



ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING ARTICLE IX OF THE ZONING ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA TITLED BUFFERING, SCREENING, LANDSCAPING, COMMON OPEN SPACE AND TREE PROTECTION.

WHEREAS, City Council has determined it is in the public interest to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within the City of Orangeburg.

NOW, THEREFORE BE IT ORDAINED by the City Council duly assembled this 18th day of January 2022 that Article IX, titled Buffering, Screening, Landscaping, Common Open Space and Tree Protection, Sections 24-9.1, 24-9.2, 24-9.3, 24-9.4, and 24-9.5 are hereby amended and after amendment shall read as follows:

24-9.1 Buffer Areas.

a. **Definition.** A buffer area is a specified unit of yard, together with plantings, fences, walls, and other screening devices required thereon. A buffer may also contain, or be required to contain, a barrier such as a wall or fence where additional screening is necessary to achieve the desired level of buffering between districts of varying intensities or uses.

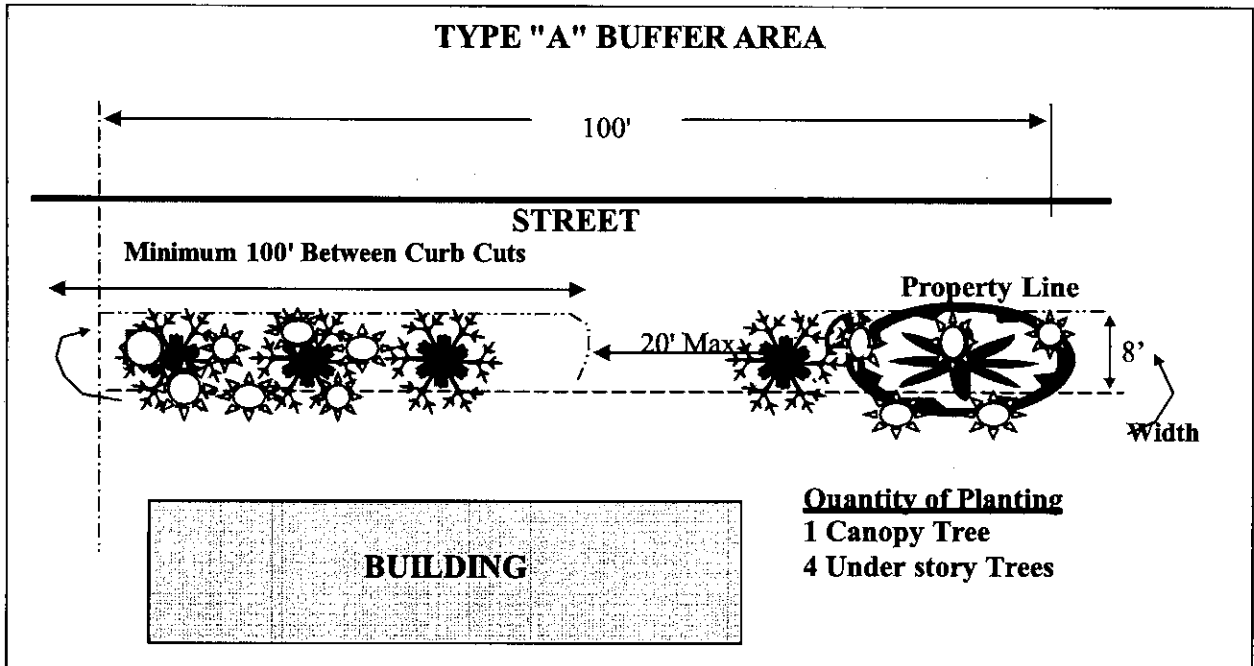
b. **Purpose.** The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets and promote land use compatibility. Additionally, the buffer area is designed to safeguard property values and preserve the character and ambience of the city.

c. **Location.** Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. A buffer shall not be located on any portion of an existing street or right-of-way; however, the buffer 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.** Where perimeter compatibility may be required along the boundaries of incompatible zoning districts, it is the intent of a buffer to interrupt sight lines from adjacent properties through the use of vegetation, fences, walls or other barriers. If the grade of the site, or other condition, prevents the buffer from accomplishing the purpose of the buffer then the minimum requirements may be modified to require a barrier screen at the request of the Zoning Administrator. Required buffers are identified by "Buffer Type",

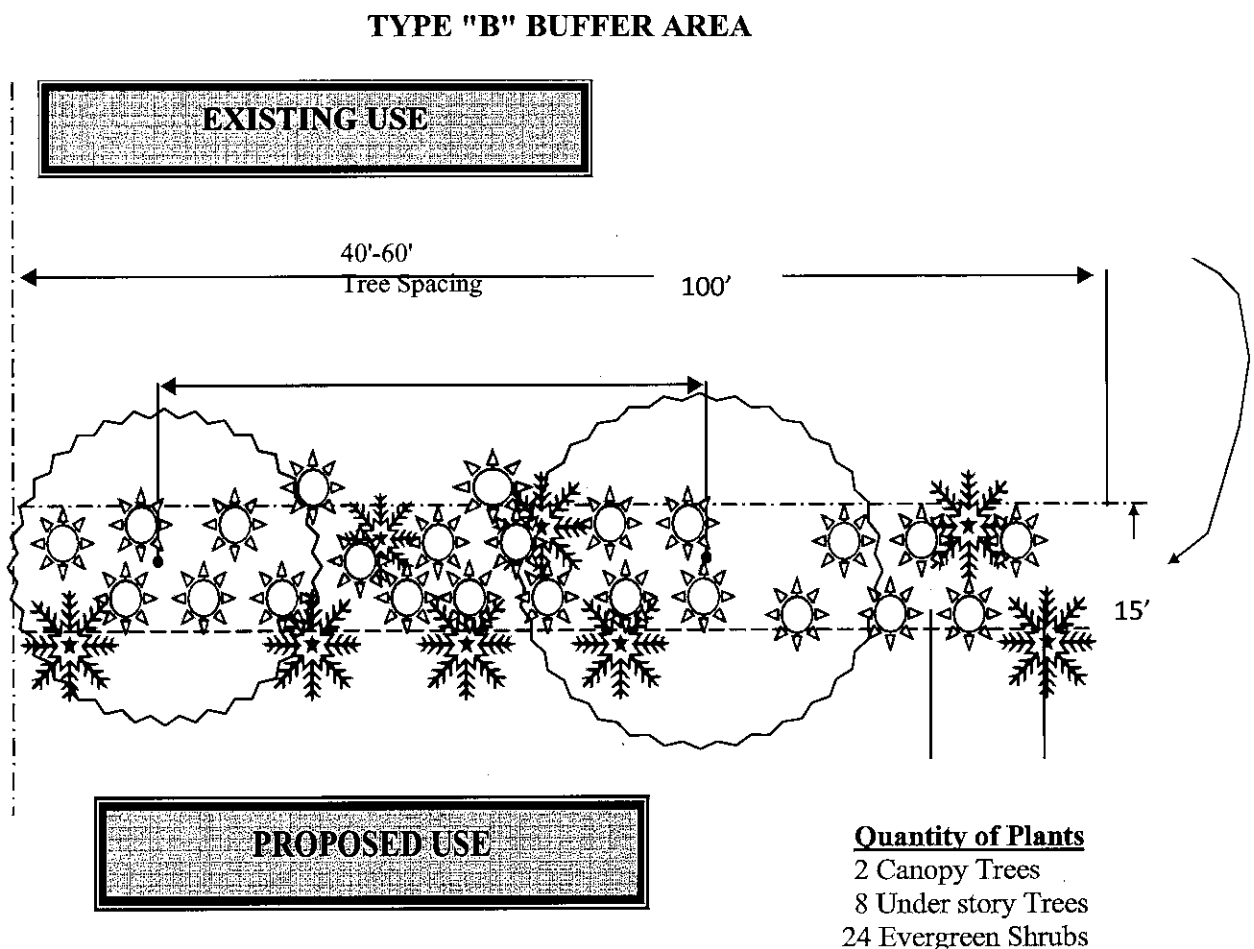
e. **Buffer Type.** Three (3) buffer area types are required by this chapter, Type A, Type B, and Type C. Each Buffer Type provides specific requirements for the width and types of plant materials that may be required.

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 the Type "A" Buffer area diagram.

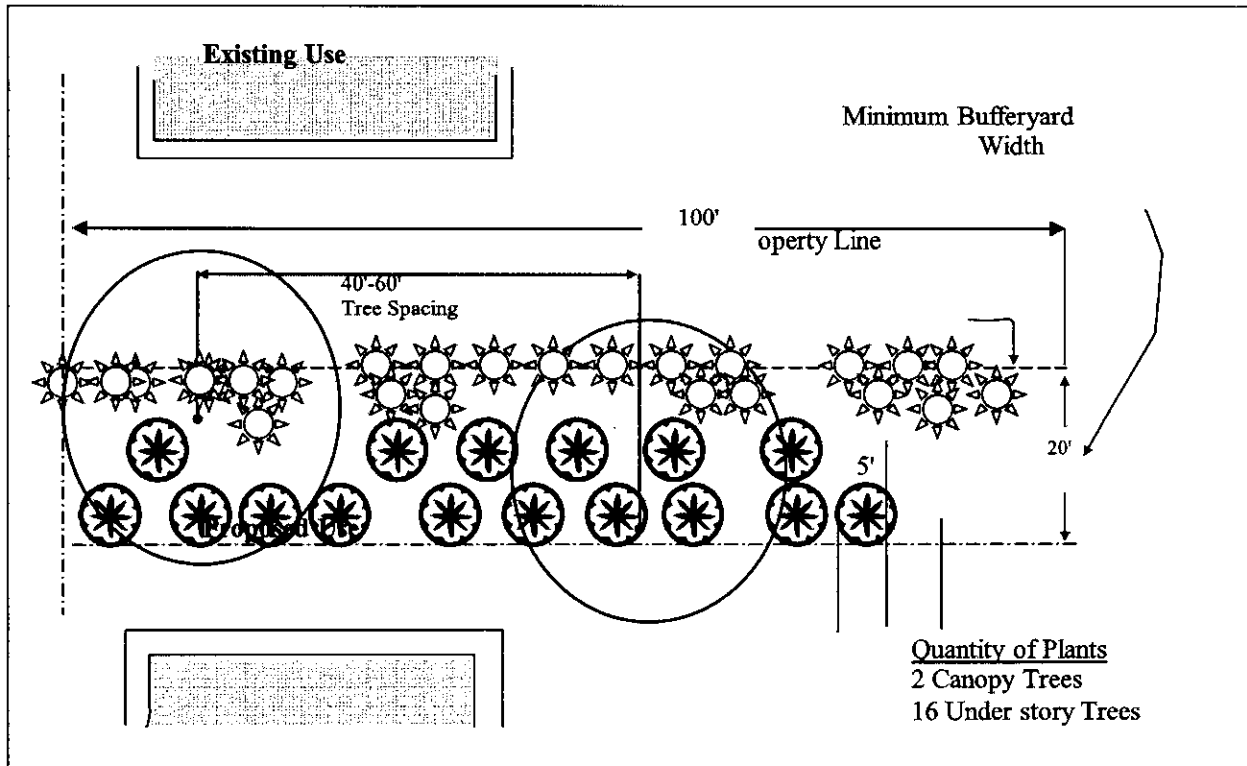


Where a parking or maneuvering area is adjacent and parallel to a street, a decorative wall, evergreen hedge or similar screen shall be established within the required buffer area. The required wall or screening shall provide breaks, as necessary, to allow for access to the site, and visual surveillance 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 the 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 the Type "C" Buffer Area diagram.



f. 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 (or manufactured 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 (or manufactured 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.

4. **Preservation of Future Buffer Area Required.** When an unspecified 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 minimum area of the width required by a Type C Barrier shall be provided along the boundary of the adjoining residential property line to preserve the opportunity to provide an appropriate buffer type to accommodate future development. The determination of the required Type of Buffer will be approved prior to or at the time a grading or building permit is approved.

g. 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.

Substitutions. A substitution may be requested by the Applicant, the Zoning Administrator, or by the Planning Commission to allow an alternative means to buffer potential conflicts between bordering land uses and must be approved by the Zoning Administrator. 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. *Tree Replacement.* 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 an appropriate barrier screen, 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.

4. *Barrier Screen.* Where required, a fence or wall used as part of the buffer area requirements must be constructed of an opaque or sight-proof materials and shall not be less than six feet (6') in height unless approved as part of a site plan review. The requirements of a barrier screen shall be identified by classification as a Class I Barrier, a Class II Barrier, or a Class III Barrier. Barrier Classifications as described by the following sections:

- (a) A Class I Barrier Screen may be provided by a wooden fence or wall and may be substituted as an alternative to a Type B Buffer Area when a mobile home (or manufactured home) park, multi-unit or townhouse project or institutional use is proposed for a site or lot adjoining a single-unit residential dwelling in a residentially zoned district. Such fence or wall shall be maintained in good condition with no advertising thereon and shall be subject to approval by the Zoning Administrator.



Photo Source: Jasper Homes



Photo Source: Next Luxury Fence

(b) A Class II Barrier requires a masonry or decorative concrete type of wall and may be substituted as an alternative to a Class B Buffer Area when a mini-warehouse, office building or commercial use is proposed for a site or lot adjoining a single-unit residential dwelling in a residentially zoned district. Such wall shall be maintained in good condition with no advertising thereon. Decorative concrete and masonry walls shall be subject to approval by the Zoning Administrator. A Class II Barrier is required to be no less than six feet (6') in height unless approved as part of a site plan review.



Photo Source: Home Depot

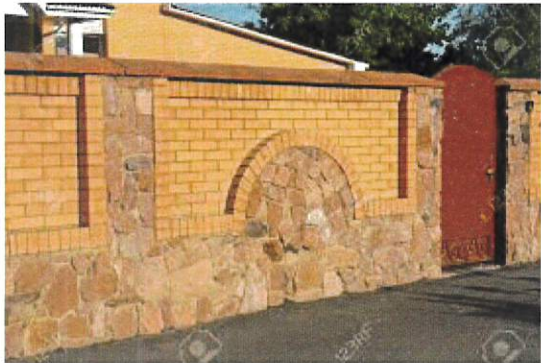


Photo Source: 123 Fences

(c) A Class III Barrier requires a masonry or decorative concrete type of wall and may be substituted as an alternative for a Class C Buffer Area 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. Such wall shall be maintained in good condition with no advertising thereon. Decorative concrete and masonry walls shall be subject to approval by the Zoning Administrator. A Class III Barrier is required to be no less than eight feet (8') in height unless approved as part of a site plan review.



Photo Source: Allan Block



Photo Source: Pinterest

Examples of Development Types requiring a Type B or Type C Buffer where a Barrier may be preferred



Residential Backyard adjacent to OI Use



Bank Lanes adjacent to SF Residential Dwelling

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.

Examples of appropriate decorative concrete and masonry walls are provided below:



Examples of inappropriate concrete and masonry walls are provided below:



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 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.

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.

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.

c. **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.

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.

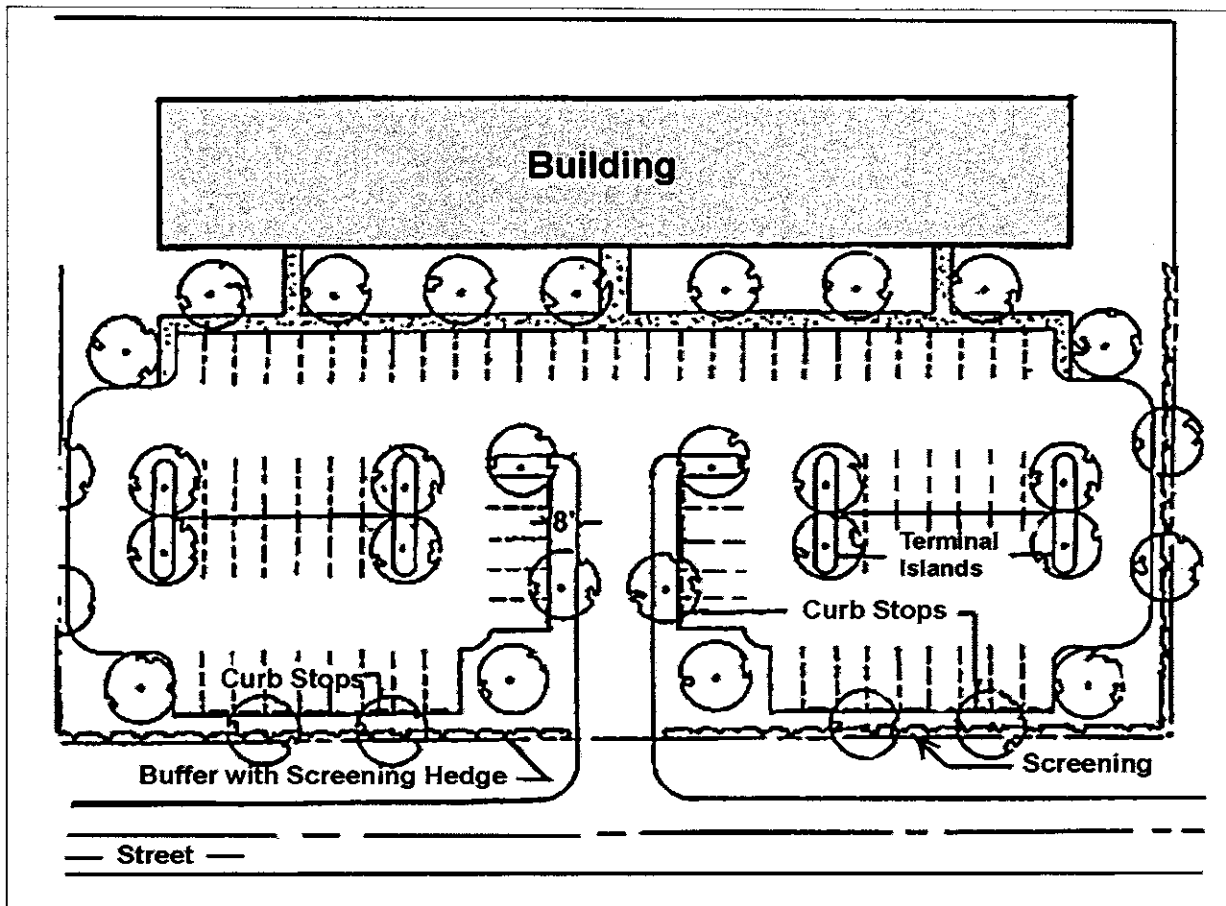
2. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

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 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.

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:

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

d. Exceptions

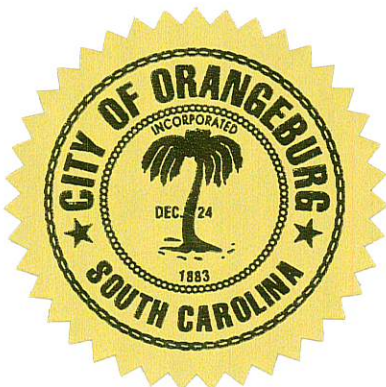
1. In the event that any significant tree shall be determined to endanger the public health, safety or welfare, or endangering public or private property, written authorization may be given by the Zoning Administrator to remove the tree or parts thereof (i.e. dead or diseased limbs); provided a sufficient 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.

PASSED BY the City Council of the City of Orangeburg, South Carolina, as an Emergency Ordinance on this 18th day of January, 2022.



Michael C. Butler
Mayor

[Signature]
[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
Members of Council

Attest: Linda McDaniel
City Clerk

First Reading: 12-21-2021
Second Reading: 01-04-2022
Third Reading: 01-18-2022