

**AN ORDINANCE  
AMENDING SECTIONS 3-2, 5-8(D)(1), 5-9(D)(1), AND 5-10(C)(4) OF THE  
NORTH CHARLESTON CODE OF ORDINANCES, ZONING REGULATIONS,  
REGARDING HEIGHT DEFINITIONS**

Whereas, the City of North Charleston is, by South Carolina statute, empowered to enact land development regulations to govern development within its boundaries; and

Whereas, a recent change to the City's flood hazard reduction regulations requires new or substantially improved buildings within special flood hazard areas to have the lowest floor elevated no lower than two feet above the base flood elevation established by the Federal Emergency Management Agency's Flood Insurance Rate Map; and

Whereas, the City's Zoning Regulations currently limit the height of buildings in some districts, but do not include any allowance for the elevation required above the established base flood elevation; and

Whereas, the Zoning Regulations currently prescribe the method for measuring height slightly differently in different sections and areas of the City; and

Whereas, the City finds that the method of measuring of height should be standardized throughout the Zoning Regulations and that an allowance should be made for those properties subject to freeboard requirements.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL, IN COUNCIL ASSEMBLED, THAT SECTIONS 3-2, 5-8(D)(1), 5-9(D)(1), AND 5-10(C)(4) OF THE ZONING REGULATIONS OF THE CITY OF NORTH CHARLESTON BE HEREBY AMENDED AS FOLLOWS:

**Section 3-2. - Definitions:**

*Height.* The vertical distance of a structure or vegetation measured from the ground or base flood elevation plus the prevailing freeboard requirement, whichever is higher, to the highest point of the structure.

(Ord. No. 1986-61, 12-11-86; Ord. No. 1987-20, 4-9-87; Ord. No. 1990-36, 7-12-90; Ord. No. 1992-37, § 1, 10-8-92; Ord. No. 1992-47, 11-5-92; Ord. No. 1993-7, 3-11-93; Ord. No. 1993-8, 3-25-93; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-35, 7-25-96; Ord. No. 1996-47, 8-22-96; Ord. No. 1998-62, 7-23-98; Ord. No. 2002-068, 9-26-02; Ord. No. 2002-088, 11-26-02; Ord. No. 2006-62, 9-28-06; Ord. No. 2007-19, § (5), 4-26-07; Ord. No. 2009-13, 3-26-09; Ord. No. 2010-071, 10-28-2010; Ord. No. 2014-017, 3-27-2014; Ord. No. 2015-032, 8-27-2015; Ord. No. 2018-069, 12-20-2018)

**Section 5-8. - AR-I, Ashley River scenic district I:**

(d) *Supplemental development standards:* The following supplemental development standards shall apply to any proposed use or alteration of an existing use, land or vegetation within the established Ashley River Scenic District I as defined by 5-8(b) above and shown on the Official Zoning Map,

(1) *Height limitations:* No building or structure shall extend more than thirty-five (35) feet above the ground or base flood elevation plus the prevailing freeboard requirement, whichever is higher.

(Ord. No. 1986-45, 9-11-86; Ord. No. 1989-33, 5-19-89; Ord. No. 1999-14, 2-25-99; Ord. No. 2007-79, 11-29-07)

**Section 5-9. - AR-II, Ashley River scenic district II:**

(d) *Supplemental development standards:* The following supplemental development standards shall apply to any proposed use or alteration of an existing use, land or vegetation within the established Ashley River Scenic District II as defined by 5-9(b) above and shown on the Official Zoning Map.

(1) *Height limitations:* No building or structure shall extend more than thirty-five (35) feet above the ground or base flood elevation plus the prevailing freeboard requirement, whichever is higher.

(Ord. No. 1989-33, 5-19-89; Ord. No. 1999-60, 11-11-99; Ord. No. 2001-073, 11-20-01; Ord. No. 2007-79, 11-29-07; Ord. No. 2010-059, 9-23-2010)

**Section 5-10. - AR-III, Ashley River scenic district III:**

(c) The following provisions shall apply to all uses of land, buildings or other structures located within the Ashley River Scenic District III and shall be in addition to all other requirements of law, including other provisions of this section:

(4) *Height limitations:* No building or structure shall extend more than thirty-five (35) feet above the ground or base flood elevation plus the prevailing freeboard requirement, whichever is higher.

(Ord. No. 2000-011, 2-24-00; Ord. No. 2004-08, 1-22-04; Ord. No. 2007-79, 11-29-07; Ord. No. 2018-028, 5-24-2018)

THE WITHIN ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS RATIFICATION BY CITY COUNCIL.

Ordained in City Council this 27<sup>th</sup> day of February, in the year of our Lord, 2020, and in the 243<sup>rd</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

  
LEGAL COUNSEL

ATTEST:

  
JULIE ELMORE, ACTING MUNICIPAL CLERK