

AN ORDINANCE

**AMENDING SECTION 18-40(G) OF THE NORTH CHARLESTON CODE OF ORDINANCES  
SUBDIVISION REGULATIONS REGARDING CITY-OWNED PROPERTIES**

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 Subdivision Regulations currently require restrictive covenants to be recorded when lots for “support facilities” are created; and

Whereas, the City finds that that city-owned properties must sometimes be subdivided for municipal purposes in ways not conforming to the existing Subdivision Regulations; and

Whereas, the City would like to exempt plats of city-owned properties from requirements related to the creation of support facilities.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL, IN COUNCIL ASSEMBLED, THAT SECTION 18-40 OF THE SUBDIVISION REGULATIONS OF THE CITY OF NORTH CHARLESTON BE HEREBY AMENDED AS FOLLOWS:

**Sec. 18-40. - Lots.**

- (g) *Support facilities*: Notwithstanding any other requirements of this section, lots may be subdivided for use as buffer areas, drainage or wetlands preservation areas, recreational or common areas for the benefit and convenience of all or part of the property owners of the subdivision, or golf course and related facilities which are of such widths, depths, lot areas, lot designs, or frontages as shall be approved by the department of planning and management as being consistent with the intent of the subdivision regulation ordinance. Such lots may be provided with access to an existing street which has been accepted for continual maintenance by the state or one of its political subdivisions by means of access easements across another parcel. ~~In all cases~~ **With the exception of properties owned by the city**, as a condition of approval of the subdivision plat, the current property owner shall impose thereon restrictive covenants which are enforceable by the city, and in a form approved by legal counsel for the city, which would restrict use of the property to the proposed use and provide that it may not be sold to any other party for any other use or subdivided without bringing such property into compliance with the then existing subdivision regulations of the city regarding lots for other than support facilities. Adequate provision shall be made in such restrictive covenants for continued maintenance of such support facilities by an approved property owners association or other responsible entity and which shall provide for an easement and lien against supported lots or membership in favor of such association or entity for the continued maintenance of such lots or facilities. Such association or entity shall be an organization operating under agreements of public records that have been reviewed and considered legally binding by legal counsel for the city.

(Ord. No. 1985-23, 4-11-85; Ord. No. 1987-29, 5-28-87; Ord. No. 1990-4, 2-8-90; Ord. No. 1990-15, 3-8-90; Ord. No. 1990-36, 7-12-90; Ord. No. 1991-3, 2-14-91; Ord. No. 1991-16, 5-9-91; Ord. No. 2000-049, 8-24-00; Ord. No. 2009-66, 11-24-09; Ord. No. 2015-026, 6-25-2015)

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

Ordained in City Council this 27<sup>th</sup> day of February, in the year of our Lord, 2020, and in the 243<sup>rd</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

ATTEST:

  
LEGAL COUNSEL

  
JULIE ELMORE, ACTING MUNICIPAL CLERK