

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 18-40 OF THE CITY OF NORTH CHARLESTON CODE OF ORDINANCES, CHAPTER 18 SUBDIVISION REGULATIONS, TO ADD LOT STANDARDS FOR R-1A-ZONED LOTS, REDUCE THE LOT SIZE TO 4,500 FOR R-2 AND R-3 LOTS IN TRADITIONAL NEIGHBORHOOD AND MIXED-USE AREAS, AND R-1 LOTS WITH A FUTURE LAND USE OF MIXED USE, AND ADD CERTAIN EXEMPTIONS FOR LOTS REPLACING NONCONFORMING MANUFACTURED HOME PARKS AND FOR CITY-OWNED LOTS

Whereas, the City of North Charleston is empowered to regulate land use to ensure orderly growth and harmony among neighboring uses; and

Whereas, the recently-adopted PRIME North Charleston Comprehensive Plan calls for accommodating higher-density housing to increase housing supply; and

Whereas, certain additions to and clarifications of the Subdivision Regulations are needed;

Whereas, it has been recommended to the Mayor and Council by the Planning Commission that the subdivision regulations should be amended to add lot standards for R-1A-zoned lots, reduce the R-2 lot size for single-family development in Traditional Neighborhood and Mixed-Use areas, reduce the lot size for R-3 zoned lots in Traditional Neighborhood and Mixed Use areas, and add certain exemptions for lots replacing nonconforming mobile home parks and for city-owned lots;

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 24th day of March, in the year of our Lord, 2021, 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. 18-40. Lots.

(a) *Minimum lot widths, lot area, and frontage:* Minimum lot widths, area and frontage shall be as provided in the following table:

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (measured at building line)** (feet)	Minimum Street Frontage*** (feet)
R-1 (with traditional neighborhood development or <u>mixed use future land use designations</u>)	4,500	45	30
R-1	6,000*	60	30
<u>R-1A</u>	<u>4500*</u>	<u>45</u>	<u>30</u>
R-2	6,000	60	30
<u>R-2 (for single-family detached lots with traditional neighborhood development or mixed use future land use)</u>	<u>4,500</u>	<u>45</u>	<u>30</u>
<u>R-3 (with traditional neighborhood development or mixed use future land use designation)</u>	<u>4,500</u>	<u>45</u>	<u>30</u>
R-3	6,000*	60	30
ON	6,000	60	30
B-1	6,000	60	30
B-2	12,000	80	50
CRD	10,000	50	50
M-1	½ acre	100	100
M-2	5 acres	400	400

* Where public water or public sewer is unavailable, additional lot area shall be required as determined by the South Carolina Department of Health and Environmental Control.

** On culs-de-sac, minimum lot width shall be measured at the midpoint of the lot depth.

*** On culs-de-sac the minimum street frontage shall be fifty (50) feet in M-1 and M-2.

(b) *Lot depth:* Lot depth normally shall not exceed four (4) times that width. This provision shall not apply where the width of each lot exceeds three hundred (300) feet for its entire depth.

(c) *Double frontage lots:* Lots which have double frontage (other than corner lots) shall be avoided except where essential to provide separation of development from traffic arteries or to overcome specific problems of topography, orientation or traffic access. Where such double frontage is necessary, an easement of at least ten (10) feet in width across which there shall be no right of access may be required along all or part of either street frontage.

- (d) *Frontage of approved streets:* All lots shall be provided by means of streets which have been constructed in conformance with the standards and specifications of the city's road code, which will be furnished by the planning department upon request, and dedicated in accordance with this chapter, with access to an existing street which has been accepted for continual maintenance by the state or one of its political subdivisions. Notwithstanding the foregoing, the planning commission may consider for approval lots, parcels or tracts that are provided with means of access by private streets so long as they are constructed in conformance with standards and specifications prescribed in the current version of the city road code. Approval shall be contingent upon the providing for continued maintenance of such streets by an "approved" home owners' association or other responsible entity. Such association or entity shall be an organization operating under agreements of public record that have been reviewed and considered legally binding by the legal counsel, and to also insure that the city shall not be liable for any maintenance and upkeep responsibilities. The agreements shall provide for an easement and lien against abutting lots or membership in favor of such association or entity for the continued maintenance of such streets.
- (e) *Lot design:* All quadrangular lots and, so far as practical, all other lots, should have side lines at right angles to straight street lines or radial to curved street lines.
- (f) *Public utility lots:* Notwithstanding the requirements of section 18-40(d), lots may be subdivided for use by public utilities which are 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 such case, 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 public utility uses and provide that it may not be sold to any other party for other than public utility use or re-subdivided without bringing such property into compliance with the then existing subdivision regulations of the city regarding lots other than public utility 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. 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.
- (h) *Exemption for town and row houses and garden cluster housing:* Developments approved as "town or row housing" under section 6-5 of the zoning ordinances of the City of North Charleston or "garden and cluster housing" under section 6-6 of the zoning ordinances of the City of North Charleston shall not be required to satisfy the minimum lot area requirement specified for the

underlying zoning district provided within subsection 18-40(a) provided that all requirements of the zoning ordinances have been met to the satisfaction of the zoning administrator.

- (i) *Exemption for Olde North Charleston Historic and Neighborhood Conservation Districts:* Developments approved in areas located in the historic overlay district (App. A, section 10-15) and the neighborhood conservation overlay district (App. A, section 10-20), and in accordance with Section 10-35(3), shall not be required to satisfy the minimum lot area, lot width, road frontage, and lot depth requirements under subsections 18-40(a) and 18-40(b) provided that all requirements of the zoning ordinance, including those specific to the individual district, have been met to the satisfaction of the zoning administrator.
- (j) *Exemption for lots created by the replacement of a nonconforming manufactured home park as per section 6-1(a)(1) of the zoning regulations:* Lots created by the replacement of a nonconforming manufactured home park as per section 6-1(a)(1) of the zoning regulations shall not be required to satisfy the minimum lot area, lot width, road frontage, and lot depth requirements under subsections 18-40(a) and 18-40(b) or Article X of the zoning regulations, provided that all requirements of the zoning ordinance, including the minimum of thirty (30) feet of frontage along a street which has been accepted for continual maintenance by the state, one of its political subdivisions, or a homeowner's association or other responsible entity as outlined in section 18-40(d) of the subdivision regulations.
- (k) *Exemption for lots created from city-owned properties:* Notwithstanding any other requirements of this section, lots may be subdivided for city use 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. The plat creating such lots shall identify the lots as "city use lots" and bear a statement which restricts the lots to city or civic uses and provides that the lots may not be sold to any other party for any other use or subdivided without bringing such properties into compliance with the then existing subdivision regulations of the city regarding lots similarly zoned.

(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; Ord. No. 2020-011, 2-27-2020; Ord. No. 2021-025, Exh. A, 3-25-2021)