

ORDINANCE 2025-08

AN ORDINANCE AMENDING THE CLARENDON COUNTY UNIFIED DEVELOPMENT CODE OF REGARDING THE REGULATION OF TINY HOMES AND OTHER MATTERS RELATED THERETO

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARENDON 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 “*S.C. Code*”), 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) Following a recommendation by the planning commission of the County (the “*Planning Commission*”) and a public hearing held on April 14, 2025, on [May 12, 2025], the Council enacted Ordinance 2025-01 imposing a three-month moratorium on the consideration of applications for recreational vehicle parks in the County (the “*Moratorium*”) to allow for the development and consideration of amendments to the UDC to differentiate between recreational vehicles and tiny homes and to provide separate regulations for tiny homes and tiny home developments.

(d) At a meeting held on April 15, 2025, the Planning Commission considered draft amendments to the UDC regulating tiny homes and tiny home developments and recommended that the County Council enact such amendments.

(e) Upon a review of the UDC and based upon the recommendations of the Planning Commission and public comments received at a properly-noticed public hearing before County Council held on June 9, 2025, the Council has determined to amend the UDC to regulate tiny homes and tiny home developments within the County, which amendments are attached to this Ordinance as Exhibit A (the “*Tiny Home Regulations*”). The County Council has further determined that it is now appropriate to terminate the Moratorium.

Section 2 Enactment of Amendments. The Tiny Home Regulations, as attached to this Ordinance at Exhibit A, are hereby approved and enacted. The County Planning Director and staff are hereby authorized and directed to codify the Tiny Home Regulations in the UDC and are further authorized and directed to make such changes to the enumeration of the various sections of the Tiny Home Regulations, and cross-references contained therein, as may be necessary to

Exhibit A

Tiny Home Regulations

Amend Section 20.02 Definitions as follows:

Amend the following definitions as follows (underlined indicates added text and strike through indicates deleted text):

Dwelling. Any building used or intended for human habitation, including any permitted home occupation, but excluding hotels, motels, boardinghouses, bed and breakfasts, ~~and tourist courts, and tiny homes.~~

Modular building unit. Any building of closed construction, regardless of type of construction, or occupancy classification, other than a manufactured home (mobile home) or tiny home, that is constructed off-site, displays evidence of certification by the SC Building Codes Council and is transported to the point of use for installation or erection (Section 23-43-20, SC Code of Laws).

Recreational vehicle or RV. A vehicle designed as temporary living quarters for recreational camping or travel use which either has its own motor power or is mounted on or drawn by another vehicle. The term recreational vehicle excludes tiny homes, automotive vans and mobile homes, but includes ~~park models~~, travel trailers, camping trailers, truck campers and motor homes

Add the following defined terms:

Accessory Dwelling Unit or ADU. A residential living unit on the same parcel as a single-family dwelling that provides complete independent living facilities for one or more persons. An ADU may take various forms, including a detached unit, a unit that is part of an accessory structure, e.g. a detached garage, a unit that is part of an expanded or remodeled dwelling, or a tiny home.

Tiny Home. A building used or intended for human habitation that is 400 square feet or less, excluding lofts. A tiny home used as an accessory dwelling unit to a single-family dwelling shall be permitted and regulated in the same manner as all other accessory dwelling units. A tiny home located as a single unit on an individual lot shall be permitted and regulated in the same manner as manufactured homes.

Tiny Home Development. A site consisting of one or more parcels with improvements and utilities for the placement of two or more tiny homes and related amenities, office space, and other ancillary uses.

Add a row and footnote 37 to Section 32, Table III – 3, as follows:

	AG I	AG II	RE	RC	SFR	RMF	NC	PZ	GC	IND I	IND II	CON	INS
Tiny Home Development	P	P								P	P		

(37) See Section 33.28 Tiny Home Developments.

Add new Section 33.28:

Section 33.28 Tiny Home Developments

I. The purpose of this Section is to establish regulations for tiny home developments to ensure that developments of this are adequately managed and maintained and to mitigate the impacts of tiny home developments on adjacent property owners. The following standards shall apply to all tiny home developments:

- (a) *Configuration Generally.* Tiny home developments shall consist of tiny homes on a single parcel, which shall also include all common open space, office facilities, amenities, and other ancillary uses. Tiny home developments shall not consist of tiny homes on individually platted lots.
- (b) *Minimum Size.* No tiny home development shall be located on a parcel that is less than five acres.
- (c) *Density; Maximum Number.* Tiny home developments that are not served by public sewer shall have a maximum density of four tiny homes per acre, or such lesser density as may be required to comply with South Carolina Department of Environmental Services septic tank requirements. Tiny home developments that are served by public sewer shall have a maximum density of 17 tiny homes per acre. The calculation of density shall include areas within the tiny home development dedicated to common open space, roads and other infrastructure, setbacks, and required buffers, but shall exclude wetlands, stormwater retention and detention ponds, and waterways. No tiny home development shall consist of more than 30 tiny homes.
- (d) *Common Open Space.* Tiny home developments shall incorporate usable, consolidated, and centralized common open space consisting of lawns, gardens, patios, plazas, scenic areas, picnic areas, or similar common uses, that meets the following requirements:
 - (i) Roads, setbacks, required buffers, and required stormwater retention or detention ponds cannot be included within required common open space;
 - (ii) 400 square feet of common open space per unit;
 - (iii) 50% of tiny home units must have their main entry on the common open space;
 - (iv) All tiny homes must be within 25 feet of common open space;
 - (v) The required open space must be centrally located within the tiny home development. Other common open space is permitted but may not be used to satisfy the minimum area requirements;

- (vi) Community buildings, clubhouses, gazebos, and pavilions may be included in required common open space; however, office space shall not be included within calculation of required open space;
 - (vii) Tiny homes shall not be located within common open space; and
 - (viii) Tiny homes shall surround the required common open space on at least two sides.
- (e) *Home Design and Placement.* All tiny homes shall have front and rear porches. Tiny homes shall be oriented to provide privacy between units, with front porches oriented towards common open space. Rear entrances shall have a minimum five-by-five-foot porch.
- (f) *Setbacks.* The following setbacks shall apply to all structures associated with a tiny home development, including tiny homes, offices, amenities, and ancillary uses:
- (i) Front setback: 25 feet;
 - (ii) Rear setback: 50 feet;
 - (iii) Side setback (from vacant and commercial parcels): 25 feet;
 - (iv) Side setback (from parcels containing a residence, church, government, or institutional use): 50 feet.
- (g) *Access and Parking.* No tiny home shall have direct access onto any public road. All tiny homes shall be accessible from a private road within the tiny home development, which shall be a paved surface of not less than 20 feet in width and constructed in accordance with County private road standards for thickness and drainage. Each tiny home shall have no less than two dedicated parking spaces, and additional parking for visitors shall be provided at a ratio of 10% of the required number of dedicated parking spaces, plus the required number of handicap parking spaces pursuant to Section 51.03 of this Code. Parking may be consolidated or located in proximity to individual tiny home units, provided that no tiny home unit shall be located further than 100 feet from its dedicated parking spaces.
- (h) *Screening and Buffering.* All external property lines shall be buffered from adjacent properties with a wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least six feet in height, and shall, in addition, include a buffer yard meeting the requirements of Section 36.05 of this Code, with the tiny home development being considered a Class III use. Private roads shall not be included within required buffer yards.
- (i) *Lighting.* All streets within a tiny home development shall be lighted at night. For lighting of roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full cutoff" (no light output above 90 degrees at any lateral angle around the fixture). Fixtures shall not be mounted more than 25 feet above finished grade.

All other outdoor lighting such as floodlights and spotlights shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property, or onto a public roadway.

- (j) *Other Site Development Requirements.* The design and site plan requirements set forth in this section are in addition to all other site development requirements and standards set forth in this Code and, in the event of a conflict between the requirements hereof any other requirements of the Code, the more strict requirement shall control.

II. In addition to the site plan materials required pursuant to Section 55 of this Code, site plans for tiny home developments shall include the following:

- (i) The density of tiny homes per acre, calculated in accordance with this Section;
- (ii) The location and orientation of all tiny homes, their exterior dimensions (including required porches), and number of bedrooms;
- (iii) The location and orientation of all other buildings or structures, their use, general exterior dimensions, and gross square footage;
- (iv) Delineation and area of common open space;
- (v) The site's traffic circulation plan, including the location of curb cuts and points of ingress and egress, including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
- (vi) The site's parking plan;
- (vii) The site's lighting plan, including the location, height, and type of all exterior light fixtures;
- (viii) The site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;
- (ix) The Site's screening, buffering, and landscape plan; including the location, size, and type of plant materials;
- (x) The location of fire hydrants; and
- (x) A signage plan for the site.

Delete and reserve Section 33.27(I)(A)(3) (defining Accessory Dwelling Unit) as being duplicative of the new defined term in Section 20.02.

(3) Accessory Dwelling Unit (ADU) means a residential living unit on the same parcel as a singlefamily dwelling. An ADU provides complete independent living facilities for one or more persons. An ADU may take various forms, including a detached unit; a unit that is part of an accessory structure, e.g. a detached garage; or a unit that is part of an expanded or remodeled dwelling. [Reserved]

effect such codification. The UDC, as previously enacted by various prior actions of the Council, is hereby amended accordingly.

Section 3 Repeal of Moratorium; General Repealer. Ordinance 2025-01, and the Moratorium enacted thereby, are hereby repealed as of the effective date of this Ordinance. 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 Invocation of the Pending Ordinance Doctrine. For the sake of clarity and the avoidance of any doubt, the County Council has determined that this Ordinance, the Tiny Home Regulations enacted hereby, shall be subject to the “pending ordinance doctrine,” which shall be effective upon the first reading of this Ordinance and the publication of a notice of public hearing in connection herewith.

Section 5 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or the Tiny Home Regulations 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 Tiny Home Regulations, as applicable.

Section 6 Effective Date. The provisions of this Ordinance shall take effect upon the due enactment of this Ordinance following a public hearing.

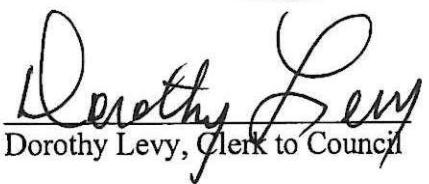
DONE AND ENACTED IN A MEETING OF THE COUNTY DULY ASSEMBLED,
this 11th day of August 2025.



CLARENDON COUNTY, SOUTH CAROLINA


John E. Johnson, Chairman

ATTEST:


Dorothy Levy, Clerk to Council

First Reading: May 12, 2025
Second Reading: June 9, 2025
Public Hearing: June 9, 2025
Third Reading: August 11, 2025