

CHAPTER XXIV

ZONING*

ARTICLE I

TITLE

24-1 TITLE.

This chapter shall be known and may be cited as "The Zoning Ordinance of the City of Orangeburg, South Carolina." This Ordinance is prepared pursuant to the authority conferred by the General Statutes of South Carolina, Code of Law, 1976 (6-29-310) as amended. (Ord. No. 2000-2, Art. I)

ARTICLE II

AUTHORITY

24-2 AUTHORITY.

This chapter is prepared pursuant to the authority conferred by the General Statutes of South Carolina, Code of Law, 1976, Title 6, Chapter 29, as amended. (Ord. No. 2000-2, Art. II)

ARTICLE III

PURPOSE

24-3 PURPOSE.

The purposes of this ordinance are to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and the general welfare of the citizens of Orangeburg; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, of the character of each area and its peculiar suitability for particular uses, and with a view toward promoting desirable living conditions and sustaining stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings, and structures. (Ord. No. 2000-2, Art. III)

***Editor's Note:** Prior ordinances codified herein include portions of Code 1969, §§ 1-3, 18, 21-34, Ordinance Nos. 1971-3, 1979-11, 1980-1, 1980-3, 1980-10, 1984-11, 1985-6, 1986-6, 1987-5, 1989-4, 1991-12, 1991-13, 1994-8, 1996-3, 1998-1.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS, PURPOSE OF DISTRICTS, AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

24-4 ESTABLISHMENT OF DISTRICTS.

For the purposes of this chapter, the City of Orangeburg is hereby divided into the following zoning districts:

a. *Primary Districts:*

- A-1 Residential, Single-unit District
- A-2 Residential, Multi-unit District
- A-3 Residential, General District
- O-1 Office-Institutional-Residential District
- B-1 General Business District
- B-2 Central Business District
- B-3 Neighborhood Business District
- D-1 Industrial District

b. *Special Purpose Districts:*

- PDD Planned Development District
- HCD Historical Conservation District
- DOD Design "Overlay" District
- ACD Airport Compatibility Districts
(Ord. No. 2000-2, Art. IV)

24-4.1 Purpose of Districts.

Collectively, these districts are intended to advance the purpose of this chapter, as stated in Article III. Individually, each district is designed and intended to accomplish the following more specific objectives.

a. *Primary Districts.*

1. A-1, Single-unit Residential District. This district is intended to foster, preserve and protect areas of the community principally for single-family residency. The principal use of land is for detached, single-unit dwellings and related support facilities.
2. A-2, Multi-unit Residential District. This district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets, and in proximity to commercial uses, employment opportunities, and community facilities.

3. A-3, Residential, General District. This district is intended to accommodate single-family and duplex dwellings in environments conducive to such uses, and provide opportunities for affordable housing alternatives to conventional site-built dwellings.
4. O-I, Office-Institutional-Residential District. This district is intended to accommodate office, institutional and residential uses in areas whose character is neither exclusively commercial nor residential in nature. It is designed principally for areas in transition, along major streets and for ameliorating the consequences of change impacting established residential areas.
5. B-1, General Business District. The intent of this district is to provide for the development and maintenance of commercial and business uses strategically located to serve the community.
6. B-2, Central Business District. The intent of this district is to promote the concentration and vitality of commercial and business uses in the downtown area. This district is characterized by wall-to-wall development, pedestrian sidewalks, and public parking lots.
7. B-3, Neighborhood Business District. This district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this district are of the "convenience variety". The size of any such district should relate to surrounding residential markets and the locations should be at or near major intersections.
8. D-1, Industrial District. The intent of this district is to accommodate wholesaling, distribution, storage, processing and manufacturing in an environment suited to such uses and operations while promoting land use compatibility both within and beyond the boundaries of such districts.

Toward these ends, residential development is not permitted, nor is the establishment of this district on other than a major street.

b. *Special Purpose Districts.*

1. PDD, Planned Development District. The intent of the Planned Development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and promote a better environment.

In view of the substantial public advantage of planned unit development, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in location, character and timing.

2. HCD, Historical Conservation District. The Historical Conservation District is an "overlay" district, designed and intended to promote the educational, cultural, economic and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing historic and architecturally valuable structures, properties and/or districts which serve as visible reminders of the social, cultural, economic, political and/or architectural history of the City of Orangeburg, thereby:
 - (a) Fostering civic pride;
 - (b) Preserving local heritage;
 - (c) Fostering public knowledge and appreciation of structures and areas, which provide a unique and valuable perspective on the social, cultural, and economic mores of past generations of Americans;
 - (d) Fostering architectural creativity by preserving physical examples of outstanding architectural techniques of the past; and
 - (e) Encouraging new structures and development that will be harmonious with existing structures, properties and sites included in said districts.
3. The Design Overlay District is intended to promote unified planning and development along the City's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.
4. ACD, Airport Compatibility Districts. These are "overlay" districts designed to promote compatibility between the municipal airport and surrounding property, by:
 - (a) Protecting and promoting the general health, safety, economy and welfare of area residents;
 - (b) Protecting the dual interests of navigational safety and airport operations;
 - (c) Protecting property in the vicinity of the airport; and
 - (d) Promoting the improvement and the utility of the airport and the public investment therein.(Ord. No. 2000-2, Art. IV)

24-4.2 District Boundaries and Maps.

The boundaries of the various zoning districts are hereby established as shown on the official Zoning Map of the City of Orangeburg, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk under the words: Zoning Map, City of Orangeburg, South Carolina, together with the date of adoption. If, in accordance with the provisions of this chapter and the General Statutes of South Carolina, 1976 Code of Laws, 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 map by the zoning administrator within seven days after the amendment has been approved by the City Council.

No changes of any nature shall be made on the official zoning map nor on any matter shown thereon except in conformity with the procedures set forth in this chapter.

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 of Orangeburg. (Ord. No. 2000-2, Art. IV; Ord. No. 2003-10)

24-4.3 Rules For 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 centerlines of streets, highways, alleys, or public utility easements shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- c. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as approximately following the centerlines of natural barriers such as streams, shall be construed to follow such centerlines.
- f. Boundaries indicated as parallel to, or extensions of features indicated in paragraphs a. through e. above shall be so construed. If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by paragraphs a. through e. above, the boundaries shall be determined by the use of scale of such map.

(Ord. No. 2000-2, Art. IV)

24-4.4 Zoning Annexed Property.

All territory, which may hereafter be annexed into the City of Orangeburg, shall be zoned A-1 unless at the time the application for annexation is filed, the applicant(s) request an alternative zoning classification. In such case(s), the request shall be forwarded to the planning commission for review and recommendation to City Council as to the applicant's request and the type of zoning to be attached to the area to be annexed. The City Council shall then act on the zoning request at the time it rules on the annexation. (Ord. No. 2000-2, Art. IV)

ARTICLE V
PRIMARY DISTRICT REGULATIONS

24-5 ESTABLISHMENT OF TABLES.

The uses permitted in the several primary districts established by Article IV and the dimensional requirements of each are set forth herein. These requirements are presented through the use of tables.

Table I sets forth use requirements by district. Table II sets forth lot area, yard, setback, height, density, floor area and impervious surface requirements, by district.* (Ord. No. 2000-2, Art. V; Ord. No. 2000-4; Ord. No. 2002-4)

24-5.1 Use of Tables. The North American Industry Classification System, 2002, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters "NA" (Not Applicable) in the NAICS Column.

Where the letter "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable requirements set out in Article 3.

Where the letter "N" is shown, the use to which it refers is not permitted in the indicated district.

Where the letters "SE" are shown, the use to which they refer is a special exception, permitted in the indicated district subject to review and design requirement for such uses in Article X, and referenced conditional use requirements, where applicable.

Where the symbol * is shown, the use may be established within a PDD, subject to review and approval by the planning commission and City Council as provided for in Section 24.6.1.

Where a given use or NAICS reference is not listed by Table 1 said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

***Editor's Note:** The tables referred to herein may be found at the end of this Article V.

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11:	Agriculture, Forestry, Fishing and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45:	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate and Rental and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative and Support and Waste Management and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

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Table 1: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zoning Districts

Zone Districts	NAICS	A-1	A-2	A-3	O-1	B-1	B-2	B-3	D-1	Required Off-street Parking Spaces (a)
Sector 11: Agriculture, Forestry, Fishing and Hunting										
Agricultural Production, Crops	111	N	N	N	N	N	N	N	P	NONE
Agricultural Production, Livestock. animals	112									
Livestock	112111	N	N	N	N	N	N	N	N	NONE
Concentrated Animal Feeding Operations, CAFOs	NA	N	N	N	N	N	N	N	N	NONE
Hog and Pig farming	1122	N	N	N	N	N	N	N	N	NONE
Poultry & eggs	1123	N	N	N	N	N	N	N	N	NONE
Sheep & goat farming	1124	N	N	N	N	N	N	N	N	NONE
Animal Aquaculture	1125	N	N	N	N	N	N	N	N	NONE
Other animal production	1129	N	N	N	N	N	N	N	N	NONE
Horses & other equine	11292	N	N	N	N	N	N	N	N	NONE
Fur-Bearing animal production	11293	N	N	N	N	N	N	N	N	NONE
Forestry and logging	113	N	N	N	N	N	N	N	P	NONE
Fishing, Hunting, Trapping	114	N	N	N	N	N	N	N	N	NONE
Support activities for agricultural/forestry	115	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Sector 21: Mining										
Mining	212	N	N	N	N	N	N	N	P	NONE
Sector 22: Utilities										
Electric, gas, & sanitary services										
221										
Electric	2211									
Generation	22111	P	P	P	P	P	P	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural gas distribution	2212	N	N	N	N	P	N	N	P	1 per 500 GFA
Water supply systems										
Storage/Treatment	22131	P	P	P	P	P	P	P	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	P	P	1 per 500 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Off-street parking
Sewerage systems	22132									
Collection	22132	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22132	P	P	P	P	P	P	P	P	1 per 500 GFA
Steam and Air Conditioning Supply	22133	N	N	N	N	P	P	N	P	1 per 500 GFA
Sector 23: Construction										
Building Construction-general contract & operative builders	236	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Heavy & Civil Engineering Construction	237	N	N	N	N	P	N	N	P	1per 1,000 GFA
Special Trade Contractors	238	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Sector 31-33: Manufacturing (Sec. 24-10.6)										
Food	311	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Beverage & Tobacco	312	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Textile mills	313	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Textile Product Mills	314	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Apparel	315	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Leather & allied Products	316	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Wood Products	321	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Paper	322	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Printing & related activities	323	N	N	N	N	C	C	C	C	1 per 1,000 GFA
Petroleum Products	324	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Chemical Products	325	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Plastic & Rubber Products	326	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Nonmetallic Mineral Products	327	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Primary Metal	331	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Fabricated metal Products	332	N	N	N	N	C	N	N	C	1 per 1,000 GFA
Machinery	333	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Computer & Electronic Products	334	N	N	N	N	C	N	N	C	1 per 1,000 GFA
Electrical Equipment, Appliances	335	N	N	N	N	C	N	N	C	1 per 1,000 GFA
Transportation equipment	336	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Furniture & related Products	337	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Miscellaneous manufacturing	339	N	N	N	N	N	N	N	C	1 per 1,000 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required parking
Sector 42: Wholesale Trade										
Wholesale trade-durable goods	423	N	N	N	N	P	N	N	P	1 per 5,000 GFA
Wrecking, scrap, salvage (Sec 24-10.7Y)	42314	N	N	N	N	N	N	N	C	1 per 5,000 GFA
Wholesale trade-non-durable goods	424	N	N	N	N	P	N	N	P	1 per 5,000 GFA
Wholesale Electronic markets	425	N	N	N	N	P	N	N	P	
Sector 44-45: Retail Trade										
Motor Vehicle Dealers	4411	N	N	N	N	P	N	N	N	1 per 1,000 GFA
Motorcycle, Boat, related Dealers	4412	N	N	N	N	P	N	N	N	1 per 1,000 GFA
Automotive parts, accessories and tires	4413	N	N	N	N	P	P	N	P	1 per 500 GFA
Furniture & home furnishings	442	N	N	N	N	P	P	N	N	1 per 1,000 GFA
Electronics & Appliances	443	N	N	N	N	P	P	N	N	1 per 1,000 GFA
Building materials, garden supplies	444									
Home Centers	44411	N	N	N	N	P	P	N	P	1 per 350 GFA
Paint & Wallpaper stores	44412	N	N	N	N	P	P	P	P	1 per 350 GFA
Hardware Stores	44413	N	N	N	N	P	P	P	P	1 per 350 GFA
Other Building Material Dealers	44419	N	N	N	N	P	P	N	P	1 per 1,000 GFA
Lawn, garden t & supply stores	4442	N	N	N	N	P	P	P	P	1 per 1,000 GFA
Food & Beverage stores	445	N	N	N	N	P	P	P	N	1 per 350 GFA
Convenience Stores	4451	N	N	N	N	P	N	P	P	1 per 350 GFA
Fruit & Vegetable	44523	N	N	N	N	P	P	P	N	1 per 350 GFA
Liquor	4453	N	N	N	N	P	P	N	N	1 per 350 GFA
Health & Personal Care	446	N	N	N	N	P	P	P	N	1 per 350 GFA
Gasoline stations	447	N	N	N	N	P	N	N	P	1 per 600 GFA
Truck stops	44719	N	N	N	N	SE	N	N	P	1 per 600 GFA
Clothing & Accessory Stores	448	N	N	N	N	P	P	P	N	1 per 350 GFA
Sporting goods, Hobbies, Books, & Music	451	N	N	N	N	P	P	P	N	1 per 350 GFA
General Merchandise stores	452	N	N	N	N	P	P	N	N	1 per 350 GFA
Miscellaneous retail	453	N	N	N	N	P	P	N	N	1 per 350 GFA
Flea Markets	4533	N	N	N	N	SE	N	N	N	1.5 per stall
Manufactured home dealer (Sec. 24-10.7J)	45393	N	N	N	N	SE	N	N	N	1 per 1,000 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required parking
Fire Works Stand (Sec. 24-10.7P)	45399	N	N	N	N	C	N	N	N	1 per 350 GFA
Non-store retail	454	N	N	N	N	P	P	N	N	1 per 350 GFA
Fuel Dealers	45431	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Vendors (Sec. 24-10.7G)	4542	N	N	N	N	C	C	C	N	2 per vendor
Sector 48-49: Transportation and Warehousing										
Air Transportation	481	N	N	N	N	P	N	N	P	By Individual Review
Rail Transportation	482	N	N	N	N	P	N	N	P	1 per 500 GFA
Water Transportation	483	N	N	N	N	P	N	N	P	1 per 500 GFA
Truck Transportation	484	N	N	N	N	P	N	N	P	1 per 500 GFA
Transit & ground transportation	485	N	N	N	N	P	P	N	P	1 per 500 GFA
Pipeline Transportation	486	N	N	N	N	P	N	N	P	1 per 500 GFA
Scenic & Sightseeing Transportation	487	N	N	N	N	P	P	N	P	1 per 500 GFA
Support Activities for Transportation	488	N	N	N	N	P	P	N	P	1 per 500 GFA
U. S. Postal Service	491	N	N	N	P	P	P	P	P	1 per 350 GFA
Warehousing & Storage	493	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Sector 51: Information										
Publishing Industries	511	N	N	N	P	P	P	N	P	1 per 750GFA
Motion pictures & Sound Industries	512	N	N	N	N	P	P	N	P	1 per 500 GFA
Motion picture theaters	512131	N	N	N	N	P	P	N	N	1 per 5 seats
Broadcasting & Telecommunications	515-7	N	N	N	P	P	P	N	P	1 per 500GFA
Communication Towers & Antennas (Sec. 24- 10.7D)	5172	N	N	N	N	SE	SE	SE	C	NONE
Internet & other information providers	518-9	N	N	N	P	P	P	P	P	1 per 500 GFA
Libraries	51912	N	N	P	P	P	P	P	P	1 per 400 GFA
Sector 52: Finance & Insurance										
Banks	521	N	N	N	P	P	P	P	P	1 per 350 GFA
Credit Intermediation	522	N	N	N	P	P	P	P	P	1 per 350 GFA
ATM Machines	52211	N	N	N	P	P	P	P	P	2 Spaces
Pawn Shops	522298	N	N	N	N	P	N	N	N	1 per 350 GFA
Security & financial investments	523	N	N	N	P	P	P	P	P	1 per 350 GFA
Insurance Carriers & related activities	524	N	N	N	P	P	P	P	P	1 per 350 GFA
Funds, Trust, & other financial vehicles	525	N	N	N	P	P	P	P	P	1 per 350 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required Parking
Sector 53: Real Estate & Rental										
Real Estate	531	N	N	N	P	P	P	P	P	1 per 350 GFA
Mini-Warehouses (Sec. 24-10.7C)	53113	N	N	N	N	SE	N	N	C	1 per 6 storage units
Rental & Leasing Services	532	N	N	N	N	P	P	N	N	1 per 500 GFA
DVD and other visual rental equipment	53223	N	N	N	N	P	P	P	N	1 per 350 GFA
Sector 54: Professional, Scientific, & Technical Services										
Professional, Scientific, Technical Services	541	N	N	N	P	P	P	N	P	1per 300 GFA
Display Advertising - Signs	54185	See Article VIII								NONE
Veterinary Services	54194	N	N	N	N	P	N	N	P	1 per 350 GFA
Sector 55: Management of Companies And Enterprises										
Mgmt. Of Companies & Enterprises	551	N	N	N	N	P	P	N	P	1per 500 GFA
Sector 56: Administrative Support And Waste Management Services										
Administrative & support services	561	N	N	N	N	P	P	N	P	1 per 750 GFA
Landscape services	56173	N	N	N	N	P	P	N	P	1per 1,000 GFA
Waste Management services	562									
Waste Collection	5621	N	N	N	N	P	N	N	P	1 per 1,000 GFA
Hazardous Waste Treatment, disposal	562211	N	N	N	N	N	N	N	N	NA
Solid Waste Landfill (Sec. 24-10.7U)	562212	N	N	N	N	N	N	N	C	1per 1,000 GFA
Recycle Facilities (Sec. 24-107R)	562920	N	N	N	N	N	N	N	C	1 per 1,000 GFA
Solid Waste Facilities (Sec. 24-10.6)	562213	N	N	N	N	N	N	N	C	1per 1,000 GFA
Other Non hazardous Waste Facilities	562219	N	N	N	N	N	N	N	P	1 per 1,000 GFA
All Other Waste Management	56299	N	N	N	N	N	N	N	P	1per 1,000 GFA
Sector 61: Educational Services										
Educational Services	611									
Elementary & middle Schools	6111	SE	SE	SE	P	P	N	N	N	1per 15 students, design capacity
High Schools	6111	SE	SE	SE	P	P	N	N	N	1 per 7 students, design capacity
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	N	P	P	P	N	P	8per classroom, plus 2 per office

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required Parking
Business Schools, Computer, & Management Training	6114-5	N	N	N	P	P	P	N	P	8per classroom, plus 2 per office
Other Schools and instruction	6116	N	N	N	P	P	P	N	P	8per classA-3om, plus 2 per office
Educational Support Services	6117	N	N	N	P	P	P	N	P	1 per 500 GFA
Sector 62: Health Care and Social Assistance										
Ambulatory Health Care Services	621									
Physicians, Health Practitioners	6211-3	N	N	N	P	P	P	P	N	1 per 200 GFA
Out Patient Care Centers	6214	N	N	N	P	P	P	P	N	1 per 300 GFA
Medical & Diagnostic Labs	6215	N	N	N	N	P	P	N	P	1 per 400 GFA
Home Health Care Services	6216	N	N	N	P	P	P	N	N	1 per 500 GFA
Other Health Care Services	6219	N	N	N	P	P	P	N	N	1 per 500 GFA
Hospitals	622	N	N	N	N	P	N	N	N	0.7 per bed
Nursing & residential care facilities	623									
Nursing Care Facilities (Sec. 24-10.7X)	6231	N	C	C	C	P	N	N	N	1 per 4 beds
Residential Mental Retardation, Health, and Substance Abuse Facilities	6232	N	P	P	P	P	N	N	N	1 per 4 beds
Elderly Care Facilities (Sec.24-10.7X)	6233	N	C	C	C	P	P	N	N	1 per 4 beds
Social Assistance	624									
Individual & family services	6241	N	N	N	P	P	P	N	N	1 per 350 GFA
Community, Food, & Housing & Emergency & Relief services	6242	N	N	N	SE	P	SE	N	N	1 per 350 GFA
Vocational Rehabilitation services	6243	N	N	N	P	P	P	N	N	1 per 350 GFA
Child/Adult Day Care services	6244	N	SE	SE	P	P	P	P	N	1 per 600GFA
Sector 71: Arts, Entertainment, and Recreation										
Performing Arts	7111	N	N	N	N	P	P	P	N	1 per four seats
Spectator Sports (except racetracks)	7112	N	N	N	N	P	N	N	N	By individual Review
Museums & Similar Institutions	712	N	N	N	P	P	P	P	N	1 per 800 GFA
Zoos & Botanical Gardens	71213	N	N	N	N	P	P	N	N	By Individual Review
Nature parks, public parks	71219	P	P	P	P	P	P	P	P	By Individual Review
Amusement & Recreation Industries	713									
Amusement parks, arcades	7131	N	N	N	N	P	SE	N	N	1 per 500 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required Parking
Golf Courses & Country Clubs	71391	P	P	P	N	P	N	N	N	5 per hole
Marinas	71393	N	N	N	N	P	N	N	P	1.5 per slip
Fitness and Rec., Sport Centers	71394	N	N	N	P	P	P	P	P	1 per 500 GFA
Bowling Centers	71395	N	N	N	N	P	N	N	P	5 per lane
Other Amusement, except gun club	713990	N	N	N	N	P	N	N	N	1 per 500 GFA
Sector 72: Accommodation and Food Services										
Accommodations	721									
Hotels & Motels	72111	N	N	N	N	P	P	N	P	1.5 per rental unit
Bed & Breakfast Inns (Sec. 24-10.7S)	721191	N	C	C	C	P	P	N	N	1.5 per bedA-3om
Camps & RV Parks (Sec. 24-10.7V)	72121	N	N	N	N	C	N	N	N	Not Applicable
Rooming Boarding Houses, Group Housing, Dormitories (Sec. 24-10.7X)	72131	N	N	SE	SE	SE	SE	N	N	1 per bedA-3om
Eating Places, excluding drive-ins	7221-2	N	N	N	N	P	P	P	P	1 per 150 GFA
Eating Places, including drive-ins	7221-2	N	N	N	N	P	P	P	P	1 per 150 GFA
Special food services	7223	N	N	N	N	P	P	P	N	1 per 350 GFA
Drinking Places (Sec. 24-10.7F)	7224	N	N	N	N	C	C	N	C	1 per 150 GFA
Sector 81: Other Services (except Public Administration)										
Auto Repair & Maintenance	8111									
General Auto Repair (Sec. 24-10.7W)	811111	N	N	N	N	C	N	N	C	3 per service bay
Self Service Car Wash (Sec. 24-0.7M)	811192	N	N	N	N	C	N	N	C	
Other Repair	8112-4	N	N	N	N	P	P	N	N	1 per 350 GFA
Personal & Laundry services	812									
Personal Care -Beauty, Barber, etc	8121	N	N	N	N	P	P	P	N	2.5 per chair
Body Piercing/Tattoo Parlors	812199	N	N	N	N	N	N	N	N	1 per 350 GFA
Funeral Homes & Death Care Services	8122	N	N	N	SE	P	P	N	N	1 per 4 chapel seats
Cemeteries	81222	N	SE	P	P	P	N	N	P	None
Crematories	81222	N	N	N	N	N	N	N	P	1 per 4 chapel seats
Laundry & Dry Cleaning services	8123	N	N	N	N	P	P	N	P	1 per 500 GFA
Coin operated laundries/dry cleaning	81231	N	N	N	N	P	P	P	N	1 per 250 GFA
Other Personal Services	8129									
Pet Care (enclosed facility)	81291	N	N	N	P	P	P	P	P	1 per 1,000 GFA
Pet Care (Sec.24-10.7L)	81291	N	N	N	N	C	N	N	C	1 per 1,000 GFA
Photo finishing	81292	N	N	N	P	P	P	P	N	1 per 500 GFA

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required Parking
Automotive parking lots & garages	81293	N	N	N	P	P	P	P	P	Not applicable
Sex Oriented Business (Sec.24-10.7B)	81299	N	N	N	N	SE	N	N	N	1 per 250 GFA
All Other Personal Services	81299	N	N	N	N	P	P	N	N	1 per 350 GFA
Religious, Fraternal, Civic, Political Professional, Business Organizations	813									
Religious Organizations	8131	P	P	P	P	P	P	P	P	1 per 4 seats in sanctuary
All Other Organizations	8132-9	N	N	N	P	P	P	N	P	1 per 500 GFA
Sector 92: Public Administration										
Executive, Legislative, & General Govt.	921	N	N	N	P	P	P	P	P	1 per 350 GFA
Justice, Public Order & Safety	922									
Courts	92211	N	N	N	P	P	P	N	N	1 per 350 GFA
Police Protection	92212	P	P	P	P	P	P	P	P	1 per 350 GFA
Correctional Institutions	92214	N	N	N	N	P	SE	N	P	By individual review
Fire Protection	92216	P	P	P	P	P	P	P	P	4 per bay
Administration of Human Resources	923	N	N	N	N	P	P	N	P	1 per 350 GFA
Environmental & Housing Admin.	924-5	N	N	N	N	P	P	N	P	1 per 350 GFA
Administration of Economic Programs	926	N	N	N	N	P	P	N	P	1 per 350 GFA
Residential Uses										
Site Built Dwellings										
Single-family detached	NA	P	P	P	P	P	N	N	N	2 per dwelling
Duplex	NA	N	P	P	P	P	N	N	N	2 spaces per unit
Multi-family (Sec.24-10.7X)	NA	N	C	C	SE	C	C	N	N	1.5 spaces per unit
Upper story Units (Sec.24-10.7T)	NA	N	N	N	SE	P	C	N	N	Not Applicable
Townhouses (Sec. 24-10.7N)	NA	*	C	C	C	C	N	N	N	2 spaces per unit
Patio Homes (Sec. 24-10.7O)	NA	*	C	C	C	C	N	N	N	2 spaces per unit
Triplex & Quadruplex	NA	N	P	N	N	P	N	N	N	2 spaces per unit
Manufactured Dwellings										
Residential designed (Sec. 24-10.7I)	NA	N	N	C	N	N	N	N	N	2 spaces per unit
Standard designed (Sec. 24-10.7I)	NA	N	N	C	N	N	N	N	N	2 spaces per unit
Parks (Sec. 24-10.7H)	NA	N	N	C	N	N	N	N	N	2 spaces per unit
Modular Homes	NA	P	P	P	P	P	N	N	N	2 spaces per unit

Zone Districts	NAICS	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	Required Parking
Accessory Uses to Residential Uses										
Bathhouses & Cabanas	NA	P	P	P	P	P	N	N	N	None
Domestic animal shelters	NA	P	P	P	P	P	N	N	N	None
Storage building/workshop, except shipping containers which are prohibited	NA	P	P	P	P	P	N	N	N	None
Accessory Apartment (Sec. 24-10.7A)	NA	N	C	C	C	C	N	N	N	
Swimming pool, tennis courts	NA	P	P	P	P	P	N	N	N	None
Detached garages	NA	P	P	P	P	P	N	N	N	None
Auxiliary shed, workshop	NA	P	P	P	P	P	N	N	N	None
Home Occupation (Sec. 24-10.7K)	NA	C	C	C	C	P	N	N	N	None
Horticulture, gardening	NA	P	P	P	P	P	N	N	N	None
Family day care home	NA	P	P	P	P	P	N	N	N	None
Non-Commercial Greenhouse	NA	P	P	P	P	P	N	N	N	None
Satellite dishes, etc.	NA	P	P	P	P	P	N	N	N	None
Accessory Uses to Non-Residential Uses										
Buildings, structures, except shipping containers which are prohibited	NA	P	P	P	P	P	P	P	P	None
Shipping Truck Containers**	NA	N	N	N	N	N	N	N	P	None
Open Storage area (Sec. 24-10.7E)	NA	N	N	N	N	C	C	C	C	None
Temporary Uses										
All Temporary Uses (Sec24-10.7P)	NA	C	C	C	C	C	C	C	C	See Section24-10.7Q

(Off-Street parking requirements computed on basis of number of spaces per square feet of Gross Floor Area GFA)
There are no parking requirements for properties located in the B-2, Central Business District
A special exception for required parking may be obtained by a property owner pursuant to Article VII

** Shipping truck containers or truck bodies are prohibited from any use except in DI Districts. Compliance with setbacks is required. Stacking of containers is not allowed. Containers may not block access or egress to a principal structure.

TABLE II

SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA AND IMPERVIOUS SURFACE REQUIREMENTS, BY DISTRICT

<u>District</u>	<u>Minimum Lot</u>		<u>Width</u> (A)	Minimum Building Yard Setback (ft.)						<u>Maximum Height</u> (ft.)	<u>Maximum Impervious Surface Ratio</u>	<u>Maximum Residential Density (B)</u>	<u>Maximum Floor Area Ratio Non-res. Uses</u>
	<u>Res.</u>	<u>Non-res.</u>		<u>FRONT</u> Major Street	<u>Minor Street</u>	<u>SIDE</u> Res. Non-res.		<u>REAR</u> Res. Non-res.					
A-1	7,500	10,000	60	30	30	(C)	25	25	35	50	.45	5.5	.25
A-2	(E)	10,000	(F)	30	30	(D)	20	23	30	50	.65	16.0	.45
A-3	(E)	10,000	(F)	30	30	(D)	20	23	30	50	.55	16.0	.45
O-I	(E)	6,000	(F)	30	30	6	6	15	15	50	.75	16.0	.65
B-1	(E)	6,000	(G)	30	10	(H)	(H)	15	15	100	.85	16.0	.75
B-2	NA	NA	NA	10	10	(I)	(I)	0	0	150	1.00	NA	NA
B-3	NA	6,000	50	30	30	(H)	(H)	NA	20	50	.85	NA	.75
D-1	NA	10,000	NA	30	10	NA	10	NA	20	60	.85	NA	NA

() See Notes to Table II.

Refer to subsections 24-11.2, 24-11.3, 24-11.4 and 24-11.6 for yard and setback modifications.

Notes to Table II

The following notes supplement and clarify the requirements of Table II.

- a. Linear feet measured at and beyond required building setback line.
- b. Number of dwelling units per gross acre, including private streets, common areas, rights-of-way, etc.
- c. There shall be two (2) side yards totaling eighteen (18) feet. One side yard shall not be less than ten (10) feet, and one side yard shall not be less than six (6) feet.
- d. There shall be two (2) side yards totaling sixteen (16) feet. One side yard shall not be less than nine (9) feet, and one (1) side yard shall not be less than six (6) feet.
- e. Six thousand (6,000) square feet minimum lot area for one (1) dwelling unit, plus two thousand five hundred (2,500) square feet for each additional unit.
- f. Fifty (50) feet minimum lot width for all uses permitted in this district, plus ten (10) feet for each dwelling unit over one (1), except where the configuration of an existing lot of record is such that this requirement cannot reasonably be met.
- g. No minimum for non-residential uses; fifty (50) feet minimum lot width for dwellings, plus five (5) feet for each additional unit on the lot.
- h. Five (5) feet on each side shall be required, except that commercial condominium projects shall be allowed to share interior property lines; provided a five (5) foot setback is observed at both ends, and that no project shall exceed four hundred (400) feet in length parallel to the street or streets upon which it is contiguous.
- i. Five (5) feet when constituting a corner lot; none elsewhere.

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ARTICLE VI

SPECIAL PURPOSE DISTRICT REGULATIONS

24-6 ESTABLISHMENT AND JURISDICTION.

The requirements of this article shall apply to the various special purpose districts created by Section 24-4.1. (Ord. No. 2000-2, Art. VI)

PDD, Planned Development District.

a. Purpose

The purpose of a planned development district is to permit mixtures of different types of housing, compatible commercial uses, shopping centers, office parks, manufactured home parks, and other mixed use developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through approval of a plan which sets specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes by zoning amendment district regulations for a particular planned development.

b. *Permitted uses*

Permitted uses may be of similar residential or commercial character, or may consist of a mix of residential, commercial, or institutional uses. Uses shall be restricted to those authorized in the PDD adopted plan and must also be in compliance with the Comprehensive Plan.

c. *Establishment of PDD Districts.*

PDD districts, if in compliance with the Comprehensive Plan, may be established in any zoning district, subject to the requirements of this section and review and approval by the planning commission and City Council. The planning commission shall hold a public hearing on the PDD plan, having given fifteen (15) days' notice of time and place in a newspaper of general circulation in the city. Planning commission and City Council approval shall be final for PDDs, unless appealed within thirty (30) days to the Court of Common Pleas, which may, after due process, remand same to City Council for further action.

Additionally, each PDD shall be identified by a prefix and number indicating the particular district, as for example "PDD-1," together with whatever other identification appears appropriate.

d. Site Plan Requirements. A site plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PDD. The site plan shall adhere to the requirements of subsections 24-6.1.d. 1 thru 12 and 24-6.1e. and shall address or show the following:

1. The proposed title of the project, project designer, and the developer.
2. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, buildings; and other existing physical features on the project site.
3. The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
4. The general location and dimensions of proposed streets, driveways, fire hydrants, curb cuts, entrances and exits, parking and loading areas (including numbers of parking spaces).
5. The general location of proposed lots, setback lines, easements and a conceptual land use plan.
6. The general location and approximate heights of all principal and accessory buildings and dimensions of structures.
7. The general location and description of all fences, walls, screens, buffers, plantings and landscaping.
8. The general location and number of dwelling units for residential projects.
9. A common signage plan, as required by subsection 24-8.4.
10. The position of the proposed development in relation to its surroundings.
11. A tabulation of (1) the number of acres in the project by use, (2) impervious surface ratios, and (3) floor area ratio for non-residential uses.
12. Build out schedule

e. Alternative Concept Plan. As an alternative to the preparation and submission of a site plan as part of a PDD zoning application, the applicant developer may substitute a preliminary concept plan. The concept plan shall consist of a list of all proposed uses as required in (a) above, together with the information required in (d-1,2,4,7,8,10,11, and 12). However, no building permits shall be issued unless and until all site plan requirements and building permit requirements have been met in full, including final PDD plan approval by City Council.

f. Minimum Area Required. Minimum area requirements for establishing a PDD shall be two (2) acres.

g. Development Standards.

1. Density and Height Requirements.

(a) Single-unit residential district: Residential density, impervious surface ratios, floor area ratios, and building heights shall not exceed the limits for the district in which a PDD is to be located.

(b) Other mixed uses: Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e., transportation, water and sewer systems, recreation facilities, etc.

2. Overall Site Design. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.

3. Parking and Loading. Off-street parking and loading spaces for each PDD shall comply with the requirements of Article V, Table I, for the various uses proposed for the PDD, and Article VII.

4. Buffer Areas. Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Article IX. Buffer areas are not required for internal use.

5. Streets and Street Improvements. Private streets may be permitted in a PDD provided such streets meet the design and construction standards promulgated for public streets by the S. C. Department of Highways and Public Transportation and an acceptable maintenance plan is submitted and approved by the planning commission prior to permitting.

6. Landscaping and Common Open Space. Landscaping and open space requirements for each PDD shall comply with the provisions of subsections 24-9.3 and 24-9.4 of this chapter.

h. Improvement Guarantees. Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PDD plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the zoning administrator, the applicant/developer may provide improvement guarantees to ensure the proper installation of such required improvements.

The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

1. Optional Guarantees. Before recording the PDD, or as a condition of approval, the planning commission may recommend and the City Council may accept the following financial guarantees in an amount equal to one hundred twenty-five (125%) percent of installing the improvements.
 - (a) Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
 - (b) Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
 - (c) Escrow account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, with the city or in escrow with a bank.
 - (d) Improvement guarantees. The applicant may provide as a guarantee an improvement agreement between the applicant, lender, and the city.
1. Prepayment. The applicant may make a prepayment to the city in the full amount of said improvements. Any unexpended funds shall be returned to the applicant.
2. Option to Refuse Guarantee. The City Council shall have the right to refuse any of the above financial guarantees and require construction and installation of all improvements by the developer, where:
 - (a) Past performance of the developer is unsatisfactory, or
 - (b) The selected option is unacceptable.
3. Allocation of Guarantee. Any funds received from financial guarantees required by this chapter shall be used only for the purpose of making the improvement for which said guarantees were provided.
4. Default of Guarantee. In the event the developer fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the city. The city may use said funds for completion of the improvements utilizing private contractors where necessary. Otherwise, said funds shall be held by the city until such required improvements have been completed. The city shall not be responsible for the completion of said improvements, nor the sufficiency of the funds for the completion thereof.
5. Extension of Guarantee. If it appears to the developer or the zoning administrator that the installation of the required improvements will not occur before expiration of the improvement guarantee, the developer shall be required to renew the guarantee, in accord with a revised development schedule, subject to approval of the City Council, or else the developer shall be judged in default and subject to the provisions of subsection 24-6.1,h, 4.

i. Action by Planning Commission and City Council. Action by the planning commission and City Council may be to approve the plan and application to establish a PDD, to include specific modifications to the plan, or to deny the application to rezone or establish a PDD. If the plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified. The planning commission or City Council may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

j. Administrative Action. After a PDD plan or district has been approved by City Council, and approved plats and the approved PDD plan and all other required restrictive covenants are filed with the municipal clerk and the Register of Deeds for Orangeburg County, and all required bonds are posted with the municipal clerk, building and sign permits shall be issued in accord with the approved plan as a whole or in stages or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

k. Changes In Approved PDD plans. Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.

1. Minor changes in approved PDD site plans may be accommodated by the zoning administrator with review and concurrence by the city attorney, on application by the applicant, upon making a finding that such changes are:
 - (a) In accord with all applicable regulations in effect at the time of the creation of the PDD district; or
 - (b) In accord with all applicable regulations currently in effect.
2. Major changes to an approved PDD shall require consent of the planning commission. In reaching a decision as to whether the change is minor or substantial enough to require reference back to the planning commission for approval, the zoning administrator shall use the following criteria:

Any increase ten (10%) percent or greater in intensity or use shall constitute a modification requiring planning commission approval. An increase in intensity or use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.

Any change in parking areas resulting in an increase or reduction of ten (10%) percent or more in the number of spaces approved shall constitute a change requiring planning commission and City Council approval.

Structural alterations significantly affecting the basic size, form, style and location of a building, as shown on the approved plan, shall be considered a change requiring planning commission and City Council approval.

Any reduction in the amount of open space or buffer area resulting in a decrease of more than five (5%) percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring planning commission and City Council approval.

Any change in use from one use group to another shall constitute a change requiring planning commission and City Council approval.

Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring planning commission and City Council approval.

1. Expiration of Time Limits on PDD Amendments. If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the zoning administrator shall review the circumstances and recommend to the planning commission and City Council.

1. That PDD status or zoning for the entire area be continued with revised time limits; or
2. That PDD status or zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category.
(Ord. No. 2000-2, Art. VI)

m. Vested Right

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

2. Duration

A vested right is established for two years upon the approval of a PDD Plan including a phased PDD development plan.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased PDD development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested PDD plan or vested phased PDD development plan may be amended if approved by the Planning Commission and/or City Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a PDD plan or phased PDD development plan is subject to revocation by the Planning Commission or City Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested PDD plan or vested phased PDD development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested PDD plan or vested phased PDD development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested PDD plan or vested phased PDD development plan without consent of the landowner;

The Planning Commission or City Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a PDD plan or a phased PDD development plan.

6. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial

determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

24-6.2 HCD, Historical Conservation Districts.

a. *Design Review Commission to Govern.* To help accomplish historic conservation and preservation in the various historic overlay districts created by this chapter, an historic conservation design review commission is hereby established. The commission shall consist of five (5) members, four (4) of whom shall be appointed by the City Council. The fifth member shall be the President of the Orangeburg Historical Society. The President of the Historical Society shall be an ex-officio member with full voting privileges.

The following criteria shall be used by City Council in the selection of members:

1. Residency or ownership in a designated district, and
2. A demonstrated interest in historic conservation and preservation.

Additionally, at least one (1) member of the commission should be an architect, to the extent that such a professional is available. One (1) member should be experienced in real estate and/or finance.

Commission members appointed by City Council shall serve overlapping four (4) year terms with initial appointments as follows: one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and two (2) members for a term of four (4) years. Term of the ex-officio member shall coincide with his/her term as President of the Society. Any vacancy in the membership shall be filled for the unexpired term. Members shall serve without pay.

b. *Organization and Meetings of the Commission.* The commission shall elect annually a chairman and vice chairman from among its members. It shall adopt rules of procedure and keep a record of its proceedings in accordance with the state statutes and these regulations.

Three (3) members of the commission shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the city administrator. The commission shall meet upon the call of the chairman and at such regular intervals as determined by the commission.

c. Power and Duties of the Commission. Where within a designated historic conservation overlay district, the exterior appearance of any building or structure is involved, the zoning administrator shall issue no permit for erection, alteration, improvement, demolition or moving of such structure unless and until a project application has been submitted to and approved by the historic conservation commission, and a certificate of appropriateness issued.

Any action by applicants following issuance of a permit requiring a certificate of appropriateness shall be in accord with the approved certificate.

The commission shall not issue a certificate of appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the effected area. Where certification is denied, the commission shall record its reasons for denial.

Additionally, the commission shall have the following powers and duties:

1. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the city;
2. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
3. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
4. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
5. To call upon available city staff members as well as other experts for technical advice;
6. To testify before all boards and commissions, including the planning commission and the board of zoning appeals, on any matter affecting historically significant property, structures and areas.

d. Use Requirements. As "overlay districts," permitted uses in the HCD are determined by the "underlying" or primary zoning district. Where this district overlays a residential zoning district, for example, only those uses permitted in the residential zoning district shall be permitted in the HCD overlay district, subject to the additional requirements and standards of this section. The use of land and buildings is not a matter to be decided by the historical conservation commission.

e. General Review Standards for Determining Appropriateness. In considering the issue of appropriateness, the historic conservation commission shall be guided by the following general guidelines:

1. Every reasonable effort should be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its original intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
3. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site should be treated with sensitivity.
5. Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials should not be undertaken.
7. Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to any project.
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

f. General Design Standards for Determining Appropriateness. At a minimum, the following general design standards shall be considered by the historic conservation commission when considering an application for appropriateness:

1. Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures.
2. Proportions of Windows and Doors. The proportions and relationships between doors and windows should be compatible with the architectural styles and character of the landmark and with surrounding structures.

3. The relationship of a structure to the open space between it and adjoining structures should be compatible.
4. Roof Shape. The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
5. Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes.
6. Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures.
7. Directional Expression. Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
8. Architectural Details. Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.

g. *Certain Work Exempt from Commission Review.* Nothing in this subsection shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure which the zoning administrator shall certify in writing to the commission is required for public safety because of an unsafe or dangerous condition.

h. *Development and Dimensional Standards.* Development and dimensional standards of the primary zoning district shall be applicable, but may be waived or modified by the Board of appeals upon consultation and recommendation of the historical conservation commission in a particular situation.

i. *Applications and Materials to Be Submitted to Commission.* Applications for certificates of appropriateness shall be submitted through the office of the zoning administrator to the historical conservation commission for review and action. The commission shall act on such application within thirty (30) days of receipt of the application by the board.

By general rule or by specific request in a particular case, the commission may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and indications as to construction materials, design of doors and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary for its determination.

General certification of appropriateness for specific classes of uses may be issued by the commission if it is found that particular materials, designs, architectural features or styles, or other characteristics are generally acceptable and appropriate within the district, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the zoning administrator finds, upon examining the application, that all aspects which would otherwise require commission review are covered by general certification, he/she may proceed without referral to the commission, identifying the general certification in the record of the application.

j. *Appeal Decision of the Commission.* In case of disapproval by the historic conservation commission of any application for a certificate of appropriateness, the applicant shall have the right to appeal the decision to the Circuit Court in and for the County of Orangeburg by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Commission is rendered. (Ord. No. 2000-2, Art. VI)

24-6.3 ACD, Airport Compatibility Districts.

a. *Types of Districts.* In order to carry out the provisions of this subsection there are hereby created three (3) Airport Compatibility districts (zones). These districts include all of the area lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Orangeburg Municipal Airport. An area located in more than one of the following districts is considered to be only in the district with the most restrictive height limitation. The districts are delineated on the Orangeburg Municipal Airport Restriction Map, 1990, as amended, and defined as follows:

1. **1. Airport Zone.** A zone that is centered about the runway and primary surface, and is capped by the horizontal surface.
2. **2. Approach Zone.** A zone that extends away from the runway, ends along the extended runway centerline, and is capped by the approach surfaces. It includes both the approach and the transitional zones outside the Airport Zone delineated on the above referenced Orangeburg Municipal Airport Restriction Map.
3. **3. Conical Zone.** A zone that circles around the periphery of and outward from the horizontal surface, and is capped by the conical surface. Specific geometric standards for these zones are to be found in Part 77.25, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

b. *Land Use Restrictions.* The three (3) Airport Compatibility districts are "overlay" zones, imposing supplemental land use and development regulations to the underlying or primary zoning districts.

Notwithstanding any other provisions of this chapter within the three (3) Airport Compatibility districts, no use may be made of land or water in such a manner as to:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;

2. Diminish the ability of pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create the potential for bird strike hazards; or
6. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

c. *Height Restrictions.* Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface of any Airport Compatibility district created by this chapter. The height restrictions for the individual zones (districts) shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

d. *Regulations Applicable To Existing Structures.* The owner of any existing structure or vegetation that is currently penetrating any referenced surface of any of the three (3) Airport Compatibility districts shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, or the South Carolina Aeronautics Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the city.

e. *Variances.* Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this subsection may apply for a variance from such regulations to the Board of appeals in accord with the provisions of subsection 24-14.13. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Additionally, no application for a variance to the requirements of this chapter may be considered by the Zoning Board of appeals unless a copy of the application has been furnished to the chairman of the municipal airport commission for advice as to the aeronautical effects of the variance. If the airport commission does not respond to the application within fifteen (15) days after receipt, the Zoning Board of appeals may act on its own to grant or deny the application for a variance.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the South Carolina Aeronautics Commission, or the airport commission. (Ord. No. 2000-2, Art. VI; Ord. No. 2002-5)

Section 24-6.4 Design "Overlay" District

a. PURPOSE

This District is intended to promote unified planning and development along the City's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.

b. ESTABLISHMENT; DEFINITION

The Design "overlay" district is hereby established as shown on the Official Zoning Map.

The Overlay District imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district, and in all instances shall be satisfied in full prior to the issuance of a building or use permit.

c. PERMITTED USES

Permitted uses within the Overlay District are determined primarily by the underlying Zoning District. However, the following uses are declared to be incompatible with the purpose of this district as stated in 24.6-4.a, and are therefore disallowed, irrespective of primary or underlying Zone District regulations permitting such uses:

- (1) Truck (stops) and freight terminals,
- (2) Off-site Advertising Signs and Billboards,
- (3) Outdoor sales and storage lots, including but not limited to vehicular, boats, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal and salvage operations,
- (4) Sexually oriented businesses, night clubs and drinking places (bars and lounges),
- (5) Communication towers and free-standing antennas,
- (6) Pawn Shops.
- (7) Self service car wash
- (8) Mini Warehouses
- (9) Pool parlors
- (10) Tattoo parlors
- (11) Palm readers and physics
- (12) Fire Works stores

d. DESIGN REVIEW BOARD: CREATION; AUTHORITY_

To help accomplish the purpose of this district, a Design Review Board is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Board shall consist of five (5) members nominated and appointed by the City Council, subject to confirmation by City Council.

The following criteria should be used in the selection of members:

- (1) Residency or ownership in the affected zone district.
- (2) If available in the community, professionalism in architecture, building construction and design, real estate and/or finance.

Board members shall be appointed for overlapping four (4) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for the un-expired term by the Mayor, subject to Council confirmation. None of the Board members may hold any other public office or position in the city or county.

e. ORGANIZATION AND MEETINGS OF THE BOARD

The Board shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Board shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

Three (3) members of the Board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the City Council. The Board shall meet upon the call of the Chairman and at such regular intervals as determined by the Board.

f. POWERS AND DUTIES OF THE BOARD

Where within the Design Overlay District(s), the exterior appearance of any building or structure is involved, the Building Official and /or Zoning Administrator shall issue no permit for erection, alteration, improvement, demolition or moving of such building or structure unless and until a development application has been submitted to and approved by the Board, and a Certificate of Appropriateness issued at the Board's direction.

Any action by an applicant following issuance of a permit requiring a Certificate of Appropriateness shall be in accord with the approved certificate.

The Board shall not cause to be issued a Certificate of Appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the affected area. Where certification is denied, the Board shall record its reasons for denial.

Additionally, the Board shall have the power and duty to hear appeals from decisions of the Building Official or Zoning Administrator in matters under the purview of the Board where there is alleged error in any order, requirement, determination or decision.

g. GENERAL DESIGN STANDARDS FOR DETERMINING APPROPRIATENESS

At a minimum, the following general design standards shall be considered by the Board when considering an application for appropriateness:

- (1) **Height** - The height of any proposed alteration or construction should be compatible with the style and character of surrounding structures.
- (2) **Exterior Building Material** - No portion of a building constructed of unadorned masonry or metal siding should be visible from the street.
- (3) **Utility Lines** - All utility lines should be placed underground.
- (4) **Landscaping** - Landscaping should be integrated into the design and lay out of the site, and the off-street parking area.
All landscaped areas shall be provided with an irrigation system or readily available water supply, and shall be properly maintained at all times. Failure to do so is a violation of this ordinance and may be remedied in the manner prescribed for other violations.
- (5) **Scale** - The scale of the structure after alteration, construction, or partial demolition should be compatible with surrounding structures.
- (6) **Directional Expression** - Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.
- (7) **Architectural Details** - Architectural details including materials, colors, and textures should blend in and be compatible with surrounding development. Garish colors should not be permitted.
- (8) **Walkways** - Walkways should be provided between the building and the sidewalk.
- (9) **Signage** - Signage permitted in the Design Overlay District shall be limited to one monument sign for each lot or parcel upon which a business, institutional, or multi-family use is located, and one wall sign for each business located on the site.

The monument sign shall not exceed 20 square feet in area or four (4) feet in height, and shall display only the name or identification of the business and/or products sold on site. Outdoor advertising or off premise signs shall be prohibited. No monument sign may be located closer than 10 feet to the nearest property line.

Landscaping, consisting of a mixture of evergreen and deciduous shrubs and ground cover shall be provided at the base of each monument sign. Water and maintenance requirements shall be as specified in Section 24-9.1i.

The wall sign may be painted on or supported by the wall; provided the sign face does not extend over one foot from the wall and is no larger than 20 square feet in area.

- (10) **Exterior Illumination.** All outdoor street lights and similar outdoor area fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Low pressure sodium should be used wherever possible. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential areas should comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas should comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	<u>Column A</u>	<u>Column B</u>
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Backlighted or luminous background signs	150 ft. lamberts	250 ft.
Outdoor Illuminated Signs & Poster Panels	25 ft. candles	110 ft.
Any other unshielded sources, intrinsic brightness (per sq. centimeter)	50 candela	50 candela

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

h. CERTAIN WORK EXEMPT FROM BOARD REVIEW

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure, which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in the maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

Such a determination by the Building Official shall be forwarded to the Board for review and comment before a permit to demolish such building or structure is issued.

The Board shall have the right to override the decision of the Building Official to demolish, subject to appeal to Circuit Court as provided by this Section.

i. DEVELOPMENT AND DIMENSIONAL STANDARDS

Development and dimensional standards of the primary zoning district shall be applicable, but may be waived or modified by the Board in a particular situation.

j. APPLICATIONS AND REQUIRED MATERIALS

Applications for Certificates of Appropriateness shall be submitted through the office of the Building Official/Zoning Administrator to the Design Review Board for review and action. The Board shall act on such application within 30 days of receipt thereof.

By general rule or by specific request in a particular case, the Board may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, plans for the erection of signs and appropriate detail as to character and exterior lighting arrangements, elevations of all portions of buildings and structures with important relationships to public view and indications as to construction materials, ornamentation, colors and the like, and such other exhibits and data as determined necessary by the Board.

General certification of appropriateness for specific classes of uses may be issued by the Board if it is found that particular materials, designs, architectural features or styles, or other characteristics are generally acceptable and appropriate, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the Building Official/Zoning Administrator finds, upon examining the application, that all aspects which would otherwise require Board review are covered by general certification, he/she may proceed without referral to the Board, identifying the general certification in the record of the application.

k. APPEALS TO THE DESIGN REVIEW BOARD

- (1) Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the city. The appeal must be taken within 30 days of a decision, by filing with the officer from whom the appeal is taken and with the Board notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- (2) 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 has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (3) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

I. APPEALS FROM DECISION OF BOARD TO CIRCUIT COURT

Any person who may have a substantial interest in any decision of the Board or any officer, or agent of the City of Orangeburg may appeal from any decision of the Board to the Circuit Court in and for the County of Orangeburg 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 (30) days after the affected party receives actual notice of the decision of the Design Review Board.

ARTICLE VII
APPLICATION AND DEVELOPMENT STANDARDS
FOR OFF-STREET PARKING AND LOADING AREAS

24-7 OFF-STREET PARKING AND LOADING.

The provisions of this Article shall apply wherever off-street parking is required in Table I of this chapter. (Ord. No. 2000-2, Art. VII)

24-7.1 Off-Street Parking.

a. General Requirements.

1. Where application of the requirements of Table I results in a fractional space requirement, the next larger requirement shall apply.

2. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, 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.

b. Land To Provide Parking. The land to provide parking must be contiguous to and under the same ownership as the principal use for which the parking is to be provided

c. Design Standards.

1. Parking Dimensions. Parking stalls shall be not 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 eighteen (18') feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9') feet by twenty-four (24') feet. Minimum aisle widths shall be as follows:

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

2. Paving. Where five (5) or more stalls are required by this chapter, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the zoning administrator.

Where fewer than five (5) spaces are required by this chapter, a maintained pervious surface shall suffice.

For recreational and religious uses meeting less than five (5) times weekly, on average, the zoning administrator may waive the pavement requirements where grassed or other ground cover areas are proposed for parking.

3. Drainage and Maintenance. Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets, in accord with the city's Storm Water Ordinance. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

4. Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the zoning administrator. (See subsection 24-9.3f.)

5. Entrances and Exits. Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings, shall be designed so that all movement on to a public street are in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least forty (40') feet, measured along the curb line, from the intersection of the nearest curb line. Entrance/exit driveways at other locations or at intersections not covered by the above restrictions may be denied if such a location will create a hazard to traffic.

6. Marking. Parking 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 ensure efficient traffic operation of the lot.

7. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.

8. Landscaping. See subsection 24-9.3e.

d. *Parking Space For The Physically Handicapped.* When off-street parking is required for any building or use, with the exception of single-unit dwellings and rental apartment complexes of less than twenty (20) units, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

<u>Number of Spaces</u>	
<i>Number of Required Spaces</i>	<i>Reserved for Handicapped Persons</i>
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
over 500	2% of total required

Parking spaces for the physically handicapped shall measure twelve (12') feet by twenty (20') feet or eight (8') feet in width, with an adjacent access aisle eight (8') feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

e. Reduction of Off-Street Parking Space. Off-street parking facilities at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter.

(Ord. No. 2000-2, Art. VII)

24-7.2 Off-Street Loading. All uses except those in the B-2 district shall provide off-street loading areas sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street.

Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve. (Ord. No. 2000-2, Art. VII)

24-7.3 Special Exceptions.

a. A special exception permitting no more than fifty (50%) percent of required on-site parking to be located off-site may be granted by the Board of Zoning Appeals when new uses are located in existing structures or in existing structures not increased in lateral size from remodeling; provided, that any new use or any remodeling does not reduce the existing open lot areas which would otherwise be suitable for parking as required under the Zoning Ordinance.

b. Any parking special exception granted by the Board shall require that all required parking space be provided on other off-street property and only if the following conditions are satisfied:

1. Parking facilities are a permitted use within the zoning district where the off-site parking facility is to be located.
2. The location of the parking facility complies with the following criteria:
 - a. The off-site parking facility is contiguous to the permitted principal use site (for the purpose of this section, lots are considered to be contiguous if they are separated from the principal permitted use site only by a public right-of-way); or
 - b. The off-site parking facility is no more than 300 feet, airline measurement from the nearest property line of the principal permitted use site; or
 - c. The off-site parking facility is no more than 300 feet, airline measurement from any associated parking lot contiguous to the principal permitted use site.

c. Off-site parking spaces shall be authorized solely for use by the principal permitted use they support. The parking spaces shall not be increased, decreased, or encroached upon in any manner unless first authorized by the written consent of the City.

d. The owner or authorized agent for the land upon which such remote parking is to be located shall restrict the use of such property to parking solely for the permitted use for which the parking is required. This restriction shall be stated in a deed restriction, or other legal instrument, and shall be accompanied by a plat showing the boundaries of the proposed off-site parking facility. Both documents shall be properly filed with the Register of Deeds for the County of Orangeburg, State of South Carolina and may be released only by written consent of the City. Said consent will be given by the City at such time as the restricted parking is no longer required to comply with this zoning ordinance. Receipt of a recorded copy of this document and plat shall be required prior to issuance of a building permit or business license for the principal permitted use for which the off-site parking is to be utilized.

e. Shared parking should be encouraged in mixed-use developments, which include at least two uses that have different parking demand peaking characteristics. The actual reduction for such a project should be determined through a comprehensive analysis of parking demands by time of day. The board of zoning appeals may allow, after notice and public hearing, a 20% shared parking reduction as a special exception after submission of a study by the applicant, which has been reviewed by the City Zoning Administrator.

f. In granting any parking use special exception the Board may attach to it such conditions regarding the location, character, or other features of the shared parking facility or permitted principal 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.

ARTICLE VIII SIGN REGULATIONS

24-8 SIGNS.

24-8.1 Purpose. The purpose of these regulations is to protect the dual interest of the public and the advertiser. They are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication and advertising. (Ord. No. 2000-2, Art. VIII)

24-8.2 Applicability and Conformance. This Article regulates the number, size, placement and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this chapter, no sign may be erected or enlarged in the City of Orangeburg unless it conforms to the requirements of this Article. (Ord. No. 2000-2, Art. VIII)

24-8.3 Signs on Private Property. Signs shall be allowed on private property in the city in accordance with Table III. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table III shall be allowed only if in compliance with the conditional requirements of Table IV.* (Ord. No. 2000-2, Art. VIII)

24-8.4 Common Signage Plan Required. A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

- a. Two or more contiguous lots or parcels under the same ownership,
- b. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign, and
- c. The identification or announcement of a land subdivision or development project.

The plan shall contain all information required for sign permits generally (subsection 24-14.1) and shall also specify standards for consistency among all signs on the zone lot affected by the plan with regard to:

- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

The common signage plan, for all zone lots with multiple uses or multiple users, shall limit the number of free-standing signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by twenty-five (25%) percent for development qualifying under this section and up to fifty percent (50%) for all enclosed multi-use establishments (shopping centers), not to exceed 300 square feet; provided such signs do not impair or disrupt visual accessibility from the street of existing signs on contiguous lots or parcels.

Once approved by the zoning administrator, the common signage plan shall become binding on all business and uses occupying the affected zone lots, but may be amended by filing a new or revised plan that conforms with all requirements of this chapter.

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this chapter in effect on the date of submission.

24-8.5 Signs in the Public Right-of-Way. No sign shall be allowed in the public right-of-way, except for the following:

- a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- b. Bus stop signs erected by a public transit company;
- c. Informational signs of a public agency or utility regarding its facilities;
- d. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions established by this section;
- e. Emergency signs.(Ord. No. 2000-2, Art. VIII)

Temporary Signs.

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	operation hours only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	30 days prior to election	None	32 sq. ft.	C

Table Notes:

- A. A-Frame signs, where located on sidewalks, shall be located in front of the business to which it is relates and in such a manner as not to obstruct pedestrian movement.
- B. Banners and pennants shall be properly secured and maintained at all times, shall not interfere with pedestrian or vehicular movement, and shall not exceed 24 feet in height.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from the public right-of-way.
- D. Portable signs shall be limited to one per lot, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored, shall not interfere with airport traffic, and shall not exceed 24 feet in height.
- F. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 24-8.7.

24-8.7 Development Standards. All signs allowed by this Article shall comply with the development standards of this section.

a. Visual Area Clearance. No sign shall be located within a vision clearance area as defined in subsection 24-11.5.

b. Vehicle Area Clearance. When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen (14') feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

c. Pedestrian Area Clearance. When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight and one-half (8-1/2') feet above the ground.

d. Sign Materials. Signs must be constructed of durable all-weather materials, maintained in good condition and not permitted to fall in disrepair.

e. Sign Illumination. Signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted. (Ord. No. 2000-2, Art. VIII)

24-8.8 Sign Measurement.

a. Sign Face Area.

1. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1)*. Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, free-standing sign is counted.
2. For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
3. For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2)*.

4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3)*.
5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
6. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

b. Clearances. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4)*.
(Ord. No. 2000-2, Art. VIII)

24-8.9 Removal of Signs.

a. The lawful use of any permanently mounted sign existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter, except those declared abandoned or in state of disrepair, which shall be removed within ninety (90) days of the effective date of this chapter.

b. Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by twenty-five (25%) percent, and which is subsequently destroyed or damaged to the extent of fifty (50%) percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.

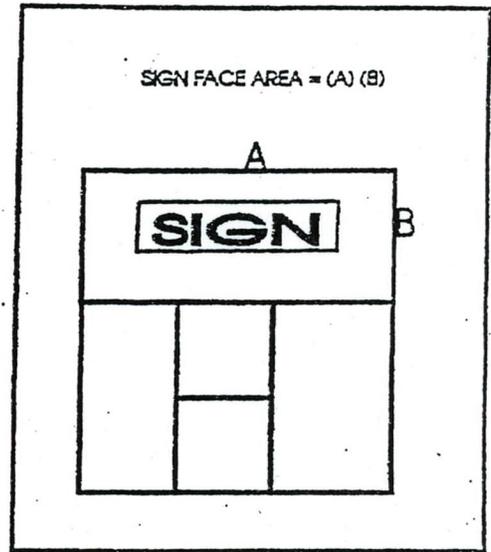
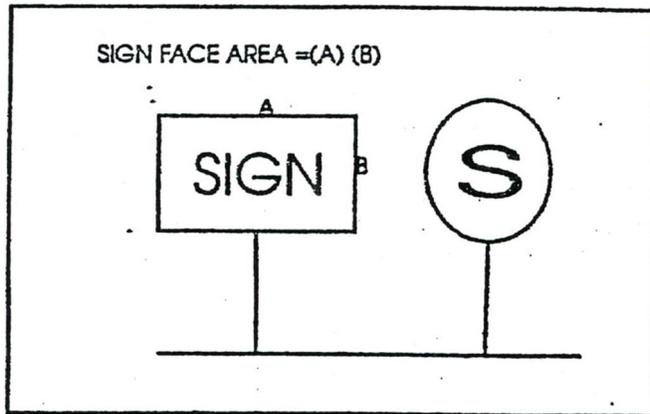
c. Any nonconforming temporary sign, which is not permanently mounted, shall be removed or brought into conformity no later than sixty (60) days following the effective date of this chapter.

d. An order under this section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within five (5) days' time. Upon failure to comply with such notice, the building official may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by w, or in the manner prescribed by subsection 1-11.1 of the City Code of Ordinances.(Ord. No. 2000-2, Art. VIII

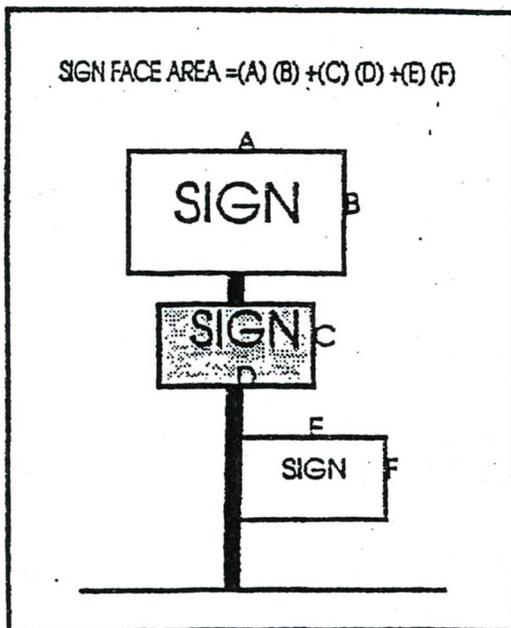
Zoning

Sign face measurement illustrations

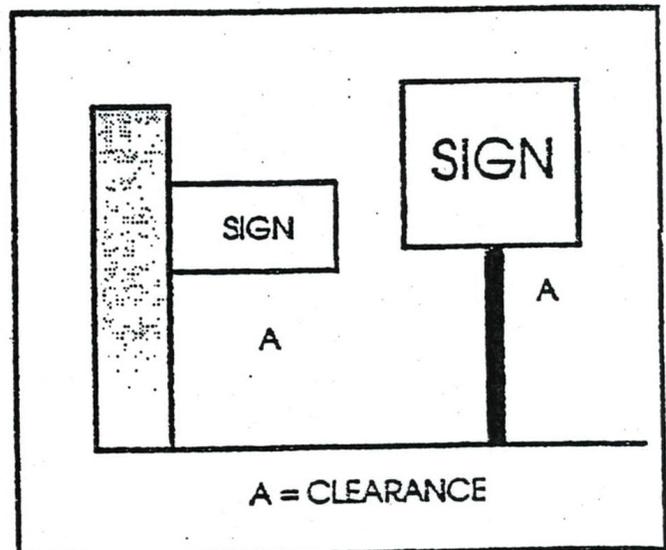
2.



3.



4.



Left

Blank

**TABLE III
REGULATION OF SIGNS BY TYPE, CHARACTERISTICS AND ZONING DISTRICTS**

SIGN TYPE	A-1	A-2	A-3	INS(3)* O-1		B-1	B-2	B-3	D-1	PDD
PERMANENT										
Freestanding										
Principal	A(1)*	A(1)*	A(1)*	P	P	P	P	P	P	P
Incidental	N	A	A	A	A	A	A	A	A	A
Building										
Canopy	N	N	N	N	P	P	P	P	P	P
Identification	A	A	A	A	A	A	A	A	A	A
Incidental	N	A	A	A	A	A	A	A	A	A
Marquee	N	N	N	N	N	P	P	P	P	P
Projecting	N	N	N	N	N	P	P	P	P	P
Roof	N	N	N	N	N	P	N	P	P	N
Roof, Integral	N	N	N	N	N	P	P	P	P	P
Wall	N	N	N	N	N	P	P	P	P	N
Window	N	N	N	N	N	A	A	A	A	N
TEMPORARY (2)*										
A-Frame	N	N	N	N	N	A	A	A	A	
Banner	N	N	N	N	N	P	P	P	P	N
Posters	A	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	P	N	N	N	N
Inflatable	N	N	N	N	N	P	N	N	N	N
Pennants	N	N	N	N	N	P	P	P	N	N
Identification	P	P	P	P	P	P	P	P	P	P
Political	A	A	A	A	A	A	A	A	A	A
SIGN CHARACTERISTICS										
Animated	N	N	N	N	N	P	P	N	N	P
Changeable Copy	N	N	A	A	A	A	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A	A	A	A
Illumination, Exposed bulbs or neon	N	N	N	N	N	A	N	N	A	N
Digital	N	N	N	N	N	P(4)	N	N	N	N

(1)* Signs identifying or announcing land subdivisions or residential projects shall be allowed by permit only, in accord with the requirements of Table IV.

(2)* See Section 24.8.6.

(3)* This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e. churches, schools, parks, etc.

(4) provided sign is located no closer than 300 feet from nearest residential dwelling.

A = Allowed without prior permit. P = Allowed with prior permit. N = Not allowed under any circumstances.

**TABLE IV
NUMBER, DIMENSION, AND LOCATION OF PERMITTED SIGNS,
BY ZONING DISTRICT**

	<u>A-1⁽¹⁾</u>	<u>A-2⁽¹⁾</u>	<u>A-3⁽¹⁾</u>	<u>INS⁽²⁾</u>	<u>O-1</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>D-1</u>
FREESTANDING SIGNS									
Maximum Number Permitted: Per lot or street, whichever is greater	1	1	1	1	1	1	1(3)	1	1
Maximum Sign Area (Sq. ft. per linear street or building frontage, whichever is greater)	6	6	6	20	32	1: 1(4)	40	1: 2(4)	1: 3(4)
Minimum Setback from Property Line	5'	5'	5'	5'	5'	5'	5'	5'	5'
Maximum Height	6'	6'	6'	12'	12'	24'	24'	12'	24'
BUILDING SIGNS									
Number Permitted	1	1	1	1	1	NA	NA	NA	NA
Maximum Sign Area (Sq. ft.)	2	4	4	10	4	NA	NA	NA	NA
Maximum Wall Area (%)	NA	NA	NA	NA	NA	25%	25%	10%	10%

(1) Subdivision identification and residential project signs, not to exceed 20 square feet in area are permitted in these districts, provided they meet the requirements for a Common Signage Plan, in accord with Section 802.

(2) This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the zoning ordinance in residential zoning districts, i.e. churches, schools, parks, etc.

(3) Free-standing signs shall be permitted only on developed lots with at least 40-foot front yard setback.

(4) not to exceed 150 square feet of sign area per sign

ARTICLE IX
BUFFERING, SCREENING, LANDSCAPING,
COMMON OPEN SPACE AND TREE PROTECTION

24-9 PURPOSE.

The regulations contained in this Article are intended generally to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within the City of Orangeburg. (Ord. No. 2000-2, Art. IX)

24-9.1 Buffer Areas.

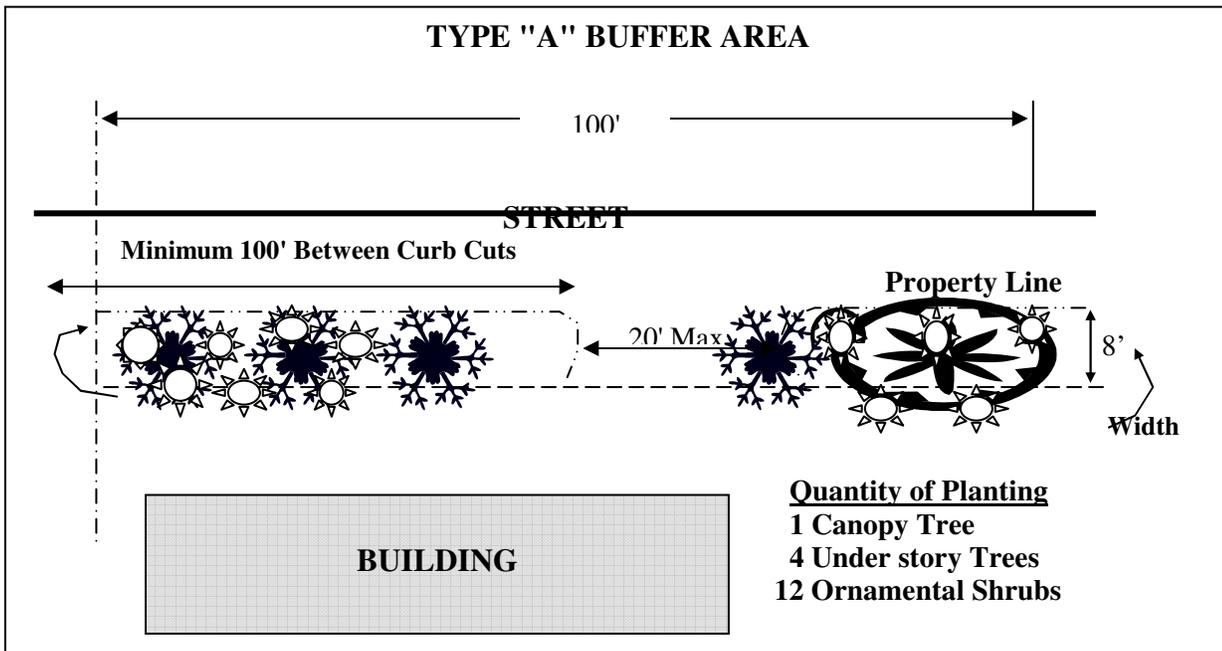
a. Definition. A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

b. Purpose. The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets, and promote land use compatibility. Additionally, the buffer area is designed to safeguard property values and preserve the character and ambience of the city.

c. Location. Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any front, side or rear yard or setback required by this chapter. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

d. Design Standard. Three (3) types of buffer areas are required by this chapter, Type A, Type B, and Type C.

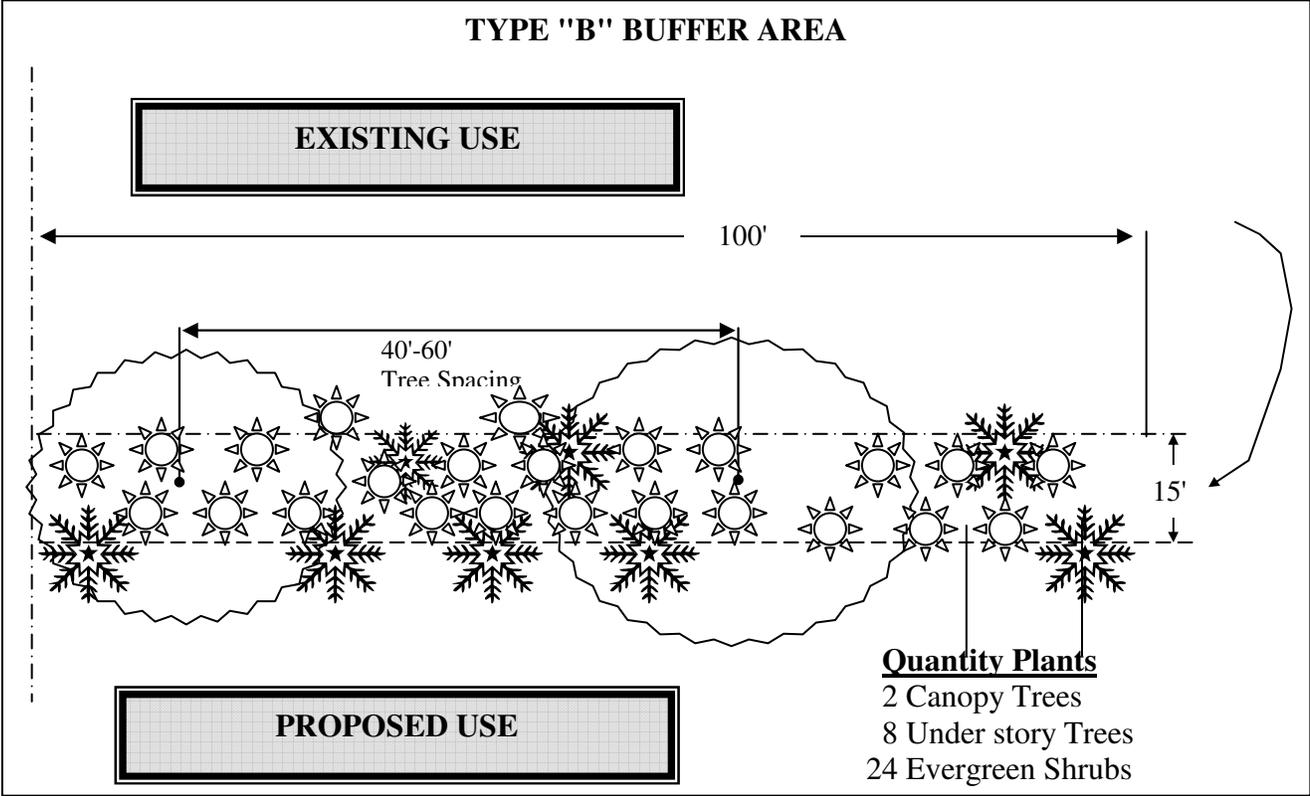
1. Type "A" Buffer Area. The Type "A" buffer area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall be a minimum width of eight (8') feet. Per one hundred (100) lineal feet of frontage, the buffer area shall consist of one (1) canopy



tree, a combination of not less than four (4) under story trees, twelve (12) evergreen shrubs and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is illustrated in Type “A” Buffer area diagram.

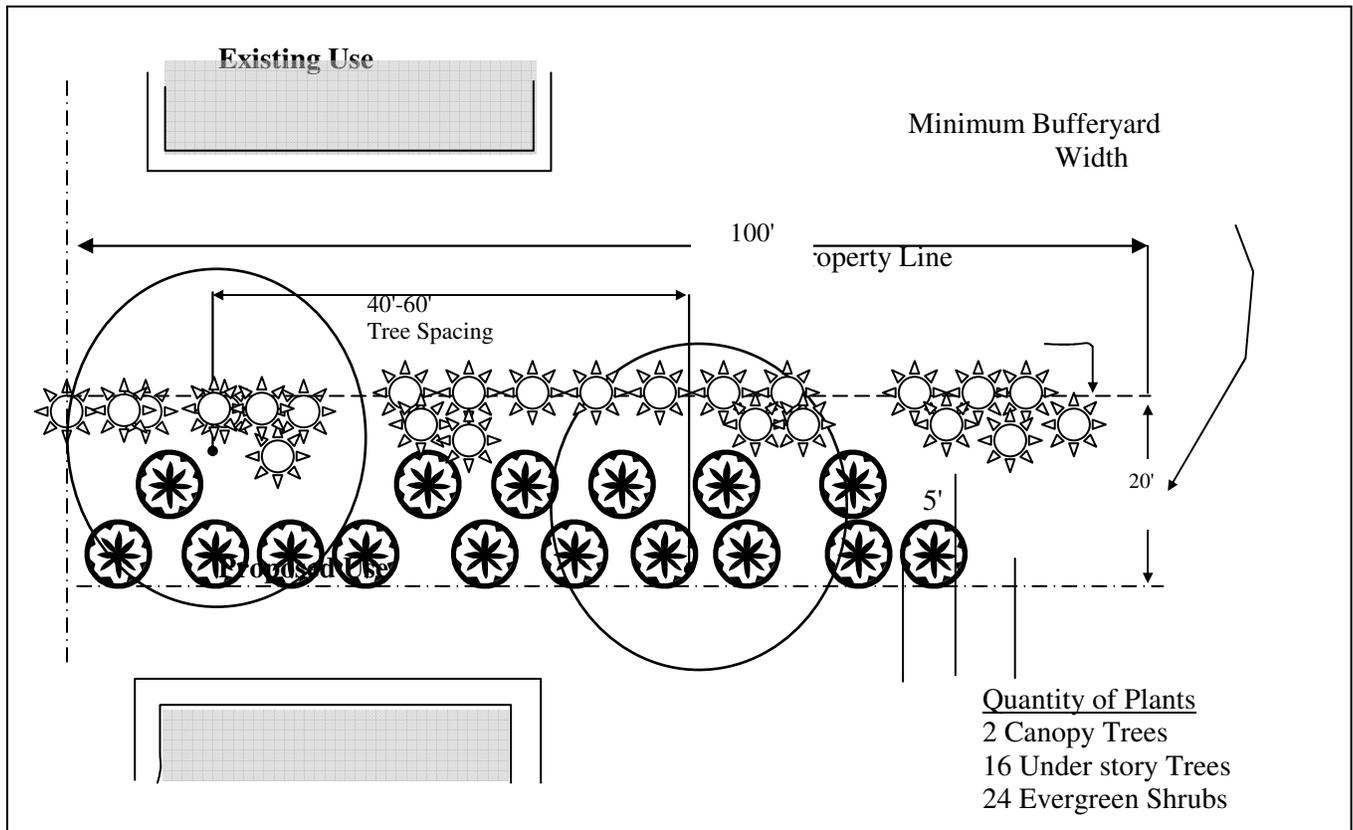
Where a parking or maneuvering area is adjacent and parallel to a street, a decorative wall, evergreen hedge or similar screen shall be established within the required buffer area. The required wall or screening shall provide breaks, as necessary, to allow for access to the site, and visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting.

2. Type "B" Buffer Area. The Type “B” buffer area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of fifteen (15) feet. Per one hundred (100) lineal feet the screen shall consist of a combination of two (2) deciduous trees planted forty (40) feet to sixty (60) feet on center and eight (8) under story trees and twenty-four (24) evergreen shrubs planted six (6') feet on center. An example site plan is illustrated in Type “B” Buffer Area diagram.



3. Type "C" Buffer Area. The Type "C" buffer area is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The buffer area shall be a minimum width of twenty (20) feet. Per one hundred (100) lineal feet the screen shall consist of a combination of two (2) deciduous trees planted forty (40') feet to sixty (60') feet on center and twenty-four (24) evergreen shrubs and sixteen (16) under story trees planted in a double-staggered row ten (10') feet on center. An example site plan is illustrated in Type "C" Buffer Area diagram.

TYPE "C" BUFFER AREA



e. Determination of Buffer Area Requirements. Buffer areas shall be required under the following circumstances.

1. *Type A Buffer Area Required.* Wherever a multi-unit complex, mobile home park, or nonresidential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles. Provided, that if there are only two (2) nonresidential buildable areas contiguous to a street providing ingress and egress to only residential, buildable areas, with other means of ingress and egress to a "street, major", no portion of a Type A buffer area required along the street providing ingress and egress to the residential, buildable areas shall be used for ingress and egress to the nonresidential buildable area.

2. *Type B Buffer Area Required.* Wherever a mobile home park, multi-unit or townhouse project, mini-warehouse, institutional or commercial use is proposed for a site or lot adjoining a single-unit residential dwelling in a residentially zoned district with no intervening public or private street or right-of-way of eighteen (18') feet or greater, a Type B buffer area shall be provided along the boundary of the adjoining residential property line. A Type B buffer area also shall be required between the above listed residential and nonresidential uses.

3. *Type C Buffer Area Required.* Wherever an industrial, warehouse, outdoor storage, or related use is proposed for a site or lot adjoining any residential use in a residentially zoned district with no intervening public or private street or right-of-way of eighteen (18') feet or greater, a Type C buffer area shall be provided along the boundary of the residential property line.

f. Buffer Area Specifications.

1. **Minimum Installation Size.** At installation or planting, all evergreen (under story) used to fulfill buffer area requirements shall be not less than six (6') feet in height, and all deciduous (canopy) trees shall be not less than eight (8') feet in height, and at least 2-2 1/2 inches DB. Shrubs shall be a minimum three (3) gallon container and 12 inches tall.

2. **Minimum Mature Size.** At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging ten (10') feet in height, and deciduous plant material used for screening shall average twenty-five (25') feet in height.

3. **Staggered Planting.** Where required, evergreen and deciduous plant material shall be planted in at least two (2) rows and in an alternating fashion to form a continuous opaque screen of plant material.

g. Substitutions. The following substitutions shall satisfy the requirements of this section:

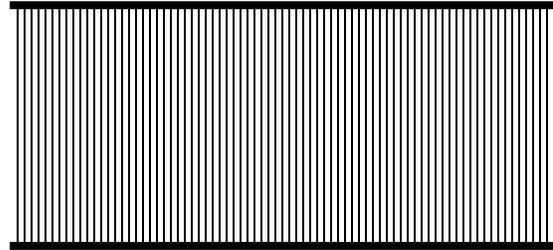
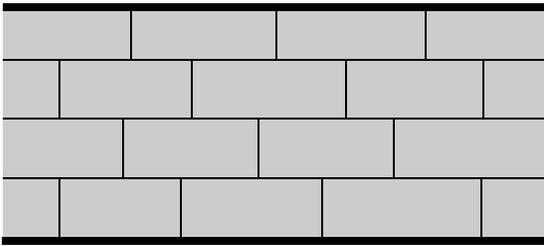
1. **Existing Plant Materials.** Existing trees of four (4") inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.

2. If existing trees are to be removed, equal caliper of trees must be planted. Example: Remove a 12-inch maple, you must replace with 6, 2-inch trees. Zoning Administrator must approve removal of trees and substitutions.

3. **Fence or Wall.** Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the zoning administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this section.

A six (6') foot fence or wall, as illustrated, may be substituted for a Type "B" buffer area, and an eight (8') foot fence may be substituted for a Type "C" buffer area.

Fence and Wall Illustrations



All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable buffer area requirements, they shall be established along the inside line of the buffer area, toward the proposed use, except for ornamental fences, which may be built on the property line.

h. Responsibility. It shall be the responsibility of the proposed new use to provide the buffer area where required by this chapter, except that no new detached single-unit use or duplex shall be required to provide such buffer area.

i. Required Maintenance. The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and may be remedied in the manner prescribed for other violations.

j. Use of Buffer Areas. A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.
(Ord. No. 2000-2, Art. IX; Ord. No. 2003-10)

24-9.2 Screening.

a. Definition. Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

b. Purpose. The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

c. Where Required. Screening specified by this subsection shall be required of all open commercial storage areas visible from any public street, including open storage areas for boats, trailers, building materials, appliances, container-sized trash of four (4) or more cubic yards, salvage materials and similar unenclosed uses.

d. Type Screening Required. Screening shall be accomplished by an opaque divide not less than six (6') feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

(Ord. No. 2000-2, Art. IX)

24-9.3 Landscaping.

a. Definition. Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

b. Purpose. The purpose of landscaping is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land in the city; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

c. Where Required. No proposed multi-unit residential or nonresidential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping required by the provisions of this section is provided to the extent of the alteration or expansion. Landscaping is not required for existing uses.

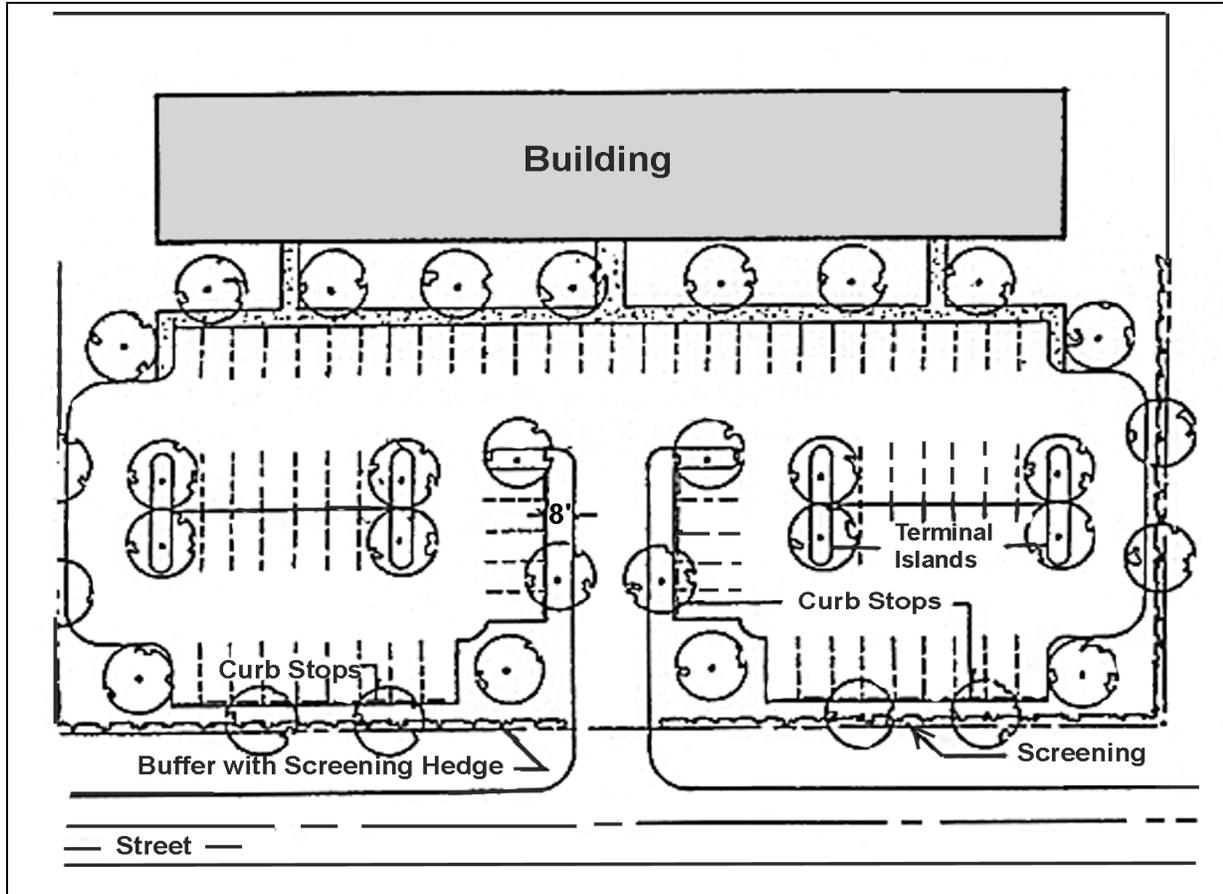
d. Landscaping Plan. A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
3. Identify all existing trees twelve (12") inches DBH (Diameter Breast High) in required setback (yard) areas.

e. Landscaping Requirements. Required landscaping shall be provided as follows:

1. Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Article, to separate incompatible land uses. The amount specified shall be as prescribed by subsection 24-9.1.
2. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing ten (10) or more parking spaces, or fraction thereof. Landscaped areas shall be not less than 25 square feet in area and shall contain one canopy of flowering tree for each 10 parking spaces. Landscaped areas shall be evenly distributed throughout the parking area to provide a partial canopy and

shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site, and where a retention pond is included in the site design, said pond shall be landscaped accordingly.



At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	% of Lot
Institutional	15%
Industrial/wholesale/storage	5
Office	10
Commercial-retail-service	8
Multi-unit dwelling	8

Buffer area landscaping may provide up to fifty (50%) percent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

f. Landscaped Areas.

1. All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6") inches in height. The barrier need not be continuous.
2. Landscaped areas must be at least twenty-five (25) square feet in size and a minimum of three (3') feet wide to qualify.
3. Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than twelve (12") inches in height is located within two (2') feet of the curb or other protective barrier. (Plant material greater than twelve (12") inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)

g. Required Maintenance. The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this chapter, and may be remedied in the manner prescribed for other violations. (Ord. No. 2000-2, Art. IX)

24-9.4 Common Open Space.

a. Definition. Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents of a development, where required by this chapter. Open space shall not be occupied by buildings or structures, roads, parking or road right-of-way; nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

b. Purpose. The purpose of this subsection is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

c. Where Required. The following uses/projects consisting of nine (9) or more dwelling units shall provide common open space in the amounts prescribed:

<i>Proposed Uses/Projects</i>	<i>Common Open Space Ratio (% Lot)</i>
Cluster developments	15%
Townhouse projects	15
Multi-family projects	20

Note: Landscaped open areas provided to meet the requirements of subsection 24-9.3 may be applied toward meeting the above requirements if held in common ownership.

1. New Sites. No new development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

2. Existing Sites. No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this subsection are provided to the extent of the alteration or expansion.

d. Common Open Space Plan. Proposed uses/projects set forth in subsection 24-9.4c. shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

2. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

3. Specify the manner in which common open space shall be perpetuated, maintained and administered.

e. Types of Common Open Space and Required Maintenance. The types of common open space which may be provided to satisfy the requirements of this chapter together with the maintenance required for each are as follows:

1. Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

2. Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

3. Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.

4. Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2%) percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

f. Preservation of Open Space. Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this subsection by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the city.
2. Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.
3. Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the city may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Ord. No. 2000-2, Art. IX)

24-9.5 Tree Protection.

a. Purpose. The purposes of this subsection are to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that noise, glare and other distractions of movement in one area do not adversely affect activity within other adjacent areas, to beautify and enhance improved and underdeveloped land, to preserve and protect both the natural and historic amenities within the City, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters.

b. Tree Removal Prohibited. No person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any healthy tree in violation of the terms of this section.

c. Tree Protection and Replacement.

1. **Prior to Development.** Where a building permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Ordinance, or the destruction of more than twenty-five (25%) percent of any tree measuring twelve (12") inches DBH on any one (1) parcel, without the prior approval of the Zoning Administrator, which approval shall not be unreasonably withheld, shall be prohibited.

All existing trees meeting these criteria shall be flagged and shown on the required plat or site plan for a building permit.

After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging.

2. ***During Development.*** Where a building permit or subdivision approval has been requested, all significant trees on a lot and seventy-five (75%) percent of all trees measuring twelve (12") inches DBH not in the buildable area shall be retained.

All existing trees meeting these criteria shall be flagged and shown on the required plat or site plan for a building permit.

After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging.

During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.

Where, due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of site or parcel, the Zoning Administrator may adjust the requirements as necessary to moderate the constraint.

All existing trees meeting these criteria shall be flagged and shown on the required plat or site plan for a building permit.

After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging.

During Development, a minimum protective zone, marked by barriers shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.

3. ***After Development.*** No person shall do any of the following acts to any significant tree or any tree measuring eighteen (18") inches DBH on any one (1) parcel unless authorized by the Zoning Administrator:

1. Cut, prune, climb with spikes, break, damage, remove, kill or cause to be killed.
2. Fasten any embedded rope, wire, sign or other device.
3. Remove or damage any guard device placed to protect any tree.
4. Pave with an impervious material inside the drip line or at a distance that would endanger the survival of a tree.

d. Exceptions

1. In the event that any significant tree shall be determined to endanger the public health, safety or welfare, or endangering public or private property, written authorization may be given by the Zoning Administrator to remove the tree or parts thereof (i.e. dead or diseased limbs); provided a sufficient number or caliber of replacement trees are planted on the same property and in the vicinity of the removal.

2. During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the requirements of this section may be waived by the Zoning Administrator.

3. Commercial timber, tree farms and nurseries, public utilities and agricultural operations and land disturbing activity of less than two acres on a single lot or parcel are exempt from the protective requirements of this Section. Property cleared under the exemptions of this section shall not be redeveloped and the city shall withhold any development permit for a period of 24 months.

e. Appeals. Decisions of the Zoning Administrator may be appealed to the Zoning Board of appeals.
(Ord. No. 2000-2, Art. IX)

ARTICLE X
SUPPLEMENTAL REVIEW, DESIGN AND PERFORMANCE STANDARDS
FOR CERTAIN BUILDINGS, USES AND PROJECTS

24-10 PURPOSE.

The purpose of this Article is to ameliorate the impact and improve the siting of certain land uses, buildings and projects whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards and criteria over and above those set forth elsewhere by this chapter are imposed herein. (Ord. No. 2000-2, Art. X)

24-10.1 Uses, Buildings, Projects and Areas Affected By This Article. The additional requirements of this Article shall apply to the following:

- a. Special Exceptions identified by Table I.*
 - b. Reserved.
 - c. Conditional uses identified by Table I.
- (Ord. No. 2000-2, Art. X)

24-10.2 Application. An application for a permit for any of the above listed uses, buildings or projects shall be accompanied by a plat or site plan as appropriate, in accord with the provisions of subsection 24-14.1. The application shall describe the proposed use in sufficient detail to determine compliance with the provisions of these regulations and the standards of the following subsections. (Ord. No. 2000-2, Art. X)

24-10.3 Review. Review and approval by the zoning administrator shall be prerequisite to the issuance of a building permit for any conditional use identified by Table I,* subject to the additional development requirements contained herein. The board of zoning appeals shall be responsible for reviewing, approving, and permitting all special exceptions. (Ord. No. 2000-2, Art. X)

24-10.4 Public Hearing. The board of zoning appeals shall call for a public hearing on any permit application requiring Board of Appeals approval. Such a hearing shall be advertised at least fifteen (15) days prior thereto, giving time and place in a newspaper of general circulation in the City of Orangeburg. (Ord. No. 2000-2, Art. X)

24-10.5 Development Standards and Criteria for Special Exceptions Listed by Table I.* The following guidelines and criteria shall be considered by the Board of

Zoning Appeals in its review of any application for a special exception identified by Table I. *

- a. That ingress and egress to the proposed use be provided with particular reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use.
- b. That off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties.
- c. That refuse and service areas be adequately screened so as not to be visible from adjacent property or public rights-of-way and located in such a way as not to create a nuisance to adjacent properties.
- d. That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties.
- e. That the proposed use, building or project will not hinder development of nearby vacant property for a permitted use in the affected zone or area.
- f. That the affected site is suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to ensure compatibility with adjacent properties.
- g. The board of zoning appeals may impose such other development restrictions and/or conditions necessary to preserve and protect safety and welfare of persons affected by the proposed use.

(Ord. No. 2000-2, Art. X)

24-10.6 Conditional Use Performance Standards for Manufacturing and Processing Plants.

- a. **Purpose.** The purpose of this subsection is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. Toward this end, the operational characteristics of all manufacturing and processing uses shall be measured for conformance with the provisions of this subsection.
- b. **Vibration.** No vibration shall be produced which exceeds the following Displacement and Steady-State Impact Standards:

<i>Frequency (cycles per second)</i>	<i>Vibration Displacement (in inches)</i>	
	<u>Steady-State</u>	<u>Impact</u>
Under 10	0.0005	0.0010
10 - 19	0.0004	0.0008
20 - 29	0.0003	0.0006
30 - 39	0.0002	0.0004
40 and over	0.0001	0.0002

Measurements shall be at the lot line in all districts except the Industrial district, where measurements shall be at the district boundary.

For the purpose of measuring vibration, a three (3) component measuring system recognized as standard for such purpose shall be used. Location and timing of measurements shall be arranged insofar as possible to exclude vibrations emanating from off the premises involved, or a correction factor reasonable under the circumstances shall be applied to compensate for off-premises vibrations.

For the purposes of this subsection, certain terms are defined as follows:

Frequency. The number of oscillations per second of a vibration.

Impact vibrations are earthborne oscillations occurring in discrete pulses at or fewer than one hundred (100) per minute.

Steady-state vibrations. Continuous earth-borne oscillations occurring more than one hundred (100) times per minute.

Three (3) component measuring device. A device for recording the intensity of any vibration in three (3) mutually perpendicular directions.

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

c. Fire and Explosives. All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion including adequate fire fighting and fire suppression equipment, as prescribed by the National Fire Protection Association (which standards are hereby incorporated by reference and made a part of this chapter).

d. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in Tables V and VI in any octave band or frequency.* Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

e. Air Pollution. The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.

Air pollution emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

f. Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process, which may involve the creation or emission of any such odor, shall be provided with both a primary and a secondary safe guard system so that control may be maintained in the event of failure of the primary safeguard system.

g. Glare. There shall be no direct glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.

h. Fumes and Vapors. There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.

i. Heat, Cold, Dampness or Movement of Air. Activities, which could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line, shall not be permitted.

j. Toxic Matter. The applicant of a permit for any facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the South Carolina Department of Health and Environmental Control, indicating compliance with the rules and regulations of such agency.

k. Exterior Illumination. All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light on to adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	<i>Column A</i>	<i>Column B</i>
Bare incandescent by bulbs	15 watts	40 watts
Illuminated buildings	15 ft. candles	30 ft. candles
Backlighted or luminous background signs	150 ft. candles	30 ft. candles
Outdoor illuminated signs, poster panels	25 ft. candles	110 foot candles
Any other unshielded sources, intrinsic brightness	50 candela per sq. centimeter	50 candela per sq. centimeter

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

I. Waste Matter and Storm Drainage. No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the South Carolina Department of Health and Environmental Control, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

Plans and specifications for all proposed industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from the South Carolina Department of Health and Environmental Control and the Department of Public Utilities (DPU) prior to the issuance of a building permit by the zoning administrator's office.

Plans and specifications for proposed storm drainage facilities shall be in accord with the South Carolina Stormwater Management and Sedimentation Reduction Regulations, promulgated by the South Carolina Land Resources Conservation Commission, December 1991.

m. Compliance Guarantee. The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this chapter and shall be treated accordingly.

Where there is a potential problem in meeting any one of the performance criteria in this subsection, the applicant may request a hearing before the board of zoning appeals in accord with the provisions of subsection 24-10.3.

(Ord. No. 2000-2, Art. X)

24-10.7 Development Standards For Conditional Uses Listed by Table I.

The requirements of this subsection shall apply to the following uses, as referenced on Table I.

- A. Accessory Apartments
- B. Sexually Oriented Business
- C. Mini-warehouses
- D. Communication Towers and Antennas
- E. Open Storage Areas
- F. Drinking Places, Clubs
- G. Vendors
- H. Manufactured Home Parks

- I. Manufactured Dwellings
- J. Manufactured Housing Dealers
- K. Home Occupations
- L. Pet Care
- M. Self-Service Car Wash
- N. Townhouse Projects
- O. Patio and Zero Lot Line Housing Projects
- P. Temporary Uses
- Q. Group Occupied Dwellings
- R. Recycling Facilities
- S. Bed and Breakfast Inns
- Upper-Story Dwellings
- Solid Waste Landfills
- Camps and Recreational Vehicle Parks
- General Auto Repair Shops
- Multi-Family Housing Residential Care Facilities
- Wrecking, Salvage and Scrap Operations

A. Accessory Apartments. An accessory apartment, where permitted by Table I,* shall meet the following conditions:

1. The principal structure (dwelling) must be owner-occupied.
2. The apartment, whether attached or detached, cannot exceed fifty (50%) percent of the gross floor area of the principal dwelling, or contain more than two (2) bedrooms.
3. The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
4. An accessory apartment may be accessory only to a single-unit dwelling, and not more than one (1) apartment shall be allowed per dwelling or lot.
5. The lot size shall be at least fifty (50%) percent greater where an accessory apartment is proposed in the A-1 district.
6. The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be set back not less than ten (10') feet from the principal dwelling.

7. Evidence of the accessory apartment should not be apparent from the street in the A-1 district.
8. A third off-street parking space shall be required.
9. Neither the primary residence nor the accessory apartment shall be a manufactured home.

B. Sexually Oriented Business. Owing to the potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this subsection.

1. No such use shall be located within one thousand (1,000') feet (measured in a straight line) of:

- (a) A residence or a residential zone.
- (b) A church or religious institution,
- (c) Public or private schools and educational facilities,
- (d) Public parks and recreational facilities, or
- (e) Any other adult or sexually oriented business.

2. License Required. It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license, issued by the responsible governing authority for the particular type of business.

- (a) An application for a permit and/or license must be made on forms provided by the zoning administrator.
- (b) The premises must be inspected and found to be in compliance with the law of health, fire and building officials.

3. Expiration of License. Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

4. Fees. The annual fee for a sexually oriented business permit and/or license shall be determined by applicable Business License Fees, but not less than five hundred (\$500.00) dollars.

5. Inspection.

- (a) An applicant or permittee and/or licensee shall permit the zoning administrator and representatives of the police, health or fire department or other governmental departments or agencies involved in code enforcement 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 agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

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

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

7. Revocation.

(a) The zoning administrator shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

(b) The zoning administrator shall revoke a permit and/or license if he determines that:

(1) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.

(2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

(3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.

(4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.

(5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.

(6) A permittee and/or licensee is delinquent in payment to the City or state for any taxes or fees past due.

C. Mini-warehouses. Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

1. Size. Mini-warehousing sites shall not exceed two (2) acres.

2. Lot Cover. Lot coverage of all structures shall be limited to fifty (50%) percent of the total area.

3. In/Out. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.

4. Storage Only. No business activities other than rental of storage units shall be conducted within or from the units.

5. Use Prohibition. Irrespective of applicable zoning district regulations, no mini-warehouse may be located within the area between Riverside and Edisto Gardens and Highway (U.S. 601) Magnolia Street from Amelia Street to John C. Calhoun (U.S. 301)

D. Communication Towers and Antennas. Where conditionally permitted by Table I, communication towers and antennas shall adhere to the following regulations:

1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.

2. All applicable safety code requirements shall be met.

3. Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.

4. No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.

5. Towers or antennas shall be exempt from the maximum height requirements of this ordinance, except as provided in Section 24-11.5.

6. Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:

(a) One copy of typical specifications or proposed structures and antennae, including description of design characteristics and material.

(b) A site drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plans, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].

(c) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.

(d) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

(e) Identification of the owners of all antennae and equipment to be located on the site.

(f) Written authorization from the site owner for the application.

(g) Evidence that a valid FCC license for the proposed activity has been issued.

(h) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

(i) A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use.

(j) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to one million (\$1,000,000.00) dollars in the aggregate which may arise from operation of the facility during its life, at no cost to the affected government.

E. Open Storage Areas. Open storage as an accessory use may be permitted where indicated by Table I, provided such storage area does not occupy over twenty (20%) percent of the buildable area, is not located in any required setback area, and is screened from public view.

F. Drinking Places, Clubs. Drinking places and nightclubs designed to accommodate more than one hundred fifty (150) patrons shall be located no closer than one thousand (1,000') feet of:

1. A residence or a residential zone,
2. A church or religious institution,
3. Public or private schools and educational facilities, or
4. Public parks and recreational facilities.

Any other drinking place or nightclub designed to accommodate more than one hundred fifty (150) patrons.

G. Vendors. Vendors shall be governed by the following:

1. All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
2. Only one vendor shall be allowed for each one hundred (100') feet of street frontage.
3. No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
4. No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown.
5. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.

Only one sign per vendor shall be allowed, regardless of where it's mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article VIII.

H. *Manufactured Home Parks.*

1. The park site shall not be less than two (2) acres, and have not less than two hundred (200') feet frontage on a public dedicated and maintained street or road.
2. The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
3. All dwelling spaces shall abut upon an asphalt or concrete driveway of not less than eighteen (18') feet in width which shall have unobstructed access to a public street.
4. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than four hundred (400') foot intervals.
5. Each individual home site shall be at least twenty-five (25') feet from any other site and at least twenty-five (25') feet from the right-of-way of any street or drive providing common circulation.
6. All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
7. Not less than ten (10%) percent of the park site shall be set aside and developed for common open space and recreation usage.
8. Space Numbers. Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
9. No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
10. The maximum number of mobile or manufactured home spaces shall not exceed eight (8) per acre.
11. Two (2) parking spaces shall be provided for each designated manufactured home space.
12. Parking may be provided at the designated space or in community parking areas.
13. Existing tree and other natural site features shall be preserved to the extent feasible.
14. Buffer yards shall be provided on the perimeter of the park or court in accord with the requirements of Article IX.

15. License Required Revocation. A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal. Said license may be revoked by the Zoning Administrator for a violation of this ordinance or other applicable ordinances and regulations governing the operation of such uses.

16. Site Plan Required. A Site Plan showing the above required date, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

I. Manufactured Dwellings. Manufactured dwellings, where permitted by this ordinance, shall:

1. Be installed in accord with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
2. Be underskirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
3. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.
4. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.
5. Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
6. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter.

J. Manufactured Home Dealers. Manufactured Home dealers, where permitted as conditional uses, shall meet the following conditions:

1. Units shall not be stored closer than ten (10') feet from one another or any structure.
2. Dealers shall not be located any closer than one thousand (1,000') feet of any other manufactured home dealership.
3. No storage of used units is permitted which are not titled in the name of the dealer and/or not suitable for occupancy as an assembled unit.
4. No other business activities other than the selling and/or financing of manufactured home units shall be conducted from the location.

K. Home Occupations. Home occupations, as defined by this ordinance, shall meet the following requirements, where permitted by Table I:

1. The home occupation shall be carried on wholly within the principal building.
2. The floor area dedicated to such use shall not exceed twenty-five (25%) percent of the floor area of the principal building, up to six hundred (600) square feet.
3. No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
4. No signs shall be allowed, except in conformance with the zone district regulations within which the use is located.
5. No merchandise or articles shall be displayed so as to be visible from outside the building.
6. No person not residing in the residence shall be employed.
7. No traffic is needed above that required by the principal residential use.
8. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
9. The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
10. The occupation shall not involve the retail sale of merchandise manufactured off the premises.

L. Pet Care. Veterinary services and the boarding of animals shall be regulated as follows:

1. **Veterinary Clinics.** Veterinary services for small domestic animals must be undertaken within completely enclosed buildings and operated in such a way as to produce no objectionable odors or noise outside its walls. The treatment of large animals such as swine, sheep, goats, horses, cattle, and other livestock shall be prohibited, except in extreme emergency cases. Sheltering and boarding of small domestic animals shall be incidental and secondary to the clinic.
2. **Commercial Animal Shelters.** Commercial animal shelters and open pens shall be located no closer to a residential district than five hundred (500') feet, nor fifty (50') feet to any other property line. The applicant shall furnish evidence that adequate measures will be taken to prevent odor, noise, or drainage from becoming a nuisance to uses on adjacent properties.

M. Self-Service Car Wash. Where a car wash occupies a corner lot, a fence or Type B buffer area shall be provided along the street side facing the open bays.

N. *Townhouse Projects.* Due to the unique design features of townhouses, the dimensional requirements of Table II** are hereby waived and the following design requirements imposed for all such projects:

1. Such projects shall have a minimum of 0.5 acre.
2. Not more than eight (8), nor fewer than three (3) townhouses, may be joined together, with approximately the same (but staggered) front line.
3. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than twenty (20') feet distance between buildings in the project area.
4. Rear yard setbacks shall be twenty (20') feet.
5. Minimum lot width shall be eighteen (18') feet.
6. Sidewalks not less than three (3') feet in width shall be provided along the front property line of each project.
7. Impervious surface area shall not exceed sixty-five (65%) percent of a townhouse lot, on average; except where common open space is provided in the amount of twenty (20%) percent or more. In such instances, impervious surface areas may increase to eighty-five (85%) percent of a townhouse lot, on average.
8. Maximum height of buildings shall not exceed thirty-five (35') feet.
9. Front yard setbacks shall be twenty (20') feet, but may be waived or modified by the zoning administrator due to the unique style of such housing.
10. Rear yards shall be enclosed by a six (6') foot wall or fence, unless used for parking, and may include one (1) accessory building no greater than five hundred (500) square feet in GFA.
11. Where permitted as a conditional use in the A-1 District, townhouses shall be reviewed for approval in accord with the requirements of a PDD.

O. *Patio and Zero Lot Line Housing Projects.* Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table II** are hereby waived and the following requirements imposed on all such projects:

1. Such projects shall have a minimum of 1.5 acres.
 2. Minimum lot area shall be three thousand (3,000) square feet per unit, on average.
 3. Minimum lot width shall be forty (40') feet.
 4. Maximum height of buildings shall not exceed thirty-five (35') feet.
 5. Where a unit is to be constructed at or on the property line, a five (5') foot maintenance easement shall be provided on the adjoining lot.
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6. A minimum patio or yard area of seven hundred (700) square feet shall be provided on each lot, not more than fifteen (15%) percent of which shall be impervious to water.
7. At least one (1) side yard extending not less than five (5') feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5') feet.
8. The side yard of the exterior units shall be ten (10') feet from the "outside" property line.
9. Rear yard setbacks shall be not less than ten (10') feet.
10. Front yard setbacks shall be twenty-five (25') feet, but may be waived or modified by the zoning administrator due to the unique style of such housing.
11. Where permitted as a conditional use in the A-1 District, patio homes shall be reviewed for approval in accord with the requirements of a PDD.

P. Temporary Uses. The following temporary uses may be permitted by the zoning administrator, subject to the conditions attached thereto:

1. Religious meetings in a tent or other temporary structure in the B-1 or D-1 district for a period not to exceed forty-five (45) days.
2. Open lot sales of Christmas trees, in the B-1, B-3 and D-1 districts for a period not to exceed forty-five (45) days.
3. Contractor's office and equipment shed, in any district, for a period covering construction phase of the project, provided that such office be placed on the property to which it is appurtenant.
4. Real estate office in conjunction with a major project (one hundred (100) or more lots); provided said office is removed when seventy-five (75%) percent of the lots are sold or developed.
5. Fireworks stands for a period not to exceed thirty (30) days during any three (3) month period.
6. Temporary office or modular structures may be used where a permanent establishment is planned, expanding, rebuilding or remodeling in a commercial or industrial zone, subject to all applicable requirements of this chapter.

The temporary permit shall be valid for twelve (12) months, with an option to renew for an additional six (6) months, depending on the status of the permanent establishment.

7. Temporary sale or solicitation stands not to exceed sixty-four (64) square feet in area may be permitted in the B-1 district only for periods not to exceed sixty (60) days, with option to extend for sixty (60) days, not to exceed one hundred twenty (120) days in any six (6) month period.

8. Portable classrooms may be allowed in any district in which cultural, community, educational or religious facilities are permitted without time limitation. Mobile-homes may not be considered portable classrooms. All setbacks for the applicable district shall be maintained around the perimeter of the site.

9. Portable Storage Facilities, Portable storage systems are allowed as a temporary use for a maximum period of thirty days (30) per calendar year. Unit sizes cannot exceed twenty (20) feet in length. The units are only allowed as a temporary permissible use in the rear or side yards of the property and must meet setback requirements. If the rear or side yards are not accessible, approval from the Zoning Administrator shall be required to place storage system in the front yard. A unit may not block ingress or egress to a principal structure. Front yard placement is also limited to a maximum of thirty days (30) per calendar year. The use of a unit is limited to one per single-family dwelling or three (3) on any lot not in an A-1 Residential District. Stacking of units is not allowed.

Q. Group Occupied Dwellings. Due to potential lifestyle conflicts between group-occupied and single-family occupied dwellings, the need to resolve such conflicts and provide harmonious living conditions, and meet the various housing needs of the local population, the additional requirements of this subsection shall apply to the location and use of group-occupied dwellings in the City of Orangeburg.

1. Conditions of Approval.

(a) A minimum of three (3) off-street parking spaces shall be provided. In all districts the required off-street parking may be provided in all required yards in accord with subsection 24-11.7b, provided that in the front or side yards the parking shall meet the design standards of subsection 24-7.1c, and include a Type A buffer around all perimeters of the parking area.

(b) No such use shall be located within four hundred (400') feet in the A-2 or O-I districts (measured in a straight line).

(c) An agreement executed by the owner of the dwelling shall accompany the request for a permit:

- (1) To ensure proper maintenance of the yards and dwelling,
- (2) To ensure the control of noise and litter,
- (3) To ensure participation by the owner in the communication and enforcement process necessary to accomplish compatibility within the neighborhood.
- (4) To ensure that only independently functioning dwelling units are rented on a single lease agreement.

2. Compliance and Permit Requirements. An occupancy permit shall be prerequisite to the use of a dwelling unit for group occupancy. Said permit shall be valid for twelve (12) months. Thereafter group occupancy permits shall be subject to annual review by the zoning administrator to determine continuing compliance with the requirements of this subsection.

Group occupied dwellings in existence on the effective date of this chapter shall have twenty-four (24) months within which to meet the off-street parking requirements of this subsection. Said dwellings shall be exempt from the spacing requirements of this subsection.

Where noncompliance with the provisions of this subsection or an ongoing problem has been determined to exist, the building official shall notify the owner in writing of the nature and extent of the problem, together with instructions to correct the problem within a reasonable time frame. Failure of the owner to comply fully with an order to correct the situation shall constitute a violation of this chapter resulting in (a) revocation of the occupancy permit, and/or (b) fines and penalties, as determined by the court.

An ongoing problem shall be determined to exist where written documentation has been compiled over a three (3) month period by the zoning administrator, affected neighborhood associations, or area residents. Copies of the documentation shall be filed with the city and forwarded to the property owner.

R. *Recycling Facilities.* Due to the need for convenient locations and the potential for conflict with existing development and environmental amenities, the siting of recycling facilities in the City of Orangeburg, where permitted by Table I,* shall be governed by the following standards:

1. That such facilities will be in wholly enclosed buildings except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight (8') feet in height and landscaped on all street frontages.
2. That setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.
3. That all exterior storage of material shall be in sturdy containers or enclosures, which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
4. That the site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

5. That space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the building official determines that allowing overflow traffic is compatible with surrounding businesses and public safety.

6. Where a facility is to be located within five hundred (500') feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open.

7. That any containers provided for after-hours donation of recyclable materials will be at least fifty (50') feet from any property zoned or occupied for residential use; shall be of sturdy, rust resistant construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

8. That donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

S. *Bed and Breakfast Inns.* Bed and breakfast inns may be allowed under the following conditions, subject, where required, to review and approval by the zoning administrator.

1. Such uses shall be allowed only in older residential structures that are recognized as architecturally, historically, or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the neighborhood.

2. The architectural integrity and arrangement of existing interior spaces must be maintained, except as may be required to meet health, safety, and sanitation requirements.

3. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood.

4. Be occupied by the resident/owner.

5. Serve no regularly scheduled meal other than breakfast.

T. *Upper-Story Dwellings.* An upper-story dwelling where permitted by Article V, Table I shall meet the following conditions:

1. Each dwelling unit must have separate electric meters to measure utilities provided to the unit.

2. Each dwelling unit must have direct, independent means of ingress and egress from and to the dwelling unit to a public sidewalk or street.

3. Each dwelling unit must have a minimum gross floor area of six hundred (600) square feet.
4. Occupancy shall be limited to one (1) person per one hundred fifty (150) square feet of gross floor area.
5. The method of solid waste collection must be approved by the City's Public Works Director.
(Ord. No. 2000-2, Art. X; Ord. No. 2002-4)

U. Solid Waste Landfill

Solid waste landfills are divided by this section into two categories -- Sanitary Landfills, and Construction & Demolition Landfills -- and regulated as follows.

1. Sanitary Landfills
 - a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical or public use (measured in a straight line.)
 - b. A geo-technical engineering firm approved by the Zoning Administrator shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
 - c. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 24-9.2, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
 - d. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.
2. Construction & Demolition Landfill
 - a. A Construction and Demolition landfill may be located up to, but not closer than 300 feet from any property line, except such landfill shall not be located closer than 500 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
 - b. No material shall be placed in open storage in such a manner that it may be transferred out by wind, water, or other causes.
 - c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The Zoning Administrator may waive the provisions of this subsection where such facility will be utilized for a period not to exceed 90 days.

- d. The site shall be restored and re-vegetated on completion of use as a landfill as per DHEC Regulations.

V. Camps and Recreational Vehicle Parks

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 1, shall comply with the following standards.

1. The site shall contain at least ten (10) acres, and a minimum of 150 feet of street frontage.
2. The site shall be developed in a manner that preserves natural features and landscape, of which not less than 20 percent shall be set aside and maintained as common open space.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be:

Street right-of-way	100'
All other property lines	50'
 - c. Maximum density shall not exceed 10 vehicles or campsites per acre.
 - d. Buffer areas shall be as specified by Article IX.
4. Areas designated for parking and loading or for traffic-ways shall be physically separated from public streets by suitable barriers against unmarked motor vehicle ingress and egress.
5. All streets within RV Parks shall be private and not public.
6. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

W. General Auto Repair

General auto and other motor vehicle repair operations shall be conducted within fully enclosed buildings. There shall be no open storage of junked vehicles, dismantled parts, scrap parts or other salvage material other than outdoor storage of not more than 10 disabled vehicles with current license plates. Servicing shall be conducted in an area that can be cleaned.

X. Multi-Family Housing and Residential Care Facilities

Multi-family housing projects consisting of five or more units or two or more residential care facilities designed to accommodate 20 or more individuals shall meet the following design standards.

- a. Buildings shall be set apart not less than 18 feet.
- b. Not less than 20 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space, as specified in Section 24-9.4.
- c. Buildings shall not exceed 400 feet from end to end.
- d. Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- e. Trash receptacles shall be oriented away and screened from adjacent residential uses.

Not less than 50 percent of the required front yard setback area shall be devoted to landscaping, as prescribed by Section 24-9.3.

Off-street parking areas shall be landscaped in accord with the provisions of Section 24-9.3 Subsection e2.

Y. Wrecking, Scrap and Salvage Operations

The location of these uses, where permitted by Table 1, shall be regulated by the following:

1. No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
2. No material or products shall be burned on the premises.
3. No material shall be placed in open storage in such a manner that it may be transferred out by wind, water, or other causes.
4. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.
5. All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height

ARTICLE XI
GENERAL PROVISIONS

24-11 PROVISIONS.

The regulations contained in this Article are intended to clarify, supplement or modify the regulations set forth elsewhere in this chapter. (Ord. No. 2000-2, Art. XI)

24-11.1 Street Access. Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a street.

Access to Commercial and Industrial Zoned Property is prohibited from residential zones. Where a commercial or industrial zoning district is bounded by a residential zoning district, no portion of the residential zoning district shall be transversed by commercial or industrial vehicles. Access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

(Ord. No. 2000-2, Art. XI)

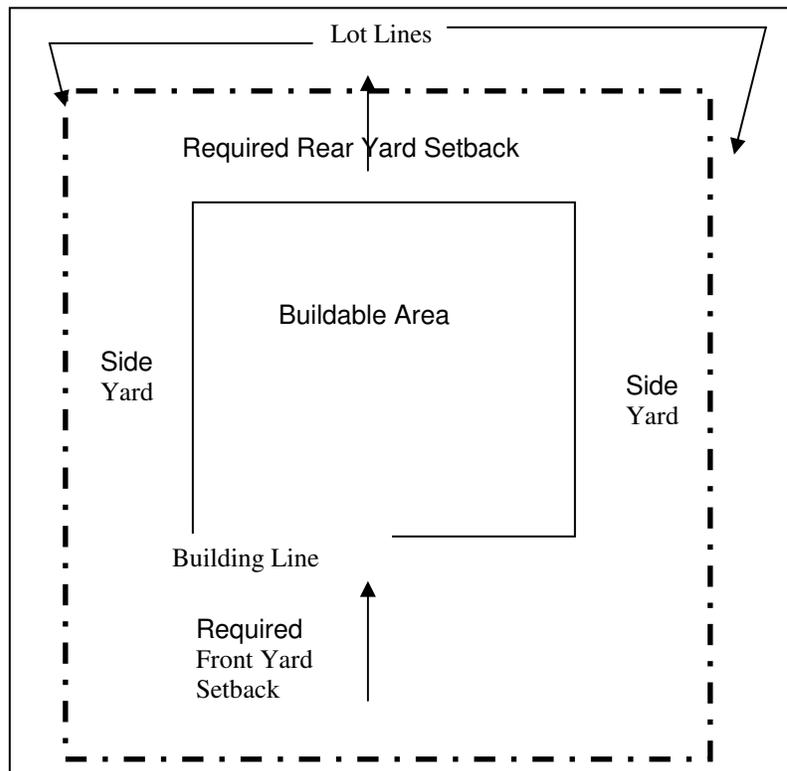
24-11.2 Yard and Setback Modifications.

a. Setbacks on Corner Lots. Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than three-fourths (3/4) of the front yard requirements for the same lot.

b. Setbacks from Streets. The street setback requirements shall not apply on any lot where the average setback of existing buildings located wholly or in part within two-hundred (200') feet on each side of such lot within the same block and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings.

c. Setbacks from Railroads. Structures within commercial and industrial districts, which are adjacent to railroads, may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the Zoning Ordinance. (Ord. No. 2000-2, Art. XI)

24-11.3 Yard Measurements. The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the "buildable" area within which the approved structure(s) shall be placed.
(Ord. No. 2000-2, Art. XI)



24-11.5 Exceptions To Height Limitations. The height limitations of this ordinance shall not apply to the following (except in the ACD, Airport Compatibility District):

- Belfries
- Flag poles
- Chimneys
- Ornamental towers and spires
- Church spires
- Public monuments
- Conveyors
- Public utility poles
- Cooling towers
- Silos
- Cupolas
- Skylights
- Domes
- Smoke stacks
- Elevator bulkheads
- Stage towers or scenery lofts
- Fire towers

Such features shall be erected only to such height as necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

The height of communication towers and antennas, and water tanks, where permitted by Table I, also shall be exempt from the height requirements of this ordinance; provided such structures shall be separated from any adjoining residential use by a distance equal to one foot for each one foot in height, measured from the property line. (Ord. No. 2000-2, Art. XI)

24-11.6 Visibility At Intersections. On any corner lot in any district except the B-2 district, no planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed after the effective date of this chapter, if such planting or structure thereby obstructs vision at any point between a height of two and a half (2-1/2') feet and ten (10') feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two (2) sides by the street right-of-way lines and on the third side by a straight line connecting points on the two (2) street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than twelve (12") inches in diameter may be permitted in such areas. (Ord. No. 2000-2, Art. XI)

24-11.7 Accessory Uses to Observe Required Setbacks. Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

a. General Requirements. Residential Districts.

1. The number of accessory uses shall not exceed two (2) on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed fifty (50%) percent of the principal use.
3. The height of accessory buildings shall not exceed twenty (20') feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.

b. All Other Districts.

1. There is no limit to the number of accessory buildings, however such buildings shall occupy no more than thirty (30%) percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed twenty (20') feet in height.
3. Accessory buildings may be allowed at the side or rear property line in the B-2 District and within three (3') feet of a side or rear property line elsewhere, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

c. Location. Without exception, no accessory use may be located in a required buffer area. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required yards and setback areas under the following conditions:

1. Off-Street Parking and Loading Space. Off-street parking and loading spaces are permitted in required yards and setback areas.
2. Freestanding Signs. Freestanding signs are permitted in all required yards, but no closer than five (5') feet of a property line.
3. Buildings, Sheds, and Structures for Dry Storage; Greenhouses. Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than three (3') feet to the property line.
4. Domestic Animal Shelters and Pens. Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than ten (10') feet from any side or rear residential property line.
5. Swimming Pools, Tennis Courts, Recreational Uses. These uses may be located in required rear yard and setback areas only: provided said uses shall be no closer than ten (10') feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

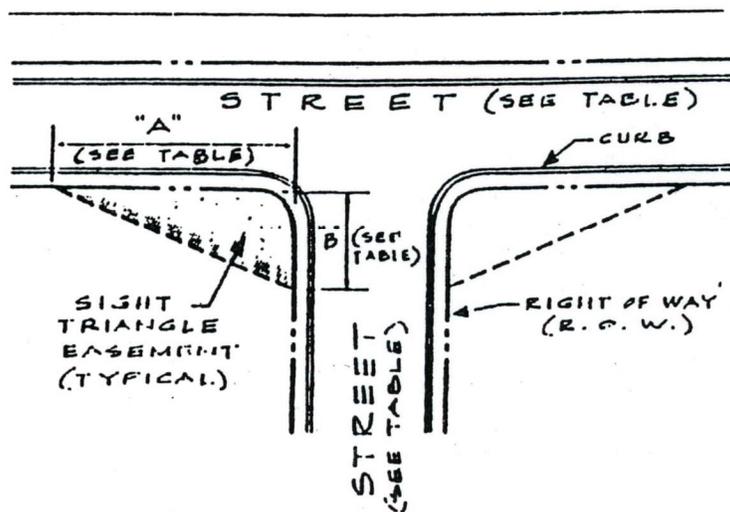
6. Ground Supported Communication and Reception Antennas. These uses may be located in required rear and side yards only, but no closer than five (5') feet to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

7. Fences and Walls. May be located in all required yards and along any property line. Fences and walls exceeding eight (8') feet in height require a variance from the Board of Zoning Appeals.

8. Uses Not Specified. Uses not specified above shall observe a three (3') foot setback from the nearest property line.

(Ord. No. 2000-2, Art. XI)

SIGHT TRIANGLES



TYPICAL REQUIRMENTS

BY STREET TYPE

(Measured Along R.O.W. Line)

"A" (Distance in Feet)	"B" (Distance in Feet)	
	MINOR	MAJOR
15 Driveway	15	15
25 Minor Street	25	50
35 Major Street	25	50



24-11.8 Use of Land or Structures.

a. No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations specified for the district in which it is located.

b. No structure shall be erected or altered:

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

c. Except for the following uses and projects, no more than one (1) principal building may be located upon a lot of record.

1. Institutional buildings
2. Industrial buildings
3. Multi-unit dwellings, duplexes, quadruplexes, triplexes
4. Commercial buildings
5. Planned development projects
6. Manufactured home parks

Where more than one (1) principal building is located on a lot, the required setbacks for the district shall be maintained along all property lines.

d. The minimum yards, parking spaces, and open spaces required by these regulations for each building existing at the time of the passage of this chapter shall not be encroached upon, reduced, or considered as required yards, parking or open space for any other building, except as otherwise provided herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter. (Ord. No. 2000-2, Art. XI)

24-11.9 Nonconformities.

a. Continuation

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grandfathered) even though such use, building, or structure does not conform with the provisions of this Ordinance.

b. Modification

A proposed change or modification to a nonconforming use shall be governed by the following:

1. Change of Nonconforming Use

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and

If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

2. Repair or alteration of Nonconforming Use, Building or Structure

Nothing herein shall prevent the repair or alteration of a nonconforming use or a permitted use on a nonconforming lot of record. However, the repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use.

3. Replacement and/or Reconstruction of Nonconforming Use

A building permit for the replacement or reconstruction of a nonconforming building or structure once removed, damaged or destroyed must be initiated within 6 months or forfeit the right of replacement.

Replacement may occur within the original building "footprint"; provided the replacement structure shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 24-10.7(h and i) of this Ordinance.

c. Discontinuance

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

The following uses or structures shall be discontinued and/or torn down, altered or otherwise made to conform with all applicable provisions of this ordinance within the time periods set forth below. Upon application to the Board of Zoning Appeals, the Board, either according to general rule or upon findings in a specific case, may permit not more than one extension as indicated below.

<u>Nonconformities</u>	<u>Discontinue Within</u>	<u>Extension</u>
Wrecking, junk, scrap, or salvage yards.	One Year	6 Months
Fences and hedges impeding vision At intersections.	30 Days	30 Days
Shipping Containers	One Year	None

Notice shall be sent by the Zoning Administrator to the owner or operator of any nonconforming uses stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date that the use must comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner/operator.

d. Lot of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 20%. Setback reductions greater than 20% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

24-11.10 Parking, Storage or Use of Recreation Vehicles or Other Recreational Equipment. No recreational vehicle or boat in excess of seventeen (17") feet shall be parked or stored on any lot in a residential district, in any required front or side yard setback area; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses. (Ord. No. 2000-2, Art. XI)

24-11.11 Parking, Storage and Use of Non-Recreational Vehicles and Equipment.

a. No automobile, truck or trailer of any kind or type, without current license plates, shall be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings, or screened from vision from the public street serving the property.

b. Within any Residential Zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle, provided such motor vehicle does not exceed a rated capacity of two (2) tons. Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling; provided such uses shall be parked or stored in completely enclosed building.

c. Vehicles with a capacity in excess of two (2) tons and used for commercial, industrial, farm or construction purposes are prohibited from parking in residential districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.

(Ord. No. 2000-2, Art. XI)

ARTICLE XII AMENDMENTS

24-12 AMENDMENT AUTHORIZATION AND PROCEDURE.

This chapter, including the official zoning map, may be amended from time to time by City Council, but 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. (Ord. No. 2000-2, Art. XII)

24-12.1 Initiation of Amendment.

- a. Amendments to the text of this chapter may be initiated by:
 - 1. Adoption of a motion by the planning commission;
 - 2. Application by a member of City Council; and/or the city administrator; and application or petition of property owners and residents of the City of Orangeburg.
- b. Amendment to the district map may be initiated by:
 - 1. Adoption of a motion by the planning commission;
 - 2. Application by a member of City Council and/or the city administrator;

The filing of an application by the owner of the subject property or his authorized agent. (Ord. No. 2000-2, Art. XII)

24-12.2 Application Requirements.

- a. All applications shall be filed on forms provided by the zoning administrator.
- b. All applications shall be signed by the applicant and shall state both name and address.
- c. In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- d. In the case of a map amendment, the existing and proposed boundary (district) change shall be stipulated.
- e. A nonrefundable processing fee of three hundred (\$300.00) dollars shall accompany the application for a land use change request or zoning map amendment but not more than four hundred fifty (\$450.00) dollars if both applications are processed to completion within a twelve-month period from the date of initial application.
- f. Any property owner, resident of the city or authorized agent of a property owner filing an application or petition which requires a comprehensive plan study or review shall pay the full cost of said study or review and shall deposit said payment with the city within fifteen (15) days of filing the initial petition or application. (Ord. No. 2000-2, Art. XII; Ord. No. 2001-3)

24-12.3 Action By Planning Commission.

a. The planning commission shall hear and review all pertinent information and decide the issue on the basis of evidence of record. To this end, the commission may conduct a public hearing given fifteen (15) days notice of time and place; subject to the notice and posting requirements of subsection 24-12.5 and 24-12.6.

b. The planning commission shall act on an application within thirty (30) days after receipt thereof (1) to defer not more than thirty (30) days or (2) to recommend to City Council either denial or approval. The decision shall be determined by a majority of those voting. All decisions of the planning commission shall be made in open session. The resolution embodying the decision shall not be valid unless it is incorporated in the planning commission's minutes.

c. The commission shall make a written recommendation to the mayor and City Council. The recommendation shall include an evaluation of the proposed zoning amendment relative to the following:

1. How the proposed zoning amendment relates to and affects the city's Comprehensive Plan.
2. The validity of the Comprehensive Plan relative to the area under consideration.
3. The need to correct an error or deficiency in the Zoning Ordinance.
4. Any benefits which would be derived from the proposed amendment.
5. Any cost to the city in terms of expenditures for public improvements, facilities and services.
6. The public interest.

(Ord. No. 2000-2, Art. XII)

24-12.4 Public Hearing by the City Council. Regular public hearings on zoning amendments shall be held at those times specified by the City Council, at which time all active zoning amendment proposals shall be considered; and special meetings may be called when due to extraordinary circumstances, as determined by the City Council, further delay would be detrimental to the welfare of the community. At that time all preceding zoning change requests acted upon by the planning commission shall also be considered. (Ord. No. 2000-2, Art. XII)

24-12.5 Notice of Public Hearing in Newspaper. In scheduling a public hearing for proposed zoning map and text amendments, the City Council shall publish notice at least fifteen (15) days prior to the public hearing in a daily newspaper of general circulation in the city.

When a proposed zoning amendment affects the district classification of property, such notice shall contain the following information:

- a. The date, time and place of the hearing.
 - b. A description to inform the public of the location of the property for which action is pending, including but not limited to use of a map or street address, a metes and bounds description or a tax map reference.
 - c. The substance of the proposed ordinance, specifying the nature of the issues being considered.
 - d. The sections of the code that are pertinent to the hearing procedure.
 - e. Where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.
- (Ord. No. 2000-2, Art. XII)

24-12.6 Posting of Property. When a proposed amendment affects a zone district classification of particular pieces of property, the zoning administrator shall cause to be conspicuously located on or adjacent to the property affected one (1) hearing notice for every one hundred (100') feet of street frontage or portion thereof. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of the hearing.

Where one (1) or more blocks are affected in one (1) application, the posting of the property is not required. However, a written notice of the hearing shall be mailed by the zoning administrator at least fifteen (15) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned to the address of such owners appearing on the latest published tax list, neighborhood associations, and to such other list or lists that may be specified by City Council. The failure to deliver the notice, as provided in this subsection, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers. (Ord. No. 2000-2, Art. XII)

24-12.7 Action By City Council. The City Council shall take action on the proposed amendment within thirty (30) days after the public hearing. If no action is taken by the City Council within such time, the proposed amendment shall be considered denied, unless otherwise specified by council.

An amendment adopted by City Council shall become effective immediately after such adoption and any such amendment to the zoning map shall be made by the zoning administrator within seven (7) days.

Withdrawal of an amendment application by the applicant prior to the public hearing or final determination by council shall be considered as a termination of the application. Resubmission shall be processed as a new application with prescribed fees. (Ord. No. 2000-2, Art. XII)

24-12.8 Reconsideration of Proposed Amendments. The City Council shall not reconsider a proposed amendment to the zoning map if such amendment requests a change to the same zoning classification for the same lot, parcel or portion thereof, within a period of one (1) year from the date of final determination of the prior request unless the planning commission recommends to the City Council that such reconsideration be given after the planning commission has found that either (a) a substantial change in the character of the area has occurred or (b) evidence, factors or conditions existing at the time were not considered by the planning commission or the City Council in previous deliberations which might have altered the basis upon which the previous determination was reached. (Ord. No. 2000-2, Art. XII)

ARTICLE XIII DEFINITIONS

24-13 WORDS DEFINED.

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Orangeburg, South Carolina.

The term "Planning Commission" refers to the City Planning Commission. The term Council or City Council shall mean the legally elected governing body of the City of Orangeburg. The term "Board of appeals" refers to the Board of Zoning Appeals for the City of Orangeburg.

Abutting shall mean having a common border with or being separated from such common border by an easement.

Adult uses shall mean and include any establishment or use which, as one of its principal purposes, sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, etc. which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

Animal shelter, commercial shall mean any structure or premises in which animals are kept, boarded, bred or trained for commercial gain. This definition does not include veterinary clinics, where the boarding of animals is enclosed.

Animal shelter, domestic shall mean a pen, shelter, or structure where no more than three (3) dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

Approach surface shall mean a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface.

Bed and breakfast inn shall mean any owner-occupied dwelling or portion thereof offering five (5) or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a bed and breakfast inn shall not be considered as an accessory use nor a customary home occupation.

Buildable area shall mean that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building, accessory shall mean a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least seventy-five (75%) percent open or unenclosed.

Building, alteration shall mean any act or process that change one (1) or more of the exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction, or removal of any structure.

Building, principal shall mean a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Canopy tree shall mean a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of occupancy shall mean a document issued by the zoning administrator allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this chapter and the Building Code.

Club, private shall mean an organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster home development shall mean a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It permits buildings on the site by reducing required lot area and bulk requirements, provided the resultant land area is devoted to recreation, common open space and presentation of environmentally sensitive feature.

Conditional use shall mean a use of land or structure which is expressly permitted in a district under conditions specified in the zoning ordinance. Certain uses of land provide accommodations consistent with or necessary to the purpose intended for each district, but differ in their general characteristics from the principal permitted activities and in their impact thereon.

Condominium shall mean a unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Conical surface shall mean a surface extending horizontally twenty (20') feet for every one (1') foot vertically from the periphery of the horizontal surface.

Day care services.

a. *Child day care services* shall mean and include any home, center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part of all of the day or night and upon any number of successive days or nights.

b. *Family day care home* shall mean a home in which care is given by a family member and no others during the day only for one (1) and not more than six (6) children, including the day care parents' own children.

Density shall mean the number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

Drinking Places shall mean bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption and not engaged in the preparation and service of meals during normal mealtimes. Sandwiches, boiled eggs, usages and other snacks prepared off the premises but sold thereon shall not constitute a meal.

Dwelling shall mean a building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, apartment. See *Dwelling, multi-unit*.

Dwelling, attached shall mean a dwelling unit attached to one (1) or more other dwelling units by common vertical walls.

Dwelling, detached shall mean a single dwelling unit, other than a mobile home, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, duplex shall mean a building containing two (2) dwelling units.

Dwelling, group occupied shall mean a dwelling unit occupied by four (4) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, mobile home shall mean a single-family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards, June 15, 1976.

Dwelling, residential designed manufactured home shall mean a single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD code, which:

- a. Has a minimum width over twenty (20') feet (multiple-section);
- b. Has a minimum of nine hundred (900) square feet of enclosed living area;
- c. Has a minimum nominal 3 1/2 pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site-built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction;
- e. Has a roof overhang of not less than eight (8) inches.

Dwelling, standard designed manufactured home shall mean a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a residential designed manufactured home.

Federal manufactured home construction and safety standards shall mean regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditioning, thermal and electrical systems.

Dwelling, multi-unit shall mean a building containing five (5) or more dwelling units.

Dwelling, patio house shall mean a single-unit detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, quadruplex shall mean a building containing four (4) dwelling units.

Dwelling, single-family occupied shall mean a dwelling unit occupied by one (1) family.

Dwelling, townhouse shall mean a series of attached dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, triplex shall mean a single building containing three (3) dwelling units.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, upper-story shall mean a dwelling unit located in and above the ground floor of a principal building located in a B-2, Central Business District and occupied by an individual, or two (2) or more persons related by blood, marriage, adoption and living as a single housekeeping unit.

Dwelling, zero lot line shall mean a single-family detached unit which instead of being centered on a lot, is placed against at least one (1) of the side lot lines. The term is synonymous with patio house.

Family shall mean one (1) or more persons all living together as a single, stable and bonafide housekeeping unit, so long as such unrelated persons together occupy and own, lease or rent the whole of a "separate building" or "dwelling unit" (hereinafter referred to individually and collectively as "unit") in a family-like living arrangement as the functional and factual equivalent of a natural family and use all rooms and housekeeping facilities in common. Any such number of persons shall not be deemed to constitute a "family" if (a) any one of such persons may not have lawful access to all parts of the unit or (b) if any one or more of such persons lease or rent any separate portion of such a unit from any other person.

It shall be presumed that a unit is not occupied by a "family" if any two (2) or more of the following features or facts are found to exist by the Zoning Administrator with respect to the unit or its occupants: (a) more than one mailbox, mail slot or post office address; (b) more than one (1) doorbell or doorway on the same side of the unit; (c) more than one electric meter; (d) more than one (1) gas meter; (e) more than one (1) water meter servicing the unit; (f) more than one (1) connecting line for cable television or more than one (1) television dish or other television signal receiving device; (g) separate entrances for segregated portions of the unit, including bedrooms; (h) partitions or locked internal doors barring access between segregated portions of the unit; (i) separate written or oral leases or rental agreements or the payment of rent for portions of the unit among its owner and residents or among residents; (j) two (2) or more kitchens, each of which contain a range or oven, refrigerator and sink, unless it is otherwise proven by evidence presented to the Zoning Administrator by the owner or resident of the unit that it is occupied by one (1) "family" (all as defined in this section); (k) the person responsible for payment of utility, cable and/or telephone bills does not reside in the unit; (l) more than three (3) connecting lines for telephone service; (m) transportation vehicle(s) parked or garaged on the premises not registered in the name of the person(s) residing in the unit or if so registered not listing the address of the owner as that of the unit; (n) utility bills are mailed for payment by an entity not a natural person; (o) property on which the unit is listed for taxation in the name of a person not residing therein or in the name of an entity other than a natural person; (p) insurance covering the unit or the contents therein name as an insured person not residing therein or separate insurance policies covering contents in the names of more than one (1) occupant; (q) persons residing in the unit each file separate state and/or federal income

tax returns and neither claims the other resident(s) as dependents; (r) without a change in ownership, the occupancy composition of the unit changes periodically other than by marriage, birth or adoption; (s) all persons residing in the unit, if covered, are not covered as a family under the same medical and/or dental health policy; (t) the occupancy of the unit is regulated, inspected or under the supervision of a governmental agency or licensed by a governmental agency; (u) more than three (3) persons not related by blood, marriage, or adoption occupy the unit. The presumption provided for in this paragraph shall be rebuttable. Such presumption shall not preclude the Zoning Administrator from making a determination that the unit is occupied by a "family" based on other facts whether or not listed in this paragraph.

The Zoning Administrator shall make the primary determination as to the Zoning Ordinance, based upon his or her inspection of the premises, any information he or she may receive from the residents thereof or any other persons or documentary or any other written evidence as to the condition of the premises or the relationship and living arrangements of the residents, in consultation with the City Attorney, and his or her determination shall be presumed to be correct and final, subject to review of or appeal to the Board of Zoning Appeals and judicial review as provided by law.

Floor area ratio shall mean an intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Garage, private. (As defined by the Standard Building Code.)

Garage, public. (As defined by the Standard Building Code.)

Gross floor area (GFA) shall mean the sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for parking of motor vehicles.

Hazard to air navigation shall mean an obstruction determined by the South Carolina Aeronautics Commission or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in South Carolina.

Height shall mean the vertical distance of a structure or vegetation measured from the average grade elevation within twenty (20') feet of the structure to the highest point of the structure.

Home occupation shall mean any occupation within a dwelling, including a hobby and clearly incidental hereto, carried on by a member or members of family residing on the premises.

Horizontal surface shall mean a horizontal plane one hundred fifty (150') feet above established airport elevation, the perimeter of which in plain view coincides with the perimeter of the horizontal zone.

Impervious surface shall mean those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the zoning administrator to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious surface ratio shall mean a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Institutional uses shall mean uses, which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship as well as cultural facilities, group quarters for religious groups and the infirm or elderly. While some uses may be operated for private profit, they duplicate services that are generally provided by public or nonprofit groups.

Lot shall mean a parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this chapter are interchangeable.

- a. *Lot, corner* shall mean a lot located at the intersection of two (2) or more streets.
- b. *Lot, double frontage* shall mean a lot which has frontage on more than one (1) street.
- c. *Lot, interior* shall mean a lot, other than a corner lot, which has frontage on only one (1) street other than an alley.
- d. *Lot, depth* shall mean the horizontal distance between front and rear lot lines.
- e. *Lot, width* shall mean the distance between side lot lines measured at the front building line.

Lot area shall mean the area contained within the boundary line of a lot.

Lot line shall mean a line bounding a lot, which divides one (1) lot from another or from a street or any other public or private space.

Manufactured home park shall mean a lot or parcel with space, improvements and utilities for the long-term parking of three (3) or more manufactured homes which may include services and facilities for the residents.

Manufactured home park space shall mean a plot or ground within a manufactured home park designed for the accommodation of one (1) unit.

Mini-warehouse shall mean a building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

Mobile home. See *Dwelling, mobile home*.

Mobile home park shall mean a lot or parcel with space, improvements and utilities for the long-term parking of two (2) or more mobile-homes which may include services and facilities for the residents.

Mobile home space shall mean a plot or ground within a mobile home park designed for the accommodation of one (1) mobile home.

Modular building unit or modular structure shall mean any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the city's several zoning districts.

Nonconformity shall mean lots, structures, uses of land and structures, and characteristics of uses which are prohibited under the terms of this ordinance, but were lawful at the date of enactment of this ordinance.

Nonresidential use shall mean a principal use of land for other than residential purposes, i.e. commercial, industrial, and institutional.

Obstruction shall mean any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in subsection 24-6.3c. of this chapter.

Open space ratio shall mean the measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Outdoor display area shall mean a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished products sold by a retail business located on the same lot.

Outdoor storage shall mean any accessory storage of a principal or main building or structure on the lot; the storage of equipment, goods, chattels, raw or processed materials outside of any building, or structure where the overnight parking of vehicles shall not be deemed to be outdoor storage; the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides; the keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Park shall mean a public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Primary surface shall mean a surface longitudinally centered on the runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200') feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Recreational vehicle shall mean a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to travel trailers, truck campers, camping trailers and self-propelled motorhomes.

Runway shall mean a specified area on an airport prepared for landing and takeoff of aircraft.

Sexually oriented business shall mean for purposes of this ordinance, sexually oriented business operations shall mean and include the following:

a. *Adult arcade* means any place to which the public is permitted or invited wherein 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 (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

b. *Adult bookstore* or *adult video store* means a commercial establishment, which as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices, or paraphernalia, which are designed for, use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or video store so long as: one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

c. *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:

1. Persons who appear in a state of nudity; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

d. *Adult motel* means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; 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 has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours.
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- e. *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- f. *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- g. *Sexual encounter center* means a business or commercial enterprise that, as one (1) 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. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or seminude.

Shipping Container shall mean a prefabricated metal structure, designed for stacking, storage and transfer of goods and commodities by ship and/or container chassis trucks.

Sign shall mean any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, abandoned shall mean a sign structure not containing a sign for one hundred twenty (120) continuous days or a sign not in use for one hundred twenty (120) continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, animated (digital) shall mean any sign that uses movement or the optical illusion of movement, of any part of the sign structure, design or pictorial segment including the movement of any illumination of the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any sign or part of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

Sign, awning, canopy or marquee shall mean a sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, banner shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, building shall mean any sign attached to any part of a building.

Sign, changeable copy shall mean a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this chapter.

Sign, face shall mean the area or display surface used for the message.

Sign, flat shall mean a single faced sign attached flush to a building or projecting no more than twelve (12") inches.

Sign, free-standing shall mean any non-movable sign not affixed to a building.

Sign, identification shall mean any sign erected and maintained on the premises temporarily during construction and displaying information such as the name of the architect, contractor, developer, finance organization, etc..

Sign, incidental shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, inflatable shall mean any sign that is either expanded to its full dimensions or supported by gasses contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Sign, pennants shall mean any lightweight plastic, fabric or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Sign, permanent shall mean a sign attached to a building, structure or the ground in some manner and made of materials intended for more than short-term use.

Sign, political shall mean a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, portable shall mean a sign that is not permanently affixed to a building, structure or the ground.

Sign, projecting shall mean a sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12") inches from such building.

Sign, roof shall mean a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sign, temporary shall mean a sign that is used only for a short period of time and is not permanently mounted.

Sign, wall shall mean a sign painted on the wall of a building and has no sign structure.

Sign, window shall mean a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Significant tree shall mean any tree, other than a pine, which has diameter breast height (DBH) of 18 inches or larger. DBH is the diameter of a tree measured at breast height (four and one-half feet) above the ground.

South Carolina Manufactured Housing Board is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Special exception shall mean a use specifically permitted after review and approval by the board of zoning appeals, subject to the terms and conditions for the use set forth in the zoning ordinance.

Street shall mean any thoroughfare (drive, avenue, boulevard) or space more than eighteen (18') feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, major shall mean and include all state primary and federal aid highways and public connector streets filtering traffic from minor or private streets to such major streets or other destinations.

Street, minor shall mean a street designed principally to provide access to property abutting.

Street, private shall mean a street not dedicated for public use or maintenance.

Transitional surface shall mean surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven (7') feet horizontally for every one (1') foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Understory tree shall mean a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use shall mean the purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, principal shall mean the primary purpose for which land is used.

Variance shall mean a modification of the area regulations of this chapter, granted by the Board of appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vegetation shall mean any object of natural growth.

Yard shall mean an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

Yard, front shall mean a yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, rear shall mean a yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required shall mean that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

Yard, side shall mean a yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning district shall mean a specifically delineated area or district in the city within which regulations and requirements govern the use, placement, spacing and size of land and buildings. (Ord. No. 2000-2, Art. XIII)

**ARTICLE XIV
ADMINISTRATION,
ENFORCEMENT, APPEALS**

24-14 ADMINISTRATION AND ENFORCEMENT.

The duly appointed zoning administrator is hereby given the authority to administer and enforce the provisions of this ordinance.

The zoning administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this chapter and applicable building codes. He/she shall direct parties in conflict with this chapter, cause to be kept records and files of any and all matters referred to him/her and to execute any and all reports as the city administrator and City Council may require.

If the zoning administrator shall find that any one of the provisions of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. (Ord. No. 2000-2, Art. XIV)

24-14.1 Grading, Building and/or Sign Permits Required. No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required permits have been issued. No permits inconsistent with the provisions of this chapter shall be issued unless accompanied by an approved variance as provided by this Article.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

The provisions of this subsection shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

a. *Application Requirements for a Grading (Land Disturbing) Permit.* Requirements for a grading permit are contained in the City Code of Ordinances, Chapter XXIII, Article VIII, Section 23-111, Surface Waters. Diversion and concentration of surface water onto lower lands, storm sewers, ditches, and water courses.

- b. *Application Requirements for a Building Permit.* Each application for a permit for a building or structure other than a sign shall be accompanied by two (2) sets of the following or as much thereof as the zoning administrator shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this chapter:
1. Assurances as to the acceptable performance of industrial uses, where applicable.
 2. A plat and/or site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height and location on the lot of existing and proposed buildings and structures; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; buffer areas; flood and wetland areas; proposed parking; building elevations and such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this chapter.
- c. *Application Requirements for a Sign Permit.* Each application to erect a sign, where a sign permit is required by this chapter, shall be accompanied by the following information:
1. Common signage plan, where applicable, in accord with the requirements of subsection 24-8.4.
 2. Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
 3. Name and address of the owner of the sign.
 4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
 5. Correct size, shape, configuration, face area, height, nature, number and type of sign to be erected.
 6. The value of the sign and sign structure.
 7. The zoning administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.
(Ord. No. 2000-2, Art. XIV)

24-14.2 Certificate of Occupancy Required. No building, other structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until a certificate of occupancy, certifying compliance with this chapter has been issued by the zoning administrator. No certificate of occupancy shall be issued where such use is in violation of the provisions of this chapter, or of any other applicable law or regulation.

- a. *Application Requirements for Certificate of Occupancy.* Application materials required for a building permit and on file in the building department shall constitute the basis for compliance determination and the subsequent issuance of a certificate of occupancy. Each application for a certificate of occupancy shall be made coincident with the application for a building permit, and shall be issued upon finding by the zoning administrator that the building or structure has been constructed, erected, or altered in accord with all applicable requirements of this chapter.

Failure to comply with the standards and requirements of this chapter may result in withholding the issuance of such permit and prevent the use of said building or property until compliance is certified. Failure to obtain a certificate of occupancy shall be a violation of this chapter, and punishable under subsection 24-14.8.
(Ord. No. 2000-2, Art. XIV)

24-14.3 Expiration of Building and Sign Permits. All sign and building permits shall be valid for a period of six (6) months. If construction has not begun within this period, the applicant may request an extension of required time. Without an extension, the permit shall expire automatically at the end of such time. (Ord. No. 2000-2, Art. XIV)

24-14.4 Fees. A fee to cover the administrative cost of issuing permits and certificates shall accompany all requests for such permits and certificates. The amount of the fee shall be determined by the Mayor and City Council, a schedule of which shall be available at the office of the Zoning Administrator. (Ord. No. 2000-2, Art. XIV)

24-14.5 Filing of Applications. Applications for permits and certificates shall be signed by the owner or his/her designee and shall be filed on forms provided by the Zoning Administrator. (Ord. No. 2000-2, Art. XIV)

24-14.6 Inspections for Compliance. The zoning administrator may make or require inspections of any construction to ascertain compliance with the provisions of this chapter and other laws, which are in force and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application.
(Ord. No. 2000-2, Art. XIV)

24-14.7 Complaints Regarding Violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, the Zoning Administrator shall record and investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.
(Ord. No. 2000-2, Art. XIV)

24-14.8 Penalties For Violation. Any persons violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

In case any building, structure or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign or land is or is proposed to be used in violation of this chapter, the zoning administrator or other appropriate administrative officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws, 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense. (Ord. No. 2000-2, Art. XIV)

24-14.9 Appeal to the Board of Zoning Appeals. It is the intention of this ordinance that all questions arising in connection with the enforcement of the ordinance shall be presented first to the zoning administrator and that such questions shall be presented to the board of zoning appeals on appeal from the decision of the zoning administrator. (Ord. No. 2000-2, Art. XIV)

24-14.10 Establishment of Board of Zoning Appeals. A board of zoning appeals is hereby established. Said board of zoning appeals shall consist of seven (7) members, who shall be citizens of the city and shall be appointed by the City Council for overlapping terms of four (4) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and any member may be removed by City Council for cause, after a public hearing. Members shall serve without pay. (Ord. No. 2000-2, Art. XIV)

24-14.11 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 reelected or until their successors are elected. The board shall appoint a secretary, who may be a city staff member or a member of the board of zoning appeals. The board shall adopt rules of procedure in accordance with Section 6-29-790 of the South Carolina Code of Laws. Meetings of the Board shall be held at the call of the Chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. . (Ord. No. 2000-2, Art. XIV)

24-14.12 Appeals, Hearings and Notice. Any person aggrieved by a decision of the zoning administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the zoning administrator within thirty (30) days after notice of the decision. The Zoning Administrator shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from 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/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of appeals by a court of record on application, on notice to the zoning administrator and on due cause shown.

The board of zoning appeals shall hear and decide any appeal within forty-five (45) days from the date of filing the appeal with the zoning administrator. The board of zoning appeals shall give public notice of the appeal in a newspaper of general circulation, as well as due notice to the parties in interest. At the hearing any party may appear in person or by agent or by attorney. (Ord. No. 2000-2, Art. XIV)

24-14.13 Powers and Duties of the Board of Zoning Appeals.

- a. The board of zoning appeals shall have the following powers and duties:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance. The Board of appeals shall have the powers and duties to review, approve, and permit all applications for special exceptions.
 - 2. To authorize upon appeal in specific cases a variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in the unnecessary hardship so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. However, an owner is not entitled to relief from a self-inflicted hardship or by claim of ignorance to zoning requirements.
- b. The board of zoning appeals may grant a variance for an unnecessary hardship it makes and explains in writing the following findings:
 - 1. Extraordinary conditions. There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to topography, size and shape which make it difficult or impossible to make an economically feasible use of the property; and

2. Utilization. The application of the ordinance on this particular piece of property would create an unnecessary hardship which would effectively prohibit its reasonable use; and
3. Unique property. Such conditions are peculiar to the particular piece of property involved, proof shall be provided that this particular piece of property suffers a singular disadvantage from a zoning regulation which creates this unnecessary hardship; and
4. Detriment. The authorization of a variance will not cause substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance nor impair the purpose and intent of the ordinance or the comprehensive plan, provided however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.
(Ord. No. 2000-2, Art. XIV)

24-14.14 Decisions of the Board of Zoning Appeals. In exercising the above powers, the concurring vote of a majority of the members of the board of zoning appeals shall in conformity with the provisions of state law, reverse or be required to affirm, wholly or in part, or may modify the order, requirement, decision, or determination of the building official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The board, in the execution of the duties for which appointed, may subpoena witnesses and, in case of contempt may certify such fact to the Circuit Court in and for the County of Orangeburg, South Carolina. (Ord. No. 2000-2, Art. XIV)

24-14.15 Appeals from Decisions of Board of Zoning Appeals. Any person who may have a substantial interest in any decision of the board of zoning appeals may appeal any decision of the board to the circuit court in and for the County of Orangeburg by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the board of zoning appeals is not stayed when there is an appeal from the board to the circuit court. (Ord. No. 2000-2, Art. XIV)

ARTICLE XV
LEGAL STATUS PROVISIONS

24-15 PROVISIONS.

24-15.1 Conflict with Other Laws. Whenever the regulations of this chapter 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 chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern. (Ord. No. 2000-2, Art. XV)

24-15.2 Validity. Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the chapter as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional. (Ord. No. 2000-2, Art. XV)

24-15.3 Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect. (Ord. No. 2000-2, Art. XV)

24-15.4 Effective Date. This chapter shall take effect and be in force from and after the date of its adoption by the Orangeburg City Council. (Ord. No. 2000-2, Art. XV)