

AN ORDINANCE

**AMENDING SECTION 5-17, “ASHLEY RIVER ROAD CORRIDOR OVERLAY DISTRICT”,
TO THE CITY OF NORTH CHARLESTON CODE OF ORDINANCES, APPENDIX A,
ZONING REGULATIONS, TO RENAME THE DISTRICT “WEST ASHLEY OVERLAY
DISTRICT” AND TO PROVIDE CERTAIN ADDITIONAL FACT FINDINGS.**

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 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

Whereas, the City of North Charleston previously enacted Zoning Ordinance 5-17 to provide overlay regulations for properties governed west of the Ashley River; and

Whereas, having received comment the City Council wishes to amend that ordinance to provide additional clarity of phrasing.

Now, therefore, be it ordained and enacted by the Mayor and Council that (1) Zoning Ordinance Section 5-17 be renamed from “Ashley River Road Corridor overlay district” to “West Ashley Overlay District” (with any internal references within the body of the ordinance to be re-phrased accordingly), (2) and that the following fact findings be added to the record for this ordinance and the original enactment ordinance 2020-059, (3) all other provisions of Section 5-17 remain unchanged, and (4) that all amendments contained herein relate back fully.

Findings of Fact

- The City Council of North Charleston finds that The City has under its jurisdiction relatively few parcels West of the Ashely River when compared to the number of parcels under its authority east of the Ashely River; and
- Properties under City jurisdiction west of the Ashley River share a number of common attributes making them appropriate to be placed under a common scheme of regulation. Among such attributes are
 - o the proximity to historic zones and properties,
 - o extensive community interest in preservation and development,
 - o such properties are in many instances dependent upon either Ashley River Road or Highway 165 for general movement in the area even if a tract does not directly front such roads,
 - o the West Ashley areas under City jurisdiction are in areas already experiencing reported traffic issues and development of properties under City jurisdiction may be expected to have impact on future traffic patterns in the greater area for both City residents and neighbors; and
 - o the interrelationship between the properties under City jurisdiction is such that the City’s ability to implement planning goals and traffic goals for properties fronting or in close proximity to Ashley River Road and Highway 165 would be thwarted if the City were not

able to establish a common plan or scheme for all jurisdictional properties west of the Ashley, in the City's discretion, such a common plan or scheme is desirable; and

- The City believes that the properties under its jurisdiction west of the Ashley are, in general relatively undeveloped as compared to City areas east of the Ashley River. As such, the City is in a relatively unique position to place regulations into place to guide early development. Council believes that, in some instances, it is desirable to be particularly forward-looking given this opportunity because applying forward looking regulations or rules at the outset can avoid later grandfathering or amortization which is inefficient for the community as a whole. Such circumstances also give the City a relatively unusual opportunity to enact regulations, review results on a blank slate, and then evaluate the resulting data to determine if it makes sense to enact similar regulations into older areas of the City. Accordingly, the City Council believes that in appropriate circumstances it is desirable to put into place first-of-kind regulations west of the Ashley that may not apply in older areas of the City.
- For the reasons above-stated, City Council believes it appropriate to include within this ordinance vinyl siding regulations that may not apply to any or all other areas of the City.
- City Council believes that restrictions on the use of vinyl siding are desirable in this area for a variety of reasons. Among them, Council notes that in recent years various studies or news reports have raised question about the fire safety attributes, or safety of associated fumes, of vinyl siding. While Council notes that the vinyl siding industry has, in some instances, disagreed with such reports, Council believes it prudent on balance to bar the use of vinyl siding in this district. As a result of the implementation of this rule, coupled with varying rules elsewhere in the City, it may be that fire safety data can be developed by the North Charleston Fire Department over time to allow the issue to be reevaluated in the future. City Council also notes that various published sources suggest that vinyl siding is not as environmentally friendly as some other building material alternatives and believes that the nature and history of the West Ashley area make it well suited to a more environmentally sustainable regulatory approach by the City.¹

¹ The Council specifically notes, among many other sources, the following: "Fires Become Deadlier on homes with vinyl siding, study shows" <https://cbsaustin.com/news/local/fires-become-deadlier-on-homes-with-vinyl-siding-study-shows> ; Fire Engineering. Construction Concerns: Misleading Marketing. <https://www.fireengineering.com/wp-content/uploads/content/dam/fe/online-articles/documents/2015/Havel4715a.pdf> , Study of Residential Attic Fire Mitigation Tactics and Exterior Fire Spread Hazards on Fire Fighter Safety, <https://ulfirefightersafety.org/docs/Attic-Final-Report-Online.pdf> , Environmental Building News, Vol. 23, No. https://www.buildinggreen.com/sites/default/files/ebn/EBN_23-9.pdf , Green Home Guide "Which is Greener: fiber-cement or vinyl siding" <https://www.greenhomeguide.com/askapro/question/which-is-greener-fiber-cement-or-vinyl-siding> , Peak Oil, "Which House Siding Options are Most Eco-Friendly" , <https://www.peakoil.net/sustainability/eco-friendly-home-siding> , "The Carbon Impacts of Wood Products" https://www.fpl.fs.fed.us/documnts/pdf2014/fpl_2014_bergman007.pdf . While Council notes that the topics may not be entirely free of debate, Council has found there to be sufficient information widely available to permit it to make reasonable legislative fact findings on the topics of this amendment.

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

Ordained in City Council this 25th day of February, 2021 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 February 25, 2021

DATE: December 8, 2020

ITEM TITLE: Ordinance – Final Reading
An Ordinance Amending Section 5-17, Ashley River Road Corridor Overlay District, to the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise the Name of the District and Add Additional Fact Findings Supporting the Original Enactment and this Amendment

SUBMITTED BY: Planning Department

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

SUMMARY EXPLANATION:

The City recently enacted Section 5-17 to put into place a much-needed zoning / development scheme for properties governed by the City of North Charleston and situated west of the Ashley River. First, staff heard requests for change of title to clarify that the district is intended to apply as underlying zoning rules to all properties regulated by the City lying west of the Ashley. To that end the attached amendment would change the name of the District from “Ashley River Road Corridor Overlay District” to “West Ashley Overlay District.” Second, staff heard requests for more specific fact findings regarding the existing provisions related to vinyl siding. The attached amendment provides such fact findings. No substantive changes are intended in any regard.

At the meeting of the Planning Commission meeting, there was no one that spoke either for or against the amendment.

STAFF RECOMMENDATION:

Approval

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On January 11, 2021, the Planning Commission held a public hearing and voted unanimously to recommend approval of the Zoning Text Amendment (5-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On February 18, 2021 the Public Safety Committee voted to recommend approval.

COUNCIL ACTION:

On February 11, 2021 City Council approved the first reading of the Ordinance and referred to the Public Safety Committee on February 18, 2021.

Exhibits
 Resolution Ordinance Contract Minutes Plan/Map Transfer of Funds Other