

**AN ORDINANCE
AMENDING SECTIONS 5-18 AND 5-19 OF THE CITY OF NORTH CHARLESTON
CODE OF ORDINANCES, APPENDIX A, ZONING REGULATIONS,
TO REVISE USES AND DESIGN STANDARDS**

Whereas, the City of North Charleston is empowered to regulate to provide for the health, safety, and welfare of its citizens; and

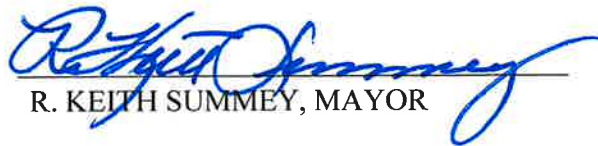
Whereas, the City is statutorily authorized to pass zoning and land use regulations; and

Whereas, pursuant to a duly advertised public meeting held on September 11, 2023, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to revise the conditional uses and design standards in the Rivers Avenue overlay districts.

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.

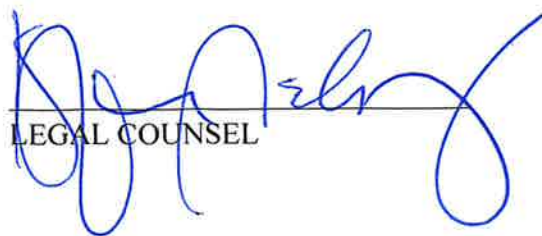
THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION BY CITY COUNCIL.

Ordained by City Council this 26th day of October, in the Year of Our Lord, 2023, in the 247th 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 October 26, 2023

DATE: August 30, 2023

ITEM TITLE: An Ordinance Amending Sections 5-18 and 5-19 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise Uses and Design Standards

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

A zoning text amendment is proposed to the Rivers Avenue overlay districts for the following items:

- To clarify the types of storage uses prohibited;
- To prohibit Highway Oriented Uses in the Rivers Avenue South overlay area (from Durant Avenue south to Success Street);
- To revise the applicability of the ordinance to apply both the design and supplemental standards to new construction and additions increasing the footprint by twenty percent (20%) or more;
- To revise the sign standard to apply to new signs;
- To clarify the commercial component for developments 9 units and greater; and
- To add a buffer requirement in the Rivers Avenue South overlay where the development activity does not meet the threshold for an activity zone.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

The Planning Commission held a public hearing on September 11, 2023, and a motion to recommend **approval** passed unanimously (7-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

October 19, 2023 the Public Safety Committee voted unanimously by voice vote to recommend approval of this Ordinance as presented. (7-0-0)

COUNCIL ACTION:

Mayor Summey stated that without objection, this item will be referred to the Public Safety Committee on October 19, 2023 for further review and a recommendation.

Exhibits

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

EXHIBIT A

Section 5-18. Rivers Avenue South overlay district:

- A. *Purpose:* The Rivers Avenue South overlay district is intended provide a framework for cohesive development design, safe multi-modal access, and walkable environment. The Rivers Avenue South overlay district shall supersede other zoning regulations where in conflict.
- B. *District boundaries:*
1. The overlay district shall consist of all parcels of land having frontage along Rivers Avenue as shown on the attached map.
 2. Any subsequent plat which combines a parcel within the overlay with a parcel currently outside the overlay and has frontage along Rivers Avenue shall increase the boundary of the overlay by including the area that was outside the overlay prior to the plat.
 3. Any subsequent plat which subdivides a parcel in the overlay and creates a parcel that no longer has frontage along the corridor's main roads shall not have the effect of removing the new parcel from the district boundaries.
- C. *Uses:* As an overlay district, permitted uses shall be those of the underlying zoning district classification, as modified herein.
1. *Prohibited uses:* The following prohibited uses may not be located within the Rivers Avenue South overlay district, except at sites fronting Rivers Avenue lawfully occupied by these uses at the time of the passing of this ordinance:
 - a. Open storage and yard sales, except seasonal sales involving Christmas trees and retail sales;
 - b. Storage facilities as a primary use;
 - c. ~~including but not limited, to~~ freight terminals, depots and drop yards,; and container storage and stacking; and
 - ed. Highway-oriented uses, including gas stations and related convenience stores, Used car and boat sales lots, auto repair and parts stores and establishments, tire retreading establishments, paint and body shops; car and truck rentals; establishments selling used and new cars, motorcycles, boats, trailers, recreational vehicles, manufactured homes, and farm and industrial equipment; and car washes.
 2. *Conditional uses:*
 - a. Structured parking as a primary use provided that:
 - i. Ground floor uses: Parking structures must have at least seventy-five (75) percent of the ground floor frontage along any street or designated pedestrian way consisting of active business uses other than parking, such as offices, retailing, services and entertainment.
 - ii. There are no blank facades in excess of fifteen (15) feet in length.
 1. Windows and doors shall serve as break points for a façade.
 2. Unbroken facades in excess of fifteen (15) feet shall be adorned with vegetative growth (vertical gardens or green walls must remain green throughout the year).
 3. Structured parking facilities are required to have flat levels which would allow for the structure to be repurposed if the parking use were no longer desired.
 - b. Surface parking may be used as a primary use on properties that are contiguous or within three hundred (300) feet of a transit stop.

- ~~c. Gas stations and related convenience stores including a one-bay car wash, provided that:

 - ~~i. Conditions required in the underlying zoning are met;~~
 - ~~ii. The building is located between the pumps and the corridor's main road(s);~~
 - ~~iii. Neither overnight nor truck parking is allowed; and~~
 - ~~iv. Vehicle repair is not allowed.~~~~
- ~~d. Used auto parts sales, including used tire sales provided that:

 - ~~i. Outdoor storage of tires or parts shall not be visible from the right of way between 7:00 p.m. and 7:00 a.m.~~~~

D. *Signage:* In addition to the city's existing sign code, the following special regulations shall apply to new signs:

- i. Freestanding signs: Must be "monument" or "pedestal" in design, not to exceed fifty (50) square feet per sign face and ten (10) feet in height ~~from the ground to the bottom of the sign face~~. One (1) sign per major road frontage.
 - (a) Shopping center freestanding signs: A shopping center may erect one (1) "monument" or "pedestal" freestanding sign per street frontage, provided the street has a right-of-way width of greater than eighty (80) feet, subject to a limit of two (2) signs per center. One (1) square foot of freestanding signage will be permitted per each linear foot of shopping center building frontage, up to a maximum of one hundred fifty (150) square feet per sign.
 - (b) Illumination of freestanding signs: Internally illuminated, flashing, and/or moving signs shall not be permitted within the overlay district. External illumination shall be full cut-off and fully shielded fixtures.
- ii. 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, along the entirety of the building's orientation, up to and not exceeding fifteen (15) per cent of the area of the building façade on which the sign is to be displayed. Window signage shall not exceed twenty-five (25) per cent of the window area.
- iii. Materials of signs: Exterior signs shall be fabricated of solid materials such as brick, wood, or concrete or metal.
- iv. Prohibited signs: Off-premises signs, portable signs, and temporary signs shall be prohibited within the corridor. Nothing in this section shall be construed to prevent the on-premises display of a for-sale sign not to exceed eight (8) square feet in residential areas and thirty-two (32) square feet in commercial areas.

E. The following standards shall apply to new construction or expansion of existing buildings by twenty (20) per cent or more:

Site and design requirements:

- ~~1. Applicability: New construction or expansion of existing buildings by twenty (20) per cent or more shall be required to meet the minimum overlay requirements.~~
- 21. *Required buffers:*
 - i. Front buffers: As the overlay intends to create a pedestrian-oriented environment, a ten-foot activity zone will be required in lieu of a front landscaped buffer. See section 5-18. F.1 E.4.ii.b for activity zone standards. Improvements not meeting the threshold specified in 5-18 E. shall provide a Type A buffer in accordance with Section 6-12 or the applicable overlay district.
 - ii. Side and rear buffers:

- (a) Developments in the overlay district that abut single-family residential uses shall maintain a Type B buffer along the boundary with the single-family residential use, however an opaque eight-foot wall or fence may be substituted for the Type B buffer.
- (b) Fences and walls which face adjacent commercial properties or can be seen from the right-of-way: Façades in excess of fifteen (15) feet in length shall be adorned with either vegetative growth (vertical gardens or green walls must remain green throughout the year), decorative elements, or artistic murals, so long as the mural is not a sign or advertisement.

~~32.~~ **Required screening:**

- i. Loading zones: Loading areas shall not be oriented to the front elevation and/or adjacent right-of-way. Additionally, no loading docks or zones shall be oriented towards single-family residentially developed properties, or planned future public or private rights-of-way. Loading areas oriented toward adjoining developed properties, or toward adjoining properties eligible for future development shall be entirely screened from view by the use of solid fencing or appropriate landscaping.
- ii. Parking: Off-street parking areas shall not be located between the structure and Rivers Avenue.
- iii. Mechanical equipment: Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.
- iv. New drive-thrus shall be out of the viewshed from the public right-of-way; and vehicle queuing and circulation shall not impact the pedestrian realm.

~~43.~~ **Building materials:**

- i. Prohibited materials:
 - a. Unadorned masonry units—Unadorned masonry units are not permitted to be visible from existing and planned future public or private rights-of-way.
 - b. Corrugated and/or sheet metals—Corrugated and/or sheet metals are not allowed for any façade oriented towards a street frontage and in no manner shall such materials be visible from existing and planned future public or private rights-of-way; this shall not prohibit the use of architectural metal cladding to be included into the overall building composition.
 - c. Chain link fencing—Chain link fencing is only allowed on property occupied by single-family residential development.
 - d. Paint and/or similar finish shall not be considered adornment.
 - e. Mesh or tarp—Mesh or tarp is prohibited as a material to use for screening.

~~F. Supplemental development standards: In an effort to promote safe and walkable connectivity and density along the Rivers Avenue South corridor, the following supplemental development standards shall apply to all proposed uses or alterations of existing uses and lands within the established Rivers Avenue South overlay district as defined by section 5-18.B.~~

~~44.~~ **Building massing and orientation:**

- i. *Primary entry.* The primary entry must be from Rivers Avenue with display windows on all street facades for retail buildings. Second floor and above, with a separate entrance from the first floor, shall have primary entrance from Rivers Avenue, when feasible. Buildings, businesses, and residences facing side streets should have entrances from the side. Secondary entrances from the rear of a store are permitted; however, this area may not be designed to the same scale as the primary entry.

- ii. *Front setbacks.* New development or improvements to existing development that meet the thresholds stated in section 5-18.E-4, and with direct frontage on Rivers Avenue, shall be built ten (10) feet from the Rivers Avenue right-of-way to provide an activity zone, which is a space between the building and the right-of-way used for gathering and/or pedestrian circulation.
 - a. Buildings may increase the standard ten-foot build-to-line up to one-fifth (1/5) of the proposed building height, up to forty (40) feet (for example: a proposal for a one hundred (100) foot tall building could have a setback ranging from ten (10) to twenty (20) feet) provided the front area between the right-of-way and building is used as an activity zone for pedestrian activity.
 - b. An activity zone shall be considered an open space for pedestrian activities which, shall include landscaping, public art, tables, seating, bike racks, or other pedestrian and active amenities.
 - i. Allowable activities in the activity zone are limited to the following:
 - aa. Open air streetside dining,
 - bb. Outdoor merchandise display that is consistent with the business it is located in front of
 - cc. Pushcarts.
 - ii. A hardscape and softscape plan of activities within the activity zone shall be submitted with the development plan and based on the proposed uses along the street frontage and/or the cohesive expansion of the activity zone based on the previous redevelopment of adjacent properties in the overlay district.
 - iii. Activities within the activity zone shall be permitted to use up to eight (8) feet; leaving a two-foot open area between the right-of-way and the activity.
25. All new development or improvements to existing development that meet the thresholds stated in section 5-18.E-4, and with direct frontage on Rivers Avenue, shall result in, at minimum, a two-story structure; only above grade stories and functional stories count towards this minimum; ornamental stories and below grade stories are allowed, but they cannot be used to meet this requirement.
36. In developments with multiple uses, the more active uses, based on parking requirements, should be oriented toward the pedestrian realm, and clearly defined and visible walkways or courtyards shall link the building entrances to and through the activity zone and into the pedestrian realm of the right-of-way.
47. Developments with nine (9) or more residential units shall be required to include street level retail/commercial uses occupying at least fifty (50) per cent of the gross first floor area street frontage. Uses open to the public with entrances along Rivers Avenue, including but not limited to leasing offices, live/work units, and fitness centers, may count towards the street-level commercial uses.
58. No blank wall shall be permitted to face the public street, sidewalks, or other public spaces, such as plazas; canopies; decks; railings and other architectural features are to be used; signs are excluded from this feature.
69. Lot requirements: The minimum lot area per dwelling unit shall be one thousand two hundred (1,200) square feet and may be waived if twenty (20) per cent of the dwelling units for the proposed development are dedicated for affordable housing at or below eighty (80) per cent of the area median income (AMI) for a period of twenty (20) years.
710. Parking standards:
- a. General: No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land and no building or land or any part of any building or land, may

be occupied or used until compliant parking has been provided in accordance with the requirements of the City of North Charleston's Code of Ordinances.

- b. Where multiple primary uses are proposed for a development, as determined by the zoning administrator, the automobile parking requirements may be reduced by as much as ten (10) per cent.
- c. Parking agreements and shared parking: Off-street parking requirements may be met on-site or the requirements may be met using a shared parking agreement or through a leasing contract with a structured parking facility.
 1. *Shared parking:*
 - i. A shared parking agreement must be approved by the zoning administrator upon finding that execution of the agreement will achieve efficiency of land use, coordination between the users will not result in conflict or shortage of parking for either party, and safe pedestrian circulation has been addressed through proper access walkways.
 - ii. The parcel that has the shared parking spaces must be located within five hundred (500) feet of the parcel on the same side of the street where the user, contracting for the parking is located.
 - iii. An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the zoning administrator, in a form approved by the city attorney. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. Evidence of an agreement is required that includes acknowledgement of termination of use should parking rights lapse.
 - iv. The minimum term for a shared parking agreement shall be ten (10) years. The parking agreement shall require that both parties to the parking agreement shall notify the city at least thirty (30) days prior to termination.
 2. *Parking agreements:* Off-street parking requirements may also be satisfied with a parking lease with a structured parking facility provided that:
 - i. The parking facility must be on a parcel with a boundary within five hundred (500) feet of the parcel where the user with a parking need is located.
 - ii. Leased spaces in the parking facility must be clearly marked so that the general public would know not to park in the spaces if they were vacant.
 - iii. Leased spaces may not be shared by any other user at any time or contracted to any other entity for times when the lessee will not use the spaces.
 - iv. Parking space lease agreements must be for a minimum term often ten (10) years.
- d. Curb cuts: Curb cuts provide necessary access from the street right-of-way, across the pedestrian realm, into the interior of lot where vehicles can be parked. In congested areas where curb cuts have not been regulated, the street environment is often dangerous and unwelcoming to pedestrians and other non-motorized forms of transportation. The purpose of this section is to maintain the critical vehicular access to properties along the Rivers Avenue South overlay district while also limiting those vehicular turning and crossing movements within the activity zone and the pedestrian realm so as to create a safer and more accessible street environment for all users regardless of ability, age, mode of transportation, or otherwise.

1. Creation of rear alleys for vehicular access should be encouraged where possible.
2. Parcels having less than one hundred (100) feet of street frontage must share a curb cut access with an adjacent parcel. Interconnectivity of the parking areas through cross access easements between the parcels is encouraged.
3. Parcels with greater than five hundred (500) feet of street frontage on Rivers Avenue may have two (2) curb cuts into the property, separated by a minimum of 100 feet between the curb cuts.
4. Curb cuts shall have a maximum width of thirty (30) feet and have clearly defined markings where they intersect the pedestrian realm.
5. Curb cuts of less than five (5) feet in width shall be permitted as passive solutions for stormwater runoff collection.
6. Curb cuts must be set at least seventy-five (75) feet from the edge of pavement of any street intersections. These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of fifty (50) feet.

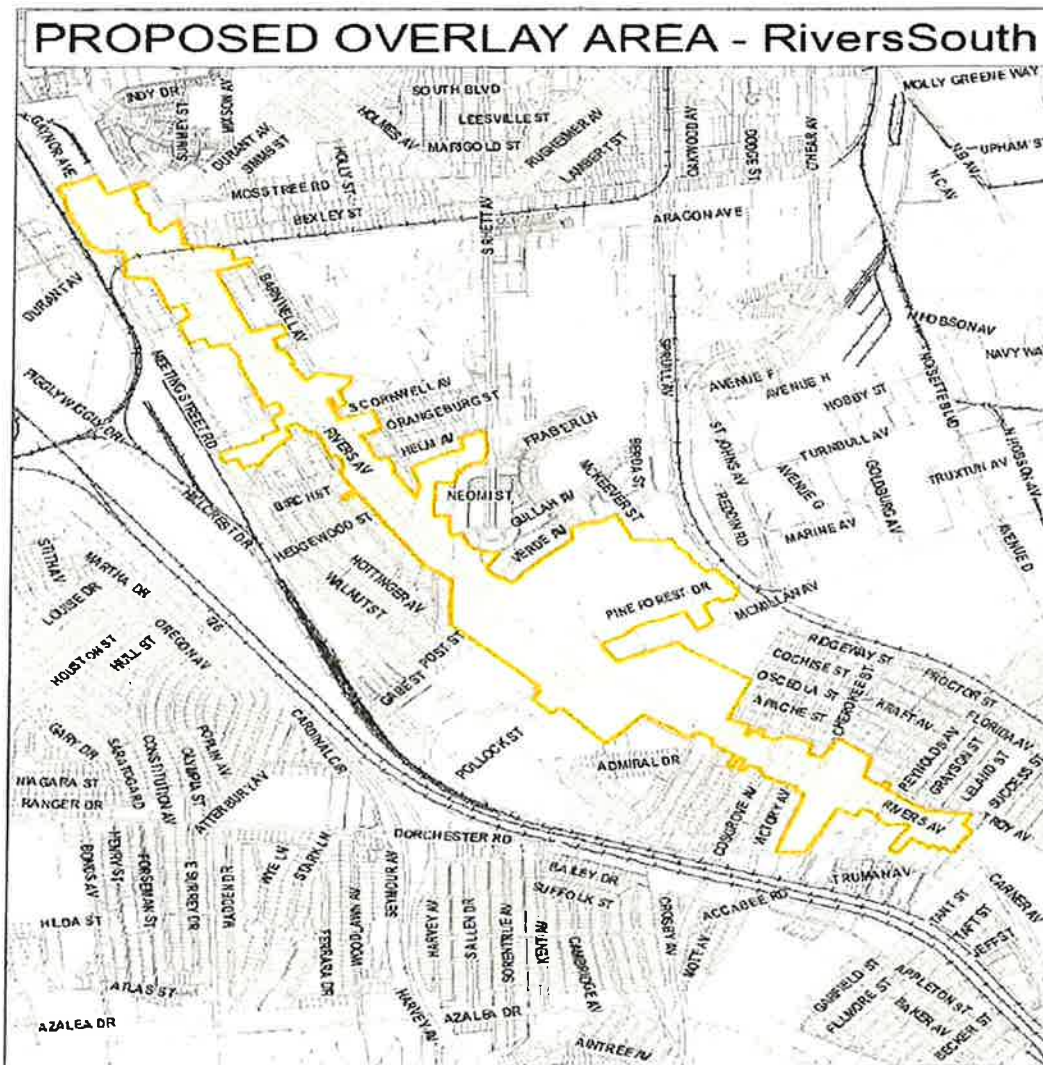
811. Utilities: All utilities, including, but not limited to electric utilities, telecommunications, fiber, or cable providers, shall be placed underground. All junction and access boxes shall be screened with sufficient evergreen vegetation so as to obscure them from view. All small wireless facilities shall utilize concealment elements, and disguised as a hardscaped or softscaped amenity, such as benches; flower boxes, or decorative poles when located in the activity zone or in the Rivers Avenue right-of-way. All utility pad features and meters shall be shown on the site plan and are subject to building setbacks.

912. Sidewalks: The Rivers Avenue South overlay district shall require sidewalks along both sides of all rights-of-way.

- a. Sidewalks shall be a minimum of twelve (12) feet in width along Rivers Avenue.
- b. Clear markings on the sidewalk shall indicate all curb cuts; these markings shall provide both visual and physical cues to the pedestrians.
- c. Walkways a minimum of five (5) feet wide shall connect building entrances to the sidewalks in the public right-of-way.
- d. The private use of public sidewalks is prohibited.
- e. These requirements shall supersede section 18-52 of the subdivision regulations.

GE. *Variance and appeals:* Variances and appeals shall be handled through the board of zoning appeals as provided within chapter 7 of the zoning ordinance of the City of North Charleston. 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.

HG. *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. 2021-035, Exh. A, 4-22-2021; Ord. No. 2022-061, Exh. A, 11-22-2022)

Section 5-19. Upper 52-78 overlay district:

- A. *Purpose:* The Upper 52-78 overlay district is intended provide a framework for cohesive development design, safe multi-modal access, and walkable environment.
- B. *District boundaries:*
 1. The overlay district shall consist of all parcels of land having frontage along Rivers Avenue or University Boulevard as shown on the attached map.
 2. Any subsequent plat which combines a parcel within the overlay with a parcel currently outside the overlay and has frontage along Rivers Avenue or University Boulevard shall increase the boundary of the overlay by including the area that was outside the overlay prior to the plat.

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3. Any subsequent plat which subdivides a parcel in the overlay and creates a parcel that no longer has frontage along the corridor's main roads shall not have the effect of removing the new parcel from the district boundaries.
 4. The Upper 52-78 overlay district overlaps both the University Boulevard overlay district and the Ladson Road overlay district; both districts shall be valid, however the Upper 52-78 district shall supersede other zoning regulations, including other overlay districts where in conflict.
- C. *Uses:* As an overlay district, permitted uses shall be those of the underlying zoning district classification, as modified herein.
1. *Prohibited uses:* The following prohibited uses may not be located within the Upper 52-78 overlay district, except at sites located within the overlay district that were lawfully occupied by these uses at the time of the passing of this ordinance:
 - a. Open storage and yard sales, except seasonal sales involving Christmas trees and retail sales;
 - b. Storage facilities as a primary use;
 - c. ~~including but not limited, to~~ freight terminals, depots and drop yards; and container storage and stacking; and,
 - d. Used car and boat sales lots.
 2. *Conditional uses:*
 - a. Structured parking as a primary use provided that:
 - i. Ground floor uses: Parking structures must have at least seventy-five (75) per cent of the ground floor frontage along any street or designated pedestrian way consisting of active business uses other than parking, such as offices, retailing, services and entertainment.
 - ii. There are no blank facades in excess of fifteen (15) feet in length.
 1. Windows and doors shall serve as break points for a façade.
 2. Unbroken facades in excess of fifteen (15) feet shall be adorned with vegetative growth (vertical gardens or green walls must remain green throughout the year).
 3. Structured parking facilities are required to have flat levels which would allow for the structure to be repurposed if the parking use were no longer desired.
 - b. Surface parking may be used as a primary use on properties that are contiguous or within three hundred (300) feet of a transit stop.
 - c. Gas stations and related convenience stores including a one-bay car wash, provided that:
 - i. The property is not within the University Boulevard overlay district;
 - ii. Conditions required in the underlying zoning are met;
 - iii. The building is located between the pumps and the corridor's main road(s);
 - iv. Neither overnight nor truck parking is allowed; and
 - v. Vehicle repair is not allowed.
 - d. Used auto parts sales, including used tire sales provided that:
 - i. Outdoor storage of tires or parts shall not be visible from the right-of-way between 7:00 p.m. and 7:00 a.m.

D. *Signage*: In addition to the city's existing sign code, the following special regulations shall apply to new signs:

- i. Freestanding signs: Must be "monument" or "pedestal" in design, not to exceed fifty (50) square feet per sign face and ten (10) feet in height from the ground to the bottom of the sign face. One (1) sign per major road frontage.
 - (a) Shopping center freestanding signs: A shopping center may erect one (1) "monument" or "pedestal" freestanding sign per street frontage, provided the street has a right-of-way width of greater than eighty (80) feet, subject to a limit of two (2) signs per center. One (1) square foot of freestanding signage will be permitted per each linear foot of shopping center building frontage, up to a maximum of one hundred fifty (150) square feet per sign.
 - (b) Illumination of freestanding signs: Internally illuminated, flashing, and/or moving signs shall not be permitted within the overlay district. External illumination shall be full cut-off and fully shielded fixtures.
- ii. 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, along the entirety of the building's orientation, up to and not exceeding fifteen (15) per cent of the area of the building façade on which the sign is to be displayed. Window signage shall not exceed twenty-five (25) per cent of the window area.
- iii. Materials of signs: Exterior signs shall be fabricated of solid materials such as brick, wood, or concrete or metal.
- iv. Prohibited signs: Off-premises signs, portable signs, and temporary signs shall be prohibited within the corridor. Nothing in this section shall be construed to prevent the on-premises display of a for-sale sign not to exceed eight (8) square feet in residential areas and thirty-two (32) square feet in commercial areas.

E. Site and design requirements: The following standards shall apply to new construction or expansion of existing buildings by twenty (20) per cent or more:

~~1. Applicability: New construction or expansion of buildings by twenty (20) per cent or more shall be required to meet the minimum overlay requirements.~~

21. *Required buffers:*

- i. Front buffers: As the overlay intends to create a pedestrian-oriented environment, a front buffer will not be required. Improvements not meeting the threshold specified in 5-19 E-4 shall provide a Type A buffer in accordance with Section 6-12 or the applicable overlay district.
- ii. Side and rear buffers:
 - (a) Developments in the overlay district that abut single-family residential uses shall maintain a Type B buffer along the boundary with the single-family residential use, however an opaque eight-foot wall or fence may be substituted for the Type B buffer.
 - (b) Fences and walls which face adjacent commercial properties or can be seen from the right-of-way. Facades in excess of fifteen (15) feet in length shall be adorned with either vegetative growth (vertical gardens or green walls must remain green throughout the year), decorative elements, or artistic murals, so long as the mural is not a sign or advertisement.

32. *Required screening:*

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- i. Loading zones: Loading areas shall be oriented so that they are not oriented towards single-family residentially developed properties, or existing and planned future public or private rights-of-way. Loading areas oriented toward adjoining developed properties, or toward adjoining properties eligible for future development shall be entirely screened from view by the use of opaque fencing or appropriate landscaping.
 - ii. Parking: Off-street parking areas shall not be located between the structure and Rivers Avenue or University Boulevard.
 - iii. Mechanical equipment: Mechanical equipment, whether ground level, raised, or rooftop shall be shielded and screened from public view.
 - iv. New Drive-thrus shall be out of the viewshed from the public right-of-way; and vehicle queuing and circulation shall not impact the pedestrian realm.

43. Building materials:

- i. Prohibited materials:
 - a. Unadorned masonry units—Unadorned masonry units are not permitted to be visible from existing and planned future public or private rights of way.
 - b. Corrugated and/or sheet metals—Corrugated and/or sheet metals, are not allowed for any facade oriented towards a street frontage and in no manner shall such materials be visible from existing and planned future public or private rights-of-way; this shall not prohibit the use of architectural metal cladding to be included into the overall building composition.
 - c. Chain link fencing—Chain link fencing is only allowed on property occupied by single-family residential development.
 - d. Mesh or tarp—Mesh or tarp is prohibited as a material to use for screening.
 - e. Paint and/or similar finish shall not be considered adornment.

~~F. Supplemental development standards: In an effort to promote safe and walkable connectivity and facilitate mobility along the Upper 52-78 corridor, the following supplemental development standards shall apply to all proposed uses or alterations of existing uses and lands within the established Upper 52-78 overlay district as defined by section 5-19.B.~~

14. Building massing and orientation:

- i. *Primary entry.* The primary entry must be from Rivers Avenue or University Boulevard or a plaza that fronts on the corridor with display windows on all street facades for retail buildings. Second floor and above, with a separate access point from the main first floor entrance, shall have primary entrance from Rivers Avenue or University Boulevard, when feasible. Buildings, businesses, and residences facing side streets should have entrances onto the facing side street. Secondary entrances from the rear of a store are permitted; however, this area may not be designed to the same scale as the primary entry.
- ii. *Front setbacks.* New development or improvements to existing development that meet the thresholds stated in section 5-19.D-1E shall be built five (5) feet from the Rivers Avenue or University Boulevard right-of-way to provide an additional space between the building and the right-of-way to provide for future sidewalk width expansion as the built environment transitions. Where there is an existing twelve-foot sidewalk, the front setback may be waived.
 - a. Buildings may increase the standard five-foot build-to-line up to one-fifth (1/5) of the proposed building height, up to forty (40) feet (for example: a proposal for a 100-foot tall building could have a setback ranging from five (5) to twenty (20) feet) provided the front

area between the right-of-way and building is used as an activity zone for pedestrian activity.

- i. An activity zone shall be considered an open space for pedestrian activities which shall include landscaping, public art, tables, seating, bike racks, or other pedestrian and active amenities.
- ii. Allowable activities in the activity zone are limited to the following:
 - aa. Open air streetside dining,
 - bb. Outdoor merchandise display that is consistent with the business it is located in front of, and
 - cc. Pushcarts.
- iii. A hardscape and softscape plan of activities within the activity zone shall be submitted with the development plan and based on the proposed uses along the street frontage and/or the cohesive expansion of the activity zone based on the previous redevelopment of adjacent properties in the overlay district.
- iv. Activities within the activity zone shall not encroach two (2) feet from the right-of-way.

25. Backage road: A backage road along the corridor will greatly reduce the number of curb cuts on Rivers Avenue and University Boulevard, which will have the effects of enhancing bicycle and pedestrian safety by reducing the number of points of conflict with motorized vehicles, limiting turn movements in and out of the travel lanes on the corridor, improving traffic flow on the corridor, and improving the visual landscape along the corridor.

- i. All new development or improvements to existing development that meet the thresholds stated in section 5-19.D-1E shall provide:
 - a. A thirty-foot easement in the location identified on the map entitled "Upper 52-78 Corridor Overlay District Infrastructure, Access Management, and Connectivity Map" if the map shows a proposed backage road that intersects the proposed development parcel.
 - b. Payment into a backage road development fund (at a per linear foot rate determined by the city's public works department) or build a portion of the backage road to enable the development of a twenty-two-foot wide road and eight-foot sidewalk to provide rear access to the properties along the Rivers Avenue North corridor.
- ii. The initial easement location for any section of the connectivity plan may be determined during site plan review by the first to redevelop along the corridor in coordination with the city's public works and planning and zoning departments, and future adjacent developments will be required to align the easement across their property with the existing easement on the adjacent property.
- iii. Developments that are fronted on the newly created backage roads or other rights of way located within the Upper 52-78 overlay district shall observe the setback regulations of section 5-19(E)(14)(ii).

36. In developments with multiple uses, the more active uses, based on parking requirements, should be oriented toward the pedestrian realm, and clearly defined and visible walkways or courtyards shall link the building entrances to and through the activity zone and into the pedestrian realm of the right-of-way.

47. Developments with nine (9) or more residential units and direct frontage on University Boulevard or Rivers Avenue shall be required to include street level retail/commercial uses occupying at least fifty

(50) per cent of the gross first floor ~~area~~ street frontage. Uses open to the public with entrances along the primary street, including but not limited to leasing offices, live/work units, and fitness centers, may count towards the street-level commercial uses.

58. No blank wall shall be permitted to face the public street, sidewalks, or other public spaces, such as plazas. Canopies, decks, railings, windows, green walls defined by vegetative growth, approved public art murals, and/or other architectural features are to be used. No signs of any form shall satisfy this requirement.
69. Lot requirements: The minimum lot area per dwelling unit shall be one thousand two hundred (1,200) square feet and may be waived if twenty (20) per cent of the dwelling units for the proposed development are dedicated for affordable housing at or below eighty (80) per cent of the area median income (AMI) for a period of twenty (20) years.
710. Parking standards:
- a. General: No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land and no building or land or any part of any building or land, may be occupied or used until compliant parking has been provided in accordance with the requirements of the City of North Charleston's Code of Ordinances.
 - b. Where multiple primary uses are proposed for a development, as determined by the zoning administrator, the automobile parking requirements may be reduced by as much as ten (10) per cent.
 - c. Parking agreements and shared parking: Off-street parking requirements may be met on-site or the requirements may be met using a shared parking agreement or through a leasing contract with a structured parking facility.
 1. *Shared parking:*
 - i. A shared parking agreement must be approved by the zoning administrator upon finding that execution of the agreement will achieve efficiency of land use, coordination between the users will not result in conflict or shortage of parking for either party, and safe pedestrian circulation has been addressed through proper access walkways.
 - ii. The parcel that has the shared parking spaces must be located within five hundred (500) feet of the parcel on the same side of the street where the user contracting for the parking is located.
 - iii. An agreement providing for the shared use of parking areas, executed by the parties involved, must be filed with the zoning administrator, in a form approved by the city attorney. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. Evidence of an agreement is required that includes acknowledgement of termination of use should parking rights lapse.
 - iv. The minimum term for a shared parking agreement shall be ten (10) years. The parking agreement shall require that both parties to the parking agreement shall notify the city at least thirty (30) days prior to termination.
 2. *Parking agreements:* Off-street parking requirements may also be satisfied with a parking lease with a structured parking facility provided that:

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- i. The parking facility must be on a parcel on the same side of the street and with a boundary within five hundred (500) feet of the parcel where the user with a parking need is located.
 - ii. Leased spaces in the parking facility must be clearly marked so that the general public would know not to park in the spaces if they were vacant.
 - iii. Leased spaces may not be shared by any other user at any time or contracted to any other entity for times when the lessee will not use the spaces.
 - iv. Parking space lease agreements must be for a minimum term of ten (10) years.

811. Curb cuts: Curb cuts provide necessary access from the street right-of-way, across the pedestrian realm, into the interior of the lot where vehicles can be parked. In congested areas where curb cuts have not been regulated, the street environment is often dangerous and unwelcoming to pedestrians and other non-motorized forms of transportation. The purpose of this section is to maintain the critical vehicular access to properties along the Upper 52-78 overlay district while also limiting those vehicular turning and crossing movements within the activity zone and the pedestrian realm so as to create a safer and more accessible street environment for all users regardless of ability, age, mode of transportation, or otherwise.

- a. Creation of rear alleys for vehicular access through the backage road development fund will lead to the long-term reduction of most curb cuts in the district.
- b. Parcels having less than one hundred (100) feet of street frontage must share a curb cut access with an adjacent parcel. Interconnectivity of the parking areas through cross access easements between the parcels is encouraged. In all instances; connectivity shall supersede buffer requirements and any other circumstances that may conflict with connectivity.
- c. Only parcels that have frontage on more than one (1) right-of-way may have two (2) curb cuts into the property.
- d. Curb cuts shall have a maximum width of thirty-six (36) feet, however a curb cut of greater than twenty (20) feet will have to be justified by a traffic impact analysis report, and all curb cuts shall have clearly defined markings where they intersect the pedestrian realm.
- e. Curb cuts of less than five (5) feet in width shall be permitted as passive solutions for stormwater runoff collection.
- f. Curb cuts must be set at least seventy-five (75) feet from the edge of pavement of any street intersections. These minimum spacing requirements shall be increased if a right-turn deceleration lane is required and shall equal the length of the turn lane and taper plus an additional distance of fifty (50) feet.
- g. Applicability: New construction and expansion of buildings by twenty (20) per cent or more shall be required to meet the minimum overlay requirements.

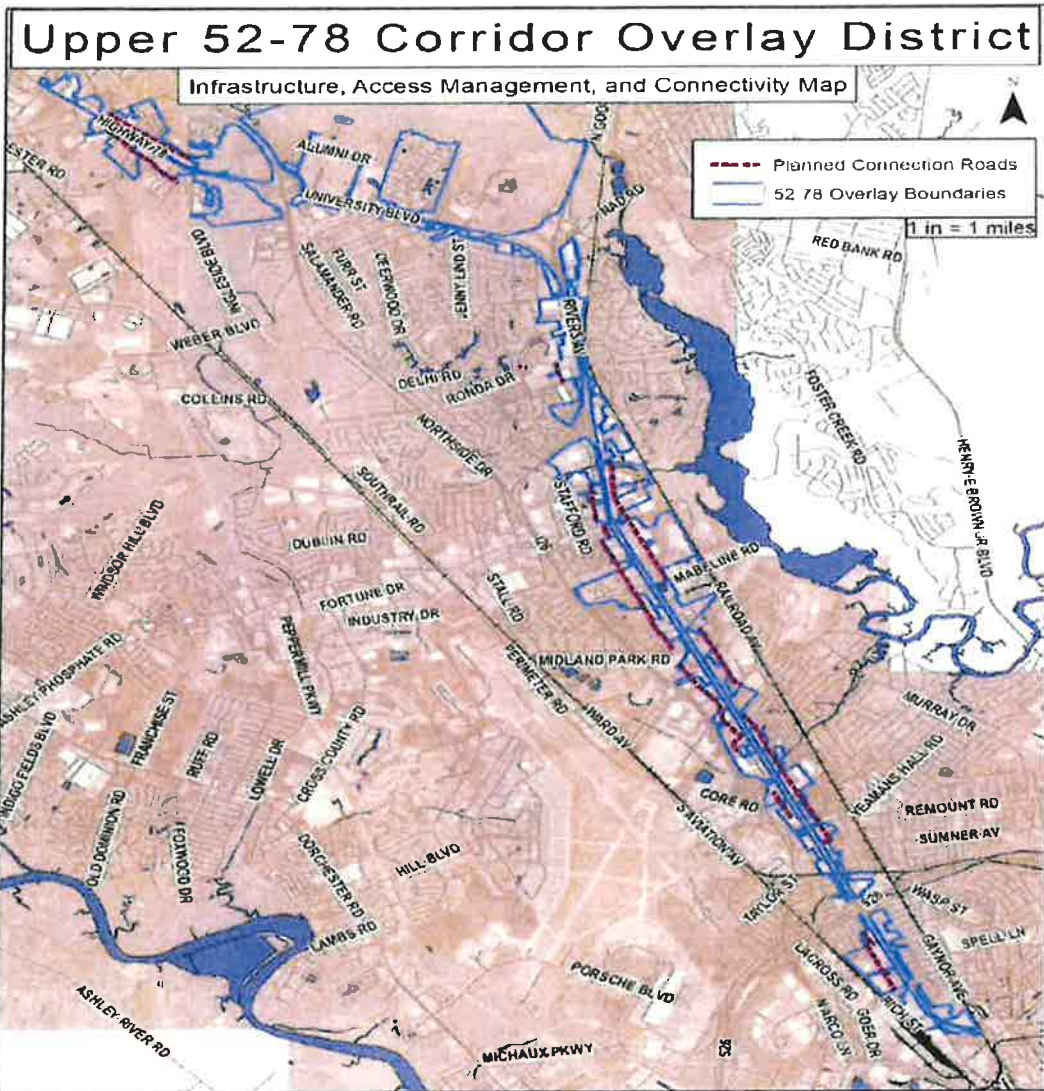
912. Utilities: All utilities, including, but not limited to electric utilities, telecommunications, fiber, or cable providers, shall be placed underground. All junction and access boxes shall be screened with sufficient evergreen vegetation so as to obscure them from view. All small wireless facilities shall utilize concealment elements, and disguised as a hardscaped or softscaped amenity, such as benches; flower boxes, or decorative poles when located in the activity zone or in the Rivers Avenue or University Boulevard right-of-way. All utility pad features and meters shall be shown on the site plan and are subject to building setbacks.

~~1013~~. Sidewalks: The Upper 52-78 overlay district shall require sidewalks along both sides of all rights of way; individual developments shall only be responsible for installing (or upgrading to the standards of this section) sidewalks adjacent to their parcel(s).

- a. Sidewalks shall be a minimum of twelve (12) feet in width along Rivers Avenue and University Boulevard.
- b. Sidewalks along the intersecting streets to the corridor or newly developed rights of way within the Upper 52-78 overlay district shall be a minimum of eight (8) feet wide.
- c. Clear markings on the sidewalk shall indicate all curb cuts; these markings shall provide both visual and physical cues to the pedestrians.
- d. Walkways a minimum of five (5) feet wide shall connect building entrances to the sidewalks in the public right-of-way.
- e. The private use of public sidewalks is prohibited.
- f. These requirements shall supersede section 18-52 of the subdivision regulations.

~~GE~~. *Variance and appeals*: 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. 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.

~~HG~~. *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. 2021-052, Exh. A, 7-15-2021; Ord. No. 2022-061, Exh. A, 11-22-2022)