

**AN ORDINANCE
ADDING NEW SECTION 5-17, ASHLEY RIVER ROAD CORRIDOR OVERLAY DISTRICT,
TO THE CITY OF NORTH CHARLESTON CODE OF ORDINANCES, APPENDIX A,
ZONING REGULATIONS, TO INCORPORATE A NEW OVERLAY DISTRICT FOR THOSE
PROPERTIES IN THE CITY OF NORTH CHARLESTON WEST OF THE ASHLEY RIVER**

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, the properties West of the Ashley River exhibit unique characteristics; and

Whereas, the recently-adopted PRIME North Charleston Comprehensive Plan recommends enhancing the character and design of corridors as well as maintaining a balance between the natural and built environment; 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 19th day of November, 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:

ATTEST:



LEGAL COUNSEL



SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of November 19, 2020

DATE: November 3, 2020

ITEM TITLE: Ordinance - Final Reading
An Ordinance Adding New Section 5-17, Ashley River Road Corridor Overlay District, to the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Incorporate a New Overlay District for those properties in the City of North Charleston West of the Ashley River

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

As discussed in the September 25, 2020 Special Committee of the Whole Meeting, in order to prepare for future development West of the Ashley River within the City of North Charleston, staff has drafted an overlay district that pulls in existing framework from Charleston and Dorchester Counties to provide continuity of the area, while also recognizing that with annexation into the City, development will occur.

The attached draft Overlay Ordinance provides the following:

- **A balance of the environment with growth demands**
 - Only highland areas are permitted for development and may be used to calculate density
 - Greater conservation of open space through incentivizing density by clustering development
- **Continuity along the Historic Ashley River Road Corridor**
 - A 200' buffer requirement that remains opaque and limited in use
 - A trail system
 - Limit of new curb cuts
 - Signage

Typical of an overlay district, the proposed standards are different than what we have in other areas:

- A concept plan of the property is required to ensure connectivity, protect historic characteristics, and plan access prior to full engineering on the site
- Traffic studies are required for most development and would be performed by a consultant the City contracts with (the applicant would pay the costs) and the applicant would also be responsible for proportionate mitigation for impacts to transportation by paying into an City held interest bearing account (similar in form to the current sidewalk bank program)
- Fifteen percent (15%) of the property is to be developed as active open space for neighborhood parks, playgrounds, trails, etc.
- Wetlands are not permitted to be included in calculating density

- Development is to provide interconnectivity between adjacent properties and backage roads created to limit access onto the main highways
- Lot standards for clustering of development is provided as an incentive for conserving additional open space

At the October 12, 2020 Public Hearing during the Planning Commission; three members of the public spoke in favor of the overlay but requested additional stakeholder input; three members of the public spoke against the overlay and requested additional stakeholder involvement; and one person spoke neither for or against the proposal.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On October 12, 2020, the Planning Commission held a public hearing and voted to recommend denial of the Overlay in its current form (5-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On November 19, 2020 the Public Safety Committee met prior to the Council Meeting.

COUNCIL ACTION:

On November 12, 2020 City Council held a first reading and referred this item to the Public Safety Committee for further review and a recommendation.

EXHIBIT A

Section 5-17. – Ashley River Road Corridor overlay district:

- (a) **Boundaries.** The Ashley River Road Corridor Overlay district shall include all parcels in the City of North Charleston that are located on lands west of the Ashley River.
- (b) **Vision and intent.** It is the goal of the Ashley River Road Corridor Overlay district in the City of North Charleston to preserve and engage the significant natural and historic features of the district in a way that meshes harmoniously with the surrounding landscapes along the road and the Ashley River and to ensure that the impacts of economic development do not negatively affect the feel of a seamless corridor along the entirety of Ashley River Road, despite its multiple jurisdictional controls, by providing meaningful traffic and stormwater impact mitigation, extensive corridor buffering, a high degree of multi-modal connectivity, and signage and curb-cut controls along the corridors.
- (c) **Required highway buffers and screening.**
 1. Highway Visual Buffer (HVB). An uninterrupted two hundred (200)-foot depth vegetative buffer shall be required along all frontage property lines for rights of way of SC-61 (Ashley River Road) and SC-165 (Deleamar Highway), except where curb cuts are expressly provided under this ordinance.
 - A. Where suitably opaque and continuous, undisturbed natural vegetation may satisfy this requirement provided the natural vegetative, opaque buffer exceeds fifteen (15) feet in height and has a minimum depth of fifty (50) feet; if the existing vegetation does not provide opacity to a height of fifteen (15) feet within the front fifty (50) feet of the buffer area, then additional plantings shall be required
 - i. The vegetative Highway Buffers shall be opaque and, when it is determined by the zoning administrator that the natural vegetation does not meet the intended opacity requirements of this ordinance, then the buffer shall include, at a minimum, the following per one hundred (100) linear feet of frontage in order to achieve opacity at the time of plantings:
 - Twenty-four (24) canopy trees (two and one-half (2½) inch diameter breast height minimum); and
 - Twenty (20) understory trees (six (6)-foot height minimum), of which fifty (50) percent shall be evergreen; and
 - Forty (40) shrubs, (three (3) gallons minimum); shrubs, when required, shall be planted within the first fifteen (15) feet of the buffer area closest to the highway right of way or within ten (10) feet of the Ashley River Road Trail System.
 - Existing vegetation over four (4) inches in diameter breast height and found on the City's Approved Plant List shall count as one for one reduction to the planting requirements listed above.
 - B. The opaque nature of the Highway Buffer shall be maintained in perpetuity; if it is determined by the zoning administrator that for any reason the Highway Buffer is no longer opaque, then it shall be the property owner's duty to provide plantings that are sufficient to re-establish the opacity of the Highway Buffer area.
2. High Intensity Commercial Node (HICN) Buffer. The HICN consists of a 1/4 mile radius from the intersection of the centerlines of Ashley River Road and Deleamar Highway, also known as Cooks Crossroads. Rather than the normal two-hundred (200)-foot Highway Buffer required in

Section (C)(1) above, the vegetative highways buffer for areas within the HICN, shall at a minimum, have a fifty (50)-foot depth and include the following per hundred feet of frontage in addition to retaining all-natural vegetation six (6) inches DBH and greater, excluding invasive-species vegetation:

- Six (6) canopy trees (two and one-half (2½) inches diameter breast height minimum); and
- Forty (40) shrubs (three (3) gallon minimum)

Under-brushing of vegetation up to six (6) inches DBH shall be permitted on parcels on the High Intensity Commercial Node.

3. For all buffers required by this ordinance, buffer tree plantings shall be on the City's Approved Plant List.
4. Permitted uses within the Highway Visual Buffer (HVB) and High Intensity Commercial Node (HICN) Buffer:
 - a. Perpendicular access drives – no wider than sixty (60) feet, unless a greater width is required by a regulatory agency, and as the access drive is perpendicular to the highway
 - b. Hiker/biker (shared use) trails – twelve (12) feet in width should meander through the buffer; the trails may not be located within the first fifteen (15) feet of the buffer, closest to the highway except within thirty (30) feet on either side of a perpendicular access drive. (Within the ARRCO district, the hiker/biker trail shall only be required for developments along the west side of Highway 61 and the east side of Highway 165 and shall replace the requirement to build sidewalks along the frontage of the property, as stipulated in Section 18-52. Properties located within the HICN shall be required to provide sidewalks if the trail will not cross their property. In the HICN, the trail may satisfy some of the requirements of Section 18-52.) Properties located on the east side of Highway 61 and the west side of Highway 165 must construct an eight (8)-foot sidewalk adjacent to their access drive through the HVB when connecting to a crosswalk that safely crosses the highway and connects to the Ashley River Road Trail System (see (c)3(b)) Properties on the north or east side of the highway shall request and construct a crosswalk to the trail system; if the highway crossing is not approved, a payment in lieu for both the 8-foot sidewalk and the crosswalk will be put into a fund to provide an eventual crossing on a connected property, with any future payments going towards trail maintenance.
 - c. Lawful silviculture, horticulture, pastures, and row crops such that a fifty (50)-foot undisturbed and opaque vegetative buffer is maintained between the use and the highway right of way; if the existing natural vegetation does not achieve the required opacity, then plantings following Section (C)(1)(A) shall be required.
 - d. Underground utilities, provided they are buried and bored so that the buffer is undisturbed.
 - e. Freestanding signs and approved trail furniture (informational kiosks, benches, workout stations, bicycle racks, trash cans, and recycling bins). No other structures are permitted within the buffer areas.
5. Commercial front buffers.

For all other commercial properties within the Ashley River Road Corridor, a front buffer of fifteen (15) feet along all other rights of way, both public and private, shall be provided. This buffer is intended for aesthetic, rather than screening, purposes. The buffer shall contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:

- Three (3) canopy trees two and one-half (2½) inches caliper minimum.

- Three (3) understory trees six (6)—eight (8) feet height minimum.
 - Twenty-five (25) shrubs, three (3) gallon minimum.
6. Commercial side and rear buffers. Side and rear buffers shall be provided per City of North Charleston standards, including section 6-12 of the Ordinance.
 7. Mitigation for buffer disturbances:
 - a. Unpermitted removal of buffer materials shall result in inch for inch replacement with a species of like kind or with a species from the Approved Plant List and payment into the City's tree bank at the prevailing rate.
 - b. Developments in conformance with the curb cut requirements of this ordinance shall not be required to mitigate for tree removals, other than grand trees, within perpendicular access drives except when it is determined during site plan review that a reasonable accommodation can be made for the retention of the tree.
 - c. Removal of trees of greater than ten (10) inches diameter breast height for the siting of the hiker/biker trail shall result in inch for inch replacement with a species of like kind or a species from the Approved Plant List.

(d) ***Wetland buffers.***

Applicability. Properties within the overlay district shall be subject to Section 6-17 of the Zoning Ordinance.

(e) ***Curb Cuts and Traffic Standards.***

1. Curb Cuts. Limiting curb cuts throughout the Ashley River Road Corridor Overlay district shall reduce the visual impact of development within the district and provide a rural and environmentally sensitive, low impact design for the corridors in the district:
 - a. Along the highway corridors, access shall be limited to twenty-four (24) feet of curb cut per three hundred (300) feet of frontage, with a maximum curb cut of sixty (60) feet
 - b. Parcels created with less than three hundred (300) feet of frontage shall be required to create shared access easements with adjacent parcels, and existing parcels with less than three hundred (300) feet of frontage shall be required to request a shared access with the adjacent properties. If the owner of the adjacent parcel does not agree to share access, the applicant shall provide one (1) of the following to the Planning and Zoning Department:
 - i. A letter from the adjacent properties owner(s) denying access; or
 - ii. If the adjacent properties owner(s) refuse(s) to provide a letter, an affidavit that documents attempts that the applicant made to request shared access and that the neighboring properties owner(s) refused to provide a letter, together with exhibits evidencing the same.
 - c. All curb cuts shall be a minimum of three hundred (300) feet from an intersecting roadway, except when there is an existing developed parcel whose curb cut does not meet the standard, where parcels are located in the HICN, or where a different distance is required by a regulatory agency.
 1. The curb cut is only permitted after a recorded agreement or recorded easement plat, filed with the Planning and Zoning Department, that states the property owner will allow adjacent properties to share access when developed, redeveloped, or when rezoned, and
 2. Where possible, access should be located along the common property boundary.

2. Traffic Standards.

- a. *Backage roads.* Backage roads shall be provided to create access to parcels along the highway corridors in the district. A backage road is defined as a reverse frontage road that runs behind development along a highway instead of in between the highway and the development providing the access from the highway to the development. Backage roads shall be built to City standards and shall run parallel to the highway corridors in the ARRCO. Backage roads shall be sited along the rear of commercial developments that front along the highway corridors; and no more than 1200 feet from the highway R/W. They shall also be encouraged to replace any curb cuts along the highways.
- b. *Road connectivity.* All new developments shall be required to provide interior connectivity to adjacent properties; backage roads may be utilized to form connectivity between properties. All residential developments shall provide more points of access than dead ends, and future developments shall be required to utilize access points that were created by previous adjacent developments.
- c. *Traffic Analysis.* A traffic impact analysis shall be required in all instances in which the proposed development area exceeds five (5) acres or if the proposed development includes one or more of the following:
 - i. Twenty-five (25) or more dwelling units;
 - ii. One (1) or more drive through service windows;
 - iii. Four (4) or more fuel dispensing units;
 - iv. More than 10,000 square feet of floor area;
 - v. Requires a modification of the curb cut requirements;
 - vi. A restaurant with more than 4,000 square feet of gross floor area;
 - vii. Any business which will produce primarily truck (three axles or more) traffic; or
 - viii. Where the number of peak hour vehicle trips is projected to exceed 100 per the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

Such traffic impact analysis shall be required by the City and paid for by the applicant; the TIA shall include estimations of the incremental effect the development will have on corridor congestion, mobility, and accessibility. A compensatory mitigation shall be provided to the City to maintain in an interest earning bank account until the City has collected the necessary funds to fulfill the mitigation needs and/or the Level of Service (LoS) reaches a failing condition and the City wishes to act despite not having accrued all of the necessary funds in the account. Traffic impact studies shall be provided to the City for review simultaneous with submission of the preliminary site plan and/or plat for consideration.

- d. *Multi-modal access.* Bike and pedestrian access shall connect the main entrance to the development with the adjacent parcels via an eight (8)-foot wide, grade-separated pathway, or the Ashley River Road Trail System, where applicable.
- (f) ***Ashley River Road Trail System.***

All new developments with frontage along the west side of Highway 61 or the east side of Highway 165 and on the east side of any future state or federal highway within the Ashley River Road Corridor Overlay district (whether added through annexation or construction) shall provide a continuous hiker/biker (shared use) path that connects along the Highway Visual Buffer at the edges of the development. This section supersedes Section 18-52 of the Subdivision Ordinance.

1. The trail shall be twelve (12) feet wide, and meander through the two-hundred (200)-foot Highway Visual Buffer; the trail shall not be closer than fifteen (15) feet to the highway, except where within thirty (30) feet on either side of a perpendicular access drive or within the HICN,
 - A master development plan which provides the specified trail and the specified connection points at the edges of the development may choose to bring the trail through the development as opposed to maintaining it within the Highway Visual Buffer,
 2. The trail shall be constructed of a pervious ADA compliant surface,
 3. Signage shall conform to the trail wayfinding and signage in Section (g) below.
 4. All commercial developments along the trail shall orient a public access toward the trail and provide connection from the trail to the main entrance of the development via a sidewalk of no less than eight (8) feet in width,
 5. The maintenance of the trail including maintaining the surface, upkeep of all signage related to the trail, and landscaping shall be provided by the POA/HOA for the development.
- (g) **Signs:** In addition to the city's normal sign code, the following special regulations shall apply:
1. Freestanding signs: Must be "monument," "pedestal" or "gateway style entrance sign pair" in design, not to exceed forty (40) square feet per sign face and eight (8) feet in height of the sign structure. One (1) sign or "gateway style entrance sign pair" shall be permitted per major road frontage.
 - i. *Shopping center freestanding signs:* A shopping center may erect one (1) shared "monument" or "pedestal" freestanding sign per center and shall be a maximum of ten (10) feet tall with a maximum total sign face of sixty (60) square feet per side.
 - ii. *Illumination of freestanding signs:*
 1. Internal illumination and uplighting will not be permitted in the district,
 2. All illumination shall be designed to minimize glare into neighboring properties and rights of way,
 3. Signs shall be of matte finish with non-reflective letters and/or backgrounds, except for wayfinding signage,
 4. Light source shall not exceed twenty (20) foot-candles at any point on the sign face and shall be reduced by fifty (50) percent outside of hours of operation,
 5. No flashing or moving or electronic display signs will be permitted.
 2. Wall signs and window signs (commercial): One (1) square foot of wall and window signage combined will be permitted per each linear foot of building frontage, up to and not exceeding fifteen (15) percent of the area of the building façade on which the signs are to be displayed. Internal illumination will not be permitted.
 3. Signs shall be fabricated of materials limited to brick, wood, concrete, stone or other non-reflective materials.
 4. District signage: Signs for gateways, wayfinding, and trail signage shall be uniform throughout the district and design specifications shall be coordinated with the City.
 5. Prohibited signs: Off-premises signs, portable signs, and temporary signs shall be prohibited within the corridor.
- (h) **Design Standards:**
1. *Prohibited materials.*
 - (a) No building elevations shall be constructed with finishes of
 - i. unadorned concrete masonry units,

- ii. corrugated and/or sheet metal,
- iii. highly reflective or mirror-like materials, or
- iv. vinyl siding; except where development is located within a designated industrial park and no development within the industrial park is visible from any right of way outside that park.

(b) Chain link fences shall not be permitted in view of public or private rights of way.

2. *Building height.*

- (a) Single-family detached residential max - thirty-five (35) feet,
- (b) All other uses - forty-five (45) feet, and
- (c) Buildings within the HICN shall be afforded a ten (10)-foot height bonus.

3. *Buildings and developments within the HICN* are encouraged to follow the design parameters expressed in *Standing at the Crossroads - Designing a Gateway for the Future*, a design manual adopted by Dorchester County in 2019 (Ordinance # 19-09) for the properties surrounding Cooks Crossroads. Conformance to these guidelines shall ensure that the gateway to the Ashley River Road Corridor Overlay district is complementary and sympathetic to the historic character and natural beauty of the district while providing a cohesive front porch from which to spread that charm.

4. *Required screening:*

- (a) Loading zones: Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing public or private rights of way, or from planned future public rights of way. Loading areas may be oriented toward adjoining developed properties, which are commercially zoned, or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of solid fencing or appropriate landscaping.

5. *Utilities and lighting.*

- (a) Utility lines. All utility lines such as electric, telephone, cable TV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground using the boring method to minimize the removal of vegetation. All junction and access boxes shall be screened with sufficient vegetation so as to completely obscure it from view. All utility pad features and meters should be shown on the site plan.

(b) Lighting.

- i. Artificial lighting for any use other than the illumination of signs (found in Section (g)(1)(ii)) within any buffer area shall be limited to a maximum lighting impact of one (1) candle foot and include full cutoff protective shields, except for the safe lighting of the trail system which will require two (2)-foot-candle illumination with full cut-off protective shields
- ii. Street lighting within residential areas shall not exceed twelve (12) feet in height, eighteen (18) feet in commercial areas, and twenty-four (24) feet when located in a designated industrial park. All lighting shall include full cutoff protective shields.

6. *Lot requirements.*

1. Residential requirements.

(a) Minimum lot size:

- 1. Single Family Detached Dwellings: twelve thousand (12,000) square feet of high ground (federally designated wetlands shall not be counted to meet this minimum lot requirement) per dwelling,

2. Multi-Family dwellings: six thousand (6,000) square feet of high ground (federally designated wetlands shall not be counted to meet this minimum lot requirement) per dwelling,

(b) Minimum setbacks: Front – Twenty-five (25) feet, Side – Ten (10) feet, and Rear – Twenty (20) feet,

(c) Minimum lot width (at the building line): sixty (60) feet,

(d) Minimum street frontage: Thirty (30) feet,

(e) Maximum impervious surface coverage (includes all land that is covered by water-resistant materials, such as asphalt, concrete, brick, stone, rooftops (green roofs would be excluded), etc: Thirty (30) percent,

(f) Clustering of lots is encouraged, however federally designated wetlands cannot count towards net density calculations.

2. Clustered lot developments. The goal of clustered lot developments is to minimize the impacts of residential developments on the environmentally and historically significant lands and waters in the ARRCO district by allowing smaller lots in exchange for the dedicated conservation of offsetting tracts of land, including a dedicated wetland buffer.

(a) Minimum lot size:

Cluster Lot Area Table			
R-1		R-2	
% of Developable Land* Placed in Conservation Easement	Minimum Lot Size** (square feet)	% of Developable Land* Placed in Conservation Easement	Minimum Lot Size** (square feet)
0	12,000	0	6,000
10	10,000	10	4,800
20	8,000	20	3,600
30	6,000	30	2,400
40+	4,000	40+	1,200
* Can be scaled to any amount between 0 and 40%; these are benchmarks.			
** Minimum lot size calculations must exclude all federally designated wetlands.			

(b) The minimum land area to dedicate for conservation in order to create a cluster development is five (5) acres. A conservation easement shall be placed over highland areas preserved by clustering and recorded subsequently with the lots.

(c) Minimum setbacks: Front – Twenty (20) feet, Side – Five (5) feet, and Rear – Ten (10) feet,

(d) Minimum lot width (at the building line): Fifty (50) feet,

(e) Minimum street frontage: Thirty (30) feet,

(f) Maximum impervious surface coverage: Sixty (60) percent, and

(g) The lot requirements of this section supersede those found in Section 18-40 of the Subdivision Regulations.

7. *Open Space requirements.* All residential development shall provide a minimum 15% active open space calculated from total net acreage (total acreage minus wetland area) in addition to the requirements of Section 6-15 of the Zoning Ordinance. Areas used for stormwater ponds, landscaped buffers, and wetland buffers do not count toward the minimum requirement of active open space. Open space shall be perpetually preserved by means of open space easements and/or open space dedication statements on recorded plats. Active open space shall include neighborhood parks, playgrounds and other active recreational uses, including the required trail on the west and south side of Ashley River Road. The 15% active open space requirement may be waived if the development is adjacent to a public park; however, a 15% open space (whether active or passive) must still be provided within the development.

8. *Pre-application review requirements.* Prior to the submission of development or subdivision plans for review by the City, the City will require the developer to submit a concept plan and an archaeological survey.

(a) The concept plan shall include, where applicable:

(i) The name of the proposed development, if known;

(ii) A general description of the proposed development including the types of proposed uses, the approximate areas and locations of proposed classes of uses;

(iii) If known, the plan should indicate possible restrictions on use or development of the property, the location of infrastructure, any possible restrictive covenants, yard, or density restriction, and any other local, state or federal laws or regulations that may restrict, govern, impact, or be impacted by the proposed plan; and

(iv) A map showing the location and boundaries of the proposal which includes preliminary wetland delineations, locations of proposed uses, and locations of any historically significant findings from the archaeological study.

(b) The archaeological study – any work that will result in ground-disturbing activities in the ARRCO requires the examination of the project’s archaeological context through a reconnaissance-level survey and may result in requirements for additional archaeological investigations depending on the results of the survey.

(i) All historically significant findings shall be mapped and provided with a report;

(ii) All locations where historically significant artifacts or features are found and not intended to be relocated, they shall be delineated and provided with a twenty-five (25)-foot undisturbed buffer. Where relocation of the artifacts or features is unavoidable, they may be relocated in consultation with and the consent of the State Historic Preservation Office. In cases where the historic feature is a cemetery, a foot path leading through the buffer to the site shall be permissible; and

(iii) All survey findings shall be submitted to the State Historic Preservation Office (SHPO) for review and recordation.

(i) ***Variance and appeals.***

1. Variances and appeals shall be handled through the board of zoning appeals as provided within Article VII of the Zoning Ordinance of the City of North Charleston. Proposals for Planned

Development (PD) districts within the ARRCO which provide less stringent regulation than the articles within the ARRCO ordinance shall be highly disfavored.

2. Where the requirements of this overlay district conflict with the requirements, conditions, or permits of other regulatory agencies, the zoning administrator may (but shall not be required to) administratively permit a reasonable modification without the necessity of a variance being obtained.

(j) *Severability.*

If any subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

(Ord. No. 2020-xxx)