

AN ORDINANCE FOR THE CITY OF CLEMSON, SOUTH CAROLINA

Chapter 11: Municipal Utilities

Article I: General- *Section 11-18*

“Development Project Review and Approval Policy for Allocation of Sewer Treatment Capacity”

Now, therefore, be it ordained that the City Code of the City of Clemson, South Carolina shall be amended:

Done and ordained this the 1st day of August 2016.

First Reading: 07/18/16

J.C. Cook III, Mayor

Final Reading: 08/01/16

Attest:

Ord. No CC-2016- 23

Beverly A. Coleman, Municipal Clerk

Development Project Review and Approval Policy for Allocation of Sewer Treatment Capacity

- a. The City has historically, on a first come, first serve basis, allocated capacity for a development project when it is ready for final plan review and issuance of a building permit. However, City Council acknowledges that the project review and approval project can require a developer to commit time and financial resources prior to the time that a project is ready for final plan review and issuance of a building permit.
- b. In order to better define when a project shall be deemed to have sewer treatment capacity reserved on a tentative basis, without any benefit of voluntary participation in the City's Wastewater Capacity Reservation Agreement, the following Development Project Review and Approval schedule for Allocation of Sewer Treatment Capacity is established:
 1. Tentative wastewater treatment capacity for a development project shall be reserved at such time as the project is placed on the agenda of the Architectural Review Board meeting schedule for initial review and consideration. The development project will be expected to be presented to the Architectural Review Board for final approval within 60 calendar days following the initial review date (and in accordance with the meeting schedule of the Board).
 2. Upon final approval of the Architectural Review Board's project approval, the developer shall submit project building construction plans to the City's Department of Planning and Building Codes within 60 calendar days from the date of project approval.
 3. In the circumstances that a development project does not require consideration by the Architectural Review Board, the tentative wastewater treatment capacity for a development project shall be reserved for said project at the time of project building construction plans are submitted to the City's Department of Planning and Building Codes. In the event that a development project is pursuing a Planned Development Ordinance, the tentative wastewater treatment capacity for the project shall be reserved at the time when the conceptual development is placed on the agenda of the Planning Commission. Depending upon the scope and technical review of the developer's building construction plans, the City will strive to complete the initial plan review and respond to the developer with notes related to plan revisions within 30 - 45 calendar days.

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4. Upon return of the initial building construction plans by the City's plan review team to the developer, the developer shall submit final corrected building construction plans to the City's Department of Planning and Building Codes within 60 calendar days from the date that initial plan comments are transmitted to the developer.
 5. In the event that the second revision of building plans are not approved by the City's Department of Planning and Building Codes, the developer will be allowed 30 calendar days to make final corrections and resubmittal of building construction plans. This 30 day extension period will commence on the date that final plan review comments are transmitted to the developer.
 6. Tentative wastewater treatment capacity shall be considered as abandoned in the event that final and corrected building plans are not submitted by the final day of the 30 calendar day extension period defined above in Section 2 (E.). In the event that the developer desires to petition the City of Clemson for tentative wastewater treatment capacity allocation, a new request letter shall be submitted to the City's Zoning Administrator for the recommencement of the City's Development Review Process. In the event that other development projects have requested tentative wastewater treatment capacity allocation, the project shall be placed in the queue of development projects that are pending and/or proceeding through the City's Development Review Process.
- c. The City acknowledges that a developer may choose to make incremental development decisions regarding the operational and/or financial feasibility of a development project over an extended period of time that may exceed the schedule outlined in Section 2 of this "Development Project Review and Approval Policy for Allocation of Sewer Treatment Capacity." In the event that a developer is unsure of his ability to meet the City's expected development review and approval process, the developer may choose to petition for approval of a "WASTEWATER CAPACITY RESERVATION AGREEMENT." A petition for said Agreement shall be submitted within 30 calendar days of final development approval by the Board of Architectural Review.
- d. In the event that a developer does not petition City Council for participation in a Wastewater Capacity Reservation Agreement within the required time period and/or does not meet the schedule outlined in the "Development Project Review and Approval Policy for Allocation of Sewer Treatment Capacity," the City shall consider the development project to have been abandoned by the developer.

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- e. This policy shall remain in force and effect until such time as the City has completed the expansion of the Cochran Road Wastewater Treatment plant and received a Certificate to Operate from the South Carolina Department of Health and Environmental Control.
- f. It is anticipated that the Clemson City Council will enact a voluntary moratorium on mixed-use and multi-family construction projects in the geographic area that is served by the Cochran Road Wastewater Treatment Plant at such time that the actual and anticipated flow capacity reaches 1,020,000 gpd. This moratorium decision is not anticipated to include small commercial, single-family or duplex development projects, but the final scope of a construction moratorium shall be determined by the Clemson City Council in their sole discretion.
- g. The Clemson City Council shall reserve the right to deviate, modify and/or amend this policy upon their sole discretion during the planning, design and construction of the Cochran Road Wastewater Treatment plant.
- h. In the event that a Consent Order or Administrative Order is issued by the SCDHEC, regardless of the reason for said Order, the City of Clemson may be required to suspend the issuance of wastewater treatment capacity. Said suspension shall remain effective until such time that issues related to the Order are resolved to the satisfaction of SCDHEC and the City of Clemson, and the City shall not be liable to any developer, builder, or other party to a development project that is delayed in the development process.