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- (g) Identification as the work of an architect or master builder whose individual work has influenced the development of McClellanville, Charleston County or South Carolina.
- (h) Character as a particularly fine or unique example of a utilitarian structure or group of structures, including, but not limited to frame houses, farm buildings, gas stations or other commercial structures with a high level of integrity or architectural significance.
- (i) Relationship to a park or other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural or architectural motif.
- (j) Unique location or singular physical characteristic representing an established and familiar visual feature of a rural landscape, neighborhood, or community.
- (k) Importance in yielding or being likely to yield information important in history or pre-history.

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§5.1.3 Establishment or Amendment to District Boundaries

- (a) Designation of historic sites or additional districts and amendments to the boundaries of the existing historic district may be initiated by a property owner(s), Town Council, the Planning Commission or by recommendation of the Architectural Review Board (ARB), appointed in accord with Article XII of this Ordinance.

The Zoning Administrator shall maintain an inventory of buildings and structures approved for inclusion within an established historic district approved by Town Council.

- (1) Requests for addition, deletions, or other changes to such inventory shall be made to the Zoning Administrator. Addition, removal or exclusion of individual properties from historic districts shall be considered in accord with the procedures for amendment to the Official Zoning Map in Article XIII of this Ordinance.
 - (2) In considering such requests, the Planning Commission and Town Council shall seek recommendation of the Architectural Review Board.
 - (3) No fee shall be required for the rezoning of properties to a historic district designation.
- (b) The following information, along with an application provided by the Zoning Administrator, shall be submitted for consideration of a historic district designation:
 - (1) An inventory of each building or structure proposed for inclusion within the district which itself has historic merit or which contributes to the overall character of the existing or proposed district.
 - (2) A graphic representation of the location of all landmarks, sites, buildings, or other structures of particular cultural value as well as the boundaries of the total proposed area to be included in the designation; and
 - (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.

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Side 10 feet*

*Unless conditional use requirements specify otherwise, or unless the use is cultivation of land or gardening, in which case there is no minimum setback requirement.

- (c) Commercial Uses (underlying Village Commercial (VC) zoning)

(Revised September 7, 2021)

Front 0 feet

Rear 10 feet

Side 3 feet or greater as maybe required by current building codes.

- (d) Marine Commercial Uses (underlying MD zoning)30 feet where abutting a property zoned or used for residential purposes and/or public street

§5.1.6.4 Maximum Residential Floor Area

3,500 square feet of total heated space, excluding porches

§5.1.6.5 Maximum Height of Structures

Same as underlying zoning district

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§5.1.7 Certificate of Appropriateness Required

Prior to any demolition, alteration, modification or addition to an existing structure or the construction of a new structure within the Historic District, or the moving of any structure within, into or out of the District, a Certificate of Appropriateness from the Architectural Review Board shall be obtained in accord with § 12.4 of this Ordinance.

- (a) For purposes of this article, "structure" shall include buildings, walls, fences, signs, light fixtures, steps or appurtenant elements thereof.
- (b) For purposes of this requirement, "exterior architectural appearance" shall include architectural character, general composition and general arrangement of the exterior of the structure, including the kind and texture of the building material and type and character of all windows, doors, light fixtures, signs and pertinent elements, visible from a street or publicly accessed travel way.
- (c) The following building and/or construction activities may be considered for Administrative Review and Approval by the Zoning Administrator provided that (s)he finds the proposed work will not substantially change the affect that he architectural appearance of the existing structure or property has on the character of the district:
- (1) Maintenance or repairs involving replacement of existing materials with like materials that do not change the exterior appearance or character of the building; or
- (2) Maintenance or repairs, addition of signs complying with Article IX: or involving replacement of existing materials with like materials that do not change the exterior appearance or character of the building; or

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- (3) Alterations, modifications or additions to existing structures or property deemed "noncontributing" in the most recent official survey of the district's historic; or
- (4) Alterations, modifications or additions of residential accessory structures permissible per Section 3.4.4(a) on any property.

In determining the effect of the proposed work on the character of the district, the Zoning administrator shall take into consideration conformance with the standards in the Town's adopted Design Guidebook in addition to the compatibility of materials and design details of the proposed work with other structures in the vicinity, effects on the streetscape, and such other elements as (s)he may deem appropriate. In such case, the Zoning Administrator may issue an administrative Certificate of Appropriateness which may include conditions of approval to mitigate the appearance of such from the street or publicly accessed travel way.

- (d) All utility companies shall be required to obtain approval from the ARB in accordance with this Section, prior to initiating any changes in the character of streets, including but not limited to, paving, widening, sidewalks, tree installation or removal, utility installations (excluding traffic control devices), lighting, walls, fences, structures and/or buildings on property or easements in the Town of McClellanville that are within the Historic District.
- (e) Application for a Certificate of Appropriateness must be made by the owner of the property that is to be altered, demolished or moved or by an authorized agent or representative of the owner.
- (f) Such Certificate shall be a standard form signed by either the chairman or vice-chairman of the Architectural Review Board, stating that the demolition or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration have been approved by the ARB.

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- (e) Home Occupation, in compliance with provisions of §3.5.1.
- (f) Bed and Breakfast Home, in compliance with provisions of §3.5.2.
- (g) Adult or child daycare facility that is operated in conjunction with a school or church and which meets the following criteria:
 - (1) All such facilities shall conform to applicable county and state laws, rules and regulations;
 - (2) All outdoor recreation or play areas shall be completely enclosed with fencing and situated in a manner that all persons entering the area are within direct line of sight of an office or classroom;
 - (3) No recreational equipment shall be located within the required setbacks of the lot or between the front property line and the principal structure on the lot;
 - (4) Vegetative buffering shall be provided between all outdoor areas and adjacent residential properties;
 - (5) All outdoor recreation or play areas shall be separated from parking, loading and service areas, to include areas for visitors and site deliveries, so as to insure the safety of clients;
 - (6) A designated pick up and delivery zone shall be provided that has direct access to the facility entrance;
 - (7) A minimum of one (1) parking space per twenty (20) clients or children shall be located adjacent to the facility entrance and designed in a manner such that clients or children do not have to cross vehicular passageways to enter or exit the facility; and
 - (8) Operation shall not be conducted between the hours of 8:00 p.m. and 6:00 a.m.

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§5.2.4 Lot and Building Requirements *(Revised October 4, 2021)*

The location and height of structures, and the area upon which they may be placed, are as follows:

- (a) Minimum Lot Area. One (1) acre or 43,560 square feet, unless otherwise specified as a performance standard or condition of approval for a particular use.
- (b) Minimum Lot Width 120 feet.
- (c) Minimum Setback Requirements.
 - (1) Front: 40 feet*
 - (2) Rear: 40 feet*
 - (3) Side: 16 feet*

*Unless conditional use requirements specify otherwise

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- (d) Maximum Height of Structures above the minimum design elevation required by the adopted Flood Damage Prevention Ordinance: 38 feet.
- (e) Maximum Impervious Surface Ratio, exclusive of marshlands or natural water areas on the lot.
 - (1) For lots .75 acres in area or larger, the greater of 20% or 5,000 square feet.
 - (2) For lots less than .75 acres in area, the greater of 20% or 3,000 square feet.
- (f) Maximum Residential Floor Area. 3,500 square feet of total heated space, excluding porches.

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Section 5.3 Village Commercial District (VC).

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§5.3.1 Purpose.

The purpose of the Village Commercial District (VC) is as follows:

- (a) To provide for a balanced mix of residential, office and limited commercial retail services to serve needs of the local community, which do not generate large volumes of traffic, noise, or other harmful effects, and which are compatible with residential uses.
- (b) To encourage conservation, preservation, and reuse of structurally sound buildings in the village's traditional commercial center through the design and placement of building types and public spaces.
- (c) To enhance the viability of local businesses and reduce the need for vehicular transportation for residents by serving the needs of the local community is a pedestrian accessible environment.
- (d) To promote continuity of the defined streetscape formed by existing buildings to reestablish a unique and safe environment which functions for pedestrians, cyclists and motorists.

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§5.3.2 Permitted Uses

A building or premises in the Village Commercial district shall be used only for the following purposes provided the primary use and/or associated building(s) do not exceed 2,000 square feet total of gross floor area:

- (a) Barbershops, beauty shops, and similar personal service establishments.
- (b) Childcare centers, day care centers, pre-kindergartens, kindergartens, and other special schools for young children.
- (c) Professional offices, studios, clinics (other than veterinary), clinical laboratories.
- (d) Retail commercial establishments selling wearing apparel, jewelry, hardware, household items, sporting goods, reading material, stationery, art supplies, food, gifts, sundries, toys, health and beauty aids, music, beer, wine, paint and wallpaper, appliances, flowers, office equipment and supplies, photographic supplies and similar kinds of merchandise.
- (e) Restaurants, limited and full service, excluding those with drive-in service and drinking establishments as defined in Article XIV.
- (f) Any use permitted under §5.2.2.
- (g) Two-household dwellings.
- (h) Mixed-use structures, with residential uses above or behind first floor commercial uses.

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- (i) Accessory uses, in conjunction with permitted uses, and which are customarily incidental and subordinate to permitted uses and structures, as listed in Section 3.4 of this Ordinance.

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§5.3.3 Conditional Uses

The following uses may be permitted by the Zoning Administrator provided it is found that all performance standards for such use(s) will be met.

- (a) Churches, synagogues, temples and other religious worship facilities, having a minimum lot area of at least two (2) acres.
- (b) Bed and Breakfast Home or Inn, in compliance with provisions of §3.5.2(a) or (b) respectively.

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§5.3.4 Special Exception Uses

The Board of Zoning Appeals may approve the establishment of any individual building or use as delineated in §5.3.2 that exceeds 2,000 sf of gross floor area in the Village Commercial district provided it finds that all criteria for a Special Exception in §12.3.6 will be met.

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§5.3.5 Lot and Building Requirements

The following minimum lot requirements shall apply to all uses established in the Village Commercial District:

§5.3.5.1 Minimum Lot Area

- (a) Single Family dwellings. ¾ acre or 32,610 square feet.
- (b) Two family dwellings. One (1) acre or 43,560 square feet.
- (c) All other uses. ¼ acre or 10,890 square feet, or such size as may be assigned to such use per other provisions of this Ordinance, or such size which shall be sufficient to provide required off-street parking, whichever is greater.

§5.3.5.2 Minimum Lot Width 90 feet

§5.3.5.3 Minimum Setback Requirements

- (a) Front. Zero (0) Feet, in accord with Section 5.3.6.3 below.

Side. Three (3) Feet, or greater as may be required by current building codes.

- (b) Rear. Ten (10) Feet.

§5.3.5.4 Height Limitations (*Revised October 4, 2021*)

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No building shall exceed thirty-eight (38) feet in height above the minimum elevation required by the adopted Flood Damage Prevention Ordinance.

§5.3.5.5 Maximum Impervious Surface Ratio,

exclusive of marshlands or natural water areas on the lot.40%

§5.3.5.6 Maximum Residential Floor Area

3,500 square feet of total heated space, excluding porches.

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§5.3.6 Design Requirements

The Village Commercial District shall observe the following minimum design requirements and, where applicable the requirements of Section 5.1:

§5.3.6.1

No principal structure shall be set back from the street right of way a distance greater than the smallest setback provided for existing structures on adjacent parcels or within 12 feet, whichever is less; provided however that a proposed building may be exempted from one or more setback requirements if such a move is necessary to preserve an existing tree on site of 12 inches or greater in diameter measured at 4' above grade. Undeveloped adjacent parcels shall be deemed to have zero setbacks.

§5.3.6.2

A minimum of 25 feet or 50% of street frontage, whichever is higher, of the principal structure façade shall abut the public right of way.

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Section 5.4 Highway Commercial District (HC)

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§5.4.1 Purpose and Intent

The purpose of this District is to provide for the development of intensive business and commercial uses in certain areas of the Town. This district is designed to provide comparative shopping opportunities within a concentrated area, and promote a business climate essential to the vitality and economic stability of the community. It is also the purpose of this District to provide opportunities for defined types of residential uses that are compatible with the commercial nature of the District.

Regulations and design guidelines applicable to properties within the Highway Commercial (HC) District are intended to promote efficient and coordinated use of parcels within the district; with carefully organized buildings, service areas and landscaped open spaces that provide for a compatible mixture of commercial, cultural, and limited employment uses in a pedestrian-friendly environment, which is compatible with the environmental integrity of the region.

The intent of these regulations is to encourage a pattern of commercial development that, while accommodating automobiles, reduces traffic and the reliance on vehicles for local residents by providing accessibility between parcels within the district and between the district and surrounding residential areas. They are further intended to foster building and site designs that are compatible with, and reflective of, the town's existing character and integrated within existing natural features of the district.

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§5.4.2 Applicability

The lawful use of buildings, structures, or land within the Highway Commercial (HC) District as of the date of adoption of this Article, that does not comply with the provisions of this Article, may continue and shall be subject to the provisions of [Article IV](#), non-conforming uses; provided however, notwithstanding the provisions of [Article IV](#), any alteration or repair to an existing building or structure, or any alteration of a use of land, which affects the exterior appearance of said building or structure or land shall be subject to the provisions of this Section.

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§5.4.3 Design Review

All development within the Highway Commercial (HC) District shall be reviewed for consistency with the regulations and guidelines contained in this Section by a Design Review Board, as established in [Article XII](#) of this Ordinance. The DRB shall apply these guidelines in a manner such that they will be in harmony with the character of the other buildings or structures on the site and/or in the district and the environmental integrity of the region.

Alterations, modifications or additions to existing structures that are not visible from a street or publicly accessible travel way, or replacement of existing sign faces, shall be

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presented to the Zoning Administrator for review prior to any work being undertaken. If the Zoning Administrator finds that the proposed work conforms to the design regulations and requirements contained in §5.4.9 hereof, the Zoning Administrator may issue an administrative Certificate of Approval. In determining conformity with design requirements, the Zoning Administrator shall take into consideration the compatibility of materials, colors and design details of the proposed work in relation to the existing structure and in relation to other structures in the vicinity and such other elements as (s)he may deem appropriate

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§5.4.4 Permitted Uses

Within the Highway Commercial (HC) District, a building or premise shall be used only for the following purposes, provided the primary use and/or associated building(s) do not exceed 15,000 square feet in total gross floor area:

- (a) Retail commercial establishments selling wearing apparel, jewelry, hardware, household items, sporting goods, reading material, stationery, art supplies, food, gifts, sundries, toys, health and beauty aids, music, beer, wine, liquor, painting and wallpaper, appliances, flowers, office equipment and supplies, photographic supplies and similar kinds of merchandise.
- (b) Personal service establishments such as laundries and dry cleaners (excluding on-site processing facilities), barber and beauty shops, shoe repair shops, secretarial service, and interior decorators, with no accessory drive-up service windows.
- (c) Pharmacies.
- (d) Financial Institutions, such as banks and savings and loan companies including automatic tellers and accessory drive-up services meeting performance standards listed in §5.4.5(b).
- (e) Business and professional offices.
- (f) Active and passive recreation uses.
- (g) Limited and full-service restaurants, excluding drive-ins and accessory drive-up services.
- (h) Churches and other places of worship or religious instruction.
- (i) Museums, art galleries and other uses related to culture indigenous of the region.
- (j) Single Family Detached dwellings.
- (k) Attached dwellings, with a maximum of four (4) units within a single structure.
- (l) Multifamily dwelling units located within the same building or on the same lot as a commercial use.
- (m) Government Agencies and Services.
- (n) Accessory land uses and buildings customarily incidental and subordinate to any of the above, excluding drive-through facilities except when expressly permitted as a conditional use.
- (o) Any use permitted in VC district, except residential uses not listed above.

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§5.4.5 Conditional Uses

Within the Highway Commercial (HC) District, certain uses of buildings and/or premises shall be permitted only if certain conditions or standards are met which mitigate potentially adverse impacts on the intended character of the district and adjacent properties as list below or as imposed by the Design Review Board:

- (a) Any individual building or use exceeding 15,000 square feet, but less than 25,000 square feet, of gross floor area provided that:
 - (1) All truck parking or loading facilities are located to the side or rear of the building, outside required landscaped yards, and screened from public rights of way.
 - (2) No storage or outdoor sales is proposed which will occupy greater than 10% of the gross floor or lot area.
 - (3) Outdoor storage of waste materials, equipment, supplies and vehicles are located to the side and rear of the building and buffered and screened from view of adjacent properties.

- (b) Drive through facilities associated with a financial institution, such as banks and savings and loan companies, or pharmacy, provided that:
 - (1) Vehicular access is limited to no more than two (2) drive-through lanes with 60 feet or less of stacking space per lane. ATM drive-up facilities shall count as one lane.
 - (2) The drive through facility and access way are integrally designed with the building and do not dominate its design.
 - (3) The drive through facility does not face US 17.

- (c) Open or field storage, when accessory to a permitted or conditional use, provided that:
 - (1) No such storage is located within a required front yard, or yard fronting on a public right of way.
 - (2) No proposed parking lot spaces are used for the storage of goods or merchandise.
 - (3) No storage or outdoor sales is proposed which will occupy greater than 30% of the lot area.
 - (4) Outdoor storage of waste materials, equipment, supplies and vehicles are buffered and screened from view of adjacent properties.
 - (5) No burning of material or products is conducted on the premises.

- (d) Automobile sales, service and repair and gasoline stations, provided that:
 - (1) All service and repair is conducted within thirty feet (30') of the principal building.
 - (2) There shall be no access towards or through adjoining residential districts.

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- (3) No junked, salvaged, or abandoned vehicles, or parts thereof, shall be stored on the premises.
- (4) Such use shall be so arranged as to require all servicing on the premises and outside the public rights-of-way and no gasoline pump or air outlet shall be placed closer than twenty (20) feet to any property line.
- (e) Commercial entertainment establishments such as bowling, billiards, theaters, provided that:
 - (1) Such use is not located within 150 feet of residentially zoned property.
 - (2) There shall be no access to adjoining residential districts.
 - (3) Such use shall not operate between the hours of 12:00 a.m. and 11:00 a.m.
- (f) Manufactured homes for single family occupancy, provided that the site/foundation plan for such use is approved by the Building Inspector, and illustrates compliance with the following minimum requirements:
 - (1) Recreational vehicles shall not be construed as manufactured homes for the purpose of providing permanent occupancy for human habitation.
 - (2) The manufactured home shall be a HUD approved unit, certified under the SC Manufactured Housing Standards, National Manufactured Housing Construction and Safety Standards Act of 1974, and International Residential Code as applicable, and was constructed no more than 10 years prior to requesting installation.
 - (3) The home shall be supported by a foundation system, which meets the requirement of the Standard Building Code (ICC) or such other building code as the Town may adopt.
 - (4) The home's foundation shall provide a continuous enclosure, except for required ventilation and access, using materials comparable to predominant materials used in foundations of surrounding stick-built dwellings, as approved by the Building Inspector.
 - (5) The enclosed crawl space under the manufactured home shall be ventilated and include access panels as required by the Standard Building Code, or such other code as the Town may adopt, and where necessary, shall also be flood resistant.
 - (6) The manufactured home shall have a pitched roof, with a slope not less than four (4) feet in height for each 12 feet in width, with an overhang (eave) extending at least eight (8) inches from each vertical exterior wall. Site installed gutters may be counted in the width of the eave.
 - (7) Stairs, porches, and other entrance features of the homes shall be installed and constructed in accord with standards set by the Building Inspector.
 - (8) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the town.
 - (9) The manufactured home shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage.

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- (10) The minimum width of the main body of the manufactured home as assembled on site shall be at least twenty-two (22) feet for no less than the first twenty (20) feet of the home's depth.
 - (11) The home must be elevated to meet minimum base flood elevation (BFE) requirements of the Federal Emergency Management Administration and the current Flood Hazard ordinance adopted by the Town.
 - (12) No other structure shall be located on the lot where the manufactured home is situated, except garages for vehicles or boats.
 - (13) Notwithstanding any other set back requirements, the manufactured home must be at least 50 feet from any property line or rights of way.
 - (14) Notwithstanding the requirements of Sections (8) and (9) of this ordinance, a natural buffer, at least 10 feet in width and at least 6 feet in height, shall be installed and maintained along the perimeter of any lot where a manufactured home is located, said buffer to be of natural vegetation that, upon maturity, will be opaque and will provide density sufficient to protect occupants from undo noise and dust and provide privacy.
- (g) Light manufacturing, processing or assembly operations, including the storage and sale of materials, products or equipment on a wholesale or retail basis, but specifically excluding junk or salvage yards, or similar uses that may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards, radiation or other conditions harmful or objectionable to adjacent or nearby properties; provided that:
- (1) All truck parking or loading facilities are located to the side or rear of the building, outside required landscaped yards, and screened from public rights of way and/or adjacent property zoned or used for residential purposes.
 - (2) No storage of any kind is proposed within the front yard.
 - (3) Outdoor storage of waste materials, equipment, supplies and vehicles shall be buffered and screened from view of adjacent properties.
 - (4) Operation of the manufacturing use does not create noise in excess of 80 dB, as measured at the property boundary of the noise source using the fast meter response of a sound level meter, reduced to 70 dB maximum between the hours of 7 p.m. and 7 a.m.
- (h) Communication tower; provided that:
- (1) The tower must not be higher than 199 feet, measured from grade, using construction which does not require the use of guy wires. The applicant shall provide an engineer's certification that the height proposed is the minimum required to allow for the applicant to meet its communication needs.
 - (2) The tower must be located no closer to residential zoned property than a distance equal to one and one-half (1 and 1/2) feet for each foot in height of the proposed tower, plus 50 feet as measured from the center of the proposed tower, if said property is intended to remain zoned as residential under the adopted land use plan for that area; provided however there shall

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- be at least a one hundred fifty (150) foot distance between the proposed tower and residentially zoned property.
- (3) The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties (the fall zone shall be determined by an engineer certified in the State of South Carolina in a letter which includes the engineers signature and seal).
 - (4) The proposed tower and associated improvements meet applicable zoning district setback requirements and applicable landscaping and tree protection requirements, and plans include the incorporation of a 25 foot buffer outside the perimeter tower base fenced area that provides an opaque screen from public rights-of-way and adjoining properties, all of which must be installed prior to a certificate to operate the tower being released.
 - (5) The proposed tower and any lights or light reflecting from it must not be visible from property listed on or eligible for listing on the National Register of Historic Places, or from a road or river which has been officially designated as a scenic road, by-way or river. The line of site to determine whether a proposed tower will be visible from a certain location, will be from:
 - a. As to roads - 6 feet above grade;
 - b. As to rivers - the level of the river at mean high tide; and
 - c. As to historic properties - 6 feet above grade if unimproved and the highest floor intended for human occupation, if improved.
 - (6) The proposed tower shall be illuminated only to the minimum as required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other regulatory agencies. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency. Unless otherwise required by federal agencies, only white (preferable) or red strobe lights shall be used at night and these shall be kept to the minimum number, intensity and frequency of flashes per minute, as required by law. The use of solid red or pulsating red lights shall be avoided. Security lighting for on-ground facilities and equipment shall be down shielded to keep light within the boundaries of the site.
 - (7) The color of the proposed tower is appropriate to blend in with its surroundings.
 - (8) The proposed tower and associated structures are appropriately secured by means of non-climbable walls, fences or other devices.
 - (9) The applicant has produced documented attempts to co-locate on existing communication towers, buildings, or other structures in its site search area or documented reasons why such is not feasible, and the applicant commits to make every effort to construct the proposed tower in a manner to allow other telecommunication users to co-locate and commits to allowing other users to co-locate on the proposed tower in the future subject to engineering

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capabilities of the structure, frequency considerations, and proper compensation from the additional user.

- (10) An applicant proposing to locate a tower within 1000 feet of the center of an existing tower has certified, in writing, that the existing tower does not meet the applicant's structural specifications and technical design requirements, or a co-location agreement could not be reached at a reasonable market rate, specifying the rate offered by the existing building/tower owner or operator.
 - (11) The applicant has demonstrated, through an intermodulation study or other verifiable evidence, that the tower, as proposed to be sited and constructed, will not interfere with public safety communications, and certified that the study or other evidence has been provided to the applicable public safety agencies, including the Charleston County Sheriff, the Chief of the McClellanville fire district, the director of the Charleston County Emergency Preparedness Department and the Administrator of the Town, or their respective successor agencies.
 - (12) The applicant (an owner of the site, if owner is not the applicant) has committed, in writing, to dismantle and move the tower within 60 days of abandonment, which for purposes of this section means the tower is not used for communication purposes for 120 consecutive days (with no new application on file for any communication user) or is not maintained in accordance with this ordinance for a period of 30 consecutive days after notice from the Town of noncompliance.
- (i) Tattoo Facilities, or parlors, provided that:
- (1) The facility or parlor is duly licensed by the South Carolina Department of Health and Environmental Control;
 - (2) The facility or parlor is no closer than 1,000 feet to a church, school, or playground, said distance being measured in accordance with S.C. Code § 44-34-110 (1976), as amended;
 - (3) Such facility or parlor is not open for business between the hours of 5:00 PM and 9:00 AM; and
 - (4) Notwithstanding the provisions of §5.4.11.5, the buffer required by §5.4.11.3 shall not be reduced.

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§5.4.6 Lot and Building Requirements

Regulations governing the location and height of structures, and the lot area on which they may be placed are as follows:

§5.4.6.1 Minimum Lot Area

1.0 acres.

§5.4.6.2 Minimum Lot Width

150 feet.

§5.4.6.3 Minimum Setback Requirements

- (a) Adjacent to US 17. 100 feet. Such setback may be reduced to no less than 50 feet, subject to approval of the ARB, if it is demonstrated that:
- (1) No structures or uses are proposed to be located between the principal building and the road right of way.
 - (2) The principal structure(s) is designed with two principal facades; one facing US 17, the other facing the principal building entrance or other public right of way.
 - (3) All other proposed development activity is physically designed, landscaped, and oriented such that it is compatible with surrounding structures built in accord with the design guidelines included within this ordinance.
- (b) Front (other than frontage on US 17). 50 feet.
- (c) Side. 20 feet.
- (d) Rear. 20 feet.
- (e) Minimum distance between structures located on an individual lot or building space. 20 feet, provided however that covered walkways connecting buildings or connecting buildings with parking areas may traverse such space.

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§5.4.6.4 Maximum Height

40 feet above the minimum elevation required by the McClellanville Flood Damage Prevention Ordinance.

§5.4.6.5 Maximum Net Residential Density

Two (2) dwelling units/acre.

§5.4.6.6 Maximum Lot Coverage

25%.

§5.4.6.7 Maximum Impervious Surface Ratio, exclusive of marshlands or natural water areas on the lot

30%.

§5.4.6.8 Maximum Residential Floor Area

3,500 square feet of total heated space, excluding porches, subject to review and approval by the Design Review Board.

§5.4.6.9 Minimum Landscaped Open Space

20%.

§5.4.6.10

Development of parcels five (5) acres or greater in size, proposing lot and building requirements other than those listed above, must obtain approval as a Planned Development District under this Article and [Article XIII](#) of this Ordinance. As a condition of approval for such developments, Town Council may require review by the DRB and demonstrated conformance with the design guidelines contained herein.

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§5.4.7 Design Requirements-General

In determining whether to approve or deny an application for the erection, reconstruction, alteration, or restoration of a building in the Highway Commercial District, the Design Review Board shall consider only those matters pertinent to the creation/preservation of the district's character/or architectural aspect and the nature of building(s), signs, site, or area, including the following criteria:

- (a) The effect of the proposed development upon the general architectural nature of the HCD and its contribution towards the district's appearance, character and economic value, as well as that of the town.
- (b) The impact of the proposed development on surface ground water quality, adjacent watershed and estuarine system.
- (c) The impact of the proposed development on existing natural features and the preservation/integration of these features within the site design.
- (d) The quality and degree of integrity of exterior architectural design elements and features that can be seen from a street or sidewalk.
- (e) The ease of pedestrian/cyclist access between the proposed development and adjacent developments within the district, and between the proposed development and adjacent residential neighborhoods.
- (f) The general design, arrangement, texture, material and color of a building or structure(s) and the relation of such factors to similar features of buildings or structures in the District.

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§5.4.8 Design Requirements-Site Development

Specific consideration shall be given, but not limited to, the following:

- (a) Siting of Buildings. Buildings shall be sited in a manner that preserves existing natural features, significant vegetation and significant views of the site. All proposed development shall be located and configured in a visually harmonious manner with the existing terrain and vegetation of the subject parcel and that of surrounding parcels. Where reasonably practical, proposed structures shall not impede scenic views of natural features within the district from Highway 17, existing structures or natural settings. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing, and removal of trees and vegetation, which could disrupt natural watercourses or disfigure natural landforms. Environmentally

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sensitive areas of a site shall be protected and/or enhanced by plantings of appropriate native vegetation.

- (b) Relationship of Landscaping. Sites shall exhibit a predominance of landscaping, with emphasis on the preservation of existing trees and use of native vegetative materials. Any trees to be removed shall be removed in a manner that conforms with Article IV of this ordinance such that removal does not damage trees to be retained.
- (c) Plantings. Simple masses of plant materials should be used to provide unity. Accent plantings may be played against the predominant plant material in existing vegetative areas to create contrast. Accent plantings in areas of natural vegetation should consist of indigenous plants. All plant material should be selected for its structure, texture, color and estimated size at maturity.
- (d) Directional Orientation of Primary Elevations. Informal clustering of buildings and parking is encouraged to achieve coordinated development that is efficient in function and provides more usable open space. Where individual parcels are developed with a building(s) directly behind the required setback adjacent to US 17, the structural shape, planning of openings and architectural details of such buildings shall be oriented both towards the highway and the façade providing entrance to the structure. Structural shape, planning of openings and architectural details of buildings shall provide a distinct orientation away from the highway in “village” sections of the District.
- (e) Scale. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in surrounding areas of the town. Buildings should be scaled so not to dominate the site or break prominent skylines. They shall be of a scale that relates to the size of a pedestrian, as determined by building mass and how it relates to open space separating buildings from the highway and surrounding open spaces.
- (f) Site Grading. Natural drainage patterns should be maintained in site design to the greatest extent possible. Abrupt grade changes shall not be permitted. Where modifications cannot be avoided, surface drainage systems shall be provided that are incorporated within the site’s landscape plan.
- (g) Vehicular Accessibility. To the extent possible, direct access points and driveways to US17 shall be limited. Vehicular access between any proposed development and US 17 shall be coordinated with adjacent parcels to establish a limited number of shared access points in the general vicinity of those shown on the adopted HCD concept plan. Except where access points to adjacent parcels abut one another, access points shall be located a minimum of two hundred-fifty (250) feet from any existing or approved access point or street intersection. Vehicular access from streets and highways to properties in the District shall be confined to access drives not exceeding thirty (30) feet in width at the street line. Interparcel connections between sites fronting on US17 shall be encouraged for each proposed development to facilitate use of these shared access points.
- (h) Pedestrian Accessibility. Site design shall facilitate pedestrian/cyclist circulation both within the site and between adjacent sites. Buildings on individual and/or adjacent sites shall be accessible to pedestrians and cyclists from parking areas and/or residential areas abutting the District. Pedestrian/cyclist facilities shall be separate from and shall not conflict with vehicular circulation areas. Walkways or

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trails shall be between four (4) and five (5) feet in width, constructed with a smooth, semi-pervious surface that can be maintained.

- (i) Paving Materials. The use of various surface treatments to distinguish areas for pedestrians and other non-motorists from those of vehicles, such as brick pavers, coquina, stone or others shall be encouraged. Use of pervious or semi-pervious materials is encouraged.
- (j) Walls of Continuity. Physical components such as brick walls, wrought iron or wood fences, tabby, evergreen landscape masses, building facades, or a combination of these should provide cohesiveness between parcels within the District. Walls and fences shall harmonize with the site and building(s) on it in scale and materials. They shall respect existing natural features of the site, shall not dominate the buildings or landscape, and shall be integrated with plantings.
- (k) Lighting. Site lighting shall be of low-intensity from a concealed light source fixture, which does not distort colors or structures nor spill over into adjoining properties, roadways, or in anyway interfere with the vision of oncoming motorists and pedestrians or detract from the rural character of the district and surrounding community. Lighting fixtures attached to the building or visible to the public should complement buildings and shall not produce light that illuminates areas off site. Exterior light fixtures should be simple in design, of dark colors, with lights that produce a warm effect. Lighting shall be done with a number of low intensity sources close to the area requiring illumination. Lighting sources shall be directed downward and shall be shielded so not to be visible from adjacent properties or public rights of way. Exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5-foot candles above the background, measured at the lot line of any adjoining residential or agricultural parcel.
- (l) Service Areas. Site design shall consider the placement and screening of service areas and auxiliary structures. Structures shall be oriented so that loading areas are in no manner visible from residential districts or existing or planned public rights of way. Loading areas may be oriented towards adjoining developed properties within the District only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural design of the project and are appropriately landscaped. Mechanical equipment, service areas and means of access (i.e. delivery areas) shall not be on the primary facades of buildings, in front yard areas, or otherwise visible from public rights of way. Mechanical equipment shall be shielded and screened from public view and designed to be an integral part of the building it serves.
- (m) Parking. The visual impact of off-street parking shall be minimized. All off-street parking areas shall be located to the side or rear of buildings and screened so that they do not dominate the streetscape. Limited parking shall be allowed between buildings and US 17 only when no other possibilities exist. Fences, hedges and landscaping shall be used to screen all parking areas from public rights of way. Parking lots shall be designed to accommodate pedestrians and landscaping as well as constituting vehicular storage. Parking areas shall be located within 400 feet from the principal entrance of the building they serve. Each individual parking area shall

not exceed 200 by 200 feet in area. The use of pervious materials for parking areas is encouraged.

- (n) Open Spaces. Open space areas shall be provided on all sites, including landscaped areas or courtyards. Wherever possible, outdoor “spaces” or gathering areas should be created within these open space areas of the project, through the use of appropriate street furniture strategically placed for the benefit of non-motorists.
- (o) Screening. When any building, structure or land use, including accessory parking, is located adjacent to a residential district or residential use, the screening requirements prescribed in this section and Article VII between such uses shall apply.

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§5.4.9 Design Requirements-Buildings and Structures

Specific consideration shall be given, but not limited to, the following:

- (a) Compatibility. All structures or buildings shall be specifically designed for their particular site and with consideration of the character of the HCD. Individuality in the design of each building shall be encouraged, however, unity or compatibility between buildings should be achieved by proportional relationships, material composition, setbacks, heights, parking arrangements and other site planning elements. Relationships between color, texture and materials between existing and proposed structures should be considered and established.
- (b) Design Forms. Building forms, materials and detailing shall be straightforward and typical of the town. Architectural gimmickry and franchise architecture or corporate designs shall be avoided. Domineering or overpowering architectural features, such as gasoline canopies, which are not harmonious with the scale, proportion, detail, material, color and design quality of other buildings and structures within a proposed development shall be discouraged.
- (c) Proportion of Facades. The relationship between the width and the height of building facades shall be varied. Changes in the planes of walls, direction or variety of roof forms will create diversity and visual interest. Long, monotonous façade designs, including those characterized by unrelieved repetition of shape or by unbroken extension of line, shall not be permitted. Structures greater than 60 feet in length shall exhibit a prominent shift in the façade so that no greater than 75% of the building façade appears unbroken.
- (d) Rhythms of Solids to Voids in the Façade. Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building shall be maintained on all facades visible to the general public.
- (e) Proportion of Openings. The relationship of width to height of windows and doors shall be proportionate. The proportion of windows should complement the proportions of the building. Window shapes other than rectangles shall be used sparingly as accents to avoid creating busy facades. Window and doorframes shall have a visual mass that is typical of architecture in the town. Doors shall be located in a manner that complements the design of the building as well as serving their intended function.

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- (f) Relationship of Materials. Materials shall express their function clearly and honestly and shall not appear as materials that are foreign to the rest of the building, development, and/or town. The use of materials indigenous to the coastal region such as wood, brick and masonry is encouraged. Within a proposed development, predominant materials such as brick, stucco (except synthetic stucco), tabby, wood siding or other similar materials, such as Hardiplank, shall be evident. Wall materials shall convey a sense of human scale and warmth.
- (1) Any exterior elevation of a building shall consist of architectural materials that are consistent in quality, appearance and detail to all other exterior elevations of the same structure. The use of different materials on various elevations of the same structure shall be permitted provided that materials maintain the architectural integrity and unity of the entire structure. Changes in wall materials shall create interest, but should be executed with restraint to avoid visual confusion or competition with the natural surroundings. A hierarchy of materials within a façade is encouraged (i.e. heavier materials at foundation moving up to lighter materials).
- (2) Portions of a building constructed with unadorned masonry units or metal shall be landscaped so to screen visibility from adjoining developed properties, existing or planned public rights of way, or adjoining properties eligible for development. Solid aluminum, vinyl, and other reflective/highly tinted window and doorframes should be discouraged, except where such materials are used to clad wood frames for weather resistance.
- (g) Relationship of Textures. Predominant textures of development on an individual tract or section of the District (i.e. smooth such as stucco or rough such as brick with tooled joints or horizontal wood siding, or other textures) should be evident.
- (h) Relationship of Color. Wall colors shall harmonize with the surrounding landscape. A predominate color scheme, preferably one of warm earthy hues, should blend with trim colors.
- (i) Relationship of Architectural Details. Architectural details and their relationship to structures in consideration of adjacent ones, including but not limited to, shutters, cornices, lintels, arches, balustrades and iron work, chimneys, etc. shall be functional and/or operational, not just replications.
- (j) Relationship of Roof Shapes. Buildings should have compatible roof shapes such as gable, hip, gambrel and/or others. Accessory structures, including gasoline canopies, shall have roof shapes similar to that used on the principal building(s). Roof designs shall anticipate direction of shed water and shall not drain onto walkways, entry areas, decks or landscaping.
- (k) Utilities. The necessity for utility connections, meter boxes, and the like shall be recognized and integrated with architectural elements of the structure. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters, and proposed buffering or screening of such, shall be shown on the site plan.
- (l) Alterations. Where possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

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- (m) Awnings. All awnings shall be made of canvas or similar fabric. Awnings must be maintained and/or removed at the expense of the owner.

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§5.4.10 Landscaping

The purpose and intent of landscaping requirements are to reduce the visibility of paved areas from adjacent properties, to moderate climatic effects of development, minimize noise and glare, reduce the amount of storm water runoff and provide transition between neighboring properties.

- (a) All development approved after the effective date of this ordinance shall provide landscaping between development and the right of way line of US 17, between all proposed structures and parking areas, and between neighboring developments in accord with the landscaping requirements of this ordinance.
- (b) Additional landscaping may be required to create buffer areas, which serve to maintain and enhance the rural character of development within the district, as well as mitigating potentially adverse impacts between incompatible uses within the district and between uses adjacent to the District.
- (c) No less than 75% of all trees and shrubs, and all ornamental grasses, used for landscaping of a site shall be species listed in Appendix A: Native Plants of the South Carolina Coastal Plain.
- (d) A landscaped pathway system, capable of accommodating pedestrians and cyclists, shall be provided in conjunction with any development within the District, consistent with the adopted HCD concept plan.

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§5.4.11 Buffers

Where buffers or screening are required, either pursuant to the terms of this Ordinance, or by virtue of a finding by the Zoning Administrator, to mitigate potentially adverse impacts within the HCD district they shall comply with the following:

§5.4.11.1 Adjacent to Highway 17.

A landscaped buffer, averaging 50 feet in depth, but no less than 30 feet in depth at any point, shall be provided between any development and the right of way for US 17.

- (a) The buffer shall be provided directly adjacent to and measured from the frontage property line, except where easements or rights of way are continuous with the frontage property line, in which case the buffer depth shall be measured from the inboard line of the right of way or easement.
- (b) Such buffer shall be continuous, except that it may be penetrated or traversed by the pedestrian/cyclist path and vehicular access points as depicted on the adopted concept plan for the HCD. Where this buffer is traversed by vehicular access points, no landscaping or signage exceeding two (2) feet in height above the road grade shall be placed within a triangular

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area formed by the highway and vehicular access at the property line and a line connecting them at points 25 feet from the intersection, except for a reasonable number of trees pruned to permit automobile drivers an unobstructed view from the site.

- (c) The following vegetative materials requirements shall be provided for each fifty (50) linear feet of required buffer area, or part thereof, utilizing either existing or newly planted vegetation:

Four (4) Canopy Trees each a minimum diameter of two (2) caliper inches in size and ten feet (10') in height at time of installation;

Three (3) under-story trees a minimum of six feet (6') in height at time of installation; plus

Twenty (20) shrubs (4 ft. in height at maturity).

- (d) No less than 75% of trees and shrubs, and all ornamental grasses, installed to comply with the requirements of (3) above shall be species listed in Appendix A of this Ordinance: *Native Plants of the South Carolina Coastal Plain*.
- (e) The density of such vegetation may be varied within the buffer area to enhance the visibility of structures from the highway, however no area of the frontage shall have vegetation 50% less in density than any other area of the buffer. Where buffer vegetation is varied, minimum density of vegetation shall not occur at high activity areas, such as but not limited to vehicular access points, building entrances, drive-through, or service areas.
- (f) The use of earthen berms, between three feet (3') and four feet (4') in height, but not exceeding a slope of 1:3, and open fences shall be encouraged to supplement buffer vegetation where service areas are visible from US 17.

§5.4.11.2 Non-residential Uses Adjacent to Residential Uses or Districts.

A landscaped buffer 30 feet minimum in depth shall be provided.

- (a) Such buffer areas shall be measured from the property line, inward.
- (b) Buffers created shall be opaque through the provision of densely planted or natural landscaping materials including a minimum of those materials prescribed in §7.2.1 of this Ordinance.
- (c) The buffer depth may be reduced by five (5) feet with the installation of a wall or fence at least six (6) feet in height.

§5.4.11.3 Non-residential Uses Adjacent to Other Non-Residential Uses within the District.

Landscaped areas no less than 10 feet in depth shall be provided between structures (unless located on the same lot), consisting of planted or natural landscaping materials containing a minimum of four (4) Canopy Trees, two (2) Understory trees and fifteen (15) shrubs (75% of which must be evergreen) per fifty (50) lineal feet of buffer area.

§5.4.11.4 Accessory Uses or Structures.

Buffers shall screen utility substations, dumpsters, loading and outdoor storage areas from view of public rights of way and adjoining properties in accord with the requirements in §7.2.1 of this Ordinance.

§5.4.11.5 Reduction of Required Buffers.

It is not the intent of this section to create buffer areas where these requirements are shown to be inappropriate or excessive with reference to the overall depth of an existing parcel or the existence of an opaque and continuous buffer of natural vegetation proposed for retention. Where these conditions are shown to exist, the Design Review Board may allow reduction of the average buffer depth by as much as thirty percent (30%), provided such reduction does not result in the proposed development providing a buffer which is substantially less in depth than that of adjacent or facing developments.

§5.4.11.6 Screening and Buffers in conjunction with Tree Preservation Requirements.

Nothing herein shall be deemed to preclude or be substituted for compliance with [Article VI](#) of this ordinance.

- (a) Trees retained in accord with [Article VI](#) may be utilized in full or partial fulfillment of the requirements of this Section, upon approval by the Zoning Administrator. Use of existing trees, however, shall not alone constitute compliance with the provisions of this section unless approved by the Zoning Administrator and/or Design Review Board.
- (b) Whether the requirements of this Section or [Article VII](#) conflict with those of [Article VI](#), the more restrictive of the two shall apply.

§5.4.11.7 Schedule of Compliance.

Buffers, landscaping and/or structures required by this Section shall be installed, constructed and erected prior to the issuance of the certificate of occupancy for the proposed use. Maintenance of buffer areas shall be the responsibility of the owner or occupant and/or occupant of the property.

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§5.4.12 Signs

Conformity in material composition, structural design, appearance, size, and lighting should be achieved between various advertising media used within the District. The Design Review Board will review and may place conditions on signs within the HCD to ensure the following standards are met in addition to those standards contained in [Article IX](#) of this Ordinance:

- (a) Placement. Signs shall be placed to emphasize design elements of buildings on a site and designed as part of the building, not as an unrelated object. Placement shall be determined primarily by criteria established by the building's architecture, relative size of the sign and its message. Signs may be placed within the required buffer area along US 17 provided they shall be designed as part of the site and not as an unrelated object. They shall not overpower or obliterate the architecture of the building facade. They shall be oriented toward pedestrians or vehicles in close proximity.

- (b) Clarity of Message. Primary signs should limit information to the name of a business and character of goods or services, and should be legible in the context in which it is seen. The number of words and composition and lettering style implemented in the sign design determines a sign's legibility. Type styles shall be simple, well proportioned and clearly legible. Hard to read, intricate letterforms and faddish type styles shall not be approved. The use of symbols shall be encouraged. Letterforms shall appear to occupy no more than 75% of the total sign area.
- (c) Colors. Sign colors should harmonize with the building architecture on which the sign is placed. Sign colors should harmonize with the surrounding streetscape.
- (d) Materials. Materials shall be high quality, durable materials that will continue to look good after a few years in the regional climate.
- (e) Lighting. Only non-glaring lights or lights shielded so that there is no direct light transmitted to other properties or public rights of ways shall be used within the HCD. Signs shall be illuminated by means of an external light source, except where a ground-mounted sign features translucent letters and graphics on an opaque background.
- (f) Means of Attachment. Durability of attachment method is important as well as any visible means of support.

§5.4.12.1 Integrated sign programs

Integrated sign programs shall be required for all new developments proposing more than one structure or use on a single parcel or tract of land. Standards for signs to be erected or installed as part of such program shall be reviewed by the Design Review Board to ensure placement, colors, materials, lighting, and design are consistent with the development's character.

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§5.4.13 Utilities

All utility wiring shall be installed underground.

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§5.4.14 Application Requirements

All applications for approval of development within the HCD shall be accompanied by a site plan that indicates the following:

- (a) Address and tax reference number(s) of the property proposed for development.
- (b) The north point, scale and date of site plan, and any revisions thereto.
- (c) Boundaries of the property proposed for development, the general location of all existing easements, property lines, existing streets, buildings, and other existing physical features on the property and adjoining the project.
- (d) Names and addresses of all property owners of the parcel proposed for development.

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- (e) Names and addresses of property owners for adjacent properties, with tax reference numbers and zoning.
- (f) Types of proposed land uses.
- (g) Existing land uses abutting the subject property.
- (h) Location of proposed structures, including accessory buildings, and proposed setback lines or easements.
- (i) Location of proposed parking and service areas, pedestrian and vehicular access ways, lighting fixtures and signs.
- (j) General location, height, width and material of all fences, walls, screens, buffers, plantings and landscaping proposed.
- (k) Drawings, including plans and exterior elevations drawn to scale with sufficient detail to show, insofar as they relate to exterior appearances, the architectural design of proposed buildings, signs, and walls.
- (l) Material board, demonstrating colors and textures proposed.
- (m) Photographs of the site location, illustrating development on contiguous properties and streetscapes.
- (n) Location and depth of buffer areas.
- (o) Schedule of screening proposed to be planted, including location, species, caliper, height, quantities and installations details of trees, shrubs and other landscape materials; as well as the location, height and grading details of proposed berms.
- (p) Tree protection plan, where applicable.
- (q) Location and width of proposed easements for shared access to US 17 where applicable.
- (r) Location and width of existing or required drainage easements, along with points of access for maintenance, as approved by the applicable agency responsible for such easements.
- (s) Approval letters or encroachment permits from the easement holder, where buffer areas or landscape elements are to be located in drainage or utility or other easements. Use of private or public utility easements or public drainage easements for buffer areas and screening elements will require written authorization of the easement holder, with copies thereof being submitted to the Zoning Administrator prior to review of any screening plan.

§5.4.14.1

All applications for approval of a communication tower within the HCD shall further include the following additional information:

- (a) The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.
- (b) Documentation indicting that co-location on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant, but found

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to be unfeasible, with reasons noted, as well as all documentation and written commitments required by §5.4.5(h) hereof.

- (c) Other information as requested to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact
- (d) The Zoning Administrator (or Board of Zoning Appeals) shall have the right to have any information submitted reviewed by an independent engineer or other applicable professional and the applicant shall bear the reasonable cost thereof.

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§5.4.15 Compliance and Maintenance

Prior to the issuance of the certificate of occupancy for a proposed use and subsequent to approval and completion of any development within the HCD, all features, including structures, buffers, parking areas, landscaping, signs and lighting, required by this Section shall be installed and maintained in good repair by the present and future owner(s) in full compliance with the conditions that were initially considered/agreed upon by the Design Review Board for the development at the time of approval.

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§5.4.16 Appeal of Action and/or Decisions Rendered

Application, evaluation and approval, for compliance with the provisions of this ordinance involve both the aesthetics of design and of land use regulation. Therefore, any party aggrieved or any officer, department, board or bureau of the Town may appeal administrative decisions pertaining to Sections 5.4.1 through 5.4.6 of this District by following the provisions for appeals to the Board of Zoning Appeals contained in Article XII of this Ordinance.

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§5.4.16.1

Any party aggrieved or any officer, department, board or bureau of the Town may appeal administrative decisions regarding matters under the jurisdiction of the Design Review Board (DRB) shall appeal such decisions to the DRB pursuant to the following:

- (a) Appeal for relief from such decisions must be submitted in writing to the Zoning Administrator within thirty (30) calendar days following the date of rendering of the decision and/or action from which relief is being sought.
- (b) Appeals may be submitted by any party having substantial interest in the matter under appeal. The appeal must state the specific action or decision which is being appealed, the person or group who has rendered the decision or action being appealed, the nature of the relief requested by the appeal, and the basis upon which the relief is considered to be warranted by the party submitting the appeal.

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- (c) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal was taken certified to the ARB, after the notice of appeal has been filed with him/her, that by reason of facts stated a stay would, in his/her opinion, cause imminent peril of to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or Court of record on application, on notice to the officer from whom the appeal was taken and on due cause shown.
- (d) The DRB shall fix a time for the hearing of the appeal or other matter referred to it under its jurisdiction pursuant to the provisions of this Article, and give public notice of it, as well as due notice to the parties in interest and decide the same within thirty (30) days. At the hearing, any party may appear in person or by agent or by attorney.
- (e) Decisions of the DRB shall be by majority vote of members present and voting, following adopted procedural rules.
- (f) The Design Review Board shall render its decision in writing, specifying findings of facts and conclusions, which shall be delivered to the applicant by certified mail.
- (g) Upon a motion by a party or the board's own motion, the DRB may remand a matter to an administrative official if the Board determines the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review.
 - (1) The DRB must set a rehearing on the remanded matter without further public notice for a time certain within sixty (60) days unless otherwise agreed to by the parties.
 - (2) The Board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing shall be mailed to these persons prior to the rehearing.

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§5.4.16.2

Any person who may have a substantial interest in any decision of the Design Review Board or any officer, or agent of the Town, may appeal any decision of the Board to the Circuit Court in and for Charleston County by filing with the Clerk of Court a petition, in writing, setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Design Review Board.

- (a) A property owner whose land is the subject of a decision of the Design Review Board may appeal either:
 - (1) As provided above; or

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- (2) By filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with §6-29-915 of the SC Code of Laws, as amended.
- (b) A notice of appeal and request for pre-litigation mediation shall be filed within thirty (30) days after the decision of the Design Review Board is postmarked.

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Section 5.5 Marine Commercial District (MD)

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§5.5.1 Purpose

The purpose of this District is to promote the development of marine and fishery uses and other environmentally compatible employment uses similar in scale character that may capitalize on the Town's proximity to the ocean as a service area to the marine and fisheries industry and to enhance the economic vitality of the community. It is further the intent of this District to encourage the development of such uses in a park environment only within those employment areas designated in the Town's adopted comprehensive plan, with a scale and visual orientation towards Jeremy Creek similar to that of established industries.

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§5.5.2 Permitted Uses

Within the MD district, a building or premise shall be used for only the following purposes:

- (a) Mariculture.
- (b) Processing of seafood.
- (c) Dockage of commercial craft, excluding dry stack storage.
- (d) Marina and boat sales, leasing and service, excluding dry stack storage facilities.
- (e) Wholesale and retail seafood establishments.
- (f) Repair and outfitting of marine craft.
- (g) Contractor's offices and enclosed accessory storage facilities.
- (h) Other similar uses of the above general character.
- (i) Accessory buildings and uses customarily incidental and subordinate to the above uses on the same lot, excluding dry stack storage facilities.

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§5.5.3 Lot and Building Requirements

§5.5.3.1 Minimum Lot Area.

1.25 acres.

§5.5.3.2 Minimum Front Setback.

30 feet where abutting a residentially zoned property and/or a public street.

§5.5.3.3 Minimum Yard Setbacks.

30 feet where abutting a residentially zoned property to the side or rear.

§5.5.3.4 Maximum Height. (*Revised October 4, 2021*)

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38 feet above the minimum design elevation required by the adopted Flood Damage Prevention Ordinance or as is otherwise required by the Federal Emergency Management Agency

§5.5.3.5 Maximum Impervious Surface Ratio, exclusive of marshlands or natural water areas on the lot.

40%

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§5.5.4 Screening and Parking

Minimum screening and off street parking for and between permitted uses in this district and contiguous uses are described in [Article VII](#).

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Section 5.6 Planned Developments

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§5.6.1 Purpose and Intent

Development of parcels five (5) acres or greater in size, proposing lot and building requirements other than those listed within other districts in this Article, must obtain approval as a Planned Development District under this Section and [Article 13](#) of this Ordinance. The purpose of the Planned Development (PD) district is to accommodate reasonable community growth in a pattern that preserves and strengthens the village’s historic character and surrounding natural resources, while encouraging flexibility, economy, an ingenuity in the development of tracts adjacent to the existing village. It is the intent of this district to achieve:

- (a) Greater choice in the type of built environment and housing units available to the public;
- (b) Increased flexibility for proposed development within the ordinance;
- (c) Creation and retention of usable open spaces.
- (d) A creative approach to the use of land and related physical development;
- (e) An efficient use of land resulting in smaller networks of utilities and streets; and
- (f) Implementation of the goals and policies outlined in the adopted comprehensive plan. It is further intended that the Planned Development District allow for extension of the existing village in such a manner that the traditional design patterns of development within the village are repeated by new development that is ecologically, economically, and environmentally healthier than standard site development practices elsewhere in the region. The Planned Development district provides an alternative to standard site development practices, permitting the natural growth of the existing village so that:
- (g) The rural and historic character of the community is preserved by directing new development to appropriate locations in a manner consistent with traditional village development;
- (h) More efficient use of land and public services is encouraged by the incidence of new development in a traditional pattern.
- (i) New development contributes to the economic and environmental health of the community by providing alternatives to inefficient natural resource consumption resulting from sprawled development and segregation of land uses;
- (j) Future development continues the sense of place inherent in McClellanville, which promotes its community identity and sense of belonging, encouraging social interaction among residents;
- (k) The site plan created is based on sound ecological planning principles; and
- (l) New development uses economical and energy-efficient building prototypes and landscaping techniques as a basis for design in order to minimize reliance on non-renewable energy sources. As such, a Planned Development District shall be characterized as a contiguous expansion of the existing village, through an addition

that is similar in landform and street pattern to the existing town or village. Streets serving a planned development shall be both connected to the existing village street pattern and interconnected within the planned development. The district shall be designed to provide open spaces that enhance views of the community's natural resources.

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§5.6.2 Regulatory Effects

Consideration of a request for approval of a Planned Development District is based upon submission of a Concept Development Plan as specified in [Section 5.6.7.2](#) below. The Concept Development Plan consists of both visual and written representations of the proposed layout and/or design of the planned development, including alternative zoning regulations.

§5.6.2.1

Approval of a request to zone a specific parcel or tract of land as a Planned Development (PD) district constitutes a change in the Town's zoning map and zoning requirements applicable to those parcels included in the zoning request.

§5.6.2.2

Wherever an approved Concept Development Plan and accompanying documents conflict with provisions in the Town's land development regulations, provisions of the approved Concept Development plan supersede. All development requirements of the Town not specifically addressed by or illustrated on the Concept Development Plan apply.

§5.6.2.3

Transfer of ownership of a parcel or tract of land zoned Planned Development does not invalidate the regulatory effect of the approved zoning, including consistency with the Concept Development Plan.

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§5.6.3 Permitted Uses and Structures

§5.6.3.1

A listing of the permitted uses within a proposed Planned Development District shall be adopted as part of the rezoning approval. Following approval of the rezoning, the uses permitted in the district shall be restricted to those listed, as recommended by the Planning Commission and approved by Town Council.

§5.6.3.2

A Planned Development District may include a mix of residential, commercial, institutional and/or civic uses, as approved by Town Council. In planned developments where a mix of these uses is proposed on parcels, other than those zoned Highway Commercial at the time this Ordinance is adopted, no more than 15%

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of the net land area shall be devoted to non-residential uses. The list of proposed uses may include the following:

- (a) Residential Uses.
 - (1) Single Family Detached dwellings.
 - (2) Single Family Attached dwellings, with no greater than four (4) units per structure.
 - (3) Apartment dwellings on the same lot as an approved commercial use.
 - (4) Accessory dwelling unit on a single-family detached dwelling lot.
- (b) Commercial Uses (proposed on parcels zoned for residential development at this time this Ordinance is adopted).
 - (1) Bed and Breakfasts, in compliance with the provisions of [Section 3.5.2](#).
 - (2) Home Occupations, in compliance with the provisions of [Section 3.5.1](#).
 - (3) Childcare centers, day care centers, pre-schools and kindergartens.
 - (4) Professional offices, studios and clinics.
 - (5) Convenience retail and service establishments providing goods and services to residents of the planned development.
 - (6) Employment uses, where the proposed PD is adjacent to or rezoning an existing HC or MD zoning district, as provided for in the pre-existing district.
- (c) Institutional and Civic Uses.
 - (1) Schools or institutions of higher learning.
 - (2) Public parks, playgrounds or other active recreational use areas.
 - (3) Churches, synagogues or other similar places of worship.
 - (4) Government agencies and services.
 - (5) Open Spaces.
- (d) Accessory Uses pursuant to [Section 3.4.4](#).

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§5.6.3.3

Other uses similar to those listed in (a) above may be considered for approval as listed on the Concept Development Plan, provided however, that the following uses shall not be considered for approval as part of a request for zoning as a planned development except on parcels currently zoned Highway Commercial:

- (a) Uses proposing greater than 3,000 square feet of floor space.
- (b) Accessory drive-up service windows.
- (c) Open or field storage.

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- (d) Outdoor sales.
- (e) Commercial entertainment.
- (f) Manufactured housing.
- (g) Manufacturing operations.

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§5.6.4 Development Standards

Within any PD district, the Planning Commission and Town Council shall ascertain whether the characteristics of the proposed building siting shall be appropriate as related to the purpose and intent of this ordinance and to the structures within the planned development and the surrounding land uses. In addition, the following minimum development standards shall apply:

§5.6.4.1 Minimum Project Area.

The minimum project area shall be five (5) acres.

§5.6.4.2 Maximum Development Densities.

The overall density of development approved within a PD district shall not exceed that which can be adequately served by infrastructure existing or planned at the time of the rezoning or the following, whichever is less. In any case:

- (a) The maximum residential density shall not exceed the allowable density of the R district, except when the proposed PD is located within the designated Historic (H) District, in which case the maximum overall residential density of the proposed PD shall not be greater than that allowed within the Historic District.
- (b) The maximum non-residential density shall not exceed the allowable density of the Village Commercial (VC) district.

§5.36.4.3 Maximum Residential Floor Area.

3,500 square feet of total heated space, excluding porches.

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§5.6.4.4 Lot and Building Requirements.

Minimum lot width, yard sizes, and setbacks, maximum lot coverage, minimum building separation, and maximum height are subject to the approval of Town Council upon a determination that the characteristics of the building siting are appropriate as related to the intent of this Ordinance and the structures within the planned development and the surrounding land uses, in that such sitting does not produce safety hazards, traffic congestion, or interfere with the provision of services.

- (a) Any lot or yard forming the outer boundary of the PD which adjoins a residential district must conform to the conventional minimum dimensional requirements of the adjoining residential district; provided, however, that a common open space to a depth of 100 feet from the PD district boundary may

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be used in lieu of compliance with the conventional minimum dimensional requirements of the adjoining residential district. In no case shall a structure be erected within 25 feet from any external lot line of a planned development.

- (b) Multi unit portions of the PD shall be developed on the interior rather than the periphery of the tract so that the single-family detached units border adjacent properties developed with single-family detached residences.

§5.6.4.5 Screening.

All screening required by [Article VII](#) of this Ordinance shall be provided; provided however that Town Council may waive or alter screening requirements where it is found that the layout, site configuration or the existence of natural features are such that the absence/alteration of screening would not adversely affect adjoining land uses.

§5.6.4.6 Off-street Parking and Loading.

Parking and loading requirements shall comply with the requirements of [Article VIII](#) of this Ordinance. Before approval of a Planned Development application, the Planning Commission and the Zoning Administrator shall review and approve a parking scheme for the development. The planned development's deed and covenants shall include a legal instrument regarding the maintenance and repair responsibility for any off-street parking areas.

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§5.6.4.7 Access.

The development shall have access to at least one existing roadway classified as a collector roadway as defined by this Ordinance. No individual residential use within a PD shall be located so as to have direct vehicular access to any public roadway classified as an arterial or collector.

- (a) Frontage. Any subdivision of land occurring within a PD development shall require each lot to have frontage on a roadway constructed to the Town's specifications. The amount of such frontage shall not be less than the amount required in the Residential (R) district, except that a ten percent (10%) reduction in such frontage may be permitted for each lot fronting on an internal street upon a finding by Town Council, upon recommendation of the Planning Commission, that such does not produce safety hazards, traffic congestion or interfere with the provision of services.
- (b) Private Streets. Private streets are permitted in an approved Planned Development provided that such streets meet the design and construction standards of [Article XI](#). The association's deeds and covenants shall include a legal instrument regarding the maintenance and repair responsibility for the streets.

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§5.6.4.8 Open Space.

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In areas where single household units and/or two household units will be constructed, a minimum of 10% of the area shall be set aside for common open space,

- (a) Such open space shall reinforce the identity, form and character of the existing village by designated in a location that coordinates with those within the existing community; connecting with, expanding or enhancing open spaces or recreation areas that already exist.
- (b) A portion of the required open space required in the entire project area shall be included in each phase of the development, if built in phases. This portion of the required open space shall be equal to the percentage the phase being constructed is in proportion to the total size of the entire PD project area.

§5.6.4.9 Community Recreation Facilities.

Any community recreation facility proposed shall be designed to serve residents of the planned development and shall be in scale with the community character.

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§5.6.5 General Design Guidelines

In order to ensure that the structure of a proposed Planned Development district has a strong relationship between the existing village and adjoining agricultural areas, the following design elements shall be achieved. Methods for achieving these guidelines shall be illustrated on the Concept Development Plan or within supporting documents prior to approval of the rezoning:

§5.6.5.1

Sub areas of the proposed Planned Development shall consist of blocks and public spaces designed to reinforce the character of the existing village. Public space shall include streets and open spaces.

§5.6.5.2

Streets shall connect with and expand the existing village street system as a functional and visual extension of the existing street layout to provide for continuation of the circulation pattern within the village. Street designs shall support and encourage the use of non-vehicular forms of travel.

§5.6.5.3

Pedestrian accessibility to, from and within the proposed PD shall be provided via and integrated pathway system, part or all of which may be comprised of sidewalks.

§5.6.5.4

All site planning shall take into consideration existing non-renewable natural resources within the community so that natural water bodies, vegetation and other features are preserved, enhanced and incorporated within the development's design.

§5.6.5.5

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Placement of new landscaping and plant materials shall take into consideration seasonal sun and wind orientations, suitability to local soil and climate conditions, and water consumption requirements.

§5.6.5.6

The preservation of existing vegetation and native plant materials with low water consumption is encouraged.

§5.6.5.7

To protect groundwater, covenants governing the planned development shall include minimum standards and regulations for application of pesticides, fertilizers, insecticides and other outdoor chemical applications.

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§5.6.6 Modifications

Town Council, upon recommendation of the Planning Commission, may permit modification of any Development Standard or Design Guideline listed in this Article in conjunction with approval of zoning as a Planned Development. Modifications may be permitted after a PD district has been approved subject to Section 5.6.7 below. All requests for modifications must demonstrate the following:

- (a) The design and improvement of lots which shall contain such modifications shall be in harmony with the design and improvement of other lots within the proposed development and shall not, through the use of such modifications, be obviously different from, or inferior to, other lots within the proposed development.
- (b) The modifications shall not result in configurations of lots or street systems, which shall be impractical or detract from the appearance of the proposed development.
- (c) The proposed modifications shall not result in any detriment to the public health, safety or welfare.
- (d) Landscaping and other methods of design shall be used to ensure harmony with buildings within the development.
- (e) The maximum lot coverage shall not be exceeded.
- (f) The proposed modifications shall not result in any detriment to any adjacent uses or districts.
- (g) The proposed modifications will not place an unduly increased burden on existing systems of infrastructure, e.g. streets, or water quality.

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§5.6.7 Administrative Procedures

§5.6.7.1 Pre-application Conference

All applicants shall communicate their intentions to establish a Planned Development, and the proposed characteristics thereof, to the Planning Commission in the form of a sketch plan prior to submitting an official Application for

Amendment. The purpose of this pre-application discussion is to avoid undue delay in the review process after initiating such application, to facilitate review of materials that may be in preliminary form, and to avoid unnecessary expense in preparation of materials in final form that may later be found to be unacceptable or incomplete. The applicant is encouraged to seek professional assistance in the preparation of this plan.

§5.6.7.2 Community Discussion

Following a pre-application conference and prior to official submission of an application to the Planning Commission, all applicants shall host a community input meeting where the application concept is presented. The results of such meeting shall be documented and forwarded to the Planning Commission as part of the official application submission.

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§5.6.7.3 Applications

An applicant shall make application for an amendment to the existing zoning of a parcel in accord with **Article XIII** of this Ordinance by submission of a Concept Development Plan. The application shall be submitted to the Zoning Administrator who will forward such application to the Planning Commission for review. It must be accompanied by the following documents:

- (a) An approved and recorded plat of the total site including a boundary survey with vicinity map, title block, scale and north arrow.
- (b) Proof of ownership of all property to be included within the proposed Planned Development district or certification of the applicant as the representative of the property owner(s) if the property is not owned by a single entity.
- (c) A description of the development objectives to be achieved by the planned development. The statement shall describe the purpose and the character of the proposed development and its relationship to the current adopted Comprehensive Plan, zoning ordinance, and/or other adopted plans of the Town.
- (d) Site plan and supporting maps, which include:
 - (1) The number of acres of the overall site;
 - (2) Location and number of acres of various sub areas by type of use;
 - (3) The use, height, elevations, estimated impervious surfaces and location of all structures;
 - (4) Density figures for the various sub areas and phases of the site, including the number of units and density of each residential type, such number to represent the maximum number of units to be developed;
 - (5) Density figures for the various sub areas and phases of the site, including the floor area of each non-residential use, such number to

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- represent the maximum amount of non-residential floor area to be developed;
- (6) Existing and proposed circulation systems identifying arterials, collectors, local streets, landscaped areas, off-street parking areas, handicapped parking spaces, service areas, loading areas, major points of access to public rights-of-way and dumpster locations;
 - (7) Existing and proposed site conditions, including soils analysis and an on-site drainage plan with spot elevations at density of no less than fifty per acre;
 - (8) Existing and proposed utility systems;
 - (9) Open space and screening design;
 - (10) A dock master plan, if applicable;
 - (11) Development phasing map with stages of development depicted; and
 - (12) Other information as may be requested by the Zoning Administrator regarding configuration to facilitate the Planning Commission's review of the site plan.
- (e) A Statement of Intent, which includes:
- (1) A legal description of the proposed development boundaries;
 - (2) Total number of acres in the development;
 - (3) The number, type, size, and location of units;
 - (4) Maximum proposed impervious surface, including square footage and percentage;
 - (5) The number of off-street parking spaces related to the individual uses as required by [Article VII](#);
 - (6) A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the time for providing such improvements;
 - (7) A description of the existing and proposed site conditions, including soil analysis, hydrology study, and drainage plan;
 - (8) Open space, screening and buffer areas descriptions;
 - (9) Development phasing schedule for all construction with number of buildings, approximate construction dates and justification;
 - (10) A statement of impact on public facilities, including water, wastewater collection and treatment, schools, roadways, garbage collection, fire protection and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development;
 - (11) Description of the proposed procedures and operations of the homeowners' association or group maintenance features;

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- (12) A description of the types of uses to be included in the development, including their respective location, number and size, in square feet; and
- (13) Other information as may be requested by the Zoning Administrator due to site configuration to facilitate the Planning commission's review of the descriptive statement.

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§5.6.7.4 Planning Commission Review

After meeting all application requirements, a public hearing shall be held before the Planning Commission, in accord with the procedures set forth in [Article XIII](#) of this Ordinance. Recommendation as to an application for zoning of a PD district shall be made by the Planning Commission to Town Council after the hearing. Such recommendation may be made at the conclusion of the public hearing or at the next meeting of the Planning Commission and is advisory.

§5.6.7.5 Town Council Consideration

Upon receipt of a recommendation from the Planning Commission. Town Council shall schedule a public hearing. Town Council may then approve the application, may include specific modifications to the proposal or other applicable regulations, or may deny the application. Council shall pass upon the adequacy of the application in form and substance relative to any agreements, contracts, deed restrictions or other instruments involved. Such instruments shall be approved by appropriate officers and agencies prior to commencement of development activities.

§5.6.7.6 Compliance

If an application is approved, the development shall be required to be in accord with the approved planned development district, meeting the requirements of these and other regulations, as supplemented or modified by the Town in the particular case as part of its approval, and shall conform to any time or priority limitations established by Council on beginning and completion of the development as a whole, or in specified phases.

§5.6.7.7 Authorization to Proceed

Upon approval of a Planned Development, the official zoning map shall be amended to designate the approved district. Approval of a Planned Development district shall constitute authority for the applicant to submit a preliminary subdivision plan.

§5.6.7.8 Subdivision Plans

Approval of a Concept Development Plan and Statement of Intent shall constitute authority to prepare subdivision plans, if applicable, in accord with the procedure set forth in these land development regulations. Preliminary subdivision approval shall be deemed granted to roads that are constructed in accordance with location, alignment and other requirements specified by the approved Concept Development Plan and Statement of Intent.

No building permit or certificate of occupancy shall be issued until the applicant presents a letter from DHEC regarding the site capacity for onsite water and waste

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water systems and the Planning Commission has approved final plats for each phase of the development.

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§5.6.7.9 Issuance of Zoning and Building Permits

The Building Inspector shall only issue building permits for lots within a planned development district after all of the following conditions have been met:

- (a) All plats showing proposed features of the planned development as approved by the Planning Commission have been filed with the Building Inspector.
- (b) Any necessary agreements with the Town that the Town may become a party to have been completed and deed restrictions and other restrictive covenants related to the planned development have been recorded, with the Town Clerk and in the RMC office for Charleston County.
- (c) All required deed restrictions or other restrictive covenants as required by the Town Council upon approval of the amendment establishing the planned development district, and proof of recording of such deed restrictions and covenants in the R.M.C. office for Charleston County, have been filed with the Town Clerk.
- (d) The legal perpetual agreement setting forth the ownership, care, maintenance, and other responsibilities, including liability, for all commonly owned areas and structures within the planned development and proof of recording the same in the R.M.C. office for Charleston County have been filed with the Town Clerk.
- (e) The application as approved by Town Council setting forth and committing the developer to certain design standard development phasing schedules, and other pertinent matters are on record with the Town Clerk.
- (f) Where applicable, the posting of a bond or the giving of other surety in an amount and form approved by Town Council that adequate progress will be made in the project development has been completed.

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§5.6.8 Changes to an approved Planned Development District

§5.6.8.1 Major Changes

Proposed amendments to an approved planned development district involving the following changes shall be considered major amendments, and shall only be approved by the Town Council in the manner provided by law for the amendment to the zoning map at the time of any such proposed amendment:

- (a) The location of residential, office, commercial development sub areas, open space areas and major circulation systems;
- (b) The maximum number of allowed dwelling units and maximum net density for each sub area;

- (c) A requirement specific to the approved planned development;
- (d) Information required for open space and recreational use areas;
- (e) The plan for landscape screens and buffers; and
- (f) Amendments to the building phase schedule.

§5.6.8.2 Minor Changes

All other proposed amendments to the PD shall be considered minor amendments, and the Zoning Administrator, upon receipt of an application, may approve minor amendments to the PD.

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§5.6.9 Failure to Begin, Complete, or Make Adequate Progress

The descriptive statement approved by Town Council and duly recorded shall set forth the development schedule for the PD, including phasing of development of non-residential uses in relationship to residential uses in all events, development must begin within two (2) years of the approval of the PD, pursuant to the approved phasing schedule, unless the approval has been extended in accordance with §10.7 hereof.

§5.6.9.1

Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule set forth in the descriptive statement will be adhered to in order to guarantee the construction of streets, utilities, and other facilities and amenities or to allow for correction of improper development, such as the failure to develop areas designated for common open spaces.

§5.6.9.2

Upon the failure to make adequate progress as agreed to in the descriptive statement, Town Council may, at its option, enforce and collect upon the bonds as described above, or pursue such other means legally available to it to protect the public interest.

§5.6.10 Terms of Section to Prevail

In case of any conflict of the terms of this Section with terms of other requirements in this Ordinance, the terms of this Section shall prevail.

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Section 5.7 Residential Transition District

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§5.7.1 Purpose

The Residential Transition District (RT) is intended to allow for the establishment of nonresidential uses that create a transition between the more intensive commercial land uses permitted in the HCD and existing residential neighborhoods on lots that are currently zoned residential. It is further intended that any nonresidential development or use established in this district shall be consistent with the scale and form of existing residential neighborhoods such that the village’s rural character is not compromised.

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§5.7.2 Size and Location

The following, amongst other, criteria shall be met in considering requests for land to be zoned as Residential Transition:

- (a) Lots shall abut land zoned in the existing Highway Commercial Zoning district without an intervening street.
- (b) Lots shall front on an arterial or collector street (e.g. Highway 17, SC 45, River Road, North or South Pinckney).
- (c) No more than two (2) lots shall have been combined to create the parcel proposed for rezoning.
- (d) Lots shall not exceed five (5) acres in total land area.

Nothing herein shall be construed as limiting the authority of Town Council to reject a RT (re)zoning request when, in its discretion, it deems such to be in the interests of the public or in furtherance of the goals and objectives of the Comprehensive Plan.

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§5.7.3 Permitted Uses

Within the RT district, a building or premises shall be used only for the following purposes:

- (a) All uses permitted in the Residential District
- (b) Business and professional offices, studios, clinics and clinical laboratories.
- (c) Financial Institutions, such as banks and loan companies.
- (d) Offices for non-client based civic and non-profit agencies.
- (e) Multifamily dwelling units located within the same building or on the same lot as a commercial use.
- (f) Accessory uses, in conjunction with permitted uses, which are customarily incidental and subordinate to permitted uses and structures excluding drive-through facilities, as listed in [Section 3.4](#) of this Ordinance.

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§5.7.4 Conditional Uses

The Zoning Administrator may permit the following uses provided it is found that all performance standards for such use(s) below or in §3.5 of this Ordinance will be met.

- (a) Elementary school, middle school, high school, or institution of higher learning provided that the lot is a minimum of twenty (20) acres in size, no structure or parking area or space serving the school is located within fifty (50) feet of any property line, facilities do not include the use of mobile classrooms, and the parking or loading requirements of this Ordinance are provided on site.
- (b) Public park, playground or other active public recreation area.
- (c) Public library or museum provided that such use is on a parcel of land a minimum of one (1) acre in size and no building, parking area or accessory use are located within thirty (30) feet of any property line.
- (d) Church, synagogue or other similar place of worship provided that such use is on a parcel of land a minimum of three (3) acres in size facing a street having not less than a fifty (50) foot right-of-way, provided that no structure or parking area is located within fifty (50) feet of any property line.
- (e) Home Occupation, in compliance with provisions of §3.5.1.
- (f) Bed and Breakfast, in compliance with provisions of §3.5.2.

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§5.7.5 Lot and Building Requirements

The location and height of structures, and the area upon which they may be placed, are as follows:

- (a) Minimum Lot Area. One (1) acre or 43,560 square feet, unless otherwise specified as a performance standard or condition of approval for a particular use.
 - (b) Minimum Lot Width. 120 feet.
 - (c) Minimum Setback Requirements.
 - (1) Front: 40 feet*
 - (2) Rear: 30 feet*
 - (3) Side: 16 feet*
- *Unless conditional use requirements specify otherwise
- (d) Maximum Height of Structures above the minimum elevation required by the McClellanville Flood Damage Prevention Ordinance.
35 feet.
 - (e) Maximum Lot Coverage.
25%.

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- (f) Maximum Impervious Surface Ratio, exclusive of marshlands or natural water areas on the lot.
 - (4) For lots .75 acres in area or larger, the greater of 20% or 5,000 square feet.
 - (5) For lots less than .75 acres in area, the greater of 20% or 3,000 square feet.
- (g) Maximum Net Residential Density.

Two (2) dwelling units/acre.
- (h) Maximum Residential Floor Area.

3,500 square feet of total heated space, excluding porches.

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§5.7.6 General Design Requirements.

- (a) Building additions and new structures for nonresidential use shall be designed to look like existing residential structures in the vicinity in terms of their character, height, material, roof pitch and slope.
- (b) Parking for nonresidential uses shall be restricted to the side or rear of the principal building.
- (c) All development within the RT shall be reviewed by the Design Review Board in accord with [Article XII](#) of this Ordinance.
- (d) Development on lots fronting on US 17 shall meet all design requirements for the HCD in [Section 5.4](#) of this Ordinance.
- (e) Exterior lighting, if used shall be shielded, residential lighting, installed to minimize glare on adjacent properties and to ensure the light source is not visible from adjoining properties.
- (f) Landscaped buffers shall be provided in accord with [Section 7.2.1](#).
- (g) Signage will be consistent with that permitted in the Residential (R) District.

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