TOWN OF MCCLELLANVILLE
STATE OF SOUTH CAROLINA
ORDINANCE NO. 2026-8

AN ORDINANCE AMENDING THE TOWN OF MCCLELLANVILLE ZONING AND LAND DEVELOPMENT ORDINANCE TO ESTABLISH A TEMPORARY, EIGHTEEN-MONTH PROHIBITION ON NEW DATA-CENTER DEVELOPMENT; TO PROVIDE FOR STUDY OF DATA CENTERS IN RELATION TO THE COMPREHENSIVE PLAN, EXISTING ZONING, AND COMMUNITY INFRASTRUCTURE; TO PROTECT LAWFULLY EXISTING USES AND LEGALLY VESTED RIGHTS; AND TO PROVIDE FOR EXPIRATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, including S.C. Code Section 6-29-720, authorizes municipal regulation of the use of buildings, structures, and land, development intensity, and site impacts in accordance with the comprehensive plan; and

WHEREAS, Town Council desires a measured review of data centers as a distinct land use before deciding whether and under what circumstances such development is appropriate within the Town; and

WHEREAS, data-center development may involve concentrated computing equipment, substantial electric demand, cooling and water requirements, backup power generation, continuous mechanical operations, and associated buildings and infrastructure, with potential effects that warrant specific evaluation rather than assumption of adequate infrastructure availability and compatibility with other uses; and

WHEREAS, the Town should evaluate these potential effects in relation to the adopted comprehensive plan, existing zoning districts and use classifications, the scale and character of surrounding development, environmental resources, and the availability and capacity of infrastructure and public services; and

WHEREAS, approval of new data-center development before this review is completed could establish development commitments that materially limit the effectiveness of resulting land-use policies; and

WHEREAS, Council finds that a limited, uniformly applicable interim zoning amendment, with an automatic expiration and a defined study program, is a reasonable means of preserving planning options without predetermining the permanent regulatory outcome;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of McClellanville, South Carolina, as follows:

1. FINDINGS, PURPOSE, AND LEGAL FORM

The foregoing recitals are adopted as legislative findings. This ordinance is a temporary substantive amendment to the Town's Zoning and Land Development Ordinance, not an administrative

suspension of existing law. Its purpose is to provide a reasonable, limited period for study and public consideration of data-center land uses. It neither establishes that data centers are currently permitted under existing classifications nor determines that they must be permanently prohibited or permitted.

2. DEFINITIONS

For purposes of this ordinance, the following definitions apply.

"Data center" means a building, structure, facility, or group of facilities on a site whose principal use is to house and operate networked computer servers or comparable computing equipment for electronic data processing, computation, storage, hosting, or distribution, together with associated cooling, electrical, power-generation, security, and support equipment. The term includes enterprise, colocation, cloud-computing, artificial-intelligence computing, and cryptocurrency-mining facilities when they meet this principal-use definition, whether operated for the owner or for third parties and whether housed in permanent buildings, modular units, or containers.

"Covered development" means the establishment or construction of a new data center; the conversion of an existing building, structure, or site into a data center; or the expansion of a lawfully existing data center by increasing its building or equipment footprint, installed computing capacity, or electrical or cooling infrastructure capacity. Related facilities on contiguous parcels under common ownership or operational control shall be considered together when determining the principal use.

"Accessory computing equipment" means computers, servers, networking equipment, or a server room that is subordinate and incidental to an otherwise lawful principal use on the same premises and serves that use, rather than operating as an independent data-center use. Such equipment is not a data center under this ordinance. Ordinary residential computing, office information-technology systems, and incidental computing equipment supporting a school, business, public facility, or telecommunications transmission facility are excluded to that extent. A separately operated data-hosting or computing facility is not accessory merely because it occupies part of another building.

3. TEMPORARY USE PROHIBITION

During the term of this ordinance, covered development is not a permitted use in any zoning district within the Town's municipal limits, except as expressly protected by Section 4. No person shall commence or carry out covered development, and no Town official or body shall grant any zoning approval, site plan or development approval, special exception, certificate of zoning compliance, or other Town authorization that would authorize covered development. A building permit or certificate of occupancy shall not be issued for covered development prohibited by this ordinance, subject to controlling law and Section 4.

This temporary prohibition applies uniformly to covered development throughout the Town, including proposals presented under permitted-use, similar-use, unlisted-use, accessory-use, or planned-development provisions. A different label or division of a project into phases or parcels does not avoid this ordinance if the project's actual principal use and proposed activities meet the definitions in Section 2. This ordinance does not restrict uses or portions of a project that are independent of covered development and otherwise lawful.

The Town may receive applications and conduct informational, preapplication, or technical reviews to the extent consistent with applicable law, but receipt or review does not authorize covered development, establish that it is permitted, or promise future approval. Applications shall receive a timely written disposition as required by law. This ordinance does not purport to toll any statutory decision period or authorize indefinite administrative inaction.

4. EXISTING USES AND LEGALLY PROTECTED RIGHTS

Nothing in this ordinance prohibits the continued lawful operation of a data center lawfully established before the effective date, or ordinary maintenance, repair, and like-for-like equipment replacement that does not constitute covered development. Work reasonably necessary to correct an unsafe condition or to comply with an enforceable safety requirement may proceed to the extent otherwise lawful, but may not be used to authorize an otherwise prohibited expansion.

This ordinance shall not impair a vested right or other legally enforceable entitlement protected by applicable state or federal law, including a vested right in an approved site-specific development plan under S.C. Code Section 6-29-1530, to the extent and for the duration that the right legally protects the proposed development. No finding is made that a particular application, permit, expenditure, or approval establishes or fails to establish such a right. Pending applications and prior approvals shall be evaluated individually under governing law; filing an application is not, by this ordinance alone, a basis for exemption.

A person claiming protection under this section shall submit a written request to the Zoning Administrator identifying the property, the precise development claimed to be protected, and supporting approvals and other evidence. The Zoning Administrator, with advice from the Town Attorney, shall issue a written determination stating the reasons and the extent of any protection recognized. Administrative determinations remain subject to the appeal procedures and deadlines otherwise applicable under state law and the Town's ordinance. No discretionary hardship waiver or authority to vary this temporary use prohibition is created.

5. STUDY PROGRAM AND REPORT

The Planning Commission, assisted by the Town Administrator, Zoning Administrator, planning staff, and Town Attorney, shall study data-center land uses in conjunction with and consistent with its Comprehensive Plan review and update, and recommend whether amendments to the Comprehensive Plan, zoning text, or other land-use regulations are warranted. The study shall address:

- The adopted comprehensive plan's land-use policies and future land-use map; community character and development scale; economic-development objectives; and relevant natural-resource, cultural-resource, community-facility, and resilience policies.
- Existing zoning districts, use definitions, similar-use and unlisted-use provisions, planned-development provisions, and the potential treatment of data centers under those provisions.
- The types and scales of data centers potentially relevant to the Town; building and site requirements; electrical demand and transmission or substation needs; cooling and water demand; wastewater and stormwater; and infrastructure and public-service capacity.

- Potential noise, vibration, lighting, heat, generator operation, fuel storage, emissions, fire and emergency-response needs, construction traffic, environmental and flood impacts, and compatibility with neighboring uses.
- Potential public costs and economic benefits, available information from utilities and service providers, appropriate definitions and thresholds, and the feasibility and enforceability of proposed performance standards.
- Legally available policy options include express exclusion where supportable, permission in specified districts with appropriate conditions or performance standards, or another defined regulatory approach. Recommendations shall rest on the study record rather than on a predetermined outcome.

Within 3 months of the effective date, staff shall present a study work plan and identify the adopted plan and zoning documents for review. Within 9 months, staff shall provide an interim status report to the Planning Commission and Council. Within 16 months, the Planning Commission shall transmit its findings and recommendations to Council, identifying any proposed amendments and remaining procedural steps. Meetings and public participation shall comply with applicable law. Any permanent amendment requires its own legally required review, notice, hearing, and adoption; the study itself does not amend the comprehensive plan or zoning ordinance.

6. TERM AND AUTOMATIC EXPIRATION

The temporary prohibition takes effect on the effective date and expires automatically at 11:59 p.m. on the date 18 calendar months after the effective date, unless Council earlier repeals or supersedes it by a duly adopted ordinance. The Town Clerk shall enter that expiration date in the adoption record below. The prohibition is not extended by an unfinished study, a pending application, or administrative action. Any proposed extension requires a separate ordinance, updated findings supporting its necessity and duration, and all procedures required for a zoning amendment. Expiration does not, in itself, authorize data centers: thereafter, applications are governed by the ordinances and law then applicable.

7. ADMINISTRATION AND ENFORCEMENT

The Zoning Administrator shall administer this ordinance using the existing zoning administration and enforcement procedures. Violations are subject to the remedies and enforcement measures lawfully available for violations of the Zoning and Land Development Ordinance. This ordinance does not create any new or increased monetary penalties. Staff shall coordinate with the official or agency issuing building permits for the Town so that zoning review reflects this ordinance without purporting to control independent state or federal approvals.

8. RELATIONSHIP TO OTHER REGULATIONS; SEVERABILITY

During its term, this ordinance supersedes conflicting Town zoning provisions only to the extent necessary to give effect to its temporary prohibition. All other provisions remain in effect. No amendment to a zoning map is made. If a provision or application of this ordinance is held invalid, the remaining provisions and applications shall remain effective to the extent they can operate lawfully and independently.

9. EFFECTIVE DATE AND ADOPTION RECORD

This ordinance takes effect upon final adoption, following the required Planning Commission review, public notice and hearing, and readings. It has no retroactive effect. The temporary provisions may be maintained with the Zoning and Land Development Ordinance as an uncodified interim text amendment and shall be marked expired when the period in Section 6 ends.

Planning Commission recommendation: October 26, 2026
Public hearing: December 14, 2026 – Planning Commission
First reading: November 2, 2026
Second reading and final adoption / effective date: January 4, 2027
Automatic expiration date under Section 6: January 6, 2027

ADOPTED by the Town Council of the Town of McClellanville, South Carolina, on the date of final adoption stated above.

TOWN OF McCLELLANVILLE

By: Mayor Rutledge B. leland, III
Date: January 4, 2027

ATTEST

Clerk of Council, Michelle McClellan
Date: January 4, 2027