

**AMENDED**

April 13, 2021

5:00 p.m.

**Conference Call: 1-929-205-6099**

**Access Code: 912096416**

**CITY COUNCIL**

**A. Roll Call**

**B. Invocation – Councilmember Waring**

**C. Pledge of Allegiance**

**D. Presentations and Recognitions**

1. Resolution in remembrance of Martha Lou Gadsden
2. Proclamation recognizing Child Abuse Prevention Month
3. Proclamation recognizing National Fair Housing Month

**4. Proclamation recognizing Crime Victims' Rights Week**

**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.)*

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

**Please use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 13th:**

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

1. An ordinance to amend part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South

Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required Workforce Housing units onsite. **(AS AMENDED)(SECOND READING)**

2. An ordinance to amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to Sec. 54-120 of the Zoning Ordinance. **(SECOND READING)**

**F. Act on Public Hearing Matters**

**G. Approval of City Council Minutes:**

1. March 23, 2021

**H. Citizens Participation Period**

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

**Please use one of the following methods to request to speak at the meeting or provide comments for City Council. If requesting to speak, you must join by telephone using the conference call number listed at the top of the agenda. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 13th:**

- 1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;**
- 2. Sign-up to speak or leave comments for City Council by completing the form at <http://innovate.charleston-sc.gov/comments/> by Tuesday, April 13<sup>th</sup> at 12:00 p.m.**
- 3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401**

**I. Petitions and Communications:**

1. Appointments to the Army Corps 3x3 Advisory Committee:

Councilmember Perry K. Waring  
Councilmember Michael S. Seekings  
Dan Batista  
C. Douglas Warner  
Bob Habig  
Lawrence Green, Jr.  
Susan Lyons  
Cashion Drolet  
Kevin Mills  
Laura Cantral  
Jordi Yarborough  
Dennis J. Frazier  
Herbert Maybank

Hagood S. Morrison

2. A Resolution to acknowledge and celebrate Earth Day 2021, to reaffirm the City's long-standing commitment to continuous improvement in environmental stewardship, and to express the City's commitment to continuing to support and protect the environment.
3. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer*
4. Executive Order Continuing the Declaration of State of Emergency in response to COVID-19 Virus Outbreak
5. Emergency Ordinance extending certain emergency ordinances related to COVID-19

**J. Council Communications:**

1. Update on Short Term Rental Ordinance (*Requested by Councilmember Harry J. Griffin*)

**K. Council Committee Reports:**

**1. Committee on Community Development: (Meeting was held Thursday, March 25, 2021 at 4:00 p.m.)**

**a. New Business:**

- (i) Resolution to certify 220 Nassau Street as an abandoned building
- (ii) Classic Development Corporation – Request for Funds – Bull Creek Development
- (iii) Laurel Island Development and Public Infrastructure Agreement - Update

**2. Committee on Community Development and Committee on Public Works and Utilities Joint Meeting: (Meeting was held Thursday, March 25, 2021 at 5:00 p.m.)**

**a. Discussion of TIF Funds**

**3. Committee on Recreation: (Meeting was held Monday, April 12, 2021 at 4:30 p.m.)**

**a. Updates:**

- (i) Update on W.L. Stephens Pool
- (ii) Update on Stoney Field

**b. Old Business**

**c. New Business**

- (i) Renaming of Chapel Street Park to Vangie Rainsford Park

**d. Other Business**

**4. Committee on Public Works and Utilities: (Meeting was held Monday, April 12, 2021 at 3:00 p.m.)**

**a. Acceptances and Dedication of Right-of-Way:**

- (i) Approval to notify SCDOT that the City intends to accept maintenance responsibility for approximately 75 LF of granite curb, carriage stamp driveway and handicap ramp in conjunction with the project at 370 Huger Street (S-99).

**b. Public Service Updates:**

- (i) Daniel Island Beresford Creek Bridge Replacement Design Contract-Approval of a contract with JMT, Inc. in the amount of \$439,455.13 for surveys, detailed traffic analysis, subsurface utility engineering and coordination, geotechnical investigation, environmental permitting, roadway design, bridge hydraulic analysis and structural design, plan development and construction phase support engineering for the replacement of the road bridge over Beresford Creek on Daniel Island. Funding source for this project is 2018 General Fund Reserves (\$1,700,000.00).
- (ii) Briefing on grant submittal for electric garbage trucks.

**c. Stormwater Management Department Updates:**

- (i) Stormwater Manual Taskforce Update
- (ii) King/Huger Project Update
- (iii) Discussion of Drainage Easement at 3 Lochmore Terrace (Requested by CM Griffin)

- d.** Executive Session pursuant to Section 30-4-70(a)(2) of the South Carolina Code, to receive legal advice regarding the barricading of portions of Frampton Street and Fairway Drive within the Country Club 2 subdivision. Upon returning from executive session, the Committee may or may not take action to recommend a resolution to set a public hearing before City Council to return one or both of these rights-of-way to their original condition.

**5. Committee on Traffic and Transportation: (Meeting was held Tuesday, April 13, 2021 at 2:00 p.m.)**

- (i) BUILD Grant Update
- (ii) Signal Maintenance Agreement and Projects Update
- (iii) Director's Update
- (iv) Discussion

**6. Committee on Ways and Means:**

- (Bids and Purchases)

- (Parks Department: Approval of the Keep South Carolina Beautiful 2021 Palmetto Pride Grant Award in the amount of \$8,625. Grant funds will be used toward litter cleanup and beautification initiatives within the City of Charleston, as well as general program costs. There is no City match required.
- (Parks Department: Approval to submit the 2021 AARP Community Challenge Grant for the amount of \$12,000, to be used in landscaping, irrigation, and Wi-Fi Hotspot installations at Hampstead Mall Park. There is no City match required.
- (Office of Cultural Affairs: Approval to apply for \$6,000 from South Carolina PRT's Tourism Advertising Grant Program, to support the 2021 MOJA Arts Festival. A 2:1 City match is required. Matching funds will come from corporate sponsorship and private donations.
- (Police Department: Approval of a contract between the City and Turning Leaf Project. Turning Leaf provides a post release re-entry program for recently released inmates. The amount to be paid by the City is \$50,000.
- (Budget Finance Revenue Collections: An ordinance providing for the issuance and sale of a not exceeding \$19,000,000 Special Obligation Redevelopment Bond (Horizon Redevelopment Project Area), Series 2021, of the City of Charleston, South Carolina, and other matters relating thereto.
- (Budget Finance Revenue Collections: An ordinance to provide for the issuance and sale of not exceeding \$20,000,000 General Obligation Bonds of 2021 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- (Public Service Department: Approval of the Beresford Creek Professional Services Contract with Johnson, Mirmiran & Thompson, Inc., in the amount of \$439,455.13 for surveys, detailed traffic analysis, subsurface utility engineering and coordination, geotechnical investigation, environmental permitting, roadway design, bridge hydraulic analysis and structural design, plan development and construction phase support engineering for the replacement of the road bridge over Beresford Creek on Daniel Island Drive. Approval of the Professional Services Contract will obligate \$439,455.13 of the \$1,700,000 project budget. The funding source for this project is 2018 General Fund Reserves (\$1,700,000).
- (Housing and Community Development: Approval of an amendment to the award of \$2,000,000 to \$2,600,000 to Classic Development Company and Flat Iron Partners for the development of fifty-seven (57) rental apartments in the West Ashley community for persons earning sixty (60%) percent and below the Area Median Income (AMI). The funds were awarded from the General Obligation Bond approved in November 2017; committed in 2019. The developer has experienced increased costs due to lumber prices, structural building elements and water mitigation measures. The total budget increased by \$1,889,050. This development helps to meet the critical need for affordably priced rental housing in the West Ashley community.
- (An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to the Development Agreement with HPH Properties, LP, dated August 1, 2015, pertaining to lands located in the West Ashley area of the City comprising approximately 299 acres and bearing Charleston County TMS Nos 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, and 301-00-00-114.
- (Request authorization for the Mayor to execute a Second Addendum to the Memorandum of Agreement (the "MOA") dated October 9, 2018, between the City of Charleston and the Lowcountry Lowline, also known as the Friends of the Lowcountry Lowline (the "FLL") governing the use by the FLL of \$250,000 toward surveys, environmental reports, construction budgeting, and other design and engineering

expenses for the first phase of the improvement and construction of the Lowline Park.  
(Consider the following annexation:

- 3919 Savannah Highway (1.83 acres) (TMS# 285-00-00-205), West Ashley, (District 5). The property is owned by Lillie and Carl Smalls.

**(Executive Session in accordance with 30-4-70(a)(2) of the South Carolina Code, to receive legal advice regarding the Charleston School of Law transaction. (Deferred for discussion at City Council)**

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

An ordinance providing for the issuance and sale of a not exceeding \$19,000,000 Special Obligation Redevelopment Bond (Horizon Redevelopment Project Area), Series 2021, of the City of Charleston, South Carolina, and other matters relating thereto.

An ordinance to provide for the issuance and sale of not exceeding \$20,000,000 General Obligation Bonds of 2021 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.

An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to the Development Agreement with HPH Properties, LP, dated August 1, 2015, pertaining to lands located in the West Ashley area of the City comprising approximately 299 acres and bearing Charleston County TMS Nos 301-00-00-033, 301-00-00-042, 301-00-00-043, 301-00-00-054, 301-00-00-057, and 301-00-00-114.

An ordinance to provide for the annexation of property known as 3919 Savannah Highway (1.83 acres) (TMS# 285-00-00-205), 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 Lillie and Carl Smalls.

#### **L. Bills up for Second Reading:**

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

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 569-571 King Street (Peninsula) (approximately 0.12 acre) (TMS #460-12-02-070) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Jasega, LLC.*
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 properties on Maybank Highway (Johns Island) (approximately 37.29 acres) (TMS #279-00-00-056 and 057) (Council District 5), be rezoned from Single-Family Residential (SR-1 and SR-4) classifications to Diverse Residential (DR-6) classification. The properties are owned by St Johns Center LLC and 4 S Maybank LLC.*
3. *An ordinance to provide for the annexation of property known as 3486 Maybank Highway (9.62 acre) (TMS# 279-00-00-055), 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 St. Johns Center, LLC.*

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 3486 Maybank Highway (Johns Island) (approximately 9.62 acres) (TMS #279-00-00-055) (Council District 5), pending annexation into the City of Charleston, be zoned Diverse Residential (DR-6) classification. The property is owned by St. Johns Center, LLC and Charles P. Youmans, Jr.*
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 portions of subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 0.32 acre) (portion of TMS #460-08-02-015, 109, 110, 111 and 112) (Council District 4), be rezoned from 2.5-3 Story Old City Height District Classification to 3.5 Story Old City Height District Classification. The properties are owned by Evening Post Industries.*
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 portions of subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 1.5 acre) (TMS #460-08-02-010 through 013, 015, 109, 110, 112, 113 and 117) (Council District 4), be rezoned from 6 Story Old City Height District Classification to 7 Story Old City Height District Classification. The properties are owned by Evening Post Industries.*
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 2181 Wappoo Hall Road (James Island) (approximately 0.37 acre) (TMS #343-01-00-032) (Council District 11), annexed into the City of Charleston February 23, 2021 (#2021-019), be zoned Single-Family Residential (SR-1) classification. The property is owned by Hurley Living Trust.*
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 2182 Parkway Drive (James Island) (approximately 0.20 acre) (TMS #343-01-00-144) (Council District 11), annexed into the City of Charleston February 23, 2021 (#2021-022), be zoned Single-Family Residential (SR-2) classification. The property is owned by Peter Deen Wey and Leigh Mendelsohn Wey.*
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 2138 Golfview Drive (James Island) (approximately 0.22 acre) (TMS #343-06-00-013) (Council District 11), pending annexation into the City of Charleston, be zoned Single-family Residential (SR-1) classification. The property is owned by Greg White.*
10. *An ordinance to amend Article VIII of Chapter 30 of the Code of the City of Charleston to establish a new procedure for creating non-standard service districts within the City of Charleston and to amend the Electrical Franchise Agreement with Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company, to provide for an additional method for funding non-standard services.*
11. *An ordinance to provide for the annexation of property known as 738 Saint Andrews Boulevard (0.26 acre) (TMS# 418-15-00-081), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Robert A. Limehouse, IV.*
12. *An ordinance to provide for the annexation of property known as 1908 2<sup>nd</sup> Drive (0.20 acre) (TMS# 350-05-00-006), West Ashley, Charleston County, to the City of Charleston, shown*

*within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by John H. and John J. Tecklenburg.*

- 13. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts. (DEFERRED)(Expires March 23, 2022)*
- 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 114 Magnolia Road (West Ashley) (approximately 0.20 acre) (TMS #418-13-00-166) (Council District 3), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-2) classification. The property is owned by Matt Prendergast. (DEFERRED) (Expires March 23, 2022)*
- 15. An ordinance to provide for the annexation of property known as 114 Magnolia Road (0.20 acre) (TMS# 418-13-00-166), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Matt Prendergast. (DEFERRED)*
- 16. An ordinance to amend Division 1 of Article II (City Council) of Chapter 2 (Administration) of the Code of the City of Charleston by adding a new Sec. 2-29 (Code of Conduct), applicable to members of City Council. **(AS AMENDED)** (DEFERRED)*
- 17. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)*
- 18. An ordinance to provide for the annexation of property known as 3338 Maybank Highway (approx. 1.1 acre) (TMS# 279-00-00-035), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 19. An ordinance to provide for the annexation of property known as 3328 Maybank Highway (approx. 4.588 acre) (TMS# 279-00-00-031), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Kulick Properties, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 20. An ordinance to provide for the annexation of property known as 3320 Maybank Highway (approx. 2.278 acre) (TMS# 279-00-00-029), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by 1108 St Gregory St, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 21. 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)*
- 22. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the "Homestead Exemption" in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which*



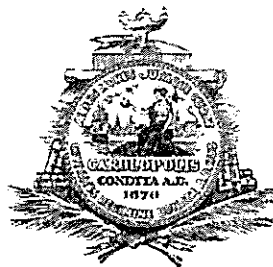
*contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC HEARING)*

**M. Bills up for First Reading:**

**N. Miscellaneous Business:**

- 1. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice regarding the Charleston School of Law transaction.**
2. Special City Council Meeting re: update on redistricting and 2021 Municipal Election – Tuesday, April 20, 2021 at 5:00 p.m.
3. The next regular meeting of City Council will be Tuesday, April 27, 2021 at 5:00 p.m.

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

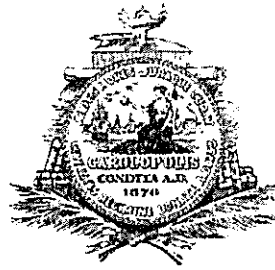


# **RESOLUTION**

- WHEREAS, the City of Charleston wishes to recognize one of South Carolina's most well-known and distinguished citizens, **MARTHA GERTRUDE BEULAH SIMMONS GADSDEN (MARTHA LOU)**, who was born to the late Mr. Joseph Simmons and the late Mrs. Lillie Mae Walker Fields Simmons on March 20, 1930; and
- WHEREAS, **MARTHA LOU** was born in Manning, SC and educated at Manning Training School. Later in childhood she moved to Charleston, SC; and
- WHEREAS, **MARTHA LOU** was introduced to the culinary scene as a server at the Ladson House, which was the only full-service restaurant operated in Charleston by African Americans for African Americans; and
- WHEREAS, after working at several eateries around town **MARTHA LOU** started her own business and opened the famous Martha Lou's Kitchen in 1983, at the age of 53. She started by selling hot dogs and sodas and later transformed it into the iconic restaurant that everyone loved; and
- WHEREAS, **MARTHA LOU** was a pioneer who received countless accolades for her restaurant, described by the New York Times as, "a temple for Low Country cuisine," and Bon Appétit Magazine as "worthy of a pilgrimage," and was featured in many other articles and TV shows, which brought a national spotlight to local Gullah Geechee cooking; and
- WHEREAS, **MARTHA LOU** was a faithful servant and a member of Trinity A.M.E. Church for more than 60 years. She was part of the Daughters of Sarah Auxiliary and has served on numerous committees and programs within the church; and
- WHEREAS, **MARTHA LOU** leaves behind eight children, Joyce Taylor, Rodney Gadsden Sr., Debra Worthy, Ruth Gregory, James Gadsden, Lillie Mae Carpenter, Clayton Gadsden and Bernard Gadsden. She has also left nineteen grandchildren, thirty-seven great grandchildren, five great-great grandchildren, family, friends and loved ones to cherish and honor her legacy; and
- WHEREAS, **MARTHA LOU** was a well-loved Charlestonian and has left an unforgettable mark on the City of Charleston. She earned the respect, admiration and high regard of all who came into her restaurant. We have sustained a great loss in her death locally and nationally.

NOW, THEREFORE, BE IT RESOLVED THAT, I, John J. Tecklenburg, Mayor, City of Charleston, on behalf of all our citizens, hereby extend to the members of her family this expression of sincere regret for their loss, and hope that they will be consoled by the memories of her fine life and achievements.

John J. Tecklenburg, Mayor



**PROCLAMATION**

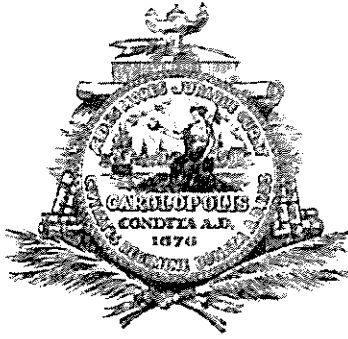
- WHEREAS,** children are vital to our future success, prosperity and quality of life as a city, state and nation; and
- WHEREAS,** all children are deserving of safe, stable, and nurturing homes and communities that help to foster their healthy growth and development; and
- WHEREAS,** in any community, children are among the most vulnerable citizens. That's why child abuse and neglect must be considered a community responsibility, as it has the power to affect a community's existing and future quality of life; and
- WHEREAS,** communities that provide parents with social support, valuable information and other concrete resources to cope with stress and nurture their children help to ensure that all kids grow up to achieve their full potential; and
- WHEREAS,** abuse prevention programs not only give families and children the necessary knowledge and resources to learn, grow and thrive, but also serve as a proven and effective way to reduce child abuse and neglect; and
- WHEREAS,** communities must make every effort to promote programs that benefit children and their families; and
- WHEREAS,** Dee Norton Lowcountry Children's Center serves the Charleston community by providing a one-stop location for services provided to families and children in need; and
- WHEREAS,** Carolina Youth Development Center (CYDC) provides the Lowcountry with support resources and is committed to preventing child abuse by offering a continuum of services to treat the whole family; and
- WHEREAS,** I urge all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to continue to expand their participation in efforts that support families, prevent cases of child abuse and thereby strengthen the communities in which we live.

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

**CHILD ABUSE AWARENESS AND PREVENTION MONTH**

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 13th day of April in the year of 2021.

John J. Tecklenburg, Mayor



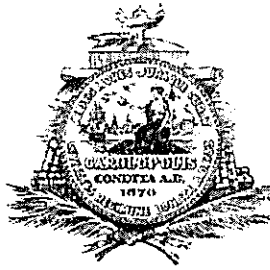
### PROCLAMATION

- WHEREAS,** Fair Housing Month is a time to recommit to our nation's obligation to ensure that everyone has equal access to safe, decent and affordable housing; and
- WHEREAS,** housing discrimination has no place in the United States of America and no place in the City of Charleston; and
- WHEREAS,** the Fair Housing Act protects people from discrimination when they are renting or buying a home, securing a mortgage, seeking housing assistance, or engaging in other housing-related activities; and
- WHEREAS,** last year, the U.S. Department of Housing and Urban Development and its Fair Housing Assistance Program partner agencies received more than 7,700 complaints alleging discrimination based on one or more of the Fair Housing Act's seven protected classes: race, color, national origin, religion, sex, family status, and disability; and
- WHEREAS,** the U.S. Department of Housing and Urban Development and the City of Charleston have joined together in support of Fair Housing for all; and
- WHEREAS,** we, in collaboration with HUD and other housing partners seek to end housing discrimination, seek justice to those who have experienced housing discrimination, to eliminate racial bias and other forms of discrimination in all stages of home-buying and renting, and to secure equal access to housing opportunity for all; and
- WHEREAS,** Fair Housing is "More Than Just Words," it is the law.
- NOW, THEREFORE, I,** John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim April 2021 as:

### **FAIR HOUSING MONTH**

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 13th day of April in the year of 2021.

\_\_\_\_\_  
John J. Tecklenburg, Mayor



D4.)

### PROCLAMATION

- WHEREAS, 2021 is the 40<sup>th</sup> anniversary of National Crime Victims' Rights Week, which was first proclaimed by President Ronald Reagan in 1981; and
- WHEREAS, National Crime Victims' Rights Week is a time-honored tradition that has recognized and validated the impact of crime on victims, survivors, communities and those who assist them; and
- WHEREAS, the 2021 National Crime Victims' Rights Week theme "Support Victims. Build Trust. Engage Communities." reflects the national and local approach required to ensure that victims' needs are identified and addressed; and
- WHEREAS, in 2015, Charleston was shaken by the devastating impacts of mass violence following the Mother Emanuel A.M.E. shooting, which took the lives of nine people who were gathered in prayer; and
- WHEREAS, the Charleston community continues to remember and mourn the murders of Rev. Clementa Pickney, Cynthia Hurd, Susie Jackson, Ethel Lance, Depayne Middleton Doctor, Tywanza Sanders, Rev. Daniel L. Simmons, Rev. Sharonda Coleman-Singleton and Myra Thompson; and
- WHEREAS, we support victims by listening to them, and matching their needs to appropriate services and support, and we build trust with victims by working together to eliminate barriers to access to quality, comprehensive services; and
- WHEREAS, since the passage of the Victims of Crime Act of 1984, and through the dedicated work of victim service providers, civic leaders and elected officials, there is a growing array of services and resources available to victims and their loved ones; and
- WHEREAS, Charleston is home to the National Mass Violence Victimization Resource Center, a reliable source of information, resources and support that civic leaders, mental health professionals, journalists, policy makers and victim service professionals can turn to in the immediate aftermath of a mass violence incident and in the months and years that follow; and
- WHEREAS, National Crime Victims' Rights Week provides an opportunity to recommit to ensuring that accessible, appropriate, and trauma-informed services are offered to all victims of crime; and
- WHEREAS, the City of Charleston hereby commits to supporting victims and survivors following a crime, building trust with them when they seek assistance and engaging the community in efforts to meet their needs, and thanks the community members, victim service providers, and criminal and juvenile justice professionals who are committed to helping victims find relevant assistance, support, and justice.

**NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim the week of April 18–24, 2021 as:**

### **CRIME VICTIMS' RIGHTS WEEK**

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 13<sup>th</sup> day of April in the year of 2021.

John J. Tecklenburg, Mayor

### **PUBLIC HEARING**

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, April 13, 2021 beginning at 5:00 p.m., via Conference Call # 1-929-205-6099, Access Code **912 096 416**, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate using one of the following options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, April 13<sup>th</sup> :

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

#### **Ordinance Amendments**

1. To amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to sec. 54-120 of the Zoning Ordinance.
2. To amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required workforce housing units onsite.

JENNIFER COOK  
Interim Clerk of Council

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

C22-1930453-1

# CITY OF CHARLESTON PLANNING COMMISSION

## MEETING OF MARCH 17, 2021

### REZONINGS

1. **Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802111, 114, 118 through 121 and a portion of TMS# 4600802015, 109, 110, 112, 117 and 122** – approx. 0.83 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-1/WH).
2. **Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802011 through 013, 113 and a portion of TMS# 4600802010, 015, 109, 110, 112 and 117** – approx. 1.9 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

#### Motion APPROVAL OF REZONINGS 1 & 2 (8-0)

1<sup>st</sup>: JACOBS

2<sup>nd</sup>: HARRISON

Jimmy Bailey

RECUSED

Charlie Karesh

IN FAVOR

Loquita Bryant-Jenkins

IN FAVOR

Sunday Lempesis

IN FAVOR

Erika V. Harrison

IN FAVOR

Harry Lesesne

IN FAVOR

Donna Jacobs

IN FAVOR

Chaun Pflug

IN FAVOR

Angie Johnson

IN FAVOR

3. **334 Folly Rd (James Island) a portion of TMS # 4240500028** – approx. 0.49 acre. Request rezoning of a portion of the subject property from Limited Business (LB) to General Business (GB).

#### Motion APPROVAL (9-0)

1<sup>st</sup>: LEMPESIS

2<sup>nd</sup>: BRYANT-JENKINS

Jimmy Bailey

IN FAVOR

Charlie Karesh

IN FAVOR

Loquita Bryant-Jenkins

IN FAVOR

Sunday Lempesis

IN FAVOR

Erika V. Harrison

IN FAVOR

Harry Lesesne

IN FAVOR

Donna Jacobs

IN FAVOR

Chaun Pflug

IN FAVOR

Angie Johnson

IN FAVOR

4. **254 Coming St (Cannonborough-Elliottborough – Peninsula) TMS # 4600802062** – approx. 0.03 acre. Request rezoning of the subject property from Diverse Residential (DR-2F) to Commercial Transitional (CT).

Motion APPROVAL (9-0)

1<sup>st</sup>: JACOBS

2<sup>nd</sup>: HARRISON

Jimmy Bailey	IN FAVOR	Charlie Karesh	IN FAVOR
Loquita Bryant-Jenkins	IN FAVOR	Sunday Lempesis	IN FAVOR
Erika V. Harrison	IN FAVOR	Harry Lesesne	IN FAVOR
Donna Jacobs	IN FAVOR	Chaun Pflug	IN FAVOR
Angie Johnson	IN FAVOR		

5. **860 Morrison Dr (Peninsula) TMS # 4590200002 & 005** – approx. 1.76 acres. Request rezoning of the subject property to be included within the Accommodations Overlay. Zoned Upper Peninsula (UP).

Motion APPROVAL (9-0)

1<sup>st</sup>: JOHNSON

2<sup>nd</sup>: LESESNE

Jimmy Bailey	IN FAVOR	Charlie Karesh	IN FAVOR
Loquita Bryant-Jenkins	IN FAVOR	Sunday Lempesis	IN FAVOR
Erika V. Harrison	IN FAVOR	Harry Lesesne	IN FAVOR
Donna Jacobs	IN FAVOR	Chaun Pflug	IN FAVOR
Angie Johnson	IN FAVOR		

6. **30 and 30.5 F St (Westside – Peninsula) TMS # 4631603049 and 050** – approx. 0.16 acre. Request rezoning of subject property from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

Motion APPROVAL (9-0)

1<sup>st</sup>: JACOBS

2<sup>nd</sup>: LEMPESIS

Jimmy Bailey	IN FAVOR	Charlie Karesh	IN FAVOR
Loquita Bryant-Jenkins	IN FAVOR	Sunday Lempesis	IN FAVOR
Erika V. Harrison	IN FAVOR	Harry Lesesne	IN FAVOR
Donna Jacobs	IN FAVOR	Chaun Pflug	IN FAVOR
Angie Johnson	IN FAVOR		



## **ORDINANCE AMENDMENT**

1. To amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to sec. 54-120 of the Zoning Ordinance.

**Motion APPROVAL (9-0)**

1<sup>st</sup>: **LESESNE**

2<sup>nd</sup>: **JACOBS**

Jimmy Bailey

**IN FAVOR**

Charlie Karesh

**IN FAVOR**

Loquita Bryant-Jenkins

**IN FAVOR**

Sunday Lempesis

**IN FAVOR**

Erika V. Harrison

**IN FAVOR**

Harry Lesesne

**IN FAVOR**

Donna Jacobs

**IN FAVOR**

Chaun Pflug

**IN FAVOR**

Angie Johnson

**IN FAVOR**

2. To amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required workforce housing units onsite.

**Motion APPROVAL (8-0)**

1<sup>st</sup>: **BAILEY**

2<sup>nd</sup>: **LESESNE**

Jimmy Bailey

**IN FAVOR**

Charlie Karesh

**IN FAVOR**

Loquita Bryant-Jenkins

**IN FAVOR**

Sunday Lempesis

**IN FAVOR**

Erika V. Harrison

**RECUSED**

Harry Lesesne

**IN FAVOR**

Donna Jacobs

**IN FAVOR**

Chaun Pflug

**IN FAVOR**

Angie Johnson

**IN FAVOR**

## **SUBDIVISION**

1. Oakville Plantation Rd (American Star – Johns Island) TMS# 3170000011, 055 & 089 – approx. 201.6 ac. 205 lots. Request one (1) year extension of subdivision concept plan approval. Zoned Rural Residential (RR-1) and Light Industrial (LI).

**Motion APPROVAL (7-0)**

1<sup>st</sup>: **LESESNE**

2<sup>nd</sup>: **LEMPESIS**

Jimmy Bailey

**ABSTAINED**

Charlie Karesh

**IN FAVOR**

Loquita Bryant-Jenkins

**IN FAVOR**

Sunday Lempesis

**IN FAVOR**

Erika V. Harrison

**IN FAVOR**

Harry Lesesne

**IN FAVOR**

Donna Jacobs

**ABSTAINED**

Chaun Pflug

**IN FAVOR**

Angie Johnson

**IN FAVOR**

## **ZONINGS**

1. **2138 Golfview Dr (Riverland Golfview – James Island) TMS # 3430600013** – approx. 0.22 ac.  
Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion **APPROVAL (9-0)**

1<sup>st</sup>: **BAILEY**

2<sup>nd</sup>: **BRYANT-JENKINS**

**Jimmy Bailey**

**IN FAVOR**

**Loquita Bryant-Jenkins**

**IN FAVOR**

**Erika V. Harrison**

**IN FAVOR**

**Donna Jacobs**

**IN FAVOR**

**Angie Johnson**

**IN FAVOR**

**Charlie Karesh**

**IN FAVOR**

**Sunday Lempesis**

**IN FAVOR**

**Harry Lesesne**

**IN FAVOR**

**Chaun Pflug**

**IN FAVOR**



Ratification  
Number \_\_\_\_\_

## A N O R D I N A N C E

TO AMEND PART 15 (WORKFORCE HOUSING DISTRICTS AND OPPORTUNITY ZONES) OF ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA (ZONING ORDINANCE), TO PROVIDE FOR AN INCREASED FEE IN LIEU OF DEVELOPING REQUIRED WORKFORCE HOUSING UNITS ONSITE. **(AS AMENDED)**

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

Section 1. That Sec. 54-299.1 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby amended to add the following defined terms:

k. WH district(s). The term "WH district" means the MU-1/WH zoning district or the MU-2/WH zoning district. The term "WH districts" means the MU-1/WH district and the MU-2/WH district.

l. Workforce housing units. Workforce housing unit means owner occupied workforce housing units and rental workforce housing units.

m. Required workforce housing units. Required workforce housing units means workforce housing units required to be provided by the terms of this Part.

n. First generation properties: Any property which is zoned to a WH District as of January 10, 2017; or any property for which, as of January 10, 2017, an application has been filed for rezoning to a WH district and for which City Council later grants the rezoning application.

o. Second generation properties: Any property which City Council has rezoned to a WH district before March 9, 2021, except for first generation properties. Any property, other than first generation properties, for which the City has received an application for a rezoning to a WH district on or before March 9, 2021, to the extent City Council later approves the rezoning application.

p. Gross square footage ("GSF"): Gross square footage or GSF means the number of gross square feet within the development, whether residential, retail, commercial, or otherwise, inclusive of heated and unheated square footage, but excluding parking garages. Any portion of

the GSF initially used solely for a grocery store or pharmacy shall be excluded from GSF for purposes of calculating any fee-in-lieu of providing required workforce housing units; provided; however, if, at any time within ~~twenty-five (25)~~ **thirty (30)** years after receipt of a certificate of occupancy or completion for the development, the use of such GSF as a grocery store or pharmacy lapses for a period of twelve (12) months or is used for any other purpose, then the owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the **difference between the fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially paid.** ~~different between the fee per unit that would have been payable had such GSF not been excluded from the initial calculation of the fee per unit.~~

q. **Consumer Price Index ("CPI").** The Consumer Price Index (CPI) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services published by the United States Department of Labor and available for the pertinent geographical area, as determined annually by the City's Department of Housing and Community Development.

r. **First tier unit(s).** First tier units are calculated by dividing the required workforce housing units by four and rounding down to the nearest whole number.

s. **Second tier unit(s).** Second tier units are calculated by dividing the required workforce housing units by two, then subtracting the first tier units. If this calculation results in a number other than a whole number, then the resulting number shall be rounded down to the nearest whole number.

t. **Third tier unit(s).** Third tier units are calculated by dividing the required workforce housing units by four, then multiplying the resulting number by three, then subtracting first tier units and second tier units. If this calculation results in a number other than a whole number, then the resulting number shall be rounded down to the nearest whole number.

u. **Fourth tier unit(s).** Fourth tier units are calculated by subtracting the first tier units, second tier units, and third tier units from the required workforce housing units; provided, however, if the required workforce housing units is one (1), then such workforce housing unit shall be a fourth tier unit.

**Section 2.** That Sec. 54-299.2 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted and replaced with the following new Sec. 54-299.2:

Sec. 54-299.2 – Land uses for WH districts.

The permitted land uses in the WH districts are those listed under Article 2, Part 3, Table of Permitted Land Uses, in the column headings having the applicable district designation, to wit: MU-1/WH or MU-2/WH, respectively, modified as follows:

- a. Every development in a WH district that has less than five (5) dwelling units must include at least one (1) workforce housing unit.
- b. Every development within a WH district which includes five (5) or more dwelling units shall include workforce housing units comprising at least twenty percent (20%) of the total number of dwelling units in the development, rounded up to the next whole number. Notwithstanding the foregoing, with respect to first generation properties, every development within a WH district which includes five (5) or more dwelling units shall include workforce housing units comprising at least fifteen percent (15%) of the total number of dwelling units in the development, rounded up to the next whole number.
- c. Required workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of market rate dwelling units in the development as a whole. The smallest required workforce housing unit shall not be smaller than the smallest market rate dwelling unit and shall contain the same number of bedrooms as the smallest market rate dwelling unit. Required workforce housing units shall be integrated and intermixed with the market rate dwelling units in the development. Required workforce housing units shall not be clustered together or segregated from the market rate dwelling units. Developments that contain multiple buildings shall incorporate required workforce housing units into each building, and the required workforce housing units shall be proportional, in terms of square footage and number of bedrooms, to the number of market rate dwelling units in each building. Exterior finishes of required workforce housing units shall be the same type and quality as the development's market rate dwelling units.
- d. In lieu of providing required workforce housing units under Sec. 54-299.2.a ~~or Sec. 54-299.b~~, a development may dedicate the greater of (1) fifty percent (50%) of the ground level square footage; or (2) 1,500 square feet on the ground level to nonresidential uses which front on a public right-of-way. Nonresidential uses in the MU-1/WH district shall be those allowable in the Limited Business (LB) zoning district. Nonresidential uses in the MU-2/WH district shall be those allowable in the General Business (GB) zoning district.
- e. (1) In lieu of providing the required workforce housing units onsite, a developer may contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of required workforce housing units for the development. Fees shall be calculated at the time of building permit application and paid in full prior to the issuance of a certificate of occupancy or completion for any part of the development covered in such building permit application. The fee for a required workforce housing unit shall be calculated as follows:
- (a) For first tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by \$7.50, then dividing the latter number by the total number of first tier units.
- (b) For second tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by \$10.00, then dividing the latter number by the total number of second tier units.

(c) For third quarter tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by \$12.50, then dividing the latter number by the total number of third tier units.

(d) For fourth tier units, the fee per unit shall be calculated by dividing the GSF in the development by four (4), then multiplying the resulting number by \$15.00, then dividing the latter number by the total number of fourth tier units.

The City's Department of Housing and Community Development (the "CDC") shall adjust the \$7.50 multiplier for first tier units, the \$10.00 multiplier for second tier units, the \$12.50 multiplier for third tier units, and the \$15.00 multiplier for ~~fourth tier~~<sup>the tier-quarter</sup> units annually based on any increase to the CPI or AML, whichever is greater. The adjustment shall apply to (i) any properties which have not received a vested right for a site specific development plan as of the date of publication of the multiplier by the CDC; or (ii) any required workforce housing units resulting from an amendment to a vested site specific development plan as of the date of the publication of the multiplier by CDC.

(2) Notwithstanding Sec. 54-299.2.e.(1), with respect to first generation properties, the fee per required workforce housing unit shall be calculated based on GSF multiplied by \$3.40, with the resulting number then being divided by the total required workforce housing units. **If a certificate of occupancy has been issued for the development or applicable phase, the fee per unit shall be prorated to account for the number of months the unit has already been subject to rental workforce housing covenants.**

(3) Notwithstanding Sec. 54-299.2.e.(1), with respect to second generation properties, the fee per required workforce housing unit shall be calculated based on GSF multiplied by \$5.10, with the resulting number then being divided by the total required workforce housing units.

f. Land donation in lieu of required workforce housing units. Upon approval by City Council by resolution, and in City Council's sole discretion, land may be donated to the City in lieu of required workforce housing units. The size, configuration, and location of any land proposed for donation shall be capable and appropriately zoned to support, at a minimum, the number of required workforce housing units such donation is intended to replace. City Council may accept or reject the donation for any reason. If City Council elects to accept land in lieu of required workforce housing units, the developer shall be solely responsible for all costs of acquiring the land and transferring the land to the City, including but not limited to the costs of surveys, plats, environmental investigation, title insurance, the City's attorneys' fees, and recording fees. Title to the land proposed for donation shall be conveyed to the City by general warranty deed prior to the issuance of a building permit for any part of the development.

g. Prior to receiving a building permit for any portion of a development within a WH district, the owner thereof shall provide, in writing, to the satisfaction of the CDC, information identifying the total number of one bedroom dwelling units, two bedroom dwelling units, etc., and the respective square footages of the same; the total number of one bedroom workforce housing units, two bedroom workforce housing units, etc., and the respective square footages of the same; and the location of the required workforce housing units in the development. Prior to

the issuance of a certificate of occupancy or completion for any portion of a development within a WH district, the owner thereof shall identify, in writing, to the CDC, the dwelling units designated as owner occupied workforce housing units and/or rental workforce housing units.

h. (1) Prior to the issuance of a certificate of occupancy or completion for any portion of a development, the owner shall execute covenants satisfactory to the CDC that identify the required workforce housing units and which restrict such units to occupancy, or, if applicable, ownership, by qualified households for at least ~~twenty-five (25)~~ **thirty (30)** years, and submit a copy of the recorded covenants to the CDC. Notwithstanding the foregoing, ~~for first generation properties,~~ the affordability period shall be ten (10) years **for first generation properties and twenty-five (25) years for second generation properties.**

(2) For the owner occupied workforce housing units, the covenants shall identify the initial maximum allowable sales price, and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the CDC a verified income report of household income of all members of the household. The covenants shall require notice to the CDC of any transfer of the owner occupied workforce housing units and verification that the purchaser is a qualified household. Owner occupied workforce housing units shall be subject to resale restrictions for no fewer than ~~twenty-five (25)~~ **thirty (30)** years from date of initial sale of the property. Notwithstanding the foregoing, ~~for first generation properties,~~ the affordability period shall be ten (10) years **for first generation properties and twenty-five (25) years for second generation properties.** Such restrictions will be recorded as deed restrictions against the subject property.

(3) As for rental workforce housing units, the covenants shall require the owner to provide proof to the CDC, at inception of every tenancy, and on an annual basis thereafter, that no more than affordable rent is being charged for the unit(s), and verified income reports of household income of all occupants of rental workforce housing units. Rental workforce housing units shall be subject to these restrictions for no fewer than ~~twenty-five (25)~~ **thirty (30)** years from the initial occupancy as workforce housing. Notwithstanding the foregoing, ~~for first generation properties,~~ the affordability period shall be ten (10) years **for first generation properties and twenty-five (25) years for second generation properties.**

(4) The covenants for rental workforce housing units shall provide:

If a workforce housing unit is converted from rental occupied to owner occupied occupancy during the term of the rental workforce housing covenants, the unit shall be subject to the owner occupied workforce housing unit requirements as set out in Sec. 54-299.h.(2), as amended, (to include an Initial Maximum Sales Price) for a term of months equal to the number resulting when subtracting from ~~31200 months~~ **(or 300 months for second generation properties)** the number of months the unit has been subject to rental workforce housing covenants. Conversion of a workforce housing unit from owner occupied to a rental workforce housing unit shall not be permitted. Covenants shall require written notice to the City prior to any conversion taking place.

(5) The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy or completion, and in all events be subject to approval by the City's corporation counsel.

i. If the development is to be phased, each phase shall include workforce housing units concurrently with the market rate units in the particular phase. A phasing plan that brings the workforce housing units on line at the end of build out is not permitted.

j. The upkeep of rental workforce housing units shall be of the same quality as the upkeep of the other market rate rental units within the development.

Section 3. That Sec. 54-299.5 ~~2~~ of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted and replaced with the following new Sec. 54-299.5:

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

There is hereby created a City of Charleston Affordable/Workforce Housing Account. Fees contributed to the account per this Part, along with all interest earnings, shall be used solely for the purpose of creating and/or preserving workforce and/or affordable housing, including but not limited to preserving or redeveloping existing housing stock, the acquisition of land, costs and fees for design and construction of affordable housing, and loans or grants to affordable housing providers. The terms of any assistance shall be developed by the City of Charleston Department of Housing and Community Development, or its successor, and approved by City Council.

Section 4. That Sec. 54-299.6 of Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) is hereby deleted, with Sec. 54-299.7 and Sec. 54-299.8 to be renumbered accordingly.

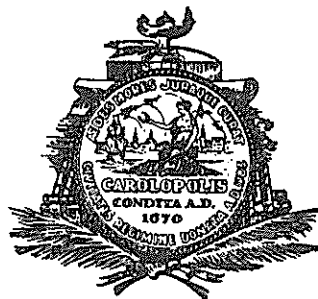


Section 5. This Ordinance shall take effect upon ratification; provided, however, the pending ordinance doctrine shall apply to rezoning applications for WH districts received by the City on or after March 9, 2021.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord, 2021, and in the 245th Year  
of the Independence of the United States of  
America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Jennifer Cook  
Clerk of Council



Ratification  
Number \_\_\_\_\_

## A N O R D I N A N C E

TO AMEND ARTICLE 2 (LAND USE REGULATIONS) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING THERETO A NEW PART 19 (CONSERVATION DEVELOPMENT) AND BY ADDING RELEVANT DEFINITIONS TO SEC. 54-120 OF THE ZONING ORDINANCE.

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

Section 1. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to delete the introductory sentence and replace it with the following new introductory clause:

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning or when the word, term, or phrase is specifically defined to apply to a particular Article, Part, or Section of this Chapter:

Section 2. That Sec. 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is amended to include the following new defined terms, to be inserted in alphabetical order with the remaining definitions in Sec. 54-120:

**AMI.** See Area Median Income.

**Area Median Income.** "Area Median Income" or "AMI" shall mean and have reference to the median family income, based upon applicable family size of a qualified household for the Charleston-North Charleston metropolitan statistical area as published by the United States Department of Housing and Urban Development (together with its successors, "HUD"), as adjusted for household size by the City of Charleston Department of Housing and Community Development (together with its successors, "DHCD"). If HUD should no longer compile and publish such statistical information, the most similar information compiled and published by HUD, or any other branch or department of the federal government or the State of South Carolina, or the City of Charleston shall be used for the purpose of determining AMI. 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.

**Building Line.** A line parallel to the street right-of-way touching that part of the principal building on a lot closest to the street right-of-way.

**Common Open Space.** Common open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the use and enjoyment of the public generally or for the use or enjoyment of the residents of the development and their guests. Without limiting the foregoing, common open space may include such complementary structures and improvements as are necessary and appropriate, in addition to wetlands, critical areas, water bodies, agricultural lands, wildlife habitat, historical or cultural features, archaeological sites, easements for underground public utilities, or other elements to be protected from development. Common open space shall not include streets, alleys, or cul-de-sacs; drives; off-street parking and loading areas; areas so located or of such size or shape to have no substantial aesthetic or recreational value; or any area within the property lines of residential lots.

**Conservation Tree.** Any native tree species with a DBH of sixteen inches (16") or greater. The following species are considered Conservation Trees when they reach a DBH specific to their species: American Holly, twelve inches (12"), Dogwood, eight inches (8"), Loblolly and Slash Pine, twenty inches (20").

**Development Plan.** Development plan means a preliminary plat and, to the extent public improvements are required, construction drawings, for subdivision of any property that includes all information described on the development plan submittal checklist for subdivision applications available from the Zoning Division.

**Green Infrastructure or GI.** Green Infrastructure (GI) is an adaptable term used to describe an array of materials, technologies, and practices that use natural systems or engineered systems that mimic natural processes to enhance overall environmental quality and provide utility services. As a general principal, green infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff. Examples of green infrastructure include green roofs, porous pavement, rain gardens, and vegetated swales.

**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 household members' families for medical, personal or educational needs.

**Impervious Surface.** Surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including conventionally surfaced streets, roofs,

sidewalks, parking lots, and other similar structures. For purposes hereof, all other surfaces shall be considered pervious surfaces.

**Low Impact Development or LID.** Low impact development (LID) is a set of principles and design components used to manage stormwater runoff by mimicking natural conditions and limiting pollutant transport through source control. Nothing in this definition amends, modifies, abrogates, or repeals the Stormwater Regulations, and applicants must comply with all applicable Stormwater Regulations and obtain approval under such Stormwater Regulations for the use of any LID.

**Owner Occupied Workforce Housing Unit.** See Workforce Housing Unit, Owner Occupied.

**Pervious Surface.** A surface that permits full or partial infiltration of water. Notwithstanding the foregoing, a pervious surface shall include any surface which is not an impervious surface.

**Qualified Households.** Households in which occupants have, in the aggregate, a household income (1) less than or equal to 120% of AMI for owner occupied workforce housing units; or (2) less than or equal to eighty percent (80%) of AMI for rental workforce housing units.

**Rental Workforce Housing Unit.** See Workforce Housing Unit, Rental.

**Stormwater Regulations.** Those federal, state, or local regulations governing stormwater management and drainage, including without limitation Chapter 27 (Stormwater Management and Flood Control) of the Code of Ordinances of the City of Charleston and the City's Stormwater Design Standards Manual. Stormwater Regulations additionally include any amendments, supplements, or modifications to the existing Stormwater Regulations.

**Technical Review Committee or TRC.** The Technical Review Committee or TRC established by Sec. 54-602 and Sec. 54-816.2.

**Workforce Housing Unit.** An owner occupied workforce housing unit or a rental workforce housing unit.

**Workforce Housing Unit, Owner Occupied.** A dwelling unit in which at least one (1) occupant is an owner and in which all occupants have, in the aggregate, household income less than or equal to 120% of AMI.

**Workforce Housing Unit, Rental.** A dwelling unit in which occupants have, in the aggregate, household income less than or equal to eighty percent (80%) of AMI.

Section 3. That Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding a new Part 19, to read as follows:

## **PART 19 – CONSERVATION DEVELOPMENT**

**Sec. 54-299.59. - Purpose.**

(1) Intent. City Council intends for Conservation Developments to facilitate innovative residential developments that:

- (a) Utilize creative and flexible site design compatible with surrounding development patterns;
- (b) Accommodate and preserve features of historical, cultural, archeological, and/or environmental significance;
- (c) Conserve existing, intact, undisturbed forests, understory, grasslands, soils, and other upland ecosystems.
- (d) Provide common open space of high quality with multiple access points;
- (e) Decrease stormwater runoff and nonpoint source pollution by reducing the amount of impervious surface in the development and incorporating GI;
- (f) Reduce infrastructure costs by mimicking predevelopment site hydrology into the stormwater management design for the development; and
- (f) Maintain unobstructed scenic views or vistas, especially from street rights-of-way.

(2) Definition. A Conservation Development is a development utilizing innovative site planning techniques to concentrate buildings, structures, and impervious surfaces in specific areas within the development and to allow the remaining land to be used for common open space. Such techniques may include, but shall not be limited to, any or all of the following:

- (a) reduction or, when appropriate, elimination of (i) minimum lot areas per family; (ii) minimum setbacks; and/or (iii) minimum lot frontage; and/or
- (b) increase or, when appropriate, elimination of maximum lot occupancy;

but only to the extent such techniques facilitate the preservation and use of the remainder of the development as common open space.

(3) Conservation Site. "Conservation Site" or "Site" means all properties, lots, parcels, waterbodies, watercourses, wetlands, and other areas included within a Conservation Development, whether or not such properties, lots, parcels, waterbodies, watercourses, wetlands, or other areas will be developed.

**Sec. 54-299.60. - Applicability and general provisions.**

(1) Base Zoning: Conservation Developments may be permitted only on properties entirely located within one or more of the following base zoning districts: SR-1, SR-7, RR-1 or C.

- (2) Minimum acreage: Conservation Developments may be permitted only on developments with a minimum of ten (10) contiguous gross acres.
- (3) Net Density: Net Density shall comply with the standards set forth in the base zoning district for each property or portion thereof included in the Conservation Site, as set forth in Table 3.1 in Sec. 54-301, except as follows:
- (a) When an accessory dwelling unit is permitted, such accessory dwelling unit shall not count toward Net Density; and
  - (b) Workforce housing units meeting the conditions in Sec. 54-299.60(4)(b) shall not count toward Net Density.
- (4) Allowed Uses: All principal and accessory uses permitted in the base zoning district for each property or portion thereof included within a Conservation Development also shall be permitted on such property or portion thereof, subject to the same conditions, special exceptions, limitations, and terms applicable to such principal or accessory uses within the base zoning district; provided, however, the following terms, conditions, and exceptions shall apply:
- (a) Accessory dwelling units. Accessory dwelling units shall be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, if the conditions in Sec. 54-214 are met. If the accessory dwelling unit is located within an accessory building, the building height shall be limited to one and one-half (1½) stories and a parking level shall count as one (1) story.
  - (b) Workforce housing units. Workforce housing units included as part of a Conservation Development shall comply with each of the following conditions in order to qualify as such for purposes of Sec. 54-299.60(3)(b) and Sec. 54-299.60(4)(c):
    - (i) The workforce housing unit is a one-family detached dwelling unit; a one-family attached dwelling unit; or an accessory dwelling unit.
    - (ii) The workforce housing unit has been approved by the City's Department of Housing and Community Development in conformity with the criteria applicable to such workforce housing unit; and
    - (iii) Once approved, a workforce housing unit shall be maintained as such in perpetuity as part of the zoning regulations applicable to the property.
  - (c) One-family attached dwelling units. One-family attached dwelling units may be permitted as part of a Conservation Development, whether or not permitted in the applicable base zoning district, only when each of the following conditions is met:
    - (i) There are no more than six (6) one-family attached dwelling units located within a single row;

(ii) At least twenty percent (20%) of the one-family attached dwelling units on the Conservation Site have been set aside as workforce housing units complying with the conditions in Sec. 54-299.60(4)(b);

(iii) The required workforce housing units shall be integrated throughout the Conservation Site, such that they are not concentrated together within a single row.

(5) Stormwater Regulations: Notwithstanding any other provision of this Part which may be interpreted to the contrary, all Conservation Developments shall comply with the Stormwater Regulations in effect at the time a complete application for a development plan is submitted, and nothing in this Part amends, modifies, abrogates, or repeals the Stormwater Regulations.

**Sec. 54-299.61. - Conservation Development Approval and Design Criteria.**

Properties satisfying the criteria of Sec. 54-299.60 may be developed as a Conservation Development as set forth in an approved development plan, upon compliance with the procedures and regulations governing subdivisions in Article 8 of the Zoning Ordinance, subject to the following supplemental terms and conditions:

(1) Pre-Application Site Review.

(a) Purpose. The purpose of the pre-application site review is to identify the features and resources on the proposed Conservation Site that should be preserved, and to determine potential site layouts that will best meet the criteria of a Conservation Development.

(b) Request. The applicant for approval of a Conservation Development shall submit a Request for Pre-Application Site Review on a checklist available from the Zoning Division, together with the following exhibits (collectively, the "Request"):

(i) Graphic exhibits at the same scale as the existing conditions survey with all existing features on the parcel(s) clearly identified and labeled to include: all Conservation Trees; wetlands; OCRM critical areas; man-made and natural water bodies or watercourses, including without limitation ditches; phosphate mines; logging, farm and forest roads; structures; archeological sites; scenic views or vistas (into and out from the parcel); topographical features; elevation; floodplain; significant groves/plots of vegetation; and unique environmental characteristics; and

(ii) A preliminary stormwater management summary detailing the pre- and post-development runoff volumes for the site. The summary must include a breakdown by area of planned stormwater management BMPs separated into detention pond versus GI practices.

(c) 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, Preservation and Sustainability (the "Planning Department"); and designated staff of the City's Department of Stormwater Management (the "Stormwater Department").

(d) Diagram. Following the pre-application review meeting, the applicant shall submit a bubble diagram showcasing the proposed land use plan, including where and how stormwater will be managed.

(e) Determination. Designated staff from the Planning Department and the Stormwater Department shall determine whether the Request complies, in concept only, with the standards for Conservation Development before the applicant may submit a concept plan to TRC.

(f) Amendment. To the extent the area or location of the proposed Conservation Site changes at any time prior to approval of a development plan, the applicant shall be required to submit a new Request.

(2) Site Analysis. With respect to a Conservation Development, each application for concept plan approval shall include a site analysis presented in graphic form at the same scale as the existing conditions survey and shall provide the same information as required for the pre-application site review conducted prior to concept plan submission (the "Site Analysis"). The Site Analysis shall also include the following:

(a) Narrative. A narrative as to how the concept plan aligns with the intent, purpose, and definition of a Conservation Development as delineated in Sec. 54-299.59.

(b) Vegetation. An exhibit demonstrating that existing vegetation will be preserved as much as reasonably feasible.

(c) Conservation Trees. A survey of all Conservation Trees within the Conservation Site, together with a tree risk assessment by a Certified Arborist for the Conservation Trees identified on the survey.

(d) Soils. A preliminary soils investigation for the site that includes the soil types, hydrologic soil groups, infiltration characteristics, and seasonal high water table.

(e) Other Information. All information required to show that the Conservation Site will comply with the requirements of this Part.

(3) Streets. The following standards shall apply to streets within a Conservation Development:

(a) All streets shall be public.

(b) All streets shall be designed in a manner to allow for visitor parking inside or outside the public right-of-way at the rate of one (1) parking space per three (3) dwelling units.

(c) GI shall be incorporated into the street design and approved by TRC.



- (d) A twenty foot (20') clear zone must be provided in a street design to accommodate emergency response vehicles.
- (e) If lots front on an access easement, other than a public right-of-way, the access surface material may be constructed with pervious paving material.
- (f) Street trees are required for all street types, except alleys or within developments using open ditch/swale drainage systems.
- (g) The location, species and spacing of street trees shall comply with the City's Street Tree Manual.
- (h) In all other respects, street design must meet the standards set forth in Sec. 54-821 and other provisions in this Chapter; provided, however street design and cross-sections may be modified upon the review and approval of TRC.
- (4) Lots. The following standards shall apply to lots within a Conservation Development:
  - (a) There shall be no minimum lot area requirement, maximum lot occupancy requirement, or minimum building setback requirement.
  - (b) There shall be no minimum lot frontage requirement provided that each lot shall have a platted access easement a minimum of ten (10) feet wide to a public or private right-of-way. Such access easement may be shared with other lots.
  - (c) In all other respects, the standards for lots set forth in this Chapter shall apply.
- (5) Height. Except as set forth in Sec. 54-299.60(4)(a)(v), the height requirements, exceptions, terms, and conditions applicable to the base zoning district for each property within the Conservation Development shall continue to apply to such property.
- (6) Parking. The following parking standards shall apply to a Conservation Development:
  - (a) The number of required off-street parking spaces shall meet the standards in Sec. 54-317, unless specifically provided otherwise.
  - (b) The required off-street parking for each lot shall be provided (1) on the lot; or (2) in a community parking lot; provided, however, the community parking lot shall have a pervious surface. Upon approval of TRC, required off-street parking spaces may also be provided on-street.
- (7) Garage Doors. Garage doors must be flush with or set back further than the building line.
- (8) Wetland Buffer. Existing wetlands shall be protected by an undisturbed buffer, at least thirty feet (30') wide, adjacent to the delineated boundary of the wetlands. Without limiting the foregoing, existing vegetation and Conservation Trees within such buffer shall be preserved within the buffer area.

(9) Open space. The following open space requirements shall apply within a Conservation Development:

(a) At least fifty percent (50%) of the gross acreage within the Conservation Site shall qualify as common open space (the "Required Open Space").

(b) Notwithstanding subsections (c) through (e), at least twenty-five percent (25%) of the Required Open Space shall be designed for active recreational uses, such as play fields, playgrounds, greenways, and/or agricultural uses. To qualify as an active recreational use under this subsection and to be considered as part of the Required Open Space, a greenway shall have (i) a pervious surface; (ii) a minimum total width of at least twenty-five feet (25'); and (iii) a minimum pathway for pedestrian and/or bike trails of eight feet (8').

(c) Subject to subsection (b), when a Conservation Site includes existing or proposed water bodies or watercourses, only fifty percent (50%) of the area of such water bodies and/or watercourses shall qualify as part of the Required Open Space.

(d) Subject to subsection (b), when a Conservation Site includes existing wetlands, only seventy-five percent (75%) of the area of such wetlands shall qualify as part of the Required Open Space.

(e) Subject to subsection (b), if the Conservation Site is forested at the time of the Site Analysis, then the lesser of (i) at least seventy percent (75%) of the Required Open Space; or (ii) the gross acreage of the Conservation Site which is forested at the time of the Site Analysis, shall be maintained in an undisturbed canopy.

(f) All common open space shall comply with Sec. 54-299.62.

(g) The improvement or development of common open space shall incorporate GI.

(h) To the extent reasonably feasible, common open space shall be contiguous and not divided into unconnected small parcels located in various parts of the Conservation Site.

(10) Stormwater Management. Without limiting, amending, abrogating, or repealing the Stormwater Regulations, the following stormwater management standards shall apply to a Conservation Development:

(a) Conservation Developments shall demonstrate limited impacts on the natural features and pre-development hydrology.

(b) At least fifty percent (50%) of stormwater volume shall be managed with GI practices instead of stormwater detention ponds or other, similar stormwater management techniques.

- (c) Roof drainage and gutter downspouts shall be hydraulically disconnected from impervious surfaces and properly drained so as to prevent erosion within the Conservation Site or on offsite properties.
- (d) Pervious surfaces shall be used when reasonably feasible.
- (e) Impervious surfaces shall not exceed forty percent (40%) of the net acreage within the Conservation Site; provided, however, the calculation of impervious surface for residential lots shall be fifty percent (50%) of the lot area, regardless of the actual impervious surface area of the lots.
- (f) Each residential lot shall have a minimum of two (2) native canopy trees, which shall be trees existing on the pre-developed Site, when reasonably feasible. To the extent the use of an existing tree or trees are not reasonably feasible, only native species commonly found in the associated Inland Atlantic Maritime Forest shall be utilized, per list provided in Appendix B.
- (11) Other Requirements. Unless specifically provided otherwise herein, all other requirements of this Chapter shall apply to the Conservation Development.
- (12) Standard Codes. The City's standard codes, including, without limitation, the City's building code and fire code, apply to a Conservation Development, notwithstanding any other provision herein to the contrary. Without limiting the foregoing, the minimum clearance requirements for fire apparatus access routes shall apply to Conservation Developments.

**Sec. 54-299.62 – Management of Common Open Space.**

The following regulations shall apply to all common open space within the Conservation Site:

- (1) POA. Prior to obtaining final plat approval for all or any portion of the Conservation Site, the applicant shall establish a property owners' or similar association (a "POA") to provide for the maintenance of all common open space, BMPs (as defined in the City's Stormwater Design Standards Manual), and other improvements, unless any such common open space and/or improvements are dedicated to and accepted by the City or other appropriate governmental entity or accredited land trust for ownership and/or maintenance.
- (2) POA Requirements. The POA required under subsection (1) shall meet the following requirements:
  - (a) The POA shall include as members all owners of lots or parcels within the Conservation Site, except the City or other governmental entity as to any public improvements dedicated to and accepted by the public.
  - (b) The POA shall take title to and manage all common open space and improvements, other than public improvements dedicated to and accepted by the public.

(3) Declaration. All lands, common open space, BMPs, and improvements shall be described as to the general location, size, use and control in a Declaration of Covenants, Conditions and Restrictions ("Declaration") governing the Conservation Site and properly recorded with the Office of the Register of Deeds for Charleston or Berkeley County, as applicable. The Declaration shall set forth the method of assessment against all lots or parcels within the Conservation Site (other than areas dedicated to and accepted by the public and common areas) for maintenance of common areas, common open space, BMPs, and other improvements to be owned or maintained by the POA. The Declaration shall run with title to the Conservation Site and all privately-owned lots or parcels located therein. The Declaration shall indicate the properties included therein are part of a Conservation Development approved by the City of Charleston.

(4) No Dissolution. Unless prohibited by applicable law, the requirements applicable to the Declaration shall perpetually run with title to the Conservation Site or any portion thereof as part of the zoning regulations applicable to the Site. The POA shall not be dissolved nor shall the POA dispose of any common open space except to (a) a conservation or similar organization established to own and maintain common open space; (b) to the City; or (c) to another appropriate governmental entity. Notwithstanding the foregoing, any such conveyance, to be complete, shall require acceptance by the grantee.

(5) Restricted Use. Unless prohibited by applicable law, all common open space shall be restricted in perpetuity as part of the zoning regulations applicable to the Conservation Site. All such common open space shall be deed restricted and may not be developed for uses other than common open space. The applicant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any right, title or interest in the Conservation Site or any portion thereof:

**NOTICE:** THIS PROPERTY IS SUBJECT TO THE CITY OF CHARLESTON'S REQUIREMENTS FOR CONSERVATION DEVELOPMENTS AND MAY BE SUBJECT TO CERTAIN USE RESTRICTIONS AS SET FORTH IN THE REQUIREMENTS APPLICABLE TO CONSERVATION DEVELOPMENTS ON FILE WITH THE CITY'S ZONING DIVISION.

**Sec. 54-299.63 – Appeal.**

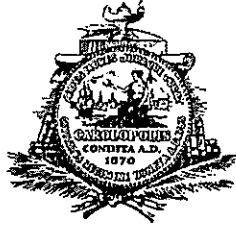
Any determination by staff and/or TRC under this Part 19 may be appealed to the Planning Commission by any party in interest if an appeal is filed with the Zoning Division within ten (10) business days after actual notice of the decision. The Planning Commission must act on the appeal within sixty (60) days, and the action of the Planning Commission is final.

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, 2021, in the 245th Year of the Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg, Mayor

ATTEST: \_\_\_\_\_  
Jennifer Cook  
Clerk of Council



*City of Charleston*

JOHN J. TECKLENBURG  
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor *JJT*

DATE: March 23, 2021

RE: Army Corps 3x3 Advisory Committee

I have attached a copy of the new proposed Army Corps 3x3 Advisory Committee. The creation of this committee was approved by City Council on February 23, 2021. It is my hope that this committee will provide important recommendations to City Council and myself on this important study.

I wanted to share this proposal with you for your review and consideration. I intend to bring forward the Army Corps 3x3 Advisory Committee appointments at the April 13, 2021 City Council meeting in order to begin doing the important work of this committee as soon as possible.

## City of Charleston Army Corps 3x3 Advisory Committee

**Perry K. Waring** – District Seven Council Member

**Michael S. Seekings** – District Eight Council Member

**Dan Batista** – Senior Vice President and Southeast Regional Leader for Lowe's hospitality, master planned resort communities and commercial development and investment activities in the southeast U.S. and Caribbean. Dan also leads Lowe's Southeast regional office in Charleston.

**C. Douglas "Doug" Warner** - Vice President of Media and Innovation Development, Explore Charleston. Doug has spent over 35 years in economic, trade, tourism and real estate development. He also has experience in non-profit management, fundraising and commercial construction. His area of expertise is community building and branding.

**Bob Habig** -downtown resident living in a home recently elevated 10 feet after experiencing 3 flooding events (2015, 2016, and 2017). His house is the 6th house raised in Charleston, and the first in the State to receive a Historic Home Renovation state tax credit. Bob is semi-retired after a bi-modal professional career; 18 years in large company executive positions and 17 years in early-stage tech companies in Silicon Valley. Bob is heavily involved in community and charitable activities including Board member and Chairman of the Flooding committee of the CharlesTowne Neighborhood Association.

**Lawrence Green, Jr.** –a native son of Charleston, South Carolina. Lawrence has a unique skillset honed by roles in economic development and big box retail management. Lawrence is presently the owner and operator of Dwell in Charleston, LLC., an in fill development company artfully crafting custom homes. As a resident of the East Central community, Lawrence remains supremely vested in ensuring that future development continues to be value added while preserving the unique culture of this great city.

**Susan Lyons** - chairs Groundswell, an advocacy group of some 300 Peninsula homeowners, founded in 2017 to encourage the city to prioritize flood mitigation and provide information about flooding to the community. Susan is also a member of the Advisory Board of the American Flood Coalition and a charter member of the Anthropocene Alliance, a national coalition of 65 flood-survivor community advocacy groups, in 22 states, that works to mitigate and prevent flooding.

**Cashion Drolet** - serves as Chief Advocacy Officer for Historic Charleston Foundation (HCF). HCF champions the historic authenticity, cultural character and livability of the Charleston region and proactively engages in community issues such as housing affordability, growth management, and the increasing threat of sea level rise and coastal flooding. Through her work at HCF, Cashion has been heavily engaged in the 3x3 feasibility study leading HCF's engagement on the project and working directly with the Army Corps on the Visual Impact Assessment and Section 106 review.

**Kevin Mills** - President and CEO of the South Carolina Aquarium. During his 15-year tenure, he's overseen the growth of the Sea Turtle Care Center and the world-renowned Zucker Family

Sea Turtle Recovery exhibit, the implementation of digital education programs that have reached children in more than 40 countries, and the launch of a Conservation Department that focuses on fostering resilient communities with the capacity to contend with climate change.

**Laura Cantral** - has served as the executive director of the Coastal Conservation League since January 2018. Prior to this role, Laura worked in Washington DC, where she was a senior partner at Meridian Institute, a leading organization in the field of collaborative problem solving and alternative dispute resolution. The primary focus of Laura's work has been on ocean and coastal policy issues at the state, regional, national, and international levels.

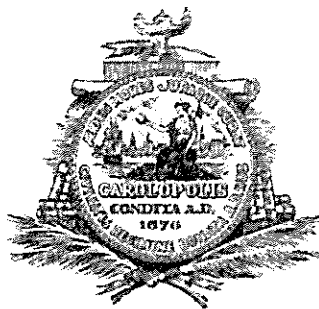
**Jordi Yarborough** - *Senior Vice President, Community Engagement and Secretary to the Board of the South Carolina Ports Authority where she leads the organization's local government relations efforts, oversees the Port Ambassadors business leadership program, manages relationships with SCPA's community partners, oversees the Community Giving Program and represents the Port on multiple boards. She also serves as Secretary to the SCPA Board, acting as the agency's liaison and coordinating Board matters.*

**Dennis J. Frazier** - Coordinates Advisory Committee planning for the Charleston Medical District (CMD) representing MUSC and the CMD. In 2015, Dennis led the effort to create a Charleston Medical District Greenway, which opened in November 2017. In 2018, he joined the city's delegation to the Netherlands and in 2019 participated in the two Dutch Dialogues work sessions of 2019. He was the MUHA Administrator for Facilities and Capital Planning, overseeing all facility functions including building the Ashley River Tower and planning the new Children's Hospital.

**Herbert Maybank** - a project team leader of the Water & Soil team of CCRAB (Charleston Community Research to Action Board), has been active with the Lowcountry Alliance for Model Communities (LAMC) and in educating residents in the Upper Neck communities about the USACE 3x3 study. He has family ties to the Rosemont Community and spends considerable time working on environmental justice issues in the area.

**Hagood S. (Hagood II) Morrison** - Vice President and broker with Bridge Commercial, a locally based commercial real estate firm. Hagood lives in Harleston Village with his wife and two children. He chairs the UrbanPlan Committee for the local chapter of the Urban Land Institute and is also a member of the Advancement Board for the Clemson University Master's in Real Estate Development program.





## A RESOLUTION

**A RESOLUTION TO ACKNOWLEDGE AND CELEBRATE EARTH DAY 2021, TO REAFFIRM THE CITY'S LONG-STANDING COMMITMENT TO CONTINUOUS IMPROVEMENT IN ENVIRONMENTAL STEWARDSHIP, AND TO EXPRESS THE CITY'S COMMITMENT TO CONTINUING TO SUPPORT AND PROTECT THE ENVIRONMENT.**

**WHEREAS**, the mission of *BEE CITY USA* is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and,

**WHEREAS**, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and,

**WHEREAS**, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and,

**WHEREAS**, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and,

**WHEREAS**, ideal pollinator-friendly habitat (A) Is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen, since many wild pollinators prefer or depend on the native plants with which they co-adapted; (B) is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat; (C) comprises undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering; and (D) provides connectivity between habitat areas to support pollinator movement and resilience; and,

**WHEREAS**, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural,

mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and,

**WHEREAS**, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and,

**WHEREAS**, cities and their residents have the opportunity to support bees and other pollinators on both public and private land; and,

**WHEREAS**, City of Charleston should be certified a *BEE CITY USA* community because its municipal departments along with various non-profit organizations are working to create a more sustainable habitat for native pollinators and to reverse the threat currently facing pollinators.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, IN COUNCIL ASSEMBLED, THAT IN ORDER TO ENHANCE THE UNDERSTANDING AMONG STAFF AND THE PUBLIC ABOUT THE VITAL ROLE THAT POLLINATORS PLAY AND WHAT EACH OF US CAN DO TO SUSTAIN THEM, THE CITY OF CHARLESTON CHOOSES TO SUPPORT AND ENCOURAGE HEALTHY POLLINATOR HABITAT CREATION AND ENHANCEMENT, RESOLVING AS FOLLOWS:**

1. The City of Charleston Parks Department is hereby designated as the *BEE CITY USA* sponsor.
2. The Keep Charleston Beautiful Programs Manager, within the Parks Department, is designated as the *BEE CITY USA* Liaison.
3. Facilitation of the City of Charleston's *BEE CITY USA* program is assigned to the Keep Charleston Beautiful's *BEE CITY USA* Subcommittee.
4. The Keep Charleston Beautiful *BEE CITY USA* Subcommittee is authorized to and shall:
  - a. **Celebration:** Host at least one educational event or pollinator habitat planting or restoration each year to showcase the City of Charleston's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
  - b. **Publicity & Information:** Install and maintain at least one authorized *BEE CITY USA* street sign in a prominent location, and create and maintain a webpage on the City of Charleston website which includes, at a minimum a copy of this resolution and links to the national *BEE CITY USA* website; contact information for your *BEE CITY USA* Liaison and Committee; reports of the pollinator-friendly activities the community has accomplished the previous year(s); and a recommended native plant species list and integrated pest management plan (explained below).
  - c. **Habitat:** Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, Identifying and inventorying the City of Charleston's real property that can be enhanced with pollinator-friendly plantings; creating

a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees along with a list of local suppliers for those species; and, tracking (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.

- d. **Pollinator-Friendly Pest Management:** Create and present an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
- e. **Policy & Plans:** Work to establish, through the City of Charleston's Comprehensive Plan a policy to acknowledge and commit to the *BEE CITY USA* designation and review the Sustainability Plan and other relevant documents to consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.

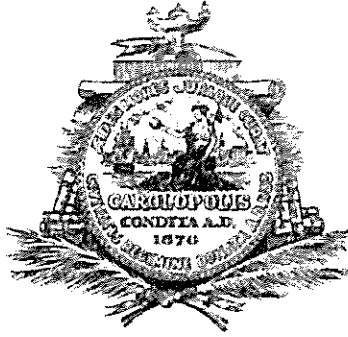
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By:

\_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Jennifer Cook  
Clerk of Council



**EXECUTIVE ORDER  
CONTINUING THE DECLARATION OF STATE OF EMERGENCY  
IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK**

**WHEREAS**, in December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

**WHEREAS**, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

**WHEREAS**, on January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus; and,

**WHEREAS**, on March 13, 2020, Governor Henry McMaster (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and,

**WHEREAS**, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

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

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

**WHEREAS**, on March 17, 2020, the Governor issued Executive Order 2020-10, ordering and directing that any and all restaurants or other food-service establishments to suspend on-premises or dine-in consumption; and,

**WHEREAS**, on March 20, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City's business license penalties, to suspend enforcement of the City's plastic bag ban, and to suspend the City's chauffer's license requirements; and,

**WHEREAS**, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

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

**WHEREAS**, on March 27, 2020, the Governor issued Executive Order 2020-14, directing that individuals who enter the State of South Carolina from an area with a substantial community spread of COVID-19 be required isolate or self-quarantine; and,

**WHEREAS**, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring a separate and distinct state of emergency "due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same" and extending certain previous Executive Orders for the duration of the state of emergency; and,

**WHEREAS**, on March 30, 2020, the Governor issued Executive Order 2020-16, closing any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings; and,

**WHEREAS**, on March 31, 2020, the Governor issued Executive Order 2020-17, closing or restricting access to certain non-essential businesses, venues, facilities, services, and activities; and,

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

**WHEREAS**, on April 3, 2020, Governor Henry McMaster issued an Executive Order (2020-18) closing additional non-essential businesses; and,

**WHEREAS**, on April 6, 2020, Governor Henry McMaster, recognizing that public health officials had reported over 2,000 cases of COVID-19 in South Carolina, issued a Work or Home Executive Order (2020-21) which limited individuals from moving outside their homes except to engage in Essential Businesses; Essential Activities, and Critical Infrastructure Operations as defined in the Order; and,

**WHEREAS**, on April 6, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-042) to provide for temporary procedures for public hearings; and,

**WHEREAS**, on April 12, 2020, the Governor issued Executive Order 2020-23, recognizing that public health officials had reported over 3,319 confirmed cases of COVID-19 throughout South Carolina, and stating that “the extraordinary circumstances and conditions that necessitated” the Governor’s “prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers,” and explaining that the State “has transitioned from the investigation, reporting, and initiation phases of the COVID-19 pandemic to the acceleration phase”; and,

**WHEREAS**, in Executive Order 2020-23, the Governor declared a separate and distinct state of emergency based on a determination “that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency”; and,

**WHEREAS**, on April 16, 2020, the Governor issued Executive Order 2020-25, determining that “the ongoing, evolving, and accelerating public health threat imposed by COVID-19 requires additional proactive action by the [State] and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families and businesses,” while generally reopening public boat ramps or boat landings, as well as adjacent or associated public parking lots, for the purpose of launching and retrieving boats; and,

**WHEREAS**, on April 16, 2020, President Donald Trump issued guidelines entitled “Opening Up America Again,” describing criteria that state and local officials should satisfy before proceeding to a phased opening of the economy; and,

**WHEREAS**, on April 20, 2020, Governor McMaster issued an Executive Order (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

**WHEREAS**, on April 22, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-052) to decrease the potential likelihood of exposure to COVID-19 in retail establishments opened by Governor McMaster’s Executive Order 2020-28; and,

**WHEREAS**, on April 27, 2020, Governor McMaster issued an Executive Order (2020-29) declaring a fourth (4<sup>th</sup>) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

**WHEREAS**, on April 30, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020 -56) to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer; and,

**WHEREAS**, on May 1, 2020, by Executive Order No. 2020-30, the Governor rescinded Executive Order Nos. 2020-14 and 2020-19 which had imposed mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and,

**WHEREAS**, on May 3, 2020, Governor McMaster issued an Executive Order (2020-31) modifying his home or work order to urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode; and to authorize restaurants to provide outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

**WHEREAS**, as of May 8, 2020, the total number of persons infected with COVID-19 in South Carolina was 7,367, with 320 deaths; including 481 cases in Charleston County with 9 deaths and 191 cases in Berkeley County with 14 deaths; and,

**WHEREAS**, on May 8, 2020, Governor McMaster issued an Executive Order (2020-34) which modified prior orders to authorize restaurants to provide services for limited indoor, on-premises customer dining, effective May 11, 2020, in addition to previously authorized services for off-premises consumption and outdoor customer dining; and,

**WHEREAS**, on May 12, 2020, Governor McMaster issued an Executive Order (2020-35) declaring an additional fifth (5<sup>th</sup>) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

**WHEREAS**, on May 12, 2020, Mayor John J. Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until May 31, 2020; and,

**WHEREAS**, on May 12, 2020, City Council passed three temporary emergency ordinances that extended certain temporary emergency ordinances and repealed certain temporary emergency ordinances (Ordinance No. 2020-059); authorized outdoor dining on new and additional areas (Ordinance No. 2020-060); and urged citizens and tourists to stay at home (Ordinance No. 2020-061); and,

**WHEREAS**, on May 15, 2020, Governor McMaster issued an Executive Order (2020-36) authorizing certain businesses, venues, facilities, services, and activities, including fitness centers, barber shops, and hair salons, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 18, 2020; and,

**WHEREAS**, on May 21, 2020, Governor McMaster issued an Executive Order (2020-37) allowing additional businesses, venues, facilities, services, and activities, including tourist attractions, indoor children’s play areas, and recreational and athletic facilities and activities, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 22, 2020; and,

**WHEREAS**, on May 27, 2020, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6<sup>th</sup>) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,

**WHEREAS**, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

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

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

**WHEREAS**, since the first state of emergency declared in our City on March 16, 2020, our citizens have made many sacrifices in their daily lives and it appears those efforts may have helped to flatten the curve in our city; and further, the emergency ordinances adopted by City Council in response to COVID-19 are aggressive steps that have significantly enhanced our efforts to mitigate the threat of exposure to COVID-19; and,

**WHEREAS**, despite these actions, new cases and deaths due to COVID-19 are continuing to occur in South Carolina, and medical and scientific information predicts that this public health crisis is expected to continue for some time; and,

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



**WHEREAS**, on June 17, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency; and,

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

**WHEREAS**, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City's business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery; and an emergency ordinance (Ordinance No. 2020-082) extending certain emergency ordinances related to COVID-19, all of which will expire July 15, 2020; and,

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

**WHEREAS**, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,352 with 846 deaths, including 6,073 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

**WHEREAS**, on July 11, 2020, the Governor issued Executive Order (2020-44) declaring the ninth (9<sup>th</sup>) state of emergency in South Carolina; and,

**WHEREAS**, on July 14, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 31, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

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

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

**WHEREAS**, on July 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

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

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

**WHEREAS**, as of August 18, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until September 25, 2020 based on the continuing threat of COVID-19 to the community and City Council took steps to continue various emergency ordinances in response to COVID-19 (Ordinance No. 2020-099 and 2020-100); and,

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

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

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

**WHEREAS**, as of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate is 15.9% of individual test results; this includes 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths; and,

**WHEREAS**, as of March 1, 2021, DHEC reported there are at least 517,976 confirmed and probable cases of COVID-19 in South Carolina, including 8,562 deaths and the positivity rate is decreasing, with 4.1% of individual test results; this includes 38,212 confirmed and probable cases in Charleston County with 452 deaths and 14,986 confirmed and probable cases in Berkeley County with 168 deaths; and,

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

**WHEREAS**, due to the continued spread of COVID-19, the City of Charleston should take all necessary and appropriate steps designed to reduce community transmission of COVID-19 and to assist the city's recovery efforts by ratifying various emergency ordinance; and,

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

**NOW, THEREFORE**, I John J. Tecklenburg, Mayor and Chief Executive Officer of the City of Charleston, South Carolina in consultation with and the agreement of the City Council of Charleston, in furtherance of the public health, safety and welfare and based on evolving medical and scientific information do hereby declare effective immediately that the local state of emergency shall continue until May 13, 2021. I further state that I will evaluate the continuing need for this declaration prior to its expiration.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_  
in the Year of Our Lord,  
2021, and in the \_\_\_\_th Year of the Independence  
of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Jennifer Cook  
Clerk of Council



**EMERGENCY ORDINANCE  
EXTENDING CERTAIN EMERGENCY ORDINANCES  
RELATED TO COVID-19**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6<sup>th</sup>) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State's population; and,

**WHEREAS**, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

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

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

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

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

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

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

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

**WHEREAS**, on July 11, 2020, the Governor issued Executive Order (2020-44) declaring the ninth (9<sup>th</sup>) state of emergency in South Carolina; and,

**WHEREAS**, on July 14, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 31, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

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

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

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

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

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

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

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

**WHEREAS**, as of August 18, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until September 25, 2020 based on the

continuing threat of COVID-19 to the community and City Council took steps to continue various emergency ordinances in response to COVID-19 (Ordinance Nos. 2020-099 and 2020-100); and,

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

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

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

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

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

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

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

**WHEREAS**, as of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate is 15.9% of individual test results; this includes 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths; and,



**WHEREAS**, as of March 1, 2021, DHEC reported there are at least 517,976 confirmed and probable cases of COVID-19 in South Carolina, including 8,562 deaths and the positivity rate is decreasing, with 4.1% of individual test results; this includes 38,212 confirmed and probable cases in Charleston County with 452 deaths and 14,986 confirmed and probable cases in Berkeley County with 168 deaths; and,

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

**WHEREAS**, due to the continued spread of COVID-19, the City of Charleston should take all necessary and appropriate steps designed to reduce community transmission of COVID-19 and to assist the city's recovery efforts by ratifying various emergency ordinance; and,

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

**WHEREAS**, based on the continuing nature of the pandemic and the need for City Council to respond with flexibility to the public health emergency as it evolves, it is necessary to extend certain temporary emergency ordinances, now set to expire.

**Section 2.** The following temporary emergency ordinances are ratified and shall expire on May 13, 2021 unless terminated or replaced by the issuance of another temporary emergency or permanent ordinance on the same matter prior to the expiration date:

- 2020-038 - Emergency Ordinance prohibiting consumer price gauging.
- 2020-040 - Emergency Ordinance suspending the requirement of physical presence of councilmembers at Council meetings/permitting telephone/virtual attendance.
- 2020-049 - Emergency Ordinance regarding temporary procedures for public hearings.
- 2020-056 - Emergency Ordinance on allowing affordable housing units to be approved by the Administrative Officer.
- 2020-069 - Emergency Order on Decreasing Risk of Exposure to COVID-19 in Retail Businesses.
- 2020-092 - Emergency Order requiring parade permit for 25 or more persons.

2021-024- Emergency Ordinance regarding face coverings or masks in public places, restrictions and conditions on operations of restaurants and bars.

**Section 3.** This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord,  
2021, and in the \_\_\_\_th Year of the Independence  
of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Jennifer Cook  
Clerk of Council



## RESOLUTION No. 2021-\_\_\_\_\_

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 220 NASSAU STREET (CHARLESTON COUNTY TMS NO. 459-05-01-067) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF SOUTH CAROLINA CODE

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act of 2013 (the "Act") was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

WHEREAS, Section 12-67-120 of the Act provides the following definitions (in pertinent part):

(1) "Abandoned Building" means 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 a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a building or structure that otherwise qualified as an "abandoned building" may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned.

(2) "Building Site" means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use; and

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local real property taxes; and

WHEREAS, Archer Apartments, LLC (the "Taxpayer") is the owner and developer of certain real property located at 220 Nassau Street (the "Property"), as referenced in that certain deed dated June 9, 2020 and recorded June 16, 2020 in the Charleston County Register of Deeds Office in Book 0890 at Page 468, which property is further identified on the Charleston County Tax Maps as TMS No. 459-05-01-067; and

WHEREAS, the Taxpayer has subdivided the structure into seven separate units as follows:

- Unit #1: Main Building
- Unit #2: East Wing
- Unit #3: West Wing
- Unit #4: Auditorium
- Unit #5: Cafeteria
- Unit #6: New Construction Building A
- Unit #7: New Construction Building B

WHEREAS, each Unit is being redeveloped for use as a residential apartment or apartments (as to each of the seven such units, a "Building Site"); and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #1 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #2 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #3 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #4 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #5 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #6 of the Property with the South Carolina Department of Revenue; and

WHEREAS, on March 3, 2021, the Taxpayer filed a Notice of Intent to Rehabilitate Unit #7 of the Property with the South Carolina Department of Revenue; and

WHEREAS, the Property is located within the city limits of Charleston, South Carolina; and

WHEREAS, the Taxpayer has requested that the City certify that each of the Building Sites is abandoned as defined by Sections 12-67-120(1) and (2).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Taxpayer has submitted to the City a request to certify each of the Building Sites pursuant to Section 12-67-160 of the Act (the "Request to Certify").

Section 2. The City has reviewed the Request to Certify, conferred with the Taxpayer and conducted a review of its records and the Property.

Section 3. The City hereby certifies that (i) each of the seven Building Sites constitutes a separate abandoned building site as defined in Section 12-67-120(1) of the Act, and (ii) the geographic area of each of the Building Sites is consistent with Section 12-67-120(2) of the Act.

Section 4. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.

Section 5. This Resolution does not provide any approvals or permits for the project. The Taxpayer is required to obtain all necessary approvals and permits for the project from the City pursuant to the City's ordinances.

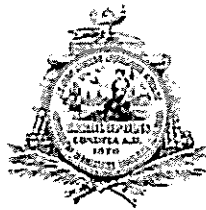
Section 6. This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
John J. Tecklenburg, Mayor  
City of Charleston

ATTEST:

\_\_\_\_\_  
Jennifer Cook  
Clerk of Council



JOHN J. TECKLENBURG  
Mayor

*City of Charleston*  
*South Carolina*  
*Department of Public Service*

THOMAS F. O'BRIEN  
Director of Public Service

April 14, 2021

Mr. Michael Black, P.E.  
Assistant District Maintenance Engineer  
SCDOT-District Six  
6355 Fain Blvd.  
North Charleston, SC 29406

Subject: Maintenance of Non-Standard Construction Materials of granite curb, carriage stamp driveway and handicap ramp at Huger Street (S-99).

Dear Mr. Black,

This letter concerns the proposed installation of approximately 75 LF of granite curb, carriage stamp driveway and handicap ramp to be constructed in conjunction with the project at 370 Huger Street.

The City Council of Charleston, at its meeting held April 13, 2021, agreed to accept maintenance responsibility for granite curb, carriage stamp driveway and handicap ramp within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this sidewalk and corner accessibility ramps in compliance with current ADA and SCDOT standards (*ADA Standards for Transportation Facilities*, *SC Highway Design Manual*, *SCDOT Standard Drawings*, *AASHTO Guide for Development of Pedestrian Facilities*).

Should there be any questions, please do not hesitate to contact me at 843-724-3754 or at [obrient@charleston-sc.gov](mailto:obrient@charleston-sc.gov).

Sincerely,

Thomas F. O'Brien,  
Director of Public Service

Copy to:

Keith Fraser, P.E. Site Development Engineering Manager

Kate Capps, Engineering Division Administrator

Brian Pokrant, GIS Analyst

Chris Cook, P.E., ADC Engineering

TFO/tmg

March 1, 2021

Tom O'Brien, Director of Public Service  
City of Charleston  
2 George Street  
Charleston, SC 29401

subject: Maintenance of Non-Standard Materials within Portions of Huger (S-99)  
Proposed SCDOT Right-of-Way Improvements  
Charleston Fire Station #8  
City Project ID: TRC-SP2019-000222  
ADC Project No. 18134

Dear Mr. O'Brien:

As part of the SCDOT Encroachment Permit review for the subject project, SCDOT is requesting a signed maintenance agreement letter from the City of Charleston for the below list of proposed items to be installed with the SCDOT right-of-way along Huger Street.

- 76 LF of Granite Curb;
- 144 SF of Carriage Stamped Driveway (2 locations)
- 1 each Handicap Ramp

We request a Maintenance Letter for non-standard materials to be installed in the SCDOT right-of-way. Below is suggested text for the letter.

*This letter concerns the proposed installation of granite curbing, a carriage stamp in the concrete driveway apron, and a handicap ramp in conjunction with the project within the SCDOT right-of-way on Huger Street (S-99).*

*The City Council of Charleston, at its meeting held [date] agreed to accept maintenance responsibility for the granite curbing, carriage stamp, and a handicap ramp within the State maintained right-of-way as shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this curbing, carriage stamp and handicap ramp in compliance with current ADA and SCDOT standards (ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities).*

If you have any questions or comments, please do not hesitate to contact me.

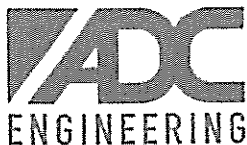
Sincerely,  
ADC Engineering, Inc.



Christopher B. Cook, P.E.  
Partner / Civil Engineer

enclosures:

- EXHIBIT: City Maintenance Exhibit – Sheet C200, dated 3/1/2021









1. PROJECT FINANCING: BANKING TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING AND RELOCATION OF EXISTING BLDG. REFER TO SPEC SECTION 01000 FOR FINANCING INFORMATION.
2. PROJECT LOCATION: NEW YORK, NEW YORK STATE, NEW YORK CITY, MANHATTAN.
3. PROJECT DESCRIPTION: CONCEPT CONCEPT FOR A NEW, 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.
4. DESIGN AND CONSTRUCTION: DESIGN AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.
5. DESIGN AND CONSTRUCTION: DESIGN AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.
6. DESIGN AND CONSTRUCTION: DESIGN AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.
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9. DESIGN AND CONSTRUCTION: DESIGN AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.
10. DESIGN AND CONSTRUCTION: DESIGN AND CONSTRUCTION OF A NEW 100,000-SQ-FT OFFICE BUILDING TO BE LOCATED IN THE MIDTOWN AREA OF NEW YORK CITY.

[illegible]



4470 Reno Court Drive  
Suite 100  
Durham, NC 27617  
919.417.1122




200 E. MAIN ST. 1000  
DURHAM, NC 27601  
919.286.1565  
ADCENGR@GMAIL.COM

**NOT FOR  
CONSTRUCTION**

Revision	Date	Description
1	01/11/2008	PERMANENT
2	01/11/2008	STATIONING
3	01/11/2008	STATIONING
4	01/11/2008	STATIONING

CITY OF DULLES  
FIRE STATION 8



120 Major Road  
Dulles, VA 22021

City Project Number: CR123  
Project Name: ADC123  
Contract No.: 12345  
Drawn By: J. Smith  
Check By: M. Jones  
Date: 11/15/2008  
Scale: AS SHOWN

**C-200  
SITE PLAN  
CITY MAINTENANCE  
EXHIBIT**