

**ARTICLE I
GENERAL PROVISIONS**

SECTION 10 – GENERAL PROVISIONS

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SECTION I – GENERAL PROVISIONS

Section 10.01 Title

This Article shall be known as the "Unified Development Code", or UDC, of Clarendon County, South Carolina.

Section 10.02 Purpose

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the counties of the state. In furtherance of this general intent, the regulation of land development by counties is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, South Carolina Code of Laws, Section 6-29-1120:

- 1) To encourage the development of economically sound and stable counties;
- 2) To assure the timely provision of required roads, utilities, and other facilities and services to new land developments;
- 3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, and in through new land developments;
- 4) To assure the provisions of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational educational, transportation, and other public purposes; and,
- 5) To assure in general the wise and timely development of new areas, or re-development of areas in harmony with the county's comprehensive plan.

It is the purpose and intent of these regulations to promote and safeguard the public health, safety, welfare, and to ensure that lands within Clarendon County are developed in a manner which is consistent with the polices and objectives of the County's Comprehensive Plan. It is further the intent of these regulations to implement, and be consistent with, the requirements of Section 6-29-310 et. seq., South Carolina Code of Laws, known as the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended through 2010, and the South Carolina Priority Investment Act. It is also consistent with, and implements, the South Carolina Local Government Development Agreement Act of 1993, codified as Section 6-31 et. seq., SC Code of Laws.

The provisions of Article XI are consistent with the requirements of Section 5-7-60, SC Code of Laws regarding water and sewer franchise activities. The latest version of the Southern Building Code, more specifically described in Section 90.05 and Article XIII of this Code, is hereby adopted by reference as a further means of implementing the County's Comprehensive Plan. The County has not and does not intend to implement an Official Map Act program.

Section 10.03 Jurisdiction

- (a) Pursuant to the requirements of Section 6-29-540, the provisions of this Code shall apply to all public and private development projects in the unincorporated area of Clarendon County;
- (b) No building, structure, or land shall hereafter be erected, reconstructed, converted, enlarged, moved, or structurally altered, unless in conformity with the regulations set forth in this Code [See Section 6-29-950 SC Code of Laws];
- (c) Where an expansion will increase the size or use, of a building, existing at the time of enactment, or amendment, of this Code, the entire property shall meet all applicable requirements of this Code;
- (d) No building, or other structure, shall be erected, nor shall any existing building or other structure be moved, added to, enlarged or structurally altered, and no excavation for any building or other structure shall be begun before the issuance of a Building Permit;
- (e) No Building Permit shall be issued where it appears that the structure or facilities to be constructed for the use contemplated would be in violation if the provisions of this Code. 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;

- (f) 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 Code, has been issued by the Planning Director or his/her designee;
- (g) No Certificate of Occupancy approval shall be issued where such use is in violation of the provisions of this Code, or of any other applicable law, or regulation;
- (h) A Building Permit shall become invalid unless active construction has commenced within six months of date of issuance, or construction is not actively pursued for a period of six months; and
- (i) An applicant may, at the discretion of the Department, receive one additional six-month period to commence active construction upon showing good cause and the payment of the requisite fee in effect at the time an application is filed.

Section 10.04 Rules of Interpretation

For the purpose of this Unified Development Code, the following rules of interpretation shall apply:

- (a) In case of any difference of meaning or implication between the text and any caption, illustration, summary table, or illustrative table, the text shall control;
- (b) The words "shall" or "must" are always mandatory and not discretionary. The words "may" or "should" are permissive;
- (c) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the singular, unless the context clearly indicates the contrary;
- (d) The term "building" or "structure" includes any part thereof;
- (e) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for";
- (f) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity;
- (g) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - [1] "And" indicates that all the connected items, conditions, provisions or events shall apply;
 - [2] "Or" indicates that the connected items, conditions, provisions, or events may apply singly, or in any combination;
 - [3] "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (h) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character;
- (i) Sites, or lot areas, herein are the minimum area required;
- (j) The interpretation and application of the provisions of this Section by the County shall be reasonable and uniformly applied to all property within its jurisdiction; and
- (k) Whenever the regulations and requirements of this Section are in conflict with the requirements of any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply.

Section 10.05 Definitions

Most of the definitions for terms used throughout this Code are found in Article II. On occasion, individual definitions may be provided in a given section.

Section 10.06 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional, or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

Section 10.07 Enactment Clause

Pursuant to authority conferred by the SC Code of Laws, and to promote the public health, safety, morals, and general welfare, lessen congestion in the streets, secure safety from fire, panic and other dangers, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements in accordance with the Clarendon County Comprehensive Plan, the county council does ordain and enact into law the following regulations.

1. Dividing Clarendon County into districts and establishing the boundaries thereof;
2. Regulating and restricting the height, number of stories and size of buildings and other structures;
3. Regulating and restricting the size of yards, courts, and other open spaces;
4. Regulating and restricting the density of population;
5. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residential and other purposes;
6. Providing for the method of administration and amendment;
7. Defining powers and duties of the board of zoning appeals with respect to these regulations;
8. Providing penalties for violations of these regulations;
9. Defining certain terms used herein; and,
10. Repealing the previous ordinance.

Section 10.08 Effective Date

These regulations shall be effective immediately on passage. Any development project that is “in progress” at the date of adoption of this Code may seek a vested rights determination pursuant to the requirements of Article VII, Nonconforming Uses. In addition, some Sections of this Code have established “phase-in” periods by which time proposed projects, and/or existing land uses, shall be required to be in complete compliance with this Code.