CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Shealy

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Welcome by Lissa Frenkel, CEO - Gaillard Center

2. Recognition of Olympic athlete, Raven Saunders

3. Proclamation recognizing Captain Phillip J. Conlon

4. Presentation - One Region Road Map: Opportunities for All – Dr. Kendra Stewart

E. Public Hearings

Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum.

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.

If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, July 19th:

1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

A ordinance to amend Chapter 19 of the Code of the City of Charleston by amending Article XVII, Section 19-493, to update dumpster permit fees; to add a new Article XX providing an
amended definition for Right-of-Way Obstructions, a new fee for full street closures and partial street obstructions, and other right-of-way obstruction fees such as metered parking space and non-metered parking space permit fees; and adopting a fee schedule therefor, attached hereto and incorporated herein by reference as Exhibit 1. (SECOND READING)

2. An ordinance to adopt the Charleston City Plan as the Comprehensive Plan for the City of Charleston, South Carolina.

3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 584 Meeting Street (Peninsula) (approximately 1.623 acres) (TMS #459-01-03-045) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by 584 Meeting Street LLC. (SECOND READING)

4. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to create a Special Parking District Overlay Zone for the purpose of eliminating minimum off-street parking requirements applicable to certain uses within the district and to change the Zone Map, which is a part thereof, so that properties designated as Charleston County TMS Nos. 457-04-02-007 to 012, 457-04-02-014 to 033, 457-04-02-035 to 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 to 134, 457-04-02-157 to 172, 457-04-02-175 to 182, 457-04-02-184 to 191, 457-04-02-193 to 194, 457-04-04-009 to 023, 457-04-04-039, 457-04-04-041 to 047, 457-04-04-092, 457-04-04-094 to 105, 457-04-04-094 to 105, 457-04-04-107 to 111, 457-04-04-117, 457-04-04-129 to 130, 457-04-04-150 to 154, 457-04-04-157 to 160, 457-04-04-163, 457-04-04-167 to 201, 457-04-04-258 to 269, 457-04-04-271 to 277, 457-04-04-307 to 320, 457-04-04-322, 457-08-01-039 to 044, 457-08-01-046, 457-08-01-048 to 064, 457-08-01-072, 457-08-01-078, 457-08-01-080, 457-08-01-088 to 090, 457-08-01-095 to 117, 457-08-01-125 to 127, 457-08-01-141 to 156, 457-08-01-163, 457-08-02-020 to 026, 457-08-02-032 to 038, 457-08-02-135, 457-08-02-159 to 161, 457-08-04-003, 457-08-04-015 to 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 to 032, 457-08-04-035 to 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 to 134, 457-08-04-137 to 143, 457-08-04-148 to 149, 457-08-04-154 to 156, 457-08-04-184 to 188, 457-12-02-009 to 010, 457-12-02-041, 457-12-02-046 to 049 and 457-12-04-015 be included within the Special Parking District (SPD) Overlay Zone. (SECOND READING)

5. An ordinance to amend Article 8 (Subdivision, Property Line Adjustment or abandonment), Part 3 (Subdivision Design Standards), Section 54-821 (Street Design Standards) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) and add requirements for on-street parking in new subdivisions

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 420 Arlington Drive (a portion) (West Ashley) (approximately 0.25 acre) (TMS #310-12-00-083) (Council District 5), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-1) classification. The property is owned by Olivia L. Vedad.

7. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2147 and 2151 River Road (Johns Island) (approximately 4.78 acres) (TMS #315-00-00-110 and 048) (Council District 5), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-1) classification. The property is
owned by Abbi L. Beckford. (*The Planning Commission approved staff’s recommendation of RR-1.*)

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. June 15, 2021

2. June 30, 2021 (Special Meeting)

H. Citizens Participation Period

*Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum.*

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.

If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, July 19th:

1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Sign-up to speak or leave comments for City Council by completing the form at http://innovate.charleston-sc.gov/comments/ by Monday, July 19th at 12:00 p.m.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

1. Appointments:
   a. Design Review Board:
      Erica Chase (Reappointment)
      Dinos Liollio (Reappointment)
      James (Andy) Smith (Reappointment)
      Ashley Jackrel (New Appointment)
      Stephanie Tillerson (New Appointment)
      Ben Whitener (New Appointment)
   b. Board of Zoning Appeals (Zoning):
      John Bennett (Reappointment)
Allison Grass (Reappointment)
Walter Jaudon (Reappointment)
c. Board of Zoning Appeals (Site Design):
    Paula Murphy (Reappointment)
    Jeff Webb (Reappointment)
    Jennifer DeCiantis (New Appointment)
d. Bicycle and Pedestrian Advisory Committee:
    Adriana Lopez Hernandez (New Appointment)
e. Minority and Women Business Enterprise Advisory Board:
    Dr. Shawn Gathers (New Appointment)
    Joan Berry Robinson (Reappointment)

2. Report from the Central Business District Improvement Commission – Meg Thompson, Director – Business and Neighborhood Services

3. Report from the Resiliency and Sustainability Advisory Committee – Katie McKain, Director of Sustainability

4. Emergency Ordinance extending Emergency Ordinance No. 2020-049 related to temporary procedures for hearings before certain public bodies

J. Council Communications:

K. Council Committee Reports:

1. Committee on Recreation: (Meeting was held Tuesday, July 13, 2021 at 4:00 p.m.)
   a. Naming of the new track at Stoney Field in honor of Olympian Raven Saunders
   b. Approval of the Parks and Recreation Master Plan
   c. Additional Business

2. Joint Committee on Public Safety and Committee on Recreation: (Meeting was held Monday, July 19, 2021 at 1:00 p.m.)
   a. Approval to submit an application for the 2021 BJA Smart Policing Initiative grant for $500,000. If awarded, this project will continue ongoing research related to innovative recruitment strategies. There is no match for this grant.
   b. Approval to submit an application for the 2021 BJA Connect and Protect: Law Enforcement Behavioral Health Responses grant for $550,000 to be spent over a 3-year project period. If awarded, the grant will fund a second mental health clinician to be imbedded in the CPD that will be dedicated solely to field intervention in addition to a peer support specialist to conduct street outreach with the Department of
Housing and Community Development. This grant requires a 20% match of $36,666 for Year 1 and $36,666 for Year 2 and a 40% match of $73,333 for Year 3.

c. Approval to submit an application for the 2021 Police Assisted Addiction and Recovery Initiative AmeriCorps VISTA program. If awarded, this grant will place a Capacity Building Service Member in the CPD to assist with overdose tracking and outreach. A match of $2,500 is required for this grant.

d. An Ordinance to add a new Article III to Chapter 25 of the Code of the City of Charleston related to First Amendment Demonstrations to provide general provisions and definitions, to provide open carry restrictions and other safety prohibitions, to provide a permitting process, to provide regulations, and to provide for penalties.

e. An Ordinance to repeal Article IX of Chapter 19 of the Code of the City of Charleston related to Parades and to amend Article IV, Division 8 of Chapter 2 of the Code of the City of Charleston related to the Special Events Committee to provide new definitions, to increase the membership of the committee, to provide additional requirements and procedures for the special events permitting process, to provide open carry restrictions and other safety prohibitions, and to provide additional regulations related to parades.

f. An Ordinance to amend Article I of Chapter 22 of the Code of the City of Charleston related to Park and Recreation Facilities to provide additional requirements and procedures for the reservation permitting process for reserved use of parks, to provide open carry restrictions and other safety prohibitions, and to provide additional prohibited activities to be included in the park rules.

g. An Ordinance to amend Article X of Chapter 21 of the Code of the City of Charleston related to Weapons by amending the provisions related to carrying of handguns, concealable weapons and firearms, confiscation of weapons, and brandishing of weapons to be compliant with state law.

h. An Ordinance to amend Chapter 28, Article III, of the Code of the City of Charleston, by amending Section 28-45 related to promotion of civil sidewalks, to provide a prohibition on sitting or lying upon property adjacent to a public sidewalk such that any part of the person’s body or personal effects are on a public sidewalk; to clarify that the prohibition applies to Market Street between King and East Bay Streets; removing the requirement that a person be warned before being cited; and extending the trespass provision from 60 days to 6 months.

Give first reading to the following bills from Public Safety and Recreation:

An Ordinance to add a new Article III to Chapter 25 of the Code of the City of Charleston related to First Amendment Demonstrations to provide general provisions and definitions, to provide open carry restrictions and other safety prohibitions, to provide a permitting process, to provide regulations, and to provide for penalties.

An Ordinance to repeal Article IX of Chapter 19 of the Code of the City of Charleston related to Parades and to amend Article IV, Division 8 of Chapter 2 of the Code of the City of Charleston related to the Special Events Committee to provide new definitions, to increase the membership of the committee, to provide additional requirements and
procedures for the special events permitting process, to provide open carry restrictions and other safety prohibitions, and to provide additional regulations related to parades.

An Ordinance to amend Article I of Chapter 22 of the Code of the City of Charleston related to Park and Recreation Facilities to provide additional requirements and procedures for the reservation permitting process for reserved use of parks, to provide open carry restrictions and other safety prohibitions, and to provide additional prohibited activities to be included in the park rules.

An Ordinance to amend Article X of Chapter 21 of the Code of the City of Charleston related to Weapons by amending the provisions related to carrying of handguns, concealable weapons and firearms, confiscation of weapons, and brandishing of weapons to be compliant with state law.

An Ordinance to amend Chapter 28, Article III, of the Code of the City of Charleston, by amending Section 28-45 related to promotion of civil sidewalks, to provide a prohibition on sitting or lying upon property adjacent to a public sidewalk such that any part of the person’s body or personal effects are on a public sidewalk; to clarify that the prohibition applies to Market Street between King and East Bay Streets; removing the requirement that a person be warned before being cited; and extending the trespass provision from 60 days to 6 months.

3. Committee on Traffic and Transportation: (Meeting was held Monday, July 19, 2021 at 11:00 a.m.)
   a. Application for Original Certificate of Public Convenience and Necessity for Approval (Taxi)
      • Mahdrof Taxi Service, LLC
   b. An ordinance to amend Chapter 19, Article XVI, of the Code of the City of Charleston related to rickshaws to provide for additional night time operating decals and to provide a term for renewals of operating decals.
   c. BUILD Grant Presentation
   d. Discussion

Give first reading to the following bill from Traffic and Transportation:

An ordinance to amend Chapter 19, Article XVI, of the Code of the City of Charleston related to rickshaws to provide for additional night time operating decals and to provide a term for renewals of operating decals.

4. Committee on Public Works and Utilities: (Meeting was held Thursday, July 15 2021 at 4:00 p.m.)
   a. Acceptance and Dedication of Rights-of-Way and Easements
      (i) Approval to notify SCDOT that the City intends to accept maintenance responsibility for the sidewalk path, curb, MSE wall, handrail, lighting and corner accessibility ramps constructed in conjunction with the 1300 LF multi-use path along Oceanic Street (S-10-2472)
(ii) **Daniel Island, Parcel M-3.** Acceptance and dedication of that certain right-of-way designated as Dunham Street and the City of Charleston drainage easements shown on the final subdivision plat recorded as Instrument No. 2021001539 in the ROD Office for Berkeley County, South Carolina. All infrastructure has been constructed or bonded. This subdivision includes 20 lots.
   -- Title to Real Estate;
   -- Exclusive Storm Water Drainage Easements;
   -- Exclusive Storm Water Drainage Easements; and
   -- Plat

(iii) **Grand Oaks, Phases 8, 10, 11.** Acceptance and dedication of those certain rights-of-way designated as Spikerush Circle and Jancus Street and the City of Charleston drainage easements shown on the final subdivision plat recorded in Plat Book L21 at Pages 0200 through 0203 in the ROD Office for Charleston County, South Carolina. All infrastructure has been constructed or bonded. This subdivision includes 69 lots.
   -- Title to Real Estate;
   -- Exclusive Storm Water Drainage Easements; and
   -- Plat.

(iv) **2022 Paw Paw Street.** Acceptance and dedication of exclusive stormwater drainage easement at 2022 Paw Paw Street.
   -- Exclusive Stormwater Drainage Easement;
   -- Plat.

(v) **Produce Lane.** Authorization for the acceptance and dedication of those certain rights-of-way designated as Produce Lane and Cabbage Drive and the City of Charleston drainage easements shown on the final subdivision plat for the development. All infrastructure has been constructed or bonded. This subdivision includes 33 lots and 1 commercial outparcel.
   -- Title to Real Estate;
   -- Exclusive Stormwater Drainage Easements;
   -- Plat.

b. **Public Service Department Update**

   (i) Discussion of proposed ordinance change Section 14.46 and 14.47 of City Code pertaining to Environmental Services.

   (ii) Discussion of holiday schedule for trash and garbage pick-up

c. **Stormwater Management Department Update**

   (i) Church Creek – Recommend Approval of Fee Amendment #1 with Biohabitats, Inc. to the Church Creek National Fish and Wildlife Renaturalization, Habitat Restoration, and Flood Protection Project in the amount of $30,000 to add the work to prepare final design, construction oversight, and as-built survey work for the Mowler Ct Project Area. This project is funded by National Fish and Wildlife Foundation Grants and the Drainage Fund.
d. Miscellaneous Business:

(i) A Resolution to authorize the Mayor to execute a Letter to Charleston County agreeing to the dedication of a fifty-foot (50') right-of-way on TMS#: 313-00-00-069 along Zelasko Road subject to and upon compliance with all requirements stated in City Code of Ordinances 28-1.

5. Committee on Ways and Means:

(Bids and Purchases
(Approval of the CARTA-FY22 Budget
(Office of Cultural Affairs: Approval to accept a grant in the amount of $17,250 from the Coastal Community Foundation to support temporary public art as an extension of the MOJA Arts Festival in 2021 and 2022. No City match is required.
(Executive Department: Approval to accept a grant in the amount of $25,000 from the National League of Cities Equitable Economic Initiative to help expand economic mobility for residents while eliminating longstanding racial inequities. The grant is designed to improve residents’ economic mobility by supporting small BIPOC businesses, expanding resident engagement in decision-making, building workforce development and training opportunities in high wage sectors, targeting residents most impacted by the pandemic, including mothers, implementing multi-generational approaches to entrepreneurship, and engaging youth in employment opportunities and business ownership. The grant will support technology, community engagement, incentives for volunteers, advertising, and assist with data collection and analysis. No City match is required.
(Legal Department: An ordinance to adopt the most recent version of the International Property Maintenance Code, and any subsequent versions, regulating and governing the conditions of maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Charleston; providing for the issuance of permits and collection of fees therefore; repealing and replacing the 1997 edition of the standard Housing Code.
(Budget Finance and Revenue Collections: Approval of Year 2021 Amendment to General Fund Revenue Budget to repeal the tax millage increase budgeted in 2021 and replace with the American Rescue Plan Act funding. The net effect on the total 2021 budget is zero. [Ordinance]
(Resiliency and Sustainability: Approval to accept the 2022 SC DHEC Solid Waste Reduction and Recycling grant award in the amount of $15,000 to support a pilot program for food waste composting and associated outreach and education. No City match is required.
(Housing and Community Development: Approval of an after-the-fact grant submittal in the amount of $192,215 which was submitted to Charleston County Wednesday, June 23, 2021. The grant funds would support the transitional shelter program currently in place, which provides temporary housing for persons transitioning from homelessness to housing. Charleston County Community Development Department notified the City of Charleston and nonprofit corporations throughout Charleston County of the availability of funds via a Zoom call, held Wednesday, June 15, 2021. During that call, Charleston County staff advised of the date of submission. Notifications related to funding awards will be provided within (30) to sixty (60) days of submission.
(Police Department: Approval to submit an after-the-fact application that would fund a PAARI Overdose Outreach service member position through the AmeriCorps VISTA service program. This is an after-the-fact approval. The application was due July 9th. This project requires a match of $2,500 that will be budgeted for FY23.

(Police Department: Approval of an application in the amount of $550,000 to fund two positions related to mental health crisis intervention and proactive outreach strategy. This application is due on July 23rd. This project requires a 20% match in year one of the project. Year (1) match would be $36,666. Year (2) match would be $36,666. Year (3) match would be $73,333.

(Police Department: Approval of an application in the amount of $500,000 to continue evidence-based recruitment strategy research and implementation of those findings through the Smart Policing Initiative Grant Program. This application is due on July 23rd. This project does not require a match.

(Stormwater Management: Approval of Fee Amendment #1 with Biohabitats, Inc., in the amount of $30,000 for final design, construction oversight and as-built survey for the Mowler Court area. Approval of Fee Amendment #1 will increase the professional services contract by $30,000 (from $495,000 to $525,000). Funding sources for this project are: Drainage Fund ($1,724,825), and two National Fish and Wildlife Foundation (NFWF) Grants ($125,000, $1,345,000).

(Parks-Capital Projects: Approval of a Construction Contract with Sport Surface Pros, LLC, in the amount of $52,700 for court repairs and resurfacing at Maybank Tennis Center, Martin Park, Hazel Parker Playground, and Alan Fleming Tennis Complex. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than $40,000 to the extent contingency funds exists in the Council Approved Budget. Approval of this construction contract will obligate $52,700 of the project budget of $100,000. The funding source for this project is the Structural Repair line-item in the General Fund’s 2021 Budget (520000-52445).

(Planning, Preservation and Sustainability: Approval of a Resolution for the Johns Island Municipal Improvement District (Johns Island MID) and the Johns Island Improvement Plan for which the City proposes to provide for the construction and installation of future public infrastructure and improvements related to transportation, parks/recreation, and drainage.

(Planning, Preservation and Sustainability: Approval to enter into a MOU with the Charleston Downtown Alliance (CDA) to assist in the facilitation and creation of a Business Improvement District (BID) to provide enhanced services for King Street. There is no financial obligation between the City and CDA, but the project is supplemented by a $25,000 consulting contract.

(A Resolution to commit an additional $2,046,890.18 from the General Fund to support the Ashley River Crossing Project and authorize the Mayor to execute a letter of commitment stating the same to the U.S. Secretary of Transportation.

(An ordinance to authorize the Mayor to execute an easement granting to Dominion the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a lot of land containing 2.53 acres, more or less, and being the same lands conveyed to Grantor by deed of Mary Alice Detyens Yeager, Etd., dated or recorded 1/11/1988, and filed in the Register of Deeds Office for Charleston County in Deed Book S171 at Page 700 and in Plat Book L17 at Page 351. The property is owned by the City of Charleston. (TMS No. 459-00-00-242) (Concord St. & Inspection St.) (International African American Museum)
(Request approval of Purchase and Sale Agreement between the City of Charleston and Shipyard Creek Associates, LLC for the purchase of 10.08 acres of property located at 2001 Sewanee Road, North Charleston, South Carolina (TMS No. 466-00-00-009) for a purchase price of $6,180,000.00 and Assignment and Assumption of Lease Agreement between Shipyard Creek Associates, LLC and Boasso American Corporation. The property is owned by Shipyard Creek Associates, LLC. (To be sent under separate cover by the Legal Department)

(Request authorization for the Mayor to accept a Proposal for Consulting and Additional Environmental Quality Assessment Services for the Lowcountry Lowline from S&ME, Inc, related to the Voluntary Cleanup Contract (VCC) for the Lowcountry Lowline in the amount of $22,225. This additional work is being required by DHEC based on a letter received from the City on March 1, 2021 in response to the VCC Environmental Site Assessment (ESA) Report dated December 15, 2020. Funding will come from the contingencies line item in Non-Departmental and will be covered in a future budget amendment.

(A Resolution to amend the Non-Exclusive Water Taxi Service Agreement with Charleston Water Taxi to reflect current City of Charleston insurance requirements and remove references to prior Exhibit D.

(An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, the Laurel Island Development Agreement, including the Public Infrastructure Improvements Agreement attached thereto and incorporated therein, by and among the City of Charleston County; LRA Promenade, LLC; LRA Promenade North, LLC; and LID Oz I, LLC, pertaining to lands bearing Charleston County TMS numbers 418-00-00-006, 450-00-00-013, 459-02-00-013, 461-13-03-024, 461-13-03-100, 461-13-03-101, 461-13-03-102, 464-00-00-002, and 464-00-00-023.

(Request approval of the Amendment to Memorandum of Understanding and Agreement between the City of Charleston, South Carolina, and TMP Epic Center, LLC. The property is owned by TMP Epic Center, LLC. (TMS Nos. 310-04-00-009, 351-10-90-015, 351-09-00-053, 351-05-00-044, 351-05-00-043) (2070 Sam Rittenberg Blvd. Charleston, SC 29407)

(Request approval of the Bargain Sale Agreement between the City of Charleston and Clements Ferry Properties, LLC for the purchase of approximately 1.35 acres of property within the development to be known as “The Towne at Cooper River”, on the Cainhoy peninsula, for the location of a fire station. (Portion of TMS No. 271-00-01-035) (The property is owned by Clements Ferry Properties, LLC.)

(Request approval of the Purchase and Sale Agreement between the City of Charleston and Howle Avenue, LLC for the purchase of the property located on Howle Avenue on James Island, South Carolina (Charleston County TMS No. 343-07-00-055) for a purchase price of $425,000, to be paid with Greenbelt grant funds. (To be sent under separate cover by the Real Estate Department)

(Request approval of the Greenbelt Grant Agreement for the Howle Avenue tract between the City of Charleston and Charleston County for the issuance of $469,000 in Greenbelt funds for the purchase of 3.67 acres, located on Howle Avenue, James Island, South Carolina (Charleston County TMS No. 343-07-00-055). (To be sent under separate cover by the Real Estate Department)

(Consider the following annexations: -- 109 Magnolia Road (0.13 acre) (TMS# 418-13-00-132), West Ashley, (District 3). The property is owned by Darren Finan.
Give first reading to the following bills and resolutions from Ways and Means:

An ordinance to adopt the most recent version of the International Property Maintenance Code, and any subsequent versions, regulating and governing the conditions of maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Charleston; providing for the issuance of permits and collection of fees therefor; repealing and replacing the 1997 edition of the Standard Housing Code.

An ordinance to recognize the repeal of the increase in property tax millage previously approved in the 2021 Budget and to replace it with American Rescue Plan Act funding to meet the appropriations authorized by Ordinance 2020-175 for the fiscal year ending December 31, 2021.

A resolution pursuant to Section 59-37-50 of the Municipal Improvement Act of 1999 describing the Johns Island Municipal Improvement District and the Johns Island Improvement Plan to be effected therein, the projected time schedule for the accomplishment of the improvement plan, the estimated cost of the improvements and the amount of such costs to be derived from assessments, bonds or other legally available funds, setting forth the proposed basis and rates of assessments to be imposed within the improvement district; and other matters relating thereto.

A resolution to commit an additional $2,046,890.18 from the General Fund to support the Ashley River Crossing Project and authorize the Mayor to execute a Letter of Commitment stating the same to the U.S. Secretary of Transportation.

An ordinance authorizing the Mayor to execute on behalf of the City an electrical easement, approved as to form by the Office of Corporation Counsel, to Dominion Energy South Carolina, Inc., encumbering a portion of the City’s real property designated as Charleston County TMS No. 459-00-00-242.

A resolution to amend a non-exclusive Water Taxi Service Agreement dated September 24, 2013, to reflect current City of Charleston insurance requirements and delete references to Exhibit D.

An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, the Laurel Island Development Agreement, including the Public Infrastructure Improvements Agreement attached thereto and incorporated therein, by and among the City of Charleston; Charleston County; LRA Promenade, LLC; LRA Promenade North, LLC; and LID OZ I, LLC, pertaining to lands bearing Charleston County TMS numbers 418-00-00-006, 450-00-00-013, 459-02-00-013, 461-13-03-024, 461-13-03-100, 461-13-03-101, 461-13-03-102, 464-00-00-002, 464-00-00-006, 464-00-00-023, and 464-00-00-038.

An ordinance to provide for the annexation of property known as 3255 Maybank Highway (1.64 acre) (TMS# 279-00-00-206), Johns Island, Charleston County, to the City of Charleston, District 5.
Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by GANB LLC.

An ordinance to provide for the annexation of property known as 2710 Pine Log Lane (4.66 acre) (TMS# 312-00-00-251), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Carey Rivers.

An ordinance to provide for the annexation of property known as 109 Magnolia Road (0.13 acre) (TMS# 418-13-00-132), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Darren Finan.

L. Bills up for Second Reading:

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1505 Greenleaf Street (Peninsula) (approximately 1.42 acre) (TMS #464-10-00-120, 124 and 006) (Council District 4), be rezoned from Heavy Industrial (HI) and 2.5 Old City Height District classifications to Upper Peninsula (UP) and 4-12 Old City Height District classifications. The property is owned by Cooper River Corporation, LLC.

2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is part thereof, so that property located at 84 Sheppard Street (Peninsula) (approximately 0.067 acres) (TMS #460-04-04-079) (Council District 4) be rezoned from General Business (GB) Classification to Planned Unit Development (PUD) classification (Sheppard Street PUD), and by amending the Sheppard Street Planned Unit Development (PUD) Development Guidelines, PUD 2020-000013 (Ordinance Number 2020-125) to allow up to an aggregate of three (3) accommodations use units on 84 and 86 Sheppard Street.

3. An ordinance to amend Section 54-604 (Developments that require TRC approval) of Article 6 (Land Development Plan Review) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) to update the list of development project types that require the approval of the Technical Review Committee

4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 807 Savage Road (West Ashley) (approximately 0.193 acre) (TMS #309-15-00-053) (Council District 7), annexed into the City of Charleston May 11, 2021 (#2021-071), be zoned Diverse Residential (DR-12) classification. The property is owned by Andrew Dufresne and Grace duFresne.

5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1453 S Edgewater Drive (West Ashley) (approximately 0.47 acre) (TMS #349-13-00-008) (Council District 11), annexed into the City of Charleston May 25, 2021 (#2021-078), be zoned Single-Family Residential (SR-1) classification. The property is owned by Constantine D and Cherie A Liollio.

6. An ordinance to amend the Public Infrastructure Improvements Agreement dated as of September 15, 2015, as amended, between the City of Charleston, South Carolina and
Highland Resources, Inc., as successor to Ashley River Investors, LLC; and other matters relating thereto.

7. An ordinance providing for and approving a Public Infrastructure Improvements Agreement between the City of Charleston and Morrison Yard Owner, LLC, a Delaware Limited Liability Company and TKC-ODP Morrison LLC, a South Carolina Limited Liability Company; and other matters relating thereto.

8. An ordinance to authorize the Mayor to execute a General Agreement between the U.S. Department of Interior; National Park Service; Fort Sumter and Fort Moultrie National Historic Parks; The South Carolina Aquarium and City of Charleston Department of Parks for Joint Operations at Liberty Square. (Liberty Square/Aquarium Site). The property is owned by the City of Charleston.

9. An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston ("City"), a Donation Agreement under which HR Charleston VI, LLC will convey to the City approximately 1.1 acres of real property on Heriot Street, designated as Charleston County TMS Nos. 464-13-00-008, 464-13-00-011, 464-13-00-012, 464-13-00-013, and 464-13-00-023, for the development of Workforce Housing Units to satisfy a land donation requirement in the Magnolia Development Agreement, adopted by Ordinance No. 2015-162, as amended by Ordinance No. 2018-005, and to receive forty-eight (48) credits toward the workforce housing requirement in the Magnolia Development Agreement.

10. An ordinance to provide for the annexation of a portion of the property known as 420 Arlington Drive (approximately 0.25 acre) (TMS# 310-12-00-083), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Olivia L. Vedad.

11. An ordinance to provide for the annexation of property known as 1349 Ashley River Road (approximately 0.28 acre) (TMS# 418-05-00-002), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by Graphic Glamour Holdings LLC.

12. An ordinance to provide for the annexation of property known as 1351 Ashley River Road (0.25 acre) (TMS# 418-05-00-001), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by Shubh Labh of Charleston LLC.

13. An ordinance to provide for the annexation of property known as 2147 and 2151 River Road (approximately 4.78 acres) (TMS# 315-00-00-110; 315-00-00-048), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Abbi Lake Beckford. (DEFERRED AT THE REQUEST OF THE APPLICANT)

14. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1349 Ashley River Road (West Ashley) (approximately 0.28 acre) (TMS #418-05-00-002) (Council District 7), to be annexed into the City of Charleston, be zoned General Business (GB) classification. The property is owned by Graphic Glamour Holdings LLC. (DEFERRED FOR PUBLIC HEARING)

15. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1351 Ashley River Road (West Ashley) (approximately
0.25 acre) (TMS #418-05-00-001) (Council District 7), to be annexed into the City of Charleston, be zoned General Business (GB) classification. The property is owned by Shubh Labh of Charleston LLC. (DEFERRED FOR PUBLIC HEARING)

16. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts. (DEFERRED) (Expires March 23, 2022)

17. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 114 Magnolia Road (West Ashley) (approximately 0.20 acre) (TMS #418-13-00-166) (Council District 3), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-2) classification. The property is owned by Matt Prendergast. (DEFERRED) (Expires March 23, 2022)

18. An ordinance to provide for the annexation of property known as 114 Magnolia Road (0.20 acre) (TMS# 418-13-00-166), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Matt Prendergast. (DEFERRED)

19. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)

20. An ordinance to provide for the annexation of property known as 3338 Maybank Highway (approx. 1.1 acre) (TMS# 279-00-00-035), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

21. An ordinance to provide for the annexation of property known as 3328 Maybank Highway (approx. 4.588 acre) (TMS# 279-00-00-031), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Kulick Properties, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

22. An ordinance to provide for the annexation of property known as 3320 Maybank Highway (approx. 2.278 acre) (TMS# 279-00-00-029), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by 1108 St Gregory St, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

23. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

24. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC
HEARING)

M. Bills up for First Reading:

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, August 17, 2021 at 5:00 p.m.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
PROCLAMATION

WHEREAS, the City of Charleston wishes to recognize one of its most dedicated employees of the Charleston Police Department, CAPTAIN PHILLIP J CONLON; and

WHEREAS, CAPTAIN PHILLIP J CONLON graduated from St. Andrews High School and enlisted in the United States Navy Reserve, where he served from 1956-1960. In 1962, he began his career in the Electrical Division of Westvaco Corporation, where he worked the grueling night shift until reaching retirement at the age of 74; and

WHEREAS, CAPTAIN PHILLIP J CONLON joined the Charleston Police Department in 1968 and was appointed as an Auxiliary Officer in January of 1969. He worked 1 or 2 days a week for a few hours before beginning his regular night shift at Westvaco; and

WHEREAS, as CAPTAIN PHILLIP J CONLON gained more time in service, he was granted the opportunity to attend multiple police trainings across the country, which he personally financed, and was recognized for his accomplishments and dedication to the organization through promotional advancements; and

WHEREAS, in 1972, CAPTAIN PHILLIP J CONLON was promoted to Corporal, in 1974 to Sergeant, in 1975 to Lieutenant and then in 1979 to Captain at the behest of the Mayor. He humbly tried to refuse each promotion, as his true passion for the job had always been as a Patrol Officer; and

WHEREAS, CAPTAIN PHILLIP J CONLON has trained more than 200 reserve officers over the course of his 52 years at the Charleston Police Department; and

WHEREAS, one of the most cherished opportunities for CAPTAIN PHILLIP J CONLON was working at the RiverDogs baseball games. He worked the baseball games for 47 years and enjoyed meeting and engaging with the patrons; and

WHEREAS, CAPTAIN PHILLIP J CONLON is a devoted family man with a wife of 24 years, 3 daughters, 4 stepsons, 3 granddaughters and 6 great-granddaughters; and

WHEREAS, on behalf of City Council and all the citizens of Charleston, I wish to express my deepest gratitude to CAPTAIN PHILLIP J CONLON for his outstanding work and his 52 years of dedicated service to the Charleston Police Department.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim July 20, 2021 as:

CAPTAIN PHILLIP J CONLON DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 20th day of July in the year of 2021.

John J. Tecklenburg, Mayor
NOTICE OF PUBLIC HEARING
RIGHT-OF-WAY FEE ORDINANCE
CITY OF CHARLESTON, SOUTH CAROLINA

Notice is hereby given that the City Council of the City of Charleston, South Carolina will conduct a public hearing on a proposed Ordinance to amend Chapter 19 of the Code of the City of Charleston by Amending Article XVII, Section 19-493, to update dumpster permit fees; to add a new Article XX providing an amended definition of Right-of-Way Obstructions, a new fee for full street closures and partial street obstructions, and other right-of-way obstruction fees such as metered parking space permit fees; and adopting a fee schedule.

A copy of the Ordinance and its Exhibit may be obtained from the City of Charleston Traffic and Transportation Department, 180 Lockwood, #C, Charleston, South Carolina 29403, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m.

The hearing will be held on July 20, 2021 commencing at 5:00 p.m., at the Gaillard Center, 95 Calhoun Street, and via Conference Call #1-929-205-6099, Access Code 912 096 416. The public may participate by signing-up to speak in person at the meeting or by using one of the following virtual options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, July 19th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

Jennifer Cook
Clerk of Council

In accordance with the American with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charlestonsc.gov three business days prior to the meeting.
AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE CITY OF CHARLESTON BY AMENDING ARTICLE XVII, SECTION 19-493, TO UPDATE DUMPSTER PERMIT FEES; TO ADD A NEW ARTICLE XX PROVIDING AN AMENDED DEFINITION FOR RIGHT-OF-WAY OBSTRUCTIONS, A NEW FEE FOR FULL STREET CLOSURES AND PARTIAL STREET OBSTRUCTIONS, AND OTHER RIGHT-OF-WAY OBSTRUCTION FEES SUCH AS METERED PARKING SPACE AND NON-METERED PARKING SPACE PERMIT FEES; AND ADOPTING A FEE SCHEDULE THEREFOR, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT 1.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 19, Article XVII, Section 19-493(c) of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding thereto the following underlined words, to state as follows:

“Sec. 19-493. Dumpster permit required.
(c) The fee for a dumpster permit shall reflect actual costs of occupying a metered and/or non-metered parking space, as ten ($10.00) dollars, per day or as otherwise set from time to time by the department of traffic and transportation. In the event the dumpster is placed in a metered parking space, the fee shall include the additional cost of a daily meter bag fee for each parking space used.”

Section 2. Chapter 19 of the Code of the City of Charleston is hereby amended by adding a new Article XX to state as follows:

“ARTICLE XX – RIGHT-OF-WAY OBSTRUCTION FEES

Sec. 19-520 - Authority.

This article is adopted pursuant to the authority conferred upon the city by the South Carolina Constitution, Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the General Assembly of the State of South Carolina, approved April 23, 1971, in 1976 South Carolina Code of Laws Sections 4-9-30, 4-9-40, 5-7-30, and 5-7-60.
Sec. 19-521. - Jurisdiction.
The jurisdiction and scope of this article shall encompass the corporate limits of the city, as they may be adjusted from time to time after the ratification of this article.

Sec. 19-522. - Purpose.
Right-of-Way Obstruction affects the quality of life and business operations within the City of Charleston. As such, the provisions of this article are promulgated pursuant to the city’s authority to safely ensure right-of-way obstructions are properly permitted.

Sec. 19-523. - Definitions.
Right-of-Way obstructions are temporary or permanent obstructions occurring in a public street or sidewalk and are defined as follows for the purpose of this article only:

* **Full Street** shall be defined as the obstruction of a public street (curb to curb or EOP to EOP) such that no access is provided to the existing street for general vehicular traffic.

* **Street Lane -Partial Closure** shall be defined as the obstruction along a street travel lane such that limited access is provided to the existing street for general vehicular traffic.

* **Parking Space** shall be defined the obstruction along on-street parking such that limited access is provided to the space for general vehicular traffic.

* **Sidewalk – Full Closure** shall be defined the obstruction of a sidewalk such that no access is provided to the existing sidewalk for general pedestrian traffic.

* **Sidewalk – Auxiliary (AUX)** shall be defined as the obstruction of a sidewalk such that no access is provided to the existing sidewalk for general pedestrian traffic, but supplementary or alternative means such as cargo containers, scaffolding and temporarily constructed boardwalks/paths are provided to facilitate continued pedestrian movement through or adjacent to the obstructed sidewalk.

* **Sidewalk – Partial Closure** shall be defined as the obstruction of a sidewalk such that limited, ADA- and PROWAG-compliant access is provided to the existing sidewalk utilizing means such as barricades and traffic cones.

* **Major Street** shall be defined as Interstates, State and County Highways, primary collector streets as defined in the City’s GIS system and by SCDOT.

* **Minor Street** shall be defined as neighborhood streets as defined in the City’s GIS system and by SCDOT.
Sec. 19-524. - Fees.

(a) Permits shall be required by the Department of Traffic and Transportation for the right-of-way obstructions defined in section 19-523 of this article and fees shall be instituted by the Traffic and Transportation Department Director as necessary to safely manage right-of-way obstructions.

(b) Fees shall be charged based on costs associated with permitting review and inspection in accordance with the fee schedule established and reviewed from time to time by the council. A schedule of right-of-way obstruction fees shall be made available to the public online at the city's website, at the clerk of council's office, or at the Department of Traffic and Transportation.

Section 3. The Traffic and Transportation Fee Schedule attached hereto and incorporated herein by reference as Exhibit 1 is hereby adopted for the referenced dumpster permit fees and right-of-way obstruction fees.

Section 4. This Ordinance shall become effective upon ratification; provided, however, the Fee Schedule shall become effective on August 16, 2021.”

Ratified in City Council this _____ day of _______ in the Year of Our Lord, 2021, in the 246th Year of the Independence of the United States of America.

By:

John J. Tecklenburg
Mayor

Attest:

Jennifer Cook
Clerk of Court
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, July 20, 2021 beginning at 5:00 p.m. at the Gaillard Center, 95 Calhoun Street, and via Conference Call 1-929-205-6099, Access Code 912 096 416, on the request that the Charleston City Plan be adopted in accordance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 - S.C. Code § 6-29-530. Copies of the plan document are available for public review in the office of the Department of Planning, Preservation & Sustainability, 2 George Street, Charleston, SC, Suite 3100 and online at www.charlestoncityplan.com. The public may participate by signing-up to speak in person at the meeting or by using one of the following virtual options:

Requests to speak at the meeting virtually and comments must be received by 12:00 p.m., Monday, July 19th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

JENNIFER COOK
Clerk of Council

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CITY OF CHARLESTON
PLANNING COMMISSION

SPECIAL MEETING OF JUNE 23, 2021

A special meeting of the Planning Commission was held Wednesday, June 23, 2021, at 5:00 p.m., virtually via Zoom Webinar. The following items were discussed.

AGENDA

I. Presentation of proposed revisions to City Plan recommendations
II. Public comment period
III. Request adoption of the Charleston City Plan

Motion: APPROVAL OF COMPREHENSIVE PLAN WITH ENCLOSED CHANGES TO RECOMMENDATIONS (8-0)

1st: JACOBS  2nd: BRYANT-JENKINS

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CHARLESTON CITY PLAN RECOMMENDATIONS
WITH REVISIONS APPROVED BY PLANNING COMMISSIONERS ON JUNE 23, 2021

ENGAGEMENT

1. Dedicate independent funding and resources for all departments to increase accessibility and promote community integration in planning and other decision-making processes; including additional resources to expand in-house communications capacity.
2. Invest in technology and other tools to expand access to public meetings and ongoing planning efforts.
3. Establish mechanisms to coordinate engagement, education and outreach efforts across all departments.
4. Increase the City’s capacity to consistently provide materials and information in both English and Spanish, and to proactively arrange English to/from Spanish interpretation for public meetings.
5. Develop strategies to ensure transparency and accountability for the implementation of plan recommendations, including a methodology to communicate progress for recommendations put forth in all sections of the City Plan.
6. Continue to research and diversify data sources to be data smart thus supporting staff when formulating policy, processes and ordinance development.

Motion: APPROVAL (8-0)  
1st: LESESNE  
2nd: JACOBS

NATURAL RESOURCES

1. Develop policies and processes to amplify environmental justice considerations in land use, infrastructure and natural resources planning; including the prioritization of environmental justice communities in improvements to the environment and analysis of potential negative impacts of projects on environmental justice communities.
2. Continue to provide and expand the parks system to include large and small parks and promote equitable access and safe alternative connectivity to green spaces and water around the city.
3. Support land conservation around the edges of the Urban Growth Boundary, specifically along the Brownswood Road corridor and south of Cane Slash and Plow Ground Roads on Johns Island; along southern parts of Folly Road on James Island; and areas adjacent to the UGB in West Ashley and the Wando area on the Cainhoy Peninsula.
4. Develop a Greenbelt prioritization plan and work with surrounding jurisdictions to preserve more green spaces, particularly along the Urban Growth Boundary.
5. **Create incentives for the use of conservation easements, including developing a toolkit for green space preservation.**

6. Ensure land development regulations adequately protect the city’s farms, prime soils for farming, natural resources and rural areas.

7. Continue to promote planning and zoning policies that align with the “living with water approach” outlined in the Dutch Dialogues Charleston study, including encouraging the use of green infrastructure in landscaping practices and stormwater management. **Green infrastructure includes features such as bio-swales, porous pavements, rain gardens, and wetland buffers; and other practices that leave existing natural features and ecosystems undisturbed.**

8. Dedicate staff and resources to support collaboration between Stormwater Management, Parks and Planning to oversee preservation, creation and maintenance of green infrastructure.

9. Implement recommendations from the Trees to Offset Stormwater study including updating the City’s Tree Protection Ordinance to preserve clusters of trees during the development process, track and increase tree canopy percentages around the city, and prioritize underserved areas or areas with aging inventory for tree planting.

10. Implement land use and transportation planning strategies to account for marsh and wetland migration due to sea level rise, including vegetated buffers to allow space for the marsh or wetland to migrate and restricting development and roadways in tidal flood risk zones.

11. Increase incentives and educational opportunities for residents to increase and maintain green infrastructure on their properties.

**Motion:** **APPROVAL (8-0)**

1st: **LESESNE**

2nd: **JOHNSON**

**CULTURAL RESOURCES**

1. Build, maintain and preserve an array of high quality cultural facilities and sites, especially in areas of the city with less access to existing cultural resources.

2. Support policies, incentives and plans that stimulate historic preservation, restoration and reuse of cultural resources, especially resources relating to African American heritage and history.

3. Encourage public and private investment in the growth and development of Charleston’s arts community.

4. Support development of community plans for settlement communities within corporate City limits that outline future goals related to preservation, investment and development; and recommendations for policies and other strategies for achieving those goals.

5. Work with neighboring jurisdictions to elevate the voices and concerns of settlement communities in ongoing conversations related to preservation, resiliency,
gentrification and displacement, and future development and infrastructure projects.

6. Identify and protect significant sites citywide, including historic houses of worship, cemeteries and burial grounds, that contribute to Charleston’s identity and represent its history; especially those sites significant to African-American heritage and history.

7. Increase the amount of markers and monuments documenting sites and key figures culturally and historically significant to Charleston’s African-American communities and other underrepresented communities.

8. Uphold historic preservation as a form of sustainable development by promoting and creating incentives for rehabilitating and adapting historic buildings for new uses.

9. Update and maintain a cultural resource inventory to evaluate the status of known cultural resources, identify under-documented and/or threatened cultural resources – especially in African-American settlement communities, and prioritize documentation needs and designation recommendations.

10. Conduct a new historic resources survey for all appropriate parts of the City, especially the Upper Peninsula.

11. Strengthen policies and allocate resources to address demolition by neglect of historic properties.

12. Reevaluate the feasibility of an archaeological ordinance for the City.

Motion: APPROVAL (8-0)  

1st: LESESNE  2nd: JACOBS

ECONOMIC DEVELOPMENT

1. Enhance Charleston’s role as a regional job center by supporting employment, small business development and sustainable tourism through policies and programs that promote the unique character and sense of place of each area of Charleston and invest in cultural and natural resources.

2. Dedicate Evaluate the feasibility of dedicating additional staff and resources (i.e. an Office of Economic Development) to create targeted goals for each area of the city, and work with corresponding economic development offices in Charleston and Berkeley counties to unify approaches to regional economic development.

3. Encourage expansion of job training centers for coding, advanced manufacturing, nursing, culinary skills, and independent business management.

4. Evaluate the feasibility of a partnership with Trident Technical College at its downtown Palmer Campus to offer training in above items due to proximity to future Lowcountry Rapid Transit

5. Pursue policies and programs to support independent, locally-owned businesses and allow for competition with larger national chains; including creating programs or incentives for preserving legacy businesses and affordable commercial properties, and providing targeted support to navigate the City’s licensing and permitting processes.
6. Focus on transit-oriented business incentives for offset in parking, business fees, or other fees associated with opening businesses.

7. Increase access to fresh and quality food by attracting grocery stores to food deserts, expanding opportunities for food markets, and promoting small neighborhood groceries like corner stores on the Peninsula.

8. Relax development requirements, such as parking thresholds or licensing, for neighborhood scale retail and restaurants in areas designated as City Centers, Neighborhood Edge and certain Neighborhood areas to encourage a mixture of uses in neighborhoods.

9. Continue to create tailored training and support programs for women and minority owned businesses.

10. Continue to coordinate with neighboring jurisdictions to implement economic development recommendations in Plan West Ashley, Epic Center, ReThink Folly Road and the Johns Island Community Plan.

11. Encourage development and redevelopment in areas designated as City Centers as vibrant mixed-use centers providing employment, entertainment, and housing.

12. Create incentives for commercial properties still in the County, but surrounded by the City, to annex into the City of Charleston.

13. Work with adjoining jurisdictions to encourage a mix of services and employment types in existing commercial centers and areas designated as Neighborhood Edge or Job Center, and ensure connections with residential neighborhoods to provide basic services and employment to those living in close proximity.

14. Pursue strategies to promote a diversified economy that provides a variety of jobs paying living wages. Develop policies, programs, tools and resources to attract and recruit a racially diverse workforce in the City of Charleston and to promote an economy that provides a variety of jobs paying living wages.

15. Explore opportunities to support new commercial and mixed-use developments to enter into community benefit agreements or other commitments to hiring residents from the surrounding neighborhoods.

16. Update the city's Tourism Management Plan in a manner that will improve livability for Charleston's citizens while recognizing the importance and economic impact of tourism.

Motion: APPROVAL (8-0)  
1st: LESESNE  2nd: JOHNSON

TRANSPORTATION

1. Continue to implement recommendations from the Citywide Transportation Plan

2. Continue to promote complete streets in new or redesigned roadways, providing for safe and alternative means of transportation; especially in areas designated as Neighborhood Edge.
3. Create a permanent funding stream for construction and maintenance of sidewalks and other pedestrian and cyclist infrastructure citywide.

4. Connect more schools and job centers to neighborhoods with pedestrian pathways and multi-use pathways, and expand opportunities for bike share systems.

5. Advocate for additional rapid transit routes along Sam Rittenberg Corridor, Savannah Highway, Glenn McConnell Parkway, Folly Road, and Clements Ferry Road.

6. Work to improve access and comfort of the CARTA stations in the City of Charleston through connections with neighborhoods and expanding the street furniture and other amenities provided at stops.

7. Work with BCDCOG and neighboring jurisdictions to advance existing plans to provide water taxi/high-speed ferry systems as a public transit option.

8. Research and promote the creation of additional Park-and-Ride routes, such as the Hospitality On the Peninsula (HOP) Route, to connect all areas with key job centers; especially in places that cannot at present support more extensive mass transit such as Johns Island, James Island and Outer West Ashley.

9. Advocate for strategies to improve flow and safety of traffic in heavily congested roadways (such as Highway 61 in West Ashley), including the installation of advanced traffic control devices and other methods that can fit within existing rights-of-way, and that prioritize walkability and preservation of natural and cultural resources.

10. Right-size parking codes including implementing parking maximums, and explore opportunities to allow developers to pay into a parking in lieu fund.

11. Expand publicly accessible electric vehicle (EV) charging infrastructure, especially at rideshare, mobility hubs, on-street peninsula access and City parking facilities and explore the creation of requirements for EV charging infrastructure in new development.

12. Advocate for the completion of I-526 as currently planned with bicycle and pedestrian accommodations and connectivity.

13. Conduct study to understand the specific implications and timeline of the trend toward autonomous vehicles and best practices in transportation planning.

14. Coordinate with Charleston County, Berkeley County and the SC Department of Transportation to retrofit existing and design new public rights-of-ways to increase mobility during flooding events and maximize opportunities to intercept, infiltrate, store and drain water.

15. Work with CARTA to support increased ridership and consequently improved transit options, including encouraging employer-sponsored transit programs and increased mobility options for seniors and individuals with disabilities.

16. Promote policies and creative incentives to encourage wider, multi-use paths where new pathways are being considered, or widening when feasible for existing pathways; and promote design guidelines that adhere to best practices in bike and pedestrian safety (i.e. separation from
vehicular traffic and dedicated lanes for cyclists and pedestrians when feasible).

Motion: APPROVAL (8-0) 1st: HARRISON 2nd: JACOBS

COMMUNITY FACILITIES AND PRIORITY INVESTMENT

1. Establish adequate public facility standards with consistent service standards throughout the city.
2. Continue to support annexation of areas within the Urban Growth Boundary that are already mostly surrounded by City jurisdiction.
3. Research and evaluate other City services that may need additional funding due to growth and analyze existing City revenue streams for available funds for these services.
4. Prioritize stormwater and flooding solutions for Special Protection Areas (SPAs), older communities, and existing neighborhoods in Tidal Flood Risk zones.
5. Assign priority to areas in greatest need of improved infrastructure and amenities, in tangent with anti-displacement protections.
6. Continue to improve collaboration with other jurisdictions in all key planning activities and major infrastructure projects.
7. Increase coordination with local school districts in regards to plans for future facilities and improvements.
8. Grow the City’s capacity to improve maintenance of existing drainage infrastructure.

Motion: APPROVAL (8-0) 1st: LESESNE 2nd: JOHNSON

HOUSING

1. Continue to fully implement recommendations from the Housing for a Fair Charleston Report.
2. Strongly encourage and create incentives for a diversity of housing types within neighborhoods citywide, including attached-style housing, such as townhomes, condominiums, flats, duplexes, triplexes and fourplexes and allow by right in more base zoning districts.
3. Any future increases to maximum residential densities within the zoning code should be conditional on the basis that a certain percentage of new units be reserved for affordable housing.
4. Strongly encourage development of housing in compatible mixed-use and mixed-income (market rate and subsidized units mixed together within the same development) neighborhoods and in close proximity to parks, bicycle and pedestrian facilities, public transit, schools, grocery stores, job centers and civic uses.
Incentivize transit-oriented development and affordable housing development along the future Low Country Rapid Transit route and other key public transit corridors.

5. Expand incentives for affordable housing developments in more base zoning districts, including unit density bonuses, reduced setbacks and lot sizes, and reduced or eliminated parking minimums when located in proximity to public transit. Incorporate a tiered incentive structure for affordable housing projects based on type and level of affordability provided and geographic location, prioritizing City-funded projects.

6. Adopt policies to increase housing security for existing residents in areas at risk of displacement; including policies tailored to preserving historic African American settlement communities.

7. Develop strategies for preserving existing affordable housing set to expire and naturally occurring affordable housing (NOAH) units, throughout the city.

8. Expand partnership with the Charleston Redevelopment Corporation (Palmetto Community Land Trust) and establish a land bank for future affordable housing development.

9. Implement policies and allocate resources to reduce regulatory barriers that hinder development of affordable housing and disproportionately burden lower-income and vulnerable communities, including: expedited review and permitting, reduced fees, affordable materials standards, flexibility for design and architectural standards when appropriate, and allocating staff devoted to shepherding projects through the development process.

10. Allocate dedicated resources and staff to assist lower-income homeowners and African-American owners of historic homes to retain, reinvest, and redevelop their properties to increase the amount of Naturally Occurring Affordable Housing stock in maintaining their historic homes.

11. Create a dedicated funding stream for affordable housing development through zoning and other planning tools.

12. Pursue strategies (incentives, policies and educational programs) to encourage landlord participation in rental assistance and other community housing programs; and establish a rental registration program.

13. Continue to leverage funding opportunities for affordable housing at the state and federal level and advocate for legislation that can be used to fund or incentivize affordable housing.

14. Create incentives and policies to increase available housing stock, especially affordable housing stock, through reuse and rehabilitation of existing buildings.

15. Continue to support creation of senior and affordable senior housing in all areas of the city.

16. Continue to preserve and defend existing housing stock through enforcement of the Short-Term Rental Ordinance.

Motion: APPROVAL (8-0)  
1st: LESESNE  
2nd: BAILEY
LAND USE

1. Make the best use of the highest land around the city for residential, commercial and mixed-use development, especially areas around current or future public transit corridors.

2. Reduce densities on low-lying areas vulnerable to flooding, and eliminate development in future marsh migration areas. Adapt and defend structures currently in these areas wherever feasible.

3. Pursue further studies of middle ground areas (between Tidal Flood Risk and High Ground Zones) and develop land use strategies based on analysis of individual drainage basins and stormwater easements.

4. Develop proactive measures to educate property owners and potential developers as to parcel elevation, areas of known flooding, drainage basins, soil types and drainage easement challenges that inform stormwater management on their site.

5. Underscore responsibility of effective water management on higher ground of the city to better protect middle and lower ground downstream.

6. Encourage use of green stormwater infrastructure including clusters of trees, use of pervious surfaces, green roofs, etc.

7. Further limit fill-and-build construction methods in areas vulnerable to future flooding and potential marsh migration.

8. Encourage walkable, efficient neighborhood patterns that support connectivity, mobility and health through development regulations and incentives.

9. Create a new zoning ordinance that is based on elevation, tied to the dynamic nature of sea level rise and other climate change implications, and that applies conservation design principles and other recommendations in this plan to all new and infill development.

10. Support the Urban Growth Boundary (UGB) through land use regulations and incentives, continued coordination with adjacent jurisdictions and by protecting land outside the UGB via land acquisition, park development and conservation easements.

11. Continue to work collaboratively with Berkeley Charleston Dorchester Council of Governments (BCDCOG) and North Charleston to provide for transit-oriented developments along the Lowcountry Rapid Transit Corridor.

12. Continue to improve collaboration with adjoining jurisdictions to make the best use of high ground, limit use of low-lying areas, create compatible densities and increase connectivity.

13. ** Continue research and outreach efforts with African-American Settlement Communities to ensure future development and land use recommendations are in concert with communities’ goals.**

Motion: **APPROVAL (8-0)**

1st: **LEESNE**

2nd: **BAILEY**

City Plan Recommendations by Element – page 8
RESILIENCE AND EQUITY

1. Work with other City departments to implement the recommendations in the All Hazards and Vulnerability Risk Assessment, Sea Level Rise Strategy, Climate Action Plan, Trees to Offset Stormwater and Dutch Dialogues Charleston.
2. Work with other City departments to implement recommendations from the Special Commission on Equity, Inclusion and Racial Conciliation, when finalized.
3. Fund and create an integrated flood protection plan for the peninsula that includes a storm surge barrier protection system. Update the Downtown Plan to fully implement recommendations from various plans and studies that address flood protection, new development and redevelopment, and tourism management.
4. Develop and fund a program to address lack of access to Federal Emergency Management Agency (FEMA) and other disaster assistance aid for lower income households and heirs properties.
5. Collaborate with regional and state partners to increase preservation and restoration of saltwater ecosystems like our marshes and wetlands as these are key carbon sequestering assets.
6. Create design guidelines for renewable energy standards in the historic district, with measures in place to prevent placing additional burdens on lower-income households.
7. Expand incentives for sustainable construction and renewable energy via the zoning code, such as building certification programs like Charleston RISES.
8. Create more incentives that empower individual property owners and small-scale developers to play a more prominent role in efforts to increase resiliency and affordability in the Charleston area.
9. Continue to promote urban agriculture and community gardens, especially in areas qualifying as food deserts.
10. Reduce emissions to 50% below 2018 levels by 2030 to mitigate the city’s impact on climate change.
11. Reduce emissions to net zero by 2050.
12. Continue to study the effects of extreme heat and pursue policies that protect people in all areas of the city from extreme heat, especially lower income and elder community members who may have more limited ability to adapt.
13. Prioritize City Plan recommendations that advance resilience and equity, included in the Resilience and Equity Recommendation matrix on pages ___.

Motion: APPROVAL (8-0) 1st: HARRISON 2nd: LESESNE
AN ORDINANCE

TO ADOPT THE CHARLESTON CITY PLAN AS THE COMPREHENSIVE PLAN FOR THE CITY OF CHARLESTON, SOUTH CAROLINA.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings:


Since the ratification of Ordinance No. 2011-16, the Charleston City Plan has been drafted to replace the Century V Plan and serve as the new land use plan for the City of Charleston.

The Charleston City Plan seeks to guide land use planning, policy and investment toward a more resilient and equitable future – shaped by the values and priorities of its community and rooted in its wealth of cultural and natural resources.

The Charleston City Plan makes recommendations primarily for areas of the city within the Urban Growth Boundary (UGB), including portions of Peninsular Charleston, West Ashley, James Island (excluding the Town of James Island), Johns Island, Daniel Island, and the Wando area of the Cainhoy Peninsula. The plan area also includes currently unincorporated areas that are within the geography defined by the UGB.
The Charleston City Plan addresses existing conditions, explores community priorities, and makes recommendations for planning and policy decisions related to the following key elements:

a. Population  
b. Natural Resources  
c. Cultural Resources  
d. Economic Development  
e. Transportation  
f. Community Facilities and Priority Investment  
g. Housing  
h. Land Use  
i. Resilience and Equity

Section 2. The Charleston City Plan is hereby adopted as and for a land use plan of the City of Charleston attached hereto and incorporated by reference herein, as an addition to and in supplementation of the following plans and studies:

a. Climate Action Plan (2021)  
b. All Hazards Vulnerability & Assessment (2020)  
c. Housing for a Fair Charleston (2020)  
d. Consolidated Plan and Analysis of Impediments to Fair Housing Choice (2020)  
f. Flooding and Sea Level Rise Strategy (2019 update)  
g. Racial Bias Audit of the Charleston Police Department Recommendations (2017)  
h. Citywide Transportation Plan (2018)  
i. People Pedal Plan (2018)  
j. Plan West Ashley Implementation (2018)  
k. Trees to Offset Stormwater Study (2018)  
l. Rethink Folly Road Report (2016)  
m. Dupont Wappoo Community Plan (2016)  
n. Tourism Management Plan (2015 update)  
q. Johns Island Community Plan (2007)
Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
___________ in the Year of Our Lord, 2021,
and in the _____ Year of the Independence of
the United States of America

________________________
John J. Tecklenburg, Mayor

ATTEST:
________________________
Jennifer Cook
Clerk of Council
CHARLESTON CITY PLAN RECOMMENDATIONS
APPROVED BY PLANNING COMMISSION JULY 23, 2021

ENGAGEMENT
1. Dedicate independent funding and resources for all departments to increase accessibility and promote community integration in planning and other decision-making processes; including additional resources to expand in-house communications capacity.
2. Invest in technology and other tools to expand access to public meetings and ongoing planning efforts.
3. Establish mechanisms to coordinate engagement, education and outreach efforts across all departments.
4. Increase the City’s capacity to consistently provide materials and information in both English and Spanish, and to proactively arrange English to/from Spanish interpretation for public meetings.
5. Develop strategies to ensure transparency and accountability for the implementation of plan recommendations, including a methodology to communicate progress for recommendations put forth in all sections of the City Plan.
6. Continue to research and diversify data sources to be data smart thus supporting staff when formulating policy, processes and ordinance development.

NATURAL RESOURCES
1. Develop policies and processes to amplify environmental justice considerations in land use, infrastructure and natural resources planning; including the prioritization of environmental justice communities in improvements to the environment and analysis of potential negative impacts of projects on environmental justice communities.
2. Continue to provide and expand the parks system to include large and small parks and promote equitable access and safe alternative connectivity to green spaces and water around the city.
3. Support land conservation around the edges of the Urban Growth Boundary, specifically along the Brownswood Road corridor and south of Cane Slash and Plow Ground Roads on Johns Island; along southern parts of Folly Road on James Island; and areas adjacent to the UGB in West Ashley and the Wando area on the Cainhoy Peninsula.
4. Develop a Greenbelt prioritization plan and work with surrounding jurisdictions to preserve more green spaces, particularly along the Urban Growth Boundary.
5. Create incentives for the use of conservation easements, including developing a toolkit for green space preservation.
6. Ensure land development regulations adequately protect the city’s farms, prime soils for farming, natural resources and rural areas.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
7. Continue to promote planning and zoning policies that align with the “living with water approach” outlined in the Dutch Dialogues Charleston study, including encouraging the use of green infrastructure in landscaping practices and stormwater management. Green infrastructure includes features such as bio-swales, porous pavements, rain gardens, and wetland buffers; and other practices that leave existing natural features and ecosystems undisturbed.

8. Dedicate staff and resources to support collaboration between Stormwater Management, Parks and Planning to oversee preservation, creation and maintenance of green infrastructure.

9. Implement recommendations from the Trees to Offset Stormwater study including updating the City’s Tree Protection Ordinance to preserve clusters of trees during the development process, track and increase tree canopy percentages around the city, and prioritize underserved areas or areas with aging inventory for tree planting.

10. Implement land use and transportation planning strategies to account for marsh and wetland migration due to sea level rise, including vegetated buffers to allow space for the marsh or wetland to migrate and restricting development and roadways in tidal flood risk zones.

11. Increase incentives and educational opportunities for residents to increase and maintain green infrastructure on their properties.

CULTURAL RESOURCES

1. Build, maintain and preserve an array of high quality cultural facilities and sites, with an emphasis on increasing access for black and brown communities and areas of the city with fewer existing cultural resources. *(Amended by request of Director of Equity, Inclusion and Racial Conciliation)*

2. Support policies, incentives and plans that stimulate historic preservation, restoration and reuse of cultural resources, especially resources relating to African American heritage and history.

3. Encourage public and private investment in the growth and development of Charleston’s arts community.

4. Support development of community plans for settlement communities within corporate City limits that outline future goals related to preservation, investment and development; and recommendations for policies and other strategies for achieving those goals.

5. Work with neighboring jurisdictions to elevate the voices and concerns of settlement communities in ongoing conversations related to preservation, resiliency, gentrification and displacement, and future development and infrastructure projects.

6. Identify and protect significant sites citywide, including historic houses of worship, cemeteries and burial grounds, that contribute to Charleston’s identity and

To view the full Charleston City Plan, visit [https://charlestoncityplan.com/view](https://charlestoncityplan.com/view)
represent its history; especially those sites significant to African-American heritage and history.

7. Increase the amount of markers and monuments documenting sites and key figures culturally and historically significant to Charleston’s African-American and other underrepresented communities.

8. Uphold historic preservation as a form of sustainable development by promoting and creating incentives for rehabilitating and adapting historic buildings for new uses.

9. Update and maintain a cultural resource inventory to evaluate the status of known cultural resources, identify under-documented and/or threatened cultural resources - especially in African-American settlement communities, and prioritize documentation needs and designation recommendations.

10. Conduct a new historic resources survey for all appropriate parts of the City, especially the Upper Peninsula.

11. Strengthen policies and allocate resources to address demolition by neglect of historic properties.

12. Reevaluate the feasibility of an archaeological ordinance for the City.

ECONOMIC DEVELOPMENT

1. Enhance Charleston’s role as a regional job center by supporting employment, small business development and sustainable tourism through policies and programs that promote the unique character and sense of place of each area of Charleston and invest in cultural and natural resources.

2. Evaluate the feasibility of dedicating additional staff and resources (i.e. an Office of Economic Development) to create targeted goals for each area of the city, and work with corresponding economic development offices in Charleston and Berkeley counties to unify approaches to regional economic development.

3. Encourage expansion of job training centers for coding, advanced manufacturing, nursing, culinary skills, and independent business management.

4. Evaluate the feasibility of a partnership with Trident Technical College at its downtown Palmer Campus to offer training in above items due to proximity to future Lowcountry Rapid Transit.

5. Pursue policies and programs to support independent, locally-owned businesses and allow for competition with larger national chains; including creating programs or incentives for preserving legacy businesses and affordable commercial properties, and providing targeted support to navigate the City’s licensing and permitting processes.

6. Focus on transit-oriented business incentives for offset in parking, business fees, or other fees associated with opening businesses.

7. Increase access to fresh and quality food by attracting grocery stores to food deserts, expanding opportunities for food markets, and promoting small neighborhood groceries like corner stores on the Peninsula.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
8. Relax development requirements, such as parking thresholds or licensing, for neighborhood scale retail and restaurants in areas designated as City Centers, Neighborhood Edge and certain Neighborhood areas to encourage a mixture of uses in neighborhoods.

9. Continue to create tailored training and support programs for women and minority owned businesses.

10. Continue to coordinate with neighboring jurisdictions to implement economic development recommendations in Plan West Ashley, Epic Center, ReThink Folly Road and the Johns Island Community Plan.

11. Encourage development and redevelopment in areas designated as City Centers as vibrant mixed-use centers providing employment, entertainment, and housing.

12. Create incentives for commercial properties still in the County, but surrounded by the City, to annex into the City of Charleston.

13. Work with adjoining jurisdictions to encourage a mix of services and employment types in existing commercial centers and areas designated as Neighborhood Edge or Job Center, and ensure connections with residential neighborhoods to provide basic services and employment to those living in close proximity.

14. Develop policies, programs, tools and resources to attract and recruit a racially diverse workforce in the City of Charleston and to promote an economy that provides a variety of jobs paying living wages.

15. Explore opportunities to support new commercial and mixed-use developments to enter into community benefit agreements or other commitments to hiring residents from the surrounding neighborhoods.

16. Update the city's Tourism Management Plan in a manner that will improve livability for Charleston's citizens while recognizing the importance and economic impact of tourism.

TRANSPORTATION

1. Continue to implement recommendations from the Citywide Transportation Plan
2. Continue to promote complete streets in new or redesigned roadways, providing for safe and alternative means of transportation; especially in areas designated as Neighborhood Edge.
3. Create a permanent funding stream for construction and maintenance of sidewalks and other pedestrian and cyclist infrastructure citywide.
4. Connect more schools and job centers to neighborhoods with pedestrian pathways and multi-use pathways, and expand opportunities for bike share systems.
5. Advocate for additional rapid transit routes along Sam Rittenberg Corridor, Savannah Highway, Glenn McConnell Parkway, Folly Road, and Clements Ferry Road.
6. Work to improve access and comfort of the CARTA stations in the City of Charleston through connections with neighborhoods and expanding the street furniture and other amenities provided at stops.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
7. Work with BCDCOG and neighboring jurisdictions to advance existing plans to provide water taxi/high-speed ferry systems as a public transit option.
8. Research and promote the creation of additional Park-and-Ride routes, such as the Hospitality On the Peninsula (HOP) Route, to connect all areas with key job centers; especially in places that cannot at present support more extensive mass transit such as Johns Island, James Island and Outer West Ashley.
9. Advocate for strategies to improve flow and safety of traffic in heavily congested roadways (such as Highway 61 in West Ashley), including the installation of advanced traffic control devices and other methods that can fit within existing rights-of-way, and that prioritize walkability and preservation of natural and cultural resources.
10. Right-size parking codes including implementing parking maximums, and explore opportunities to allow developers to pay into a parking in lieu fund.
11. Expand publicly accessible electric vehicle (EV) charging infrastructure, especially at rideshare, mobility hubs, on-street peninsula access and City parking facilities and explore the creation of requirements for EV charging infrastructure in new development.
12. Advocate for the completion of I-526 as currently planned with bicycle and pedestrian accommodations and connectivity.
13. Conduct study to understand the specific implications and timeline of the trend toward autonomous vehicles and best practices in transportation planning.
14. Coordinate with Charleston County, Berkeley County and the SC Department of Transportation to retrofit existing and design new public rights-of-ways to increase mobility during flooding events and maximize opportunities to intercept, infiltrate, store and drain water.
15. Work with CARTA to support increased ridership and consequently improved transit options, including encouraging employer-sponsored transit programs and increased mobility options for seniors and individuals with disabilities.
16. Promote policies and creative incentives to encourage wider, multi-use paths where new pathways are being considered, or widening when feasible for existing pathways; and promote design guidelines that adhere to best practices in bike and pedestrian safety (i.e. separation from vehicular traffic and dedicated lanes for cyclists and pedestrians when feasible).

COMMUNITY FACILITIES AND PRIORITY INVESTMENT

1. Establish adequate public facility standards with consistent service standards throughout the city.
2. Continue to support annexation of areas within the Urban Growth Boundary that are already mostly surrounded by City jurisdiction.
3. Research and evaluate other City services that may need additional funding due to growth and analyze existing City revenue streams for available funds for these services.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
4. Prioritize stormwater and flooding solutions for Special Protection Areas (SPAs), older communities, and existing neighborhoods in Tidal Flood Risk zones.
5. Assign priority to areas in greatest need of improved infrastructure and amenities, in tangent with anti-displacement protections.
6. Continue to improve collaboration with other jurisdictions in all key planning activities and major infrastructure projects.
7. Increase coordination with local school districts in regards to plans for future facilities and improvements.
8. Grow the City’s capacity to improve maintenance of existing drainage infrastructure.

HOUSING
1. Continue to fully implement recommendations from the Housing for a Fair Charleston Report.
2. Strongly encourage and create incentives for a diversity of housing types within neighborhoods citywide, including attached-style housing, such as townhomes, condominiums, flats, duplexes, triplexes and fourplexes and allow by right in more base zoning districts.
3. Any future increases to maximum residential densities within the zoning code should be conditional on the basis that a certain percentage of new units be reserved for affordable housing.
4. Strongly encourage development of housing in compatible mixed-use and mixed-income (market rate and subsidized units mixed together within the same development) neighborhoods and in close proximity to parks, bicycle and pedestrian facilities, public transit, schools, grocery stores, job centers and civic uses.
Incentivize transit-oriented development and affordable housing development along the future Low Country Rapid Transit route and other key public transit corridors.
5. Expand incentives for affordable housing developments in more base zoning districts, including unit density bonuses, reduced setbacks and lot sizes, and reduced or eliminated parking minimums when located in proximity to public transit.
Incorporate a tiered incentive structure for affordable housing projects based on type and level of affordability provided and geographic location, prioritizing City-funded projects.
6. Adopt policies to increase housing security for existing residents in areas at risk of displacement; including policies tailored to preserving historic African American settlement communities.
7. Develop strategies for preserving existing affordable housing set to expire and naturally occurring affordable housing (NOAH) units, throughout the city.
8. Expand partnership with the Charleston Redevelopment Corporation (Palmetto Community Land Trust) and establish a land bank for future affordable housing development.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
9. Implement policies and allocate resources to reduce regulatory barriers that hinder development of affordable housing and disproportionately burden lower-income and vulnerable communities, including: expedited review and permitting, reduced fees, affordable materials standards, flexibility for design and architectural standards when appropriate, and allocating staff devoted to shepherding projects through the development process.

10. Allocate dedicated resources and staff to assist lower-income homeowners and African-American owners of historic homes to retain, reinvest, and redevelop their properties to increase the amount of Naturally Occurring Affordable Housing stock.

11. Create a dedicated funding stream for affordable housing development through zoning and other planning tools.

12. Pursue strategies (incentives, policies and educational programs) to encourage landlord participation in rental assistance and other community housing programs; and establish a rental registration program.

13. Continue to leverage funding opportunities for affordable housing at the state and federal level and advocate for legislation that can be used to fund or incentivize affordable housing.

14. Create incentives and policies to increase available housing stock, especially affordable housing stock, through reuse and rehabilitation of existing buildings.

15. Continue to support creation of senior and affordable senior housing in all areas of the city.

16. Continue to preserve and defend existing housing stock through enforcement of the Short-Term Rental Ordinance.

LAND USE

1. Make the best use of the highest land around the city for residential, commercial and mixed-use development, especially areas around current or future public transit corridors.

2. Reduce densities on low-lying areas vulnerable to flooding, and eliminate development in future marsh migration areas. Adapt and defend structures currently in these areas wherever feasible.

3. Pursue further studies of middle ground areas (between Tidal Flood Risk and High Ground Zones) and develop land use strategies based on analysis of individual drainage basins and stormwater easements.

4. Develop proactive measures to educate property owners and potential developers as to parcel elevation, areas of known flooding, drainage basins, soil types and drainage easement challenges that inform stormwater management on their site.

5. Underscore responsibility of effective water management on higher ground of the city to better protect middle and lower ground downstream.

6. Encourage use of green stormwater infrastructure including clusters of trees, use of pervious surfaces, green roofs, etc.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
7. Further limit fill-and-build construction methods in areas vulnerable to future flooding and potential marsh migration.
8. Encourage walkable, efficient neighborhood patterns that support connectivity, mobility and health through development regulations and incentives.
9. Create a new zoning ordinance that is based on elevation, tied to the dynamic nature of sea level rise and other climate change implications, and that applies conservation design principles and other recommendations in this plan to all new and infill development.
10. Support the Urban Growth Boundary (UGB) through land use regulations and incentives, continued coordination with adjacent jurisdictions and by protecting land outside the UGB via land acquisition, park development and conservation easements.
11. Continue to work collaboratively with Berkeley Charleston Dorchester Council of Governments (BCDCOG) and North Charleston to provide for transit-oriented developments along the Lowcountry Rapid Transit Corridor.
12. Continue to improve collaboration with adjoining jurisdictions to make the best use of high ground, limit use of low-lying areas, create compatible densities and increase connectivity.
13. Continue research and outreach efforts with African-American Settlement Communities to ensure future development and land use recommendations are in concert with communities’ goals.

RESILIENCE AND EQUITY
1. Work with other City departments to implement the recommendations in the All Hazards and Vulnerability Risk Assessment, Sea Level Rise Strategy, Climate Action Plan, Trees to Offset Stormwater and Dutch Dialogues Charleston.
2. Work with other City departments to implement recommendations from the Special Commission on Equity, Inclusion and Racial Conciliation, when finalized.
3. Update the Downtown Plan to fully implement recommendations from various plans and studies that address flood protection, new development and redevelopment, and tourism management.
4. Develop and fund a program to address lack of access to Federal Emergency Management Agency (FEMA) and other disaster assistance aid for lower income households and heirs properties.
5. Collaborate with regional and state partners to increase preservation and restoration of saltwater ecosystems like our marshes and wetlands as these are key carbon sequestering assets.
6. Create design guidelines for renewable energy standards in the historic district, with measures in place to prevent placing additional burdens on lower-income households.
7. Expand incentives for sustainable construction and renewable energy via the zoning code, such as building certification programs like Charleston RISES.

To view the full Charleston City Plan, visit https://charlestoncityplan.com/view
8. Create more incentives that empower individual property owners and small-scale developers to play a more prominent role in efforts to increase resiliency and affordability in the Charleston area.

9. Continue to promote urban agriculture and community gardens, especially in areas qualifying as food deserts.

10. Reduce emissions to 50% below 2018 levels by 2030 to mitigate the city’s impact on climate change.

11. Reduce emissions to net zero by 2050.

12. Continue to study the effects of extreme heat and pursue policies that protect people in all areas of the city from extreme heat, especially lower income and elder community members who may have more limited ability to adapt.

13. Prioritize City Plan recommendations that advance resilience and equity, included in the Resilience and Equity Recommendation matrix on pages __.
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, July 20, 2021 beginning at 5:00 p.m., at the Gaillard Center, 95 Calhoun Street, and via Conference Call # 1-929-265-0999, Access Code 912 096 416, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate by signing-up to speak in person at the meeting or by using one of the following virtual options:

Requests to speak at the meeting and comments must be received by 12:00 p.m.,
Monday, July 19th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;
2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

REZONINGS

1. To rezone 584 Meeting Street (East Central - Peninsula) (Approx. 1.623 acre) (TMS # 459-01-03-045) General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.

ORDINANCE AMENDMENTS

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to create a Special Parking District Overlay Zone for the purpose of eliminating minimum off-street parking requirements applicable to certain uses within the district and to change the Zone Map, which is a part thereof, so that properties designated as Charleston County TMS Nos. 457-04-02-007 to 012, 457-04-02-014 to 033, 457-04-02-035 to 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 to 134, 457-04-02-157 to 172, 457-04-02-175 to 182, 457-04-02-184 to 191, 457-04-02-193 to 194, 457-04-04-009 to 023, 457-04-04-039, 457-04-04-041 to 047, 457-04-04-092, 457-04-04-094 to 105, 457-04-04-107 to 111, 457-04-04-117, 457-04-04-129 to 130, 457-04-04-150 to 154, 457-04-04-157 to 160, 457-04-04-163, 457-04-04-167 to 201, 457-04-04-258 to 269, 457-04-04-271 to 277, 457-04-04-307 to 320, 457-04-04-322, 457-08-01-039 to 044, 457-08-01-046, 457-08-01-048 to 064, 457-08-01-072, 457-08-01-075, 457-08-01-078, 457-08-01-080, 457-08-01-083, 457-08-01-084, 457-08-01-085, 457-08-01-086, 457-08-01-087, 457-08-01-088, 457-08-01-089, 457-08-01-090, 457-08-01-095 to 117, 457-08-01-125 to 127, 457-08-01-141 to 156, 457-08-01-163, 457-08-02-020 to 026, 457-08-02-032 to 038, 457-08-02-135, 457-08-02-159 to 161, 457-08-04-003, 457-08-04-015 to 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 to 032, 457-08-04-035 to 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 to 134, 457-08-04-137 to 143, 457-08-04-148 to 149, 457-08-04-154 to 158, 457-08-04-184 to 188, 457-12-02-009 to 010, 457-12-02-041, 457-12-02-046 to 049 and 457-12-04-015 be included within the Special Parking District (SPD) Overlay Zone.

2. To amend Article 8 (Subdivision, Property Line Adjustment or Abandonment), Part 3 (Subdivision Design Standards), Section 54-821 (Street Design Standards) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) and add requirements for on-street parking in new subdivisions.

ZONINGS

1. 420 Arlington Drive (a portion) (West Ashley - Oakland) (Approx. 0.25 acre) (TMS # 310-12-00-083) Single-Family Residential (SR-1).
2. 2147 & 2151 River Road (Johns Island) (Approx. 4.78 acres) (TMS # 315-00-00-110 & 048) Single-Family Residential (SR-1). The Planning Commission approved the staff’s recommendation of RR-1.

JENNIFER COOK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email schumacherj@charleston-sc.gov three business days prior to the meeting.
Rezonings

1. 584 Meeting St (East Central - Peninsula) TMS # 4590103045 — approx. 1.623 acres. Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

Motion: APPROVAL (6-0)  
1st: JACOBS  2nd: BRYANT-JENKINS

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<td>Angie Johnson</td>
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Ordinance Amendments

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to create a Special Parking District Overlay Zone for the purpose of eliminating minimum off-street parking requirements applicable to certain uses within the district and to change the Zone Map, which is a part thereof, so that properties designated as Charleston County TMS Nos. 457-04-02-007 ....457-12-02-046 to 049 and 457-12-04-015 be included within the Special Parking District (SPD) Overlay Zone.

Motion: APPROVAL (6-0)  
1st: BAILEY  2nd: JACOBS

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2. An ordinance to amend Article 8 (Subdivision, Property Line Adjustment or Abandonment), Part 3 (Subdivision Design Standards), Section 54-821 (Street Design Standards) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) and add requirements for on-street parking in new subdivisions.

Motion: APPROVAL (6-0)  
1st: LESESNE  
2nd: BAILEY

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ZONINGS

1. 420 Arlington Dr (a portion) (West Ashley - Oakeland) TMS # 3101200083 – approx. 0.25 acre. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL (6-0)  
1st: JACOBS  
2nd: LEMPESIS

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Motion: APPROVAL OF RR-1 (6-0)  
1st: JACOBS  
2nd: BRYANT-JENKINS

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AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 584 MEETING STREET (PENINSULA) (APPROXIMATELY 1.623 ACRES) (TMS #459-01-03-045) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2WH) CLASSIFICATION. THE PROPERTY IS OWNED BY 584 MEETING STREET LLC.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Mixed-use/Workforce Housing (MU-2WH) classification.

Section 2. The property to be rezoned is described as follows:
584 Meeting Street (Peninsula) (approximately 1.623 acres) (TMS #459-01-03-045)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ________ day of __________________ in the Year of Our Lord __________, in the ________ Year of Independence of the United States of America.

By: ________________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest: ________________________________
Jennifer Cook
Clerk of Council
REZONING

584 Meeting St (East Side - Peninsula)

TMS # 4590103045

approx. 1.623 ac.

Request rezoning from General Business (GB) to Mixed-Use Workforce Housing (MU-2/WH).

Owner/Applicant: 584 Meeting Street LLC
AN ORDINANCE


INCIDENT TO THE ADOPTION OF THIS ORDINANCE, CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT:

1. On January 26, 2021, City Council enacted Emergency Ordinance No. 2021-007, establishing a Special Parking District (SPD) Overlay Zone, as set forth therein.


4. As set forth in Emergency Ordinance No. 2021-007, the City should maximize the use of existing spaces in buildings within a specific area along King Street, while minimizing adverse impacts on traffic, among other things, on residential areas and on the public rights-of-way within the City.

5. Based on this record of performance, City Council finds it necessary and appropriate to adopt the substantive provisions of Emergency Ordinance No. 2021-007 as a permanent ordinance applicable to the specified area.

6. Such a policy serves a compelling government interest by continuing the important positive impact of such area on the health, welfare, culture, and economy of the City.

7. Such a policy also serves a compelling government interest by facilitating the preservation of existing buildings within this historic area of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Sec. 54-511 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-511.c:

c. (1) Intent. A new parking overlay zone, to be known as the Special Parking District, SPD Overlay Zone is hereby established to facilitate the occupancy of buildings existing as of November 30, 2020, within the district.

(2) Exempt Properties. Except as set forth in Sec. 54-511.c.(3), buildings on properties located in the Special Parking District Overlay Zone, as shown on the City’s zone map, shall be exempt from the minimum off-street parking requirements set forth in Sec. 54-208.1, Sec. 54-220, Sec. 54-317.a and Table 3-3 (Off-Street Parking Requirements).

(3) Exceptions. Notwithstanding Sec. 54-511.c.(2), any building or structure, or any extension or expansion of an existing building or structure, constructed on or after December 1, 2020 shall not be exempt from the minimum off-street parking requirements.

Section 2. That Sec. 54-202 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-202.n:

n. Special Parking District, SPD Overlay Zone. See Sec. 54-511.c.

Section 3. That Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by changing the zone map, which is part thereof, so as to add the properties designated as Charleston County TMS Nos. 457-04-02-007 TO 012, 457-04-02-014 TO 033, 457-04-02-035 TO 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 TO 134, 457-04-02-157 TO 172, 457-04-02-175 TO 182, 457-04-02-184 TO 191, 457-04-02-193 TO 194, 457-04-04-009 TO 023, 457-04-04-039, 457-04-04-041 TO 047, 457-04-04-092, 457-04-04-094 TO 105, 457-04-04-107 TO 111, 457-04-04-117, 457-04-04-129 TO 130, 457-04-04-150 TO 154, 457-
04-04-157 TO 160, 457-04-04-163, 457-04-04-167 TO 201, 457-04-04-258 TO 269, 457-04-04-271 TO 277, 457-04-04-307 TO 320, 457-04-04-322, 457-08-01-039 TO 044, 457-08-01-046, 457-08-01-048 TO 064, 457-08-01-072, 457-08-01-078, 457-08-01-080, 457-08-01-088 TO 090, 457-08-01-095 TO 117, 457-08-01-125 TO 127, 457-08-01-141 TO 156, 457-08-01-163, 457-08-02-020 TO 026, 457-08-02-032 TO 038, 457-08-02-135, 457-08-02-159 TO 161, 457-08-04-003, 457-08-04-015 TO 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 TO 032, 457-08-04-035 TO 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 TO 134, 457-08-04-137 TO 143, 457-08-04-148 TO 149, 457-08-04-154 TO 156, 457-08-04-184 TO 188, 457-12-02-009 TO 010, 457-12-02-041, 457-12-02-046 TO 049 AND 457-12-04-015, shown on the maps attached hereto and incorporated herein by reference, to the Special Parking District, SPD Overlay Zone.

Section 4. This ordinance will become effective upon ratification.

Ratified in City Council this ______ day of ______, in the Year of Our Lord 2021, in the ______ Year of the Independence of the United States of America

By: __________________________
John J. Tecklenburg
Mayor

ATTEST: __________________________
Jennifer Cook
Clerk of Council
AN ORDINANCE

TO AMEND ARTICLE 8 (SUBDIVISION, PROPERTY LINE ADJUSTMENT OR ABANDONMENT), PART 3 (SUBDIVISION DESIGN STANDARDS), SECTION 54-821 (STREET DESIGN STANDARDS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) AND ADD REQUIREMENTS FOR ON-STREET PARKING IN NEW SUBDIVISIONS

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 54-821, subsections a. through s., of the Code of the City of Charleston ("Zoning Ordinance") is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with strikethrough):

Sec. 54-821. - Street design standards.

a. The layout of streets as to arrangement, character, width, grade, and location *may shall* be required to conform to the *general plan of the entire tract where completed* the following street design standards, to adjoining street systems of adjoining properties, to the major thoroughfare plans of the city, *and to the topography, natural features, and drainage systems to be provided, and to the general plan of the entire tract where completed*.

b. Local streets shall be designed as an interconnected street system while incorporating lower speed geometries.

c. Subdivisions which abut or have included within the proposed area to be subdivided any limited access, major thoroughfare, or arterial streets shall provide:

1. A marginal access street, or
2. Reverse frontage with screen planting contained in a non-access reservation along the rear property line, or

3. Lots with rear service drives, or

4. Other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

The city engineer shall specify which of the above requirements apply to each individual case based upon adequate service to the public interest.

d. Reserve strips or parcels controlling access to streets shall be prohibited, except where justification is shown by the developer.

e. Street jogs, with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

f. A tangent of at least one hundred (100) feet shall be introduced between reverse curves on major traffic streets.

g. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor and collector streets, and of such greater radii as the city engineer shall determine for special cases.

h. Streets shall be so laid out as to avoid acute angles as nearly as practicable between streets at their intersections, except in the case of merging streets.

i. Property lines at street intersections shall be rounded with a radius of not less than fifteen (15) feet. Larger radii may be required by the city engineer when, in his opinion, such design is advisable to permit the construction of curbs of large radius.

j. Streets shall be defined according to the following functional classifications and right-of-way widths, pavement widths and curb radii shall be as follows:

1. Definitions of Functional Classifications of Streets

    (a) Access Street: Sometimes called a place or lane, the access street is designed to conduct traffic between dwelling units and higher-order streets. As the lowest-order
street in the hierarchy, the access street carries some through traffic and includes short streets, cul-de-sacs and courts.

(b) Subcollector Street: The subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street.

(c) Collector Street: A street which collects internal traffic movements within an area of the city, such as among subdivisions, and connects this area with the arterial street system. It does not handle long through trips, but performs the same land service function as a local street.

(d) Arterial Street: A facility designed mainly for through traffic, but it also normally performs a secondary land service function. Parking and loading may be restricted or prohibited to improve the capacity for moving traffic. It accommodates major movements of traffic not served by expressways and brings traffic to and from expressways.


3. Minimum radii. See Table 8.2.

k. Half streets along property lines shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the city engineer finds that it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street exists adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

l. Dead-end streets designed to be so permanently, shall not be longer than eight hundred (800) feet except where land cannot be subdivided otherwise practicably and shall be provided at the closed end with a turn-around having a street property line diameter of at least eighty (80) feet.

m. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names proposed by the subdivider shall be subject to check by the GIS Division
and where duplication or confusion with names of existing streets occurs, the GIS Division shall require the subdivider to substitute names free from duplication or confusion.

**TABLE 8.1: MINIMUM STREET WIDTHS**

<table>
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<td>Curb Type (1-way width):</td>
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<td>22 (^b, e, f)</td>
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<td>Collector, and Local Commercial and Industrial</td>
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<td>44</td>
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<tr>
<td>Arterial:</td>
<td>Divided arterial streets must be designed to State requirements</td>
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<tr>
<td>---------</td>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>—</td>
<td>48</td>
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<tr>
<td>Principal</td>
<td>—</td>
<td>60</td>
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a. Exclusive of outside curb and gutter

b. Maximum of 30 feet.

c. Maximum of 20 feet.

d. Maximum of 60 feet.

e. The paved section and right-of-way for local single-family residential access streets serving only single-family detached homes may be reduced to 20 feet and 42 feet, respectively, with the approval of the Zoning Administrator, the Director of the Department of Public Service, and the Director of the Department of Traffic and Transportation, and in consideration of on-street parking needs, and the utility providers and their needs for installing utility services within the rights-of-way which are proposed to be reduced.

f. On-street parking and community parking lot requirements. Parking spaces shall be provided along local single-family residential access streets with one or more lots that are less than 9,000 square feet in high ground area. Parking spaces shall be provided on-street or in community parking lots constructed with the subdivision, or with a combination thereof. The number of parking spaces provided shall equal or exceed one (1) space for every four (4) lots, or fraction thereof, that are between than 6,000 square feet and 8,999 square feet in high ground, and (1) space for every three (3) lots, or fraction thereof, that are less than 6,000 square feet in high ground. Parking spaces shall be distributed
throughout areas with lots that require on-street parking. Community parking lots shall comply with landscaping requirements in Article 3, Part 7, and include spaces that meet the minimum design requirements of Sec. 54-318, except the lots may utilize a durable, pervious paving material with a concrete driveway that extends at least 10 feet beyond the right-of-way. Where on-street parking is provided, the minimum pavement width and minimum right-of-way width for local single-family residential access streets shall be increased, as described herein. On street parking spaces shall be a minimum of 22’ in length and 7’ wide, exclusive of curb and gutter. Where on-street parking is provided on one side of a street, street pavement width shall be increased to a minimum of 27 feet, exclusive of curb and gutter. Where on-street parking is provided on both sides, pavement width shall be a minimum of 34 feet, exclusive of curb and gutter, and right-of-way width shall be a minimum of 55 feet. Where parking is provided between driveways, the minimum driveway separation shall be 28 feet.

### TABLE 8.2: MINIMUM CURB RADII

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<th>Functional Street Classification</th>
<th>Access and Subcollector</th>
<th>Subdivision Entrance and Local Multi-Family</th>
<th>Collector and Local Commercial and Industrial</th>
<th>Minor and Principal Arterials</th>
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<tr>
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<td>Minor and Principal Arterials</td>
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n. Streets and intersection approaches shall not be excessive in grade nor be less than three-tenths of one percent (0.3%) in the gutter profile. Variation from these grades may, however, be permitted by the city engineer where advisable, to adjust to topographical conditions.

o. Alleys shall be permitted where required to provide for service access, such as off-street parking, loading, and unloading, consistent with and adequate for the uses proposed. Such alleys shall have a minimum right-of-way of twenty (20) feet with a minimum pavement width of twelve (12) feet.

p. All streets shall be paved in accordance with minimum requirements on file in the office of the city engineer. Final approval, however, may be granted prior to paving, provided adequate bond or escrow of funds conditioned on said paving being completed within one year of the final approval is filed with the city treasurer.

q. Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing a new subdivision or extending an existing one, when other access can be made available and when in the opinion of the city engineer such use would create a safety hazard or otherwise be detrimental to the residents of the existing subdivision due to increased traffic and noise.

r. No street shall be located within a critical area or freshwater or saltwater wetland unless the applicant shall supply to the City the written approval of OCRM or the U.S. Army Corps of Engineers, or both, as appropriate.

s. Street connectivity requirements: An interconnected street system is necessary in order to provide for access between developments without returning to major roadways, in order to provide access for emergency and service vehicles, in order to enhance and encourage non-vehicular travel, in order to plan for future development and transportation needs and in order to create neighborhoods.
The following street connectivity requirements shall apply:

1. All subdivisions and developments shall include improved street connections to other streets within the development and to adjoining streets, neighborhoods, existing developments, developed tracts and undeveloped tracts. However, subdivisions and developments which are physically isolated by water, marsh, or wetlands from other streets, subdivisions, neighborhoods, existing developments or undeveloped tracts, shall not be required to include street connections.

2. Street connections to adjoining undeveloped tracts shall include a temporary turnaround, in the form of easements or right-of-way, until such time that the adjoining tract is developed and the temporary turnaround area can be abandoned.

3. The appropriateness, location and application of such required street connections are subject to the review and approval of the Zoning Administrator. Street connections shall be made according to appropriate land planning practices for the type of development proposed and the characteristics of adjoining properties.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of __________, in the Year of Our Lord, 2021, and in the _____ Year of the Independence of the United States of America

________________________________________
John J. Tecklenburg, Mayor

ATTEST:________________________________________
Jennifer Cook  
Clerk of Council
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 420 ARLINGTON DRIVE (A PORTION) (WEST ASHLEY) (APPROXIMATELY 0.25 ACRE) (TMS #310-12-00-083) (COUNCIL DISTRICT 5), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY OLIVIA L. VEDAD.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

420 Arlington Drive (a portion) (West Ashley) (approximately 0.25 acre) (TMS #310-12-00-083)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _______ day of ___________________________ in the Year of Our Lord _______________________, in the __________ Year of Independence of the United States of America.

By: ____________________________
   John J. Tecklenburg
   Mayor, City of Charleston

Attest: __________________________
       Jennifer Cook
       Clerk of Council
ZONING 1

420 Arlington Dr (a portion)  
(West Ashley - Oakland)

TMS # 3101200083

approx. 0.25 acre.

Request zoning of Single-Family Residential (SR-1).  
Zoned Single-Family Residential (R-4) in  
Charleston County.

Owner: ☐Olivia Vedad
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2147 AND 2151 RIVER ROAD (JOHNS ISLAND) (APPROXIMATELY 4.78 ACRES) (TMS #315-00-00-110 AND 048) (COUNCIL DISTRICT 5), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ABBI L BECKFORD.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

2147 and 2151 River Road (Johns Island) (approximately 4.78 acres) (TMS #315-00-00-110 and 048)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of __________________________, in the Year of Our Lord __________________________, in the __________ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
ZONING 2

2147 & 2151 River Rd
(Johns Island)

TMS # 3150000110 & 048

approx. 4.78 acres.

Request zoning of Single-Family Residential (SR-1)
Zoned Single-Family Residential (R-4) in
Charleston County.

Owner: □ Abbi Beckford
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2147 AND 2151 RIVER ROAD (JOHNS ISLAND) (APPROXIMATELY 4.78 ACRES) (TMS #315-00-00-110 AND 048) (COUNCIL DISTRICT 5), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ABBI L. BECKFORD.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

2147 and 2151 River Road (Johns Island) (approximately 4.78 acres) (TMS #315-00-00-110 and 048)

Section 2. That the said parcel of land described above shall be zoned Rural Residential (RR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _______ day of ________________________ in the Year of Our Lord ________________________, in the ________ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
ZONING 2
2147 & 2151 River Rd
(Johns Island)
TMS # 3150000110 & 048
approx. 4.78 acres.
Request zoning of Rural Residential (RR-1).
Zoned Single-Family Residential (R-4) in Charleston County.
Owner: □ Abbi Beckford
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: July 20, 2021
RE: Design Review Board Appointments

The Design Review Board (DRB) consists of seven members who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance who may be non-citizen owners or principals of a business within the City of Charleston. These members shall have a demonstrated interest in, and a competence and knowledge of architecture, landscape architecture and urban design, and shall include four (4) design professionals including at least one (1) registered architect, one (1) registered landscape architect, one (1) professional engineer, and one (1) realtor/development professional. [Zoning Ord 54-269]

Erica Chase – Professional engineer seat. Ms. Chase is a licensed civil engineer with Stantec. She resides on the peninsula. Reappointment is for a second term.

Dinos Liollio – Architect seat. Mr. Liollio is a registered architect and principal of Liollio Architecture. He resides in West Ashley. Reappointment is for a second term.

James (Andy) Smith – Citizen seat. Mr. Smith is a registered landscape architect and director of design with Front Street Design and Consulting. He resides in West Ashley. Reappointment is for a second term.

Ashley Jackrel – Realtor seat. Ms. Jackrel is a licensed commercial realtor with Avison Young in West Ashley. She resides on the peninsula. New appointment is for a first term.

Stephanie Tillerson – Citizen seat. Ms. Tillerson has a background in city planning, town administration, economic development, and community engagement. She resides on Johns Island. New appointment is for a first term.
Ben Whitener – Citizen seat. Mr. Whitener is a registered architect with over twenty years of experience with Mosely Architects, a local firm in West Ashley. He also resides in West Ashley. New appointment is for a first term.

I am recommending three reappointments and three new appointments as noted below:

- Erica Chase – Reappointment – term expires 2/28/2025
- Dinos Liollio – Reappointment – term expires 2/28/2025
- Andrew Smith – Reappointment – term expires 2/28/2025
- Ashley Jackrel – New Appointment – term expires 2/28/2023
- Stephanie Tillerson – New Appointment – term expires 2/28/2023
- Ben Whitener – New Appointment – term expires 2/28/2023
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: July 20, 2021

RE: Board of Zoning Appeals—Zoning Appointment

The Board of Zoning Appeals—Zoning comprises seven (7) citizens of the City of Charleston who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. Of the members appointed, one (1) shall be in real estate, one (1) an attorney, one (1) a merchant, and one (1) an engineer.

I am recommending the reappointment of John Bennett to the engineer seat. Mr. Bennett is a licensed engineer with Bennett Preservation Engineering PC and a resident of West Ashley. He was appointed to the Board in 2020 to fill an unexpired term.

I am recommending the reappointment of Allison Grass. Ms. Grass is a resident of the North Central neighborhood on the peninsula. She was appointed to the Board in 2017.

I am recommending the reappointment of Walter Jaudon. Mr. Jaudon is a resident of James Island. He was appointed to the Board in 2017.

The following is my recommendation for the Board of Zoning Appeals – Zoning:

- John Bennett – Reappointment – term expires 2/28/2024
- Allison Grass – Reappointment – term expires 2/28/2024
MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: July 20, 2021

RE: Board of Zoning Appeals—Site Design

The Board of Zoning Appeals—Site Design shall consist of seven (7) citizens of the city of Charleston who do not hold any other public office or position in the city of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. Of the members appointed, one (1) shall be in real estate, one (1) an attorney, one (1) an engineer, one (1) a landscape architect and one (1) a horticulturist, forester or arborist.

I am recommending the reappointment of Paula Murphy. Ms. Murphy is a resident of West Ashley. She was appointed to the Board in 2017.

I am recommending the reappointment of Jeff Webb to the engineer seat. Mr. Webb is a licensed engineer with ADC Engineering and a resident of James Island. He was appointed to the Board in 2015.

I am recommending the appointment of Jennifer DeCiantis to fill the unexpired term of Andrew Hargett. Ms. DeCiantis is a Certified ISA Arborist and Landscape Architect, and a resident of James Island. She owns DeCiantis Design, LLC.

The following is my recommendation for the Board of Zoning Appeals – Site Design:

- Paula Murphy – Reappointment – term expires 2/28/2024
- Jeff Webb – Reappointment – term expires 2/28/2024
- Jennifer DeCiantis – New Appointment – term expires 2/28/2023
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: July 20, 2021
RE: Bicycle and Pedestrian Advisory Committee Appointments

Bicycle and Pedestrian Advisory Committee shall comprise twelve (12) members. These members shall include: citizens at large concerned with bicycle and pedestrian issues; members with specialized knowledge and experience regarding the transportation needs of persons with physical and/or sensory disabilities; neighborhood advocates concerned with traffic and safety issues; representatives of bicycling, running, or walking advocacy or membership organizations, representatives of organizations concerned with non-motorized and public transportation issues; representatives from the bicycle or recreation dealership industry. Members who are neighborhood advocates or citizens at large shall be residents in the city throughout the terms of their positions.

An ordinance was passed that set the commencement date for terms of boards and commissions to March 1st and to establish staggered terms. Staggered terms are beneficial as they provide for a degree of continuity as members are replaced by new appointments.

The following are my recommendations for the Bicycle and Pedestrian Advisory Committee:

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: July 20, 2021

RE: Minority and Women Business Enterprise Advisory Board

The Minority and Women Business Enterprise Advisory Board shall consist of at least 7 but no more than 11 individuals, representing minority business owners, lenders, government agencies, advocacy organizations, and critical stakeholders that represent the business interests of minority owned businesses. Committee members shall serve a two-year term. The purpose of the advisory committee is to provide recommendations to the Minority Business Enterprise Manager to support the goals and objectives of that office such as development strategies, policies, and operational procedures for the City of Charleston.

I am recommending the following 2 individuals for appointment to the Minority and Women Business Enterprise Advisory Board.

The following are my recommendations for the Minority and Women Business Enterprise Advisory Board:

- Dr. Shawn Gathers – New Appointment – term expires 2/28/2023
- Joan Berry Robinson – Reappointment – term expires 2/28/2023
EMERGENCY ORDINANCE
EXTENDING EMERGENCY ORDINANCE NO. 2020-049
RELATED TO TEMPORARY PROCEDURES FOR HEARINGS
BEFORE CERTAIN PUBLIC BODIES

Section 1. Findings. City Council does hereby make the following findings:

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston based on a determination that in furtherance of public health and safety that the City take all necessary steps to protect the citizens from increased risk of exposure to COVID-19; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-039) to prohibit gatherings of 50 people or more; amend on March 19, 2020, by temporary emergency ordinance, Ordinance No. 2020-39(a), reducing the size of public gatherings to less than 10 people; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

WHEREAS, on March 20, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City’s business license penalties for sixty days, to suspend enforcement of the City’s plastic bag ban for sixty days, and to suspend the City’s chauffer’s license renewal requirements issued between March 18, 2019 and April 1, 2019 for an additional sixty days; and,

WHEREAS, on March 24, 2020, City Council ratified a temporary emergency ordinance, “Stay at Home Ordinance” (Ordinance No. 2020-042) requiring individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or
conducting business with an essential business or engaging in individual outdoor recreational activities; and,

WHEREAS, on March 26, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-046), amending the Consolidated Plan for reallocation of CDBG funds to provide funding for public services and temporary living quarters to persons who are homeless or vulnerable due to COVID-19; and,

WHEREAS, on March 27, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-047), extending the due date for filing and remittance of hospitality taxes for February and March to May 13, 2020; and,

WHEREAS, on April 1, 2020, City Council repealed Stay at Home Ordinance No. 2020-042 and ratified a second Stay at Home Ordinance (Ordinance No. 2020-048) which included provisions contained in Governor McMaster’s Executive Orders regarding dispersing of crowds (Ex. Order 2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (Ex. Order 2020-14); closing of beaches and boat landings (Ex. Order 2020-16); and closing of non-essential businesses (Ex. Order 2020-17); and,

WHEREAS, on April 6, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-049) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-051) to prohibit open burning; and,

WHEREAS, on April 22, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-052) on decreasing the risk of exposure to COVID-19 in retail businesses; and,

WHEREAS, on April 30, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-056) to amend Chapter 54 of the Code of the City of Charleston (zoning ordinance) by amending design review district section 54-268.c to allow affordable housing developments to be approved by the administrative officer; and,

WHEREAS, on May 12, 2020, City Council readopted five of the temporary emergency ordinances, such ordinances which are now set to expire on May 31, 2020 (Ordinance No. 2020-59); and,

WHEREAS, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining, and a temporary emergency ordinance (Ordinance No. 2020-061) urging, among other matters, for residents and visitors to stay in their homes, such ordinance to expire on May 31, 2020; and,

WHEREAS, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,
WHEREAS, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

WHEREAS, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

WHEREAS, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and “the evolving nature and scope of this public health emergency…”; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed “non-essential” businesses operating as bowling alleys to re-open for access and use by the public; and,

WHEREAS, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina was 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

WHEREAS, on June 25, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 15, 2020; and,

WHEREAS, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City’s business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery; and, an emergency ordinance (Ordinance No. 2020-086) extending certain emergency ordinances related to COVID-19; and,

WHEREAS, on June 26, 2020, Governor McMaster issued an Executive Order (2020-42) declaring a new state of emergency, which was the eighth (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,214 with 838 deaths, including 6,072 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

WHEREAS, on July 11, 2020, the Governor issued Executive Order (2020-44) declaring the ninth (9th) state of emergency in South Carolina; and,
WHEREAS, on July 14, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 31, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

WHEREAS, acting in response to the continuing threat to public health and safety from COVID-19, City Council passed an emergency ordinance (Ordinance No. 2020-085) extending certain ordinances related to COVID-19 to July 31, 2020, and further amending the previously passed emergency ordinance on face coverings by clarifying the scope of the face covering requirements, limiting indoor occupancy for bars and restaurants, and prohibiting amplified music in bars and restaurants after 9:00 p.m. (Ordinance No. 2020-086); and,

WHEREAS, as of July 21, 2020, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a staggering rate; with 73,337 cases reported in the state with 1,221 deaths, including 9,785 cases in Charleston County with 103 deaths and 3,092 cases in Berkeley County with 37 deaths; and,

WHEREAS, acting in response to the continuing threat to public health and safety from COVID-19, City Council passed an emergency ordinance (Ordinance No. 2020-085) extending certain ordinances related to COVID-19 to July 31, 2020, and further amending the previously passed emergency ordinance on face coverings by clarifying the scope of the face covering requirements, limiting indoor occupancy for bars and restaurants, and prohibiting amplified music in bars and restaurants after 9:00 p.m. (Ordinance No. 2020-086); and,

WHEREAS, as of July 21, 2020, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a staggering rate; with 73,337 cases reported in the state with 1,221 deaths, including 9,785 cases in Charleston County with 103 deaths and 3,092 cases in Berkeley County with 37 deaths; and,

WHEREAS, on July 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19 and City Council passed an emergency ordinance extending certain ordinances related to COVID-19 to August 20, 2020 (Ordinance No. 2020-090), and amending the face covering ordinance (Ordinance No. 2020-91); and,

WHEREAS, on August 10, 2020, the Governor issued Executive Order (2020-53) declaring the eleventh (11th) state of emergency in South Carolina; and,

WHEREAS, as of August 11, 2020, DHEC identified at least 101,000 confirmed cases of COVID-19 in South Carolina, including 2,049 deaths due to COVID-19; this includes 12,377 confirmed cases in Charleston County with 196 deaths and 4,186 confirmed cases in Berkeley County with 67 deaths; and,

WHEREAS, as of August 18, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until September 25, 2020 based on the
continuing threat of COVID-19 to the community and City Council took steps to continue various emergency ordinances in response to COVID-19 (Ordinance Nos. 2020-099 and 2020-100); and,

WHEREAS, on August 25, 2020 and September 9, 2020, the Governor issued Executive Orders 2020-56 and 2020-59, respectively, declaring the 12th and 13th state of emergency in South Carolina; and,

WHEREAS, as of September 14, 2020, DHEC identified at least 132,680 confirmed cases of COVID-19 in South Carolina, including 3,077 deaths; this includes 15,167 confirmed cases in Charleston County with 253 deaths and 5,203 confirmed cases in Berkeley County with 87 deaths; and,

WHEREAS, on September 22, 2020, in response to the continuing public health emergency, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the city and City Council approved amendments to the City’s Emergency Ordinance No. 2020-100 to prohibit amplified music in bars and restaurants after 11 pm and also extended certain emergency ordinances related to addressing COVID-19 and its impacts on the community (Ordinance Nos. 2020-129 and 2020-130); and,

WHEREAS, on September 24, 2020 and October 9, 2020, the Governor issued Executive Orders 2020-62 and 2020-65, respectively, declaring the 14th and 15th state of emergency in the state; and,

WHEREAS, on October 13, 2020, City Council amended Emergency Ordinance No. 2020-100 to incorporate the restrictions and conditions on bars and restaurant operations set forth in Governor McMaster’s Executive Order No. 2020-63 (Ordinance No. 2020-134) and extended Emergency Ordinance No. 2020-60 related to continuing outdoor dining areas and sidewalk dining by temporarily superseding and replacing conflicting provisions of the City’s zoning ordinances or regulations; and,

WHEREAS, as of October 19, 2020, DHEC identified at least 134,135 confirmed cases of COVID-19 in South Carolina, including 3,650 deaths; this includes 16,628 confirmed cases in Charleston County with 271 deaths and 5,815 confirmed cases in Berkeley County with 93 deaths; and,

WHEREAS, as of November 15, 2020, DHEC reported that there were at least 184,360 confirmed cases of COVID-19 in South Carolina, including 3,846 deaths and the positivity rate is 15.4% of individual test results; this includes 18,571 confirmed cases in Charleston County with 288 deaths and 6,693 confirmed cases in Berkeley County with 98 deaths; and,

WHEREAS, as of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate is 15.9% of individual test results; this includes 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths; and,
WHEREAS, as of March 1, 2021, DHEC reported there are at least 517,976 confirmed and probable cases of COVID-19 in South Carolina, including 8,562 deaths and the positivity rate is decreasing, with 4.1% of individual test results; this includes 38,212 confirmed and probable cases in Charleston County with 452 deaths and 14,986 confirmed and probable cases in Berkeley County with 168 deaths; and,

WHEREAS, notwithstanding the recent progress made in vaccinating persons in our community, according to public health data as stated in Gov. McMaster’s Executive Order No. 2021-15 (March 23, 2021), “all forty-six counties in South Carolina are experiencing substantial or high levels of community transmission of COVID-19, with approximately 87% of the State’s counties reporting high levels of community transmission.”

WHEREAS, on May 22, 2021, Governor McMaster issued Executive Order No. 2021-25 which extended the State of Emergency in South Carolina, finding that the State must continue to take any and all necessary and appropriate actions in confronting COVID-19, and to work to expedite the state’s ongoing recovery; and,

WHEREAS, the City is authorized to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate actions required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the CDC and the DHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety, and welfare of the City of Charleston; and,

WHEREAS, due to the continued presence of COVID-19, the City of Charleston should take all necessary and appropriate steps designed to reduce community transmission of COVID-19 and to assist the City’s recovery efforts by ratifying certain emergency ordinances; and,

WHEREAS, City Council recognizes that emergency measures should be narrowly tailored to respond to the circumstances in our community and to assist in expediting and enhancing the City’s efforts to recover, to return to normal operations, and to help revitalize the community; and,

WHEREAS, to plan for the full recovery of the city and to adequately prepare for certain public bodies of the City to meet in person in September 2021, it is necessary to extend one temporary emergency ordinance, now set to expire.

Section 2. The following temporary emergency ordinance is ratified and shall remain in effect for a period of sixty (60) days unless terminated or replaced by the issuance of another temporary emergency or permanent ordinance on the same matter prior to the expiration date:

2020-049 - Emergency Ordinance regarding temporary procedures for public hearings.

(Attached)
Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_______________ in the Year of Our Lord,
2021, and in the _____th Year of the Independence
of the United States of America.

By: _______________________
    John J. Tecklenburg
    Mayor, City of Charleston

ATTEST: _______________________
    Jennifer Cook
    Clerk of Council
AN EMERGENCY ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING A NEW PART 4 – TEMPORARY PROCEDURES FOR PUBLIC HEARINGS TO ARTICLE 1 – GENERAL PROVISIONS TO IMPLEMENT SECTION 5 OF EXECUTIVE ORDER NO. 2020-10, AS EXTENDED BY EXECUTIVE ORDER 2020-15, BY PERMITTING PUBLIC HEARINGS ON DEVELOPMENT APPROVALS BEFORE CERTAIN PUBLIC BODIES OF THE CITY TO BE HELD VIRTUALLY OR BY REMOTE OR OTHER ALTERNATE MEANS, THROUGH MAY 16, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Article 1 (General Provisions) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to include a new Part 4 (Temporary Procedures for Public Hearings), as follows:

PART 4 – TEMPORARY PROCEDURES FOR PUBLIC HEARINGS

Sec. 54-130 – Findings.

City Council finds as follows:

WHEREAS, to meet public emergencies affecting life, health, safety or the property of the people, City Council may adopt emergency ordinances by the affirmative vote of at least two-thirds of the members of City Council;

WHEREAS, an emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements;

WHEREAS, emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;

WHEREAS, on March 13, 2020, the Governor issued Executive Order 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an actual or imminent public health emergency for the State of South Carolina;

WHEREAS, the COVID-19 pandemic has created a state of emergency in the City of Charleston, the State of South Carolina, the nation, and the world, which has drastically impacted the life, health, safety, and property of the people;

WHEREAS, while the impact to the life, health, and safety of the people is of paramount concern, City Council finds it necessary to blunt, as much as reasonably feasible, the economic impact to the property of the people;
WHEREAS, on March 17, 2020, the Governor of South Carolina issued Executive Order No. 2020-10 ("EO-10"), which, among other things, prohibits and directs the postponement, rescheduling or cancellation of any organized event or public gathering scheduled to be hosted or held at any location or facility owned and operated by the City, if any such event or gathering could or would involve or require simultaneously convening fifty (50) or more persons in a single room, area, or other confined or indoor space;

WHEREAS, EO-10 also provides that the prohibition does not apply to meetings of local government bodies or gatherings of government officials or employees or other personnel that may be required in connection with the performance of essential government functions, but that, to the greatest extent possible, local government bodies should utilize any available technology or other reasonable procedures to conduct meetings and accommodate public participation via virtual or other remote or alternate means;

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring an additional State of Emergency based on the increased threat of COVID-19 to the public health, safety, and welfare, and extending the efficacy of his previous Orders, including EO-10;

WHEREAS, on April 3, 2020, the South Carolina Department of Commerce (the "Department") held that the City’s Planning Commission, Boards of Zoning Appeals, Boards or Architectural Review, and Design Review Board could “continue operating during this time of COVID-19 pandemic”;

WHEREAS, on April 3, 2020, the Department confirmed that “under section 2.B. of Executive Order 2020-17, this means that the Department has determined that it is in ‘the best interest of the State for’ the City’s Planning Commission, BZAs, BARs, and DRB ‘to continue operations or proceed, in whole or in part, on a normal or modified basis.’”;

WHEREAS, on April 6, 2020, the Department, after consultation with the Attorney General, determined that the guidelines issued by the Supreme Court about how court proceedings are to be handled during this time are what we are pointing organizations to and that “[e]ssentially, all hearings are to be held using remote communication technology unless the judge finds that there is an emergency or other circumstances warranting an immediate determination and the hearing cannot be conducted adequately using remote communication.”;

WHEREAS, due to the state of emergency caused by the COVID-19 pandemic, City Council finds that the City has a compelling interest in ensuring the continued predictability and stability of the local economy by continuing to process applications for development approvals in an orderly manner as practical, while balancing such interest against the importance of ensuring that the general public and interested parties have a full and fair opportunity to voice their support or opposition to applications for development permits;

WHEREAS, the COVID-19 pandemic has had and will continue to have a substantial financial and economic impact on City residents, property owners, business owners, and others, and the Department has concluded that the City’s various boards and commissions charged with considering development applications, including but not limited to City Council, the Planning
Commission, the Board of Zoning Appeals-Zoning, the Board of Zoning Appeals-Site Design, the Design Review Board, the Board of Architectural Review-Large, and the Board of Architectural Review-Small, should continue operations to serve the best interest of the State; and

WHEREAS, the economic consequences arising from the suspension of the consideration of applications for such development approvals for an indefinite period of time will substantially and adversely impact the development community, persons employed by the development community, and, by extension, the local economy.

Sec. 54-131 – Definitions.

Words and terms used in this Part shall be defined as follows:

1. "Development Approval" means an approval issued by the City of Charleston or any of its Boards, regardless of the form of the approval, that is for the development of land, including but not limited to an approval of concept plans, development plans, land development plans, final plats, special exceptions, variances, demolition permits, or a site specific development plan.

2. "Boards" refers to all City boards, commissions, committees, or other City bodies, however named, charged with hearing applications for Development Approvals, including but not limited to City Council, the Planning Commission, the Board of Zoning Appeals-Zoning, the Board of Zoning Appeals-Site Design, the Board of Architectural Review-Large, the Board of Architectural Review-Small, and the Design Review Board.

3. "Board Member" or "Board Members" means all persons serving on Boards.

4. "Alternate Attendance" means attendance by alternate means (e.g., conference call, Zoom, GoToMeeting, or Skype), as set forth in the guidelines described in Sec. 54-134 (the "Guidelines"); provided, however, at a minimum, all Board Members must be able to hear and be heard by all other Board Members, the member of City staff keeping minutes, the applicant, all interested parties, and members of the general public, subject to Sec. 54-133. The City shall set up a physical public input station or stations at a location or locations advertised in any notice of the public hearing, with proper social distancing precautions in place, to include a computer with a camera and a link to the virtual meeting, which may be utilized to accept public input during the hearing for those individuals without access to electronic means. The specific details for compliance with Alternate Attendance, including the remote location requirement, shall be set forth in the Guidelines.

Sec. 54-132 - Procedures

Notwithstanding any other provisions of this Chapter to the contrary, and subject to Sec. 54-133, the following minimum procedures shall apply to meetings and public hearings before Boards through May 16, 2020:

A. Alternate Attendance (Board Members). For purposes of calculating a quorum, voting, and in all other respects, only Alternate Attendance is permitted as to all Board Members.
B. Alternate Attendance (City Staff): For purposes of taking minutes and complying with other procedural requirements, only Alternate Attendance is permitted as to all members of City staff.

C. Alternate Attendance (Others): For purposes of public participation and the submission of evidence or testimony during a public hearing, only Alternate Attendance is permitted as to the applicant, other interested parties, and members of the general public.

D. Notice. Any required notice of a public hearing shall be provided in the same manner and according to the same time periods currently set forth in this Chapter; provided, however, the date, time, and the appropriate information for permitting Alternate Attendance shall be provided in any such notice.

E. Testimony. Any testimony offered by City staff, the applicant, other interested parties, and members of the general public shall be taken only after the person testifying identifies him or herself by name and address and after the person is individually sworn in by the Board chairperson by oath or affirmation in accordance with the general rules applicable to taking such testimony under oath or affirmation. Such oath or affirmation shall not apply when neither state law nor this Chapter require testimony under oath or affirmation (e.g., when persons provide comments on zoning text or zoning map amendments before City Council). Testimony may be taken by virtual or other alternate means, provided all the requirements for Alternate Attendance are met. Interested parties and members of the general public may also submit written comments addressing an application, which must be received by email or United States mail in accordance with current City policies and practices.

F. Exhibits.

1. Submission Requirements. Submissions, together with any exhibits to be utilized by City staff and/or the applicant at the public hearing, shall be posted to the City's website at least seven (7) calendar days in advance of the hearing. Nothing herein shall require the posting of exhibits or slideshows by other interested parties or the general public prior to the hearing. Nothing herein shall prohibit the applicant from providing testimony or exhibits in response to exhibits or slideshows provided by other interested parties or the general public at any time prior to or during the public hearing.

2. Exhibits. Any and all exhibits should be submitted to City staff by electronic or other means as early as possible before the hearing so as to be included on the City's website for review by Board Members, City staff, the applicant, other interested parties, and members of the general public. Any exhibits to be submitted at the public hearing must be provided electronically to a designated member of City staff and be available for viewing by all Board Members and other persons attending by Alternate Attendance simultaneously with the electronic submission of such exhibits. Nothing in this Sec. 54-132.F.2 shall supersede or amend the submission deadlines for applicants otherwise in effect under this Chapter or the submission requirements in Sec. 54-132.F.1.
G. **Other Procedures.** Unless expressly amended or supplemented herein, all other procedures set forth in this Chapter for notice, meetings, public hearings, or otherwise on development approvals shall continue to apply.

**Sec. 54-133 – Disruption.**

To the extent reasonably necessary to avoid disruption of any public hearing, the chairperson of a Board may order that all persons attending by Alternate Attendance, except Board Members and members of City staff, be placed on mute; provided, however, the City must provide alternate means for individual participants to be recognized by the Board chairperson and taken off mute during the meeting; and, further provided, that all those participating shall at all times have the ability to hear what is being said by Board Members, City staff, the applicant, interested parties, and other persons who have been properly recognized during the meeting.

**Sec. 54-134. – Guidelines.**

The guidelines for Alternate Attendance (the “Guidelines”) attached hereto and incorporated herein by reference as **Exhibit 1** shall apply. In order to provide some administrative flexibility and to reasonably maximize the ability of the applicant, other interested parties, and the general public to participate, the Mayor is hereby authorized to approve changes to the Guidelines upon the recommendation of the City’s Director of Planning, Preservation, and Sustainability, and upon the approval of the City’s Corporation Counsel, but any such changes shall comply with the minimum requirements for Alternate Attendance set forth in this Part.

**Sec. 54-135 – Early Termination.**

Without waiving or limiting City Council’s ability to sooner rescind this Part by emergency ordinance, City Council reserves the authority to rescind the ability to permit Alternate Attendance under this Part for public hearings noticed on or after May 1, 2020, by majority vote, to the extent warranted by conditions occurring after the effective date of this Part.

**Section 2.** Pursuant to section 5-7-250(d) of the South Carolina Code and Sec. 2-23(d) of the City Code, this Ordinance shall become effective immediately upon its enactment and shall expire on May 16, 2020, unless terminated, rescinded, or extended under Sec. 54-135 or by separate emergency ordinance.

Ratified in City Council this 25th day of April in the year of Our Lord, 2020, in the 244th Year of the Independence of the United States of America.

By: [Signature]
John Tecklenburg, Mayor

ATTEST:

By: [Signature]
Vanessa Turner Maybank
Clerk of Council
EXHIBIT 1: GUIDELINES

1. Introduction

As City planning staff conducts research and propose methods for continuing essential government meetings during the global coronavirus pandemic, the City of Charleston is committed to full transparency in all public hearings. This draft outlines the general proposal for holding fully participatory public hearings under social distancing guidelines.

2. Proposed Meeting Method: Zoom Webinars

Meetings would be conducted using Zoom Webinars, a standard platform for online hearings used around the world by private and public agencies. The Webinar function allows meetings to be conducted by the same process and rules as in-person meetings, with board members on camera and able to speak freely or as allowed by normal board operating rules. Members of the public may attend by logging into any computer with an internet connection, by any mobile device, or by audio with any telephone.

3. Public Comment

Public comments will be taken in writing and during the public input period of hearings, during the times allocated under normal procedures. During the hearing, administrators may open public input to individuals who will have their microphone enabled by the administrator, and participants will state their name and give input just as a regular in-person hearing. All public input would be recorded live.

4. Physical Location(s) for Public Input

A physical public input station may be setup at the Gaillard Center, or other location(s) set forth in the notice, with proper social distancing precautions in place. This station would be a computer with a camera and microphone, which will be linked to the Zoom webinar and which can accept public input during the meeting, accessible to anyone without an internet connected device at home.

5. Live Broadcast

In addition to viewing for those logged into the Zoom meeting, hearings will also be broadcast live on other platforms, potentially to include Youtube or other broadcast media.

6. Trial hearings

City staff will run a series of simulated “trial” meetings to test all procedures, including public input and broadcasting.
**Our Vision**
We strive to be a national leader in citizen and visitor-focused parks and recreation offerings.

**Our Mission**
Building community and enriching lives through quality parks and recreation experiences.

---

**Our Goals**
- **Health & Wellness**
  - Five zones for core services
  - Core facilities and services in each zone
  - Bond referendum

- **Natural & Cultural Resources**
  - Upgrades to existing system
  - Enterprise Manager
  - Program participation subsidy
  - Fill approved but currently vacant positions
  - Parks Ambassador program
  - Collaboration with other service providers

- **Durable Services**
  - Streamline effort & improve effectiveness
  - Ensure equitable quality service
  - Secure critical funding
  - Commit to universal access & enjoyment
  - Creatively fundraise & expand offerings
  - Ensure meaningful access for all who want it
  - Boost staff capacity
  - Establish liaisons to elevate service & safety
  - Generate solutions with broad coalition
  - Avoid duplicate services & magnify impact
  - Certify Charleston as premier provider

- **Accessible Connectivity**
  - Engage in partner dialogue & pursue park-based solutions

---

**Themes**
- Growth
- Consistency
- Financial Security
- Accountability
- Workforce
- Collaborations
- Flood Mitigation
- Credibility

---

**Our Values**
- Welcoming Experiences
- Inclusivity
- Environmental Stewardship
- Cultural Stewardship
- Operational Excellence
- Healthy Living
ONE CHARLESTON
Parks & Recreation Master Plan

EXECUTIVE SUMMARY

Charleston, South Carolina
June, 2021
EXECUTIVE SUMMARY

THE NEED FOR A PLAN

Charleston, South Carolina is a memorable destination city with some of the nation’s oldest history long preserved through community devotion and forethought. Often referred to as the “Holy City” – a moniker some contend paints a misleading depiction of the city’s complex past¹ - Charleston is home to many specimens of South Carolina palmettos (the state tree), pastoral antebellum architecture, verdant civic spaces, and idyllic wetland landscapes. In a city where tourists and residents alike crave access to the unique flora (e.g., Angel Oak Park), dynamic history (e.g., Waterfront Park), and enjoyable experiences (e.g., Brittlebank Park and Bee’s Landing), the Parks and Recreation departments have a vital role to play.

These city departments safeguard the quality of public spaces and generate social encounters necessary for making a strong, healthy community. Charleston Parks and Recreation already strive to uplift all members of the community, bringing incredible resources to citizens. Known for signature sites like Battery/White Point Gardens, Hampton Park, and Marion Square, the city’s park system offers residents a wide range of possibilities. This One Charleston; Parks and Recreation Master Plan will be critical to the city’s future as it clarifies the responsibilities and needs of each department, as well as what development is required to best deliver parks, facilities, and recreational choices to the citizens of Charleston.

Meant to instill focus, establish priorities, and inspire action over the next 10 years, this Master Plan was produced with guidance from a project steering committee (appointed by the city), the Recreation Committee, and staff members from Parks, Recreation, Planning, and other city departments. It is supported by robust data collection, including hours of in-person engagement and previous plan analysis, and affirms the special roles Charleston Parks and Recreation departments play as premier providers of local quality facilities and memorable experiences.

Deferred maintenance, changing community needs, development goals, and operational feasibility are all reasons enough for embarking on this process and producing a future-forward plan. But even as the departments looked head-on towards addressing these, the year 2020 ushered in an added and unprecedented layer of change and challenge. The COVID-19 pandemic that began in the U.S. in early March of 2020 has impacted communications, procedures, and everyday routine across all sectors of the economy. Besides dramatically altering daily life, the effects of the coronavirus pandemic are shaping the future of communities in ways as yet impossible to fully understand.

Even before the pandemic began in the U.S., clear reporting existed on the value of parks and recreation. As civic spaces, parks act as operational hubs for addressing chronic issues like physical inactivity and poor health. Having even a simple connection to nature can relieve stress, improve mental health, and provide opportunities for interpersonal interaction.² Parks are part of hyper-local civic infrastructure (so-called “third-spaces”)² needed now more than ever, where citizens practice the “art of association” and do the work of knitting communities together.³

During the coronavirus lockdown, Charleston’s parks were the spaces residents turned to for finding solace and connection. The city’s tourism certainly slowed, but the community continued using these close-to-home resources. As the Charleston community enters pandemic recovery and post-lockdown life, the city will have to choose how to protect and amplify its precious park resources.

And Charleston’s not alone. What has emerged out of the COVID-19 pandemic is the undeniable vital role parks and recreation played – and will continue

to play – in the nation’s wellbeing and recovery. Six months into the pandemic, the National Recreation and Park Association published an extensive discussion of the myriad ways parks and recreation is both affected by and affecting the outcome of the pandemic. Agencies are adapting and finding creative funding solutions, boldly stepping into the critical work of bridging inequity, safeguarding physical and mental health, and ensuring access. This type of flexibility exemplifies the substance of the recommendations in this Master Plan. And the city of Charleston is fortunate: when asked whether they would support a tax referendum to fund the city’s parks – early in the pandemic – Charleston households voiced overwhelming and incomparable support (Chapter 4).

**Most Important to Charleston Households**

- Paved Bike Paths
- Nature Parks
- Connectivity & Trails
- Art Performances
- Concerts
- Health & Wellness Classes

*Based on statistically valid mail survey results.

While it is impossible to decipher a single “correct” path into the post-pandemic future, this plan underscores the need for responsive action, elevated experiences, and reinforced civic infrastructure. This Master Plan maps the beginning of a multi-dimensional recovery where the Parks and Recreation departments are not only important but essential for sustaining a strong, vibrant community in Charleston.

**Existing Conditions of Parks and Recreation in Charleston**

For many residents, parks are primary entry points for interacting with the natural environment, and yet cities do not always invest equitably. Equity fissures of social and economic magnitude persist but can be remedied in part through fair, inclusive access to public parks, nature, recreation opportunities, and quality facilities. For all residents, whatever their background, parks help provide a variety of passive and active outdoor recreational opportunities. Proximity to these valuable resources invariably improves community health and wellness, not to mention create more adaptable, robust local economies. As mentioned previously, Charleston Parks and Recreation services are already a critical thread in the city’s civic fabric and will continue to be crucial to Charleston’s pandemic recovery.

In Charleston, the city maintains about 1,700 acres of parkland and 140 parks, including Neighborhood Parks, Community Parks, both active and passive Special Use Parks, and Linear Parks. In addition to these city properties, residents have access to numerous other parks, open spaces, and facilities managed by other entities, including Charleston County, school districts, residential organizations (e.g., HOAs), and others either within or near Charleston.

**Demographic and Benchmarking Analysis**

A strong, proactive approach to operations and structure requires knowledge and understanding of community demographics. The findings included in this Master Plan (Chapter 2) show 1) the population has steadily increased in size and is projected to grow by 15% by year 2030; and another 13% by 2040; 2) the city has diversified since 2000 with other race populations besides white alone expanding by up to 200%; and 3) the city’s older population (age 65+) is growing much like state and national trends, but the median age is younger than the comparisons. Understanding these past trends and projected changes is one of the best ways for the city to address present demand for parks and recreation and to proactively identify future needs.
The analysis of existing conditions includes a benchmark comparison to 32 similar agencies using the National Recreation and Park Association (NRPA) Park Metrics database. Benchmarking shows that while the city has an abundance of park sites, only 37% of that acreage is developed (compared to the 77% benchmark median). And while a greater percentage of Charleston’s expenditures, by benchmark comparison, goes towards operations, a smaller percentage goes to personnel services. These organizational dynamics will to be evaluated and potentially restructured to ensure the department’s longevity into the future.

Social Needs & Conditions

The Social Needs and Conditions Analysis (Chapter 2) used ten demographic and socioeconomic indicators (e.g., education, poverty, household income, age, etc.) to measure the level of social needs in 44 census tracts across Charleston. Much of the data included in this analysis is from the American Community Survey (ACS) 5-year estimates from [2014-2018], but the Charleston Police Department (through the city website) provided crime data (that specific information was converted to the census tract level to better align with the other indicators).

The following are critical takeaways about the population living within the city’s highest (very high or high) social needs census tracts:

- 28% of Charleston’s 2020 population live in these tracts
- 50% are white, 46% are black (compared to these racial groups representing 68% and 26%, respectively, of Charleston)
- Median age of residents living in these tracts is 29.6 (36.2 in Charleston)
- $41,808 median household income in these tracts ($69,347 in Charleston)
- 23% of these households are single parent led (17% in Charleston)

This information is part of the evaluation of overall need in the city. Understanding key attributes of the individuals living in these areas is crucial for ensuring Charleston’s programs, pricing, and opportunities align with the community.

Service Area Analysis (Opportunities)

Maps of service areas for various parks and facilities were used to identify gaps in service, or underserved areas, to determine potential improvement opportunities within Charleston. The planning consultant also created maps to illustrate levels of

access to various park categories and facilities. The analysis indicated that just over half of Charleston residents (51%) are within walking distance of a park. Walkable access varies substantially throughout the city, however, ranging from 96% in the Peninsula to only 12% in Johns Island.

Lastly, a composite service areas map (see next page) shows the overall level of service for parks (5 types) and facilities (21 types), in turn revealing spaces of need and opportunity. Dark shades of blue indicate high service levels while red areas show the areas with the lowest level of service to parks and facilities. Thirty-one percent (31%) of Charleston residents live in the highest two categories, with a little under half (43%) live within the two medium service area. Twenty-six (26%) – just over a quarter of the population – live with low to very low service.

The highest service levels coincide with some of Charleston’s older and more densely populated neighborhoods. Much of the lowest service areas occur near the western boundary of the city in West Ashley and Johns Island; these areas include new annexations and not yet developed areas. Johns Island is the district with the most concentrated low service; only small portions have medium-low service due in part to the presence of Johns Island County Park. With much of James Island at medium service levels, the city has incentive to add strategic improvements to enhance service.

<table>
<thead>
<tr>
<th>Service Level</th>
<th>Population</th>
<th>Cumulative Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very High</td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>High</td>
<td>22%</td>
<td>31%</td>
</tr>
<tr>
<td>Medium-High</td>
<td>22%</td>
<td>53%</td>
</tr>
<tr>
<td>Medium-Low</td>
<td>21%</td>
<td>75%</td>
</tr>
<tr>
<td>Low</td>
<td>16%</td>
<td>90%</td>
</tr>
<tr>
<td>Very Low</td>
<td>10%</td>
<td>100%</td>
</tr>
</tbody>
</table>

A Citizen Driven Plan

To make informed decisions moving forward, Charleston Parks and Recreation departments will need meaningful public input in addition to robust statistical and performance analysis. Including resident participation in this master planning process establishes a foundation for input gathering. It gave actual park users a means to share their individual needs, perceptions, concerns, and desires for the park system they themselves use. This Master Plan incorporated several methods for connecting with the community.
As the department begins to implement this plan, sustained efforts will be necessary to continuously solicit public feedback about development projects; allowing direct participation whenever possible will ensure the community feels heard and has pride in their parks. Engagement efforts should be flexible and creative, utilizing tools like on-site feedback (e.g., semi-permanent chalk or bulletin boards) and interactive online platforms (e.g., Mentimeter).

The summary below indicates the various ways the public was involved throughout this Master Plan process. Due to the COVID-19 pandemic, normally in-person meetings with groups were conducted via virtual conferencing.

**Engagement Summary**

- In-Park Intercept Interviews
- Stakeholder Discussions
- Statistically Valid Parks and Recreation Survey (by ETC Institute)
- Online Engagement (powered by MindMixer)

1. **Intercept interviews in 19 key locations across all areas of the city**

2. Meetings with stakeholder groups over late summer and early fall 2020, representing:
   - Charleston Parks Department
   - Charleston Recreation Department
   - Charleston Parks Conservancy
   - Lowcountry Lowline
   - Sports groups (e.g., Palmetto Masters Swimming, Picklesstrong, Charleston Riverdogs, and more)
   - City partners, including: (SMRT, Swimming, Charleston Tennis, Lowcountry Tennis Association, Palmetto Masters Swimming)
   - Other recreation providers in the area (e.g., First Tee Golf, Daniel Island POA, Ravenel Stadium)
   - Lowcountry and Waring senior centers
   - Developers in Cainhoy
   - Berkeley and Charleston County school districts
   - Charleston County Park and Recreation Commission

3. A statistically valid needs assessment survey conducted by the ETC Institute – 601 households

4. A handout and web survey – available on the Parks and Recreation webpage and shared on social media platforms – **2,482 total surveys**

5. **Online engagement platform, MindMixer, where 346 interactions made by a total 150 participants generated 164 ideas**

**WHAT CHARLESTON RESIDENTS SAID**

Information gathered from these public input methods was used to identify the needs of Charleston residents. A brief summary of the findings is provided below.

**In-Park Interviews & Stakeholder Groups**

Discussions spanned a diversity of issues:

1. Connectivity & Wayfinding
2. Upgraded Facilities
3. On-site Amenities
4. Walkable, Bikeable Trails
5. Improved Marketing & Promotion
6. Parks as Local Treasures
7. Partnerships & Collaboration
8. Funding & Revenue Sources
9. Effective Operations
10. New Development
11. Social & Cultural Events

**Statistically Valid Mail Survey**

Ninety percent (90%) of residents visited a park in Charleston at some point in the previous year; 59% of these residents visited parks more than 10 times. Marion Square, neighborhood/mini/pocket parks, Battery/White Point Gardens, and bikeways/greenways were the top four for visitation with over 50% of households indicating use (Chapter 4).

The **top reasons** (above 30% of either/both survey responses) for not using parks more often:

- Do not know what is offered (51%)
- Availability of parking (31%)
- Do not have time (22%)

These responses suggest that stronger communication efforts, intentional outreach, re-worked program schedules, and meaningful improvements system wide would help improve service and achieve resident satisfaction.

Some improvements households would most like to see to existing parks include:

- Restrooms (59%)
Shade structures (43%)
- Walking/hiking trails (42%)
- Bike trails (36%)
- Security cameras & lighting (36%)

These preferences point first to the need for on-site amenities and improved comfort at the parks, as well as a popular desire for walkable connectivity across the community and improved safety systemwise.

The most important parks and recreation facilities for households were (sum of top 3 choices):
- Walking & hiking trails (35%)
- Natural areas/nature parks (28%)
- Paved bike trails (21%)

The results of the most important facilities were combined with the reported unmet needs to determine high (top 6) facility priorities for investment:
1. Walking & Hiking Trails
2. Natural Areas/Nature Parks
3. Paved Bike Trails
4. Canoe/Kayak Boat Launch
5. Small Neighborhood Parks
6. Swimming Pools

The most important parks and recreation programs for households were (sum of top 3 choices):
- Concerts/Art Performances (28%)
- Fitness & Wellness Programs for Adults (17%)
- Nature Programs (15%)
- Outdoor Movies (15%)
- Special Events (15%)

The results of the most important programs were combined with the reported unmet needs to determine the high (top 6) program priorities for investment:
1. Concerts/art performances
2. Fitness & Wellness Programs (adult)
3. Movies (outdoor)
4. Nature Programs
5. Programs for 55+
6. Special Events

And finally, respondents shared their level of support for the range of improvements and potential development covered in the survey. Ninety-two percent (92%) of households were supportive of upgrading existing parks and facilities.

Engagement Key Findings

Results indicate that generally the Charleston community desires:
- Upgrades to and improved maintenance at existing parks
- More and better-connected trails
- Preservation of open space and natural areas
- More special events
- Affordability of opportunities and equitable facilities (distribution and quantity)
- Variety of facilities and programs for all ages, abilities, income levels, etc.
- Better marketing and communication
- Services in underserved areas and rapidly developing areas
- Easily accessible neighborhood parks within walking distance
- Variety of game courts
- Improved accessibility and more programs serving disabled and special needs community
- Expanded opportunities for dog owners (programs and facilities)

VISION, MISSION, AND VALUES FOR PARKS AND RECREATION IN CHARLESTON

The Master Plan Steering Committee, with support from the planning team, worked to craft a strategic plan. This facet of the document solidifies the daily purpose of the agency, its guiding values, and the long view of success.

Vision

We strive to be a national leader in citizen and visitor focused parks and recreation offerings

Mission

Building community and enriching lives through quality parks and recreation experiences

Values

Welcoming Experiences

Our parks and programs belong to everyone

Inclusivity

We create diverse opportunities for growth, fun, and discovery
Environmental Stewardship
We protect & highlight our green and blue resources

Healthy Living
We provide meaningful ways to achieve physical and mental wellbeing

Operational Excellence
We deliver the highest quality of service to our community

Cultural Stewardship
Our city’s historical heritage is integral to everything we do

GOALS & OBJECTIVES
The following goals and objectives will guide the operations, improvements, and services in parks and recreation in Charleston over the next 10 years.

Goal 1: Health & Wellness for All Our Residents
Provide resources that encourage active living and foster wellness for the mind and body

Objective 1.1 – Athletics: Innovate to provide comprehensive access and increased opportunity

Objective 1.2 – Facilities: Provide state-of-the-art accessible amenities and features to enrich user experiences

Objective 1.3 – Wellness: Build on existing and create new offerings through creative, locally-sourced resources

Objective 1.4 – Social Services: Provide responsive services that improve well-being and empower individuals and families

Goal 2: Natural & Cultural Resources as Community Treasures
Highlight our unique park spaces, celebrate our remarkable history, and ensure access for everyone

Objective 2.1 – Stewardship: Set the standard for responsible management and development of our unique natural and cultural resources

Objective 2.2 – Outdoor Beauty: Elevate park spaces so that everyone can enjoy the outdoors

Objective 2.3 – Access: Expand opportunities for all residents to engage with nature on land and water

Objective 2.4 – History, Arts, & Culture: Cultivate community vibrancy and celebrate our diversity

Objective 2.5 – Resilience: Foster adaptation to sea level rise and climate change

Goal 3: Durable Services for Our Community
Apply internal best practices and explore external opportunities to cultivate a legacy of quality

Objective 3.1 – Operations & Maintenance: Improve efficiency & fiscal sustainability through clear standards of performance & consistent evaluations

Objective 3.2 – Funding: Secure sufficient resources to providing enduring services

Objective 3.3 – Staff & Volunteers: Nurture a well-supported team committed to our mission

Objective 3.4 – Local Support: Solidify parks and recreation as vital to the highest quality of life for everyone

Goal 4: Accessible Connectivity Throughout Our Community
Build cohesion through spaces and experiences that knit our city together

Objective 4.1 – Equity: Provide for an equitable distribution of park, facilities, and recreation programs

Objective 4.2 – Trails & Wayfinding: Ensure navigable access within and between our parks

Objective 4.3 – Shared Encounters: Offer activities and events that help bridge divides

Objective 4.4 – Partnership & Collaboration: Prioritize relationship-building and information-sharing to tackle collective goals

SYSTEMWIDE RECOMMENDATIONS
Public input (Chapter 4) and a needs assessment (Chapter 5) together informed the recommendations for improvement outlined in Chapters 7 and 8. The following items are the top priorities determined by the Master Plan process along with regular consultation with the Steering Committee.

1. Establish five service districts for Parks and Recreation core services to better organize and maintain citywide efficiency

2. Provide core facilities and services in each service district to safeguard quality and complete service to the city
3. Seek a bond referendum to fund the park improvements identified in this plan due to the high level of public support
4. Prioritize enhancements and upgrades at existing parks and facilities
5. Create an Enterprise Manager position to establish creative fundraising campaigns and to expand program offerings, partnering with the Parks Conservancy when possible
6. Determine policy for subsidizing program participation to ensure equitable, meaningful access for anyone who wants it
7. Fill approved but currently vacant positions in Parks and Recreation to improve service and increase staff effectiveness
8. Create a Parks Ambassador employee program (e.g., Memphis, TN) to provide community liaisons, monitor cleanliness, and improve security
9. Establish consistent, communicative collaboration with other service providers (e.g., CCPRC), school districts, and developers (especially in Cainhoy Peninsula)
10. Utilize Charleston Parks Conservancy as a uniquely positioned fundraiser; clarify role of Conservancy compared to Parks and Recreation departments to avoid duplicate services and broaden impact
11. Seek CAPRA accreditation to certify Charleston as a premier provider of parks and recreation services
12. Collaborate to develop park-based solutions to flooding and sea-level rise

This Master Plan provides capital improvement recommendations for each park in Charleston. These recommendations – together with cost estimates – can be found in Chapter 8.

**Action Plan**

The One Charleston: Parks and Recreation Master Plan concludes with an Action Plan of 183 strategies and recommendations. These action items, which can be found in Chapter 9, detail specific actions for Charleston Parks and Recreation and the City itself to take in implementing this 10-year Master Plan.
LEGAL MEMORANDUM

TO: Mayor Tecklenburg and City Councilmembers

CC: Susan Herdina, Corporation Counsel

FROM: Heather Mulloy, Assistant Corporation Counsel

DATE: July 14, 2021

RE: First Amendment Ordinances

Dear Mayor and City Councilmembers,

As the City of Charleston has experienced an unprecedented increase in First Amendment activity throughout the past year, the City has taken the opportunity to review its current ordinances that impact such activity in an effort to provide more clarity for the public and assist City departments in the function of the permitting process. The ordinances were drafted keeping in mind the First Amendment protections for all citizens and the overall public interest in maintaining order, safety, and the use and enjoyment of all public areas within the city. Additionally, due to the impacts of the new state Open Carry with Training Act, which becomes effective August 15, 2021, several ordinances require immediate amendment to incorporate the effects of the new law on city ordinances.

To reach these goals, there are four (4) ordinances that will require City Council approval: (1) New First Amendment Demonstrations Ordinance; (2) Repeal of Parades/Amended Special Events Committee Ordinance; (3) Amended Park and Recreation Facilities Ordinance; and (4) Amended Weapons Ordinance. The ordinances will be on the agenda for approval at the Joint Committee on Public Safety and Committee on Recreation meeting scheduled on Monday, July 19th at 1:00p.m.

Following is a brief summary of the terms of each ordinance:

1. New First Amendment Demonstrations Ordinance.
   a. An Ordinance to add a new Article III to Chapter 25 of the Code of the City of Charleston related to First Amendment Demonstrations.
   b. The Parade Permit ordinance in the code will be repealed. Therefore, for future First Amendment Activity, groups can apply for a Demonstration Permit or a Special Events Permit, depending on the circumstances.
   c. A permitting process, regulations, and penalties have been added.
   d. The term “First Amendment Demonstration” covers all First Amendment activity, to include non-permitted activity.
   e. New provisions restrict First Amendment activity to an area 15 feet outside of the outermost edge of any monument or memorial, to include fountains, sculptures, gazebos
and other architectural elements or structures to preserve intended use, ingress and egress, and use and enjoyment of such structures.
f. Safety restrictions and prohibitions added, to include language regarding new Open Carry with Training Act.

2. Repeal of Parades/Amended Special Events Committee Ordinance.

a. An Ordinance to repeal Article IX of Chapter 19 of the Code of the City of Charleston related to Parades and to amend Article IV, Division 8 of Chapter 2 of the Code of the City of Charleston related to the Special Events Committee.
b. A new definition of First Amendment Demonstrations added. First Amendment Demonstrations can require a special events permit under certain circumstances.
c. Parades are included in this ordinance.
d. Additional requirements and procedures for the special events permitting process added.
e. Now 9 members of special events committee
f. Safety restrictions and prohibitions added, to include language regarding new Open Carry with Training Act.

3. Amended Park and Recreation Facilities Ordinance.

a. An Ordinance to amend Article I of Chapter 22 of the Code of the City of Charleston related to Park and Recreation Facilities, and to provide additional prohibited activities to be included in the park rules.
b. Additional requirements, procedures and definitions added for the reservation permitting process.
c. Additional park rules and prohibitions.
d. Added rules regarding weapons, open burning and dogs
e. Safety restrictions and prohibitions added, to include language regarding new Open Carry with Training Act.

4. Amended Weapons Ordinance.

a. An Ordinance to amend Article X of Chapter 21 of the Code of the City of Charleston related to Weapons.
b. Amended provisions related to carrying of handguns, concealable weapons and firearms, confiscation of weapons, and brandishing of weapons to be compliant with state law.
c. Provisions regarding firearms are restatements of state law.
d. Makes it unlawful to open carry firearms on public property at permitted events.
e. Adds arrest and conviction to confiscation ordinance as Open Carry with Training Act only allows confiscation where person is arrested.
f. Repeals prohibition on brandishing a firearm as Open Carry with Training Act eliminated municipalities’ ability to regulate.
The intent is for all four (4) ordinances to be executed simultaneously, and, therefore, Council’s approval will be contingent upon approval of all documents. If you have any questions, please do not hesitate to contact me at mulloyh@charleston-sc.gov; 843-494-3156.
AN ORDINANCE

AN ORDINANCE TO ADD A NEW ARTICLE III TO CHAPTER 25 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO FIRST AMENDMENT DEMONSTRATIONS TO PROVIDE GENERAL PROVISIONS AND DEFINITIONS, TO PROVIDE OPEN CARRY RESTRICTIONS AND OTHER SAFETY PROHIBITIONS, TO PROVIDE A PERMITTING PROCESS, TO PROVIDE REGULATIONS, AND TO PROVIDE FOR PENALTIES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 25 of the Code of the City of Charleston is hereby amended by adding a new Article III to state as follows:

"ARTICLE III. FIRST AMENDMENT DEMONSTRATIONS

DIVISION 1. GENERALLY

Sec. 25-36. Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

Chief of police shall mean the chief of police or the chief's designee.

First Amendment demonstration means any demonstration, assembly, picketing, speechmaking, marching, protesting, vigil or religious service, and all other like forms of conduct, in or upon any street, including the sidewalk area thereof, park or other public place in the city, that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers.

First Amendment demonstration permit is a permit as required by this article.

Spontaneous gathering is a First Amendment demonstration that is occasioned by breaking news or affairs coming into public knowledge less than forty-eight (48) hours prior to the event and is conducted at a public forum.
Sec. 25-37. Hours for conducting First Amendment demonstration restricted.

No permit shall be granted for a demonstration to convene before 8:00 a.m. or terminate after 8:00 p.m.

Sec. 25-38. Safety restrictions and prohibitions.

(a) Threats to safety.

(1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16.25.10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending a First Amendment demonstration as defined in this article.

(2) For purposes of this section, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(3) For purposes of this section, to present a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

(b) Open carry prohibited.

It shall be unlawful for any person(s) participating in a First Amendment demonstration for which a permit has been issued to openly carry a firearm. The person or entity organizing the First Amendment demonstration must post signs as approved and directed by the police department to indicate the specific area where the open carry of firearms are prohibited.

DIVISION 2. FIRST AMENDMENT DEMONSTRATION PERMIT

Sec. 25-39. Permit required; exceptions.

(a) No person shall engage in, participate in, aid, form or start any First Amendment demonstration, consisting of twenty-five (25) or more persons, unless a First Amendment demonstration permit shall have been obtained from the chief of police. Any person engaging in any First Amendment demonstration for which a First Amendment demonstration permit has been issued shall not violate any of the conditions or provisions of such permit.

(b) This section shall not apply to:

A First Amendment demonstration consisting of less than twenty-five (25) persons or a spontaneous gathering. Organizers of a First Amendment demonstration consisting of less than twenty-five (25) persons or a spontaneous gathering are encouraged to give as much advanced notice as reasonably possible to permit the city to provide services necessary to promote, protect, and assure the safety and convenience of citizens in their use of city streets, sidewalks, parks, and of city property. Nothing in this subsection shall preclude the city from enforcing other laws, ordinances, rules, regulations, conditions or provisions, adopted to provide for the health, safety, and welfare of the city and its citizens.

Sec. 25-40. Special events permits.
The city reserves the right to require a person seeking a First Amendment demonstration permit to obtain a special events permit issued pursuant to section 2-189 when the duration of the demonstration is proposed to be more than three (3) hours, when a request is made to reserve a particular public area for use, when frequent requests are made for a particular public area, when the demonstration will require any use of city resources, staffing or departments beyond the scope of the police department, and when the city finds that requiring such special events permit is in the best interest of the public health, safety, and welfare of the city and its citizens. First Amendment demonstrations for which a special events permit has been issued pursuant to section 2-189 shall comply with all regulations, conditions and requirements provided in this article.

**Sec. 25-41 Application; filing.**

(a) A person seeking issuance of a First Amendment demonstration permit shall file an application with the chief of police on forms provided by such officer.

(b) An application for a First Amendment demonstration permit shall be filed with the chief of police not less than three (3) days nor more than thirty (30) days before the date on which it is proposed to conduct the demonstration.

(c) Submission of a First Amendment demonstration permit application does not guarantee or reserve a particular time or location for the applicant’s group and permit approval shall be subject to any special or alternate conditions provided in the permit.

**Sec. 25-42. Form and contents of application; late applications.**

(a) The application for a First Amendment demonstration permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such demonstration.

(2) If the demonstration is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing and responsible head of such organization.

(3) The name, address and telephone number of the person who will be the demonstration chairman and who will be responsible for its conduct.

(4) The date when the demonstration is to be conducted.

(5) The location of the demonstration or route to be traveled, including starting point and termination point.

(6) The approximate number of persons who will constitute such demonstration.

(7) The hours when such demonstration will start and terminate.

(8) A statement as to whether the demonstration will occupy all or only a portion of the width of the sidewalk proposed to be traversed.

(9) The time at which persons will begin to assemble at any such area or areas.
(10) If the demonstration is designed to be held by and on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the demonstration, authorizing the applicant to apply for the permit on his behalf.

(11) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(b) The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than three (3) days before the date such demonstration is proposed to be conducted.

Sec. 25-43. Time for processing applications; notice of rejection.

The chief of police shall act upon the application for a First Amendment demonstration permit within one (1) week after the filing thereof, or, if the application was filed less than seven (7) days before the proposed demonstration, then within two (2) days after the filing thereof. If the chief of police disapproves the application, he shall provide written notice to the applicant within two (2) days after the date of his determination, or within a reasonably practical time period, a notice of denial, stating the reasons for his denial of the permit.

Sec. 25-44. Standards for issuance.

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the demonstration will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.

(2) The conduct of the demonstration will not require the diversion of so great a number of police officers of the city properly to police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.

(3) The concentration of persons at assembly points of the demonstration will not unduly interfere with proper fire and police protection of areas contiguous to such assembly areas.

(4) The conduct of such demonstration will not interfere with the movement of firefighting equipment enroute to a fire.

(5) The conduct of the demonstration is not reasonably likely to cause injury to persons or property, or to provoke disorderly conduct.

(6) The demonstration is scheduled to move from its point of origin to its point of termination expeditiously, without unreasonable delays enroute and without passing by any location more than once.

(7) If the demonstration is to be solely on the sidewalk areas of the city, the demonstration shall be in single file only of persons participating, with no animals, vehicles or other nonhuman objects except reasonably sized signs individually carried in the line of procession.
Sec. 25-45. Appeal.

Any person aggrieved shall have the right to appeal the denial of a First Amendment demonstration permit to the Public Safety Committee of Council. This includes the right to appeal the denial of a special events permit issued for demonstrations pursuant to the special events ordinance in the city code. The appeal shall be taken within forty-eight (48) hours after notice of the denial of the permit by filing an appeal with the clerk of council. The Public Safety Committee of Council shall act upon the appeal at its next regularly scheduled meeting, but not later than twenty (20) days from the time of receipt of the appeal.

Sec. 25-46. Contents.

Each First Amendment demonstration permit approval shall state the following information:

(1) Approval with conditions or alternate conditions, if applicable.
(2) If alternate conditions apply, include alternate date, starting time, location, and/or route.
(3) General Conditions.
(4) Special Conditions, if applicable.
(5) Penalties.
(6) Signature of Special Events Committee representative, if applicable.
(7) Signatures of special events commander and chief of police.
(8) Signature of applicant accepting alternate conditions and all other permit directions and conditions.
(9) Such other information as the chief of police shall find necessary for the enforcement of this division.

Sec. 25-47. Alternates.

The chief of police, in denying an application for a First Amendment demonstration permit, shall be empowered to authorize the conduct of the demonstration on an alternate day, at an alternate time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within two (2) days after notice from the chief of police or at least twenty-four (24) hours prior to the time of the event, whichever is earlier, file a written notice of acceptance with the chief of police. An alternate demonstration permit shall conform to the requirements of and shall have the effect of a First Amendment demonstration permit under this article.

Sec. 25-48. Notification of city officials upon issuance.

Immediately upon the issuance of a First Amendment demonstration permit the chief of police shall send a copy thereof to the following:

(1) The mayor.
(2) The fire chief.
(3) The chairman of the special events committee.
(4) The director of the parks department.

Sec. 25-49. Revocation.

The chief of police shall have the authority to revoke a First Amendment demonstration permit issued hereunder upon the violation of the standards for issuance as set forth in this article.

Sec. 25-50. Possession by permittee.

The permittee shall remain on site and carry the First Amendment demonstration permit upon his person during the conduct of the demonstration.

Sec. 25-51. Compliance with conditions.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

DIVISION 3. REGULATIONS AND PENALTIES

Sec. 25-52. First Amendment demonstration regulations.

(a) Notwithstanding the twenty-five (25) person threshold for First Amendment demonstration permits required in Division 2 of this article, the following regulations shall apply to First Amendment demonstrations and spontaneous gatherings of any size:

(1) It shall be unlawful for demonstrations to disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic on or into any driveway, sidewalk, public right-of-way, building, pedestrian entrance, stairway, ramp, or other access to buildings, which abut the public sidewalks.

(2) It shall be unlawful for a demonstration to occur within fifteen (15) feet from the outermost edge of any monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures with commemorative, historical, symbolic, aesthetic, or artistic significance in order to preserve the intended use of a monument or memorial and to ensure all persons’ use and enjoyment and safe and unimpeded ingress and egress to and from such property.

(3) It shall be unlawful for a demonstration to remain stationary in front of or to pass repeatedly by an individual’s residence or dwelling.

(4) It shall be unlawful during a demonstration to place any structure, enclosure, tent, tables, chairs, bicycles, motor vehicles, golf carts, mopeds or other equipment on any city property, or park any bicycles, motor vehicles, golf carts, mopeds or other equipment, except in designated parking spots and except as specifically authorized by the permit.
(5) It shall be unlawful during a demonstration to remove, deface, damage, or otherwise injure any structure, sign, fence, equipment, improvement, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, including hanging, attaching or placing signs, flags, placards or any other object of any kind on such city property.

(6) It shall be unlawful during a demonstration to walk, stand, sit, lie, or climb upon any wall, fence, shelter, tree, shrub, or other vegetation, or any structure, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements not designed or intended for such purposes.

(7) It shall be unlawful during a demonstration to damage landscaping, plantings, flowers, trees, shrubs, grass, ground cover or other vegetation located on city property.

(8) It shall be unlawful during a demonstration to enter onto private property without prior written permission from the property owner.

(9) It shall be unlawful during a demonstration to enter onto federal, state, or county property without prior written permission from the applicable governmental agency.

(10) It shall be unlawful for any participant of a demonstration to harass or intimidate any bystanders; it shall also be unlawful for any participant to interfere with the movement of non-participants, including ingress or egress to or from any city building, driveway, stairway, ramp, sidewalk, public right-of-way, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures.

(11) Participants of a demonstration shall comply with lawful directions or instructions set forth on any sign posted pursuant to law or by the city for or in connection with the event.

(12) Participants of a demonstration shall abide by city park rules if the demonstration is held in a city park and shall not interfere with the intended use of the park or interrupt the reasonable use and enjoyment of the park by non-participants.

(13) Participants of a demonstration shall abide by and be subject to all local, state and federal laws, ordinances, and regulations and any directions given by a law enforcement officer.

(b) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in the event of a riot, breach of the peace, disorderly conduct or other unlawful assembly.

(c) Nothing in this subsection shall preclude the city from enforcing other laws, ordinances, or regulations.

(d) Nothing in this section is intended to restrict free speech or any other constitutional right.

Sec. 25-53. Authority of chief of police.

(a) The chief of police shall have the authority to restrict First Amendment demonstrations from certain areas if conditions present a potential harm or threat to the public's safety, the free passage of pedestrian or vehicular traffic, or the unimpeded ingress and egress to and from city buildings,
monuments or memorials, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, and any such restricted areas shall be subject to modification by the chief of police at any time.

(b) The chief of police shall have the authority to make reasonable adjustments in the date, time, frequency, duration, route, location, or manner of a First Amendment demonstration at any time in order to accommodate other concurrent demonstrations, special events or city events, the rights of adjacent property owners, the needs of the public to use city streets or parks, and pedestrian and/or vehicular traffic using public right-of-ways and sidewalks, to prevent interference with the intended use of city parks or facilities by other groups or individuals, or with the tranquility of the neighborhood surrounding the area, or when the chief of police finds it is in the best interest of the public health, safety and welfare of the city and its citizens. The chief of police in his discretion may deny, reschedule, or provide alternate conditions for a permit to achieve this end.

Sec. 25-54. Counter-protesting; competing groups at same location.

(a) Counter-protestors are subject to the same permit requirements in Division 2 and all other regulations and requirements provided in this article.

(b) If more than one group desire to hold a First Amendment demonstration at the same time at or near the same location, the chief of police shall have the authority to assign each group a designated area in order to preserve the public peace, and said assignment may involve the use of physical barriers for separation. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group submitted a permit application first, or, if no permit was required, priority shall be based upon which group arrived first at the location; provided, however, if one group’s demonstration is a repeat event occurring more than one time per month, the chief of police shall have the authority to alternate the group’s assigned area with any other group requesting the same location.

Sec. 25-55. Penalties.

Any person who violates any provision of this article, to include any conditions or provisions of a First Amendment demonstration permit, shall be subject to the penalties set forth in section 1-16 of the Code of the City of Charleston.”
Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of ______ in the Year of Our Lord, 2021, and in the____ Year of the Independence of the United States of America.

_____________________________
John J. Tecklenburg, Mayor

ATTEST: _______________________
Jennifer Cook,
Clerk of Council
AN ORDINANCE

AN ORDINANCE TO REPEAL ARTICLE IX OF CHAPTER 19 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO PARADES AND TO AMEND ARTICLE IV, DIVISION 8 OF CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO THE SPECIAL EVENTS COMMITTEE TO PROVIDE NEW DEFINITIONS, TO INCREASE THE MEMBERSHIP OF THE COMMITTEE, TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR THE SPECIAL EVENTS PERMITTING PROCESS, TO PROVIDE OPEN CARRY RESTRICTIONS AND OTHER SAFETY PROHIBITIONS, AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARADES.

BE IT ORDEIGNED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article IX of Chapter 19 of the Code of the City of Charleston related to Parades is hereby repealed and deleted in its entirety.

Section 2. Article IV, Division 8 of Chapter 2 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

"DIVISION 8. SPECIAL EVENTS COMMITTEE

Sec. 2-185. Title.
This division shall be known as and cited as the "special events ordinance."

Sec. 2-186. Purpose.
The city council finds and declares that it is in the public interest to regulate events on the public streets, public property and events held on private property under certain circumstances pursuant to the police powers of the city in order to maintain, protect and promote the public health, safety and welfare of the citizens, residents and visitors of the City of Charleston."
Sec. 2-187. Definitions.

The following words and phrases when used in the special events ordinance shall have the following meanings:

*Annual event* means an event recurring each year at approximately the same date which has previously complied with the permit requirements of the special events ordinance.

*Applicant* means the sponsor or authorized agent of the sponsor who completes the special event or temporary use event application, as applicable, and acts as primary contact for the special event or temporary use event, as applicable.

*Application* means a written request on a form or forms that sets forth the information required to be provided by the special events ordinance.

*Chief of police shall mean the chief of police or the chief’s designee.*

*Commercial film/photographic event* means movies, commercials, or fashion industry photography on public property, including public streets, sidewalks, trails and/or other public place.

*First Amendment demonstration* means any demonstration, assembly, picketing, speechmaking, marching, protesting, vigil or religious service, and all other like forms of conduct, in or upon any street, including the sidewalk area thereof, park or other public place in the city, that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers. (See Chapter 25, Article III). First Amendment demonstration shall not include a parade as defined below in this section.

*Festival* means a stationary event on public property, including public streets, sidewalks, trails and/or other public place, held one day or more and includes fairs, carnivals, rallies, concerts, and sporting events.

*General liability insurance* means a form of business liability insurance to protect a business or entity from injury or death claims, property damages and advertising claims.

*Liquor liability insurance* means a form of business liability insurance to protect a business or entity from injury or death claims or property damages from distribution or sale of alcoholic beverages.

*Major event* means an event which impacts multiple city departments, has one thousand (1,000) or more people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

*Medium event* means an event which impacts multiple city departments, has more than five hundred (500) and less than one thousand (1,000) people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

*Parade* means any organized group marching or in procession, whether on foot, animal, or vehicle, held on public property, including public streets, sidewalks, trails and/or other public place.

*Parade means any organized group, formation or procession consisting of persons on foot, animals, vehicles and conveyances of any sort, or any combination thereof, moving in unison*
upon any public street or sidewalk of the city which does not comply with normal traffic regulations or controls. A parade is a special event as defined below in this section.

This definition does not include:

(1) Funeral processions.

(2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.

(3) A governmental agency acting within the scope of its functions, and

(4) First Amendment demonstrations as defined above in this section.

Small event means an event which impacts multiple city departments, has less than five hundred (500) and people in attendance, and has an impact on a public street, right-of-way, and/or a city-owned or managed park or facility.

Special event means a pre-planned activity sponsored by an individual, group, organization or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the city which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of city services, and which shall include but not be limited to a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, First Amendment demonstration referred by the police department, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.

A special event shall also include events at the VRTC bus shed and events on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.

A special event shall not include the following:

(a) An event confined exclusively within the interior areas of the Old Exchange Building, the Charleston Maritime Center and that portion of the open area adjacent to the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium and its terrace front porch and adjacent parking lot as identified in such facilities' annual approved operations plan as set forth in section 2-189(pg), provided these facilities operate in compliance with their approved annual operations plan during any special event.

(b) A news broadcast.

(c) An event that is held on private property in a residential neighborhood that is not required to obtain a temporary use event permit as defined herein.

(d) A First Amendment demonstration for which a valid First Amendment demonstration permit has been issued by the police department pursuant to Chapter 25, Article III. The chief of police may require a person seeking a First Amendment demonstration permit to obtain a special events permit issued pursuant to section 2-189 when the duration of the demonstration is proposed to be more than three (3) hours, when a request is made to reserve a particular public area for use, when frequent requests are made for a particular public area, when the demonstration will require any use of city resources, staffing or departments beyond the scope of the police department, and when the city finds
that requiring such special events permit is in the best interest of the public health, safety, and welfare of the city and its citizens.

A special event may not include a private event at a city park, playground or recreation facility where no alcohol is served; however, such an event may require a park permit, the requirements of which are set forth in section 22-4(h) of this Code.

Special event permit is a permit issued by the Special Events Committee of the City of Charleston pursuant to section 2-189 of this division.

Temporary use event means an event that requires a temporary use event permit.

Temporary use event permit means a permit required when an event is held on private property in a residential neighborhood in which members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound [is] to be amplified which carries beyond the boundaries of such private property, and the event is anticipated to impact available on-street parking and city service responses.

Sec. 2-188. Created; membership; powers; duties and responsibilities.

(a) Created. There is hereby created the special events committee (the "committee").

(b) Membership. The committee shall be appointed by the mayor and shall consist of seven eleven (711) members, one of whom shall be the Special Events Manager of the department of livability and tourism who shall serve as the committee chair; one of whom shall be an employee of the department of parks or his designee; one of whom shall be an employee of the department of recreation-recreation facilities division or his designee; one of whom shall be an employee of the department of traffic and transportation—parking meters division or his designee; one of whom shall be an employee of the police department—traffic and special operations division or his designee; one of whom shall be an employee of the department of planning, preservation and sustainability—business and neighborhood services division or his designee; one of whom shall be an employee of the executive department—one from cultural affairs division or his designee, one shall be the ADA coordinator or his designee, and one from mayor's office or his designee; and one of whom shall be an employee of the office of the clerk of council livability and tourism—tourism division or his designee; and one of whom shall be an employee of the fire department—fire marshal division or his designee. All members shall be voting members with the exception of the employee of the mayor's office who will vote if needed as a tie breaker and the chair who is a non-voting member. The members of the committee shall serve until their successors have been appointed and qualified. For purpose of committee action, a quorum of the committee shall consist of four-five (45) voting members of the committee in attendance.

(c) Powers. The committee shall act as an administrative board and have authority to approve and issue special events and temporary use event permits upon the terms and conditions as set forth in the special events ordinance; coordinate with city departments and other governmental agencies for the provision of governmental services as needed to support special events and temporary use event permit events; collect special event permit fees and discharge such other duties as may be assigned by the mayor.
Sec. 2-189. Application; processing of special event and temporary use event permits and conducting special event and temporary use event permit evaluations.

Special event and temporary use event permits shall be obtained from the committee prior to hosting, conducting, holding or staging a special event or a temporary use event. Prior to a special event or temporary use event permit being issued, the following procedure shall be followed:

(a) An application shall be submitted to the city by the special events or temporary use event permit applicant accompanied by the applicable city special events or temporary use event permit processing fee as set forth on the city special events fee schedule, as approved by city council and amended from time to time, a copy of which may be obtained from the committee marked as Exhibit A, incorporated by reference herein. The application shall list the location and/or route, date, and time of the proposed special event or event requiring a temporary use event permit. For a major event, the application shall be filed at least one hundred twenty (120) days prior to the date of the proposed special event; for a major event, the application shall be filed at least ninety (90) days prior to the date of the proposed special event; for a medium event, the application shall be filed at least sixty (60) days prior to the date of the proposed special event; for a small event, the application shall be filed at least sixty (60) days prior to the date of the proposed special event; for a temporary use permit, the application shall be filed at least sixty (60) days prior to the date of the proposed event requiring a temporary use event permit, and for a commercial film and photography event, the application shall be filed at least three (3) days or seventy-two (72) hours prior to the proposed special event to allow adequate review of the application by the committee. First time events are encouraged to list several options for location, route, date, and time. Notwithstanding the foregoing, the city reserves the right to: (i) process and approve a special event application for a major or medium event at a city-owned facility in less than sixty (60) days prior to the date of the proposed special event if exigent circumstances exist in the sole opinion of the city; and (ii) issue an annual temporary use event permit to private property owners who routinely host events that require a temporary use event permit provided the private property owner has submitted and received an approved operations plan from the special events committee on an annual basis, said operations plan to include but are not be limited to acceptable alcohol management and security measures governing its events.

(b) The special events committee shall review the application to determine if the proposed special event or temporary use event can be approved. The committee shall meet with the applicant to review and evaluate the application for compliance with the requirements herein and prioritize locations and/or routes, if necessary (the "meeting"). Prior to the meeting, the applicant shall be required to provide the committee with a complete package of information on the proposed special event or temporary use event at least ten (10) business days prior to the meeting including, but not limited to the following information:

(1) Description of the proposed special event or temporary use event, as applicable.

(2) A tentative site plan which may include designating the location of entrances and exits, retail, food, and alcoholic beverage vendors, tents, stages, bleachers, signs or banners, portable restrooms and sinks, electric and water hookups, first aid stations, fire extinguishers, garbage and recycling receptacles, barricades, hazardous materials, and security.

(3) A security plan.

(4) A sanitation plan which includes provisions for trash removal and recycling removal.

(5) A traffic control plan.
An alcohol plan.

An Amplified sound plan.

The time of all activities associated with the proposed special event or temporary use event.

For a parade, include the approximate number of persons who, and animals and vehicles which, will constitute such parade; and the type of animals and description of vehicles, if applicable; the location of any assembly areas needed; whether the parade will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed; the interval of space to be maintained between units of the parade; the length of the parade in miles or fractions thereof; and proposed speed of parade.

The meeting shall also include a discussion of the committee's comments and possible conditions and fees.

Once a special event or temporary use event permit application is approved, the committee shall send a notification letter to the applicant listing fees and special conditions. Special event fees shall be paid by the applicant thirty (30) days prior to the date of the special event or temporary use event, as applicable, and a stamped permit is given to applicant within five (5) days of the committee's receipt of payment of the required fees and any other documentation required by the committee, or as soon thereafter as is reasonably possible.

The applicant shall provide written notification to: (i) the city councilmember in whose district the special event or temporary use event, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) advising of the approval of the special event or temporary use event, as applicable, and listing date(s), time(s), and location/route thereof no later than thirty (30) days prior to the date of the special event or temporary use event, as applicable. A reminder notice to: (i) the city councilmember in whose district the special event or temporary use event, as applicable, shall occur; and (ii) the impacted neighborhood president(s) and business(es) shall also be sent by the applicant fifteen (15) days prior to the date of the special event or temporary use event, as applicable, and which shall contain all of the information required in the initial notice as specified above.

A post special event or temporary use event, as applicable, evaluation shall be conducted by the committee or its chair. The evaluation may include a survey of impacted residents and/or businesses, a meeting with the applicant and feedback from the committee.

Events subject to alcohol policy requirements.

A temporary use event on private property in a residential neighborhood in which the members of the public are not permitted but at which two hundred fifty (250) or more persons are anticipated to be in attendance, sound is to be amplified, the event is anticipated to require on-street parking and alcohol is to be served. A temporary use event shall be exempt from the requirements of subsections (h)(2)a. and (h)(2)c. below.

A special event on private property at which members of the public pay to attend and alcohol is to be served or at which members of the public can purchase alcoholic beverages for onsite consumption.

A special event in/on city-owned and/or operated facilities, including city parks, where alcohol is to be served.
(h) Requirements of alcohol policy.

(1) Certification/training. The special event permittee or temporary use event permittee, as applicable, shall be required to utilize at least one bartender and/or floor/door monitor with certification from a smart serve or servers intervention program or an equivalent alcohol server training program as approved by the city. The city reserves the right to increase the number of bartenders and floor/door monitors as required to satisfy public safety.

(2) Controls.

a. The special event permittee shall be required to establish a controlled entrance and exit location by the posting of signage stating that alcoholic beverages are prohibited beyond the permitted area. As required by the chief of police or his designee, a controlled area for the serving and consumption of alcoholic beverages during the event may be required.

b. No alcoholic beverages shall be served within thirty (30) minutes of the conclusion of the special event or temporary use event, as applicable. No more than two (2) alcoholic beverages shall be served to any person at any one time during a special event or temporary use event, as applicable.

c. No alcoholic beverages shall be served to any person at a special event unless such person has been issued a wristband by the special event permittee which indicates that the person has shown valid proof of being at least twenty-one (21) years of age.

d. The special event permittee or temporary use event permittee, as applicable, and its invitees shall be in compliance with all applicable federal, state, local statutes, ordinances, rules, regulations, licenses and permits, including permits required by the South Carolina Alcohol Beverage Commission, governing the special event or temporary use event, as applicable.

e. No alcoholic beverages other than those alcoholic beverages served by the special event permittee or the temporary use event permittee, as applicable, shall be permitted within the controlled area as described in section 2-189(h)(2)a. for special events or within the temporary use event, as applicable.

(i) Security. The special event permittee or temporary use event permittee, as applicable, shall be required to provide adequate security for its special event or temporary use event, as applicable, as directed by the chief of police, including the hiring of off-duty police officers and/or security enforcement officers as approved by the chief of police or his designee.

(j) Considerations in granting a special event permit or temporary use event permit, as applicable. In deciding whether to approve, approve with conditions, or deny a special event permit or temporary use event permit, as applicable, the committee shall determine whether:

(1) The proposed special event or a temporary use event, as applicable, can function safely.

(2) The use of police and fire resources to support the proposed special event or temporary use event, as applicable, shall not deny reasonable police and fire protection to the city.

(3) The proposed special event or temporary use event, as applicable, shall not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance, another special event, another event that has been granted a temporary use event permit or other activity or activities.
(4) The proposed special event or temporary use event, as applicable, can provide an adequate traffic control plan for traffic control and parking management and which may require accommodating transportation and parking demand management measures.

(5) The location and route plan of the proposed special event or temporary use event, as applicable, meets the criteria established in the special events ordinance.

(6) The special event or temporary use event will not substantially interrupt the safe and orderly movement of other traffic, pedestrian and vehicular, contiguous to its route.

(7) The special event or temporary use event is not reasonably likely to cause injury to persons or property, or to provoke disorderly conduct.

(k) Conditions authorized and additional permits and licenses. The committee may include in a special event permit or temporary use event permit, among other provisions:

(1) Reasonable terms and/or conditions as to the time, place, and manner of the special event or temporary use event permit, as applicable.

(2) Compliance with health and sanitary regulations, emergency services, and security.

(3) Additional permits and/or licenses as are required to meet the conditions established by the special event permit or temporary use event permit, as applicable, and/or other city ordinances, including but not limited to city business licenses, building permits, and county or state code permits.

(4) In order to accommodate other concurrent special events or temporary use events, as applicable, the rights of adjacent property owners and the needs of the public to use streets or parks, additional conditions may be imposed on the applicant which may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed special event or temporary use event, as applicable, as well as accommodations for pedestrian and/or vehicular traffic using public right-of-ways and limitations on the duration of the special event or temporary use event, as applicable.

(l) Alternates. The committee, in denying an application for a special events permit, shall be empowered to authorize the conduct of the special event on a day, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the committee within 10 days or a reasonable time period as determined by the Special Events Manager or Committee Chair. An alternate special events permit shall conform to the requirements of and shall have the effect of a special events permit under this division.

(m) Application and permit fees.

(1) All special events and events that require a temporary use event permit shall be subject to the payment of all applicable fees set forth in the city special events fee schedule as approved by city council.

(2) Additional fees may include department of parks user fees and deposits enumerated in the park permit fee structure as set forth in section 22-4(1) of this Code ("park permit fees"). Park permit fees associated with permit conditions, including but not limited to electrical, security, meter bags or fire permits are in addition to the above special events fee schedule and are the sole responsibility of the applicant.
(3) All fees and deposits are due thirty (30) days prior to the date of the special event or temporary use event, as applicable. Subject to the city's authority as set forth in section 2-1904, deposits shall be refunded within fourteen (14) business days following the special event or temporary use event, as applicable, if all conditions are followed, and with respect to a special event, public property on which the special event is held is left in good condition and without damage. Failure to comply with restrictions and conditions of a special events permit or temporary use event permit, as applicable, shall cause an automatic forfeiture of the security deposit(s).

(4) Subject to the city's authority as set forth in section 2-1904, refunds for fees and deposits charged pursuant to the special events fee schedule are refundable (minus the application fee), if the special event or temporary use event, as applicable, is canceled after such permit is issued, and written notice is received by the special events committee five (5) business days prior to the date of the special event or temporary use event, as applicable.

(mn) Hold harmless. As a condition to the issuance of any special events permit or temporary use event permit, as applicable, the permittee of a special event or temporary use event permit, as applicable, shall agree to defend, indemnify and hold harmless the city, its officers, employees and agents, for and against any and all suits, claims, damages, costs or liabilities caused by or arising out of any use authorized by the permittee of the special event or temporary use event, as applicable.

(no) Insurance requirements. The permittee of a special event or temporary use event, as applicable, shall provide general liability insurance insuring the special event or temporary use event, as applicable, and shall name the city as an additional insured on such general liability insurance policy. Certificates of insurance shall be submitted to the city for approval at least fifteen (15) working days prior to the date of the special event or temporary use event, as applicable. The following limits of insurance are required per individual occurrence:

(1) General liability of one million dollars ($1,000,000.00).
(2) Liquor liability of one million dollars ($1,000,000.00), if alcohol is served.

(ep) Promulgation of procedures. The committee, with the approval of the mayor and corporation counsel, may promulgate procedures for the purpose of implementing the special events ordinance or to carry out other responsibilities as may be required by the special events ordinance or other codes, ordinances of the city or other agencies.

(pg) Requirements for certain city-owned facilities. Events which are exclusively confined within the interior areas of the Old Exchange Building, the Charleston Maritime Center, the historic VRTC building and the Gaillard Auditorium shall not be required to obtain a special events permit provided:

(1) Each facility has an annual approved operations plan, which shall include but not limited to acceptable alcohol management and security measures, which is approved by the committee.
(2) Each facility complies with its approved operations plan while hosting events which are exclusively confined within the defined interior areas of such facility.

Notwithstanding the foregoing, events at the VRTC bus shed shall require a special events permit.

(r) First Amendment demonstrations for which a special events permit has been issued pursuant to this section shall comply with all regulations, conditions and requirements provided in Chapter 25, Article III.
Sec. 2-190. Revocation.

The committee shall have the authority to revoke a special events permit issued hereunder upon the violation of the standards for issuance as set forth in this division.

Sec. 2-191. Appeal.

See Chapter 25, Article III for appeals of denials of special events permits issued for First Amendment demonstrations.

Sec. 2-192. Special events permit required.

No person shall engage in, participate in, aid, form or start any special event as defined in this division unless a special events permit shall have been obtained from the Special Events Committee of the City of Charleston pursuant to section 2-189. Any person engaging in any special event for which a special events permit has been issued shall not violate any of the conditions or provisions of such permit.

Sec. 2-193. Safety Restrictions and Prohibitions

(a) Threats to safety.

(1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16.25.10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending a special event as defined in this division.

(2) For purposes of this division, brandish shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(3) For purposes of this division to present a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

(b) Open carry prohibited.

It shall be unlawful for any person(s) participating in a special event to openly carry a firearm. The person or entity hosting the event must post signs as approved and directed by the special events committee to indicate the specific area where the open carry of firearms are prohibited.

(c) Driving through parades.

No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion or conspicuously designated as a parade, except that this portion shall not apply to single file parades on the sidewalk areas of the city, where vehicular traffic and those constituting the parade shall be required to obey all traffic-control signals unless otherwise directed by a police officer.

(d) Parking on parade route.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict parking of vehicles along a street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
(e) **Obstructing or interfering with parades.**

No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(f) **Hours for conducting parade restricted.**

No special events permit shall be granted for a parade to convene before 8:00 a.m. or terminate after 8:00 p.m.

Sec. 2-194. Penalty and retention of deposits.

Any person violating any provision of the special events ordinance, to include any conditions or provisions of a special events permit, shall be subject to the general penalty set forth in section 1-16 of this Code. In addition, the special events committee shall have the authority to retain deposit(s) in the event a permittee of a special event or temporary use event, as applicable, causes the city to incur costs or damage(s) as a result of permittee’s special event or temporary use event, as applicable, and to pursue any other remedy against a permittee of a special event or temporary use event, as applicable, available to the city at law or in equity for a violation of any provision of this special events ordinance.”

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of __________ in the Year of Our Lord, 2021, and in the ____ Year of the Independence of the United States of America.

__________________________
John J. Tecklenburg, Mayor

__________________________
Jennifer Cook, Clerk of Counsel
AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 22 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO PARK AND RECREATION FACILITIES TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR THE RESERVATION PERMITTING PROCESS FOR RESERVED USE OF PARKS, TO PROVIDE OPEN CARRY RESTRICTIONS AND OTHER SAFETY PROHIBITIONS, AND TO PROVIDE ADDITIONAL PROHIBITED ACTIVITIES TO BE INCLUDED IN THE PARK RULES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 22-4 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

"Sec. 22-4. Reservation permit for reserved use.

(a) For all organized activities or organized sports which do not require a special events permit pursuant to section 2-185, et seq., or a First Amendment demonstration permit pursuant to section 25-36, et seq., of this Code, but require reserved use of a park, park facility, recreational facility, recreation field, athletic field, tennis court, and/or playground or any portion thereof, a person may reserve such space for a reasonable period of time at reasonable intervals for the purposes of organized sports, picnics, or group activities upon obtaining a reservation permit for the proposed use. For the purposes of this section, "organized sports" shall mean any game or sport which is played by three or more persons or by two or more teams that play and/or practice together regularly in a league or association.

(b) A person seeking issuance of a reservation permit shall file a reservation permit application with the department of recreation. The application shall be filed with the department not less than fourteen (14) business days before the date on which the proposed activity is to take place. For events scheduled for the preceding calendar year which require reserved use, the reservation calendar for the preceding year will be opened on September 1st of the current year.

(c) The department of recreation and the chairman of the special events committee shall have the authority to consider any application hereunder which is filed less than fourteen (14) business days before the date such activity is proposed to be conducted.

(d) The request for a reservation permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking the permit.
(2) The name, address and telephone number of the headquarters of the organization or association requesting the permit and of the authorizing and responsible person for such organization or association.

(3) The name, address, and telephone number of the person who will be the chairman and who will be responsible for the conduct of the activity.

(4) The date when the activity is to be conducted.

(5) The specific location of the activity proposed.

(6) The approximate number of persons who will participate in the activity.

(7) The hours when such activity will start and terminate, including set up and tear down time.

(8) A detailed description of the proposed activity.

(9) Any additional information which the department of recreation and the chairman of the special events committee shall find reasonably necessary to a fair determination as to whether a reservation permit should be issued.

(c) The department of recreation and the chairman of the special events committee in concert with the department of parks shall issue a reservation permit as provided for hereunder when, from a consideration of the request and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park, park facility, recreational facility, recreation field, athletic field, tennis court and/or playground or any portion thereof, in question or the safe and orderly movement of traffic, pedestrian and vehicular.

(2) In the opinion of the chief of police, the conduct of the activity will not require the diversion of so great a number of police officers of the city to properly police the activity so as to prevent normal police protection to the city.

(3) The concentration of persons at the activity will not unduly interfere with proper utilization of the park, park facility, recreational facility, recreation field, athletic field, tennis court and/or playground or any portion thereof, or with proper fire and police protection of the park and playground and areas contiguous to such area.

(4) The conduct of the activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(5) The conduct of the activity is not reasonably likely to cause excessive littering or a health hazard to the citizens of the city.

(6) The reservation of the park, park facility, recreational facility, recreation field, athletic field, tennis court and/or playground or any portion thereof, will not unduly interfere with the use of the facilities by individuals not involved in the activity.

(7) The size, location, and primary purpose of the park, park facility, recreational facility, recreation field, athletic field, tennis court and/or playground and the nature of the surrounding neighborhood is consistent with the proposed activity.
(f) Any person aggrieved shall have the right to appeal the denial of a reservation permit to the Recreation commission Committee of Council. The appeal shall be filed within forty-eight (48) hours after notice of the denial to the clerk of council. The Recreation commission Committee of Council shall act upon the appeal at its next regularly scheduled meeting, but no later than thirty (30) days from the time of receipt of the appeal.

(g) The department of recreation and the chairman of the special events committee, in denying a request for a permit, shall be empowered to authorize the activity on a day, at a time, or at a location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action, file a written notice of acceptance with the department of recreation. An alternate permit shall conform to the requirements of and shall have the effect of a permit under this section.

(h) The department of recreation and the chairman of the special events committee shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance as set forth in subsection (e) of this section. It shall be grounds for denial of a permit if substantially the same group who proposes to use the facilities has violated the standards as set forth in subsection (e) on a previous occasion.

(i) The activity chairman or other person heading or leading such activity shall carry the permit upon his person during the conducting of the permitted activity.

(j) The activity chairman or other person heading or leading such permitted activity shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(k) Should more than one group apply for use of the same facility, the department of recreation and the chairman of the special events committee will give priority to the earlier request, provided, however, the department of recreation and the chairman of the special events committee shall ensure that repeated reservation of facilities by one group will not interfere with the reasonable use of the facility by other groups and individuals, or with the tranquility of the neighborhood surrounding the facility, and in their discretion may deny or reschedule an activity to achieve this end.

(l) All reservation permits shall be subject to the applicable fees set forth in the city park permit fee structure, marked as Exhibit A, incorporated by reference herein. Additional fees may include reservation permit deposits and athletic field rental fees. All fees and deposits are due seven (7) days prior to the reserved event.

(m) The city reserves the right in its sole discretion to require a person seeking a reservation permit to obtain a special events permit issued pursuant to section 2-185, et seq., or a First Amendment demonstration permit issued pursuant to section 25-36, et seq., when the city finds that requiring such special events permit or First Amendment demonstration permit is in its best interest.

(n) Safety restrictions and prohibitions.

(a) Threats to safety.

(1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code §16-25-10(7)), or to brandish a weapon (as defined in City Code §21-219), while participating in or attending an organized event for which a permit has been issued pursuant to this section.
(2) For purposes of this section, “brandish” shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.
(3) For purposes of this section, to “present” a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.
(b) Open carry prohibited. It shall be unlawful for any person(s) participating in organized events for which a permit has been issued pursuant to this section to openly carry a firearm. The person or entity hosting the organized event must post signs as approved and directed by the department of recreation to indicate the specific area where the open carry of firearms are prohibited.”

Section 2. Sec. 22-5 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 22-5. Prohibited activities in or upon a public park, park facility, recreational facility, or playground.

Unless permitted expressly approved under a city special event permit issued pursuant to section 2-185 et seq. of this Code, the following activities shall be prohibited for any person using a public park, park facility, recreational facility, or playground:

(a) Alcoholic beverages. No person shall possess an open container or consume any beer, wine or alcoholic beverage in or upon a public park, park facility, recreational facility, or playground in the city; provided however, this prohibition shall not apply to any park, park facility, recreational facility or playground in the city, or applicable part thereof, that is subject to a lease, management or operation agreement approved by city council that authorizes the sale, possession in an open container or consumption of beer, wine or alcoholic beverages.

(b) Destruction of property. No person shall remove, deface, damage, or otherwise injure any structure, sign, fence, equipment, or improvement, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, in or upon a public park, park facility, recreational facility, or playground, including hanging, attaching or placing signs, flags, placards or any other object of any kind on such city property; nor shall any person remove, deface, damage, or otherwise injure any flower, plant, shrub, tree, grass, or ground cover in or upon any park or playground.

(c) Conduct on public property. No person shall walk, stand, sit, lie, or climb upon any wall, fence, shelter, tree, shrub, or other vegetation, or any or structure, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements not designed or intended for such purposes located in a public park, park facility, recreational facility, or playground.

(d) Obstruction. No person shall obstruct or cause an obstruction, whether alone or together with one or more persons, or with equipment or personal property of any nature, which limits or impedes access or inhibits the ingress or egress of other persons utilizing the park from the intended use or enjoyment of any building, structure, shed, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects
and other architectural elements or structures, restroom, stairs, sidewalk, right-of-way, entryway or exit located in a public park, park facility, recreational facility, or playground.

(e) Audio devices. No person shall play an audio device, such as a television set, radio, compact disc or tape player, at such a volume as to disturb persons utilizing the park outside of the immediate vicinity of the user.

(af) Bands, concerts. No band or group of musicians shall perform in or upon a public park, park facility, recreational facility, or playground so as to unreasonably disturb the tranquility of the residents surrounding a public park, park facility, recreational facility, or playground.

(eg) Solicitation. No person shall solicit, peddle, or charitably solicit in a public park, park facility, recreational facility, or playground without the express written approval of the city.

(fh) Storage. No person shall store any goods, materials, vehicles, or other property in or upon a park, park facility, recreational facility, or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(gi) Fireworks and weapons. No person shall possess, discharge, or set off any fireworks, firearms, weapons, or other explosive devices in or upon any park or playground, without written approval of the director of the department of recreation or the director of the department of parks.

(j) Weapons. No person shall brandish any weapon to any person or the public at large within a public park, park facility, recreational facility, or playground. For the purposes of this section, “weapon” and “brandish” shall have the meanings ascribed in section 21-219.

(k) Open carry. No person shall openly carry a firearm at a public protest, rally, fair, parade, festival or other organized event in a public park, park facility, recreational facility, or playground when the City has issued a permit for such event. The pointing or presenting of a firearm is prohibited by S.C. Code § 16-23-410.

(l) Open burning. No person shall kindle, maintain, or authorize to be kindled or maintained any open burning in or upon a public park, park facility, recreational facility, or playground, except in designated areas as permitted in section 13-10. For the purposes of this section, “open burning” shall have the meaning ascribed in section 13-10.

(hm) Litter. No person shall discard litter in any park or playground except in designated receptacles.

(in) Golfing. No person shall play or practice golf in a public park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(jo) Remote control devices. No person shall operate a remote control device, including, but not limited to, any model plane, glider, helicopter, car, truck, or any other wheeled vehicle in any park, park facility, recreational facility, or playground, recreational facility parking lot, or other public recreation area. Model plane shall mean any device that flies, whether uncontrolled or controlled by radio, wire, or string, and is powered by internal combustion, electricity, gasoline, battery, or any other type of fuel.
Commercial activities. No person shall carry on any commercial activity in any park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

Unlawful activities. No person shall carry on any activity in or upon a public park, park facility, recreational facility, or playground of the city which is prohibited by the statutes of the state or the ordinances of the city, or the posted rules of the facility or park.

Treasure hunting. Metal detecting and/or digging in public parks, public rights-of-way, and playgrounds is prohibited.

Photographic/video equipment. It shall be unlawful for a person to install, maintain or operate a video recording device, camera or cell phone with a camera incorporated therein in any dressing room, restroom, bathroom, toilet, washroom, shower or locker room in or upon a city recreation facility.

Camping. No person shall camp, camp out, sleep, lodge, or take up residence in any camper, van, bus, or other motor vehicle in any park or public place.

Dogs.

1. No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any athletic field, athletic facility, or park, if such animal is not under a physical restraint or a leash so as to allow the animal to be controlled. The length of a leash shall not be more than sixteen (16) feet long.

2. Animals may be permitted to occupy a city park or an area of a city park under sufficient strict voice control without physical restraint or a leash when the director of the department of parks determines that during certain hours or under certain conditions animals may be permitted to occupy a city park or an area of a city park under strict voice control and posts the city park accordingly.

3. No animal of any kind shall be permitted on any tennis court, fenced recreation field, or athletic field at any time, even if such animal is physically restrained, leashed or otherwise controlled.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ________ in the Year of Our Lord, 2021, and in the ___ Year of the Independence of the United States of America.

John J. Tecklenburg, Mayor

ATTEST:

Jennifer Cook,
Clerk of Council
AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE X OF CHAPTER 21 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO WEAPONS BY AMENDING THE PROVISIONS RELATED TO CARRYING OF HANDGUNS, CONCEALABLE WEAPONS AND FIREARMS, CONFISCATION OF WEAPONS, AND BRANDISHING OF WEAPONS TO BE COMPLIANT WITH STATE LAW.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 21-217 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

"Sec. 21-217. Carrying loaded firearm. Carrying of handguns, concealable weapons and firearms.

(a) Except as provided in S.C. Code 1976, § 16-23-20, and not otherwise specifically prohibited by law, no person without valid authority from a proper government agency shall carry on or about his person any firearm containing ammunition, or any pistol, handgun, as defined in S.C. Code § 16-23-10(1), whether concealed or not and whether or not containing ammunition.

(b) Pursuant to S.C. Code § 16-23-420, it is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property.

(c) Persons, including concealed weapons permit holders, are prohibited from carrying concealable weapons as defined in S.C. Code § 23-31-210, whether concealed or not, in those locations listed in S.C. Code § 23-31-215 (M).

(d) The open carrying of firearms on public property is prohibited at public protests, rallies, fairs, parades, festivals, or other organized events when the City has issued any type of permit for such event."

1
Section 2. Sec. 21-218 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 21-218. Confiscation.

Any person arrested and subsequently convicted of a violation of the provisions of this article state statute or City code shall in addition to any other penalties provided by law have the weapon involved in such violation confiscated to be disposed of by the chief of police as provided by law. However, if any person other than the convicted person has an interest in the weapon, that person must be given the opportunity to come forward and show, if he can, why the weapon should not be forfeited and disposed of as provided for by law.”

Section 3. Sec. 21-219 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 21-219. Brandishing with a deadly weapon prohibited.

(a) Brandish means to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(b) Deadly weapon in this section means any device or object designed, made or adapted to be used for the purpose of inflicting bodily injury or death including firearms, but not limited to, a knife, flag pole, metal or wood pole, bat, staff, golf club, sign post, or other similar solid wood or metal object, but excluding firearms.

(c) It shall be unlawful for any person to brandish any deadly weapon to any person or the public at large within the city limits.

(d) Upon conviction thereof, besides that penalty as may be imposed by the court, the weapon shall be forfeited to the city, and be destroyed.

(e) The pointing or presenting of a firearm is prohibited by S.C. Code § 16-23-410. For purposes of this section, to “present” a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.”

Section 4. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ________ in the Year of Our Lord, 2021, and in the ___ Year of the Independence of the United States of America.

____________________________
John J. Tecklenburg, Mayor

ATTEST:

____________________________
Jennifer Cook,
Clerk of Council
AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE III, OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING SECTION 28-45 RELATED TO PROMOTION OF CIVIL SIDEWALKS, TO PROVIDE A PROHIBITION ON SITTING OR LYING UPON PROPERTY ADJACENT TO A PUBLIC SIDEWALK SUCH THAT ANY PART OF THE PERSON’S BODY OR PERSONAL EFFECTS ARE ON A PUBLIC SIDEWALK; TO CLARIFY THAT THE PROHIBITION APPLIES TO MARKET STREET BETWEEN KING AND EAST BAY STREETS; REMOVING THE REQUIREMENT THAT A PERSON BE Warned BEFORE BEING CITED; AND EXTENDING THE TRESPASS PROVISION FROM 60 DAYS TO 6 MONTHS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 28-45 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Section 28-45. Promotion of civil sidewalks.

(a) Findings. The King and Market Street corridors in the downtown area of the city are places of gathering and commerce, where patrons, residents and visitors conduct business, shop, sightsee and recreate. Being in the heart of the peninsula, these corridors offer an array of services to support residents living nearby and those coming into the peninsula to enjoy the urban core of the city, to include shopping, dining and art venues. Being in the heart of the tourism district, these corridors are heavily impacted not by just visitors, but also by vendors and service providers tending to the needs of the industry businesses. Being adjacent to the College of Charleston campus, these corridors are also impacted by students tending to daily needs or seeking places to recreate. The sidewalks of these corridors, part of an urban street grid established in the eighteenth century, are narrow by modern standards and are incapable of being enlarged in any meaningful way. It is imperative that pedestrian flow along the sidewalks of these corridors be safe, effective and efficient during times of heavy use. The primary purpose of a sidewalk is to provide a means of conveyance by foot. Interferences with that purpose should be minimized to the extent feasible. Sitting or lying on the sidewalks of the King and Market Street corridors during times of heavy use poses a threat to safe pedestrian passage, especially for the elderly, disabled, vision-impaired and small children. As there exist alternate public places in the vicinity of the King and Market Street corridors that accommodate sitting or lying down, council finds it necessary and in furtherance of the public

1
peace and good order that sitting or lying on the sidewalks of the King and Market Street corridors be regulated in a manner that promotes safety but which preserves these areas for traditional constitutional expression and other lawful activity on sidewalks consistent with any city permitting requirements.

(b) **Prohibition.** During the hours between eight (8:00) a.m. and two (2:00) a.m., it is unlawful to sit or lie down upon a public sidewalk or to sit or lie down upon property adjacent to a public sidewalk in such a manner so that any part of the person's body or personal effects are on a public sidewalk:

(1) On King Street, between Line Street and Broad Street;

(2) On streets crossing King Street for one (1) block in either direction of King Street between and including Line Street and Broad Street;

(3) On North and South Market Streets, between King Street and East Bay Street; and

(4) On streets crossing North and South Market Streets for one (1) block in either direction from North and South Market Streets between and including King and East Bay Streets.

(c) **Exceptions.** The prohibitions in subsection (b) shall not apply to any person:

(1) Sitting or lying on a public sidewalk due to a medical emergency;

(2) Using a wheelchair, walker, or similar device as the result of a disability;

(3) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk use permit;

(4) Participating in or attending a parade, festival, performance, rally, demonstration, meeting, picketing, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;

(5) Sitting on a fixed chair or bench located on the public sidewalk supplied by a public agency or by the abutting private property owner;

(6) Sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or,

(7) Who is a child seated in a stroller.

(d) **Warning.** No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a police officer that the conduct violates this section.

(e) **Other laws and orders.** Nothing in any of the exceptions listed in subsection (c) shall be construed to permit any conduct which is prohibited by City Code sections 17-93, 17-98, and 21-109, which prohibit willfully and substantially obstructing the free passage of any person.

(f) **Penalties.**

(1) **First offense.** Upon conviction for a first offense of this section, the court shall impose a fine of not more than twenty-five dollars ($25.00).

(2) **Subsequent offenses.** Upon conviction for a second offense of this Section, the court shall impose a fine of not more than fifty dollars ($50.00). All further violations of this section
maybe handled in a manner consistent with the City's general penalty provision as provided in section 1-16 of this Code.

(3) **Trespass.** In addition to these penalties, a person convicted of a third or subsequent violation of this section may be prohibited from returning to the streets and sidewalks delineated in subsection (b) for a period of sixty (60) days six (6) months from the date such notice is given. Notice of this prohibition may be given by any code enforcement officer, police officer, city attorney or judge of municipal court. Upon conviction of this provision a person may be sentenced in a manner consisted with the city's general penalty provision as provided in section 1-16 of this Code in addition to the penalties set forth above.

(ef) **Reporting.** One (1) year after the effective date of the ordinance from which this section derives, and every two (2) years thereafter, the police department shall make a written report to the mayor and the city council members that evaluates the effectiveness of enforcement of this section in the King and Market Street Corridors as set out herein.

(hg) **Outreach.** The city shall maintain an outreach plan summarizing the city's efforts with assisting those that are chronically found sitting or lying down on a public sidewalk. The outreach plan must outline what assistance the city supplies to connect individuals in need of social services with providers of the social services. The plan must also include, but not be limited to, health care and social service capacity, evaluation of service delivery and identification of areas for improved service delivery.

(ih) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of this section or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word.”

**Section 2.** This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _________ in the Year of Our Lord, 2021, and in the ____ Year of the Independence of the United States of America.

__________________________
John J. Tecklenburg, Mayor

ATTEST:

__________________________
Jennifer Cook, Clerk of Council
AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE XVI, OF THE CODE OF THE CITY OF CHARLESTON RELATED TO RICKSHAWS TO PROVIDE FOR ADDITIONAL NIGHT TIME OPERATING DECALS AND TO PROVIDE A TERM FOR RENEWALS OF OPERATING DECALS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 19-466(a) of the Code of the City of Charleston, is hereby amended to state as follows (new text in bold and underlined and deleted text with strikethrough):

“(a) No more than fifteen (15) general operating decals and fifteen twenty-one (1521) night time operating decals shall be issued by the City of Charleston's procurement department.”

Section 2. Sec. 19-467(c)(5) of the Code of the City of Charleston, is hereby amended to state as follows (new text in bold and underlined):

“(5) A provision permitting the renewal of an operating decal for one (1) additional five (5) year period upon the payment of a renewal fee based upon the original bid amount and an increase factor of fifteen (15) per cent per term and upon determination of the traffic and transportation director that:

i. the holder of the operating decal has performed satisfactorily under the terms of this and any other operating decal(s);

ii. the holder of the operating decal is in compliance with this article; and

iii. the holder has executed another agreement to operate with the city.”

Section 3. Sec. 19-468 of the Code of the City of Charleston, is hereby amended to state as follows (new text in bold and underlined):

“Operating decals may be renewed at their expiration pursuant to section 19-467(c)(5) for one (1) additional five (5) year period. Non-renewed permits shall be distributed pursuant to 19-467.”
Section 4. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _______ in the Year of Our Lord, 2021, and in the____ Year of the Independence of the United States of America.

________________________________________
John J. Tecklenburg, Mayor

ATTEST:
________________________________________
Jennifer Cook,
Clerk of Council
July 21, 2021

Mr. Michael Black, P.E.
District Maintenance Engineer
SCDOT District 6
6355 Fain Street
North Charleston, SC

Subject: Maintenance of multi-use path at Oceanic Street (S-10-2472).

Dear Mr. Black:

This letter concerns the proposed installation of a 1300 LF multi-use path to be constructed in conjunction with the project at Oceanic Street (S-10-2472).

The City Council of Charleston, at its meeting held July 20, 2021, agreed to accept maintenance responsibility for the concrete sidewalk path, MSE wall, handrail, lighting and corner accessibility ramps and curb within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk path, MSE wall, handrail lighting, and corner accessibility ramps in compliance with current ADA and SCDOT standards (ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities).

Should there be any questions please contact me at 843-724-3777 or at obrien@charleston-sc.gov.

Sincerely,

Thomas F. O'Brien
Director of Public Service

cc: Frank Newham, P. E, Senior Project Manager
Jim O'Connor, JMT
Brian Pokrant, GIS Analyst
STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY 

KNOW ALL MEN BY THESE PRESENTS, that Daniel Island Associates L.L.C., a Delaware LLC ("Grantor") in the state aforesaid, for and in consideration of the sum of ONE AND 00/100 DOLLAR ($1.00), being the true consideration to it in hand paid at and before the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, the following described property which is granted, bargained, sold and released for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives, and cul-de-sacs situate, lying and being in the City of Charleston, County of Berkeley, State of South Carolina, identified as (list street names) Dunham Street (City R/W. Width Varies)
as shown and designated on a plat entitled "A Final Subdivision Plat of Daniel Island Parcel M to Create Parcel M, Block L, Lots 3 through 11 & Parcel M, Block J, Lots 7 through 17, Daniel Island, City of Charleston, Berkeley County, South Carolina, prepared for and owned by Daniel Island Associates, L.L.C."

prepared by Philip P. Gerard of Thomas & Hutton Engineering, dated June 15, 2020, revised, and recorded on 7/12/2021 as Instrument No. 201001539 in the ROD Office for Berkeley County. Said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the Daniel Island Residential Investments L.L.C. dated November 9, 1978 and recorded November 9, 1978 in Book 1478 at Page 286 in the ROD Office for Berkeley County, South Carolina.

Grantee's Mailing Address:
City of Charleston
Department of Public Service
Engineering Division
2 George Street
Suite 2100
Charleston, South Carolina 29401

Portion of TMS No.: 275-00-00-156
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this ___ day of October ___, 2020.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness Number One

Witness Number Two

Printed Name

Printed Name

Grantor

Daniel Island Associates L.L.C., a Delaware limited liability company

By: D.I. Development Company, Inc., its attorney in fact

By: William J. McKenzie, its Vice President of Development

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by William J. McKenzie, Vice President of Development of D.I. Development Company, Inc., the attorney in fact for Daniel Island Associates L.L.C., a Delaware LLC on behalf of the Grantor on the ___ day of October ___, 2020.

Signature of Notary: Destiny D. Thompson Bendell

Print Name of Notary: Destiny D. Thompson Bendell

Notary Public for South Carolina

My Commission Expires: 03-31-2029

SEAL OF NOTARY
STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property was transferred by Daniel Island Associates L.L.C. to City of Charleston on 1-3-2020.

3. Check one of the following: The deed is
   
   (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money’s worth.
   
   (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   
   (C) _____ exempt from the deed recording fee because (See Information section of affidavit): conveyance to government entity (explanation required) (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
   
   (A) _____ The fee is computed on the consideration paid or to be paid in money or money’s worth in the amount of ________________________
   
   (B) _____ The fee is computed on the fair market value of the realty which is ________________________
   
   (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is ________________________

5. Check YES ____ or NO ____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is ________________________

6. The deed recording fee is computed as follows:
   
   (A) Place the amount listed in item 4 above here: ________________________
   
   (B) Place the amount listed in item 5 above here: ________________________
   (If no amount is listed, place zero here.)
   
   (C) Subtract Line 6(b) from Line 6(a) and place the result here: ________________________

ATET4-2013
7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is -0- exempt.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Agent for Grantor.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

______________________________
Responsible Person Connected with the Transaction

William J. McKenzie

Print or Type Name Here

Sworn this 5th day of October, 2020

Notary Public for South Carolina

My Commission Expires: 07/31/2029

ATET4-2013
STATE OF SOUTH CAROLINA       )   EXCLUSIVE STORM
)   WATER DRAINAGE
)   EASEMENTS
)   CITY OF CHARLESTON

COUNTY OF BERKELEY

This Agreement is made and entered into this 25th day of January 2020, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the “City”), and Daniel Island Associates L.L.C. (herein the “Owner”).

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances (“Storm Water System”) across a portion of property identified by and designated as Berkeley County tax map number 275-00-00-156 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner’s property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of property and which are more fully shown on that certain plat entitled;

"A Final Subdivision Plat of Daniel Island Parcel M to Create Parcel M, Block L, Lots 3 through 11 & Parcel M, Block L, Lots 7 through 17, Daniel Island, City of Charleston, Berkeley County, South Carolina, prepared for and owned by Daniel Island Associates, L.L.C."

Prepared and executed by Philip P. Gerard of Thomas & Hutton Engineering dated June 15, 2020, revised on Instrument 9081007539, and recorded on January 12, 2021 in Plat Book at Page in the ROD Office for Berkeley, South Carolina (herein the “Plat”).

A copy of said plat is attached heretofoe as “Exhibit A” and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.
IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

[Signatures]

CITY OF CHARLESTON

[Signatures]

STATE OF SOUTH CAROLINA )

COUNTY OF CHARLESTON )

The foregoing instrument was acknowledged before me (the undersigned notary) by

[Signatures]

Notary Public for South Carolina

My Commission Expires: 4-1-2024

SEAL OF NOTARY

ACKNOWLEDGEMENT

OWNER:

Daniel Island Associates L.L.C., a Delaware limited liability company

By: D.I. Development Company, Inc., its attorney in fact

By: _______  

William J. McKenzie, its Vice President of Development

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA )

COUNTY OF BERKELEY )

The foregoing instrument was acknowledged before me (the undersigned notary) by

[Signatures]

Notary Public for South Carolina

My Commission Expires: 07-31-2029

SEAL OF NOTARY
STATE OF SOUTH CAROLINA ) STORM WATER
) DRAINAGE
) EASEMENT
COUNTY OF BERKELEY ) CITY OF CHARLESTON

This Agreement is made and entered into this 27th day of October, 2020, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the “City”) and Daniel Island Community Association, Inc. (herein the “Owner”).

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances (“Storm Water System”) across a portion of the property identified by and designated as Berkeley County tax map number 275-06-02-032 and to accomplish this objective, the City must obtain an easement from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner’s property, as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto the City a permanent storm water drainage easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain drainage easements more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

The City shall at all times have the right of ingress and egress to the land affected by the said Permanent Storm Water Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. This Permanent Storm Water Drainage Easement shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of the Permanent Storm Water Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner, and its successors and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, the City of Charleston has set its Hand and Seal the day and year first above written.

WITNESSES: 

Witness #1 
Print Name: 

Witness #2 
Print Name: 

CITY OF CHARLESTON

By: Matthew Fountain 
Its: Director of Stormwater Management

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON ) ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Fountain, the Director of Stormwater Management of the City of Charleston, a South Carolina municipality, on this ______ day of ________________, 2021, on behalf of the municipality.

Signature: 
Print Name of Notary: 
Notary Public for South Carolina 
My Commission Expires: 
SEAL OF NOTARY

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, the Owner has set its Hand and Seal the day and year first above written.

WITNESSES:

[Signatures]

Print Name: [Names]

DANIEL ISLAND COMMUNITY ASSOCIATION, INC.

By: Jane Baker
Its: President

STATE OF SOUTH CAROLINA  )
COUNTY OF BERKELEY  )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Jane Baker, the President of Daniel Island Community Association, Inc., on this [Day] day of [Month] 2020.

Signature: [Signature]
Print Name of Notary: [Name]
Notary Public for South Carolina
My Commission Expires: [Date]

SEAL OF NOTARY

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EXHIBIT A

[DESCRIPTION OF DRAINAGE EASEMENT]

GREENWAY 26,031 sq. ft. ALL that lot, piece, or parcel of land situate, lying and being on Daniel Island, Berkeley County, South Carolina, and being shown as “GREENWAY TOTAL 26,031 sq. ft., MARSH 318 sq.ft.” as shown on that certain plat entitled "A FINAL SUBDIVISION PLAT OF PARCEL M, BLOCKS E, F, G, I LOTS 1-4, J LOTS 1-6, K LOTS 1-3 & L LOTS 1-2, DANIEL ISLAND, OWNED BY: DANIEL ISLAND ASSOCIATES L.L.C., CITY OF CHARLESTON, BERKELEY COUNTY, S.C.", prepared by F. Elliotte Quinn, III S.C. Reg. No. 10292 of Thomas & Hutton Engineering Co. and recorded on April 12, 2000 in the Register of Deeds Office for Berkeley County in Plat Cabinet O, Page 213 A and 214 A and having such size, shape, dimensions, buttins and boundings as will appear by reference to said plat. Bounded by Cochran Street and Parcel M, Block J, Lots 1, 4 and 5.

TMS No. 275-06-02-032
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  

KNOW ALL MEN BY THESE PRESENSES, that CALENTIC GROUP, INC. ("Grantor") in the state aforesaid, for an in consideration of the sum of ONE AND 00/100 DOLLAR ($1.00), to Grantor in hand paid by the CITY OF CHARLESTON, the receipt of which is hereby acknowledged, has granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, all that property more particularly described on Exhibit A, attached hereto and incorporated herein by reference, which is granted, bargained, sold and released for the use of the public forever.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns, forever.

AND Grantor does hereby bind Grantor and Grantor’s heirs, successors and assigns, to warrant and forever defend all and singular the said premises unto the said CITY OF CHARLESTON, its successors and assigns, against Grantor and Grantor’s heirs, successors and assigns, and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

This being a portion of the property conveyed to Grantor herein by deed of the GRAND BEES DEVELOPMENT, LLC dated April 18, 2017, and recorded April 18, 2017 in Book 0631 at Page 473 in the ROD Office for Charleston County, South Carolina

Grantee’s Mailing Address:

City of Charleston  
Department of Public Service  
Engineering Division  
2 George Street  
Suite 2100  
Charleston, South Carolina 29401

[REMAINDER OF PAGE INTENTIONALLY BLANK]
WITNESS Grantor's Hand and Seal this ________ day of __________________, 2021.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Signature]
Witness #1
Print Name: [Name]

[Signature]
Witness #2
Print Name: [Name]

GRANTOR:
CALATLANTIC GROUP, INC.

By:
Print Name: Gabe Ebner
Its: Vice President of Land Development

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

The foregoing instrument was acknowledged before me (the undersigned notary) by Gabe Ebner, the Vice President of Land Development for CALATLANTIC GROUP, INC., a Delaware corporation, on the 18th day of May, 2021, on behalf of the said Grantor.

Signature of Notary: [Signature]
Print Name of Notary: [Name]
Notary Public for South Carolina
My Commission Expires: 8-29-24

SEAL OF NOTARY

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EXHIBIT A

[LEGAL DESCRIPTION]

All the property underneath, above, and containing that certain rights-of-way shown and designated as "SPIKERUSH CIRCLE" and "JANCUS STREET," being more fully shown on that certain plat entitled: "FINAL PLAT SHOWING THE SUBDIVISION OF WEST R-2B TRACT TMS NO. 301-00-00-696 (66.599 AC) TO CREATE GRAND OAKS PHASES 8, 10, 11 CONTAINING 69 LOTS (11.198 AC), H.O.A. AREAS (22.421 AC), RIGHT-OF-WAYS (3.115 AC), AND RESIDUAL WEST R-2B TRACT (29.865 AC) PROPERTY OF CALATLANTIC GROUP, INC. LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA" by Richard D. Lacey, SCPLS 16120 of HLA, Inc. dated November 30, 2020, revised as shown thereon, and recorded on ____________, 2021, in Plat Book _____ at Pages _____ through ______ in the ROD Office for Charleston County, South Carolina, said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat, reference to which is craved for a more complete and accurate legal description.

This being a portion of the property conveyed to CalAtlantic Group, Inc. by deed of Grand Bees Development, LLC dated April 12, 2017, and recorded April 18, 2017, in Deed Book 0631 at Page 473 in the Register of Deeds Office for Charleston County, South Carolina.

Being a portion of TMS No. 301-00-00-396
This Agreement is made and entered into this ___ day of ____________, 2021, by and between the CITY OF CHARLESTON, a South Carolina municipality (herein the “City”), and CALATLANTIC GROUP, INC. (herein the “Owner”).

WHEREAS, the City is desirous of maintaining storm water drainage pipes and appurtenances (“Storm Water System”) across a portion of property identified by and designated as Charleston County TMS No. 301-00-00-696 and, to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner’s property, as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto the City certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain drainage easements more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of the City’s allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.
IN WITNESS WHEREOF, the City of Charleston has set its Hand and Seal the day and year first above written.

WITNESSES:                    CITY OF CHARLESTON

Witness #1
Print Name: ____________________

Witness #2
Print Name: ____________________

STATE OF SOUTH CAROLINA       )
COUNTY OF CHARLESTON          )

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Fountain, the Director of Stormwater Management of the City of Charleston, a South Carolina municipality, on this ______ day of ________________, 2021, on behalf of the said municipality.

Signature: __________________________
Print Name of Notary: __________________________
Notary Public for South Carolina
My Commission Expires: __________________________
SEAL OF NOTARY

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, CALATLANTIC GROUP, INC., has set its Hand and Seal the day and year first above written.

WITNESSES:

Witness #1
Print Name: John Hoff

Witness #2
Print Name: Robert Wallace

CALATLANTIC GROUP, INC.

By:
Print Name: Gabe Ebner
Its: Vice President of Land Development

STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON  )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Gabe Ebner, the Vice President of Land Development of CALATLANTIC GROUP, INC., a Delaware corporation, on this 18th day of May, 2021, on behalf of CalAtlantic Group, Inc.

Signature: Robert C. Young Jr.
Notary Public for South Carolina
Print Name of Notary: Robert C. Young Jr.
My Commission Expires: 8-30-24
SEAL OF NOTARY

[REMAINDER OF PAGE INTENTIONALLY BLANK]
EXHIBIT “A”
LEGAL DESCRIPTION

All that certain piece, parcel, or lot of land lying and being in the City of Charleston, Charleston County, South Carolina, known as GRAND OAKS PHASES 8, 10, 11, and being more fully shown on a plat entitled: “FINAL PLAT SHOWING THE SUBDIVISION OF WEST R-2B TRACT TMS NO. 301-00-00-696 (66.599 AC) TO CREATE GRAND OAKS PHASES 8, 10, 11 CONTAINING 69 LOTS (11.198 AC), H.O.A. AREAS (22.421 AC), RIGHT-OF-WAYS (3.115 AC), AND RESIDUAL WEST R-2B TRACT (29.865 AC) PROPERTY OF CALATLANTIC GROUP, INC. LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA” by Richard D. Lacey, SCPLS 16120 of HLA, Inc. dated November 30, 2020 and recorded in the ROD Office for Charleston County in Book _______, Page______. Said property having such size, shape, dimensions, butttings and boundings as will by reference to said plat more fully appear.
STATE OF SOUTH CAROLINA ) EXCLUSIVE STORMWATER
COUNTY OF CHARLESTON ) DRAINAGE EASEMENT AGREEMENT
( CITY OF CHARLESTON )

This Exclusive Stormwater Drainage Easement Agreement (this "Agreement") is made and
entered into this ___ day of ____________, 2021, by and between BENTLEY D.
PRICE and MELISSA A. PRICE (collectively, "Grantors") and the CITY OF CHARLESTON, a
South Carolina municipality (the "City" or "Grantee").

RECITALS

WHEREAS, the City desires to install, expand, and/or maintain storm water drainage
pipes, yard inlets, ditches and/or appurtenances (the "Storm Water Facilities") across that certain
piece, parcel or tract of land owned by Grantors and more fully described on Exhibit A, attached
hereto and incorporated herein by reference (the "Property");

WHEREAS, to accomplish this objective, the City also desires to obtain an easement from
Grantors, through the Property, in the location more particularly described on Exhibit B, attached
hereto and incorporated herein by reference (the "Easement Area"); and

WHEREAS, Grantors desire to cooperate with the City and to grant unto the City a
permanent and exclusive storm water drainage easement in and to the Easement Area necessary to
install, expand, and/or maintain the Storm Water Facilities.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by
the drainage improvements to the Property, the receipt and sufficiency of which are hereby
acknowledged, Grantors have granted, bargained, sold, released and conveyed, and by these
presents do grant, bargain, sell, release and convey unto Grantee, its successors and assigns, a
permanent, exclusive storm water drainage easement (the "Easement") on, over, under and through
the Easement Area, for the purpose of installing, expanding, and maintaining the Storm Water
Facilities through the Property for the benefit of the Property and other properties in the area, said
Easement being subject to the following terms and conditions:

1. The recitals and exhibits are incorporated into this Agreement by reference, as if
   fully restated verbatim.

2. The City shall at all times have the right of ingress and egress to the Easement Area
   for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water
   Facilities. The Easement shall be commercial in nature and shall run with title to the Property.

3. The City has no obligation to repair, replace, relocate or compensate Grantors for
   any structures, trees, plants, grass, shrubs, or other elements damaged or destroyed within the
   confines of the Easement Area during the conduct of the City's allowable activities as described
   in this Easement.
4. Subject to Section 3 of this Agreement, any existing encroachments within the Easement Area, as shown on the Plat, shall be considered as permissible encroachments. Future encroachments into the Easement Area, including but not limited to any expansion or enlargement of existing encroachments into the Easement Area, shall require an encroachment permit from the City in accordance with the City’s standard rules and procedures governing encroachments.

5. Grantors’ signatures to this Agreement shall constitute an irrevocable offer to dedicate the Easement to the City. This Agreement shall not bind the City unless and until the Easement is accepted by the City Council of Charleston.

6. Pursuant to Sec. 27-18 of the Code of Ordinances of the City of Charleston, the City’s Director of Stormwater Management is authorized to execute this Agreement on behalf of the City upon approval by the City Council of Charleston.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the Grantee, its successors and assigns, against Grantors and their heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

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IN WITNESS WHEREOF, Bentley D. Price has set his hand and seal this 10th day of February, 2021.

WITNESSES:

Tamara Watters
Witness #1
Print Name: Tamara Watters

Aimee Intagliata
Witness #2
Print Name: Aimee Intagliata

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

THE FOREGOING instrument was acknowledged before me this 11th day of February, 2021, by Bentley D. Price.

Signature: Tonya K. Vanderhurst
Notary Public for South Carolina
Print Name of Notary: Tonya K. Vanderhurst
My Commission Expires: 3-15-2026

(SEAL OF NOTARY)

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IN WITNESS WHEREOF, Melissa A. Price has set her hand and seal this 10th day of February, 2021.

WITNESSES:

Tamara Walters  
Witness #1  
Print Name: Tamara Walters

Aimee Intagliata  
Witness #2  
Print Name: Aimee Intagliata

STATE OF SOUTH CAROLINA  

COUNTY OF CHARLESTON  

THE FOREGOING instrument was acknowledged before me this 11th day of February, 2021, by Melissa A. Price.

Signature: Tonya K. Vanderhuff  
Notary Public for South Carolina  
Print Name of Notary: Tonya K. Vanderhuff  
My Commission Expires: 3-17-2026

(SEAL OF NOTARY)

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, the City of Charleston has set its Hand and Seal this ___ day of ____________, 2021.

WITNESSES:  

Witness #1  
Print Name: ______________________  

Witness #2  
Print Name: ______________________

CITY OF CHARLESTON  

By: Matthew Fountain  
Its: Director of Stormwater Management

STATE OF SOUTH CAROLINA  
)  
COUNTY OF CHARLESTON  
)  

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Fountain, the Director of Stormwater Management of the City of Charleston, a South Carolina municipality, on this _____ day of ______________, 2021, on behalf such municipality.

Signature: ____________________________  
Notary Public for South Carolina  
Print Name of Notary: ____________________________  
My Commission Expires: ____________________________  
(SEAL OF NOTARY)

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EXHIBIT A

[LEGAL DESCRIPTION OF THE PROPERTY]

All that certain piece, parcel, or lot of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, designated as Lot 99 B, containing 0.24 acres, more or less, in the Woodland Shores subdivision, as shown and delineated on that certain plat entitled, "SUBDIVISION OF LOT 99 INTO LOTS 99 A CONTAINING 0.27 ACRES AND 99 B CONTAINING 0.24 ACRES OWNED BY L.R. DIXON," prepared by E.M. Seabrook, Jr. (SCPLS No. 1973), dated March 27, 1986, and recorded on November 2, 1988, in Plat Book BT at Page 149 in the ROD Office for Charleston County, South Carolina, said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less.

TMS #343-11-00-144

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EXHIBIT B

[DESCRIPTION OF THE EASEMENT AREA]

That certain piece or parcel of land designated as “NEW 15′ COC DE, SEE DETAIL,” on that certain plat entitled, “PLAT OF A NEW 15′ COC DE ACROSS 2022 PAW PAW STREET BEING GRANTED TO THE CITY OF CHARLESTON,” prepared by Lewis E. Seabrook (SCPLS No. 09860), dated September 28, 2020, revised November 3, 2020, and recorded on _________________, 2021, in Plat Book ___ at Page ___ in the Register of Deeds Office for Charleston County, South Carolina (the “Plat”).

SAID EXCLUSIVE STORMWATER DRAINAGE EASEMENT having such the size, shape, dimensions, buttins, and boundings as will by reference to said Plat more fully and at-large appear.

[END OF DOCUMENT]
STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON     )

TRE(Chas)-2020

KNOW ALL MEN BY THESE PRESENTS, that AMH PRODUCE LANE DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("Grantor") in the state aforesaid, for an in consideration of the sum of ONE AND 00/100 DOLLAR ($1.00), to Grantor in hand paid by the CITY OF CHARLESTON, the receipt of which is hereby acknowledged, has granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, all that property more particularly described on Exhibit A, attached hereto and incorporated herein by reference, which is granted, bargained, sold and released for the use of the public forever.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns, forever.

AND Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, to warrant and forever defend all and singular the said premises unto the said CITY OF CHARLESTON, its successors and assigns, against Grantor and Grantor's heirs, successors and assigns, and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Grantee's Mailing Address: City of Charleston
Department of Public Service
Engineering Division
2 George Street
Suite 2100
Charleston, South Carolina 29401

[REMAINDER OF PAGE INTENTIONALLY BLANK]
WITNESS Grantor’s Hand and Seal this __________ day of ________________________, 2021.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

GRANTOR:
AMH Produce Lane Development TRS, LLC, a Delaware limited liability company

By: ____________________________
Print Name: Geoffrey Reid
Its: Vice President of Land Development

Witness #1
Print Name: ____________________________

Witness #2
Print Name: ____________________________

STATE OF ____________________________ )
COUNTY OF ____________________________ )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) this __________ day of ________________________, 2021, by Geoffrey Reid, the Vice President of Land Development of AMH Produce Lane Development TRS, LLC, a Delaware limited liability company, on behalf of AMH Produce Lane Development TRS, LLC.

Signature of Notary: ____________________________
Notary Public for ____________________________
Print Name of Notary: ____________________________
My Commission Expires: ____________________________

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EXHIBIT A

[LEGAL DESCRIPTION]

All of the property underneath, above, and containing those certain rights-of-way shown and designated as “PRODUCE LANE (60’ PUBLIC R/W),” “PRODUCE LANE (50’ PUBLIC R/W),” “PRODUCE LANE (PUBLIC R/W VARIES),” and “CABBAGE DRIVE (42’ PUBLIC R/W),” being more fully shown on that certain plat entitled, “FINAL PLAT SHOWING THE ABANDONMENT OF THE PROPERTY LINES BETWEEN TMS NOs. 313-00-00-152, -153, -154, -157, -158 AND SHOWING THE SUBSEQUENT SUBDIVISION TO CREATE PRODUCE LANE CONTAINING 33 LOTS (3,240 AC), HOA AREAS (1.651 AC), RIGHT OF WAYS (1.521 AC), AND COMMERCIAL OUTPARCEL (0.943 AC), PROPERTY OF AMH PRODUCE LANE DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA,” by Richard D. Lacey (SCPLS No. 16120) of HLA, Inc., dated July 6, 2020, last revised as set forth therein, and recorded _______________, 2021, in Plat Book _____ at Pages _____ through _____ in the ROD Office for Charleston County, South Carolina, said rights-of-way butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat, reference to which is craved for a more complete and accurate legal description.

This being a portion of the property conveyed to AMH Produce Lane Development TRS, LLC by deed of CREW, LLC, dated October 8, 2019, and recorded October 10, 2019, in Deed Book 0829 at Page 246 in the Register of Deeds Office for Charleston County, South Carolina.

Formerly portions of TMS Nos. 313-00-00-152, 313-00-00-153, 313-00-00-154, 313-00-00-157, and 313-00-00-158, now public rights-of-way.

[END OF DOCUMENT]
STATE OF SOUTH CAROLINA  ) EXCLUSIVE STORM
) WATER DRAINAGE
) EASEMENTS
COUNTY OF CHARLESTON  ) CITY OF CHARLESTON

This Agreement is made and entered into this ___ day of ____________, 2021, by and between AMH PRODUCE LANE DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (herein the “Owner”) and the CITY OF CHARLESTON, a South Carolina municipality (herein the “City”).

WHEREAS, the City is desirous of maintaining storm water drainage pipes and appurtenances ("Storm Water System") across a portion of property identified by and designated as Charleston County TMS Nos. 313-00-00-152, 313-00-00-153, 313-00-00-154, 313-00-00-157, and 313-00-00-158, and, to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of the Owner’s property, as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto the City certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain drainage easements more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of the City’s allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, AMH PRODUCE LANE DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, has set its Hand and Seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

OWNER:
AMH Produce Lane Development TRS, LLC, a Delaware limited liability company

By: ____________________________
Print Name: Geoffrey Reid
Its: Vice President of Land Development

Witness #1
Print Name: ____________________________

Witness #2
Print Name: ____________________________

STATE OF ____________________________ )
COUNTY OF ____________________________ )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) this ______day of _____________, 2021, by Geoffrey Reid, the Vice President of Land Development of AMH Produce Lane Development TRS, LLC, a Delaware limited liability company, on behalf of AMH Produce Lane Development TRS, LLC.

Signature of Notary: ____________________________
Notary Public for ____________________________
Print Name of Notary: ____________________________
My Commission Expires: ____________________________

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, the City of Charleston has set its Hand and Seal the day and year first above written.

WITNESSES:  

Witness #1  
Print Name: __________________________

Witness #2  
Print Name: __________________________

CITY OF CHARLESTON  

By: Matthew Fountain  
Its: Director of Stormwater Management

STATE OF SOUTH CAROLINA  )  
COUNTY OF CHARLESTON  )  

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Fountain, the Director of Stormwater Management of the City of Charleston, a South Carolina municipality, on this ______ day of ____________________, 2021, on behalf of the said municipality.

Signature: ____________________________
Print Name of Notary: ____________________________
Notary Public for South Carolina
My Commission Expires: ____________________________
SEAL OF NOTARY

[REMAINDER OF PAGE INTENTIONALLY BLANK]
EXHIBIT A
[DESCRIPTION OF DRAINAGE EASEMENTS]

All those certain drainage easements of various widths being shown and labeled "COC DE," or otherwise designated as City of Charleston drainage easements, on that certain plat entitled, "FINAL PLAT SHOWING THE ABANDONMENT OF THE PROPERTY LINES BETWEEN TMS NOs. 313-00-00-152, -153, -154, -157, -158 AND SHOWING THE SUBSEQUENT SUBDIVISION TO CREATE PRODUCE LANE CONTAINING 33 LOTS (3.240 AC), HOA AREAS (1.651 AC), RIGHT OF WAYS (1.521 AC), AND COMMERCIAL OUTPARCEL (0.943 AC), PROPERTY OF AMH PRODUCE LANE DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," by Richard D. Lacey (SCPLS No. 16120) of HLA, Inc., dated July 6, 2020, last revised as set forth therein, and recorded ______________________, 2021, in Plat Book _____ at Pages _____ through ____ in the ROD Office for Charleston County, South Carolina, said drainage easements butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat, reference to which is craved for a more complete and accurate legal description.

SAID EXCLUSIVE STORMWATER DRAINAGE EASEMENT having such the size, shape, dimensions, buttings, and boundings as will by reference to said plat more fully and at-large appear.

[END OF DOCUMENT]
A RESOLUTION

TO AUTHORIZE THE MAYOR TO EXECUTE LETTER TO CHARLESTON COUNTY AGREEING TO THE DEDICATION OF A FIFTY-FOOT (50') RIGHT-OF-WAY ON TMS#: 313-00-00-069 ALONG ZELASKO ROAD SUBJECT TO AND UPON COMPLIANCE WITH ALL REQUIREMENTS STATED IN CITY CODE OF ORDINANCES 28-1.

WHEREAS, The City of Charleston (the “City”) is an incorporated municipality located in State of South Carolina (the “State”), and as such possesses all powers granted to municipalities by the Constitution and general laws of the State;

WHEREAS, Owner owns that certain real property currently designated as Charleston County TMS No. 313-00-00-069 (the “Property”);

WHEREAS, the Property lies within the JO-MHC-O, Johns Island Maybank Highway Corridor Overlay Zoning District (the “Overlay District”), as adopted by the County of Charleston (the “County”);

WHEREAS, section 5.4.4 of the Charleston County Zoning and Land Development Regulations (“ZLDR”) requires a letter of coordination from the City for all land development applications in the Overlay District, with the exception of applications for Single-Family Dwellings;

WHEREAS, section 5.4.7.B.9 of the ZLDR provides certain incentives to the Owner for dedicating 50-foot rights-of-way for one or more segments of a planned connector road and drainage system as described therein;

WHEREAS, section 5.4.7.B.9 of the ZLDR provides for such incentives “upon submittal of documentation that such rights-of-way have been dedicated to and accepted by the City of Charleston,” but “[i]f the 50-foot right-of-way is dedicated and accepted, it does not have to be constructed by the property owner unless it is used as access to the development”;

WHEREAS, Owner desires to facilitate the development of a portion of the Property by dedicating 50-foot right-of-way to the City, as shown in Exhibit A, in exchange for the incentives provided by the County in section 5.4.7.B.9; and
WHEREAS, the City desires to accept the dedication upon compliance with the provisions of City of Code Ordinances Section 28-1(specifications for design and construction of roads and drainage systems).

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF CHARLESTON, IN CITY COUNCIL ASSEMBLED THAT:

Section 1. Council hereby authorizes the Mayor to execute the attached letter addressed to the County of Charleston agreeing to accept a fifty-foot (50’) right-of-way subject to and upon compliance with the provisions of City of Code Ordinances Section 28-1.

Section 2. This ordinance shall become effective immediately upon ratification.

Ratified in City Council this ___ day of ______ in the Year of Our Lord, 2021 in the ______ Year of Independence of the United States of America.

By: ________________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: ________________________________
Jennifer Cook
Clerk of Council
July 12, 2021

Charleston County Planning Department

To Whom It May Concern:

The City of Charleston hereby agrees to accept the conveyance of a 50' right of way as further depicted and shown on the plat attached hereto as Exhibit “A” (hereinafter referred to as “ROW”) upon satisfaction of Chapter 28, Section 28-1 of the City of Charleston Code of Ordinances.

Sincerely,

John J. Tecklenburg
Mayor, City of Charleston