AMENDED AGENDA
COMMUNITY DEVELOPMENT COMMITTEE AGENDA

A meeting of the Community Development Committee will be held at 3:00 p.m., Thursday, September 15, 2022 via Conference Call at 1-929-205-6099, Access Code: 759694505. The agenda will be as follows:

- Invocation

  a. **Public Participation**

     *Any person who speaks at a Community Development meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before the Committee and/or removal from the meeting.*

     Citizens may request to speak at the meeting virtually by telephone or leave comments for the Committee by completing the form at http://innovate.charleston-sc.gov/comments/. If requesting to speak by telephone, please provide your name and telephone number. Requests to speak at the meeting and comments must be received by 12:00 p.m., Wednesday, September 14th.

  b. **Approval of Minutes**

     1. August 18, 2022

  c. **Old Business**

     1. Discussion of ADU Ordinance Amendment

     2. **City of Charleston Department of Planning, Preservation and Sustainability – Presentation: Board of Architectural Review (BAR) North of Line Street Demo Policy Update**

  d. **New Business**

     1. A Resolution Certifying Property Located At 90 Cannon Street (Charleston County TMS No. 460-08-03-021) As An Abandoned Building Site Under Section 12-67-160 of The South Carolina Code.

     2. Discussion of SC Senate Bill 233 – Property Tax Exemption
3. Discussion of City of Charleston Code Sec. 21-52. – Constituting a Public Nuisance and Sec. 21-61. – Structures that pose a danger to human life and a hazard to public health.

4. Discussion to remove Dupont Road from Sam Rittenberg to Savannah Highway and Orleans Road from Sam Rittenberg to Savannah Highway from the Design Review Corridor

5. Executive Session pursuant to S.C. Code 30-4-70(a)(2) to receive a legal update on 8 Peeckens Court

Miscellaneous Business

Adjourn

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.
RESOLUTION No. 2021-_____

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 90 CANNON STREET (CHARLESTON COUNTY TMS NO. 460-08-03-021) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF SOUTH CAROLINA CODE

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

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

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

(1) “Abandoned Building” means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a “Notice of Intent to Re rehabilitate”. For purposes of this item, a building or structure that otherwise qualified as an “abandoned building” may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned.

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

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local real property taxes; and
WHEREAS, YP and Hogarty, LLC (the “Taxpayer”) is the owner and developer of certain real property located at 90 Cannon Street (the “Property”), as referenced in that certain deed dated August 25, 2021, and recorded August 31, 2021 in the Charleston County Register of Deeds Office in Book 1028 at Page 137, which property is further identified on the Charleston County Tax Maps as TMS No. 460-08-03-021; and

WHEREAS, the taxpayer intends to renovate the building by demolishing a rear one-story section and construct a new addition to the rear of the building containing approximately 675 square feet. Upon completion, the total square footage will be 2227 square feet and its intended use will be used as mixed-use commercial and residential rental property. (“Building Site”); and

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED, this ___ day of __________, 2022

__________________________
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

__________________________
Jennifer Cook
Clerk of Council
Sec. 54-268. Designation of Design Review District, review authority, scope of authority and exemptions.

a. The Design Review District shall include all land which lies within the rights-of-way and all properties which abut each side of the rights-of-way within all zoning districts including the Savannah Highway (SH) overlay zone, of the following commercial corridors currently within the city limits, future extensions of designated corridors and those segments of such designated commercial corridors which may be incorporated into the city at a future date:

Albemarle Road (Folly Road to Croghan Spur)
Albemarle Road (East side of corridor- Croghan Spur to Ashley Point Drive)
Ashley Point Drive
Ashley River Road (S.C. 61)
Bees Ferry Road
Bohicket Road
Citadel Haven Drive
Cainhoy Road
Central Park Road
Clements Ferry Road (S.C. 33)
Croghan Spur
Daniel Ellis Drive
Daniel Island Drive
Daniels Landing Drive
**Dupont Road (Savannah Highway to Sam Rittenberg Boulevard)**
Ellis Oak Avenue
Fairchild Street
Folly Road
Glenn McConnell Parkway
Harborview Road
Henry Tecklenburg Drive
Highway 41
Interstate 26 (North of Mount Pleasant Street)
Island Park Drive
James Island Expressway
King Street (North of Mount Pleasant Street)
Magnolia Road (Savannah Highway to Audubon Avenue)
Main Road
Mark Clark Expressway (I-526)
Mary Ader Avenue
Maybank Highway
Meeting Street (North of Mount Pleasant Street)
Mizzen Mast Drive
Morrison Drive
Old Towne Road (S.C. 171) and adjacent frontage roads
Orleans Road (Savannah Highway Sam Rittenberg Boulevard to Savage Road)
Pier View Street
Ripley Point Drive
River Landing Drive
River Road
Saint Andrews Boulevard
Sam Rittenberg Boulevard (S.C. 7) and adjacent frontage roads

Savage Road

Savannah Highway (U.S. 17) and adjacent frontage roads
SC 30 Ramp (Saint Andrews Boulevard to SC 30)
Seven Farms Road and off-ramps from I-526 to Seven Farms Road
Shelby Ray Court
Skylark Drive
Thomas Island Drive
Town Center Drive
Transom Court
Wappoo Road (Savannah Highway to Sam Rittenberg Boulevard)
Wesley Drive

West Ashley Circle, as identified in the Glenn McConnell Expressway Extension Study dated February 2002, on file in the Department of Planning and Neighborhoods, to include all future cross streets as identified in said study and all existing and future roads within one thousand (1,000) feet of the intersection of Glenn McConnell Parkway and Bees Ferry Road

West Wildcat Boulevard

b. The Design Review District shall include all land which lies within the rights-of-way and all properties which abut each side of the rights-of-way within the Gathering Place (GP) zoning district.

c. Scope of authority. Within the Design Review District, exterior improvements or changes to the following residential and non-residential developments specified below shall require approval by either the Design Review Board or the administrative officer prior to the issuance of any permits by the City in accordance with Section 54-268(a and b) herein. For the purposes hereof, the term "developments" includes structures and the site upon which they are situated. Any fee schedule established for the review of improvements or changes shall be approved by City Council.

1. Demolition of buildings located within areas designated as Job Center Districts and Industrial Districts in the City of Charleston Century V 2010 Comprehensive Plan Update shall not require approval of the
Board or the administrative officer. Developments located within areas designated as Job Center Districts and Industrial Districts in the City of Charleston Century V 2010 Comprehensive Plan Update shall only require approval by the administrative officer. The boundaries of the Job Center Districts and Industrial Districts are as delineated upon the maps marked as exhibit A attached hereto and incorporated by reference herein.

2. All new non-residential developments which do not include fuel dispensing or drive-through service facilities shall require conceptual approval and preliminary approval by the Board and final approval by the administrative officer, except that new non-residential developments which do not include fuel dispensing or drive-through service facilities and have less than 3,000 square feet of floor area shall only require approval by the administrative officer.

3. All new non-residential developments which include fuel dispensing or drive-through service facilities, or alterations and/or additions to existing non-residential developments which include fuel dispensing or drive-through service facilities, shall require conceptual approval and preliminary approval by the Board and final approval by the administrative officer.

4. All new residential developments with eight or more units shall require conceptual approval and preliminary approval by the board and final approval by the administrative officer.

5. All exterior alterations to structures in existing non-residential developments or residential developments with eight or more units shall only require approval by the administrative officer.

6. All exterior additions to structures in existing non-residential developments or residential developments with eight or more units in which the floor area of the additions exceeds twenty-five (25) percent of the floor area of the existing structure shall require conceptual approval and preliminary approval by the Board and final approval by the administrative officer. All other exterior additions to structures in existing non-residential developments or residential developments with eight (8) or more units shall only require approval of the administrative officer.

7. All exterior color changes to existing non-residential developments or residential developments with eight or more units shall only require approval by the administrative officer.

8. All new or replacement signs and supporting structures for non-residential developments or residential developments with eight (8) or more units shall only require approval by the administrative officer.

9. All changes to the illumination of signs shall only require approval by the administrative officer.

10. Demolition or relocation of any structure originally designed and/or used for residential purposes along the following commercial corridors shall require approval by the Board:

Folly Road (from Savannah Highway to the West Ashley Greenway/railroad right-of-way)

Saint Andrews Boulevard (from the Ashley River to Avondale Avenue)

Savannah Highway (from the Ashley River to Stocker Drive and Parish Road)

Wesley Drive (from Savannah Highway to the West Ashley Greenway/ railroad right-of-way)

11. Demolition, partial demolition, removal or relocation of any structure 50 years of age or older within the jurisdiction of the Design Review Board shall require approval by the Board, except as noted in paragraph 1 above. Demolition, partial demolition, removal or relocation of any structure less than fifty (50) years of age, with the exception of those referenced in paragraph 7 above, shall not require approval.

d. Standards for demolition, partial demolition, removal or relocation review. In reviewing an application to demolish in whole or in part, or remove or relocate any existing structure applicable to paragraph 10 or 11 above, the Design Review Board shall consider, among other things, the following factors:
1. The architectural and aesthetic features of the structure, the nature and quality of the structure, including its architectural fabric, any historical significance, the nature and quality of the surrounding area and the structure's contribution to the overall streetscape of the area.

2. In all applications involving the demolition, partial demolition, removal or relocation of a structure, provision shall be made for a public hearing as set forth in this article.

3. In any case involving the demolition, partial demolition, removal or relocation of a structure, before granting approval, the Design Review Board may require that the applicant provide a written report produced by a South Carolina licensed structural engineer describing the state of repair and/or structural stability of the structure under consideration. The Design Review Board may also call upon the city engineer or chief building official to provide it with a written report on the state of repair and/or structural stability of the structure under consideration.

4. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure governed by this article; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration, demolition, partial demolition, removal or relocation of a structure that the chief building official shall certify is required by public safety.

5. **Exemptions.** Communication towers shall be exempt from the review and approval requirements of the Design Review District and the requirements of part 11 of this ordinance.