

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 1992-3

CITY OF WALHALLA)

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

ARTICLE I

Section 1.1 Function and Powers of the Planning Commission

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

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

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

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

Section 1.2 Additional Powers of the Planning Commission

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

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

Section 1.3 Appointment; compensation; terms.

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

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

Section 1.4 Offices, meetings, rules and records.

The Planning Commission shall elect its chairman and vice-chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of office of the chairman shall be one year, and the chairman shall be eligible for re-election. The Planning Commission shall hold at least one

* regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations. Such record shall be a public record.

shall meet at the chairman's discretion

Section 1.5 Employees, consultants, expenditures.

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

Section 1.6 Studies for plan, general purpose of plan

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

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

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

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

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

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

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

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

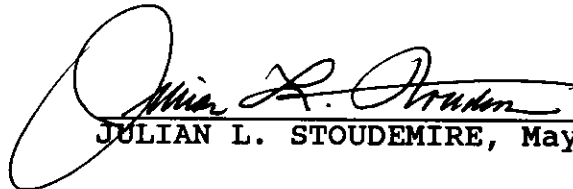
The Planning Commission appointed under this article shall have all the powers granted by law to any planning and land use development control commission of the City of Walhalla, and from and after the creation of a Planning Commission created herein in the City of Walhalla all powers and records of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

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

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

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

DONE AND RATIFIED in Council Assembled.


JULIAN L. STOUDEMIRE, Mayor

ATTEST:


Clerk/Treasurer

Introduced By: Bill Frady

First Reading: March 17, 1992

Final Reading: 4/21/92