



City of Charleston

South Carolina

Clerk of Council Department

AD HOC RULES ADVISORY COMMITTEE MEETING

Conference Call #: 1-929-205-6099

Access Code: 844 0980 6197

Thursday, January 30, 2025

4:00 p.m.

AGENDA

1. Invocation
2. Approval of minutes
-- January 25, 2024
3. Discussion and recommendation regarding start time of City Council meetings
4. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 2 "Administration," by amending the following Sections of Article II, Division Two: Section 2-36 "Meetings"
5. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 2 "Administration," Article IV, "Boards and Commissions," Section 2-152, "Term(s) of Office"
6. Memorandum from Corporation Counsel and consideration of the following ordinances:
 - a. An Ordinance to amend Chapter 2-Administration; Article III-Officers and Employees; Division 4-Clerk of Council; Section 2-123(e)-Duties and Responsibilities.
 - b. An Ordinance to amend Chapter 20-Municipal Court; Article I-In General; Section 20-4(b)-Judge as Presiding Officer; Election; Term and Salary of Judge and Article III-Officers and Employees; Division 6-Municipal Court Operations; Section 2-138-Duties of Administrator.

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.

- c. An Ordinance to amend Chapter 2-Administration; Article XI-Department of Budget, Finance and Revenue Collections; Division 1- Generally; Section 2-327-Divisions.
- d. An Ordinance to amend Chapter 2-Administration; Article XI-Department of Budget, Finance and Revenue Collections; Division 8- Minority Business Enterprise; Section 2-344-Establishment of the Office of Minority Business Development.
- e. An Ordinance to amend Chapter 2-Administration; Article XII-Department of Livability and Tourism; Division 1- Generally; Section 2-392-Duties and Responsibilities of Department.
- f. An Ordinance to amend Chapter 17-Licenses, Permits and Miscellaneous Business Regulations; Article VI-Newsracks; Section 17-123.
- g. An Ordinance to amend Chapter 23-Department of Planning, Preservation and Sustainability; Article II-Department of Planning, Preservation and Sustainability; Division 1- Generally.
- h. An Ordinance to amend Chapter 54-City of Charleston Zoning Code, In General.
- i. An Ordinance to amend Chapter 2-Department of Public Service; Article IV-Department Public Service.
- j. An Ordinance to amend Chapter 7-Buildings and Building Regulations; Article I-In General.
- k. An Ordinance to amend Chapter 2-Administratoion; Article XIV-Department of Stormwater Management.

7. Adjournment

AN ORDINANCE

TO AMEND CHAPTER TWO OF THE CODE OF THE CITY OF CHARLESTON (ADMINISTRATION) BY AMENDING THE FOLLOWING SECTIONS OF ARTICLE II, DIVISION TWO: SECTION 2-36 "MEETINGS"

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

Section 1. The following section of the Code of the City of Charleston is hereby amended by amending the text shown below with an underline and deleting text shown below with a ~~strike through~~:

Sec. 2-36. Meetings.

The regular meeting of the city council shall be held at 5:00 p.m., on the second and fourth Tuesdays of January, February, March, April, May, September, and October, ~~and November~~; and at the same hour on the third Tuesday of June, July, and August; and at the same time on the first and third Tuesdays of December. For the month of November, city council will be held on the first and third Tuesdays of November or the second and fourth Tuesdays of November so as to avoid the week of Thanksgiving. Regular meetings of council will be held in City Hall except that council may, at its discretion, hold four regular meetings at alternate locations within the city limits. Regular meeting dates, times, and locations are subject to change. Special meetings may be held at any time on the call of the Mayor, at his/her discretion or whenever he/she shall be thereunto requested in writing by at least one-third ($\frac{1}{3}$) of the whole number of councilmembers elected; such request stating in brief the nature and objects of the call. Whenever the designated Tuesday falls on a holiday observed by City Hall, council shall hold its regular meeting on the next succeeding Wednesday.

Section 2. That this Ordinance shall become effective immediately 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: _____
William S. Cogswell, Jr.

Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 2 "ADMINISTRATION," ARTICLE IV, "BOARDS AND COMMISSIONS," SECTION 2-152, "TERM(S) OF OFFICE."

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

Section 1. That Chapter 2-Administration; Article IV – Boards and Commissions, Section 2-152 – Term(s) of office will be amended by adding the text shown below with a double-underline

Section 2. (g) If at any time a Councilmember seat on a City board and commission cannot be filled, a citizen who is not a Councilmember may be appointed to fill the vacant seat.

Section 3. That this Ordinance shall become effective immediately 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: _____
William S. Cogswell, Jr.
Mayor, City of Charleston

Attest: _____
Jennifer Cook
Clerk of Council

To: Members of the Ad Hoc Rules Committee
From: Legal
Date: January 27, 2025
Re: Code amendments to reflect new reorganizational structure

The attached draft document proposes the following amendments to the Code:

Clerk of Council

- Removing oversight authority of the arts and tourism commissions.
These are currently under the oversight of Cultural Affairs and Livability.

Municipal Court

- Recognizes Chief Administrative Judge position currently existing (created by Mayor/Council) and reassigns reporting to Mayor and Council (as opposed to Chief Judge);
- Reassigns court administrator reporting requirements to Chief Administrative Judge.

BFERC

- Removes MWBE and Municipal Court from this Department as direct reports.

Livability

- Reassigns Economic Development and Business and Neighborhood Services Division to this Department from Planning.

Planning and Preservation

- Bulk of these revisions involved changing the name from “Planning, Preservation and Sustainability” to “Planning and Preservation”
- Adding “engineering, building plan review, permitting and inspections or similar in-house-technical services as are required by the city. It shall have the responsibility for the enforcement of such ordinances or codes relating to housing and building construction and environmental control as are adopted by the council.”
- Added provision allowing TRC Coordinator, in consultation with Supervisor and/or Mayor, to make the determinative decision in the case of a stalemate in TRC.
- Removing random references to “Department of Planning and Urban Development”

Public Service

- Removes Engineering and Inspections from this department
- Adds field maintenance of the stormwater drainage system to this department
- Includes a coordination requirement with Stormwater, Resilience and EMD in its maintenance
- Creates an Engineering Division, but removes references to “of Public Service”

Emergency Management

- The only reference to EMD is as a Division within section 2-422 (stormwater duties) and mentions coordination. Do we want to codify this department?
- Same with Division of Resilience

Stormwater Department

- Removal of field operations (will be handled by Public Services)

AN ORDINANCE

TO AMEND CHAPTER 2-ADMINISTRATION; ARTICLE III-OFFICERS AND EMPLOYEES; DIVISION 4-CLERK OF COUNCIL; SECTION 2-123(E)-DUTIES AND RESPONSIBILITIES.

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

Section 1. That Chapter 2-Administration; Article III-Officers and Employees; Division 4-Clerk of Council; Section 2-123(e)-Duties and Responsibilities will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

(e) The clerk of council shall have oversight responsibilities for the arts and history commission, ~~and the tourism commission, including the power to hire, with the approval of the mayor, the manager the arts and history tourism commissions, as is provided for in the budget of the clerk of council as approved by city council. The clerk of council shall also have supervisory and oversight responsibilities for the manager of the arts and history tourism commissions.~~

6b.)

AN ORDINANCE

TO AMEND CHAPTER 20-MUNICIPAL COURT; ARTICLE I-IN GENERAL; SECTION 20-4(B)-JUDGE AS PRESIDING OFFICER; ELECTION; TERM AND SALARY OF JUDGE AND ARTICLE III-OFFICERS AND EMPLOYEE; DIVISION 6-MUNICIPAL COURT OPERATIONS; SECTION 2-138-DUTIES OF ADMINISTRATOR.

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

Section 1. That Chapter 20-Municipal Court; Article I-In General; Section 20-4(b)-Judge as Presiding Officer; Election; Term and Salary of Judge and Article III-Officers and Employee; Division 6-Municipal Court Operations; Section 2-138-Duties of Administrator will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Section 20-4(b): Judge as Presiding Officer; Election; Term and Salary of Judge

One of the associate judges shall be designated by the Mayor and Council ~~and chief judge~~ as the administrative judge who shall report to the Mayor and Council ~~chief judge~~ and oversee the judicial operations of the municipal court and monitor court operations and procedures; preside over various terms and sessions of court, jury and non-jury matters; assist the chief judge in scheduling other municipal judges to various terms and sessions of court; with the assistance of the municipal court administrator, cause all necessary filing or reporting requirements of the South Carolina Supreme Court or South Carolina Court Administration to be properly and timely prepared and submitted; maintain liaison with all municipal judges and court operations personnel; and perform such duties as may be required by law or to promote the efficiency of the municipal court.

Section 2-138: Duties of Administrator

The administration and control of the division shall be under the supervision of the municipal court administrator. The municipal court administrator shall be under the direct supervision of and responsible to the Chief ~~municipal~~ Administrative judge for matters concerning legal processes and issues within the court.

AN ORDINANCE

TO AMEND CHAPTER 2-ADMINISTRATION; ARTICLE XI-DEPARTMENT OF BUDGET, FINANCE AND REVENUE COLLECTIONS; DIVISION 1- GENERALLY; SECTION 2-327-DIVISIONS.

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

Section 1. That Chapter 2-Administration; Article XI-Department of Budget, Finance and Revenue Collections; Division 1- Generally; Section 2-327-Divisions will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Sec. 2-327 – Divisions.

The department of budget, finance and revenue collections shall be comprised of the budget and management division, the finance division, the revenue collections division, the procurement division, the special facilities division, the municipal court administration division, and the safety management division ~~and the minority business enterprise division.~~

6d.)

AN ORDINANCE

TO AMEND CHAPTER 2-ADMINISTRATION; ARTICLE XI-DEPARTMENT OF BUDGET, FINANCE AND REVENUE COLLECTIONS; DIVISION 8- MINORITY BUSINESS ENTERPRISE; SECTION 2-344-ESTABLISHMENT OF THE OFFICE OF MINORITY BUSINESS DEVELOPMENT.

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

Section 1. That Chapter 2-Administration; Article XI-Department of Budget, Finance and Revenue Collections; Division 8- Minority Business Enterprise; Section 2-344-Establishment of the Office of Minority Business Development will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Section 2-344 Establishment of the office of minority business development.

(a) *Establishment.* There is hereby established the office of minority business development (also referred to as "MBD") that shall be a division of the Division of Economic Development and Neighborhood Services. ~~budget, finance and revenue collections and said office shall be administered by a director who, in turn, shall report to the mayor.~~

AN ORDINANCE

TO AMEND CHAPTER 2-ADMINISTRATION; ARTICLE XII-DEPARTMENT OF LIVABILITY AND TOURISM; DIVISION 1- GENERALLY; SECTION 2-392-DUTIES AND RESPONSIBILITIES OF DEPARTMENT.

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

Section 1. That Chapter 2-Administration; Article XII-Department of Livability and Tourism; Division 1-Generally; Section 2-392-Duties and Responsibilities of Department will be amended by adding sections (u) and (v) the text shown below with a double-underline:

Sec. 2-392. - Duties and responsibilities of department.

The department shall be charged with providing direction, leadership and general oversight and enforcement of property maintenance within the city, including substandard structures, code enforcement programs and the enforcement of the City's tourism and special events activities, and shall interpret and ensure compliance with a variety of municipal codes and state statutes by performing the following duties:

(u) Oversee the Economic Development and Business and Neighborhood Services Division to provide business services, including the fostering of business and job development, expansion of the city's economic base through the local development corporation activities, central business district projects, suburban projects and industrial and corporate recruitment, business recruitment services; and

(v) Provide support to the neighborhood councils throughout the City.

6f.)

AN ORDINANCE

TO AMEND CHAPTER 17-LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE VI-NEWSRACKS; SECTION 17-123.

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

Section 1. That Chapter 17-Licenses, Permits and Miscellaneous Business Regulations; Article IV-Newsracks; Section 17-123; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Section 17-123(d)(1) -Removal

If the city determines that a newsrack has been placed, installed or maintained on a right-of-way in violation of this article, the director of livability, a division of the department of planning and preservation ~~and sustainability~~. (the "department") shall cause to be placed a notice of violation upon the newsrack. The notice of violation shall state that the newsrack shall be removed and destroyed unless the newsrack is brought into compliance with this article within ten (10) business days of the date of the notice. If the newsrack is not removed or brought into compliance within such ten-day period, and if no hearing has been requested under this section within such period, the department may remove and destroy the newsrack at the expense of the distributor. The notice given under this section shall also state that the distributor may, within ten (10) days of the date of the notice, request a hearing before the committee of traffic and transportation at which time the distributor shall be given an opportunity to contest the allegations of the complaint or to demonstrate that the conditions constituting a violation of this article have been remedied. If, after the hearing, the department determines that a violation of this article continues to occur, the department shall order the distributor to remove the newsrack from the right-of-way no later than five (5) days from the date of the written determination by the committee of traffic and transportation.

6g.)

AN ORDINANCE

TO AMEND CHAPTER 23-DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY; ARTICLE II-DEPARTMENT OF DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY; DIVISION 1- GENERALLY.

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

Section 1. That Chapter 23-Department of Planning, Preservation and Sustainability; Article II-Department of Department of Planning, Preservation and Sustainability; Division 1- Generally; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

ARTICLE II. - DEPARTMENT OF PLANNING and ~~PRESERVATION AND SUSTAINABILITY~~

Sec. 23-16. - Establishment.

There is hereby established a department of planning and preservation ~~and sustainability~~.

Sec. 23-17. - Duties and responsibilities.

The department shall be charged with the duties of the development, maintenance and implementation of the city's comprehensive land use plan(s); development, maintenance and implementation of district, corridor and neighborhood plans throughout the city; research, analysis and production of special reports as needed by the city and the community; coordination of city government's efforts to implement the city's comprehensive land use plan(s); ~~support to the neighborhood councils throughout the city~~; advising the planning commission on matters pertaining to planning, tracking and providing, as needed, information on demographics in the city and assisting with redistricting of city council districts as required by law; zoning administration, historic preservation and urban design within the city in accordance with federal, state and local legislation; ~~business services, including the fostering of business and job development~~; expansion of the city's economic base through the local development corporation activities, central business district projects, suburban projects and industrial and corporate recruitment, ~~business recruitment services~~; and ~~environmental sustainability services~~. The department shall advise the boards of zoning appeals, the board of architectural review, the commercial corridor design review board and the planning commission, as needed, on matters pertaining to zoning and historic preservation. It shall provide such engineering, building plan review, permitting and inspections or similar in-house technical services as are required by the city. It shall have the responsibility for the enforcement of such ordinances or codes relating to housing and building construction and environmental control as are adopted by the council.

Sec. 23-18. - Administration.

The management, direction and control of the department of planning and preservation ~~and sustainability~~ shall be under the supervision of the director of the department of planning, preservation and sustainability, who shall be appointed by the mayor with the approval of city council.

Sec. 23-19. - Appointment of personnel.

The director of the department of planning, preservation and sustainability shall have the power to hire, with the approval of the mayor, such personnel in such positions as are provided for in the budget of the department of planning and preservation ~~and sustainability~~ as approved by city council.

Chapter 23-Design, Development and Preservation; Article IV-Central Business District Improvement Commission; Section 23-48 Definition of Central Business District; mission; powers and duties and Section 23-49-Organization.

(a) *Definition of Central Business District.* The Central Business District shall consist of the area identified in the map attached hereto, entitled "City of Charleston Central Business District, dated 7-1-2020," which will be reviewed from time to time by city council. A copy of the map shall be made available to the public online at the website for the business and neighborhood services division of the department of Planning and Preservation and Sustainability.

(b) *Mission.* The Central Business District Improvement Commission shall work to assure the long-term economic vitality of the King Street and surrounding commercial area, also known as the Central Business District. The commission will consider and recommend policy and program changes to city council that will balance the local economy with tourism needs and create a vibrant hub for commerce.

(c) *Powers and duties.* The commission shall have the following powers and duties:

- (1) Study and recommend financial and organizational techniques, such as business improvement districts, to effectuate the continued health and vitality of Central Business District by the joint efforts of public and private entities;
- (2) Evaluate and implement early action improvements for the Central Business District as identified by the commission and the business and neighborhood services division of the department of Planning and Preservation and Sustainability, especially in the areas of public safety, cleanliness, beautification, and occupancy;

Chapter 23; Article IV-Central Business District; Sec. 28-49-Organization

Sec. 28-49. - Organization.

(c) *Organized.* The commission shall be supported by city staff from the business and neighborhood services division of the department of Planning and Preservation and Sustainability.

Chapter 28-Streets and Drainage; Article III-Encroachment and Obstruction.

Section 28-40(b)(2)(b)-Location, style, etc., of encroachments

The staff in the architecture and preservation division of the department of Planning and Preservation must approve the color design and construction of canopies if located in the old city district or the old and historic district, all others will be approved by the design review committee; and

Chapter 2-Administration; Article IV-Boards and Commissions; Division 2-Town and Gown Committee;

Section 2-156 (c)-Composition, appointments, terms and rules and procedures.

(c) Of the nineteen (19) members, the committee shall consist of three (3) non-voting members appointed by the mayor. The nonvoting members shall be the following:

- (1) A representative from the city's department of traffic and transportation;
- (2) A representative from the city's department of Planning and Preservation and Sustainability who is responsible for neighborhood services; and

Chapter 2-Administration; Article IV-Boards and Commissions; Division 8-Special Events Committee;

Section 2-188(b)-Created; membership; powers; duties and responsibilities.

(b) *Membership.* The committee shall be appointed by the mayor and shall consist of eleven (11) members, one of whom shall be the special events manager of the department of livability and tourism who shall serve as the committee chair; one of whom shall be an employee of the department of parks or his designee; one of whom shall be an employee of the department of recreation—recreation facilities division or his designee; one of whom shall be an employee of the department of traffic and transportation—parking meters division or his designee; one of whom shall be an employee of the police department—special operations division or his designee; one of whom shall be an employee of the Department of Planning and Preservation and Sustainability—business and neighborhood services division or his designee; three (3) of whom shall be employees of the executive department—one from cultural affairs division or his designee, one shall be the ADA coordinator or his designee, and one from mayor's office or his designee; one of whom shall be an employee of the office of livability and tourism—tourism division or his designee; and one of whom shall be an employee of the fire department—fire marshal

division or his designee. All members shall be voting members with the exception of the employee of the mayor's office who will vote if needed as a tie breaker and the chair who is a non-voting member. The members of the committee shall serve until their successors have been appointed and qualified. For purpose of committee action, a quorum of the committee shall consist of five (5) voting members of the committee in attendance.

Chapter 2-Administration; Article VIII-Finance and Fiscal Procedures; Section 2-274(e) and (f)-Waiver of Permitting Fees

(e) Permitting fees for city-owned projects that may be waived in accordance with this section include, but are not limited to:

(1) Fees for approvals related to the department of Planning and Preservation and Sustainability, including, but not limited to, application and review fees for staff review and review by the board of zoning appeals, planning commission, technical review committee, board of architectural review, design review board, and/or plat review committee.

(f) Permitting fees for priority status affordable housing projects that may be waived in accordance with this section may include, but are not limited to:

(1) Fees for approvals related to the department of Planning and Preservation and Sustainability, including, but not limited to, application and review fees for staff review and review by the board of zoning appeals, planning commission, technical review committee, board of architectural review, design review board, and/or plat review committee.

Article 9-Administration and Enforcement; Park 6-Temporary Moratorium-Church Creek Drainage Basin; Section 59-970 (A)(a)-Temporary Moratorium

A. Moratorium.

(1) Subject to the exceptions as set forth in subsection B hereof, no application for a permit from the Departments of Planning and Preservation and Sustainability and Public Service for new construction (except for a building permit for a single family dwelling on an existing lot of record as of the date of ratification of the ordinance from which this part derives) shall be processed or granted during the duration set forth in subsection E hereof, for any property located in the 100-year floodplain within the boundaries of the Church Creek Drainage Basin, as the same is set forth on a GIS map dated _____ entitled Church Creek Area Drainage Basin 100-year floodplain, attached hereto and made a part hereof a duplicate original of which is on file in the Department of Planning and Preservation and Sustainability.

[REQUIRES PUBLIC HEARING]**AN ORDINANCE**

TO AMEND CHAPTER 54-CITY OF CHARLESTON ZONING CODE, IN GENERAL.

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

Section 1. That Chapter 54-City of Charleston Zoning Code; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Part 1-Basic Provisions; Section 54-101(a) and (c)-Title; zoning map adopted.

(a) This chapter shall be known as the "Zoning Ordinance." The words "City of Charleston, S.C., zoning map" or the words "zone map" or "zoning map" when hereafter used in this chapter shall mean the City of Charleston, South Carolina, zoning map adopted by City Council on August 18, 1981, and readopted by City Council on April 14, 1987, with official amendments, changes, additions and deletions heretofore and hereafter adopted. Said zoning map is provided by the digital zoning database stored in the City of Charleston Geographic Information System (GIS) and maintained in the Department of Planning and Preservation ~~and Sustainability~~ or its successor, and all district designations, boundaries, figures, letters and symbols contained within the official zoning map, are hereby incorporated and declared part of this chapter.

(c) Old City Height Districts are set forth on the zoning maps prepared by the Department of Planning and Urban Development. The zoning maps shall delineate the Old City Height Districts and were adopted as the official zoning map of the city on December 19, 1978, and shall prevail over any other rendition, map or schematic drawing. Said zoning maps, delineating the Old City Height Districts shall be filed in the Office of the Department of Planning and Preservation ~~and Sustainability~~.

Section 54-206-Special Exception Uses.

Notwithstanding anything in Section 54-110 to the contrary, the provisions of this Section shall apply to any establishment that allows on-premise consumption of alcohol, beer or wine after midnight that is within five hundred feet of a residential zoning district that for which, after September 22, 2015, an application is sought for a certificate of occupancy or an initial business license, or for which approval is sought to physically expand the establishment or expand hours of operation after midnight; provided however, that nothing herein shall be construed to prohibit the issuance of a certificate of occupancy or business license for those establishments that, as of the effective date of Ordinance No. 2014-136, ratified by City Council on September 23, 2014, had on file with the Department of Planning and Preservation ~~and Sustainability~~ development plans or applications for permits for establishments intending to provide for the on-premise consumption of alcohol, beer or wine after midnight that were vested under statutory or common law.

Sec. 54-213(d)-Sidewalk Café Regulations.

Fees. A non-refundable application fee shall be paid with the submittal of the application by a business for a sidewalk café permit. Subsequent applications by a business to make changes to their approved sidewalk café permit shall require a fee. Upon approval, applicants for a sidewalk café permit shall, if required, pay an annual user fee. All fees shall be determined by City Council and shall be set forth in the Department of Planning and Preservation ~~and Sustainability~~ or Fee Schedule ("Fee Schedule").

Sec. 54-214(a)-Accessory Dwelling Unit.

The Department of Planning and Preservation and Sustainability ("Planning") shall prepare a site plan checklist and application for use by applicants. The application shall include, without limitation, a statement, signed by the applicant, certifying that no covenants exist prohibiting the construction or use of an ADU on the lot. In addition to other items required by the application, the applicant shall submit the following to Planning with the signed application:

Sec. 54-235. - Adoption of inventory map; procedure for revision. In order to identify structures within peninsula Charleston which should be preserved, maintained and protected in the public interest and to provide guidance for the Board of Architectural Review there hereby is adopted as an official public document the inventory map entitled "Historic Architecture Inventory, 1972-73, Peninsula City, Charleston, S.C.," prepared for the city by Carl Feiss, FAIA, AIP, City Planning and Architectural Associates, and Russell Wright, AIP, consisting of peninsula Charleston south of Highway 17, and additional sheets being dated September 4, 1973, with revisions September 11, 1973, October 16, 1973, November 14, 1973, February 20, 1974 and March 27, 1974, as amended by the inventory map entitled "South Carolina Inventory of Historic Places Survey Report, City of Charleston, S.C." prepared for the city by Geier Brown Renfrow Architects and dated August 1985, and as amended by the inventory entitled "A Historic Architectural Resources Survey of the Upper Peninsula, Charleston, South Carolina" prepared by Brockington and Associates, dated 2004 consisting of the peninsula Charleston north of Line Street and south of Mount Pleasant Street (collectively "Inventory Map"). The original of the said Inventory Map shall be filed in the Department of Planning and Preservation and Sustainability as a public record and shall be available for public inspection during normal business hours. Based on changed conditions, the Board of Architectural Review from time to time may recommend to the City Council additional revisions of said Inventory Map, but none shall become effective until the Zoning Ordinance has been appropriately amended.

Article 2-Land Use Regulations; Part 6-Old and Historic District and Old City District Regulations; Section 54-236-Guidance Standards; maintenance of consistent policy; and Section 54-238-Contents of Application.**Section 54-236-Guidance Standards; maintenance of consistent policy.**

In order to provide guidance and insight into desirable goals and objectives for the Old City District, the Old and Historic District and Historic Corridor District for desirable types of development, and for the maintenance of consistent policies in guiding the building public toward better standards of design, the Board of Architectural Review shall be guided by the Secretary of the Interior's Standards for Historic Preservation and the 2017 BAR PRINCIPLES FOR NEW CONSTRUCTION AND RENOVATION AND REPAIRS, said Standards and PRINCIPLES being incorporated herein by reference, and permanent copies of which shall be maintained by the Department of Planning and Preservation and Sustainability, or its successor department, and copies of which shall be made available to interested persons on request.

Section 54-238- Contents of Application

Applications for demolition, relocation, new construction, or alterations and/or additions or renovations to existing structures shall include such drawings, photographs or other information as may from time to time be adopted by the Board of Architectural Review, copies of which shall be maintained in the Office of Planning and Preservation and Sustainability or such successor office thereto.

Section 54; Article 2-Land Use Regulations; Part 7-Planned Unit Development, PUD District; Sec. 54-253 (c), (d)(1); (e)(7) and (f)(5)

(c) Fees. All applications shall be accompanied by payment for applicable fees as set forth in the fee schedule for the Department of Planning and Preservation and Sustainability.

(d) PUD Pre-Application Plan Review.

1. Applicants for a PUD shall schedule a meeting with the Director of the Department of Planning and Preservation and Sustainability representatives from other City departments to present their proposal and receive staff comments. Twelve (12) sets of the PUD Conceptual Plan shall be submitted to the Zoning Division in the Department of Planning and Preservation and Sustainability at least ten working days prior to the scheduled meeting.

(e) 7. Approved Master Plans shall be filed with the Department of Planning and Preservation and Sustainability.

(f) (5) After Subdivision Concept Plan approval, the applicant shall then submit the Preliminary Plat, Road Construction Plans and Site Plans to the Technical Review Committee for approval. Final plats shall be submitted to the Plat Review Committee and the approved final plat shall be recorded in the RMC office and also filed with the Department Planning and Preservation and Sustainability and the Department of Public Service.

Section 54; Article 2-Land Use Regulations; Part 7-Planned Unit Development, PUD District; Sec. 54-255(b) Application Requirements.

PUD Pre-Application Plan Review. Prior to filing an application for a PUD, the applicant must submit twelve (12) sets of a PUD Pre-Application Plan to the Zoning Division in the Department of Planning and Preservation and Sustainability and meet with the Planning Director and representatives from other City departments regarding the proposed PUD development. The PUD Pre-Application Plan is not required to be prepared by an engineer. The PUD Pre-Application Plan shall, at a minimum, include the following information:

Article 2-Land Use Regulations; Part 7-Planned Unit Development PUD District; Section 54-258-Recorded Plats.

All plats for an approved PUD shall be recorded in the RMC office of the appropriate county and copies shall be maintained in the Department of Planning and Preservation and Sustainability and the Engineering Division of the Department of Public Service of the City of Charleston. All recorded plats shall include an allocation of PUD residential units and open space for the portion of the PUD area being platted and all remaining PUD land area.

Sec. 54-273-Application and Review Procedures (Design Review Board)

The procedures outlined below are to be followed for all projects seeking approval by the Board or administrative officer. Submittals must be complete and shall be received by the Department of Planning and Preservation and Sustainability, or its successor department, in accordance with the published schedule of deadlines and meeting dates and submittal requirements.

Section 54-299.32-Incentive Options (i)(1)

The design, construction and maintenance of the system shall adhere to the recommendations of the Guide, a copy of which is available in the Department of Planning and Preservation and Sustainability (hereafter the "Department"). Approved systems include, but are not limited to, bioretention cells, permeable pavement, stormwater infiltration, vegetated green roofs, rainwater harvesting and impervious surface disconnection.

Section 54-299.61(1) (c)-Conservation Development:

Pre-Application Site Review Meeting. Upon submission of a Request, the Zoning Administrator shall determine if the Request is complete. If the Zoning Administrator determines that the Request is complete, the Zoning Administrator will schedule a pre-application site review meeting with a representative of the applicant; designated staff of the City's Department of Planning and Preservation and Sustainability (the "Planning Department"); and designated staff of the City's Department of Stormwater Management (the "Stormwater Department").

Section 54-319.1-Shared Parking

The Technical Review Committee (TRC) may authorize a parking reduction for a new development site or redevelopment site zoned General Business (GB) with multiple uses upon the review of a shared parking analysis that demonstrates that the uses are in close proximity to one another and have different peak parking demands and operating hours. For the purposes of this section, development site shall mean a lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for shared parking, and shall be required to execute and record in the public records a declaration on a form provided by the Department of Planning and Preservation and Sustainability, hereinafter department, stating that the parcels have been developed as a single unit for purposes of meeting the zoning ordinance requirements. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the shared parking approval.

Article 6-Land Development Plan Review; Section 54-602-Establishment of the Technical Review Committee (TRC).

A committee, hereafter referred to as the Technical Review Committee or TRC, is hereby established for the purpose of reviewing and approving land development plans as required by this Article. The committee shall consist of representatives from the Departments of Planning and Preservation and Sustainability; Executive; Fire; Information Technology; Parks; Public Service; Stormwater Management; and Traffic and Transportation, as appointed by the Mayor.

The Technical Review Committee is charged with the responsibility of reviewing the land development plan of all developments covered by this Article to assure compliance with all applicable City codes and regulations. The Technical Review Committee shall meet at such times and adhere to such rules and regulations as may be set by City Council.

Section 54-702-Establishment of official road plan maps.

There is hereby established an official map to be known as the "Official Road Plan Map," which map, as may be hereafter supplemented, shall designate existing or proposed public streets or ways within the City that are targeted for creation, expansion or other improvements. The Official Road Plan Map shall initially consist of a series of eight (8) separate maps which are hereby adopted as the Official Road Plan Map and which shall be deemed a part of the Zoning Ordinance and filed in the office of the Planning and Preservation and Sustainability, with a duplicate copy being filed in the Department of Traffic and Transportation.

Article 8-Subdivision, Property Line Adjustment or Abandonment; Part 2-Procedures for Plat Approval; Section 54-806-Property Line Abandonment Procedures and Section 54-807-Property Line Adjustment Procedures.

Sec. 54-806. - Property line abandonment procedures.

Property line abandonment plats shall be submitted to the Engineering Division for the approval of the Plat Review Committee prior to being recorded through the City Engineer's Office, except that plats where the resultant lots are equal to the standards of this chapter and no new street or change in existing streets is involved may be recorded without the Zoning Division's approval if the City of Charleston Department of Planning and Preservation and Sustainability is provided with a copy of such plats for its records. Plats shall not exceed twenty-two (22) inches by thirty-four (34) inches.

Sec. 54-807. - Property line adjustment procedures.

Property line adjustment plats shall be submitted to the Engineering Division for the approval of the Plat Review Committee prior to being recorded through the City Engineer's Office, except that plats where the resultant lots are equal to the standards of this chapter, and no new street or change in existing streets is involved may be recorded without the Zoning Division's approval if the City of Charleston Department of

Planning and Preservation and Sustainability is provided with a copy of such plats for its records. Plats shall not exceed twenty-two (22) inches by thirty-four (34) inches.

Section 54-809-Concept Plan or PUD site plan

1. **Pre-application conference.** Before preparing the concept plan or PUD site plan for a major subdivision, it is required that the applicant schedule a pre-application conference through the Zoning Division within the Department of Planning and Preservation and Sustainability.

Section 54-816-Plat Review Committee and Technical Review Committee

1. **Plat Review Committee.** The Plat Review Committee is composed of City staff from the Department of Public Service and Department of Planning and Preservation and Sustainability and is coordinated by the Engineering Division. The purpose of this committee is to review all plats for compliance with all City codes prior to recordation in the Register Mesne Conveyance or Register of Deeds.
2. **Technical Review Committee.** The Technical Review Committee is composed of City staff from the Department of Public Service, Department of Planning and Preservation and Sustainability, Department of Traffic and Transportation, Executive Department, Fire Department and Department of Parks and is coordinated by the Zoning Division. Representatives of the State, or Boards or Commissions may be included in the review of applications as appropriate. The purpose of this committee is to review all applications for subdivision as defined in Section 54-803.a, including concept plans, development plans and preliminary plats as described herein. Meetings of the committee shall be held and applications shall be reviewed in accordance with the published review schedule for the committee, and agendas listing each item to be heard at each meeting of the committee shall be posted at the Department of Planning and Preservation and Sustainability and on the City web site at least five (5) business days prior to each meeting. The TRC Coordinator, in consultation with his/her supervisor and the Mayor shall have authorization to override any decision rendered by a reviewing Department or Division, so long as the final result violates no State or Federal requirement or creates no potential threat of harm to public safety. Results of each meeting of the committee shall be presented to the Planning Commission at their monthly meetings. All meetings of the committee shall be open to the public.

Section 54-1023-Temporary Special Events

If the proposed use is approved by the BZA-Z, the Department of Planning and Preservation and Sustainability shall provide written notification to the following agencies, as applicable: S.C. Department of Health and Environmental Control (SCDHEC), Charleston Police Department, Charleston Fire Department, and the Charleston County Emergency Medical Services (EMS).

Section 1. That Chapter 54- of the Code of the City of Charleston (Zoning Ordinance) by amending applicable appendices and sections related to the Design Review Board as follows:

Appendix K-Design Review Board Rules of Procedures; Article II-Meetings; Section 1-Time and Place:

An annual schedule of regular meetings shall be published and posted at the offices of the City of Charleston Department of Planning and Preservation and Sustainability in December of each year. Meetings of the Design Review Board shall be held the second and fourth Thursday of each month or otherwise as determined by the Board. Special meetings may be called by the Board upon 24 hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the offices of the Department of Planning and Preservation and Sustainability, unless otherwise noted, and shall be open to the public.

Article III-Appeals Procedure; Section 1-Form of Appeal-Administrative Decision

Appeals to the Board from an administrative decision may be taken by any person aggrieved by a determination of the administrative officer. Appeals shall be filed on forms approved by the Board and

provided by the Secretary of the Board. Appeal forms shall be made available in the City of Charleston Department of Planning and Preservation and Sustainability, 75 Calhoun Street, Charleston, South Carolina. A detailed narrative must accompany the application specifying the grounds of appeal. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal.

Appendix C-Rules and Regulations of the Board of Zoning Appeals-Zoning Board of Appeals -Site Design; Article 1-Organization; Section 2. - Office of the Board.

The office of the Board shall be the Urban Design and Preservation Division of the Department of Planning and Preservation and Sustainability.

Article II-Meetings; section 1-Time and Place

The Board of Architectural Review - Large shall meet on the second and fourth Wednesdays of each month at 4:30 p.m., unless such day is a legal holiday. An annual schedule of regular meetings shall be published and posted at the Urban Design and Preservation Division office in January of each year. Special meeting may be called by the Board upon 24 hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the offices of the Department of Planning and Preservation and Sustainability, unless otherwise noted, and shall be open to the public.

The Board of Architectural Review - Small shall meet on the second and fourth Thursdays of each month at 4:30 p.m., unless such day is a legal holiday. An annual schedule of regular meetings shall be published and posted at the Urban Design and Preservation Division office in January of each year. Special meeting may be called by the Board upon 24 hours' notice, posted and delivered to all members and local news media. Meetings shall be held at the offices of the Department of Planning and Preservation and Sustainability unless otherwise noted and shall open to the public.

Article III-Appeals Procedure; Section 1-Form of Appeal-Administrative Decision

Appeals to the Board from an administrative decision may be taken by any person aggrieved or by an officer, department, board, or bureau of the City of Charleston. Appeals shall be filed on forms approved by the Board and provided by the secretary of the Board. Appeal forms shall be made available in the City of Charleston Department of Planning and Preservation and Sustainability. A detailed narrative must accompany the appeal, specifying the grounds of appeal. The Board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal.

Article IV-Hearing Procedure; Section 1-Compliance with Zoning; Neighborhood Meetings.

The deadline for applications is noon, no later than ten days prior to the requested review date. Schedules, application forms and additional information regarding applications are on file in the Department of Planning and Preservation and Sustainability and at <http://www.charleston-sc.gov/BAR>

Article IV-Hearing Procedure; Section 6-Staff Approvals.

Board Policy statement dated November 28, 2001 (revised from February 8, 1984), on file in the Department of Planning and Preservation and Sustainability, is a written list of criteria for applications that the Preservation Officer or designee may process and for which the Officer may grant a Certificate of Appropriateness. For such staff approvals, a copy of the Certificate of Appropriateness must be posted on the property by the applicant for a minimum of fifteen (15) days, with proof of such posting being submitted to the secretary.

AN ORDINANCE

TO AMEND CHAPTER 2-DEPARTMENT OF PUBLIC SERVICE; ARTICLE VI-
DEPARTMENT PUBLIC SERVICE.

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

Section 1. That Chapter 2-Department of Public Service; Article VI- Department of Public Service; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Sec. 2-231. - Establishment and organization.

The department of public service is hereby established and shall consist of the following divisions:

- (1) Engineering;
- (2) ~~Inspections;~~
- (3) Streets and sidewalks;
- (4) Environmental services;
- (5) Fleet service;
- (6) Stormwater management system maintenance.

Sec. 2-232. - Duties and responsibilities.

The department of public service shall have the responsibility for the upkeep and maintenance of the streets and sidewalks, and other physical facilities of the city except where such responsibilities are delegated by the city council to other departments of city government. It shall have the overall responsibility for the environmental services of garbage collection, trash collection, street sweeping, and rodent control. ~~It shall provide such engineering, building plan review, permitting and inspections or similar in-house technical services as are required by the city. It shall have the responsibility for the enforcement of such ordinances or codes relating to housing and building construction and environmental control as are adopted by the council.~~ It shall provide fleet support to the city's motor vehicles to include the responsibility for the management, maintenance and repair of the city's fleet of motor vehicles and titled equipment.

In carrying out these duties and responsibilities, the Department shall coordinate with the Departments of Stormwater and the Division of Resiliency & Emergency Management and shall collaborate with such departments to develop strategies and policies to protect the public health, safety, welfare, and quality of life for the city's citizens.

AN ORDINANCE

TO AMEND CHAPTER 7-BUILDINGS AND BUILDING REGULATIONS; ARTICLE I-IN GENERAL.

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

Section 1. That Chapter 7-Buildings and Building Regulations; Article I- In General; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Sec. 7-8. - Building site to be on accepted street with drain or sewer; exception.

No lot shall be used for building purposes unless the street on which it is located has been accepted as a public street and provided with a drain or sewer or both. The chief building official shall withhold a permit for any construction contrary to this section. However, a permit may be granted for the construction of buildings on accepted streets where no drains or sewers have yet been laid, if the plans of the disposal of water and sewage are approved by both the Engineering Division and the health department.

AN ORDINANCE

TO AMEND CHAPTER 2-ADMINISTRATOIN; ARTICLE XIV-DEPARTMENT OF
STORMWATER MANAGEMENT.

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

Section 1. That Chapter 2-Administration; Article XIV- Department of Stormwater Management; will be amended by adding the text shown below with a double-underline and deleting text shown below with a ~~strike-through~~:

Sec. 2-421. - Establishment and organization.

There is hereby established a department to be known as the department of stormwater management and shall consist of the following divisions:

- (1) Administration; and
- (2) Stormwater project and floodplain management.
- (3) ~~Stormwater management system maintenance.~~

Sec. 2-422. - Duties and responsibilities of the department.

The department shall:

- (1) Provide direction, leadership, administration, general oversight, and enforcement of stormwater infrastructure and water quality projects including planning, design, and construction of new and existing development;
- (2) Manage the city's floodplain management program;
- (3) ~~Maintain the city's stormwater drainage system;~~
- (4) Provide education on corrective and preventative measures for reducing flood damage; and
- (5) Manage the city's stormwater user fees.

In carrying out these duties and responsibilities, the Department shall coordinate with the Departments of Planning and Public Service and the Division of Resiliency & Emergency Management and shall collaborate with such departments to develop strategies and policies to protect the public health, safety, welfare, and quality of life for the city's citizens.