

**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 WETLAND BUFFER REQUIREMENTS**

**Whereas**, the wetland buffer standard in the Dorchester Road Corridor I overlay district requires a 25-foot buffer; and

**Whereas**, the wetland buffer in the remainder of the City is also set at 25 feet; and

**Whereas**, pursuant to a duly advertised public meeting held on August 14, 2023, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to consolidate the wetland 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 Regulations, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION BY CITY COUNCIL.

Ordained by City Council this 28th day of September, in the Year of Our Lord, 2023, in the 247<sup>th</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

ATTEST:

  
LEGAL COUNSEL

  
COURTNAY HEYWARD, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL  
AGENDA ITEM**

Meeting of September 28, 2023

**DATE:** August 14, 2023

**ITEM TITLE:** 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 Wetland Buffer Requirements

**SUBMITTED BY:** Planning Commission

**CONTACT PERSON:** Megan Clark, Planning Division Director, 843-740-2617

**SUMMARY EXPLANATION:**

A zoning text amendment is proposed to consolidate the wetland buffer requirements into one section, Section 6-17, to streamline administration of the requirements.

**STAFF RECOMMENDATION:**

Approval

**BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:**

The Planning Commission held a public hearing on August 14, 2023, and a motion to recommend approval of the proposed text amendment carried unanimously (6-0-0).

**COUNCIL ACTION:**

September 14, 2023 Mayor Pro Tempore Skipper stated without objection this item will be referred to the Public Safety Committee September 20, 2023 for further review and a recommendation.

**COUNCIL COMMITTEE RECOMMENDATION:**

September 20, 2023 the Public Safety Committee voted unanimously to recommend approval of the Ordinance (8-0-0)

Exhibits

Resolution  Ordinance  Contract  Minutes  Plan/Map  Transfer of Funds  Other

## APPENDIX A

### Section 5-11. Dorchester Road Corridor I district:

...

#### (b) *Required buffers.*

...

#### 2. Required buffers for parcels abutting secondary streets and frontage roads.

...

- F. *All buffer areas (except riparian buffers).* All buffer areas must accommodate required plant material within the buffer. Drainage swales and storm water detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in an unobtrusive manner. Storm water detention ponds may not occupy more than twenty-five (25) per cent of the buffer area. Driveways may pass through a buffer to gain access to parking. Structures other than permitted freestanding signs may not be placed within the buffer.

#### ~~3. Riparian buffers along creeks and wetland areas.~~

- ~~A. Depth: The vegetative buffer shall be of a minimum depth of twenty-five (25) feet. Depth shall be measured from the edge of the wetland area.~~
- ~~B. The buffer is to be left pristine and forested. Development within the buffer shall not be permitted for any purposes except the construction of a boardwalk (if required by this ordinance), footpaths parallel to the water, stormwater channels, and utility or roadway crossings. Any development within the buffer pursuant to this sub-section shall observe all requirements of section 5-11(c) set forth below.~~
- ~~C. Selection of new vegetation for installation in the buffer for purposes of complying with this ordinance shall be based on the native, predevelopment plant community.~~
- ~~D. Property owners may clear and prune vegetation in a portion of the buffer to establish a "view corridor." The size of a view corridor shall be either seventy-five (75) wide or one-third (1/3) the width of the lot, whichever is less. If the landowner wants to establish a view corridor, he or she must submit a selective clearing and~~

landscaping plan to the planning department. The plan must leave enough vegetation in the corridor to maintain the function of the buffer. Any trees removed must be replaced by shrubs or small trees from a plant list of native vegetation supplied by the planning department. To prevent conversion to turf, no pruning shall be allowed below a height of three (3) feet. If a landowner clears more vegetation than is allowed, he or she will be subject to a fine and required to revegetate the segment of the buffer in violation.

- F. ~~Buffer crossings: Attempts should be made to limit the number of road crossings across water bodies and to minimize the width of crossings at the discretion of the planning department and the South Carolina Department of Transportation. Direct right angles shall be used to cross the water bodies. All roadway crossings and culverts should be capable of passing the 100-year flood.~~

~~Road rights-of-way shall be reduced in buffer zones to a maximum width of twenty-five (25) feet, with utilities under pavement. Crossing water bodies with mainline sewer shall be avoided, and sewers shall be sited out of buffers. All footpaths accessing a buffer (running to the water) shall be covered by wooden boardwalks to prevent the channelization of stormwater runoff that is caused by dirt footpaths.~~

- G. ~~General. Subsequent to the approval of the development site plans, the developer shall be responsible to take such action as may be necessary to protect vegetation specified for retention within the buffer. Approved buffer area clearing and minor vegetation pruning such as removal of dead limbs, removal of trees and other vegetation not designated for retention, and limb-out pruning of existing trees shall be allowed, providing that:~~

- ~~(i) Such actions shall not damage trees which are specified for retention;~~
- ~~(ii) Limb-out pruning shall be accomplished by hand-pruning at heights less than eight (8) feet above grade; and~~
- ~~(iii) No vegetation shall be removed which has been specified for retention.~~

~~Proposed development shall avoid excessive or unsightly grading, indiscriminant earth moving or clearing of property, and removal of trees and vegetation which could cause disruption of natural water courses and draining features, or could permanently disfigure natural land forms.~~

...

(Ord. No. 2000-020, 6-8-00; Ord. No. 2000-094, 12-28-00; Ord. No. 2001-59, 9-27-01; Ord. No. 2001-092, 12-27-01; Ord. No. 2006-45, 7-25-06; Ord. No. 2006-46, 7-25-06; Ord. No. 2009-04, 1-8-09; Ord. No. 2012-047, 10-25-2012; Ord. No. 2015-023, 5-28-2015; Ord. No. 2019-034, 6-27-2019; Ord. No. 2021-007, Exh. A, 2-25-2021; Ord. No. 2021-041, Exh. A, 5-27-2021)

## Section 6-17. Riparian buffers:

*Purpose and intent.* The riparian buffer ordinance is established in order to maintain stream habitats and associated vegetation for the purposes of maintaining the physical, chemical and biological integrity of water resources; providing vital natural filtration of stormwater; reducing erosion and controlling sedimentation; stabilizing stream banks; maintaining tidal and stream flows; improving aquatic and terrestrial wildlife habitats; maintaining scenic value and recreational opportunities; and mitigating the impacts of flooding and tropical storms.

- (a) *Applicability.* This ordinance applies to all proposed new development, and to expansions to existing development sufficient to trigger application of normal buffer requirements, on properties abutting preserved wetlands and tidal or non-tidal tributaries to the Ashley and Cooper Rivers within the City of North Charleston. This ordinance shall not apply to properties located in ~~the Upper Dorchester Gateway Corridor (article V, section 5-11)~~ or the Ashley River Scenic District (article V, sections 5-8, [5-]9 and [5-]10).
- (b) *Riparian buffers adjacent to preserved wetlands and along tributaries of the Ashley River or Cooper River.* Natural vegetative buffers of 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:* 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.



4. *Landscaping additions to the buffer:* Where natural vegetation may be absent or insufficient to accomplish any degree of storm-water filtration or bank stabilization, additional plantings of indigenous grasses, shrubs and trees may be required at the following minimum rate: Six (6) canopy trees (two and one-half (2½) inch diameter breast height minimum); and ten (10) understory trees (six (6) to eight (8) feet height minimum); and forty (40) shrubs, (three (3) gallons minimum). No new non-indigenous plant species may be planted within the buffer area.
5. The landowner of a site involving a buffer is permitted as follows:
  - a. To provide a reasonable view corridor, provided the following requirements are met: to selectively clear and prune a minimal amount of vegetation in order to provide a reasonable view corridor, and shall meet the following requirements:
    1. ~~a.~~—The view corridor shall be no wider than seventy-five (75) feet or one-third (⅓) of the lot width, whichever is narrower;
    - 2b. If the landowner wants to establish a view corridor, he or she must submit a selective clearing and landscaping plan to the zoning department and apply for a zoning permit. The plan must leave enough vegetation in the corridor to maintain the function of the buffer.
      - i. No tree of six (6) inches DBH or greater shall be cut or removed;
      - ii. All cutting or pruning shall be done by hand—No grubbing or grading is permitted.
    - 3e. To prevent conversion to turf, no pruning shall be allowed below a height of three (3) feet.
    - 4d. If a landowner clears more vegetation than allowed, he or she will be subject to a fine and required to replant the segment of the buffer that is in violation. Any clearing is also subject to the regulations of the city's Tree Protection Ordinance, which imposes a one thousand eighty-five dollar (\$1,085.00) fine per tree cut unlawfully, or up to thirty (30) days in jail.
    - 5e. To the extent possible, the placement of the view corridor should coincide with the location of trails, paths, driveways and utility easements which areas shall count toward the maximum width of the view corridor.
  - b. Approved buffer area clearing and minor vegetation pruning such as removal of dead limbs, removal of hazardous trees and other vegetation, and limb-out pruning of existing trees shall be allowed, providing that:
    1. Tree and limbs greater than six (6) inches DBH may be removed only after a finding of a clear hazard to the property owner
6. If application of this ordinance shall prohibit all permitted use of a parcel to the extent that no building could be constructed on the parcel, then the zoning

administrator may reduce the natural vegetative buffers required by this section by as much as fifty (50) per cent. Greater reductions must be submitted to the zoning board of appeals.

(Ord. No. 2009-67, 11-24-09; Ord. No. 2010-24, 4-22-2010; Ord. No. 2020-038, Exh. A, 8-27-2020)