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Memorandum

To: McClellanville Mayor and Council
From: Kathryn S Basha, AICP, Zoning Administrator
Date: August 4, 2025
Re: Proposed Zoning Ordinance Amendments

A Zoning Review Committee was established by Town Council to begin review of the Zoning and Land Development Ordinance in Fall 2024. Main topics identified by the Committee to discuss included: the administrative/applicant processes (DRB, BZA), short-term rentals, stormwater impacts, and tools for applicants, such as flow charts and table of use tables. Working with BCDCOG and Town staff, the committee identified several amendments for consideration by the Planning Commission. The Planning Commission reviewed the recommended changes in conjunction with members of the Zoning Review Committee and Staff and subsequently recommended approval of various amendments to the Zoning Ordinance in several sections of the Ordinance. In addition to minor editorial changes, a summary of the major changes to each section is provided below:

Article 3 - General Provisions and Interpretations

- **Section 3.2.5 Yard Encroachments** (relocated existing provisions under Section 3.4.4 (c)(6)c.) from accessory structure provisions to address allowances of encroachments into setbacks for all structures.
- **Section 3.5.2 - Bed and Breakfasts** - Clarifications 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) added to separate out the permitting requirements, including annual renewals, and to limit the number of Bed and Breakfast business licenses to be issued annually to no more than 5% of housing units within Town.

- **Section 3.5.3 - Vacation (Short-Term) Rentals** - Amendments proposed to clarify regulations for compliance with business license requirements, property manager availability for emergencies, tie maximum occupancy to documentation of septic capacity, lease agreement to stipulate events to obtain temporary event permit with limit of attendees (twice the occupancy limit permitted) and compliance with noise levels. Vacation rentals are a conditional use provided a business license is approved in the Village Commercial and Highway Commercial districts. Committee/Commission recommendation is to only issue Vacation Rental zoning permits and licenses to properties in the Residential Zoning district when the owner resides on the property. Also recommend the number of vacation rental licenses issued annually to no more than 5% of housing units within Town.
- **Section 3.5.5 - Storage of Vehicles and Equipment** - Amendment proposed to add commercial vehicles and equipment to existing requirement for recreational and inoperable vehicles to be located to the side and rear of a principal structure
- **Section 3.6.2 - Noise** - Amendment proposed to note introduce noise provisions with 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”.

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.

Article 8 - Off Street Parking

- **Section 8.5 - Shared Parking -** Amendment proposed to allow adjustment of 30% of total required spaces when shared parking established between two uses.

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.
- **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 concurrent review of site development plan along 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 provide 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 require a 50' right of way for local streets, to accommodate drainage and utility easements.
- **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 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 criteria for hardship (consistent with state code) to be in Section 12.3.5 as part of the Variance process rather than BZA Powers and Duties.
- **Section 12.3.7(b) - Applications and Hearings** - Amendment proposed to require public notice be posted on the website in lieu of "a newspaper of general circulation" when meeting dates are changed. Additional amendment proposes also to notify owners of properties abutting subject properties that are the subject of a BZA public hearing rather than all properties within 200 feet.
- **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 12.3.7(b) - Applications and Hearings** - Amendment proposed to require public notice be posted on the website in lieu of "a newspaper of general circulation" when meeting dates are changed. Section amendment proposes also to notify owners of properties abutting subject properties that are the subject of a BZA public hearing rather than all properties within 200 feet.
- **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" 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.