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Shantia Brangman
CLERK OF COURT

CLARENCON COUNTY, SC

CLARENCON COUNTY ORDINANCE 2026-03

AN ORDINANCE AMENDING THE CLARENCON COUNTY UNIFIED DEVELOPMENT CODE OF TO AUTHORIZE AND IMPLEMENT A FLEXIBLE DESIGN DISTRICT ZONING DESIGNATION

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARENCON COUNTY, IN A MEETING DULY ASSEMBLED:

Section 1 Findings. The County Council of Clarendon County (the “*Council*”), the governing body of Clarendon County, South Carolina (the “*County*”), hereby makes the following findings of fact in connection with the enactment of this ordinance (the “*Ordinance*”):

(a) The County is a political subdivision of the State of South Carolina (the “*State*”), and as such possesses all general powers granted by the Constitution and statutes of the State to counties.

(b) Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended, the Council may guide the development and redevelopment of its area of jurisdiction in accordance with existing and future needs of the County and while promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. Accordingly, the County Council has enacted the Clarendon County Unified Development Code (the “*UDC*”) regulating land use and development within the County.

(c) At a meeting held on January 12, 2026, the Clarendon County Planning Commission considered draft amendments to the UDC authorizing and implementing a Flexible Design District as an authorized zoning designation within the County (the “*UDC Amendments*”) and recommended that the County Council enact such UDC Amendments.

(d) Upon a review of the UDC Amendments, and based upon the recommendations of the Planning Commission and public comments received at a properly-noticed public hearing before County Council held on [March 9, 2026], the Council has determined to enact the UDC Amendments. The final form of the UDC Amendments to authorize Flexible Design Districts as a zoning designation within the County are attached to this Ordinance as **Exhibit A-1**, and the UDC Amendments to amend existing provisions of the UDC to fully implement the use of Flexible Design Districts in the County are attached to this Ordinance as **Exhibit A-2**.

Section 2 Enactment of Amendments. The UDC Amendments, as attached to this Ordinance at **Exhibit A-1** and **Exhibit A-2**, are hereby approved and enacted. The County Planning Director and staff are hereby authorized and directed to codify the UDC Amendments in the UDC and are further authorized and directed to make such changes to the enumeration of the various sections of the UDC Amendments, and cross-references contained therein, as may be necessary to effect such codification. The UDC, as previously enacted by various prior actions of the Council, is hereby amended accordingly.

Section 3 Repealer. All other ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 4 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the UDC Amendments enacted hereby are for any reason held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the UDC Amendments, as applicable.

Section 5 Effective Date. The provisions of this Ordinance shall take effect upon the due enactment of this Ordinance following a public hearing.

DONE AND ORDAINED this 13th day of April 2026.

CLARENDON COUNTY, SOUTH CAROLINA





John E. Johnson, Chairman, County Council

ATTEST:



Dorothy M. Levy, Clerk to Council

First Reading: February 9, 2026
Second Reading: March 9, 2026
Public Hearing: March 9, 2026
Third Reading: April 13, 2026

Exhibit A-1

Provisions Authorizing Flexible Design Districts

The following provisions and sections shall be added to the UDC to authorize Flexible Design Districts as an authorized zoning designation within the County using the codification instructions in the bracketed and italicized language herein:

ARTICLE III – PERMITTED, CONDITIONAL, AND ACCESSORY USES

SECTION 32 – DESCRIPTION AND USES

TABLE III – 2

ZONING DISTRICT DESCRIPTIONS AND PURPOSE

[Add Flexible Design District Title and Purpose & General Description to Table III – 2]

District Title & Designation	Purpose & General Description
Flexible Design District FDD No minimum parcel size (subject to approval of an FDD Development Plan)	Encourage achievement of the goals of the Clarendon County Comprehensive Plan and to allow flexibility in development of property that proposes a single or multiple use(s) that will result in improved design, character, and quality of new or redesigned developments and preserve natural and scenic features of open spaces

[Add the following as new SECTION 37 – FLEXIBLE DESIGN DISTRICT]

SECTION 37 - FLEXIBLE DESIGN DISTRICT

Section 37.01 – Intent

- (a) The Flexible Design District (FDD) regulations of this Section are intended to encourage achievement of the goals of the Clarendon County Comprehensive Plan and to allow flexibility in development of property that proposes a single use or multiple uses that will result in improved design, character, and quality of new or redesigned developments and preserve natural and scenic features of open spaces.

Section 37.02 – Overview

- (a) There is no minimum site area requirement to qualify for the Flexible Design District as long as the applicable development meets all requirements of this Article and applicable requirements of this Ordinance, including applicable density and minimum lot-size requirements.

- (b) Approval of the FDD Development Plan creates a new Flexible Design District Zoning District. Flexible Design District applications are comprised of the following (collectively referred to as the “FDD Development Plan”):
 - (1) FDD Guidelines, and
 - (2) Sketch Plans.

Section 37.03 – Development Standards

- (a) Alteration. Development standards pertaining to density, lot size, location, and arrangement of buildings and structures, lot dimensions, and landscaping shall be defined in the FDD Development Plan. The development standards of the Zoning District in which the subject property(ies) was located at the time of submission of the application to rezone to a Flexible Design District may be altered, pursuant to this Section, only if County Council determines that such alteration will serve the intent of the Flexible Design District, as described herein. Applicants shall not propose alteration of the following standards:
 - (1) Articles I, VIII, IX, X, XV, and XVII of the Clarendon County Unified Development Code;
 - (2) Any processes or procedures generally applicable to developments in Clarendon County, including but not limited to sketch plans, preliminary subdivision plats, final plats, and other site plan review;
 - (3) Article V, Site Development Criteria, including parking/loading requirements, roadway standards, and landscaping requirements, may not be altered, except where the Planning Director determines that alterations are sufficient based on a generally accepted planning source.
- (b) Perimeter Buffer. There shall be a minimum Buffer Yard A, 10- foot vegetated buffer, around the perimeter of the property included within the applicable FDD, which may be located on private lots, and which may be included within the applicable setbacks for such private lots. In cases of conflict between the perimeter buffer requirement and other buffer and/or setback requirements stated in this Ordinance or the FDD Development Plan, the more restrictive will apply.
- (c) Access.
 - (1) Streets within FDDs shall, where feasible, connect to adjoining neighborhoods/developments. In cases where adjoining properties are not developed, FDDs shall include stub outs for connections to adjacent parcels that may practically be subject to future development. Cul-de-sacs, -turnarounds, and dead-end streets shall be minimized and only permitted when necessary for safety, topography, or environmental reasons. These types of street designs shall not be used as a substitute for creating a street network that enhances connectivity between neighborhoods and facilitates ease of movement for vehicles and pedestrians. When cul-de-sacs are used, they must comply with local regulations regarding turnaround

dimensions and access to emergency services.

- (2) Residential areas and adjacent commercial, office, and industrial areas shall be directly connected through paved sidewalks, trails, or other pedestrian infrastructure, where feasible.
- (d) Areas Designated for Future Use. A statement specifying that all areas designated for future expansion or not intended for immediate improvement or development shall remain in a natural state until such time as development permits are approved must be included in the FDD Development Plan.
- (e) Natural Resources. FDDs shall incorporate reasonable measures to protect significant natural resources such as buffer areas between active farmland and existing or planned future non-farm development, buffers from wetlands, preservation of mature trees, preservation of scenic views, water access and shoreline buffers, and protections for the habitat of species designated as of federal, state and local concern.
- (f) Additional Standards. An FDD Development Plan may include additional development standards such as amenities, minimum sizes and other design standards for residences and other structures, and other development standards that may be agreed upon between the County and the developer.

Section 37.04 – Procedures

- (a) Pre-Application Conference.
 - (1) Prior to submitting a formal application, the applicant shall submit one digital version of a draft of the requested FDD Development Plan. After draft materials are received, a meeting between the applicant and staff is required to discuss the proposal and approval process.
 - (2) Staff will not review the proposed FDD Development Plan until all required information has been submitted.
 - (3) The draft FDD Development Plan must comply with all requirements of this Article, applicable provisions of this Ordinance, and all other applicable regulations.
- (b) FDD Development Plan Submittal. Complete Applications for FDDs may be submitted on forms available in Planning Department once the Planning Director has determined that the requested FDD Development Plan complies with the requirements of this Article, applicable provisions of this Ordinance and all other applicable regulations. No application for a FDD Development Plan shall be accepted as complete unless it includes one required paper copy and one digital copy of the FDD Development Plan, the required fee, and the following information:
 - (1) One completed Zoning Map Amendment application signed by the current Property Owner(s), and for property(ies) owned by corporations or partnerships, a resolution

of the corporation or partnership authorizing and granting the applicant signing and authority to act and conduct business on behalf of and bind the corporation or partnership must be submitted;

- (2) One copy of a legible Approved and Recorded Plat showing the current property lines of the property(ies) to be included in the FDD;
 - (3) One copy of the current, recorded deed;
 - (4) Documentation of any community workshops held and outreach made regarding the proposed FDD Development Plan application;
 - (5) A digital version of all text, charts, tables, exhibits and graphics used in the FDD Development Plan;
 - (6) A current aerial overlaid with the proposed Sketch Plan; and
 - (7) Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- (c) Public Hearing Notice. Newspaper, Neighbor, Parties in Interest, and Posted notice of the County Council's public hearing shall be provided in accordance with the requirements of Sec. 90.02 of this Ordinance.
- (d) Planning Commission Review.
- (1) Review the proposed FDD Development Plan and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, approve with conditions, or deny the proposed Development plan;
 - (2) Submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the FDD Development Plan was introduced.
- (e) County Council Review. County Council. After receiving the recommendation of the Planning Commission, the County Council shall:
- (1) Hold a Public Hearing prior to giving second reading to the Flexible Design District/zoning map amendment application; and
 - (2) Take action to approve, approve with conditions, or deny the proposed FDD Development Plan.
 - (3) The approval of a Flexible Design District shall deem it to be a new Zoning District with its own zoning designation.
 - (4) Within 10 working days of approval by County Council of a Flexible Design

District, the applicant shall submit each of the following to the Planning Department:

- (i) One digital copy of the approved FDD Development Plan clearly showing all changes and conditions approved by Council as redlines for staff review; and
- (ii) One digital copy of the approved FDD Development Plan incorporating all changes and conditions approved by Council.

Section 37.05 – Flexible Design District Guidelines and Sketch Plan Requirements

(a) The following shall be included in the proposed FDD Development Plan:

- (1) The name of the FDD, not duplicating the name of any other FDD or subdivision, the Final Plat of which has been recorded in Clarendon County, South Carolina;
- (2) A statement of objectives of the proposed development;
- (3) The total acreage of the FDD;
- (4) A table of proposed land uses including:
 - (i) A table of proposed maximum and average densities for each use;
 - (ii) The maximum total acreage of each use; and
 - (iii) The maximum allowable number of each type of residential Dwelling Unit requested (Single-Family Detached, Single-Family Attached, etc.).
- (5) A statement that the requirements of the Zoning District in which the property is located prior to rezoning will apply, if the property is not developed in accordance with the approved FDD Development Plan;
- (6) All dimensional and lot standards proposed (setbacks, lot width, maximum height, etc.), for each land use type designated, as applicable;
- (7) An analysis of the impact of the proposed development on existing public facilities and services (e.g. roads and streets, water, sewer, stormwater, etc.). Any proposed future improvements to these facilities and services to be made as part of the FDD shall also be included;
- (8) A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of dwelling units, total acreage of each residential use, and percentage and acreage of common open space to be included in each phase;
- (9) A statement indicating how any common open space/recreation areas will be owned or managed;

- (10) A statement indicating how all roads and alleys will be owned and maintained and, if roads are to be privately maintained, draft restrictive covenants establishing a property owner's association and making adequate provisions for the long-term maintenance of such roads, including the authorization to impose assessments and the rights of the property owner's association to impose liens in connection therewith, to pay the cost thereof;
- (11) A statement indicating how stormwater will be managed and how systems will be maintained and, if any stormwater infrastructure is to be privately maintained, draft restrictive covenants establishing a property owner's association and making adequate provisions for the long-term maintenance of such stormwater infrastructure, including the authorization to impose assessments and the rights of the property owner's association to impose liens in connection therewith, to pay the cost thereof;
- (12) A statement of inclusion and compliance with processes included in the Clarendon County Unified Development Code that are not mentioned in the FDD Development Plan;
- (13) A statement agreeing to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the Clarendon County *Comprehensive Plan*, and with such conditions as may be attached to any rezoning to the applicable FDD;
- (14) A statement that proposed modifications to the approved FDD Development Plan shall be processed in accordance with Section VI;
- (15) Letters of coordination from all agencies from which the Applicant must obtain permits, services, and/or facilities; and
- (16) Any other information that the Planning Director determines is necessary to determine whether or not an application complies with the standards established in this Section.

Section 37.06 – Modifications to Approved FDD Development Plans

The Planning Director shall determine whether a proposed modification affecting one or more parcels in a previously approved FDD Development Plan is considered a minor or major modification pursuant to the criteria below. Modifications of approved FDD Development Plans are categorized as major or minor depending on the type and extent of proposed changes, as described below.

(a) Minor Modifications. The Planning Director is authorized to approve minor modifications to an approved FDD Development Plan. Minor modifications to an FDD Development Plan are as follows:

- (1) Increase in common open space area;
- (2) Decrease in density or number of dwelling units;
- (3) Decrease in building floor area;
- (4) Increase in setbacks;
- (5) Increase in the area, dimensions, and/or density of landscape buffers;
- (6) Decrease in the number or size of signs;
- (7) Minor revisions in the layout of the land uses in the Sketch Plan; and
- (8) Minor shifts in the location of access points (provided that any such access point is not relocated to a different external roadway) or internal roadways as may be necessary to resolve regulatory (e.g., SCDOT) permitting issues.

(b) Major Modifications. Any modification not listed as a minor modification pursuant to subsection (b) hereof is considered a major modification. Major modifications require an amendment to the FDD Development Plan, in accordance with the procedures set forth in Section 37.04.