

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2024-04

CITY OF WALHALLA)

AN ORDINANCE TO AMEND THE CITY OF WALHALLA CODE OF ORDINANCES, CHAPTER 330, ARTICLE III, SECTION 1.10 DOWNTOWN DEVELOPMENT OVERLAY DISTRICT REGARDING APPROVAL FOR MURALS AND ARTICLE V, SECTION 1.25 SIGN REGULATIONS REGARDING APPROVAL FOR FREE-STANDING SIGNS WITHIN THE DOWNTOWN DESIGN OVERLAY

Whereas, the Walhalla City Council adopted the Downtown Design Overlay and Design Guidelines for the purpose of creating site and building designs consistent with the City’s principles, goals and policies, to be used by the City’s Planning & Community Development Department and Planning Commission as a consistent framework for reviewing new projects; and

Whereas, developments within the Downtown Design Overlay are expected to respond to design guidelines and standards in a manner that complements the historic character of the City of Walhalla; and

Whereas, goals of Downtown Design Guidelines include the creation of memorable downtown experiences that are attractive, safe and inviting; constructing a visually attractive and economically vibrant urban center; and assuring new developments relates to the character of downtown and is compatible with surrounding neighborhoods; and

Whereas, the City of Walhalla Planning & Community Development Department and Planning Commission are currently responsible for enforcing zoning regulations and reviewing permit applications;

Now Therefore: it is ordained and enacted by the Mayor and Councilmembers of the City of Walhalla, in Council assembled, that Chapter 330, Article III, Section 1.10, and Chapter 330, Article V, Section 1.25 shall be amended as follows:

Article III

Establishment of Zoning Districts; Rules for Interpretation of Boundaries; Application of District Regulations

§ 330-1.10 Downtown Development Overlay District

A. Downtown Development Overlay District

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

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

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

(c) Regulations.

[1] Murals are allowed with a mural permit in the Downtown Development Overlay District.

[2] Murals are purely artistic forms of expression. While basic content is free from evaluation, obscenity and other language deemed questionable may require approval.

[3] Depending on content, murals will be evaluated for signage calculation and the remaining area can be deemed a mural. If the following content is incorporated within a mural, those items shall be classified as signage and comply with the standards for attached wall signs:

[a] Advertising message for contemporary establishments and/or contemporary merchandise/services;

[b] Advertisement for products, services or businesses;

[c] Commercial text;

[d] Logos;

[e] Registered trademarks; and

[f] Containing graphics (other than logos or registered trademarks) related to goods and services provided on site.

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

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

[a] The proposed wall mural shall be well-integrated with the building and neighboring structures and harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use, and will contribute to

Walhalla's character and quality of life.

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

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

[7] A mural permit application shall be completed by the building owner or their applicants' agent and submitted to the Zoning Administrator. The application shall include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation shall also be included in the application. Zoning Administrator shall prepare a staff recommendation and present to Planning Commission. Planning Commission shall review and act to approve, deny or require revisions in all submittals.

[8] Decisions made by the Planning Commission, regarding murals, may be appealed to the City Council. Appeals shall be filed within thirty (30) days.

Article V Sign Regulations

§ 330-1.10 General Regulations

D. Permitted signs. The following signs are allowed, subject to the permitting requirements of § 330-1.26, Permitting process, and the applicable development regulations of this Part 1.

(1) Permanent freestanding business identification signs.

(a) Allowable area: not to exceed 36 square feet in area for a single business, or 120 square feet for multiple businesses on the same panel.

(b) Number. One freestanding sign is allowed for each developed site, lot or parcel on which a nonresidential use is constructed. Where a site or parcel fronts on more than one street, one freestanding sign is permitted for each street. Where two or more businesses or buildings occupy the same site or parcel controlled by a single owner or landlord (shopping center or industrial park), only one freestanding sign for the aggregate businesses shall be permitted per street frontage.

(c) Location. No freestanding sign shall:

[1] Be located nearer than five feet to any property line, nor shall such sign face overhang or extend beyond the property line or in any way impair visual clearance at driveway or street intersections.

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

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

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

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

(f) Where average elevation of a lot is lower than the finished grade of the abutting edge of the sidewalk, a pole or support may be permitted to raise the sign to the level allowed by height regulations.

(g) Sign must be permanently affixed. A solid base sign shall be ground-mounted, solid all the way to the ground and constructed of wood, brick, masonry or similar durable materials.

AND IS DONE AND RATIFIED in Council Duly assembled this 19 Day of March 2024.



Tim Hall, Mayor

ATTEST:



Celia Boyd Myers, City Administrator

Introduced By: Mr. Keith Pace

First Reading: February 20, 2024

Public Hearing,
Second Reading

And Adoption: March 19, 2024