

**AN ORDINANCE
AMENDING SECTION 5-4 OF THE CITY OF NORTH CHARLESTON CODE OF
ORDINANCES, APPENDIX A, ZONING REGULATIONS, TO PROVIDE CONDITIONS AND
CHANGES TO COMMERCIAL USES**

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

WHEREAS, the City of North Charleston's PRIME Comprehensive Plan recommends enhancing the character of commercial corridors;

WHEREAS, changes to commercial uses are proposed to provide clarity and additional uses and conditions;

WHEREAS, pursuant to a duly advertised public meeting held on February 14, 2022, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to make clarifications and add certain conditions; 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.

Ordned by City Council this 24th day of March, in the Year of Our Lord, 2022, in the 245th 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

EXHIBIT A

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

The B-2 zoning district is established to provide the appropriate land reserved for general business purposes with particular consideration for general commercial development that supports city-wide as well as regional commerce located along major arterial corridors. The regulations that apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, and professional service uses which benefit from being in close proximity to each other. The mixing and stacking of uses shall be encouraged to foster an urban environment with dense, walkable nodes along the city's commercial corridors as designated on the future land use map:

- (a) *Permitted uses:* The following uses shall be permitted in the B-2 zoning district:
1. All uses permitted in the R-1 and B-1 zoning districts;
 2. All uses permitted in the R-2 zoning district shall also be permitted in all B-2 zoned areas except for B-2 locations within the Dorchester Road Corridor I (Upper Dorchester), Dorchester Corridor II (Middle Corridor), the University Boulevard and the Ladson Road overlay districts;
 3. Temporary or transient lodging such as: hotels, motels, inns, hostels, missions, homeless shelters, or other shelters (provided, however, that missions, homeless shelters or other like facilities shall not be permitted in an area determined by city council, pursuant to ordinance and state law including the South Carolina Community Development Law and the South Carolina Tax Increment Finance Law, to be a blighted or conservation area);
 4. Establishments selling commodities and small quantities to the consumer, usually low bulk comparison items including department stores and stores selling general and variety merchandise;
 5. Establishments selling primarily one-stop shopping items, usually high bulk, such as appliances, radios, televisions, floor coverings, furniture, home furnishings, antiques, ~~and~~ auto accessories, oil change and tire repair shops, hardware, paint, wallpaper, auction items, office machines, second hand items, bicycles, beverages, guns, light fixtures and general equipment;
 6. Establishments of a business character providing maintenance, installation, or repair of specialized equipment to individuals or other businesses, such as office equipment repair, locksmiths, shoe repair, re-upholstering, and furniture repair;
 7. Transit stops or terminals, including: bus stations, rail stations and taxi stands;
 8. Eating establishments;
 9. Studios for artists and craftsmen, such as glass working shops, ornamental iron workshops, and handcrafted furniture shops;
 10. Indoor cCommercial recreation facilities, such as: theaters, billiards, bowling alleys, and -skating rinks ~~and miniature golf~~;

11. Funeral homes;
 12. Certain communications facilities limited to:
 - a. Newspaper offices;
 - b. Broadcasting studios; and
 - c. Telephone or telegraph offices.
 13. Call centers;
 14. Catering or commercial kitchens used for the preparation of food to be sold and consumed elsewhere.
- (b) *Conditional uses:* The following uses shall be permitted in any B-2 zoning district subject to the stated conditions:
1. Storage garages or lockers for lease to individuals or groups provided that:
 - a. Any accessory open areas for storage of recreational vehicles, boats, work trailers, cars, and the like meets the following conditions:
 - i. The open area is located behind the principal structure; and
 - ii. The open area is screened by an eight-foot opaque privacy fence or wall; and
 - b. Each storage unit does not exceed three hundred (300) square feet in area.
 2. Outdoor commercial recreation facilities such as:
 - a. Carnivals and circuses provided that no portion of a building, amusement device or ride, parking, or any other appurtenance affiliated with the carnival or circus may be located within one thousand (1,000) feet of a residential zoning district, excluding those hosted by the city on recreational facilities. Hours of operation must be limited to 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 12:00 a.m. Friday and Saturday. In addition to meeting the current building code requirements for handicap bathroom facilities, the carnival or circus must also meet all other requirements of the zoning district that the use is operating in, i.e., setbacks, screening, etc.
 - b. Other outdoor commercial recreation facilities such as paintball, go-karts, etc., subject to the following conditions:
 - a. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. when adjacent to residentially used property;
 - b. Noise-generating activities shall be oriented away from residential areas;
 - c. Where such uses are located adjacent to residential properties, a 20-foot setback and a full 8-ft. masonry wall shall be required.
 3. Car washes provided that:

- a. Side and rear buffers of the Type B variety are provided unless adjoined by ~~like uses~~commercial or industrial uses;
 - b. A front setback of twenty-five (25) feet is provided;
 - c. Side and rear setbacks: twenty-five (25) feet; and
 - d. Car wash bays shall be oriented not to front on the adjacent right-of-way, except for corner lots, where service bays shall be oriented toward the less-travelled right-of-way.
4. Highway-oriented uses, including gas stations and related convenience stores including a one-bay car wash; auto repair establishments, tire retreading establishments, paint and body shops; car and truck rentals; and establishments selling used and new cars, motorcycles, boats, trailers, recreational vehicles, manufactured homes, and farm and industrial equipment; ~~and car and truck rentals~~ provided that:
- a. Side and rear buffers of the Type B variety are provided. Such buffers shall be required unless adjoined by like-commercial or industrial uses.
 - ~~b. — A front setback of twenty-five (25) feet is provided. If the fuel dispensers and service bays are located in the rear of a building, the front setback may be reduced to ten (10) feet.~~
 - ~~c. — Side and rear setbacks: twenty-five (25) feet.~~
 - ~~b~~d. ~~Highway-oriented uses Gas stations and related convenience stores including a one-bay car wash; paint and body shops; and establishments selling used and new cars, motorcycles, boats, trailers, recreational vehicles, manufactured homes, and farm and industrial equipment; and car and truck rentals~~ are not within the Dorchester Road Corridor I and II and the University Boulevard overlay districts. Existing gas stations and related convenience stores operating as legal, but non-conforming, uses within these overlay districts are exempt from the provisions of section 4-5(a)(2).
 - ~~ce~~e. For new construction, including building additions, ~~s~~Service and car wash bays shall be oriented not to front on the adjacent right-of-way, except for corner lots, where service bays shall be oriented toward the less-travelled right-of-way.
 - ~~df~~f. There is no open storage of junk or salvage material, including cars awaiting repair for periods greater than seventy-two (72) hours and which are incapable of self propulsion. Any car being repaired which is not capable of self propulsion may not be stored on the premises for a period greater than seventy-two (72) hours.
 - ~~eg~~g. Storage of materials, including tires, must occur behind an eight-foot privacy fence to the side or rear of the building.
5. Parking lots as a principal use provided that no parking spaces designed or designated for semi-tractor-trailers or boat storage are included.
 6. Full-service restaurants, bars, and hookah and cigar lounges, provided that:

- a. No "cover" or similar admission charge is collected for entrance;
 - b. No music is permitted in outdoor seating and/or outdoor bar areas after 11:00 p.m.; and
 - c. Music, whether live or recorded, or indoor or outdoor, is not in violation of the city noise ordinance at section 13-126.
7. Dance halls, banquet or rental halls and venues, clubs, music halls and any similar establishment, subject to the following conditions:
- a. Establishments less than three thousand (3,000) square feet:
 - i. Uses established after the effective date of this act, must be located two hundred fifty (250) feet or more away from a church, school or residential use or parcel zoned for such use. For purposes of this section distance shall be measured "as the crow flies" from the walls of the business to the closest point along the property line devoted to, or zoned as, a church, school or residential use; provided however, that such uses located in the same building as the establishment shall not be considered when calculating separation;
 - ii. Interior soundproofing is required;
 - iii. No music is permitted in outdoor seating and/or outdoor bar areas after 11:00 p.m.; and
 - iv. Music, whether live or recorded, or indoor or outdoor, is not in violation of the city noise ordinance at section 13-126.
 - b. Establishments of three thousand (3,000) square feet or more:
 - i. Uses established after the effective date of this act must be located five hundred (500) feet away from a church, school or residential use or parcel zoned for such use. For purposes of this section distance shall be measured "as the crow flies" from the walls of the business to the closest point along the property line devoted to, or zoned as, a church, school or residential use; provided however, that such uses located in the same building as the establishment shall not be considered when calculating separation;
 - ii. Interior soundproofing is required;
 - iii. No music is permitted in outdoor seating and/or outdoor bar areas after 11:00 p.m.; and
 - iv. Music, whether live or recorded, or indoor or outdoor, is not in violation of the city noise ordinance at section 13-126.
8. Micro-breweries and small-scale distilleries, subject to the following conditions:
- a. No noxious odors or noise may escape the parcel on which the use is situated;
 - b. A tasting room is provided;

- c. Food is served;
 - d. No "cover" or similar admission charge is collected for entrance;
 - c. No music is permitted in outdoor seating and bar areas after 11:00 p.m.; and
 - f. Music, whether live or recorded, or indoor or outdoor, is not in violation of the city noise ordinance at section 13-126.
9. Pet daycare businesses, provided that: (a) there are no overnight stays and (b) there are no residentially used parcels within five hundred (500) feet of the subject parcel.
- (c) *Savings clause:* After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

(Ord. No. 1987-19, 4-9-87; Ord. No. 1990-34, 6-28-90; Ord. No. 1992-47, 11-5-92; Ord. No. 1993-7, 3-11-93; Ord. No. 1993-8, 3-25-93; Ord. No. 1998-72, 8-13-98; Ord. No. 2002-38, 5-23-02; Ord. No. 2002-39, 5-23-02; Ord. No. 2002-079, 10-24-02; Ord. No. 2002-090, 11-26-02; Ord. No. 2007-61, 8-23-07; Ord. No. 2009-49, 9-24-09; Ord. No. 2012-041, 9-27-2012; Ord. No. 2014-055, 9-25-2014; Ord. No. 2016-008, 2-25-2016; Ord. No. 2018-064, 10-25-2018; Ord. No. 2020-050, Exh. A, 10-22-2020; Ord. No. 2021-009, Exh. A, 2-25-2021; Ord. No. 2021-077, 11-23-2021)

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of March 24, 2022

DATE: January 26, 2022

ITEM TITLE: Ordinance – Final Reading
An Ordinance Proposed to Amend Section 5-4 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Provide Conditions and Changes to Commercial Uses

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

A text amendment to Section 5-4 is proposed to provide additional changes to commercial uses, summarized as follows:

- Differentiates indoor and outdoor commercial recreational facilities and provides applicable conditions
- Revises the conditions for highway-oriented uses
- Classifies permissible auto-repair facilities to Class IV and below

STAFF RECOMMENDATION:

Approval

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On February 14, 2022, the Planning Commission held a public hearing and unanimously voted to recommend **approval** (5-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On March 17, 2022 the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented. (11-0-0)

COUNCIL ACTION:

On March 10, 2022, Mayor Summey stated without objections this item will be referred to the Public Safety Committee on March 17, 2022 for further review and a recommendation.

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