

**AN ORDINANCE  
TO AMEND TO SECTION 5-9 OF THE CITY OF NORTH CHARLESTON CODE OF  
ORDINANCES, APPENDIX A, ZONING REGULATIONS, TO REVISE THE ASHLEY RIVER  
SCENIC DISTRICT II BOUNDARY**

**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**, Appendix A, Section 5-9 of the City of North Charleston Code of Ordinances establishes standards for the preservation of the Ashley River; and

**Whereas**, pursuant to a duly advertised public meeting held on September 14, 2020, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to revise Section 5-9 to incorporate properties along the west side of the Ashley River; and

**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 22<sup>nd</sup> day of October, 2020 in the Year of our Lord, and in the 244<sup>th</sup> 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 October 22, 2020

**DATE:** September 29, 2020

**ITEM TITLE:** Ordinance – Final Reading  
An Ordinance to Amend to Section 5-9 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise the Ashley River Scenic District II boundary

**SUBMITTED BY:** Planning Commission

**CONTACT PERSON:** Gwen Moultrie, Zoning Administrator, (843) 740-2572

**SUMMARY EXPLANATION:**

The proposed amendment will add parcels west of the Ashley River, within the City boundaries, to the Ashley River Scenic District II area to provide the same protections that exists on the east side of the Ashley River.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:**

On September 14, 2020, the Planning Commission held a public hearing and voted unanimously to recommend approval (7-0-0).

**COUNCIL COMMITTEE RECOMMENDATION:**

On October 15, 2020 the Public Safety Committee voted to recommend approval.

**COUNCIL ACTION:**

On October 8, 2020 City Council voted to approve the Ordinance for first reading as presented and to move it to final reading.

Exhibits

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

## EXHIBIT A

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

- (a) *Purpose:* The scenic beauty and historic heritage of a community is among its most valued and important assets. In addition to its natural beauty, the Ashley River area reflects elements of our cultural, social, economic, political, and architectural history. It is the intent of the Ashley River Scenic District II to safeguard the heritage and scenic beauty of the City of North Charleston, Charleston County, and Dorchester County, to promote conservation and provide protection by promoting the stabilization of the banks of the Ashley River which is tidally influenced and subject to periodic flooding; to preserve water quality by protecting the natural environmental qualities of the land and water; to stabilize and improve property values in Ashley River Scenic District II; to foster civic beauty; to preserve scenic areas; and to promote the use and preservation of the Ashley River Scenic District II for the education, welfare, and pleasure of residents of the City of North Charleston, Charleston County, and Dorchester County and of the state and nation as a whole.
- (b) *Area of district:* ~~The area of the Ashley River Scenic District II shall consist of any property in the City of North Charleston generally lying North of Waterview Circle and that property situated along the Ashley River that is not in the Ashley River Scenic District I and which is designated on the Official Zoning Map of the City of North Charleston:~~
  - (1) ~~Fifty (50) feet of the critical line of the Ashley River or adjacent lowlands, which lowlands are hereby defined as marshes, mudflats, or shallows periodically inundated by tidal action;~~
  - (2) ~~Fifty (50) feet of an established tree line paralleling the Ashley River; or~~

(3) ~~Fifty (50) feet of a bluff or cliff overlooking and visible from the Ashley River, whichever is greater.~~ **The Ashley River Scenic District II shall be comprised of the parcels shown on the attached map, which is incorporated into this section by reference, any parcels created from the these parcels, as well as any parcels annexed into the City of North Charleston which are wholly or in part located within fifty (50) feet of the critical line of the Ashley River or adjacent lowlands, which lowlands are hereby defined as marshes, mudflats, or shallows periodically inundated by tidal action (for which the referenced map shall be updated to reflect additional parcels in the Ashley River Scenic District II).**
- (c) *Type of district; permitted uses:* The Ashley River Scenic District II is an "overlay" district. As an overlay district, permitted uses are determined by the "underlying" or primary zoning district. For example, where this district overlays a residential zoning district, only those uses permitted in the residential zoning district shall be permitted in the overlay district, subject to the additional conditions and requirements of this section.
- (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 whichever is higher.
  - (2) *Removal of trees:* No tree of six (6) inches DBH shall be cut or removed from within fifty (50) feet of the edge of the Ashley River or adjacent lowlands as defined in section 5-9(b)(2).
  - (3) *Buildings or structures:* No proposed buildings or structures may be erected within fifty (50) feet of the Ashley River and adjacent lowlands as defined in section 5-9(b)(2); however, the area within this fifty (50) foot setback may be used in the computation of other applicable side and rear yard setback requirements.

(4) Docks shall be permitted on lots of records in developed residential areas in accordance with the Ashley River Special Area Management Plan (SAMP). Docks may not have roofs or second-story decks. Docks must be construed of wood and may not be painted. No new marina development is permitted within the AR-II. Individual docks must be limited in size (pierhead no larger than one hundred (100) square feet; a single floating dock no larger than one hundred twenty-eight (128) square feet). No new fueling facilities will be allowed within the AR-II.

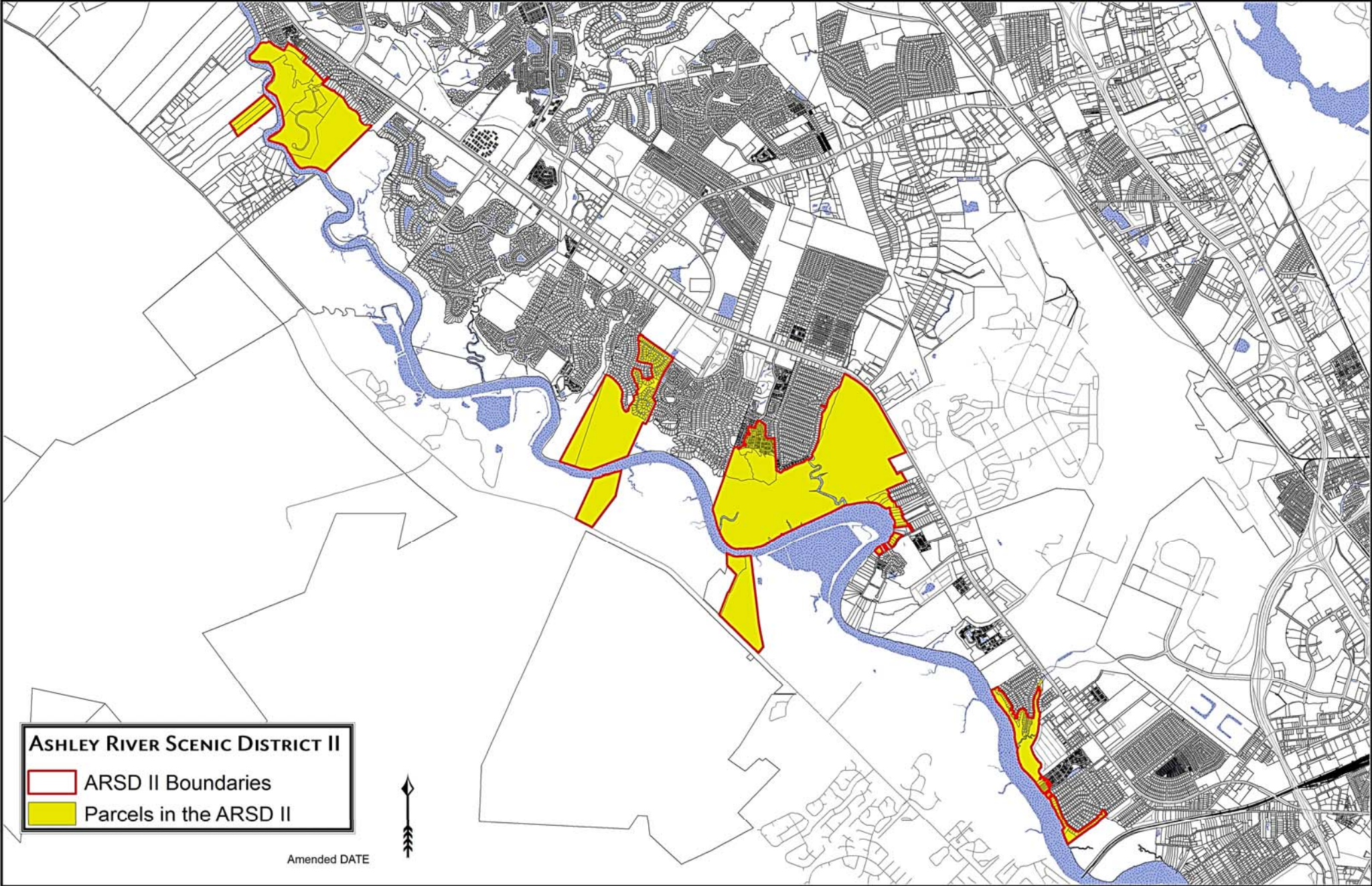
(e) *Other alterations:*

(1) No grading, filing, excavation or other land-altering activity may be conducted within fifty (50) feet of the Ashley River Scenic District II and adjacent lowlands except in accordance with section 5-9(e).



(2) No impervious surfaces may be constructed within fifty (50) feet of the Ashley River Scenic District II and adjacent lowlands except in accordance with section 5-9 (e) herein below.

(3) *Necessary alterations:* The provisions of section 5-9(d) shall not apply to necessary alterations for required roads or for access to the Ashley River Scenic District II for ingress/egress from any particular tract, provided that no reasonable alternative is available on the tract of land in question and that shoreline alterations are minimized to the greatest extent practicable. The burden of proving that no reasonable alternative is available and that the proposal minimizes shoreline alterations to the greatest extent practicable shall be on the party seeking to make alterations. Such applicant shall submit any information which he desires or which may be requested by the building official, and the building official must give notice to the director's of planning and management prior to any determination as to the applicability of this subsection to any particular case.

(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)



**ASHLEY RIVER SCENIC DISTRICT II**

-  ARSD II Boundaries
-  Parcels in the ARSD II



Amended DATE