

## **Article 2: Zoning Districts and the Official Zoning Map**

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

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**Section 2.1 Establishment of Districts**

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The territory under the jurisdiction of this ordinance is hereby subject to one of the following zoning districts as provided for in Article V of this Ordinance:

- (a) Historic District;
- (b) General Zoning Districts, including the Residential (R), Village Center (VC), Highway Commercial (HC), Marine Commercial (MC), Residential Transition (RT), and Rural Activities (RA) districts;
- (c) Planned Development Districts.

**Section 2.2 Official Zoning Map**

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The Town of McClellanville is hereby divided into zones or districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

**§ 2.2.1 Identification**

- (a) The Official Zoning Map shall be identified by the signature of the mayor, attested by the Town Clerk and bear the seal of the Town under the following words: *"This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of the Town of McClellanville, S.C."*
- (b) Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Town Administrator, shall be the final authority as to the current zoning status of lands, buildings and other structures in the Town.

**§ 2.2.2 Map Designations**

The Official Zoning Map shall designate the zoning district and/or classification of every parcel of property within the Town. The Town shall further maintain a map designating any structures within the Town that the Town may have reason to believe do not comply with the requirements of the Federal Emergency Management Agency (FEMA) Floodplain Program. The Town shall further note any properties and/or structures within the Town that have been granted a variance or other waiver from the Town's Flood Damage Prevention Ordinance, as the same may, from time to time, be amended.

**§ 2.2.3 Map Amendments**

- (a) In the event that changes are made in district boundaries or other matter portrayed on the Official Zoning Map in accord with the provisions of this ordinance, such changes shall be documented on the Official Zoning Map no later than four (4) business days after Town Council has approved the amendment.

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- (1) Such documentation shall consist of an entry on the Official Zoning Map as follows: "On (date), by official action of Town Council, the following changes were made (change made) in the Official Zoning Map: (brief description of change)." and reference to the map amendment ordinance number and action date.
- (2) Such entry shall be signed by the Mayor and attested by the Zoning Administrator by stamp of the Town Seal
- (b) No such change shall become effective until such entry shall have been made on the Official Zoning Map, and signed and attested.
- (c) No change of any nature shall be made on the Official Zoning Map except in conformity with the procedures set forth by this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

**§ 2.2.4 Official Replacements**

- (a) In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret by reason of the nature or number of changes and additions, the Town Council may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.
  - (1) The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map as amended.
  - (2) The new Official Zoning Map shall be marked, *"This Official Zoning Map, adopted by ordinance of the Town Council of McClellanville, S.C., on (date) supersedes the Official Zoning Map adopted (date) of the Town of McClellanville"*, which statement shall be signed by the Mayor, attested by the Town Zoning Administrator, and bear the seal of the Town of McClellanville, S.C.
- (b) Unless the prior Official Zoning Map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction shall be preserved, together with all records of Town Council regarding its adoption and amendment.

**Section 2.3 Rules of Determining District Boundaries**

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Where uncertainty exists with respect to the boundary of any zoning district shown on the Official Zoning Map:

- (a) Unless otherwise indicated, the district boundaries follow platted lot lines; centerlines of streets, highways, or alleys; centerlines of watercourses or impoundments of streams, reservoirs, or other bodies of water.

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- (b) Where so indicated, district boundaries are parallel to the center lines of streets, highways, or rights-of-way of same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended at such distance therefrom as indicated on the zoning map. If no distance is given, such distance shall be determined by the use of the scale shown on said Official Zoning Map.
- (c) Where any district boundary is indicated on the Official Zoning Map as following approximately the Town of McClellanville corporate limits line, then such Town corporate limits line shall be construed to be such district boundary.
- (d) With the exception of lands within the ownership of national forests, wetlands, wildlife refuges, and any other publicly designated areas, the S.C. Department of Environmental Services (DES) Bureau of Coastal Management (BCM) shall determine the boundaries and have jurisdiction over critical areas delineated by state or federal law. Fresh water wetlands shall have boundaries set and jurisdiction handled as provided for by state or federal law. Nothing herein shall preclude the Town from exercising jurisdiction over these areas in accord with state or federal law.
- (e) Where a district boundary line on the Zoning Map divides an approved lot of record on the effective date of this ordinance, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than fifty (50) feet beyond the district line.
- (f) Where physical or cultural features, natural or man-made, existing on the ground are incongruous with those shown on the Official Zoning Map, or other means of determination enumerated above, the Zoning Administrator shall interpret the district boundaries.

**Section 2.4 Zoning of Annexed Lands**

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Lands annexed into the Town of McClellanville shall be zoned in a manner consistent with the comprehensive plan of the Town of McClellanville as the same may, from time to time be amended, and in accordance with the following procedure:

- (a) Subsequent to Council's first reading of an ordinance to annex property, the proposed ordinance shall be referred to the Planning Commission for a recommendation on the zoning of the property.
- (b) The Planning Commission shall study the issue and make a recommendation as to the zoning of the property and amendments to the comprehensive plan when necessary.
  - (1) In cases where the current use of the property poses a detriment to adjoining properties by virtue of its potential to generate noise, glare, fumes, or vehicular or pedestrian hazards, the Planning Commission's recommendation may be conditioned on the property owner bringing the property into compliance with all screening, landscaping, buffering or ingress/egress requirements of the zoning district to which the property is proposed to be zoned and with applicable pollution control requirements.

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- (c) Prior to Council acting on the recommendation of the Planning Commission and taking further action on the annexation ordinance, the property owner shall be entitled to withdraw the annexation petition.
- (d) If the application for annexation is not withdrawn, and the property owner shall be required to execute an agreement accepting the conditions of the proposed zoning, waiving any right to contest the conditions and affirmatively consenting to the Town enforcing the conditions by way of injunction, to include an award of reasonable attorney fees and costs. The agreement shall require that the conditions of zoning be completed within 180 days of its execution.
- (e) Upon execution of the agreement per [Section 2.4\(d\)](#) above, if applicable, Town Council may thereafter proceed with the annexation and concurrent zoning of the property. Application for zoning of the property shall be processed in accord with the provisions of [Article XIII](#).