

**AN ORDINANCE
TO AMEND SECTIONS 5-2.1, 6-1, AND 10-35 OF THE CITY OF NORTH CHARLESTON
CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS, TO REVISE THE
STANDARDS RELATING TO MANUFACTURED HOME PARKS AND ALLOW MULTI-
FAMILY USES IN R-3 DISTRICTS**

Whereas, the City of North Charleston is empowered to regulate to provide for the health, safety, and welfare of its citizens; and

Whereas, the City is statutorily authorized to pass zoning and land use regulations; and

Whereas, the recently-adopted PRIME North Charleston Comprehensive Plan calls for accommodating higher-density housing to increase housing supply; and

Whereas, pursuant to a duly advertised public meeting held on December 13, 2021, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to revise certain provisions related to nonconforming manufactured home parks and to allow multi-family uses in the R-3, Mobile Home Residential, zoning districts; 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 BE EFFECTIVE IMMEDIATELY UPON ITS RATIFICATION BY CITY COUNCIL.

Ordained in City Council this 27th day of January, in the year of our Lord, 2022, and in the 245th year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:


LEGAL COUNSEL

ATTEST:


SANDY BROWN, MUNICIPAL CLERK

EXHIBIT A

Section 5-2.1. R-3, Mobile home residential district:

It is the intent of this section that the R-3 zoning district be established and reserved for medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy environment for single-family dwellings and mobile homes and to discourage any encroachment of commercial, industrial, multi-family or other uses capable of adversely affecting the single-family residential character of the district. The term mobile home shall include trailers, mobile homes and manufactured homes.

(a) *Permitted uses:* The following uses shall be permitted in the R-3 zoning district:

1. All uses permitted in the R-1 and R-2 zoning districts.
2. A single mobile home on a lot of record and, further provided that four thousand (4,000) square feet be allocated per mobile home in addition to the minimum lot area required for other dwelling units on the lot.
3. Mobile home parks, provided such parks meet all current rules and regulations established by the South Carolina Department of Health and Environmental Control and any other such city ordinances that may be applicable (see section 6-5.2). All plans must be submitted to the director of planning and management and the public works director for approval. Campers and RVs shall not be permitted in the R-3 district or mobile home parks as occupied dwelling units except as legal nonconforming uses. They may be stored on site as accessory uses in keeping with the provisions of article IV, section 4-8(a)2.

(b) *Conditional uses:* The following uses shall be permitted in any R-3 zoning district subject to the stated conditions:

1. All conditional uses permitted in the R-1 zoning district as shown in section 5-1(b) providing the applicable conditions are met.
2. Town, row or patio houses provided that all conditions of subsection 5-2(c) are met as determined by the zoning administrator.

(Ord. No. 1985-17, 3-28-85; Ord. No. 1989-19, 3-9-89; Ord. No. 1997-13A, 2-27-97; Ord. No. 2007-47, 6-28-07)

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(Ord. No. 1998-99, 12-11-98; Ord. No. 2009-68, 11-24-09)

Section 6-1. Requirements in R-1 single-family residential, R-2 multi-family residential, R-3 mobile home residential and AG agricultural districts:

Unless otherwise specified elsewhere in this ordinance, uses permitted in the R-1, R-2, R-3 and AG zoning districts shall conform to the following standards:

(a) *Minimum total lot area per dwelling unit for R-1, R-2, and R-3:*

1. *Single-family (detached) dwellings:* Six thousand (6,000) square feet; provided however that homes in areas designated for traditional neighborhood development, mixed use, and/or in areas zoned R-2, Multi-Family Residential, may be established with four thousand five hundred (4,500) square feet of lot area per dwelling. Where replacing a nonconforming manufactured home park, the minimum lot area requirement may be reduced administratively to allow the establishment of one single-family detached dwelling unit per manufactured unit to be replaced; provided the following:
 - a. For nonconforming mobile home parks greater than one (1) acre: Each new single-family unit must have a minimum of thirty (30) feet of frontage along a street which has been accepted for continual maintenance by the state, one of its political subdivisions, or a homeowner's association or other responsible entity as outlined in section 18-40(d) of the subdivision regulations.
 - b. For nonconforming mobile home parks less than one (1) acre: Each new single-family unit must have a minimum of 1000 square feet per dwelling
 - c. A minimum of 20% of the new single-family units are dedicated for affordable units at 50% of the average median income for a period of twenty (20) years;
2. *Multi-family dwelling:* One thousand five hundred (1,500) square feet per unit. Where common parking is provided, the minimum lot area may be reduced to one thousand two hundred (1,200) square feet.
3. *Single ~~m~~Manufactured home:* Six thousand (6,000) square feet per lot in Suburban Residential areas and Four thousand five hundred (4,500) square feet per lot home in Traditional Neighborhood and Mixed Use areas;
4. *Manufactured home park:* Three (3) acres.
5. *Other principal uses:* Not applicable.

(b) *Minimum total lot area AG:*

1. Four (4) acres.
2. Other principal uses: Not applicable.

(c) *~~R-1 s~~Single-family and AG agricultural (detached) dwelling requirements:*

1. *Front yards:*
 - a. Where fifty (50) per cent or more of the lots located on the same block between two (2) intersecting streets are developed, the average alignment of

the buildings on the same side of the block within two hundred (200) feet of such lot shall be the minimum setback line, plus or minus two and one-half (2½) feet. For the purposes of these calculations, the frontage along the side line of a corner lot is excluded.

- b. Where a minimum setback is not established as above, the setback shall be twenty (20) feet.
- c. Porches and steps are considered to be a part of the main body of the house and may not encroach within the front yard setback.
- d. Detached accessory use structures are not permitted in front yards.
- e. The primary entrance to the home shall be oriented toward a street frontage.

2. *Side yards:*

- a. For every building erected, there shall be a side yard along each lot line other than a street line or rear line, each side yard to have a minimum width of five (5) feet measured from the main body of the house to the property line; provided, however, that on newly subdivided lots zoned R-1 in areas with the suburban residential future land use designation, or used for single-family residential purposes, the minimum side yard set-back for one (1) side yard shall be at least ten (10) feet. For the purpose of this section, porches, decks (including pools located in decks), carports, attached garages (including attached via breezeways), covered patios, HVAC units, and steps are considered to be a part of the main body of the house. All dimensions to be computed from the property line. This change will only apply to single-family residential uses and lots where development begins after October 25, 2007. This change shall not apply to substandard lots of record.
- b. Where a side yard abuts a street, the minimum side yard along the street shall be at least ten (10) feet.
- c. Inground pools are allowed in side yards with a three-foot setback from property lines. Detached accessory use structures may be allowed in side yards when it has been determined to the satisfaction of the zoning administrator that the proposed improvements may not practicably be located within the rear yard, as defined below, due to positioning of the principal dwelling, easements, existing trees, wetlands, or other such factors. These accessory use buildings shall not, however, be situated along a front yard of an adjacent parcel. Such accessory use building shall not be more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line.

3. *Rear yards:*

- a. Every building erected shall have a rear yard. In a class R-1 district the least dimension of a rear yard shall be at least fifteen (15) per cent of the depth of the lot; but such least dimension need not be more than thirty (30) feet. Forty (40) per cent of the area of the rear yard may be occupied by a one-story

accessory building not more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line.

4. *Maximum lot occupancy:* Sixty-five (65) per cent.
5. Exemption for lots created by the replacement of a nonconforming manufactured home park. Required setbacks and maximum lot occupancy for lots created by the replacement of a nonconforming manufactured home park may be reduced administratively by up to fifty (50) percent. Greater reductions shall require a variance in accordance with Article VII.

(d) ~~R-2 district, m~~ Multi-family residential dwelling requirements:

1. *Front yards:*
 - a. The minimum front yard depth for buildings in multi-family districts shall be twenty (20) feet;
 - b. The minimum front yard depth for town and row houses is twenty-five (25) feet on interior units. A minimum twenty (20) foot setback shall be required on end units where automobile parking or storage within the residence with entry from the front. If parking can be accommodated on the end or rear of units or on property held in common by the townhouse development owners having adequate access to a dedicated public street, the front setback may be reduced to ten (10) feet.
2. *Side yards:*
 - a. The minimum side-yard depth for buildings in multi-family districts shall be (ten) 10 feet.
 - b. For row-houses or townhouses, a side yard at least ten (10) feet in width shall be provided between the end of a row and a side lot line or side street line.
3. *Rear yards:*
 - a. The rear yard setback in the R-2 district shall not be less than twenty (20) feet. Forty (40) per cent of the area of the rear yard may be occupied by a one-story accessory building not more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line.
 - b. For row-houses or townhouses, the rear yard depth shall be at least twenty (20) feet from the main building line to the rear property line. Such measurements shall be made without regard to attached or detached storage, utility or covered patio areas. There shall be added to the above requirements an additional ten (10) feet of rear yard depth where automobiles are parked or stored in the rear yard.
 - c. When townhouses or row-houses are located within a district (overlay or otherwise) requiring buffers, the minimum required setbacks shall be equal

to the greater of (i) the required buffer plus five (5) feet; or (ii) the setbacks otherwise specified within this or other sections of the Zoning Code.

4. *Lot width:*
 - a. For townhouses or row-houses, the minimum width of the portion of the lot on which each town house unit is to be constructed shall be eighteen (18) feet. Where common parking is provided, the minimum lot width may be reduced to fourteen (14) feet. Where side yards are required, the minimum lot width shall be increased accordingly.
5. *Maximum lot occupancy:* Seventy (70) per cent.

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(Ord. No. 1985-17, 3-28-85; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-46, 8-22-96; Ord. No. 1997-32, 5-22-97; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-85, 9-24-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2005-21, 4-28-05; Ord. No. 2006-10, 3-23-06; Ord. No. 2007-75, 10-25-07; Ord. No. 2009-50, 9-24-09; Ord. No. 2021-048, Exh. A, 6-24-2021)

Section 10-35. Priority of the Olde North Charleston historic/conservation district requirements:

- (1) No historic district/conservation district requirement set forth within this chapter shall be applied in such a fashion as to:
 - a. Conflict with a standardized code or law adopted by the city:
 - i. In a form specified by state or federal law, or
 - ii. In order to discharge a requirement imposed upon the city by state or federal law, or
 - b. Adversely impact any recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the city or its citizens; or
 - c. Amend, purport to amend, alter or purport to alter any state or federal law or regulation otherwise applicable.
- (2) Exemption for Olde North Charleston Historic and Neighborhood Conservation Districts. Developments approved in areas located in the historic overlay district (section 10-15) and the neighborhood conservation overlay district (section 10-20) shall not be required to satisfy the minimum lot area, lot width, road frontage, and lot depth requirements under subsections 18-40(a) and 18-40(b) provided that all requirements of the zoning ordinance, including those specific to the individual district, have been met to the satisfaction of the zoning administrator.
- (3) Exemption for lots created by the replacement of a nonconforming, manufactured home park as per section 6-1(a)(1) of the zoning regulations. Lots created by the replacement of a nonconforming, manufactured home park as per section 6-1(a)(1) of the zoning regulations shall not be required to satisfy the minimum lot area, lot width, road frontage, and lot depth requirements under subsections 18-40(a) and 18-40(b) or Article X of the zoning regulations, provided that all requirements of the zoning ordinance, including the minimum of thirty (30) feet of frontage along a street which has been accepted for continual maintenance by the state, one of its political subdivisions, or a homeowner's association or other responsible entity as outlined in section 18-40(d) of the subdivision regulations, have been met.

(Ord. No. 2008-22, § 2, 4-24-2008; Ord. No. 2015-026, 6-25-2015)

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of January 27, 2022

DATE: January 4, 2022

ITEM TITLE: Ordinance – Final Reading
Ordinance Proposed to Amend Sections 5-2.1, 6-1, and 10-35 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise the Standards Relating to Manufactured Home Parks and Allow Multi-Family Uses in R-3 Districts

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

The PRIME North Charleston Comprehensive Plan calls for higher-density housing in appropriate locations. The attached ordinance would amend the Zoning Regulations to allow:

- (1) Multi-family uses within the R-3, Mobile Home Residential, zoning district; and
- (2) Administrative reduction in the minimum lot size, minimum setbacks, and maximum lot-occupancy requirement, as well as a waiver from the Olde North Charleston overlay district requirements, for single-family development replacing a nonconforming manufactured home park (whether active or inactive), provided
 - a. For manufactured parks over one-acre; each new lot has a minimum of 30 feet of street frontage along a public or private street meeting City requirements; or manufactured parks less than one-acre have a minimum lot area of 1,000 sq. ft. per dwelling, and
 - b. A minimum of 20% of the new single-family lots are dedicated for affordable units at 50% of the average median income.

There were no speakers at the public hearing.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On December 13, 2021, the Planning Commission held a public hearing and voted unanimously to recommend **approval** (8-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On January 20, 2022 the Public Safety Committee voted to approve the Ordinance.

COUNCIL ACTION:

On January 13, 2022 Mayor Summey stated without objections this item will be referred to the Public Safety Committee on January 20, 2022 for further review and a recommendation.

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