

AMENDED

August 18, 2020

5:00 p.m.

Conference Call:

1-929-205-6099

Access Code:

912096416

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Mitchell

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Recognition of Tom Mullikin and Seven Wonders of South Carolina
2. Recognition of City of Charleston Hurricane Task Force

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.)

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, August 18th:

- 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 the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Lochaven Drive (West Ashley) (approximately 3.0 acres) (TMS #306-00-00-090) (Council District 2), be rezoned from General Office (GO) classification to Business Park (BP) classification. The property is owned by the Whitfield Company.
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 property located on Sheppard Street (Peninsula) (approximately 1.386 acres) (TMS #460-04-04-074, 460-04-04-078, 460-04-04-080 and 460-04-04-086) (Council District 4), be rezoned from General Business (GB) classification and

Limited Business (LB) classification to Planned Unit Development (PUD) classification (Sheppard Street PUD) and removed from the Accommodations Overlay Zone (a) classification. The property is owned by King and Sheppard Partners, LLC; Sheppard Parking LLC; and Lowcountry Marketing Group, LLC.

3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Affordable Housing as a conditional use within Multiple base zoning districts **(AS AMENDED) (SECOND READING)**
4. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definitions for half story, accessory building, and accessory dwelling unit, and incorporate provisions to permit accessory dwelling units within all base zoning districts in the City of Charleston *(Planning Commission recommended affordability requirements be stricken.)*
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 416 Riverland Drive (James Island) (approximately 0.26 acre) (TMS #343-10-00-002) (Council District 11), annexed into the City of Charleston June 23, 2020 (#2020-078), be zoned Single-Family Residential (SR-1) classification. The property is owned by W. Coleman and Christina M. Lawrimore.
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 450 Riverland Drive (James Island) (approximately 0.5 acre) (TMS #343-10-00-019) (Council District 11), annexed into the City of Charleston June 23, 2020 (#2020-079), be zoned Single-Family Residential (SR-1) classification. The property is owned by Whitney and Alexander Pasquini.
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 property located on Savannah Highway (West Ashley) (approximately 6.68 acres) (TMS #307-05-00-015) (Council District 5), be zoned General Business (GB) classification. The property is owned by John McLeod Bradham et al. **(SECOND READING)**
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 a portion of previously unzoned former Summerville Avenue Right-of-Way (Peninsula Neck) (approximately 1.40 acres) (TMS #464-02-00-107) (Council District 4), be zoned General Business (GB) classification. The property is owned by 1834 Summerville Ave LLC. **(SECOND READING)**
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 a portion of right-of-way located at the southeast corner of Fishburne Street & Coming Street (Peninsula) (approximately 0.14 acre) (TMS # to be assigned) (Council District 4), be zoned Mixed-Use Workforce Housing (MU-1/WH) classification. The property is owned by SCDOT. *(The Planning Commission recommends approval of DR-1F).*

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. July 28, 2020

H. Citizens Participation Period

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, August 18th:

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, August 18th at 12:00 p.m.
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

1. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer*
2. Executive Order Continuing the Declaration of State of Emergency in response to COVID-19 Virus Outbreak
3. Emergency Ordinance extending certain emergency ordinances related to COVID-19
4. Emergency Ordinance amending Emergency Ordinance 2020-090 by deleting language in Section 5 requiring warning before person found in violation of ordinance for not wearing face covering or mask

J. Council Communications:

K. Council Committee Reports:

1. **Committee on Public Safety: (Meeting was held Tuesday, August 11, 2020 at 3:00 p.m.)**
 - a. Update on Fire Stations #8 and #11
 - b. Update on Hurricane Preparedness
 - c. Update on face covering compliance
 - d. Update on racial bias audit/Illumination Project
 - e. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, to add a new Section 21-150 making it unlawful for any person to jump or dive from any bridge within the jurisdiction of the City of Charleston. **(Disapproved 3 to 2)**
2. **Committee on Public Works and Utilities: (Meeting was held Monday, August 17, 2020 at 4:00 p.m.)**

a. Public Service Department Update:

- (i) Request authorization for the Mayor to execute a Memorandum of Agreement (MOA) and Temporary Access and Construction Easement with 835 Savannah Highway, LLC (Owner), under which the City will grant Owner an easement to construct certain improvements within a one-way alley maintained by the City and dedicate the improvements, along with a portion of the Owner's property to the City. Upon completion and acceptance, the City agrees to take the necessary steps to close, abandon and quitclaim a portion of the alley to Owner for parking and traffic-related improvements. ***(To be sent under separate cover by the Legal Department)***

b. Stormwater Management Department Update:

- (i) Low Battery Phase 1 – Approval of Change Order #3 with Gulf Stream Construction Company for \$99,997.68 at the request of Charleston Water Systems for the replacement of a sewer forcemain serving the US Coast Guard Station. The entire cost of the change order will be reimbursed by Charleston Water Systems.
- (ii) Update on National Fish and Wildlife Foundation Johns Island Grant
- (iii) Update on Dupont Wappoo Drainage Improvement Project Coordination Plans with Charleston County
- (iv) Update on Ditch Obstructions near 1457 S. Sherwood *(Requested by Councilmember Perry K. Waring)*
- (v) Stormwater Project Updates
- (vi) Floodplain Project Updates

c. Discussion on Church Creek Committee and Church Creek TIF Advisory Committee *(Requested by Councilmember Harry J. Griffin)*

3. Audit Committee: (Meeting was held on August 18, 2020 at 3:30 p.m.)

- External Auditor's Report *(Information Only)*
- [Internal Auditor's Report](#)

4. Committee on Ways and Means:

(Bids and Purchases

(Budget Finance and Revenue Collections: Approval to accept the grant award from the Economic Development Administration in the amount of \$935,000 for a Revolving Loan Fund. \$870,926.80 will be used to provide loans to Small Businesses. The remaining \$64,073.20 will be used to cover the costs of administering the loans. No City match is required.

(Police Department: Approval to submit an application for the 2020 Firehouse Subs Public Safety Foundation Grant for \$15,210 to fund the purchase of a UTV to be used by the Harbor Patrol Unit for rescue and response. This grant is due on August 19th. There is no match required for this grant.

(Police Department: Approval to submit an application for the 2020 Justice Assistance Grant for \$27,875 to fund overtime costs for the CIU and training related to

police-mental health collaboration. This grant is due on August 19th. There is no match required for this grant.

- (Police Department: Approval of the Fourth Amendment renewing the agreement between CDMHC and CPD in the amount of \$20,000 wherein CDMHC provides CPD with a full time mental health professional who provides services to children and families in domestic violence cases.
- (Office of Cultural Affairs: Approval to accept a grant in the amount of \$31,620 from SC Arts Commission for general operating support (7/1/2020 to 6/30/2021). A 3:1 City match is required. Matching funds will come from FY20 budget appropriation.
- (Office of Cultural Affairs: Approval to accept a grant in the amount of \$10,000 from SC Arts Commission for a sub-granting program (7/1/2020 to 6/30/2021). This is the renewal of an annual award to fund the Lowcountry for Quarterly Arts Program administered by the Office of Cultural Affairs. A 1:1 City match is required. Matching funds will come from budgeted FY20 CASAT grant and private donations.
- (Office of Cultural Affairs: Approval to accept a grant in the amount of \$5,415 from SCPRT's TAG program for Festival advertising (7/1/2020 to 6/30/2021). A 2:1 City match is required. Matching funds will come from corporate sponsorship and private donations.
- (Office of Cultural Affairs: Approval to accept a grant in the amount of \$1,750 from South Arts to support fees for visiting artists for Free Verse Festival in October 2020. A 1:1 City match is required. Matching funds will come from private donation.
- (Office of Cultural Affairs: Approval to apply for a grant in the amount of \$20,000 from the National Endowment for the Arts to support centralized promotion of the arts in Charleston (7/1/2021 to 6/30/2022). A 1:1 City match is required. Funds will come from corporate sponsorship and private donations.
- (Office of Cultural Affairs: Approval to apply for a grant from South Arts to support resilience in the arts in Charleston for the twelve-month period of September 2020 to August 2021.
- (Office of Cultural Affairs: Approval to apply for a grant from the Gaylord and Dorothy Donnelley Foundation to support Piccolo Spoleto, MOJA Arts Festival, and Free Verse Festival in 2021 and 2022.
- (Resiliency: Approval to accept the 2021 SC DHEC Solid Waste Reduction & Recycling grant in the amount of \$12,500 to support a pilot program and community outreach to recycle mattresses. No City match is required.
- (Parks-Capital Projects/Stormwater Management: Approval of Low Battery Seawall Repairs – Phase I Change Order #3 in the amount of \$99,997.68 with Gulf Stream Construction Company for additional sewer force main install and abandonment at Tradd St. This change order is covered by an additional contribution from the Commissioners of Public Works. Approval of Change Order #3 will increase the construction contract by \$99,997.68 (from \$11,191,012.40 to \$11,291,010.08). The funding sources for this project are: Hospitality Funds (\$15,087,957.53), Municipal Accommodations Tax Funds (\$15,548,816), CPW Contribution (\$5,071,997.68), and Charleston County Accommodations Tax Fees (\$400,000).
- (Parks-Capital Projects: Approval of the 2020 Tennis and Basketball Courts Resurfacing Construction Contract in the amount of \$88,050 with Court Makers, Inc., for crack repair and resurfacing of 12 tennis courts at the Charleston Tennis Center, 3 tennis courts at Jack Adams, 1 basketball court at Freddie Whaley, and 1 tennis court at Hazel Parker. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council Approved Budget. The Construction Contract will obligate \$88,050 of the \$100,000 project budget. The funding source for this work is the Capital Projects-Structural Repairs line-item in the 2020 General Fund Budget.

(External Auditor's Report *(Information only)*)

(Internal Auditor's Report

(Request approval of a Right of Way and Utility Easement granting the Commissioners of Public Works (CPW) a 15 ft. water line easement for the installation and maintenance of a new water line. (TMS: 271-00-00-006; 165 Fairbanks Dr., Charleston, SC – Daniel Island Recreation Center)

(Request approval to accept the donation of a clock from the Friends of the Muni for placement at the starting tee box at the Charleston Municipal Golf Course as part of the current renovation project (2110 Maybank Highway, Charleston, South Carolina 29412)

(Consider the following annexations:

- 2229 Weepoolow Trail (TMS# 353-12-00-017) 0.32 acre, West Ashley (District 2). The property is owned by John Everett McInnis.
- 2444 Quail Hollow Court (TMS# 355-16-00-069) 0.09 acre, West Ashley (District 2). The property is owned by Douglas R. Wurster.
- 1551 N. Pinebark Lane (TMS# 353-15-00-037) 0.22 acre, West Ashley (District 7). The property is owned by Roscoe L. Bolton, III and Joy L. Bolton.
- 772 Yaupon Drive (TMS# 263-00-04-038) 2.3 acre, Cainhoy (District 1). The property is owned by Beverley D. and James P. Rardin.
- 3338 Maybank Highway (TMS# 279-00-00-035) 1.1 acre, Johns Island (District 5). The property is owned by Consultants, LLC.
- 3328 Maybank Highway (TMS# 279-00-00-031) 4.588 acre, Johns Island (District 5). The property is owned by Kulick Properties, LLC.
- 3320 Maybank Highway (TMS# 279-00-00-029) 2.278 acre, Johns Island (District 5). The property is owned by 1108 St Gregory St, LLC.
- Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code for the discussion of negotiations incident to proposed contractual arrangements related to the Daniel Island Tennis Center. City Council may or may not take action after returning to open session

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

An ordinance to provide for the annexation of property known as 2229 Weepoolow Trail (approx. 0.32 acre) (TMS# 353-12-00-017), 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 2. The property is owned by John Everett McInnis.

An ordinance to provide for the annexation of property known as 2444 Quail Hollow Court (approx. 0.09 acre) (TMS# 355-16-00-069), 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 2. The property is owned by Douglas R. Wurster.

An ordinance to provide for the annexation of property known as 1551 N Pinebark Lane (approx. 0.22 acre) (TMS# 353-15-00-037), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by Roscoe L. Bolton, III and Joy I. Bolton.

An ordinance to provide for the annexation of property known as 772 Yaupon Drive (approx. 2.3 acre) (TMS# 263-00-04-038), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by Beverley D. and James P. Rardin.

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.

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.

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.

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 provide for the annexation of property known as property on Savannah Highway (approx. 6.68 acres) (TMS# 307-05-00-015), 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 John McLeod Bradham et al.*
2. *An ordinance to provide for the annexation of properties on Maybank Highway (3.5 acres) (TMS# 313-00-00-034; 313-00-00-035), 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 properties are owned by William Stephen Harris.*
3. *An ordinance to provide for the annexation of property on Maybank Highway (2.05 acre) (TMS# 313-00-00-306), 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 LMC, 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 295 Calhoun Street (Peninsula) (approximately 2.1 acres) (TMS #457-02-02-001) (Council District 8), be rezoned from 85/30 Old City Height District Classification to 7 Story Old City Height District classification. The property is owned by the Medical University of South Carolina (MUSC).*
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 1144 Folly Road (James Island) (approximately 0.38 acre) (TMS #425-13-00-031) (Council District 12), be rezoned from Single-Family Residential (SR-1) classification to Residential Office (RO) and Folly Road Overlay (FRO) classification. The property is owned by Linda M. Aydlette, Trust.*
6. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties located on Maybank Highway (Johns Island) (approximately 16.85 acres) (TMS #313-00-00-043, 031 and 307) (Council District 5), be rezoned from Single-Family Residential (SR-6) and General Business (GB) classification to*

Planned Unit Development (South Station) (PUD) classification. The properties are owned by Pomona/Maybank, LLC and Bank of Walterboro.

- 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 properties located in Maybank Highway (Johns Island) (approximately 5.52 acres) (TMS #313-00-00-306, 034 and 035) (Council District 5), to be annexed into the City of Charleston August 18, 2020, be zoned Planned Unit Development (South Station) (PUD) classification. The properties are owned by LMC, LLC and William Stephen Harris, Jr.*
- 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 340 and 342 Woodland Shores Road (James Island) (approximately 0.7 acre) (TMS #343-11-00-111 and 112) (Council District 11), annexed into the City of Charleston March 10, 2020 (#2020-034), be zoned Single-Family Residential (SR-1) classification. The properties are owned by Jennifer Finger Krause.*
- 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 513 Arlington Drive (West Ashley) (approximately 0.51 acre) (TMS #310-07-00-090) (Council District 11), annexed into the City of Charleston March 10, 2020 (#2020-035), be zoned Diverse Residential (DR-1F) classification. The property is owned by Vaughn Loeffler and Sylvia de Jong.*
- 10. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1384 Joy Avenue (West Ashley) (approximately 0.45 acre) (TMS #352-10-00-015) (Council District 9), annexed into the City of Charleston March 10, 2020 (#2020-036), be zoned Single-Family Residential (SR-1) classification. The property is owned by Gary H Seel and Hope E Seel.*
- 11. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 230 Yates Avenue (James Island) (approximately 0.24 acre) (TMS #343-05-00-042) (Council District 11), annexed into the City of Charleston June 9, 2020 (#2020-076), be zoned Single-Family Residential (SR-1) classification. The property is owned by Elizabeth Lovett and David Stickel.*
- 12. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1837 Bentgrass Court (James Island) (approximately 0.61 acre) (TMS #334-03-00-023) (Council District 12), annexed into the City of Charleston June 9, 2020 (#2020-077), be zoned Rural Residential (RR-1) classification. The property is owned by David W Dunn Trust.*
- 13. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 334 Folly Road (James Island) (approximately 0.39 acre) (TMS #424-05-00-030) (Council District 11), annexed into the City of Charleston June 23, 2020 (#2020-080), be zoned General Business (GB) and Folly Road Overlay (FRO) classification. The property is owned by John Clair and Ellen S Clair.*
- 14. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 400(a) to stipulate the method for how to determine the maximum charge for a nonconsensual tow. (DEFERRED)*

15. *An ordinance to provide for the annexation of property known as 1720 Pinecrest Road (0.22 acre) (TMS# 351-12-00-038), 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 9. The property is owned by Elizabeth White. (DEFERRED)*
16. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Ashley River Road (West Ashley) (1.53 acres) (TMS #354-12-00-004) (Council District 2), be rezoned from Single-Family Residential (SR-1) classification to Limited Business (LB) classification. The property is owned by Laura M. Smith. (DEFERRED)*
17. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission Rules and Procedures. (DEFERRED FOR PUBLIC HEARING)*
18. *An ordinance to amend Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, to add a new Article IV to provide fill requirements for all new construction, developments, and redevelopments within the City. (DEFERRED)*
19. *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)*
20. *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

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 2421 Ashley River Road (West Ashley) (approximately 8.04 acres) (TMS #355-16-00-025, 026 & 027) (Council District 2), be rezoned from General Business (GB) classification to Diverse Residential (DR-1F) classification. The property is owned by Homes of Hope, Inc.
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 2 Race Street (Peninsula) (approximately 0.46 acre) (TMS #460-04-01-103) (Council District 3), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by Charleston Local Development Corporation.
3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2 Race Street (Peninsula) (approximately 0.46 acre) (TMS #460-04-01-103) (Council District 3), be rezoned from 2.5 Story Old City Height District

Classification to 3 Story Old City Height District classification. The property is owned by Charleston Local Development Corporation.

4. [An ordinance to amend Chapter 29, Article V., Section 29-212 of the City of Charleston Code of Ordinances adding new subsections to Section \(b\), definitions, and a new section, Section 29-212 \(l\), setting forth hitching requirements for carriage animals.](#)
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 1815 Beechwood Road (West Ashley) (0.65 acre) (TMS #354-07-00-101) (Council District 2), be rezoned from Single-Family Residential (SR-6) classification to Diverse Residential (DR-6) classification. The property is owned by Matt and Angela Chambers. (*DEFERRED*)
6. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make rooftop eating and drinking places subject to the approval of a special exception in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, adopt regulations for rooftop eating and drinking places in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, and prohibit rooftop eating and drinking places in all other base zoning districts. (*DEFERRED*)

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, September 8, 2020 at 5:00 p.m.

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

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, August 18, 2020 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, August 18th:

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

REZONINGS

1. To rezone property located on Lochaven Drive (off Glenn McConnell Pkwy – West Ashley) (Approx. 3.0 acres) (TMS # 306-00-00-090) from General Office (GO) classification to Business Park (BP) classification.
2. To rezone property located on Sheppard Street (Harleston Village – Peninsula) (Approx. 1.386 acres) (TMS # 460-04-04-074, 078, 080, 086) from General Business (GB), Limited Business (LB) and Accommodations Overlay classifications to Planned Unit Development (PUD) (Sheppard Street) classification.

ORDINANCE AMENDMENTS

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of single family affordable housing as a conditional use within multiple base zoning districts. (As amended)
2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definitions for half story, accessory building, and accessory dwelling unit, and incorporate provisions to permit accessory dwelling units within all base zoning districts in the City of Charleston.

ZONINGS

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

1. 416 Riverland Drive (Green Acres – James Island) (Approx. 0.26 acre) (TMS # 343-10-00-002) Single-Family Residential (SR-1).
2. 450 Riverland Drive (Green Acres – James Island) (Approx. 0.5 acre) (TMS # 343-10-00-019) Single-Family Residential (SR-1).
3. Property located on Savannah Highway (West Ashley) (Approx. 6.68 acres) (TMS # 307-05-00-015) General Business (GB).
4. Property located on Summerville Avenue (Peninsula Neck) (Approx. 1.40 acre) (TMS # 464-02-00-107) General Business (GB).
5. Portion of right-of-way at southeast corner of Fishburne Street & Coming Street (Westside - Peninsula) (Approx. 0.14 acre) (TMS # to be assigned) Mixed-Use/Workforce Housing (MU-1/WH). The Planning Commission recommends approval of DR-1F

VANESSA TURNER MAYBANK
Clerk of Council

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

CITY OF CHARLESTON PLANNING COMMISSION

MEETING OF JULY 15, 2020

A meeting of the City of Charleston Planning Commission was held at **5:00 p.m., on Wednesday, July 15, 2020** via Zoom Webinar. A recording of the meeting can be viewed on YouTube at the following link: <https://www.youtube.com/watch?v=P4OTjyfXMvg>. The following applications were considered:

REGULAR MEETING

REZONINGS

1. **Lochaven Dr (off Glenn McConnell Pkwy – West Ashley) TMS # 3060000090** – approx. 3.0 ac. Request rezoning from General Office (GO) to Business Park (BP).

RECOMMEND APPROVAL (8-0)

2. **Sheppard St PUD (Peninsula) TMS # 4600404074, 078, 080, 086** – approx. 1.386 ac. Request rezoning from General Business (GB), Limited Business (LB) and Accommodations Overlay to Planned Unit Development (PUD) (Sheppard St).

RECOMMEND APPROVAL WITH COMMENTS FOR COUNCIL TO CONSIDER (8-0)

3. **Laurel Island (Peninsula) TMS # 4640000006, 002, 023, 038, 4590200013, and 4611303024** – approx. 196.1 ac. Request rezoning from General Business (GB), Heavy Industrial (HI), Upper Peninsula (UP) and Diverse Residential (DR-3) to Planned Unit Development (PUD) (Laurel Island).

FOR INFORMATION ONLY. NO VOTE TAKEN.

ORDINANCE AMENDMENTS

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by replacing Part 16 (Cluster Development) of Article 2 (Land Use Regulations) with a new Part 16 (Conservation Development) and by adding relevant definitions to Sec. 54-120 of the Zoning Ordinance.

DEFERRED BACK TO COMMUNITY DEVELOPMENT COMMITTEE (8-0)

2. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of single affordable housing as a conditional use within multiple base zoning districts. (**As amended**)

RECOMMEND APPROVAL (6-1)

3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definitions for half story, accessory building, and accessory dwelling unit, and incorporate provisions to permit accessory dwelling units within all base zoning districts in the City of Charleston.

RECOMMEND APPROVAL WITH AMENDMENTS (7-0)

ZONINGS

1. **416 Riverland Dr (Green Acres – James Island) TMS # 3431000002** – approx. 0.26 ac. Request zoning of Single-family Residential (SR-1) Zoned Single-family Residential (R-4) in Charleston County.

RECOMMEND APPROVAL (8-0)

2. **450 Riverland Dr (Green Acres – James Island) TMS # 3431000019** – approx. 0.5 ac. Request zoning of Single-family Residential (SR-1) Zoned Single-family Residential (R-4) in Charleston County.

RECOMMEND APPROVAL (8-0)

3. **Property on Savannah Highway (West Ashley) TMS # 3070500015** – approx. 6.68 ac. Request zoning of General Business (GB). Zoned Single-family Residential (R-4) in Charleston County.

RECOMMEND APPROVAL (8-0)

4. **2118 and 2120 Saint James Dr (Riverland Terrace – James Island) TMS # 3430200072** – approx. 0.23 ac. Request zoning of Single-family Residential (SR-1). Zoned Single-family Residential (R-4) in Charleston County.

WITHDRAWN

5. **1720 Pinecrest Rd (Pinecrest Gardens – West Ashley) TMS # 3511200038** – approx. 0.22 ac. Request zoning of Single-family Residential (SR-2). Zoned Single-family Residential (R-4) in Charleston County.

DEFERRED

6. **Summerville Ave (Peninsula Neck) TMS # 4640200107** – approx. 1.40 ac. Request zoning of General Business (GB). Previously unzoned right-of-way.

RECOMMEND APPROVAL (6-0) (PFLUG RECUSED)

7. **Portion of right-of-way at southeast corner of Fishburne St & Coming St (Westside - Peninsula) TMS # to be assigned** – approx. 0.14 ac. Request zoning of Mixed-Use/Workforce Housing (MU-1/WH). Currently unzoned right-of-way.

RECOMMEND APPROVAL OF DR-1F (5-1) (PFLUG RECUSED)

ELECTION OF CHAIR AND VICE-CHAIR

Commission selection of a chairperson and vice-chairperson to serve until January 2021.

**CHARLES KARESH, CHAIR
HARRY LESESNE, VICE-CHAIR
APPROVAL (6-0)**



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON LOHAVEN DRIVE (WEST ASHLEY) (APPROXIMATELY 3.0 ACRES) (TMS #306-00-00-090) (COUNCIL DISTRICT 2), BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO BUSINESS PARK (BP) CLASSIFICATION. THE PROPERTY IS OWNED BY THE WHITFIELD COMPANY.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Office (GO) classification to Business Park (BP) classification.

Section 2. The property to be rezoned is described as follows:
Lochaven Drive (West Ashley) (approximately 3.0 acres) (TMS #306-00-00-090)

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

REZONING 1

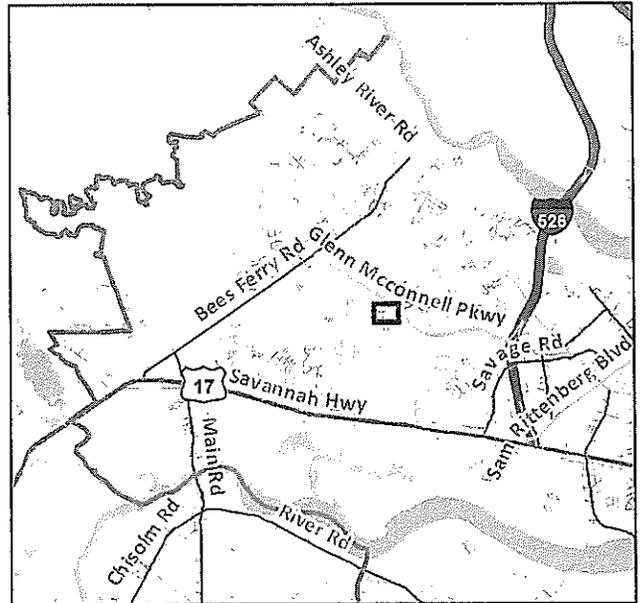
Lochaven Dr
(off Glenn McConnell Pkwy – West Ashley)

TMS # 3060000090

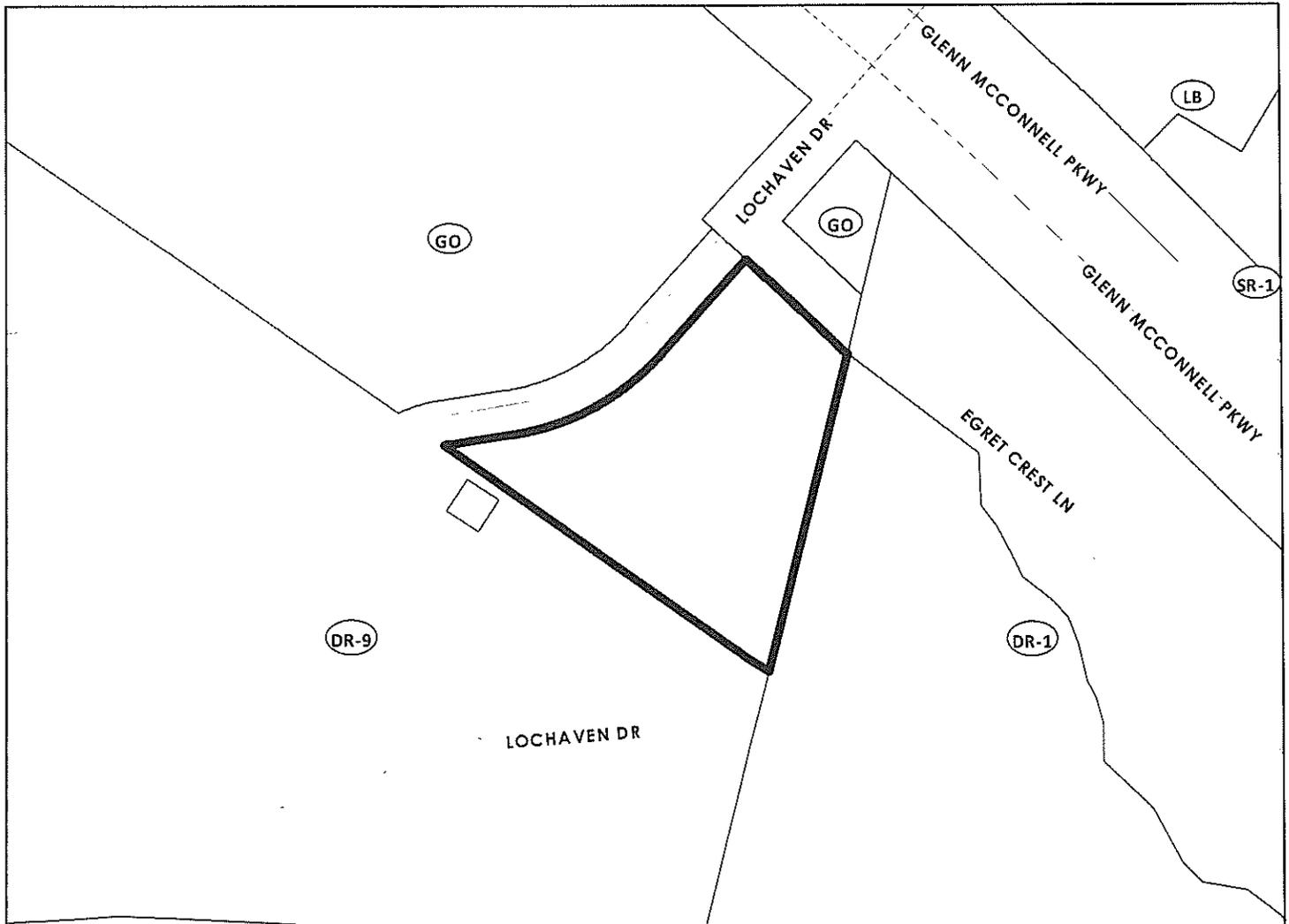
approx. 3.0 ac. Request rezoning from
General Office (GO) to Business Park (BP).

Owner: The Whitfield Company
Applicant: Jonathan L. Yates

Area



Location





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON SHEPPARD STREET (PENINSULA) (APPROXIMATELY 1.386 ACRES) (TMS #460-04-04-074, 460-04-04-078, 460-04-04-080 AND 460-04-04-086) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION AND LIMITED BUSINESS (LB) CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION (SHEPPARD STREET PUD) AND REMOVED FROM THE ACCOMMODATIONS OVERLAY ZONE (A) CLASSIFICATION. THE PROPERTY IS OWNED BY KING AND SHEPPARD PARTNERS, LLC; SHEPPARD PARKING LLC; AND LOWCOUNTRY MARKETING GROUP, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Business (GB) classification and Limited Business (LB) classification to Planned Unit Development (PUD) classification (Sheppard Street PUD) and removing the Accommodations Overlay Zone (A) classification.

Section 2. The property to be rezoned is described as follows:

Sheppard Street (Peninsula) (approximately 1.386 acres) (TMS #460-04-04-074, 460-04-04-078, 460-04-04-080 and 460-04-04-086)

Section 3. This ordinance shall become effective upon ratification.

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

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Vanessa Turner Maybank
Clerk of Council

REZONING 2

Sheppard St PUD (Peninsula)

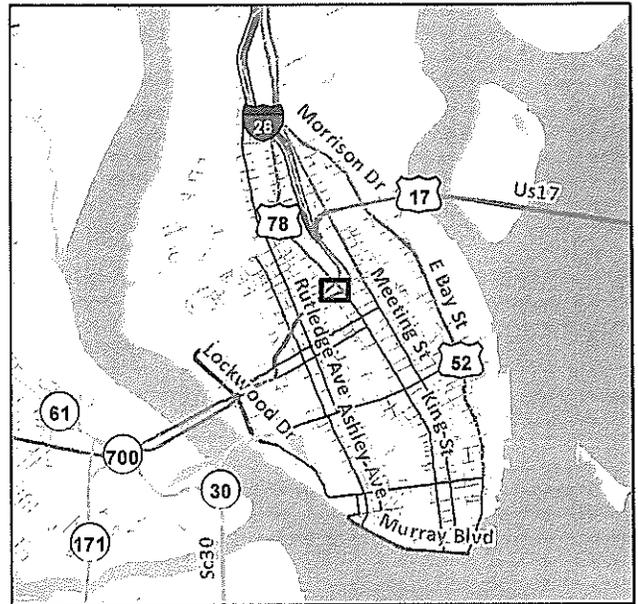
TMS # 4600404074, 078, 080, 086

approx. 1.386 ac.

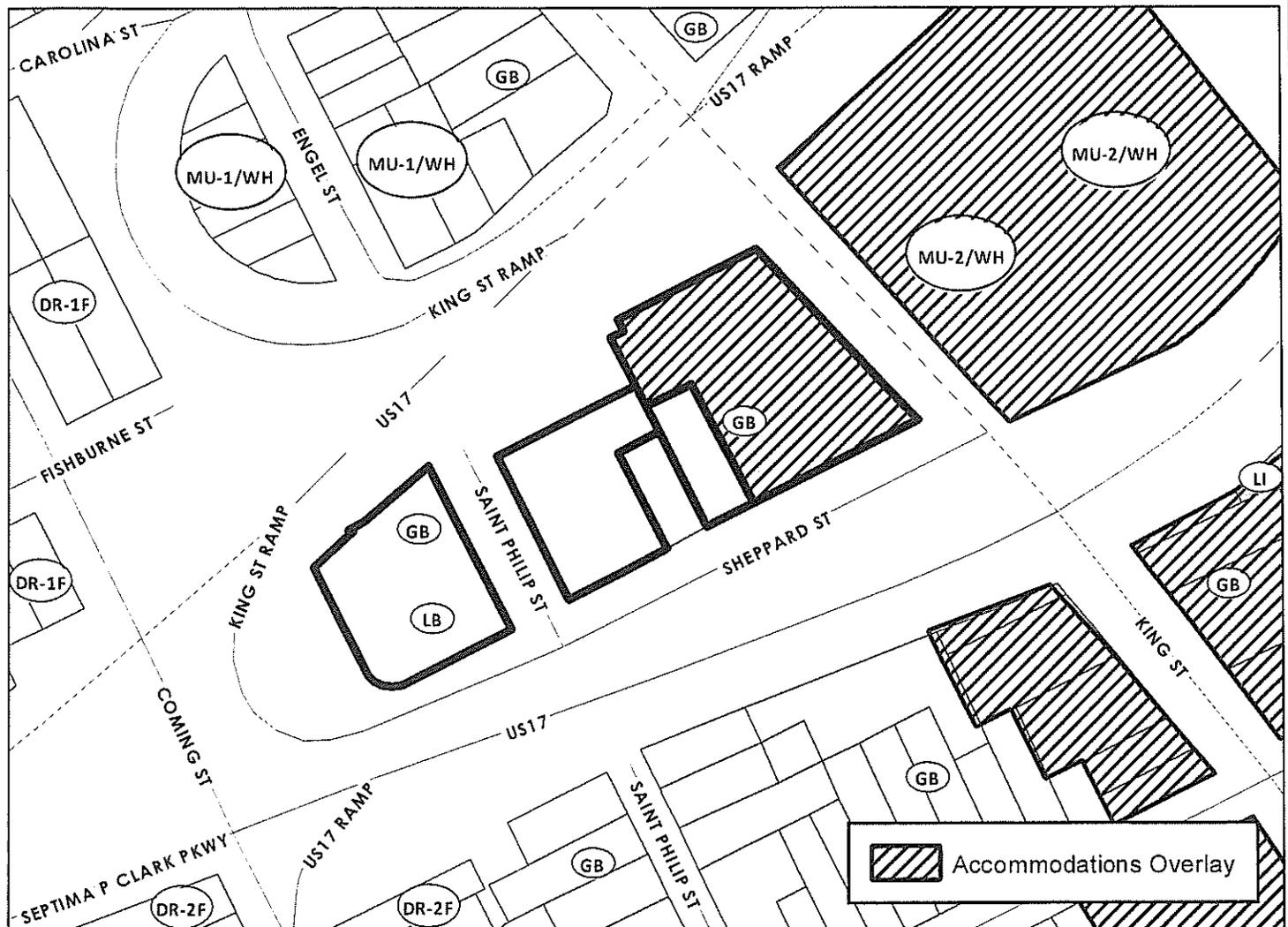
Request rezoning from General Business (GB),
Limited Business (LB) and Accommodations Overlay
to Planned Unit Development (PUD) (Sheppard St).

Owner: King and Sheppard Partners, LLC;
Sheppard Parking LLC; and Lowcountry Marketing
Group, LLC

Area



Location





AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO INCORPORATE PROVISIONS TO ALLOW SUBDIVISION AND DEVELOPMENT OF SINGLE FAMILY AFFORDABLE HOUSING AS A CONDITIONAL USE WITHIN MULTIPLE BASE ZONING DISTRICTS (AS AMENDED).

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

Section 1. Article 2, Part 2, Sec. 54-207, Conditional Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following new subsection in alphabetical order:

“z. Affordable Housing Conditional Use Subdivision and Lot Dimensional Standards for One-Family Detached Dwellings and One-family Attached Dwellings.

1. Intent: To promote ownership or occupancy of quality Affordable Housing, property within the SR-1, SR-2, SR-6, zoning district may be approved for subdivision and development for one-family detached dwellings, in accordance with the following conditional use standards in this section. Property within the STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts may be approved for subdivision and development of one-family detached dwellings and one-family attached dwellings, in accordance with the following conditional use standards in this section. The use of the subject parcel shall be restricted to one-family detached dwellings or one-family attached dwellings, according to the zoning of the property, for the provision of Affordable Housing as certified by the City of Charleston Department of Housing and Community Development, or its successor.
2. Affordable Housing Conditional Use Requirements:
 - (a) The entity developing the subject parcel in accordance with the standards in this Sec. 54-207, z., shall restrict the use of each lot to a single, one-family detached dwelling or a single, one-family attached dwelling lot for the provision of Affordable Housing

as certified by the City of Charleston Department of Housing and Community Development, or its successor.

- (b) **Ownership:** As to owner occupied units, these units shall be sold to households earning no more than one hundred twenty (120) percent of the area median income. Each owner, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a verified income report of household income of all members of the household. These units shall be subject to resale restrictions for no fewer than ninety (90) years from date of initial sale of the property. Such restrictions will be recorded as deed restrictions.
- (c) **Rental:** As to rental units, these units shall be rented to households earning no more than eighty (80) percent of the area median income, and the rents charged by the owner shall be in accordance with the Fair Market Rents published annually by the U.S. Department of Housing and Urban Development or such entity that may be subsequently designated. In the absence of such information, the rents charged by the owner shall not exceed 30 percent of the household annual income. The owner shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, the rental rate to be charged and verified income reports of household income of all rental occupants at the inception of each tenancy and on no less than a yearly basis thereafter, as determined by the City of Charleston Department of Housing and Community Development, or its successor. These units shall be subject to these restrictions for no fewer than ninety (90) years from the initial occupancy as Affordable Housing.
- (d) The entity developing the subject parcel in accordance with this Sec. 54-207, z., shall execute a Memorandum of Use with the City as a party acknowledging the use of the property for Affordable Housing in accordance with the provisions of this Section, which Memorandum shall be in a form acceptable for recording in the record office of the applicable county and which shall be recorded in the record office of the applicable county. If a proposal meets the requirements of this section and the owner is willing to enter into the terms of a Memorandum of Use contained in this paragraph, the Mayor shall be authorized so sign the Memorandum of Use on behalf of the City.

3. Affordable Housing Conditional Use Lot Dimensional Standards For One-family Detached Dwellings: See Section 54-301, Table 3.1 Height, Area and Setback Regulations for standards not addressed in the table below.

ZONING DISTRICT	MINIMUM LOT FRONTAGE ^{1,2,3}	MINIMUM HIGH GROUND LOT AREA	MINIMUM BUILDING SETBACKS	MAXIMUM LOT OCCUPANCY OF
-----------------	---------------------------------------	------------------------------	---------------------------	--------------------------

		IN SQ FT		BUILDINGS
SR-1	45'	7,000	Front 25', Rear 20', Sides 7'SW, 7'NE	35%
SR-2	40'	4,400	Front 25', Rear 15', Sides 6'SW, 6'NE	50%
SR-3	40'	4,400	Front NR', Rear 3', Sides 9'SW, 3'NE	50%
SR-4	40'	3,200	Front NR', Rear 3', Sides 9'SW, 3'NE	50%
SR-5	35'	2,500	Front-NR', Rear-3', Sides-7'SW, 3'NE	50%
SR-6	35'	4,000	Front 18', Rear 10', Sides 4'SW, 4'NE	50%
STR	40' or no frontage required	4,800	Front 25', Rear 15', Sides 5'SW, 5'NE	50%
DR-1	32' or no frontage required	2,800	Front NR', Rear 3', Sides 7'SW, 3'NE	50%
DR-1F	32' or no frontage required	2,800	Front 25', Rear 3', Sides 7'SW, 3'NE	65%
DR-2	32' or no frontage required	2,200	Front NR', Rear 3', Sides 7'SW, 3'NE	50%
DR-2F	32' or no frontage required	2,200	Front 25', Rear 3', Sides 7'SW, 3'NE	65%

Footnotes

¹ Requirement for averaging surrounding lot frontages per Section 54-824(c)(1) shall not apply.

² Lots in STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts that front on a street may be subdivided to create one lot with no lot frontage provided that both lots meet all requirements in this subsection, both lots are used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z., and a platted and recorded shared ingress/egress easement utilizing an approved driveway is furnished to the newly created lot without frontage.

³ See lot frontage exception noted below in this section 54-207, z.

4. Lot frontage exception for Maryville Ashleyville: Due to the unique history of the former town of Maryville and corresponding historic platting, parcels abutting the following rights-of-way, and any extensions thereof, shall have a minimum lot frontage of 50 feet:

5th Avenue

Armstrong Avenue
Battery Avenue
Benada Street
Bender Street
Brody Avenue
Brookfield Street
Burger Street
Carnegie Avenue
Channing Street
Chickadee Avenue
Davidson Avenue
Diana Street
East Street
Fiall Street
Forbes Avenue
Gunn Avenue
High Street
Hillsboro Dr
Hillside Dr
Hobart Avenue
Justin Avenue
Lula Street
Magnolia Road
Main Street
Mamie Street
Mazyck Street
Minnie Street
N Hillside Drive
San Juan Avenue
Sycamore Avenue
Tripe Street

5. Affordable Housing Conditional Use Lot Dimensional Standards for One-family Attached Dwellings: Property within the STR, DR-1, DR-1F, DR-2, or DR-2F zoning districts may be approved for subdivision and development of one-family attached dwellings, in accordance with the conditional use standards in this section and pursuant to the requirements in Article 3, Part 11 One-family Attached Dwellings, as modified herein. Modifications to the requirements in Sec. 54-353, are as follows:

- (a) The minimum side setback for the principal building listed in subsection d. shall be reduced to five (5) feet except when the conditions listed in Sec. 54-353, d. subsections 1, 2, 3 or 4 exist;

- (b) The minimum rear setback for the principal building listed in subsection e. shall be reduced to ten (10) feet except when the conditions listed in Sec. 54-353, e. subsections 1 or 2 exist;
 - (c) The maximum percent lot occupancy of buildings listed in subsection g. shall be increased to sixty (60) percent; and
 - (d) Subsection j. shall include an additional special requirement that allows lots for one-family attached dwellings to be platted without any lot frontage on a street, if the lot or lots is provided with a suitable driveway access easement, the title to which runs with or is appurtenant to such lot(s).
6. Affordable Housing Conditional Use Court Standards: Notwithstanding the standards in subsection 3. above, lots in the DR-2 or DR-2F zoning districts with a minimum lot frontage of 56 feet and minimum lot area of 6,700 square feet may be developed to create a traditional “Charleston Court”, with a new street or “court” extending into the lot to provide access to lots, if all lots are restricted to one-family detached affordable housing pursuant to this Sec. 54-207, z. and the development satisfies the following requirements:
- (a) The new street shall be constructed to meet City of Charleston road construction standards with a minimum right-of-way width of 24 feet, minimum pavement width of 20 feet and maximum length of 150 feet.
 - (b) All lots shall have lot frontage and all lots accessed exclusively from the new street shall have a minimum lot frontage of 15 feet and average lot frontage of 25 feet.
 - (c) All lots shall meet the lot dimensional standards in subsection 3., except that the minimum high ground lot area for each lot shall be 1,024 square feet, there shall be no minimum front building setback for lots accessed exclusively from the new street, and the minimum side setback for all side property lines adjacent to another lot accessed exclusively from the new street shall be three (3) feet.
 - (d) The dwelling on each lot with frontage on the existing street the new street connects to shall front on the existing street.
7. Affordable Housing Conditional Use Off-Street Parking Requirements: Each lot used for Affordable Housing in accordance with the requirements of this Sec. 54-207, z. shall provide two off-street parking spaces.”

Section 2. Article 2, Part 3, Table of Permitted Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding “or 54-207, z.” to principal use category 888. Affordable Housing 54-207, p. and by inserting the conditional use symbol “‡” in the columns for zoning districts, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR, which denotes this principal use is allowed as a conditional use in said zoning districts.

Section 3. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the number “21” as a superscript after the zone district designation listings for SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, and STR.

Section 4. Article 3, Part 1, Section 54-301, Table 3.1: Height, Area and Setback Regulations, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to revise footnote 21 to read as follows with new text shown in double underline:

“21. Minimum lot area, setbacks, frontage and maximum lot occupancy for Affordable Housing are set forth in Sec. 54-207, p. or 54-207, z.”

Section 5. Article 8, Part 3, Sec. 54-824, Design Standards for New Lots, subsection c. paragraph 1, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows with new text shown in double underline:

“Lot frontage for single-family and two-family residential. The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two-family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average lot frontage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zoning district, whichever is greater. Lots subdivided and developed for one-family detached Affordable Housing per section 54-207, z. shall be subject to the frontage requirements of that section.”

Lot frontage for multi-family. Multi-family residential lots shall have a minimum lot frontage of fifty (50) feet on a street and parking shall be prohibited within the required setback within the district..”

Section 6. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting new text “on existing lots of record platted prior to August 21, 2018” after “Affordable Housing shall be permitted” to read as follows with new text shown in double underline:

“p. Affordable Housing shall be permitted on existing lots of record platted prior to August 21, 2018 within the DR-1, DR-1F, DR-2, DR-2F, LB, GB, LI, MU-1, MU-1/WH, MU-2 and MU-2/WH districts if the proposal satisfies the following conditions, except that there are no density limits in the MU-1, MU-1/WH, MU-2 and MU-2/WH districts:”

Section 7. Article 2, Part 2, Sec. 54-207, Conditional Uses, subsection p. Affordable Housing, paragraph (d.) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting “forty-seven (47) percent” and replacing in its place and stead “fifty (50) percent.

Section 8. Article 1, Part 3, Sec. 54-120, Definitions, is hereby amended by inserting the words “used exclusively for residential uses” after the words “dwelling units” in the first sentence and correcting a scrivener’s error so that the definition shall read as follows:

Affordable Housing. Single-family, two-family or multi-family dwelling units, used exclusively for residential uses, where occupants have, in the aggregate, household income of less than or equal to one hundred twenty (120) percent of median area income for owner occupied units, or eighty (80) percent of median area income for rental units. Median area income shall be determined annually by the U.S. Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or its successor. Household income shall include all sources of financial support, both cash and in kind, of adult members of the household, 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 or public welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the members' families for medical, personal or educational needs.

Section 9. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord 2020,
in the ___ Year of Independence of the United States of
America.

By: _____
John Tecklenburg
Mayor, City of Charleston

Attest: _____
Vanessa Turner Maybank
Clerk of Council

Ratification
Number _____

Blue text indicates changes recommended by the Planning Commission July 15, 2020.

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO AMEND THE DEFINITIONS FOR HALF STORY, ACCESSORY BUILDING, AND ACCESSORY DWELLING UNIT, AND INCORPORATE PROVISIONS TO PERMIT ACCESSORY DWELLING UNITS WITHIN ALL BASE ZONING DISTRICTS IN THE CITY OF CHARLESTON

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

Section 1. The definition for “Accessory Building” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~striketrough~~ and adding text shown below with a double-underline:

“**Half Story.** ~~A-story~~The space under a gabled or hipped roof, where the wall plates, or knee walls, of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story. The aggregate width of dormers on a half-story shall not exceed 50% of the width of the exterior wall below the dormer(s).”

Section 2. The definition for “Accessory Building” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~striketrough~~ and adding text shown below with a double-underline:

“**Accessory Building.** A subordinate building on the same lot as the principal building(s) or use. Accessory buildings may include but not be limited to pool houses, additional living space, storage sheds, garages, and additional dwelling units ~~in zoning districts that permit additional dwelling units, if permitted by this Chapter.~~ Accessory buildings in SR (Single-family Residential) zone districts shall not include kitchens unless the accessory building is permitted by this Chapter to have an accessory dwelling unit.”

Section 3. The definition for “Accessory Dwelling Unit” in Section 54-120 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding text shown below with a double-underline:

“Accessory Dwelling Unit. A dwelling unit providing complete, independent living facilities for no more than two adults that is separate from and subordinate to the principal dwelling unit, and located in the same building as the principal dwelling unit or in an accessory building on the same lot. This definition includes garage apartments.”

Section 4. Article 2, Part 4 Accessory Uses, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting the following sections in numerical order:

“Section 54-214. Accessory Dwelling Unit

An Accessory Dwelling Unit (ADU) may be approved in all base zoning districts, as an accessory use to a principal single-family dwelling unit, if all of the following conditions are met:

- a. A scaled site plan must be submitted which shall show all information listed on the Accessory Dwelling Unit Application and Site Plan Checklist and Application provided by the Department of Planning, Preservation and Sustainability, as may be amended from time to time;
- b. In conjunction with the site plan, a Recorded Covenant Affidavit must be submitted, which certifies that no covenants exist that prohibit the construction of an ADU;
- c. There shall be a limit of one ADU per lot, subject to meeting all other requirements contained in this section, and the total number of dwelling units, including the ADU, shall not exceed two dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.
- d. Each ADU shall be limited to 850 square feet of conditioned floor area, except that:
 1. In the case of an ADU located above a detached garage approved utilizing setback exceptions listed in Sec. 54-506, f., footprint maximums described in Sec. 54-506, f. take precedence over the requirements of this section.

2. In the case of an ADU located on the ground level and attached to or located within a detached accessory building approved utilizing setback exceptions listed in Sec. 54-506, f., the building footprint shall not exceed 600 square feet.
- e. One (1) off street parking space shall be provided for the occupants of the ADU on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the ADU may be situated in tandem with the required spaces for other uses.
 - f. ~~In the case of an ADU that is to be rented, wherein the occupant pays rent or other remuneration to the property owner(s) for use of an ADU, the ADU must meet Affordable Housing income and rental thresholds as defined in Sec. 54-120 and the requirements the below.~~
 1. ~~Prior to receiving a building permit for the ADU, the owner thereof shall provide in writing, to the satisfaction of the City of Charleston Department of Planning, Preservation and Sustainability and the Department of Housing and Community Development, or their successors, information identifying that the ADU will be rented as Affordable Housing. The Department of Housing and Community Development shall verify this information.~~
 2. ~~Prior to the issuance of a certificate of occupancy, the owner shall execute and record covenants satisfactory to the Department of Housing and Community Development, or its successor, which restricts the ADU rental threshold to occupancy by qualified households and requires that the owner provide proof of affordability to the Department of Housing and Community Development on an annual basis thereafter. A copy of the recorded covenants shall be provided to the Department of Housing and Community Development.~~
 - g. ~~In the case ADU will be occupied but not rented, the owner thereof shall provide this information in writing to the Department of Planning, Preservation and Sustainability, or its successor, prior to receiving a building permit and shall restrict the use in recorded covenants.~~
 - f. In the case that an owner establishes an ADU through financial assistance from the City of Charleston Department of Housing and Community Development, or its successor, the ADU shall meet Affordable Housing income and rental thresholds defined in Sec. 54-120 for a maximum eighty percent average median income (80% AMI). The owner shall execute and record covenants satisfactory to the Department of Housing and Community Development ensuring the ADU rental is for occupancy by qualified households.

- g. The following conditions shall be memorialized in a recorded covenant to run with the property. Prior to the issuance of a certificate of occupancy, the owner shall provide a copy of the recorded covenants to the Department of Planning, Preservation and Sustainability.
1. Either the principal structure or the accessory dwelling unit, hereinafter ADU, must be owner-occupied and serve as the owner's primary residence. If neither unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit. No subleases of the ADU are permitted;
 2. Occupancy of an ADU shall be limited to no more than two (2) adults with "adult" defined as any person eighteen years of age or older;
 3. Under no circumstances shall the property be converted to a horizontal ownership regime;
 4. Terms of occupancy per Sec. 54-214, f. ~~or 54-214, g.~~ above;
 5. Neither the principal dwelling unit nor ADU shall be utilized for a Short Term Rental;
 6. 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."

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2020, and in the ____ Year of the Independence of the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council

Comparison of Accessory Dwelling Unit (ADU) Regulations

Page 1 of 2

	Mount Pleasant Accessory Dwelling Units - Sec.156.110-111	Charleston County Accessory Dwelling Units - Sec. 6.5.9*	City of Charleston Proposed Regulations
Permitted in SF zones	yes	yes	yes
Number of ADU's permitted per lot	one	one	one
Min. lot size to qualify	yes, min. lot size of zoning district	yes, 50% larger than zoning district requires	no
Max. height for ADU in accessory building	25 feet for detached ADU	same as main house	1 ½ stories, unless building is within Old City Height District and taller accessory building is permitted
Max. size of ADU	850 sf conditioned space	800 sf conditioned space in Res. Dist. and 1,500 sf in Ag. Dist.	850 sf conditioned space
Max. # of occupants in each ADU**	three persons	no max. if related; six if unrelated	2 adults
Min. off-street parking requirement	one space for ADU in addition to spaces required for main unit	2 spaces for ADU	One space for ADU in addition to spaces required for main unit; space may be in tandem with other spaces
Architectural standards	yes, design, color, material of ADU must be compatible w/neighbor.	no	no, unless within BAR review area
Owner-occupancy requirement	yes, either main unit or ADU	no	yes, either main unit or ADU
Separate meters allowed	yes	no	yes
Conversion to condo ownership	not permitted	not addressed, but staff does not think this would ever happen	not permitted
Limit on number of accessory buildings per lot	no	no	no, but only one accessory building can utilize exceptions to setback requirements

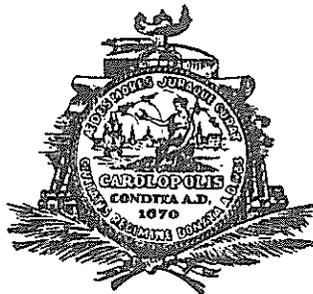
Statement required from applicant confirming no private covenants prohibiting ADU exist	yes	no	yes
Requirement for recorded covenant that states owner occupancy requirement, ADU occupancy limit and horizontal property regime prohibition	yes	no	yes
Affordable housing requirement	no	no	yes, 80% AMI if rented-receiving assistance from HCD
Short term rental allowed	(researching this)	(researching this)	No

* Some standards may vary for specific overlay zones and lots abutting critical area.

** Building Codes also limit the number of occupants and would be more restrictive than zoning limits for small ADU's.

Blue text includes changes recommended by Planning Commission 7.15.20.

Updated 07.15.20



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 416 RIVERLAND DRIVE (JAMES ISLAND) (APPROXIMATELY 0.26 ACRE) (TMS #343-10-00-002) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JUNE 23, 2020 (#2020-078), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY W. COLEMAN AND CHRISTINA M. LAWRIMORE.

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

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

416 Riverland Drive (James Island) (approximately 0.26 acre) (TMS #343-10-00-002)

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

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING 1

416 Riverland Dr

(Green Acres – James Island)

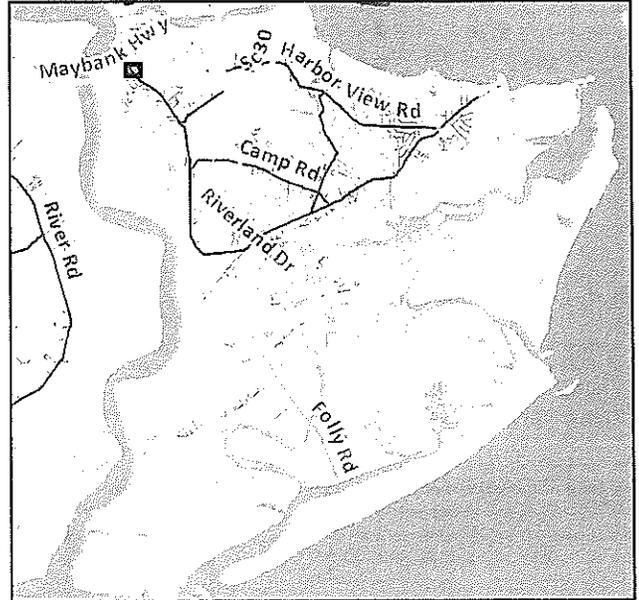
TMS # 343100002

approx. 0.26 ac.

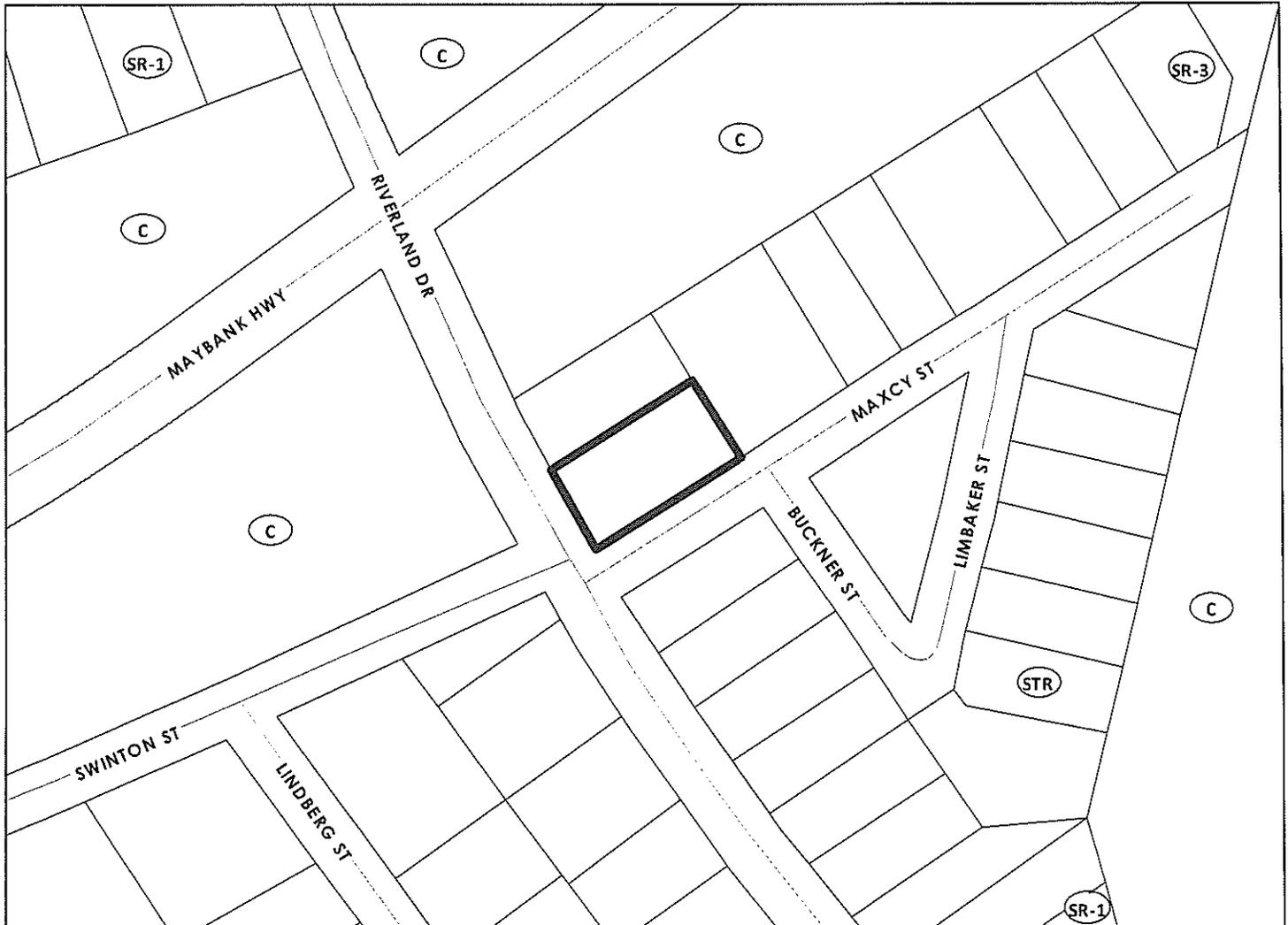
Request zoning of Single-family Residential (SR-1)
Zoned Single-family Residential (R-4) in Charleston
County.

Owner: W. Coleman and Christina M. Lawrimore

Area



Location





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 450 RIVERLAND DRIVE (JAMES ISLAND) (APPROXIMATELY 0.5 ACRE) (TMS #343-10-00-019) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JUNE 23, 2020 (#2020-079), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY WHITNEY AND ALEXANDER PASQUINI.

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

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

450 Riverland Drive (James Island) (approximately 0.5 acre) (TMS #343-10-00-019)

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

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING 2

450 Riverland Dr

(Green Acres – James Island)

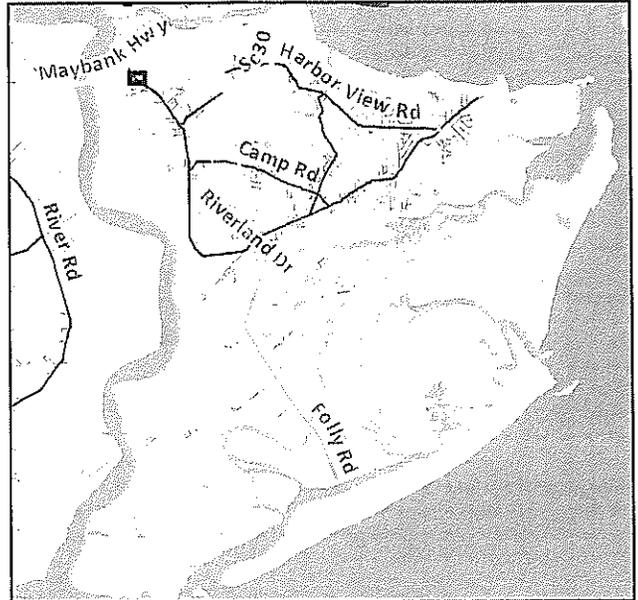
TMS # 3431000019

approx. 0.50 ac.

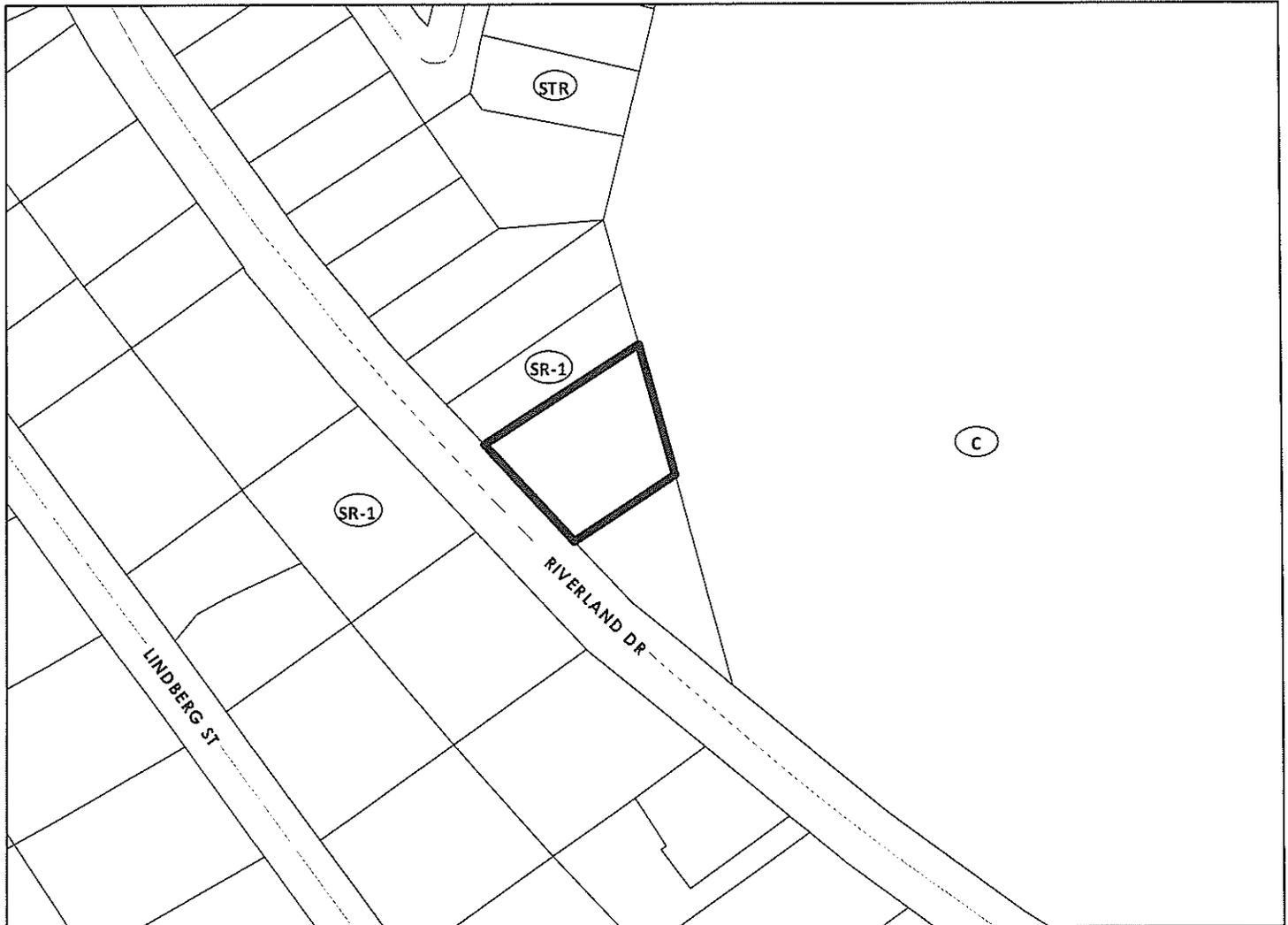
Request zoning of Single-family Residential (SR-1)
Zoned Single-family Residential (R-4) in Charleston
County.

Owner: Whitney and Alexander Pasquini

Area



Location





Ratification Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON SAVANNAH HIGHWAY (WEST ASHLEY) (APPROXIMATELY 6.68 ACRES) (TMS #307-05-00-015) (COUNCIL DISTRICT 5), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY JOHN MCLEOD BRADHAM ET AL.

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

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

property located on Savannah Highway (West Ashley) (approximately 6.68 acres) (TMS #307-05-00-015)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING

Savannah Hwy (West Ashley)

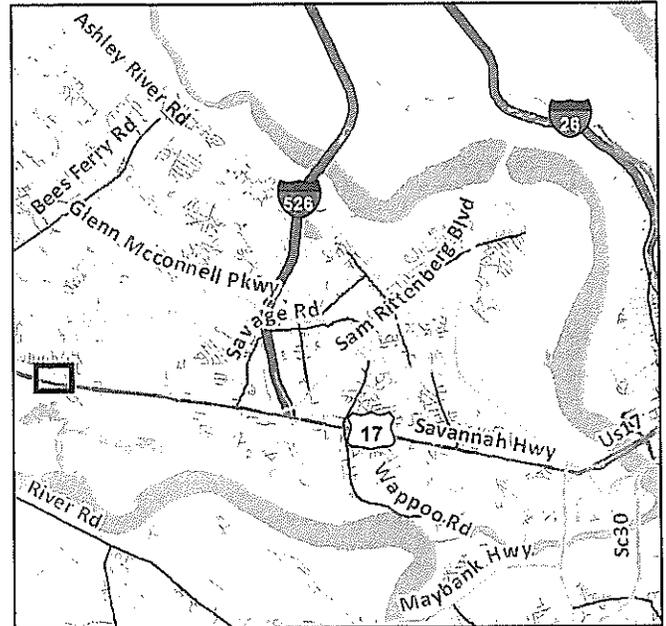
TMS # 3070500015

approx. 6.68 ac.

Request zoning of General Business (GB). Previously zoned Single-family Residential (R-4) in Charleston County.

Owner: John McLeod Bradham et al.

Area



Location





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF PREVIOUSLY UNZONED FORMER SUMMERVILLE AVENUE RIGHT-OF-WAY (PENINSULA NECK) (APPROXIMATELY 1.40 ACRES) (TMS #464-02-00-107) (COUNCIL DISTRICT 4), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY 1834 SUMMERVILLE AVE LLC.

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

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

A portion of previously unzoned former Summerville Avenue right-of-way (Peninsula Neck) (approximately 1.40 acres) (TMS #464-02-00-107)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING

Summerville Ave Right-of-Way (Peninsula Neck)

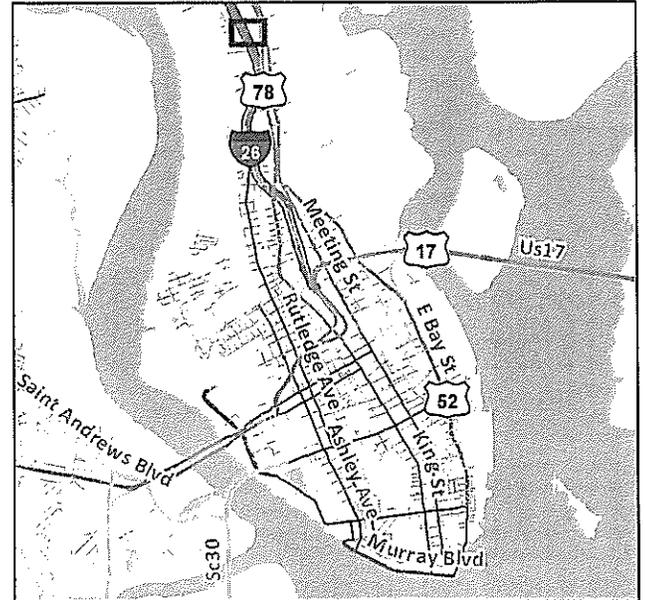
TMS # 4640200107

approx. 1.40 ac.

Request zoning of General Business (GB).
Previously unzoned right-of-way.

Owner: 1834 Summerville Ave LLC
Applicant: City of Charleston

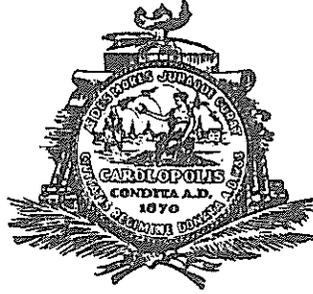
Area



Location



EQ.
Applicant's
Request



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF FISHBURNE STREET & COMING STREET (PENINSULA) (APPROXIMATELY 0.14 ACRE) (TMS # TO BE ASSIGNED) (COUNCIL DISTRICT 4), BE ZONED MIXED-USE WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY SCDOT.

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

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

A portion of right-of-way located at the southeast corner of Fishburne Street & Coming Street (Peninsula) (approximately 0.14 acre) (TMS # to be assigned)

Section 2. That the said parcel of land described above shall be zoned Mixed-Use Workforce Housing (MU-1/WH) classification.

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING 7

Southeast corner of Fishburne St & Coming St
(Westside - Peninsula)

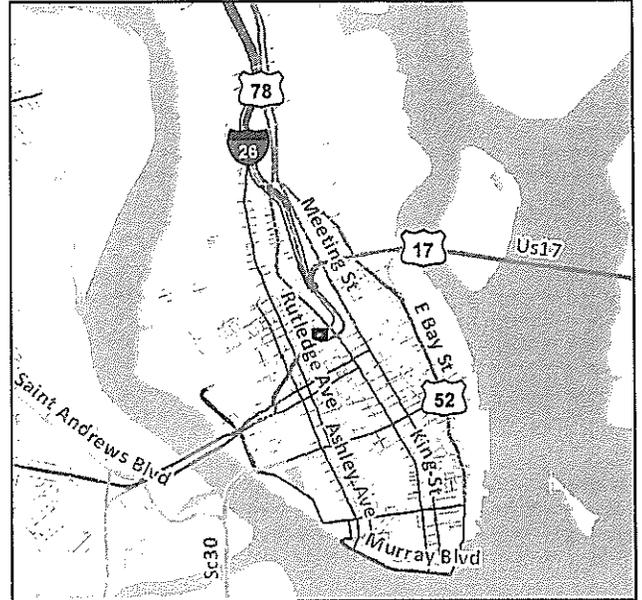
TMS # to be assigned

approx. 0.14 ac.

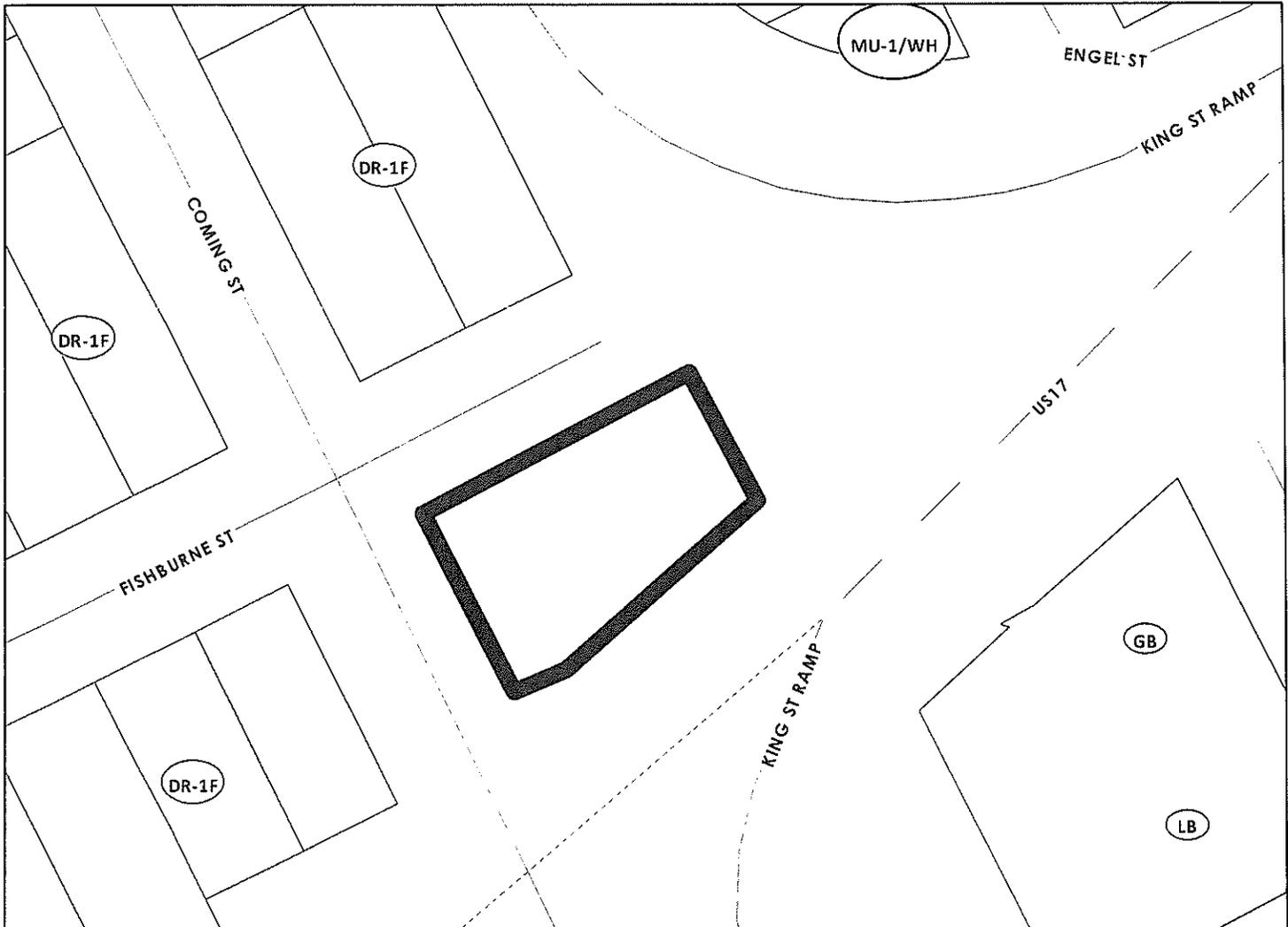
Request zoning of Mixed-Use/Workforce Housing
(MU-1/WH). Currently unzoned right-of-way.

Owner: SCDOT
Applicant: City of Charleston

Area



Location



E9.
Planning
Commission
Recommendation



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF FISHBURNE STREET & COMING STREET (PENINSULA) (APPROXIMATELY 0.14 ACRE) (TMS # TO BE ASSIGNED) (COUNCIL DISTRICT 4), BE ZONED DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION. THE PROPERTY IS OWNED BY SCDOT.

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

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

A portion of right-of-way located at the southeast corner of Fishburne Street & Coming Street (Peninsula) (approximately 0.14 acre) (TMS # to be assigned)

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

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

ZONING 7

Southeast corner of Fishburne St & Coming St
(Westside - Peninsula)

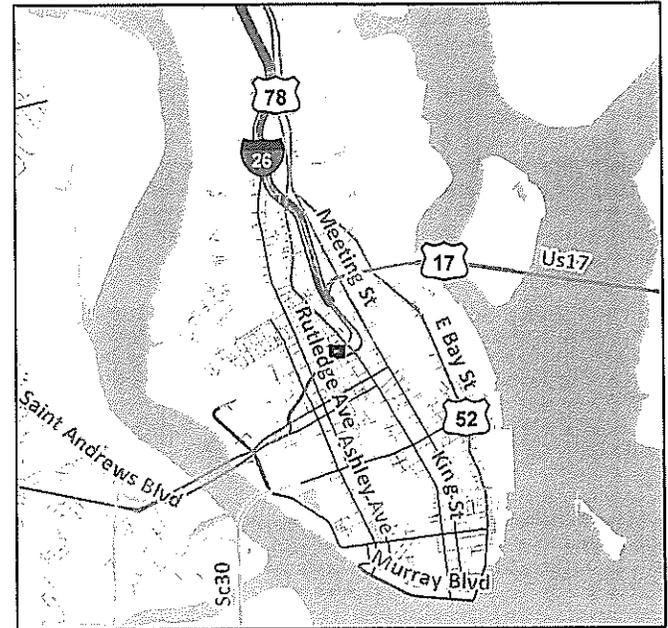
TMS # to be assigned

approx. 0.14 ac.

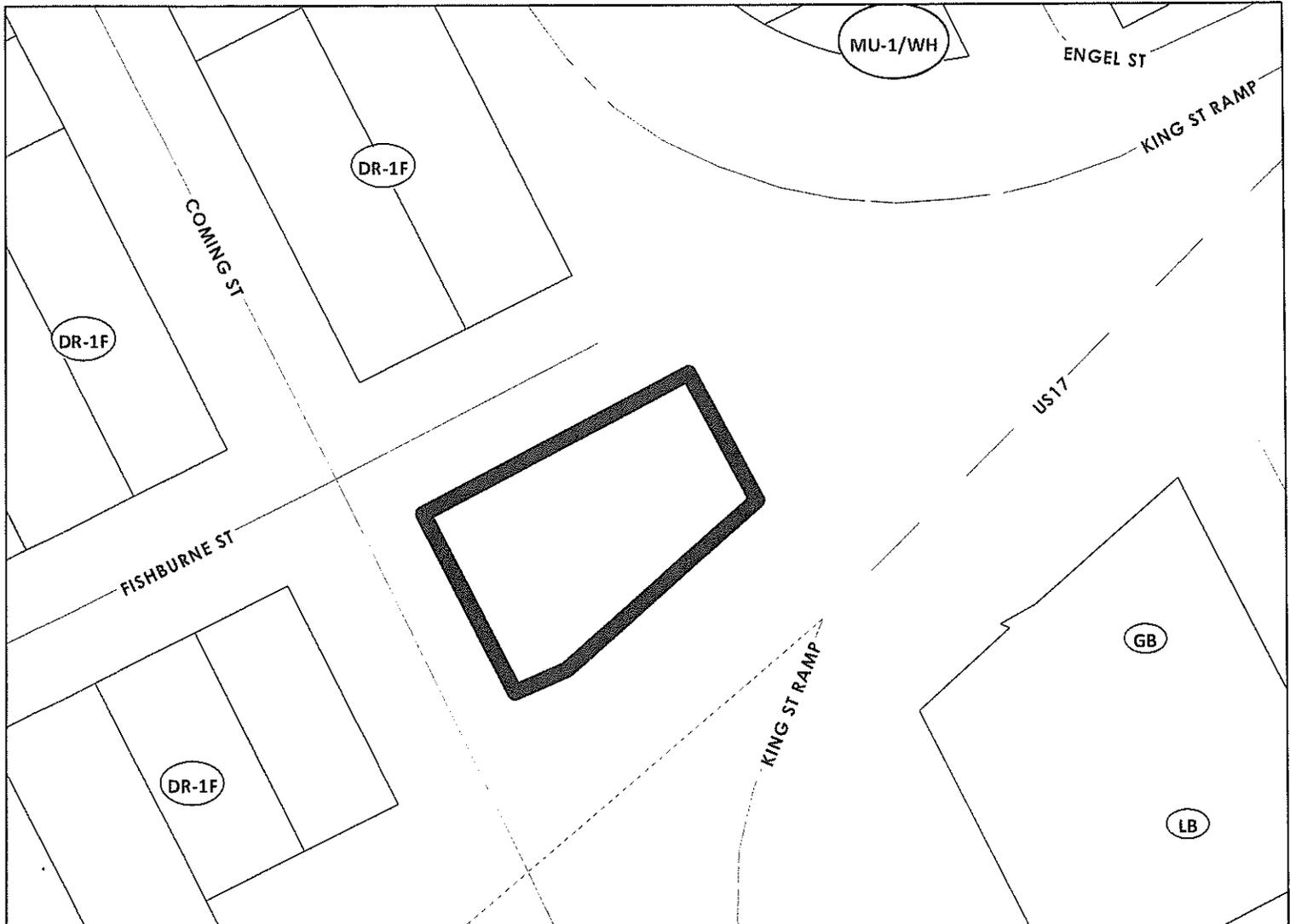
Request zoning of Diverse Residential (DR-1F).
Currently unzoned right-of-way.

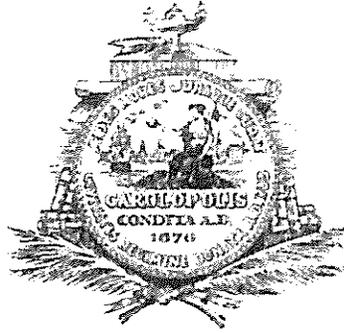
Owner: SCDOT
Applicant: City of Charleston

Area



Location





**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 (4th) 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 (5th) 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, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,

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

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

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

WHEREAS, 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 (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,352 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 (9th) state of emergency in South Carolina; and,

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

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

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

WHEREAS, 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 (11th) state of emergency in South Carolina; and,

WHEREAS, as of August 11, 2020, DHEC has 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, until the threats posed by COVID-19 to persons, to businesses, and to the public health, safety and welfare of this city are neutralized, emergency conditions exist which require our taking steps to continue to minimize the risk of exposure in public, limit the spread of infection in the community, and limit the burdens on the health care delivery system; 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.

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 September 25, 2020. 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, 2020, and in the ____th Year of the Independence of the United States of America.

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

ATTEST: _____
Vanessa Turner Maybank
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 (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State's population; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on July 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19 and City Council passed an emergency ordinance extending certain ordinances related to COVID-19 to August 20, 2020 (Ordinance No. 2020-091), and amending the face covering ordinance (Ordinance No. 2020-090); and,

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

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

WHEREAS, 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 September 25, 2020:

2020-038 - Emergency Ordinance prohibiting consumer price gauging.

2020-040 - Emergency Ordinance suspending the requirement of physical presence of Councilmembers at Council meetings/permitting telephonic/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.

2020-070 - Emergency Order re Stay at Home.

Section 3. The following temporary emergency ordinance is ratified and shall automatically expire on the 61st day after its enactment.

2020-060 - Emergency Ordinance on New or Additional Outdoor Dining.

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2020, and in the ____th Year of the Independence of the United States of America.

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

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council



**EMERGENCY ORDINANCE
AMENDING EMERGENCY ORDINANCE 2020-090
BY DELETING LANGUAGE IN SECTION 5 REQUIRING WARNING
BEFORE PERSON FOUND IN VIOLATION OF ORDINANCE
FOR NOT WEARING FACE COVERING OR MASK**

Section 1. Chapter 21, Section 111 of the Code of the City of Charleston is hereby amended by deleting the struck through text, which shall read as follows:

“Sec. 21-111. - Disguised persons; Halloween exceptions.

(a) No person over sixteen (16) years of age shall appear on any street, highway, alley, public park or other public place in the city in any disguise which conceals the identity of such person, without the permission of the chief of police.”

Section 2. Findings. City Council does hereby make the following findings:

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, the local state of emergency has been extended several times and is set to expire on July 15, 2020; and,

WHEREAS, City Council has enacted a number of emergency ordinances in an effort to decrease the risk of exposure to COVID-19 in our city; and,

WHEREAS, both the State of South Carolina and the City of Charleston remain in a state of emergency due to the COVID-19 pandemic; and,

WHEREAS, the State and City's efforts to slow the spread of the virus, by way of limiting public gatherings and certain retail operations, contributed to the flattening of the curve; however, maintaining such efforts became unviable; and,

WHEREAS, since returning to more public interaction, the number of COVID-19 cases in the State and the city have dramatically increased; and,

WHEREAS, as of June 24, 2020, there were 26,572 confirmed cases throughout the State of South Carolina and 673 deaths, with 2,251 cases in Charleston County, with 20 deaths and 695 cases in Berkeley County, with 20 deaths; and,

WHEREAS, on June 25, 2020, in response to the dramatic spike in the number of COVID-19 cases in Charleston and Berkeley Counties, Council approved Emergency Ordinance 2020-84 requiring face coverings in certain circumstances, effective July 1, 2020; and,

WHEREAS, as of July 9, 2020, it was reported that there is no country in the world where confirmed coronavirus cases are growing as rapidly as they are in South Carolina; and,

WHEREAS, as of July 11, 2020, the number of cases continued to rise at an alarming pace, to the extent that there were at least 54,538 confirmed cases throughout the State of South Carolina and 905 deaths, with 7,553 cases in Charleston County, with 58 deaths and 2,205 cases in Berkeley County, with 25 deaths; and,

WHEREAS, on July 11, 2020, Governor Henry McMaster issued Executive Order No. 2020-45 prohibiting the sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or businesses authorized to sell beer, wine or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day; and,

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and SCDHEC strongly advise, in addition to social distancing, the use of cloth face coverings to slow the spread of COVID-19; and,

WHEREAS, the medical and scientific evidence around COVID-19 is ever-evolving, and the CDC has stated that COVID-19 spreads mainly in large, in-person gatherings and crowds

where it is difficult to be socially distancing, and from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice while shouting or singing; and,

WHEREAS, playing loud music in establishments requires customers in order to be heard are required to shout over the top of the music which sprays the virus much further than a normal toned conversation; and in addition, loud music draws crowds which makes it difficult for maintaining social distancing; and,

WHEREAS, taking measures to control outbreaks and to lessen the spread of the virus from person to person minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our community and within the healthcare delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City has and will continue to take steps to try to protect the citizens, employers, and employees of the City from an increased risk of exposure to COVID-19; and,

WHEREAS, Council finds that it is in the best interest of the public peace, health, welfare, and safety, and to help preserve the lives of citizens of the City of Charleston, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public in the City of Charleston, to limit the number of persons who can occupy bars and restaurants, and to prohibit in bars and restaurants the playing of amplified music after 9:00 pm to decrease the spread of the virus.

Section 3. Face Covering or Mask Required in All Public Places.

The use of a face covering or mask is required by every person within the boundaries of the City of Charleston in all public places, including sidewalks, streets, and public rights of ways and as detailed below:

1. All persons entering any building open to the public in the City must wear a face covering while inside the building;
2. All restaurants, retail stores that include but are not limited to salons, barber shops, grocery stores, pharmacies, or other buildings open to the public in the City must require their employees to wear a face covering at all times while having face-to-face interaction with the public;
3. While interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls;
4. While providing or utilizing public or commercial transportation, including tours;
5. When walking in public; or

6. When participating in a permitted or allowable gathering.

Section 4. Exceptions to Face Covering or Mask in All Public Places.

While the City is requiring the use of face coverings or masks in public, the following shall be exempt from the provisions of this emergency ordinance:

1. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others;
2. Any person traveling in their personal vehicles;
3. When a person is alone or only with other household members in an enclosed space;
4. While participating in a sustained outdoor physical or sports activity, provided the active person maintains a minimum of six (6) feet from other people at all times;
5. While actively smoking, drinking, or eating;
6. Customers seated in a restaurant or at a bar so long as they maintain a minimum of six feet from other persons in the establishment;
7. In an outdoor or unenclosed area appurtenant to retail establishments or foodservice establishments in which social distancing of at least six feet is possible and observed;
8. For people whose religious beliefs prevent them from wearing a face covering;
9. For children under 10 years old, provided that adults accompanying children ages two through 10 shall use reasonable efforts to cause those children to wear face coverings while inside the enclosed area of any retail establishment or foodservice establishment;
10. In private, individual offices;
11. When complying with directions of law enforcement officers;
12. In settings where it is not feasible to wear a face covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and,
13. Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter of an emergency nature.

Section 5. Violation and Penalties for Failing to Wear Face Covering or Mask.

Any person, ~~after first being warned,~~ found violating any provision of this

Ordinance that requires the wearing of a face covering or mask in all public places, unless he or she is exempt as provided for in Section 4 above, shall be deemed guilty of an infraction and shall be subject to a fine of one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for the second offense; and five hundred dollars (\$500.00) for the third offense.

Section 6. Occupancy Limits for Bars and Restaurants – Indoors.

During the duration of this emergency ordinance, bars and restaurants in the city of Charleston shall limit the number of customers allowed to enter and simultaneously occupy the indoor premises so as not to exceed 50% of the occupancy limit as determined by the Fire Marshal or not to exceed one (1) person per 36 square feet, whichever is less. The business shall post the maximum occupancy as calculated herein on the public entrances of the business and shall have at least one employee on site at all times the business is open who is responsible for ensuring that that number of customers on the premises does not exceed the maximum occupancy and that customers who are waiting outside the business are socially distancing.

Section 7. No Amplified Music in Bars and Restaurants after 9:00 p.m.

During the duration of this emergency ordinance, bars and restaurants shall not allow amplified music, including but not limited to bands, DJs, and karaoke music, after 9:00 p.m. This is recognized as a temporary alteration of the City’s existing noise ordinance, Section 21-16, Code of the City of Charleston.

Section 8. Violation and Penalties for Exceeding Occupancy Limits; Playing Amplified Music After 9 p.m.

1. With the exception of their own employees, businesses owners and operators shall not have responsibility for enforcing the requirements set forth in Section 3 of this Ordinance but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance and may refuse service to customers who after having been provided a warning and copy of this Ordinance by the business, fail to comply with this Ordinance.
2. Business owners and operators are responsible for ensuring that Sections 6 and 7 of this Ordinance are followed or otherwise cease services. Pursuant to Section 45-3-30 of the South Carolina Code, the City may deem or revoke any license granted to conduct any such business when in the judgment of the City, the business is not complying with this Ordinance and is subject to the penalties set forth in Section 1-16 of the City Code.
3. It shall be deemed a public nuisance for a business to violate Sections 6 and/or 7 of this Ordinance on three (3) separate occasions within a three (3) day period of time and as such, the business shall be subject to a review by the City’s Business License Official for suspension of its business license as provided for in Section 16 of the City’s Business License Ordinance.

Section 9. Enforcement.

1. The City of Charleston Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, and Livability Code Enforcement Officers are hereby authorized to inspect and determine whether persons are in compliance with the Ordinance. The City will work with the business community to develop marketing strategies, signage, and mask availability, and will work with businesses, local organizations and citizens to educate them on the requirements of the Ordinance as they come into compliance with it. For the duration of this Ordinance, it is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of the individuals or designees issued pursuant to this Ordinance.

2. Pursuant to Gov. Henry McMaster’s Executive Order No. 2020-45, officers of the Charleston Police Department are authorized to prohibit or disperse 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 pursuant to City of Charleston Ordinance No. 2020-70, social gatherings of 10 or more persons on public streets, sidewalks, parks and all other outdoor properties owned or operated by the City of Charleston is prohibited.

Section 10. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 11. This Ordinance shall take effect on its adoption and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after its enactment, whichever date is earlier.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2020, and in the ____th Year of the Independence of the United States of America.

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

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council

K1(e)
Disapproved by
Public Safety
3-2



Ratification
Number _____

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, TO ADD A NEW SECTION 21-150 MAKING IT UNLAWFUL FOR ANY PERSON TO JUMP OR DIVE FROM ANY BRIDGE WITHIN THE JURISDICTION OF THE CITY OF CHARLESTON.

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

That the Code of the City of Charleston, South Carolina, is hereby amended by adding section, to be numbered 21-150, which shall read as follows:

21-150- Jumping or Diving from bridges.

It shall be unlawful for any person or persons to jump or dive from any bridge within the jurisdiction of the City of Charleston.

Ratified in City Council this ____ day of _____
In the Year of Our Lord, 2020, in the _____ Year of
Independence of the United States of America.

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

ATTEST: _____
Vanessa Turner Maybank,
Clerk of Council

m.l.)



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2421 ASHLEY RIVER ROAD (WEST ASHLEY) (APPROXIMATELY 8.04 ACRES) (TMS #355-16-00-025, 026 & 027) (COUNCIL DISTRICT 2), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION. THE PROPERTY IS OWNED BY HOMES OF HOPE, INC..

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Diverse Residential (DR-1F) classification.

Section 2. The property to be rezoned is described as follows:
2421 Ashley River Road (West Ashley) (approximately 8.04 acres) (TMS #355-16-00-025, 026 & 027)

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

REZONING

2421 Ashley River Rd (West Ashley)

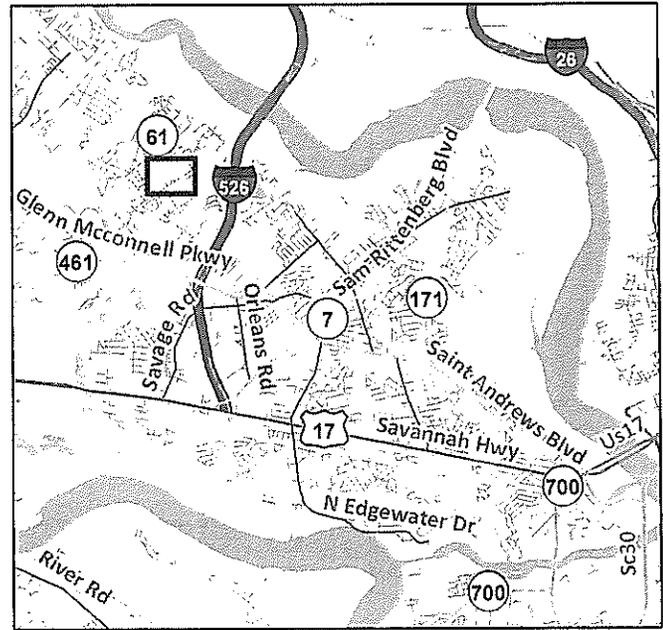
TMS # 3551600025, 026 & 027

approx. 8.04 ac.

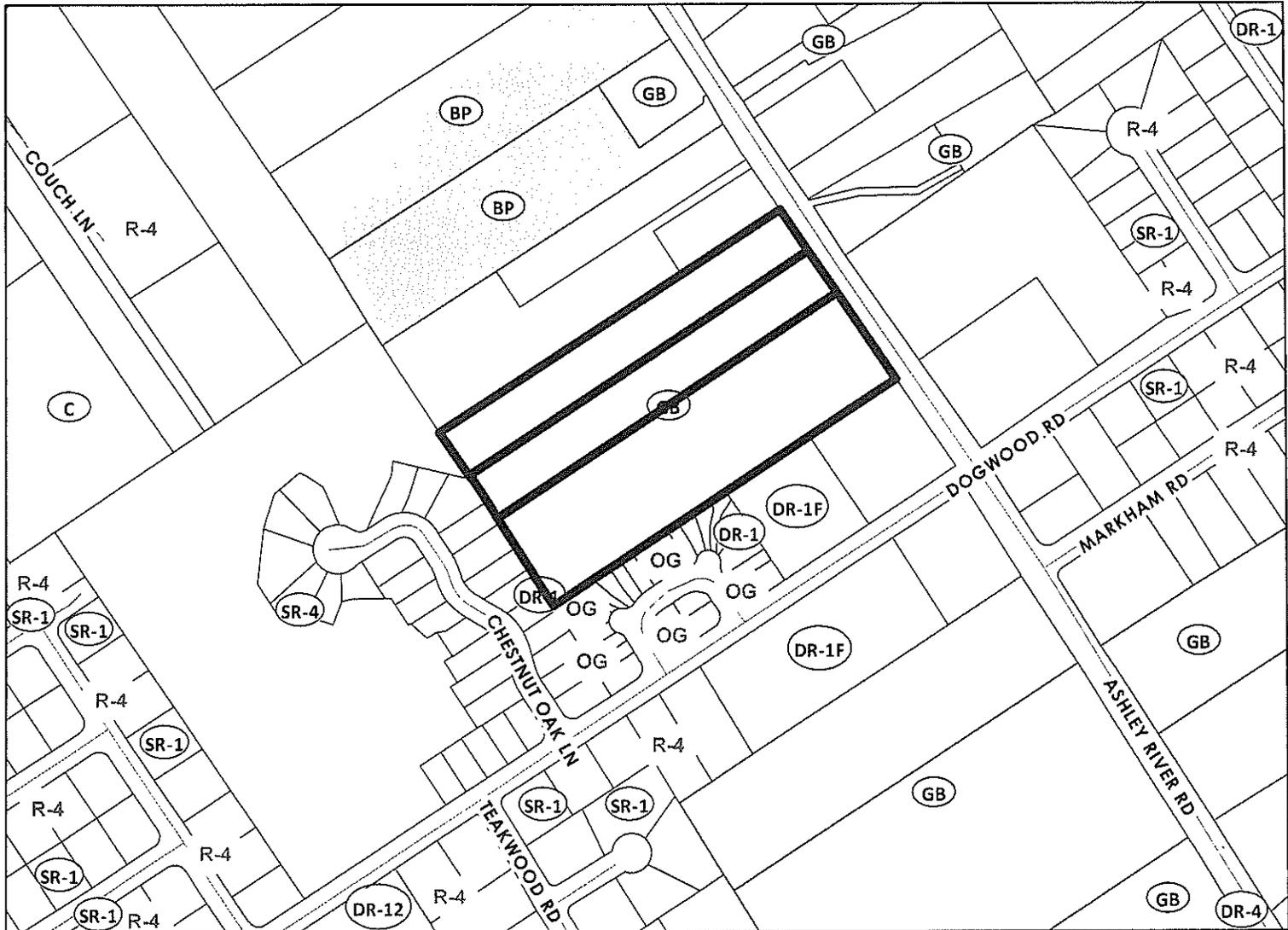
Request rezoning from General Business (GB) to Diverse Residential (DR-1F)

Owners: Homes of Hope, Inc.
Applicant: Seamon Whiteside & Associates

Area



Location



ma.)



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2 RACE STREET (PENINSULA) (APPROXIMATELY 0.46 ACRE) (TMS #460-04-01-103) (COUNCIL DISTRICT 3), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY CHARLESTON LOCAL DEVELOPMENT CORPORATION.

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

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

Section 2. The property to be rezoned is described as follows:
2 Race Street (Peninsula) (approximately 0.46 acre) (TMS #460-04-01-103)

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

REZONING

2 Race St (Peninsula)

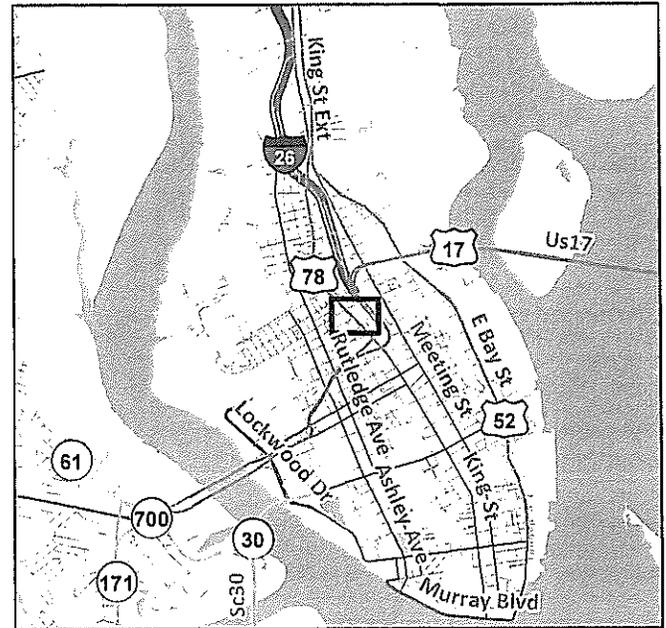
TMS # 4600401103

approx. 0.46 ac.

Request rezoning from General Business (GB) to Mixed-Use/Workforce Housing (MU-1).

Owner and Applicant: Charleston Local Development Corporation (LDC)

Area



Location





Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2 RACE STREET (PENINSULA) (APPROXIMATELY 0.46 ACRE) (TMS #460-04-01-103) (COUNCIL DISTRICT 3), BE REZONED FROM 2.5 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 3 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTY IS OWNED BY CHARLESTON LOCAL DEVELOPMENT CORPORATION.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from 2.5 Story Old City Height District classification to 3 Story Old City Height District classification.

Section 2. The property to be rezoned is described as follows:
2 Race Street (Peninsula) (approximately 0.46 acre) (TMS #460-04-01-103)

Section 3. This ordinance shall become effective upon ratification.

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

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

Attest: _____
Vanessa Turner Maybank
Clerk of Council

REZONING

2 Race St (Peninsula)

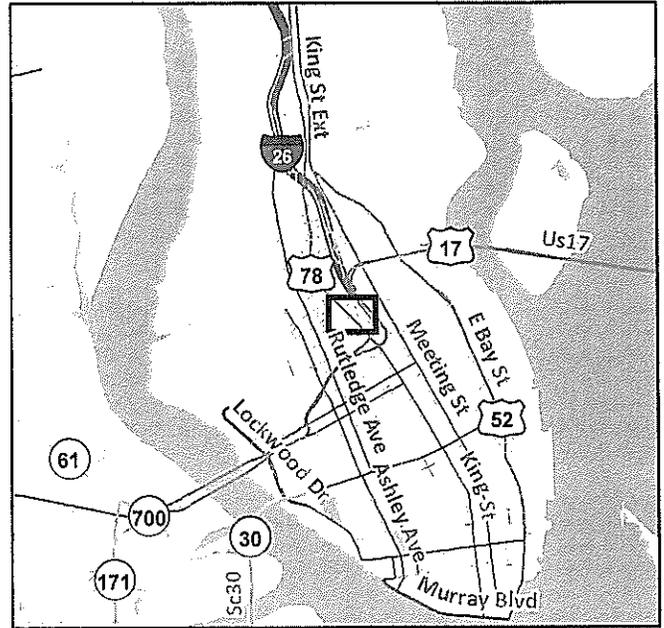
TMS # 4600401103

approx. 0.46 ac.

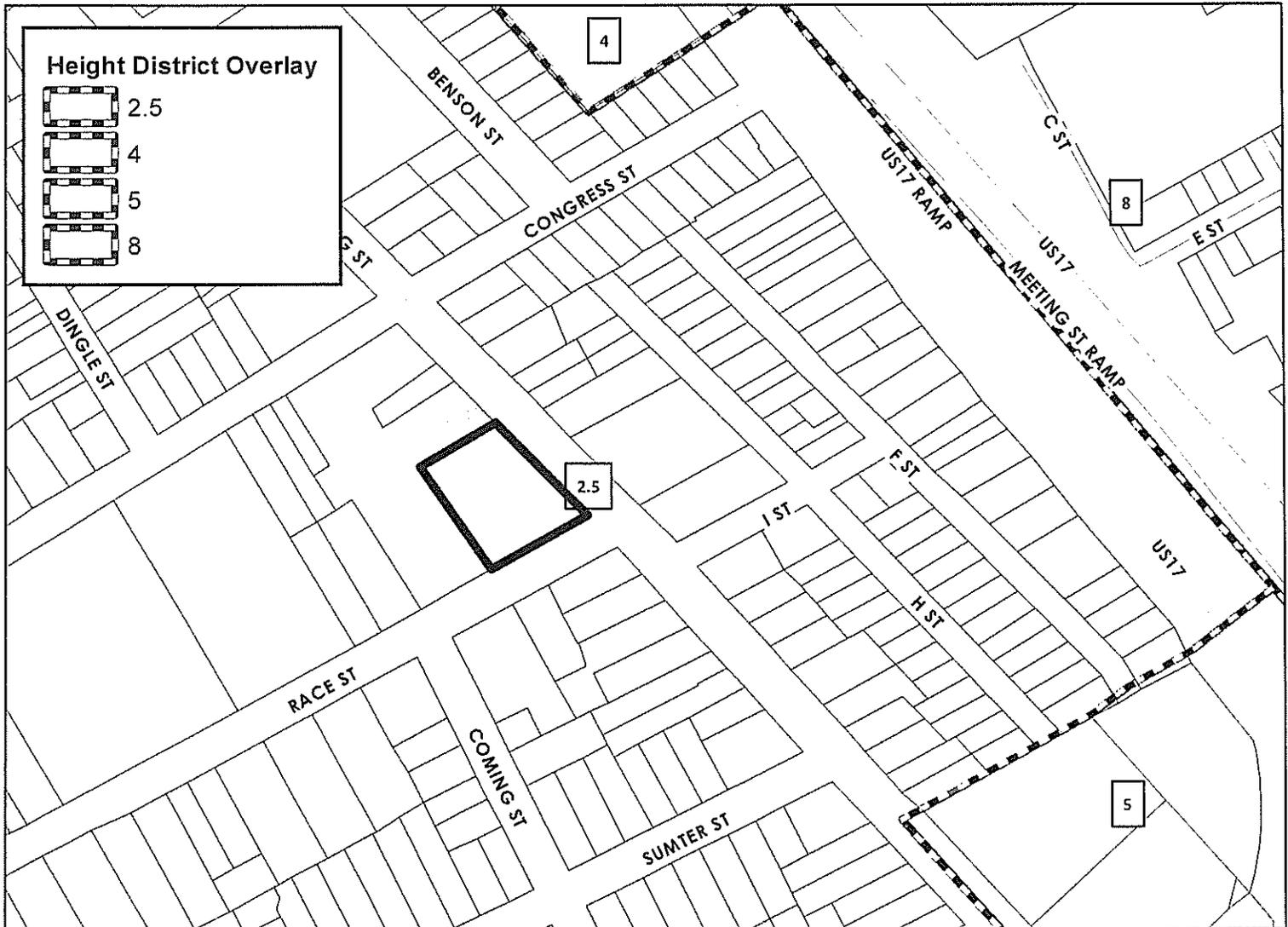
Request rezoning from Old City Height District 2.5 to Old City Height District 3.

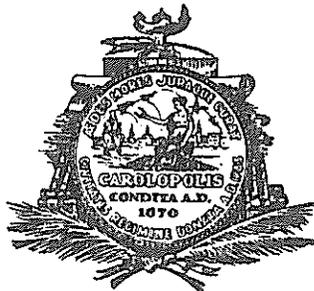
Owner and Applicant: Charleston Local Development Corporation (LDC)

Area



Location





Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 29, ARTICLE V., SECTION 29-212 OF THE CITY OF CHARLESTON CODE OF ORDINANCES ADDING NEW SUBSECTIONS TO SECTION (b), DEFINITIONS, AND A NEW SECTION, SECTION 29-212 (I), SETTING FORTH HITCHING REQUIREMENTS FOR CARRIAGE ANIMALS.

Section 1. Chapter 29, Article V., Section 29-212 is hereby amended by adding the following new definitions in alphabetical order, and as shown in bold and underline, to subsection (b) which shall read as follows:

"Sec 29-212. General health care and management requirements.

(b) Definitions. Except where the context clearly indicates otherwise, the following terms and phrases as used in this section shall have the following meanings:

(1) *Animal* shall mean any horse or mule used for touring purposes and operated under a franchise agreement as outlined in section 29-202.

(2) *Contamination* shall mean the introduction of unwholesome or undesirable elements, including but not limited to, bedding, mold, bugs, and rodent droppings.

(3) *Equine sanitation flag* shall mean the marker used to identify animal excreta and is generally recognized as a two and one-half-inch rubber ball cut in half with an eight-inch surveyor's flag attached.

(4) *Farrier* shall mean a specialist in horse care who addresses the hooves, feet and legs of the animal.

(5) *Free choice* shall mean that water shall be ready and in front of a horse for 15 minutes after a tour is conducted so that a horse is free to choose to drink or not to drink water.

~~(5)~~ (6) *GPS unit* shall mean a device supplied at the gate for the use of marking animal excreta.

(7) *Halter* shall mean a headcollar or other proper equine or livestock headgear that is used to safely lead or tie up an animal that fits behind the ears (behind the poll) and around the muzzle.

(8) *Hitching* shall mean the act of either attaching or detaching an animal to or from a carriage through the use of a harness secured to the animal.

~~(6)~~ **(9)** *Inspection* shall mean to permit the department of livability and tourism, the police department, or a city contracted veterinarian to enter upon the premises of any carriage company subject to this ordinance to make inspections and to examine and audit required records.

~~(7)~~ **(10)** *Old and Historic District* shall mean that portion of the city that is so designated from time to time on the official zoning map of the city.

~~(8)~~ **(11)** *Out of service* shall mean when the animal is unhitched from a carriage and out of its harness.

~~(9)~~ **(12)** *Police department* shall mean the chief of police or his or her designee.

~~(10)~~ **(13)** *Rest* shall mean the time when the animal is in service but not performing work as defined herein.

~~(11)~~ **(14)** *Stable* shall mean the barn where the animals are kept.

~~(12)~~ **(15)** *Stall* shall mean individual space within the barn where each animal is kept.

(16) Tie(s) shall mean a lead rope, crosstie, or other item used to connect the animal to either a handler or anchor point. Ties shall be strong to ensure the safe securing or handling of the animal and all hardware accompanying such ties shall also be strong enough for such safe handling. Ties and or their accompanying hardware shall be removed from usage if damaged and not able to safely secure the animal.

~~(13)~~ **(17)** *Tour or touring* shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

~~(14)~~ **(18)** *Touring stock* shall mean all animals used for touring pursuant to this section.

~~(15)~~ **(19)** *Vintage carriage* shall mean any carriage built before 1900.

~~(16)~~ **(20)** *Work and working* shall mean the act of pulling a carriage."

Section 2. Chapter 29, Article V., Section 29-212 is hereby amended by adding the following new section (l) which shall read as follows:

"Sec 29-212. General health care and management requirements.

(l) *Hitching.*

(1) All animals must be properly secured while being hitched or unhitched from any carriage or apparatus to ensure all animals remain under control during either process. A properly secured animal is one that is secured in any of the following manners:

- (a) Having at least one (1) tie when the tie is securing the animal to a physical barrier. A physical barrier is limited in this circumstance to mean only a wall, a horse trailer stationed in front of the animals so that the animal cannot walk through, or permanent fixture specifically designed for the safe securing of animals.

(b) When no physical barrier is present, two (2) ties are required. These ties will be connecting the animal on the left and right side of the harness to a secured anchor point on each side, with a minimum of eight (8) feet between the two secured anchor points.

(2) Ties, in no situation, shall ever be attached to bridles or bits while being worn by the animal;

(3) All animals must wear halters during the hitching and unhitching processes. Halters shall also remain on underneath the bridle while harnessed.

(4) The animal must be completely unhitched before the bridle may be removed.”

Section 3. This Ordinance shall take effect on its adoption.

Ratified in City Council this ____ day of _____ in
the Year of Our Lord, 20__, and in the 2__ Year of the
Independence of the United States of America

By: _____

John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____

Vanessa Turner Maybank
Clerk of Council