

AN ORDINANCE
AMENDING THE ZONING ORDINANCE, SECTION 5-4(B)4 REGARDING
CONDITIONS FOR HIGHWAY ORIENTED USES AND ADDING SECTION 5-4(B)10
TO PERMIT FLEX FACILITIES, CONSTRUCTION CONTRACTORS, AND
PHARMACEUTICAL MANUFACTURING WITH CONDITIONS

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, pursuant to a duly advertised public meeting held on September 12, 2022, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to provide additional conditions for highway-oriented uses as well as allow for flex space, construction contractors, and pharmaceutical manufacturing in commercial areas with conditions.

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 October, in the year of our Lord, 2022, and in the 246th year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

LEGAL COUNSEL

ATTEST:

COURTNAY HEYWARD, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of October 27, 2022

DATE: August 16, 2022

ITEM TITLE: An Ordinance Amending the Zoning Ordinance, Section 5-4(b)4 Regarding Conditions for Highway Oriented Uses and Adding Section 5-4(b)10 to Permit Flex Facilities, Construction Contractors, and Pharmaceutical Manufacturing with Conditions

SUBMITTED BY: Planning Commission

CONTACT PERSON: Megan Clark, Planning Division Director, (843) 740-2617

SUMMARY EXPLANATION:

An amendment to Section 5-4 is proposed to address the following:

- Add additional conditions to highway-oriented uses that would permit car rental facilities within a 1 ½ mile radius for the airport, including in the overlay districts;
- Restrict pumps and fueling islands for Class V vehicles (trucks) in B-2; and
- Allow for flex space (office with warehouse, distribution and/or showroom), construction contractors, and pharmaceutical manufacturing with conditions, including a maximum warehouse space of 7500 square feet; no outdoor storage; no loading zones along the front; Type C buffers when adjacent to residential; and size limitations.

STAFF RECOMMENDATION:

As the proposed amendment will further refine general commercial areas, while allowing flexibility for commerce and protection for the abutting residential communities, **staff is recommending approval.**

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

The Planning Commission held a public hearing on September 12, 2022 and voted unanimously (6-0-0) to recommend approval of the proposed amendment.

COUNCIL COMMITTEE RECOMMENDATION:

On October 20, 2022, the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented (9-0-0).

COUNCIL ACTION:

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

Exhibits

___ Resolution Ordinance ___ Contract ___ Minutes Plan/Map ___ Transfer of Funds O

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:

- (b) *Conditional uses:* The following uses shall be permitted in any B-2 zoning district subject to the stated conditions:
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; provided that:
 - a. Side and rear buffers of the type B variety are provided. Such buffers shall be required unless adjoined by commercial or industrial uses.
 - b. Highway-oriented uses 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 nonconforming, uses within these overlay districts are exempt from the provisions of section 4-5(a)(2).
 - c. For new construction, including building additions, 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.
 - d. 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.
 - e. Storage of materials, including tires, must occur behind an eight (8) foot privacy fence to the side or rear of the building. Parking areas for parking and/or storage of Class 1 and Class 2 vehicles is not subject to this requirement.
 - f. Car and truck rentals, including related support facilities, such as facilities at which processing, cleaning, maintaining, and temporary storing of rental cars

occurs, which are located within a 1 ½ mile radius from Charleston International Airport are exempt from 5-4(b)4(b) above.

- g. Pumps and fueling islands for Class V vehicles, both as a primary use and accessory to gas stations and convenience stores, are prohibited along Mixed Use Corridors identified in the Comprehensive Plan.

...

- 10. Pharmaceutical manufacturing; construction contractors; and flex facilities containing a combination of office and any one or more of the following uses: warehouse, distribution, and/or showroom facilities; are permitted subject to the following conditions:
 - a. The warehouse shall be no more than 7,500 square feet and the warehouse space must be fully contained in the same building as the principal use.
 - b. The total warehouse space shall not exceed seventy-five (75) per cent of the combined gross floor area of the warehouse space and the office use.
 - c. The warehouse space, loading docks or zones, and any roll up doors shall not be oriented to the front elevation and/or adjacent right-of-way. Additionally, no loading docks or zones shall be oriented toward adjacent single-family use or zoning.
 - d. There shall be no outdoor storage areas associated with the use. Parking of company vehicles (up to Class IV vehicle and no heavy construction equipment) shall be located in the rear of the property, screened by an 8' opaque fence or wall.
 - e. A Type C buffer shall be provided adjacent to single-family use or zoning.
 - f. No new 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.