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Staff Report

Zoning Ordinance Amendment

DATE: Planning Commission: March 28, 2023
Town Council:
First Reading: April 18, 2023
Second Reading & Public Hearing: May 16, 2023

TO: Moncks Corner Planning Commission/Town Council

FROM: Wyatt Stitely, Interim Town Planner

SUBJECT: Amendments to Article 5 and Article 14 of the Zoning Ordinance

ACTION REQUESTED: Consider an Ordinance to amend Article 5 and Article 14 of the Zoning Ordinance

Background:

Due to the recent economic and recreational investments in Moncks Corner, temporary uses are becoming increasingly more popular and are only expected to increase in quantity, therefore, this amendment is aimed at strengthening the regulatory authority the Town has over these uses to ensure the safety of residents before, during, and after these uses or events, mitigate the impacts on adjacent infrastructure and properties, and protect quality of life of residents. To best track these changes, they are color coded where green indicates an addition, red indicates a deletion, and blue indicates a relocation. The proposed changes are as follows:

Section 5.5 – Temporary Nonconforming Uses

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed three (3) month increments for nonconforming buildings, structures or use incidental to building construction or land development, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

AND

Article Fourteen

Temporary Uses and Events

Section 14.1 – Temporary Uses and Events

It is hereby recognized that certain uses and activities, which may not be expressly listed as a permanent use by this Ordinance, can nevertheless be such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this Ordinance, such uses are declared to be temporary uses that may be permitted in certain districts upon application to and approval by the Zoning Administrator subject to the following:

1. The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.
2. The proposed use will contribute to the general welfare and needs of the Town of Moncks Corner and the general public.
3. The Temporary Use complies with the requirements of the Code of Ordinances of the Town of Moncks Corner and all other government entities.
4. Only one (1) temporary use shall be active on a single parcel at any given time. An exception to this limitation shall be allowed with written consent from the property owner and the review and approval by the Zoning Administrator so long as the combined proposed uses continue to follow all local and state ordinances.
5. If the proposed temporary use is permitted by right in the applicable district, the duration of the proposed use shall not exceed three (3) thirty-day periods per year. Periods of temporary use or events cannot run concurrently, with a minimum separation between periods of no less than 30 days.
6. If the proposed use is not listed as a permitted, conditional, or special exception use in the applicable zoning district, then the proposed temporary use shall not be established for more than two (2) seven-day periods within any 12-month period. The same temporary use cannot run concurrently for two (2) seven-day periods, with a minimum separation between periods of no less than 30 days.
7. All applications for a temporary use or event shall be accompanied by a sketch plan that indicates provisions/locations of facilities for adequate parking on site, entrances and exits to the site for safe ingress/egress to the site.
8. The approval of a temporary use by the Zoning Administrator that would otherwise not be permitted within the zoning district shall not create grounds for the said temporary use to become a permanent use.
9. Permits for temporary uses or events are not transferable with the land.

****Any use that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause may be curtailed immediately by the Building Official or the Zoning Administrator.****

Staff Findings and Recommendations:

Staff recommends **APPROVAL** of this ordinance.