

**AN ORDINANCE  
AMENDING SECTIONS 18-37(A) AND 18-40(D), (F), AND (G) OF THE SUBDIVISION  
REGULATIONS TO REVISE THE STREET FRONTAGE, CONNECTIVITY, AND  
RESTRICTIVE COVENANT REQUIREMENTS**

**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 development regulations; and

**Whereas**, it has been recommended to the Mayor and Council by the Planning Commission that the subdivision regulations should be amended to provide provisions for connectivity between developments and amend requirements for public utility and support facility lots.

**Now, therefore, be it ordained and enacted by the Mayor and Council** that certain provisions of the Zoning 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 27<sup>th</sup> day of October, in the year of our Lord, 2022, and in the 246<sup>th</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:  
  
LEGAL COUNSEL

ATTEST:  
  
COURTNAY HEYWARD, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL  
AGENDA ITEM**

Meeting of October 27, 2022

**DATE:** August 18, 2022

**ITEM TITLE:** An Ordinance Amending Sections 18-37(a) and 18-40(d), (f) and (g) of the Subdivision Regulations to Revise the Street Frontage, Connectivity, and Restrictive Covenant Requirements

**SUBMITTED BY:** Planning Commission

**CONTACT PERSON:** Megan Clark, Planning Division Director, (843) 740-2617

**SUMMARY EXPLANATION:**

A text amendment to the Subdivision Regulations is proposed to address the following:

- Section 18-37(a) – to provide street stubs in development so that future connectivity can be established
- Section 18-40(d) – to allow for private streets standards to be determined by the City Engineer in some instances
- Section 18-40(f) & (g) – to revise the requirements for public utility and support facility lots to provide a note restricting further subdivision on the plat in lieu of separate covenants

**STAFF RECOMMENDATION:**

Approval.

**BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:**

The Planning Commission held a public hearing on September 12, 2022 and voted unanimously (6-0-0) to recommend approval of the proposed amendment.

**COUNCIL COMMITTEE RECOMMENDATION:**

On October 20, 2022, the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented (9-0-0).

**COUNCIL ACTION:**

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

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

## EXHIBIT A

### **Sec. 18-37. Street design.**

- (a) *Conformity to existing systems and plans and future connections:* The layout of streets as to alignment, character, width, grade and location shall conform to the general land use plan, adjoining street systems, pertinent natural features, and existing or proposed drainage systems. Proposed streets shall be coordinated with the existing street system in the surrounding area and, where possible, shall provide for the continuation of existing streets abutting the subdivision. Streets and/or rights-of-way shall be stubbed to potential developments to promote vehicular and pedestrian connectivity. New developments shall connect to any existing street stubs and shall provide street stubs to all adjacent undeveloped properties to the extent practical. Stub streets extending to the boundary line of the subdivision shall be of the same construction as the streets in the subdivision.

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

- (d) *Frontage of approved streets.* All lots shall meet the minimum frontage requirements stipulated in section 18-40(a). Direct vehicular access shall be provided by one or more of the following:
1. A public street which has been constructed in conformance with the standards and specifications of the city's road code and dedicated in accordance with this chapter;
  2. An existing street which has been accepted for continual maintenance by the state or one (1) of its political subdivisions;
  3. A private street so long as it is constructed in conformance with standards and specifications prescribed in the current version of the city road code or approved by the City Engineer. 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 ensure 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.

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- (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 (1) 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 provide a note on the

plat indicating further subdivision or development of the property shall not be permitted until said property is brought into compliance with the subdivision regulations.

- (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 (1) 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 provide a note on the plat indicating further subdivision or development of the property shall not be permitted until said property is brought into compliance with the subdivision regulations.

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(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; Ord. No. 2022-023, 3-24-2022)