

**AN ORDINANCE  
AMENDING SUBSECTION 4-7(4) OF THE ZONING REGULATIONS OF  
THE CITY OF NORTH CHARLESTON TO REVISE THE SETBACKS FOR COMMERCIAL  
AND INDUSTRIAL PROPERTIES ADJACENT TO RAILROAD RIGHTS-OF-WAY**

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

WHEREAS, the Zoning Regulations currently allow for the possibility of reduction in setbacks for commercial and industrial properties located adjacent to railroad rights-of-way, but do not specify the amount of reduction authorized; and

WHEREAS, pursuant to a duly advertised public meeting held on May 10, 2021, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to clarify the setbacks applicable to commercial and industrial properties, where adjacent to railroad rights-of-way; 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 24<sup>TH</sup> day of June, in the Year of Our Lord, 2021, in the 244<sup>th</sup> 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 June 24, 2021

**DATE:** March 29, 2021

**ITEM TITLE:** Ordinance – Final Reading  
Amending Subsection 4-7(4) of the Zoning Regulations of the City of North Charleston to Revise the Setbacks for Commercial and Industrial Properties Adjacent to Railroad Rights-of-Way

**SUBMITTED BY:** Planning Commission

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

**SUMMARY EXPLANATION:**

Section 4-7(4) of the Zoning Regulations currently reads, “Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the zoning ordinance.” This wording would appear to provide for a setback reduction; however, in practice, it has proven difficult for staff to confirm compliance with railroad standards, and the railroads themselves do not provide approvals to improvements located wholly on adjacent properties. Accordingly, staff is proposing to specify that the setbacks may be administratively reduced up to 50 percent (with further reductions requiring a variance from the Zoning Board of Appeals).

**STAFF RECOMMENDATION:**

Approval

**BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:**

On May 10, 2021, the Planning Commission held a public hearing and voted unanimously to recommend approval (7-0-0).

**COUNCIL COMMITTEE RECOMMENDATION:**

On June 17, 2021 the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented (9-0-0).

**COUNCIL ACTION:**

On June 10, 2021 Mayor Summey stated that without objection, this item will be referred to the Public Safety Committee on June 17, 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:

...

- (4) The zoning administrator is authorized to issue an administrative variance to permit structures Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts provided that the applicable setback along the railroad right-of-way is not reduced by more than fifty (50) per cent below the minimums specified elsewhere within the city's ordinances. If building upon the lot would require a reduction of greater than fifty (50) per cent from any of the applicable setback requirement, then the matter shall be referred for consideration to the board of zoning appeals under its normal procedures. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the zoning ordinance. This setback reduction does not relieve the applicant of the need to meet other applicable codes, which may include the provision of a firewall.

...

(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)