

# The Post and Courier

## Solid city ordinance needed to meet cruise ship challenge

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Historic Charleston Foundation is a nonprofit organization whose mission is to preserve and protect the historical, architectural and material culture that make up Charleston's rich and irreplaceable heritage. The trustees and staff have spent over a year observing, researching and facilitating (through two public forums) the debate over the role of cruise ships in downtown Charleston. The Foundation's subcommittee on cruise impacts has met nearly every week this year to consult with experts in planning, economics, law and historic preservation to develop the solutions for community concerns. As a result, the Foundation is taking two additional steps, which have been in development since our public forum in May 2011, that advance community understanding and create resolutions that are practical and feasible.

First, we have commissioned Miley & Associates, a premier economic and financial consulting firm, to conduct an independent and objective study to evaluate the economic impacts of cruise terminal operations. This impact study will use data from nearly a year of operations at elevated levels of activity as a foundation for research. The impacts of the terminal are apparent to those who live or work downtown and economic development is primary to the community at-large, so it is critical to understand the true economic impact of a passenger terminal.

Second, we are proposing a straightforward zoning ordinance that addresses the requirements of the Ports Authority and its need to operate a globally-competitive port in a rapidly changing world. This ordinance also focuses on the concerns that an unregulated terminal in the heart of our historic district is a threat to quality of life.

Our proposed ordinance allows for

a cruise passenger terminal to operate in the city's historic districts at current levels and further empowers the city to determine whether those thresholds should be increased, based on an open public process and fact-based impact analyses. This process is consistent with how the City currently handles similar land use applications, including many that have fewer landside impacts than a cruise passenger terminal.

Our proposed ordinance:

- Imposes reasonable and enforceable requirements on cruise passenger terminals, only in the heart of the city's historic districts, and it creates a Cruise Overlay Zone.
- Binds the Ports Authority's voluntary commitments, by allowing a single-berth cruise passenger terminal downtown, which could accommodate:

- one cruise ship at a time;
- cruise ships of up to 3,500 passengers; and
- as many as 104 cruise ship visits per year.

According to the Ports Authority, these "impact thresholds" are consistent with operational needs and regional market demand and, as far as passenger impacts and annual visits are concerned, enable growth (there are 90 visits planned in 2011 and approximately 84 in 2012). These thresholds should be reevaluated by the City periodically, or upon the Ports Authority's request, but only after the impacts of a proposed change are evaluated by the City and opened up to public input to ensure consistency with the City's Century V Plan and Downtown Plan.

- Ensures:

- cruise passenger impacts can be avoided on days when other significant city events are planned;
- vehicle arrivals and departures are scheduled to avoid congestion and rush hour traffic;
- surface parking for cruise-related uses in the Cruise Overlay Zone is limited in favor of structured parking; and
- all vehicular and passenger processing occurs onsite; and all off-site traffic impacts are mitigated, pursuant to a traffic study prepared by the terminal operator, based on the City's adopted level-of-service standards.

While the City's authority to regulate is not unlimited, the Foundation's comprehensive legal assessment shows that local governments may regulate landside impacts created by maritime activities, as long as they reasonably balance relevant state and federal interests. We have determined that under existing laws, the City has broad land-use authorities and may impose reasonable zoning requirements that protect legitimate local interests and simultaneously allow the port to function pursuant to its statutory authorities and voluntary commitments.

We have developed this approach to serve as a framework that protects the most critical interests of the Ports Authority and of the city's residents and businesses. This ordinance will allow our community to move forward and to start the truly exciting work of redeveloping Union Pier, an achievement that our historic city and its citizens deserve.

***Katharine S. Robinson** is executive director of the Historic Charleston Foundation.*