

ORDINANCE NO. 2023-__

AN ORDINANCE TO AMEND ARTICLE 5 AND ARTICLE 14 OF THE MONCKS CORNER ZONING ORDINANCES

WHEREAS, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Zoning Ordinance of the Town of Moncks Corner in order to address changing community needs, prevent the inclusion of incompatible land uses, address deficiencies and ambiguities in the Zoning Ordinance, and promote public health, safety, and well-being; and

WHEREAS, the following text amendment to the Town of Moncks Corner Zoning Ordinance has been proposed through collaboration with the Planning Commission; and

WHEREAS, the Planning Commission, at their March 28th, 2023, meeting, voted to recommend approval of this amendment, as follows:

Article Five – General Regulations

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.

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.

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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.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 16th day of May 2023, that the Zoning Ordinance of the Town of Moncks Corner is amended.

First Reading: April 18, 2023

Second Reading/Public Hearing: May 16, 2023

Attest:

Marilyn M. Baker, Clerk to Council

Approved As To Form:

John S. West, Town Attorney

Michael A. Locklear, Mayor