

**AN ORDINANCE
ADDING NEW SECTION 5-18, RIVERS AVENUE CORRIDOR SOUTH 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 SOUTH
OF DURANT AVENUE FRONTING RIVERS AVENUE**

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 between Durant Avenue and Success Street that front along Rivers Avenue exhibit unique characteristics; and

WHEREAS, the recently adopted PRIME North Charleston Comprehensive Plan recommends enhancing the character and design of corridors; and

WHEREAS, the Planning Commission of the City of North Charleston has considered the amendment and made a recommendation to City Council.

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.

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

Ordained in City Council this 22nd day of April, 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 April 22, 2021

DATE: February 10, 2021

ITEM TITLE: Ordinance – Final Reading
An Ordinance Adding New Section 5-18, Rivers Avenue Corridor South 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 South of Durant Avenue fronting Rivers Avenue

SUBMITTED BY: Planning Staff

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

SUMMARY EXPLANATION:

As previously discussed, in order to provide design standards and prepare for redevelopment, staff feels that an overlay district would be appropriate along Rivers Avenue from Durant Avenue south to Success Street (see attached map). This area along Rivers does not have a grassed median and also is traditionally more urban than portions north along Rivers. Staff has drafted an overlay district that pulls in existing framework from the existing Dorchester Road Corridor I overlay district, along with additional design standards that are appropriate in an urban context.

The proposed overlay incorporates the same types of standards of the Dorchester Road overlay (see below chart), such as the sign requirements, screening, building materials, curb cut standards, and location of parking to the rear of the structures and either slightly revises or mimics those standards for this area of the City; in addition, the proposed overlay provides different standards in this area, including:

- Building Orientation: The overlay would require new construction or additions greater than 20% to orient the building to Rivers Avenue with a pedestrian plaza adjacent to the sidewalk in lieu of a landscaped buffer – similar to Montague Avenue’s building orientations. Building entrances would be required to be have a primary entrance along Rivers Avenue; secondary entrances at the rear or a side street would be permitted, but should be designed to be more utilitarian and smaller in scale than the primary entrance on Rivers.
- Number of Stories – The overlay requires new construction to be a minimum of two stories in order to promote mixed uses and density
- Activity Zone: A 10-foot wide “activity zone” would be provided in lieu of a planted buffer to provide an urban plaza where outside dining, landscaping, and pedestrian amenities could be located
- Affordable Housing: When multi-family housing is proposed, there would be no minimum lot size for developments that incorporate 20% of the units to be rented to households at or below 80% of the average median income, with an affordability period of 20 years

- Sidewalks: A minimum of a 12-foot sidewalk is required in the overlay to facilitate an urban corridor that promotes pedestrian activity and connectivity
- Overlay District Boundary – The proposed overlay boundary would increase when adjacent parcels are combined with parcels within the district; or if parcels are subdivided

Requirements	Dorchester Road Corridor I	Rivers Avenue South (Durant to Success)
Conditional Uses*	ü	ü
Signage	ü	ü
Buffers**	ü	ü
Screening	ü	ü
Parking Areas not located between the structure and street	ü	ü
Building Materials	ü	ü
Building Orientation		ü
Activity Zone		ü
Affordable Housing		ü
Curb Cuts	ü	ü
Underground Utilities	ü	ü
12-Foot Sidewalks		ü

*Conditional Uses in the Dorchester Road overlay are within the underlying B-2 district regulations; the proposed River Avenue South overlay includes conditional uses (parking structures, drive thrus, gas stations and prohibits open yard sales, used auto part sales, storage facilities and used car sales lots)

**The Rivers Avenue South overlay proposes an open area called an “activity zone” along the front right of way in lieu of a landscaped buffer

STAFF RECOMMENDATION:

Staff is requesting Council’s concurrence in order to move forward with additional review and consultation by other applicable agencies and subsequently a public hearing and recommendation by the Planning Commission.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On March 8, 2021, the Planning Commission held a public hearing and voted unanimously to recommend contingent approval (7-0-0). The contingency was a text change which has been addressed.

COUNCIL COMMITTEE RECOMMENDATION:

On April 15, 2021 the Public Safety Committee voted to recommend approval of the Ordinance as presented. (10-0-0)

COUNCIL ACTION:

On April 8, 2021 City Council approved the first reading of the Ordinance and referred to the Public Safety Committee on April 15, 2021 for further review and a recommendation.

Exhibits

___ Resolution Ordinance ___ 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.
- 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 yard sales;
 - b. Used auto parts sales, including used tire sales;
 - c. Storage facilities as a primary use; and,
 - d. Used car 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%) 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 façades in excess of fifteen (15) feet in length.
 1. Windows and doors shall serve as break points for a façade

2. Unbroken façades in excess of fifteen 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 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) Drive-thru services provided that:
- i. Either the drive-thru is contained within the building envelope or located at the rear of the building and out of the viewshed from the public right of way; and
 - ii. Vehicle queuing and circulation does not impact the pedestrian realm.

D. Site and Design Requirements:

1. **Applicability:** New construction and expansion of buildings by twenty (20) per cent or more shall be required to meet the minimum overlay requirements.
2. **Signage:** In addition to the City's existing sign code, the following special regulations shall apply:
 - 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 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 25% 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.

3. Required buffers:

- i. Front buffers: As the overlay intends to create a pedestrian-oriented environment, a 10-foot Activity Zone will be required in lieu of a front landscaped buffer. See Section 5-18.E.1.ii.b for Activity Zone standards.
- 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 (8) 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.

4. Required screening:

- i. Loading zones: Loading areas shall be oriented so that they are in no manner visible from single-family residentially developed properties, or existing and planned future public or private right of ways. Loading areas may be oriented toward adjoining developed properties, or toward adjoining properties eligible for future development if and only if they are 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.

5. 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 right of ways.
- 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 right of ways; 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. 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.

1. 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.D.1 shall be setback 10 feet from Rivers Avenue 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 10-foot setback 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 10 to 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 feet; leaving a two-foot open area between the right of way and the activity.
- iii. All new development or improvements to existing development that meet the thresholds stated in Section 5-18.D.1 shall result in, at minimum, a two (2) 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.
- iv. 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.
- v. Developments with 9 or more residential units shall be required to include street level retail/commercial uses occupying at least fifty (50) percent of the gross first floor area.
- vi. 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.
- vii. Lot requirements: The minimum lot area per dwelling unit shall be one thousand two hundred (1200) square feet and may be waived if twenty (20) percent of the dwelling units for the proposed development are dedicated for affordable housing at or below eighty (80) percent of the area median income (AMI) for a period of 20 years.

viii. 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) percent.
- 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 of ten (10) years.

e. 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 and properties that have frontage on more than one right of way may have two (2) curb cuts into the property. Properties with more than one curb cut must have at least twenty-eight (28) 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.
- ix. 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.
 - x. Sidewalks: The Rivers Avenue South overlay district shall require sidewalks along both sides of all right of ways.
 - 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.
 - xi. 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.
 - xii. 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.

PROPOSED OVERLAY AREA - RiversSouth

