

ORDINANCE NO. 1994-01

An Ordinance To Amend Chapter
VII ~~XIII~~ Of The Code Of Ordinances
For The City Of Orangeburg, South
Carolina For The Purpose Of Amending
The Business License Fee Schedule
For Life Insurance Companies

Be it ordained by the Mayor and Members of Council of the City of
Orangeburg, South Carolina, in Council assembled, and by the
authority of the same that the Business License Schedule be
amended by charging the following:

423300 Life, Health, & Hospital Insurance Companies
on gross premiums.....2%

Done & ratified by City Council of Orangeburg, South Carolina, in
Council assembled this 4th day of January, 1994.



Martin L. Chatham
Mayor
James Haire
Landra T. Kintz
Marion F. Warr
L. J. ...
James W. ...
...

ATTEST:
Sharon M. Jamming
City Clerk

ORDINANCE NO. 1994-02

AN ORDINANCE AUTHORIZING THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA TO ACT AS AN AGENT FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA, FOR THE PURPOSE OF COLLECTING ALL BUSINESS LICENSE TAXES FROM PROPERTY AND CASUALTY INSURANCE COMPANIES AND BROKERS FOR NON-ADMITTED INSURANCE COMPANIES

WHEREAS, the Municipal Association of South Carolina has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state, and is continuing a program for collection of business license taxes from brokers for non-admitted surplus lines insurers insuring risks in this state, in which some municipalities participate; and

WHEREAS, participating municipalities have adopted uniform rates and delinquent penalties for insurers and brokers, and a uniform due date of May 31 for such license taxes; and

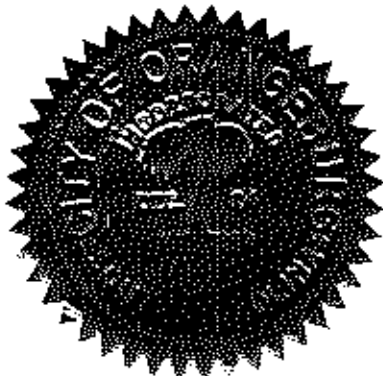
WHEREAS, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to South Carolina Code Ann. 5-7-300.

NOW, THEREFORE, BE IT ORDAINED by Mayor and Councilmembers of the City of Orangeburg, South Carolina, in Council duly assembled this 18th day of January, 1994, that:

The Municipal Association of South Carolina is authorized to collect business license taxes for the City of Orangeburg from property and casualty insurance companies and brokers for non-admitted insurance companies and that the Mayor of the City of Orangeburg is authorized to execute an Agreement with the Municipal Association of South Carolina (attached hereto) outlining services to be provided by the Association and detailing fees to be paid for collection services.

This Ordinance does not apply to the collection of business license taxes for Life and Health Insurance Companies or brokers.

PASSED AND APPROVED by the City Council of Orangeburg, South Carolina, this 18th day of January, 1994.



Martin C. Crawford
MAYOR

Jayce H. [Signature]
[Signature]
[Signature]

COUNCILMEMBERS

ATTEST:
Sharon M. Jamming
CITY CLERK

1994

AGREEMENT
FOR COLLECTION OF ALL BUSINESS LICENSE TAXES FROM INSURANCE
COMPANIES AND BROKERS FOR NON-ADMITTED INSURANCE COMPANIES

WHEREAS, the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state, and is continuing a program for collection of business license taxes from brokers for non-admitted surplus lines insurers insuring risks in this state, in which some municipalities participate; and

WHEREAS, participating municipalities have adopted uniform rates and delinquent penalties for insurers and brokers, and a uniform due date of May 31 for such license taxes; and

WHEREAS, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to S. C. Code Ann. §5-7-300; now therefore,

WITNESSETH

THIS AGREEMENT is made between the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA (MASC) and the City/Town of City of Orangeburg (Municipality).

It is agreed between the parties as follows:

1. MASC will make the necessary investigations, develop a database for the Municipality, establish procedures for determining the amount of business license taxes due, communicate with insurance companies and brokers subject to the taxes, collect all current and delinquent business license taxes due from **Property and Casualty** insurers and from brokers on an annual basis.
2. MASC will bear all expenses incurred in connection with the services rendered.
3. MASC will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes collected for the municipality, less the service charge here in agreed to, will be disbursed to the Municipality on a monthly basis, unless otherwise agreed.
4. MASC is hereby designated as the exclusive agent of the Municipality for assessment and collection of the said business license taxes and penalties utilizing all procedures and actions authorized by ordinance or State law, and such procedures and actions may be invoked in the name of the Municipality without further approval by the Municipality.
5. MASC will notify all **Property and Casualty** insurance companies licensed in the state of this agreement and the requirement that all business license taxes be paid to MASC.

6. The Municipality acknowledges that it is an essential element of the programs for all such taxes to be paid to MASC, and no such taxes will be accepted, waived or compromised by the Municipality directly from or with an insurer or broker. All communications from Property and Casualty insurance companies and brokers will be sent to MASC. Payments accepted by the Municipality will be included in the computation of compensation to MASC.

7. The Municipality shall provide MASC with a report on the collection of Property and Casualty insurance company license taxes for the last full year prior to the agreement.

8. The Municipality agrees that MASC shall retain one (1%) per cent on a base amount equal to the amount collected directly by the Municipality from insurers in the last full license year prior to this Agreement, and ten (10%) per cent on all MASC collections from insurers above the base amount and on all amounts collected from brokers, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

9. The Municipality represents that this agreement has been approved by ordinance duly adopted pursuant to S.C. Code Ann. §5-7-300.

10. This Agreement is effective until December 31, 1998, and shall continue from year to year thereafter until terminated by either party upon 90 days notice in writing given prior to December 31.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: _____

Howard E. Duvall, Jr.
Howard E. Duvall, Jr.
Executive Director

CITY/TOWN OF City of Orangeburg

By: _____

Martin E. Cheatham
Mayor

DATE: _____, 1994.

January 25,

ORDINANCE NO. 1994-03

AN ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA; PRESCRIBING REGULATIONS FOR RATES CHARGED TO CABLE TELEVISION SUBSCRIBERS FOR THE BASIC SERVICE TIER; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Federal Communications Commission ("FCC") has issued rules pursuant to the Cable Television Consumer Protection and Competition Act, Pub. L. No. 102-385 (1992) ("1992 Cable Act"), implementing the regulation of cable television subscriber rates; and

WHEREAS, these rules allocate the regulation of rates for the basic service tier and associated equipment rates to local franchising authorities and require local authorities to become certified and adopt their own regulations governing the process of rate regulation; and

WHEREAS, the City of Orangeburg franchises cable television service for the benefit of its citizens; and

WHEREAS, the City has submitted its application for certification to the FCC and it is expedient to adopt the required regulations now, in order to implement regulations at the earliest possible date to obtain the most competitive rates for the City's cable ratepayers; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG:

SECTION 1. DEFINITIONS

In this ordinance:

BASIC CABLE RATES means the monthly charges for a subscription to the basic service tier and the associated equipment.

BASIC SERVICE TIER means a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels, and all domestic television signals other than superstations.

BENCHMARK means a per channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.

CABLE ACT OF 1992 means the Cable Television Consumer Protection and Competition Act of 1992.

CABLE OPERATOR means any person or group of persons:

(a) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or

(b) Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

CHANNEL means a unit of cable service identified and selected by a channel number or similar designation.

COST OF SERVICE SHOWING means a filing in which the cable operator attempts to show that the benchmark rate of the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.

FCC means the Federal Communications Commission.

INITIAL BASIC CABLE RATES means the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the city notifies the cable operator of the city's qualification and intent to regulate basic cable rates.

MUST-CARRY SIGNAL means the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.

PEG CHANNEL means the ceiling set by the FCC on future increases in basic cable rates regulated by the city based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

REASONABLE RATE STANDARD means a per channel rate that is at, or below, the benchmark or price cap level.

SUPERSTATION means any nonlocal broadcast signal secondarily transmitted by satellite.

SECTION 2. INITIAL REVIEW OF BASIC CABLE RATES

(A) Notice. Upon the adoption of this ordinance and the certification of the city by the FCC, the city shall immediately notify all cable operators in the city, by certified mail, return receipt requested, that the city intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

(B) Cable operator response. Within 30 days of receiving notice from the city, a cable operator shall file with the city, its current rates for basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.

(C) Expedited determination and public hearing. (1) If the city council is able to expeditiously determine that the cable operator's rates for the basic service tier and associated equipment are within the FCC's reasonable rate standard, as determined by the applicable benchmark, the city council shall:

(a) Hold a public hearing at which interested persons may express their views; and

(b) Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the city.

(2) If the city council takes no action within 30 days from the date the cable operator filed its basic rates with the city, the proposed rates will continue in effect.

(D) Extended review period. (1) If the city council is unable to determine whether the rates in issue are within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the city council shall, within 30 days from the date the cable operator filed its basic cable rates with the city and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

(a) 90 days if the city council needs more time to ensure that a rate is within the FCC's reasonable rate standard; or

(b) 150 days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

(2) If the city council has not made a decision within the 90 or 150 day period, the city council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

(E) Public hearing. During the extended review period and before taking action on the proposed rate, the city council shall hold at least one public hearing at which interested persons may express their views and record objections.

(F) Objections. An interested person who wishes to make an objection to the proposed initial basic rate may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the city clerk with the objector's name and address.

(G) Benchmark analysis. If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC's reasonable rate standard, the city council shall review the rates using the benchmark analysis in accordance with the standard form authorized by the FCC. Based on the city council's findings, the initial basic cable rates shall be established as follows:

(1) If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rates will be capped at that level.

(2) If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per channel rate on September 30, 1992, reduced by 10 percent, or the applicable benchmark, adjusted for inflation and any change in the number occurring between September 30, 1992 and the initial date of regulation.

(3) If the current basic cable rates exceed the benchmark, but the cable operator's per channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.

(H) Cost-of-service showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify initial basic cable rates above the FCC's reasonable rate standard. The city council will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The city council may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992 rates minus 10 percent, will prescribe the cable operator's new rates.

(I) Decision. (1) By formal resolution. After completion of its review of the cable operator's proposed rates, the city council shall adopt its decision by formal resolution. The decision shall include one of the following:

(a) If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the city council shall approve the initial basic cable rates proposed by the cable operator; or

(b) If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the city council shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.

(2) Rollbacks and refunds. If the city council determines that the initial basic cable rates submitted exceed the reasonable rate standard or that the cable operator's cost-of-service showing justifies lower rates, the city council may order the rates reduced in accordance with paragraph (G) or (H) above, as applicable. In addition, the city council may order the cable operator to pay to subscribers, refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulation as directed in the city council's resolution.

(3) Statement of reasons for decision and public notice. If rates proposed by cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the city council must give the public notice of its decision. Public notice will be given by advertisement once in a newspaper of general circulation in the city.

(J) Appeal. The city council's decision concerning rates for the basic service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations.

SECTION 3. REVIEW OR REQUEST FOR INCREASE IN BASIC CABLE RATES

(A) Notice. A capable operator in the city who wishes to increase the rates for the basic service tier or associated equipment shall file a request with the city and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.

(B) Expedited determination and public hearing. (1) If the city council is able to expeditiously determine that the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the city council shall:

(a) Hold a public hearing at which interested persons may express their views; and

(b) Act to approve the rate increase within 30 days from the date the cable operator filed its request with the city.

(2) If the city council takes no action within 30 days from the date the cable operator filed its request with the city, the proposed rates will go into effect.

(C) Extended review period. (1) If the city council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the city council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

(a) 90 days if the city council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and

(b) 150 days if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.

(2) The proposed rate increase is tolled during the extended review period.

(3) If the city council has not made a decision within the 90 or 150 day period, the city council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

(D) **Public hearing.** During the extended review period and before taking action on the requested rate increase, the city council shall hold at least one public hearing at which interested persons may express their views and record objections.

(E) **Objectives.** An interested person who wishes to make an objection to the proposed rate increase may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the city clerk with the objector's name and address.

(F) **Delayed determination.** If the city council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the city council later issues a decision disapproving any portion of the increase.

(G) **Price cap analysis.** If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the city council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the city council's findings, the basic cable rates shall be established as follows:

(1) If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.

(2) If the proposed basic cable rate increase exceeds the price cap established by the FCC, the city council shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.

(H) **Cost-of-service showings.** If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the city council will review the submission pursuant to the FCC standards for cost-of-service review. The city council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.

(I) **Decision.** The city council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person in writing at anytime before the decision resolution is adopted.

(J) **Refunds.** (1) The city council may order refunds of subscribers' rate payments with interest if:

(a) The city council was unable to make a decision within the extended time period as described in paragraph (C) above; and

(b) The cable operator implemented the rate increase at the end of the extended review period; and

(c) The city council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the city council disapproves any portion of the rate increase.

(2) The method for paying any refunds and the interest rate will be in accordance with FCC regulations as directed in the city council's decision resolution.

(K) Appeal. The city council's decision concerning rates for the basic service tier or associated equipment, may be appealed to the FCC in accordance with applicable federal regulations.

SECTION 4. CABLE OPERATOR INFORMATION

(A) City may require. (1) In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the city council may require the cable operator to produce information in addition to that submitted, including proprietary information, if needed, to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section.

(2) In cases where initial or proposed rates comply with the reasonable rate standard, the city council may request additional information only in order to document that the cable operator's rates are in accord with the standard.

(B) Request for Confidentiality. (1) A cable operator submitting information to the city council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.

(2) If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.

(3) Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.

(4) Casual requests which do not comply with the requirements of this subsection shall not be considered.

(C) City council action. Requests which comply with the requirements of subsection (B) will be acted upon by the city council. The city council will grant the request if the cable operator presents by a preponderance of the evidence, a case for nondisclosure consistent with applicable federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from the public inspection. If the request does not present a case for nondisclosure and the city council denies the request, the city council shall take one of the following actions:

(1) If the information has been submitted voluntarily without any direction from the city, the cable operator may request that the city return the information without considering it. Ordinarily, the city will comply with this request. Only in the unusual instance that the public interest so requires will the information be made available for public inspection.

(2) If the information was required to be submitted by the city council, the information will be made available for public inspection.

(D) Appeal. If the city denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five working days of the city council's decision, and the release of the information will be stayed pending review.

SECTION 5. AUTOMATIC RATE ADJUSTMENTS

(A) Annual inflation adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per channel rate for the basic service tier annually by the final GNP-PI index.

(B) Other external costs. (1) The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceed the GNP-PI. The factors include retransmission consent fees, programming costs, state and local taxes applicable to the provision of cable television service, and costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per channel rate, without regard to its relation to the GNP-PI.

(2) For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation or February 28, 1992, whichever occurs first. The permitted per channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

(C) Notification and review. The cable operator shall notify the city at least 30 days in advance of a rate increase based on automatic adjustment items. The city shall review the increase to determine whether the item or items qualify as automatic adjustments. If the city makes no objection within 30 days of receiving notice of the increase, the increase may go into effect.

SECTION 6. ENFORCEMENT

(A) Refunds. The city may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

(1) A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or

(2) The cable operator has failed to comply with a valid rate order issued by the city.

(B) Fines. If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500 for each day the cable operator fails to comply.

PASSED and APPROVED by the City Council of Orangeburg, South Carolina, in Council duly assembled, this 15th day of February, 1994.



Walter C. Cheatham
MAYOR

James H. Hairs
Charles F. Knotts
Walter G. Hays
Raymond H. Kelly
James H. Keith
Joseph W. Klemm
COUNCIL MEMBERS

ATTEST:
Sharon M. Jamming
CITY CLERK

ORDINANCE NO. 1994-04

ZONING ORDINANCE
CITY OF
ORANGEBURG, SOUTH CAROLINA

AN ORDINANCE OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A BOARD OF ADJUSTMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

ARTICLE I

TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Orangeburg, South Carolina."

ARTICLE II

AUTHORITY

This Ordinance is prepared pursuant to the authority conferred by the General Statutes of South Carolina, Code of Laws, 1976, Title 6, Chapter 7, as amended.

ARTICLE III

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.

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ARTICLE IV

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

Section 400. **Establishment of Districts.** For the purposes of this Ordinance, the City of Orangeburg is hereby divided into the following zoning districts:

PRIMARY DISTRICTS

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

SPECIAL PURPOSE DISTRICTS

- PDD Planned Development District
- HCD Historical Conservation District
- ACD Airport Compatibility Districts

Section 401. **Purpose of Districts.** Collectively, these districts are intended to advance the purpose of this Ordinance, as stated in Article III. Individually, each district is designed and intended to accomplish the following more specific objectives.

PRIMARY DISTRICTS

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.

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.

A-3, Residential Mobile Home District. This district is intended to accommodate mobile home development in concert with conventional dwellings in planned parks or courts in areas suited to "mixed" residential use. It is further intended to foster mobile home

development as an affordable alternative to conventional "stick-built" housing.

O-1, 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.

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.

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.

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.

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.

SPECIAL PURPOSE DISTRICTS

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

Section 402. **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 Ordinance.

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 Ordinance and the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 7, 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 Building Official 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 Ordinance.

Regardless of the existence of purported copies of the official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the Building Official, 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.

Section 403. **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:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- (5) Boundaries indicated as approximately following the center lines of natural barriers such as streams, shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 5 above shall be so construed. If distances are not specifically indicated on the official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the boundaries shall be determined by the use of scale of such map.

Section 404. **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.

ARTICLE V

PRIMARY DISTRICT REGULATIONS

Section 500. **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.

Section 501. **Use of Tables.** The Standard Industrial Classification Manual, 1992, 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 the tables, the SIC Manual should be consulted. In general, all uses listed by a given SIC number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the SIC Manual are identified by the symbol "NA" (Not Applicable) in the SIC column.

Where the symbol "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 symbol "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to review and design requirements for such uses in Article X.

Where the symbol * is shown, the use may be established within a Type A PDD, subject to review and approval by the Planning Commission as provided for in Section 601.

Where no symbol is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or SIC reference is not listed by the table, 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.

TABLE 1

SCHEDULE OF PERMITTED AND CONDITIONAL USES, BY DISTRICT

DIVISION A, AGRICULTURE	SIC	A-1	A-2	A-3	D-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Agricultural Prod.-Crops	01								P	None
Agricultural Services	07					P			P	1.0 per 1,000 sq. ft. GFA
Veterinary Services (Sec. 1007.7)	0742					P			P	1.0 per 350 sq. ft. GFA
Animal Shelters and Pounds (Sec. 1007.7)	0752								P	1.0 per 1,000 sq. ft. GFA
Landscape & Horticultural	078					P			P	1.0 per 1000 sq. ft. GFA
DIVISION C, CONSTRUCTION										
Bldg. construction-general contract. & operative bldrs. (Sec. 901.3)	15					P			P	1.0 per 1000 sq. ft. GFA
Heavy construction other than bldg. construction- contractors (Sec. 901.3)	16					P			P	1.0 per 1,000 sq. ft. GFA
DIVISION D, MANUFACTURING (Sec. 1006)										
Food & kindred products	20								P	1.0 per 500 sq. ft. GFA
Tobacco Products	21								P	1.0 per 500 sq. ft. GFA
Textile mill products	22								P	1.0 per 500 sq. ft. GFA

DIVISION D (continued)	SIC	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACES(S)
Apparel & other finished prod. made from fabrics & similar materials	23								P	1.0 per 500 sq. ft. GFA
Lumber & wood products, except furniture	24								P	1.0 per 500 sq. ft. GFA
Furniture & fixtures	25								P	1.0 per 500 sq. ft. GFA
Paper & allied products	26								P	1.0 per 500 sq. ft. GFA
Printing, publishing & allied industries	27					P	P		P	1.0 per 500 sq. ft. GFA
Chemicals & allied products	28								P	1.0 per 500 sq. ft. GFA
Rubber & misc. plastic prod.	30								P	1.0 per 500 sq. ft. GFA
Stone, clay, glass & concrete products	32								P	1.0 per 1000 sq. ft. GFA
Fabricated metal products, except machinery & transportation equip.	34								P	1.0 per 500 sq. ft. GFA
Industrial & commercial machinery & computer equip.	35								P	1.0 per 500 sq. ft. GFA
Electronic & other electrical equipment & components, except computer equip.	36								P	1.0 per 500 sq. ft. GFA
Transportation equipment	37								P	1.0 per 500 sq. ft. GFA

DIVISION D (continued)	SIC	A-1	A-2	A-3	Q-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Measuring, analyzing & controlling instruments; photographic, medical & optical goods; watches & clocks	38								P	1.0 per 500 sq. ft. GFA
Misc. manufacturing indus.	39								P	1.0 per 500 sq. ft. GFA

DIVISION E, TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS & SANITARY SERVICES

Local & suburban transit & interurban highway passenger transport.	41					P	P		P	1.0 per 500 sq. ft. GFA
Motor Freight transport. & warehousing	42					P			P	1.0 per 500 sq. ft. GFA
Mini-warehouses (Sec. 1007.4)	4225					P			P	1.0 per 6 storage units
U.S. Postal Service	43				P	P	P	P	P	1.0 per 250 sq. ft. GFA
Transportation Services	47					P	P		P	1.0 per 500 sq. ft. GFA
Communications	48					P	P		P	1.0 per 500 sq. ft. GFA
Electric, gas & sanitary services ⁴⁹										
Electric	491	P	P	P	P	P	P	P	P	1.0 per 500 sq. ft. GFA
Natural gas	492	P	P	P	P	P	P	P	P	1.0 per 500 sq. ft. GFA
Water supply	494	P	P	P	P	P	P	P	P	1.0 per 500 sq. ft. GFA
Sewerage systems	4952	P	P	P	P	P	P	P	P	1.0 per 500 sq. ft. GFA
Recycling facilities (Sec. 1007.13)	4212/4953					P			P	1.0 per 500 sq. ft. GFA

DIVISION F, WHOLESALE TRADE	SIC	A-1	A-2	A-3	O-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Wholesale trade-durable goods	50					P			P	1.0 per 5000 sq. ft. GFA
Wholesale trade-nondurable goods	51					P			P	1.0 per 5000 sq. ft. GFA
DIVISION G, RETAIL TRADE										
Building materials, hardware, garden supply & mobile home dealers	52									
Lumber & bldg. materials	521					P			P	1.0 per 1000 sq. ft. GFA
Paint, glass & wallpaper	523					P	P	P		1.0 per 350 sq. ft. GFA
Hardware stores	525					P	P	P		1.0 per 350 sq. ft. GFA
Retail Nurseries, lawn & garden supply	526					P	P	P	P	1.0 per 350 sq. ft. GFA
Mobile Home dealers	527					C				1.0 per 350 sq. ft. GFA
General Merchandise Stores	53					P	P	P		1.0 per 350 sq. ft. GFA
Food Stores	54					P	P	P		1.0 per 350 sq. ft. GFA
Automotive Dealers	55					P				1.0 per 600 sq. ft. GFA
Gasoline service stations	554					P			P	1.0 per 600 sq. ft. GFA
Truck Stops	554					C			P	1.0 per 600 sq. ft. GFA
Apparel & accessory stores	56					P	P	P		1.0 per 350 sq. ft. GFA
Home furniture, furnishings & equipment stores	57					P	P			1.0 per 350 sq. ft. GFA

DIVISION G (continued)	SIC	A-1	A-2	A-3	G-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Eating & drinking places	58					P	P	C		1.0 per 150 sq. ft. GFA
Miscellaneous retail	59					P	P	P		1.0 per 350 sq. ft. GFA
Drug & proprietary	591					P	P	P		1.0 per 350 sq. ft. GFA
Liquor	592					P	P			1.0 per 350 sq. ft. GFA
Used Merchandise, except Pawn Shops & Flea Markets	593					P	P	C		1.0 per 350 sq. ft. GFA
Pawn Shops	593					P	P			1.0 per 350 sq. ft. GFA
Flea Markets	593					P				1.5 per stall
Miscellaneous	594					P	P	C		1.0 per 350 sq. ft. GFA
Non-store Retailers	596					P	P	P		1.0 per 350 sq. ft. GFA
Fuel Dealers	598					P			P	1.0 per 500 sq. ft. GFA
Retail not elsewhere classified, except tombstones, monuments, & fireworks	599					P	P	P		1.0 per 350 sq. ft. GFA
Fireworks (Sec. 1007.11)	5999					C				1.0 per 350 sq. ft. GFA
Gravestones, Monuments	5999					P			P	1.0 per 500 sq. ft. GFA
DIVISION E, FINANCE, INSURANCE AND REAL ESTATE										
Depository Institutions	60				P	P	P	P		1.0 per 350 sq. ft. GFA
Nondepository Institutions	61				P	P	P			1.0 per 350 sq. ft. GFA

DIVISION H (continued)	SIC	A-1	A-2	A-3	O-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Security & commodity brokers, dealers, exchanges & services	62				P	P	P			1.0 per 350 sq. ft. GFA
Insurance carriers	63				P	P	P			1.0 per 350 sq. ft. GFA
Insurance agents, brokers & service	64				P	P	P			1.0 per 350 sq. ft. GFA
Real Estate	65				P	P	P			1.0 per 350 sq. ft. GFA
Cemeteries	6553	C	C	C	C	P			P	None
Holding & other investment off.	66				P	P	P			1.0 per 350 sq. ft. GFA
DIVISION I, SERVICES										
Hotels & motels	701					P	P			1.5 per rental unit
Bed & breakfast Inns (1007.14)	7011	C	P	P	P	P	P			1.5 per rental unit
Rooming & boarding houses, dormitories	702			P	C	P	P			1.0 per bedroom
Personal services	72									
Laundry, cleaning & garment services	721					P	P		P	1.0 per 500 sq. ft. GFA
Coin operated laundries & dry cleaning	7215					P	P	P		1.0 per 250 sq. ft. GFA
Photographic studios, portraits	722					P	P	P		1.0 per 300 sq. ft. GFA
Beauty shops	723					P	P	P		2.5 per chair or basin
Barber shops	724					P	P	P		2.5 per chair or basin

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DIVISION I (continued)	SIC	A-1	A-2	A-3	O-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)	
Shoe repair, shoe shine shops	725					P	P	P		1.0 per 300 sq. ft. GFA	
Funeral service	726				C	P	P			5.0 plus 1.0 per 2 seats main assembly	
Crematories	726					C			P	1.0 per 500 sq. ft. GFA	
Misc. personal services	729					P	P			1.0 per 300 sq. ft. GFA	
Adult Uses (Sec. 1007.3)	7299					C				1.0 per 300 sq. ft. GFA	
Business services	73					P	P		P	1.0 per 300 sq. ft. GFA	
Salvaging & scrap steel cutting (Sec. 1007.13)	7389								P	1.0 per 300 sq. ft. GFA	
Signs	NA	SEE ARTICLE VIII							NA		
Automotive repair & services	75					P			P	1.0 per 350 sq. ft. GFA	
Automotive parking	752				C	P	P	P	P	NA	
Car washes (1007.8)	7542					P			P		
Miscellaneous Repair	76					P	P		P	1.0 per 350 sq. ft. GFA	
Motion picture dist. & allied services, video tape rental	78					P	P			1.0 per 350 sq. ft. GFA	
Motion picture theaters	783					P	P	P		1.0 per 5 seats	
Amusement & Recreation Services	79										
Dance studio & schools	791					P	P	P		1.0 per 200 sq. ft. GFA	
Theatrical producers	792					P	P			1.0 per 300 sq. ft. GFA	

DIVISION I (continued)	SIC	A-1	A-2	A-3	D-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Bowling centers	793					P				5.0 per lane
Commercial sports	799					P				By Individual Review
Physical fitness facilities	7991					P	P	P		1.0 per 300 sq. ft. GFA
Public golf courses	7992	C	C	C		P				5.0 per hole
Coin-operated amusement serv.	7993					P	C	C		1.0 per 200 sq. ft. GFA
Amusement Parks	7996					C				By Individual Review
Recreational, golf, tennis & swimming clubs	7997	C	C	C		P				1.0 per 4 members based on maximum anticipated membership
Miscellaneous amusement serv.	7997					P				By Individual Review
Amusement & recreation serv. not elsewhere classified	7999					P				By Individual Review
Fairs, carnivals	7999					C			P	By Individual Review
Parks & Playgrounds	7999	P	P	P	P	P	P	P	P	By Individual Review
Health Services	80									
Offices & clinics of doctors of medicine	801					P	P	P	P	1.0 per 150 sq. ft. GFA
Offices & clinics of dentists	802					P	P	P	P	1.0 per 150 sq. ft. GFA
Offices & clinics of doctors of osteopathy	803					P	P	P	P	1.0 per 150 sq. ft. GFA

DIVISION I (continued)	SIC	A-1	A-2	A-3	O-1	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Offices & clinics of other health practitioners	804				P	P	P	P		1.0 per 150 sq. ft. GFA
Nursing & personal care fac.	805		C	C	C	P				0.7 per bed
Hospitals	806					P				0.7 per bed
Medical & dental laboratories	807					P			P	1.0 per 500 sq. ft. GFA
Home health care services	808				P	P				1.0 per 500 sq. ft. GFA
Misc. health & allied serv.	809				P	P				1.0 per 500 sq. ft. GFA
Legal Services	81				P	P	P	P		1.0 per 350 sq. ft. GFA
Educational Services	82									
Elementary schools	821		C	C	C	P	P			2.0 per classroom, plus 5 admin. spaces
Secondary schools	821		C	C	C	P	P			5.0 per classroom, plus 10 admin. spaces
Colleges, universities, professional schools	822					P	P	C		5.0 per classroom, plus 2 per admin. office
Libraries	823					P	P	P	P	1.0 per 350 sq. ft. GFA
Vocational schools	824					C	P	C	P	5.0 per classroom, plus 2 per admin. office
Other schools & educ. serv.	829					C	P	C		5.0 per classroom, plus 2 per admin. office
Social Services	83									
Individual & family soc. serv.	832					P	P	P		1.0 per 350 sq. ft. GFA

DIVISION I (continued)	STC	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Job training & vocational rehabilitation services	833				P	P	P			1.0 per 350 sq. ft. GFA
Child day care services	835		C	C	P	P	P	P		1.0 per 200 sq. ft. GFA
Residential care	836		C	C	P	P				1.0 per 500 sq. ft. GFA
Other social services	839				C	P	C			1.0 per 500 sq. ft. GFA
Museums & art galleries	841				P	P	P	P		1.2 per 1000 sq. ft. GFA
Membership Organizations	86									
Business associations	861				P	P	P			1.0 per 250 sq. ft. GFA
Professional membership organ.	862				P	P	P			1.0 per 250 sq. ft. GFA
labor unions & similar labor organizations	863				P	P	P			1.0 per 250 sq. ft. GFA
Civic, social & fraternal associations	864				P	P	P			1.0 per 250 sq. ft. GFA
Political organizations	865				P	P	P			1.0 per 250 sq. ft. GFA
Religious organizations	866		P	P	P	P	P	P		0.3 per seat, main assembly
Other membership organ.	869				P	P	P			1.0 per 350 sq. ft. GFA
Engineering, accounting, research management & related services	87				P	P	P			1.0 per 350 sq. ft. GFA
Misc. services, i.e. artists, authors, geologists, etc.	89				P	P	P			1.0 per 350 sq. ft. GFA

DIVISION J, PUBLIC ADMINISTRATION

	SIC	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Executive, legislative & general government, except finance	91				P	P	P	P		1.0 per 350 sq. ft. GFA
Justice, public order & safety	92					P				1.0 per 350 sq. ft. GFA
Courts	921				P	P	P			1.0 per 350 sq. ft. GFA
Public order & safety	922	C	C	C	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Correctional inst.	9223					P	C		P	1.0 per jail cell, plus 1.0 per 250 sq. ft. GFA
Fire Protection	9224	C	C	C	P	P	P	P	P	4.0 per bay
Public finance, taxation & monetary policy	93				P	P	P			1.0 per 350 sq. ft. GFA
Administration & human resources	94				P	P	P			1.0 per 350 sq. ft. GFA
Administration of environmental quality & housing programs	95				P	P	P			1.0 per 350 sq. ft. GFA
Administration of economic prog.	96				P	P	P			1.0 per 350 sq. ft. GFA
RESIDENTIAL USES										
Detached dwellings	NA	P	P	P	P	P				2.0 per unit
Attached dwellings	NA	*	P	P	P	P				2.0 per unit
Duplexes	NA		P	P	P	P				2.0 per unit
Mobile homes (Sec. 1007.5)	NA			P						2.0 per unit
Mobile home parks (Sec. 1007.6)	NA			P						2.0 per unit

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RESIDENTIAL USES (continued)	SIC	A-1	A-2	A-3	O-I	B-1	B-2	B-3	D-1	REQUIRED OFF-STREET PARKING SPACE(S)
Townhouses (Sec. 1007.9)	NA	B	P	P	P	P				2.0 per unit
Patio houses	NA	*	P	P	P	P				2.0 per unit
Triplexes, quadruplexes	NA		P	P	P	P				2.0 per unit
Multi-unit dwellings	NA		P	P	C	P	C			1.5 per one bedroom unit 2.0 per all other units
Apartment dwellings	NA		P	P	C	P	C			1.5 per one bedroom unit; 2.0 per all other units
Dwellings, group-occupied (Sec. 1007.12)	NA	C	P	P	P	P	P			1.0 per bed

ACCESSORY USES TO RESIDENTIAL USES

Bathhouses & Cabanas	NA	P	P	P	P	P	P			None
Boat Docks	NA	P	P	P	P	P	P			
Domestic Animal Shelters	NA	P	P	P	P	P	P			
Non-commercial greenhouse	NA	P	P	P	P	P	P			
Private garage & carport	NA	P	P	P	P	P	P			
Storage building	NA	P	P	P	P	P	P			
Swimming pool, tennis courts	NA	P	P	P	P	P	P			
Tool shed & workshop	NA	P	P	P	P	P	P			
Home occupation	NA	P	P	P	P	P	P			
Horticulture, gardening	NA	P	P	P	P	P	P			
Family Day Care Home	B36	P	P	P	P	P	P			
Satellite dishes, etc.	NA	C	C	C	P	P	P			
Coin operated laundry, office in multi-family project or mobile home park	NA		C	C	C	P				
Accessory apartment (1007.2)	NA	C	P	P	P	P				

ACCESSORY USES TO NON-RESIDENTIAL USES

Buildings, structures & open storage (Sec. 901)	NA	P	P	P	P	P	P	P	P	None
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C1-A

TABLE II

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

District	Minimum Lot:		Width (A)	Minimum Building Yard Setback (ft.)				Maximum Height (ft.)	Maximum Impervious Surface Ratio	Maximum Residential Density (B)	Maximum Floor Area Ratio Non-res. Uses		
	Area (s.f.) Res.	Non-res.		FRONT Major Street	Minor Street	SIDE						REAR	
					Res.	Non-res.	Res.	Non-res.					
A-1	7,500	10,000	60	30	30	(C)	25	25	35	35	.45	5.5	.25
A-2	(E)	10,000	(F)	30	30	(D)	20	23	30	35	.65	16.0	.45
A-3	(E)	10,000	(F)	30	30	(D)	20	23	30	35	.55	16.0	.45
O-1	(E)	6,000	(F)	30	30	6	6	15	15	35	.75	16.0	.65
B-1	NA	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	35	.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 Sections 1101, 1102, 1103 and 1105 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 side yards totaling 18 feet. One side yard shall be not less than ten (10) feet, and one side yard shall be not less than six (6) feet.

(D) There shall be two side yards totaling 16 feet. One side yard shall be not less than nine (9) feet, and one side yard shall be not less than six (6) feet.

(E) 6,000 square feet minimum lot area for one dwelling unit, plus 2,500 square feet for each additional unit.

(F) 50 feet minimum lot width for all uses permitted in this district, plus 10 feet for each dwelling unit over one.

(G) No minimum for non-residential uses; 50 feet minimum lot width for dwellings, plus 5 feet for each additional unit on the lot.

(H) 5 feet on each side shall be required, except that commercial condominium projects shall be allowed to share interior property lines; provided a 5' setback is observed at both ends, and that no project shall exceed 400 feet in length parallel to the street or streets upon which it is contiguous.

(I) 5 feet when constituting a corner lot; none elsewhere.

ARTICLE VI

SPECIAL PURPOSE DISTRICT REGULATIONS

Section 600. **Establishment and Jurisdiction.** The requirements of this Article shall apply to the various Special Purpose Districts created by Section 400.

Section 601. **PDD, Planned Development District.** There are hereby created two types of Planned Development Districts. Type A and Type B.

Type A. A type "A" PDD is one which is similar in use and intensity to the district in which it is to be located.

Type B. A type "B" PDD is one which may include any use or combination of uses and intensity levels irrespective of prevailing zoning district requirements where it is to be located.

601.1 Permitted Uses in PDDs

(1) Type A PDDs

Permitted uses in Type A PDDs shall coincide with those listed in Table I for the district in which the PDD is to be established. No use shall be permitted in a Type A PDD that is not clearly permitted in the district in which it is to be established.

(2) Type B PDDs

Any use or combination of uses meeting the objectives of this section may be established in a Type B PDD upon review and approved amendatory action by the Planning Commission and City Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by Ordinance.

601.2 Establishment of PDD Districts

(1) Type A PDDs

Type A PDDs may be established in any zoning district, subject to the requirements of this section and review and approval by the Planning Commission. Rezoning is not required to establish a Type A PDD. However, the Planning Commission shall hold a public hearing on the PDD Plan, having given 5 days notice of time and place in a newspaper of general circulation in the city. Planning Commission approval shall be final for Type A PDDs, unless appealed within 10 days to the City Council, which may, after due process, reverse, modify or affirm any action by the Planning Commission.

(2) Type B PDDs

Type B PDDs shall be established on the official Zoning Map by the same procedure as for amendments generally. (Article XII) and in accord with the requirements of this section.

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.

601.3 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 Section 601.4 and 601.5 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, 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 multi-family projects.
- (9) A Common Signage Plan, as required by Section 803.
- (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.

The Planning Commission 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 requirements is not essential to a proper assessment of the project.

601.4 Minimum Area Required

Minimum area requirements for establishing a PDD shall be two acres.

601.5 Development Standards

601.5.1 Density and Height Requirements

(1) Type A PDDs

Residential density, impervious surface ratios, floor area ratios, and building heights shall not exceed the limits for the district in which a Type A PDD is to be located.

(2) Type B PDDs

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.

601.5.2 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.

601.5.3 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.

601.5.4 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.

601.5.5 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, further provided that an acceptable maintenance plan be submitted to and approved by the Planning Commission prior to permitting.

601.5.6 Landscaping and Common Open Space

Landscaping and open space requirements for each PDD shall comply with the provisions of Sections 902 and 903 of this Ordinance.

601.6 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 Building Official, 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.

601.6.1 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 125 percent of installing the improvements.

(1) Security Bond

The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

(2) Letter of Credit

The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.

(3) 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.

(4) Improvement Guarantee

The applicant may provide as a guarantee an improvement agreement between the applicant, lender, and the city.

(5) 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.

601.6.2 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 subdivider, where:

- (1) Past performance of the subdivider is unsatisfactory, or
- (2) the selected option is unacceptable.

601.6.3 Allocation of Guarantee

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvement for which said guarantees were provided.

601.6.4 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.

601.6.5 Extension of Guarantee

If it appears to the developer or the Building Official 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 601.6.4.

601.7 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.

601.8 Administrative Action

After a PDD Plan or District has been approved, 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.

601.9 Changes In Approved PDD Plans

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

Minor changes in approved PDD site plans may be accommodated by the Building Official with review and concurrence by the City Attorney, on application by the applicant, upon making a finding that such changes are:

- (1) In accord with all applicable regulations in effect at the time of the creation of the PDD District; or
- (2) In accord with all applicable regulations currently in effect.

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 Building Official shall use the following criteria:

- (1) Any increase 10 percent or greater in intensity or use shall constitute a modification requiring Planning Commission approval. An increase in intensity of 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.

- (2) 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 approval.
- (3) 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 approval.
- (4) Any reduction in the amount of open space or buffer area resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring Planning Commission approval.
- (5) Any change in use from one use group to another shall constitute a change requiring Planning Commission approval.
- (6) Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring Planning Commission approval.

601.10 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 Building Official shall review the circumstances and recommend to the Planning Commission.

- (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.

Section 602. HCD, Historical Conservation Districts

602.1 Design Review Commission To Govern

To help accomplish historic conservation and preservation in the various historic overlay districts created by this Ordinance, an Historic Conservation Design Review Commission is hereby established. The Commission shall consist of 5 members, four 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 member of the Commission should be an architect, to the extent that such a professional is available. One member should be experienced in real estate and/or finance.

Commission members appointed by City Council shall serve overlapping four 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.

602.2 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.

602.3 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 Building Official 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 Adjustments, on any matter affecting historically significant property, structures and areas.

602.4 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.

602.5 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.

602.6 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.

602.7 Certain Work Exempt From Commission 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 which the Building Official shall certify in writing to the Commission is required for public safety because of an unsafe or dangerous condition.

602.8 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 Adjustment upon consultation and recommendation of the Historical Conservation Commission in a particular situation.

602.9 Applications and Materials to be Submitted to Commission

Applications for Certificates of Appropriateness shall be submitted through the office of the Building Official to the Historical Conservation Commission for review and action. The Commission shall act on such application within 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 Building Official 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.

602.10 Appeal Decision of the Commission

In case of disapproval by the HC Commission of any application for a Certificate of Appropriateness, the applicant shall have the right to appeal the decision to the City Council, which shall have the power to overrule such disapproval and instruct the Building Official to issue said permit, having given due notice of the matter in a newspaper of general circulation in the City of Orangeburg.

Section 603. ACD, Airport Compatibility Districts

603.1 Types of Districts

In order to carry out the provisions of this Section there are hereby created three 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) Airport Zone

A zone that is centered about the runway and primary surface, and is capped by the horizontal surface.

(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 protection and the transitional zones delineated on the above referenced Orangeburg Municipal Airport Restriction Map.

(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.

603.2 Land Use Restrictions

The three 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 Ordinance within the three 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.

603.3 Height Restrictions

Except as otherwise provided in this Ordinance, 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 Ordinance. 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.

603.4 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 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.

603.5 VariANCES

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Section may apply for a variance from such regulations to the Board of Adjustment in accord with the provisions of Section 1413. 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 Ordinance may be considered by the Board of Adjustment 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 days after receipt, the Board of Adjustment 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 Ordinance 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.

ARTICLE VII

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

The provisions of this Article shall apply wherever off-street parking is required in Table I of this Ordinance.

Section 700. Off-Street Parking

700.1 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 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

700.2 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.

700.3 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 percent (10%) of the total number of stalls may be 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 5 or more stalls are required by this Ordinance, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the Building Official.

Where fewer than 5 spaces are required by this Ordinance, a maintained pervious surface shall suffice.

For recreational and religious uses meeting less than five times weekly, on average, the Building Official 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 Building Official. (See Section 902.6)

(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 curblines, from the intersection of the nearest curblines. 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 Building Official, 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 Section 902.5.

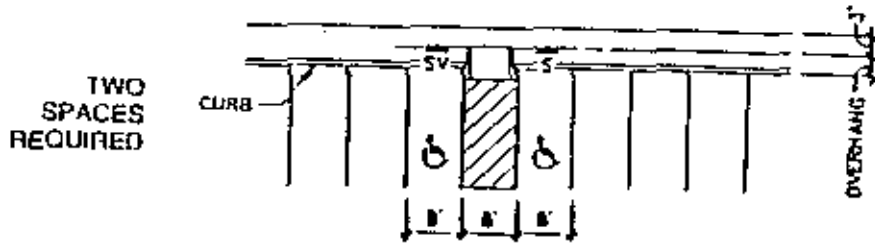
700.4 Parking Space For The Physically Handicapped

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

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 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.



700.5 Reduction of Off-Street Parking Space

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

Section 701. 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.

ARTICLE VIII
SIGN REGULATIONS

Section 800. 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.

Section 801. 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 Ordinance, no sign may be erected or enlarged in the City of Orangeburg unless it conforms to the requirements of this Article.

Section 802. 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.

Section 803. Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

- (1) Two or more contiguous lots or parcels under the same ownership,
- (2) A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying

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	PBD
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	H	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	H	N	N	P	P	P	P	P
Projecting	N	N	H	N	N	P	P	P	P	P
Roof	N	N	H	N	N	P	P	H	P	H
Roof, Integral	N	N	H	N	N	P	P	P	P	P
Wall	N	N	H	N	H	P	P	P	P	H
Window	N	N	H	N	H	A	A	A	A	H
TEMPORARY (2)										
Banner	N	N	H	H	H	P	P	P	P	N
Posters	A	A	A	A	A	A	A	A	A	A
Portable	N	N	H	H	H	P	N	H	H	N
Inflatable	N	N	H	H	H	P	N	H	H	H
SIGN CHARACTERISTICS										
Animated	N	N	H	H	H	P	P	H	H	P
Changeable Copy	N	N	H	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	H	H	H	A	H	H	A	H

(1) Signs identifying or announcing land subdivisions or residential projects shall be allowed by permit only, in accord with the requirements of Table IV and Section 802.

(2) See Section 805.

(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.

TABLE IV

NUMBER, DIMENSION, AND LOCATION OF PERMITTED SIGNS,
BY ZONING DISTRICT

E-IIIIA

	(1) A-1	(1) A-2	(1) A-3	(2) INS	O-1	B-1	B-2	B-3	D-1
FREESTANDING SIGNS									
Number Permitted: Per Lot	1	1	1	1	1	NA	1	NA	NA
Per feet of St. Frontage	NA	NA	NA	NA	NA	1:200	NA	1:100	1:300
Maximum Sign Area (sq. ft.)	6	6	6	20	32	1 sq.ft. per 1 ft. street frontage	40	1 sq.ft. per 2 ft. street frontage	1 sq.ft. per 3 ft. street frontage
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, f.e. churches, schools, parks, etc.

on the basis of street frontage for more than one free-standing sign, and

- (3) The identification or announcement of a land subdivision or development project.

The Plan shall contain all information required for sign permits generally (Section 1401) 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 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 25%.

Once approved by the Building Official, 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 Ordinance.

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 years, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Section 804. Signs In The Public Right-Of-Way

No sign shall be allowed in the public right-of-way, except for the following:

- (1) 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;
- (2) Bus stop signs erected by a public transit company;
- (3) Informational signs of a public agency or utility regarding its facilities;
- (4) Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions established by this Section;

- (5) Emergency signs.

Section 805. Temporary Signs

The following conditions shall apply to all temporary signs:

- (1) No such sign, with or without a permit, shall be displayed for a period exceeding 60 days within any six-month period.
- (2) Posters shall not exceed six square feet in area, and portable signs shall not exceed 32 square feet in area.

Section 806. Development Standards

All signs allowed by this Article shall comply with the development standards of this Section.

806.1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 1105.

806.2 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 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

806.3 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 8-1/2 feet above the ground.

806.4 Sign Materials

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

806.5 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.

Section 807. Sign Measurement

807.1 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.

807.2 Clearances

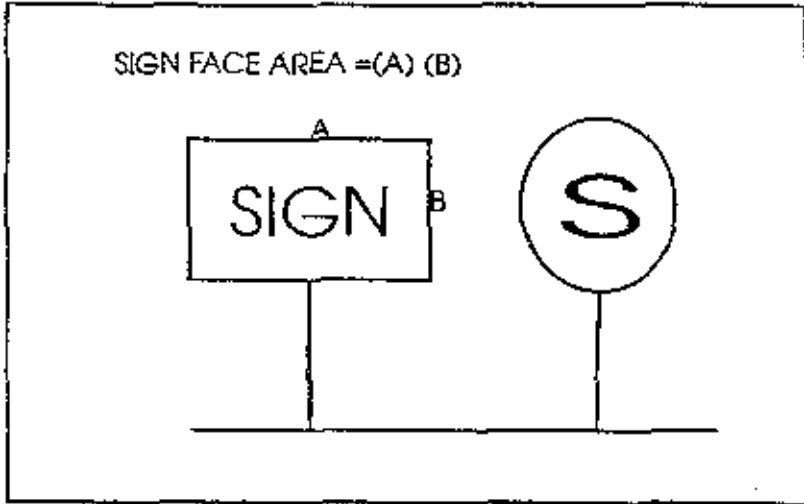
Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

Section 808. Removal of Signs

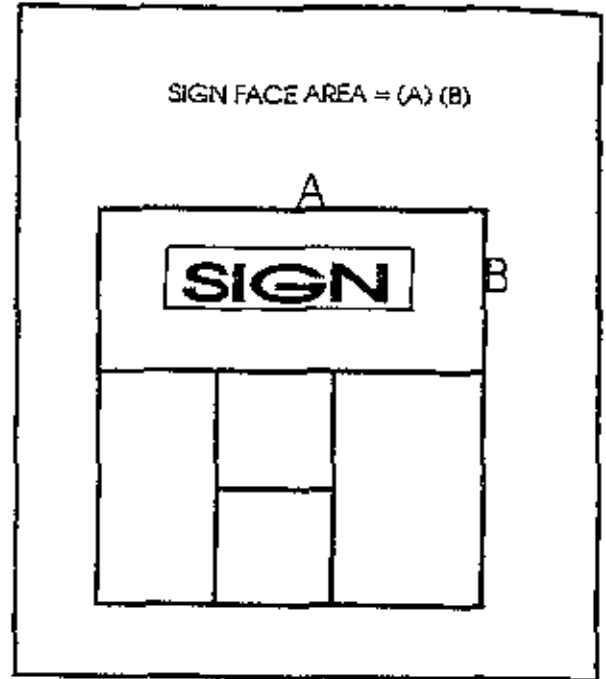
- (1) The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned, which shall be removed within 90 days of the effective date of this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

SIGN FACE MEASUREMENT
ILLUSTRATIONS

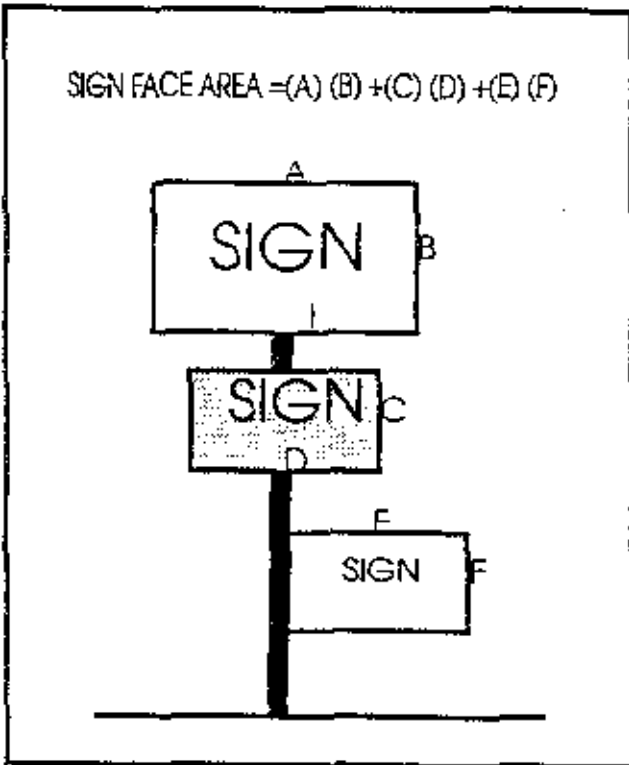
1.



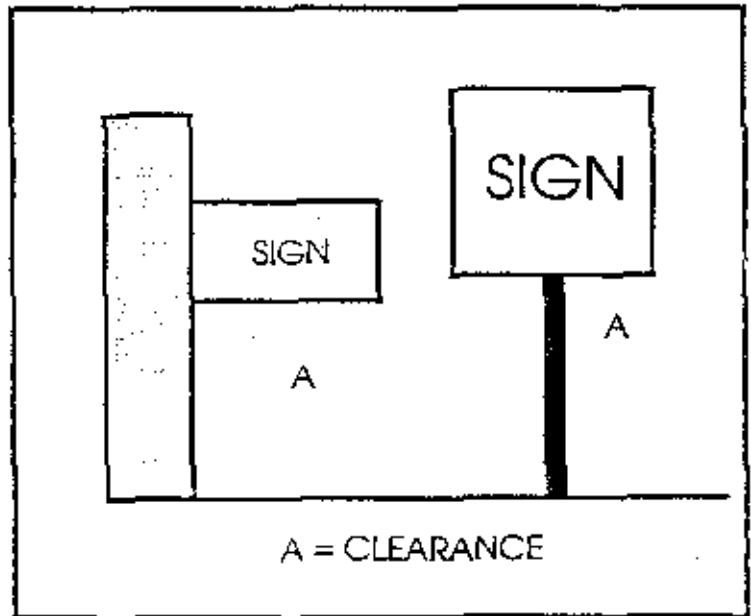
2.



3.



4.



- (2) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- (3) Any nonconforming temporary sign which is not permanently mounted shall be removed or brought into conformity no later than 60 days following the effective date of this Ordinance.
- (4) 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 law, or in the manner prescribed by Section 1-11.1 of the City Code of Ordinances.

ARTICLE IX

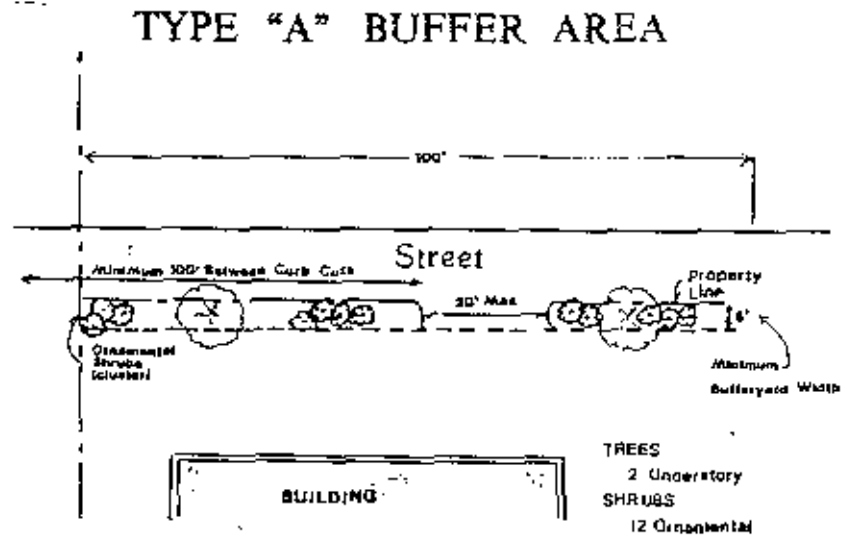
BUFFERING, SCREENING,
LANDSCAPING,
COMMON OPEN SPACE, AND
TREE PROTECTION

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.

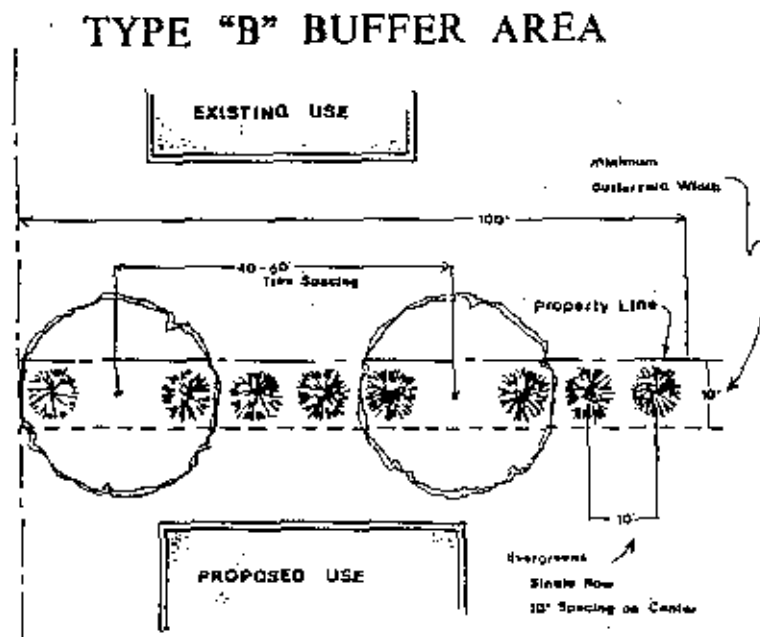
Section 900. Buffer Areas

- 900.1 Definition. A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.
- 900.2 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.
- 900.3 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 Ordinance. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.
- 900.4 Design Standard. Three types of buffer areas are required by this Ordinance, 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 five (5) feet. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is

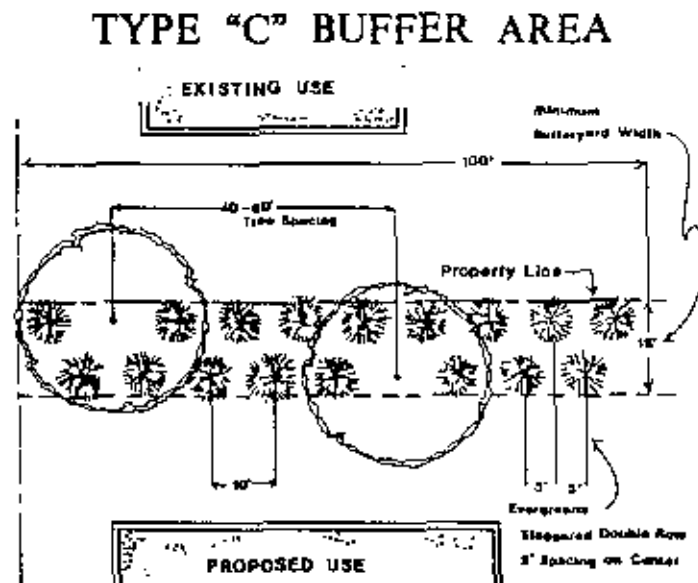
illustrated by the following diagram.



- (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 10 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. An example site plan is illustrated by the following diagram.



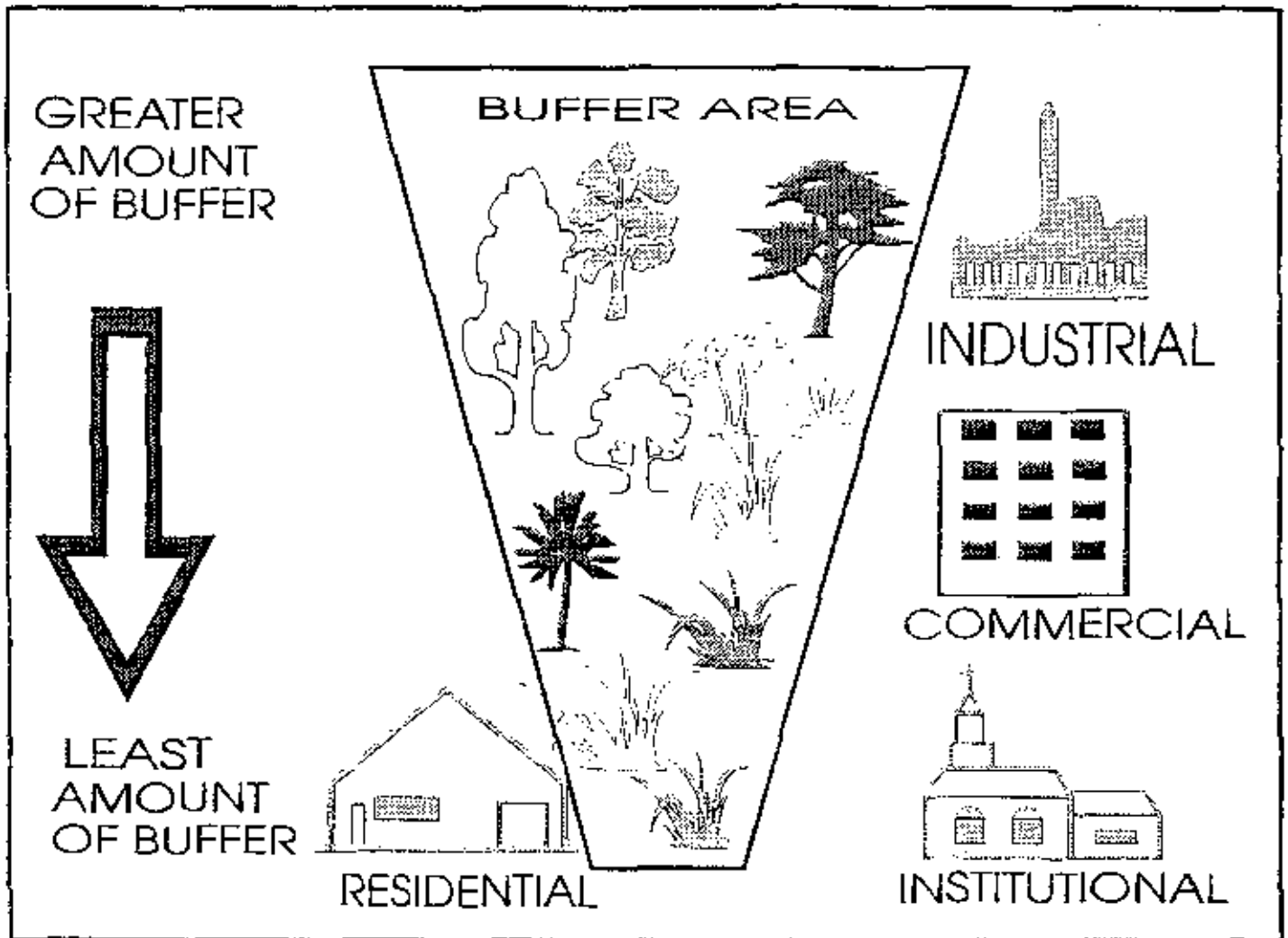
- (3) Type "C" Buffer Area. The Type C Buffer Area is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. An example site plan is illustrated by the following diagram.



900.5 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 non-residential 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.
- (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 non-residential 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.



900.6 Buffer Area Specifications

- (1) Minimum Installation Size. At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas, which may be used.

- (2) Minimum Mature Size. At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.
- (3) Staggered Planting. Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

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

- (1) Existing Plant Materials. Existing trees of 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 Building Official.
- (2) 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 Building Official 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-foot fence or wall, as illustrated below, may be substituted for a Type "B" Buffer Area, and an eight-foot fence may be substituted for a Type "C" Buffer Area.

FENCE and WALL ILLUSTRATIONS



Wood Slats/Opaque Fence
(non-paintable support)



Masonry Wall
(poured concrete, stucco concrete, brick, etc.)

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.

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

900.9 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 Ordinance, and may be remedied in the manner prescribed for other violations.

900.10 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.

Section 901. Screening

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

901.2 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.

901.3 Where Required. Screening specified by this section 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 4 or more cubic yards, salvage materials and similar unenclosed uses.

901.4 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 Building Official.

Section 902. Landscaping

902.1 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.

902.2 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.

902.3 Where Required. No proposed multi-unit residential or non-residential 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.

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

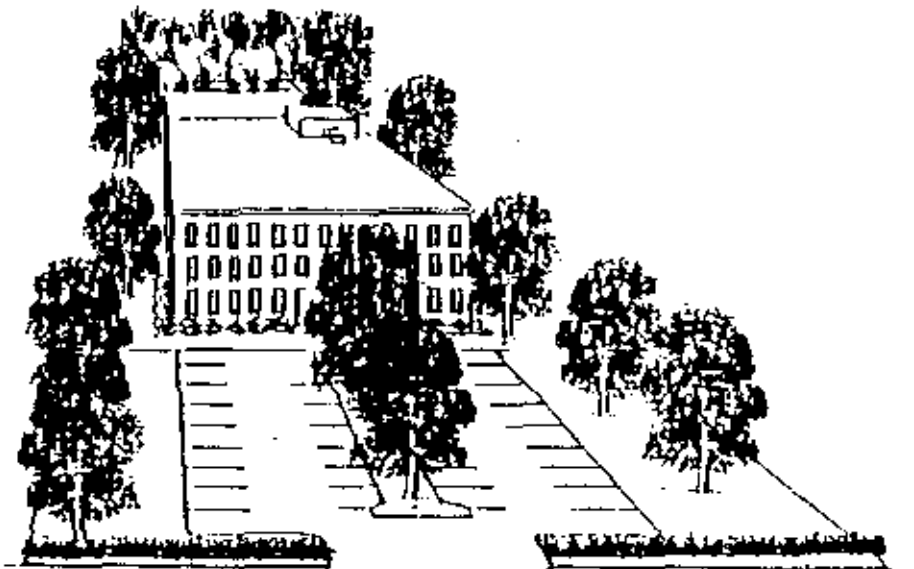
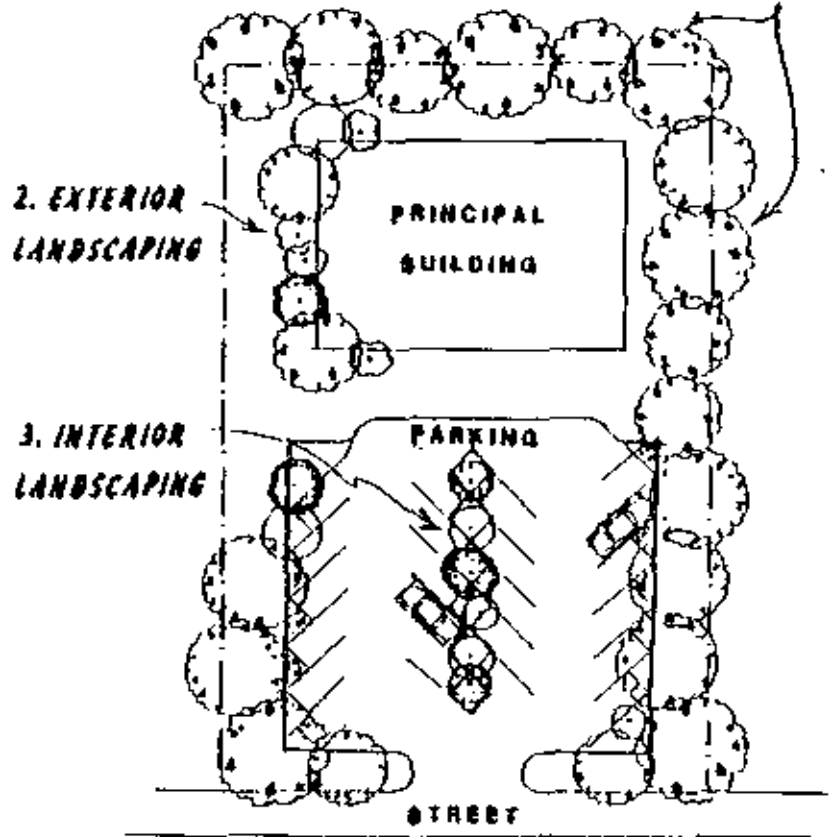
- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees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

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

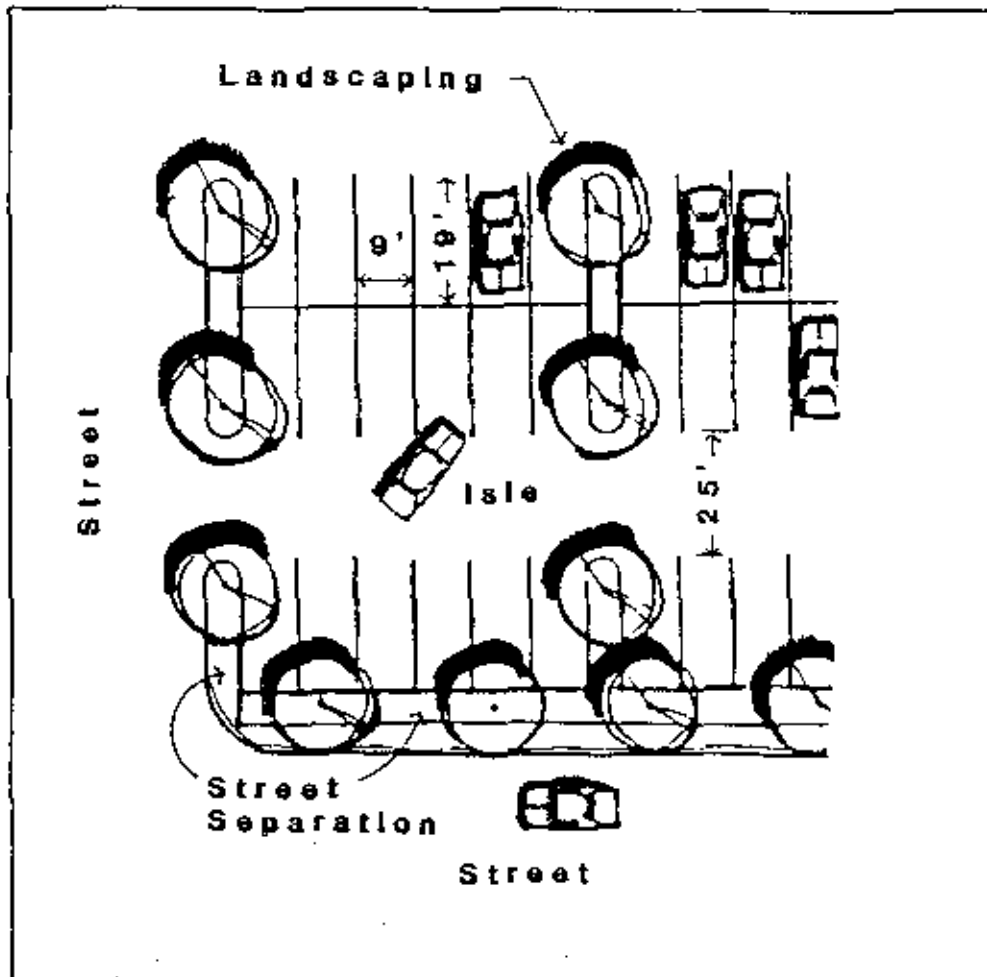
- (1) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Article, to separate incompatible land uses. The amount specified shall be as prescribed by Section 900.
- (2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of

LANDSCAPING ILLUSTRATIONS

1. PERIMETER LANDSCAPING



paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.



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

<u>Use</u>	<u>% of Lot</u>
Institutional	15%
Industrial/wholesale/storage	5
Office	10
Commercial-retail-service	8

Buffer area landscaping may provide up to 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.

902.6 Landscaped Areas

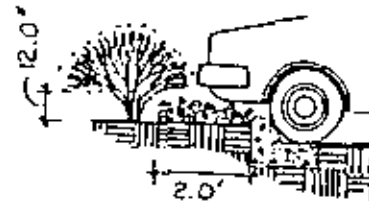
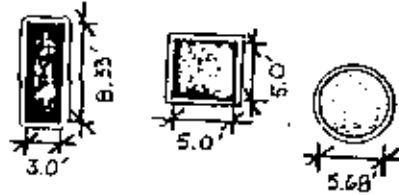
(1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.



(2) Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.



(3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. (Plant material greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)



902.7 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 Ordinance, and may be remedied in the manner prescribed for other violations.

Section 903. Common Open Space

903.1 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 Ordinance. 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.

903.2 Purpose. The purpose of this section 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.

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

<u>Proposed Uses/Projects</u>	<u>Common Open Space Ratio (% Lot)</u>
Cluster Developments	15%
Townhouse Projects	15
Mobile Home Parks	15
Multi-family Projects	20

Note: Landscaped open areas provided to meet the requirements of Section 902 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 section are provided to the extent of the alteration or expansion.

903.4 Common Open Space Plan. Proposed uses/projects setforth in 903.3 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.

903.5 Types of Common Open Space and Required Maintenance.
The types of common open space which may be provided to satisfy the requirements of this Ordinance 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 water courses 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, ballfields, 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 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.

903.6 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 section 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.

Section 904. Tree Protection

904.1 Purpose. The purpose of this section is to prevent the clear cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural resources.

904.2 Existing Trees. Because any healthy tree greater than twelve (12) inches DBH (Diameter Breast High) is a valuable natural resource, by virtue of its age and size and its contribution to the environment, all said trees meeting this measurement shall be protected to the extent practical and feasible.

All existing trees measuring 12 inches DBH or more, not in the proposed buildable area or driveway shall be flagged and shown on the required plat or site plan for a building permit.

No more than 25 percent of said trees shall be felled and removed, except by order of the Board of Adjustment owing to unique circumstances surrounding the development of the property.

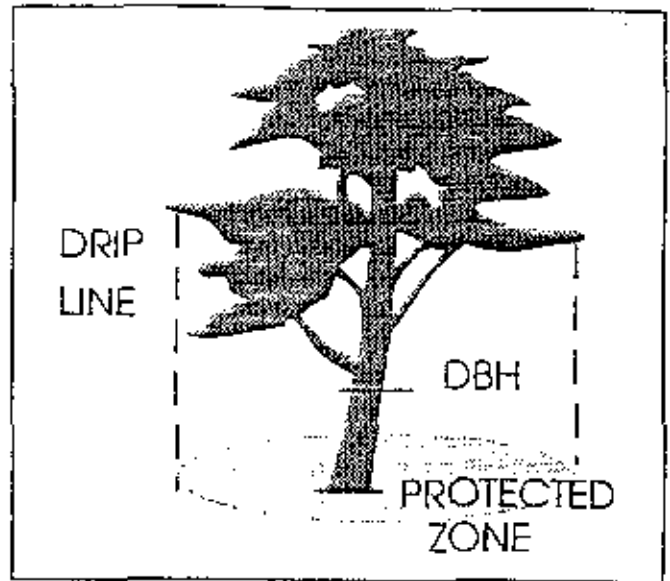
Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than 25 percent of the trees to be preserved must be felled, replacement trees measuring not less than 2 inches DBH shall be planted in like number. To the extent possible, said trees shall be integrated into the required landscaping.

Development Precautions.

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.



ARTICLE X

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

Section 1000. 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 Ordinance are imposed herein.

Section 1001. Uses, Buildings, Projects and Areas Affected By This Article

The additional requirements of this Article shall apply to the following:

- (1) Conditional uses identified by Table I.
- (2) Manufacturing and Processing Plants
- (3) Certain Other Uses and Projects

Section 1002. 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 Section 1401. 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 sections.

Section 1003. Review

Review and approval by the Planning Commission shall be prerequisite to the issuance of a building permit for any conditional use identified by Table I. Additionally, all manufacturing uses unable to meet the requirements of Section 1006 shall be reviewed for approval by the Planning Commission, on appeal from the Building Official.

The Building Official or his/her designee shall be responsible for reviewing, approving and permitting all other uses governed by this Article, subject to the additional development requirements contained herein.

Section 1004. Public Hearing

The Planning Commission shall call for a public hearing on any permit application requiring Planning Commission approval. Such a

hearing shall be advertised at least 15 days prior thereto, giving time and place in a newspaper of general circulation in the City of Orangeburg.

**Section 1005. Development Standards and Criteria For
Conditional Uses Listed By Table I**

The following guidelines and criteria shall be considered by the Planning Commission in its review of any "conditional" building, use or project identified by Table I.

- (1) 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.
- (2) That off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) That the Planning Commission may impose such other development restrictions and/or conditions necessary to preserve and protect safety and welfare of persons affected by the proposed use.

Additionally, certain "conditional uses" identified on Table I by section references must comply with the more specific requirements of Section 1007.

Section 1006. Performance Standards and Criteria for
Manufacturing and Processing Plants

1006.1 Purpose

The purpose of this Section 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 Section.

1006.2 Vibration

No vibration shall be produced which exceeds the following Displacement and Steady-State Impact Standards:

<u>Frequency</u> <u>(cycles per second)</u>	<u>Vibration Displacement</u> <u>(in inches)</u>	
	Steady-State	Impact
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-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 Section, 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 earthborne oscillations occurring more than one hundred (100) times per minute.

Three-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.

1006.3 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 Ordinance).

1006.4 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.

1006.5 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 Pollution Control Authority.

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

Table V

Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

Frequency Band (In Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Non-residential Lot Line	At Residential Lot Line
	20 - 75	69
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

Table VI

Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 A.M. and 9 P.M. shall not exceed the limits of the preceding table except as specified and corrected below:

<u>Type of Operation in: Character of Noise</u>	<u>Correction In Decibel*)</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

*Apply to the preceding table one of these corrections only.

1006.6 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 safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

1006.7 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.

1006.8 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.

1006.9 Heat, Cold, Dampness or Movement of Air

Activities which could produce any adverse affect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

1006.10 Toxic Matter

The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Commission that the proposed levels will be safe to the general population. The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period.

1006.11 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

	<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. candles	30 ft. candles
Outdoor illuminated signs, poster panels	25 ft. candles	110 ft. 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.

1006.12 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 Building Official'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.

1006.13 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 Ordinance and shall be treated accordingly.

Where there is a potential problem in meeting any one of the performance criteria in this section, the applicant may request a hearing before the Planning Commission in accord with the provisions of Section 1003.

Section 1007. Specific Development Standards For Certain Other Uses and Projects

1007.1 Uses Affected By This Section

The additional requirements of this Section shall apply to the following uses:

- (1) Accessory apartments
- (2) Adult uses (SIC 7299)
- (3) Mini-warehouses (SIC 4225)
- (4) Mobile homes on separate lots
- (5) Mobile home parks and courts
- (6) Veterinary and animal boarding services (SIC 074)
- (7) Self-service car wash (SIC 7542)
- (8) Townhouse projects
- (9) Patio and zero lot line housing projects
- (10) Temporary uses
- (11) Group occupied dwellings
- (12) Recycling facilities (SIC 7389)
- (13) Bed and Breakfast inns (SIC 7011)

1007.2 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 50 percent of the gross floor area of the principal dwelling, or contain more than two 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 apartment shall be allowed per dwelling or lot.
- (5) The lot size shall be at least 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 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.

1007.3 Adult Uses (SIC 7299)

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 section.

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

- (1) a residential use,
- (2) a church or religious institution,
- (3) public or private schools and educational facilities,
- (4) public parks and recreational facilities, or
- (5) any other adult or sexually oriented business.

1007.4 Mini-warehouses (SIC 4225)

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 acres.

(2) Lot Cover

Lot coverage of all structures shall be limited to 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.

1007.5 Mobile Homes on Separate Lots

The placement of mobile homes in subdivisions, and on individual or separate lots, where permitted by this Ordinance, shall comply with the following regulations:

(1) Only one mobile home shall be located on a lot.

(2) The mobile home and accessory uses shall conform to all applicable district requirements.

(3) The mobile home shall be securely underpinned and anchored as required by the Standard Building Code. The securing of the unit must be inspected and approved by the Building Official.

(4) Each mobile home shall have skirting constructed of bricks, concrete blocks, or other appropriate material which extends from the exterior wall to the ground. The tongue shall be removed where so designed.

1007.6 Mobile Home Parks or Courts

Mobile home parks or courts shall comply with the following development standards:

- (1) The minimum park or court area shall be two (2) acres.
- (2) Maximum density shall not exceed eight (8) units per acre.
- (3) The park shall be served by municipal water and sewer systems, a system of storm drainage, and refuse disposal facilities, not less than 40 feet from any mobile home.
- (4) Roadways which are not to be dedicated as public streets shall have a minimum travel width of eighteen (18) feet exclusive of parking.
- (5) Paved roadways shall be required of all parks.
- (6) All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals.
- (7) Each individual mobile home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any drive which provides common circulation.
- (8) Mobile homes shall be placed on one of the following types of foundations which shall be subject to approval by the Building Official:
 - (a) Piers under frame made of masonry construction.
 - (b) Masonry curtain-wall foundation of solid continuous construction around the entire perimeter of the mobile home.
 - (c) Concrete or masonry footings.

Foundations shall be so constructed as to prevent settling and accumulation of water under the mobile home.

All mobile homes placed on a concrete slab foundation or on a concrete or masonry footing foundation shall be provided with appropriate skirting of solid durable material around the entire perimeter.

Each mobile home shall be securely underpinned and anchored in accord with the Standard Building Code.

- (9) **Space Numbers:** Permanent space numbers shall be provided on each mobile 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.
- (10) **License Required; Revocation:** A business license shall be requisite to the opening or operation of a mobile home park in the City of Orangeburg.

Said license may be revoked by City Council for a violation of this Ordinance or other applicable ordinance and regulations governing the operations of such uses.

1007.7 Veterinary and Animal Boarding Services

Veterinary services and the boarding of animals shall be regulated as follows:

(1) Veterinary Clinics (SIC 074)

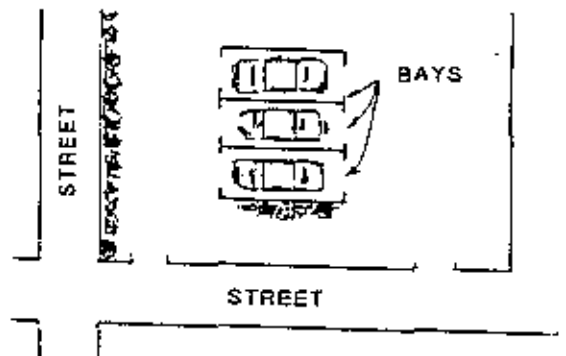
Veterinary services for small domestic animals must be undertaken within completely enclosed buildings and operated in such a way as to produce no objectionable odors or noise outside its walls. The treatment of large animals such as swine, sheep, goats, horses, cattle, and other livestock shall be prohibited, except in extreme emergency cases. Sheltering and boarding of small domestic animals shall be incidental and secondary to the clinic.

(2) Commercial Animal Shelters (SIC 0752)

Commercial animal shelters and open pens shall be located no closer to a residential district than 500 feet, nor 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.

1007.8 Self-Service Car Wash (SIC 7542)

Where permitted in Table I, self-service car washes shall be oriented on a lot so that no open vehicular bays will open on or face the street. 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.

1007.9 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 nor fewer than three 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 20 feet setback between buildings in the project area.
- (4) Rear yard setbacks shall be 20 feet.
- (5) Minimum lot width shall be 18 feet.
- (6) Sidewalks not less than three feet in width shall be provided along the front property line of each project.
- (7) Impervious surface area shall not exceed 65 percent of a townhouse lot, on average; except where common open space is provided in the amount of 20 percent or more. In such instances, impervious surface areas may increase to 85 percent of a townhouse lot, on average.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks shall be 20 feet, but may be waived or modified by the Planning Commission due to the unique style of such housing.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 1,000 square feet in GFA.

1007.10 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 3,000 square feet per unit, on average.
- (3) Minimum lot width shall be 40 feet.
- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.
- (6) A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15 percent of which shall be impervious to water.
- (7) At least one side yard extending not less than 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 5 feet.
- (8) The side yard of the exterior units shall be 10 feet from the "outside" property line.
- (9) Rear yard setbacks shall be not less than 10 feet.
- (10) Front yard setbacks shall be 25 feet, but may be waived or modified by the Planning Commission due to the unique style of such housing.

1007.11 Temporary Uses

The following temporary uses may be permitted by the Building Official, 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 (100 or more lots); provided said office is removed when 75 percent of the lots are sold or developed.
- (5) Fireworks stands for a period not to exceed 30 days during any 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 Ordinance.

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

- (7) Temporary sale or solicitation stands not to exceed 64 square feet in area may be permitted in the B-1 District only for periods not to exceed 60 days, with option to extend for 60 days, not to exceed 120 days in any 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.

1007.12 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 variant housing needs of the local population, the additional requirements of this Section shall apply to the location and use of group-occupied dwellings in the City of Orangeburg.

Conditions of Approval

- (1) A minimum of three off-street parking spaces shall be provided, only two of which may be

located in the required front or side yards in the A-1 District, plus one space for each bed (over three) in the dwelling. In all other districts the required off-street parking may be provided in all required yards in accord with Section 1106.2, provided that in the front or side yards the parking shall meet the design standards of Section 700.3, and include a Type A Buffer around all perimeters of the parking area.

- (2) No such use shall be located within 600 feet of an existing group-occupied dwelling in the A-1 District, or 400 feet in the A-2 or O-I Districts (measured in a straight line).
- (3) An agreement executed by the owner of the dwelling shall accompany the request for a permit:
 - (a) To ensure proper maintenance of the yards and dwelling,
 - (b) To ensure the control of noise and litter,
 - (c) To ensure participation by the owner in the communication and enforcement process necessary to accomplish compatibility within the neighborhood.
 - (d) To ensure that only independently functioning dwelling units are rented on a single lease agreement.

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 12 months. Thereafter group occupancy permits shall be subject to annual review by the Building Official to determine continuing compliance with the requirements of this Section.

Group occupied dwellings in existence on the effective date of this Ordinance shall have 24 months within which to meet the off-street parking requirements of this Section. Said dwellings shall be exempt from the spacing requirements of this Section.

Where non-compliance with the provisions of this Section or an on-going 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 Ordinance resulting in (a) revocation of the Occupancy Permit, and/or (b) fines and penalties, as determined by the court.

An on-going problem shall be determined to exist where written documentation has been compiled over a three-month period by the Building Official, affected neighborhood associations, or area residents. Copies of the documentation shall be filed with the city and forwarded to the property owner.

1007.13 Recycling Facilities (SIC 7389, 4212, 4953)

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 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 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 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.

1007.14 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed under the following conditions, subject, where required, to review and approval by the Planning Commission.

- (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.

ARTICLE XI

GENERAL PROVISIONS

The regulations contained in this Article are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

Section 1100. Street Access

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; except as provided for by the Planned Development District.

Section 1101. Yard and Setback Modifications

1101.1 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.

1101.2 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.

1101.3 Setbacks From Railroads

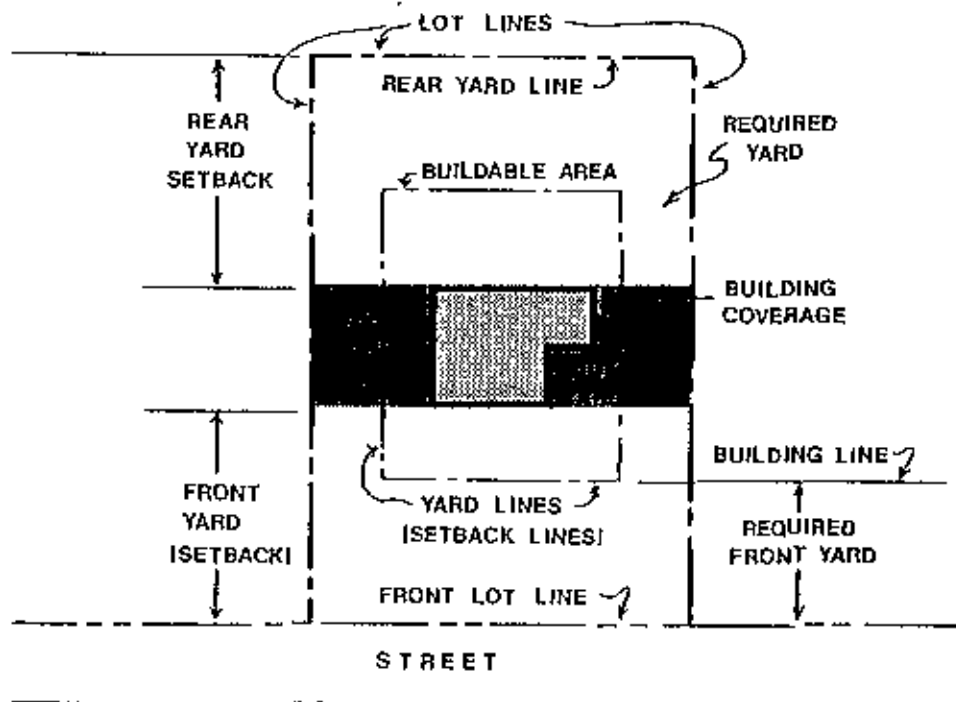
Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the Zoning Ordinance.

Section 1102. 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.

Yards and Setbacks



Section 1103. Structures and Projections Into Required Yards and Setback Areas

Every building or structure hereafter erected or established shall be located within the area formed by the building lines at outer boundaries and, in no case shall such buildings extend beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except that open eaves, cornices and window sills may project into any required yard (setback area) a distance not to exceed 24 inches. Open uncovered porches or steps may project into a required yard a distance not to exceed 5 feet. Fences, walls and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no such structure or hedge shall impede visibility at intersections (Section 1105).

Section 1104. Exceptions To Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, transmission towers, utility poles, chimneys, conveyors, flag poles, radio or television towers, masts, antennas, or roof mounted mechanical equipment; provided, however, that such structures shall be separated from any adjoining residential district by a distance equal to one foot for each two feet in height over the limit for the district within which the structure is located. Further provided that said structures shall not exceed the height limitations in the Airport Compatibility District (ACD).

Section 1105. 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 Ordinance, 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 sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.

Section 1106. Accessory Buildings and Uses

1106.1 Generally

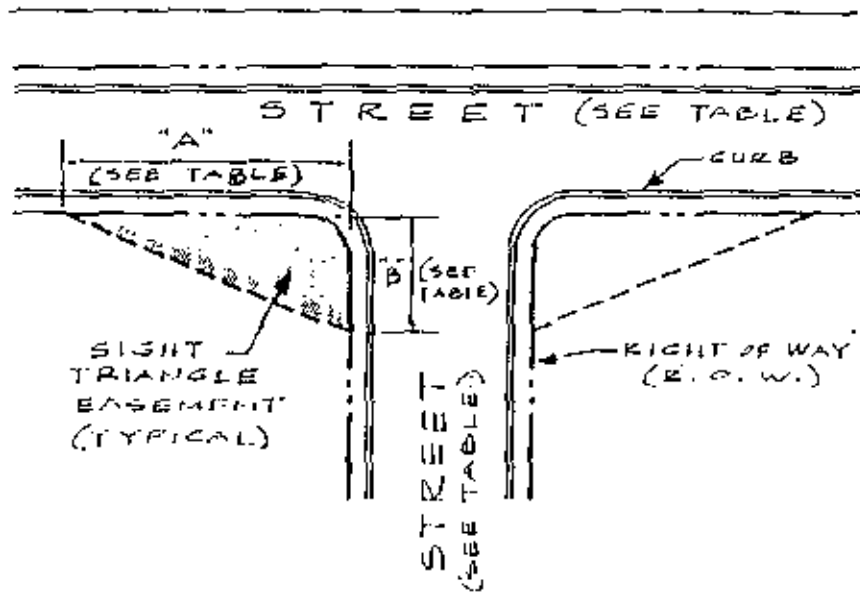
- (1) The number of accessory buildings shall not exceed two in any zoning district.
- (2) Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- (3) Accessory buildings shall not exceed 50 percent of the Gross Floor Area (GFA) of the principal building or use.

1106.2 Location In Required Yards

Accessory buildings and uses may be located in required yards and setback areas under the following conditions; provided that no accessory use shall be located in any required buffer area.

VISION CLEARANCE ILLUSTRATION

SIGHT TRIANGLES



TYPICAL REQUIREMENTS
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



ACCESSORY USE

CONDITIONS

Off-street parking

Not more than two off-street parking spaces per dwelling unit shall be allowed in any required front or side yard in the A-1, A-2, or A-3 Districts. However, any or all off-street parking required by this Ordinance may be provided in any required yard in the OI, B-1, B-2, B-3 or D-1 Districts, but not within 5 feet of a residential property line.

Signs

May be located in required yards in all zoning districts, but no closer than 5' to any property or street right-of-way line.

Accessory buildings, including garages, carports, domestic kennels, storage sheds, etc.

May be located in rear and side yards only except in an approved PDD; provided that said uses shall be located no closer than five (5) feet to any property line.

Swimming pools, tennis courts and recreational uses

May be located in side or rear yards only; provided said uses shall be no closer than 10 feet to the nearest residential property line, nor the deck of such pool any closer than 5 feet, and shall have all lighting shielded or directed away from adjoining residences.

Satellite dishes, ham radio towers, and ground supported TV antennas

May be located in the required yard area; provided that such uses shall observe a 10 foot setback from all residential property lines; however, no such use shall be located in front of any dwelling or building in the A-1, A-2, A-3, or OI District.

Section 1107. Use of Land or Structures

1107.1 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.

1107.2 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 Ordinance, or in any other manner contrary to the provisions of this Ordinance.

1107.3 Except for the following uses and projects, no more than one 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) Mobile Home Parks

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

1107.4 The minimum yards, parking spaces, and open spaces required by these regulations for each building existing at the time of the passage of this Ordinance 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 Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 1108. Nonconformities

1108.1 Existing Lots 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 dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that said dimensional requirements are not reduced below the minimum specified in this Ordinance by more than 20%. Dimensional reductions greater than 20% shall be referred to the Board of Adjustment for consideration, observing normal review

procedures. 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.

1108.2 Existing Nonconforming Uses, Buildings, and Structures

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction 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 even though such structure does not conform with the provisions of this Ordinance, except that said nonconforming use, building, structure or portions thereof shall not be:

- (1) Re-used or re-occupied after discontinuance of occupancy for six months, or in cases involving the settlement of an estate one year. For purposes of this Section, the term vacated or discontinued is synonymous with the removal of equipment, structures or other aspects of such nonconforming use, or discontinuance of electric power.
- (2) Reestablished, reoccupied or replaced with the same or similar use, structure or building, after physical removal or relocation from its original location at the time of enactment, amendment or revision of this Ordinance, except that nonconforming mobile homes on individual lots may be replaced with the same or similar use if done so within seven (7) days of removal, and mobile homes in nonconforming mobile home parks may be replaced without time limitations, provided the number of mobile homes at any time thereafter does not exceed the number in place at the time of enactment, amendment or revision of this Ordinance.
- (3) Repaired, rebuilt, or altered after any damage exceeding fifty (50%) percent of its market value at the time of destruction; provided however, that in computing the percentage of destruction, as to commercial, industrial or residential complexes consisting of more than one structure, each structure shall be deemed only a portion of the total market value of the total amount of structures situated on the site of said complex; and to prevent rebuilding, more than sixty (60%) percent of the aggregate market value of all of the structures constituting the complex shall have been destroyed; provided further, that any

structure rebuilt shall be in the same location and no larger than the original.

- (4) Enlarged or altered in a way which increases nonconformity.
- (5) Changed to another nonconforming use.

Section 1109. Parking, Storage or Use of Recreation Vehicles or Other Recreational Equipment

No recreational vehicle or boat in excess of 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.

Section 1110. Parking, Storage and Use of Non-Recreational Vehicles and Equipment

- 1110.1 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.
- 1110.2 Parking of vehicles, implements and/or equipment used for commercial, industrial, farm or construction purposes in residential districts shall be limited to one vehicle per residence, with a capacity of no more than 2 tons.
- 1110.3 Vehicles with a capacity in excess of 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.

ARTICLE XII

AMENDMENTS

Section 1200. Amendment Authorization and Procedure

This Ordinance, 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.

Section 1201. Initiation of Amendment

Amendments to the text of this Ordinance 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
- (3) Application or petition of property owners and residents of the City of Orangeburg.

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;
- (3) The filing of an application by the owner of the subject property or his authorized agent.

Section 1202. Application Requirements

- (1) All applications shall be filed on forms provided by the Building Official.
- (2) All applications shall be signed by the applicant and shall state both name and address.
- (3) 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.
- (4) In the case of a map amendment, the existing and proposed boundary (district) change shall be stipulated.
- (5) A nonrefundable processing fee of \$75 shall accompany the application. However, in the event

an application is withdrawn prior to the time it is ordered advertised for hearing, one-half (1/2) of the fee shall be refunded.

Section 1203. Action By Planning Commission

- (1) All applications shall be decided on the basis of the evidence of record.
- (2) The Planning Commission shall act on an application within thirty (30) days after receipt thereof (1) to defer not more than 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.
- (3) 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:
 - (a) How the proposed zoning amendment relates to and affects the city's Comprehensive Plan.
 - (b) The validity of the Comprehensive Plan relative to the area under consideration.
 - (c) The need to correct an error or deficiency in the Zoning Ordinance.
 - (d) Any benefits which would be derived from the proposed amendment.
 - (e) Any cost to the city in terms of expenditures for public improvements, facilities and services.
 - (f) The public interest.

Section 1204. 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.

Section 1205. 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 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:

- (1) The date, time and place of the hearing.
- (2) 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.
- (3) The substance of the proposed ordinance, specifying the nature of the issues being considered.
- (4) The sections of the code that are pertinent to the hearing procedure.
- (5) Where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.

Section 1206. Posting of Property

When a proposed amendment affects a zone district classification of particular pieces of property, the Building Official 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 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 application, the posting of the property is not required. However, a written notice of the hearing shall be mailed by the Building Official 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 Section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

Section 1207. Action By City Council

The City Council shall take action on the proposed amendment within 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 Building Official within seven 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.

Section 1208. 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 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.

ARTICLE XIII

DEFINITIONS

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 Adjustment" refers to the Zoning Board of Adjustment for the City of Orangeburg.

Abutting - Having a common border with or being separated from such common border by an easement.

Adult Uses - Adult uses 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 - 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 - A pen, shelter, or structure where no more than three 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 - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface.

Bed and Breakfast Inn - Any owner-occupied dwelling or portion thereof offering five 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 - 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 - 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 75 percent open or unenclosed.

Building, Alteration - Any act or process that changes one 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 - 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 - 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 - A document issued by the Building Official 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 Ordinance and the Building Code.

Club, Private - An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster Home Development - 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 a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Conditional Use - 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 - A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Conical Surface - A surface extending horizontally twenty (20) feet for every one (1) foot vertically from the periphery of the horizontal surface.

Day Care Services

1. Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than seven children, including the day care parents' own children.

2. Child Day Care Services - Child 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.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance 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.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-unit)

Dwelling, Attached - A dwelling unit attached to one or more other dwelling units by common vertical walls.

Dwelling, Detached - 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 - A building containing two dwelling units.

Dwelling, Group Occupied - 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 - A mobile home is a transportable structure of one or more sections built on a permanent metal chassis and designed to be towed. The term "mobile home" as used in this Ordinance shall not include prefabricated, modular, or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, motor homes, campers, or similar units designed for recreation or other short term uses.

Dwelling, Multi-Unit - A building containing five or more dwelling units.

Dwelling, Patio House - 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 - A building containing four dwelling units.

Dwelling, Single-family Occupied - A dwelling unit occupied by one family.

Dwelling, Townhouse - 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 - A single building containing three dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than three (3) persons not so related, except that not more than nine (9) mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Floor Area Ratio - 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) -- 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 - 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 - The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Home Occupation - Any occupation within a dwelling, including a family day care home, and clearly incidental thereto, carried on by a member or members of the family residing on the premises and no others, provided that:

- (1) no exterior indication of the use or change in the character or exterior appearance is evident other than a sign permitted by these regulations;
- (2) the maximum floor area used for such operation shall not exceed 600 square feet or 25 percent of the gross floor area;
- (3) no display of products shall be visible from the street and only articles made on the premises may be sold; and
- (4) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.

Horizontal Surface - 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 - Impervious surfaces are 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 Building Official to be

impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is 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 - 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 non-profit groups.

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

Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Double Frontage - A lot which has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot, Width - The distance between side lot lines measured at the front building line.

Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Mini-warehouse - 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 - A lot or parcel with space, improvements and utilities for the long-term parking of two or more mobile homes which may include services and facilities for the residents.

Mobile Home Space - A plot or ground within a mobile home park designed for the accommodation of one mobile home.

Modular Building Unit or Modular Structure - 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 - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

Obstruction - Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 603.3 of this Ordinance.

Open Space Ratio - The open space ratio is a 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.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Primary Surface - 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 - 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 motor homes.

Runway - A specified area on an airport prepared for landing and takeoff of aircraft.

Sign - 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 - A sign structure not containing a sign for 120 continuous days or a sign not in use for 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 - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one 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 - Any sign attached to any part of a building.

Sign, Changeable Copy - 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 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. 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 Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Flat - A single faced sign attached flush to a building or projecting no more than 12 inches.

Sign, Free-Standing - Any nonmovable sign not affixed to a building.

Sign, Incidental - 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, Permanent - 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 - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign that is not permanently affixed to a building, structure or the ground.

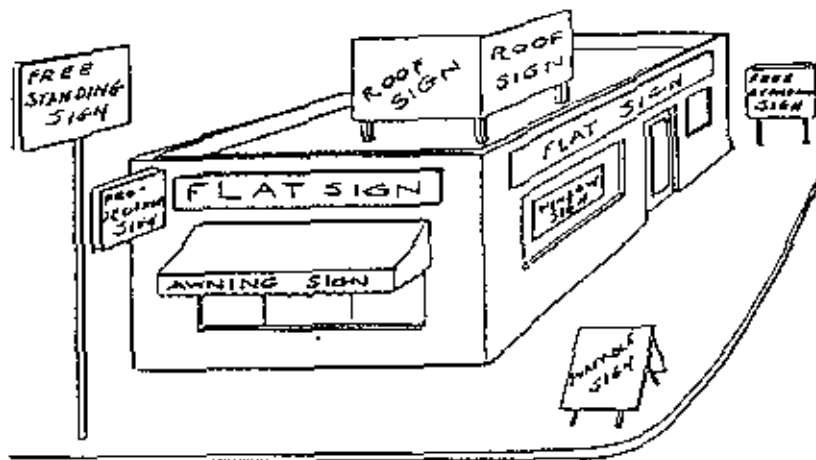
Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - 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 - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - A sign painted on the wall of a building and has no sign structure.

Sign, Window - 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.



SIGN TYPES

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

Street, Major - Includes 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 - A street designed principally to provide access to property abutting.

Street, Private - A street not dedicated for public use or maintenance.

Transitional Surface - 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 - 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 - 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 - The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Board of Adjustment, 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 Ordinance 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 - Any object of natural growth.

Yard - 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 Ordinance.

Yard, Front - 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 - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - 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 Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - 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.

ARTICLE XIV

ADMINISTRATION, ENFORCEMENT, APPEALS

Section 1400. Administration and Enforcement

The duly appointed Building Official is hereby given the authority to administer and enforce the provisions of this Ordinance.

The Building Official 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 Ordinance and applicable building codes. He/she shall direct parties in conflict with this Ordinance, 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 Administrator and City Council may require.

If the Building Official 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 Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 1401. 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 Ordinance 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 Ordinance or any amendments thereto or than it is when the application for a permit is made.

The provisions of this Section 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.

1401.1 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.

1401.2 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 Building Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance:

- (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 Ordinance.

1401.3 Application Requirements For a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- (1) Common signage plan, where applicable, in accord with the requirements of Section 803.
- (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 Building Official may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 1402. 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 Ordinance has been issued by the Building Official. No Certificate of Occupancy shall be issued where such use is in violation of the provisions of this Ordinance, or of any other applicable law or regulation.

1402.1 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 Building Official that the building or structure has been constructed, erected, or altered in accord with all applicable requirements of this Ordinance.

Failure to comply with the standards and requirements of this Ordinance 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 Ordinance, and punishable under Section 1408.

Section 1403. Expiration of Building and Sign Permits

All sign and building permits shall be valid for a period of 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.

Section 1404. 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 Building Official.

Section 1405. 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 Building Official.

Section 1406. Inspections for Compliance

The Building Official may make or require inspections of any construction to ascertain compliance with the provisions of this Ordinance 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.

Section 1407. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Building Official shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 1408. Penalties For Violation

Any persons violating any provision of this Ordinance 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 Ordinance, the Building Official 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.

Section 1409. Appeal To The Zoning Board of Adjustment

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 Building Official and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Building Official.

Section 1410. Establishment of Board of Adjustment

A Board of Adjustment is hereby established. Said Board 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 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.

Section 1411. Proceedings of the Board of Adjustment

The Board of Adjustment shall elect a Chairman and a Vice Chairman from its members, who shall serve for one year, or until reelected or until their successors are elected. The Board shall appoint a Secretary, who may be a city officer or a member of the Board of Adjustment. The Board shall adopt rules and by laws in accordance with Section 6-7-740 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.

Section 1412. Appeals, Hearings and Notice

Appeals to the Board shall be taken within a reasonable time, as provided by the rules of the Board, by filing notice of appeal specifying the ground thereof with the Building Official, who shall forthwith transmit to the Board 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 or by a court of record on application, on notice to the Building Official and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Section 1413. Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

- 1413.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance.
- 1413.2 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. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, and
 - (2) The application of the Ordinance on this particular piece of property would create an unnecessary hardship; and
 - (3) Such conditions are peculiar to the particular piece of property involved, and
 - (4) Relief, if granted, would not cause substantial detriment to the public good or 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.

Section 1414. Decisions of the Board of Adjustment

In exercising the above powers, the concurring vote of a majority of the members of the Board of Adjustment 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 Ordinance, 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.

Section 1415. Appeals From Decisions of Board of Adjustment

Any person who may have a substantial interest in any decision of the Board of Adjustment 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 30 days after the decision of the Board is rendered.

ARTICLE XV

LEGAL STATUS PROVISIONS

Section 1500. Conflict With Other Laws

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

Section 1501. Validity

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

Section 1502. Repeal of Conflicting Ordinances

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

Section 1503. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Orangeburg City Council.

ENACTED AND ORDAINED into an Ordinance this 1st day of March, 1994, by the CITY OF ORANGEBURG.

Martin C. Cheatham
Mayor of Orangeburg

Council Members:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Sharon M. Samring
City Clerk



AN ORDINANCE TO AMEND CHAPTER 23, UTILITIES

ARTICLE VI - SECTION 23-50, 23-54, 23-58, 23-62

BE IT ORDAINED By the Mayor and Members of Council of the City of Orangeburg, in Council assembled and by authority of the same:

ARTICLE VI - 23-50 GENERAL - Section 23-50.3 Definitions.

Amend said section of the Code of Ordinances by inserting the following alphabetical order:

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge process, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Significant Violation shall mean a violation of discharge limitations that meet one or more of the following criteria:

- (1) chronic violations in which sixty-six percent or more of all of the measurements taken during a six month period exceed the limitation for the same parameter;
- (2) technical review criteria (TRC) violation in which thirty-three percent or more of all of the measurements taken during a six month period exceed limitation by a magnitude of the TRC (TRC = 1.4 for BOD, TSS, fats, oils & grease TRC = 1.2 for all other parameters, except pH.);
- (3) any violation of a discharge limitation which the DPU believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
- (4) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of the DPU's emergency authority to halt or prevent such a discharge;

- (5) any violation by ninety days or more after the scheduled date of any compliance schedule milestone contained in the Wastewater Discharge Permit;
- (6) failure to provide the required pretreatment program reports within thirty days of the due date;
- (7) failure to accurately report noncompliance;
- (8) any other violation or group of violations which the DPU determines will adversely affect the operation or implementation of the pretreatment program.

Pass Through means a Discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

Publicly Owned Treatment Works (POTW) shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the municipality. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

Scavenger Waste shall mean any waste, including septage wastes, which is delivered to the POTW treatment plant or collection system through an unauthorized discharge point or through unauthorized use of an approved discharge point.

Authorized Representative of a Significant Industrial User shall mean:

- (a) If the Significant Industrial User is a corporation the authorized representative is
 - (1) a president, secretary, treasurer or vice-president of the corporation.
 - (2) The manager of a corporate facility employing more than 250 persons or having expenditures exceeding \$25 million if delegated in accordance with corporate procedures.
- (b) If the Significant Industrial User is a partnership or sole proprietorship the Authorized Representative is a general partner or proprietor.
- (c) The Authorized Representative may be designated by an individual specified in paragraph (a) or (b) above if the designation is made in writing by the individual and submitted to the DPU. The designation must specify either an individual or position having responsibility for the overall operation of the facility from which the facility originates, such as the plant manager, or having overall responsibility for the environmental matters for the company.

ARTICLE VI - 23-50 GENERAL - Section 23-50.3 Definitions.

Amend said section of the Code of Ordinances by deleting the definitions for Significant Industrial User and Person in their entirety and substituting in lieu thereof the following:

Significant Industrial User shall mean any person discharging into the public sewer which:

- (1) is subject to categorical Pretreatment standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N, as promulgated by the U.S. Environmental Protection Agency; or
- (2) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the DPU's sewage treatment plant; or
- (3) discharge an average of 25,000 gallons per day or more of process wastewater excluding sanitary, noncontact cooling and boiler blowdown wastewater; or
- (4) has in the opinion of the Director of the Wastewater Division, a reasonable potential to adversely affect the operation of the DPU's sewage treatment plant or for violating any pretreatment standard or requirement of this ordinance.

Person shall mean any individual, firm, company, association, society, corporation, group, or government group or institution.

ARTICLE VI - 23-54 PLUMBING CODE - Section 23-54.1.

Standard Plumbing Code Adopted by Reference. Amend said section of the Code of Ordinances by deleting "... 1988 Edition" in its entirety and substituting in lieu thereof the following:

"... 1991 Edition"...

ARTICLE VI - 23-54 PLUMBING CODE - Section 23-54.4 (b). Use of

the Public Sewers. Amend said section of the Code of Ordinances by deleting it in its entirety and substituting in lieu thereof the following:

- (b) No person shall discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation of the wastewater treatment system or pass through to the environment untreated. No person shall discharge or cause to be discharged any of the following:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but no limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 CFR 261.21.

Prohibited substances include, but are not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- (2) Any waters or wastes having a pH less than 6.5 or greater than 9.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
- (3) Solids or viscous substances in quantities or of such size capable of causing obstruction in the flow of sewage or other interference to the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, metal, shavings, glass, rags, feathers, tar, plastics, wood, hair, and fleshing or entrails, either whole or ground by garbage grinders.
- (4) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit) unless the DPU, approves alternate temperature limits.
- (5) Any waters or wastes containing fats, wax, grease or oils of an animal or vegetable origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) and sixty-five (65) degrees Centigrade, without prior approval of the DPU.
- (6) Any garbage that has not been properly shredded.
- (7) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution whether neutralized or not.
- (8) Any wastewaters containing concentrations of pollutants exceeding the values set forth in the Orangeburg DPU Pretreatment Program.
- (9) Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the DPU as necessary after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge of the receiving waters.
- (10) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the DPU in compliance with applicable state and federal regulations.
- (11) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, but in no case in amounts greater than 100 mg/l.

- (12) Any Pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- (13) Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (14) Any trucked or hauled pollutants, except at discharge points designated by the DPU.
- (15) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (16) General Prohibitions - A User may not introduce into the POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 23-54.4 (a) and (b) of this Ordinance apply to each User introducing pollutants into the POTW whether or not the User is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.2 Industrial Wastewater Discharge Permits. Amend said section of the Code of Ordinances by deleting the section in its entirety and substituting in lieu thereof the following:

23-58.2 Industrial Wastewater Discharge Permits.

(a) General Permits:

All Significant Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Significant Users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 30 days after the effective date of this ordinance.

(b) Permit Applications:

Users required to obtain a Wastewater Discharge Permit shall complete then file with the DPU, an application in the form prescribed by the DPU. Existing users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(c) Permit Conditions:

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all applicable regulations, industrial user charges and fees established by the DPU. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge and sampling facilities;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of samplings, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the DPU and affording DPU access thereto;
- (9) Requirements for notification of the DPU of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges, and;
- (11) Other conditions as deemed appropriate by the DPU to ensure compliance with this Ordinance.

(d) Permit Duration:

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be specified to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the DPU during the term of the permit as limitations or requirements as identified in this Ordinance are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Additional Powers and Authority of the Department of Public Utilities:

- (1) The DPU shall have the authority to deny or condition the discharge of new or increased amounts of pollutants by permitted Significant Industrial Users to the POTW.
- (2) The DPU shall have the authority to require that all permitted Significant Industrial Users comply with applicable Pretreatment Standards and all other requirements that may be imposed by the DPU or the South Carolina Department of Health and Environmental Control.

(3) The DPU shall have the power and the authority to adjust or revise permitted Significant Industrial User discharge limits, including average and maximum pollutant concentrations and wastewater flow rate at any time for just cause including, but not limited to:

- (i) To correct operational or maintenance problems at the POTW or in the collection system;
- (ii) To ensure the POTW's compliance with NPDES requirements;
- (iii) To protect the wastewater treatment and collection system.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.4 Federal and State Pretreatment Standards. Amend said section of the Code of Ordinances by deleting the section in its entirety and substituting in lieu thereof the following:

23-58.4 Federal and State Categorical Pretreatment Standards.

Upon the promulgation of the Federal or State Categorical Pretreatment Standards for a particular industrial subcategory, the Federal or State Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The DPU shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.6 Periodic Compliance Reports. Amend said section of the Code of Ordinances by deleting the section in its entirety and substituting in lieu thereof the following:

23-58.6 Industrial Wastewater Self-Monitoring, Reporting, and Recordkeeping.

- (a) Self-Monitoring Requirements: Each Significant Industrial User shall perform, at his own cost and expense, flow measurement, sampling and analysis of the discharge to the DPU sewer. All conditions concerning the self-monitoring including the location of sampling, frequency of monitoring, method of collection, and parameters to be analyzed shall be as outlined on the Wastewater Discharge Permit.

- (b) Categorical Baseline Report: Upon promulgation a Federal Categorical Pretreatment Standard all affected Industrial Users shall monitor and report to the DPU within 180 days of effective date of the standard in conformance with the provisions of 40 CFR 403.12.
- (c) Self Monitoring Reporting: Each Significant Industrial User shall submit to the DPU the results of all self-monitoring in accordance with the requirements contained on each Wastewater Discharge Permit.
- (d) The DPU may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by (c) above shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent to the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the DPU, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with the procedures established by the DPU pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the DPU. Sampling shall be performed in accordance with the techniques approved by the DPU.
- (e) If an Industrial User monitors any pollutant not required by the DPU or monitors any pollutant more frequently than required by the DPU, the results of such monitoring shall be included in the routine self-monitoring report.
- (f) If any monitoring indicates a violation of this Ordinance or of any conditions of the Wastewater Discharge Permit, the Industrial User must notify the DPU within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the analysis to the DPU within 30 days.
- (g) Recordkeeping Requirements: All Industrial Users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance and any applicable State or Federal pretreatment standards or requirements. Records shall be maintained for a minimum of five (5) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by the DPU. Such records shall be made available upon request of the DPU and to officials of the U.S. Environmental Protection Agency and the South Carolina Department of Health and Environmental Control.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 Enforcement. Amend said section of the Code of Ordinances by re-lettering the section as follows:

<u>Change</u>	<u>To</u>
23-58.7 g.	23-58.7 h.
23-58.7 f.	23-58.7 g.
23-58.7 e.	23-58.7 f.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 a. Enforcement. Amend said section of the Code of Ordinances by deleting "... including immediate severance of the sewer connection, ... in its entirety and substituting in lieu thereof the following:

"... including immediate severance of the sewer and/or water connection, "...

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 c. Enforcement. Amend said section of the Code of Ordinances by deleting paragraph (c) in its entirety and substituting in lieu thereof the following:

- c. Notification of Violation (NOV). Whenever the DPU finds that any person has violated or is violating this Ordinance, or any prohibition, limitation, or requirement contained herein, the DPU may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A reasonable time may be defined as meaning immediately in the event of a violation affecting health, life, or damage to the wastewater treatment facilities or violations which cause interference with wastewater treatment operations. A reasonable time may be less than thirty (30) days under other circumstances but in such other circumstances not less than twenty-four (24) hours.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 d. Enforcement. Amend said section of the Code of Ordinances by deleting paragraph (d) in its entirety and substituting in lieu thereof the following:

d. Orders.

- (1) The DPU may enter into a Consent Order or other similar document of voluntary compliance establishing an agreement with the Industrial User responsible for non-compliance.

- (2) The DPU may issue an Administrative Order to an Industrial User who has violated or continues to violate these Resolutions, the Wastewater Discharge Permit or other Orders of the DPU. Such Administrative Orders may direct that, following a specific time period, sewer and/or water service(s) will be discontinued unless appropriated action by the Industrial User occurs. Orders may also contain other requirements as might be reasonably necessary to address the non-compliance.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS

Section 23-58.7 e. Enforcement. Amend said section of the Code of Ordinances by inserting the following after paragraph (d) and prior to re-lettered paragraph (f):

- e. Show Cause Hearing. The DPU may order any industrial user who causes or allows an unauthorized discharge to enter the system to show cause before the Manager of the DPU why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Manager regarding the violation, the reasons why action is to be taken, the proposed enforcement action, and directing the Industrial User to show cause before the Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any Authorized Representative of a corporation.

The Manager may himself conduct the hearing and take the evidence, or may designate any DPU officer or employee to:

- (1) Issue in the name of the Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Manager for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of usual charges.

After the Manager has reviewed the evidence, he may issue an order to the Industrial User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and/or devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 g . Enforcement. Amend said section of the Code of Ordinances by deleting re-lettered paragraph (g) in its entirety and substituting in lieu thereof the following:

- g. Civil Penalties. Any Industrial User who is found to have violated an order of the DPU or who fails to comply with any provisions of this Division, and the orders, rules, regulations and permits issued hereunder, shall be fined in accordance with the guidelines established by the DPU in the Enforcement Response Guide included in the Industrial Pretreatment Program. However, the fine shall be no more than Two Thousand Dollars (\$2000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the DPU may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.7 h. Enforcement. Amend said section of the Code of Ordinances by deleting re-lettered paragraph (h) in its entirety and substituting in lieu thereof the following:

- h. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plant or other document files required to be maintained pursuant to the Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate information concerning any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than Two Thousand Dollars (\$2000.00) for each offense.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.8 Confidential Information. Amend said section of the Code of Ordinances by inserting the following sentence at the end of existing paragraph:

Any data concerning the nature and concentration of pollutants in the effluent shall not be considered to be confidential.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.9 Pretreatment Violations. Amend said section of the Code of Ordinances by deleting the words TIMES AND DEMOCRAT and substituting in lieu thereof the following:

"... largest daily newspaper of local distribution,"...

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.10 Amend said Article of the Code of Ordinances by creating a new Section to read as follows:

23-58.10 Spill Prevention and Countermeasures.

- (a) Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. In addition, each Significant Industrial User (SIU) shall develop a plan to control spills and slug discharges. No SIU shall be permitted to introduce pollutants into the system until such a plan has been approved by the DPU. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. The plan shall contain, at a minimum, the following elements:
- (1) Description of discharge practices, including non-routine batch discharge;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 23-54.4 (b) of this Ordinance, with procedures for follow-up written notification within five days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (b) If identified in the plan or deemed to be necessary by the DPU, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be approved by the DPU before construction of the facility.

- (c) In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action. Within five (5) days following an accidental discharge, the User shall submit to the DPU a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising all employees who to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS -

Section 23-58.11 Amend said Article of the Code of Ordinances by creating a new Section to read as follows:

23-58.11 Notification of Hazardous Waste.

- (a) Each Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 23-58.2 (c). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Section 23-58.6.

- (b) Dischargers are exempt from the requirements of paragraph (a) of this Section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

ARTICLE VI - 23-58 INDUSTRIAL DISCHARGE REGULATIONS - Section 23-58.12 Amend said Article of the Code of Ordinances by creating a new Section to read as follows:

23-58.12 Pretreatment Charges and Fees.

The Department of Public Utilities may impose reasonable fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) fees for reviewing and responding to accidental discharge procedures and construction;
- (d) fees for filing appeals; and
- (e) other fees as the Department of Public Utilities may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all fees, fines, and penalties chargeable by the Department of Public Utilities.

ARTICLE VI - 23-62 INSPECTION - Section 23-62.2 (a). Powers and Authority of Inspectors. Amend said section of the Code of Ordinances by adding the following sentence at the end of the existing paragraph:

The DPU or duly authorized representative shall be permitted to inspect and copy records related to the Significant Industrial User's discharge of wastewater to the sewers or waterways or facilities for waste treatment.

DONE AND RATIFIED in City Council, by the City Council of Orangeburg South Carolina this 5th day of JULY, 1994.

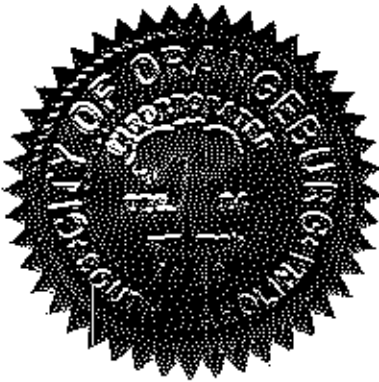
Morton Heathman
Mayor

Joe S. Haure
Charles F. Smith

Marion F. Moore

Leif J. Hest
W. Keith Helle

James W. Kenealy
Members of Council



ATTEST:
Simon M. Fanning
City Clerk

ORDINANCE NO 1994-06

AN ORDINANCE TO AMEND CHAPTER XXIII, ARTICLE 1, SECTION 23-2 OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA, FOR THE PURPOSE OF CLARIFYING THE "AT-WILL" EMPLOYMENT STATUS OF DIVISION HEADS OF THE DEPARTMENT OF PUBLIC UTILITIES

BE IT ORDAINED by Council duly assembled that Chapter XXIII, Article 1, Section 23-2 of the Code of Ordinances of the City of Orangeburg, South Carolina, is hereby amended to read as follows:

"Section 23-2. Composition of the Department of Public Utilities. The department of public utilities shall consist of six (6) divisions: an administrative division, headed by a director of administrative division; a communications division, which shall include the DPU communications system, headed by a director of communications division; an electric division, headed by a director of electric division; a gas division, headed by a director of gas division; a waste water (sewer) division, headed by a director of waste water division; and a water division, headed by a director of water division. All division heads named herein shall be appointed by, responsible to and report to the manager of the department of public utilities. In accordance with the city's Personnel Policy, each appointed division head shall serve at the will and pleasure of the city and such appointment shall not constitute a contract of employment. Any division head may be removed from office, with or without cause."

DONE AND RATIFIED by Council duly assembled this 5th day of July, 1994.



Martin L. Cheatham
Mayor

James H. Haire
Conrad P. Douthett

Marion F. Moore

James W. Haire

James W. Haire

James W. Haire
Members of Council

ATTEST: Sharon M. Fanning
City Clerk

ORDINANCE NO. 1994-07

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 1st DAY OF MARCH, 1994, FOR THE PURPOSE OF REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A BOARD OF ADJUSTMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, in Council assembled, and by authority of same: That portion of the above ordinance entitled "Section 402 District Boundaries and Maps" and the Official Zoning Map of the City of Orangeburg are hereby amended as follows:

Change from "D-1 Industrial" to "B-1 General Business" all that certain tract of land situated, lying and being inside the city limits of Orangeburg, South Carolina and bounded as follows: On the northeast by Greenville SE, on the southeast by Seabrook SE, on the southwest by Fulton SE, and on the northwest by Whaley SE. Tax Map Nos. 192-01-11-001 & 192-01-11-002.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS THE 2nd DAY OF AUGUST, 1994.



Martin L. Heath
MAYOR

Marion F. Moon

Charles P. Knotts

Gene S. Hairs

John P. ...

Walter ...

James W. ...
CITY COUNCIL

ATTEST:

Sharon M. Fanning
CITY CLERK

ORDINANCE NO. 1994-08

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 1st DAY OF MARCH, 1994, FOR THE PURPOSE OF REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A BOARD OF ADJUSTMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, in Council assembled, and by authority of same: That portion of the above ordinance entitled "Section 402 District Boundaries and Maps" and the Official Zoning Map of the City of Orangeburg are hereby amended as follows:

Change from "D-1 Industrial" to "B-1 General Business" all that certain tract of land situated, lying and being inside the city limits of Orangeburg, South Carolina and being bounded as follows: On the east by Pine SE, on the south by Moseley SE, on the west by Wheeler SE, and on the north by Palmetto SE. Tax Map Nos. 192-02-11-001, 192-02-11-002, 192-02-11-003, 192-02-11-004, 192-02-11-005, 192-02-11-006, 192-02-11-007, 192-02-11-008, 192-02-11-009, 192-02-11-010, 192-02-11-011, 192-02-11-012 & 192-02-11-013.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS THE 2nd DAY OF AUGUST, 1994.



Mark C. Shea
MAYOR

William P. Moore

Sandra P. Lewis

Deanna Haire

L. Zimmerman

John D. [unclear]

W. Keith Selley

CITY COUNCIL

ATTEST:

Harold M. Leming
CITY CLERK

ORDINANCE NO. 1994-09

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 1st DAY OF MARCH, 1994, FOR THE PURPOSE OF REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A BOARD OF ADJUSTMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, in Council assembled, and by authority of same: That portion of the above ordinance entitled "Section 402 District Boundaries and Maps" and the Official Zoning Map of the City of Orangeburg are hereby amended as follows:

Change from "D-1 Industrial" to "B-1 General Business" all that certain tract of land situated, lying and being inside the city limits of Orangeburg, South Carolina and being bounded as follows: On the north by Palmetto SE, on the east by property of Herman R. Robertson, on the south by property of Frank Lee Young and on the west by Boulevard SE. Tax Map Nos. 192-02-10-007, 192-02-10-008 & 192-02-10-009.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS THE 2nd DAY OF AUGUST, 1994.



Martin C. Chappell
MAYOR

Wanna F. Moore

Sandra L. Knotts

Sam Haire

L. J. [unclear]

L. [unclear]

Jeane W. [unclear]
CITY COUNCIL

ATTEST:
Sharon M. Lanning
CITY CLERK

ORDINANCE NO. 1994-10

AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF ORANGEBURG FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1993 AND ENDING SEPTEMBER 30, 1994

THE CITY COUNCIL OF THE CITY OF ORANGEBURG HEREBY ORDAINS:

SECTION 1. That the Budget of the City of Orangeburg for the fiscal year beginning October 1, 1993 and ending September 30, 1994, designated as Ordinance No. 1994-14, shall be and hereby is, amended so as to show the attached items of expenditures and revenues, both for the General Fund, Airport Fund and the Millersburg Pro Shop Fund, respectively.

SECTION 2. That in all other respects, except as hereby and heretofore amended, the Budget for the City of Orangeburg for the fiscal year beginning October 1, 1993 and ending September 30, 1994, shall remain in full force and effect.

SECTION 3. That this Ordinance shall become effective upon adoption by the Council of the City of Orangeburg.

SECTION 4. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ADOPTED by the Council of the City of Orangeburg on this 6th day of September, 1994, at which a quorum was present and voting.



Monte L. Chapman
MAYOR
John J. Hains
Charles P. Hunter
Marion D. West
W. Keith Selley
James W. Rouseff
James T. Kites
MEMBERS OF COUNCIL

ATTEST:
Sharon M. Fanning
CITY CLERK

BUDGET ADJUSTMENTS FOR FISCAL YEAR 1993-94

ADJUSTMENT	BUDGET AMOUNT	YEAR-END	BUDGET PROJECTIONS
General Fund Revenues	\$8,033,984	\$8,093,822	\$ 59,838
General Fund Expenditures	\$8,033,984	\$7,905,670	\$ 128,314
Airport Fund Revenues	\$ 324,957	\$ 994,588	\$ 669,631
Expenses	\$ 324,957	\$1,037,488	\$ 712,531
Hillcrest Pro Shop Fund			
Revenues	\$ 78,750	\$ 104,716	\$ 25,966
Expenses	\$ 78,750	\$ 104,716	\$ 25,966

ORDINANCE NO. 1994-11

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ORANBESURE, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995

BE IT ORDAINED by Mayor and Council Members of the City of Orangeburg, South Carolina, in Council assembled, and by authority of the same:

SECTION 1. In accordance with Section 5-7-263 of the 1976 Code of Laws of South Carolina, and Council shall act by Ordinance to adopt budgets, levy taxes, and collect all other income sources available to the City pursuant to public notice.

SECTION 2. That the prepared budget for the fiscal year October 1, 1994--September 30, 1995, and the estimated revenue for payment of same is hereby adopted.

SECTION 3. That a tax to cover the period from the first day of January, 1994 to the thirty-first day of December 1994, both inclusive, for the sum and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the City of Orangeburg for the use and service thereof; i.e., a tax of 71 mills be and the same is hereby assessed on each dollar of the assessed value of all real estate and personal property within the City of Orangeburg, South Carolina, except as such which is exempt from taxation by law.

SECTION 4. Tax levied under this Ordinance shall be due and payable at the office of the City Clerk and Treasurer, in the Municipal Building of City of Orangeburg, SC, from the first day of November, 1994, until the fifteenth day of January 1995, from the hours of 9:00 A.M. until 5:00 P.M., Monday through Friday, Saturdays and Sundays excepted.

SECTION 5. On January 15, 1995, a penalty of fifteen (15%) percent shall be added on all unpaid taxes. The City Clerk and Treasurer shall on March 17, 1995, place all delinquent properties in execution by Section 24-11, as amended, of the Code of Ordinance of the City of Orangeburg.

SECTION 6. If for any reason, any sentence, clause or provisions of this Ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

DONE AND RATIFIED BY THE CITY COUNCIL OF ORANBESURE, SOUTH CAROLINA, IN COUNCIL ASSEMBLED THIS 6th DAY OF September 1994.



Monte C. Cheatham
Mayor

James Haire

Branda P. Amott

William F. Wood

Richard J. Kelley

Gregory W. Penning

James L. Kato
Members of Council

ATTEST:
Sharon M. Lanning
City Clerk

BUDGET HIGHLIGHTS
FY 1994-95

REVENUES

No Tax Increase; tax revenues to remain steady
No Increase in fees for sanitation services
Jones Intercable Franchise fee at 5% for entire year
Cash reserve of \$140,000 budgeted; anticipate bringing the funds forward from FY 1993-94
Projecting increased revenues at Orangeburg Municipal Airport and Hillcrest Golf Course and Pro Shop
Business Licenses slightly lower
Does not include anything for Southern Bell Franchise at this time
Several grants funding throughout Budget

EXPENDITURES

3% Cost-of-Living increase for employees; other increases for DPS entry personnel
5% increase in medical increase contributions
(May have to be adjusted after further study)
Addresses several State and Federal Mandates
1 Full time, 2 Part-time positions for curbside recycling (if needed)
Capital equipment included to improve the productivity of our yard debris and garbage collection
Continued enhancement of DPS equipment
(no aerial platform budgeted this year)
1 additional cemetery/parks position
Facility improvement at Mirmow Field (anticipate some committee fund raising)
Continued Airport 17/35 Runway construction; new hangars at Airport
Continued support for DORA and Orangeburg Keep America Beautiful

ORDINANCE NO. 1994-12

AN ORDINANCE TO ADOPT A BUDGET FOR THE OPERATION OF THE DEPARTMENT OF PUBLIC UTILITIES FOR THE CITY OF ORANGEBURG, STATE OF SOUTH CAROLINA, FOR THE FISCAL YEAR OCTOBER 1, 1994 THROUGH SEPTEMBER 30, 1995

BE IT ORDAINED by City Council duly assembled, that the attached budget consisting of eight (8) pages is hereby adopted as the operating budget for the Department of Public Utilities for the City of Orangeburg for the fiscal year October 1, 1994 through September 30, 1995.

BE IT FURTHER ORDAINED that the Manager of the Department of Public Utilities is authorized to transfer budgeted amounts between line items and/or divisions or between approved capital projects in accordance with the duties and responsibilities of said Manager.

DONE AND RATIFIED by Council duly assembled this 20th day of September, 1994.



ATTEST:

Sharon M. Ganning
City Clerk and Treasurer

Marion C. Cheatham
Mayor
Liz Jimenez Kelly
W. Keith Kelly
Gayle Johnson
Marion F. Moore
Randya L. Snodgrass
John Haire
Members of Council

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
TOTAL PROJECTIONS

	<u>ACTUAL</u> <u>1992 - 1993</u>	<u>PROJECTED</u> <u>1994 - 1995</u>
<u>OPERATING INCOME:</u>		
Gross Billings	\$52,993,152	\$56,568,654
Less, Discounts	(4,365,623)	(4,658,036)
Net Billings	<u>\$48,627,529</u>	<u>\$51,910,618</u>
Water and Wastewater Taps	112,904	155,000
Water and Wastewater Impact Fees	186,169	190,000
Counter Service Fees	166,460	166,700
MPX System	4,813	6,500
Miscellaneous Sales & Services	168,861	190,000
Charge Off Accts Collected	81,131	60,000
TOTAL INCOME	<u>\$49,347,867</u>	<u>\$52,678,818</u>
<u>COST OF SALES:</u>		
Electricity Purchased	\$26,289,943	\$28,028,084
Natural Gas Purchased	5,818,685	6,729,438
GROSS PROFIT	<u>\$17,239,239</u>	<u>\$17,921,296</u>
<u>OPERATING EXPENSES:</u>		
Depreciation Expense	\$ 2,301,863	\$ 2,657,450
Operating Expense	2,694,730	2,835,040
Administrative Expense	3,549,711	4,097,750
Bad Debt Expense	82,501	90,000
TOTAL OPERATING EXPENSE	<u>\$ 8,628,805</u>	<u>\$ 9,680,240</u>
OPERATING PROFIT	\$ 8,610,434	\$ 8,241,056
<u>NON-OPERATING REVENUE:</u>		
Interest Earned 1975 Sinking Fund	\$ 51,772	\$ 54,934
Interest Earned 1985 Sinking Fund	11,255	13,800
Interest Earned 1989 Sinking Fund	11,949	13,000
Interest Earned Short-Term Investment	531,423	500,000
TOTAL NON-OPERATING REVENUE	<u>\$ 606,399</u>	<u>\$ 581,734</u>
TOTAL OPERATING & NON-OPERATING REVENUE	\$ 9,216,833	\$ 8,822,790
<u>NON-OPERATING EXPENSE:</u>		
Interest 1975 Bond Issue	\$ 23,250	\$ 4,500
Interest 1985 Bond Issue	259,750	205,100
Interest 1989 Bond Issue	307,350	265,850
Other Interest Expense	4,561	1,850
TOTAL NON-OPERATING EXPENSE	<u>\$ 594,911</u>	<u>\$ 477,300</u>
NET PROFIT	\$ 8,621,922	\$ 8,345,490

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
ELECTRIC DIVISION

	<u>ACTUAL</u> <u>1992 - 1993</u>	<u>PROJECTED</u> <u>1994 - 1995</u>
<u>OPERATING INCOME:</u>		
Gross Billings	\$38,972,859	\$41,311,000
Less, Discounts	(3,228,253)	(3,420,550)
Net Billings	<u>\$35,744,606</u>	<u>\$37,890,450</u>
Counter Service Fees	103,871	102,000
MPX System	4,813	6,500
Miscellaneous Sales & Services	102,437	100,000
Charge Off Accts Collected	51,058	40,000
TOTAL INCOME	<u>\$36,006,785</u>	<u>\$38,138,950</u>
<u>COST OF SALES:</u>		
Electricity Purchased	<u>\$26,289,943</u>	<u>\$28,028,084</u>
GROSS PROFIT	<u>\$ 9,716,842</u>	<u>\$10,110,866</u>
<u>OPERATING EXPENSES:</u>		
Depreciation Expense	\$ 1,024,872	\$ 1,285,950
Operating Expense	945,593	945,000
Administrative Expense	1,573,589	1,900,000
Bad Debt Expense	52,388	57,150
TOTAL OPERATING EXPENSE	<u>\$ 3,596,442</u>	<u>\$ 4,188,100</u>
OPERATING PROFIT	\$ 6,120,400	\$ 5,922,766
<u>NON-OPERATING REVENUE:</u>		
Interest Earned 1975 Sinking Fund	\$ 23,584	\$ 25,025
Interest Earned 1985 Sinking Fund	11,255	13,800
Interest Earned Short-Term Investment	302,262	284,000
TOTAL NON-OPERATING REVENUE	<u>\$ 337,101</u>	<u>\$ 322,825</u>
TOTAL OPERATING & NON-OPERATING REVENUE	\$ 6,457,501	\$ 6,245,591
<u>NON-OPERATING EXPENSE:</u>		
Interest 1975 Bond Issue	\$ 10,591	\$ 2,062
Interest 1985 Bond Issue	259,750	205,100
Other Interest Expense	1,953	750
TOTAL NON-OPERATING EXPENSE	<u>\$ 272,294</u>	<u>\$ 207,912</u>
NET PROFIT	\$ 6,185,207	\$ 6,037,679

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
GAS DIVISION

	<u>ACTUAL</u> 1992 - 1993	<u>PROJECTED</u> 1994 - 1995
<u>OPERATING INCOME:</u>		
Gross Billings	\$ 9,048,265	\$ 9,686,754
Less, Discounts	(766,553)	(820,488)
Net Billings	<u>\$ 8,281,712</u>	<u>\$ 8,866,266</u>
Counter Service Fees	44,145	45,000
Miscellaneous Sales & Services	15,449	15,000
Charge Off Accts Collected	21,211	14,000
TOTAL INCOME	<u>\$ 8,362,517</u>	<u>\$ 8,940,266</u>
 <u>COST OF SALES:</u>		
Natural Gas Purchased	<u>\$ 5,818,685</u>	<u>\$ 6,729,438</u>
GROSS PROFIT	<u>\$ 2,543,832</u>	<u>\$ 2,210,828</u>
 <u>OPERATING EXPENSES:</u>		
Depreciation Expense	\$ 166,152	\$ 181,500
Operating Expense	189,724	172,540
Administrative Expense	501,364	585,500
Bad Debt Expense	14,174	15,462
TOTAL OPERATING EXPENSE	<u>\$ 871,414</u>	<u>\$ 955,002</u>
OPERATING PROFIT	<u>\$ 1,672,418</u>	<u>\$ 1,255,826</u>
 <u>NON-OPERATING REVENUE:</u>		
Interest Earned 1975 Sinking Fund	\$ 4,563	\$ 4,829
Interest Earned Short-Term Investment	53,521	50,500
TOTAL NON-OPERATING REVENUE	<u>\$ 58,084</u>	<u>\$ 55,329</u>
TOTAL OPERATING & NON-OPERATING REVENUE	<u>\$ 1,730,502</u>	<u>\$ 1,311,155</u>
 <u>NON-OPERATING EXPENSE:</u>		
Interest 1975 Bond Issue	\$ 2,049	\$ 397
Other Interest Expense	684	350
TOTAL NON-OPERATING EXPENSE	<u>\$ 2,733</u>	<u>\$ 747</u>
NET PROFIT	<u>\$ 1,727,769</u>	<u>\$ 1,310,408</u>

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
WATER DIVISION

	ACTUAL <u>1992 - 1993</u>	PROJECTED <u>1994 - 1995</u>
<u>OPERATING INCOME:</u>		
Gross Billings	\$ 3,066,961	\$ 3,220,900
Less, Discounts	(220,508)	(231,583)
Net Billings	<u>\$ 2,846,453</u>	<u>\$ 2,989,317</u>
Water Taps	88,001	125,000
Water Impact Fees	112,393	100,000
Counter Service Fees	11,003	12,200
Miscellaneous Sales & Services	30,130	45,000
Charge Off Accts Collected	5,287	3,500
TOTAL INCOME	<u>\$ 3,093,267</u>	<u>\$ 3,275,017</u>
GROSS PROFIT	\$ 3,093,267	\$ 3,275,017
<u>OPERATING EXPENSES:</u>		
Depreciation Expense	\$ 589,081	\$ 610,000
Operating Expense	883,818	900,000
Administrative Expense	922,903	1,015,000
Bad Debt Expense	10,601	11,565
TOTAL OPERATING EXPENSE	<u>\$ 2,406,403</u>	<u>\$ 2,536,565</u>
OPERATING PROFIT	\$ 686,864	\$ 738,452
<u>NON-OPERATING REVENUE:</u>		
Interest Earned 1975 Sinking Fund	\$ 20,486	\$ 21,732
Interest Earned 1989 Sinking Fund	11,949	13,000
Interest Earned Short-Term Investment	125,694	118,500
TOTAL NON-OPERATING REVENUE	<u>\$ 158,129</u>	<u>\$ 153,232</u>
TOTAL OPERATING & NON-OPERATING REVENUE	\$ 844,993	\$ 891,684
<u>NON-OPERATING EXPENSE:</u>		
Interest 1975 Bond Issue	\$ 9,200	\$ 1,781
Interest 1985 Bond Issue	0	0
Interest 1989 Bond Issue	307,350	265,850
Other Interest Expense	1,277	450
TOTAL NON-OPERATING EXPENSE	<u>\$ 317,827</u>	<u>\$ 268,081</u>
NET PROFIT	\$ 527,166	\$ 623,603

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
WASTEWATER DIVISION

	<u>ACTUAL</u> <u>1992 - 1993</u>	<u>PROJECTED</u> <u>1994 - 1995</u>
<u>OPERATING INCOME:</u>		
Gross Billings	\$ 1,905,067	\$ 2,350,000
Less, Discounts	(150,309)	(185,415)
Net Billings	<u>\$ 1,754,758</u>	<u>\$ 2,164,585</u>
Wastewater Taps	24,903	30,000
Wastewater Impact Fees	73,776	90,000
Counter Service Fees	7,441	7,500
Miscellaneous Sales & Services	20,845	30,000
Charge Off Accts Collected	3,575	2,500
TOTAL INCOME	<u>\$ 1,885,298</u>	<u>\$ 2,324,585</u>
 GROSS PROFIT	 \$ 1,885,298	 \$ 2,324,585
 <u>OPERATING EXPENSES:</u>		
Depreciation Expense	\$ 521,758	\$ 580,000
Operating Expense	675,595	817,500
Administrative Expense	551,855	597,250
Bad Debt Expense	5,338	5,823
TOTAL OPERATING EXPENSE	<u>\$ 1,754,546</u>	<u>\$ 2,000,573</u>
 OPERATING PROFIT	 \$ 130,752	 \$ 324,012
 <u>NON-OPERATING REVENUE:</u>		
Interest Earned 1975 Sinking Fund	\$ 3,139	\$ 3,348
Interest Earned Short-Term Investment	49,946	47,000
TOTAL NON-OPERATING REVENUE	<u>\$ 53,085</u>	<u>\$ 50,348</u>
 TOTAL OPERATING & NON-OPERATING REVENUE	 \$ 183,837	 \$ 374,360
 <u>NON-OPERATING EXPENSE:</u>		
Interest 1975 Bond Issue	\$ 1,410	\$ 260
Other Interest Expense	647	300
TOTAL NON-OPERATING EXPENSE	<u>\$ 2,057</u>	<u>\$ 560</u>
 NET PROFIT	 \$ 181,780	 \$ 373,800

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED BUDGET
COMMUNICATIONS DIVISION

	PROJECTED
	<u>1994 - 1995</u>
<u>OPERATING INCOME:</u>	
Gross Billings	\$ 0
Less, Discounts	0
Net Billings	<u>\$ 0</u>
Counter Service Fees	0
Miscellaneous Sales & Services	0
Charge Off Accts Collected	0
TOTAL INCOME	<u>\$ 0</u>
 GROSS PROFIT	 \$ 0
 <u>OPERATING EXPENSES:</u>	
Depreciation Expense	\$ 0
Operating Expense	0
Administrative Expense	0
Bad Debt Expense	0
TOTAL OPERATING EXPENSE	<u>\$ 0</u>
 OPERATING PROFIT	 \$ 0
 NET PROFIT	 \$ 0

DEPARTMENT OF PUBLIC UTILITIES
CITY OF ORANGEBURG
PROJECTED SOURCES OF FUNDING & EXPENDITURES
FISCAL YEAR 1994 - 1995

	<u>1995</u>
<u>OPERATIONS:</u>	
Net Income	\$ 8,345,490
Charges Against Operations Not Requiring Working Capital - Depreciation	\$ 2,657,450
Past Utility Profits	<u>\$ 1,416,293</u>
TOTAL	\$12,419,233
 <u>USE OF WORKING CAPITAL:</u>	
Approved Capital Projects For Fiscal Year	\$ 9,496,233 **
Cash Transfer to City General Fund In Lieu of Taxes	<u>\$ 2,923,000</u>
TOTAL	\$12,419,233

** SEE ATTACHMENT FOR BREAKDOWN OF APPROVED CAPITAL PROJECTS

APPROVED CAPITAL PROJECTS PLANNED
FOR FISCAL YEAR 1994-1995

Improvement to Administrative Software	\$ 201,000
Improvement to Maintenance Facility	\$ 200,000
115 KV Transmission Loop	\$1,877,200
115 KV Crosstown Tie	\$ 535,000
115 KV Distance Relaying	\$ 100,000
Substation #21	\$ 425,000
Voltage Conversion	\$ 190,600
SCADA System Expansion/Upgrade	\$ 128,040
Expansion of Fiber Optic System	\$ 82,000
Miscellaneous Construction	\$ 630,300
Install 5.0 Miles of 6" Natural Gas Piping	\$ 582,222
Elevated Water Tank Painting	\$ 339,000
Installation of an Emergency Generator At Water Plant	\$ 237,000
Replacement of Raw-water Generator and Relocation to Highway 4 and 400 Water Booster Pump Station	\$ 150,000
250,000 Gallon Storage Tank - Limestone System	\$ 195,000
Ellis Avenue Pump Station Improvements	\$ 126,000
Water Distribution System Improvements	\$ 70,900
S.C. State University and Claflin College Water System Alterations	\$ 39,000
Sludge Dewatering Building Modifications	\$ 122,000
Sludge Dryer	\$2,500,000
Long Range Study and Plan	\$ 24,971
Cleaning Rights-of-Way	\$ 50,000
Rerouting Riverside Lift Station Force Main and 21" Sanitary Sewer Rehabilitation	\$ 650,000
Utilization of Fiber Optics System	\$ 41,000
TOTAL	\$9,496,233

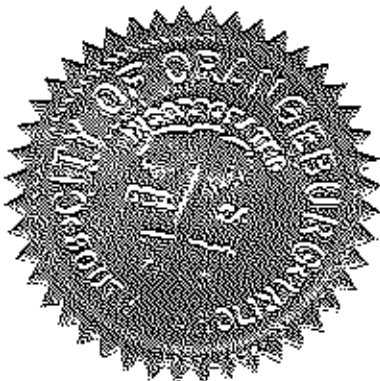
ORDINANCE NO. 1994-13

AN ORDINANCE TO AMEND AN ORDINANCE AS ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG ON THE 1st DAY OF MARCH, 1994, FOR THE PURPOSE OF REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR A BOARD OF ADJUSTMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and City Council of the City of Orangeburg, in Council assembled, and by authority of same: That portion of The Zoning Ordinance of the City of Orangeburg, South Carolina entitled "Section 402. District Boundaries and Maps." and the Official Zoning Map of the City of Orangeburg are hereby amended as follows:

Change from "A-1 Residential" to "B-1 General Business" all that certain parcel of land situated, lying and being inside the city limits of Orangeburg, South Carolina, and being bounded as follows: On the northeast by property of Northview Hills Enterprises, Inc., measuring four hundred twenty-four and twenty-four hundredth (424.24) feet; on the southeast by Hillcrest, NE measuring four hundred sixty and seventy-nine hundredth (460.79) feet; on the southwest by Chestnut, NE measuring four hundred and fifty (450) feet; on the northwest by property of Prince Hughes Corp. measuring four hundred thirty-six and two hundredth (436.02) feet; again on the northeast by property of Prince Hughes Corp. measuring twenty-five (25) feet; and again on the northwest by property of Prince Hughes Corp. measuring twenty-five and twenty-six hundredth (25.26) feet. Tax Map No. 172-08-09-002.

PASSED BY THE CITY COUNCIL OF THE CITY OF ORANGEBURG, SOUTH CAROLINA, THIS THE 18th DAY OF October, 1994.



MAYOR
Sandra F. Snodgrass
[Signature]
[Signature]
Pepe W. Keneey

CITY COUNCIL

ATTEST:

Sharon M. Lanenburg
CITY CLERK

ORDINANCE NO. 1994-14

AN ORDINANCE TO AMEND CHAPTER XIII, 13-1 OF THE CODE OF ORDINANCES, CITY OF ORANGEBURG, SOUTH CAROLINA, ADOPTED OCTOBER 21, 1969, RELATING TO ADOPTION OF THE STANDARD BUILDING CODE.

BE IT ORDAINED by the Mayor and Members of Council of the City of Orangeburg, in Council assembled and by authority of the same; that Chapter XIII, Section 13-1 of said Code be amended to read as follows:

"For the purpose of regulating the construction, alteration, repair, use and occupancy, location, building or structure or any appurtenance connected or attached to any building or structure, the 1994 Edition of the Standard Building Code, as prepared and adopted by the Southern Building Code Congress International, Inc. is hereby adopted and incorporated by reference as a part of this Code."

DONE AND RATIFIED in City Council of Orangeburg, South Carolina, this 18th day of October, 1994.



Martin C. Sheehan
MAYOR

James H. Hines

James L. Smith

William F. Moore

James W. Sheehan

James W. Sheehan
CITY COUNCIL

ATTEST:

Sharon M. Lanning
CITY CLERK

ORDINANCE NO. 1994-15 3

AN ORDINANCE TO AMEND CHAPTER XVIII, SECTION 18-5.1 PROVIDING FOR THE ADOPTION OF THE STANDARD FIRE PREVENTION CODE.

BE IT ORDAINED by the Mayor and Members of Council of the City of Orangeburg, in council assembled and by authority of the same; that Chapter XVIII, Section 18-5.1 be amended of said code to read as follows:

"Adoption of Code. There is hereby adopted by the City Council for the purpose of prescribing regulations governing conditions hazard to life and property from fire or explosion, that certain code known as the Standard Fire Provention Code as prepared and adopted by Southern Building Code Congress International, inc., being particularly the 1994 edition and all NFPA manuals pertaining to the code, thereof and the whole thereof, of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City Council and the same hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the corporate city limits and as to all premises receiving fire protection from the City of Orangeburg and located outside the corporate limits of the City of Orangeburg.

DONE AND RATIFIED By City Council of Orangeburg, South Carolina, this 18th day of October, 1994.



Martin C. Cheatham
MAYOR
James H. Hain
Dorinda P. Scott
Maria E. Moore
Richard S. Kelley
Joseph W. Spivey
CITY COUNCIL

ATTEST:

Sharon M. Jamming
CITY CLERK