

**AN ORDINANCE
AMENDING SUBSECTION 5-4(A)12 OF THE NORTH CHARLESTON CODE OF
ORDINANCES ZONING REGULATIONS REGARDING B-2, GENERAL BUSINESS
DISTRICT, TO REPLACE THE HORSEPOWER CAPACITY LIMIT WITH A DECIBEL
LIMIT ON SERVICE-ORIENTED ESTABLISHMENTS AS A PERMITTED USE**

Whereas, the City of North Charleston is charged with protecting the health, safety, and welfare of the community; and incident to this authority, the City of North Charleston regulates zoning; and

Whereas, the City of North Charleston is, by South Carolina statute, empowered to enact zoning regulations to govern development within its boundaries; and

Whereas, the City of North Charleston acknowledges that technological improvements have lowered the volume of certain equipment used in some service-oriented establishments; and

Whereas, the City of North Charleston finds the horsepower capacity limits of this equipment are not the best manner of measuring the volume of such equipment and that replacing this restriction with a decibel threshold will benefit the citizens of North Charleston.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL, IN COUNCIL ASSEMBLED, THAT SUBSECTION 5-4(A)12 OF THE ORDINANCES OF THE CITY OF NORTH CHARLESTON BE HEREBY AMENDED TO INCLUDE THE FOLLOWING:

Section 5-4. – B.2, General business district:

....

(a) Permitted uses: The following uses shall be permitted in the B-2 zoning district:

....

12. Service-oriented establishments supplying business and individuals such as laundry, linen supplies, and dry cleaning plants provided that boiler equipment, when required, is limited to 75 dBAs (decibels), as demonstrated through equipment specification sheets;

....

THE WITHIN ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS RATIFICATION BY CITY COUNCIL.

Ordained in City Council this 25th day of October, the 242nd year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:


LEGAL COUNSEL

ATTEST:


ELLEN CLARK, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of October 25, 2018

Date: October 22, 2018

Item Title: Ordinance – Final Reading
An Ordinance Amending Subsection 5-4(a)12 of the North Charleston Code of Ordinances Zoning Regulations Regarding B-2, General Business District, to Replace the Horsepower Capacity Limit with a Decibel Limit on Boiler Equipment in Service-Oriented Establishments as a Permitted Use

Contact Person: Gwen Moultrie, (843) 740-2572

DESCRIPTION:

This proposed amendment replaces the thirty (30) horsepower capacity limit placed on boiler equipment within General Business Districts with a limit of 75 dBA (decibels). Clearly, loud equipment can pose a problem for neighbors. As such, Council initially limited the horsepower, which effectively limited the volume. Although technology has improved this equipment such that the volume of these machines is greatly reduced, larger machines in small business developments still raise a concern. Manufacturers now measure noise based on decibels (dBA). According to the United States National Institute of Health (NIH), sounds less than 75 decibels are unlikely to cause hearing loss. As a reference, the NIH explains that the humming of a refrigerator averages 45 decibels, city traffic averages 85 decibels, and sirens average 120 decibels. Staff believes that sounds under this 75 dBA limit are less likely to pose a nuisance to neighboring parcels.

If passed, this amendment will allow the same type of equipment in the same district; however, the change will permit the City to regulate equipment allowed based on the amount of noise it can be expected to produce. Here, the City will limit the noise from service equipment to 75 decibels in B-2.

STAFF RECOMMENDATION:

Approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On September 10, 2018, the Planning Commission held a public hearing and voted unanimously to recommend approval of the zoning text amendment (7-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

COUNCIL ACTION:

On October 11, 2018 the City Council held a first reading and referred this item to the Public Safety Committee for further review and a recommendation.

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