an application is filed by the property owner. The current list of designated properties will be kept on file at the Community Development office. Properties on the South Carolina and National Registers are automatically eligible for the City's Historic Register.

HISTORIC RESOURCE: A property or structure that 1) is listed on the City's Historic Register, 2) is listed on the South Carolina Register of Historical Resources, 3) has been officially determined to be eligible for the South Carolina Register of Historical Resources by the State Historical Resource Commission, 4) is listed on the National Register of Historic Places, 5) has been officially determined to be eligible for the National Register of Historic Places by the National Park Service, or 6) the City is mandated by law to treat as an historic resource based on substantial evidence in light of the whole record. Generally, a resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the SC Register of Historical Resources.

LOCAL DESIGN GUIDELINES OR STYLE GUIDE: A set of guidelines that provide recommendations for treatments of various building systems, such as windows and roofs, as well as information specific to particular architectural styles. This document would provide preferred design examples and guidelines for the alteration of historic resources. Projects which are consistent with these guidelines will typically not create an adverse impact to an historic resource.

MATERIAL CHANGE IN APPEARANCE: A change that will affect either the exterior architectural or environmental features of an historic property or any building, structure, site, object, or landscape feature within an historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of an historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of an historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any buildings or other structure with an historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

OBJECT: A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

SITE: The location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

STRUCTURE: A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

SUBSTANTIAL HARDSHIP: Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- (1) The property cannot reasonably be maintained in the manner dictated by the ordinance;
- (2) There are no other reasonable means of saving the property from deterioration or collapse; or
- (3) The property is owned by a nonprofit organization, and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

Section 330-1.95

Planning Commission to Oversee Program; Powers of Commission

1. It is hereby established that the City's Planning Commission (Commission) shall have the responsibility to oversee the Historic Designation Program and design review duties.

2. Planning Commission powers. The Planning Commission shall be authorized to:

- (a) Prepare and maintain, or cause to have prepared and maintained, an inventory of all property within the City having the potential for designation as historic property;
- (b) Review requests by property owners for historic designation and inclusion on the City's Historic Register;
- (c) Recommend to the City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- (d) Review applications for certificates of appropriateness and grant or deny same in accordance with the provisions of this article;
- (e) Recommend to the City Council that the designation of any district, site, building, structure or object as an historic property or as an historic district be revoked or removed;
- (f) Perform, or cause to have performed, historic preservation activities within the City; and
- (g) Review and make comments to the State Board of Review concerning the nomination of properties within its jurisdiction to the South Carolina and National Registers of Historic Places.

3. Planning Commission's power to adopt standards. The Commission shall develop, or cause to have developed, and adopt standards, design guidelines and criteria to perform its duties. The Commission shall have the flexibility to adopt design standards without amendment to this article.

Section 330-1.96

Recommendation and Designation of Historic Districts and Properties

1. Historic property inventory. The Commission shall compile and collect information of historic resources within the City limits of Walhalla.
2. Historic property register.
 - (a) Inclusion on the City's Historic Register shall be voluntary and require the approval of the property owner.
 - (b) The Commission shall, through the City Community Development Department, accept requests for historic designation and inclusion on the City's Historic Register.
 - (c) Prior to the Commission's recommendation of an historic district or historic property to the City Council for designation, the Commission shall compile a report for nomination consisting of:
 - (1) A physical description;
 - (2) A statement of the historical, cultural, architectural and/or aesthetic significance;
 - (3) A map showing district boundaries and zoning classification of individual properties therein or showing boundaries of individual historic properties; and
 - (4) Representative photographs.
 - (d) Properties or districts accepted for inclusion on the City's Historic Register are eligible to apply for a City plaque or marker detailing its significance. Any fees associated with the plaques and/or markers shall be set by the City Council.
3. Designation of an historic district.
 - (a) An historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
 - (1) Has special character of special historic/aesthetic value or interest;
 - (2) Represents one or more periods, styles, or types of architecture typical of one or more eras in the history of the City, county or state; and
 - (3) Causes such area, by reason of such factors, to constitute a visibly perceptible section of the City.
 - (b) Boundaries of an historic district shall be included in the separate ordinances designating such districts and shall be shown on the official Zoning Map of the City.
4. Designation of an historic property. An historic property or landmark is a building, structure, site, or object, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City for one of the following reasons:
 - (a) It has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
 - (b) It is one of the few remaining examples of a past architectural style; or
 - (c) It is a place or structure associated with an event or persons of historic or cultural significance to the community, state, or nation; or
 - (d) It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the community, state or nation; or
 - (e) It is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
 - (f) It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - (g) It is part of or related to a square or other distinctive element of community planning; or
 - (h) It represents an established and familiar visual feature of the neighborhood or community; or
 - (i) It has yielded, or may be likely to yield, information important in prehistory or history; or
 - (j) The property is listed on the South Carolina Register of Historical Resources; eligible for the South Carolina Register of Historical Resources; listed on the National Register of Historic Places; or eligible for the National Register of Historic Places.

5. Requirements for adopting an ordinance for the designation of historic districts and historic properties.
 - (a) Any ordinance designating any property or district as historic shall:
 - (1) List each property in a proposed historic district or describe the proposed individual historic property;
 - (2) Set forth the name(s) of the owner(s) of the designated property or properties;
 - (3) Require that a certificate of appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
 - (4) Require that the property or district be shown on the official Zoning Map of the City and be kept as a public record to provide notice of such designation.
 - (b) The Planning Commission and/or City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property following the established public notice requirements of the City.
 - (c) The Planning Commission shall transmit its recommendation to City Council following its public meeting.
 - (d) Following receipt of the Commission recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

Section 330-1.97

Application for Certificate of Appropriateness (COA)

1. Approval of material change in appearance in historic districts or involving historic properties. After the designation by ordinance of an historic property or an historic district, no material change in the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the Commission. A building permit shall not be issued without a certificate of appropriateness. A separate zoning permit shall not be required for work requiring a COA.
2. Submission of supporting documentation to Commission. An application for a certificate of appropriateness shall be accompanied by supporting documentation, such as drawings, plans, photographs, etc., as may be required by the Commission.
3. Interior alterations. In its review of applications for certificates of appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
4. Technical advice. The Commission shall have the power to seek technical advice from outside its members on any application.
5. Public hearings on applications for certificates of appropriateness. The Commission shall schedule and hold a public hearing at which the proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the newspaper of general circulation. The subject property shall be posted; and all adjacent property owners of the subject property shall be notified of the request and hearing.
6. Commission actions to applications for certificate of appropriateness.
 - (a) Commission action. The Commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.
 - (1) The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
 - (2) In making this determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:
 - (a) Reconstruction, alteration, new construction or renovation: The Commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setbacks and site features, and to the Secretary of Interior's

Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(b) Relocation: A decision by the Commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

- (1) Whether the present setting of the building contributes to its historic character and aesthetic interest.
- (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
- (3) Whether the building, structure or object can be moved without significant damage to its physical integrity.
- (4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(c) Demolition. A decision by the Commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, or objects shall be guided by:

- (1) The historic, scenic, or architectural/significance of the building, structure, site, or object.
- (2) The importance of the building, structure, site, or object to the ambiance of a district.
- (3) The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.
- (4) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the City.
- (5) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
- (6) Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.
- (7) Whether the building, structure, site, or object is capable of earning a reasonable economic return on its value.

7. Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this article would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Board of Zoning Appeals shall have the power to vary or modify strict provisions so as to relieve such difficulty or hardship; provided such variances, modifications, and interpretations remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Board of Zoning Appeals may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall not be a situation of the person's own making. The Planning Commission remains responsible for approving or denying the certificate of appropriateness should a variance be requested of and approved by the Board of Zoning Appeals.

8. Deadline for approval or rejection of application for certificate of appropriateness. The Commission shall approve or reject an application for a certificate of appropriateness within 30 days after the scheduled public hearing. Failure of the Commission to act within said 30 days shall constitute approval.

9. Denial of application for certificate of appropriateness.

(a) In the event the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant may make modifications to the plans and may resubmit the application at any time after doing so.

(b) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the Commission shall be binding upon the Building Inspector or other administrative officer charged with

issuing building permits and, in such a case, no building permit shall be issued.

10. Requirement of conformance with certificate of appropriateness. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the City code enforcement staff or designee shall issue a cease-and-desist order and all work shall cease.

11. Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void if construction is not commenced within 12 months of the date of issuance. A certificate of appropriateness shall be issued for a period of 12 months and is renewable for one twelve-month extension with staff approval.

12. Recording an application for certificate of appropriateness. The Commission shall keep a public record of all applications for certificates of appropriateness and of all the Commission's proceedings in connection with said application.

13. Appeals. Any person adversely affected by any determination made by Community Development staff in the enforcement or interpretation of this article may appeal such determination to the Board of Zoning Appeals within 10 calendar days of the written determination. Any person adversely affected by any determination made by the Planning Commission may appeal such determination to the Courts of South Carolina pursuant to S.C. Code Ann. § 6-29-900 et seq.

Section 330-1.98

Property Maintenance; Building and Zoning Code Provisions

1. Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on an historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

2. Applicability of property maintenance code. Property owners of historic properties or properties within historic districts shall be subject to the City's adopted property maintenance code.

3. Affirmation of existing building and zoning codes. Nothing in this article shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

Section 330-1.99

Violations and Penalties

Violations of any provisions of this article shall be punished in the same manner as provided for punishment of violations of validly enacted ordinances of the City.

Section 330-1.100

Severability

In the event that any section, subsection, sentence, clause or phrase of this article shall be declared or adjudged invalid or unconstitutional, such adjunction shall in no manner affect the other sections, sentences, clauses, or phrases of this article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.