

**AN ORDINANCE
AMENDING SECTIONS 5-11 AND 6-17 OF THE CITY OF NORTH CHARLESTON
CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS, TO CONSOLIDATE
THE CITY'S RIPARIAN BUFFER REQUIREMENTS**

Whereas, the riparian buffer standard in the Dorchester Road Corridor I overlay district requires a 25-foot buffer, while all other areas of the City – excluding the Ashley River Scenic Districts – are subject to a 50-foot riparian buffer requirement; and

Whereas, the recently-adopted PRIME North Charleston Comprehensive Plan calls for establishing a standard buffer width for riparian buffers; and

Whereas, pursuant to a duly advertised public meeting held on August 10, 2020, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to consolidate the riparian buffer requirements into one section of the Zoning Regulations;

Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Zoning Ordinance, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein. Note new language/amendments are in **UNDERLINED BOLD** and changes are in [~~strikethrough~~].

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

Ordained in City Council this 27th day of August, 2020 in the year of our Lord, and in the 244th 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

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of August 27, 2020

DATE: August 5, 2020

ITEM TITLE: Ordinance – Final Reading
An Ordinance Amending Section 6-17 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise the Riparian Buffer Requirement

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

The recently-adopted Comprehensive Plan recommends allowing “stormwater facility and utility penetrations where appropriate” (goal SG-2C, page 17). The attached draft ordinance revises the existing requirement to provide for a standard 25-foot riparian buffer requirement throughout the City, with the exception of those parcels in the Ashley River Scenic Districts, which have varying buffer requirements and allow for stormwater penetrations.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATION:

On August 10, 2020, the Planning Commission held a public hearing and voted to recommend approval (4-3-0).

COUNCIL COMMITTEE RECOMMENDATION:

On August 20, 2020 the Public Safety Committee voted to recommend approval of the Ordinance.

COUNCIL ACTION:

EXHIBITS

Resolution __ Ordinance X Contract __ Minutes __ Plan/Map __ Transfer of Funds __ Other

EXHIBIT A

Section 6-17. - Riparian buffers:

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- (b) *Riparian buffers adjacent to preserved wetlands and along tributaries of the Ashley River or Cooper River.* Natural vegetative buffers of ~~fifty (50)~~ **twenty-five (25)** feet in depth shall be maintained on the upland side of critical lines along tidal tributaries of the Ashley River or Cooper River (as designated by the South Carolina Department of Health and Environmental Control's Office of Coastal Resource Management), adjacent to preserved wetlands, and along the upland side of the bank of any non-tidal tributary of the Ashley River or Cooper River. For the purpose of this section a preserved wetland shall mean a jurisdictional wetland regulated by the Army Corps of Engineers. **Where a wetland or a portion of a wetland is filled pursuant to a properly-issued permit, no riparian buffer is required along the filled area.**
1. *Buildings and impervious surfaces:* No new buildings or impervious surfaces shall be located within the buffer.
 2. *Uses allowed within buffer area:* The following uses may be allowed within the buffer area, subject to the normal tree protection regulations in article VI, section 6-16 and review by the zoning administrator:
 - a. *Trails:* Pedestrian or bike trails constructed of pervious natural materials and not exceeding ten (10) feet in width.
 - b. *Pedestrian or vehicular access:* Access ways leading to such water dependent uses as docks, piers, bridges, and boat landings elevated to above grade to prevent channelization and running perpendicular to the length of the buffer.
 - c. *Utilities:* Minimum utility line penetrations as specifically and previously approved on development plans that must necessarily cross a wetland area without a reasonable alternative.
 3. *Drainage facilities:* ~~To the extent practical, storm water runoff on parcels with some buffer area or adjacent to a buffer should be reduced through the use of rain gardens, bioswales and other natural filtration.~~ **Minimal utility line penetrations, including drainage lines or outfalls, that must necessarily cross a wetland area without a reasonable alternative, provided plans show the disturbed area to be replanted with native species complementary to those existing in the undisturbed area of the buffer.**

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