

Town of McClellanville Zoning and Land Development Ordinance
Adopted September 13, 2004

- (c) The off-street parking provided shall not be less than that required (or if already less than that required, shall not be further reduced below) the requirements of this ordinance applicable to a similar new structure or use.

§3.1.3 Change in Land Use or Land Classification

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- (a) If a use of any structure is hereafter changed to another use, then the new use must comply with the use regulations of this ordinance, but the mere establishment of the new use does not require the existing structure to conform to the bulk and area regulations of this ordinance.
- (b) When an existing structure, which was constructed prior to the enactment of this ordinance, changes to another use due to a change in the use classification, the establishment of a new zoning district does not require the existing structure to meet setback or bulk requirements, but must meet all other requirements of screening, parking and access.

§3.1.4 Government Property and Public Facilities

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- (a) Pursuant to §6-29-770 of the SC Code of Laws, as amended, agencies, departments, and subdivisions of the State of South Carolina or any County that use real property within the Town of McClellanville, as owner or tenant, are subject to the Town of McClellanville Zoning and Land Development Ordinance.
 - (1) The provisions of this section do not require a state agency, department, or subdivision to move from facilities occupied on June 18, 1976, regardless of whether or not their location is in violation of this Ordinance.
 - (2) The provisions of this section do not apply to a home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four (24) hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. For the purposes of this Ordinance, the residents of such homes shall be construed to be a natural family. Representatives of the agency or department proposing establishment of a group home within the Town of McClellanville shall follow requirements pertaining to public notice, site selection, resident screening, and periodic reviews under §6-29-770 of the SC Code of Laws, as amended.
- (b) No new street, structure, utility, square, park, or other public way, grounds, open space or public building for any use, whether publicly or privately owned, may be constructed or authorized in the Town of McClellanville until the location, character, and extent of such have been submitted to the Planning Commission for review and comment as to the compatibility of the proposal with the adopted Town of McClellanville Comprehensive Plan.
 - (1) In the event that the Planning Commission finds that the proposal is in conflict with the comprehensive plan, the Commission shall transmit its

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findings and the particulars of the nonconformity to the entity proposing the facility.

- (2) If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the McClellanville Town Council and Planning Commission and published in a newspaper of general circulation in the community at least thirty (30) days prior to awarding a contract or beginning construction.
- (3) Telephone, sewer, gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the Town Council or a state or federal regulatory agency, or electric suppliers, utilities and providers who are acting in accordance with a legitimately delegated right pursuant to Chapter 27 or 31 of Title 33 of the SC Code of Laws, as amended, are exempt from this provision. These utilities must submit construction information to the Town Planning Commission.

Section 3.2 Exemptions

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§3.2.1 Structures

Any structure for which zoning and building permits have been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance, provided that construction has commenced in reliance on such permit.

§3.2.2 Uses

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Any use of land or a structure for which a zoning permit has been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance.

§3.2.3 Existing Variances

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Any variance lawfully approved prior to the effective date of this Ordinance, or amendment thereof, shall be deemed to be and continue to be valid after the adoption of this Ordinance.

§3.2.4 Height of Spires and Belfries

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No building or structure shall exceed the height limit specified for the zoning district in which it is located, except that height limitations of this Ordinance shall not apply to church spires and belfries.

§3.2.5 Structures with Authorized Yard Requirement Reductions

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- (a) For regular interior lots, the front shall be construed to be the portion nearest the street.
- (b) For regular corner lots, the front shall be construed as the shorter boundary fronting the street. If the lot has equal frontage on two or more streets, the front of the lot shall be determined by the prevailing building pattern, or the prevailing lot pattern if a building pattern had not been established.

§3.3.3 Yards Adjacent to Streets

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- (a) Regular lots shall have front yards of at least the depth required for the district across the entire frontage of the lot.
- (b) Other required yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.
- (c) Street lines should be used for the measurement of required yards adjacent to streets. Where the lot line adjacent to the street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex or concave lots, if applicable, front, side and rear yards, shall be parallel to or concentric with the street line.
- (d) The depth of required yards adjacent to streets shall be measured perpendicular or radially to such straight lines.

§3.3.4 Yards on Double Frontage Lots

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On lots with frontage on two nonintersecting streets (a through lot), the minimum front yard setback established for the district in which such lot is located shall be provided on each street.

§3.3.5 Yards on Corner Lots

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Corner lots shall be deemed to have no rear yards, only two (2) front yards that are adjacent to the street and two (2) side yards. If two (2) different side yards are required in a district, the larger available yard shall apply.

§3.3.6 Side Yards on Regular Lots

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Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots, the required side yard shall run from the required front yard line to the second required front yard line. On corner lots, the required side yards shall run from the point where side yard lines intersect to the required front yard lines.

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§3.3.7 Rear Yards on Regular Lots

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Rear yards provided on interior regular lots shall be at least the depth required for the district, and shall run across the full width of the lot at the rear.

Section 3.4 Use Approvals

§3.4.1 Unspecified Uses

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Except when specifically determined by the Zoning Administrator as included or implied within the description or classification of another use, no uses are permitted unless specified in a use definition or accessory use listed for a particular district. Land uses, buildings or other structures not specifically included or implied in the description of a use group shall not be permitted in any district.

§3.4.2 Adding Unspecified Uses to the District Regulations

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Uses other than those allowed in the applicable zoning district may be added to a district only upon a text amendment approved by Town Council under the provisions of [Article XIII](#) of this Ordinance.

§3.4.3 Use Types

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Within each district, specific use groups are allowed either by right (permitted), conditionally, or with special exception approval:

- (a) By-right or permitted uses shall be developed within the applicable zoning district subject to administrative approval of a zoning permit by the Zoning Administrator.
- (b) Conditional uses, which are compatible with permitted uses in the same zoning district, but have potential for some incompatibility or adverse impacts, shall be developed within the applicable district only when it has been demonstrated to the satisfaction of the Zoning Administrator that the proposed use meets all conditions for that use in zoning district regulations for the applicable zoning district or those applicable in §3.5 below.
- (c) Special Exception uses, which may be compatible with other uses allowed within a specific zoning district, but are more intensive and have greater potential for adverse impacts on adjacent properties, shall be approved for development within an applicable district only if the proposed use meets any conditions for that use listed in the zoning district regulations for the applicable zoning district and the criteria for special exception approval by the Board of Zoning Appeals in [Section 12.3.6](#) of this Ordinance.

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- (d) Temporary uses may be permitted by the Zoning Administrator if it is demonstrated that the proposed use meets any conditions for that use in the zoning district regulations or those applicable in §3.5 below.

§3.4.4 Accessory Uses and Structures

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Accessory uses and structures limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact, are permitted in conjunction with and incidental to a principal use or structure approved in accord with the requirements of this Ordinance and the limitations set forth below.

- (a) Residential Accessory Uses and Structures.
- (1) Deck.
 - (2) Dog house and/or pen.
 - (3) Fence and/or wall.
 - (4) Freestanding air conditioning machinery.
 - (5) Patio, gazebo.
 - (6) Play equipment and playhouses.
 - (7) Private garage.
 - (8) Private greenhouse.
 - (9) Private swimming pool, tennis court and/or other recreational facility.
 - (10) Radio or satellite/TV antennae, freestanding or on a roof.
 - (11) Storage shed for personal, noncommercial use; excluding transportable storage units and containers originally designed to be transported by vehicle.
 - (12) Studio and/or workshop, without outdoor display, for personal use.
 - (13) Utility boxes
 - (14) Home occupations approved in accord with the conditions for such in §3.5.1.
- Docks approved in accord with the conditions for such in §3.5.5.
- (b) Non-residential Accessory Uses and Structures.
- (1) Dumpster and dumpster pad.
 - (2) Emergency power generator.
 - (3) Fence and/or wall.
 - (4) Freestanding air conditioning machinery.
 - (5) Parking area(s) on the same lots the principal use.
 - (6) Storage shed not exceeding 200 square feet in floor area.

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- (7) Storm water management facilities.
 - (8) Utility boxes.
 - (9) Transportable storage units or containers originally designed to be transported by vehicle, for the purpose of storage in the Highway Commercial and Marine Commercial only.
- (c) Accessory Use and Structure Limitations.
- (1) Accessory uses and structures shall be located on the same lot as the principal use or structure.
 - (2) No accessory structure shall be used as a dwelling or lodging except as otherwise provided for in this Ordinance.
 - (3) With the exception of non-habitable structures 120 square feet or less in area, no accessory use or structure shall be established until the principal use is established. **Revised September 7, 2021**
 - (4) Accessory structures are subject to compliance with height, bulk and coverage regulations of this ordinance.
 - (5) With the exception of fences, accessory uses must be located to the side or rear of the principal building and screened from neighboring properties through the use of vegetation and fencing.
 - a. Notwithstanding the above, accessory uses and structures on lots with frontage on the ICWW, creek, or tidal marsh may also be located between the principle building and fronting the road.
 - b. Accessory uses and structures within the front yards of such lots shall be sited and/or landscaped to minimize visibility from public right-of-ways and/or neighboring properties.
 - (6) No accessory use or structure shall be located within a required yard or setback. Provided however that the following encroachments may be approved:
 - a. Fences and walls along the property perimeter.
 - b. Awnings and canopies not projecting more than four (4) feet from a building façade.
 - c. Architectural features, chimneys or the like projecting no more than two (2) feet into a side or rear yard or three (3) feet into a front yard provided that such projections do not encroach within the distance required by the International Building Code.
 - d. Arbors and trellises.
 - e. Recreational equipment.
 - f. Non-habitable, one-story accessory structures situated a minimum of five (5) feet from the rear or one side of the side property lines.

§3.4.5 Temporary Uses

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Temporary uses and structures limited to the following are permitted in accord with the requirements of this Ordinance and the limitations set forth below.

- (a) Construction Offices and Storage. Temporary buildings for offices or storage of materials, including Portable On-Demand storage units, are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction.
- (1) Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling on a permanent basis, whether in conjunction with a residential development or otherwise, shall not commence until a bond adequate to ensure the removal of such structure has been posted.
 - (2) All storage uses shall be sited such that visibility from roads and neighboring properties are minimized.
 - (3) Temporary use of a recreational vehicle for living, sleeping, or housekeeping purposes on a temporary basis by the owner of a lot may be permitted by the Zoning Administrator upon finding that:
 - a. Such temporary use is associated with the construction or major repair of a residence on the site where the use is proposed; and
 - b. That electrical power to the recreational vehicle has been approved by the building official; and
 - c. Upon proof that an approved septic system has been installed and permitted by the appropriate authority.
 - d. A temporary permit issued under the provisions of this subsection shall be valid for a period of ninety (90) days, and may be renewable for another period of ninety (90) days only upon the building official certifying to the Zoning Administrator that construction or repair of the residence is ongoing, and the applicant otherwise demonstrates that good faith, concerted efforts have been made to maintain the progress of construction or repair.
 - e. For the purposes hereof, “construction” means erection of a new residence, and “major repairs” means repairs to an existing residence, the cost of which exceeds fifty percent (50%) of the value of the existing residence, or if the Zoning Administrator and Building Official have found that the permitted repairs render the residence uninhabitable.
- (b) Temporary Sales. Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted by the Zoning Administrator upon application.
- (1) A temporary sales zoning permit shall be valid for a period not to exceed 45 days, unless extended at the completion of such 45-day period, and shall require that all structures and materials be removed within such time period.
 - (2) Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety,

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- (d) No article, product or service sold in connection with such activity shall be other than those produced on the premises.
- (e) A permitted home occupation shall not impact the local community and neighborhood conditions such as, but not limited to, increases in noise or traffic.
- (f) No mechanical equipment shall be used in connection with such activity other than such equipment as is customary of domestic or household purposes.
- (g) Only occupants of the principal residence, or members of the immediate family, are permitted to be engaged or employed to assist in the operation of a home occupation.
- (h) In addition to other uses deemed unacceptable, the following uses shall not be considered home occupations: Animal hospitals, kennels or stables, barber shops and beauty parlors, dancing schools, funeral homes, medical or dental offices or clinics or hospitals, nursery schools, restaurants, tourist homes.
- (i) Prior to the establishment of any home occupation, an application therefore shall be made. The Zoning Administrator, upon verification that the requirements herein have been satisfied, may issue a zoning permit for a customary home occupation.

§3.5.2 Bed and Breakfast Establishments

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Where “bed and breakfast” establishments are allowed, such shall comply with the standards for home occupations in addition to the following standards:

- (a) **Bed and Breakfast Home:** In any district where “Bed and Breakfast Homes” are listed as a conditional use, such shall comply with the following standards:
 - (1) No exterior alteration, other than those necessary to assure safety of the structure, shall be made to any building for the purpose of operating a Bed and Breakfast in a residence.
 - (2) The owner of the premises shall reside on the premises and manage the establishment. No less than 50% of the floor area dedicated for guest rooms shall be reserved as the owner’s residential quarters
 - (3) Other occupants of the principle residence, or members of the owner’s immediate family, may be engaged or employed to assist in the operation of a home occupation.
 - (4) The resident owner shall comply with all business license and revenue collection ordinances of the Town of McClellanville, Charleston County and the State of South Carolina.
 - (5) Parking spaces shall be provided in accord with §8.3 of this ordinance.
 - (6) The establishment shall not contain restaurant facilities, but may provide food service for overnight quests only.
- (b) **Bed and Breakfast Inn:** In any district where Bed and Breakfast Inns are listed as a conditional use, such shall comply with the following standards:
 - (1) All Bed and Breakfast Inns shall be located on a lot with frontage and direct access to a public road.

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- (2) Entrances and exits from to/from the establishment shall be clearly delineated and provide safe egress for unrestricted access to and from the premises.
- (3) An Owner, or manager with decision making authority, shall reside on the premises and provide full-time management of the establishment when occupied.
- (4) Name(s) of the owner(s)/manager(s)/caretakers shall be kept on file with the Town and updated or verified with issuance/renewal of the business license.
- (5) The establishment's owner shall comply with all business license and revenue collection ordinances of the Town of McClellanville, Charleston County and the State of South Carolina.
- (6) Parking spaces shall be provided in accord with §8.3 of this ordinance.
- (7) Weddings, receptions, private parties, meetings and other similar activities may be held with the maximum number of attendees based on the maximum sleeping capacity of the inn. Hosting of these gatherings where attendees exceeding the maximum capacity may be held up to ten (10) times per calendar year subject to the Town's standards for Temporary Events in Section 3.4.5(c).
- (8) The establishment shall not contain restaurant facilities, but may provide food service for overnight guests and on-premises events only.

§3.5.3 Vacation Rentals

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- (a) No attached or detached residential dwelling unit in the Town of McClellanville may be rented, leased, or assigned for tenancies or made available for use, occupancy, possession, sleeping accommodations, or lodging for one or more persons in return for valuable consideration for any period of more than two (2) nights and less than twenty eight (28) consecutive days, for a cumulative total of no more than two (2) weeks in a calendar year, unless it is demonstrated that:
 - (1) The applicant or agent has provided evidence of ownership or authorization to apply for, and obtained, a "vacation rental business license", accompanied by a federal employer tax filing number, and contact information for a designated 24-hour property manager; and
 - (2) The owner or agent has provided evidence that it will ensure compliance with the terms of the current Town of McClellanville trash removal contract for excessive garbage and its containment; and
 - (3) The occupancy shall conform to the occupancy limits of the town and fire and building codes and in all cases shall house no more than two (2) occupants per 120 square feet of shared bedroom area, plus one (1) additional occupant for each additional sixty (60) square feet of bedroom area in those shared by more than two occupants, not to exceed twelve (12) occupants; and

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- (4) The owner has provided off-street parking for all vehicles, watercraft and trailers; and
- (5) The written lease includes an agreement between renters and the owner that these terms shall be complied with.

§3.5.5 Storage of Vehicles and Recreational Equipment

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- (a) All inoperable vehicles, including those without a current registration, excluding watercraft, shall be stored in enclosed garages, accessory buildings, and rear or side yards of the property on which they are stored.
- (b) All inoperable vehicles, excluding watercraft, parked outside an enclosed structure for a period greater than one (1) week shall not be visible from public ways.
- (c) No more than one (1) inoperable vehicle may be concurrently parked on a residential lot.
- (d) No recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use; provided however that recreational vehicles may be used for living, sleeping, or housekeeping purposes on a temporary basis by the owner of a lot in conjunction with construction or major repair of a residence on the same property as permitted in §3.4.5 above.

§3.5.6 Residential Dock Structures

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All docks constructed for personal, noncommercial use within the Town of McClellanville shall have an approved permit from the SC Office of Coastal Resource Management (OCRM) verifying compliance with standards for such in the SC Coastal Zone Management Act. In addition, a building permit shall be obtained as verification that the following standards shall apply to the construction of dock structures regardless of the date the lot was recorded.

- (a) All lighting fixtures shall be down shielded to ensure such do not cast light or glare on adjacent properties.
- (b) No boat lift shall be installed such that the base elevation of the lift is higher than the plane of the dock deck.

Section 3.6 Externalities

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The following standards shall be applied to all land uses and development activities in the Town of McClellanville as a means of mitigating potentially adverse impacts on adjacent properties.

§3.6.1 Vibration

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No continuously or impulsively generated vibration shall be created that is perceptible without instruments at the property line, except for those inherent to construction operations.

§3.6.2 Noise

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- (a) No noise above such level shall be generated by a use that is objectionable with respect to intermittence, beat, frequency, volume or shrillness. To accomplish this, the following maximum standards shall apply.

Use Type	Maximum Perceptible Noise
Industrial Uses	90dB
General Commercial Uses, unless otherwise specified	80dB
Professional and personal service, office, medium and high-density residential uses	70dB
Low-density residential and agricultural uses	60 dB

- (b) Any activity within each of the general use groups listed above shall not exceed the corresponding maximum noise level, measured in decibels (dB) at the property line. These noise levels apply from 7 a.m. to 7 p.m. for continuous noise. Permissible continuous noise levels shall be reduced by 10 decibels (10 dB) from 7 p.m. to 7 a.m. Sudden, peak noise levels shall be permissible no more than ten (10) decibels (10 dB) higher than those allowed for continuous noise levels.

§3.6.3 Odor

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No objectionable odor shall be created which is detectable beyond the property line, and the emission of odors, regardless of type, shall not be such as to be detrimental to the value and use of adjacent property.

§3.6.4 Light

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The source of exterior lighting shall not be arranged in such a manner as to be detrimental to adjacent properties or the traveling public. To that end the following standards shall apply to exterior light sources.

- (a) Height. No light source shall be elevated more than fifteen feet (15') above finished grade, provided the following shall be exempt from this requirement.
- (1) Interior lot lighting for nonresidential uses in the CLI zoning district;
 - (2) SC DOT approved street lighting of highways and arterials;

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- (3) Athletic courts and fields (e.g. football, tennis), provided that such lights are not illuminated between the hours of midnight and eight (8) a.m.; and
 - (4) Any use required by federal or State law to be illuminated such that lighting above fifteen feet (15') would be required.
- (b) Intensity. A light source not provided specifically for the circulation of pedestrians or vehicles between parcels or to and from the public right of way shall not emit light exceeding the following levels as measured at property lines. Lighting of parking areas and drive-in, drive-through, and drive-up services shall comply.
- (1) One (1.0) foot-candle at nonresidential property lines and public rights-of-way.
 - (2) One-quarter (0.25) foot-candle at a residential property line.
 - (3) Focused, directed, and undiffused light sources shall not be aimed, directed, or reflected toward a public right-of-way or another lot.
 - (4) All light sources and their direct glare shall be down shielded so as not to be visible from all lot lines, except as specifically provided for in §3.6.4(a) and (b)(5).
 - (5) Light sources shall not be focused or directed into the sky unless required by law (e.g. illumination of government flags).