

## AN ORDINANCE

**AMENDING SECTIONS 18-3 AND 18-24(7) OF THE NORTH CHARLESTON CODE OF  
ORDINANCES SUBDIVISION REGULATIONS REGARDING PUBLIC HEARING  
REQUIREMENTS AND EXEMPT PLATS**

Whereas, the City of North Charleston is, by South Carolina statute, empowered to enact land development regulations to govern development within its boundaries; and

Whereas, the Section 18-3 of the Subdivision Regulations currently requires notice of amendments to be published 15 days prior to a public hearing at City Council; and

Whereas, S.C. Code 6-29-1130, which enables the City's Subdivision Regulations, requires jurisdictions to publish notice 30 days prior to holding a public hearing at City Council; and

Whereas, the City is desirous of updating its Subdivision Regulations to be consistent with State law; and

Whereas, the Subdivision Regulations currently classify easement plats, except those in favor of the City, as exempt from Planning Commission approval; and

Whereas, the City of North Charleston finds that easements in favor of the City are not dissimilar from easements in favor of other entities, do not merit additional review by the Planning Commission, and should be similarly designated as "exempt plats."

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL, IN COUNCIL ASSEMBLED, THAT SECTIONS 18-3 AND 18-24(7) OF THE SUBDIVISION REGULATIONS OF THE CITY OF NORTH CHARLESTON BE HEREBY AMENDED TO INCLUDE THE FOLLOWING:

Sec. 18-3. - Amendments.

- (a) Amendments to the regulations set out in this chapter shall be proposed by the planning commission or shall be submitted for approval, disapproval, or suggestion of the planning commission before being enacted.
- (b) The city council may adopt amendments to the regulations set out in this chapter; provided that, it shall hold a public hearing thereon, notice of which shall be given at least ~~fifteen (15)~~ thirty (30) days prior to the hearing within a newspaper of general circulation in the county.

Sec. 18-24. - Exempt plats.

The following types of subdivisions are exempt from the provisions of sections 18-22(a) and 18-23(a) provided that all other conditions of this chapter are met and that certification to that effect is provided by the planning department subsequent to approval by the public works department.

- (1) The division of any tract of land that is in one ownership, into ten (10) lots or less, provided that no street right-of-way or public easement dedications are involved.

- (2) The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and where all lots or residual portions thus conform to section 18-23(b).
- (3) When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land. In such cases, the planning department may also waive the requirements of section 18-23(b) of these regulations provided that a statement is made on the face of the plat which describes the proposed transaction.
- (4) The division of land into parcels of five (5) acres or more where no new street is involved and all lots created have public access.
- (5) Plats related to, and faithfully executing, the requirements of a council-approved PDD plan.
- (6) Boundary survey plats that do not involve the subdivision of land.
- (7) Easement plats ~~which do not involve dedication of the easement to the City of North Charleston.~~

(Ord. No. 2007-29, 5-24-07)

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

Ordained in City Council this 20<sup>th</sup> day of November, 2018, the 242<sup>nd</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

  
LEGAL COUNSEL

ATTEST:

  
ELLEN CLARK, MUNICIPAL CLERK