

City of Orangeburg
Planning Commission Public Hearing Minutes
November 18, 2021

Members Present

Guy Best – Chairperson
Paula Payton-Vice-Chairperson
Stephon Edwards II
Williams Evans
Dr. Shirlan Moseley-Jenkins
Jeanna Reynolds
John Wolfe

Members Absent

Guests

John Ford, Robert & Company

Staff Members

John D. Singh, Assistant City Administrator
Leann Holloway, Secretary

Citizens from the community

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Press present

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REGULAR MEETING

Approval of Minutes

A motion was made by Commissioner Edwards and seconded by Commissioner Reynolds to approve the minutes for October 26, 2021. The motion was unanimously approved.

New Business

Chairman Guy Best stated, "Under new business, consideration of Amendment of the text of Chapter 24, Article IX of the Zoning Ordinance titled "Buffering, Screening, Landscaping, Common Open Space and Tree Protection". and make a written recommendation to City Council."

Mr. John D. Singh, Assistant City Administrator stated, "Good Evening Commission members. I come before you this evening to present a little background to the public on a study requested by Council regarding buffering between residential and commercial areas. In front of you are the results of that study after Public Hearings were held, public comments received, and review and discussion by you, the Planning Commission. Mr. John Ford, our Planner, took all this information and put the recommendations into our Ordinance. We are looking at buffering types of three levels, A, B, and C. The buffering has a diagram showing the type of buffering along with the description. They all have natural materials such as shrubs and trees as the first level of buffering. As the levels go up to B and C, the intensity of what type of buffering increases. For example, a doctor's office may be looking at an A level buffering, a coffee shop with a drive-thru would be a C level buffering. The other difference is if a person or entity needs extra space required to put the shrubs or trees the other option is to put up a fence or wall structure. Those fence and wall structures level of intensity

increases the same way based on the buffering level required. That is a high-level explanation of the buffering in general. It stipulates that once someone is approved to use plants and materials; they must maintain them. If there is a violation of that it would go through our Building Official and the Property Maintenance Code for enforcement. The concept gives us a good way to keep those areas maintained and allow that division between a residential and commercial area. We are proposing that this go in our Zoning Ordinance as an updated buffering plan to be incorporated throughout the entire City. I would be happy to answer any questions you may have."

Commissioner Jenkins asked, "So if there are apartment buildings with buffers that have not been maintained and they are falling down, what would the City do?"

Assistant City Administrator Singh responded, "Unfortunately, that would be a grandfathered issue meaning we would have to keep the code as it sits. It would not apply in that sense. If they perform a renovation of over 50% to a property, then new code would fall into place. The concept is to be sure that future construction has a good buffering plan."

Mr. John Ford, Robert & Company, stated, "Buffer A essentially addresses between the buildings and the street. That is not really changing at all because we are not advocating building a wall between the street and the use. Anytime they come in for a new building permit they need to be able to meet those buffers. If they are coming in to do anything in terms of a significant building permit, then you would be able to review and say 'Look you have not kept your buffers up.' It is a negotiation tactic and if they go to court, they may not be required to do it, but it is much cheaper to rebuild that buffer than it is to go to court. The intent is to make it an easy economic decision for the builder to keep their buffers in place and working. The intent behind the B and C buffers is that sometimes at the back of a property there is residential immediately adjacent. It doesn't matter if it is a 15- or 20-foot buffer if they do not maintain the plants, there will be a gradual erosion of the ability to screen between the new use and the existing residential use. One of the assets that could be provided by using what I call barriers, that is the fencing or walls, is that as an alternative has two main things that it does. One is that it can reduce the space, instead of being 20 feet they might only have to take five feet of their property. Now there is an associated cost with building up that wall, but also a good wall needs to be built to meet the standards for the City and it should have a much better permanence than a planted buffer that is not maintained. Even though a barrier may be more expensive for the developer we believe the barrier as an option is a long-term, easy-to-manage alternative to that depth buffer. It gives them a payback in terms of those five feet."

Commissioner Jenkins asked, "The property (Chestnut Ridge Subdivision) that we discussed in our last Planning Commission meeting, would they fall under this buffering?"

Assistant City Administrator Singh responded, "They would be under the old ordinance. Typically, they would not have any issues like this being that it is a residential neighborhood, so it is resident to resident."

Commissioner Payton asked, "Since the land was cleared and sitting a long time, is that the reason that it would not go under the new buffering ordinance?"

Assistant City Administrator Singh responded, "Their process occurred before this was put in place. When the current ordinance was drafted, it referenced "mobile home" but not "manufactured home". We are going to update and include "mobile/manufactured home" to reduce any confusion."

Commissioner Edwards asked, "Will there be an appeals process for the buffering?"

Assistant City Administrator Singh responded, "Good question. In the Ordinance, there is an appeals process very similar to any zoning item. It goes to the Zoning Administrator first who has a certain range of decisions he can make. If that is not satisfactory, then it would go to the Zoning Boards of Appeals."

Mr. John Ford, stated, "The zoning itself does not trigger the requirement for a buffer or a barrier to be built. The trigger of when they would have to build it is based upon when they would apply for a Ground Disturbance Permit. Therefore, if someone says I want to rezone and be able to sell the property as a commercial use, they would be able to do so with it rezoned. This trigger would also be in place when someone wants to start development. I want to make sure you understand that would not occur until such time as someone is ready to start to do a land disturbance. A lot of these requirements do not take effect when the zoning happens, but they would affect any development on the zoned property."

Assistant City Administrator Singh stated, "Put another way, it would be known to the person purchasing the property that when they apply for disturbing the ground, they are responsible for the buffer so the person selling the property is not responsible for the buffer."

Commissioner Reynolds asked, "A, B, and C are all the same size. They all have 100 feet. How do you choose which one?"

Assistant City Administrator Singh responded, "It is based on the intensity of the use. If no use is specified at all, it defaults to C, which is the maximum buffering required."

A motion was made by Commissioner Edwards and seconded by Commissioner Reynolds to approve the amendment of the text Chapter 24, Article IX of the Zoning Ordinance titled "Buffering, Screening, Landscaping, Common Open Space and Tree Protection" and the requirements stated in this meeting. The motion was unanimously approved.

A motion was made by Commissioner Edwards and seconded by Commissioner Payton to adjourn the meeting. The motion was unanimously approved.

Respectfully submitted,



John D. Singh
Assistant City Administrator