

**AN ORDINANCE
AMENDING SECTION 18-40(D) & (H) OF THE SUBDIVISION REGULATIONS TO
REVISE THE EXEMPTION REFERENCE FOR
GARDEN & CLUSTER HOUSING**

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

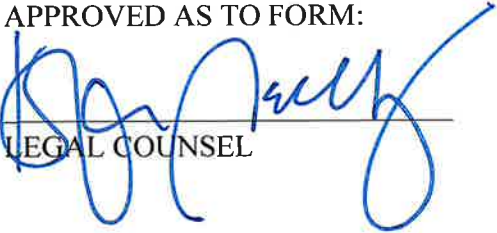
Whereas, it has been recommended to the Mayor and Council by the Planning Commission that the Subdivision Regulations should be amended to revise a reference to the Zoning Regulations considered concurrently with this amendment.

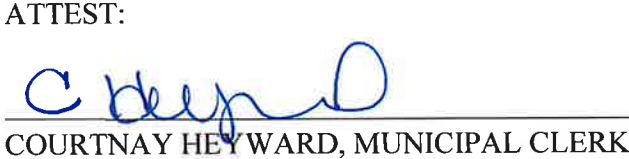
Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Zoning Regulations, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein.

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

Ordained in City Council this 28th day of December, in the year of our Lord, 2023, and in the 247th 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 December 28, 2023

DATE: November 13, 2023

ITEM TITLE: An Ordinance Amending Section 18-40(d) & (h) of the Subdivision Regulations to Revise the Exemption Reference for Garden & Cluster Housing

Planning Department

SUBMITTED BY:

Megan Clark, Planning Division Director, (843) 740-2617

CONTACT PERSON:

SUMMARY EXPLANATION:

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

- Section 18-40(d) – to revise the reference to access regarding street frontage requirements
- Section 18-40(h) – to revise the reference regarding garden and cluster housing since Section 6-6 of the Zoning Regulations is proposed to be removed

STAFF RECOMMENDATION:

Approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

The Planning Commission held a public hearing on November 13, 2023, and a motion to recommend approval carried unanimously (7-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

COUNCIL ACTION:

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

EXHIBIT A

(d) Frontage of approved streets.

All lots shall meet the minimum frontage requirements stipulated in section 18-40(a). ~~Direct vehicular access~~ Frontage on an approved street 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.

Sec. 18-40. Lots.

- (h) Exemption for town and row houses and garden cluster housing. Developments approved as "town or row housing" under section 6-~~1(d)5~~ of the zoning ordinances of the City of North Charleston or "garden and cluster housing" under section 6-~~61(f)~~ of the zoning ordinances of the City of North Charleston shall not be required to satisfy the minimum lot area and width 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.