

City Hall
80 Broad Street
October 8, 2019
5:00 p.m.

CITY COUNCIL

- A. Roll Call
- B. Invocation – Councilmember Waring
- C. Pledge of Allegiance
- D. Presentations and Recognitions
- E. Public Hearings

(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 establishing the Morrison Drive Redevelopment Project Area; making certain findings of blight within the Redevelopment Project Area; designating and defining redevelopment projects consisting of public improvements within the Redevelopment Project Area; designating appropriate redevelopment project costs; approving an overall redevelopment plan; providing for notice and public hearing in connection with the foregoing; and other matters related thereto. **(AS AMENDED) (SECOND READING) (To be sent under separate cover by the Planning Department)**
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1815 Beechwood Road (West Ashley) (0.65 acre) (TMS #354-07-00-101) (Council District 2), be rezoned from Single-Family Residential (SR-6) classification to Diverse Residential (DR-6) classification. The property is owned by Matt and Angela Chambers.
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 1220 Hobart Avenue (West Ashley) (0.23 acre) (TMS #418-05-00-287) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to General Business (GB) classification. The property is owned by Karen Anderson. **The Planning Commission recommended Limited Business (LB) classification.**
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 1165 Folly Road (James Island) (1.86 acres) (TMS #337-08-00-119) (Council District 6), be rezoned from General Office (GO) classification to Limited Business (LB) classification. The property is owned by First Citizens Bank.
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 6 Riker Street (Peninsula) (0.079 acre) (TMS #463-12-02-

026) (Council District 4), be rezoned from Diverse Residential (DR-1F) classification to Limited Business (LB) classification. The property is owned by 741 Meeting, LLC.

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 properties on Sam Rittenberg Boulevard and Orleans Road (West Ashley) (53.029 acres) (TMS #310-04-00-009, 351-09-00-015 & 053, and 351-05-00-043 & 044) (Council District 7), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) (Epic Center) classification. The property is owned by TMP SRE I, LLC and TMP SRE II, LLC and TMP SRE III, LLC. **(AS AMENDED) (SECOND READING)**
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 1707 Mcleod Avenue (James Island) (0.45 acre) (TMS #424-09-00-155) (Council District 11), annexed into the City of Charleston August 20, 2019, be zoned Single-Family Residential (SR-1) classification. The property is owned by MSA Holdings, LLC.
8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2951 Bolton Road (West Ashley) (0.32 acre) (TMS #307-10-00-044) (Council District 5), annexed into the City of Charleston July 25, 2019, be zoned Single-Family Residential (SR-1) classification. The property is owned by Joshua L. Bettinger and Shelby R. Walls.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. September 10, 2019

H. Citizens Participation Period

I. Petitions and Communications:

- a. Planning Commission Appointment:
Jimmy Bailey, Jr. (New Appointment)
- b. Board of Zoning Appeals (Zoning) Appointment:
Robin Richards (New Appointment)
- c. Board of Appeals Under the International Building Code:
Robbie Marty (Reappointment)
Eddie Porcher (Reappointment)

Brian Bates (New Appointment)

James Webb (New Appointment)

Daniel Beck (New Appointment)

J. Council Communications:

- a. Discussion and request for Legal Department to draft an ordinance that states that the City will not contract work to any business that has donated to current City office holders during a current election. *(Requested by Councilmember Harry J. Griffin)*
- b. Discussion and request for Legal Department to draft an ordinance that bans fill and build development City-wide so that a developer cannot use fill dirt to meet the City's stormwater requirements for meeting proper elevation levels for new construction. *(Requested by Councilmember Harry J. Griffin)*
- c. Discussion and request for Legal Department to draft an ordinance amending the Folly Road Overlay Zone to include a requirement that the developer install a 12' wide multi-use path along the frontage of the property to be developed. *(Requested by Councilmember Carol Jackson)*

K. Council Committee Reports:

1. Committee on Community Development: (Meeting was held on September 26, 2019 at 3:30 p.m.)

a. Opportunity Zones Ordinance

b. Legal advice regarding proposed use of streets near intersection of Summerville Avenue and Discher Avenue (Information Only)

c. Discussion of ordinance relating to processing of applications for real property, income tax, and other credits under the South Carolina Abandoned Buildings Revitalization Act. (Information Only)

d. Request recommendation in favor of a Resolution certifying property located at 332 King Street (Charleston County TMS 457-04-02-007) as an abandoned building site under Section 12-67-160 of the South Carolina Code)

Give first reading to the following bill from the Committee on Community Development:

An ordinance to amend Part 15 (Mixed Use 1 – Workforce Housing District Mixed Use 2 – Workforce Housing District) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to implement the Federal Opportunity Zone Program, by creating certain incentives to encourage the development of Workforce Housing Units within designated qualified Opportunity Zones.

2. License Committee: (Meeting was held on October 7, 2019 at 3:00 p.m.)

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

Give first reading to the following bill from the License Committee:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

3. Committee on Public Works and Utilities: (Meeting was held on October 7, 2019 at 3:30 p.m.)

a. Stormwater Management Department Update

- (i) Stormwater Plan Review Services Contract Extension and Fee Amendment with Johnson, Lachober & Associates
- (ii) Dupont Wappoo Project Area Recommendations Discussion
- (iii) Crosstowne Christian Church Stormwater Discussion
- (iv) Church Creek Stakeholder Committee Discussion
- (v) National Fish and Wildlife Foundation Emergency Coastal Resilience Fund 2019 Grant Program Discussion
- (vi) Stormwater Fee – Assistance Program Discussion
- (vii) Stormwater Design Standard Manual Update Discussion
- (viii) Cooper River Bridge Redevelopment Area Stormwater Inventory Discussion
- (ix) Project Management Update
- (x) Floodplain Management Update

- b.** An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. **(AS AMENDED)**

Give first reading to the following bill from Public Works and Utilities:

An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. **(AS AMENDED)**

4. Committee on Traffic and Transportation: (Meeting was held on October 8, 2019 at 2:30 p.m.)

- a. An ordinance to amend the Code of the City of Charleston, South Carolina Chapter 19, Sections 91 and 92 to prohibit the rental, offer for rental, and the use of rented motorized scooters on the public right-of-way
- b. Bicycle and Pedestrian Advisory Committee: FY 2020 Priorities
- c. Presentation of Maybank/Riverland Traffic Study – Information Only
- d. Director Updates

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

An ordinance to amend the Code of the City of Charleston, South Carolina Chapter 19, Sections 91 and 92 to prohibit the rental, offer for rental, and the use of rented motorized scooters on the public right-of-way

5. Committee on Ways and Means:

(Bids and Purchases)

(Fire Department: Approval to accept the 2019 State Homeland Security grant in the amount of \$80,000 for Charleston FD Collapse Search and Rescue Team. There is no financial impact with this grant in the FY19 or 20 Budget. There is no match for this grant.

(Fire Department: Approval to accept the 2019 FM Global Fire Prevention grant in the amount of \$2,033 for Charleston FD Fire Marshal's Division for emergency scene lighting. There is no financial impact with this grant in the FY19 Budget. This is a no match grant.

(Police Department: Approval to accept the FY19 Paul Coverdell Forensic Science Improvement Grant award for technological enhancements to the Charleston Police Department Forensic Science Division. The grant funds \$96,380 towards digital technology equipment and training. The project does not require a City match.

(Police Department: Approval to accept the FY19 Edward Byrne Justice Assistance Grant award in the amount of \$28,553 for 3D Laser Scanner for use by the Forensic Services Division and the Traffic Unit. The project does not require a City match.

(Parks-Capital Projects: Approval of a Construction Contract with Volunteer Restoration, Inc. in the amount of \$229,712 for concrete spall repairs to the Stoney Field bleacher stands on the east and west sides of the stadium. Repairs include replacing all the expansion joints and sealing crack in the structure and coating the bleacher surfaces with a waterproofing base coat and a texture top coat. Approval of this Construction Contract will obligate \$229,712 of the \$4,268,480.50 project budget. Funding sources for this project are: 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), 2017 Hospitality Funds (\$1,250,000), and Capital Contributions (\$19,432.50).

(Stormwater Management: Approval of a one year contract extension with Johnson, Lachober & Associates in a not to exceed amount of \$75,000 for NPDES Plan Review. This is the second contract extension of a max 2 allowed. Stormwater Plan Reviews will experience significant delays without the extension and funding associated with this

- request. This contract extension will be funded from available personnel budget due to vacant positions related to NPDES Plan Review. Budgeted amount is anticipated for expenditure in remainder of FY2019. Approval of this contract also approves a budget transfer of \$75,000 from 193010-51100 Stormwater Full-Time Salaries.
- (An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.
- (Request approval of the First Amendment to Lease Agreement whereby the square footage of the leased space is adjusted from 2600 square feet to 2435 square feet and the base rent table is updated. The property is owned by Twelve Farmfield, LLC. [12-C Farmfield Avenue (CPD Forensics); TMS: 349-08-00-027]
- (Authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Andrea Jones for the sale of 837 Minnie Street for \$172,837. Ms. Jones will receive \$50,000 in downpayment assistance from the City of Charleston and \$2,000 in grant funds from the City's Employer Assisted Housing Program. This property is one of 7 new houses recently constructed in the Ashleyville-Maryville neighborhood and is targeted to individuals and/or families earning up to 80% of the Area Median Income. The property is deed-restricted, subject to the City of Charleston Single Family Affordable Housing Restrictive Covenants with an affordability period of 90 years. Ms. Jones is an employee of the City of Charleston. (TMS: 418-11-00-238; 837 Minnie Street) [Ordinance]
- (Update on Richardson property on Camp Road (*Requested by Councilmember William Dudley Gregorie and Councilmember Perry K. Waring*)
Executive Session, if necessary, to discuss negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, pursuant to SC Code Section 30-4-70(a)(2).
- (Discussion regarding James Chapel AME Church (*Requested by Councilmember Perry K. Waring*)
- (Consider the following annexation:
- 3894 Savannah Highway and 711 & 715 Hughes Road (TMS#287-00-00-139; and 287-00-00-140, 142, 178) 28.85 acres, West Ashley (District 5). The property is owned by Colson Jean R Saltwater Breeze LLC.
 - 0 Oakville Plantation Road (TMS#317-00-00-007) 10.47 acres, Johns Island (District 5). The property is owned by Keith W. Lackey. (*DEFERRED*)
 - 2495 River Road (TMS#317-00-00-012) 4.75 acres, Johns Island (District 5). The property is owned by Gail Grimbball. (*DEFERRED*)
 - 2493 Summerland Drive (TMS#317-00-00-075) 9.91 acres, Johns Island (District 5). The property is owned by Gary S. Worth. (*DEFERRED*)
 - 0 Summerland Drive (TMS# 317-00-00-076) 8.70 acres, Johns Island (District 5). The property is owned by Gary S. Worth. (*DEFERRED*)

Give first reading to the following bills from Ways and Means:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Agreement of Purchase and Sale between the City of Charleston and Andrea Jones for the sale of 837 Minnie Street in the City and County of Charleston, State of South Carolina, for the purchase price of \$172,837.00 and bearing TMS No. 418-11-00-238, said Agreement of Purchase and Sale being marked as Exhibit 1 attached hereto and incorporated by reference herein.

An ordinance to provide for the annexation of property known as 3894 Savannah Highway, and 711 & 715 Hughes Road (28.85 acres) (TMS# 287-00-00-139; and 287-00-00-140, 142, 178), 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 Colson Jean R Saltwater Breeze LLC.

L. Bills up for Third Reading:

1. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Section 54-220 Accommodations Overlay Zone, and replacing said section with a new Section 54-220, Accommodations Overlay Zone, to, among other things: provide for the preservation or creation of Mixed-Use Districts; limit the displacement of housing by accommodations uses and consider the effects of dwelling units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the dwelling units should be attached to an accommodations special exception approval; establish conditions on the displacement or reduction of office space by accommodations uses; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on the property; to include a minimum and maximum size for accommodations facilities; to provide regulations for the design and location of guest drop off and pick up areas; to require the incorporation of meeting and conference space; to establish a limit on the number of full-service hotels; to provide for a contribution to the City of Charleston Affordable/Workforce Housing Account; and to subject violators of the provisions of this Section 54-220 to having their business license or certificate of occupancy revoked. (AS AMENDED FOR THIRD READING)*
2. *An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending Flood Hazard Prevention and Control Requirements in Section 27-117 to increase the Freeboard Requirement from one foot to two feet, effective August 1, 2019 (AS AMENDED)(DEFERRED)*

M. 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 amending Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, by amending the definitions in the Flood Hazard Prevention and Control Requirements in Article II, Division 3, Section 27-103 to add a new definition for*

"Market Value" for the purpose of making final determinations of substantial damage and substantial improvement under this division allowing the appraised value of a structure to be used in place of the County's Market value. (AS AMENDED)

2. *An ordinance to provide for the annexation of property known as 2988 Bolton Road (0.5 acre) (TMS# 307-10-00-037), 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 Sandra Lynn Mixson.*
3. *An ordinance to provide for the annexation of property known as 333 & 335 Wappoo Road (0.46 acre) (TMS# 350-10-00-144), 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 Robert J. Suli.*
4. *An ordinance amending Chapter 2, Administration, of the Code of the City of Charleston, by amending the provisions in Article II, Division 1, Section 2-23, related to the rules for telephonic attendance by Councilmembers at Committee Meetings.*
5. *An ordinance to amend Chapter 29, Article V, Sec. 29-212 (e) (1) (f) of the Code of the City of Charleston to update the requirements for the introduction of touring stock, and bi-annual inspections.*
6. *An ordinance to amend Chapter 29, Article V, Sec. 29-220 of the Code of the City of Charleston to update the language and process related to the certificate of appropriateness application and inspection to add the requirement of a certified vehicle weight and to remove references to the Manager of Arts and History/Tourism Commissions.*
7. *An ordinance to amend Chapter 2, Section 168, to expand the membership of the City of Charleston's Commission on Women to include women who work for a business, non-profit, or other entity in the City.*
8. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Planned Unit Development (PUD) Master Plan and Development Guidelines for property located on River Road and Maybank Highway (the Village at Fenwick PUD – Johns Island) (approximately 44.891 acres) (TMS# 346-00-00-004, 076 and portions of 346-00-00-258 and 259).*
9. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 245 Huger Street (Peninsula) (0.50 acre) (TMS# 459-01-03-048) (Council District 4), be rezoned so as to be included in the Accommodations Overlay Zone (A). The property is owned by Chase Furniture Company Inc. (DEFERRED FOR PUBLIC HEARING)*
10. *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)*

11. *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)*
12. *An ordinance to amend Part 15 (Mixed Use 1 - Workforce Housing District Mixed Use 2 - Workforce Housing District) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to implement the Federal Opportunity Zone Program, by creating certain incentives to encourage the development of "Opportunity Units" for households with incomes less than or equal to 60% of the Area Median Income (AMI). (TO BE WITHDRAWN)*
13. *An ordinance to provide for the annexation of property known as 1415 S Edgewater Drive (0.72 acre) (TMS# 349-13-00-095), 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 11. The property is owned by Robert F. Kauffmann.(DEFERRED)*
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 1415 South Edgewater Drive (West Ashley) (00.72 acre) (TMS #349-13-00-095) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Robert F. Kauffmann. (DEFERRED FOR PUBLIC HEARING) Expires 11.27.19*
15. *An ordinance to provide for the annexation of property known as 1389 River Road (10.94 acres) (TMS# 311-00-00-025), 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 Knapp A Partnership. (DEFERRED)*
16. *An ordinance to provide for the annexation of property known as 1381 River Road (1.28 acres) (TMS# 311-00-00-097), 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 Knapp A Partnership. (DEFERRED)*

N. Bills up for First Reading

1. *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 on River Road, Summerland Drive, and Oakville Plantation Road (Johns Island) (126.95 acre) (TMS #317-00-00-007, 317-00-00-011, 317-00-00-012, 317-00-00-075, 317-00-00-076, and 317-00-00-089) (Council District 5), be zoned, and existing Light Industrial (LI) classification be rezoned to Planned Unit Development (PUD) classification. The property is owned by Keith w. Lackey, Gail Grimball, and Gary S. Worth. (DEFERRED)*

2. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make rooftop eating and drinking places subject to the approval of a special exception in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, adopt regulations for rooftop eating and drinking places in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, and prohibit rooftop eating and drinking places in all other base zoning districts. *(DEFERRED)*
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 a portion of former Summerville Avenue right-of-way (Peninsula Neck) (approximately 1.4 acres) (Unzoned Right-of-Way) (Council District 4), be zoned General Business (GB) classification. The property is former right-of-way deeded to adjacent property owners. *(DEFERRED)*
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 217 Ashley Avenue (Peninsula) (0.33 acre) (TMS #460-11-04-080) (Council District 6), be rezoned from Diverse Residential (DR-2F) classification to Limited Business (LB) classification. The property is owned by Trust of Robert J. Lowe, Jr. & Trust of Gwendolyn M. Lowe. *(The Planning Commission recommends disapproval.) (DEFERRED) Expires 11.27.19*

O. Miscellaneous Business:

1. Update on City procedures and policies arising from Internal Audit of Mayor's Office.
2. The next regular meeting of City Council will be Tuesday, October 22, 2019 at 5:00 p.m. at City Hall, 80 Broad Street.

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.

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, October 8, 2019 beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

REZONINGS

1. To rezone 1809 Beechwood Road, Lot B (West Ashley) (0.65 acre) (TMS# 354-07-00-101) from Single-family Residential (SR-6) classification to Diverse Residential (DR-6) classification.
2. To rezone 1220 Hobart Avenue (West Ashley) (0.23 acre) (TMS# 418-05-00-287) from Single-family Residential (SR-2) classification to General Business (GB) classification. **The Planning Commission recommends Limited Business (LB) classification.**
3. To rezone 1165 Folly Road (James Island) (1.86 acre) (TMS# 337-08-00-119) from General Office (GO) classification to Limited Business (LB) classification.
4. To rezone 6 Riker Street (Peninsula) (0.079 acre) (TMS # 463-12-02-026) from Diverse Residential (DR-1F) classification to Limited Business (LB) classification
5. To rezone 2070 Sam Rittenberg Boulevard, Citadel Mall (West Ashley) (approx. 53.029 acre) (TMS# 310-04-00-009, 351-09-00-015 and 053, and 351-05-00-043 and 044) from General Business (GB) classification to Planned Unit Development (PUD) (Epic Center) classification.

ZONING

To zone the following property annexed into the City of Charleston:

1. 1707 McLeod Avenue (James Island) (0.45 acre) (TMS# 424-09-00-155) Single-Family Residential (SR-1).
2. 2951 Bolton Rd (West Ashley) (0.32 acre) (TMS# 307-10-00-044) Single-Family Residential (SR-1).

VANESSA TURNER MAYBANK
Clerk of Council

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C22-1821439-1

CITY OF CHARLESTON PLANNING COMMISSION MEETING REPORT

MEETING OF AUGUST 21, 2019

A meeting of the City of Charleston Planning Commission was held at **5:00 p.m., on Wednesday, August 21, 2019** in the Public Meeting Room, 1st Floor, 2 George St. The following applications were considered:

REZONINGS

1. **609, 631, 631, 635 & 637 King St, 226, 228, 234 & 242 Saint Philip St & 1 Ackermans Ct (Peninsula) TMS# 4600802011, 012, 013, 112 & 113 and portions of 4600802010, 015, 109, 110, 111, 114, & 117** – approx. 2.16 ac. Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

WITHDRAWN BY APPLICANT

2. **1809 Beechwood Rd, Lot B (West Ashley) TMS# 3540700101** – 0.65 ac. Request rezoning from Single-family Residential (SR-6) to Diverse Residential (DR-6).

RECOMMENDED APPROVAL (6-0)

3. **1220 Hobart Ave (West Ashley) TMS# 4180500287** – 0.23 ac. Request rezoning from Single-family Residential (SR-2) to General Business (GB).

RECOMMENDED APPROVAL OF REZONING FROM SR-2 TO LIMITED BUSINESS (LB) (5-2)

4. **1165 Folly Rd (James Island) TMS# 3370800119** – 1.86 ac. Request rezoning from General Office (GO) to Limited Business (LB).

RECOMMENDED APPROVAL (7-0)

5. **6 Riker St (Peninsula) TMS # 4631202026** – 0.079 ac. Request rezoning from Diverse Residential (DR-1F) to Limited Business (LB).

RECOMMENDED APPROVAL (7-0)

6. **2070 Sam Rittenburg Blvd, Citadel Mall (West Ashley) TMS# 3100400009, 3510900015 & 053, and 3510500043 & 044** – approx. 53.029 ac. Request rezoning from General Business (GB) to Planned Unit Development (PUD) (Epic Center).

RECOMMENDED APPROVAL WITH INCORPORATION OF COMMENTS FROM PLANNING COMMISSIONERS AND STAFF MOVING FORWARD IN THE PROCESS (7-0)

SUBDIVISIONS

1. **Bees Ferry Rd (The Retreat at Verdier, Phases 1 & 2 – West Ashley) TMS# 3010000028** – approx. 32.03 ac. 101 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD).

RECOMMENDED APPROVAL WITH STORM WATER CONDITIONS (7-0)

2. **Daniel Island (Daniel Island Northern Parcel FF) TMS# 2720000001 and 2720501004** – approx. 81.25 ac. 62 lots. Request subdivision concept plan approval. Zoned Daniel Island Residential (DI-R), Daniel Island Residential Island (DI-RI) and Daniel Island Conservation (DI-C).

DEFERRED BY APPLICANT

ZONINGS

1. **1707 McLeod Ave (James Island) TMS# 4240900155** – 0.45 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

RECOMMENDED APPROVAL (7-0)

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc. 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.



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1815 BEECHWOOD ROAD (WEST ASHLEY) (0.65 ACRE) (TMS #354-07-00-101) (COUNCIL DISTRICT 2), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-6) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-6) CLASSIFICATION. THE PROPERTY IS OWNED BY MATT AND ANGELA CHAMBERS.

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 Single-Family Residential (SR-6) classification to Diverse Residential (DR-6) classification.

Section 2. The property to be rezoned is described as follows:
1815 Beechwood Road (West Ashley) (0.65 acre) (TMS #354-07-00-101)

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

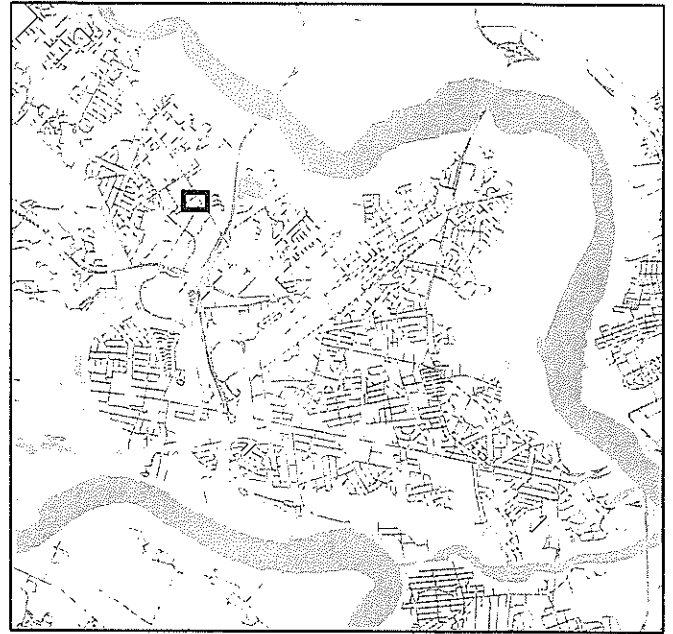
Attest: _____
Vanessa Turner Maybank
Clerk of Council

Rezoning 1

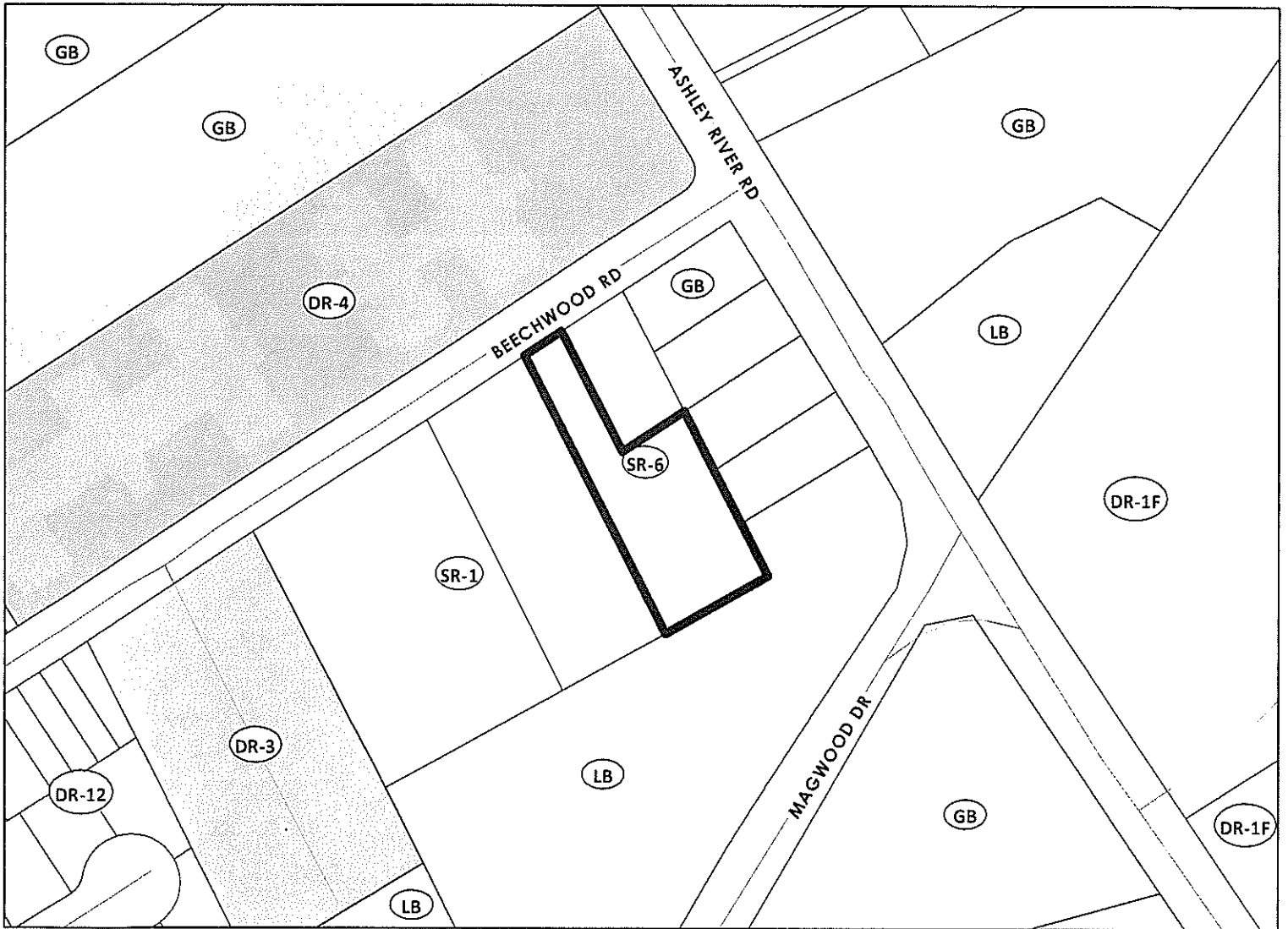
1815 Beechwood Rd (West Ashley)
TMS# 3540700101

0.65 acres
Request rezoning from Single-family Residential (SR-6)
to Diverse Residential (DR-6).

Owner/Applicant: Matt and Angela Chambers



Location



E3.)
Applicant
Request



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1220 HOBART AVENUE (WEST ASHLEY) (0.23 ACRE) (TMS #418-05-00-287) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION TO GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY KAREN ANDERSON.

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 Single-Family Residential (SR-2) classification to Limited Business (LB) classification.

Section 2. The property to be rezoned is described as follows:
1220 Hobart Avenue (West Ashley) (0.23 acre) (TMS #418-05-00-287)

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: _____
Vanessa Turner Maybank
Clerk of Council

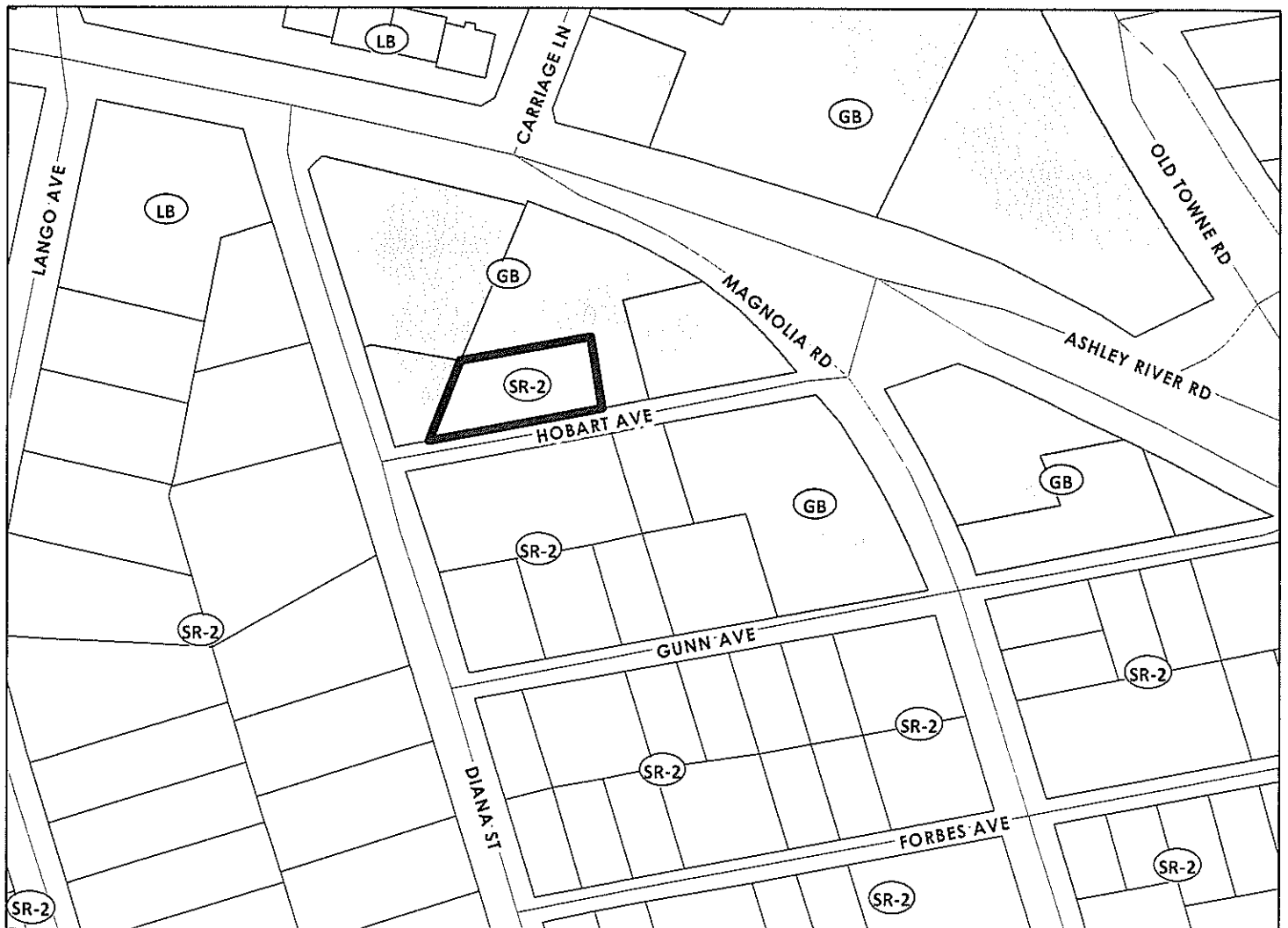
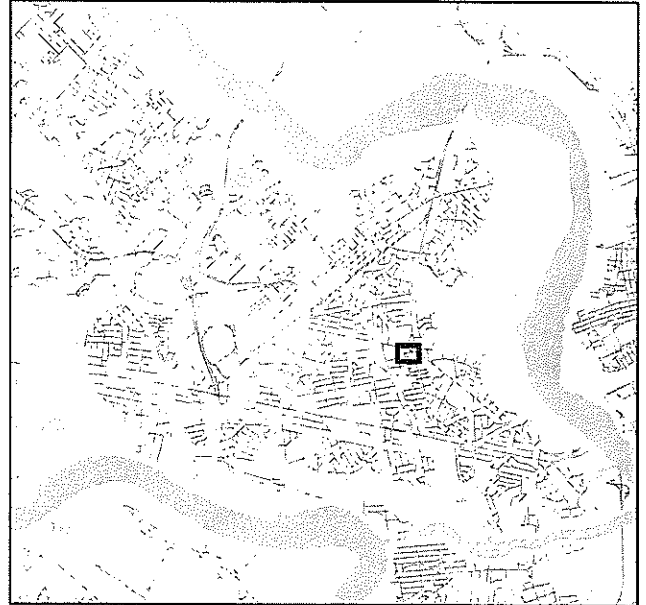
Rezoning 2

1220 Hobart Ave (West Ashley)
TMS# 4180500287

0.23 acre

Request rezoning from Single-family Residential (SR-2)
to General Business (GB)

Owner/Applicant: Karen Anderson



E3.)

Planning
Commission
Recommendation



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1220 HOBART AVENUE (WEST ASHLEY) (0.23 ACRE) (TMS #418-05-00-287) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION TO LIMITED BUSINESS (LB) CLASSIFICATION. THE PROPERTY IS OWNED BY KAREN ANDERSON.

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 Single-Family Residential (SR-2) classification to Limited Business (LB) classification.

Section 2. The property to be rezoned is described as follows:
1220 Hobart Avenue (West Ashley) (0.23 acre) (TMS #418-05-00-287)

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: _____
Vanessa Turner Maybank
Clerk of Council

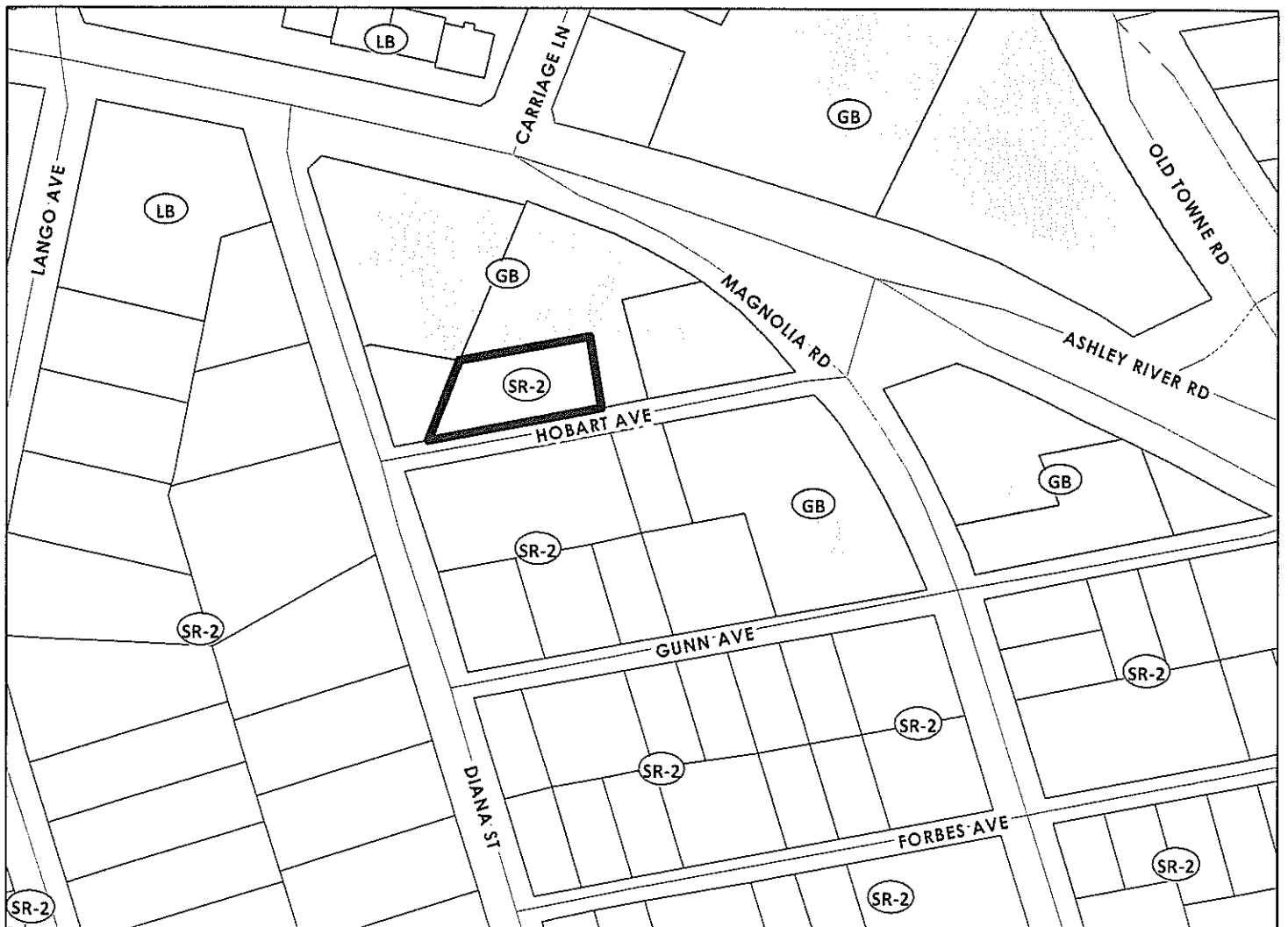
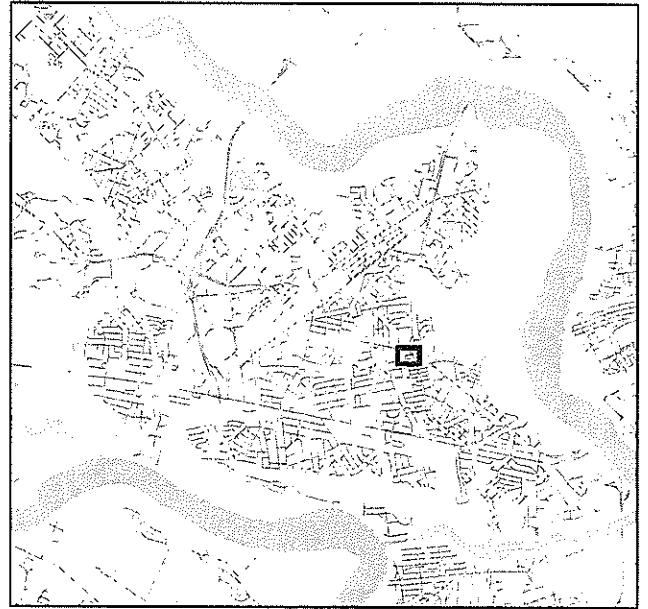
Rezoning 2

1220 Hobart Ave (West Ashley)
TMS# 4180500287

0.23 acre

Request rezoning from Single-family Residential (SR-2)
to Limited Business (LB)

Owner/Applicant: Karen Anderson



E4.)



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1165 FOLLY ROAD (JAMES ISLAND) (1.86 ACRES) (TMS #337-08-00-119) (COUNCIL DISTRICT 6), BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO LIMITED BUSINESS (LB) CLASSIFICATION. THE PROPERTY IS OWNED BY FIRST CITIZENS BANK.

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 Office (GO) classification to Limited Business (LB) classification.

Section 2. The property to be rezoned is described as follows:
1165 Folly Road (James Island) (1.86 acres) (TMS #337-08-00-119)

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

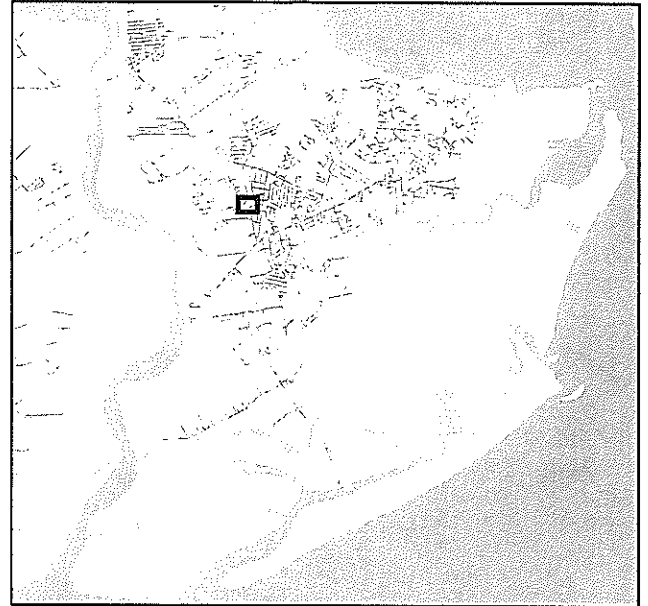
Attest: _____
Vanessa Turner-Maybank
Clerk of Council

Rezoning 3

1165 Folly Rd (James Island)
TMS# 3370800119

1.86 acres
Request rezoning from General Office (GO)
to Limited Business (LB)

Owner: First Citizens Bank
Applicant: William Ford





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 6 RIKER STREET (PENINSULA) (0.079 ACRE) (TMS #463-12-02-026) (COUNCIL DISTRICT 4), BE REZONED FROM DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION TO LIMITED BUSINESS (LB) CLASSIFICATION. THE PROPERTY IS OWNED BY 741 MEETING, 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 Diverse Residential (DR-1F) classification to Limited Business (LB) classification.

Section 2. The property to be rezoned is described as follows:
6 Riker Street (Peninsula) (0.079 acre) (TMS #463-12-02-026)

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

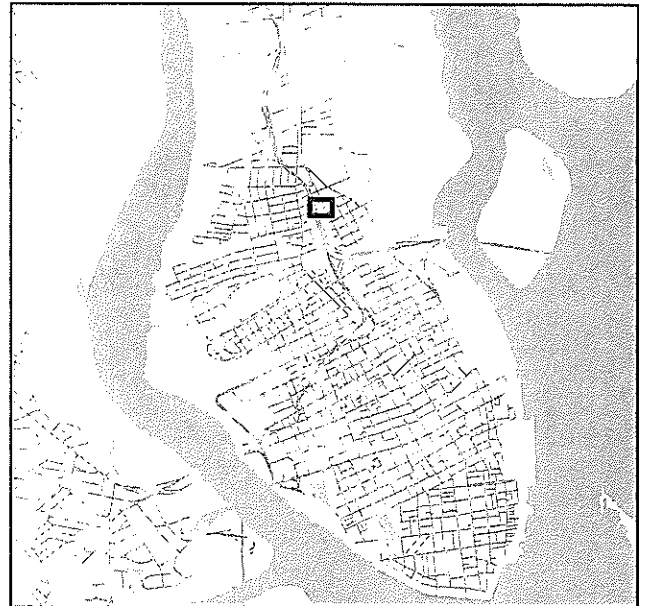
Attest: _____
Vanessa Turner Maybank
Clerk of Council

Rezoning 4

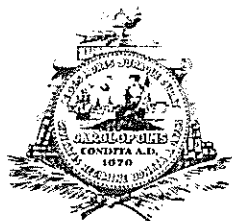
6 Riker St (Peninsula)
TMS # 4631202026

0.079 acre
Request rezoning from Diverse Residential (DR-1F)
to Limited Business (LB)

Owner: 741 Meeting, LLC
Applicant: Middle Street Partners, LLC



E(6.)



City of Charleston
South Carolina

John J. Tecklenburg
Mayor

Jacob A. Lindsey
Director

Department of Planning, Preservation and Sustainability

MEMORANDUM

To: City Council
 From: Planning Commission Staff
 Date: Monday, September 30, 2019
 Re: Planning Commission comments on the Epic Center PUD Application

On August 21, 2019, the Planning Commission unanimously passed a motion to recommend approval of the request to rezone properties on Sam Rittenburg Blvd and Orleans Rd, TMS # 310-04-00-009, 351-09-00-015 & 053, and 351-05-00-043 & 044 (Citadel Mall) from General Business (GB) to Planned Unit Development (PUD) (Epic Center), **with incorporation of the following comments moving forward in the process:**

- a) Improve the provisions for workforce housing (WH) and affordable housing (AH) to match with proposed staff recommendations presented at the August 21, 2019 Planning Commission meeting:
 - a. That the percentage of units set aside for WH/AH increases from 15% to 20% for any additional units beyond the anticipated 1,225;
 - b. That half of the WH/AH rental units be made available to households earning up to 60% of the Area Median Income (AMI); and the other half of WH/AH rental units be made available to households earning up to 80% of the AMI; and
 - c. That the duration period of affordability be increased to 30 years for both owner-occupied and rental units.
- b) Workforce and affordable housing should be integrated throughout the development and not located all in one building or section of buildings;
- c) Consider a cap on extent of flexibility within the density/use table in order to ensure intent of mixed-use is achieved long-term; and
- d) Assure that all development will be required to meet the standards of the new Stormwater regulations.

Copy to:
 Jacob Lindsey, Director of Planning, Preservation, and Sustainability



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES ON SAM RITTENBERG BOULEVARD AND ORLEANS ROAD (WEST ASHLEY) (53.029 ACRES) (TMS #310-04-00-009, 351-09-00-015 & 053, AND 351-05-00-043 & 044) (COUNCIL DISTRICT 7), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) (EPIC CENTER) CLASSIFICATION. THE PROPERTY IS OWNED BY TMP SRE I, LLC AND TMP SRE II, LLC AND TMP SRE III, LLC. **(AS AMENDED)**

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 Planned Unit Development (PUD) (Epic Center) classification.

Section 2. The property to be rezoned is described as follows:
Properties on Sam Rittenberg Boulevard and Orleans Road (West Ashley) (53.029 acres) (TMS #310-04-00-009, 351-09-00-015 & 053, and 351-05-00-043 & 044)

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: _____
Vanessa Turner Maybank
Clerk of Council

Rezoning 5

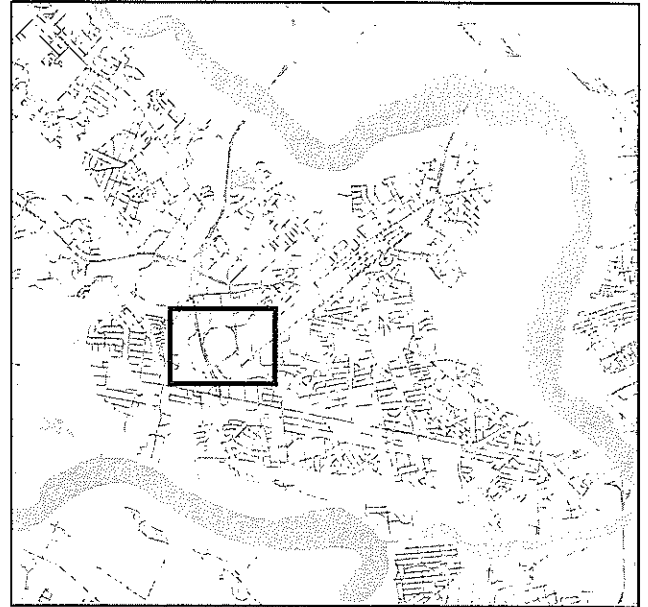
**Sam Rittenburg Blvd and Orleans Rd (Citadel Mall)
(West Ashley)**

**TMS# 310-04-00-009, 351-05-00-043 and 044,
and 351-09-00-015 and 053**

approx. 53.029 acres

**Request rezoning from General Business (GB)
to Planned Unit Development (PUD) (Epic Center).**

**Owner: TMP SRE I LLC, TMP SRE II LLC
and TMP SRE III LLC
Applicant: TMP Epic Center LLC**



Epic Center Planned Unit Development
Charleston, SC



Epic Center Planned Unit Development

Charleston, South Carolina

Applicant:

TMP EPIC CENTER, LLC
2070 Sam Rittenberg Blvd.
Suite B276
Charleston, SC 29407
(843) 762-0110

Owners:

TMP SRE I, LLC
TMP SRE II, LLC
TMP SRE III, LLC

Submittal: October 1, 2019
City Project ID#: TRC-SUB2019-000130

Epic Center Planned Unit Development

Executive Summary

Citadel Mall Ownership has spent the last 2.5 years working with the Mayor, the City Planning Department, the West Ashley Revitalization Commission, and the Community to collaborate and take part in the West Ashley Revitalization Plan.

Existing Conditions:

- The Citadel Mall is strictly bound by a REA agreement that includes approximately 100 acres of property and a variety of stakeholders. These agreements are complex and it is imperative, as the City has learned from other case studies around the country, that flexible zoning is created to provide a successful redevelopment. The applicant controls the developer rights for the REA agreement and 53.029 acres of the development.
- Currently the property is zoned GB and all existing improvements are retail use.
- The interior mall property tax has decreased by over \$600,000 since the property first went into default in 2008. Neighboring properties have decreased as well following this pattern, making the redevelopment of this property into a vibrant mixed-use development critical to increasing the tax base in the area and populating the TIF that was passed in 2017.

West Ashley Revitalization Plan

The West Ashley Revitalization Plan has shaped the PUD document. Below is a summary of the guiding principles that have been developed based on the West Ashley Revitalization Plan.

- **Create Dense Mixed-Use Environment** so that the property is diversified and one asset class in a down cycle does not affect the entire community. Density is presented with a metric that will allow the uses to be converted. As an example, if there is a larger demand for housing and a lower demand for office, a conversion matrix exists that would allow the developer to swap uses. This flexibility is important to the long-term nature of this plan.
- **Create an environment for jobs.** 84% of the people living in West Ashley work outside of West Ashley. Office and Employment Opportunities are important to the execution of the Plan. MUSC has made a large commitment to the Revitalization Plan by investing in the adaptive re-use of the former JC Penny building. This building will not only provide new jobs to the area, but will also provide easy access to health care. MUSC expects to see about 1200 patients per day in this location and will offer an incredible variety of medical services.
- **Improve access to different modes of transportation.** Transportation is a major problem in the West Ashley area, partially because so many leave West Ashley for work. The property has the most used park and ride site in the area. The PUD creates the opportunity to develop an intermodal transportation facility with transportation stakeholders like LCRT in the area. The opportunity to create new streets, sidewalks, and bikeways will allow more connectivity to the project as well as the opportunity to promote health and wellbeing.

- **Pursue a facility to support regional and national athletic tournaments in the area.** Sports Facility will bring entertainment activities as well as tourism to the West Ashley area, which historically has the lowest ADR in Charleston. This PUD provides the opportunity to attract tourism specifically to West Ashley to improve the accommodations business in this market.
- **Housing district with convenient multimodal access.** A variety of housing opportunities is an important aspect of a Live Work Play environment. A variety of housing opportunities will exist with a focus on providing housing opportunities for all employees working within this project. There is no housing being eliminated by the redevelopment plan and therefore any housing developed will be adding to the available residential stock in West Ashley.
- **Structured Parking.** Parking is a valuable asset in Charleston, however the large parking fields surrounding the mall in its current condition are not ideal. Structured parking will be a crucial component in redeveloping this property as a dense, mixed-use development, and the TIF document recognizes this.
- **Open Space.** The property currently meets the redevelopment criteria of 20% open space. In addition, new open spaces will be created throughout the final land plan that are more accessible and usable by the surrounding community, patrons, and stakeholders.
- **Traffic Patterns.** A series of improvements have been recommended after certain milestones are reached in development. It is imperative that the changes take into account the connectivity to surrounding neighborhoods and the developers will be working in collaboration with the Hazelwood planning effort to ensure the connectivity is improved.

The enclosed draft addresses most of the comments received from the Technical Review Committee (TRC) on August 8, 2019. We continue to work closely with the TRC Staff to address provisions regarding Workforce Housing, Mass Transit (CARTA) and Stormwater. These revised sections will be included in an updated submittal that will be reviewed by the TRC on September 12, 2019.

Epic Center Planned Unit Development

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APPENDIX B	PROPERTY SURVEY
APPENDIX C	EXISTING ZONING MAP
APPENDIX D	LAND USE INTENSITY CONVERSION MATRIX
APPENDIX E	LAND USE AND OPEN SPACE PLAN
APPENDIX F	HEIGHT DISTRICTS
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APPENDIX L	LETTERS OF COORDINATION

SECTION 1: RELATIONSHIP TO ZONING ORDINANCE

The Development Guidelines and Land Use Plan for the Epic Center Planned Unit Development (PUD), attached hereto and made a part hereof, are part of the PUD conditional Master Plan application submitted in accordance with the Zoning Ordinance of the City of Charleston, Article 2, Part 7 Sections 54-250, et seq. Excepted as amended herein, the then-current Zoning Ordinance of the City of Charleston shall govern and is incorporated herein by reference.

No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within the Epic Center PUD except in conformance with these guidelines and regulations. Unless modified herein, definitions of terms used in the Epic Center PUD Development Guidelines shall follow definitions listed in the Zoning Ordinance of the City of Charleston, as amended from time to time. Administration and enforcement of the adopted Epic Center PUD Master Plan shall follow Article 9 of the Zoning Ordinance of the City of Charleston.

The Epic Center PUD Master Plan was approved by Charleston City Council on date _____, ordinance number _____.

SECTION 2: INTRODUCTION AND BACKGROUND INFORMATION

2.1 Background and Ownership

Citadel Mall was originally opened in July 1981 and was developed by Jacobs, Visconsi and Jacobs of Cleveland, Ohio. Citadel Mall is located in West Ashley adjacent to Interstate 526, Sam Rittenberg Boulevard and Orleans Road. A location map showing Citadel Mall and the immediate area is provided in **Appendix A**.

Citadel Mall is a regional mall of over 88 acres and houses over 1,100,000 square feet of retail uses, including Belk, Dillard's, and Target. The Citadel Mall has been in a period of decline for over 10 years, and redevelopment of the site has been an item of concern for the City and Community during this decline. The Citadel Mall is a major stakeholder in the West Ashley Tax Increment Financing District, and a major focus of Plan West Ashley, a City of Charleston initiative.

In 2017, several parcels of the mall were acquired by TMP SRE 1, LLC. Shortly thereafter, the JC Penney parcel was acquired by TMP SRE II, LLC after closing their Citadel Mall location. In early 2018, the Sears parcel was sold to TMP SRE III, LLC, and Sears ceased operations at the Citadel Mall Location in August of 2018. The Medical University of South Carolina is currently converting the former JC Penney building into their west campus medical facility. HBO is currently occupying the former Sears building for a film production studio. During this time applicant has worked closely with the West Ashley Planning Commission and hosted a series of charrettes and public forums on the property.

The existing development and mall operation are governed by a Real Estate Agreement (REA) of which multiple additional property owners are bound. Future development will be developed in accordance with the REA and any subsequent revisions or restatements, but also in accordance with this document and with design oversight of the Epic Center Architectural Review Board whose guidance will be directed based on developed Design Guidelines with urban mixed-use character in mind. Additional information concerning the REA can be found in **Section 13**.

A current property survey is provided in **Appendix B – Property Survey**.

The table below is a list of all parcels contained within the Epic Center PUD boundaries showing ownership, TMS number, and acreage of each parcel. Overall acreage for the Epic Center PUD includes the roads that are currently privately owned and operated.

Owner	TMS No.	Area (acres)
TMP SRE III, LLC	310-04-00-009	14.249
TMP SRE I, LLC	351-04-00-015	19.613
TMP SRE II, LLC	351-04-00-053	10.651
TMP SRE I, LLC	351-04-00-043	0.309
TMP SRE I, LLC	351-04-00-044	8.207
Total PUD Area:		53.029

Stakeholders Parcels*	TMS No.	Area (acres)
Dillard's Department Store, Inc.	351-04-00-062	12.392
Belk, Inc.	351-04-00-063	10.941
Target Corporation	351-04-00-054	11.725
<i>*It is anticipated the stakeholder parcels will be added to the PUD and developed as Phase 2 of the project.</i>		

2.2 Current Zoning

All properties are currently zoned GB-General Business as depicted in **Appendix C – Existing Zoning Map**.

2.3 Development Goals

Epic Center is the next phase of Citadel Mall and will be developed as an urban, mixed-use project and in accordance with the concept of live, work, and play, with health and wellness as a core principle of the development.

The single use of retail has contributed to the declining property value as the sector has struggled, which has affected the local community. The Epic Center site will accommodate a mix of uses that work together and bring a new center of economic opportunity not only to the site but also to West Ashley and other areas of the City of Charleston. The design character will be a dense urban district with new opportunities for gathering spaces and better walkability to the surrounding communities. The architectural character will be modern, and a new network of streets and walking paths will be developed over time.

The Epic Center PUD is based on the following development principles:

- Creating diverse employment opportunities and industry centers that are not tied to a singular industry;
- Creating a mix of housing product for a diverse range of income levels with a specific focus on workforce housing;
- Providing access to sport and entertainment facilities that will be economic drivers to the area;
- Encouraging sustainable development through a long-term strategy;
- Enhancing walkability and access to the public realm;
- Creating a transportation hub more integrated into the PUD; and
- Using the principles of wellness to promote a community of spaces for healthy, balanced lifestyle.

SECTION 3: LAND USE

3.1 Area Breakdown

The table below is a breakdown of the Epic Center PUD’s current project acreage, uses, and open space.

Total Area	53.029 acres
Total Highland	52.93 acres
Total Wetlands	0.0 acres
Total Critical Area	0.099 acres
Total Open Space	8.207 acres

3.2 Net Density

The Epic Center PUD is a mixed-use property incorporating flexibility to accommodate appropriate development over time. The Epic Center PUD is based on the Mixed-Use zoning of the City’s zoning ordinance and incorporates a base density intensity for proposed development. The table below summarizes the overall net density for the Epic Center PUD:

Zoning	Land Use	Area (sq. ft.)	Units
Mixed-Use	Retail	600,000	
Mixed-Use	Office	1,400,000	
Mixed-Use	Medical	275,000	
Mixed-Use	Sports	200,000	
Mixed-Use	Hotel		500 rooms
Mixed-Use	Residential		1025 dwelling units
Mixed-Use	Senior		200 dwelling units
Mixed-Use	Civic	15,000	

These densities/intensities represent the anticipated square footages or unit counts anticipated in the Epic Center PUD. Should the land use densities/intensities need to increase over time, a corresponding reduction in densities/intensities for other uses shall be required pursuant to the Land Intensity Conversion Matrix provided in **Appendix D**. In addition, to enable flexibility over the duration of development, the net densities/intensities of a specific Land Use may be converted to a different specific Land Use utilizing the Institute of Traffic Engineer’s Handbook, 10th edition (the “ITE”) equivalence. Development density/intensity may occur only after written notice to the City’s Traffic and Transportation department and the receipt of written notification from the City that the transfer complies with ITE standards.

As an example of the flexibility of using the ITE equivalence, suppose a use change is proposed from 50,000 SF of retail to a hotel use. Based on the ITE equivalence, 214 hotel rooms could be added in place of the 50,000 SF of retail space. The calculations based on the ITE Conversion Matrix are shown below:

$$50,000 \text{ SF} / 1,000 \text{ SF} = 50; 50 * 4.281 = 214 \text{ room substitution for } 50,000 \text{ sf of retail space}$$

As parcels are conveyed, the City shall be notified of the specific land use density/intensity assigned under each conveyance and whether such density/intensity may be converted using the ITE Conversion Matrix.

3.3 Development Zones

Epic Center will be comprised of a mixture of uses working to complement each other through economic collaboration. Land planning will consist of zones for retail and entertainment, healthcare and sports performance, commercial, and residential. A variety of uses within each zone will be planned around new roadways and common spaces creating a work, live, play environment that creates an opportunity for new transportation solutions to support the urban landscape.

A land use plan is provided in **Appendix E – Land Use and Open Space Plan**.

3.4 Attainable Housing

Epic Center is designed to provide housing opportunities that are attainable for those working in the Epic Center so that a true Live Work Play environment may be realized. As a result, instead of paying a fee in lieu of constructing attainable housing within the Epic Center, fifteen percent (15%) of the initial 1,225 residential units (to include senior housing) constructed within the Epic Center PUD will be developed and utilized as attainable housing. If the number of residential units developed exceeds 1,225 (including senior housing), twenty percent (20%) of the units in excess of 1,225 units shall be developed and utilized as attainable housing in accordance with the following:

- (1) Thirty-three (33%) percent of the units shall be made available to households having a household income of up to sixty percent (60%) of the Average Median Income (“AMI”), as determined by the U.S. Department of Housing and Urban Development or its successor, and as adjusted for the City; and
- (2) Sixty-seven (67%) percent of the units shall be made available to households having a household income of up to one hundred twenty (120%) of the AMI, as determined by the U.S. Department of Housing and Urban Development or its successor, and as adjusted for the City.

Prior to the issuance of a certificate of occupancy for an attainable housing unit, Developer shall execute or cause to be executed covenants restricting such unit to occupancy and, if applicable, ownership by qualified persons for a period of twenty-five (25) years. For the owner occupied units, the covenants shall identify the maximum allowable sales prices, as defined in City of Charleston Zoning Code Section 54-299.1.B., and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the AMI or the Consumer Price Index, whichever is greater. The covenants shall include a provision granting the City the right to enforce the covenants.

SECTION 4: ZONING CRITERIA

The development of the property must maintain flexibility to accommodate its existing conditions and stakeholders who collectively share the existing infrastructure. The locations and sizes of land uses will be developed in a comprehensive land plan that considers the life cycle of the existing assets and phases development in accordance with market conditions and design parameters that work collaboratively with the existing retail stakeholders. As such, the conceptual land plan does not include boundaries or preliminary planning concepts that will continue to evolve through the land planning process. Any zoning criteria that is not addressed herein will be governed by the City of Charleston Zoning Ordinance as it may be amended from time to time.

4.1 Development Standards

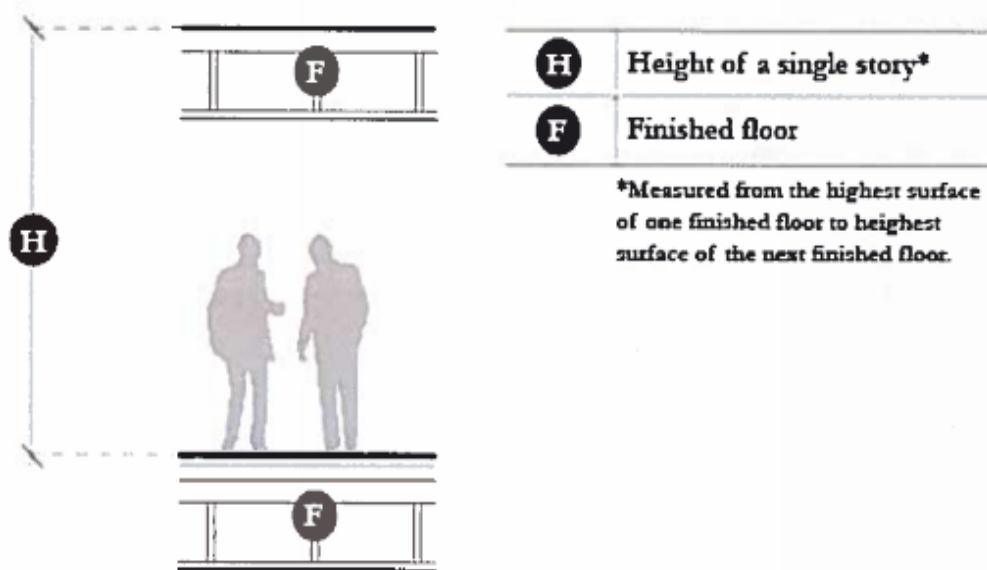
The table below is a breakdown of development standards in Epic Center. All structures, amenity areas, facilities, and public streets shall comply with then current American Disability Act and Fair Housing Act design standards. Additional details of design will be provided in the Design Principles as approved by the process outlined in Section 13.

Lot Requirements	
Minimum Lot Size	No Minimum
Minimum Lot Frontage	30 feet
Lot Occupancy	No Maximum

Minimum Setbacks	
Front	0 feet
Rear	0 feet
Sides	0 feet

Maximum Building Height
Buildings within 500 feet of the Orleans Road right-of-way shall not exceed nine stories. Buildings outside of this area have a maximum height of 25 stories; provided, however, that no more than 40% of the property shall have buildings that exceed 20 stories.

Where heights are specified in stories, the measurement shall be taken from finished floor to finished floor. Refer to Figure below.



Any area under a structure in excess of six feet shall be counted as a story. Additional height for ornamental appurtenances and utilitarian appurtenances related to mechanical equipment or structural systems (such as elevator and stair towers, exhaust fans, HVAC and communications equipment) that exceed the maximum allowable height may be permitted by the Epic Center Design Review Board (ECDRB) based on architectural merit and context. Appurtenances shall not exceed nine feet in height and shall be placed to the rear or side of the building where possible in order to minimize visibility from the public right of way. Mechanical equipment on a roof shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same. Density of screening should be adequate to sufficiently screen mechanical equipment.

Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be constrained by floor to floor height requirements, but stand-alone parking garages shall appear from the street to conform to the number of stories permitted in the height district in which is located.

Floors shall be measured in the following manner:

Residential:

- The maximum height of a residential floor shall be 14 feet. Any dimension above this shall constitute two stories.
- The minimum height of any residential floor shall not be less than 10 feet; however, there is no minimum height for floors in a one family dwelling, two-family dwelling or one-family attached dwelling.

Non-Residential:

- The maximum height of any nonresidential story shall be 25 feet.
- The ECDRB may grant a waiver up to 40 feet on any floor based on architectural merit and context. Any dimension above this height shall constitute two stories.
- The minimum height of any nonresidential floor shall not be less than 12 feet.

4.2 Permitted Uses

Permitted uses in the Epic Center PUD shall be in accordance with the GB-General Business zoning classification as set forth in the City of Charleston Zoning Ordinance Article 2, Part 3 as amended through this document approval date with the following exceptions:

Additional allowed uses include the following:

- 701 ---- Hotels, motels and inns (Accommodations)
- 7042 --- Dormitories
- 781 ---- Motion Picture/Multimedia Production
- 801 ---- Offices and clinics of health practitioners
- 805 ---- Nursing and personal care facilities
- 806 ---- Hospitals
- 807 ---- Medical and Dental Laboratories
- 884.1--- Multi-Family dwelling for the elderly
- 5122 --- Drugs, Drug Proprietaries, and Druggist Sundries

4.3 Excluded Uses

Notwithstanding Section 4.2 above, the following uses are not permitted within the Epic Center PUD:

- 14----- Mining
- 66----- Short Term Lenders
- 091 ---- Commercial Fishing
- 516 ---- Chemical and Allied Products
- 527 ---- Mobile Home dealers
- 556 ---- Recreational and Utility Trailer Dealers
- 703 ---- Camps and Trailing Parks
- 726.2--- Crematories
- 784 ---- Video Tape Rental
- 4788 --- Stables
- 7299 --- Massage Parlors
- 7998 --- Riding Stables
- Adult Uses (as defined in the City of Charleston Zoning Ordinance latest edition)

4.4 Parking and Loading Requirements

The property is currently bound by the REA agreement parking standards. There will be no minimum or maximum parking standards at Epic Center. Parking standards and loading dock requirements shall be addressed in the Design Principles.

4.5 Communications Towers

Communication towers are allowed in the Epic Center PUD subject to the current City of Charleston Zoning Ordinance and as it may be amended from time to time.

SECTION 5: OPEN SPACE

Open space will consist of the existing open space parcels along with urban plazas and parks located throughout the Epic Center PUD. Opportunities for these spaces will be developed for specific properties during their design development and will be overseen by the REA and Epic Center Architectural Review Board.

In addition to the network of urban open spaces, a civic use is proposed for the PUD. The exact character of this use is to be determined as development advances.

The open space will be maintained by the Property Owner Association and/or applicable government entity. Requirements for open space are per the table below:

Open Space Requirements	
Gross PUD Area	53.029 acres
Existing Open Space	8.207 acres
	Useable Open Space 2.65 acres
Gross Open Space Required	10.85 acres (20% gross project area)

Refer to the conceptual open space locations and tabulation in **Appendix E - Land Use and Open Space Plan**.

SECTION 6: BUFFERS

Other than OCRM designated critical line buffers required by the current Zoning Ordinance, buffers are not required within or around the Epic Center PUD.

SECTION 7: TREE SUMMARY

The existing site has numerous trees along open space edges and planted trees in scattered islands, along roadways, and in restricted planting areas around buildings. Tree protection is a very important aspect of Epic Center and shall be governed per the City of Charleston Zoning Ordinance, latest edition, with the exception of trees required to be maintained shall be 12 trees per acre. In addition to the zoning requirements, tree removal requires the approval of the Epic Center Architectural Review Board and shall not be removed until permits are issued by the City of Charleston.

The table below shows a summary of existing trees. Refer to **Appendix G** for the tree survey.

Existing Tree Summary	Overall Site
Existing Trees on Site	1,505
Existing Grand Trees on Site	24
Existing Protected Trees on Site	1,076 (12.2 trees/acre)

SECTION 8: RIGHT-OF WAY

A mix of roadways is proposed for Epic Center. Public roads will be limited in number and their character and location will be determined as development proceeds. All public roads will be built to City Standards and to the Citywide Transportation Plan Street Design Guidelines. Public roads shall be accepted by the City in accordance with the then current regulations.

All at grade roadways will have asphalt lanes and concrete curb and gutter. Sidewalks will be present on both sides of the road where sensible to allow pedestrian circulation throughout the PUD.

The Epic Center vision is to have walkable urban streets throughout the PUD in order to fulfill the requirements of live, work and play. The higher density urban character with structured parking will make streetscapes a high priority for creating shade and landscape character.

Any deviation from standard materials within rights-of-way will require City of Charleston Director of Public Service approval. All rights-of-way shall be designed and implemented to accommodate emergency and public service vehicles.

All accessible routes shall connect the right-of-way, the parking, public transportation, the amenities, and the entrances. At least one accessible route shall be provided within the site to accessible facility entrances from these site arrival points, where provided: accessible parking and passenger loading zones, public streets and sidewalks, each public transportation stop.

Road cross-sections shall be those typically allowed by ordinance, as well as those cross-sections illustrated in **Appendix H – Typical Road Cross Sections**.

Proposed vehicular access points shall be as noted in **Figure I-1 of Appendix I – Access Plan and Photographs** and in the corresponding photographs (**Figures I-2 through I-5**).

SECTION 9: DRAINAGE BASIN ANALYSIS

The PUD is located within the Dupont Wappoo (DuWap) drainage study area. The extent of this basin compares closely to five basins within the 1984 Davis and Floyd drainage study designated as Citadel Mall Channel, Dupont North, Sherwood West, and Skylark Drive.

The overall basin is a mix of high-density commercial development and residential areas. The central outfall for the area is the large drainage channel that is south of and adjacent to the Citadel Mall. The mall properties are predominantly asphalt, concrete and building. There are significant landscape areas around the exterior of the mall and large retail tenant spaces (i.e. Belk, Dillard, Target and former Sears). But, the amount of landscape within the surface parking lots and along the internal circulation roads is minimal. This results in high Curve Numbers (CNs) and low Times of Concentration (TCs). The CNs range from 94 – 96 for the developed basins.

The City of Charleston and Charleston County have jointly initiated a drainage study to evaluate the existing drainage capacities in the area and to recommend improvements. The DuWap Watershed Master Plan is on-going and is currently at the Draft Final stage. The stormwater modeling is nearing completion and recommended improvements are expected to be made later this year (est. fall/winter of 2019).

To improve drainage and reduce flooding potential, the Property Owner and the City will engage in a collaborative and creative design effort that will result in improvements to drainage within the basin. The Property Owner agrees that it will be subject to the stormwater requirements of the City that are current at the time of project submission, absent a separate agreement between the Property Owner and City specifying the required improvements for development of the Property.

SECTION 10: TRAFFIC IMPACT STUDY

The proposed Epic Center Mixed-Use Development is located at the Citadel Mall in the City of Charleston, South Carolina. The current plan envisions the redevelopment of the area to include a total of roughly 4,000,000 square feet of residential, hotel, retail, office, and arena uses.

Development would take place over the next 20+ years. Access would be provided on Orleans Road and Sam Rittenberg Boulevard. A Traffic Impact Study was conducted to determine the amount of new traffic anticipated, its impact on surrounding roadways, and potential mitigation strategies.

Trip generation and distribution was estimated using Institute of Transportation Engineers (ITE) procedures in coordination with the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) Charleston Area Transportation Study (CHATS) model. New traffic was assigned to the study area intersections and impact quantified.

With the buildout of the Epic Center, some improvements to the site accesses and to area roadways will be necessary. Recommendations include:

- Construction and signalization of a new main entrance to Epic Center on Orleans Road south of Hazelwood Road;
- Removal of the signal at Orleans Road and Hazelwood Road and redesign of the intersection;

- Lane additions to Orleans Road northbound approaching Paul Cantrell Boulevard to include dual left-turn lanes and a through/right-turn lane;
- Turn lane addition to the southbound Orleans Road approach to Sam Rittenberg Boulevard; and
- Signal timing adjustments to include SB overlap phase at the Sam Rittenberg Boulevard and S. Park Square/Skylark (Epic Center Access #3) Drive intersection.

Since the development is planned to occur over the next 20+ years, not all the recommendations need to be implemented immediately. Market conditions and numerous other factors will determine the pace of development and when roadway improvements are needed.

As recommended in the traffic study, the vehicular access points may change with the development of the property. As density increases, an additional access and the modification of existing access points along Orleans Road may need to occur.

The location of future alternative access points is shown in **Appendix I – Access Plan and Photographs**. Development direction will determine the most appropriate of the two alternative locations.

Epic Center is committed to the Plan West Ashley recommendations of improving transit access and connectivity by being the location of a community mobility hub. The integration of the proposed mixed-use development with enhanced transit access will improve opportunities for Epic Center, as well as the neighboring communities. Bicycle and pedestrian connectivity to transportation facilities shall also be implemented and prioritized.

The complete Traffic Impact Study is provided in **Appendix J**.

SECTION 11: CULTURAL RESOURCES

A cultural resources assessment was conducted and is presented in **Appendix K**.

Review of the South Carolina State Historic Preservation Office (SHPO) GIS data indicates there are no eligible historic structures within or immediately adjacent to the PUD.

Refer to the SHPO map depicted as **Figure K-1** in **Appendix K**.

SECTION 12: LETTERS OF COORDINATION

Refer to **Appendix L – Letters of Coordination** for received correspondence.

SECTION 13: ADDITIONAL INFORMATION

13.1 Design Review and Modifications

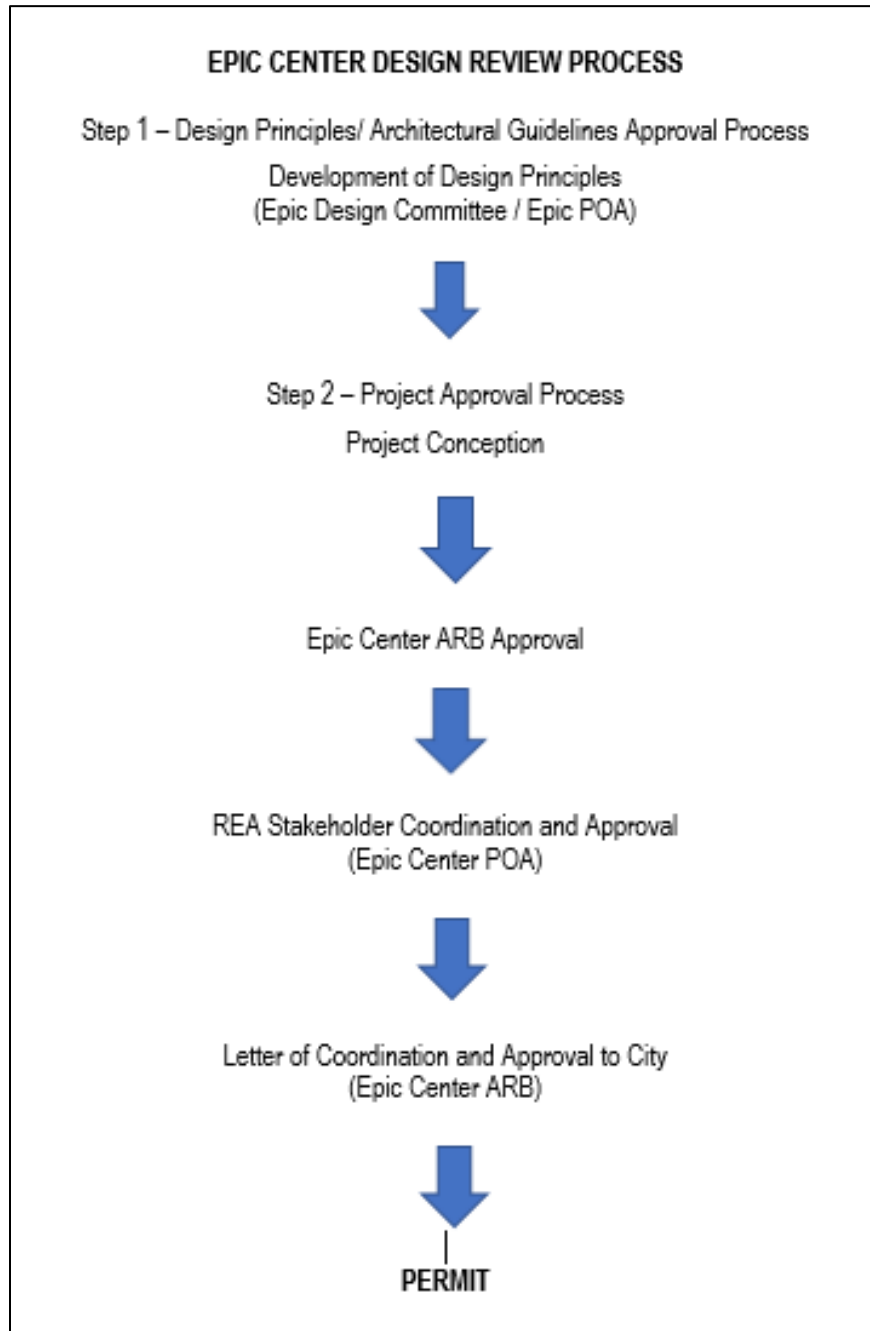
The Epic Center development shall be governed by design guidelines developed to insure current, progressive design in the development of high-density, urban mixed-use properties. The Epic Center Design Guidelines shall be developed by a committee of professionals and approved by the Epic Center Property Owners Association (POA) and the City of Charleston Design Review Board (DRB).

The Epic Center Design Guidelines shall include direction for the following elements of design:

- Building Location and Orientation;
- Architectural Character;

- Signage Design and Character;
- Site and Landscape Plan and Character;
- Streetscape and Circulation Design;
- Exterior Lighting Design and Character; and
- Parking Layout and Character.

Design review will be performed by the Epic Center Architectural Review Board with recommendations passed to City Staff for incorporation of the project technical review. Development within the Epic Center PUD will not be subject to any design review other than by the Epic Center Architectural Review Board.



13.2 Existing Real Estate Agreements

The original Citadel Mall development is governed by a recorded multi-party agreement also referred to as the REA and a series of other unrecorded operating agreements. The original Real Estate Agreement includes the following additional parcels, whose owners are referred to as stakeholders throughout this document:

Parcel (Area)	TMS	Acres
Dillard's	351-04-00-062	12.392
Target	351-04-00-054	11.737
Belk	351-04-00-063	10.941
Dick's Sporting Goods	351-05-00-035	6.07
	351-05-00-042	
PetSmart	310-04-00-010	3.93
	310-04-00-017	
S&N Properties, LLC	351-05-00-052	4.98

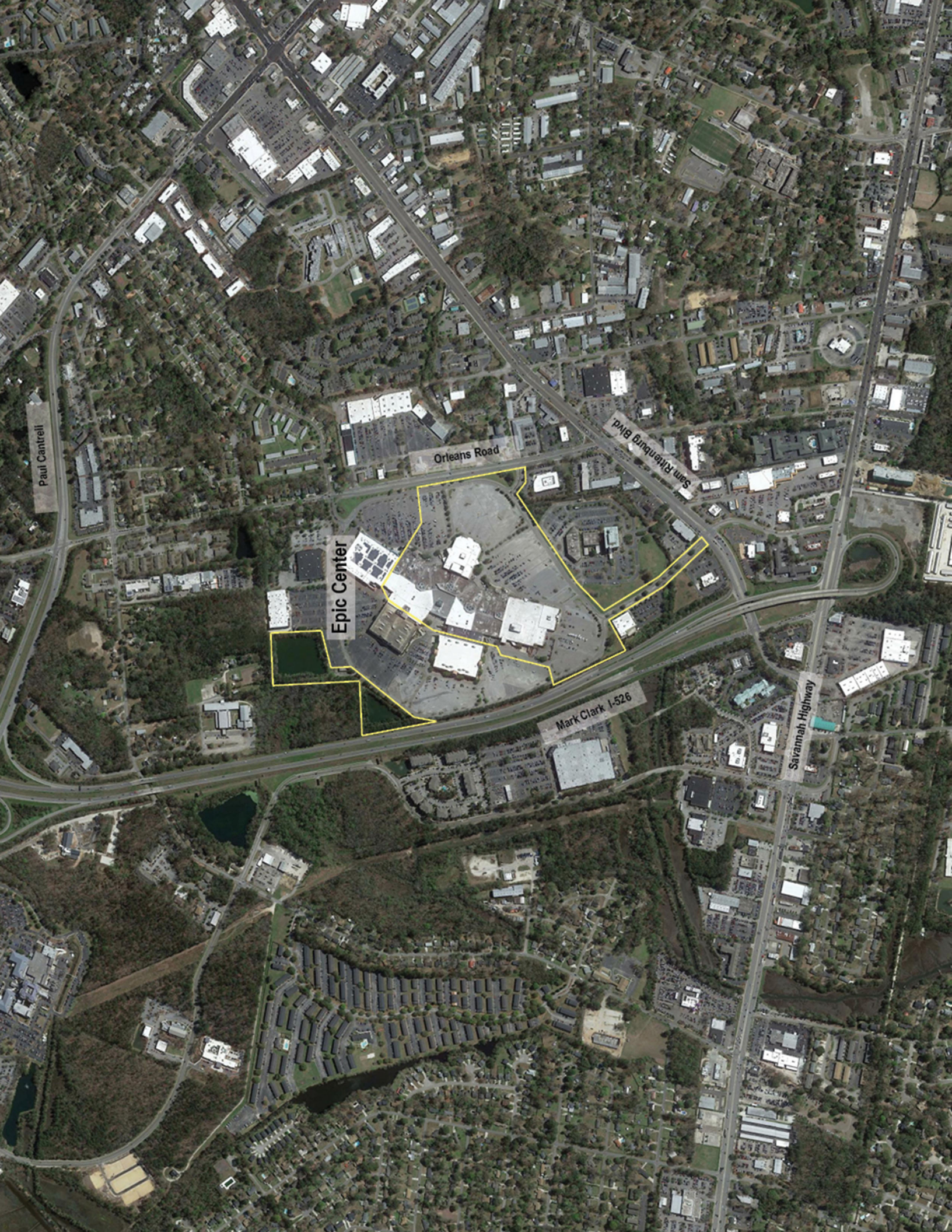
The REA will be amended and re-stated from time to time and may also expire or be abandoned at some point. The EPIC CENTER POA will manage the compliance of this agreement and will work with existing stakeholders to implement a design plan that compliments and protects the uses of the existing real estate and operations.

Epic Center Planned Unit Development

List of Appendices

Appendix A	Location Map
Appendix B	Property Survey
Appendix C	Existing Zoning Map
Appendix D	Land Use Intensity Conversion Matrix
Appendix E	Land Use and Open Space Plan
Appendix F	Height District Plan
Appendix G	Tree Survey
Appendix H	Typical Road Cross Sections
Appendix I	Access Plan and Photographs
Appendix J	Traffic Impact Study
Appendix K	Cultural Resources Assessment
Appendix L	Letters of Coordination

APPENDIX A – LOCATION MAP



Paul Cantrell

Orleans Road

San Rittenburg Blvd

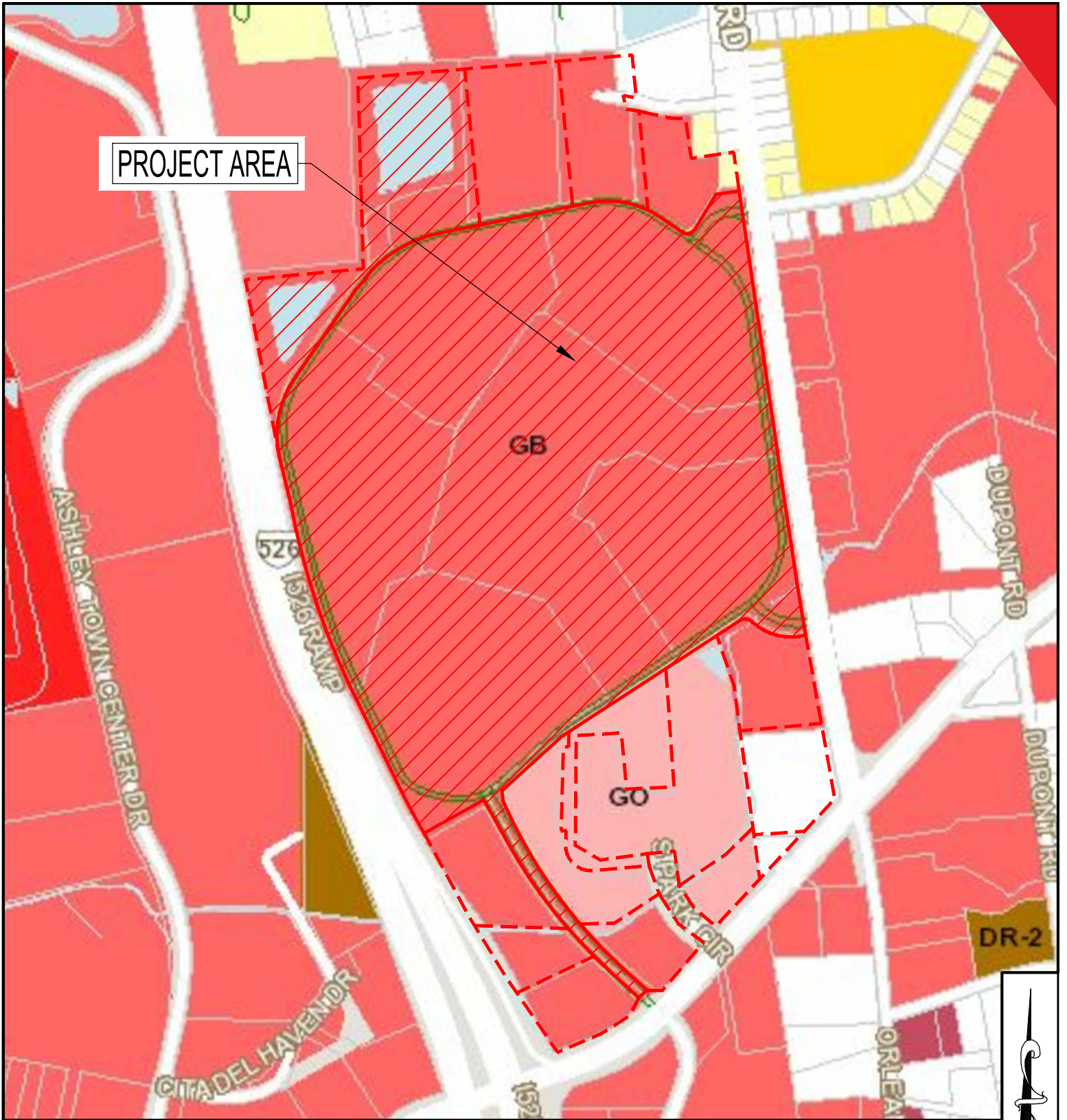
Epic Center

Mark Clark I-526

Savannah Highway

APPENDIX B – PROPERTY SURVEY

APPENDIX C – EXISTING ZONING MAP



PROJECT AREA

GB

GO

DR-2

PROJECT SITE IS IN ZONE:
GB - GENERAL BUSINESS



ADC ENGINEERING
 1226 YEAMANS HALL ROAD
 HANAHAN, SC 29410
 843-566-0161
ADCENGINEERING.COM

ZONING MAP	
PROJECT EPIC	
DATE: 08/20/18	CHARLESTON, SOUTH CAROLINA
REF:	

PD-6

ADC PROJECT#: 18221.00

APPENDIX D – LAND USE INTENSITY CONVERSION MATRIX

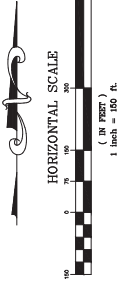
ITE 10th Edition Conversion Matrix

Land Use	Average Rate													
	220 Multifamily Housing (Low Rise)	221 Multifamily Housing (Mid Rise)	222 Multifamily Housing (High Rise)	252 Senior Adult Housing - Attached	254 Assisted Living	310 Hotel	460 Arena	610 Hospital	630 Clinic	710 Office Building	720 Medical Dental Office	820 Shopping Center/Retail		
220 Convent From Multifamily Housing (Low Rise)	1.000	1.273	1.556	2.154	0.215	0.629	1.191	0.025	0.171	0.487	0.162	0.147		
221 Multifamily Housing (Mid Rise)	0.786	1.000	1.222	1.892	0.189	0.494	0.936	0.020	0.134	0.383	0.127	0.115		
222 Multifamily Housing (High Rise)	0.643	0.818	1.000	1.385	0.138	0.404	0.766	0.016	0.110	0.313	0.104	0.094		
252 Senior Adult Housing - Attached	0.464	0.591	0.722	1.000	0.100	0.292	0.553	0.012	0.079	0.226	0.075	0.068		
254 Assisted Living	4.643	5.909	7.222	10.000	1.000	2.921	5.532	0.116	0.793	2.261	0.751	0.682		
310 Hotel	1.589	2.023	2.472	3.423	0.342	1.000	1.894	0.040	0.271	0.774	0.257	0.234		
460 Arena	0.839	1.068	1.306	1.808	0.181	0.528	1.000	0.021	0.143	0.409	0.136	0.123		
610 Hospital	39.857	50.727	62.000	85.846	8.385	25.079	47.489	1.000	6.805	19.409	6.451	5.858		
630 Clinic	5.857	7.455	9.111	12.615	1.362	3.685	6.979	0.147	1.000	2.852	0.948	0.861		
710 General Office Building	2.054	2.614	3.194	4.423	0.442	1.292	2.447	0.052	0.351	1.000	0.332	0.302		
720 Medical Dental Office	6.179	7.864	9.611	13.308	1.331	3.888	7.362	0.155	1.055	3.009	1.000	0.908		
820 Shopping Center/Retail	6.804	8.659	10.583	14.654	1.465	4.281	8.106	0.171	1.162	3.313	1.101	1.000		

ITE 10th Edition PM Peak Hour Rates

220 Multifamily Housing (Low Rise)	0.56
221 Multifamily Housing (Mid Rise)	0.44
222 Multifamily Housing (High Rise)	0.36
252 Senior Adult Housing - Attached	0.26
254 Assisted Living	2.60
310 Hotel	0.89
460 Arena	0.47
610 Hospital	22.32
620 Nursing Home	0.59
630 Clinic	3.28
710 General Office Building	1.15
720 Medical Dental Office	3.46
820 Shopping Center/Retail	3.81

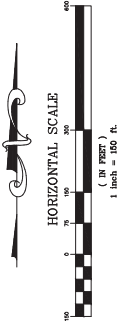
APPENDIX E – LAND USE AND OPEN SPACE PLAN



LAND USE AND OPEN SPACE PLAN
EPIC CENTER



APPENDIX F – HEIGHT DISTRICT PLAN



HEIGHT DISTRICTS
 EPIC CENTER



APPENDIX G – TREE SURVEY



TREE SURVEY
EPIC CENTER



APPENDIX H – TYPICAL ROAD CROSS SECTIONS

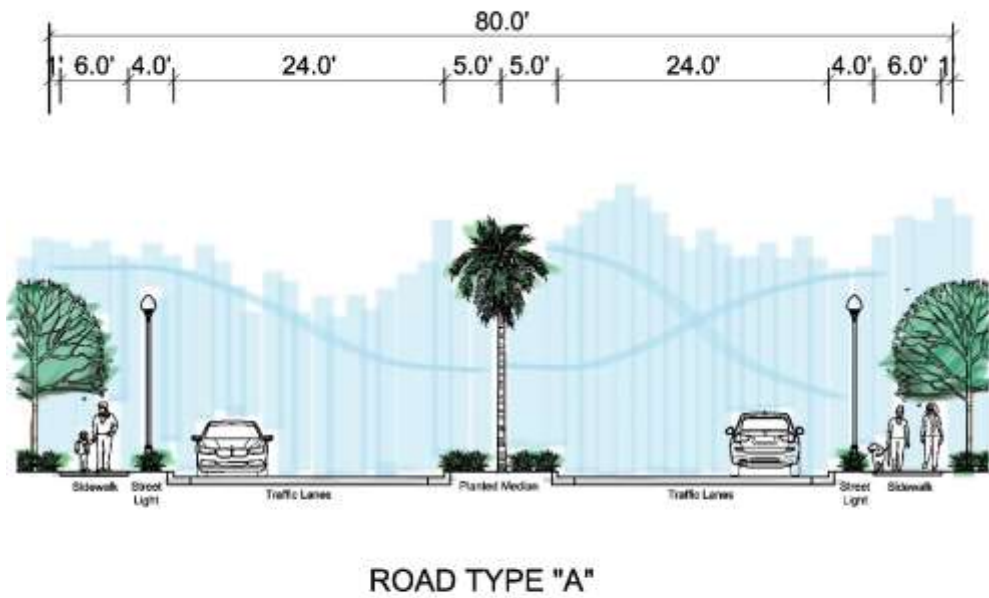


Figure H-1: Epic Center PUD main entrance road and internal collector with two lanes and 10' planted center median.

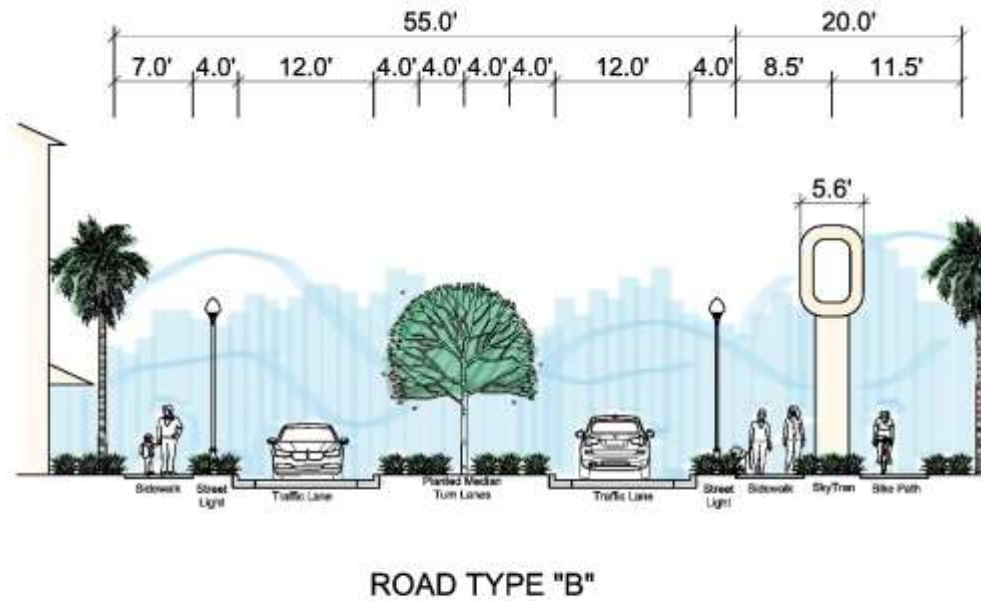


Figure H-2: Epic Center PUD perimeter collector road with integrated mass transit and hiker/biker trails. Roadway has two lanes with 16' center median which can accommodate a center turn lane.

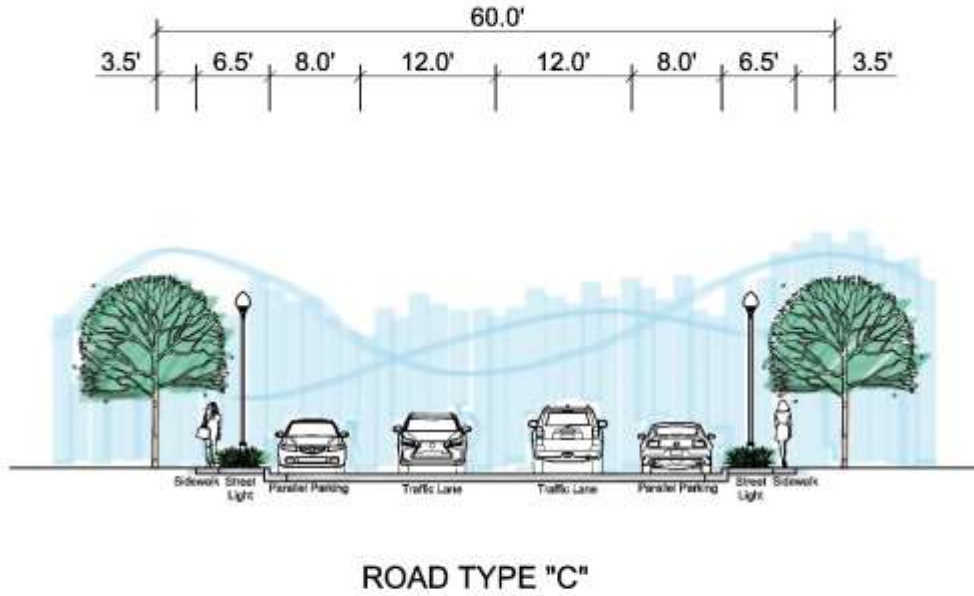


Figure H-3: Epic center PUD connector street with on-street parking. Street design to allow closed parking during events to enable quick entry and exit of property.

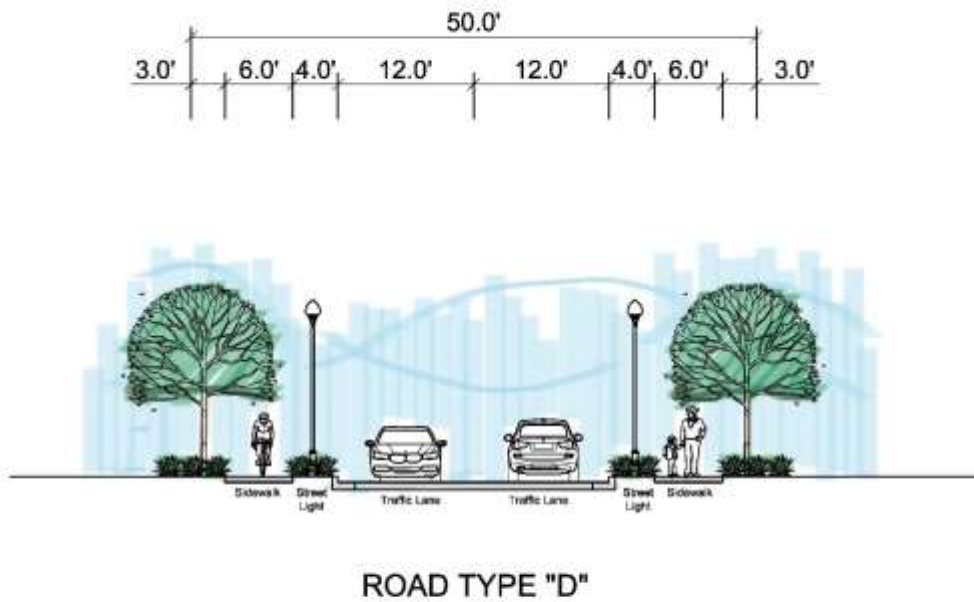


Figure H-4: Epic Center PUD internal connector street with sidewalks and tree plantings.

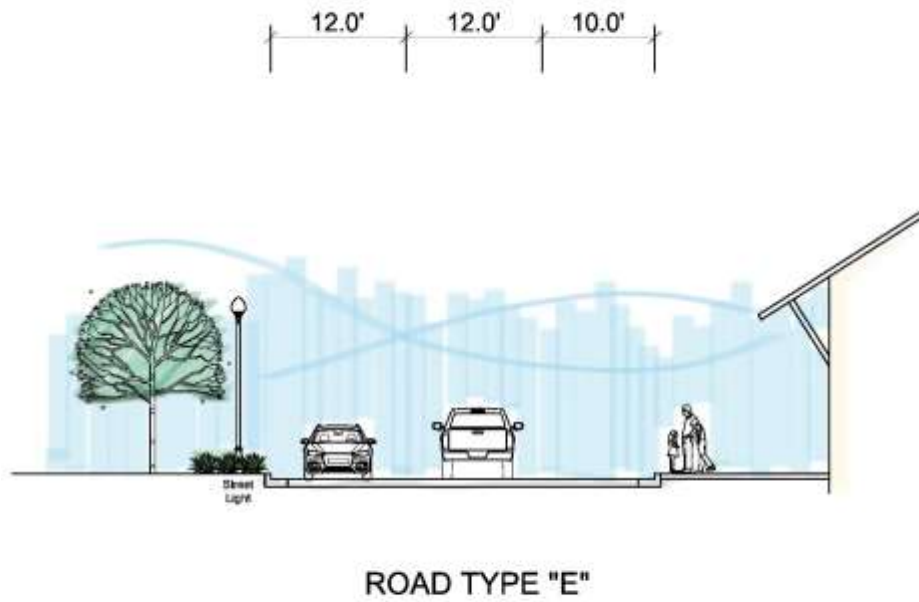
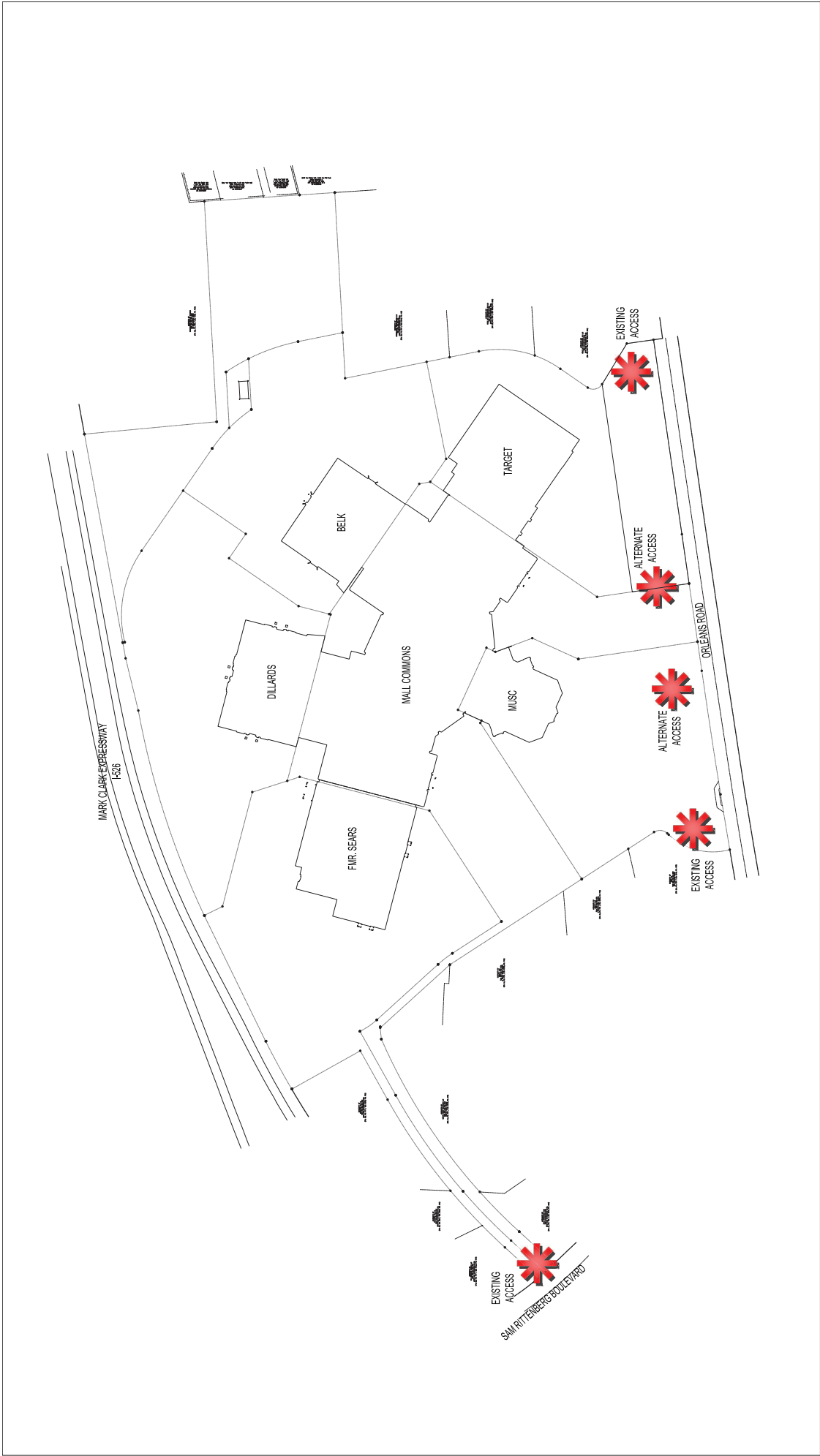


Figure H-5: Epic Center PUD commercial adjacency street with fire lane. this street may have parking on opposite side of fire lane.

APPENDIX I – ACCESS PLAN AND PHOTOGRAPHS



ACCESS PLAN
EPIC CENTER





Figure I-2: Existing access to Sam Rittenberg Boulevard.



Figure I-3: Existing south entrance at Orleans Road.



Figure I-4: Existing north entrance at Orleans Road.



Figure I-5: Proposed future alternate entrance locations at Orleans Road.

APPENDIX J – TRAFFIC IMPACT STUDY

-- NOT INCLUDED --

A copy of the Traffic Impact Study is available upon request.

APPENDIX K - CULTURAL RESOURCES

Cultural Resources Assessment Report

Cultural Resources Assessment

Project: Citadel Mall Redevelopment

County: Charleston

Authors: Ralph Bailey (RPA, Principal Investigator) and Charles F. Philips (Historian)

1. ArchSite Database Search (see attached map)

Date: April 24, 2019

Buffer: Half Mile

Resource Number	Description	NRHP Status
6341	Oakland Elementary School	Not Eligible
2570372	Simons House	Not Eligible
4267	Wallace Elementary and High Schools	Eligible
6734	1971 Survey- 1423 Hazel Road	Not Eligible
6735	1974 Survey- 1956 Savage Road	Not Eligible
6736	1971 Survey- 1952 Carrie Street	Not Eligible
6737	1973 Survey- 1975 Carrie Street	Not Eligible
6738	1430 Amber Lane	Not Eligible
6745	1963 Survey- 1889 Richmond Road	Not Eligible
38CH0109	The Kinloch Site	Destroyed by I526

There is one recorded historic property that is outside the project tract but within the half mile buffer (see Figure 1). The Wallace School (Resource 4267) is one of several Equalizations Schools in South Carolina that is considered eligible for the NRHP. The school is well to the east of the project and will not be impacted.

Previous investigations in the immediate vicinity of the project tract consist of several DOT-sponsored projects related to the Mark Clark Expressway and various road and intersection improvement projects from the late 1970s through the early 2000s (see Figure 1). One archaeological site, 38CH0109, was recorded. This site, known as the Kinloch site was researched and subsequently destroyed by the expressway. In 2016, Charleston County completed a survey update of above ground historic resources in the county (Reed et al. 2016). Several mid-20th century houses were identified within the half-mile buffer of the project tract. None are eligible for the NRHP.

2. Archival Map Research

Historic Maps, Plats, and Aerial Photographs Showing the Study Area.

Document	Date	Description
USGS Johns Island quadrangle	1958	Shows local roads on highland.
Charleston Co. Highway Map	1938	Shows two buildings on the highland.
Johns Island quadrangle	1919	Shows a road and 10 houses.
Kollock map of Charleston Co.	1902	Shows no structures.
McCrary Plat # 897	c.1900	Shows Grant lands and residence of Thomas Grant.
Confederate Defenses of Charleston	1863	Shows nothing in the project area.
Mills map of Charleston District	1825	Shows nothing in the project area.
McFadden Map of SC	1780	Shows nothing in the project area.

Early 20th century topographic maps show a narrow ridge running northwest to the southeast across the northern section of the project tract and wetlands throughout the western and southern portions of the tract (see Figure 2). The wetlands were channelized and drained and the roads realigned at some point in the mid twentieth century. Houses line Savage Road along the eastern boundary of the project tract until the area was commercially developed in the 1980s. Citadel Mall opened in 1981.

3. Field Reconnaissance

The principal investigator conducted a field reconnaissance on May 2, 2019. The project tract and surrounding area is heavily developed with big box stores, chain restaurants, office parks, and apartment buildings. The former Wallace School (Resource 4267) have been replaced or altered significantly since it operated as an Equalization School. It is likely no longer eligible for the NRHP.

There is a small, concrete block store and several small one-story brick and wood frame homes along Orleans Road near the northeast corner of the project tract. These buildings are much less than 50 years old and do not meet the minimum requirement to be surveyed and assessed for NRHP eligibility.

4. Project Summary and Recommendations

The Citadel Mall redevelopment tract was developed in the 1980s. The western and southern portions of the tract consist of filled wetlands. The north and eastern portions of the tract lie on a terrace that was developed with several houses in the mid-1900s. None of these houses remain today. The potential for significant archaeological sites to be present on the project tract is very low.

The area immediately surrounding the project tract consists of modern commercial development. The former Wallace Equalization School is recorded within the half mile buffer of the project tract; however, it has been significantly altered and is likely no longer eligible for the NRHP. There are no significant archaeological sites or historic architectural resources within the half mile buffer of the project tract. Redevelopment of the Citadel Mall tract will have No Effect on historic properties. Additional work is not warranted.

References Cited

Caballero, Olga

- 1990 *Archaeological Survey of the S-1168/S-1373 Intersection Improvements Project, Charleston County, South Carolina*. South Carolina Department of Transportation, Columbia

Davis, Summer Ciomek, Cox

- 2014 *Phase I Cultural Resources Survey of Selected Portions of the Mark Clark Expressway, Alternative G (Preferred Alignment), Charleston County, South Carolina*. Prepared for the South Carolina Department of Transportation, Columbia.

Hendrix, M. Patrick

- 2002 *Cultural Resources Survey of the Proposed Henry Tecklenburg Boulevard Extension Project, Charleston County, South Carolina*. Prepared for Thomas & Hutton Engineering, Mt. Pleasant.

Reed, Mary Beth, Summer Ciomek, and Patrick Sullivan

- 2016 *Charleston County Historic Resources Survey Update, Charleston County, South Carolina*. New South Associates, Stone Mountain, Georgia.

Roberts, Wayne D.

- 2004 *Archaeological Survey of the Orleans Road Improvements Project, Charleston County, South Carolina*. South Carolina Department of Transportation, Columbia.

Trinkley, Michael

- 1980 *Archaeological Survey of Skylark Drive Relocation and Access Road, Charleston County, South Carolina*. South Carolina Department of Transportation, Columbia.

Wheaton, Tom

- 1995 *Architectural, Underwater Reconnaissance, and terrestrial Archaeological Survey of the Mark Clark Expressway*. Prepared for the South Carolina Department of Transportation, Columbia.

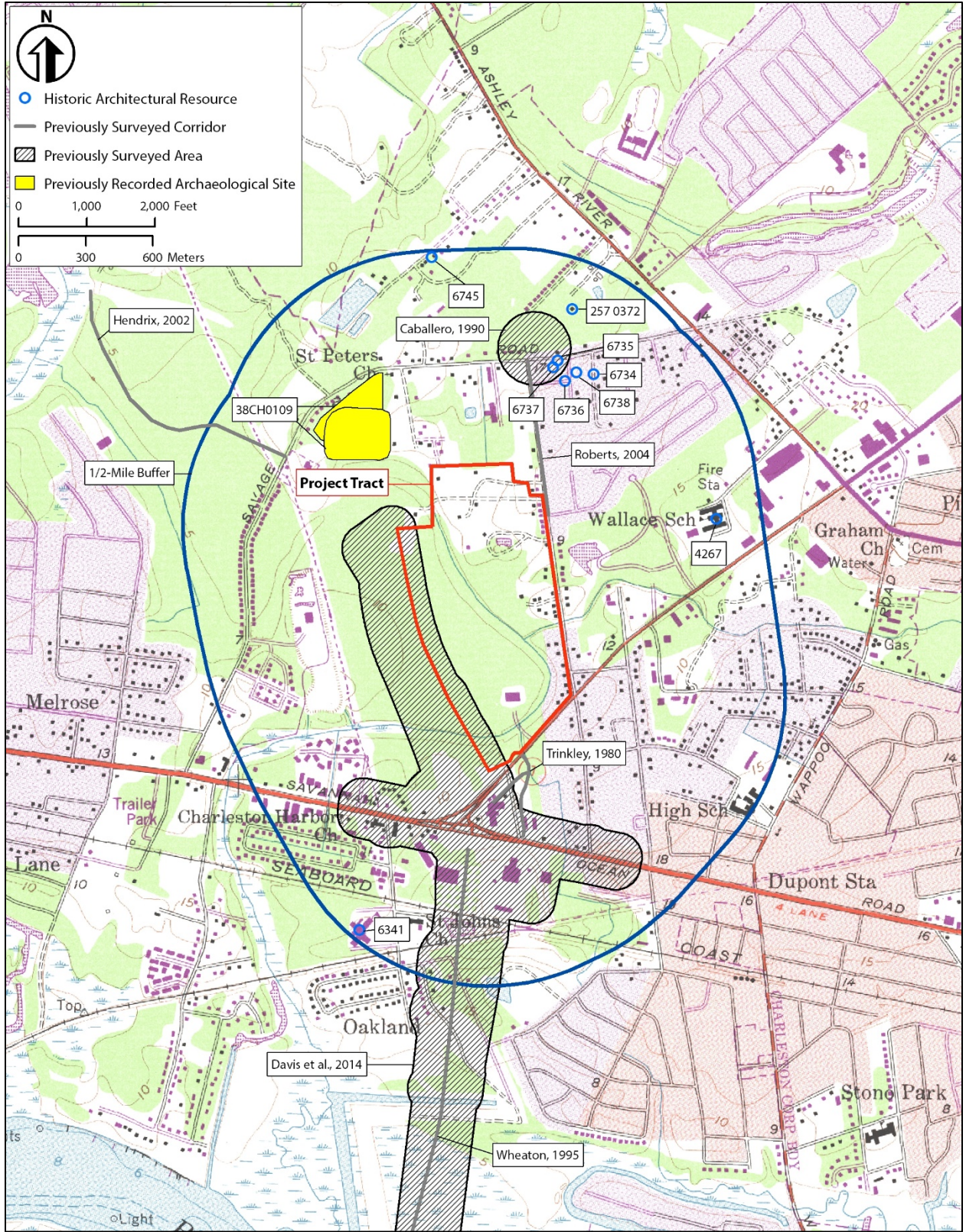


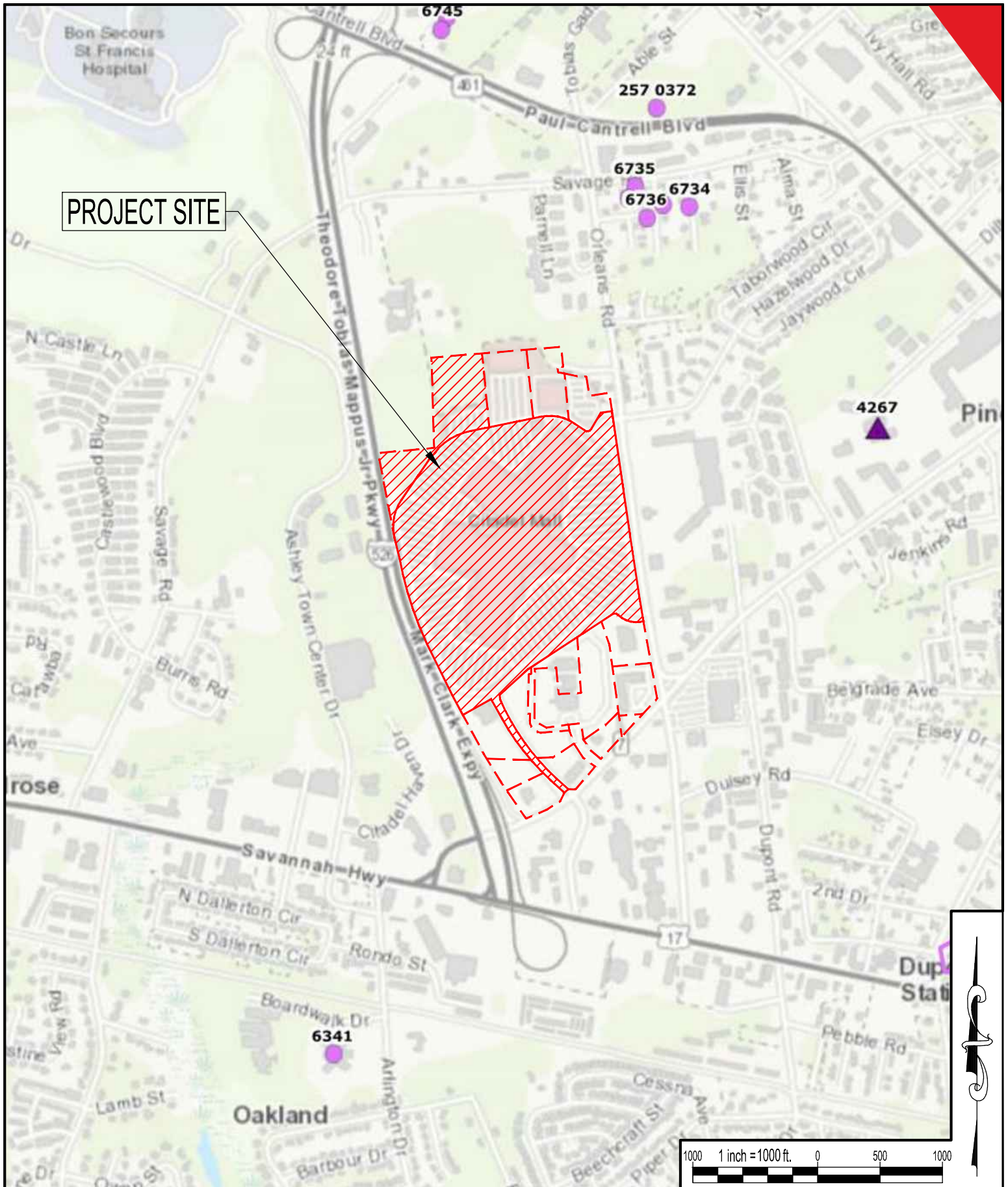
Figure 1. Location of the Project Tract and Previously Recorded Cultural Resources within 1/2 mile.



Figure 2. 1918 quadrangle showing residential development in the northeast portion of the tract.

APPENDIX K - CULTURAL RESOURCES

Figure K-1: State Historic Preservation Office (SHPO) Locations – Map PD-09.



PROJECT SITE



1226 YEAMANS HALL ROAD
HANAHAN, SC 29410
843-566-0161
ADCENGINEERING.COM

STATE HISTORIC PRESERVATION OFFICE

PROJECT EPIC

PD-9

DATE: 08/20/18

CHARLESTON, SOUTH CAROLINA

REF:

ADC PROJECT#: 18221.00

APPENDIX L – LETTERS OF COORDINATION



February 14, 2019

Mr. Chris B. Cook, P.E.
ADC Engineering
1226 Yeamans Hall Road
Hanahan, SC 29410

Re: Letter of Availability - TMS#351-09-00-015, -053, -062, -063, -054, and 310-04-00-009 and 351-05-00-044.

Dear Chris,

I am pleased to inform you that Dominion Energy will be able to provide electric and gas service to the above referenced site. Service will be provided in accordance with Dominion Energy's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures. Please note that this ability to serve may be dependent on Dominion Energy being able to obtain the necessary right-of-way to serve the site.

Any cost associated with providing service will be determined when a finalized/approved plan is submitted to our office. In order to begin engineering work for the project, the following information will need to be provided:

- 1.) Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage as well as requested service point/transformer locations.
- 2.) Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements will also be needed.
- 3.) Electric load breakdown by type with riser diagrams.
- 4.) Signed copy of this letter acknowledging its receipt and responsibility for its contents and authorization to begin engineering work with the understanding that Dominion intends to serve the referenced project.

Dominion Energy's construction standards and specifications are available upon request. For more information or questions, contact me by phone at (843) 576-8451 or email at pthompson@scana.com.

Sincerely,

Paul D. Thompson
Customer Service Engineering

Acknowledgement of Receipt	
Signature	_____
Title	_____ Date _____



PO Box B
Charleston, SC 29402
103 St. Philip Street (29403)

(843) 727-6800
www.charlestonwater.com

Board of Commissioners
Thomas B. Pritchard, Chairman
David E. Rivers, Vice Chairman
William E. Koopman, Jr., Commissioner
Mayor John J. Tecklenburg (Ex-Officio)
Councilmember Perry K. Waring (Ex-Officio)

Officers
Kin Hill, P.E., Chief Executive Officer
Mark Cline, P.E., Assistant Chief Executive Officer
Dorothy Harrison, Chief Administrative Officer
Wesley Ropp, CMA, Chief Financial Officer
Russell Huggins, P.E., Capital Projects Officer

February 19, 2019

Chris Cook, P.E.
ADC Engineering
Via email chrisc@adcengineering.com

Water & Sewer Availability TMS:351-09-00-015, -053, -062, -063, 054 and 310-04-00-009 and 351-05-00-044
Re: Redevelopment of existing retail/commercial site – Epic Center

This letter is to certify our willingness and ability to provide water service and wastewater collection to the above referenced site in Charleston County, South Carolina. Charleston Water System (CWS) currently has an existing water and wastewater systems located within easements on the site. The CWS own a 10” Ductile Iron Pipe (DIP) water main loop which ties into existing 24” DIP water mains in the rights of way of Orleans Road and Sam Rittenberg Blvd. CWS also owns 10” and 8” gravity wastewater collection mains throughout the site which travel to our existing 12” gravity wastewater main in the right of way of Orleans Road. As the property develops, it may be necessary to upsize or re-route existing water and wastewater mains depending on the scope of development.

This review does not supplant any other review as required by governing authorities and municipalities. It will of course be a developer responsibility to ensure there are adequate pressures and quantities on the existing mains to serve this site with domestic water/fire flow and not negatively impact the existing developments. Additional proposed wastewater flow which exceeds current use must also not negatively affect downstream infrastructure. Please be advised any extensions or modification to the infrastructure will be a developer expense. All fees and costs associated with providing service to this site will be a developer expense. This letter does not reserve capacity in the Charleston Water System infrastructure and it is incumbent upon the developer or his agent to confirm the availability herein granted past 12 months of this correspondence.

The Charleston Water System certifies the availability of service only insofar as its rights allow. Should access to our existing main/mains be denied by appropriate governing authorities, the Charleston Water System will have no other option than to deny service.

This letter is not to be construed as a letter of acceptance for operation and maintenance from the Department of Health and Environmental Control.

If there are any questions pertaining to this letter, please do not hesitate to call on me at (843) 727-6869.

Sincerely,

A handwritten signature in blue ink that reads "Lydia H. Owens".

Lydia H. Owens
Charleston Water System

February 19, 2019

ADC Engineering
Attn: Christopher Cook
1226 Yeamans Hall Rd
Hanahan, SC 29410

Subject: Epic Center (Re-titled)
310-04-00-009, 351-05-00-044
351-09-00-015, 053, 054, 062, 063

Operations Division

Dear Mr. Cook:

Gerrita Postlewait, Ed.D.
Superintendent of Schools

Please accept this letter as "Proof of Coordination" and adequate service capacity for ADC's involvement with the preparation of PUD documents for the proposed redevelopment of seven (7) parcels known as Citadel Mall.

Jeffrey Borowy, P.E.
Chief Operating Officer

To determine an estimate of additional students any development will create, the following formula is used: on an average of .4 students per single-family unit and .2 students per multi-family unit which is then divided by the number of kindergarten through twelfth grade levels (which is a total of 13 levels) to get a grade level average. That average is multiplied by the number of grade levels per school level and rounded to the nearest whole number.

On the basis of the location supplied to us, we expect significant impacts to enrollment from a capacity standpoint. The three (3) schools that fall within the attendance zone where your development will take place are listed below, and are subject to zoning modification.

- Stono Park Elementary
- West Ashley Middle
- West Ashley High

Please contact me at (843) 566-1995 if you have any questions and/or concerns.

Sincerely,



Angela Barnette, M.Ed.
Director of Planning & Real Estate



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1707 MCLEOD AVENUE (JAMES ISLAND) (0.45 ACRE) (TMS #424-09-00-155) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 20, 2019, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MSA HOLDINGS, 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 that the below described property shall become a part thereof:

1707 McLeod Avenue (James Island) (0.45 acre) (TMS #424-09-00-155)

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:

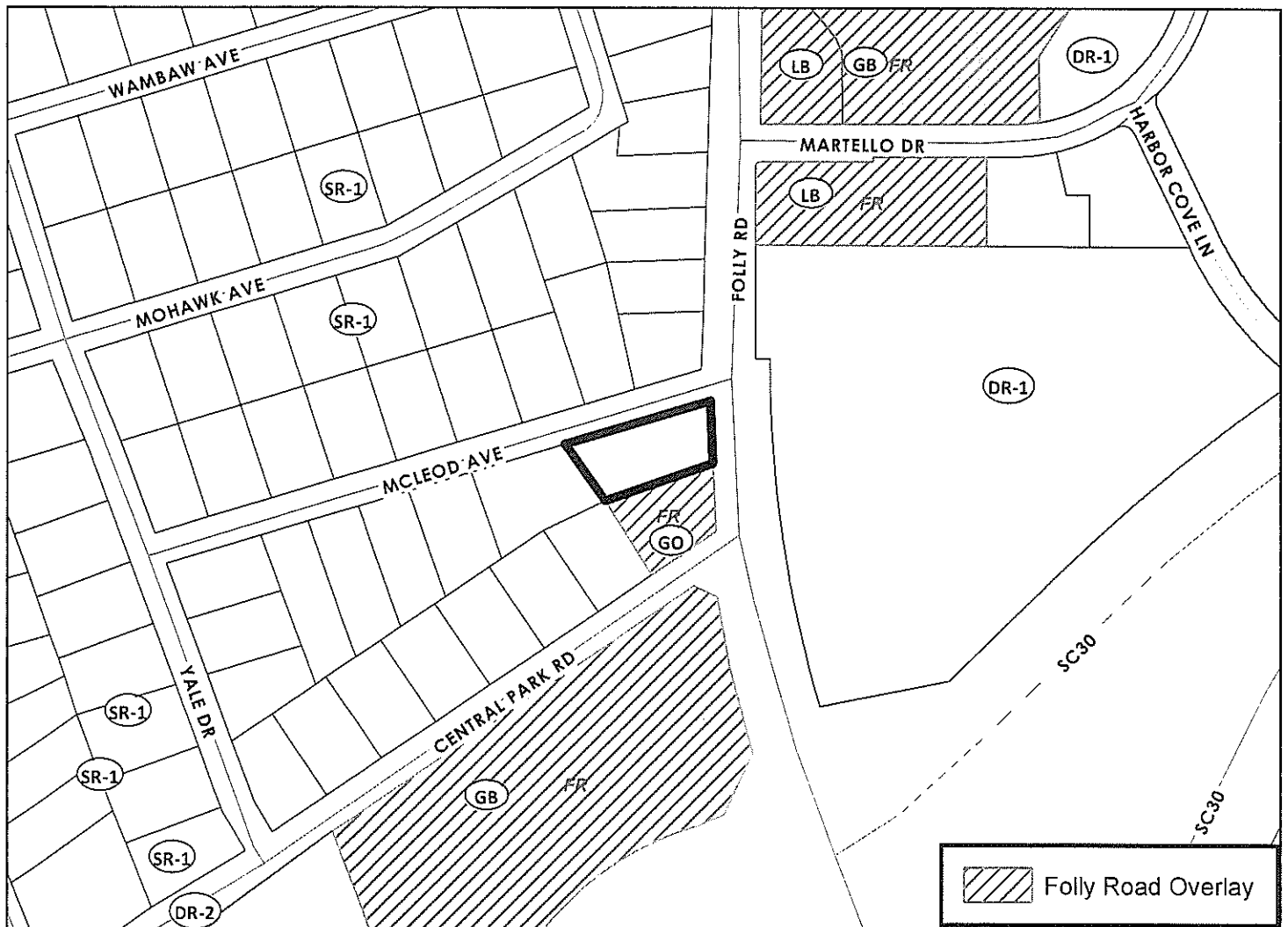
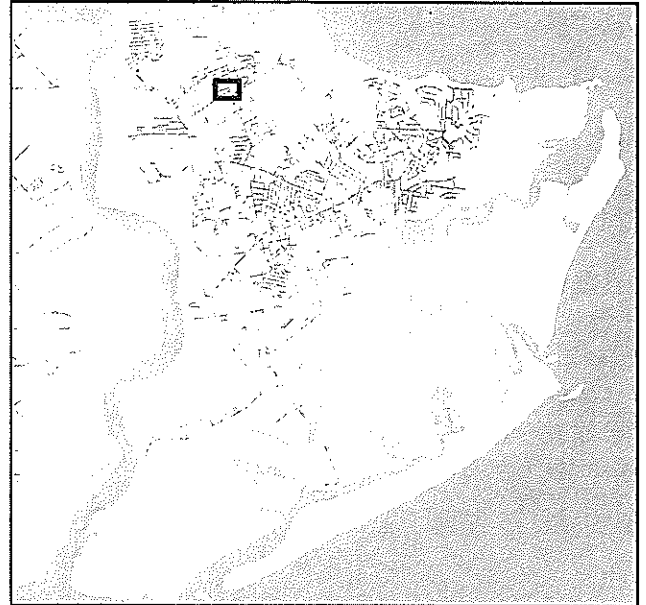
Vanessa Turner Maybank
Clerk of Council

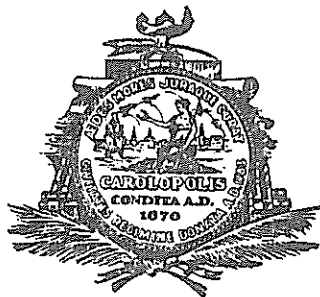
Zoning 1

1707 McLeod Ave (James Island)
TMS # 4240900155

0.45 acre
Request zoning of Single-Family Residential (SR-1).
Zoned Folly Road Corridor Overlay District (FRC-OD)
in Charleston County.

Owner: MSA Holdings, LLC





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2951 BOLTON ROAD (WEST ASHLEY) (0.32 ACRE) (TMS #307-10-00-044) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON JULY 25, 2019, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JOSHUA L. BETTINGER AND SHELBY R. WALLS.

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:

2951 Bolton Road (West Ashley) (0.32 acre) (TMS #307-10-00-044)

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: _____
Vanessa Turner Maybank
Clerk of Council

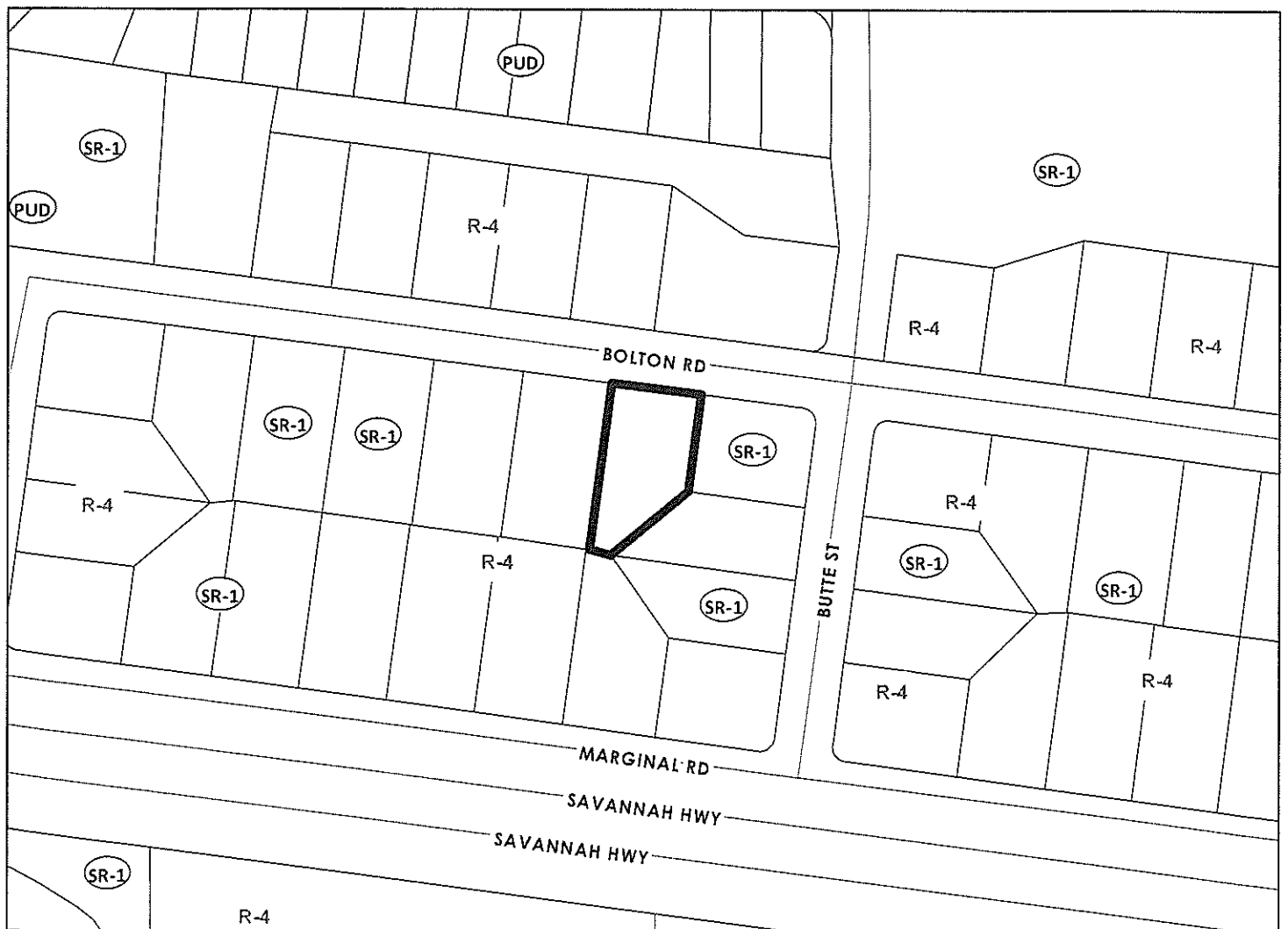
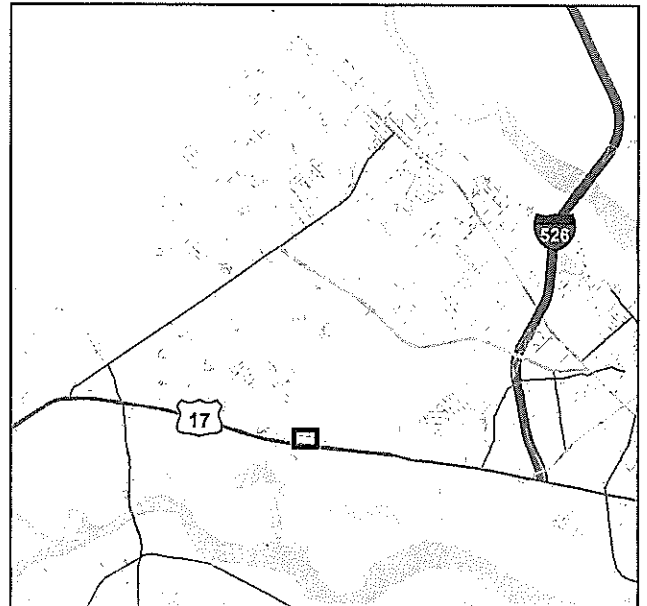
Zoning 2

2951 Bolton Rd (West Ashley)
TMS # 3071000044

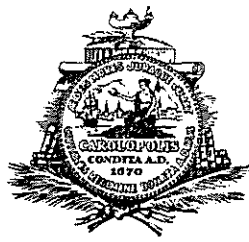
0.32 acre

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

Owner: Joshua L. Bettfinger and Shelby R. Walls



I (a).




City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor 

DATE: October 8, 2019

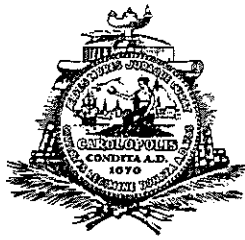
RE: Planning Commission Appointment

The Planning Commission shall consist of the nine (9) citizens of the city of Charleston who do not hold an elected public office 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 an attorney, one (1) shall be in real estate, and one (1) shall be a representative of the development community. Members of the commission first to serve shall be appointed for staggered terms as described in the agreement of organization and shall serve until their successors are appointed by City Council. A vacancy on the Planning Commission must be filled for the unexpired term in the same manner as the original appointment. City Council may remove any member of the commission for cause.

With the decision by City Council on September 10, 2019 not to reappoint Gordon Geer to the Planning Commission, I am recommending Jimmy Bailey, Jr. to fill his seat. Jimmy is a peninsula resident and an active member of the Charleston community. He is a Community Management Executive with the Kiawah Island Community Association and has served in a similar capacity on Daniel Island in the past. Jimmy also served a brief stint on the City's Board of Zoning Appeals.

The following is my recommendation for the Planning Commission.

- Jimmy Bailey Jr. – **New Appointment** – term expires - 2/28/2022




I(b).

City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

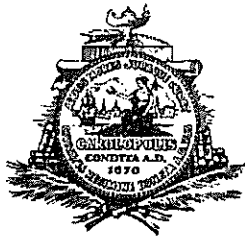
TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor 
DATE: October 8, 2019
RE: Board of Zoning Appeals—Zoning Appointments

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.

Ms. Richards has owned and operated Worthwhile on King Street for 26 years. She was the Art Reach and Gallery Coordinator for the City of Charleston from 1992-1993 and has served on the advisory board for the Halsey Institute of Contemporary art at the College of Charleston since 2004.

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

- Robin Richards – **New Appointment** – term expires 2/28/2022



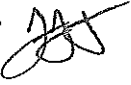
I(c).

City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor 

DATE: October 8, 2019

RE: Board of Appeals Under the International Building Code - Appointments

The Board of Appeals comprises seven (7) total members—two (2) of them being alternates. These design professionals represent the following professions and disciplines: architecture, structural engineering, mechanical and plumbing engineering, electrical engineering, and fire protection engineering.

I am currently reappointing two members of the Board of Appeals and three new appointments. Robbie Marty is a SC licensed architect and is currently serving as the board's chair. Eddie Porcher is a SC licensed structural engineer and has been on the board since 2012.

I am also recommending three new appointments to fill vacant positions on the board. Brian Bates has been a professional electrical engineer since 2004 he is currently the Vice President for Operations at DWG, Inc. James Webb holds a Virginia Class A Contractor's License and is currently the head of Meadors' Estate Management and Maintenance. Daniel Beck is the Owner and Chief Architect at Daniel Beck Architecture, LLC.

The following are my recommendations for the Board of Appeals:

Reappointments:

- Robbie Marty - term expires – 2/28/2022
- Eddie Porcher - term expires – 2/28/2022

New Appointments:

- Brian Bates (electrical engineer)- term expires – 2/28/2022
- James Webb (alternate) - term expires – 2/28/2022
- Daniel Beck (alternate) - term expires – 2/28/2022

AN ORDINANCE

TO AMEND PART 15 (MIXED USE 1 - WORKFORCE HOUSING DISTRICT MIXED USE 2 - WORKFORCE HOUSING DISTRICT) OF ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA (ZONING ORDINANCE), TO IMPLEMENT THE FEDERAL OPPORTUNITY ZONE PROGRAM, BY CREATING CERTAIN INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF WORKFORCE HOUSING UNITS WITHIN DESIGNATED QUALIFIED OPPORTUNITY ZONES.

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

Section 1. Part 4 of Article 3 of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby amended to read as follows:

~~PART 15 – MIXED USE 1 WORKFORCE HOUSING DISTRICT MIXED USE 2 WORKFORCE HOUSING DISTRICT~~ DISTRICTS AND OPPORTUNITY ZONES

Sec. 54-297. - Findings.

- a. City Council finds that its urban areas have traditionally included mixed use developments that incorporate housing opportunities for persons of varying means and incomes, along with complementary nonresidential uses. City Council finds that these mixed use developments have contributed significantly to the economic success and unique fabric of its urban environment by enhancing diversity and providing job opportunities, and that it is in the public interest that incentive-driven districts be established to encourage the continued development of mixed use projects.
- b. City Council finds that opportunity zones, which were added to the federal tax code by the Tax Cuts and Jobs Act (the “Act”) on December 22, 2018, provide for preferential tax treatment for new investments in economically-distressed areas, including areas within the City designated as qualified opportunity zones under the procedures set forth in the Act.

Sec. 54-298. - Purpose.

- a. ~~These~~The MU-1/WH and MU-2/WH base zoning districts are intended to promote a mixture of housing opportunities within a single development, along with appropriate nonresidential uses, by providing incentives for the creation of such developments in urban areas of the ~~city~~City where on street parking or other public parking is customary and can be reasonably accommodated.
- b. The creation of qualified developments in areas of the City designated as qualified opportunity zones is intended to take advantage of the Act and the economic

development tools provided therein to spur economic development and job creation in distressed communities, while ensuring appropriate housing is provided in these areas.

Sec. 54-299. – Availability.

- a. Except as set forth in Sec. 54-299.b, the MU-1/WH and MU-2/WH districts, being incentive based, are only available to property-owners who apply for the district designation.
- b. Subject to the terms, conditions, and restrictions set forth in this Part, notwithstanding Sec. 54-299.a, any owner may apply for the incentives applicable to the MU-1/WH or MU-2/WH districts without applying for the district designation, by demonstrating to the Zoning Administrator that the proposed development on the owner's property meets all of the following criteria: (1) the development is funded wholly or in part by a qualified opportunity zone fund; (2) the development lies wholly or in part within a designated qualified opportunity zone; and (3) the development will occur on property lying entirely in at least one of the following base zoning districts: UC, GB, LB, CT, GO, BP, LI, or HI.

Sec. 54-299.1. – Definitions.

Terms in this Part shall be defined as follows:For the purpose of this part, the following terms mean:

- a. Owner occupied workforce housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units. ~~Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.~~
- b. Rental workforce housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. ~~Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.~~
- c. Qualified household: Households where occupants have, in the aggregate, (1) a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied workforce housing units; (2) a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. ~~Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as~~

~~adjusted by the City of Charleston Department of Housing and Community Development, or their successors, workforce housing units; or (3) a household income less than or equal to sixty (60%) percent of the area median income (AMI).~~

- d. ~~Initial maximum allowable sales price: An amount equal to three (3) times one hundred twenty (120%) percent of the area median income(AMI), as determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors plus any subsidy available to the buyer/purchaser.~~
- e. ~~Affordable rent: An amount equal to thirty (30%) percent of eighty (80%) percent of the annual Area-Median-Income (AMI), as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors~~AMI. Affordable rent for efficiency/studio units is the High HOME rents as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. In the absence of such information, the ~~rents~~total annual rent charged by the owner shall not exceed thirty (30%) percent of the annual household income.
- f. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the Hhousehold members' families for medical, personal or educational needs.
- g. ~~Area Median Income (AMI). Area median income (AMI) shall be as determined annually by the United States Department of Housing and Urban Development, as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.~~
- h. ~~Designated qualified opportunity zone: A designated qualified opportunity zone is a qualified opportunity zone, as defined in subsection (a) of Section 1400Z-1 of Title 26 of the United States Code, that has received a designation pursuant to that section.~~
- i. ~~Qualified opportunity zone fund: The term "qualified opportunity zone fund" is defined in subsection (d) of Section 1400Z-2 of Title 26 of the United States Code.~~

j. Qualified development: A development satisfying the criteria in Sec. 54-299.b, as determined by the Zoning Administrator.

Sec. 54-299.2. – Land uses for MU-1/WH and MU-2/WH districts.

[The provisions of the current Sec. 54-299.2 are incorporated fully herein by reference]

Sec. 54-299.3. – Parking and loading.

[The provisions of the current Sec. 54-299.3 are incorporated fully herein by reference]

Sec. 54-299.4. – Height, area and setback regulations.

a. The height, area and setback regulations for the MU-1/WH and MU-2/WH districts are listed under Article 3, Part 1, Table 3.1 (Height, Area and Setback Regulations) of Article 3 (Site Regulations) of this Chapter in Table 3.1 (Height, Area and Setback Regulations).

b. The height, area and setback regulations for the MU-1/WH and MU-2/WH districts, as set forth in Table 3.1, shall also apply within qualified developments.

Sec. 54-299.5. - Affordable/workforce housing account.

[The provisions of the current Sec. 54-299.5 are incorporated fully herein by reference]

Sec. 54-299.6. - Existing MU-1/WH and MU-2/WH classifications.

[The provisions of the current Sec. 54-299.6 are incorporated fully herein by reference]

Sec. 54-299.7. – Lot frontage requirements.

a. New lots created in the MU-1/WH and MU-2/WH zone districts shall not be required to have frontage on a street, ~~per Section~~ as set forth in Sec. 54-824.

b. New lots created within a qualified development shall not be required to have frontage on a street, unless such frontage would be required on a new lot created in the MU-1/WH and MU-2/WH zone districts.

Sec. 54-299.8 – Land Uses for Qualified Developments.

With respect to a qualified development, the following standards shall apply:

a. Every qualified development containing dwelling units shall be subject to the same incentives and requirements applicable to a development in the MU-1/WH or MU-2/WH zoning districts.

b. Nonresidential uses allowable in a qualified development are the nonresidential uses allowable in the base zoning district of the property.

Sec. 54-299.9–54-299.10. – Reserved

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the year of Our Lord, 2019, in the ____ Year of the Independence of the United States of America.

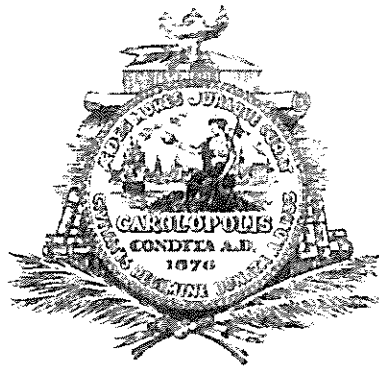
By:

John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

By:

Vanessa Turner Maybank
Clerk of Council



RESOLUTION NO. _____

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 332 KING STREET (CHARLESTON COUNTY TMS 457-04-02-007) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF THE SOUTH CAROLINA CODE.

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act, codified at sections 12-67-100 to -160 of the South Carolina Code (the “Act”), creates an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina;

WHEREAS, section 12-67-140(A)(1) of the South Carolina Code sets forth certain conditions under which a taxpayer who rehabilitates an abandoned building is eligible for a credit against certain income taxes, corporate license fees, and insurance premium taxes, or a combination thereof;

WHEREAS, section 12-67-120(1) of the South Carolina Code generally defines an “abandoned building” as a “building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes” for at least five years prior to the filing of a notice of intent to rehabilitate;

WHEREAS, section 12-67-160(A) of the South Carolina Code provides that a taxpayer may apply to the municipality in which an abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality;

WHEREAS, 332 King Investors, LLC; JPM Naples SPE, LLC; and Alba Florida Rentals SPE, LLC; and Alba Florida Investments SPE, LLC, (collectively, the “Owners”) together own certain real property located at 332 King Street, being designated as Charleston County TMS 457-04-02-007, containing one (1) building, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference (the “Building Site”);

WHEREAS, the Owners desire to rehabilitate the Building Site, which is located within the municipal limits of the City of Charleston (the “City”) and plan to include the Building Site in a limited liability company to be formed shortly for the purpose of conducting such rehabilitation; and

WHEREAS, pursuant to section 12-67-160(A) of the South Carolina Code, on April 26, 2019, the Owners requested that the City certify the Building Site as an abandoned building site as defined by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA:

Section 1. Based solely on the information supplied by the Owners and the City’s search of its business license records, the City hereby certifies that (i) the Building Site constitutes an abandoned building as defined by section 12-67-120(1) of the South Carolina Code; and (ii) the geographic area of the Building Site is consistent with section 12-67-120(2) of the South Carolina Code.

Section 2. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Owners beyond the certification contained herein.

Section 3. This Resolution does not provide any approvals or permits for the project. The Owners are required to obtain all necessary approvals and permits for the project from the City pursuant to the City’s ordinances.

Section 4. This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this _____ day of _____, 2019.

John J. Tecklenburg,
Mayor City of Charleston

ATTEST:

Vanessa Turner Maybank,
Clerk of Council

EXHIBIT A

LEGAL DESCRIPTION

ALL that piece, parcel or lot of land, with the buildings and improvements thereon, situate, lying and being in the City of Charleston, County of Charleston, State of South Carolina, containing 0.14 acres, more or less, and shown as "TMS: 457-04-02-007 TOTAL AREA 0.14 acres 6,181 sq ft A-B-C-D-A," and delineated on a plat thereof prepared by Alexander C. Peabody, PLS of Peabody & Associates, Inc., entitled "ALTA/NSPS LAND TITLE SURVEY OF No. 332 KING STREET (0.14 ACRES), CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA. PREPARED FOR AND CERTIFIED TO 332 KING INVESTORS, LLC, CLEAR TITLE AGENCY, LLC, COMMONWEALTH LAND TITLE INSURANCE COMPANY. PRESENTLY [SIC] OWNED BY KALINSKY FAMILY, LLC," dated May 23, 2017, last revised August 2, 2017, and recorded August 11, 2017, in Plat Book L17 at Page 0438 in the Register of Deeds Office for Charleston County, South Carolina (the "Plat"). Said property having such location, buttings, boundings, courses and distances as by reference to said Plat will more fully appear.



Ratification
Number _____

A N O R D I N A N C E

TO ADOPT AND AMEND THE BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON, SOUTH CAROLINA FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2020.

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

The City of Charleston Business License Ordinance is hereby amended by adding thereto the following underlined words and deleting the stricken text, which shall read as follows:

Section 1. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this ordinance, in whole or in part, within the limits of the City of Charleston, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

"*Business*" means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

"*City*" means the City of Charleston.

"*Classification*" means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits,

equalization of tax burden, relationships of services, or other basis deemed appropriate by City Council.

"Due Date" means the date and year when the income is required to be reported to the Business License Official as provided herein.

"Gross Income" means the total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the City, excepting therefrom income earned outside of the City of Charleston on which a license tax is paid to some other municipality or county and fully reported to the City of Charleston. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, or funds which are the property of a third party and held in escrow. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency.

"License Official" means the "Revenue Collections Division Director" or such other person designated by him or her to administer this ordinance.

"Municipality" means the City of Charleston, South Carolina.

"Person" means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

"Real Estate Developer" means an individual or entity who, for a fee, salary, commission, or other valuable consideration, or who, with the intent or expectation of receiving compensation, engages in any activity involving the sale, purchase, exchange or lease of land and otherwise holds himself or itself out to the public or another business entity as being engaged in any of the foregoing activities.

Section 3. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one year and shall expire on

December 31. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Council.

Section 4. License Fee.

a. The required license fee for each business subject hereto shall be due on January 1 of each year and payable by January 31st. of that year. Delinquent renewal penalties will accrue after February 28th as detailed in Section 14. Fees shall be paid in accordance with the applicable rate classification. The license fee due date for insurance companies shall be May 31st.

b. If the due date for payment falls on a Saturday or Sunday, or a Federal, State, or City of Charleston observed holiday then payment is considered timely on the following business day. Furthermore, if the due date for payment falls during the period of a natural disaster which directly precluded the responsible party from timely submitting the payment, an additional ten (10) day extension may be granted upon written request by the responsible party to the Director of the Revenue Collections Division. A natural disaster is defined as a hurricane, earthquake, flood, or tornado. The responsible party is considered directly precluded from timely submitting payment if their offices are deemed by emergency officials to be damaged to the extent of being unsafe or unavailable for use due to the disaster or postal service to the immediate area is suspended during the due date.

c. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. Businesses that sell alcohol for on premise consumption in addition to conducting other types of business activities are required to secure a 7-5813, a 2-5812, or a 2-5813 classification in addition to any other business license required for that place of business.

d. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial fee for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Section 5. Registration Required.

a. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

b. Application shall be on a form provided by the License Official which shall contain the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, South Carolina Sales Tax Number, if applicable, the applicant's Driver's License Number, and all information about the applicant and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

c. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the Municipality have been paid.

d. Before a business license may be issued to a business physically located within the municipal limits of the City of Charleston, the owner, agent, or legal representative shall procure a certificate of occupancy, occupancy permit, or a certificate of operation for each location proposed to be operated by that business before commencing business operations.

e. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Section 6. Collection of Insurance Fees.

Pursuant to S.C. Code Ann. §§ 38-7-160 and 38-45-60, The Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The Mayor is hereby authorized to execute an agreement with the Municipal Association for the administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and the municipal broker's premium tax.

Section 7. Collection of Telecommunication Fees.

a. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

b. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

c. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

d. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

e. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

f. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31.

g. All fees collected under such a franchise or contractual agreement expiring after December 31, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

h. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

Section 8. Deductions, Exemptions, and Charitable Organizations

a. No deductions from gross income shall be made except for income earned outside of the Municipality on which a license tax is paid by the business to some other Municipality or a County and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

b. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof. It is the intent of this ordinance that the rule laid down by the Supreme Court of South Carolina in the case of **Triplet v. The City of Chester, 209 SC 3445, 40SE 2d 684 (1946)** shall be followed.

c. A separate itemized listing showing and explaining all deductions must accompany the license application, either new or renewal, or no deductions will be allowed.

d. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of North American Industry Classification System code. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax by reason of application of this ordinance.

e. A Charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to a charitable purpose.

Section 9. False Application Unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this ordinance.

Section 10. Display and Transfer.

a. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person readily available for inspection by any authorized agent of the Municipality.

b. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license.

c. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license. In the event of a sale or transfer of a business, the purchaser or new owner(s) may apply to the License Official for a credit for fees previously paid toward the new license fees. Upon determination by the License Official that the new business is the same as the previously licensed business, the License Official shall deduct from fees due a prorated credit for license fees paid. The applicant for such credit shall pay an administrative fee of \$50.00, notwithstanding such credits. Such application shall be made within thirty (30) days of any transfer or sale. The transfer of any partial ownership shall be reported to the License Official.

Section 11. Administration of Ordinance.

The License Official shall administer the provisions of this ordinance, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 12. Inspections and Audits.

a. The License Official shall make systematic inspections and periodic audits of businesses within the Municipality to insure compliance with the ordinance. All licensees and applicants under this ordinance hereby submit to the jurisdiction of the City, its License Official, or other authorized agents for the purposes of inspections or audits of books and records.

b. For the purpose of enforcing the provisions of this ordinance the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. Failure to permit such inspections or audits shall be sufficient cause to deny, revoke, or suspend a license by the License Official.

c. In the event an audit or inspection reveals that the licensee has failed to pay the proper amount of fees, an audit notice shall be served by certified mail. An application of adjustment of the audit may be made to the License Official within fifteen (15) days after the notice is mailed or the audit will become final.

d. In the event an audit or inspection reveals that the licensee has filed false information or under reported its income, the costs of the audit may be added to the correct license fee. Additionally, penalties shall be added to the outstanding fees as provided herein and each day of failure to pay the proper amount of license fee and penalty shall constitute a separate offense.

e. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee. The License Official may disclose gross incomes of licenses to the Internal Revenue Service, South Carolina Tax Commission or Charleston County Tax Appraiser for the purpose of assisting tax assessments, tax collections and enforcement. Such disclosure shall be for internal, confidential and official use of these governmental agencies and shall not be deemed public records.

Section 13. Assessments.

a. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

b. A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the License Official within fifteen (15) days after the notice is mailed or the assessment will become final. The License Official shall establish the procedures for hearing an application for adjustment of assessment and issuing a notice of final assessment.

Section 14. Delinquent License Fees, Partial Payment.

a. For non-payment of all or any part of the correct license fee, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid fee for the first month or portion thereof after the due date and an additional twenty (20%) percent for the second month or portion thereof after the due date, for a total of twenty-five (25%) percent, and an additional ten (10%) percent for the third month, for a total of thirty-five (35%) percent of the correct license fee. If any license fee remains unpaid for sixty (60) days after its due date, the License Official may report it to the municipal attorney for appropriate legal action.

b. The penalty for delinquent insurance payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

c. Penalties shall not be waived.

d. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 15. Notices.

The License Official may, but shall not be required to, mail written notices that license fees are due. If notices are not mailed there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year.

Additionally, the License Official may, but shall not be required to, mail a written reminder that license fees are due. The written reminder should state the due date for the business license fee, the penalties for failing to pay timely and contact information for the Revenue Collections Department.

Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax and penalties due.

Section 16. Denial of Business License.

a. The License Official may deny a business license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the activity for which a business license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*. A denial shall be written with reasons therefore stated.

b. No business license shall be issued to a business physically located in the City of Charleston until a certificate of occupancy, occupancy permit, or a certificate of operation has been applied for and issued indicating approval of the Zoning Administrator, Fire Department and the Building Inspector for the operation of the applicant's business at the proposed location. Applicants shall purchase a business license within five (5) days after the certificate of occupancy, occupancy permit, or a certificate of operation has been issued.

c. No business license may be issued to a business if that business, or a principal officer of that business owes the City of Charleston for outstanding business license fees, unless a payment plan has been approved by the License Official.

d. No business license may be issued to a business if that business, or the agent, or a principal officer of that business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the City or in another jurisdiction.

e. No business license may be issued to a business if that business, or the agent, or a principal officer of that business has had a business license for the business or for a similar business in another jurisdiction that has been denied, suspended, or revoked in the previous license year.

Section 17. Suspension or Revocation of License.

When the License Official determines:

1. A license has been mistakenly or improperly issued or issued contrary to law; or
2. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or
3. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
4. A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
5. A licensee has engaged in an unlawful activity or nuisance related to the business;

The License Official may take actions to suspend or revoke the business license by giving written notice to the licensee or the person in control of the business within the municipality by personal service or certified mail that the license is suspended or suspended pending a hearing before the Business License Committee for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Business License Committee meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension or suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 18. Appeals and Appeal Procedure.

a. Any person aggrieved by a proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Business License Committee of City Council by written request setting forth plainly, fully, and distinctly why the decision is contrary to law. The written request shall be filed with the Clerk of Council's Office with a copy to the License Official within ten (10) days after service by certified mail or personal service of the notice of proposed revocation, suspension or denial.

b. Any person aggrieved by a final decision of the License Official regarding a final audit or assessment may appeal the License Official's decision to the Business License Committee only after payment in full of the final audit or assessment under protest within ten(10) business days of receiving the final audit and by filing with the Clerk of Council and the License Official a written notice of appeal setting forth plainly, fully, and distinctly why the decision is contrary to law.

c. Business License hearings requested pursuant to this section shall be scheduled within thirty (30) days after receipt of a proper request for an appeal unless continued by agreement.

d. Any person aggrieved by a final decision of the Business License Committee regarding a suspension or revocation of a business license, or a decision by the Business License Committee on a matter appealed to it in accordance with the procedures outlined in this section may appeal the decision of the Business License Committee to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the Business License Committee.

e. At a hearing held before the Business License Committee, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by City Council shall govern the hearing. The Business License Committee with a quorum of members in attendance shall by majority vote of member's present render a written decision based on findings of fact and the application of the standards herein which shall be served upon all parties or their representatives.

Section 19. Consent, franchise or business license fee required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided for by the franchise or consent agreement.

Section 20. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Section 21. Violations.

Any person violating any provision of this ordinance shall be deemed guilty of the offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Section 22. Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 23. Classification and Rates.

a. The license fee for each Class of business shall be computed in accordance with the following rates. The major groups of businesses included in each Class are listed with the major group number according to the North American Industry Classification System code. The License Official shall determine the proper class for business according to the NAICS.

b. Unless otherwise specifically provided, all minimum fees and rates shall be doubled for itinerants having no fixed principal place of business in the City of Charleston. A construction site trailer or a structure in which the contractor temporarily resides is not deemed a fixed principal place of business."

Section 24. Drainage Fund.

Two percent (2%) of the business license fees collected are hereby authorized to be transferred to the drainage fund to be utilized for drainage improvements.

Section 25. This Ordinance shall become effective January 1, 2020.

Ratified in City Council this ____ day of _____,
in the Year of Our Lord, 2019, and in the ____ Year of
the Independence of the United States of America.

BY: _____

John J. Tecklenburg,
Mayor, City of Charleston

ATTEST:

BY:

Vanessa Turner Maybank,
Clerk of Council

**2020
Schedule of License Fees - Section 25**

C l a s s	I N C O M E 0-\$2,000.00	All over \$2,000.00
		Rate per thousand or fraction thereof
1.....	\$ 32.00	\$ 1.55
2.....	\$ 37.00	\$ 1.95
3.....	\$ 43.00	\$ 2.35
4.....	\$ 49.00	\$ 2.80
5.....	\$ 55.00	\$ 3.15
6.....	\$ 60.00	\$ 3.50
7.....	\$ 64.00	\$ 3.90
8.....	See individual business in Class 8	

EXAMPLE OF BUSINESS LICENSE FEE CALCULATION		
Class 1 Business.....	Gross Income	\$100,000.00
First \$2,000.00.....	@ \$32.00	\$32.00
\$2,000.00 \$100,000.00.....	@ \$1.55 per thousand	98 x \$1.55 =
		\$151.90 + \$ 32.00
		Total \$183.90

Itinerant Rates

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

"Declining Rate applies in all classes of gross income in excess of \$1,000,000.00

- excepting where noted differently -

A. Amount (in Millions)	Percent of Rate for each additional \$1,000
Gross Income	
0 – 1	100 percent
1 – 295
2 – 390
3 – 485
4 – 580
Over 5.....	.75

CLASS 8 / RATES

NAICS

230000 – Contractors, Construction, Management, General-Contractor, Subcontractors and types –

The total tax for the full amount of the contract shall be paid prior to commencement of any work and shall entitle contractor to complete the job without regard to the normal license expiration date, except that itinerants performing State and Federal jobs in excess of five million dollars (\$5,000,000.00) may pay annually the business license fees equally over the terms of the contract with the first payment due prior to the commencement of work. The declining rate shall apply only to the amount of the contract reported each year.

– Itinerant (No permanent, principal place of business within the city)0 - \$2,000.00\$80.00
over \$2,000.00.....\$3.30 per Thousand

Trailers, model homes, structures, or office spaces occupied by Contractors, Subcontractors, and Construction Managers temporarily during construction shall not constitute a permanent, principal place of business.

– Having place of business within the City..... 0 - \$2,000.00.....\$40.00
.....over \$2,000.001.65 per Thousand

No contractor shall be issued a business license until all state examination and trade license requirements have been met and all delinquent business licenses paid. No contractor shall be issued a business license until all performance and indemnity bonds required by the City have been filed and approved. Zoning permits must be obtained when required by the City Zoning Ordinance with estimated cost of construction. Each contractor shall post a sign in plain view on each job identifying the contractor with the job and shall furnish the License Inspector with a list of the names, addresses and telephone numbers, start dates, and contract values for all subcontractors.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general contractor for value of work performed by a sub-contractor.

482000 - Railroad Companies. For the first 1000 inhabitants..... \$35.51
For each additional 1000 inhabitants according to the last Fed census of the city. Up to a maximum total of \$2,000.00..... \$44.97

517200 – Radio Telephone Communications - Maximum Authorized by SC. Code Sec 58-9-2220. X gross revenues
517100 – Telephone Communications – Maximum Authorized by SC. Code Sec 58-9-2220 .X gross revenues

722410, 722511 - (a) - Night Clubs, Cabarets, Taverns, Restaurants, or other similar establishments, which sell or serve beer or wine or permit the consumption of alcoholic beverages on the premises after midnight and which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages.

On gross receipts not exceeding \$25,000.00\$610.50
On each additional \$1,000.00 or fraction thereof.....\$7.90 per Thou

722410, 722511 (b) - Restaurants which derive less than thirty – five (35%) percent of their gross income from the sale of beer, wine and/or alcoholic beverages and are open after midnight.

On gross receipts not exceeding \$2,000.00\$46.26
On each additional \$1,000.00 or fraction thereof\$2.30 per Thou

An addendum to the business license application with a breakdown of total gross income and gross income derived from the sale of beer, wine and/or alcoholic beverages is required to be filed by Class 7 – Section 5813 (a) and Class 8 – Section 722410 (a) establishments.

If Class 8-722410 (b) establishments fail to submit an addendum or the addendum fails to separate total gross income from gross income derived from the sale of beer, wine and/or alcoholic beverages, the license fee shall be computed under the rate Class 8-722410 (a).

4412 – Other motor vehicles	0 - \$2,000.00	\$32.00
	over \$2,000.00.....	\$1.10 per Thousand
4411 – Automobile Dealers.....	0 - \$2,000.00	\$32.00
	over \$2,000.00.....	\$1.10 per Thousand

Insurance Companies

Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office's located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium. As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Solicitation for insurance, receiving or transmitting an application or policy, examination of risk, collection or transmitting an application of a premium, adjusting a claim, delivering a benefit or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include_new and renewal business without deductions for any divided, credit, return premiums or deposit. Declining rates shall not apply.

524113, 524114 Life, Health and Accident.....	0.75% percent of gross Premiums
524126, 524128 Fire and Casualty.....	2% of gross premiums
524127 Title Insurance	2% of gross premiums
524210 Brokers for non-admitted insurance carriers.....	2% of gross premiums

Computer Programming Design, Prepackaged Software Design, 541511, 511210, 334611

First	-		\$2,000.00
\$10.00			
\$2,000.00	-	1	Million
55¢ per Thou			
1	Million	-	2
10¢ per Thou			Million
2	Million	-	10
5¢ per Thou			Million
Over	10		Million
2.5¢ per Thou			

713200 – Amusements Machines, coin operated – Not included in gross income of businesses where located or not owned by business where located

except video poker type machines (Not to be prorated)..... \$6.44
 713990 – Billiard or Pool Tables, all types (Not to be prorated). \$6.44

List of machine locations required.

Taxi Decal, Vehicle for Hire Decals..... \$6.44 per decal per year

If you have any questions or need assistance with filling out your business license application, please call the Revenue Collections office at 724-3711. Please make checks payable to the City of Charleston.

	MAILING ADDRESS	PHYSICAL LOCATION
Office	City of Charleston Revenue Collections Office	Revenue Collections
	P.O. Box 22009	2 George Street, Suite 1700
	Charleston, SC 29413-2009.....	Charleston, SC 29401

If your business closes before the end of 2019, please contact our office so we may update our files.



City of Charleston Business License 2020 Rate Classification Index

Sec. 24

NAICS Code Industry Sector

RATE CLASS 1

22	Utilities
313	Textile and textile product mills
321	Wood products
331	Primary metal industries
42	Wholesale trade
441	Motor vehicle and parts dealers
443	Electronic and appliance stores
445	Food and beverage stores
447	Gasoline stations
451	Sporting goods, hobby, book, and music stores
452	General merchandise stores
454	Non store retailers
623	Nursing and Residential Care Facility
721	Accommodation

RATE CLASS 2

11	Agriculture, forestry, hunting and fishing
311	Food manufacturing
315	Apparel
316	Leather and allied products
322	Paper products
323	Printing and related support activities
324	Petroleum and coal products
327	Nonmetallic mineral products
332	Fabricated metal products
333	Machinery
335	Electrical equipment, appliances, and components
336	Transportation equipment
337	Furniture and related products
442	Furniture and home furnishing stores
444	Building material and garden equipment and supplies dealers
446	Health and personal care stores
448	Clothing and accessories stores
453	Miscellaneous store retailers
48	Transportation, except rail
493	Warehousing and storage facilities
524	Insurance agents, brokers, and related activities
532	Rental and leasing services
562	Waste management and remediation services
722	Food services and drinking places
811	Repair and maintenance
8111	Auto repair and maintenance

RATE CLASS 3

325	Chemical manufacturing
339	Other miscellaneous manufacturing
51	Information
512	Motion picture and sound recording
515	Broadcasting (except internet) and telecommunications
517	Telecommunications
56	Administrative and support and waste management and remediation services
561	Administrative and support services
71	Arts, entertainment, and recreation
712	Museums, Historical Sites and similar institutions

RATE CLASS 4

334	Computer and electronic products
511	Publishing industries (except 511210)
518	Internet service providers, web search portals, and data processing
62	Health care and social assistance

RATE CLASS 5

519	Other Information Services
522	Credit intermediation and related activities
54	Professional, scientific, and technical services
55	Management of companies
61	Educational services
812	Personal and laundry services
813	Religious, grant making, civic, professional, and similar organizations

RATE CLASS 6

21	Mining
531	Real estate (property managers, real estate agents, appraisers)

RATE CLASS 7

52	Finance and insurance
523	Securities, commodity contracts, and other financial investments
525	Funds, trusts and other financial vehicles
5311	Lessors of real estate (including mini warehouses and self-storage)
<u>53110</u>	Lessors of Residential Buildings and Dwellings (Owners of fewer than five (5) residential units that are not permitted for short term rental use pursuant to 54-208 through 54-209 are exempt)
<u>5416-5419</u>	Other professional, scientific and technical services

RATE CLASS 8

23	Construction
4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
482	Rail Transportation
5241	Insurance Carriers
52421	Insurance Brokers for non-admitted Insurance Carriers
7131	Amusement Parks and Arcades
7132	Non payout Amusement Machines
71399	All Other Amusement and Recreational Industries (pool tables)
72241	Drinking Places (Alcoholic Beverages) (After Midnight)
72551	Food Services (After Midnight)

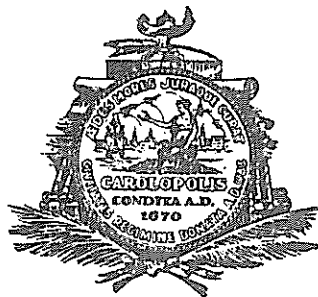
BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2
21	Mining	6
2211	Electric Power Generation, Transmission and Distribution	8
2212	Natural Gas Distribution	8
22	Utilities	1
23	Construction	8
311	Food manufacturing	2
313	Textile and textile product mills	1
315	Apparel	2
316	Leather and allied products	2
321	Wood products	1
322	Paper products	2
323	Printing and related support activities	2
324	Petroleum and coal products	2
325	Chemical manufacturing	3
327	Nonmetallic mineral products	2
331	Primary metal industries	1
332	Fabricated metal products	2
333	Machinery	2
334	Computer and electronic products	4
335	Electrical equipment, appliances, and components	2
336	Transportation equipment	2
337	Furniture and related products	2
339	Other miscellaneous manufacturing	3
42	Wholesale trade	1
42393	Recyclable Material Merchant Wholesalers (Junk)	1

44-45	Retail trade (see type)	
441	Motor vehicle and parts dealers	1
4411	Automobile Dealers	8
4412	Other Motor Vehicle Dealers	8
442	Furniture and home furnishing stores	2
443	Electronic and appliance stores	1
444	Building material and garden equipment and supplies dealers	2
445	Food and beverage stores	1
446	Health and personal care stores	2
447	Gasoline stations	1
448	Clothing and accessories stores	2
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	2
454	Non store retailers	1
45439	Other Direct Selling Establishments (Peddlers)	1
48-49	Transportation and warehousing (see type)	
482	Rail Transportation	8
486	Pipeline transportation	2
493	Warehousing and storage facilities	2
51	Information	3
511	Publishing industries (except 511210)	4
512	Motion picture and sound recording	3
515	Broadcasting (except internet) and telecommunications	3
517	Telecommunications	3
51711	Cable, DSL, VoIP, etc.	8
518	Internet service providers, web search portals, and data processing	4
519	Other Information Services	5
52	Finance and insurance	7
522	Credit intermediation and related activities	5
523	Securities, commodity contracts, and other financial investments	7

524	Insurance agents, brokers, and related activities	2
5241	Insurance Carriers	8
52421	Insurance Brokers for non-admitted Insurance Carriers	8
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	5
531	Real estate	6
5311	Lessors of real estate (including mini warehouses and self-storage	7
532	Rental and leasing services	2
54	Professional, scientific, and technical services	5
5416-5419	Other professional, scientific, and technical services	7
55	Management of companies	5
56	Administrative and support and waste management and remediation services	3
561	Administrative and support services	3
562	Waste management and remediation services	2
61	Educational services	5
62	Health care and social assistance	4
623	Nursing and Residential Care Facility	1
71	Arts, entertainment, and recreation	3
71119	Other Performing Arts Companies (Carnivals and Circuses)	3
712	Museums, Historical Sites and similar institutions	3
7131	Amusement Parks and Arcades	3
7132	Non payout Amusement Machines	8
71329	Bingo Halls	3
71399	All Other Amusement and Recreational Industries (pool tables)	3
721	Accommodation	1
722	Food services and drinking places	2
72241	Drinking Places (Alcoholic Beverages)	8
72251	Food Services (After Midnight)	8
811	Repair and maintenance	2
8111	Auto repair and maintenance	2

812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and simila organizations	5
812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and simila organizations	5



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 21, ARTICLE II OF THE CODE OF THE CITY OF CHARLESTON BY ADDING A NEW SECTION 21-17 THAT PROHIBITS CERTAIN BUILDING CONSTRUCTION OPERATIONS DURING STATED HOURS. (AS AMENDED)

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

SECTION 1. Chapter 21 of the Code of the City of Charleston is hereby amended to create a new Section 17 that reads as follows:

“Sec. 21-17. BUILDING CONSTRUCTION OPERATION NOISE.

(a) *High Impact Construction Operations.* It shall be unlawful for any person to use or cause the use of any mechanical equipment or tool operated by fuel or electric power in building, construction, repair or demolition operations including but not limited to pile drivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, the use of which causes loud or repetitive noises in the City other than between the hours of 7:00 a.m. and 9:00 p.m. weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. No such building construction operations shall occur on Sundays.

(b) *Low Impact Construction Operations.* Building construction, repair or demolition operations which have a low impact can be conducted between the hours of 7:00 a.m. and 11 p.m. on weekdays and Saturdays and between the hours of 9 a.m. and 5 p.m. on Sundays. Low impact building operations are defined to include mudding, painting, minor repairs and renovations where the construction work and noise are not completely contained within the structure where the low impact construction operation is being completed. New construction, building demolition, roofing, clearing and grading, and siding shall not be considered low impact construction operations.

(c) The following noises shall be exempt from the prohibitions of subsections (a) and (b):

- (1) The sound produced by emergency repair measures necessary to safe guard or restore public utilities or property to a safe condition, or to protect persons or property from imminent danger, in preparation for, or following a fire, accident or natural disaster, such as a hurricane.

- (2) Work ordered by a City Official or by court order to secure property.
- (3) Utility construction work or construction work conducted on the public right of way.
- (4) Concrete pouring.

(d) The City may issue a permit exempting specific construction and maintenance of public streets and rights-of-way from the prohibitions of subsections (a) and (b), provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night, that the activity involved is compatible with the public interest, and the disruption is temporary.

SECTION 3. This Ordinance shall become effective six months after its adoption.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2019, in the _____ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank,
Clerk of Council

City Council
Insert #K4(a)



JOHN J. TECKLENBURG
MAYOR

RANDALL KEITH BENJAMIN, II
DIRECTOR

City of Charleston
South Carolina

DEPARTMENT OF TRAFFIC AND TRANSPORTATION

MEMORANDUM

TO: Council Committee of Traffic and Transportation
FROM: Keith Benjamin, Director Department of Traffic and Transportation
SUBJECT: To amend the code of the city of Charleston Chapter 19, Sections 91 and 92 regarding motorized scooters
DATE: September 24, 2019

Micromobility/Shared Active Transportation (vehicles that can carry one or two passengers), micro-transit (flexible routing/scheduling of minibus vehicles) and transportation network companies (matches passengers with vehicles via mobile apps) are going to be quintessential aspects of mitigating congestion, providing affordable choice and creating greater connectivity in urban cores all over the country. That being said, every community is unique and should be considerate of how they embrace new innovations.

Since the initial prohibition executed on September 18, 2018, the following are collaborative efforts that have been started or continue to elevate the mobility needs within the community and identify solutions that are applicable to our city and region:

- ❖ Participation in the completion of the National Association of City Transportation Officials (NACTO) Guidelines for Regulating Shared Micromobility
- ❖ Continued Coordination through SCDOT's Committee on Urban Design as well as the Road Safety Audits of Meeting St, King St, St. Phillip and Calhoun.
- ❖ Participation in Berkeley-Charleston-Dorchester Council of Governments CHATS Safety Improvements Committee
- ❖ Continued Coordination between the Police Department and Department of Traffic and Transportation through the monthly Traffic Workgroup Committee
- ❖ Continued Coordination of Department of Traffic and Transportation, Legal and Chief Innovation Officer on state regulated transportation network companies and car share pilot partnership opportunities.
- ❖ Identification of People Pedal priority projects by the city's Bike and Pedestrian Citizen's Advisory Committee

Though the ordinance language is specific to the prohibition of motorized scooters, staff remains interested in fulfilling the recommendations in the 2016 Rethink Folly Road Plan, 2017 Plan West Ashley, 2018 Citywide Transportation Plan, and 2019 Parking Study to identify ways to

ensure the right of way welcomes the appropriate collection of transportation modes through complete streets. The opportunities to explore a pedal-assist system, increased TNC/rideshare options and integration of micromobility to compliment projects like the Lowcountry Bus Rapid Transit system should be a part of broader efforts to prioritize the movement of people. The Holy Spokes bike share led by Gotcha Group is one of those examples. Launched in May 2017, it now boasts 28,000 members and over 111,000 miles traveled on an average trip of 2 miles per ride.

As Charleston is a member city of the National Association of City Transportation Officials, staff referenced their most recent policy guidelines for the “Regulation and Management of Shared Active Transportation” released on July 2018. The guidelines were clear that "as cities look to manage Shared Active Transportation, they need to be clear on where and when company goals align with public benefits and to carefully define the terms of success." The 17 cities referenced that welcomed scooters and other micro-mobility options had common threads in policy, staffing, design standards, and budget that Charleston is still aiming to make strides in:

- ❖ Multimodal transportation prioritized in local municipal budget via Capital Improvements Program, parking revenue, bond funds and/or local sales taxes.
- ❖ Staff identified in a Department of Transportation or Public Works to oversee implementation of multimodal plans, micro-mobility operations, and/or roadway safety priorities
- ❖ Proper accommodations for alternative modes of transportation within the public of the right-of-way using complete streets standards as outlined in updated design guidelines ie AASHTO 7th Edition “Green Book,” NACTO Urban Street Design, FHWA Guidebook for Measuring Multimodal Network Connectivity.

It is the recommendation of the Department of Traffic and Transportation that as the need to maximize our existing street network grows, City Council be judicious in its assessment of micromobility/shared active transportation, micro-transit and transportation network companies as viable options in addressing the citizen’s concerns regarding equitable accessibility, safety and connectivity for all people throughout our city.



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 91 AND 92 TO PROHIBIT THE RENTAL, OFFER FOR RENTAL, AND THE USE OF RENTED MOTORIZED SCOOTERS ON THE PUBLIC RIGHT-OF-WAY.

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

Whereas, on September 18, 2018, the City of Charleston’s City Council adopted an ordinance prohibiting the use, rental, offer for use, or make available to patrons a motorized scooter for the purpose of using it on a public right-off-way.

Whereas, the above mentioned ordinance was set to expire on September 18, 2019, but was extended by City Council at their September 10, 2019 meeting for an additional sixty days to allow the City to draft and introduce an ordinance based upon the City’s findings gathered from the one-year study period.

Whereas, the study period is set to expires on November 9, 2019, and it is the intent of the Traffic and Transportation Committee and the City Council to prohibit the rental and use of motorized scooters within the City of Charleston until such time that the City’s right of way infrastructure can safely accommodate such a mobility apparatus.

Section 1. Chapter 19, Article V, Section 91 of the Code of the City of Charleston is hereby amended by deleting the following stricken phrases, which shall read as follows:

~~“Sec. 19-91. - Regulation of use of roller skates, in-line skates, toy scooters, coasters, and motorized toy vehicles, and motorized scooters.~~

~~(A) Roller skates, in-line-skates, toy scooters, coasters, and motorized toy vehicles.~~

(a) It shall be unlawful for any person upon roller skates, in-line skates, or any coaster, toy scooter, motorized toy vehicle or other similar device to:

(1) Go upon any roadway designed for vehicular traffic posted more than twenty-five (25) miles per hour except while crossing a street at a crosswalk:

(2) Use these devices in a city-owned or leased parking garage or surface lot:

(3) Unless designated otherwise, use these devices upon a city-owned or leased athletic field or tennis court:

(4) Unless designated otherwise, go upon any sidewalk or roadway in a school overlay zone or in a commercially zoned area on the peninsula as delineated on the zoning map of the city and as the zoning map may hereafter be amended by the ordinances of the city:

(5) Use these devices in a reckless manner. Persons operating these devices on a sidewalk shall exercise due care for the safety of others using the sidewalk and yield the right-of-way to pedestrians: or

(6) Operate these devices in a manner which causes damage to public or private property:

(b) For purposes of this section a motorized toy vehicle shall mean any toy vehicle which is powered by a twelve-volt battery and when operated at full throttle does not exceed fifteen (15) miles per hour. Any scooter, motorized toy vehicle, coaster, or other similar device which can be operated at a speed greater than fifteen (15) miles per hour shall not be operated on a public sidewalk

(B) Motorized Scooters

(a) It shall be unlawful for any person to operate a motorized scooter, other than a motor scooter owned by that individual, to go:

(1) Upon any roadway designed for vehicular traffic:

(2) Upon any public sidewalk:

(3) In a city-owned or leased parking garage or surface lot:

(4) Upon a city-owned or leased athletic field or tennis court:

(b) It shall be unlawful to use a motorized scooter on private property in a reckless manner. Persons operating these devices on private property shall exercise due care for the safety of others using the property and yield the right-of-way to pedestrians or other vehicular traffic.

(c) It shall be unlawful to rent, offer for rent, or make available for rent a motor scooter for the use on a public right-of-way.

(d) Any motor scooter left physically unattended on the public property may be removed and held by the city for twenty-four (24) hours. A confiscated motorized scooter shall be released upon proof of ownership and payment of a forty-five dollar (\$45.00) fee for removal and storage. Motorized scooters held for over twenty-four (24) hours may be disposed of by discarding.

donation, auction, or any other manner deemed appropriate by the city. The city shall bear no responsibility to a motorized scooter owner or operator for loss of or damage to a confiscated motor scooter, including any chain or locking mechanism, in its enforcement of this section.

(e) For purposes of this section a motorized scooter shall mean a two-wheeled or three-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding, and is powered by a motor.

(C) Any person found in violation of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be subject to a maximum fine of fifty dollars (\$50.00).

Section 2. Chapter 19, Article V, Section 92 of the Code of the City of Charleston is hereby repealed in its entirety.

Section 3. This Ordinance shall become effective November 8, 2019.

Ratified in City Council this _____ day of _____ in
the Year of Our Lord, 2019, in the _____ Year of
Independence of the United States of America.

By:

John J. Tecklenburg,
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

City of Charleston Bicycle and Pedestrian Advisory Committee

Memorandum

To: City of Charleston Traffic & Transportation Committee of Charleston City Council

From: Bicycle and Pedestrian Advisory Committee

Date: September 19, 2019

Subject: Complete Streets Budget Requests, FY 2020+

After careful consideration and review of the below facts and others, the City of Charleston Bicycle and Pedestrian Advisory Committee recommends more investment, above and beyond the institution of policy, in order to protect our city's vulnerable road users and advance safe infrastructure and route options. We request the following non-prioritized list be included in the City of Charleston's budget on an annual basis, beginning in Fiscal Year 2020:

- a dedicated line item for sidewalk projects in the Department of Public Works mirroring the city of Greenville's Neighborhood Sidewalk Targeted Expansion Program (NSTEP)
- continue to fund the line item for People Pedal CHS implementation in the Department of Traffic & Transportation FY 2020 budget
- a dedicated line item for the hiring and employment of a Multimodal Safety Programs Manager in the Department of Traffic & Transportation FY 2020 budget
- dedicated funding for the Ashley River Bicycle and Pedestrian Bridge project (and when complete, this funding would shift to address the City of Charleston's jurisdictional portions of the North Bridge, James Island Connector, and Wappoo Cut Bridge)
- dedicated funding for design and implementation of the Lowcountry LowLine project

In August 2008, Charleston City Council adopted a Complete Streets Policy, recognizing that, "streets are our most prominent public spaces and great streets must achieve a balance between mobility needs, adjoining land uses, environment and community interests" as well as asserting that, "the City of Charleston is committed to creating thoroughfares that safely accommodate all modes of transportation including bicyclists, pedestrians, public transit and motorized vehicles in a manner sensitive to the context of the neighborhood." Since the passage of the City of Charleston's Complete Streets Policy, our region has become mired in a public health crises, experiencing increasing numbers of injuries and fatalities of people on bikes and foot each year.

From 2008-2017:

- 49,340 people across the nation were killed by motorists while walking—more than 13 people per day, or one person every hour and 46 minutes;
- South Carolina reported 9,149 crashes involving pedestrians—an average of 1,016 per year;
- South Carolina's 6th Congressional District was the third most dangerous in the nation for people on foot, with 270 pedestrian fatalities;
- South Carolina's number of reported pedestrian crashes has been trending upward, increasing by 4%;
- African-Americans on foot in South Carolina are disproportionately impacted by crashes and were 1.9 times more likely to be a victim of a pedestrian crash than whites or Latinos;
- The Berkeley-Charleston-Dorchester Council of Governments holds the second highest rate of bicycle and pedestrian crashes among South Carolina MPOs;

- The majority of reported bicycle and pedestrian crashes and injuries in the state occurred in Charleston County.

Additionally, in less than a decade, at least thirteen people have been severely injured or killed while walking or biking on the Ashley River Bridges, the Wappoo Cut Bridge, the James Island Connector, or the North Bridge. In the past five years alone, at least 99 bicycle or pedestrian crashes occurred within a one-mile radius of the Ashley River Bridges.

Bicycle and Pedestrian Advisory Committee Members:

Councilmember Michael Seekings (Council Co-Chair)

Councilmember James Lewis

Matthew Moldenhauer, Planner, Charleston County Parks and Recreation Commission (Citizen Co-Chair)

Marijana Boone, citizen at large (Vice Chair)

Karl Brady Jr., Director of Development, The Salvation Army

William “Rusty” Griffith, Founder & CEO, Peloton Partners

Dr. David Lewin, Director, Gastrointestinal Pathology, MUSC

Nina Magnesson, Catalyst for Citizenship & Social Innovation, Boomtown

Fatima Sakarya, Paralegal, Healthcare Trust of America, Inc

Katie Zimmerman, Executive Director, Charleston Moves

Stephen Zoukis, CEO, Raven Cliff Co.

L1.)



City of Charleston

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MEMORANDUM

DATE: October 1, 2019
TO: Mayor Tecklenburg and Members of City Council
FROM: Chip McQueeney, Assistant Corporation Counsel
RE: Revisions to Zoning Ordinance Governing
Accommodations Overlay Zones

On October 8, 2019, City Council will consider whether to give third reading to the bill revising the portion of the City's Zoning Ordinance governing special exceptions for accommodations uses.

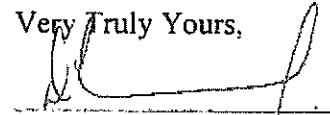
Attached, please find the bill, which has been revised for third reading, as follows:

1. On page 5, I changed references from "sleeping rooms" to "sleeping units" in subsection (g).
2. On page 6, I deleted the portion of subsection (i) defining a "Full-Service Hotel" to include any accommodations use on the peninsula having in excess of 150 sleeping units. This provision was moved to Page 7, subsection (l), as discussed below.
3. On pages 6-7, I revised subsection (k) to require that accommodations uses provide 400 square feet of meeting and conference room space per 10 sleeping units for the first 150 sleeping units, and an additional 1000 square feet of meeting and conference space per every 10 sleeping units exceeding 150 sleeping units. The only time this requirement would not apply is when the applicant proposes to construct a "Full-Service Hotel," being an accommodations use with more than 50 sleeping units in the "Full-Service Corridor." In the latter case, the applicant would need to provide 20,000 square feet of meeting, conference room, and banquet space, 15,000 of which must be contiguous.
4. On page 7, I revised subsection (l) to provide that there could not be more than 8 Full-Service Hotels located on the peninsula, with a Full-Service Hotel being defined to include both (1) a Full-Service Hotel located within the Full-Service Corridor; and (2) any accommodations use on the peninsula exceeding 150 sleeping units.

Please let me know if you have any questions or concerns about the foregoing. Thank you for your consideration.

With kindest regards, I am,

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Daniel S. McQueeney, Jr.', written over a horizontal line.

Daniel S. ("Chip") McQueeney, Jr.



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY DELETING SECTION 54-220 ACCOMMODATIONS OVERLAY ZONE, AND REPLACING SAID SECTION WITH A NEW SECTION 54-220. ACCOMMODATIONS OVERLAY ZONE, TO, AMONG OTHER THINGS: PROVIDE FOR THE PRESERVATION OR CREATION OF MIXED-USE DISTRICTS; LIMIT THE DISPLACEMENT OF HOUSING BY ACCOMMODATIONS USES AND CONSIDER THE EFFECTS OF DWELLING UNITS TO BE ALTERED OR REPLACED ON THE HOUSING STOCK AND WHETHER REQUIREMENTS TO PROTECT THE AFFORDABILITY OF THE DWELLING UNITS SHOULD BE ATTACHED TO AN ACCOMMODATIONS SPECIAL EXCEPTION APPROVAL; ESTABLISH CONDITIONS ON THE DISPLACEMENT OR REDUCTION OF OFFICE SPACE BY ACCOMMODATIONS USES; PROHIBIT THE DISPLACEMENT OF MORE THAN 25 PERCENT OF GROUND FLOOR, STORE FRONT RETAIL SPACE BY ACCOMMODATIONS USES ON THE PROPERTY: TO INCLUDE A MINIMUM AND MAXIMUM SIZE FOR ACCOMMODATIONS FACILITIES; TO PROVIDE REGULATIONS FOR THE DESIGN AND LOCATION OF GUEST DROP OFF AND PICK UP AREAS; TO REQUIRE THE INCORPORATION OF MEETING AND CONFERENCE SPACE; TO ESTABLISH A LIMIT ON THE NUMBER OF FULL-SERVICE HOTELS; TO PROVIDE FOR A CONTRIBUTION TO THE CITY OF CHARLESTON AFFORDABLE/WORKFORCE HOUSING ACCOUNT: AND TO SUBJECT VIOLATORS OF THE PROVISIONS OF THIS SECTION 54-220 TO HAVING THEIR BUSINESS LICENSE OR CERTIFICATE OF OCCUPANCY REVOKED. (AS AMENDED FOR THIRD READING)

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

Section 1. That Section 54-220 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting said section in its entirety and by substituting in its place and stead the following:

“Sec. 54-220. - Accommodations overlay zone.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of short term rentals and bed and breakfasts that are approved in accordance with the provisions of sections 54-208, 54-208.1, 54-208.2, 54-208.3, 54-224. b.1 or 54-227. The City places a high value on the preservation of the character of its residential districts. Outside of its residential districts, the City places a high value on the preservation and creation of a diverse mix of uses, containing a balance of uses comprised of retail uses, office uses, service industry uses, educational uses, cultural uses, and appropriate residential uses. Potential negative impacts of accommodations uses affecting residential districts shall be avoided or minimized to the greatest extent possible, and, outside residential districts, accommodations uses shall contribute to preservation or creation of diverse, mixed-use districts. The City places a high value on assuring that its residents have access to housing that is safe and decent and affordable to persons of all income levels. While accommodations uses are a source of jobs, many, if not most, of the jobs created are low-paying, with minimal benefits, heightening the need for housing that is attainable by those employed in the field of accommodations uses and rendering it necessary and proper for accommodations uses to reasonably contribute to the creation of housing affordable for its workforce. The City places a high value on maintaining a free and safe flow of traffic and the availability of parking spaces convenient to residents, patrons, workers and visitors. As accommodations uses give rise to employees often having to

drive to reach the workplace, to assist in the maintenance of a free and safe flow of traffic and convenient parking, it is necessary and proper and in furtherance of good order that accommodations uses provide a plan for parking employees and/or promoting the use of public transportation.

b. Permitted uses. In any Accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2: Part 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:

1. Accommodations uses. The Board of Zoning Appeals-Zoning may permit accommodations uses as an exception where it finds that:

(a) the accommodations use will not result in a net loss of dwelling units that have been occupied within 5 years of the date of application for the exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1/4) mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the U. S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided further, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type of

those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City .

(b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within 5 years of the application for the exception;

(c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the property;

(d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

(e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district;

(f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen,

storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

(g) the accommodations use proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way if feasible, and the location and design of the guest drop-off and pick-up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impacts;

(h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units.

(i) within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the number of sleeping units within the buildings

or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1"; 180 in areas designated "A-2"; 225 in areas designated "A-3"; 100 in areas designated "A-4"; 150 in areas designated "A-5"; 69 in areas designated "A-6"; and 175 in areas designated "A-7"; provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, turndown service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units;

(j) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use;

(k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 10

sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous;

(2) Notwithstanding subsection k(1) hereof, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (i) hereof shall govern the square footage of required meeting and conference space;

(l) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of this ordinance; for purposes of this subsection (l) only, a Full-Service Hotel means (1) a Full-Service Hotel as defined in subsection (i); and (2) any accommodations use on the peninsula having in excess of 150 sleeping units; and

(m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: \$5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning shall consider the following information to be provided by the applicant

in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

(1) the number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within 5 years of the date of the application for the exception, the type of unit (rental or owner-occupied; one-family detached; one-family attached; two-family or multi-family; occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

(2) the effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income values;

- (3) the presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within 5 years of the date of application for the exception;
- (4) the linear frontage of existing ground floor storefront retail space on the property;
- (5) the location and design of guest drop off and pick up areas for the accommodations use;
- (6) the cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;
- (7) the distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;
- (8) the land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;
- (9) the proximity of residential districts to the accommodations use;
- (10) the accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district;

- (11) the demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 54-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed;
- (12) the presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use;
- (13) the commitment to environmental sustainability and recycling;
- (14) the distance of the accommodations use from major tourist attractions;
- (15) the distance of the accommodations use from existing or planned transit facilities;
- (16) the long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;
- (17) the number of sleeping units proposed as part of the accommodations use;
- (18) the provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

(19) the commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in Section 2-268 (e)(1), (2), and (3) of the Code of the City of Charleston;

(20) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.

d. Violations: In addition to any remedies otherwise available to the City under State law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection c. hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked.

e. Applicability: The provisions of this Section 54-220 shall apply to special exceptions for accommodations uses granted by the Board of Zoning Appeals-Zoning after May 28, 2019, it being the intent of City Council that special exceptions approved by the Board of Zoning Appeals-Zoning prior to May 28, 2019 be entitled to and governed by the vested rights provisions accorded by Article 9, Part 5 of this Chapter. The provisions of this Section 54-220 shall not apply to Planned Unit Developments that include accommodations uses as an authorized use that were approved as of May 28, 2019.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord, 2019,
and in the _____ Year of the Independence of
the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank,
Clerk of Council

m1.)



Ratification
Number _____

A N O R D I N A N C E

AMENDING CHAPTER 27, STORMWATER MANAGEMENT AND FLOOD CONTROL, OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING THE DEFINITIONS IN THE FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN ARTICLE II, DIVISION 3, SECTION 27-103 TO ADD A NEW DEFINITION FOR "MARKET VALUE" FOR THE PURPOSE OF MAKING FINAL DETERMINATIONS OF SUBSTANTIAL DAMAGE AND SUBSTANTIAL IMPROVEMENT UNDER THIS DIVISION ALLOWING THE APPRAISED VALUE OF A STRUCTURE TO BE USED IN PLACE OF THE COUNTY'S MARKET ASSESSED VALUE. (AS AMENDED)

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

Section 1. Sec. 27-103 of the Code of the City of Charleston, is hereby amended by adding a new definition for "Market value," to be inserted in alphabetical order between the definitions for "Manufactured home park or subdivision" and "Mean sea level," to state as follows:

"*Market value* means, for the purpose of making determinations of substantial damage or substantial improvement pursuant to this division:

- (1) the current assessed market value of the building, value as determined by the County's Assessor's Office; or
- (2) the appraised value of the building, as determined by an appraisal performed by an independent, licensed professional appraiser in accordance with the laws of the State of South Carolina within the past six (6) months from the date of determination. An appraised value shall supersede the County's market value ~~an assessed value~~ in making final determinations of substantial damage or substantial improvement."

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the
Year of Our Lord, 2019, and in the ____ Year of the
Independence of the United States of America.

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank,
Clerk of Council