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Memorandum

To: McClellanville Mayor and Council
From: Kathryn S Basha, AICP, BCDCOG Planning Director
Date: September 2, 2025
Re: Proposed Zoning Ordinance Amendments - Summary Update

The following is a summary of recommended zoning ordinance amendments. Specific language of the recommended regulations is provided in the various ordinance sections showing tracked changes that have been provided with the posted packet.

This summary has been updated to clarify amendments that were unclear to the public at the August 25th public hearing and to provide a summary of discussions/public input that was received. At the conclusion of the joint public hearing on 8/25/25, the Planning Commission voted 4-0-1 to recommend the draft amendments to Articles 3, 5, 8, 10, 11, 12 and 14. The Commission further voted 4-0-1 to have the Planning Commission revisit the recommended amendment to Article VII.

Article 3 - General Provisions and Interpretations

- **Section 3.2.5 Yard Encroachments** (relocated existing provisions under Section 3.4.4 (c)(6)c.) from application to accessory structures so that the provisions address allowed encroachments for all structures (principal and accessory).
- **Section 3.5.2 - Bed and Breakfasts** - Bed and Breakfast Homes (which are considered a home occupation) and Bed and Breakfast Inns (which is more of a commercial use) are currently conditional uses in the ordinance. Clarifications have been made to more clearly distinguish between Bed and Breakfast Homes and Bed and Breakfast Inns with Vacation (Short-term) Rentals. All these uses are currently allowed with conditions. The amendment proposes that B&B Homes require a record of occupancy to be maintained, clarifies that breakfast and snacks can be served to registered guests, and rentals/tenants must adhere to noise levels established in Section 3.6.2(b). Section 3.5.2(c) has been added to call out permitting requirements, including annual renewals, and to limit the number of Bed and Breakfast business licenses that can be issued annually to no more than 5% of the estimated number of housing units within Town each year along with Vacation Rentals.

- **Section 3.5.3 - Vacation (Short-Term) Rentals** - Amendments are proposed to clarify conditions for approval including requirements for business licenses, for property owners and/or managers to be availability for emergencies, to tie maximum occupancy to documentation of septic capacity, for the lease agreement to stipulate that renters obtain temporary event permit with limit of attendees (twice the occupancy limit permitted) and compliance with town-wide noise levels. Vacation rentals are proposed to be a conditional use in the Village Commercial and Highway Commercial districts. Committee/Commission recommendation is for Vacation Rentals to be a conditional use in Residential zoning districts when the owner resides on the property. Business licenses for Vacation Rentals are also recommended to be limited to no more than 5% of housing units determined to be within Town each year.

Public hearing comments:

1. General support for having a limit on the number of business licenses issued annually for Vacation Rentals.
 2. Noted by a Zoning Review Committee member that additional regulations on Vacation Rentals are recommended because the village does not have available enforcement 24/7 so having eyes and ears of property owners in the residential district is needed. Also noted that zoning of these type uses sets the tone for the town's future - does the Town want to be a destination for vacationers?
 3. Request that it be clarified the 5% cap on business licenses for B&B Homes, B&B Inns and Vacation Rentals is inclusive of all these uses (not 5% for each use)
 4. Excluding the housing units in subdivisions that already have covenants and restrictions on these uses convolutes calculations for enforcing a limit.
 5. Request that Vacation Rentals be permitted as a conditional use in the Marine Commercial district
 6. Concerns that requiring owners to be on the premises of Vacation Rentals in the Residential districts is contrary to where most vacationers will want to be located. It will result in additional accessory dwelling units
 7. Concerns about tying the occupancy limit to septic permits especially for older structures where septic permit documents are not available.
- **Section 3.5.5 - Storage of Vehicles and Equipment** - Amendment is proposed to add commercial vehicles and equipment to an existing requirement for recreational equipment and inoperable vehicles to be located to the side and rear of a principal structure.
 - **Section 3.6.2 - Noise** - Amendment is proposed to introduce noise provisions with a statement that it is unlawful to have excessive, unnecessary, loud noises within the town limits.

Article 5 - District Regulations

- **Sections 5.1.6.4 - Maximum Residential Floor Area in the Historic District** - Amendment proposes to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify "heated space" as "conditioned space".
- **Section 5.2.3 - Conditional Uses in the Residential District** - Amendment proposes to add Vacation Rentals as a conditional use.
- **Section 5.2.4 - Lot and Building Requirements in the Residential District** - Amendment proposes to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify "heated space" as "conditioned space".

- **Section 5.3.3 - Conditional Uses in the Village Commercial District** - Amendment proposed to add Vacation Rentals as a conditional use.
- **Section 5.3.5.6 - Lot and Building Requirements in the Village Commercial District** - Amendment proposed to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify “heated space” as “conditioned space”.
- **Section 5.4.3 - Design Review in the Highway Commercial District** - Amendment proposes to also allow administrative approval of alterations/modifications or additions to existing site improvements. Administrative approval is already an option for alterations/modifications of existing structures and signs when consistent with the design standards of the district.
- **Section 5.4.5 - Conditional Uses in the Highway Commercial District** - Amendment proposes to add Vacation Rentals as a conditional use.
- **Section 5.4.5 - Conditional Uses in the Highway Commercial District** - Amendment proposed to add subdivisions of single family dwellings with 2 or more lots with reduced minimum lot size of ½ acre and minimum lot width of 90 feet, provided subdivision has only one point of access to/from US17, that dwellings are oriented to the access easement, and that the maximum floor area of such dwellings is 1500 sq. ft. Buffer requirement for the district shall not be reduced.
- **Section 5.4.9 Design review in the Highway Commercial District**: Amendment proposed to clarify consideration of colors within the district to encourage hues that harmonize with the existing landscape, encourage roof shapes of accessory structures to be compatible with primary structures.
- **Section 5.4.11 Highway Commercial District**: Amendment proposed to clarify that required buffers should be at or above natural grade, adding screening requirements in Article 7
- **Section 5.6.4.3 Maximum Residential Floor Area in the Planned Development District** - Amendment proposed to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify “heated space” as “conditioned space”.
- **Section 5.7.5(h) Lot and Building Requirements in the Residential Transition District** - Amendment proposed to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify “heated space” as “conditioned space”.
- **Section 5.8.4 Lot and Building Requirements in the Rural Activities District** - Amendment proposed to exclude accessory dwelling units from 3,500 sq ft conditioned space limitation and to clarify “heated space” as “conditioned space”.

Public hearing comments:

8. Concern expressed about allowing 800 sf accessory dwelling units in addition to the maximum 3500 sf and how that could cause overdevelopment of lots
9. Vacation rentals should be allowed in the Marine Commercial District
10. (Comment received prior to the public hearing) Contractor offices should be permitted in the Highway Commercial District and should be added as a use in Section 5.4.4.

Article 7 - Screening and Buffering

- **Section 7.1 - Applicability** - Proposed to require buffer for new subdivisions and/or construction abutting the SCDES delineated Critical Areas and to set standards for said buffers with the addition of Section 7.2.3.

Public hearing comments:

11. The additional requirement for a critical area buffer is unnecessary, and vegetation requirements are unreasonable.
12. Clearing of the critical area buffer should be proportionate to the total area of the buffer on each lot, not a flat 2,000 square feet.
13. Note - it was stated that this is greater than a state requirement, however the state does not require a critical area buffer but highly recommends that individual jurisdictions require buffers.
14. Additional language needed to ensure the buffer is maintained in perpetuity to help with protecting water quality and mitigate erosion.
15. Committee member noted that the Critical Area Buffer was not a recommendation of the Zoning Review committee. Clarification was made that this is a recommendation of the Planning Commission and something recommended in the currently adopted Comprehensive Plan.

Article 8 - Off Street Parking

- **Section 8.5 - Shared Parking** - Amendment proposed to increase the allowed adjustment for shared parking from 20% to 30% of the total required spaces when shared parking is established between two uses.

Public hearing comments:

16. Town needs to be careful about making concessions on the amount of parking required.

Article 10 - Land Development Approvals

- **Section 10.3.3 - Creating Additional Lots** - Amendment proposed to allow the Planning Commission to delegate review of subdivisions with less than five lots to be done administratively (currently this is delegated for review of subdivisions with less than three lots).
- **Section 10.3.3 - Vested Rights** - Amendment proposes addition of subsection (d) to update vested rights for subdivision plans to two years consistent with SC State Code.
- **Section 10.3.4 - Site Development Plans** - Amendment proposed to clarify that only sketch plans are required for single family detached residences and accessory structures prior to issuance of a zoning permit.
- **Section 10.3.4 - Site Development Plans** - Amendment proposed to allow for review of site development plan concurrently with DRB approval in the Highway Commercial District.

Article 11 - Land Development Design and Improvement Standards

- **Section 11.4.4 - Emergency Access** - Amendment proposed to require provision of a "suitable turnaround, as determined by the Fire Chief" as an option in lieu of a second entrance when a road exceeds 800 feet.
- **Section 11.5.2 - Right of Way and Pavement Widths** - Amendment proposed to increase the maximum width of the right of way for local streets to 50' to accommodate drainage and utility easements (so they are not located on adjacent properties instead of the road ROW).

- **Section 11.13.2 - Uniform Street Numbering System** - Amendment proposed to update regulations to be compatible with the Charleston County 911 Addressing standards, including assigning addresses based on property address.

Article 12 - Administration and Enforcement

- **Section 12.3.2(c) - Officers, Meetings, Notices and Records for BZA** - Amendment proposed to require the BZA to meet at least one time per year and require 72-hour notice for changed meeting dates.
- **Section 12.3.3 - Variance Criteria** - Amendment proposed to move the criteria for determining hardship (consistent with state code) to be in Section 12.3.5 as part of the Variance process rather where currently located with the BZA Powers and Duties.
- **Section 12.3.7(b) - Applications and Hearings** - Amendment proposed to require public notice of meetings (other than public hearings) to be posted on the website in lieu of “a newspaper of general circulation”, particularly when meeting dates are changed.
- **Section 12.3.7(b)** - Additional amendment proposes to notify owners of properties abutting subject properties that are the subject of a BZA public hearing rather than all properties within 200 feet.

Public hearing comments:

17. The proposed change should not exclude notification to properties across the street from a subject property.
- **Section 12.3.8 - Decisions of the BZA** - Amendment proposed to update with state code vested right provision of two years with ability to request one-year extensions up to five years additional (total 7 years).
 - **Section 12.4.5(e) - ARB Meetings and Notices** - Amendment proposed to require public notice be posted on the website in lieu of “a newspaper of general circulation” particularly when meeting dates are changed.

Article 14 - Definitions and Interpretation

- **Section 14.3 Definitions** - Amendments proposed to add, re-define or clarify several terms, including but not limited to: bed and breakfast home, bedroom, family, single housekeeping unit, owner- occupied unit, to support revised short term rental regulations. Other definitions were added and/or revised to clarify how the term is used.

BCDCOG Recommendation:

BCDCOG Staff is recommending Town Council hold second reading on the amendments provided in the red-lined sections as summarized above with additional consideration to:

- Adding Vacation Rentals as a conditional use to the Marine Commercial District
- Adding Contractor Offices as a permitted use in the Highway Commercial District
- Holding additional conversations to fine-tune the Critical Area Buffer after adoption of these amendments.