

BEULAH G. ROBERTS  
CLERK OF COURT  
CLARENDON COUNTY, SC

2014 NOV 13 PM 3: 05

**ORDINANCE # 2014-03**

**AN ORDINANCE OF THE COUNTY COUNCIL OF CLARENDON, SOUTH CAROLINA TO AMEND CLARENDON COUNTY ORDINANCE # 2011-05 A/K/A THE COUNTY'S UNIFIED DEVELOPMENT CODE.**

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Clarendon County broad authority to provide a variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming and construction, transportation planning, programming and construction, land use planning and regulation, economic development planning and programming, and similar activities and services; and,

WHEREAS, Title 6, Chapter 29, et seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, hereinafter referred to as Section 6-29, provides the statutory enabling authority for Clarendon County to engage in planning and regulation of development within its jurisdiction; and,

WHEREAS, the County Council adopted a Comprehensive Plan (Ordinance 2008-12) on January 12, 2009, pursuant to the requirements of Section 6-29-310, et seq., SCCL; and,

WHEREAS, the Planning Commission (PC) is the designated local planning commission pursuant to the requirements of Section 6-29-310, et seq., SCCL; and,

WHEREAS, Section 6-29-710 SCCL and Sections 91 (maps) and 92 (text) of the Clarendon County Unified Development Code (UDC) provide the authority and process for Clarendon County to prepare, periodically amend and enforce land use regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan; and,

WHEREAS, the Clarendon County Planning Commission (PC) reviewed the proposed text amendments on August 19, 2014 and made findings of fact that the proposed amendments conform to the requirements of the Comprehensive Plan and recommended the County Council adopt this Ordinance; and,

WHEREAS, the County Council conducted a public hearing on October 13, 2014 as required by Section 91 (maps) and 92 (text) of the UDC to consider the PC recommendation and comments from the interested public and subsequently voted to adopt this Ordinance,

**NOW THEREFORE, BE IT ORDAINED** that the UDC of Clarendon County, South Carolina is hereby amended as described in Exhibit A in conformance with the requirements stated above.

CERTIFIED COPY  
OF ORIGINAL FILED IN THIS OFFICE

DATE 11/13/14

*Beulah G. Roberts*

CLERK OF COURT  
CLARENDON COUNTY, SC

SEVERABILITY

Should any section or provision of this ordinance be declared unconstitutional or invalid for any reason, 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.

EFFECTIVE DATE

Exhibit A of this ordinance shall take effect immediately upon adoption.

First Reading: September 8, 2014

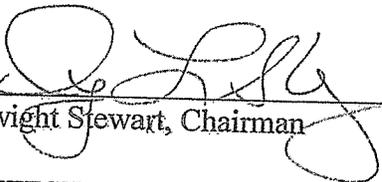
Second Reading: October 13, 2014

Third Reading: November 10, 2014

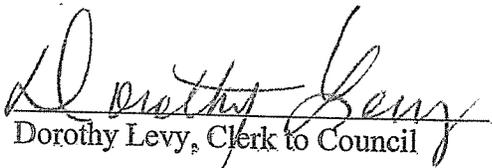
Public Hearing: October 13, 2014

ADOPTED THIS 10<sup>th</sup> Day of November, 2014

COUNTY OF CLARENDON, SOUTH CAROLINA

  
Dwight Stewart, Chairman

ATTEST:

  
Dorothy Levy, Clerk to Council



OR ORIGINAL FILED IN THIS OFFICE  
CERTIFIED COPY

DATE

  
CLERK OF COURT  
CLARENDON COUNTY, SC

CLARENDON COUNTY UNIFIED DEVELOPMENT CODE

2014 AMENDMENTS

EXHIBIT A

### Section 33.14 Junk, salvage and wrecking yards

(j) Beginning July 1, 2006, it shall be unlawful for any person, corporation or business entity, unless registered with the Clarendon County Planning Commission as a junkyard owner/operator, to have upon its premises any items of junk or two or more abandoned, unlicensed, untagged vehicles unless:

- (1) Each vehicle is covered with a car cover (tarps are not allowed) or stored in a totally enclosed building.
- (2) All junk is totally out of view of all roads and adjacent properties stored in a totally enclosed building.
- (3) This section of the UDC shall not apply to any business storing five (5) or fewer vehicles subject to valid Garage Man's Liens as provided by State Statute or to farm equipment located on property having an agriculture tax exemption.

\*\*\*NOTE\*\*\* Failure to comply with any of the above requirements is a misdemeanor punishable by a fine of \$200-\$500 or 30 days in jail for each day of non-compliance. (This same note shall be amended following Item (I) at the end of Section 33.25 Vehicle Towing/Impoundment and Recovery Yards.)

### Section 33.24 Airport compatibility district (ACD)

Add the following new section.

(l) Pursuant to Title 55, Chapter 9 and Section 55-9-330(E) of the S.C. Code of Laws, 1976 as amended, if an aviation hazard as a public nuisance or nonconformity with applicable aviation safety or zoning regulations, or both on private property are discovered, Clarendon County, its employees, agents or assigns shall be allowed to enter upon the property containing the aviation hazard as a public nuisance or nonconformity with applicable aviation safety or zoning regulations and remove such hazard or nonconformity pursuant to normal standards. However, before Clarendon County, its employees, agents or assigns shall be permitted to enter the property and remove the hazard or nonconformity, written notice shall be provided to the owner of the property where the hazard or nonconformity is located or the owner of the hazard or nonconformity if this owner is different from the owner of the property. Said written notice shall describe the hazard or nonconformity and request that the hazard or nonconformity be removed at the expense of the owner within thirty (30) days

of the date of the written notice. The notice shall further provide that if the hazard or nonconformity is not removed within the thirty (30) day period, Clarendon County, its employees, agents or assigns shall enter the property where the hazard or nonconformity is located and remove said hazard or nonconformity at its expense. Examples of hazards or nonconformities may include, but not be limited to trees, structures or other natural vegetative life which penetrate the existing approach and landing zones of airports located within Clarendon County or any provisions of this ordinance.

If the removal of the hazard or nonconformity by the owner will take longer than thirty (30) days to remove, the owner may, with good cause, request that the County Administrator grant an additional time period for such removal. The County Administrator is authorized to provide for an additional reasonable time period if he feels that sufficient cause has been provided by the owner.

## **SECTION 65 - ROAD DESIGN AND CONSTRUCTION STANDARDS**

See attachments.

## **SECTION 82 ZONING BOARD OF APPEALS**

### **Section 82.02 Authority**

(c) Hear appeals from any person aggrieved by any officer, department, board or bureau of the ~~County~~. a county staff member.

## **SECTION 90 GENERAL PROCEDURES AND FEES**

### **Section 90.04 Application Fee Schedule**

See attached Table IX-2 and Section 90.05

### **Section 94.04 Appeals of administrative decisions**

~~Any aggrieved person may appeal any administrative decision by any County staff member, the County Administrator and/or the County Attorney, pursuant to the process described below.~~ an administrative decision by a County staff member pursuant to the process described below.

15. Additional Design Standards

Table 4 describes other roadway design requirements by roadway classification.

TABLE 4

*ADDITIONAL DESIGN STANDARDS*

Roadway Classification	Minimum Curve Radius (ft)	Stopping Sight Distance (ft)	Maximum Grade (%)	Minimum Corner Distance (ft)
Local	150	160	15	160
Collector	800	350	10	350
Principal	SCDOT	SCDOT	SCDOT	SCDOT
Arterial	SCDOT	SCDOT	SCDOT	SCDOT

16. Special Structures

- a. Special structures, including curbing, islands, sidewalks, drainage inlets, sediment pond control structures, and any other features common to the roadway or drainage shall comply to the requirements of the South Carolina Department of Transportation, the Americans with Disabilities Act, the South Carolina Department of Health & Environmental Control, and the County Engineer.

**SECTION 65.03 – Minimum Construction Standards**

1. Pavement Thickness

Table 5 below presents the paving thickness requirements by roadway classification.

**TABLE 5  
PAVEMENT THICKNESS CRITERIA**

Layer Type	Local (in)	Collector (in)
Surface – Hot Plant Mix Type I	2 / 1.5 (c)	3 / 2
Base With Plant Mix Macadam	8 / 6	9 / 7
Sand Clay	10 / 8	12 / 10
Base With TST Macadam	10 / 8	N/A
Sand Clay	12 / 9	N/A
Compacted Subgrade	12 / 6	12 / 6
Full Depth Paving (a) (d)		
Prepared Subgrade	12 / 6	12 / 6
Prepared Subgrade	3 / 2.5 (b)	4 / 3
AC Binder Course	2 / 1.5 (b)	3 / 2
AC Binder Course	1.25	1.5 / 1.25

Notes:

- ~~• All base and surface course materials shall meet SCDOT specifications.~~
- ~~• All asphalt thickness mean compacted thickness.~~
- ~~• Binder course shall be installed within 24 hours of black base installation.~~
- ~~• Aggregate thickness cannot exceed one-half this thickness.~~
- ~~• If there is uncertainty regarding the actual placed pavement thickness, the Contractor shall provide up to three coverings per development and/or one covering per 500' of roadway, whichever is greater. If an area is found to be deficient in thickness, the Contractor shall overlay substantial ARCS with the greater of one inch thickness of plant mix or the thickness shortfall plus one-half inch. A tack coat shall be applied prior to plant mix placement.~~
- ~~• 1<sup>st</sup> number is thickness w/o soils report and 2<sup>nd</sup> number is with soils report.~~
- ~~• Pavement Materials may be composed of hot rolled asphalt or roller compacted concrete. In the case of hot rolled asphalt, a two to three inch binder layer shall be installed to remain until 75% of dwelling construction is complete, depending on the size of the development. At that time inspection shall be made by the County Engineer to determine the condition of the binder. Subsequent surface course design will be determined based on conditions found. Roller compacted concrete may be placed on base material at recommended rates to grade with no further concern to traffic. Specific specifications for the formulation, installation, and construction management of roller compacted concrete must be included in the initial specification submittal. A hot rolled asphalt overlay may be required should the surface prove inconvenient as a riding surface.~~

Replace all of the Notes following Table 5 with the following:

- (a) Binder course shall be installed within 24 hours of black base installation.
- (b) Aggregate thickness cannot exceed one-half this thickness.
- (c) Maintaining the pavement thickness shown is imperative. If there is uncertainty regarding the actual placed pavement thickness, the Contractor shall provide a minimum of three (3) asphalt cores and at least one per 500' of roadway, whichever is greater. If an area is found deficient in thickness, the Contractor shall be required to overlay with a minimum of 1" thickness or thickness shortfall plus one-half inch. A tack coat shall be applied prior to the additional overlay.
- (d) Where two thicknesses or depths are shown, the first is without a soils report and the second is with a soils report substantiating the lower value.
- (e) All base and surface course materials shall meet SCDOT Standard Specifications for highway construction, latest edition.
- (f) All asphalt and base thicknesses shown are compacted thickness.

## SECTION 65.04 - Drainage

1. Drainage System Design
    - a. General
      1. All roadways designed to convey surface water to drainage catchments shall possess a sufficient number, according to the length and grade, to collect water without ponding.
      2. The minimum velocity for the piping shall be 3 feet per second flowing full. Computations according to the Manning method, with the Manning number variable with depth, or comparable method, is acceptable. The storm drainage system shall be capable of conveying the 10 year storm event while flowing full. Should the depth of collection boxes be capable, surcharge beyond the full pipe flow may be considered. Lesser storm events, 10 year and 2 year, should be investigated in terms of sediment deposition.
      3. Where pipe sizes change from a smaller to larger size, the energy grade lines shall be made to match across the transition. Box transitions shall offset pipe elevations to provide for one additional velocity head difference.
      4. Stormwater flows may be computed according to the Rational Method, within the scope of its performance. Other methods demonstrated to yield adequate results will be considered.
    - b. Sediment and Erosion Control Structures
      1. Retention and Detention Ponds: Stormwater attenuation structures including detention and retention ponds will be reviewed as they are proposed in development plans. If, in the opinion of the County Engineer and the local Department of Health & Environmental Control personnel, a structure is required to preserve water quality and proper stream flow, those developments not presenting such a structure may be compelled to provide such structure.
        - a. Detention pond discharge rates shall be commensurate with the receiving streams capacity.
        - b. Retention basins are not acceptable except where soils are demonstrated to have effective percolation and can be demonstrated to cause no effect on groundwater quality.
        - c. Easements must be established for accessing the pond for necessary maintenance.
        - d. The pond must be fenced.
        - e. Outfall structures must demonstrate a calibrated stage - discharge curve.
        - f. Length of outfall not to exceed one hundred feet, unless otherwise approved.
        - g. Influent piping shall not terminate below the anticipated high water line of the pond.
        - h. Pond accumulated volume must accommodate a minimum 120 minutes ~~of~~ of the 25 year storm event.
- Note: The County of Clarendon will not assume responsibility for the operation or maintenance of a stormwater attenuating structure. An instrument designating the entity responsible for ownership and maintenance shall be submitted with other final documents. This entity shall be responsible for all liability associated with the structure including repair for safety purposes and maintenance to ensure its continued proper operation.
- c. Piping: Stormwater piping shall subscribe to the following characteristics.
    1. Piping may be SCDOT approved reinforced concrete, ductile iron, or smooth, double walled, HDPE. PVC 900 or 905 may be used in unusual circumstances where approved by the County Engineer.
    2. Special attention during construction of HDPE with respect to grade and alignment must be observed, to the extent of providing specialized methods for anchorage of the pipe. PVC may only be used with sufficient cover and where approved.
    3. No metallic pipe will be accepted other than ductile iron.
    4. All piping must be laid to true grade and straight alignment.
    5. All piping crossing beneath roadways shall be SCDOT approved reinforced concrete pipe or ductile iron.
  - d. Inlets and boxes: Stormwater inlets shall subscribe to the following characteristics.
    1. All inlets to be of childproof sizes.
    2. All inlets are to ~~have boxes of monolithic precast~~ be monolithic precast concrete boxes unless otherwise approved.
    3. Boxes are to be watertight with solid bottom, transitional invert, and grouted pipe entrances.
    4. No grated inlets will be accepted.

5. Blind boxes shall be marked by a monument at grade or raised above grade, and plainly visible.
  6. Where drainage piping leaves the roadway right of way, a twenty foot right of way off the roadway right of way shall be supplied by deed or easement to the County and be reflected on final plats for the operation and maintenance of the drainage system. Sufficient space shall be provided to accommodate the necessary turning radius of maintenance vehicles.
  7. Easements or deeds shall be conditioned to hold the County harmless for damage to structures and plantings that might be placed on the right of way.
- e. Swales & ditches: Swales & ditches shall subscribe to the following characteristics.
1. Swales shall carry the design quantity of stormwater using Manning roughness and associated grade.
  2. Swales should not be over fifteen inches deep and five feet wide. Here the depth and width are negotiable but should be a dimension favorable to maintenance. The swale should conform to the topography such that continued deepening is eliminated.
  3. The swales shall be grassed with turf-like grass.
  4. Swales must transition storm water smoothly to catchments or into or out of pipes without erosive turbulence.
  5. A swale can be no closer than five feet to the road surface.
  6. A swale cannot interfere with buried cables utilities. A two foot cover shall be maintained to any utility unless the nature of the utility requires a greater depth.
  7. Open ditches shall not be allowed in residential areas. Ditches may be used as cumulative outfalls from the development. Easement establishment as per those previously described are required for the maintenance of the ditches by the County.
  8. Reasonable slopes shall be provided to prevent sliding and spalling of the sidewalls and to protect the safety of persons working in the ditch or children. A 2.5:1 maximum slope is to be provided, or less as soil types may require.
  9. Grades must be considered as necessary for conveyance at velocities less than soil tractive velocities and at lowest practical elevation.
  10. Ditch depth should be kept to a maximum of five feet unless sidewall slopes are appropriately lowered for safety of workers, children and to remove possible confined space issues.

#### **SECTION 65.05 – Required Documents**

The following are the minimum requirements for the road construction documents package described above.

1. All plans shall be signed and sealed by licensed South Carolina professional engineer.
2. All plans shall be drawn to a standard engineer's scale.
3. Roadway Profiles
4. Horizontal Curve Data
5. Vertical Curve Data
6. Pre-construction Grades
7. Post-construction grades
8. Station of all Points of Intersection, Points of Curvature and Points of Tangency
9. Typical roadway cross-sections
10. Pavement Design
11. Drainage structures types, rim elevations and invert elevations to include locations.
12. Utilities types, rim elevations and invert elevations to include water main valve locations.
13. Stormwater & Erosion control measures
14. North Arrow
15. Adjacent Property Owners
16. Adjacent Land Uses
17. General Location Map
18. A complete soils analysis report by a South Carolina Certified laboratory that at a minimum includes California Bearing Bearing Ratio for every different soil type and a grain size analysis with Atterberg Limit Determination

## SECTION 65.10 - INSPECTIONS & TESTING

1. The County Engineer shall periodically inspect the road throughout the construction process and shall, at a minimum, occur at the following steps:
  - a. Completion of clearing and grubbing; and
  - b. Completion of the ~~fine grading subgrade preparation~~; and
  - c. Completion of the ~~subgrade paving base~~ (all required testing will be reviewed at this time); and
  - d. During asphalt installation; and
  - e. After asphalt installation
2. The road contractor shall notify the Department no less than 48 hours in advance of the needed inspection.
3. If the County fails to provide the requested inspection at the time scheduled, the inspection will be deemed to have been waived.
4. Any construction done prior to inspection, or without the required notice to the Department, shall be done so at the contractor's risk
5. In performance of his inspection responsibility, the County Engineer may:
  - a. Require pavement sections to be removed; and/or
  - b. Require pavement sections to be replaced; and/or
  - c. Require the quality of pavement sections to be substantiated by any test deemed necessary.
6. Subgrade Compaction Proof Roll Test
  - a. The project engineer, grading contractor and the County Engineer, or his designee, shall be present during the test.
  - b. A tandem axle dump truck must be furnished by the Owner/Contractor with no less than 15 tons of stone or soil shall be used to test the load standards of the roadway or any other method deemed appropriate by the County Engineer.
  - c. The alignment of all roadside ditches and utility easements shall be inspected.
  - d. All special construction measures, including but not limited to, erosion control, berms, temporary seeding and cross piping, shall be inspected.
  - e. The County reserves the right to require the Owner/Contractor to hire an independent, at no cost to the County, to conduct any additional testing and/or inspections deemed necessary by the County Engineer.
7. Stone Base Compaction Proof Roll Test
  - a. The project engineer, grading contractor and the County Engineer, or his designee, shall be present during the test.
  - b. A tandem dump truck must be furnished the Owner/Contractor with no less than 15 tons of stone or soil shall be used to test the load standards of the roadway.
  - c. The width of stone, shoulder construction, lateral culverts, driveway culverts, roadway crown, ditch slopes, erosion control, and seeding shall be inspected.
  - d. All stone tickets, including the road name, development name, if any, and the contractor name with the cumulative totals shall be submitted to the County Engineer.
  - e. The County reserves the right to require the Owner/Contractor to hire an independent geotechnical engineer, at no cost to the County, to conduct any additional testing and/or inspections deemed necessary by the County Engineer.
8. Field Density Tests

The County Engineer may require the following field density tests, if deemed necessary to ensure proper construction:

  - a. Subgrade – One test for each 500 linear feet of roadway and one test for each one foot lift of fill with a minimum of two tests per contracted roadway.
  - b. Base Course – One test for each 500 linear foot of roadway with a minimum of two tests per contracted roadway
  - c. All testing shall be completed at no cost to the County.
  - d. All testing shall be completed by a state certified materials testing laboratory.
9. ~~Upon completion of all required testing, the County Engineer may recommend acceptance of the roadway.~~

The design engineer shall submit a statement with the record as built drawings that the project has been completed according to the approved plans and specifications, approved changes and good engineering and construction

practices.

10. Upon completion of all required testing, the County Engineer may recommend acceptance of the roadway.

#### **SECTION 65.11 - Definitions**

The definitions found below are applicable to road construction issues. The definitions in Article II of the Unified Development Code, as may be applicable, are hereby adopted by reference.

**AVERAGE DAILY TRIPS or ADTs** means the average number of vehicle trips generated by a given land use in a 24 hour period

**COMPREHENSIVE PLAN** means a document prepared in conformance with the requirements of Section 6-29 et. seq., South Carolina Code of Laws, and adopted by an ordinance, that requires the conformance of all public and private development.

**COUNTY ENGINEER** means the person or private contractor designated by the County Council to conduct engineering design and/or review function on behalf of the County.

**CUL-DE-SAC** means a local street open at one end to traffic and the other end terminates with a planned vehicle turn-around.

**DEPARTMENT** means the Clarendon County Planning Department.

**DEVELOPER** means a person, or corporation with authority to submit plans, request approval and construct roadways.

**EASEMENT** means a grant by a property to another entity for the specific use of a specific portion of real property such as an access easement or right-of-way easement

**ENCROACHMENT PERMIT** means a permit issued by the Department allowing a property owner access to the roadway. The term is synonymous with the term's curb cut and/or driveway permit.

**PRIVATE DRIVEWAY** means a roadway serving 2 or fewer lots, building sites, not intended for public use.

**PRIVATE ROAD** means any road other than a public road.

**PUBLIC ROAD** means any roadway, other than a State or Federal road, for which right-of-way has been accepted by the County Council or for which an access easement has been granted by the adjacent property owner (s).

**RIGHT-OF-WAY** means a strip of land within which the actual road, and/or appurtenant stormwater management facilities, is constructed and usually marked by the location of utility poles.

**ROADWAY** means the entire area between the outside limits of construction, including associated structures, all, slopes, ramps, intersections and drainage facilities and is synonymous with the terms streets and/or roads.

**TABLE IX - 2  
APPLICATION FEE SCHEDULE**

Type of Permit or Application	Fee Amount (\$)
Administrative Decision Appeals	300
Comprehensive Plan Amendment	300
Comprehensive Plan – Hard Copy	50
Comprehensive Plan – Disc Copy	20
Conditional Use Permit	200
Development Agreements	300 + req'd others
Flood Hazard Area Permits	300
Land Development Code Amendments	200
Land Development Code – Disc Copy	20
Land Development Code – Hard Copy	50
Performance Zone Application (non subdivision, non site plan)	50
Street Name Change	250 plus 8/parcel
Subdivision Exemptions	25
Subdivision Sketch Plan Review	100
Subdivision Preliminary Plans Review	300 plus 5/lot
Subdivision Final Plat Review	300 plus 5/lot
Subdivision Minor Review	150
Site Plan Review > 5000 sq. ft. building or ½ acre	400
Site Plan Review < 5000 sq. ft. building or ½ acre	200
Temporary Use Permit	25
Use Permit	50
Variance, Conventional	300
Vested Rights Determination	100
Zoning Map Amendment	300
Zoning Certification Fee	10

**Section 90.05 Building construction permits and fees**

The County has adopted the building codes found in Article XIII in the public interest and to implement the policies and objectives of the Comprehensive Plan.

Table IX - 3 presents the building construction permit fee schedule. ~~Most fees are based on the Factors To Estimate Construction Cost provided at the bottom of the table supplied by the applicant. However, the County Building Official reserves the right to substitute the contract price of a Commercial, Industrial or Institutional project/job as a means of determining the building permit fee an estimated construction cost based on the evaluation criteria provided at the bottom of Table IX - 3, if there is reason to believe the applicant's estimated fee is inaccurate.~~

## SECTION 103 PENALTIES

### Section 103.01 General provisions

- (a) Any violation of a provision or requirement of this code shall be a misdemeanor punishable by a fine of ~~\$200~~-~~\$500~~ or 30 days in jail for each violation, each day the violation continues shall constitute a separate offense;
- (b) Any person who fails to appear before the magistrate, without having first posted a bond as may be required, is guilty of a misdemeanor and, upon conviction, shall be fined ~~\$200~~-~~\$500~~, or imprisoned for up to 30 days for each offense;
- (c) Any person who fails to appear before the magistrate, without having first been granted a continuance by the Court, is guilty of a misdemeanor, and, upon conviction, shall be fined ~~\$200~~-~~\$500~~, or imprisoned for up to 30 days for each offense;

Add. (g) Removal or destruction of a violation notice from a posted property shall be a misdemeanor punishable by a fine of \$200.