

**AN ORDINANCE
AMENDING SECTION 18-52 OF THE CITY OF NORTH CHARLESTON CODE OF
ORDINANCES, CHAPTER 18, SUBDIVISION REGULATIONS, TO REVISE THE
STANDARDS RELATING TO THE INSTALLATION OF SIDEWALKS**

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 enact land development regulations to govern development within its boundaries; and

Whereas, the City of North Charleston finds that sidewalks are beneficial to the public good; the Comprehensive Plan recommends for increased connectivity; and

Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Subdivision Regulations, 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 27th day of January, in the year of our Lord, 2022, and in the 245th year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

ATTEST:


LEGAL COUNSEL


SANDY L. BROWN, MUNICIPAL CLERK

Sec. 18-52. Sidewalks.

- (a) *Size and Location.* Sidewalks shall be installed in conjunction with new development activities otherwise regulated by the City of North Charleston's subdivision regulations in the following locations and widths along every road frontage:

Single-family residential frontage	5 feet, one-side both sides
All other frontage	5 feet, both sides

- (b) *Timing of installation.*

- (1) *Non-residential areas.* Sidewalks shall be installed in all newly developed non-residential areas at the time of initial road construction. In those non-residential areas in which roads were constructed prior to the effective date of this chapter, sidewalks shall be installed along each parcel simultaneous with any development or construction on the parcel which would expand or enlarge the pre-existing building by twenty (20) percent or more, or a renovation of the existing structure in excess of \$1000 per linear foot of frontage.¹ In cases in which sidewalk installation is required, no certificate of occupancy or other final inspection approval shall issue for the new improvement so constructed unless sidewalk installation along the parcel's frontage has first been completed.
- (2) *Residential areas.* New developments—Sidewalks shall be required in residential areas. In residentially zoned subdivisions and planned communities which have yet to achieve seventy (70) percent build-out, sidewalk installation along frontages of buildable parcels may be delayed on each individual parcel until final inspection of the residence for occupancy, provided that no certificate of occupancy may be issued unless a sidewalk built to city code specifications has first been put in place. Sidewalks required along frontages of non-buildable parcels such as HOA, greenspace, park, and common areas shall be installed at the time of initial road construction. Once seventy (70) percent build-out is achieved the developer shall install sidewalks along all remaining buildable properties prior to the issuance of any additional building permits, either in the name of the developer or another, for construction within the development or subdivision.

¹The twenty (20%) percent enlargement test shall be cumulative for all improvements occurring after the effective date of this ordinance. This calculation shall be made in a manner consistent with the following example: if an existing 5,000 square foot building were enlarged by 500 square feet (10%) in 2017 and enlarged another 700 square feet in 2018 then sidewalk installation would be required in conjunction with the 2018 expansion because $500 + 700 = 1,200$ square feet of cumulative expansion and, when compared to the original 5,000 square foot size this exceeds 20%.

- (c) Where it is deemed necessary for public safety (as demonstrated through appropriate public impact studies), the planning commission may require either additional sidewalks or wider sidewalks than those listed above.
- (d) All utilities, such as poles, lines, cables and fire hydrants, shall be kept outside the required sidewalk width.
- (e) *Location.* When required, sidewalks shall to the extent possible be placed within the right of way, parallel to the street, and located not closer than five (5) feet from the back of a mountable curb or edge of the pavement should no curb be present. Where a six-inch vertical barrier curb is present, the sidewalk may be installed abutting the barrier curb. In instances in which the edge of the right of way is located such that it is not possible to maintain both the required sidewalk width and the full five (5) foot setback from a mountable curb, a six-inch vertical barrier curb shall be installed and the sidewalk width shall be preserved. When it has been deemed infeasible a sidewalk is not permitted to be constructed in the right-of-way. Should installation of the sidewalk ~~be shall~~ be on private property, and a ~~then a~~ pedestrian easement acceptable in form to the city shall be provided.
- (f) *Construction standards.* Sidewalks shall be constructed in accordance with the standards set forth in section 17-107 of the ordinances of the City of North Charleston.
- (g) *Payments-in-lieu:*
 - (1) ~~Government sidewalks or trails ("sidewalk equivalents") present or scheduled for installation on-site.~~ In instances in which a parcel is served by a preexisting governmentally financed sidewalk equivalent, or is scheduled to be improved in the future by the installation of such a sidewalk equivalent, property owners shall pay to the City of North Charleston an amount equal to the lesser of (a) the cost which would be associated with the installation of the sidewalk otherwise specified by this chapter; or (b) the cost to the local government⁽¹⁾² of the governmental sidewalk equivalent installed, or scheduled to be installed, along the property.
 - (2) ~~Installation of required sidewalks infeasible.~~ Where installation of the sidewalks otherwise required by this chapter is determined to be infeasible by the planning director, the owner may, in lieu of installing such sidewalks, pay to the City of North Charleston an amount equal to the standard cost of installation as determined by the department of public works.
 - (3) ~~Use of funds.~~ Payments in lieu received under this chapter shall be deposited by the city into a special account for use in mitigating pedestrian and vehicle traffic congestion within the city limits.
- (gh) *Exceptions.* In instances in which sidewalks specified by this chapter would join preexisting sidewalks or sidewalk equivalents of substandard width, the planning director may vary the width requirements specified herein.

²For example, if the total cost of a sidewalk equivalent was \$10,000, but the sidewalk equivalent was constructed by use of a federal grant requiring a 30% local match, the "cost to the local government" for purposes of this section would be \$3,000.

(h) *Requirements cumulative.* The requirements set forth herein within the subdivision regulations of the City of North Charleston are not exclusive, but are in addition to any similar requirements which may exist within the City of North Charleston's Zoning Code.

(Ord. No. 1994-37, 11-28-94; Ord. No. 2000-050, 8-10-00; Ord. No. 2014-075, 11-25-2014)

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of January 27, 2022

DATE: January 4, 2022

ITEM TITLE: Ordinance – Final Reading
Ordinance Proposed to Amend Section 18-52 of the City of North Charleston Code of Ordinances, Chapter 18, Subdivision Regulations, to Revise the Standards Relating to the Installation of Sidewalks

SUBMITTED BY: Planning Commission

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

SUMMARY EXPLANATION:

As a result of recent case law regarding fees and the comprehensive plan’s recommendation for increased connectivity; staff is recommending the following changes to Section 18-52:

- Installation of sidewalks on both sides of residential streets in new developments
- Interior improvements in addition to expansions valuing more than \$1,000 per linear feet of frontage would require the construction of sidewalks
- The removal of the ability to pay a fee in lieu of construction so that sidewalks are required in all instances

STAFF RECOMMENDATION:

Recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On December 13, 2021, the Planning Commission voted unanimously to recommend **approval** (8-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On January 20, 2022 the Public Safety Committee voted to approve the Ordinance.

COUNCIL ACTION:

On January 13, 2022 Mayor Summey stated without objections this item will be referred to the Public Safety Committee on January 20, 2022 for further review and a recommendation.

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