

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

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 [to](#) 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.

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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 presented to the Zoning Administrator for review prior to any work being undertaken. [Such alterations, modifications, or additions to existing structures or site improvements may be administratively reviewed and approved provided the improvements are consistent with design requirements of this Section.](#)

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, [studios, clinics and clinical laboratories.](#)
- (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.

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- (n) [Office/Contracting Services.](#)
- (o) 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.
- (p) 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 are 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 are 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.

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- (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.
 - (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 meeting requirements 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.

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- (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.
- (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

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- 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 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

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co-locate on the proposed tower in the future subject to engineering 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 [Awendaw](#)/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.
- (j) [Vacation/Short-term Rental, in compliance with provisions of §3.5.3](#)
- (k) [Detached dwelling within a subdivision of more than two lots, provided that:](#)
- (1) [A minimum lot size of 0.5 acre is provided per dwelling](#)
 - (2) [Lots are prohibited from having direct access to US17.](#)
 - (3) [Access to/from US17 is provided to the subdivision via a common, shared access easement or private road owned and maintained by a legally established owners association.](#)
 - (4) [The principal façade of dwellings are oriented to the shared access easement.](#)
 - (5) [Individual lots have a minimum width/frontage on the easement of 90 feet.](#)

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(6) Maximum Residential Floor Area is limited to 1,500 square feet of conditioned space.

(7) Notwithstanding the provisions of §5.4.11.5, the buffer required by §5.4.11.3 shall not be reduced.

§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.

§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~~35%.

§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-~~
conditioned space, excluding porches and accessory dwelling units within
structures detached from the principal structure subject to review and
approval by the Design Review Board