

**ZONING ORDINANCE
2018
CITY OF WALHALLA, SOUTH CAROLINA**

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**Effective Date
2/20/2018**

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

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

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

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

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

**ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE**

Section 100 Purposes

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

Section 101 Scope

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

Section 102 Authority

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

Section 103 Short Title

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

**ARTICLE II
RULES OF INTERPRETATION AND DEFINITION**

Section 200 Interpretation

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

Section 201 Rules of Interpretation

When not inconsistent with the context:

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

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

Section 202 Definitions

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

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein

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

Adult Day Care Center: A nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions, but who are not in need of regular medical attention, and where the adults are receiving said care on a regular and recurring basis during a part of the twelve (12)-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, and health. Adult Day Care Center facilities located in residential districts are limited to providing care for up to sixteen (16) adults. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, and health.

Adult Day Care Home: A home occupation (accessory use) consisting of a private family home in which custodial care is provided for not more than five (5) adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, and where the adults are receiving said care on a regular and recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, and health.

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

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

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

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

Antique Vehicle: In South Carolina, an antique vehicle is defined as any motor vehicle that was manufactured at least twenty-five (25) years ago and is used as a collector’s item.

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

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

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

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

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

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

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

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

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

Building, Main: A building in which the main use of a lot takes place.

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

Child Day Care Home: Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for less than six (6)

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

Child Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; designed and approved to accommodate six (6) or more children at a time; not an accessory to residential use.

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

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

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

Development:

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

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

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

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.

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

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

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

Family: One (1) or more persons living together as a single housekeeping unit. See also Household.

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

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

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

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

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

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

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

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

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

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

Household: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

Impervious Surface: Those surfaces that do not absorb rain. All buildings and all areas which have an artificial surface which sheds water.

Kindergarten: Any school which provides either education, instruction, or supervision below the first grade to children who will attain the age of five (5) on or before the first day of November of the school year when they begin school.

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

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

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

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

Map, Zoning Map: The official Zoning Map of the City of Walhalla, South Carolina.

Mobile Home: A trailer, a double-wide trailer, manufactured home, or any alteration thereof, whether on wheels or a foundation, designed to serve as a single family dwelling unit, providing complete and permanent living facilities for one (1) household. A mobile home is a dwelling unit constructed to the standards and codes as promulgated by the United States Department of Housing and Urban Development. A building or structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when set up on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term “mobile home” is generally used to refer to factory-built home prior to 1976 (no mandatory building code for mobile homes prior to then.)

Mobile Home Park: A camp, court, camp site, lot, parcel or tract of land, used, designed, maintained or intended for the purpose of supplying a location of accommodation for three (3) or more mobile homes and upon which three (3) or more mobile homes or trailers are set up, and including all accessory buildings, and whether or not a charge is made for the use of the park and its facilities. Mobile home parks shall not include sales lots.

Modular Building Unit: Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. Modular homes in SC bear a modular label issued by the *SC Building Codes Council*. 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 Ordinance, or any amendment hereto, which thereafter does not conform to any permitted or conditional use in the zoning district in which it is situated.

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

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

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

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

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

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

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

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

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

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

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

whichever provides the greatest setback, extending the prescribed minimum horizontal distance (required depth) to a rear line on the lot parallel to the front line.

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

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

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

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

Story: That portion of a building between the surface of any floor and the ceiling next above. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjacent to the exterior walls of the front entrance (or side street) of the building.

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

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

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

Local – service street between residences, businesses, or industries located on that particular street and a collector street.

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

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

eight feet, and whose length is not more than thirty-five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

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

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

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

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

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

ARTICLE III

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

Section 300 **Establishment of Districts**

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

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

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

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

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

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

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

Section 301.1 Downtown Development Overlay District

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

A. Requirements Specific to the Downtown Development Overlay District

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

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

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

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

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

(4) Murals

a) Goal

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

b) Definitions

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

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

(c) Regulations

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

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

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

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

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

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

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

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

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

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

Section 302 Rules of Interpretation of District Boundaries

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

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

Section 303 Minimum Regulations

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

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

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

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

Section 304 Annexation

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

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

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

**ARTICLE IV
REQUIREMENTS BY DISTRICTS**

Section 400 R-25 Single Family Residential District

Section 400.1 Intent of District

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

Section 400.2 Permitted Uses

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

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

Section 400.3 Conditional Uses

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

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

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

Section 400.4 Special Exception Uses

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

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

Section 400.5 Other Requirements

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

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

Section 401 R-15 Single Family Residential District

Section 401.1 Intent of District

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

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

Section 401.2 Permitted Uses

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

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

Section 401.3 Conditional Uses

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

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

Section 401.4 Special Exception Uses

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

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

Section 401.5 Other Requirements

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

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

Section 402 GR General Residential District

Section 402.1 Intent of District

It is the intent of this section that the GR Zoning District be developed and reserved for medium density residential purposes on lots not less than five thousand (5,000) square feet in size. The regulations which apply within this district are designed to discourage any land use which would generate non-residential traffic on local or collector streets, to encourage the formation and continuation of a stable, healthy residential environment, and to discourage

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

Section 402.2 Permitted Uses

The following uses shall be permitted in any GR Zoning Districts

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

Section 402.3 Conditional Uses

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

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

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

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

Section 402.4 Special Exception Uses

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

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

Section 402.4.1 Mobile Home Parks

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

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

Section 402.5 Manufactured Home Standard

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

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

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

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

- D. Have a roof structure that provides an eave projection of no less than twelve (12) inches which may include a gutter.
- E. Have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential constructions, consisting of one or more of the following:
 - 1. Vinyl siding whose reflectivity does not exceed that of flat white paint.
 - 2. Cedar or other wood siding.
 - 3. Wood grain.
 - 4. Stucco siding, or
 - 5. Brick or stone siding.
- F. 1. For new manufactured homes -Skirting must be installed and maintained so that it encloses the area under the manufactured multi section homes and modular porches, decks, or other additions to ground level. The foundation skirting or curtain wall may be of brick, masonry, or stone materials designed for permanent outdoor installation.

2. For existing mobile homes – All mobile homes shall have continuous permanent and durable skirting or other material around the base of the mobile home to prevent entry of children or animals under the mobile home. Skirting or curtain wall may be of aluminum, fiber glass, brick, masonry, stone or other material designed for permanent outdoor installation approved by the city code or building official.
- G. A permanent landing and steps with handrails are required for each outside doorway excluding the front door. The structure must include steps which lead to ground level. The landing, handrails, and steps must meet the following requirements:
 - 1. A minimum 4x4 landing shall be required outside each exit door.
 - 2. The landing shall not be more than 8.5 inches below the threshold.
 - 3. Steps shall be 8 ¼ inches maximum in height. Treads shall be a minimum of nine (9) inches wide.
 - 4. All wood components in contact with the ground must be treated and approved for ground contact.
 - 5. If steps are thirty (30) inches or greater in height, permanent handrails are to be installed.
- H. A front porch shall be erected and be at least 8' x 10'.
- I. Units shall be placed on permanent foundation supports of concrete or other suitable material adequate for the load.
- J. All visible mobile features shall be removed.
- K. If the proposed unit will be replacing another dwelling unit (Mobile Home, Manufactured Home, stick built) or be built within an existing neighborhood, the home must be constructed to blend into the street and/or neighborhood. It should have the aesthetic qualities of other dwelling units in the area.

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

Section 402.5.1 Requirements for Manufactured Home

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

Section 402.5.2 Structural and use Standards

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

Section 402.5.3 Nonconforming Mobile Homes

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

Section 402.5.4 Abandoned Mobile Homes

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

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

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

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

Section 402.5.5 Enforcement

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

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

Section 402.6 Other Requirements

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

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

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

Section 403 MFR Multi-Family Residential District

Section 403.1 Intent of District

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

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

Section 403.2 Permitted Uses

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

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

Section 403.3 Conditional Uses

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

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

Section 403.4 Special Exception Uses

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

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

Section 403.5 Other Requirements

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

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

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

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

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

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

D. Minimum Setback Requirements –

Front – 35 feet

Side – 10 feet

Rear – 20 feet

E. Maximum Height

Multi-Family Building – 4 stories

Single Family Building – 2.5 stories

F. Maximum Impervious Surface Coverage of Lot – 60%

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

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

Section 404 OC Office Commercial District

Section 404.1 Purposes

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

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

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

Section 404.2 Permitted Uses

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

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

Section 404.3 Conditional Uses

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

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

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

Section 404.4 Special Exception Uses

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

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

Section 404.5 Other Requirements

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

- A. Minimum Lot Requirements – 8,000 square feet
- B. Minimum Width in Feet – 60 feet measured at the front setback line

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

Section 405 HC Highway Commercial District

Section 405.1 Purpose

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

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

Section 405.2 Permitted Uses

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

- A. Any retail or wholesale business involving the sale or rental of merchandise on the premises, as set forth for OC Zoning District, Section 404.2 A.
- B. Business involving the rendering of personal service as set forth for OC Zoning District, Section 404.2 B.
- C. Residential Activities as described in MFR Zoning District.
- D. Off-street commercial parking lot or public garage.
- E. Hotel, tourist home, boarding house, rooming house, bed and breakfast, or motel.
- F. Commercial recreation facility, specifically including, but not limited to:

1. Billiard parlor, pool parlor, and game room,
 2. Theater,
 3. Bowling alley,
 4. Golf course (including driving range or par 3 operation); including such activities customarily considered to be auxiliary to golf course.
- G. Eating or drinking establishment including drive-in or curb service.
- H. Horticultural activities, or Plant nursery and sales.
- I. Automobile sales, new or used, as provided by one of the following:
1. Parking and service areas are separated from adjoining residential properties by a suitable screen, fence with no more than twenty (20) percent voids, or wall at least six (6) feet in height above finished grade.
- J. Any commercial establishment selling or serving alcoholic beverages whether consumed on the premises or not.

Section 405.3 Conditional Uses

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

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

Section 405.4 Special Exception Uses

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

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

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

Section 405.5 Other Requirements

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

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

Section 406 CC Core Commercial District

Section 406.1 Purpose

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

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

Section 406.2 Permitted Uses

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

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

Section 406.3 Conditional Uses

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

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

Section 406.4 Special Exception Uses

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

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

Section 406.5 Other Requirements

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

~~C.A.~~ Maximum Height of Building – 5.5 stories

~~D.B.~~ Setbacks from sidewalk shall not be required.

C. No vacant building in the CC District shall be used for storage of equipment or materials. Any vacant commercial or office building in the CC District shall have 120 days following adoption of this Zoning Ordinance to come into compliance with the aforementioned standard by removing all stored materials and equipment. The requirements and appeal process provided for in Section 301.1.A (1) and (2) shall also apply.

D. Where provided, off-street parking for non-residential uses shall be located in the rear or side yard of the use. Parking areas existing when this ordinance provision became

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

Section 407 LI Light Industrial District

Section 407.1 Purpose

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

Section 407.2 Permitted Uses

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

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

Section 407.3 Conditional Uses

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

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

1. that such use is conducted in a manner that it will be located on a site no less than one (1) acre in size, and
2. that no burning of materials or products is conducted on the premises; and
3. in the case of open storage of used or salvaged materials or equipment, provided a suitable screen of at least six (6) feet in height above finished grade will be required along all property lines. Screen can include one or more of the following elements:
 - a. Opaque solid wall composed of wood, vinyl or related material. Chain link fencing is not an acceptable screen.
 - b. Evergreen shrubs or trees. If a solid fence is not also utilized, plant materials must be six feet in height at planting and form a continuous, solid screen along property lines.

F. Bulk storage of petroleum products

G. Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided any open yard storage incidental to such an operation conform to the provisions of Section 710; and provided no sound, vibration, heat, glare, or electrical disturbance is created which creates a nuisance beyond the premises.

H. Temporary use in compliance with the provisions of Section 706.

I. Land grading, contractor, construction. In the case of open storage of used or salvage materials or equipment, a suitable screen of at least six (6) feet in height above finished grade will be required along all property lines.

J. Sexually Oriented Businesses, subject to Article VII, Section 717.

K. Gasoline filling stations. At a minimum, all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets. No junk or salvage vehicles shall be stored on site.

Section 407.4 Special Exception Uses

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

A. Communications towers

Section 407.5 Other Requirements

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

- A. To minimize congestion at access points, the following limitations shall apply to all arterial streets. There shall be no more than two (2) access points on an arterial street for every one (1) lot of record provided, however, that:
 1. If a primary access to a lot of record is available on an intersecting street, then access on the arterial street shall be limited to one (1) access per lot of record; and,

2. Such access on an arterial street is granted only provided that there is a minimum of eighty (80) feet from such access to the right-of-way of an intersecting street. This shall be limited to one (1) access per lot of record; and,
 3. There shall be no more than one (1) access point granted within a given fifty (50) feet of frontage.
- B. Minimum Lot Size – 40,000 square feet
 - C. Minimum Setback Requirements
 - Front – 50 feet
 - Side – 10 feet on either side, but the total shall not be less than 25 feet
 - Rear – 20 feet
 - D. Maximum Height of Building – 5.5 stories
 - E. Maximum Structure Surface Coverage of Lot – 60%
 - F. Minimum Feet in Width – 100 feet

Section 408 Planned Unit Development

Section 408.1 Purpose of Planned Unit Development

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

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

Section 408.2 Design Provisions

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

- A. Permitted and Conditional Uses. All uses permitted or conditional in any zoning classification may be permitted in a PUD.
- B. Permitted accessory uses and structures. Accessory uses and structures shall be permitted in a PUD.
- C. Special exceptions. No special exception actions are required to establish any specific use.

- D. Uses, buildings and structures within a PUD as permitted, conditional, or special exception uses in any district are permitted outright, provided however, that the Planning Commission and City Council shall ascertain that the effect and benefits usually derived from safeguards and conditions normally imposed upon conditional and special exception uses will substantially be met by the site plan and development controls of the proposed Planned Unit Development.
- E. Height and area regulations. Minimum setbacks, minimum lot widths, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within a PUD district, provided however, that the Planning Commission and City Council shall ascertain that the characteristics of building settings as shown on the development plan shall be appropriate as related to buildings or structures within the Planned Unit Development and otherwise fulfill the intent of this Ordinance.
- F. Off-street parking, loading, and unloading. Off-street parking and loading and unloading requirements as set forth in Article VI shall be met for each use within the Planned Unit Development.
- G. Access. Any Planned Unit Development district shall meet the following:
1. The Planned Unit Development district shall have direct frontage on an arterial or a collector street; and
 2. Any lots which are subdivided within a Planned Unit Development shall abut a public street which meets the requirements of and is properly deeded to the City of Walhalla; and
 3. All streets within the Planned Unit Development shall be no less than twenty (20) feet in width with extruded curbs and gutters and six (6) inches of rock base with three (3) inches of hot laid asphaltic binder covered by one and one-half (1 ½) inches of hot laid asphalt. A fifty (50) foot right-of-way shall be provided and all City of Walhalla regulations shall be met for all streets conveyed to the City.
 4. All buildings and structures shall have access as provided for in Section 711.
- H. Open space. The Common Open Space required in any Planned Unit Development containing any residential component shall meet or exceed the following:
1. At least five (5) percent of the area covered by a final development plan shall be useable, common open space owned and operated by the owner or developer, or dedicated to a homeowner's association or similar group; and,
 2. In establishing the residential density per gross acre, the City Council may increase the percentage of common open space. Multi-family portions of the planned unit development shall require twenty-five (25) percent of the site area for beautification and open space use and buffers; and,
 3. At least five (5) percent of the site area shall be devoted to active recreation facilities such as swimming pool, playing fields, tennis courts, racquetball courts, etc., for the use of all occupants of the entire site area; provided, however, that upon written request made at the time the zoning application is submitted, the City Council may waive or modify recreational requirements.
- I. Density or Intensity Increases. The number of dwelling units approved and the types of nonresidential uses allowed in PUD districts will be determined upon consideration of functional inter-relationships, buffer treatments separating uses with potentially incompatible characteristics of use, design of access pattern, and

relationships of uses within such planned developments with uses in adjacent districts.

- J. Buffer Area. A buffer strip of natural or landscaped vegetation, with a width of not less than twenty-five (25) feet shall be maintained along all external lot lines of any Planned Unit Development district, with the exception that when any external lot line of a planned development abuts any residential zoning district, a buffer strip shall have a width of not less than forty (40) feet. No buildings or structure shall be allowed within this buffer strip. Passive recreation facilities such as walking trails, bicycle paths, and picnic areas may be placed in the buffer strip.
- K. Minimum Lot Size. The minimum lot size for any Planned Unit Development shall be two (2) acres, unless a site of less than two (2) acres is endorsed by two-thirds (2/3) of the total members of the Planning Commission.

Section 408.3 Administrative Application and Review Procedures

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

Section 408.3.1 Application for Amendment

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

Section 408.3.2 Preapplication Conference

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

Section 408.3.3 Application for Amendments

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

Section 408.4 Site Development Plans to be Submitted to Planning Commission for Review

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

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

Section 408.4.1 Descriptive Statement to be Submitted to the Planning Commission for Review

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

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

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

Section 408.5 City Council Hearing

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

Section 408.5.1 Planning Commission Recommendation

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

Section 408.5.2 City Council Approval

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

Section 408.6 Issuance of Zoning Permit

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

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

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

Section 408.6.1 Basis for Permits

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

Section 408.7 Changes of Plans for PUD's

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

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

Section 408.8 Failure to Begin, Failure to Complete, or Failure to Make Progress

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

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

Section 408.9 Terms of the Section to Prevail

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

**ARTICLE V
SIGN REGULATIONS**

Section 500 Purpose and Applicability

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

Section 501 General Regulations

Section 501.1 Definitions

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

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

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

- B. **Environmentally activated:** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exterior Sign: Any sign placed outside a building.

Fascia Sign: See “Wall or fascia sign.”

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

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

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

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

Ground Sign: See “Free-standing sign.”

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

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

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

Marquee: See “*Canopy* (attached).”

Marquee Sign: See “*Canopy sign*.”

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

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

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

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

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

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

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

Pole Sign: See “Free-standing sign.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign Structure: Any structure supporting a sign.

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

A. Types of Temporary Signs:

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

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

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

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

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

Section 501.2 Exempt Signs

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

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

- I. Religious symbols and seasonal decorations within the appropriate public holiday season.
- J. Open house signs not to exceed four (4) square feet in area.
- K. Political signs subject to the following limitations:
 1. Such signs shall not exceed a height of eight (8) feet or a total area of thirty-two (32) square feet.
 2. Such signs for election candidates or ballot propositions shall be displayed on public rights-of-way only for a period of sixty (60) days preceding the election and shall be removed within ten (10) days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election or unopposed primary candidates and certified petition candidates may remain displayed until not more than ten (10) days after the general election.
 3. The maximum number of political signs per street frontage will be one (1) every twenty-five (25) feet.

Section 501.3 Prohibited Signs

The following signs are prohibited:

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

Section 501.4 Permitted Signs

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

- A. Permanent Freestanding Business Identification Signs:

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

B. Permanent Signs Attached to Buildings

1. **Allowable area:**
 - a. The total area of signs on the exterior front surface of a building shall not exceed twenty (25) percent of the front surface area of the building, so long as the total area does not exceed thirty-six (36) square feet.
2. **Window coverage:**
 - a. In the Downtown Development Overlay District, window or door signs may occupy up to 25% of the store front glass, and are only allowed on the first floor of the building. All window and door signage in excess of the allowable 25% of the store front glass should be counted against the overall allowed sign area for that side of the building.
 - b. Outside of the Downtown Development Overlay District, signage in or on windows, inside or outside, shall not exceed fifty (50) percent of any front facing window.

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

C. Awnings/Canopies

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

D. Temporary Signs

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

E. Sandwich Board Signs

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

Section 502 **Permitting Process**

Section 502.1 Permits

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

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

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

Section 502.2 Development Standards

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

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

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

B. Sign Measurement

1. Sign Face Area

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

C. Sign Design, Construction and Maintenance

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

D. Removal of Non-Conforming Signs

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

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

Section 503 Appeals

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

Section 504 Validity

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

Section 505 Impoundment

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

Section 506 Enforcement

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

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

Section 600 Minimum Required Parking Spaces

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

Off-street Parking Requirement Guide

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

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

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

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

Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces shall equal the sum of the requirement of the various uses computed separately.

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

Section 601 Location on Other Property

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

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

- D. Joint use of off-street parking is permitted in the City of Walhalla, provided that
1. Up to fifty (50) percent of the parking spaces required for:
 - a. theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided for and used jointly by,
 - b. financial institutions, offices, retail stores, repair open, used, or operated during the same hours as those listed in (a); provided, however, that written agreement thereto is properly executed and filed as specified below.
 2. In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form and content by the City Attorney, and shall be filed with the application for building permit.

Section 602 Extension of Parking Space into Residential District

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

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

Section 603 Parking Space for the Physically Handicapped

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

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

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

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

Section 604 Design Standards

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

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

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

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

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

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

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

Dimensions for handicapped parking shall meet the requirements provided herein.

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

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

Section 605 Reduction of Off-Street Parking Spaces

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

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

Section 606 Off-Street Loading or Unloading Space

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

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

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

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

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

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

Section 607 Parking, Storage, and Use of Certain Vehicles

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

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

ARTICLE VII GENERAL PROVISIONS

Section 700 Continuance of Nonconforming Uses

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

Section 700.1 Rules Applying to all Nonconforming Uses

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

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

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

Section 701 Nonconforming Lots of Record

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

Section 702 Visibility at Intersections

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

Section 703 Lot of Record

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

Section 704 Home Occupation

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

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

Section 705 Zoning Permits for New or Altered Uses

Section 705.1 Zoning Permit Required

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

Section 705.2 Application for Building Permit

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

Section 705.2.1 Application Requirements

The application shall set forth:

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

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

Section 705.2.2 Site Plan Requirements

The plans shall show:

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

Section 705.3 Zoning Permit Provisions

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

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

Section 705.4 Expiration of Building Permit

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

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

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

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

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

Section 705.6 Record of All Permits

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

Section 706 Temporary Use Zoning Permits

The Building Official is authorized to issue temporary zoning permits.

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

Section 707 Accessory Structures and Uses

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

- A. **Accessory structures, swimming pools, tennis courts, and other structures:** in all residential districts, an accessory building to the main residential activity other than those permitted or conditional, shall
 1. Not be erected in any required front or side yard setback; and,
 2. No separate accessory building shall be erected within five (5) feet of any other building or three (3) feet of rear lot lines.

- B. **Required off-street parking:** in the MFR, OC, HC, CC, and LI Zoning Districts, other than required handicapped parking, off-street parking shall not be located in the required front yard setback and shall meet the provisions of Article VI.

- C. **Covered porches, enclosed or open:** shall be considered a part of the main dwelling unit for purposes of meeting minimum setback requirements.

- D. **Transmittal-Receiving Antenna, Tower, Mast, and Satellite Dish:**
 1. Antennas, towers, masts, and similar structures measuring over seventeen (17) feet above the top of the highest peak of the roof line require a Special Exception Use Permit.
 2. Satellite receiving dishes shall be limited to only one (1) per lot

- E. **Kennels, Private:** for dogs and cats provided that no more than three (3) dogs or three (3) cats may be older than four (4) months of age.

Section 708 Special Exception Uses

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

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

Section 708.1 District Locations for Special Exception Uses

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

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

B. Specific Zoning Districts

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

Section 708.2 Procedures for Consideration of Special Exception Applications

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

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

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

Section 708.3 Criteria for Special Exceptions

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

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

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

Section 708.4 Effect of Failure to Meet Conditions

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

Section 709 Communication Tower

Section 709.1 Purpose and Intent

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

Section 709.2 Location

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

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

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

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

Section 709.3 Application Procedure

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

Site Plan, which shall include the following information:

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

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

Section 709.4 Height

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

Section 709.5 Landscaping

Landscaping shall be required as follows:

- A. Around the base of the communication tower, outside of the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided, with individual plantings spaced not more than five (5) feet apart. In addition, at least one (1) row of evergreen trees with a minimum caliper of one and three-fourths (1¾) inches at the time of planting and spaced not more than twenty-five (25) feet apart shall be provided within fifty (50) feet of the perimeter security fence.
- B. The landscaping requirements may be waived in whole or in part by the Zoning Administrator if it is determined that existing natural vegetation provides adequate screening or if the Zoning Administrator determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located. Where the physical constraints or characteristics of the site are such that the landscaping cannot be located as prescribed above, the Zoning Administrator may require that plant material be placed in another, feasible location on site, which would serve to meet the intent of the landscaping requirements.
- C. All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- D. A Certificate of Occupancy shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Administrator or the Zoning Administrator's designee, unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the city a form of surety satisfactory to the City Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Administrator or the Zoning Administrator's designee and the owner or developer.

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

Section 709.6 Illumination

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

Section 709.7 Signage

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

Section 709.8 Access to Site

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

Section 709.9 General Requirements

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

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

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

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

Section 710 Performance Standards

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

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

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

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

Section 711 Structures to Have Access

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

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

Section 712 Exceptions to Height Limitations

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

Section 713 Front Yard Setback for Dwelling Units

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

Section 714 Swimming Pools

A swimming pool may be constructed when:

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

Section 715 Canopies in Core Commercial Zoning District

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

Section 716 Care of Premises

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

Section 717 Sexually Oriented Businesses

Section 717.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Establishment: includes any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 717.2 Classification

Sexually oriented businesses are classified as follows:

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

Section 717.3 Permit and/or License Required

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

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

Section 717.4 Issuance of Permit

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

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

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

Section 717.5 Inspection

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

Section 717.6 Expiration of Permit

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

Section 717.7 Suspension of Permit

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

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

Section 717.8 Revocation of Permit

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

- possession, sale or use of controlled substances on the premises, or
 - 3. A permittee and/or licensee has knowingly allowed prostitution on the premises, or
 - 4. A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permit was suspended, or
 - 5. A permittee and/or licensee or an employee had knowingly allowed any act or sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises, or
 - 6. A permittee and/or licensee is delinquent in payments to the city, county, or state for any taxes or fees past due related to the sexually oriented business.
- C. When the Zoning Administrator revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented permit for one (1) year from the date revocation became effective.

Section 717.9 Transfer of Permit

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

Section 717.10 Location of Sexually Oriented Businesses

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

Section 717.11 Validity

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

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

Section 800 Administration and Enforcement

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

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

Section 801 Violations

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

Section 802 Appeal from the Decision of the Zoning Administrator

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

Section 803 Board of Zoning Appeals

Section 803.1 Establishment of Board of Zoning Appeals

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

Section 803.2 Proceedings of the Board of Zoning Appeals

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

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

Section 803.3 Decisions of the Board of Zoning Appeals

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

Section 803.4 Appeals, Hearings, and Notice

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

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

Section 803.5 Powers of Board of Zoning Appeals

The Board of Zoning Appeals has the follow powers:

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

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

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

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

**ARTICLE IX
AMENDMENTS**

Section 900 Amendments

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

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

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

Section 901 **Initiation of Amendment**

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

+Section 902 **Public Hearing**

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

Section 903 **Planning Commission Report**

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

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

Section 904 Declaration of Policy

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

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

Section 905 Changes in the Zoning Map

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

**ARTICLE X
LEGAL STATUS PROVISIONS**

Section 1000 Conflict with Other Laws

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

Section 1001 Penalties for Violation

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

Section 1002 Separability

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

Section 1003 Repeal of Conflicting Ordinances

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

Section 1004 Effective Date

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

DONE AND RATIFIED in Council duly assembled this