ORDINANCE # 24-003

AN ORDINANCE TO AMEND ORDINANCE # 14-002, THE CITY OF MULLINS LAND DEVELOPMENT REGULATIONS FOR THE CITY OF MULLINS, SOUTH CAROLINA, AS AMENDED, TO INCLUDE PROVISIONS FOR REGULATIONS OF TINY HOMES.

NOW, BE IT ORDAINED by the City Council of Mullins, South Carolina:

Section 1. Findings. City of Mullins wants to ensure that new developments for dwelling units known as "tiny homes" are meeting minimum standards that protect the life, health and safety of the residents. City Council finds a community benefit in design rules that include, but are not limited to, regulations promoting proper spacing, lot requirements, setbacks, access and parking, and adequate public infrastructure.

Section 2. The City of Mullins Land Development Regulations are amended to include the following definitions.

Accessory Dwelling Unit (ADU):
A secondary *dwelling unit* that is accessory to a primary *dwelling* on the same lot.

Accessory Structure:
A *Structure* that is accessory to and incidental to that of the *dwelling(* s) and that is located on the same lot.

Building:
Any one- or two-family *dwelling* or portion thereof, including townhouses, used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any *accessory structure.*

Dwelling:
Any Building that contains either one or two *dwelling units* used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. Dwellings include Traditional Construction, Single-Family Modular Homes, and Manufactured housing alternative styles may include Geodesic Domes and Yurts.

Dwelling Unit:
A Single Unit providing complete and independent facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Pocket Neighborhood:
A pocket neighborhood is a type of planned community that consists of a grouping of smaller residences, often around a courtyard or common garden, designed to promote a close knit sense of community and neighborliness with an increased level of contact.

Structure:
That which is built, or constructed.

Tiny Houses:
A *dwelling* that is 400 square feet or less in floor area excluding lofts.

Section 3. Amend the City of Mullins Land Development Regulations to Add a New Section 7.19 "Tiny House" development regulations. The City of Mullins Land Development Regulations are hereby amended to add the following section as follows:

SECTION 7.19 TINY HOUSES

7.19.1 Application
Tiny houses are permitted within a planned residential development in a pocket neighborhood setting with individually owned (fee simple) lots in the zoned areas. Tiny house subdivision in the zoned areas shall follow the Planning Committee guidelines and requirements of the Zoning Ordinance. This ordinance is not inclusive of recreational vehicles, park models, campers or other seasonal use designs that are regulated by the Recreational Vehicle Industry Association (RVIA).

7.19.2 Review Process
A Preliminary Plan shall be submitted to Zoning Administrator, following the requirements and process described in Subdivision development, shall be the lead department in processing and approval. The Preliminary Plan shall be taken to Planning Committee for review and comments. The Preliminary Plan shall be taken to the City Council for review and approval. Zoning Administrator shall sign off on approved Preliminary Plans after consideration by the City Council.

7.19.3 Design Standards
The following design standards apply to all tiny house developments:

1. A minimum of 4 tiny houses and maximum of 30 tiny houses per pocket neighborhood.
2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.
    a. Four hundred square feet of common open space is required per unit.
    b. Fifty percent of units must have their main entry on the common open space.
    c. All units must be within five feet of common open space(s). Setbacks cannot be counted towards the common open space calculation.
    d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.

e. Community buildings or clubhouses can be counted towards the common open space calculation.
f. Tiny Houses must surround the common open space on a minimum of two sides of the green.
g. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.

3. All houses must have both front and rear porches.
   a. Front porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units.
   b. Secondary entrances facing the parking and sidewalk are required to have a minimum five- by-five-foot porch.

4. Lot Requirements.
   a. Area. Where public sewer is unavailable, the minimum lot area per dwelling unit shall be of (6,000) six thousand square feet or sized in accordance with DHEC minimum standards for septic tanks. In areas where public sewer is available, the minimum area lot size shall be (1,950) one thousand nine hundred and fifty square feet.

5. Setbacks.
   a. Front setback: shall be twenty feet to be used for front porch and parking.
   b. Rear or next to common area the setback shall be five feet for the construction of a rear porch.
   c. Side Setbacks: five feet
   d. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.
   e. No structure shall be erected within 25 feet from any external lot line; however, where land uses are the same as uses permitted in the adjoining properties outside the development, a lesser setback that is consistent with the required setback of the adjoining properties may be permitted by Zoning Administrator.

6. Access & Parking.
   No lot shall have direct access to an existing public street or highway. All lots shall have a minimum of 20 feet of access to and frontage on an approved access to a public street or on a private road constructed to current City road standards or private drive. A private drive shall have an improved surface width of 20 feet and meet the City Land Development Regulations for thickness and drainage for private roads. If roads are to be conveyed to City of Mullins, they shall be built in compliance with the public road standards of the City of Mullins Land Development Regulations. The use of any public road, sidewalk, or right-of-way for the purpose of parking or maneuvering vehicles is prohibited. A minimum of two parking spaces per lot is required. Visitor parking shall be provided in a ratio of ten percent of the total required parking for the development.

7. Screening & Buffering.
A wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least 6 feet in height alongside and rear exterior lot lines where located adjacent to a non-residential use (and/or district) shall be provided for screening and privacy purposes. A 20-foot landscaped buffer along the exterior property lines adjacent to residential uses and districts shall be maintained in accordance with LDR. The Tree Ordinance applies.

8. Pedestrian Facilities.
A continuous safe pedestrian walkway or sidewalk at least five (5) feet wide shall be provided along all internal access roads or drives. All pedestrian walkways or sidewalks shall be approved by the Zoning Administrator. Internal pedestrian connections shall take into consideration connectively to public right- of-way for facilitation access to existing or future transit.

9. Lighting.
All streets within the Tiny House Development shall be lighted at night. For lighting of horizontal tasks such as 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 in excess of 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.

10. Signage.
All signage shall be in accordance with the provisions set forth in the City Sign Ordinance.

7.19.4 Plan Elements

The plan shall be designed by a registered engineer/surveyor/landscape architect (with the State of South Carolina) to scale of not less than 100 feet to 1 inch and shall contain the following information:

A. A vicinity map, title block, scale, north arrow, site size, and property line survey;
B. The location of any utility easements;
C. The land use for every part of the site and the number of acres devoted to each use including common areas;
D. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress. It shall also include the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;
E. The site's parking plan, including the location, height, and type of all exterior light fixtures;
F. the location of all proposed buildings or structures, their use, general exterior dimensions, and gross square footage;
G. The location of all proposed residential structures, their general exterior dimensions, the

number of residential dwelling units by type, and the number of the bedrooms in each unit;
H. The site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;
I. The screening and landscape plan for the site; including the location, size, and type of plant materials;
J. The Location of fire hydrants;
K. The location of street signs and free-standing signs.
L. Elevations of proposed development;
M. Topographic survey

7.19.5 Ownership and Maintenance

All land dedicated as common open space shall have land development restrictions. The easement shall run with the land, provide for protection in perpetuity, and be granted to the owning entity. The owner and developer or subdivider shall select land dedicated for common open space purposes and type of ownership. Type of ownership may include, but is not necessarily limited to, the following:

A. Shared, undivided interest by all property owners within the subdivision.
B. Homeowners Association (HOA), or cooperative associations or organizations;
C. Non-profit or quasi-public organizations committed to the protection and conservation of open space, subject to their acceptance;
D. Other public jurisdictions or agencies, subject to their acceptance;
E. The City, subject to acceptance by the governing body;

7.19.6 Maintenance of Common Open Space

The person(s) or entity identified above, as having the right to ownership or control over open space, shall be responsible for its continuing upkeep and proper maintenance.

7.19.7 Preliminary Plans

In addition to the requirements in Title 16 - SUBDIVISIONS AND ZONING, the following information must be provided at the time of submittal for preliminary approval:

All property designated for required open space shall be delineated on the preliminary plan. The open space on the preliminary plan should have meaningful dimensions, proportions, and placement. Only the required acreage to meet the Tiny House Common Open Space Requirements shall be identified as "Open Space". All other areas that will be owned and

maintained by the HOA shall be identified as Common Area. Areas to be wholly preserved, such as wetlands, endangered species habitat, or cemeteries, shall be identified as "Preserved Area - No Access" on the plans. Limited access will be provided to cemeteries for maintenance and family visitation.

7.19.8 Revisions to Approved Plans

Revisions that alter the basic concept and general characteristics of the development as to substantially affect the project functionality as approved may be required to resubmit for review as determined by the Subdivision Administrator.

7.19.9 Final Plats

For Tiny House Developments, when recording a Final Plat, in addition to the requirements in Title 16 - SUBDIVISIONS AND ZONING, the following apply:

A. The recorded required acreage for common open space on each final plat must be proportional or greater to the total acreage being platted. Subsequent final plats must also meet the proportional requirements for the overall platted acreage.
B. The following information must be shown on the final plat at the time of submittal:

1. Open space table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded. As shown in the exhibit below.

Tiny Home Development	***Entire Development***	***This Plat***	***Cumulative (to date)***
Number of Lots Proposed	30	20	20
Required Open Space 400 square feet per Unit	12,000	8,000	8,000
Open Space Provided (square feet)	13,600	8,000	8,000
Total Acres	2	1.10	1.10

2. Notations indicating the delineated open space, including metes and bounds, are to be shown on the Final Plat;

3. Open Space Easements.
   Prior to the recording of a subdivision final plat, an easement shall be placed on all lands used to satisfy the open space requirements of Tiny House development. The easement shall be solely for the purpose of ensuring the land remains undeveloped and shall not, in any way, imply the right of public access or any other right or duty not expressly set forth by the terms of the easement. The easement shall run with the land, provide for protection in perpetuity and be granted to a Homeowners Association, a City-approved non-profit land trust, other qualified organization approved by the City, or granted to the City, subject to acceptance. The easement shall include a complete metes and bounds of the property being designated as open space.