

**AN ORDINANCE
AMENDING SECTIONS 4-7 AND 4-8 OF THE CITY OF NORTH CHARLESTON
CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS, REGARDING
STRUCTURES PERMITTED WITHIN BUILDING SETBACKS AND ACCESSORY USES**

WHEREAS, the City of North Charleston is empowered to regulate land use to ensure orderly growth and harmony among neighboring uses; and

WHEREAS, minor revisions to the accessory uses listed in the Zoning Regulations are proposed for clarification purposes; and

WHEREAS, pursuant to a duly advertised public meeting held on June 14, 2021, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to revise the accessory use provisions; and

Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Zoning Regulations, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION BY CITY COUNCIL.

Ordained by City Council this 15th day of July, in the Year of Our Lord, 2021, and in the 245th year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

ATTEST:


LEGAL COUNSEL


SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of July 15, 2021

DATE: June 17, 2021

ITEM TITLE: Ordinance – Final Reading
An Ordinance Amending Sections 4-7 and 4-8 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, Regarding Structures Permitted Within Building Setbacks and Accessory Uses

SUBMITTED BY: Planning Commission

CONTACT PERSON: Gwen Moultrie, Planning and Zoning Director, (843) 740-2572

SUMMARY EXPLANATION:

The Zoning Regulations allow certain uses to be established as accessory to identified principal uses. Staff conducted a careful review of the specified accessory uses and has proposed some minor additions and clarifications.

STAFF RECOMMENDATION:

Approval

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On June 14, 2021, the Planning Commission held a public hearing and voted unanimously to recommend **approval** (8-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

The Public Safety Committee met prior to the City Council meeting on July 15, 2021.

COUNCIL ACTION:

On July 8, 2021 Mayor Summey stated that without objection, this item will be referred to the Public Safety Committee on July 15, 2021 for further review and a recommendation.

Exhibits
 Resolution Ordinance Contract Minutes Plan/Map Transfer of Funds Other

EXHIBIT A

Section 4-7. Structures and projections into required yards and setback areas:

Every building or structure hereafter erected or established shall be located within the buildable areas as defined by this section, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except for the following:

- (1) Ornaments, eaves, chimneys, cornices, window sills, awnings and canopies, which may project into any required yard a distance not to exceed three (3) feet. ~~(2) — Accessory uses, as specified in subsections 4-8(a) and (b).~~

...

(Ord. No. 1998-85, 9-24-98; Ord. No. 2000-034, 7-13-00; Ord. No. 2015-005, 1-22-2015; Ord. No. 2018-052, 8-23-2018; Ord. No. 2020-052, Exh. A, 10-22-2020)

Section 4-8. Accessory uses:

Each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principle-principal use or use to which it serves as an accessory:

- (a) Uses customarily accessory to dwellings in all zoning districts:
 1. Private garage;
 2. Open storage space or parking areas for light vehicles, and recreational vehicles (i) when the use or storage of such vehicle is incident to the parcel's primary use; and (ii) subject to the conditions and limitations expressed in section 9-67(4). Recreational vehicles may not be occupied on-site. Open storage or parking of heavy commercial vehicles or heavy commercial trailers (defined within section 3-2 herein) upon any lot, land, street, right-of-way, or shoulder thereof in a residentially zoned area is prohibited unless such vehicle or trailer is attended and in the process of being actively loaded or unloaded. The parking of heavy vehicles or heavy trailers governed by this ordinance shall not be permitted to continue as a legal nonconforming (grandfathered) use pursuant to section 4-5, but rather shall be amortized out of existence no later than June 1, 2003.
 3. Shed or tool room for the storage of equipment used in grounds or building maintenance;
 4. Private kennel or other quarters for the keeping of poultry or animals for noncommercial purposes provided that such use does not generate a nuisance to adjoining properties;
 5. Private swimming pool and bath house or cabana;
 6. Private deck or bathhouse;
 7. Swimming beach;
 8. Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.
 9. Carwashes for light vehicles in R-2, multifamily residential districts, only when the following conditions are met:

- a. Structure. The structure must be enclosed on all sides and include a roof and a garage-style door. The color and style of the structure must be harmonious with existing building(s) in the complex. The size of the structure is limited to one (1) building with one (1) bay per complex. Commercial vacuums are not permitted.
- b. System. The carwash is limited to hand washing with a water faucet and water hose. No mechanical washing device is allowed. No money can be collected on-site for use of the facility.
- c. Access. Access to the carwash must be limited to residents within the complex; and operation is only allowed from dawn to dusk.
- d. Drainage. All drainage, both natural and that reacted by the operation, shall be handled in a manner satisfactory to the department of public works and or any state or federal permits.

10. Solar panels mounted on a structure and freestanding solar panels limited to 5kW.

- (b) Uses customarily accessory to church buildings in all zoning districts:
 1. Religious education buildings;
 2. Kindergartens, licensed day care centers and nursery schools;
 3. Parsonage, pastorium or parish house;
 4. Off-street parking area for the use without charge of members and visitors to the church;
 5. Cemeteries.
- (c) Uses customarily accessory to retail business and office uses in all zoning districts:
 1. Off-street parking or storage area for customers, clients or employee owned vehicles;
 2. Completely enclosed building for the storage of equipment, supplies, stock or merchandise to include mobile homes and prefabricated structures;
 3. ~~Light manufacturing Assembly~~ and/or repair ~~facility of products~~ incidental to the principle principal use ~~provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principle and accessory uses are located and~~ provided such operation is not otherwise specifically prohibited in the district in which the principle principal use is located ~~and the use must be directly related and subordinate to the principal retail or office use;~~
 4. Watchmen or caretaker's dwelling shall be considered an accessory use provided that such dwelling is located on the premises of a permitted use.
- (d) Uses customarily accessory to public uses, buildings, or activities in all districts: There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principle principal public use. Watchmen or caretaker's dwelling shall be considered an accessory use provided that such dwelling is located on the premises of a permitted use.
- (e) Uses customarily accessory to manufacturing and warehousing uses in M-1 and M-2 industrial districts:
 - (1) Except for shipping containers, there shall be no limitations regarding general accessory uses to any manufacturing or warehousing use on an M-1 or M-2 zoned parcel except that such uses, buildings, or activities must be directly related and subordinate to the

principal public use. A watchman or caretaker's dwelling shall be considered as accessory use provided that such dwelling is located on the premises of a permitted use.

- (2) Shipping container/trailers may be used as an accessory storage unit on M-1 and M-2 zoned parcels, whether temporary or permanent, provided that the container/trailer is used as additional storage only for the current site occupant. All such containers/trailers shall be hidden from view by an opaque planting screen, fence, or a wall sufficient to screen neighboring or nearby property from view of the container storage, and in no event less than eight (8) feet in height above finished grade. No more than three (3) trailers or storage containers are allowed on each parcel. Containers may be un-mounted or grounded, but may not be stacked.

- (f) The following accessory uses shall be allowed in CRD zoning districts with any permitted or conditional use:

1. Amphitheaters, outdoor.

(Ord. No. 1986-59, 11-6-86; Ord. No. 1990-36, 7-12-90; Ord. No. 1995-8, 3-23-95; Ord. No. 1998-59, 7-23-98; Ord. No. 1999-13, 2-25-99; Ord. No. 2002-089, 11-26-02; Ord. No. 2012-052, 12-20-2012; Ord. No. 2017-034, 5-25-2017)