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Staff Notes

To: McClellanville Town Council

From: Kathryn S. Basha, Zoning Administrator

Date: November 2, 2026

Re: Introduction of recommended zoning ordinance amendments

Several zoning ordinance amendments were recommended by the Planning Commission at its meeting on October 26, 2026 to address the following:

1. Currently there is no definition or distance requirement for what constitutes "detachment" of an accessory dwelling unit. Two recent developments have located the accessory dwelling units within inches of the principal structure and consequently they appear to be a single structure.

   There are other standards that apply to accessory dwelling units such as the maximum floor area of 800 square feet, being limited to a single bedroom, and requirements for a separate septic system. To clarify the provisions and establish a distance between these and other structures on the property, staff is recommending amendments that would list accessory dwelling units as a "conditional use" in all districts where they are allowed and consolidating the conditions of approval in Section 3.5.6. A draft ordinance amendment of the proposed conditions and a summary of how district use listing need to be amended is provided.

2. It was also found that Maximum Residential Floor Area exclusion or inclusion of accessory dwelling units needed clarification.

3. Lastly it was noted that the ordinance does not specify a minimum distance of separation between any accessory structures on a property.

4. Board of Zoning Appeals members consulted with the Planning Commission on clarification of when a protected tree can be considered for removal under an administrative waiver versus when a variance by the BZA is required. Staff traditionally have not applied the administrative waiver provision when no arborist report has been submitted or the arborist input has lacked details to confirm the tree is in irreversible decline. It was also determined that the variance criteria inserted with the March 2026 amendment of the tree ordinance be deleted and state criteria for variances in Article 12 be referenced for consistency.

5. Council has also requested that the Town consider how to address the possibility of data centers to locate within or adjacent to the Town, i.e. whether their size and scale is in keeping with the Town's vision and whether adequate infrastructure would be available. Given the Town's Comprehensive Plan is due for its 5-year review, this is an appropriate time to initiate considering options for addressing the use.

Zoning Ordinance Amendments Recommended by PC (10/26/26) for 1st Reading

Item One: Add Section 3.5.6 Conditions for Accessory Dwelling Units to read:

§ 3.5.6 Accessory Dwelling Units

(a) Where an "accessory dwelling unit (ADU)" is permitted as a conditional use, such shall comply with the following standards:

(b) Accessory dwelling units are limited to a single, one (1) bedroom unit on any lot or parcel when permitted as a conditional use by the applicable zoning district.

(c) Accessory dwelling units shall be no greater than eight hundred (800) square feet in floor area.

(d) Any accessory dwelling unit or apartment, whether within or detached from the principal dwelling unit, shall be clearly subordinate to the principal dwelling.

(e) Accessory dwelling units shall not be located within a manufactured housing unit.

(f) Detached accessory dwelling units:

(1) *Shall be located upon the same lot as the principal dwelling;*

(2) Shall meet the minimum setback requirements for principal structures of the applicable zoning district;

(3) *Shall be sited or construction to be separated from the principal dwelling unit or any other accessory structure on the subject lot by a distance no less than the side yard required by the zoning district within it is located within or ten (10) feet, whichever is more.*

(4) Shall be served by an individual wastewater disposal system permitted by and in accord with requirements of the SC Department of Environmental Services (DES).

(5) Shall meet requirements of the Town's adopted Flood Prevention Ordinance for habitable spaces

Item Two: Revise listings of Accessory Dwelling Units in various districts as follows:

- Move and reword Sections 5.2.2(b) and 5.8.2(b) from *"One (1) single bedroom, accessory dwelling unit less than eight hundred (800) square feet in floor area contained within a single-family dwelling or within an accessory structure, excluding however, manufactured homes."* to conditional uses as §5.2.3(i) and §5.8.3(k) respectively: Accessory Dwelling Unit, in compliance with provisions of § 3.5.6.
- Add Sections 5.3.3 (d) and 5.4.5(l) Accessory Dwelling Unit, in compliance with provisions of § 3.5.6.
- Amend Section 5.6.3.2 (a)(4) to read "Accessory dwelling unit on a single family detached dwelling lot in compliance with the provisions of § 3.5.6.
- Add Section 5.7.4(g) Accessory Dwelling Unit, in compliance with provisions of § 3.5.6.

Zoning Ordinance Amendments Recommended by PC (10/26/26) for 1st Reading

Item Three: Revise Maximum Residential Floor area to clarify maximum is for all structures

Amend Sections: 5.1.6 (Historic District), 5.2.4 (Residential District), 5.3.5 (Village Commercial District), 5.4.6 (Highway Commercial District), 5.7.5 (Residential Transition District) and 5.8.5 (Rural Activities District)

Maximum Residential Floor Area:
3,500 square feet of total conditioned space. excluding porches.~~and accessory dwelling units within structures detached from the principal structure.~~

**Staff note – definition of floor area may need to be revised for clarity*

Item Four: Insert Section 3.4.4 (c)(5) to add standard for accessory structures.

§3.4.4 Accessory Use and Structure Limitations.

(1) Accessory uses and structures shall be located on the same lot as the principal use or structure.

(2) No accessory structure shall be used as a dwelling or lodging except as otherwise provided for in this Ordinance.

(3) With the exception of a single non-habitable structure, 120 square feet of less in area, no accessory use or structure shall be established until the principal use is established.

(4) Accessory structures are subject to compliance with height, bulk and coverage regulations of this ordinance.

(5) Accessory structures shall be sited no closer than ten (10) feet to any other structure on the same or an adjacent parcel.

(6) With the exception of fences, accessory uses must be located to the side or rear of the principal building and screened from neighboring properties through the use of vegetation and fencing.

(a) Notwithstanding the above, accessory uses and structures on lots with frontage on the ICWW, creek, or tidal marsh may also be located between the principle building and the property's frontage road.

(b) Accessory uses and structures within the front yards of such lots shall be sited and/or landscaped to minimize visibility from public right- of-ways and/or neighboring properties.

Zoning Ordinance Amendments Recommended by PC (10/26/26) for 1st Reading

Item Five: Amend Section 6.8 to clarify standards for BZA tree removal approvals

Section 6.8 Waivers and Variances

(a) **Administrative Waiver for Dead or Dying Grand Trees.** The Zoning Administrator may administratively waive the requirement for Board of Zoning Appeals (BZA) approval of a variance to **Error! Reference source not found.**, requiring conservation of Historic or Grand Trees, where there is evidence that such tree is deceased and/or a Certified Arborist report is submitted noting that the tree is in irreversible decline, there is a severe decline in the tree's structural integrity, or the tree is deceased.

(b) **Criteria for Board of Zoning Appeals Variance.** If a waiver by the Zoning Administrator is not appropriate per (a), a variance for the removal of a Protected Tree, as defined in **Error! Reference source not found.**, may be granted by the Board of Zoning Appeals provided the applicant demonstrates ~~all of the following~~ hardship as defined by the criteria in Section 12.3.5(a).

(1) ~~*Unnecessary Hardship. Strict application of the ordinance would result in unnecessary hardships that are not merely financial or an inconvenience.*~~

(2) ~~*Peculiar Conditions. The hardship results from conditions unique to the property, such as its size, shape, or topography, which distinguish it from neighboring lots.*~~

(3) ~~*No Self-Created Hardship. The hardship did not result from actions taken by the applicant or previous property owner.*~~

(4) ~~*Harmony with Intent. The variance is in harmony with the general purpose and intent of this Article and preserves its spirit, ensuring public safety and welfare.*~~

(c) **Allowable Grounds for Removal**. Subject to the criteria in (b), a variance may be considered if it is demonstrated that the tree in question:

(1) Threatens Public Safety. The subject tree ~~is dead, dying, diseased, or~~ poses an imminent threat to improved structures or public infrastructure;

(2) Prevents Reasonable Use. The subject tree's location prevents reasonable development of property that is consistent with the zoning district; or

(3) Interference with Utilities. The subject tree causes ongoing damage to water/wastewater, communication or electrical systems where alternative mitigation is not feasible.

Item Six: Further Consider Adopting provisions for Data Centers as a land use

Data Centers: The Planning Commission discussed data centers as future land use and agreed with the Town Attorney's suggestion that a limited-time moratorium be imposed as the first step in addressing this potential land use. A moratorium gives the Town time to study and consider all potential impacts on the community, necessary infrastructure and, most importantly, compatibility with the Town's vision in its comprehensive plan. Given the Town's Comprehensive Plan is due for its 5-year review, this is an appropriate time to initiate considering options for addressing the use. A proposed ordinance for Council to initiate a moratorium on considering any development proposals for data centers while this evaluation is done is provided.