

## Chapter 26

### PLANNING AND DEVELOPMENT\*

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\***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 6; community development, ch. 9; floods, ch. 18; public works, ch. 28; soil erosion and sediment control, ch. 32; subdivision and land development regulations, ch. 36; utilities, ch. 40.

**State law reference**—South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

**ARTICLE I. IN GENERAL**

**Sec. 26-1. Adoption of comprehensive land use plan.**

The county council, as the governing body of the county, hereby adopts a written comprehensive land use plan which includes the subdivision regulations for the county. A complete copy of the comprehensive land use plan is attached to the ordinance from which this section derives and is incorporated into this section as if set forth verbatim in this section. The comprehensive land use plan may be amended by the county council from time to time and must be reviewed at least every five years and be updated at least every ten years. The plan shall be consistent with the provisions of the State Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code 1976, § 6-29-310 et seq.).  
(Ord. No. 99-4-2, § I, 4-19-1999)

**Secs. 26-2—26-30. Reserved.**

**ARTICLE II. DEVELOPMENT COMMISSION\***

**Sec. 26-31. Creation; appointments; terms of members; vacancies.**

(a) There is hereby created a commission in and for the county to be known as the development commission.

(b) The development commission shall be composed of 13 members to be appointed by a majority of the members of county council. County development commission members shall be residents of the county. Members of the development commission shall be four members appointed at-large, one member appointed from the residents of western Orangeburg County, one member appointed from the residents of eastern Orangeburg County, and one member from each county council district.

(c) The terms of office of members of the development commission shall be for two years and/or until their successors are appointed and qualified.

(d) Any vacancy existing in the membership of the county development commission by reason of death, resignation, or otherwise shall be filled for the unexpired term by appointment in the same manner as the original term.

(Code 1983, § 10-16; Ord. No. 2003-9-15-9, §§ I, II, 9-15-2003; Ord. No. 2009-03-02-01, § I, 3-2-2009)

**Sec. 26-32. Purpose.**

The development commission is created for the purpose of promoting, advancing and fostering the agricultural, industrial and commercial development of the county and to carry out an effective comprehensive program in such regard in order to attract needed capital investment, desirable payrolls and other attendant economic benefits to the county.

(Code 1983, § 10-17)

**Sec. 26-33. Officers, meetings, expenses and records.**

The development commission shall elect from its number a chairman and vice-chairman and shall appoint a secretary-treasurer, who may or may not be a member of the development commission and/or may be filled by its paid chief executive. Meetings of the development commission shall be on a scheduled basis, at the call of the chairman, and/or at such other times as the development commission may determine. The development commission shall serve without pay, but may provide for the reimbursement of the members for actual expenses incurred in connection with business for the development commission. The development commission shall keep minutes and records of its proceedings and such minutes and records shall be available for inspection by the county council at all times.

(Code 1983, § 10-18)

**Sec. 26-34. Powers and duties.**

The development commission, for maximum program effectiveness in carrying out the purposes of this article, shall have power to employ personnel, control its operations, enter into con-

\*Cross reference—Boards, commissions, committees and agencies, § 2-461 et seq.

State law reference—Authority to establish commissions, S.C. Code 1976, § 4-9-30(6).

tracts and other necessary powers incident to the mission of the development commission. The development commission will not obligate the county for any indebtedness under any contract in excess of the budgetary amount in each fiscal year. (Code 1983, § 10-19)

**Sec. 26-35. Appropriations; expenditures; gifts and grants.**

The development commission shall function under an annual appropriation from the county council based upon an operating budget submitted to and approved by such council each fiscal year. The development commission may draw the proceeds of its annual appropriations and any other authorizations on a quarterly basis, and deposit such funds in a bank insured by the federal deposit insurance corporation, to be expended under the provisions of this article. The development commission may accept gifts and grants of money from either private or public sources to be used in its program effort and all such monies shall be accounted for in the same manner as funds appropriated by the county. (Code 1983, § 10-20)

**Sec. 26-36. Annual audit.**

The books and financial records of the development commission shall be audited annually by a certified public accountant and a copy of such audit shall be made available to the county council. (Code 1983, § 10-21)

**Sec. 26-37. Cooperation with other agencies.**

For the purpose of carrying out the provisions of this article, the development commission is authorized to cooperate fully with the state development board, all towns, chambers of commerce, business leagues, and other similar organizations within the county, and all support agencies and organizations engaged in economic development elsewhere with which the development commission may desire to cooperate in the furtherance of its development activities and efforts for the county. (Code 1983, § 10-22)

**Secs. 26-38—26-60. Reserved.**

**ARTICLE III. ORANGEBURG AREA  
NEIGHBORHOOD DEVELOPMENT  
COMMISSION\***

**Sec. 26-61. Created.**

There is hereby created the Orangeburg Area Neighborhood Development Commission with powers and duties as provided in this article. (Code 1983, § 10-36)

**Sec. 26-62. Composition; appointments.**

The Orangeburg Area Neighborhood Development Commission shall be composed of 14 resident electors of the county, to be appointed by the county council. Each council district shall have two appointments to be made by the incumbent member of that district upon recommendations by the present existing commission. (Code 1983, § 10-37)

**Sec. 26-63. Terms of members; vacancies.**

After initial appointments, the terms of office of the Orangeburg Area Neighborhood Development Commission shall be four years. Should vacancies in office occur, successors shall be appointed for the balance of the unexpired term in the same manner as the members whom they succeed were appointed. All Orangeburg Area Neighborhood Development Commissioners shall hold office for their respective terms and until their successors are appointed and qualified. (Code 1983, § 10-38)

**Sec. 26-64. Organization; compensation.**

The Orangeburg Area Neighborhood Development Commission shall organize each calendar year by electing one of its number as chairman, a second as vice-chairman, and a third as secretary. The officers of the Orangeburg Area Neighborhood Development Commission shall hold office for the term of one year and until their successors

\*Cross reference—Boards, commissions, committees and agencies, § 2-461 et seq.

State law reference—Authority to establish commissions, S.C. Code 1976, § 4-9-30(6).

are elected and qualified. It shall be the duty of the Orangeburg Area Neighborhood Development Commission to report its officers to the county administrator annually. No member of the Orangeburg Area Neighborhood Development Commission shall receive any compensation for his service.

(Code 1983, § 10-39)

**Sec. 26-65. Duties.**

The Orangeburg Area Neighborhood Development Commission shall develop plans for recreation, health, welfare, cultural, social and other similar community services for a multipurpose community center. The Orangeburg Area Neighborhood Development Commission shall work with civic groups, school officials and other governmental agencies to provide these services.

(Code 1983, § 10-40)

**Sec. 26-66. Powers.**

The Orangeburg Area Neighborhood Development Commission created by this article shall be empowered as follows:

- (1) To sue and be sued;
- (2) To adopt, use and alter a corporate seal;
- (3) To define a quorum for its meetings;
- (4) To make bylaws for the management and regulation of its affairs;
- (5) To acquire land and facilities by gift or purchase;
- (6) To expend all monies which it shall receive;
- (7) To acquire and operate any apparatus or equipment useful in the operation of its facilities;
- (8) To prescribe rules and regulations governing the use of the commission's facilities;
- (9) To fix rates and charges for the use of any facility which might be established through the proceeds of the sale of revenue bonds or otherwise;
- (10) To make contracts and execute instruments that are necessary or convenient for the discharge of the functions of the

commission. No contract or instruments will be entered into which exceeds the annual budgetary limitations imposed by the county council for the neighborhood development and recreation commission;

- (11) To make contracts for construction and other services;
- (12) To appoint agents, employees and servants, prescribe their duties, fix their compensation, determine if and to what extent they shall be bonded for the faithful performance of their duties; and
- (13) To provide services and facilities exclusively for the county.

(Code 1983, § 10-41)

**Sec. 26-67. Fiscal affairs; annual audit.**

The Orangeburg Area Neighborhood Development Commission shall conduct its affairs on the fiscal year basis employed by the county. As soon after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by a certified public accountant of good standing to be designated by the commission. Copies of such audit, incorporated into an annual report of the Orangeburg Area Neighborhood Development Commission, shall be filed with the county administrator and the auditing firm employed by the county for the fiscal year audit.

(Code 1983, § 10-42)

**Secs. 26-68—26-90. Reserved.**

**ARTICLE IV. PLANNING COMMISSION\***

**Sec. 26-91. Establishment, functions, powers and duties.**

A planning commission is hereby established for the county that shall have the functions, powers and duties as provided in S.C. Code 1976, § 6-29-310 et seq.

(Ord. No. 98-7-7, § II, 7-6-1998)

\*Cross reference—Boards, commissions, committees and agencies, § 2-461 et seq.

State law reference—Creation of local planning commissions, S.C. Code 1976, § 6-29-310 et seq.

**Sec. 26-92. Composition, appointment, terms, vacancy, qualification and removal.**

(a) The planning commission shall be composed of seven members appointed by the county council for staggered terms of four years. The commission shall be appointed by the county council with one member appointed from each county council district. Each member of the commission shall serve for a term of four years; provided, however, that of the members initially appointed, four members shall be appointed for a two-year term from council districts 1, 3, 5 and 7; and three members shall be appointed for a four-year term from council districts 2, 4 and 6. Planning commission members appointed under the repealed planning commission ordinance shall serve as interim members of the planning commission until their successors are appointed and qualified by county council. The county council shall fill any vacancy in the planning commission membership for the unexpired term in the same manner as the original appointment.

(b) In the appointment of planning commission members, the county council shall consider their professional expertise, knowledge of the community and concern for the future welfare of the total community and its citizens. Planning commission members shall represent a broad cross section of the interests and concerns within the county. No member of the planning commission may hold an elected public office in the county.

(c) The county council shall have the authority to remove any member for cause on written charges, after a public hearing. Any fact which, in the discretion of the county council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause. (Ord. No. 98-7-7, § III, 7-6-1998)

**Sec. 26-93. Compensation.**

All planning commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties. (Ord. No. 98-7-7, § IV, 7-6-1998)

**Sec. 26-94. Organization, meetings, rules of procedure, records, staff and finances.**

The planning commission shall organize, elect officers, meet, adopt rules of procedure and keep records as required by S.C. Code 1976, § 6-29-360. The planning commission may appoint such employees and staff as it may deem necessary for its work and may make expenditures for salaries of any employees and staff, contracts with consultants, and for the purchase of required equipment and supplies. The expenditures of the planning commission, exclusive of gifts and funds from the sources described in S.C. Code 1976, § 6-29-380, shall be within the amounts appropriated for such purpose by the county council.

(Ord. No. 98-7-7, § V, 7-6-1998)

**Secs. 26-95—26-115. Reserved.**

**ARTICLE V. ORANGEBURG COUNTY/CITY INDUSTRIAL PARK COMMISSION\***

**Sec. 26-116. Establishment.**

There is hereby created, formed and established the Orangeburg County/City Industrial Park Commission. The Orangeburg County/City Industrial Park Commission shall operate and govern under the terms of this article the industrial park developed by the county and the City of Orangeburg pursuant to the development agreement between the parties dated \_\_\_\_\_. (Ord. No. 98-5-4, § I, 5-4-1998)

**Sec. 26-117. Name of industrial park.**

The name of the industrial park developed by the county and the City of Orangeburg shall be the Orangeburg County/City Industrial Park. (Ord. No. 98-5-4, § II, 5-4-1998)

**Sec. 26-118. Composition.**

The Orangeburg County/City Industrial Park Commission shall be composed of a seven-member board composed as follows:

- (1) The chairman of the county council.

\*Cross reference—Boards, commissions, committees and agencies, § 2-461 et seq.

- (2) The Mayor of the City of Orangeburg.
- (3) The county administrator.
- (4) The manager of the department of public utilities.
- (5) A member of the county council selected by the county council by a majority vote.
- (6) A member of the Orangeburg City Council selected by the Orangeburg City Council by a majority vote.
- (7) A member from the development commission or its successor selected by a majority of the remaining six members of the Orangeburg County/City Industrial Park Commission. The Orangeburg County/City Industrial Park Commission shall additionally choose an alternate member from the development commission by a majority vote who shall attend the meetings of the Orangeburg County/City Industrial Park Commission as a substitute under the terms of section 26-121.

(Ord. No. 98-5-4, § III, 5-4-1998)

**Sec. 26-119. Terms of members.**

The Chairman of the County Council, the Mayor of the City of Orangeburg, the county administrator and the manager of the department of public utilities shall serve on the Orangeburg County/City Industrial Park Commission by virtue of their respective positions. The term of each shall end upon the termination of their respective office. The member of the county council and the member of the Orangeburg City Council shall serve for a term of two years. If a member selected by the county council or Orangeburg City Council for the Orangeburg County/City Industrial Park Commission shall be elected county council chairman or the mayor of the City of Orangeburg respectively, the county council or the Orangeburg City Council as applicable shall select another member to the Orangeburg County/City Industrial Park Commission from its council. The development commission member shall serve a term of two years provided, however, that in the event the member's term on the development commis-

sion terminates, his term on the Orangeburg County/City Industrial Park Commission shall also terminate.

(Ord. No. 98-5-4, § IV, 5-4-1998)

**Sec. 26-120. Officers and meetings.**

The Orangeburg County/City Industrial Park Commission shall annually elect a chairman, vice-chairman and secretary and such officers as it deems necessary. The Orangeburg County/City Industrial Park Commission shall meet under the call of its chairman, but not less frequently than quarterly. Administrative duties as required by the Orangeburg County/City Industrial Park Commission shall be performed by the executive director of the development commission.

(Ord. No. 98-5-4, § V, 5-4-1998)

**Sec. 26-121. Substitute attendance at meetings.**

If the chairman of the county council, the mayor of the City of Orangeburg, the member of the Orangeburg County/City Industrial Park Commission selected by the county council and the member of such commission selected by the Orangeburg City Council, the county administrator or the manager of the department of public utilities are unable for any reason to attend a meeting of the Orangeburg County/City Industrial Park Commission, he may designate a substitute to attend such meetings under the terms of this section. Any person substituted for a member from the county council and from the City of Orangeburg shall be a member of the county council and the Orangeburg City Council respectively. Any person designated by the county administrator and the manager of the department of public utilities shall be a county supervisory employee or a department of public utilities employee respectively. The member of the Orangeburg County/City Industrial Park Commission designating a substitute shall do so in writing, which writing shall be presented to such commission for inclusion in the minutes. The written designation of a substitute attendee shall be signed by the authorizing Orangeburg County/City Industrial Park Commission member. Such designated substitute member shall have full voting authority and all the rights, duties, responsibilities and

privileges of membership at the meeting attended by the substitute. If the member selected by the Orangeburg County/City Industrial Park Commission for the development commission is unable to attend for any reason, the alternate member described in subsection 26-118(7) shall be authorized to attend the meeting in place of the development commission member with full voting authority and all rights, duties, responsibilities and privileges of membership at the meeting attended by such alternate.  
(Ord. No. 98-5-4, § VI, 5-4-1998)

**Sec. 26-122. Powers.**

The Orangeburg County/City Industrial Park Commission, subject to the terms, conditions and limitations of the development agreement between the county and the City of Orangeburg dated \_\_\_\_\_, may do all things necessary or convenient for the establishment, maintenance and operation of the county/city industrial park, but shall have no power to create any indebtedness or obligation against the county or the City of Orangeburg without the written consent of the governing body of each entity respectively. In addition, the Orangeburg County/City Industrial Park Commission shall be empowered to:

- (1) Adopt such bylaws, rules and regulations for the conduct of its business and expenditure of its funds as it may deem advisable.
  - (2) Expend funds received by it for the operation of the park.
  - (3) Make all decisions concerning the operation of the county/city industrial park.
  - (4) Adopt restrictive covenants and other rules and regulations related to the operation and sale of property within the park.
  - (5) Sell, lease or transfer property within the park under the terms and conditions it deems appropriate.
  - (6) Enter into contracts for the construction or repair of the industrial park facilities.
- (Ord. No. 98-5-4, § VII, 5-4-1998)

**Sec. 26-123. Return of proceeds from sale of properties.**

All proceeds from the sale of properties within the park shall be distributed by the commission equally to the county and the City of Orangeburg.  
(Ord. No. 98-5-4, § VIII, 5-4-1998)

**Sec. 26-124. Transfer of real estate.**

Upon the earlier completion of phase I of the Orangeburg County/City Industrial Park or November 1, 1999, title to the industrial park property, subject to utility easements retained by the City of Orangeburg, shall be transferred to the Orangeburg County/City Industrial Park Commission.  
(Ord. No. 98-5-4, § IX, 5-4-1998)