

**AN ORDINANCE
AMENDING SECTIONS 5-11, 5-12, 5-13, 5-14, AND 6-13 OF THE ZONING REGULATIONS
OF THE CITY OF NORTH CHARLESTON TO REVISE THE SCREENING
REQUIREMENTS AND EXEMPT CONSTRUCTION DUMPSTERS AND INDUSTRIAL
COMPACTORS FROM THE ENCLOSURE REQUIREMENT**

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

WHEREAS, the current mechanical-screening requirements require clarification; and

WHEREAS, the City's existing Zoning Regulations currently require an eight-foot-tall enclosure for all dumpsters and other temporary waste storage containers; and

WHEREAS, pursuant to a duly advertised public meeting held on 4/12/21, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to clarify the mechanical-screening requirements and to exempt construction dumpsters and industrial compactors from the screening requirement, under certain circumstances; 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 in City Council this 27th day of May, 2021
in the year of our Lord, and in the 244th year of
Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:


LEGAL COUNSEL

ATTEST:


SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of May 27, 2021

DATE: May 7, 2021

ITEM TITLE: Ordinance – Final Reading
An Ordinance Amending Sections 5-11; 5-12; 5-13; 5-14; and 6-13 of the Zoning Regulations of the City of North Charleston to Revise the Screening Requirements and Exempt Construction Dumpsters and Industrial Compactors from the Enclosure Requirement

SUBMITTED BY: Planning Commission

CONTACT PERSON: Gwen Moultrie, Zoning Administrator, (843) 740-2572

SUMMARY EXPLANATION:

In order to ensure mechanical equipment screening is opaque at the time of installation, as well as screening materials used for storage areas are more permanent materials, a text amendment is proposed to revise the screening standards that will apply to the entire City, and also removing the individual mechanical screening requirements of the overlay districts.

Additionally, the City adopted a city-wide dumpster-screening requirement in June of 2019 in order to reduce stray refuse, which could be carried away to adjacent storm drains and ponds by wind and/or rain. Since that time, it has come to staff's attention that screening construction dumpsters (which usually contain heavier items which are unlikely to blow away or be carried away by rain) and industrial compactors (which are self-contained units) may be impractical. Accordingly, staff is recommending an exemption for these larger-scale containers, as they are not as likely to contribute to wind- or water-borne items in stormwater facilities.

At the Planning Commission meeting, there were no speakers regarding the proposed text amendment.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On April 12, 2021, the Planning Commission held a public hearing and voted unanimously to recommend approval (6-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On May 20, 2021 the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented. (11-0-0)

COUNCIL ACTION:

Mayor Summey stated that without objection, this item will be referred to the Public Safety Committee on May 20, 2021 for further review and a recommendation.

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

EXHIBIT A

Section 5-11 – Dorchester Road Corridor I district:

...

(f) *Building material.* No building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private rights-of-way. ~~Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.~~

...

Section 5-12 - Dorchester Road Corridor II district:

...

(e) *Building material:* No building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private rights-of-way. ~~Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.~~

...

Section 5-13 – Ladson Road Overlay District:

...

(e) *Building material:* No building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private rights-of-way. ~~Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.~~

...

Section 5-14 – University Boulevard Overlay District:

...

H. *Building material:* No building elevation constructed of unadorned concrete masonry units or corrugated and/or sheet metal shall front upon any existing public or private rights-of-way. ~~Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.~~

Section 6-13. - Screening:

- (a) *Definition and purpose.* Screening is a method of buffering used to block or obscure a particular element or use from view by minimizing the visual impact of potentially unsightly open storage areas and refuse disposal facilities.
- (b) ~~Where required~~Specifications. Screening ~~specified by this section~~ shall be provided as follows:
required for:

(1) a. Mechanical equipment (whether ground level, raised, or rooftop) associated with apartment buildings and non-residential uses shall be screened by the use of fences, walls or architectural elements or evergreen plant materials of sufficient height to totally obscure the screened items from street view at the time of installation.

b. Mechanical equipment (whether ground level, raised, or rooftop) associated with apartment buildings shall be screened by the use of fences, walls or architectural elements or evergreen plant materials of sufficient height to totally obscure the equipment from public view at the time of installation. If fencing is used, it shall have no more than a ½" gap between boards.

(2) and for all Open storage areas not devoted to retail sales visible from any public street, including. This includes open storage areas for shipping containers, building materials, appliances, salvage materials and similar unenclosed uses shall be screened with an eight (8) foot high opaque fence or wall on all sides. The use of materials such as mesh, cloth, or tarp to screen storage areas is prohibited.

(3) Dumpsters or any trash, refuse, recycling, or other temporary waste storage containers shall be screened and buffered with built enclosures defined as an eight (8) foot high opaque fence or wall on all sides. Dumpsters or any trash, refuse, recycling, or other waste storage containers shall be screened and buffered with built enclosures defined as an eight (8) foot high opaque fence or wall on all sides. Construction dumpsters and industrial compactors may be exempted from this enclosure requirement if, in the opinion of the Zoning Administrator, (a) such dumpsters and compactors will not be visible from the right-of-way and will not be visible from dissimilarly zoned or used properties; or (b) the nature of a particular industrial use requires frequent and repeated relocation of dumpsters around the site in normal course of business and site cleanliness can be reasonably maintained through other means.

(c) Type screening required. Screening shall be opaque divide and may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, architectural elements, proper siting of disruptive elements, building placement or other design techniques approved by the zoning administrator. Screening shall be of sufficient height to totally obscure the screened item/use from view. With respect to the screening of all items/uses other than mechanical equipment, the screening shall be not less than eight (8) feet high.

(cd) Amortization. Any existing trash dumpster that is not properly screened by January 31, 2020 must come into compliance prior to the license renewal of the business.

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2001-057, 8-22-02; Ord. No. 2012-020, 6-26-2012; Ord. No. 2015-023, 5-28-2015; Ord. No. 2016-016, 4-28-2016; Ord. No. 2019-034, 6-27-2019)