BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

2017 AUG 18 PM 12 40

ORDINANCE # 2017-04

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 May 16, 2017 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 July 10, 2017 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 TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 8/18/17
CLERK OF COURT
CLARENDON COUNTY, SC

EXHIBIT A

UDC AMENDMENTS AS RECOMMENDED BY THE PC

ARTICLE III: **AMEND** the following:

ARTICLE III, PERMITTED, CONDITIONAL AND ACCESSORY USES

Section 32.03, Table III-3

Add ***Backyard Chickens (34)*** as a Permitted Use in AG I, AG II, RE, RC, SFR, PZ, and CON.

TABLE III-3 FOOTNOTES

Add: (34) See Section 33.26 Backyard Chickens

Add: Section 33.26 Backyard Chickens

The purpose of this section is to establish regulations for the location and keeping of backyard chickens as a hobby in residential areas of Clarendon County. The criteria below implement this policy:

(a) Male birds/roosters are not permitted, only hens;
(b) There shall be no more than four (4) birds for every ten thousand (10,000) square feet of land in a parcel, not to exceed a maximum of sixteen (16) birds on any one residentially occupied parcel. Birds shall not be kept on unoccupied parcels;
(c) All birds must be kept in an enclosure from which they cannot escape;
(d) No bird enclosure is permitted within fifty (50) linear feet of another residential structure not owned by the person owning the birds and within fifteen (15) feet of a property line;
(e) No bird enclosure shall be kept on a property where it can be seen by an adjoining residential property or structure, or where it may be visible from a public right-of-way or street;
(f) In the event a bird is slaughtered, it must be done in an enclosed structure so that the activity is not visible from another private property or a public right-of-way;
(g) Chickens shall not be raised for commercial purposes and no eggs laid by the chickens shall be offered for sale or sold.

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: June 12, 2017 Second Reading: July 10, 2017

Third Reading: August 14, 2017 Public Hearing: July 10, 2017

ADOPTED THIS 14th Day of August, 2017

COUNTY OF CLARENDON, SOUTH CAROLINA

Dwight Stewart, Chairman

ATTEST:

Dorothy Levy, Clerk to Council

CLARENDON COUNTY COUNCIL
OFFICIAL SEAL
STATE OF S.C.

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